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## Presidents of the United States.

- |                               |                                  |
|-------------------------------|----------------------------------|
| 1. George Washington 1789-97. | 13. Millard Fillmore 1850-53.    |
| 2. John Adams 1797-1801.      | 14. Franklin Pierce 1853-57.     |
| 3. Thomas Jefferson 1801-09.  | 15. James Buchanan 1857-61.      |
| 4. James Madison 1809-17.     | 16. Abraham Lincoln 1861-65.     |
| 5. James Monroe 1817-25.      | 17. Andrew Johnson 1865-69.      |
| 6. John Quincy Adams 1825-29. | 18. Ulysses S. Grant 1869-77.    |
| 7. Andrew Jackson 1829-37.    | 19. Rutherford B. Hayes 1877-81. |
| 8. Martin Van Buren 1837-41.  | 20. James A. Garfield 1881.      |
| 9. William H. Harrison 1841.  | 21. Chester A. Arthur 1881-85.   |
| 10. John Tyler 1841-45.       | 22. Grover Cleveland 1885-89.    |
| 11. James K. Polk 1845-49.    | 23. Benjamin Harrison 1889-93.   |
| 12. Zachary Taylor 1849-50.   | 24. Grover Cleveland 1893-97.    |
|                               | 25. William McKinley 1897-1901.  |

## X. Constitution and Government of the United States

by James Bryce,

Author of 'The American Commonwealth'.

The United States form a Federal Republic — that is to say, a Republic created by the union of a number of separate commonwealths, each of which retains some powers of government though it has yielded others to the Federation as a whole. The circumstances under which this Union took place have been already described in the historical sketch. It was established by the adoption of an instrument called the Constitution drafted by a Convention which met at Philadelphia in 1787, accepted and ratified by the (then 13) States in the years 1788-91. The Constitution prescribes (1) the structure of the Federal Government and the respective functions of its several parts, (2) the powers of the Federal Government and restrictions imposed upon it, (3) the relations of the Federal Government to the States and of the States to one another, (4) certain restrictions imposed upon the States. It does not specify the powers of the States, because these are assumed as pre-existing; the States when they created the Federal Government having retained for themselves most of the powers which they previously enjoyed.

The Constitution is the supreme law of the land, binding everywhere upon all authorities and persons. It can be altered in either of two ways: (a) The Federal Legislature may by a two-thirds vote in each of the two Houses prepare amendments and send them to the States. If ratified by the State Legislatures or by Conventions (*i.e.* assemblies elected by the people for the purpose) in three-fourths of the States, they take effect and become part of the Constitution. (b) The legislatures of two-thirds of the States may require the Federal Legislature to call a Constitutional Convention to prepare amendments to the Constitution. These amendments when ratified by three-fourths of the State Legislatures or State Conventions (as the case may be), take effect as parts of the Constitution. Fifteen amendments have been actually made, all drafted by the Federal Legislature and ratified by the State Legislatures. As the States created the Federation and as they still exercise most of the ordinary functions of government, it is convenient to describe them first.

*The States and their Government.* There are now 45 States in the Union. Although differing very greatly in size, population, and character, they have all of them the same frame of government. In all of them this frame is regulated by a constitution which each State has enacted for itself and which, being the direct expression of the popular will, is the supreme law of the State, binding all authorities and persons therein. Such a constitution always contains a so-called Bill of Rights, declaring the general principles of the government and the primordial rights of the citizen, and usually contains also a great number of administrative and financial regulations belonging to the sphere of ordinary law. The habit has grown up of late years of dealing, by means of these instruments, with most of the current questions on which public opinion calls for legislation. These constitutions are often changed by amendments which (in most States) are passed by the Legislature by certain prescribed majorities and then submitted to the vote of the people. When it is desired to make an entirely new constitution, a special body called a Convention is elected for the purpose, and the instrument drafted by it is almost invariably submitted to the people to be voted upon.

*State Governments. The Legislature.* In every State the legislature consists of two bodies, both alike elected by the people, though in districts of different sizes. The smaller body (whose members are elected in the larger districts) is called the Senate and varies in number from 9 to 51. The larger body is usually called the Assembly or House of Representatives and varies in number from 21 to 321. The suffrage has now everywhere been extended to all adult males who have resided in a certain (usually a short) period within the State. In three States (Wyoming, Colorado, and Utah) it is enjoyed by women also and in several women vote at municipal or school committee elections. The Senate is usually elected for four years — sometimes, however, for three, two, or even one. The House is usually elected for two years. Both Houses have similar powers, save that in most States Money Bills must originate in the House of Representatives. The powers of these Legislatures are limited, and in the case of the newer constitutions very strictly limited, by the State Constitution. If they pass any statute contravening its provisions, or infringing any of the restrictions it has imposed, such a statute is void. All members of State Legislatures are paid, usually at the rate of about \$ 6 a day. They are generally required by law and almost invariably required by custom to be resident in the district from which they are chosen.

These legislative bodies are not greatly respected, nor is a seat in them greatly desired by the better class of citizens. In a few States, such as New York, Pennsylvania, and Louisiana, there is a pretty large proportion of corrupt members.

*The State Executive.* In every State the head of the Executive is the Governor, elected by popular vote for a term of (rarely one) usually

two, three, or even four years. He receives a salary of from \$ 1000 to \$ 10,000. He is responsible for the execution of the laws and the maintenance of order in the State, whose militia he commands. He has, except in four States, the right to veto any bill passed by the Legislature, but the bill may be re-passed over his veto by a majority (usually two-thirds) in both Houses. He is assisted by a Secretary of State and several other officials, who, however, are not named by him but elected directly by the people.

*The State Judiciary.* In eight States the Judges are appointed by the governor; in all the rest they are elected either by the people or (in five States) by the State Legislature for terms varying, for the Superior judges, from two to twenty-one years, eight to ten years being the average. In four, however, they hold for life. Their salaries range from \$ 2000 to \$ 10,000 per annum, but in most states do not exceed \$ 5000. Such salaries, coupled with the uncertainty of re-election, have been found too small to attract the best legal talent, and complaints are often made that the Bench is not as strong as the Bar which practises before it. Corruption, however, is rare, especially among the judges of the higher courts. There have not been more than three or four States in which it has been proved to exist, and in some of these it does not exist now. It is, of course, the function of the Courts to determine, when a case comes before them, the validity or invalidity of a State Statute which is alleged to transgress any provision of the State Constitution. Very frequently they are obliged to declare such statutes to be unconstitutional; and in this way the Legislature is effectively restrained from destroying the securities which the Constitution provides.

*Local Government, Rural and Urban.* The organization of local government is within the province of State Legislation and there are many differences between the systems in force in different States. As regards the cities (the term applied in America to any municipality), the scheme of government is usually as follows.

There is always a Mayor, the head of the executive, elected for one, two, or three years, receiving a substantial salary, and charged with the maintenance of order and general oversight of municipal affairs. There is always a legislature, consisting either of one or of two representative bodies elected for short terms, generally in wards, and (in most cases) receiving salaries. The other officials, including the police justices and local civil judges, are either elected by the people or appointed by the Mayor, with or without the concurrence of the Legislature. The tendency of late years has been to vest larger and larger powers in the Mayor. In some cities there is a distinct board of Police Commissioners (sometimes appointed by the State), and in most the management of the Public Schools is kept distinct from the rest of the municipal government and given to a separately elected School Committee.

As regards Rural Government, two systems may be distinguished,

in the one of which the township, in the other the county, is the administrative unit.

The township, called in the New England States the Town, is a small district corresponding roughly to the Commune of France, or the Gemeinde of Germany. Its area is in the Western States usually 6 sq. M. and its average population from 500 to 2000. Its inhabitants choose annually a small number (usually six or seven) officials, who manage all local affairs, roads, police, poor relief, and (in some States) sanitary matters, collect local taxes for these purposes, and also choose one or more local justices. In the New England States and in most parts of the West the inhabitants are accustomed to meet at least once in spring, in some places several times a year, to receive the reports of their officers, vote the taxes, and pass resolutions upon any other business that may be brought before them. This gathering is called the Town Meeting. Schools are usually managed by a separate School Committee, but sometimes by the township officers.

Above the township stands the county, whose area averages (in the Western States) 5-600 sq. M. In the older States it is usually smaller. Its business is administered by a board of (usually) three to five persons, elected annually and receiving small salaries. The county has charge of prisons, lunatic asylums, main roads, and in some States of the alms-houses provided for relief of the poor. In other States this function is left to the townships, which administer a little out-door relief. Pauperism is not a serious evil except in the large cities; in most rural districts it scarcely exists.

This Township and County System prevails over all the Northern and Middle States and is on the whole purely and efficiently administered.

In the other parts of the Union, *i.e.* in all or nearly all of the former Slave States, there are no townships; the unit of government is the county, to whose yearly elected officers all local business whatever is intrusted. The Southern counties are generally somewhat larger but not more populous than those of the Northern States. Local government is altogether less developed and less perfectly vitalised in this part of the country, but within the last twenty years sensible progress has been made — least, of course, in the districts where the coloured population is largest, such as Louisiana, Mississippi, and South Carolina. Townships are beginning to appear in some States and the growth of education makes the School Districts and Committees an important factor in giving the people interest in local affairs.

The Americans are as a rule well satisfied with their system of rural local government, which in many respects might serve as a model to Europe, being more free and popular than that of Germany or France or Italy, more complete than that of England. With their municipal government on the other hand the liveliest discontent

exists. The larger cities especially have in most cases fallen into the hands of unscrupulous gangs of adventurers, commonly known as Rings, who monopolise the offices and emoluments, job the contracts for public works, incur large debts for the city, and in some few cases enrich themselves by plundering the public funds, while occasionally securing impunity by placing their creatures and dependents in judicial posts.

Many attempts have been made to bring about reforms by changing the frame of municipal government, but so far no great success has been attained. The root of the evil seems to lie partly in the presence in these great cities of a vast multitude of ignorant voters — mostly recent immigrants from Europe — who, since they pay little or no direct taxation, have no interest in economy; and partly in the indifference of the better class of citizens, who are apt to neglect the duty of voting at municipal elections, or when they do vote condone the faults of a Ring which professes to belong to their own political party. The smaller cities, down to those with a population of from 8000 to 10,000, present similar though less glaring faults, and on the whole it may be said that municipal government is the one conspicuous failure of American democracy.

*Distribution of Powers between the States and the Federal Government.* When the people of the United States created the Federal Government by the adoption of the Constitution, the States retained in their own hands all power, authority, and jurisdiction which was not delegated to the Federal Government. Accordingly the field of State action remains not only wide but undefined. It includes the maintenance of law and order within the State, control of the State militia and police, the organization of local government both urban and rural. The whole field of ordinary law as well civil as criminal, comprising the law of marriage and other family relations, of property and inheritance, of contracts and torts, of offences at common law or otherwise, is within the scope of State legislation. So also is the law relating to trade within the State, including the law of corporations and the regulation of railways and canals, as well as the control of education, charities, the care of the poor, and matters pertaining to religion. The State courts have of course a jurisdiction commensurate with the sphere of State legislation; i.e. they try all causes arising under State law and punish all offences against it. The State has also an unlimited power of taxing all persons and property (except as hereinafter mentioned) within its area, of borrowing money, and of applying its funds as it pleases.

The powers and jurisdiction of the Federal Government on the other hand are restricted, being those, and no others, which have been either expressly or by implication conferred upon it by the Federal Constitution. They therefore admit of being specified and are the following.

Control of the Conduct of War.	Post Offices and Post Roads.
Relations with Foreign States.	Patents and Copyright.
Offences against International Law.	Duties of Custom and Excise.
Army and Navy.	Coinage and Currency; Weights and Measures.
Commerce with other Countries and between the States.	Naturalization;
with the power of imposing and inflicting penalties for offences connected with the matters foregoing.	

On all these subjects the Federal Legislature has the exclusive right of legislating, and the Federal Executive and Judiciary have, of course, the right and duty of enforcing such legislation. There are also a few subjects, including bankruptcy, which the Federal Legislature may deal with, but which, if left untouched by Federal Statutes, State legislation may regulate. There was at one time a uniform Federal bankrupt law; at present there is none, and the matter is regulated by each State in its own way.

Besides this allotment and division of power, the Constitution imposes certain restrictions both on the Federal Government and on the State Governments. The former is disabled from suspending the writ of *habeas corpus* or passing an *ex post facto* law, from abridging the freedom of speech or of the press, or the right of bearing arms, from making certain changes in legal procedure, from giving any commercial preference to any particular State, from establishing or prohibiting any religion. Each State, on the other hand, is restrained from making any treaty or taking other international action; from coining money or making anything but gold or silver coin legal tender; passing any *ex post facto* law or law impairing the obligation of contracts; setting up any but a republican form of Government; maintaining slavery; denying the right of voting in respect of race, colour, or previous condition of servitude; abridging the privileges of a U. S. citizen or denying to any person within its jurisdiction the equal protection of the laws; depriving any person of life, liberty, or property without due process of law. Neither can any State, except with the consent of the Federal Legislature, impose any duty on exports or imports, or keep ships of war or troops (except its own militia) in time of peace.

Where there is a doubt as to whether a particular power is possessed by one or other authority, the legal presumption is in favour of its being possessed by a State, because the original States were all of them self-governing commonwealths with a general power over their citizens; while the legal presumption is against the Federal Government, because the powers it has received have been enumerated in the Federal Constitution. However it is not deemed necessary that these powers should have been all expressly mentioned. It is sufficient if they arise by necessary inference.

*Structure of the Federal Government.* The Federal Government consists of three departments or organs; which the Constitution has endeavored to keep distinct: *viz.*, the Legislature, the Executive, and the Judiciary. The powers of these three extend over every part of

the interests of private individuals and are pushed by the miscellaneous crowd of unrecognized agents called the 'Lobby'. In each House each of the great parties is in the habit of holding from time to time party meetings to determine its policy in the House, and the decisions of the majority at such meetings are deemed binding on the members and usually obeyed. This is called 'going into caucus'.

*The Executive.* The President of the United States is chosen by persons who are elected in each State for that purpose and that purpose only. In every State the voters (i.e. the same voters as those who elect members of Congress) elect on the Tuesday after the first Monday in November every fourth year a number of Presidential electors equal to the total representation of the State in Congress (i.e. two Senators plus so many members of the House of Representatives). Thus New York has 36 Presidential Electors, Pennsylvania 32, Delaware and five other small States only three each. These Electors meet subsequently and vote for the President. Should no person voted for receive a majority of the votes of all the electors appointed, the choice of a President goes over to the House of Representatives, which elects by States, each State having one vote only, and an absolute majority being required. Although it was originally intended that the Presidential electors should be free to choose whatever person they thought best. It has long since become the rule that they shall vote for the candidate nominated by the party which has chosen them as electors; and they are in fact nothing more than a contrivance by which the people, that is, the party which commands a majority of votes, chooses the President. However, as the election takes place by States, and as even a very small popular majority in a particular state can throw the whole electoral vote of that State for one candidate, while in one or more other States a very large popular majority can do no more than throw the electoral vote of the State for the other candidate, it sometimes happens that the candidate who gets the majority of the electors' votes, and is therefore chosen, has not obtained a majority of the total popular votes cast. Another consequence of this device is that whereas the contest is always very keen in States where parties are equally balanced, it is quite languid where one party is known to have a majority, because the greater or smaller size of that majority makes no difference in the general result over the whole Union. The Presidential electors are now usually chosen by a popular vote all over each State, but they were at one time chosen by the State Legislatures, and also for a time, in many States, by districts. Michigan has recently reintroduced the district plan.

The President must be thirty-five years of age and a native citizen of the United States. He is legally re-eligible any number of times, but custom (dating from George Washington) has established the rule that he must not be re-elected more than once. He receives a salary of \$50,000 (10,000*l.*).

The President's executive duties are of five kinds:



(a). He is commander-in-chief of the Army and Navy (and of State militia when in Federal service) and commissions all officers.

(b). He appoints all the chief and many minor officials, but the consent of the Senate is required, and is sometimes withheld, except to what are called Cabinet offices.

(c). He has a general supervision over the whole Federal administration and the duty of seeing that the (Federal) laws are duly executed. Should disorder arise anywhere which the State authorities are unable to suppress, they may invoke his aid to restore tranquillity.

(d). He conducts the foreign policy of the nation, and negotiates treaties, which, however, require the approval of the Senate. The power of declaring war rests with Congress.

(e). He may recommend measures to Congress, and has the right, when a bill passed by Congress is sent to him, of returning it with his objections. If in both Houses of Congress it is again passed by a majority of two-thirds in each House, it becomes law notwithstanding his objections; if not, it is lost. This so-called Veto power has been largely exercised, especially by recent Presidents. Between 1881 and 1888 no fewer than 304 bills, most of them private or personal bills, were vetoed, and very few were repassed over the veto.

The Administration or Cabinet consists at present of eight ministers, viz.: Secretary of State (who has the conduct of foreign affairs), Secretary of the Treasury (Finance Minister), Secretary of War, Attorney General (Minister of Federal justice as well as legal adviser), Secretary of the Navy, Postmaster General, Secretary of the Interior (with charge of Indian Affairs, of the management of the public lands, and of pensions), Secretary of Agriculture. None of these, nor any other officer of the Government, can sit in Congress. They are appointed and dismissible by the President, and are primarily responsible to him rather than to Congress, which can get rid of them only by impeachment, a process applicable rather to specific offences than to incompetence, and not applicable at all to mere divergence of policy from that which the majority of Congress desires. The Cabinet is therefore something quite different from what is called a cabinet in European countries. It does not relieve the President of responsibility; he may consult it as much or as little as he pleases, and he need not be guided by its advice.

*The Federal Judiciary.* There are four sets of Federal Courts:

(a). The District Courts, 55 in number, in which the District Judges sit, receiving salaries of \$5000.

(b). The Circuit Courts, held in the nine judicial circuits, and served by the Circuit judges, now 18 in number (salary \$6000), together with a judge of the Supreme Court, one such judge being allotted to each circuit.

(c). The Circuit Courts of Appeal, entertaining appeals from the District or Circuit Courts.

(d). The Supreme Court, consisting of a Chief Justice and

eight puisne justices who sit at Washington and have original jurisdiction in cases affecting ambassadors, or where a State is a party to the suit. In other cases they are a Court of Appeal from inferior Federal Courts. The salary is \$8000 (\$8500 for the Chief Justice).

All these judges are appointed by the President with the consent of the Senate, and hold office for life, unless removed by impeachment. Only four have ever been impeached, and two of these were acquitted. A place on the Supreme Bench is much desired and prized; and the permanence of tenure secures a pretty high average of knowledge and capacity, considering the smallness of the salaries paid also in the inferior Federal courts.

The jurisdiction of the Federal Courts extends over the whole Union, but is limited to certain classes of cases, civil and criminal. the most important whereof are the following.

Cases affecting ambassadors and other foreign ministers, cases of admiralty and maritime jurisdiction, controversies to which the United States shall be a party, controversies between States, or between citizens of different States, or between a State, or any of its citizens, and any foreign State or its subjects or citizens, cases arising under the Federal Constitution, or some law or treaty duly made by the Federal government. If, as frequently happens in the three last-mentioned sets of cases, the action has begun in a State Court, there is a full right to have it removed into a Federal Court, and this may be done even in an action which was supposed to involve questions of State Law only, if in the course of the proceedings some point of Federal Law arises. The result of these arrangements is to secure to the Federal Courts the cognizance not only of all international and inter-State questions, but also of all those which in any way depend upon Federal Legislation. Thus the arm of the National Government is extended over the whole Union, each Federal Court having an officer called the U.S. Marshal to execute its judgments, and being entitled to demand the aid of the local authorities in case of resistance.

There is nothing special or peculiar in the powers of the Supreme Court, or of the American Federal Courts generally; nor have they, as is sometimes supposed, a right to review and annul the acts either of Congress or of the State Legislatures. The importance of their functions arises from the fact that in the United States the Constitution is the supreme law of the land everywhere, so that if any Statute passed by Congress, or any Constitution enacted by a State, or any Statute passed by a State Legislature, conflicts with the Federal Constitution, such Statute or State Constitution is as a matter of law invalid and null, and must be treated as such by all persons concerned. The authorities whose function it is to ascertain and determine whether it does or does not conflict with the Federal Constitution are the Courts of Law; and as the Supreme Federal Court is the highest court of appeal in all questions involving the

Federal Constitution, all important and difficult cases are carried to it and its decision is final. The Courts, and especially the Supreme Court, of each State exercise a similar function in cases where a State Statute is alleged to be in conflict with a State Constitution, the latter, of course, as being a law of higher degree, prevailing against the former. No court, however, pronounces upon the validity of a law unless in an action or other regular legal proceeding between parties, for the decision of which it becomes necessary to settle whether or no the law is valid. (In a few States, the Governor or the Legislature may consult the Supreme Court on constitutional points, but the opinions so given by a Court are not deemed to be binding like a judgment in an action.) As in all questions of Federal Law the State Courts are bound to follow and apply the decisions of the Federal Courts, so also in all questions of State Law, when these come before a Federal Court, such Court ought to follow and apply the decisions of the highest court of the particular State in question. That is to say, the Federal Courts are not higher than the State Courts, but have a different sphere of action, nor are they, except as regards questions arising under the Federal Constitution, called to overrule decisions of the State Courts.

*General Working of the Federal Government.* The salient feature of the Federal or national Government is that it consists of three departments, each designed to work independently of the other two. Thus the Federal Executive, the President and his Ministers, are independent of Congress. The President is elected (indirectly) by the people, and cannot be displaced by Congress (except by impeachment). The Ministers are appointed by the President, and cannot be dismissed by Congress nor even restrained in their action, except in so far as legislation may operate to restrain them; and as Congress is debarred from intruding into certain administrative details, its legislation cannot reach these. The President cannot dissolve Congress, which is elected for a fixed period, and cannot check its legislation, if there is a majority of two-thirds against him in both Houses. The conduct of foreign affairs, however, and the making of appointments belong partly to him and partly to the Senate, so that in this sphere he and one branch of Congress are closely associated. The third department, the Judiciary, is independent of the other two, for though its members are appointed by the President with the consent of the Senate, they cannot be ejected from office except by impeachment. All these departments are deemed to derive their respective powers directly from the people, Congress and the President by election, the Judges from the Constitution which the people enacted and which it is their duty to interpret. Thus the principle of Popular Sovereignty is consistently carried out. That principle is, however, even more conspicuous in the State Governments, because in them not only are all the leading officials directly elected by the people, and (in the great majority of the States) the

judges also, but also because **the** people constantly legislate directly (without the intervention of **the** State Legislatures) by enacting State constitutions or constitutional amendments. Although, however, in this aspect the Federal Government (and still more the State Governments) may appear to be very democratic, the following important restrictions have been provided to prevent sudden or violent change. (a) The Legislature, which is **the** strongest power, is divided into two coordinate and jealous houses. (b) The Legislature is further restrained by the veto of the President. (c) The Legislature is limited to certain subjects and disabled from certain kinds of action. (d) The President is held in check by Congress, which can refuse money, and by the Senate in foreign affairs and appointments. (e) He has, moreover, only a very small standing army at his disposal.

*Conjoint Working of the Federal and State Governments.* Although the Federal Government is in constant action by its laws, its officials, and its judges over the territory included in the States, comparatively little friction arises between the two sets of authorities. As respects elections, all State elections are conducted under State laws, Federal elections to some extent under Federal laws, so far as these have prescribed certain rules, but chiefly under State laws, because Congress has left many points untouched. As regards finance, all direct taxation is imposed by the State Legislatures, while the Federal Government raises its revenue by duties of customs and excise. The chief difficulties which have been felt of late years are connected with the divergences of law between the different States, especially as regards marriage and divorce, and with the control of commerce and the organs of transportation, especially railroads. The Federal Government can legislate only with regard to trade between the States and to navigable waters within more than one State and railroads so far as they carry traffic between States. Many intricate problems have arisen as to the respective scope of Federal and State action on such matters; but these have, since the Civil War, been peaceably adjusted by the Courts as interpreters of the Constitution.

*Extra-State Dominions of the United States.* Washington, the capital of the Union, stands in a piece of ground comprising 70 sq. M. which has been set apart as the seat of Federal Government, and is governed by three Commissioners appointed by the President. It is called the Federal District of Columbia. Alaska (purchased from Russia in 1867) is also directly governed by Federal officials (named by the President) and by statutes of Congress. As its population consists almost entirely of semi-civilized or savage Indians, it has no share in the government of the Union. The same remark applies to the Indian Territory lying to the W. of the State of Arkansas, where, however, the principal Indian tribes have made great progress in education and settled habits.

There are also three *Territories* (Arizona, New Mexico, and Oklahoma). The Union is a union of States only, and these districts,

still thinly peopled, have not yet been admitted to the dignity of Statehood. Each Territory however enjoys local self-government, having a legislature of two Houses which can pass Statutes, subject, however, to the unrestricted authority of Congress to annul them and legislate directly. In each of these there is a Governor appointed by the President; and part of the law in force has been directly enacted by Congress.

Each Territory sends a delegate to the Federal House of Representatives who is allowed to speak but not to vote.

*Practical Working of the Government. The Party System.* The character of the political institutions of the country has been so largely affected by the political parties that a few words regarding their organization and methods are needed in order to understand the actual working of the Government.

Since the adoption of the Federal Constitution in 1788-89, the people of the United States have been, except for a few years (from about 1818 till 1826), pretty sharply divided into two parties. Occasionally, three or even four parties have appeared; these however have been short-lived. From 1789 till 1818 the two great parties were the Federalists and (Democratic) Republicans; the Federalists then disappeared, while from about 1830 till 1854 the Republicans, now called simply Democrats, were opposed by a party called Whigs. In 1856 a new party who took the name of Republicans came into being, carried the Presidential Election of 1860 and have continued until now contending with the Democrats. Minor present parties are the Prohibitionists and the so-called 'Populists' or People's Party (comp. Section ix of Introd.). Both the two great parties have created and maintain themselves by exceedingly strong and well ordered organizations, existing over the whole country as a body of political machinery far more effective than has ever been seen elsewhere. The causes which have made such machinery necessary are chiefly these three.

Elections are very numerous, because all the chief State and City officials and all members of representative assemblies are chosen by the people and chosen for short terms. Even those official posts which are not directly conferred by popular vote, such as all the Federal offices, are usually held at the pleasure of the President or some other high official, who has for the last sixty years been accustomed to appoint members of his own party to them, dismissing those whom he finds on coming into power, if they belong to the opposite party. The desire to have or to retain these posts furnishes a strong personal motive for exertion on behalf of a party, because one's livelihood may depend upon it. Moreover the social equality which prevails generally in America prevents the masses from being disposed to follow men conspicuous by rank, wealth, or intelligence, and makes it necessary to have organizations in order to supply the absence of that spontaneous allegiance and natural grouping which do

much to hold parties together socially in the free countries of the Old World. As there are in the United States comparatively few persons with sufficient leisure to devote themselves to political work from purely public motives, it has been thought necessary that this work should be done by those who have a pecuniary interest in the success of their party; and these persons, making such work their profession, have been able to carry this political machine to an unprecedented point of effectiveness.

In every local area which elects an official or a representative (such as a City Ward or a Rural Township) each of the two great parties has a local association which selects from the resident members of the party a candidate to be run for every elective post or office at the next election. The meeting of the local members of the party which makes this selection is called a Primary Meeting. Where an election is to take place for a wider area (such as a Congressional district or a State Assembly district, or a City) the candidate is selected by a party meeting called a Convention, consisting of delegates from all of the primaries within that area. Where the election is that of the President of the United States, the party candidate is selected by a very large body called the National Nominating Convention, consisting of delegates chosen by Conventions held in the several States. The number of delegates to this greatest of all Conventions is double that of the number of Presidential electors plus two delegates from each Territory, that is to say, it is at present 900.

Very rarely does any candidate offer himself for election to any post unless he has been selected by a Primary or a Convention as the party candidate. Sometimes, however, in local elections (especially in cities) a third organization is created in view of a particular election or group of elections, which nominates what is called an 'Independent' or 'Citizens' candidate, outside the regular organizations of the two great parties. And when a third or fourth party (such as the Prohibitionists or the so-called People's Party) exists, it establishes in that part of the country where it has substantial strength, an organization like that of the Democrats or the Republicans; and nominates its candidates in the same way. Great importance is attached to 'getting the nomination', because a large number of voters in each party are disposed (especially in great cities) to adhere to the candidate whom the organization has chosen, with comparatively little regard either to the precise shade of his opinions or to his intellectual capacity. Great pains are therefore bestowed on securing the nomination, and where there are two local factions within a party, the strife between them over the nomination is often more bitter than that between the hostile parties. Bribery, personation, and even physical violence are sometimes resorted to in order to carry a nomination of delegates in a Primary or of candidates in a Nominating Convention; so that in many States it has been deemed needful to pass laws for regulating these party meetings and preventing corruption or

unfairness in connection with them. So, also, when the control of the nomination for the Presidency lies between two prominent and popular party leaders, the Convention is a scene not only of active and protracted intrigue behind the scenes, but of passionate excitement during the voting.

This system of party machinery, and the habit which the voters have of supporting those candidates only whom the official machine nominates, have become one of the main causes of misgovernment in the largest cities. In those cities there is a large poor and comparatively ignorant multitude which, since it pays an exceedingly small part of the local taxation, has a very slight interest in economical and prudent administration. It falls easily under the dominion of leaders belonging to its own class who care little for real political issues, but make their living out of the city offices and the opportunities of enrichment which such offices supply, and it votes blindly for the candidates whom those leaders, through their control of the organization, put forward as the 'regular party candidates'. These candidates are, of course, in league with the men who 'run the machine'; and when they obtain office, they reward their supporters by posts in their gift, sometimes also by securing for them impunity from punishment, for in the lower parts of some cities the nominating machinery has fallen into the grasp of cliques which, if not actually criminal, occasionally use criminals as their tools. Another source of the strength of these dangerous elements in politics has lain in the profuse use of money. Bribery has been not uncommon, both in City, State, Congressional, and Presidential elections. Efforts, however, which seem likely to be successful, have lately been made to repress it by the adoption in nearly all the States of laws creating a really secret ballot. Some States have also sought to limit election expenditure; and it may be said generally that the spirit of reform is actively at work upon all that relates to the election system. Intimidation is rare, except in the Southern States, where it is still occasionally, though much more rarely than twenty years ago, practised upon the negroes. Seeing that the great majority of the negro voters are illiterate and possessed of little political knowledge, white men otherwise friendly to the coloured people justify both this and the more frequent use of various tricks and devices as the only remedies against these evils which might follow the predominance of the coloured vote in those States, where the whites are in a minority.

As visitors from Europe, who usually spend most of their time in the great cities, are apt to overestimate these blemishes in the democratic institutions of the U. S., it is well to observe that they are far from prevailing over the whole country, that they are not a necessary incident to democratic institutions but largely due to causes which may prove transitory, and that they do not prevent the government both of the Nation and of the States from being, on the whole, efficient and popular, conformable to the wishes of the people and