

to be removed or suspended? Does it not also import a Right to restrain the Officer from acting out of the Line of his Duty, and from doing every Act incompatible with the Office, or that may pervert the Use, or frustrate the Design of its Creation? This we call a general superintending Power over the Officers in the Execution of the Laws; It is not to be exercised arbitrarily, but properly, and with Discretion. We do not contend that every Mistake, or trifling Deviation from the Law, will warrant a Removal or suspension, but in such Cases, a vigilant and mild Executive would do enough in admonishing the Officer, and directing him to avoid a similar Conduct in future. If he was about to act contrary to Law and the Interest of the State, the Executive would warn him of it and direct him to desist, but if, with incorrigible Obstinacy, he persevered in his pernicious System, they would consider the Magnitude and evil Influence of his Delinquency, and be governed by Circumstances, in determining whether it would be proper to repeat the Admonition, suspend, or remove him. But you say in answer to our Construction of this Part of the Constitution, that it comprehends only the ordinary Officers of Government, taken Notice of by the Constitution. If this Doctrine be admitted, what will it lead to? How easy would it be for one Assembly, by conferring new Names upon old Officers, to defeat that Clause in the Constitution, which contains a Provision that no Part of it shall be altered or repealed without the Concurrence of two successive Legislatures? but it is plain beyond Controversy, and you would have discovered it, had you read with Attention the preceding Part of that Section, that every Civil Officer of Government who has not a Commission during good Behaviour, whether known to the Constitution, or since created by the Legislature, may be suspended or removed by the Executive: and altho' we do not question the Right of the General Assembly of creating an Office for the better Administration of Justice, or Execution of the Laws, yet we do insist the Power and Rights of the Executive derived from the Constitution, are equally permanent and well established, because they flow from the same Source, the Will of the People, whence all Power originates. And farther, that no Act done by the Legislature can annihilate, diminish, or in any Degree impair the Constitutional Rights of the Executive, but in the Mode prescribed by the Constitution. Admitting then, that this Power is vested in us by the Constitution, and that it extends to Officers created by the Legislature, which we think has been sufficiently evinced, though perhaps not to your Satisfaction, it follows as certainly as the Shadow does the Substance, and will be denied by none but the Intendant, that we have a Right to enquire into the Transactions of your Office, and to direct you, when we are sufficiently apprized of your Intentions to misapply the Revenue, to desist from such Misapplication, and to make such a Distribution as the

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