

cutive, to a prevailing current, either in the community or in the legislature, as its best recommendation. But such men entertain very crude notions, as well of the purposes for which government was instituted, as of the true means by which the public happiness may be promoted. The republican principle demands that the deliberative sense of the community should govern the conduct of those to whom they intrust the management of their affairs; but it does not require an unqualified complaisance to every sudden breeze of passion, or to every transient impulse, which the people may receive from the arts of men, who flatter their prejudices to betray their interests. It is a just observation, that the people commonly *intend the public good*. This often applies to their very errors. But their good sense would dispise the adulator, who should pretend that they always *reason right* about the means of promoting it. They know from experience that they sometimes err, and the wonder is, that they so seldom err, as they do, beset, as they continually are, by the evils of parasites and sycophants—by the snares of the ambitious—the avaricious—the desperate—by the artifices of men, who possess their confidence more than they deserve it; and of those who seek to possess, rather than to deserve it."

Hamilton expresses this opinion, in view of and in support of the necessity of clothing the Executive with a power to check and restrain the will of the majority. In the *Federalist* No. 73, he also demonstrates the utility of a power which may prevent the promulgation of bad laws. Jefferson in one of his letters to Madison speaks of the instability of our laws as a great inconvenience, and suggests checks and modes of restrictions. In the *Federalist* No. 51, Hamilton also says: "It is of great importance in a republic, not only to guard the society against the oppression of its rulers, but to guard one part of the society against the injustice of the other part. Justice is the end of government. It is the end of civil society. It ever has been, and ever will be pursued until it be obtained, or until liberty be lost in the pursuit. In a society, under the forms of which the stronger faction can readily unite and oppress the weaker, anarchy may as truly be said to reign, as in a state of nature, where the weaker individual is not secured against the violence of the stronger."

All these authorities, Mr. President, tend to show the necessity of checks upon the will of the majority, by pointing out its dangerous tendency. They are not ephemeral mushroom authorities of a day's existence. They are not opinions based upon merely idle speculation. They emanated from sources of a highly responsible character—from the founders of our government—men of the most extensive practical observation—of the strongest natural and best cultivated intellects, directed by one honest patriotic aim—the good of their beloved country, for which, they were at all times, ready to sacrifice self. As emanating from such sources, they are entitled to our most grateful approbation.

It is true that these opinions, and others similar,

have been treated as exploded, by the new lights that have recently sprung up to teach their fathers the science of government. "This is an age of progress," say gentlemen, "in all the arts and sciences, and why not in the science of government? The people have shown themselves capable of self-government, and therefore experience teaches these opinions, which were worthy of consideration, when they were promulgated, to be now erroneous, and inapplicable to the present condition of society." Thus they reason against these opinions.

This is truly and emphatically an age of progress, of railroad velocity—an age of discovery and invention unparalleled in the history of the world. But that spirit of progress and improvement that is known to pervade the abstruse sciences of philosophy, is not applicable to the science of government. Nor is the science of government, subject by the same means which are applied to other sciences, to be experimented upon for the sake of discovery.

Government dates its origin from creation. "Order is nature's first law." The science of government was implanted by God, within the mind of man from the beginning; obscure it may be, at first, but afterwards improved by revealed instruction to the chosen leaders of his people. I do not know that any such revelations are made to the leaders of the people now; nor do I know, that those who are, or would be the leaders of the people, may not be given over by him, to the error of their ways, because of the hardness of their hearts, and their contempt of the laws and commandments of their fathers in government. Throughout the almost six thousand years that have elapsed from creation to the present day, every species of government has been tried, that man could devise; and every theory applicable to governments, has been tested by practice; and it can safely be said, nothing new on the subject can be discovered.

As to our competency for self-government, I admit it. But I do not see that our condition will be improved, by tearing down and levelling to the ground the constitutional walls which have heretofore enclosed us, and acted as a barrier to any disposition we might have, whether from sudden impulse, carried away by the exciting appeals of our leaders, or from any other incentive, to infringe upon our weaker neighbor's rights. We prefer to have restrictions placed upon our will, for fear we might enter into temptation—for fear we might in evil hour—in an unguarded moment, from considerations of avarice, or fanatical zeal, or both, be led away from a just regard of our neighbor's rights, and be tempted to despoil him of them. Let us then govern ourselves with such limitations upon our power, as to shield from oppression, or wrong, the minorities that may exist in our midst. While I admit our capability for self-government, I deny that there is any State in the Union, in which, there is not some limitation, or check placed upon the will of the majority. No experience in our governments has proved the people capable of self-government, otherwise than within the greater or less prescribed limits upon the majorities' will.