

up during that gentleman's absence. He would, He was elective annually, by the very same Legislatures which, during his administration, would enact laws. It was therefore, a fair presumption, that before making choice of him, a majority of the Assembly would have ascertained that he concurred in opinion with them, as to every measure of importance. Besides, the Executive power had previously resided in the representative of the proprietary—a foreigner, irresponsible to, and not identified with, the interests of the people; wherefore the exercise of this negative had become unpopular, and was looked on with distrust. Smarting under these recollections, our fore-fathers constituted their Chief Magistrate a creature of the Legislature, entirely dependant on it, not only as to his election, but in almost every other respect. To show that I am not singular in this view, I will fortify it by quotations from the writings of an eminent citizen, whose authority as a constitutional lawyer and statesman, will command the deference of all. John V. L. McMahon, after describing in the opening paragraph of Chapter VII, of his "History of Maryland," the distribution of the Legislative power, in our State government, as being exclusively between the Senate and House of Delegates, without any control or suspensory negative on the part of the Executive, goes on to explain that—

"In this respect, our State government is materially different, not only from the proprietary government which preceded it, and that of the mother country, but also from most of the forms of State government prevailing around us. Yet however anomalous this feature of it may at first appear, it will be found, on closer examination, to be in perfect consensence with the origin and nature of our supreme Executive power. When the Executive is, as to its existence, totally independent of the Legislative power; when it springs from the same source by a different channel: or when it is clothed with personal rights, privileges and dignities, which, although the consequence of official rank are yet distinct from its purely official powers there is some propriety in the veto. By such a check only, can its separate and independent existence, and the rights and dignities flowing from that existence, be effectually protected. \* \* \* \*

"In the republican forms of government around us, which confer the executive veto, we discover reasons for its existence not applicable to our Constitution. Under most, if not all of these governments, the supreme executive springs directly from the people; and having thus a common origin with the Legislature, it is clothed with this power, not for the preservation of its own privileges, but merely that it may operate as a salutary check upon legislation generally. Its existence rests upon the same reasons which have recommended the division of a Legislature into two branches; and being established for the general benefit, and not for the protection of executive rights, as in England, its control generally ceases under circumstances warranting the inference, that it conflicts with the well ascertained public will. \* \* \* \*

"Such a check, for such purposes, incident to the office of Governor of Maryland, would be a most useless investment of power. He is elected by the very Legislature upon which it would operate. He is elected annually, and his re-eligibility renders him virtually the dependant of those who elected him, not merely because they have called him to office, but also because, in the ordinary course of event, many of them will pass upon his re-election. To deposit such a check with an officer so created and so situated, would be little better than to commit the Legislature to its own guardianship. It may also be remarked, that there is less necessity for its existence under our Constitution, than under those of the sister States. It will hereafter appear that in the organization of our Senate, the design to create a check upon the popular branch of the Assembly is carried further than in the constitution of any other Legislative body in the United States; and it would be visionary to look for further checks in the grant of an executive veto."

It will be perceived then that Mr. McMahon excuses the framers of our old Constitution, for omitting the veto power on two grounds: 1st, that the dependant character of our Executive would have rendered this nugatory and visionary; and 2nd, that the "organization of our Senate" afforded a check, upon improvident and hasty legislation, not found in the constitutions of other States. One of these grounds has been entirely taken away and the other materially weakened, by the changes which, since the date of that history, have been made in our organic law. These new features, with modifications still further conforming to the examples around us, we have already incorporated in the instrument which we are preparing as the future Constitution of the State.

In the Convention which formed the unrivalled Constitution of these United States, no question was more gravely considered or more elaborately discussed than that of the veto power.

The reasons, which finally prevailed in that body of illustrious men, and induced them to embody, in our Federal compact, this salutary check on legislation—were, for the most part, such as are equally applicable to the work in which we are now engaged. As I cannot hope to approach, in what I may say, the strength of language and the cogency of argument which characterized these debates, I will ask the Convention to bear with me while I read a few extracts from the discussions on this subject as reported in the "Madison papers."

On page 784 of vol. II it will be seen that Alexander Hamilton moved to give the Executive "an absolute negative on the laws," on the ground that there was "no danger of such a power being too much exercised;" and that Mr. Madison [page 786 of the same volume] opposed this unqualified veto as "obnoxious to the temper of this country," but observed at the same time "that if a proper proportion of each branch should be required to overrule the objections of the Executive, it would answer the same purpose as an absolute negative. It would rarely,