

if ever, happen that the Executive, constituted as ours is proposed to be, would have firmness enough to resist the legislature, unless backed by a certain part of that body itself. The King of Great Britain, with all his splendid attributes, would not be able to withstand the unanimous and eager wishes of both Houses of Parliament."

Again vol. II page 809, Mr. Madison observed, "that the great difficulty in rendering the Executive competent to its own defence, arose from the nature of Republican Government, which could not give to an individual citizen that settled pre-eminence in the eyes of the rest, that weight of property, that personal interest against betraying the national interest which appertain to an hereditary magistrate. In a Republic, personal merit alone could be the ground of political exaltation; but it would rarely happen that this merit would be so prominent as to produce universal acquiescence. The Executive magistrate would be envied and assailed by disappointed competitors; his firmness therefore would need support."

Mr. Wilson of Pennsylvania, well known as one of the most liberal statesman of that day, afterwards a distinguished ornament of the Bench, [vide pages 76, 787, of volume II] "believes as others did that this power would seldom be used. The legislature would know that such a power existed and would refrain from such laws as it would be sure to defeat. Its *silent operation* would therefore *preserve harmony and prevent mischief*."

But there might be tempestuous moments in which animosities may run high between the Executive and Legislative branches; and in which the former ought to be able to defend itself."

And again the same gentlemen, [vide pages 7336 of volume III] "after viewing the subject with all the coolness and attention possible, was most apprehensive of a dissolution of the government from the legislature swallowing up all other powers."

Where the Executive was really formidable, king and tyrant were naturally associated in the minds of the people; not legislature and tyranny. But where the Executive was not formidable, the two last were more properly associated.

"After the destruction of the King in Great Britain, a more fearful and unmixed tyranny sprang up, in the Parliament, than had been exercised by the Monarch."

It will be seen, moreover, on pages 1332 and 1333, of vol. III, that Mr. Madison was anxious to unite the Judiciary with the Executive in the exercise of the suspensive veto, principally on the ground that the latter, unless supported by the former, would be too feeble to attempt resistance to the Legislature.

Mr. Eldridge Gerry, of Massachusetts, a prominent leader of that old Democratic party, whose mantle is claimed as its heritage by each of the two great parties of the present day, will be found to have advocated the same side of the question; as will also the Pinckneys and Rut-

ledges, of South Carolina; Williamson, of North Carolina; Wythe, Mason and Randolph, of Virginia; the majority of the Maryland delegation; the Morrises, of Pennsylvania; Ellsworth of Connecticut, and King, of Massachusetts.

I might go on, sir, and read many more pertinent passages from the records of the proceedings of that body of sages, to whom this nation owes a debt of undying gratitude! The whole debate there held on this subject, deserves the careful perusal and attentive consideration of all who consider the fathers of our republic to have been men of rare wisdom and stainless purity of motive. But I have read enough to show that the most eminent of those men, of all shades of politics, concurred as to the propriety and utility of the limited veto power. I will therefore take leave of that justly venerated conclave, and pass on to the elaborate disquisition on the subject contained in the 73d number of the "Federalist," written by that profound political philosopher, and lofty patriot, Alexander Hamilton.

As the members of this body are doubtless familiar with that admirable exposition and defence of our Federal Constitution, produced by the united efforts of Madison Hamilton and Jay, I will read only a few of such passages, as appear to me to be directly fitted to influence our action under the circumstances.

General Hamilton urges that "the propensity of the legislative department to intrude upon the rights, and to absorb the powers of the other department, has been already more than once suggested, the insufficiency of a mere parchment delineation of the boundaries of each, has also been remarked upon; and the necessity of furnishing each with constitutional arms for its own defence, has been inferred and proved. From these clear and indubitable principles, results the propriety of a negative, either absolute or qualified, in the Executive; upon the act of the legislative branches. Without the one or the other, the former would be absolutely unable to defend himself against the depredations of the latter. He might gradually be stripped of his authorities by successive resolutions or annihilated by a single vote. And in one mode or the other, the Legislative and Executive powers might speedily come to be blended in the same hands."

But the power in question has a further use. It not only serves as a shield for the execution, but it furnishes an additional security against the creation of improper laws. It establishes a salutary check upon the legislative body, calculated to guard the community against the effects of faction, precipitancy, or of any impulse unfriendly to the public good, which may happen to influence a majority of that body. \* \* \* The oftener a measure is brought under examination, the greater the diversity in the situations of those who are to examine it, the less must be the danger of those errors which flow from want of due deliberation, or of those mishaps which proceed from the contagion of some common passion or interest. \* \* \* It may