

perhaps be said, that the power of preventing bad laws includes that of preventing good ones, and may be used to one purpose, as well as to the other. But this objection will have little weight with those who can properly estimate the mischiefs of that inconstancy and mutability in the laws, which form the greatest blemish in the character and genius of our governments. They will consider every institution calculated to restrain the excess of law-making, and to keep things in the same state in which they may happen to be at any given period, as much more likely to do good than harm. * * *

The superior weight and influence of the legislative body in a free government, and the hazard to the Executive in a trial of strength with that body, afford a satisfactory security, that the negative would generally be employed with great caution; and that in its exercise there would often be room for a charge of timidity than rashness."

I must apologise for detaining the Convention so long, particularly as I have so little practice in reading aloud, as to be entirely unable to do justice to the vigorous conceptions and power of adapting his language to his ends, which were such marked traits in the intellect of General Hamilton. But I felt confident that no word of my own would have one hundredth part of the force and weight, which those just read by me merit, and the Convention will, I am sure, not regret the substitution.

I will beg leave to quote from one other high authority, the very antipode of General Hamilton in political doctrines, and belonging not only to an opposite school of politics, but to a different era of our country, and a much later stage in our national progress and experience. I refer to the late John C. Calhoun, the most accurate logician and brilliant reasoner that has ever graced a legislative body.

In a speech delivered in the United States Senate, in February 1842, on a resolution looking to the abolition of the veto power of the President, Mr. Calhoun entered into an elaborate examination of the whole theory of our federal Constitution, as connected with and influenced by the peculiar feature which I am endeavoring to persuade you to include among the fundamental elements of the structure of our State. Most of the remarks uttered on that occasion, by the gifted man from whom I am about to quote, do not apply immediately to our task or circumstances; but some passages of that profound speech, general in their bearing and applicable to all republican Constitutions, I will trouble you to listen to.

Speaking of the necessity for protecting the President against the encroachments of Congress, Mr. Calhoun says: "To make a division of power effectual a veto in one form or another is indispensable. The right of each to judge for itself of the extent of the power allotted to its share, and to protect itself in its exercise, is what in reality is meant by a division of power. Without it, the allotment to each department would be a mere partition and no division at all. * * * But this is not the only motive. There is another and deeper, to which the division itself of the

government into departments is subordination—to enlarge the popular basis, by increasing the number of voices necessary to its action. * * * But it may be said that nothing is gained towards enlarging the popular basis of the government by the veto power, because the number necessary to elect a majority to the two houses, with out which the act could not pass, would be sufficient to elect him, (the President.) That is true." It is not likely, however, to be true in Maryland, under the Constitution which we are forming, and this circumstance strengthens the force of Mr. Calhoun's observations. He proceeds "but he may have been elected by a different portion of the people, or, if not great changes may take place during his four years, both in the Senate and the House which may change the majority that brought him into power, and with it the measures and policy to be pursued. In either case he might find it necessary to interpose his veto, to maintain his views of the Constitution, or the policy of the party of which he is at the head, and which elevated him to power. * * *

But a still stronger consideration for vesting him with the veto power may be found in the difference of the manner of his election, compared with that of the members of either House. * * * Even if he should not be a candidate for re-election, the desire of having a favorite elected, or maintaining the ascendancy of his party, may have, to a considerable extent, the same influence over him," (i. e. incline him to aspire to the favorable opinion of all portions of the State over which he presides.) "The effect, in either case, would be to make him look more to the interest of the whole, to soften sectional feelings and asperity—to be more of a patriot, than the partizan of any particular interest, and through the influence of these causes, to give a more general character to the politics of the country, and thereby render the collision between sectional interests less fierce than it would be if legislation depended solely on the members of the two Houses, who owe no responsibility but to those who elected them. * * * But, be the cause of interposing his veto what it may, its effect in all cases is to require a greater body of constituency through the legislative organs, to put the government in action against it—to require another key to be struck and to bring out a more full and perfect response from the voice of the people. * * * The veto of itself, important as it is, sinks into nothing compared to the principle involved. It is but one, and that by no means the most considerable, of those many devices which I have attempted to explain, and which were intended to strengthen the popular basis of our government, and resist its tendency to fall under the control of the dominant interest, acting through the more numerical majority."

I have now, sir, gotten through with my quotations, and am extremely sorry to have detained the Convention so long with so much bad reading.

At the period of our revolution, when most of the States formed their Constitution, there existed a prejudice against this power in others of the States, as well as in Maryland, and probably for the same reason—viz: it having been, up to