

nite; nobody can resist, nobody can escape. The only happiness left in such cases is, that the despotism is certain to break down by its own weight.\*

In dealing with the case of Bishop Andrew, these notions and claims were brought into practical operation. The Bishop was not put upon his trial according to the law of the case; the matter did not come up for adjudication from a lower court, according to the practice in appeal cases; he was not accused, formally and judicially,

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\* Long after this passage was penned, the message of the President of the United States, dated Washington, December 5th, 1848, came to hand; and, amongst other things, Mr. Polk guards his countrymen most earnestly against the principle referred to in the text under the name of "consolidation." The subject under discussion is the exercise of the *veto* by the President, and the checks and guards prepared by the constitution to prevent the tyranny of majorities. Amongst other things, the President says:—"The Supreme Court of the United States is invested with the power to declare, and has declared, acts of Congress, passed with the concurrence of the Senate, the House of Representatives, and the approval of the President, to be unconstitutional and void; and yet none, it is presumed, can be found who will be disposed to strip this highest judicial tribunal under the constitution of this acknowledged power,—a power necessary alike to its independence and the rights of individuals."

Again:—"The objection to the *veto* power is founded upon an idea respecting the popular will, which, if carried out, would annihilate state-sovereignty, (that is, the sovereignty of the separate states,) and substitute for the present federal government a *consolidation*, directed by a supposed numerical majority; a revolution of the government would be silently effected, and the states would be subjected to laws to which they had never given their constitutional consent.

"It is obvious that to preserve the system established by the constitution, each of the co-ordinate branches, the executive, the legislative, and judicial, must be left in the exercise of its appropriate powers. If the executive or the judicial branch be deprived of powers conferred upon either as checks upon the legislature, the preponderance of the latter will become disproportionate and absorbing, and the others impotent for the accomplishment of the great objects for which they were established. Organized as they are by the constitution, they work together harmoniously for the public good. If the executive and the judiciary shall be deprived of the constitutional powers invested in them, and of their due proportions, the equilibrium of the system must be destroyed; and *consolidation*, with the most pernicious results, must ensue,—a *consolidation* of unchecked despotic power, as exercised by majorities of the legislative branch."—*Times*, December 22d, 1848.