

for all such purposes, that that legislative body has the power to assert the truth of any facts to the destruction of an individual without leaving to him the means of controverting what had been thus asserted in any judicial manner or form whatever. 4 *Inst.* 37; *Com. Dig. tit. Parliament, H. 6.*

Even in England there are many cases in which the Courts of justice found their judgments upon considerations of public utility, looking to politics, or that which is deduced from the frame of the government of the country. *Earl of Chesterfield v. Jansen*, 2 *Ves.* 156. Here it has become very common of late to speak of the sovereign power, and of the sovereignty exercised by our Government. These words do not, however, occur either in the Constitution of this State, or in that of the Union. The words sovereign and sovereignty refer to him, or that body of men who possess the supreme power of the State; who *have no superior, and who hold the supremacy, the highest authority at discretion and without responsibility. In England the monarch alone wears "the golden yoke of sovereignty." All discretionary and irresponsible power belongs to him only; except in so far as it has been expressly chartered out by him to the Parliament or the judiciary. *Bac. Abr. tit. Prerogative*, 487; *Hallam's Mid. Ages, ch. 8, pt. 3, p. 183.* When the King and the Parliament, however, unite, they are indeed clothed with a sovereignty which is, to the extent of all human power within the range of their jurisdiction, altogether omnipotent. Yet it has been held in England, as well as in this country, that if a legislative enactment, owing to some oversight or mistake of its makers, directs that to be done which is palpably absurd, unnatural, unjust or impracticable; as that a party should sit as Judge in his own cause; or that a penalty should be imposed upon those who should not propagate slander, instead of upon those who should do so; *The Lord Cromwell's Case*, 4 *Co.* 12; or that those should be punished who should pass as true a forged note issued by a bank, instead of those who should pass a forged note purporting to be a note issued by a bank; *The United States v. Cantril*, 4 *Cran.* 167; apart from any constitutional restriction, must be regarded as absolutely void; on the ground of its being impracticable innocently to execute it; because of its obscurity, absurdity, repugnance or injustice. *The Lord Cromwell's Case*, 4 *Co.* 13; *Dr. Bonham's Case*, 8 *Co.* 236; *Dr. Foster's Case*, 11 *Co.* 63; *Day v. Savage*, *Hob.* 87; *The City of London v. Wood*, 12 *Mad.* 687; *Weale v. West Middlesex Water Comp.* 1 *Jac. and Wel.* 371; *Dwarris' Statutes*, 643; *Montesq. Spirit Laws, b. 26, ch. 3.*

But the Government of this Republic has been clothed with no such sovereign power, or sovereignty as that of England, either altogether, or in any of its departments. Taken collectively, or in any of its several parts, it is most truly and strictly made up of responsible and delegated power; it is not, in any sense, sovereign,