

but the dispensers of power, who, independent of the will of the king, hold seats in political bodies and parliaments. These are "regni officarii, non regis," officials of the realm, not of the king. Officials of the king are dependent on the king, but not they. Hence of the former the function is to protect the person of the king; of the latter, to prevent harm to come upon the republic. These *magistratus inferiores* have received a part of the state sovereignty of God, as well as the king. They and he together are responsible to the King of kings that authority be for the good of the people. The king's shortcomings in the discharge of duty do not release them from their oaths. If the king watch not, they must watch, though the king himself be the oppressor. This is the first germ of constitutional state-law, having its deepest root, not in the people, but in God. This doctrine of the *magistratus inferiores*, preached by Calvin, and recommended in the "Liber Magdeburgensis," was first elevated by Languet, though not without some error, into a scientific, state, judiciary system of highest rank, based upon the Word of God, and enriched with the principles of Germanic and of natural law. To this system the English revolution owes its fundamental thought, and on this was based the right of the Dutch in their brave resistance to Spanish tyranny. This very idea of sovereignty in our own circle still draws the boundary line between the people's sovereignty and our constitutional state-laws; and, as de Tocqueville has shrewdly observed, it is the decline of these *magistratus inferiores* by which our political liberty is again most seriously threatened.

V.

And herewith the uncertainty is lifted, which obscured the origin of our constitutional liberties. Since everybody knows that the Calvinistic nations in Europe, as well as in America, were the first to obtain their liberty by conquest, and have enjoyed liberty longest, and have developed the best