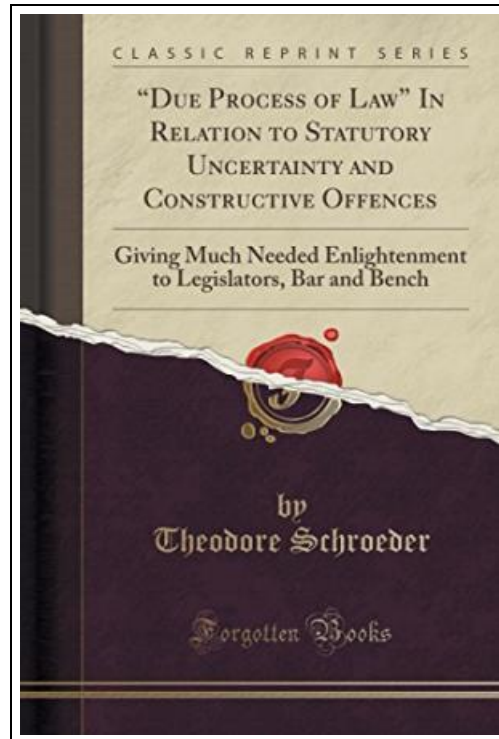


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Forgotten Books, 2017. Paperback. Condition: New. Language: English . Brand New Book ***** Print on Demand *****. Excerpt from Due Process of Law In Relation to Statutory Uncertainty and Constructive Offences: Giving Much Needed Enlightenment to Legislators, Bar and Bench It appears, historically, that those baneful constructive crimes developed from several specific causes. A union of church and state resulted in punishing the mere constructive injury of heretical speech; the witchcraft superstition resulted in punishing the mere constructive cause of material injuries; the abridgement of the freedom of speech and of the press, also punished psychologic crimes based upon mere constructive injuries; these, with the evils of judicial legislation in defining crimes, were all Of the sources for those evils which are so often denounced under the name of constructive offenses. Our ancestors saw the evils and their practical concrete origins, but apparently did not concern themselves with the generaliza tion of the ultimate tests by which to determine the essence of all constructive offenses. Notwithstanding this, they very effectively barred the door against any recurrence of such evils if we will but construe our constitution in the light of a truly scientific conception of the law. Such as will be formu lated hereinafter. To obviate the recurrence to punishment of mere psycho logic or constructive injuries our forefathers prohibited the union of church and state, and the abridgement of freedom of speech and of the press. To the same end, and to preclude judicial legislation and its arbitrary tyrannies, they separated the functions of the legislative and judicial branches of our government. And then, as including all these and more be sides, they made the more general and comprehensive guar antee that no man should be deprived of life, liberty or prop erty without due process of law. In spite...

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