

STANDARDS OF AMERICAN LEGISLATION

AN ESTIMATE OF RESTRICTIVE AND
CONSTRUCTIVE FACTORS

By

ERNST FREUND

Professor of Jurisprudence and Public Law in the University of Chicago
Author of "The Police Power"

"Nothing in progression can rest on its original plan." "Legislators ought to do what lawyers cannot."—BURKE, *Letter to the Sheriffs*.



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PREFACE

This book gives in somewhat expanded form the substance of a series of lectures delivered at Johns Hopkins University in March, 1915. The origin of the book explains its character: it is an essay of constructive criticism, and not a systematic treatise. Its purpose is to suggest the possibility of supplementing the established doctrine of constitutional law which enforces legislative norms through *ex post facto* review and negation by a system of positive principles that should guide and control the making of statutes, and give a more definite meaning and content to the concept of due process of law. It is hoped that the book may be found to be a slight contribution to the rapidly growing movement for the improvement of our statute law.

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Source material—text of statutes, lack of indices, lack of information on origin of provisions—current collections of statutes—secondary legislative material: debates, reports, documents, for Congress and for states—administrative reports—conference proceedings—secondary legislative material for European states—parliamentary debates—English Bluebooks—German documentary material—English and American law reports as source of history of legislation.

Practical value of system of principles of legislation.

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