

A MANUAL
OF
ELEMENTARY LAW

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PREFACE.

The following pages are intended as an introduction to the study of the law. Their aim is simply to take the student across the threshold, and give him a general view of the treasures of learning which lie beyond. The Anglo-American legal system may be compared with one of those old Feudal castles still to be seen in parts of Britain. Essentially an ancient structure, yet having been constantly added to and repaired as the years rolled by, it presents an appearance much different from the Feudal original. Here and there a new wing has been built; and, side by side with the modern elements, standing rugged and strong, some parts of the old building are crumbling into dust.

In the first part of the present work the writer has attempted to present an outside view of this legal edifice. In parts 2 and 3 he has tried to classify its contents, and explain briefly their general character.

It is hoped that the book may be found not wholly unsuited for the purpose it is intended to accomplish.

W. D. S.

Ann Arbor, Mich., May 1, 1896.

EL. LAW

(v)*

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MANUAL OF ELEMENTARY LAW.

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LAW IN GENERAL.

1. The primary signification of the word "law" is "a rule laid down or established."

2. Laws may be broadly divided into :

(a) The laws of physical science,—that is, the laws which govern physical objects ;
and

(b) The laws of human action.

All material things, whether animate or inanimate, are said to be under the control of law. A governing impulse manifests itself in the movements and conditions of all natural objects,—of rocks and stones and other inorganic things as well as of the lower animals and man. All the rules to which these diverse things are subject bear a general resemblance to each other, bringing them within the most com-

prehensive meaning of the word "law," which has been stated above.

Those laws, however, which regulate the movements of nature, and which may be called the "laws of physical science," are different in their essential character from those which govern the acts of men. The former command objects which lack any power to shape intelligently their own course of conduct, while the latter have to do with men as beings endowed with reason and the ability to determine for themselves what they will do. In other words, the laws of physical science govern mere movement, which is characteristic of beings in whom will power is absent, while the other systems regulate action, which proceeds from an intelligent resolve.

A law of physical science, being addressed to objects which have no power to disobey, is in reality nothing more than an order in nature by which certain results follow certain causes. It is impressed upon matter in such a way that it must inevitably be observed. Thus, under the law of gravitation, if an apple becomes disengaged from the stem, it must fall to the ground, unless some other substance intervenes. There is no power in the apple to choose between that result and some other, but it must of necessity comply with the exact terms of the universal rule.

LAWS OF HUMAN ACTION—SANCTION.

3. The laws of human action include all systems of laws which are addressed to men as beings possessed of will power and discretion, and obedience to which is enforced by some form of sanction.

4. SANCTION—The term "sanction," in its relation to law, signifies the prospect of some evil which will follow disobedience to that law, or of some benefit to follow its observance.