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A Treatise on the Limitations of Police Power in the United States: Considered From Both a Civil and Criminal Standpoint (Classic Reprint)

Christopher G. Tiedeman

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Excerpt from A Treatise on the Limitations of Police Power in the United States: Considered From Both a Civil and Criminal Standpoint

In the days when popular government was unknown, and the maxim Quod principi placuit, legis habet vigorem, seemed to be the fundamental theory of all law, it would have been idle to speak of limitations upon the police power of government; for there were none, except those which are imposed by the finite character of all things natural. Absolutism existed in its most repulsive form. The king ruled by divine right, and obtaining his authority from above he acknowledged no natural rights in the individual. If it was his pleasure to give to his people a wide room for individual activity, the subject had no occasion for complaint. But he could not raise any effective opposition to the pleasure of the ruler, if he should see fit to impose numerous restrictions, all tending to oppress the weaker for the benefit of the stronger.

But the divine right of kings began to be questioned, and its hold on the public mind was gradually weakened, until, finally, it was repudiated altogether, and the opposite principle substituted, that all governmental power is derived from the people; and instead of the king being the vicegerent of God, and the people subjects of the king, the king and other officers of the government were the servants of the people, and the people became the real sovereign through the officials.

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