

LAW

General law

It is not every act, legislative in form, that is "law." "Law" is something more than mere will asserted as an act of power. It must be not a special rule for a particular person or a particular case, but, in the language of Mr. Webster, "the general law, a law which hears before it condemns, which proceeds upon inquiry, and renders judgment only after trial, so that every citizen shall hold his life, liberty, property, and immunities under the protection of the general rules which govern society," and thus excluding, as not due process of law, acts of attainder, bills of pains, and penalties, acts of confiscation, acts reversing judgments, and acts directly transferring one man's estate to another, legislative judgments and decrees, and other similar special, partial, and arbitrary exertions of power under the forms of legislation. Arbitrary power, enforcing its edicts to the injury of the persons and property of its subjects, is not law, whether manifested as the decree of a personal monarch or of an impersonal multitude. In re McNaught, 99 P. 241, 247, 1 Okl.Cr. 528, quoting with approval from *Hurtado v. People of State of California*, 4 S.Ct. 111, 110 U.S. 516, 28 L.Ed. 232.



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