

# Police Power:

Black's Law Dictionary; Fifth Edition, 1979 West Pub. Co.

<http://constitutionalgov.us/Blacks5th.htm>

**Police Power:** Authority conferred by the American constitutional system in the Tenth Amendment, U.S. Const., upon the individual states, and, in turn, delegated to local governments, through which they are enabled to establish a special department of police; adopt such laws and regulations as tend to prevent the commission of fraud and crime, and secure generally the comfort, safety, morals, health, and prosperity of its citizens by preserving the public order, preventing a conflict of rights in the common intercourse of the citizens, and insuring to each an uninterrupted enjoyment of all of the privileges conferred upon him or her by the general laws.

The power of the State to place restraints on the personal freedom and property rights of persons for the protection of the public safety, health, and morals; or the promotion of the public convenience and general prosperity.

The police power is subject to limitations of the federal and State Constitutions, and especially to the requirement of Due Process.

Police power is the exercise of the sovereign right of a government to promote order, safety, health, morals, and general welfare, within constitutional limits; and is an essential attribute of government.

**Jus non sacrum:** In Roman law, that portion of the jus publicum which regulated the duties of magistrates. Non-sacred law; that which dealt with the duties of civil magistrates, the preservation of public order, and the rights and duties of persons in their relation to the state. It was analogous to that which would now be called the police power.

**Jus Sacrum:** In Roman law; that portion of the public law which was concerned with matters relating to public worship, and including the regulation of sacrifices and the appointment of priests. There was a general division in jus publicum between jus sacrum and jus non sacrum.

**Jus publicum:** Public law, or the law relating to the constitution and functions of government and its officers and the administration of criminal justice. It implies a right in a sovereign or public capacity to be exercised for the interest or benefit of the state or the public, as distinguished from the exercise in a proprietary capacity of a right of the sovereign or a right possessed by an individual in common with the public. Sovereign's right of jurisdiction and dominion for governmental purposes over all lands and waters within its territorial limits.

**Jus privatum:** Private law; the law regulating the rights, conduct, and affairs of individuals, as distinguished from public law, which relates to the constitution and functions of government and the administration of criminal justice.