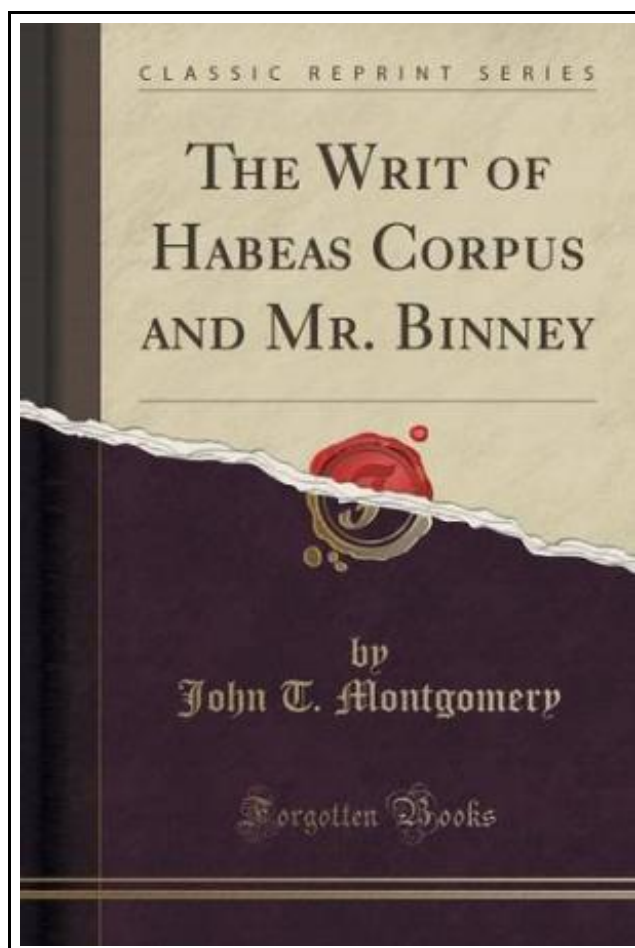


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Forgotten Books, United States, 2015. Paperback. Book Condition: New. 229 x 152 mm. Language: English . Brand New Book ***** Print on Demand *****.Excerpt from The Writ of Habeas Corpus and Mr. Binney The clause, as it now stands, and as it was submitted to the States, is not obscure. The eighth section of the Constitution is that which is enabling to Congress. It begins, The Congress shall have power - then follow the various powers without the repetition of the word Congress, except in the seventeenth clause, and in it only for the sake of sense. Such a repetition would have been as unnecessary as to prefix the enacting clause to each section of a Legislative act. The ninth section is disabling throughout. In its first sentence the branch of Government disabled is Congress, by name, and the word Congress occurs but once afterward, in the concluding paragraph of that section. As the eighth section is enabling, while the ninth is in restraint of the powers of Congress, so the tenth section expressly restrains the powers of the States. The word Congress is not in the Habeas Corpus restriction, and certainly it was easy to put it there, but it is as certain that the repetition of the word was dispensed with as unnecessary. To the men of that day, and to the members of the Convention, it was as impossible for the Executive to suspend a law as it was for that Officer to make one. Mr. Binney says, Considering the facility with which it (the word Congress) might have been introduced or retained, we may say it was struck out. This conclusion is too violent. While the prohibition was in another part of the instrument, the word Congress was necessary; but when it came to its...

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