

**AN INTRODUCTION TO THE STUDY  
OF THE CONSTITUTION; A STUDY  
SHOWING THE PLAY OF PHYSICAL  
AND SOCIAL FACTORS IN THE  
CREATION OF INSTITUTIONAL LAW**

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An introduction to the study of the Constitution; a study showing the play of physical and social factors in the creation of institutional law by Morris M. Cohn

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**MORRIS M. COHN**

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AN INTRODUCTION

TO THE

STUDY OF THE CONSTITUTION

*A Study showing the play of Physical and Social Factors  
in the Creation of Institutional Law*

By **MORRIS M. COHN**  
*Attorney-at-Law*

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## P R E F A C E .

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In submitting the following work to the public a few words of explanation may not be out of place. It was written for the purpose of bringing before the student and reader of our American constitutional system a mass of information which at present lies scattered among the productions of many different writers, inquirers and thinkers. While it is not as serviceable a work to the active legal practitioner as so-called practical books may be, yet I believe it may lay claim to being of some use.

The scope of the present work embraces the presentation of what may tend to produce a better understanding of all that is implied in the existence of the Government of the United States of North America. It aims to trace the play of physical and social factors in the production of law in general, including constitutional law. A preliminary chapter indicates the faulty definitions of law which have been prevalent; under no one of which constitutional law can be fairly embraced. The play of physical and social factors as regards inorganic and organic conditions (as exemplified in the individual and in the aggregations of human beings, and as illustrated in the law of property, domestic relations, including the laws of succession, the law of obligations, the law of procedure and constitutional law, and in the formation of the Constitution of the United States), forms the burden of this work.

The reflections thus given are the outcome of years of close study and thought. The belief early formed in my legal

studies, that the Constitution of the United States was one out of many, and could have no existence save in connection with well settled and somewhat diversely governed communities which preceded it, has grown into an unalterable conviction. Repeated expressions of federal tribunals bear it out.<sup>1</sup>

In this connection I desire to extend my sincerest thanks to Dr. Herbert B. Adams, of Johns Hopkins University, for valuable suggestions relating to this work, for kind words of encouragement, and other services.

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<sup>1</sup> *Texas v. White*, 7 Wall., p. 700.



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