

*With the compliments
of the author*

THE AMERICAN BAR ASSOCIATION.

THE ADDRESS OF THE PRESIDENT,

JOHN W. STEVENSON,
Of Covington, Ky.

At the Eighth Annual Meeting.

AT

SARATOGA SPRINGS, NEW YORK,

On AUGUST 19th, 1885.

[REPRINTED FROM THE TRANSACTIONS OF THE ASSOCIATION.]

PHILADELPHIA :
THOS. S. DANDO & Co., 307 WALNUT STREET.
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ADDRESS
OF
JOHN W. STEVENSON,
PRESIDENT OF THE ASSOCIATION.

This fresh and beautiful morning inaugurates the Eighth Annual Reunion of the American Bar Association.

Its members—old and young—come to-day from distant and diverse sections of the American republic, as brethren of a common profession, to consult and take counsel how they can best advance the science of enlightened jurisprudence; promote the administration of justice; establish uniformity of legislation in the states; preserve judicial purity and independence; expand professional erudition; uphold the honor of the American Bar; and encourage cordial intercourse among the members of our brotherhood abroad and at home.

I rejoice to welcome you, one and all, to this present re-assembling of yourselves together!

There is joy in your coming! I give you thanks for the interest which your very presence here evinces. Every heart is glad, every face seems bright upon another occurrence of this professional communion! I bid you thrice welcome!

The eighth article of the Constitution of our Association prescribes the topic of my address. It ordains that your President shall communicate the noteworthy changes in the statute law on points of general interest made by the several states and by Congress during the past year. Besides the American Congress, we have thirty-eight states and six organized territories. With but few exceptions all these state and territorial legislatures meet annually in regular or adjourned session.

But five states have failed during the past year to hold sessions, while two have prolonged their sessions to so late a period as to forbid a notice of their enactments in time for this meeting of the Association.

An examination of so many volumes of sessions acts imposes of itself some labor; but this requisition upon your President is greatly increased when he is required to report all noteworthy changes on important points in the statute law of each state. Yet the generous and forbearing partiality which imposed upon me this trust, will, I am sure, pardon its unsatisfactory and imperfect performance.

Increasing legislation in the states seems rapidly to be becoming one of the evils of the hour.

In the earlier, if not in the better days of our country, such seemed not to have been the case. Our wise and enlightened statesmen at that time seemed to fear "that power was stealing from the many to the few," and that the people were in danger of being governed too much. Our leaders seemed then to deplore inconsiderate as well as overmuch legislation.

But now, the law-making power seems to have become one of "unrest, activity and change;" it is invoked as the unfailing panacea for every grievance of the body politic, public and private, real or imaginary; the embryo, progressive statesman, seems now to persuade himself that it is *unsafe* and *perilous* to allow *anything* to remain stable and determined, which legislative assemblies, fresh from the people, can reach, modify, and reform.

The system of biennial sessions, received with so much popular favor at first, as a promised and effective check upon unnecessary and slipshod legislation has not, it is believed, accomplished its result.

Perhaps the reason is, that the system has not been fairly tried or faithfully carried out. The execution of this constitutional biennial limitation has been, so far, confined exclusively to the legislature itself. Consequently, it seems that in utter disregard of the constitution, state legislatures meet in regular session upon the day fixed by law, and after much time

spent in the important business of changing names, granting divorces, the removal of county seats, the remission of fines for minor penalties, the alteration of county roads, and the amendment of road laws, the legislature becomes unexpectedly impressed with the idea that very grave and important affairs of the state have been wholly neglected, and that an adjourned session to the following year has become absolutely necessary. Of course an adjournment takes place, and the resolves and enactments of the next session become more interesting and important than those of the preceding year.

Lawyers everywhere feel the necessity of a prompt and thorough reform of modern state legislation. A paper of great ability was read by Mr. Simon Sterne, of New York, at our last meeting on "The Prevention of Defective and Slipshod Legislation," for which this Association owes him their gratitude. Its strong, clear, and vigorous suggestions have attracted the legal profession everywhere, in and out of this Association, to its importance, and whether all who heard that address agreed or not entirely in its suggestions, I am sure that the profession everywhere concur in the need of a total change in the character of our present state legislation.

"Who better qualified than the members of the American Bar Association," says Mr. Sterne, "to draw attention to the evils of prevailing legislative methods, to judge of the efficacy of, and if persuaded of its feasibility, to promote, the remedy?"

Permit me now before proceeding with what I have to say, to tender my acknowledgment to my brethren of the General Council who have been so thoughtful as to send me abstracts of the noteworthy changes in the statute law of their respective states; and I am deeply grateful to our worthy and valued Secretary (Mr. Hinkley), and to our honored Treasurer (Mr. Rawle), for their kindness in having forwarded to me the session laws of more than twenty-five states. Their invaluable aid has enabled me to digest and classify, even imperfectly as I have attempted to do it, the dry material of these legislative enactments upon so great a variety of subjects.

In despite of the voluminous mass of legislation of the present and past years there has been little of general noteworthy interest to the profession. It consists for the most part in amendments neither important or novel. Recurring first to a few acts of Congress, I will proceed to take up the states in their alphabetical order.

FEDERAL LEGISLATION.

Congress passed several acts at its last session which are worthy of notice :

One, to prevent the unlawful occupancy of the public lands ; all inclosures heretofore placed thereon are to be removed, and all false or fictitious, illegal, claims of persons or corporations are to be investigated by the District Attorney where such disputed land lies.

Another, in the interest of an enlightened and an enlarged humanity looks to the better protection, care, and preservation of exposed and orphan children in the District of Columbia. The Washington Humane Society is intrusted with the execution of the act, and the courts in the District of Columbia having jurisdiction, and the police commissioners, are placed at the disposal of the society and under its control, in the effective execution of the said act.

No child under fourteen can be abused, abandoned, or beaten, or become subject to exposure in any mode ; nor can such child be so disposed of with a view of its being employed as an acrobat, a gymnast, or a contortionist, or a circus rider, a rope walker, a beggar, mendicant, or a street singer, etc.

Another enactment, of novelty and importance, forbids, under heavy penalties, the importation, emigration, and employment of foreigners and aliens under an agreement or contract abroad to perform labor in the United States. All such contracts—express or implied—for the performance of such labor by foreigners or aliens in the United States are

declared null and void. It is likewise a misdemeanor in the master of a vessel to bring or land within the United States, from any foreign port, such alien, foreign laborer, mechanic, artisan, who had entered into a contract or agreement, prior to sailing, to perform labor in the United States, punishable by fine or imprisonment, or both.

For every violation of the first section of this act, the person, partnership, company, or corporation, violating the same shall forfeit and pay for every such offence the sum of one thousand dollars, which may be recovered in the Circuit Court of the United States, etc.

The act does not apply, however, to the employment of skilled workmen in foreign countries, to perform labor in the United States upon any new industry not at present established here, nor to foreign professional actors, artist, lecturers, or singers, nor to persons employed strictly as personal or domestic servants.

Another important act of interest to many of the people of the United States provides for the ascertainment of claims of American citizens FOR SPOILATIONS COMMITTED BY THE FRENCH PRIOR TO THE THIRTY-FIRST DAY OF JULY, EIGHTEEN HUNDRED AND ONE.

It authorizes the Court of Claims to take jurisdiction of all petitions filed by French spoliation claimants in that court within two years from the passage of the act; to investigate, hear, and determine the validity and ownership of the claims filed; and to report its finding of law and fact to Congress on the first Monday of December of each year. While this act does not provide for the absolute payment of all the claims reported upon favorably by the court, yet it is an official recognition by the Government of a debt due by the United States to many of its patriotic citizens for more than eighty years. They became creditors of their country at their country's request. They have knocked at the door of Congress for almost a century for recognition—but in vain. These original claimants have, for the most part, passed away!

But Congress seems at last aroused to the appeal of their children and grandchildren! Justice is often slow, but sometimes sure. In directing a judicial investigation of these claims, no one can doubt that such as are found valid will be promptly paid. Republics, it is believed, are not unjust or ungrateful!

Congress likewise provides, that no appeal or writ of error shall hereafter be allowed from any judgment or decree in any suit at law, or in equity, in the Supreme Court of the District of Columbia, or in the court of any of the territories of the United States, unless the matter in dispute, exclusive of costs, shall exceed the sum of five thousand dollars, save that this provision shall not apply to any case where the validity of any patent, or copyright, treaty or statute, or of an authority exercised under the United States, is brought in question.

So also, Section thirty-six hundred and forty-six of the Revised Statutes of the United States has been so amended as to read as follows:

Whenever any original check is lost, stolen, or destroyed, disbursing officers and agents of the United States are authorized, after the expiration of six months, and within three years from the date of such check, to issue a duplicate check; and the Treasurer, assistant treasurers, and designated depositaries of the United States are directed to pay such duplicate checks, upon notice and proof of the loss of the original checks, under such regulations in regard to their issue and payment, and upon the execution of such bonds, with sureties, to indemnify the United States, as the Secretary of the Treasury shall prescribe. This section shall not apply to any check exceeding in amount the sum of \$2500.

Congress has wisely created a retired list for common soldiers or non-commissioned officers of the United States army, or marine corps. The act provides, that after a service of thirty years, such soldier or non-commissioned officer shall, on application to the President, be placed on the retired list with the rank held by him at the date of his retirement, with seventy-five

per centum of the pay and allowances of the rank upon which he was retired.

This is new legislation—hitherto unknown—to the rank and file of the army. It seems nevertheless eminently just and proper—alike beneficial to the service—not less than a wholesome incentive to personal military exertion.

One other brief act deserves commendation. It is full of sad memories to the entire country just now. It reads:

Be it enacted by the Senate and House of Representatives of the United State of America in Congress assembled, That the President of the United States be, and he hereby is, authorized, by and with the advice and consent of the Senate, to appoint on the retired list of the Army of the United States, from among those who have been Generals commanding the armies of the United States, or Generals-in-Chief of said Army, one person, with the full rank and pay of such General, or General-in-Chief, as the case may be; and the total number now allowed by law to compose said retired list shall be, on such appointment, increased accordingly.

The act was passed on the 3d March last, amid the expiring hours of that Congress. It immediately received the approval of President Arthur; and upon the same day the illustrious man for whom and on whom the people of the United States, and Congress alike, had resolved to create and confer this great distinction, was commissioned as a General of the United States upon the retired list, with full rank and pay!

It was meet and becoming—very meet and very becoming—that a government whose unity he had saved in war, and whose public affairs he had subsequently administered in peace, should tender to him this tribute of the nation's gratitude, the nation's love, and the nation's thanks! But, alas! how empty and unavailing! Upon the 23d July, almost within sight of the spot where we are assembled, all that was mortal of Ulysses S. Grant passed away amid the sorrow and tears of the Old World and the New. But this is not the time or place to speak at length of that dead hero. That will be done hereafter in all climes and in all tongues.

ALABAMA.

The law regulating the liability of employes for injuries received by the neglect of fellow employes has occasioned much discussion in the American courts. This has been especially true in case of employes of railroad companies.

The English rule, as established by Lord Abinger in *Priestly vs. Foster*, 3 Mees. & W. 1, followed by Chief Justice Shaw in *Farwell vs. Boston and Worcester Railroad Company*, 4 Met. (Mass.), 49, and by other American cases, that the duty of the employer is discharged when he uses ordinary care to secure competent men in all branches of his business, and that having done that he is not responsible for any injury sustained by one employe through the neglect of another, however gross, and that the relation of, or subordination among, co-employes does not in any manner affect the rule, has been of late greatly infringed upon, if not entirely denied, by some of the American state courts. Ohio, Kentucky, and Wisconsin, with others, seemed rather inclined to follow the civil law in that respect. In *Louisville & Nashville Railroad Company vs. Collins* (2 Duvall, 114), decided in 1865. Judge Robertson held that where the injured employe is subordinate and inferior in authority to him by whose negligence he was injured, the reason of the English rule ceases, and the employer becomes liable. In a recent case of the *Chicago, Milwaukee & St. Paul Railroad Company vs. Ross* (112 U. S. 377), the Supreme Court of the United States held, in an elaborate opinion delivered by Mr. Justice Field, that where the injury is sustained by the neglect of a superior whose act may be considered the act of the company, the company is liable.

Alabama, which for many years by her Supreme Court adhered (as I am informed), to the English rule, has by a recent act of her legislature adopted the rule of the civil law, making the employer liable to his servant for the culpable neglect of his fellow servant.

The act is a cautious and well-guarded one, and while

effecting a change, has guarded the employer by some excellent exceptions. Thus, when the neglect of a fellow servant is known to the employe, or when a defect in the machinery, ways or other appliances, is known to him, and he fails to report it to a superior for an unreasonable time, he can not recover if he sustains an injury by such a defect, or such a neglect of a fellow servant.

Another act declares that the payment of a mortgage debt in Alabama, before or after the law day, reinvests the title in the mortgager without further conveyance.

A further act, authorizes the joinder of counts in trespass and case in the same action. This effort was clearly intended (writes a distinguished but facetious brother lawyer from Alabama), to dispense with too accurate a knowledge of pleading in young, inexperienced Alabama barristers, who were extremely solicitous to open books and to get to work speedily.

By a former act of this state, defendants in criminal cases were allowed to make unsworn statements on their own behalf as in military courts. Under a construction of that act it was held, that the prisoner was not, in strict legal parlance, a witness, and could not consequently be subjected to cross-examination, but might state as much or as little of the facts of the case as he thought proper.

This ruling led to a recent repeal of that statute. In lieu thereof, the legislature provided, that prisoners might make themselves witnesses in their own behalf, if they thought proper to do so, but if they did testify they became subject to cross-examination. It was further provided, that the failure of such prisoner to testify should not be commented upon or be used to the prejudice of the prisoner.

The Alabama State Bar Association are authorized and clothed with power in its own name to institute and prosecute in any court having jurisdiction, proceedings against any practicing attorney in Alabama against whom complaint may be made of having been guilty of malpractice, or any act, or omissions for which attorneys may be disbarred.

A further act provides, that on appeals or writs of error in criminal cases, the judgment in the primary court shall not be reversed because of any defect of the oath of any grand or petit jury, unless the record discloses that objection was made in the court below during the progress of the trial; provided, that the rule shall not apply when it affirmatively appears that the accused did not have the benefit of counsel on his trial.

Another provides, that either party may require the examination of any or all witnesses to be taken orally before an examiner to be appointed by the court, instead of by deposition or interrogatories; a most excellent safeguard against perjury, and yet greatly tending to diminish the costs, usually so burdensome in chancery causes.

ARKANSAS.

Very few acts of general importance were enacted by the legislature of Arkansas at its recent session. Two or three should be noticed. One declares that railroad companies shall become subject to a penalty, to be recovered by the party aggrieved, for charging and endeavoring to collect a greater sum than is specified in the bill of lading, for the transportation of merchandise or freight of any kind, or for a failure by said company to deliver the thing so transported to the consignee, or his agent, upon a tender of the sum mentioned in the bill of lading.

Another provides that defendants in all criminal proceedings in the state are allowed, upon their own request, to testify in their own behalf, but their failure to do so shall not be commented upon, nor be allowed to create any presumption whatever against them.

An act of doubtful validity, it would seem, declares it to be a misdemeanor, punishable with fine and imprisonment, for any person not a citizen of Arkansas to herd, graze, or permit any stock whatever to run out in the state of Arkansas.

An act to forfeit railroad charters provides that all charters

of railroad companies in Arkansas that have not built or constructed their roads, and which are not now in course of construction, are thereby forfeited, and all rights and privileges, of whatever kind, thereunder shall be null and void, unless the railroad companies shall within eighteen months from the passage of the act, actually build, construct and iron at least five miles of said road for which they have a charter; provided, that the act shall not apply to any railroad company or companies that have obtained charters from the state since the first day of January, eighteen hundred and eighty-three. Such last mentioned charters declared exempt from the operation of said act, shall, however, incur its penalties, unless the companies shall build, construct, iron and fully equip at least five miles of the road for which they have chartered within eighteen months after the obtension of the same.

An enactment authorizes telegraph and telephone companies to construct their lines within the state of Arkansas; provided, that the ordinary use of a public highway, street, public works, railroads, turnpikes, bridges, and the navigation of the water-courses, are not impeded thereby; and, provided, that all contracts for the exclusive use of property in Arkansas by any such company or corporation are declared to be invalid.

CALIFORNIA.

The legislature of California convened in regular session in February, 1885.

It passed one hundred and sixty-nine acts, and twenty-one joint and concurrent resolutions.

Few seem to be of general importance.

One, in the interest of horticulture, seeks to prevent the spreading of fruit and fruit tree pests and diseases, and to provide for their extirpation.

Another enactment is for the protection of fish and game.

One, as novel as important, provides for the appointment by the Supreme Court of three persons of legal learning and

personal worth, to be known as Commissioners of the Supreme Court, and to appoint a secretary therefor, to relieve the court from the overburdened condition of its calendar, and to provide for the compensation of the Commissioners and secretary.

The Commissioners hold their offices for four years, subject to removal by the Supreme Court, at their pleasure, by an order entered upon the minutes of the court. It becomes the duty of the Commissioners under such rules as the Supreme Court may adopt, to aid and assist the court in the performance of its duties, and in the disposition of the numerous causes pending in that court now undetermined. The Commissioners receive a salary equal to the salary of a judge of the Supreme Court, payable at the same time and in the same manner.

Another act provides that any person may record any trade-mark or name, by filing with the Secretary of State his claim to the same, and a copy or description of the trade-mark or name, with his affidavit attached, that he is the exclusive owner of the said trade-mark. Any person who has first adopted or used a trade-mark or name within or beyond the limits of the state is its original owner. Such ownership may be transferred as personal property, and is entitled to the same protection by suit at law and in courts of equity. It is a misdemeanor to forge or counterfeit any trade-mark, with intent pass to off any goods to which such forged or counterfeited trade-mark is fixed as the goods of such person.

An act for the taking and authentication of testimony on examinations in criminal cases is an advanced step in the administration of criminal jurisprudence.

The California legislature continues its crusade against the Chinese by a joint resolution invoking Congress to further legislation restricting Chinese emigration, and that the same may be faithfully enforced, and that state judges be relieved of the burden of hearing Chinese *habeas corpus* cases.

Another joint resolution sets out,

Whereas, many articles of human consumption imported into the United States are so adulterated by injurious ingredients,

deleterious to health and dangerous to life, and to the detriment of the production and manufactories of the United States.

Therefore Resolved, That Congress, now in session, be requested so to amend the revenue laws as to require every article imported, whether dutiable or free, intended for human consumption, to contain a true label of its contents, subject to confiscation by default.

COLORADO.

Several acts of importance and interest mark the legislation of Colorado during the past year. One provides that if any banker or bank officer, employe of any banker, etc., shall receive or assent to the receiving of any deposit, or shall create or assent to the creation of any debts or indebtedness by any banker or banking institution, with knowledge of the insolvency of said banker or banking institution, he shall be deemed guilty of larceny. And the failure of any such banker or banking institution, within thirty days after the reception of such deposit or the creation of such indebtedness, shall be, *prima facie* evidence of such knowledge.

By another, every officer, agent, or employe of a bank or banking institution, organized and doing business under the laws of Colorado, who receives and assents to the reception of deposits, or creates or assents to the creation of any indebtedness by such bank or banking institution, after having knowledge that it is insolvent, shall be individually responsible for such deposits so received, and such indebtedness so created; and the fact that the banking or banking institution was insolvent or in failing circumstances when the deposit was made, or said indebtedness was created, shall be *prima facie* evidence of such fact and assent on the part of such officer or employe.

An act for the preservation of the health of females employed in manufacturing, mechanical, and mercantile establishments, provides that every person, corporation, or company, employing females in their establishment in Colorado, shall provide

suitable seats for the females so employed, and shall so permit the use of the seats by them, when they are not necessarily engaged in the active duties for which they are employed.

Seduction in Colorado, under promise of marriage, of an unmarried female, of previous chaste character, or the seduction without such promise, of an unmarried female of previous chaste character, under the age of sixteen years, is made a felony. But no conviction shall be had on the testimony of the seduced female alone, or after two years from the commission of the offense. Marriage of the parties before judgment is made a bar to further prosecution.

The enticing of an unmarried female of previous chaste reputation under the age of twenty to a dance house, a tippling house, or to any place of low resort, shall be deemed a misdemeanor, punishable by fine and imprisonment, or both.

The giving in payment of a debt, draft, or check, with fraudulent intent, upon any bank, whether the same be organized under state laws, or laws of the United States, in which the person giving the same shall not have sufficient funds for the payment thereof, is made a misdemeanor, punishable by fine and imprisonment, or both.

Telegraphs, telephones, or electric light companies may, upon their failure to obtain the same by contract, obtain a right of way on the lands, privileges and easements of others, by the exercise through the legislature of the right of eminent domain.

All discriminations by railroad companies in charges for carriage of freight or passengers; all concessions, drawbacks, or contracts for special rates, are absolutely prohibited, but the same shall be open to all persons and corporations alike.

CONNECTICUT.

A bureau of labor statistics is created by the legislature of this state, controlled by a commissioner to be appointed by the Governor. The commissioner shall collect information

upon the subject of labor, its relation to capital, the proper homes for laborers, the earnings of laboring men and women, and the best means of promoting their material, social, and intellectual prospects. The commissioner shall each year report to the Governor all the details relating to the business of his department, and the report shall be printed for the use of the General Assembly.

Whenever, upon the trial of any civil action, evidence offered is objected to as inadmissible, the court on trying such action shall not admit such evidence subject to the objection, unless both parties agree that it be so admitted; but, if either party shall request a decision, it shall be the duty of such court to pass upon such objection and admit or reject the testimony.

In trials of all causes, civil or criminal, in the Superior Court, counsel shall not be compelled to stand while conducting the examination or cross-examination of a witness.

Bounties payable out of the State Treasury of Connecticut are by law given to every person planting, protecting, and cultivating elm, maple, tulip, ash, boxwood, oak, black walnut, hickory, apple, pear, or cherry trees, not more than sixty feet apart, for three years, along any public highway.

Any person who unlawfully neglects or refuses to support his wife or children, shall, unless he can show to the court that owing to physical incapacity or other good cause, he is unable to furnish such support, be committed to the work-house or county jail, and sentenced to hard labor for not more than sixty days; but the court before which such conviction is had, may in lieu of the penalty, accept a bond with good security, conditioned for the support of the wife, child, or children, for six months from and after the date of such conviction.

An act concerning agricultural fairs forbids the sale of spirituous liquors, or any species of gambling, on the ground of any incorporated agricultural society during a fair. A compliance with this act is a condition precedent to the reception of the state appropriation to said society.

An act relating to charitable uses, provides, that all estates

that have been, or shall be granted for the preservation, care, and maintenance of any cemetery lot, or monument thereon, shall forever remain to the uses to which they shall have been, or may thereafter be granted, according to the true intent of the grant, and to no other use whatever.

An act to prevent discrimination in freight rates provides that freight charges by railroad companies for shorter distances shall not exceed the same rate for longer distances under similar circumstances. A penalty of two hundred dollars is imposed for a violation of this act, recoverable by the party aggrieved in an action for his own use, or to the use of the state by the attorney of the Commonwealth, in addition to the damages otherwise sustained by the violation of said act.

DELAWARE.

The legislature of Delaware met on the 6th of January, 1885, in general session and passed two hundred and thirty-three general and local acts, and fifty-one joint resolutions.

Most of this legislation consisted of amendments to former local enactments. One to prevent the spread of contagious or other infectious diseases, pleuro-pneumonia, etc., among the cattle of Delaware, authorizes the Governor to issue his proclamation of the existence of said disease in the state; warning all persons to seclude all animals in their possession afflicted with the disease, and place the farm, on which such disease exists under quarantine; to prevent the removal of all infected animals within the state, and to prevent the entry of any such therein. Regulations shall be adopted for the inspection and examination, and destructions of animals affected with such disease, provided no animal shall be destroyed unless first examined by a medical or veterinary practitioner in the employ of the Governor, or the United States Commissioner of Agriculture.

In case of the destruction of diseased animals, the Governor shall appoint three judicious and impartial persons of the state

to view and assess the real value of such cattle in money when so affected, provided that such valuation shall not exceed the sum of fifty dollars per head. When cattle have been destroyed as thereinbefore provided, upon a certificate of such assessment of value, signed and attested by said assessors or a majority, and approved by the Governor, the State Treasurer is authorized, upon the presentation by the owner of such certificate, to pay such owner two-thirds of the aggregate assessment upon said cattle so destroyed.

The legislature of Delaware at its last session granted thirty-two divorces. That fact would seem to be somewhat persuasive that the marital relations in that gallant, revolutionary, little state were not just now altogether as congenial and harmonious as formerly.

FLORIDA.

An important act, entitled an act to dissolve municipal corporations under circumstances set out therein, and to provide provisional governments for the same, declares, that whenever any city or town in Florida, incorporated under the act of 1869, becomes indebted to the amount of two hundred thousand dollars and defaults in the payment of interest thereon, then the charter of such city or town is thereby repealed, and the corporation thereof dissolved.

Immediately upon the passage of this act the Governor shall issue his proclamation of such fact, and transmit the same with a certified copy of this act, to the Mayor of each and every incorporated city and town in Florida, and immediately after the expiration of fifteen days from the date of the issuance of such proclamation, it shall be the duty of the Governor to ascertain and declare by proclamation what corporations come within the law, and the proclamation is made conclusive evidence of the required facts. The dissolved corporations are declared provisional municipalities, to be governed by a board of seven commissioners to be appointed by the Governor, who

shall govern the same in accordance with laws and ordinances theretofore existing until repealed. It is made the duty of the commissioners immediately to levy a sufficient tax, in addition to other necessary taxes now required by law, to pay off the matured coupons of the bonds of such city and other matured indebtedness; provided, however, that no claim against such city in existence at the time of the approval of this act shall be paid until reduced to judgment, unless the board is satisfied of the justice and legality of the same. The commissioners must likewise levy a special annual tax to meet the accruing annual interest on the bonds of such city.

Another act, to prevent excessive rates of tariff over any telegraph cable company in the State of Florida, provides, that after the passage of the enactment no telegraph cable company, and no company transmitting telegraphic messages in Florida shall charge and collect more than four cents per word for the first ten words, exclusive of the date, address, and signature, of any message transmitted over any ocean or cable telegraph line a distance of one hundred miles; two cents per word for every additional word within the state of Florida. Proportionate rates are provided for any greater or less number of miles that any message is transmitted. Not more than two cents per word for the first ten words for any message over any land telegraph line within the state for the first hundred miles; one cent per word for every additional word of any message for the same number of miles in the state of Florida. Proportionate rates for any greater or less number of miles that any message is transmitted. A violation of any of the provisions of this act is declared a misdemeanor, punished by fine or imprisonment, or both.

An act allows parties to testify in cases of divorce or alimony but no judgment or decree shall be granted in any such case upon the testimony of the husband and wife alone.

An act to make service of process upon railroad and other corporations and companies therein mentioned, provides, that in any action in law or equity in Florida against any railroad

or other corporation, telegraph company, etc., operating in said state; of process upon any business agent of such corporation or company in the county in which the action may arise, shall be sufficient service for any court having jurisdiction to entertain the same.

GEORGIA.

The legislature of Georgia met in December, 1884, and held its regular constitutional session of forty days, and then by the requisite vote adjourned to July, 1885. I have not been favored with a copy of its last session's acts, but I am informed by my brother on the General Council from Georgia, that they contained no noteworthy changes in the statute law on points of general interest, and nothing worthy of reference to the American Bar Association. It might, however, be just to cite the commendable spirit and strong desire which Georgia has evinced in her late legislation to repress and extirpate many of the popular and growing vices of the day by taxation. The license tax for selling vinous and spirituous liquors is largely increased. The tax upon all dealers in pistols, toy-pistols, revolvers, dirks, and bowie knives, is increased one hundred dollars for each and every place of business in each and every county where the same are sold. Each individual, firm, their agents, or employes engaged in the business of selling or buying farm products for future delivery, familiarly known as "futures," are required to pay a tax of five hundred dollars each per annum to the tax collector of every county where such business is carried on.

ILLINOIS.

The legislature of Illinois met in regular session and passed several enactments of importance. The provision in the criminal code defining the crime of burglary, and fixing its punishment in the penitentiary from one to twenty years, was amended in one or two important points. The amendment provides that if the entry is made in the dwelling-house

with intent to commit certain enumerated crimes, the punishment shall not be less than five years, and if at the time of committing the offense, the offender shall be found with any deadly weapon, drug, or anæsthetic upon his person, or in his possession, he shall upon conviction, be punished in the penitentiary for any term of years—not less than five. This, it will be perceived, may practically include a sentence for life.

Another amendment of the criminal code seems of still more importance as tending to dispense with the frequent and growing delays in the trial of criminals, and thereby often defeating the prompt punishment of crime. It provides, that when an affidavit is made for a continuance on the ground of the absence of a material witness, the opposite side, shall not, in order to prevent a continuance, be compelled to admit the absolute truth of the matter set up in the affidavit for the continuance, but only that such absent witness, if present, would testify as alleged in the affidavit; and if so admitted, no continuance shall be granted, but the case shall go to trial, and the party admitting the same shall be permitted to controvert the statement contained in such affidavit by other evidence, or to impeach such absent witness to the same extent as if he were personally present: *Provided*, that the court may, in its discretion, require the opposite party to admit the truth of the matter alleged in the affidavit absolutely, when from the nature of the case, he may be of opinion the ends of justice require it; and that the act shall not apply to continuances applied for at the same term at which the indictment is found or the indictment filed.

The act in regard to the “appellate courts,” which, in Illinois, are the intermediate courts between the Supreme Court and the Circuit Courts, has been amended, so that all opinions or decisions of said court upon the final hearing of any cause shall be reduced to writing by the court, briefly giving therein the reason for such opinion or decision. But such opinion is not of binding authority in any case, except the one in which it is filed.

Prior to this amendment the appellate court gave no opinions in cases of affirmance, and only made public their reasons for their reversal of the decision of the court below. It may be stated in this connection, as the opinion of the Illinois Bar, that the establishment of the appellate courts has admirably accomplished its object in relieving the hitherto overcrowded dockets of the Supreme Court.

It is confidently believed by some of our best and most distinguished men that legislative requirements upon state courts of last resort to write and report their opinions and decisions in every case, as is now done in the Supreme Court of the United States, would prove a wonderful stimulant to able, accurate, and correct judgments.

Important changes have been made in the election laws, with the view of additional safeguards around the purity and safety of the ballot and ballot-box.

One act, general in its operation through the state, provides for small election precincts, not to contain more than four hundred voters; for convenient, reputable, and public polling places, and the appointment by the judges of the election and the clerks from different opposing political parties.

Another act seeks to regulate the primary elections held by the political parties. The committee of any political party calling a primary election can take advantage of this salutary law by passing a resolution that the primary shall be conducted under its provisions. The most elaborate act however in relation to the subject of elections by the last legislature of Illinois, is one that seeks especially to check the prevalent increasing and unblushing corruption in the conducting of the elections in our large cities. The provision of this enactment will only be operative in those cities which voluntarily adopt it by vote. In such case, it is uncertain whether it will be ever carried into practical effect, and therefore it becomes unnecessary to give a synopsis of its elaborate and complicated details.

INDIANA.

An act concerning the ownership and alienation of real estate by aliens, provides, that all aliens residing in the State of Indiana, who shall have declared their intention to become citizens of the United States, conformably to the laws thereof, may acquire and hold real estate in like manner as citizens of that state.

Aliens can not take or hold land except by devise or grant. They may convey the same at any time within five years thereafter and no longer; and all land so left and remaining unconveyed at the end of five years shall escheat to the state.

Telegraph and telephone companies are prohibited from discriminating between patrons, under heavy penalties—provided, that arrangements may be made with publishers of newspapers for transmission of intelligence of general and public interest, and that communication for and from officers of justice shall take precedence of all others.

An act to prohibit the importation and migration of aliens, foreigners, and others, under contract or agreement to perform labor within the state of Indiana, declares, that from and after the passage of the act all contracts or agreements, express or implied, between any person, company; or corporation, and any foreigners or alien to perform labor or service in Indiana prior to their immigration to the United States, shall be utterly null and void, and the violation of any of the provisions of this act are made a misdemeanor. This enactment is in exact accordance with a similar one of Congress on the same subject already cited.

This legislation is somewhat novel in the United States. It is supposed to have originated in an effort to suppress the recent extraordinary strikes by foreign laborers in large mining and manufacturing establishments in Ohio and other western states. Some of these recent, fearfully destructive, popular outbreaks and strikes originated and were led, as was stated by the public press, by foreign labor, which, a few years ago,

was employed abroad at decreased wages and brought here to take the place of American labor then upon a revolt because of a reduction of their wages. This foreign labor, at that time content to receive lower wages, supplied the places of the American laborers, who were then on a strike; but a few years after the foreign labor itself demanded higher wages, and being refused, a most destructive strike followed, resulting in immense loss of property, if not of human life.

No conflict should ever occur between capital and labor at this advanced age of the world. Negotiation has supplanted physical conflict. The interest of both requires amity and peace. Let there be no discord between dependent interests. Let neither capital nor labor ever become unjust, oppressive, suspicious, or hard to each other. The only divinity which was ever clothed in Humanity in this world, was the embodiment of love. He was our exemplar and elder brother. He said: "The laborer is worthy of his hire;" and that the master must be just, as well as honest, to his servants. "Do unto one another, what ye would at all times, have done unto you"—then labor and capital will have no more strikes, no more collisions.

A stringent law was enacted on the subject of bribery in any manner or form at elections. It prescribes disfranchisement for not less than eight years as the minimum punishment on conviction, and provides for the posting of a copy of the law at every election precinct upon every general election.

Laws were passed providing for the erection of asylums for pauper children by the county authorities; for the education of poor children at public expense; the prohibiting of the employment of children under twelve in any factory for the manufacture of tobacco, or iron in any form, and prohibiting the working of children under twelve for more than eight hours a day in any factory. A legal friend from Indiana suggests that the fish, dog, sheep, and *bird* law received their biennial indorsement. In the latter, a nice point of international comity was suggested, by the withdrawal of all statutory protection from the "English sparrow."

The law of weights and measures was revised and numerous additions made to the schedule. Among these is pop-corn, which is fixed at seventy pounds to the bushel; the weight of the non-explosive varieties remain at fifty-six.

IOWA.

My honored brother from the General Council for Iowa writes :

“DES MOINES, 6, 15, 1885.

“I am happy to say that fortunately our Assembly has not met since the winter of 1883-4, and hence there is nothing to report.”

KENTUCKY.

The legislature of this old Commonwealth, tired out by a long and exhaustive session of many months in 1884, and perhaps not entirely persuaded of the wisdom, or general utility of much of their, then legislation, has held no session since.

KANSAS.

By a recent enactment of the legislature of Kansas, seduction of a female under twenty-one years of age, and of good reputation, under the promise of marriage, is made a felony, punishable, upon conviction, by confinement at hard labor in the penitentiary for a term not exceeding five years: *Provided*, that the testimony of the woman alone shall not be sufficient evidence of a promise to marry.

An act creating a board of pardons, defining their duties, and fixing their compensation, provides that the Governor of Kansas shall, by and with the advice of the Senate, appoint three persons to constitute said board, one of whom shall be a lawyer. The board is required to meet four times a year, at the state Capitol, to consider the advisability of pardoning or commuting the sentence of any convict confined in the

penitentiary, referred to them by the Governor, the warden, or physician. To this board all application for pardon shall be referred. The members of the board are sworn before entering upon the duties of their office, and can recommend the pardon of any convict without petition. They hold their office at the pleasure of the Governor.

LOUISIANA.

I am informed by my honored friend of the General Council from Louisiana, that no session of the legislature of that state has been held during the past year.

MAINE.

A session of the Legislature of Maine was held during the past year, but my brother from Maine on the General Council writes :

“I am happy to say, that for once the legislature of this state refrained from making any great changes in the statutes. Perhaps the explanation is, that a careful revision of the entire body of the statute law had been made the session before.”

One or two enactments I think should be referred to.

One act provides, that persons obtaining a discharge in insolvency are exempt from arrest, or imprisonment, on the suit of creditors residing without the State, whose demands were in existence at the date of the commencement of the proceedings in insolvency.

Another: In criminal cases courts may, on application of defendants, issue commissions for taking the deposition of a material witness.

An act relating to the appointment of administrators in cases where wills have been lost, or destroyed, in estates interested in the French spoliation claims, authorizes the judge of probate, having jurisdiction, on petition to appoint a special administrator to prosecute the claim of such estate in the

Court of Claims of the United States in the French spoliation claims.

The statute of limitations has been amended by a provision, "that no action shall be brought by any person whose cause of action has been barred by the law of any state, territory, or country, while all the parties have resided therein," overruling the old rule, that the *lex fori* governs the remedy.

MASSACHUSETTS.

The powers of married women, deserted by or living apart from their husbands for justifiable cause, extend to the making of a will, or deed of all their property, and under such circumstances, they are possessed of the same power as if sole.

Corporations are created for the purpose of cremating the bodies of the dead, but the place where, and the mode and manner of carrying out the object is made subject to the approval of the State Board of Health, Lunacy, and Charity, subject, however, to the provision that no body shall be cremated within forty-eight hours after death, except in cases of contagious or infectious diseases.

The Supreme Court, where most of the jury trials are held, is authorized to appoint official stenographers to take notes of the evidence and rulings of the court, who are to be paid seven dollars a day by the county where the court is held, and any transcript from their notes furnished to the parties is to be paid for by such party by an additional sum of seven cents for every hundred words. The stenographers are to be sworn officers of the court, and subject to their direction, and the examination of witnesses shall not be interrupted for the purpose of having their testimony taken by any other person than the sworn stenographer. Persons of either sex may act as such.

Persons addicted to dipsomania or habitual drunkenness may be committed to one of the state lunatic hospitals under the same provisions and requisitions as lunatics.

An important legislative change is made in the courts. The terms as such of the courts in Massachusetts are abolished,

and the first Monday of every month is made a return day for all writs, processes, notices, and citations, and ten days therefrom are allowed for defendants to appear, upon failure of which the clerk may enter a default and judgment to follow four days afterward. The courts are always open in every county, and any business may be transacted at any time, except on Sunday, but regular sessions shall be held at the same times and places as before provided for the terms of the same.

Any justice of the Supreme Judicial Court in Massachusetts, after having held his commission ten consecutive years, and having attained the age of seventy years, who shall resign his office, shall during the residue of his natural life receive three-fourths of the salary which was by law payable to him at the time of his resignation.

No child under ten years of age shall be employed in any manufactory, mechanical or mercantile establishment, and no child under twelve years old shall be so employed at any time during the days in which the public schools are in session in the city or town in which he resides. For every violation of this act the parent or guardian permitting such employment incurs a penalty.

Perhaps the most important act, was to amend the Constitution of Massachusetts providing for biennial elections, and biennial sessions of the legislature. These can only be secured by the concurrence of two consecutive legislatures, and then, only thereafter by an approval of the people by a popular vote. The amendments are passed by two separate resolves, to be submitted and ratified by the next legislature, and subsequently to the people separately. One may be accepted and the other may be rejected, or both may be accepted, or rejected.

MARYLAND.

The legislature of this state has held no sessions during the past year.

MICHIGAN.

The legislature of Michigan met, but I have not been favored with a copy of their acts, or a list of their noteworthy enactments.

MINNESOTA.

Minnesota has created a board of railroad and warehouse commissioners consisting of three persons, to whom is confided the supervision of all railroad companies operating within the state, with power to examine all books, and the right to require reports. The act prohibits unjust discrimination by railroads as to the rates for the carriage of passengers or freights, and authorizes proceedings for any violation of this act before and under the direction of the railroad commissioners.

The same board, by another act, is empowered to regulate warehouses in Minnesota, and to inspect the weighing and handling of grain in said state.

A general act provides for the incorporation of villages, to supersede one of like character, which had been declared by the Supreme Court of Minnesota unconstitutional.

An important act provides for the incorporation, regulation, and government of co-operative or assessment life, endowment, and casualty insurance associations and societies.

A further act provides, that all foreign corporations transacting business within the State of Minnesota, or which by any general or special act are deemed to be domestic corporations, shall be liable to a penalty of not less than one hundred dollars for every application made to remove any suit, or proceeding, into the Federal Court, and shall furthermore, forfeit all right to transact business within the State, and be liable to a penalty of not less than one thousand, nor more than ten thousand dollars for each day that said corporation shall do business within the state after such forfeiture. Every foreign corporation now or hereafter doing business in Minnesota shall have the same and no greater rights, privileges, and immunities, than other domestic corporations, and shall in all

respects be deemed, if it shall remain in the state for sixty days after the passage of this act, to be a domestic corporation and subject to all laws of the state.

The Supreme Court of the United States have expressly declared a similar state enactment to be unconstitutional. State legislatures have clearly no power to deprive non-resident citizens or corporations of their constitutional right to repair to the Supreme Court of the United States for an adjudication of their rights, as a *sine qua non* for carrying on a branch of their business in the different states. This act would indicate that the last legislature in that state does not look upon the Federal courts or their jurisdiction with any especial favor.

Another act provides for the establishment and maintenance of a state public school, to be administered by a board of public control to be appointed by the Governor. Its object is the provision of a temporary home for children who are dependent, abandoned, in a state of want, or suffering, or improperly exposed, or who are in an almshouse, over three and under fourteen years of age, of sound mind, and until homes can be procured for them in good families.

Another act requires the education of all healthy children between the ages of eight and fifteen for a period of at least twelve weeks in each year.

Another act which establishes a Board of Inspectors of Steam Vessels and Steam Boilers, provides also for the licensing of steam engineers.

MISSISSIPPI.

I am informed by the Secretary of State of Mississippi, that the legislature of that state has held no session during the past year.

MISSOURI.

A recent amendment of the statute relating to assignments in Missouri, provides that every voluntary assignment of lands, tenements, goods, chattels, and credits, made by a debtor in trust for his creditors, shall be for the benefit of all

his creditors in proportion to their claims, and every provision in any assignment providing for the payment of one debt or liability in preference to another shall be void, and all debts and liabilities (including judgments entered by confession thirty days previous to such assignment) shall be paid *pro rata* from the assets thereof.

Another act requires railway companies or other corporations, express companies, mining corporations, etc., to give thirty days notice to their employes before reducing their wages that such reduction will take place. A failure to comply is declared a misdemeanor, for which the employe may recover against the offending party by civil action in his own name with costs.

Another most commendable act as to libraries in cities, villages, towns, and townships, provides :

That when one hundred tax-paying voters of any incorporated city, or fifty legal voters of any incorporated village or township, may, by petition, ask that an annual tax be levied for the establishment of a free public library in such city, village, or township, thereupon at the next regular annual election the question shall be submitted and voted, the tax being limited and prescribed, and if a majority of all the votes cast be in favor of the tax, it shall be levied and collected with other general taxes, to be known as the library tax, and be kept separate and apart from other moneys of the municipality. The library is to be established and maintained by a board of nine directors, to be appointed by the mayor, with the legislative branch of the municipal government, no member of which is competent to serve as a director. The foregoing tax is to cease, whenever it is so determined by a majority vote at any regular annual election.

NEBRASKA.

Several noteworthy acts of legislation were passed during the past year in Nebraska. One, declaring that the term "railroad corporation," as used in the act regulating the transportation of

passengers and baggage, and to fix a maximum rate of charges by railways, shall be deemed and taken to mean all corporations, companies, individuals now owning or operating, or which may hereafter own or operate, any railroad in whole or in part in this state, and to all associations, firms or companies, whether incorporated or otherwise, doing business as common carriers on any line of railway in Nebraska, street railways excepted.

An act in the interest of an intelligent husbandry requires that the owner of any honey bees, brood comb, or honey known to be infected with the disease known as "foul brood," or infectious or contagious disease, shall cause them to be inspected and destroyed. A failure to comply shall be deemed a misdemeanor, and punished by fine or imprisonment.

Another prohibits the selling, giving or furnishing tobacco in any of its forms to minors, under a penalty of twenty-five dollars for each violation of the enactment.

NEVADA.

An act for the adoption of children under the provisions and conditions of the act provides for the rights of adopted children thereunder, and invests them with all the rights of lawful children of the persons so adopting them, including the right of support, protection, and of inheritance, and the right of taking the family name of the person or persons adopting them after such adoption.

The mode of adoption is by judicial proceedings. The provisions of the act do not apply to any Mongolian.

An act to promote habits of temperance, and to prohibit the practice of treating, declares it unlawful for any person or persons to treat, or entertain *gratuitously* any person or persons, with any spirituous or malt liquors, wine or cider, or any beverage whatever, or with any other article whatever, whereby, any spirituous or malt liquor or liquors, wine, cider, or any other beverage shall be obtained gratuitously in any public bar-room, saloon, beer-hall, grocery, or in any other public place of resort or amusement in the state.

NEW JERSEY.

An act to cure defective acknowledgments of conveyances by corporations, provides that the acknowledgment of any and all deeds of conveyance of real estate, etc., situate within New Jersey, heretofore made, executed and delivered by any corporation organized under the laws of the state, and having for its object the purchase, improvement, or sale of lands, but which deeds have been acknowledged by an officer of the (grantor) corporation, instead of having been proved by a subscribing witness thereto, be, and the same are, thereby declared as good, valid, and effectual as if the same had been duly proved; provided, said deeds shall have been recorded in the clerk's or register's office of the county wherein such lands are situated for five years past.

Another act provides that :

Continuous absence for seven years from the State of New Jersey by a citizen thereof, or the concealing of himself for the same period without being seen or heard from during that period, authorizes the grant of letters of administration, as in case of death and intestacy. The same enactment shall apply to a non-resident of New Jersey having goods, chattels, and money in the state, who shall absent himself from his place of domicile, and who has not been seen or heard from within seven consecutive years.

Railway corporations, or companies organized under the laws of New Jersey, are authorized to merge and consolidate their capital, stock, franchises, and property, with those of any railroad company, whenever the said railroad companies so to be consolidated, shall or may form connecting or continuous links, line or lines of railroad; provided, that no railroad company claiming a contract with the state on the subject of taxation shall avail itself of the provisions unless the said contract is surrendered.

Railroads shall not, however, be leased to foreign corporations, or non-residents, nor be consolidated with the road of

any foreign corporation, or non-resident, without the consent of the New Jersey legislature, and as a condition precedent to such consent, exemption from taxation and all privileges and advantages as to special modes of taxation must be surrendered; and it must be further agreed that any law affecting the parties to the lease or consolidation shall be subject to alteration and appeal.

The partner of a presiding or law judge, in any county of New Jersey, is prohibited from practicing law in any of the courts in which the said judge shall sit or preside.

NEW YORK.

An act in New York provides, that the knowingly or negligently furnishing by an employer to an employe of a scaffolding, hoist, stays, ladders, or other mechanical contrivances, that will not give proper protection to life and limb, is made a misdemeanor.

Another provides that when a receiver is appointed for a corporation, other than insurance and moneyed corporations, the wages of the employes and laborers thereof, shall be preferred to every other debt or claim against the corporation, and shall be paid from the first money of the corporation that may come to the receiver's hands.

NORTH CAROLINA.

Physicians and surgeons shall not be required to disclose any information acquired in a professional capacity, unless the presiding judge of a superior court, be of opinion and adjudge that the disclosure is necessary to a proper administration of justice.

A will of a non-resident citizen or subject of another state, or county, which is proved and probated in such state or county according to the law thereof, shall upon the production of an exemplified copy of the proceedings, be filed and recorded with the same effect as if originally probated in North Carolina.

Registration of conveyances are now valid in North Carolina when the probate is made before any "court of record" of another state.

In applications for a continuance in civil cases, allegations of fact set out in an affidavit, may be controverted in counter-affidavits, and no continuance shall be allowed, provided the judge, after a thorough examination of the evidence, thinks the ends of justice do not demand it.

Seduction of a reputable woman under promise of marriage is made a felony, but no conviction shall be had on the unsupported testimony of the woman as to the promise.

OREGON.

There were no noteworthy changes in the statute law of Oregon at the last session of the legislature.

OHIO.

An act in the interest of laborer and laborers, both novel and commendable, provides, for the licensing by the courts, of tribunals of voluntary arbitration to adjust and determine industrial disputes between employers and employes in the manufacturing, mechanical, and mining interests.

Another relating to the confinement of convicts in the penitentiary, provides, that none of the labor of the prisoners in said institution shall be let on contract by the day, save in exceptional cases, but shall be employed by the state upon the plan and manner provided in said act. The manager shall employ such labor directly for the state, whenever the legislature shall provide means for the necessary outlay for machinery, materials, and capital.

If not furnished by the state, the manager shall provide employment for any number of prisoners by an agreement with manufacturers and others to furnish the machinery and material for the employment of prisoners under the immediate

control and direction of the manager, who shall make all necessary rules and regulations for the classification of the labor of the prisoners on the piece or process plan, and who, before making any contract therefor, shall advertise bids in prominent newspapers throughout the state for the employment of such labor, specifying the kind and quantity of labor to be employed. But under no circumstances shall any contractor of the products of contract labor, have correctory supervision over or control of the labor of the convict, etc.

An admirable enactment provides against the payment of wages in scrip, orders, etc., or otherwise than in money, and against selling goods or supplies to employes at excessive prices, under heavy penalties. Another act seeks to regulate the manufacture, sale, and use of dynamite within the State of Ohio. It declares it unlawful for any person, firm, or corporation, to manufacture, sell, or use the substance called dynamite or other nitro explosive compounds within the State of Ohio, except in compliance with the terms of that act.

Another enactment lately passed by the Ohio legislature to prevent gambling in grain, stock, petroleum, wool, or provisions, provides that all dealings in any of these articles by "margins" or "futures" shall be criminal acts. Any person offering to sell options, or exhibiting any quotations of the prices of any margins, futures, or options, is punishable by fine and imprisonment. A clause punishes any company or person who communicates the prices, on marginal sales, or displays the prices upon the stock board, unless such display is part of a transaction in which values involved are fully purchased and delivered to the purchasers.

No minor under the age of twelve years shall be employed in any factory, workshop, or establishment wherein the manufacture of any goods of any kind is carried on, and no minor under the age of eighteen shall be employed in any of the places named for a longer period than ten hours a day, and in no case, shall the hours of labor exceed sixty in one week. A violation of this act is to be punished by fine or imprisonment.

An act to prevent the employes of telegraph companies from the commission of trespasses in constructing, altering, repairing, or injuring the wires, poles, insulators, instruments, premises, buildings, without the written consent of the owner or agent, and if so committed, shall, subject the parties to heavy penalties.

To prevent the sale of intoxicating liquors in cities of the first class, in addition to other enactments on that subject alluded to, it is provided that it is unlawful to barter, sell, or dispose of any intoxicating liquors, whether distilled, malt or vinous, on any day or night of the week between the hours of twelve o'clock P. M. and six o'clock A. M., except by a regular druggist, on the written prescription of a regular practising physician, for medical purposes only. All restaurants, coffee-houses, or places where such intoxicating liquors are sold or exposed to sale, except by regular druggists, shall be closed on every day or night of the week between said hours, and for a violation of the act the proprietor shall be punished by fine and imprisonment, or both.

An important act prescribing the mode, place, and time of inflicting the death penalty in the state of Ohio, declares, that such mode shall be by hanging by the neck until the person is dead; the execution to be by the sheriff, or in case of his death, inability, or absence, by the coroner, of the county in which sentence of death is pronounced. Such sentence of death by a court of competent jurisdiction, shall only be inflicted within the walls of the Ohio penitentiary at Columbus, Ohio, within an inclosure to be prepared for that purpose, under the direction of the warden and board of managers thereof, which inclosure shall be higher than the gallows. The prisoner, when condemned to death, shall be conveyed, in as private and safe a manner as possible, by the sheriff of the county wherein he has been convicted and sentenced, within the next thirty days thereafter, to the Ohio penitentiary, where he shall be received by the warden and securely kept until the day designated by the court for his execution.

An act for the preservation of the health of females employed in manufacturing, mechanical, and mercantile establishments, provides, that every person, corporation, or company, employing females in their establishments in Ohio, shall provide suitable seats for the use of the females so employed, and shall permit the use of such seats by them when they are not necessarily engaged in the active duties for which they are employed.

PENNSYLVANIA.

The last session of the Pennsylvania legislature was extended to so late a period as to deny me the privilege of obtaining a copy of their last session's acts. I am indebted to my honored friend upon the General Council from Pennsylvania for several recent enactments of that state, which he has kindly sent me.

One, regulating the admission of attorneys and counsellors at law to practice in the several courts in that Commonwealth, provides, that any attorney who shall have been duly admitted to practice law in any Court of Common Pleas and in the Supreme Court of Pennsylvania, shall be permitted to practice in any other court in Pennsylvania upon motion simply, and filing, together with his certificate of admission to the Supreme Court, a certificate of the presiding judge of the county from whence he came, setting forth that he is of reputable professional standing, and of unobjectionable character.

Another provides that all deeds and conveyances of lands within the Commonwealth of Pennsylvania heretofore made and executed, and duly recorded in the county where the lands therein conveyed lie under the authority of any last will and testament, by the executor or executors thereof, or trustee or trustees named in the said will, the said will having been duly proved and letters testamentary granted as prescribed by the laws of the state of which the testator was a citizen at the time of his death, shall, upon the recording of a copy of said last will, duly certified under the acts of Congress in the

office of the Register of Wills in the county where the testator lived, be held to have the same force and effect to pass and convey the estate that was in the testator at the time of his death, and intended to be conveyed by the deed, as if such will had been duly proved and letters testamentary thereon granted within this Commonwealth, etc.

Another permits the judges of the Courts of Common Pleas in all counties in which there are two or more Courts of Common Pleas, at the request of any of the other Courts of Common Pleas in the same county, to perform judicial duties in such other courts, but without extra compensation.

An act against gift enterprises, provides that any merchant, manufacturer, importer, retailer, or dealer, doing business within the Commonwealth, who shall offer, give, or sell to any purchaser or customer any ticket or tickets, check or checks, or other token or memoranda, entitling such purchaser or customer to demand or receive money, or any other article of value, shall be deemed guilty of a misdemeanor, and subject to fine or imprisonment, or both.

Another, on the subject of marriage, is entitled to high commendation. It provides, that after the 1st of October, 1885, no person shall be joined in marriage within the Commonwealth until a license shall have been obtained from the clerk of the Orphan's Court of the county in which the marriage is to be performed, the fee for which is fifty cents, and the license shall have appended to it *two certificates*—one an original certificate of the marriage by the minister of the Gospel, or other officer authorized by law to solemnize marriages, which, marked "original," shall be given to the person married; the other, a copy marked "duplicate," shall be returned to the clerk of the Orphan's Court of the proper county: *Provided*, that in all cases in which the parties intend solemnizing the marriage themselves, no such marriage shall take place, until the clerk of the Orphan's Court of the proper county shall certify their right to do so in the manner and form prescribed in said act. Any and all persons who, in the absence of such license,

perform the marriage ceremony, or who is an attesting witness thereto, shall forfeit the sum of one hundred dollars.

Another provision requires, that all persons applying for license shall be examined under oath as to their age and residence, and that if they are under the age of twenty-one years, the application for license, must be accompanied by the consent of their parents and guardians, personally given to the license clerk, or certified to in writing by the parents and guardians, duly acknowledged before a notary public.

This enactment would seem to be in the right direction and must be productive of good.

Its object is to prevent improper marriages by minors. Similar provisions have long existed in the New England States, and they ought to exist in every state. One of the fruitful sources of discord in married lives, resulting so often in applications for divorce, must be traced to the manner in which the marriage contract too often is made and carried out. It is time that some general move was made to interpose some preventive remedy against the whole system of divorce that now degrades our land.

The statistics on this subject startle, and appall us! During the year ending the 31st of December, 1884, in the City of Chicago alone, twelve hundred and thirty-six divorce suits were begun; nearly four hundred are now waiting trial; but seven hundred and twenty-nine were granted and the parties divorced. Should one-half the suits now pending be granted, we shall have the sad sight of one thousand divorces accomplished in a single year in one city of our common country!

Can our country's prosperity and happiness last and such a condition of things continue? Can there be any strength in the American Republic when it fails to rest on the solid foundations of God, family, and home. I tell you, brethren of the American Bar Association, our whole divorce law demands a thorough reformation! Stir yourself up, until a uniform divorce system pervades all the thirty-eight states! Uniformity

would constitute conservatism, and that once fixed in the popular heart, this holy ordinance, now trampled under foot, would be saved from dishonor and sacrilege!

RHODE ISLAND.

An act for the more plainly marking explosive materials, prescribes, that every person who shall knowingly deliver, or cause to be delivered to any person or carrier any box, can, or other package of nitro-glycerine, gun powder, naphtha, or other equally explosive material, not marked with a plain and legible label describing its contents, or shall remove or cause to be removed any such label or mark, shall be fined not more than ten thousand dollars, or imprisoned not more than five years.

SOUTH CAROLINA.

The people of South Carolina having voted in favor of an amendment to the constitution of that state, the legislature at its last session ratified and made the same a part of the constitution of that State.

The amendment is in these words:

“Any bonded debt hereafter incurred by any county or municipal corporation, or political division of this state, shall never exceed eight per centum of the assessed value of all the taxable property therein.”

An act touching the sale of spirituous liquors or prescriptions by druggists, provides that no druggist shall sell more than at one time on the same prescription; nor shall the druggist or apothecary give any prescriptions for the sale of spirituous liquors to any person, unless such druggist or apothecary shall be a practicing physician, or in actual attendance on such patient.

An act relating to liens on ships and vessels provides that the same shall be dissolved, unless the person claiming the same, shall within ninety days after he ceases to labor or

furnish material for such ship or vessel, file in the office of the register of mesne conveyances of the county within which was the ship or vessel when the debt was contracted, a statement, sworn to, giving a true account of the demands claimed as due to him with all just credits, the name of the person who made the contract, and the name of the owner of the ship or vessel, and the same shall be recorded in a book for that purpose in the mesne conveyance office.

TENNESSEE.

The criminal law of Tennessee makes the person, breaking or entering into any freight or passenger car, barn or stable, by day or night, with intent to steal or commit a felony of any kind, guilty of burglary, punishable by imprisonment in the penitentiary for from three to ten years.

All estates, real and personal, of illegitimates who are intestates, having no relative entitled to the same under existing laws, shall go to such persons on his or her mother's side, as would have been his or her heirs, had the intestates been legitimate, in such way and proportions, and under the same rules as is provided by existing laws of descent of real or personal property in Tennessee among legitimates who have no kin on the father's side.

Any private corporation, except railroad or turnpike companies, may mortgage its property and franchises, and a purchaser of the same under foreclosure sale, shall become the corporation invested with all its rights, powers, immunities, and obligations.

Process can be executed on Sunday, when it shall appear to the officer, that the parties to be sued are about leaving the county or state.

It shall be illegal for telegraph or telephone companies in Tennessee, to discriminate in the transmission of messages, or in the accommodations and facilities given to their patrons.

The act of 1883, providing for a railroad commission to regulate the operations of railroads is repealed.

Another act provides for the appointment of a commission to ascertain and mark the boundary line between the states of Tennessee and North Carolina.

An act of importance provides that the purchasers of the property and franchises of any corporation sold under a mortgage foreclosure, shall be invested with all its property, franchises, rights, privileges, and immunities (except exemption from taxation), as fully as they were possessed by the corporation itself, and may form a corporation and succeed to the powers given by the charter of said corporation and the general powers of the state applicable thereto.

Mexican war veterans are exempt from payment of all tax on state, county, and municipal licenses, or any tax for engaging in any kind of trade or merchandise when the stock, on hand does not at any time exceed the sum of five hundred dollars.

The burial of any person is prohibited within the corporate limits of cities having thirty-six thousand inhabitants or over.

The playing of base-ball, or any like game on the Sabbath day is a misdemeanor, punishable by fine of from twenty-five to fifty dollars for every offense.

TEXAS.

An enactment of the last Texas legislature, touching the assessment of the rolling stock of railroads, provides: That every railroad corporation in Texas is required to deliver a sworn statement, on or before the first day of April in each year, to the assessor of the county in which its principal office is located, setting forth the true and full value of rolling stock of the corporation, and also a statement of the names of all the counties through which they run and the number of miles of the road-bed in each county of the state. After a submission of this statement to the Board of Equalization of the county in which is located the principal office of the corporation for review, the final valuation is to be certified to Comptroller of Public Accounts, who shall apportion the amount of the

valuation of the rolling stock among the counties in proportion to the distance the road may extend through them. This is certified to the assessors of the several counties, and they list the same upon the tax rolls as other property. As to any railway organized, and having its principal office without the state, and owning or operating any line of railroad partly within and partly without the state, it is provided that a proportional part of such company's rolling stock shall be rendered and assessed for taxation within the state, according to the number of miles of such railway therein as compared with the number of miles without the state.

By another act, it is provided, that no sailor or portion of a crew of any foreign sea-going vessel shall work on the wharves, or levees, of ports in the State of Texas beyond the end of the vessel's tackle. A violation of this act is made a misdemeanor, punishable by fine or imprisonment, or both.

Again: If any person shall directly or through agents manage for himself, or as agent conduct or carry on, any business known as dealing in futures in cotton, grain, any kind of meats, stocks, or keep any house commonly known as a produce or stock exchange, or bucket shop, where future contracts are bought and sold, with no intention of an actual delivery of the article so bought and sold, such person shall be guilty of a misdemeanor, and on conviction be subject to a fine or punishment, or both.

VERMONT.

An act for the advancement of anatomical science, and to prevent the disturbance of the remains of the dead in Vermont, authorizes the bodies of paupers in certain cases to be given over for dissection, provided the diseased during his last sickness did not ask to be buried, or if he was a stranger or traveler.

Another provides that libels for divorce entered in court shall be continued to succeeding terms, and shall not be heard then until the libellant is present, unless he has attempted, but failed, to obtain the appearance of libellee. This legislation

seems eminently right. It aims a blow at *collusive divorces*, and seeks to discourage that modern enormity.

An act authorizing probate courts to take charge of the estate of absent persons, and to appoint trustees thereof, when not heard of for more than three years and longer, seems wise legislation, and has been followed with good results in other states where it has prevailed for years.

By another act the Governor is empowered on petition to appoint special prosecutors of criminal cases, intended to render more effective the punishment of those strange, perverse violators of the prohibition and temperance laws.

Another enactment provides for a struck jury, introduced with so many good results in other states, and which will, no doubt, prove equally beneficial in Vermont.

A novel statute empowers the county court to refer certain causes, without the agreement of the parties, to the arbitrament and settlement of the referees, provided, that the issue of fact is not such as to entitle the parties to their constitutional right to have the issue tried by a jury.

The last remnant of the common law doctrine of the rights of husband and wife seems, as in many other states, to have become entirely exploded in Vermont. A recent act provides that married women may contract with any other person other than her husband, and bind herself and her separate property to the same extent as if unmarried. All personal property and rights of action acquired by a woman before coverture, or acquired in any manner except by her personal industry, or by gift from her husband, shall be held to her sole and separate use, etc.

Another act provides that deeds, leases, and other conveyances of land hereinafter executed, acknowledged, and recorded, shall convey such title of the grantor or lessor therein, notwithstanding any actual possession thereof by any other person claiming the same. The common law and an early statute of Vermont, making void all conveyances of land adversely held are thereby repealed.

VIRGINIA.

The last adjourned session of the General Assembly of Virginia contained no nothworthy change in the statute law of that state, but referred chiefly to local legislation.

WEST VIRGINIA.

Of the enactments passed by the Legislature of West Virginia at its last regular session, only two may be deemed worthy of note.

One submitting to the popular vote an amendment to the constitution, providing that all elections for the state and county offices shall thereafter be held on Tuesday next after the first Monday in November, instead of October as heretofore, which was passed also by a legislative enactment.

The other, is an act authorizing any person or corporation to construct and condemn land for the construction of lateral railroads and regulating the same.

WISCONSIN.

Several important acts marked the legislation of Wisconsin at the last session of its legislature.

What is commonly known as the "contract system" of maintaining paupers, insane, and idiots in poor-houses and asylums, is forbidden, and no person is allowed to contract with any town, village, city, or county to carry on a poor-house or asylum and furnish the inmates board at a given rate for each inmate.

Another provides, that a wife's inchoate dower interest, or homestead interest, can be released when she is insane upon a proper petition to the Circuit Court by the husband, setting out such facts, and showing that it would be for his interest to convey, mortgage or otherwise dispose of the real estate affected by such inchoate dower or homestead interest.

So, further it is enacted, that every hotel, or other building, more than two stories in height, containing apartments above the ground floor, designed for occupancy by fifty people or more, shall be provided with not less than two flights of fire-proof stairways, and that the inside walls or casings of every elevator for the conveyance of passengers to and from the upper stories shall be constructed of fire-proof material throughout. In all inns, and hotels, there shall be provided not less than one efficient and faithful watchwomen, who shall be on duty from ten o'clock in the evening until five o'clock in the morning.

If any parent shall willfully abandon his or her child, or children, leaving them in a destitute condition, he or she shall be deemed guilty of a misdemeanor, and if any husband shall willfully abandon his wife, leaving her in destitute condition, he shall be deemed guilty of a misdemeanor.

All gambling devices whatsoever, are prohibited at all meetings of agricultural societies of Wisconsin, and no appropriation made by the state to any such society shall be paid until the society shall present a sworn statement of its president and secretary to the effect, that all gambling and gambling devices are excluded from its fair grounds.

All ballots which are cast at any election must be carefully preserved so that, in the event of a contest between opposing candidates, they may be recounted.

An appropriation of fifteen thousand dollars per annum for each of the two years next ensuing, was made by the legislature, to be used for the prevention of Asiatic cholera in Wisconsin.

A public school for dependent and neglected children was established by the legislature, and the sum of thirty thousand dollars appropriated therefor.

Whenever any wire or cable, used for any telegraph, telephone, electric light, or other electric purpose, is or shall become attached to any building, or extend over any land, no lapse of time whatever shall raise a presumption or justify a

prescription of any perpetual right to such attachment or extension.

Every woman who is a citizen of Wisconsin, and twenty-one years of age and upward, and who has resided therein one year next preceding any election pertaining to school matters, shall have a right to vote at such election.

The Supreme Court of the state must, on or before the first Tuesday of August in each year, appoint five competent attorneys, resident in the state, who shall constitute a board of examiners, for the examination of applicants for admission to the bar. Such board shall meet at the capital of the state once, or oftener, in each year, and also at such times and places within Wisconsin, as the Supreme Court shall direct, for the purpose of examining all applicants for admission to the bar. Applicants for admission to the bar, who shall pass the required examination, and shall receive a certificate from such board to the effect that they have passed the required examination, may be admitted to practice as attorneys in all courts of record, except the Supreme Court, by any court of record.

Any person who shall commit the crime of larceny in any ship, vessel, railroad, or stage-coach, by stealing the property of another while said property is in transit, may be tried for said offense in any county through which said ship, vessel, railroad car, or stage-coach shall pass.

The legal standard of time within the state shall be the mean solar time of the nineteenth meridian west from Greenwich, now commonly known as "Central time."

CIVIL RIGHTS.

Alabama, Indiana, Massachusetts, Colorado, and Nebraska, have each passed laws to protect all persons in their civil and legal rights in the enjoyment of all accommodations, advantages, privileges of inns, restaurants, theaters, barber-shops, public conveyances on land and water, etc., prescribing penalties for their violation by civil action, and yet defining certain misdemeanors and fixing their penalties.

ADULTERATION OF FOOD AND PRESERVATION OF HEALTH.

To prevent deception in the sale of dairy products, unwholesome, impure, unhealthy, and adulterated milk, and especially the sale of oleomargarine for butter, has been the subject of recent stringent legislation in many of the states. New York, Ohio, Vermont, Missouri, Arkansas, and Colorado, have sought to suppress and regulate the sale of oleomargarine and other spurious imitations of butter. These laws vary very much in the various states, but in none of them, save in New York, has it been judicially held, that a law absolutely prohibiting the manufacture or the sale of these imitations and compounds was unconstitutional.

In Ohio, the manufacture or sale of any article or compound designed to be sold as butter, and not made entirely of cream or milk, is prohibited. In Vermont, the selling or offering for sale as butter any article or substance not made exclusive of cream or milk is prohibited. In Missouri, innkeepers and boarding-house keepers are required to mark the vessel in which the article compounded is served, conspicuously and legibly with the words "OLEOMARGARINE OR IMPURE BUTTER."

The Arkansas statute contains a similar provision, and, in addition, the further requirement, when sales of the article are made the receptacle or package containing it shall be stamped or marked in plain legible type with the name of the contents.

Similar laws are those enacted in Oregon and Colorado. In the latter state, every importer, manufacturer, or vender, is required to obtain a license, for making or for importing shall not be less than \$1,000, and for selling not less than \$500; besides, a separate license must be had for every city, town, or other place, in which the manufacturer or sale is carried on.

The opinion of the Court of Appeals of New York in the recent case of *People vs. Marx*, declaring that the recent New York statutory enactment prohibiting the manufacture of oleomargarine in that state, unconstitutional and void, has

been sharply criticised by law magazines in and out of New York. The criticism rests upon the assumption that the manufacture and sale of oleomargarine and similar spurious imitations so often put upon the market for sale as butter, constitute a fraud and false pretense of the first magnitude, the absolute suppression of which is clearly within the power of a state.

But a careful examination of the opinion of the Court of Appeals of New York shows, that possibly, the criticism referred to rests upon a misconception.

The court held that the object and effect of the New York statute which they were called upon to construe, was not to supplement the provisions of existing statutes against fraud and deception by means of imitation of dairy butter, but that the statute went much further. The court say :

“The law attempts to prohibit the sale of any article intended to take the place of butter. This prevents competition and places a ban on progress and invention. It invades the rights both of persons and property, guaranteed by the institution. The sale of a substitute for any article of manufacture is a legitimate business, and if effected without deception can not be arbitrarily suppressed. This act is not aimed at deception, but goes further ; it in effect creates a monopoly destructive of rights protected by the constitution both of the state and the United States.”

It is proper to observe that a statute on this subject in Missouri, almost identical with that of New York has been pronounced constitutional by the Supreme Court of that state (*State vs. Addington*, 77 Missouri, 110), and by Mr. Justice Miller, of the United States Supreme Court, in a case in the Circuit Court (*In re Brosnahan*, 18 Federal Reporter, 62).

PUBLIC MORALS.

Alabama, Connecticut, North Carolina, Nevada, Colorado, Oregon, Minnesota, Ohio, and New York have passed laws providing that if any person shall import, print, publish, sell,

lend, give away, distribute, show, advertise, or have in his possession with intent to give away, etc., any obscene or indecent book, magazine, newspaper, pamphlet, engraving, picture or drawing, or any article or instrument of indecent or immoral use; or if any person shall design, copy, draw, photograph, print, utter, publish or otherwise prepare, such book, picture, etc., or advertise the same, he shall be punished in confinement by not less than one nor more than three years in the penitentiary, or by fine not less than five nor more than fifteen hundred dollars.

Kansas has gone a step farther. The legislature of that state has passed an act providing that during the trial of an action or the hearing of any proceeding or examination in which vulgar, obscene or immoral evidence is elicited or produced, the court or police judge trying the case may expel and exclude any or all minors from the court room and place of trial or hearing.

RAILROADS.

Several of the states have passed many important enactments in regard to railroads, both as to taxation and continuous extension beyond the limits of the several states. So too, much stringent legislation has taken place against any and all discrimination on charges on the part of railways for the carriage of freights and passengers, but this has already been referred to under the separate state statutes.

EDUCATION.

Everywhere throughout our land the subject of education is coming prominently to the front and receiving that important consideration from legislative bodies which it so pre-eminently deserves. No volume of annual sessions laws can be opened, that does not attest elaborate and well-considered plans for state universities, state normal schools, with thorough and complete systems of free, high, and common school education.

Nay, more! The states from Alabama to Wisconsin have, with scarcely an exception, provided for instructing all pupils supported, in whole or in part by public money, or under state control, in hygiene and philosophy, with special reference to the effect of alcoholic drinks, stimulants, and narcotic upon the human system.

And now I bring this tiresome and tedious review to a close. A word or two more and I am done.

The American Bar Association has become in part the voluntary custodians of our American system of self-government, founded upon the sovereignty of the popular will, under self-imposed constitutional limitations on their own power.

What a mighty trust! What a vast responsibility! How is it to be met? How discharged?

“Justice,” Sir James Mackintosh tells us, “is the permanent interest of all men, of all commonwealths.”

“It is the ligament,” says Daniel Webster, “which holds civilized beings and civilized nations together. Wherever that temple stands you always find a foundation for social and political happiness, and the consequent improvement and progress of our race.”

Law is the hand-maid of progress, the political factor of National and individual success. It becomes therefore our duty, brethren, to see as far as in us lies, that we have good laws *first*, and then, ever to strive for their honest use, and impartial execution.

Your influence can and must be exercised and felt, in the elevation and purity not less than in the attainment of uniformity in the enlightened, general jurisprudence of every commonwealth, constituting the Union of our American States. It may require, as doubtless it will, labor, effort, care, and unceasing self-denying exertion; but what of all that, compared with the success which will follow? The conquests and triumphs of the American Bar in long years that have passed, attest its capacity, virtue, courage, and nobility for

dealing with professional problems and difficulties that might have dashed the brightest hopes, or brought doubt to the stoutest heart. But where has been exhibited higher loftiness of aim, nobler unselfishness, calmer or more fearless adherence to duty in face of peril, more sterling constancy to truth, greater heroism in the defense of the innocent, than in the profession of the law?

Brethren, higher triumphs still await you! Be constant and untiring in your intercourse with the Bar Associations of the several states. Organize your committees for concerted plans of action, and bring your influence to bear in state legislatures, for the correction of evils in general legislation which cry out loudly for reform. In conclusion permit me to say, what I heard a great but young lawyer, cut off ere he had reached his meridian, say, "self-control has constituted the greatness of the American people. It is obedience to law, their own law, that is their power. It is because they have declared that their constitution is the *salus populi*; it is because they adhere to the rule, that the WRITTEN LAW is the voice of the people; and that the old COMMON LAW of our fathers is a safe rule of action; it is because our people appeal from the hour of passion to the day of calm reflection, that they have so far proved themselves worthy of the liberty that their fathers conquered for them. When they shall neglect to adhere to that great rule, when they shall no longer be masters over themselves, when they can not stop in a moment of passion to reflect upon the limits they themselves have placed around their passions for their own good, and reverently bow before the laws, they will soon cease to be the peaceful, orderly, progressive, and powerful republic of George Washington."

May heaven avert that day! The Constitution of the States, and the Union of the States! *Esto Perpetua!*

The eighth annual session of the American Bar Association is now organized and ready to proceed to business.