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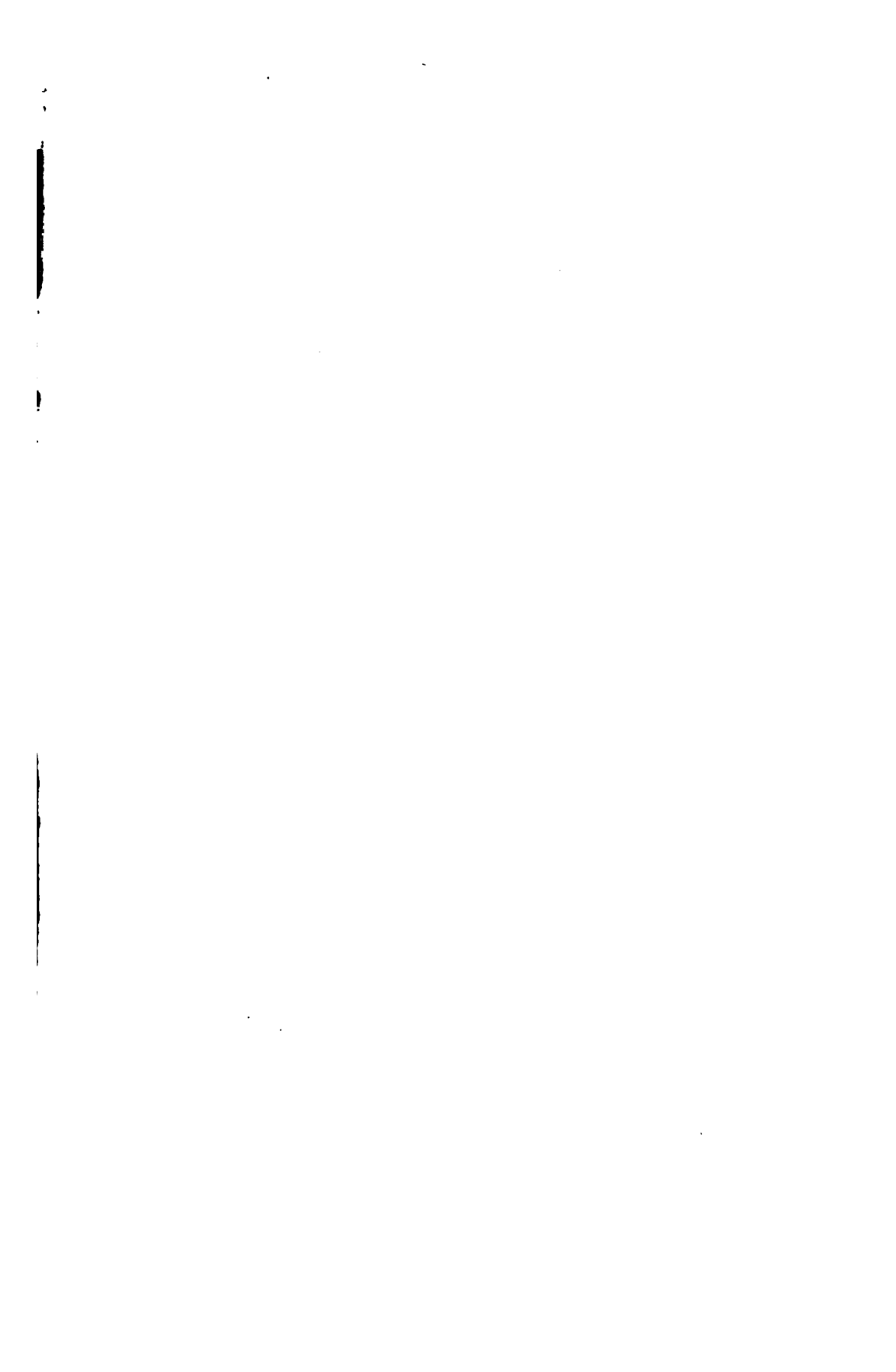
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Geo. R. Peck

REPORT
OF THE
TWENTY-NINTH ANNUAL MEETING
OF THE
American Bar Association

HELD AT
ST. PAUL, MINNESOTA.

August 29, 30 and 31, 1906.

PHILADELPHIA:
DANDY PRINTING AND PUBLISHING COMPANY,
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THE
THIRTIETH ANNUAL MEETING

WILL BE HELD AT
PORTLAND, MAINE,

*On Monday, Tuesday and Wednesday,
August 26, 27 and 28, 1907.*

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Owing to the increased size of the report for this year, it has been found necessary to publish it in two volumes. The second volume will contain the proceedings of the Legal Education Section; the Patent Section, the Association of American Law Schools and the Conference of Commissioners on Uniform State Laws, and will be published later.

AMERICAN BAR ASSOCIATION

TRANSACTIONS
OF THE
TWENTY-NINTH ANNUAL MEETING
OF THE
American Bar Association,

HELD AT
ST. PAUL, MINNESOTA,
AUGUST 29, 30 AND 31, 1906.

Wednesday, August 29, 1906.

The Twenty-ninth Annual Meeting of the American Bar Association convened in the Capitol Building, St. Paul, Minnesota, on Wednesday, August 29, 1906, at 10.30 A. M.

The meeting was called to order by George R. Peck, of Illinois, President.

The President:

I am requested to introduce Mr. Rome G. Brown, President of the Minnesota Bar Association, who desires to welcome us to this city.

Rome G. Brown, of Minnesota:

Mr. President and gentlemen of the American Bar Association: In behalf of the Minnesota State Bar Association, at whose invitation you are present here this week, and in behalf of the people of Minnesota, I extend to your organization, to each visiting member and delegate, and to their families represented here, a most hearty welcome. It was, I believe, a happy day for your Association, and particularly a fortunate event for the many State Bar Associations throughout the country which have been competing with each other

in their invitations to you during these many years to become their guests, when four or five years ago you discarded the habit of meeting in alternate years at Saratoga. There you were in no sense of the word the guests of any local body or interest, except in so far as the races on the Saratoga tracks and other local entertainments peculiar to Saratoga furnished diversions which, I remember, largely diminished the attendance at your meetings. Ever since your last meeting at Saratoga we have been extending our hands to you in invitation, and you have this year done us the favor which we had so long sought. We thank you.

And in extending this welcome to you in behalf of the Bar of Minnesota it may not be out of place to call your attention to the fact that the heartiness of our welcome is not indicated alone by these mere words of mine, which are comparatively commonplace. The interest of the lawyers of this state in your coming will be actually demonstrated this week. It will be demonstrated by the interest and assistance which our State Bar will show and give to you in your meetings and by the carrying out of the plans which we have arranged for the largest and most successful meeting and dinner ever held by the American Bar Association. We have tried to have everything prepared in advance for your comfort and pleasure. I congratulate you upon holding your meeting this summer in this beautiful climate. We did not have to arrange the weather. Gentlemen, we have this sort of weather all the year around, it is never too hot or too cold here, but always clear and balmy and comfortable.

Indeed, our welcome has already been demonstrated. We greet you today with a membership of Minnesota lawyers in the American Bar Association which is greater than the membership of any state in the union is or ever has been; with an increase in our membership in your Association of over three hundred added within the past few months. The Minnesota membership in the American Bar Association is today over three hundred and thirty. It is fifty per cent. more than that

of the State of New York, which is second on the list, and where our able and active Treasurer, Mr. Wadhams resides. It is two or three times as great as that of the State of Illinois, where your President lives. More than that, gentlemen, the new membership is composed of the very cream of our Minnesota lawyers, and I predict a larger percentage of permanency and of active and interested membership for coming years among the Minnesota members than will be shown by those of any other state.

Although many of you are here for the first time, it would not be my place now to attempt in detail to impress upon you the fact of the importance and prosperity of this great State of Minnesota, nor to speak of the long line of names connected with her history which represent successes of national renown in the practice at the Bar, in duties upon the Bench and in affairs of international importance. You of the East and of the Middle West, whose ancestors dwelt there in well-established communities and commonwealths one hundred and even two hundred years ago, can scarcely appreciate the immense growth and prosperity of this state where here today the Twin Cities represent an urban population of half a million people, the seventh urban center in size in the United States. And yet it was less than sixty years ago, within the memory of many of you who are our guests today, that the treaties were made with the Indians which first gave to a citizen of the United States the right to set his foot upon this soil. Within half a century the frontier trading post has become an immense, thriving, modern city. The natural water power, which was then running to waste, today grinds the wheat which makes the bread for the entire world.

With all this hustle and hurry, the Minnesota man is, and always has been, a thorough American. He is not of the East, nor of the South nor of the West. He is of a composite type. For his make-up he has drawn upon the best blood of New England and of all the East, upon the best blood of the South and of the West and upon the best blood of the country to the

north of us and upon the best blood of the best countries across the ocean. The best blood of the nation is today right here—lawyers, business men and citizens of the highest type. Although the period in time is short, it is really a long way from that scene depicted in one of the paintings hanging today in this magnificent Capitol, showing the making of the treaty of the Traverse Des Sioux, to the scenes of civilized prosperity which you yourselves may here today witness.

It was an exceptional favor to the State Bar Association, and indirectly to your Association, that we were allowed to offer you the use of this building for your meetings.' But, gentlemen, it was the only place that we had worthy of you; and this week it is yours—a building constructed on the square, on business principles under the direction of a commission of business men. Every cent appropriated to its building shows its effect in this completed structure. Not one cent lost to graft; and purchases and contracts made so that, although it shows an expenditure of millions of dollars, it could not be today duplicated for twice its cost. The privilege of holding the meetings here is a favor, too, urged by our honored Governor, whom I never think of as either a Republican or a Democrat, but only as a worthy representative head of our great commonwealth.

The business meetings of your Association will be held here for three days in the Twin City suburbs, and when they are closed on Friday you will certainly be in a mental mood and in a physical condition to enjoy what we have prepared for you Friday night. You are asked at that time to come up to the city and enjoy one good square meal in the Minneapolis Auditorium, which will be especially prepared for your purpose. I am requested by Treasurer Wadhams to say that the annual dinner next Friday evening is open to all members and delegates of the American Bar Association, but that none will be admitted for whom seats have not been engaged and reserved in advance, and that in order that reservations may be made, special notice of your intention to attend must be given to him today or at the latest tomorrow.

Aside from the preparations for your regular functions, there have been prepared, under the direction of our State Bar Association, certain entertainments to which members and delegates of your Association and their wives and families are cordially invited. Of these the first is the reception in honor of the American Bar Association at the Capitol Building this evening at nine o'clock. On Thursday afternoon we invite you to take lunch at the Town and Country Club in St. Paul, and then to cross the river to the City of Minneapolis and take a view of one of the flour city's most attractive natural features—the Falls of Minnehaha. Then, after a boat ride on the river, you will return by special trolley to St. Paul. On Saturday morning we ask you to take a ride to Lake Minnetonka and a boat ride upon the lake. This will be by special train and boat, furnished by the courtesy of the Great Northern Railway. After the lake ride, you will be invited to lunch at the Lafayette Club and will return by special train in time, if you choose, to leave for home on the evening trains Saturday.

Do not think, gentlemen, that the extent of our hospitality is limited by what is contained in the printed programme. As to whatever you or any of you may desire of us, we are at your command.

We thank you for coming to us this year. The entire Bar of this state, and the citizens of these two cities, are here waiting upon you, and are at your service.

The President:

Mr. Brown, in behalf of the American Bar Association—and not speaking for them half as well as I ought—I thank you for these words of welcome.

We all appreciate the complete and perfect arrangements that have been made for our entertainment and comfort by the Minnesota State Bar Association, of which Mr. Brown is the able and worthy President. Something of the enterprise, the energy, that permeates the air in this region is exemplified by the manner in which the Minnesota State Bar Association came down to Chicago, where our Executive Committee was

in session last winter, and they not only invited us, but they convinced us that St. Paul and *Minneapolis*—don't forget the other twin—was the proper place for this meeting. The Executive Committee at some time during the meeting here this week will expect the Association to pass a vote of thanks for our judicious selection of this city as the place for holding our meeting. The Minnesota State Bar Association is a body of able lawyers, representative of the best there is in this great Northwest, and the great Northwest is a part and a very large part of our common country.

Mr. Brown, will you bear to the Minnesota State Bar Association our thanks and our high appreciation of this welcome and of all that you have done to make our stay among you a pleasant one?

The President then delivered the President's address.

(See the Appendix.)

The President:

The first business in order is the nomination and election of new members.

New members were then elected.

(See List of New Members.)

Next in order is the election of the General Council. The Secretary will call the roll of states, and as each state is called some one from that state is requested to rise and give the name agreed upon by the representatives from that state as the one chosen to represent the state in the General Council. When no nomination is made, the member whose name is now on the roll will be retained. An intermission of five minutes will be taken before proceeding with the election.

A recess of five minutes was then taken, after which members of the General Council were elected.

(See List of Officers at end of Minutes.)

The President:

The new General Council is requested to meet immediately after this session adjourns for the purpose of organizing.

The report of the Secretary will now be presented.

REPORTS: SECRETARY, TREASURER, EXEC. COMMITTEE. 9

John Hinkley, of Maryland, the Secretary of the Association, read his report.

The President:

The report of the Secretary will be received and filed.

(See the Report at end of Minutes.)

The President:

The next in order is the report of the Treasurer.

Frederick E. Wadhams, of New York, the Treasurer of the Association, read his report.

The President:

The report of the Treasurer will be referred to an Auditing Committee consisting of George P. Harrison, of Alabama, and Selden P. Spencer, of Missouri.

(See the Report at end of Minutes.)

The President:

I will announce as the Dinner Committee the following: Frederick E. Wadhams, of New York; Charles Monroe, of California; Ralph W. Breckenridge, of Nebraska; W. A. Lancaster, H. V. Mercer, John T. Baxter and Charles W. Farnham, of Minnesota. You see the preponderance of Minnesota gentlemen. That is the Minnesota idea. They have done such good work that we will keep them at it.

The Treasurer made an announcement of the Annual Dinner to be held at the Auditorium in Minneapolis, on Friday evening.

The President:

The report of the Executive Committee will now be presented.

The report was read by the Secretary.

(See the Report at end of Minutes.)

The Secretary:

This report contains four matters which require action by the Association. The first is the By-law requiring a two-thirds vote to approve legislation.

Second: The creation of a standing Committee on Taxation.

Third: A resolution with regard to the International Bar Association authorizing the President of this Association to appoint delegates to that body.

Fourth: The question for holding a meeting in California.

These four matters are submitted to the Association for action.

The President:

You will observe that the report states certain amendments to the Constitution and By-laws which will require action, but the Chair will take it upon itself to defer action until later.

Now, what is it the pleasure of the Association to do with the report?

James O. Crosby, of Iowa:

I move that the report be printed and distributed to the members so that they may act intelligently upon it.

Amasa M. Eaton, of Rhode Island:

I second that motion.

The motion was adopted.

Lynn Helm, of California:

I move that the consideration of the question with reference to holding a meeting of the Association at Los Angeles, California, be postponed until Friday, at which time it shall be taken up under the head of "unfinished business."

The President:

It may go over until that time without the necessity of putting a motion to that effect.

A recess was taken until 8 P. M.

EVENING SESSION.

Wednesday, August 29, 1906, 8 P. M.

The President called the meeting to order.

New members were then elected.

(See List of New Members.)

The President :

It is customary to appoint a Committee on Publications to supervise the publication of the proceedings of this meeting. Therefore I will appoint the following committee: George Whitelock, of Maryland;¹ Francis B. James, of Ohio; Robert M. Hughes, of Virginia; Charles Noble Gregory, of Iowa; Merritt Starr, of Illinois.

The President :

Gentlemen of the Association, I had the privilege last winter of attending the meeting of the Nebraska State Bar Association, at Omaha, and the great pleasure of listening to a most admirable paper by Mr. Roscoe Pound, of Lincoln, Nebraska. Mr. Pound has consented to read a paper before our Association tonight. The title of the paper is "The Causes of Popular Dissatisfaction with the Administration of Justice."

Mr. Pound then read his paper.

(See the Appendix.)

The President :

Let me announce, gentlemen, before introducing the next speaker, that the reception to which we are invited is not advertised to begin until 9.30 o'clock, and it is a reception good, I believe, until 11 o'clock, so that it is not necessary for any of the members of the Association or the ladies who accompany them to leave before the reading of the next paper, and I trust you will all remain and listen to the gentleman whom I am about to introduce.

¹ George Whitelock subsequently asked to be relieved from serving on the committee and Francis B. James was made Chairman and James Barr Ames, of Massachusetts, was added.

Everett P. Wheeler, of New York :

There is now pending before a joint committee of the Senate and House of Representatives of the United States a bill to reorganize the federal judiciary, and many changes are proposed in this bill. There are some of us in the East, and I doubt not in the West also, who have felt that the time is opportune to submit to that joint committee some suggestions on the lines of this paper. We have felt very strongly—however, not more strongly than the paper expresses it—some of the abuses of our existing procedure. But there has not been a time so opportune for an attempt to reform as the present. Now, I would ask the unanimous consent of this meeting to move that this paper be at once printed in pamphlet form, without waiting for the publication in the volume next year, that a copy be sent to each member of the Association, and to the committee of the Senate and of the House of Representatives before whom this federal judiciary codification is now pending.

The Chairman :

Will the gentleman offer that as a motion ?

Everett P. Wheeler :

I do so offer it. The motion is as follows :

Resolved, That four thousand copies of the paper on the "Causes of Popular Dissatisfaction with the Administration of Justice," by Roscoe Pound, of Nebraska, be printed in pamphlet form, and that a copy be sent to each member of the Association, and to the members of the committees of the Senate and House of Representatives having under consideration House Bill 14,971.

And that the subject matter of said paper be referred to the Committee on Judicial Administration and Remedial Procedure for consideration and report.

James D. Andrews, of New York :

The making and passing of such a resolution as that would involve our unanimous approval. Now, I want to say that however much we might admire parts of the paper, a more

drastic attack upon the system of procedure employed by the courts in the United States, as a whole and *in toto*, could scarcely be devised. This is not the time nor the place to discuss that paper. Laying aside the last two grounds, with which I entirely concur, and referring to the conditions of procedure, and which are claimed to have following in their train the evils pointed out, I will undertake to show the contrary of every one of the material positions taken in the paper: as to the origin of the contentious procedure; as to the operation in England of the procedure acts; as to the operation of common law procedure (not the ancient procedure) and procedure under the practice acts. For those reasons I withhold my consent to the motion.

Everett P. Wheeler:

Mr. President, the motion, as I understand our rules, cannot be put without the unanimous consent of the meeting. But I now give notice to bring it up under the head of miscellaneous business at a later period. I also bring to the notice of the Association the amendments proposed to the codification of the judiciary act and ask your attention to them.

The President:

Gentlemen, we are very fortunate in having with us tonight a gentleman who has attained a very high and distinguished position in our profession, Mr. John J. Jenkins, Chairman of the Judiciary Committee of the House of Representatives, a position which he has reached by ability, industry and the steadfast performance of his duties as a representative from the State of Wisconsin. The paper which he will read tonight is entitled, "Can Congress transfer to the States its Power to Regulate Commerce?" I now have the pleasure of introducing to you Mr. John J. Jenkins, of Wisconsin.

John J. Jenkins, of Wisconsin, then read his paper.

(*See the Appendix.*)

The Association then adjourned to Thursday, August 30, 1906, at 10 A. M.

SECOND DAY.

Thursday, August 30, 1906, 10 A. M.

The President called the meeting to order.

New members were then elected.

(See List of New Members.)

The Secretary :

I am requested to announce that delegates to the Divorce Congress who are in the city are asked to meet at half-past two o'clock, Friday afternoon, in the reception room at the Hotel Ryan.

The President :

Gentlemen of the American Bar Association : We are fortunate in having with us this morning to deliver the Annual Address, a gentleman who has honored our profession by giving his life-work to it. Nineteen years of his professional career have been spent in judicial office, first as Justice of the Supreme Court of the State of New York, and later as Chief Justice of the Court of Appeals of that state ; a gentleman dear to all who know him, honored and deservingly so by his brethren of the legal profession and by the people of the state who have placed him in high office.

I have particular pleasure, and I feel that it is a great honor, to introduce Alton B. Parker, of New York.

Alton B. Parker, of New York :

As a member of this Bar Association, proud of the membership therein and glorying in its unselfish ambition to be of service to the profession and the public on the broadest lines, and uttering, as I believe, the sentiments of every member, I wish to thank you, our honored and much beloved President, for your address of yesterday. It was philosophic, statesmanlike and eloquent. Every man who heard it, and all who shall read it—and I wish every citizen might—will be the wiser and the better for it. If at times we thought we detected a tone of doubt about the future of our beloved country,

later we were strongly otherwise assured by expressions of most profound confidence. In that confidence of a glorious future for our people which remains strong within him after much study and careful, patriotic thought, we all rejoice. Rejoice because our faith in the government founded by our fathers and our confidence in the truth of Lincoln's assertion that "you can't fool all the people all of the time" makes it impossible for us to believe otherwise than that each generation will see real progress made toward a higher level. But the higher level will not be reached unless it be worked for by each generation. The forces of good and evil are always at war with each other; one tries to uplift, another to drag down. So, whenever an evil tendency in our governmental affairs is found, all patriots should at once grapple with it and apply the remedy required, whether it be mild or drastic. It is of one of those tendencies that I have chosen to speak today.

The speaker then delivered the Annual Address.

(See the Appendix.)

The Association then took a recess of five minutes.

The President:

The first business in order now is the reception of reports of committees, and under that head I call for the report of the Committee on Jurisprudence and Law Reform, of which Mr. Meldrim, of Georgia, is Chairman.

The report was read by P. W. Meldrim, of Georgia, Chairman of the committee.

(See the Report in the Appendix.)

George Whitelock, of Maryland:

I move that the report be accepted and its recommendations adopted.

Everett P. Wheeler, of New York:

I take pleasure in seconding that motion.

The motion was adopted.

The President:

The next committee is that on Judicial Administration and Remedial Procedure.

William P. Breen, of Indiana :

Owing to the death of the distinguished Chairman of our committee, Mr. Edwin Burritt Smith, of Chicago, and the indisposition of Mr. Robert D. Benedict, of New York, it was impossible to have a conference of the members of the committee, and therefore the committee has no report to submit.

The President :

The Committee on Legal Education and Admissions to the Bar.

The report of the committee was presented by Henry Wade Rogers, of Connecticut.

(See the Report in the Appendix.)

Henry Wade Rogers :

Before I take my seat, Mr. President, I wish to state that I am instructed by the Association of American Law Schools to say that the Association approves the recommendations contained in this report on the subject of degrees, and hopes that the American Bar Association will also approve them, and that we may co-operate to secure suitable legislation for the protection of degrees.

Eugene C. Massie, of Virginia :

Mr. President, I did not hear the name of Virginia mentioned among the states which the committee have credited with boards of law examiners. Every applicant for a license to practice law in Virginia has to stand a rigorous written examination before the judges of the Supreme Court of Appeals. The passage of the act requiring these examinations is one of the valuable results of the work of the Virginia State Bar Association, of which that Association is justly proud. If the name of Virginia was mentioned by the committee, I beg pardon for this interruption ; but if not, I request that it be inserted in the report.

Samuel Bosworth Smith, of Tennessee :

I also notice that the name of Tennessee was omitted. Our state has a specially appointed committee, which is exclu-

sively in charge of the examination of all applicants for admission to the Bar. No applicant can be admitted to the Bar in the State of Tennessee except upon the certificate of that committee.

Henry Wade Rogers :

I am well aware of the fact that the gentleman from Tennessee states, and the omission of the reading of the name of Tennessee was a mistake. The State of Tennessee is included in the list. So far as the State of Virginia is concerned, that was purposely omitted from the list. I understand that the practice in Virginia is very similar to the practice in very many of the southern states ; that is, they have a peculiar system by which the examination is conducted in the presence of the chancellor or a judge of the particular circuit or county court in which the student offers himself for admission, and the examination is conducted before him, and the answers to the questions propounded are written out and then the papers are sent to the Court of Appeals of Virginia, and that court examines the questions and marks the applicants—not at all on the preliminary learning of the applicants. I read the discussions in the Virginia State Bar Association, and I found that the Committee on Legal Education in the state reported that the Court of Appeals felt that it had no authority under the rules as they existed to reject the applicant, even though they were satisfied upon an inspection of his papers that his preliminary education was defective. So far as I understand it, there is no uniformity of the standard in the several courts of the State of Virginia. Those questions are not settled by the Court of Appeals ; they are settled by other courts, so that there is no uniformity of the standard and the Court of Appeals simply examines the papers and marks them.

Eugene C. Massie :

The gentleman is quite mistaken about that. There is an absolute standard of uniformity in Virginia. Every candidate for admission to the Bar has to appear before the

Supreme Court, and there is a very rigid examination in writing. The examinations are not before *nisi prius* judges, but they are altogether before the judges of the Supreme Court. The old system to which the gentleman refers has been abrogated for years in Virginia. Since July 1, 1896, no license has been granted until the applicant has successfully passed a written examination before the judges of the Supreme Court of Appeals. So that we have actually had for ten years in Virginia a model of the system which is now recommended by the committee as an ideal one for all the states.

The President :

I would like to suggest to the gentlemen who wish to discuss this report that there is no motion before the house. Would it not be well to let this report go over until this evening, and thus give the gentleman from Virginia and others who wish it an opportunity to discuss it with Mr. Rogers ?

James D. Andrews, of New York :

I move that the report be received and that the resolutions submitted by the committee, each and all of them, be adopted.

Rodney A. Mercur, of Pennsylvania :

I second that motion.

Daniel Fraser, of Indiana :

I move to amend the motion by postponing the consideration of the report until this evening, and in this connection I desire to say that it might be well to have these learned doctors of law schools take into consideration the fact that John Marshall and Thomas Jefferson were admitted to the Bar under that Virginia system.

The President :

It is not yet up for debate, sir. The gentleman from Indiana may discuss the question when it is before the house.

Amasa M. Eaton, of Rhode Island :

I second the motion that we postpone the consideration of the report until this evening's session.

The President:

It is moved to amend the motion made by Mr. Andrews, by providing that the consideration of the report be postponed until the session this evening.

Seth Shepard, of District of Columbia:

That is the motion that I had intended to propose. There is a great deal in the report and it is very difficult to understand thoroughly from hearing it read. There are a number of resolutions proposed that involve matters of technical knowledge with respect to degrees, which a great many of us probably are not familiar with, and I think we ought to have an opportunity to consider it carefully. Moreover, there are certain corrections which I think it will be found necessary to make in the report, because I think there are some other jurisdictions which have standards of examination for admission to the Bar that are not mentioned.

The President:

The question is on the amendment offered by the gentleman from Indiana that the report go over for consideration to the evening session.

The motion to postpone consideration of the report till the evening session was adopted.

The President:

Next in order is the report of the Committee on Commercial Law. The report is in print and I suppose it will not be necessary to read it, as copies have been distributed.

George Whitelock, of Maryland:

This report was dictated by the late Chairman of the committee, Mr. Walter S. Logan, of New York, and sent by him to the other members of the committee and by them adopted. It recommends a renewal of the recommendation of the committee in reference of the bankrupt law, and I will simply read the conclusions of the report.

Rodney A. Mercur, of Pennsylvania:

I move the adoption of the report and its recommendations.

M. A. Spoonts, of Texas :

I would like to know what became of the matter that was recommitted last year in reference to the Sherman Anti-Trust Law.

George Whitelock :

That matter received final action last year at Narragansett Pier, and it has not been referred to the committee this year.

M. A. Spoonts :

It was referred back to the committee last year, as I understand it.

George Whitelock :

At any rate, it is not referred to in the report this year. Mr. Logan died very suddenly and it was impossible to get the committee together to go over the report individually, and he dictated it before his death, and the only thing we could agree upon was in reference to the bankrupt act and the action of the Association towards the bankrupt act which had been agreed upon.

William A. Ketcham, of Indiana :

I think the gentleman is in error. I think the amendment that was proposed was the report of the minority committee, as I recall it, at Narragansett Pier, which was first adopted, but by so slight a majority that a motion was made to reconsider the vote, and then by a very large majority it was voted down. It was not recommitted, as I recall it.

George Whitelock :

Will the Secretary state what the minutes say about that?

The Secretary :

The resolution of John Morris, of Indiana, was that the recommendation of the minority report of the Committee on Commercial Law with reference to the amendment of the act of Congress passed July 2, 1890, be approved. Then there was an extended debate on that motion, and a vote was finally taken by tellers; sixty-eight members voted in the affirmative

and seventy in the negative. The resolution was therefore declared lost.

Fabius H. Busbee, of North Carolina:

I think there was a motion made afterwards to reconsider, and that the motion to reconsider was lost. Am I not right about that?

The Secretary:

Yes, sir; that is, the motion to reconsider was tabled.

George Whitelock:

Therefore, that is, final action, as I understand it.

M. A. Spooner:

Was not a motion made to reconsider? There was an agreement between Mr. Logan and the other members of the committee by which it was understood that the matter might be recommitted; objection having been made that the report had not been considered by any member of the Executive Committee other than Mr. Logan himself. I think, Mr. Secretary, by further examining the minutes of that meeting you will find that this went back for further action.

The question on the resolution adopting the report was called for.

The report was adopted.

The President:

The Committee on International Law is the next to report, of which Mr. Wheeler, of New York, is Chairman.

Everett P. Wheeler, of New York:

I can state the substance of the report and possibly we can dispose of it in a few moments. It has been printed and laid before the Association.

The report gives a statement of the various arbitration treaties that have been adopted by the different countries of the world during the past year, which are in form similar to those which were considered last year by us; indeed, more comprehensive. It calls attention to the fact that, at the initiative of our government in the first instance and afterwards

on the formal invitation of the Emperor of Russia, there is to be this coming winter a second Peace Conference at The Hague, which will take up the work of the first where it left off, and will further consider the various questions of international law in regard to which nations have differed and upon which it is certainly important to arrive at an understanding. Then it calls attention to the fact that during the year there has been a Conference at Geneva, which has agreed upon many resolutions in regard to the care of the wounded and the conduct of hostilities. This certainly is a great advance in promoting humanity, even in time of war. Then it calls attention to the work of the Inter-Parliamentary Union. That was originally proposed in 1888. Mr. Hay, in his invitation to this second Peace Conference at The Hague, draws attention to the very important work that the Union has done in bringing about a greater unity in the system of international law. It has recommended to the next Hague Conference for its consideration the adoption of a treaty defining contraband of war, reasserting the old American principle that free ships make free goods and providing that private property should be immune from capture at sea. It also recommends the limitation of the armaments of the nations to their present status and the extension, as far as possible, of the system of arbitration. These recommendations are fully stated in the report. It then draws attention to the Pan-American Conference that has been going on at Rio Janeiro and to several conferences on private international law, the general tendency of which is to bring about a better understanding among the nations. This certainly has been a year of conferences.

Your committee submit that the facts which are stated in the report are worthy of the reading of the members of the Association. In that connection, and in connection with the action of the United States government promoting the Inter-Parliamentary Union, the committee beg to submit this resolution :

Resolved, That the American Bar Association approves the recommendations made by the Inter-Parliamentary Union to

the second Hague Conference, and respectfully requests the government of the United States to instruct its delegates to urge upon the Conference the adoption of these recommendations.

I move the acceptance of the report and the adoption of this resolution.

Ernest T. Florance, of Louisiana :

I second the motion.

The motion was adopted.

Ralph W. Breckenridge, of Nebraska :

Mr. President, I move that the report of the Committee on Insurance be made the special order for 10.30 o'clock tomorrow morning.

John C. Richberg, of Illinois :

I second that motion.

The motion was adopted.

The President :

We will now take an adjournment until 8 o'clock this evening.

EVENING SESSION.

Thursday, August 30, 1906, 8 P. M.

The President called the meeting to order.

The President :

A year ago, at Narragansett Pier, we were greatly disappointed because of the inability of Mr. Kernan to be present and read a paper which he had been invited to prepare. His absence was occasioned by serious illness in his family and he had with our disappointment the sincere sympathy of all members of the Association. I am happy to state that he is with us tonight, and I now have the pleasure to introduce Hon. Thomas J. Kernan, of Baton Rouge, Louisiana, who will read the paper which he was invited to read more than a year ago.

Thomas J. Kernan, of Louisiana :

I hope, gentlemen, you do not think I would keep a paper a year and then come and foist it upon this Association. I assure you this is a very much fresher paper than that.

The speaker then read his paper.

(See the Appendix.)

The President :

At the meeting of the Executive Committee in December last, an invitation was extended to General George B. Davis, Judge Advocate General of the United States Army, to read a paper at this meeting. General Davis accepted the invitation and stated that he would read a paper entitled, "Some Recent Progress in International Law"; but the President of the United States having sent General Davis to Geneva as a delegate to the International Conference, General Davis has sent his paper on to me. General Davis has written a book upon the subject of international law, as doubtless many of you are aware, which is in use in the colleges and universities, and I doubt not that his paper will prove very interesting and instructive, particularly as read by our distinguished member, Mr. Everett P. Wheeler, of New York, the Chairman of our Committee on International Law, whom I have asked to read the paper and who has kindly consented to do so.

The paper was read by Everett P. Wheeler, of New York.

(See the Appendix.)

The President :

I am exceedingly glad to notice your approval of the paper which Mr. Wheeler has read. It is a pleasing evidence of the breadth of our influence as an Association that this paper was sent to me from Geneva, where General Davis was engaged in the performance of his duties as the representative of the United States in that Conference.

Amasa M. Eaton, of Rhode Island :

It is important to have representation upon the General Council from each state and territory. From the State of Colorado, Lucius W. Hoyt, the present member of the Coun-

cil, is not present, and I have been requested to say that it is desired that Mr. T. H. Devine, of Pueblo, be elected as the member of the General Council from that state.

The President:

Gentlemen, you have heard the request that Mr. T. H. Devine be elected to membership in that body, representing the State of Colorado. Unless objection is made, that will be done. No objection appearing, the Secretary is directed to place the name of Mr. Devine upon the roll of members of the General Council.

The Secretary suggests to me that the same situation exists in Massachusetts. Will some gentleman from that state indicate whom he desires to place upon the General Council to represent Massachusetts?

Ralph W. Breckenridge, of Nebraska:

I am not from Massachusetts, but I observe Judge Dewey, of Boston, is here, and I would suggest that he be placed on the General Council from Massachusetts.

The President:

If no one from that state is present except Judge Dewey, and Judge Dewey has the modesty becoming a lawyer, and particularly a Massachusetts lawyer, the suggestion of Mr. Breckenridge seems to be in order.

Henry S. Dewey, of Massachusetts:

Mr. Samuel Williston is in the city, and he and I talked about this matter this afternoon, and I believe it was practically understood between us that he was going to suggest my name. Professor Williston is not here tonight; therefore, I have no objection to Mr. Breckenridge nominating me.

The President:

There being no objection, and I do not suppose there can be to anything Mr. Breckenridge suggests, if it does not involve any question of insurance law—the Secretary is directed to enter Judge Dewey's name on the roll of the General Council to represent Massachusetts.

The Committee on Obituaries, of which Mr. Hinkley is Chairman, will now report.

The report of the Committee on Obituaries was then read by John Hinkley, of Maryland, Chairman of the committee.
(*See the Report in the Appendix.*)

The President :

Gentlemen, you have heard the report of the Committee on Obituaries. What will you do with it?

John Deery, of Iowa :

I would suggest that J. C. Longueville, Dubuque, Iowa, has died since the last meeting, and his name should be incorporated in the report.

The Secretary :

His name will be inserted in the report as published.

The President :

Unless objection is made, the report will be received and approved.

Is there any report from the Committee on Grievances? None appearing, that will be passed.

Next in order is the report from the Committee on Law Reporting and Digesting. Is there any report from that committee?

Roscoe Pound, of Nebraska :

I believe our committee has no report to present.

The President :

The Committee on Patent, Trade-Mark and Copyright Law. Judge Taylor, of Indiana, is the Chairman of that committee.

Robert S. Taylor, of Indiana :

I desire to present the report of that committee upon the subject of the creation of a Court of Patent Appeals. The report has been printed and circulated among the members of the Association, but there are some questions arising in regard to it about which I desire to be allowed to say a few words. The committee desire at the hands of the Association the adoption of a resolution a little out of the ordinary in refer-

ence to such reports. A bill for the creation of a Court of Patent Appeals was reported some years ago, approved by the Association and your committee were directed to use their best efforts to secure its passage. The bill was introduced in both houses of Congress. In the first Congress before which it came no action was taken. In the following Congress it was again introduced, and it is now pending before the Committees on Patents of the two branches of Congress. Your committee have met with some obstruction in their endeavor to secure the passage of the bill. It embodies a principle which is novel, and which is not very readily understood by members of Congress, nor by the general public or members of the Bar—a principle which the committee believe to be of great value and importance, but which operates as a hindrance to the progress of the bill. It was embodied in the original bill reported to the Association at the Hot Springs meeting and there approved; but the committee have come to a point where they desire particular consideration of the question by the Association, and wish instructions as to whether they shall proceed in their endeavors to secure the passage of a law embodying the novel principle to which I refer, and of which I will speak to you for a few moments.

The bill provides for the creation of a single court of appeals for patent causes to sit at Washington, to consist of five judges, one of whom only, the President Judge, shall be appointed by the President and confirmed by the Senate. The other four of the judges are to be designated by the Chief Justice of the United States from among the circuit and district judges to sit for stated periods. The bill provides that, upon the passage of the law, four such judges shall be designated for that service; two of them for the period of three years, and two of them for the period of six years, and that after that the Chief Justice shall designate two at the expiration of periods of three years. The court would then consist of five members; one of them appointed for life by the President and confirmed by the Senate, and the other four, sitting for

limited periods of six years each, by designation from among the circuit and district judges.

The arguments in support of this plan of organization which have been heretofore stated to the Association in the reports of the committee and in discussions on the floor of the Association are in brief these: Patent law is a science of itself. It is a branch of the law widely different from the law generally. To discharge well the duties of a patent judge requires an aptitude for mechanics and engineering sufficient to enable one to understand mechanical construction and description, and decipher mechanical drawings, which some men can do readily and some cannot. It is no less necessary that the patent judge shall have a mental aptitude for patent law and patent questions. The question of invention, what it is that constitutes invention, and questions of infringement; what it is that constitutes appropriation of an invention are as difficult questions as are ever presented to courts, and to some men, to some able men and great lawyers, they are out of the reach of clear apprehension. At the same time no man is fit to be a patent judge who is not a good lawyer and a good judge in the large sense. The patent lawyers of this country are not willing to trust themselves to be the judges of the final court in patent causes. They desire that the judges of that court shall be first of all great judges in the large sense. But to select them from among lawyers upon consideration of general legal ability merely and put them on the Bench for life involves serious risks. Now, we have among us the material to make as perfect a Court of Patent Appeals as can exist without danger of failure in the selection. We have something over one hundred judges on the federal Bench as circuit and district judges. They are put in those positions by appointment upon considerations of general fitness as lawyers for the discharge of general duties as judges. Some of them have within them the elements of good patent judges and some have not. Their experience on the Bench, where they are all compelled to try patent causes, discloses who among them have the natural gifts

of a patent judge and who have not. These judges, from the moment of their appointment, are all students in the greatest law school on earth. They are called to decide great questions. They have the assistance of great lawyers. They have every stimulus which can affect the mind of a lawyer to do his best, and they grow rapidly. From among the one hundred judges now on the bench there can be selected a small number, eight, ten, fifteen or twenty, who have more capacity and ability to sit as patent judges than any other like number of men that ever lived. By the proposal of this bill, the Chief Justice of the United States shall, once in three years, select from among these judges two men to sit upon the United States Court of Patent Appeals.

It was a very responsible duty which you put upon your committee to endeavor to induce Congress to create a new court second only to the Supreme Court of the United States in the dignity and importance of its jurisdiction. Your committee are proposing to introduce into the composition of that court a novel principle of selection, which I have stated, one which, in their opinion, is of the most vital importance. It is the judgment of the committee that if it is possible to secure the organization of a court along those lines the result will be that we will have in the United States the most perfectly organized court for special duties that ever sat in the world. The plan proposed rests on a process of double selection. There is first taken from among the whole population of the United States a limited number, somewhat over one hundred, of the best lawyers that can be selected for the federal Bench; they are there subject to a special and thorough training, and then from among them are to be taken, as a final selection, two judges once in three years.

Gentlemen, the creation of our courts is the most important and difficult part of the government. Under our system, the judges of the courts are the final arbiters of the law. Whether we choose them by selection or by appointment, our selections are subject to the imperfections that attend all human affairs.

Your committee have proposed in this bill a novel principle of selection. We believe that for the particular purpose in view this principle of selection is a great step in advance as a method of securing from among the whole body of lawyers that little number best fitted of all for the discharge of the particular duties of a court of patent appeals. We want to know whether the Association approves of the principle and whether the Association will hold up the hands of the committee in their efforts to secure a law embodying it. There would be, I believe, no great difficulty in securing the establishment of the court if we were willing to make any sort of a compromise necessary to get it. But the committee have not felt like taking that course. They have felt that to introduce into the jurisprudence of the United States a court such as this would be a step in advance in the judicial history of our country for which the committee could well afford to work long and for which the country could well afford to wait long, and for myself I say that if such a great step as this can be taken, if we can contribute by anything we can do to the creation of a court distinctly superior in its organization to any that can be created in any other way, which will become part of the government of this country for all time to come, I should be quite willing to give to the work the balance of my life and strength.

I offer this resolution and ask the Association to adopt it:

Resolved, That the report of the Committee on Patent, Trade-Mark and Copyright Law on the subject of the creation of a single court of last resort in patent causes is accepted and approved, and that the draft of bill appended to said report and the efforts of the committee in the past to secure the passage of the same by Congress are also approved; and, further, that in this endorsement of the bill, as proposed by the committee, emphasis is laid upon those provisions of it relating to the plan of organization of the court by which all of the judges composing it, except the President Judge, are to be designated for service for stated periods from among the judges of the circuit and district courts by the Chief Justice of the United States, and the committee are directed to continue their efforts to secure the passage of the law.

Everett P. Wheeler, of New York :

I second the resolution.

The resolution was adopted.

Robert S. Taylor :

There was another matter referred to the committee and a report has been made upon it, which has been printed and distributed to the members, but I desire to say this upon that subject: It was not possible, in consequence of the sickness of some members of the committee and other causes, for the entire committee to have a consultation upon the subject of the report which was printed in relation to the extension of patents. Since we came together here, the committee have considered that subject again, and we find ourselves not in entire accord as to the matters embodied in the report, and we have therefore determined that we will not present the report nor ask action by the Association upon it.

James H. Raymond, of Illinois :

It seems from the statement of Judge Taylor that a printed report has been sent out. Now, it does not seem to me that it can be withdrawn simply by somebody's say so. I really do not know at the moment what the proper way of disposing of the matter is, but I want to kill it if possible.

Robert S. Taylor :

I should be sorry to have anything in the nature of homicide committed here, and under the circumstances, I think the proper thing to do is to ask that the subject be recommitted.

W. H. Mackoy, of Kentucky :

I move that that be the course followed.

James H. Raymond :

I second that motion.

The motion to recommit was adopted.

The President :

The next report to be made is that of the Committee on Insurance Law. That, I believe, has been made the special order for tomorrow morning.

Then there is the report of the Committee on Uniform State Laws, of which Mr. Eaton, of Rhode Island, is the Chairman.

The report of the committee was read by Amasa M. Eaton, of Rhode Island, its Chairman.

(See the Report in the Appendix.)

The President:

Gentlemen, you have heard the report. What is your pleasure about it?

James H. Raymond:

I move that the committee be discharged from further consideration of the subject mentioned.

The President:

Is that motion seconded?

W. H. Mackoy:

I move that the report be accepted and adopted.

James H. Raymond:

I withdraw my motion and second the one just made.

The motion was adopted.

The President:

We now come to the report of the Committee on Classification of the Law, of which Mr. Andrews, of New York, is Chairman.

James D. Andrews, of New York:

The committee have no report to present.

The President:

The Committee on Indian Legislation. I call upon Mr. Ellinwood, of Arizona. He does not appear to be present, so the report will be passed.

The next is the report of the Committee on Penal Laws and Prison Discipline.

R. W. Williams, of Florida, after stating that the report was in print, read the same.

(See the Report in the Appendix.)

The President:

Gentlemen, you have heard the report of the committee and the accompanying resolutions. What will you do with them?

Charles F. Libby, of Maine:

I move that the report be accepted and the resolutions adopted.

William P. Breen, of Indiana:

I second that motion.

The motion was adopted.

Robert S. Taylor, of Indiana:

It occurs to me that it would be proper to refer the subject mentioned in this report to the Committee on Uniform State Laws. It would be desirable that the states should be asked to pass a law on the subject which would be uniform throughout the union. I therefore move that the subject be referred to the Committee on Uniform State Laws.

Arthur Steuart, of Maryland:

I second that motion.

The President:

Gentlemen, you have heard the motion—which does not affect the report, as I understand it—that this subject be referred to the Committee on Uniform State Laws.

The motion was adopted.

The President:

The next report is that of the Committee on Federal Courts.

Charles F. Libby, of Maine:

There is no matter now pending before that committee, and therefore the committee has no report to make; but, as there are matters coming up which may be referred to the committee, we would move that the committee be continued.

Francis Fisher Kane, of Pennsylvania:

I second that motion.

The motion was adopted.

The President :

The report of the Committee on Industrial Property and International Negotiation.

The Secretary :

I have a letter from Mr. Church, the Chairman of that committee, in which he says that the committee have had no matter before it and he asks that the committee be discharged.

The President :

Unless there is objection, the committee will be discharged. There being no objection, it is so ordered.

Next is the Committee on Title to Real Estate, of which Mr. Ferdinand Shack is Chairman.

The Secretary :

The Chairman of that committee is not present, but I have the report on the desk ; it is very brief.

The President :

The Chair will call upon the Secretary to read the report.

The report was read by the Secretary.

(See the Report in the Appendix.)

The President :

Gentlemen, you have heard the report of the committee. What is it your pleasure to do with it ?

Chester C. Cole, of Iowa :

I move that the report be accepted and the committee continued.

Charles F. Libby, of Maine :

I second the motion.

The motion was adopted.

The President :

The next report is from the Committee on the Code of Professional Ethics, of which Henry St. George Tucker was made Chairman by special resolution at our last meeting.

Henry St. George Tucker, of Virginia :

Mr. President and gentlemen of the American Bar Association: The resolution passed at our last meeting was that a

committee of five should be appointed, of which the retiring President should be Chairman, to report upon the adoption of a code of professional ethics.

The committee has had this matter under consideration and has formulated a report, which is in print, and has been in the hands of members of the Association for several weeks. I do not desire to discuss anything which is not necessary, because you have had the report. Our recommendation is in these words :

“The appointment of a committee of nine from the Bench and Bar to report for consideration and action at the 1907 meeting a series of canons of professional ethics in the form of a code suitable for adoption and promulgation by this Association.”

I move the reception of the report and the adoption of this resolution.

James O. Crosby, of Iowa :

I second the motion.

The motion was adopted.

The President :

The committee will be appointed by the incoming President. The report of the delegates to the Copyright Congress is now in order. Mr. Arthur Steuart, of Maryland, is the Chairman, I believe.

Arthur Steuart, of Maryland :

Mr. President and gentlemen of the American Bar Association : You have had before you, in print, the report of the delegates to the Copyright Congress, which was held during the past year ; therefore I shall not trouble you with reading it, I merely desire to give you some conception of the magnitude of the work represented in that congress. You will find in the report a general list of the interests which were represented there. The congress consisted of authors, dramatists, artists, printers, scholars, architects, composers, publishers of newspapers, publishers of magazines, publishers of artistic reproductions, lithographers, photographers, representatives of edu-

cational institutions and public libraries, lawyers and some others.

They came for the purpose of first expressing their wishes with reference to the improvements in the Copyright Law. You can easily realize that it took so large a body of laymen a long time to say what they wanted; it required three sessions of nearly a week each to formulate some conception of what they desired in the shape of copyright protection. Each interest had some special point which it desired covered, and the attempt to cover all of those interests was a difficult and very laborious task. The congress was, however, conducted by the Librarian of Congress with great skill and tact, and a bill was finally introduced into Congress by the Librarian of Congress, and that bill is appended to our report. I desire this Association to understand that we are not responsible for that bill. We did what we could to get it into the best legal form possible, but we had not the power to alter its provisions very materially. All we could do was, so to speak, to act as a sort of advisory committee to suggest and try to prevent the congress from making legal mistakes. If the bill has any legal value in its present form, we are very glad that some of our work may have been effective. It covers a wide range and a vast number of interests. It is a thing of a great deal of importance to a very great many people, and the responsibility involved in recommending this bill or any other bill is one which these delegates are not willing to assume at the present time. We, therefore, ask that the matter be referred to a special committee to be appointed by the Chair. I would prefer rather a large number, because the subject is one of such a diversified character, and that the committee be instructed to give the matter careful consideration and to report at the next meeting of this body.

James H. Raymond, of Illinois :

I second the motion that has been made, and would suggest that a committee of five be appointed.

The President:

Mr. Steuart, do you think that would be a large enough committee?

Arthur Steuart:

I think it ought to consist of ten members.

The President:

Will you put the resolution in writing?

The Secretary:

While Mr. Steuart is writing out his resolution, I desire to announce that the West Publishing Company requests all members and delegates attending this meeting to bring the ladies accompanying them to the luncheon tomorrow afternoon between the hours of one and five.

Arthur Steuart, of Maryland:

I have my resolution in writing and will read it:

Resolved, That a committee of ten members of this Association be appointed by the Chair to consider the Copyright Bill now pending before Congress and to report their conclusions thereon to the next meeting of this Association.

Frank M. Higgins, of Maine:

I second the resolution.

The resolution was adopted.

Charles F. Libby, of Maine:

What has become of the report on Legal Education?

The President:

It was deferred until this evening, but Professor Rogers does not seem to be present.

Charles F. Libby:

Then the matter is not before us now?

The President:

I should say not.

Seth Shepard, of the District of Columbia:

I had a conversation with Dr. Rogers this evening and he said that he could not be here until quite late, and he sug-

gested to me that if the report was called up in his absence that I should move to postpone its consideration until the next meeting of the Association, with leave to the committee to put in a supplementary report at that time.

Charles F. Libby :

Does this statement of the gentleman from the District of Columbia refer to the report of the Committee on Legal Education and Admissions to the Bar ?

The President :

Yes, sir.

Charles F. Libby :

I had a motion to make. I wanted to raise the point of order that the resolution accompanying that report was not properly before us under our By-laws, which require that any matter calling for action by the Association should be in print.

Ernest T. Florance, of Louisiana :

I am under the impression that that provision refers only to matters calling for legislation. Is not that so ?

Charles F. Libby :

No, sir. The reason that By-law was made was to prevent hasty action, and every report that contemplates action by the Association ought to be printed, and the By-law provides that it shall be printed and distributed fifteen days before the annual meeting.

The President :

The point of order made by the gentleman from Maine is well taken. It would seem to the Chair that inasmuch as the report of the committee does contain a recommendation for action by the Association, it should have been printed and distributed previous to the meeting.

Ralph W. Breckenridge, of Nebraska :

I remember that that point of order was made in reference to a committee report that I was connected with last year and was sustained because legislation was proposed by it.

Seth Shepard, of the District of Columbia:

Dr. Rogers himself realized that it should have been printed, and for that reason he said that he would approve of a motion to postpone its consideration if leave was given to the committee to supplement its report next year.

The President:

The question is upon the motion made by the gentleman from the District of Columbia.

The motion was adopted.

The Association then adjourned until Friday, August 31, 1906, at 10 A. M.

THIRD DAY.

Friday, August 31, 1906, 10 A. M.

The President called the meeting to order.

New members were then elected.

(See List of New Members.)

The President:

Next in order is the nomination of officers. The names of the officers nominated will be presented by the Chairman of the General Council, Mr. Lehmann.

Frederick W. Lehmann, of Missouri:

Mr. President and gentlemen: The General Council have instructed me to report the following nominations: For President, Alton B. Parker, of New York; for Secretary, John Hinkley, of Maryland; for Treasurer, Frederick E. Wadhams, of New York; for members of Executive Committee, Charles Monroe, of California; Ralph W. Breckenridge, of Nebraska; Charles F. Libby, of Maine; Walter George Smith, of Pennsylvania; Rome G. Brown, of Minnesota.

The Council further recommend for appointment as delegate to the International Law Association George Whitelock, of Maryland.

The list of nominations for Vice-Presidents and members of the Local Councils will be read by the Secretary.

The Secretary read the nominations for Vice-Presidents and members of the Local Councils.

The President:

Under the rule, these nominations will lie over until later in the session, when they will be disposed of.

Ralph W. Breckenridge, of Nebraska:

I call for the special order of the morning.

The President:

The Chair will ask the Secretary what is the special order?

The Secretary:

The Chair will have to determine that, sir. The record shows that the report of the Committee on Insurance was made the special order for 10.30 o'clock this morning. There was a report of the Executive Committee made which was ordered printed and that was also made a special order for this morning without naming the hour. There is further a resolution pending which was offered by Mr. Everett P. Wheeler, and there are one or two committee reports which were passed that should be acted upon.

The President:

The Chair will call for the report of the Executive Committee first.

The report was read by the Secretary.

(See the Report at end of Minutes.)

Rodney A. Mercur, of Pennsylvania:

I move that the report of the Executive Committee be received and its recommendation approved.

James O. Crosby, of Iowa:

I move to amend that motion by taking up the report section by section.

James H. Van Dusen, of Nebraska:

I second that motion.

The President:

The motion of the gentleman from Iowa is that the Association take up the report of the Executive Committee section by section.

The motion was adopted.

The President:

The Secretary will read.

The Secretary:

The first section that requires action is No. 2.

2. The proposed amendment to By-law XII requiring a two-thirds vote of the Association to approve legislation was subsequently amended by the Executive Committee, and it recommends the adoption of an amendment in the following form:

"No legislation shall be recommended or approved unless there has been a report of a committee either in favor of or against the same, and unless such legislation be approved by a two-thirds vote of the members of the Association present at an annual meeting."

Rodney A. Mercur, of Pennsylvania:

I move that we approve of that.

Charles F. Libby, of Maine:

I would inquire whether this takes the place of the present by-law.

The President:

It is here called an amendment to By-law XII.

W. O. Hart, of Louisiana:

I would like to know from some member of the committee whether that means that a two-thirds vote is required of the members present. Because, if it is a two-thirds vote of the members present at the annual meeting, the chances are that no legislation will ever be adopted. I, therefore, move as an amendment that after the word "present" we add "at any session of the annual meeting."

Ralph W. Breckenridge, of Nebraska:

For the information of the gentleman, I will say that that was intended to be the sense of the recommendation.

Fabius H. Busbee, of North Carolina :

I suggest striking out the words "at the annual meeting."

W. O. Hart :

I think that is a good suggestion, and I make that as my motion, that the last four words be stricken out.

Fabius H. Busbee :

I second that motion.

The motion was adopted.

W. O. Hart :

I move the adoption of the recommendation of the committee as now amended.

James Hagerman, of Missouri :

I second that motion.

The resolution as amended was adopted.

The Secretary :

The next section that requires action is No. 3.

3. The report of the special committee to consider the proposed amendment for the purpose of creating a standing Committee on Taxation was favorably acted upon by the Executive Committee, which now recommends the adoption of the following amendment to the Constitution and By-laws for the purpose of carrying out the same :

Resolved, That Article II of the Constitution be amended by inserting near the end of the second paragraph, after the words, "On Insurance Law," the following words, "On Taxation."

William P. Breen, of Indiana :

I move the adoption of that.

Murray F. Smith, of Mississippi :

I second the motion.

The resolution was adopted.

The Secretary :

It occurs to me that the same change ought to be made in the By-laws, and, for the purpose of making the By-laws

conform to the Constitution, I move that By-law II be amended by inserting after the words "On Insurance Law" the words "On Taxation" in the list of committees.

Arthur Steuart, of Maryland:

I second that motion.

The motion was adopted.

The Secretary:

The next recommendation is contained in No. 4.

4. The resolution passed at the meeting of 1905, referring to the Executive Committee the question of the formation of an International Bar Association, was considered by the committee and the committee was informed by Hon. Simeon E. Baldwin that such an association had been formed at Liège in Belgium in September and October, 1905, a full account of which was given in an article by Judge Baldwin in the *Yale Law Journal* of February, 1906. The Executive Committee invited Judge Baldwin, Mr. James Hagerman and Mr. James O. Crosby to discuss the matter before the committee. Judge Baldwin was unable to be present, but Mr. Hagerman and Mr. Crosby were heard upon the subject. The committee then voted to recommend to the Association the following resolution suggested by Judge Baldwin:

Resolved, That this Association welcomes the action of the Second Session of the Congrès Internationale des Avocats, in October, 1905, at Liège, in establishing the Association Internationale des Avocats, and authorizes the Executive Committee to communicate to the secretary-general of the permanent committee of the association the adhesion to the new organization of the American Bar Association."

Resolved, That the President of the American Bar Association be authorized to appoint, from time to time, one or more delegates from it to the Association Internationale des Avocats.

John C. Richberg, of Illinois:

I move the adoption of that recommendation.

Ralph W. Breckenridge, of Nebraska:

I second the motion.

James O. Crosby, of Iowa :

Mr. President and gentlemen of the Association : This matter of the organization of some new association has been before us for five or six years. There exist a number of organizations among the lawyers of the world. When an invitation was extended to this Association to join in the Congress of Lawyers and Jurists at St. Louis, there was also a resolution accompanying it that our delegates inquire as to the practicability of forming a new association, an International Bar Association. That came up again at Narragansett Pier and was by resolution referred to the Executive Committee for a report at this time.

The resolution that was passed at that time reads : "*Resolved*, That this Congress, recognizing the importance of promoting intercourse between jurists and lawyers of different nations to the end that by harmonious effort they may labor efficiently for the improvement of the law and the maintenance of international peace, request the American Bar Association to take such steps as are necessary to organize a permanent association of lawyers representing the different countries of the world which shall meet at intervals"—now, note the object—"to discuss legal questions of public interest, and that this resolution be transmitted to the Secretary of the American Bar Association." This is the resolution that was presented to the Congress of Lawyers and Jurists by the Committee of Nations at St. Louis. When that resolution was presented, there was a discussion upon the subject, and different members of an organization already existing under the name of the International Law Association suggested that there already existed such an organization. Now, this was referred to the American Bar Association in 1904, and last year it was taken up and referred to the Executive Committee for a report at this time and this is the report that we now have before us. So this subject of an organization, a new organization, has been before us many years. When it was considered by the Executive Committee at this time, although that committee consists of nine mem-

bers, there were only four present during the entire discussion. Having been so many times before the Association, it was desired to get rid of it, but it was like Banquo's ghost, it will not down. It reminds me of a story of the early history of the State of Illinois, of that section known as Egypt, where the hogs used to run wild, living on mast, so that the ownership of them was entirely lost; and when any person in the community wanted pork he would go out and shoot a hog that was the common property of the public. One Sunday a couple of the residents, known as Dave and Joe, thought they would take a walk out through the woods, as it was a pleasant day. As they were walking along, they became separated and Joe espied the hind legs of a hog sticking out from behind a large tree and he thought it a good chance to get a little pork easily. So he stepped up softly and grabbed the hog by the hind legs. The hog, however, turned out to be a big boar with great tusks, and the boar turned to gore Joe, and Joe would duck this way and then that way in his endeavors to avoid being stuck, but finally he began to get tired out and frightened, and he commenced to call for Dave. Joe yelled "Dave, Dave, come here quick and help me let this hog go!" Now this Executive Committee has presented this resolution to us just to let go the operation of this new organization among the great multitude of those that exist, to get it out of the way, pass it over and get rid of it. Last year at Narragansett Pier a telegram was sent to Judge Baldwin, who was then in Europe, appointing him a delegate to the International Law Association that was to meet at Christiania in Norway on the 2d, 3d and 4th of September. There was not time for a delegate starting from here to reach Christiania in time for that meeting, so we appointed a delegate by cable. Now it seems from the report that we have here—an extract from the *Yale Law Journal*—that Judge Baldwin got the telegram; that he did not reach Christiania, but that he got into some other place. It is customary when an organization appoints a delegate to another organization that the appointing body expect a report from its

delegate. Judge Baldwin, though he got his telegram appointing him delegate, didn't go to Christiania at all, but he got to Liège, and he struck something there, and then he wrote an article for the *Yale Law Journal*. It reminded me of the man who went to see a spiritualist or circulating medium. The medium asked the man how his family was. As a matter of fact this man's family had not been one where domestic felicity dwelt during his wife's lifetime, but he told the medium that he would like to communicate with his wife. The medium said, "Ask any question you like." So the man asked, "My dear, are you happy?" The answer came back, "Yes." Then he asked, "Are you happier than you were when you were at home with me?" "Oh, yes," the spirit wife replied, "much happier." Then the man said, "Won't you give me a little description of heaven?" The wife replied, "Heaven! Oh, I ain't there." But after Judge Baldwin got home from Europe he wrote an article for the *Yale Law Journal*, and he sent a copy of it to the Secretary of this Association accompanied by a resolution which is included in this report of the Executive Committee. So you see this resolution helped the Executive Committee to let that hog go. This is the resolution which accompanied the article in the *Yale Law Journal* presented by Judge Baldwin to the Executive Committee: "*Resolved*, That this Association"—and if I were a Frenchman I would read you that name—

The President:

The Chair regrets to inform the gentleman that his time has expired.

E. B. Pierce, of Arkansas:

I move that the time of the gentleman be extended.

The President:

Unless objection is made, the time of the gentleman from Iowa will be extended and he may proceed.

James O. Crosby:

You know if we go to this new association we can come back a good deal as Tim Gordon did after a visit of three

weeks in Paris. When he got home a friend saw him passing along the street and called out, "Gordon!" Tim kept right on. The friend called again, louder, but Tim paid no attention. Finally the man ran ahead of him and called out very loudly, and Tim looked up and said, "My dear fellow. Excuse me. I have been so accustomed to being addressed as 'M'sieu Gor-r-dong' that I didn't recognize your call." It has been asserted by members of the International Law Association—most anybody can speak that name—that it satisfies all the requirements of the proposed new association. It is one long established; it has been twenty-three years in existence, but notwithstanding that every year this subject of a new organization comes up. Now, Judge Baldwin does not deign to tell us what this organization which he writes about is for—but a resolution was passed by a congress held at Liège in Belgium at the close of a long debate, which says the congress decides on the establishment of an "International Association of Advocates." And the conclusion is that it shall be directed by a permanent committee with the title of "Permanent Committee of the International Association of Advocates." The composition of this permanent committee is confined to a provisional commission. Those appointed on this commission were then named. All are of the Bar of Belgium, and Monsieur Jaspar was designated as its general secretary. The congress decided that it would hold another session in three years.

From the beginning to the end of this article there is no means of ascertaining the object for which that organization is launched, but it is an organization of lawyers. Now there exist very many organizations. There is one known as the Institute of International Law. This is a sort of a close corporation like the French Academy, membership in it is limited, and they are all experts in international law, and no person is admitted as a member unless he has written some meritorious treatise on the subject of international law. There is an organization called "International Advocaten Bund."

Then there is this other organization that was started last year, the purpose of which is not set forth. There also exists the Inter-Parliamentary Union, and its work is set forth in the report of our International Law Committee that has been presented here, and they have reported for adoption three points determined upon by that Inter-Parliamentary Union. That part of the work of the Inter-Parliamentary Union was incorporated into this report of the Committee on International Law and is here for action by this Association.

I have claimed, and I still claim, that the International Law Association answers every purpose of the association that has been recommended through all these years. It consists of four hundred and thirteen members, and has a membership now from every nationality in the civilized world. It met last year at Christiania. It meets this year at Berlin in the early part of October. Of this membership of four hundred and thirteen there are ninety-one members from the United States. About one-fourth of the membership of this International Law Association are American lawyers residing in the United States. Of the members of this Association, there are fifty-six who are members of that International Law Association. That association deals with public international law as between nations, and it deals with private international law relating to individuals and corporations of different nations. It takes up the question of general average; questions of insurance; bills of lading. Its great and foremost object is in advocating the submission of difficulties between nations to the Hague Tribunal and to arbitration generally. There exist thirty-nine treaties between different nationalities agreeing to submit their matters of difference to arbitration, and these treaties have been brought about largely by public opinion, and that public opinion has been largely promoted by this International Law Association and it has accomplished much in that direction.

What can be the object of this *adhesion* that is spoken of in this resolution submitted by Judge Baldwin and reported

by the Executive Committee? Are we, by this recommendation of adhesion, to form a ligament between us like the Siamese twins and so discriminate against that International Law Association which is composed to the extent of twenty-five per cent. of Americans and includes fifty-six of our own members?

The second recommendation I have no objection to, that the President of the American Bar Association be authorized to appoint from time to time one or more delegates to attend this International Association of Advocates. I would be in favor of that remaining, and I would suggest to the President that when he comes to appoint the delegates he name Judge Baldwin.

The question was put upon the motion and it was announced as adopted.

Joseph R. Edson, of the District of Columbia:

Will the Chair state what the question is?

J. M. Dickinson, of Illinois:

I think some of us in this part of the hall did not understand the question as it was put and therefore did not vote. May I ask the Chair what the motion was?

The President:

The motion was to adopt the first resolution; that is all.

J. M. Dickinson:

Did the Chair announce any decision on the vote?

The President:

Yes, the Chair announced that it was carried.

J. M. Dickinson:

As I did not vote, it is not competent for me to move a reconsideration, but if some gentleman who did vote should do so I think it would enable us all to understand better what the question before the house is.

Amasa M. Eaton, of Rhode Island:

I voted for the motion, but in view of the statement of the gentleman from Illinois I will move that the vote be reconsidered.

Joseph R. Edson :

I second that motion.

The motion to reconsider was adopted.

The President :

/ The motion is reconsidered and the gentlemen from Illinois may have the floor.

J. M. Dickinson :

It strikes me that it is entirely apart from the purposes of our organization, formed under our Constitution and By-laws, for it to be carried over and attached as a permanent body to some other organization and to become, as it were, part of the corporate existence of that organization. Even if it be the general purpose on the part of the members here to recognize favorably the existence of the Association of Advocates, nevertheless it would be entirely incompetent for us, without amending our Constitution, to attach ourselves as adherents to that association. I therefore move that the resolution be amended by striking out the words "the adhesion to" and substituting therefor "the recognition of." It seems to me that is as far as we should go. So that it would read "to communicate to the secretary-general of the permanent committee of the association the recognition of the new organization by the American Bar Association."

Rodney A. Mercur, of Pennsylvania :

I second that amendment.

J. M. Dickinson :

One other word. We are asked to signify our adherence to a body and, as far as I am advised, there is no invitation before this Association that we become a part of that organization. Certainly, it would seem that a dignified body of this character ought not to offer itself as a volunteer to become an adherent to another organization. Upon that ground alone I should oppose the resolution. However, for the present, I content myself with offering this amendment.

The President:

The motion of the gentleman from Illinois is that the resolution be amended by striking out "the adhesion to" and making the resolution read "to communicate to the secretary-general of the permanent committee of the association the recognition of the new organization by the American Bar Association."

The amendment was adopted.

J. M. Dickinson:

I now move that the resolution as amended be *not* adopted.

The President:

There is a motion pending to adopt the resolution. That motion has been changed, however, by your amendment.

Robert G. Street, of Texas:

I think all the members of this Association who are acquainted with Judge Baldwin will anticipate that the report he has made on this subject bears the usual characteristics of his mind—exhaustive in examination and wise in conclusion. I have not the document before me now, but Judge Baldwin did me the courtesy to send me a copy of the article when it appeared in the February number of the *Yale Law Journal*. He probably circulated it very largely among members of the Association, although as to that I am not advised. I can say, however, that it does bear the usual characteristics of Judge Baldwin's handiwork referred to. It is an exhaustive report upon the whole subject, and its suggestion of the affiliation of this Association with the Association Internationale des Avocats is eminently appropriate.

I differ entirely with my friend, Mr. Crosby, in his statement that it does not set forth the character of the international organization of advocates. According to my recollection, it sets forth the character of the organization as being very similar to our own, with such extension as its international character suggests, viz., the cultivation of the spirit of good fellowship among lawyers throughout the world, and the harmonization as far as possible of the laws of different countries.

With reference to the International Law Association to which Mr. Crosby has referred, that association is one that is very well known. It is a commercial association, and does not at all cover the field contemplated by the Association of Lawyers and Jurists. It is not composed exclusively of lawyers. I would regret extremely, in the absence of Judge Baldwin and considering the attention which he has given to this subject and the confidence his judgment is entitled to, that we should act hastily or unadvisedly upon this question at this time. I therefore move as a substitute—because no injury whatever can occur, no action being necessary at this meeting, as the first meeting of the International Association of Advocates is to be held two years from now—that action upon this resolution be postponed. I regret even to do so much. I had supposed that the action of the Association in conformity with the report would be unanimous. I am sure if Judge Baldwin were present, so as to explain the matter fully, that there would be scarcely any objection to the adoption of the resolution; but in his absence, and as a matter of courtesy to him and because no injury whatever can occur, I move that the matter be postponed until our next annual meeting.

Frederick V. Brown, of Minnesota :

I second the motion just made by the gentleman from Texas.

James O. Crosby :

I am in favor of that, because this subject is such an old acquaintance that it is hard to part with it.

The motion to postpone was adopted.

The Secretary :

The next question submitted to the Association by the Executive Committee is contained in the resolution on the lower portion of the third page of the printed report as to the meeting in Los Angeles.

Francis B. James, of Ohio :

I desire to offer and move for adoption the following :

Resolved, That the American Bar Association approves of accepting an invitation to hold its annual meeting in Los Angeles in 1908 if in the judgment of the Executive Committee it will be for the best interests of the Association so to do.

George T. Page, of Illinois :

I second that resolution.

Henry E. Davis, of the District of Columbia :

It occurs to me from a reading of the resolution reported by the Executive Committee and from the resolution just offered by the gentleman from Ohio that it is proposed to turn back to the Executive Committee the question of holding a meeting at Los Angeles in 1908.

The President :

Will you allow me to make an explanation which is perhaps due to the members of the Association ?

Henry E. Davis :

Certainly, sir.

The President :

The Executive Committee had this question before them, and they hesitated somewhat upon the grounds stated in the report. The report of the committee simply lays this matter before the Association in order to invite the Association to say to them that if they think best to go to Los Angeles in 1907 or 1908 the Association will not complain. We do not ask the Association to take action or to locate the place of meeting, but simply to say that if the Executive Committee should select Los Angeles that its action would not be disapproved. I think I am correct about that, Mr. Monroe, am I not ?

Charles Monroe, of California :

If I may be permitted to say a word. The Bar Association of Los Angeles and the people of Los Angeles are very anxious to have the American Bar Association meet there sometime and as early as possible. They, of course, do not want the Association to meet there unless there would be a large attendance, and as a member of the Executive Committee I am not

in favor of having Los Angeles fixed as the place of meeting unless it is apparent that many of the members of the Association will go there. I, therefore, as has been stated by the President, would like to have an expression of opinion as to whether the members of the Association would be willing to go to Los Angeles in case the Executive Committee should see fit to fix upon that place.

The President:

As the Chair recollects Mr. James's motion, that would be the effect of it.

Henry E. Davis:

Then I ask to have the resolution of Mr. James read again.

The resolution was read by the Secretary.

The President:

That is an advance approval by the Association of the action which the Executive Committee may take.

The resolution was adopted.

James O. Crosby, of Iowa:

Mr. President, I desire to offer this resolution:

Resolved, That the incoming President of this Association be directed to extend to the International Law Association a cordial invitation to hold their annual meeting in 1907 in America at the same place and at or about the same time as the meeting of this Association.

John C. Richberg, of Illinois:

I would like to raise a question of order here. As I understand it, we are on a special order of business now, and the resolution just offered by the gentleman from Iowa would come up under the head of new business. Am I not right?

The President:

The Chair rules that the point of order is well taken, and the gentleman from Iowa may present his resolution when the order of new business is reached.

Two committees were passed yesterday. The Committee on Grievances is one of them. Is there any report from that committee?

RESOLUTION ABOUT REPRINTING ROSCOE POUND'S PAPER. 55

James Hagerman, of Missouri:

There has been no meeting of the committee, Mr. President, and therefore there is no necessity for any report.

The President:

Which would imply that there have been no grievances.

James Hagerman:

None at all, sir.

The President:

I am very glad to hear it. The next is the Committee on Indian Legislation.

Amasa M. Eaton, of Rhode Island:

I desire to make a point of order for a moment. We have acted upon the report of the Executive Committee section by section, but there has been no action upon it as a whole.

The President:

The gentleman from Rhode Island is correct.

Amasa M. Eaton:

I move that the report of the Executive Committee as now amended be approved and placed on file.

Robert S. Taylor, of Indiana:

I second that motion.

The motion was adopted.

The President:

The Secretary will now read the resolution offered by Mr. Wheeler, of New York, as to the printing of four thousand copies of the paper on "The Causes of Popular Dissatisfaction with the Administration of Justice."

The Secretary then read the resolution referred to.

James D. Andrews, of New York:

Mr. President and gentlemen: During the eleven years which it has been my privilege to associate with the members of this Association, I have heard advanced many resolutions and proposals which have been highly absurd, but during the whole of that time I have never known of any action of the American Bar having been taken, after deliberate discussion

and consideration, which was not wise and proper. I withheld my assent to the adoption of this resolution when it was offered for reasons which I then and now consider as of sufficient weight to compel us to withhold approval of it. I am willing in our assembled conferences that we should abuse each other if we see fit, that we find fault with existing conditions for the purpose of their amelioration or amendment, or find fault with our abilities, or our ethics or our lack of ethics in order that they be elevated; but I am opposed to sending out to the people at large such a discourse as the one which we have heard here in this paper, giving thereby apparently our silent approval to its main positions. The fundamental idea which ran through that paper was that the system of procedure as existing in the United States was archaic. I undertake to say that, on the contrary, it is the most refined and scientific system of procedure ever devised by the wit of man. Civilization goes in several stages. I will not apply the term "archaic" to the savage condition, but apply it to the second condition which arose in the development of jurisprudence and civilization, namely, the archaic or perhaps the experimental. In that second stage Lord Bacon said lawgivers were before the first kings, who ruled by natural equity without law. That was when the assembled Houses of Parliament, by whatever name you see fit to call them, took up cases as they arose and decided according to justice. Then comes the empirical, where there is no system but the method of trials by tests, by wager of battle, by appeals to superstition. Now, we passed along through the period of the Norman conquest, and then there came a time when men said that justice should be administered according to established law; not so much the administration of justice as it was conceived by the tribunals, but the administration of justice as it was pointed out and supposed to be by law. There you begin to see the beginning of the scientific system. Sport was made in the paper of the controversial idea, the idea which we understand is expressed by saying "coming to issue." It was said to be a system of

game, and it was compared to the conduct of the football association. Why, gentlemen, upon that very principle rests the foundation of Anglo-Saxon liberty and Anglo-Saxon law and Anglo-Saxon jurisprudence. When the time came that we should have regularly established tribunals, a regularly established procedure, that great jurist of England who has been the severest critic of the extreme technicalities of the common law, whose address in America at one time has been very much copied throughout the country, said "there is a time in jurisprudence when form becomes of the substance, when it is essential to the liberties of the people that there be a formal procedure."¹ We established the idea, not for the purpose of merely coming to issue, but because of certain fundamental principles, namely, that every man should have a hearing, and the origin of it was the separation of the modes of trial, the trial by jury and the trial by the judge or chancellor. The time allowed me does not permit going into these things, but there is sufficient to show that it was highly scientific. The coming to issue separated the concrete facts which appeared in the non-controversial system in the language of the complaint, and out of that rule the system of coming to issue, by which you refer to the judge one side—the law, and to the jury the other side—the fact. Now, so much did that appeal to the good sense and judgment of English and American lawyers that afterwards they compelled the coming to issue even in chancery cases, and that was the basis of our jurisprudence so far as the coming to issue was concerned, and why we departed from the Roman idea of non-controversial and adopt the idea of having specific and definite procedure. Upon that principle depends the whole structure of due process of law. You cannot have due process of law, you cannot have constitutional government, you cannot have a settled and a scientific system unless you establish a definite, formal procedure which shall be known to all the world.

The President:

The time has expired.

¹ Howard vs. Gossett, Carr & M. 382.

W. H. Mackoy, of Kentucky :

I move that the time of the gentleman be extended.

The President :

Unless there is objection, the gentleman's time is extended.

James D. Andrews :

It is said that we shall strip this entire procedure away and that nothing shall be substituted in its place. Now, I am not opposed to reform. It was stated that the English practice was so much ahead of us. Let the judges of England themselves speak. Take the case where the question of a joinder of parties arose under the late new rules. The judges used this significant language: "Under the old procedure, this matter was exceedingly simple." They encountered the question and answer by going back to the old English cases, and they settled it on those principles because it was unsettled by the new rules.¹ In another case the judges deplored that the English practice had been so unsettled by the late rule, the judges saying that they did not in that respect compare with the law of Scotland.² These are the utterances of the highest tribunal in England and they are entitled to our consideration. The idea that we shall not have appeals, cutting off that whole system, is anarchy, in fact leaves us with no system whatever. The code procedure is not the object. It may be the hidden object to renew the combat on a code of procedure. This Association has had this subject up year after year. The last great battles took place in 1885 and 1886, before I was a member of the Association, with David Dudley Field on one side. The battle fell against Mr. Field. One of the strongest believers in the code procedure properly administered has stated his objections. What did he say of the procedure in New York? Just one word, but it is significant: "The code is a labyrinth; the practice is chaos." The common law procedure is the foundation; I mean the reformed procedure. I am not talking

¹ Hannay vs. Smurthwaite, 69 L. T. R. 677.

² Clydesdale Bank vs. Paton, 74 L. T. R. 738.

about the excessive technicalities of the old common law practice. It is the basis of every code in the United States. Maxwell, Pomeroy, Bliss, Bryant, every one of them testify to that same effect.

These are the reasons why we should not say and pass out to the world that we abandon the whole system. As to that other part of the report which attacks the judiciary and the Bar and makes some very disparaging remarks, I will not discuss it; but I think among the chief causes for dissatisfaction and alarm are just such utterances as are contained in this paper, for, instead of stilling popular clamor, they arouse public dissatisfaction and encourage it.

Francis B. James, of Ohio:

In accordance with the precedent that we set last year, Mr. President, I move that the resolution lie on the table.

D. J. Lenehan, of Iowa:

I second that motion.

The President:

Gentlemen, you have heard the motion which has been duly seconded. Are you ready for the question?

Everett P. Wheeler, of New York:

Mr. President, I desire to say—

The President:

The gentleman from New York will pardon me, but this motion is not debatable.

Roscoe Pound, of Nebraska:

Mr. President, I am the author of the paper and I think in justice to myself I ought to be allowed to say a word.

The President:

It would seem so to the Chair, but parliamentary procedure would preclude discussion on this motion.

Roscoe Pound:

I only desire to say that some of the matters which have been stated here to my mind proceed on an entire misunderstanding of what I said. I should disclaim emphatically a

great many of the statements that have been quoted here as emanating from me.

The President:

Mr. James, will you not withhold your motion until Mr. Pound, the author of the paper, can be heard?

Francis B. James: •

I think the remarks of Mr. Andrews were entirely out of order because the question before the house was not on the merits of the paper, but was whether we should make a precedent of making discrimination between papers. Therefore, sir, I insist upon my motion.

Everett P. Wheeler:

If that is Mr. James's point, I would suggest that he move to strike out that part of the resolution which provides for printing. The most important part of the resolution is that which refers the paper to the Committee on Judicial Administration and Remedial Procedure. It is of great importance that after such a matter as this has been presented to the Association it should be referred to that committee. The matter is being considered in Congress; it is now pending before the Joint Committee of the two houses and certainly we ought to be heard before that committee. I do hope that Mr. James will not press his motion in this form, but that if he thinks it is not desirable to print this paper separately we will wait until we get it in our regular publication. He can move to amend that part of the resolution.

Francis B. James:

If the mover of the resolution will accept the suggestion, I will also accept it.

Ernest T. Florance, of Louisiana:

Make it a motion to refer the subject matter to the committee. We do not generally refer papers.

The President:

As the Chair understands it, Mr. James accepts the suggestion of Mr. Wheeler, and also that of Mr. Florance, which is

that the motion to print be omitted, and that the motion to refer the paper as a paper to the committee be stricken out, and that the resolution simply provide for referring the subject matter to the committee named. Are you ready for the question?

Henry E. Davis, of the District of Columbia:

I move to lay the resolution on the table.

Everett P. Wheeler:

Will the Chair instruct the Secretary to read the resolution, as we should now be called upon to vote on it?

The President:

The Secretary will please read it.

The Secretary (reading):

Resolved, That the subject matter of the paper by Roscoe Pound, of Nebraska, be referred to the Committee on Judicial Administration and Remedial Procedure for consideration.

Lucien H. Alexander, of Pennsylvania:

I second the motion made a while ago by Mr. Davis, of the District of Columbia, to lay the resolution on the table.

The motion to lay the resolution on the table was lost.

The President:

The question now recurs upon Mr. Wheeler's motion as accepted by Mr. James.

M. A. Spoonts, of Texas:

I believe that the wording of our By-laws is such that the object of having papers read before the Association is that they may be discussed; hence, I submit that discussion of this paper is permissible at this time.

The President:

Not at all, sir. There is a motion before the house, and that is the only matter that is debatable at the present moment.

M. A. Spoonts:

Then if the paper is not open for discussion, I desire to say a few words in respect to the motion of Mr. Wheeler as amended.

The President :

Very well. If you wish to speak to that motion, you may do so.

M. A. Spooner :

As I take it, the substance of the resolution if adopted would mean a quasi-endorsement at least of the views of the author of the paper because it is the paper itself that is being dealt with. It is the paper that is now before us for consideration—

The President :

No, sir; the paper is not before us for consideration now.

M. A. Spooner :

Then the motion should be disconnected from the paper and should simply read that "the subject of reform in judicial procedure" is referred.

James D. Andrews, of New York :

There can be no objection to sending this matter to the committee—if the gentleman will pardon my interruption—because the committee will have to report back to us before final action is taken.

M. A. Spooner :

I have no objection at all to that course being followed provided it is not in any way considered an endorsement of the views expressed in the paper.

The President :

Allow the Chair to state that a reference of the subject matter to the committee does not at all endorse the paper.

M. A. Spooner :

But is it proposed to send this paper itself to the committee?

The President :

Why, certainly. The committee must get possession of the paper if they are to consider the subject matter of it.

M. A. Spooner :

Then I move to amend the pending resolution by referring

the subject matter—not the matter discussed in the paper, but the subject of judicial law reform to this committee.

The President :

The Chair is of the opinion that that motion is not in order as it is not germane to the subject now before the house. The Chair feels that the motion before the house has for its object a definite purpose, and that a motion to refer the subject generally is not germane to that motion.

M. A. Spoonts :

Then, discussing briefly the motion which is before the house, as the Chair states it, I desire to say that I do not believe that the subject matter of this paper should be referred to any committee of the American Bar Association. It seems to me that, notwithstanding the beautiful diction and the well-rounded sentences in which the author has closed his paper, it is nevertheless an attack upon the entire remedial jurisprudence of America.

The President :

The Chair regrets to call the gentleman to order. He is discussing the merits of the paper and not the motion that is before the house.

M. A. Spoonts :

It occurs to me, sir, that directly or indirectly the American Bar Association should not give recognition to an attack so broad and drastic upon the procedure of the American courts as that made by the gentleman from Nebraska in the paper read before this meeting. It is the old effort of seeking to destroy rather than to build up. The procedure of the American courts copied largely from the English—

Ernest T. Florance, of Louisiana :

I rise to the point of order that the gentleman is still proceeding to discuss the merits of the paper and is not speaking to the motion before us. The only question now before the house is whether the subject matter shall be referred to the committee.

M. A. Spoonts:

I am discussing the merits of the resolution, whether this Association shall refer the subject matter coming in as it does to this committee.

The President:

The Chair is of the opinion that the gentleman is in order in discussing this question upon the propriety of referring the subject matter to the committee.

George T. Page, of Illinois:

Mr. President, I move the previous question.

The President:

The previous question is not recognized under the parliamentary rules governing this Association.

George T. Page:

Then I rise to the point of order that the time of the gentleman from Texas has expired.

The President:

Not yet. The time of the gentleman from Texas will expire in one minute.

J. M. Dickinson, of Illinois:

I earnestly protest against these interruptions of the gentleman from Texas. He would have completed his remarks, I am sure, long since had he not been interfered with. I hope, Mr. President, that the gentleman from Texas will be allowed to conclude without further interruption.

The President:

The gentleman from Texas may proceed.

M. A. Spoonts:

The only objection I have personally to these interruptions is that it is consuming my time.

I cannot interpret this resolution in any other sense than that it is indirectly an endorsement of the attack that has been made upon the procedure of the American courts. It is the old idea of seeking the ideal, the unattainable, which does not take into account the human element that necessarily enters

into every lawsuit and the procedure of the court. Those who seek to destroy that which the wisdom of the centuries has evolved are generally disappointed. Perhaps Edgar Allan Poe expressed it best in his "El Dorado":

"Gaily bedight,
A gallant knight
In sunshine and in shadow,
Had journeyed long,
Singing a song,
In search of El Dorado.

"But he grew old—
This knight so bold—
And o'er his heart a shadow
Fell as he found
No spot of ground
That looked like El Dorado.

"And, as his strength
Failed him at length,
He met a pilgrim shadow—
'Shadow,' said he,
'Where can it be—
This land of El Dorado?'

"'Over the mountains
Of the Moon,
Down the valley of the Shadow,
Ride, boldly ride,'
The shade replied,
'If you seek for El Dorado!'"

Seneca N. Taylor, of Missouri:

I am in favor of the resolution. I think it is due to any gentleman who prepares a paper and reads it before this Association that he shall receive respectful attention and treatment in regard to his paper. Now, by adopting this resolution we as an association do not approve at all of what he stated in his paper, and we do not disapprove of it. We simply refer it to the proper committee that ought to take it into consideration; that is all.

The resolution was adopted.

The President:

The report of the Committee on Insurance is the next business before us.

Ralph W. Breckenridge, of Nebraska :

The Committee on Insurance have made a report which has been printed and distributed, and I beg leave at this time simply to read the recommendations contained in the report which are as follows :

"1. That the Committee on Insurance Law be directed to draft and report to the next annual meeting of the Association a bill that shall safeguard the interests of the life companies and their policyholders, but which shall require deferred dividends on life policies to be biennially apportioned, credited and notified to the holders of such policies.

"2. The repeal of the so-called reciprocal or retaliatory tax laws.

"3. The repeal of the valued policy laws.

"4. The creation in each state of the office of fire marshal.

"5 Stricter incorporation laws in the several states, with particular reference to the capital stock and stockholders' obligations in insurance companies.

"6 The enactment of a federal statute forbidding the use of the mails to persons, associations, copartnerships or corporations, conducting any kind of insurance business in the United States, who are not licensed to transact such business by the states where such persons, associations, copartnerships or corporations are domiciled, or under whose laws any such corporations are created."

I beg leave to say that by the unanimous request of the committee the seventh recommendation is for the time being and under existing conditions withdrawn. Therefore, the committee instructs me to move the adoption of the first six recommendations, which I now do.

John C. Richberg, of Illinois :

I second the motion that those six recommendations of the committee be adopted. I would also ask the Chairman of the committee whether in that recommendation Mr. Vance joins?

Ralph W. Breckenridge :

Yes, he joins in these six recommendations.

John C. Richburg :

So then that is the unanimous judgment of the committee upon those six questions?

Ralph W. Breckenridge:

Yes, sir.

Walter L. Chapin, of Minnesota:

I would move that each of these recommendations be voted upon separately. I think we will get a better vote in that way than to vote upon them collectively.

Joseph B. Moore, of Michigan:

I second that motion.

The President:

The Chairman of the committee moves the adoption of the first six recommendations of their report, the seventh recommendation being withdrawn by the committee. Mr. Chapin moves as an amendment that the vote be taken upon each recommendation separately.

W. R. Vance, of the District of Columbia:

In support of the motion made by the Chairman of the committee, and in opposition to the amendment just offered, I wish to say that in my opinion the lack of time renders impossible anything like a full and adequate discussion of each one of these recommendations. The report of the committee has been before the members of the Association in print for several weeks, and if the members of the Association have not read it, it is impossible that they should do so now and be prepared to consider it properly. Therefore, it seems to me that if the Association is not ready to adopt the recommendations of the committee as they now stand, without full discussion of each one, then the whole matter will have to go over. All of you who are familiar with these matters of insurance know that they are so exceedingly difficult that it would be impossible to present even one of these questions within the time that is now left to the Association at this meeting. Therefore, in asking that the motion made by the Chairman of the committee should prevail I need only call attention to this fact: I want it distinctly understood that from my standpoint such action on the part of this Association shall not be construed as an approval of all the statements made in this

report, but only as an acceptance of these six recommendations. Therefore, if this motion is carried I give notice that after it shall have been carried I will move that there be stricken out from the report of the committee as now printed the last half of the second page, which contains what to my mind is an unreasonable and improper condemnation of the Armstrong bill passed by the New York legislature. It is stated there that:

"The most conspicuous exhibition of legislative unwisdom is found in the bills prepared by the Armstrong Committee and passed by the New York legislature."

Merritt Starr, of Illinois:

I rise to the point of order that this discussion which the gentleman is now about entering into is out of order, as it is not germane to the motion before the house.

The President.

The point of order is well taken.

Ralph W. Breckenridge:

May I make a statement to Mr. Vance? There is no language of mine in this report that is dear to me, and I very cheerfully—at the suggestion of some very good friends and advisers on this floor—accede to your criticism and will strike out the reference on page 2 to the Armstrong Committee.

W. R. Vance:

And then also on page 4, will you modify the statement there made?

Ralph W. Breckenridge:

How far are you going?

W. R. Vance:

I simply request that the language on page 4 be modified. If that is done, there will be no objection on my part.

The President:

Cannot all that be arranged when the question is up on the motion to consider each one of these recommendations separately?

Ralph W. Breckenridge :

Now I wish to say a word with reference to the pending amendment. It is my purpose as Chairman of the committee to ask a reference of the second, third, fourth and fifth recommendations to the Committee on Uniform State Laws should the motion to approve them be adopted. So that I think the suggestion of the gentleman from Minnesota is met by the purpose that I state I have in view.

Samuel C. Eastman, of New Hampshire :

As a parliamentary privilege, I call for a division of the motion to adopt these recommendations in bulk, and I ask for a vote on each one separately. An amendment is not necessary. We have the right to demand that these six separate propositions shall be voted on one by one.

The President :

That is the pending motion.

Samuel C. Eastman :

That is the motion, but it is unnecessary to vote upon it because it is the right of any member to demand a vote upon each proposition separately.

The President :

If that motion is carried, the Chair will rule that each recommendation shall be voted upon separately.

Samuel C. Eastman :

But I am entitled to it whether the motion is carried or not. I make that as a point of order.

The President :

If the gentleman from New Hampshire insists on his point of order, the Chair will hold that he is correct in his contention.

Ralph W. Breckenridge :

Then will the motion be to adopt the first recommendation ?

The President :

Yes, sir.

Raphael J. Moses, of New York :

I had not intended to speak upon this subject, but I think I see the same old enemy that I have fought for thirty years, and I see it in the effort made to get this Association to pass and approve half a dozen propositions in the limited time that we have here. Now there is no single proposition, I venture to say, of the entire six that is capable of intelligent discussion within the time that is left for this meeting. I do not think that any of us would dare submit a question, on behalf of a client, of the importance of the very first one of these recommendations in such a limited time. The first proposition is one that our committee shall do what the whole country has been trying to do—draft an insurance law. The report asks nothing less than the repeal of the so-called reciprocal act and the repeal of the valid policy law, and the creation in each state of the office of fire marshal; stricter incorporation laws in the several states, and the enactment of a federal statute, and so on. What have we to do with the creation of a fire marshal? Can we fairly debate those great questions which for fifteen years have agitated the insurance world pro and con?

I move you, sir, that this report be laid on the table.

C. W. Smith, of Kansas :

I second that motion. I think it would be utterly impossible in the limited time at the disposal of this Association here to consider this report as it should be considered.

The motion to lay the report on the table was lost.

Ralph W. Breckenridge :

Let me again call the attention of the Association to the fact that the first recommendation simply calls upon the committee to draft and report to the next meeting of this Association a bill which shall deal with this question of deferred dividends.

Samuel Bosworth Smith, of Tennessee :

I move to amend the first question by striking out that portion which reads: "But which shall require deferred

dividends on life policies to be biennially apportioned, credited and notified to the holders of such policies." That would make the resolution simply an instruction to the committee to report at the next session a bill for the uniform regulation of life insurance. Now, as has been justly said by the gentleman from New York, it is utterly impossible for this body intelligently to say whether we should have deferred dividends or apportionments. It is impossible to discuss here the merits of a bill. How many here know what the New York bills mean or what the Armstrong Committee's bills mean? How many know what the select and ultimate measure of Mr. Dawson means? My motion is that the bill be referred to the committee; that the committee be instructed to report a bill at the next meeting of the Association, but that there be left out of it specific instructions as to what the bill shall contain.

The President:

Will it not be sufficient if you simply move to strike out that portion that you have read?

Samuel Bosworth Smith:

Yes, I think so.

Ralph W. Breckenridge:

The committee will accept that suggestion.

Charles F. Libby, of Maine:

It seems to me that it is unwise for this Association to undertake to do a work which is already engaging the attention of two other organizations. A committee of the Chicago Insurance Convention, together with the Committee on Uniform State Laws acting as an advisory committee, have been in session three days last week in this city considering these matters. The Chicago Insurance Convention was composed of insurance commissioners, governors, attorneys-general, actuaries, etc., who met in Chicago in February last. The convention adopted certain resolutions and appointed a committee to incorporate the principles of these resolutions in uniform

bills. That committee has also approved of an insurance bill, which is now pending in Congress, known as the Ames bill. This bill has been prepared with the expectation that it will serve as a model for the several states to adopt, although applicable only to the District of Columbia. All this work has involved protracted sessions and labor, and the details of these insurance bills are such that it will be practically impossible for a body like this Association to deal wisely with them. I submit that when you find two bodies already at work on uniform insurance laws, to which much time has been devoted, it would seem unnecessary, if not unwise, for a committee of this Association to attempt to deal with that subject involving technical knowledge and experience, which lawyers as a rule do not possess. The matter is too large to be properly considered on the heels of this session. It is too large a subject for any committee of this Association to deal with unless it is prepared to give much time to the work. This report undertakes to select one or two subjects out of the many that were involved in the fourteen Armstrong bills and omits many subjects of great importance. It deals in a very fragmentary way with a large and important subject; therefore, in view of the situation in which we find ourselves at the present moment, I move that the consideration of these recommendations be postponed until the next annual meeting of the Association.

E. P. Arvine, of Connecticut:

I second that motion.

John C. Richberg, of Illinois:

Supplementary to what Mr. Libby has said, I would like to be permitted to state that the insurance commissioners of the entire United States, together with various attorneys-general and several governors, met in Chicago last February and were in session for three days upon this question. That meeting appointed a legislative committee of fifteen members, consisting of twelve commissioners representing different states and three attorneys-general, to draft a standard policy of insurance. That committee has met several times, and at the last

meeting, which was held in this city a few days ago, there was present in an advisory capacity the Committee on Insurance of the Conference of Commissioners on Uniform State Laws, a body officially representing thirty-four states. After a three days' session, devoted to drafting a standard life policy, the committee adjourned to meet at Washington on October 1, 1906, when they will make a report to the Congress of Insurance Commissioners representing every state and territory in the union, which will then be in session. Such measures as this congress will adopt will be presented to the legislatures of the different states for adoption.

I further desire to add that, while I approve of Mr. Libby's motion, yet at the same time we have a Committee on Insurance Law. That committee has given us a great deal of light upon this subject. I think we have all been benefited by the majority and minority reports. That committee has now come to a harmonious agreement and they make certain recommendations. This body ought to act upon this important question and lend its aid for the purpose of securing that legislation which we all know is imperative and which interests the entire country. No greater work can be done by this Association. The question is how can it best be done. It cannot be done by prolonging the meetings of this Association, but it can be done by giving such directions to our committee as will set them at work upon it so that they can report upon the subject matter at our next meeting. In the meantime, whatever conclusion they arrive at will be printed and reported, and if any member will take the time that some of us do in reading the reports of our committees *before* we come to the annual meetings we shall be ready to act upon them. Unfortunately, one-half of our time is taken up in being feted and magnificently entertained, and I trust that in the future we shall devote more of our time to business. I do not believe in combining too much pleasure with business. I hope Mr. Libby will modify his motion to the extent that these recommendations shall go to the committee and that they shall be instructed to report

upon them so that we may act on the subject at the next meeting of the Association.

William A. Ketcham, of Indiana :

I am in hearty accord with what has been stated by the gentleman from Maine. I am likewise in accord with what has been stated by the gentleman from Illinois. I believe that this Committee on Insurance Law, the majority and the minority, have performed a work that deserves the careful attention of this Association, but I do not think that at this hour it is possible to discuss intelligently the questions presented by the committee. I do not think this report, or any report as carefully considered as this has been, ought to go to the scrap heap, and I believe that a general motion simply to pass it over to the next meeting of the Association may result in the condition that we find here today, where it will come up at the tail end of our session. I, therefore, suggest to Mr. Libby to modify his motion in the respect that it shall go over to the next meeting of the Association and be considered at the first open session of the meeting following the presentation of the annual address, which will be on Thursday, with leave to the committee in the meantime to add to their report or to make such suggestions as may seem to them proper.

Charles F. Libby :

In making my motion, it was not done with the purpose of depreciating the value of the committee's report at all, but simply because, from my acquaintance with these subjects, I saw that it was impossible to deal with them at this time, and it seemed to me that the best way was to let the matter go over until the next meeting of the Association to come up under the head of new business. However, if it seems to be the opinion of the Association that a time certain should be fixed, I am willing to accede to that suggestion, and if the committee desires to deal with these subjects, notwithstanding the fact that two other bodies are considering them in a serious way, I would not take away from the committee that privilege. I am perfectly willing to amend my motion in any way that will give

the committee liberty to make a further report if they desire to do so at the next meeting; of course, in print, subject to the rule governing all other reports, and I am willing to accept the suggested amendment that the subject be assigned for a time certain.

The President :

It might be made the special order for the first day.

The Secretary :

The By-laws prescribe the order in which business shall be transacted. It could come up after the annual address.

The President :

Gentlemen, the question is on the motion to defer the consideration of this subject until the next annual meeting, the committee meantime to consider it further and add to their report if they desire, and that then it shall come up for consideration and discussion immediately after the annual address. Are you ready for the question?

Ralph W. Breckenridge :

I think I see in Mr. Vance's eye approval of what I am about to state, and that is that the committee would be very glad to have the wish of the Association in a little more definite shape than it appears to be at the present time. I think we will be very glad to serve the Association to the best of our ability if the subjects are recommitted. Is not that so, Mr. Vance?

W. R. Vance :

Yes, although there is a great deal of work involved in it.

The President :

Of course, the personnel of the committee has not been fixed yet.

Ernest T. Florance, of Louisiana :

I would suggest that the motion be made in the form of a recommitment and the report of the Committee on Insurance Law be made the special order of the day following the annual address. Otherwise you are simply making this report the

special order and any other report would not come up under that head. I move that the matter be recommitted to the Committee on Insurance Law and that the report of that committee be made the special order of the day at the next annual meeting of the Association immediately following the annual address.

Charles F. Libby :

I will accept that suggestion.

The President :

The substitute offered by the gentleman from Louisiana is accepted by the gentleman from Maine.

W. H. Mackoy, of Kentucky :

I rise for information. Are we to understand that the seventh recommendation of this report is permanently withdrawn so that it will not hereafter be considered ?

Ralph W. Breckenridge :

The seventh recommendation is withdrawn. We do not say that at some future time the subject may not be brought before this Association, but for the purposes of this report it is withdrawn now.

James D. Andrews, of New York :

I beg to suggest that the time be fixed for Wednesday after the President's address.

Ernest T. Florance :

Under any circumstances, the meeting next year can change the special order if it desires to do so by a mere motion. It is supreme at the time.

The President :

That is true. The question is on the motion made by the gentleman from Maine, as amended, that the subject be recommitted to the Committee on Insurance Law with instructions to report at the next annual meeting of the Association, and that the report be made the special order at the first opportunity after the delivery of the annual address. Are you ready for the question ?

The motion was adopted.

Thomas J. O'Brien, of Minnesota:

I happen to be Chairman of the Committee of Fifteen which has been referred to by Mr. Libby and Mr. Richberg, and I wish to state that in designing the conference I very prudently desired the co-operation of the American Bar Association for the purpose of securing uniform legislation, and I thought I was getting the assistance of the Association when the Commissioners on Uniform State Laws were invited to attend our sessions. I now desire to extend to the Committee on Insurance Law of this Association a cordial invitation to be present at the conference in Washington on October 1st next, and I move that the Committee on Insurance Law be requested to attend that conference.

George Whitelock, of Maryland:

I second that motion.

The President:

Gentlemen, you have heard the motion made by the gentleman from Minnesota that the Committee on Insurance Law of the Association be requested to attend the Conference of Insurance Commissioners at Washington on October 1st next.

The motion was adopted.

William H. Staake, of Pennsylvania:

I desire to offer a resolution which I think will not provoke discussion:

Resolved, That a committee of seven be appointed, of which the President of the Association shall be the Chairman, to represent the American Bar Association at the approaching memorial service incident to the removal from Edenton, North Carolina, to Philadelphia, Pennsylvania, of the remains of James Wilson, a signer of the Declaration of Independence, a great leader in the United States Constitutional Convention of 1787, and upon its creation one of the first Justices of the Supreme Court of the United States.

I move the adoption of this resolution.

W. O. Hart, of Louisiana:

I second the motion.

The President:

The Chair will state in putting this motion that he feels deeply how appropriate it would be for this Association to honor the memory of that great man who stands unique among the early statesmen of the republic in having been a signer of the Declaration of Independence, a signer of the Constitution, and a Justice of the Supreme Court of the United States, whose opinions are recognized as next to Marshall's, the great and leading influence in settling the character and the powers of this government.

The resolution was adopted.

John L. Webster, of Nebraska:

I desire to offer a very short resolution as follows:

Be it Resolved, That the American Bar Association in this formal manner returns its greeting and acknowledgment to the Minnesota State Bar Association, the Minnesota State Capitol Commission, the Governor of Minnesota and the people of the cities of St. Paul and Minneapolis for their cordial reception extended to this Association and the hospitality which has been shown to our membership.

Be it further Resolved, That it is the sense of this Association that the generous manner of our entertainment, so delightful in conception and perfect in detail, has tended in a great degree to make this one of the most successful meetings in the history of the Association.

Mr. President, I move the adoption of these resolutions.

Walter George Smith, of Pennsylvania:

I take great pleasure in seconding those resolutions.

William A. Ketcham, of Indiana:

I suggest that we vote upon these resolutions by rising.

The President:

The Chair calls for a rising vote.

The resolutions were adopted by a rising vote.

James O. Crosby, of Iowa:

I now call for the reading of the resolution that was ruled out of order in regard to extending an invitation to the International Law Association.

The President :

The gentleman from Iowa calls for the reading of his resolution which was ruled out of order at the time it was previously offered. I ask the Secretary to read it now.

The Secretary (reading):

Resolved, That the incoming President of this Association be directed to extend to the International Law Association a cordial invitation to hold their annual meeting in 1907 in America at the same place and at or about the same time as the meeting of this Association.

James O. Crosby :

I move the adoption of that resolution.

John C. Richberg, of Illinois :

Is that the same Association that the gentleman from Iowa was talking about?

The President :

It is one of them.

John C. Richberg :

Then he has been converted, I assume.

The President :

This Association has been in existence for nineteen years.

The resolution was adopted.

Mortimer Matthews, of Ohio :

At the request of the Ohio State Bar Association the delegates present at this meeting offer the following resolution :

Resolved, That a committee of five members be appointed, the Chairman of which shall be a member from the State of Virginia, to investigate and report at the next annual meeting of this Association upon the subject of the advisability of inaugurating a plan for raising a fund for the erection of a national memorial to John Marshall in Richmond.

Selden P. Spencer, of Missouri :

I second that resolution.

The resolution was adopted.

Rodney A. Mercur, of Pennsylvania :

I offer the following resolution and move its adoption :

Resolved, That the membership of the Committee on Federal Courts be reduced, and that it shall hereafter consist of one from each circuit instead of two.

Edward Engerud, of North Dakota :

I second that resolution.

Ernest T. Florance, of Louisiana :

I move the reference of that resolution to the Executive Committee.

James H. Van Dusen, of Nebraska :

I second that motion.

The motion to refer was lost.

The President :

The question now recurs upon the original resolution of the gentleman from Pennsylvania that the membership of the Committee on Federal Courts be reduced to one from each judicial circuit.

The resolution was adopted.

Elmer E. Rogers, of Illinois :

• Mr. President and gentlemen of the Association : I beg leave to submit the following resolution :

Resolved, That no absentee of the annual meeting of the Association, except in case of either no attendance whatever from his state or of inadequate attendance or by a majority vote of members from his state who are present at such annual meeting, shall be eligible for election as a member of a Local Council, as a Vice-President or as a member of the General Council.

Mr. President, I move the adoption of this resolution.

Francis B. James, of Ohio :

I move that the consideration of that resolution be indefinitely postponed.

James D. Andrews, of New York :

I second that motion.

The motion to postpone indefinitely was adopted.

RESOLUTION CREATING COMMITTEE ON COMPARATIVE LAW. 81

The President :

The consideration of the resolution is indefinitely postponed.

William W. Smithers, of Pennsylvania :

At the suggestion of the Committee on Comparative Law of the Pennsylvania Bar Association, I offer the following resolution :

Resolved, That a Committee on Comparative Law, consisting of five members, to be named by the President, be appointed to suggest a method of co-operation with the several State Bar Associations, institutions of learning and other interested bodies, whereby important legislation of foreign nations affecting the science of jurisprudence can be brought to the attention of American lawyers and become available in the general study of private law.

The time is too short to lay before the members of this Association the reasons for offering this resolution, and I can only say that the suggestion comes from a committee of the Pennsylvania Bar Association, which has spent a year considering the subject and feels that this is the proper method to reach the desired object. The suggestion was embodied in the report of that committee made to the Pennsylvania Bar Association at its annual meeting this year, namely, that the work ought to be at least under the auspices of the American Bar Association in order that it might have the approval of the profession at large.

The President :

Does the resolution offered by the gentleman from Pennsylvania receive a second ?

Nathaniel Ewing, of Pennsylvania :

I second it.

The resolution was adopted.

James M. Lamberton, of Pennsylvania :

Mr. President, I offer the following resolution and move its adoption :

Resolved, That it be adopted as a standing rule that at all meetings and dinners of the American Bar Association, the American flag shall be displayed, and the Executive Committee shall see that this rule is carried out.

I am sure that there is no body of citizens in this country who are more truly patriotic and thoroughly loyal to our government than this Association, and, while it will be conceded that there is no necessity for the display of any symbol of that patriotism and loyalty, yet it seems to me that it is entirely fitting and eminently appropriate that the national flag should be displayed at our gatherings. Last year, it will be remembered, there was no flag at our meeting, and although its present arrangement is somewhat suggestive of a draped casket, I am glad it is here.

James O. Crosby, of Iowa :

I second that motion.

The resolution was adopted.

The President :

Gentlemen, next in order is the election of officers.

Charles F. Libby, of Maine :

I move that the Secretary be directed to cast the ballot of the Association for the election of all the officers nominated by the General Council except himself, and the Chair be requested to cast that vote.

Walter B. Clarkson, of Florida :

I second that motion.

The motion was adopted and the officers named were elected.

(See List of Officers.)

John C. Richberg, of Illinois :

If there is no other business to come before the Association at this meeting, I would move that we do now adjourn.

J. M. Dickinson, of Illinois :

Before a motion to adjourn is made and seconded, I desire to move that a committee of three be appointed by the Chair to escort the incoming President to the platform.

Gilbert H. Stewart, of Ohio :

I second that motion.

The motion was adopted.

The President :

The Chair would appoint as the committee to escort the newly elected President to the Chair, J. M. Dickinson, of Illinois; Fabius H. Busbee, of North Carolina, and Everett P. Wheeler, of New York.

The President elect, Alton B. Parker, of New York, was then escorted by the committee to the platform.

The President :

Judge Parker, it gives me very great pleasure to announce to you your selection as the President of the American Bar Association for the ensuing year. I hope, sir, that you will receive from the Association the same hearty, spontaneous and generous support that I have experienced at its hands.

Gentlemen, I present the President elect, Alton B. Parker, of New York.

Alton B. Parker :

Mr. President and gentlemen of the American Bar Association : It is indeed a great honor to be made a member of the American Bar Association, and it is one of the greatest honors that can come to a lawyer to be selected by such a body as its President.

I thank you for the honor you have conferred and beg that you will accept my assurance that I will do the best I can to deserve your confidence. We have a great deal to do if we expect even to approach the record of the past year under the presidency of Colonel Peck, and I ask you now—each one of you—to join with me in doing all that is possible for the success of the Association.

The Association then adjourned *sine die*.

JOHN HINKLEY,
Secretary.

SECRETARY'S REPORT.

ST. PAUL, MINNESOTA, August 29, 1906.

The report of the proceedings of our last meeting at Narragansett Pier, Rhode Island, in August, 1905, has been printed and distributed to all members, and also to all State Bar Associations and legal journals and to a large number of libraries in the United States and abroad on our free mailing list.

There were two thousand and forty-nine members at the close of the last meeting. Four hundred and eighty-four members were elected by the Executive Committee between meetings under Article IV of the Constitution as amended. For convenience the list of members elected by the Executive Committee has been printed and is on the table.

The membership of the Association includes representatives from all of the states and the territories of Alaska, Arizona, Hawaii, Indian Territory, New Mexico and Oklahoma.

Invitations were sent to all State Bar Associations to send three delegates to this meeting and to all City and County Bar Associations in states having no State Bar Association, to send two delegates. There are forty State Bar Associations, four Territorial Bar Associations, the Bar Association of the District of Columbia and about four hundred and fifty-five local Bar Associations.

The reports of the Committee on Commercial Law, the Committee on Patent, Trade-Mark and Copyright Law relating to Extension of Patents, and the same committee relating to Court of Patent Appeals, the Committee on Insurance Law, the Committee on Penal Laws and Prison Discipline, the Committee on Code of Legal Ethics, and the report of the Delegates to Copyright Congress, for this year have been printed and distributed to the members by mail fifteen days

before the meeting. The report of the Committee on International Law has been printed for use at the meeting.

Notices were sent to all members of Standing and Special Committees requesting their attention to matters referred to such committees.

In accordance with the resolution passed at the last meeting, the Secretary shortly thereafter mailed to all the members a circular embodying the recommendations of the Committee on Commercial Law endorsed by the Association, in reference to the continuation of the present bankrupt law.

A register of those in attendance is kept in the reception room, between the sessions and at the Capitol during the sessions. Every member and delegate is requested to sign it as early as convenient. A list of those present will be printed for distribution at the meeting and will also be included in the report of the proceedings. There are copies of the Constitution, list of officers and members of committees, copies of committee reports and forms of nominations on the table for distribution.

The Secretary endeavors to keep the street addresses of all members, and members changing their addresses are requested to notify the Secretary.

Respectfully submitted,

JOHN HINKLEY,
Secretary.

TREASURER'S REPORT.

1905-1906.

Dr.

To cash on hand—Date of last report,		\$4,611 70
“ “ received—Dues of members for the year		
1893, (1),	\$5 00	
“ “ “ —Dues of members for the year		
1894, (1),	5 00	
“ “ “ —Dues of members for the year		
1903, (2),	10 00	
“ “ “ —Dues of members for the year		
1904, (10),	50 00	
“ “ “ —Dues of members for the year		
1905, (111),	555 00	
“ “ “ —Dues of members for the year		
1906, (1897),	9,485 00	
“ “ “ —Dues of members for the year		
1907, (258),	1,290 00	11,400 00
“ “ “ —From Sale of Transactions, . .		13 50
Total receipts,		<u>\$16,025 20</u>

Cr.

1905.		
Aug. 25.	By cash paid—D. Gillies's Sons, printers, Wakefield, R. I., for circulars, wine slips, etc.,	49 00
27.	“ “ “ —The Mathewson Company, Narragansett Pier, R. I., for banquet, wine and cigars, . . .	906 00
	Amount carried forward, . . .	<u>\$955 00</u> <u>\$16,025 20</u>

1905.		By amount brought forward, . . .	\$955 00	\$16,025 20
Sept. 2.	By cash paid—	The Mathewson Com-		
		pany, bill for livery,		
		telephone, telegraph,		
		cigars, bill of R. C.		
		Smith, K. C. and E.		
		Kaestner,	59	57
2.	" " "	Expenses of E. Kaest-		
		ner, Treasurer's clerk,		
		to Narragansett Pier, at-		
		tending 28th Annual		
		Meeting,	21	35
2.	" " "	—Charles A. Morrison,		
		Stenographer, reporting		
		proceedings of 28th An-		
		nuual Meeting,	334	35
7.	" " "	—Henry St. George		
		Tucker, to refund his		
		disbursements for tele-		
		grams and stenographer,	7	41
12.	" " "	—Fort Orange Club for		
		cigars for use at meet-		
		ing and banquet, . . .	83	90
12.	" " "	—John Hinkley, Secre-		
		tary, to refund his dis-		
		bursements for clerical		
		assistance, printing,		
		stationery, postage,		
		traveling expenses of		
		clerk, etc., for preceding		
		year,	931	89
28.	" " "	—Charles A. Morrison,		
		Stenographer, for re-		
		porting proceedings of		
		Conference on Uniform		
		State Laws,	250	00
		Amount carried forward, . . .	\$2,643 47	\$16,025 20

1905.	By amount brought forward, . .	\$2,643 47	\$16,025 20
Sept. 28.	By cash paid—John Wilson & Son, Cambridge, Mass., for printing draft of Act (warehouse receipts) for Commissioners on Uni- form State Laws, . . .	43 13	
Oct. 2.	" " " —Charles M. Hepburn, to refund his disburse- ments for Section of Legal Education from Oct., 1904, to Aug. 19, 1905,	61 39	
3.	" " " —Postmaster, Albany, N. Y., 2100 1c. stamped envelopes, for Secretary Hinkley's use,	23 52	
4.	" " " —Hudson Valley Paper Co., Albany, N. Y., 4000 cards for Treas- urer's use,	4 00	
4.	" " " —R. S. Taylor, Fort Wayne, Ind., expenses in attending meeting of Committee on Patent, Trade-Mark and Copy- right Law at Pittsburgh, July 17,	25 80	
4.	" " " —Joseph R. Edson, Wash- ington, D. C., expenses in attending meeting of Committee on Patent, Trade-Mark and Copy- right Law at Pittsburgh, July 17,	23 20	
Amount carried forward, . . .		\$2,824 51	\$16,025 20

REPORT OF THE TREASURER.

89

1905.		By amount brought forward, . .	\$2,824 51	\$16,025 20
Oct. 4.		By cash paid—Arthur Steuart, ex-		
		penses attending meet-		
		ing of Committee on		
		Patent, Trade-Mark and		
		Copyright Law at Pitts-		
		burgh, July 17,	26 00	
7.	"	" " —National Press Intelli-		
		gence Co., of New York,		
		for newspaper clippings		
		April 1 to Aug. 1, 1905,	25 95	
7.	"	" " —Brandow Printing Co.,		
		Albany, N. Y., for 300		
		circular letters concern-		
		ing dues,	2 50	
20.	"	" " —Barry Mohun, on ac-		
		count of services in the		
		preparation of a uni-		
		form law pertaining to		
		warehouse receipts for		
		Commissioners on Uni-		
		form State Laws, . . .	250 00	
21.	"	" " —Addressograph Com-		
		pany, Chicago, Ill., for		
		383 addresses of new		
		members, corrections,		
		etc.,	9 32	
Nov. 6.	"	" " —Theodore S. Garnett,		
		Norfolk, Va., to reim-		
		burse his expenses in		
		attending meeting of		
		Executive Committee		
		at Washington, Jan. 4,		
		1905,	16 50	
16.	"	" " —G. W. Harper, Albany,		
		for sealing machines, .	7 00	
Amount carried forward, . . .			\$3,161 78	\$16,025 20

1906.	By amount brought forward, . .	\$3,161 78	\$16,025 20
Jan. 2.	By cash paid—William P. Breen, Fort Wayne, Ind., to refund his disbursements in attending meeting of Executive Committee at Chicago, Dec. 28, 1905,	23 50	
2.	" " " —Prof. Samuel Williston, Belmont, Mass., balance due on account of services in preparing Sales Act for Commissioners on Uniform State Laws,	350 00	
8.	" " " —Ralph W. Breckenridge, Omaha, Neb., to refund his disbursements in attending meeting of Executive Committee at Chicago, Dec. 28, 1905,	25 00	
8.	" " " —M. F. Dickinson, expenses, attending meeting of Executive Committee at Chicago, Dec. 28, 1905,	70 80	
8.	" " " —John Hinkley, to refund his disbursements in attending meeting of Executive Committee in Chicago, Dec. 28, 1905,	64 70	
9.	" " " —J. Crawford Biggs, Durham, N. C., to refund his disbursements in attending meeting of Committee on Legal Education in New York, Dec. 27, 1905,	58 20	
Amount carried forward, . . .		\$3,753 98	\$16,025 20

REPORT OF THE TREASURER.

91

1906.	By amount brought forward, . .	\$3,753 98	\$16,025 20
Jan. 20.	By cash paid—Henry Wade Rogers, New Haven, Conn., to refund his disburse- ments in attending meeting of Committee on Legal Education in New York, Dec. 27, 1905,	13 05	
24.	" " " —The Argus Company, Albany, N. Y., for fur- nishing and printing card on 2000 2c. stamped envelopes and 1000 let- ter heads, Treasurer's use,	52 50	
24.	" " " —Charles Monroe, of Los Angeles, Cal., to refund his disbursements in at- tending meeting of Ex- ecutive Committee in Chicago, Dec. 28, 1905,	154 00	
31.	" " " —The Argus Company, Albany, N. Y., for fur- nishing and printing card on 2200 1c. stamped envelopes, 300 un- stamped envelopes, for use of Joseph R. Edson, for Committee on Pat- ent, Trade-Mark and Copyright Law,	33 00	
31.	" " " —The Argus Company, for general printing July and August, 1905, din- ner tickets, table tick- ets, etc.,	14 75	
	Amount carried forward, . . .	\$4,021 28	\$16,025 20

1906.			By amount brought forward, . .	\$4,021 28	\$16,025 20
Feb. 28.	By cash paid—	Frederick E. Wadhams,	to refund his disbursements in attending meeting of Executive Committee in Chicago, Dec. 28, 1905,	72 65	
Mar. 6.	" " "	—R. William Arnold,	Baltimore, Md., printing 9000 circulars for Committee on Patent, Trade-Mark and Copyright Law,	20 90	
13.	" " "	—W. H. Moore & Co.,	Washington, D. C., furnishing and printing 6000 2c. stamped envelopes for Committee on Patent, Trade-Mark and Copyright Law,	131 70	
13.	" " "	—Joseph R. Edson, to refund his disbursement for 500 copies of Senate Document No. 6 for use by Committee on Patent, Trade-Mark and Copyright Law,	17 89		
27.	" " "	—Frederick E. Wadhams,	to refund his disbursements in going to Washington for conference with President Peck and Secretary Hinkley concerning invitation to Lord Alverstone and to New York to meet Hon. Joseph H. Choate, . .	41 20	
Amount carried forward, . . .				\$4,305 62	\$16,025 20

REPORT OF THE TREASURER.

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1906.		By amount brought forward, . .	\$4,305 62	\$16,025 20
Mar. 27.	By cash paid—	Rodney A. Mercur, To-		
		wanda, Pa., to refund		
		his disbursements in at-		
		tending meeting of In-		
		surance Committee in		
		Washington, Feb. 14-16,		
		1906,	61 00	
27.	" " "	—Ralph W. Breckenridge,		
		Omaha, Neb., to refund		
		his disbursements in at-		
		tending the meeting of		
		the Insurance Commit-		
		tee at Washington, Feb.		
		14-16, 1906,	148 00	
Apr. 3.	" " "	—Joseph R. Edson, to re-		
		fund his disbursements		
		for addressing 5100 en-		
		velopes and folding cir-		
		cular letters, and fold-		
		ing 2000 circular letters		
		and reports for Com-		
		mittee on Patent, Trade-		
		Mark and Copyright		
		Law,	26 70	
9.	" " "	—Wm. Draper Lewis,		
		Philadelphia, Pa., to re-		
		fund his disbursements		
		in attending meeting of		
		Section of Legal Educa-		
		tion in New York, Dec.		
		27, 1905,	11 00	
9.	" " "	—Charles M. Hepburn, to		
		refund his disburse-		
		ments in attending		
		meeting of Section of		
		Legal Education in New		
		York, Dec. 27, 1905, .	64 76	
		Amount carried forward, . . .	\$4,617 08	\$16,025 20

1906.		By amount brought forward, . .	\$4,617 08	\$16,025 20
May 2.	By cash paid—	William Draper Lewis, Philadelphia, Pa., to refund his disburse- ments in attending con- ference at Richmond, Va., of Section of Legal Education with Associ- ation of American Law Schools, April 25, 1906,	30 80	
2.	" " "	—Wm. F. Murphy's Sons Co., Philadelphia, for two receipt books, Treas- urer's use,	13 25	
15.	" " "	—Postmaster at Albany for 1500 2c. stamped envel- opes for notices of dues and receipts,	32 10	
June 1.	" " "	—The Argus Company, printing notices of dues, cards, envelopes, etc., .	38 90	
12.	" " "	—The Argus Company, for furnishing and printing card on 1000 2c. envelopes for second notices of dues,	23 90	
15.	" " "	—Ralph W. Breckenridge, to refund his disburse- ments to St. Paul to make arrangements for for annual meeting, . .	5 50	
16.	" " "	—Addressograph Com- pany, Chicago, for cor- rected plates for new members, etc.,	10 07	
Amount carried forward, . . .			\$4,771 60	\$16,025 20

REPORT OF THE TREASURER.

95

1906.		By amount brought forward, . .	\$4,771 60	\$16,025 20
June 16.	By cash paid—	Frederick E. Wadhams, to refund his disburse- ments in going to St. Paul to make arrange- ments for annual meet- ing,	87 25	
July 11.	" " "	—E. Moebius, Camden, N. J., for 3200 copies portrait Henry St. George Tucker for use in annual report, . . .	75 00	
11.	" " "	—Addressograph Com- pany for 166 corrected plates of members, . .	3 82	
11.	" " "	—O. A. Quayle & Son, for engraved letter heads and envelopes for use of President, Secretary and Treasurer,	42 50	
16.	" " "	—The Argus Company, for printing labels for shipping report, manila envelopes for pro- gramme, second notices of dues, etc., .	30 00	
18.	" " "	—Arthur Steuart, Bal- timore, Md., to refund his disbursements in at- tending work of Com- mittee on Patent, Trade- Mark and Copyright Law, preparing Copy- right Bill, etc.,	102 38	
		Amount carried forward, . . .	\$5,112 55	\$16,025 20

1906.		By amount brought forward, . .	\$5,112 55	\$16,025 20
July 23.	By cash paid—Dando Printing and Publishing Company, Philadelphia, Pa., for printing annual report, 1905,		3,306 92	
23.	" " " —Dando Printing and Publishing Company for miscellaneous print- ing from Aug. 16, 1905, to July 20, 1906, . . .		639 68	
24.	" " " —Argus Company, Al- bany, furnishing and printing 500 2c. stamped envelopes, . .		13 25	
Aug. 7.	" " " —Charles E. Lloyd, Phila- delphia, Pa., for boxing, labeling and shipping 2719 reports for 1905, .		27 00	
7.	" " " —Joseph Matthews, ser- vices and expenses in delivering reports for 1905 in Philadelphia, .		5 00	
8.	" " " —May H. Finley, Omaha, Neb., for services in connection with report of Committee on Insur- ance Law,		25 00	
21.	" " " —Dando Printing and Publishing Company, for printing pamphlets, reports of committees, additional programmes, etc.,		389 00	
21.	" " " —United States Express Co., Philadelphia, Pa., shipping 28th annual report to members, . .		735 02	
Amount carried forward, . . .			\$10,253 42	\$16,025 20

REPORT OF THE TREASURER.

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1906.	By amount brought forward, . .	\$10,253 42	\$16,025 20
Aug. 22.	By cash paid—The Argus Company, Albany, N. Y., printing cards on 2500 manila envelopes for committee reports, table cards, banquet cards, 500 let- ter heads, etc,	30 50	
22.	“ “ “ —Frederick E. Wadhams, to refund his disburse- ments as Treasurer for stamps, clerical assist- ance, telegrams, tele- phone, express, station- ery and supplies for the year,	484 95	
	Total disbursements, .	\$10,768 87	\$16,025 20

Total receipts,	\$16,025 20
Total disbursements,	10,768 87
Balance,	\$5,256 33

Which balance consists of—

Amount to credit of Treasurer in Albany Trust Company, Albany, N. Y.,	5,245 88
Cash on hand,	10 45
	<u>\$5,256 33</u>

Respectfully submitted,

FREDERICK E. WADHAMS,

Treasurer.

Dated ST. PAUL, MINN., Aug. 29, 1906.

The foregoing account has been examined with the vouchers
and found correct.

GEORGE P. HARRISON,
SELDEN P. SPENCER,
Auditing Committee.

REPORT
OF THE
EXECUTIVE COMMITTEE.

ST. PAUL, MINNESOTA, August 28, 1906.

The Executive Committee respectfully reports that under the last clause of Article IV of the Constitution providing for the election of members by the Executive Committee between meetings when nominated by a majority of the Vice-President and Local Council, four hundred and eighty-four new members were elected. For convenience, this list has been printed and is appended to this report.

(See List of Members Elected.)

Your committee further reports that, in accordance with By-law XII, appropriations were made for the use of the committees for the years 1905 and 1906 upon their application not exceeding the following amounts:

\$750 to Committee on Uniform State Laws.

\$148.13 to same committee for balance due Prof. Samuel Williston.

\$250 to Committee on Legal Education and Admissions to the Bar.

\$300 to Section of Legal Education.

\$500 to Committee on Patent, Trade-Mark and Copyright Law.

\$350 to Committee on Insurance Law.

\$200 to Committee on Penal Laws and Prison Discipline.

The Executive Committee adopted the following resolution:

Resolved, That the Treasurer has no authority to pay for services of clerks to the various committees except by special authority given by this committee therefor.

The Executive Committee subsequently voted that the Committee on Legal Education and Admissions to the Bar be authorized to expend not over \$150 per annum out of its annual appropriation for stenographer's and clerical assistance.

The committee gave a great deal of consideration to the question of increasing the membership of the Association and the results attained speak for themselves.

Several matters were referred to the Executive Committee at the last meeting and the committee now reports upon the same as follows :

1. The resolution of Henry H. Ingersoll in regard to printing 10,000 copies of the address of Alfred Hemenway at the last meeting was laid on the table. The address was extensively reprinted by a number of legal journals and secured very wide circulation and it was considered that the extensive reprint by the Association was not necessary.

2. The proposed amendment to By-law XII, requiring a two-thirds vote of the Association to approve legislation, was subsequently amended by the Executive Committee and it recommends the adoption of an amendment in the following form :

"No legislation shall be recommended or approved unless there has been a report of a committee either in favor of or against the same and unless such legislation be approved by a two-thirds vote of the members of the Association present (at an annual meeting.)"¹

3. The report of the Special Committee to consider the proposed amendment for the purpose of creating a Standing Committee on Taxation was favorably acted upon by the Executive Committee, which now recommends the adoption of the following amendment to the Constitution and By-laws for the purpose of carrying out the same :

Resolved, That Article II of the Constitution be amended by inserting near the end of the second paragraph, after the words, "On Insurance Law," the following words, "On Taxation."

¹ Report amended by striking out words in parenthesis.

4. The resolution passed at the meeting of 1905, referring to the Executive Committee the question of the formation of an International Bar Association, was considered by the committee, and the committee was informed by Hon. Simeon E. Baldwin that such an association had been formed at Liège in Belgium, in September and October, 1905, a full account of which was given in an article by Judge Baldwin in the Yale Law Journal of February, 1906. The Executive Committee invited Judge Baldwin, Mr. James Hagerman and Mr. James O. Crosby to discuss the matter before the committee. Judge Baldwin was unable to be present, but Mr. Hagerman and Mr. Crosby were heard upon the subject. The committee then voted to recommend to the Association the following resolution suggested by Judge Baldwin:

Resolved, That this Association welcomes the action of the Second Session of the "Congrès Internationale des Avocats," in October, 1905, at Liège, in establishing the "Association Internationale des Avocats," and authorizes the Executive Committee to communicate to the Secretary General of the permanent committee of the Association the (adhesion to the new organization of) *recognition of the new organization by*¹ the American Bar Association.

Resolved, That the President of the American Bar Association be authorized to appoint, from time to time, one or more delegates from it to the "Association Internationale des Avocats."

The following resolution was also passed by the Executive Committee:

Resolved, That the Executive Committee report to the American Bar Association that an invitation has been extended to the American Bar Association to hold its annual meeting in Los Angeles, either in 1907 or 1908, at the pleasure of the Association; that the Executive Committee did not feel justified in taking the responsibility of selecting Los Angeles as a place of meeting on account of the distance and the time and expense necessary to attend the meeting, and that, therefore, the matter be left to the Association for its action.

¹ Report amended by striking out words in parenthesis and inserting words in italics.

The application of the Selden Society for a contribution to be made to that body was declined, it being considered that the finances of the Association would not justify a contribution to the work of that society.

An invitation was received from the West Publishing Company to the members of the Association to an informal luncheon and reception at the establishment of the West Publishing Company at St. Paul, on Friday afternoon, August 31st, from one until five o'clock. This invitation was accepted by the Executive Committee, subject to the despatch of business before the Association.

The Executive Committee voted, in view of the increased size of the report of the proceedings, that in future the price charged for the reports to persons other than members or to members desiring extra copies, should be increased by the cost of postage.

GEORGE R. PECK,
JOHN HINKLEY,
FREDERICK E. WADHAMS,
HENRY ST. GEORGE TUCKER,
WILLIAM P. BREEN,
CHARLES MONROE,
RALPH W. BRECKENRIDGE.

MEMBERS AND DELEGATES
REGISTERED

AT THE
TWENTY-NINTH ANNUAL MEETING.
1906.

GEORGE R. PECK, Illinois.
President.
JOHN HINKLEY, Maryland.
Secretary.
FREDERICK E. WADHAM, New York.
Treasurer.
HENRY ST. GEORGE TUCKER, Virginia.
WILLIAM P. BREEN, Indiana.
CHARLES MONROE, California.
RALPH W. BRECKENRIDGE, Nebraska.
Executive Committee.

ALABAMA.

BROMBERG, FREDERICK G., Mobile.
COOPER, LAWRENCE, Huntsville.
HARRISON, GEORGE P., Opelika.
HUNDLEY, OSCAR R., Huntsville.

ARIZONA.

ELLINWOOD, E. E., Bisbee.

ARKANSAS.

FLETCHER, JOHN, Little Rock.
PIERCE, E. B., Little Rock.

CALIFORNIA.

HELM, LYNN, Los Angeles.
MONROE, CHARLES, Los Angeles.
TRASK, WALTER J., Los Angeles.

COLORADO.

DAVIS, HARRY C., Denver.
DEVINE, T. H., Pueblo.

CONNECTICUT.

ARVINE, E. P., New Haven.
ROGERS, HENRY WADE, New Haven.
RUSSELL, TALCOTT H., New Haven.

DISTRICT OF COLUMBIA.

DAVIS, HENRY E., Washington.
EDSON, JOSEPH R., Washington.
MCGILL, J. NOTA, Washington.
SHEPARD, SETH, Washington.
SIDDON, F. L., Washington.
VANCE, W. R., Washington,

FLORIDA.

BAKER, WM. H., Jacksonville.
CLARKSON, WALTER B., Jacksonville.
WILLIAMS, R. W., Tallahassee.

GEORGIA.

MELDRIM, P. W., Savannah.
MERRILL, J. H., Thomasville.
WIMBISH, W. A., Atlanta.

IDAHO.

BABB, JAMES E., Lewiston.

ILLINOIS.

BALDWIN, HENRY R., Chicago.
BARNETT, O. R., Chicago.
BARTON, GEO. P., Chicago.
BURNHAM, TELFORD, Chicago.
CARTER, HENRY W., Chicago.
CURRAN, WM. R., Pekin.
CUTTING, CHAS. S., Chicago.
DICKINSON, J. M., Chicago.
FOLLANSBEE, GEO. A., Chicago.
FURNESS, WM. ELIOT, Chicago.
GREGORY, S. S., Chicago.

ILLINOIS—Continued.

GRIDLEY, MARTIN M.,	Chicago.
HARKER, O. A.,	Carbondale.
HOLDOM, JESSE,	Chicago.
MACCHESNEY, NATHAN WM.,	Chicago.
MECARTNEY, HARRY S.,	Chicago.
MECHEM, FLOYD R.,	Chicago.
MEESE, WILLIAM A.,	Moline.
MERRICK, GEO. P.,	Chicago.
MILLER, JOHN S.,	Chicago.
OGDEN, HOWARD N.,	Chicago.
OTIS, E. A.,	Chicago.
PAGE, GEORGE T.,	Peoria.
PECK, GEORGE R.,	Chicago.
PETERSON, JAMES A.,	Chicago.
RAYMOND, JAMES H.,	Chicago.
RICHARDS, JOHN T.,	Chicago.
RICHBERG, JOHN C.,	Chicago.
ROGERS, ELMER E.,	Chicago.
STARR, MERRITT,	Chicago.
STEVENS, J. S.,	Peoria.
WARVELLE, GEO. W.,	Chicago.
WIGMORE, JOHN H.,	Chicago.
WOODWARD, FREDERIC C.,	Chicago.

INDIANA.

BREEN, WILLIAM P.,	Fort Wayne.
BUTLER, NOBLE C.,	Indianapolis.
FRASER, DANIEL,	Fowler.
HEPBURN, CHARLES M.,	Bloomington.
KETCHAM, W. A.,	Indianapolis.
LESH, U. S.,	Huntington.
MOORES, CHARLES W.,	Indianapolis.
MOORES, MERRILL,	Indianapolis.
MORRIS, JOHN,	Fort Wayne.
ROSE, JAMES E.,	Auburn.
TAYLOR, R. S.,	Fort Wayne.
TUTHILL, HARRY B.,	Michigan City.

INDIAN TERRITORY.

BLEDSE, S. T.,	Ardmore.
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IOWA.

CARR, E. M.,	Manchester.
CLIGGETT, JOHN,	Mason City.

IOWA—Continued.

COLE, C. C.,	Des Moines.
CROSBY, JAMES O.,	Garnavillo.
DEERY, JOHN,	Dubuque.
DEVITT, J. F.,	Muscatine.
FLICKINGER, I. N.,	Council Bluffs.
GREGORY, CHARLES NOBLE,	Iowa City.
HOLSMAN, HENRY B.,	Guthrie Centre.
LENEHAN, D. J.,	Dubuque.
MURPHY, D. D.,	Elkader.
MCCLAINE, EMLIN,	Iowa City.
MCCONLOGUE, J. H.,	Mason City.
QUARTON, W. B.,	Algona.
REED, C. W.,	Cresco.
ROBERTS, W. J.,	Keokuk.
WALSH, M. A.,	Clinton.
WILCOX, ELMER A.,	Iowa City.

KANSAS.

CAMPBELL, J. J.,	Pittsburg.
CONANT, ERNEST B.,	Topeka.
DILLARD, W. P.,	Fort Scott.
DOSTER, FRANK,	Topeka.
GAITSKILL, BENNETT S.,	Gerard.
GREEN, J. W.,	Lawrence.
KEENE, A. M.,	Fort Scott.
SCANDRETT, HENRY A.,	Topeka.
SLONECKER, J. G.,	Topeka.
SMITH, C. W.,	Stockton.
SMITH, CHAS. BLOOD,	Topeka.

KENTUCKY.

MACKOY, W. H.,	Covington.
TRABUE, EDMUND F.,	Louisville.

LOUISIANA.

FLOBANCE, ERNEST T.,	New Orleans.
HART, W. O.,	New Orleans.
KERNAN, THOS. J.,	Baton Rouge.
THORNTON, J. R.,	Alexandria.

MAINE.

HIGGINS, FRANK M.,	Limerick.
LIBBY, CHARLES F.,	Portland.

MARYLAND.

HINKLEY, JOHN,	Baltimore.
STEUART, ARTHUR,	Baltimore.
WHITELOCK, GEORGE,	Baltimore.

MASSACHUSETTS.

DEWEY, HENRY S.,	Boston.
WILLISTON, SAMUEL,	Belmont.

MICHIGAN.

ARTHUR, JESSE,	Battle Creek.
BARNETT, J. F.,	Grand Rapids.
BATES, HENRY M.,	Ann Arbor.
BREWSTER, JAMES H.,	Ann Arbor.
JANUARY, WILLIAM L.,	Detroit.
MOORE, JOSEPH B.,	Lansing.
NORRIS, MARK,	Grand Rapids.
STEVENS, F. W.,	Detroit.
WILSON, CHAS. M.,	Grand Rapids.

MINNESOTA.

ABBOTT, HOWARD S.,	Minneapolis.
ALBERT, CHARLES S.,	Minneapolis.
ANKENY, A. T.,	Minneapolis.
ARMSTRONG, JAMES D.,	St. Paul.
BARKER, H. F.,	Cambridge.
BARROWS, MORTON,	St. Paul.
BARTLETT, WM. W.,	Minneapolis.
BECHHOEFER, CHARLES,	St. Paul.
BENNETT, W. H.,	Minneapolis.
BEST, JAMES I.,	Minneapolis.
BOOTH, WILBUR F.,	Minneapolis.
BORST, WILSON,	Windom.
BRIGGS, A. G.,	St. Paul.
BRILL, HASCAL R.,	St. Paul.
BROWN, FREDERICK V.,	Minneapolis.
BROWN, ROME G.,	Minneapolis.
BUCKHAM, THOMAS S.,	Faribault.
BUFFINGTON, E. D.,	Minneapolis.
BUNN, CHARLES W.,	St. Paul.
BURR, STILES,	St. Paul.
CAIRNS, CHAS. S.,	Minneapolis.
CALDWELL, CHESTER L.,	St. Paul.

MINNESOTA—Continued.

CANT, WM. A.,	Duluth.
CASTBERG, BENJAMIN,	Detroit.
CATHERWOOD, S. D.,	Austin.
CHAPIN, WALTER L.,	St. Paul.
CHILD, S. R.,	Minneapolis.
CHITTENDEN, EDWIN S.,	St. Paul.
CHRISTMAN, CHAS. E.,	Ortonville.
CLAPP, M. H.,	St. Paul.
COFFMAN, ASHLEY,	St. Paul.
CROSBY, WILSON G.,	Duluth.
DENEGRE, JAS. D.,	St. Paul.
DICKEY, J. M.,	St. Paul.
DICKINSON, HORACE D.,	Minneapolis.
DILLE JOHN I.,	Minneapolis.
DONAHUE, WM. H.,	Minneapolis.
DOTY, DANIEL W.,	St. Paul.
DURMENT, EDMUND S.,	St. Paul.
DUXBURY, T. W. R.,	St. Paul.
DWINNELL, W. S.,	Minneapolis.
ELLIOTT, C. B.,	Minneapolis.
ERDALL, JOHN L.,	St. Paul.
EWING, FRANK H.,	St. Paul.
FARNHAM, CHARLES W.,	St. Paul.
FIELD, N. F.,	Fergus Falls.
FISH, DANIEL,	Minneapolis.
FLANNERY, GEO. P.,	Minneapolis.
FOSNES, C. A.,	Montevideo.
FOSTER, ALBERT F.,	Litchfield.
FOULKE, WILLIAM,	St. Paul.
FRANKEL, LOUIS R.,	St. Paul.
FURST, WM.,	Minneapolis.
GERMO, THOMAS,	Red Lake Falls.
GREENMAN, F. W.,	Austin.
HALE, WM. E.,	Minneapolis.
HALLAM, OSCAR,	St. Paul.
HANLEY, M. F.,	Minneapolis.
HARRIES, W. H.,	Caledonia.
HAUPT, CHARLES C.,	St. Paul.
JACKSON, A. B.,	Minneapolis.
JAMISON, ROBERT,	Minneapolis.
JELLEY, C. S.,	Minneapolis.
JOHNSTONE, W. H. H.,	St. Paul.
KELLOGG, FRANK B.,	St. Paul.
KNOX, T. J.,	Jackson.

MINNESOTA—Continued.

KORNS, E. B.,	Tracy.
LAMBERTON, HENRY M.,	Winona.
LANCASTER, WM. A.,	Minneapolis.
LARRABEE, FRANK D.,	Minneapolis.
LAYBOURNE, CHAS. G.,	Minneapolis.
LEWIS, OLIN B.,	St. Paul.
LIGHTNER, W. H.,	St. Paul.
MARKHAM, GEORGE W.,	St. Paul.
MARKHAM, J. D.,	Rush City.
MASON, ALFRED F.,	St. Paul.
MATHEWS, M. E.,	Marshall.
MERCER, HUGH V.,	Minneapolis.
MITCHELL, WILLIAM D.,	St. Paul.
MORPHY, E. H.,	St. Paul.
MOORE, ALBERT R.,	St. Paul.
MORRISON, ROBERT V.,	Minneapolis.
MCKENZIE, JOHN,	Lake Benton.
O'BRIEN, THOMAS D.,	St. Paul.
OTIS, WILLIS C.,	St. Paul.
PAIGE, JAMES,	St. Paul.
PATTEE, W. S.,	Minneapolis.
QUALE, G. E.,	Willmar.
REA, S. C.,	Luverne.
REED, LOUIS A.,	Minneapolis.
REEVES, C. P.,	Glenwood.
RIEKE, A. V.,	Fairfax.
ROBERTS, HARLAN P.,	Minneapolis.
SANBORN, EDWARD P.,	St. Paul.
SCHRIEBER, B. H.,	St. Paul.
SEVERANCE, C. A.,	St. Paul.
SHAW, JOHN E.,	Minneapolis.
SMITH, LYNDON A.,	Montevideo.
SHEARER, JAMES D.,	Minneapolis.
SIMPSON, GEORGE T.,	Winona.
SLATER, EDWIN S.,	Minneapolis.
SOUTHWORTH, E.,	Shakopee.
STEARNS, VICTOR,	Duluth.
STRINGER, EDWARD C.,	St. Paul.
STRYKER, JOHN E.,	St. Paul.
STONE, R. A.,	St. Paul.
THYGESON, N. M.,	St. Paul.
TIFFANY, FRANCIS B.,	St. Paul.
TIGHE, AMBROSE,	St. Paul.
TRYON, CHARLES J.,	Minneapolis.

MINNESOTA—Continued.

VAN DERLIP, JOHN R.,	Minneapolis.
WEBBER, M. B.,	Winona.
WRIGHT, A. W.,	Austin.
WENZELL, HENRY BURLEIGH,	St. Paul.
WILLISTON, W. C.,	Red Wing.
YOUNG, E. T.,	St. Paul.
YOUNG, S. H.,	Benson.

MISSISSIPPI.

SMITH, MURRAY F.,	Vicksburg.
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MISSOURI.

BARCLAY, SHEPARD,	St. Louis.
BLAIR, ALBERT,	St. Louis.
CHANDLER, JEFFERSON,	St. Louis.
CHARLES, BENJAMIN H.,	St. Louis.
GENTRY, NORTH T.,	Jefferson City.
HAGERMAN, JAMES,	St. Louis.
HAGERMAN, LEE W.,	St. Louis.
HINTON, E. W.,	Columbia.
JUDSON, FREDERICK N.,	St. Louis.
KEHR, EDW. C.,	St. Louis.
KEYSOR, WM. W.,	St. Louis.
KLEIN, JACOB,	St. Louis.
LEHMANN, F. W.,	St. Louis.
MATHEWS, M. E.,	Marshall.
PIERCE, T. M.,	St. Louis.
SPENCER, SELDEN P.,	St. Louis.
TAYLOR, SENECA N.,	St. Louis.

MONTANA.

JOHNSTON, W. M.,	Billings.
KNOWLES, HIRAM,	Missoula.

NEBRASKA.

AYERS, GEORGE D.,	Lincoln.
BAXTER, IRVING F.,	Omaha.
BRECKENRIDGE, RALPH W.,	Omaha.
BROME, H. C.,	Omaha.
COSTIGAN, GEO. P., JR.,	Lincoln.
DRYDEN, JOHN N.,	Kearney.
DUNDEY, CHARLES L.,	Omaha.

NEBRASKA -Continued.

ELGUTTE , CHARLES S.,	Omaha.
GURLEY, WM. F.,	Omaha.
MATTERS, THOMAS H.,	Harvard.
MONTGOMERY, C. S.,	Omaha.
McHUGH, W. D.,	Omaha.
POUND, ROSCOE,	Lincoln.
RAIN, F. L.,	Fairbury.
RINAKER, SAMUEL,	Beatrice.
VAN DUSEN, JAMES H.,	Omaha.
WAKELEY, E.,	Omaha.
WEBSTER, JOHN L.,	Omaha.
WEST, JOEL W.,	Omaha.
WRIGHT, C. C.,	Omaha.

NEW HAMPSHIRE. .

EASTMAN, SAMUEL C.,	Concord.
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NEW JERSEY.

EMERY, JOHN R.,	Morristown.
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NEW YORK.

ANDREWS, JAMES D.,	New York.
ESTABROOK, HENRY D.,	New York.
HILL, HENRY W.,	Buffalo.
HUFFCUT, E. W.,	Ithaca.
MOSES, RAPHAEL J.,	New York.
PARKER, ALTON B.,	New York.
TERRY, CHAS. THADDEUS,	New York.
WADHAMS, FREDERICK E.,	Albany.
WHEELER, EVERETT P.,	New York.

NORTH CAROLINA.

BUSBEE, F. H.,	Raleigh.
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NORTH DAKOTA

AUSTIN, JAS. M.,	Ellendale.
BANGS, TRACY R.,	Grand Forks.
BLOOD, H. S.,	Bottineau.
BOSARD, J. H.,	Grand Forks.
BRUCE, ANDREW A.,	Grand Forks.
CORLISS, GUY C. H.,	Grand Forks.
ENGERUD, EDWARD,	Fargo.

NORTH DAKOTA—Continued.

FORBES, JOSEPH G.,	Wahpeton.
KNAUF, JOHN,	Jamestown.
LEE, ARTHUR B.,	Fargo.
SPALDING, BURLEIGH F.,	Fargo.
THOMAS, W. H.,	Leeds.
TURNER, H. R.,	Fargo.
WINEMAN, J. B.,	Grand Forks.
YOUNG, N. C.,	Fargo.

OHIO.

JAMES, FRANCIS B.,	Cincinnati.
MATTHEWS, MORTIMER,	Cincinnati.
ROGERS, W. P.,	Cincinnati.
STEWART, GILBERT H.,	Columbus.
VORYS, A. I.,	Lancaster.

OKLAHOMA TERRITORY.

MOSIER, JOHN H.,	Norman.
WOMACK, T. J.,	Alva.

PENNSYLVANIA.

ALEXANDER, LUCIEN H.,	Philadelphia.
CROCKER, W. D.,	Williamsport.
EWING, NATHANIEL,	Uniontown.
FREDERICKS, J. T.,	Williamsport.
HENSEL, W. U.,	Lancaster.
HOPWOOD, R. F.,	Uniontown.
KANE, FRANCIS FISHER,	Philadelphia.
LAMBERTON, JAMES M.,	Harrisburg.
LEWIS, WM. DRAPER,	Philadelphia.
MERCUR, RODNEY A.,	Towanda.
MIKELL, WILLIAM E.,	Philadelphia.
ROGERS, JOHN I.,	Philadelphia.
SMITHERS, WM. W.,	Philadelphia.
SMITH, WALTER GEORGE,	Philadelphia.
STAAKE, WILLIAM H.,	Philadelphia.

RHODE ISLAND.

EATON, AMASA M.,	Providence.
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SOUTH CAROLINA.

MORDECAI, T. MOULTRIE,	Charleston.
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SOUTH DAKOTA.

CRAWFORD, COE I.,	Huron.
ISSENHUTH, WM.,	Redfield.
KEITH, ALBERT,	Sioux Falls.
NULL, T. H.,	Huron.
STERLING, THOMAS,	Vermillion.
VORHEES, JOHN H.,	Sioux Falls.
WHITING, CHAS. S.,	De Smet.

TENNESSEE.

BIGGS, ALBERT W.,	Memphis.
FITZHUGH, G. T.,	Memphis.
SANFORD, EDWARD T.,	Knoxville.

TEXAS.

BURGES, WILLIAM H.,	El Paso.
DYER, JOHN L.,	El Paso.
HUME, F. CHARLES, JR.,	Houston.
KELLER, C. A.,	San Antonio.
MILLER, CLARENCE H.,	Austin.
MCLENDON, JAMES W.,	Austin.
SPOONTS, M. A.,	Ft. Worth.
STREET, ROBERT G.,	Galveston.

VERMONT.

TAFT, ELIHU B.,	Burlington.
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VIRGINIA.

HUGHES, ROBERT M.,	Norfolk.
MASSIE, EUGENE C.,	Richmond.
SMITH, WILLIS B.,	Richmond.
TUCKER, H. ST. GEORGE,	Lexington.

WASHINGTON.

CANNON, EDWARD J.,	Spokane.
PETERSON, FRED. H.,	Seattle.

WISCONSIN.

BARTLETT, W. P.,	Eau Claire.
FROST, EDWARD W.,	Milwaukee.
GILMORE, EUGENE A.,	Madison.
HURLEY, M. A.,	Wausau.

WISCONSIN—Continued.

JENKINS, JOHN J.,	Chippewa Falls.
LUECK, M. L.,	Juneau.
MALONE, J. E.,	Juneau.
RICHARDS, H. S.,	Madison.
VAN DYKE, GEO. D.,	Milwaukee.
WOLFE, W. F.,	La Crosse.

Total registered, 369.

DELEGATES
FROM
STATE AND LOCAL BAR ASSOCIATIONS.
1906.

ALABAMA STATE BAR ASSOCIATION.

S. H. DENT, JR., Montgomery.
JOHN PELHAM, Anniston.
BENJAMIN P. CRUM, Montgomery.

FLORIDA.

JACKSONVILLE BAR ASSOCIATION.

WALTER B. CLARKSON, Jacksonville.
WILLIAM H. BAKER, Jacksonville.

GEORGIA BAR ASSOCIATION.

SPENCER R. ATKINSON, Atlanta.
HAMILTON McWHORTER, Athens.
JAMES H. BLOUNT, Macon.

ILLINOIS STATE BAR ASSOCIATION.

JESSE HOLDOM, Chicago.
GEORGE PECK MERRICK, Chicago.

OKLAHOMA AND INDIAN TERRITORY BAR ASSOCIATION.

C. B. STEWART, South McAlester, I. T.
W. A. LEDBETTER, Ardmore, I. T.
JOHN H. MOSIER, Norman, O. T.

IOWA STATE BAR ASSOCIATION.

W. H. BAILEY, Des Moines.
A. E. SWISHER, Iowa City.
M. A. WALSH, Clinton.

KENTUCKY STATE BAR ASSOCIATION.

S. D. ROUSE, Covington.
JOHN R. ALLEN, Lexington.
LOUIS McQUOWN, Frankfort.

MARYLAND STATE BAR ASSOCIATION.

ALBERT A. DOUB, Cumberland.
 WILLIAM H. DEWESE, Denton.
 JOSEPH C. FRANCE, Baltimore.

MASSACHUSETTS.**BAR ASSOCIATION OF THE CITY OF BOSTON.**

JOHN C. GRAY, Boston.
 M. F. DICKINSON, Boston.

HAMPDEN BAR ASSOCIATION.

NATHAN P. AVERY, Holyoke.
 STEPHEN S. TAFT, Springfield.

MICHIGAN STATE BAR ASSOCIATION.

JESSE ARTHUR, Battle Creek.
 FREDERICK W. STEVENS, Detroit.
 CHARLES M. WILSON, Grand Rapids.

MINNESOTA STATE BAR ASSOCIATION.

WILSON G. CROSBY, Duluth.
 C. L. CALDWELL, St. Paul.
 A. P. BLANCHARD, Little Falls.

MISSISSIPPI STATE BAR ASSOCIATION.

JAMES SEXTON, Hazelhurst.
 THOMAS SOMERVILLE, University.
 MURRAY F. SMITH, Vicksburg.

MISSOURI BAR ASSOCIATION.

JOHN D. LAWSON, Columbia.
 SANFORD B. LADD, Kansas City.
 JOHN F. LEE, St. Louis.

MONTANA BAR ASSOCIATION.

JAMES DONOVAN, Great Falls.

NEBRASKA STATE BAR ASSOCIATION.

JOHN B. BARNES, Norfolk.
 SAMUEL RINAKER, Beatrice.
 GEORGE D. AYERS, Lincoln.

NEW JERSEY STATE BAR ASSOCIATION.

HOWARD CARROW, Camden.
 ALBERT C. WALL, Jersey City.
 SHEPHERD DEPUE, Newark.

NEW YORK STATE BAR ASSOCIATION.

HENRY W. HILL, Buffalo.
 WILLIAM B. HORNBLOWER, New York.
 IRA PLACE, New York.

BAR ASSOCIATION OF NORTH DAKOTA.

N. C. YOUNG, Fargo.
 JOSEPH G. FORBER, Wahpeton.
 W. H. THOMAS, Leeds.

OHIO STATE BAR ASSOCIATION.

GILBERT H. STEWART, Columbus.
 MORTIMER MATTHEWS, Cincinnati.
 FRANCIS B. JAMES, Cincinnati.

PENNSYLVANIA BAR ASSOCIATION.

JOHN I. ROGERS, Philadelphia.
 W. W. SMITHERS, Philadelphia.
 J. S. BILLING, Erie.

SOUTH CAROLINA BAR ASSOCIATION.

JOHN C. SHEPPARD, Edgefield.
 P. A. WILCOX, Florence.
 W. C. BEWT, Columbia.

SOUTH DAKOTA BAR ASSOCIATION.

CHARLES S. WHITING, De Smet.
 A. E. HITCHCOCK, Mitchell.
 H. R. HORNER, Pierre.

BAR ASSOCIATION OF TENNESSEE.

A. W. BRIGGS, Memphis.

VIRGINIA STATE BAR ASSOCIATION.

R. WALTON MOORE, Fairfax.
 ALEXANDER HAMILTON, Petersburg.
 EUGENE C. MASSIE, Richmond.

WASHINGTON STATE BAR ASSOCIATION.

E. J. CANNON, Spokane.

WEST VIRGINIA BAR ASSOCIATION.

H. C. HERVEY, Wellsburg.

ROBERT W. DAILEY, Romney.

L. J. WILLIAMS, Lewisburg.

LIST OF MEMBERS ELECTED

AT THE

TWENTY-NINTH ANNUAL MEETING.

1906.

ALABAMA.

WOOD STERLING A., Birmingham.

ARKANSAS.

RATCLIFF, WILLIAM C., Little Rock.

CALIFORNIA.

DUNNE, P. F., San Francisco.

MUELLER, OSCAR C., Los Angeles.

SCOTT, JOSEPH, Los Angeles.

CONNECTICUT.

CLEAVELAND, LIVINGSTON W., New Haven.

PHELAN, JOHN J., Bridgeport.

DISTRICT OF COLUMBIA.

DOOLITTLE, H. P., Washington.

SMALL, WILLIAM F., Washington.

THOMPSON, JOHN B., Washington.

FLORIDA.

ROBBINS, GEORGE M., Titusville.

ILLINOIS.

BALDWIN, HENRY R., Chicago.

BUTLER, RUSH C., Chicago.

CARTER, HENRY W., Chicago.

DAWES, CHESTER M., Chicago.

GRIDLEY, MARTIN M., Chicago.

MACCHESNEY, NATHAN WILLIAM, Chicago.

MAYER LEVY, Chicago.

MCARDLE, P. L., Chicago.

MCCULLOCH, FRANK H., Chicago.

NIBLACK, WILLIAM C., Chicago.

ILLINOIS—Continued.

RICHARDS, JOHN T.,	Chicago.
SAUTER, L. E.,	Chicago.
SHEEAN, JAMES M.,	Chicago.

INDIANA.

HOPKINS, MURAT W.,	Indianapolis.
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IOWA.

HARVISON, WILLIAM G.,	Des Moines.
MOORE, WILLIAM F.,	Guthrie Center.
MCPHERSON, SMITH,	Red Oak.
REED, CARL W.,	Cresco.
WALSH, MARK A.,	Clinton.
WILCOX, ELMER A.,	Iowa City.

KANSAS.

DOSTER, FRANK,	Topeka.
PORTER, SILAS,	Kansas City.
SCANDRETT, H. A.,	Topeka.
SMITH, CHARLES W.,	Stockton.

MASSACHUSETTS.

COAKLEY, TIMOTHY W.,	Boston.
DENNISON, JOSEPH A.,	Boston.
PELLETIER, JOSEPH C.,	Boston.
SHERMAN, ROLAND G.,	Boston.

MICHIGAN.

ARTHUR, JESSE,	Battle Creek.
CARMODY, MARTIN H.,	Grand Rapids.
*NORRIS, MARK,	Grand Rapids.

MINNESOTA.

ANDERSON, W. B.,	Minneapolis.
BAXTER, HECTOR,	Minneapolis.
BROWN, L. L.,	Winona.
CARLETON, FRANK H.,	Minneapolis.
CHASE, NATHAN H.,	Minneapolis.
COLE, HAYDEN S.,	St. Paul.
CRANE, J. W.,	Minneapolis.
DENEGRE, JAMES R.,	St. Paul.
DICKEY, J. M.,	St. Paul.
DUKBURY, W. R.,	St. Paul.

MINNESOTA—Continued.

EGELSTON, ALVORD C.,	Minneapolis.
EWING, FRANK H.,	St. Paul.
FIELD, NICHOLAS F.,	Fergus Falls.
FOULKE, WILLIAM,	St. Paul.
FOWLER, CHARLES R.,	Minneapolis.
FRANKEL, L. R.,	St. Paul.
FRYBERGER, HARRISON E.,	Minneapolis.
GERMO, THOMAS,	Red Lake Falls.
HALBERT, HUGH T.,	St. Paul.
HAUPT, CHARLES C.,	St. Paul.
HAY, EUGENE G. (New York, N. Y.),	Minneapolis.
HULL, LOUIS K.,	Minneapolis.
JAMISON, ROBERT,	Minneapolis.
KENNEDY, RICHARD L.,	St. Paul.
KINGMAN, J. R.,	Minneapolis.
KORNS, E. B.,	Tracy.
*LAMBERTON, HENRY M.,	Winona.
LEONARD, GEORGE B.,	Minneapolis.
LUM, BURT F.,	Minneapolis.
MASON, JOHN W.,	Fergus Falls.
MONTGOMERY, E. A.,	Minneapolis.
McDERMOTT, THOMAS,	St. Paul.
PURCELL, J. J.,	Ortonville.
REED, FRED W.,	Minneapolis.
SCHMITT, HARRISON L.,	Mankato.
SHAW, JOHN E.,	Minneapolis.
SNYDER, F. B.,	Minneapolis.
STRYKER, JOHN E.,	St. Paul.
*WATTS, WILLIAM,	Crookston.
WEIL, JONAS,	Minneapolis.
YOUNG, HOWELL W.,	Minneapolis.
YOUNG, W. E.,	Mankato.

MISSOURI.

FORDYCE, SAMUEL W., JR.,	St. Louis.
JONES, JAMES C.,	St. Louis.
PIERCE, THOMAS M.,	St. Louis.

MONTANA.

BICKFORD, W. M.,	Missoula.
CAMPBELL, THOMPSON,	Butte.
CLARK, W. A.,	Virginia City.
CONNOLLY, C. P.,	Missoula.

MONTANA--Continued.

DAY, E. C.,	Helena.
FARR, G. W.,	Miles City.
GODDARD, O. F.,	Billings.
HARTMAN, C. S.,	Bozeman.
HARTMAN, W. S.,	Bozeman.
HARWOOD, E. N.,	Butte.
HOLLOWAY, W. L.,	Helena.
JOHNSTON, W. M.,	Billings.
KELLY, C. F.,	Butte.
KNOWLES, HIRAM,	Missoula.
LINDSAY, JOHN,	Butte.
MURPHY, WILLIAM L.,	Missoula.
PENBERTON, W. Y.,	Fort Benton.
POMEROY, C. W.,	Kalispell.
PRAY, C. K.,	Fort Benton.
ROOTE, J. B.,	Butte.
SHELTON, G. F.,	Butte.
WALSH, T. J.,	Helena.

NEBRASKA.

ALLEN, WILLIAM V.,	Madison.
BARNES, JOHN B.,	Norfolk.
BROME, HARRISON C.,	Omaha.
GURLEY, WILLIAM F.,	Omaha.
KELBY, JAMES E.,	Omaha.
MERCER, DAVID H.,	Omaha.
RINAKEB, SAMUEL,	Beatrice.
THOMPSON, WILLIAM H.,	Grand Island.
WRIGHT, CARL C.,	Omaha.

NEW JERSEY.

FAY, THOMAS P.,	Long Branch.
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NEW YORK.

COOPER, DEURY W.,	New York.
HEALEY, ROBERT E.,	Plattsburgh.
LUCY, DENNIS B.,	Ogdensburg.
PLACE, IRA A.,	New York.
TAYLOR, WALTER F.,	New York.
TERRY, CHARLES THADDEUS,	New York.

NORTH CAROLINA.

DAVIS, THOMAS W.,	Wilmington.
MOORE, CHARLES A.,	Asheville.

NORTH DAKOTA.

AMES, F. W.,	Mayville.
AMIDON, CHARLES F.,	Fargo.
BANGE, GEORGE A.,	Grand Forks.
BANGE, TRACY R.,	Grand Forks.
BLOOD, H. S.,	Bottineau.
CONKLIN, MARION,	Jamestown.
CORLISS, GUY C. H.,	Grand Forks.
DIVET, A. G.,	Wahpeton.
ENGERUD, EDWARD,	Fargo.
GREENE, JOHN E.,	Minot.
KNAUF, JOHN,	Jamestown.
LEE, ARTHUR B.,	Fargo.
MAHER, JOHN W.,	Devils Lake.
MURPHY, CHARLES J.,	Grand Forks.
POLLOCK, ROBERT M.,	Fargo.
SKULASON, B. G.,	Grand Forks.
TURNER, HARRY R.,	Fargo.
WINEMAN, JACOB B.,	Grand Forks.
WINTERER, HERMAN,	Valley City.
YOUNG, NEWTON C.,	Fargo.

OHIO.

ARNOLD, HARRY B.,	Columbus.
BRADY, P. J.,	Cleveland.
MATTHEWS, MORTIMER,	Cincinnati.
MCCARTHY, M. B.,	Toledo.

OKLAHOMA TERRITORY.

MOSIER, JOHN H.,	Norman.
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OREGON.

GEARIN, JOHN M.,	Portland
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PENNSYLVANIA.

CROCKER, WILLIAM D.,	Williamsport.
FLAHERTY, JAMES A.,	Philadelphia.
HOPWOOD, R. F.,	Uniontown.
KREADY, B. FRANK,	Lancaster.
ROGERS, JOHN I.,	Philadelphia.

RHODE ISLAND.

BARROWS, CHESTER W.,	Providence.
WILLIAMS, OLIVER H.,	Westerly.

SOUTH CAROLINA.

HAGOOD, BENJAMIN A., Charleston.
 HYDE, SIMON, Charleston.

SOUTH DAKOTA:

BURT, A. W., Huron.
 ISENHUTH, WILLIAM, Redfield.
 KEITH, ALBERT J., Sioux Falls.
 PAYNE, J. E., Vermillion.
 *STERLING, THOMAS, Vermillion.
 STEWART, R. W., Huron.
 TAYLOR, A. E., Huron.
 WAGNER, E. E., Alexandria.
 WHITING, CHARLES S., De Smet.
 WILMARTH, A. W., Huron.

TENNESSEE.

BIGGS, ALBERT W., Memphis.
 FITZHUGH, G. T., Memphis.
 SMITH, SAMUEL BOSWORTH, Chattanooga.

TEXAS.

DYER, JOHN L., El Paso.
 HUME, F. CHARLES, JR., Houston.
 KELLER, C. A., San Antonio.
 MCCLENDON, JAMES W., Austin.

UTAH.

GIBSON, GEORGE JAY, Salt Lake City.

WASHINGTON.

CANNON, E. J., Spokane.
 PETERSON, FRED H., Seattle.

WISCONSIN.

LUECK, MARTIN L., Juneau.
 MALONE, JAMES E., Juneau.
 NASH, LYMAN J., Manitowoc.
 SANBORN, A. L., Madison.
 WOLFE, W. F., La Crosse.

*Elected by Executive Committee after meeting.
 Number elected at meeting, 186.

ELECTED BY THE EXECUTIVE COMMITTEE BETWEEN
THE MEETINGS OF 1905-1906.

ALABAMA.

BESTOR, DANIEL P., Mobile.

CALIFORNIA.

KELLY, WILLIAM R., Los Angeles.

MUNSON, GILBERT D., Los Angeles.

COLORADO.

DEVINE, THOMAS H., Pueblo.

DORSEY, CLAYTON C., Denver.

DUBBS, HENRY A., Pueblo.

ELLIS, DANIEL B., Denver.

HAMLIN, CLARENCE C., Colorado Springs.

HARRINGTON, FRED., Denver.

HARTMAN, WILLIAM L., Pueblo.

HODGES, WILLIAM V., Denver.

KNABEL, ERNEST, Denver.

LEWIS, ROBERT E., Denver.

REDDIN, JOHN H., Denver.

TEBBETTS, WILLIAM B., Denver.

WHITTET, ELMER E., Denver.

WILCOX, ORLANDO B., Colorado Springs.

CONNECTICUT.

PIERCE, WILSON H., Waterbury.

WILLIAMS, FRANK B., Hartford.

DISTRICT OF COLUMBIA.

BAKER, DANIEL W., Washington.

BARNARD, RALPH P., Washington.

BRADLEY, ANDREW Y., Washington.

BRITTON, ALEXANDER, Washington.

CLEPHANE, WALTER C., Washington.

COLBERT, MICHAEL J., Washington.

DAVIS, GEORGE B., Washington.

DONALDSON, R. GOLDEN, Washington.

EARNEST, JOHN PAUL, Washington.

KING, WILLIAM B., Washington.

MILLAN, WILLIAM W., Washington.

PETER, ARTHUR, Washington.

SIDDONS, FREDERICK L., Washington.

SYME, CONRAD H., Washington.

THOM, CORCORAN, Washington.

TUCKER, CHARLES C., Washington.

FLORIDA.

ADAMS, CHARLES S.,	Jacksonville.
BARBS, JOHN M.,	Jacksonville.
BOSTWICK, WILLIAM M., JR.,	Jacksonville.
BROWN, WILLIAM,	Jacksonville.
BUCKMAN, HENRY H.,	Jacksonville.
DODGE, JOHN W.,	Jacksonville.
DOGGETT, JOHN L.,	Jacksonville.
DOIG, DAVID H.,	Jacksonville.
GIBBONS, CROMWELL,	Jacksonville.
HARWICK, WILLIAM H.,	Jacksonville.
MAXWELL, JOHN S.,	Jacksonville.
PHILIPS, HENRY B.,	Jacksonville.
PRICE, WILLIAM H.,	Marianna.
WATSON, WILL H.,	Marianna.
WILSON, CEPHAS L.,	Marianna.

IDAHO.

HEYBURN, WELDON B. (Washington, D.C.), Wallace.

ILLINOIS.

ADAMS, ELMER H.,	Chicago.
BAERNES, ALBERT C.,	Chicago.
BENTLEY, FREDERICK W.,	Chicago.
BIRD, HARRY L.,	Chicago.
BOYS, WILLIAM H.,	Streator.
BROWN, EDWARD O.,	Chicago.
BYRNES, DANIEL,	Chicago.
CAMPBELL, D. A.,	Chicago.
CARPENTER, GEORGE A.,	Chicago.
CASSADAY, ELDON J.,	Chicago.
CHANDLER, JOSEPH H.,	Chicago.
CHYTRAUS, AXEL,	Chicago.
CUTTING, CHARLES S.,	Chicago.
DAVID, JOSEPH B.,	Chicago.
DAVIS, BRODE B.,	Chicago.
DICKINSON, J. R.,	Chicago.
DOUGLASS, GEORGE L.,	Chicago.
DUNCOMBE, H. S.,	Chicago.
DUNLAP, ROBERT,	Chicago.
ELTING, VICTOR,	Chicago.
FORMAN, W. S.,	East St. Louis.
GALE, GEORGE C.,	Chicago.
GARDNER, C. P.,	Mendota.
GREEN, ALVAH S.,	Galesburg.

ILLINOIS—Continued.

HAMLIN, HOWLAND J.,	Springfield.
HURD, HARRY B.,	Chicago.
IVES, MORSE,	Chicago.
JEFFERSON, CARL S.,	Chicago.
KIES, WILLIAM S.,	Chicago.
KNIGHT, THOMAS D.,	Chicago.
LAWRENCE, GEORGE A.,	Galesburg.
MATHENY, JAMES H.,	Springfield.
MECARTNEY, HARRY S.,	Chicago.
MEESE, WILLIAM A.,	Moline.
MILLARD, W. D.,	Chicago.
MCGOORTY, JOHN P.,	Chicago.
PEARSON, HAYNIE R.,	Chicago.
PETERSON, JAMES A.,	Chicago.
PINCKNEY, MERITT W.,	Chicago.
POPPENHUSEN, CONRAD H.,	Chicago.
POST, PHILIP S.,	Galesburg.
REEVES, WALTER,	Streator.
RYON, OSCAR B.,	Streator.
SHERIDAN, JAMES J.,	Chicago.
SIDLEY, WILLIAM P.,	Chicago.
SMITH, FREDERICK A.,	Chicago.
SMITH, PLINY B.,	Chicago.
SMULSKI, JOHN F.,	Chicago.
STEPHENS, REDMOND D.,	Chicago.
STEVENS, JOHN S.,	Peoria.
STRAWN, SILAS H.,	Chicago.
TAYLOR, THOMAS, JR.,	Chicago.
URION, ALFRED R.,	Chicago.
WELSH, JAMES J.,	Galesburg.
WHITE, GEORGE H.,	Chicago.

INDIANA.

BAKER, CHARLES S.,	Columbus.
BARRETT, JAMES M.,	Fort Wayne.

IOWA.

MATTHEWS, MATTHEW C.,	Dubuque.
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KANSAS.

ATKINSON, W. D.,	Parsons.
ATWOOD, JOHN H.,	Leavenworth.
BENTON, C. E.,	Fort Scott.
BIDDLE, W. R.,	Fort Scott.

KANSAS—Continued.

BOND, LEE,	Leavenworth.
BROWN, SHELBY C.,	Chanute.
BROWN, W. L.,	Arkansas City.
BUCKMAN, G. H.,	Winfield.
CAMPBELL, J. J.,	Pittsburg.
CLARK, ELMER C.,	Oswego.
CONLON, CHARLES J.,	Atchison.
CRAIN, JOHN H.,	Fort Scott.
DANA, HOWARD,	Coffeyville.
DILLARD, W. P.,	Fort Scott.
ERGENBRIGHT, O. P.,	Independence.
FITZPATRICK, W. S.,	Sedan.
FITZWILLIAM, F. P.,	Leavenworth.
GAITSKILL, BENNETT S.,	Girard.
GLEED, J. WILLIS,	Topeka.
HACKNEY, W. P.,	Winfield.
HUDSON, B. F.,	Atchison.
HULETT, C. E.,	Fort Scott.
JACKSON, ALFRED M.,	Winfield.
JACKSON, WILLIAM A.,	Atchison.
KEENE, A. M.,	Fort Scott.
KRETSINGER, W. S.,	Emporia.
LAFFERTY, J. T.,	Winfield.
LOOMIS, N. H.,	Topeka.
LOVE, J. MACK,	Arkansas City.
MULVANE, DAVID W.,	Topeka.
MCNEIL, C. A.,	Columbus.
OER, JAMES W.,	Atchison.
POLLOCK, JOHN C.,	Winfield.
SPEOUL, W. H.,	Sedan.
WHEATLEY, G. W.,	Galena.

MARYLAND.

GOLDSBOROUGH, P. ALAN,	Denton.
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MASSACHUSETTS.

HENDRY, JOHN BURKE (London, Eng.),	Boston.
THAYER, EZRA R.,	Boston.
VINCENT, WILLIAM H.,	Boston.
WRIGHTINGTON, S. R.,	Boston.

MICHIGAN.

FLEWELLING, ALBERT L.,	Crystal Falls.
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MINNESOTA.

ABBOTT, HOWARD S.,	Minneapolis.
ABBOTT, HOWARD T.,	Duluth.
AGATIN, A. L.,	Duluth.
ANDERSON, S. A.,	St. Paul.
ANKENY, A. T.,	Minneapolis.
ARCTANDER, JOHN W.,	Minneapolis.
ARMSTRONG, JAMES D.,	St. Paul.
D'AUTREMONT, CHARLES, JR.,	Duluth.
AVERY, J. T.,	St. Paul.
BABCOCK, E.,	Wells.
BAILEY, WILLIAM D.,	Duluth.
BALDWIN, ALBERT,	Duluth.
BARDWELL, WINFIELD W.,	Minneapolis.
BARKER, HENRY F.,	Cambridge.
BARBOWS, MORTON,	St. Paul.
BARTA, FERDINAND,	St. Paul.
BARTLETT, WILLIAM W.,	Minneapolis.
BARTON, HUMPHREY,	St. Paul.
BAXTER, JOHN T.,	Minneapolis.
BAXTER, LUTHER L.,	Fergus Falls.
BECHHOEFER, CHARLES,	St. Paul.
BENNETT, WILLIAM H.,	Minneapolis.
BEE, JAMES I.,	Minneapolis.
BLANCHARD, ARTHUR P.,	Little Falls.
BOARDMAN, FREDERICK H.,	Minneapolis.
BOOTH, WILBUR F.,	Minneapolis.
BOEST, WILSON,	Windom.
BRIGGS, ASA G.,	St. Paul.
BRIGGS, R. R.,	Duluth.
BRIGHT, MICHAEL S.,	Duluth.
BRILL, HASCAL R.,	St. Paul.
BROOKS, FRANK C.,	Minneapolis.
BROWN, CALVIN L.,	St. Paul.
BUCKHAM, THOMAS S.,	Faribault.
BUFFINGTON, E. D.,	Minneapolis.
BUNN, CHARLES W.,	St. Paul.
BUNN, GEORGE L.,	St. Paul.
BURCHARD, JOHN E.,	St. Paul.
BURR, STILES W.,	St. Paul.
BUTLER, PIERCE,	St. Paul.
CAIRNS, CHARLES S.,	Minneapolis.
CANT, WILLIAM A.,	Duluth.
CARROLL, WALTER N.,	Minneapolis.
CASH, DANIEL G.,	Duluth.
CASTBERG, BENJAMIN,	Detroit.

MINNESOTA—Continued.

CATHERWOOD, S. D.,	Austin.
CHAMBERLAIN, HOWARD B.,	Minneapolis.
CHAPIN, WALTER L.,	St. Paul.
CHATFIELD, EDWARD C.,	Minneapolis.
CHILD, S. R.,	Minneapolis.
CHILDS, CLARENCE H.,	Minneapolis.
CHRISTOFFERSON, ARTHUR,	St. Paul.
CLAPP, NEWEL H.,	St. Paul.
CLARKE, ALBERT E.,	Minneapolis.
CLARKE, ROSS,	St. Paul.
COBB, ALBERT C.,	Minneapolis.
COFFMAN, ASHLEY,	St. Paul.
COMFORT, F. V.,	Stillwater.
CONGDON, CHESTER A.,	Duluth.
COTTON, JOSEPH B.,	Duluth.
COUNTRYMAN, M. L.,	St. Paul.
CRAY, LORIN,	Mankato.
CRAY, W. R.,	Minneapolis.
CROSBY, F. M.,	Hastings.
CROSBY, JOHN,	Minneapolis.
CROSBY, WILSON G.,	Duluth.
CUTTING, WILLIAM H.,	Buffalo.
DAGGETT, THOMAS C.,	St. Paul.
DALEY, ANDREW J.,	Luverne.
DAVIS, THOMAS J.,	Duluth.
DAY, FRANK A.,	Duluth.
DIBELL, HOMER B.,	Duluth.
DICKINSON, H. D.,	Minneapolis.
DODGE, FRED. B.,	Minneapolis.
DODGE, WILLIS EDWARD,	Minneapolis.
DONAHUE, W. H.,	Minneapolis.
DOTY, DANIEL W.,	St. Paul.
DOUGLAS, MARION,	Duluth.
DOUGLAS, WALLACE B.,	St. Paul.
DURMENT, EDMUND S.,	St. Paul.
DWINNELL, W. S.,	Minneapolis.
ECKSTEIN, JOSEPH A.,	New Ulm.
EDSON, W. D.,	Duluth.
ENSIGN, JOSIAH D.,	Duluth.
ERDALL, JOHN L.,	St. Paul.
EWING, ARTHUR W.,	Dawson.
FAIRCHILD, EDWIN K.,	Minneapolis.
FARNHAM, CHARLES W.,	St. Paul.
FINNEY, A. C.,	Minneapolis.

MINNESOTA—Continued.

FISK, DEWITT H.,	Bemidji.
FLANNERY, GEORGE P.,	Minneapolis.
FOSNES, C. A.,	Montevideo.
FOSTER, ALBERT F.,	Litchfield.
FRENCH, LAFAYETTE,	Austin.
FRYBERGER, H. B.,	Duluth.
FUNK, W. A.,	Mankato.
FURST, WILLIAM,	Minneapolis.
GALE, EDW. C.,	Minneapolis.
GILBERT, PHILIP,	St. Paul.
GJERTSEN, HENRY J.,	Minneapolis.
GLOVER, M. L.,	Windom.
GOULD, C. D.,	Minneapolis.
GRANT, RICHARD F.,	Duluth.
GREEN, JOHN A.,	Graceville.
GREENMAN, F. W.,	Austin.
GRIGGS, FRANKLIN H.,	St. Paul.
HADLEY, EMERSON,	St. Paul.
HALE, WILLIAM E.,	Minneapolis.
HALLAM, OSCAR,	St. Paul.
HALLAM, W. H.,	Minneapolis.
HANLEY, MARTIN F.,	Minneapolis.
HARRIS, W. H.,	Caledonia.
HARRIS, HAROLD,	St. Paul.
HARRIS, L. C.,	Duluth.
HART, F. B.,	Minneapolis.
HASTINGS, R. A.,	Minneapolis.
HAWTHORNE, JOSEPH M.,	St. Paul.
HEALY, FRANK,	Minneapolis.
HICKS, FRANK,	Duluth.
HOLMES, CHARLES B.,	Minneapolis.
HOLT, ANDREW,	Minneapolis.
HORN, ALEXANDER E.,	St. Paul.
HOW, JARED,	St. Paul.
HUDSON, SANFORD H.,	Benson.
HUDSON, T. T.,	Duluth.
HUTCHINSON, J. T.,	Minneapolis.
INGERSOLL, FREDERICK G.,	St. Paul.
JACKSON, ANSON B.,	Minneapolis.
JAGGARD, EDWIN A.,	St. Paul.
JAYNE, TRAFFORD N.,	Minneapolis.
JELLEY, CHARLES S.,	Minneapolis.
JENSWOLD, JOHN, JR.,	Duluth.
JONES, JOHN T.,	Minneapolis.

MINNESOTA—Continued.

KEITH, ARTHUR M.,	Minneapolis.
KELLER, HERBERT P.,	St. Paul.
KELLY, WILLIAM LOUIS,	St. Paul.
KERR, JAMES B.,	St. Paul.
KNOX, T. J.,	Jackson.
KOON, MARTIN B.,	Minneapolis.
KUEFFNER, OTTO,	St. Paul.
KYLE, J. P.,	St. Paul.
LARIMORE, JOHN A.,	Minneapolis.
LARBABEE, FRANK D.,	Minneapolis.
LATHAM, F. E.,	Howard Lake.
LAWLER, DANIEL W.,	St. Paul.
LAYBOURN, C. G.,	Minneapolis.
LEWIS, CHARLES L.,	St. Paul.
LEWIS, OLIN B.,	St. Paul.
LIGHTNER, WILLIAM H.,	St. Paul.
LIND, JOHN,	Minneapolis.
LINDBURGH, CHARLES A.,	Little Falls.
MAHON, HENRY S.,	Duluth.
MARDEN, CHARLES S.,	Barneville.
MARKHAM, GEORGE W.,	St. Paul.
MARKHAM, J. D.,	Rush City.
MARKHAM, JAMES E.,	St. Paul.
MATCHAN, GEORGE L.,	Minneapolis.
MATHEWS, M. E.,	Marshall.
MICHAEL, JAMES C.,	St. Paul.
MILLER, CLARENCE B.,	Duluth.
MITCHELL, OSCAR,	Duluth.
MITCHELL, WILLIAM D.,	St. Paul.
MOORE, ALBERT R.,	St. Paul.
MORPHY, E. HOWARD,	St. Paul.
MORRIS, PAGE,	Duluth.
MORRISON, ROBERT G.,	Minneapolis.
MUNN, MARCUS D.,	St. Paul.
MUNRO, WEED,	Minneapolis.
MCCLENAHAN, WILLIAM S.,	Brainerd.
MCDONALD, E. E.,	Bemidji.
MCGEE, J. F.,	Minneapolis.
MCKENZIE, JOHN,	Lake Benton.
MCMANUS, A. E.,	Duluth.
NEFF, PORTER J.,	Duluth.
NORRIS, W. H.,	Minneapolis.
NYE, CARROLL A.,	Moorhead.
NYE, FRANK M.,	Minneapolis.

MINNESOTA—Continued.

O'BRIEN, JOHN D.,	St. Paul.
O'BRIEN, THOMAS D.,	St. Paul.
ORR, GRIER M.,	St. Paul.
OSBORNE, FRANK O.,	St. Paul.
OTIS, WILLIS C.,	St. Paul.
PATTEE, W. S.,	Minneapolis.
PATTERSON, ELMER C.,	Marshall.
PEALER, WILLIAM O.,	Duluth.
PENNEY, R. L.,	Minneapolis.
PETERSON, F. H.,	Moorhead.
PHELPS, H. H.,	Duluth.
PITKIN, CHARLES A.,	Bemidji.
PITNAM, FRANK E.,	Blue Earth.
QUINN, THOMAS H.,	Fairbault.
QVALE, G. E.,	Willmar.
REA, S. C.,	Luverne.
REDDING, J. G.,	Windom.
REED, LOUIS A.,	Minneapolis.
REEVES, C. P.,	Glenwood.
REYNOLDS, JOSEPH W.,	Duluth.
RICHARDSON, WILLIAM E.,	Duluth.
RIEKE, AUGUST V.,	Fairfax.
ROBERTS, HARLAN P.,	Minneapolis.
ROBERTS, WILLIAM P.,	Minneapolis.
ROBERTSON, JAMES,	Minneapolis.
ROCKWOOD, CHELSEA J.,	Minneapolis.
ROOT, F. W.,	Minneapolis.
RUSSELL, P. J.,	Bemidji.
SANBORN, EDWARD P.,	St. Paul.
SCHRIEBER, BISHOP H.,	St. Paul.
SEARLE, D. B.,	St. Cloud.
SEARLES, J. N.,	Stillwater.
SEVERANCE, C. A.,	St. Paul.
SHAW, FRANK W.,	Minneapolis.
SHEPHERD, R. E.,	Austin.
SIMPSON, DAVID F.,	Minneapolis.
SIMPSON, GEORGE T.,	St. Paul.
SLATER, EDWIN S.,	Minneapolis.
SMITH, A. D.,	Minneapolis.
SMITH, B. W.,	Minneapolis.
SMITH, C. L.,	Minneapolis.
SMITH, EDWARD E.,	Minneapolis.
SMITH, JOHN DAY,	Minneapolis.
SMITH, LYNDON A.,	Montevideo.

MINNESOTA—Continued.

SOUTHWORTH, E.,	Shakopee.
SPENCER, HERBERT R.,	Duluth.
SPICER, M. L.,	Willmar.
SPOONER, LEWIS C.,	Morris.
STANFORD, M. H.,	Duluth.
START, CHARLES M.,	St. Paul.
STEARNS, VICTOR,	Duluth.
STEELE, JOHN H.,	Minneapolis.
STEVENSON, L. C.,	Minneapolis.
STEWART, GEORGE W.,	St. Cloud.
STONE, R. A.,	St. Paul.
SULLIVAN, FRANCIS W.,	Duluth.
TAWNEY, JAMES A.,	Vinona.
THIAN, LOUIS R.,	Minneapolis.
THOMPSON, CHARLES T.,	Minneapolis.
THYGESON, N. M.,	St. Paul.
TIFFANY, FRANCIS B.,	St. Paul.
TIFFANY, WALTER C.,	Minneapolis.
TOLMAN, FRANK,	Paynesville.
TRAXLER, CHARLES J.,	Minneapolis.
TRYON, CHARLES J.,	Minneapolis.
URLAND, A.,	Minneapolis.
VAN CAMPEN, C. H.,	Minneapolis.
VAN DERLIP, JOHN R.,	Minneapolis.
WAITE, EDWARD F.,	Minneapolis.
WALLACE, CARLETON L.,	Minneapolis.
WALLACE, THOMAS F.,	Minneapolis.
WATSON, JAMES T.,	Duluth.
WEBSTER, E. M.,	Glenwood.
WELLS, H. R.,	Preston.
WENZELL, HENRY B.,	St. Paul.
WESTFALL, WILLIAM P.,	St. Paul.
WHALEY, SAMUEL,	St. Paul.
WHEELWRIGHT, JOHN O. P.,	Minneapolis.
WHITE, WILLIAM G.,	St. Paul.
WILKINSON, ADOLPHUS C.,	Crookston.
WILKINSON, R. A.,	St. Paul.
WILLIAMS, JOHN G.,	Duluth.
WILLIAMSON, JAMES F.,	Minneapolis.
WILLISTON, W. C.,	Redwing.
WILSON, CORYATE S.,	Duluth.
WILSON, GEORGE P.,	Minneapolis.
WRIGHT, ARTHUR W.,	Austin.

MINNESOTA—Continued.

WRIGHT, FRED. B.,	Minneapolis.
WYMAN, G. H.,	Anoka.
YOUNG, EDWARD B.,	St. Paul.
YOUNG, EDWARD T.,	St. Paul.

MISSISSIPPI.

DUNN, C. C.,	Meridian.
HALL, R. S.,	Hattiesburg.
HIRSH, J.,	Vicksburg.
LANDAU, MOSES D.,	Vicksburg.
LEE, R. C.,	Madison.
LYELL, GORDON G.,	Jackson.
MAGRUDER, W. W.,	Starkville.
MOORE, E. H.,	Rosedale.
PEYTON, FRANK,	Jackson.
SHANDS, D. G.,	University.
SMITH, MURRAY F.,	Vicksburg.
SMITH, SYDNEY MCCAIN,	Lexington.
WELLS, BEN H.,	Jackson.
WILLIAMSON, CHALMERS M.,	Jackson.

MISSOURI.

HISTED, CLIFFORD,	Kansas City.
LEAHY, JOHN S.,	St. Louis.
WAGNER, HUGH K.,	St. Louis.

NEBRASKA.

BEELER, JOSEPH G.,	North Platte.
BOUCHER, J. J.,	Omaha.
CALKINS, ELISHA C.,	Kearney.
CLAPP, CHARLES E.,	Omaha.
CRAWFORD, FRANK,	Omaha.
DAVIDSON, SAMUEL P.,	Tecumseh.
GRIMES, HANSON M.,	North Platte.
HALL, FRANK M.,	Lincoln.
HALLIGAN, JOHN J.,	North Platte.
KENNEDY, HOWARD,	Omaha.
MILES, WILLIAM P.,	Sidney.
MCGILTON, EDMUND G.,	Omaha.
MCPHEELY, JOHN L.,	Minden.
RICH, EDSON,	Omaha.
RINE, JOHN A.,	Omaha.
SEARLE, SYLVESTER A.,	Omaha.
WILCOX, WESLEY T.,	North Platte.

NEW HAMPSHIRE.

JEWETT, STEPHEN S., Laconia.
 PLUMMER, WILLIAM A., Laconia.

NEW JERSEY.

LEWIS, WILLIAM I., Paterson.

NEW MEXICO.

POPE, WILLIAM H., Roswell.

NEW YORK.

CLEARWATER, ALPHONSO T., Kingston.
 EDMONDS, SAMUEL O., New York.
 JACOBSON, ISAAC W., Brooklyn.
 TAYLOR, JOHN R., New York.

OKLAHOMA TERRITORY.

WOODS, CHARLES H., Guthrie.

PENNSYLVANIA.

BOHLEN, FRANCIS H., Philadelphia.
 LEAMING, THOMAS, Philadelphia.
 LEONARD, FREDERICK M., Philadelphia.
 WEIMER, ALBERT B., Philadelphia.

SOUTH DAKOTA.

NOLL, THOMAS H., Huron.

TENNESSEE.

COLEMAN, LEWIS M., Chattanooga.
 HALL, ALLEN GARLAND, Nashville.
 KEEBLE, JOHN BELL, Nashville.
 McREYNOLDS, JAS. C. (Washington, D. C.), Nashville.
 PERCY, WILLIAM A., Memphis.
 WALLER, CLAUDE, Nashville.
 WILLIAMS, SAMUEL C., Johnson City.

VERMONT.

ROBB, CHARLES H. (Washington, D. C.), Bellows Falls.

WISCONSIN.

BROWN, NEAL,	Wausau.
DWYER, WILLIAM D.,	Superior.
FETHERS, OGDEN H.,	Janesville.
FRAWLEY, WILLIAM H.,	Eau Claire.
HURLEY, MICHAEL A.,	Wausau.
HYZER, E. M.,	Milwaukee.
JACKSON, A. A.,	Janesville.
JENKINS, JOHN J.,	Chippewa Falls.
RIORDAN, DANIEL E.,	Eagle River.

Number elected by Executive Committee, 483.

RECAPITULATION.

Alabama,	2	New Jersey,	2
Arkansas,	1	New Mexico,	1
California,	5	New York,	10
Colorado,	14	North Carolina,	2
Connecticut,	4	North Dakota,	20
District of Columbia,	19	Ohio,	4
Florida,	15	Oklahoma Territory,	2
Idaho,	1	Oregon,	1
Illinois,	69	Pennsylvania,	9
Indiana,	3	Rhode Island,	2
Iowa,	7	South Carolina,	2
Kansas,	39	South Dakota,	11
Maryland,	1	Tennessee,	10
Massachusetts,	8	Texas,	4
Michigan,	4	Utah,	1
Minnesota,	309	Vermont,	1
Mississippi,	14	Washington,	2
Missouri,	6	Wisconsin,	14
Montana,	22		
Nebraska,	26		
New Hampshire,	2	Total,	669

ANNUAL DINNER.

The Annual Dinner was held on Friday evening, August 31, 1906, at The Auditorium, Minneapolis, Minnesota.

The retiring President, George R. Peck, of Illinois, presided.

The speakers, and the toasts to which they responded, were :

JOHN A. JOHNSON.....The State of Minnesota.
Governor of Minnesota.

ALTON B. PARKER.....The Judiciary.
of New York.

P. B. MIGNAULT, K. C.....The Montreal Bar.
of Montreal, Canada.

JOHN N. DRYDEN.....The Free Pass.
of Nebraska.

MARTIN B. KOON.....The Minnesota Bar.
of Minnesota.

LEBBEUS R. WILFLEYOur Judiciary in the Orient.
of Missouri.

F. CHARLES HUME, JR.....The Young Lawyer.
of Texas.

JOHN M. ALLENThoughts on Things.
of Mississippi.

Three hundred and fifty-two members and guests were present.

LIST OF PRESIDENTS.

1. 1878-79-*JAMES O. BROADHEAD,¹ . . St. Louis, Missouri.
2. 1879-80-*BENJAMIN H. BRISTOW, . . New York, New York.
3. 1880-81-*EDWARD J. PHELPS, . . . Burlington, Vermont.
4. 1881-82-*CLARKSON N. POTTER,² . . New York, New York.
5. 1882-83-*ALEXANDER R. LAWTON, . . Savannah, Georgia.
6. 1883-84-CORTLANDT PARKER, . . . Newark, New Jersey.
7. 1884-85-*JOHN W. STEVENSON, . . . Covington, Kentucky.
8. 1885-86-*WILLIAM ALLEN BUTLER, . . New York, New York.
9. 1886-87-*THOMAS J. SEMMES, New Orleans, Louisiana.
10. 1887-88-*GEORGE G. WRIGHT, . . . Des Moines, Iowa.
11. 1888-89-*DAVID DUDLEY FIELD, . . New York, New York.
12. 1889-90-*HENRY HITCHCOCK, . . . St. Louis, Missouri.
13. 1890-91-SIMEON E. BALDWIN, . . . New Haven, Connecticut.
14. 1891-92-JOHN F. DILLON, New York, New York.
15. 1892-93-*JOHN RANDOLPH TUCKER, . Lexington, Virginia.
16. 1893-94-*THOMAS M. COOLEY,³ . . . Ann Arbor, Michigan.
17. 1894-95-*JAMES C. CARTER, New York, New York.
18. 1895-96-MOORFIELD STOREY, Boston, Massachusetts.
19. 1896-97-*JAMES M. WOOLWORTH, . . Omaha, Nebraska.
20. 1897-98-WILLIAM WIRT HOWE, . . . New Orleans, Louisiana.
21. 1898-99-JOSEPH H. CHOATE,⁴ New York, New York.
22. 1899-1900-CHARLES F. MANDERSON, . Omaha, Nebraska.
23. 1900-1901-EDMUND WETMORE, . . . New York, New York.
24. 1901-1902-U. M. ROSE, Little Rock, Arkansas.
25. 1902-1903-FRANCIS RAWLE, Philadelphia, Pennsylvania.
26. 1903-1904-JAMES HAGERMAN, . . . St. Louis, Missouri.
27. 1904-1905-HENRY ST. GEO. TUCKER, Lexington, Virginia.
28. 1905-1906-GEORGE R. PECK, Chicago, Illinois.
29. 1906-1907-ALTON B. PARKER, . . . New York, New York.

* Deceased.

¹ At the Conference for organizing the Association in 1878, John H. B. Latrobe, of Maryland, was elected Temporary Chairman, and when the organization was completed, Benjamin H. Bristow, of Kentucky, was elected President of the Conference.

² In consequence of the death of Clarkson N. Potter, Francis Kernan, of New York, presided and prepared and delivered the President's Address in 1882.

³ In consequence of the illness of Thomas M. Cooley, Samuel F. Hunt, of Ohio, presided and read the President's Address prepared by Judge Cooley in 1894.

⁴ In consequence of the absence of Joseph H. Choate, as Ambassador to Great Britain, Charles F. Manderson, of Nebraska, presided and prepared and delivered the President's Address in 1899.

LIST OF SECRETARIES.

1. 1878-93-*EDWARD OTIS HINKLEY,¹ . . . Baltimore, Maryland
2. 1893- JOHN HINKLEY,² Baltimore, Maryland.

LIST OF TREASURERS

1. 1878-1902-FRANCIS RAWLE, Philadelphia, Penna.
2. 1902- FREDERICK E. WADHAMS, . . Albany, New York.

LIST OF EXECUTIVE COMMITTEE.

1. 1878-87-*LUKE P. POLAND, St. Johnsbury, Vermont.
2. 1878-88-SIMEON E. BALDWIN,³ New Haven, Connecticut.
3. 1878-80-*WILLIAM A. FISHER, Baltimore, Maryland.
4. 1880-85-*WILLIAM ALLEN BUTLER, . . . New York, New York.
5. 1885-90-*CHARLES C. BONNEY,⁴ Chicago, Illinois.
6. 1887-96-GEORGE A. MERCER, Savannah, Georgia.
7. 1888-90-*JOHN RANDOLPH TUCKER, . . Lexington, Virginia.
8. 1890-91-*WILLIAM P. WELLS, Detroit, Michigan.
9. 1890-99-ALFRED HEMENWAY, Boston, Massachusetts.
10. 1891-95-*BRADLEY G. SCHLEY, Milwaukee, Wisconsin.
11. 1895-99-CHARLES CLAFLIN ALLEN, . . . St. Louis, Missouri.
12. 1896-97-WILLIAM WIRT HOWE, New Orleans, Louisiana.
13. 1897-1900-CHARLES NOBLE GREGORY, . . Madison, Wisconsin.
14. 1899-1900-EDMUND WETMORE, New York, New York.
15. 1899-1901-U. M. ROSE, Little Rock, Arkansas.
16. 1899-1902-WILLIAM A. KETCHAM, . . . Indianapolis, Indiana.
17. 1899-1902-HENRY ST. GEORGE TUCKER, Lexington, Virginia.
18. 1900-1903-RODNEY A. MERCUR, Towanda, Pennsylvania.
19. 1900-1903-CHARLES F. LIBBY, Portland, Maine.
20. 1901-1903-JAMES HAGERMAN, St. Louis, Missouri.
21. 1902-1905-P. W. MELDRIM, Savannah, Georgia.
22. 1902-1905-PLATT ROGERS, Denver, Colorado.
23. 1903-1906-M. F. DICKINSON, Boston, Massachusetts.
24. 1903-1906-THEODORE S. GARNETT, . . . Norfolk, Virginia.
25. 1903-1906-WILLIAM P. BREEN, Fort Wayne, Indiana.
26. 1905- CHARLES MONROE, Los Angeles, California.
27. 1905- RALPH W. BRECKENRIDGE, . . Omaha, Nebraska.
28. 1906- CHARLES F. LIBBY, Portland, Maine.
29. 1906- WALTER GEORGE SMITH, . . . Philadelphia, Pennsylvania
30. 1906- ROME G. BROWN, Minneapolis, Minnesota.

* Deceased.

¹ In 1878, Francis Rawle, of Pennsylvania, and Isaac Grant Thompson, of New York, acted as temporary Secretaries and as Secretaries of the Conference.

In 1886, Edward Otis Hinkley being absent, Walter George Smith, of Pennsylvania, acted as Secretary *pro tempore*.

² In 1893, John Hinkley being absent, George P. Wanty, of Michigan, acted as Secretary *pro tempore*.

³ In 1888, at the first meeting of the Executive Committee after the adjournment of the Association, Simeon E. Baldwin resigned, and Charles C. Bonney was chosen to fill the vacancy under By-law X.

LIST OF PLACES OF MEETING AND ATTENDANCE.

MEETING.	YEAR.	PLACE.	ATTENDANCE.
1,	1878,	Saratoga Springs, N. Y.,	75
2,	1879,	Saratoga Springs, N. Y.,	(no record).
3,	1880,	Saratoga Springs, N. Y.,	97
4,	1881,	Saratoga Springs, N. Y.,	124
5,	1882,	Saratoga Springs, N. Y.,	107
6,	1883,	Saratoga Springs, N. Y.,	120
7,	1884,	Saratoga Springs, N. Y.,	108
8,	1885,	Saratoga Springs, N. Y.,	124
9,	1886,	Saratoga Springs, N. Y.,	137
10,	1887,	Saratoga Springs, N. Y.,	149
11,	1888,	Saratoga Springs, N. Y.,	121
12,	1889,	Chicago, Ill.,	158
13,	1890,	Saratoga Springs, N. Y.,	132
14,	1891,	Boston, Mass.,	202
15,	1892,	Saratoga Springs, N. Y.,	143
16,	1893,	Milwaukee, Wis.,	180
17,	1894,	Saratoga Springs, N. Y.,	140
18,	1895,	Detroit, Mich.,	199
19,	1896,	Saratoga Springs, N. Y.,	276
20,	1897,	Cleveland, Ohio,	184
21,	1898,	Saratoga Springs, N. Y.,	227
22,	1899,	Buffalo, N. Y.,	227
23,	1900,	Saratoga Springs, N. Y.,	230
24,	1901,	Denver, Col.,	306
25,	1902,	Saratoga Springs, N. Y.,	230
26,	1903,	Hot Springs, Va.,	250
27,	1904,	St. Louis, Mo.,	451
28,	1905,	Narragansett Pier, R. I.,	277
29,	1906,	St. Paul, Minn.,	369

CONSTITUTION.

NAME AND OBJECT.

ARTICLE I.—This Association shall be known as “THE AMERICAN BAR ASSOCIATION.” Its object shall be to advance the science of jurisprudence, promote the administration of justice and uniformity of legislation throughout the union, uphold the honor of the profession of the law and encourage cordial intercourse among the members of the American Bar.

QUALIFICATIONS FOR MEMBERSHIP.

ARTICLE II.—Any person shall be eligible to membership in this Association who shall be, and shall, for five years next preceding, have been a member in good standing of the Bar of any state, and who shall also be nominated as hereinafter provided.

OFFICERS AND COMMITTEES.

ARTICLE III.—The following officers shall be elected at each Annual Meeting for the year ensuing: A President (the same person shall not be elected President two years in succession); one Vice-President from each state; a Secretary; a Treasurer; a Council, consisting of one member from each state (the Council shall be a standing committee on nominations for office); an Executive Committee, which shall consist of the President, the last ex-President, the Secretary and the Treasurer, all of whom shall be *ex-officio* members, together with five other members, to be chosen by the Association, but no member shall be eligible to such choice more than three years in succession; and the President, and in his absence the ex-President, shall be the Chairman of the committee.¹

¹ Amended August 19, 1898, and August 30, 1899.

The following committees shall be annually appointed by the President for the year ensuing, and shall consist of five members each :

- On Jurisprudence and Law Reform ;
- On Judicial Administration and Remedial Procedure ;
- On Legal Education and Admissions to the Bar ;
- On Commercial Law ;
- On International Law ;
- On Publications ;
- On Grievances ;
- On Law Reporting and Digesting ;¹
- On Patent, Trade-Mark and Copyright Law ;²
- On Insurance Law ;³
- On Taxation ;⁴ and a committee

On Uniform State Laws, to consist of one member from each state.⁵

A majority of those members of any committee, including the Council, who may be present at any meeting of the Association, shall constitute a quorum of such committee for the purpose of such meeting.

The Vice-President for each state, and not less than two other members from such state, to be annually elected, shall constitute a Local Council for such state, to which shall be referred all applications for membership from such state. The Vice-President shall be, *ex-officio*, Chairman of such Council.

A committee of three, of whom the Secretary shall always be one, shall be appointed by the President at each Annual Meeting of the Association, whose duty it shall be to report to the next meeting the names of all members who shall, in the interval, have died, with such notices of them as shall, in the discretion of the committee, be proper.

It shall be the duty of the Vice-President from each state and territory to report the deaths of members within the same to the said committee.

¹ Amended August 29, 1895.

² Amended August 30, 1899.

³ Amended September 28, 1904.

⁴ Amended August 31, 1906.

⁵ Amended August 28, 1903.

ELECTION OF MEMBERS.

ARTICLE IV.—All nominations for membership shall be made by the Local Council of the state to the Bar of which the persons nominated belong. Such nominations must be transmitted in writing to the Chairman of the General Council, and approved by the Council, on vote by ballot.

The General Council may also nominate members from states having no Local Council, and at the Annual Meeting of the Association, in the absence of all members of the Local Council of any state; *Provided*, That no nomination shall be considered by the General Council, unless accompanied by a statement in writing by at least three members of the Association from the same state with the person nominated, or, in their absence, by members from a neighboring state or states, to the effect that the person nominated has the qualifications required by the Constitution and desires to become a member of the Association, and recommending his admission as a member.

All nominations thus made or approved shall be reported by the Council to the Association, and all whose names are reported shall thereupon become members of the Association; *Provided*, That if any member demand a vote upon any name thus reported, the Association shall thereupon vote thereon by ballot.

Several nominees, if from the same state, may be voted for upon the same ballot; and in such case placing the word "No" against any name or names upon the ticket shall be deemed a negative vote against such name or names, and against those only. Five negative votes shall suffice to defeat an election.

During the period between the Annual Meetings, members may be elected by the Executive Committee upon the written nomination of a majority of the Vice-President and members of the Local Council of any state.

ARTICLE V.—All members of the Conference adopting the Constitution, and all persons elected by them upon the recommendation of the committee of five appointed by such Confer-

ence, shall become members of the Association upon payment of the annual dues for the current year herein provided for.

BY-LAWS.

ARTICLE VI.—By-Laws may be adopted at any Annual Meeting of the Association by a majority of the members present. It shall be the duty of the Executive Committee, without delay, to adopt suitable By-laws, which shall be in force until rescinded by the Association.

DUES.

ARTICLE VII.—Each member shall pay five dollars to the Treasurer as annual dues, and no person shall be qualified to exercise any privilege of membership who is in default. Such dues shall be payable, and the payment thereof enforced, as may be provided by the By-laws. Members shall be entitled to receive all publications of the Association free of charge.

ANNUAL ADDRESS.

ARTICLE VIII.—The President shall open each Annual Meeting of the Association with an address, in which he shall communicate the most noteworthy changes in statute law on points of general interest made in the several states and by Congress during the preceding year. It shall be the duty of the member of the General Council from each state to report to the President, on or before the first day of May, annually, any such legislation in his state.

ANNUAL MEETINGS.

ARTICLE IX.—This Association shall meet annually, at such time and place as the Executive Committee may select, and those present at such meeting shall constitute a quorum.

AMENDMENTS.

ARTICLE X.—This Constitution may be altered or amended by a vote of three-fourths of the members present at any Annual Meeting, but no such change shall be made at any meeting at which less than thirty members are present.

CONSTRUCTION.

ARTICLE XI.—The word "*state*," whenever used in this Constitution, shall be deemed to be equivalent to *state*, *territory* and the *District of Columbia*.

BY-LAWS.

MEETING OF THE ASSOCIATION.

I.—The Executive Committee, at its first meeting after each Annual Meeting, shall select some person to make an address at the next Annual Meeting, and not exceeding six members of the Association to read papers.

II. The order of exercises at the Annual Meeting shall be as follows:

- (a) Opening Address of the President.
- (b) Nominations and Election of Members.
- (c) Election of the General Council.
- (d) Reports of Secretary and Treasurer.
- (e) Report of Executive Committee.
- (f) Reports of Standing Committees.
 - On Jurisprudence and Law Reform ;
 - On Judicial Administration and Remedial Procedure ;
 - On Legal Education and Admissions to the Bar ;
 - On Commercial Law ;
 - On International Law ;
 - On Publications ;
 - On Grievances ;
 - On Law Reporting and Digesting ;
 - On Patent, Trade-mark and Copyright Law ;¹
 - On Insurance Law ;¹
 - On Taxation ;²
 - On Uniform State Laws.¹
- (g) Reports of Special Committees.
- (h) The Nomination of Officers.
- (i) Miscellaneous Business.
- (j) The Election of Officers.

¹ Amended August 23, 1905.

² Amended August 31, 1906.

The address, to be delivered by a person invited by the Executive Committee, shall be made at the morning session of the second day of the Annual Meeting.

The reading and delivering of essays and papers shall be on the same day, or at such other time as the Executive Committee may determine.

III.—No person shall speak more than ten minutes at a time or more than twice on one subject.

A stenographer shall be employed at each Annual Meeting.

IV.—Each State Bar Association may annually appoint delegates, not exceeding three in number, to the next meeting of the Association. In states where no State Bar Association exists, any City or County Bar Association may appoint such delegates, not exceeding two in number. Such delegates shall be entitled to all the privileges of membership at and during the said meeting.

V.—At any of the meetings of the Association, members of the Bar of any foreign country or of any state who are not members of the Association may be admitted to the privileges of the floor during such meeting.

VI.—All papers read before the Association shall be lodged with the Secretary. The Annual Address of the President, the reports of committees and all proceedings at the Annual Meeting shall be printed; but no other address made or paper read or presented shall be printed, except by order of the Committee on Publications.

Extra copies of reports, addresses and papers read before the Association may be printed by the Committee on Publications for the use of their authors, not exceeding two hundred copies for each of such authors.

The Secretary and the Chairman of the Executive Committee shall endeavor to arrange with the Smithsonian Institution, or otherwise, a system of exchanges by which the *Transactions*

can be annually exchanged with those of other associations in foreign countries interested in jurisprudence or governmental affairs; and the Secretary shall exchange the *Transactions* with those of the State and Local Bar Associations; and all books thus acquired shall be bound and deposited in the charge of the New York City Bar Association, subject to the call of this Association, if it ever desires to withdraw or consult them, if the former Association agrees to such deposit.

The Secretary shall send one copy of the Report of the proceedings of this Association to the President of the United States, and to each of the Judges of the Supreme Court thereof, and to the Library of the State Department, and of the Department of Justice thereof, and to the Library of Congress, and the Library of the Supreme Court thereof, and to the Governor, and to the Chief Judge of the court of last resort of each state, and to the State Librarian thereof, and to all public law libraries, and other principal public and college libraries in the United States, and to such other persons or bodies as the Executive Committee may direct.

No resolution complimentary to an officer or member for any service performed, paper read or address delivered shall be considered by the Association.

OFFICERS AND COMMITTEES.

VII. The terms of office of all officers elected at any Annual Meeting shall commence at the adjournment of such meeting, except the Council, whose term of office shall commence immediately upon their election.

VIII.—The President shall appoint all committees, except the Committee on Publications, within thirty days after the Annual Meeting, and shall announce them to the Secretary, and the Secretary shall promptly give notice to the persons appointed. The Committee on Publications shall be appointed on the first day of each meeting.

There shall be appointed annually by the President a committee to be known as the Reception Committee, consisting of fifteen members of the Association, whose duty it shall be to attend immediately before and at the opening of the first day's session of the meeting to receive members and delegates and introduce them to each other, with a view of making them better acquainted and establishing a spirit of good fellowship among them.¹

IX.—The Treasurer's Report shall be examined and audited annually, before its presentation to the Association, by two members to be appointed by the Chairman of the Executive Committee.

X.—The Council and all standing committees shall meet on the day preceding each Annual Meeting, at the place where the same is to be held, at such hour as their respective Chairmen shall appoint. If at any Annual Meeting of the Association any member of any committee shall be absent, the vacancy may be filled by the members of the committee present.

The Secretary of the Association shall be the Secretary of the Council.

XI.—The Committee on Publications shall also meet within one month after each Annual Meeting, at such time and place as the Chairman shall appoint.

XII.—Special meetings of any committee shall be held at such times and places as the Chairman thereof may appoint. Reasonable notice shall be given by him to each member by mail.

The traveling and other necessary expenses incurred by any committee, standing or special, for meetings of such committee, during the interval between the Annual Meetings of the Association, shall be paid by the Treasurer, on the approval and by

¹ Amended August 23, 1905.

the order of the Executive Committee, out of such appropriation as to the Executive Committee may seem necessary in each case, on previous application in advance of its expenditure.

All committees may have their reports printed by the Secretary before the Annual Meeting of the Association; and any such report, containing any recommendation for action on the part of the Association, shall be printed, together with a draft of bill embodying the views of the committee, whenever legislation shall be proposed. Such report shall be distributed by mail by the Secretary to all the members of the Association at least fifteen days before the Annual Meeting at which such report is proposed to be submitted. No legislation shall be recommended or approved unless there has been a report of a committee, either in favor of or against the same, and unless such legislation be approved by a two-thirds vote of the members of the Association present.¹

It shall be the duty of each Vice-President and member of the General Council of this Association to endeavor to procure the enactment by the legislature of their state of each and every law recommended by the Association, and the Secretary shall furnish them with copies of each and every recommendation and draft of bill, when there shall be such draft; and whenever this Association shall by resolution recommend the enactment of any law or laws, the Secretary shall, as soon as possible, furnish a copy of the resolution to the President of each State Bar Association, with the request of this Association that such State Bar Association shall co-operate with the local Vice-President and member of the General Council of this Association in having a bill introduced in the legislature of its state containing the subject matter recommended by such resolution, and use proper means to procure the enactment of the same into law. In every state where there is no State Bar Association, a copy of such resolution with a similar

¹ Amended August 29, 1902, and August 31, 1906.

request shall be sent to the President of the Bar Association of the principal city in such state: and in every instance where the form of bill has been recommended with the resolution, a copy of such form of bill shall also be sent with the resolution.

ANNUAL DUES.

XIII.—The Annual Dues shall be payable at the Annual Meeting in advance. If any member neglects to pay them for any year at or before the next Annual Meeting, he shall cease to be a member. The Treasurer shall give notice of this By-law, within sixty days after each meeting, to all members in default.

A member who has been dropped from the roll for non-payment of dues may be restored to membership by the Executive Committee upon the payment of such back dues as the committee shall think equitable.¹ *Provided*, such restoration shall be recommended by a member of the Local Council of his state, or in their absence, at an Annual Meeting, by any two members of the Association.

XIV.—A Section of the Association, to be known as the Section of Legal Education, is hereby established, which shall meet annually in connection with the meeting of the Association, but not during such hours as the Association is in session.

Its object shall be the discussion of methods of legal education, and it may make recommendations to the Association, which shall be referred by the Association to the Committee on Legal Education.

The proceedings of the Section may be published from time to time, at the discretion of the Executive Committee, and on the recommendation of the Committee on Publications.

All members of the Association, who desire, may enroll themselves as members of the Section, and persons not eligible for membership in the Association, but who are engaged in

¹ Amended September 28, 1904.

teaching law, may be admitted to the privilege of the floor at any meeting of the Section, by vote of the Section.

The Section shall be organized by the appointment of a Chairman and Secretary at its first session; and a Chairman and Secretary shall thereafter be elected annually by the Section.

A Section of the Association, to be known as the Section of Patent, Trade-Mark and Copyright Law,¹ is hereby established, which shall meet annually in connection with the meeting of the Association, but not during such hours as the Association is in session.

Its object shall be to discuss the subject of the law and practice relating to patents, trade-marks and copyrights. It may report to the Association; and matters relating to patents, trade-marks and copyrights may be referred to it.

The proceedings of the Section may be published from time to time, at the discretion of the Executive Committee, and on the recommendation of the Committee on Publications.

All members of the Association who desire may enroll themselves as members of the Section.

The Section shall be organized by the appointment of a Chairman and Secretary by the Section, and a Chairman and Secretary shall be thereafter annually elected by the Section for the year commencing upon the final adjournment of its meeting.

STANDING RULE.²

At all meetings and dinners of the American Bar Association, the American flag shall be displayed, and the Executive Committee shall see that this rule is carried out.

¹ Amended August 30, 1899.

² Adopted August 31, 1906.

OFFICERS.

1906-1907.

PRESIDENT,

ALTON B. PARKER, *New York, New York.*

SECRETARY,

JOHN HINKLEY, *#15, North Charles Street, Baltimore, Maryland.*

TREASURER,

FREDERICK E. WADHAMS, *37, Tweedle Building, Albany, New York.*

EXECUTIVE COMMITTEE.

EX OFFICIO.

ALTON B. PARKER, *President.*

GEORGE R. PECK, *Last President,*
Chicago, Ill.

JOHN HINKLEY, *Secretary.*

FREDERICK E. WADHAMS, *Treas.*

ELECTED MEMBERS.

CHARLES MONROE, *Los Angeles, Cal.*

RALPH W. BRECKENRIDGE, *Omaha, Neb.*

CHARLES F. LIBBY, *Portland, Me.*

WALTER GEORGE SMITH, *Philadelphia, Pa.*

ROME G. BROWN, *Minneapolis, Minn.*

SECTION OF LEGAL EDUCATION.

ROSCOE POUND, *Lincoln, Nebraska, Chairman.*

CHARLES M. HEPBURN, *Indiana University, Bloomington, Ind., Secretary.*

SECTION OF PATENT, TRADE-MARK AND COPYRIGHT LAW.

ROBERT S. TAYLOR, *Fort Wayne, Indiana, Chairman.*

OTTO R. BARNETT, *1515 Monadnock Bldg., Chicago, Illinois, Secretary.*

ASSOCIATION OF AMERICAN LAW SCHOOLS.

WILLIAM P. ROGERS, *Cincinnati, Ohio, President.*

WM. R. VANCE, *George Washington University, Washington, D. C.,*
Secretary-Treasurer.

CONFERENCE OF COMMISSIONERS ON UNIFORM STATE LAWS.

AMASA M. EATON, *Providence, Rhode Island, President.*

CHARLES THADDEUS TERRY, *100 Broadway, New York, N. Y., Secretary.*

BUCHANAN PERIN, *1004 Mercantile Library Building, Cincinnati, Ohio,*
Assistant Secretary.

GENERAL COUNCIL.

STATE.	NAME.	RESIDENCE.
ALABAMA,	LAWRENCE COOPER,	Montgomery.
ALASKA TERRITORY, .	ROBERT W. JENNINGS, . .	Juneau.
ARIZONA TERRITORY, .	EVERETT E. ELLINWOOD, . .	Bisbee.
ARKANSAS,	JOHN FLETCHER,	Little Rock.
CALIFORNIA,	LYNN HELM,	Los Angeles.
COLORADO,	THOMAS H. DEVINE,	Pueblo.
CONNECTICUT,	TALCOTT H. RUSSELL, . . .	New Haven.
DELAWARE,	JOHN P. NIELDS,	Wilmington.
DISTRICT OF COLUMBIA,	J. NOTA MCGILL,	Washington.
FLORIDA,	R. W. WILLIAMS,	Tallahassee.
GEORGIA,	P. W. MELDRIM,	Savannah.
HAWAII TERRITORY, .	DAVID L. WITHINGTON, . .	Honolulu.
IDAHO,	WILLIAM W. WOODS,	Wallace.
ILLINOIS,	STEPHEN S. GREGORY, . . .	Chicago.
INDIAN TERRITORY, .	S. T. BLEDSOE,	Ardmore.
INDIANA,	WILLIAM P. BREEN,	Fort Wayne.
IOWA,	CHARLES A. DUDLEY,	Des Moines.
KANSAS,	J. W. GREEN,	Lawrence.
KENTUCKY,	WILLIAM H. MACKOY,	Covington.
LOUISIANA,	ERNEST T. FLORANCE, . . .	New Orleans.
MAINE,	CHARLES F. LIBBY,	Portland.
MARYLAND,	GEORGE WHITELOCK,	Baltimore.
MASSACHUSETTS, . . .	HENRY S. DEWEY,	Boston.
MICHIGAN,	FREDERICK W. STEVENS, . .	Detroit.
MINNESOTA,	C. A. SEVERANCE,	St. Paul.
MISSISSIPPI,	MURRAY F. SMITH,	Vicksburg.
MISSOURI,	FRED. W. LEHMANN, <i>Chmn.</i> , .	St. Louis.
MONTANA,	HIRAM KNOWLES,	Missoula.
NEBRASKA,	WILLIAM D. MCHUGH,	Omaha.
NEVADA,	FRANCIS M. HUFFAKER, . .	Virginia City.
NEW HAMPSHIRE, . . .	IRA A. CHASE,	Bristol.

STATE.	NAME.	RESIDENCE.
NEW JERSEY,	JAMES J. BERGEN,	Somerville.
NEW MEXICO TER., . .	THOMAS B. CATRON,	Santa Fé.
NEW YORK,	EVERETT P. WHEELER, . . .	New York.
NORTH CAROLINA, . .	FABIUS H. BUSBEE,	Raleigh.
NORTH DAKOTA, . . .	ANDREW A. BRUCE,	Grand Forks.
OHIO,	FRANCIS B. JAMES,	Cincinnati.
OKLAHOMA TER., . .	JOHN H. MOSIER,	Norman.
OREGON,	R. S. BEAN,	Salem.
PENNSYLVANIA, . . .	W. U. HENSEL,	Lancaster.
PHILIPPINE ISLANDS, .	DAVID W. YANCEY,	Manila.
RHODE ISLAND, . . .	AMASA M. EATON,	Providence.
SOUTH CAROLINA, . .	T. MOULTRIE MORDECAI, . .	Charleston.
SOUTH DAKOTA, . . .	JOHN H. VOORHEES,	Sioux Falls.
TENNESSEE,	EDWARD T. SANFORD,	Knoxville.
TEXAS,	WILLIAM H. BURGESS, . . .	El Paso.
UTAH,	CHARLES S. VARIAN,	Salt Lake City.
VERMONT,	ELIHU B. TAFT,	Burlington.
VIRGINIA,	EUGENE C. MASSIE,	Richmond.
WASHINGTON,	CHARLES E. SHEPARD,	Seattle.
WEST VIRGINIA, . . .	GEORGE E. PRICE,	Charleston.
WISCONSIN,	HARRY S. RICHARDS,	Madison.
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ALEXANDER, TALIAFERRO,	Shreveport, La.
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ALLEN, FRANK D.,	Boston, Mass.
ALLEN, GEORGE W.,	Denver, Col.
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ALLEN, LAFON,	Louisville, Ky.
ALLEN, WILLIAM V.,	Madison, Neb.
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AMBLER, B. MASON,	Parkersburg, W. Va.
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AMES, F. W.,	Mayville, N. D.
AMES, JAMES BARR,	Cambridge, Mass.
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ARNOLD, HARRY B.,	Columbus, Ohio.
ARNOLD, REUBEN R.,	Atlanta, Ga.
ARNOLD, WILLIAM H.,	Texarkana, Ark.
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ASHLEY, CLARENCE D.,	New York, N. Y.
ASHLEY, HENRY DE L.,	Kansas City, Mo.
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D'AUTREMONT, CHARLES, JR.,	Duluth, Minn.
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BALDWIN, JESSE A.,	Chicago, Ill.
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BRISCOE, JOHN P.,	Prince Frederick, Md.
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BROMBERG, FREDERICK G.,	Mobile, Ala.
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BROOKS, FRANKLIN E.,	Colorado Springs, Col.
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BROWN, LESLIE L.,	Winona, Minn.
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BRUMBACK, JEFFERSON,	Kansas City, Mo.
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BRYAN, NATHAN P.,	Jacksonville, Fla.
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BRYAN, WILLIAM JAMES,	Jacksonville, Fla.
BRYANT, WILLIAM H.,	Denver, Col.
BRYSON, JOSEPH M.,	St. Louis, Mo.
BUCHANAN, CHARLES J.,	Albany, N. Y.
BUCHANAN, JAMES,	Trenton, N. J.
BUCHER, JOSEPH C.,	Lewisburg, Pa.

BUCKHAM, THOMAS S.,	Faribault Minn.
BUCKLER, WILLIAM H.,	Baltimore, Md.
BUCKMAN, G. H.,	Winfield, Kan.
BUCKMAN, HENRY H.,	Jacksonville, Fla.
BUDD, HENRY,	Philadelphia, Pa.
BUFFINGTON, E. D.,	Minneapolis, Minn.
BUFFINGTON, GEORGE W.,	Minneapolis, Minn.
BUIST, GEORGE LAMB,	Charleston, S. C.
BUIST, HENRY,	Charleston, S. C.
BULLITT, JOSHUA F.,	Big Stone Gap, Va.
BULLITT, THOMAS W.,	Louisville, Ky.
BULLITT, WILLIAM MARSHALL,	Louisville, Ky.
BULLOCK, A. G.,	Worcester, Mass.
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BUNDY, McGEORGE,	Grand Rapids, Mich.
BUNN, CHARLES W.,	St. Paul, Minn.
BUNN, GEORGE I.,	St. Paul, Minn.
BUNN, JOHN MARSHALL,	Spokane, Wash.
BURCHARD, JOHN E.,	St. Paul, Minn.
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BURFORD, JOHN HENRY,	Guthrie, O. T.
BURGES, ALFRED RUST,	San Angelo, Tex.
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BURK, W. D.,	Muscatine, Iowa.
BURKE, TIMOTHY F.,	Cheyenne, Wyo.
BURKET, HARLAN F.,	Findlay, Ohio.
BURKET, JACOB F.,	Findlay, Ohio.
BURLEIGH, ALVIN,	Plymouth, N. H.
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BURNHAM, TELFORD,	Chicago, Ill.
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CALHOUN, PAT.,	Cleveland, Ohio.
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CANN, J. FERRIS,	Savannah, Ga.
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CAREY, MARTIN,	Buffalo, N. Y.
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CARR, JAMES EDWARD, JR.,	Baltimore, Md.
CARROLL, WALTER N.,	Minneapolis, Minn.
CARROLL, WILLIAM H.,	Memphis, Tenn.

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CARTER, H. C.,	San Antonio, Tex.
CARTER, HENRY W.,	Chicago, Ill.
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CHANDLER, JEFFERSON,	St. Louis, Mo.
CHANDLER, JOSEPH H.,	Chicago, Ill.
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CHAPMAN, S. SPENCER,	Philadelphia, Pa.
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CHARLTON, WALTER G.,	Savannah, Ga.
CHASE, GEORGE,	New York, N. Y.
CHASE, IRA A.,	Bristol, N. H.
CHASE, NATHAN H.,	Minneapolis, Minn.
CHATFIELD, EDWARD C.,	Minneapolis, Minn.
CHICKERING, W. H.,	San Francisco, Cal.
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CHILDS, CLARENCE H.,	Minneapolis, Minn.
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CHRISTIAN, FRANK W.,	Richmond, Va.
CHRISTIE, HARVEY L.,	St. Louis, Mo.

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CLARK, HOMER P.,	St. Paul, Minn.
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CLARK, W. A.,	Virginia City, Mont.
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COLE, CHESTER C.,	Des Moines, Iowa.
COLE, CLARENCE L.,	Atlantic City, N. J.
COLE, HAYDEN S.,	St. Paul, Minn.
COLEMAN, LEWIS MINOR,	Chattanooga, Tenn.
COLIE, EDWARD M.,	Newark, N. J.
COLLINS, CHARLES CUMMINGS,	St. Louis, Mo.
COLLINS, JAMES C., JR.,	Providence, R. I.
COLSTON, EDWARD,	Cincinnati, Ohio.
COLT, LEBARON B.,	Providence, R. I.
COLTON, WILLIAM,	Baltimore, Md.
COMFORT, F. V.,	Stillwater, Minn.
COMSTOCK, RICHARD B.,	Providence, R. I.
CONANT, ERNEST B.,	Topeka, Kan.
CONANT, GEORGE A.,	Hartford, Conn.
CONGDON, CHESTER A.,	Duluth, Minn.
CONKLIN, MARION,	Jamestown, N. D.
CONLON, CHARLES J.,	Atchison, Kan.
CONNOLLY, C. P.,	Missoula, Mont.
COOK, CHARLES SUMNER,	Portland, Me.
COOK, E. S.,	Cleveland, Ohio.
COOK, SAMUEL E.,	Huntington, Ind.
COOLIDGE, WILLIAM H.,	Boston, Mass.
COOPER, DEURY W.,	New York, N. Y.
COOPER, JOHN T.,	Parkersburg, W. Va.
COOPER, LAWRENCE,	Huntsville, Ala.
COPELAND, ALFRED M.,	Springfield, Mass.
CORBET, BURKE,	San Francisco, Cal.
CORBETT, JAMES H.,	Suffolk, Va.
CORLISS, GUY C. H.,	Grand Forks, N. D.
CORN, SAMUEL T.,	Ogden, Utah.
CORTHELL, NELLIS E.,	Laramie, Wyo.
COSTIGAN, EDWARD P.,	Denver, Col.
COSTIGAN, GEORGE P., JR.,	Lincoln, Neb.
COTTER, JAMES E.,	Boston, Mass.
COTTON, JOSEPH B.,	Duluth, Minn.
COUDERT, FREDERIC R., JR.,	New York, N. Y.
COUNTRYMAN, M. L.,	St. Paul, Minn.
COWIN, J. C.,	Omaha, Neb.
COX, ATTILLA, JR.,	Louisville, Ky.
COXE, HANSON C. (Paris, France),	New York, N. Y.
COKE, MACGRANE,	New York, N. Y.
CRAIG, JOHN E.,	Keokuk, Iowa.
CRAIN, JOHN H.,	Fort Scott, Kan.

CRAM, HENRY C.,	Providence, R. I.
CRANE, FREDERICK E.,	Brooklyn, N. Y.
CRANE, JAY W.,	Minneapolis, Minn.
CRAPO, WILLIAM W.,	New Bedford, Mass.
CRAWFORD, COE I.,	Huron, S. D.
CRAWFORD, FRANK,	Omaha, Neb.
CRAY, LORIN,	Mankato, Minn.
CRAY, W. R.,	Minneapolis, Minn.
CRITCHLOW, EDWARD B.,	Salt Lake City, Utah.
CROCKER, GEORGE G.,	Boston, Mass.
CROCKER, WILLIAM D.,	Williamsport, Pa.
CROSBY, F. M.,	Hastings, Minn.
CROSBY, JAMES O.,	Garnaville, Iowa.
CROSBY, JOHN,	Minneapolis, Minn.
CROSBY, JOHN C.,	Pittsfield, Mass.
CROSBY, WILSON G.,	Duluth, Minn.
CROSS, DAVID,	Manchester, N. H.
CROSS, HARRY P.,	Providence, R. I.
CROVATT, A. J.,	Brunswick, Ga.
CULVER, M. EUGENE,	Middletown, Conn.
CUMMING, JOSEPH B.,	Augusta, Ga.
CUMMING, S. GORDON,	Hampton, Va.
CUMMINS, A. B.,	Des Moines, Iowa.
CUNNEEN, JOHN,	Buffalo, N. Y.
CUNNINGHAM, FREDERIC,	Boston, Mass.
CUNNINGHAM, GEORGE A.,	Evansville, Ind.
CUNNINGHAM, HENRY C.,	Savannah, Ga.
CUNNINGHAM, HENRY V.,	Boston, Mass.
CUNNINGHAM, T. M., JR.,	Savannah, Ga.
CURRAN, WILLIAM R.,	Pekin, Ill.
CURTIS, HARRY C.,	Providence, R. I.
CURTIS, JULIUS B.,	Stamford, Conn.
CURTIS, LEONARD E.,	Colorado Springs, Col.
CURTIS, WILLIAM S.,	St. Louis, Mo.
CUSHING, WILLIAM E.,	Cleveland, Ohio.
CUTBERT, LUCIUS M.,	Denver, Col.
CUTTING, CHARLES C.,	Chicago, Ill.
CUTTING, WILLIAM H.,	Buffalo, Minn.
CUYLER, THOMAS DEWITT,	Philadelphia, Pa.
DABNEY, L. S.,	Boston, Mass.
DAGGETT, THOMAS C.,	St. Paul, Minn.
DALE, HORATIO F.,	Des Moines, Iowa.
DALEY, A. F.,	Wrightsville, Ga.
DALEY, ANDREW J.,	Luverne, Minn.
DANA, HOWARD,	Coffeyville, Kan.

DANA, SAMUEL W.,	New Castle, Pa.
DANAHER, FRANKLIN M.,	Albany, N. Y.
DANIELS, EDWARD,	Indianapolis, Ind.
DANIELS, FRANCIS B.,	Chicago, Ill.
DART, HENRY P.,	New Orleans, La.
DAVENPORT, JAMES S.,	Vinita, I. T.
DAVID, JOSEPH B.,	Chicago, Ill.
DAVIDSON, SAMUEL P.,	Tecumseh, Neb.
DAVIDSON, THEODORE F.,	Asheville, N. C.
DAVIES, JULIEN T.,	New York, N. Y.
DAVIES, WILLIAM GILBERT,	New York, N. Y.
DAVIS, BRODE B.,	Chicago, Ill.
DAVIS, CHARLES HALL,	Petersburg, Va.
DAVIS, DABNEY C. T., JR.,	Charleston, W. Va.
DAVIS, GEORGE B.,	Washington, D. C.
DAVIS, HARRY C.,	Denver, Col.
DAVIS, HENRY E.,	Washington, D. C.
DAVIS, HENRY K.,	New York, N. Y.
DAVIS, JAMES C.,	Des Moines, Iowa.
DAVIS, RICHARD B.,	Petersburg, Va.
DAVIS, SYDNEY B.,	Terre Haute, Ind.
DAVIS, THEODORE P.,	Indianapolis, Ind.
DAVIS, THOMAS J.,	Duluth, Minn.
DAVIS, THOMAS W.,	Wilmington, N. C.
DAVIS, VERNON M.,	New York, N. Y.
DAVIS, WALTER W.,	Leadville, Col.
DAW, GEORGE W.,	Troy, N. Y.
DAWES, CHESTER M.,	Chicago, Ill.
DAWKINS, WALTER I.,	Baltimore, Md.
DAWSON, CLYDE C.,	Canon City, Col.
DAWSON, WILLIAM H.,	Baltimore, Md.
DAY, E. C.,	Helena, Mont.
DAY, FRANK A.,	Duluth, Minn.
DAY, WILLIAM R. (Washington, D. C.),	Canton, Ohio.
DEERING, JAMES A.,	New York, N. Y.
DEERY, JOHN,	Dubuque, Iowa.
DEGRAFFENRIED, EDWARD,	Greensboro, Ala.
DELACY, JOHN F.,	Eastman, Ga.
DEMPSEY, JAMES H.,	Cleveland, Ohio.
DENEEN, CHARLES S. (Springfield, Ill.),	Chicago, Ill.
DENÉGRE, GEORGE,	New Orleans, La.
DENEGRE JAMES R.,	St. Paul, Minn.
DENÉGRE, WALTER D.,	New Orleans, La.
DENISON, ARTHUR C.,	Grand Rapids, Mich.
DENISON, HOWARD P.,	Syracuse, N. Y.

DENNIS, JAMES U.,	Baltimore, Md.
DENNISON, JOSEPH A.,	Boston, Mass.
DENT, S. H., JR.,	Montgomery, Ala.
DENT, THOMAS,	Chicago, Ill.
DEPEW, CHAUNCEY M.,	New York, N. Y.
DEUTSCH, HENRY,	Minneapolis, Minn.
DEVECMON, WILLIAM C.,	Cumberland, Md.
DEVINE, THOMAS H.,	Pueblo, Col.
DEVITT, J. F.,	Muscatine, Iowa.
DEWAET, FREDERICK W.,	Spokane, Wash.
DEWEES, J. W.,	Lincoln, Neb.
DEWEY, HENRY S.,	Boston, Mass.
DIBELL, HOMER B.,	Duluth, Minn.
DICKEY, J. M.,	St. Paul, Minn.
DICKEY, LYLE A.,	Honolulu, H. T.
DICKINSON, DON M.,	Detroit, Mich.
DICKINSON, H. D.,	Minneapolis, Minn.
DICKINSON, J. M.,	Chicago, Ill.
DICKINSON, J. R.,	Chicago, Ill.
DICKINSON, M. F.,	Boston, Mass.
DICKMAN, FRANKLIN J.,	Cleveland, Ohio.
DICKSON, SAMUEL,	Philadelphia, Pa.
DIGGS, JAMES B.,	Pawnee, O. T.
DILLARD, F. C.,	Sherman, Tex.
DILLARD, W. P.,	Fort Scott, Kan.
DILLAWAY, W. E. L.,	Boston, Mass.
DILLE, JOHN I.,	Minneapolis, Minn.
DILLON, JOHN F.,	New York, N. Y.
DINES, ORVILLE L.,	Denver, Col.
DINES, TYSON S.,	Denver, Col.
DIVEN, GEORGE M.,	Elmira, N. Y.
DIVET, A. G.,	Wahpeton, N. D.
DIXON, JOHN R.,	Denver, Col.
DIXON, WILLIAM W.,	Butte, Mont.
DODGE, FREDERIC,	Boston, Mass.
DODGE, FRED B.,	Minneapolis, Minn.
DODGE, JOHN W.,	Jacksonville, Fla.
DODGE, WILLIAM W.,	Washington, D. C.
DODGE, WILLIS EDWARD,	Minneapolis, Minn.
DOGGETT, JOHN L.,	Jacksonville, Fla.
DOIG, D. H.,	Jacksonville, Fla.
DONAHUE, W. H.,	Minneapolis, Minn.
DONALDSON, R. GOLDEN,	Washington, D. C.
DONALDSON, WILLIAM R.,	St. Louis, Mo.
DONALDSON, WILLIAM R., JR.,	St. Louis, Mo.

DONALSON, JOHN E.,	Bainbridge, Ga.
DONNELLY, EDWARD A.,	Baltimore, Md.
DOOLAN, JOHN C.,	Louisville, Ky.
DOOLEY, P. C.,	Little Rock, Ark.
DOOLITTLE, H. P.,	Washington, D. C.
DORSEY, CLAYTON C.,	Denver, Col.
DOS PASSOS, JOHN R.,	New York, N. Y.
DOSTER, FRANK,	Topeka, Kan.
DOTY, DANIEL W.,	St. Paul, Minn.
DOUB, ALBERT A.,	Cumberland, Md.
DOUGHERTY, J. HAMPDEN,	New York, N. Y.
DOUGLAS, MARION,	Duluth, Minn.
DOUGLAS, ROBERT M.,	Greensboro, N. C.
DOUGLAS, WALLACE B.,	St. Paul, Minn.
DOUGLAS, WAITER B.,	St. Louis, Mo.
DOUGLASS, GEORGE L.,	Chicago, Ill.
DOWELL, JULIAN C.,	Washington, D. C.
DOWNER, SYLVESTER S.,	Reno, Nev.
DOYLE JOHN H.,	Toledo, Ohio.
DOYLE, LOUIS F.,	New York, N. Y.
DRAPER, JOHN S. JR.,	Pulaski, Va.
DREW, WILLIAM L.,	Ithaca, N. Y.
DRIGGS, FREDERICK E.,	Detroit, Mich.
DRYDEN, JOHN N.,	Kearney, Neb.
DUANE, RUSSELL,	Philadelphia, Pa.
DUBBS, HENRY A.,	Pueblo, Col.
DUBIGNON, FLEMING G.,	Atlanta, Ga.
DUDLEY, CHARLES A.,	Des Moines, Iowa.
DUELL, CHARLES H.,	New York, N. Y.
DUFFIELD, HENRY M.,	Detroit, Mich.
DUGAN, PATRICK C.,	Albany, N. Y.
DUNCOMBE, H. S.,	Chicago, Ill.
DUNDEY, CHARLES L.,	Omaha, Neb.
DUNKLE, GEORGE F.,	Denver, Col.
DUNLAP, ROBERT,	Chicago, Ill.
DUNLOP, G. THOMAS,	Washington, D. C.
DUNN, C. C.,	Meridian, Miss.
DUNN, MICHAEL,	Paterson, N. J.
DUNNE, P. F.,	San Francisco, Cal.
DURAND, LORENZO T.,	Saginaw, E. S., Mich.
DURBAN, FRANK A.,	Zanesville, Ohio.
DURMENT, EDMUND S.,	St. Paul, Minn.
DUTTON, JOHN A.,	New York, N. Y.
DUXBURY, W. R.,	St. Paul, Minn.
DWINNELL, W. S.,	Minneapolis, Minn.

DWYER, WILLIAM D.,	Superior, Wis.
DYE, JOHN T.,	Indianapolis, Ind.
DYER, DAVID P.,	St. Louis, Mo.
DYER, JOHN L.,	El Paso, Tex.
DYER, RICHARD N.,	New York, N. Y.
DYRENFORTH, PHILIP C.,	Chicago, Ill.
DYRENFORTH, WILLIAM H.,	Chicago, Ill.
EARLY, MARION C.,	St. Louis, Mo.
EARNEST, JOHN PAUL,	Washington, D. C.
EASTMAN, SAMUEL C.,	Concord, N. H.
EASTMAN, SIDNEY C.,	Chicago, Ill.
EASTON, FRANK T.,	Providence, R. I.
EATON, AMASA M.,	Providence, R. I.
EATON, WILLIAM L.,	Osage, Iowa.
ECKSTEIN, JOSEPH A.,	New Ulm, Minn.
EDMONDS, SAMUEL O.,	New York, N. Y.
EDMONSTON, WILLIAM E.,	Washington, D. C.
EDSON, JOSEPH R.,	Washington, D. C.
EDSON W. D.,	Duluth, Minn.
EDWARDS, N. M.,	Williamsport, Pa.
EDWARDS, PEYTON F.,	El Paso, Tex.
EDWARDS, SEEBER,	Providence, R. I.
EGELSTON, ALVORD C.,	Minneapolis, Minn.
ELGUTTER, CHARLES S.,	Omaha, Neb.
ELIOT, EDWARD C.,	St. Louis, Mo.
ELKUS, ABRAM I.,	New York, N. Y.
ELLINWOOD, EVERETT E.,	Bisbee, Ariz.
ELLIOTT, CHARLES B.,	Minneapolis, Minn.
ELLIOTT, WILLIAM F.,	Indianapolis, Ind.
ELLIS, DANIEL B.,	Denver, Col.
ELLIS, W. D.,	Atlanta, Ga.
ELLIS, W. T.,	Owensboro, Ky.
ELTING, VICTOR,	Chicago, Ill.
ELY, JOHN J.,	Freehold, N. J.
EMERY, JOHN R.,	Newark, N. J.
EMERY, LUCILIUS A.,	Ellsworth, Me.
ENGERUD, EDWARD,	Fargo, N. D.
ENSIGN, JOSIAH D.,	Duluth, Minn.
ERDALL, JOHN L.,	St. Paul, Minn.
ERGENBRIGHT, O. P.,	Independence, Kan.
ESTABROOK, HENRY D.,	New York, N. Y.
EVANS, ROWLAND,	Indianapolis, Ind.
EVERETTE, WILLIS E.,	Tacoma, Wash.
EWING, ARTHUR W.,	Dawson, Minn.
EWING, FRANK H.,	St. Paul, Minn.

EWING, HAMPTON D.,	New York, N. Y.
EWING, JOHN A.,	Leadville, Col.
EWING, JOHN G.,	Notre Dame, Ind.
EWING, NATHANIEL,	Uniontown, Pa.
FAIRBANKS, CHAR. W.,	Indianapolis, Ind.
FAIRCCHILD, EDWIN K.,	Minneapolis, Minn.
FAIRCCHILD, H. O.,	Green Bay, Wis.
FAIRLEIGH, JAMES FRANKLIN,	Louisville, Ky.
FALL, GEORGE HOWARD,	Malden, Mass.
FARNHAM, CHARLES W.,	St. Paul, Minn.
FARQUHAR, GUY E.,	Pottsville, Pa.
FARR, GEORGE W.,	Miles City, Mont.
FARRAR, EDGAR H.,	New Orleans, La.
FAY, THOMAS P.,	Long Branch, N. J.
FEARONS, GEORGE H.,	New York, N. Y.
FENTON, HECTOR T.,	Philadelphia, Pa.
FENTON, WILLIAM D.,	Portland, Ore.
FERRIS, AARON A.,	Cincinnati, Ohio.
FERRIS, FRANKLIN,	St. Louis, Mo.
FESLER, JAMES WILLIAM,	Indianapolis, Ind.
FETHERS, OGDEN H.,	Janesville, Wis.
FIELD, FRANK HARVEY,	Brooklyn, N. Y.
FIELD, HEMAN H.,	Seattle, Wash.
FIELD, NICHOLAS F.,	Fergus Falls, Minn.
FIERO, J. NEWTON,	Albany, N. Y.
FINCH, EDWARD R.,	New York, N. Y.
FINK, CHARLES E.,	Westminster, Md.
FINKELNBURG, G. A.,	St. Louis, Mo.
FINNEY, A. C.,	Minneapolis, Minn.
FISH, DANIEL,	Minneapolis, Minn.
FISH, FREDERICK P.,	Boston, Mass.
FISHER, D. D.,	St. Louis, Mo.
FISHER, ROBERT J.,	Washington, D. C.
FISHER, SAMUEL T.,	Washington, D. C.
FISHER, WILLIAM RIGHTER,	Philadelphia, Pa.
FISK, DEWIIT H.,	Bemidji, Minn.
FISSE, WILLIAM E.,	St. Louis, Mo.
FITCH, THEODORE,	New York, N. Y.
FITZGERALD, JOHN C.,	Pasadena, Cal.
FITZHUGH, G. T.,	Memphis, Tenn.
FITZHUGH, HENRY L.,	Fort Smith, Ark.
FITZPATRICK, W. S.,	Sedan, Kan.
FITZWILLIAM, F. P.,	Leavenworth, Kan.
FLAHERTY, JAMES A.,	Philadelphia, Pa.
FLANDERS, JAMES G.,	Milwaukee, Wis.

FLANNERY, GEORGE P.,	Minneapolis, Minn.
FLANNERY, JOHN SPALDING,	Washington, D. C.
FLEISCHMANN, SIMON,	Buffalo, N. Y.
FLEMING, JOHN D.,	Boulder, Col.
FLETCHER, DUNCAN U.,	Jacksonville, Fla.
FLETCHER, JOHN,	Little Rock, Ark.
FLEWELLING, ALBERT L.,	Crystal Falls, Mich.
FLEXNER, BERNARD,	Louisville, Ky.
FLICKINGER, ISAAC N.,	Council Bluffs, Iowa.
FLITCRAFT, PEMBROCK R.,	St. Louis, Mo.
FLOOD, H. D.,	W. Appomattox, Va.
FLOBANCE, ERNEST T.,	New Orleans, La.
FLYNN, DENNIS T.,	Oklahoma City, O. T.
FOGARTY, D. G.,	Augusta, Ga.
FOLLANSBEE, GEORGE A.,	Chicago, Ill.
FOLLETT, ALFRED DEWEY,	Marietta, Ohio.
FOLLETT, MARTIN DEWEY,	Marietta, Ohio.
FORDYCE, SAMUEL W., JR.,	St. Louis, Mo.
FORMAN, BENJAMIN RICE,	New Orleans, La.
FORMAN, W. S.,	East St. Louis, Ill.
FORT, J. FRANKLIN,	East Orange, N. J.
FOSNES, G. A.,	Montevideo, Minn.
FOSTER, ALBERT F.,	Litchfield, Minn.
FOSTER, ALFRED D.,	Boston, Mass.
FOSTER, CHARLES E.,	Washington, D. C.
FOSTER, REGINALD,	Boston, Mass.
FOSTER, ROBERT M.,	St. Louis, Mo.
FOSTER, ROGER,	New York, N. Y.
FOULKE, WILLIAM,	St. Paul, Minn.
FOWLER, A. C.,	St. Louis, Mo.
FOWLER, CHARLES R.,	Minneapolis, Minn.
FOWLER, JO. A.,	Denver, Col.
FOX, AUSTEN G.,	New York, N. Y.
FOX, EDWARD J.,	Easton, Pa.
FRALEY, JOSEPH C.,	Philadelphia, Pa.
FRANKEL, L. R.,	St. Paul, Minn.
FRASER, DANIEL,	Fowler, Ind.
FRAWLEY, WILLIAM H.,	Eau Claire, Wis.
FRAZIER, ROBERT T.,	Washington, D. C.
FREDERICKS, JOHN T.,	Williamsport, Pa.
FREIBERG, A. JULIUS,	Cincinnati, Ohio.
FRENCH, ARTHUR P.,	Boston, Mass.
FRENCH, ASA P.,	Boston, Mass.
FRENCH, LAFAYETTE,	Austin, Minn.
FRENCH, WILLIAM B.,	Boston, Mass.

FREY, PHILIP W.,	Evansville, Ind.
FRIEDMAN, LEE M.,	Boston, Mass.
FROST, E. ALLEN,	Chicago, Ill.
FROST, EDWARD W.,	Milwaukee, Wis.
FRYBERGER, H. B.,	Duluth, Minn.
FRYBERGER, HARRISON E.,	Minneapolis, Minn.
FULKERSON, SAMUEL V.,	Bristol, Va.
FULLER, CLIFFORD W.,	Cleveland, Ohio.
FULLER, GEORGE,	Los Angeles, Cal.
FULLER, PAUL,	New York, N. Y.
FULTON, E. L.,	Oklahoma City, O. T.
FUNK, W. A.,	Mankato, Minn.
FUNKHOUSER, ARTHUR F.,	Evansville, Ind.
FURNESS, WILLIAM ELIOT,	Chicago, Ill.
FURST, WILLIAM,	Minneapolis, Minn.
FUTRELL, WILLIAM H.,	Philadelphia, Pa.
GALBERT, WILLIAM H.,	Denver, Col.
GABRIEL, JOHN H.,	Denver, Col.
GAGER, EDWIN B.,	Derby, Conn.
GAINES, R. R.,	Austin, Tex.
GAITHER, GEORGE R., JR.,	Baltimore, Md.
GAITSKILL, BENNETT S.,	Girard, Kan.
GALE, EDWARD C.,	Minneapolis, Minn.
GALE, GEORGE C.,	Chicago, Ill.
GALLAGHER, CHARLES T.,	Boston, Mass.
GANS, EDGAR H.,	Baltimore, Md.
GANTT, JAMES B.,	Jefferson City, Mo.
GARDNER, CHARLES L.,	Springfield, Mass.
GARDNER, C. P.,	Mendota, Ill.
GARDNER, JOHN M.,	New York, N. Y.
GARDNER, RATHBONE,	Providence, R. I.
GARFIELD, HARRY A.,	Princeton, N. J.
GARFIELD, JAMES R.,	Washington, D. C.
GARGAN, THOMAS J.,	Boston, Mass.
GARLAND, SPOTTSWOOD,	Wilmington, Del.
GARNETT, THEODORE S.,	Norfolk, Va.
GARRARD, LOUIS F.,	Columbus, Ga.
GARRETSOHN, A. Q.,	Morristown, N. J.
GARTSIDE, JOHN M.,	Chicago, Ill.
GARVIN, WILLIAM EVERETT,	St. Louis, Mo.
GAST, CHARLES E.,	Pueblo, Col.
GATES, EDWARD P.,	Kansas City, Mo.
GATES, THOMAS S.,	Philadelphia, Pa.
GEARIN, JOHN M.,	Portland, Ore.
GEDDES, FREDERICK L.,	Toledo, Ohio.

GEISTHARDT, STEPHEN L.,	Lincoln, Neb.
GENTRY, NORTH F.,	Jefferson City, Mo.
GERMO, THOMAS,	Red Lake Falls, Minn.
GEST, JOHN MARSHALL,	Philadelphia, Pa.
GEYELIN, HENRY LAUSSAT,	Philadelphia, Pa.
GIBBONS, CROMWELL,	Jacksonville, Fla.
GIBBONS, JOHN,	Chicago, Ill.
GIBBS, CLINTON B.,	Buffalo, N. Y.
GIBSON, GEORGE J.,	Salt Lake City, Utah.
GIBSON, JAMES A.,	Los Angeles, Cal.
GIDDINGS, CHARLES,	Great Barrington, Mass.
GIFFORD, LIVINGSTON,	New York, N. Y.
GILBERT, GEORGE G.,	Shelbyville, Ky.
GILBERT, LYMAN D.,	Harrisburg, Pa.
GILBERT, PHILIP,	St. Paul, Minn.
GILES, BRANCH H.,	Denver, Col.
GILL, JOHN, JR.,	Baltimore, Md.
GILLEN, WILLIAM W.,	Jamaica, N. Y.
GILLETTE, FRANK E.,	Anadarko, O. T.
GILLIAM, MARSHALL M.,	Richmond, Va.
GILMORE, EUGENE ALLEN,	Madison, Wis.
GILMORE, JAMES H.,	Marion, Va.
GILSON, NORMAN S.,	Fond du Lac, Wis.
GIVEN, WILLIAM B.,	Columbia, Pa.
GJERTSON, HENRY J.,	Minneapolis, Minn.
GLASGOW, WILLIAM A., JR.,	Philadelphia, Pa.
GLEASON, JOHN H.,	Albany, N. Y.
GLEED, J. WILLIS,	Topeka, Kan.
GLEN, JAMES F.,	Tampa, Fla.
GLOVER, M. L.,	Windom, Minn.
GLYNN, MARTIN H.,	Albany, N. Y.
GODDARD, LUTHER M.,	Denver, Col.
GODDARD, O. FLETCHER,	Billings, Mont.
GODFREY, BURROWS C.,	Atlantic City, N. J.
GOETCHIUS, HENRY R.,	Columbus, Ga.
GOFF, FREDERICK H.,	Cleveland, Ohio.
GOLDSBOROUGH, P. ALAN,	Denton, Md.
GOODELL, EDWIN B.,	Montclair, N. J.
GOODELLE, WILLIAM P.,	Syracuse, N. Y.
GOODNER, IVAN W.,	Pierre, S. D.
GORDON WILLIAM W., JR.,	Savannah, Ga.
GOULD, ASHLEY M. (Washington, D. C.),	Silver Spring, Md.
GOULD, C. D.,	Minneapolis, Minn.
GOULD, JOHN H.,	Delphi, Ind.
GOULDER, HARVEY D.,	Cleveland, Ohio.

GOVE, FRANK E.,	Denver, Col.
GRACE, H. H.,	West Superior, Wis.
GRAFF, M. L.,	Los Angeles, Cal.
GRAHAM, GEORGE S.,	Philadelphia, Pa.
GRANGER, MOSES M.,	Zanesville, Ohio
GRANT, ALEXANDER, JR.,	Newark, N. J.
GRANT, LEE W.,	St. Louis, Mo.
GRANT, RICHARD F.,	Duluth, Minn.
GRAVES, CHARLES A.,	Charlottesville, Va.
GRAY, GEORGE,	Wilmington, Del.
GRAY, JAMES C.,	Pittsburgh, Pa.
GRAY, JOHN C.,	Boston, Mass.
GRAY, J. CONVERSE,	Boston, Mass.
GREELEY, ARTHUR P.,	Washington, D. C.
GREELEY, WILLIAM B.,	New York, N. Y.
GREEN, ALVAH S.,	Galesburg, Ill.
GREEN, JOHN A.,	Graceville, Minn.
GREEN, J. W.,	Lawrence, Kan.
GREENE, CHARLES J.,	Omaha, Neb.
GREENE, FREDERICK L.,	Greenfield, Mass.
GREENE, GEORGE G.,	Green Bay, Wis.
GREENE, JOHN E.,	Minot, N. D.
GREENE, ROBERT J.,	Lincoln, Neb.
GREENMAN, F. W.,	Austin, Minn.
GREENOUGH, WILLIAM B.,	Providence, R. I.
GREGG, FRANK E.,	Denver, Col.
GREGG, MAURICE,	Baltimore, Md.
GREGORY, CHARLES NOBLE,	Iowa City, Iowa.
GREGORY, ROGER,	Richmond, Va.
GREGORY, STEPHEN S.,	Chicago, Ill.
GRESHAM, OTTO,	Chicago, Ill.
GRIDLEY, MARTIN M.,	Chicago, Ill.
GRIER, ALBERT E.,	Denver, Col.
GRIFFIN, S.,	Bedford City, Va.
GRIFFITH, WARREN G.,	Philadelphia, Pa.
GRIGGS, FRANKLIN H.,	St. Paul, Minn.
GRIGGS, JOHN W. (New York, N. Y.),	Paterson, N. J.
GRIMES, HANSON M.,	North Platte, Neb.
GRINNAN, DANIEL,	Richmond, Va.
GROSSCUP, PETER S.,	Chicago, Ill.
GROSSMAN, EMANUEL M.,	St. Louis, Mo.
GROZIER, JOSHUA,	Denver, Col.
GRUBBS, CHARLES S.,	Louisville, Ky.
GUERNSEY, NATHANIEL T.,	Des Moines, Iowa.
GUERRIER, S.,	South McAlester, I. T.

GUNNELL, A. T.,	Colorado Springs, Col.
GUNTER, JULIUS C.,	Denver, Col.
GURLEY, WILLIAM F.,	Omaha, Neb.
GUTHRIE, GEORGE W.,	Pittsburgh, Pa.
GUTHRIE, WILLIAM D.,	New York, N. Y.
HACKNEY, W. P.,	Winfield, Kan.
HADDEN, ALEXANDER,	Cleveland, Ohio.
HADLEY, EMERSON,	St. Paul, Minn.
HADLEY, HERBERT S.,	Jefferson City, Mo.
HAFF, DELBERT J.,	Kansas City, Mo.
HAGAN, HENRY M.,	Chicago, Ill.
HAGERMAN, FRANK,	Kansas City, Mo.
HAGERMAN, JAMES,	St. Louis, Mo.
HAGERMAN, JAMES, JR.,	St. Louis, Mo.
HAGERMAN, LEE W.,	St. Louis, Mo.
HAGOOD, BENJAMIN A.,	Charleston, S. C.
HAGGOTT, W. A.,	Idaho Springs, Col.
HAGNER, ALEXANDER B.,	Washington, D. C.
HAINER, BAYARD T.,	Perry, O. T.
HAINER, EUGENE J.,	Lincoln, Neb.
HALBERT, HUGH T.,	St. Paul, Minn.
HALE, CLARENCE,	Portland, Me.
HALE, RICHARD W.,	Boston, Mass.
HALE, WILLIAM E.,	Minneapolis, Minn.
HALL, ALBERT H.,	Minneapolis, Minn.
HALL, ALLEN G.,	Nashville, Tenn.
HALL, BORDMAN,	Boston, Mass.
HALL, FRANK M.,	Lincoln, Neb.
HALL, HARRY H.,	New Orleans, La.
HALL, HENRY C.,	Colorado Springs, Col.
HALL, JAMES PARKER,	Chicago, Ill.
HALL, MATTHEW A.,	Omaha, Neb.
HALL, R. S.,	Hattiesburg, Miss.
HALL, WALKER C.,	Covington, Ky.
HALL, WILLIAM M., JR.,	Pittsburgh, Pa.
HALLAM, OSCAR,	St. Paul Minn.
HALLAM, W. H.,	Minneapolis, Minn.
HALLETT, MOSES,	Denver, Col.
HALLIGAN, JOHN J.,	North Platte, Neb.
HAMILL, HUGH H.,	Trenton, N. J.
HAMILTON, ALEXANDER,	Petersburg, Va.
HAMILTON, GEORGE EARNEST,	Washington, D. C.
HAMLIN, CHARLES,	Bangor, Me.
HAMLIN, CHARLES S.,	Boston, Mass.
HAMLIN, CLARENCE C.,	Colorado, Springs, Col.

HAMLIN, HASNIBAL E.,	Ellsworth, Me.
HAMLIN, HOWLAND J.,	Springfield, Ill.
HAMMOND, EDWIN P.,	Lafayette, Ind.
HAMMOND, JOHN C.,	Northampton, Mass.
HAMMOND, WILLIAM R.,	Atlanta, Ga.
HANCHETT, BENTON,	Saginaw, W. S. Mich.
HAND, RICHARD L.,	Elizabethtown, N. Y.
HANFORD, SOLOMON,	New York, N. Y.
HANLEY, MARTIN FRANKLIN,	Minneapolis, Minn.
HARDCASTLE, THOMAS H.,	Denver, Col.
HARDIN, JOHN R.,	Newark, N. J.
HARDING, CHARLES F.,	Chicago, Ill.
HARGEST, WILLIAM M.,	Harrisburg, Pa.
HARKER, OLIVER A.,	Champaign, Ill.
HARKLESS, JAMES H.,	Kansas City, Mo.
HARLAN, HENRY D.,	Baltimore, Md.
HARLEY, CHARLES F.,	Baltimore, Md.
HARMON, HENRY A.,	Detroit, Mich.
HARMON, JUDSON,	Cincinnati, Ohio
HARPER, JACOB CHANDLER,	Cincinnati, Ohio.
HARRIES, W. H.,	Caledonia, Minn.
HARRIMAN, EDWARD AVERY,	Derby, Conn.
HARRINGTON, FRED.,	Denver, Col.
HARRIS, HAROLD,	St. Paul, Minn.
HARRIS, JOHN T.,	Harrisonburg, Va.
HARRIS, L. C.,	Duluth, Minn.
HARRIS, MARION W.,	Macon, Ga.
HARRIS, W. O.,	Louisville, Ky.
HARRISON, GEORGE P.,	Opelika, Ala.
HARRISON, LYNDE,	New Haven, Conn.
HARRISON, RANDOLPH,	Lynchburg, Va.
HARRISON, WILLIAM E.,	Denver, Col.
HARRITY, WILLIAM F.,	Philadelphia, Pa.
HART, F. B.,	Minneapolis, Minn.
HART, W. O.,	New Orleans, La.
HARTIGAN, MICHAEL A.,	Hastings, Neb.
HARTMAN, C. S.,	Bozeman, Mont.
HARTMAN, WILLIAM L.,	Pueblo, Col.
HARTMAN, W. S.,	Bozeman, Mont.
HARTTRIDGE, JOHN E.,	Jacksonville, Fla.
HARTSHORNE, CHARLES H.,	Jersey City, N. J.
HARVISON, WILLIAM G.,	Des Moines, Iowa.
HARWICK, WILLIAM G.,	Jacksonville, Fla.
HARWOOD, EDGAR N.,	Butte, Mont.
HARWOOD, THOMAS E.,	Trenton, Tenn.

HASTINGS, R. A.,	Minneapolis, Minn.
HASTINGS, W. G.,	Lincoln, Neb.
HATTON, GOODRICH,	Portsmouth, Va.
HAUPT, CHARLES C.,	St. Paul, Minn.
HAWES, GILBERT RAY,	New York, N. Y.
HAWKESWORTH, R. W.,	New York, N. Y.
HAWKINS, JOHN J.,	Prescott, Ariz.
HAWKINS, ROSCOE O.,	Indianapolis, Ind.
HAWTHORNE, JOSEPH M.,	St. Paul, Minn.
HAY, EUGENE G. (New York, N. Y.),	Minneapolis, Minn.
HAYDEN, JAMES H.,	Washington, D. C.
HAYES, THOMAS G.,	Baltimore, Md.
HAYNES, H. N.,	Greeley, Col.
HAYT, CHARLES D.,	Denver, Col.
HAYWOOD, GEORGE P.,	Lafayette, Ind.
HEALEY, ROBERT E.,	Plattsburgh, N. Y.
HEALY, FRANK,	Minneapolis, Minn.
HEATH, JAMES ELLIOTT,	Norfolk, Va.
HEATON, OWEN N.,	Fort Wayne, Ind.
HEBARD, FREDERIC S.,	Chicago, Ill.
HEERMANCE, MARTIN,	Poughkeepsie, N. Y.
HEFFERMAN, JOHN J.,	Woonsocket, R. I.
HELM, JAMES P.,	Louisville, Ky.
HELM, LYNN,	Los Angeles, Cal.
HEMENWAY, ALFRED,	Boston, Mass.
HEMPHILL, JOSEPH,	West Chester, Pa.
HENDERSON, G. MC.,	Rutledge, Tenn.
HENDERSON, JOHN M.,	Cleveland, Ohio.
HENDERSON, ROBERT R.,	Cumberland, Md.
HENDRY, JNO. BURKE (London, Eng.),	Boston, Mass.
HENSEL, W. U.,	Lancaster, Pa.
HENSON, W. J.,	Pearisburg, Va.
HEPBURN, CHARLES M.,	Bloomington, Ind.
HERENDEN, EDWARD G.,	Elmira, N. Y.
HERRICK, JOHN J.,	Chicago, Ill.
HERRINGTON, CASS E.,	Denver, Col.
HERSEY, HENRY J.,	Denver, Col.
HEUSLER, CHARLES W.,	Baltimore, Md.
HEWITT, LUTHER E.,	Philadelphia, Pa.
HEYBURN, WELDON B. (Washington, D. C.),	Wallace, Ida.
HICKS, FRANK,	Duluth, Minn.
HICKS, JOHN T.,	Little Rock, Ark.
HIESTER, ISAAC,	Reading, Pa.
HIGDON, JOHN C.,	St. Louis, Mo.
HIGGINBOTHAM, C. C.,	Buckhannon, W. Va.

HIGGINS, ANTHONY,	Wilmington, Del.
HIGGINS, FRANK M.,	Limerick, Me.
HIGGINS, JAMES H.,	Pawtucket, R. I.
HIGGINS, WILLIAM E.,	Lawrence, Kan.
HILL, ARTHUR DEHON,	Boston, Mass.
HILL, JOSEPH M.,	Little Rock, Ark.
HILL, LYSANDER,	Chicago, Ill.
HILLES, WILLIAM S.,	Wilmington, Del.
HINCKLEY, FRANK L.,	Providence, R. I.
HINES, CLARK B.,	Bellville, Ohio.
HINKLEY, JOHN,	Baltimore, Md.
HINTON, EDWARD W.,	Columbia, Mo.
HIRSH, J.,	Vicksburg, Miss.
HIRSCHBERG, HENRY,	Brooklyn, N. Y.
HISKY, THOMAS FOLEY,	Baltimore, Md.
HISTED, CLIFFORD,	Kansas City, Mo.
HODDLY, GEORGE, JR.,	Cincinnati, Ohio.
HODGES, GEORGE L.,	Denver, Col.
HODGES, WILLIAM C.,	Tallahassee, Fla.
HODGES, WILLIAM V.,	Denver, Col.
HOGAN, JOHN W.,	Providence, R. I.
HOGATE, ENOCH G.,	Bloomington, Ind.
HOGSETT, THOMAS H.,	Cleveland, Ohio.
HOLDOM, JESSE,	Chicago, Ill.
HOLLISTER, THOMAS,	Cincinnati, Ohio.
HOLLOWAY, WILLIAM L.,	Helena, Mont.
HOLMAN, FREDERICK V.,	Portland, Ore.
HOLMES, CHARLES B.,	Minneapolis, Minn.
HOLSMAN, HENRY B.,	Guthrie Center, Iowa.
HOLT, ANDREW,	Minneapolis, Minn.
HOLT, WILLIAM G.,	Kansas City, Kan.
HOOD, THOMAS H.,	Denver, Col.
HOPKINS, JAMES L.,	St. Louis, Mo.
HOPKINS, MURAT W.,	Indianapolis, Ind.
HOPWOOD, R. F.,	Uniontown, Pa.
HORN, ALEXANDER E.,	St. Paul, Minn.
HORNBLOWER, WILLIAM B.,	New York, N. Y.
HOTCHKISS, WILLIAM HORACE,	Buffalo, N. Y.
HOUGH, WARWICK M.,	St. Louis, Mo.
HOUTS, CHARLES A.,	St. Louis, Mo.
HOW, JARED	St. Paul, Minn.
HOWARD, CHARLES MORRIS,	Baltimore, Md.
HOWARD, GEORGE H.,	Washington, D. C.
HOWE, ELMER P.,	Boston, Mass.
HOWE, WILLIAM WIRT,	New Orleans, La.

HOWELL, WILLIAM C.,	Keokuk, Iowa.
HOWLAND, PAUL,	Cleveland, Ohio.
HOWREY, CHARLES B. (Washington, D. C.),	Oxford, Miss.
HOWSON, CHARLES,	Philadelphia, Pa.
HOYT, HENRY M. (Washington, D. C.),	Philadelphia, Pa.
HOYT, HIRAM J.,	Muskegon, Mich.
HOYT, JAMES H.,	Cleveland, Ohio.
HOYT, LUCIUS W.,	Denver, Col.
HUBBARD, HARRY,	New York, N. Y.
HUBBARD, THOMAS H.,	New York, N. Y.
HUBBARD, WILLIAM P.,	Wheeling, W. Va.
HUDSON, B. F.,	Atchison, Kan.
HUDSON, SANFORD H.,	Benson, Minn.
HUDSON, T. T.,	Duluth, Minn.
HUFFAKER, FRANCIS M.,	Virginia City, Nev.
HUFFCUT, E. W.,	Ithaca, N. Y.
HUGHES, ALLEN,	Jonesboro, Ark.
HUGHES, CHARLES E.,	New York, N. Y.
HUGHES, CHARLES J., JR.,	Denver, Col.
HUGHES, D. H.,	Paducah, Ky.
HUGHES, E. C.,	Seattle, Wash.
HUGHES, ROBERT M.,	Norfolk, Va.
HUGHES, THOMAS,	Baltimore, Md.
HULETT, C. E.,	Fort Scott, Kan.
HULL, LOUIS K.,	Minneapolis, Minn.
HUME, F. CHARLES, JR.,	Houston, Tex.
HUNDLEY, OSCAR R.,	Huntsville, Ala.
HUNSAKER, WILLIAM J.,	Los Angeles, Cal.
HUNT, CARLETON,	New Orleans, La.
HUNT, CHARLES J.,	Cincinnati, Ohio.
HUNT, SAMUEL F.,	Glendale, Ohio.
HUNTER, CHARLES F.,	Milwaukee, Wis.
HUNTER, ERNEST HOWARD,	Philadelphia, Pa.
HUNTER, WILLIAM R.,	Kankakee, Ill.
HUNTON, EPFA, JR.,	Richmond, Va.
HURD, HARRY B.,	Chicago, Ill.
HURD, HENRY N.,	Manchester, N. H.
HURLBUTT, HENRY F.,	Boston, Mass.
HURLEY, MICHAEL A.,	Wausau, Wis.
HUTCHINS, HARRY B.,	Ann Arbor, Mich.
HUTCHINSON, BARTON B.,	Trenton, N. J.
HUTCHINSON, J. T.,	Minneapolis, Minn.
HYDE, JAMES W.,	Chicago, Ill.
HYDE, SIMEON,	Charleston, S. C.
HYDE, WESLEY W.,	Grand Rapids, Mich.

HYDE, WILLIAM W.,	Hartford, Conn.
HYZER, E. M.,	Milwaukee, Wis.
INGALSBE, GRENVILLE M.,	Sandy Hill, N. Y.
INGERSOLL, FREDERICK G.,	St. Paul, Minn.
INGERSOLL, HENRY H.,	Knoxville, Tenn.
INGLER, FRANCIS M.,	Muncie, Ind.
INNES, CHARLES H.,	Boston, Mass.
IRVINE, FRANK,	Ithaca, N. Y.
IRWIN, C. F.,	El Reno, O. T.
ISHAM, WILLIAM H.,	Fowler, Ind.
ISSENHUTH, WILLIAM,	Redfield, S. D.
IVES, J. MOSS,	Danbury, Conn.
IVES, MORSE,	Chicago, Ill.
JACKSON, A. A.,	Janesville, Wis.
JACKSON, ALFRED M.,	Winfield, Kan.
JACKSON, ANSON B.,	Minneapolis, Minn.
JACKSON, CLIFFORD L.,	Muskogee, I. T.
JACKSON, GEORGE P. B.,	St. Louis, Mo.
JACKSON, WILLIAM A.,	Atchison, Kan.
JACKSON, WILLIAM H.,	New York, N. Y.
JACOBSON, ISAAC W.,	Brooklyn, N. Y.
JAGGARD, EDWIN A.,	St. Paul, Minn.
JAMES, FRANCIS B.,	Cincinnati, Ohio.
JAMISON, ROBERT,	Minneapolis, Minn.
JAMESON, OVID B.,	Indianapolis, Ind.
JANUARY, WILLIAM L.,	Detroit, Mich.
JAYNE, H. LABARRE,	Philadelphia, Pa.
JAYNE, TRAFFORD N.,	Minneapolis, Minn.
JEFFERSON, CARL S.,	Chicago, Ill.
JEFFRIS, MALCOLM G.,	Janesville, Wis.
JELLEY, CHARLES S.,	Minneapolis, Minn.
JELLINEK, EDWARD L.,	Buffalo, N. Y.
JENCKES, THOMAS A.,	Providence, R. I.
JENKINS, JAMES G.,	Milwaukee, Wis.
JENKINS, JOHN J.,	Chippewa Falls, Wis.
JENNINGS, ANDREW J.,	Fall River, Mass.
JENNINGS, ROBERT W.,	Juneau, Alaska.
JENSWOLD, JOHN, JR.,	Duluth, Minn.
JEWETT, STEVEN S.,	Laconia, N. H.
JOHNSON, BENJAMIN N.,	Boston, Mass.
JOHNSON, FRANK ASBURY,	Chicago, Ill.
JOHNSON, GEORGE S.,	St. Louis, Mo.
JOHNSON, HOMER H.,	Cleveland, Ohio.
JOHNSON, SIMEON M.,	Cincinnati, Ohio.
JOHNSTON, THOMAS J.,	New York, N. Y.

JOHNSTON, W. M.,	Billings, Mont.
JOLINE, ADRIAN H.,	New York, N. Y.
JONES, ASAHIEL W.,	Youngstown, Ohio.
JONES, BURR W.,	Madison, Wis.
JONES, GEORGE W.,	Montgomery, Ala.
JONES, GUSTAVE,	Newport, Ark.
JONES, J. LEVERING,	Philadelphia, Pa.
JONES, JAMES C.,	St. Louis, Mo.
JONES, JOHN J.,	Chanute, Kan.
JONES, JOHN T.,	Minneapolis, Minn.
JONES, LEONARD A.,	Boston, Mass.
JONES, RANKIN D.,	Cincinnati, Ohio.
JONES, RICHMOND L.,	Reading, Pa.
JOSLIN, JAMES T.,	Hudson, Mass.
JOSS, FREDERICK A.,	Indianapolis, Ind.
JOUSDAN, MORTON,	St. Louis, Mo.
JUDSON, FREDERICK N.,	St. Louis, Mo.
JUNKIN, FRANCIS T. A.,	Chicago, Ill.
KALISH, EDWIN L.,	New York, N. Y.
KANE, FRANCIS FISHER,	Philadelphia, Pa.
KANE, MATTHEW J.,	Kingfisher, O. T.
KAPPLER, CHARLES J.,	Washington, D. C.
KARCHER, GEORGE H.,	Chicago, Ill.
KARNES, J. V. C.,	Kansas City, Mo.
KAY, JAMES I.,	Pittsburgh, Pa.
KAY, WILLIAM E.,	Brunswick, Ga.
KEASBEY, EDWARD Q.,	Newark, N. J.
KEATOR, JOHN F.,	Philadelphia, Pa.
KEEBLE, JOHN B.,	Nashville, Tenn.
KEENE, A. M.,	Fort Scott, Kan.
KEENER, WILLIAM A.,	New York, N. Y.
KEENEY, WILLARD F.,	Grand Rapids, Mich.
KEHR, EDWARD C.,	St. Louis, Mo.
KEITH, ALBERT J.,	Sioux Falls, S. D.
KEITH, ARTHUR M.,	Minneapolis, Minn.
KELBY, JAMES E.,	Omaha, Neb.
KELLEN, WILLIAM V.,	Boston, Mass.
KELLER, C. A.,	San Antonio, Tex.
KELLER, HERBERT P.,	St. Paul, Minn.
KELLEY, WILLIAM H.,	Richmond, Ind.
KELLOGG, FRANK B.,	St. Paul, Minn.
KELLOGG, L. LAFLIN,	New York, N. Y.
KELLY, C. F.,	Butte, Mont.
KELLY, RONALD,	Detroit, Mich.
KELLY, WILLIAM LOUIS,	St. Paul, Minn.

KELLY, WILLIAM R.,	Los Angeles, Cal.
KEMP, WYNDHAM,	El Paso, Tex.
KENNA, EDWARD D.,	Chicago, Ill.
KENNEDY, HOWARD,	Omaha, Neb.
KENNEDY, RICHARD L.,	St. Paul, Minn.
KENNON, NEWELL K.,	St. Clairsville, Ohio.
KENT, CHARLES A.,	Detroit, Mich.
KENT, EDWARD,	Phoenix, Ariz.
KENYON, WILLIAM H.,	New York, N. Y.
KERN, JOHN W.,	Indianapolis, Ind.
KERNAN, THOMAS J.,	Baton Rouge, La.
KERR, JAMES B.,	St. Paul, Minn.
KERR, THOMAS B.,	New York, N. Y.
KERR, WILLIAM A.,	Minneapolis, Minn.
KERWIN, J. C.,	Madison, Wis.
KETCHAM, WILLIAM A.,	Indianapolis, Ind.
KEYSOR, WILLIAM W.,	St. Louis, Mo.
KIBLER, EDWARD,	Newark, Ohio.
KIDDLE, ALFRED W.,	New York, N. Y.
KIES, WILLIAM S.,	Chicago, Ill.
KILLIAN, JAMES R.,	Denver, Col.
KILVERT, THOMAS,	New York, N. Y.
KING, EDMUND B.,	Sandusky, Ohio.
KING, GEORGE A.,	Washington, D. C.
KING, HENRY W. (New York, N. Y.),	Worcester, Mass.
KING, WILLIAM B.,	Washington, D. C.
KINGMAN, JOSEPH R.,	Minneapolis, Minn.
KINGSLEY, WILLARD,	Grand Rapids, Mich.
KINKAID, M. P.,	O'Neill, Neb.
KINNEY, CLESSON S.,	Salt Lake City, Utah.
KINSLER, JAMES C.,	Omaha, Neb.
KIRCHWEY, GEORGE W.,	New York, N. Y.
KIRLIN, J. PARKER,	New York, N. Y.
KLEIN, JACOB,	St. Louis, Mo.
KLINE, VIRGIL P.,	Cleveland, Ohio.
KNABEL, ERNEST,	Denver, Col.
KNAPP, HOWARD H.,	Bridgeport, Conn.
KNAPPEN, LOYAL E.,	Grand Rapids, Mich.
KNAUF, JOHN,	Jamestown, N. D.
KNAUTH, ANTONIO,	New York, N. Y.
KNIGHT, THOMAS D.,	Chicago, Ill.
KNIGHT, W. J.,	Dubuque, Iowa.
KNIGHT, WALTER A.,	Cincinnati, Ohio.
KNOWLES, HIRAM,	Missoula, Mont.
KNOX, P. C. (Washington, D. C.),	Pittsburgh, Pa.

KNOX, T. J.,	Jackson, Minn.
KOHN, AARON,	Louisville, Ky.
KOON, MARTIN B.,	Minneapolis, Minn.
KORNEGAY, W. H.,	Vinita, I. T.
KORNS, E. B.,	Tracy, Minn.
KRAMER, EDWARD C.,	East St. Louis, Ill.
KRAUTHOFF, L. C.,	New York, N. Y.
KREADY, B. FRANK,	Lancaster, Pa.
KRETSINGER, W. S.,	Emporia, Kan.
KRETZINGER, GEORGE W.,	Chicago, Ill.
KUEFFNER, OTTO,	St. Paul, Minn.
KYLE, J. P.,	St. Paul, Minn.
LACEY, JOHN W.,	Cheyenne, Wyo.
LACKNER, FRANCIS,	Chicago, Ill.
LADD, BABSON S.,	Boston, Mass.
LADD, NATHANIEL W.,	Boston, Mass.
LADD, SANFORD B.,	Kansas City, Mo.
LAFFERTY, J. T.,	Winfield, Kan.
LAMAR, JOSEPH R.,	Augusta, Ga.
LAMB, SAMUEL O.,	Greenfield, Mass.
LAMBERTON, C. L.,	New York, N. Y.
LAMBERTON, HENRY M.,	Winona, Minn.
LAMBERTON, JAMES M.,	Harrisburg, Pa.
LANCASTER, CHARLES C.,	Washington, D. C.
LANCASTER, WILLIAM A.,	Minneapolis, Minn.
LANDAU, MOSES DAVID,	Vicksburg, Miss.
LANDIS, CHARLES I.,	Lancaster, Pa.
LANGDON, MARTIN,	Omaha, Neb.
LANNING, WILLIAM M.,	Trenton, N. J.
LARIMER, JEREMIAH B.,	Topeka, Kan.
LARIMORE, JOHN A.,	Minneapolis, Minn.
LARNER, JOHN B.,	Washington, D. C.
LARRABEE, FRANK D.,	Minneapolis, Minn.
LATHAM, F. E.,	Howard, Lake, Minn.
LATHROP, GARDINER,	Kansas City, Mo.
LAWLER, DANIEL W.,	St. Paul, Minn.
LAWLER, OSCAR,	Los Angeles, Cal.
LAWRENCE, GEORGE A.,	Galesburg, Ill.
LAWRENCE, JAMES,	Cleveland, Ohio.
LAWSON, JOHN D.,	Columbia, Mo.
LAWSON, WILLIAM C.,	Chicago, Ill.
LAWTON, ALEXANDER R.,	Savannah, Ga.
LAYBOURN, C. G.,	Minneapolis, Minn.
LEA, OVERTON,	Nashville, Tenn.
LEAHY, JOHN S.,	St. Louis, Mo.

LEAKE, HUNTER C.,	New Orleans, La.
LEAKEN, WILLIAM R.,	Savannah, Ga.
LEAKIN, J. WILSON,	Baltimore, Md.
LEAMING, THOMAS,	Philadelphia, Pa.
LEAVITT, JOHN BROOKS,	New York, N. Y.
LECKIE, A. E. L.,	Washington, D. C.
LEDBETTER, WALTER A.,	Ardmore, I. T.
LEE, ARTHUR B.,	Fargo, N. D.
LEE, BLAIR (Washington, D. C.),	Silver Spring, Md.
LEE, BLEWETT,	Chicago, Ill.
LEE, JOHN F.,	St. Louis, Mo.
LEE, R. C.,	Madison, Miss.
LEGENDRE, JAMES,	New Orleans, La.
LEHMANN, FRED. W.,	St. Louis, Mo.
LENEHAN, DANIEL J.,	Dubuque, Iowa.
LEONARD, FREDERICK M.,	Philadelphia, Pa.
LEONARD, GEORGE B.,	Minneapolis, Minn.
LESH, U. S.,	Huntington, Ind.
LETTON, CHARLES B.,	Lincoln, Neb.
LEVINSON, S. O.,	Chicago, Ill.
LEVIS, HOWARD C. (London, England),	Schenectady, N. Y.
LEVY, JOSEPH L.,	New York, N. Y.
LEWIS, CHARLES L.,	St. Paul, Minn.
LEWIS, FRANCIS D.,	Philadelphia, Pa.
LEWIS, JOHN F.,	Philadelphia, Pa.
LEWIS, JOHN H.,	Lynchburg, Va.
LEWIS, LUNSFORD L.,	Richmond, Va.
LEWIS, OLIN B.,	St. Paul, Minn.
LEWIS, ROBERT E.,	Denver, Col.
LEWIS, WILLIAM I.,	Paterson, N. J.
LEWIS, W. DRAPER,	Philadelphia, Pa.
LIBBY, CHARLES F.,	Portland, Me.
LIDDON, BENJ. S.,	Marianna, Fla.
LIGHTNER, CLARENCE A.,	Detroit, Mich.
LIGHTNER, WILLIAM H.,	St. Paul, Minn.
LINCOLN, SOLOMON,	Boston, Mass.
LIND, JOHN,	Minneapolis, Minn.
LINDBURGH, CHARLES A.,	Little Falls, Minn.
LINDSAY, JOHN,	Butte, Mont.
LINDSAY, WILLIAM,	New York, N. Y.
LINDSEY, EDWARD,	Warren, Pa.
LINDSLEY, HENRY A.,	Denver, Col.
LIONBERGER, ISAAC H.,	St. Louis, Mo.
LITTLEFIELD, CHARLES E.,	Rockland, Me.
LITTLEFIELD, NATHAN W.,	Providence, R. I.

LITTLEFIELD, WALTER,	Kansas City, Mo.
LLOYD, MALCOLM, JR.,	Philadelphia, Pa.
LOCKWOOD, VIRGIL H.,	Indianapolis, Ind.
LOESCH, FRANK J.,	Chicago, Ill.
LONDON, ALEXANDER T.,	Birmingham, Ala.
LONG, ARMISTEAD R.,	Lynchburg, Va.
LOOMIS, N. H.,	Topeka, Kan.
LORE, CHARLES B.,	Wilmington, Del.
LOVE, J. MACK,	Arkansas City, Kan.
LOWDEN, FRANK O.,	Chicago, Ill.
LOWELL, JOHN,	Boston, Mass.
LUCEY, DENNIS B.,	Ogdensburg, N. Y.
LUDWIG, JOHN C.,	Milwaukee, Wis.
LUECK, MARTIN L.,	Juneau, Wis.
LUM, BURT F.,	Minneapolis, Minn.
LUNT, HORACE G.,	Colorado Springs, Col.
LUSK, ROBERT,	Nashville, Tenn.
LYELL, GORDON G.,	Jackson, Miss.
LYLES, WILLIAM H.,	Columbia, S. C.
LYMAN, RICHARD E.,	Providence, R. I.
LYON, ADRIAN,	Perth Amboy, N. J.
LYON, MONTAGUE,	St. Louis, Mo.
LYON, WALTER,	Pittsburgh, Pa.
LYONS, MARTIN,	Marshall, Mo.
LYSTER, HENRY L.,	Detroit, Mich.
MACCHESNEY, NATHAN,	Chicago, Ill.
MACK, JULIAN W.,	Chicago, Ill.
MACK, WILLIAM,	New York, N. Y.
MACKALL, WILLIAM W.,	Savannah, Ga.
MACEY, ARTHUR M.,	Pond Creek, O. T.
MACKOY, HARRY BRENT (Cincinnati, Ohio),	Covington, Ky.
MACKOY, WILLIAM H. (Cincinnati, Ohio),	Covington, Ky.
MACPHERSON, ERNEST,	Louisville, Ky.
MACVEAGH, WAYNE,	Washington, D. C.
MADDOX, SAMUEL,	Washington, D. C.
MADIGAN, JOHN B.,	Houlton, Me.
MAFFETT, JAMES T.,	Clarion, Pa.
MAGRUDER, W. W.,	Starkville, Miss.
MAHAN, GEORGE A.,	Hannibal, Mo.
MAHER, JOHN W.,	Devils Lake, N. D.
MAHON, HENRY S.,	Duluth, Minn.
MAHONEY, TIMOTHY J.,	Omaha, Neb.
MAJOR, SAMUEL C.,	Fayette, Mo.
MALONE, DANA,	Greenfield, Mass.
MALONE, JAMES E.,	Juneau, Wis.

MALTBIE, THEODORE M.,	Hartford, Conn.
MANDERSON, CHARLES F.,	Omaha, Neb.
MANLY, CLEMENT,	Winston-Salem, N. C.
MANLY, GEORGE C.,	Denver, Col.
MARBURY, WILLIAM L.,	Baltimore, Md.
MARDEN, CHARLES S.,	Barnesville, Minn.
MARKHAM, GEORGE W.,	St. Paul, Minn.
MARKHAM, J. D.,	Rush City, Minn.
MARKHAM, JAMES E.,	St. Paul, Minn.
MARLATT, HERBERT R.,	St. Louis, Mo.
MARTIN, HENRY B.,	Perry, O. T.
MARTIN, HORACE H.,	Chicago, Ill.
MARTIN, J. WILLIS,	Philadelphia, Pa.
MARTIN, THOMAS B.,	Little Rock, Ark.
MARTINDALE, CHARLES,	Indianapolis, Ind.
MASON, ALFRED F.,	St. Paul, Minn.
MASON, JOHN W.,	Fergus Falls, Minn.
MASSEY, LOUIS C.,	Orlando, Fla.
MASSIE, EUGENE C.,	Richmond, Va.
MATCHAN, GEORGE L.,	Minneapolis, Minn.
MATHENY, JAMES H.,	Springfield, Ill.
MATHER, ROBERT,	Chicago, Ill.
MATHEWS, M. E.,	Marshall, Minn.
MATTERS, THOMAS H.,	Omaha, Neb.
MATTHEWS, C. BENTLEY,	Cincinnati, Ohio.
MATTHEWS, MATTHEW C.,	Dubuque, Iowa.
MATTHEWS, MORTIMER,	Cincinnati, Ohio.
MAURO, PHILIP,	Washington, D. C.
MAXWELL, JOHN S.,	Jacksonville, Fla.
MAXWELL, LAWRENCE, JR.,	Cincinnati, Ohio.
MAY, HENRY F.,	Denver, Col.
MAYER, LEVY,	Chicago, Ill.
MAYFIELD, J. E.,	Cleveland, Tenn.
MEARES, IREDELLE,	Wilmington, N. C.
MECARTNEY, HARRY S.,	Chicago, Ill.
MECHEM, FLOYD R.,	Chicago, Ill.
MEESE, WILLIAM A.,	Moline, Ill.
MELDRIM, P. W.,	Savannah, Ga.
MERCER, DAVID H.,	Omaha, Neb.
MERCER, HUGH V.,	Minneapolis, Minn.
MERCHANT, HENRY D.,	New York, N. Y.
MERCUR, RODNEY A.,	Towanda, Pa.
MEREDITH, CHARLES V.,	Richmond, Va.
MERRICK, CHARLES D.,	Parkersburg, W. Va.
MERRICK, EDWIN T.,	New Orleans, La.

MERRICK, GEORGE PECK,	Chicago, Ill.
MERRILL, JOSEPH HANSELL,	Thomasville, Ga.
MERRIMAN, CHARLES A.,	Idaho Falls, Ida.
MERVINE, NICHOLAS P.,	Altoona, Pa.
MESTREZAT, S. LESLIE,	Uniontown, Pa.
METCALF, CHARLES W.,	Memphis, Tenn.
MEYERS, SIDNEY S.,	New York, N. Y.
MICHAEL, JAMES C.,	St. Paul, Minn.
MICHENER, L. T.,	Washington, D. C.
MIKELL, WILLIAM E.,	Philadelphia, Pa.
MILBURN, JOHN G.,	New York, N. Y.
MILES, JOSHUA W.,	Princess Anne, Md.
MILES, OSCAR L.,	Fort Smith, Ark.
MILES, WILLIAM P.,	Sidney, Neb.
MILLAN, WILLIAM W.,	Washington, D. C.
MILLARD, W. D.,	Chicago, Ill.
MILLER, BENJAMIN K.,	Milwaukee, Wis.
MILLER, CHARLES W.,	Goshen, Ind.
MILLER, CLARENCE B.,	Duluth, Minn.
MILLER, CLARENCE H.,	Austin, Tex.
MILLER, E. SPENCER,	Philadelphia, Pa.
MILLER, FRANK H.,	Augusta, Ga.
MILLER, GEORGE P.,	Milwaukee, Wis.
MILLER, HUGH GORDON,	New York, N. Y.
MILLER, JOHN S.,	Chicago, Ill.
MILLER, N. DUBOIS,	Philadelphia, Pa.
MILLER, T. S.,	Dallas, Tex.
MILLER, WILLIAM K.,	Augusta, Ga.
MILLER, WILLIAM N.,	Parkersburg, W. Va.
MILLER, WILLIAM W.,	New York, N. Y.
MILLIKEN, JOHN D.,	McPherson, Kan.
MILLS, J. WARNER,	Denver, Col.
MILNOR, M. CLEILAND,	New York, N. Y.
MINER, SIDNEY R.,	Wilkes Barre, Pa.
MINOR, BENJAMIN S.,	Washington, D. C.
MINOR, RALEIGH C.,	Charlottesville, Va.
MITCHELL, CHARLES E.,	New Britain, Conn.
MITCHELL, OSCAR,	Duluth, Minn.
MITCHELL, WILLIAM D.,	St. Paul, Minn.
MOFFIT, JOHN T.,	Tipton, Iowa.
MOHUN, BARRY,	Washington, D. C.
MOLLOHAN, WESLEY,	Charleston, W. Va.
MONROE, CHARLES,	Los Angeles, Cal.
MONTGOMERY, CARROLL S.,	Omaha, Neb.
MONTGOMERY, E. A.,	Minneapolis, Minn.

MONTGOMERY, M. A.,	Oxford, Miss.
MONTGOMERY, OSCAR H.,	Seymour, Ind.
MOODY, WILLIAM H. (Washington, D. C.),	Haverhill, Mass.
MOORE, ALBERT R.,	St. Paul, Minn.
MOORE, CHARLES A.,	Asheville, N. C.
MOORE, E. H.,	Rosedale, Miss.
MOORE, F. A.,	Salem, Ore
MOORE, JOHN BASSETT,	New York, N. Y.
MOORE, JOHN M.,	Little Rock, Ark.
MOORE, J. McCABE,	Kansas City, Kan.
MOORE, JOSEPH B.,	Lansing, Mich.
MOORE, M. HERNDON,	Columbia, S. C.
MOORE, WILLIAM A.,	Detroit, Mich.
MOORE, WILLIAM F.,	Guthrie Center, Iowa.
MOORES, CHARLES W.,	Indianapolis, Ind.
MOORES, MERRILL,	Indianapolis, Ind.
MOOT, ADELBERT,	Buffalo, N. Y.
MORDECAI, T. MOULTRIE,	Charleston, S. C.
MORGAN, CHARLES E., JR.,	Philadelphia, Pa.
MORGAN, RANDAL,	Philadelphia, Pa.
MORPHY, E. HOWARD,	St. Paul, Minn.
MORRIS, HOWARD,	Milwaukee, Wis.
MORRIS, JOHN,	Fort Wayne, Ind.
MORRIS, M. F.,	Washington, D. C.
MORRIS, PAGE,	Duluth, Minn.
MORRIS, THOMAS J.,	Baltimore, Md.
MORRISON, ROBERT E.,	Prescott, Ariz.
MORRISON, ROBERT G.,	Minneapolis, Minn.
MORSE, A. PORTER,	Washington, D. C.
MORSE, GODFREY,	Boston, Mass.
MORSE, ROBERT M.,	Boston, Mass.
MORSE, WALDO G.,	New York, N. Y.
MORTON, J. R.,	Lexington, Ky.
MORTON, MARCUS,	Boston, Mass.
MOSES, RAPHAEL J.,	New York, N. Y.
MOSIER, JOHN H.,	Norman, O. T.
MOUNTCASTLE, R. E. L.,	Knoxville, Tenn.
MOWER, GEORGE SEWELL,	Newberry, S. C.
MUELLER, OSCAR C.,	Los Angeles, Cal.
MULLIN, EUGENE,	Bradford City, Pa.
MULLIN, MICHAEL A.,	Baltimore, Md.
MULVANE, DAVID W.,	Topeka, Kan.
MUNFORD, BEVERLEY B.,	Richmond, Va.
MUNGER, W. H.,	Omaha, Neb.
MUNN, MARCUS D.,	St. Paul, Minn.

MUNRO, WEED,	Minneapolis, Minn.
MUNSON, C. LA RUE,	Williamsport, Pa.
MUNSON, GILBERT D.,	Los Angeles, Cal.
MURPHY, CHARLES J.,	Grand Forks, N. D.
MURPHY, DANIEL D.,	Elkader, Iowa.
MURPHY, WILLIAM L.,	Missoula, Mont.
MUSGRAVE, HARRISON,	Chicago, Ill.
MYERS, JAMES J.,	Boston, Mass.
MYERS, NATHANIEL,	New York, N. Y.
MYERS, QUINCY A.,	Logansport, Ind.
MCALLISTER, HENRY, JR.,	Colorado Springs, Col.
MCALLISTER, J. T.,	Hot Springs, Va.
MCALPIN, HENRY,	Savannah, Ga.
MCCARDLE, P. L.,	Chicago, Ill.
MCCAFFREY, JOSEPH J.,	Providence, R. I.
MCCALL, EDWARD E.,	New York, N. Y.
MCCAMMON, JOSEPH K.,	Washington, D. C.
MCCARTER, ROBERT H.,	Newark, N. J.
MCCARTHY, M. B.,	Toledo, Ohio.
MCCARTHY, P. J.,	Providence, R. I.
MCCLAINE, EMLIN,	Iowa City, Iowa.
MCCLENAHAN, WILLIAM S.,	Brainerd, Minn.
MCCLENCH, WILLIAM W.,	Springfield, Mass.
MCCLENDON, JAMES W.,	Austin, Tex.
MCCINTOCK, ANDREW H.,	Wilkes Barre, Pa.
MCCLOSKEY, BERNARD,	New Orleans, La.
MCCLUNG, WM. H.,	Pittsburgh, Pa.
MCCLURE, HAROLD M.,	Lewisburg, Pa.
MCCOMAS, LOUIS E. (Washington, D. C.),	Williamsport, Md.
MCCONLOGUE, JAMES H.,	Mason City, Iowa.
MCCOOK, JOHN J.,	New York, N. Y.
MCCORDIC, ALFRED E.,	Chicago, Ill.
MCCRARY, A. J.,	Binghamton, N. Y.
MCCREERY, JAMES W.,	Greeley, Col.
MCCULLOCH, FRANK H.,	Chicago, Ill.
MCCULLOUGH, JOHN G.,	No. Bennington, Vt.
MCDERMOTT, EDWARD J.,	Louisville, Ky.
MCDERMOTT, THOMAS,	St. Paul, Minn.
MCDONALD, E. E.,	Bemidji, Minn.
MCDONALD, J. WADE,	San Diego, Cal.
MCDONNELL, THOS. F. I.,	Providence, R. I.
MCDONOUGH, JAMES B.,	Fort Smith, Ark.
MCELROY, JOHN H.,	Chicago, Ill.
MCEVOY, JOHN W.,	Lowell, Mass.
MCGARRY, THOMAS F.,	Jacksonville, Fla.

McGEE, J. F.,	Minneapolis, Minn.
McGILL, J. NOTA,	Washington, D. C.
McGILTON, EDMUND G.,	Omaha, Neb.
McGOORTY, JOHN P.,	Chicago, Ill.
McHUGH, CHARLES A.,	Roanoke, Va.
McHUGH, WILLIAM D.,	Omaha, Neb.
McINTOSH, JAMES H.,	New York, N. Y.
McKEE, CHARLES H.,	Pittsburgh, Pa.
McKEIGHAN, JOHN E.,	St. Louis, Mo.
McKENNEY, FREDERIC D.,	Washington, D. C.
McKENZIE, JOHN,	Lake Benton, Minn.
McKINNEY, WILLIAM M.,	Northport, N. Y.
McKNIGHT, RICHARD,	Denver, Col.
McLAUGHLIN, FREDERICK C.,	New York, N. Y.
McLAUGHLIN, JOHN D.,	Boston, Mass.
McLEAN, DONALD,	New York, N. Y.
McLEOD, W. D.,	Kansas City, Mo.
McMAHON, J. SPRIGG,	Dayton, Ohio.
McMAHON, JOHN J.,	Columbia, S. C.
McMANUS, A. E.,	Duluth, Minn.
McNEIL, C. A.,	Columbus, Kan.
McNULTY, WILLIAM D.,	New York, N. Y.
McPHEELY, JOHN L.,	Minden, Neb.
McPHERSON, SMITH,	Red Oak, Iowa.
McREYNOLDS, JAMES C. (Washington, D. C.),	Nashville, Tenn.
McWHORTER, HAMILTON,	Athens, Ga.
NAGEL, CHARLES,	St. Louis, Mo.
NASH, LYMAN J.,	Manitowoc, Wis.
NATHAN, JOSEPH H.,	Sheffield, Ala.
NEEDHAM, CHARLES W.,	Washington, D. C.
NEFF, PORTER J.,	Duluth, Minn.
NEW, ALEXANDER,	Kansas City, Mo.
NEWBERGER, LOUIS,	Indianapolis, Ind.
NEWMAN, JACOB,	Chicago, Ill.
NEWTON, HENRY G.,	New Haven, Conn.
NIBLACK, WILLIAM C.,	Chicago, Ill.
NICHOLS, GEORGE L.,	New York, N. Y.
NICHOLS, H. S. P.,	Philadelphia, Pa.
NICHOLSON, JOHN R.,	Dover, Del.
NICOLSON, JOHN,	New York, N. Y.
NIELDS, BENJAMIN,	Wilmington, Del.
NIELDS, JOHN P.,	Wilmington, Del.
NILES, ALFRED S.,	Baltimore, Md.
NILES, HENRY C.,	York, Pa.
NILES, WILLIAM H.,	Lynn, Mass.

NOBLE, DANIEL,	Long Island City, N. Y.
NOBLE, HERBERT,	New York, N. Y.
NOBLE, JOHN W.,	St. Louis, Mo.
NOEL, JAMES W.,	Indianapolis, Ind.
NORRIS, MARK,	Grand Rapids, Mich.
NORRIS, MYRON A.,	Youngstown, Ohio.
NORRIS, W. H.,	Minneapolis, Minn.
NORRIS, WILLIAM H.,	Manchester, Iowa.
NORTH, E. D.,	Lancaster, Pa.
NORTH, HUGH M.,	Columbia, Pa.
NORTHRUP, ELLIOTT J.,	Urbana, Ill.
NULL, THOMAS H.,	Huron, S. D.
NUTTER, GEORGE R.,	Boston, Mass.
NYE, CARROLL A.,	Moorhead, Minn.
NYE, FRANK M.,	Minneapolis, Minn.
OAKES, EDWARD L.,	Telluride, Col.
O'BRIEN, JOHN D.,	St. Paul, Minn.
O'BRIEN, THOMAS D.,	St. Paul, Minn.
O'BRIEN, THOMAS J.,	Grand Rapids, Mich.
O'BYRNE, M. A.,	Savannah, Ga.
O'CONNOR, E. DEV.,	Providence, R. I.
O'DONNELL, THOMAS J.,	Denver, Col.
OFFIELD, CHARLES K.,	Chicago, Ill.
OGDEN, CHARLES W.,	San Antonio, Tex.
OGDEN, HOWARD N.,	Chicago, Ill.
OGDEN, LEWIS M.,	Milwaukee, Wis.
OLCOTT, J. VAN VECHTEN,	New York, N. Y.
OLDHAM, WILLIS D.,	Kearney, Neb.
OLMSTEAD, JAMES M.,	Boston, Mass.
OLMSTEAD, MARLIN E.,	Harrisburg, Pa.
OLNEY, RICHARD,	Boston, Mass.
OLNEY, WARREN,	San Francisco, Cal.
O'NEILL, HARRY E.,	Omaha, Neb.
OPDYKE, WILLIAM S.,	New York, N. Y.
ORR, GRIER M.,	St. Paul, Minn.
ORR, JAMES W.,	Atchison, Kan.
ORRICK, ALLEN C.,	St. Louis, Mo.
ORTON, PHILO A.,	Darlington, Wis.
OSBORNE, FRANK O.,	St. Paul, Minn.
OSGOOD, HOWARD L.,	Rochester, N. Y.
OSTRANDER, RUSSELL C.,	Lansing, Mich.
OTIS, EPHRAIM A.,	Chicago, Ill.
OTIS, WILLIS C.,	St. Paul, Minn.
OTTOFY, L. FRANK,	St. Louis, Mo.
OWENS, GEORGE W.,	Savannah, Ga.

PADEN, JOSEPH E.	Chicago, Ill.
PAGE, GEORGE T.,	Peoria, Ill.
PAGE, HENRY,	Princess Anne, Md.
PAGE, HOWARD W.,	Philadelphia, Pa.
PAGE, ROSEWELL,	Richmond, Va.
PAGE S. DAVIS,	Philadelphia, Pa.
PAGE, THOMAS NELSON,	Washington, D. C.
PAIGE, JAMES,	Minneapolis, Minn.
PALMER, HENRY W.,	Wilkes Barre, Pa.
PALMER, TRUMAN F.,	Monticello, Ind.
PANCOAST, CHARLES E.,	Philadelphia, Pa.
PARKER, ALTON B.,	New York, N. Y.
PARKER, CHARLES W.,	Jersey City, N. J.
PARKER, CHAUNCEY G.,	Newark, N. J.
PARKER, CORTLANDT,	Newark, N. J.
PARKER, CORTLANDT, JR.,	Newark, N. J.
PARKER, HERBERT,	Worcester, Mass.
PARKER, LEWIS W.,	Chicago, Ill.
PARKER, R. WAYNE,	Newark, N. J.
PARKINSON, ROBERT H.,	Chicago, Ill.
PARSONS, CHARLES C.,	Denver, Col.
PARSONS, HINS DILL,	Schenectady, N. Y.
PATTEE, W. S.,	Minneapolis, Minn.
PATTERSON, ELMER C.,	Marshall, Minn.
PATTERSON, GEORGE S.,	Philadelphia, Pa.
PATTERSON, JOHN C.,	Marshall, Mich.
PATTERSON, JOHN H.,	Pontiac, Mich.
PATTERSON, LINDSAY,	Winston-Salem, N. C.
PATTERSON, M. R.,	Columbus, Ohio.
PATTERSON, ROSWELL H.,	Scranton, Pa.
PATTERSON, T. ELLIOTT,	Philadelphia, Pa.
PATTERSON, THOMAS,	Pittsburgh, Pa.
PATTESON, S. S. P.,	Richmond, Va.
PATTON, JOHN,	Grand Rapids, Mich.
PAUL, A. C.,	Minneapolis, Minn.
PAYNE, JAMES G.,	Washington, D. C.
PAYNE, JASON E.,	Vermillion, S. D.
PAYSON, EDWARD P.,	Boston, Mass.
PEABODY, AUGUSTUS S.,	Chicago, Ill.
PEALE, S. R.,	Lock Haven, Pa.
PEALER, WILLIAM O.,	Duluth, Minn.
PEARL, FRANCIS H.,	Haverhill, Mass.
PEAR-ON, HAYNIE R.,	Chicago, Ill.
PECK, EPAPHRODITUS,	Bristol, Conn.
PECK, GEORGE R.,	Chicago, Ill.

PEIRCE, EDWARD B.,	Little Rock, Ark.
PELLETIER, JOSEPH C.,	Boston, Mass.
PEMBERTON, WILLIAM Y.,	Butte, Mont.
PENFIELD, W. L. (Washington, D. C.),	Auburn, Ind.
PENNEY, R. L.,	Minneapolis, Minn.
PENNYPACKER, CHARLES H.,	West Chester, Pa.
PENNYPACKER, SAMUEL W.,	Harrisburg, Pa.
PEPPER, GEORGE WHARTON,	Philadelphia, Pa.
PERCY, WILLIAM A.,	Memphis, Tenn.
PERELES, JAMES M.,	Milwaukee, Wis.
PERELES, THOMAS JEFFERSON,	Milwaukee, Wis.
PERKINS, DAVID WALTER,	Manchester, N. H.
PERKINS, LUCIUS H.,	Lawrence, Kan.
PERKINS, ROBERT J.,	New Orleans, La.
PERKINS, WILLIAM H., JR.,	Baltimore, Md.
PERRY, R. ROSS, JR.,	Washington, D. C.
PERRY, WILLIAM C.,	Kansas City, Mo.
PETER, ARTHUR,	Washington, D. C.
PETERSON, F. H.,	Moorhead, Minn.
PETERSON, FRED. H.,	Seattle, Wash.
PETERSON, JAMES A.,	Chicago, Ill.
PETTIT, HORACE,	Philadelphia, Pa.
PETTY, ROBERT D.,	New York, N. Y.
PEYTON, FRANK M.,	Jackson, Miss.
PHELAN, JOHN J.,	Bridgeport, Conn.
PHELPS, CHARLES,	Rockville, Conn.
PHELPS, H. H.,	Duluth, Minn.
PHILIPS, HENRY B.,	Jacksonville, Fla.
PHILIPS, JOHN F.,	Kansas City, Mo.
PHILLIPS, NELSON,	Dallas, Tex.
PHLEGAR, ARCHER A.,	Christiansburg, Va.
PICKENS, SAMUEL O.,	Indianapolis, Ind.
PICKENS, WILLIAM A.,	Indianapolis, Ind.
PICKETT, CHARLES C.,	Urbana, Ill.
PICKMAN, JOHN J.,	Lowell, Mass.
PICKRELL, JOHN,	Richmond, Va.
PIERCE, EDWARD P.,	Fitchburg, Mass.
PIERCE, THOMAS N.,	St. Louis, Mo.
PIERCE, WILSON H.,	Waterbury, Conn.
PIERCE, WINSLOW S.,	New York, N. Y.
PILCHER, JAMES S.,	Nashville, Tenn.
PINCKNEY, MERRITT W.,	Chicago, Ill.
PINGREY, D. H.,	Bloomington, Ill.
PINKERTON, ALFRED S.,	Worcester, Mass.
PITKIN, CHARLES A.,	Bemidji, Minn.

PLACE, IRA A.,	New York, N. Y.
PLUMMER, WILLIAM A.,	Laconia, N. H.
POE, JOHN PRENTISS,	Baltimore, Md.
POLLOCK, JOHN C.,	Winfield, Kan.
POLLOCK, ROBERT M.,	Fargo, N. D.
POMEROY, CHARLES W.,	Kalispell, Mont.
POND, ASHLEY,	Detroit, Mich.
POPE, WILLIAM H.,	Roswell, N. M.
POPPEHUSEN, CONRAD H.,	Chicago, Ill.
PORTER, SILAS,	Kansas City, Kan.
PORTER, VALENTINE MOTT,	St. Louis, Mo.
PORTER, WILLIAM D.,	Pittsburgh, Pa.
POST, PHILIP S.,	Galesburg, Ill.
POTTER, CHARLES N.,	Cheyenne, Wyo.
POTTER, DEXTER B.,	Providence, R. I.
POTTER, FREDERICK,	New York, N. Y.
POTTER, WILLIAM P.,	Philadelphia, Pa.
POUND, ROSCOE,	Lincoln, Neb.
POWERS, FREDERICK A.,	Houlton, Me.
PRATT, WALLACE,	Kansas City, Mo.
PRAY, C. K.,	Fort Benton, Mont.
PRENTIS, ROBERT R.,	Suffolk, Va.
PRESSLY, CHARLES P.,	Augusta, Ga.
PRICE, GEORGE E.,	Charleston, W. Va.
PRICE, WILLIAM H.,	Marianna, Fla.
PRICHARD, FRANK P.,	Philadelphia, Pa.
PRIME, RALPH E.,	Yonkers, N. Y.
PRINDLE, EDWIN J.,	New York, N. Y.
PROCTOR, THOMAS W.,	Boston, Mass.
PRUDEN, WILLIAM D.,	Edenton, N. C.
PRUSSING, EUGENE E.,	Chicago, Ill.
PUJO, ARSENE P.,	Lake Charles, La.
PURCELL, J. J.,	Ortonville, Minn.
PURNELL, CLAYTON,	Frostburg, Md.
PUTNAM, FRANK E.,	Blue Earth, Minn.
PUTNAM, HARRINGTON,	New York, N. Y.
PUTNAM, WILLIAM L.,	Boston, Mass.
QUACKENBUSH, JAMES L.,	New York, N. Y.
QUAIL, FRANK A.,	Cleveland, Ohio.
QUARLES, CHARLES,	Milwaukee, Wis.
QUARLES, JOSEPH V. (Washington, D. C.),	Milwaukee, Wis.
QUARTON, WILLIAM B.,	Algona, Iowa.
QUINN, THOMAS H.,	Faribault, Minn.
QVALE, G. E.,	Willmar, Minn.
RADFORD, GEORGE W.,	Detroit, Mich.

RAIN, FRANK L.,	Fairbury, Neb.
RALLS, JOSEPH G.,	Atoka, I. T.
RALSTON, JACKSON H.,	Washington, D. C.
RALSTON, ROBERT,	Philadelphia, Pa.
RANDALL, HENRY E.,	St. Paul, Minn.
RANDOLPH, CARMAN F. (New York, N. Y.),	Morristown, N. J.
RANNEY, FLETCHER,	Boston, Mass.
RANNEY, HENRY C.,	Cleveland, Ohio
RATCLIFFE, WILLIAM C.,	Little Rock, Ark.
RAWLE, FRANCIS,	Philadelphia, Pa.
RAWLE, FRANCIS WILLIAM,	Philadelphia, Pa.
RAY, CHARLES T.,	Louisville, Ky.
RAYMOND, JAMES H.,	Chicago, Ill.
RAYNOLDS, EDWARD V.,	New Haven, Conn.
REA, S. C.,	Luverne, Minn.
READ, JAMES F.,	Fort Smith, Ark.
REARDON, JOHN J.,	Williamsport, Pa.
RECTOR, EDWARD,	Chicago, Ill.
REDDIN, JOHN H.,	Denver, Col.
REDDING, J. G.,	Windom, Minn.
REDDING, JOSEPH D.,	New York, N. Y.
REDDING, WILLIAM A.,	New York, N. Y.
REDFIELD, HENRY S.,	New York, N. Y.
REECE, PATTERSON A.,	Cincinnati, Ohio.
REED, CARL W.,	Cresco, Iowa.
REED, FRANK F.,	Chicago, Ill.
REED, FREDERICK W.,	Minneapolis, Minn.
REED, H. T.,	Cresco, Iowa.
REED, LOUIS A.,	Minneapolis, Minn.
REED, WILLIAM M.,	Paducah, Ky.
REEVES, ALFRED G.,	New York, N. Y.
REEVES, C. P.,	Glenwood, Minn.
REEVES, WALTER,	Streator, Ill.
REGENNITTER, ERWIN L.,	Idaho Springs, Col.
REYBURN, VALLE,	St. Louis, Mo.
REYNOLDS, JOSEPH W.,	Duluth, Minn.
REYNOLDS, MATTHEW G.,	St. Louis, Mo.
REYNOLDS, THOMAS H.,	Kansas City, Mo.
RICE, WILLIAM E.,	Warren, Pa.
RICH, BURDETTE A.,	Rochester, N. Y.
RICH, EDSON,	Omaha, Neb.
RICH, WILLIAM G.,	Woonsocket, R. I.
RICHARDS, HARRY S.,	Madison, Wis.
RICHARDS, JOHN T.,	Chicago, Ill.
RICHARDSON, GEORGE F.,	Lowell, Mass.

RICHARDSON, WILLIAM E.,	Duluth, Minn.
RICHARDSON, W. K.,	Boston, Mass.
RICHBERG, JOHN C.,	Chicago, Ill.
RICHMOND, BENJAMIN A.,	Cumberland, Md.
RIDDELL, HARVEY,	Denver, Col.
RIEKE, AUGUST V.,	Fairfax, Minn.
RIKER, ADRIAN,	Newark, N. J.
RINAKER, JOHN I.,	Carlinville, Ill.
RINAKER, SAMUEL,	Beatrice, Neb.
RINE, JOHN A.,	Omaha, Neb.
RINEHART, C. D.,	Jacksonville, Fla.
RIORDAN, DANIEL E.,	Eagle River, Wis.
RITSHER, EDWARD C.,	Chicago, Ill.
ROBB, BAMFORD A.,	Seattle, Wash.
ROBB, CHARLES H. (Washington, D. C.),	Bellows Falls, Vt.
ROBBINS, C. A.,	Lincoln, Neb.
ROBBINS, EDWARD D.,	Hartford, Conn.
ROBBINS, GEORGE M.,	Titusville, Fla.
ROBBINS, HENRY S.,	Chicago, Ill.
ROBERT, EDWARD S.,	St. Louis, Mo.
ROBERTS, GEORGE L.,	Boston, Mass.
ROBERTS, HARLAN P.,	Minneapolis, Minn.
ROBERTS, V. H.,	Columbia, Mo.
ROBERTS, W. J.,	Keokuk, Iowa.
ROBERTS, WILLIAM P.,	Minneapolis, Minn.
ROBERTSON, C. D.,	Cincinnati, Ohio.
ROBERTSON, GEORGE,	Mexico, Mo.
ROBERTSON, JAMES,	Minneapolis, Minn.
ROBERTSON, WILLIAM GORDON,	Roanoke, Va.
ROBINSON, GIFFORD S.,	Sioux City, Iowa.
ROBINSON, RALPH,	Baltimore, Md.
ROBINSON, THOMAS H.,	Bel Air, Md.
ROBSON, FRANK E.,	Detroit, Mich.
ROBY, FRANK S.,	Auburn, Ind.
ROCKWOOD, CHELSEA J.,	Minneapolis, Minn.
RODENBECK, ADOLPH J.,	Rochester, N. Y.
ROGERS, EDWARD H.,	New Haven, Conn.
ROGERS, ELMER E.,	Chicago, Ill.
ROGERS, GEORGE MILLS,	Chicago, Ill.
ROGERS, HENRY T.,	Denver, Col.
ROGERS, HENRY WADE,	New Haven, Conn.
ROGERS, JOHN F.,	Philadelphia, Pa.
ROGERS, PLATT,	Denver, Col.
ROGERS, ROBERT LYON,	Baltimore, Md.
ROGERS, WALTER F.,	Washington, D. C.

ROGERS, WILLIAM P.,	Cincinnati, Ohio.
ROOT, ELIHU (Washington, D. C.),	New York, N. Y.
ROOT, F. W.,	Minneapolis, Minn.
ROOTE, JESSE B.,	Butte, Mont.
ROSE, A. J.,	Greenville, Miss.
ROSE, GEORGE B.,	Little Rock, Ark.
ROSE, JAMES E.,	Auburn, Ind.
ROSE, JAMES H.,	Auburn, Ind.
ROSE, U. M.,	Little Rock, Ark.
ROSE, WALTER T. J.,	Los Angeles, Cal.
ROSENTHAL, LESSING,	Chicago, Ill.
ROSSINGTON, WILLIAM H.,	Topeka, Kan.
ROULHAC, THOMAS R.,	Sheffield, Ala.
ROUSE, JOHN D.,	New Orleans, La.
ROUSE, SHELLEY D.,	Covington, Ky.
ROWE, LEO STANTON,	Philadelphia, Pa.
ROYALL, WILLIAM L.,	Richmond, Va.
RUBENS, HARRY,	Chicago, Ill.
RUDD, WILLIAM PLATT,	Albany, N. Y.
RUGG, ARTHUR P.,	Worcester, Mass.
RUHL, CHRISTIAN H.,	Reading, Pa.
RUNNELLS, JOHN S.,	Chicago, Ill.
RUPE, JOHN L.,	Richmond, Ind.
RUSSELL, EDWARD L.,	Mobile, Ala.
RUSSELL, HENRY,	Detroit, Mich.
RUSSELL, ISAAC F.,	New York, N. Y.
RUSSELL, P. J.,	Bemidji, Minn.
RUSSELL, TALCOTT H.,	New Haven, Conn.
RUSSELL, WILLIAM HEPBURN,	New York, N. Y.
RYON, OSCAR B.,	Streator, Ill.
RYON, WILLIAM W.,	Shamokin, Pa.
SALTZGABER, GAYLARD M.,	Van Wert, Ohio.
SAMS, CONWAY W.,	Baltimore, Md.
SAMUELS, SIDNEY L.,	Fort Worth, Tex.
SANBORN, A. L.,	Madison, Wis.
SANBORN, EDWARD P.,	St. Paul, Minn.
SANBORN, WALTER H.,	St. Paul, Minn.
SANDERS, GEORGE A.,	Springfield, Ill.
SANDERS, JAMES U.,	Helena, Mont.
SANDERS, W. B.,	Cleveland, Ohio.
SANER, ROBERT E. LEE,	Dallas, Tex.
SANFORD, EDWARD T.,	Knoxville, Tenn.
SAULSBURY, WILLARD,	Wilmington, Del.
SAUNDERS, EUGENE D.,	New Orleans, La.
SAUTER, L. E.,	Chicago, Ill.

SAWYER, ALFRED P.,	Lowell, Mass.
SAWYER, HAZEN I.,	Keokuk, Iowa.
SAXE, JOHN W.,	Boston, Mass.
SAYLER, JOHN RYNER,	Cincinnati, Ohio.
SAYLER, SAMUEL M.,	Huntington, Ind.
SCAIFE, LAUBISTON L.,	Boston, Mass.
SCALLON, WILLIAM,	Butte, Mont.
SCANDRETT, HENRY A.,	Topeka, Kan.
SCHALLER, ALBERT E. (St. Paul, Minn.),	Hastings, Minn.
SCHMITT, HARRISON L.,	Mankato, Minn.
SCHMUCKER, SAMUEL D.,	Baltimore, Md.
SCHNABEL, CHARLES J.,	Portland, Ore.
SCHOFIELD F. L.,	Hannibal, Mo.
SCHOFIELD, WILLIAM,	Malden, Mass.
SCHOULER, JAMES,	Boston, Mass.
SCHRIEBER, BISHOP H.,	St. Paul, Minn.
SCOTT, FRANK H.,	Chicago, Ill.
SCOTT, HOWARD B.,	Danbury, Conn.
SCOTT, JAMES B.,	Champaign, Ill.
SCOTT, JAMES L.,	Saratoga Springs, N. Y.
SCOTT, JOSEPH,	Los Angeles, Cal.
SCOTT, N. B.,	Lake Village, Ark.
SCOTT, R. CARTER,	Richmond, Va.
SEABROOK, PAUL E.,	Pineora, Ga.
SEAMAN, WILLIAM H.,	Sheboygan, Wis.
SEARCY, WILLIAM W.,	Brenham, Tex.
SEARLE, D. B.,	St. Cloud, Minn.
SEARLE, SYLVESTER A.,	Omaha, Neb.
SEARLES, CHARLES E.,	Putnam, Conn.
SEARLES, J. N.,	Stillwater, Minn.
SEARS, RUSSELL A.,	Boston, Mass.
SEATON, EMMETT,	Richmond, Va.
SEDGWICK, S. H.,	York, Neb.
SEEVERS, GEORGE W.,	Oskaloosa, Iowa.
SEIBERT, WILLIAM N.,	New Bloomfield, Pa.
SELDEN, JOHN,	Washington, D. C.
SELLERS, EMORY B.,	Monticello, Ind.
SENEY, HENRY W.,	Toledo, Ohio.
SEVERANCE, C. A.,	St. Paul, Minn.
SEXTON, PLINY T.,	Palmyra, N. Y.
SEYMOUR, HENRY A.,	Washington, D. C.
SEYMOUR, HENRY H.,	Buffalo, N. Y.
SHACK, FERDINAND,	New York, N. Y.
SHAFROTH, JOHN F.,	Denver, Col.
SHANDS, D. G.,	University, Miss.

SHARP, GEORGE M.,	Baltimore, Md.
SHARP, J. F.,	Purcell, I. T.
SHAW, FRANK,	Minneapolis, Minn.
SHAW, JOHN E.,	Minneapolis, Minn.
SHEAR, B. D.,	Oklahoma City, O. T.
SHEARER, JAMES D.,	Minneapolis, Minn.
SHEEAN, JAMES B.,	St. Paul, Minn.
SHEEAN, JAMES M.,	Chicago, Ill.
SHELTON, GEORGE F.,	Butte, Mont.
SHEPARD, CHARLES E.,	Seattle, Wash.
SHEPARD, HARVEY N.,	Boston, Mass.
SHEPARD, SETH,	Washington, D. C.
SHEPHERD, R. E.,	Austin, Minn.
SHERIDAN, JAMES JAY,	Chicago, Ill.
SHERIFF, ANDREW R.,	Chicago, Ill.
SHERLEY, SWAGAR,	Louisville, Ky.
SHERMAN, E. B.,	Chicago, Ill.
SHERMAN, ROLAND G.,	Boston, Mass.
SHERWIN, JOHN C.,	Mason City, Iowa.
SHERWOOD, THOMAS A.,	Springfield, Mo.
SHIELDS, J. M.,	Pittsburgh, Pa.
SHIPMAN, GEORGE M.,	Belvidere, N. J.
SHIRAS, GEORGE, JR.,	Washington, D. C.
SHIRAS, OLIVER P.,	Dubuque, Iowa.
SIDDONS, FREDERICK L.,	Washington, D. C.
SIDLEY, WILLIAM P.,	Chicago, Ill.
SIMMS, DAN W.,	Lafayette, Ind.
SIMPSON, ALEXANDER, JR.,	Philadelphia, Pa.
SIMPSON, DAVID F.,	Minneapolis, Minn.
SIMPSON, GEORGE T.,	St. Paul, Minn.
SIMPSON, S. J.,	Spartanburg, S. C.
SIPE, GEORGE E.,	Harrisonburg, Va.
SKELTON, WILLIAM B.,	Lewiston, Me.
SKINKER, THOMAS KEITH,	St. Louis, Mo.
SKULASON, B. G.,	Grand Forks, N. D.
SLATER, EDWIN S.,	Minneapolis, Minn.
SLOAN, D. LINDLEY,	Cumberland, Md.
SLOCUM, EDWARD T.,	Pittsfield, Mass.
SLOCUM, WINFIELD S.,	Boston, Mass.
SLOMAN, ADOLPH,	Detroit, Mich.
SLONECKER, J. G.,	Topeka, Kan.
SMALL, WILLIAM F.,	Washington, D. C.
SMEAD, A. D. B.,	Carlisle, Pa.
SMITH, A. D.,	Minneapolis, Minn.
SMITH, ALFRED PERCIVAL,	Philadelphia, Pa.

SMITH, ALONZO GREENE,	Indianapolis, Ind.
SMITH, B. W.,	Minneapolis, Minn.
SMITH, BURTON,	Atlanta, Ga.
SMITH, C. L.,	Minneapolis, Minn.
SMITH, CHARLES B.,	Topeka, Kan.
SMITH, CHARLES W.,	Indianapolis, Ind.
SMITH, CHARLES W.,	Stockton, Kan.
SMITH, EDWARD E.,	Minneapolis, Minn.
SMITH, EDWARD GRANDISON,	Clarksburg, W. Va.
SMITH, FRANK BULKELEY,	Worcester, Mass.
SMITH, FREDERICK A.,	Chicago, Ill.
SMITH, HARVEY F.,	Clarksburg, W. Va.
SMITH, HENRY HYDE,	Boston, Mass.
SMITH, HOWARD B.,	Omaha, Neb.
SMITH, HOWARD L.,	Madison, Wis.
SMITH, J. H. CHARLES,	Cincinnati, Ohio.
SMITH, JEREMIAH,	Cambridge, Mass.
SMITH, JEREMIAH, JR.,	Boston, Mass.
SMITH, JOHN DAY,	Minneapolis, Minn.
SMITH, JOHN R.,	Denver, Col.
SMITH, LUTHER ELY,	St. Louis, Mo.
SMITH, LUTHER R.,	Washington, D. C.
SMITH, LYNDON A.,	Montevideo, Minn.
SMITH, MURRAY F.,	Vicksburg, Miss.
SMITH, NELSON,	New York, N. Y.
SMITH, PLINY B.,	Chicago, Ill.
SMITH, ROBERT H.,	Baltimore, Md.
SMITH, RUFUS B.,	Cincinnati, Ohio.
SMITH, SAMUEL BOSWORTH,	Chattanooga, Tenn.
SMITH, SAM. FERRY,	San Diego, Cal.
SMITH, SYDNEY MCCAIN,	Lexington, Miss.
SMITH, THOMAS KILBY,	Philadelphia, Pa.
SMITH, WALTER GEORGE,	Philadelphia, Pa.
SMITH, WILLIAM B.,	Little Rock, Ark.
SMITH, WILLIAM O.,	Honolulu, H. T.
SMITH, WILLIS B.,	Richmond, Va.
SMITHERS, WILLIAM W.,	Philadelphia, Pa.
SMULSKI, JOHN F.,	Chicago, Ill.
SMYTHE, AUGUSTINE T.,	Charleston, S. C.
SNARE, JACOB,	Philadelphia, Pa.
SNOW, ALPHEUS H.,	Washington, D. C.
SNOW, DAVID W.,	Portland, Me.
SNYDER, CHARLES M.,	Fowler, Ind.
SNYDER, F. B.,	Minneapolis, Minn.
SOMERVILLE, THOMAS H.,	Oxford, Miss.

SOUTHWORTH, E.,	Shakopee, Minn.
SPALDING, BURLEIGH FOLSOM,	Fargo, N. D.
SPEAR, ELLIS,	Washington, D. C.
SPEIR, GILBERT M.,	New York, N. Y.
SPENCER, CHARLES C.,	Monticello, Ind.
SPENCER, HERBERT R.,	Duluth, Minn.
SPENCER, SELDEN P.,	St. Louis, Mo.
SPICER, M. L.,	Willmar, Minn.
SPOONER, JOHN C.,	Madison, Wis.
SPOONER, LEWIS C.,	Morris, Minn.
SPOONTS, M. A.,	Fort Worth, Tex.
SPRING, ARTHUR L.,	Boston, Mass.
SPOUL, W. H.,	Sedan, Kan.
SQUIRE, ANDREW,	Cleveland, Ohio.
SQUIRES, A. L.,	New York, N. Y.
STAAKE, WILLIAM H.,	Philadelphia, Pa.
STAFFORD, W. H.,	Chippewa Falls, Wis.
STANFORD, M. H.,	Duluth, Minn.
STANTON, LEWIS E.,	Hartford, Conn.
STARK, JOSHUA,	Milwaukee, Wis.
STARR, MERRITT,	Chicago, Ill.
START, CHARLES M.,	St. Paul, Minn.
STAYTON, JOSEPH M.,	Newport, Ark.
STEARNS, VICTOR,	Duluth, Minn.
STEELE, HENRY J.,	Easton, Pa.
STEELE, JOHN H.,	Minneapolis, Minn.
STEELE, ROBERT W.,	Denver, Col.
STEPHENS, REDMOND D.,	Chicago, Ill.
STERLING, THOMAS,	Vermillion, S. D.
STERN, JO. LANE,	Richmond, Va.
STERRETT, JAMES R.,	Pittsburgh, Pa.
STETSON, FRANCOIS LYNDE,	New York, N. Y.
STEUART, ARTHUR,	Baltimore, Md.
STEVENS, FREDERICK W.,	Detroit, Mich.
STEVENS, JOHN S.,	Peoria, Ill.
STEVENSON, ARCHIE M.,	Denver, Col.
STEVENSON, ELMER E.,	Indianapolis, Ind.
STEVENSON, L. C.,	Minneapolis, Minn.
STEVICK, GUY LE ROY,	Denver, Col.
STEWART, GEORGE W.,	St. Cloud, Minn.
STEWART, GILBERT H.,	Columbus, Ohio.
STEWART, ROBERT W.,	Huron, S. D.
STEWART, RUSSELL C.,	Easton, Pa.
STEWART, W. F. BAY,	York, Pa.
STILLMAN, ALPHONSO D.,	Pendleton, Ore.

STILLMAN, HERMAN W.,	Chicago, Ill.
STILLMAN, THOMAS E.,	New York, N. Y.
STILLMAN, WALTER S. (Omaha, Neb.),	Council Bluffs, Iowa.
STILLWELL, JAMES C.,	Philadelphia, Pa.
STIMSON, EDWARD C.,	Denver, Col.
STOCKBRIDGE, HENRY,	Baltimore, Md.
STODDARD, WILLIAM B.,	New Haven, Conn.
STOEHR, OSCAR,	Cincinnati, Ohio.
STOEVEE, WILLIAM C.,	Philadelphia, Pa.
STONE, FREDERIC M.,	Boston, Mass.
STONE, HENRY L.,	Louisville, Ky.
STONE, JOHN W.,	Marquette, Mich.
STONE, R. A.,	St. Paul, Minn.
STOREY, MOORFIELD,	Boston, Mass.
STORROW, JAMES J.,	Boston, Mass.
STOUGHTON, A. B.,	Philadelphia, Pa.
STRAWBRIDGE, WILLIAM C.,	Philadelphia, Pa.
STRAWN, SILAS H.,	Chicago, Ill.
STREET, ROBERT G.,	Galveston, Tex.
STREETER, FRANK S.,	Concord, N. H.
STRICKLAND, JOHN J.,	Athens, Ga.
STRINGER, EDWARD C.,	St. Paul, Minn.
STRONG, ALAN H.,	New Brunswick, N. J.
STRONG, EDWARD W.,	Cincinnati, Ohio.
STRYKER, JOHN E.,	St. Paul, Minn.
STUART, WILLIAM V.,	Lafayette, Ind.
STURTEVANT, CHARLES L.,	Washington, D. C.
SULLIVAN, FRANCIS W.,	Duluth, Minn.
SULZBERGER, MAYER,	Philadelphia, Pa.
SUMERWELL, E. K.,	New York, N. Y.
SUMNER, EDWARD A.,	New York, N. Y.
SUTHERLIN, E. W.,	Shreveport, La.
SUTEO, THEODORE,	New York, N. Y.
SWAN, CHARLES H.,	Boston, Mass.
SWAN, ELBERT M.,	Rockport, Ind.
SWAN, WILLIAM W.,	Boston, Mass.
SWANEY, W. B.,	Chattanooga, Tenn.
SWARTS, SOLOMON L.,	St. Louis, Mo.
SWASEY, GEORGE R.,	Boston, Mass.
SWAYZE, FRANCIS J.,	Newark, N. J.
SWEARINGEN, J. M.,	Pittsburgh, Pa.
SWEETLAND, WILLIAM H.,	Providence, R. I.
SWETTING, ERNEST V.,	Algona, Iowa.
SWIFT, CHARLES M.,	Detroit, Mich.
SWISHER, A. E.,	Iowa City, Iowa.

SYME, CONRAD H.,	Washington, D. C.
SYMONDS, JOSEPH W.,	Portland, Me.
SYNNESTVEDT, PAUL,	Pittsburgh, Pa.
TAFT, ELIHU B.,	Burlington, Vt.
TAFT, GEORGE S.,	Worcester, Mass.
TAFT, WILLIAM H. (Washington, D. C.),	Cincinnati, Ohio.
TAGGART, EDWARD,	Grand Rapids, Mich.
TAGGART, W. RUSH,	New York, N. Y.
TATUM, LOUIS R.,	Denver, Col.
TAULANE, JOSEPH H.,	Philadelphia, Pa.
TAUSSIG, JAMES,	St. Louis, Mo.
TAWNEY, JAMES A.,	Winona, Minn.
TAYLOR, A. E.,	Huron, S. D.
TAYLOR, HANNIS,	Washington, D. C.
TAYLOR, JOHN R.,	New York, N. Y.
TAYLOR, JOSEPH T.,	Philadelphia, Pa.
TAYLOR, R. S.,	Fort Wayne, Ind.
TAYLOR, SENECA N.,	St. Louis, Mo.
TAYLOR, THOMAS, JR.,	Chicago, Ill.
TAYLOR, WALTER F.,	New York, N. Y.
TAYLOR, WILLIAM L.,	Indianapolis, Ind.
TEARS, DANIEL W.,	Denver, Col.
TEBBETTS, WILLIAM B.,	Denver, Col.
TENNANT, W. B.,	Richmond, Va.
TENNEY, HORACE KENT,	Chicago, Ill.
TERRELL, WILLIAM J.,	Burlington, N. J.
TERRY, CHARLES THADDEUS,	New York, N. Y.
TERRY, J. W.,	Galveston, Tex.
TETIRICK, W. C.,	Blackwell, O. T.
THAYER, EZRA R.,	Boston, Mass.
THAYER, RUFUS C.,	Colorado Springs, Col.
THIAN, LOUIS R.,	Minneapolis, Minn.
THOM, ALFRED P.,	Washington, D. C.
THOM, CORCORAN,	Washington, D. C.
THOMAN, LEROY D.,	Chicago, Ill.
THOMAS, CHARLES S.,	Denver, Col.
THOMAS, W. H.,	Leeds, N. D.
THOMAS, WILLIAM H.,	Montgomery, Ala.
THOMAS, WILLIAM S.,	Baltimore, Md.
THOMASON, E. B.,	Richmond, Va.
THOMPSON, A. M.,	Pittsburgh, Pa.
THOMPSON, CHARLES T.,	Minneapolis, Minn.
THOMPSON, JOHN B.,	Washington, D. C.
THOMPSON, R. H.,	Jackson, Miss.
THOMPSON, WILLIAM B.,	St. Louis, Mo.

THOMPSON, WILLIAM H.,	Grand Island, Neb.
THOMSON, CHARLES I.,	Denver, Col.
THORNTON, CHARLES S.,	Chicago, Ill.
THORNTON, J. R.,	Alexandria, La.
THORNTON, ROBERT A.,	Lexington, Ky.
THUM, WILLIAM WARWICK,	Louisville, Ky.
THURSTON, JOHN M.,	Washington, D. C.
THURSTON, WILMARTH H.,	Providence, R. I.
THYGESON, N. M.,	St. Paul, Minn.
TICHENOR, CHARLES O.,	Kansas City, Mo.
TIFFANY, FRANCIS B.,	St. Paul, Minn.
TIFFANY, WALTER C.,	Minneapolis, Minn.
TIGHE, AMBROSE,	St. Paul, Minn.
TILLINGHAST, FRANK W.,	Providence, R. I.
TILLINGHAST, JAMES,	Providence, R. I.
TILLINGHAST, WILLIAM R.,	Providence, R. I.
TILLMAN, A. M.,	Nashville, Tenn.
TITUS, FRANK,	Kansas City, Mo.
TITUS, H. L.,	San Diego, Cal.
TODD, M. HAMPTON,	Philadelphia, Pa.
TOLLES, SHELDON H.,	Cleveland, Ohio.
TOLMAN, FRANK,	Paynesville, Minn.
TOMLIN, JOHN G.,	Walton, Ky.
TOMPKINS, HAMILTON B.,	New York, N. Y.
TONEY, STERLING B.,	Denver, Col.
TOOMER, W. M.,	Jacksonville, Fla.
TOWLE, HENRY S.,	Chicago, Ill.
TOWNES, WILLIAM A.,	Richmond, Va.
TOWNSEND, CHARLES C.,	Philadelphia, Pa.
TOWNSEND, WILLIAM K.,	New Haven, Conn.
TRABUE, EDMUND F.,	Louisville, Ky.
TRASK, WALTER J.,	Los Angeles, Cal.
TRAXLER, CHARLES J.,	Minneapolis, Minn.
TREMAIN, HENRY E.,	New York, N. Y.
TRICKETT, WILLIAM,	Carlisle, Pa.
TRIMBLE, J. McD.,	Kansas City, Mo.
TRIPP, BARTLETT,	Yankton, S. D.
TRIPPET, OSCAR A.,	Los Angeles, Cal.
TROUP, JAMES O.,	Bowling Green, Ohio.
TROWBRIDGE, HENRY,	Colorado Springs, Col.
TRYON, CHARLES J.,	Minneapolis, Minn.
TUCK, PHILEMON H.,	Baltimore, Md.
TUCKER, CHARLES C.,	Washington, D. C.
TUCKER, GEORGE F.,	Boston, Mass.
TUCKER, HENRY ST. GEORGE,	Lexington, Va.

TURNER, FRANK G.,	Baltimore, Md.
TURNER, GEORGE,	Spokane, Wash.
TURNER, HARRY R.,	Fargo, N. D.
TURNER, JESSE,	Van Buren, Ark.
TURNER, ROBERT WILSON,	Mankato, Kan.
TURNER, SMITH D.,	Parkersburg, W. Va.
TURNER, W. J.,	Milwaukee, Wis.
TUTHILL, HARRY B.,	Michigan City, Ind.
TUTTLE, J. BIRNEY,	New Haven, Conn.
TYLER, CHARLES H.,	Boston, Mass.
UELAND, A.,	Minneapolis, Minn.
ULLMAN, FREDERIC,	Chicago, Ill.
UMBEL, ROBERT E.,	Uniontown, Pa.
URION, ALFRED R.,	Chicago, Ill.
VAILL, JOEL F.,	Denver, Col.
VANAMEE, WILLIAM,	Newburgh, N. Y.
VAN CAMPEN, C. H.,	Minneapolis, Minn.
VANCE, WILLIAM R.,	Washington, D. C.
VAN CISE, EDWIN,	Denver, Col.
VANDEMAN, JOHN N.,	Dayton, Ohio.
VAN DERLIP, JOHN R.,	Minneapolis, Minn.
VANDERVORT, JAMES W.,	Parkersburg, W. Va.
VAN DEVANTER, WILLIS,	Cheyenne, Wyo.
VAN DEVENTER, HORACE,	Knoxville, Tenn.
VAN DUSEN, JAMES H.,	Omaha, Neb.
VAN DYKE, GEORGE D.,	Milwaukee, Wis.
VAN DYKE, HENRY S.,	Los Angeles, Cal.
VAN DYKE, WILLIAM D.,	Milwaukee, Wis.
VAN ORSDEL, JOSIAH A.,	Cheyenne, Wyo.
VAN SLYCK, GEORGE W.,	New York, N. Y.
VAN VECHTEN, A. V. W.,	New York, N. Y.
VAN WINKLE, W. W.,	Parkersburg, W. Va.
VARIAN, CHARLES S.,	Salt Lake City, Utah.
VATES, WILLIAM B.,	Pueblo, Col.
VENABLE, RICHARD M.,	Baltimore, Md.
VERTREES, JOHN J.,	Nashville, Tenn.
VESEY, ALLEN J.,	Fort Wayne, Ind.
VESEY, WILLIAM J.,	Fort Wayne, Ind.
VIEU, HENRY A.,	New York, N. Y.
VILLARD, HAROLD G.,	New York, N. Y.
VINCENT, WILLIAM H.,	Boston, Mass.
VON MOSCHISKE, ROBERT,	Philadelphia, Pa.
VOORHEES, JOHN H.,	Sioux Falls, S. D.
VOEYS, ARTHUR I.,	Lancaster, Ohio.
VROMAN, CHARLES E.,	Chicago, Ill.

VROOM, GARRET D. W.,	Trenton, N. J.
WADE, M. J.,	Iowa City, Iowa.
WADHAMS, FREDERICK E.,	Albany, N. Y.
WAGGENER, BALIE P.,	Atchison, Kan.
WAGGENER, WILLIAM P.,	Atchison, Kan.
WAGNER, E. E.,	Alexandria, S. D.
WAGNER, HUGH K.,	St. Louis, Mo.
WAITE, EDWARD F.,	Minneapolis, Minn.
WAKEFIELD, WILLIAM J. C.,	Spokane, Wash.
WAKELEY, ELEAZER,	Omaha, Neb.
WALDO, GEORGE E.,	New York, N. Y.
WALKER, ALBERT H.,	New York, N. Y.
WALKER, PLATT D.,	Raleigh, N. C.
WALKER, ROBERT F.,	St. Louis, Mo.
WALL, GEORGE W.,	Chicago, Ill.
WALLACE, CARLETON L.,	Minneapolis, Minn.
WALLACE, THOMAS F.,	Minneapolis, Minn.
WALLER, CLAUDE,	Nashville, Tenn.
WALLING, STUART D.,	Denver, Col.
WALSH, ARTHUR R.,	New York, N. Y.
WALSH, MARK A.,	Clintou, Iowa.
WALSH, R. JAY,	Greenwich, Conn.
WALSH, T. J.,	Helena, Mont.
WALSH, WILLIAM E.,	Cumberland, Md.
WALTER, M. R.,	Baltimore, Md.
WALTHALL, A. M.,	El Paso, Tex.
WALTON, CLIFFORD S.,	Washington, D. C.
WALTON, HENRY F.,	Philadelphia, Pa.
WAMBRAUGH, EUGENE,	Cambridge, Mass.
WARD, HAMILTON,	Buffalo, N. Y.
WARD, HENRY GALBRAITH,	New York, N. Y.
WARD, HERBERT H.,	Wilmington, Del.
WARD, HUGH C.,	Kansas City, Mo.
WARFIELD, EDWIN,	Baltimore, Md.
WARNER, CHARLES E.,	Fort Smith, Ark.
WARNER, DONALD T.,	Salisbury, Conn.
WARNER, GEORGE COFFING,	New York, N. Y.
WARNER, HENRY E.,	Boston, Mass.
WARNER, JOHN DEWITT,	New York, N. Y.
WARNER, JOSEPH B.,	Boston, Mass.
WARNER, STANLEY CLARK,	Denver, Col.
WARREN, SAMUEL D.,	Boston, Mass.
WARRINGTON, JOHN W.,	Cincinnati, Ohio.
WARVELLE, GEORGE W.,	Chicago, Ill.
WASHBURN, JED L.,	Duluth, Minn.

WASHBURN, WILLIAM D.,	Chicago, Ill.
WATERMAN, CHARLES W.,	Denver, Col.
WATERS, ASA W.,	Philadelphia, Pa.
WATERS, J. S. T.,	Baltimore, Md.
WATROUS, GEORGE T.,	New Haven, Conn.
WATSON, D. T.,	Pittsburgh, Pa.
WATSON, JAMES T.,	Duluth, Minn.
WATSON, WILL H.,	Marianna, Fla.
WATTERSON, A. V. D.,	Pittsburgh, Pa.
WATTS, LEGB R.,	Portsmouth, Va.
WATTS, WILLIAM,	Crookston, Minn.
WATTS, WILLIAM W.,	Louisville, Ky.
WAY, WILLIAM A.,	Pittsburgh, Pa.
WEADOCK, THOMAS A. E.,	Detroit, Mich.
WEAKLEY, SAMUEL D.,	Birmingham, Ala.
WEAVER, JOHN,	Philadelphia, Pa.
WEBB, JAMES H.,	New Haven, Conn.
WEBBER, MARSHALL B.,	Winona, Minn.
WEBSTER, E. M.,	Glenwood Minn.
WEBSTER, JOHN L.,	Omaha, Neb.
WEIL, A. LEO,	Pittsburgh, Pa.
WEIL, JONAS,	Minneapolis, Minn.
WEIMER, ALBERT B.,	Philadelphia, Pa.
WELLMAN, ARTHUR H.,	Boston, Mass.
WELLS, BEN H.,	Jackson, Miss.
WELLS, FRANK,	Oklahoma City, O. T.
WELLS, H. R.,	Preston, Minn.
WELLS, ROLLIN J.,	Sioux Falls, S. D.
WELSH, JAMES J.,	Galesburg, Ill.
WENZELL, HENRY BURLEIGH,	St. Paul, Minn.
WEST, JOEL W.,	Omaha, Neb.
WEST, PRESTON C.,	Muskogee, I. T.
WEST, ROY O.,	Chicago, Ill.
WESTFALL, WILLIAM P.,	St. Paul, Minn.
WESTON, ROBERT DICKSON,	Boston, Mass.
WETMORE, EDMUND,	New York, N. Y.
WHALEY, SAMUEL,	St. Paul, Minn.
WHEATLEY, G. W.,	Galena, Kan.
WHEELER, ARTHUR DANA,	Chicago, Ill.
WHEELER, EVERETT P.,	New York, N. Y.
WHEELER, SETH S.,	Lima, Ohio.
WHEELWRIGHT, JOHN O. P.,	Minneapolis, Minn.
WHELAN, RALPH,	Minneapolis, Minn.
WHEELS, JOSEPH,	St. Louis, Mo.
WHIPPLE, SHERMAN L.,	Boston, Mass.

WHITE, BENJAMIN T.	Omaha, Neb.
WHITE, GEORGE H.	Chicago, Ill.
WHITE, HENRY C.	New Haven, Conn.
WHITE, LUTHER.	Chicopee, Mass.
WHITE, PETER.	Marquette, Mich.
WHITE, ROBERT.	Wheeling, W. Va.
WHITE, S. HARRISON.	Pueblo, Col.
WHITE, WILLIAM G.	St. Paul, Minn.
WHITELEY, RICHARD H.	Boulder, Col.
WHITELOCK, GEORGE.	Baltimore, Md.
WHITEIDE, HOUSTON.	Hutchinson, Kan.
WHITING, CHARLES S.	De Smet, S. D.
WHITLOCK, HENRY C.	Philadelphia, Pa.
WHITMORE, CHESTER W.	Ottumwa, Iowa.
WHITNEY, EDWARD B.	New York, N. Y.
WHITTED, ELMER E.	Denver, Col.
WHITTEMORE, JAMES.	Detroit, Mich.
WICKHAM, HENRY T.	Richmond, Va.
WIGMAN, J. H. M.	Green Bay, Wis.
WIGMORE, JOHN H.	Chicago, Ill.
WILCOX, ANSLEY.	Buffalo, N. Y.
WILCOX, ELMER A.	Iowa City, Iowa.
WILCOX, P. A.	Florence, S. C.
WILCOX, WESLEY T.	North Platte, Neb.
WILCOX, WILLIAM A.	Scranton, Pa.
WILFLEY, LEBREUS R.	St. Louis, Mo.
WILGUS, HORACE L.	Ann Arbor, Mich.
WILKINSON, ADOLPHUS C.	Crookston, Minn.
WILKINSON, R. A.	St. Paul, Minn.
WILLARD, EDWARD N.	Scranton, Pa.
WILLARD, GEORGE.	Chicago, Ill.
WILLARD, NORMAN P.	Chicago, Ill.
WILCOX, DAVID.	New York, N. Y.
WILCOX, ORLANDO B.	Colorado Springs, Col.
WILLETT, JOSEPH J.	Anniston, Ala.
WILLIAMS, CHARLES U.	Richmond, Va.
WILLIAMS, DAVID W.	Boston, Mass.
WILLIAMS, E. P.	Galesburg, Ill.
WILLIAMS, E. RANDOLPH.	Richmond, Va.
WILLIAMS, FERDINAND.	Cumberland, Md.
WILLIAMS, FRANK B.	Hartford, Conn.
WILLIAMS, HENRY W.	Baltimore, Md.
WILLIAMS, HORACE B.	Dallas, Tex.
WILLIAMS, IRA JEWELL.	Philadelphia, Pa.

WILLIAMS, JAMES C.,	Kansas City, Mo.
WILLIAMS, JOHN G.,	Duluth, Minn.
WILLIAMS, JOHN G.,	Indianapolis, Ind.
WILLIAMS, OLIVER H.,	Westerly, R. I.
WILLIAMS, P. L.,	Salt Lake City, Utah.
WILLIAMS, R. W.,	Tallahassee, Fla.
WILLIAMS, ROBERT L.,	Durant, I. T.
WILLIAMS, SAMUEL C.,	Johnson City, Tenn.
WILLIAMS, STEVENSON A.,	Bel Air, Md.
WILLIAMS, TYRELL,	St. Louis, Mo.
WILLIAMS, W. MOEBY,	Washington, D. C.
WILLIAMS, WM. H.,	Derby, Conn.
WILLIAMSON, CHALMERS M.,	Jackson, Miss.
WILLIAMSON, JAMES F.,	Minneapolis, Minn.
WILLIAMSON, W. PRESTON,	Washington, D. C.
WILLISTON, SAMUEL,	Belmont, Mass.
WILLISTON, W. C.,	Red Wing, Minn.
WILMARTH, A. W.,	Huron, S. D.
WILMER, L. ALLISON,	La Plata, Md.
WILSON, CEPHAS L.,	Marianna, Fla.
WILSON, CHARLES A.,	Providence, R. I.
WILSON, CHARLES M.,	Grand Rapids, Mich.
WILSON, CLARENCE R.,	Washington, D. C.
WILSON, CORYATE S.,	Duluth, Minn.
WILSON, F. A.,	Bangor, Me.
WILSON, GEORGE P.,	Minneapolis, Minn.
WILSON, HENRY H.,	Lincoln, Neb.
WILSON, JOHN R.,	Indianapolis, Ind.
WILSON, NATHANIEL,	Washington, D. C.
WILSON, PERCY R.,	Los Angeles, Cal.
WILSON, WOODROW,	Princeton, N. J.
WIMBISH, W. A.,	Atlanta, Ga.
WINDLE, WILLIAM S.,	West Chester, Pa.
WINEMAN, JACOB B.,	Grand Forks, N. D.
WING, HENRY T.,	New York, N. Y.
WINKLER, FREDERICK C.,	Milwaukee, Wis.
WINSLOW, WILLIAM BEVERLY,	New York, N. Y.
WINTERER, HERMAN,	Valley City, N. D.
WINTERITZ, BENJAMIN A.,	New Castle, Pa.
WISE, JESSE H.,	Pittsburgh, Pa.
WIBLIZENUS, FRED.,	St. Louis, Mo.
WIBWELL, ANDREW P.,	Ellsworth, Me.
WITHINGTON, DAVID L.,	Honolulu, H. T.
WITHROW, JAMES E.,	St. Louis, Mo.

WOLF, GUSTAVE A.,	Grand Rapids, Mich.
WOLFE, W. F.,	La Crosse, Wis.
WOLFE, WILLIAM HENRY, JR.,	Parkersburg, W. Va.
WOLLMAN, HENRY,	New York, N. Y.
WOLVERTON, SIMON P.,	Sunbury, Pa.
WOMACK, T. J.,	Alva, O. T.
WOOD, SOLOMON A.,	Fort Wayne, Ind.
WOOD, STERLING A.,	Birmingham, Ala.
WOODARD, CHARLES F.,	Bangor, Me.
WOODMAN, EDWARD,	Portland, Me.
WOODRUFF, CLINTON ROGERS,	Philadelphia, Pa.
WOODRUFF, EDWIN H.,	Ithaca, N. Y.
WOODRUFF, GEORGE M.,	Litchfield, Conn.
WOODS, CHARLES H.,	Guthrie, O. T.
WOODS, FRANK H.,	Lincoln, Neb.
WOODS, JOHN CARTER BROWN,	Providence, R. I.
WOODS, WILLIAM W.,	Wallace, Ida.
WOODWARD, FREDERIC C.,	Chicago, Ill.
WOOLLEY, JAMES H.,	Grand Island, Neb.
WOOLSEY, THEO. S.,	New Haven, Conn.
WORK, JAMES C.,	Uniontown, Pa.
WORKS, JOHN D.,	Los Angeles, Cal.
WORTHINGTON, WILLIAM,	Cincinnati, Ohio.
WRIGHT, ARTHUR W.,	Austin, Minn.
WRIGHT, CARL C.,	Omaha, Neb.
WRIGHT, CARROLL,	Des Moines, Iowa.
WRIGHT, FRED. B.,	Minneapolis, Minn.
WRIGHT, WILLIAM A.,	New Haven, Conn.
WRIGHTINGTON, S. R.,	Boston, Mass.
WRIGHTSMAN, CHARLES J.,	Pawnee, O. T.
WURTS, JOHN,	New Haven, Conn.
WYMAN, G. H.,	Anoka, Minn.
WYMAN, HENRY A.,	Boston, Mass.
WYSOR, JOSEPH C.,	Pulaski, Va.
YANCEY, DAVID WALKER,	Muskogee, I. T.
YARBELL, LEONIDAS D.,	Emporia, Va.
YEAMAN, CALDWELL,	Denver, Col.
YOUNG, FRANK A.,	Fort Smith, Ark.
YOUNG, DAVID K.,	Clinton, Tenn.
YOUNG, EDWARD B.,	St. Paul, Minn.
YOUNG, EDWARD T.,	St. Paul, Minn.
YOUNG, GEORGE B.,	St. Paul, Minn.
YOUNG, GEORGE R.,	Dayton, Ohio.
YOUNG, HENRY E.,	Charleston, S. C.

ALPHABETICAL LIST OF MEMBERS.

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YOUNG, HOWELL W.,	Minneapolis, Minn.
YOUNG, JOHN S.,	Bel Air, Md.
YOUNG, NEWTON C.,	Fargo, N. D.
YOUNG, W. E.,	Mankato, Minn.
YOUNKER, B. A.,	Des Moines, Iowa.
ZEISLER, SIGMUND,	Chicago, Ill.

STATE LIST OF MEMBERS

1906-1907.

ALABAMA.

BALL, FRED. S.,	Montgomery.
BESTOR, DANIEL P.,	Mobile.
BROMBERG, FREDERICK G.,	Mobile.
COOPER, LAWRENCE,	Huntsville.
DEGRAFFENRIED, EDWARD,	Greensboro.
DENT, S. H., JR.,	Montgomery.
HARRISON, GEORGE P.,	Opelika.
HUNDLEY, OSCAR R.,	Huntsville.
JONES, GEORGE W.,	Montgomery.
LONDON, ALEXANDER T.,	Birmingham.
NATHAN, JOSEPH H.,	Sheffield.
ROULHAC, THOMAS R.,	Sheffield.
RUSSELL, EDWARD L.,	Mobile.
THOMAS, W. H.,	Montgomery.
WEAKLEY, SAMUEL D.,	Birmingham.
WILLETT, JOSEPH J.,	Anniston.
WOOD, STERLING A.,	Birmingham.

ALASKA TERRITORY.

JENNINGS, ROBERT W.,	Juneau.
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ARIZONA TERRITORY.

ELLINWOOD, EVERETT E.,	Bisbee.
HAWKINS, JOHN J.,	Prescott.
KENT, EDWARD,	Phoenix.
MORRISON, ROBERT E.,	Prescott.

ARKANSAS.

ADAMSON, W. C.,	Little Rock.
ARNOLD, WILLIAM H.,	Texarkana.
BRIZZOLARA, JAMES,	Fort Smith.
CANTRELL, DEADERICK H.,	Little Rock.
COCKRILL, ASHLEY,	Little Rock.
COHN, MORRIS M.,	Little Rock.
DOOLEY, P. C.,	Little Rock.
FITZHUGH, HENRY L.,	Fort Smith.
FLETCHER, JOHN,	Little Rock.

ARKANSAS.—Continued.

HICKS, JOHN T.,	Little Rock.
HILL, JOSEPH M.,	Little Rock.
HUGHES, ALLEN,	Jonesboro.
JONES, GUSTAVE,	Newport.
MARTIN, THOMAS B.,	Little Rock.
MILES, OSCAR L.,	Fort Smith.
MOORE, JOHN M.,	Little Rock.
MCDONOUGH, JAMES B.,	Fort Smith.
PEIRCE, EDWARD B.,	Little Rock.
RATCLIFFE, WILLIAM C.,	Little Rock.
READ, JAMES F.,	Fort Smith.
ROSE, GEORGE B.,	Little Rock.
ROSE, U. M.,	Little Rock.
SCOTT, N. B.,	Lake Village.
SMITH, WILLIAM B.,	Little Rock.
STAYTON, JOSEPH M.,	Newport.
TURNER, JESSE,	Van Buren.
WARNER, CHARLES E.,	Fort Smith.
YOUMANS, FRANK A.,	Fort Smith.

CALIFORNIA.

BAILEY, EDWARD C.,	Los Angeles.
BARRY, EDMUND D.,	Pasadena.
BRITT, E. W.,	Los Angeles.
CHICKERING, W. H.,	San Francisco.
CORBET, BURKE,	San Francisco.
DUNNE, P. F.,	San Francisco.
FITZGERALD, JOHN C.,	Pasadena.
FULLER, GEORGE,	Los Angeles.
GIBSON, JAMES A.,	Los Angeles.
GRAFF, M. L.,	Los Angeles.
HELM, LYNN,	Los Angeles.
HUNSAKER, WILLIAM J.,	Los Angeles.
KELLY, WILLIAM E.,	Los Angeles.
LAWLER, OSCAR,	Los Angeles.
MONROE, CHARLES,	Los Angeles.
MUELLER, OSCAR C.,	Los Angeles.
MUNSON, GILBERT D.,	Los Angeles.
MCDONALD, J. WADE,	San Diego.
OLNEY, WARREN,	San Francisco.
ROSE, WALTER T. J.,	Los Angeles.
SCOTT, JOSEPH,	Los Angeles.
SMITH, SAM. FERRY,	San Diego.

CALIFORNIA.—Continued.

TITUS, H. L.,	San Diego.
TRASK, WALTER J.,	Los Angeles.
TRIPPET, OSCAR A.,	Los Angeles.
VAN DYKE, HENRY S.,	Los Angeles.
WILSON, PERCY R.,	Los Angeles.
WORKS, JOHN D.,	Los Angeles.

COLORADO.

ALLEN, GEORGE W.,	Denver.
BABB, HENRY B.,	Denver.
BABBITT, KURNEL R.,	Colorado Springs.
BARTELS, GUSTAVE C.,	Denver.
BENNETT, EDMON G.,	Denver.
BLAIR, JESSE H.,	Denver.
BLOOD, JAMES H.,	Denver.
BONYNGE, ROBERT W.,	Denver.
BOUCK, FRANCIS E.,	Leadville.
BROOKS, FRANKLIN E.,	Colorado Springs.
BRYANT, WILLIAM H.,	Denver.
BUTLER, HUGH,	Denver.
CAMPBELL, NORMAN M.,	Colorado Springs.
CARPENTER, SAMUEL L.,	Denver.
CAVENDER, CHARLES,	Leadville.
CHITTENDEN, GRANVILLE I.,	Denver.
COSTIGAN, EDWARD P.,	Denver.
CURTIS, LEONARD E.,	Colorado Springs.
CUTHBERT, LUCIUS M.,	Denver.
DAVIS, HARRY C.,	Denver.
DAVIS, WALTER W.,	Leadville.
DAWSON, CLYDE C.,	Canon City.
DEVINE, THOMAS H.,	Pueblo.
DINES, ORVILLE L.,	Denver.
DINES, TYSON S.,	Denver.
DIXON, JOHN R.,	Denver.
DORSEY, CLAYTON C.,	Denver.
DUBES, HENRY A.,	Pueblo.
DUNKLEE, GEORGE F.,	Denver.
ELLIS, DANIEL B.,	Denver.
EWING, JOHN A.,	Leadville.
FLEMING, JOHN D.,	Boulder.
FOWLER, JO. A.,	Denver.
GABBERT, WILLIAM H.,	Denver.
GABRIEL, JOHN H.,	Denver.

COLORADO.—Continued.

GAST, CHARLES E.,	Pueblo.
GILES, BRANCH H.,	Denver.
GODDARD, LUTHER M.,	Denver.
GOVE, FRANK E.,	Denver.
GREGG, FRANK E.,	Denver.
GRIER, ALBERT E.,	Denver.
GROZIER, JOSHUA,	Denver.
GUNNELL, A. T.,	Colorado Springs.
GUNTER, JULIUS C.,	Denver.
HAGGOTT, W. A.,	Idaho Springs.
HALL, HENRY C.,	Colorado Springs.
HALLETT, MOSES,	Denver.
HAMLIN, CLARENCE C.,	Colorado Springs.
HARDCASTLE, THOMAS H.,	Denver.
HARRINGTON, FRED.,	Denver.
HARRISON, WILLIAM B.,	Denver.
HARTMAN, WILLIAM L.,	Pueblo.
HAYNES, H. N.,	Greeley.
HAYT, CHARLES D.,	Denver.
HERRINGTON, CASS E.,	Denver.
HERSEY, HENRY J.,	Denver.
HODGES, GEORGE L.,	Denver.
HODGES, WILLIAM V.,	Denver.
HOOD, THOMAS H.,	Denver.
HOYT, LUCIUS W.,	Denver.
HUGHES, CHARLES J., JR.,	Denver.
KILLIAN, JAMES R.,	Denver.
KNABEL, ERNEST,	Denver.
LEWIS, ROBERT E.,	Denver.
LINDSLEY, HENRY A.,	Denver.
LUNT, HORACE G.,	Colorado Springs.
MANLY, GEORGE C.,	Denver.
MAY, HENRY F.,	Denver.
MILLS, J. WARNER,	Denver.
MCALLISTER, HENRY, JR.,	Colorado Springs.
MCCREERY, JAMES W.,	Greeley.
McKNIGHT, RICHARD,	Denver.
OAKES, EDWARD L.,	Telluride.
O'DONNELL, THOMAS J.,	Denver.
PARSONS, CHARLES C.,	Denver.
REDDIN, JOHN H.,	Denver.
REGENNITER, ERWIN L.,	Idaho Springs.
RIDDELL, HARVEY,	Denver.
ROGERS, HENRY T.,	Denver.

COLORADO—Continued.

ROGERS, PLATT,	Denver.
SHAFBOTH, JOHN F.,	Denver.
SMITH, JOHN R.,	Denver.
STEELE, ROBERT W.,	Denver.
STEVENSON, ARCHIE M.,	Denver.
STEVICK, GUY LEROY,	Denver.
STIMSON, EDWARD C.,	Denver.
TATUM, LOUIS R.,	Denver.
TEARS, DANIEL W.,	Denver.
TEBBETTS, WILLIAM B.,	Denver.
THAYER, RUFUS C.,	Colorado Springs.
THOMAS, CHARLES S.,	Denver.
THOMSON, CHARLES I.,	Denver.
TONEY, STERLING B.,	Denver.
TROWBRIDGE, HENRY,	Colorado Springs.
VAILE, JOEL F.,	Denver.
VANCISE, EDWIN,	Denver.
VATES, WILLIAM B.,	Pueblo.
WALLING, STUART D.,	Denver.
WARNER, STANLEY CLARK,	Denver.
WATERMAN, CHARLES W.,	Denver.
WHITE, S. HARRISON,	Pueblo.
WHITELEY, RICHARD H.,	Boulder.
WHITTED, ELMER E.,	Denver.
WILLCOX, ORLANDO B.,	Colorado Springs.
YEAMAN, CALDWELL,	Denver.

CONNECTICUT.

ARVINE, E. P.,	New Haven.
BALDWIN, SIMEON E.,	New Haven.
BEARDSLEY, MORRIS B.,	Bridgeport.
BEERS, GEORGE E.,	New Haven.
BRISCOE, CHARLES H.,	Hartford.
CLEAVELAND, LIVINGSTON W.,	New Haven.
CONANT, GEORGE A.,	Hartford.
CULVER, M. EUGENE,	Middletown.
CURTIS, JULIUS B.,	Stamford.
GAGER, EDWIN B.,	Derby.
HARRIMAN, EDWARD AVERY,	Derby.
HARRISON, LYNDE,	New Haven.
HYDE, WILLIAM W.,	Hartford.
IVES, J. MOSS,	Danbury.
KNAPP, HOWARD H.,	Bridgeport.

CONNECTICUT.—Continued.

MALTBIE, THEODORE M.,	Hartford.
MITCHELL, CHARLES E.,	New Britain.
NEWTON, HENRY G.,	New Haven.
PECK, EPAPHRODITUS,	Bristol.
PHELAN, JOHN J.,	Bridgeport.
PHELPS, CHARLES,	Rockville.
PIERCE, WILSON H.,	Waterbury.
RAYNOLDS, EDWARD V.,	New Haven.
ROBBINS, EDWARD D.,	Hartford.
ROGERS, EDWARD H.,	New Haven.
ROGERS, HENRY WADE,	New Haven.
RUSSELL, TALCOTT H.,	New Haven.
SCOTT, HOWARD B.,	Danbury.
SEARLES, CHARLES E.,	Putnam.
STANTON, LEWIS E.,	Hartford.
STODDARD, WILLIAM B.,	New Haven.
TOWNSEND, WILLIAM K.,	New Haven.
TUTTLE, J. BIRNEY,	New Haven.
WALSH, R. JAY,	Greenwich.
WARNER, DONALD T.,	Salisbury.
WATROUS, GEORGE T.,	New Haven.
WEBB, JAMES H.,	New Haven.
WHITE, HENRY C.,	New Haven.
WILLIAMS, FRANK B.,	Hartford.
WILLIAMS, WILLIAM H.,	Derby.
WOODRUFF, GEORGE M.,	Litchfield.
WOOLSEY, THEO. S.,	New Haven.
WRIGHT, WILLIAM A.,	New Haven.
WURTS, JOHN,	New Haven.

DELAWARE.

BRADFORD, EDWARD G.,	Wilmington.
GARLAND, SPOTTSWOOD,	Wilmington.
GRAY, GEORGE,	Wilmington.
HIGGINS, ANTHONY,	Wilmington.
HILLES, WILLIAM S.,	Wilmington.
LORE, CHARLES B.,	Wilmington.
NICHOLSON, JOHN R.,	Dover.
NIELDS, BENJAMIN,	Wilmington.
NIELDS, JOHN P.,	Wilmington.
SAULSBURY, WILLARD,	Wilmington.
WARD, HERBERT H.,	Wilmington.

DISTRICT OF COLUMBIA.

ABERT, WILLIAM STONE,	Washington.
ANDERSON, THOMAS H.,	Washington.
ASHTON, J. HUBLEY,	Washington.
ATKINS, JOSEPH L.,	Washington.
BAKER, DANIEL W.,	Washington.
BARNARD, RALPH P.,	Washington.
BERRY, WALTER V. R.,	Washington.
BINGHAM, EDWARD F.,	Washington.
BLAIR, JOHN S.,	Washington.
BOND, SAMUEL R.,	Washington.
BRADLEY, ANDREW Y.,	Washington.
BREWER, DAVID J.,	Washington.
BRITTON, ALEXANDER,	Washington.
BROWN, CHAPIN,	Washington.
BROWNE, ALDIS B.,	Washington.
BROWNE, ARTHUR S.,	Washington.
CHURCH, JOSEPH B.,	Washington.
CHURCH, MELVILLE,	Washington.
CLEPHANE, WALTER C.,	Washington.
COLBERT, MICHAEL J.,	Washington.
DAVIS, GEORGE B.,	Washington.
DAVIS, HENRY E.,	Washington.
DODGE, WILLIAM W.,	Washington.
DONALDSON, R. GOLDEN,	Washington.
DOOLITTLE, H. P.,	Washington.
DOWELL, JULIAN C.,	Washington.
DUNLOP, G. THOMAS,	Washington.
EARNE-T, JOHN PAUL,	Washington.
EDMONSTON, WILLIAM E.,	Washington.
EDSON, JOSEPH R.,	Washington.
FISHER, ROBERT J.,	Washington.
FISHER, SAMUEL T.,	Washington.
FLANNERY, JOHN SPALDING,	Washington.
FOSTER, CHARLES E.,	Washington.
FRAZIER, ROBERT T.,	Washington.
GARFIELD, JAMES R.,	Washington.
GREELEY, ARTHUR P.,	Washington.
HAGNER, ALEXANDER B.,	Washington.
HAMILTON, GEORGE EARNEST,	Washington.
HAYDEN, JAMES H.,	Washington.
HOWARD, GEORGE H.,	Washington.
KAPPLER, CHARLES J.,	Washington.
KING, GEORGE A.,	Washington.
KING, WILLIAM B.,	Washington.

DISTRICT OF COLUMBIA.—Continued.

LANCASTER, CHARLES C.,	Washington.
LARNER, JOHN B.,	Washington.
LECKIE, A. E. L.,	Washington.
MACVEAGH, WAYNE,	Washington.
MADDOX, SAMUEL,	Washington.
MAURO, PHILIP,	Washington.
MICHENER, L. T.,	Washington.
MILLAN, WILLIAM W.,	Washington.
MINOR, BENJAMIN S.,	Washington.
MOHUN, BARRY,	Washington.
MORRIS, M. F.,	Washington.
MORSE, A. PORTER,	Washington.
MCCAMMON, JOSEPH K.,	Washington.
MCGILL, J. NOTA,	Washington.
McKENNEY, FREDERIC D.,	Washington.
NEEDHAM, CHARLES W.,	Washington.
PAGE, THOMAS NELSON,	Washington.
PAYNE, JAMES G.,	Washington.
PERRY, R. ROSS, JR.,	Washington.
PETER, ARTHUR,	Washington.
RALSTON, JACKSON H.,	Washington.
ROGERS, WALTER F.,	Washington.
SELDEN, JOHN,	Washington.
SEYMOUR, HENRY A.,	Washington.
SHEPARD, SETH,	Washington.
SHIRAS, GEORGE, JR.,	Washington.
SIDDONS, FREDERICK L.,	Washington.
SMALL, WILLIAM F.,	Washington.
SMITH, LUTHER R.,	Washington.
SNOW, ALPHEUS H.,	Washington.
SPEAR, ELLIS,	Washington.
STURTEVANT, CHARLES L.,	Washington.
SYME, CONRAD H.,	Washington.
TAYLOR, HANNIS,	Washington.
THOM, ALFRED P.,	Washington.
THOM, CORCORAN,	Washington.
THOMPSON, JOHN B.,	Washington.
THURSTON, JOHN M.,	Washington.
TUCKER, CHARLES C.,	Washington.
VANCE, WILLIAM R.,	Washington.
WALTON, CLIFFORD S.,	Washington.
WILLIAMS, W. MOSBY,	Washington.
WILLIAMSON, W. PRESTON,	Washington.
WILSON, CLARENCE R.,	Washington.
WILSON, NATHANIEL,	Washington.

FLORIDA.

ADAMS, CHARLES S.,	Jacksonville.
AVERY, JOHN C.,	Pensacola.
AXTELL, EZRA P.,	Jacksonville.
BAKER, ROBERT A.,	Jacksonville.
BAKER, WILLIAM H.,	Jacksonville.
BARRS, JOHN M.,	Jacksonville.
BEDELL, GEORGE C.,	Jacksonville.
BIBBEE, HORATIO,	Jacksonville.
BLOUNT, WILLIAM A.,	Pensacola.
BOSTWICK, WILLIAM M., JR.,	Jacksonville.
BROWN, WILLIAM,	Jacksonville.
BRYAN, NATHAN P.,	Jacksonville.
BRYAN, WILLIAM JAMES,	Jacksonville.
BUCKMAN, HENRY H.,	Jacksonville.
CLARKSON, WALTER B.,	Jacksonville.
DODGE, JOHN W.,	Jacksonville.
DOGGETT, JOHN L.,	Jacksonville.
DOIG, D. H.,	Jacksonville.
FLETCHER, DUNCAN U.,	Jacksonville.
GIBBONS, CROMWELL,	Jacksonville.
GLEN, JAMES F.,	Tampa.
HARTRIDGE, JOHN E.,	Jacksonville.
HARWICK, WILLIAM G.,	Jacksonville.
HODGES, WILLIAM C.,	Tallahassee.
LIDDON, BENJ. S.,	Marianna.
MASSEY, LOUIS C.,	Orlando.
MAXWELL, JOHN S.,	Jacksonville.
MCGARRY, THOMAS F.,	Jacksonville.
PHILIPS, HENRY B.,	Jacksonville.
PRICE, WILLIAM H.,	Marianna.
RINEHART, C. D.,	Jacksonville.
ROBBINS, GEORGE M.,	Titusville.
TOOMER, W. M.,	Jacksonville.
WATSON, WILL H.,	Marianna.
WILLIAMS, R. W.,	Tallahassee.
WILSON, CEPHAS L.,	Marianna.

GEORGIA.

ABBOTT, B. F.,	Atlanta.
ADAMS, SAMUEL B.,	Savannah.
AKIN, JOHN W.,	Cartersville.
ARNOLD, REUBEN R.,	Atlanta.
BARTLETT, CHARLES L.,	Macon.
BRANDON, MORRIS,	Atlanta.

GEORGIA.—Continued.

BROWN, EDWARD T.,	Atlanta.
CANN, GEORGE T.,	Savannah.
CANN, J. FERRIS,	Savannah.
CHARLTON, WALTER G.,	Savannah.
COBB, A. WARD,	Atlanta.
CROVATT, A. J.,	Brunswick.
CUMMING, JOSEPH B.,	Augusta.
CUNNINGHAM, HENRY C.,	Savannah.
CUNNINGHAM, T. M., JR.,	Savannah.
DALEY, A. F.,	Wrightsville.
DELACY, JOHN F.,	Eastman.
DONALSON, JOHN E.,	Bainbridge.
DUBIGNON, FLEMING G.,	Atlanta.
ELLIS, W. D.,	Atlanta.
FOGARTY, D. G.,	Augusta.
GARRARD, LOUIS F.,	Columbus.
GOETCHIUS, HENRY R.,	Columbus.
GORDON, WILLIAM W., JR.,	Savannah.
HAMMOND, WILLIAM R.,	Atlanta.
HARRIS, MARION W.,	Macon.
KAY, WILLIAM E.,	Brunswick.
LAMAR, JOSEPH R.,	Augusta.
LAWTON, ALEXANDER R.,	Savannah.
LEAKEN, WILLIAM R.,	Savannah.
MACKALL, WILLIAM W.,	Savannah.
MELDRIM, P. W.,	Savannah.
MERRILL, JOSEPH HANSELL,	Thomasville.
MILLER, FRANK H.,	Augusta.
MILLER, WILLIAM K.,	Augusta.
MCALPIN, HENRY,	Savannah.
MCWHORTER, HAMILTON,	Athens.
O'BYRNE, M. A.,	Savannah.
OWENS, GEORGE W.,	Savannah.
PRESSLY, CHARLES P.,	Augusta.
SEABROOK, PAUL E.,	Pineora.
SMITH, BURTON,	Atlanta.
STRICKLAND, JOHN J.,	Athens.
WIMBISH, W. A.,	Atlanta.

HAWAII TERRITORY.

CASTLE, WILLIAM R.,	Honolulu.
DICKEY, LYLE A.,	Honolulu.
SMITH, WILLIAM O.,	Honolulu.
WITHINGTON, DAVID L.,	Honolulu.

IDAHO.

BABB, JAMES E.,	Lewiston.
HEYBURN, WELDON B. (Washington, D. C.), . .	Wallace.
MERRIMAN, CHARLES A.,	Idaho Falls.
WOODS, WILLIAM W.,	Wallace.

ILLINOIS.

ADAMS, ELMER H.,	Chicago.
BALDWIN, HENRY R.,	Chicago.
BALDWIN, JESSE A.,	Chicago.
BANCROFT, EDGAR A.,	Chicago.
BANNING, EPHRAIM,	Chicago.
BARNES, ALBERT C.,	Chicago.
BARNETT, OTTO R.,	Chicago.
BARTON, GEORGE P.,	Chicago.
BEACH, MYRON H.,	Chicago.
BEALE, WILLIAM G.,	Chicago.
BENTLEY, FREDERICK W.,	Chicago.
BETHEA, SOLOMON H.,	Chicago.
BILLINGS, CHARLES L.,	Chicago.
BIRD, HARRY L.,	Chicago.
BOYS, WILLIAM H.,	Streator.
BRADWELL, JAMES B.,	Chicago.
BROWN, CHARLES A.,	Chicago.
BROWN, EDWARD O.,	Chicago.
BROWN, TAYLOR E.,	Chicago.
BURNHAM, TELFORD,	Chicago.
BURROUGHS, BENJAMIN R.,	Edwardsville.
BURRY, WILLIAM,	Chicago.
BUTLER, RUSH C.,	Chicago.
BYRNES, DANIEL,	Chicago.
CAMPBELL, D. A.,	Chicago.
CAPEN, CHARLES L.,	Bloomington.
CARPENTER, GEORGE A.,	Chicago.
CARTER, HENRY W.,	Chicago.
CASSADAY, ELDON J.,	Chicago.
CATE, ALBION,	Chicago.
CHANCELLOR, JUSTUS,	Chicago.
CHANDLER, JOSEPH H.,	Chicago.
CHYTRAUS, AXEL,	Chicago.
CURRAN, WILLIAM R.,	Pekin.
CUTTING, CHARLES C.,	Chicago.
DANIELS, FRANCIS B.,	Chicago.
DAVID, JOSEPH B.,	Chicago.

ILLINOIS.—Continued.

DAVIS, BRODE B.,	Chicago.
DAWES, CHESTER M.,	Chicago.
DENEEN, CHARLES S. (Springfield, Ill.),	Chicago.
DENT, THOMAS,	Chicago.
DICKINSON, J. M.,	Chicago.
DICKINSON, J. R.,	Chicago.
DOUGLASS, GEORGE L.,	Chicago.
DUNCOMBE, H. S.,	Chicago.
DUNLAP, ROBERT,	Chicago.
DYRENFORTH, PHILIP C.,	Chicago.
DYRENFORTH, WILLIAM H.,	Chicago.
EASTMAN, SIDNEY C.,	Chicago.
ELTING, VICTOR,	Chicago.
FOLLANSBEE, GEORGE A.,	Chicago.
FORMAN, W. S.,	East St. Louis.
FROST, E. ALLEN,	Chicago.
FURNESS, WILLIAM ELIOT,	Chicago.
GALE, GEORGE C.,	Chicago.
GARDNER, C. P.,	Mendota.
GARTSIDE, JOHN M.,	Chicago.
GIBBONS, JOHN,	Chicago.
GREEN, ALVAH S.,	Galesburg.
GREGORY, STEPHEN S.,	Chicago.
GRESHAM, OTTO,	Chicago.
GRIDLEY, MARTIN M.,	Chicago.
GROSSCUP, PETER S.,	Chicago.
HAGAN, HENRY M.,	Chicago.
HALL, JAMES PARKER,	Chicago.
HAMLIN, HOWLAND J.,	Springfield.
HARDING, CHARLES F.,	Chicago.
HARKER, OLIVER A.,	Champaign.
HEBARD, FREDERIC S.,	Chicago.
HERRICK, JOHN J.,	Chicago.
HILL, LYSANDER,	Chicago.
HOLDOM, JESSE,	Chicago.
HUNTER, WILLIAM R.,	Kankakee.
HURD, HARRY B.,	Chicago.
HYDE, JAMES W.,	Chicago.
IVES, MORSE,	Chicago.
JEFFERSON, CARL S.,	Chicago.
JOHNSON, FRANK ASBURY,	Chicago.
JUNKIN, FRANCIS T. A.,	Chicago.
KARCHER, GEORGE H.,	Chicago.
KENNA, EDWARD D.,	Chicago.

ILLINOIS.—Continued.

KIES, WILLIAM S.,	Chicago.
KNIGHT, THOMAS D.,	Chicago.
KRAMER, EDWARD C.,	East St. Louis.
KRETZINGER, GEORGE W.,	Chicago.
LACKNER, FRANCIS,	Chicago.
LAWRENCE, GEORGE A.,	Galesburg.
LAWSON, WILLIAM C.,	Chicago.
LEE, BLEWETT,	Chicago.
LEVINSON, S. O.,	Chicago.
LOESCH, FRANK J.,	Chicago.
LOWDEN, FRANK O.,	Chicago.
MACCHESNEY, NATHAN W.,	Chicago.
MACK, JULIAN W.,	Chicago.
MARTIN, HORACE H.,	Chicago.
MATHENY, JAMES H.,	Springfield.
MATHER, ROBERT,	Chicago.
MAYER, LEVY,	Chicago.
MECARTEY, HARRY S.,	Chicago.
MECHEM, FLOYD R.,	Chicago.
MEISE, WILLIAM A.,	Moline.
MERRICK, GEORGE PECK,	Chicago.
MILLARD, W. D.,	Chicago.
MILLER, JOHN S.,	Chicago.
MUSGRAVE, HARRISON,	Chicago.
MCARDLE, P. L.,	Chicago.
MCCORDIC, ALFRED E.,	Chicago.
MCCULLOCH, FRANK H.,	Chicago.
MCELROY, JOHN H.,	Chicago.
MCGOORTY, JOHN P.,	Chicago.
NEWMAN, JACOB,	Chicago.
NIBLACK, WILLIAM C.,	Chicago.
NORTHROP, ELLIOTT J.,	Urbana.
OFFIELD, CHARLES K.,	Chicago.
OGDEN, HOWARD N.,	Chicago.
OTIS, EPHRAIM A.,	Chicago.
PADEN, JOSEPH E.,	Chicago.
PAGE, GEORGE T.,	Peoria.
PARKER, LEWIS W.,	Chicago.
PARKINSON, ROBERT H.,	Chicago.
PEABODY, AUGUSTUS S.,	Chicago.
PEARSON, HAYNIE R.,	Chicago.
PETERSON, JAMES A.,	Chicago.
PECK, GEORGE R.,	Chicago.
PICKETT, CHARLES C.,	Urbana.

ILLINOIS.—Continued.

PINCKNEY, MERRITT W.,	Chicago.
PINGREY, D. H.,	Bloomington.
POPPENHUSEN, CONRAD H.,	Chicago.
POST, PHILIP S.,	Galesburg,
PRUSSING, EUGENE E.,	Chicago.
RAYMOND, JAMES H.,	Chicago.
RECTOR, EDWARD,	Chicago.
REED, FRANK F.,	Chicago.
REEVES, WALTER,	Streator.
RICHARDS, JOHN T.,	Chicago.
RICHBERG, JOHN C.,	Chicago.
RINAHER, JOHN I.,	Carlinville.
RITTSHER, EDWARD C.,	Chicago.
ROBBINS, HENRY S.,	Chicago.
ROGERS, ELMER E.,	Chicago.
ROGERS, GEORGE MILLS,	Chicago.
ROSENTHAL, LESSING,	Chicago.
RUBENS, HARRY,	Chicago.
RUNNELLS, JOHN S.,	Chicago.
RYON, OSCAR B.,	Streator.
SANDERS, GEORGE A.,	Springfield.
SAUTER, L. E.,	Chicago.
SCOTT, FRANK H.,	Chicago.
SCOTT, JAMES B.,	Champaign.
SHEEAN, JAMES M.,	Chicago.
SHERIDAN, JAMES JAY,	Chicago.
SHERIFF, ANDREW R.,	Chicago.
SHERMAN, E. B.,	Chicago.
SIDLEY, WILLIAM P.,	Chicago.
SMITH, FREDERICK A.,	Chicago.
SMITH, PLINY B.,	Chicago.
SMULSKI, JOHN F.,	Chicago.
STARR, MERRITT,	Chicago.
STEPHENS, REDMOND D.,	Chicago.
STEVENS, JOHN S.,	Peoria.
STILLMAN, HERMAN W.,	Chicago.
STRAWN, SILAS H.,	Chicago.
TAYLOR, THOMAS, JR.,	Chicago.
TENNEY, HORACE KENT,	Chicago.
THOMAN, LEROY D.,	Chicago.
THORNTON, CHARLES S.,	Chicago.
TOWLE, HENRY S.,	Chicago.
ULLMAN, FREDERIC,	Chicago.
URION, ALFRED R.,	Chicago.

ILLINOIS.—Continued.

VROMAN, CHARLES E.,	Chicago.
WALL, GEORGE W.,	Chicago.
WARVELLE, GEORGE W.,	Chicago.
WASHBURN, WILLIAM D.,	Chicago.
WELSH, JAMES J.,	Galesburg.
WEST, ROY O.,	Chicago.
WHEELER, ARTHUR DANA,	Chicago.
WHITE, GEORGE H.,	Chicago.
WIGMORE, JOHN H.,	Chicago.
WILLARD, GEORGE,	Chicago.
WILLARD, NORMAN P.,	Chicago.
WILLIAMS, E. P.,	Galesburg.
WOODWARD, FREDERIC C.,	Chicago.
ZEISLER, SIGMUND,	Chicago.

INDIAN TERRITORY.

BLED SOE, S. T.,	Ardmore.
DAVENPORT, JAMES S.,	Vinita.
GUERRIER, S.,	South McAlester
JACKSON, CLIFFORD L.,	Muskogee.
KORNEGAY, W. H.,	Vinita.
LEDBETTER, WALTER A.,	Ardmore.
RALLS, JOSEPH G.,	Atoka.
SHARP, J. F.,	Purcell.
WEST, PRESTON C.,	Muskogee.
WILLIAMS, ROBERT L.,	Durant.
YANCEY, DAVID WALKER,	Muskogee.

INDIANA.

BAKER, CHARLES S.,	Columbus.
BARRETT, JAMES M.,	Fort Wayne.
BARTHOLOMEW, PLINY W.,	Indianapolis.
BEAUCHAMP, ROBERT B.,	Tipton.
BRADFORD, CHESTER,	Indianapolis.
BRADY, ARTHUR W.,	Anderson.
BREEN, WILLIAM P.,	Fort Wayne.
BUTLER, NOBLE C.,	Indianapolis.
CARSON, JOHN F.,	Indianapolis.
CHAMBERS, SMILEY N.,	Indianapolis.
CHIPMAN, MARCELLUS A.,	Anderson.
CLAPHAM, WILLIAM E.,	Indianapolis.
CLARKE, GEORGE E.,	South Bend.
COOK, SAMUEL E.,	Huntington.

INDIANA.—Continued.

CUNNINGHAM, GEORGE A.,	Evansville.
DANIELS, EDWARD,	Indianapolis.
DAVIS, SYDNEY B.,	Terre Haute.
DAVIS, THEODORE P.,	Indianapolis.
DYE, JOHN T.,	Indianapolis.
ELLIOTT, WILLIAM F.,	Indianapolis.
EVANS, ROWLAND,	Indianapolis.
EWING, JOHN G.,	Notre Dame.
FAIRBANKS, CHARLES W.,	Indianapolis.
FESLER, JAMES WILLIAM,	Indianapolis.
FRASER, DANIEL,	Fowler.
FREY, PHILIP W.,	Evansville.
FUNKHOUSER, ARTHUR F.,	Evansville.
GOULD, JOHN H.,	Delphi.
HAMMOND, EDWIN P.,	Lafayette.
HAWKINS, ROSCOE O.,	Indianapolis.
HAYWOOD, GEORGE P.,	Lafayette.
HEATON, OWEN N.,	Fort Wayne.
HEPBURN, CHARLES M.,	Bloomington.
HOGATE, ENOCH G.,	Bloomington.
HOPKINS, MURAT W.,	Indianapolis.
INGLER, FRANCIS M.,	Muncie.
ISHAM, WILLIAM H.,	Fowler.
JAMESON, OVID B.,	Indianapolis.
JOSS, FREDERICK A.,	Indianapolis.
KELLEY, WILLIAM H.,	Richmond.
KERN, JOHN W.,	Indianapolis.
KETCHAM, WILLIAM A.,	Indianapolis.
LESH, U. S.,	Huntington.
LOCKWOOD, VIRGIL H.,	Indianapolis.
MARTINDALE, CHARLES,	Indianapolis.
MILLER, CHARLES W.,	Goshen.
MONTGOMERY, OSCAR H.,	Seymour.
MOORES, CHARLES W.,	Indianapolis.
MOORES, MERRILL,	Indianapolis.
MORRIS, JOHN, JR.,	Fort Wayne.
MYERS, QUINCY A.,	Logansport.
NEWBERGER, LOUIS,	Indianapolis.
NOEL, JAMES W.,	Indianapolis.
PALMER, TRUMAN F.,	Monticello.
PENFIELD, W. L. (State Dept., Washington, D.C.),	Auburn.
PICKENS, SAMUEL O.,	Indianapolis.
PICKENS, WILLIAM A.,	Indianapolis.
ROBY, FRANK S.,	Auburn.

INDIANA—Continued.

ROSE, JAMES E.,	Auburn.
ROSE, JAMES H.,	Auburn.
RUPE, JOHN L.,	Richmond.
SAYLER, SAMUEL M.,	Huntington.
SELLERS, EMOBY B.,	Monticello.
SIMMS, DAN W.,	Lafayette.
SMITH, ALONZO GREENE,	Indianapolis.
SMITH, CHARLES W.,	Indianapolis.
SNYDER, CHARLES M.,	Fowler.
SPENCER, CHARLES C.,	Monticello.
STEVENSON, ELMER E.,	Indianapolis.
STUART, WILLIAM V.,	Lafayette.
SWAN, ELBERT M.,	Rockport.
TAYLOR, R. S.,	Fort Wayne.
TAYLOR, WILLIAM L.,	Indianapolis.
TUTHILL, HARRY B.,	Michigan City.
VESEY, ALLEN J.,	Fort Wayne.
VESEY, WILLIAM J.,	Fort Wayne.
WILLIAMS, JOHN G.,	Indianapolis.
WILSON, JOHN R.,	Indianapolis.
WOOD, SOLOMON A.,	Fort Wayne.

IOWA.

ALLISON, WILLIAM B.,	Dubuque.
BALDWIN, W. W.,	Burlington.
BURK, W. D.,	Muscatine.
CANADAY, WALTER,	Melbourne.
CARR, E. M.,	Manchester.
CLIGGETT, JOHN,	Mason City.
COLE, CHESTER C.,	Des Moines.
CRAIG, JOHN E.,	Keokuk.
CROSBY, JAMES O.,	Garnavillo.
CUMMINS, A. B.,	Des Moines.
DALE, HORATIO F.,	Des Moines.
DAVIS, JAMES C.,	Des Moines.
DEERY, JOHN,	Dubuque.
DEVITT, J. F.,	Muscatine.
DUDLEY, CHARLES A.,	Des Moines.
EATON, WILLIAM L.,	Osage.
FLICKINGER, ISAAC N.,	Council Bluffs.
GREGORY, CHARLES NOBLE,	Iowa City.
GUERNSEY, NATHANIEL T.,	Des Moines.
HARVISON, WILLIAM G.,	Des Moines.

IOWA.—Continued.

HOLSMAN, HENRY B.,	Guthrie Center.
HOWELL, WILLIAM C.,	Keokuk.
KNIGHT, W. J.,	Dubuque.
LENEHAN, DANIEL F.,	Dubuque.
MATTHEW, MATTHEW C.,	Dubuque.
MOFFIT, JOHN T.,	Tipton.
MOORE, WILLIAM F.,	Guthrie Center.
MURPHY, DANIEL D.,	Elkader.
MCCLAINE, EMLIN,	Iowa City.
MCCONLOGUE, JAMES H.,	Mason City.
MCPHERSON, SMITH,	Red Oak.
NORRIS, WILLIAM H.,	Manchester.
QUARTON, WILLIAM B.,	Algona.
REED, CARL W.,	Cresco.
REED, H. T.,	Cresco.
ROBERTS, W. J.,	Keokuk.
ROBINSON, GIFFORD S.,	Sioux City.
SAWYER, HAZEN I.,	Keokuk.
SEEVERS, GEORGE W.,	Oskaloosa.
SHERWIN, JOHN C.,	Mason City.
SHIRAS, OLIVER P.,	Dubuque.
STILLMAN, WALTER S. (Omaha, Neb.),	Council Bluffs.
SWETTING, ERNEST V.,	Algona.
SWISHER, A. E.,	Iowa City.
WADE, M. J.,	Iowa City.
WALSH, MARK A.,	Clinton.
WHITMORE CHESTER W.,	Ottumwa.
WILCOX, ELMER A.,	Iowa City.
WRIGHT, CARROLL,	Des Moines.
YOUNKER, B. A.,	Des Moines.

KANSAS.

ATKINSON, W. D.,	Parsons.
ATWOOD, JOHN H.,	Leavenworth.
BENTON, C. E.,	Fort Scott.
BIDDLE, W. R.,	Fort Scott.
BOND, LEE,	Leavenworth.
BROWN, SHELBY C.,	Chanute.
BROWN, W. L.,	Arkansas City.
BUCKMAN, G. H.,	Winfield.
CAMPBELL, J. J.,	Pittsburg.
CAMPBELL, PHILIP P.,	Pittsburg.
CLARK, ELMER C.,	Oswego.
CONANT, ERNEST B.,	Topeka.

KANSAS.—Continued.

CONLON, CHARLES J.,	Atchison.
CRAIN, JOHN H.,	Fort Scott.
DANA, HOWARD,	Coffeyville.
DILLARD, W. P.,	Fort Scott.
DOSTER, FRANK,	Topeka.
ERGENBRIGHT, O. P.,	Independence.
FITZPATRICK, W. S.,	Sedan.
FITZWILLIAM, F. P.,	Leavenworth.
GAITSKILL, BENNETT S.,	Girard.
GLEED, J. WILLIS,	Topeka.
GREEN, J. W.,	Lawrence.
HACKNEY, W. P.,	Winfield.
HIGGINS, WILLIAM E.,	Lawrence.
HOLT, WILLIAM G.,	Kansas City.
HUDSON, B. F.,	Atchison.
HULETT, C. E.,	Fort Scott.
JACKSON, ALFRED M.,	Winfield.
JACKSON, WILLIAM A.,	Atchison.
JONES, JOHN J.,	Chanute.
KEENE, A. M.,	Fort Scott.
KRETSINGER, W. S.,	Emporia.
LAFFERTY, J. T.,	Winfield.
LARIMER, JEREMIAH B.,	Topeka.
LOOMIS, M. F.,	Topeka.
LOVE, J. MACK,	Arkansas City.
MILLIKEN, JOHN D.,	McPherson.
MOORE, J. MCCABE,	Kansas City.
MULVANE, DAVID W.,	Topeka.
MCNEIL, C. A.,	Columbus.
ORR, JAMES W.,	Atchison.
PERKINS, LUCIUS H.,	Lawrence.
POLLOCK, JOHN C.,	Winfield.
PORTER, SILAS,	Kansas City.
ROSSINGTON, WILLIAM H.,	Topeka.
SCANDRETT, HENRY A.,	Topeka.
SLONCEKER, J. G.,	Topeka.
SMITH, CHARLES B.,	Topeka.
SMITH, CHARLES W.,	Stockton.
SPROUL, W. H.,	Sedan.
TURNER, ROBERT WILSON,	Mankato.
WAGGENER, BALIE P.,	Atchison.
WAGGENER, WILLIAM P.,	Atchison.
WHEATLEY, G. W.,	Galena.
WHITESIDE, HOUSTON,	Hutchinson.

KENTUCKY.

ALLEN, JOHN R.,	Lexington.
ALLEN, LAFON,	Louisville.
BASKIN, JOHN B.,	Louisville.
BRANDEIS, ALBERT S.,	Louisville.
BRUCE, HELM,	Louisville.
BULLITT, THOMAS W.,	Louisville.
BULLITT, WILLIAM MARSHALL,	Louisville.
BURNETT, HENRY,	Louisville.
CALHOUN, C. C. (Washington, D. C.),	Lexington.
COX, ATTILLA, JR.,	Louisville.
DOOLAN, JOHN C.,	Louisville.
ELLIS, W. T.,	Owensboro.
FAIRLEIGH, JAMES FRANKLIN,	Louisville.
FLEXNER, BERNARD,	Louisville.
GILBERT, GEORGE G.,	Shelbyville.
GRUBBS, CHARLES S.,	Louisville.
HALL, WALKER C.,	Covington.
HARRIS, W. O.,	Louisville.
HELM, JAMES P.,	Louisville.
HUGHES, D. H.,	Paducah.
KOHN, AARON,	Louisville.
MACKOY, HARRY BRENT,	Covington.
MACKOY, WILLIAM H. (Cincinnati, O.),	Covington.
MACPHERSON, ERNEST,	Louisville.
MORTON, J. R.,	Lexington.
MCDERMOTT, EDWARD J.,	Louisville.
RAY, CHARLES T.,	Louisville.
REED, WILLIAM M.,	Paducah.
ROUSE, SHELLEY D.,	Covington.
SHERLEY, SWAGAR,	Louisville.
STONE, HENRY L.,	Louisville.
THORNTON, ROBERT A.,	Lexington.
THUM, WILLIAM WARWICK,	Louisville.
TOMLIN, JOHN G.,	Walton.
TRABUE, EDMUND F.,	Louisville.
WATTS, WILLIAM W.,	Louisville.

LOUISIANA.

ALEXANDER, TALIAFERRO,	Shreveport.
BARRET, THOMAS C.,	Shreveport.
BENEDICT, WILLIAM S.,	New Orleans.
BRICE, ALBERT G.,	New Orleans.
CAFFERY, DONELSON,	Franklin.

LOUISIANA.—Continued.

CAHN, EDGAR M.,	New Orleans.
CLEGG, JOHN,	New Orleans.
DART, HENRY P.,	New Orleans.
DENÉGRE, GEORGE,	New Orleans.
DENÉGRE, WALTER D.,	New Orleans.
FARRAR, EDGAR H.,	New Orleans.
FLORANCE, ERNEST T.,	New Orleans.
FORMAN, BENJAMIN RICE,	New Orleans.
HALL, HARRY H.,	New Orleans.
HART, W. O.,	New Orleans.
HOWE, WILLIAM WIRT,	New Orleans.
HUNT, CARLETON,	New Orleans.
KERNAN, THOMAS J.,	Baton Rouge.
LEAKE, HUNTER C.,	New Orleans.
LEGÈNDRE, JAMES,	New Orleans.
MERRICK, EDWIN T.,	New Orleans.
MCCLOSKEY, BERNARD,	New Orleans.
PERKINS, ROBERT J.,	New Orleans.
PUJO, ARSENE P.,	Lake Charles.
ROUSE, JOHN D.,	New Orleans.
SAUNDERS, EUGENE D.,	New Orleans.
SUTHERLIN, E. W.,	Shreveport.
THORNTON, J. R.,	Alexandria.

MAINE.

APPLETON, FREDERICK H.,	Bangor.
BELCHER, S. CLIFFORD,	Farmington.
BIRD, GEORGE E.,	Portland.
COOK, CHARLES SUMNER,	Portland.
EMERY, LUCILIUS A.,	Ellsworth.
HALE, CLARENCE,	Portland.
HAMLIN, CHARLES,	Bangor.
HAMLIN, HANNIBAL E.,	Ellsworth.
HIGGINS, FRANK M.,	Limerick.
LIBBY, CHARLES F.,	Portland.
LITTLEFIELD, CHARLES E.,	Rockland.
MADIGAN, JOHN B.,	Houlton.
POWERS, FREDERICK A.,	Houlton.
SKELTON, WILLIAM B.,	Lewiston.
SNOW, DAVID W.,	Portland.
SYMONDS, JOSEPH W.,	Portland.
WILSON, F. A.,	Bangor.
WISWELL, ANDREW P.,	Ellsworth.
WOODARD, CHARLES F.,	Bangor.
WOODMAN, EDWARD,	Portland.

MARYLAND.

ADEKINS, WILLIAM H.,	Easton.
ALEXANDER, JULIAN J.,	Baltimore.
BARROLL, HOPE H.,	Chestertown.
BERNARD, RICHARD,	Baltimore.
BONAPARTE, CHARLES J.,	Baltimore.
BRANTLY, WILLIAM T.,	Baltimore.
BRISCOE, JOHN P.,	Prince Frederick.
BROWN, STEWART,	Baltimore.
BUCKLER, WILLIAM H.,	Baltimore.
CAREY, FRANCIS K.,	Baltimore.
CARR, JAMES EDWARD, JR.,	Baltimore.
CARTER, CHARLES H.,	Baltimore.
COLTON, WILLIAM,	Baltimore.
DAWKINS, WALTER I.,	Baltimore.
DAWSON, WILLIAM H.,	Baltimore.
DENNIS, JAMES U.,	Baltimore.
DEVECMON, WILLIAM C.,	Cumberland.
DONNELLY, EDWARD A.,	Baltimore.
DOUB, ALBERT A.,	Cumberland.
FINK, CHARLES E.,	Westminster.
GAITHER, GEORGE R., JR.,	Baltimore.
GANS, EDGAR H.,	Baltimore.
GILL, JOHN, JR.,	Baltimore.
GOLDSBOROUGH, P. ALAN,	Denton.
GOULD, ASHLEY M. (Washington, D. C.),	Silver Spring.
GREGG, MAURICE,	Baltimore.
HARLAN, HENRY D.,	Baltimore.
HARLEY, CHARLES F.,	Baltimore.
HAYES, THOMAS G.,	Baltimore.
HENDERSON, ROBERT R.,	Cumberland.
HEUISLER, CHARLES W.,	Baltimore.
HINKLEY, JOHN,	Baltimore.
HISKY, THOMAS FOLEY,	Baltimore.
HOWARD, CHARLES MORRIS,	Baltimore.
HUGHES, THOMAS,	Baltimore.
LEAKIN, J. WILSON,	Baltimore.
LEE, BLAIR (Washington, D. C.),	Silver Spring.
MARBURY, WILLIAM L.,	Baltimore.
MILES, JOSHUA W.,	Princess Anne.
MORRIS, THOMAS J.,	Baltimore.
MULLIN, MICHAEL A.,	Baltimore.
MCCOMAS, LOUIS E. (Washington, D. C.),	Williamsport.
NILES, ALFRED S.,	Baltimore.
PAGE, HENRY,	Princess Anne.

MARYLAND.—Continued.

PERKINS, WILLIAM H.,	Baltimore.
POE, JOHN PRENTISS,	Baltimore.
PURNELL, CLAYTON,	Frostburg.
RICHMOND, BENJAMIN A.,	Cumberland.
ROBINSON, RALPH,	Baltimore.
ROBINSON, THOMAS H.,	Bel Air.
ROGERS, ROBERT LYON,	Baltimore.
SAMS, CONWAY W.,	Baltimore.
SCHMUCKER, SAMUEL D.,	Baltimore.
SHARP, GEORGE M.,	Baltimore.
SLOAN, D. LINDLEY,	Cumberland.
SMITH, ROBERT H.,	Baltimore.
STEUART, ARTHUR,	Baltimore.
STOCKBRIDGE, HENRY,	Baltimore.
THOMAS, WILLIAM S.,	Baltimore.
TUCK, PHILEMON H.,	Baltimore.
TURNER, FRANK G.,	Baltimore.
VENABLE, RICHARD M.,	Baltimore.
WALSH, WILLIAM E.,	Cumberland.
WALTER, M. R.,	Baltimore.
WARFIELD, EDWIN,	Baltimore.
WATERS, J. S. T.,	Baltimore.
WHITELOCK, GEORGE,	Baltimore.
WILLIAMS, FERDINAND,	Cumberland.
WILLIAMS, HENRY W.,	Baltimore.
WILLIAMS, STEVENSON A.,	Bel Air.
WILMER, L. ALLISON,	La Plata.
YOUNG, JOHN S.,	Bel Air.

MASSACHUSETTS.

ADAMS, WALTER,	So. Framingham.
ALLEN, FRANK D.,	Boston.
AMES, JAMES BARR,	Cambridge.
ANDERSON, GEORGE W.,	Boston.
APPLETON, JOHN H.,	Boston.
BAILEY, HOLLIS R.,	Boston.
BARNES, CHARLES B., JR.,	Boston.
BEALE, JOSEPH HENRY, JR.,	Cambridge.
BELL, CHARLES U.,	Andover.
BENNETT, SAMUEL C.,	Boston.
BIGELOW, MELVILLE M.,	Boston.
BLODGETT, EDWARD E.,	Boston.
BRAMAN, GRENVILLE D.,	Boston.

MASSACHUSETTS.—Continued.

BRANDEIS, LOUIS D.,	Boston.
BRANNAN, J. DODDRIDGE,	Cambridge.
BREWER, DANIEL CHAUNCEY,	Boston.
BULLOCK, A. G.,	Worcester.
BUMPUS, EVERETT C.,	Boston.
CARVER, EUGENE P.,	Boston.
CHAMBERLAYNE, CHARLES F.,	Monument Beach
CHAMPLIN, EDGAR R.,	Boston.
CHANDLER, ALFRED D.,	Boston.
CLAPP, ROBERT P.,	Lexington.
CLARK, I. R.,	Boston.
CLIFFORD, CHARLES W.,	New Bedford.
COAKLEY, DANIEL H.,	Boston.
COAKLEY, TIMOTHY W.,	Boston.
COOLIDGE, WILLIAM H.,	Boston.
COPELAND, ALFRED M.,	Springfield.
COTTER, JAMES E.,	Boston.
CRAPO, WILLIAM W.,	New Bedford.
CROCKER, GEORGE G.,	Boston.
CROSBY, JOHN C.,	Pittsfield.
CUNNINGHAM, FREDERIC,	Boston.
CUNNINGHAM, HENRY V.,	Boston.
DABNEY, L. S.,	Boston.
DENNISON, JOSEPH A.,	Boston.
DEWEY, HENRY S.,	Boston.
DICKINSON, M. F.,	Boston.
DILLAWAY, W. E. L.,	Boston.
DODGE, FREDERIC,	Boston.
FALL, GEORGE HOWARD,	Malden.
FISH, FREDERICK P.,	Boston.
FOSTER, ALFRED D.,	Boston.
FOSTER, REGINALD,	Boston.
FRENCH, ARTHUR P.,	Boston.
FRENCH, ASA P.,	Boston.
FRENCH, WILLIAM B.,	Boston.
FRIEDMAN, LEE M.,	Boston.
GALLAGHER, CHARLES T.,	Boston.
GARDNER, CHARLES L.,	Springfield.
GARGAN, THOMAS J.,	Boston.
GIDDINGS, CHARLES,	Great Barrington.
GRAY, JOHN C.,	Boston.
GRAY, J. CONVERSE,	Boston.
GREENE, FREDERICK L.,	Greenfield.
HALE, RICHARD W.,	Boston.

MASSACHUSETTS.—Continued.

HALL, BORDMAN,	Boston.
HAMLIN, CHARLES S.,	Boston.
HAMMOND, JOHN C.,	Northampton.
HEMENWAY, ALFRED,	Boston.
HENDRY, JNO. BURKE (London, Eng.),	Boston.
HILL, ARTHUR DEHON,	Boston.
HOWE, ELMER P.,	Boston.
HURLBUTT, HENRY F.,	Boston.
INNES, CHARLES H.,	Boston.
JENNINGS, ANDREW J.,	Fall River.
JOHNSON, BENJAMIN N.,	Boston.
JONES, LEONARD A.,	Boston.
JOSLIN, JAMES T.,	Hudson.
KELLEN, WILLIAM V.,	Boston.
KING, HENRY W. (New York, N. Y.),	Worcester.
LADD, BABSON S.,	Boston.
LADD, NATHANIEL W.,	Boston.
LAMB, SAMUEL O.,	Greenfield.
LINCOLN, SOLOMON,	Boston.
LOWELL, JOHN,	Boston.
MALONE, DANA,	Greenfield.
MOODY, WILLIAM H. (Washington, D. C.),	Haverhill.
MORSE, GODFREY,	Boston.
MORSE, ROBERT M.,	Boston.
MORTON, MARCUS,	Boston.
MYERS, JAMES J.,	Boston.
MCCLENCH, WILLIAM W.,	Springfield.
McEVOY, JOHN W.,	Lowell.
McLAUGHLIN, JOHN D.,	Boston.
NILES, WILLIAM H.,	Lynn.
NUTTER, GEORGE R.,	Boston.
OLMSTEAD, JAMES M.,	Boston.
OLNEY, RICHARD,	Boston.
PARKER, HERBERT,	Worcester.
PAYSON, EDWARD P.,	Boston.
PEARL, FRANCIS H.,	Haverhill.
PELLETIER, JOSEPH C.,	Boston.
PICKMAN, JOHN J.,	Lowell.
PIERCE, EDWARD P.,	Fitchburg.
PINKERTON, ALFRED S.,	Worcester.
PROCTOR, THOMAS W.,	Boston.
PUTNAM, WILLIAM L.,	Boston.
RANNEY, FLETCHER,	Boston.
RICHARDSON, GEORGE F.,	Lowell.

MASSACHUSETTS.—Continued.

RICHARDSON, W. K.,	Boston.
ROBERTS, GEORGE L.,	Boston.
RUGG, ARTHUR P.,	Worcester.
SAWYER, ALFRED P.,	Lowell.
SAXE, JOHN W.,	Boston.
SCAIFE, LAURISTON L.,	Boston.
SCHOFIELD, WILLIAM,	Malden.
SCHOULER, JAMES,	Boston.
SEARS, RUSSELL A.,	Boston.
SHEPARD, HARVEY N.,	Boston.
SHERMAN, ROLAND G.,	Boston.
SLOCUM, EDWARD T.,	Pittsfield.
SLOCUM, WINFIELD S.,	Boston.
SMITH, FRANK BULKELEY,	Worcester.
SMITH, HENRY HYDE,	Boston.
SMITH, JEREMIAH,	Cambridge.
SMITH, JEREMIAH, JR.,	Boston.
SPRING, ARTHUR L.,	Boston.
STONE, FREDERIC M.,	Boston.
STOREY, MOORFIELD,	Boston.
STORROW, JAMES J.,	Boston.
SWAN, CHARLES H.,	Boston.
SWAN, WILLIAM W.,	Boston.
SWASEY, GEORGE R.,	Boston.
TAFT, GEORGE S.,	Worcester.
THAYER, EZRA R.,	Boston.
TUCKER, GEORGE F.,	Boston.
TYLER, CHARLES H.,	Boston.
VINCENT, WILLIAM H.,	Boston.
WAMBAUGH, EUGENE,	Cambridge.
WARNER, HENRY E.,	Boston.
WARNER, JOSEPH B.,	Boston.
WARREN, SAMUEL D.,	Boston.
WELLMAN, ARTHUR H.,	Boston.
WESTON, ROBERT DICKSON,	Boston.
WHIPPLE, SHERMAN L.,	Boston.
WHITE, LUTHER,	Chicopee.
WILLIAMS, DAVID W.,	Boston.
WILLISTON, SAMUEL,	Belmont.
WRIGHTINGTON, S. R.,	Boston.
WYMAN, HENRY A.,	Boston.

MICHIGAN.

ARTHUR, JESSE,	Battle Creek.
BALL, DAN H.,	Marquette.
BARNETT, JAMES F.,	Grand Rapids.
BATES, GEORGE W.,	Detroit.
BATES, HENRY M.,	Ann Arbor.
BEAUMONT, JOHN W.,	Detroit.
BISSELL, JOHN H.,	Detroit.
BOUDEMAN, DALLAS,	Kalamazoo.
BREWSTER, JAMES H.,	Ann Arbor.
RUNDY, McGEORGE,	Grand Rapids.
CAMPBELL, CHARLES H.,	Detroit.
CAMPBELL, HENRY M.,	Detroit.
CARMODY, MARTIN H.,	Grand Rapids.
CHADBOURNE, THOMAS L.,	Houghton.
DENISON, ARTHUR C.,	Grand Rapids.
DICKINSON, DON M.,	Detroit.
DRIGGS, FREDERICK E.,	Detroit.
DUFFIELD, HENRY M.,	Detroit.
DURAND, LORENZO T.,	Saginaw, E. S.
FLEWELLING, ALBERT L.,	Crystal Falls.
HANCHETT, BENTON,	Saginaw, W. S.
HARMON, HENRY A.,	Detroit.
HOYT, HIRAM J.,	Muskegon.
HUTCHINS, HARRY B.,	Ann Arbor.
HYDE, WESLEY W.,	Grand Rapids.
JANUARY, WILLIAM L.,	Detroit.
KEENEY, WILLARD F.,	Grand Rapids.
KELLY, RONALD,	Detroit.
KENT, CHARLES A.,	Detroit.
KINGSLEY, WILLARD,	Grand Rapids.
KNAPPEN, LOYAL E.,	Grand Rapids.
LIGHTNER, CLARENCE A.,	Detroit.
LYSTER, HENRY L.,	Detroit.
MOORE, JOSEPH B.,	Lansing.
MOORE, WILLIAM A.,	Detroit.
NORRIS, MARK,	Grand Rapids.
O'BRIEN, THOMAS J.,	Grand Rapids.
OSTRANDER, RUSSELL C.,	Lansing.
PATTERSON, JOHN C.,	Marshall.
PATTERSON, JOHN H.,	Pontiac.
PATTON, JOHN,	Grand Rapids.
POND, ASHLEY,	Detroit.
RADFORD, GEORGE W.,	Detroit.
ROBSON, FRANK E.,	Detroit.

MICHIGAN.—Continued.

RUSSELL, HENRY,	Detroit.
SLOMAN, ADOLPH,	Detroit.
STEVENS, FREDERICK W.,	Detroit.
STONE, JOHN W.,	Marquette.
SWIFT, CHARLES M.,	Detroit.
TAGGART, EDWARD,	Grand Rapids.
WEADOCK, THOMAS A. E.,	Detroit.
WHITE, PETER,	Marquette.
WHITTEMORE, JAMES,	Detroit.
WILGUS, HORACE L.,	Ann Arbor.
WILSON, CHARLES M.,	Grand Rapids.
WOLF, GUSTAVE A.,	Grand Rapids.

MINNESOTA.

ABBOTT, HOWARD S.,	Minneapolis.
ABBOTT, HOWARD T.,	Duluth.
AGATIN, A. L.,	Duluth.
ALBERT, CHARLES S.,	Minneapolis.
ANDERSON, S. A.,	St. Paul.
ANDERSON, W. B.,	Minneapolis.
ANKENY, A. T.,	Minneapolis.
ARCTANDER, JOHN W.,	Minneapolis.
ARMSTRONG, JAMES D.,	St. Paul.
D'AUTREMONT, CHARLES, JR.,	Duluth.
AVERY, J. T.,	St. Paul.
BABCOCK, E.,	Wells.
BAILEY, WILLIAM D.,	Duluth.
BALDWIN, ALBERT,	Duluth.
BARDWELL, WINFIELD W.,	Minneapolis.
BARKER, HENRY F.,	Cambridge.
BARROWS, MORTON,	St. Paul.
BARTA, FERDINAND,	St. Paul.
BARTLETT, WILLIAM W.,	Minneapolis.
BARTON, HUMPHREY,	St. Paul.
BAXTER, HECTOR,	Minneapolis.
BAXTER, JOHN T.,	Minneapolis.
BAXTER, LUTHER L.,	Fergus Falls.
BECHHOEFER, CHARLES,	St. Paul.
BEGG, WILLIAM R.,	St. Paul.
BENNETT, WILLIAM H.,	Minneapolis.
BEST, JAMES I.,	Minneapolis.
BLANCHARD, ARTHUR P.,	Little Falls.
BOARDMAN, FREDERICK H.,	Minneapolis.
BOOTH, WILBUR F.,	Minneapolis.

MINNESOTA.—Continued.

BORST, WILSON,	Windom.
BOUTTELLE, M. H.,	Minneapolis.
BRIGGS, ASA G.,	St. Paul.
BRIGGS, R. R.,	Duluth.
BRIGHT, MICHAEL S.,	Duluth.
BRILL, HASCAL R.,	St. Paul.
BROOKS, FRANK C.,	Minneapolis.
BROWN, CALVIN L.,	St. Paul.
BROWN, FREDERICK V.,	Minneapolis.
BROWN, LESLIE L.,	Winona.
BROWN, ROME G.,	Minneapolis.
BUCKHAM, THOMAS S.,	Faribault.
BUFFINGTON, E. D.,	Minneapolis.
BUFFINGTON, GEORGE W.,	Minneapolis.
BUNN, CHARLES W.,	St. Paul.
BUNN, GEORGE L.,	St. Paul.
BURCHARD, JOHN E.,	St. Paul.
BURR, STILES W.,	St. Paul.
BUTLER, PIERCE,	St. Paul.
CAIRNS, CHARLES S.,	Minneapolis.
CANT, WILLIAM A.,	Duluth.
CARLETON, FRANK H.,	Minneapolis.
CARROLL, WALTER N.,	Minneapolis.
CASH, DANIEL G.,	Duluth.
CASTBERG, BENJAMIN,	Detroit.
CATHERWOOD, S. D.,	Austin.
CHAMBERLAIN, HOWARD B.,	Minneapolis.
CHAPIN, WALTER L.,	St. Paul.
CHASE, NATHAN H.,	Minneapolis.
CHATFIELD, EDWARD C.,	Minneapolis.
CHILD, S. R.,	Minneapolis.
CHILDS, CLARENCE H.,	Minneapolis.
CHRISMAN, CHARLES E.,	Ortonville.
CHRISTOFFERSON, ARTHUR,	St. Paul.
CLAPP, NEWEL H.,	St. Paul.
CLARK, HOMER P.,	St. Paul.
CLARKE, ALBERT E.,	Minneapolis.
CLARKE, ROSS,	St. Paul.
COBB, ALBERT C.,	Minneapolis.
COFFMAN, ASHLEY,	St. Paul.
COHEN, EMANUEL,	Minneapolis.
COLE, HAYDEN S.,	St. Paul.
COMFORT, F. V.,	Stillwater.
CONGDON, CHESTER A.,	Duluth.

MINNESOTA.—Continued.

COTTON, JOSEPH B.,	Duluth.
COUNTRYMAN, M. L.,	St. Paul.
CRANE, JAY W.,	Minneapolis.
CRAY, LORIN,	Mankato.
CRAY, W. R.,	Minneapolis.
CROSBY, F. M.,	Hastings.
CROSBY, JOHN,	Minneapolis.
CROSBY, WILSON G.,	Duluth.
CUTTING, WILLIAM H.,	Buffalo.
DAGGETT, THOMAS C.,	St. Paul.
DALEY, ANDREW J.,	Luverne.
DAVIS, THOMAS J.,	Duluth.
DAY, FRANK A.,	Duluth.
DENEGRE, JAMES R.,	St. Paul.
DEUTSCH, HENRY,	Minneapolis.
DIBELL, HOMER B.,	Duluth.
DICKEY, J. M.,	St. Paul.
DICKINSON, H. D.,	Minneapolis.
DILLE, JOHN I.,	Minneapolis.
DODGE, FRED. B.,	Minneapolis.
DODGE, WILLIS EDWARD,	Minneapolis.
DONAHUE, W. H.,	Minneapolis.
DOTY, DANIEL W.,	St. Paul.
DOUGLAS, MARION,	Duluth.
DOUGLAS, WALLACE B.,	St. Paul.
DURMENT, EDMUND S.,	St. Paul.
DUXBURY, W. R.,	St. Paul.
DWINNELL, W. S.,	Minneapolis.
ECKSTEIN, JOSEPH A.,	New Ulm.
EDSON, W. D.,	Duluth.
EDELSTON, ALVORD C.,	Minneapolis.
ELLIOTT, CHARLES B.,	Minneapolis.
ENSIGN, JOSIAH D.,	Duluth.
ERDALL, JOHN L.,	St. Paul.
EWING, ARTHUR W.,	Dawson.
EWING, FRANK H.,	St. Paul.
FAIRCHILD, EDWIN K.,	Minneapolis.
FARNHAM, CHARLES W.,	St. Paul.
FIELD, NICHOLAS F.,	Fergus Falls.
FINNEY, A. C.,	Minneapolis.
FISH, DANIEL,	Minneapolis.
FISK, DEWITT H.,	Bemidji.
FLANNERY, GEORGE P.,	Minneapolis.
FOSTER, C. A.,	Montevideo.

MINNESOTA.—Continued.

FOSTER, ALBERT F.,	Litchfield.
FOULKE, WILLIAM,	St. Paul.
FOWLER, CHARLES R.,	Minneapolis.
FRANKEL, L. R.,	St. Paul.
FRENCH, LAFAYETTE,	Austin.
FRYBERGER, HARRISON E.,	Minneapolis.
FRYBERGER, H. B.,	Duluth.
FUNK, W. A.,	Mankato.
FURST, WILLIAM,	Minneapolis.
GALE, EDWARD C.,	Minneapolis.
GERMO, THOMAS,	Red Lake Falls.
GILBERT, PHILIP,	St. Paul.
GJERTSEN, HENRY J.,	Minneapolis.
GLOVER, M. L.,	Windom.
GOULD, C. D.,	Minneapolis.
GRANT, RICHARD F.,	Duluth.
GREEN, JOHN A.,	Graceville.
GREENMAN, F. W.,	Austin.
GRIGGS, FRANKLIN H.,	St. Paul.
HADLEY, EMERSON,	St. Paul.
HALBERT, HUGH T.,	St. Paul.
HALE, WILLIAM E.,	Minneapolis.
HALL, ALBERT H.,	Minneapolis.
HALLAM, OSCAR,	St. Paul.
HALLAM, W. H.,	Minneapolis.
HANLEY, MARTIN FRANKLIN,	Minneapolis.
HARRIS, W. H.,	Caledonia.
HARRIS, HAROLD,	St. Paul.
HARRIS, L. C.,	Duluth.
HART, F. B.,	Minneapolis.
HASTINGS, R. A.,	Minneapolis.
HAUPT, CHARLES C.,	St. Paul.
HAWTHORNE, JOSEPH M.,	St. Paul.
HAY, EUGENE G. (New York, N. Y.),	Minneapolis.
HEALY, FRANK,	Minneapolis.
HICKS, FRANK,	Duluth.
HOLMES, CHARLES B.,	Minneapolis.
HOLT, ANDREW,	Minneapolis.
HORN, ALEXANDER E.,	St. Paul.
HOW, JARED,	St. Paul.
HUDSON, SANFORD H.,	Benson.
HUDSON, T. T.,	Duluth.
HULL, LOUIS K.,	Minneapolis.
HUTCHINSON, J. T.,	Minneapolis.

MINNESOTA.—Continued.

INGERSOLL, FREDERICK G.,	St. Paul.
JACKSON, ANSON B.,	Minneapolis.
JAGGARD, EDWIN A.,	St. Paul.
JAMISON, ROBERT,	Minneapolis.
JAYNE, TRAFFORD N.,	Minneapolis.
JELLEY, CHARLES S.,	Minneapolis.
JENSWOLD, JOHN, JR.,	Duluth.
JONES, JOHN T.,	Minneapolis.
KEITH, ARTHUR M.,	Minneapolis.
KELLER, HERBERT P.,	St. Paul.
KELLOGG, FRANK B.,	St. Paul.
KELLY, WILLIAM LOUIS,	St. Paul.
KENNEDY, RICHARD L.,	St. Paul.
KERR, JAMES B.,	St. Paul.
KERR, WILLIAM A.,	Minneapolis.
KINGMAN, JOSEPH R.,	Minneapolis.
KNOX, T. J.,	Jackson.
KOON, MARTIN B.,	Minneapolis.
KORNS, E. B.,	Tracy.
KUEFFNER, OTTO,	St. Paul.
KYLE, J. P.,	St. Paul.
LAMBERTON, HENRY M.,	Winona.
LANCASTER, WILLIAM A.,	Minneapolis.
LARIMORE, JOHN A.,	Minneapolis.
LARRABEE, FRANK D.,	Minneapolis.
LATHAM, F. E.,	Howard Lake.
LAWLER, DANIEL W.,	St. Paul.
LAYBOURN, C. G.,	Minneapolis.
LEONARD, GEORGE B.,	Minneapolis.
LEWIS, CHARLES L.,	St. Paul.
LEWIS, OLIN B.,	St. Paul.
LIGHTNER, WILLIAM H.,	St. Paul.
LIND, JOHN,	Minneapolis.
LINDBURGH, CHARLES A.,	Little Falls.
LUM, BURT F.,	Minneapolis.
MAHON, HENRY S.,	Duluth.
MARDEN, CHARLES S.,	Barnesville.
MARKHAM, GEORGE W.,	St. Paul.
MARKHAM, J. D.,	Rush City.
MARKHAM, JAMES E.,	St. Paul.
MASON, ALFRED F.,	St. Paul.
MASON, JOHN W.,	Fergus Falls.
MATCHAN, GEORGE L.,	Minneapolis.
MATHEWS, M. E.,	Marshall.

MINNESOTA.—Continued.

MERCER, HUGH V.,	St. Paul.
MICHAEL, JAMES C.,	St. Paul.
MILLER, CLARENCE B.,	Duluth.
MITCHELL, OSCAR,	Duluth.
MITCHELL, WILLIAM D.,	St. Paul.
MONTGOMERY, E. A.,	Minneapolis.
MOORE, ALBERT R.,	St. Paul.
MORPHY, E. HOWARD,	St. Paul.
MORRIS, PAGE,	Duluth.
MORRISON, ROBERT G.,	Minneapolis.
MUNN, MARCUS D.,	St. Paul.
MUNRO, WEED,	Minneapolis.
McCLENAHAN, WILLIAM S.,	Brainerd.
McDERMOTT, THOMAS,	St. Paul.
MCDONALD, E. E.,	Bemidji.
MCGEE, J. F.,	Minneapolis.
McKENZIE, JOHN,	Lake Benton.
McMANUS, A. E.,	Duluth.
NEFF, PORTER J.,	Duluth.
NORRIS, W. H.,	Minneapolis.
NYE, CARROLL A.,	Moorhead.
NYE, FRANK M.,	Minneapolis.
O'BRIEN, JOHN D.,	St. Paul.
O'BRIEN, THOMAS D.,	St. Paul.
ORR, GRIER M.,	St. Paul.
OSBORNE, FRANK O.,	St. Paul.
OTIS, WILLIS C.,	St. Paul.
PAIGE, JAMES,	Minneapolis.
PATTEE, W. S.,	Minneapolis.
PATTERSON, ELMER C.,	Marshall.
PAUL, A. C.,	Minneapolis.
PEALER, WILLIAM O.,	Duluth.
PENNEY, R. L.,	Minneapolis.
PETERSON, F. H.,	Moorhead.
PHELPS, H. H.,	Duluth.
PITKIN, CHARLES A.,	Bemidji.
PURCELL, J. J.,	Ortonville.
PUTNAM, FRANK E.,	Blue Earth.
QUINN, THOMAS H.,	Faribault.
QVALE, G. E.,	Willmar.
RANDALL, HENRY E.,	St. Paul.
REA, S. C.,	Luverne.
REDDING, J. G.,	Windom.
REED, FREDERICK W.,	Minneapolis.

MINNESOTA.—Continued.

REED, LOUIS A.,	Minneapolis.
REEVES, C. P.,	Glenwood.
REYNOLDS, JOSEPH W.,	Duluth.
RICHARDSON, WILLIAM E.,	Duluth.
RIEKE, AUGUST V.,	Fairfax.
ROBERTS, HARLAN P.,	Minneapolis.
ROBERTS, WILLIAM P.,	Minneapolis.
ROBERTSON, JAMES,	Minneapolis.
ROCKWOOD, CHELSEA J.,	Minneapolis.
ROOT, F. W.,	Minneapolis.
RUSSELL, P. J.,	Bemidji.
SANBORN, EDWARD P.,	St. Paul.
SANBORN, WALTER H.,	St. Paul.
SCHALLER, ALBERT E. (St. Paul, Minn.),	Hastings.
SCHMITT, HARRISON L.,	Mankato.
SCHRIBER, BISHOP H.,	St. Paul.
SEARLE, D. B.,	St. Cloud.
SEARLES, J. N.,	Stillwater.
SEVERANCE, C. A.,	St. Paul.
SHAW, FRANK W.,	Minneapolis.
SHAW, JOHN E.,	Minneapolis.
SHEARER, JAMES D.,	Minneapolis.
SHEEAN, JAMES B.,	St. Paul.
SHEPERD, R. E.,	Austin.
SIMPSON, DAVID F.,	Minneapolis.
SIMPSON, GEORGE T.,	St. Paul.
SLATER, EDWIN S.,	Minneapolis.
SMITH, A. D.,	Minneapolis.
SMITH, B. W.,	Minneapolis.
SMITH, C. L.,	Minneapolis.
SMITH, EDWARD E.,	Minneapolis.
SMITH, JOHN DAY,	Minneapolis.
SMITH, LYNDON A.,	Montevideo.
SNYDER, F. B.,	Minneapolis.
SOUTHWORTH, E.,	Shakopee.
SPECER, HERBERT R.,	Duluth.
SPICER, M. L.,	Willmar.
SPOONER, LEWIS C.,	Morris.
STANFORD, M. H.,	Duluth.
START, CHARLES M.,	St. Paul.
STEARNS, VICTOR,	Duluth.
STEELE, JOHN H.,	Minneapolis.
STEVENSON, L. C.,	Minneapolis.
STEWART, GEORGE W.,	St. Cloud.

MINNESOTA.—Continued.

STONE, R. A.,	St. Paul.
STRINGER, EDWARD C.,	St. Paul.
STRYKER, JOHN E.,	St. Paul.
SULLIVAN, FRANCIS W.,	Duluth.
TWANEY, JAMES A.,	Winona.
THIAN, LOUIS R.,	Minneapolis.
THOMPSON, CHARLES T.,	Minneapolis.
THYGESON, N. M.,	St. Paul.
TIFFANY, FRANCIS B.,	St. Paul.
TIFFANY, WALTER C.,	Minneapolis.
TIGHE, AMBROSE,	St. Paul.
TOLMAN, FRANK,	Paynesville.
TRAXLER, CHARLES J.,	Minneapolis.
TRYON, CHARLES J.,	Minneapolis.
UELAND, A.,	Minneapolis.
VAN CAMPEN, C. H.,	Minneapolis.
VAN DERLIP, JOHN R.,	Minneapolis.
WAITE, EDWARD F.,	Minneapolis.
WALLACE, CARLETON L.,	Minneapolis.
WALLACE, THOMAS F.,	Minneapolis.
WASHBURN, JED L.,	Duluth.
WATSON, JAMES T.,	Duluth.
WATTS, WILLIAM,	Crookston.
WEBBER, MARSHALL B.,	Winona.
WEBSTER, E. M.,	Glenwood.
WEIL, JONAS,	Minneapolis.
WELLS, H. R.,	Preston.
WENZELL, HENRY BURLEIGH,	St. Paul.
WESTFALL, WILLIAM P.,	St. Paul.
WHALEY, SAMUEL,	St. Paul.
WHEELWRIGHT, JOHN O. P.,	Minneapolis.
WHELAN, RALPH,	Minneapolis.
WHITE, WILLIAM G.,	St. Paul.
WILKINSON, ADOLPHUS C.,	Crookston.
WILKINSON, R. A.,	St. Paul.
WILLIAMS, JOHN G.,	Duluth.
WILLIAMSON, JAMES F.,	Minneapolis.
WILLISTON, W. C.,	Red Wing.
WILSON, CORYATE S.,	Duluth.
WILSON, GEORGE P.,	Minneapolis.
WRIGHT, ARTHUR W.,	Austin.
WRIGHT, FRED. B.,	Minneapolis.
WYMAN, G. H.,	Anoka.
YOUNG, EDWARD B.,	St. Paul.

MINNESOTA.—Continued.

YOUNG, EDWARD T.,	St. Paul.
YOUNG, GEORGE B.,	St. Paul.
YOUNG, HOWELL W.,	Minneapolis.
YOUNG, W. E.,	Mankato.

MISSISSIPPI.

BOWERS, E. J.,	Bay St. Louis.
DUNN, C. C.,	Meridian.
HALL, R. S.,	Hattiesburg.
HIRSH, J.,	Vicksburg.
HOWRY, CHARLES B. (Washington, D.C.),	Oxford.
LANDAU, MOSES DAVID,	Vicksburg.
LEE, R. C.,	Madison.
LYELL, GORDON G.,	Jackson.
MAGRUDER, W. W.,	Starkville.
MONTGOMERY, M. A.,	Oxford.
MOORE, E. H.,	Rosedale.
PEYTON, FRANK M.,	Jackson.
ROSE, A. J.,	Greenville.
SHANDS, D. G.,	University.
SMITH, MURRAY F.,	Vicksburg.
SMITH, SYDNEY MCCAIN,	Lexington.
SOMERVILLE, THOMAS H.,	Oxford.
THOMPSON, R. H.,	Jackson.
WELLS, BEN H.,	Jackson.
WILLIAMSON, CHALMERS M.,	Jackson.

MISSOURI.

ABBOTT, A. L.,	St. Louis.
ALLEN, CHARLES CLAFLIN,	St. Louis.
ASHLEY, HENRY DE L.,	Kansas City.
BABBITT, BYRON T.,	St. Louis.
BAKEWELL, PAUL,	St. Louis.
BALL, R. E.,	Kansas City.
BARCLAY, SHEPARD,	St. Louis.
BATES, CHARLES W.,	St. Louis.
BLAIR, ALBERT,	St. Louis.
BLEVINS, JOHN A.,	St. Louis.
BOYLE, WILBUR F.,	St. Louis.
BRUMBACK, JEFFERSON,	Kansas City.
BRYAN, P. TAYLOR,	St. Louis.
BRYSON, JOSEPH M.,	St. Louis.
CARR, JAMES A.,	St. Louis.

MISSOURI.—Continued.

CHANDLER, JEFFERSON,	St. Louis.
CHARLES, BENJAMIN H.,	St. Louis.
CHRISTIE, HARVEY L.,	St. Louis.
CLARKE, ENOS,	St. Louis.
COCHRAN, ALEXANDER G.,	St. Louis.
COLLINS, CHARLES CUMMINGS,	St. Louis.
CURTIS, WILLIAM S.,	St. Louis.
DONALDSON, WILLIAM R.,	St. Louis.
DONALDSON, WILLIAM R., JR.,	St. Louis.
DOUGLAS, WALTER B.,	St. Louis.
DYER, DAVID P.,	St. Louis.
EARLY, MARION C.,	St. Louis.
ELIOT, EDWARD C.,	St. Louis.
FERRIS, FRANKLIN,	St. Louis.
FINKELNBURG, G. A.,	St. Louis.
FISHER, D. D.,	St. Louis.
FISSE, WILLIAM E.,	St. Louis.
FLITCRAFT, PEMBROOK R.,	St. Louis.
FORDYCE, SAMUEL W., JR.,	St. Louis.
FOSTER, ROBERT M.,	St. Louis.
FOWLER, A. C.,	St. Louis.
GANTT, JAMES B.,	Jefferson City.
GARVIN, WILLIAM EVERETT,	St. Louis.
GATES, EDWARD P.,	Kansas City.
GENTRY, NORTH F.,	Jefferson City.
GRANT, LEE W.,	St. Louis.
GROSSMAN, EMANUEL M.,	St. Louis.
HADLEY, HERBERT S.,	Jefferson City.
HAFF, DELBERT J.,	Kansas City.
HAGERMAN, FRANK,	Kansas City.
HAGERMAN, JAMES,	St. Louis.
HAGERMAN, JAMES, JR.,	St. Louis.
HAGERMAN, LEE W.,	St. Louis.
HARKLESS, JAMES H.,	Kansas City.
HIGDON, JOHN C.,	St. Louis.
HINTON, EDWARD W.,	Columbia.
HISTED, CLIFFORD,	Kansas City.
HOPKINS, JAMES L.,	St. Louis.
HOUGH, WARWICK M.,	St. Louis.
HOUTS, CHARLES A.,	St. Louis.
JACKSON, GEORGE P. B.,	St. Louis.
JOHNSON, GEORGE S.,	St. Louis.
JONES, JAMES C.,	St. Louis.
JOURDAN, MORTON,	St. Louis.

MISSOURI.—Continued.

JUDSON, FREDERICK N.,	St. Louis.
KARNES, J. V. C.,	Kansas City.
KEHR, EDWARD C.,	St. Louis.
KEYSOR, WILLIAM W.,	St. Louis.
KLEIN, JACOB,	St. Louis.
LADD, SANFORD B.,	Kansas City.
LATHROP, GARDINER,	Kansas City.
LAWSON, JOHN D.,	Columbia.
LEE, JOHN F.,	St. Louis.
LEAHY, JOHN S.,	St. Louis.
LEHMANN, FRED. W.,	St. Louis.
LIONBERGER, ISAAC H.,	St. Louis.
LITTLEFIELD, WALTER,	Kansas City.
LYON, MONTAGUE,	St. Louis.
LYONS, MARTIN,	Marshall.
MAHAN, GEORGE A.,	Hannibal.
MAJOR, SAMUEL C.,	Fayette.
MARLATT, HERBERT R.,	St. Louis.
McKEIGHAN, JOHN E.,	St. Louis.
MCLEOD, W. D.,	Kansas City.
NAGEL, CHARLES,	St. Louis.
NEW, ALEXANDER,	Kansas City.
NOBLE, JOHN W.,	St. Louis.
ORRICK, ALLEN C.,	St. Louis.
OTTOFY, L. FRANK,	St. Louis.
PERRY, WILLIAM C.,	Kansas City.
PHILIPS, JOHN F.,	Kansas City.
PIERCE, THOMAS M.,	St. Louis.
PORTER, VALENTINE MOTT,	St. Louis.
PRATT, WALLACE,	Kansas City.
REYBURN, VALLE,	St. Louis.
REYNOLDS, MATTHEW G.,	St. Louis.
REYNOLDS, THOMAS H.,	Kansas City.
ROBERT, EDWARD S.,	St. Louis.
ROBERTS, V. H.,	Columbia.
ROBERTSON, GEORGE,	Mexico.
SCHOFIELD, F. L.,	Hannibal.
SHERWOOD, THOMAS A.,	Springfield.
SKINKER, THOMAS KEITH,	St. Louis.
SMITH, LUTHER ELY,	St. Louis.
SPENCER, SELDEN P.,	St. Louis.
SWARTS, SOLOMON L.,	St. Louis.
TAUSSIG, JAMES,	St. Louis.
TAYLOR, SENECA N.,	St. Louis.

MISSOURI.—Continued.

THOMPSON, WILLIAM B.,	St. Louis.
TICHENOR, CHARLES O.,	Kansas City.
TITUS, FRANK,	Kansas City.
TRIMBLE, J. MCD.,	Kansas City.
WAGNER, HUGH K.,	St. Louis.
WALKER, ROBERT F.,	St. Louis.
WARD, HUGH C.,	Kansas City.
WHEELER, JOSEPH,	St. Louis.
WILFLEY, LEBBEUS R.,	St. Louis.
WILLIAMS, JAMES C.,	Kansas City.
WILLIAMS, TYRRELL,	St. Louis.
WISLIZENUS, FRED.,	St. Louis.
WITHROW, JAMES E.,	St. Louis.

MONTANA.

BICKFORD, WALTER M.,	Missoula.
CAMPBELL, THOMPSON,	Butte.
CLARK, W. A.,	Virginia City.
CONNOLLY, C. P.,	Missoula.
DAY, E. C.,	Helena.
DIXON, WILLIAM W.,	Butte.
FARR, GEORGE W.,	Miles City.
GODDARD, O. FLETCHER,	Billings.
HARTMAN, C. S.,	Bozeman.
HARTMAN, W. S.,	Bozeman.
HARWOOD, EDGAR N.,	Butte.
HOLLOWAY, WILLIAM L.,	Helena.
JOHNSTON, W. M.,	Billings.
KELLY, C. F.,	Butte.
KNOWLES, HIRAM,	Missoula.
LINDSAY, JOHN,	Butte.
MURPHY, WILLIAM L.,	Missoula.
PEMBERTON, WILLIAM Y.,	Butte.
POMEROY, CHARLES W.,	Kalispell.
PRAY, C. K.,	Fort Benton.
ROOTE, JESSE B.,	Butte.
SANDERS, JAMES U.,	Helena.
SCALLON, WILLIAM,	Butte.
SHELTON, GEORGE F.,	Butte.
WALSH, T. J.,	Helena.

NEBRASKA.

ALLEN, WILLIAM V.,	Madison.
AMES, JOHN H.,	Lincoln.
AYERS, GEORGE D.,	Lincoln.

NEBRASKA.—Continued.

BARNES, JOHN B.,	Norfolk.
BARTLETT, EDMUND M.,	Omaha.
BAXTER, IRVING F.,	Omaha.
BEELER, JOSEPH G.,	North Platte.
BLACKBURN, THOMAS W.,	Omaha.
BOUCHER, J. J.,	Omaha.
BRECKENRIDGE, RALPH W.,	Omaha.
BROGAN, FRANCIS A.,	Omaha.
BROME, HARRISON C.,	Omaha.
CALKINS, ELISHA C.,	Kearney.
CLAPP, CHARLES E.,	Omaha.
COSTIGAN, GEORGE P., JR.,	Lincoln.
COWIN, J. C.,	Omaha.
CRAWFORD, FRANK,	Omaha.
DAVIDSON, SAMUEL P.,	Tecumseh.
DEWESE, J. W.,	Lincoln.
DRYDEN, JOHN N.,	Kearney.
DUNDEY, CHARLES L.,	Omaha.
ELGUTTER, CHARLES S.,	Omaha.
GEISTHARDT, STEPHEN L.,	Lincoln.
GREENE, CHARLES J.,	Omaha.
GREENE, ROBERT J.,	Lincoln.
GRIMES, HANSON M.,	North Platte.
GURLEY, WILLIAM F.,	Omaha.
HAINER, EUGENE J.,	Lincoln.
HALL, FRANK M.,	Lincoln.
HALL, MATTHEW A.,	Omaha.
HALLIGAN, JOHN J.,	North Platte.
HARTIGAN, MICHAEL A.,	Hastings.
HASTINGS, W. G.,	Lincoln.
KELBY, JAMES E.,	Omaha.
KENNEDY, HOWARD,	Omaha.
KINKAID, M. P.,	O'Neill.
KINSLER, JAMES C.,	Omaha.
LANGDON, MARTIN,	Omaha.
LETTON, CHARLES B.,	Lincoln.
MAHONEY, TIMOTHY J.,	Omaha.
MANDERSON, CHARLES F.,	Omaha.
MATTERS, THOMAS H.,	Omaha.
MERCER, DAVID H.,	Omaha.
MILES, WILLIAM P.,	Sidney.
MONTGOMERY, CARROLL S.,	Omaha.
MUNGER, W. H.,	Omaha.
MCGILTON, EDMUND G.,	Omaha.

NEBRASKA.—Continued.

McHUGH, WILLIAM D.,	Omaha.
McPHEELY, JOHN L.,	Minden.
OLDHAM, WILLIS D.,	Kearney.
O'NEILL, HARRY E.,	Omaha.
POUND, ROSCOE,	Lincoln.
RAIN, FRANK L.,	Fairbury.
RICH, EDSON,	Omaha.
RINAKER, SAMUEL,	Beatrice.
RINE, JOHN A.,	Omaha.
ROBBINS, C. A.,	Lincoln.
SEARLE, SYVESTER A.,	Omaha.
SEDGWICK, S. H.,	York.
SMITH, HOWARD B.,	Omaha.
THOMPSON, WILLIAM H.,	Grand Island.
VAN DUSEN, JAMES H.,	Omaha.
WAKELEY, ELEAZER,	Omaha.
WEBSTER, JOHN L.,	Omaha.
WEST, JOEL W.,	Omaha.
WHITE, BENJAMIN T.,	Omaha.
WILCOX, WESLEY T.,	North Platte.
WILSON, HENRY H.,	Lincoln.
WOODS, FRANK H.,	Lincoln.
WOOLLEY, JAMES H.,	Grand Island.
WRIGHT, CARL C.,	Omaha.

NEVADA.

DOWNER, SYLVESTER S.,	Reno.
HUFFAKER, FRANCIS M.,	Virginia City.

NEW HAMPSHIRE.

ALBIN, JOHN H.,	Concord.
BRANCH, OLIVER E.,	Manchester.
BURLEIGH, ALVIN,	Plymouth.
BURNHAM, HENRY E.,	Manchester.
BURNS, CHARLES H.,	Nashua.
CHASE, IRA A.,	Bristol.
COLBY, JAMES F.,	Hanover.
CROSS, DAVID,	Manchester.
EASTMAN, SAMUEL C.,	Concord.
HURD, HENRY N.,	Manchester.
JEWETT, STEVEN S.,	Laconia.
PERKINS, DAVID WALTER,	Manchester.
PLUMMER, WILLIAM A.,	Laconia.
STREETER, FRANK S.,	Concord.

NEW JERSEY.

APPLEGATE, JOHN S.,	Red Bank.
BERGEN, JAMES J.,	Somerville.
BORCHERLING, CHARLES,	Newark.
BUCHANAN, JAMES,	Trenton.
CLEVINGER, WILLIAM M.,	Atlantic City.
COLE, CLARENCE L.,	Atlantic City.
COLEY, EDWARD M.,	Newark.
DUNN, MICHAEL,	Paterson.
ELY, JOHN J.,	Freehold.
EMERY, JOHN R.,	Newark.
FAY, THOMAS P.,	Long Branch.
FORT, J. FRANKLIN,	East Orange.
GARFIELD, HARRY A.,	Princeton.
GARRETSON, A. Q.,	Morristown.
GODFREY, BURROWS C.,	Atlantic City.
GOODELL, EDWIN B.,	Montclair.
GRANT, ALEXANDER, JR.,	Newark.
GRIGGS, JOHN W. (New York, N. Y.),	Paterson.
HAMILL, HUGH H.,	Trenton.
HARDIN, JOHN R.,	Newark.
HARTSHORNE, CHARLES H.,	Jersey City.
HUTCHINSON, BARTON B.,	Trenton.
KEASBEY, EDWARD Q.,	Newark.
LANNING, WILLIAM M.,	Trenton.
LEWIS, WILLIAM I.,	Paterson.
LYON, ADRIAN,	Perth Amboy.
MCCARTER, ROBERT H.,	Newark.
PARKER, CHARLES W.,	Jersey City.
PARKER, CHAUNCEY G.,	Newark.
PARKER, CORTLANDT,	Newark.
PARKER, CORTLANDT, JR.,	Newark.
PARKER, R. WAYNE,	Newark.
RANDOLPH, CARMAN F. (New York, N. Y.),	Morristown.
RIKER, ADRIAN,	Newark.
SHIPMAN, GEORGE M.,	Belvidere.
STRONG, ALAN H.,	New Brunswick.
SWAYZE, FRANCIS J.,	Newark.
TERRELL, WILLIAM J.,	Burlington.
VROOM, GARRET D. W.,	Trenton.
WILSON, WOODBROW,	Princeton.

NEW MEXICO TERRITORY.

CATRON, THOMAS B.,	Santa Fe.
POPE, WILLIAM H.,	Roswell.

NEW YORK.

ABBOT, EVERETT V.,	New York.
ADAMS, ELBRIDGE L.,	Rochester.
ANDREWS, JAMES D.,	New York.
ASHLEY, CLARENCE D.,	New York.
BACON, SELDEN,	New York.
BARBER, ARTHUR WILLIAM,	New York.
BARTLETT, JOHN P.,	New York.
BECK, JAMES M.,	New York.
BELL, CLARK,	Dundee.
BENEDICT, ABRAHAM,	New York.
BENEDICT, ROBERT D.,	New York.
BLJUR, NATHAN,	New York.
BINNEY, HAROLD,	New York.
BISCHOFF, HENRY, JR.,	New York.
BOGERT, HENRY L.,	New York.
BOOTHBY, JOHN WILLIAM,	New York.
BROWN, ADDISON,	New York.
BRUNO, RICHARD M.,	New York.
BUCHANAN, CHARLES J.,	Albany.
BURDICK, FRANCIS M.,	New York.
BURR, CHARLES L.,	New York.
BUTLER, CHARLES HENRY (Washington, D. C.),	New York.
BUTLER, WILLIAM ALLEN, JR.,	New York.
BUTTON, FREDERICK H.,	New York.
BUTTON, WILLIAM H.,	New York.
BYRNE, JAMES,	New York.
CAMERON, FREDERICK W.,	Albany.
CAREY, MARTIN,	Buffalo.
CARPENTER, JAMES E.,	New York.
CHASE, GEORGE,	New York.
CHOATE, JOSEPH H.,	New York.
CLARK, MARTIN,	Buffalo.
CLEAWATER, ALPHONSO T.,	Kingston.
COCKRAN, W. BOURKE,	New York.
COOPER, DEURY W.,	New York.
COUDERT, FREDERIC R., JR.,	New York.
COXE, HANSON C. (Paris, France),	New York.
COXE, MACGRANE,	New York.
CRANE, FREDERICK E.,	Brooklyn.
CUNNEEN, JOHN,	Buffalo.
DANAHER, FRANKLIN M.,	Albany.
DAVIES, JULIEN T.,	New York.
DAVIES, WILLIAM GILBERT,	New York.
DAVIS, HENRY K.,	New York.

NEW YORK.—Continued.

DAVIS, VERNON M.,	New York.
DAW, GEORGE W.,	Troy.
DEERING, JAMES A.,	New York.
DENISON, HOWARD P.,	Syracuse.
DEFEW, CHAUNCEY M.,	New York.
DILLON, JOHN F.,	New York.
DIVEN, GEORGE M.,	Elmira.
DOS PASSOS, JOHN R.,	New York.
DOUGHERTY, J. HAMPDEN,	New York.
DOYLE, LOUIS F.,	New York.
DREW, WILLIAM L.,	Ithaca.
DUELL, CHARLES H.,	New York.
DUGAN, PATRICK C.,	Albany.
DUTTON, JOHN A.,	New York.
DYER, RICHARD N.,	New York.
EDMONDS, SAMUEL O.,	New York.
ELKUS, ABRAM I.,	New York.
ESTABROOK, HENRY D.,	New York.
EWING, HAMPTON D.,	New York.
FEARONS, GEORGE H.,	New York.
FIELD, FRANK HARVEY,	Brooklyn.
FIERO, J. NEWTON,	Albany.
FINCH, EDWARD R.,	New York.
FITCH, THEODORE,	New York.
FLEISCHMANN, SIMON,	Buffalo.
FOSTER, ROGER,	New York.
FOX, AUSTEN G.,	New York.
FULLER, PAUL,	New York.
GARDNER, JOHN M.,	New York.
GIBBS, CLINTON B.,	Buffalo.
GIFFORD, LIVINGSTON,	New York.
GILLEN, WILLIAM W.,	Jamaica.
GLEASON, JOHN H.,	Albany.
GLYNN, MARTIN H.,	Albany.
GOODELLE, WILLIAM P.,	Syracuse.
GREELEY, WILLIAM B.,	New York.
GUTHRIE, WILLIAM D.,	New York.
HAND, RICHARD L.,	Elizabethtown.
HANFORD, SOLOMON,	New York.
HAWES, GILBERT RAY,	New York.
HAWKESWORTH, R. W.,	New York.
HEALEY, ROBERT E.,	Plattsburgh.
HEERMANCE, MARTIN,	Poughkeepsie.
HERENDEEN, EDWARD G.,	Elmira.

NEW YORK.—Continued.

HIRSCHBERG, HENRY,	Brooklyn
HORNBELOWER, WILLIAM B.,	New York.
HOTCHKISS, WILLIAM HORACE,	Buffalo.
HUBBARD, HARRY,	New York.
HUBBARD, THOMAS H.,	New York.
HUFFCUT, E. W.,	Ithaca.
HUGHES, CHARLES E.,	New York.
INGALSBEE, GRENVILLE M.,	Sandy Hill.
LEVINE, FRANK,	Ithaca.
JACKSON, WILLIAM H.,	New York.
JACOBSON, ISAAC W.,	Brooklyn
JELLINEK, EDWARD L.,	Buffalo.
JOHNSTON, THOMAS J.,	New York.
JOLINE, ADRIAN H.,	New York.
KALISH, EDWIN L.,	New York.
KEENER, WILLIAM A.,	New York.
KELLOGG, L. LAFLIN,	New York.
KENYON, WILLIAM H.,	New York.
KEER, THOMAS B.,	New York.
KIDDLE, ALFRED W.,	New York.
KILVERT, THOMAS,	New York.
KIRCHWEY, GEORGE W.,	New York.
KIRLIN, J. PARKER,	New York.
KNAUTH, ANTONIO,	New York.
KRAUTHOFF, L. C.,	New York.
LAMBERTON, C. L.,	New York.
LEAVITT, JOHN BROOKS,	New York.
LEVIS, HOWARD C. (London, England),	Schenectady.
LEVY, JOSEPH L.,	New York.
LINDSAY, WILLIAM,	New York.
LUCEY, DENNIS B.,	Ogdensburg.
MACK, WILLIAM,	New York.
MERCHANT, HENRY D.,	New York.
MEYERS, SIDNEY S.,	New York.
MILBURN, JOHN G.,	New York.
MILLER, HUGH GORDON,	New York.
MILLER, WILLIAM W.,	New York.
MILNOR, M. CLELAND,	New York.
MOORE, JOHN BASSETT,	New York.
MOOT, ADELBERT,	Buffalo.
MORSE, WALDO G.,	New York.
MOSES, RAPHAEL J.,	New York.
MYERS, NATHANIEL,	New York.
MCCALL, EDWARD E.,	New York.

NEW YORK.—Continued.

McCook, John J.,	New York.
McCrary, A. J.,	Binghamton.
McIntosh, James H.,	New York.
McKinney, William M.,	Northport.
McLaughlin, Frederick C.,	New York.
McLean, Donald,	New York.
McNulty, William D.,	New York.
Nichols, George L.,	New York.
Nicolson, John,	New York.
Noble, Daniel,	Long Island City
Noble, Herbert,	New York.
Olcott, J. Van Vechten,	New York.
Opdyke, William S.,	New York.
Osgood, Howard L.,	Rochester.
Parker, Alton B.,	New York.
Parsons, Hinsdill,	Schenectady.
Petty, Robert D.,	New York.
Pierce, Winslow S.,	New York.
Place, Ira A.,	New York.
Potter, Frederick,	New York.
Prime, Ralph E.,	Yonkers.
Prindle, Edwin J.,	New York.
Putnam, Harrington,	New York.
Quackenbush, James L.,	Buffalo.
Redding, Joseph D.,	New York.
Redding, William A.,	New York.
Redfield, Henry S.,	New York.
Reeves, Alfred G.,	New York.
Rich, Burdette A.,	Rochester.
Rodenbeck, Adolph J.,	Rochester.
Root, Elihu (Washington, D. C.),	New York.
Rudd, William Platt,	Albany.
Russell, Isaac F.,	New York.
Russell, William Hepburn,	New York.
Scott, James L.,	Saratoga Springs.
Sexton, Pliny T.,	Palmyra.
Seymour, Henry H.,	Buffalo.
Shack, Ferdinand,	New York.
Smith, Nelson,	New York.
Speir, Gilbert M.,	New York.
Squires, A. L.,	New York.
Stetson, Francis Lynde,	New York.
Stillman, Thomas E.,	New York.
Sumerwell, E. K.,	New York.

NEW YORK.—Continued.

SUMNER, EDWARD A.,	New York.
SUTRO, THEODORE,	New York.
TAGGART, RUSH,	New York.
TAYLOR, JOHN R.,	New York.
TAYLOR, WALTER F.,	New York.
TERRY, CHARLES THADDEUS,	New York.
TOMPKINS, HAMILTON B.,	New York.
TREMAIN, HENRY E.,	New York.
VANAMEE, WILLIAM,	Newburgh.
VAN SLYCK, GEORGE W.,	New York.
VAN VECHTEN, A. V. W.,	New York.
VIEU, HENRY A.,	New York.
VILLARD, HAROLD G.,	New York.
WADHAMS, FREDERICK E.,	Albany.
WALDO, GEORGE E.,	New York.
WALKER, ALBERT H.,	New York.
WALSH, ARTHUR R.,	Albany.
WARD, HAMILTON,	Buffalo.
WARD, HENRY GALBRAITH,	New York.
WARNER, GEORGE COFFING,	New York.
WARNER, JOHN DEWITT,	New York.
WETMORE, EDMUND,	New York.
WHEELER, EVERETT P.,	New York.
WHITNEY, EDWARD B.,	New York.
WILCOX, ANSLEY,	Buffalo.
WILCOX, DAVID,	New York.
WING, HENRY T.,	New York.
WINSLOW, WILLIAM BEVERLY,	New York.
WOLLMAN, HENRY,	New York.
WOODRUFF, EDWIN H.,	Ithaca.

NORTH CAROLINA.

ANDREWS, ALEXANDER BOYD, JR.,	Raleigh.
BIGGS, J. CRAWFORD,	Durham.
BRIDGERS, JOHN L.,	Tarboro.
BUSBEE, FABIVS H.,	Raleigh.
CLEMENT, L. H.,	Salisbury.
DAVIDSON, THEODORE F.,	Asheville.
DAVIS, THOMAS W.,	Wilmington.
DOUGLAS, ROBERT M.,	Greensboro.
MANLY, CLEMENT,	Winston-Salem.
MEARES, IREDELLE,	Wilmington.
MOORE, CHARLES A.,	Asheville.
PATTERSON, LINDSAY,	Winston-Salem.
PRUDEN, WILLIAM D.,	Edenton.
WALKER, PLATT D.,	Raleigh.

NORTH DAKOTA.

AMES, F. W.,	Mayville.
AMIDON, CHARLES F.,	Fargo.
AUSTIN, JAMES M.,	Ellendale.
BANGS, GEORGE A.,	Grand Forks.
BANGS, TRACY R.,	Grand Forks.
BLOOD, H. S.,	Bottineau.
BOSARD, JAMES H.,	Grand Forks.
BRUCE, ANDREW A.,	Grand Forks.
CONKLIN, MARION,	Jamestown.
CORLISS, GUY C. H.,	Grand Forks.
DIVET, A. G.,	Wahpeton.
ENGERUD, EDWARD,	Fargo.
GREENE, JOHN E.,	Minot.
KNAUF, JOHN,	Jamestown.
LEE, ARTHUR B.,	Fargo.
MAHER, JOHN W.,	Devils Lake.
MURPHY, CHARLES J.,	Grand Forks.
POLLOCK, ROBERT M.,	Fargo.
SKULASON, B. G.,	Grand Forks.
SPALDING, BURLEIGH FOLSOM,	Fargo.
THOMAS, W. H.,	Leeds.
TURNER, HARRY R.,	Fargo.
WINEMAN, JACOB B.,	Grand Forks.
WINTERER, HERMAN	Valley City.
YOUNG, NEWTON C.,	Fargo.

OHIO.

ARNOLD, HARRY B.,	Columbus.
BETTMAN, ALFRED,	Cincinnati.
BRADY, P. J.,	Cleveland.
BURKET, HARLAN F.,	Findlay.
BURKET, JACOB F.,	Findlay.
BUSHNELL, T. H.,	Cleveland.
CALHOUN, PAT.,	Cleveland.
CLARKE, JOHN H.,	Cleveland.
CLEVELAND, HARLAN,	Cincinnati.
COLSTON, EDWARD,	Cincinnati.
COOK, E. S.,	Cleveland.
CUSHING, WILLIAM E.,	Cleveland.
DAY, WILLIAM R. (Washington, D. C.),	Canton.
DEMPSEY, JAMES H.,	Cleveland.
DICKMAN, FRANKLIN J.,	Cleveland.
DOYLE, JOHN H.,	Toledo.
DURBAN, FRANK A.,	Zanesville.

OHIO.—Continued.

FERRIS, AARON A.,	Cincinnati.
FOLLETT, ALFRED DEWEY,	Marietta.
FOLLETT, MARTIN DEWEY,	Marietta.
FREIBERG, A. JULIUS,	Cincinnati.
FULLER, CLIFFORD W.,	Cleveland.
GEDDES, FREDERICK L.,	Toledo.
GOFF, FREDERICK H.,	Cleveland.
GOULDER, HARVEY D.,	Cleveland.
GRANGER, MOSES M.,	Zanesville.
HADDEN, ALEXANDER,	Cleveland.
HARMON, JUDSON,	Cincinnati.
HARPER, JACOB CHANDLER,	Cincinnati.
HENDERSON, JOHN M.,	Cleveland.
HINES, CLARK B.,	Bellville.
HOADLY, GEORGE, JR.,	Cincinnati.
HOGSETT, THOMAS H.,	Cleveland.
HOLLISTER, THOMAS,	Cincinnati.
HOWLAND, PAUL,	Cleveland.
HOYT, JAMES H.,	Cleveland.
HUNT, CHARLES J.,	Cincinnati.
HUNT, SAMUEL F.,	Glendale.
JAMES, FRANCIS B.,	Cincinnati.
JOHNSON, HOMER H.,	Cleveland.
JOHNSON, SIMEON M.,	Cincinnati.
JONES, ASAH EL W.,	Youngstown.
JONES, RANKIN D.,	Cincinnati.
KENNON, NEWELL K.,	St. Clairsville.
KIBLER, EDWARD,	Newark.
KING, EDMUND B.,	Sandusky.
KLINE, VIRGIL P.,	Cleveland.
KNIGHT, WALTER A.,	Cincinnati.
LAWRENCE, JAMES,	Cleveland.
MATTHEWS, C. BENTLEY,	Cincinnati.
MATTHEWS, MORTIMER,	Cincinnati.
MAXWELL, LAWRENCE, JR.,	Cincinnati.
MCCARTHY, M. B.,	Toledo.
MCMAHON, J. SPRIGG,	Dayton.
NORRIS, MYRON A.,	Youngstown.
PATTERSON, M. R.,	Columbus.
QUAIL, FRANK A.,	Cleveland.
RANNEY, HENRY C.,	Cleveland.
REECE, PATTERSON A.,	Cincinnati.
ROBERTSON, C. D.,	Cincinnati.
ROGERS, WILLIAM P.,	Cincinnati.

OHIO.—Continued.

SALTZGABER, GAYLARD M.,	Van Wert.
SANDERS, W. B.,	Cleveland.
SAYLER, JOHN RYNER,	Cincinnati.
SENEY, HENRY W.,	Toledo.
SMITH, J. H. CHARLES,	Cincinnati.
SMITH, RUFUS B.,	Cincinnati.
SQUIRE, ANDREW,	Cleveland.
STEWART, GILBERT H.,	Columbus.
STOEHR, OSCAR,	Cincinnati.
STRONG, EDWARD W.,	Cincinnati.
TAFT, WILLIAM H. (Washington, D. C.),	Cincinnati.
TOLLES, SHELDON H.,	Cleveland.
TROUP, JAMES O.,	Bowling Green.
VANDEMAN, JOHN N.,	Dayton.
VORYS, ARTHUR I.,	Lancaster.
WARRINGTON, JOHN W.,	Cincinnati.
WHEELER, SETH S.,	Lima.
WORTHINGTON, WILLIAM,	Cincinnati.
YOUNG, GEORGE R.,	Dayton.

OKLAHOMA TERRITORY.

AMES, CHARLES B.,	Oklahoma City.
ASP, HENRY E.,	Guthrie.
BEAUCHAMP, JAMES K.,	Enid.
BIERER, A. G. CURTIN,	Guthrie.
BLAKE, ERNEST E.,	El Reno.
BURFORD, JOHN HENRY,	Guthrie.
BURWELL, BENJAMIN F.,	Oklahoma City.
DIGGS, JAMES B.,	Pawnee.
FLYNN, DENNIS T.,	Oklahoma City.
FULTON, E. L.,	Oklahoma City.
GILLETTE, FRANK E.,	Anadarko.
HAINER, BAYARD T.,	Perry.
IRWIN, C. F.,	El Reno.
KANE, MATTHEW J.,	Kingfisher.
MACKEY, ARTHUR M.,	Pond Creek.
MARTIN, HENRY B.,	Perry.
MOSIER, JOHN H.,	Norman.
SHEAR, B. D.,	Oklahoma City.
TETIRICK, W. C.,	Blackwell.
WELLS, FRANK,	Oklahoma City.
WOMACK, T. J.,	Alva.
WOODS, CHARLES H.,	Guthrie.
WRIGHTSMAN, CHARLES J.,	Pawnee.

OREGON.

BEAN, ROBERT S.,	Salem.
CAREY, CHARLES H.,	Portland.
FENTON, WILLIAM D.,	Portland.
GEARIN, JOHN M.,	Portland.
HOLMAN, FREDERICK V.,	Portland.
MOORE, F. A.,	Salem.
SCHNABEL, CHARLES J.,	Portland.
STILLMAN, ALPHONSO D.,	Pendleton.

PENNSYLVANIA.

ALEXANDER, LUCIEN H.,	Philadelphia.
ANDRE, JOHN K.,	Philadelphia.
ASHHURST, RICHARD L.,	Philadelphia.
BAER, GEORGE F.,	Reading.
BARNES, JOHN HAMPTON,	Philadelphia.
BAYARD, JAMES WILSON,	Philadelphia.
BEDFORD, J. CLAUDE,	Philadelphia.
BEEBER, DIMNER,	Philadelphia.
BELL, JOHN C.,	Philadelphia.
BERTOLETTE, FREDERICK,	Mauch Chunk.
BINNEY, CHARLES CHAUNCEY,	Philadelphia.
BISPHAM, GEORGE TUCKER,	Philadelphia.
BOHLEN, FRANCIS H.,	Philadelphia.
BRIGHTLY, FRANK F.,	Philadelphia.
BROWN, FRANCIS SHUNK,	Philadelphia.
BROWN, J. HAY,	Lancaster.
BROWN, JOHN A.,	Philadelphia.
BROWN, JOHN DOUGLASS,	Philadelphia.
BROWN, REYNOLDS D.,	Philadelphia.
BUCHER, JOSEPH C.,	Lewisburg.
BUDD, HENRY,	Philadelphia.
BURNETT, WILLIAM H.,	Philadelphia.
BURR, CHARLES A.,	Philadelphia.
CADWALADER, JOHN,	Philadelphia.
CARSON, HAMPTON L.,	Philadelphia.
CHAMBERS, FRANCIS T.,	Philadelphia.
CHAPMAN, S. SPENCER,	Philadelphia.
CHRISTY, GEORGE H.,	Pittsburgh.
CLEMENT, CHARLES M.,	Sunbury.
COLAHAN, JOHN BARRY,	Philadelphia.
CROCKER, WILLIAM D.,	Williamsport.
CUYLER, THOMAS DEWITT,	Philadelphia.
DANA, SAMUEL W.,	New Castle.

PENNSYLVANIA.—Continued.

DICKSON, SAMUEL,	Philadelphia.
DUANE, RUSSELL,	Philadelphia.
EDWARDS, N. M.,	Williamsport.
EWING, NATHANIEL,	Uniontown.
FARQUHAR, GUY E.,	Pottsville.
FENTON, HECTOR T.,	Philadelphia.
FISHER, WILLIAM RIGHTER,	Philadelphia.
FLAHERTY, JAMES A.,	Philadelphia.
FOX, EDWARD J.,	Easton.
FRALEY, JOSEPH C.,	Philadelphia.
FREDERICKS, JOHN T.,	Williamsport.
FUTRELL, WILLIAM H.,	Philadelphia.
GATES, THOMAS S.,	Philadelphia.
GEST, JOHN MARSHALL,	Philadelphia.
GEYELIN, HENRY LAUSSAT,	Philadelphia.
GILBERT, LYMAN D.,	Harrisburg.
GIVEN, WILLIAM B.,	Columbia.
GLASGOW, WILLIAM A., JR.,	Philadelphia.
GRAHAM, GEORGE S.,	Philadelphia.
GRAY, JAMES C.,	Pittsburgh.
GRIFFITH, WARREN G.,	Philadelphia.
GUTHRIE, GEORGE W.,	Pittsburgh.
HALL, WILLIAM M., JR.,	Pittsburgh.
HARGEST, WILLIAM M.,	Harrisburg.
HARRITY, WILLIAM F.,	Philadelphia.
HEMPHILL, JOSEPH,	West Chester.
HENSEL, W. U.,	Lancaster.
HEWITT, LUTHER E.,	Philadelphia.
HIESTER, ISAAC,	Reading.
HOPWOOD, R. F.,	Uniontown.
HOWSON, CHARLES,	Philadelphia.
HOYT, HENRY M. (Washington, D. C.),	Philadelphia.
HUNTER, ERNEST HOWARD,	Philadelphia.
JAYNE, H. LABARRE,	Philadelphia.
JONES, J. LEVERING,	Philadelphia.
JONES, RICHMOND L.,	Reading.
KANE, FRANCIS FISHER,	Philadelphia.
KAY, JAMES I.,	Pittsburgh.
KEATOR, JOHN F.,	Philadelphia.
KNOX, P. C. (Washington, D. C.),	Pittsburgh.
KREADY, B. FRANK,	Lancaster.
LAMBERTON, JAMES M.,	Harrisburg.
LANDIS, CHARLES I.,	Lancaster.
LEAMING, THOMAS,	Philadelphia.

PENNSYLVANIA.—Continued.

LEONARD, FREDERICK M.,	Philadelphia.
LEWIS, FRANCIS D.,	Philadelphia.
LEWIS, JOHN F.,	Philadelphia.
LEWIS, W. DRAPER,	Philadelphia.
LINDSEY, EDWARD,	Warren.
LLOYD, MALCOLM, JR.,	Philadelphia.
LYON, WALTER,	Pittsburgh.
MAFFETT, JAMES T.,	Clarion.
MARTIN, J. WILLIS,	Philadelphia.
MERCUR, RODNEY A.,	Towanda.
MERVINE, NICHOLAS P.,	Altoona.
MESTREZAT, S. LESLIE,	Uniontown.
MIKELL, WILLIAM E.,	Philadelphia.
MILLER, E. SPENCER,	Philadelphia.
MILLER, N. DUBOIS,	Philadelphia.
MINER, SIDNEY R.,	Wilkes Barre.
MORGAN, CHARLES E., JR.,	Philadelphia.
MORGAN, RANDAL,	Philadelphia.
MULLIN, EUGENE,	Bradford City.
MUNSON, C. LARUE,	Williamsport.
MCCLINTOCK, ANDREW H.,	Wilkes Barre.
MCCLUNG, WM. H.,	Pittsburgh.
MCCLURE, HAROLD M.,	Lewisburg.
McKEE, CHARLES H.,	Pittsburgh.
NICHOLS, H. S. P.,	Philadelphia.
NILES, HENRY C.,	York.
NORTH, E. D.,	Lancaster.
NORTH, HUGH M.,	Columbia.
OLMSTED, MARLIN E.,	Harrisburg.
PAGE, HOWARD W.,	Philadelphia.
PAGE, S. DAVIS,	Philadelphia.
PALMER, HENRY W.,	Wilkes Barre.
PANCOAST, CHARLES E.,	Philadelphia.
PATTERSON, GEORGE S.,	Philadelphia.
PATTERSON, ROSWELL H.,	Scranton.
PATTERSON, T. ELLIOTT,	Philadelphia.
PATTERSON, THOMAS,	Pittsburgh.
PEALE, S. R.,	Lock Haven.
PENNYPACKER, CHARLES H.,	West Chester.
PENNYPACKER, SAMUEL W.,	Harrisburg.
PEPPER, GEORGE WHARTON,	Philadelphia.
PETTIT, HORACE,	Philadelphia.
PORTER, WILLIAM D.,	Pittsburgh.
POTTER, WILLIAM P.,	Philadelphia.

PENNSYLVANIA.—Continued.

PRICHARD, FRANK P.,	Philadelphia.
RALSTON, ROBERT,	Philadelphia.
RAWLE, FRANCIS,	Philadelphia.
RAWLE, FRANCIS WILLIAM,	Philadelphia.
REARDON, JOHN J.,	Williamsport.
RICE, WILLIAM E.,	Warren.
ROGERS, JOHN I.,	Philadelphia.
ROWE, LEE STANTON,	Philadelphia.
RUHL, CHRISTIAN H.,	Reading.
RYON, WILLIAM W.,	Shamokin.
SEIBERT, WILLIAM N.,	New Bloomfield.
SHIELDS, J. M.,	Pittsburgh.
SIMPSON, ALEXANDER, JR.,	Philadelphia.
SMEAD, A. D. B.,	Carlisle.
SMITH, ALFRED PERCIVAL,	Philadelphia.
SMITH, THOMAS KILBY,	Philadelphia.
SMITH, WALTER GEORGE,	Philadelphia.
SMITHERS, WILLIAM W.,	Philadelphia.
SNARE, JACOB,	Philadelphia.
STAAKE, WILLIAM H.,	Philadelphia.
STEELE, HENRY J.,	Easton.
STERRETT, JAMES R.,	Pittsburgh.
STEWART, RUSSELL C.,	Easton.
STEWART, W. F. BAY,	York.
STILLWELL, JAMES C.,	Philadelphia.
STOEVER, WILLIAM C.,	Philadelphia.
STOUGHTON, A. B.,	Philadelphia.
STRAWBRIDGE, WILLIAM C.,	Philadelphia.
SULZBERGER, MAYER,	Philadelphia.
SWEARINGEN, J. M.,	Pittsburgh.
SYNNESTVEDT, PAUL,	Pittsburgh.
TAULANE, JOSEPH H.,	Philadelphia.
TAYLOR, JOSEPH T.,	Philadelphia.
THOMPSON, A. M.,	Pittsburgh.
TODD, M. HAMPTON,	Philadelphia.
TOWNSEND, CHARLES C.,	Philadelphia.
TRICKETT, WILLIAM,	Carlisle.
UMBEL, ROBERT E.,	Uniontown.
VON MOSCHIZIEMER, ROBERT,	Philadelphia.
WALTON, HENRY F.,	Philadelphia.
WATERS, ASA W.,	Philadelphia.
WATSON, D. T.,	Pittsburgh.
WATTERSON, A. V. D.,	Pittsburgh.
WAY, WILLIAM A.,	Pittsburgh.

PENNSYLVANIA.—Continued.

WEAVER, JOHN,	Philadelphia.
WEIL, A. LEO,	Pittsburgh.
WEIMER, ALBERT B.,	Philadelphia.
WHITLOCK, HENRY C.,	Philadelphia.
WILCOX, WILLIAM A.,	Scranton.
WILLARD, EDWARD N.,	Scranton.
WILLIAMS, IRA JEWELL,	Philadelphia.
WINDLE, WILLIAM S.,	West Chester.
WINTERNITZ, BENJAMIN A.,	New Castle.
WISE, JESSE H.,	Pittsburgh.
WOLVERTON, SIMON P.,	Sunbury.
WOODRUFF, CLINTON ROGERS,	Philadelphia.
WORK, JAMES C.,	Uniontown.

RHODE ISLAND.

ALDRICK, CLARENCE A.,	Providence.
ANGELL, WALTER F.,	Providence.
BAKER, ALBERT A.,	Providence.
BAKER, DARIUS,	Newport.
BALLOU, DANIEL R.,	Providence.
BARNEY, WALTER H.,	Providence.
BARROWS, CHESTER W.,	Providence.
BOSWORTH, ORRIN L.,	Bristol.
COLT, LeBARON B.,	Providence.
COLLINS, JAMES C., JR.,	Providence.
COMSTOCK, RICHARD B.,	Providence.
CRAM, HENRY C.,	Providence.
CROSS, HARRY P.,	Providence.
CURTIS, HARRY C.,	Providence.
EASTON, FRANK T.,	Providence.
EATON, AMASA M.,	Providence.
EDWARDS, SEEGER,	Providence.
GARDNER, RATHBONE,	Providence.
GREENOUGH, WILLIAM B.,	Providence.
HEFFERMAN, JOHN J.,	Woonsocket.
HIGGINS, JAMES H.,	Pawtucket.
HINCKLEY, FRANK L.,	Providence.
HOGAN, JOHN W.,	Providence.
JENCKES, THOMAS A.,	Providence.
LITTLEFIELD, NATHAN W.,	Providence.
LYMAN, RICHARD E.,	Providence.
McCAFFREY, JOSEPH J.,	Providence.
McCARTHY, P. J.,	Providence.
MCDONNELL, THOMAS F. I.,	Providence.

RHODE ISLAND.—Continued.

O'CONNOR, E. DEV.,	Providence.
POTTER, DEXTER B.,	Providence.
RICH, WILLIAM G.,	Woonsocket.
SWEETLAND, WILLIAM H.,	Providence.
THURSTON, WILMARTH H.,	Providence.
TILLINGHAST, FRANK W.,	Providence.
TILLINGHAST, JAMES,	Providence.
TILLINGHAST, WILLIAM R.,	Providence.
WILLIAMS, OLIVER H.,	Westerly.
WILSON, CHARLES A.,	Providence.
WOODS, JOHN CARTER BROWN,	Providence.

SOUTH CAROLINA.

BUIST, GEORGE LAMB,	Charleston.
BUIST, HENRY,	Charleston.
HAGOOD, BENJAMIN A.,	Charleston.
HYDE, SIMEON,	Charleston.
LYLES, WILLIAM H.,	Columbia.
MOORE, M. HERNDON,	Columbia.
MORDECAI, T. MOULTRIE,	Charleston.
MOWER, GEORGE SEWELL,	Newberry.
MCMAHON, JOHN J.,	Columbia.
SIMPSON, S. J.,	Spartanburg.
SMYTHE, AUGUSTINE T.,	Charleston.
WILCOX, P. A.,	Florence.
YOUNG, HENRY E.,	Charleston.

SOUTH DAKOTA.

AIKENS, FRANK R.,	Sioux Falls.
BAILEY, CHARLES O.,	Sioux Falls.
BURTT, A. W.,	Huron.
CRAWFORD, COE I.,	Huron.
GOODNER, IVAN W.,	Pierre.
ISSENHUTH WILLIAM,	Redfield.
KEITH, ALBERT J.,	Sioux Falls.
NULL, THOMAS H.,	Huron.
PAYNE, JASON E.,	Vermillion.
STERLING, THOMAS,	Vermillion.
STEWART, ROBERT W.,	Huron.
TAYLOR, A. E.,	Huron.
TRIPP, BARTLETT,	Yankton.
VOORHEES, JOHN H.,	Sioux Falls.
WAGNER, E. E.,	Alexandria.

SOUTH DAKOTA.—Continued.

WELLS, ROLLIN J.,	Sioux Falls.
WHITING, CHARLES S.,	De Smet.
WILMARTH, A. W.,	Huron.

TENNESSEE.

BAXTER, E. J.,	Jonesboro.
BAXTER, ED.,	Nashville.
BIGGS, A. W.,	Memphis.
BONNER, J. W.,	Nashville.
CAMP, E. C.,	Knoxville.
CAMPBELL, LEMUEL R.,	Nashville.
CARBOLL, WILLIAM H.,	Memphis.
CATES, CHARLES T., JR.,	Knoxville.
COLEMAN, LEWIS MINOR,	Chattanooga.
FITZHUGH, G. T.,	Memphis.
HALL, ALLEN G.,	Nashville.
HARWOOD, THOMAS F.,	Trenton.
HENDERSON, G. MC.,	Rutledge.
INGERSOLL, HENRY H.,	Knoxville.
KEEBLE, JOHN B.,	Nashville.
LEA, OVERTON,	Nashville.
LUSK, ROBERT,	Nashville.
MAYFIELD, J. E.,	Cleveland.
METCALF, CHARLES W.,	Memphis.
MOUNTCASTLE, R. E. L.,	Knoxville.
MCREYNOLDS, JAMES C. (Washington, D. C.),	Nashville.
PERCY, WILLIAM A.,	Memphis.
PILCHER, JAMES S.,	Nashville.
SANFORD, EDWARD T.,	Knoxville.
SMITH, SAMUEL BOSWORTH,	Chattanooga.
SWANEY, W. B.,	Chattanooga.
TILLMAN, A. M.,	Nashville.
VAN DEVENTER, HOBACE,	Knoxville.
VERTREES, JOHN J.,	Nashville.
WALLER, CLAUDE,	Nashville.
WILLIAMS, SAMUEL C.,	Johnson City.
YOUNG, DAVID K.,	Clinton.

TEXAS.

AUTRY, JAMES L.,	Beaumont.
BURGES, ALFRED RUST,	San Angelo.
BURGES, WILLIAM H.,	El Paso.
CARTER, H. C.,	San Antonio.

TEXAS.—Continued.

COKE, HENRY C.,	Dallas.
DILLARD, F. C.,	Sherman.
DYER, JOHN L.,	El Paso.
EDWARDS, PEYTON F.,	El Paso.
GAINES, R. R.,	Austin.
HUME, F. CHARLES, JR.,	Houston.
KELLER, C. A.,	San Antonio.
KEMP, WYNDHAM,	El Paso.
MILLER, CLARENCE H.,	Austin.
MILLER, T. S.,	Dallas.
McCLENDON, JAMES W.,	Austin.
OGDEN, CHARLES W.,	San Antonio.
PHILLIPS, NELSON,	Dallas.
SAMUELS, SIDNEY L.,	Fort Worth.
SANER, ROBERT E. LEE,	Dallas.
SEARCY, WILLIAM W.,	Brenham.
SPOONTS, M. A.,	Fort Worth.
STREET, ROBERT G.,	Galveston.
TERRY, J. W.,	Galveston.
WALTHALL, A. M.,	El Paso.
WILLIAMS, HORACE B.,	Dallas.

UTAH.

CORN, SAMUEL T.,	Ogden.
CRITCHLOW, EDWARD B.,	Salt Lake City.
GIBSON, GEORGE J.,	Salt Lake City.
KINNEY, CLESSON S.,	Salt Lake City.
VARIAN, CHARLES S.,	Salt Lake City.
WILLIAMS, P. L.,	Salt Lake City.

VERMONT.

BARBER, O. M.,	Bennington.
McCULLOUGH, JOHN G.,	No. Bennington.
ROBB, CHARLES H. (Washington, D. C.),	Bellows Falls.
TAFT, ELIHU B.,	Burlington.

VIRGINIA.

ADAMS, RICHARD H. T., JR.,	Lynchburg.
ATKINSON, HENRY A.,	Richmond.
BARBOUR, JOHN S.,	Culpeper.
BRAXTON, A. C.,	Richmond.
BRYAN, GEORGE,	Richmond.

VIRGINIA.—Continued.

BULLITT, JOSHUA F.,	Big Stone Gap.
CATON, JAMES R.,	Alexandria.
CHRISTIAN, FRANK P.,	Lynchburg.
CHRISTIAN, FRANK W.,	Richmond.
COCKE, LUCIAN H.,	Roanoke.
COKE, JOHN A.,	Richmond.
CORBITT, JAMES H.,	Suffolk.
CUMMING, S. GORDON,	Hampton.
DAVIS, CHARLES HALL,	Petersburg.
DAVIS, RICHARD B.,	Petersburg.
DRAPER, JOHN S., JR.,	Pulaski.
FLOOD, H. D.,	W. Appomattox.
FULKERSON, SAMUEL V.,	Bristol.
GARNETT, THEODORE S.,	Norfolk.
GILLIAM, MARSHALL M.,	Richmond.
GILMORE, JAMES H.,	Marion.
GRAVES, CHARLES A.,	Charlottesville.
GREGORY, ROGER,	Richmond.
GRIFFIN, S.,	Bedford City.
GRINNAN, DANIEL,	Richmond.
HAMILTON, ALEXANDER,	Petersburg.
HARRIS, JOHN T.,	Harrisonburg.
HARRISON, RANDOLPH,	Lynchburg.
HATTON, GOODRICH,	Portsmouth.
HEATH, JAMES ELLIOTT,	Norfolk.
HENSON, W. J.,	Pearisburg.
HUGHES, ROBERT M.,	Norfolk.
HUNTON, EPPA, JR.,	Richmond.
LEWIS, JOHN H.,	Lynchburg.
LEWIS, LUNSFORD L.,	Richmond.
LONG, ARMISTEAD R.,	Lynchburg.
MASSIE, EUGENE C.,	Richmond.
MEREDITH, CHARLES V.,	Richmond.
MINOR, RALEIGH C.,	Charlottesville.
MUNFORD, BEVERLEY B.,	Richmond.
MCALLISTER, J. T.,	Hot Springs.
McHUGH, CHARLES A.,	Roanoke.
PAGE, ROSEWELL,	Richmond.
PATTESON, S. S. P.,	Richmond.
PHLEGAR, ARCHER A.,	Christiansburg.
PICKRELL, JOHN,	Richmond.
PRENTIS, ROBERT R.,	Suffolk.
ROBERTSON, WILLIAM GORDON,	Roanoke.
ROYALL, WILLIAM L.,	Richmond.

VIRGINIA.—Continued.

SCOTT, R. CARTER,	Richmond.
SEATON, EMMETT,	Richmond.
SIPE, GEORGE E.,	Harrisonburg.
SMITH, WILLIE B.,	Richmond.
STERN, JO. LANE,	Richmond.
TENNANT, W. B.,	Richmond.
THOMASON, E. B.,	Richmond.
TOWNES, WILLIAM A.,	Richmond.
TUCKER, HENRY ST. GEORGE,	Lexington.
WATTS, LEIGH R.,	Portsmouth.
WICKHAM, HENRY T.,	Richmond.
WILLIAMS, CHARLES U.,	Richmond.
WILLIAMS, E. RANDOLPH,	Richmond.
WYBOR, JOSEPH C.,	Pulaski.
YARRELL, LEONIDAS D.,	Emporia.

WASHINGTON.

BROWN, MELVILLE C.,	Seattle.
BUNN, JOHN MARSHALL,	Spokane.
CANNON, E. J.,	Spokane.
DEWART, FREDERICK W.,	Spokane.
EVERETTE, WILLIS E.,	Tacoma.
FIELD, HEMAN H.,	Seattle.
HUGHES, E. C.,	Seattle.
PETERSON, FRED. H.,	Seattle.
ROBB, BAMFORD A.,	Seattle.
SHEPARD, CHARLES E.,	Seattle.
TURNER, GEORGE,	Spokane.
WAKEFIELD, WILLIAM J. C.,	Spokane.

WEST VIRGINIA.

AMBLER, B. MASON,	Parkersburg.
ARCHER, V. B.,	Parkersburg.
BRANNON, W. W.,	Weston.
BRATTON, WILLIAM A.,	Marlinton.
COOPER, JOHN T.,	Parkersburg.
DAVIS, DABNEY C. T., JR.,	Charleston.
HIGGINBOTHAM, C. C.,	Buckhannon.
HUBBARD, WILLIAM P.,	Wheeling.
MERRICK, CHARLES D.,	Parkersburg.
MILLER, WILLIAM N.,	Parkersburg.
MOLLOHAN, WESLEY,	Charleston.
PRICE, GEORGE E.,	Charleston.

WEST VIRGINIA.—Continued.

SMITH, EDWARD GRANDISON,	Clarksburg.
SMITH, HARVEY F.,	Clarksburg.
TURNER, SMITH D.,	Parkersburg.
VANDERVORT, JAMES W.,	Parkersburg.
VAN WINKLE, W. W.,	Parkersburg.
WHITE, ROBERT,	Wheeling.
WOLFE, WILLIAM HENRY, JR.	Parkersburg.

WISCONSIN.

BARBER, CHARLES	Oshkosh.
BARTLETT, WILLIAM PITT,	Eau Claire.
BASHFORD, R. M.,	Madison.
BROWN, NEAL,	Wausau.
CARY, ALFRED L.,	Milwaukee.
DWYER, WILLIAM D.,	Superior.
FAIRCHILD, H. O.,	Green Bay.
FETHERS, OGDEN H.,	Janesville.
FLANDERS, JAMES G.,	Milwaukee.
FRAWLEY, WILLIAM H.,	Eau Claire.
FROST, EDWARD W.,	Milwaukee.
GILMORE, EUGENE ALLEN	Madison.
GILSON, NORMAN S.,	Fond du Lac.
GRACE, H. H.,	West Superior.
GREENE, GEORGE G.,	Green Bay.
HUNTER, CHARLES F.,	Milwaukee.
HURLEY, MICHAEL A.,	Wausau.
HYZER, E. M.,	Milwaukee.
JACKSON, A. A.,	Janesville.
JEFFRIS, MALCOLM G.,	Janesville.
JENKINS, JAMES G.,	Milwaukee.
JENKINS, JOHN J.,	Chippewa Falls.
JONES, BURR W.,	Madison.
KERWIN, J. C.,	Madison.
LUDWIG, JOHN C.,	Milwaukee.
LUECK, MARTIN L.,	Juneau.
MALONE, JAMES E.,	Juneau.
MILLER, BENJAMIN K.,	Milwaukee.
MILLER, GEORGE P.,	Milwaukee.
MORRIS, HOWARD	Milwaukee.
NASH, LYMAN J.,	Manitowoc.
OGDEN, LEWIS M.,	Milwaukee.
ORTON, PHILO A.,	Darlington.
PERELES, JAMES M.,	Milwaukee.
PERELES, THOMAS JEFFERSON,	Milwaukee.

WISCONSIN.—Continued.

QUARLES, CHARLES,	Milwaukee.
QUARLES, JOSEPH V. (Washington, D. C.),	Milwaukee.
RICHARDS, HARRY S.,	Madison.
RIORDAN, DANIEL E.,	Eagle River.
SANBORN, A. L.,	Madison.
SEAMAN, WILLIAM H.,	Sheboygan.
SMITH, HOWARD L.,	Madison.
SPOONER, JOHN C.,	Madison.
STAFFORD, W. H.,	Chippewa Falls.
STARK, JOSHUA,	Milwaukee.
TURNER, W. J.,	Milwaukee.
VAN DYKE, GEORGE D.,	Milwaukee.
VAN DYKE, WILLIAM D.,	Milwaukee.
WIGMAN, J. H. M.,	Green Bay.
WINKLER, FREDERICK C.,	Milwaukee.
WOLFE, W. F.,	La Crosse.

WYOMING.

BURDICK, CHARLES W.,	Cheyenne.
BURKE, TIMOTHY F.,	Cheyenne.
CLARK, GIBSON,	Cheyenne.
CORTHELL, NELLIS E.,	Laramie.
LACEY, JOHN W.,	Cheyenne.
POTTER, CHARLES N.,	Cheyenne.
VAN DEVANTER, WILLIS,	Cheyenne.
VAN ORSDEL, JOSIAH A.,	Cheyenne.

RECAPITULATION.

STATES.	NO. OF MEMBERS.	STATES.	NO. OF MEMBERS.
Alabama,	17	Nebraska,	70
Alaska Territory,	1	Nevada,	2
Arizona Territory,	4	New Hampshire,	14
Arkansas,	28	New Jersey,	40
California,	28	New Mexico Territory,	2
Colorado,	105	New York,	206
Connecticut,	44	North Carolina,	14
Delaware,	11	North Dakota,	25
District of Columbia	89	Ohio,	80
Florida,	36	Oklahoma Territory,	24
Georgia,	44	Oregon,	8
Hawaii Territory,	4	Pennsylvania,	178
Idaho,	4	Rhode Island,	40
Illinois,	183	South Carolina,	13
Indian Territory,	11	South Dakota,	18
Indiana,	79	Tennessee,	32
Iowa,	50	Texas,	25
Kansas,	56	Utah,	6
Kentucky,	36	Vermont,	4
Louisiana,	28	Virginia,	64
Maine,	20	Washington,	12
Maryland,	72	West Virginia,	19
Massachusetts,	142	Wisconsin,	51
Michigan,	56	Wyoming,	8
Minnesota,	342		
Mississippi,	20		
Missouri,	116		
Montana,	25		
		Total,	2,606

APPENDIX.

ADDRESS OF THE PRESIDENT.

GEORGE R. PECK,
OF CHICAGO, ILLINOIS.

Gentlemen of the American Bar Association :

I congratulate you and I give you hearty greeting on this, the twenty-ninth meeting of our Association. The welcome we have here received, the large, well-rounded hospitality which is so distinctively an American habit, visibly illustrates the oneness of our national life. Some are here who dwell in the East, by the sea, and some who dwell by the sea in the West; and a goodly multitude come from that vast mid-continent whose wide expanse shows how rivers and mountains unite, far more than they divide, a people whose literature, language and laws have a common origin, and whose institutions, varied as they needs must be, rest securely in one Constitution made by all for all. This Association, though its members belong to a single profession, is yet representative in the highest sense of every American interest, and of the hopes and aspirations of all our people.

If we shall accomplish the purposes for which it was organized, which were, among other things, "to advance the science of jurisprudence, promote the administration of justice and uniformity of legislation throughout the union, and uphold the honor of the profession of the law," it is certain that every profession and calling and vocation will share with us in the beneficent result. We are called by the very nature of the duties we assume to stand for others than ourselves; to defend their rights when assailed or threatened, and to forget ourselves in the struggle for that which is entrusted to our keeping. In a certain sense, which the true lawyer never forgets, the practice of law is the most unselfish calling in the whole realm of business life. True, the lawyer is paid for his

services—sometimes—but it is service for another; the putting himself in another's place; taking to his own heart the sorrows, the hopes, the triumphs and the defeats of him whose cause he has espoused. More than any other is he called upon, by night and by day, to "remember them that are in bonds, as bound with them," and the fact that his client rewards, or is supposed to reward him, for the blows he gives and takes, does not change the inherently unselfish nature of his service.

The lawyers of the United States, therefore, did a wise thing when, in 1878, they organized this Association, with its lofty aims, which are so admirably stated in the first article of the Constitution.

I trust it will not be thought unbecoming the occasion if I express the belief that it has been a stimulus and an encouragement to all who are seeking the best ideals of our profession, and a steadfast influence for good in the affairs of our country as a whole. From year to year, it moves along in its noiseless, unobtrusive way, not joining very conspicuously in the clash of opinions, or fighting in the battle lines of real or imaginary issues. Its methods are calm and deliberate, as is becoming to the members of a profession whose ultimate appeal must always be to reason, and to the faculty which discerns and grasps justice and truth.

I am happy to report that the year just passed has been a prosperous one to our Association. At the last meeting our membership numbered 2049. It is now 2674, an increase in twelve months of 625, or 30 per cent. Many of the new members are with us today and, in behalf of the Association, I welcome them with heart and hand.

The occasion is a joyous one, and yet, how true it is that in all our journeyings we are never out of the shadow. Since our last meeting one of our best known and best loved members has passed from earth, and I am called upon to announce the death of a great lawyer, honored by all who knew him, who adorned the legal profession, and—what is better—

adorned human nature, in mind and in heart. James M. Woolworth, President of this Association for 1896, died at his home in Omaha, June 16, 1906. Many of you knew him well, and will not fail to bear me witness that he was of the finest, ripest fruitage of our profession; wise in counsel, clear and penetrating in analysis, lucid in statement, just, able and accurate in judgment, and faithful, without a shadow of turning, to the profession he loved so well.

I cannot speak of him, in cold, official formula, as a former President, and give him the perfunctory commendation he would little heed. It was my good fortune to know him very closely, and to count him in the little list of friends who are nearer than we tell in words. I have seen his heart, and know how true it was. James M. Woolworth was made for eminence in any profession, but particularly in that which he so wisely chose. But he was not a mere lawyer; he had thoughts and silent meditations on other themes. Life and its mysteries, duty, faith, the strange thread of motive and purpose which runs through human conduct, were, in his deeply introspective nature, a powerful, almost dominating force. He loved his friends, his books, his profession, and more than all he loved the tender ministrations of home and family, the enchantment of household affections and the unspeakable beauty of life at its best. We give him farewell, solemnly and proudly; knowing for a certainty that some of the sweetness and light which were in his nature has fallen upon those who were near to him, and some of the dignity and worth of his character has come to us all.

The Committee on Obituaries will make due and proper note of the loss we have sustained, and of the other deaths among our members which we are called upon to lament. Among them is one whose familiar face will be greatly missed, Walter S. Logan, of New York, who died suddenly July 19th. His last work was dictating a letter as Chairman of the Committee on Commercial Law to his colleague on the committee, Mr. George Whitelock, of Baltimore. Death came to him

so swiftly that he did not live to place his signature to the letter. He was an indefatigable member of the Association, and his resolute, determined nature found a congenial field in the discussion of questions of importance at each meeting. His ability and high character made him a leader in the profession.

Ernest B. Kruttschnitt, of New Orleans, died during the year. He was among the first lawyers of the South, a leader at the New Orleans Bar, which has always been distinguished by its able and brilliant members. His large practice and his great success attest his eminence in the profession.

The earthly career of Adolph Moses, of Chicago, well known to many members of this Association, also came to an end during the current year. He was rather advanced in years, but the vigor of his mind remained without impairment to the end. He was the originator of the movement which resulted in the observation of John Marshall Day, and the success which attended it was a source of great pride and gratification to him.

Edwin Burritt Smith, too, has been taken from a career of great usefulness. An able, successful lawyer, he found time in the midst of numerous professional responsibilities to work earnestly for civic honor in his own city of Chicago and throughout the country. He was a man of singularly pure and unblemished character, of scholarly tastes and of untiring zeal for the advancement of good government. His loss will be deplored, not only by us, but by all who have felt the influence of his hopes, his aspirations and his steadfast faith in humanity.

Our Constitution requires the President to open each annual meeting with an address; but the only special direction given him in respect to it is that "he shall communicate the most noteworthy changes in statute law on points of general interest made in the several states and by Congress during the preceding year." And to what end is this command laid upon him? Certainly not for the purpose of making a

mere record of the legislation of the country nor for use by active lawyers in their professional practice. If one wishes to know the statute law of any state, or of Congress, he goes to the authoritative volume in which it is contained. The requirement was, I think, founded upon a deeper reason, namely, that this Association is primarily interested in the scientific aspect of legislation and of jurisprudence. Indeed, the first object of the organization as set out in the Constitution is "to advance the science of jurisprudence." The jurisprudence of a country is intimately connected with its legislation, for jurisprudence is, as Professor Robertson calls it, "the science of positive laws." Changes in statute law are evidences to the philosophical student of that ceaseless evolution which marks the growth of a political organism. Alteration, displacement, the endless rearrangement of social and political forces are phenomena which constantly crowd upon the notice of a thoughtful observer. As lawyers and as students, we cannot be unmindful of the unseen influences which, working unconsciously, by day and by night, attain at last the large harmony that makes institutions and systems take the place of disorder and chaos. Historical jurisprudence—the birth, growth and development of law in its highest sense—is a study we ought to pursue far more assiduously than we do. When we consider man merely as an animal, a member of a great zoological order, it is sufficiently wonderful that he should ever have been brought under the sway of law at all; but when we see him putting the curb upon himself, by his own voluntary action, it surpasses the marvelous. Self-government, the recognition of mutual rights and mutual obligations, is, perhaps, the highest achievement of the race. How slow and halting and hesitating has been the upward march we may judge, if we trace it back through the brief period of which the written record is known, to the dim region of tradition and myth, and backward still further to the impenetrable silence and mystery of the primeval world. "And the earth was without form and void, and darkness was

upon the face of the deep." How it has all come about we neither wholly know nor fully comprehend; but here we are; and the light is here; and we have, to some extent, grasped the meaning of duty, and right and obligation, and the conception of government and society and law. Civilization is, of course, a highly complicated state of existence, artificial and, perhaps, strictly speaking, unnatural, but surely infinitely better than the savagery of the wolf and of the anthropoid progenitors of our race. We have traveled far from the half-human troglodyte in his cave and, step by step, have advanced to the height we now occupy. On this height we rest, serene and self-confident. And yet the distance between us and the beginning is not so great as to preclude the idea of its continuity; not so great but that, as Emerson says, "some spray sprinkles us from the antediluvian seas." It is unfortunate that authentic history is the slave of letters, and that tradition and stories and folk-lore are so elusive and unsatisfactory as guides and so imperfect as teachers. Sir Henry Maine and other searchers into the early history of institutions have traced with infinite industry the course which the race has followed. The family, the clan and the tribe have been the steps which nature and the natural instincts pointed out as leading to the higher and better forms of social relationship. Combination has been the persistent factor and force of progress. Tempered by the ethical or moral sentiment, which centuries ago in some way got a lodgment in the breast of primeval man, *organization*, based upon self-interest, has built up states, nations and sovereignties and made them what they are today. The conception of public duty is supposed to have been reached later in the history of the race than that of private morality, although we can hardly conceive of what we call duty, except as it bears upon our relation to others. Bentham aptly defines ethics as "private self-government"; and it is certain that all political government, rightly so called, is based upon this private self-government. Kingship and the arbitrary sway of force are only apparent exceptions

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to this great truth. The chief gradually becomes the chosen ruler, and the king, by so-called divine right, is finally transformed into a constitutional monarch if he is not swept entirely aside by the expansion of ideas and the outward reaching of men for the share that belongs to them in the ruling of themselves. If we should examine a tribe of North American Indians, in their original wild condition, uninfluenced by contact with higher races, hardly a glimpse would come to us of a possible civilization for them. And yet that is what has been done by the highest types of nations and peoples. The germ of every possibility is in human nature. The method by which barbarism is transformed into enlightened government, a government of law, of institutions, of citizenship and the high sanctions of political responsibility is slow and tedious. It is akin to the invisible movement by which nature unceasingly brings forth types, species and varieties, transforming some wild and worthless stock into a fruitful tree, and patiently working out the metamorphosis of a creeping reptile into a bird of the air, and the shapeless jellyfish into a vertebrated animal. This process of physical nature is, of course, much slower—for its hours and days are vast geologic periods—but in many of its aspects is very similar to that which in the intellectual and spiritual world, has brought forth art and learning and government, and filled the earth with temples and homes, and the beauty of that temperate self-command upon which the larger structure of political self-government must rest.

Maeterlinck, in his little classic, "The Life of the Bee," has this profound observation. He says:

"In proportion as a society organizes itself and rises in the scale, so does a shrinkage enter the private life of each one of its members. Where there is progress, it is the result, only, of a more and more complete sacrifice of the individual to the general interest."

It is not possible to nicely balance, or put into an equation, the individual shrinkage upon one side and the enlargement

of the general well being on the other, which result from the organization of society into governments; but is it not true, and do we not all feel it to be true, that for what we surrender we receive full compensatory value, and more? Any government, however imperfect, is better than no government—which is anarchy. If you go to the bottom of the doctrine of abstract individual right, it will perhaps appear that every man may justly assert every conceivable right. But, gentlemen, such a doctrine leaves out the prime factor of the problem—the existence of other men. In this country it is certain that the “shrinkage” is increasing every day; that the individual, under the legislative policy of our state and federal governments, is giving up more and more, but is he, or is he not, *receiving* more and more? If we have too much government—as many of us believe—is it possible, in the present state of human wisdom, to have just enough restraint and just enough personal freedom? An excess of the one no doubt means a diminution of the other, but what human intelligence can fix a perfect equilibrium? It is, of course, plain enough that nothing short of infinite wisdom and infinite power can make everything right in any system of government. There is, however, in the literature of the subject much unintelligible declamation which does not tend to enlighten searchers after truth. In the first place, the subject is too large for the grasp of the average mind, or of the mind above the average; and, secondly, the points of view are so numerous and so variant that the most laborious inquiry leads to no acceptable and final conclusion. The dilettante thinker is always ready with a knowledge that puts an end to rational discussion. Where Austin and Bentham could only grope, the village paper and the magazine contributor exhaust the subject in a single article. Let us frankly acknowledge to ourselves that we are only seekers, trying to help along in the march toward the best that is attainable, but not supposing for a moment that we can declare the ultimate truth, which, after all, is beyond human ken.

The province of government, the just limits of legislation, the authority of the state, speaking for all, by the voice of something more or less than half—that is, by a majority or plurality—are not so easy to determine by thoughtful men as they seem to be to those who make the platforms of political conventions. At this moment forty-five state legislatures potentially exist, to say nothing of the territories and of cities exercising legislative functions, and above them all, the Congress of the nation, is even now briefly slumbering, to renew its wakeful vigilance December 1st. And so, gentlemen, we have the safeguards of government—of several governments—with us always. If anything happens by which the ship goes wrong, it will not be from a lack of pilots, or of charts, or of admonitions and warnings.

The most complicated system of government, of high-class government, in the world is our American system; but it is, in my opinion, the most nearly perfect. And yet we cannot escape the persistent inquiry, Does it pay? What do we give up, and what do we get in return? Let the inquiry be enlarged so as to cover not simply our relations to our own governments, state and national, but to government itself, as an institution of civilization. We are, of course, primarily concerned with the relation we bear to the United States and the particular states of which we are citizens; but underlying that must always be the question, How stands the individual, everywhere, throughout the world, in his relation to the social or political organization in which he finds himself? Undenially, he gives up much. He gives up the right to be a brute; to be a law unto himself; to make war upon mankind; to take what can be reached by the arm and grasped by the strong hand; to hold by force and not by contract or convention; in other words, he surrenders the simplicity of barbarism for the complicated, artificial idea of civilization. And what does he get in return? Does he get all that the spirit of the agreement contemplates? Probably he does not. The unsatisfied aspirations, the eager desire for better conditions, the constant

pressure, upward and outward, show that, reasonably or unreasonably, there is everywhere a profound feeling that since so much has been given, something more ought to have been received. Every improvement in human conditions has been accomplished by dissatisfaction, reasonable or unreasonable, with the conditions then existing. This feeling is at the bottom of nearly all proposed acts of constructive legislation, and in some form or other has attended every step of human advancement from the birth of the race to the present moment. That we are far better off than we should be without the authority and protection of institutional government all must admit. But that is not the question, certainly not the entire question. Are we as well off as we ought to be? This is only making the foolish inquiry, Are men perfect? Until they are, self-government at its best will only be an approximation. If we follow the line of thought suggested by Maeterlinck, let us ask, What has been the "shrinkage" in the individual life, since men began to perceive their inter-relationship? It has been something; nay, it has been enormous, but the larger liberty of man, the liberty that can silently rest, waking or sleeping, under the shield of established government is compensation a thousand fold.

In our country, under conditions widely different from those which other peoples have experienced, we have enjoyed a very large measure of freedom, feeling only that slight restraint upon individual action which the ordinary elementary principles of government have always conceived to be reasonable and necessary. It has hardly been noticeable and but slightly felt. The customary is always easy, and so we have only in a small degree realized that we move daily along a road which is within another road, and that the beaten paths of the two are sometimes not easy to distinguish. The American citizen is thus doubly responsible, and to the extent that the state and the national government make rules for him, the "shrinkage" of which Maeterlinck speaks undeniably results.

But, gentlemen, legislation is not only the adoption of

positive rules of conduct, but it is, if I may so express it, *experimentation*. It is feeling the way; exploring paths that may or may not lead to the right goal; burning up fuel which may produce neither heat nor light, and yet shall we say it was wasted? The inventor vainly tries many mechanical combinations before he happily brings forth the workable machine. The chemist, the astronomer, the searcher, whatever may be his passion, patiently fails and fails again, until at last his purpose is accomplished. In the same way, the attainment of permanently beneficial results by legislation is generally marked by successive efforts and failures. Whether those who make laws have the moral right to thus practice and experiment upon those who are to be governed by them is another question; but it certainly would not be fair to hold lawmakers responsible for all their failures, particularly in a system where it is asserted and generally believed that their only proper function is to carry out the will of the people. It is certain that many bad laws are enacted, many unnecessary ones, and many exceedingly foolish ones—but, on the whole, do we not move along toward better things? Undoubtedly, we have too much legislation, but is not that largely the fault of our system, and is not our system, even with the danger of overlegislation, a wise and good one in its great essential features? I think so, and I believe that, in a way which is larger than we can grasp in its entirety, we are carrying out the “increasing purpose,” which Tennyson declared runs through the ages.

I have offered these suggestions on the general subject of legislation, and the relation of the individual to organized society, as preliminary to the duty which is imposed upon me, of communicating the most noteworthy changes in legislation during the past year. In my view of it, the main benefit we can hope to receive from such a recital is the perception it gives us of the tendency of modern thought and the direction and trend of governmental activities. We shall be interested less in the specific provisions of any statute than in its philo-

sophical relations to the times in which we live. Out of it all I hope we shall be able to see progress; but if we do not, still, we must remember that steps in the wrong direction may be retraced, and that for a thousand years civilization has been correcting mistakes while moving steadily forward. Even mistaken legislation may serve a useful purpose as a lesson and a warning.

It has often been pointed out that we are leaving the simple manners and methods of our fathers, and that over-legislation is the great and dangerous evil of the times. Indeed, there is a certain foundation for this charge, but I think it has been somewhat exaggerated and its dangers magnified. The old-time simplicity of a small population; principally engaged in agriculture, cannot be expected in a nation of eighty millions. Whether the homely plainness of life in the early days of the republic was good or bad for us, it has undoubtedly gone forever. We have grown enormously in wealth, owing to conditions which favored us above all other nations, but the main factor in bringing about the changed methods of living, and of carrying on the daily affairs of the people, has not been wealth, nor legislation, nor any infirmity in our system of government, *but the tremendous activity of the human mind in the direction of science.*

It would, perhaps, be more accurate to say that the great increase of wealth and its accumulation in colossal fortunes are themselves the result, and the inevitable result, of the scientific tendencies which have been so active in the past half century. When the capacity of a spindle or a loom has been quadrupled by the happy thought of some intelligent workman, a step has been taken toward luxury and wealth—perhaps not for the workman himself, but for his employer and for other employers who gradually possess themselves of the secret and finally for us all. Brooding upon the hidden law of some metallic combination or upon some subtle phase of chemical action, the truth—which, perhaps, was concealed by the mere fact that it was so obvious—suddenly bursts upon the

tired brain of a thinker, and straightway an industrial and economic revolution begins its onward course. After all, in determining ultimate responsibilities, the scientific spirit, the inventive energy which has dominated modern thought, must be counted most to blame for present conditions if, indeed, anyone is to blame. Shall we say that Fulton and Stephenson were disguised enemies of their race, and Edison and Marconi dangerous foes to free institutions? The great intellectual development of the nineteenth century—the greatest in all history—took the direction of scientific research, and the result has been a transformation of the modes of living, of the aims and aspirations of men, and, necessarily, of the scope and purpose of legislation.

Among the practical embarrassments which confront us at all times in dealing with such questions is our double system of government. The people of other nations have found it sufficiently difficult to conform to the requirements of one homogeneous set of laws, but every citizen of the United States is under the sway of two sovereignties, each supreme within its jurisdiction. The American citizen must obey both, and is not given the privilege of taking his choice between them. Both governments are legislating at the same time, and frequently upon the same subject, and it is a wise man who can rightly determine just where he stands, when these two sovereignties differ, as they sometimes do, in their commands. Of course, the temptation to over-legislation and the opportunity for indulgence in it is increased, perhaps almost doubled, by this dual system of government. For the suppression or regulation of every supposed evil tendency or condition which arises in our commercial, social or political life, there is a race between the state and the nation for the happy chance of first grappling with it. The constitutional line which separates the fields of state and national supremacy is not always plain to the people, or to legislators, or—let it be sorrowfully admitted—to the courts themselves. And so law-making goes on in the nation and in the states, the legislative man-

dates speaking the sovereign will, sometimes wisely and effectively, but often attaining only lame and impotent results. James C. Carter declared that the American people are afflicted with a passion for legislation amounting almost to a disease. It is undeniably true that the average mind believes in the possibility of destroying or remedying every evil by statutory enactment. That this idea is a false and dangerous one all human experience attests. Old Doctor Johnson, always oracular, and generally sensible in his political aphorisms, summed up the entire matter in the familiar lines :

“How small of all that human hearts endure,
That part which laws or kings can cause or cure.”

While reliance on legislation as the panacea for every real or supposed evil is illogical and absurd, I do not sympathize with the unsparing criticism of our lawmakers for what is called a meddlesome interference with subjects that do not properly belong to the function of legislation. The charge has some foundation ; and there are notable instances where great harm has been done by the ignorant zeal of legislators who are determined to do *something*, without clearly understanding what. But it is hardly fair to complain that there is too much legislation while modern life continues to rush along with ever increasing velocity into new conditions and situations which invite, and even demand, legislative attention. When the pace is slackened, and we have returned to a more moderate and equable motion—if that day ever comes—the objection to over-legislation can be urged with more reason and more hope of success. It is a significant, perhaps ominous, evidence of the changes in the popular idea of the legislative function, so apparent everywhere, to note the vastly increased range of subjects with which our statutes now deal. They are becoming largely—too largely, I think—merely administrative and regulative; establishing rules for the direction and control of business activities, drawing lines of separation between that which is and always was permissible, and that which shall no longer be so; establishing boards and commis-

sions, and providing for a scrutiny which, more and more, pries into affairs that once were supposed to pertain exclusively to the individual primarily interested. All this is more or less irritating, for the shrinkage, or rather, *the shrinking process* involved in it, hurts.

But, gentlemen, the legislation of today is begotten by the things of today. Wisdom does not cling to old methods of dealing with a subject, when the subject itself has entirely changed; when new elements have entered into it and new conditions arisen. And it is folly to suppose that modern life can go on with its ever increasing complexity, and legislators be dumb and silent.

Steam and electricity applied to mechanical agencies have brought about, and are daily bringing about, new relationships and new conditions. They have almost made the age automatic. On our great highways of commerce, the patient horse has given way to the more patient beast of iron, whose bones and muscles neither ache nor grow weary. In every factory fingers of steel and brass, with unerring swiftness, perform the task which the overworked operative once found so irksome to nerve and sinew. Almost daily some new wonder dawns upon the world, and instantly the practical mind is seeking to apply it to the purposes of business, or trade, or traffic. All this produces changed circumstances and with them arise new questions of right, duty and obligation. Modern legislation must deal, as best it may, with the novel untried situations which—following in the wake of this intellectual activity—have come into existence. Take, for illustration, the meteoric rise of the automobile as a vehicle of use and pleasure. It is hardly too much to say it has added a new terror to existence; and it is not strange that in every state, and in every city, and in secluded rural communities the legislative authority has asserted its right to deal with the subject. If the balloon should become a practicable means of transportation for passengers—which is the dream of many scientific students—would not the public interest imperatively

demand suitable legal enactments to meet the new conditions? And would not the fact that, at its best, it is a highly dangerous mode of transit increase the duty of legislators in this respect? Gentlemen, we might as well understand that we shall never be permitted to carry passengers in airships without having some legislation on the subject; and it is highly probable that when that day comes there will be more legislation than is good, either for aerial navigators or for the public at large. This is a mere illustration, but it aptly shows how the passion for legislation is stimulated. When legislators are considering a subject with which they may rightfully deal, the temptation is strong upon them to go farther than is necessary or proper, but this is simply an infirmity of human nature. It may be modified by the influences of intelligence and wisdom, but it cannot be entirely eradicated. Let us remember, too, that meddlesome legislation is not a new phenomenon. In the days of the Tudors and the Stuarts the English Parliament passed laws that no legislative body would now dare to enact in any constitutional government on earth. Curiously enough, our ancestors of Puritan New England, to whom we are always turning as models, were unsparing in their regulation of everything, from the apparel of men and women to the price of provisions, wool, grain and peltries. The Plymouth Colony, the New Haven Colony, the Connecticut Colony felt the full weight of Puritan government, and of a legislation so harsh and rigorous that it is still pointed to as the climax of unreasonable severity. And that was in an age of little wealth and with no diversity of industry beyond agriculture, fisheries and lumber. They lived "the simple life"; but they regulated it to the uttermost. We are all familiar with the reaction that came in the last century against over-legislation, under the influence of the French school of philosophical thinkers, and later, of Mill and Spencer and their followers. *Laissez faire* had its disciples, and still has, but I think it is plain that the pendulum is swinging back again; certainly it is in this country. Statesmen of all parties are hastening

to the refuge of paternalism and, as is usual in times of fear and stress, are overdoing it. The tremendous rate of speed which modern civilization has attained, if it does not afford a sound reason for increased legislation upon all subjects, certainly furnishes a convenient pretext for it.

In the summary of legislation which is communicated to the Association from year to year, there are many statutes which might well have been omitted from consideration by the legislatures that passed them. Of all the bills introduced in any legislative body, a comparatively small percentage survive the gestatory period and become living enactments; and of these, but few ever really enter into the life of the community. Some are weak and anæmic from the first, and hasten to their death by repeal as soon as the next legislature gets its opportunity. Others are amended or modified, and a few are declared unconstitutional; but some remain and become settled rules, to which the people soon adapt themselves, and these mark the evolution of our jurisprudence and the growth of our institutional life.

I ask you now, gentlemen, to listen to the report of noteworthy changes in legislation since our last meeting. Instead of reporting on each state and territory separately, I have thought it better to arrange the subjects of legislation in groups, which method, I think, will better enable you to remember them and to fix in your mind the legislative tendencies to which I have called your attention.

My thanks are due to the members of the General Council for the states in which legislatures were held, and to Mr. A. B. Browne, member of the General Council for the District of Columbia, for copies of the new laws of the states and of Congress and much valuable information in respect to the legislation which they were called upon to report.

[The summary of noteworthy changes in state and congressional legislation is so voluminous that, instead of having it printed here, I have embodied it in the appendix which follows this address.]

A mere glance at the legislation of the states and of Congress for the past twelve months confirms Mr. Carter's assertion as to the passion of the American people for legislation. It is in the blood, and, doubtless, is an inheritance from our colonial and British ancestors. Besides, as I have pointed out, it has been fed and stimulated by the abnormal energy of modern life. How far a government should go in the performance of its administrative functions, how far it should lay its hand upon business and commercial enterprise, is a question for statesmen and publicists rather than for lawyers. That is to say, it is a question arising everywhere, and is a problem confronting all civilized governments. Essentially, it is one of expediency. The opinions entertained upon the subject are very numerous and very different, depending upon a great variety of considerations. The point of view, self-interest and many other elements enter into the discussion, and even the intellectual temperament of the individual who is trying to reach a conclusion has its influence. Carlyle believed government should control everything, while Herbert Spencer believed it should control nothing. Alexander Hamilton and Thomas Jefferson stand for the opposing extremes in this country and the members of this Association doubtless entertain today widely different views.

I have made it sufficiently clear, I think, that speaking for myself alone I believe that the state—and I use the word in its large sense—should have the power, and should unflinchingly assert it, to protect all its people, and that it should exercise that degree of compulsion which may be necessary as a guaranty that all privileges shall be enjoyed without impairment of the privileges of others. I do not believe in *laissez faire*. I do not believe the infinitely complicated affairs of our modern life can be safely left to the unregulated instincts of those who are interested in or profit by them. The little sloop thirty-six feet in length, in which brave old Joshua Slocum circumnavigated the globe, neither possessed nor needed chronometers, charts or elaborate sailing regulations; but the stately trans-

Atlantic liners and the mighty battleships which compose the armaments of modern nations, filled with complicated machinery and managed by wire and signal, demand the most watchful regulation or they go swiftly to their doom at the bottom of the sea. They are types of our modern civilization. It may, indeed, be urged that the simple old wooden sailing ships in which Paul Jones and Commodore Perry won their victories were better craft than the Kearsarge and the Oregon, and that the Mayflower was far superior as a sea-going vessel to the swift Cunarder which will take you from New York to Liverpool in five days. But such reflections do not change the situation. The big, complicated ship and the big, complicated civilization are here, and whether we approve them or not, they demand recognition and attention. We need not complain, therefore, of the tendency to legislation and supervision which everywhere marks the administration of governments in the modern state. But everybody has a right to complain if the government exercises more power than is needful to secure the legitimate and proper result. It never was, and never will be, a proper use of the legislative function to pass laws for the mere sake of passing them. And yet, as we all know, a very large number of statutes are enacted in state legislatures and in Congress for no reason whatever except to gratify the ambition of some member to have his name attached to a law. Every act passed adds more or less to the individual "shrinkage" of which Maeterlinck speaks, but often without any corresponding advantage to organized society. Undoubtedly, the citizen gets the worst of the bargain whenever this happens.

But in the United States there are questions which belong especially to us as lawyers and which, directly or indirectly, arise upon all legislation and which must be finally answered by the courts. They are deeper and far more difficult than the one to which I have just alluded. A written constitution is, perhaps, not always wisely made. Its distribution of governmental powers, and the limitations it places upon them, may be injudicious or even absurd. It may be less effective than

is demanded to meet an emergency, but, nevertheless, it is, and ought to be, the absolute guide and monitor for every branch of the government and for all the people. Every statute, wise or unwise, must conform to the organic law, or it is an evil far greater than the evil which it intended to suppress or regulate. Every lawyer has been taught to believe it better that wrongs should go unpunished and rights unvindicated than that the fundamental principle of our government should be disregarded; I do not argue this proposition, I state it; and that is sufficient in addressing an audience of lawyers.

When we consider the vast number of statutes which have been enacted by state legislatures and by Congress since the organization of the government, it is strange, I think, that so few of them have been declared unconstitutional; and when we remember that all state legislation must conform to the constitution of its own state and also to the Constitution of the United States, it is positively astonishing. It is plain enough to any thoughtful mind that in the rush and haste of legislation, engendered by a heated public sentiment, there cannot be that calm, deliberate consideration either of constitutional grants or constitutional limitations which important legislation demands. The public welfare has always a loud sonorous voice, while the Constitution speaks in a hushed undertone which is often unheard and, perhaps oftener, unheeded.

The recent session of Congress pushed the legislative power granted by the commerce clause of the Constitution a long distance beyond any point reached before in that direction. Whether it went beyond the granted power and, by addition and enlargement, asserted an authority not warranted by the instrument is another question. The power to regulate commerce is, undoubtedly, a very broad one and, under the decisions of the Supreme Court, includes authority to legislate in respect to situations, and conditions, and circumstances not foreseen nor contemplated by the makers of that instrument. The language of constitutions—certainly the language employed

in granting powers—is usually general for the very purpose of enabling them to keep step with the progressive march of the country for which they are made. It will be useful to us in these times to remember the words of John Marshall:

“A constitution, from its nature, deals in generals, not in detail. Its framers cannot perceive minute distinctions which arise in the progress of the nation, and therefore confine it to the establishment of broad and general principles.” (*Bank of United States vs. Deveaux*, 5 Cranch 61, at 87.)

And what is this “power to regulate commerce” upon which the Interstate Commerce Act, the Anti-Trust Act, the pure food legislation and many other statutes are founded? Again let us turn to John Marshall, to whose mind the Constitution, its purposes and its meaning were clear as sunlight. In *Gibbons vs. Ogden* (9 Wheaton 1), the great Chief Justice, in three lines, answered the question. He said: “We are now arrived at the inquiry, What is this power? It is the power to regulate; that is, to prescribe the rule by which commerce is to be governed.” There is not, I think, in all the literature of the law a definition so brief and yet so comprehensive as that. Congress, therefore, has power to prescribe the rule by which commerce among the states is to be governed. And where does the power end? Is there any element entering into the concept of commerce among the states which is beyond the sway of this all-encompassing power? The commerce clause of the Constitution perhaps did not seem to count for much in the early days of the republic, although questions of commerce were the most potent inducement to the formation of the union. But, today, that clause, in a sense, overshadows all the other provisions of the federal Constitution, and this fact, so patent to us all, illustrates and emphasizes the mighty changes that have been wrought by the dominance of the scientific spirit in modern life. Whether Congress can delegate this power of making “the rule” by which commerce shall be governed is a question which will, doubtless, present itself to those who are led to consider the

subject. And the inquiry, To what other fields of legislation may the pervasive power of the commerce clause be extended? will occur to the ingenious minds of legislators and students of constitutional law. Inasmuch as nearly all the business affairs of the people are in some way directly or indirectly connected with commerce among the states, it is obvious enough that plausible arguments may be found for putting all such business under the regulative supervision of a commission, or of a department of the government. I do not now discuss the question whether this would be a wise or an unwise policy, but certainly it is something worth thinking about.

In what I have said of the times in which we live I have tried to be influenced by no illusions. I have recognized that the period of governmental ascendancy, of regulation and inspection, and interference is upon us, and I think it is but the natural outgrowth of the not very remote past. When we insist on making the journey from Chicago to New York in eighteen hours, we need not murmur because the days of pastoral simplicity are gone. The contemplative mind may indeed dream of a time when it was undisturbed by the noise and clangor of an iron age, but at the very moment that sorrow and regret are heaviest the dream and the dreamer vanish together. The currents of practical activity are running fast and strong, but I hope not beyond the saving influence of American institutions and the ideas which have guided us thus far. In the literature of the Hebrew, the Greek and the Roman there are sighs and tears for the good old days, and so it will always be. But our deepest concern must be for the present and for what it and its tendencies may bring forth. When Edmund Burke lamented that the age of chivalry was gone, the age of chivalry did not come back.

Shall I tell you what I think is the highest duty resting upon us as members of the great conservative, the great *conserving* profession of the law? It is to recognize and admit the things that are new, while not forgetting the things that were dear to the fathers. I shall not believe

that the great volume of legislation enacted by the last Congress was inspired by a blind zeal or a mere wanton lust of power. It had back of it something higher and better than these, an earnest desire to deal with conditions not always very well understood and a conviction that the time had come for doing *something*. And the result is a long list of laws which have doubtless considerably and in some cases unnecessarily increased the "shrinkage," but have also given the public an assurance that the machinery of civilization is not to be left unwatched and unguarded in the United States. All government is to some extent a compromise; a giving and taking, a barter and an exchange. While seeing, because it seems to me that no one who has eyes can fail to see, that we cannot have a bewildering complexity in all our affairs and at the same time have perfect simplicity in government, I do not close my eyes to the dark picture on the other side of the page. In all this turmoil, the whirl of machinery, governmental and mechanical, the organization of labor and of capital, the throbbing of every pulse and the strain of it all to brain and nerve, what has become of the individual man? Gentlemen, that is the hardest question which the modern world has to answer. When the shrinking process which is necessarily involved in carrying on a highly organized society has reached a certain stage it is time for legislators and for us all to pause—if we can. Has not the time already come for serious thought? The development of the state and of the institutions that collectively compose it is steadily proceeding, but how about the units? After all, governments are not instituted for themselves, but to secure certain rights, privileges and blessings to the people who dwell under them. It is a momentous question for those who make the laws whether, in enlarging and strengthening the powers of the state, they have not abridged and dwarfed the energies and capabilities of the individual citizen. I have pointed out what seemed to me to be the source of the increased legislation which marks the present age. This legislation has not been the cause of the

tremendous activity of modern times, but the result of it. It has been inevitable, and in the broad view which such a subject demands has doubtless been on the whole beneficial. But that it has incidental evils no one can deny, and I think no one can fail to see who considers existing conditions. There are doubts and misgivings in the minds of thoughtful men when they reflect on what is and what may be. Does opportunity now knock once at every gate? Does it or can it approach the gate if its right to do so is regulated by statute, or by the order of a union, or by a combination of capital, or by any form of repression? I have said, and I do not doubt it, that the enormous increase in the statutory regulation of human affairs in our country and everywhere is the unavoidable result of the scientific impulse that came a half century or more ago to us and to the entire world. Whether that impulse was for good or for evil cannot yet be answered. It has helped and it has harmed; but on which side of the ledger the balance will stand at the end, who can guess? The present moment, with all its splendor, its fullness of knowledge, its triumphs and its promises, is hardly an ideal one. Perhaps if we had time to think of it we should find a message worth our heed in those noble lines of Wordsworth:

"The world is too much with us; late and soon
Getting and spending we lay waste our powers."

We did not, perhaps, choose the blare and confusion of the life in which we find ourselves entangled, but here we are. The one thing we ought all to work for is to prevent the obliteration of MEN. The danger of today is that the best and most promising of our youth, "the expectancy and rose of the fair state" will be swallowed up, or if you prefer the figure, ground up in the wheels of a relentless, insatiable mechanism that neither knows nor cares. Nine years ago James M. Woolworth, my friend, my companion, of whom by the irony of fate I was called upon to speak officially today when all my heart was going out to him and to the days that never can return, said in his annual address as President of this Asso-

ciation : "The citizen, the person, the individual, living his own life, cherishing his own aspirations, making and meeting his own destiny, he is the integer ; he is sacred ; for him are all the solitudes." Ah ! if it were not for the solitudes, how sweet life would be ! The hope that stimulates and encourages human effort, the faith that makes us believe in the verities, these are the things worth clinging to, now and always. How the problem shall be solved, the mystery made clear, I do not pretend to know. We are so little, and life so large, that in the entire scope of things, not much is left to be counted among the certainties. And yet, I do not think we can be forgiven if we desert, or fly, or surrender. What we may do to reconcile individual right and individual freedom with the assured certainty of an increased exercise of governmental authority, we must do as lawyers, and still more as American citizens. We must remember that a great institutional government cannot be carried on by men who fail to recognize what is, while seeking what ought to be ; we must think less of what John Morley calls "small calculations and petty utilities" and more of the large possibilities that rest in the well-directed effort of men, who possess the sublime faculty which Shakespeare characterized as godlike, the faculty of "looking before and after." And out of it all, step by step, we shall go forward, maybe, to better things. But anyway, we shall go forward.

APPENDIX.

STATE LEGISLATION.

The present year was an "off year" in state legislation, as nearly all of the legislatures hold biennial sessions and the majority of them come in the odd-numbered years. Regular sessions of the legislatures were, however, held in Georgia, Iowa, Kentucky, Maryland, Massachusetts, New Jersey, New York, Ohio, Porto Rico, Rhode Island, Indian Territory,

Mississippi, South Carolina and Virginia. The constitution of Kentucky limits the regular session to sixty days, and as the houses were not able to agree upon the terms of the license law concerning blenders of distilled spirits within the time limited, a special session was called immediately at the close of the regular session. A special session of the legislature of Wisconsin was called for December, 1905, to receive the resignation of Governor LaFollette, who had been elected United States Senator at the regular session, and to act upon various questions which had come before the regular session, but concerning which the legislation was somewhat defective or incomplete. An extra session of the legislature of Pennsylvania met in January of this year to legislate upon subjects largely connected with the agitation in that state over election reform and the disclosures made concerning the deposit of state moneys in banks. An extra session of the legislature of Texas met March 26, 1906, and adjourned April 3. This was called for the purpose of amending the primary election law in order to correct an error in the enrollment of that law as enacted at the regular session. The terrible disaster which destroyed the greater portion of the city of San Francisco necessitated the calling of a special session of the legislature of California to meet the emergencies resulting from the burning of the city.

The State of Oregon is entering upon a period of political experimentation by the adoption of the system of initiative and referendum and, although there was no legislature this year, yet at the election held June 4th last, eleven laws or constitutional amendments proposed by initiative petition were submitted to the people of that state for adoption or rejection. Of these, eight were adopted.

The more important results of these seventeen legislative sessions and the Oregon referendum election will be commented upon under appropriate headings.

A situation which may have an important bearing upon the greater portion of the legislation in Ohio this year resulted

from the illness of the late Governor Pattison. The state constitution requires that all bills passed by the legislature be presented to the governor, and if not signed by him or returned to the house in which they originated within ten days after being so presented, they shall become laws. Beginning with the bills passed March 22d, and continuing to the end of the session, all the laws contain a statement that they were so presented and they were not signed or returned by the governor. It appears, however, by testimony given by Governor Pattison's physicians, in an extradition case, since his death that he was delirious during that entire period and the question has been raised whether the constitution was complied with and the bills presented to him within the constitutional requirements. A test case on this question is pending, but has not yet come to a hearing. If the point be well taken, much of the important labor of the last Ohio legislature will have to be done over again.

STATE GOVERNMENTS AND ELECTIONS.

After over a century of state governments in this country, it is not to be expected that any radical changes will be made in either their form or machinery. The most noticeable development in this direction, and one which is of comparatively modern origin, is the creation of many new administrative boards. This seems to be the course toward which state legislation is tending. The figures for the last year cannot be given completely, but a very large number of boards of this kind have been created. The year 1904, with which a comparison should be made, saw the creation of about forty new offices or boards, and the present year will probably equal or exceed that record.

The usual term for state officers in this country is two years, and in most of the states the elections have been biennial, occurring in the even-numbered years, the legislative sessions following in the odd-numbered years. Two states have recently fallen into line and adopted this plan. Formerly in Ohio and

Iowa a portion of the state officers were elected one year and a portion the next, in each case for two-year terms, and the legislatures were chosen in the odd numbered years meeting in the even-numbered years. In these states the sessions of 1906 have provided for the adjustment of the governmental machinery to the new plan by the extension of the terms of officers when necessary and provisions for the election of executive and legislative officers at the same time. The change in these states is thus toward less frequent elections, the alternate ones in the states coinciding with the national election so that the odd-numbered years will be free from any general election for executive or legislative officers, these being the offices in the choosing of which politics plays the utmost important part.

Another tendency which is illustrated in the legislation of the past year is that toward an increase in the salaries of officers and the placing of such salaries more nearly on a plane with the rewards to be obtained in private activity. Ohio increased the salary of the governor from eight thousand to ten thousand dollars, the secretary of state from two thousand to six thousand five hundred dollars and the treasurer, auditor and attorney-general from three thousand to six thousand five hundred dollars, while similar increases are made in various other offices.

This law of Ohio illustrates another modern tendency in respect to the compensation of officials by providing that no fees are to be allowed in addition to salaries, but that they are to be turned over to the state.

The special session of Pennsylvania took a similar step by placing the offices of insurance commissioner and secretary of the commonwealth on a salary basis and requiring the payment of fees into the treasury.

The form, size and structure of state legislatures continue practically as before, with the change already noted in Ohio and Iowa, from sessions in the even-numbered years to the odd-numbered years.

In Georgia the members of the legislature are under an act of last winter privileged to refuse to attend court during sessions, and may have their cases continued until the adjournment of the legislature.

Much has been heard during the past few years of the pernicious influence of large corporations in the legislation of the states, and of the evils of the system of lobbying. Some states are attempting to regulate the lobby, particularly in the direction of greater publicity. In New York all persons employed to promote or oppose legislation are required hereafter to file a written authorization from their employers and to state concerning what legislation their service is to be rendered. The secretary of state is required to keep a docket in which such persons are to register. The employment of lobbyists for a contingent fee is prohibited, and an itemized statement of all lobbying expenses is required to be filed at the close of the session.

The subject of elections and election machinery is one which ordinarily receives greater attention from the legislatures than does the general structure of state government. The suffrage qualifications in this country are fairly well defined. We find, however, that Kentucky now excludes from the suffrage all persons who have not paid their taxes in full at least sixty days before the election.

Under the initiative and referendum which prevail in the State of Oregon, an amendment to the constitution was proposed, whereby equal rights of suffrage would be granted to women. This was voted upon at the election held last June, and a very spirited campaign both for and against this amendment was conducted by the women of the state. As a result, the people refused to adopt the proposed change by a vote of 36,902 for and 47,075 against.

One of the most important and noteworthy changes in recent years in the control of elections is the increase in the legislative supervision of nominations. The first form of nomination which appeared in this country was the selection by a

legislative caucus, whereby the persons then in office, or rather the members of the legislature, were accustomed to choose candidates for the respective parties. This was considered undemocratic and soon gave way to the nominating convention, at first chosen haphazard by mass-meeting of the adherents of a particular party, and later developing into a somewhat elaborate machinery under the control of the various party committees. As long as the old system, whereby the voter prepared his own ballot and deposited it in the ballot box himself, was in force, there was no method for the governmental regulation of nominating machinery. With the advent of the Australian ballot, however, it became necessary to establish some standard whereby the state officers could determine what candidates were entitled to a place upon the ballot. In this manner the legislature was led to lay down rules for the choosing of delegates to party conventions and to some extent for the action of such conventions. Much of this regulation, however, was simply the embodying in the statutes of the previously existing customs which had grown up in the party organization.

In the last few years, however, an important extension of the legislative regulation of nominations has been seen in the enactment of various primary election laws in which a system untried prior to the passage of the law has been given full force and under which all parties are compelled to act. Of course, these laws do not and cannot prohibit the holding of conventions under the old system or the assembling together in any manner of persons who desire to make party nominations. They do, however, effectively change the method of nomination by denying to the party which refuses to comply with them any representation upon the official ballot.

Porto Rico recognizes the convention system, but does not provide in what manner the convention shall be held, and also allows nominations by petition.

Louisiana enacts a primary election law, while the special session of Pennsylvania provides for a mixture of the conven-

tion and primary system whereby state officers are to be chosen by conventions through delegates elected at primaries conducted by the regular election officers, and other officers are to be chosen by direct vote. Each person voting at the primary is required to call for the particular ticket which he desires to vote and if challenged he must swear that he voted for a majority of the candidates of that party at the next preceding general election at which he voted. In this respect the Pennsylvania law differs from the primary laws of some states where a person may vote a particular ticket without disclosing to which party he belongs.

In the conduct of elections a registration of voters before election has long been recognized as a necessary step in the prevention of fraudulent voting. Much has been heard in recent years of alleged irregularities in the conduct of elections in Pennsylvania, particularly in the larger cities, and charges of fraudulent voting and repeating have been freely made. The special session of the legislature of that state passed two laws applicable to cities of the first, second and third classes whereby an extensive system of registration is prepared looking toward the suppression of the illegal voter. The important provisions of these laws are the requirement of personal registration and the elaborate form in which the registration is to be made, stating the name and occupation of the voter, his residence and whether he is a lodger, lessee or owner and the room or floor which he occupies, the length of his residence, his residence at the previous registration, his personal description and signature, while provision is also made for noting whether he votes at the primary and regular elections for the ensuing year. This registration is made before each general election and the information is obtained under the oath of the applicant. Arrangement is made for registration of persons unavoidably absent on the registration days up to two weeks before the general election.

Porto Rico likewise provides for personal registration in its new election law, although the information obtained is not so complete as that under the Pennsylvania laws.

As before noted, the first important election reform was in the adoption of what is known as the Australian ballot system. This system has come into general use in the various states, but has appeared in two forms, under one of which the voter is required to mark the name of each person for whom he votes, while under the other the candidates of each party are grouped together and the voter may vote a straight ticket by one mark, usually in a circle at the head of the party column. The former was the original Australian ballot plan, but was departed from in this country because of the strength of party organizations. The election law of Porto Rico is of the latter type and contains also a provision which has been adopted in some of the states, whereby each party may select a device which shall be printed above the circle in order to aid the illiterate voter in marking his ballot. This concession to the voter who is not able to select the candidates for whom he desires to vote is much more excusable in the case of Porto Rico, where a large portion of the natives are unfamiliar with American methods of voting, than it is in some of our states where it has been adopted. The opposite tendency appears in Iowa, where the circle is removed from the ballot and each voter required to vote by marking opposite the name of each candidate for whom he desires to vote.

The age of invention has now provided mechanical devices by which the voting and canvassing of votes is facilitated. The "machine" has long been known in American party politics, but during the last few years a new system of voting machines has been legalized in a number of states, whereby the vote is mechanically recorded and automatically registered and counted. The State of Rhode Island adopts the voting machine without providing for any definite device, but allowing that any one approved by the state returning board may be used. The requirements of such a machine are that it must permit secret voting for candidates and for or against any questions submitted; that it must provide for voting a straight ticket by one operation, or for voting for indi-

vidual candidates; that it must permit a voter to vote for candidates for electors of President and Vice-President individually or in a group; that it must provide for voting for a person who was not a candidate for office; that a voter cannot vote twice for any one candidate, except when he is lawfully entitled so to do; and that the voter must be able to change his vote at any time up to the end of his voting. As noted, the requirements of the new Rhode Island voting machine are in favor of the voting for a straight party ticket. Some question has been raised as to the constitutionality of voting machines, but this has been settled by an opinion of the justices in Rhode Island, 19 R. I. 729; 36 Atl. 716; 36 L. R. A. 547. The same conclusion was reached in Massachusetts in case of *In re House Bill*, 178 Mass. 605; 60 N. E. 129; 54 L. R. A. 480.

The subject of corrupt practices in elections is one to which a great deal of thought has been given and much effort has been made to restrict bribery. The most noteworthy enactments of the year along this line are found in the three adjoining eastern states of Pennsylvania, New Jersey and New York. In Pennsylvania no officer or employee of any city of the first class, *i. e.*, Philadelphia, shall demand, solicit or receive any campaign assessment or contribution. Restriction of campaign expenses to specified objects and publicity is also required by a new act in the same state. The filing of campaign expense accounts is not an uncommon requirement, but the defining of the objects for which expenses may be legally incurred by a candidate is quite new in this country. Under the Pennsylvania law, the following objects are enumerated concerning which a candidate may expend money:

First. For printing and traveling expenses and personal expenses incident thereto: stationery and advertising, postage, expressage, freight, telegraph, telephone and public messenger service.

Second. For dissemination of information to the public.

Third. For political meetings, demonstrations and conventions and for the pay and transportation of speakers.

Fourth. For the rent, maintenance and furnishing of offices.

Fifth. For the payment of clerks, typewriters, stenographers, janitors and messengers actually employed.

Sixth. For the employment of watchers at primary meetings and elections to the number allowed by law.

Seventh. For the transportation of voters to and from the polls.

Eighth. For legal expenses *bona fide* incurred in connection with any nomination or election.

This enumeration seems sufficiently liberal, and a candidate or committee would probably be able to disburse a large campaign fund without going beyond the legal limits. The act endeavors to prevent an evasion which has sometimes been possible under similar laws, namely, by friends of the candidates incurring expenses directly, and provides that no person except a candidate, or the treasurer of a political committee, shall contribute anything except to a candidate or to a political committee. Contributions by corporations are forbidden, as is the disbursement of money received from any anonymous source. Accounts are to be filed by all candidates and treasurers of political committees, and the oath of office is not to be administered until such accounts are filed. Penalties are provided by a fine of one thousand dollars, or by imprisonment for two years, or both.

In New Jersey not only is the giving of money or valuables in consideration of votes declared to be bribery, but the offering or promising of any office, place or employment to any voter or to any other person in order to influence the vote is made a misdemeanor. This provision strikes the political machine at its most vulnerable point, and together with civil service laws it is hoped will effectually end the spoils system. The same act prohibits the intimidation of employees at elections. The penalty prescribed in this act for these offenses and

for bribery is disfranchisement for five years for the first offense and disfranchisement and a fine not exceeding one thousand dollars or imprisonment for a term not exceeding five years, or both, for the second offense. New Jersey also limits the purposes for which campaign funds may be spent, not by enumerating lawful purposes, but by certain new prohibitions, namely, the giving of any meat, drink, entertainment or provision for any person for the purpose of influencing his vote, for the renting of any club room for social purposes or providing uniforms for any club, or paying for the insertion in any newspaper or magazine of any article tending to influence any voter, except that such advertisements may be inserted in papers provided it is so stated with the name of the person paying for the same in the advertisement. Disfranchisement for two years is provided for a first offense, and for a subsequent offense perpetual disfranchisement, and in addition, in the discretion of the court, punishment as for a misdemeanor. The activities of candidates in New Jersey who cannot promise an office nor treat the voters will doubtless be considerably diminished.

New York limits campaign expenditures in a manner very similar to Pennsylvania, requiring that all expenditures be made either by or through a candidate or a committee treasurer, by providing for an accounting where campaign expenses are incurred other than the personal expenses for traveling, for the preparation of letters and circulars, for stationery and postage, telegraph, telephone and public messenger service. Vouchers for all expenditures are required and contracts must be made in the name of the person actually furnishing them. Treating voters by candidates is prohibited and the purposes for which expenses may be lawfully incurred are enumerated as follows: Rent of halls and compensation of speakers, music and fireworks for public meetings, expense of advertising the same, together with incidental expenses, the preparation of posters, lithographs, banners, notices and other literary material, compensation of agents to prepare newspaper articles, the pay of newspapers for advertisements, reading matter and pictures

and additional circulation, preparation and circulation of letters, pamphlets and literature, the rent of offices and club rooms, with the compensation of necessary clerks, compensation of attorneys for actual legal expenses, preparation of lists of voters, the personal expenses of the candidates and traveling expenses of committeemen, agents, clerks and speakers, postage, express, telegraph and telephones, preparing nomination papers, the compensation of workers at the polls and food for them, and the hiring of carriages for conveying sick or infirm electors. The soliciting of money from candidates, except by the authorized representative of the political party to which the candidate belongs, is prohibited, as are campaign contributions from judicial candidates. Another act of New York prohibits contributions by corporations or associations except those organized for political purposes only.

COURTS, PRACTICE AND REMEDIES.

The past year has seen no important change in the structure of the courts. In Kentucky the Court of Appeals is authorized by an act of last winter to appoint a commissioner, who is to hold office during the pleasure of the court, and to perform such duties as may be assigned to him by it. The commissioner receives the same salary as the judges and must possess the same qualifications. The object of this act is to enable the court to have the assistance of the commissioner in the decision of cases following the accumulation of work which had resulted from the physical disability of one of the members of the court, who has been unable to take any part in its sessions since his election. This scheme of commissioners to assist the courts has been invoked in some states, where an increase in the number of the judges could not be secured except by amendment of the constitution. The plan seems essentially a makeshift, and has now been generally abandoned, although New York, Kansas and California for some time had commissioners who sat as branches of their highest courts and who pro-

mulgated decisions of equal weight and authority with those of the court itself.

Very few changes of procedure are to be noted; probably the most important being that in Rhode Island, which now allows an unincorporated association to sue or be sued by its president and secretary. This is not now as important as it would have been before the era of the corporation, and yet there are still many unincorporated associations the suing of which in the manner required by the common law would be difficult or impossible.

The development of a new legal system in Porto Rico will be of great interest to American lawyers. The civil law which existed in that island at the time of the annexation was continued by the Foraker act until it should be modified by Congress or the legislature. The same act created a United States District Court for Porto Rico, which has also the jurisdiction of a Circuit Court. The Supreme Court of the United States has recently decided that the provision of section 914 of the Revised Statutes, that proceedings on the common law side of the Circuit and District Courts shall conform as nearly as may be to the practice existing in the state where the court is held, requires the federal court of Porto Rico to follow the civil law, except as modified, and that no common law action for damages for the wrongful suing out of an attachment will lie in that court, as the remedy of the civil law must be pursued. (*Fernandez y Perez vs. Perez y Fernandez*, 202 U. S. 80.) We may expect a modification of the civil law of Porto Rico by the introduction of procedure from the common law, and a codification of such innovations in a manner which will be of great interest to practitioners elsewhere, just as the various codes prepared by the eminent commissioners in India are useful to the English or American practitioner of the present time.

Porto Rico has defined injunctions and provided when they may and may not be issued. These provisions for injunctions are to some extent an innovation upon the civil law. Of

course, there existed in that law what was substantially an injunction and known to the Roman law as the interdict. The later civil law has provisions for the preservation of property and other things which are somewhat similar to our remedy by injunction. The indebtedness of the English chancery to the civil law in the development of many of its particular features has long been recognized. The injunction provided for in Porto Rico, however, is the equity injunction of the court of chancery, and shows no immediate trace of the influence of the civil law. It is defined as a judicial command in writing, issued under the seal of the court, directing a person to refrain from doing or permitting to be done by others under his control the particular act which violates the right of another. It may be granted in the following cases:

1. When it appears by the complaint that the plaintiff is entitled to the relief demanded, and such relief, or any part thereof, consists in restraining the commission or continuance of the act complained of, either for a limited period or perpetually.

2. When it appears by the complaint or affidavit that the commission or continuance of some act during the litigation would produce waste or great or irreparable injury to a party to the action.

3. When it appears during the litigation that a party to the action is doing, or threatens, or is about to do, or is procuring or suffering to be done, some act in violation of the rights of another party to the action respecting the subject of the action and tending to render the judgment ineffectual.

4. Where pecuniary compensation would not afford adequate relief.

5. Where it would be extremely difficult to ascertain the amount of compensation which would afford adequate relief.

6. Where the restraint is necessary to prevent a multiplicity of judicial proceedings.

7. Where the obligation arises from a trust.

It cannot be granted in the following cases:

1. To stay a judicial proceeding pending at the commencement of the action in which the injunction is demanded unless such restraint is necessary to prevent a multiplicity of such proceedings.

2. To stay proceedings in a court of the United States.

3. To prevent the execution of a public statute by officers of the law for the public benefit.

4. To prevent the breach of a contract the performance of which would not be specifically enforced.

5. To prevent the exercise of a public or private office in a lawful manner by the person in possession.

6. To prevent a legislative act by a municipal corporation.

Provisions are made for a temporary restraining order, for notice of the preliminary injunction which is to be granted upon verified complaint or affidavit and the giving of a satisfactory bond.

Along with this change in the former law by Porto Rico, we find a continuance of the ideas of the civil law in an act regulating the members of the notarial profession which provides for appointment of notaries, the execution of documents by them, the preparation of their protocols and the fees which notaries may charge. The notary in European and Spanish-American countries occupies a much more important position than he does in this country, as many private documents of a contractual nature require his certification.

The enactment of numerous so-called "immunity" statutes by several states calls attention to the modification of the principle of the common law, which may be stated in various forms, but which amounts to the familiar doctrine that no person can be compelled to testify against himself. The earlier form of such statutes was that found in section 860 of the Revised Statutes of the United States, which was a modification of the act of February 25, 1868, and provided that no evidence obtained from any party should be given in evidence or any such matter used against him in any criminal proceeding or for the enforcement of any penalty or forfeiture. The

sufficiency of this provision as a substitute for the fifth amendment came before the Supreme Court of the United States in the case of *Counselman vs. Hitchcock*, 142 U. S. 547, 12 Sup. Ct. 195, and it was there held that the provision was insufficient and that a witness was still privileged to refuse to answer on the ground that testimony might tend to incriminate him. It was pointed out by Justice Blatchford that the provision did not prevent the use of the testimony obtained from a person to search out other testimony to be used against him in a criminal proceeding, and that under it witnesses and evidence might be obtained which would be attributable directly to the testimony so given on compulsion and on which a conviction might have been had where, if the constitutional privilege had been allowed and the witness had refused to answer, he could not possibly have been convicted. It appeared that a similar question had previously arisen in some of the states and that the decisions were there conflicting. Arkansas, Georgia, California, Indiana and New York having held similar provisions effectual in compelling the testimony of witnesses, while Massachusetts and Virginia had held it ineffectual. The Supreme Court thus adopted the rule of the minority of the states. At the close of the opinion, Justice Blatchford intimated that no statute which left the party subject to prosecution after he answered the incriminating question put to him could have the effect of supplying the privilege conferred by the fifth amendment. Following the suggestion thus made, the interstate commerce act provided that no person should be excused from testifying on the ground of self-incrimination, but that he should not be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction or matter concerning which he might testify or produce evidence. The sufficiency of this form was considered in the Supreme Court in the case of *Brown vs. Walker*, 161 U. S. 591. In that case the court divided, as it so often does, five to four, and held that the witness might be compelled to answer when given the immunity secured by the statute. The

opinion of the court was given by Justice Brown, the Chief Justice, and Justices Harlan, Brewer and Peckham concurring, while Justices Shiras and Field filed dissenting opinions, Justices Gray and White concurring with them.

In a case arising out of the raid upon the notorious Canfield gambling house in New York, where a witness refused to answer on the ground of self-incrimination, the Court of Appeals of New York reversed its previous decision and agreed with the doctrine of *Counselman vs. Hitchcock* (*People vs. O'Brien*, 176 N. Y. 253). We accordingly find the congressional model substantially followed during the last year in New York, New Jersey, Virginia, Ohio and Iowa in acts relating to corrupt practices, graft, etc.

With the great growth of modern statutory law, the task of a general revision of the statutes of any state is becoming one of greater and greater magnitude and the problem is being solved in some instances by a piecemeal revision of various titles of the law. We find, however, that Ohio and Porto Rico provided this year for a general revision by commissioners, who are to report the result of their labors to the legislature.

In Porto Rico admission to practice in the courts will hereafter be regulated by an examination upon the various codes in force in that island.

CRIMES AND CORRECTIONS.

The development of criminal law has progressed to a point where very little that can be called new is to be expected, either in the definition of crimes or in criminal procedure, yet we find this branch of the law adapting itself to modern conditions in Kentucky, where, by a statute of 1906, punishment is provided for the unlawful conversion of water from any pipe or hydrant or for preventing such water or any part thereof from passing through any meter. Though stealing water may seem to be a modern offense, Mr. Eugene F. Ware, in his recent work on "*Roman Water Law*," translated from the *Pandects of Justinian*, shows how the Romans punished it,

and, curiously enough, Mr. Ware cites the Code of Hamurabi, supposed to have been enacted several hundred years before Moses, as dealing with this crime.

There has been much discussion within the last few years over the right of criminal appeal. The tendency of the writers upon the subject in this country seems to be in favor of a restraint upon this right, although little has been heard in favor of its entire abolition. On the other hand, in England, where the right does not exist, an agitation is being conducted in favor of the creation of a court for the hearing of writs of error in criminal cases. This discussion has had but little effect upon legislative action as yet, but we find a provision in an act just passed in Louisiana that no sentence shall be reversed for errors unless it be made to appear affirmatively that the accused was prejudiced thereby.

The tendency toward the abolition of the death penalty, which appeared quite pronounced at one time in this country, seems to have spent itself. In New Jersey the infliction of the penalty by hanging was this year abolished in favor of the supposedly more humane method of electrocution. In order that no objection may be made to the act as an *ex post facto* law, it is provided that it shall not apply to any crimes which were committed before it took effect.

The pardoning power is exclusively an executive function in this country, and under the provisions of the constitutions of the states there appears to be no way in which the governor can escape responsibility for the exercise of that power. With the increasing duties which are placed upon the shoulders of state executives has come the creation of advisory boards of pardons, such as is found this year in South Carolina, which are to hear applications for pardons, and to make recommendations thereon to the governor. Of course, these recommendations have no official sanction until approved by him and he can disregard them entirely. The South Carolina law provides that if the governor does not follow the recommendations of the board he must submit his reasons for his

action to the legislature. The constitutionality of this requirement may perhaps be questioned.

Criminologists have found the solution of the problem of prison labor one of great difficulty. The necessity for some occupation for the convicts, usually of a manual character, is universally recognized, but considerable opposition exists to their employment in any lines which will create competition with outside labor. Ohio now prohibits the further employment of convict labor under contract and provides that hereafter such labor shall be used for the production of supplies for the state and its institutions and upon the roads of the state.

One of the greatest advances in recent years in the problem of the better treatment of criminals has been in the attitude towards the juvenile criminal. It is only lately that our legislatures have fully recognized that to treat him as an adult and to subject him to the same imprisonment as those who are already well started on a life of crime is practically to prevent his redemption. The establishment of reformatories, where a youth is confined until he becomes of age, was one of the first manifestations of the recognition of the importance of this question. Georgia has this year established a state reformatory, while South Carolina provides for a new reformatory exclusively for white boys, and leaves the one now in existence for colored boys. In New Jersey a school of detention is established, which appears to correspond to a great extent to the regular reformatories.

The responsibility of parents for the delinquencies of their children has been recognized in several states by acts of which a law passed by the last legislature of Kentucky is a type. This provides that any parent or parents or guardian, or person having the custody of any child, who shall willfully encourage his delinquency, or do anything to promote it, shall be punished. The court also has power to place the defendant on probation for one year, retaining a supervision over his conduct during that time.

An advance upon the reformatory system, in that it begins the segregation of the juvenile from the adult criminal at a much earlier point, is the juvenile court. This is a comparatively recent method, but it has met with a considerable degree of success in New York, Chicago and Denver. The last city is probably the most noteworthy instance of a court of this kind, due largely to the personality of its presiding judge. The example of these cities is followed by Boston, for which a juvenile court, consisting of one justice and two special justices appointed by the governor, was created by the last legislature of Massachusetts. This court has jurisdiction over all criminals under seventeen. In addition to the regular officers of the court, probation officers are provided, with a view of continuing a general supervision over the children who come before the court until their reformation is assured. Massachusetts also provides for a separate treatment of children under seventeen years of age accused of crime in an act which is applicable throughout the state. Kentucky this year passed a very similar act, whereby male children under seventeen years of age and female children under eighteen years of age are to be treated as juveniles at special sessions of the criminal courts. The same practice of placing the children upon probation under the supervision of probation officers is recognized in this act.

TAXATION.

The past decade has witnessed a great activity in legislation relating to taxation, both in the direction of seeking out new subjects of taxation and in the endeavor more completely to discover property already subject to assessment. This activity is perhaps less noticeable the last few years than it was in the period immediately preceding, as many of the experiments ventured upon by the states are still on trial. Kentucky has just made a general revision of all its laws relating to taxation. This is largely a codification of previous laws, but its provisions are interesting as illustrating the

variety and complexity of the tax system of the modern state. The rate for state taxation is fixed directly by the legislature at five mills. The basis of this is that of practically all our states, the general property tax, subject to the usual exemptions of public and religious property, and personal property to the extent of two hundred and fifty dollars. Elaborate provisions are enacted for the assessment of the property in the endeavor to place upon the tax roll everything which is properly subject to taxation. In addition to the general property tax, a considerable number of other sources of revenue are provided. All public service corporations enjoying special franchises are subject to a franchise tax, to be paid both to the state and the locality at the rate provided for the general tax. The franchise is to be valued by a state board and apportioned among the local units. From information as to the amount of business done by the corporation, its receipts and the value of its stock, the board fixes the value of the stock of the corporation and deducts therefrom the assessed value of all tangible property listed for taxation, leaving the franchise value as a remainder. Banks, trust companies and building and loan associations are taxed upon the value of their shares of stock. Railroads are assessed by the railroad commission, and the value thus found is divided between the various local units in proportion to mileage, and taxed by such units at the local rate. The act also provides for a large number of license taxes. These are applied to all corporations, except insurance companies, banks, building and loan associations and trust companies, and corporations paying the franchise tax before referred to. This license amounts to thirty cents on each one thousand dollars of stock. Licenses are also required for a large number of occupations, and it would appear that nearly all persons except those in official life or in the professions would come within the terms of the license tax. Insurance companies are taxed upon their premium receipts. In addition to all the sources of revenue referred to, there is also a collateral inheritance tax.

In Pennsylvania the legislature requested that the governor

add the subject of reform of taxation laws to the purposes for which the legislature had been called, but Governor Penny-packer refused so to do, holding that the matter could better be brought before the regular session.

In Louisiana a state board of equalization has been created by an act of 1906.

One of the vexing questions in taxation is the treatment of mortgages, and many expedients have been suggested whereby this intangible form of property may be rendered subject to assessment without incurring the danger of double taxation. Kentucky, in the act above referred to, makes an effort with this end in view by requiring a certification by the county clerks of notes which are secured by mortgage and recorded in their offices, and by prohibiting the recording of any mortgage unless the residence of the person holding the note or evidence of indebtedness is given.

New York, in its mortgage recording law of 1906, cuts boldly away from the old effort to tax mortgages and exempts them from local taxation, providing for a recording tax of fifty cents for each one hundred dollars or major fraction thereof of the principal. No mortgage can be recorded or rights invoked under it until the tax is paid. This law seems to have merit, in its recognition of the futility of the usually drastic provisions by which the shifting of the mortgage tax from the holder to the land covered by the mortgage is attempted to be prevented.

One of the newer forms of taxation is that upon inheritances. Two forms of this tax have appeared, one upon inheritance in the direct line and the other upon collateral inheritances. Very little change in such taxes has been made during the past year. Kentucky, however, as has been noted, places in its general revenue law the collateral inheritance tax. Ohio has had a similar tax since 1893. In 1894 that state enacted a direct inheritance tax, which was declared unconstitutional in the case of *State vs. Ferris*, 53 Ohio St. 314, 41 N. E. 579, 30 L. R. A. 218, because of its progressive features, while the

collateral tax, which did not contain such provisions, was sustained in the case of *Hagerty vs. State*, 55 Ohio St. 613, 45 N. E. 1046. In 1904 the state adopted a new direct inheritance tax, the constitutionality of which was sustained in the case of *State vs. Guilbert*, 71 N. E. 636. In spite of the favorable decision of the court, however, this new law was repealed by the session of 1906. This repeal was due to a reaction from a policy pursued by recent administrations in that state whereby the imposition of a general property tax for state purposes was avoided.

Street railways in New Jersey have been subjected to a new taxation law, whereby their property is to be assessed and taxed locally, subject to review by the board of assessors. In addition a franchise tax upon the gross receipts of the companies is imposed, beginning at two and one-half per cent. this year and increasing to a maximum of five per cent. in 1911. This tax is to be divided among the taxing districts in proportion to the value of the road in each.

LOCAL GOVERNMENT.

Some ten or more years ago there began a period of great legislative activity in the reform of municipal government. This activity was caused by the evils which had grown up in the administration of our cities and proceeded upon the theory that many of those evils resulted from the form of the municipal charters. There was much discussion as to the proper model for municipal corporations and as to the distribution of powers between the mayor and the common council. This activity is not as manifest now as it was formerly. It appears to have been superseded by questions relating to the control of corporations, particularly those of a quasi public character, which obtain a franchise from the municipalities. This change is in line with the theory which has been advanced by some writers that the mismanagement of municipal affairs has been due not to inherent faults in the form of municipal govern-

ment, but to the pernicious influence of transportation, lighting and other public service corporations.

The island of Porto Rico enacted this year a general incorporation law. Under it the right of suffrage in the municipalities is limited to those who have paid taxes amounting to at least five dollars during the preceding year or those who are entitled to practice any profession. The principal power is vested in the council, which is a small body of a maximum of nine in municipalities of the first class and a minimum of seven in municipalities of the third class. The alcalde or mayor has a veto power.

A movement which is of recent origin is that for a uniform system of municipal accounting. The proper study of municipal affairs has been greatly hindered by the diverse and loose manner in which the fiscal accounts of cities have been kept. Two years ago in Ohio a movement was started by requiring a uniform accounting for the cities of that state. This example has been followed by Iowa, where the auditor of state is given power to prepare a system of accounting which must be followed by the municipalities, and inspectors are provided for the examination of such accounts.

The spoils system has long been considered a fruitful source of power to the party boss, particularly in the larger cities. The wave of reform which swept over Pennsylvania during the last year was manifest in the action of the special session of the legislature in providing for a civil service commission and non-partisan examinations for offices in cities of the first class, Philadelphia being the only one of such cities.

An important limitation upon the right of cities to grant franchises to public service corporations is found in New Jersey, where no rights in the streets may be granted unless a petition stating the details of such requested rights is filed and public notice given before the enactment of an ordinance. Such rights may be granted for twenty years by an ordinance of the council, and if a longer franchise is desired the matter must be submitted to vote of the municipality, and the limitation of forty years in all is placed upon such grants.

There has been much discussion and agitation in the last year over the question of municipal ownership, and its advocates claim that a great advance has been made by them, particularly in the City of Chicago. As far as the legislatures are concerned, there appears to be an increasing tendency to permit the municipalities to enter upon the experiment of municipal ownership if they so desire. In New Jersey a new law allows any city to purchase or construct municipal plants for supplying heat, light and power for public and private use in the city. No such enterprises shall be undertaken, however, until the voters of the city shall so determine.

A very important constitutional amendment has in the past year been adopted by a large majority in Oregon. It entirely takes away from the legislature the right to enact or amend municipal charters and gives such power to the voters of each municipality. This is a step towards local self-government far in advance of anything hitherto attempted in this country. It is also contrary to the general tendency of municipal legislation of recent years, which has favored the adoption of uniform charters for cities or classes of cities and to minimize the variance between the various localities. Under this amendment, apparently the voters may in some manner prepare and adopt a charter for themselves. Just how this is to be done does not appear from the amendment, and the exercise of the right, of course, cannot be controlled or regulated by the legislature.

An act local in its application, but of general interest because of the influence on similar legislation which it will probably have, is one enacted by the last New York legislature reducing the price of gas in New York City to eighty cents a thousand. Action has been started in the federal court to restrain its enforcement under the claim that the company cannot earn dividends at that rate, and Judge Lacombe has granted an injunction on condition that the company deposit with the court twenty cents a thousand to be paid consumers if the law is sustained.

EDUCATION.

Under the head of education, there are very few innovations in the legislation of the last year. Some progress, however, in this line is to be noted. The State of Ohio has been famous for the number of its colleges and the division of state aid among several state institutions. During the last year an attempt has been made to place the different state universities upon a definite basis and to formulate a policy in regard thereto. By this law, the Ohio State University obtains for the future the larger portion of support, and Miami University and Ohio University are given a much smaller share. The act looks forward by providing "that in the future no representative of the Miami University, or of the Ohio University, or of the Ohio State University shall violate or attempt to violate this policy herein enacted into law as a policy for the support of higher education and as a guide for future general assemblies for the State of Ohio."

Following the tendency for investigation, the special session of the Wisconsin legislature for 1905 authorized an investigation of the state university by a legislative committee.

In Kentucky the last legislature has taken a step for the improvement of educational affairs in that state by the establishment of two normal schools, one to be located in the east-end and the other in the western part of the state.

The last legislature of Maryland has provided for the compulsory education of deaf and blind children.

Probably as a result of the recent deplorable accident at Kenyon College, where a student lost his life while being initiated into a college fraternity, the legislature of Ohio this year passed an act for the punishment of hazing in schools and colleges.

COMMERCE AND INDUSTRY.

The regulation of trades and industries, particularly by state boards, is very marked in the legislation of recent years. Examples of this during the last year are seen in the creation

of a board for the examination of accountants in Rhode Island, and in the licensing of detective agencies in New Jersey and of loan agencies in Virginia. Another phase of this regulation is seen in Kentucky and New Jersey, where persons doing business under fictitious names were required by laws of 1906 to register with the local clerks, stating their real and assumed names. In the latter state, under the same law, wherever a firm uses the designation "and company" the *personnel* of the company must also be stated in the paper required to be filed.

An act passed by the last session in Iowa regulates the weight of bushels of various agricultural commodities. This is not novel, except in the provision that hen's eggs must weigh one and one-half pounds per dozen. Whether this act imposes such a burden upon Iowa hens as will entitle them to invoke the protection of the fourteenth amendment is a question which will doubtless be raised.

An example of extreme regulation of trade is found in the Wisconsin grain commission law. The original act was passed in 1905, but in the special session held in December of last year a large number of amendments were added thereto. These amendments are very drastic in their attempt to compel all persons dealing in grain at the city of Superior in that state to have such grain inspected under the provisions of the act. All contracts for the sale or purchase of grain upon the basis of grades fixed upon inspection under the State of Minnesota, or by any person connected with the board of trade of the city of Duluth where the grain is to be delivered or weighed in Superior, are declared to be void. In all sales and purchases of grain where it is to be delivered at any place in the city of Superior, or where the price is to be determined by weighing the grain in the city, or where such delivery or weighing actually takes place in the city, the grain is to be deemed to have been bought and sold in that city. All grain delivered from elevators to cars or boats in the city of Superior is presumed to have been delivered in fulfillment of a contract for the sale of the grain and shall subject the grain to weighing and

inspection there. No person, except those appointed under the provisions of the act, shall weigh any grain received in Superior, except where the weighing is for the private information of the owner and not for the sale, purchase or delivery of the grain, and the burden of proof is upon the person doing such weighing to show that it is for private use. All warehouses and elevator receipts for grain stored in Superior where the grain has not been inspected under the law are void. All sales of grain not inspected under the provisions of the act are absolutely prohibited, and every sale is deemed to have been made within the city notwithstanding the contract was made elsewhere if the grain shall be within the city of Superior at the time of making the same or thereafter delivered in said city. In determining the question of delivery in the city, no delivery to a common carrier outside of the city shall be deemed a delivery unless the exact amount of the purchase price has been ascertained and paid, "provided that this section shall not prohibit the making of any executory contract for delivery of grain if such contracts shall provide for the inspection and weighing of the grain under the supervision of the grain and warehouse commission of the State of Wisconsin." No person shall sell or store any grain in Superior which has been inspected under the supervision of the State of Minnesota or under any other inspection than that provided by the act. This law has been declared unconstitutional and its enforcement enjoined by the United States Circuit Court for the Western District of Wisconsin. An appeal from the temporary injunction has been taken to the Court of Appeals and will probably be heard this fall.

CORPORATIONS AND TRUSTS.

Notwithstanding the present agitation in regard to corporations, and particularly trusts, there is little important state legislation on these subjects during 1906. The probable explanation of this is, that much already has been done in that direction by the states, and the public mind has looked to

Congress for action. Iowa, by a law passed at its recent session, imposes a penalty upon anyone engaged in the production, manufacture or distribution of petroleum, or any of its products, who shall, for the purpose of destroying the business of a competitor and creating a monopoly, discriminate between different parts of the state by selling at a lower rate in one part than in another, making due allowance for the difference in the cost of transportation.

What appears to be an influence which was once characterized by the name of "granger" is seen in the enactment of a law by the last legislature of Kentucky, which allows any number of persons to combine crops of agricultural products for the purpose of disposing of them at a higher price than they might obtain when sold separately. Apparently that which is unlawful and punishable in a manufacturer in Kentucky is legal and commendable in a farmer.

In Ohio an effort was this year made to amend the law of corporations so as to protect the rights of minority stockholders. By this law no corporation is allowed to sell its entire property unless three-fourths of the directors authorize such sale and submit the question to a meeting of the stockholders called for that purpose, of which special notice must be given. If the sale is approved by a vote of three-fourths of the stock, it may be consummated. If any stockholder is dissatisfied with the sale, he may demand that the corporation pay him the actual value of his stock, and such value may be ascertained by an arbitration between the stockholder and the corporation. The actual working of the act will be interesting, as it seems designed to prevent the freezing out of small stockholders and the sale of property for the interests of the majority holders of stock.

TRANSPORTATION AND COMMUNICATION.

In grouping the important legislation of the past year, the largest in bulk has been that dealing with transportation and communication, particularly the regulation of railroads.

This is to be expected, considering the very considerable agitation which has existed upon this subject during the last few years.

The legislation concerning railroads may be roughly classified as follows:

1. Regulation of rates.
2. Regulation of incorporation.
3. Regulation of operation.

In Ohio and Virginia the last legislatures regulated passenger rates directly. In the former state the minimum rate is fixed at two cents per mile for a distance of more than five miles, but the fare is always to be the nearest multiple of five reached by multiplying the rate by the distance. In the latter state the Corporation Commission is given power to fix passenger rates, but until such power is exercised the railroads are required to sell mileage books of five hundred miles or over at the rate of two cents per mile, such books being good for any member of a family.

Ohio also created a railroad commission during the last year. This law is almost a literal copy of the Wisconsin railroad commission law enacted in 1905, as it stood before that law was amended at the special session. It provides for an appointive commission, contains the usual provisions regarding discrimination and rebates, and provides for complaint regarding rates, classifications and service and gives the commission power to change such rates, classifications and service after an investigation. An action may be brought by the carrier against the commission to restrain the enforcement of any order so made on the ground that it is unlawful or unreasonable, and the commission cannot be enjoined except upon notice and hearing. Provision is made to compel the producing of all evidence bearing upon the question at the hearing before the commission, by requiring that if new evidence be offered in court the proceeding shall, unless the parties stipulate to the contrary, be stayed until the commission can act upon such new evidence and alter its previous order if it so desires.

This rate law touches upon the pass question by allowing free transportation or transportation at reduced rates to ministers, officers of colleges, agents of charitable societies when traveling upon the business of the society, destitute and homeless persons, officers and employees of the companies and their families and the exchange of passes with officers and employees of other railroads and members of their families. The Wisconsin act was exactly the same as this prior to the special session of December, 1905, but at that session the act was enlarged in this respect by allowing the sale of such tickets as were usually sold at reduced rates prior to the enactment of the original law and allowing passes to former railroad employees or members of their families where such employees were disabled in the service, and to members of families of deceased railroad employees, and prohibiting the giving of passes except to these classes.

Iowa enacted an anti-pass law this year, in the form of a prohibition upon the giving of passes to persons holding public office, candidates therefor, delegates to conventions and jurors. The law excepts, however, notaries, officers paying no fees or salary, professors and officers of educational institutions, members of the National Guard, and of the fire departments of cities and of the state board of agriculture. It is thus much less drastic than the pioneer Wisconsin anti-pass law.

Oregon, under the operation of the initiative and referendum, adopted an anti-pass act by popular vote in June, 1906, but without any enacting clause. Under the ordinary rules of statutory construction, this would avoid the act in the case of a legislative enactment. What effect it will have on this law remains to be seen. The act contains a curious provision which, if taken literally, allows a railroad company to give passes to its own officers and employees only when traveling on railroad business, but allows the exchange of passes with the officers and employees of other roads, so that, as the law reads, an officer of one road would not be allowed to

travel on a pass for pleasure over his own road, but would be allowed so to travel on any other road within the state.

The State of Massachusetts at the last session of the legislature amends its railroad commission law, but it still omits to follow the general tendency of state legislation of recent years and does not give the commission the right to change railroad rates.

An act of Louisiana for this year gives its railroad commission power to appear before the Interstate Commerce Commission and there represent the interests of the citizens of Louisiana in questions relating to interstate shipments.

There has been little legislation of importance regarding the incorporation of railroad companies. Although the amendment of the railroad commission law of Massachusetts, already referred to, contains a number of provisions of this kind, there is nothing new which is noteworthy. Three years ago Virginia enacted a comprehensive law regarding corporations. This was amended at the last session of the legislature by facilitating to some extent the merger and combination of railroad companies, although the consolidation of competing lines is still prohibited.

There have been a number of laws during the past year relating to safety devices upon railroads. These are considered more at length under the heading of laws relating to public safety. In Georgia and South Carolina the last legislatures have enacted laws for the regulation of freight shipments. The South Carolina law provides that no common carrier shall interfere with the fulfillment of contracts for the delivery of freight, nor undertake to control or direct the shipment of commodities and cannot have the right to designate to what consignees freight loaded shall be consigned.

The increase of the use of electricity in transportation is seen in a law of the last session of Maryland, which allows railroad companies to use this as a motive power.

In Virginia an act of 1906 requires all railroad companies to install telephones at stations where there is a telephone

exchange and to answer promptly, when able to do so, all inquiries as to trains or service.

The last year has seen very little legislation relating to inter-urban roads. Much has been enacted in recent years on this subject, dealing largely with the incorporation of these roads, and we find in Ohio that the legislature of 1906 allows cities to grant franchises for inter-urban terminals. The period of regulation of these roads does not seem to have arrived, except so far as they are subject to general railroad acts.

The legislature of Pennsylvania at its special session requested Governor Pennypacker to add to the subjects for which the legislature was called, the carrying of freight by trolley roads, but he refused to do so on the ground that the matter could as well be left to the regular session.

The legislature of Ohio imposes some burdens upon street railroads by providing that they may be required to sprinkle their rights of way and that all cars be equipped with vestibules during the winter and that such vestibules be heated to at least a temperature of sixty degrees.

The last legislature of Virginia applied what is known as the "Jim Crow" principle, *i. e.*, the segregation of the two races to the street cars by requiring the designation of separate seats in such cars by the conductor, but allowing the portion of the cars devoted to each race to be changed as the traffic requires.

In Massachusetts the last legislature brought express companies within the jurisdiction of the railroad commission. At the same time it placed telegraph and telephone companies under the control of the highway commission. Very little power is, however, given to this commission in this respect, as it cannot regulate the rates which shall be charged by such companies, and upon investigation of complaints may only make recommendations. Telephone companies were given rights of eminent domain similar to those enjoyed by telegraph companies by an act of this year's legislature in Georgia.

Louisiana has this year followed the example of Congress by declaring pipe lines common carriers and placing them under the control of the railroad commission. As a necessary correlative of this act, the legislature at the same time gave them the right of eminent domain.

The use of the bicycle and the automobile has directed attention to the highways of the country and to the necessity for their improvement. This movement for better country roads is one of the most important features of modern rural life, and its importance is recognized by the law passed last winter in New York which provides for the raising of five million dollars by means of state bonds and the application of the money to the improvement of highways.

BANKING.

The banking laws of the states are practically stable and very little change is found in late years in this regard. An act of the last legislature of South Carolina provides for a bank examiner, appointed by the governor, who is to have general supervision over banks. It appears, however, that some similar provision has been exercised in that state before, and the new law is simply to strengthen previous laws in this respect.

In New Jersey the legislature of 1906 passed a general law concerning savings banks. Application must be made to the commissioner of banking before a certificate is granted, and he must investigate as to the accessibility of the bank, the probability of adequate support in the locality and the responsibility of the incorporators, and if he is satisfied that the organization of the bank will be of public benefit he shall issue the certificate; but he is authorized in his discretion to withhold his sanction. The maximum deposit by any person is fixed at five thousand dollars.

INSURANCE.

The attention of the country has been strongly turned to the question of insurance, particularly of life insurance, by the investigation of the Armstrong Committee in New York dur-

ing 1905 and by the disclosures relating to the management of the large companies which were brought out through that investigation. This committee at the close of its investigation reported to the New York legislature a number of recommendations for the amendment of the insurance law of that state. These recommendations and the action of the New York legislature thereunder are of the greatest interest, not only because of the thorough investigation which was made, but because New York is the home of the three largest insurance companies in the United States as well as of many smaller ones, and any legislation of that state regarding insurance affects policyholders throughout the whole country.

These recommendations, practically all of which were adopted at the session of the New York legislature in 1906, may be briefly summarized as follows: Policyholders of an insurance company are eligible to election as directors whether stockholders or not. The election of directors in mutual life insurance companies for the present year was changed by postponement of such election first to the 15th of November and later to the 18th of December, and annulling all proxies executed prior to the 18th day of October of this year. These elections are to be under the supervision of the superintendent of insurance. Future elections are regulated by requiring the filing of lists of policyholders with the superintendent of insurance and at the home office and all of the different agencies of each company, which lists are to be subject to inspection and copy by any policyholder during the five months prior to the election. The administration and policyholders may both nominate candidates to be voted for, and ballots for the election are to be sent to the policyholders, who may vote either in person, by mail or by proxy, but the proxy must have been executed within two months of the election.

The investments of the companies are restricted by prohibiting the purchase of additional real estate for business purposes unless the superintendent of insurance consents. No more stock investments are allowed, and the stocks now

held are to be disposed of within five years from December 1, 1906. No more than one-third of the security for bonds can be in stock. The companies are not to be allowed to enter into any syndicates for floating of stock or bonds. No officer of the company can be interested in the sale, purchase or loan by the company except a loan upon his own policy.

New business is to be restricted to a proportion of the insurance which the company has in force, according to the following limits:

Where the insurance is under fifty million dollars, no limit.

Between fifty millions and one hundred millions, thirty per cent.

Between one hundred millions and three hundred millions, twenty-five per cent.

Between three hundred millions and six hundred millions, twenty per cent.

Between six hundred millions and one billion, fifteen per cent.

Where the insurance is over one billion, to one hundred and fifty millions annually.

The expenses incurred are not to exceed the loading on the premiums. Commissions on new business must be at a uniform rate and no bonuses or prizes are to be offered. All new policies written are to provide for an annual distribution of dividends and there must be an annual accounting as to dividends accruing on deferred dividend policies formerly issued. Mutual companies are prohibited from hereafter issuing participating policies. Forms for standard policies are provided for straight life, limited payment, endowment and term policies, and certain variations in the conditions of each of the policies are allowed. Additional and more complete reports from the companies are required. The receiving of a rebate on an insurance premium is made punishable.

Various amendments are also made as to the incorporation of new companies and the re-incorporation of old companies in order to facilitate the change from stock to mutual com-

panies and to improve the conditions under which new companies may be formed.

The former requirement that an accounting could not be obtained from a company by a policyholder, except on the intervention of the attorney general, is done away with. The recommendations of the committee regarding the regulation of lobbyist and campaign contributions resulted in the enactment of the laws already referred to under a previous head. .

The reform of insurance law in New York State has thus been thorough and far reaching. In most of the other states where sessions of the legislatures were held during the present year little has been done. The key to the situation was in New York, and reform was first required in that state; accomplished there; it would obviate to a great extent the necessity for action in other states. Louisiana, however, entered upon a thorough-going campaign of insurance reform, based to a considerable extent upon the recommendations of the Armstrong Committee. The acts passed by the legislature of 1906 relating to this subject required life insurance policies to contain the entire contract, required vouchers of all disbursements of one hundred dollars or more, prohibited the forfeiting of policies for default in premiums unless written or printed notice is sent, required more complete reports from insurance companies, prohibited deferred dividends and required the annual distribution of the surplus, restricted the form of an insurance policy which could be issued in the state, prohibited discrimination between policyholders in that state and in other states, made it a misdemeanor to use illustrations misrepresenting the forms of policies and made policies non-forfeitable after the payment of three years' premiums.

The act of 1906 in Virginia creates a bureau of insurance for that state. This is under the supervision of a commissioner elected by the legislature. He has general supervision over insurance companies doing business in the state, and the usual powers and duties of similar officers. The law

relates rather to the organization of domestic companies and the terms upon which foreign companies may do business in Virginia than to particular phases of the problem of life insurance presented by the Armstrong Committee report.

The last legislature of Maryland took up the question of the distribution of surplus, but did not go as far as New York and Louisiana, requiring only a five year distribution.

The special session of the Wisconsin legislature held last December provided for a general legislative investigation of the insurance companies organized or doing business in that state.

The only important law passed during the last year relating to fire insurance is found in Kentucky, where a state fire commissioner is created, whose duty it is to investigate all fires which appear to be the result of carelessness or caused by an incendiary. The expense of this new officer is to be borne by the fire insurance companies doing business in the state.

PUBLIC HEALTH AND SAFETY.

Public opinion was directed toward the question of pure food during the last year by the agitation over the Chicago packing houses and the published results of the investigation. This came too late to have any direct effect on state legislation, but the general attitude is shown by the large number of laws relating to this question and to the allied one of general public safety. In probably no department of legislative action is the abandonment of the non-interference doctrine and the consequent shrinkage of the freedom of the individual so strongly seen as in the laws just referred to. This is due, of course, to the complexity of modern life and the practical impossibility of an individual investigating for himself the sources of his food supply or protecting himself from the actions of others. These laws cover a large range of subjects. The question of pure food was perhaps not relatively important, although laws on this subject are found among the enactments of the legislatures of the year in Iowa and Louisiana,

while the sessions of 1906 for Rhode Island and Massachusetts provided for a strict state of cleanliness in milk bottles.

The development of the germ theory of disease has condemned the expectorating habit which Dickens gives in his *American Notes* as so typical of this country sixty years ago. Municipal ordinances prohibiting expectorating are becoming quite common, but during the last year Virginia has enacted a law forbidding this in public buildings or public conveyances or upon sidewalks.

A noteworthy example of the legislative effort toward the suppression of disease is found in the island of Porto Rico, where the last legislature appropriates fifty thousand dollars for a commission for the study and prevention of tropical anæmia.

The treatment of tuberculosis has probably seen a greater advance than any other branch of medical science. The discovery that the disease is curable and the improved methods of treatment have given an impetus to public measures for its suppression, of which the Virginia law just referred to is of course an example.

Maryland has long been a leader in the movement for the establishment of sanitariums for the treatment of this disease, and as a result of the report of a commission the last legislature provided for a sanitarium, making a liberal appropriation. The last legislature of Iowa appropriated fifty thousand dollars for the same purpose. In Kentucky, hospitals for the treatment of tuberculosis are provided in cities of the first class.

War on patent medicines has recently been declared by some of the magazines, and what is perhaps an effect of this movement is seen in an act of the last Massachusetts legislature which requires that all patent medicines containing more alcohol than is needed for a solvent of the ingredients contained, or more than a minimum quantity of narcotics, must state upon the label the quantities of these constituents.

The development of American ideas in Porto Rico is seen in the action of the legislature this year in regulating the practice of trained nurses and of physicians in that island.

The great volume of travel on the railroads of this country renders especially important any measures looking toward the protection of such travel and the increase in the safety afforded passengers. With that end in view, as well as that of consideration for the railroad employee, the last legislature of Maryland restricts the hours of work of such employees to eight in each twenty-four.

In Massachusetts the railroad commission was given power at the last session of the legislature to require the use of the block system upon the roads in that state. An act of the Ohio legislature passed this year, intended primarily probably for the safety of the employees upon the railroad, but important also to the traveling public, requires the use of the train brake system, automatic couplers and various other safety appliances.

Approaching and sometimes even exceeding the railroad in speed, and more dangerous because operated upon the highway without any regular track, the automobile has received regulation in a large number of the states. New laws of this kind have appeared during the year 1906 in Ohio, Virginia, New Jersey and Porto Rico. The act of Porto Rico only requires the registration and a license; the other laws contain elaborate provisions for registration and the running of the vehicles. The speed limit is varied, according to the character of the road and the country traversed, and ranges from a maximum for the country in Ohio and New Jersey of twenty miles, and of fifteen miles in Virginia, to a minimum in cities of ten miles an hour in Ohio, twelve miles in New Jersey and eight miles in Virginia. Various punishments are provided for violation and in Virginia imprisonment may be imposed for the first offense, while in Ohio and New Jersey this penalty is reserved for the second and subsequent offenses. In Massachusetts and Maryland the last legislatures amended the automobile laws in some respects, making the former somewhat more liberal than before and the latter stricter.

In Louisiana and Kentucky, the legislatures have this year prohibited the abandonment of oil wells or the ceasing of operations without plugging them. This seems intended primarily for the protection of adjoining property and neighboring wells.

The provision for the state fire commissioner made by the last legislature of Kentucky has already been commented upon under the head of insurance, but it is also of importance as tending to promote the general safety of the public.

An act which should probably be classed under public health, but illustrating also the tendency of limiting freedom of practice of trades and professions is found in the law of the last legislature of New Jersey, which requires an examination and license for embalming.

LABOR AND FACTORIES.

One of the first subjects over which the discussion of excessive legislation arose, particularly in England, was the regulation of factories and the conditions under which persons might be required to labor. With the growth of the factory system, however, and the comparative helplessness of the individual laborer in his ability to seek employment under favorable conditions, the right and duty of the legislature to regulate the conditions under which factories are conducted has become well recognized. So much has previously been done in this line, however, that there is little to record during the present year. Child labor is, however, receiving much more attention, and laws restricting the ages at which children may work and the hours and conditions of their labor when it is permitted, appear in Iowa and Louisiana, while Kentucky amends its law on this subject.

Under a previous heading the restriction of the hours of labor upon railroads in Maryland and the requirement for safety appliances in Iowa have been noted. The latter state has also required this year the use of automatic ash pans which may be dumped without the employee going under the engine.

The question of employment bureaus is one of great importance to the workingman, and particularly to the working woman, as many of these institutions are of fraudulent character. States have long regulated the private employment bureau, but this is now being supplemented by the establishment of public free employment bureaus, such as we find under the law passed by the last legislature of Massachusetts which provides for them in cities to be selected by the governor.

Another point at which the workingman is frequently defrauded is in the assignment of his wages, and this is carefully regulated by a new act in the same state.

LIQUORS.

The campaign of 1905 in Ohio was to a great extent conducted upon the saloon issue, and the support of the democratic ticket by the anti-saloon league is supposed to be one of the factors in the election of the late Governor Pattison over Governor Herrick, although the balance of the republican ticket was elected. The influence of this campaign is seen in the Ohio legislation of this year, which is the only legislation of any particular importance upon the liquor question.

The act of 1904, which provided for local option in residence districts to be formed by petition of the electors, was amended in some respects. All saloons are required to pay an annual license to the county of one thousand dollars. All railways on which liquors are sold in dining or buffet cars are required to pay a state license of one thousand dollars where the road operates not over two hundred miles of railway in the state, and of fifteen hundred dollars where the railway operated is over that amount. The search for liquors upon premises is facilitated by another act which also provides that the transportation of liquors by railroads under a false labeling shall be unlawful.

The system of public dispensaries which has been adopted in some of the southern states, with a view to more effectively controlling the liquor traffic, is seen in Virginia, where there

are a number of acts during the last year for the creation of local public dispensaries in the towns.

CHARITIES.

The subject of charities and the proper organization of the charitable institutions of the state is one which has been the subject of considerable discussion during recent years. We find, however, that the last year shows very little change in this regard, although a step in advance is taken in Kentucky, where the control of the charitable institutions of the state has been consolidated under one central board.

Massachusetts has this year recognized the importance of the segregation and education of the feeble-minded by creating a school for that purpose.

AGRICULTURE.

Aside from the usual number of laws regulating and restricting the sale of concentrated feeding stuffs and fertilizers, the only state which presents anything noteworthy in agricultural legislation during the past year is Kentucky. The law of that state, favoring the pooling of agricultural products for sale at an increased price, has already been noted. The same state also creates a Board of Agriculture, Forestry and Immigration, thus combining subjects which are usually considered of enough importance to demand special officers or boards. The peculiarity of this law, however, is upon its agricultural side, as, of the twenty-five thousand dollars per year which is appropriated not to exceed four thousand dollars may be used for the two other subjects. Members of the board are to be experienced and practical farmers and also "intelligent citizens." No standard by which this latter qualification is to be tested is fixed by the law.

FORESTRY.

The history of the lumber industry in this country has been one of exploitation and destruction of the forests rather than that of conservative lumbering looking toward the future. It

is only in late years that the diminishing forests of the country have called attention to the importance of scientific forestry. The national government has taken the lead in this matter, but the states are now falling in line. The last year has seen the enactment of a number of laws upon the subject, so that a start in the right direction has been made in several states, although this start is frequently an inadequate one.

The combination of forestry with agriculture and immigration in the recent law of Kentucky has already been noted. Not to exceed two thousand dollars of the appropriation may be expended annually upon this subject. The last legislature of Maryland has done slightly better than this by an appropriation of thirty-five hundred dollars a year, while we find that Rhode Island has just created a forestry commissioner with an annual salary of five hundred dollars, with three hundred dollars a year for expenses. In contrast with the meagre appropriations made in these states for this subject, is that by the last New York legislature of four hundred thousand dollars for an extension of the forest reserve of that state.

Iowa, which is essentially an agricultural state and whose forestry interests have always been slight, approaches the subject from another standpoint and a new law encourages the planting of forest areas which are to be taxed at a merely nominal valuation when the provisions as to number, condition and cutting of the trees are complied with. The secretary of the State Horticultural Society is to act as state forestry commissioner, without salary. The experience of the states in assigning forestry duties to persons without special training and in diverse employments has not been an especially happy one, and the effectiveness of this Iowa provision may perhaps be doubted.

FISH AND GAME.

- * Every session of the legislature of a state where there is any considerable fishing or hunting sees a great number of amendments of the fish and game laws. These, however, are

of interest and importance ordinarily only to the persons who desire to fish and hunt there. The only act which is of general interest is one in South Carolina for the protection and development of oysters, which recognizes the commercial value of this product and its industrial importance to the state.

THE FAMILY.

The only law concerning marriage during the last year which is of any importance is that in Porto Rico, which was designed apparently to meet a situation which existed in the island, due to the expense and difficulty of securing the performance of the marriage rites under the Spanish regime. This law provides that all persons living in recognized unions without the marriage ceremony may have such ceremony performed up to July, 1907, without charge. The previous law of 1903 defining natural marriages and providing a procedure for legitimizing and registering such unions is repealed. The last legislature of South Carolina recognizes a principle which has been applied in other states, by providing that illegitimate children may inherit from and have a right of action for the death of the mother, while similar rights are given the mother.

The obligation which a child owes to the parent is recognized by the last legislature of Kentucky by the enactment of a law which requires adult children to assist in the support of their indigent parents.

The question of divorce has been much discussed of late and has been taken up by the Commissioners on Uniform State Laws, but there is no law of this year on this subject worthy of special comment.

PROPERTY.

The antiquity of our common law and the diversity of subjects which a modern legislature is called upon to consider is seen in the enactment by the Rhode Island legislature of this year of an act regulating the barring of entails. In that state it was formerly necessary to require the acknowledgment in

MISCELLANEOUS.

The last legislature of Kentucky passed two laws which do not come within any classification. One of these laws forbids the presentation of plays which are "based upon antagonism alleged formerly to exist between master and slave, or that excites race prejudice." The occasion for the enactment of this law is not stated, but one may surmise that the presentation of "The Clansman" may have had something to do with it. The other law referred to creates a state racing commission. This commission is to have supervision over horse racing, and no races for prizes are to be allowed except under the permission of the commission. It does not apply to trotting meetings nor to associations for holding fairs which hold not to exceed one meeting a year. This act has in large part been declared unconstitutional in the United States Circuit Court for the Western District of Kentucky and the case is now pending on appeal in the Circuit Court of Appeals for the Sixth Circuit.

CONGRESSIONAL LEGISLATION.

More than four hundred public acts, covering a great variety of subjects, have been passed at the recent session of the Congress. Extended review of all this legislation is here impossible. Many important laws have been enacted both amendatory of former legislation and embracing new subjects of federal control to which attention should be called.

REGULATION OF COMMERCE.

By the act approved June 29, 1906, and made effective sixty days after its passage, Congress has increased the membership of the Interstate Commerce Commission to seven; increased the salary of the office to ten thousand dollars and made the term of appointment seven years. The law has been extended to include interstate carriage by pipe lines; the term "common carrier" to include "express companies and sleep-

ing car companies"; the term "railroad" to include "all bridges and ferries used or operated in connection with any railroad," all switches, spurs, tracks and terminal facilities of every kind, as also all freight depots, yards and grounds used or necessary in transportation or delivery of property; and the term "transportation" to include cars and other vehicles and all instrumentalities and facilities of shipment or carriage, irrespective of ownership and all services in connection with the receipt, delivery, elevation and transfer in transit, ventilation, refrigeration or icing, storage and handling of property so transported. Every carrier subject to the act is required to provide and furnish such transportation upon reasonable request and to establish through routes and just and reasonable rates applicable thereto.

All carriers subject to the act must on application construct, maintain and operate on reasonable terms switch connections with any lateral branch line of railroad or shipper tendering interstate traffic where such connection is reasonably practicable, can be safely made and will furnish sufficient business to justify it. The Commission is empowered to order such connection on complaint of any shipper if the carrier refuses voluntarily so to construct, maintain and operate the demanded connection.

Tariffs must be filed with the Commission and conspicuously posted "in every depot, station or office of such carrier where passengers are received for transportation, in such form that they shall be accessible to the public and can be conveniently inspected," showing all local, through, interstate and interforeign rates and charges of every kind relating to the transportation. Where through lines do not provide through rates, the separate rates of each carrier must appear, and if through rates on freight shipped from the United States through a foreign country into the United States are not so made, public customs duties, "as if said freight were of foreign production," are imposed. No changes in such tariff rates can be made except after thirty days notice, unless the Commission

MISCELLANEOUS.

The last legislature of Kentucky passed two laws which do not come within any classification. One of these laws forbids the presentation of plays which are "based upon antagonism alleged formerly to exist between master and slave, or that excites race prejudice." The occasion for the enactment of this law is not stated, but one may surmise that the presentation of "The Clansman" may have had something to do with it. The other law referred to creates a state racing commission. This commission is to have supervision over horse racing, and no races for prizes are to be allowed except under the permission of the commission. It does not apply to trotting meetings nor to associations for holding fairs which hold not to exceed one meeting a year. This act has in large part been declared unconstitutional in the United States Circuit Court for the Western District of Kentucky and the case is now pending on appeal in the Circuit Court of Appeals for the Sixth Circuit.

CONGRESSIONAL LEGISLATION.

More than four hundred public acts, covering a great variety of subjects, have been passed at the recent session of the Congress. Extended review of all this legislation is here impossible. Many important laws have been enacted both amendatory of former legislation and embracing new subjects of federal control to which attention should be called.

REGULATION OF COMMERCE.

By the act approved June 29, 1906, and made effective sixty days after its passage, Congress has increased the membership of the Interstate Commerce Commission to seven; increased the salary of the office to ten thousand dollars and made the term of appointment seven years. The law has been extended to include interstate carriage by pipe lines; the term "common carrier" to include "express companies and sleep-

ing car companies"; the term "railroad" to include "all bridges and ferries used or operated in connection with any railroad," all switches, spurs, tracks and terminal facilities of every kind, as also all freight depots, yards and grounds used or necessary in transportation or delivery of property; and the term "transportation" to include cars and other vehicles and all instrumentalities and facilities of shipment or carriage, irrespective of ownership and all services in connection with the receipt, delivery, elevation and transfer in transit, ventilation, refrigeration or icing, storage and handling of property so transported. Every carrier subject to the act is required to provide and furnish such transportation upon reasonable request and to establish through routes and just and reasonable rates applicable thereto.

All carriers subject to the act must on application construct, maintain and operate on reasonable terms switch connections with any lateral branch line of railroad or shipper tendering interstate traffic where such connection is reasonably practicable, can be safely made and will furnish sufficient business to justify it. The Commission is empowered to order such connection on complaint of any shipper if the carrier refuses voluntarily so to construct, maintain and operate the demanded connection.

Tariffs must be filed with the Commission and conspicuously posted "in every depot, station or office of such carrier where passengers are received for transportation, in such form that they shall be accessible to the public and can be conveniently inspected," showing all local, through, interstate and interforeign rates and charges of every kind relating to the transportation. Where through lines do not provide through rates, the separate rates of each carrier must appear, and if through rates on freight shipped from the United States through a foreign country into the United States are not so made, public customs duties, "as if said freight were of foreign production," are imposed. No changes in such tariff rates can be made except after thirty days notice, unless the Commission

shall, in its discretion, in particular instances, or under special or peculiar circumstances or conditions permit. The names of all carriers, parties to any tariff, must appear thereon and each must file with the Commission express concurrence therein, and copies of all agreements between carriers in respect to transportation covered by the act must be filed with the Commission.

The Commission is authorized to prescribe the form of the schedules or tariffs the carriers are required to keep posted for public inspection. All carriers are forbidden to engage in any transportation of any freight or passenger not covered by such published schedules or to charge "a greater or less or different compensation" than shown by the published schedules, for any service, or extend to any shipper "any privileges or facilities" not specified in such tariffs.

After May 1, 1908, interstate or foreign transportation by any carrier is forbidden of any article or commodity "other than timber and the manufactured products thereof," which has been manufactured, mined or produced by it or under its authority, or which it may own or be interested in, whether in whole or in part, except where necessary and intended for its own use as a common carrier.

Passes and reduced rates are forbidden after this year, except to railroad men and their families, ministers and persons engaged in religious and charitable work, inmates of soldiers' and sailors' homes, and a few other classes.

The act requires that all charges shall be "just and reasonable," and prohibits all others.

The Commission may, *sua sponte*, or on complaint, investigate any rate, charge, regulation or practice, and may determine whether such rate or practice is "unjust or unreasonable, or unjustly discriminatory, or unduly preferential or prejudicial, or otherwise in violation of any of the provisions of this act"; may prescribe a maximum "just and reasonable rate or rates, charge or charges," and "what regulation or practice in respect to such transportation is just, fair and reasonable to be

thereafter followed." Its orders (except for the payment of money) shall take effect in such reasonable time, not less than thirty days, and shall continue in force not exceeding two years, as the Commission may prescribe, unless "suspended or modified or set aside by the Commission or be suspended or set aside by a court of competent jurisdiction."

Whenever carriers, parties to a joint tariff, fail to agree as to the division thereof, the Commission may determine for them.

The Commission may, on complaint and hearing, establish through routes and joint rates; determine the proportions or division of rates among them where the carriers refuse or neglect to establish such through routes and joint rates, "provided no reasonable or satisfactory through route exists, and this provision shall apply when one of the connecting carriers is a water line."

Where the shipper renders any service or furnishes "any instrumentality" used in the transportation, the Commission may hear and determine what is a reasonable maximum charge to be paid by the carrier therefor.

The Commission may, on complaint, after hearing, order the defendant carrier to pay complainant the sum of any "award of damages" for a violation of the act. Refusal to pay may be followed by suit by the party entitled, in a federal court, wherein the findings and order of the Commission "shall be *prima facie* evidence of the facts therein stated." If the petitioner prevails, costs, including "a reasonable attorney's fee," shall be taxed against the carrier. The complaint must be filed with the Commission within two years from the time "the cause accrues," and court proceedings to enforce any order of the Commission awarding damages within one year from the date of the order. Claims accrued prior to the act may be presented within one year. Where money damages are awarded, a single order may embrace joint plaintiffs and joint defendants, and suit may be brought in any federal judicial district for its enforcement, "where any one of such

joint plaintiffs could maintain such suit against any one of such joint defendants."

Process may also be served in any other district where any other joint defendant has its principal operating office.

Service of the Commission's orders are to be made by sending copy thereof through registered mail "to any one of the principal offices or agents of the carrier at his usual place of business," and the registry mail receipt shall be *prima facie* evidence of the "receipt of such order by the carrier in due course of mail."

On failure or neglect of any carrier to obey any order of the Commission (other than for the payment of money) the injured party or the Commission may apply "to the Circuit Court in the District where such carrier has its principal operating office or in which the violation or disobedience of such order shall happen for an enforcement of such order." Such application is to be by petition and the court may enforce the order by any proper process. Appeals go direct to the Supreme Court and have precedence over all cases except criminal ones, but do not vacate or suspend the order. These suits are to be brought in the District where the carrier has his principal office.

In time of actual or threatened war and upon demand of the President, preference must be given over all other traffic to the transportation of troops and materials of war, and the carriers are required to adopt every means within their control to facilitate and expedite the military traffic.

The act provides that anything done or omitted by any officer or agent of the carrier constituting a misdemeanor under the interstate commerce acts shall also subject the carrier corporation to like penalties, and if any official shall knowingly offer or give, or any shipper ask or receive any rebate or discrimination, they shall severally be fined from one thousand dollars to twenty thousand dollars or imprisoned not exceeding two years, or be both fined and imprisoned.

The Commission may require and the carriers must furnish under prescribed penalties annual reports for the preceding

year ending June 30th, as well as monthly reports of earnings and expenses, "or special reports within a specified period and subject to like penalty for default." The annual reports are to be in great detail and show nearly everything concerning the financial condition and physical operation of the road.

The Commission may also prescribe forms "of any and all accounts, records and memoranda to be kept by carriers subject to the provisions of this act, including the accounts, records and memoranda of the movement of traffic as well as the receipts and expenditures of moneys," to which the Commission shall at all times have access by its agents, and it is made unlawful under drastic penalties for the carriers to deny such access thereto or "to keep any other accounts, records or memoranda than those prescribed or approved by the Commission." False entries thereon by any person is made a misdemeanor punishable by fine not less than one thousand dollars or more than five thousand dollars, or by imprisonment for not less than one nor more than five years, or by both fine and imprisonment.

Any examiner who divulges any information, except upon judicial direction, is made subject to a fine not exceeding five thousand dollars or imprisonment not exceeding two years, or both.

On interstate shipments carriers may no longer limit their liability to their own line, but are responsible for loss or damage on the lines of connecting carriers.

All existing laws relating to attendance of witnesses, production of evidence and compelling testimony are made applicable to all proceedings and hearings under the new act.

By a separate act approved on the same date (June 30, 1906) it is provided that in respect to proceedings under the interstate commerce and related acts "immunity shall extend only to a natural person who, in obedience to a subpoena, gives testimony under oath or produces evidence, documentary or otherwise, under oath."

By an act approved June 20, 1906, the time for continuous interstate transportation of cattle, sheep, swine or other animals has been extended from twenty-eight to thirty-six hours where the owner or custodian so requests the carrier in writing, and requiring unloading, water and feeding under prescribed penalties.

By an act approved June 11, 1906, all interstate carriers are made liable to all employees for injury or death caused by negligence of any of the employees or the defect or insufficiency due to negligence in track equipment, machinery or works. Negligence is made a question of fact for the jury, and slight negligence of the injured employee shall not bar recovery when the negligence of the employer was gross in comparison. No contract of employment nor benefit agreements shall constitute a bar or defense to actions for death or personal injury.

By an act approved June 12, 1906, the importation, exportation or carriage in interstate commerce of falsely or spuriously stamped articles of merchandise made of gold or silver or their alloys is forbidden, and all persons found guilty of violating the act are to be punished as therein prescribed. The act is made effective one year after its passage.

INSPECTION OF PACKING HOUSE PRODUCTS.

The agitation over the Chicago packing houses resulted in a provision in the agricultural appropriation act for the current fiscal year for rigid inspection of all establishments wherein meat is slaughtered, packed, canned or prepared for interstate or foreign shipment or use under rules and regulations to be prescribed by the Secretary of Agriculture, who is charged with the administration of the law. Such products cannot be received for transportation unless suitably tagged or marked as thus inspected and approved.

PURE FOOD LEGISLATION.

By an act approved June 30, 1906, elaborate provision is made to prevent the manufacture and sale or transportation of

misbranded or poisonous or deleterious foods, drugs, medicines and liquors, and to regulate the traffic therein. Standards are authorized to be prescribed and penalties are fixed for violations of the act.

PUBLIC HEALTH.

By an act approved June 19, 1906, five hundred thousand dollars is appropriated to acquire additional quarantine stations (not exceeding four) to prevent the introduction and spread of yellow fever and other diseases, and authorizing the Secretary of the Treasury to accept transfer of state quarantine stations for like purposes.

NATURALIZATION.

By an act approved June 29, 1906, there has been created a Bureau of Immigration and Naturalization and a uniform rule prescribed for the naturalization of aliens throughout the United States. Thereunder exclusive jurisdiction to naturalize aliens as citizens is conferred upon the following courts: United States Circuit and District, the Supreme Court of the District of Columbia and the United States Courts for the Indian Territory, also all courts of record in any state or territory having a seal, a clerk and jurisdiction in actions at law or equity in which the amount in controversy is unlimited.

Five years prior residence is required and specific details of procedure, publication, etc., are given. Ability to speak the English language with specified exceptions is required. Provision has been made to exclude agitators and anarchists and for the annulment of any certificate of naturalization fraudulently acquired. The act is framed with much care in respect to details, of which lack of space forbids recital here.

PANAMA CANAL.

By an act approved June 29, 1906, Congress has approved a lock canal "of the general type" proposed by the minority of the Board of Consulting Engineers. It has also required

that all material and equipment shall be of domestic manufacture, unless the President shall in any case deem the bid or tenders therefor to be extortionate or unreasonable. It has also made the Panama Canal bonds available to national banks on a par with the other United States two per cent. bonds and required the President to require annually, or oftener, full and complete reports of all estimates and expenditures. It has also removed the application of the eight hour labor law to work within the canal zone.

BANKRUPTCY ACT.

By an act approved June 15, 1906, there is added to the preference classes of the bankrupt law "wages due to workmen, clerks, traveling or city salesmen or servants which have been earned within three months before the date of commencement of proceedings not to exceed three hundred dollars to each claimant."

SHIPPING.

An act was passed on February 20, 1906, repealing section 4136, United States Revised Statutes, permitting register or enrollment of wrecked foreign vessels when repaired in the United States.

Other acts were passed relating to the inspection and certification of vessels, including those propelled by naphtha power, as well as an act regulating shipping between ports of the United States and the Philippines.

RIVER AND HARBOR IMPROVEMENTS.

By acts of May 16, 1906, and June 29, 1906, wherever condemnation proceedings are required to enable donations of land made to the United States for river or harbor improvements to become available, the Secretary of War is authorized to institute such proceedings at the cost and under the guaranty of such donors.

By an act approved June 28, 1906, the President is authorized to appoint a commission to examine and report upon the feasibility of a free waterway connecting Chesapeake and Delaware Bays. And by an act approved June 30, 1906, the State of New Jersey is authorized to improve the channels of the New Jersey sea coasts, but not to interfere with any work commenced or proposed by the United States.

TARIFF.

February, 26, 1906, an act was passed changing the rate of duties on enumerated articles imported into the Philippine Islands.

NIAGARA FALLS.

By joint resolution of March 15, 1906, the members of the International Commission were requested to report to Congress at an early day what they deem necessary to prevent the further depletion of water flowing over Niagara Falls, and, if practicable, to exert with the Canadian Commission all reasonable efforts for the preservation of the Niagara Falls to their natural condition.

And by an act of June 29, 1906, Congress vested in the Secretary of War power to issue permits for the use of the water to limited purposes and for a period not exceeding three years, and for the preservation of the Falls. The act prescribes penalties for any unauthorized use of the water.

NATIONAL BANKS.

By an act approved June 22, 1906, the National Banking Act is amended to permit single loans to persons or corporations not exceeding ten per cent. of paid in unimpaired capital, and like amount of unimpaired surplus, provided such loan shall not exceed thirty per cent. of the capital stock; but discount of *bona fide* bills of exchange drawn against actual existing values and discount of commercial or business paper actually owned by the person negotiating the same shall not be considered as money borrowed.

INTERNAL REVENUE.

By an act of June 21, 1906, collectors of internal revenue are required to keep for public inspection a list of all persons who shall have paid special taxes within the district and for what so paid, and to furnish at prescribed fees copies to any prosecuting officer of any state, county or municipality.

CRIMINAL LEGISLATION.

By an act of June 30, 1906, the Attorney-General, or any officer of the Department of Justice, or special counsel employed by the Attorney-General, may appear in grand jury proceedings and before committing magistrates, regardless of their place of residence.

By an act approved June 28, 1906, any officer or employee of the United States, or any person pretending so to be, found guilty of extortion shall be punished by fine or imprisonment, or both.

By an act of April 27, 1906, the former act of June 21, 1902, in respect to commutation of sentences, is applied to all sentences imposed prior to the act of 1902, where the commutation is less than that provided in the act of 1902.

And by an act of June 28, 1906, the offense of "shanghaiing" is defined, prohibited and punishment provided.

ALASKA.

By an act of May 7, 1906, a delegate in Congress from Alaska is provided. By other acts provision is made for the protection of the fisheries of Alaska. Aliens are forbidden to fish in Alaskan waters, free homesteads for native Alaskan Indians are authorized and increased appropriation for the building of roads therein has been made. Several other acts have been passed to aid the building of railroads in Alaska.

TRADE-MARKS.

By an act of May 4, 1906, the trade-mark laws have been amended in important details and extended to owners of

manufactures in this country to the same extent as if domiciled here.

LOST OR STOLEN WARRANTS.

By an act of March 25, 1906, general legislation is provided for reissue of lost, stolen or destroyed checks and treasury warrants on application therefor in prescribed time and on giving of an indemnity bond.

THE PUBLIC LANDS.

Acts have been passed providing for the entry of lands within forest reserves; to authorize withdrawal from entry of lands needed for town site purposes in connection with irrigation projects under the national reclamation act; to prevent the cutting, chipping or boxing of trees on the public lands to obtain turpentine, pitch or other substances therefrom, to forfeit unused rights of way granted to railroads on the public domain, and to confirm rights of way of railroads now constructed and in operation in Oklahoma and Arizona.

COINAGE.

Acts have been passed for the purchase of metal and the coinage of minor coins and for the distribution and redemption thereof; to authorize the coinage of all gold bullion held in reserve and suspension of the issue of gold certificates whenever the gold coin reserve shall fall and remain below fifty millions of dollars; also to amend the coinage system of the Philippine Islands.

JUDICIARY.

By an act approved April 14, 1906, section 7 of the Court of Appeals Act of March 3, 1891, as amended by the Act of June 16, 1900, is amended to read as follows:

“SEC. 7. That where, upon a hearing in equity in a District or in a Circuit Court, or by a judge thereof in vacation, an injunction shall be granted or continued, or a receiver appointed by an interlocutory order or decree, in any cause, an

appeal may be taken from such interlocutory order or decree granting or continuing such injunction, or appointing such receiver, to the Circuit Court of Appeals. *Provided*, that the appeal must be taken within thirty days from entry of such order or decree, and it shall take precedence in the Appellate Court, and the proceedings in other respects in the court below shall not be stayed unless otherwise ordered by that court, or by the Appellate Court, or a judge thereof, during the pendency of such appeal. *Provided, further*, that the court below may, in its discretion, require as a condition of the appeal an additional bond."

CONSULAR SERVICE.

By an act of April 5, 1906, the consular service has been reorganized and reclassified with limitations and provisions not necessary to be here set forth.

REVENUE CUTTER SERVICE.

June 23, 1906, an act was passed "to promote the efficiency of the revenue cutter service," and May 26, 1906, another act to regulate enlistments and punishments in that service.

BRIDGES.

By an act of March 23, 1906, general provisions are made to regulate construction of bridges over navigable waters of the United States, under the supervision of the Secretary of War, where authority therefor has been granted by Congress.

CHINA COURT.

The act of June 30, 1906, creates a United States Court for China having civil and criminal jurisdiction, as authorized by existing treaties and the present act, including appellate jurisdiction from our consular court in Korea. The act provides for a judge, district attorney, marshal and clerk with prescribed salaries. The term of the judge is fixed at ten years; of the other officers at the pleasure of the President. All of these officers are to be appointed by the President sub-

ject to the advice and consent of the Senate. Appeals and writs of error are allowed therefrom to the United States Circuit Court of Appeals for the Ninth Circuit and to the Supreme Court of the United States where like writs and appeals would lie from the Circuit and District Courts to such appellate courts.

HAWAII.

By an act approved May 20, 1906, all personal and removable property received by the United States from the Republic of Hawaii under the joint resolution of annexation may be sold or leased by the territory, all such disposals by the territory already made being confirmed.

INDIANS.

Acts have been passed to provide for the final disposition of the affairs of the five civilized tribes in the Indian Territory, to extend their tribal existence until their affairs are so settled and until otherwise provided by law, extending and enlarging the allotment acts and in other minor details not necessary to be here noted.

NEW STATES.

June 19, 1906, Congress passed an act to enable the people of Oklahoma and the Indian Territory to form a constitution and state government and to be admitted into the union as the State of Oklahoma. Liberal grants of land and money for state purposes are provided. The same act provides for separate vote in prescribed time and manner by the inhabitants of New Mexico and Arizona, and provides machinery for the like admission of those territories as one state (Arizona), provided a majority of the voters in each territory so vote.

INCORPORATIONS.

By special acts Congress has incorporated "The Carnegie Foundation for the Advancement of Teaching"; the "Great Council of the United States of the Improved Order of Red

Men"; the "National Education Association of the United States"; the "National Society of the Sons of the American Revolution," and the "Archæological Institute of America."

MONUMENTS.

Patriotism has been recognized in acts providing for a monument at Provincetown, Massachusetts, to commemorate the landing of the Pilgrims and the signing of the Mayflower compact; another on the battlefield to commemorate the battle of Princeton, and another on King's Mountain, South Carolina, to commemorate the great victory of the Revolution by the American forces. The illustrious dead are remembered in acts providing for monuments in Washington City to the memory of John Paul Jones and Commodore John Barry.

Congress also provided by law "for the preservation of American antiquities" and historic and prehistoric ruins on lands owned by the United States, and for their examination under proper official permit.

MISCELLANEOUS.

Acts have been passed providing twenty-five thousand dollars annually to be expended by the President in traveling; for the care of the graves of certain Confederate dead; to prevent and punish hazing at the Naval Academy; to create a juvenile court in the District of Columbia; for compulsory education in that district; to punish non-support of wife and children in that district; to receive again from the State of California the Yosemite National Park, and many other enactments of too little importance to be here set down, but in the aggregate forming a session of legislative industry in importance and variety of legislation without parallel.

THE CONGESTION OF LAW.

ANNUAL ADDRESS BY

ALTON B. PARKER,
OF NEW YORK, NEW YORK.

Few questions have been more discussed during recent years than the increasing tendency of legislative bodies to propose and to enact new laws. Scarcely any agitation of a public or a moral question is so unimportant that it does not produce, in nearly half a hundred state capitols, a series of bills supposed to represent it in all its varied and shifting phases. It has become far more common to look for a new law for the punishment of an old offense or for defining anew the relations of individuals to each other than it is to invoke those powers or remedies by which, over many centuries, while law has been gradually taking fixed form, men have been able to punish crimes against society or to settle their own differences.

And yet every man who has had occasion to study the question, even in its narrower bearings, has been forced to conclude that but a small percentage of proposed new enactments involves a new principle, or even a new policy. It rarely happens that an offense is committed for which no proper punishment has been provided, and it is a long time since any real question has arisen between men to demand legal settlement impossible under existing law.

Most of the laws proposed in such number and variety are assertions of the police power. Even the machinery which they create—under the fond delusion that it is new—is as old as Western civilization itself. It thus connotes a continual growth from the comparatively simple conditions of our modern life, at its best, into the variety, complexity and interference which have marked all the history of men. It may create an office strange to a given county or state, lodge

additional power in the hands of an executive, attempt to expand or contract the judicial authority, or seek to regulate or modify by law habits and customs; but it proposes nothing hitherto untried somewhere.

It has long been recognized that, if our legislators were compelled to study and know the old and settled principles of jurisprudence, there would be fewer opportunities for mediocre men to make for themselves reputations, or even to base careers, outwardly successful, upon laws which have nothing in them that mankind has not tried. It is merely another illustration of the refusal of men to profit by the experience of their ancestors or predecessors, or to take account of the long line of failures; but its fatuity is in claiming credit for something well known already.

It was one of the many wise sayings of Montesquieu that:

“It sometimes is necessary to change certain laws, but the case is rare, and, when it occurs, one should touch them only with a trembling hand.”

If this were taken to heart by the members of Congress and of the state legislatures of the American union, who annually turn out an average of nearly fifteen thousand laws—two-thirds of them devoted to private or special questions—it is certain that there would be greater satisfaction, both individual and public; more knowledge of what the law has done and can do, and more respect for it; fewer reputations and ambitions built upon the shifting sands; and a general recognition of the fact that quality of laws, and not their number, counts. Fewer aspiring young men might seek seats in these bodies merely as stepping stones to something deemed better; the amateur, the incompetent and the blackmailer might be less in evidence; the boss who orders legislation, in order that he may sell it or exchange it for personal power, might gradually become extinct; the sensational newspaper—that outward sign of inward popular corruption or hysteria—might have less authority; and men of recognized character and success could be relied upon to keep our laws in harmony with

our progress, and thus to promote and insure their efficiency without an overproduction that sometimes makes them contemptible.

But, as this congestion of legislation has long since become chronic in our modern democratic society and the malady still remains, it is necessary to consider it in some of its many phases. Some small part of it is the result of adjusting our life to conditions, fewer of which are new than is generally supposed. The political theories which have gradually become fairly dominant since the doctrines of the English Revolution of 1688 were intensified by the doctrines of the American Revolution of 1776 and those of the French Revolution of 1789 account for the supposed necessity for many new laws, in spite of the fact that none of these events, singly or even combined, has introduced new or untried theories. Coming back to local government, each branch of it, each added legislative body, has felt itself called upon to enact series of laws for dealing with its conditions, or what it has deemed emergencies.

Although each new migration, as it spread from the Atlantic to the Pacific, has carried with it rules of life and conduct long and successfully tried on many scenes, it has scarcely reached the vestibule of a larger career and opportunity of its own before its legislative body has launched upon the world a new line of enactments dealing with marriage, inheritance, individual rights and property, and all the manifold interests of life, in a manner which its people have thought new. Especially in the relations of corporations to society and business, many states, distant from the scene of origin and development of these organizations, have begun the work of regulating and tinkering with them almost before their people had passed out of the individual or partnership period. The result has been a great mass of legislation that was crude, much that defeated its own ends and still more that was hurtful to the communities most concerned. It was only when the earlier of these laws were repealed or modified that the commanding natural resources of such states really had an opportunity to

find development, and that their people could enjoy the natural reward of their own courage, industry and intelligence.

Sir John Macdonell, one of the great legal authorities of present day England, has recently called attention to the fact that for nearly two hundred years the struggle has been toward equality, and that this accounts for much of the great bulk of legislation in this country and the British colonies, and has also expressed the opinion that the tide has now turned, so that the tendency is toward a growing inequality. He points out a tendency, which he describes as universal in all the Western world, to restrict the right of contract. In his words:

"It takes many forms. It creates whole classes of persons who are regarded as abnormally weak, if not irresponsible. The idea of equality before the law . . . becomes fainter. The exceptions were once few. Lunatics were, for most matters, at all events, regarded as incapable of contracting; minors were so for some; and expectant heirs were, in certain circumstances, unfettered. Now the list of such classes is more enlarged. The borrower cannot bind himself as against the money lender; the court enables him to break his word. He who gets a bill of sale finds it inoperative unless it satisfies certain conditions. Farmers are protected against themselves. The Irish tenant is encased in legislative armor against his own weaknesses. The expanding field of labor legislation contains many such provisions. Workmen and seamen, factory operators and miners, cannot contract themselves out of many provisions established for their benefit. In several European countries the working day of grown-up men is limited by statute. Railways and many corporations are subject to restrictions from which they cannot be released by contracts. It would seem as if, instead of the age of status being over, we were rapidly returning to it. Hegel said that in legal restriction lay true freedom; it is the working creed of most legislatures."

If, then, socialism is the subordination of the individual to the state, over-legislation is its outward sign of progress, because only thus can the dominance of the state be emphasized, even when it cannot be enforced because abhorrent to

human nature, the doctrines of our religion and the decrees of God. State dominance is, however, no new phase in the history of man, and the attempt to satisfy it by means of laws passed by popular assemblies does not really differ seriously from the previous efforts made by despots, benevolent or cruel, or by Napoleonic or Russian imperial orders. This tendency must, however, account for much of the tentative, or, as it is sometimes called, experimental legislation, enacted year after year. Even the private and special laws fall easily into this category, because, if it is possible to restrict the liberty of contract or action of classes, it is certainly legitimate and inevitable to employ the same method when dealing with isolated, individual communities or groups, or even interests. Once the distinction between those rights, purely public, half public or wholly private, is lost, the circle rapidly enlarges and becomes both complete and vicious.

Legislation of this order is promoted in many ways. One of the most efficient agencies is popular clamor. This may be produced by the demagogue, whose interest it is to make the part appear to be the whole. It may be started by the robbery of a savings bank, or by adulteration on the part of some manufacturer, or dishonesty by the head of a business corporation, or in any one of a hundred different ways. Such an agitation will naturally be encouraged by sensational newspapers, and by the oftentimes scarcely less sensational pulpit. As it goes on it gathers force until it passes into one or the other of the many forms of that hysteria which demands nothing so much as a victim. In such a period the recurring session of a legislature comes in its due course, or an ambitious or sympathetic governor calls an extra session. Thus dozens of useless laws are placed upon the statute books, every one of which chokes the channels of justice.

Another fruitful source of legislation is the neglect or failure to enforce existing laws. A lax public sentiment, plus an incompetent executive, renders of no effect a wholesome law until the breaches of it become so numerous and offensive that

an aroused and indignant public sentiment demands relief. The result is often a demand for further legislation, because it is erroneously assumed that the wrong suffered by the public could not have happened had the laws been adequate for its protection. And a crop of new and unnecessary statutes is the outcome—unnecessary because all that is needed is rigid enforcement of existing law. This has been demonstrated within the past year, when, in the midst of the most hysterical demands for new laws aiming at certain offenses, successful resort has been had on a large scale to existing laws. The continuance of such efforts will demonstrate the adequacy of the laws when rigidly enforced, to put an end to the practices which they were intended to prevent, and at the same time demonstrate anew the wisdom of enacting only such laws as can be enforced, and then to secure their enforcement.

In many cases the misdirected or ignorant zeal of an executive officer is responsible for many new and useless laws. Such an official—generally with the elements in him of the agitator, and often of the demagogue—has been carried into office, after an hysterical canvass, under the promise to prosecute certain kinds of accused persons. Once elected, he takes up his work in the same spirit that had characterized his electoral campaign. He indicts with great facility. He tilts against classes or individuals, only to find that juries do not convict, or that, if they do, courts will not sustain. Then comes a new harvest of laws in order to justify or supplement the zeal of men who may be honest, but who are wanting either in judgment or knowledge. In addition, there is nothing which can more surely produce contempt of law than the spasmodic activity to which some prosecutors are addicted.

In some instances the opposite of the illustration just cited may be found. An official may insist that it is no part either of his duty or that of the law to proceed except where he is fairly assured of his ability to prove every charge, and to assure conviction. He may have the old-fashioned idea that it is discreditable to indict without reasonable evidence of guilt

merely because some ignorant, irresponsible agitator, or a hysterical victim, or a newspaper, may suggest or demand it. This is apt to produce its supply of new bills at the succeeding session of the legislature, some of which may pass the scrutiny of a careless or an aspiring governor.

Another favorite form of legislation is that for the benefit or at the behoof of a party. The continual tampering with election laws and regulations; the creation of useless offices, political or judicial; crusades against or favors conferred upon corporations or interests; the reorganization of city governments; the legislation of one class of officials out of office, in order to put another in; the institution of a state constabulary for the purpose of controlling the police of great cities for party or personal purposes; the tilting against opponents, a process common to many legislative bodies—all these are productive of such infinite and far-reaching harm as to emphasize the doctrine that no partisan legislation, either proposed before the bodies themselves or pushed in their committees, or enacted into law, can be fair, just or enduring.

The forms of legislative waste here enumerated, and the causes which promote them, serve to show why it is that an almost complete change has come over the character of our legislative bodies. Their presence gives the speaker almost arbitrary power, makes committees into a new form of tyrants, develops management and intrigue into fine arts, produces bosses as a natural result, and, while keeping the larger men out of legislative halls, puts small ones into their places. Log-rolling becomes a necessity, and mischievous or useless bills pass easily and almost by sufferance. The existence of these elements also promotes conflict between urban and rural interests in the hope that one or the other may escape a fair share of that taxation which always grows as the result of such a dangerous rivalry.

All in all, these conditions interfere continually with the orderliness and the dignity, with the purity and the wholesomeness, of our boasted democratic life. Our whole system

of government tends to congestion—so far as its public channels are concerned—with laws passed in foolishness or wantonness, and without respect to the need for them.

It is not alone in the domain of law making and the legislator that these abuses are potent. They add to the labor of the judiciary. Upon it is thrown for adjudication, year after year, a body of work absolutely unnecessary, and at great expense to the public and often to private individuals. The constitutionality of much of this new legislation is continually questioned. So true is this that a substantial percentage of the questions brought before Appellate Courts are related to doubts of the validity of the laws under which actions are brought. Indeed, in the State of New York, in a period covering about twenty years, the constitutionality of over five hundred statutes was challenged in the Court of Appeals. The dovetailing of new legislation into existing law, and the cost of construing the possible meaning of a legislature, also enters into a considerable part of the annual output of twenty thousand decisions rendered by Appellate Courts. Many of these mushroom enactments are permitted to slumber by common consent. But this is dangerous, because, in such cases, offensive laws remain upon the statute books, and may later be evoked for mischievous purposes. The continual resort—nearly always for spite, and in almost all the older states—to the so-called blue laws, never properly killed off, well illustrates the perils which lurk in the carrying of inert laws upon the statute books.

In like manner there should be added to the causes of over-legislation already enumerated the industrious and persistent efforts of executive officers to procure legislation which is either agreeable to their parties or to the ideas they represent as individuals. It was the fundamental idea of the founders of our government that the three branches of government should be kept distinct, with certain well-defined and understood differences. The executive officer might recommend legislation, but it was assumed that any interference on his

part to command it would not only be going beyond his powers, but would also excite resentment.

Now, however, this idea has gone to the limbo of other beautiful, but dead, ideals. An executive officer may not only recommend, but is expected to urge, and, if necessary, in order to carry his point, to use the great power of his office to compel, the enactment of laws. He may call in the presiding officer and leading members of the legislative department of the government of which he is the executive, and demand of them such legislation as he deems wise, and will be considered justified if he distributes or withholds his patronage for the avowed purpose of inducing or forcing legislation, if at the time there is a public sentiment in favor of such legislation. Instances are, however, not uncommon, in which such an official will make short work of corrupt combinations to get public money, or of bills intended to promote class interests, or of others whose simplest purpose is theft or misappropriation. Legislative bodies, all the way from Congress to a village council, pass bills dealing with their own employees, with letter carriers or other classes of officials, with departments and bureaus, or with police and firemen, with no other purpose than that of putting the responsibility upon the President, the governor or the mayor. To the credit of the latter it must be said that seldom is such a reliance vain.

Within the narrow limits necessarily observed in such an address as this, it is only possible to indicate, on the broadest lines, the evils incident to the system which makes it impossible to remember that men have long been under the government of law; that mankind is moved everywhere pretty much by the same impulses and influences; that, in the course of the ages concerning which history has left us a record, nearly every legal device has been tried; that, in general, man, like nature, casts off the useless; and that each failing experiment, however many times it may be tried, is still the same impracticable movement wasting valuable time and effort.

When we shall learn that legislative bodies must be made up of mediocrities so long as quantity and not quality of laws is regarded as the essential requisite; when some of the temptation to legislate shall be removed by less frequent meetings of such bodies; when trained official draftsmen shall be employed to give the necessary laws legal and literary form; when executives are forbidden, rather than encouraged, by public sentiment to interfere with the orderly course of law making—when these simple steps are taken, it will be permissible to look forward with hope to the times when hysteria, blackmail, partisanship, personal ambitions and selfish interests will not add ten new laws to the statute books when only one is needed. At all times in history the safeguards of the law have been thrown around life and property. As the result of the laws, slowly built up and carefully tested, men have been able to progress, to command a constantly spreading freedom and to promote civilization. In the future, as in the past, the law must recognize what has been done; it must look forward continually to the protection of men from violence and anarchy, and their property from spoliation. This can best be done by having few and just laws, and by grounding them upon principles and doctrines which have commended themselves to mankind.

If the ill effects of idle and mischievous over-legislation manifested themselves only in the belittled character of our lawmaking bodies, the result would still be deplorable. But they are most apparent in the attitude of a people which, starting at its own shadows, comes to depend more and more upon the so-called strong man; in that dissatisfaction with courts because they find temporarily popular legislation either unconstitutional or unworkable along the lines desired; in the opportunities afforded to the shallow agitator, the dangerous revolutionist or the opulent demagogue; and in that inability to think sensibly and to act with decision in matters of grave importance having to do with the maintenance of our popular institutions in their pristine purity. These are the vital mat-

ters—those which really count—in the making and the maintenance of national character, in the creation of that respect for law which is always the sheet anchor of a great people, and in conserving that still more unusual quality of waiting with patience for the slow and sure victory which comes with devotion to fixed principles and policies.

With more than twenty-five thousand pages of new laws added to the statute books each year, it is apparent, if the suggestions so far made be well founded, that relief is absolutely necessary.

During the years between 1899 and 1905, England's Parliament, legislating for the needs of forty-two millions of home population and millions of dependents, passed an average of only forty-six general and two hundred and forty-six special laws—the number of the latter being swelled by the necessity for granting franchises for railways and charter amendments for cities. One of the potent elements in the working out of this to us most astonishing result has been the presence of a salaried draftsman—a lawyer of high repute, well paid for his services—whose duty it is, not only to study the phraseology of proposed laws, but also to make a thorough examination of existing legislation, for the benefit of Parliament and its committees. The publicity of all committee hearings and the report of their proceedings in the press have also contributed much to promote this result.

While our complicated system of local government will account for a considerable part of our vast volume of legislation, the greater part of it is due to causes such as I have suggested.

Now, it is clear that a cure is needed, and while, of necessity, it must be gradual, it must at the same time be drastic.

But, as is usual and natural in all such cases, not only the initiative, but also much of the effective work toward the accomplishment of that end, must come from the great body of American lawyers. Their training, ability and patriotism have cast upon them such tasks from the beginnings of our

government to this day. This record in the past justifies the confidence that they will not fail their country in the future.

In this matter a systematic movement should be entered upon by the Bar Associations of the country, from the greatest to the smallest, having for one of its objects the education of the public mind to the point where it will understand its need, and demand it. In such a movement I believe the press would earnestly join, for the great majority of the men who conduct that mighty engine of power in this country are high-minded and patriotic, having the public welfare always at heart.

The duty of the lawyer in the premises is imperative, for he understands the dangers better than anyone else. His daily work enables him to appreciate in large measure the wrongs the people are now suffering, and to see the rocks in the distance ahead, toward which we are steadily drifting. Therefore, he ought to take up the task, and carry it on with energy, until our current legislation shall simply properly supplement such part of our present law—whether common or statute—as has justified its existence.

Our Association, it seems to me, cannot better justify itself, or more effectively exert its influence in our society, than by taking up this work, and placing itself at the head of all well-devised movements for the correction of evils which have become so obvious.

THE CAUSES OF POPULAR DISSATISFACTION WITH THE ADMINISTRATION OF JUSTICE.

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Dissatisfaction with the administration of justice is as old as law. Not to go outside of our own legal system, discontent has an ancient and unbroken pedigree. The Anglo-Saxon laws continually direct that justice is to be done equally to rich and to poor,¹ and the king exhorts that the peace be kept better than has been wont,² and that "men of every order readily submit . . . each to that law which is appropriate to him."³ The author of the apocryphal *Mirror of Justices* gives a list of one hundred and fifty-five abuses in legal administration, and names it as one of the chief abuses of the degenerate times in which he lived that executions of judges for corrupt or illegal decisions had ceased.⁴ Wyclif complains that "lawyers make process by subtlety and cavilations of law civil, that is much heathen men's law, and do not accept the form of the gospel, as if the gospel were not so good as pagan's law."⁵ Starkey, in the reign of Henry VIII, says: "Everyone that can color reason maketh a stop to the best law that is beforetime devised."⁶ James I reminded his judges that "the law was founded upon reason, and that he and others had reason as well as the judges."⁷ In the eighteenth

¹ *e. g.*, *Secular Ordinance of Edgar*, Cap. 1; *Secular Ordinance of Cnut*, 2; *Laws of Ethelred*, VI, 1; *Laws of Edward*, preface.

² *Laws of Athelstan*, IV; *Laws of Edward*, 4.

³ *Laws of Ethelred*, V, 4.

⁴ *Mirror*, chap. 5, sec. 1.

⁵ See Maitland, *English Law and the Renaissance*, 53.

⁶ *Id.* 42.

⁷ Conference between King James I and the Judges of England, 12 Rep. 63.

century, it was complained that the bench was occupied by "legal monks, utterly ignorant of human nature and of the affairs of men."¹ In the nineteenth century the vehement criticism of the period of the reform movement needs only to be mentioned. In other words, as long as there have been laws and lawyers, conscientious and well-meaning men have believed that laws were mere arbitrary technicalities, and that the attempt to regulate the relations of mankind in accordance with them resulted largely in injustice. But we must not be deceived by this innocuous and inevitable discontent with all law into overlooking or underrating the real and serious dissatisfaction with courts and lack of respect for law which exists in the United States today.

In spite of the violent opposition which the doctrine of judicial power over unconstitutional legislation at first encountered, the tendency to give the fullest scope to the common law doctrine of supremacy of law and to tie down administration by common law liabilities and judicial review, was, until recently, very marked. Today, the contrary tendency is no less marked. Courts are distrusted, and executive boards and commissions with summary and plenary powers, freed, so far as constitutions will permit, from judicial review, have become the fashion. It will be assumed, then, that there is more than the normal amount of dissatisfaction with the present-day administration of justice in America. Assuming this, the first step must be diagnosis, and diagnosis will be the sole purpose of this paper. It will attempt only to discover and to point out the causes of current popular dissatisfaction. The inquiry will be limited, moreover, to civil justice. For while the criminal law attracts more notice, and punishment seems to have greater interest for the lay mind than the civil remedies of prevention and compensation, the true interest of the modern community is in the civil administration of justice. Revenge and its modern outgrowth, punishment, belong to the past of legal history. The rules which define those invisible

¹ Lord Campbell, *Lives of the Chief Justices* (3 Ed.) IV, 119.

boundaries, within which each may act without conflict with the activities of his fellows in a busy and crowded world, upon which investor, promoter, buyer, seller, employer and employee must rely consciously or subconsciously in their every-day transactions, are conditions precedent of modern social and industrial organization.

With the scope of inquiry so limited, the causes of dissatisfaction with the administration of justice may be grouped under four main heads: (1) Causes for dissatisfaction with *any* legal system, (2) causes lying in the peculiarities of our Anglo-American legal system, (3) causes lying in our American judicial organization and procedure, and (4) causes lying in the environment of our judicial administration.

It needs but a superficial acquaintance with literature to show that all legal systems among all peoples have given rise to the same complaints. Even the wonderful mechanism of modern German judicial administration is said to be distrusted by the people on the time-worn ground that there is one law for the rich and another for the poor.¹ It is obvious, therefore, that there must be some cause or causes inherent in all law and in all legal systems in order to produce this univereal and invariable effect. These causes of dissatisfaction with any system of law I believe to be the following: (1) The necessarily mechanical operation of rules, and hence of laws; (2) the inevitable difference in rate of progress between law and public opinion; (3) the general popular assumption that the administration of justice is an easy task, to which anyone is competent, and (4) popular impatience of restraint.

The most important and most constant cause of dissatisfaction with all law at all times is to be found in the necessarily mechanical operation of legal rules. This is one of the penalties of uniformity. Legal history shows an oscillation between wide judicial discretion on the one hand and strict confinement of the magistrate by minute and detailed rules upon the

¹ Dr. v. Liszt, Professor at Berlin, delivered an address in the Rathaus in Berlin on this very subject recently, if we may credit press accounts.

other hand. From time to time more or less reversion to justice without law becomes necessary in order to bring the public administration of justice into touch with changed moral, social or political conditions. But such periods of reversion result only in new rules or changed rules. In time the modes of exercising discretion become fixed, the course of judicial action becomes stable and uniform, and the new element, whether custom or equity or natural law, becomes as rigid and mechanical as the old. This mechanical action of the law may be minimized, but it cannot be obviated. Laws are general rules; and the process of making them general involves elimination of the immaterial elements of particular controversies. If all controversies were alike or if the degree in which actual controversies approximate to the recognized types could be calculated with precision, this would not matter. The difficulty is that in practice they approximate to these types in infinite gradations. When we eliminate immaterial factors to reach a general rule, we can never entirely avoid eliminating factors which will be more or less material in some particular controversy. If to meet this inherent difficulty in administering justice according to law we introduce a judicial dispensing power, the result is uncertainty and an intolerable scope for the personal equation of the magistrate. If we turn to the other extreme and pile up exceptions and qualifications and provisos, the legal system becomes cumbrous and unworkable. Hence the law has always ended in a compromise, in a middle course between wide discretion and over-minute legislation. In reaching this middle ground, some sacrifice of flexibility of application to particular cases is inevitable. In consequence, the adjustment of the relations of man and man according to these rules will of necessity appear more or less arbitrary and more or less in conflict with the ethical notions of individuals.

In periods of absolute or generally received moral systems, the contrast between legal results and strict ethical requirements will appeal only to individuals. In periods of free

individual thought in morals and ethics, and especially in an age of social and industrial transition, this contrast is greatly intensified and appeals to large classes of society. Justice, which is the end of law, is the ideal compromise between the activities of each and the activities of all in a crowded world. The law seeks to harmonize these activities and to adjust the relations of every man with his fellows so as to accord with the moral sense of the community. When the community is at one in its ideas of justice, this is possible. When the community is divided and diversified, and groups and classes and interests, understanding each other none too well, have conflicting ideas of justice, the task is extremely difficult. It is impossible that legal and ethical ideas should be in entire accord in such a society. The individual looks at cases one by one and measures them by his individual sense of right and wrong. The lawyer must look at cases in gross, and must measure them largely by an artificial standard. He must apply the ethics of the community, not his own. If discretion is given him, his view will be that of the class from which he comes. If his hands are tied by law, he must apply the ethics of the past as formulated in common law and legislation. In either event, judicial and individual ethical standards will diverge. And this divergence between the ethical and the legal, as each individual sees it, makes him say with Luther, "Good jurist, bad Christian."¹

A closely related cause of dissatisfaction with the administration of justice according to law is to be found in the inevitable difference in rate of progress between law and public opinion. In order to preclude corruption, to exclude the personal prejudices of magistrates, and to minimize individual incompetency, law formulates the moral sentiments of the community in rules to which the judgments of tribunals must conform. These rules, being formulations of public opinion, cannot exist until public opinion has become fixed and settled,

¹ Courtney Kenny, *Bonus Jurista, Malus Christa*, 19 Law Quart. Rev. 326.

and cannot change until a change of public opinion has become complete. It follows that this difficulty in the judicial administration of justice, like the preceding, may be minimized, but not obviated. In a rude age the Teutonic moots in which every free man took a hand might be possible. But these tribunals broke down under pressure of business and became ordinary courts with permanent judges. The Athenians conceived that the people themselves should decide each case. But the Athenian dikastery, in which controversies were submitted to blocks of several hundred citizens by way of reaching the will of the democracy, proved to register its caprice for the moment rather than its permanent will. Modern experience with juries, especially in commercial causes, does not warrant us in hoping much from any form of judicial referendum. Public opinion must affect the administration of justice through the rules by which justice is administered rather than through the direct administration. All interference with the uniform and automatic application of these rules, when actual controversies arise, introduces an anti-legal element which becomes intolerable. But, as public opinion affects tribunals through the rules by which they decide and these rules once made, stand till abrogated or altered, any system of law will be made up of successive strata of rules and doctrines representing successive and often widely divergent periods of public opinion. In this sense, law is often in very truth a government of the living by the dead.¹ The unconscious changes of judicial law making and the direct alterations of legislation and codification operate to make this government by the dead reasonably tolerable. But here again we must pay a price for certainty and uniformity. The law does not respond quickly to new conditions. It does not change until ill effects are felt; often not until they are felt acutely. The moral or intellectual or economic change must come first. While it is coming, and until it is so complete as to affect the law and formulate itself therein, friction must ensue. In an age of rapid moral,

¹ Spencer, *Principles of Sociology*, II, 514.

intellectual and economic changes, often crossing one another and producing numerous minor resultants, this friction cannot fail to be in excess.

A third perennial source of popular dissatisfaction with the administration of justice according to law may be found in the popular assumption that the administration of justice is an easy task to which anyone is competent. Laws may be compared to the formulas of engineers. They sum up the experience of many courts with many cases and enable the magistrate to apply that experience subconsciously. So, the formula enables the engineer to make use of the accumulated experience of past builders, even though he could not work out a step in its evolution by himself. A layman is no more competent to construct or to apply the one formula than the other. Each requires special knowledge and special preparation. None the less, the notion that anyone is competent to adjudicate the intricate controversies of a modern community contributes to the unsatisfactory administration of justice in many parts of the United States. The older states have generally outgrown it. But it is felt in extravagant powers of juries, lay judges of probate and legislative¹ or judicial law making against *stare decisis*, in most of the commonwealths of the South and West. The public seldom realizes how much it is interested in maintaining the highest scientific standard in the administration of justice. There is no more certain protection against corruption, prejudice, class feeling or incompetence. Publicity will avail something. But the daily criticism of trained minds, the knowledge that nothing which does not conform to the principles and received doctrines of scientific jurisprudence will escape notice, does more than any other agency for the every-day purity and efficiency of courts of justice.

Another necessary source of dissatisfaction with judicial administration of justice is to be found in popular impatience

¹ See an instance noted in the address of Mr. Justice Brown; Rep. Am. Bar Assn., 1889, 282.

of restraint. Law involves restraint and regulation, with the sheriff and his posse in the background to enforce it. But, however necessary and salutary this restraint, men have never been reconciled to it entirely. The very fact that it is a compromise between the individual and his fellows makes the individual, who must abate some part of his activities in the interest of his fellows, more or less restive. In an age of absolute theories, monarchical or democratic, this restiveness is acute. A conspicuous example is to be seen in the contest between the king and the common law courts in the seventeenth century. An equally conspicuous example is to be seen in the attitude of the frontiersman toward state-imposed justice. "The unthinking sons of the sage brush," says Owen Wister, "ill tolerate anything which stands for discipline, good order and obedience; and the man who lets another command him they despise. I can think of no threat more evil for our democracy, for it is a fine thing diseased and perverted, namely, the spirit of independence gone drunk."¹ This is an extreme case. But in a lesser degree the feeling that each individual, as an organ of the sovereign democracy, is above the law he helps to make, fosters everywhere a disrespect for legal methods and institutions and a spirit of resistance to them. It is "the reason of this our artificial man the commonwealth," says Hobbes, "and his command that maketh law."² This man, however, is abstract. The concrete man in the street or the concrete mob is much more obvious; and it is no wonder that individuals and even classes of individuals fail to draw the distinction.

A considerable portion of current dissatisfaction with the administration of justice must be attributed to the universal causes just considered. Conceding this, we have next to recognize that there are potent causes in operation of a character entirely different.

Under the second main head, causes lying in our peculiar

¹ Quoted in Ross, *Foundations of Sociology*, 388.

² *Leviathan*, chap. 26.

legal system, I should enumerate five: (1) The individualist spirit of our common law, which agrees ill with a collectivist age; (2) the common law doctrine of contentious procedure, which turns litigation into a game; (3) political jealousy, due to the strain put upon our legal system by the doctrine of supremacy of law; (4) the lack of general ideas or legal philosophy, so characteristic of Anglo-American law, which gives us petty tinkering where comprehensive reform is needed, and (5) defects of form due to the circumstance that the bulk of our legal system is still case law.

The first of these, conflict between the individualist spirit of the common law and the collectivist spirit of the present age, has been treated of on another occasion.¹ What was said then need not be repeated. Suffice it to point out two examples. From the beginning, the main reliance of our common law system has been individual initiative. The main security for the peace at common law is private prosecution of offenders. The chief security for the efficiency and honesty of public officers is mandamus or injunction by a tax payer to prevent waste of the proceeds of taxation. The reliance for keeping public service companies to their duty in treating all alike at reasonable price is an action to recover damages. Moreover, the individual is supposed at common law to be able to look out for himself and to need no administrative protection. If he is injured through contributory negligence, no theory of comparative negligence comes to his relief; if he hires as an employee, he assumes the risk of the employment; if he buys goods, the rule is *caveat emptor*. In our modern industrial society, this whole scheme of individual initiative is breaking down. Private prosecution has become obsolete. Mandamus and injunction have failed to prevent rings and bosses from plundering public funds. Private suits against carriers for damages have proved no preventive of discrimination and extortionate rates. The doctrine of assumption of

¹ Do We Need a Philosophy of Law? 5 Columbia Law Rev. 339; The Spirit of the Common Law, *Green Bag*, January, 1906.

risk becomes brutal under modern conditions of employment. An action for damages is no comfort to us when we are sold diseased beef or poisonous canned goods. At all these points, and they are points of every-day contact with the most vital public interests, common law methods of relief have failed. The courts have not been able to do the work which the common law doctrine of supremacy of law imposed on them. A widespread feeling that the courts are inefficient has been a necessary result. But, along with this, another phase of the individualism of the common law has served to increase public irritation. At the very time the courts have appeared powerless themselves to give relief, they have seemed to obstruct public efforts to get relief by legislation. The chief concern of the common law is to secure and protect individual rights. "The public good," says Blackstone, "is in nothing more essentially interested than in the protection of every individual's private rights."¹ Such, it goes without saying, is not the popular view today. Today we look to society for protection against individuals, natural or artificial, and we resent doctrines that protect these individuals against society for fear society will oppress us. But the common law guaranties of individual rights are established in our constitutions, state and federal. So that, while in England these common law dogmas have had to give way to modern legislation, in America they stand continually between the people, or large classes of the people, and legislation they desire. In consequence, the courts have been put in a false position of doing nothing and obstructing everything, which it is impossible for the layman to interpret aright

A no less potent source of irritation lies in our American exaggerations of the common law contentious procedure. The sporting theory of justice, the "instinct of giving the game fair play,"² as Professor Wigmore has put it, is so rooted in the profession in America that most of us take it for a funda-

¹ 1 Bl. Comm. 139.

² 1 Wigmore, Evidence, 127.

mental legal tenet. But it is probably only a survival of the days when a lawsuit was a fight between two clans in which change of venue had been taken to the forum. So far from being a fundamental fact of jurisprudence, it is peculiar to Anglo-American law; and it has been strongly curbed in modern English practice. With us, it is not merely in full acceptance, it has been developed and its collateral possibilities have been cultivated to the furthest extent. Hence in America we take it as a matter of course that a judge should be a mere umpire, to pass upon objections and hold counsel to the rules of the game, and that the parties should fight out their own game in their own way without judicial interference. We resent such interference as unfair, even when in the interests of justice. The idea that procedure must of necessity be wholly contentious disfigures our judicial administration at every point. It leads the most conscientious judge to feel that he is merely to decide the contest, as counsel present it, according to the rules of the game, not to search independently for truth and justice. It leads counsel to forget that they are officers of the court and to deal with the rules of law and procedure exactly as the professional foot ball coach with the rules of the sport. It leads to exertion to "get error into the record" rather than to dispose of the controversy finally and upon its merits. It turns witnesses, and especially expert witnesses, into partisans pure and simple. It leads to sensational cross-examinations "to affect credit," which have made the witness stand "the slaughter house of reputations."¹ It prevents the trial court from restraining the bullying of witnesses and creates a general dislike, if not fear, of the witness function which impairs the administration of justice. It keeps alive the unfortunate exchequer rule, dead in the country of its origin, according to which errors in the admission or rejection of evidence are presumed to be prejudicial and hence demand a new trial. It grants new trials because by inability to procure a bill of exceptions a party has lost the

¹ 2 Wigmore, Evidence, 1112.

chance to play another inning in the game of justice.¹ It creates vested rights in errors of procedure, of the benefit whereof parties are not to be deprived.² The inquiry is not, What do substantive law and justice require? Instead, the inquiry is, Have the rules of the game been carried out strictly? If any material infraction is discovered, just as the foot ball rules put back the offending team five or ten or fifteen yards, as the case may be, our sporting theory of justice awards new trials, or reverses judgments, or sustains demurrers in the interest of regular play.

The effect of our exaggerated contentious procedure is not only to irritate parties, witnesses and jurors in particular cases, but to give to the whole community a false notion of the purpose and end of law. Hence comes, in large measure, the modern American race to beat the law. If the law is a mere game, neither the players who take part in it nor the public who witness it can be expected to yield to its spirit when their interests are served by evading it. And this is doubly true in a time which requires all institutions to be economically efficient and socially useful. We need not wonder that one part of the community strain their oaths in the jury box and find verdicts against unpopular litigants in the teeth of law and evidence, while another part retain lawyers by the year to advise how to evade what to them are unintelligent and unreasonable restrictions upon necessary modes of doing business. Thus the courts, instituted to administer justice according to law, are made agents or abettors of lawlessness.

Another source of irritation at our American courts is political jealousy due to the strain put upon our legal system by the doctrine of the supremacy of law. By virtue of this doctrine, which has become fundamental in our polity, the law restrains, not individuals alone, but a whole people. The people so restrained would be likely in any event to be jealous of the visible agents of restraint. Even more is this true in that

¹ *Holland vs. Chicago, B. & Q. R. R. Co.*, 52 Neb. 100.

² *DeGraw vs. Elmore*, 50 N. Y. 1.

the subjects which our constitutional polity commits to the courts are largely matters of economics, politics and sociology upon which a democracy is peculiarly sensitive. Not only are these matters made into legal questions, but they are tried as incidents of private litigation. This phase of the common law doctrine was felt as a grievance in the seventeenth century. "I tell you plainly," said Bacon, as attorney general, in arguing a question of prerogative to the judges, "I tell you plainly it is little better than a by-let or crooked creek to try whether the king hath power to erect this office in an assize between Brownlow and Michell."¹ King Demos must feel much the same at seeing the constitutionality of the Missouri Compromise tried in an action of trespass, at seeing the validity of the legal tender laws tried on pleas of payment in private litigation, at seeing the power of the federal government to carry on the Civil War tried judicially in admiralty, at seeing the income tax overthrown in a stockholder's bill to enjoin waste of corporate assets and at seeing the important political questions in the Insular Cases disposed of in forfeiture proceedings against a few trifling imports. Nor is this the only phase of the common law doctrine of supremacy of law which produces political jealousy of the courts. Even more must the layman be struck with the spectacle of law paralyzing administration which our polity so frequently presents. The difficulties with writs of *habeas corpus* which the federal government encountered during the Civil War and the recent case of the income tax will occur to you at once. In my own state, in a few years we have seen a freight-rate law suspended by decree of a court and have seen the collection of taxes from railroad companies, needed for the every-day conduct of public business, tied up by an injunction. The strain put upon judicial institutions by such litigation is obviously very great.

Lack of general ideas and absence of any philosophy of law, which has been characteristic of our law from the beginning and has been a point of pride at least since the time of Coke,²

¹ *Collectanea Juridica*, 1, 173.

² *Co. Lit. Preface*.

contributes its mite also toward the causes of dissatisfaction with courts. For one thing, it keeps us in the thrall of a fiction. There is a strong aversion to straightforward change of any important legal doctrine. The cry is *interpret it*. But such interpretation is spurious. It is legislation. And to interpret an obnoxious rule out of existence rather than to meet it fairly and squarely by legislation is a fruitful source of confusion. Yet the Bar are trained to it as an ancient common law doctrine, and it has a great hold upon the public. Hence if the law does not work well, says Bentham, with fine sarcasm, "it is never the law itself that is in the wrong; it is always some wicked interpreter of the law that has corrupted and abused it."¹ Thus another unnecessary strain is imposed upon our judicial system and courts are held for what should be the work of the legislature.

The defects of form inherent in our system of case law have been the subject of discussion and controversy too often to require extended consideration. Suffice it to say that the want of certainty, confusion and incompleteness inherent in all case law, and the waste of labor entailed by the prodigious bulk to which ours has attained, appeal strongly to the layman. The compensating advantages of this system, as seen by the lawyer and by the scientific investigator, are not apparent to him. What he sees is another phase of the great game; a citation match between counsel, with a certainty that diligence can rake up a decision *somewhere* in support of any conceivable proposition.

Passing to the third head, causes lying in our judicial organization and procedure, we come upon the most efficient causes of dissatisfaction with the present administration of justice in America. For I venture to say that our system of courts is archaic and our procedure behind the times. Uncertainty, delay and expense, and above all the injustice of deciding cases upon points of practice, which are the mere etiquette of justice, direct results of the organization of our

¹ Fragment on Government, XVII.

courts and the backwardness of our procedure, have created a deep-seated desire to keep out of court, right or wrong, on the part of every sensible business man in the community.

Our system of courts is archaic in three respects: (1) In its multiplicity of courts, (2) in preserving concurrent jurisdictions, (3) in the waste of judicial power which it involves. The judicial organizations of the several states exhibit many differences of detail. But they agree in these three respects. Multiplicity of courts is characteristic of archaic law. In Anglo-Saxon law, one might apply to the Hundred, the Shire, the Witan, or the king in person. Until Edward I broke up private jurisdictions, there were the king's superior courts of law, the itinerant justices, the county courts, the local or communal courts and the private courts of lordships; besides which one might always apply to the king or to the Great Council for extraordinary relief. When later the royal courts had superseded all others, there were the concurrent jurisdictions of King's Bench, Common Pleas and Exchequer, all doing the same work, while appellate jurisdiction was divided by King's Bench, Exchequer Chamber and Parliament. In the Fourth Institute, Coke enumerates seventy-four courts. Of these, seventeen did the work that is now done by three, the County Courts, the Supreme Court of Judicature and the House of Lords. At the time of the reorganization by the Judicature Act of 1873, five appellate courts and eight courts of first instance were consolidated into the one Supreme Court of Judicature. It was the intention of those who devised the plan of the Judicature Act to extend the principle of unity of jurisdiction by cutting off the appellate jurisdiction of the House of Lords and by incorporating the County Courts in the newly formed Supreme Court as branches thereof.¹ The recommendation as to the County Courts was not adopted, and the appellate jurisdiction of the House of Lords was restored in 1875. In this way the unity and simplicity of the original design were impaired. But the plan, although

¹ Report of Judicature Commission, 1869, p. 13.

adopted in part only, deserves the careful study of American lawyers as a model modern judicial organization. Its chief features were (1) to set up a single court, complete in itself, embracing all superior courts and jurisdictions, (2) to include in this one court, as a branch thereof, a single court of final appeal. In the one branch, the court of first instance, all original jurisdiction at law, in equity, in admiralty, in bankruptcy, in probate and in divorce was to be consolidated; in the other branch, the court of appeal, the whole reviewing jurisdiction was to be established. This idea of unification, although not carried out completely, has proved most effective. Indeed, its advantages are self-evident. Where the appellate tribunal and the court of first instance are branches of one court, all expense of transfer of record, of transcripts, bills of exceptions, writs of error and citations is wiped out. The records are the records of the court, of which each tribunal is but a branch. The court and each branch thereof knows its own records, and no duplication and certification is required. Again, all appellate practice, with its attendant pitfalls, and all waste of judicial time in ascertaining how or whether a case has been brought into the court of review is done away with. One may search the recent English reports in vain for a case where an appeal has miscarried on a point of practice. Cases on appellate procedure are wanting. In effect there is no such thing. The whole attention of the court and of counsel is concentrated upon the cause. On the other hand, our American reports bristle with fine points of appellate procedure. More than four per cent. of the digest paragraphs of the last ten volumes of the American Digest have to do with Appeal and Error. In ten volumes of the Federal Reporter, namely volumes 129 to 139, covering decisions of the Circuit Courts of Appeals from 1903 till the present, there is an average of ten decisions upon points of appellate practice to the volume. Two cases to the volume, on the average, turn wholly upon appellate procedure. In the ten volumes there are six civil cases turning upon the question

whether error or appeal was the proper mode of review, and in two civil cases the question was whether the Circuit Court of Appeals was the proper tribunal. I have referred to these reports because they represent courts in which only causes of importance may be brought. The state reports exhibit the same condition. In ten volumes of the Southwestern Reporter, the decisions of the Supreme Court and Courts of Appeals of Missouri show that nearly twenty per cent. involve points of appellate procedure. In volume 87, of fifty-three decisions of the Supreme Court and ninety-seven of the Courts of Appeals, twenty-eight are taken up in whole or in part with the mere technics of obtaining a review. All of this is sheer waste, which a modern judicial organization would obviate.

Even more archaic is our system of concurrent jurisdiction of state and federal courts in causes involving diversity of citizenship; a system by virtue of which causes continually hang in the air between two courts, or, if they do stick in one court or the other, are liable to an ultimate overturning because they stuck in the wrong court. A few statistics on this point may be worth while. In the ten volumes of the Federal Reporter referred to, the decisions of the Circuit Courts of Appeals in civil cases average seventy-six to the volume. Of these, on the average, between four and five in a volume are decided on points of federal jurisdiction. In a little more than one to each volume, judgments of Circuit Courts are reversed on points of jurisdiction. The same volumes contain on the average seventy-three decisions of Circuit Courts in civil cases to each volume. Of these, six, on the average, are upon motions to remand to the state courts, and between eight and nine are upon other points of federal jurisdiction. Moreover, twelve cases in the ten volumes were remanded on the *form* of the petition for removal. In other words, in nineteen and three-tenths per cent. of the reported decisions of the Circuit Courts the question was whether those courts had jurisdiction at all; and in seven per cent. of these that question depended on the form of the pleadings. A

system that permits this and reverses four judgments a year because the cause was brought in or removed to the wrong tribunal is out of place in a modern business community. All original jurisdiction should be concentrated. It ought to be impossible for a cause to fail because brought in the wrong place. A simple order of transfer from one docket to another in the same court ought to be enough. There should be no need of new papers, no transcripts, no bandying of cases from one court to another on orders of removal and of remand, no beginnings again with new process.

Judicial power may be wasted in three ways: (1) By rigid districts or courts or jurisdictions, so that business may be congested in one court while judges in another are idle, (2) by consuming the time of courts with points of pure practice, when they ought to be investigating substantial controversies, and (3) by nullifying the results of judicial action by unnecessary retrials. American judicial systems are defective in all three respects. The Federal Circuit Courts and Circuit Courts of Appeals are conspicuous exceptions in the first respect, affording a model of flexible judicial organization. But in nearly all of the states, rigid districts and hard and fast lines between courts operate to delay business in one court while judges in another have ample leisure. In the second respect, waste of judicial time upon points of practice, the intricacies of federal jurisdiction and the survival of the obsolete Chinese Wall between law and equity in procedure, make our federal courts no less conspicuous sinners. In the ten volumes of the Federal Reporter examined, of an average of seventy-six decisions of the Circuit Courts of Appeals in each volume, two turn upon the distinction between law and equity in procedure and not quite one judgment to each volume is reversed on this distinction. In an average of seventy-three decisions a volume by the Circuit Courts, more than three in each volume involve this same distinction, and not quite two in each volume turn upon it. But many states that are supposed to have reformed procedure scarcely make a better showing.

Each state has to a great extent its own procedure. But it is not too much to say that all of them are behind the times. We struck one great stroke in 1848 and have rested complacently or contented ourselves with patchwork amendment ever since. The leading ideas of the New York Code of Civil Procedure marked a long step forward. But the work was done too hurriedly and the plan of a rigid code, going into minute detail, was clearly wrong. A modern practice act lays down the general principles of practice and leaves details to rules of court. The New York Code Commission was appointed in 1847 and reported in 1848. If we except the Connecticut Practice Act of 1878, which shows English influence, American reform in procedure has stopped substantially where that commission left it. In England, beginning with 1826 and ending with 1874, *five* commissions have put forth *nine* reports upon this subject.¹ As a consequence we have nothing in America to compare with the radical treatment of pleading in the English Judicature Act and the orders based thereon. We still try the *record*, not the *case*. We are still reversing judgments for nonjoinder and misjoinder. The English practice of joinder of parties against whom relief is claimed in the alternative, rendering judgment against any that the proof shows to be liable and dismissing the rest, makes an American lawyer rub his eyes. We are still reversing judgments for variance. We still reverse them because the recovery is in excess of the prayer, though sustained by the evidence.²

But the worst feature of American procedure is the lavish granting of new trials. In the ten volumes of the Federal Reporter referred to, there are, on the average, twenty-five writs of error in civil cases to the volume. New trials are awarded on the average in eight cases a volume, or nearly twenty-nine per cent. In the state courts the proportion of

¹ Lord Eldon's Commission, 1826; Royal Commission, 1829, 1830, 1832; Commission on Pleading and Practice in Courts of Common Law, 1851, 1853, 1860; Chancery Commissioners, 1852, 1854, 1856; Judicature Commissioners, 1869-1874.

² Brought *vs.* Cherokee Nation (C. C. A.) 129 Fed. 192.

new trials to causes reviewed, as ascertained from investigation of the last five volumes of each series of the National Reporter system, runs over forty per cent. In the last three volumes of the New York Reports (180-182), covering the period from December 6, 1904, to October 24, 1905, forty-five new trials are awarded. Nor is this all. In one case in my own state¹ an action for personal injuries was tried six times, and one for breach of contract² was tried three times and was four times in the Supreme Court. When with this we compare the statistics of the English Court of Appeal, which does not grant to exceed twelve new trials a year, or new trials in about three per cent. of the cases reviewed, it is evident that our methods of trial and of review are out of date.

A comparison of the volume of business disposed of by English and by American courts will illustrate the waste and delay caused by archaic judicial organization and obsolete procedure. In England there are twenty-three judges of the High Court who dispose on the average of fifty-six hundred *contested* cases, and have before them, in one form or another, some eighty thousand cases each year. In Nebraska there are twenty-eight district judges who have no original probate jurisdiction and no jurisdiction in bankruptcy or admiralty, and they had upon their dockets last year forty-three hundred and twenty cases, of which they disposed of about seventy per cent. England and Wales, with a population in 1900 of 32,000,000, employ for their whole civil litigation ninety-five judges, that is, thirty-seven in the Supreme Court and House of Lords and fifty-eight county judges. Nebraska, with a population in 1900 of 1,066,000, employs for the same purpose one hundred and twenty-nine. But these one hundred and twenty-nine are organized on an antiquated system and their time is frittered away on mere points of legal etiquette.

Finally, under the fourth and last head, causes lying in the

¹ Omaha St. R. Co. *vs.* Boesen, 95 N. W. 617; Cf. Mutual Life Ins. Co. *vs.* Hillmon (C. C. A.), 107 Fed. 834 (tried six times).

² Wittenberg *vs.* Molyneaux, 60 Neb. 107.

environment of our judicial administration, we may distinguish six: (1) Popular lack of interest in justice, which makes jury service a bore and the vindication of right and law secondary to the trouble and expense involved; (2) the strain put upon law in that it has today to do the work of morals also; (3) the effect of transition to a period of legislation; (4) the putting of our courts into politics; (5) the making the legal profession into a trade, which has superseded the relation of attorney and client by that of employer and employee, and (6) public ignorance of the real workings of courts due to ignorant and sensational reports in the press. Each of these deserves consideration, but a few points only may be noticed. Law is the skeleton of social order. It must be "clothed upon by the flesh and blood of morality."¹ The present is a time of transition in the very foundations of belief and of conduct. Absolute theories of morals and supernatural sanctions have lost their hold. Conscience and individual responsibility are relaxed. In other words, the law is strained to do double duty, and more is expected of it than in a time when morals as a regulating agency are more efficacious. Another strain upon our judicial system results from the crude and unorganized character of American legislation in a period when the growing point of law has shifted to legislation. When, in consequence, laws fail to produce the anticipated effects, judicial administration shares the blame. Worse than this is the effect of laws not intended to be enforced. These parodies, like the common law branding of felons, in which a piece of bacon used to be interposed between the branding iron and the criminal's skin,² breed disrespect for law. Putting courts into politics and compelling judges to become politicians, in many jurisdictions has almost destroyed the traditional respect for the Bench. Finally, the ignorant and sensational reports of judicial proceedings, from which alone a great part of the public may judge of the daily work of the courts, completes

¹ Sidgwick, *Methods of Ethics*, 6 Ed. 457.

² Bentham, *Theory of Legislation* (tr. by Hildreth), 401.

the impression that the administration of justice is but a game. There are honorable exceptions, but the average press reports distract attention from the real proceeding to petty tilts of counsel, encounters with witnesses and sensational by-incidents. In Nebraska, not many years since, the federal court enjoined the execution of an act to regulate insurance companies.¹ In press accounts of the proceeding, the conspiracy clause of the bill was copied *in extenso* under the headline "Conspiracy Charged," and it was made to appear that the ground of the injunction was a conspiracy between the state officers and some persons unknown. It cannot be expected that the public shall form any just estimate of our courts of justice from such data.

Reviewing the several causes for dissatisfaction with the administration of justice which have been touched upon, it will have been observed that some inhere in all law and are the penalty we pay for uniformity; that some inhere in our political institutions and are the penalty we pay for local self-government and independence from bureaucratic control; that some inhere in the circumstances of an age of transition and are the penalty we pay for individual freedom of thought and universal education. These will take care of themselves. But too much of the current dissatisfaction has a just origin in our judicial organization and procedure. The causes that lie here must be heeded. Our administration of justice is not decadent. It is simply behind the times. Political judges were known in England down to the last century. Lord Kenyon, as Master of the Rolls, sat in Parliament and took as active a part in political squabbles in the House of Commons as our state judges today in party conventions.² Dodson and Fogg and Sergeant Buzzfuzz wrought in an atmosphere of contentious procedure. Bentham tells us that in 1797, out of five hundred and fifty pending writs of error, five hundred and forty-three were shams or vexatious contrivances for

¹ *Niagara Fire Ins. Co. vs. Cornell*, 110 Fed. 816.

² Lord Campbell, *Lives of the Chief Justices*, (3 Ed.) IV, 70-73.

delay.¹ Jarndyce and Jarndyce dragged out its weary course in chancery only half a century ago. We are simply stationary in that period of legal history. With law schools that are rivaling the achievements of Bologna and of Bourges to promote scientific study of the law; with active Bar Associations in every state to revive professional feeling and throw off the yoke of commercialism; with the passing of the doctrine that politics, too, is a mere game to be played for its own sake, we may look forward confidently to deliverance from the sporting theory of justice; we may look forward to a near future when our courts will be swift and certain agents of justice, whose decisions will be acquiesced in and respected by all.

¹ Works, VII, 214.

CAN CONGRESS TRANSFER TO THE STATES ITS POWER TO REGULATE COMMERCE?

BY

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This question is one of great importance to the nation and calls for a broad discussion. I believe the future of the nation is much involved. The proposition ought not to be discussed from a sentimental, sectional or factional standpoint, but in all of its bearings, as it involves the very foundation of government. As will be seen, Congress has legislated in this direction and is asked to legislate further, and surrender its power over commerce to the states.

I will try in one paper to present the entire question. To a proper understanding of this very important subject, there must be considered the dual system of government, the power and duty of Congress, the power of the states, the development of the commerce question by the Supreme Court of the United States, the law upon the subject generally, and the effect of such legislation. The power given Congress to regulate commerce must be respected and upheld. The police power of the states must also be respected and upheld, and the line of demarcation between the two rightly drawn.

In order to show the intent, scope and danger of the legislation referred to, several distinct doctrines will have to be considered.

First. The power of Congress.

Second. The power of the states.

Third. The paramount power of Congress.

Fourth. The exclusive power of Congress.

Fifth. The concurrent power of Congress.

Sixth. The silence of Congress.

Seventh. The action of Congress.

The power of Congress is to be found in Section 8, of Article 1 of the Constitution of the United States, in these words :

“The Congress shall have power to regulate commerce with foreign nations and among the several states, and with the Indian tribes.”

In my humble opinion, the legislation referred to cannot enlarge the power of the states. The danger lies in the fact that Congress is asked to declare again its willingness unconstitutionally to relieve itself of its constitutional duty to protect interstate commerce, and unconstitutionally to place interstate commerce under the control of the states, to undo all that was sought to be accomplished by the adoption of the Constitution, to destroy the uniformity of commercial regulations, to open the door to restrictive, hostile and discriminating legislation, by one state against the products of the other states.

This great question must not be discussed from the narrow standpoint of any one particular product, but must include reference to one of the great objects of forming the Constitution. As so aptly said by Mr. Justice Field in his separate opinion in—

Bowman vs. C. & N. W. Ry. Co., 125 U. S. 465 :

“It is a matter of history that one of the great objects of the formation of the Constitution was to secure uniformity of commercial regulations and thus put an end to restrictive and hostile discriminations by one state against the products of other states, and against their importation and sale.

“‘It may be doubted,’ says Chief Justice Marshall, ‘whether any of the evils proceeding from the feebleness of the federal government contributed more to that great revolution which introduced the present system than the deep and general conviction that commerce ought to be regulated by Congress. It is not, therefore, matter of surprise that the grant should be as extensive as the mischief, and should comprehend all foreign commerce and all commerce among the states. To construe the power so as to impair its efficacy would tend to defeat an object, in the attainment of which the American

government took, and justly took, that strong interest which arose from a full conviction of its necessity.'” Page 508.

And in the same case, on page 484, the Court said, quoting from *Railroad Co. vs. Richmond*, 19 Wall. 584 :

“‘ The power to regulate commerce among the several states was vested in Congress in order to secure equality and freedom in commercial intercourse against discriminating state legislation.’”

And on page 481 of the same opinion the Court said, speaking of the subject of commerce, quoting from another of its decisions :

“‘ It is of national importance that over that subject there should be but one regulating power.’”

In speaking of the same constitutional provision, the late Mr. Justice Miller, in his valuable work on the Constitution, says :

“‘ You would scarcely imagine, and I am sure you do not know, unless you have given some consideration to the subject, how very important is that little sentence in the Constitution. It was the want of any power to regulate commerce, as between the states themselves, and with foreign nations, which as much, and I am not sure but I am justified in saying more, than any one thing, forced the states to form the present Constitution in lieu of the Articles of Confederation under which they had won their freedom and established their independence. It is difficult now for us to fully appreciate how strong was the tendency to separate, to quarrel, and to bring their adverse interests into collision, which grew out of the want of any general power in the federal government, as it then existed, to control the commercial relations of the states with each other.’” Page 433.

And on page 437, quoting from Hamilton, he says :

“‘ The competitions of commerce would be another fruitful source of contention. The states less favorably circumstanced would be desirous of escaping from the disadvantages of local situation, and of sharing in the advantages of their more fortunate neighbors. Each state or separate confederacy would pursue a system of commercial polity peculiar to itself. This would

occasion distinctions, preferences and exclusions, which would beget discontent. The habits of intercourse, on the basis of equal privileges, to which we have been accustomed from the earliest settlement of the country, would give a keener edge to those causes of discontent than they would naturally have, independent of this circumstance. . . . The opportunities which some states would have of rendering others tributary to them, by commercial regulations, would be impatiently submitted to by the tributary states.'"

And further on page 438 he says, quoting from Hamilton :

" 'The interfering and unneighborly regulations of some states, contrary to the true spirit of the union, have, in different instances, given just cause of umbrage and complaint to others ; and it is to be feared that examples of this nature, if not restrained by a national control, would be multiplied and extended till they became not less serious sources of animosity and discord, than injurious impediments to the intercourse between the different parts of the confederacy.' "

It will not do to omit what the Supreme Court has itself said on this very important subject. Mr. Justice Matthews, speaking for the Court, said in—

Bowman vs. C. & N. W. Ry. Co., 125 U. S. 465-498 :

" Can it be supposed that by omitting any express declarations on the subject Congress has intended to submit to the several states the decision of the question in each locality of what shall and what shall not be articles of traffic in the interstate commerce of the country ? If so, it has left to each state, according to its own caprice and arbitrary will, to discriminate for or against every article grown, produced, manufactured or sold in any state and sought to be introduced as an article of commerce into any other. If the State of Iowa may prohibit the importation of intoxicating liquors from all other states, it may also include tobacco, or any other article, the use or abuse of which it may deem deleterious. It may not choose, even, to be governed by considerations growing out of the health, comfort or peace of the community. Its policy may be directed to other ends. It may choose to establish a system directed to the promotion and benefit of its own agriculture, manufactures or arts of any description, and prevent the introduction and sale within its limits of any or of all articles

that it may select as coming into competition with those which it seeks to protect. The police power of the state would extend to such cases, as well as to those in which it was sought to legislate in behalf of the health, peace and morals of the people. In view of the commercial anarchy and confusion that would result from the diverse exertions of power by the several states of the union, it cannot be supposed that the Constitution or Congress have intended to limit the freedom of commercial intercourse among the people of the several states. 'It cannot be too strongly insisted upon,' said this Court in *Wabash, etc., Ry. Co. vs. Illinois*, 118 U. S. 557-572, 'that the right of continuous transportation from one end of the country to the other is essential in modern times to that freedom of commerce from the restraints which the states might choose to impose upon it that the commerce clause was intended to secure. This clause giving to Congress the power to regulate commerce among the states and with foreign nations, as this Court has said before, was among the most important of the subjects which prompted the formation of the Constitution.

Cook vs. Pennsylvania, 97 U. S. 566-574.

Brown vs. Maryland, 12 Wheat. 419-446.

“ ‘And it would be a very feeble and almost useless provision, but poorly adapted to secure the entire freedom of commerce among the states which was deemed essential to a more perfect union by the framers of the Constitution, if, at every stage of the transportation of goods and chattels through the country, a state within whose limits a part of the transportation must be done, could impose regulations concerning the price, compensation or taxation or any other restrictive regulation interfering with and seriously embarrassing this commerce.’ ”

I desire to take the matter up in order, from the constitutional provision cited down to the present time, and I think enough will be found to confirm all objections urged against the legislation referred to and to prove that Congress has gone further than it ought to have done. The agitation for such legislation is brought about for the want of a strong public sentiment, the states being powerless to enforce the law of today.

In other words, as far as this feature of the paper is concerned, the law is adequate to remedy the evils complained of; but the law is not enforced, and a strong sentimental appeal has been made and is being made to Congress to aid the states, on the assumption that the federal government is standing in the way of reform, preventing the states from properly enforcing the law; that the states want to enforce the law, but cannot because the federal government protects the shippers of interstate commerce. The legislation referred to is an attempt to extend the doctrine that Congress can surrender its power over interstate commerce—a power not to be found in the Constitution; and permit the states to regulate interstate commerce—a power not to be found in the Constitution. Congress has gone too far on this subject already. The Bar of the United States and students of constitutional history must preserve the Constitution and protect constitutional rights. Since the close of the Civil War, the Constitution of the United States seems to have been overlooked.

I am opposed to all such unconstitutional legislation, when I believe as I do that it cannot increase the power of the state or suppress crime, will not deprive a citizen of any right he now enjoys, change the law or accomplish any good. I am opposed to the doctrine that Congress can surrender to the states any of its power over interstate commerce, a power exclusive in Congress that cannot be delegated or surrendered. I cannot commit myself to the doctrine of concurrent power, even when the proposed legislation is local. I am for the union as it is, with its dual system of government, anxious to uphold the power of both states and nation, within their respective sovereignty. The right and power of both are equally clear.

I appreciate that it is pretty late in the day to oppose the doctrine of concurrent power and to contend for the exclusive power of Congress. And probably the doctrine of *Cooley vs. Board of Wardens*, 12 How. 299, will answer every purpose and serve both nation and states. There is, however, some

very respectable support for my contention in this particular. When the commercial power was under discussion, in the Constitutional Convention, Mr. Madison said in part :

“He was more and more convinced that the regulation of commerce was in its nature indivisible, and ought to be wholly under one authority.” 3d Madison Papers, 1585.

Mr. Justice McLean said, in the *Passenger Cases*, 7 How. 283-396 :

“A concurrent power in the states to regulate commerce is an anomaly not found in the Constitution. If such power exist, it may be exercised independently of the federal authority. . . . A concurrent power excludes the idea of a dependent power. The general government and a state exercise concurrent powers in taxing the people of the state. The objects of taxation may be the same, but the motives and policy of the tax are different and the powers are distinct and independent. A concurrent power in two distinct sovereignties to regulate the same thing is as inconsistent in principle as it is impracticable in action. It involves a moral and physical impossibility. A joint action is not supposed, and two independent wills cannot do the same thing. The action of one, unless there be an arrangement, must necessarily precede the action of the other ; and that which is first, being competent, must establish the rule. If the powers be equal, as must be the case, both being sovereign, one may undo what the other does, and this must be the result of their action.”

I will call attention to the cases in the Supreme Court of the United States, sustaining my contention, also marking the line of demarcation between the states and nation.

Gibbons vs. Ogden, 9 Wheat. 1, contains an able and instructive opinion by Chief Justice Marshall, but as far as the question of power is concerned, it decided nothing. Ogden claimed that the legislature of the State of New York had given him the exclusive right to the navigation of all the waters of that state. Gibbons claimed the right of navigation, by reason of having been licensed to carry on the coasting trade, under an act of Congress, passed February 18, 1793.

The doctrine of the case is that there was a conflict between

the state law and an act of Congress, and therefore the state law was invalid. While the question of exclusive power was involved, it was not decided. This left those favoring the doctrine of concurrent power plenty of opportunity to argue that the state law was valid until it came in conflict with a law of Congress, and that there was no such thing, as a whole, as the exclusive power of Congress.

Brown vs. Maryland, 12 Wheat. 419, is another instructive case, but it did not settle the question of power. The case did attempt to establish a line of demarcation between state and federal power over commerce. It was a question between state and federal law. *Brown*, a foreign importer, claimed he was protected against the state law of Maryland, requiring importers and those selling the same import, to take out a license, as he had paid duties to the United States. The state law was held invalid, as the state was denied by the Constitution the power to impose the tax in question, and the right to import was held to include the right to sell in original packages, and it was also held that the tax was a regulation of commerce. Chief Justice Marshall, writing the opinion of the Court, said he supposed the principles laid down in the case would apply equally to importations from a sister state.

The two cases cited, taken together, greatly strengthened those believing in the exclusive power of Congress, and they were much encouraged until the decision in the case of *Wilson vs. Blackbird Creek Marsh Company*, 2 Peters 245. It must be confessed that at the time of it the judgment in this case was a bad blow to the theory of the exclusive power of Congress. This important question was directly raised by the facts, but not a word said with reference to the doctrine involved. Neither word, "exclusive" or "concurrent," is to be found in the opinion. The State of Delaware had given the defendant company the right to dam a navigable stream, and, in the language of the Court, abridge the rights of those who had been accustomed to using it. It would certainly appear as though it was a regulation of commerce by a state,

placing a restriction upon interstate commerce and instruments of interstate commerce. But the Court, speaking through Chief Justice Marshall, upheld the legislation, because it did not come in conflict with the Constitution or laws of the United States.

The doctrine now recognized as correct, that, when the subjects of power are in their nature national, or admit only of one uniform system, or plan of regulation, the power of Congress is exclusive, had not then been expressed. So far the exclusive power of Congress had much the best of it, but the appearance of *New York vs. Miln*, 11 Peters 102, made a radical change. Chief Justice Marshall, the defender of the exclusive power of Congress, had now left the Court, succeeded as Chief Justice by Mr. Justice Taney. The doctrine of exclusive power was annihilated. The State of New York passed a law regulating the admission of passengers arriving at the port of New York. The Supreme Court held the legislation valid, as an exercise of the police power of the state. The opinion of the Court informs us that the Court did not enter into any examination of the question, whether the power to regulate commerce be or be not exclusive of the states, because of the opinion formed by the Court that the act was not a regulation of commerce, but of police; and that it was passed in the exercise of a power which rightfully belonged to the state. This case may be considered as authority, for the position that if any law passed by a state in the exercise of its police power comes in conflict with a commercial regulation of Congress it is paramount, and therefore the law of Congress must yield to the police power of the state. On this point the opinion of the Court is emphatic.

Mr. Justice Barbour, speaking for the Court, says, page 189 :

“That all those powers which relate to merely municipal legislation, or what may, perhaps, more properly be called *internal police*, are not thus surrounded or restrained; and that, consequently, in relation to these, the authority of a state is complete, unqualified and exclusive.”

Story, J., alone dissented. The Court had made the police power of the states paramount, whenever there was a conflict between the legislation of a state and Congress. This case was twice argued. On the first hearing, Marshall, C. J., sat, and the Court was divided. On the second hearing, Taney, C. J., sat in place of Marshall. Story in dissenting took ground in favor of the paramount power of Congress, saying that he had the consolation of knowing he had the entire concurrence upon the same grounds of that great constitutional jurist, the late Mr. Chief Justice Marshall, who had heard the former arguments, and whose deliberate opinion was that the act of New York was unconstitutional, and that the case fell directly within the principles established in *Gibbons vs. Ogden* and *Brown vs. Maryland*. All must concede the subject to be important and delicate. So far, it had been argued by both Bench and Bar with distinguished ability. The great change in the opinion of the Court was due to the fact that the advocates of the exclusive and paramount power of Congress were passing away; their places on the Bench being filled by those believing the police power of the state paramount, when there was a conflict between the police power of the state and the commercial power of Congress, and that the commercial power of Congress was neither paramount nor exclusive. All were able, conscientious men, but their environments were different.

License Cases, 5 How. 504, were three cases argued together by different counsel and decided as one case. The report of the case is responsible for the statement that, when the decision of the Court was pronounced, it was not accompanied by any opinion of the Court as such, but six of the Justices gave separate opinions, each for himself. Four of them treated the cases collectively in one opinion, whilst the remaining two expressed opinions in the cases separately. As stated by Mr. Justice Matthews, in *Bowman vs. C. & N. W. Ry. Co.*, 125 U. S. 465-477:

"The Justices all concurred in the result, but there was not a majority which agreed upon any specific ground for the conclusion."

The doctrine of concurrent power was triumphant. Six of the Justices of the court advocated it, while not one member of the Court advocated the doctrine of the exclusive power of Congress. Mr. Justice Wayne and Mr. Justice McKinley expressed no opinion, while Mr. Justice Nelson concurred with Chief Justice Taney and Mr. Justice Catron.

Chief Justice Taney in the opening of his opinion, says:

"The Justices of this Court do not, however, altogether agree in the principles upon which these cases are decided, and I therefore proceed to state the grounds upon which I concurred in affirming the judgments. The first two of these cases depend upon precisely the same principles, and although the case against the State of New Hampshire differs in some respects from the others, yet there are important principles common to all of them, and on that account it is more convenient to consider them together."

In order to test the opening statement of the learned Chief Justice and to know what was involved, and what was decided and what changes made by subsequent cases, it will be necessary to ascertain exactly what the facts were in each case.

In *Thurlow vs. Massachusetts*, Thurlow was convicted of selling liquor without a license, contrary to the laws of the state. There was no evidence that he had applied for one. Some of the sales were of foreign liquors. The statute prohibited the sale of spirits to be used on the premises of the vendor, and no one could sell for the purpose of being carried away in less quantity than twenty-eight gallons, which should be bought and removed all at one time. Thurlow was a retail dealer, and sold in quantities of gallons, quarts and pints. He purchased all of his liquor in the home market. No claim was made that he was an importer. Some liquor that he sold was purchased from importers.

In *Fletcher vs. Rhode Island*, the law of Rhode Island prohibited the sale of liquor in less quantities than ten gallons,

without a license first had and obtained from the town council of the town where the vendor resided. The town council was forbidden to grant licenses to sell in less quantities than ten gallons, whenever the voters of the town, in town meeting, decided that none should be granted, and the township where Fletcher resided had voted no license. Fletcher did not have and could not obtain a license to sell at retail or in less quantities than ten gallons. He sold in excess of ten gallons, and also sold at retail in quantities of less than ten gallons. It was conceded that all of the liquor he sold was duly imported into the United States and the duties properly paid. That he purchased it in Boston, Massachusetts, from the importer and shipped it into the township in Rhode Island where he resided and where the sale was made.

In *Pierce vs. New Hampshire*, the state law prohibited the sale of liquor without a license. Pierce did not have a license, but insisted that, as an importer, he had a right to sell without a license. He was convicted of selling a barrel of gin, which the proof shows he purchased in Massachusetts and brought coastwise to his place of business in Dover, New Hampshire, and which was afterwards sold by him in the same barrel and same condition in which it was purchased in Massachusetts. The plaintiffs in error, defendants below, were convicted and the judgments in each case were affirmed by the Supreme Court of the United States.

It is very clear that the cases of Massachusetts and Rhode Island should have been affirmed without argument and without division, while the New Hampshire case should have been reversed, all on the authority of *Brown vs. Maryland*, holding that an article authorized by a law of Congress to be imported, including internal revenue laws, continued to be part of the foreign commerce of the country, while it remained in the hands of the importer for sale in the original bale, package or vessel in which it was imported. That the authority given to the importer necessarily carried with it the right to sell the imported article in the form and shape in which it was

imported, and that no state, either by direct assessment or by requiring a license from the importer before he was permitted to sell, could impose any burden upon him or the property imported, beyond what the law of Congress had itself imposed. But that when the original package was broken up for use or for retail by the importer, and also when the commodity had passed from his hands, into the hands of a purchaser, it ceased to be an import or a part of foreign commerce, and became subject to the laws of the state and might be taxed for state purposes and the sale regulated by the state like any other property.

Chief Justice Taney says he argued this case in behalf of the State of Maryland, and thought at the time of the decision that it was wrong, but that further and more mature reflection convinced him that the rule laid down in this case by Chief Justice Marshall was a just and safe one and perhaps the best that could be adopted for preserving the right of the United States on the one hand and of the states on the other, and preventing collision between them.

The case of *Brown vs. Maryland* was that of an importer selling foreign goods, and Chief Justice Marshall, writing the opinion of the Court says, page 449 :

"It may be proper to add that we suppose the principles laid down in this case to apply equally to importations from a sister state."

The facts show, in the cases of Massachusetts and Rhode Island, the liquor sold was domestic commerce wholly and absolutely under the control of the state and therefore subject to the laws of the state forbidding sales at retail, and absolutely and wholly beyond federal control. The laws of these states, on the facts, were not and could not be drawn in question, upon the ground of repugnancy to the Constitution of the United States. It has always been conceded, whenever the question was raised, that the states could prohibit the manufacture and sale of liquor, the only exception being in case of importers, they being permitted to make sale in

original packages of their product by virtue of the right to import. This is the extent of the law and the right.

The liquor in the New Hampshire case was interstate commerce. Chief Justice Taney, in his opinion, concedes that the legislation of the State of New Hampshire was a regulation of interstate commerce, hence the law of that state was drawn in question upon the grounds of repugnancy to the Constitution of the United States.

While Chief Justice Taney approved of the judgment in *Brown vs. Maryland*, he distinguished the case. As part of his opinion for strongly adopting the rule laid down in *Brown vs. Maryland*, he said, at page 578 :

“The present case, however, differs from *Brown vs. Maryland* in this that the former was one arising out of commerce with foreign nations, which Congress had regulated by law, whereas the present is a case of commerce between two states, in relation to which Congress has not exercised its power. Some acts of Congress have indeed been referred to in relation to the coasting trade; but they are evidently intended merely to prevent smuggling, and do not regulate imports or exports from one state to another. This case differs also from the cases of Massachusetts and Rhode Island; because in these two cases the laws of the states operated upon the articles after they had passed beyond the limits of foreign commerce, and consequently were beyond the control and power of Congress. But the law of New Hampshire acts directly upon an import from one state to another, while in the hands of the importer for sale, and is therefore a regulation of commerce, acting upon the article while it is within the admitted jurisdiction of the general government, and subject to its control and regulation.”

This last statement of the learned Chief Justice proves that the cases of Massachusetts and Rhode Island were properly affirmed, while the case of New Hampshire should have been reversed. This case holds that, in the absence of legislation by Congress permitting the importation of liquors from one state to another, the states can regulate interstate commerce by prohibiting sales by the importer; that there is a difference

between foreign commerce and commerce between the states. The case of *Brown vs. Maryland* is not overruled; it is followed, but distinguished. The right to import did not of itself confer the right to sell. In this case, the right to import was not denied. It was the fact of selling that constituted the offense. An article of interstate commerce could not be sold in defiance of the laws of the state, unless the law of Congress permitted or authorized its importation from another state.

In a very short time, without any change in the personnel of the Court, the doctrine of exclusive power of Congress gained ground and the doctrine of concurrent power lost ground, and the paramount police power of the states disappeared in the so-called *Passenger Cases*, 7 How. 283. The States of New York and Massachusetts had imposed taxes upon alien passengers arriving in the ports of those states, and the Supreme Court of the United States, five to four, condemned the legislation of both states, as a regulation of interstate and foreign commerce, weakening the *License Cases*. The majority for the revival of the old doctrine of Marshall was not large, but for a short time the advocates of the exclusive power of Congress had much to encourage them.

The next case of interest is *Cooley vs. Board of Wardens*, 12 How. 299. There was one change of membership in the Court, Mr. Justice Curtis succeeding Mr. Justice Woodbury, deceased. The question was whether the power of Congress to regulate interstate commerce was exclusive or concurrent with a like power in the states. Five of the Justices who had so strongly contended in the *Passenger Cases* for the exclusive power were on the Bench and took this important question out of politics; brought all of the discordant cases into line, including *Wilson vs. Blackbird Creek Marsh Company*, holding that whether the power of Congress to regulate commerce is exclusive or concurrent with a like power in the states, was to be determined, not from the nature of the power itself, but from the nature of the subjects over which the

power was to be exercised. Whatever subjects of this power are in their nature national, or admit only of one uniform system or plan of regulation, may justly be said to be of such a nature as to require exclusive legislation by Congress. For many years, this question had a stormy time, the Supreme Court varying the doctrine as each case came up. The line is not very straight, but the flexibility of the Court is apparent.

Now the question was at rest, the sole inquiry being, Is the subject upon which the law must operate local or national in its nature? If local, the concurrent power exists and state legislation is valid until set aside by Congress. If national, the exclusive doctrine prevails. The doctrine of both exclusive and concurrent power is recognized, and a rule adopted to determine when the power of Congress is exclusive and when concurrent; overruling the License Cases in four years, by the same Court, with only one change of membership, Mr. Justice Curtis succeeding Mr. Justice Woodbury, deceased, and that great case being no longer authority. In the License Cases it had been held that if Congress legislated, the states were powerless to act; but in the absence of legislation by Congress, the states could legislate to the extent of regulating interstate commerce. As applied to the New Hampshire case, Congress not having legislated with reference to the transportation of interstate commerce from one state to another, the State of New Hampshire could prohibit the sale in original packages of articles of interstate commerce shipped from Massachusetts. In other words, the silence of Congress gave the states permission to legislate, and if Congress had given permission for the shipment from Massachusetts to New Hampshire, the State of New Hampshire could not have prevented the sale in the original package. Now when the subject of the power is national, the silence of Congress is an indication of its satisfaction and the states cannot legislate. Hence the power of Congress is paramount and exclusive, a complete and absolute reversal of the License Cases. If the doctrine of this Cooley case had been adopted in the License Cases four years

before, the judgment in the New Hampshire case would have been reversed. It is both necessary and proper to consider this feature of the subject, because it is generally understood that the doctrine of the License Cases prevailed for forty-one years, and, in the interest of the liquor traffic, was overruled at the end of that time: when the fact is, articles of commerce were not involved, but the nature of the power of Congress was in question. Liquor was not the subject of controversy in the Cooley case, but local pilotage; and articles of commerce had no influence on the question of power in any case. Now when the subject of power is national, the doctrine of *Brown vs. Maryland* applies. The power of Congress is paramount and exclusive. The right of importation of interstate commerce exists, and as incident thereof sale of the product in original packages is permitted and protected.

In 1888, *Bowman vs. C. & N. W. Ry. Co.*, reported in 125 U. S. 465, was decided. It has often been said this case was an unwarranted interference with the right and power of the states, reversing the License Cases. But not so, for the case made no change in the law or doctrine of the License Cases as far as this question is concerned. The License Cases held that in the absence of legislation by Congress, the states could prevent the sale of interstate liquor in original packages, leaving open the question of the right of the importer to take the liquor into a state; but as far as anything was said upon the subject, especially recognizing the right of importation, while denying that the right of importation gave the right to sell.

Mr. Justice Woodbury said, in the License Cases, page 620 :

“The idea, too, that a prohibition to sell would be tantamount to a prohibition to import does not seem to me either logical or founded in fact. For even, under a prohibition to sell, a person could import, as he often does, for his own consumption and that of his family and plantations; and, also, if a merchant, extensively engaged in commerce, often does import articles with no view of selling them here, but of storing them for a higher and more suitable market in another state or abroad.”

Mr. Justice Matthews, speaking for the Court in the *Bowman Case*, page 479, says:

"From this analysis it is apparent that the question presented in this case was not decided in the *License Cases*. The point in judgment in them was strictly confined to the right of the states to prohibit the sale of intoxicating liquor after it had been brought within their territorial limits. The right to bring it within the states was not questioned; and the reasoning which justified the right to prohibit sales admitted, by implication, the right to introduce intoxicating liquor, as merchandise, from foreign countries, or from other states of the union, free from the control of the several states and subject to the exclusive power of Congress over commerce."

So far the law is the same and the two cases stand together. The right of importation is recognized in this case. The defendant railway company refused to accept beer in Illinois for delivery in Iowa because the Iowa statute forbade transportation. These were the facts, and the law of the case can be as briefly stated. The Court held that interstate commerce required delivery to the consignee, but did not decide that the consignee had a right to sell, as the right to sell was not involved, and, as said, this case is in absolute harmony with the *License Cases* on this point.

Two years later, *Leisy vs. Harden*, 135 U. S. 100, appeared. Plaintiffs shipped beer into Iowa for sale, in violation of the laws of the State of Iowa. The same was seized by the defendant, an officer of that state. The plaintiffs, contending that the legislation of Iowa was unconstitutional and void, brought replevin for their property in the state court. The trial court held with the plaintiffs. The Supreme Court of Iowa on appeal reversed the judgment, holding the legislation valid. The Supreme Court of the United States reversed the Supreme Court of Iowa, holding that the plaintiffs had a right to ship their beer into Iowa, and, as importers of interstate commerce, had a right to sell their product in original packages. This case being in harmony with *Brown vs. Maryland* and the *Cooley case*.

The opinion of the Court is interesting for what is said by Fuller, C. J., who, writing the opinion of the Court, took directly opposite grounds to his democratic predecessor, Chief Justice Taney, as expressed in the License Cases forty-two years before as to the exclusive power of Congress, and as to the power of Congress to surrender its power over interstate commerce to the states. Taney, C. J., said in the License Cases that the federal power was exclusive whenever Congress legislated, but that the silence of Congress gave the states the right to legislate.

Fuller, C. J., writing the opinion of the Court in *Leisy vs. Harden*, follows the *Cooley* case and holds that when the subject of the power is national the power of Congress is exclusive, and in that case the silence of Congress is an indication of its satisfaction; and that interstate commerce is national in its character and must be governed by a uniform system so long as Congress does not pass any law to regulate it or allow the states so to do.

The dangerous doctrine is openly and pointedly advanced in this case to the extent that Congress can surrender its control over interstate commerce to the states. The suggestion of Fuller, C. J., is important as being so directly opposite on both propositions to that of Chief Justice Taney, and is important in view of the legislation that followed the suggestion. Chief Justice Taney said, page 579:

“The controlling and supreme power over commerce with foreign nations and the several states is undoubtedly conferred upon Congress.”

And page 580, he further said:

“But it is equally clear, that, as to all future laws by the states, if the Constitution deprived them of the power of making any regulations on the subject, an act of Congress could not restore it. . . . And if the grant of power to the United States to make regulations of commerce is a prohibition to the states to make any regulation upon the subject, Congress could no more restore to the states the power of

which it was thus deprived, than it could authorize them to coin money, or make paper money a tender in the payment of debts, or to do any other act forbidden to them by the Constitution.

This declaration from a great jurist, unquestionably correctly expressing the law, remained in force until the Supreme Court announced this new and contrary doctrine. While so far this question has been confined principally to liquor, it will in the future cause an immense amount of trouble. No doubt it is a little late in the day to discuss the constitutionality of a question that the Supreme Court of the United States has unanimously decided to be constitutional, yet with all due respect to that great tribunal, whose decision is final, the attention of the country should be directed to the subject.

Independently of the decision of the Supreme Court, the surrender by Congress of this great grant of power cannot be successfully defended. It is not my desire or purpose now to make the argument that could or can be made against the surrender of this power. Independently of what the Supreme Court has said, one has only to consider the reasons for conferring that power upon Congress, and what has been said since that time, including the arguments of Hamilton, in the 32d Federalist, and Chief Justice Taney, to be satisfied of the correctness of this conclusion.

It may be worth while in this connection to repeat what Chief Justice Marshall said, page 446:

"It may be doubted whether any of the evils proceeding from the feebleness of the federal government contributed more to that great revolution which introduced the present system, than the deep and general conviction that commerce ought to be regulated by Congress."

This power having been conferred upon Congress in order to prevent state interference with interstate commerce, it must be regarded as exclusive to the extent that Congress cannot delegate or surrender any part of this power to the states. If it was necessary to deprive the states of this

power and transfer the same to the federal government, it is much more important now when we have so many states with such diversified and conflicting interests. As Chief Justice Marshall so aptly said: "The deep and general conviction" was "that commerce ought to be regulated by Congress," not by the states. He meant by Congress all of the time, not at the will of Congress to be surrendered to the states at their demand. What the country then wanted, and still requires, is a uniform system, not according to the notion or interest of the separate states. The Constitution says: "Congress shall regulate commerce between the states." This excludes the idea that interstate commerce can be regulated by the states. If the states could not successfully regulate interstate commerce before the adoption of the Constitution, nothing has been seen or heard of since the adoption of the Constitution that would justify the thought that the states can regulate interstate commerce any better or more harmoniously today than they could before the adoption of the Constitution. And as Chief Justice Taney so well said:

"It will hardly be contended that an act of Congress can alter the Constitution and confer upon a state a power which the Constitution declares it shall not possess."

Leisy vs. Harden was decided in April, 1890. On August 8, 1890, undoubtedly inspired by the suggestion contained in the opinion, the following act of Congress was approved:

"That all fermented, distilled or other intoxicating liquors or liquids transported into any state or territory or remaining therein for use, consumption, sale or storage therein, shall, upon arrival in such state or territory be subject to the operation and effect of the laws of such state or territory enacted in the exercise of its police powers to the same extent and in the same manner as though such liquids or liquors had been produced in such state or territory, and shall not be exempt therefrom by reason of being introduced therein in original packages or otherwise."

So far the legislation referred to is class legislation, but the dangerous tendency of legislation of this kind is shown by an

attempt to make this legislation general. When the act of August 8, 1890, was pending in the House of Representatives, July 22, 1890, a member from Iowa offered an amendment as follows:

"That whenever any article of commerce is imported into any state from any other state, territory or foreign nation, and there held or offered for sale, the same shall then be subject to the laws of such state hereafter passed." Record 51st Congress, 1st session, page 7563.

Since then men of influence have gone so far as to approve of the attempt to make such legislation general. The Hon. Walter I. Smith, a representative in the present Congress, from the State of Iowa, appeared before the Judiciary Committee of the House of Representatives, March 2, 1904, and spoke in behalf of a favorable report of legislation of this scope and character, and in part said:

"They came to Congress and it may not be an unnecessary delay of these proceedings to say that after the Senate had passed the so-called Wilson bill (now the act of August 8, 1890) and it came to this House, this committee reported a substitute for the Wilson bill, which in my judgment ought to have become the law. A bill which eliminated the whole question of intoxicating liquors from the subject matter of it and provided that all commodities of every kind and nature after they arrived in a state should be subject to the police power of the state. When that bill was brought out of this committee, it passed the House, but the Senate refused to concur in it and it was necessary for the House to accept the Senate bill."

The adoption of such legislation by Congress and approved of by the Supreme Court would practically put an end to commerce in this country. Unquestionably intoxicating liquor is a legitimate article of commerce, and as such entitled to the protection of the Constitution.

"Spirits and distilled liquors are universally admitted to be subjects of ownership and property, and are therefore subjects of exchange, barter and traffic, like any other commodity in which a right of property exists."

Taney, C. J. The License Cases, 5 How. 504-577.

Leisy *vs.* Harden, 135 U. S. 100-116.

The act of August 8, 1890, contrary to the opinion of Chief Justice Taney as expressed in the License Cases, was held constitutional. In *re* Rahrer, 140 U. S. 545. Evidently for the purpose of finding out what the Supreme Court would say of the constitutionality of this act, Mr. Rahrer, in the State of Kansas, on the 9th day of August, 1890, offered for sale and sold in the original package a portion of liquor shipped into the State of Kansas by citizens, residents and importers of the State of Missouri. It was certainly interstate commerce, but the Supreme Court of the United States held the act of August 8, 1890, constitutional, and that liquor could not be sold in violation of the laws of the state after the passage of the act even in the original package.

For some time this question took a rest, but appeared again in the Supreme Court of the United States in the case of *Scott vs. Donald*, 165 U. S. 58. There were three cases all disposed of by one judgment. Scott brought two cases and Gardner brought another, all against Donald, the defendant, an officer of the State of South Carolina. The actions were brought to recover damages caused by the action of the defendant in seizing and carrying away several packages of wine and liquors belonging to the plaintiffs at the time of the seizure in custody of railway companies, which as common carriers had brought the packages within the state. All of the liquor in question was interstate commerce. The liquor was brought into the state in violation of the laws of the state, the State of South Carolina recognizing the validity of the manufacture and sale of intoxicating liquors by providing for the manufacture and sale of intoxicating liquors by the state. The Supreme Court held that the act of August 8, 1890, was not intended to confer upon any state the power to discriminate injuriously against the products of other states in articles whose manufacture and use are not forbidden and which are therefore the subjects of legitimate commerce; and that the

State of South Carolina could not under the congressional legislation referred to establish a system which in effect discriminates between interstate and domestic commerce in commodities to make and use which are admitted to be lawful. And the Court further said, it is sufficient for the present cases to hold as we do that when a state recognizes the manufacture, sale and use of intoxicating liquors, as lawful, it cannot discriminate against the bringing of such articles in and importing them from other states; that such legislation is void as a hindrance to interstate commerce, and unjust preference of the products of the enacting state, as against similar products of the other states, and that the legislation prohibited the importation by citizens for their own use. Scott brought another action against Donald, reported in 165 U. S. 107, where the doctrine of the previous case was upheld.

The next important case is that of *Rhodes vs. Iowa*, 170 U. S. 412, which has been severely criticised as interfering with the rights of the states and of great assistance to those desirous of violating state liquor laws. The fact is this case does not overrule or modify anything said in previous cases or change the law in a single particular. Rhodes, the plaintiff, was an agent for a railroad at a station in Iowa, and some interstate commerce liquor was shipped from a station in Illinois to the station in Iowa in charge of Rhodes. The trainmen placed the package on the platform, and the plaintiff, as agent for the railway company, in the discharge of his duties, opened the door of the freight house, moved the box into the freight house, about six feet from the platform. For this he was arrested under the law of Iowa for unlawfully transporting liquor, convicted and sentenced to pay a fine of \$100. He appealed to the District Court, where the judgment was affirmed, and then further appealed to the Supreme Court of the State of Iowa, where the judgment was again affirmed. Rhodes then prosecuted a writ of error to the Supreme Court of the United States, which reversed the judgment. The Court held that the placing of the liquor in the freight house from the platform, on

which it was put on arrival, was a part of interstate commerce transportation; that the act of Congress did not cause the law of the state to attach to an interstate commerce shipment whilst the merchandise was in transit under shipment until its arrival at the point of destination and delivery over to the consignee.

This decision does not, as claimed, permit the manufacture or sale in violation of the law of the state, but that, under the act of 1890, liquor could be shipped into a state and delivered to the consignee. Following this case is that of *Vance vs. Vandercook Company*, 170 U. S. 438. Vandercook Company was plaintiff below and filed a bill in the Circuit Court of the United States for the District of South Carolina, alleging that a traveling agent of the plaintiff company had taken orders from certain residents of the State of South Carolina for liquor to be shipped from California. That seventy-three original packages for the customers aforesaid were shipped in one car by a contract for continuous interstate carriage from California to South Carolina, and that officers of the State of South Carolina had seized the packages and prevented delivery and openly avowed their intention to continue to levy upon any packages of liquor shipped into South Carolina, in violation of the state law; and the bill further alleged that the plaintiff company intended to continue shipments into the State of South Carolina, to be there held for the purpose of selling the same. The Court below granted a restraining order, and after a trial of the action, a final decree was entered in favor of the plaintiff company. The Supreme Court of the United States affirmed the Court below, in so far as it restrained the defendant officers from seizing the property shipped into the State of South Carolina from California by the plaintiff company for residents of the State of South Carolina, on the orders of such residents for their own use. It reversed that part of the decree below, in so far as it restrained the State of South Carolina from levying upon the property of plaintiff company shipped into the state to agents of the plaintiff company for

the purpose of being stored and sold therein in original packages.

Mr. Justice White delivered the opinion of the Court and said, page 452 :

“ It follows that under the Constitution of the United States every resident of South Carolina is free to receive for his own use liquor from other states, and that the inhibitions of a state statute do not operate to prevent liquors from other states from being shipped into such state on the order of a resident for his use.” “ The right of persons in one state to ship into another state to a resident for his own use is derived from the Constitution of the United States and does not rest on the grant of the state law. ”

The Supreme Court has now called a halt. A recent case decided in that Court is valuable and interesting. Not for what it decided as far as this question is concerned, but for what it says has been and has not been decided with reference to this question. An express company received a package of liquor in Illinois for delivery in Iowa, the purchase price and cost of carriage to be collected on delivery, commonly called a C. O. D. package. The State of Iowa seized the liquor and proceeded against the carrier for selling liquor in Iowa contrary to the laws of that state. The Supreme Court held it was a sale in Illinois, and in speaking of *Bowman vs. Railway Company*, *Leisy vs. Harden*, *Rhodes vs. Iowa*, *Vance vs. Vandercook Company*, the Court said, as part of the opinion :

“ Those cases rested upon the broad principle of the freedom of commerce between the states and of the right of a citizen of one state to freely contract to receive merchandise from another state, and of the equal right of the citizen of a state to contract to send merchandise into other states. They rested also upon the obvious want of power of one state to destroy contracts concerning interstate commerce, valid in the states where made.”

And the Court also said :

“ The contention was that, as by the Wilson act, the power of the state operated upon the property the moment it passed

the state boundary line, therefore the State of Iowa had the right to forbid the transportation of the merchandise within the state and to punish those carrying it therein. This was not sustained. The Court declined to express an opinion as to the authority of Congress, under its power to regulate commerce, to delegate to the states the right to forbid the transportation of merchandise from one state to another. It was, however, decided that the Wilson act manifested no attempt on the part of Congress to exert such power, but was only a regulation of commerce, since it merely provided in the case of intoxicating liquors that such merchandise, when transported from one state to another, should lose its character as interstate commerce upon completion of delivery under the contract of interstate shipment and before sale in the original packages."

American Express Company vs. Iowa, 196 U. S. 133.

Adams Express Company vs. Iowa, 196 U. S. 147.

The case in 196 U. S. does not change the law, but states that the cases cited rest upon the broad principles of the freedom of commerce between the states, and of the right of a citizen of one state to freely contract to receive merchandise from another state, and of the equal right of the citizen of a state to contract to send merchandise into other states; that the Court had declined to express an opinion as to the authority of Congress to delegate to the states the right to forbid transportation from one state to another; that the act of 1890 manifested no attempt on the part of Congress to exert such power, but was only a regulation of commerce. This view of the Supreme Court will make it necessary to re-examine the question. The Constitution conferred upon Congress the power to regulate commerce, and the Supreme Court decided that the right of sale was incident to the right to import, placing the imported article under the protection of Congress until after sale by the importer in the original package.

Congress, by the act of 1890, surrendered its power of protection so as to permit the states to prevent sale by the importer. This is a regulation of interstate commerce by the

states and a violation of the Constitution, doing indirectly what cannot be done directly. The Supreme Court established the limit, and Congress itself recedes from its constitutional limitations with the approval of the Supreme Court. The act of 1890 transferred the power of regulation from Congress to the states, and it cannot well be said that it is a regulation by Congress when the states are permitted to regulate. It is the power of regulation that is so vital and important, not whether a given act is a regulation; for anything that in any manner interferes with the operations of interstate commerce is a regulation and a refusal to permit transportation; and a refusal to permit a sale by the importer in the original package is a regulation by the states. As said by the Supreme Court:

“The power to regulate is the power to prescribe the rules by which commerce is to be governed.”

It is this power of regulation which is transferred from Congress to the states. It does not make any difference whether it is called a delegation of power by Congress to the states to prohibit transportation of interstate commerce or a regulation of interstate commerce by Congress. The effect is the same, for it permits the states to regulate interstate commerce. It is not a question of name, but right and power. The equality and freedom sought by the fathers is seriously interfered with. Commerce is not as free as one would be led to believe after reading this opinion of the Supreme Court; not as free as the Constitution intended. The citizen has not the right the language of the case implies. Prior to the act of 1890, under the broad principles of the freedom of commerce between the states, the citizen could freely contract to receive and ship his product from state to state, and return with his money. Now he has a restricted freedom of commerce. He cannot ship the product and return with his money.

The protective power of the nation extends over interstate commerce from the time it commences commercial transit and

remains with it continuously until it reaches the consignee or is sold or becomes a part of the general mass of property in the state. This power of Congress is to be found in the Constitution, and decisions of the Supreme Court, and these are as much a part of the law as the Constitution itself. Hence we look to the Constitution and the Supreme Court for the power of Congress and its limitations, and there we find, prior to the act of 1890, that the importer had the constitutional right to sell his interstate commerce product in the original package, and the right of the state did not attach until after the sale, or until after the product is mixed with the common mass of property in the state. Now where does Congress obtain the power to deprive the importer of this constitutional right, either by a regulation of its own or delegating that power to the state, or withdrawing its own power over the product and permitting the state to act earlier? The Supreme Court has a right to reverse itself and draw a line different from that in *Brown vs. Maryland*, but Congress cannot change a constitutional right given by the Constitution itself or by the Supreme Court.

To understand the cases cited and to apply them correctly, it will be necessary, or at least better, to divide the subjects of the power. Generally speaking, the importer is the one shipping and introducing the article of commerce into a state. This act may or may not be based on a contract. He may be delivering the article pursuant to a contract obligating him to do so, or he may ship his product in anticipation of a purchaser, or ship for storage purposes only. Then there is the consignee, who sends an order, which is filled, either C. O. D. or otherwise, both consignor and consignee being importers to some extent. As there is a distinction, it will be well to keep the difference in mind. Under *Rhodes* case (without knowing anything about the facts that led up to the shipping of the product), the product must be delivered to the consignee. This conclusion is reached without knowing whether the liquor was shipped on the order of a resident citizen of Iowa for his own use or whether the importer or consignor had

shipped it into Iowa, awaiting a customer. *Vance vs. Vandercook* decides two propositions: one, that the state law cannot prevent a resident citizen of a state from sending into another state and receiving liquor for his own use, this right being derived from the Constitution of the United States; the other, that the importer, presumably the owner, cannot ship his product into another state in violation of the law of that state and store it, awaiting a customer, so as to sell even in the original package.

The case of *Vance vs. Vandercook* followed immediately after the *Rhodes* case reported in the same book. The *Rhodes* case held that there must be a delivery to the consignee without disclosing the particular facts. On one branch of the case, *Vance vs. Vandercook* held that the owner of the product could not ship it from the State of California into the State of South Carolina in violation of the laws of the State of South Carolina, refusing delivery to the consignee, which was allowed in the *Rhodes* case.

American Express Company vs. Iowa does not disclose whether the goods were shipped on the order of the consignee or whether the consignor shipped the goods in anticipation of a customer. Without a complete knowledge of the facts in the particular case, it is very difficult to apply the general principle announced. By taking the law as expressed in the *American Express Company vs. Iowa* (without a knowledge of the facts in that case or in the *Rhodes* case) it would look as though the question turned upon whether or not there was a contract to deliver. Excluding the facts and resting upon an abstract principle of law, it would seem as though at this time the holding is, that freedom of commerce between the states and the right of a citizen of one state to freely contract to receive merchandise from another state, and of the equal right of a citizen of a state to contract to send merchandise into other states is and will be maintained; and that, as before the act of 1890, there must be delivery to the consignee, and that one state lacks the power to destroy contracts concerning interstate commerce valid in the state where made.

A bill is now pending in the House of Representatives to amend further the act of 1890, which is intended to overrule the Supreme Court in its construction of that act, and will permit states at the state line to prevent the introduction of interstate commerce into the receiving state, no matter under what right or under what circumstances it is seeking admission into that state; in other words, allow the state law to become operative at the state line, so from that moment of time the carrier and every person handling the product, including the consignee, will be liable to punishment, and the product seized upon discovery and destroyed. The importance of the amendment will be seen from its effect. It will not require argument to prove its unconstitutionality, for the effect will be to prevent freedom of commerce between the states. It will interfere with the right of the citizen of one state to freely contract to receive merchandise from another state, and it will prevent a citizen in one state from contracting to send merchandise into other states, and it will destroy contracts concerning interstate commerce valid in the states where made.

Its unconstitutionality will be readily seen by testing its provisions by the case of the American Express Company *vs.* Iowa, 196 U. S. 133, and cases cited. The Supreme Court of the United States has been consistent in agreeing with all text writers that it is of national importance that over the subject of interstate commerce there should be but one regulating power. Now we have two regulating powers or two powers regulating one article of interstate commerce. The article commences commercial transit under the protecting power of the federal government, feeling secure from any attack by any person or state until it reaches the territory of the hostile state, when the federal government abandons the product to the tender mercies of discriminating state legislation, destroying the unity contemplated by the fathers. This is the boasted freedom of commercial intercourse, freedom of commerce between the states, and rights of citizens to freely

contract to receive merchandise into one state from another state, and of the equal right of the citizen of a state to contract to send merchandise into other states.

The power of Congress exclusively to regulate interstate and foreign commerce is vital to the prosperity and permanency of the union. To allow the legislation of 1890 to remain upon the statute book and further amend it will weaken us with foreign nations, for the product of the foreign importer will be subject to the law of the state of arrival and destroy foreign commerce as well as interstate commerce.

THE JURISPRUDENCE OF LAWLESSNESS.

BY

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A few weeks ago I received from a great metropolitan journal a telegraphic request for a legal opinion stated substantially as follows :

“A man of wealth takes a young and beautiful girl under his protection. After the lapse of a year or more, she marries another man of wealth. After the marriage, her former protector does not renew his relations with her, but makes disparaging and insulting remarks about her, and her husband kills him without warning. Does this statement of facts present a case that would warrant a jury in returning a verdict of ‘not guilty’ under the ‘unwritten law’?”

I promptly replied that I was unable to give an opinion upon the case stated as I was an attorney-at-law and not an attorney-at-lawlessness. The evident good faith and charming naïveté of this request, however, started a train of thought that ended in the query : “Do not we in America have, in reality, a jurisprudence, as it were, of lawlessness as well as a jurisprudence of law?” The more thought I have given this subject the more thoroughly convinced I have become that we have such a jurisprudence with its general principles—or rules, if you object to the use of the word principles in such a connection—its particular exceptions, refinements and distinctions. It is a jurisprudence which has almost assumed the dignity and symmetry of a system. It is neither legislative nor judge-made. It might, not inaptly, be styled a system of jury-made lawlessness, or *juries’ imprudence*, which recognizes rights that are forbidden by law and denies rights that are granted by law. Necessarily it has no codes or text books, hence its pre-eminent claim to the title of “The Unwritten

Law." It is in flagrant violation of all statutes, hence it is styled by its advocates, "The Law Above the Statutes" or "The Higher Law." It has its basic foundation in the public opinion of the communities in which it prevails, and has all the certainty and sanction that constitutions or statutes could give it.

It is not my purpose at this time to codify this jurisprudence of lawlessness or to make an exhaustive commentary upon it. The subject is too vast to be thus treated within the limits of a paper of this character. I shall merely formulate its fundamental rules constituting, as it were, the decalogue of the system, endeavor to trace their origin and find the reasons, if possible, of their validity and persistence, touch upon their effects upon society and ask if some of them may not be amended and legally adopted into the jurisprudence of law, and the rest wholly abrogated or made harmless.

This jurisprudence of lawlessness has both its criminal and its civil features. I have undertaken to formulate the system's decalogue in the following ten cardinal laws:

LAW I.

Any man who commits rape upon a woman of chaste character shall, without trial or hearing of any kind, be instantly put to death by his captors or other body of respectable citizens not less than three in number; and they shall have the right to determine the mode of execution, which may be both cruel and unusual, the Constitution and laws of the state and of the United States to the contrary notwithstanding.

LAW II.

Any man who commits adultery may be put to death with impunity by the injured husband, who shall have the right to determine the mode of execution, be it never so cowardly.

LAW III.

Any man who seduces an innocent girl may, without a hearing, be shot, or stabbed, to death by her, or any near rel-

ative of hers ; and if deemed necessary by the slayer, such shooting, or stabbing, may be done in the back, or while lying in wait.

LAW IV.

Any man who traduces a virtuous woman's character for chastity may be shot with impunity by her, or by her husband, or any near relative ; but the offender must first be given an opportunity to deny and disprove the charge, or to retract and apologize.

LAW V.

The survivor of a fatal duel must be acquitted, if the duel was fairly conducted according to the time-honored provisions of the Code of Honor.

LAW VI.

Any man who kills another in a fair fight shall not be found guilty, either of murder or manslaughter, but must be acquitted, even though he be the sole aggressor.

LAW VII.

The lie direct and certain other well known opprobrious epithets, which constitute mortal insult, are each equal to a blow, and any of them justifies an assault.

LAW VIII.

In prosecutions for stealing horses, cattle or hogs, the presumption of innocence is shifted in favor of the live stock, and the accused is presumed to be guilty.

LAW IX.

In all civil suits by natural persons against corporations, the defendant corporation is presumed to be liable, and can establish want of liability only by a clear and decided preponderance of evidence.

LAW X.

In every action by employee against employer for personal injury, the plaintiff shall recover damages, unless the defendant employer proves want of liability beyond a reasonable doubt; and, in all such cases, the measure of damages shall be the pitiful condition of the plaintiff, the sympathy of the jury and the ability of the employer to pay.

All of the foregoing lawless laws are in full force and effect in some parts of this great and growing republic; and some of them in all parts of it. Wherever they are effective, they are enforced with much greater certainty and celerity, than any written statutes or sacred constitutions. Their existence poses a problem for American lawyers, the solution of which is destined to test severely their ability, courage and patriotism.

It will be observed that most of these lawless laws are operative within the domain of criminal law; but we shall see later that those operative within the domain of civil rights are none the less important. All of them, in their last analysis, have their origin and source in some real or supposed failure, defect or injustice of the law itself; most of the lawless rights they establish are granted by them as the counterparts of the real or supposed lawful wrongs which they are meant to compensate. The slow and painful processes of the courts and the utter inadequacy of all legal remedy for certain crimes have given rise to all the rest.

They seem to be abnormal and malignant growths upon the body of the law, and they must either be excised or removed by constitutional treatment of the legal system itself. The indicated remedy is necessarily legal, and it is the first great duty of American lawyers to discover and apply the remedy. That some radical remedy is the crying need of the hour none can deny. When the punishment of crime itself becomes a crime, all organized government is shaken to its foundation stones and the fabric of civilization is fast tottering to its fall. It surely, then, behooves us, as the conservators of order and

the preservers of civilization, to consider this subject most seriously and most closely.

These bastard laws of violence and wrong, like real laws, have their evolution from infancy through adolescence to maturity and thence to decay. Some of those we have cited are now in the full vigor of youth, some have reached the fullness of maturity and some are falling into their decadence. Let us consider them somewhat in detail.

The strongest one of them all is the first which has been designated "LAW I," relative to the violation of women by beasts in human form. This seems to be a law of almost universal application everywhere, and both the atrocious crime and its illegal and inhuman punishment seem to be alarmingly on the increase. It is almost impossible to read the morning paper any day in the year without seeing the report either of such a crime or such a punishment, often of both, and not seldom of more than one instance of each.

This deplorable condition of affairs has lately been accentuated and emphasized by the nullification of a decision of the Supreme Court of the United States by a Tennessee lynching and the public shooting of a rapist in the presence of the Governor of South Carolina; while, of late years, the horrors of torture and the stake have been borrowed from the dark ages to add to the brutality of the terrible spectacle. It is impossible that the best, or even a high type of civilization can be developed or, having already been developed, can endure in a country where such atrocities are permitted, and, worse still, find their advocates and apologists. It may be trite, but it is as true as it is trite, that there is no safety beyond the realms where rules the law unchallenged in serene and sublime majesty proclaiming with the very voice of Deity: "Vengeance is mine; I will repay."

The first great fundamental right of everyone accused of crime is a fair and impartial trial, and where this is denied liberty dies, personal security perishes from the earth and all human rights are crucified. It matters not how heinous the

crime, or how guilty the criminal, this first great right of man must be preserved. It may, it is true, sometimes prove the means of escape for the guilty, but it is the only protection of the innocent. To those who ask: "If it be only necessary to deny, what will become of the guilty?" It may be fitly answered in the words of the Roman Cæsar: "If it be only necessary to accuse, what then will become of the innocent?" No, this inalienable right cannot be justly denied to any man and should be accorded even to Judas Iscariot if he were called before an earthly tribunal to answer for his betrayal of the Master. Apart from the crime under discussion, there is perhaps nothing more revolting to the human heart than the punishment of the innocent. To prevent this, all constitutions and all systems of law provide for the careful judicial investigation of all criminal accusations. In spite of every possible precaution, it sometimes happens that an innocent man is convicted and punished, as witness the Dreyfus case which so shocked the world. When an insensate and infuriated mob usurps and exercises the functions of the judiciary and arrogates to itself the right to mete out life or death to a fellow human being, what safety is there then for the citizen? what protection for the innocent? How many guiltless men have thus been condemned and executed by lawless mobs can never be known, but it is certain that many more will be added to the number unless this evil practice is soon arrested.

The outrage upon the rights of the individual accused is not all of the evil engendered and propagated by the resort to lynch law in such cases with its frequent attendant horrors of torture, mutilation and the stake. The wound inflicted upon the law and upon society is even deeper and more ghastly. The flagrant violation and open defiance of law involved in the practice sets all law and authority at naught. It degrades the courts; debases the administration of justice, brings judges, juries and lawyers all into contempt and strikes at the very roots of all social order.

One of the most deplorable results of such open and violent infractions of the law is their baleful educational influence. Apart from their evil influence upon the formation of the character of the youth of the country, apart from the fact that men who have participated in such an execution have now stained their hands with human blood and will be all the more ready to share in other executions of the same kind, these men who have done this and escaped punishment, and even heard themselves applauded for it, are apt to think that, if they have in this case administered justice so much better than the courts, they are able to do equally as well in all other cases, and that the courts of justice are mere useless survivals of an effete and decadent civilization which may as well be abolished or, at least, entirely ignored. Thus the road to anarchy is opened wide with the gaunt, grim figure of the red specter grinning in the distance.

In view of the utter fiendishness of the crime, some of us might be willing to waive even these potent objections to lynch law if it were effective to prevent the crime; but it is not. Experience has clearly demonstrated that it has absolutely no deterrent effect.

If, then, lynch law is an unmixed evil and utterly ineffective to prevent repetitions of the crimes it punishes, why is it that it is tolerated and even approved and applauded in so many highly organized, highly civilized and thoroughly refined communities in our country? The question is pertinent, and it will be necessary to find the true answer before we can hope to discover the remedy. The ready answer of the apologists for lynch law is that to require the victim to testify in open court to the facts necessary to convict is to repeat the outrage. In the case of a pure and modest woman, this is unquestionably a powerful argument; but the men who string up the fiend in human shape, or riddle his body with bullets, or burn the cringing wretch at the stake, are not spurred to this frenzied action by any such consideration; such a logical argument comes in cooler moments as an after-thought. It is

their overwhelming horror at the unspeakable fiendishness of the crime and their clear conviction that no punishment now provided by law is adequate to expiate it that sends the red blood pulsing from the surging heart to the heated brain, there to cry aloud for vengeance, that brooks no delay and demands sure, swift and sudden death as the only atonement.

Any remedy for lynching, to be effective, must remove all excuse for it, otherwise it will be merely a remedy for symptoms of the malady, and foredoomed to ignominious failure. The proof of certain brutal facts, now required by law, must be dispensed with, and the attempt, accompanied by actual personal violence, must constitute the crime. In the case of any pure and modest woman, the outrage to her feelings is completed by such an attempt, and the crime also should be held to be then completed.

The testimony of witnesses should be taken *in camera*, in the presence of the accused and counsel and such persons only as the judge may admit to the hearing. The testimony, when taken, should be held inviolate, as is now done in certain divorce cases in some of the states. The publication of sensational reports of the proceedings in court should be prohibited by law. The trial should be speedy, and there should be no appeal. The judgment of the court should be instantly executed.

Attempts and the personal violence that accompanies them vary so greatly with the circumstances and the persons concerned in each particular case that the jury should have the right to render a verdict of guilty with, or without, capital punishment. It is safe to say that they will always impose the death penalty in all proper cases. Where a verdict of guilty without capital punishment is rendered, the judge should have a large discretion in the imposition of the penalty, in order that he may be able to make the punishment fit the crime. But where the verdict is guilty with capital punishment, swift and inexorable death, in horrid form, should be the inevitable penalty. The crime stands alone in horror

among all crimes, and its punishment too should stand alone in terror among all punishments. The convict should be executed in public by some form of death so supremely horrible as to strike terror even to the hearts of fiends themselves.

The English in India found that the death penalty had no terrors for the mutinous Sepoys until they began to blow them into eternity from the mouths of cannon. It might be well legally to destroy our human fiends, by blowing them into atoms with dynamite, or by casting them into a burning pit, simulating as nearly as may be the popular conception of the fires of hell. Only such a death will ever seem adequate punishment for such a crime. If the punishment be inhuman, is there anything human about the crime or the criminal? Is any sacrifice too great to be demanded in expiation of such a crime? If it is not granted by the law, the wild cry for vengeance of a people writhing in dumb, helpless agony will continue to be heard and heeded by the mob; and lawless executions will increase in number and in horror. The situation is daily becoming more unbearable, and we lawyers must end it or cease boasting of our usefulness to civilization and society.

LAWS II, III and IV of our decalogue may be considered together, as they are all of the same character, denounce offenses against women and impose the death penalty. It is interesting to note the careful distinctions and studied refinements made by this barbarous code of lawlessness which are well illustrated by these three of its laws. It will be observed that the adulterer may be slain by the husband alone, while the seducer and the slanderer may be put to death either by his victim or by any near relative of hers. Mark also that the adulterer and the seducer may be assassinated without warning of any kind, while the slanderer must have a hearing and be given a chance for his life.

None of these three laws are so widely recognized and enforced as LAW I, but they are recognized and obeyed to an extent sufficient to make them extremely dangerous both to

individuals and to society. When any one of them is set up in defense of a prosecution for homicide, it is seldom, indeed, that the accused is convicted; and who shall say how often they are thus falsely pleaded to excuse bloody murder? While their enforcement is not usually attended with the multiplied horrors of lynching, yet they are amenable to all the other potent objections to that bloody custom and to some others peculiarly their own. The bloody work of the lyncher is not a solitary crime; it is usually done, to some extent at least, in the open, but the offenses denounced by these three laws are usually punished by cowardly assassination at the hands of one man without sponsors or witnesses. In case of rape there is always, at least, proof of the *corpus delicti*; this is frequently lacking in cases of adultery, seduction and slander. When we add to this grave defect in the proof of a capital crime the many powerful motives to charge these offenses falsely in justification of homicide prompted by other motives it becomes evident that no civilized state can long endure them and that they must be abrogated.

They all probably have for their *raison d'être* the absurdly inadequate remedy provided by law. In many of the states none of these offenses are punishable as crimes, and the injured person is relegated to a civil action for damages. What consolation does such a remedy bring to outraged husband or innocent girl victim, or her family, for a happy hearthstone desolated and a precious life blasted forever? "The jingling of the guinea" never did and never will "help the hurt that honor feels." What surprise is it, then, that one so deeply injured should himself seek redress when the law gives him none? Such crimes should be made felonies at law and their perpetrators should be clad in stripes. The humiliation of a public trial should be spared the victims. Such trials, both civil and criminal, should be had *in camera*, and whatever evidence is reduced to writing should be put under seal and kept under seal until it shall no longer be necessary to keep it, when it should be destroyed. When an appeal to the

law can be made without real or supposed loss of dignity and with reasonable certainty, that a penalty commensurate with the crime will be inflicted, these three lawless laws will cease to have effect and the number of bloody murders in these United States will visibly decrease. God speed the day when this shall be !

It is customary nowadays to say that the duel belongs to a barbarous age that is past, and that the code duello is obsolete. It is true that the formal duel, with seconds and surgeons and all the punctilio of diplomatic procedure, is no longer in vogue in this country, but a much more dangerous and deadly form of it, the street duel, is still too much the fashion and gives no sign of decadence. In the old days of the ceremonial duel the laws of most, if not all, of the states provided that the survivor of a fatal duel should be guilty of murder and punished with death. In those good old days a learned judge, full of years and honors, in his charge to the jury in a case under such a statute, said to them : "Gentlemen of the jury, the law provides that any man who kills another in a duel is guilty of murder and shall suffer death, and I so charge you ; but, gentlemen of the jury, the evidence in this case shows that this duel was as fair as any duel ever fought between two gallant gentlemen on Mississippi's sacred soil, so famed for glorious affairs of honor." It is needless to say that the jury promptly acquitted the accused. It is hardly a debatable question that the code duello did save more lives than it cost. I once had a published copy of it in my library and appealed to it more than once with the result of avoiding bloodshed in every instance.

Laws V and VI apply to both forms of the duel. The formal duel has become so rare that, for our purpose, it may be regarded as a negligible quantity. But the street duel is so deadly, both to participants and bystanders, so utterly destructive of all peace and good order, that some means should be found instantly to suppress it. It is true that it gradually disappears before the slow march of civilization; but

it is our duty, as lawyers, to speed this unwelcome parting guest. When death occurs, the charge of murder or manslaughter is most frequently met by what has come to be known as the hip-pocket plea of self-defense. It is proved by the prisoner that the deceased reached for his hip-pocket, as if to draw a pistol, when the prisoner managed to draw first and shot the deceased in self-defense. The deceased is not in a position to deny the statement; and, although the killing is almost always murder or manslaughter under the law, the jury finds that it was a fair fight, in which each combatant had an equal show, and promptly renders a verdict of "Not guilty"; and the accused receives an ovation of congratulations from his friends and admirers, and returns to the bosom of his family, not a criminal, but something of a hero. So very common are occurrences of this kind in some jurisdictions that the law of manslaughter has become practically obsolete.

The question of a remedy here is most difficult. The plea of self-defense is always at hand, the proof is easy, and contradiction, in most cases, impossible. Some have suggested that the old ceremonial duel be revived and legitimized, with the proviso that neither firearms nor daggers be used; in other words, that the French duel should be transplanted to American soil. It is very doubtful whether it would flourish here.

The street duel is usually fought with weapons carried concealed upon the persons of the combatants. If it were possible effectually to prevent the carrying of concealed weapons, these deadly affrays would cease automatically. This, however, seems to be impossible of accomplishment by ordinary legislation; all the states have laws prohibiting and punishing the practice, and yet it goes merrily on without surcease or appreciable decrease by reason of such laws.

However, while it seems to be impossible to prevent the carrying of concealed weapons by imposing a penalty for so doing, much good might possibly be accomplished by making

the use of a concealed weapon, where death results, highly criminal *per se*, despite proof of self-defense. A law of this kind properly enforced would undoubtedly materially decrease the number of street duels, because there would be no defense for the survivor if he used a concealed weapon. If the use of a concealed weapon were thus made *per se* criminal, men would cease carrying them, and the many homicides of all kinds which now stain our annals would be materially diminished. All hail and welcome the happy advent of that auspicious day!

Under the theory of the old common law only cowards were permitted to kill in self-defense; a man was compelled to flee like a craven and be cornered like a rat in a hole before he could legally deliver the *coup de grace* to his adversary. The refinements of the bench and the rough-edged administration of justice from the jury box finally succeeded in amending that absurd law, and now flight is no longer necessary, but the person attacked may pursue and kill his adversary if necessary to his own protection.

Equally senseless as the old law just cited is the modern law that no words justify an assault. By common consent a man who brooks a mortal insult without instantly resenting it stands disgraced in the eyes of all men. In these circumstances, then, can it be expected that such an unnatural and absurd law should command either respect or obedience? LAW VII of our Decalogue of Lawlessness ordains that it shall not; and LAW VII is enforced in all jurisdictions in this country; and it is right that it should be. The law of the land should not force any man to sacrifice his self-respect and the respect of his fellow men in order to obey the law. Our lawless LAW VII makes the lie direct and certain other mortal insults equal to the first blow that justifies the immediate punishment of the offender. This doctrine is more in harmony with common sense and right reason, and should be legitimized and incorporated in the law of the land. It goes without say-

ing, of course, that when this is done legal safeguards should be provided to prevent its abuse.

When the pioneer first pressed his adventurous way through the hidden mysteries of the enchanted forest that once covered this vast continent, his horse and his rifle were his only friends. When he established his solitary ranch on the lonely and far-stretching prairie, his horses, his cattle and other live stock were his only wealth. These were all the easy prey of thieves and marauders. Small wonder, then, that they should become the objects of his special solicitude and protection. At first the horse and cattle thieves were unceremoniously hung as soon as they were caught. The same spirit of protection for these dumb members of the household survives and manifests itself today in LAW VIII of our decalogue, which presumes the guilt of the man accused of stealing any of them, and gives the animal, instead of the accused, the benefit of the doubt. Fortunately the accused is usually caught in possession of the stolen animal, and then the burden of proof is properly imposed upon him. Be this as it may, the evil results arising from the enforcement of this LAW VIII are not of sufficient importance to merit further discussion here.

This exhausts our discussion of the Unwritten Law in its criminal phases. It was said at the beginning of this paper that it also had its civil features of no less importance than its criminal features. We are now come to the discussion of its doctrine of civil rights, which is, in great part, embodied in LAWS IX and X of our decalogue.

These laws are quite uniformly enforced by juries everywhere in the United States. They always give the natural person the advantage of the corporation, and the latter must make out the strongest possible case to escape an adverse verdict. In the case of a suit for personal injury by an employee against an employer, there is almost no escape at all for the employer. I am told that when the jury retires in such a case the first, and about the only, question discussed is the *quantum* of damages, or, as they express it, "How much shall we give the

poor devil?" The human heart is naturally sympathetic, and it is easy to be generous at the expense of another, especially if that other be rich or reputed so. Right here we find the sanction for these laws that smack so strongly of socialism. It is, as it were, the blind protest of the people against the unequal distribution of wealth, against the hopelessness of the struggle of labor against capital in this republic. The man in need of daily bread sees vast useless fortunes in the hands of individuals, corporations and syndicates ever growing greater, while his struggle for the necessities of life constantly grows harder and more desperate. When the average man is called to decide between the two we need not be surprised that he undertakes to restore the economic equilibrium, as it were, to the extent of his power, and favors the living, breathing, suffering man against the soulless corporation and the unfed laborer against the overfed capitalist. Of course, this is all wrong, for all parties should be equal before the law, and the scales of justice should be poised by a goddess blinded both to favor and to fear. But we all know that they are not so held, and that this chaste goddess obeys LAWS IX and X of our decalogue just as implicitly as common mortal men do. This is a terribly weak spot in our system of jurisprudence, and, if not corrected, bids fair to undermine it utterly.

The same sentiment that makes juries disregard the law in such cases is at the root of the widespread, restless discontent with social conditions that pervades the entire land today. The indiscriminate agitation against so-called trusts, the hatred of men of wealth, the agitation for public ownership of railroads and the like, all find their first cause in the protest of the people against the establishment of plutocracy in this country. This species of bastard aristocracy is the worst form of caste known to men. Its ultimate evolution results in a few vulgar masters and a horde of overworked and underfed slaves. Should we be astonished, then, that freeborn Americans protest against the establishment of an oligarchy of wealth upon this sacred soil of ours, won from the wilderness, the wild

beast and the savage by our great and gallant forefathers and since consecrated by the precious blood of the best and bravest of men.

The ills of a state, "where wealth accumulates and men decay," are not cured by simples. The men of our country have not yet begun to decay, but the day is not far distant when they will unless wealth soon ceases to accumulate at its present alarming rate. I fear we must dig down deep and look far and wide before we can find remedy, or prophylactic, effective to arrest a morbid economic force of such giant strength, as finds expression in the ills that now afflict us and promise to afflict us more. Disregard of law by the courts, arbitrary interference by the executive power, confiscatory legislation, are all quack remedies, worse than the disease, because they all deal with symptoms only; none of them strike at the root of the disease and eradicate it. Besides, they all involve the prostitution of the powers of government to improper purposes, which tends inevitably to the eventual destruction of all free institutions—nay, all government itself.

Where, then, shall we find the remedy? I represent several railroads and some rich employers of labor. I am thoroughly familiar with conditions in Louisiana and several adjacent states. In respect of the abnormal accumulation of wealth in individual hands, and the consequent prevailing unrest and spirit of socialism that is today abroad in the land, I do not hesitate to say that my own, my native state, Louisiana, is far and away more fortunately situated than any other state in the union. *A priori*, this would seem strange, if not impossible; for Louisiana has the most heterogeneous population, living under the most widely varied conditions, of any portion of America. Her people differ from one another in race, religion, language and tradition. Her topographical structure embraces every type from marsh to mountain. Her variety of climate is illustrated by the variety of her products, which embrace everything from the cotton, cane, figs and oranges of the South to the wheat, rye and barley of the

North, and from the beautiful tropic camelia to the shrinking northern crocus. It is but a few short years ago that her laws were printed and the processes of her courts conducted both in the English and the French languages. Despite all these contrarieties and consequent obstacles to harmonious government, I repeat that Louisiana is today the most happily governed state in the republic, and freest from the "hastening ills" of which the rest complain.

Of course, there is a reason for this. It is to be found in the beneficent wisdom of her laws. There is no subject of which both the people and the profession of other states are so ignorant as the law of Louisiana. To paraphrase an expression much in vogue, it is more Roman than the Civil Law, more French than the law of France. Transplanted from *La Belle France* to the banks of the Mississippi in the heroic days of the Consulate, it escaped the withering touch of the despotic hands of the first and second empires, and their ill-starred attempts to establish a *parvenu* aristocracy on the ruins of the republic.

The law of Louisiana prohibits *fidei commissa*, or common law trusts, and makes the distribution of estates compulsory by forced heirship. The direct, sure, constant and powerful operation of these laws effectively prevents the concentration of wealth in the hands of the few or makes it merely temporary. Under their salutary influence the distribution of wealth is uninterruptedly and automatically accomplished. It may be asked to what good purpose did our forefathers flee to the wilderness to escape the baleful effects of the laws of primogeniture, entails and the other legal buttresses of an arrogant and oppressive aristocracy in England if they are to be revived here, as they are being revived today, in the form of the family compact by which the bulk of almost every great fortune is devised to one child, coupled with the agreement that it shall pass on down the line from father to son to the end of time; or if entails are to be practically re-established here, as they are

being re-established, by long trusts whereby property is tied up and taken out of commerce for an indefinite period.

These evils are dissipated and cannot reappear under a system of law forbidding trusts and compelling the distribution of estates by an equal division among the heirs. Thomas Jefferson declared that the best of all agrarian laws is the law of equal distribution among heirs.

The limits of this paper do not permit a full discussion of the powerful influence exercised by the laws of inheritance upon human affairs. We cannot do better than close this paper by quoting what that eminent publicist, De Tocqueville, says of them :

“It is true these laws belong to civil affairs, but they ought nevertheless to be placed at the head of all political institutions, for they exercise an incredible influence upon the social state of a people whilst political laws only show what the state already is. They have, moreover, a sure and uniform manner of operating upon society, affecting, as it were, generations yet unborn. Through their means man acquires a kind of supernatural power over the future of his fellow creatures. When the legislator has once regulated the law of inheritance he can rest from his labors. The machine, once put in motion, will go on for ages and advance, as if self-guided, towards a point indicated beforehand. When framed in a particular manner, this law unites, draws together and vests property and power in a few hands; it causes an aristocracy to spring, so to speak, out of the ground. If formed on opposite principles, its action is still more rapid; it divides, distributes and disperses both property and power.”

SOME RECENT PROGRESS IN INTERNATIONAL LAW.

BY

GEORGE B. DAVIS,

JUDGE ADVOCATE GENERAL U. S. ARMY.

Lord Chief Justice Cockburn, in delivering the opinion of the majority of judges in the case of the *Franconia*, defined the law of nations to be:

"That collection of usages which civilized states have agreed to observe in their dealings with one another," and, he adds, "a consensus of jurists . . . is evidence of the agreement of nations on international points; and on such points, when they arise, the English courts give effect, as a part of English law, to such agreement." A little later in his opinion he qualifies his definition by the statement that "writers on international law . . . cannot make the law. To be binding, the law must have received the assent of the nations who are to be bound by it."

Assuming the accuracy, and accepting the wisdom and justice, of the dictum of the Lord Chief Justice, as defining the limitations upon those who write on this important subject, a humble laborer in the vineyard may be pardoned for taking advantage of the occasion and of the kind invitation which has been extended to him by your Executive Committee, to say a word as to the trend of international experience and intercourse in the ten years which have intervened since the march of events has placed the United States in a position of commanding influence in the field of international politics, and established it as a factor to be reckoned with in the formulation and expression of the public opinion of the civilized world.

It may be said, truthfully and with becoming humility, that the position now occupied in the family of nations by the oldest and foremost of American republics is not the result of ambitious self-seeking, for public opinion in the United States is as averse to foreign complications at the beginning of the twentieth century as it was in the days of Washington and Adams. Our position is rather due to the operation of a number of causes, some economic and material, others social and political, which it is not easy to enumerate, but of which it is safe to say that none were directed to international ends, or were intended to enhance our influence or to advance our rating in the great clearing house of modern civilization.

It may be conceded that we are not always tactful in intercourse. We are outspoken to a degree; the art of the diplomatist has few disciples among the eighty million sovereigns who, at times and upon occasions, give vigorous and apposite expression to their views upon our foreign policy. We are too prone to reach judgments upon mistaken or erroneous grounds, and are often wanting in consideration of the difficulties under which nations, less fortunately situated than ourselves, are trying to carry on the functions of government.

But we are not disposed to acts of interference; we have no lust for territory, and we have thus far refrained from participation in all schemes for the distribution of the lands of uncivilized races among the powers in proportion to their greed. We have none but legitimate spheres of influence; we are a dominant factor in no protectorate; we are not ambitious of territorial expansion, and our sole experiment in the development of colonial possessions, which was entered upon, and is being carried on in obedience to what a majority of the American people believe to be a high and abiding sense of international public duty, has given rise to no desire to repeat the experiment elsewhere, among races to whom American institutions are new and unfamiliar, and who are slow to appreciate, and manifest no desire to accept, the benefits or to become charged with the obligations of Anglo-Saxon

civilization. As the result of our humane, persistent and unselfish endeavors, we may hope to establish justice and peace, to cultivate civic courage, and to favor the development of those forces which make for good government and for the practical realization of that conception of freedom which recognizes as a fundamental principle of republican institutions that the liberty of one citizen begins where that of another ends.

There is no more thoroughly established or more widely accepted canon of international law than the rule of non-interference in the affairs of a state which has been formally recognized as a member of the family of nations. No principle of the law of nations is more essential to the peace of the world, but, on the other hand, none is more constantly and persistently disregarded. So frequent, indeed, are the infractions of this rule that they have been classified and arranged in categories and, in the works of text writers of standard authority, no little ingenuity is displayed in inventing and elaborating reasons for the numberless departures from the wholesome and salutary principle which recognizes, in the conception of sovereignty and independence, an abiding obligation to refrain from interfering in the domestic or municipal policies of states which are equally possessed of the essential attributes of sovereignty.

Here, too, the United States has held closely and faithfully to its ancient policy and established traditions, and has thus far found in Washington's farewell address a secure basis for the conduct of its foreign relations for more than a century. The single authoritative utterance of the federal government on this subject—the Monroe Doctrine—was, in substance, a protest against interference from without in the political and economic development of the Central and South American republics which, during and after the Napoleonic wars, had declared and, in some instances, had achieved their independence; and the practice of non-interference, which was enjoined upon the civilized world in that famous declaration

of policy, has, in the main, regulated the foreign relations of the United States. It is not too much to say that it has largely influenced the relations between the powers of continental Europe and the republics in whose behalf the wholesome rule was promulgated over eighty years ago.

Upon the auspicious occasion of the assembling of the Congress of American Republics at Rio Janeiro in July last, the distinguished American statesman, at whose instance, and upon whose invitation the conference came into being, was able to point with just pride to the beneficent results which had attended our vigilant trusteeship of their inheritance in the Monroe Doctrine for nearly a century—an achievement almost without parallel in the history of modern diplomacy. That the result of the conference will be to establish a close and enduring community of interests among the republics of the American continent is already assured.

Although the parties to the law of nations are sovereign states, there are some branches of the subject which directly concern their individual citizens and subjects. Of but two of these, naturalization and extradition, it may be of interest to say a passing word—in one of them—naturalization, a very considerable portion of our citizenship has a deep and abiding interest. Naturalization involves a change in national character, in which respect it is distinguished from domicile, which has to do with residence or commorancy as determining, to some extent, the legality of individual acts.

The rules governing naturalization are slowly changing in the direction of greater liberality; the tendency being to recognize the right of individuals to greater freedom of movement, and a broader latitude in the selection of congenial ties of citizenship and political association. Although the old doctrine of indelible allegiance is less strongly asserted now than formerly, there is still a conflict of view between the continental states of Europe, who are the losers by the migratory movement, and the newly established commonwealths beyond the sea, where conscriptions are unknown, where

social and class distinctions are at a minimum, where an equality of opportunity can be substantially realized, and where the abounding resources of nature await the willing industry of the laborer, which is so necessary to their development.

It is now generally conceded that to carry the process of naturalization in the case of the particular individual to legal completion the consent of the states of the old and new allegiance is necessary. This may be expressed in treaties or in ordinary legislative enactments, but in some way the states and the individual must become voluntary parties to the undertaking. These three concurring, it is possible for the individual to effect a complete and permanent change in his national allegiance.

The treaty making activity of the United States in this regard has been restricted in point of time to the brief period between the years 1868 and 1872, when eleven of the treaties now in force were negotiated. Since 1872 but one naturalization treaty has been entered into, that with Hayti in 1902, and, in the interval, two such treaties (with Mexico and Ecuador) have been abrogated. The treaties now in force are with England, the North German and Scandinavian states and Austria; none of the states peopled by Latin races having thus far been willing to enter into negotiations looking to permanent changes in the national allegiance of their citizens. It is proper to say, however, that the municipal laws of several of these states provide that a citizen who casts off his allegiance of nativity, with a view to establishing a new tie elsewhere, forfeits his citizenship of nativity and so ceases to be entitled to the protection of the state whose allegiance he has formally repudiated. That such an important branch of international jurisdiction has ceased to form the subject of treaty stipulation for nearly forty years, without giving rise to any serious cause of difference, indicates so general an acceptance by the powers of the principle of individual freedom of movement, residence and occupation as to warrant the elimination

of the subject from the field of ordinary diplomatic negotiation. The municipal policy of the United States on the subject of naturalization has long stood in need of amendment, and it is gratifying to know that the matter was taken up at the last session of Congress, where a measure involving a number of wholesome and well-considered modifications of our naturalization laws has received favorable legislative consideration.

In the making of extradition treaties there has been no such remission of activity for, since the extradition treaty with Great Britain in 1842, fifty-seven such agreements have been negotiated. Not all of these are original undertakings, however, some of them being in the nature of modifications of existing treaty obligations. In all these agreements the tendency is to extend the scope of the extradition process so as to include all offenses which are dangerous to public peace or menace the well-being of society; to that end new offenses have been included and old definitions have been modified and extended; at the same time the effort has been made to simplify procedure without diminishing in any material respect the rights of individuals in whose cases extradition is demanded. The recent attempts, some of them successful, which have been made upon the lives of those, whether presidents or sovereigns, in whose hands the chief executive power is vested, have suggested the necessity of so modifying the definition of the term "political offense" as to restrict the immunity which is conferred upon political offenders in most of our treaties to those who have taken part in mere political agitations, or have participated in insurrectionary movements without being implicated in acts of force save such as attend a fair and reasonable exercise of the right of revolution.

The present situation in the matter of extradition abounds in encouragement to the law-abiding and well disposed, to whom it will be a satisfaction to learn that the area not covered by extradition treaties is steadily diminishing, and that the havens of refuge for wrongdoers are becoming steadily less

numerous and less secure to those whose disposition to trespass upon the rights of others cannot otherwise be controlled than by a vigorous application of the wholesome requirements of the criminal law.

It has often been remarked, as an essential defect of our public international law, that it lacks an express legislative sanction; in other words, there is no lawgiver, no authority above or outside a state which can effectually constrain its obedience to the law of nations. In view of the frequency with which congresses and conferences are now being called, and having regard to the importance of the questions referred to them for solution or settlement, it is not too much to say that this defect is being rapidly and efficiently remedied; the volumes which embody the legislation of each session of Congress bear convincing testimony to our own participation in this field of legislative activity. Indeed, the body of general international legislation which is now being embodied in treaties and conventions bids fair at no distant day to approach, in point of volume and scope, the formal legislative enactments of some of the more important states of the world whose constitutions make the most ample provision for the composition and exercise of legislative power.

The fortunate provision which was made in the Hague Convention of 1899 for the establishment of tribunals for the arbitrament and adjustment of international disputes gives reasonable promise of the gradual development of an international judiciary which shall compare, in point of usefulness, with the corresponding development of the international law-making power, to which allusion has been made. While a point of departure seems to have been fixed upon for the development of an international legislative and judicial power, no effort has been thus far made looking to the development of a corresponding executive function. Treaties are still carried into effect by the states which are parties to their operation, and no expedient has yet been suggested with a view to the execution of the judgments and mandates of inter-

national tribunals of our arbitration. Should it be found practicable in the future to vest a limited executive jurisdiction in an international agency created for that purpose, it will become necessary to discuss this question seriously, and to seek a method of giving effect to executory treaty stipulations and to the judgments of arbitral tribunals.

It is appropriate to this occasion that a word should be said as to the growing importance of congresses and conferences in determining the external policy of modern states in respect to a considerable variety of subjects of serious international concern. The earlier congresses which took place at the close of the Napoleonic wars devoted themselves to the preparation of treaties of peace, and to the adjustment of questions to which the wars that they terminated had given rise. Since the middle of the last century, however, a growing disposition has been shown to charge these bodies with legislative powers and to permit them to frame rules of positive international law. In this class fall the rules of the Declaration of Paris in 1856, of the Geneva Conventions of 1864 and 1868, and the Hague Conference of 1899. In very recent years postal arrangements and commercial conventions, the regulation of fisheries in territorial waters, the control and protection of submarine telegraph cables and the regulation of international canals, have all been made the subject of investigation and legislation at conferences composed of representatives of the interested powers. The results obtained abound in encouragement to the thoughtful student of international relations.

The success which has attended recent attempts to adjust international disputes by a resort to arbitration carries great encouragement to those who realize the destructive effects of modern war. The position of the United States in this matter is an entirely creditable one. Its interest in arbitration has been steadfast for nearly a century, and its disposition to adjust its differences by a reference to commissions of arbitration is evidenced by the six stout volumes which contain the

reports of the arbitrations to which the United States has been a party.

It should be remembered, however, that while arbitration is a convenient, and, in many cases, a highly satisfactory way of terminating international controversies, there are limits to its application. A resort to arbitration implies a belief on the part of each of the litigant states that a legal, rather than a sentimental, question is involved; more than this, each nation is convinced that an impartial tribunal will accept its view as the correct one. Some differences which have recently been adjusted by a resort to arbitration illustrate this phase of the subject. In the Pious Fund case and in the Alaskan and Venezuelan boundary disputes, which were in fact controverted claims to the ownership of territory, each power was confident of the validity of its title and felt reasonably sure that a disinterested tribunal would decide in its favor. A full hearing was had in each case and a decision was reached with which the interested states professed themselves satisfied.

The cases of the "Baltimore" and the "Maine" are examples of disputes which do not readily lend themselves to arbitral adjustment. In both cases considerable public sentiment was aroused. In the "Baltimore" incident time, distance and skilful diplomacy operated to bring about a suspension of judgment, and the matter was finally settled without a resort to force. In the "Maine" case war was inevitable so soon as it became apparent that the destruction of the ship was due to an exterior explosion, and the final offer of Spain to refer the incident to arbitration has long since been forgotten.

When a dispute grows out of the fact that each of the interested states is scheming to do something which is in itself a violation of international law, as to acquire territory from a third state, to diminish its independence or to obtain undue influence in its purely internal affairs, a tribunal of arbitration is of course without jurisdiction. Nor can national aspirations or antipathies be successfully dealt with by an arbitral tribunal; and the same thing is true of controversies arising

out of the competition for foreign markets, which is so characteristic of the commercial and industrial development of recent times. The old policy of territorial expansion has given place to an equally effective policy of economic conquest, in the extension of which the invading armies are composed of commercial travelers, rather than disciplined soldiers, whose movements are directed, not by foreign offices, but by commercial syndicates, and who fight with price lists and discount sheets rather than with modern artillery and small arms.

The outlook for the rules of war which have been undergoing constant modification during the last half century is now an entirely hopeful one. Especially is this true of those which relate to the instruments which may be used in war, and the burdens which may be imposed upon the non-combatant inhabitants of occupied territory. The humane provisions of the Geneva Convention are now beginning to bear fruit in the costly and extensive preparations which are everywhere being made for the care and treatment of the sick and wounded, and in the trained and highly organized co-operation of the auxiliary Red Cross associations, whose activity measures the interest shown the world over in the relief of suffering humanity, which is by no means restricted to a time of war.

One of the most important resolutions of the Hague Conference embodied a suggestion that the government of Switzerland should take the initiative in calling a convention of delegates to revise the original Geneva rules in the direction of greater liberality and humanity. Very considerable ameliorations in the treatment, identification and employment of prisoners of war formed a part of the very satisfactory work of the Hague Conference of 1899.

This suggestion has been carried into effect by the government of the Swiss Confederation, at whose invitation a conference, composed of delegates representing thirty-nine states of the world, assembled at Geneva in June last. The work of the Conference which has been completed, and is now undergoing consideration with a view to its final ratification, has

introduced wholesome and beneficent modifications into the original Red Cross Convention of 1864, which, indeed, it is intended to replace. The new undertaking closely conforms to the most modern practice in dealing with wounds and disease, and is fully abreast with the humanitarian efforts which have been put forth for the alleviation of the suffering of the sick and wounded in time of war. The old definitions have been made clear, the immunities accorded to the sick and wounded, and to those charged with their care and treatment, have been amplified and extended, and the obstacles which tended to hamper and defeat the kindly endeavors of those whose mission it is to relieve suffering have been largely if not entirely removed.

Serious causes of difference have been, perhaps, more frequent than usual in interstate relations of the past decade and, in too many instances, have resulted in an appeal to force with a view to obtain punitive redress. Whether any of the recent wars could have been avoided is a question rather for the historian than the lawyer, but it can, I think, safely be said that belligerents have endeavored, in the main, to mitigate the severity of military operations, especially in their contact with the non-combatant population of the theaters of active hostility. Especially has this been true in dealing with the populations of occupied territories in the operations which have been undertaken with a view to the restoration of order as the final step in the repression of insurrectionary movements. It is in this phase of belligerent activity that we are permitted to see a rule of international law in the actual process of formation.

In the operations undertaken on the island of Cuba between 1895 and 1898, with a view to repress an existing insurrection, the attempt was made to collect the non-combatant population in camps where they could be assured of a more or less complete immunity from the hardships of the military operations. A similar practice was resorted to by the British forces in the Transvaal and by the United States troops in the Philip-

pine Islands in 1900 and 1901. In the first case the reconcentration was attended by hardships that are generally believed to have been avoidable. In South Africa and the Philippine Islands the concentration of non-combatant populations in neutral zones was made the subject of careful preparation, in which the housing, subsistence and sanitary needs of the people were carefully provided for by the occupying belligerent who had compelled their temporary removal from the theater of active hostilities. That the concentration was attended by such humane precautions, and that they were in the main successful, is evidenced by the condition in which the non-combatants were when, at the close of the operations, they were permitted to return to their homes.

It is safe to say that no civilized belligerent will in the future undertake to carry on operations against a hostile people without making humane and adequate provision for the comfort and safety of the non-combatant population of the theater of military operations. The result will be to separate the combatant force from the general body of population and to diminish, materially, the time consumed in the restoration of order by bringing the operations to bear directly upon the combatant forces of the enemy. In the early stages of large military operations no such classification of population will be possible, and none will be necessary, for the movements of invading armies are so rapid that the actual theater of operations will be rapidly passed over by the hostile armies with a view to meet in decisive battle; it is to the period of occupation between the termination of the campaign and the final evacuation or assimilation of the territory constituting the theater of war to which the rule which is in process of formation particularly applies.

The experience gained during the late war in the East in the exercise of belligerent rights upon the high seas is peculiarly instructive. The belligerent right of search, with a view to ascertain the character and nationality of water-borne freight, gave great uneasiness and concern to neutral states

whose ships and cargoes were made the subject of its exercise. As a concession to the demands of innocent neutral commerce, the right of search was restricted in a majority of cases to waters at no great distance from the theater of actual hostilities. But maritime trade is very sensitive, and the mere rumor of a possible exercise of belligerent rights suffices to diminish materially the volume of neutral trade and check temporarily the commercial initiative.

The experience gained is enough to warrant the conclusion that the rules of maritime capture will be taken up, at the point where the Declaration of Paris left them, and will be so modified, in the near future, as to leave to water-borne commerce a greater freedom from capture and confiscation than it now enjoys. Whether the modification will take the form of a rule exempting all private property not contraband of war from maritime capture, or whether the effort will be made to restrict the areas in which the right of search may be exercised to the theater of maritime war or to the territorial waters of the belligerent states, it is impossible to speak definitely.

The international outlook on the whole abounds in promise and encouragement. War still exists, and its frequency can most surely be diminished by eliminating its inevitable causes. If the members of the great family of nations are earnestly desirous of establishing an enduring brotherhood; if they are willing to forbear, to refrain from inconsiderate and intemperate judgments, to practice an unfailing self-denial, to discourage hysteria, and to favor the development of a sane and enlightened public opinion, it may yet be given to the world to see upon the mountains the shining feet of those who bring the glad tidings of peace.

REPORT
OF THE
COMMITTEE ON JURISPRUDENCE AND LAW REFORM.

To the American Bar Association :

The Committee on Jurisprudence and Law Reform begs to report that:

Two subjects were referred to your committee; one dealing with classification of the law, and the other being a bill relating to federal bench warrants, a copy of the bill being hereto attached. The first matter being one peculiarly appropriate to the special Committee on Classification of the Law will be reported by that committee.

The second matter we will consider: We find that the evil which the bill seeks to remedy is the delay in removing a federal prisoner from a district in which he has been apprehended into another district in which the government elects to put him on trial. We will assume that the accused is carried before a United States commissioner and the government moves the commissioner for an order of removal. We will further assume that the prisoner objects to the order, and insists that he should be permitted to show that the indictment on which the bench warrant is founded is void; that he had never been in the district in which he has been indicted, and that the court is without jurisdiction of the person or subject matter. It is insisted by the government that the only question before the commissioner should be the identity of the prisoner, and that if the commissioner be satisfied as to identity, that the order of removal must be granted.

There is much to be said on both sides of this issue. Mr. Justice Brown, in the case of *Benson vs. Henkel*, 198 U. S., p. 10, says:

“The extent to which a commissioner in extradition may inquire into the validity of an indictment put in evidence

before him, as probable cause of guilt, has never been definitely settled."

The general rule has been stated as follows: That the duty of the commissioner is not only to inquire as to the identity of the prisoner, but it is also his duty to determine whether there is probable cause to believe the accused guilty of the offense charged. The bill seeks to change this general rule and to enact that an indictment offered in evidence before the commissioner shall be regarded as conclusive evidence against the accused of the facts therein alleged. The indictment is now *prima facie* evidence of the existence of probable cause, and the question sharply put is: Shall this Association recommend to Congress that a law be enacted making an indictment conclusive evidence of the facts therein alleged? This question is not a new one. A bill similar to the one under consideration has heretofore been introduced in Congress, and after discussion it failed to pass. The press of the country made this very matter the subject of comment, and those who feel specially interested in that discussion are referred to the *Congressional Record*, of April and May, 1900; *New York Evening Post*, April 24, 1900; *New York Sun*, April 25, 1900, May 4-5, 1900; *New York Law Journal*, April 28, 1900; *New York Times*, May 7, 1900.

Mr. Justice Brewer's words, in the case of *Beavers vs. Henkel*, 194 U. S., p. 83, are worthy of serious thought:

"We must never forget that in all controversies, civil or criminal, between the government and an individual the latter is entitled to reasonable protection. Such seems to have been the purpose of Congress in enacting section 1014, Revised Statutes, which requires that the order of removal be issued by the judge of the district in which the defendant is arrested. In other words, the removal is made a judicial rather than a mere ministerial act."

In the case of *Benson vs. Henkel*, 198 U. S., p. 17, Mr. Justice Day, Mr. Justice White, Mr. Justice Peckham and Mr. Justice McKenna say:

"In our opinion, the commissioner . . . must pass upon the sufficiency of the indictment. It is his duty to decide

whether an offense is charged, with the view to making or withholding the order of arrest, which when made, becomes the basis of an order of removal of a citizen to the place of trial, which may be many miles distant from his home. Such order is proper only in cases wherein probable cause has been shown to believe the accused guilty of an offense cognizable by the laws of the United States in the proceeding pending against him, and for which he is to answer at the place of indictment."

In the late case of *Hyde vs. Shine*, in 199 U. S., p. 87, Mr. Justice Peckham, speaking of the removal of the accused from California or Oregon and sending him three thousand miles to the District of Columbia for trial, says:

"The expense to a defendant in his necessary preparation for trial, and in procuring the attendance of witnesses in his behalf from such a distance, must necessarily be enormous, and in many, if not in most cases, utterly beyond the ability of a defendant to pay. The enforcement of the criminal law should not be made oppressive in such cases, and, therefore, when it appears there was no probable cause to found the indictment upon, the order of removal should be refused."

Your committee is of the opinion that recommendations of this Association of proposed legislation should be given rarely, and then with great caution and circumspection. The voice of this body should, if possible, carry conviction. We should never seek to influence congressional legislation, except in matters of the gravest concern, and then only in cases when we speak with substantial unanimity.

Your committee does not deem it necessary to express an opinion upon the merits of the bill, but, for the reasons above stated, is constrained to advise against its recommendation by the Association.

Respectfully submitted,

P. W. MELDRIM,
CHARLES CLAPLIN ALLEN,
HENRY D. ESTABROOK,
WILLIAM A. KETCHAM,
C. LA RUE MUNSON,
Committee.

A BILL

TO AUTHORIZE THE ISSUANCE OF SPECIAL BENCH WARRANTS
IN CERTAIN CRIMINAL CASES.

*Be it enacted by the Senate and House of Representatives
of the United States of America in Congress assembled :*

SECTION 1. That the Circuit and District Courts of the United States, the District Court of the United States for the Territory of Hawaii, the District Court of the United States for the District of Porto Rico, the United States Courts in and for the District of Columbia, the District of Alaska, and Indian Territory, and the Territorial Courts for the organized territories, under their jurisdiction of cases arising under the Constitution and laws of the United States, are hereby authorized and empowered to issue special bench warrants which shall run in any state of the United States, the District of Columbia, Hawaii, Porto Rico, Alaska, Indian Territory, and the organized territories, in the manner hereinafter provided.

SEC. 2. In any case where an indictment has heretofore been or may hereafter be returned in any court mentioned in section one of this act, charging an offense against any law of the United States or any act of Congress having a limited territorial operation, the district attorney or other authorized representative of the government may apply to any judge or justice empowered to hold the court wherein such indictment has been or may hereafter be returned, for the issuance of a special bench warrant, as authorized by section one of this act, for the arrest of the person named in the indictment. Upon such application it shall be the duty of such judge or justice to examine the indictment and the proceedings upon which the same was found, and if satisfied that the accused should be apprehended wherever found and brought before the court for trial, he may issue such warrant. In a bailable case, the judge or justice issuing such warrant shall fix the amount of

bail which may be accepted by the court or commissioner before whom the person arrested may be taken for the purpose of identification and of giving bail, which amount shall be stated on the face of the warrant; and such warrant shall have attached thereto a certified copy of the indictment. The United States marshal or any deputy United States marshal of the district out of which such warrant may issue, or of the district in which the person named in the warrant may be found, is hereby authorized and empowered to serve such warrant and to take the person named therein into custody.

SEC. 3. It shall be the duty of the officer making an arrest upon such a warrant forthwith to convey the person arrested before some judge or justice of a court of the United States having jurisdiction in the district where the person arrested is found, or some United States commissioner having jurisdiction in said district, whose duty it shall be, if the question of identity be disputed, to determine that question; and, if satisfied from the evidence presented that the person under arrest is in fact the person named in the indictment, he shall, without delay, direct the officer to convey the prisoner to the court in which the indictment is pending; but if it shall appear that the person under arrest is not the person named in the indictment, it shall be the duty of the court or commissioner to discharge him from custody, and to furnish the officer a certified copy of his finding and order in the premises; and such court or commissioner shall have no authority to try or decide any other question. If the person under arrest desires to furnish bail for his appearance to answer to the indictment, the court or commissioner shall fix a reasonable time, not exceeding ten days, in which he may do so; pending the giving of bail, the court or commissioner may direct the officer to commit his prisoner to some jail or some other place of confinement within the district for safe keeping. If bail be furnished, the court or commissioner shall transmit the bond, duly certified, to the court in which the indictment is pending; but if good and sufficient bail be not furnished within the

time so fixed, the court or commissioner shall remand such person to the custody of the officer for conveyance to the court out of which the warrant has issued. Such warrant of arrest, with a certified copy of the finding and order of the court or commissioner establishing the identity of the prisoner as being the person named in the indictment and that he has failed to furnish bail within the time so fixed, shall be conclusive upon all courts of the right of the officer immediately to convey such person before the court out of which the warrant has issued. *Provided*, That if a person upon arrest shall endorse in writing upon such warrant a waiver of his right to a hearing on the question of his identity, and of his privilege of being permitted to furnish bail, the officer making the arrest is authorized immediately to convey the person so arrested before the court out of which the warrant has issued, there to be dealt with according to law. A United States commissioner before whom a person is brought for identification, as provided in this section, shall be entitled to the fees allowable in cases heard and decided on criminal charges.

SEC. 4. This act shall not be construed to repeal or in any manner affect any existing law, but shall be held to be an additional method for securing the appearance of persons, after proper indictment, before the court to which the indictment has been returned, for trial in accordance with law.

REPORT
OF THE
COMMITTEE ON LEGAL EDUCATION AND ADMISSIONS
TO THE BAR.

To the American Bar Association :

The Committee on Legal Education and Admissions to the Bar have the honor to submit the following report :

At the last meeting of the Association, the following resolution was passed :

Resolved, That the Committee on Legal Education and Admissions to the Bar be instructed to ascertain what degrees are conferred by the law schools of the United States, and the conditions upon which such degrees are granted, and also what degrees in law are conferred by other educational institutions.

Pursuant to the resolution, the committee have investigated the subject referred to. The committee find that the forms of degrees at present conferred for legal study, in this country and abroad, are as follows :

BACHELOR'S DEGREE.

The principal degree of the American law schools is the degree of LL.B. This is the regular degree in ninety-six schools. Of these schools forty-eight require a high school education at least as requisite for admission, and a three years' course of study ; sixteen require a three years' course of study, but admit persons with less preliminary education ; thirty-two have a two years' course or less. Two schools offer the degree of L. B. or B. L. for a two years' course ; two offer B. C. L. and one J. B. for a special three years' course.

In England the bachelor's degree is offered in the universities for three years of university work.

In Scotland the degree of LL. B. is offered for a three years' course after receiving the A. B., and the degree of L. B. (bachelor of law) for a two years' course following a secondary school education.

In Ireland the degree of LL. B. is given for a two years' course after attaining the degree A. B.

MASTER'S DEGREE.

The master's degree in law is offered in nineteen schools; in all of them it is in the form LL. M. In all the schools it is given for one additional year of legal study. Eleven of the schools have three year courses, and require a high school graduation for admission; three of them have three year courses without requirements for admission; four have two year courses; one has a one year course. Two give the degree *in absentia*. There are two alternative master's degrees granted for special courses, each by a single school; M. P. L. (master of patent law) and M. C. L. (master of civil law).

No master's degree seems to be given abroad.

DOCTOR'S DEGREE.

Nine schools offer a doctor's degree in course. Six of these offer the degree J. D. In two schools it is the regular degree, given after a three year course; both schools require the completion of an academic course in college before admission to the school. In one school it is offered as a regular first degree to college graduates. In one school it is a regular higher degree, for three additional years' work after the bachelor's degree in law to college graduates only. In two schools it is given as a higher degree to any student who has gained the bachelor's degree in law.

Four schools offer the degree D. C. L.; one of them as an alternative to the J. D. This is given for two years' work after the LL. B. to any holder of that degree. One school offers the LL. D. for three years' work after the LL. B. to persons not college graduates, the corresponding degree for college graduates being J. D.

In England and Ireland the doctor's degree (LL. D. or D. C. L.) is offered for additional work after the bachelor's degree. In Germany and on the continent of Europe some form of doctor's degree is the regular degree, given for three years of university work after graduation from the college (gymnasium).

The committee deem it advisable that degrees should be used so far as possible to indicate the nature of the training given by the school or required by it for admission; and that the higher degrees should be given only for exceptional training, and such as would be approved by the American Bar Association and the Association of American Law Schools. To attain that end they recommend the following rules, to be recommended by this Association for adoption by the law schools and other educational institutions of the United States:

Bachelor's Degree. The degree of LL. B. or that of B. C. L. or J. B. shall be granted only by day schools having a three years' course and requiring for admission graduation from a high school. Other schools shall grant the degree of L. B.

Master's Degree. The master's degree shall be granted only by schools which are entitled to grant the degree LL. B., and for not less than one full year of additional work done in residence at the school granting the degree after the student has received the LL. B.

Doctor's Degree. The degree LL. D. shall not be granted as a regular degree, but only *causa honoris*.

The degree of J. D. shall only be conferred by schools which have the right to confer the degree of LL. B., and the degree shall not be conferred except upon those who have previously obtained a degree in arts or science.

The degree of D. C. L. shall only be conferred by schools which have the right to confer the degree of LL. B., and the requirement for this degree shall be at least two full years of additional work done in residence at the school granting the degree and after the student has received the bachelor's degree.

The doctor's degree shall be granted only to college graduates. If granted as a first degree in law it shall be in the

form J. D. (standing for *juris doctor*, or in English, doctor of law) ; if as a second degree in law, in the form D. C. L.

Our reasons for these recommendations are as follows :

As to the bachelor's degrees, the recommendations conform exactly to the practice of the Scotch universities ; and the degree L. B. is already used in the South in several two year schools. The two year schools and those having no requirements for admission will not be prevented from granting a proper degree, and one already known in the section in which most schools of the sort are found ; on the other hand, the schools whose requirements are higher will be given a proper mark of difference by the form of the degree. A very large majority of those now receiving the degree LL. B. would continue to receive it if the proposed rule were in force.

As to the master's degree, it seems improper to grant this or any higher degree for a course of study which should entitle the student to a bachelor's degree only. The higher degrees should be reserved for serious study of a higher sort than that required of ordinary graduates in law.

The doctor's degrees are given, generally speaking, in two ways ; sometimes as a first degree in law following a bachelor's degree in arts and sometimes as a higher degree in law. A distinction in form is desirable ; and the preponderating practice already marks out the distinction proposed. It seems undesirable in any event to confer the LL. D. upon a young man for regular work in course. The almost universal use of the degree in this country to signify the highest honor which a university can confer makes it extremely fitting that the degree should be reserved for that purpose ; and this it is quite possible to do since the form D. C. L. remains available and is already not uncommonly used as a higher legal degree in course both in England and in this country.

The committee submit herewith as an appendix to this report a table showing the degrees conferred by the law schools of the United States and the conditions on which they are granted so far as the length of the course of study, the

entrance requirements and the character of the school, whether day or night, are concerned. Any other information sufficiently definite to be of any value is difficult to obtain.

It would be interesting and no doubt valuable to be able to ascertain definitely the course of study and the entire method of training in the various schools, but it does not appear practical to obtain such information. •

There is a similarity in the catalogues in connection with this subject. The various branches of public and private law are taught. In some cases the number of hours devoted to the various subjects is stated in the catalogues, but so much is left to the judgment of the instructors teaching the subjects that any detailed statement is impracticable.

The committee have observed in the proceedings of the Association of American Law Schools at its last meeting that this subject was under consideration and the desirability of a uniform standard referred to. This is a subject worthy the careful consideration of this Association as well as the body referred to. A degree is an academic distinction and it is desirable that the attainments of those holding the same degree should be substantially the same, otherwise the degree in itself means nothing. Fake degrees ought by all means to be discouraged and if possible prevented.

It is the traditional duty of the Bar to train its new members and to protect the profession and the public from incompetent or vicious attorneys.

The committee have observed that the extension of the course of study to three years and in some schools the addition of a post-graduate course has led to the development of the course of study in the direction of historical jurisprudence, political science and public law. This is to be commended.

It is a fact frequently referred to and a matter of common knowledge that the government of this country is largely in the hands of lawyers. Notwithstanding the fact that they constitute but a small portion of the population, their influence is very great, not only in the actual work of legislation and in

the administration of justice and in the executive branch of the government, but in guiding public opinion. Any scheme of education which neglects to provide for a training in history, public law, economics and other branches of political science is inadequate and faulty, and your committee are gratified to observe the development of the course of study in the direction which has taken place in late years.

In connection with the subject of degrees, the committee may report that the practice which formerly prevailed throughout the United States of admission to the Bar on the diploma of the law schools without any examination by the courts or other public authority has been generally abandoned. It may be that in the early days of the law schools such laws were helpful to the schools and not injurious to the profession or to the public. But with the increase in the number of schools and the inferior character of some and the practical difficulty in legislation making any distinction between schools, the practice had become a vicious one. In few states does the degree of a law school now admit to the Bar. The privilege is one which the leading schools have formally disapproved of. The American Bar Association at its meeting in 1901 adopted a resolution disapproving of this practice. (See A. B. A. report of 1901, page 580.)

The most powerful influence in elevating the standard of admission to the Bar has been the creation of State Boards of Law Examiners.

The American Bar Association has gone on record on a number of occasions in favor of the creation of State Boards of Law Examiners for every state.¹

In the following states such boards have been created : ²

¹ Proceedings A. B. A. :

1895, p. 380, etc.	1899, p. 518, etc.
1896, p. 543, etc.	1900, pp. 574, 576, etc.
1897, p. 367, etc.	1901, p. 409, etc.
1898, p. 503, etc.	1904, p. 786.

² Proceedings, 1900, p. 577; 1901, p. 409; 1904, p. 791.

Colorado,	Michigan,	Pennsylvania,
Connecticut,	Minnesota,	Rhode Island,
Georgia,	Missouri,	Tennessee,
Illinois,	Nebraska,	Texas,
Iowa,	New Hampshire,	Vermont,
Kansas,	New Jersey,	Washington,
Louisiana,	New York,	West Virginia,
Maine,	North Dakota,	Wisconsin,
Maryland,	Ohio,	Wyoming.
Massachusetts,	Oklahoma,	

The laws creating such boards are all very simple. While there are differences in details, such as the number of examiners and the terms for which they are appointed, the length of time a student is required to study, etc., the character of preliminary education, etc., the most important features are the same. The main point is to take away from the lower courts the power to admit to the Bar, and put the matter entirely in the hands of the Court of Appeals or highest appellate court and to create a permanent board to examine the students.

Under the old practice, when members of the Bar of one county were admitted to the Bar of every other county in the state on motion the standard for the state was the county having the lowest standard.

These laws lead to a uniformity of standards for the entire state, prevent evasion of the rules of a particular place, get rid of local or political influences and have a decided tendency under present conditions to raise the standards of admission. Such has been the effect whenever they have been adopted.

The creation of a permanent board leads to a fixed standard and to a policy likely to be progressive.

The same reasons which lead to the adoption of a uniform standard for a state apply to some extent to the country at large. Today the lawyer who has no business in other states has little in his own. It is not difficult to evade a standard so long as lawyers from other states are admitted on motion.

The committee have known a number of cases where law students left their own states and went to another to study law because they could get a license in a year, while in their own state they would be required to study three years. As members of the Bar, they could be admitted on motion in their own state and thus save two years of work in the law school. The committee are informed that some law schools have used this argument successfully to induce young men to enter their schools.

The influence of the members of the Bar as a body on public affairs is enormous. The conduct of a few of the very best or worst men need not be considered in connection with admission to the Bar. A man with a superior mind will come to the front no matter whether the standards are high or low. No standard of admission will abolish entirely the shyster. This must be accomplished in another way. It is the mass which is most potent. It is the public sentiment of the Bar which is the powerful influence. There is an average of character and efficiency. It is this average which should be considered. An attorney is not bad, negligent or incompetent whose conduct is that of a man of ordinary capacity and character in his profession. The admission to the Bar of large numbers of men of inferior character and training lowers the average, and is a bad influence. The qualifications of a class so influential in public affairs is a matter of public and general interest.

It is true that a uniform standard of admission to the Bar for the whole country is not practical. What is possible in one place would be far in advance of public sentiment in another. The committee have never proposed such a thing, but we have advocated as one step toward better conditions the creation of State Boards of Law Examiners in every state.

If the power to admit is taken away from all inferior courts and given entirely to the Court of Appeals, uniformity in state will be attained at once. In some places it would be necessary to begin with an easy examination. A three course of study and a preliminary requirement of a

high school education would not be difficult to procure in some states. In others, perhaps, only one year without any preliminary education would be all that is practical. But a state board is practical everywhere. Any considerable increase in requirements for admission made suddenly would be unjust and lead to stout resistance. Progress must be gradual. This a matter which is better in the hands of the courts. The standard can be changed from time to time as conditions are favorable. No fixed standard should be established by the legislature. Its activity should be limited to putting the power to admit in the hands of a single body. It is easier to get a court to make changes than the legislature. A reasonable progress may be expected from a court. The plan now is to get state boards in every state. After this is done the next step can be determined on.

This is a subject which has already been considered by this Association. Any further comment at this time is, therefore, considered unnecessary.

So far as your committee have been able to ascertain, such boards have been universally satisfactory. In no state in which such boards have been created have they been abolished. The committee recommend that this Association again exert its influence in favor of the creation of boards in states in which they have not yet been created. In conclusion the committee recommend the adoption of the following resolutions :

Resolved, First, that this Association recommend to the State and Local Bar Associations of the various states and territories and the Bar Association of the District of Columbia the consideration of the subject of admission to the Bar, and such action by such association, as will lead in every state and territory and the District of Columbia to the creation of State Boards of Law Examiners and the maintenance of a standard of preliminary education equivalent, at least, to graduation from a high school.

Resolved, Second, that the Secretary of this Association be and he is hereby instructed to send a copy of these resolutions to each State and Local Bar Association and the Bar Association of the District of Columbia and the territories.

In connection with the subject of degrees, the committee submit for the consideration of the Association the following resolutions, which have been already mentioned, and recommend their adoption :

Resolved, First, that the degree of LL. B. or that of B. C. L. or J. B. shall be granted only by day schools having a three years' course and requiring for admission graduation from a high school. Other schools shall grant the degree of L. B.

Resolved, Second, that the master's degree shall be granted only by schools which are entitled to grant the degree LL. B., and for not less than one full year of additional work done in residence at the school granting the degree after the student has received the LL. B.

Resolved, Third, that the degree LL. D. shall not be granted as a regular degree, but only *causa honoris*.

Resolved, Fourth, that the degree of J. D. shall only be conferred by schools which have the right to confer the degree of LL. B., and the degree shall not be conferred except upon those who have previously obtained a degree in arts or science.

Resolved, Fifth, that the degree of D. C. L. shall only be conferred by schools which have the right to confer the degree of LL. B., and the requirement for this degree shall be at least two full years of additional work done in residence at the school granting the degree and after the student has received the bachelor's degree.

Resolved, Sixth, that the doctor's degree shall be granted only to college graduates. If granted as a first degree in law, it shall be in the form J. D. (standing for *juris doctor*, or in English, doctor of law); if as a second degree in law, in the form D. C. L.

GEORGE M. SHARP,
HENRY WADE ROGERS,
JOSEPH HENRY BEALE, JR.,
LUCIUS H. PERKINS,
J. CRAWFORD BIGGS.

APPENDIX.

School.	Day or Night.	Degree.	Years.	Entrance Requirements.
University of Alabama,	D.	LL. B.	2	Not definite (Common Sch.)
University of Arkansas,				
Hastings College of Law, San Francisco.	D.	LL. B.	3	High School Education.
Leland Stanford, Jr., Univ., Stanford Univ., Cal.	D.	A. B.		College Degree with law for major.
		LL. B.	3	Discontinued after May, 1906.
		J. D.	3	College Degree.
Univ. of Southern Cal., Los Angeles, Cal.	D.	LL. B. (LL.M.)	3	High School English and Hist. (Being arranged.)
Y. M. C. A. Law School, San Francisco, Cal.	N.		4	No fixed requirements.
Colorado School of Law, Boulder, Col.	D.	LL. B.	3	High School Education (4 yrs.)
University of Denver, Denver, Col.	D.	LL. B.	3	College Matriculation Exam.
Yale Law School, New Haven, Conn.	D.	LL. B. or B. C. L.	3	High School Education.
		LL. M.	1	After LL. B. Degree.
		D. C. L.	2	After LL. B. Degree.
Catholic Univ. of America, Washington, D. C.		LL. B. or B. C. L.	3	High School or Member of Bar.
		LL. M. or M. C. L.	1	After LL. B., etc. } May be done in absentis.
		J. D. or D. C. L.	1	After LL. M., etc. }
George Washington Univ., Washington, D. C.	D.	LL. B.	3	High School Education. After 1908, 2 years College.
		LL. M.	1	Additional.
		M. P. L.*	1	Additional. (*Master of Patent Law.)
		J. D.		Analogous to Ph. D.
Georgetown University, Washington, D. C.	N.	LL. B.	3	High School.
		LL. M.	1	Additional.
Howard Univ. (Colored), Washington, D. C.	D.	LL. B.	3	Common School.
National University, Washington, D. C.	N.	LL. B.	2	Common School Education.
		LL. M.	1	Additional.
Potomac University, Washington, D. C.	N.	LL. B.	3	Common School Education.
		LL. M.	1	Additional.
		D. C. L.	1	Additional.
Washington College of Law, Washington, D. C.	N.	LL. B.	3	Examination in English.
		LL. M.	1	Additional.
John B. Stetson University, De Land, Fla.	D.	LL. B.	2	Indefinite.

School.	Day or Night.	Degree.	Years.	Entrance Requirements.
University of Georgia, Athens, Ga.	D.	LL. B.	2	Common School.
Emery College, Oxford, Ga.				
Mercer University, Macon, Ga.	D.	L. B.	1	Common School Education.
Chicago Business Law Sch., Chicago, Ill.	N.	None.		
Chicago Corres. School, Chicago, Ill.		LL. B.	2	Common School.
Chicago Kent College of Law, Chicago, Ill.	N.	LL. B.	3	High School Education.
Chicago Law School, Chicago, Ill.	N.	LL. B.	3	High School Education.
Chicago Univ. Law Sch., Chicago, Ill.	D.	J. D. LL. B.	3	College Degree. 3 High School Education.
Illinois College of Law, Chicago, Ill.	D. & N.	LL. B. LL. M.	3	High School Education. 1 Additional.
University of Illinois, Urbana, Ill.	D.	LL. B.	3	High School Education.
Illinois Wesleyan Univ., Bloomington, Ill.	D.	LL. B.	3	High School Education.
John Marshall Law Sch., Chicago, Ill.	N.	LL. B. LL. M.	3	High School Education. 1 After LL. B.
Northwestern University, Chicago, Ill.	D.	LL. B.	3	High School Education.
Indiana Law School, Indianapolis, Ind.	D.	LL. B.	2	Common School.
Indiana Univ. Law Sch., Bloomington, Ind.	D.	LL. B.	3	High School Education.
Indianapolis College of Law, Indianapolis, Ind.	N.	LL. B.	2	High School Education.
Notre Dame University, Notre Dame, Ind.	D.	LL. B. LL. M.	3	High School Education. 1 Additional.
Valparaiso University, Valparaiso, Ind.	D.	LL. B.	2	Common School.
Drake University, Des Moines, Iowa.	D.	LL. B.	3	High School Education.
University of Iowa, Iowa City, Iowa.	D.	LL. B.	3	High School Education.
University of Kansas, Lawrence, Kan.	D.	LL. B.	3	High School Education.
Washburne College, Topeka, Kan.	D.	LL. B.	3	Substantially a High School Education.
University of Louisville, Louisville, Ky.	D.	LL. B.	2	None given.
Central University, Danville, Ky.	D.	LL. B.	2	None.

School.	Day or Night.	Degree.	Years.	Entrance Requirements.
University of Maine, Bangor, Me.	D.	LL. B.	3	High School Education.
		LL. M.	1	Additional. 2 yrs. in absence.
Baltimore Law School, Baltimore, Md.	N.	LL. B.	3	Substantially a High School Education.
Baltimore Univ. Law Sch., Baltimore, Md.	N.	LL. B.	3	None.
Univ. of Md. Law Sch., Baltimore, Md.	N.	LL. B.	3	*None. (*May be taken in two years.)
Boston Univ. Law Sch., Boston, Mass.	D.	LL. B.	3	High School Education.
		J. B.	3	College Degree.
		J. M.	1	Additional to J. B.
		LL. M.	1	Additional to LL. B.
		J. D.	2	After receiving second degree in law.
		LL. D.	2	After receiving second degree in law.
Harvard Univ. Law Sch., Cambridge, Mass.		LL. B.	3	College Degree.
Y. M. C. A. Law School, Boston, Mass.	N.	LL. B.	4	Indefinite.
Detroit College of Law, Detroit, Mich.	N.	LL. B.	3	None.
University of Michigan, Ann Arbor, Mich.	D.	LL. B.	3	High School Education.
		LL. M.	1	Additional.
Austin Law School, Austin, Minn.	D.	LL. B.	3	Indefinite.
		LL. M.	1	Additional.
Univ. of Minnesota, Minneapolis, Minn.	D. & N.	LL. B.	3	University Matriculation.
		LL. M.	1	Additional.
		D. C. L.		No definite time.
St. Paul College of Law, St. Paul, Minn.	N.	LL. B.	3	Equivalent of a High School Course.
		M. L.	1	Additional.
Millsaps College, Jackson, Miss.	D.	LL. B.	2	Common School Education.
University of Mississippi, St. Louis, Mo.	D.	LL. B.	2	Common School Education.
Benton College of Law, St. Louis, Mo.	N.	LL. B.	3	Indefinite.
Kansas City School of Law, Kansas City, Mo.	N.	LL. B.	3	Indefinite.
St. Louis Law School, St. Louis, Mo.	N.	LL. B.	3	High School Education.
University of Missouri, Columbia, Mo.	D.	LL. B.	3	University Matriculation.
Creighton University, Omaha, Neb.	N.	LL. B.	3	High School Education.
University of Nebraska, Lincoln, Neb.	D.	LL. B.	3	High School Education.
Albany Law School, Albany, N. Y.	D.	LL. B.	2	New York Regents' Certificate.

School.	Day or Night.	Degree.	Years.	Entrance Requirements.
Brooklyn Law School, Brooklyn, N. Y.	D.	LL. B. LL. M.	2 1	New York Regents' Certificate. Additional.
Buffalo Law School, Buffalo, N. Y.	D.	LL. B.	2	New York Regents' Certificate.
Columbia Law School, New York, N. Y.	D.	LL. B.	3	College Degree.
Cornell University, Ithaca, N. Y.	D.	LL. B.	3	Regents' Certificate.
Kent School of Law, New York, N. Y.	N.	LL. B.	2	Regents' Certificate.
New York Law School, New York City.	D. N.	LL. B. LL. B.	2 2	Regents' Certificate. Regents' Certificate.
		D. & N. LL. M.	1	Additional.
Law School of N. Y. Univ., New York City.	D. & N.	LL. B.	3	(Night.) High School Education. College Degree.
		J. D. LL. M.	3 1	College Degree. Additional.
Syracuse University,	D.	LL. B.	3	College Matriculation.
Shaw University (Colored), Raleigh, N. C.	D.	LL. B.	3	None.
Trinity College, Durham, N. C.	D.	LL. B.	3	Completion of Sophomore year in college.
Univ. of North Carolina, Chapel Hill, N. C.	D.	LL. B.	2	Completion of Sophomore year in college.
Wake Forest College, Wake Forest, N. C.	D.	LL. B.	3	Common School.
Univ. of North Dakota, Grand Forks, N. D.	D. N.	LL. B.	2 3	Common School.
Franklin T. Backus Law Sch., W. Res. Univ. Cleveland, Ohio.	D.	LL. B.	3	High School Education.
University of Cincinnati, Cincinnati, Ohio.	D.	LL. B.	3	High School Education.
Cleveland Law School of Baldwin University,	N.	LL. B.	2	Common School Education.
Ohio Northern Univ., Ada, Ohio.	D.	LL. B.	3	* May take college course in full or in part while in Law School.
Ohio State Univ., Columbus, Ohio.	D.	LL. B.	3	High School Education.
Cincinnati Y. M. C. A., Cincinnati, Ohio.	N.	LL. B.	3	High School Education before degree.
University of Oregon, Portland, Ore.	N.	LL. B.	2	High School Diploma without examination. No specifica- tions as to examination.
Dickinson School of Law, Carlisle, Pa.	D.	LL. B.	3	High School Education.
Univ. of Pennsylvania, Philadelphia, Pa.	D.	LL. B.	3*	University Matriculation.
Philadelphia Law School, Temple College,	N.	LL. B.	4	High School Education.
Pittsburgh School of Law,	D.	LL. B.	3	High School Education.

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School.	Day or Night.	Degree	Years.	Entrance Requirements.
Allen University, Columbia, S. C.	D. or N.	LL. B.	1 ½	None stated. (Primarily for colored persons.)
South Carolina College, Columbia, S. C.			2	
Univ. of South Dakota.	D.	LL. B.	3	High School Education. (3 years.) Not in operation.
American University of Harriman, Tenn.				
Cumberland University, Lebanon, Tenn.	D.	LL. B.	10	10 months.
Grant University, Chattanooga, Tenn.	D.	LL. B.	2	Common School.
Southwestern Baptist, Jackson, Tenn.				
University of the South, Sewanee, Tenn.	D.	LL. B.	2	University entrance (with relaxations).
Southern Normal Univ.,	D.	LL. B.	1	None.
		I. L. M.	1	Additional.
University of Tennessee, Knoxville, Tenn.	D.	LL. B.	2	Equivalent of High School Education.
Vanderbilt University, Nashville, Tenn.	D.	LL. B.	2	None.
Walden University, Nashville, Tenn.	D.	LL. B.	3	2 years High School (Colored).
Fort Worth University, Fort Worth, Tex.	N.			Examination (nature not explained).
University of Texas, Austin, Tex.	D.	LL. B.	3	University Matriculation.
Richmond College, Richmond, Va.	D.	B. L.	2	None given. (May be done in one year.)
University of Virginia, Charlottesville, Va.	D.	LL. B.	2	University Matriculation.
Washington and Lee Univ.,	D.	LL. B.	2	Common School Education.
University of Washington, Seattle, Wash.	D.	LL. B.	2	University Matriculation. (After 1908, 2 years of college work.) 2 Law. (College entrance requirements.)
West Virginia University, Morgantown, W. Va.	D.	LL. B.	2	General. Diploma of Graduation
			2	(2 years in High School.)
		D. LL. M.	1	Additional.
Milwaukee Law School, Milwaukee, Wis.	N.		3	None.
University of Wisconsin, Madison, Wis.	D.	LL. B.	3	University Matriculation.

*High School Education here means ability to pass preliminary examinations required by law of candidates for admission to the Bar. They hardly seem to cover a good high school course of four years.

REPORT
OF THE
COMMITTEE ON COMMERCIAL LAW.

To the American Bar Association :

At the meeting of the Association at Narragansett Pier last year the report of the Committee on Commercial Law was presented and the following resolutions recommended by the committee were passed :

“ *Resolved*, 1. That the American Bar Association approves now, as it has heretofore frequently approved, a bankrupt law as a permanent part of the jurisprudence of the United States.

“ 2. That the Association regards the present law as by no means perfect or incapable of improvement by amendment, but as drawn upon correct lines and capable of perfection without drastic amendment.

“ 3. That the Association disapproves of the bill now pending for the repeal of this law, and earnestly asks Congress not to pass it.

“ 4. That the Committee on Commercial Law be and they are authorized and requested to oppose the passage of the act before the proper congressional committees and its signature by the President if passed.

“ 5. That the members of the Association, in sympathy with the conclusions expressed by the committee, be and they are requested to communicate with their senators and representatives in Congress to that effect.

“ 6. That the Secretary of the Association be and he is hereby directed to send a copy of these resolutions to each member of the Association as soon after this meeting as practicable without waiting for the publication of the annual report.”

Pursuant to the directions therein contained, the Secretary, shortly after the meeting of the Association, caused a copy of

these resolutions to be printed and sent to each member of the Association, and the same resulted in a considerable correspondence between the members of the Association and the various members of the committee.

When Congress met your committee took steps to oppose the passage of the proposed act repealing the Bankrupt Law, and in this matter they were very effectively reinforced and assisted by the efforts of the different members of the Association throughout the country. Commercial bodies throughout the country also joined in the effort to oppose the repeal of the act.

These efforts were successful and no repealing act has been passed. The sentiment of the Bar and of the public generally has been quite thoroughly tested and that sentiment seems to be generally opposed to such repeal.

Your committee believes that the crisis is past and that the Bankrupt Law is now destined to remain a permanent part of our country's jurisprudence. It will doubtless be amended from time to time and there are many amendments—some of which this Association has proposed and advocated—which will tend to perfect the law, but such amendments are likely to be along the lines of the amendments already adopted and such as will tend to enlarge the field of the law's operation and increase its effectiveness.

Your committee repeats here the conclusions embodied in the report for 1899 as follows:

“The ideal Bankrupt Law is one that

“(a) Allows every honest debtor to procure a speedy discharge from his obligations upon the surrender of all his property;

“(b) Gives every creditor a complete remedy against actual or contemplated fraud on the part of the debtor;

“(c) Punishes all fraud on the part of debtor or creditor with relentless severity.”

Your committee recommends that the committee for the ensuing year be instructed to continue to oppose any effort to

II. PEACE BETWEEN JAPAN AND RUSSIA.

The treaty of peace between these two nations, which were at war at the time of our last annual meeting, was ratified shortly thereafter. The good offices of the President of the United States were an important factor in bringing about this treaty. The negotiations took place on American soil, and there seems no doubt that certain critical moments in the pendency of the negotiations called upon the government of the United States for friendly suggestions which tended to promote the cause of peace. Such co-operation certainly tends to bring about a better understanding between nations, and this of itself will tend to make wars less frequent, and in case of war to bring about a more honorable peace. The telegram sent by President Gilman to the Japanese envoys summed up the situation accurately :

“Congratulations to victorious Japan upon her magnanimous peace.”

III. THE SECOND HAGUE PEACE CONFERENCE.

On the 21st of October, 1904, the Secretary of State of the United States sent to the representatives of the United States accredited to each of the governments' signatories to the acts of the Hague Conference, a letter proposing that another conference of like character be held at The Hague. The first paragraph of this letter especially deserves quotation :

“*Sir* :—The peace conference which assembled at The Hague on May 18, 1899, marked an epoch in the history of nations. Called by His Majesty the Emperor of Russia to discuss the problems of the maintenance of general peace, the regulation of the operations of war and the lessening of the burdens which preparedness for eventual war entails upon modern peoples, its labors resulted in the acceptance by the signatory powers of conventions for the peaceful adjustment of international difficulties by arbitration, and for certain humane amendments to the laws and customs of war by land and sea. A great work was thus accomplished by the conference, while other phases of the general subject were left to discussion by

another conference in the near future, such as questions affecting the rights and duties of neutrals, the inviolability of private property in naval warfare, and the bombardment of ports, towns and villages by a naval force."

The signatories to the Hague Convention accepted the proposition.

"On the part of Russia, the reply was accompanied by the statement that in the existing condition of things in the far East it would not be practical for the imperial government at this moment to take part in such a conference."

After peace has been made and in September, 1905, the Russian Government renewed the proposal for a second International Peace Conference. This proposition was accepted by the signatories to the Hague Convention. Provision was made for the adhesion to the Hague Convention of the states that were not represented at the first peace conference and invitations to participate in the labors of the second conference were given to numerous states that had not participated in the first. The most important of these were the republics of Central and South America.

The Russian Government in April, 1906, proposed for the programme of the contemplated meeting the following main points:

"1. Improvements to be made in the provisions of the convention relative to the peaceful settlement of international disputes as regards the Court of Arbitration and the international commissions of inquiry.

"2. Additions to be made to the provisions of the convention of 1899 relative to the laws and customs of war on land—among others, those concerning the opening of hostilities, the rights of neutrals on land, etc. Declarations of 1899. One of these having expired, question of its being revived.

"3. Framing of a convention relative to the laws and customs of maritime warfare, concerning—

"The special operations of maritime warfare, such as the bombardment of ports, cities and villages by a naval force; the laying of torpedoes, etc.

"The transformation of merchant vessels into war ships.

"The private property of belligerents at sea.

"The length of time to be granted to merchant ships for their departure from ports of neutrals or of the enemy after the opening of hostilities.

"The rights and duties of neutrals at sea, among others the questions of contraband, the rules applicable to belligerent vessels in neutral ports; destruction, in cases of *vis major*, of neutral merchant vessels captured as prizes.

"In the said convention to be drafted, there would be introduced the provisions relative to war on land that would be also applicable to maritime warfare.

"4. Additions to be made to the convention of 1899 for the adaptation to maritime warfare of the principles of the Geneva Convention of 1864."

The United States has already appointed delegates to this second conference, and it is expected that the sessions will begin in the latter part of the present year.

IV. THE GENEVA CONFERENCE.

During the pendency of the negotiations for the second Hague Peace Conference, to which attention has already been drawn, a question arose as to whether or not it was desirable that a conference that had been called by the Swiss Government to revise the convention of August 22, 1864, for the amelioration of the condition of soldiers wounded in armies in the field, should be held at the same time and place as the second peace conference. The Swiss Government, however, pressed its invitation and finally it was agreed that the conference at Geneva and that at The Hague should be held separately. This conference was held at Geneva in June and July last, and the conclusions to which it came are certainly of great importance. The memorandum prepared by General George B. Davis, the Judge Advocate General of the United States, for the consideration of the conference, states the reasons for its action so clearly that your committee feel that it should be quoted here :

"It is the purpose of a treaty to regulate certain relations between the states which are parties to its operation. The relations which the original Geneva Convention was intended

to regulate were those covering the treatment of the wounded in time of war. The most important wars in the ten years prior to 1864 were the Crimean War of 1854 to 1856, and the Italian War of 1859; and it was the practice in dealing with the wounded, which was exemplified and illustrated in those wars, that the conference had in mind in framing the convention of 1864.

"The small arms then in use were old-fashioned smooth bores, with some rifles, and there was no rifled artillery; and no power at that time had taken into serious consideration the adoption of breech-loading artillery or small arms in its military service. The range of artillery and small arms was very limited, and the distances between the firing lines were correspondingly small. If a belligerent found himself encumbered with large numbers of the enemy's wounded, the most natural disposition to make of them was to send them through the lines of outposts to their own army.

"With the artillery and small arms now in use, the distance between the firing lines has been very greatly increased. The zone fought over by the combatants, as each advances or retreats in conformity to the varying fortunes of the battle, is filled with hasty intrenchments for the use of infantry and artillery; and is so crossed with wire entanglements and other obstacles that communication across it is practically impossible. The impracticability of attempting to send the wounded across this zone to their own lines, in ambulances or other vehicles, is so absurd and impossible as to require no demonstration.

"It should not be forgotten, too, that the medical and surgical treatment of the sick and wounded has also been revolutionized since the adoption of the original articles in 1864. In all modern armies, every arrangement is made for moving the wounded to the rear as expeditiously as possible. The operations of the medical staff, and the arrangement and location of dressing stations and field hospitals, are now managed with a view to maintain the unobstructed flow of wounded to the rear, and they are never, under any conceivable circumstances, moved in the opposite direction.

"Since the general adoption of the modern antiseptic practice of surgery in the treatment of wounds, the disposition has been to hold the wounded under constant professional observation in suitable field or general hospitals with a view to

secure the enforcement of correct sanitation in their treatment. To that end the places where they are treated are constantly disinfected, and no competent surgeon would now allow his wounded to be received and treated in private dwellings, save in a case of extreme emergency. The old rule of the convention which afforded an immunity from requisitions to the inhabitants of the theater of war who received and cared for the sick and wounded, has now lost most of its force; this is due in part to sanitary considerations, which have already been explained, and in part to a disposition on the part of the inhabitants of the theater of war to endeavor to receive and care for a few sick and wounded with a view to obtain immunity from requisitions or contributions in the operation of Article V of the original convention. Article V has already given occasion for considerable embarrassment to belligerents, for the reasons already stated, and for that reason has already been modified by the requirements of Article IV of the Convention of 1868, and it is now proposed by the government of the Swiss Confederation to omit it from any rules that may be adopted at the approaching meeting of the conference.

"It will thus appear that the original rules applied to a practice of warfare and of surgery and sanitary science which has undergone such radical changes that they bear no resemblance to the practice of forty years ago. It is, therefore, highly desirable that any modifications which may be imported into the existing agreement should conform fully to existing facts and to the present practice."

The protocol of the new convention was signed at Geneva on the 6th of July, 1906. Your committee has not yet received the full text of the convention. The following is the abstract of its provisions which was forwarded by cable:

"Chapter I is devoted to the wounded and sick. Each belligerent is required to respect and care for sick and wounded officers, soldiers and others attached officially to the enemy's army who fall into their hands. Should one belligerent be compelled to abandon any sick and wounded on the field and leave members of the hospital corps and material for their care, such sick and wounded become prisoners of the enemy, subject to the stipulations made by the belligerents for the exchange of prisoners after each engagement.

"The final occupant of the field shall adopt measures to find

all wounded and dead and to protect them against pillage before the final disposal of the bodies by burial or incineration. The occupant of the field is charged with a scrupulous examination of the bodies of the enemy. There shall be a reciprocal exchange of information relative to the dead, and all letters, personal objects and valuables found on the field of battle shall be gathered and transmitted to the other side.

“Chapter II provides for the immunity of members of the field hospital corps. This immunity shall cease should those in question commit acts prejudicial to the enemy; but the carrying of arms by members of the hospital corps, the presence of pickets or sentinels around a hospital, or the presence of the arms of the wounded within a hospital do not constitute grounds for the waiver of such immunity.

“Chapter III details the protection to be accorded to the various branches of the hospital corps, the members of which are exempted from the treatment given to prisoners of war. Other chapters provide for the protection of hospital material and the immunity of convoys conducting evacuations, and require that the various governments shall adopt repressive laws against the commercial use of the Red Cross emblem.

“The provision relative to arbitration by the permanent tribunal of The Hague is limited to an interpretation of the terms of the new convention in times of peace.”

V. INTERPARLIAMENTARY UNION.

In the dispatch before referred to, in which Mr. Hay proposed a second conference at The Hague, he declares:

“Among the movements which prepared the minds of governments for an accord in the direction of assured peace among men, a high place may fittingly be given to that set on foot by the Interparliamentary Union. From its origin in the suggestions of a member of the British House of Commons, in 1888, it developed until its membership included large numbers of delegates from the parliaments of the principal nations, pledged to exert their influence toward the conclusion of treaties of arbitration between nations and toward the accomplishment of peace. Its annual conferences have notably advanced the high purposes it sought to realize. Not only have many international treaties of arbitration been concluded, but, in the conference held in Holland in 1894, the memorable declaration

in favor of a permanent court of arbitration was a forerunner of the most important achievement of the Peace Conference of The Hague in 1899."

One of the most important of these conferences was held at London in July last. It was attended by distinguished members of the parliaments of various nations, and adopted several resolutions, which will be submitted to the conference at The Hague.

One of these recommended that

"The Second Hague Conference should:

"First. By treaty define contraband of war as being restricted to arms, munitions of war and explosives.

"Second. Reassert and confirm the principle that neither a ship carrying contraband of war nor goods aboard such ship not being contraband of war may be destroyed.

"Third. Affirm that even between belligerents private property should be as immune at sea as it is on land."

Another resolution adopted urges the discussion by the Hague Conference of means whereby the "intolerable expenditures on armaments" shall be reduced.

It further recommended that "the powers should agree in establishing periodical meetings of the conference," and that it would be well to provide for "constituting a consultative commission charged with the duty of promoting the codification and development of international law."

It further recommended the following clause for insertion in arbitration treaties:

"If a disagreement should arise which is not included in those to be submitted to arbitration, the contracting parties shall not resort to an act of hostility before they separately or jointly invite, as the case may necessitate, the formation of an international commission of inquiry or mediation of one or more friendly powers, this requisition to take place, if necessary, in accordance with Article VIII of the Hague Convention, providing for a peaceful settlement of international conflicts.

VI. PAN-AMERICAN CONFERENCE.

On the 21st of July a conference assembled at Rio Janeiro, which was attended by delegates from the republics of North and South America. The first of these Pan-American conferences was held pursuant to an act of Congress of May 24, 1888. It met at Washington, October 2, 1889. Mr. Blaine, then Secretary of State, presided. The character of this congress was largely commercial and political. It recommended reciprocity treaties between the various American countries simplifying and reducing the tariff upon the articles which were the subject of commerce between them. It also recommended the adoption of treaties on international, civil, commercial and criminal law, and of treaties of arbitration; and also the construction of a railway extending southward from Mexico to the southern part of South America. The recommendations of this congress were not in general adopted by the respective governments taking part in it. The obstacles which have been interposed by special interests to the ratification of reciprocity treaties negotiated by successive American administrations cannot properly be discussed in this report. But, nevertheless, we think there can be little doubt that the conference tended to promote friendly feeling between the republics which took part in it, especially between Mexico and the United States. It led to the calling of a second Pan-American Congress, which was held at the City of Mexico in October, 1901. Many of the recommendations of this congress were not ratified by the United States. Our government, as well as Mexico and Peru, did, however, ratify the convention for the exchange of publications and the convention for the obligatory arbitration of pecuniary claims. To use the phrase of the Mexican Ambassador, Senor Casasus, "This is the first time that the principle which the Argentine Minister, Dr. Drago, enunciated, that the collection of public debts and pecuniary claims should never be made by force has been consecrated in a general and obligatory form." This

subject of the Drago doctrine has doubtless been fully considered in the conference at Rio Janeiro.

VII. TREATIES.

The number of treaties entered into by the President and ratified by the Senate since the date of our last report is not large. Those which have, during this time, received the advice and consent of the Senate and have been proclaimed by the President, are the following :

1. A Sanitary Convention, signed *ad referendum*, on October 14, 1905, by the United States, Chile, Costa Rica, Cuba, the Dominican Republic, Ecuador, Guatemala, Mexico, Nicaragua, Peru and Venezuela. This agreement relates to the measures to be taken to prevent the spread of yellow fever, cholera or plague among the territories of the signatory states. It should have important results in establishing a more uniform administration of quarantine regulations. The evident purpose of the convention is, while making quarantine supervision more effective, at the same time to do away with unnecessary hardship or inconvenience. Thus, where a signatory state gives proper notice of the existence of plague, cholera or yellow fever at a given point within its borders, and adopts the measures prescribed by the convention to combat it, quarantine is to be declared only against the infected area. The convention also distinguishes between those forms of merchandise and other portable articles whose importation from an infected area is dangerous, and those which in the like case are harmless. It also prescribes the methods which are to be respectively followed in the treatment of vessels, their personnel and contents, arriving from an infected port or showing evidences of the presence of one of these forms of disease. The treaty will undoubtedly contribute to the maintenance of good relations between the nations of North and South America and supplement the work of the Pan-American Conference at Rio Janeiro.

2. Extradition treaties have been entered into with Great Britain, April 12, 1905, with Denmark, November 6, 1905, and with the Republic of San Marino, January 10, 1906. The first two are supplementary to the already existing extradition treaties with these powers. Both of these add to the list of offenses for which extradition will be granted. "Bribery, defined to be the offering, giving or receiving of bribes, when made criminal by the laws of both countries." This is an extraditable offense which the President is desirous should be included in as many as possible of our extradition treaties. It was incorporated in recent treaties with Cuba and the Netherlands.

The treaty with Great Britain also adds, "Offenses, if made criminal by the laws of both countries, against bankruptcy law." This is believed to be the only case in which this offense has been included in the extradition treaties of the United States, save in that with Peru of September 12, 1870, which provided for cases of "fraudulent bankruptcy." The treaty with Denmark also makes possible the surrender of fugitives directly through the agency of the respective governors of the West Indian colonies of the two powers, conforming in this regard to the extradition treaty with the Netherlands above referred to.

The treaty with San Marino has the effect of bringing the whole of the Italian peninsula within reach of extradition process. With respect to the list of extraditable offenses, it follows pretty closely our already existing extradition treaties with Italy, but in details relating to jurisdiction and procedure is more explicit, in conformity with the latest agreements of this character.

3. The remaining treaties are one with Great Britain of April 21, 1906, providing for the survey of the Alaskan-Canadian Boundary from the meridian of 141 degrees north latitude to the Arctic Ocean; a copyright convention with Japan, signed November 10, 1905, and a trade-mark convention with Roumania, signed March 31, 1906.

The treaty with Santo Domingo of February 4, 1905, providing for the collection of the customs duties of that island by agents of the United States for the benefit of creditors, has not yet received the assent of the Senate. The same is true of the general act signed April 7, 1906, at Algeciras by a conference of the great powers to adopt a new agreement with reference to Moroccan affairs, to replace that of July 3, 1880, to which the United States was a party.

VIII. MOHONK CONFERENCE.

Among the agencies which have done much to arouse public sentiment in favor of the settlement by arbitration of controversies arising between nations are the conferences that for several years have assembled annually at Lake Mohonk, New York. More and more have they come to be attended by leading men from all parts of the United States. The churches and universities, as well as chambers of commerce, boards of trade and other commercial organizations, have also been represented. The recommendations of the last conference will also be submitted at the next conference at The Hague. At the meeting in June of this year it was recommended that the Hague Conference:

“Propose a plan by which like conferences may be held at stated periods, and that in the intervals appropriate offices may be maintained at The Hague, so that these conferences may become a permanent and recognized advisory congress of the nations.

“A general arbitration treaty to be formulated by the Hague Conference is most desirable and will doubtless be accepted by all or nearly all the countries represented in the conference.

“Among other subjects of immediate importance, many unsettled questions arising out of maritime warfare, including the exemption of private property from seizure at sea, and the neutralization of ocean routes, are respectfully commended to the consideration of the Hague Conference. As the general restriction of armaments can be secured by concurrent international action, as unanimously recommended by the British House of Commons, we earnestly hope that this subject will receive a favorable consideration.”

In addition to the conferences which have been mentioned more in detail, we should not omit to note that the United States Government sent delegates to a conference of the powers at Algeciras. Dangerous complications had arisen involving the principal nations of Europe in controversy. The United States took an important part in promoting a friendly agreement.

At a later date the President, through the United States ministers to Guatemala and Salvador, tendered the good offices of our government with a view to restoring peace between Guatemala, Salvador and Honduras. In consequence of this undertaking, an agreement for an armistice was made. The representatives of the republics which had been engaged in war met on the United States Cruiser "Marblehead" on the high seas, and a treaty of peace was signed July 20, 1906.

It will be seen from this brief review of the development of international law during the past year that it has been fruitful in conferences. More and more the nations of the world are coming together, not for the purpose of partitioning territory, as in the Congress of Vienna which assembled in 1814 and 1815, but for the purpose of bringing about more friendly relations between nations; of avoiding occasion for war, as far as that may be possible; of making the conduct of war, when it does come, less savage and more humane, and of settling many difficulties which arise from conflicts between the laws of different nations. Treaties have been made between different nations of the continent of Europe regulating international civil procedure; the recognition of marriages contracted in countries foreign to the nationality of one or both the parties; recognition of judgments of divorce, and the guardianship of minors. These treaties are fully stated in the very interesting paper read by Prof. Meilis, of Zurich, Switzerland, before the Congress of Lawyers and Jurists, which was held at St Louis in 1904. The treaties themselves are contained in Appendix 13 of the proceedings of that congress. A distinguished member of this Association, Judge Baldwin, of Connecticut, in his address to the congress referred to, says of them :

"It is conferences like these, Mr. President, that are bringing the civilized world together in matters of governmental regulations. They are not called to deal with great generalities. They are called to deal with practical questions of present importance. They have respect to the property relations of private individuals. They may make use of existing governmental agencies—I mean the courts of justice of the powers concerned. They deal with particulars rather than with universal propositions, and lawyers know that to attempt everything is to fail in everything."

In the same address he called attention to the analogy between these conferences of the continental powers of Europe, and the conferences which have been held at the instance of this Association by delegates from the several states of the Union to promote uniform legislation on several subjects of mutual interest.

It is to be hoped that this country will take part in future conferences on these subjects, as it has in conferences relating to the navigation of ships. It has been during the past year represented at a conference which assembled at Brussels for the purpose of agreeing upon international rules relating to collisions at sea and salvage. In this it had the assistance of the Maritime Law Association of the United States, a society chiefly composed of maritime lawyers, and kindred to our own. The American Bar may be relied upon to do its part in the unification of international law, both public and private.

In conclusion, we express our sense of the great loss the American Bar and the public have sustained by the death since our last meeting of an honored member of this committee, Mr. Ernest B. Kruttschnitt, of New Orleans.

All of which is respectfully submitted.

EVERETT P. WHEELER,
J. M. DICKINSON,
JAMES F. BARNETT,
JAMES O. CROSBY,
CHARLES NOBLE GREGORY,
Committee.

REPORT
OF THE
COMMITTEE ON OBITUARIES.

To the American Bar Association :

The Committee on Obituaries report the names of members of whose death the committee has been notified since the last meeting as follows, viz. :

ALABAMA.

McCLELLAN, THOMAS N., Montgomery.

ARIZONA.

HERNDON, JOHN C., Prescott.

ARKANSAS.

DU VAL, BEN T., Fort Smith.

CALIFORNIA.

OTIS, GEORGE E., San Bernardino.

COLORADO.

BISSELL, JULIUS B., Denver.

TELLER, WILLARD, Denver.

CONNECTICUT.

CLARK, JAMES GARDNER, New Haven.

DISTRICT OF COLUMBIA.

*MELOY, WILLIAM A., Washington.

SCOTT, CHARLES F., Washington.

GEORGIA.

ERWIN, R. G., Savannah.

ILLINOIS.

MOSES, ADOLPH, Chicago.
SMITH, EDWIN BURRITT, Chicago.

INDIANA.

*MARSH, EPHRAIM, Greenfield.
REINHARD, GEORGE L., Bloomington.

IOWA.

HENDERSON, D. B., Dubuque.
KINNE, L. G., Des Moines.
LONGUEVILLE, J. C., Dubuque.

KANSAS.

ECKSTEIN, O. G., Wichita.
WALL, THOMAS B., Wichita.

LOUISIANA.

KRUTTSCHNITT, ERNEST B., New Orleans.

MARYLAND.

CROSS, E. J. D., Baltimore.

MASSACHUSETTS.

MOULTON, HENRY P., Salem.
MUNROE, WILLIAM ADAMS, Boston.

MICHIGAN.

PARKHURST, JOHN G., Coldwater.
RUSSELL, ALFRED, Detroit.
WANTY, GEORGE P., Grand Rapids.
WEAVER, CLEMENT E., Adrian.

MINNESOTA.

HORTON, HILER H., St. Paul.

MISSOURI.

*THAYER, A. M., St. Louis.
WOOD, HORATIO D., St. Louis.

NEW JERSEY.

WOODRUFF, ROBERT S., Trenton.

NEW YORK.

COLLIER, M. DWIGHT, New York.
 *JACOB, EPHRAIM A., New York.
 JONES, W. MARTIN, Rochester.
 KNOX, CHARLES H., New York.
 LOGAN, WALTER S., New York.
 MACFARLAND, W. W., New York.
 *SHORT, EDWARD L., New York.
 WHITTAKER, EGBERT, Saugerties.

OHIO.

FERGUSON, EDWARD A., Cincinnati.

NEW HAMPSHIRE.

FELLOWS, JOSEPH W., Manchester.
 FRINK, JOHN H. S., Portsmouth.

PENNSYLVANIA.

SCOTT, WILLIAM, Pittsburgh.
 SHAPLEY, RUFUS E., Philadelphia.

RHODE ISLAND.

MILLER, AUGUSTUS S., Providence.

WASHINGTON.

FORSTER, GEORGE M., Spokane.

Respectfully submitted,

JOHN HINKLEY,
 SELDEN P. SPENCER.
 MERRILL MOORES.

NOTE.—This report includes those members of whose death the committee have been informed up to August 30, 1906. Obituary notices (including those of some members not in the above report) will be found near the end of this volume.

* Obituary notice published in the 1905 report.

REPORT
OF THE
COMMITTEE ON PATENT, TRADE-MARK AND
COPYRIGHT LAW.

COURT OF PATENT APPEALS.

To the American Bar Association :

Your Committee on Patent, Trade-Mark and Copyright Law beg leave to report as follows :

At a meeting of the Association at Hot Springs in August, 1903, your committee, by previous direction of the Association, reported a draft of a bill to create a United States Court of Patent Appeals. After discussion and amendment of the draft by the Association, it was approved, and the committee were directed to lay the bill before Congress and use their best efforts to secure its passage. It was introduced in both the House and Senate at the next succeeding session and advocated by your committee at hearings before the committees of Congress to which it had been referred. It was antagonized by the advocates of another bill to create a court of similar jurisdiction organized upon a different plan. The session expired without action on the subject in either branch of Congress.

These facts were informally reported to the Association at its meeting in St. Louis in August, 1904, and your committee were directed to continue their efforts to secure the passage of the bill. But the next session of Congress passed without action. In the meantime, your committee became convinced that some slight changes, not affecting the principles or merits of the bill, might remove some objections to it, and, accordingly, at the meeting of the Association at Narragansett Pier in 1905, reported a draft of the bill with modifications believed

to be advantageous. The most important of these were the reduction of the number of judges from seven to five, and the inclusion of the district judges with the circuit judges as eligible to designation for service on the bench of the United States Court of Patent Appeals. The draft of the bill with these changes was approved by the Association and, at the beginning of the session just closed, it was introduced in the House and Senate in that form, and is now pending before the Committees on Patents of the two bodies. A copy of it is hereto annexed. There are also pending two other bills for the creation of a United States Court of Patent Appeals. One of these provides for the organization of a court of five judges by original appointment by the President and confirmation by the Senate. The other proposes to make a court of last resort in patent causes from the Court of Appeals of the District of Columbia by adding four more judges to the three now provided for, retaining its present jurisdiction, including appeals from the Commissioner of Patents in matters relating to the grant of patents.

The proposal to create such a court, that is, a single court of last resort in patent causes, appears to meet with general approval, although a note of disagreement has come from each of two large cities in which a United States Circuit Court of Appeals holds its sessions. The patent lawyers who make the objections are frank enough to say that they prefer to keep the appellate business of their own circuit in their own city. The only serious difference of opinion appears to relate to the plan of organization. The bill prepared by your committee, and approved by the Association, proposes a plan so novel that it meets with criticisms for its very novelty. But your committee believe that that novelty is a feature of great value. It lies in the provision that the judges of the court (except the presiding judge) shall not be appointed by the President and confirmed by the Senate, as Justices of the Supreme Court are, but shall be designated by the Chief Justice of the United States from among the circuit and district judges of the

United States to sit for limited periods in the United States Court of Patent Appeals.

The main argument in favor of this method of selection is that it will secure judges having all the qualifications necessary for the office with a certainty not possible in any other method of appointment. To be perfectly fitted for the duties of a judge in that court, a man should be, first of all, a judge in the large sense of that word; a lawyer thoroughly equipped in the general field of jurisprudence, and should have, in addition, the tastes and aptitudes to fit him for patent work. A man may be a great common law and equity judge and not a great patent judge; but he cannot be a great patent judge without being a great common law and equity judge. Where and how shall men possessing this extraordinary combination of qualities be found?

Not among specialists. Their work is too narrow and too exacting to leave room for the wider study and more liberal growth necessary to make the great judge in the general field. A bench made up of specialists would lack that largeness of grasp and mastery of all legal questions to fit a judge perfectly to decide cases of any kind. We have suitable judges in one place only—on the federal bench, in the circuit and district courts. They were appointed there, not as specialists, but as all-round lawyers, to hear and decide all sorts of cases.

When they take their seats they become students in the greatest school on earth, and with the highest inducements to diligent study ever offered to men. Nowhere else do lawyers grow as in the Federal courts of the United States. They encounter great cases and great questions. They have the help of great lawyers. Their decisions are published in the national repository of judicial learning. Nothing is wanting to stimulate their highest efforts and they respond to the stimulant. They grow rapidly.

They are compelled, in the discharge of their duty, to try patent cases. To some, it is an irksome task as long as they live. To others, it is a congenial employment, and they

rapidly acquire skill and ability in it. As a result, there is no other such body of men in the world from which to select judges for the decision of patent cases as the judges of the Circuit and District Courts of the United States.

There is an even broader and more important view of the matter than this. The business of government is at once the most important and the most difficult of all human undertakings. And no part of that business is more difficult than the selection of judges. It will do here to speak of some things ordinarily forbidden to lawyers to mention. We idealize our courts. We ascribe to them immaculate virtue and transcendent ability. We must do it. We could not try our cases before them without doing it. But we know in our hearts that it is all more or less of a fiction. Our courts fall far short of the heights of excellence which they might attain if men of highest qualification for the bench could somehow find their way to the places. But every known method of selection has its own imperfections. We all do the best we can, whether we elect or appoint; but, in spite of us, many of our courts are more or less weakened by the presence of men on the bench who do not add to its strength.

Our patent system rests mainly on precedents. The statute furnishes a skeleton; the courts fill it out. It is, as yet, an unfinished system. What it shall be will depend on the court to which shall be committed the final responsibility of developing it. The case is exactly similar to that presented when the Supreme Court of the United States was established, charged with the great duty of expounding and applying the Constitution. The work that Marshall and his associates did in the discharge of that duty will have its parallel on a somewhat smaller scale in the work of the United States Court of Patent Appeals if we equip it with men of higher caliber. It is highly important to decide the cases right; to do justice to suitors; to render decisions which shall construe patents *for the whole country*, once for all. But all these things are of minor importance compared with the upbuilding on a broad

and deep foundation of a system of patent law to be like a great temple—a hundred years in growing, but a veritable temple of God at last. What we are doing now is for all time, so far as human forecast can go. The proposed bill introduces a principle as new in court making as was the principle on which the Constitution of the United States was founded in government making. That was a novelty in its dual organization; the proposed court will be a novelty in its principle of double selection. First, there is the selection from among eighty millions of people of a hundred or more to be judges in the district and circuit courts. There those thus selected pass through a period of education and development. They find themselves out and are found out by the Bar. Then, from that limited body, there is a final selection of two judges once in three years. And this selection is made by the Chief Justice of the United States—the man pre-eminently fitted to make it wisely. It is impossible to conceive a more perfect scheme for sifting out from among all the lawyers of a great country a little handful most highly qualified for a special duty. It is a species of civil service selection applied to the most difficult problem of selection presented in the government.

Suppose we put this duty on the President? It is impossible to imagine that he can have a knowledge of the subject and of the men to enable him to pick out with unerring certainty the best man for the place. He must go somewhere for advice. His Attorney General may be assumed to be a good judge of judges and to have a wide acquaintance with lawyers. The senators, to whom the President would naturally turn next for advice, are no better fitted to give it. Patent lawyers do not get into the Senate any more than into the Cabinet. Besides this, senators always have their favorites. They could suggest appointments that would do; that would be respectable; but their recommendations would be open to chances. And in an appointment of five judges for life, even one or two weak appointments would be an irremediable disaster.

The proposal to increase the jurisdiction and the number of judges upon the Court of Appeals of the District of Columbia, and convert that court into a Court of Patent Appeals for the whole of the United States, would have no advantage over an independent court having exclusive appellate jurisdiction of patent and copyright cases. The situation is, in one sense, an urgent one. The establishment of the court is an end greatly to be desired. But is it not infinitely urgent in point of time? If the plan proposed by your committee has the transcendent advantages which they believe to reside in it, the country and the Bar can better afford to wait for years in the hope of bringing about the establishment of a court on that basis rather than to be hurried into the enactment of a law which would forever close the door against retraction of a mistaken step.

There are matters of detail connected with the bill to which we do not now allude. They have been the subject of discussion in prior reports and in the Association. The question which we have presented is the great question involved in the proposal. Upon this question your committee desire the advice of the Association. We are but five. The patent section and the patent lawyers in the Association are relatively few in number. The question is one in which the general practitioner does not feel much spontaneous interest. But it is one which concerns all the people and all the Bar. We hope, therefore, that we are not transcending our proper functions when we ask all the members of the Association to whom this report shall come, as it will, in print, before the meeting, to give the subject consideration, and to attend the session when it comes up, in the order of business, prepared to give to the committee the result of their best thought on the subject.

R. S. TAYLOR,

ARTHUR STEUART,

LYSANDER HILL,

JOSEPH R. EDSON,

FRANCIS RAWLE,

Committee.

A BILL

TO ESTABLISH A COURT OF PATENT APPEALS.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That there is hereby created a United States Court of Patent Appeals, which shall consist of five judges, of whom four shall constitute a quorum, and shall be a court of record with jurisdiction as is hereinafter limited and established. Such court shall prescribe the form and style of its seal and the forms of its writs and other process and procedure as may be conformable to the exercise of its jurisdiction as shall be conferred by law. It shall have the appointment of the marshal of the court, who shall have the same powers and perform the same duties under the regulations of the court as are now provided for the marshal of the Supreme Court of the United States, so far as the same may be applicable. The court shall also appoint a clerk, who shall have the same powers and perform the same duties now possessed and performed by the clerk of the Supreme Court of the United States, so far as the same may be applicable. The salary of the marshal of the court shall be three thousand five hundred dollars a year, and the salary of the clerk shall be five thousand dollars a year, both to be paid monthly in twelve equal payments. The costs and fees now provided by law in the Supreme Court of the United States shall be the costs and fees in the United States Court of Patent Appeals; and the same shall be collected, expended, accounted for and paid over to the Treasury Department of the United States in the same manner as is provided by law in respect to the costs and fees in the Supreme Court of the United States. The court shall have power to establish all needful rules and regulations for the conduct of its business.

SEC. 2. That the President of the United States, by and with the advice and consent of the Senate, shall appoint a

president judge of said United States Court of Patent Appeals; and, as vacancies occur, shall in like manner appoint others to fill such vacancies from time to time. The acceptance of that office by a judge of the Circuit Court or District Court of the United States shall vacate his office as circuit or district judge.

SEC. 3. That upon the taking effect of this act the Chief Justice of the United States shall designate from among the judges of Circuit Courts of the United States and the District Courts of the United States two judges to sit as associate judges of the United States Court of Patent Appeals for three years from the first day of the first term thereof, and two others to sit as associate judges of the same court for six years from the first day of the first term thereof. And after that, as the periods expire for which such designations shall have been made the Chief Justice of the United States shall fill the vacancies thus occurring by designation of other judges from among the judges of the Circuit Courts and the District Courts of the United States to sit for periods of six years each. In case of the death or disability of any associate judge of the said court the Chief Justice shall designate another judge of a Circuit Court or a District Court of the United States to sit for the unexpired period for which his predecessor had been designated. No judge shall be designated to sit as associate judge in the United States Court of Patent Appeals for more than one period of six years continuously; but any associate judge of said court, whose period of service shall expire after not more than three years of continuous service, may be designated to sit for a further period of six years. The designation of a judge of the Circuit Court or District Court of the United States to sit as associate judge of the United States Court of Patent Appeals and his service in that court shall not vacate his office as judge of the Circuit Court or District Court, as the case may be.

SEC. 4. That a term of the United States Court of Patent Appeals shall be held annually at the City of Washington,

beginning on the second Monday of October in each year, and the same may be adjourned from time to time as the court shall order. If at any time for the meeting of the court a quorum of the judges shall not be present, the judges present may adjourn the court, and, if necessary, adjourn again from time to time until a quorum appear. If, at any sitting of the court the president judge shall be absent, the associate judge senior in commission as judge of the Circuit Court of the United States, or senior in age, in case of commissions of even date, shall preside. If no judge of a Circuit Court shall be present, the associate judge senior in commission as a judge of a District Court of the United States, or senior in age, in case of commissions of even date, shall preside. Until it shall be otherwise provided by Congress, the sessions of the court shall be held in a building or rooms to be provided by the marshal of the District of Columbia, under the direction and approval of the Attorney General of the United States. The court shall by order authorize its marshal to employ such deputies and assistants for himself and the clerk of the court, and such criers, bailiffs and messengers as the business of the court shall require, and to pay the salaries of such employees at rates of compensation not exceeding those paid for similar services in the Supreme Court of the United States, and to pay all other necessary incidental expenses of the court. The president judge and each of the associate judges shall be entitled to employ a clerk, whose salary, at a rate not exceeding that allowed the clerks of the Chief Justice and associate justices of the Supreme Court, shall be paid as part of the expenses of the court. The court shall have power, in its discretion, to appoint a reporter, and to fix by order his salary or other compensation, and direct the form and manner of the official publication of its decisions.

SEC. 5. That the president judge of the United States Court of Patent Appeals shall receive a salary of twelve thousand dollars per year. The circuit judges of the United States sitting as associate judges of the same court shall each

receive the salary allowed him by law as a circuit judge and in addition thereto during the time of his service as associate judge of the United States Court of Patent Appeals, but not longer, such additional sum as will make his entire compensation during that service eleven thousand five hundred dollars per annum. The district judges sitting as associate judges of the United States Court of Patent Appeals shall each receive the salary allowed to him by law as district judge, and, in addition thereto, during the term of his service as associate judge of the United States Court of Patent Appeals, but no longer, such additional sum as will make his entire compensation during that service eleven thousand five hundred dollars per annum. All the said salaries shall be payable in twelve equal monthly instalments.

SEC. 6. That the United States Court of Patent Appeals shall have jurisdiction to hear and determine appeals and writs of error from final judgments and decrees in the Circuit Courts of the United States in cases arising under the laws of the United States relating to patents for inventions and to copyrights, and from final judgments and decrees in cases arising under the laws of the United States, relating to patents for inventions and to copyrights rendered by any other court having jurisdiction under the laws of the United States to hear and decide such cases in the first instance; *provided, however*, that it shall have no jurisdiction in cases originating in the Court of Claims. All such appeals shall be taken within six months after the entry of the order, judgment or decree sought to be reviewed. The practice, procedure and forms to be observed in the taking, hearing and determination of such appeals and writs of error shall conform to the practice, procedure and forms observed in like cases in the Supreme Court of the United States, subject to such rules and regulations as shall be prescribed by the court for itself.

SEC. 7. That whenever, by an interlocutory order or decree in a Circuit Court of the United States or other court having jurisdiction under the laws of the United States to hear

and decide in the first instance cases arising under the patent and copyright laws, in a case in which an appeal may be taken from the final decree of such court to the United States Court of Patent Appeals, an injunction or restraining order shall be granted, or refused, or continued, or vacated, or modified, or retained without modification after motion to modify the same, an appeal may be taken from such order or decree by the party aggrieved to the United States Court of Patent Appeals: *Provided*, that the appeal must be taken within thirty days from the entry of such order or decree; and it shall take precedence in the Appellate Court; and the proceedings in other respects in the court below shall not be stayed unless otherwise ordered by that court, or the United States Court of Patent Appeals, or a judge thereof, during the pendency of such appeal.

SEC. 8. That the president judge and the associate judges of the United States Court of Patent Appeals shall each exercise the same powers in term and in vacation in the allowance of appeals, *supersedeas* orders and other matters incidental to the jurisdiction and business of the court as are now exercised by the Chief Justice and associate justices of the Supreme Court of the United States in relation to the business and jurisdiction of that court.

SEC. 9. That the decisions of the United States Court of Patent Appeals in all cases within its appellate jurisdiction shall be final, except that it shall be competent for the Supreme Court of the United States to require, by *certiorari* or otherwise, any such case to be certified to it for its review and determination with the same power and authority in the case as though it had been carried by appeal or writ of error from the trial court directly to the Supreme Court.

SEC. 10. That whenever any case shall have been certified from the United States Court of Patent Appeals to the Supreme Court of the United States, by *certiorari* or otherwise, it shall be, upon its determination by the Supreme Court, remanded to the Circuit Court of the United States

or other court in which it originated for further proceedings to be taken in pursuance of such determination. And in every case determined by the United States Court of Patent Appeals upon appeal or writ of error, the case shall be remanded to the Circuit Court of the United States or other court from whence it came, for further proceedings to be taken in pursuance of such determination.

SEC. 11. That all appeals and writs of error in cases in which appellate jurisdiction is by this act conferred upon the United States Court of Patent Appeals which shall have been pending without hearing in the United States Circuit Courts of Appeals or other courts of appellate jurisdiction for less than three calendar months prior to the taking effect of this act shall be transferred from such Circuit Courts of Appeals or other courts to the United States Court of Patent Appeals and be heard and determined in that court as though they had been taken there from the trial courts by appeal or writ of error; all other appeals and writs of error in cases in which appellate jurisdiction is by this act conferred upon the United States Court of Patent Appeals which shall be pending in the United States Circuit Courts of Appeals or other courts of appellate jurisdiction at the time of the taking effect of this act shall remain and be heard and determined by the courts in which they may be pending, respectively, as though this act had not been passed.

SEC. 12. That after the taking effect of this act no appeal or writ of error shall be taken from any circuit court or other court of the United States to any United States Circuit Court of Appeals or other appellate court in any case in which an appeal or writ of error may be taken to the United States Court of Patent Appeals under the provisions of this act.

SEC. 13. That all laws and parts of laws inconsistent with the provisions of this act are hereby repealed.

SEC. 14. That this act shall take effect and be in force on the day of, nineteen hundred and six.

REPORT
OF THE
COMMITTEE ON PATENT, TRADE-MARK AND COPYRIGHT
LAW.

EXTENSION OF PATENTS.

To the American Bar Association :

Your Committee on Patent, Trade-Mark and Copyright Law respectfully report :

At the meeting of the Association held at Hot Springs, Virginia, in 1903, the following resolution was adopted :

“ WHEREAS, Section 18 of the Patent Act of 1836 provided for the extension of letters patent ;

“ WHEREAS, Said section was repealed in 1861 upon a recommendation contained in a report of a Conference Committee without any previous discussion or consideration thereof by either the Senate or the House of Representatives, or either of the committees thereof ;

“ WHEREAS, Many inventors are prevented through causes beyond their control, or by litigation, from receiving suitable rewards for their inventions during the original term of their patents ;

“ *Resolved*, That the Committee on Patent, Trade-Mark and Copyright Law be requested to submit a report at the next annual meeting of the Association upon the subject of the passage by Congress of a general law for the extension of patents in proper cases beyond the term of the original grant, and if they shall report favorably to the passage of such law to submit a bill to be laid before Congress.”

At the meeting of the Association held at St. Louis, Missouri, in 1904, your committee reported progress and asked and obtained an extension of time within which to submit a final report.

At the meeting of the Association held at Narragansett Pier, Rhode Island, in 1905, your committee submitted a

report, which was printed and sent to the members fifteen days before the meeting, accompanied with "a bill" to amend sections 4924, 4925, 4926 and 4927 of the Revised Statutes of the United States relating to patents and the following resolution :

"Resolved, That the report of the Committee on Patent, Trade-Mark and Copyright Law on the subject of the extension of patents be received and approved, and that the draft of a bill for the extension of patents embodied in said report be and the same is approved by the Association, and the committee is directed to use all proper means within its power to secure the passage of the same by Congress."

The resolution was unanimously adopted.

The bill, as adopted by the Association, was introduced in the Senate and in the House of Representatives, and was referred in each to the Committee on Patents. (S. 2401 and H. R. 6035.)

Since the adoption of the foregoing resolution by the Association and the introduction of the bill in Congress, several legal associations and several commercial bodies, as your committee are informed, have taken up said bill for consideration with the expectation of taking action thereon between now and next fall and of appearing at the hearings thereof before the proper committees of Congress at its next session.

In view of much discussion and of correspondence between your committee and members of the Association and other members of the Bar since the last meeting of the Association, your committee has come to the conclusion that some changes should be made in section 1.

We recommend that said section be amended as follows :

Erase section 1 (S. 2401) down to and including the word "act," page 1, line 8, thereof, and substitute therefor the following :

SECTION 4924. *Where the inventor of any invention or discovery, a patent for which may be hereafter granted, or which was granted within sixteen years and nine months preceding*

the date of the passage of this act. Same section, insert after the word "discovery" on line 5, page 2, the following: Provided, That should such patent have been assigned in whole or in part or a license granted thereunder for the entire unexpired term of the patent, assignee or licensee shall join in the application for such renewal and extension. Same section, insert after the word "patent," line 7, page 2, the following: Provided, That the inventor of any invention, the original term of the patent for which is limited to expire within ninety days after the passage of this act, may file a petition for the extension thereof at any time after the passage of this act, which petition the Commissioner of Patents may receive and consider, in his discretion, with the same effect as though the said petition had been filed ninety days before the expiration of the patent, so that said section, as amended, will read as follows:

"SECTION 4924. Where the inventor of an invention or discovery, a patent for which may be hereafter granted, or which was granted within sixteen years and nine months preceding the date of the passage of this act, shall desire an extension of his patent beyond the original term of its limitation, he shall make application therefor in writing to the Commissioner, setting forth the reasons why such extension should be granted; and he shall also furnish a written statement, under oath, of the ascertained value of the invention or discovery, and of his receipts and expenditures on account thereof, sufficiently in detail to exhibit a true and faithful account of the loss and profit in any manner accruing to him by reason of the invention or discovery; *provided*, that should said patent have been assigned in whole or in part or a license granted thereunder for the entire unexpired term of the patent, the assignee or licensee shall join in the application for such renewal and extension; *provided, further*, that said application shall be filed not more than twelve months nor less than ninety days before the expiration of the original term of the patent; *provided, further*, that the inventor of any invention, the original term of the patent for which is limited to expire within ninety days after the passage of this act, may file a petition for the extension thereof at any time after the passage

of this act, which petition the Commissioner of Patents may receive and consider, in his discretion, with the same effect as though the said petition had been filed ninety days before the expiration of the patent, and that no extension shall be granted after the expiration of the original term."

R. S. TAYLOR,
ARTHUR STEUART,
LYSANDER HILL,
JOSEPH R. EDSON,
Committee.

August 4, 1906.

REPORT
OF THE
COMMITTEE ON INSURANCE LAW.

To the American Bar Association :

Your Committee on Insurance Law respectfully report :

The facts upon which your committee reported at the last annual meeting of the Association, and upon which the recommendations of that report were made, have been supplemented by subsequent legislative and judicial inquiries in various parts of the country, the most notable of which was conducted by the Armstrong Committee of the New York legislature. The Equitable controversy was the open door to the disclosure of corruption and extravagance in life insurance management and the loss of reputation to many who had theretofore lived in the odor of sanctity. Enough rottenness has been exposed to make the American people distrustful of life insurance management and supervision. This is unfortunate, for the solvency of the companies is undoubted ; outside of those companies whose management has been criticised are many loyal, devoted, upright and able men whose administration of the companies with which they are connected is without stain, and no hostile suggestion has been made with respect to the great fire and casualty companies which furnish protection in the presence of disaster. Insurance is in constant warfare with bankruptcy and ruin, but is ever victorious. Fire insurance furnishes indemnity against our annual fire waste of \$150,000,000. The life companies paid their policy holders in the year 1905 over \$400,000,000. (*Insurance Press*, May 26, 1906.) More people are therefore directly concerned with insurance than with any other institution of modern life, and the public interest in insurance is intense ; but the almost universal ignorance with regard to it and the principles

upon which it is based has made possible, through legislation ostensibly supervisory but actually destructive in its tendency, a greater menace to the interests of the policy holders than they have suffered through the mismanagement and dishonesty of company officials and the incompetence or unfaithfulness characteristic of the majority of the state insurance departments.

It is natural that an aroused and angry public should demand legislation to correct the evils now disclosed, but it is absurd to commit the direction of corrective legislation to either the exponents or the beneficiaries of a system under which commercial dishonesty has flourished to such an extent as to be a national disgrace.

¹[The most conspicuous exhibition of legislative unwisdom is found in the bills prepared by the Armstrong Committee and passed by the New York legislature. The most conspicuous because it has had the widest advertisement and because of the things which the committee might have done, but failed to do; and its ignorance of the subject is confessed. Dr. William A. Fricke, ex-Insurance Commissioner of Wisconsin, reports the chairman of that committee as saying:

“What could we do? Only that which, with our limited knowledge, seemed to be fair, and let me tell you that the Armstrong Committee feels that its knowledge of the insurance business is exceedingly limited.” (Misdirected Insurance Legislation, *Moody's Magazine*, May, 1906.)

The closing paragraph of Dr. Fricke's criticism of the work of the New York legislature contains the following words:

“The results of this investigation have placed New York life insurance companies in a straightjacket to be discriminated against without offering the surest remedy for the real evil.”

The veteran editor of *Views* characterizes this “remedial” legislation as “great possibilities for mischief.” (Max Cohen in *Views*, June, 1906.)]

¹ Portion bracketed withdrawn. See page 68.

THE DEFERRED DIVIDEND POLICY.

Your committee are satisfied that the responsibility for corruption by company and state officials with respect to life insurance lies in the "extravagance, manipulation of investments, excessive commissions or riotous desire for bigness," which was developed out of the failure to apportion frequently and account for the immense surplus accumulated through the deferred dividend policy. It is apparent that the difficulty is not in the deferred dividend itself, but in the piling up of the dividends which are not apportioned and not accounted for until the end of the period.

Your committee have not given consideration to the actuarial side of this problem. The evil is present. Its cure is imperatively demanded. But whatever action is taken should protect not only the individual policy holder, but the multitude who are interested in maintaining the solvency and integrity of the insurance companies. Hasty and ill-advised legislation will do more harm than good.

WHY INSURANCE SHOULD BE SUPERVISED.

Insurance is in its essence a tax. The premiums are the self-imposed taxes which the people contribute to the vast funds held by the companies for the purpose of securing themselves against the calamities of life. These funds are collected and distributed generally through the medium of corporations organized for that purpose, which are the custodians of \$3,000,000,000 belonging to the people of the United States. These corporations are the creatures of the several states under whose laws they are created, and because the state owes its citizens the duty to protect them against the fraud or mismanagement of artificial persons, the right exists to supervise and regulate the business which they carry on. Therefore, insurance supervision is not only demanded as a public right, but conceded as such. The object of it is publicity in the affairs of these corporations that have or seek public favor, with respect to their organization, the procedure by which it is effected and the details of their management and investments.

OPPRESSIVE EXACTIONS BY THE STATES.

There is no reason why the supervision of insurance should entail a financial burden upon the state. But it was never intended that the business of the state should be conducted at a profit. It was never intended that the several states should annually filch from the policy holders of America \$25,000,000 which, in the aggregate, the companies are compelled to pay under one form of exaction or another. It was stated before the Committee on the Judiciary of the House of Representatives at the recent hearing on the Ames Bill that thirty-two life insurance companies now pay \$10,000,000 yearly *in taxes* to the states, and that they have paid *in taxes alone* during the past twenty-five years \$100,000,000. This is a tax on a tax, and cannot be justified on any principle of morals or economics. Statistics furnished to the Department of Commerce and Labor show that twenty-eight states in the year 1902 received from the insurance companies *exclusive of taxes* over \$5,000,000 more than they expended in the supervision of those companies. The figures prove that the actual cost to the states of such supervision as they furnish is but about ten per cent. of what they charge and receive for it.

Many states tax companies of other states at a higher rate than they do their own, thereby making the policy holder pay that much more for his insurance as a penalty for patronizing outside companies. Some states, overlooking the fact that this nation is a union of states and not a pack of wolves, have enacted laws under which that species of tax known as retaliatory is exacted. For instance, if the State of Pennsylvania requires companies created under the laws of other states to pay taxes at a higher rate or on a different basis than that state requires of Pennsylvania companies, Indiana follows suit and requires all Pennsylvania companies doing business in Indiana to pay taxes on the same basis and rate that Pennsylvania exacts of outside companies; and the circumstance that Indiana has no companies doing business in Pennsylvania is considered unimportant. These statutes are sheltered under

the police power and have been sustained on the theory that a state may impose terms upon corporations of other states (*State vs. Ins. Co.*, 115 Ind. 265, and cases cited), but they are in their spirit hostile to the federal compact and increase the cost of insurance in the retaliating state. This species of taxation is a joy to the state commissioner whose conception of his duty is to make a big showing of moneys collected, but is condemned and characterized as a relic of barbarism by thoughtful men.

DEFECTS OF THE SYSTEM OF STATE SUPERVISION.

The trouble is that the state insurance departments are sinecures. They are political prizes. Knowledge of the insurance business is the last thing required. They are mere collection agencies. They offer the most seductive opportunities for fraud and graft that exist in the United States. Your committee do not wish to be understood as charging that all state insurance commissioners are dishonest, nor that all of them are incompetent; and we repeat the conviction expressed in our 1905 report: "There are in many states capable and efficient commissioners or superintendents who are engaged in the conscientious performance of their duties."¹ But the dealings of the state insurance departments with the insurance companies of America, the details of which are within the reach of any person who seeks to inform himself with respect thereto, show that the administration of the insurance laws of many of the states has been characterized either by unblushing fraud—mostly in the shape of blackmail, or by gross incompetency.

Hon. William R. Vance, who dissented from the recommendation favoring federal supervision in the 1905 report of

¹ I wish to testify to the high character and ability of Hon. W. A. Wright, Insurance Commissioner of Georgia, and state that in my opinion the insurance supervision laws of Georgia and their execution are as satisfactory, both to the insurance companies and their policy holders, as is possible under the system of state supervision.—*Burton Smith*.

your committee, in an article contributed to the *Green Bag* (February, 1905), said:

"But trying as these numerous and costly regulations may be, they are not in themselves the chiefest grievance of the insurance men against the present order of state control. The fullness of their woe is found in the unfair administration of the insurance laws by dishonest officials. . . . The unlimited power possessed by many of these officials to hector the insurance companies, or even to do them serious injury, offers them great temptation to exchange their official favor for monetary considerations. We have sufficient reason to believe that in some states insurance examiners regularly require large payments from insurance companies before giving the certificates necessary to enable them to continue to do business in those states; and that a perfectly solvent and sound company refusing to pay such a bribe will be denied the certificate that is given the bunco insurance company of the get-rich-quick order that is willing to part with some of its ill-gotten funds for the private benefit of the insurance department officials. . . . It was recently stated in a reputable insurance organ that some of our large companies, though unquestionably solvent, pay as much as \$250,000 in annual blackmail to state examiners."

This arraignment of the system of state insurance supervision has had striking confirmation in the disclosure through the Armstrong Committee of the incompetency of the New York insurance department, and through a legislative inquiry in Pennsylvania by which the rottenness of that department was disclosed. As recently as May, 1906, an insurance official on trial in Minnesota for embezzling the funds of the company of which he was president, testified that a former insurance commissioner of that state had accepted a bribe of five thousand dollars for a favorable report respecting his company. The grand jury, which indicted the insurance man, severely condemned the recreant state official, but returned no indictment because his offense was outlawed. It cannot be overlooked that the Armstrong Committee did not investigate whether the excuse given for the expenditure of large sums to prevent hostile legislation was or was not founded on fact. It

is certain that the American people are convinced that the excuse was true. Legislative dishonesty is as abhorrent as other corrupt practices. Bribe takers are as wicked as bribe givers. It is to be feared that the stables are not yet cleansed, and whitewash will not answer.

The state insurance commissioners have themselves several times confessed their inability to accomplish the purpose for which their departments were created, and in their national conventions of 1902 and 1903 a list of nearly one hundred wildcat insurance companies was reported whose operations the state departments could not check or curb; and to assist in preventing these unlicensed companies from plundering the public, the insurance commissioners themselves invoked federal aid, asking the Postmaster General to issue a fraud order against the wildcats and Congress to pass a law depriving them of the use of the mails. These wildcat companies do not seek to be licensed in the states where they are created and pay no tribute to the several state departments.

To quote again from Mr. Vance:

"I am of the opinion that the existing methods of regulating insurance by the several states is most defective, since it is both inefficient in preventing wildcat companies from engaging in the business and also needlessly expensive to those who in the last analysis bear the expenses incident to the business, the policy holders." (Minority Insurance Report to American Bar Association, 1905.)

The system is also criticised by S. H. Wolfe, an actuary of national reputation, in the following language:

"Each state has an insurance code of its own and the difficulties and annoyances which insurance companies experience in trying to comply with fifty different sets of laws may well be imagined. There is a crying need for uniformity in this matter and for a radical change in the laws of all the states. I know of no one state which possesses a code of insurance laws which may even be termed reasonably satisfactory."

(State Supervision of Insurance, *The Weekly Underwriter*, March 4, 1905.)

As a matter of fact, the system of state supervision as administered under the laws now in force is a miserable failure. The honest and intelligent commissioner is barred from effective supervision by the very laws he is bound to enforce, which afford golden opportunities that dishonest officials have been quick to grasp.

The treasure depleted by all this extravagance and fraud, whether public or private, belongs to the prudent and thrifty citizens and the widows and orphans of America. The individual who has misappropriated those funds or diverted them from the trust with which they are impressed deserves censure and punishment; but it is just as dishonest to steal under protection of a legislative enactment as without it. It is just as dishonest for a state to lay unholy hands on trust funds as for an individual to do it.

Burke observed :

"Justice is itself the great standing policy of civil society : and any departure from it under any circumstances lies under the suspicion of being no policy at all."

It is a monstrous injustice for a state government to maintain itself by legislative raids upon trust funds and the climax of cowardice to commit extortion in the name of the police power ; but many of them are doing it and their insurance commissioners are actually clamoring for public credit because of the large sums they have taken nominally from the companies, but actually from the policy holders, in the name of law. The states thus commit the identical offense they condemn and punish in the individual.

There is no promise of supervision that is efficient and economical under the existing system, because it rests upon the theory that the proper way to regulate insurance is to tax it and tax it again. With fifty states and territories exercising their privileges in this direction, the expense of insurance will be increased and not diminished, and the protection of the policy holder either diminished or completely destroyed.

THE ADVANTAGES OF FEDERAL SUPERVISION.

The cure for these conditions has been the subject of extended discussion. There are but two repositories of the power to supervise insurance, namely, the several states and the federal government. Whether interstate transactions in insurance are or are not commerce, and subject to federal regulation as such, it is undoubted that a state has exclusive jurisdiction over the business of insurance companies created under her laws that is conducted wholly within her limits.

County of Mobile *vs.* Kimball, 102 U. S. 691.

Western Union Telegraph Co. *vs.* Texas, 105 U. S. 460.

The proportion of insurance written by American companies in the states of their creation is relatively insignificant, while the extent of their interstate business is amazing. From tables submitted as an appendix hereto (taken from the lecture of Professor Solomon Huebner, of the University of Pennsylvania, on "Federal Supervision and Regulation of Insurance"), it appears that in the case of twenty leading life companies, only a little over 15 per cent. of the total amount of their outstanding policies is held in their home states; only $14\frac{1}{2}$ per cent. of their policies written in 1903 were written in their home states, and only $12\frac{1}{2}$ per cent. of their total premium income, which for these companies in the year 1903 aggregated \$395,000,000, was collected there.

The seventeen largest fire companies of New York state, with risks aggregating \$50,000,000 each and with a combined total of risks aggregating \$5,740,000,000, wrote only 25 per cent. of their business for 1903 in New York state and received only $16\frac{7}{10}$ per cent. of their premium income from their intrastate business.

Six leading Pennsylvania companies wrote only $10\frac{1}{2}$ per cent. of their total business for 1903 in that state and received only 10 per cent. of their total premium income from that state.

Eighteen fire companies of other states than New York and Pennsylvania, whose risks in 1903 aggregated \$5,500,000,000, wrote only a little over 5 per cent. of their new business in that year in their home states and received a little less than 5 per cent. of their total premium in their home states during that year.

In September, 1905, the Insurance Committee of the Iroquois Club of Chicago reported as follows:

"On the first of January, 1905, there were five life insurance companies organized under the laws of this state who had risks in force in this state amounting to \$25,849,676 as against outside companies who, at the same time, had risks in force in this state amounting to \$802,870,132."

The proportion of local to interstate life insurance in Illinois is, therefore, as 26 to 800.

These figures demonstrate that the bulk of the insurance business of the United States is national and not local in its character. If the principle be conceded that only the individual states have the right to regulate the business of insurance corporations of their creation regardless of the interstate character of the transactions, then the circumstance that the State of New York is the home of the "Big Three" life companies (the New York Life, the Equitable and the Mutual Life), as well as of a number of the lesser life companies and of many leading companies that transact fire, casualty, accident and other kinds of insurance, commits to the legislature and the insurance department of that state virtual control of the insurance business of the United States.

All the evils, either managerial or supervisory, that have cursed the insurance business have been bred and have thriven under the existing system of state supervision, and it is very doubtful if the states will willingly let go of an opportunity to provide restful employment for their politicians or forego the great variety of oppressive forms of taxation now in vogue. But federal supervision will wipe out excessive and unequal taxation, and a federal insurance department that shall super-

vise the interstate insurance business on some such plan as the national banks are supervised will answer the public demand.

The national government can punish the fraud it cannot prevent, for justice more frequently miscarries in the state courts than in the federal courts.

WHO FAVOR FEDERAL SUPERVISION?

The opponents of federal supervision have persistently misstated the source of the demand for it. So competent an official as Commissioner O'Brien, of Minnesota, recently asserted "that the present demand for federal supervision comes from the insurance companies," and that claim, which is not true, is echoed by less prominent commissioners and others interested in the maintenance of the present system.

As far back as 1870, the famous actuary, Elizur Wright, then insurance commissioner of Massachusetts, remarked the unfortunate character of the decision in the case of *Paul vs. Virginia* (8 Wall. 168). He said:

"This loss of nationality is a very serious matter. If there is any possibility of preventing it and securing to life insurance the supervision and protection of national law, wisely conceived and honestly administered, the guardians of life insurance should now bestir themselves."

Five years ago Auditor Hart, of Indiana, then president of the National Association of State Insurance Commissioners, declared that the "interests of insured and insurer demand federal supervision with incidental state authority. This would be the solution of uniformity in laws and practice and free the companies of a mountain of expense."

Hon. Arthur I. Vorys, the Ohio commissioner of insurance, spoke in a similar strain at the convention of insurance commissioners at Baltimore in 1903. Mr. O'Brien, discussing federal supervision, put himself on record as follows:

"To my mind there is no force in the claim that the power of the federal government should not be extended. Federal supervision of large corporations has become an absolute

necessity, and I do not think it can be truthfully said that the assumption of that duty by the federal government constitutes an extension of its power." (*The Insurance Field*, Sept. 7; 1905.)

Dr. Fricke also recently said :

"Such national supervision of insurance as will eliminate the undesirable and aggravating impositions of state supervision will be beneficial alike to the company and the policy holder." (*The Weekly Underwriter*, Dec. 24, 1904.)

Commissioner Host, of Wisconsin, in an address on "Legislation and Supervision" before the Fire Underwriters' Association of the Northwest at Chicago, October 11, 1905, stated that he is "a firm believer in federal supervision." He thinks that a national department should be given the following powers: "To examine all foreign insurance companies transacting business in this country; to carry all deposits of domestic and foreign companies transacting business in more than one state in this country; to examine all companies transacting business in the United States outside of their home states; to value annually the policies of all life companies transacting business outside of their home states." (*The Weekly Underwriter*, Oct. 12, 1905.)

There are two presidents of insurance companies in the United States Senate; one of them is Senator Dryden, president of the Prudential, who, as is well known, strongly favors congressional action. The other is Senator Bulkeley, of Connecticut, president of the Ætna Life, who is opposed to it.

Most of the companies are either indifferent or are opposed to the movement, and many of the smaller companies and some others that publicity might damage are in league with the interested politicians in active opposition to it.

Your committee have addressed personal letters to many of the leading insurance buyers throughout the country, and a large proportion of the answers received show that the policy holders unequivocally and earnestly favor federal supervision.

Senator Dryden, in an address on "The Commercial Aspects of Federal Regulation of Insurance," before the Newark Board of Trade, January 18, 1906, said that under date of September 11, 1905, he sent a letter of inquiry to some eight thousand associations and individuals throughout the United States. Included in this number was the entire membership of the American Bar Association. In this inquiry four questions were stated as follows :

"Question 1. Do you endorse the suggestion of President Roosevelt that insurance companies engaged in interstate insurance business should be regulated by and brought under the control of the federal government?"

"Question 2. Do you hold the insurance business to be a national rather than a local interest, and properly entitled to the solicitude and care of the national government?"

"Question 3. As a matter of personal opinion, do you hold the business of insurance to be commerce, or an integral and indispensable element of commerce, in the sense in which this term is used in everyday language?"

"Question 4. Are you in any way apprehensive that it would be inexpedient or inadvisable to increase the power of the federal government to the extent implied in the regulation of insurance by Congress?"

Out of 7454 answers to the first question, 6581 or 88.3 per cent. were favorable. Out of 7454 answers to the second question 6543, or 87.8 per cent. were favorable. Out of 7454 answers to the third question 5300, or 71.1 per cent. were in the affirmative. And in response to the fourth question, of the 7454 answers received, 6047 or 81.1 per cent. were in the negative; or in other words, favorable to the federal supervision of insurance. This is specific data. It disproves the general and sweeping mistatements to the contrary.

The report of the House Committee on the Judiciary, upon the Regulation of Corporations (Report 2491, 59th Congress, 1st Session), covering this question, begins with these words:

"The question as to whether or not insurance is commerce has passed beyond the realm of argument, because the supreme court of the United States has said many times for a great number of years that insurance is not commerce."

The report makes the astounding assertion :

“The advocates of federal supervision concede that insurance is not commerce.”

And again :

“It must be remembered that the advocates of federal control concede that insurance is under the control of the states by virtue of the police power and that it will take legislation by Congress to place it under federal control. Their views are set forth in a report of a committee of underwriters favoring federal supervision of insurance, presumably sent to every member of the Senate and House. In that report it is said :

“‘It is conceded by all its exponents and by all the authorities that federal supervision of insurance can be accomplished in but one way, namely, by a constitutional law declaring insurance to be commerce; and also that, if insurance is not commerce, Congress has no power to regulate it. The whole theory of the proposed centralization of power rests on these propositions. The alternative of a constitutional amendment or of national reincorporation have not elicited serious attention. . . .

“‘It is claimed that certain signal results and advantages to the insurance interests will follow from the passage of such a bill and the establishment of such a department in the Bureau of Corporations. They may be thus briefly summarized :

“(1.) That owing to the great interests involved, which have become national in character and involving such a wide range of interstate transactions, the United States Supreme Court, on a test case, will reverse its several previous decisions and declare insurance to be commerce and the enactment of federal supervision therefore constitutional.’ ”

This is a misstatement of the basis of fact upon which the argument for federal control rests. No advocate of federal supervision concedes that insurance is not commerce. To the contrary, the gist of the argument is that insurance is commerce. The views of “a committee of underwriters,” quoted by the author of the Judiciary Committee report, are from the report of a committee of Hartford underwriters *who do not favor, but oppose*, federal supervision. The report ignores the

observation of Mr. Justice Field in *Bowman vs. Railway Company*, 125 U. S. 465, 501, that

“What is an article of commerce is determinable by the usages of the commercial world.”

It ignores the definitions of commerce from *Gibbons vs. Ogden*, 9 Wheaton 1, to the *Lottery Cases*, 188 U. S. 321. It ignores the statement made by Mr. Justice Field in *Gloucester Ferry Co. vs. Pennsylvania*, 114 U. S. 196, that the power to regulate commerce which is vested in Congress “embraces within its control all the instrumentalities by which that commerce may be carried on *and the means by which it may be aided and encouraged*. The subjects, therefore, upon which the power may be exerted are of infinite variety.”

Who will deny that insurance in its multiform uses is at least an aid and an encouragement to commerce? The last definition given by the court is broad enough to cover all that precedes it, and is as follows:

“Commerce among the states embraces navigation, intercourse, communication, traffic, the transit of persons and the transmission of messages by telegraph.” (Per Mr. Justice Harlan in the *Lottery Cases*, 188 U. S. 321.)

THE CONSTITUTIONALITY OF FEDERAL SUPERVISION.

All doubt of the constitutionality of federal supervision rests upon the case of *Paul vs. Virginia*, 8 Wall. 168 (1868), and the succeeding cases of the series known as the *Insurance Cases*, among which are:

Liverpool Ins. Co. vs. Mass., 10 Wall. 566 (1870);
Hooper vs. California, 155 U. S. 648 (1894);
Allgeyer vs. Louisiana, 165 U. S. 578 (1897);
N. Y. Life Ins. Co. vs. Cravens, 178 U. S. 389 (1899);
Nutting vs. Mass., 183 U. S. 553 (1901).

These cases do not bar congressional action. In the first place, none of them are reasoned out upon any accurate or detailed statement of the character and the uses of insurance or the conduct of the business. With the exception of the

Cravens case, they involved the validity of state statutes, imposing terms under the police power upon corporations of other states, and in each of them, except in the Cravens case, the business is treated as though it begins and ends with the issuance and delivery of insurance policies. This is as inaccurate and unscientific as to speak of the wrapping paper on a parcel of merchandise as the merchandise itself.

In the Cravens case the question was whether a statute of Missouri, providing for the non-forfeiture of a policy of life insurance under certain conditions, fixed the rights of the parties contrary to the provisions of the contract as written. The United States Supreme Court upheld the statute and read it into the contract.

In the second place, all of the cases of the series subsequent to *Paul vs. Virginia* accept without question the *dictum* of Mr. Justice Field, and wholly upon that *dictum* rests the theory that insurance is not commerce. That part of the opinion in *Paul vs. Virginia* which denies the issuance and delivery of insurance policies to be transactions of commerce is *dictum* according to the decisions of the court which define what *dictum* is.

A brief statement of the facts involved and the questions urged in *Paul vs. Virginia* will sustain this claim.

Paul, a resident of Virginia, was the agent in that state of certain fire insurance companies of the State of New York and was indicted and convicted, under a statute of Virginia which required agents of fire insurance companies of other states to conform with certain regulations under penalty, because, as Mr. Justice Field says, "he, in one instance, *did issue a policy* in their name (that of the companies he represented) to a citizen of Virginia." From the sentence of conviction which imposed a fine upon him he appealed. The principal question involved in the case, aside from the right of a state to impose terms upon corporations of other states, was the contention that the statute of Virginia took from corporations of other states the privileges and immunities which they enjoyed as

citizens of the several states, and the principal part of the discussion by Mr. Justice Field relating to the validity of that statute had particular reference to the status of corporations under that provision of the Constitution which declares that the citizens of each state shall be entitled to all the privileges and immunities of the citizens of the several states, and the ruling of the court was that corporations are not citizens within the meaning of that provision. The statute was therefore upheld as a valid exercise of the right of the state—the police power—under which it may dictate terms to corporations of other states, before the court announced the conclusion which has served as a Chinese wall of separation between Congress and its commercial power.

The briefs filed in behalf of Paul make but a meager reference to the point that insurance is commerce, and the brief for the Commonwealth of Virginia does not mention it at all, but argues against the constitutional status of corporations asserted by counsel for Paul, and that the judgment of the state court should be sustained because (quoting from the brief):

“No foreign insurance company has a right to come into Virginia by her agents to do the business of insurance without the consent of Virginia, and, in giving her consent, she has the perfect right to impose such reasonable conditions as she may deem necessary and proper to secure the payment of her revenue and the security of her citizens from impositions and frauds.”

In the language of Mr. Justice Curtis in *Carroll vs. Lessees of Carroll* (16 How. 275, 286):

The court “has never held itself bound by any part of an opinion in any case *which was not needful* to the ascertainment of the right or title in question between the parties.”

In the third place *Paul vs. Virginia*, and the succeeding cases of that series, are not binding upon the court, and, consequently, not upon Congress, because the doctrine of *stare decisis* is inapplicable in constitutional questions. The court does not regard itself bound by its previous expressions upon

questions of constitutional law. The doctrine of *stare decisis* is a salutary one, but it can only be legitimately invoked to preserve a rule of property, not to bar consideration of constitutional questions.

Before the promulgation of the Justinian Code, there were those who, in the language of the late James C. Carter, made "a fetish of the doctrine of *stare decisis*"; and to prevent the perpetuation of judicial error the Justinian Code (Book VII, title 45, section 13) gave this direction to the judges of that day:

"Let no judge or arbiter suppose that he must follow decisions which he does not believe were rightly adjudged, much less the sentences of the most eminent prefects or other high magistrates, for if a case is not well decided it ought not to be extended into a fault of other judges, since judgments are to be rendered not according to examples, but according to laws."

And the Supreme Court, upon great consideration, stated the following rule in the Income Tax Cases (*Pollock vs. Farmers Loan and Trust Co.*, 157 U. S. 429):

"The doctrine of *stare decisis* is a salutary one, and is to be adhered to on proper occasions in respect of decisions directly upon points in issue, but this court should not extend any decision upon a constitutional question if it is convinced that error in principle might supervene."

On the argument of that case it was contended that certain previous decisions of the court foreclosed the matter under consideration, but the following language of Mr. Chief Justice Marshall (in *Cohens vs. Virginia*, 6 Wheat. 264, 399) was quoted by the court as a conclusive answer to such contention:

"It is a maxim not to be disregarded that general expressions in every opinion are to be taken in connection with the case in which those expressions are used. If they go beyond the case, they may be respected, but ought not to control the judgment in a subsequent suit when the very point is presented for decision. The reason of this maxim is obvious. The question actually before the court is investigated with care and

considered in its full extent. Other principles which may serve to illustrate it are considered in their relation to the case decided, but their possible bearing on all other cases is seldom completely investigated."

The chief justice, in his opinion in the *Income Tax Cases*, also quotes the apt language of Mr. Chief Justice Taney from *The Genesee Chief* (12 How. 443, 455) decided in 1851, in which it was held that certain waters were within "the scope of admiralty and maritime jurisdiction as known and understood in the United States when the Constitution was adopted," overruling the preceding case of *The Thomas Jefferson* (10 Wheat. 428):

"It is the decision in the case of *The Thomas Jefferson* which mainly embarrasses the court in the present inquiry. We are sensible of the great weight to which it is entitled. But at the same time we are convinced that if we follow it we follow an erroneous decision into which the court fell when the great importance of the question as it now presents itself could not be foreseen, and the subject did not therefore receive that deliberate consideration which at this time would have been given to it by the eminent men who presided here when that case was decided. For the decision was made in 1825 when the commerce on the rivers of the West and on the Lakes was in its infancy and of little importance, and but little regarded compared with that of the present day. . . . The case of *The Thomas Jefferson* did not decide any question of property or lay down any rule by which the right of property should be determined. If it had, we should have felt ourselves bound to follow it notwithstanding the opinion we have expressed. For everyone would suppose that after the decision of this court, in a matter of that kind, he might safely enter into contracts upon the faith that rights thus acquired would not be disturbed. In such a case *stare decisis* is the safe and established rule of judicial policy and should always be adhered to. . . . But the decision referred to has no relation to rights of property."

The language quoted is singularly appropriate to the *Insurance Cases*, and Mr. Chief Justice Fuller concludes his observations with respect to the doctrine of *stare decisis* as follows:

"Manifestly, as this court is clothed with the power and entrusted with the duty to maintain the fundamental law of the Constitution, the discharge of that duty requires it not to extend any decision upon a constitutional question if it is convinced that error in principle might supervene."

In other words, no previous decisions upon constitutional questions bind the court. And because *Paul vs. Virginia*, and the cases based upon it, involve a fundamental error in their repudiation of the usage and practice of the commercial world, because what was therein said on this point was *dictum*, and, because the court has refused to be bound by its previous decisions upon constitutional questions, the Insurance Cases do not abrogate the power which Congress possesses under the Constitution to regulate and supervise interstate transactions in insurance.

History and universal usage therefore sustain the claim that insurance is commerce, and so long as the question is open for reargument to the court, those who deny the power of Congress in this regard beg the question, for the argument begins where they leave off.

It will not be denied that the term "commerce" used by the fathers covers the things then understood to be commerce as well as those which have since become subjects of commerce. Franklin, Wilson and Hamilton, all members of the constitutional convention, are on record to the effect that insurance was then commerce. A special consular report for 1905 shows that insurance is regarded as commerce by nearly every nation with which we maintain diplomatic relations.

The American commerce of 1787 knew only sailing vessels, canal boats and stage coaches. There were no steamboats and no railroads, no electricity, and the telegraph and the telephone and supplied electrical power have become utilities of commerce within a generation and subject to federal regulation because, in the language of Mr. Justice Brewer (in the *Debs* case, 158 U. S. 591), the operation of constitutional provisions "extends to new matters as the modes of business and

the habits of life of the people vary with each succeeding generation."

In a letter to the chairman of your committee, dated November 8, 1905, Sir Frederick Pollock says:

"In answer to your question of October 26th, marine insurance has undoubtedly always been held for part of the law merchant. (See *Malines Lex Mercatoria*, part I, chaps. 24, 25). And this being so, it would seem difficult to maintain that other kinds of insurance are not, for it is common learning in our modern law that the same general principles govern them all. 'Commerce' is not a word of art in common law nor frequent in English statutes, and I do not know of any judicial interpretation of it in English jurisdiction. It would seem, however, to include at all events the subject matters of the law merchant."

And Mr. Charles Mylne Barker, President of the Incorporated Law Society of London, under date of January 4, 1906, wrote the following interesting letter which supports the claim that insurance is now and always was trade and commerce in England and so regarded in English law:

"In the year 1719 certain exclusive privileges in reference to marine insurance were granted to the Royal Exchange and London Assurance Companies (6 Geo. I, C 18), and in the year 1810 the House of Commons appointed a select committee to report upon the act and as to the state and means of effecting marine insurance in Great Britain. The committee in the preamble to their report say: 'In a country *where commerce* in all its various branches has been carried to such unexampled extent . . . no subject can be of more real and extensive importance than that which has been referred to your committee.'

"The following extract from the report may be of interest to you:

"'In every part of America the insurances are done by incorporate companies. In the State of Massachusetts alone there are 19 companies; at Boston there are 7; at New York, 6; at Philadelphia, 8; at Baltimore, 5; at Norfolk, 1; at Charlestown, 2; at New Orleans, 1.'

"In the year 1853 another select committee was appointed by the House of Commons to report upon assurance associa-

tions. It appears from their report that it was accepted as a fact that insurance business generally *was a branch of trade*, the only controversy was whether, 'admitting the general wisdom of the principle of non-interference on the part of the government in matters of trade, the question of life assurance differs so materially in its general character from ordinary trading transactions that it may fairly be considered as an exception to the rule.' Mr. Edmonds, the Actuary of the Legal and General Life Assurance Society, was asked by the chairman: 'Would it be an interference with trade as usually understood were the legislature to propose such regulations as they thought would give to assurers the full means of judging of the condition of the fund in which they were beneficially interested?' His reply was: 'In my opinion such interference would not be a fettering of trade, but the reverse; in any other trade the creditors can call upon the company to prove its solvency; it would be for the advantage of honest traders if similar power were extended to the creditors of assurance companies.'

"Our leading text writers on mercantile law include in their subject contracts of marine, fire and life assurance.

"Finally, by the rules by the judges in the year 1895 for the conduct of commercial causes in the High Court, it is laid down that 'commercial causes include causes arising out of the ordinary transactions of merchants and traders; amongst others those relating to the construction of mercantile documents, export or import of merchandise, affreightment, insurance, banking and mercantile agency and mercantile usages.'

"I think, therefore, that in England from the time of Elizabeth to the present day insurance has been regarded as a branch of commerce."

The many uses made of insurance, both fire and life, which make it the very foundation of our credit system, are well known and need no restatement. There is used in everyday language in the commercial transactions of the country the term "C. I. F.," meaning in the sale or purchase of goods, "cost, insurance and freight," in exactly the same manner as the term "F. O. B." is used for "free on board" in the shipment of goods. This shows that insurance is not a mere incident of commerce, but an element thereof, and that it is placed

upon the same basis as the cost of the article itself and the freight charges for its shipment. A bill of lading, as such, is not a transaction of commerce. A policy of insurance may not be a transaction of commerce, but the bill of lading represents a transaction of commerce and the policy evidences or represents the indemnity afforded by insurance as the bill of lading is representative in the other case; and this indemnity is a species of commodity, intangible, perhaps, but not more so than electricity and the uses of it by the telegraph and the telephone.

It has been held that foreign bills of exchange are instruments of commerce. (*Nathan vs. Louisiana*, 8 How. 73.) And in that case, which involved the exaction of a tax in the nature of an occupation tax upon a dealer in foreign bills of exchange, it was said: "Money is admitted to be an instrument of commerce and so is a bill of exchange." The tax was sustained in that case, not as a tax on bills of exchange as instruments of commerce, but as a tax on the business, upon the same principle that the taxation of ships as property was then sustained and a tax on railroad property would be now sustained, for the court holds that all property within the state is subject to taxation, and so are the "numberless enterprises in which its citizens may be engaged." Insurance is commercial intercourse, and therefore commerce. It involves more extended commercial intercourse than any other branch of business. The supreme court has held that life insurance is trade with the enemy, and is suspended by war as any other commercial intercourse. (*New York Life Ins. Co. vs. Davis*, 95 U. S. 425.)

A more significant, because more recent, judicial utterance is found in *Carroll vs. Greenwich Insurance Co.*, 199 U. S. 401, decided November 27, 1905. This was an action brought originally by a number of fire insurance companies in the Circuit Court for the Southern District of Iowa to restrain the auditor of that state from threatened interference with them through the enforcement of a certain law of Iowa which pro-

hibited combinations amongst the companies in the matter of rates to be charged for insurance and the amount of commissions to be allowed their agents. Judge McPherson, United States District Judge for the Southern District of Iowa, declared the law unconstitutional, but, on appeal to the Supreme Court of the United States, it was held valid. The point upon which the decision rests is best stated in the language of the opinion, which is by Mr. Justice Holmes :

" We pass to the question upon which the Circuit Court decided the case, namely, the constitutionality of § 1754, the only section which we find it necessary to consider. Whatever may be thought of the policy of such attempts, it cannot be denied in this court, unless some of its decisions are to be overruled, that statutes prohibiting combinations between possible rivals in trade may be constitutional. The decisions concern not only statutes of the United States, *Northern Securities Co. vs. U. S.*, 193 U. S. 197 ; *Swift & Co. vs. United States*, 196 U. S. 375, but also state laws of similar import. *Smiley vs. Kansas*, 196 U. S. 447 ; *National Cotton Oil Co. vs. Texas*, 197 U. S. 115."

In the course of the argument before the court it appears to have been urged " that there is no justification for the particular selection of fire insurance companies for the prohibitions discussed." But, with reference to this, the opinion says:

" With regard to this, it should be observed, as is noticed by the appellees, that a general statute of Iowa prohibits all contracts or combinations to fix the price of any article of merchandise or commodity, or to limit the quantity of the same produced or sold in the state, Code of 1897, § 5060, and that this section covers fire insurance. *Beechley vs. Mulville*, 102 Iowa 602. Therefore, the act in question does little, if anything, more than apply and work out the policy of the general law in a particular case."

The decision rests upon the fact that fire insurance companies may be " possible rivals in trade," and the second quotation from the opinion emphasizes that idea and defines the particular kind of a commodity in which these rivals are trading.

The Iowa case referred to in the opinion of the Supreme Court (*Beechley vs. Mulville*, 102 Iowa 602) was a suit for damages based upon a conspiracy to destroy the plaintiff's business as an insurance agent. Recovery was had under the general statute of Iowa referred to by Mr. Justice Holmes, and in the course of the opinion in that case the Iowa court defined fire insurance to be a commodity, saying :

"Insurance is a commodity. 'Commodity' is defined to be that which affords advantage or profit. Mr. Anderson, in his law dictionary, defines the word as 'convenience, privilege, profit, gain; popularly, goods, wares, merchandise.' . . . It is common to speak of 'selling insurance.' It is a term used in insurance business, and law writers have, to quite an extent, adopted it."

It follows that if insurance is a commodity in Iowa it is a commodity everywhere, for it is the same everywhere; and if fire insurance companies are possible rivals in trade within the State of Iowa, they are such rivals everywhere.

Mr. Justice Harlan, in a concurring opinion, used the following language :

"The business of fire insurance is of such a peculiar character, so intimately connected with the prosperity of the whole community, and so vital to the security of property owners, that it is competent for the state to forbid combinations and agreements among fire insurance companies doing business within its limits, in reference to rates, agents, commissions, and the manner of transacting their business."

It is a far cry from *Paul vs. Virginia*, to the Iowa Anti-Compact Case. In *Paul vs. Virginia*, Mr. Justice Field said :

"Issuing a policy of insurance is not a transaction of commerce. . . . These contracts are not articles of commerce in any proper meaning of the word. They are not subjects of trade and barter offered in the market, as something having an existence and value independent of the parties to them; *they are not commodities* to be shipped and forwarded from one place to another and then put up for sale."

But, as suggested, this case, and the others in the series of Insurance Cases, rest upon the erroneous theory that the

issuance and delivery of the policy is the transaction, and not the indemnity furnished by the company to its insured upon agreed conditions. Besides, upon the facts in those cases, as they are stated by the court, the transactions as they were conducted, connected with the issuance of the policies were intrastate and not interstate. Mr. Justice Field concludes his observations with respect to the business of insurance thus :

“The policies do not take effect—are not executed contracts—until delivered by the agent in Virginia. They are, then, local transactions and are governed by the local law.”

No one familiar with the insurance business as it is now conducted would accept that statement as accurate, for a multitude of transactions daily take place without the delivery of policies.

The full scope of the decision in *Hooper vs. California* is thus stated by Mr. Justice Peckham, in *Allegeyer vs. Louisiana*, 165 U. S. 578 :

“The court held that the whole transaction amounted to procuring insurance within the State of California by Hooper, residing there, and for a resident of the state from an insurance company not incorporated under its laws, and which had not filed the bond required by the laws of the state relative to insurance.”

These cases affirm judgments of conviction for specific acts committed in violation of statutes that are sustained under the police power.

The decision in *Paul vs. Virginia* involved only the most restricted view of insurance. It involved only the narrowest conception of the subjects of commerce ; for, at that time, only tangible things, grain, coal, merchandise—things that could be seen and handled—were regarded as subjects of commerce ; but shortly thereafter the telegraph and the telephone came into use, and in a case from which Mr. Justice Field vigorously dissented the power of Congress over commerce was asserted and extended to cover intangible things. (*Pensacola Telegraph Co. vs. Western Union Telegraph Co.*, 96 U. S. 1.

In that case the Supreme Court declined to give *Paul vs. Virginia* the scope and authority claimed for it by Mr. Justice Field.

Mr. Chief Justice Waite, said :

" We are aware that in *Paul vs. Virginia* this court decided that a state might exclude a corporation of another state from its jurisdiction, and that corporations are not within the clause of the Constitution which declares that ' the citizens of each state shall be entitled to all the privileges and immunities of citizens in the several states. ' "

" Upon principles of comity, corporations of one state are permitted to do business in another, unless it conflicts with the law or unjustly interferes with the rights of the citizens of the state into which they come. ' Under such circumstances no citizen of a state can enjoin a foreign corporation from pursuing its business. ' "

Mr. Justice Field dissented and, quoting from *Paul vs. Virginia*, urged the importance of state control over corporations, saying :

" By the decision now rendered, congressional legislation can take this control from the state, and even thrust within its borders corporations from other states in no way responsible to it. ' "

The Lottery Cases (188 U. S. 321) are of importance in this connection, not only because lottery tickets, which have a conjectural or speculative value, are held subjects of commerce, but because, by the majority of the court, the Insurance Cases, which were urged as concluding the court to the other view, were wholly ignored ; and though the minority cited the whole series to support their dissent, the judgment of the majority should be taken as reasonable ground for asserting that the authority of the Insurance Cases has been materially weakened, and that the court, without saying so in terms, is disposed to forsake a doctrine which has no basis in facts or logic and rests only upon dicta.

It may be that the disregard by the court in the Lottery Cases of the rule stated by it in the Insurance Cases arises

because the court declines to be bound by its previous utterances on constitutional questions.

There is, then, no barrier between Congress and the exercise of its power. The Supreme Court is not given the power to regulate commerce, and there is no division of the subjects of commerce depending solely upon the pleasure or the judgment of the Supreme Court into those which are subjects of state regulation and those which are subjects of congressional control. The Constitution confides the power to regulate commerce to Congress and not to the Supreme Court.

This subject was under discussion so long ago as when *McCulloch vs. Maryland* (4 Wheat. 316) was before the court, and the immortal Webster asserted:

"Congress, by the Constitution, is invested with certain powers; and as to the objects, and within the scope of these powers, it is sovereign."

In the course of his argument and to the point that Congress is authorized to pass all laws necessary and proper to carry into execution the powers conferred, he said:

"*Necessary* powers must here intend such powers as are *suitable* and *fitted* to the object; such as are *best* and *most useful* in relation to the end proposed."

The court held in that case (quoting from the syllabus):

"If a certain means to carry into effect any power expressly given by the Constitution to the government of the Union be a proper measure not prohibited by the Constitution, the degree of necessity is a question of legislative discretion, not of judicial cognizance."

The opinion contains this language (p. 423):

"But where the law is not prohibited, and is really calculated to effect any of the objects entrusted to the Government to undertake here to inquire into the degree of its necessity, would be to pass the line which circumscribes the judicial department and to tread on legislative ground."

And Mr. Chief Justice Marshall, in *Gibbons vs. Ogden*, *supra*, said:

"The wisdom and the discretion of Congress, their identity with the people and the influence which their constituents possess at elections, are in this, as in many other instances, as that, for example, of declaring war, the sole restraint on which they have relied to secure them from its abuse. They are the restraints on which the people must often rely solely in all representative governments."

The same idea is voiced by Mr. Justice White in *McCrary vs. United States*, 195 U. S. 27, at page 54, wherein he declares :

"No instance is afforded from the foundation of the government, where an act, which was within a power conferred, was declared to be repugnant to the Constitution because it appeared to the judicial mind that the particular exertion of constitutional power was either unwise or unjust."

Mr. Justice Miller said, in *United States vs. Steffens*, 100 U. S. 182, that one may count on his fingers acts of Congress held unconstitutional for want of constitutional power.

Congress has the exclusive power "to determine the articles which may be the subjects of commerce." (Mr. Justice Catron, in the *License Cases*, 5 How. 504, quoted by Justices Matthews and Field, in *Bowman vs. Railway Co.*, *supra*.)

And Mr. Chief Justice Fuller said, in *Leisy vs. Hardin*, 135 U. S. 100, at page 125 :

"We cannot hold that any articles which Congress recognizes as subjects of interstate commerce are not such."

The real opposition to the federal supervision of insurance does not rest upon the absence of congressional power, but rather in the disinclination to exercise it. That objection is political in character, has no solid foundation and will be but briefly noticed. It is too late to challenge the power of Congress over, or the propriety of federal regulation of, any instrumentality of commerce. Time has demonstrated the correctness of Hamilton's declaration that the danger of usurpation by the federal government is not to be found in the nature or extent of the powers confided to it, but rather, if at all, in its

composition and structure. (*The Federalist*, No. 31.) The millions of American policy holders ought not to be denied the best protection which our form of government will permit because of any phantom of state rights intervening between Congress and the exercise of its power.

Madison said :

“The public good, the real welfare of the great body of the people, is the supreme object to be pursued. No form of government whatever has any other value than as it may be fitted for the attainment of this object. Were the plan of the Constitution adverse to the public happiness, my voice would be, Reject the plan. Were the Union itself inconsistent with the public happiness, it would be, Abolish the Union. In like manner, as far as the sovereignty of the states cannot be reconciled to the happiness of the people, the voice of every good citizen must be, Let the former be sacrificed to the latter.” (*The Federalist*, No. 45.)

In the interest of publicity and to secure regulation which will insure the maximum of protection to the public, and lessen the cost of insurance, Congress should provide for the supervision of the business, for it is only by legislation that this power can be demonstrated.

PENDING LEGISLATION.

There are now pending before Congress a number of bills which deal with this subject. Among the most deserving of these is the Ames Bill, which seeks to provide for the control of insurance in the District of Columbia and the territories of the United States. It is voluminous and, as your committee are advised, as yet incomplete ; and it is not deemed necessary to submit it in its present state for the consideration of the Association. It was introduced by Representative Ames, of Massachusetts, and is reputed to be modeled upon the Massachusetts law ; but a number of amendments have been offered which it is reported have been accepted by Mr. Ames. The present Congress may pass it. It is favorably regarded by the opponents of federal supervision. It can certainly do no harm,

but in the opinion of your committee, should this bill become a law, it will do for the people of the District of Columbia and the territories of the United States what Congress ought to do for the policy holders of America.

Another bill is that introduced by Senator Dryden. This bill has been prepared with grèat care and skill, and provides a comprehensive scheme for regulating the interstate insurance business of the country.

Your committee are not disposed to recommend any measure providing in detail for the federal control of interstate insurance, and the measure submitted herewith and recommended to the Association is a simple declaration of the power of Congress, leaving it to Congress to subsequently adopt the details of a scheme of regulation. This bill (S. 173) was introduced by Senator Millard.

UNDERGROUND OR WILDCAT INSURANCE.

The laws of most of the states are inadequate for the protection of the policy holders in insurance companies, for a number of them permit the incorporation of such companies on both stock and mutual plans without a cash deposit or its equivalent; the theory of such laws is that the obligations of the subscribers for stock is a protection to the policy holders. The records of the courts are strewn with the wrecks of insolvent companies whose operations escape the observation of the insurance departments of the states under whose laws they are created, because they transact none of their business in their home states and conduct it only in other states where they are not licensed, but where they write insurance under the eye of an incompetent or complacent insurance department. The problems connected with this species of knavery have given rise to much discussion, and efforts to check it have from time to time been put forth, not only by the officers of companies engaged in legitimate business, but by the national conventions of state insurance commissioners. As already stated, the latter body has memorialized Congress upon the

subject and asked the Postmaster General to issue a fraud order against certain companies whose business was known to be illegitimate and who were making use of the mails to further their fraudulent schemes. A bill to prevent the use of the mails was recently before Congress, but failed of enactment. The only question which can arise with respect to such legislation is that it shall apply only to those individuals or companies intended to be affected.

Your committee submit the draft of a bill which is believed to be sufficiently comprehensive.

VALUED POLICY LAWS.

In nineteen or twenty of the states are statutes known as "valued policy laws," which require insurance companies to pay to their insured, in the event of the total destruction of real or personal property insured, the full amount named in the policy regardless of the value of the property at the time of the loss. Such laws invite fraud, perjury and arson. The man who insures his property for more than it is worth and then sets it on fire is protected by law in his dishonesty and crime to the extent of his overinsurance. There is no force in the suggestion that insurance agents for the sake of their commissions are largely responsible for overinsurance. In such cases the agent robs and defrauds his company, and one wrong does not justify another. The valued policy laws have increased both the cost of insurance and the fire waste. They place before every evil-disposed person the temptation to over-insure and then to burn his property for the gain there is in it. Society at large is directly concerned in preventing recovery on any fire insurance policy for more than the value of the property destroyed.

Governor Shaw, of Iowa, in 1900, Governor Pattison, of Pennsylvania, in 1893, Governor Atgeld, of Illinois, in 1893, Governor Thomas, of Colorado, in 1899, Governor Wells, of Utah, in 1899, and Governor Sadler, of Nevada, in 1899, vetoed bills of this character, and the insurance commissioners

of Ohio, Wisconsin, Missouri, Michigan and other states have condemned these statutes in the severest terms. Governor Shaw made an investigation of the operation of such statutes in other states and collected the record of over eight hundred policies in the southern tier of counties of Iowa and the northern tier of counties of Missouri from which he found that the rate of insurance was materially increased, and in many instances doubled, and in some cases more than doubled. In this veto message he said :

“ There is no escaping the proposition that the insured must pay all losses, and any law that has the effect to increase the hazard must necessarily increase the rate. . . . True insurance is indemnity. Nothing in excess of actual loss should ever be collectible. In order to reduce the loss to the minimum there must be some inducement for the owner of the property to throw water *rather than oil upon incipient fires.*”

STATE FIRE MARSHAL.

There should be a more vigorous and relentless pursuit of criminals for the adequate protection of society, and among the criminals who have hitherto generally escaped detection and punishment are the arsonists. The enormous annual fire waste already referred to has resulted in preventive legislation in some states by the enactment of what is known as the “ Fire Marshal Law,” requiring an official investigation into the cause of every fire. Alabama, Connecticut, Louisiana, Maine, Maryland, Massachusetts, Missouri, Minnesota, New Hampshire, North Carolina, Ohio, Pennsylvania, South Carolina, Washington and the District of Columbia have such a law, as your committee are advised. It is estimated that one-third of all fires are of incendiary origin, and as long ago as 1892 the national convention of state insurance commissioners called attention to the appalling association of crime and fire and suggested that “ investigations as to the cause of all fires be required by law with provisions for the prosecution of fraudulent cases. The Fire Marshal of Ohio reports that during the first half of 1905 there were in Ohio

2577 fires. The average for four preceding first halves of calendar years was 3105. In the first six months of 1905 forty persons were arrested and thirty-three convicted for arson. The increased fear of conviction, and early, painstaking investigation have largely diminished the number of incendiary fires in Ohio.

The Ohio Fire Marshal Law is herewith submitted for your consideration.

Your committee therefore recommend:

1. That the Committee on Insurance Law be directed to draft and report to the next annual meeting of the Association a bill that shall safeguard the interests of the life companies and their policy holders, ¹[but which shall require deferred dividends on life policies to be biennially apportioned, credited and notified to the holders of such policies].

2. The repeal of the so-called reciprocal or retaliatory tax laws.

3. The repeal of the valued policy laws.

4. The creation in each state of the office of fire marshal.

5. Stricter incorporation laws in the several states, with particular reference to the capital stock and stockholders' obligations in insurance companies.

6. The enactment of a federal statute forbidding the use of the mails to persons, associations, copartnerships or corporations, conducting any kind of insurance business in the United States, who are not licensed to transact such business by the states where such persons, associations, copartnerships or corporations are domiciled, or under whose laws any such corporations are created.

- ¹[7. The enactment of a federal statute providing for the supervision of interstate transactions in insurance.]

RALPH W. BRECKENRIDGE,
BURTON SMITH,
RODNEY A. MERCUR.

NOTE.—In a letter to the Chairman, Mr. Hemenway expresses his approval of the presentation of the law as contained in the report, but states that he is without personal knowledge of facts which justify the criticism of the state insurance departments, and withholds his signature to the report for that reason.

He further says: "As to the bill proposed for national supervision, I think it is altogether too crude, and I have not the time to prepare a bill that I would approve."

Mr. Vance, the other member of the committee, submits a minority report, which follows the appendices hereto.

¹Portions bracketed withdrawn. See pages 66 and 71.

APPENDIX A.
TABLE SHOWING THE INTERSTATE CHARACTER OF INSURANCE.
 (For the year 1903.)

TABLE I.—ORDINARY LIFE INSURANCE.*

NAME OF COMPANY.	Total amount of Policies (Designated in millions).	Percentage of Policies written in Home State.	Total amount of new Policies issued in 1903 (Designated in millions).	Percentage of New Policies written in Home State.	Total Premiums received in 1903 (Designated in millions).	Percentage of Premiums received in Home State.
Equitable Life Assurance Society, New York	\$1,409	.208	332	.216	58	.193
†Metropolitan Life Insurance Co., New York	282	.210	101	.189	46	.054
Mutual Life Insurance Co., New York	1,445	.148	215	.123	60	.133
†New York Life Insurance Co., New York	1,745	.148	330	.124	73	.151
Provident Savings Life Insurance Co., N. Y.	105	.090	34	.069	3	.111
Aetna Life Insurance Co., Connecticut	233	.040	26	.035	9	.042
Connecticut Mutual Life Insurance Co., Conn.,	160	.038	10	.040	5	.061
Mutual Benefit Life Insurance Co. of N. J.	359†	.058	47	.056	12	.059
†Prudential Insurance Co. of America	388†	.120	102	.119	36	.038
Travelers' Life Insurance Co., Connecticut	133	.026	17	.023	4	.044
Union Central Life Insurance Co. of Ohio	197	.190	36	.132	7†	.229
†John Hancock Mutual Life Ins. Co., Mass.	103	.135	26	.132	12	.050
Massachusetts Mutual Life Insurance Co.	169	.107	24	.070	6	.123
Fidelity Mutual Life Ins. Co. of Philadelphia,	100	.215	22	.241	3	.224
Penn Mutual Life Ins. Co. of Philadelphia	308	.262	70	.206	11	.242
Provident Life and Trust Co. of Philadelphia	159	.419	18	.341	6	.402
National Life Insurance Co. of Vermont	124	.053	21	.035	5	.055
New England Mutual, Massachusetts	145	.195	22	.156	5	.205
State Mutual, Massachusetts	101	.289	14	.188	3	.294
Northwestern Mutual of Wisconsin	662	.069	80	.063	26	.080
Totals	\$8,342	.154	1,552	.145	395	.126

* To economize space, the figures beyond millions are omitted in the columns. They have, however, been included in the "totals."

† Industrial insurance not included. † 1904 statistics.

APPENDIX A—Continued.

TABLE II—FIRE INSURANCE.*

	Total Risks written or renewed in 1903 (Desig- nated in millions).	Percentage of Total Risks written in Home State	Premiums on Total Business written or renewed in 1903 (Desig- nated in thousands)	Percentage of Total Premiums received in Home State
NEW YORK JOINT STOCK COMPANIES.				
Agricultural Insurance Co.	162	.246	1,788	.197
Continental Insurance Co.	661	.229	6,818	.158
Dutchess Insurance Co.	53	.362	694	.302
German Alliance Insurance Co.	50	.334	541	.252
German-American Insurance Co.	757	.240	7,649	.150
Germania Fire Insurance Co.	280	.251	2,717	.165
Glens Falls Fire Insurance Co.	135	.214	1,679	.140
Globe and Rutgers Fire Insurance Co.	131	.179	2,015	.164
Greenwich Fire Insurance Co.	269	.440	2,457	.227
Hanover Fire Insurance Co.	435	.331	4,253	.331
Home Insurance Co.	1,169	.266	11,911	.167
Niagara Fire Insurance Co.	277	.223	3,353	.161
Phoenix Insurance Co.	571	.203	6,440	.108
Queen Insurance Co. of America	308	.139	3,983	.075
Rochester-German Insurance Co.	110	.103	1,477	.070
Westchester Fire Insurance Co.	241	.278	2,667	.192
Williamsburg City Fire Insurance Co.	126	.377	1,331	.234
Totals	5,740	.252	61,803	.167
PENNSYLVANIA JOINT STOCK COMPANIES.				
American Fire Insurance Co.	161	.151	2	.135
Fire Association of Philadelphia	403	.094	5	.085
Insurance Co. of North America	550	.096	6	.010
National Union Fire Insurance Co.	105	.132	1	.128
Penn Fire Insurance Co.	301	.108	3	.096
Spring Garden Insurance Co.	114	.086	1	.087
Totals	1,636	.105	20	.100
STOCK COMPANIES OF OTHER STATES.				
Aetna-Hartford, Conn.	521	.030	7	.021
American Central Insurance Co., Mo.	200	.076	2	.084
American Insurance Co., N. J.	207	.093	2	.055
Citizens' Insurance Co. of Missouri	143	.055	2	.049
Connecticut Fire Insurance Co.	261	.020	3	.016
Firemen's Fund, Cal.	304	.088	4	.119
German Insurance Co., Ill.	261	.159	3	.143
Hartford Fire Insurance Co., Conn.	907	.012	12	.010
Milwaukee Mechanics' Insurance Co.	137	.095	1	.092
National Fire Insurance Co. of Hartford,	486	.020	5	.015
New Hampshire Fire Insurance Co.	155	.104	1	.011
Northwestern National Insurance Co. of Milwaukee	155	.089	1	.088
Orient Insurance Co. (Conn.)	117	.042	1	.024
Phoenix Insurance Co. (Conn.)	484	.020	4	.020
Providence-Washington Ins. Co.	202	.033	2	.028
St. Paul Fire and Marine	163	.123	2	.097
Springfield Fire and Marine Insurance Co. (Mass.)	361	.052	4	.044
Traders' Insurance Co. (Ill.)	151	.133	2	.130
Totals	5,220	.053	65	.049

*To economize space, the figures beyond millions are omitted in the columns. They have, however, been included in the "totals."

APPENDIX B.

AN ACT

To create the office of State Fire Marshal and to prescribe his duties, and providing for his compensation.

Be it enacted by, etc. :

SECTION 1. That the governor is hereby authorized and empowered to appoint within sixty days after this act shall take effect, and every two (2) years thereafter, between the 15th day of January and the 1st day of February, and also within thirty days after the occurrence of the vacancy in the office, a suitable person who shall be a citizen of this state as state fire marshal, who shall hold (the) office until his successor is appointed and qualified, the title of which office shall be state fire marshal. Such officer shall keep his office at the capitol in the city of ———, and may be removed for cause at any time by the governor.

The state fire marshal is hereby empowered and required to appoint two deputy fire marshals, to be designated as first and second deputies, and one chief assistant. The duties of said deputies and chief assistant shall be to assist the state fire marshal, and such appointees may be removed for cause by the said fire marshal. In the event of a vacancy in the office of fire marshal, or during the absence or disability of that officer, the first deputy marshal shall perform the duties of the office.

SEC. 2. The state fire marshal and the chief of the fire department of every city or village in which a fire department is established, and the mayor of every incorporated village or town in which no fire department exists, and the township clerk of every organized township without the limits of any organized village or city, shall investigate the cause, origin and circumstance of every fire occurring in such city, village, town or township by which property has been destroyed or

damaged, and shall especially make investigation as to whether such fire was the result of carelessness or design. Such investigation shall be begun within two days, not including Sunday, of the occurrence of such fire, and the fire marshal shall have the right to supervise and direct such investigation whenever he deems it expedient or necessary. The officer making investigation of fires occurring in cities, villages, towns or townships shall forthwith notify said fire marshal, and shall within one week of the occurrence of the fire, furnish to the said fire marshal a written statement of all facts relating to the cause and origin of the fire, and such other information as may be called for by the blanks provided by said fire marshal. The state fire marshal shall keep in his office a record of all fires occurring in the state, together with all facts, statistics and circumstances, including the origin of the fires, which may be determined by the investigations provided by this act; such record shall at all times be open to the public inspection, and such portions of it as the insurance commissioner may deem necessary shall be transcribed and forwarded to him within fifteen days from the first of January of each year.

SEC. 3. The state fire marshal shall, when in his opinion further investigation is necessary, take or cause to be taken the testimony on oath of all persons supposed to be cognizant of any facts or to have means of knowledge in relation to the matter as to which an examination is herein required to be made, and shall cause the same to be reduced to writing; and if he shall be of the opinion that there is evidence sufficient to charge any person with the crime of arson, he shall cause such person to be arrested and charged with such offense, and shall furnish to the proper prosecuting attorney all such evidence, together with the names of witnesses and all the information obtained by him, including a copy of all pertinent and material testimony taken in the case, and shall report to the insurance commissioner, as often as such commissioner shall require, his proceedings and the progress made in all prosecu-

tions for arson and the result of all cases which are finally disposed of.

SEC. 4. The state fire marshal, deputy state fire marshals and chief assistant fire marshal shall each have power in any county in the state of ——— to summon and compel the attendance of witnesses before them, or either of them, to testify in relation to any matter which is by the provisions of this act a subject of inquiry and investigation, and may require the production of any book, paper or document deemed pertinent thereto by them or either of them. Said state fire marshal, deputy state fire marshals and chief assistant fire marshal are each hereby authorized and empowered to administer oaths and affirmations to any persons appearing as witnesses before them, and false swearing in any matter or proceeding aforesaid shall be deemed perjury and shall be punished as such. Any witness who refuses to be sworn, or who refuses to testify, or who disobeys any lawful order of said state fire marshal, deputy state fire marshals or chief assistant fire marshal, or who fails or refuses to produce any book, paper or document touching any matter under examination, or who is guilty of any contemptuous conduct after being summoned by them, or either of them, to appear before them, or either of them, to give testimony in relation to any matter or subject under investigation as aforesaid, may be summarily punished by said state fire marshal, deputy state fire marshals or chief assistant fire marshal, as for contempt, by a fine in a sum not exceeding one hundred dollars (\$100) or be committed to the county jail until such time as such person may be willing to comply with any order made by said state fire marshal, deputy state fire marshals or chief assistant fire marshal as provided in this act. Said state fire marshal and his subordinates, or either of them, shall have the authority at all times of day and night, in the performance of the duties imposed by the provisions of this act, to enter upon and examine any building or premises where any fire has occurred, and other buildings and premises adjoining or near the same. All investigations held by or under the

direction of said state fire marshal may in his discretion be private, and persons other than those required to be present by the provisions of this act may be excluded from the place where such investigation is held, and witnesses may be kept separate and apart from each other and not allowed to communicate with each other until they have been examined.

SEC. 5. The state fire marshal, his deputies and assistants, the chief of fire department of all villages and cities where a fire department is established, and the mayor of cities or villages where no fire department exists, and the clerks of each township in the territory without the limits of an organized city or village, upon complaint of any person having an interest in any building or property adjacent, and without any complaint, shall have a right at all reasonable hours, for the purpose of examination, to enter into and upon all buildings and premises within their jurisdiction. Whenever any of said officers shall find any building, or other structure, which, for want of proper repair, or by reason of age and dilapidated condition, or for any cause, is especially liable to fire and which is so situated as to endanger other buildings or property, and whenever any of such officers shall find in any building, or upon any premises, combustible or explosive material, or inflammable conditions, dangerous to the safety of said buildings or premises, they shall order the same to be removed or remedied, and such order shall be forthwith complied with by the owner or occupant of said buildings or premises; *provided, however,* that if the said occupant or owner shall deem himself aggrieved by such order, he may, within twenty-four hours, appeal to the state fire marshal and the cause of complaint shall be at once investigated by the direction of the latter, and unless by his authority the order is revoked, such order shall remain in force and be forthwith complied with by said owner or occupant. Any owner or occupant of buildings or premises failing to comply with the orders of the authorities above specified shall be punished by a fine of not less than ten dollars nor more than fifty dollars (\$50) for each day's neglect.

SEC. 6. Any officer referred to in section ——— herein who neglects to comply with any of (the) requirements of this act shall be punished by a fine of not less than twenty-five dollars nor more than two hundred dollars.

SEC. 7. The state fire marshal shall receive an annual salary of \$3000 and the first deputy fire marshal \$1800 and the second fire marshal \$1500. Said fire marshal shall employ clerks and assistants and incur such other expense as may be necessary in the performance of the duties of his office not to exceed, including salaries, such sum as may be paid into the state treasury in the manner hereinafter provided. For the purpose of maintaining the department of state fire marshal, and paying the expenses incident thereto, every fire insurance company doing business in the state of ——— shall pay to the treasurer of the state in the month of December, annually, in addition to the taxes now required by law to be paid by such companies, one-half of one per cent. on the gross premium receipts of such companies on all business done in ——— the year preceding, as shown by their annual statements, under oath, to the insurance department. The superintendent of insurance shall cover the money so received into the treasury as a special fund for the maintenance of said office of state fire marshal and the expenses incident thereto. Such portion of said special fund remaining unexpended at the end of any fiscal year, as the state fire marshal shall certify is not needed for the maintenance and expenses of his department, shall be transferred to the general revenue fund of the state. The state fire marshal shall keep on file in his office an itemized statement of all expenses incurred by his department, and shall approve all vouchers issued therefor before the same are submitted to the auditor of state for payment, which said vouchers shall be allowed and paid in the same manner as other claims against the state.

SEC. 8. The state fire marshal shall not engage in any other business, and he or one of his deputies shall at all times be in the office of the fire marshal ready for such duties as are required by this act.

SEC. 9. The fire marshal shall submit annually, as early as consistent with full and accurate preparation and not later than the 15th day of January, a detailed report of his official action to the governor.

SEC. 10. There shall be paid to the chiefs of fire departments, and to mayors of incorporated villages, who do not receive compensation for their services as such chiefs and mayors, and to the township clerk of every organized township, who are by this act required to report fires to the state fire marshal, the sum of fifty cents for each fire so reported to the satisfaction of the state fire marshal, and in addition thereto mileage at the rate of fifteen cents per mile for each mile traveled to the place of the fire. Said allowance shall be paid by said state fire marshal at the close of each fiscal year out of any funds appropriated for the use of the office of said state fire marshal.

APPENDIX C.

A BILL

To forbid the use of the mails and postal facilities of the United States to certain persons, associations, copartnerships and corporations.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the use of the mail service and the postal facilities of the United States be, and the same are hereby forbidden to any and all persons, associations, copartnerships or corporations, conducting any kind of insurance business in the United States, unless every such person, association, copartnership or corporation shall obtain a license or permit to conduct its business from the proper officer of the United States, or of the state where such person, association, copartnership or

corporation shall be domiciled, or under whose laws any such corporation shall be created; provided that this act shall not apply to any insurance company created under the laws of any foreign nation that shall comply with any acts of Congress regulating insurance, or that shall be licensed by any state.

The Postmaster General is hereby authorized and directed to make and promulgate such rules and regulations as shall be necessary to carry this law into effect.

APPENDIX D.

A BILL

To amend an Act entitled "An Act to establish the Department of Commerce and Labor," approved February fourteenth, nineteen hundred and three, being chapter five hundred and fifty-two of the United States Statutes enacted by the Fifty-seventh Congress.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the act entitled "An Act to establish the Department of Commerce and Labor," approved February fourteenth, nineteen hundred and three, be amended by adding thereto the following:

"SEC. That there shall be in the Department of Commerce and Labor a bureau to be called the "Bureau of Insurance," and a commissioner of insurance who shall be the head of such bureau, to be appointed by the President, who shall receive a salary of five thousand dollars per annum.

"There shall also be in said bureau a Deputy Commissioner, who shall receive a salary of three thousand five hundred dollars per annum, and who shall, in the absence of the com-

missioner, act as and perform the duties of the commissioner of insurance, and who shall also perform such other duties as shall be assigned to him by the Secretary of Commerce and Labor or by the said commissioner.

"There shall also be in said bureau a chief clerk and special agents, clerks and other employees as may be authorized by law. No officer or employee who may be employed in said bureau shall be interested, directly or indirectly, otherwise than as a policy holder, in any insurance corporation, association or copartnership. There shall be assigned suitable office rooms in the Department of Commerce and Labor for the commissioner of insurance and his subordinates, and their work shall in all respects be subject to the supervision of the Secretary of Commerce and Labor, who shall appoint all the officers and employees of this bureau except the commissioner.

"SEC. That policies of insurance are hereby declared to be articles and subjects of commerce and instrumentalities thereof. The making and delivery of policies of insurance, whatever may be the risk insured against, by insurance companies created under the laws of a foreign nation and authorized to do business in the United States, to persons, corporations or copartnerships, citizens of or located within the United States, and the collection of the premiums thereon and the payments by the insurers of any moneys due thereon, are transactions of foreign commerce; and the making and delivery of policies, whatever may be the risk insured against, by insurance companies created under the laws of any of the states or territories, to persons, corporations or copartnerships of other states or territories, and the collection of the premiums thereon, and the payments by the insurers of any moneys due thereon, are transactions of commerce among the states; *provided*, that this act shall not apply to any religious, charitable, benevolent or purely fraternal society or association.

"SEC. That every corporation, association or copartnership transacting interstate or foreign commerce in insurance shall within sixty days after the passage of this law, and every

company hereafter formed shall, before engaging in interstate or foreign commerce in insurance, file with the commissioner of insurance a certified copy of its charter and by-laws, together with an officially certified copy of its last complete statement of its condition and affairs filed in the office of the superintendent, commissioner of insurance or other authorized official for the state, district, territory or nation of its origin, and a certificate under the seal of the proper officer of its government, setting forth the value of all outstanding obligations of said corporation on the last previous thirty-first day of December, and certifying that the said corporation is authorized to do business in the state, territory, district or nation under whose laws it was created. Every corporation at the time of filing a copy of its statement as aforesaid must deposit with the treasurer of the United States, as a guarantee for the faithful performance of its contracts of insurance, United States bonds or other securities satisfactory to the commissioner of insurance to the amount of one hundred thousand dollars; *provided, however*, that the commissioner of insurance may, in his discretion, authorize the treasurer of the United States to accept in lieu of such deposit a certificate issued under the seal of the insurance department of the state or territory under the laws of which said corporation is created, certifying that said insurance company has deposited with the auditor of said state or territory cash or securities to the amount of at least one hundred thousand dollars for the protection of its policy holders; and, *provided further*, that if any foreign nation require of any American insurance company, as a condition of transacting the business of insurance in such foreign country, a deposit greater than the sum of one hundred thousand dollars, or shall in any manner discriminate against American insurance companies, in favor of its own, and subject American companies to rules, regulations or restrictions other than those provided for the corporations of such foreign nation, then and in every such case the commissioner of insurance shall exact from each insurance company

of such foreign nation, as a prerequisite to its right to transact its business in the United States, a sum of money or a deposit of securities as great in amount and value as that required of American companies doing business in such foreign country, and shall subject each such foreign insurance company to the same rules, regulations and restrictions as such nation imposes upon American companies.

“SEC. That the commissioner of insurance, subject to the approval of the Secretary of the Department of Commerce and Labor, may from time to time fix fees and establish rules, regulations and requirements not inconsistent with law for conducting the business of the bureau. The commissioner of insurance shall, within ninety days after the passage of this law, or by December first thereafter if Congress be not then in session, prepare and recommend to Congress for adoption rules and regulations, which shall be also approved by the Secretary of the Department of Commerce and Labor and by the Attorney General of the United States, which shall provide the requirements and restrictions and safeguards under which foreign and interstate commerce in insurance throughout the United States shall be conducted.

“SEC. That all fees collected under the regulations of the commissioner of insurance, approved by the Secretary of the Department of Commerce and Labor, shall be paid monthly into the treasury of the United States, and all the expenses of administering this law shall be paid by the treasurer of the United States from the appropriation for the Department of Commerce and Labor.”

MINORITY REPORT.

To the American Bar Association :

I concur in all the recommendations of the committee save the last.

I cannot give my assent to the recommendation that a federal statute be enacted "providing for the supervision of interstate transactions in insurance." The history of the struggle for federal control of insurance during the year that has elapsed since the last meeting of this Association would seem to render further discussion of the question by this Association unprofitable, and nothing less than the great respect in which I hold the persistent opinion of my colleagues justifies me in again setting forth briefly the argument in opposition to the recommendation of the committee.

In his annual message sent to Congress last December the President repeated and emphasized his previous recommendation that Congress should consider whether it was within its power and duty to assume the control of transactions in insurance of an interstate character. In pursuance of this recommendation, both houses of Congress submitted to their respective Committees on the Judiciary the question whether Congress has the power to regulate the business of insurance. On March 23d last, after mature deliberation and after hearing all those who desired to appear before it, among whom was the Chairman of this Association's Committee on Insurance, the House Committee, without respect to political affiliation, unanimously reported adversely to the contention that insurance is commerce and so subject to federal control. The able report of the House Committee has probably been read by all the members of this Association. On June 25th last, Senator Spooner, Chairman of the Senate Committee, presented the following report :

"The Committee on the Judiciary, which has had under consideration the foregoing resolution, beg leave to report

that it is the unanimous opinion of the committee that the Congress is without authority under the Constitution to supervise and regulate the business of marine, fire and life insurance, except in the District of Columbia, the territories and insular possessions of the United States. At another and more convenient time the committee will report fully the reasons upon which this opinion is based."

Thus the members of this committee in advocating the enactment of a federal statute providing for the supervision of insurance are claiming for the federal government a power that has been expressly denied it by all of the twenty-three judges who have sat on the Supreme Court of the United States since the question was first agitated, and by the unanimous opinion of the Committees on the Judiciary of both houses of Congress. When in addition to these facts we consider the further fact that during all the years since 1869, when *Paul vs. Virginia* was decided, not a single judge, either federal or state, has ever, so far as the reports show, disapproved the doctrine of that case, that insurance is not commerce within the meaning of the term as used in the federal Constitution, it would seem that the question is scarcely open for further argument. But the carefully prepared and learned argument of the committee in opposition to this long accepted doctrine merits our respectful consideration. This argument may be fairly stated under five heads, which will be given in order and briefly answered.

1. It is said that the insurance business is very great and important, and many insurance corporations are very large, carrying on the greater part of their business in other states than those incorporating them. The same thing is true, in lesser degree, of the banking business and the great banking corporations, of the great mortgage and loan corporations, of oil and sugar refineries, and of every industrial enterprise of sufficient magnitude to transcend the bounds of a single state, yet it would scarcely be proposed that the federal government should assume the regulation of all such corporations.

2. "In the second place, all of the cases of the series subsequent to *Paul vs. Virginia*, accept without question the *dictum* of Mr. Justice Field, and wholly upon that *dictum* rests the theory that insurance is not commerce."

After a careful examination of what is said in the report in support of this statement, as well as all other relevant authorities that are available, I can find no reason whatever to support such a statement. In the first place, as clearly appears from the text of the opinion by Mr. Justice Field, the court rendering the decision in *Paul vs. Virginia* certainly thought that it was necessary to pass upon the claim of the plaintiff in error that the Virginia statute under which he stood convicted was unconstitutional as interfering with interstate commerce. Moreover, the statement in the report that "the briefs filed in behalf of Paul make but a meager reference to the point that insurance is commerce" is erroneous. An examination of the original brief filed on behalf of Paul by ex-Justice Benjamin R. Curtis, now in the document room of the Library of Congress, shows that more than one-half of that brief was taken up with an earnest contention that interstate insurance transactions were in their very nature transactions of interstate commerce, and thus beyond state control. But any doubt that might have existed as to necessity of the court's determining the constitutional status of the insurance business in deciding the case of *Paul vs. Virginia* was removed by the opinion in *Pensacola Telegraph Company vs. Western Union Telegraph Company*, 96 U. S. 1. In that case a Florida statute, in effect excluding foreign telegraph companies from certain counties in the state, was held unconstitutional for the reason that telegraph companies are agencies of interstate commerce not subject to the control of the states. Speaking for the court, Chief Justice Waite said:

"We are aware that, in *Paul vs. Virginia*, 8 Wall. 168, this court decided that a state might exclude a corporation of another state from its jurisdiction, and that corporations are not within the clause of the Constitution which declares

that 'The citizens of each state shall be entitled to all privileges and immunities of citizens of the several states.' Art. IV, sec. 2. That was not, however, the case of a corporation engaged in interstate commerce; and enough was said by the court to show that, if it had been, very different questions would have been presented."

That the Supreme court does not now consider the commerce phase of the opinion in *Paul vs. Virginia* mere dictum is apparent from this statement by Mr. Justice McKenna, in *New York Life Insurance Co. vs. Cravens*, 178 U. S. 389:

"That the business of fire insurance is not interstate commerce is decided in *Paul vs. Virginia*, 8 Wall. 168; *Liverpool & L. L. & F. Ins. Co. vs. Massachusetts*, 10 Wall. 566; *Philadelphia Fire Asso. vs. New York*, 119 U. S. 110. That the business of marine insurance is not decided in *Hooper vs. California*, 155 U. S. 648. In the latter case it is said that the contention that it is 'involves an erroneous conception of what constitutes interstate commerce.'"

If the five cases just mentioned, to which a sixth, *Nutting vs. Mass.*, 183 U. S. 553, may be added, be read in immediate connection with the following cases: *Pensacola Telegraph Co. vs. Western Union Telegraph Co.*, 96 U. S. 1 (involving telegraph companies), *McCall vs. California*, 136 U. S. 112 (involving a railway corporation), and *Crutcher vs. Kentucky*, 141, U. S. 47 (involving express companies), it must inevitably appear that in each of them the constitutional character of the business concerned was in judgment. In each of the insurance cases the state statute was upheld because the insurance company was not engaged in interstate commerce, while in each of the latter group of cases the state statute was declared invalid because the business of the corporation concerned was commerce. Each one of the six insurance cases must have been decided differently had the court held interstate insurance to be interstate commerce. Hence there is no basis for the claim that the doctrine of the insurance cases rests upon dictum.

3. But it is further argued that even though the rule laid down in the insurance cases is not dictum, it is still not bind-

ing on the court because the doctrine of *stare decisis* does not apply to constitutional questions. We are given no reason for thinking that the doctrine referred to has any less application to such questions than to any other legal question not involving property rights. It is well understood that in no case not involving property rights is a court absolutely concluded by precedent. But any self-respecting court will be slow to repudiate a rule of law established by its own decisions, and with reference to which the people within its jurisdiction have shaped their conduct. Such conditions as will justify the court in overruling a previous decision of a constitutional question are described by Mr. Justice Bradley, in *The Legal Tender Cases*, 12 Wall. 457, 570.

“Where the decision is recent, and is only made by a bare majority of the court, and during a time of public excitement on the subject, when the question has largely entered into the political discussions of the day, I consider it our right and duty to subject it to a further examination, if a majority of the court are dissatisfied with the former decision.”

Neither this statement, nor any of the very sound judicial observations quoted in the report, would justify an expectation that the Supreme Court would overrule the long series of insurance cases extending through a period of nearly forty years, all uniformly and unanimously decided, and generally acquiesced in. In speaking of certain oft-decided constitutional questions that were again brought before the Supreme Court in *Wright vs. Sill*, 2 Black 544, Mr. Justice Swayne said: “They have since been repeatedly before the court, and have uniformly been decided the same way (citing four cases). Whatever difference of opinion may have existed in this court originally in regard to these questions, or might now exist if they were open for reconsideration, it is sufficient to say that they are concluded by these adjudications. The argument upon both sides was exhausted in the earlier cases. It could subserve no useful purpose again to examine the subject.”

4. Interesting communications from two eminent Englishmen are set forth in the report to support the statement that

"History and universal usage, therefore, sustain the claim that insurance is commerce." It will be freely admitted by all that marine insurance was originally a part of the law merchant. But so was the law of bills and notes the chief element of the law merchant; yet, a broker dealing exclusively in foreign bills of exchange is not engaged in interstate commerce (*Nathan vs. Louisiana*, 8 How. 73), and it has not yet been suggested that the federal government may exercise control over all corporations, such as banks, trust companies, mortgage and loan companies, whose business consists largely in dealing with commercial paper, although practically all of these corporations do more or less business outside of the states creating them. There is no magic in the name "commerce," which can be, and often is, loosely applied to all kinds of productive industry. In construing the Constitution of the United States the meaning of the phrase "commerce between the states" must be restricted to the sense in which it was used by the framers of that instrument, as determined by the successive adjudications of the Supreme Court.

5. Finally it is contended that the insurance cases have been discredited by the *Lottery Case*, 188 U. S. 321, and the very recent case of *Carroll vs. Greenwich Ins. Co.*, 199 U. S. 401. The only feature of the former case that can possibly be considered as weakening the authority of the insurance cases is the failure of the opinion of the majority to make any mention of them while the four dissenting judges based their dissent largely upon an alleged analogy existing between the insurance cases and the case at bar, an analogy which most lawyers will agree with the majority of the courts in rejecting.

As to the latter case, its bearing upon the question at issue could not have been discovered by a less resourceful man than the Chairman of this committee. The opinion of Mr. Justice Holmes does not cite any of the insurance cases nor does it make even the most remote reference to the business of insurance as involving interstate commerce, the only question before the court being whether the plaintiffs in error had been

deprived, by an anti-combination statute, of their rights as guaranteed under the fourteenth amendment. The chance reference of Mr. Justice Holmes to insurance companies as "possible rivals in trade" might just as well have been used in reference to grocers, bakers or carpenters, and cannot be given any such hidden significance as is suggested in the report.

Neither should the court's citation of *Beechley vs. Mulville*, 102 Iowa 602, as determining the proper construction of an Iowa statute, be considered an adoption of the Iowa court's rather fanciful characterization of insurance as a "commodity," although it is difficult to see how the argument of the advocates of federal supervision would be materially strengthened if insurance were formally declared to be a commodity. The reasoning of *Paul vs. Virginia* would be equally applicable. In my opinion, therefore, the argument in the committee's report makes no case whatever for federal supervision of insurance.

Aside from the argument now before us, and aside from mere authority, the position of those who contend for the right of the federal government to control insurance corporations is fundamentally erroneous. To quote Mr. Justice White, in *Hooper vs. California*, 155 U. S. 647, 653, "This proposition involves an erroneous conception of what constitutes interstate commerce." They fail to regard the fundamental distinction between the constitutional status of such corporations as are primarily agencies of commerce between the states, such as railway, steamship, express, telegraph and telephone companies, and those that primarily are engaged in activities essentially local, even though extensive, and do occasional acts involving interstate commerce as incidents of their principal business. In this latter class belong all manufacturing companies, companies engaged in banking, lending money on mortgages, making contracts of insurance and in carrying on all the manifold industries that go to make up the commercial life of the nation. Any act of interstate commerce done by

any of these companies primarily engaged in localized business is, of course, subject to the control of the federal Congress (*Addyston Pipe and Steel Co. vs. United States*, 175 U. S. 211), but that does not mean that the localized business of those companies is on that account also under the federal power. Thus any interstate shipment of sugar would unquestionably be subject to any federal law applicable to it, but that fact does not subject the corporation refining the sugar to federal authority (*U. S. vs. E. C. Knight Co.*, 156 U. S. 1). The sending of a foreign bill of exchange or a lottery ticket from one state to another may well be an act of interstate commerce, but the broker dealing in foreign exchange (*Nathan vs. Louisiana*, 8 How. 73), or the lottery company, is not on that account freed from state control. So an insurance company may do acts of interstate commerce, such as shipping consignments of blank policies and other office supplies across state lines, but its primary business of making contracts of indemnity in the different states in which it does business is essentially local and must remain under the control of the states concerned, unless our whole scheme of the division of power between the state and the federal government is to be changed. It is recommended that the whole question of the proper regulation of the business of insurance be referred to the Committee on Uniform State Laws.

W. R. VANCE.

REPORT
OF THE
COMMITTEE ON UNIFORM STATE LAWS.

The Sixteenth Conference of Commissioners on Uniform State Laws was held in the Senate chamber of the capitol in St. Paul, Minnesota, August 25, 27 and 28, 1906.

Forty-five Commissioners were in attendance from twenty-four states, territories and the District of Columbia. The American Warehousemen's Association, which has rendered us most efficient aid, was represented by W. T. Robinson, its president, and A. M. Read, its vice-president and chairman of its Committee on Laws and Legislation; Thomas B. Paton, counsel and secretary of the standing and law committee of the American Bankers' Association, was also present.

The Uniform Warehouse Receipts Act was reported from the Committee on Commercial Law for adoption, after thorough consideration since the last Conference by the Committee with the draftsmen, Professor Williston and Barry Mohun, of the Washington Bar, and with Messrs. Read, Robinson and Paton. This act was taken up and considered section by section in committee of the whole by the Conference, and upon favorable report from the committee of the whole, the Conference adopted the act and recommended it for passage by the legislatures of the states of the union.

The Uniform Sales Act was then taken up and considered in the same way, in committee of the whole, and was likewise adopted and recommended for passage.

The draft of a Uniform Bills of Lading Act was submitted in print by the draftsmen, Professor Williston and Barry Mohun, and the draft of a Uniform Partnership Act was also submitted in print by the draftsman, Dean Ames, of the Harvard Law School. The consideration of these bills was postponed until next year, when their adoption will be in order. Meanwhile

it is earnestly requested that anyone having any amendment to suggest communicate with the draftsmen, care of the Harvard Law School, Cambridge, Massachusetts.

The Committee on Commercial Law was directed to employ Professor Williston to draft a Uniform Certificate of Stock Act, to be submitted to the Conference at its next annual meeting.

At a meeting of your committee held at St. Paul, August 28, 1906, the subject of *situs* of personal property for the purpose of taxation, heretofore referred to your committee, was taken up, and after full and careful consideration your committee is unanimously of opinion that it is inexpedient to recommend any uniform legislation throughout the country on this subject at the present time.

Your committee therefore asks that it may be discharged from the further consideration of this subject.

Respectfully submitted for the committee.

AMASA M. EATON, *Chairman.*

REPORT
OF THE
COMMITTEE ON PENAL LAWS AND PRISON DISCIPLINE.

To the American Bar Association :

Your Special Committee on Penal Laws and Prison Discipline respectfully submit the following report :

In 1901 the Association voted that it was desirable that it should be represented at future sessions of the International Prison Congress, and this committee was requested to present proper changes in the constitution and by-laws to provide for this.

In their opinion no change in the constitution is required, but they recommend the adoption of the following by-law :

“XV. Delegates to International Prison Congress.

“Every five years, beginning in 1907, the President shall appoint three delegates to represent the Association at the next succeeding meeting of the ‘Congrès International Pénitentiaire,’ and the President shall from time to time fill any vacancies in said delegation occurring before said meeting; but all such delegates shall serve wholly at their own expense.”

In 1903 your committee was requested to report as to the proper punishment of professional crime or professional criminals. On examining the records of the Association, they find that it adopted in 1882 the following resolution :

“*Resolved*, That the Committee on Jurisprudence and Law Reform be requested to consider and report a proper method and criterion for discriminating between professional and non-professional criminals, and for the protection of society against the former when so ascertained.”

That committee, in 1885, submitted an elaborate report on the subject so referred to it (Proceedings for 1885, 25-33), and recommended the adoption of the following resolutions :

"1. *Resolved*, That provision should be made by law in every state for keeping a record of the name; age, personal appearance, residence, occupation and general antecedents of every person who may be convicted in its courts of felony, or who may have been twice sentenced to imprisonment for any crime or misdemeanor; and for printing such records annually for distribution to its courts and police authorities, and for exchange for similar publications of other states; and that photographs of convicts deemed specially dangerous should also be taken to be used in a similar manner.

"2. *Resolved*, That provision should be made by law in every state for subjecting all persons who have been twice sentenced to imprisonment for any crime or misdemeanor to police supervision for life, or such shorter term, not less than five years after the expiration of their second term of imprisonment, as the court may order; and also to perpetual deprivation of the right to vote or hold public office.

"3. *Resolved*, That the Committee on Jurisprudence and Law Reform be directed to prepare draft laws suitable for carrying out the intent of the above resolutions, and furnish copies of the same and of the foregoing report to the Local Council of the Association in each state with the request that they endeavor to secure their adoption by the legislature."

These resolutions were the subject of a lengthy discussion in 1885, and their final consideration, in accordance with the wish of the committee, was deferred until 1886. In that year they were adopted by the Association. (Proceedings for 1886, p. 75.)

Legislation in accordance with the main general recommendations thus made by the Association previously existed in Ohio, and laws of a similar character have since been enacted in a number of states. The National Prison Association has taken an active interest in the same subject, and in consequence of its discussions the identification records of New York, which are particularly complete, have been put at the service of the officers of justice in other states with the most gratifying results. The bureau in charge of this business at Albany is the largest in the world. In the first five years, from 1886 to 1901, it had a catalogue of 44,000 criminals, with all the

data for their identification. Three indexers are constantly employed upon it, and a regular system of exchanges with other states is maintained.¹ Habitual criminals, if ever in the grasp of the New York courts, are thus easily identified wherever afterwards they may bring up. The Bertillon system combined, as it has been of late, with that of preserving finger prints, make it hard for a professional criminal to escape detection.

The National Prison Association has recommended the establishment at Washington of a national bureau of identification, and a bill for that purpose has been before Congress, but has not been favorably acted upon.

Your committee are impressed with the expediency of such a measure and would recommend the adoption of the annexed resolution with reference thereto. The last Congress took action not dissimilar in character in providing for the collection of the general criminal statistics of all the states by the Census Office of the United States.

Inasmuch as the subject referred to them in 1903 had been already so fully dealt with by the Association on the report of its Standing Committee on Jurisprudence and Law Reform, your committee conceive that it would be inappropriate and unnecessary for them to attempt its further discussion.

They have thus disposed of all business which has been referred to them.

SIMEON E. BALDWIN,
R. W. WILLIAMS,
JOHN D. LAWSON,
Committee.

Dated July 21, 1906.

RESOLUTION RECOMMENDED.

Resolved, That it is desirable that there should be established at Washington by the United States a Bureau for the Identification of Criminals, for the collection and arrangement

¹ See Report of National Prison Association for 1901, p. 72.

of records of the personal appearance of persons under arrest as criminals, whether under process from the state courts or those of or created under authority of the United States or of foreign countries, including photographs, measurements and finger prints, and of all important facts tending to facilitate the identification of persons under arrest with those previously arrested.

REPORT
OF THE
COMMITTEE ON TITLE TO REAL ESTATE.

To the American Bar Association :

The Special Committee on Title to Real Estate beg leave to submit the following report :

This committee is charged with the duty of securing legislation to prevent the hardships to innocent purchasers and encumbrancers of real estate arising under section 3186 of the Revised Statutes of the United States. That section reads as follows :

“If any person liable to pay any tax neglects or refuses to pay the same after demand, the amount shall be a lien in favor of the United States from the time when the assessment list was received by the collector, except when otherwise provided, until paid, with the interest, penalties and costs that may accrue in addition thereto, upon all property and rights to property belonging to such person.”

And it will be recalled that in the case of the United States *vs.* Snyder, 149 U. S. 210, the Supreme Court held that the lien thus created is valid even as against a *bona fide* purchaser or encumbrancer in good faith, though he have no knowledge and no means of knowing of the delinquency on the part of the person from or through whom he acquires his title or lien. No provision for filing or recording any notice apprising intending purchasers or encumbrancers of the claims of the government is made in the statute, and so the lien is undiscoverable. The lien is of such a comprehensive character that it covers all the property and rights to property of the delinquent situated anywhere in the United States, and so in the case of every title taken in the United States the impossible task is presented of ascertaining whether anyone in the chain ever was a delinquent in the payment of the taxes above

referred to while holding the property searched against. The indebtedness may have arisen years ago, and the business carried on under the internal revenue law may have been conducted thousands of miles away from the property affected by this omnibus and secret lien.

Your committee reports that at the last session of Congress a bill for the repeal of said section 3186 of the Revised Statutes was introduced by Congressman J. Van Vechten Olcott, who is a member of this Association; but the same has not yet ripened into legislation. At its recent session the attention of the Congress was so largely given to the matters of public concern so familiar to all that many matters of importance had to be laid over; but your committee hopes to secure at the next session the enactment of the measure introduced by Mr. Olcott, and it will do its utmost to obtain that result.

Respectfully submitted,

FERDINAND SHACK, *Chairman*,

HENRY C. NILES,

JOHN FLETCHER.

Dated August 20, 1906.

REPORT
OF THE
COMMITTEE ON CODE OF PROFESSIONAL ETHICS.

To the American Bar Association :

Your committee, constituted under and by virtue of the authority conferred by the following resolution adopted at the 1905 meeting (minutes, p. 132) :

"Resolved, That a committee of five be appointed, of which the retiring President shall be Chairman, to report at the next meeting of this Association upon the advisability and practicability of the adoption of a code of professional ethics by this Association,"

respectfully report as follows :

Your instructions direct us to report upon the "advisability and practicability" of the adoption of such a code.

First, as to advisability.

We are of opinion that the adoption of such a code is not only advisable, but under existing conditions of very great importance. There are several considerations moving us to this conclusion :

1. With Wilson, Webster and others, we believe that "justice is the great interest of man on earth." And here in America, where justice reigns only by and through the people under forms of law, the lawyer is and must ever be the high-priest at the shrine of justice. Under our form of government, unless the system for establishing and dispensing justice is so developed and maintained that there shall be continued confidence on the part of the public in the fairness, integrity and impartiality of its administration, there can be no lasting permanence to our republican institutions. Our profession is necessarily the keystone of the republican arch of government.

Weaken this keystone by allowing it to be increasingly subject to the corroding and demoralizing influence of those who are controlled by graft, greed and gain, or other unworthy motive, and sooner or later the arch must fall. It follows that the future of the republic depends upon our maintenance of the shrine of justice pure and unsullied. We know it cannot be so maintained unless the conduct and motives of the members of our profession, of those who are the high-priests of justice, are what they ought to be. It therefore becomes our plain and simple duty, our patriotic duty, to use our influence in every legitimate way to help make the American Bar what it ought to be. A code of ethics, adopted after due deliberation and promulgated by the American Bar Association, is one method in furtherance of this end.

2. With the marvelous growth and development of our country and its resources, with the ranks of our profession ever extending, its fields of activities ever widening, the lawyer's opportunities for good and evil are correspondingly enlarged, and the limits have not been reached. We cannot be blind to the fact that, however high may be the motives of some, the trend of many is away from the ideals of the past and the tendency more and more to reduce our high calling to the level of a trade, to a mere means of livelihood or of personal aggrandizement. With the influx of increasing numbers, who seek admission to the profession mainly for its emoluments, have come new and changed conditions. Once possible ostracism by professional brethren was sufficient to keep from serious error the practitioner with no fixed ideals of ethical conduct; but now the shyster, the barratrously inclined, the ambulance chaser, the member of the Bar with a system of runners, pursue their nefarious methods with no check save the rope of sand of moral suasion so long as they stop short of actual fraud and violate no criminal law. These men believe themselves immune, the good or bad esteem of their co-laborers is nothing to them provided their itching fingers are not thereby stayed in their eager quest for lucre. Much as we regret to acknowledge it,

we know such men are in our midst. Never having realized or grasped that indefinable ethical something which is the soul and spirit of law and justice, they not only lower the *morale* within the profession, but they debase our high calling in the eyes of the public. They hamper the administration and even at times subvert the ends of justice. Such men are enemies of the republic; not true ministers of her courts of justice robed in the priestly garments of truth, honor and integrity. All such are unworthy of a place upon the rolls of the great and noble profession of the law.

3. Members of the Bar, like judges, are officers of the courts, and like judges should hold office only during good behavior. "Good behavior" should not be a vague, meaningless or shadowy term devoid of practical application save in flagrant cases. It should be defined and measured by such ethical standards, however high, as are necessary to keep the administration of justice pure and unsullied. Such standards may be crystallized into a written code of professional ethics, and a lawyer failing to conform thereto should not be permitted to practice or retain membership in professional organizations, local or national, formed, as is the American Bar Association, to promote the administration of justice and uphold the honor of the profession. Such a code in time will doubtless become of very great practical value by leading to action through the judiciary, for the courts may, as conditions warrant, require all candidates for the Bar to subscribe to suitable and reasonable canons of ethics as a condition precedent to admission. If this be done, the courts will be in an indisputable position to enforce, through suspension or disbarment, the observance of proper ethical conduct on the part of members of the Bar so admitted. Indeed, eventually the people, for the welfare of the community and to further the administration of justice, may, either by constitutional provisions or legislative enactments, demand that all, before being granted by the state the valuable franchise to practice, shall take an oath to support not only the Constitution, but such canons of

ethics as may be established by law. One state already, Alabama, to its credit be it said, has by statute made it a misdemeanor for an attorney to employ runners to solicit practice, and the public prosecutor is required to institute proceedings upon complaint of the council of the State Bar Association. But whatever measures may in time be developed to preserve the judicial department of the government, of which the Bar forms so important a part, from the taint of unworthy motives and conduct, we believe that, viewed from almost any standpoint, the adoption and promulgation of a series of reasonable canons of professional ethics in the form of a code by the American Bar Association cannot but have a salutary effect upon the administration of justice and upon the conduct of lawyers generally, whether on the Bench or at the Bar. Action by the national Association will also tend to develop uniformity between the various states, not only in form and method of statement, but also in application, and this we deem of practical importance. Indeed, the ultimate measure of success of this movement to keep the Bar true to its pristine glory will be largely enhanced by harmony between the different states and by the moral support given not only by the Bars of the various jurisdictions to each other, but by the courts of the sovereign states one to the other.

4. A further reason why we report the advisability of canons of ethics being authoritatively promulgated arises from the fact that many men depart from honorable and accepted standards of practice early in their careers as the result of actual ignorance of the ethical requirements of the situation. Habits acquired when professional character is forming are lasting in their effects. The "thus it is written" of an American Bar Association code of ethics should prove a beacon light on the mountain of high resolve to lead the young practitioner safely through the snares and pitfalls of his early practice up to and along the straight and narrow path of high and honorable professional achievement.

Second, *as to practicability.*

We report that the adoption and promulgation of a code of ethics by the American Bar Association is entirely practicable.

1. It is in keeping with the objects for which our Association was organized, among which the following are declared by the constitution :

“To advance the science of jurisprudence, promote the administration of justice and . . . uphold the honor of the profession of the law.”

2. It is not impossible or indeed difficult to crystallize abstract ethical principles into a series of canons applicable to the usual concrete ethical problems which confront the lawyer in the routine of practice. Several State Bar Associations have already done so. Without recommending one code more than another, we cite the following, but merely as *illustrations* of practicability :

Code of Virginia State Bar Association, adopted 1887.

Code of Wisconsin State Bar Association, adopted 1901.

Code of West Virginia State Bar Association, adopted 1902.

Code of Kentucky State Bar Association, adopted 1903.

Canons of ethics for promulgation by the American Bar Association should be drafted with care and deliberation by a body thoroughly representative of the profession in America. We recommend the appointment of such a committee of nine from Bench and Bar to report, for consideration and action at the 1907 meeting, a series of canons of professional ethics in the form of a code suitable for adoption and promulgation by the Association.

HENRY ST. GEORGE TUCKER, Virginia,

JAMES G. JENKINS, Wisconsin,

WILLIAM WIRT HOWE, Louisiana,

FRANCIS LYNDE STETSON, New York,

Committee.

August, 1906.

REPORT
OF THE
DELEGATES TO COPYRIGHT CONFERENCE.

To the President and Members of the American Bar Association:

Gentlemen: At the last meeting of the Association, held in August, 1905, your committee reported that a conference had been held on the 31st day of May and 1st and 2d of June, 1905, in New York City, which had been called by the Honorable Librarian of Congress, and that this conference was attended by a large number of persons representing associations named in that report, all of whom were interested in copyright. It was also attended by your committee.

A resolution was adopted by the American Bar Association as follows:

“Resolved, That the President of the American Bar Association be and he is authorized and requested to appoint two members of the Association to act in conjunction with Mr. Arthur Steuart, heretofore appointed by him to that duty, as delegates to represent this Association in the conference on the copyright law called upon the initiative of the Librarian of Congress.”

In pursuance of that resolution, the President designated Mr. Edmund Wetmore, of New York, and Mr. Frank F. Reed, of Chicago, as additional members of that committee.

For the information of the members, it may be well for the committee to state the origin of the conferences which have been held for the purpose of framing some amendments to the Copyright Law. In the message of the President to Congress in December of 1905, he said:

“Our copyright laws urgently need revision. They are imperfect in definition, confused and inconsistent in expression;

they omit provision for many articles which, under modern reproductive processes, are entitled to protection; they impose hardships upon the copyright proprietor which are not essential to the fair protection of the public; they are difficult for the courts to interpret and impossible for the copyright office to administer with satisfaction to the public. Attempts to improve them by amendment have been frequent, no less than twelve acts for the purpose having been passed since the Revised Statutes. To perfect them by further amendment seems impracticable. A complete revision of them is essential. Such a revision, to meet modern conditions, has been found necessary in Germany, Austria, Sweden and other foreign countries, and bills embodying it are pending in England and the Australian colonies. It has been urged here, and proposals for a commission to undertake it have, from time to time, been pressed upon the Congress.

The inconveniences of the present conditions being so great an attempt to frame appropriate legislation has been made by the copyright office, which has called conferences of the various interests especially and practically concerned with the operation of the copyright laws. It has secured from them suggestions as to the changes necessary; it has added from its own experience and investigation, and it has drafted a bill which embodies such of these changes and additions as, after full discussion and expert criticism, appeared to be sound and safe. In form this bill would replace the existing insufficient and inconsistent laws by one general copyright statute. It will be presented to the Congress at the coming session. It deserves prompt consideration."

The conference referred to by the President was composed of representatives of most of the organizations of the United States interested in copyright property, including:

Authors.

American (Authors') Copyright League.
National Institute of Arts and Letters.

Dramatists and Playwrights.

American Dramatists' Club.
Association of Theater Managers of Greater New York.

Artists, Painters, Sculptors, Architects.

American Institute of Architects.
Architectural League of America.
National Academy of Design.
National Sculpture Society.
Society of American Artists.

Composers.

Manuscript Society.

Publishers.

American Publishers' Copyright League.
Association of American Directory Publishers.

Publishers of Newspapers and Magazines.

American Newspaper Publishers' Association.
Periodical Publishers' Association of America.

*Publishers of Artistic Reproductions, Lithographers,
Photographers.*

National Association of Photoengravers.
Photographers' Copyright League of America.
Print Publishers' Association of America.
Reproductive Arts Copyright League.

Publishers of Music.

Music Publishers' Association of the United States.

Printers and Lithographers.

United Typothetæ of America.
International Typographical Union.
Central Lithographic Trades Council.

Educational Institutions.

National Educational Association.

Public Libraries.

American Library Association.

Bar Associations.

American Bar Association.

Association of the Bar of the City of New York.

Miscellaneous.

International Advertising Association.

The Sphinx Club.

The conference was held under the auspices of the Librarian of Congress, who presided with great tact and dignity over a very heterogeneous body. At the first conference, held prior to the last meeting of the Association, the general needs of copyright revision were discussed by the representatives of the various associations above enumerated. Subsequently a draft of an act was made by the Librarian of Congress with the assistance and advice of those whom he called to his aid, which was submitted to the organizations represented and considered by them, and subsequently, in November of 1905, a second conference was held in New York City, at which all of these organizations were represented and the draft fully discussed and considered. After that meeting the draft was revised in view of criticisms passed upon it at the second conference, and a second draft made and printed by the Librarian of Congress and distributed to the organizations, who studied it and prepared themselves to discuss it in a third conference.

A third conference was held in March, 1906, at the Library of Congress in Washington, which sat continuously for five days, studying the proposed measure section by section and seeking to harmonize all of the various interests represented. This latter conference, together with those which had preceded it, developed practically all of the problems which were to be solved in the draft of a new act.

In the light of these conferences and with the consensus of opinion obtained at the last conference in particular, all of which had been recorded by the secretary of the conference, a bill was drawn by the Librarian of Congress with the co-operation and assistance of the counsel for the various

interests represented in the conference and with the co-operation and assistance of your committee, which was filed in the House and Senate on the 31st day of May, 1906, and which is designated H. R. 19,853 and an identical bill in the Senate S. 6330. A copy of the bill is appended to this report.

A joint meeting of the committees on patents and copyrights of the House of Representatives and the Senate was held in the Library of Congress June 6th, 7th, 8th and 9th, and a very full discussion of the terms of the bill was had by many persons interested. These discussions have been reported and printed by the government and can be obtained by anyone desiring to give the matter more careful study by application to the chairman of this committee. The bills are now in the hands of the committees of the House and Senate. Another hearing will be held in the fall, and then it is probable that some form of bill will be reported by the joint committees to Congress.

The bill, as reported, is the composite work of many interests. In the main we regard the bill as right in principle, and on the whole satisfactory; although it contains some clauses which might with advantage be eliminated.

An attempt has been made in the bill to extend somewhat the scope of copyright protection while still keeping strictly within constitutional limitations; to remove the strict formalities of the old law and introduce sufficient latitude to prevent inadvertent forfeitures, and to make existing remedies for infringement uniformly applicable to all classes of copyright property.

In these particulars your committee approves the bill. In some special features the bill has gone too far in attempting to bring under copyright protection matters which more properly belong to the field of invention and which can and should be protected by the patent laws. If the bill can be passed retaining the good and rejecting the bad, we believe a good result will be obtained, and we feel satisfied that the committees of Congress before whom the bill is now pending

will give the matter careful and discriminate examination and will seek to eliminate the objectionable elements.

The duty imposed upon your committee has been in great measure completed, unless the Association desires to continue the committee with instructions for future action.

If the committee is to be continued (and we think we may be of some service to the committees of Congress in the further consideration of this bill), we would request that the committee be enlarged, for the reason that the responsibilities of the committee are so great as to make it desirable that a much larger representation of the Association should exist upon the committee. We think the committee might with advantage be continued and instructed to watch the further progress of the bill in Congress and to do what it can to preserve the important general principles embodied in the present bill and to eliminate those erroneous details which are believed to be objectionable.

Respectfully submitted,

ARTHUR STEUART,
EDMUND WETMORE.

Mr. Reed took no part in the work of the committee, and therefore has not signed this report.

A BILL

TO AMEND AND CONSOLIDATE THE ACTS RESPECTING COPYRIGHT.

[*Being Senate Bill 6530, 59th Congress, 1st Session, introduced by Senator Kütredge, May 31, 1906.*]

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18-20. Duration of copyright.	

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

That the copyright secured by this Act shall include the sole and exclusive right:

(a) For the purposes set forth in sub-section (b) hereof, to make any copy of any work or part thereof the subject of copyright under the provisions of this Act, or to abridge, adapt, or translate into another language or dialect any such work, or make any other version thereof;

(b) To sell, distribute, exhibit, or let for hire, or offer or keep for sale, distribution, exhibition, or hire, any copy of such work;

(c) To deliver, or authorize the delivery of in public for profit, any copyrighted lecture, sermon, address, or similar production, prepared for oral delivery;

(d) To publicly perform or represent a copyrighted dramatic work or to convert it into a novel or other non-dramatic work;

(e) To dramatize any copyrighted non-dramatic work and produce the same either by publication or performance;

(f) To publicly perform a copyrighted musical work, or any part thereof, or for purpose of public performance or the

purposes set forth in sub-section (b) hereof to make any arrangement or setting of such work, or of the melody thereof, in any system of notation ;

(g) To make, sell, distribute, or let for hire any device, contrivance, or appliance especially adapted in any manner whatsoever to reproduce to the ear the whole or any material part of any work published and copyrighted after this Act shall have gone into effect, or by means of any such device or appliance publicly to reproduce to the ear the whole or any material part of such work ;

(h) To produce any abridgment, variation, adaptation or arrangement of a copyrighted work of art.

SEC. 2. That nothing in this act shall be construed to annul or limit the right of the author or proprietor of an unpublished work, at common law or in equity, to prevent the copying, publication or use of such unpublished work without his consent, or to obtain damages therefor.

SEC. 3. That the copyright provided by this Act shall extend to and protect all the copyrightable component parts of the work copyrighted, any and all reproductions or copies thereof, in whatever form, style or size, and all matter reproduced therein in which copyright is already subsisting, but without extending the duration of such copyright.

SEC. 4. That the works for which copyright may be secured under this Act shall include all the works of an author.

SEC. 5. That the application for registration shall specify to which of the following classes the work in which copyright is claimed belongs :

(a) Books, including composite and cyclopædic works, directories, gazetteers, and other compilations, and new matter contained in new editions ; but not including works specified in other sub-sections hereunder ;

(b) Periodicals, including newspapers ;

(c) Oral lectures, sermons, addresses ;

(d) Dramatic compositions ;

(e) Musical compositions ;

- (f) Maps;
- (g) Works of art; models or designs for works of art;
- (h) Reproductions of a work of art;
- (i) Drawings or plastic works of a scientific or technical character;
- (j) Photographs;
- (k) Prints and pictorial illustrations;
- (l) Labels and prints relating to articles of manufacture, as heretofore registered in the Patent Office under the Act of June eighteenth, eighteen hundred and seventy-four: *Provided, nevertheless*, That the above specifications shall not be held to limit the subject matter of copyright as defined in section four of this Act, nor shall any error in classification invalidate or impair the copyright protection secured under this Act.

SEC. 6. That additions to copyrighted works and alterations, revisions, abridgments, dramatizations, translations, compilations, arrangements, or other versions of works, whether copyrighted or in the public domain, shall be regarded as new works subject to copyright under the provisions of this Act; but no such copyright shall affect the force or validity of any subsisting copyright upon the matter employed or any part thereof, or be construed to grant an exclusive right to such use of the original works.

SEC. 7. That no copyright shall subsist—

(a) In any publication of the United States Government or any reprint, in whole or in part, thereof: *Provided, however*, That the publication or republication by the Government, either separately or in a public document, of any material in which copyright is subsisting shall not be taken to cause any abridgment or annulment of the copyright or to authorize any use or appropriation of such copyright material without the consent of the copyright proprietor;

(b) In the original text of a work by any author not a citizen of the United States first published without the limits of the United States prior to July first, eighteen hundred and

ninety-one; or in the original text of any work which has fallen into the public domain.

SEC. 8. That the author or proprietor of any work made the subject of copyright by this Act, or his executors, administrators, or assigns, shall have copyright for such work under the conditions and for the terms specified in this Act: *Provided, however,* That the copyright secured by this Act shall extend to the work of an author or proprietor who is a citizen or subject of a foreign state or nation, only when such foreign author or proprietor—

(a) Shall be living within the United States at the time of the making and first publication of his work, or shall first or cotemporaneously publish his work within the limits of the United States; or

(b) When the foreign state or nation of which such author or proprietor is a citizen or subject grants, either by treaty, convention, agreement, or law, to citizens of the United States the benefit of copyright on substantially the same basis as to its own citizens, or copyright protection substantially equal to the protection secured to such foreign author under this Act; or when such foreign state or nation is a party to an international agreement which provides for reciprocity in the granting of copyright, by the terms of which agreement the United States may at its pleasure become a party thereto.

The existence of the reciprocal conditions aforesaid shall be determined by the President of the United States, by proclamation made from time to time, as the purposes of this Act may require.

SEC. 9. That any person entitled thereto by this Act may secure copyright for his work by publication thereof with the notice of copyright required by this Act; and such notice shall be affixed to each copy thereof published or offered for sale in the United States by authority of the copyright proprietor. In the case of a work of art or a plastic work or drawing, such notice shall be affixed to the original also before publication thereof. In the case of a lecture or similar work

intended only for oral delivery, notice of copyright shall be given at each public delivery thereof.

SEC. 10. That such person may obtain registration of his claim to copyright by complying with the requirements prescribed in this Act; and such registration shall be prima facie evidence of ownership.

Registration may be also had of works, of which copies are not reproduced for sale, by the deposit, with claim of copyright, of the title and one complete printed or manuscript copy of such work, if it be a lecture or similar production or a dramatic or musical composition; of a photographic print, if the work be a photograph, or of a photograph or other identifying reproduction thereof, if it be a work of art, or a plastic work or drawing; the notice of copyright in these latter cases being affixed to the original before publication as required by section nine above. But the privilege of registration secured hereunder shall not exempt the copyright proprietor from the requirement of deposit of copies under section eleven herein where the work is later reproduced in copies for sale.

SEC. 11. That not later than thirty days (but in the case of a periodical not later than ten days) after the publication of the work upon which copyright is claimed, there shall be deposited in the Copyright Office or in the United States mail addressed to the Register of Copyrights, Washington, District of Columbia, two complete copies of the best edition; or if the work be a label or print relating to an article of manufacture, one such copy; or if a contribution to a periodical for which contribution special registration is requested, one copy of the issue or issues of the periodical containing such contribution, to be deposited not later than ten days after publication; or if the work is not reproduced in copies for sale, there shall be deposited the copy, print, photograph, or other identifying reproduction required by section ten above; such copies or copy, print, photograph, or other reproduction to be accompanied in each case by a claim of copyright.

SEC. 12. That the postmaster to whom are delivered the articles required to be deposited under section eleven above shall, if requested, give a receipt therefor, and shall mail them to their destination without cost to the copyright claimant.

SEC. 13. That of a printed book or periodical the text of the copies deposited under section eleven above shall be printed from type set within the limits of the United States, either by hand or by the aid of any kind of typesetting machine, or from plates made from type set within the limits of the United States, or if the text be produced by lithographic process, then by a process wholly performed within the limits of the United States; which requirements shall extend also to the illustrations produced by lithographic process within a printed book consisting of text and illustrations, and also to separate lithographs, except where in either case the subjects represented are located in a foreign country; but they shall not apply to works in raised characters for the use of the blind, and they shall be subject to the provisions of section sixteen with reference to books published abroad seeking ad interim protection under this act.

In the case of the book the copies so deposited shall be accompanied by an affidavit, under the official seal of any officer authorized to administer oaths within the United States, duly made by the person claiming copyright or by his duly authorized agent or representative residing in the United States or by the printer who has printed the book, setting forth that the copies deposited have been printed from type set within the limits of the United States or from plates made from type set within the limits of the United States, or, if the text be produced by lithographic process, that such process was wholly performed within the limits of the United States.

Any person who for the purpose of obtaining a copyright shall knowingly be guilty of making a false affidavit as to his having complied with the above conditions shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not more than one thousand dollars,

and all of his rights and privileges under said copyright shall thereafter be forfeited.

Such affidavit shall state also the place within the United States, and the establishment in which such type was set or plates were made or lithographic process was performed and date of the completion of the printing of the book or the date of publication.

SEC. 14. That the notice of copyright required by section nine shall consist either of the word "Copyright," or the abbreviation "Copr.," or, in the case of any of the works specified in sub-sections (f) to (l), inclusive, of section five of this Act, the letter C inclosed within a circle, thus: (c), accompanied in every case by the name of the author or copyright proprietor as registered in the Copyright Office; or in the case of works specified in sub-sections (f) to (l), inclusive, of section five of this Act, by his initials, monogram, mark, or symbol, provided that on some accessible portion of the work or of the margin, back, permanent base or pedestal thereof, or of the substance on which the work shall be mounted his name shall appear. But in the case of works in which copyright is subsisting when this Act shall go into effect, the notice of copyright may be either in one of the forms prescribed herein or in one of those prescribed by the Act of June eighteenth, eighteen hundred and seventy-four.

The notice of copyright shall be applied, in the case of a book or other printed publication, upon its title page or the page immediately following, or, if a periodical, either upon the title page or upon the first page of text of each separate number or under the title heading; or if a work specified in sub-sections (f) to (l), inclusive, of section five of this Act, upon some accessible portion of the work itself or of the margin, back, permanent base or pedestal thereof, or of the substance on which the work shall be mounted.

In a composite work one notice of copyright shall suffice.

Upon every copy of a published musical composition in which the right of public performance is reserved there shall

be imprinted under the notice of copyright the words "Right of public performance reserved"; in default of which no action shall be maintained nor recovery be had for any such performance although without the consent of the copyright proprietor.

SEC. 15. That if, by reason of any error or omission, the requirements prescribed above in section eleven have not been complied with within the time therein specified, or if failure to make registration has occurred by the error or omission of any administrative officer or employee of the United States, it shall be permissible for the author or proprietor to make the required deposit and secure the necessary registration within a period of one year after the first publication of the work: *Provided*, That in such case no action shall be brought for infringement of the copyright until such requirements have been fully complied with: *And provided further*, That the privilege above afforded of completing the registration and deposit after the expiration of the period prescribed in section eleven shall not exempt the proprietor of any article which bears a notice of copyright from depositing the required copy or copies upon specific written demand therefor by the Register of Copyrights, who may make such demand at any time subsequent to the expiration of such period; and after the said demand shall have been made, in default of the deposit of the copies of the work within one month from any part of the United States except an outlying territorial possession of the United States, or within three months from any outlying territorial possession of the United States or from any foreign country, the proprietor of the copyright shall be liable to a fine of one hundred dollars.

Where the copyright proprietor has sought to comply with the requirements of this Act as to notice and the notice has been duly affixed to the bulk of the edition published, its omission by inadvertence from a particular copy or copies, though preventing recourse against an innocent infringer without notice, shall not invalidate the copyright nor prevent

recovery for infringement against any person who after actual notification of the copyright begins an undertaking to infringe it.

SEC. 16. That in the case of a book published in a foreign country before publication in this country the deposit in the Copyright Office not later than thirty days after its publication abroad of one complete copy of the foreign edition with a request for the reservation of the copyright, and a statement of the name and nationality of the author and of the copyright proprietor, and of the date of publication of the said book shall secure to the author or proprietor an ad interim copyright. Except as otherwise provided, the ad interim copyright thus secured shall have all the force and effect given to copyright by this Act, and shall endure as follows :

(a) In the case of a book printed abroad in a foreign language, for a period of two years after the first publication of the book in the foreign country.

(b) In the case of a book printed abroad in the English language or in English and one or more foreign languages, for a period of thirty days after such deposit in the Copyright Office.

SEC. 17. That whenever within the period of such ad interim protection an authorized edition shall be produced and published from type set within the limits of the United States or from plates made therefrom, (a) of a book in the English language or (b) of a book in a foreign language, either in the original language or in an English translation thereof, and whenever the requirements prescribed by this Act as to deposit of copies, registration, filing of affidavit and the printing of the copyright notice shall have been duly complied with, the copyright shall be extended to endure in such original book for the full terms elsewhere provided in this Act.

SEC. 18. That the copyright secured by this Act shall endure—

(a) For twenty-eight years after the date of first publication in the case of any print or label relating to articles of manu-

facture: *Provided*, That the copyright which at the time of the passing of this Act may be subsisting in any article named in this section shall endure for the balance of the term of copyright fixed by the laws then in force.

(b) For fifty years after the date of first publication in the case of any composite or collective work; any work copyrighted by a corporate body or by the employer of the author or authors; any abridgment, compilation, dramatization, or translation; any posthumous work; any arrangement or reproduction in some new form of a musical composition; any photograph; any reproduction of a work of art; any print or pictorial illustration; the copyrightable contents of any newspaper or other periodical; and the additions or annotations to works previously published.

(c) For the lifetime of the author and for fifty years after his death, in the case of his original book, lecture, dramatic or musical composition, map, work of art, drawing or plastic work of a scientific or technical character, or other original work, but not including any work specified in sub-sections (a) or (b) hereof; and in the case of joint authors, during their joint lives and for fifty years after the death of the last survivor of them.

In all of the above cases the term shall extend to the end of the calendar year of expiration.

The copyright in a work published anonymously or under an assumed name shall subsist for the same period as if the work had been produced bearing the author's true name.

SEC. 19. That the copyright subsisting in any work at the time when this Act goes into effect may, at the expiration of the renewal term provided for under existing law, be further renewed and extended by the author, if he be still living, or if he be dead, leaving a widow, by his widow, or in her default or if no widow survive him, by his children, if any survive him, for a further period such that the entire term shall be equal to that secured by this Act: *Provided*, That application for such renewal and extension shall be made to the Copyright

Office and duly registered therein within one year prior to the expiration of the existing term: *And provided further*, That should such subsisting copyright have been assigned, or a license granted therein for publication upon payment of royalty, the copyright shall be renewed and extended only in case the assignee or licensee shall join in the application for such renewal and extension.

SEC. 20. That the author's exclusive right to dramatize or translate any one of his works in which copyright is subsisting shall, after the expiration of ten years from the day on which the work was registered in the Copyright Office, continue effective only in case a dramatization or translation thereof has been produced within that period by his consent or that of his assigns, and in the case of translations shall be confined to the language of any translation so produced.

SEC. 21. That every person who, without the consent of the author or proprietor first obtained, shall publish or reproduce in any manner whatsoever any unpublished copyrightable work shall be liable to the author or proprietor for all damages occasioned by such injury, and to an injunction restraining such unauthorized publication, as hereinafter provided.

SEC. 22. That any reproduction, without the consent of the author or copyright proprietor, of any work or any material part of any work in which copyright is subsisting shall be illegal and is hereby prohibited. The provisions of section thirty-eight hundred and ninety-three of the Revised Statutes prohibiting the use of the mails in certain cases, and also the provision of section thirty-eight hundred and ninety-five of the Revised Statutes shall apply, and the importation into the United States of any such fraudulent copies or reproductions is hereby prohibited.

SEC. 23. That if any person shall infringe the copyright in any work protected under the copyright laws of the United States by doing or causing to be done, without the consent of the copyright proprietor first obtained in writing, any act the exclusive right to do or authorize which is by such laws reserved to such proprietor, such person shall be liable :

(a) To an injunction restraining such infringement;

(b) To pay to the copyright proprietor such damages as the copyright proprietor may have suffered due to the infringement, as well as all the profits which the infringer may have made from such infringement, and in proving profits the plaintiff shall be required to prove sales only, and defendant shall be required to prove every element of cost which he claims; or in lieu of actual damages and profits, such damages as to the court shall appear just, to be assessed upon the following basis, but such damages shall in no case exceed the sum of five thousand dollars nor be less than the sum of two hundred and fifty dollars, and shall not be regarded as a penalty:

First. In the case of a painting, statue, or sculpture, or any device especially adapted to reproduce to the ear any copyrighted work, not less than ten dollars for every infringing copy made or sold by or found in the possession of the infringer or his agents or employees.

Second. In the case of a lecture, sermon, or address, not less than fifty dollars for every infringing delivery.

Third. In the case of a dramatic or musical composition, not less than one hundred dollars for the first and not less than fifty dollars for every subsequent infringing performance.

Fourth. In the case of all other works enumerated in section five of this act, not less than one dollar for every infringing copy made or sold by or found in the possession of the infringer or his agents or employees.

(c) To deliver up on oath to be impounded during the pendency of the action, upon such terms and conditions as the court may prescribe, all goods alleged to infringe a copyright.

(d) To deliver up on oath for destruction all the infringing copies or devices, as well as all plates, molds, matrices, or other means for making such infringing copies.

Any court given jurisdiction under section thirty-two of this Act may proceed in any action instituted for violation of any provision hereof to enter a judgment or decree enforcing any of the remedies herein provided.

SEC. 24. That the proceedings for an injunction, damages and profits, and those for the seizure of infringing copies, plates, molds, matrices, and so forth, aforementioned, may be united in one action.

SEC. 25. That any person who willfully and for profit shall infringe any copyright secured by this Act, or who shall knowingly and willfully aid or abet such infringement or in any wise knowingly and willfully take part in any such infringement, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by imprisonment for not exceeding one year or by a fine of not less than one hundred dollars nor more than one thousand dollars, or both, in the discretion of the court.

Any person who, with fraudulent intent, shall insert or impress any notice of copyright required by this Act, or words of the same purport, in or upon any article for which he has not obtained copyright, or with fraudulent intent shall remove or alter the copyright notice upon any article duly copyrighted, shall be guilty of a misdemeanor, punishable by a fine of not less than one hundred dollars and not more than one thousand dollars. Any person who shall knowingly issue or sell any article bearing a notice of United States copyright which has not been copyrighted in this country, or who shall knowingly import any article bearing such notice, or words of the same purport, which has not been copyrighted in this country, shall be liable to a fine of one hundred dollars.

The importation into the United States of any article bearing such notice of copyright when there is no existing copyright thereon in the United States is prohibited, and such importations shall be proceeded against as provided by sections twenty-six to twenty-nine, inclusive, of this Act.

SEC. 26. That any and all such fraudulent copies prohibited importation by this Act which are brought into the United States from any foreign country shall be seized by the collector, surveyor, or other officer of the customs, or any person authorized in writing to make seizures under the customs revenue

laws, in the district in which they are found; and the copies so seized shall without delay be delivered into the custody of the principal customs officer of the collection district in which the seizure is made; whereupon the said officer shall (except in cases of importation by mail) publish a notice of such seizure once a week for three successive weeks in some newspaper of the county or place where such seizure shall have been made. If no newspaper is published in such county, then such notice shall be published in some newspaper of the county in which the principal customs office of the district is situated; and if no newspaper is published in such county, then notices shall be posted in proper public places, which notices shall describe the articles seized and state the time, cause, and place of seizure, and shall require any person claiming such articles to appear and file with such customs officer his claim to such articles within twenty days from the date of the first publication of such notice.

SEC. 27. That any person claiming the property so seized may, at any time within twenty days from the date of such first publication of notice, file with the collector or other proper officer, a claim, stating his interest in the articles seized, and deposit with such collector or other proper officer a bond to the United States as now prescribed by law, in the penal sum of two hundred and fifty dollars, with two sureties, to be approved by said collector or other proper officer, conditioned that in case of the condemnation of the articles so claimed the obligors shall pay all the costs and expenses of the proceedings to obtain such condemnation.

Such collector, or other proper officer, shall transmit the said bond with a duplicate list and description of the articles seized and claimed to the United States attorney for the proper district, who shall proceed for a condemnation of the property by information as in customs revenue cases.

SEC. 28. That in case the property shall be condemned it shall be delivered into the custody of the United States marshal and destroyed in such manner as the court may direct.

If not condemned, the said articles shall be delivered to the importer on payment of the duty, if any be due. If probable cause is found by the court as an existing fact connected with the seizure, the officer or other person making the seizure shall be entitled to a certificate affording him an absolute defense to any action on account of the seizure. If no such claim shall be filed or bond given within the twenty days above specified, the collector or other proper officer of the customs who has custody of the property shall declare the same forfeited, and it shall be destroyed in such manner as shall be prescribed by the Secretary of the Treasury.

SEC. 29. That mails from foreign countries shall be carefully examined by postmasters, who shall forward to the principal customs officer of the district in which the post office is situated any foreign mail package supposed to contain any article imported in violation of the provisions of this Act. Upon receipt of such package the customs officer shall detain the same in his custody and notify by mail the addressee of the package of its detention, and require him to show cause within thirty days why the supposed prohibited articles should not be destroyed. If the person so addressed shall not appear and show cause to the contrary, the customs officer shall make formal seizure of the articles contained in the package supposed to be prohibited importation, and if the package contains any prohibited articles shall declare the same forfeited, whereupon said articles shall be destroyed in such manner as the Secretary of the Treasury shall direct. If upon examination the articles prove to be innocent of any violation of law the package shall be forwarded to the addressee in regular course of mail, subject to the payment of customs duty, if any be due. If the addressee appears and shows to the satisfaction of the said officer that the importation of the articles is not prohibited, the said articles shall be delivered to the addressee upon payment of the customs duty, if any be due.

SEC. 30. That during the existence of the American copyright in any book the importation into the United States

of any foreign edition or editions thereof (although authorized by the author or proprietor) not printed from type set within the limits of the United States or from plates made therefrom, or any plates of the same not made from type set within the limits of the United States, or any editions thereof produced by lithographic process not performed within the limits of the United States, in accordance with the requirements of section thirteen of this Act, shall be, and is hereby, prohibited: *Provided, however,* That such prohibition shall not apply—

(a) To works in raised characters for the use of the blind ;
 (b) To a foreign newspaper or magazine, although containing matter copyrighted in the United States printed or reprinted by authority of the copyright proprietor, unless such newspaper or magazine contains also copyright matter printed or reprinted without such authorization ;

(c) To the authorized edition of a book in a foreign language or languages, of which only a translation into English has been copyrighted in this country ;

(d) To books in a foreign language or languages, published without the limits of the United States, but deposited and registered for an ad interim copyright under the provisions of this Act ; in which case the importation of copies of an authorized foreign edition shall be permitted during the ad interim term of two years, or until such time within this period as an edition shall have been produced from type set within the limits of the United States, or from plates made therefrom, or by a lithographic process performed therein as above provided ;

(e) To any book published abroad with the authorization of the author or copyright proprietor when imported under the circumstances stated in one of the four sub-divisions following, that is to say :

First. When imported, not more than one copy at one time, for use and not for sale, under permission given by the proprietor of the American copyright ;

Second. When imported, not more than one copy at one time, by the authority or for the use of the United States ;

Third. When specially imported, for use and not for sale, not more than one copy of any such book in any one invoice, in good faith, by or for any society or institution incorporated for educational, literary, philosophical, scientific, or religious purposes, or for the encouragement of the fine arts, or for any college, academy, school, or seminary of learning, or for any state school, college, university, or free public library in the United States; but such privilege of importation without the consent of the American copyright proprietor shall not extend to a foreign reprint of a book by an American author copyrighted in the United States unless copies of the American edition cannot be supplied by the American publisher or copyright proprietor;

Fourth. When such books form parts of libraries or collections purchased en bloc for the use of societies, institutions, or libraries designated in the foregoing paragraph, or form parts of the libraries or personal baggage belonging to persons or families arriving from foreign countries, and are not intended for sale:

Provided, That copies imported as above may not lawfully be used in any way to violate the rights of the American copyright proprietor or annul or limit the copyright protection secured by this Act, and such unlawful use shall be deemed an infringement of copyright.

SEC. 31. That all copies of authorized editions of copyright books imported in violations of the above provisions of this Act may be exported and returned to the country of export, provided it be shown to the satisfaction of the Secretary of the Treasury upon written application that such importation does not involve willful negligence or fraud. If absence of willful negligence or fraud be not established to the satisfaction of the Secretary of the Treasury, the importation shall be proceeded against as in the case of fraudulent copies in the manner prescribed by sections twenty-six to twenty-nine, exclusive, of this Act.

SEC. 32. That all actions arising under the copyright laws

of the United States shall be originally cognizable by the circuit courts of the United States, the district court of any territory, the supreme court of the District of Columbia, the district courts of Alaska, Hawaii, and Porto Rico, and the courts of first instance of the Philippine Islands.

Actions arising under this Act may be instituted in the district of which the defendant is an inhabitant, or in the district where the violation of any provision of this Act has occurred.

Any such court, or judge thereof, shall have power, upon bill in equity filed by any party aggrieved, to grant an injunction to prevent the violation of any right secured by said laws, according to the course and principles of courts of equity, on such terms as said court or judge may deem reasonable. Any injunction that may be granted restraining and enjoining the doing of anything forbidden by this Act may be served on the parties against whom such injunction may be granted anywhere in the United States, and shall be operative throughout the United States and be enforceable by proceedings in contempt, or otherwise, by any other court or judge possessing jurisdiction of the defendants; but the defendants, or any or either of them, may make a motion in the proper court of any other district where such a violation is alleged to dissolve said injunction upon such reasonable notice to the plaintiff as the court or judge before whom said motion shall be made shall deem proper, service of said motion to be made on the plaintiff in person or on his attorney in the action. Said courts or judges shall have authority to enforce said injunction and to hear and determine a motion to dissolve the same, as herein provided, as fully as if the action were pending or brought in the district in which said motion is made.

The clerk of the court, or judge granting the injunction, shall, when required so to do by the court hearing the application to dissolve or enforce said injunction, transmit without delay to said court a certified copy of all the papers on which the said injunction was granted that are on file in his office.

When any action is brought in any place whereof the

defendant is not an inhabitant, service of process shall be made by the marshal of the district of which the defendant is an inhabitant, or of the district where he may be found, upon receiving a certified copy of the process from the clerk of the court where the suit was brought, and return shall be made by said marshal to said court.

SEC. 33. That the final orders, judgments, or decrees of any court mentioned in section thirty-two of this Act arising under the copyright laws of the United States may be reviewed on appeal or writ of error in the manner and to the extent now provided by law for the review of cases finally determined in said courts respectively.

SEC. 34. That no action shall be maintained under the provisions of this Act unless the same is commenced within three years after the cause of action arose.

SEC. 35. That in all recoveries under this Act full costs shall be allowed.

SEC. 36. That nothing in this Act shall prevent, lessen, impeach, or avoid any remedy at law or in equity which any party aggrieved by any infringement of a copyright might have had if this Act had not been passed.

SEC. 37. That the copyright is distinct from the property in the material object which is the subject of copyright, and the sale or conveyance, by gift or otherwise, of the original object shall not of itself imply the cession of the copyright, nor shall the assignment of the copyright imply the transfer of the material object.

SEC. 38. That the right of translation, the right of dramatization, the right of oral delivery of a lecture, the right of representation in the case of a dramatic composition, the right of performance in the case of a musical composition, where the latter is reserved, as provided in section fourteen hereof, the right to make any mechanical device by which music may be reproduced to the ear, and the right of reproduction of a work of art or of a drawing or plastic work of a scientific or technical character shall each be deemed a separate estate subject to assignment, lease, license, gift, bequest, or inheritance.

SEC. 39. That the copyright in a work of art and the ownership of the work shall be deemed to be distinct properties, and, except as provided for in this Act, the copyright in any artistic work shall remain in the author of the work, even if such work be sold or disposed of by such author, unless the copyright therein be expressly assigned or disposed of in writing by him or pass by operation of law or testamentary disposition.

SEC. 40. That every assignment of copyright under this Act shall be by an instrument of writing signed by the assignor.

SEC. 41. That every assignment of copyright executed in a foreign country shall be acknowledged by the assignor before a consular officer or secretary of legation of the United States authorized by law to administer oaths or perform notarial acts. The certificate of such acknowledgment under the hand and official seal of such consular officer or secretary of legation shall be prima facie evidence of the execution of the instrument.

SEC. 42. That every assignment of copyright shall be recorded in the Copyright Office within ninety days after its execution in the United States or within six calendar months after its execution without the limits of the United States, in default of which it shall be void as against any subsequent purchaser or mortgagee for a valuable consideration, without notice, whose assignment has been duly recorded.

SEC. 43. That in place of the original instrument of assignment there may be sent for record a true copy of the same duly certified as such by any official authorized to take an acknowledgment to a deed.

SEC. 44. That the Register of Copyrights shall, upon payment of the prescribed fee, record such assignment, and shall return to the sender, with a certificate of record attached, under seal, the original instrument or the copy of the same so filed for record; and upon the payment of the fee prescribed by this Act he shall furnish to any person requesting the same a certified copy thereof, under the seal of the Copyright Office.

SEC. 45. That when an assignment of the copyright in a specified book or other work has been recorded the assignee shall have the privilege of substituting his name for that of the assignor in the statutory notice of copyright prescribed by this Act.

SEC. 46. That all records and other things relating to copyrights required by law to be preserved shall be kept and preserved in the Copyright Office, Library of Congress, District of Columbia, and shall be under the control of the Register of Copyrights, who shall, under the direction and supervision of the Librarian of Congress, perform all the duties relating to the registration of copyrights.

SEC. 47. That there shall be appointed by the Librarian of Congress a Register of Copyrights, at a salary of dollars per annum, and one assistant register of copyrights at a salary of dollars per annum, who shall have authority during the absence of the Register of Copyrights to attach the Copyright Office seal to all papers issued from the said office, and to sign such certificates and other papers as may be necessary. There shall also be appointed by the Librarian such subordinate assistants to the Register as may from time to time be authorized by law.

SEC. 48. That the Register of Copyrights shall make daily deposits in some bank in the District of Columbia, designated for this purpose by the Secretary of the Treasury as a national depository, of all moneys received to be applied as copyright fees, and shall make weekly deposits with the Secretary of the Treasury, in such manner as the latter shall direct, of all copyright fees actually applied under the provisions of this Act, and annul deposits of sums received which it has not been possible to apply as copyright fees or to return to the remitters, and shall also make monthly reports to the Secretary of the Treasury and to the Librarian of Congress of the applied copyright fees for each calendar month, together with a statement of all remittances received, trust funds on hand, moneys refunded, and unapplied balances.

SEC. 49. That the Register of Copyrights shall give bond to the United States in the sum of twenty thousand dollars, in form to be approved by the Solicitor of the Treasury and with sureties satisfactory to the Secretary of the Treasury for the faithful discharge of his duties.

SEC. 50. That the Register of Copyrights shall make an annual report to the Librarian of Congress, to be printed in the Annual Report on the Library of Congress, of all copyright business for the previous fiscal year, including the number and kind of works which have been deposited in the Copyright Office during the fiscal year, under the provisions of this Act.

SEC. 51. That the seal provided under the Act of July eighth, eighteen hundred and seventy, and at present used in the Copyright Office, shall continue to be the seal thereof, and by it all papers issued from the Copyright Office requiring authentication shall be authenticated.

SEC. 52. That, subject to the approval of the Librarian of Congress, the Register of Copyrights shall be authorized to make reasonable rules and regulations, not inconsistent with the provisions of this Act, for the conduct of proceedings with reference to the registration of claims to copyright as provided by this Act: *Provided*, That no breach of such rules or regulations shall affect the validity of the copyright.

SEC. 53. That the Register of Copyrights shall provide and keep such record books in the Copyright Office as are required to carry out the provisions of this Act, and whenever deposit has been made in the Copyright Office of a title or copy of any work under the provisions of this Act he shall make entry thereof.

SEC. 54. That in the case of each entry the person recorded as the claimant of the copyright shall be entitled to a certificate under seal of copyright registration, to contain his name and address, the title of the work upon which copyright is claimed, the date of the deposit of the required copies of such work, and such marks as to class designation and entry number as shall fully identify the entry. In the case of a book the cer-

tificate shall also state the receipt of the affidavit required by section thirteen of this Act, and the date of the completion of the printing, or the date of the publication of the book, as stated in the said affidavit. The Register of Copyrights shall prepare a printed form for the said certificate, to be filled out in each case as above provided for, which certificate, sealed with the seal of the Copyright Office, shall, upon payment of the prescribed fee, be given to any person making application for the same, and the said certificate shall be admitted in any court as prima facie evidence of the facts stated therein.

SEC. 55. That the Register of Copyrights shall fully index all copyright registrations, and shall print at periodic intervals a catalogue of the titles of articles deposited and registered for copyright, together with suitable indexes, and at stated intervals shall print complete and indexed catalogues for each class of copyright entries, and thereupon shall have authority to destroy the original manuscript catalogue cards containing the titles included in such printed volumes and representing the entries made during such intervals. The current catalogues of copyright entries and the index volumes herein provided for shall be admitted in any court as prima facie evidence of the facts stated therein as regards any copyright registration.

SEC. 56. That the said printed current catalogues as they are issued shall be promptly distributed by the Copyright Office to the collectors of customs of the United States and to the postmasters of all exchange offices of receipt of foreign mails, in accordance with revised lists of such collectors of customs and postmasters prepared by the Secretary of the Treasury and the Postmaster General, and they shall also be furnished to all parties desiring them at a price to be determined by the Register of Copyrights not exceeding five dollars per annum for the complete catalogue of copyright entries and not exceeding one dollar per annum for the catalogues issued during the year for any one class of subjects. The consolidated catalogues and indexes shall also be supplied to all persons ordering them at such prices as may be deter-

mined to be reasonable, and all subscriptions for the catalogues shall be received by the Superintendent of Public Documents, who shall forward the said publications; and the moneys thus received shall be paid into the Treasury of the United States and accounted for under such laws and Treasury regulations as shall be in force at the time.

SEC. 57. That the record books of the Copyright Office, together with the indexes to such record books, and all works deposited and retained in the Copyright Office, shall be open to public inspection at convenient times; and copies may be taken of the copyright entries actually made in such record books, subject to safeguards and regulations as shall be prescribed by the Register of Copyrights and approved by the Librarian of Congress.

SEC. 58. That of the articles deposited in the Copyright Office under the provisions of the copyright laws of the United States, or of this Act, the Librarian of Congress shall determine what books and other articles shall be transferred to the permanent collections of the Library of Congress, including the law library, and what other books or articles shall be placed in the reserve collections of the Library of Congress for sale or exchange, or be transferred to other governmental libraries in the District of Columbia for use therein.

SEC. 59. That of any articles undisposed of as above provided, together with all titles and correspondence relating thereto, the Librarian of Congress and the Register of Copyrights jointly shall at suitable intervals determine what of these received during any period of years it is desirable or useful to preserve in the permanent files of the Copyright Office, and, after due notice as hereinafter provided, may within their discretion cause the remaining articles and other things to be destroyed: *Provided*, That there shall be printed in the Catalogue of Copyright Entries from February to November, inclusive, a statement of the years of receipt of such articles and a notice to permit any author, copyright proprietor, or other lawful claimant to claim and remove before the expira-

tion of the month November of that year anything found which relates to any of his productions deposited or registered for copyright within the period of years stated, not reserved or disposed of as provided for in sections fifty-eight and fifty-nine of this Act: *And provided further*, That no manuscript of an unpublished work shall be destroyed during the term of its copyright without specific notice to the author, copyright proprietor, or other lawful claimant, permitting him to claim and remove it.

SEC. 60. That the Register of Copyrights shall receive and the persons to whom the services designated are rendered shall pay the following fees: For the registration of any work subject to copyright deposited under the provisions of this Act, one dollar, which sum is to include a certificate under seal. For every additional certificate under seal of registration made, fifty cents. For recording and certifying any instrument of writing for the assignment of copyright, or for any copy of an assignment, duly certified, if not over three hundred words in length, one dollar; if more than three hundred and less than one thousand words in length, two dollars; if more than one thousand words in length, one dollar for each one thousand words and fraction thereof over three hundred words. For comparing any copy of an assignment with the record of such document in the Copyright Office and certifying the same under seal, one dollar. For recording the transfer of the proprietorship of copyrighted articles, ten cents for each title of a book or other article in addition to the fee prescribed for recording the instrument of assignment. For any requested search of Copyright Office records, indexes, or deposits, fifty cents for each full hour of time consumed in making such search. For the personal inspection of copyright record books, indexes, applications, or any article deposited, including the copying of an entry actually made in any such record book, ten cents in the case of each book or other article: *Provided*, That for such inspection or copying, or both, if made by or on behalf of any person party to a copyright suit already

begun or if the inspection and use of a book or other deposited article is made in the reading room of the Library of Congress, or in any division of the Library to which the said article would naturally pertain, no charge shall be made: *Provided further*, That only one registration at one fee shall be required in the case of several volumes of the same book or periodical deposited at the same time or of a numbered series of any work specified in sub-sections (h), (j), (k), and (l) of section five of this Act, where such series represents the same subject with variances only in pose or composition and the items composing it are deposited at the same time under one title with a view to a single registration.

SEC. 61. That in the interpretation and construction of this Act the words "United States" shall be construed to mean the United States and its territorial possessions, and to include and embrace all territory which is now or may hereafter be under the jurisdiction and control of the United States.

SEC. 62. That in the interpretation and construction of this Act words importing the singular number shall be held to include the plural, and vice versa, except where such construction would be unreasonable, and words importing the masculine gender shall be held to include all genders, except where such construction would be absurd or unreasonable.

SEC. 63. That in the interpretation and construction of this Act "the date of publication" shall in the case of a work of which copies are reproduced for sale or distribution be held to be the earliest date when copies of the first authorized edition were sold or placed on sale; and the word "author" shall include an employer in the case of works made for hire.

SEC. 64. That all Acts and parts of Acts inconsistent herewith are hereby repealed, save and except section forty-nine hundred and sixty-six of the Revised Statutes, the provisions of which are hereby confirmed and continued in force, anything to the contrary in this Act notwithstanding.

OBITUARIES.

ALABAMA.

THOMAS N. McCLELLAN.

Thomas N. McClellan, late Chief Justice of the Supreme Court of Alabama, and a native of Limestone County in that state, died suddenly on February 10, 1906, at New Orleans, Louisiana, while on his way to Texas in search of health. He was born on the February 23, 1853. At the time of his death he was fifty-two years of age. His parents were Thomas J. and Martha Fleming McClellan; he was never married. He was educated at Oak Hill College in Tennessee and took his law degree at the law school of Cumberland University at Lebanon, Tennessee. Leaving the law school, he began the practice of his profession at Athens, the county town of his native county, about the time he attained his majority. He was soon elected mayor and then appointed Register in Chancery, and until his death at all times held some public position. He was never defeated when a candidate for office. From early manhood his career was marked by a series of successes and promotions following each other at regular intervals. In 1882 he was elected state senator, and in 1886 attorney-general of the state, in both of which offices he greatly distinguished himself. He was serving as attorney-general when in 1889 he was appointed an Associate Justice of the Supreme Court by Governor Thomas Seay, who had served with him in the senate and who had formed a high opinion of his fitness for judicial service. In 1898 he was elected by the people to the office of Chief Justice of the Supreme Court for a term of six years, and in 1904 was re-elected without opposition to the same position for a like term. He was only thirty-six years of age when he became a

judge of the court of last resort, and after serving in that tribunal nearly seventeen years died before he had reached the age of fifty-three, leaving behind him a great and honored name as a judge and chief justice. While Judge McClellan increased in reputation and public esteem with each new trust, it was as a member of the Supreme Court that he reached the maturity of his fame. By his ability to work rapidly and accurately, his usefulness in consultation, his varied learning, his gift for clear and vigorous writing, his stern integrity, his high conception of the dignity of his position and rigid impartiality, he erected to himself an imperishable monument and rendered priceless service to the state of his birth.

Possessing none of the arts and indulging in none of the practices of the politician, he early won and always held the confidence not only of the Bar, but of the masses of the people. Those who study his opinions will find that when called to the Bench he was in a condition of perfect preparedness. He knew the law and had already acquired the style and habit of clear and forceful law writing. His earlier opinions are wonderfully precise and accurate, well conceived and happily expressed, and the high standard which he established in the beginning was maintained to the end.

Personally, Judge McClellan was dignified, reserved and undemonstrative; and while he had little time for social intercourse, yet all who were brought within the influence of his companionship bear testimony to the tenderness of his heart and the charm of his conversation.

ARIZONA.

JOHN C. HERNDON.

John C. Herndon was born in Howard County, Missouri, in March, 1849, and was educated in the schools of his native state and the Universities of Kentucky and Virginia. He

read law with Robert Prewitt, one of the foremost lawyers of Missouri. He was admitted to the Bar in the early 70's and practiced law in connection with his father until early in 1883. Shortly after his admission to the Bar, he married Miss Florence Wilson. In February, 1883, he moved to Prescott, Arizona, where he practiced until the time of his death. He died at Prescott, May 10, 1906.

On January 1, 1885, he formed a law partnership with John J. Hawkins. In 1893 Judge Hawkins was appointed Associate Justice of the Supreme Court of Arizona and the firm of Herndon & Hawkins was dissolved. Mr. Herndon soon thereafter formed a law partnership with T. G. Norris, under the firm name of Herndon & Norris. Mr. Herndon was a member of this firm until his death.

He filled various positions of public trust, and possessed the confidence, respect and love of his fellow citizens.

In 1886 he was elected District Attorney of Yavapai County, Arizona. In 1891 he was elected to the Territorial Council. In 1894 he was a candidate for Congress. In politics he was a life-long democrat.

After his race for delegate to Congress, Mr. Herndon devoted all of his tireless energy and great mind to the practice of his profession.

He loved his friends, he adored his family and he worshiped his God. His friends in their troubles went to him for advice. In their hours of relaxation and enjoyment, they went to him for his words of cheer and genial companionship. He was a splendid lawyer. He was brave, honest and true; he was firm, gentle and kind.

He met his adversary with such openness and candor as to rob every struggle of bitterness. He recognized the danger of undue haste in any important matter and gave attention to all phases, rejecting no suggestion offered in good faith, until the whole matter had been deliberately weighed. No man ever honestly asked him for advice and was turned away. He was one man to all people in all stations of life. In his

voice he displayed to every listener a charm of youth and mirth that drew to him immediate friendship. He lived for his friends.

ARKANSAS.

BEN T. DuVAL.

Ben T. DuVal was born in Brooke County, Virginia (now West Virginia), in 1827, and died September 5, 1906, at San Diego, California.

When about two years old, he came with his father, Colonel William DuVal, one of the pioneers, to Fort Smith, Arkansas. Fort Smith was then but a trading post, and William DuVal was a merchant and Indian trader. He was of French Huguenot stock, his ancestors having fled from France to escape religious persecution. They first settled in South Carolina and afterwards made their way to Virginia, where they took an active part in the War for American Independence.

Colonel Ben T. DuVal was educated by private tutors in the primary branches of learning, and was sent at an early age to Bardstown, Kentucky, where he attended St. Joseph's College, from which he was graduated at the age of seventeen years. Leaving college, he studied law at Van Buren under the late Judge Jesse Turner, and then went to Little Rock, where he studied under Albert Pike. He was admitted to the Bar in 1849. He did not at once enter practice, however, serving for a time as deputy United States marshal. In 1849 he returned to Fort Smith, where he remained until his health compelled him to seek a more congenial climate. He entered the political field at an early age, and in 1851 was elected chief clerk of the lower branch of the legislature. In 1854-56 he took the field against Know-nothingism. In 1858 he was elected to the legislature, and upon the resignation of Oliver H. Oats was elected speaker of the House of Representatives. In 1860 he was re-elected to the House of Representatives and made chairman of the Committee on Federal Rela-

tions, quite an important position at that time. In 1861 he was appointed paymaster-general of Arkansas state troops, and in 1862 was appointed quartermaster on General J. F. Fagan's staff, serving in that capacity till the war ended, and was in several battles. He practiced law in New Orleans for a year after the war closed, but not liking the outlook there returned to Fort Smith. In 1874 he was selected by the government to investigate frauds in federal expenditures in the western district of Arkansas, and succeeded in unearthing a vast amount of corruption. Later on, in 1895, Colonel DuVal was elected to the lower branch of the legislature, in which he served with signal ability.

Colonel DuVal's first partner in the practice of law after the war between the states was Major John King, with whom he had served in the Confederate army.

Several others were in partnership with Colonel DuVal afterward, one of his associates being Colonel William Cravens, another ex-Confederate officer. Their partnership lasted for many years, and together they became one of the most noted firms in the Southwest.

In 1899 Colonel DuVal was appointed counsel for the Creek Nation, which position he held for several years. For several years before his death he was engaged in preparing a history of Arkansas. This he was lately compelled to abandon on account of failing health.

Colonel DuVal left no children, although twice married. His first wife was a Miss Ellen Field, daughter of an Arkansas pioneer. About fifteen years ago he contracted a second marriage with Miss Rose Scott.

JOHN J. HORNOR.

John J. Hornor was born in Virginia March 21, 1833. He was the second son of John Sydney and Elizabeth Hornor and a grandson on his mother's side of Joseph Johnson, for one or more terms Governor of Virginia and later member of Congress from that state. His parents moved to Arkansas in

1836 and made Helena their future home. Here Mr. Hornor was reared and lived until his death, February 6, 1905, when he had nearly completed his 72d year. In his childhood and youth he was quiet and reserved, especially in the presence of strangers, yet bright, intelligent and in fullest sympathy with those who were his companions or associates. He was quick to learn and to apprehend the truth of any proposition presented, and this characteristic grew and increased with advancing years. His scholastic opportunities were limited in the time and place of his early life, but he made the most of them and advanced rapidly in his studies as he had opportunity. He attended college for a time in New Albany, Indiana, in 1849, and during the years of 1850 and 1851 he was a student at Jackson College, at Columbia, Tennessee, being graduated there in the latter year. He read law under the late William K. Sebastian, for many years a United States senator from Arkansas, and was licensed to practice in 1854. In that year he formed a partnership with the late General James C. Tappan, which, but for the interruption of the Civil War, continued through the greater portion of his life. His ability was quickly recognized and he advanced to the front rank in the Bar of the state. He acquired and controlled a large and lucrative practice.

Mr. Hornor entered the Civil War in 1862 and served until its close in 1865. For distinguished service he was promoted to the rank of major, which position he held at its close. Major Hornor gave his best efforts to the study of his profession. He had little taste for politics and never took much part therein, and was but once a candidate for any office. He was chosen a member of the Constitutional Convention in 1874 and had large part in framing the present constitution of the state. Later, before the legislature of the state, he sought the position of United States senator, but was defeated. Major Hornor held many positions of great trust and discharged the duties of the same with entire satisfaction to all concerned. He was admitted to practice in the Supreme

Court of the United States and was successful in a number of important cases in that court.

He was an able, conscientious, successful lawyer, always and without exception giving his best talent to the maintenance of that which he believed to be right. He was modest and unobtrusive, but quick to apprehend the strong point of his position and clear and forcible in his presentation of it. He was a true friend—tender in sympathy, generous in aid, and wise and prudent in counsel. He was a thoroughly patriotic citizen, a devoted husband and father, and in the highest sense a Christian gentleman.

CALIFORNIA.

GEORGE E. OTIS.

(Abridged from memorial prepared by a committee of the San Bernardino Bar Association.)

George Edmund Otis, a Judge of the Superior Court of San Bernardino County, California, from 1891 to 1897, was born in Boston, Massachusetts, in 1847, and died at his home in Redlands, June 5, 1906.

He attended the Boston Latin School and Norwich University of Vermont. The Civil War caused a temporary cessation of his studies, for, in 1864, when only a little past sixteen, he enlisted in the 6th Massachusetts Volunteers, serving until the close of the war. He then entered the law office of Richard H. Dana, a noted man and author in his time. With him Judge Otis spent a couple of years in preparation, after which he entered the Harvard Law School, being graduated therefrom in 1869.

While at Harvard he was brought into close companionship with Dr. Theophilus Parsons, author of many notable legal treatises. Judge Otis, during his attendance at law school, assisted Dr. Parsons in annotating his work on "Contracts."

After graduation, Judge Otis immediately entered upon the practice of his profession as a member of the Suffolk Bar,

remaining there, however, only a few years, when he cast his lot with the West. He arrived in San Bernardino in 1875 and at once entered upon the practice of his profession; first as an office associate, and a little later as partner of W. J. Curtis, who was then district attorney of the county.

After two years, residence in San Bernardino, he removed to San Francisco and formed a law partnership with Charles E. Wilson, the firm being known as Wilson & Otis; and thereafter, upon the addition of John J. Roche, as Wilson, Otis & Roche.

In 1885, upon the death of Mr. Curtis's partner, Mr. John W. Satterwhite, Judge Otis returned to San Bernardino and associated himself once more with his former partner, W. J. Curtis. With him he continued in active practice until his election to the Bench in 1890.

Here he served the term of six years with signal and lasting honor, at the end of which time he resumed his practice; this time in partnership with Judge F. W. Gregg, an alliance which lasted continuously up to the time of his death.

He was married to Katherine Johnson, daughter of Alexander Johnson, sometime Chief Justice of the New York Court of Appeals, and later a Judge of the United States Circuit Court. He was prominent in club and social circles, a member of the American Bar Association, and the California State Bar Association, of the San Francisco Harvard Club, California Historical Society and the University Club of Redlands.

Judge Otis, during the whole of his residence in San Bernardino, was generally engaged in one or more business enterprises to which he would devote much of his time and attention. These included mining and land companies, and he was also one of the organizers and directors of a water company of Redlands.

At the Bar Judge Otis was engaged in many notable causes and won many notable victories.

His early training in the Boston Latin School had been severely classical; the beneficial influence of this training was marked not only in his studied discourse, but also in his ordinary conversation. He had a charm of manner, an elegance of style, a refinement of thought, an ease of expression, a versatility of ideas, that gave to his utterances, whether public or private, a sparkle, an evidence of culture and a power of persuasion that fitted him for entry into any circle and commanded for him unbounded respect in any form. He was essentially a scholar; he was above all a gentleman.

On the Bench Judge Otis was noted for his quickness of perception, the unfailing fairness of his decisions, the commendable dignity and decorum with which he performed his judicial functions.

In his death the Bar suffered the loss of a personality as distinguished as it was delightful; as forceful as it was congenial; as democratic in its friendships as it was aristocratic in its deportment; as wise in counsel as it was aggressive in advocacy.

COLORADO.

JULIUS B. BISSELL.

On March 13, 1906, in Denver, Colorado, Julius B. Bissell, for ten years a Judge of the Court of Appeals of Colorado, succumbed to a stroke of apoplexy. He was born in New Britain, Connecticut, July 1, 1839, being a descendant of John Bissell, who left England and settled in Connecticut in 1638. All of his ancestors were prominent in the early history of New England and especially in the war of the American Revolution. At the age of twenty-one while teaching Latin and Greek for a livelihood, he commenced the study of law with Dexter R. Wright, of Meriden, Connecticut. In 1862 he enlisted in Company B, 15th Connecticut Infantry, of which his law preceptor was colonel, and he served with the same and on detached duty until he was mustered out in

1865, having attained the rank of lieutenant-colonel. He participated in the battle of Fredericksburg under General Burnside, and in many other engagements while in the Army of the Potomac. From January, 1864, until he was mustered out he served as judge-advocate and provost-judge, being one of the three to occupy the latter position in the Federal army. His decision were reviewed by General Benjamin F. Butler, and only one of his opinions was reversed.

After leaving the army in the fall of 1865, he was admitted to the Bar of New York city, where he commenced the active practice of his chosen profession. In 1869 he went to Des Moines, Iowa, where he practiced his profession until the summer of 1878, and for a year and a half he was the district attorney for the Polk District in that state. In 1878 he removed to Colorado and located at Leadville, where he soon took high rank as a mining lawyer, remaining there until 1890, when he became a member of the Colorado Supreme Court Commission, which position he held until the Court of Appeals was created in 1891, when he was appointed one of its judges for the term of four years. At the expiration of his first term he was reappointed for a term of six years.

He was a member and for a time past commander of the Order of the Loyal Legion of Denver, to the principles of which he was warmly devoted. In 1866 he was married to Miss Julia D. Vail, a native of New York city, who died on March 17, 1906. His two daughters and his father, who is living in Rockville, Connecticut, survive him.

The judicial record of Judge Bissell is found in the fifteenth and sixteenth volumes of the Colorado Supreme Court Reports and in the first sixteen volumes of Reports of the Court of Appeals of that state, and his many carefully prepared opinions found in those reports are an enduring monument to his industry, learning and ability as a lawyer and a judge. As a lawyer, he was talented, painstaking and able. His ideal of his profession was most exalted, and he was unsparing in his denunciation of those who lowered it.

Commanding of presence, strong and powerful of frame, he was the picture of strong, physical manhood, comporting admirably with his vigorous mentality.

WILLARD TELLER.

Willard Teller was born in the town of Granger, Allegany County, New York, April 17, 1834. His father, John Teller, was a farmer of moderate means of the old Dutch stock. His mother, Charlotte Teller (née Moore), was of New England stock, born in the State of Vermont.

He attended the district school until the age of sixteen, when he became a student in the academy at Lima, New York, and later at Rushford Academy and Alfred University, New York, and was graduated at Oberlin College, Ohio, in 1858. He commenced teaching in the public schools at an early age and continued to teach during the winter months until he entered college at Oberlin.

After his graduation, he entered the law office of Zebedee Kendall, at Angelica, New York, and was admitted to the Bar at Buffalo in 1860, and commenced the practice of law at Olean, Cattaraugus County, New York, in 1860. He was married to Miss W. A. Gleason, of Olean, New York, who survives him.

In the spring of 1864 he moved to Colorado and entered into partnership for the practice of law with his brother, Henry M. Teller, at Central City, Colorado, under the firm name of H. M. & W. Teller, and continued in practice at that place until the admission of Colorado as a state, when he removed to Denver and continued in practice with his brother until May, 1882, when the partnership was dissolved by H. M. Teller accepting the position of Secretary of the Interior. He continued in the practice with H. M. Oranhood, who had become a member of the firm some years before, for several years, and during the latter part of his life, he was associated with Clayton C. Dorsey until a very short time before his death, when ill health induced him to discontinue practice.

During his residence in Central City, he was connected with the most noted mining litigation of Colorado. After his removal to Denver, he had charge of the legal interests of the Union Pacific Railroad Company and Colorado Central, and was engaged in a general practice which extended to nearly every part of the state, and was especially large in the federal courts. He was a regular attendant at sessions of the Circuit Court of Appeals of the Eighth Circuit until he quit practice.

Willard Teller was in every sense of the word a great lawyer. He was esteemed both by the Bench and the Bar as a man in every way above reproach; his integrity as a man and the uprightness of his character as a lawyer were never questioned. He never practiced, or tolerated in others, the tricks of a shyster. He sought diligently for the rights of his client, but never stooped to win a case by practices that might induce the court unwittingly to render an unjust judgment. He presented the law to the courts as he understood it, and the facts to the jury as the witnesses persuaded him that they existed. He was a man, rare and excellent in character in every respect, and the Bench and the Bar have both suffered an irreparable loss in his taking away.

CONNECTICUT.

JAMES GARDNER CLARK.

James Gardner Clark was born at Fayetteville, New York, on the 25th day of December, 1835. He was graduated from the academic department of Yale College in the year 1861. After teaching for several years, he studied law and was admitted to the Bar on the 30th of May, 1876, and at once entered into practice, at New Haven. Mr. Clark's practice was concerned mainly with the investigation of real estate titles, the settlement of estates and litigation incidental thereto. For the last quarter of a century an investor who had the assurance of Mr. Clark as to a title of real estate sought no further and made his investments unhesitatingly. This portion of his

business naturally led to the management of foreclosures and other litigations affecting land, and made him the trusted adviser of those who had charge of the most important financial interests. In all these connections he showed the utmost integrity and good judgment.

The disease of which he died was a long and painful one. For months he lingered in extreme physical weakness and in the expectation of death, which could not be long deferred, but at no time did he show either fear or impatience. He died on the 17th day of October, 1905, leaving a widow, Frances Goodsell Clark.

DAVID TORRANCE.

David Torrance, Chief Justice of Connecticut, was born in Edinburgh, Scotland, March 3, 1840, and died at his residence in Derby, Connecticut, September 5, 1906. When nine years old his mother, then a widow, brought her son with her to Norwich, Connecticut. From the age of fifteen he worked for seven years at paper-making in Greenville, Norwich. During this period he was a constant and studious reader of books taken from the Otis Free Library.

In June, 1862, he enlisted in the 18th Regiment Connecticut Volunteers, and went out as second sergeant. He was captured at Winchester, and was confined in Libby Prison and at Belle Island, being paroled in July, 1863. In 1864 he was appointed captain in the 29th Regiment Connecticut Volunteers, colored, later becoming lieutenant-colonel of this regiment, and was mustered out in October, 1865.

Judge Torrance began the study of law while in the field, under the direction of his colonel, William B. Wooster, a prominent lawyer in New Haven County. At the close of the war he entered the office of Colonel Wooster in Derby, Connecticut, and was admitted to the Bar in 1868, and entered upon the practice of law in Derby, where he has since resided. He served as representative of Derby in the state legislature in 1871 and 1872. He was secretary of state 1879-1881,

being elected upon the same ticket with the late Charles B. Andrews, then republican candidate for governor, who later became a judge of the Superior Court, and preceded Judge Torrance as chief justice. Judge Torrance was appointed judge of the Court of Common Pleas for New Haven County in 1881 for four years, and was reappointed in 1885, but before the expiration of his first term as a Common Pleas judge he was, in 1885, appointed a judge of the Superior Court. In 1889 he was appointed an associate judge of the Supreme Court of Errors, and in 1901 chief justice, holding this position at the time of his death.

Judge Torrance was also a director in a number of business corporations in Derby and vicinity, and president of two such corporations. He was a member of the Army and Navy Club of Connecticut, and served a term as its president. In religion he was a Congregationalist of the liberal school. He was married in 1864, and leaves a widow, a daughter and two sons surviving him.

At the first meeting of the Supreme Court of Errors held after his decease, on October 2, 1906, the following minute, prepared by Judge Baldwin, acting chief justice, was read in response to remarks by the attorney-general, and spread upon the records of the court. It reflects so accurately the opinion of the Bench and Bar of Connecticut with regard to the late Chief Justice that it is here reproduced as the most appropriate commentary upon his life and services:

"No one could know Chief Justice Torrance well without feeling that he was a true man—simple, unaffected, with that inborn courtesy that goes only with a kind heart. No lawyer who practiced before him in the trial courts, or in this court, failed to see that besides these qualities he was, before all other things, a just judge. His mind was of the judicial cast. It did not leap to conclusions in the trial of a cause. They were reached only after a full consideration of all that had been said on both sides of the question in controversy. His associates here, when they met with him for consultation, were apt to distrust their own judgment when it differed from

his. That was not only deliberately and carefully reached, but reached by powers of reasoning which were of uncommon solidity.

"He brought from his native country those traits of logical discrimination and philosophical inquiry which especially characterize the Scotch people, and they were developed and strengthened by a liberal education here, which he gave himself. As I was walking with him once, past the Otis Free Library in Norwich, he turned to it and said: 'That was my university.' There were the tools and he had the resolution and the capacity to make them serve his use.

"His judicial opinions were as clear as they were sound. I know of none in our reports, or in any reports, in which the functions of court and jury in questions of negligence have been better described and distinguished than in *Farrell against Waterbury Horse Railroad Company*, 60 Connecticut, 289.

"In 1883 Yale University recognized his literary attainments by conferring on him the honorary degree of master of arts. Ten years later he consented to teach the subjects of 'Sales' and 'Evidence' in her Law School, and in 1898, became professor of evidence. There are many now at our Bar who had the benefit of his instruction and feel its value.

"One who is a true man, a just judge and a sound and able reasoner has the requisites for the highest judicial station. David Torrance had more than this. He possessed a rare personality and peculiar qualities of the judicial temperament which imbued his work with individuality and lifted it above the ordinary range of judicial fitness to the height of pre-eminence. He had a natural adaptation to the special duties belonging to his office, which none can appreciate more fully than those who have been associated with him.

"Chief Justice Torrance gave the strength of his youth to the service of his country in her time of need. The strength of his manhood he gave to the service of his state in a judicial career of a round quarter of a century. His associates upon this Bench feel deeply the loss which his death has brought to the court of which he was the honored head. They feel deeply, also, the personal loss which has come to each of them in the taking away of a friend to whom he bore a sincere attachment."

DISTRICT OF COLUMBIA.

CHARLES FLETCHER SCOTT.

Charles Fletcher Scott was born September 23, 1837, in Brooke County, West Virginia, of Scotch-Irish parentage. When he was eleven years old his father died ; his mother died four years later. In 1852 he went to Poland, Ohio, to attend school. Here he formed a friendship with his schoolmate, the late President William McKinley, which continued through life.

After three years at Poland, he was obliged on account of ill health to go to Iowa, where he remained for eighteen months. On his return East he attended school in Pennsylvania, and later the Albany Law School, whence he was graduated in 1861. Upon the outbreak of the Civil War, he enlisted, but on account of injuries received while on recruiting service, he served but a short time.

Judge Scott was a consistent and ardent republican. In 1862 he aided in the formation of the new State of West Virginia and was elected to the House of Delegates of that state in 1864, and re-elected in 1865. In 1867 he became editor of a republican paper in Ritchie County, West Virginia, and also practiced law there. He was appointed prosecuting attorney in 1869 and 1870. About the same time he became a state senator and served three terms, from 1871 to 1877. In 1878 he was nominated for Congress, but was defeated by a small plurality. The following year he moved to Parkersburg to practice law and was part owner and editor of the *State Journal*. He was a member of the law firm of Scott & Cole, his associates being the late Judge Charles C. Cole and Wyman L. Cole.

In 1878 Judge Scott was appointed postmaster at Parkersburg, a position he filled for seven years, until the democratic party once more came into power. He was chairman of the Congressional Executive Committee, and in 1888 was elected

secretary of the State League of Republican Clubs and re-elected the next year.

In 1889 he moved to Washington, District of Columbia, having been appointed pardon clerk in the Department of Justice. Until the close of the republican administration, he served in this capacity. He afterwards served as a justice of the peace in the District of Columbia, and in 1897 was appointed judge of the Police Court by his old schoolmate, President McKinley, to succeed Judge Thomas F. Miller, deceased. He was reappointed by President Roosevelt and had three more years to serve when he died, September 14, 1905.

Judge Scott's public life was most upright and was characterized by a conscientious and painstaking performance of every duty. So faithfully and carefully were his duties as pardon clerk performed that upon the election of President Cleveland a number of prominent democrats wrote to the chief executive asking him to retain Judge Scott.

As judge of the police court, he exhibited the same careful attention to details that characterized his whole life. His favorite saying was, "I always wish to temper justice with mercy," and many were the poor unfortunates whose fines he secretly paid.

Judge Scott was a Christian in the highest and best sense. No good cause appealed to him in vain. His benefactions were numerous, but not ostentatious. He was a loyal member of the Methodist Episcopal Church, but for some time before his death he was unable to take an active part in the church work on account of the painful malady that finally resulted in his death. He bore his long suffering with patience and Christian fortitude and did not falter when death was near.

The integrity of his public life was strengthened by the purity of his private life. He was a faithful husband and a devoted father. There was a charm about his conversation that was felt by all who knew him. He possessed a clear, liquid tenor voice and was a fine singer in his earlier life. His

disposition was affable and companionable, but never flippant. His was the true courtesy that springs from a generous and kindly nature. In all his relations with men he was as true as steel and no sacrifice was too great for him to make for a friend.

Judge Scott was prominent in Masonic circles. He was a past grand commander of the Knights Templar of West Virginia. He was also a member of the Grand Army of the Republic and had been elected judge advocate general of the Department of the Potomac shortly before his death.

ILLINOIS.

ADOLPH MOSES.

Memorial by Joseph E. Gary.

Adolph Moses was born on February 27, 1837, in the small town of Speyer, in the Palatinate, Germany. He died, a citizen of the United States, and a resident of Chicago, at Asheville, in North Carolina (whither he had gone for the health of one of his sons), on November 6, 1905. A career of struggle and achievement filled that space.

Fifty-five years of very active life, and the character which that life showed to the world, cannot be described in the few words permissible in this sketch. Coming at the age of fourteen years to the city of New Orleans, to a new land and a new language, our knowledge of him begins in the year 1869, when he became a member of the Bar of Illinois. He soon occupied a very prominent position in that Bar. Courageous, determined, perhaps obstinate, though always courteous, industrious and ambitious, few men have filled a larger space in the profession in Chicago, during a quarter of a century preceding his death, than has Adolph Moses.

But his energies were not confined to the practice of law. Every association of lawyers which promised improvement of the law or of the administration of the law appealed to his

mind and secured his co-operation. And association with other lawyers was not enough for him. He founded the *National Corporation Reporter*, a weekly legal newspaper, which continues since his death. To him belongs the distinction of bringing the profession throughout the United States to the observance of the centennial anniversary of the day upon which the great Chief Justice of the Supreme Court of the United States took his place. "John Marshall Day" was essentially his work.

It is an insult to the memory of a dead lawyer to say that he was true to his clients. But intelligent, persevering industry is not such a universal characteristic of lawyers that we may not recall this trait of the character of Adolph Moses, with a pleasant recollection of his untiring devotion to the interests of his clients.

His name tells of the blood that coursed in his veins. Of that ancient race, he was proud. "Jew" was to him a title of honor, of long descent, of great deeds, and he carried to his grave and left to his family that title without stain and without reproach.

EDWIN BURRITT SMITH.

Edwin Burritt Smith, a man of unblemished integrity and high character and one of the most active and intelligent members of the Chicago Bar, died at his home in that city on May 9, 1906, after a lingering illness.

He was born at Spartansburg, Pennsylvania, January 18, 1854. His parents died when he was about five years of age, and he was adopted by an uncle with whose family he went to Illinois in 1860. When he was ten years old his uncle died and thereafter, for seven years, he worked on a farm near Cerro Gordo in that state. He then taught school for two years, saved a little money and returned to Spartansburg and became the principal of a school there. Later he attended Oberlin College. He took up the study of the law, in Chicago in 1878 and was graduated from the Union College of Law

in 1879, taking the degree of master of laws at Yale in 1880. He entered the office of Stanford & Kohlsaat, of which firm Judge Kohlsaat of the federal bench was then a member, and afterwards entered upon the practice for himself. For some years he reported the decisions of the appellate courts of Illinois. He was at one time a partner of Thomas Dent, and at the time of his death was a member of the firm of Peckham, Smith, Packard & Apmadoc.

Mr. Smith was a scholarly man, a student in the profession and in the field of general knowledge. He was frequently employed in important litigation and shortly prior to his death was special counsel for Chicago in the traction cases which were recently decided for the city by the Supreme Court of the United States. Although he did not argue the cases in that court, he did a large amount of the preliminary work which brought about the result.

He was a man of public spirit and high standards and took an active and efficient part in promoting civil service reform, the selection of good men for public office and needed reforms. He wrote much and well on professional and general topics. He was an excellent speaker and made many public addresses. In politics he was liberal, usually acting, however, in the later years of his life with the democratic party, except on the silver question.

He married November 8, 1888, Miss Edna J. Dauman, of Downingtown, Pennsylvania, who, with two sons and a daughter, survives him.

INDIANA.

GEORGE LOUIS REINHARD.

George Louis Reinhard was born in Bavaria, Germany, July 5, 1843, and died at his home in Bloomington, Indiana, July 13, 1906.

He was admitted to the Bar of Kentucky in 1869, and about the same time was married to Miss Mary Wilson, of Davies County, Kentucky.

In 1870 he removed to Indiana, locating in Rockport, and notwithstanding many hardships with which he had to contend, he soon impressed himself upon the community, and his practice soon yielded a good support and gave promise of a prosperous future. He came in contact with the leading lawyers of Southern Indiana, and his sterling worth was made to appear in the legal battles fought with many of them.

His practice grew with his acquaintance and soon extended to the circuit adjoining his own.

In 1876 he was elected prosecuting attorney of the Second Judicial District, and filled the position so acceptably that he was re-elected in 1878 without opposition. At the close of his second term as prosecuting attorney, he again devoted himself to general practice, but his ability and knowledge of the law did not long permit him to continue in a private station. In 1882 his party nominated him for judge of the circuit composed of Warwick, Spencer and Perry Counties, and after a memorable contest he was elected by a close vote, and in 1888 was re-elected by a largely increased majority.

In 1891 Governor Hovey appointed him a member of the Appellate Court of Indiana, a court established by the General Assembly of that year.

In 1892 he was elected a judge of the same court at the general election, and served as such until January 1, 1897, at which time his term of office expired. He had received the nomination of his party for judge of the Supreme Court in 1894, but with his party was defeated in the general election of that year. He served for several years as a member of the Indiana Commission on Uniformity of Laws.

Before the end of his term as appellate judge, he was elected professor of law in the Indiana University School of Law and took up his active duties as such with the beginning of 1897, after which time he was closely identified with the Law School, as professor until 1902, and since 1902 as professor and dean of the School of Law and vice-president of the University.

During his service as prosecuting attorney, he wrote a volume on Indiana criminal law, which was a most useful publication.

In 1903 there came from the press his treatise on the Law of Agency, a volume well received by the profession and now frequently used as a text book in law schools. He also had the manuscript of a case book on Agency ready for the press and had had the manuscript of a treatise on Indiana Law accepted by a Cincinnati publishing company. The title of this latter work is "The Common Sense Lawyer." It was prepared to meet the needs of the mechanic, the tradesman and those in humbler stations of life. His long service as judge and practitioner had convinced him of a great lack of acquaintance, upon the part of the people, with the more important statutes of the state; with the requisites of a contract, a deed, a will and other matters touching and concerning the daily transactions of the people. With a view of assisting them to acquire some knowledge of such matters he wrote his "Common Sense Lawyer."

As a lawyer, he was careful and conscientious; if not eloquent, he was earnest and convincing. As a circuit judge, he was just and dignified, courteous and kind at all times. As judge of the Appellate Court of Indianapolis, his record was clean and his work of a high character; his decisions rank with those of the ablest jurists the state has produced. As a professor of law, his personality was such that he won and retained the respect of the student. As dean of the School of Law, he labored diligently to upbuild the school; to put it upon a plane with the best schools of the country.

IOWA.

DAVID BREMNER HENDERSON.

David Bremner Henderson was born at Old Deer, Scotland, March 14, 1840, and died at Dubuque, Iowa, February 25, 1906. He came to Fayette County, Iowa, in 1849, and lived

on a prairie farm. While a student at Upper Iowa University, at Fayette, in September, 1861, he enlisted in the 12th Regiment of Iowa Volunteers and was chosen first lieutenant, and became adjutant of the regiment. He was distinguished for his bravery at Corinth and lost a leg in the battle, October, 1862, and was discharged. In 1864 he re-entered the army as colonel of the 46th, one of the hundred day regiments held in Tennessee garrisoning posts and guarding railways. He was admitted to the Iowa Bar in 1865, and in March, 1866, was married to Augusta A. Fox. He was internal revenue collector for the Third District of Iowa from 1865 to 1869, when he resigned to accept the appointment of assistant United States attorney for the Northern District of Iowa, which he resigned in 1871. He was a republican member of Congress from 1888 to 1903 and was renominated, but declined to stand for election. During his career in Congress, he attained a national reputation, being successively a member of the committee on appropriations, chairman of the judiciary committee and speaker of the 56th and 57th Congresses.

LA VEGA GEORGE KINNE.

La Vega George Kinne was born at Syracuse, New York, in 1846, and died at Des Moines, Iowa, in 1906. His years were devoted to honest living and conscientious discharge of private and public duty.

Judge Kinne was graduated from the law department of Michigan University in 1868, practiced law for a short time at Mendota, Illinois, and then removed to Toledo, Iowa, where he followed the profession until his elevation to the Bench. He early won the absolute confidence of the people of his state, which he retained unchallenged to the hour of his death.

In politics he was a consistent and uncompromising democrat, for twenty-five years a leader of his party in his state and twice its nominee for governor.

He was a law lecturer at the Iowa State University and at Drake University. He was president of the Iowa State Bar

Association, and a working member of the American Bar Association. To him, more than any other, was due the adoption, in Iowa, of the uniform negotiable instruments law, drafted by the Commissioners on Uniform State Laws. He published a work on Iowa pleading and practice which has, for many years, been recognized as standard. He served six years on the District Bench of the Seventeenth Judicial District. He was five years an Associate Justice of the Iowa Supreme Court and one year its Chief Justice. His judicial opinions are widely recognized as sound and able expositions of the law. They contained, as occasion required, pages of history gathered from many sources, analytical reviews of sections of federal and state constitutions, a collation of numerous decisions of courts and extracts from legal text books, the gathering of which involved exhaustive reading and acute discrimination.

In 1898 he was appointed a member of the first Board of Control of State Institutions of Iowa, and the last eight years of his life were devoted to this important service. His lifelong habit of thoroughness and close attention to detail, with his unbounded sympathy for the unfortunate, led him to enter this work with a zeal and energy that made large drains upon his health, and undoubtedly hastened his end. It led him to wide investigation of the field of practical philanthropy and he was chosen one of the officers of the National Conference of Charities and Correction. The secret of his power and the lesson of his life was thoroughness, punctuality and a conscientious discharge of duty. No man had a higher conception of the duty of lawyer to court and client, and of officer to public. His conscience was ever alive and sensitive. No pains were too great to inform his mind of the facts upon which his judgment must depend, and when convinced where the path of duty was, there he walked. For his living humanity is better, citizenship more elevated, politics more upright, the legal profession more learned and the Bench more honored.

JOSEPH C. LONGUEVILLE.

Joseph C. Longueville was born in 1846, and died June, 1906. In infancy he came to Dubuque, Iowa, where he resided until his death. He was educated at Lenox College, was a student in the office of James Burt, and was admitted to the Bar in 1871. For thirty-five years he followed the practice of his profession, in which he came to the front rank. He was highly esteemed in all the relations of life, for his integrity, geniality, industry and fidelity. His method of careful preparation and investigation made him a successful advocate, and resulted in an extensive practice.

KANSAS.

OTTO G. ECKSTEIN.

Otto G. Eckstein was born in Hanover, Germany, May 12, 1864. His father was a man of civil importance and in the revolution of 1848 was associated with Carl Schurz.

When Carl Schurz was made Secretary of the Interior, Mr. Eckstein was given a place in the Bureau of Pensions where, working at his clerkship during the day he attended school at the Columbian University, from which he was graduated. He afterwards entered Georgetown University, studied law and was graduated two years later. He was admitted to practice in the Supreme Court of the District of Columbia, but removed to Wichita, Kansas, in 1887, where he established himself in his profession. Mr. Eckstein was honored frequently with the confidence of the public, serving in various public offices. In 1895 he was sent to the state legislature, where he served with ability and distinction. Mr. Eckstein had the gift of oratory and possessed fine dramatic talents, and often while a member of the legislature, upon Sundays, would give Shakespearean readings to his fellow members and their families assembled in the hall of the House of Representatives. He

spoke fluently both languages, the German and the English. He was an able lawyer, industrious and obliging, devoted to the interests of his clients and at all times courteous to his associates. He was married in July, 1900, to Miss Helen M. Aherne. His domestic life was most devoted and happy. Mr. Eckstein was a member of the Plymouth Congregational church of Wichita. He died on October 21, 1905.

THOMAS B. WALL.

Thomas B. Wall was a native of Cumberland County, Illinois, where he was born in 1856. He received his education at McKendree College at Lebanon, Illinois, where he also studied law. He began the practice of his profession at Wichita, Kansas, where he became associated with W. E. Stanley in 1879.

In the study of law at McKendree, he thoroughly familiarized himself with the text of Blackstone, so that it was said of him that he could repeat almost the whole of Blackstone from memory. He thus became thoroughly grounded in the principles of the common law, which served him well throughout his professional career. He was a devoted lover of good books and was widely versed in literature. He had no love for an "easy case," but delighted in that kind of legal battle which is fought out inch by inch. He rejoiced in his victories and sympathized with his defeated antagonist. In his intercourse with his professional brethren, he was generous, fair, obliging and faithful to his word. As a trial lawyer, he attained great success; as a counselor, he was sought and trusted. He served as district judge from his twenty-seventh to his thirtieth year, filling the position to the satisfaction of the Bar and people, and leaving it with the unsullied name of an incorruptible judge. He was referee in bankruptcy for a period of six years and demonstrated high quality as an administrator. He was ever a helper of young men in and outside of his profession. As a citizen, he was public-spirited, progressive and charitable; as a friend, he was loyal through evil as well as good report.

He belonged to no church or secret order. His profession was his lodge and his club. His death took place in Los Angeles January 14, 1906.

LOUISIANA.

ERNEST B. KRUTTSCHNITT.

Ernest Benjamin Kruttschnitt was born in New Orleans, Louisiana, April 17, 1852. His father, John Kruttschnitt, was a native of Stuttgart, Germany, and was for many years and up to his death German consul in New Orleans. His mother, Peninah Benjamin, was the sister of Judah P. Benjamin, Secretary of State of the Confederate government, and afterwards one of the leaders of the English Bar. Mr. Kruttschnitt was prepared for college at home by private tutors. At the age of fifteen, in 1867, he was matriculated at Washington College, Lexington, Virginia, of which General Lee was president. There he had a distinguished career, being graduated in 1870 with the degree of A. M., and having won the honor of delivering the Cincinnati oration at the final exercises. He was immediately appointed a resident master, temporarily filling the chair of history and literature. He remained at Lexington three years longer teaching, studying law, and being graduated with the degree of B. L., under Professor John Randolph Tucker. In 1873 he returned to New Orleans, and in February, 1874, he was admitted to the Louisiana Bar. In 1877 he became associated with the late Henry J. Leovy, under the name of Leovy & Kruttschnitt. In 1884 the firm of Farrar & Kruttschnitt was formed, and in 1888 United States Senator B. F. Jonas entered the firm, and it became Farrar, Jonas & Kruttschnitt. This firm has been identified with much of the important litigation in the state and federal courts of Louisiana and Texas involving large affairs, such as municipal indebtedness, the receivership of railroads, and the questions that have arisen between the railroads and the Texas Railroad Commission. Mr. Kruttschnitt drew the pleadings

and tried both in the Circuit Court and in the Supreme Court of the United States the leading case of *Reagan vs. Farmers Loan and Trust Company*, 154 U. S. 365.

He was in many respects like his renowned uncle, Judah P. Benjamin. He resembled him physically. He had Mr. Benjamin's quickness of intellect, marvelous memory, studious habits and enormous capacity for work.

In addition to his enormous professional duties, Mr. Kruttschnitt's activity in political and civic life was very great. From 1892 to his death, he was chairman of the State Central Committee of the Louisiana democracy. He took part as a speaker in every state and national election. For more than twenty years he was a member, and for more than fourteen years chairman of the city school board. He was president of the Louisiana Constitutional Convention of 1898. He was several times a delegate to national democratic conventions. He was twice president of the Pickwick Club. He was a member of the board of administrators of the Tulane University. His alma mater conferred on him the degree of LL. D.

Universally honored, admired and beloved, he died on April 17, 1906, his fifty-fourth birthday.

MARYLAND.

ALEXANDER ARMSTRONG.

Alexander Armstrong was born in Hagerstown, Maryland, December 5, 1847, and resided there until his death on October, 27, 1905.

His early education was received at private schools and the old Hagerstown Academy, and his collegiate training was in Princeton University where he was graduated in 1868 with the degree of A. B. and from which institution in 1871 he received the degree of A. M.

He selected the profession of law as his life work and was admitted to the Bar in November, 1871. In 1885 he was

elected a member of the house of delegates of the Maryland legislature, and in 1896 he was sent to Indianapolis as a delegate to the convention of "Gold Democrats" which nominated Palmer and Buckner for President and Vice-President of the United States.

In the discharge of both his professional and public duties, the methods of Alexander Armstrong were clean, straightforward and honest and his motives pure and unselfish. It was his aim at all times first to perceive the truth and then to accomplish it so far as lay within his power. Through all the years of his busy, earnest life, he was ever faithful to the motto chosen in his youth, "Be just and fear not."

Mr. Armstrong was a man of broad views and varied interests, and in all the matters submitted to his judgment he entertained the strongest convictions. In politics his spirit of independence would not permit a surrender to the demands of party allegiance and he never failed to champion those principles which seemed to him to promise the greatest public good and to vote for those candidates whom he felt would be the most faithful and conscientious in the public service. When great questions were before the people he took his stand openly and courageously in favor of that solution which to his mind appeared correct.

Mr. Armstrong's business career was characterized by the same spirit of fairness. He was earnest and persevering in the protection of his client's interest, but his zeal in their behalf never tempted him to disregard the rights and feelings of others, and this sense of moderation won for him on many occasions the esteem and high regard of those arrayed against him. It was his constant aim to preserve the dignity of his profession and at the same time in its practice prove himself progressive by the adoption of new methods and ideas.

Fine intellectual powers, a sane, conservative judgment, keen legal acumen and frugal, industrious habits achieved for him success in that portion of the world's work which was allotted to him. It was, however, the cultured ways, the

gentle heart, the generous, sympathetic nature, the cordial, sunny manners which most truly revealed the man and which will cause his memory to be most warmly and tenderly cherished by his many friends. While he was not able, because of his increasing business responsibilities, to indulge his natural taste for literary pursuits, he not only found relief from the dull routine of business by turning again to the results of reading done in younger years, but was able to draw from that storehouse for the encouragement and inspiration of others. Few men have been more charitable in their dealings with their fellows than Mr. Armstrong. In his quiet, unostentatious way, he was ever ready to extend a helping hand and in every part of the city and county there are those who can testify to his generosity. It was not the lot of Mr. Armstrong to hold high public position. His life was simple and uneventful, but all unconsciously he achieved for himself the real prize in life, that true greatness which is only won by patient toil and nobility of soul. The record of such a career is its most exalted monument.

JOHN K. COWEN.

John K. Cowen died at Chicago, on April 25, 1904, in the sixtieth year of his age.

Mr. Cowen was born at Millersburg, Ohio, in the year 1844. He was graduated at Princeton College in the year 1866, and was admitted to the Bar in 1868, President McKinley being one of the committee who examined him for admission.

Mr. Cowen had already attained a very enviable position at the Bar of his native state when in the year 1872 he was invited to come to Baltimore to take charge of the legal department of the Baltimore and Ohio Railroad Company.

In 1896 he became president of the Baltimore and Ohio Railroad Company, succeeding Mr. Charles F. Mayer, and continued in that position until the receivership, which occurred shortly after. The railroad had been practically bankrupt

when he was made president and for a long time previous, and the property, when it passed into the hands of the receivers, was in an apparently hopeless condition.

The history of the handling of the property by Messrs. Cowen and Murray as receivers is one of the most brilliant chapters in the history of railroad management, resulting not only in the complete rehabilitation of the property, but in the putting of it into a condition such as it had never attained in the period of its greatest prosperity.

Mr. Cowen was elected to Congress in 1894 and served for a single term.

The activities of Mr. Cowen, as a lawyer, were largely in the line of legal administration, more especially during the latter years of his life. He was, however, a great student, both of law and other subjects. He had a power of presentation of the rarest character. Few men have possessed in a higher degree the faculty of lucid statement. In his earlier experience as a lawyer, when his practice was of a more general kind, he had, in addition to his other gifts, great power as a jury advocate, being acute, eloquent and persuasive.

His friends and the Bar of Maryland, including the judges, greatly regretted the diversion of his great talents from the practice of the law to railroad administration.

EBEN J. D. CROSS.

Eben J. D. Cross died at his home in Baltimore City, Maryland, May 2, 1906, at the age of sixty-six.

Mr. Cross was a graduate of Princeton College of the class of 1860. Immediately upon his graduation he began the study of law with the firm of Brown & Brune, then one of the principal law firms in Baltimore.

In 1872 he formed a law partnership with John K. Cowen under the title of Cowen & Cross, and afterwards the law firm of Cowen, Cross & Bond, which firm continued in existence until the death of John K. Cowen, in 1904.

Mr. Cross was a man of scholarly tastes and of wide general reading ; more especially had he made a profound study of his profession. Caring but little for court practice, he devoted himself largely to office work, more especially that of corporate organization. He managed the organization of the Union Passenger Railway Company, and subsequently that of the United Railways and Electric Company of Baltimore.

In connection with Hugh L. Bond, Jr., he had entire charge of the organization of the Seaboard Air Line. Mr. Cross combined a most thorough knowledge of the law with a great wealth of resource, and at his death there was no one at the Bar to which he belonged whose advice and counsel were more sought after.

MASSACHUSETTS.

HENRY PERCY MOULTON.

(Abridged from memorial by William S. Knox, delivered at a meeting of the Essex County Massachusetts Bar, 1905.)

Mr. Moulton was born in Beverly, Massachusetts, November 28, 1844, and died at Salem, December 4, 1904. He always resided in his native county and there his life work was done. He was eighth in descent from Deacon James Moulton, who was born in England in 1602 and was a freeman in Salem in 1637. Henry Percy received his early education in the common schools and high school of Beverly, whence he went to Amherst College in 1861, being graduated in 1865. At college he was a diligent and conscientious student. Lack of means compelled him to make many sacrifices in order to complete his college course, but self-denial came easily to him ; he never complained and faced the future with confidence. He studied law for three years, then the usual time devoted by students to preparation and was admitted to the Essex Bar in 1868, having his office at the county seat, Salem, where many able and brilliant men were then practicing. Mr. Moulton

soon began to take place and position at the Bar and to be recognized as a real force. Early acquiring popularity and confidence, he was chosen to the legislature from Beverly in 1870, but political life was not to his taste and he abandoned it for the exclusive practice of law. In 1882 he was appointed district attorney for his county, but held the office only one term. During the administration of President McKinley, he was appointed United States district attorney for the District of Massachusetts, and was holding that office at the time of his death. At the same time he was carrying the burden of a large and extensive general practice. For six years he was president of the Essex Bar Association. He was frequently mentioned as a candidate for high office, but his love for his profession, both for itself and the honorable reward that it brought him, deepened as his life advanced and he refused to leave its service.

He married Harriet E. Stocker, of Beverly, who, with four adult children, survives him. The beauty and simplicity of Mr. Moulton's home life were known to all. The desire for the welfare of his home was perhaps the chiefest stimulant of his life's activities.

When he became aware of the fatal character of the disease which was fastened upon him, and when hope of recovery had gone, he stated that he had made up his mind to die in the harness, and this he did, for he died suddenly in the midst of a long and laborious contest at the Bar in a government case of great importance and public interest. His end was sudden and unexpected. It was as though a great battleship, fully armed and equipped and with decks cleared for action, had foundered in mid-ocean.

Mr. Moulton had an unusually large practice before other tribunals than the courts. He was frequently before committees of the legislature, representatives of city and town governments, county commissioners and like bodies. Here plain, logical reasoning, just and fair conclusions simply urged, are apt to win the day, and in this sort of professional effort he was

very successful. He was of great power with Essex juries, for he was a man of Essex, as were his ancestors also. His robust form and striking presence were known of all, his sturdy character and blameless life were known as well. He had the confidence of all. He despised sham, conceit and pretense. He dealt with realities. All the prizes of his life had been fairly won in open and honorable contest. He had no jealousy or envy over the advancement of others. With his death a notable figure at the Bar of Northeastern Massachusetts disappeared. The crowded memorial meeting of the Essex Bar in his honor was a striking proof of the high place he held in the minds and hearts of his professional brethren.

WILLIAM ADAMS MUNROE.

William Adams Munroe was born in Cambridge, Massachusetts, on November 9, 1843. He was the son of William Watson Munroe and Hannah Foster Adams Munroe, of Cambridge.

His ancestry was of the Highland Clan Munroe, which had for centuries taken part in the bloody struggles that had agitated Scotland. The family crest bore the motto, "Dread God."

William Munroe, the first of his line in America, was one of the prisoners captured by Cromwell in the battle of Worcester, and was deported as a political exile to Boston in the year 1652. He settled in Cambridge at "The Farms," so-called, afterwards set off as the town of Lexington. Succeeding generations continued to live in Lexington and were among those who took a distinguished part in the battle of April 19, 1775.

His ancestor, William, married the daughter of John George, who was disfranchised and imprisoned, by the general court of Massachusetts for his Baptist heterodoxy, and who subsequently, in 1665, became one of the founders of the First Baptist Church of Boston.

James Munroe, the great-grandfather of William Adams Munroe, who had removed from "The Farms" to Cambridge

proper, and his grandfather, James, were both deacons and blacksmiths, and their shop, which was situated on or near Brattle Street, in Cambridge, near the Longfellow residence, was by a family tradition believed to be the smithy made famous by the poet's "Village Blacksmith."

Mr. Munroe received his early education in the public schools of his native city and was fitted for college in the Cambridge high school. He entered Harvard College in the class of 1864, where he pursued his studies quietly and faithfully and from which he was graduated with high rank.

After leaving college he spent two years as a private tutor in Great Barrington, Massachusetts. Returning to Cambridge, although he had earlier shown an inclination for the ministry, and had been selected as the chaplain of his class, he chose the law for his profession, and was admitted to Harvard Law School in September, 1866. At the expiration of a period of one year, he left the law school and continued his legal studies in the office of George O. Shattuck, in Boston. Here he remained as student and clerk until September, 1869, when he began the practice of law upon his own account, having been admitted to the Suffolk Bar in July, 1868. On February 9, 1870, he entered into partnership with Mr. Shattuck, under the firm name of Shattuck & Munroe. In the year 1873 Oliver Wendell Holmes, Jr., joined the firm, and remained with it until his appointment upon the Bench of the Supreme Judicial Court of Massachusetts in the year 1882. Mr. Munroe's partnership with Mr. Shattuck continued successfully until the death of the latter in the year 1897, and he subsequently continued in active practice until his own decease, which suddenly occurred on August 26, 1905, while he was sojourning on a vacation at the Flume House in the White Mountains.

Mr. Munroe combined a large trial practice with office work in which he was the adviser of large corporations and business firms and of managers of extensive trusts. In his later years he accepted the administration of several important estates and trusts.

While he gave to his legal and business duties a painstaking and unremitting attention he found time for more public interests.

He was scrupulous in performing the political duties devolving upon a good citizen, but the only public offices which he accepted were membership of the school committee of Cambridge, which he held for a period of seventeen years, and of a commission which was appointed to revise the charter of the city of Cambridge, in both which bodies he took an active and influential part.

He had served for many years as a trustee of the Cambridge Hospital and of the Avon Home, and he was one of the founders of the Colonial Club of Cambridge, a member and at one time president of the Cambridge Club, was president of the American Congo Reform Association, and a director of the General Theological Library of Boston.

His greatest interest, however, outside of his professional work, was bestowed upon the institutions and charities of the Baptist denomination, of which he was a devoted member.

He was married on November 22, 1871, to Sarah Danforth Whiting, of Cambridge, who, with a daughter, survives him.

As a lawyer, Mr. Munroe was diligent, accurate and learned. He combined with a complete acquaintance with his case in hand a deep knowledge of the principles of law and a sound judgment. He impressed judge and jury alike with his sincerity and fidelity to his client's cause, and he maintained a leading position at the Suffolk Bar. He was besides a man of large general reading and of scholarly instincts and habits, a zealous upholder of the traditions of the past, a generous and public spirited member of the community in which he lived, and a devoted follower of the faith which he had in his early life espoused and of whose highest interests he was placed in charge.

MICHIGAN.
JOHN G. PARKHURST.

John G. Parkhurst was born at Oneida Castle, Oneida County, New York, April 17, 1824, and died at his home in Coldwater, Michigan, May 6, 1906, at the age of eighty-two years. He was one of eight children, and was deprived of a mother's care at the age of seven years. He was blessed with a rugged constitution, which sustained his strong mental faculties.

At the age of nineteen he had completed his course at the Oneida Academy, and as his inclination was toward the study of the law he entered the office of N. F. Graves, a well known attorney in his native county, and pursued the law with unbending energy and determination and came to the Bar of his native state in 1847. He at once engaged in practice and was recognized as a young man of more than ordinary ability; his two years of practice in the town of his nativity gave him a varied experience. But he longed for broader fields, and the new and growing State of Michigan attracted him and bade him welcome. To young Parkhurst a pioneer life, even for a lawyer, had no drawbacks, but many charms.

He located in the village of Coldwater, Branch County, Michigan, and at once took rank among the leaders of his profession at that day and time. His legal opinions were sought after, and his practice became lucrative and his friends numerous.

In less than three years he was elected prosecuting attorney of Branch County, Michigan. He filled the office with credit and ability, and two years later was again elected to the same office.

From his youth Mr. Parkhurst was a leader. He was always able to catch the train of events, and what others called the emergencies of life were to him things expected and prepared for. His opinions upon the advancement, civilization and growth of the country were convictions brought out by careful thought and study, and generally proved to be correct.

The pioneers soon learned that Mr. Parkhurst's services were not only valuable to them as a lawyer and in the legal profession, but equally so in the civil, political and social advancement of the country. Politics to him came as naturally as the practice of the law, and its intricacies were by him worked out with equal care and precision. But it was politics of a high order. In 1860 he was made secretary of the National Democratic Convention at Charleston, South Carolina. From the trend of events and the proceedings of that convention, he predicted that the South would attempt to set up a government of its own and war would result.

Two years later Mr. Parkhurst was called from his law office to speak at the first war meeting held in the city of Coldwater, and was thereafter kept busy in his own county making war speeches. The firing on Fort Sumter had thrilled the nation. Mr. Parkhurst had predicted the result and was ready to meet his responsibility as an American citizen. He was now a war democrat.

In July, 1861, Mr. Parkhurst, then the most eminent lawyer in his community, answered the call of duty to his country and enlisted in the Ninth Michigan Volunteer Infantry and accepted the position of lieutenant-colonel of his regiment under the appointment of Governor Blair. He rose to the rank of brigadier-general and remained in the service until November, 1865, at which time he was relieved from further duty, having rendered most valuable services to his nation and received honors justly due.

Upon his return to Coldwater, he was a candidate for lieutenant-governor of his state, and received the full vote of his party. The same year he was appointed by President Johnston United States marshal for his district.

During the Cleveland administration, General Parkhurst was appointed minister to Belgium, a position which he filled with honor and credit during that administration.

General Parkhurst has been honored with the presidency of the Branch County Bar Association during its existence.

In 1852 he was married to Amelia C. Noyes, who died July, 1861. He leaves one daughter.

ALFRED RUSSELL.

Alfred Russell, for many years one of the foremost lawyers in the West, was born at Plymouth, New Hampshire, March 18, 1830. The Russell family came from Bedfordshire, England, to Massachusetts in 1660. Mr. Russell's grandfather, Moor Russell, was an officer in the Revolution, and for many years state counsel of New Hampshire, and some of his earlier ancestors were officers in the Colonial and Revolutionary armies, and were otherwise identified with the early history of New England.

Mr. Russell early gave evidence of great promise. He was carefully educated in the best schools of New Hampshire, and was graduated second in his class from Dartmouth College in 1850. Having decided upon the profession of law as his life calling, on being graduated from Dartmouth, he attended the Law Department of Harvard University, being graduated with the degree of bachelor of laws in 1852. He was admitted to the Bar at Meredith Bridge (now Laconia), New Hampshire, in October, 1852, and soon thereafter removed to Detroit, where he entered the office of James F. Joy, who was then one of the leading practitioners of the state. The following year he formed a partnership with Judge C. I. Walker and E. C. Walker, under the firm name of Walkers & Russell, which continued until 1861, at which time at the age of thirty-one he was appointed by President Lincoln United States district attorney for Michigan, which is the only office he ever held. This office, during war time in a frontier state, was one of great responsibility and labor, and Mr. Russell attained great distinction because of the efficient manner in which he administered his difficult duties. Mr. Seward, Secretary of State, sent him on diplomatic missions to Canada in connection with the St. Albans and Lake Erie raids, and he was entrusted with various other important and delicate matters connected with

the government during that troublesome period, in the administration of which he acquitted himself with great credit.

Mr. Russell's career as a lawyer was full of activity. In 1858, at the age of twenty-eight, he was admitted to the Bar of the United States Supreme Court, and from that time until the time of his death, he was frequently before that court in cases of importance, and he also enjoyed the personal acquaintance and friendship of almost all the members of that distinguished Bench during that period. His business before the Supreme Court of Michigan was also extensive, and his name is found in every volume of the Michigan reports from volume 4 to volume 120, and frequently in the Federal Reporter and other United States reports. He was a laborious student, preparing his cases thoroughly. His retentive memory, wide experience and long practice made him readily familiar with decisions, and he was generally considered one of the most resourceful men at the Bar of Detroit.

Mr. Russell was a close student all his life and very fond of literature, not only that of our own tongue, but also French and German. He was a man of wide culture and a discriminating reader, and during his lifetime accumulated a private library which was as fine as any in the West. While he was a very busy and active practitioner in his profession, he also found time for other congenial occupations, as a member of the Michigan Historical Society, as vice-president of the Young Men's Society, as president of the Michigan Political Science Association, a member of the Webster Historical Society, the Society of the Sons of the American Revolution and of the Society of the Colonial Wars. The study of history and literature was his pastime and pleasure. Besides addresses at the University of Michigan, he delivered the commencement address at Dartmouth College in 1878, and in August, 1891, he delivered the annual address before the American Bar Association at Boston, on "Avoidable Causes of Delay and Uncertainty in Our Courts." His address before this body was most favorably noticed and attracted wide attention. He was also

a contributor of numerous articles to law journals and other periodicals. Dartmouth College conferred upon him in 1891 the degree of LL. D.

Mr. Russell was imbued with the principles of republicanism, and brought with him from New Hampshire's hills that love of freedom and that sense of justice and equality of all men before the law which led to the formation of the republican party in Michigan. He took an active part in its organization, being associated with Blair, Chandler, the two Howards, Bingham and others, whose names afterwards became prominently identified with the party and state, and he continued his allegiance to that party until the time of his death. He never sought political office of any kind, although he was strongly supported in 1880 and again in 1889 for a vacancy on the United States Supreme Court Bench. Under one administration he declined the German mission, and under another an offer of membership in the Interstate Commerce Commission. He uniformly refused judicial as well as political office.

His death on May 8, 1906, was dramatic in the extreme. He was presiding at a banquet given by the Society of Colonial Wars, at the Detroit Club in the city of Detroit. He had just been elected governor of the society for the ensuing year, and upon arising to respond to his election, at the close of a beautiful sentence, with the word "Heaven" upon his lips, he sank into his chair, and passed away.

Mr. Russell was in all respects an ideal lawyer, and he had greatly endeared himself not only to the members of his profession in the city of Detroit, but also to his fellow citizens of that beautiful city.

CLEMENT E. WEAVER.

Clement Earle Weaver, who came of Revolutionary stock, was born at Hartland, Niagara County, New York, July 18, 1882, being the second son of William and Mary Earle Weaver. He went to Michigan with his parents in 1885.

He was married to Miss Mary A. Race, daughter of Loren and Esther Bayles Race, at Adrian, October 7, 1858. Mrs. Weaver died August 2, 1901. To them were born four children, three daughters and one son.

He was admitted to the Bar at Hillsdale in 1859. At the time of his death he was a member of the law firm of Weaver, Morgan & Priddy. For more than thirty years and up to his last days, Mr. Weaver was engaged in legal work for the Lake Shore and Michigan Southern Railway, much of that time caring for a greater part of their Michigan litigation.

His appearances before the courts of last resort in his state were frequent, and his briefs and arguments evidenced a most careful preparation and a thorough knowledge of the law.

He was prosecuting attorney from 1864 to 1868, recorder of the village of Hudson in 1861, a member of the board of trustees of the Hudson schools, was city attorney of Adrian from 1869 to 1870, and in every office which he held won the confidence and respect of the people.

GEORGE PROCTOR WANTY.

George Proctor Wanty, Judge of the United States District Court for the Western District of Michigan, died in London, England, July 9, 1906, following a surgical operation. He was born in Ann Arbor, Michigan, March 12, 1856, son of Samuel and Elizabeth Proctor Wanty, both of whom were born in England. He completed the public school courses in 1872, was for four years in business as a clerk and bookkeeper, and in 1876 entered the law department of the University of Michigan, from which he was graduated in 1878. Upon being admitted to the Bar, he removed to Grand Rapids, which city was thereafter his home. Serving first as clerk in the office of an established firm of lawyers, he was successively partner in the firms of Foote & Wanty, Maynard & Wanty and Fletcher & Wanty, the partnership with Mr. Niram A. Fletcher being formed in April, 1883, and continuing until

the death of Mr. Fletcher in 1899. Mr. Fletcher's place in the firm was taken by Mr. Loyal E. Knappen, the style being Wanty & Knappen, and this connection continued until March, 1900, when Mr. Wanty was appointed to the position on the Bench made vacant by the promotion of Hon. Henry F. Severens to the position of circuit judge for the Sixth Circuit. Mr. Wanty married Emma Nichols, June 22, 1886, and she and two children survive him. Judge Wanty held no public office other than the one in which he died. This fact does not evidence lack of interest in politics or the shirking of the duties of a good citizen. He was president of the Michigan State Bar Association in 1884, was a prominent and useful member of the American Bar Association, serving as chairman of the General Council of that body, and at the meeting in 1898 as Secretary *pro tempore*.

At the Bar, he earned and occupied an advanced position. His integrity, learning and successes, added to a charming personality and engaging social qualities, secured and retained a large clientage, representing, principally, financial and other business interests. Systematic reading and study and travel in this country and abroad contributed to make him a man of broad culture. While his reputation abroad and with those who shall come after him must rest finally upon his work as a judge, those who knew him will best and longest remember his admirable qualities as husband, father, friend. There are but few men to whom friendship meant more than it did to him and few men have had friends more loyal than his. He brought to the work of the Bench courtesy, accurate knowledge of the law with large views concerning the application of its principles to actual affairs, untiring industry, a pronounced sense of order and a remarkable capacity for the dispatch of business. The judicial duties of his district, as discharged by him, permitted him frequently to sit as a member of the Circuit Court of Appeals, and the opinions of that court of which he was the author, as well as his opinions and judgments delivered at the circuit, make secure and will perpetuate his right to be known as a judge of distinguished ability.

MINNESOTA.

HILER HOSMER HORTON.

Hiler Hosmer Horton was born in the State of Wisconsin, June 20, 1856. He attended the public schools in Milwaukee, Wisconsin, and completed his education at the Washington University, St. Louis, Missouri, where he also prepared himself at the law school for his professional work. He came to Minnesota in 1878 and served for two years as managing clerk in the law office of Davis, O'Brien & Wilson. He came under the personal influence of Senator Davis, the head of the firm, with whom he afterwards long held close professional and personal relations. Mr. Horton practiced in Minneapolis for a year as a member of the firm of Horton & Greene, and afterwards located permanently in St. Paul. In 1884 he became a member of the firm of Horton & Morrison, which was dissolved in 1888, and in 1892 he formed with James D. Denegre the firm of Horton & Denegre, which continued until the time of his death. Mr. Horton served as a member of the Board of Park Commissioners in the city of St. Paul for two terms and was largely instrumental in the establishment of St. Paul's handsome system of parks. He was elected a member of the House of Representatives in 1893, where he served one term, and in 1898 he was elected to the Minnesota State Senate, of which body he was a leading member at the time of his death. In the senatorial campaign of 1905, he was often mentioned as a candidate for United States senator, but refused to permit his name to come before the convention. At the Bar, Mr. Horton held a high position; his great strength was as a trial lawyer. He was an accurate judge of men and had the faculty of readily making friends. He was popular among all classes and never lost a political fight. Mr. Horton died March 31, 1906, at Nassau, Bahama Islands, where he had gone on a visit for a vacation and rest. He was married in 1886 to Jessie Stillwell, of Hannibal, Missouri. His widow and two children survive him.

MISSOURI.

HORATIO D. WOOD.

Horatio D. Wood was descended from New England ancestry, his father having been born in Connecticut, while his mother was a native of Vermont. He was born in Columbus, Ohio, October 8, 1841. A few years later the family moved to St. Louis, which continued to be his home until his death. His father was a graduate of Union College, New York, a physician by profession, and a man highly esteemed for learning, integrity and ability.

Horatio D. Wood was graduated from the St. Louis high school in 1860 and immediately began the study of law. In 1861 he volunteered as a private in the Union army and remained four years in continuous service. At the close of the war he retired from the army as brevet major, this rank having been conferred upon him for meritorious service in the field. He resumed and completed his law studies at Harvard College, was graduated from that institution in 1866, and was at once admitted to the St. Louis Bar.

He married Elizabeth Sumner, of Boston, a cousin of Charles Sumner. His widow and three daughters survive him.

Mr. Wood continued in practice until 1896, when he was elected judge of the St. Louis Circuit Court for the short term of two years, at the end of which term he was re-elected for the long term of six years. Retiring from the Bench in 1904, he became a member of the law firm of McKeighan, Wood & Watts, and was soon engrossed in an important professional business. He was a prominent member of the Grand Army, Loyal Legion and Sons of the Revolution; a republican in politics, a patriotic citizen who took more than ordinary interest in public affairs.

Judge Wood was possessed of a robust, sturdy physique, which enabled him to endure arduous work in his profession as well as to indulge in the pleasure of athletic exercises. His health was uniformly good up to the time of his death,

which occurred suddenly, December 15, 1905, from a stroke of apoplexy.

He was a man of quiet tastes and great simplicity of character. In manner he was affable and unaffected; of a social nature, faithful in his friendships, tender, affectionate and indulgent in his family.

As a lawyer, Horatio D. Wood achieved an enviable reputation and position at the Bar of St. Louis. His practice was widely extended over the neighboring states. Gifted with a love of study, keen intellectual faculties, diligence and perseverance, he acquired and put to ready use an accurate and comprehensive knowledge of the law, its history, its philosophy and its practical application. He was not a spectacular lawyer. His success was the result of patient, intelligent labor. His elevation to the Bench was a just tribute to his excellence as a lawyer, and the same qualities which made him an excellent lawyer enabled him to make a good record as a judge.

He filled the office of circuit judge in the city of St. Louis for eight years. The Circuit Court is the highest court of original jurisdiction in the State of Missouri, and, in the city of St. Louis, it has to deal with all phases of law, the judge being required to try at *nisi prius* criminal cases involving felonies as well as civil cases in equity and at law. In the trial of cases he was both morally and intellectually honest, patient, firm and courteous, and above all things courageous. His decisions were luminous and scholarly. His knowledge of men and business methods gave him exceptional ability to decide controverted questions of fact. No man tried a case before Judge Wood without feeling, when the decision was rendered, that he had received a fair and intelligent trial of his cause. It cannot be said of him, any more than of any other human judge, that his decisions were always free from error; but he was anxious to be right, and, although a man disposed to advocate strongly his own convictions, was always willing, if convinced that he had been wrong, to reverse himself. He

was particularly skilled in equity jurisprudence, this branch of the law seeming to fit peculiarly the natural constitution of his mind. He was impatient of technicalities and felt strongly that the administration of the law ought to be sufficiently flexible to satisfy all the demands of substantial justice.

Judge Wood lived a simple, tranquil life ; was faithful to his duty as he saw it, in his professional and in public and private life ; was always cheerful, always courageous, always anticipating the best results. He was a tower of strength to those who worked with him. He has gone from among us, but his memory remains, and this memory will remain clear and undimmed and an encouragement to all of us who engage in the arduous practice of law.

NEBRASKA.

JAMES M. WOOLWORTH.

(Abridged from memorial by John Lee Webster.)

James M. Woolworth lived from 1829 to 1906. Those seventy-seven years witnessed the discoveries and improvements and developments that have marked the progress of peoples during the most interesting period of the world's history. His grandfather was a graduate of Yale College and also received the degree of D. D. from Princeton. His father, as an educator, had acquired a reputation that caused to be conferred upon him the honorary degree of LL. D. The subject of this sketch, being descended from such a learned and distinguished ancestry, became equally devoted to education and learning. He received his bachelor's degree from Hamilton College, and for two years he personally acted as a teacher of Latin and Greek and English in Cortland Academy. This classical learning of boyhood days was but the beginning of a life of study. Amidst the trials and excitement of a busy professional life, he found hours of pleasure in re-reading the ancient classics in their original languages.

He elected to enter the profession of the law, and in 1854 he quitted the Albany Law School with credit to himself and in possession of his graduation diploma.

Perhaps inspired by such thoughts as filled the minds of ingenious and ambitious youths, James M. Woolworth took his departure from his early home in New York State and moved West to cast his lot among the strong and courageous men who were to begin the building of the State of Nebraska, which was to remain his adopted home. The fifty years that have rolled by since he came to Nebraska have been the busiest and most progressive years in United States history.

James M. Woolworth was more than an observer of the exciting times and sweeping changes and progressive movements of these years. Trained from early boyhood as a student, he became a thinker. His mind grew and expanded in harmony with events. His mental powers, naturally keen and well cultured, became a power when concentrated upon any subject which appealed to his taste or his judgment. The law being his chosen profession, it was in that field of engagement that he developed his strongest energy and employed his closest application. Before he had rounded out his life he had achieved a reputation that made him well known to the eminent lawyers and the prominent judges of the highest courts within the land.

He enjoyed another advantage, which may have had much to do in advancing him to the high place which he held in the front rank of the American Bar, in the frequent association with men in high station, who were charged with great responsibilities. In the early life of James M. Woolworth, his arguments before distinguished jurists and association with eminent advocates were incentives and inspirations to his own personal ambition. They were encouragements to hopes resting in his own breast, that he might acquire a legal knowledge equal to that of his associates.

His friendship and associations extended to all the great judges before whom he appeared, but were not confined to

these. He availed himself of every desirable opportunity to cultivate the acquaintance and friendship of great men in whatever calling, either in public, official or private life.

Mr. Woolworth was particularly a chancery lawyer. He did not possess that kind of oratory by which he might be put in comparison with men who became known as celebrated advocates. He did not possess the qualities that make the distinguished jury lawyer. It was not his custom to endeavor to play with the passions or the prejudices of the people in the court room. He had a higher conception of his duty as a lawyer.

It has been said that in these modern times the law has become a series of petrified precedents, but with Mr. Woolworth the law was a science made up of legal principles. He learned the law at a time when the great lawyers were men who were schooled in its fundamental philosophy. During his whole life, in the discussion of cases, his chief delight was in the presentation and elucidation of principles as he applied them to the ascertained facts which were before the court. Mr. Woolworth recognized the great truth that the only way to success in the law is a hard and laborious road to travel. The careless and indifferent may at times achieve temporary notoriety or local prominence, arising out of some wave or popular commotion or temporary excitement, but the lawyer who achieves a lasting place in the front rank of the profession must be one who forsakes the wasting of time in idle amusements and gives his days, weeks, months and years to the constant accumulation of that knowledge which, in this modern, progressive age, must be gathered from many sources.

The great lawyer must not only have his mind filled with legal principles, but must have a varied experience in their application to present conditions. He must have breadth of thought as well as a cultivated intellect. The whole range of human learning should be his. It should include science and literature and philosophy and history. It should embrace a knowledge of governments and policies by which the civil-

ized life of the world moves onward to the accomplishment of great results. Mr. Woolworth had this high and exalted conception of the requirements of his profession, and of the attainments necessary to grace and adorn the great lawyer.

Men of such character may be retired and in a degree removed from the association of men and women at large, but, if so, it is because the whole force of their intellect is concentrated upon the weighty subjects with which they have to deal, and in which their whole mental powers may be absorbed. It has been said of many of the great men of the country that they are cold and reserved and distant. Nevertheless, such men, because they are great in intellect, because they have the powers of concentration which make them strong are apt to be all the more congenial with those whose companionship they seek in their hours of leisure. So James M. Woolworth with his friends possessed the refinements of social life and the qualities that made him a congenial and charming companion. There was something about him by which he impressed others as having a combination of New England tastes with metropolitan accomplishments, and the vigor and earnestness of expression that is the result of Western associations. Taking him all in all, he was a magnificent type of a refined, educated, dignified and scholarly American citizen.

NEW HAMPSHIRE.

JOSEPH WARREN FELLOWS.

Joseph Warren Fellows was born in Andover, New Hampshire, January 15, 1835, and died at Manchester, April 26, 1906.

He was educated in the common schools and at Proctor Academy in his native town and was graduated from Dartmouth College in 1858.

After graduation he became the principal of the Latin school at Marietta, Georgia and returned home to study law soon after the outbreak of the Civil War.

He was graduated from the Albany Law School and admitted to the Bar in the Court of Appeals in New York in 1861 and in the Supreme Court of New Hampshire in August, 1862, and began the practice of his profession at Manchester, where he resided until his death.

He was a man of fine physique, of distinguished bearing, quiet and dignified in speech and manner. He was a gentleman of many attainments, an extensive reader, profound thinker, ready writer and an impressive and convincing speaker. He had a clear and accurate knowledge of legal principles, was an industrious and careful lawyer, wise and safe counselor, an upright and impartial judge; and achieved great success in his profession. He had great skill in the preparation of legal instruments and gave special attention to corporation law. For many years he was counsel for various railroads in New Hampshire, having been engaged as counsel in more than twenty-eight hundred railroad cases.

For a short time he was justice of the Municipal Court of Manchester. He loved his profession and was greatly interested in County and State Bar Associations in New Hampshire, and especially in the American Bar Association. He was a member of its General Council for quite a number of years and Vice-President for New Hampshire at the time of his death.

He was especially kind and helpful to young men. In politics he was a democrat of the old school, and although never seeking nor holding public office, took an active and prominent part in city and state politics for many years, and stood high in the councils of his party. During the last ten years of his life, he had not been active as he had not been in full accord with the leaders of his party. He was a public-spirited citizen and an officer and leader in various societies and organizations calculated to promote the moral, social and religious welfare of the people. He was happy and fortunate in his domestic life. Judge Fellows was a Masonic jurist and one of the best informed and most accomplished

Free Masons in the world. He held many important Masonic offices.

JOHN S. H. FRINK.

John Samuel Hatch Frink, son of Simes Frink, was born in Newington, New Hampshire, November 9, 1831, but in early life removed to Greenland, New Hampshire, where his father was engaged in keeping a hotel.

His early education was obtained in the public schools of Greenland and at Hampton Academy. In the fall of 1848 he entered Bowdoin College as a sophomore, and was graduated in 1851 with high rank. Immediately after graduation from college, he began the study of law in the office of his cousin, Albert R. Hatch, then a learned and brilliant lawyer, at Portsmouth, New Hampshire. Under the careful guidance and instruction of Mr. Hatch, Mr. Frink, who possessed a very keen mind and was an apt and earnest student, laid a splendid foundation for his future legal work and was admitted to the Bar of New Hampshire at the July term of the Supreme Court, 1854. In May, 1859, he married Lucretia M., daughter of William Pickering, of Greenland.

In 1861 he removed to Portsmouth, where during the remainder of his life he kept his office, though after a short time making his residence on the old homestead in the beautiful village of Greenland. His practice increased gradually and became quite extensive.

In 1871 Mr. Frink was appointed by the governor solicitor for Rockingham County. In 1874 the governor appointed Mr. Frink to the Bench. As he had been urging the appointment of Mr. A. R. Hatch, his life-long friend, he declined to serve. In 1877 Mr. Frink was appointed by the governor a member of the Supreme or Law Court of New Hampshire, but on account of his constantly increasing practice, the duties of which he preferred to those of the Bench, he declined the position.

Mr. Frink was appointed by President Cleveland United

States District Attorney for New Hampshire in 1885, and served in that position a little more than four years.

During the Civil War he was a war democrat, and later a Cleveland democrat. He served as a member of the constitutional convention which sat in 1903. For years he had also served as one of the three examiners for admission to the Bar.

He was both a learned and skillful advocate and a wise counselor. He had a logical and incisive mind, capable of making a clear and accurate analysis of each case, easily separating the wheat from the chaff, giving to the important and salient facts due weight and generally making a correct determination of the law applicable to the same. He was very successful in winning cases and took high rank in his profession.

During the later years of his life he was called in to assist counsel in many important and difficult causes, not only before the trial court, but especially before the law court in all parts of New Hampshire, and had also an extensive practice in the United States Courts. Thus he was frequently "a lawyer's lawyer," and at the time of his death was a recognized leader of the New Hampshire Bar.

He had the confidence not only of his clients, but of the jury, court and counsel, who always listened to his utterances with respectful and earnest attention, knowing that the positions taken by him were the result of wise and mature deliberation, not to be lightly answered nor easily overthrown.

He was of a generous disposition, kind and always willing and ready to make useful suggestions to the younger members of the Bar who sought his advice, and was frequently consulted by his friends and neighbors in confidential matters not pertaining to the law. He gave much to charitable objects and occasionally pledged his credit for another's benefit to his financial loss.

Mr. Frink was always courteous and dignified, quiet and unassuming, charitable toward others, just and honest in all his

dealings, of philosophical equanimity, of rare good sense and sterling integrity of life and character. He was greatly beloved by his friends and held in universal esteem by all who knew him.

NEW JERSEY.

ROBERT SPENCER WOODRUFF.

On March 2, 1906, Robert Spencer Woodruff, a distinguished jurist and member of the New Jersey Bar, died after a short illness, at his home in Trenton, New Jersey.

Judge Woodruff was born in Newark, New Jersey, April 2, 1841, and in 1850 removed with his parents to Trenton, New Jersey, where he maintained his residence until his death. He was graduated from the State Normal School in 1859 and soon after accepted the position of principal of the Rutgers College Grammar School at New Brunswick. While in this position he pursued classical studies and afterwards began the reading of law.

He was admitted to the Bar as an attorney in 1868 and as counselor in 1876. Devoting himself with ardor to his profession, he soon rose to prominence. He was active in public life and served the city of Trenton in many capacities, being a member of the common council, tax receiver and for many years a member of the public school commission. In 1875 he was elected a member of the General Assembly of New Jersey, and in that session of the legislature he took an active and prominent part.

In 1877 Governor Bedle appointed Mr. Woodruff as judge of the District Court of Trenton, in which capacity he served for eleven years. After a short retirement, he was appointed to the Bench of the Court of Common Pleas of Mercer County, to fill an unexpired term and was reappointed for two successive five year terms. He retired from the Bench in 1900 and thereafter devoted himself actively to the practice of his profession at the Bar.

He was a zealous champion of public school education and gave unsparingly of his time and energy to the advancement of the public school system of his adopted city. He was a member of the Board of School Commissioners at the time of his death. He also served for a number of years as a trustee for the New Jersey School for Deaf Mutes.

Judge Woodruff was a public spirited citizen and a man of affairs. He was a member of many organizations of a fraternal, historical and literary character, and in all these his quick perception and sound judgment, his high character and uniform courtesy gave him a high standing. He was a learned lawyer, an able and humane judge and a true and steadfast friend. His nature was kindly and his impulses generous. He despised sham and ostentation, and was always outspoken and fearless in the exposure of evil in every form.

Judged by any standard, Judge Woodruff's character was one in which the elements of a well rounded manhood were blended in an unusual degree. He was one of those rare men whose death is a distinct loss to the Bar, the community and the state.

NEW YORK.

JAMES C. CARTER.

(Memorial by Joseph H. Choate. From the proceedings of the Bar Association of the City New York.)

James Coolidge Carter was born at Lancaster in the State of Massachusetts, on October 14, 1827, and died in New York city, February 14, 1905—his life covering a period of seventy-seven years and four months, just two-thirds of the existence of the government of the United States. He thus lived during the administration of twenty of our twenty-five Presidents. In this single lifetime our country grew from twenty-four states, with 12,000,000 of people, to forty-five, with 80,000,000 and 10,000,000 more in our conquered dependencies—made material progress such as no equal period of the world has witnessed in any country, and became a world power

ready and able to take a just and leading part in international affairs—Mr. Carter, coming into life with no advantages whatever but his own natural gifts stimulated by poverty and the spur of necessity, grew with the growth of the country and by sheer force of brains and character had become at the time of his death one of her best known and most valued citizens, the acknowledged leader of the great profession of the law, foremost among its 110,000 votaries—and exercising a wide and powerful influence for good among the people of his time. Such a career is no accident, and it is interesting to recall as briefly as possible the steps by which he rose from obscurity to national and international distinction.

When I entered Harvard College in 1848, Mr. Carter, who had already been there for two years, was a very marked man among the three hundred students who then constituted the entire community of that little college. To very commanding abilities he added untiring industry, and to lofty character most pleasing manners, a combination which made him easily foremost. He was filled with an honorable ambition, and took all the prizes, and not content with perfection in the college curriculum, he took an interest in the public questions of the day, and cultivated the art of public speaking with discriminating assiduity. Like all the young men of that day, he was a devoted admirer of Mr. Webster, who did more than any other man to kindle the patriotism and arouse the national spirit of the younger generation, and I always thought that he modeled himself upon that noble example in style, in expression and in the mode of treating every question that arose. Indeed, in his last years I regarded him as the last survivor of the Websterian school. Dr. Storrs, who died some years before him, was another example of that noble school, and if he had followed the law, as he began it, he would have been just such another lawyer as Carter, and his most formidable rival.

From lack of means, Mr. Carter found it a hard struggle to get through college, and even to enter it. For this reason, he

came two years late, having, I believe, engaged in some commercial employment to enable him to enter. He did not hesitate to avail himself of the generous aid of an admiring fellow townsman who recognized his great qualities, and meant that they should not be lost to the world. Rufus Choate once told me that it would be better to borrow the money for your college education at ten per cent. compound interest than not to get the education at all.

Well, seeing his manifest ability, his spirited and attractive personality, and his sympathetic interest in all our college affairs, we all recognized him as our leader. He exercised a potent influence upon all his companions. He was made class orator at commencement—and entered upon life with assured prospects of success. But still the lack of means was an obstacle to his immediate entrance upon the profession of the law, to which he looked forward as the only one possible for him. I believe that he never had a thought of any other occupation in life. So, upon graduating he betook himself to teaching as a necessary means to that great end.

It is interesting to read the letter which Judge Willard Phillips, a great jurist and author of the leading work on marine insurance, gave him to the gentleman in New York who had applied to him to recommend a teacher in his family. The letter bears date June, 1850, just before he graduated. It says :

“The young gentleman who has been spoken with for instructor in your family is Mr. James C. Carter, of Lancaster, Massachusetts, a member of the senior class. He can teach all the branches of English education and the classics. He is, as Professor Pierce assures me, a thoroughly educated, talented, accomplished, sensible and pleasing young gentleman of good principles and high morals.”

How many of us have had our first steps in life smoothed by just such letters !

At the same time that he took this engagement for a year's service as a teacher in the summer of 1850, he entered

the office of Kent & Davies as a student, but his attendance there was only nominal. This firm was composed of Henry E. Davies, afterwards chief judge of the Court of Appeals, and William Kent, the son of the chancellor, who had been at one time a circuit judge, before the adoption of the constitution of 1846. He always spoke of Judge Davies with great respect and esteem, but he simply loved Judge Kent, of whom he always spoke to me in terms of unbounded affection and admiration.

He remained in New York teaching till the autumn of 1851, when he entered the Dane Law School at Harvard and remained there three terms till the spring of 1853—so that I was with him there again for six months, and had full opportunity to observe that the same qualities which had made him so distinguished in college, to which was now added an unbounded enthusiasm for the law, made him still a leading and commanding spirit among his new associates.

What an impression he had left at the office in New York, in spite of his scanty attendance there, appears from the fact that in February, 1853, Mr. Davies visited the law school and said that he had come on to see Mr. Carter; that his firm of Kent & Davies was about to dissolve; that he was going to take Henry J. Scudder as a junior partner and wanted Mr. Carter to come to him as managing clerk. Mr. Carter accepted the position, and was soon after admitted to the Bar in New York. In 1854, Mr. Davies withdrew, to become corporation counsel, and the firm of Scudder & Carter was formed, with whom it was my good fortune to study the code in the following year. This firm under its successive organizations of Scudder & Carter, Carter & Ledyard, Carter, Rollins & Ledyard, and Carter, Ledyard & Milburn has occupied a great place in the annals of the profession in New York.

But the firm of Scudder & Carter, started in 1854, substantially as a new firm, and Mr. Carter, instead of deriving any special benefit from it at the outset in his career at the Bar, had to make his own way there. It served as a good

personal introduction to the profession, by whom he was received in that cordial and hospitable spirit which, when our Bar was smaller, was more characteristic of it.

He made no brilliant debut in the courts as Mr. Evarts had done in the celebrated Monroe Edwards case. He was not plunged at once into a great volume of business as some of us were who joined as juniors old and long established firms, the elder members of which were already overworked. He had to paddle his own canoe and work his way up stream. But slowly and surely on a solid basis of work well done, he advanced step by step, and soon came to be recognized by his seniors at the Bar, by such men as Daniel Lord and O'Connor and Cutting and William M. Evarts and William Curtis Noyes, as a young man who must be reckoned with, and as a foeman likely to be worthy to meet them in any cause.

From the first he aimed at nothing short of perfection in everything that he undertook, and as his ideals were high, and his conscience supreme, this involved an amount of labor and self absorption seldom if ever exceeded. In those days he had but few social duties or pleasures to distract him from minding the main chance, success on the forensic side of the profession, and to that he was able and eager to devote all his energies of mind and body. I know of no lawyer whose success was more fairly earned or more thoroughly deserved, or less derived from adventitious sources or external aid. By his own might he worked his way to the front. Let me try very briefly to trace the personal qualities which were the weapons by which he won the victory. For I have known personally all the lawyers in New York who for the last fifty years have one after another been foremost among us; and no two of them were alike.

Well, he had a very sound mind in a very sound body. But those are the common and necessary requisites of any measure of success. His mental endowments were of a very superior and splendid quality, and he appreciated his own intellectual powers and reveled in the exercise of them.

Thinking, which to most of us is a painful and tiresome process, he delighted in, and pursued it as a most fascinating game. His mind was of a decidedly philosophical turn, fond of considering and solving all the problems of human society and progress; and the reasoning powers, which in most of us are dwarfed or twisted, in him were naturally and fully developed. Logic as a pastime was as acceptable to him as golf or bridge is to the average man today.

He was undoubtedly extremely ambitious; but his ambition was of a very high order and made of the sternest kind of stuff. He would not stoop to conquer and disdained to climb by unworthy means. His nature was robust and his disposition combative, so that he loved the contests of the forum, and its triumphs and trophies were a great joy to him. He eagerly seized the palm of victory, but with him it was always *palma non sine pulvere*, and always fairly won.

His conscience was clear as crystal, and never went back on him, as it sometimes does on men whose mental vision is less clear than his.

Absolute independence was the controlling feature of Mr. Carter's mind and character. It marked and guided his whole conduct, professional, public and personal. He must act on his own carefully matured judgment, no matter with whom or with what it brought him in conflict; and he had the courage which naturally accompanies such independence of character.

He was not without a large share of self assertion, and yet was one of the most unselfish of men.

Imbued with a high sense of public duty, and most ardently patriotic, he studied with keen interest public questions as they arose from time to time, and was ever willing to give his fellow citizens the benefit of his opinion, but he never sought office and never allowed his interest in public affairs to distract him for a moment from the pursuit of his chosen profession, well knowing what a jealous mistress the law is.

His power of labor was prodigious, and as he had given no hostages to fortune in the shape of wife and children, he was

always ready and able to serve his clients and the cause of justice with relentless devotion.

By nature warm-hearted and magnanimous, he was one of the most loyal and persistent of friends, and in spite of his contentious life, I never heard of his having an enemy. He was too just and generous for that.

These excellent mental, moral and physical endowments were the effective instruments by which he worked his way to fame and fortune.

His professional conduct and habits were just what you would have expected from such a character. He honored and magnified his profession, and fully recognized the debt which, as Lord Bacon says, we all owe to it. He scorned all mean and trifling arts, and relied solely on the merits of his cause and his own prowess in maintaining it.

He had a unique habit when he had embarked in a cause of first convincing himself of its justice before he undertook to convince court or jury or adversary. He was very far from limiting himself to causes that he thought he could win, or to such as were sound in law or right in fact. No genuine advocate that I know of has ever done that. He recognized and maintained the true relation of the advocate to the courts and the community, that it is a strictly professional relation, and that either side of any cause that a court may hear the advocate may properly maintain. For him newspaper clamor had no terrors. He realized that the newspaper is accuser, judge and executioner, all in one, but for all that he could and did maintain the unpopular side of a controversy with the same zeal and fidelity as if the whole press were backing his client's claims. As his fame increased, he was called, like the leading physicians, into the most grave and critical cases; and I have no doubt that he lost in the long run more cases than he won. But having once undertaken the conduct of a case he made a careful study of it to try to build upon the facts a theory consistent with his own sense of right and justice, which he might fairly and earnestly present to the favorable consideration of

the court; and in this he generally succeeded; and having once convinced himself, he could apply all the clearness, force and earnestness of which he was master to convince the tribunal, whether court or jury.

He had such reliance on his own judgment, and confidence in his own opinion, that when he had once found the theory satisfactory to his own mind, on which he ought to present the cause, he never changed or departed from it, no matter what arguments the other side might present, or what decisions the court might make as the cause progressed; and even when the court of last resort had pronounced against him, he bowed to the law which the court by reason of its power had declared, but still maintained the theory which by the power of his reason he had evolved in the case. "This forensic habit often gave to his weaker adversaries, who could tack and trim their sails as the judicial breezes changed, an apparent advantage. He would present his case on the first and second appeal more strongly and more forcibly, of course, but it was always the same view of the same case, and we knew exactly where and how we should have to strike to meet it. This absolute reliance on his own judgment sometimes led him to underrate the force of his opponent's position. He regarded and treated the propositions of his adversary as "notions," and was surprised and indignant when they commanded the approval of the court.

In another respect, also, he sometimes in the arena exposed to his adversary a vulnerable flank. So masterly was his independence of mind and character that he was not always willing to admit or to recognize the binding force of precedents, however numerous, which failed to run the gauntlet of his own reasoning powers. One of his favorite maxims was that nothing was finally decided until it was decided right, and so no amount of so-called authorities was sufficient to dissuade him from maintaining the contrary view.

So earnest and zealous and well sustained was his advocacy that he sometimes presented the appearance of seeming to drive

the court, which a weak judge would resent and take refuge in his power to decide, while a strong judge would lock horns with him on the spot.

Mr. Carter's forensic character was a most interesting one to study, and it was always hard to say in the particular case whether those features, which seemed to give his adversary an advantage, were elements of strength or of weakness. But on the whole, he grew to be the most formidable advocate, in both the state and federal courts, and was I think so recognized throughout the country.

My judgment of him in this respect is confirmed by a review of the cases in which he was constantly engaged. They were mostly leading cases of great difficulty, magnitude and danger, involving the severest responsibility, and challenging the best powers of the advocate. A mere list of their titles recalls their overwhelming importance, and the prodigious labor that must have been involved in their preparation and argument. In all the important branches of the law, he seemed to be equally at home. Great maritime and commercial causes, great railroad controversies and, above all, great constitutional cases were constantly engrossing his attention and taxing his powers. His sense of duty and justice to his clients was shown, not only by his exhaustless labors in their behalf, but by the extreme moderation of his fees and charges. We used sometimes to think that in his careful consideration for his clients, he hardly did justice to his profession; and in this respect, by the great weight of his reputation and example, rather lowered the standard which we, with a more realizing sense of the wants of life, desired always to see highly advanced. But as long as lofty character, commanding abilities and loyalty to the profession and to the truth constitute just and abiding claims to the admiration of lawyers and of laymen, we shall always be proud of his leadership and grateful for his example. A nobler model, on which young advocates may mold their careers, cannot be found in legal annals.

Early in his professional career, Mr. Carter's splendid

talents and faculties attracted the special attention of the great leaders of that day, and particularly of Mr. Charles O'Connor, who was pre-eminent among them, not merely for profound erudition, but also for an experience seldom equaled, in all branches of the law, for his keen and subtle learning, and for his supreme contempt of all shams and false pretenses in the way of the profession. He saw in Mr. Carter a kindred spirit, and a junior upon whom he could rely for thoroughness equal to his own, for inexhaustible power of labor, and for absolute devotion to any cause which he undertook, and they soon became co-laborers in several causes of unique magnitude, importance and difficulty. Probably no lawyer then at the Bar was so exacting of himself or of his juniors in the preparation and trial of a cause as Mr. O'Connor, and Mr. Carter fully satisfied his most strenuous demands. In the great cause of the city against Tweed, to establish the claims of the city for that long series of deep laid frauds and peculations by which, through a period of many years, it had been robbed of millions; a trial which extended through several weeks and involved an examination of the most complicated system of thefts which had been exposed by the ingenious researches of Governor Tilden, the combined powers of Mr. Peckham, Mr. Carter and Mr. O'Connor were drawn upon to their utmost to unravel the tangled skein.

Mr. Carter's intimate and constant association with Mr. O'Connor, and laboring with him through many years had a marked and lasting effect upon the younger man; as such associations generally do have. The modes of thought and study, the absolute thoroughness, the exhaustless research, the style of speech, and even the modes of utterance, and expression of feature and mode of gesticulation of the younger man carried always a suggestion of his great senior. Of course, it was only an unintended and unconscious resemblance; for Mr. Carter was a much broader and fuller man than Mr. O'Connor, much more highly and generally educated, and more full of sympathy and sentiment; a bigger hearted

man and built on a larger scale. And yet, what he thus insensibly imbibed or absorbed from Mr. O'Connor did strongly characterize his forensic conduct and style, and lent much force and emphasis to his bearing in court; and always recalled an impression of the great Irish advocate.

Before the trial of the Tweed case, another tremendous cause, still more laborious, absorbing and exciting had arisen; the Jumel will case, and in this, in all its various forms from beginning to end, Mr. Carter and Mr. O'Connor were constantly associated, and bore between them the whole brunt and burden of the arduous contest. It involved not only the most difficult and diverse questions of law that called for great learning and study, but issues of fact of a highly dangerous and complicated character; questions of pedigree, marriage, paternity and consanguinity; dependent for their solution upon old and doubtful documents and papers, upon the fading memory of aged witnesses, upon history and tradition, and upon gatherings from the border line of evidence; all appealing strongly to the imagination as well to the reason of the advocate; and there is no doubt that to this whole range of study and preparation, and to the final success in the case, Mr. Carter contributed, at least, his full share.

But he paid a bitter penalty for these splendid achievements and triumphs, for, taken with his own regular practice, which was already large, this additional burden proved too much for even his marvelous power of labor, and it ended in a truly tragical catastrophe. The exciting trial of the Jumel case attracted great popular interest, and engaged the attention of Judge Shipman and a jury in the United States Circuit Court for many weeks. The long hours of every day in court were a constant nervous strain, and the longer hours of every night were protracted vigils of labor; with an utter disregard of the commonest laws of health, even of the universal rule that the only cure for fatigue is rest, so that the wonder was that mere flesh and blood could stand it as long as they did.

Mr. O'Connor was a rule unto himself, and reversed the

usual custom, taking himself the opening of the case and throwing the summing up upon his junior, so that Mr. Carter, in the true spirit of the advocate, was in his own mind summing up the case every minute from the first word of the first witness to the last word of the last, and all the while defying the demands of nature for regular food, sleep and repose. His part was splendidly performed, but when the fatal morning of the closing argument arrived, and Mr. Carter arose to address the jury, after a few halting words it was manifest that nature could go no further, and he collapsed upon the spot, so that Mr. O'Connor, whose physique seemed to be made of gutta-percha and steel springs, had to take his place and sum up the case himself. But with the true grit and pluck that characterized him, he persevered, after a temporary recovery, in the trial of the Tweed case, and conducted a vast mass of litigation for the city besides, which resulted in a more disastrous breakdown, and for a period of nearly three years he appeared no more at the Bar or in New York. All his unique power of labor had disappeared; he was incapable of the least exertion, and his friends who saw him in the interval hardly dared hope that he would reappear in the arena whose contests were so dear to him.

But his splendid constitution contained such reservoirs of strength and such living springs of vigor that in 1880, after three years of complete retirement, he came once more upon the scene, fully armed and equipped and ready for new contests. In truth, his long period of retirement and repose seemed to have renewed and invigorated all his powers. So that he entered upon another twenty years of professional achievement of the very highest order and dignity, which he sustained with new and constant safeguards of repose and sport and exercise, the neglect of which had so nearly proved fatal to him before.

From 1880 to 1900 his employment in the courts, state and federal, was constant in causes of the greatest magnitude and importance, a mere enumeration of which (and I append a

partial list of them), demonstrates that he was all the while a most potent factor in the development of the law and settlement of momentous constitutional questions. The most important of these were *Langdon vs. the Mayor*, which determined the respective rights of the city and of the riparian proprietors in the extension of the dock lines on both rivers; the Nebraska rate case; the cases of the North River sugar refining company, and the Aqueduct case; the Income Tax case; the Tilden will; the Joint Traffic case; and the Trans-Missouri case; and these alone involved an amount of labor and study that is almost appalling. But his vigor seemed rather to increase with his years, and he was more than adequate to all the demands upon him.

All these great and conspicuous cases conducted with exquisite professional skill, with unfailing courage and courtesy, and with all the eloquence that earnest conviction and ever youthful enthusiasm could arouse, established his fame as a lawyer throughout the country, on a basis as nearly imperishable as any lawyer's ever can be. But his employment in 1893 as one of the chief counsel of the United States before the tribunal established by the treaty with Great Britain for the settlement of the long vexed Behring Sea dispute in regard to the seal fisheries, and the characteristic manner in which he performed that great service, gave him an international reputation of the highest value. He was associated with Edward J. Phelps and Frederic R. Coudert, and to oppose them Great Britain, as she always does on such occasions, selected her best, in the persons of Sir Charles Russell and Sir Richard Webster, both afterward Lord Chief Justices of England under the names of Lord Russell of Killowen and Lord Alverstone. Both of those gentlemen have often expressed to me their profound appreciation and admiration of Mr. Carter's ability and forensic faculties as displayed in that great international cause, and their warm friendship for him, which grew out of their protracted and intimate acquaintance with him in the course of it, in which he showed himself as the great lawyer

and gentleman. The contestants were admirably matched, but the balance of the cause was most unequal, for our counsel had to rest their case upon the claim of property rights in the seals, accruing to the United States from their being bred upon the Pribiloff Islands which we had acquired from Russia as part of the Alaska purchase, and our consequent right and duty to protect them wherever found on the high seas, to the extent that we might replevy them at the South Pole, and by force prevent any interference with them by vessels of other nations pursuing the business of pelagic sealing. The authority for the first proposition at common law was of the most meagre character, while there had certainly been no international agreement to the second proposition.

Great Britain relied upon the universally established doctrine of the freedom of the seas, and upon the proposition that the right of fishing on the high seas could not be interfered with except by the common consent of nations restraining the right.

We certainly had the strongest moral grounds for claiming the protection of the herd of seals from destruction, on our own account and on account of the world at large; and if the case could have been decided upon what ought to have been international law our contention would have been more hopeful; indeed irresistible.

It was just the case for the exercise of Mr. Carter's characteristic qualities and methods in their very finest and highest forms. It fell to his lot in the division of labor between our counsel to open the case, which he did in a most exhaustive and eloquent argument of seven days. The preparation which this involved was incredible, for his argument contained an exhaustive history of the controversy, a complete narrative of Russian and American rule in the Behring Sea for nearly a hundred years, an exploration of the habits of seals and of seal fishing during the entire period, a discussion of the principles of international law bearing nearly or remotely on the subject of dispute, the origin and growth of the right of property, par-

ticularly in animals, and the interpretation and effect of all treaties and regulations bearing upon the questions involved. It is needless to say that after months of toilsome preparation, Mr. Carter came to the argument with a theory of the case which, to his own mind, was absolutely irresistible, and pressed it upon the tribunal with an eloquence, earnestness and force which even he had never equaled, that his splendid gifts of imagination and illustration were brought into play with graphic power, and that if we could have won the case by demonstrating what international law ought to have been, and what expediency, humanity and civilization demanded in the particular case, it was more than demonstrated. His argument, like all his arguments at the Bar from the beginning, was extremely dignified and pitched upon a very lofty plane of morals and right. But he was storming an impregnable citadel when he sought to diminish the freedom of the seas without the warrant of an international agreement to that effect. It is greatly to be regretted that his labors could not have resulted in an effective agreement between the nations to that effect, so far as pelagic sealing was concerned, for the herds have already nearly vanished from the islands, and the industry, most useful under proper limits, has been well nigh destroyed.

The time prescribed to me will hardly permit even an allusion to the great services rendered by Mr. Carter in maintaining by precept and example the dignity of the profession, and its protection from everything unworthy, in preserving the common law in its integrity as the basis and method of our jurisprudence, and rescuing it from the destructive assaults of the wholesale codifier; in his constant and courageous warfare against everything that looked like corruption in the courts or in the profession; in his active participation in the foundation of this Association,¹ as the bulwark of a sound and pure administration of justice; in his service as its president, and in his persistent and successful efforts at all times to keep it up to the

¹The Bar Association of the City of New York.

mark, and to achieve through its instrumentality the lofty objects of its founders.

It is melancholy to think how fast the memory of all this splendid service and achievement, of which I have given such a meagre and inadequate sketch, is fading away. He had for the last six or seven years of his life retired absolutely from the practice of his profession, so that to the younger members of the Bar his face and figure, which had once been so familiar in the courts, were almost unknown.

But in these years of retirement, rendered necessary by constant threats of a return of the malady which had once laid him so low, he was never idle. He enjoyed these years in the heartiest manner, spending a large part of each of them in outdoor life and sports which he had learned to love so well, and to value so highly, as the only safeguards of declining health. But all the while his heart and mind were intent upon a great work, which he has left as a legacy to the profession, and which, if I am not mistaken, will long perpetuate his reputation as a jurist.

In a course of carefully prepared lectures on the philosophy of the law, which I have had the privilege of reading, completed just before his death, and intended to be delivered at the Harvard Law School, he has embodied the rich fruits of his ripe experience and learning, of which it will be an enduring monument. He has explored and portrayed the whole history of human conduct in support of his favorite theory that law, instead of being a "command" as defined by Austin, and other distinguished writers upon the subject, is entirely the growth of custom and of public opinion; that the common law as developed by English and American courts is the wisest and safest form of administering justice, and best adapted to the ever changing needs and exigencies of human society, and that all attempts to substitute in its place a rigid and crystallized codification in any form, must necessarily fail of their object. In this effort he has garnered up all the wealth of learning, of imagination, of common sense and of foresight,

which in his long and busy life, devoted to his divine mistress, he had made his own. It is delightful to think that this masterpiece of legal literature, practically perfect as it came from his hand, will transmit some knowledge of the man to future generations, when all the great controversies in which he was engaged have lost their interest and been forgotten.

I have necessarily refrained from enlarging at all upon the spotless purity and manly independence of his public life and of its great and beneficent influence upon the thought of his time, and of those charming and endearing traits of personal character which made him so beloved in life and so lamented in death by all who had the great privilege of knowing him.¹

MAURICE DWIGHT COLLIER.

(Abridged from memorial by J. Frederic Kernochan, read before the Bar Association of the City of New York.)

Maurice Dwight Collier was born in St. Louis May 6, 1846, and died suddenly of heart failure in New York city, on January 10, 1906.

From Andover Academy, Massachusetts, he entered Yale College and was graduated with honor in the class of 1866.

He then studied law in St. Louis and when he was admitted to practice he formed the partnership of Collier & Muench. Mr. Collier always subordinated his private practice to what he conceived to be the duties of citizenship. Never a blind partisan, he was always interested in movements for reform and the advancement of civic standards. He became a member of the city council of St. Louis and frequently presided at the council meetings. While filling this post, he formulated the report which, upon a contest for the office of mayor, gave the office to the contestant. He was elected on a non-partisan ticket to the Board of Thirteen Freeholders under the new charter which in large measure separated the city government from county control. He was offered the post of president

¹ The list of cases which concludes the memorial in the proceedings of the Bar Association of the City of New York is here omitted.

of the upper house, which offer he declined because of the demands of his private practice.

In 1880, on account of his health, he left St. Louis, and, after spending several years in European travel, he finally settled in New York city. From this time he did but little in the line of general practice, but again devoted almost his entire time to civic duties. He joined the Republican Club of his assembly district (the 27th), and soon became its president. His administration was successful and made the club a power in civic reform.

Mr. Collier's greatest services were in the line of educational work in the city of New York. He was appointed a member of the board of education and entered upon his duties January 1, 1902. He soon made himself one of the most efficient and respected members of the board. He studied carefully the problems of public education as carried on in other cities not only of America, but of Europe, and by daily visits to one or another of the schools he became personally acquainted with the teachers and the children. He was equally conscientious in his attendance at committee meetings, so that he familiarized himself with the workings and the needs of the schools in every part of the city. His activity on the board was always in the direction of more efficient management, and to this end he was a strong advocate of the merit system to the complete exclusion of all social, religious or political considerations in the appointment of principals and teachers. He always stood for the highest ethical standards and was a firm believer in manual training.

Almost the only purely legal work that Mr. Collier did in his later years was in the line of legal instruction; he was a regular lecturer in the Yale Law School in New Haven from 1888 to 1893.

Endowed with rare qualities of mind and heart, he endeared himself to all, and his every acquaintance became a devoted friend. His loyal and conscientious devotion to every work with which he became charged severely overtaxed a constitution by no means robust.

He was appointed chairman of the finance committee of the Board of Education January 1, 1905, and his efficient work as the head of this committee which annually disburses over twenty-five million dollars, while it served to show his rare administrative ability, was a severe strain on his physical condition and no doubt tended to shorten his days.

In 1872 he married Miss Clara Townsend Adee, and his widow and his only child, a daughter, survive him.

W. MARTIN JONES.

William Martin Jones was born in Manlius, New York, on July 24, 1841. His father, Thomas P. Jones, was a native of South Wales, and came of an old and highly respected family. His mother, Lodoiska Butler, was born at Crown Point, New York. She was a woman of strong personality and marked ability. While Mr. Jones was very young, his parents moved to Knowlesville, New York, where he spent his early youth. Having been graduated from the Albion Academy, it was his intention to attend Yale College, but at about the time he was ready to enter this institution, the Civil War broke out, and, becoming acquainted with Edwin D. Morgan, the war governor of New York, he acted for two years as his private secretary while Mr. Morgan was United States senator. In 1864 he filled the position for some time of private secretary to William H. Seward, then Secretary of State, and to his son, Frederick W. Seward. His efficiency in this position led to his promotion to the position of chief clerk of the Consular Bureau in the State Department. This position told heavily on his health, as it was often necessary for him to remain at his desk long after midnight writing dispatches containing instructions to United States consuls who were stationed all over the world, guarding the interests of the republic at a time when many nations would have been only too glad to see its destruction.

On the evening of Good Friday, 1865, he was present in Ford's theatre, sitting within twenty feet of President Lincoln, when the latter was assassinated.

In 1866, the war being ended, Mr. Jones resigned his position and was immediately appointed United States consul at Clifton, Canada, his resignation from the Consular Bureau having been accepted with regret by Mr. Seward. During the five years of his consulship, he occupied his leisure hours reading law, and upon his retiring from this office in 1871, established himself at Rochester, New York, and was admitted to the Bar, where he soon attained a prominent position. While living in Washington, he became affiliated with the Masonic order, and was for many years a member.

On July 5, 1871, he married Miss Gertrude M. Nicholls, of Buffalo, New York. His wife and two sons and a daughter are still living.

In 1867 he entered the order of Good Templars, and rapidly rose to a position of prominence. In 1879 he became Grand Chief Templar of the State of New York. This office he held for four consecutive years. After 1882, he gave his support to the prohibition party. In 1885 he was a candidate for attorney-general, and in 1888 a candidate for governor of the State of New York upon that ticket. In the following campaign, he received the largest prohibition vote ever cast in New York State, running ahead of the national ticket. In the free silver campaign of 1896, Mr. Jones took position with many others in favor of the gold standard, and the prohibition party failing to adopt any platform upon any question other than that of prohibition, he again gave his support to the republican party and stumped the State of Michigan in opposition to John P. St. John, who in 1883 was the prohibition candidate for President of the United States, and who was then speaking in favor of free silver. In returning to the republican party, Mr. Jones did not relinquish any hope of prohibition, but felt that the prohibition party, in failing to recognize national issues, had become little more than an organization for the agitation of total abstinence.

As a lawyer, Mr. Jones exhibited marked ability, and some of his cases are quoted as authority throughout the country.

His early experience in diplomatic matters and his intense interest in international questions led to the formation of views of a decided character on the subject of international peace, and he was always an advocate of a system of international arbitration. At the time of the dispute between Great Britain and Venezuela, after the declaration by President Cleveland that England would have to settle her difficulties without encroaching upon the Monroe doctrine, and when war seemed imminent between the United States and England, much discussion arose in regard to the settlement of the dispute by arbitration. Mr. Jones's sentiments on this subject were well known, and at a meeting of the New York State Bar Association he was chosen as a member of a committee appointed for the purpose of considering the advisability of arbitration between Great Britain and the United States. At the first meeting of the committee, Mr. Jones set forth his views on arbitration, and pointed out the difficulties attending it where the litigants only are arbiters, and strenuously advocated the establishment of a "Permanent International Court of Arbitration" composed of representatives of several nations. At that meeting he and Walter S. Logan, of New York were appointed as a sub-committee charged with the duty of devising and presenting to the full committee a plan for such a court. This report and the memorial presented to the President of the United States have found a prominent place among documents of the first historical importance. The report and memorial having been approved by the full committee and by the Bar Association itself, a committee was appointed to present it to the President. This was done by Edward G. Whitaker, President of the Bar Association, Judge William D. Veeder, chairman of the committee, and Mr. Jones, on April 21, 1896.

A copy of this memorial was also addressed to the Queen of England, and copies of it were sent to the heads of various governments, including the Czar of Russia, and to prominent people throughout the world. When the Czar issued his call

for a disarmament conference, to be held at The Hague, another meeting of the New York State Bar Association was called and a committee, of which Mr. Jones was the chairman, was appointed to draw up resolutions relative to the subjects to be discussed by such proposed conference. The memorial prepared in accordance with this resolution was identical with that presented in 1896 to the President of the United States, and an address by Senator Depew and one by Edward G. Whitaker, were appended to it. This memorial having been duly presented to President McKinley and to the representative of the Czar, copies of it were transmitted, through the Department of State of the United States, to the various delegates at the Hague Conference, and it afterwards became known as the "American plan." The idea of international arbitration was not new, and Americans generally had for many years been known to be in favor of it, but it was this plan that was prominently before the Hague Conference, and which was eventually largely followed in the organization of The Hague court.

It is probably not too much to say that if Mr. Jones had never done anything else of a public character to commend him to the esteem and regard of mankind his labors in connection with this committee would suffice to bring him lasting commendation as a friend not only to his country, but of humanity.

Mr. Jones died on May 3, 1906, after an illness of a year.

CHARLES HENRY KNOX.

Charles Henry Knox was born in the city of New York, February 20, 1852, and died May 29, 1906.

He was the son of Calvin Eben and Lorinda Taber Knox, and the grandson of the late Rev. John Knox and Euphemia Mason Knox, and a great grandson of the Rev. John M. Mason, D. D., famed as a preacher and educator and at one provost of Columbia College.

Charles Henry Knox was graduated from Columbia College with honors in the class of 1872. In the same year he was

graduated from the Law School of the University of the City of New York. From Columbia College he received the degrees of bachelor and master of arts, and from the University of the City of New York the degree of bachelor of laws.

He entered the law office of Vose & McDaniel and continued with the later law firm of McDaniel, Lummis & Souther. Subsequently and in February, 1876, Mr. Knox formed a partnership with Henry E. Woodward, which continued until October, 1901, when it was dissolved, Mr. Woodward retiring. Subsequently Mr. Knox formed a partnership with John T. Dooling, under the firm name of Knox & Dooling, which continued until Mr. Knox's death.

Mr. Knox quickly achieved distinction in his profession, and during his very active career at the Bar was successful in many branches of law, particularly constitutional, corporation, patent and real estate law.

Mr. Knox was a man of brilliant and analytical mind, of lofty ideals and strong Christian character, winsome and forceful in personality, gracious in manner and distinguished in presence. He was unerring and farseeing in judgment and painstaking in attention to every detail of any matter for which he was responsible.

He was called upon for important public service for his city; he was school commissioner during the administration of Mayors Grant and Gilroy; was president of the Board of Education for several years; was president of the Municipal Civil Service Commission during the years 1898, 1899, 1900 and 1901; and for many years was a member, and from 1901 until the time of his death, chairman of the law committee of the democratic party in the city and county of New York.

He was actively interested in religious work and was the leader of the Knox Memorial Bible Class from its organization in 1882 until the time of his death. During his leadership, this class expanded from a membership of sixteen to two thousand and was the largest Bible class in the world, and until

the month of his death, when his last illness prevented him, Mr. Knox was present at every meeting of his class.

Mr. Knox was a member of and active in the committee work of the New York State and City Bar Associations. He was also a member of several social clubs.

Mr. Knox, in 1879, married Miss Van Vechten, daughter of Abraham V. W. Van Vechten, and left his widow surviving.

WALTER SETH LOGAN.

Walter Seth Logan, who was born April 15, 1847, at Washington, Litchfield County, Connecticut, was connected directly or indirectly with many of the prominent early families of Connecticut, as these families frequently intermarried. The Logan family was originally Scotch, and were among the early settlers of this country. Mr. Logan has a double descent from the Rev. Thomas Hooker, the "fighting preacher," founder of Hartford, Connecticut, and is also descended from Richard Treat, one of the original settlers of Wethersfield, Connecticut, and from the Sherman family of which Roger Sherman, one of the signers of the Declaration of Independence, and General and Senator Sherman were members. Mr. Logan was prepared for college in the Suffield Literary Institute, and the Fort Edward Collegiate Institute. He was graduated from Yale in 1870; from Harvard Law School in 1871, and Columbia Law School in 1872, in which year he was admitted to the New York Bar. He is perhaps the only graduate holding a diploma from the three great universities, Yale, Harvard and Columbia. Entering the office of James C. Carter, he became the assistant to Mr. Carter and Charles O'Connor in the famous Jumel will case, thus beginning under the most favorable auspices a career as a lawyer that has been full of successes and honors. He has been prominent in Mexican as well as in state and national legal controversies. He became a student of Mexican politics, and was at one time engaged, as a pastime, in writing a history of Mexico. A public-spirited citizen and convinced as to the duties which citizenship implies,

Mr. Logan took an active part in politics, and unselfishly devoted time, attention and money to movements destined to further the cause of good government. He was a leading spirit in several reform movements in New York City, and was chairman of the executive committee of the Ballot Reform Association of New York State in 1887-9, the work of which has resulted in the present improved condition of the election in New York, greatly reducing the frauds so prevalent under the old system. He found time to do quite a little literary work, and has published the following papers: "An Argument for an Eight Hour Law," "Nationalism," "Needed Modifications of the Patent Laws," "A Working Plan for an International Tribunal," "Peonage in Mexico," "The Siege of Cuautla, the Bunker Hill of Mexico," "A Mexican Lawsuit," "Lawyers and the Trusts" and "A More Socialistic State," a paper read before the Phi Beta Kappa Society at Middlebury College, Vermont. As an orator, he was in frequent demand on public occasions. He recently delivered the oration before the literary societies of Washington and Lee University on "The Mission of the Saxon Scholar." His paper delivered before the Social Science Association, on the intricacies of the Latin code, showed wide research and brought him many appreciative letters from prominent members of the Bar. Not less appreciated and comprehensive was his report, as Chairman of the Committee on Commercial Law of the American Bar Association at Cleveland in 1897, on the subject of "A Broader Basis of Credit," and his report in 1903 in the same capacity on "Commercial Law and Modern Commercial Combinations," while his address in 1896 as vice-president of the New York State Bar Association was an eloquent plea for international arbitration, and elicited universal commendation, among others a special letter from Lord Pauncefoot, the British Ambassador. In his friendships and his social relations, Mr. Logan was particularly fortunate. He was one of the founders of the Lawyers' Club and the Reform Club, and was also a member of many social clubs. He also belonged to the Sons

of the American Revolution, having been president for several years of the Empire State Society and president general of the National Society, was a member of the Society of Colonial Wars, Society of Founders and Patriots, Geographical Society, Historical Society, American Scenic and Historic Preservation Society, in which the late Andrew H. Green named him as his successor as president, and Academy of Sciences, Metropolitan Museum and many other organizations relating to the arts and sciences. He was recently president of the New York State Bar Association, and was at the time of his death a member for New York State of the Conference of Commissioners on Uniform State Laws, and of the Congress meeting at Washington, D. C., in February, 1906, in regard to Uniform Divorce Laws.

He was married April 13, 1875, to Eliza Preston Kenyon, of Brooklyn. His wife, two sons and a daughter survive him.

WILLIAM W. MacFARLAND.

(Abridged from the memorial of the Bar Association of the City of New York.)

In the death of William Wallace MacFarland, which occurred at his residence, Arrochar, on Staten Island, on October 30, 1905, the Bar of New York has lost a remarkable personality.

He was born in Chenango County, New York, on July 22, 1834. He came on the paternal side of distinguished Scottish ancestry. His grandfather, Hugh Norman MacFarlane, left Scotland upon the sale of the ancestral estates at Arrochar, or Arroquhar, in 1784, ruined in fortune. He settled in one of the western counties of the state, but finally removed to Chenango County, where, in a roomy house constructed of logs, the subject of this sketch was born, his father being Andrew and his mother, a New Yorker, Miss Edea Symonds.

He early imbibed a love of books, but of these there were few, and he read the sacred pages of the Bible with the avidity with which the boy of today pores over blood-curdling fiction or the pages of the yellow newspapers. This reading gave him.

a love of clearness of style and elegance of diction which characterized his productions throughout his life.

Feeling within him the desire for greater things, he left the paternal homestead and at the age of fourteen he began to carve out his own fortune.

He went to Connecticut and sought such employment as he could find. At Middletown he secured connection with a general store, common in places of that size, and ultimately became a partner. Here he began the study of the law, and he used to say that in conducting the collections of bills due his house he had more experience before he was twenty-one in the trial of cases in the magistrates' court involving the law of commercial paper than in all the rest of his life.

He then went into a law office. Here he pursued his legal studies with zeal and energy, rising often at three o'clock in the morning and going to the office to study until the real day's work began. As soon as he was twenty-one he was admitted to the Bar.

He soon attracted the attention of Judge William D. Shipman, then judge of the United States District Court, and was by him made clerk of the court.

He did not long remain in that position. He felt that that kind of life was not suited to his genius. We next find him a partner of Richard D. Hubbard at Hartford. Governor Hubbard was an eminent lawyer and he profited much by this association.

He married about this time Miss Sarah Bailey, who survives him.

At Hartford he continued to practice until the late sixties, when he felt, like so many other young men of ability, a desire to try his fortunes in the larger arena of New York city, and so he came here, where he was to win no small fame as a lawyer. The firm of Bowdoin, Barlow & Larocque was then one of the oldest and most active law firms in the city of New York. Mr. MacFarland formed some sort of association with that firm, though not then a partner.

The death of Mr. Jeremiah Larocque followed soon by the death of Mr. Bowdoin, led to the formation of the firm of Barlow, Larocque & MacFarland, the Larocque being the distinguished former president of the Association. The event took place on January 1, 1870. The firm later became Shipman, Barlow, Larocque & MacFarland, Judge Shipman having resigned his judgeship.

Mr. MacFarland was henceforth actively engaged in the trial of causes, and argument of appeals in all the courts, state and federal.

He showed great ability in the Erie Railroad foreclosure and in other railroad foreclosures and reorganizations.

These various cases required Mr. MacFarland's appearance in many jurisdictions, and wherever he appeared he became at once noticed and admired by the Bar and listened to with respect, interest and attention by the Bench.

Mr. MacFarland remained a member of this firm until January 1, 1880, when he retired from the firm.

These ten years of arduous and successful practice had brought large pecuniary returns and he already possessed a competence. But in an evil hour he listened to the siren voice of mining promoters, traveled to the West and California and invested his hardly won professional rewards in mines of which he knew nothing. He had the failing of professional men of being overcredulous of the knowledge of so-called business men. He met with the usual reward of losing his money.

We find him again in 1883 practicing law as head and member of the firm of MacFarland, Reynolds & Lowrey, and then of MacFarland, Reynolds & Harrison; MacFarland & Platt; MacFarland, Boardman & Platt; MacFarland, Boardman, Platt & Ivins; Tracy, MacFarland, Boardman, Platt & Ivins; MacFarland & Parkin, and finally MacFarland, Taylor & Costello.

During these years he was constantly before the courts in a great variety of litigation, such as the management of railways, corporation law generally, contracts, riparian rights,

insurance, construction of wills, in fact the broadest range of subjects requiring judicial interpretation, with now and then some case arising out of his great work in the Erie Railroad foreclosure. During the last years of his life Mr. MacFarland suffered from an increasing deafness, which made it difficult for him to participate in the trial of causes, but his eagerness for work was still great and he yearned for more and more to do. He was one of the species of lawyers becoming extinct. He loved the law, looking upon it as a science demanding the greatest exercise of intellectual effort. He was painstaking in the preparation of his cases and his briefs. No clerk or assistant was asked to do his work. He scorned the aid of stenographers, whose use so cripples exactness and felicity of expression. He wrote his briefs in long hand, toiling if need be all night on some congenial task. He wrote and rewrote page after page, and would say frequently, "My brief is too long; I have not had time to write it properly." And when the work was done to satisfy his critical taste, there was found a happiness of expression, a clearness and lucidity which excited the admiration of the Bench. He felt how important the statement of his case was as to exposition of fact and attractiveness of form, and here his case was frequently won. When he rose, to address the court, his massive form, his great stature, his deep bass voice, arrested attention at once. He seemed so haughty, proud and self-contained that few knew the warmth of feeling that lay beneath his exterior. He had few intimates, but those who did know him and saw him unbend realized the deep sources of feeling and sentiment which were so seldom brought into play. He took no part in political campaigns, but always sympathized with whatever made for the country's welfare. Now and then he would write a letter on some topic of public interest, as for example the acquisition of the Philippine Islands. He was a born advocate. He entered heart and soul into his case, and while he might see something in his opponent's case, when once engaged in the combat he saw nothing but his own side, and he bore down everything

before him with gigantic hammer blows of argument and principle.

He took part in the formation of the Bar Association of the City of New York and was at one time a vice-president.

He was not fond of general society, and while he was a life member of the Manhattan and Knickerbocker Clubs and a member of the Metropolitan Club, his appearance in these places was rare. He had no advantage of college training nor any familiarity with the classics in the original, but he loved to read in translations the masterpieces of antiquity and imbibed no small degree of their spirit. He would travel with Horace and Quintilian, from whom he liked to quote.

He was a lawyer of rare ability, an indefatigable student of legal principles, faithful to his client, but never condescending to any mean arts in prosecution or defense, a man who believed in the practice of the law as a noble profession. It were well if there were more like him in our midst.

EGBERT WHITTAKER.

Egbert Whittaker, dean of the Bar of Ulster County, New York, was born in Saugerties, New York, October 10, 1817, and died in that town February 2, 1906, in his eighty-ninth year.

He was educated at first for the ministry of the Reformed Dutch Church, of which he was a member; but after three years of study decided to take up the profession of law, and commenced his studies with Marius Schoonmaker, of Kingston. He was admitted to the Bar in 1840, and began practice at Des Moines, Iowa, and while there formed a strong friendship with Elihu D. Washburn, which continued through life. He subsequently returned to Saugerties, where he practiced his profession for about sixty years.

Mr. Whittaker began his professional career with marked advantages, possessing a native intellect of remarkable keenness and penetration, reinforced and cultivated by a liberal educa-

tion, which admirably equipped him to attain eminence and success in his profession.

As a lawyer, he was acute, accurate in his knowledge, industrious and painstaking in his research and sincere in argument. As an advocate before juries, he displayed a thorough grasp of the facts of the case, and the presentation of it was often enlivened by a lofty eloquence and not infrequently by a quaint and cutting wit. His intellectual personality was well supported by a splendid physique, a commanding stature and a distinguished presence. With an eye and brow instinct with hidden sources of power, he was observed and esteemed by all who came within his circle.

Successful in his chosen profession and with a competence acquired by industrious and well-directed efforts, he was enabled in his later years to live a retired life, and to give his attention to the study of literature, and to the investigation of those abstruse subjects which were always so attractive to him. He was known as one of the best Dutch scholars in the country. He wrote and spoke that language fluently, and was frequently called upon to interpret Dutch words into English.

Mr. Whittaker was the last of that early group of Ulster County lawyers born before the dawn of the last century or during its first score of years, whose intellectual power and learning did much toward building up the high reputation of the Ulster County Bar. He was a member of the County, State and American Bar Associations.

OHIO.

EDWARD ALEXANDER FERGUSON.

Edward Alexander Ferguson died at his home in Cincinnati, April 20, 1906.

He was born in the City of New York, November 6, 1826, removed with his parents to Cincinnati as a child, and received his education in the public schools and at Woodward College

in that city, where he was graduated in 1843. He then read law for five years, coming to the Bar in 1848.

In 1852 he was appointed city solicitor by the council of Cincinnati, and in 1859 was elected a member of the state senate. Among his fellow members were Garfield, the late Justice Woods, of the United States Supreme Court, and the late Governor Jacob D. Cox. While in the Senate, he drew the Bribery Act and the Canal Leasing Act, and after the outbreak of the Civil War in 1861, with the aid of General George B. McClellan, the act under which were organized the Ohio volunteer forces.

Ten years later, Mr. Ferguson drew the Ferguson Act, which authorized the building of the Cincinnati Southern Railway by the city of Cincinnati. It was that fact which probably gave him the distinction of being "Father of the Southern Road," but his original part in the enterprise was greatly emphasized by thirty-five years of continuous and distinguished service in connection with its subsequent history.

Dr. J. H. Hollander, in the twelfth series of the Johns Hopkins University Studies, with the title, "The Cincinnati Southern Railway; a Study in Municipal Activity," says :

"In the objective study of an institution, it is rarely possible to recognize personal elements. Yet any survey of the influences at work in the history of the Cincinnati Southern Railway would be imperfect without the clear recognition of the part contributed by a single personality, Mr. Edward A. Ferguson, the author of the original enabling act, and a member of the board of trustees since its creation. In so far as it is possible to speak of any large work as the product of a single agent, the railway is to be associated with his name. The inception of the project, every piece of legislation, is traceable to his legal ingenuity. He is closely identified with the actual construction and the ultimate disposition of the railway, and but few details in its history fail to reveal the impress of his activity. Material interests, political preferment have been sacrificed, a life of high possibilities devoted with rare unselfishness to this one end."

STEPHEN R. HARRIS.

Stephen R. Harris was born in Stark County, Ohio, May 22, 1824. He read law with his uncle, John Harris, at Canton, and opened an office in Bucyrus, June 14, 1849. He was a pioneer among the lawyers of Ohio, and was held in high esteem by the members of his profession throughout the state. As a general practitioner, he stood in the front rank. His knowledge of legal principles was broad and accurate. Mr. Harris served through the Fifty-fourth Congress, a republican from a strong democratic district. He was one of the founders of the Ohio State Bar Association, and for many years Chairman of the Committee on Legal Biography. In his address as president of that body, he expressed this sentiment:

"There is no more exalted human character than the man of our profession who has rounded out a life of industry as an honest and successful lawyer."

In approving the memorial tribute of the Crawford County Bar, Judge Norris, of the Circuit Court, said in part:

"Stephen R. Harris, to me, did not at any time seem an old man. At the last term of this court, it was plain that his body was seeking rest, and that maybe the end was not far, yet his mind was young and alert and vigorous, and his cases bore evidence of the same careful preparation and were presented with the same energy as of yore. We, my colleagues and myself, marked all this and marveled at the potency of his intellect and the clearness of his understanding. We talked much of him and affectionately. His gladdening salutation, his kindly voice, his contagious laughter, his charming and scholarly conversation, his unlimited fund of general information, his vast knowledge of affairs; the very man and his sum and quality, blessed and was benedictive. All who knew this good man are fortunate that he has a place in their memory. Every member of this Bar who met him in the court room is a better lawyer, because of contact and acquaintance with him. Every judge before whom he tried a cause was instructed and made more proficient and fit for the duties of his position by having absorbed some of the learning reflected by his investigation and experience. Every juror called from the workshop

and the plow to assist in the administration of the most exalted and important branch of our government is made a more worthy member of the commonwealth by having sat within the sound of his voice and within the radius of his intellect."

At the age of fourscore years, with a record of fifty-six years as a lawyer in the active practice of his profession, on January 15, 1905, Stephen R. Harris, honored and beloved by all who know him, passed to his reward.

PENNSYLVANIA.

WILLIAM SCOTT.

William Scott was born in Huntingdon, Pennsylvania, May 8, 1850. He died at his home in Pittsburgh, February 27, 1906, having lived a few months less than fifty-six years.

His boyhood, until he was fourteen, was spent in the town of Huntingdon, where his father, John Scott, then resided and practiced law. There the subject of this sketch attended the common school and fitted himself for Princeton College, which he entered in 1864, and where he was graduated in 1868 at the age of eighteen. His father in that year was elected by the State of Pennsylvania as one of its United States senators, and William accompanied his father to Washington and was with him as his private secretary until the end of his term in 1874.

From 1874 until the fall of 1878 he was engaged in the study of law with his father as preceptor, though he also for a time acted as secretary of one of the senate committees; was for a time a member of a scientific corps that visited Colorado for geological exploration, and for a short time he was also engaged in the coal business near Huntingdon. On October 30, 1878, he was admitted to the Allegheny County Bar.

In 1887 he formed, with John Dalzell and George B. Gordon, the law firm of Dalzell, Scott & Gordon, which firm existed until his death. In 1896 he was elected and served as the president of the Bar Association of Allegheny County,

and in 1900 he was elected and served as the president of the State Bar Association, which latter association he served subsequently in other ways, and for its welfare he labored assiduously.

As a lawyer, he was studious, hard working and accurate; well read in the literature of the law and familiar with the decisions of the courts. He was a diligent student of the statute law, and it is but the exact truth to say that he was a well-read and learned lawyer.

His earlier life had fitted him in a more especial manner for the quieter part of the practice of law, to which he in his later years largely devoted himself. His knowledge of men, of affairs at large, of business, of bookkeeping, of stenography, of surveying and various other branches peculiarly equipped him for what might be termed office business.

From its inception in Pittsburgh, his practice was mostly in large matters. His earliest clients were men of great wealth engaged in numerous enterprises and making numerous investments.

His many admirable qualities made him a most valuable adviser. He had a natural tact and an obvious proficiency in the handling of the legal side of large transactions. He sketched and outlined with ease corporate proceedings and drafted and perfected the most intricate and difficult mortgages, deeds and contracts. For such a practice he was fitted by temperament, education and environment, and as such a practitioner he had no superior at the Bar of which he was a member.

He disliked and avoided, when he conscientiously could, the trial or argument of cases in court, but when duty called he was a most worthy and dangerous antagonist. As a case trier, his quiet, manly, honest and persistent manner impressed judge and jury. His mode of delivery in his arguments was calm and temperate, carrying with it his own belief in the truth and justice of his cause. He talked in a conversational tone, but he used appropriate words, well grouped,

and always evidenced a careful study and preparation of his case.

He was scrupulously honest, high-minded and honorable in all his professional life. He was a friend of truth, and he always sought the right. He thought a lawyer's only duty was to advise his client what he believed the law to be, and he steadily refused to invent devices and devious ways by which statutory and constitutional provisions might be evaded. He revered his profession and taught that in its pursuits no one could be successful in a true sense who did not set his face against chicanery and fraud, and all dishonest methods.

RUFUS E. SHAPLEY.

Rufus E. Shapley, for more than a generation one of the strong men of the Philadelphia Bar, died on February 11, 1906, in his sixty-sixth year. His birthplace was Carlisle, Pennsylvania, and he was graduated from Dickinson College in 1860. He began the practice of the law in Carlisle and removed to Philadelphia in 1866, where for the next three years he was engaged largely in other pursuits. Beginning with 1869, however, he devoted his whole time to the practice of his profession, and in those early years gained in the Quarter Sessions the quickness of thought and action which is learned most surely in that school and was constantly engaged in important litigation.

During the first decade of Mr. Shapley's practice, he had taken an active interest in Philadelphia politics, and during the three terms of Mayor Stokley represented his administration. In order to help his canvass to a fourth term, Mr. Shapley wrote the political satire "Solid for Mulhooly." "Solid for Mulhooly" was the text book of the reformers. Its authorship was then unknown. Mr. Shapley took the stump for Stokley, and on a certain evening toward the end of the campaign, while Shapley was addressing a republican assembly at Horticultural Hall, Hampton L. Carson, then an ardent young reformer and now the Attorney-General of Pennsylvania, was

reading extracts from "Solid for Mulhooly" to a reform meeting at the Academy of Music next door. The publication of this book marked a change in Mr. Shapley's career. No longer acceptable to the leaders of his own party and suspicious of the motives of professional reformers, he was barred alike from both camps. At the same time the reputation which he had gained from his practice and his book made his services sought by corporations and large moneyed interests, and from that time forward his practice was almost exclusively a corporation practice.

In 1885 Mr. Shapley was retained as special counsel of the State of Pennsylvania to examine into the tax accounts of the large corporations, and he succeeded in collecting many hundreds of thousands of dollars, some of the claims reaching as far back as the Civil War. He drafted what was practically a codification of the corporation tax laws of Pennsylvania, which was passed by the legislature, but failed to become a law by reason of not being signed by the presiding officer of one of the branches of the legislature. It was, however, passed in substantially the same form in 1889, and while since amended has remained the foundation of the tax laws of Pennsylvania until the present time.

About the same time Mr. Shapley became identified with the street railway interests of Philadelphia and shortly after became their general counsel, which position he held until the time of his death.

Only once in later years did Mr. Shapley depart from his resolution not to go into the criminal courts. In 1898 when Senator Quay was being prosecuted on the charge of conspiracy in connection with the failure of the Peoples' Bank, Mr. Shapley became senior counsel and was chiefly instrumental in outlining the defense which proved successful. This was practically Mr. Shapley's last appearance in the courts.

Mr. Shapley's health had been failing for some time and for the last few years of his life he was not in active practice. In fact it is only the older members of the Bar who can remember

Mr. Shapley in the vigor of his manhood. Though of a cynical temperament and a critical turn of mind, he was nevertheless a most delightful companion and a charming conversationist. He was a stranger to all the arts and shams of the demagogue and the pretender. He was the soul of individual and professional honor, and commanded the esteem of every self-respecting member of the Bar, not only because of his eminent ability, but also because no member of the Philadelphia Bar ever maintained with more scrupulous care every attribute of individual and professional manliness. Those who knew Mr. Shapley best loved him most.

RHODE ISLAND.

AUGUSTUS S. MILLER.

Augustus S. Miller was born August 13, 1847, at Plainfield, Connecticut. He was descended from Robert Miller, (1672-1727), who came to this country at the close of the seventeenth century and settled in Voluntown, Connecticut. He was also descended from Roger Williams, through his paternal grandmother. Mr. Miller received his early education in the public and private schools of Plainfield and Providence. He entered Brown University and was graduated in the class of 1871, with the degree of A. B., afterwards receiving the degree of A. M. He was admitted to the Bar of Rhode Island, April 2, 1874. In June, 1878, he formed a law partnership with H. J. Spooner. The firm afterward became Spooner, Miller & Brown by the admission of Arthur L. Brown. Upon the retirement of Mr. Spooner, on January 1, 1885, the firm became Miller & Brown and so continued until January 1, 1894, when Mr. Brown was appointed judge of the United States Court for the District of Rhode Island. January 1, 1897, Mr. Miller formed a partnership with Thomas A. Carroll, under the firm name of Miller & Carroll, which continued until Mr. Miller's death, September 26, 1905.

Mr. Miller was one of the foremost of his profession and was retained in many important cases. He was diligent, energetic and successful. Profound in legal attainments, he was above all an orator, and it was before the jury that he won his greatest triumphs. His ability to analyze a mass of testimony and present its salient points in argument was remarkable.

He took an active part in public life and politics. He was assistant clerk of the Supreme Court of Rhode Island from May, 1873, until October, 1876; member of the common council of Providence, 1885-1887, and its president in 1887. He was a member of the House of Representatives of the General Assembly in 1884-1885, and in 1889-1891, and was speaker of the House in 1889-1891. He was senator from Providence in the Rhode Island Senate, 1893-1894, and from 1902 until he died he was mayor of the city of Providence. He was vice-president of the Rhode Island Bar Association at the time of his death, and was also a member of the local council of the American Bar Association.

Mr. Miller's personality was striking. In political life he was a leader and a champion of the people. He had decided convictions. Once enlisted in a cause which he believed to be right, no amount of opposition could swerve him. He was a genial man, a man of broad sympathies and catholic interests. His friends often spoke of his charming conversation and his pleasing personality. He was an example of the kind of man whom all admired, a man who rose to high position and won the respect and confidence of his fellows by the strength of his individuality. Chief Justice Douglas, of the Supreme Court of Rhode Island, expressed in a few words the sentiment of the community when, upon hearing of Mr. Miller's death, he said, "His ability, like his personality, was high."

He married February 17, 1881, Miss Elizabeth Le Moine Davis, who, with a son, William Davis Miller, survives him.

TENNESSEE.

THOMAS HENRY MALONE.

Thomas Henry Malone was born in Limestone County, North Alabama, on June 3, 1834, and he died at his residence near Nashville, Tennessee, on September 14, 1906.

His parents were natives of Virginia. His father was a cotton planter, slave-holder and country gentleman of the old regime.

It was a cardinal principle among Southern gentlemen of his father's generation that a boy must first of all, as the very foundation of his education and of his character, be taught "to shoot a gun, to ride a horse and to speak the truth." These elementary things young Malone acquired in a high degree at so early an age that he could not remember when and how he learned them, and they abided with him.

First prepared in the very good local schools and colleges of Alabama, in the year 1849, at the age of fifteen, he was sent to the University of Virginia, where he resided nearly six years, finally taking the degree of master of arts.

For one year he filled the chair of higher mathematics in La Grange College, Alabama, and the next year he took up the study of law in the office of Houston & Brown, Nashville, Tennessee, and became a junior partner. But before he had gotten well under way the war between the states broke out, and he was among the first to join the Confederate army, starting as a lieutenant in the First Tennessee Infantry. The war being over, his father's estate being ruined, he renounced his share of the remnant in favor of his sisters. Reconstruction measures prevented Confederate soldiers from practicing law for a season, during which time young Malone taught school. When the way was clear, he again returned to Nashville, and formed a law partnership with A. L. Demoss, under the style of Demoss & Malone. This firm had an existence of nearly thirty years. The wreckage of the war filled the Nashville courts with litigation for some years thereafter, and during all

this period Demoss & Malone were among the leading lawyers. In the division of labor, Malone took the chancery practice, state and federal, and Demoss the law side. Malone made no pretensions to oratory, but he had studied, and he thoroughly understood the principles of both common law and equity in their historical developments and applications. His mind had been trained and disciplined by severe study at the University of Virginia, he was blessed by nature with a strong physique, so that he could work rapidly and yet effectively for many consecutive hours without exhaustion. His habits were entirely clean and temperate. He never touched pen to paper to draw a pleading until he had gone through the books, analyzed his case and viewed it in all its aspects. He had that natural decision of character that prompted him to choose his ground and take his stand thoroughly committed. He filed no fishing bills. He was a formidable adversary in a court of equity. But great and successful as he was in this his chosen forum, he probably did his best work as a teacher in a law school.

In 1875 he, in conjunction with Edmund Baxter and W. B. Reese, founded the Vanderbilt Law School, the law department of the Vanderbilt University. In addition to his accurate and scholarly learning, and his great experience, he had the faculty of illustrating and imparting what he knew in a very happy way, and at the same time his students became warmly attached to him. He awakened in them an enthusiasm for the law and for all that pertained thereto. He always held up and impressed, without an effort, the highest standards of professional ethics, morality and personal honor, for he was a gentleman in the best sense of that word, a scholar and a soldier. The world is better because he lived in it and passed through it.

WASHINGTON.

GEORGE M. FORSTER.

George M. Forster was born September 19, 1845, at Clamberso, Ontario, Canada, and died, after a brief illness, on February 12, 1905, at Los Angeles, California, where he had gone for a short visit.

Mr. Forster's parents were Scotch farmers and he lived with them on the farm, attending the public schools until he was eighteen years of age, when he went to Buffalo, New York. After a short stay at this place and at Kansas City, he went to St. Louis, where he read law and took the course at the St. Louis Law School. After getting his degree, he entered upon the practice of law in St. Louis, especially interesting himself in commercial law; but in 1883, on account of his wife's health, he was compelled to leave St. Louis and go West, locating in Spokane, Washington. Here he at once took his place as one of the leaders of the Bar and as a member of the firms of Turner & Forster, Turner, Forster & Turner and Forster & Wakefield. He was in the active practice of the law until the time of his death. He was an active member of the American Bar Association for many years, and was one of the first presidents of the Washington State Bar Association.

Mr. Forster was a lawyer of keen judgment, both business and judicial, and his advice was much sought because of this fact. He was well read in the law and was very successful as a trial lawyer.

Generous in personal life to a fault and of a genial disposition, he made and kept a host of friends who mourn his demise.

WYOMING.

JESSE KNIGHT.

Jesse Knight died at his home in Cheyenne, Wyoming, April 9, 1905. Though a young man, he was one of the pioneers of the state. He was born in Oneida County, New

York, July 5, 1850; came to Wyoming in 1871, locating at South Pass, where he became a clerk in a store; was soon after appointed postmaster and also clerk of the District Court, which latter position he held for fifteen years. He was admitted to the Bar in 1877; appointed territorial auditor in 1882; elected county and prosecuting attorney of Uinta County in 1888; was a member of the Constitutional Convention in 1890; was elected at the first state election in 1890 as judge of the Third Judicial District; was re-elected in 1896. Upon the death of Judge Conaway, Judge Knight was appointed, in 1897, as Associate Justice on the Supreme Bench, and in 1898 was elected to an eight year term on that Bench, becoming Chief Justice January 1, 1905.

He was a distinguished Mason, having attained to the thirty-third degree, and at the time of his death was deputy grand commander of Knights Templars. He was always prominent in movements looking to the development and advancement of the state's resources and the people's betterment.

As a lawyer in the practice, he often wrested success out of many and perplexing difficulties. As a judge on the trial bench, he tempered justice with mercy, his decisions were always guided by the strictest integrity and a great desire to do justice between litigants. By reason of his successful service on the trial bench, he brought to the Supreme Bench that splendid fitness for his duties which only such training, together with knowledge of the law, affords.

His personal life was guided by positive integrity, great generosity and a heart full of sympathetic and loving kindness. He who had Jesse Knight for a friend had a right to count him always his friend. He was close to the people and was always known to stand for their best interests, and the people never failed to stand by him.

SUMMARY OF PROCEEDINGS
OF
STATE BAR ASSOCIATIONS.

ALABAMA STATE BAR ASSOCIATION.

The twenty-ninth annual meeting was held at Anniston, on July 6 and 7, 1906.

The address of the President, George P. Harrison, of Opelika, was an interesting review of the work of the nation's law-making bodies, important decisions of the state and federal courts and noteworthy changes in the statutes.

The annual address was delivered by Judson Harmon, of Cincinnati, Ohio, on the subject, "The Independence of the Judiciary."

W. O. Hart, of New Orleans, addressed the meeting in behalf of action towards securing a uniform divorce law. He alluded, to the fact that though Alabama had, through this association, been the first to suggest the preparation and adoption by the states of a uniform negotiable instruments law, it had never adopted the Negotiable Instruments Law now in force in many of the states.

The association adopted the suggestion in the report of the Committee on Local Bar Associations, made by the Chairman, W. T. Sanders, that a copy of the Code of Ethics be framed and placed in a conspicuous place in every court house of the state. It was believed that this course would be highly beneficial to the Bar and the public alike.

The report of the Committee on Jurisprudence and Law Reform was made by the Chairman, J. M. Chilton, and suggested some action "corrective of the growing tendency in our Supreme Court to dispose of appeals otherwise than upon the merits."

The report of the Committee on Correspondence was submitted by the Chairman, F. G. Bromberg, and urged the enactment by the next legislature of the Uniform Negotiable Instruments Law and also the creation of a State Board of Commissioners for the Promotion of Uniformity of Legislation in the United States.

The report of the Committee on Legislation, presented by the Chairman, J. J. Mayfield, was a comprehensive review of needed legislation. A number of bills were called to the attention of the association, which will be presented to the meeting of the state legislature in January.

In the report of the Committee on Judicial Administration and Remedial Procedure, the Chairman, A. H. Alston, discussed the jury system. The employment of official court stenographers in the courts of the state was strongly urged.

Papers were read by Henry Fitts, on "Trial Courts in Alabama"; by Daniel Partridge, Jr., on "The Rationale of Interference by Injunction with Criminal Prosecutions under Void Municipal Ordinances," and by Francis G. Caffey, on "Chief Justice Stone," a sketch.

The members of the association were tendered a dinner by the Calhoun County Bar Association at Oxford Lake, near Anniston, and were the recipients of many other courtesies.

THE ARIZONA BAR ASSOCIATION.

At the annual meeting held at Phoenix, Arizona, on January 9, 1906, it was resolved to incorporate the said association under the laws of the Territory of Arizona, and said incorporation was concluded on March 30, 1906.

BAR ASSOCIATION OF ARKANSAS.

The ninth annual meeting was held on July 10, 11 and 12, at Texarkana, Arkansas. The Texas Bar Association held its twenty-fifth annual meeting at the same time and place. All the sessions were held jointly except two, which

were devoted to business by the separate associations. There were about four hundred lawyers present.

The address of the President of the Bar Association of Arkansas, Joseph M. Stayton, of Newport, was entitled "Compensation to Injured Workingmen," and was an interesting comment upon the law on the subject and the efforts towards a solution of the question by the nations.

The annual address was delivered by Mr. Justice David J. Brewer, of the Supreme Court of the United States, whose subject was "Two Periods in the History of the Supreme Court." This address was of national importance and has received wide publicity.

Judge Selden P. Spencer, of St. Louis, Missouri, delivered an address on the subject of "Lawyers and Lawlessness."

Judge U. M. Rose, of Little Rock, delivered an address upon "The Code Napoleon."

Papers were also read as follows: "Evolution of Law," by Judge R. G. Street, of Galveston, Texas; "Trade Monopolies and their Legal Restraint," by Jordan F. Sellers, of Morrilton, Arkansas; "The Law of Bribery," by Louis Rhodon, of Little Rock, Arkansas; "The Origin and Growth of the Ku Klux Klan," by T. W. Gregory, of Austin, Texas; "A Criticism of the Organization of Our Courts and a Theory for Their Reorganization," by Sam B. Dabney, of Houston, Texas; "Bills of Lading as Collateral Security for Loans," by William B. Smith, of Little Rock, Arkansas.

CALIFORNIA STATE BAR ASSOCIATION.

No report has been received.

COLORADO BAR ASSOCIATION.

The ninth annual meeting was held at Colorado Springs on September 27 and 28, 1906.

The President's address was delivered by Henry T. Rogers upon the subject, "Protection of Property Rights."

The annual address was delivered by Chester I. Long, of Kansas, upon the subject, "Congress and Interstate Commerce."

The Committee on Constructive Contempt, appointed at the last meeting of the association, requested the association to permit it to defer its report for one year because of the fact that the matter was involved in the political campaign in the state and the request was granted.

The Committee on Law Reform was instructed to consider and present to the association bills to be recommended to the legislature for enactment, which would tend to enable the Supreme Court to dispose of accumulated business. The matter provoked considerable discussion.

The following papers were read: "A Comparison between English and American Appellate Courts," by Thomas H. Hardcastle, of Denver; "Law and Reasonableness," by Carlton M. Bliss, of Denver, and "The Tool Case," by Henry J. Hersey, of Denver, and Edward P. Costigan, of Denver.

STATE BAR ASSOCIATION OF CONNECTICUT.

There has been no meeting of this association in recent years.

DELAWARE STATE BAR ASSOCIATION.

This association held no meeting in 1906.

BAR ASSOCIATION OF THE DISTRICT OF COLUMBIA.

The Bar Association of the District of Columbia holds stated meetings on the second Tuesdays in January, March, June and October of each year. No addresses are delivered. The only legal questions taken up by the association are proposed amendments to the Code suggested from time to time by different members of the association.

GEORGIA BAR ASSOCIATION.

The twenty-third annual meeting was held at Warm Springs, on July 18, 19 and 20, 1906. The address of the

President, T. A. Hammond, of Atlanta, discussed the subject, "Is There a Growing Disrespect for the Law?" The annual address was delivered by William Travers Jerome, of New York, upon the subject, "Public Opinion."

The association has been working for several years to secure the establishment of a court of appeals for the purpose of relieving the congested condition of the docket of the Supreme Court. At the last meeting, a committee was appointed to urge the passage by the legislature of a bill submitting an amendment to the state constitution for the creation of this court. This committee has succeeded in securing the passage of the bill and the ratification of the constitutional amendment by the people.

The association has also been endeavoring to have adopted the Uniform Negotiable Instruments Act. The committee having this matter in charge succeeded in getting this measure favorably reported by the appropriate legislative committees, but the bill failed to reach a vote. The Committee on Legal Education recommended that the requirements for admission to the Bar be so changed as to make necessary at least two years' study, as well as an examination before the Board of Legal Examiners. A special committee was appointed to bring about closer relations between the state association and the local Bar associations.

The following addresses were delivered by Judge John L. Hopkins, of Atlanta, on "The Lawyer in Government"; by Judge Emory Speer, of Macon, on "The Initiative of the President"; by Judge James H. Blount, of Macon, on "Some Legal Aspects of the Philippines," and by Judge L. E. Bleckley, of Clarksville, on "Value as Quality."

The following papers were submitted by H. M. Patty, of Atlanta, on "What Preventive Legislation is Needed with Reference to Divorce?" by Alexander Akerman, of Macon, on "Power of Municipal Courts"; by R. E. Dismukes, of Columbus, on "Forged Bank Checks"; by Alexander W. Smith, of Atlanta, and C. Henry Cohen, of Augusta, on "Should the

Bankruptcy Law be Repealed?" by W. W. Gordon, Jr., of Savannah, on "Defects in Our Criminal Procedure and Remedies Therefor"; by W. L. Scruggs, of Atlanta, on "The Evolution of the Fourteenth and Fifteenth Amendments"; by Charles R. Williams, of Columbus, on "The Legal Status of the Panama Canal Zone"; by James H. Gilbert, of Atlanta, on "Federal Control of Life Insurance"; by Shepard Bryan, of Atlanta, on "The Corporation as a Defendant in Criminal Prosecutions"; by W. A. Wimbish, of Atlanta, on "Judicial Control of the Rates of Carriers," and by J. Carroll Payne, of Atlanta, on "Magna Charta in Its True Light and in Its Actual Relation to the English People."

Memorials of Chief Justice Thomas J. Simmons, Chancellor Walter B. Hill, Robert G. Irwin, John W. Park and James M. McNeill were read.

One hundred and twenty-one members were elected at the meeting.

BAR ASSOCIATION OF THE HAWAIIAN ISLANDS.

The annual banquet of this association was held on Saturday evening, June 2, 1906, at Honolulu. The following speeches and addresses were made on that occasion: "The President of the United States," by B. A. Leavett, of the Federal Department of Justice; "The Frontier Lawyer," by Thomas Fitch, of California; "The Bench," by Judge A. A. Wilder, Associate Justice of the Supreme Court of Hawaii; "The Bar," by E. C. Peters, Attorney-General of Hawaii; "Our Relations with and Duties toward the Bench," by George A. Davis; "*Audi Alteram Partem*," by S. B. Kingsbury.

ILLINOIS STATE BAR ASSOCIATION.

The thirtieth annual meeting was held at the Chicago Beach Hotel, Chicago, July 12 and 13, 1906.

The President's annual address was delivered by George T. Page, of Peoria. The address was devoted to the consideration of new laws recently enacted by the General Assembly of Illi-

nois and suggested reforms in the laws of the state. The Secretary's report was read by James H. Matheny, and included a brief resume of what Bar Associations were doing in other states.

The annual address was delivered by James Hagerman, of St. Louis, on the subject, "What of our American States?" He traced the marvelous extension of the area of the United States since the adoption of the Constitution; and the growth of the power of the federal government under the Constitution, and after showing that the state-making period of our country was almost at an end he sounded a note of warning against the further encroachment of federal power upon the rights of the states.

"The Lure of Graft and the Method of its Cure," was the subject of an address delivered by William R. Curran, of Pekin, in which he treated the cause of and the cure of graft in public and private life.

"Public Ownership by Municipal Corporations," the topic for general discussion by the association was opened by Clarence S. Darrow, of Chicago, in favor of public ownership, and was followed by William R. Hunter, of Kankakee, in opposition thereto. The interest manifested in the subject by the members of the association indicated the prominent place that this question has now in the public mind.

"The Law of Primary Elections" was the subject of an address by M. J. Daugherty. The evils of the bill enacted by the last legislature upon the subject of primary elections were attacked and the speaker recommended that direct primaries should be held throughout the state in which the people should nominate candidates for public office without the intervention of party bosses.

"The Municipal Courts of Chicago" was the subject of an address by Robert McMurdy, of Chicago, in which the expectations, the advantages and disadvantages of the new law providing municipal courts in Chicago were clearly set forth, and the speaker expressed the fear that the new municipal

courts would be of so high a grade that they would not meet the wants of poor people having small claims for adjustment and that every litigant would be required to employ a lawyer.

The report of the Committee on Law Reform was read by the Chairman, William B. Wright, of Effingham, and recommended that the association endeavor to secure the passage of the bill known as House Bill No. 31, which provides for many reforms in the Practice Act. The association adopted a resolution recommending the passage of this bill.

The report of the Committee on Legal Education was read by Oliver A. Harker, of Urbana, and strongly recommended the study of the law in the law school rather than in the lawyer's office.

The report of the Committee on Grievances was presented by M. J. Daugherty, of Galesburg.

The report of the Committee on Admissions was presented by William M. Pindell. A considerable number of new members were admitted.

The report of the Committee on Uniform Laws and Negotiable Instruments Law was presented by John C. Richberg, of Chicago, and strongly recommended the adoption by the State of Illinois, of the Uniform Negotiable Instruments Law, which is now in force in twenty-eight states, one territory and the District of Columbia. The association adopted the report and will work for the passage of this law.

James H. Matheny, who has been Secretary of the association for about ten years and during whose term of office the association has had great growth, resigned the office of Secretary.

A reception and banquet was held at the Chicago Beach Hotel on the evening of July 13th.

STATE BAR ASSOCIATION OF INDIANA.

The tenth annual meeting was held in the West Baden Springs Hotel, at West Baden, July 11 and 12, 1906.

The President's address was delivered by Colonel Charles L.

Jewett, of New Albany, at one time Judge Advocate, United States Army, and discussed the "Indiana Code of Criminal Procedure." By request of the association, Judge Horace H. Lurton, of the United States Circuit Court of Appeals for the Sixth Circuit, delivered, as the annual address, his address on "The Evolution of the Right of Trial," which had been previously delivered before the Michigan State Bar Association, on June 28, 1906.

An address on "Reminiscences of Indiana Lawyers," was delivered by John W. Kern, of Indianapolis.

Papers were read by Sol H. Esarey, of Indianapolis, on "Suggestions as to Recent Criminal Statutes"; by Sydney B. Davis, of Terre Haute, on "Some Needed Judicial Reforms"; by Judge Joseph M. Rabb, of Williamsport, on "The Trials of the Trial Judge," and by Jesse S. Reeves, of Richmond, on "Jeremy Bentham and American Jurisprudence." There was an exceedingly animated discussion on Mr. Esarey's paper, as well as upon the President's address.

The Committee on Jurisprudence and Law Reform recommended a general reorganization of the *nisi prius* courts of the state, with an increase in the salaries of the judges, and the appointment of a standing legislative committee on revision of the laws concerning private corporations, to be done by a codification commission, and that the members give hearty support to the efforts of the American Bar Association to bring about a uniformity of laws, such efforts to be under the direction of a legislative committee to be appointed.

The Committee reported adversely on the following propositions to amend the law:

1. So as to require parties to actions who may be witnesses in their own behalf to testify before the introduction of any other evidence.
2. To require instructions to the jury to be given before the argument of counsel.
3. To permit probate during the life of the testator.

The committee reported favorably as to a proposition to facili-

tate appeals to the courts of last resort and recommended the adoption of a portion of the Massachusetts Practice Act.

The reports of the committee were approved.

A special committee of five was appointed to report to the next meeting of the association as to the workings of the indeterminate sentence law, which has been in force in Indiana since 1897.

IOWA STATE BAR ASSOCIATION.

The twelfth annual meeting was held at Des Moines, July 12 and 13, 1906.

William H. Bailey, President of the association, delivered the President's address on "A Problem in the Control of Business Corporations."

The Committee on Law Reform made the following recommendations:

1. That the law should be changed so as to require an abstract to be filed in the Supreme Court, and the case docketed within three months after the appeal is perfected, unless, upon written application to the court or a judge thereof, the time for filing the same is extended.

2. That in criminal cases the appeal to the Supreme Court shall be perfected within six months from the date of the judgment in the lower court.

3. That there should be adequate legislation providing for the punishment of a man, who, without just cause, deserts his family.

4. That in empaneling a jury sixteen men shall be first called, and after examination for cause, peremptory challenges shall be exercised, three on each side, each vacancy to be filled as the challenge is exercised, and then that the parties shall each challenge two men from the sixteen men remaining after the exercise of the three peremptories as aforesaid.

5. That the court in its discretion may refuse to appoint a non-resident of the state as executor, and in case it does appoint a non-resident as executor, the court may require him

to give bond regardless of any provision of the will to the contrary.

6. That the expense of fees for surety bonds of trustees, guardians, administrators and executors may, in the discretion of the court, be allowed as part of the expense of the estate or guardianship.

7. That in all trials of divorce cases where there is no appearance for the defendant, the testimony shall be taken in the form of depositions, or by the official reporter, and a transcript thereof shall be made by said reporter and filed in the office of the clerk within three months after the trial, and the costs thereof shall be taxed as part of the costs of the case.

Recommendations one, two, three and six were adopted, and on recommendation seven was adopted so far as it required the testimony to be taken in shorthand.

The association also adopted a resolution that it was the sense of the association that bonding companies issuing bonds in this state should be required to make a deposit of money or securities with the auditor of the state, which should be subject to execution upon judgments rendered against the companies.

The annual address was delivered by John Campbell, of Colorado, on the subject "Freedom of the Executive in Exercising Governmental Functions from Control by the Judiciary." He discussed the decision of the Supreme Court of Colorado in the case of *in re Moyer*, growing out of the efforts of the executive of Colorado to suppress a rebellion in San Miguel County in 1904.

The following papers were read: "The Divorce Problem and Recent Decisions of the United States Supreme Court," by D. D. Murphy, and "*Salus Populi Suprema Lex*," by S. M. Weaver.

BAR ASSOCIATION OF THE STATE OF KANSAS.

The twenty-third annual meeting was held in Topeka, January 30 and 31, 1906.

The President's annual address was delivered by Judge C. W. Smith, of Stockton, on the subject, "The Government and the Corporation." It was a very able address and has attracted considerable attention in the West, owing to the fact that the "corporation" is receiving all due attention in this section of the United States.

The annual address was delivered by Judge James M. Johnson, of Kansas City, Missouri, on "New Models." It was a pleasing and instructive address and was much enjoyed by the largest number of lawyers that has ever attended the meetings.

Papers were read on "The Case System," by E. B. Conant, Dean of the Washburn Law School, Topeka; on "The Ethics of the Practice," by ex-Judge W. R. Biddle, of Fort Scott; on "Election Reforms: the Trend toward Democracy," by J. C. Ruppenthal, of Russell; on "Laws and Legislation on Oil and Gas," by S. M. Porter, of Caney; on "That Wilderness of Single Instances," by W. H. Rossington, of Topeka; on "An Appeal to the Tavern," by ex-Chief Justice of the Supreme Court, Frank Doster, of Topeka; on "Federal Control of Life Insurance," by George J. Benson, of Eldorado (the most meritorious of the papers of the senior class of the State University Law School in contest for this honor); on "How Cases are Considered in the Supreme Court," by Justice C. B. Graves, of the Supreme Court of Kansas.

There were no matters of special importance reported by committees, but the association provided for a committee of five to report a general revision of the "Code of Civil Procedure," eliminating as far as practicable all arbitrary rules which tend to delay the disposition of causes, determine them other than on their merits, occasion unnecessary costs or inconvenience or require successive trials of the same issue, and that the committee reduce its proposed amendments to the form of a bill to be presented to the legislature at its next session, if approved by the association. This committee is to

report the first day of the 1907 session. The wholesale revision of probate practice was also provided for. These two subject will probably occupy most of the available time at the next meeting.

Forty-six new members were elected. The meeting closed with a banquet.

KENTUCKY STATE BAR ASSOCIATION.

The fifth annual meeting was held at Winchester, on June 27 and 28, 1906. There was an unusually large attendance of members, who were cordially welcomed by Circuit Judge J. M. Benton.

The President, D. L. Thornton, read his report which contained a full review of the year's work and many valuable suggestions for the future good of the association and its work. He congratulated the association upon the final success of its efforts in obtaining a new jury law.

The annual address was delivered by General B. R. Cowen, of Cincinnati, on "Chief Justice Waite, His Life and His Decisions."

Papers were read by John R. Allen, of Lexington, on "Needed Reforms in Criminal Procedure"; by Circuit Judge W. P. Sandidge, on "Incorporation of Policy Holders in Life Insurance Companies"; by John D. Carroll, Commissioner of the Kentucky Court of Appeals, on "Regulation of Railroad Rates."

The general interest in the addresses and papers was shown by the lively discussions thereof.

Reports from the Treasurer, Secretary and standing committees showed the association to have been very active during the year and in a flourishing condition. The membership has been increased from five hundred and fourteen to five hundred and seventy-one members.

LOUISIANA BAR ASSOCIATION.

The fifty-ninth annual meeting was held on May 5, 1906.

The President, Edwin T. Merrick, of New Orleans, delivered an address on "The Lawyer of the Day."

The annual address was delivered by S. S. Gregory, of Chicago, on the subject of "A Historic Trial." The address treated of the life and trial for treason of Aaron Burr.

A paper was read by George H. Terriberly, on "The Rate Bill." This paper related to the bill on the subject then pending in Congress.

No important matters were reported on and no legislation was recommended at this meeting.

MAINE STATE BAR ASSOCIATION.

No meeting was held in 1906.

MARYLAND STATE BAR ASSOCIATION.

The eleventh annual meeting was held at Ocean City, on July 11, 12 and 13, 1906.

Papers were read by John J. Donaldson, of Baltimore, on "The Law's Delay—Some of Its Reasons, with Some Suggested Remedies"; by Hannis Taylor, on "A Government of Law as Distinguished from a Government of Functionaries"; by James M. Munroe, of Annapolis, on "The Growth and Development of the Federal Constitution," and by Ferdinand Williams, of Cumberland, on "William Walsh" (a prominent Maryland lawyer).

There was no especial matter in the reports of any of the standing committees.

MICHIGAN STATE BAR ASSOCIATION.

The seventeenth annual meeting was held on June 27 and 28, 1906, at Kalamazoo.

The address of the President, William G. Howard, of Kalamazoo, treated of several matters pertaining to practice in the state and federal courts, with suggestions as to changes and amendments thereto. Among the subjects treated of were appeals and certiorari from justice courts, appeals and writs of

error in circuit courts, official stenographers, jurors in circuit courts, practice in probate court, change of venue law and costs in the federal courts.

The report of the Committee on Grievances reviewed its work for the preceding year, and such report was accepted and filed.

Judge Horace H. Lurton, of Nashville, Tennessee, delivered the annual address, on "The Evolution of the Right of Trial."

The Committee on Legislation and Law Reform reported that they had submitted to the Supreme Court of the state a proposed amendment to Circuit Court rule 24, pertaining to length of time for argument; that they recommended that the suggestions made by Chester L. Collins, at the 1905 meeting of the association, for the appointment of a commission to revise the statutes of the state pertaining to specific subjects be urged upon the state legislature. The committee also reported on the subject of the new change of venue law, the new law in regard to the measure of damages in actions for negligent injuries, and in regard to the delayed publication of our State Supreme Court reports.

The committee heretofore appointed for the purpose of considering the matter of selecting a suitable memorial to Judge Isaac P. Christiancy, recommended that the association place a bust of Judge Christiancy in the State Law Library at Lansing. The recommendation was adopted.

The Committee on local and special legislation reported in favor of a constitutional amendment which would require that all municipal corporations be organized under a general law, thereby cutting off special legislation on such matters. The report of this committee was adopted, and the committee authorized to urge the Constitutional Convention of this state to recommend the amendment of our Constitution accordingly.

The special committee appointed to consider the address of the President recommended the submission of the several portions of said address to various standing and special committees for action. The report was adopted.

The Committee on Legal Education and Admission to the Bar reported that the present statutes and rules governing this subject in this state are quite satisfactory.

A complimentary banquet was tendered to the members of the association by the Kalamazoo Bar Association.

MINNESOTA STATE BAR ASSOCIATION.

The sixth annual meeting, since the reorganization of the association, was held in the council chamber, in the court house and city hall in the city of Minneapolis, on April 3, 1906.

The address of the President, A. C. Wilkinson, of Crookston, was descriptive of the progress of the association and urged the large membership present to recruit the association to still larger numbers. The President announced the approaching visit of the American Bar Association to Minnesota and the duty of hospitality thus entailed upon the home association.

The annual address was delivered by Judge Charles F. Amidon, of the United States District Court of North Dakota, on the subject: "The Quest for Error and the Doing of Justice." The address aroused an interest almost sensational.

Charles C. Wilson, of Rochester, gave an interesting description of trial courts and procedure in England based upon personal observation.

The Committee on Legal Biography submitted memorials of seven members of the Minnesota Bar who had died during the preceding year.

The Ethics Committee submitted a report, which was not published, covering the complaints investigated during the same period.

Reports were received from the Library Committee, the Committee on Jurisprudence and Law Reform, the committee appointed to secure to Minnesota the 1906 meeting of the American Bar Association and from a committee on proposed amendments to the constitution.

The Treasurer's report showed the association to be in better financial condition than at any time of its history.

A largely attended banquet was held in the evening of April 3d.

MISSISSIPPI STATE BAR ASSOCIATION.

This association was organized on January 25, 1906, at a meeting called for the purpose and held in the hall of representatives in the city of Jackson. A constitution and by-laws were adopted and it was determined to hold the first meeting in the city of Gulfport, on the 19th of June, 1906.

The first meeting of the association was held at the time and place above noted. After an address of welcome by E. G. Bowers, of Bay St. Louis, the President, D. G. Shands, delivered an address on matters of general interest to the association. A paper was read by James F. McCool, in which he urged relief to the judges of the state.

A report was made by the Committee on Jurisprudence and Law Reform, urging the necessity of uniformity in state laws, and recommending that the number of the Supreme Court judges be increased from three to five. This amendment was adopted.

A resolution was adopted recommending that the legislature create the office of Supreme Court Commissioner and provide for the appointment of two such commissioners, whose duties shall be to sit with the judges of the supreme court and consult with and assist them in the causes before the court, with no power, however, to vote as to the manner in which they shall be determined or disposed of.

A report was made by the Committee on Legal Education and Admission to the Bar, urging a higher standard both as to the knowledge of the law and the ethics of the profession.

MISSOURI BAR ASSOCIATION.

The twenty-fourth annual meeting was held at St. Joseph, September 28 and 29, 1906.

The President's address, by Robert F. Walker, reviewed national and state legislation enacted during the year and discussed the causes of increased legislation due to more general intelligence, modern methods of business and increased facilities therefor. The address presented the difficulties attending an attempted codification of the body of the law, either of the nation or of any particular state, and concluded that it was not possible under present conditions for either national or state laws to be resolved into a code. Much consideration was given to the question as to whether Missouri should have a new constitution, and as to a more complete and thorough revision of the statutes of the state. In discussing the latter question, the address reviewed the history of former statutory revisions and criticised each, concluding with suggestions as to the manner and time within which a revision should be made.

The annual address on "Ancient Lawyers," was prepared by Eugene F. Ware, of Topeka, Kansas. The address was not read, owing to the illness of the author, but is published in the report of the proceedings.

Important matters reported on by committees were: A report of the Committee on Legal Education and Admission to the Bar, proposing a "Code of Ethics," which was adopted; a report of the Committee on Jurisprudence and Law Reform, recommending that action be taken to secure the passage of a law by the General Assembly of 1907, providing for a commission to revise the statutes of the state and report the result of its work to the General Assembly of 1909.

Papers were read by Edward J. White, of Aurora, on "The Judiciary and Public Sentiment"; by Perry F. Rader, of Jefferson City, on "Legal Reporting and Indexing," and by Judge L. R. Wilfey, of the United States Court in China, on "The Administration of Justice in the Far East."

MONTANA BAR ASSOCIATION.

The twenty-first annual meeting was held in the federal building, at Helena, on January 9 and 10, 1906.

Immediately prior to the meeting proper of the association, a brief session of the United States Circuit and District Courts was held, Judge William H. Hunt upon the Bench.

J. A. Walsh, of the Committee on Portrait, presented to the United States Courts, on behalf of the Montana Bar Association, an oil portrait of Judge Hiram Knowles, painted by Col. Thorpe, of Washington, District of Columbia. The painting was accepted by Judge Hunt, for the Federal Courts, in a graceful response, and court then adjourned.

The principal address of the meeting was that of William Scallon, the retiring President. The paper opened with a tribute to the late Colonel Wilbur F. Sanders. It then dealt largely with the subject of uniformity of laws among the several states, describing what has been accomplished in this direction, the part Montana has taken in the work, having passed the Negotiable Instruments Law, and having had an unofficial commission for about twelve years. The President urged the creation by the legislature of an official commission and also urged the lawyers of the state to join the American Bar Association. The question of an additional federal judge for the District of Montana was also taken up.

The Executive Committee reported in favor of the publication of volume 2 of the reports of the association, and also the proceedings before the Supreme Court of the state in reference to the death of ex-Chief Justice Decius S. Wade.

The report of the Committee of Jurisprudence and Law Reform again brought up the question of elective judges, and the desirability of having judges appointed for a life tenure. It recommended that the Bar should select names for positions on the supreme and district Benches, to be submitted to the party conventions, from which lists such nominations could be made. Legislation was urged doing away with the necessity for preparation of statements and bills of exceptions on motions for a new trial; repealing the so-called Fair Trial law, as putting a premium on perjury in the case of the dishonest litigant and heavy and needless burdens upon the

honest litigant; and advocating improvement in the law as to tax titles, to make them more secure. The bills before Congress, one creating a Tenth Circuit Court of Appeals, and the other making two federal districts in Montana, were then discussed. After full discussion, no action was taken by the association as to the selection of judges.

A resolution was adopted endorsing the bill for the creation of the Tenth United States Circuit Court of Appeals, and the Secretary was instructed to send copies to the Bar Associations of Wyoming, Colorado, Utah, Arizona, Idaho and New Mexico, and urge its adoption by them.

Another resolution endorsing a modification of the bill for the creation of an additional district in Montana was adopted, asking for an additional federal judge without the division of the district, and directing the Secretary to secure as far as possible the endorsement of the same by the members of the association throughout the state.

Judge Charles W. Pomeroy read an address on "Legal Education and Admission to the Bar," deploring the overcrowding of the profession and the consequent overcompetition, leading too frequently to unprofessional conduct and methods of securing business. He recommended the admission of no one to practice who had not had a three years' course in an accredited law school, and who, in addition, had not passed an examination before the Supreme Court.

The meeting was an important one and its effect will probably be felt in legislation during the coming session of the state legislature.

NEBRASKA STATE BAR ASSOCIATION.

No report has been received.

BAR ASSOCIATION OF THE STATE OF NEW HAMPSHIRE.

The annual meeting was held in the Supreme Court room, in the city of Concord, on October 1, 1906.

The President of the association, Samuel C. Eastman, of

Concord, gave an address upon the subject of the reforms in pleading in New Hampshire and England, and how they were brought about.

Edward M. Shepard, of New York, delivered the annual address upon the subject of "The Law for Corporate Capitalization and Public Sentiment towards Corporations."

The meeting closed with a banquet.

NEW JERSEY STATE BAR ASSOCIATION.

The eighth annual meeting was held at Atlantic City, on June 15 and 16, 1906.

Henry Flanders, of the Philadelphia Bar, delivered an address upon "William Pinckney, Lawyer, Statesman, Diplomat."

Reports of the various committees were submitted. A proposition to endorse the plan of the proposed constitutional amendment readjusting the judiciary of the state was laid over until a special meeting could be called for the purpose of considering the same.

A special meeting was held at Atlantic City, on September 28, 1906. At this meeting the association approved the plan and general features of the proposed constitutional amendment reported to the Governor by the Commission provided for in the Act of March 31, 1905, and the President was directed to appoint a committee to promote favorable action thereon.

NEW YORK STATE BAR ASSOCIATION.

The twenty-ninth annual meeting was held in Albany, on January 16 and 17, 1906.

Richard L. Hand, President of the association, delivered an address on the subject, "Judicial Power in the State of New York," embodying a brief historical review of its growth, an analysis of its scope and force as affected by modern conditions, and an appeal to the Bar of the state to exert its influence in the support of the sovereignty of the judiciary, the

selection of fit men, the sustaining of their authority, and the guarding of the judiciary power from encroachment by executive or legislative departments of the state.

The Committee to Consider the Condition of Litigation in various Districts, the Designation and Compensation of Justices presented a report containing a comparative statement of the population in the various districts, the number of Supreme Court justices, the number of jury and equity cases respectively on the calendars of each district undisposed of on December 1, 1905. The committee recommended that additional justices should be elected as follows: First District, four; two in 1906 and two in 1907. Second District, ten; four in 1906, three in 1907 and three in 1908. Eighth District, one to be elected in 1906. After debate, the report was adopted.

The question of ballot reform was brought to the attention of the association by William M. Ivins, of New York, in an elaborate and exhaustive address. Richard H. Dana, of Boston, read a paper on the Australian ballot system of Massachusetts. Addresses on the subject were made by Ansley Wilcox, of Buffalo, William C. Osborn, of New York, and John D. Lynn, of Rochester, and a resolution was adopted favoring and urging the enactment of a law abolishing the use of the party column ballot, and providing for the adoption of the Australian system, under which the names of nominees for office shall be arranged in separate groups under the titles of the respective offices for which they are candidates.

• Ex-Senator David B. Hill appeared before the association and stated that when the Legislative Committee which had been appointed to investigate the affairs of the Equitable Life Assurance Society of New York had nearly completed its labors in December, 1905, it requested him to appear before it and testify in relation to the compensation he received from the Equitable Association as counsel; that owing to his serious illness he had been unable to do so, and the hearings were closed without an opportunity having been afforded him to

testify ; that his non-appearance before the committee had subjected him to criticism, and that, not desiring to rest under the imputation or suspicion of having evaded an investigation of his employment, he desired to ask the New York State Bar Association to make an investigation of his relations with the Equitable Society. Senator Hill offered a resolution that his request be referred to the Grievance Committee of the Association ; that said committee be directed to investigate and report to this body whether there was anything improper or unprofessional in his employment by the Equitable Life Assurance Society, and whether the compensation received by him was reasonable or excessive, and whether the same was received for political purposes. The resolution was adopted and the matter referred to the Grievance Committee, which committee afterwards reported as follows :

1. That there was nothing improper or unprofessional in David B. Hill having acted as counsel for the Equitable Life Assurance Society under an annual retainer during the period from 1892 to 1905.
2. That the compensation received by him for the services rendered under this retainer was reasonable and not excessive.
3. That this compensation was not received for any political purposes or services.

The annual address was delivered by Charles E. Littlefield, of Maine, on the subject, "The Three Departments of Government and Their Relation to Each Other."

Papers were read as follows : "Combination of Contracts Relating to the Sale of Personal Property," by Edward S. Rapallo, of New York ; "Fraudulent Conveyances," by Frederick S. Wait, of New York ; "Should the Grand Jury System be Abolished?" by George Lawyer, of Albany ; "On the Electoral System of the State of New York," by William M. Ivins, of New York ; "The Corrupt Practices Act—The Nominating Machinery and the Australian Ballot System of Massachusetts," by Richard H. Dana, of Boston ; "The Disregard of Law," by Alphonso T. Clearwater, of Kingston ; "The Great Forward Movement for Uniform Divorce Laws," by Clinton B. Gibbs, of Buffalo.

On Wednesday evening, January 17th, the annual banquet was held at the Ten Eyck Hotel.

On July 1, 1905, the membership of this association consisted of sixteen hundred and ninety-two active members, and one hundred and thirty-seven honorary members; total, eighteen hundred and twenty-nine.

THE NEW MEXICO BAR ASSOCIATION.

The annual meeting was held at Cloudcroft, on August 22 and 23, 1906.

The President's address was delivered by W. A. Hawkins, of Alamogordo, upon the status of the statehood question. The address went thoroughly into all phases of this question and was exceedingly well prepared and delivered.

The annual address was delivered by William Church Osborne, of New York city, and dealt largely with the political conditions in the city and state of New York, and the manner in which the municipality of New York was dealing with the question of foreign immigration which had become a question of such magnitude as to demand extraordinary attention and effort.

Many matters of law reform were discussed before the association.

In order that this association might be duly represented at the meeting of the American Bar Association, the President was authorized to appoint delegates, the President to be one of the delegates.

Papers were read by L. B. Prince, of Santa Fé, upon the life of Judge Tuley, of Chicago, a former resident of this territory; by A. B. McMillen, of Albuquerque, on "The Ideals of the Law," and by T. B. Catron, of Santa Fé, on the political conditions in New Mexico, past, present and future, especially with regard to the statehood question as affecting New Mexico, his paper being a plea for single statehood for New Mexico.

NORTH CAROLINA BAR ASSOCIATION.

The eighth annual meeting was held at Wrightsville Beach, June 27, 28 and 29, 1906.

The President's address was delivered by Clement Manly, of Winston-Salem, the subject being the "North Carolina Lawyer." Among the topics especially referred to by him were the requirements prescribed for admission to the Bar and exemption from jury duty.

The annual address was delivered by Hannis Taylor, of Washington, District of Columbia, who took as his subject, "The Independence of the Federal Judiciary."

T. W. Bicket, of Louisburg, delivered an exceedingly witty and interesting address on the "Personality of the Judge."

The most important subject brought before the meeting, and one on which there was much discussion, was the report of the committee appointed at the seventh annual meeting to submit the draft of a bill for the disbarment of attorneys for unprofessional conduct.

BAR ASSOCIATION OF NORTH DAKOTA.

The seventh annual meeting was held at Grand Forks, on September 18, 1906.

The President's address was delivered by H. A. Libby at the opening of the session, in which he dwelt at some length on needed local legal reforms. The annual address was delivered by Frank B. Kellogg, on "The Duty of the Lawyer to the General Public." Judge Chas. F. Amidon, United States District Judge for the District of North Dakota, addressed the association on the "Non-Partisan Judiciary."

The subject that attracted closest attention and elicited the most heated discussion was brought about by the introduction, by ex-Chief Justice Guy C. H. Corliss, of the following resolution, viz.:

Resolved, That it is the sense of the Bar Association of the State of North Dakota that this association owes to the public the duty of using all its power and influence to place

and keep upon the Supreme Bench of this state, capable, experienced and upright lawyers, without regard to party affiliations; and to this end,

It is Further Resolved, That whenever the exigency presents itself, the President of this association may, and on the request of any three members in writing shall, call a special meeting of the association, at a time and place to be designated by him, to the end that the association at such meeting may take such action as the public interests demand with respect to the selection of a judge for such Bench.

This resolution is not to be regarded as the expression of the views of the association on the subject of the present candidacy of Judge Knauf and Judge Fisk for the Supreme Bench, and that no action by the association is or shall be taken in that behalf."

After considerable debate the resolution was adopted. The Bar of the state generally took an active part in the campaign of 1906 in behalf of the so-called non-partisan judiciary.

The Secretary of the association read his report as delegate to the American Bar Association.

THE OHIO STATE BAR ASSOCIATION.

The twenty-seventh annual meeting was held at Put-in-Bay, July 10, 11, 12 and 13, 1906, and was one of the most successful meetings ever held by the association. The meeting was called to order by F. J. Mullins, of Salem, Ohio, Chairman of the Executive Committee for the past three years, and was presided over by Edward Kibler, of Newark, President of the association. Nearly one hundred and fifty lawyers were admitted to membership in the association, which is by far the largest increase in membership at any one meeting.

The President's address discussed some of the important parts played by the association in perfecting legislation in Ohio.

Annual reports were made by the Secretary, Edward B. McCarter, of Columbus, and by the Treasurer, Clement R. Gilmore, of Dayton, showing the association to be in excellent standing.

The annual address was delivered by Hon. William H. Taft, Secretary of War, on the subject, "The Panama Canal." The address was listened to by an appreciative audience, as Judge Taft treated this great American subject as no one else could have done.

Wade H. Ellis, Attorney-General of Ohio, delivered an excellent address on "Taxation in Ohio," which was such a complete treatment of the present situation in the state that the association decided to have five thousand copies printed and distributed to the General Assembly and all municipal, county and state officers.

"Can the Accumulation of Great Wealth be Regulated by Taxation?" was discussed for the affirmative by Aaron A. Ferris, of Cincinnati, and for the negative by Alexander Hadden, of Cleveland. Both treated their respective sides in an exhaustive manner.

W. S. Metcalfe, of Chardon, delivered an interesting address on a "Biographical Sketch of Peter Hitchcock."

The Committee on Judicial Administration and Legal Reform made its annual report, which was unanimously adopted. Two of the most important recommendations of this committee which were adopted were to provide that in all uncontested divorce cases counsel shall be appointed by the court to represent the non-contesting party without fees, and that no divorce decree shall take effect until entered on the docket, and shall not be entered until after the expiration of six months from the announcement of the decision allowing the divorce, and until so entered such decree shall be within the absolute control of the court in which the cause is pending. The association has always been quite a factor in molding legislation in Ohio, so its action is closely watched by all who are interested in better laws.

THE OKLAHOMA AND INDIAN TERRITORY BAR ASSOCIATION.

The third annual meeting will be held in Oklahoma City, Oklahoma Territory, on December 21 and 22, 1906.

OREGON BAR ASSOCIATION.

The sixteenth annual meeting was held on November 20, 1906, at Portland. Owing to the absence of the President, Wm. M. Cake, his annual address was omitted, and Vice-President, B. B. Beekman, presided over the meeting.

The papers read were as follows: "Radicalism *vs.* Conservatism," by Will G. Graves, of Spokane, Washington; "A State Railroad Commission," by Joseph N. Teal; "The State Tax Commission and Its Work," by Frederick W. Mulkey; "A State Banking Law," by Lydell Baker.

In the evening a banquet was given at the Portland Commercial Club, one hundred and twenty-five members being present.

PENNSYLVANIA BAR ASSOCIATION.

The twelfth annual meeting was held at Bedford Springs, June 26, 27 and 28, 1906.

The President's address was delivered by J. B. Colahan, Jr., on "Comments on Recent State Legislation."

The annual address was delivered by Hon. William H. Taft, Secretary of War, on "The Legislature and the Execution of the Laws."

The Committee on Law Reform reported an act relating to witnesses and witness fees, which after a lengthy discussion was not approved.

An act was approved and recommended to the legislature for adoption prohibiting domestic and foreign corporations that receive deposits, execute trusts or act in any fiduciary capacity from becoming surety for the performance of any duty or obligation by any person, firm or corporation or public officer, except in the cause of proceedings in courts of record, other than criminal courts, or for executors, administrators, receivers, sequestrators, assigns, masters, committees, guardians, trustees or other fiduciaries appointed by or directly answerable to a state or federal court of record.

The reports of the Committees on Legal Education, Legal Biography, Grievances and Comparative Jurisprudence were most interesting. A special committee of five was appointed to consider and report upon a Code of Professional Ethics.

Papers were read by William U. Hensel, of Lancaster, on "Thaddeus Stevens as a Lawyer"; by Thomas Leaming, of Philadelphia, on "A Philadelphia Lawyer in the London Courts"; by Cyrus E. Woods, of Greensburg, on "Legislation in Pennsylvania"; by Richard L. Ashhurst, of Philadelphia, on "Some Questions of Legal Ethics Suggested by the Life and Career of Lord Chancellor Bacon, Viscount St. Albans"; by Hampton L. Carson, Attorney-General of the Commonwealth, on "Some Administrative Questions"; by Clement B. Penrose, of Philadelphia, on "Coke on Littleton."

RHODE ISLAND BAR ASSOCIATION.

The ninth annual meeting will be held in December, 1906.

SOUTH CAROLINA BAR ASSOCIATION.

The thirteenth annual meeting was held in the House of Representatives in the capitol building at Columbia.

The President's address was delivered by Robert W. Shand, of Columbia, on the subject, "Are Lawyers Responsible for Lawlessness?"

The annual address was delivered by John Bassett Moore, of New York city, on "The Growth of Nationalism."

The Vice-President, Robert Aldrich, of Barnwell, delivered an address on "The Changes in Statute Law by the States and by Congress."

The Committee on Legislation urged legislation against the carrying of deadly weapons, and also recommended that the law of fellow servants, which provides that knowledge of defective machinery by employees injured shall be no defense to an action for injury, be extended to include others than employees of railroad corporations.

The Committee on Commercial, Interstate and Interna-

tional Law recommended uniformity in the laws of the states in the execution of deeds and wills.

SOUTH DAKOTA BAR ASSOCIATION.

The sixth annual meeting was held at Sioux Falls on January 3 and 4, 1906. It was the most successful meeting in the history of the association.

The address of the President, H. R. Horner, of Pierre, was upon "The Selection and the Compensation of the Judiciary."

The annual address was delivered by Judge Emlin McClain, of Iowa City, Iowa, a member of the Supreme Court of Iowa, upon "Written and Unwritten Constitutions in the United States."

Papers were read by Hosmer H. Keith, of Sioux Falls, upon "The Influence of Law on Society"; by S. W. Clark, of Redfield, on "Compensations of the Legal Profession"; by Arthur R. Brown, of Canton, on "Disrespect for Law"; by A. E. Hitchcock, of Mitchell, on "Legislation Concerning the Organization of Corporations in South Dakota," and by A. E. Taylor, of Huron, on "Law Reform."

The Committee on Legal Reform in its report recommended the enactment of a law by the legislature creating a commission to be composed of the circuit court judges and an attorney-at-law from each circuit, to be appointed by the judge of his circuit, upon recommendation by the Bar of the circuit; said commission to prepare and promulgate rules of practice for the circuit courts, which should be uniform throughout the state, and such commission to have the power to amend said rules of practice as may from time to time be necessary.

BAR ASSOCIATION OF TENNESSEE.

No report has been received.

TEXAS BAR ASSOCIATION.

The 1906 meeting was held jointly with the Bar Association of Arkansas.

STATE BAR ASSOCIATION OF UTAH.

There was no meeting in 1906.

The next meeting will be held on the second Monday of January, 1907, at Salt Lake City.

VERMONT BAR ASSOCIATION.

The twenty-eighth annual meeting was held October 23 and 24, 1906, at Montpelier.

President H. H. Powers's address was on "The Constitution and Interstate Commerce." Robert Roberts, of Burlington, read a paper on the late Henry Ballard, of the Vermont Bar.

Arrangements were made to have all exchanges of reports of other state Bar Associations and the American Bar Association made through the State Library; one hundred and twenty-five copies of our proceedings to be given to the State Library for that purpose.

Robert A. E. Greenshields, K. C., of the Montreal Bar Association, was a guest, and responded at banquet for the Bar of Montreal.

VIRGINIA STATE BAR ASSOCIATION.

The eighteenth annual meeting was held at the Homestead Hotel, Hot Springs, August 7, 8 and 9, 1906. The President's address was delivered by Judge Archer A. Phlegar, of Christiansburg, who took for his subject, "The Legislature of 1906: Its Work and Its Lessons." The purpose of the address was to point out the more important matters covered by the last legislature, of which Judge Phlegar had been a member, and to show in what respects it was defective.

The annual address was delivered by Mr. Justice David J. Brewer, Associate Justice of the United States Supreme Court, whose subject was "Two Periods in the History of the Supreme Court." The purpose of the address was to contrast the line of earlier decisions of the United States Supreme Court, which tended so much towards centraliza-

tion of national power and authority, with the more recent line of decisions of the same court, looking towards decentralization and the lessening of the extent of the power of the national government.

The principal matter of general interest reported on by committees and acted on by the association was in regard to the acquisition of the former home in Richmond of Chief Justice Marshall. A special committee was appointed to take the necessary steps to acquire this historic mansion in the name of the association, to be preserved in memory of the great Chief Justice.

An interesting and instructive paper was read by E. Hilton Jackson, of Washington, District of Columbia, on the subject, "The Dismemberment of Virginia." The purpose of this address was to give a connected account of all the circumstances attending the loss of territory by the State of Virginia, beginning with the cession of the Northwest Territory and ending with the creation of the State of West Virginia.

A very interesting paper was read by W. T. Shields, of Lexington, entitled "The Case of Major André; His Trial and Execution." A paper which contained much valuable information, both historical and practical, was read by Micajah Woods, of Charlottesville, entitled "The Duties and Responsibilities of a Commonwealth's Attorney in Virginia."

WASHINGTON STATE BAR ASSOCIATION.

The eighteenth annual meeting was held in the city of Everett, July 12, 13 and 14, 1906, Francis H. Brownell, of that city, presiding. The President's address reviewed those features of the law that have especially attracted the attention of the Bar during the year, mentioning particularly the Haddock case and the federal rate legislation. He then called to view the law's delays, advocating reform in the making up of issues and suggesting that on the part of the plaintiff the only pleadings be the complaint and reply, and on the part of the defendant the answer and demurrer; and recommended that

when defendant demurs he should be required to stand on his demurrer.

Papers were read as follows: "Some Questions of Real Estate Law," by George E. Wright, of Seattle, in which he pointed out the uncertainty of titles even when the abstract shows an apparently good title; "The Court's Work," by Judge Frank H. Rudkin, of North Yakima, of the Supreme Court, reciting the manner in which the court handled its business and making some pointed suggestions to attorneys in the preparation of cases for the Supreme Court; "The Evolution of State Legislative Methods," by Henry McLean, of Mt. Vernon, advocating commissions to prepare and enact our laws with a referendum to the people. "Log Booms on Navigable Rivers," by J. B. Bridges, of Aberdeen, urging more liberal laws for the logging interests. "Maritime Law," by James M. Ashton, of Tacoma, giving in an entertaining and instructive manner the history of navigation and the development of the law relative thereto.

Judge Frater, of Seattle, Chairman of the Committee on Juvenile Courts, made an exhaustive report praising the workings of the juvenile court system and urging further legislation along that line, prohibiting the employment of boys under nineteen as messenger boys, and favoring more stringent divorce laws, and the parent delinquency law. The Committee on Uniformity of Laws, by its Chairman, C. H. Hanford, United States District Judge, of Seattle, recommended the uniformity of statutes on sales and warehouse receipts, and needed changes in the divorce legislation as recommended by the National Congress on Uniform Divorce Laws, held in Washington, District of Columbia, February 19, 20, 21 and 22, 1906.

In connection with the Bar Association and as a branch or section, the prosecuting attorneys of the state met in convention for the first time. Hereafter they will meet as a regular feature of the Bar Association. They made several important recommendations looking to the perfection of our statute law,

which recommendations will be presented to the legislature of the state.

WEST VIRGINIA BAR ASSOCIATION.

The twenty-first annual meeting was held at Fairmount, December 28 and 29, 1905.

The President's address was delivered by John W. Mason, of Fairmount, on "West Virginia Election Laws."

Papers were read by Mason G. Ambler, of Parkersburg, on "A Plea for the Preservation of our Forests, Streams and Fuels"; by Judge Wendell P. Stafford, of the Supreme Court of the District of Columbia; by General Joseph Sprigg, of Cumberland, Maryland, on "Government Centralization and State Socialism"; by W. P. Hubbard, of Wheeling, on "A Retrospect," and by A. M. Poundstone, of Buckhannon, on "Proceedings in Causes before Judgment or Decree."

Reports were made by the Committee on Legal Biography and by the Committee on Legal Education.

A resolution was adopted referring the matter of admission to the Bar to the Committee on Legislation with instructions to confer with the Supreme Court of Appeals and the State Board of Law Examiners and prepare and present a bill to the legislature more definitely defining the question of admissions to the Bar.

STATE BAR ASSOCIATION OF WISCONSIN.

The 1906 meeting was held in Milwaukee, on March 13th and 14th, in the United States Circuit Court room. The President, A. A. Jackson, delivered the annual address. Addresses were delivered by J. Hamilton Lewis, of Chicago, Illinois; John M. Whitehead, of Janesville; Burton Hanson, general solicitor of the Chicago, Milwaukee and St. Paul Railroad, and Chief Justice J. B. Cassoday.

Twenty-one new members were elected.

On the evening of March 14th a banquet was given by the Association at the Plankinton House, which was attended by about one hundred and seventy-five members and guests.

LIST OF BAR ASSOCIATIONS IN THE UNITED STATES.

NOTE.—This list has been compiled by the Secretary of the American Bar Association from replies to circulars sent out. While pains have been taken to make it as complete as possible, it is probable that some Associations have been omitted. All Associations which are purely Library Associations are intended to be omitted. In some cases the officers for former years are given where officers for 1906 are not known.

The Secretary acknowledges the courtesy of the Secretaries of various State Bar Associations in supplying the information as to local associations in their respective states.

The Secretary will be much indebted for information of any omissions and for corrections of the names of officers.

ALABAMA.

NAME.	PRESIDENT.	SECRETARY.
Alabama State Bar Association.	Fredk. G. Bromberg, Mobile.	Alexander Troy, Montgomery.
BIRMINGHAM BAR ASSOCIATION.	John London, Birmingham.	L. J. Haley, Birmingham.
CALHOUN COUNTY BAR ASSOCIATION.	D. C. Blackwell, Anniston.	Charles D. Kline, Anniston.
MOBILE BAR ASSOCIATION.	Harry Pillans, Mobile.	Robert F. Gordon, Mobile.

ALASKA TERRITORY.

TANANA BAR ASSOCIATION.	John F. Dillon, Fairbanks.	Edward B. Condon, Fairbanks.
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ARIZONA TERRITORY.

Arizona Bar Association.	T. G. Norris, Prescott.	Paul Renau Ingles, Phoenix.
NORTHERN ARIZONA BAR ASSOCIATION.	T. G. Norris, Prescott.	E. M. Sanford, Prescott.

ARKANSAS.

Bar Association of Arkansas.	Joseph W. House, Little Rock.	Roscoe R. Lynn, Little Rock.
FORT SMITH BAR ASSOCIATION.	James F. Read, Fort Smith.	Lovick P. Miles, Fort Smith.

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CALIFORNIA.¹

NAME.	PRESIDENT.	SECRETARY.
California State Bar Association.	Lloyd C. Comegys, San Francisco.	Walter S. Brann, San Francisco.
ALAMEDA COUNTY BAR ASSOCIATION.	George E. DeGolia, Oakland.	Frank Vaughn, Oakland.
ALPINE COUNTY BAR ASSOCIATION.	N. D. Arnot, Loope.	Jacob E. Cohn, Loope.
AMADOR COUNTY BAR ASSOCIATION.	D. R. Spagnoli, Jackson.	J. W. Caldwell, Jackson.
BUTTE COUNTY BAR ASSOCIATION.	John C. Gray, Oroville.	Albert E. Boynton, Oroville.
COLUSA COUNTY BAR ASSOCIATION.	H. M. Albery, Colusa.	Thomas Rutledge, Colusa.
CONTRA COSTA COUNTY BAR ASSOCIATION.	William S. Wells, Martinez.	J. E. Rodgers, Martinez.
DEL NORTE COUNTY BAR ASSOCIATION.	John L. Childs, Crescent City.	E. S. Hersch, Crescent City.
EL DORADO COUNTY BAR ASSOCIATION.	M. P. Bennett, Placerville.	William C. Burgess, Placerville.
GLENN COUNTY BAR ASSOCIATION.	George R. Freeman, Willows.	George M. Parks, Willows.
HUMBOLDT COUNTY BAR ASSOCIATION.	A. J. Monroe, Eureka.	P. H. Ryan, Eureka.
INYO COUNTY BAR ASSOCIATION.	Ben H. Yandell, Independence.	William D. Dehy, Independence.
KINGS COUNTY BAR ASSOCIATION.	H. P. Brown, Hanford.	L. N. Crowell, Hanford.
LAKE COUNTY BAR ASSOCIATION.	M. S. Sayre, Lakeport.	H. V. Keeling, Lakeport.

¹ The Secretary did not receive information as to the State and Local Bar Associations in California. The list as to California throughout, therefore, is the same as that contained in last year's report.

CALIFORNIA—Continued.

NAME.	PRESIDENT.	SECRETARY.
LASSEN COUNTY BAR ASSOCIATION.	J. E. Pardee, Susanville.	R. M. Rankin, Susanville.
LOS ANGELES BAR ASSOCIATION.	James A. Gibson, Los Angeles.	W. R. Hervey, Los Angeles.
LOS ANGELES COUNTY BAR ASSOCIATION.	H. M. Barstow, Los Angeles.	E. T. Barber, Los Angeles.
MARIN COUNTY BAR ASSOCIATION.	O. F. Meldon, Sausalito.	George H. Harland, Sausalito.
MARIPOSA COUNTY BAR ASSOCIATION.	J. J. Trabucco, Mariposa.	John A. Wall, Mariposa.
MENDOCINO COUNTY BAR ASSOCIATION.	J. Q. White, Ukiah.	A. J. Thatcher, Ukiah.
MERCED COUNTY BAR ASSOCIATION.	E. N. Rector, Merced.	E. R. Jones, Merced.
MODOC COUNTY BAR ASSOCIATION.	John E. Raker, Alturas.	J. S. Henderson, Alturas.
MONO COUNTY BAR ASSOCIATION.	J. D. Murphy, Bridgeport.	(Vacant.)
MONTEREY COUNTY BAR ASSOCIATION.	B. V. Sargent, Salinas.	W. R. Hawkins, Salinas.
NAPA COUNTY BAR ASSOCIATION.	H. L. Johnson, Napa.	Wallace T. Rutherford, Napa.
NEVADA COUNTY BAR ASSOCIATION.	John R. Tyrrell, Nevada City.	I. C. Lindley, Nevada City.
OAKLAND BAR ASSOCIATION.	George W. Reed, Oakland.	Geo. E. DeGolia, Oakland.
ORANGE COUNTY BAR ASSOCIATION.	Z. B. West, Santa Ana.	H. G. Forgey, Santa Ana.
PLACER COUNTY BAR ASSOCIATION.	J. E. Prewett, Auburn.	(Vacant.)

CALIFORNIA—Continued.

NAME.	PRESIDENT.	SECRETARY.
PLUMAS COUNTY BAR ASSOCIATION.	W. W. Kellogg, Quincy.	L. N. Peter, Quincy.
SACRAMENTO BAR ASSOCIATION.	Grove L. Johnson, Sacramento.	S. Luke Howe, Sacramento.
SAN BENITO COUNTY BAR ASSOCIATION.	M. T. Dooling, Hollister.	L. W. Jefferson, Hollister.
SAN BERNARDINO COUNTY BAR ASSOCIATION.	Frank F. Oster, San Bernardino.	Percy Hight, San Bernardino.
SAN DIEGO BAR ASSOCIATION.	T. L. Lewis, San Diego.	C. C. Haines, San Diego.
SAN DIEGO COUNTY BAR ASSOCIATION.	A. D. Jordan, San Diego.	Fred. O'Farrell, San Diego.
SAN LUIS OBISPO COUNTY BAR ASSOCIATION.	McD. R. Venable, San Luis Obispo.	Charles B. Kaetzel, San Luis Obispo.
BAR ASSOCIATION OF SAN FRANCISCO.	W. S. Goodfellow, San Francisco.	George J. Martin, San Francisco.
SAN MATEO COUNTY BAR ASSOCIATION.	George H. Buck, Redwood City.	Henry W. Walker, Redwood City.
SANTA BARBARA COUNTY BAR ASSOCIATION.	Jarret T. Richards, Santa Barbara.	Howard C. Crittenden, Santa Barbara.
SANTA CLARA COUNTY BAR ASSOCIATION.	J. R. Welch, San Jose.	H. Ray Fry, San Jose.
SANTA CRUZ COUNTY BAR ASSOCIATION.	Lucas F. Smith, Santa Cruz.	W. P. Netherton, Santa Cruz.
SIERRA COUNTY BAR ASSOCIATION.	Stanley A. Smith, Downieville.	W. I. Redding, Downieville.
SISKIYOU COUNTY BAR ASSOCIATION.	J. S. Beard, Yreka.	C. W. Strother, Yreka.
SOLANO COUNTY BAR ASSOCIATION.	A. J. Buckles, Vallejo.	Frank R. Devlin, Vallejo.

LIST OF BAR ASSOCIATIONS

CALIFORNIA—Continued.

NAME.	PRESIDENT.	SECRETARY.
SONOMA COUNTY BAR ASSOCIATION.	Albert G. Burnett, Santa Rosa.	Rolf Thompson, Santa Rosa.
STANISLAUS COUNTY BAR ASSOCIATION.	William O. Minor, Modesto.	John J. Stafford, Modesto.
SUTTER COUNTY BAR ASSOCIATION.	K. S. Mahon, Yuba City.	(Vacant.)
TEHAMA COUNTY BAR ASSOCIATION.	J. F. Ellison, Red Bluff.	(Vacant.)
TRINITY COUNTY BAR ASSOCIATION.	James W. Bartlett, Weaverville.	D. J. Hall, Weaverville.
TULARE COUNTY BAR ASSOCIATION.	W. B. Wallace, Visalia.	(Vacant.)
TUOLUMNE COUNTY BAR ASSOCIATION.	Crittenden Hampton, Sonora.	J. C. Webster, Sonora.
VENTURA COUNTY BAR ASSOCIATION.	W. H. Barnes, Ventura.	B. T. Williams, Ventura.
YOLO COUNTY BAR ASSOCIATION.	W. H. Grant, Woodland.	Ben A. Martin, Woodland.
YUBA COUNTY BAR ASSOCIATION.	E. P. McDaniel, Marysville.	E. B. Stanwood, Marysville.

COLORADO.

Colorado Bar Association.	Julius C. Gunter, Denver.	Lucius W. Hoyt, Denver.
DENVER BAR ASSOCIATION.	Charles S. Thomas, Denver.	James M. Lomery, Denver.
EL PASO COUNTY BAR ASSOCIATION.	Allen T. Gunnell, Colorado Springs.	George M. Irwin, Colorado Springs.
LARIMER COUNTY BAR ASSOCIATION.	Frank J. Annis, Ft. Collins.	Paul W. Lee, Ft. Collins.

COLORADO—Continued.

NAME.	PRESIDENT.	SECRETARY.
PUEBLO BAR ASSOCIATION.	Thomas H. Devine, Pueblo.	L. A. Rickey, Pueblo.
TELLER COUNTY BAR ASSOCIATION.	J. E. Rinker, Cripple Creek.	V. H. Miller, Cripple Creek.

CONNECTICUT.

State Bar Association of Connecticut.	Charles E. Perkins, Hartford.	Charles M. Joslyn, Hartford.
BRIDGEPORT BAR ASSOCIATION.	Morris W. Seymour, Bridgeport.	Wm. H. Kelsey, Bridgeport.
HARTFORD COUNTY BAR ASSOCIATION.	Charles E. Perkins, Hartford.	William F. Henney, Hartford.

DELAWARE.

Delaware State Bar Association.	Benjamin Nields, Wilmington.	T. Bayard Heisel, Wilmington.
KENT COUNTY BAR ASSOCIATION.	Henry R. Johnson, Dover.	A. M. Daly, Dover.
BAR ASSOCIATION OF NEW CASTLE COUNTY.	Charles B. Evans, Wilmington.	David J. Reinhardt, Wilmington.
BAR ASSOCIATION OF SUSSEX COUNTY.	Chas. W. Cullen, V.P., Georgetown.	Albert F. Polk, Georgetown.

DISTRICT OF COLUMBIA.

Bar Association of the District of Columbia.	William F. Mattingly, Washington.	Charles W. Clagett, Washington.
FEDERAL BAR ASSOCIATION OF D. C.	John W. Douglass, (1905) Washington.	George A. King, (1905) Washington.
PATENT LAW ASSOCIATION OF WASHINGTON.	Robert J. Fisher, Washington.	A. V. Cushman, Washington.

FLORIDA.

HILLSBOROUGH COUNTY BAR ASSOCIATION	W. A. Carter, Tampa.	M. Henry Cohen, Tampa.
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LIST OF BAR ASSOCIATIONS

FLORIDA—Continued.

NAME.	PRESIDENT.	SECRETARY.
JACKSONVILLE BAR ASSOCIATION.	Walter B. Clarkson, Jacksonville.	George C. Gibbs, Jacksonville.
KEY WEST BAR ASSOCIATION.	L. W. Bethel, Key West.	Julius Otto, Key West.
MARIANNA BAR ASSOCIATION.	W. H. Milton, Marianna.	J. C. McKinnon, Marianna.
THIRD CIRCUIT BAR ASSOCIATION.	Charles E. Davis, Madison.	A. B. Small, Lake City.

GEORGIA.

Georgia Bar Association.	A. L. Miller, Macon.	Orville A. Park, Macon.
AMERICUS BAR ASSOCIATION.	Robert L. Maynard, Americus.	W. W. Dykes, Americus.
ATLANTA BAR ASSOCIATION.	John L. Hopkins, Atlanta.	William P. Hill, Atlanta.
AUGUSTA BAR ASSOCIATION.	J. C. C. Black, Augusta.	George T. Jackson, Augusta.
COLUMBUS BAR ASSOCIATION.	H. R. Goetchius, Columbus.	Howell Hollis, Columbus.
CRISP COUNTY BAR ASSOCIATION.	E. F. Strozier, Cordele.	Walter F. Hall, Cordele.
DOOLY COUNTY BAR ASSOCIATION.	George W. Wooten, Vienna.	William V. Harvard, Vienna.
BAR ASSOCIATION OF THE CITY OF MACON.	A. L. Miller, Macon.	Andrew W. Lane, Macon.
TROUP COUNTY BAR ASSOCIATION.	Frank Harwell, La Grange.	E. A. Jones, La Grange.

HAWAII TERRITORY.

Bar Association of the Hawaiian Islands.	William L. Stanley, Honolulu.	Robbins B. Anderson, Honolulu.
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IDAHO.

NAME.	PRESIDENT.	SECRETARY.
Idaho State Bar Association.	James E. Babb, Lewiston.	Milton G. Cage, Boise.

ILLINOIS.

Illinois State Bar Association.	Harrison Musgrave, Chicago.	John F. Voigt, Jr., Mattoon.
THE ILLINOIS ASSOCIATION OF COUNTY AND PROBATE JUDGES.	Rolland A. Russell, Bloomington.	Charles B. McCrory, Quincy.
THE ILLINOIS ASSOCIATION OF STATE'S ATTORNEYS.	Bert Miller, Kankakee.	Herman H. Brown, Rushville.
BOND COUNTY BAR ASSOCIATION.	William H. Dawdy, Greenville.	F. W. Fritz, Greenville.
BOONE COUNTY BAR ASSOCIATION.	Robert W. Wright, Belvidere.	Richard V. Carpenter, Belvidere.
CHICAGO BAR ASSOCIATION.	Horace K. Tenney, Chicago.	Charles P. Abbey, Chicago.
CHICAGO LAW INSTITUTE.	Nicholas W. Hacker, Chicago.	Alfred E. Barr, Chicago.
THE LAW CLUB OF CHICAGO.	Charles S. Cutting, Chicago.	Benj. F. Hinman, Jr., Chicago.
THE PATENT LAW ASSOCIATION OF CHICAGO.	C. Clarence Poole, Chicago.	Francis A. Hopkins, Chicago.
CLINTON COUNTY BAR ASSOCIATION.	Darius Kingsbury, Carlyle.	Hugh Vincent Murray, Carlyle.
DEKALB COUNTY BAR ASSOCIATION.	Harvey A. Jones, Sycamore.	George Brown, Sycamore.
EDGAR COUNTY BAR ASSOCIATION.	Andrew J. Hunter, Paris.	Joseph E. Dyas, Paris.
FULTON COUNTY BAR ASSOCIATION.	Hardin W. Masters, Lewistown.	Edward W. Keefer, Lewistown.

ILLINOIS—Continued.

NAME.	PRESIDENT.	SECRETARY.
HENDERSON COUNTY BAR ASSOCIATION.	Rufus F. Robinson, Oquawka.	E. L. Moffet, Oquawka.
JERSEY COUNTY BAR ASSOCIATION.	Oscar B. Hamilton, Jerseyville.	Charles S. White, Jerseyville.
JO DAVIES COUNTY BAR ASSOCIATION.	David Sheean, Galena.	D. B. Blewett, Galena.
JOLIET BAR ASSOCIATION.	Benjamin Olm, Joliet.	J. H. Garsney, Joliet.
KANKAKEE COUNTY BAR ASSOCIATION.	B. L. Cooper, Kankakee.	J. H. Merrill, Kankakee.
KEWANEE BAR ASSOCIATION.	C. C. Wilson, Kewanee.	F. J. Tilton, Kewanee.
KNOX COUNTY BAR ASSOCIATION.	George Shumway, Galesburg.	John H. Lewis, Jr., Galesburg.
LAKE COUNTY BAR ASSOCIATION.	Charles Whiting, Waukegan.	Ben Parmalee, Waukegan.
LA SALLE COUNTY BAR ASSOCIATION.	Henry Mayo, Ottawa.	I. I. Hanna, Ottawa.
LEE COUNTY BAR ASSOCIATION.	William Barge, Dixon.	C. B. Morrison, Dixon.
LOGAN COUNTY BAR ASSOCIATION.	Joseph Hodnett, Lincoln.	A. L. Anderson, Lincoln.
MACON COUNTY BAR ASSOCIATION.	Andrew H. Mills, Decatur.	James S. Baldwin, Decatur.
MARSHALL COUNTY BAR ASSOCIATION.	John H. Jackson, Wenona.	(Vacant.)
MCDONOUGH COUNTY BAR ASSOCIATION.	Geo. D. Tunncliff, Macomb.	J. Ross Mickey, Macomb.
MCLEAN COUNTY BAR ASSOCIATION.	Charles L. Capen, Bloomington.	Ezra M. Prince, Bloomington.

ILLINOIS—Continued.

NAME.	PRESIDENT.	SECRETARY.
MCLEANSBORO BAR ASSOCIATION.	T. B. Stelle, McLeansboro.	J. H. Lane, McLeansboro.
MERCER COUNTY BAR ASSOCIATION.	I. N. Bassett, Aledo.	G. B. Morgan, Aledo.
MORGAN COUNTY BAR ASSOCIATION.	William Brown, Jacksonville.	L. O. Vaught, Jacksonville.
MOULTRIE COUNTY BAR ASSOCIATION.	R. M. Peadro, Sullivan.	George Sentel, Sullivan.
PEORIA BAR ASSOCIATION.	William L. Ellwood, Peoria.	Frank T. Miller, Peoria.
PERRY COUNTY BAR ASSOCIATION.	R. W. S. Wheatley, Pinckneyville.	I. R. Spillman, Pinckneyville.
PIKE COUNTY BAR ASSOCIATION.	(Vacant.)	Mark M. Bradburn, Pittsfield.
POPE COUNTY BAR ASSOCIATION.	William H. Moore, Golconda.	Charles Durfee, Golconda.
QUINCY BAR ASSOCIATION.	Joseph N. Carter, Quincy.	Walter Bennett, Quincy.
ROCK ISLAND COUNTY BAR ASSOCIATION.	Elmore W. Hurst, Rock Island.	J. S. Murphy, Rock Island.
SANGAMON COUNTY BAR ASSOCIATION.	Alfred Orendorff, Springfield.	Roy M. Seely, Springfield.
(SANGAMON CO.) LINCOLN LAW CLUB.	Thomas E. Lyon, Springfield.	W. Edgar Sampson, Springfield.
STEPHENSON COUNTY BAR ASSOCIATION.	H. C. Burchard, Freeport.	Charles Green, Freeport.
TAZEWELL COUNTY BAR ASSOCIATION.	C. A. Waltmire, Washington.	Ralph Dempsey, Washington.
VERMILLION COUNTY BAR ASSOCIATION.	Fred Draper, Danville.	W. R. Chambers, Danville.

ILLINOIS—Continued.

NAME.	PRESIDENT.	SECRETARY.
WARREN COUNTY BAR ASSOCIATION.	Almon Kidder, Monmouth.	C. M. Huey, Monmouth.
WASHINGTON COUNTY BAR ASSOCIATION.	P. E. Hosmer, Nashville.	James A. Watts, Nashville.
WAYNE COUNTY BAR ASSOCIATION.	John R. Holt, Fairfield.	John Keen, Jr., Fairfield.
BAR ASSOCIATION OF WHITE COUNTY.	James C. Pierce, Carmi.	Richard Specknall, Carmi.
WHITESIDE COUNTY BAR ASSOCIATION.	William H. Allen, Erie.	John A. Ward, Sterling.

INDIANA.

State Bar Association of Indiana.	Daniel Fraser, Fowler.	Merrill Moores, Indianapolis.
ADAMS COUNTY BAR ASSOCIATION.	Robert S. Peterson, Decatur.	Clark J. Lutz, Decatur.
ALLEN COUNTY BAR ASSOCIATION.	James B. Harper, Fort Wayne.	Guy Colerick, Fort Wayne.
CLAY COUNTY BAR ASSOCIATION.	George A. Knight, Brazil.	S. Walter Lee, Brazil.
CLINTON COUNTY BAR ASSOCIATION.	Charles G. Guenther, Frankfort.	James T. Hockman, Frankfort.
DANVILLE BAR ASSOCIATION.	Thomas J. Cofer, Danville.	John McCormick, Danville.
DEARBORN COUNTY BAR ASSOCIATION.	George M. Roberts, Lawrenceburg.	Warren H. Hauck, Lawrenceburg.
DELAWARE COUNTY BAR ASSOCIATION.	Ralph S. Gregory, Muncie.	Fred. McClellan, Muncie.
ELKHART COUNTY BAR ASSOCIATION.	Ethan A. Dausman, Goshen.	Martin H. Kinney, Goshen.

INDIANA—Continued.

NAME.	PRESIDENT.	SECRETARY.
EVANSVILLE BAR ASSO- CIATION.	Alexander Gilchrist, Evansville.	Robert D. Richardson, Evansville.
GRANT COUNTY BAR AS- SOCIATION.	Henry J. Paulus, Marion.	Field J. Sweezey, Marion.
HAMILTON COUNTY BAR ASSOCIATION.	Ira W. Christian, Noblesville.	Meade Vestal, Noblesville.
HANCOCK COUNTY BAR ASSOCIATION.	Edward W. Felt, Greenfield.	Earl Sample, Greenfield.
HOWARD COUNTY BAR ASSOCIATION.	William C. Purdum, Kokomo.	John R. McIntosh, Kokomo.
HUNTINGTON COUNTY BAR ASSOCIATION.	Ulysses S. Lesh, Huntington.	C. K. Lucas, Huntington.
INDIANAPOLIS BAR AS- SOCIATION.	John E. Scott, Indianapolis.	Ernest R. Keith, Indianapolis.
JAY COUNTY BAR ASSO- CIATION.	David T. Taylor, Portland.	Whitney E. Smith, Portland.
KNOX COUNTY BAR AS- SOCIATION.	James M. House, Vincennes.	Duncan L. Beckes, Vincennes.
LAKE COUNTY BAR ASSO- CIATION.	Armanis F. Knotts, Hammond.	Charles E. Greenwald, Whiting.
MADISON COUNTY BAR ASSOCIATION.	Frank P. Foster, Anderson.	E. B. McMahan, Anderson.
MARTINSVILLE BAR AS- SOCIATION.	James V. Mitchell, Martinsville.	E. Forest Branch, Martinsville.
PUTNAM COUNTY BAR ASSOCIATION.	Jonathan Birch, Greencastle.	Smith C. Matson, Greencastle.
SHELBY COUNTY BAR ASSOCIATION.	Edmund K. Adams, Shelbyville.	U. E. Tindall, Shelbyville.
STARKE COUNTY BAR ASSOCIATION.	Charles C. Kelly, Knox.	W. C. Pentecost, Knox.

LIST OF BAR ASSOCIATIONS

INDIANA—Continued.

NAME.	PRESIDENT.	SECRETARY.
ST. JOSEPH COUNTY BAR ASSOCIATION.	Timothy E. Howard, South Bend.	George A. Kurtz, South Bend.
SULLIVAN COUNTY BAR ASSOCIATION.	William T. Douthitt, Sullivan.	Antoinette D. Leach, Sullivan.
THIRTY-FIFTH JUDICIAL CIRCUIT BAR ASSOCIATION.	Daniel M. Link, Auburn.	Will H. Willennar, Auburn.
VERMILLION COUNTY BAR ASSOCIATION.	Martin G. Rhoads, Newport.	George D. Sunkel, Newport.
WABASH BAR ASSOCIATION.	Alvah Taylor, Wabash.	Thomas L. Stitt, Wabash.

IOWA.

Iowa State Bar Association.	H. M. Towner, Corning.	Charles M. Dutcher, Iowa City.
ADAMS COUNTY BAR ASSOCIATION.	Frank M. Davis, Corning.	A. Ray Maxwell, Corning.
BLACKHAWK COUNTY BAR ASSOCIATION.	O. B. Courtright, Waterloo.	J. S. Tuthill, Waterloo.
BOONE COUNTY BAR ASSOCIATION.	S. R. Dyer, Boone.	W. W. Goodykoontz, Boone.
BUCHANAN COUNTY BAR ASSOCIATION.	M. W. Harmon, Independence.	H. C. Chappell, Independence.
CALHOUN COUNTY BAR ASSOCIATION.	M. W. Frick, Rockwell City.	L. H. Fouts, Rockwell City.
CASS COUNTY BAR ASSOCIATION.	John W. Scott, Atlantic.	W. A. Follett, Atlantic.
CLAYTON COUNTY BAR ASSOCIATION.	James O. Crosby, Garnavillo.	B. W. Newberry, Strawberry Point.
CLINTON COUNTY BAR ASSOCIATION.	Charles W. Chase, (1905) Clinton.	A. L. Schuyler, (1905) Clinton.

IOWA—Continued.

NAME.	PRESIDENT.	SECRETARY.
DES MOINES BAR ASSOCIATION.	Howard J. Clark, Des Moines.	William B. Brown, Des Moines.
DUBUQUE BAR ASSOCIATION.	J. P. Frantzer, Dubuque.	S. B. Lattner, Dubuque.
FORT MADISON BAR ASSOCIATION.	W. S. Hamilton, (1905) Fort Madison.	O. E. Herminghausen. (1905) Fort Madison.
HAMILTON COUNTY BAR ASSOCIATION.	(Vacant)	G. F. Tucker, Webster City.
JACKSON COUNTY BAR ASSOCIATION.	W. C. Gregory, Maquoketa.	E. C. Johnson, Maquoketa.
JASPER COUNTY BAR ASSOCIATION.	O. C. Meredith, Newton.	J. A. Mattern, Newton.
JEFFERSON COUNTY BAR ASSOCIATION.	Charles D. Leggett, Fairfield.	E. F. Simmons, Fairfield.
JOHNSON COUNTY BAR ASSOCIATION.	M. J. Wade, Iowa City.	W. J. McDonald, Iowa City.
KEOKUK BAR ASSOCIATION.	H. H. Trimble, (1905) Keokuk.	John P. Hornish, (1905) Keokuk.
LINN COUNTY BAR ASSOCIATION.	M. P. Smith, Cedar Rapids.	Thomas B. Powell, Cedar Rapids.
MAHASKA COUNTY BAR ASSOCIATION.	James B. Bolton, Oskaloosa.	James G. Patterson, Oskaloosa.
MONONA COUNTY BAR ASSOCIATION.	T. B. Lutz, Mapleton.	A. Kindall, Onawa.
MONROE COUNTY BAR ASSOCIATION.	T. B. Perry, Albia.	Thomas Hickenlooper, Albia.
OSCEOLA COUNTY BAR ASSOCIATION.	C. M. Brooks, Sibley.	John F. Glover, Sibley.
POTTAWATTAMIE COUNTY BAR ASSOCIATION.	William Mynster, (1905) Council Bluffs.	D. E. Stuart, (1905) Council Bluffs.

LIST OF BAR ASSOCIATIONS

IOWA—Continued.

NAME.	PRESIDENT.	SECRETARY.
SCOTT COUNTY BAR ASSO- CIATION.	Henry Vollmer, Davenport.	Albert J. Noth, Davenport.
BAR ASSOCIATION OF SIOUX CITY.	Craig L. Wright, Sioux City.	John R. Carter, Sioux City.
TAYLOR COUNTY BAR ASSOCIATION.	Charles Thomas, Bedford.	Bruce J. Flick, Bedford.
VAN BUREN COUNTY BAR ASSOCIATION.	Alex. Brown, Keosauqua.	J. C. Calhoun. Keosauqua.
WAPELLO COUNTY BAR ASSOCIATION.	W. H. C. Jaques, Ottumwa.	George F. Heindel, Ottumwa.
WARREN COUNTY BAR ASSOCIATION.	H. McNeil, Indianola.	A. V. Proudfoot, Indianola.
WASHINGTON COUNTY BAR ASSOCIATION.	H. M. Eicher, Washington.	Carlton C. Wilson, Washington.
WEBSTER COUNTY BAR ASSOCIATION.	A. N. Botsford, Fort Dodge.	Wm. T. Chantland, Fort Dodge.
WRIGHT COUNTY BAR ASSOCIATION.	C. M. Nagle, Clarion.	J. W. McGrath, Eagle Grove.

KANSAS.

Bar Association of the State of Kansas.	Lucius H. Perkins, Lawrence.	D. A. Valentine, Topeka.
DOUGLAS COUNTY BAR ASSOCIATION.	Wm. W. Nevison, Lawrence.	Lucius H. Perkins, Lawrence.
MORRIS COUNTY BAR AS- SOCIATION.	M. B. Nicholson, Council Grove.	W. J. Pirtle, Council Grove.
SEDGWICK COUNTY BAR ASSOCIATION.	J. D. Houston, Wichita.	V. Harris, Wichita.

KENTUCKY.

NAME.	PRESIDENT.	SECRETARY.
Kentucky State Bar Association.	S. D. Rouse, Covington.	R. A. McDowell, Louisville.
CAMPBELL COUNTY BAR ASSOCIATION.	Chas. W. Yungblut, Newport.	Louis Renscher, Newport.
KENTON COUNTY BAR ASSOCIATION.	Richard H. Gray, Covington.	A. E. Stricklett, Covington.
LOUISVILLE BAR ASSOCIATION.	John B. Baskin, Louisville.	John M. Scott, Louisville.

LOUISIANA.

Louisiana Bar Association.	Edwin T. Merrick, New Orleans.	W. S. Benedict, New Orleans.
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MAINE.

Maine State Bar Association.	Orville D. Baker, Augusta.	Leslie C. Cornish, Augusta.
CUMBERLAND BAR ASSOCIATION.	Hanno W. Gage, Portland.	John F. A. Merrill, Portland.
FRANKLIN COUNTY BAR ASSOCIATION.	Henry L. Whitcomb, Farmington.	Byron M. Small, Farmington.
HANCOCK COUNTY BAR ASSOCIATION.	Eugene Hale, Ellsworth.	Arno W. King, Ellsworth.
KENNEBEC BAR ASSOCIATION.	Charles F. Johnson, Waterville.	Chas. L. Andrews, Augusta.
PENOBSCOT BAR ASSOCIATION.	Franklin A. Wilson, Bangor.	Frederick H. Appleton, Bangor.
SOMERSET BAR AND LAW LIBRARY ASSOCIATION.	O. R. Bachelder, Skowhegan.	W. T. Seekins, Skowhegan.
YORK BAR ASSOCIATION.	Nathaniel B. Walker, Biddeford.	Gorham N. Weymouth, Biddeford.

MARYLAND.

NAME.	PRESIDENT.	SECRETARY.
Maryland State Bar Association.	Conway W. Sams, Baltimore.	James U. Dennis, Baltimore.
ALLEGANY COUNTY BAR ASSOCIATION.	David J. Lewis, Cumberland.	D. Lindley Sloan, Cumberland.
THE BAR ASSOCIATION OF BALTIMORE CITY.	Robert H. Smith, Baltimore.	James W. Bowers, Jr., Baltimore.
CAROLINE COUNTY BAR ASSOCIATION.	T. Pliney Fisher, Denton.	T. Allan Goldsborough, Denton.
CARROLL COUNTY BAR ASSOCIATION.	James A. C. Bond, Westminster.	E. O. Grimes, Jr., Westminster.
CECIL COUNTY BAR AND LAW LIBRARY ASSOCIATION.	William S. Evans, Elkton.	Joshua Clayton, Elkton.
GARRETT COUNTY BAR ASSOCIATION.	Fred. A. Thayer, Oakland.	Julius C. Renninger, Oakland.
MONTGOMERY COUNTY BAR ASSOCIATION.	Hattersly W. Talbott, Rockville.	Philip D. Laird, Rockville.
PRINCE GEORGE'S COUNTY BAR ASSOCIATION.	George C. Merrick, Marlboro.	Allan Bowie, Marlboro.
WASHINGTON COUNTY BAR ASSOCIATION.	J. Clarence Lane, Hagerstown.	Abraham C. Strite, Hagerstown.
WICOMICO COUNTY BAR ASSOCIATION.	Charles F. Holland, Salisbury.	Elmer H. Walton, Salisbury.

MASSACHUSETTS.

BAR ASSOCIATION OF THE CITY OF BOSTON.	Alfred Hemenway, Boston.	Robert S. Gorham, Boston.
BERKSHIRE BAR ASSOCIATION.	H. C. Joyner, Great Barrington.	Charles E. Burke, Pittsfield.
ESSEX BAR ASSOCIATION.	William H. Niles, Lynn.	Alden P. White, Salem.

MASSACHUSETTS—Continued.

NAME.	PRESIDENT.	SECRETARY.
FALL RIVER BAR ASSOCIATION.	Andrew J. Jennings, Fall River.	Edward A. Thurston. Fall River.
FRANKLIN COUNTY BAR ASSOCIATION.	Samuel O. Lamb, Greenfield.	Burt H. Winn, Greenfield.
HAMPDEN BAR ASSOCIATION.	Charles L. Gardner, Springfield.	Robert O. Morris, Springfield.
HAMPSHIRE BAR ASSOCIATION.	Timothy G. Spaulding, (1905) Northampton.	Haynes H. Chilson, (1905) Northampton.
HAVERHILL BAR ASSOCIATION.	Robert D. Trask, Haverhill.	J. Frank Batchelder, Haverhill.
LAWRENCE BAR ASSOCIATION.	William S. Knox, Lawrence.	John C. Sanborn, Jr., Lawrence.
LYNN BAR ASSOCIATION.	John W. Berry, (1905) Lynn.	Charles Leighton, (1905) Lynn.
BAR ASSOCIATION OF THE COUNTY OF MIDDLESEX.	Samuel K. Hamilton, (1905) Boston.	Frank M. Forbush, (1905) Boston.
NEW BEDFORD BAR ASSOCIATION.	Charles W. Clifford, New Bedford.	Frank A. Milliken, New Bedford.
NEWBURYPORT BAR ASSOCIATION.	George B. Blodgett, Newburyport.	Charles T. Smith, Newburyport.
PLYMOUTH COUNTY BAR ASSOCIATION.	Benjamin W. Harris, E. Bridgewater.	Arthur Lord, Plymouth.
SALEM BAR ASSOCIATION.	(Vacant.)	Joseph B. Saunders, (1905) Salem.
TAUNTON BAR ASSOCIATION.	Wm. S. Woods, Taunton.	Carleton F. Sanford, Taunton.

MICHIGAN

Michigan State Bar Association.	Arthur C. Denison, Grand Rapids.	William J. Landman, Grand Rapids.
BAY COUNTY BAR ASSOCIATION.	John C. Weadock, Bay City.	Lee E. Joslyn, Bay City.

MICHIGAN—Continued.

NAME.	PRESIDENT.	SECRETARY.
DETROIT BAR ASSOCIATION.	Albert H. Wilkinson, Detroit.	Harry C. Bulkley, Detroit.
GRAND RAPIDS BAR ASSOCIATION.	McGeorge Bundy, Grand Rapids.	Ganson Taggart, Grand Rapids.
HOUGHTON COUNTY BAR ASSOCIATION.	Thos. L. Chadbourne, Houghton.	Gordon R. Campbell, Calumet.
INGHAM COUNTY BAR ASSOCIATION.	Samuel L. Kilbourne, Lansing.	Harry A. Silsbee, Lansing.
IONIA COUNTY BAR ASSOCIATION.	Allen B. Morse, Ionia.	Elbert M. Davis, Ionia.
JACKSON COUNTY BAR ASSOCIATION.	Eugene Pringle, Jackson.	George H. Curtis, Jackson.
LENAWEE COUNTY BAR ASSOCIATION.	R. A. Watts. V. P., Adrian.	Earl C. Michener, Adrian.
MACOMB COUNTY BAR ASSOCIATION.	Dwight N. Lowell, Romeo.	Franz C. Kuhn, Mt. Clements.
MARQUETTE COUNTY BAR ASSOCIATION.	Dan H. Ball, Marquette.	George P. Brown, Marquette.
MUSKEGON COUNTY BAR ASSOCIATION.	Willard J. Turner, Muskegon.	Alex. Sutherland, Muskegon.
SAGINAW COUNTY BAR ASSOCIATION.	Henry E. Naegely, Saginaw.	Frank Q. Quinn, Saginaw.
WASHTENAW COUNTY BAR ASSOCIATION.	A. J. Sawyer, Ann Arbor.	Arthur Brown, Ann Arbor.

MINNESOTA.

Minnesota State Bar Association.	Rome G. Brown, Minneapolis.	Charles W. Farnham, St. Paul.
BLUE EARTH COUNTY BAR ASSOCIATION.	A. R. Pfair, Sr., Mankato.	Jean A. Flittie, Mankato.

MINNESOTA—Continued.

NAME.	PRESIDENT.	SECRETARY.
MINNEAPOLIS BAR ASSOCIATION.	M. B. Koon, Minneapolis.	J. A. Larimore, Minneapolis.
RAMSEY COUNTY BAR ASSOCIATION.	Pierce Butler, St. Paul.	Chas. A. Hart, St. Paul.
RICE COUNTY BAR ASSOCIATION.	Geo. W. Batchelder, Faribault.	A. L. Keyes, Faribault.
SEVENTH JUDICIAL DISTRICT BAR ASSOCIATION.	John W. Mason, (1905) Fergus Falls.	Jas. R. Bennett, Jr., (1905) St. Cloud.
STEARNS COUNTY BAR ASSOCIATION.	George H. Reynolds, St. Cloud.	James R. Bennett, Jr., St. Cloud.

MISSISSIPPI.

Mississippi State Bar Association.	Murray F. Smith, Vicksburg.	S. M. Smith, Lexington.
ABERDEEN BAR ASSOCIATION.	E. O. Sykes, (1905) Aberdeen.	Q. O. Eckford, (1905) Aberdeen.
ADAMS COUNTY BAR ASSOCIATION.	W. C. Martin, Natchez.	J. A. Clinton, Natchez.
JEFFERSON COUNTY BAR ASSOCIATION.	R. W. Campbell, Fayette.	J. E. Torrey, Fayette.

MISSOURI.

Missouri Bar Association.	Sanford B. Ladd, Kansas City.	R. E. Ball, Kansas City.
KANSAS CITY BAR ASSOCIATION.	Henry M. Beardsley, Kansas City.	William R. Moore, Kansas City.
ST. JOSEPH BAR ASSOCIATION.	M. A. Reed, St. Joseph.	G. L. Zwick, St. Joseph.
BAR ASSOCIATION OF ST. LOUIS.	John F. Lee, St. Louis.	H. G. Cleaveland, St. Louis.

MONTANA.

NAME.	PRESIDENT.	SECRETARY.
Montana Bar Association.	A. C. Gormley, Great Falls.	Edward C. Russel, Helena.
BILLINGS BAR ASSOCIATION.	James R. Goss, Billings.	Harry L. Wilson, Billings.
CASCADE COUNTY BAR ASSOCIATION.	Thomas E. Brady, Great Falls.	H. H. Ewing, Great Falls.
FLATHEAD COUNTY BAR ASSOCIATION.	G. H. Grubb, Kalispell.	D. F. Smith, Kalispell.
FOURTH JUDICIAL DISTRICT BAR ASSOCIATION.	Frank Woody, Missoula.	Thos. Nelson Marlowe, Missoula.
HELENA BAR ASSOCIATION.	F. P. Sterling, Helena.	T. J. Walsh, Helena.
SILVER BOW COUNTY BAR ASSOCIATION.	Cornelius F. Kelley, Butte.	Lewis A. Smith, Butte.

NEBRASKA.

NAME.	PRESIDENT.	SECRETARY.
Nebraska State Bar Association.	E. C. Calkins, Kearney.	Roscoe Pound, Lincoln.
ADAMS COUNTY BAR ASSOCIATION.	John M. Ragam, Hastings.	J. A. Gardiner, Hastings.
LANCASTER COUNTY BAR ASSOCIATION.	Henry H. Wilson, Lincoln.	Stephen L. Geisthardt, Lincoln.
OMAHA BAR ASSOCIATION.	Howard H. Baldrige, Omaha.	Harley G. Moorhead, Omaha.

NEW HAMPSHIRE.

Bar Association of the State of New Hampshire.	Samuel C. Eastman, Concord.	Arthur H. Chase, Concord.
BELKNAP COUNTY BAR ASSOCIATION.	Charles C. Rogers, Tilton.	Bertram Blaisdell, Meredith.

NEW HAMPSHIRE—Continued.

NAME.	PRESIDENT.	SECRETARY.
BERLIN AND GORHAM BAR ASSOCIATION.	Alfred R. Evans, Gorham.	J. Howard Wight, Berlin.
CARROLL COUNTY BAR ASSOCIATION.	John B. Nash, Intervale.	A. M. Rumery, Ossipee.
GRAFTON AND COÖS BAR ASSOCIATION.	Chester B. Jordan, Lancaster.	Geo. F. Rich, Berlin.

NEW JERSEY.

New Jersey State Bar Association.	Gilbert Collins, Jersey City.	William J. Kraft, Camden.
ATLANTIC COUNTY BAR ASSOCIATION.	Burroughs C. Godfrey, Atlantic City.	G. Arthur Bolte, Atlantic City.
BERGEN COUNTY BAR ASSOCIATION.	Cornelius Doremus, Ridgewood.	Abram DeBaun, Hackensack.
CAMDEN COUNTY BAR ASSOCIATION.	Howard M. Cooper, Camden.	George J. Bergen, Camden.
CAPE MAY COUNTY BAR ASSOCIATION.	Morgan Hand, Cape May C. H.	J. Spicer Leaming, Cape May.
CUMBERLAND COUNTY BAR ASSOCIATION.	William A. Logue, Bridgeton.	George Hampton, Bridgeton.
ESSEX COUNTY BAR AS- SOCIATION.	William B. Guild, Newark.	Charles M. Meyers, Newark.
GLOUCESTER COUNTY BAR ASSOCIATION.	John S. Jessup, Woodbury.	Francis B. Davis, Woodbury.
HUDSON COUNTY BAR AS- SOCIATION.	Warren Dixon, V. P., Jersey City.	Theodore Rurode, Jersey City.
MERCER COUNTY BAR ASSOCIATION.	W. Holt Apgar, Trenton.	Huston Dixon, Trenton.
MIDDLESEX COUNTY BAR ASSOCIATION.	J. Kearney Rice, New Brunswick.	George S. Silzer, New Brunswick.

NEW JERSEY—Continued.

NAME.	PRESIDENT.	SECRETARY.
MONMOUTH COUNTY BAR ASSOCIATION.	(Vacant).	James Steen, (1905) Eatontown.
BAR ASSOCIATION OF MORRIS COUNTY.	Henry C. Pitney, Morris.	Irving E. Salmon, Morris.
PASSAIC COUNTY BAR ASSOCIATION.	George S. Hilton, Paterson.	James G. Blauvelt, Paterson.
SOMERSET COUNTY BAR ASSOCIATION.	William V. Steele, Somerville.	M. M. Steele, Somerville.
BAR ASSOCIATION OF UNION COUNTY.	Craig A. Marsh, Plainfield.	Fred C. Hyer, Elizabeth.

NEW MEXICO TERRITORY.

New Mexico Bar Association.	A. B. Renehan, Santa Fé.	Richard H. Hanna, Santa Fé.
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NEW YORK.

New York State Bar Association.	Joseph H. Choate, New York.	Frederick E. Wadhams, Albany.
ALBANY COUNTY BAR ASSOCIATION.	Charles J. Buchanan, Albany.	Daniel J. Dugan, Albany.
AMSTERDAM BAR ASSOCIATION.	Charles S. Nisbet, Amsterdam.	Harry Howard, Amsterdam.
ASSOCIATION OF THE BAR OF THE BOROUGH OF BRONX.	J. Homer Hildreth, New York.	Henry K. Davis, New York.
BROOKLYN BAR ASSOCIATION.	Albert G. McDonald, Brooklyn.	Henry S. Rasquin, Brooklyn.
CATTARAUGUS COUNTY BAR ASSOCIATION.	E. A. Nash, Cattaraugus.	Dana L. Jewell, Olean.
DELAWARE COUNTY BAR ASSOCIATION.	John P. Grant, Stamford.	Marion M. Palmer, Delhi.

NEW YORK—Continued.

NAME.	PRESIDENT.	SECRETARY.
ERIE COUNTY BAR ASSO- CIATION.	George Clinton, Buffalo.	Ulysses S. Thomas, Buffalo.
BAR ASSOCIATION OF THE CITY OF GLOVERS- VILLE.	Wm. A. McDonald, Gloversville.	Arthur Graff, Gloversville.
GREENE COUNTY BAR ASSOCIATION.	Emory A. Chase, Catskill.	Percy W. Decker, Catskill.
HERKIMER COUNTY BAR ASSOCIATION.	Charles Bell, Herkimer.	Mabel J. Wood, Herkimer.
BAR ASSOCIATION OF THE CITY OF JAMESTOWN.	Frank W. Stevens, Jamestown.	Arthur W. Kettle, Jamestown.
JEFFERSON COUNTY BAR ASSOCIATION.	Charles H. Walts, Watertown.	Charles A. Phelps, Watertown.
MADISON COUNTY BAR ASSOCIATION.	Joseph Mason, Hamilton.	B. Fitch Tompkins, Morrisville.
NASSAU COUNTY BAR ASSOCIATION.	Edgar Jackson, Baldwin.	William Clark Roe, Thomaston.
ASS'N OF THE BAR OF THE CITY OF NEW YORK.	John L. Cadwalader, New York.	Silas B. Brownell, New York.
ONONDAGA COUNTY BAR ASSOCIATION.	Theodore E. Hancock, Syracuse.	Ernest I. Edgcomb, Syracuse.
OSWEGO COUNTY BAR ASSOCIATION.	Udelle Bartlette, Oswego.	J. H. Gill, Oswego.
QUEENS COUNTY BAR AS- SOCIATION.	Henry L. Bogert, Flushing.	Morris L. Strauss, College Point.
ROCHESTER BAR ASSO- CIATION.	Jonas P. Varnum, Rochester.	Frederick P. Kimball, Rochester.
ROCKLAND COUNTY BAR ASSOCIATION.	Abram A. Demarest, Nyack.	George A. Wyre, Nyack.
ST. LAWRENCE COUNTY BAR ASSOCIATION.	Ledyard P. Hale, Canton.	George H. Bowers, Canton.

NEW YORK—Continued.

NAME.	PRESIDENT.	SECRETARY.
SCHENECTADY COUNTY BAR ASSOCIATION.	Samuel W. Jackson, Schenectady.	Marvin H. Strong, Schenectady.
STEBEN COUNTY BAR ASSOCIATION.	John F. Little, Bath.	Henry V. Pratt, Wayland.
ULSTER COUNTY BAR ASSOCIATION.	Amos Van Etten, Kingston.	Roscoe Irwin, Kingston.
WAYNE COUNTY BAR ASSOCIATION.	Charles McLouth, Palmyra.	Clyde W. Knapp, Lyons.
WESTCHESTER COUNTY BAR ASSOCIATION.	John F. Brennan, Yonkers.	I. Sumner Burnstine, Yonkers.
WOMEN'S ASSOCIATION OF THE BAR.	Radcliffe Baldwin, New York.	Emma H. Begg, New York.
YATES COUNTY BAR AS- SOCIATION.	John H. Butler, Penn Yan.	H. B. Harpending, Dundee.

NORTH CAROLINA.

North Carolina Bar Association.	George Rountree, Wilmington.	Thomas W. Davis, Wilmington.
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NORTH DAKOTA.

Bar Association of North Dakota.	John Carmody, Hillsboro.	W. H. Thomas, Leeds.
BARNES COUNTY BAR ASSOCIATION.	Herman Winterer, Valley City.	Martin Remmen, Valley City.
BENSON COUNTY BAR AS- SOCIATION.	O. D. Comstock, Minnewaukon.	Torger Sinness, Minnewaukon.
BOTTINEAU COUNTY BAR ASSOCIATION.	A. G. Burr, Bottineau.	N. C. Wegner, Bottineau.
BURLEIGH COUNTY BAR ASSOCIATION.	E. A. Williams, Bismarck.	(Vacant.)
CASS COUNTY BAR AS- SOCIATION.	V. R. Lovell, Fargo.	D. B. Holt, Fargo.

NORTH DAKOTA—Continued.

NAME.	PRESIDENT.	SECRETARY.
GRAND FORKS COUNTY BAR ASSOCIATION.	James H. Bosard, Grand Forks.	Tracy R. Bangs, Grand Forks.
RAMSEY COUNTY BAR ASSOCIATION.	M. H. Brennan, Devils Lake.	H. M. Gray, Devils Lake.
BAR ASSOCIATION OF THE SECOND JUDICIAL DIS- TRICT OF NORTH DAKOTA.	John Burke, Devils Lake.	W. H. Thomas, Leeds.
WALSH COUNTY BAR AS- SOCIATION.	C. A. M. Spencer, Grafton.	John H. Fraine, Grafton.
WARD COUNTY BAR AS- SOCIATION.	James Johnson, Minot.	John H. Lewis, Minot.

OHIO.

Ohio State Bar Asso- ciation.	John C. Hall, Cleveland.	Edward B. McCarter, Columbus.
AKRON BAR ASSOCIA- TION.	Orlando Wilcox, (1905) Akron.	T. E. Raley, (1905) Akron.
ALLEN COUNTY BAR ASSOCIATION.	S. S. Wheeler, Lima.	Kent W. Hughes, Lima.
ASHLAND COUNTY BAR ASSOCIATION.	H. A. Mykrantz, Ashland.	F. N. Patterson, Ashland.
ATHENS COUNTY BAR AS- SOCIATION.	C. H. Grosvenor, Athens.	J. P. Wood, Jr., Athens.
AUGLAIZE COUNTY LAW LIBRARY AND BAR ASSOCIATION.	L. N. Blume, Wapakoneta.	F. M. Horn, Wapakoneta.
BUTLER COUNTY BAR ASSOCIATION.	R. N. Shotts, Hamilton.	Robert J. Shank, Hamilton.
CARROLL COUNTY BAR ASSOCIATION.	Robert E. McDonald, (1905) Carrollton.	J. H. Blyth, (1905) Carrollton.

OHIO—Continued.

NAME.	PRESIDENT.	SECRETARY.
CLARK COUNTY BAR ASSOCIATION.	John L. Plummer, Springfield.	C. S. Olinger, Springfield.
CLEVELAND BAR ASSOCIATION.	(Vacant)	T. H. Bushnell, (1905) Cleveland.
COLUMBIANA COUNTY BAR ASSOCIATION, SOUTHERN.	P. M. Smith, Wellsville.	Walter B. Hill, East Liverpool.
COSHOCTON COUNTY BAR ASSOCIATION.	J. M. Compton, (1905) Coshocton.	R. B. McDermott, (1905) Coshocton.
FRANKLIN COUNTY BAR ASSOCIATION.	George S. Peters, Columbus.	Fred H. Schoedinger, Columbus.
GALLIA COUNTY BAR ASSOCIATION.	Chas. H. D. Summers, (1905) Gallipolis.	F. E. Cherrington, (1905) Gallipolis.
FINDLAY BAR ASSOCIATION.	James A. Bope, Findlay.	John E. Priddy, Findlay.
HARRISON COUNTY BAR ASSOCIATION.	David Cunningham, Cadiz.	William T. Perry, Cadiz.
HENRY COUNTY BAR ASSOCIATION.	Martin Knapp, Napoleon.	James P. Ragan, Napoleon.
JEFFERSON COUNTY BAR ASSOCIATION.	Emmett E. Erskine, (1905) Steubenville.	Walter C. Taylor, (1905) Steubenville.
KNOX COUNTY BAR ASSOCIATION.	H. H. Greer, (1905) Mt. Vernon.	W. E. Grant, (1905) Mt. Vernon.
LAKE COUNTY BAR ASSOCIATION.	G. N. Tuttle, Painesville.	Elbert F. Blakely, Painesville.
LICKING COUNTY BAR ASSOCIATION.	Charles H. Kibler, Newark.	Charles W. Seward, Newark.
LOBAIN COUNTY BAR ASSOCIATION.	E. G. Johnson, Elyria.	A. E. Lawrence, Elyria.

OHIO—Continued.

NAME.	PRESIDENT.	SECRETARY.
LUCAS COUNTY BAR ASSOCIATION.	Rufus Baker, Toledo.	George E. Seney, Toledo.
MAHONING COUNTY BAR ASSOCIATION.	Thos. W. Sanderson, Youngstown.	M. C. McNab, Youngstown.
MARION COUNTY BAR ASSOCIATION.	William Z. Davis, (1905) Columbus.	William E. Scofield, (1905) Marion.
MIAMI COUNTY BAR ASSOCIATION.	George S. Long, Troy.	F. C. Goodrich, Troy.
MONTGOMERY COUNTY BAR ASSOCIATION.	Charles W. Eliff, Dayton.	Edw. E. Burkhart, Dayton.
PAULDING COUNTY BAR ASSOCIATION.	P. W. Stumm, Paulding.	G. H. Bayliss, Paulding.
PREBLE COUNTY BAR AND LAW LIBRARY ASSOCIATION.	Elam Fisher, Eaton.	Edith O. Hart, Eaton.
RICHLAND COUNTY BAR ASSOCIATION.	S. G. Cummings, (1905) Mansfield.	Jesse E. LaDow, (1905) Mansfield.
SANDUSKY COUNTY BAR ASSOCIATION.	Thomas P. Finefrock, Fremont.	Basil Meek, Fremont.
SENECA COUNTY BAR ASSOCIATION.	Nelson L. Brewer, Tiffin.	Milton Saylor, Tiffin.
STARK COUNTY BAR ASSOCIATION.	James J. Clark, Canton.	Atlee Pomerene, Canton.
TRUMBULL COUNTY BAR AND LAW LIBRARY ASSOCIATION.	Homer E. Stewart, Warren.	Charles M. Wilkins, Warren.
UNION COUNTY BAR ASSOCIATION.	Leonidas Piper, Marysville.	J. H. Kinkade, Marysville.
WARREN COUNTY BAR ASSOCIATION.	J. A. Runyan, Lebanon.	George W. Stanley, Lebanon.

OHIO—Continued.

NAME.	PRESIDENT.	SECRETARY.
WASHINGTON COUNTY BAR ASSOCIATION.	A. D. Follett, Marietta.	R. A. Underwood, Marietta.
WILLIAMS COUNTY LAW LIBRARY AND BAR ASSOCIATION.	C. A. Bowersox, Bryan.	John B. White, Bryan.

OKLAHOMA AND INDIAN TERRITORY.

The Bar Association of Oklahoma and Indian Territory.	S. H. Harris, Oklahoma City, O. T.	T. H. Kellogg, South McAlester, I. T.
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OREGON.

Oregon Bar Association.	Robert Treat Platt, Portland.	R. A. Leiter, Portland.
CLACKAMAS COUNTY BAR ASSOCIATION.	Gordon E. Hayes, Oregon City.	W. S. U'Ren, Oregon City.
MARION COUNTY BAR ASSOCIATION.	F. T. Wrightman, Salem.	Charles L. McNary, Salem.
MULTNOMAH COUNTY BAR ASSOCIATION.	S. C. Spencer, Portland.	Ralph B. Fisher, Portland.

PENNSYLVANIA.

Pennsylvania Bar Association.	Thomas Patterson, Philadelphia.	William H. Staake, Philadelphia.
ADAMS COUNTY BAR AS- SOCIATION.	Wm. McClean, Gettysburg.	W. Clarence Sheely, Gettysburg.
ALLEGHENY COUNTY BAR ASSOCIATION.	Albert York Smith, Pittsburgh.	Harry G. Tinker, Pittsburgh.
ARMSTRONG COUNTY BAR ASSOCIATION.	Orr Buffington, Kittanning.	Floy C. Jones, Kittanning.
LAW ASSOCIATION OF BEAVER COUNTY	Frank H. Laird, Beaver.	Forest G. Moorhead, Beaver.

PENNSYLVANIA—Continued.

NAME	PRESIDENT.	SECRETARY.
BERKS COUNTY BAR ASSOCIATION.	Jacob S. Livingood, Reading.	Thomas K. Leidy, Reading.
BLAIR COUNTY BAR ASSOCIATION.	Adie H. Stevens, (1905) Tyrone.	Henry A. McFadden, (1905) Hollidaysburg.
BRADFORD COUNTY BAR ASSOCIATION.	Rodney A. Mercur, Towanda.	Stephen H. Smith, Towanda.
BUCKS COUNTY BAR ASSOCIATION.	Harman Yerkes, Doylestown.	Harvey S. Kiser, Doylestown.
BUTLER COUNTY BAR ASSOCIATION.	J. D. McJunkin, Butler.	J. D. Marshall, Butler.
CAMBRIA BAR ASSOCIATION.	W. Horace Rose, Johnstown.	H. H. Myers, Ebensburg.
CAMERON COUNTY BAR ASSOCIATION.	J. C. Johnson, Emporium.	Jay Paul Felt, Emporium.
CARBON COUNTY BAR ASSOCIATION.	Edw. H. Mulhearn, Mauch Chunk.	Frank P. Sharkey, Mauch Chunk.
CENTRE COUNTY BAR ASSOCIATION.	A. O. Furst, (1905) Bellefonte.	J. C. Meyer, (1905) Bellefonte.
CLARION BAR ASSOCIATION.	David Lawson, Clarion.	W. D. Burns, Clarion.
CLEARFIELD COUNTY LAW ASSOCIATION.	Allison O. Smith, (1905) Clearfield.	Benjamin F. Chase, (1905) Clearfield.
CLINTON COUNTY BAR ASSOCIATION.	C. A. Mayer, (1905) Lock Haven.	E. P. Geary, (1905) Lock Haven.
COLUMBIA COUNTY BAR ASSOCIATION.	John G. Freeze, Bloomsburg.	George E. Elwell, Bloomsburg.
CRAWFORD COUNTY BAR ASSOCIATION.	B. B. Pickett, Jr., Meadville.	E. L. Humes, Meadville.
CUMBERLAND COUNTY BAR ASSOCIATION.	Robt. M. Henderson, (1905) Carlisle.	Conrad Hambleton, (1905) Carlisle.

PENNSYLVANIA—Continued.

NAME.	PRESIDENT.	SECRETARY.
DAUPHIN COUNTY BAR ASSOCIATION.	Charles H. Bergner, Harrisburg.	Donald C. Haldeman, Harrisburg.
DELAWARE COUNTY BAR ASSOCIATION.	Geo. E. Darlington, Media.	Garnett Pendleton, Chester.
ELK COUNTY BAR ASSOCIATION.	Harry Alvan Hall, Ridgeway.	Fred. W. McFarlin, Ridgeway.
ERIE COUNTY BAR ASSOCIATION.	H. J. Curtze, Erie.	C. C. Eaton, Erie.
FAYETTE COUNTY BAR ASSOCIATION.	William Johnson, Uniontown.	D. W. Henderson, Uniontown.
FOREST BAR ASSOCIATION.	Samuel D. Irwin, (1905) Tionesta.	T. F. Ritchey, (1905) Tionesta.
FRANKLIN COUNTY BAR ASSOCIATION.	O. C. Bowers, Chambersburg.	Loren A. Culp, Chambersburg.
FULTON COUNTY BAR ASSOCIATION.	J. Nelson Sipes, McConnellsburg.	W. Scott Alexander, McConnellsburg.
HUNTINGDON COUNTY BAR ASSOCIATION.	J. R. Simpson, Huntingdon.	Jas. S. Woods, Huntingdon.
INDIANA COUNTY LAW ASSOCIATION.	J. N. Banks, Indiana.	Elder Peelor, Indiana.
JEFFERSON COUNTY BAR ASSOCIATION.	(Vacant)	W. W. Conrad, Brookville.
JUNIATA COUNTY BAR ASSOCIATION.	B. F. Burchfield, (1905) Mifflintown.	F. M. M. Pennell, (1905) Mifflintown.
LACKAWANNA LAW AND LIBRARY ASSOCIATION.	Samuel B. Price, Scranton.	Herman Osthau, Scranton.
LANCASTER BAR ASSOCIATION.	H. M. North, Columbia.	John W. Appel, Lancaster.
LAWRENCE COUNTY BAR ASSOCIATION.	Eugene N. Baer, Newcastle.	R. L. Wallace, Newcastle.

PENNSYLVANIA—Continued.

NAME.	PRESIDENT.	SECRETARY.
LEBANON COUNTY BAR ASSOCIATION.	Thomas H. Capp, (1905) Lebanon.	Charles M. Zerbe, (1905) Lebanon.
LEHIGH COUNTY BAR ASSOCIATION.	Edward Harvey, Allentown.	Francis G. Lewis, Allentown.
LYCOMING LAW ASSOCIATION.	Herbert T. Ames, (1905) Williamsport.	James C. Watson, (1905) Williamsport.
McKEAN COUNTY BAR ASSOCIATION.	Edwin L. Keenan, Smethport.	Guy B. Mayo, Smethport.
MERCER COUNTY BAR ASSOCIATION.	S. R. Mason, (1905) Mercer.	J. C. Miller, (1905) Mercer.
MIFFLIN COUNTY BAR ASSOCIATION.	David W. Woods, Lewistown.	Michael M. McLaughlin, Lewistown.
MONTGOMERY COUNTY BAR ASSOCIATION.	George W. Rogers, Norristown.	Wm. F. Dannehower, Norristown.
NORTHAMPTON COUNTY BAR ASSOCIATION.	Frank W. Edgar, Easton.	David M. Bachman, Easton.
NORTHUMBERLAND COUNTY LAW ASSOCIATION.	W. H. M. Oram, Shamokin.	Harry S. Knight, Sunbury.
PERRY COUNTY BAR ASSOCIATION.	W. N. Seibert, New Bloomfield.	James M. Barnett, New Bloomfield.
LAW ASSOCIATION OF PHILADELPHIA.	Samuel Dickson, Philadelphia.	William C. Ferguson, Philadelphia.
LAWYERS' CLUB OF PHILADELPHIA.	Francis Shunk Brown, Philadelphia.	Henry C. Thompson, Jr., Philadelphia.
POTTER COUNTY BAR ASSOCIATION.	John Ormerod, Coudersport.	A. N. Crandell, Coudersport.
LAW ASSOCIATION OF SCHUYLKILL COUNTY	Guy E. Farquhar, Pottsville.	W. K. Woodbury, Pottsville.
SNYDER COUNTY BAR ASSOCIATION.	A. W. Potter, Selin's Grove.	Jay G. Weiser, Middleburg.

LIST OF BAR ASSOCIATIONS

PENNSYLVANIA—Continued.

NAME.	PRESIDENT.	SECRETARY.
SOMERSET COUNTY BAR ASSOCIATION.	A. H. Coffroth, Somerset.	A. C. Holbert, Somerset.
SULLIVAN COUNTY BAR ASSOCIATION.	Thomas J. Ingham, La Porte.	W. P. Shoemaker, La Porte.
SUSQUEHANNA COUNTY LEGAL ASSOCIATION.	William M. Post, Montrose.	H. A. Denney, Montrose.
TIOGA COUNTY BAR ASSOCIATION.	S. F. Channell, Wellsboro.	R. K. Young, Wellsboro.
UNION COUNTY BAR ASSOCIATION.	J. C. Bucher, Lewisburg.	Andrew A. Leiser, Jr., Lewisburg.
VENANGO COUNTY BAR ASSOCIATION.	C. Heydrick, Franklin.	John L. Nesbit, Franklin.
WARREN COUNTY BAR ASSOCIATION.	W. D. Brown, Warren.	C. E. Bordwell, Warren.
WASHINGTON BAR ASSOCIATION.	R. W. Irwin, Washington.	R. W. Knox, Washington.
WAYNE BAR ASSOCIATION.	Henry Wilson, Honesdale.	R. M. Stocker, Honesdale.
WAYNESBURG BAR ASSOCIATION.	J. B. Donley, Waynesburg.	James J. Purman, Waynesburg.
WESTMORELAND LAW ASSOCIATION.	D. S. Atkinson, Greensburg.	J. E. B. Cunningham, Greensburg.
WILKES BARRE LAW AND LIBRARY ASSOCIATION.	Alex. Farnham, Wilkes Barre.	Joseph D. Coons, Wilkes Barre.
WYOMING COUNTY BAR ASSOCIATION.	W. E. Little, Tunkhannock.	H. Stanley Harding, Tunkhannock.
YORK COUNTY BAR ASSOCIATION.	Richard E. Cochran, York.	George Hay Kain, York.

RHODE ISLAND.

NAME.	PRESIDENT.	SECRETARY.
The Rhode Island Bar Association.	Francis Colwell, Providence.	Howard B. Gorham, Providence.
PROVIDENCE BAR CLUB.	Dexter B. Potter, (1905) Providence.	Lorin M. Cook, (1905) Providence.

SOUTH CAROLINA.

South Carolina Bar Association.	Robert Aldrich, Columbia.	Hunter A. Gibbs, Columbia.
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SOUTH DAKOTA.

South Dakota Bar Association.	A. W. Burt, Huron.	Jno. H. Voorhees, Sioux Falls.
BRADLE COUNTY BAR ASSOCIATION.	A. W. Burt, Huron.	(Appointed at meetings)
BROWN COUNTY BAR ASSOCIATION.	J. H. Hauser, Aberdeen.	Charles M. Stevens, Aberdeen.
DAVISON COUNTY BAR ASSOCIATION.	J. L. Hannett, Mitchell.	Herbert E. Hitchcock, Mitchell.
MINNEHAHA COUNTY BAR ASSOCIATION.	H. E. Judge, Sioux Falls.	Jno. H. Voorhees, Sioux Falls.

TENNESSEE.

Bar Association of Tennessee.	C. W. Heiskell, Memphis.	R. H. Sansom, Knoxville.
CHATTANOOGA BAR AND LAW LIBRARY ASSOCIATION.	W. H. Payne, Jr., Chattanooga.	S. Barston Strang, Chattanooga.
FRANKLIN COUNTY BAR ASSOCIATION.	George E. Banks, Winchester.	P. H. Williams, Winchester.
MEMPHIS BAR ASSOCIATION.	Lee Thornton, Memphis.	R. Lee Bartels, Memphis.
MURFREESBORO BAR ASSOCIATION.	Horace E. Palmer, Murfreesboro.	Jesse W. Sparks, Murfreesboro.

LIST OF BAR ASSOCIATIONS

TEXAS.

NAME.	PRESIDENT.	SECRETARY.
Texas Bar Association.	A. L. Beaty, Sherman.	L. Q. L. Lamar, Dallas.
AUSTIN BAR ASSOCIATION.	John Dowell, Austin.	J. W. Maxwell, Austin.
DALLAS BAR ASSOCIATION.	John L. Henry, Dallas.	John L. Young, Dallas.

UTAH.

State Bar Association of Utah.	Parley L. Williams, (1905) Salt Lake City.	J. Walcott Thompson, (1905) Salt Lake City.
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VERMONT.

Vermont Bar Association.	Frederick M. Butler, Rutland.	John H. Mimms, St. Albans.
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VIRGINIA.

Virginia State Bar Association.	A. Caperton Braxton, Richmond.	John B. Minor, Richmond.
DANVILLE BAR ASSOCIATION.	Julian Meade, Danville,	D. P. Withers, Danville.
LEE COUNTY BAR ASSOCIATION.	C. T. Duncan, Jonesville.	L. T. Hyatt, Jonesville.
NEWPORT NEWS BAR ASSOCIATION.	Robert G. Bickford, Newport News.	William C. Stuart, Newport News.
NORFOLK AND PORTSMOUTH BAR ASSOCIATION.	William W. Old, Norfolk.	T. Catesby Jones, Norfolk.
PETERSBURG BAR ASSOCIATION.	Alexander Hamilton, Petersburg.	C. E. Plummer, Petersburg.
BAR ASSOCIATION OF THE CITY OF RICHMOND.	George Bryan, Richmond.	Maurice A. Powers, Richmond.
BAR ASSOCIATION OF ROANOKE CITY.	Wm. G. Robertson, Roanoke.	M. H. Altizer, Roanoke.

WASHINGTON.

NAME.	PRESIDENT.	SECRETARY.
Washington State Bar Association.	E. C. Hughes, Seattle.	C. Will Shaffer, Olympia.
CHELAN COUNTY BAR ASSOCIATION.	(Vacant)	Fred Reeves, Wenatchee.
JEFFERSON COUNTY BAR ASSOCIATION.	A. R. Coleman, Pt. Townsend.	U. G. Nagey, Pt. Townsend.
KING COUNTY BAR ASSOCIATION.	Orange Jacobs, Seattle.	John Arthur, Seattle.
KITTITAS COUNTY BAR ASSOCIATION.	Austin Mires, Ellensburg.	Chet Hovey, Ellensburg.
PIERCE COUNTY BAR ASSOCIATION.	Theodore L. Stiles, Tacoma.	James M. Harris, Tacoma.
SEATTLE BAR ASSOCIATION.	R. A. Ballinger, Seattle.	Henry McClure, Seattle.
SKAGIT COUNTY BAR ASSOCIATION.	M. P. Hurd, Mt. Vernon.	Howard Seabury, Sedro-Wooley.
SNOHOMISH COUNTY BAR ASSOCIATION.	J. Y. Kennedy, Everett.	W. M. Seise, Everett.
BAR ASSOCIATION OF SPOKANE COUNTY.	W. E. Richardson, Spokane.	Lawrence Jack, Spokane.
THURSTON COUNTY BAR ASSOCIATION.	T. N. Allen, Olympia.	Chas. D. King, Olympia.
WALLA WALLA BAR ASSOCIATION.	Oscar Cain, Walla Walla.	Otto B. Rupp, Walla Walla.
WHATCOM COUNTY BAR ASSOCIATION.	H. A. Fairchild, Bellingham.	Lin H. Hadley, Bellingham.
WHITMAN COUNTY BAR ASSOCIATION.	J. N. Pickrell, Colfax.	H. M. Love, Colfax.
YAKIMA COUNTY BAR ASSOCIATION.	H. J. Snively, North Yakima.	Lee C. Delle, North Yakima.

WEST VIRGINIA.

NAME.	PRESIDENT.	SECRETARY.
West Virginia Bar Association.	John W. Davis, Clarksburg.	William G. Peterkin, Parkersburg.
BAR ASSOCIATION OF THE CITY OF CHARLESTON.	C. C. Watts, Charleston.	Buckner Clay, Charleston.
CLARKSBURG BAR ASSO- CIATION.	John J. Davis, Clarksburg.	Charles G. Coffman, Clarksburg.
FAYETTEVILLE BAR AS- SOCIATION.	H. J. Tucker, Fayetteville.	R. T. Hubbard, Fayetteville.
HARRISON COUNTY BAR ASSOCIATION.	John J. Davis, Clarksburg.	L. C. Crile, Clarksburg.
MARION COUNTY BAR ASSOCIATION.	Wm. S. Haymond, Fairmont.	John L. Lehman, Fairmont.
MARSHALL COUNTY BAR ASSOCIATION.	C. A. Showacre, Moundeville.	A. L. Hooton, Moundeville.
MONONGALIA COUNTY BAR ASSOCIATION.	C. B. Dille, Morgantown.	John Shriver, Morgantown.
OHIO COUNTY BAR ASSO- CIATION.	B. B. Dovener, Wheeling.	A. L. Sawtelle, Wheeling.
TUCKER COUNTY BAR ASSOCIATION.	A. R. Stallings, Davis.	George P. Sherley, Parsons.
UPSHUR COUNTY BAR AS- SOCIATION.	A. M. Poundstone, Buckhannon.	W. B. Nutter, Buckhannon.

WISCONSIN.

State Bar Associa- tion of Wisconsin.	Lyman J. Nash, Manitowoc.	Cornelius I. Haring, Milwaukee.
DANE COUNTY LEGAL ASSOCIATION.	Burr W. Jones, Madison.	John A. Aylward, Madison.
EAU CLAIRE COUNTY BAR ASSOCIATION.	Ira B. Bradford, Augusta.	Frank R. Farr, Eau Claire.

WISCONSIN—Continued.

NAME.	PRESIDENT.	SECRETARY.
LA CROSSE BAR ASSOCIATION.	Benjamin F. Bryant, La Crosse.	John Brindley, La Crosse.
MILWAUKEE COUNTY BAR ASSOCIATION.	W. J. McElroy, Milwaukee.	George E. Balthorn, Milwaukee.
ROCK COUNTY BAR ASSO- CIATION.	William Smith, Janesville.	Arthur M. Fisher, Janesville.
WAUPACA COUNTY BAR ASSOCIATION.	F. M. Guernsey, Clintonville.	Irving P. Lord, Waupaca.

MEMORANDUM OF SUBJECTS REFERRED TO COMMITTEES.

EXECUTIVE COMMITTEE.

Association Internationale des Avocats. Consideration postponed. (See pages 43 to 52.)

STANDING COMMITTEES.

Judicial Administration and Remedial Procedure.

Paper of Roscoe Pound on "Causes of Popular Dissatisfaction with the Administration of Justice." (See pages 55 to 65, and 395.)

Legal Education and Admissions to the Bar.

Recommendation providing for State Boards of Law Examiners in States not now having such boards.

Proposed uniform system of degrees. (See pages 16, 37 and 487.)

Commercial Law.

Instructed to oppose repeal of bankrupt law. (See pages 21 and 502.)

Obituaries.

To report names of deceased members. (See pages 26 and 519.)

Patent, Trade-Mark and Copyright Law.

To continue efforts to secure passage of act creating a Court of Patent Appeals. (See pages 30 and 522.)

Extension of Patents recommitted. (See pages 31 and 534.)

Insurance Law.

Recommendations recommitted. Report to be made the special order at 1907 meeting after the Annual Address. (See pages 66 to 76, and 538.)

Committee to attend Conference of Insurance Commissioners at Washington, October 1, 1906. (See page 77.)

Uniform State Laws.

Establishment of Bureau for Identification of Criminals. (See page 33.)

Taxation.

New committee created. (See page 42.)

SPECIAL COMMITTEES.

Classification of the Law.

No report in 1906. (See page 32.)

Indian Legislation.

No report in 1906. (See page 32.)

Penal Laws and Prison Discipline.

Resolution adopted favoring establishment at Washington of Bureau for Identification of Criminals. (See pages 33 and 594.)

Federal Courts.

No report in 1906. Committee continued. (See page 33.) Reduced to nine. (See page 80.)

Title to Real Estate.

Report in 1906 and committee continued. (See pages 34 and 598.)

Code of Professional Ethics.

To report a code of professional ethics. (See pages 35 and 600.)

Proposed Copyright Bill.

To consider and report upon proposed bill. (See pages 35, 37 and 605.)

James Wilson Memorial Services.

To attend services at Philadelphia, representing this Association. (See page 77.)

John Marshall Memorial Fund.

To report on advisability of raising a fund for a national memorial. (See page 79.)

Comparative Law.

To call attention to important legislation of foreign nations. (See page 81.)

ANNUAL ADDRESSES.

YEAR.	NAME.	SUBJECT.
1879.	EDWARD J. PHELPS,	John Marshall.
1880.	CORTLANDT PARKER,	Alexander Hamilton and William Paterson.
1881.	CLARESON N. POTTER,	Roger Brooke Taney.
1882.	ALEXANDER R. LAWTON,	James Lewis Petigru and Hugh Swinton Legaré.
1883.	JOHN W. STEVENSON,	James Madison.
1884.	JOHN F. DILLON,	American Institutions and Laws.
1885.	GEORGE W. BIDDLE,	An Inquiry into the Proper Mode of Trial.
1886.	THOMAS J. SEMMES,	The Civil Law and Codification.
1887.	HENRY HITCHCOCK,	General Corporation Laws.
1888.	GEORGE HOADLY,	Codification.
1889.	SIMEON E. BALDWIN,	The Centenary of Modern Government.
1890.	JAMES C. CARTER,	The Ideal and the Actual in the Law.
1891.	ALFRED RUSSELL,	Avoidable Causes of Delay and Uncertainty in our Courts.
1892.	J. RANDOLPH TUCKER,	British Institutions and American Constitutions.
1893.	HENRY B. BROWN,	The Distribution of Property.
1894.	MOORFIELD STOREY,	The American Legislature.
1895.	WILLIAM H. TAFT,	Recent Criticism of the Federal Judiciary.
1896.	LORD RUSSELL OF KILLOWEN, Lord Chief Justice of England,	International Law and Arbitration.
1897.	JOHN W. GRIGGS,	Lawmaking.
1898.	JOSEPH H. CHOATE,	Trial by Jury.
1899.	WILLIAM LINDSAY,	Power of the United States to Acquire and Govern Foreign Territory.
1900.	GEORGE R. PECK,	The March of the Constitution.

YEAR.	NAME.	SUBJECT.
1901.	CHARLES E. LITTLEFIELD, . . .	The Insular Cases.
1902.	JOHN G. CARLISLE,	The Power of the United States to Acquire and Govern Territory.
1903.	LE BARON B. COLT,	Law and Reasonableness.
1904.	AMOS M. THAYER,	The Louisiana Purchase; Its In- fluence and Development Under American Rule.
1905.	ALFRED HEMENWAY,	The American Lawyer.
1906.	ALTON B. PARKER,	The Congestion of Law.

PAPERS READ.

YEAR.	NAME.	SUBJECT.
1879.	CALVIN G. CHILD,	Shifting Uses, from the Standpoint of the Nineteenth Century.
1879.	HENRY HITCHCOCK,	The Inviolability of Telegrams.
1879.	GEORGE A. MERCER,	The Relationship of Law and National Spirit.
1880.	HENRY E. YOUNG,	Sunday Laws.
1880	GEORGE TUCKER BISPHAM, . .	Rights of Material Men and Em- ployees of Railroad Companies as against Mortgagees.
1880.	HENRY D. HYDE,	Extradition between the States.
1881.	THOMAS M. COOLEY,	The Recording Laws of the United States.
1881.	SAMUEL WAGNER,	The Advantages of a National Bankrupt Law.
1882.	GUSTAVE KOERNER,	The Doctrine of Punitive Damages and its Effect on the Ethics of the Profession.
1882.	U. M. ROSE,	Titles of Statutes.
1882.	THOMAS J. SEMMES,	The Civil Law as Transplanted in Louisiana.
1883.	ROBERT G. STREET,	How far Questions of Public Pol- icy may enter into Judicial Decisions.
1883.	JOHN M. SHIRLEY,	The Future of our Profession.
1883.	SIMEON E. BALDWIN,	Preliminary Examinations in Criminal Proceedings.
1883.	SEYMOUR D. THOMPSON, . . .	Abuses of the Writ of Habeas Corpus.
1884.	ANDREW ALLISON,	The Rise and Probable Decline of Private Corporations in America.
1884.	M. DWIGHT COLLIER,	Stock Dividends and their Re- straint.
1884.	SIMON STERNE,	The Prevention of Defective and Slipshod Legislation.

YEAR.	NAME.	SUBJECT.
1885.	RICHARD M. VENABLE,	Partition of Powers between the Federal and State Governments.
1885.	REUBEN C. BENTON,	The Distinction between Legislative and Judicial Functions.
1885.	FRANCIS RAWLE,	Car Trust Securities.
1886.	JOHNSON T. PLATT,	The Opportunity for the Development of Jurisprudence in the United States.
1886.	WILLIAM P. WELLS,	The Dartmouth College Case and Private Corporations.
1886.	JOHN F. DILLON,	Law Reports and Law Reporting.
1887.	HENRY JACKSON,	Indemnity the Essence of Insurance; Causes and Consequences of Legislation qualifying this Principle.
1887.	JAMES K. EDSALL,	The Granger Cases and the Police Power.
1888.	J. RANDOLPH TUCKER,	Congressional Power over Interstate Commerce.
1888.	J. M. WOOLWORTH,	Jurisprudence Considered as a Branch of the Social Science.
1889.	HENRY B. BROWN,	Judicial Independence.
1889.	WALTER B. HILL,	The Federal Judicial System.
1890.	HENRY C. TOMPKINS,	The Necessity for Uniformity in the Laws Governing Commercial Paper.
1890.	DWIGHT H. OLMSTEAD,	Land Transfer Reform.
1890.	JOHN F. DUNCOMBE,	Election Laws.
1891.	FREDERICK N. JUDSON,	Liberty of Contract under the Police Power.
1891.	W. B. HORNBLOWER,	The Legal Status of the Indian.
1892.	JOHN W. CARY,	Limitations of the Legislative Power in Respect to Personal Rights and Private Property.
1892.	WILLIAM L. SNYDER,	The Problem of Uniform Legislation.
1893.	HENRY WADE ROGERS,	The Treaty-Making Power.
1893.	W. W. MCFARLAND,	The Evolution of Jurisprudence.

YEAR.	NAME.	SUBJECT.
1893.	U. M. ROSE,	Trusts and Strikes.
1894.	HAMPTON L. CARSON,	Great Dissenting Opinions.
1894.	CHARLES CLAPLIN ALLEN, . .	Injunction and Organized Labor.
1895.	WILLIAM WIRT HOWE,	Historical Relation of the Roman Law to the Law of England.
1895.	RICHARD WAYNE PARKER, . .	The Tyrannies of Free Govern- ment, or the Modern Scope of Constitutional Guarantees of Liberty and Property.
1896.	JAMES M. WOOLWORTH,	The Development of the Law of Contracts.
1896.	JOSEPH B. WARNER,	The Responsibilities of the Law- yer.
1896.	MONTAGUE CRACKANTHORPE, of the English Bar,	The Uses of Legal History.
1897.	ROBERT MATHER,	Constitutional Construction and the Commerce Clause.
1897.	EUGENE WAMBAUGH,	The Present Scope of Govern- ment.
1898.	LYMAN D. BREWSTER,	Uniform State Laws.
1898.	L. C. KRAUTHOFF,	Malice as an Ingredient of a Civil Cause of Action.
1899.	EDWARD Q. KEASBEY,	New Jersey and the Great Corpo- rations.
1899.	SIR WM. RANN KENNEDY, Judge of the English High Court,	The State Punishment of Crime.
1900.	EDWARD AVERY HARRIMAN, .	<i>Ultra Vires</i> Corporation Leases.
1900.	JOHN BASSETT MOORE,	A Hundred Years of American Diplomacy.
1900.	RICHARD M. VENABLE,	Growth or Evolution of Law.
1901.	RICHARD C. DALE,	Implied Limitations upon the Ex- ercise of the Legislative Power.
1901.	HENRY D. ESTABROOK,	The Lawyer, Hamilton.
1901.	CHARLES J. HUGHES, JR., . . .	The Evolution of Mining Law.
1901.	PLATT ROGERS,	The Law of New Conditions— Illustrated by the Law of Irriga- tion.

YEAR.	NAME.	SUBJECT.
1902.	M. D. CHALMERS, Parliamentary Counsel to the Treasury (England),	Codification of Mercantile Law.
1902.	AMASA M. EATON,	The Origin of Municipal Incorporation in England and in the United States.
1902.	EMLIN MCCLAIN,	The Evolution of the Judicial Opinion.
1903.	SIR FREDERICK POLLOCK, of the English Bar,	English Law Reporting.
1903.	WILLIAM A. GLASGOW, JR.,	A Dangerous Tendency of Legislation.
1904.	J. M. DICKINSON,	The Alaskan Boundary Case.
1904.	BENJAMIN F. ABBOTT,	To what Extent will a Nation Protect its Citizens in Foreign Countries?
1905.	RICHARD LOCKHART HAND,	Government by the People.
1906.	ROSCOE POUND,	The Causes of Popular Dissatisfaction with the Administration of Justice.
1906.	JOHN J. JENKINS,	Can Congress Transfer to the States its Power to Regulate Commerce?
1906.	THOMAS J. KERNAN,	The Jurisprudence of Lawlessness.
1906.	GEORGE B. DAVIS,	Some Recent Progress in International Law.

PAPERS READ.

SECTION OF LEGAL EDUCATION.

YEAR.	NAME.	SUBJECT.
1893.	AUSTIN ABBOTT,	Existing Questions of Legal Education.
1893.	SAMUEL WILLISTON,	Legal Education.
1893.	EMLIN MCCLAIN,	The Best Method of Using Cases in Teaching Law.
1894.	HENRY WADE ROGERS,	Annual Address as Chairman.
1894.	JOHN F. DILLON,	The True Professional Ideal.
1894.	JOHN D. LAWSON,	Some Standards of Legal Education in the West.
1894.	SIMEON E. BALDWIN,	Law School Libraries, and How to Use Them.
1894.	WOODBROW WILSON,	Legal Education of Undergraduates.
1894.	JOHN H. WIGMORE,	A Principal of Orthodox Legal Education.
1894.	EDMUND WETMORE,	Some of the Limitations and Requirements of Legal Education in the United States.
1894.	WILLIAM A. KEENER,	The Inductive Method in Legal Education.
1895.	JAMES B. THAYER,	Address as Chairman on The Teaching of English Law at Universities.
1895.	ERNEST W. HUFFCUT,	The Relation of the Law School to the University.
1895.	DAVID J. BREWER,	A Better Education the Great Need of the Profession.
1895.	LYMAN ABBOTT,	The Relation of Law to Our National Development.
1895.	NATHAN S. DAVIS,	The Importance of the Study of Medical Jurisprudence by Students of Law, and the Extent to which it should be Taught in Schools and Colleges for the Education of such Students.

816 PAPERS READ. SECTION OF LEGAL EDUCATION.

YEAR.	NAME.	SUBJECT.
1896.	EMLIN MCCLAIN,	Address as Chairman, on The Law Curriculum.
1896.	CHARLES M. CAMPBELL,	The Necessity and Importance of the Study of Common-Law Procedure in Legal Education.
1896.	BLEWETT LEE,	Teaching Practice in Law Schools.
1896.	JAMES FAIRBANKS COLBY,	The Collegiate Study of Law.
1896.	AUSTEN G. FOX,	Two Years' Experience of the New York State Board of Law Examiners.
1896.	J. W. POWELL,	On Primitive Institutions.
1896.	JOHN RANDOLPH TUCKER,	What is the Best Training for the American Bar of the Future.
1896.	GEORGE HENRY EMMOTT,	Legal Education in England.
1897.	HENRY E. DAVIS,	Primitive Legal Conceptions in Relation to Modern Law.
1897.	JOHN A. FINCH,	The Law of Insurance in the Law School.
1897.	CHARLES NOBLE GREGORY,	The Wage of the Law Teacher.
1898.	SIMEON E. BALDWIN,	Address as Chairman, on The Re-adjustment of the Collegiate to the Professional Course.
1898.	EDWARD A. HARRIMAN,	Educational Franchises.
1898.	CHARLES W. NEEDHAM,	Schools of Law: The Subjects, Order and Method of Study.
1899.	WILLIAM WIRT HOWE,	Address as Chairman, on The Study of Comparative Jurisprudence.
1899.	THOMAS BARCLAY,	The Teaching of the Law in France.
1899.	N. W. HOYLES, Q. C.	Legal Education in Canada.
1899.	JOSEPH WALTON, Q. C.,	Notes on the Early History of Legal Studies in England.
1900.	CHARLES NOBLE GREGORY,	Address as Chairman, on the State of Legal Education in the World.
1900.	HARRY B. HUTCHINS,	The Law School as a Factor in University Education.
1900.	WILLIAM DRAPER LEWIS,	The Proper Preparation for the Study of Law.

PAPERS READ. SECTION OF LEGAL EDUCATION. 817

YEAR.	NAME.	SUBJECT.
1901.	NATHAN ABBOTT,	The Undergraduate Study of Law.
1901.	CLARENCE D. ASHLEY,	Legal Education and Preparation Therefor.
1901.	RALEIGH C. MINOR,	The Graduating Examination in the Law School.
1901.	HARRY SANGER RICHARDS, . .	Shall Law Schools Give Credit for Office Study?
1901.	WILLIAM P. ROGERS,	Is Law a Field for Woman's Work?
1902.	ERNEST W. HUFFCUT,	A Decade of Progress in Legal Education.
1902.	HENRY S. REDFIELD,	A Defect in Legal Education.
1902.	FRANKLIN M. DANAHER, . . .	Courses of Study for Law Clerks.
1903.	LAWRENCE MAXWELL, JR., . .	Examinations for the Bar.
1903.	JAMES B. SCOTT,	The Place of International Law in Legal Education.
1904.	JAMES BARR AMEN,	Address as Chairman; Reviewing the actions on legal education of the Association, the Committees on Legal Education and the Section of Legal Education, since 1879.
1904.	GEORGE W. KIRCHWEY,	The Education of the American Lawyer.
1905.	LAWRENCE MAXWELL, JR., . .	Address as Chairman; Advocating a higher standard of general education for admission to the Bar.
1905.	NATHAN ABBOTT,	Some Questions before American Law Schools.
1905.	JAMES PARKER HALL,	Practice Work and Elective Studies in the Law School.
1905.	LUCIEN H. ALEXANDER, . . .	Some Admission Requirements Considered Apart from Educational Standards.
1906.	WILLIAM DRAPER LEWIS, . . .	Address as Chairman; Legal Education and the Failure of the Bar to Perform Its Public Duties.

818 PAPERS READ. SECTION OF LEGAL EDUCATION.

YEAR.	NAME.	SUBJECT.
1906.	EUGENE A. GILMORE,	The Relation of the University to Professional Instruction in Law.
1906.	MARK NORRIS,	Some Notions about Legal Education.
1906.	GEORGE W. WALL,	The State Bar Examiner and the Law School.

PAPERS READ.

SECTION OF PATENT LAW.

YEAR.	NAME.	SUBJECT.
1895.	R. S. TAYLOR,	Patent Law and Practice.
1899.	JAMES H. RAYMOND,	Address as Chairman.
1899.	LESTER L. BOND,	Preliminary Injunctions.
1899.	FREDERICK P. FISH,	The Conditions under which Preliminary Injunctions in Patent Causes should be Granted or Refused.
1899.	E. B. SHERMAN,	Masters in Chancery.
1899.	ARTHUR STEUART,	What Constitutes Invention in the Sense of the Patent Law.
1899.	ROBERT S. TAYLOR,	Shall There be One or More Special Courts of Last Resort in Patent Causes.
1900.	FREDERICK P. FISH,	Address as Chairman.
1900.	LYSANDER HILL,	Unfair Competition in Trade.
1900.	ARTHUR STEUART,	Copyright for Design.
1902.	LESTER L. BOND,	Address as Chairman.
1902.	ARTHUR P. GREELEY,	Pending Trade-Mark Legislation.
1902.	ARTHUR STEUART,	Trade-Marks: Criminal Remedy.
1902.	LYSANDER HILL,	Preliminary Injunction in Patent Suits.
1902.	HAROLD BINNEY,	History and Present Status of the Law Relating to Designs.
1902.	ARTHUR S. BROWNE,	Patent Litigation from the Expert's Standpoint.
1902.	CHARLES MARTINDALE,	Evils of the Present System of Producing Evidence in Equity Causes and a Remedy Therefor.
1902.	MELVILLE CHURCH,	Is the Entire Jurisdiction of the Circuit Courts in the Matter of Suits for the Infringement of Patents Defined by the Act of March 3, 1897?

YEAR.	NAME.	SUBJECT.
1903.	ROBERT H. PARKINSON, . . .	Concerning Federal Trade-Mark Legislation: Its Needs, Whence and What the Power.
1903.	J. NOTA MCGILL,	Liability of Officers of a Corporation for Infringement of a Patent.
1904.	EDMUND WETMORE,	Address as Chairman, on Some Suggestions as to Reform in Practice and Procedure in Patent Cases in the Federal Courts.
1904.	WILLIAM W. DODGE,	A Brief Review of Legislation Proposed at the Latest Session of Congress Pertinent to Patents and Trade-Marks.
1905.	CHARLES H. DUELL,	Are Any Changes Desirable in Our Patent System?
1905.	JOSEPH B. CHURCH,	Needed Reforms in Interference Practice.
1906.	OTTO R. BARNETT,	The Evolution of the Law of Unjust Trade and Unfair Competition.

PAPERS READ.

ASSOCIATION OF AMERICAN LAW SCHOOLS.

YEAR.	NAME.	SUBJECT.
1902.	JOSEPH H. BEALE, JR.,	The First Year Curriculum of Law Schools.
1903.	SIMEON E. BALDWIN,	The Study of Elementary Law, a Necessary Stage in Legal Education.
1903.	WILLIAM S. CURTIS,	Examinations in Law Schools.
1904.	ERNEST W. HUFFCUT,	Address as President, on The Elective System in Law Schools.
1904.	HARRY S. RICHARDS,	Entrance Requirements for Law Schools.
1905.		(Joint meeting with Section of Legal Education.)
1906.	WILLIAM P. ROGERS,	Address as President.
1906.	FLOYD R. MECHEM,	The Opportunities and Responsibilities of American Law Schools.

CONFERENCE OF COMMISSIONERS ON UNIFORM STATE LAWS.

YEAR.	NAME.	SUBJECT.
1904.	AMASA M. EATON,	Address as President, on The Negotiable Instruments Law, The Torrens System, Uniform Partnership Act, Marriage and Divorce Laws.
1904.	HORACE L. WILGUS,	Should there be a Federal Incorporation Law for Commercial Corporations?
1905.	AMASA M. EATON,	Address as President, on Marriage and Divorce Laws, Desertion and Non-Support Laws, and the Negotiable Instruments Law.
1906.	AMASA M. EATON,	Address as President.

PAPERS READ.

CONFERENCE OF STATE BOARDS OF
LAW EXAMINERS.

YEAR.	NAME.	SUBJECT.
1904.	LUCIUS H. PERKINS,	The State Board—A Landmark in Lawyer-Making.
1904.	HOLLIS R. BAILEY,	Practical Suggestions for the Con- duct of Bar Examinations.
1904.	W. E. WALZ,	The Bar Examination from the Standpoint of the Law School Student.

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1906-1907.

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