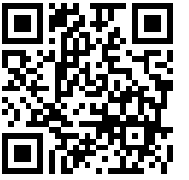
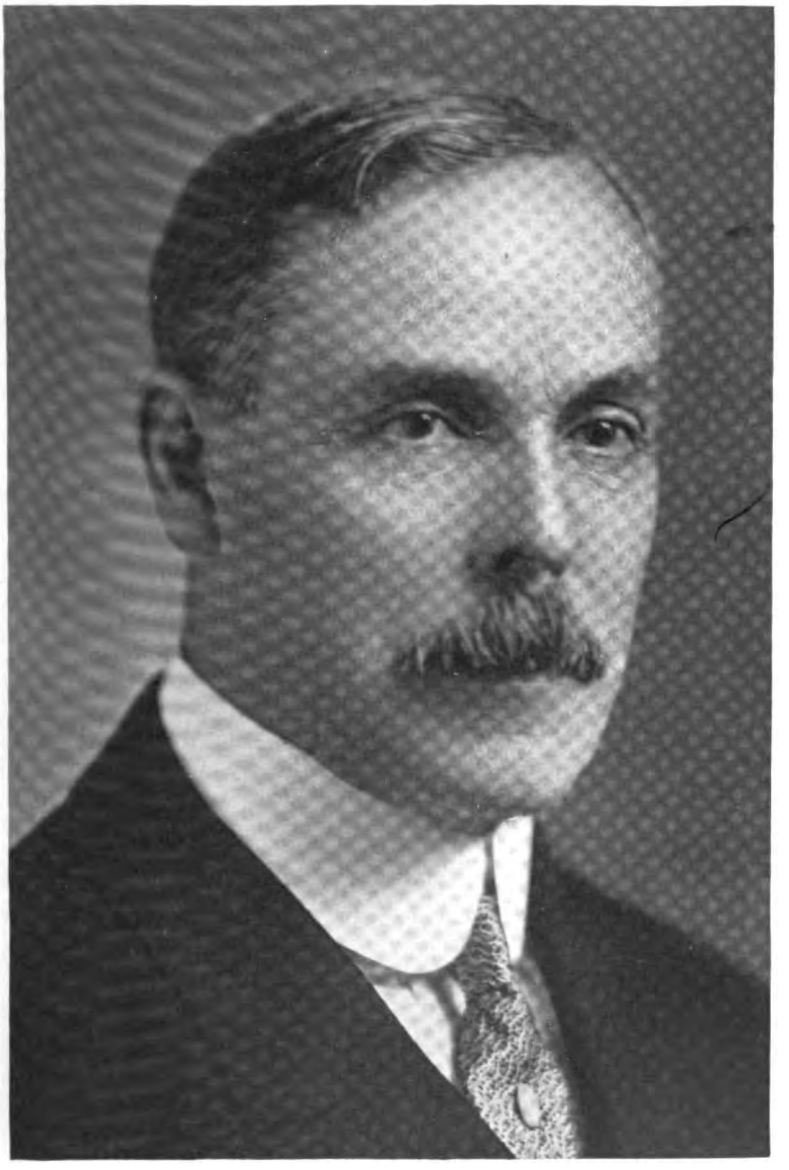


PRESIDENT 1915-1916



Frank Fraser Miller
Duluth

PRESIDENT 1916-1917

PROCEEDINGS MINNESOTA STATE BAR ASSOCIATION

16th ANNUAL SESSION 1916

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PIERCE BUTLER, St. Paul,	1907
LAFAYETTE FRENCH, Austin,	1908
JAMES D. SHEARER, Minneapolis,	1909
CORDENIO A. SEVERANCE, St. Paul,	1910
JOHN G. WILLIAMS, Duluth,	1911
HUGH V. MERCER, Minneapolis,	1912
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5th—E. H. GIPSON, Faribault	15th—S. F. ALDERMAN, Brainerd
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5th—JOSEPH MOONAN, Waseca	14th—E O. HAGEN, Crookston
6th—C. O. DAILY, Mankato	15th—THAYER C. BAILEY, Bemidji
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9th—ALBERT HAUSER, Sleepy Eye	19th—H. H. GILLEN, Stillwater

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JOHN E. STRYKER,	St. Paul
FRED. B. DODGE,	Minneapolis
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Special Committee to Investigate and Report as to Desirability of Establishing a Legislative Drafting and Reference Bureau:

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Special Committee to Consider Incorporation of Association, etc.:

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3d —BURT W. EATON, Rochester	13th—A. J. DALEY, Luverne
5th—JOSEPH W. MOONAN, Waseca	14th—W. J. BROWN, Thief River Falls
6th—J. W. SEAGER, St. James	15th—R. A. STONE, Grand Rapids
7th—L. L. KELLS, Sauk Center	16th—A. B. KAERCHER, Ortonville
8th—W. F. ODELL, Chaska	17th—ANDREW C. DUNN, Winnebago
9th—TOM DAVIS, Marshall	18th—CHAS. S. WHEATON, Elk River
10th—HENRY A. MORGAN, Albert Lea	19th—J. N. SEARLES, Stillwater

SPECIAL COMMITTEES—Continued

Special Committee to Confer with Justices of the Supreme Court, the members of the State Board of Law Examiners and members of the Legal Education Committee, on Matters Pertaining to Admission to Practice and Discipline of Attorneys, etc.:

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PIERCE BUTLER,	St. Paul
JAMES D. SHEARER,	Minneapolis
J. L. WASHBURN,	Duluth
M. B. WEBBER,	Winona

Special Committee to Draw Bill for Establishment of Small Debtors' Courts:

F. W. REED, *Chairman*,	Minneapolis
J. R. KINGMAN,	Minneapolis
ROYAL A. STONE,	St. Paul
JOHN B. SANBORN,	St. Paul
GEORGE W. MORGAN,	Duluth
W. R. VANCE,	Minneapolis

PROCEEDINGS

AT THE ANNUAL MEETING OF THE MINNESOTA STATE BAR ASSOCIATION FOR THE YEAR 1916, HELD AT DULUTH, MINNESOTA, AUGUST 8th, 9th *and* 10th, 1916.

Tuesday, August 8, 1916, 10 a. m.

Meeting called to order, President Stiles W. Burr presiding.

PRESIDENT BURR: Under our rule, an Auditing Committee is to be appointed, to audit the account of the Treasurer and report at the close of the meeting. I will appoint that committee now: Mr. A. V. Rieke, John H. Ray, Jr., and Mr. F. A. Duxbury.

It is our custom, gentlemen, to appoint at each annual meeting a committee on nominations for the Board of Governors. They do not present nominations for officers, but only nominations for the Board of Governors. I will be glad to entertain a motion authorizing the appointment of such a committee.

MR. YOUNG: I make a motion that the Chair be authorized to appoint a committee of five to present nominations for the Board of Governors.

Motion seconded and carried.

PRESIDENT BURR: The committee will be announced later.

Mr. Rome G. Brown, of Minneapolis, will now address you, making the report of his Committee on Uniform State Laws. Mr. Brown. (For Report of Committee on Uniform State Laws see Appendix.)

MR. ROME G. BROWN (Chairman): Mr. President, there are two points in connection with the report of this committee that I wish to emphasize. The first is that the State Bar Association, through its committee for that purpose, should co-operate with the State Board of Commissioners to obtain passage in the legislature of other uniform state laws that have been approved by the National Conference of the American Bar Association. The second is that the same committee should co-operate with the State Board in having the appropriation which was started in 1911 by Minnesota taken up and renewed in the legislature of 1917.

Gentlemen, this cause of uniform state legislation is a most important subject, and it is not well understood unless some circumstances are known, and unless one understands the purpose of the National Conference.

It is not intended, as some assume, that this shall be a movement to make uniform all the statutes among the states. It is far from that. The scope of the work of the National Conference is intended to bring about as nearly as possible uniformity in the statutes covering those subjects where the matter is one of interstate relations, so that a person's rights in those matters shall be more easily understood and more uniform. For instance, the subject of Negotiable Instruments, Warehouse Receipts, Stock Transfers, and similar subjects, that pertain particularly to interstate trade relations. It is certainly desirable that the statutes of the different states governing these relations shall be as nearly uniform as possible, and that uniform construction of the statutes shall be followed by the different states, so that in any business transaction a man may be more certain than now of the fact that his rights are the same as in his own state.

These uniform laws are drafted after judicial consideration by experts chosen by the Conference. The subjects are studied by special committees, drafts of the laws are presented and corrected; sometimes it takes five or six years of the work of the National Conference to get a draft right, or recommend its adoption by the legislatures of different states. The utmost care is taken and a great deal of work is done. When the proposed

laws are approved by the National Conference, they are then presented to the American Bar Association and considered by its committees, and if accepted or approved, it is only after the utmost care and scrutiny. If you could see the committees at work, threshing out the points of difference in the different localities, to equalize and make uniform the provisions of the proposed laws, you would appreciate the merits of the acts after they have been adopted. In that way, several acts have been adopted by the Conference, and recommended to the state legislatures.

At one time, Minnesota was far behind in this work. Although for some fifteen years previous, some of the acts had been adopted by several states, and one had been adopted by over thirty states, it was not until 1911 that Minnesota seemed to get into line in this cause of uniformity. Commissioners were then appointed by the Governor, but there was no official connection between the state of Minnesota and the National Conference. The legislature of 1911, however, followed the example of a great many other states, and organized, by statute, a State Board. This Board consists of three members. They have no authority; they cannot bind the state; but they do form a connection between the National Conference and the state legislature, and there is given to these delegates a sort of recognition, which enables them to join in the work and inform themselves, so that they can come back and inform the legislature as to the importance of these acts.

In 1911, as I say, this State Board was appointed; in 1913 the legislature adopted two of the acts that had been adopted by most of the states—the Negotiable Instruments act and the Warehouse Receipts act; and those appear now in the statutes of many of the states. There are other uniform acts passed by a large number of states, twelve or fifteen altogether; among them, the Sales act and the Stock Transfer act. These were presented to our legislature in 1915, but in the stress of business they were side-tracked.

It is not the idea to get before the legislature all of the acts recommended for passage, in one year, but to take one or pos-

sibly two or three of the more meritorious measures and present them for passage. In that way, we are getting Minnesota into line with the other states. One of these acts, Negotiable Instruments, has been passed in forty-four states; another, the Warehouse Receipts act, in over thirty states; and Minnesota is now getting into line with the other states.

The work of this National Conference involves considerable expense. No member makes any charge for time, but there is considerable expense involved; and it has now become the custom for the different states to make annual appropriations—not large, but enough to carry on the work of the Conference. In 1911 Minnesota made an appropriation of $1,000; $500 of which was the maximum to be paid over to the National Conference to be used for general purposes, and $500 to pay the expenses of the local Board, in traveling, making reports, etc. These appropriations were carried through the legislatures of 1911 and 1913 covering four years, but the legislature of 1915, through some misunderstanding, omitted the appropriation, and it needs to be made by each legislature for the two years. The Governor and all lawyers who understood the matter expected the appropriation to be made biennially. So the first proposition you should have in view is the importance of getting one or two of these acts before the legislature. Second, the continuance of that appropriation that was started in 1911, so that Minnesota may keep in line with the other states, in accordance with those suggestions.

Our Committee recommended the passage, by this body, of certain resolutions which I will read, as follows:

RESOLVED, By Minnesota State Bar Association, that this Association commends the work of the National Conference of Commissioners on Uniform State Laws and recommends the passage by the Minnesota legislature of 1917 of the Commercial Acts, already adopted by the National Conference, which have not yet been adopted in Minnesota; and

Be It Further Resolved, that this Association shall, through its officers and its Committee on Uniform State Laws, urge upon the legislature of 1917 the making of an annual appropriation for the expenses of its State Board of Commissioners on Uniform State Laws,

and for contribution to the National Conference, in the same amounts as had been provided by the Act of 1911.

Mr. President, I move the adoption of the resolutions as read, and which will be found on page 23 of the printed pamphlet.

PRESIDENT BURR: The formal report of this committee is before you in the printed pamphlet which was sent out some two or three months ago, but that has been somewhat illuminated by Mr. Brown's illuminating address. You have heard the motion, and you have the report before you. What is your pleasure? We have here Mr. S. R. Child, of Minneapolis, who is chairman of the Committee of the Conference on the Adoption of Approved Acts, of the American Bar Association, and we should be glad to hear from him, or some others.

MR. THOMPSON (of Princeton): I second Mr. Brown's motion.

MR. JAMES D. SHEARER (Minneapolis): I want to call attention to one thing in the report which I think it is perhaps unfortunate this time to have included. It is true that our committee is following the lead in this of the committee of the American Bar Association on the same subject, which some two years ago adopted and had passed, without very much consideration, a so-called uniform Workmen's Compensation Law. You will find that in this list on page 22 of the report, and that one state has adopted it. I do not need to take time except to say that I think it is impossible and not wise for this Association, without the consideration necessary in the passing on a matter of such grave concern to this state, to include that in the committee's report. I do not believe myself that, out of the forty-eight states, that uniform bill will pass in a half dozen, and I think the millennium is much more near to us than the passage of a uniform compensation law for workmen that will work in forty-eight states with different constitutions, grades of wages and systems of employment.

It is that particular point about which I wish to say a word. Minnesota, as you all know, has a system; we have courts duly

constituted and accustomed to analyzing and weighing evidence and they constitute the best machinery for the administration of the Workmen's Compensation Law. We followed New Jersey and one or two other states have followed us, so that in the courts are lodged the system of administering workmen's compensation in those states. Notwithstanding that, a number of other states have gone on following Wisconsin and administered a Workmen's Compensation Law by a commission which may be all right, but later on, if it becomes to be a political organization and they are not in touch with the decisions of court—

MR. BROWN: May I rise to a point of order?

PRESIDENT BURR: What is your point of order?

MR. BROWN: The resolution offered confined its recommendation to commercial acts, those designated on page 22.

PRESIDENT BURR: I think the point of order is well taken. The resolution is only for commercial acts. This is under the head of social acts. I am disposed to think Mr. Brown's point of order is well taken.

MR. SHEARER: According to the statement of Mr. Brown I have nothing further to say, but I am glad to have said what I did.

PRESIDENT BURR: Are there any other remarks on the motion before you, which is for the adoption of the resolutions proposed by the Committee on Uniform State Laws? All those in favor of the adoption of the resolutions which are printed on page 23 of the printed report with the two corrections from 1916 to 1917 which Mr. Brown has pointed out will signify by saying "Aye."

Motion carried.

PRESIDENT BURR: Now gentlemen, what further action will you take upon the report of the committee?

MR. MADISON (of Minneapolis): I move that the report the committee has made be accepted.

PRESIDENT BURR: It is moved that the report of the committee be accepted. Is it your intention by that motion to adopt and approve the report or to accept it and place on file?

MR. MADISON: That it be accepted.

Motion seconded.

PRESIDENT BURR: The motion is that the report be accepted with the explanation that that does not include the adoption of the report or necessarily approval of the recommendation.

Motion carried.

The President here read his address as follows:

PRESIDENT'S ADDRESS.

Article V of the constitution of our Association, which prescribes the duties of the President, provides that "it shall be his duty to deliver an address to the Association at its annual meeting." Each of my predecessors (and it is to be assumed, of course, that every President of this Association is an eminent constitutional lawyer) has prefaced his address with the apologetic explanation that he spoke only under constraint of this constitutional provision. And so shall I.

Do I hear the chorus: "What's the constitution betwane frinds?" I confess that I expect it, and I have no doubt you would cheerfully and unanimously vote to suspend the constitution in my case. But I, too, aspire to be known as an eminent constitutional lawyer, and I am sworn to "respect and uphold the constitution." And besides there are some things I really want to say—for which this much cited provision of our charter supplies the only opportunity and excuse. So you must sit and listen with what patience you can summon.

The subject on which I shall speak is the subject nearest my heart—yourselves; the Minnesota State Bar Association. I have for this Association and the men who compose it, a deep, loyal and abiding affection, which was born when the present Association was organized some fifteen or sixteen years ago, and which has grown and deepened with every succeeding year. I was one of those who organized the Association, I was its first Secretary, and I have been closely connected with its work at all times since. Many of the best and dearest friends I possess are men with whom I have been brought in contact through the Association; and the keenest enjoyment and pleasantest memories that the last fifteen years have brought me have come from our meetings and banquets; from the fellowship of our work and the friendships it has created.

Much has been accomplished by the Association of which I am sincerely proud, and I have the greatest faith in its possibilities of further accomplishment. In my judgment there is no organization in Minnesota, nor any class or group from which an organization can arise, which has within itself so great a power for good as this Association of the lawyers of Minnesota. Yet when one reviews dispassionately what has been done, and left undone, during the fifteen years that have run since our organization, one cannot help but feel that what we have accomplished is regrettably little when compared with what we could and might have accomplished; that our powers, great as they are potentially, are latent and undeveloped; that we have done far less than we have left undone.

The individual lawyer can do much, by precept and example, to create and maintain standards. And men who have a genius for leadership may sometime initiate and accomplish, without organization, important reforms. But the power and influence of the average man, working alone, is limited. Organization and that concerted action which is only possible through organization, are essential to substantial achievement. There is much for lawyers to do which cannot be done by any but lawyers, and by them only through organized and concerted action. These are trite sayings, of course. And it is equally trite to say that the lawyers of America have been from the beginning and will continue to be the greatest single force in shaping our laws and system of government; and not merely the most influential, but the controlling, force in shaping those features of our system which have to do with the administration of justice and the rules under which property is held, transferred and transmitted and ordinary business conducted. The courts and the machinery for administering justice have always been and, of necessity, must always be in the hands of the lawyers. These things are well understood—these sayings are as true as they are trite. And being true, it follows that a higher duty rests upon the lawyer, in his capacity as a citizen of the community, the state and the nation, than that which rests upon men of other vocations.

How well has this duty been discharged by the lawyers of Minnesota? If we are to be judged as individual citizens and by comparison with men of other walks of life, I grant you that the comparison is favorable to the lawyers. But is that the true test? Are we not rather to be judged in the light of our opportunities and our potential influence—by what we *could* have done and what we *ought* to have done? And by that criterion, must it not be admitted that we have failed to measure up to the test; that our achievements, however splendid in

themselves, are pitifully small when compared with what they might have been and may yet be?

I speak, of course, of the lawyer as a citizen; not of the lawyer as guardian of the interests of his client; and of his duty to the public and to his profession, not of his duty to the client whom he represents. This, I think, is a distinction too often lost sight of. We are too prone to think that our obligation to society is sufficiently met by due observance of the rules governing individual conduct and by loyalty to those who employ us. But there is a higher duty which is not always sufficiently regarded; the duty to render unselfish service for the public welfare, and to employ our powers, our special knowledge and our peculiar influence for the good of the community and the state, notwithstanding the sacrifice of personal comfort and convenience which such service may entail. Our clients are, of course, entitled to unswerving loyalty and to the utmost of our industry and effort in the matters in which we serve them. But the interests of our clients should not be deemed supreme and all absorbing; they should not be permitted to warp our conscience, to distort our judgment or to destroy our sense of obligation to the community in which we dwell and to the government under which we live.

These, however, are mere generalities. I will not call them glittering, since I doubt if anything I have said is new enough to glitter. And what you want today is straight talk on specific issues. So let us stick to the subject of the Minnesota State Bar Association. Let us consider what we, as lawyers of Minnesota thus associated, can do and ought to do.

Have we done enough in the past? Have we done a tithe of what we might have done and should have done? I think not. But, after all, it is the future that concerns us most. We may leave the past to bury its own dead. And among the things that have been accomplished is one which lies at the foundation of future effort. *That* task at least has been well performed.

I have said that the power of any group or class of men lies in organization and in concerted effort. So the first step in any great movement is to build up an organization. This has been done. The organization you need is here and ready; built up by years of patient effort and loyal devotion on the part of many who are on our rolls today and of some who have passed on. Our Association has now nearly 1,200 active members, and while this number is scarcely more than half of the practicing lawyers in Minnesota eligible for membership, it includes most of the able, experienced and influential lawyers of the state. Every district and county in the state, and every community of importance, is represented in our membership. The

Association has grown stronger year by year, from the beginning. There has never been a retrogression. We have added more than 300 names to our rolls during the past year, and the Association has never been so strong, so active or so influential. While the campaign for membership should go on without cessation until every reputable lawyer in the state has been brought into the fold (which is a condition that I hope and expect to live to see) we are strong enough now to do what needs be done. The machine has been made to your hands. It is running smoothly; it will do the work. What work will you have it do?

There are many lines of activity along which we may direct our energies. Some of these have already been tried in an active and effective way; some in a more or less desultory and ineffective fashion; and some paths are yet new and untrodden.

To my mind the first and most important duty of an association of lawyers is to keep the profession clean. This cannot be done by individual action alone. We need not minimize the value of precept and example; the establishment of high ideals and sound traditions. This is good, but it is not enough. Rules of conduct must have sanction and support. Ideals and traditions, once accepted, must be sustained and enforced. It is often said that the standards of integrity, truthfulness and obedience to law are nowhere so high as in the legal profession; that no class of men in our country have so rigid a standard of honesty and good faith as the lawyers, and that none are so law abiding and public spirited. That may all be true. I for one believe that it *is* true. But if it is true of the lawyers as a class, it is, unhappily, not true of *all* lawyers. Every profession, every trade, every class has its substratum of weak, greedy, dishonest and evil men; and the profession of the law is not without its crooks, its sharpers and its weaklings. These, it is true, are few in proportion to the whole number of those licensed to practice law. But they are nevertheless many, and they are found in unexpected places. If they are allowed to ply their trade unmolested the whole profession becomes tainted to the public mind. The evil influence of the shyster, the sharper and the crook tends to pull down and destroy the better standards and traditions of the profession, and to infect the minds of weak and inexperienced men, whose character and tendencies are normally honest and upright, but who lack keenness of perception and strength to withstand temptation. It is a subtle poison that works upward from below. And while it is a poison to which strong and clear-sighted men are immune, they suffer in some degree from the loss of public esteem which comes to a profession that does not clean its own house, and that harbors vermin in its cellar.

Those of us who have followed closely the work of the Ethics Committee during the past year have been shocked to find how numerous

are the signs of fraud, oppression, extortion and dishonesty. Of course, these practices occur only in the substratum of the profession; the underworld of the law. Most lawyers are honest, upright and high minded. Those who are not are relatively few in number. But it is a reflection upon the profession as a whole and upon every member of it, however strict his own ideals and conduct, that such conditions should exist and such men go undetected and unpunished.

In the nature of things, the ordinary machinery of criminal law cannot deal effectively with these conditions. This may be evidence of the weakness of our criminal jurisprudence. It is, nevertheless, a practical fact which must be faced. Only the lawyers themselves, working through their Bar Associations, with the sympathetic co-operation of the courts and judges, can purge the profession. And it seems plain that the duty and obligation to undertake that task, and to carry it on steadfastly year by year, rests upon the lawyers of Minnesota.

It has been assumed in the past that this duty rested primarily upon the local bar associations, and that the State Bar Association need not concern itself especially with the business of investigation and prosecution of cases of professional misconduct. But experience has demonstrated that the local bar associations are not effective agencies. Some good work has been done from time to time by different local associations—I personally know of a number of instances in which the Ramsey County Bar Association has been commendably active in recent years—but I believe that in the main the record of the local associations throughout the state has been one of comparative indifference and inactivity. I think it is at least safe to say that no local association has carried on a systematic and persistent campaign against misconduct for any considerable period of time.

Aside from the fact that the local associations have relatively little of actual accomplishment to their credit, it is my judgment that the State Bar Association can do more effectual work in this direction. There are many reasons why, in the situation which confronts us in Minnesota, the State Bar Association is a more efficient agency for the detection and punishment of professional misconduct. The local associations are regrettably few in number, and not all of those few are live and active organizations at the present time. The Eleventh District Bar Association and the Ramsey County Bar Association are notable exceptions. The bar of many counties and districts has no organization whatever. And, of course, a local association generally considers itself restricted to cases arising within its territorial limits. The State Bar Association, on the other hand, represents the entire state; and by reason of that fact and of its larger membership, its power and influence are incomparably greater. Its representative

character and the fact that its committees are drawn from different communities puts it beyond suspicion of local influence or prejudice, and gives greater weight to the judgment of its committee in a case where prosecution is recommended after due investigation. It is often worth much to have a complaint against a lawyer, especially where the accused is a man of influence in his community, heard by a committee whose members are drawn from other parts of the state and who are, therefore, freed from the embarrassments and persuasions that might assail a local committee, and whose disinterestedness and impartiality would be beyond that question or suspicion to which a local committee might be subject.

I do not mean that the local associations should be deprived of the power or relieved of the duty to investigate and act upon cases of misconduct arising within their respective jurisdictions. On the contrary, I feel that this duty is one which should be more fully recognized and more freely exercised than it has been. I mean only that the State Bar Association is the strongest and most effective instrumentality available, and that the task should not be left to the local associations alone, even in those communities which have active local associations.

By our constitution (Article VI) the duty to investigate complaints of professional misconduct and to make recommendation thereon is vested in the Ethics Committee. And under the constitution that committee has had ample power to act. But the state of sentiment within the Association in years past has not been such as to encourage activity in this direction by the committee in which authority is thus vested. From time to time a particular Ethics Committee has been more or less active. In some years conscientious and useful work has been done along this line. But in most years it would seem that members of the committee felt that work of this sort was beyond their province; and never, so far as I know, until the year which now draws to its close, has an Ethics Committee undertaken and carried on a systematic and persistent cleaning up campaign. These things are not said with any idea of criticizing the gentlemen who have from time to time composed the Ethics Committee. The fault, such as it is, lies with the Association as a whole; and as a member of the Association, at all times in close touch with its work, I am as culpable as any and more culpable than most. I refer to past conditions only that the situation may be recognized and understood.

During the past year, all this has been changed. From the time of its appointment and organization, the present Ethics Committee has been most diligent and efficient. The appointment of a special committee to deal with the question of legislation for remedying the evils growing out of the solicitation and exploitation of certain classes of

tort claims, which consumed so large a part of the time of the Ethics Committee during two or three years previous, left the present Ethics Committee free to devote itself to disciplinary work. The members of the committee were selected with an eye to their particular fitness for and interest in the special task to be performed; and the results have more than justified the wisdom of that selection. The gentlemen composing the committee have set aside all considerations of personal convenience and inclination and have discharged their duties with the utmost fidelity, fearlessness and impartiality. Two of the members of the committee live in Minneapolis, one in Winona, one in Duluth and one in St. Paul. All of the meetings of the committee have been held in St. Paul, so that four of those members have been required to travel to every meeting. Numerous meetings have been held; in no case has the session consumed less than half a day and many meetings have continued through the entire day. Besides this, each member of the committee has been called upon to make special investigation of particular cases, which has taken much additional time. By invitation of the committee and the President of the Association, our Secretary, Mr. Caldwell, has attended most of the meetings of the committee and has assisted in the work in various ways; thus increasing our already inextinguishable debt to him.

Something of what the committee has accomplished is indicated, after a fashion, in its printed report; but no printed report—certainly no report which the modesty of this committee would permit it to make—will do justice to the work it has actually done, or to the personal sacrifices its members have made. I feel that the committee is entitled to the gratitude of the Association, and that it should come from the heart. A vote of thanks is usually a perfunctory thing, but as it is the only formal expression of our appreciation that can be made upon the record, it seems to me that such a vote would be most appropriate.

This year's work of the Ethics Committee has developed certain needs which I shall undertake to point out. The first of these is the need for continuity of action. The task before us is a great and arduous task. It cannot be accomplished in one year, nor in five. If the work is to be well done, it must go on year by year; and the effectiveness of the work and its influence on the profession will increase with each succeeding year of patient and persistent effort. Those of us who have given thought to the matter believe that the greatest influence of this work will be, like that of any good police work, in its deterrent effect. Most of the abuses with which we have to deal are largely the outgrowth of the fact that iniquitous practices have in the past gone undetected and unpunished. The knowledge that there is a

body which will ferret out and bring about the punishment of violations of law and professional ethics on the part of attorneys, will more than anything else discourage such violations. And the recognition and enforcement of proper standards will have a tendency to enlighten and steady young, weak and inexperienced men whose normal instincts are right but whose conduct may be influenced by the example of lax and predatory practices of others, apparently profitable and uncondemned. This perhaps is the highest and best result to be accomplished.

But to achieve this result, our activity must be continuous. If there is a slackening of effort during the ensuing or any succeeding year, much of the benefit of what has already been done will be lost. And the work itself, if consistently carried on, will develop in influence and effectiveness each year. As yet we have made no more than a beginning. It lies with the Association and its committee next year, and the next, and the next, to make that beginning lead to real accomplishment.

The experience gained in service upon such a committee is of incalculable value. Other things being equal, a veteran committee is much more efficient. So long as a member of the committee holds his interest in the work and will consent to serve, he should be continued in service. But whatever changes in personnel may be necessary, the work itself should go on without interruption or check. Each committee should take up the task where its predecessor has laid it down, and should strive to extend its activities rather than permit them to slacken.

Another need which has developed is the need for co-operation and assistance from the members of the Association. In considering discipline cases, the Ethics Committee sits as a quasi-judicial body. And when the committee, after investigation and hearing, has found a charge of misconduct well grounded and has recommended proceedings for disbarment, suspension or censure, it is neither appropriate nor right that its members should be asked to conduct the prosecution of the accused before the Supreme Court or the State Board of Law Examiners. Yet unless provision is made for following up such cases, the prosecution is apt to fail for want of attention. The accused man is always interested. His reputation, if not his license to practice law, is at stake. There will be no want of attention on his part. His cause will not fail for lack of interest or effort. If justice is to be accomplished, there must be some one charged with the duties which in our criminal jurisprudence are performed by the prosecuting attorney. But there is no official public prosecutor upon whom the law imposes this task, unless it be the Secretary of the State Board of Law Examiners; and past experience is not such as to encourage reliance on

that source of support. If the State Bar Association deals with cases of professional misconduct at all, it should be prepared to see to it that when its committee has recommended prosecution, such action is not rendered futile by failure to follow it up.

The framers of the constitution of the Association had this condition in mind, since Article VI carries the following provision:

"It shall be the duty of the Board of Governors of this Association to retain an amply competent counsel to conduct such proceedings for disbarment or discipline of members of the legal profession in this state as shall, in the opinion of a majority of said Board, be considered to be for the best interests of the public and of the Bar of this state."

But this provision of the constitution applies only to the *prosecution* of discipline and disbarment cases. It does not in terms authorize the employment of counsel to conduct investigations. And what has been said of the need for assistance in conducting prosecutions is applicable with almost the same force to the need for assistance in conducting investigations which must ordinarily be made before the committee can act.

The committee must hold frequent meetings and long sittings, and this involves a serious sacrifice of time and convenience on the part of its members. It is not fair to ask them to give, in addition, the time and effort which such investigations demand. They should be supplied with counsel who will, when complaint has been made to the committee, conduct under its direction and supervision such investigation as it may deem essential.

The question next arises: How shall the needed assistance be secured? Voluntary service by public spirited members of the bar will doubtless be available to some extent; but this is not enough. The best results can be attained only if the committee has at its command the assistance of a man or men fortified by experience in similar cases; in other words, a man or men who will work regularly with the committee in investigations and prosecutions. And it is not fair to ask any man to make the sacrifice which regular service of this character entails, without reimbursement of his expense and some measure of compensation. Each of the two Bar Associations now active in New York City has a regularly salaried staff of attorneys at the service of its disciplinary committee; and I understand that some other associations have made similar provision for carrying on such work, although none to the same extent as in New York.

An arrangement of this sort involves considerable expense. How shall we raise the funds necessary to meet that expense? The treasury of the Association, if the dues are maintained at their present figure, will hardly be equal to the drain. I am told that in New York

the necessary funds are largely provided by voluntary contribution. That method is available to us, of course; and we may be forced to resort to it. But for many reasons, resort to voluntary contributions in support of a movement of this character, under the conditions which confront us in Minnesota, is likely to prove uncertain and unsatisfactory except as a temporary expedient. It may be that our dues should be increased; such is the view of many of our members. But, speaking for myself, I am not convinced that the time is yet ripe for an increase in dues. Nor am I convinced that the expense of this work is a burden which should be borne by the Association alone. It seems to me that if the lawyers of Minnesota, working through the State Bar Association, take up the task of ferreting out, investigating and bringing to punishment cases of professional misconduct, they are performing a duty which rests primarily upon the government of the state—which, indeed, the laws of the state cast upon the State Board of Law Examiners—and that if they devote their energies, their power and their influence to this work, the necessary cost (over and above the uncompensated services rendered by the Ethics Committee and the officers of the Association, and their personal expenses) should be paid out of the state treasury.

So such expenses would be paid if the same duty were performed by the State Board of Law Examiners, upon whom the law imposes it; except that in that event, the Secretary or a member of the Board assisting in an investigation or prosecution, or attending a meeting at which such a case is heard, receives a certain per diem compensation besides reimbursement for expenses incurred.

It may be said at this point that the present State Board of Law Examiners has shown every disposition to co-operate with the Association and its Ethics Committee, and has offered to appoint a member of the committee or a member of the bar designated by the committee, to act for the Board in prosecutions recommended by the committee, and perhaps in investigations conducted under its supervision; thus making available in part the legislative appropriation in aid of disbarment proceedings. But this at best is a temporary expedient, which succeeding Boards may not sanction, and which even the present Board may modify or discontinue. And it merely accomplishes by indirection what ought to be done directly.

It has been suggested, and the suggestion has much to commend it, that the next legislature should be asked so to amend the law that, without curtailment of any of the powers of the State Board of Law Examiners in cases actually dealt with by that Board or its Secretary, the Supreme Court may entertain directly complaints preferred by the Ethics Committee of this Association, and perhaps by the proper com-

mittee of any local bar association; and may, in its discretion, designate a member or members of the bar to investigate and prosecute such complaints, and allow expenses and a reasonable compensation out of a fund to be appropriated for that purpose.

This leads naturally to a question in which the lawyers of Minnesota are vitally interested; and that is the constitution and methods of the State Board of Law Examiners. This is something which concerns us in two distinct aspects; first, as it affects the standards of legal education and admission to the bar, and second, as it affects proceedings for the investigation and punishment of professional misconduct.

The subject is one of some delicacy. The disposition to co-operate with and assist the Ethics Committee in its work, which the present Board has displayed, and the confidence with which it has accepted the judgment of the committee in particular cases, have been most gratifying. Some of the members of the Board are lawyers of high standing and wide experience, who have rendered most valuable service to the state and to the profession in that capacity—a service largely uncompensated, since the per diem allowance which they receive, when compared with the earning capacity possessed by these men, is merely nominal. It is an office which few men who possess the requisite qualifications would ever seek or desire; an office which the right sort of man accepts only under constraint of a sense of duty to the public and his profession. And of such stamp are most of its present members. It is no reflection upon these men to say, as I feel I must say, that those of us who have given thought to the matter during the past year believe that the State Board of Law Examiners as now constituted, organized and administered, is not a wholly efficient agency for the performance of the task which the law casts upon it; and that some changes in its organization and methods (and perhaps in the law under which it operates) are essential to the best results.

There should, moreover, be a closer co-operation in the work of the Board and of this Association. We have every reason to believe that the present Board desires such co-operation and will strive to bring it about. But under the existing system, some confusion and duplication of work are inevitable under the most favorable circumstances. And the slightest difference of opinion or friction between the Board, or its Secretary, and the representatives of the Association would lead to most unfortunate results. The success of work so vitally important as that which we are undertaking, ought not to be at the mercy of such chances as this. Better working conditions should be devised and these should be put on a stable foundation. And where vacancies in the Board occur, the Supreme Court should see to it that the men

selected to fill such vacancies are vigorous and active, sympathetic to the need for keeping the standards of the profession on the highest possible plane, and ready to spend whatever thought and effort may be necessary to achieve that end; men who will co-operate in every proper way with this Association and its committees. It seems that in the selection of a body like this, personal and geographical considerations should be disgarded and that appointments should be controlled solely by considerations of special fitness and of what will best promote efficiency and convenience of administration.

Would it not be well for the Association to provide for a special committee, to be appointed by the incoming President, which shall be directed to confer with the Supreme Court and State Board of Law Examiners and to endeavor to work out some improvement on the present system along the lines that have been indicated and others that may develop? It has been suggested that this might be done by the Ethics Committee and the Committee on Legal Education, working together. But the burden which the members of those committees carry is already very heavy. And they might feel some embarrassment in making suggestions which would appear to affect their interest as members of their respective committees. On the whole, I think that a special committee would serve to better advantage. Such a committee should also be directed to formulate and present to the legislature on behalf of the Association, in conjunction with the standing Committee on Legislation, a bill for such an amendment of the law as may be necessary to carry into effect the changes agreed upon.

The co-operation of the courts is essential to the success of any house-cleaning campaign undertaken by the lawyers. Lawyers can do little to enforce the observance of proper professional standards unless the courts stand behind them. In Minnesota the Supreme Court alone has authority to suspend or disbar an attorney-at-law, and if that Court is without sympathy for the movement; unwilling to apply reasonably strict standards of professional conduct; too responsive to personal pressure; or unduly lenient in meting out punishment, there is little encouragement to the members of the bar, working through the Association and its committees or otherwise, to make or prosecute complaints. In former years, the Supreme Court of Minnesota has appeared to have little sympathy with the prosecution of disbarment cases. It used to be said, and with much show of excuse, that it required a higher degree of proof to convict a lawyer charged with professional misconduct than to convict an ordinary citizen charged with a capital crime, and that the Supreme Court found it easier to sustain a death sentence than to impose a sentence of disbarment. Let us concede that this statement may carry some slight exaggeration,—the un-

happy fact remains that conditions were such as to create an impression that such a statement was not without support.

This deals, of course, with past conditions. The present Court has no such record. There is every ground for confidence in the Court's sympathy and support in our house-cleaning campaign. I believe that there is not the least danger that the Supreme Court of today will be too lax or too lenient. But these conditions of the past still have a baleful influence on the sentiment of the public and the profession, and the average man is still disposed to feel that the prosecution of an attorney for misconduct is a mere formal, futile and useless thing. This is one of the things to be overcome; and in overcoming it, we should have and I am confident that we *will* have, the co-operation of our honored court of last resort.

But it is not alone the co-operation of the Supreme Court that is essential. While the district courts may be without power to suspend or disbar attorneys, they have a disciplinary power and influence which, if freely and fearlessly exerted, would do much to correct the abuses which exist. This power and influence of the district court has, unhappily, been so little exercised in Minnesota that its existence is almost forgotten. Yet with all deference to the district judges of this state, among whom are numbered some of my best and dearest friends, I shall venture to say that if during the past twenty years those judges, and the judges of the probate and municipal courts, had been vigilant, active and fearless in seeking out and condemning violations of law and ethics occurring within their jurisdictions—without ever going beyond the authority vested in them by law—we should not today be faced by any such situation as that which confronts us. It has seemed to me that the average *nisi prius* judge of Minnesota was extremely reluctant to make any move in a matter which involved a practicing attorney in a personal way. It would hardly be fair to imply that this is due, except in rare cases, to timidity or to personal or political considerations. It is probably due to tradition, built up by years of acquiescence in the policy of inaction and non-interference; an outgrowth, perhaps, of the attitude of our former Supreme Court in such matters.

If this is so, it is our duty to do what we can to demolish the old tradition and establish a new one; a tradition that the judges of our courts are, even more than the lawyers themselves, the guardians of the honor and integrity of the profession. The courts cannot be the clear and unpolluted fountains of justice which we would have them be, unless their *officers*, the lawyers who practice in them and derive their influence and authority from them, are also clean and honest. A court has no higher duty than that of enforcing the observance of accepted

standards of professional conduct on the part of the lawyers practicing before them. That duty should be discharged fearlessly, vigorously and without friendship or favor.

And notwithstanding that they may be without power to suspend or disbar, the district judges, probate judges and municipal judges are far from impotent in such matters. Their power and influence over the officers of their courts are, for practical purposes, very broad and effective. And in cases where their judicial authority is restricted, they have only to lay the facts before the Ethics Committee of this Association, the State Board of Law Examiners, or the Supreme Court. A trial judge has unusual opportunities for observation in such matters. A judge usually knows more of the character and methods of the lawyers who practice before him than do any of the lawyers themselves.

There are many of our *nisi prius* judges who have no need for suggestions such as these; who have already been bold and vigorous in their condemnation of questionable practices, and who have always stood ready to lay before the proper authorities the facts in cases of misconduct coming to their knowledge where there was any reason to think that such a course would result in disciplinary action. Some of the complaints investigated by the Ethics Committee during the past year—indeed, two of those in which prosecution was recommended—were brought to the committee by *nisi prius* judges.

These are disagreeable duties I know. No man welcomes them; they are distasteful to all of us. It is always hard to take a step, especially the initial step, which leads to the prosecution of a brother lawyer or which attacks his reputation; the more so if he is a friend, a neighbor, a party associate, or a political supporter. It is always easier and more comfortable to shut one's eyes; to see nothing; to doubt; or let it go by. And there is some excuse for judges and lawyers who take the easier and more comfortable course. But duty is a thing which cannot lightly be set aside. When a man accepts judicial office, he takes it with its burdens, the painful with the agreeable. A judge who fails to act, and to act fearlessly and effectively, for the punishment of fraud, dishonesty, oppression, extortion, or other improper conduct on the part of an attorney-at-law occurring within his jurisdiction, when the facts have come to his notice, has failed in one of the most important duties of the office he has accepted. So, too, a lawyer who has knowledge of facts constituting misconduct on the part of a brother attorney, and who fails to lay those facts before the proper authorities, or the appropriate committee of the Bar Association, is guilty of default in a duty which inheres in the office he holds—the honorable office of attorney-at-law.

This Association and its committee should invite complaints in all cases where complaint is warranted. The public should be made to understand that the committee will receive and respectfully consider complaints coming to it from any responsible source, whether from judges, members of the Association, or non-member lawyers, or from laymen. The committee should, of course, be as prompt and fearless to exonerate a lawyer against whom an unfounded complaint has been made, and to condemn malicious or reckless complaints, as it should be prompt and fearless to investigate and act upon complaints that are well founded. The honor and reputation of a lawyer charged with misconduct are in some degree in the hands of the committee, and it should, therefore, be cautious to see that injustice is not done by hasty or ill-considered action, and that complete and clear exoneration is given to those entitled thereto. But it should, nevertheless, inquire searchingly and act boldly and vigorously whenever a complaint is made which carries a reasonable showing of probable cause.

Before leaving the subject altogether, let us pause for a word regarding one problem with which the Ethics Committee has frequently to deal. Some of the bitterest complaints against lawyers, individually and professionally, grow out of exactions in the way of fees. We are often told that "a laborer is worthy of his hire," and none should grudge a lawyer a just and reasonable compensation for his work. And as a great part of the work of a lawyer is such that the value of his services cannot be determined by any fixed or accepted standard, the question of what is a reasonable fee is often, within certain limits, a matter of opinion upon which fair-minded men may differ. There are many factors that enter into the question; the difficulty of the task, the amount at stake, the responsibility assumed, the standing, ability and reputation of the lawyer employed, the degree of skill required, and the result achieved, are all elements more or less to be considered. As to some classes of work, the measure of compensation is fairly well established. As to others, it is, as I say, dependent upon the circumstances of the particular case and largely a matter of individual opinion. And so, where a charge made is within the limits which may fairly be covered by an honest difference of opinion, a court or committee should never interfere, but should leave the parties to their civil remedies. But sometimes, alas, too frequently, a charge for professional services is nothing more than a cloak for extortion or robbery. It is not uncommon for fees to be exacted which are so far beyond any limit of fair compensation that it is impossible to credit the lawyer with good faith in making the charge. Such fees are generally withheld from funds passing through the lawyers' hands; but not always. Sometimes advantage is taken of the ignorance, the inexperience, the

fears or the extremities of the client or members of his family, to extort a contract for fees, absolute or contingent, which are plainly excessive and unconscionable. This most often occurs in cases involving damages for personal injury and in contests over estates and trust funds. Then again, when a weak or dishonest attorney has converted money coming into his hands and is finally brought to book, he instinctively resorts to an exaggerated claim for compensation to cover up or excuse his defalcation. One device which the Ethics Committee has encountered is the assertion of a claim for fees so large as to make resistance certain, and the use of this pretense of a disputed account as an excuse for withholding money belonging to the client.

Nothing has had a greater tendency to bring reproach upon the profession than the greed and rapacity of its predatory few, and the exaggerated ideas which men, normally honest and fair-minded, conceive as to the value of their services under the temptation of necessity or cupidity. And while we should be strong to uphold just claims for compensation, we should be equally fearless to condemn unreasonable exactions.

Here is where judges are often culpable; sometimes through reluctance to interfere boldly for the protection of the weak, and sometimes through too great complaisance in allowing excessive fees out of estates and trust funds that come under their jurisdiction. In my judgment, and in the judgment of the Ethics Committee (as I believe I am warranted in saying), there is great need for reform in this direction. It is a reform to which we may well devote our energies in the future. And it is a reform in which the co-operation of the courts is especially needful.

I may say in passing that my own opinion and that of many eminent lawyers with whom I have discussed the question, is that all contracts for contingent fees should be made subject to review by the court at the instance of the client; and that wherever the court shall find, upon due consideration, that a contract for contingent fees is inherently unreasonable in the light of circumstances under which it is made, the court should be empowered to set it aside and to allow such fee only as it may find to be reasonable; having in mind, of course, the fact that the fee is contingent upon success—since no one can doubt that where a lawyer's compensation is by agreement made to depend upon the success of his efforts in a doubtful cause, he is entitled to a greater measure of compensation if he succeeds.

I do not mean that agreements for contingent fees should be prohibited or discouraged. This is far from my mind. In a great many cases it would be a denial of justice to a poor man to limit his oppor-

tunity to secure the best legal talent by restricting his right to contract for payment only out of the money or property recovered or preserved. I mean only that such contracts should be reasonable under the circumstances, and that the court should have power to inquire into their reasonableness and to relieve clients from unconscionable bargains, and in some degree protect them against the consequences of their own ignorance, inexperience and extremity where these conditions are taken advantage of. For the truth is that when the client is a woman, a youth or a man unversed in business, the client and the lawyer are rarely on an equal footing when they sit down to bargain in advance on the question of the lawyer's fee; especially where that fee is made contingent upon the result.

Indeed, I should myself be well content to see the law so changed that any contract for the compensation of an attorney-at-law should be subject to review by the courts within the limits indicated.

But I am aware that my views on this subject are not at this time in accord with the views of the majority. The vote at the St. Cloud meeting last year on the question of regulating contingent fees in personal injury and certain other tort cases, seemed to indicate that the Association, or at least the members present at that meeting, were opposed to such legislation. And the majority of the special committee of nine appointed to consider and formulate proposed legislation for remedying the evils attendant upon that class of business was, for varying reasons, unwilling to recommend legislation of this character. I state these views rather to put myself upon record, and to suggest a subject for future consideration and discussion, than with the hope of any present action in this direction.

But this discussion of means, methods and particular abuses should not, nor should any difference of opinion concerning them, blind us to the greater issue before us. These things are but details—means to an end. It is well that the work we are undertaking should be facilitated in every practicable way, and it is true that good workable methods and a clear comprehension of the abuses to be dealt with will help us in our task. But after all, it is the end and not the means with which we are chiefly concerned. And the great end to which we, lawyers of Minnesota, should work together diligently and unceasingly is that the standards of our profession shall be kept on that high plane to which they have been raised by honorable lawyers of the past and present; that the poor, the ignorant and the inexperienced shall be protected from fraud, oppression and rapacity and the courts and litigants from deceit and shifty devices; and that our honored profession may be purged of crook and shyster, and of

those dishonest, greedy and predaceous men whose presence among us sullies our reputation and brings reproach upon us all.

There is another line of work which is peculiarly within the province of the State Bar Association; and that is the work which under our constitution is cast upon the Committee on Jurisprudence and Law Reform. Our system of law, good as it is in the main, is still full of defects and anachronisms. Some of these are the product of unwise, careless or illy-digested legislation; some of outworn rules and traditions founded upon old judicial decisions; and some are the outgrowth of changed conditions in business and government to which our law has not yet adjusted itself.

Where these defects and anachronisms involve questions political in their nature, or questions that especially concern administrative departments of the state or its municipalities, or commercial and industrial organizations, the Bar Association is probably not called upon to interfere. Such matters will be cared for without our aid. But where defects are found in the laws governing matters of procedure, in or out of court, the transmission of property by will or inheritance, questions of title to and sales of real and personal property, rules by which ordinary every day business is conducted, the administration of estates and trust funds, questions affecting guardians and trustees, and a thousand and one other subjects that might be mentioned, an Association representing the lawyers of the state is the only body that can and will deal intelligently and effectively with the situation.

Such defects are seldom discovered and appreciated by any but a practicing lawyer. They rarely affect the individual citizen except in an isolated case; and he learns of the difficulty only after the harm is done and when he has no longer any apparent interest in remedying the law. Such questions are non-political and it is seldom that an individual has an interest sufficient to move him to apply to the legislature for correction, or the influence necessary to make his effort effective. Our legislatures are busy and preoccupied. Even a lawyer or a committee of lawyers—even a local bar association—has hard work to get from the legislature the attention necessary to the passage of a bill for correction of some obvious defect in the law, where there is no political pressure behind the movement and the subject is one on which the general public is not aroused. It is only when the request for reform of this sort comes from a body whose disinterestedness is recognized, whose recommendations are known to be backed by knowledge, experience and conservative consideration, and whose representative character is such that its influence is not to be disregarded, that the average legislature will hear, heed and act.

Such a body is the Minnesota State Bar Association. And I believe that as the legislature becomes more familiar with our purposes and methods, we shall find no lack of co-operation in our efforts to iron out and do away with inconsistencies and defects in those branches of the law with which we, as lawyers, are especially familiar and which do not, as I have said, raise political questions or especially concern administrative departments or commercial and industrial organizations.

Take for instance, questions of pleading and practice in the courts; rules regulating appeals from court to court and appeals from administrative bodies, or involving foreclosures and judicial sales; the formalities which shall attend the execution of instruments affecting real estate, or transfers or mortgages or personal property; the requirements to be observed in proceedings for vacating plats, for cutting off the right of redemption from tax sales, or for registration of titles under the so-called Torrens system; the requirements for execution and proof of wills; or rules governing trusts and their administration. Such questions and a thousand others are peculiarly within the province and under the observation of lawyers. They, only, understand them and are qualified to deal with them. It is in the course of the lawyer's practice that inconsistencies and defects in these branches of the law are most often discovered and appreciated. Unless the lawyers act in such matters, nothing is likely to be done.

But, as I have said, the individual lawyer cannot be expected to act alone. He has rarely an interest great enough to warrant him in attempting to accomplish a needed reform without assistance. And if he has the interest, he lacks the necessary influence. That which can be done easily and without great effort by committees representing a State Bar Association, is a huge, if not a hopeless, task for the individual. His representations, being interested, are apt to be viewed with indifference, if not with suspicion. It is difficult enough, we have found, for a committee representing this Association to get proper attention from the legislature for the measures it advocates. And it is natural enough that a lawyer whose attention has been directed to some defect in the law which seems to call for correction, should shrug his shoulders and let it go.

This is a condition which can easily be remedied if the Association will hold out to the public year by year that suggestions for reform, from whatever source, will be welcomed and attentively considered; if the Committee on Jurisprudence and Law Reform, will, month by month, conscientiously and painstakingly examine the suggestions received, winnow the wheat from the chaff, and recommend such changes and amendments as it finds desirable; and if the Committee on Legis-

lation (when the Association has approved such recommendations) will bring them to the attention of the legislature in a proper and effective way.

But this task, like that of the Ethics Committee, is a task which must be patiently and persistently carried on. It is a task that cannot be performed in any one year, or by any one committee. Something can be accomplished each year, it is true; but continuity of purpose and action and steadfast and persistent effort, even in the face of temporary discouragement, are essential to real achievement. We have only to look to the history of past attempts of this Association to secure desired reforms, for proof that what one legislature may deny a subsequent legislature will grant. The main thing is to make it known that any proper suggestion, from whatever source received, will be considered and acted upon, and to see to it that the promise thus given is fairly fulfilled.

Something of this has been done in the past, but only in a desultory and haphazard way. Much that is valuable and useful has been accomplished by the Association through its Committee on Jurisprudence and Law Reform; our present Workmen's Compensation Act, for instance, is the outcome of a movement set on foot by that committee, pursuant to action taken at a meeting of the Association held at Duluth some seven years ago. But in general, the committee, when active at all, has devoted its energies to some subject or subjects especially referred to it by the Association or Board of Governors. To the best of my knowledge, the committee has never, until the present year, invited or encouraged, in any general way, the submission of suggestions. I say this without prejudice, and with much humility; since in two different years, at least, I have served as chairman of that committee, and I confess that the committee has little to its credit in the record of those years.

The present committee, however, has pursued a different plan. Its members accepted appointment under pledge to invite suggestions from the bar and public, to hold regular meetings, and to give due consideration to every suggestion received. And they have splendidly fulfilled this pledge. Shortly after the committee was appointed, a circular letter was sent out by the officers of the Association to every lawyer in Minnesota whose name and address could be secured. This letter explained the plans and purposes of the Committee on Jurisprudence and Law Reform, as already outlined, and also those of the Ethics Committee. It invited suggestions for reform in the law from any member of the bar, whether a member of the Association or not, or from any other person; and gave assurance that any suggestion so received would be duly considered. Some 2,500 of these letters were

sent out, and considerable publicity was given to the announcement in the press throughout the state.

Numerous suggestions were received by the committee, or referred to it by officers of the Association. All such suggestions were carefully and conscientiously weighed and discussed. Frequent meetings were held and much time was spent outside of the meetings in research and investigation conducted by different members of the committee, working individually or in sub-committees. It would be hard to overrate or overpraise the diligence of the committee or the unselfish sacrifice of time and convenience made by its members. I can personally testify to the thoroughness, fidelity and impartiality with which the members of the committee performed their work. Whatever praise has been accorded to the Ethics Committee is equally due to the Committee on Jurisprudence and Law Reform. And what has been said of the former committee with respect to the need for continuity of organization, the value of experience gained in service and the desirability of continuing on the committee those members who will consent to serve again, applies with equal force to the latter.

I have dwelt specially on the activities, past and potential, of the Ethics Committee and the Committee on Jurisprudence and Law Reform; not because the work of these committees overshadows that of other committees of the Association, nor because these activities cover the whole, or even the most important, field in which the Association has or can make itself useful; but because it seems to me that the questions with which they deal are, under existing conditions, of more immediate importance, and because the idea of systematic and continuous work along these lines is comparatively new in our administration. These are but two of the numerous lines of work to which we can and should devote our energies and our influence. More than a hundred different men have served the Association this year on its various committees; all have done faithful and effective work; and all are entitled to the gratitude of the Association. But there is a limit to my time and the patience of the members; and in an address like this it is impracticable to cover the entire ground. So I have selected for special comment those committees and branches of Association work which, under the conditions of today, appeal most strongly to my mind—which are my own particular hobbies. This is not a case for the application of the rule *expressio unius, exclusio alterius.*"

My grateful thanks are due to the members of the Board of Governs and to the men who have served on the several committees, and it is my earnest hope that the work of the Association and its committees, along every line of activity which we have pursued in the

past and which may lie open to us in the future, will be continued, extended and broadened.

Perhaps the most important subject to come before the Association for discussion at this meeting is that dealt with by the special committee of nine which was charged with the duty of formulating proposed legislation for remedying the abuses growing out of the solicitation and exploitation of certain classes of personal injury and other tort claims. The report of the committee is before you, and the subject has been so thoroughly considered and discussed at previous meetings, and especially in the admirable addresses delivered by Mr. Boston and President Schmitt at the St. Cloud meeting a year ago, that I feel that further discussion of the question in this address is neither appropriate nor desirable. I will only say that I am heartily in accord with what was said by Mr. Boston and Mr. Schmitt at the St. Cloud meeting, and with the recommendations found in the report of our present committee. If I differ at all from the conclusions of the committee, it is because my own views are somewhat more radical than those which are embodied in that report. If I would have the report changed at all, it would be to make it go farther, and not less far. I believe that the abuses aimed at are great, serious and vicious abuses, and that they tend strongly to undermine and destroy the best ideals and traditions of our profession. I earnestly hope that the Association will, at this meeting, take a clear and definite stand upon the question, and that the result of its action will be the enactment of effective remedial legislation which will strike down the iniquitous practices that have given rise to such bitter and just complaint.

There is another committee of the Association whose work must be carried on continuously and uninterruptedly if the best results are to be attained; the Committee on Legal Education. The importance of the work which this committee has in charge is apt to be underrated. The standards of legal education and of admission to the bar are of fundamental importance. These things lie at the very foundation of our professional edifice. If the standards of legal education and admission to the bar are to be kept on a high plane, there must be no cessation of interest and watchfulness. There is much in our system which cries loudly for reform.

The present Committee on Legal Education has been commendably active and industrious. I believe that in no previous year has so much thorough, conscientious and useful work been done along this line. But the work must go on. Persistent and continuous effort is as essential to substantial achievement in this direction as in some others I have mentioned. If the next year's committee will take up the task where the present committee has laid it down, and will pursue it faith-

fully along the same lines, the unselfish service rendered by the men who have borne the burden in 1916 will, and only so, have full fruition.

The Committee on Legal Education, like the Ethics Committee, comes especially into contact with the State Board of Law Examiners; and the success of its efforts is peculiarly dependent upon the sympathetic co-operation of that Board. Unless the State Board of Law Examiners and these committees of our Association can work together in a spirit of mutual understanding and co-operation much of our potential efficiency will be lost. In venturing the suggestion that a special committee be created to confer with the Supreme Court and the State Board of Law Examiners as to possible improvements in the present system, I had in mind also that phase of the activities of the Board with which the Committee on Legal Education is particularly concerned.

The strength of the Association lies, of course, in its membership. The larger and more representative the membership, the greater the strength and influence of the Association will necessarily be. I have said that we have now 1,200 members and that more than 300 of these were added to the rolls during the year now closing. The exact score which this year's Membership Committee has to its credit at the time this is written, is 336. And as few members have dropped out during the year, our net gain is almost identical with the figure given.

This is a result for which heart-felt thanks are due to the Membership Committee and its most efficient and devoted chairman. Only those who have labored with him during the past year can realize what a tremendous amount of work he has done and with what patience and ingenuity he has devoted himself to his task. Splendid work has been done in past years by former Membership Committees, but it is safe to say that the record of the present committee has never been surpassed, nor even equaled.

The men whose names now appear on our membership rolls are the cream of the profession. Comparatively few men of experience, influence and standing remain outside the fold. But there are many lawyers throughout the state who could and should be brought into the Association. I think there has been too much of diffidence and reluctance about joining the Association on the part of many of the younger and less successful men—of the men whose spurs are yet to be won and whose prosperity is not yet established. This is, I think, unfortunate both for the Association and the men who refrain. The cost of membership in the Association is not great; it amounts to but twenty-five cents per month, or less than one cent per day. There are few, if any, practicing lawyers who cannot afford that much. And I think that every lawyer ought to recognize that he owes it to himself

and his profession to support the Association by becoming a member and by rendering what assistance he can. But if this is a duty, as I believe it is, it is a duty the performance of which brings its own compensation. The best rewards, of course, come to those who attend the meetings and take an active part in the work of the Association, through its committees and otherwise. But there is some return even to those who cannot attend the meetings. Every lawyer receives some individual benefit from anything which benefits the profession as a whole. Even the unselfish service which the loyalty and devotion of some of our members has led them to render in the work carried on by the Association, although at the time it has seemed to entail an undue sacrifice of comfort and convenience, carries a reward of its own aside from and in addition to the gratitude and respect which it commands. Service is never wasted. It broadens the mind and develops the character of the men who give it. Life would be a poor thing if all men spent their energies and devoted their powers to selfish aims alone; to the ends of mere money getting and professional success. There is a satisfaction in the thought that one has done something for the good of his guild and the advancement of his kind. And the friendships and fellowships formed in Association work are, as I can testify, among the best and most delightful which it is given to man to make.

So I say that it is worth while to be a member of the Minnesota State Bar Association, and that in urging a brother lawyer who is still outside to come into the fold, we do not ask a favor so much as confer one. Go out, each of you, when you return to your homes, and labor among those of your acquaintance who are yet unenlightened, until the membership of our Association embraces every reputable and self-respecting lawyer in the State.

In the time-worn phrase of the preacher: "One word more and I am done." The President is the titular head of the State Bar Association, but the officer who is the real head of the Association, its business manager and its mainstay, is the Secretary. Upon the shoulders of the Secretary lies the heaviest burden; upon his industry, tact and executive ability, more than upon any other single factor, the success of the Association depends. Experience in this service is an asset of incalculable value, and a change in the office of Secretary is a critical and revolutionary thing. Presidents may come and Presidents may go, but the Secretary should go on forever.

We have been singularly fortunate in the Secretaries who have served the Association during the past thirteen years. To Mr. Farnham and Mr. Caldwell, more than to any other men who have labored

for the Association, is due the success we have already achieved and our splendid prospect for the future.

The task of the Secretary is most onerous and burdensome. It was heavy enough in the past years, when our membership was smaller and our activities more restricted. And with our present membership of 1,200, to say nothing of the prospect of further accretions, the demands which the work makes upon the time and endurance of the man who takes his duties seriously and performs them conscientiously is greater than most of us realize.

I have been familiar with Mr. Caldwell's work since he assumed the office of Secretary in 1913, and have of course been intimately associated with him in his work during the past year; and I want to take this opportunity to say that it would be impossible to accord too much praise to the industry, ability and single-minded devotion with which he has discharged the exacting duties of his office. Our debt to him is too great to be weighed or measured. And the personal sacrifice which he has made is more than any man ought to be asked to make. The Secretary, of course, receives no compensation; until now no provision has ever been made to supply him with clerical assistance; and he is even subjected to considerable expense in various incidental ways for which reimbursement has not been accepted.

It seems to me, and I submit the matter for your earnest consideration, that the Association at this meeting should make provision for an annual allowance to the Secretary which will be sufficient at least to supply him with needed clerical assistance. And for the sake of the Association and its future I trust your united persuasion will be strong enough to induce Mr. Caldwell to continue for another year at least in the place for which he is so singularly fitted and which he has filled with such credit to himself and such advantage to the Association.

That is all of my speech, gentlemen; and now I want to close with a prayer: *God Bless Duluth.* (Applause.)

MR. WASHBURN: Mr. Secretary, after this demonstration, the motion which I had in mind to make seems meagre. Yet the enthusiastic thanks that have been tendered to the President for this address will appear in this report only by the little word "applause." I move you, sir, that we extend a vote of gratitude and appreciation to the President of this Association, for the earnest, the thoughtful and the most practical address which he has delivered.

MR. SHEARER: I second the motion.

The Secretary put the motion, and all present stood and applauded vigorously.

PRESIDENT BURR: I wish I could think I deserved this, but I am glad it is over. According to our program the next thing in order is the report of the Ethics Committee. I will call upon the chairman of that committee. (For Report of Ethics Committee see Appendix.)

MR. GEORGE W. BUFFINGTON: What can I say, after listening to the elaborate treatise of the President of this Association; but I think he has stolen the thunder of the Committee on Ethics, and I further think that there is little or nothing to add. If I did add anything it would probably be futile and of no particular interest. However, I will detain you only a few minutes, as I desire to call your attention to a few things that the members of the Committee on Ethics have observed in the course of their work.

The committee has considered about twenty complaints; as to five of these complaints the committee has recommended prosecution or disbarment. I may add that the result of the committee's work in these five particular cases did not come from any motive of persecution by the committee as a whole or any member thereof, but their conclusion was made after a most thorough and conscientious investigation of the facts and circumstances of each particular case. It was the procedure of the committee in certain cases to assign to members of the committee the work of several preliminary investigations. The member of the committee to whom this work was assigned made, I think, a most thorough investigation of that particular case. He reported the case to the committee as a whole. Opportunity was afforded to the lawyer against whom the charge was made to appear before the committee and state his story, after presentation by the committee of the character of the complaint. In every instance where positive and final action was taken, the lawyer was allowed to appear before our committee, with the exception of one case, and perhaps the committee was unwise when it deemed it

unnecessary for that particular lawyer to appear before it. That was the case where the committee secured the record of a court reporter in a case arising in a certain county in this state where a lawyer was charged with using foul language in court, in a crowded court room. The character of that language was such that in the opinion of the committee it needed public censure and when the State Board of Law Examiners examines it and presents that complaint and it becomes public property, I think the Association will bear out the committee's conclusion that it is so vile and so foul that it merits the criticism and punishment of this man. Outside of that one case, every man charged with misconduct had an opportunity to appear before the committee.

This committee was not, as stated, a committee of persecution, but on the contrary acted in the most conservative manner. It listened with a great deal of patience to the answers of the parties charged with these offenses, and it reached its conclusions only after most careful consideration of the facts; and it was more conservative than anxious to make these charges before the State Board.

Now as the President has stated, we all know that this committee has no legal power to disbar an attorney at law. The matters must go to the State Board of Law Examiners and it is absolutely necessary for the Committee on Legal Ethics, if this is followed up, to have closer co-operation with the State Board of Law Examiners.

I wish to call attention to the fact that the New York County Lawyers' Association, which perhaps is the greatest one we have in this country today for the purpose of maintaining the legal ethics—(you will remember Mr. Boston spoke at St. Cloud as chairman of that committee)—the New York County Lawyers' Association have provided for a fund of some $24,000 to be used in the prosecution of its work and the work has been efficient. It has, to a very material degree, purged the profession of the City of New York of lawyers who have been guilty of violation of their oath.

Now, it is the purpose, I think, of the members of the committee that these offenses be crushed out by our Association.

And it is true that we probably cannot raise any such sum of money, and undoubtedly at this time that is not necessary. But we do feel that if the members of the committee are willing to give their time as they have done during the past year listening to and considering and attending to cases brought before them, surely the preliminary work, which takes an immense amount of time, ought to be provided for in the way of money. We ought to have some money, because it is necessary, to take care of expenses incident to this work, that some funds be provided.

I am not going to detain you any longer, but will refer you to the printed report of this committee. The summary of the cases I have mentioned is printed and I call your attention to the recommendations made by the committee. But I do wish to assure you that no member of this committee desires to persecute any man. It is really a terrible thing for a practicing attorney to have his license taken away from him, and it ought not to be taken away from him unless on good and valid grounds.

We, as a committee, are just as anxious to protect the lawyers charged with misconduct as we are anxious to punish where it clearly appears that they are guilty of misconduct, and the members of the committee in future ought to carry that idea in mind, that we should be just as anxious to protect a lawyer in his practice as we are to charge him with the violation of his oath or to put his case before the State Board of Examiners.

We have been, during the past year, confronted with all sorts of questions, all sorts of complaints. When I say we have had twenty complaints, and when we have acted only on five of them, in the sense of recommendations of prosecution for disbarment, you can readily realize that something was done with the others and that something was in the nature of a heart-to-heart talk that will do that man good; and believe me, they come before that committee with the fear of God in their souls; because it is, as I say, an awful thing to be deprived of the license to practice, and, when we have recommended the cessation of certain practices which were perhaps nominally criminal in comparison with others, they have been deterred from further practices of that kind.

Now we always have been subject to the element of compensation to a very large extent. It is true with a large majority of the cases, I would say, that the question of compensation is involved in the complaint. We have no quarrel with lawyers who charge a reasonable and right fee. They are entitled to a proper fee; but when the charge is made and the compensation is involved, when the element of deceit or fraud is involved in the charge, our committee thought wise to act promptly and we made the point of demarcation along that line. In fact we tried to feel our way, in order to be at all times wise in the matter of procedure, and know just what to do, and in the spirit of the men who compose that committee, the desire to do the right thing was always uppermost.

In conclusion, I will call your attention to the recommendations made by the committee. Mr. President, I move the adoption of the recommendations.

If you will permit me another word—I have a letter from Mr. Traxler, which I will not read, but he says that the Board will receive at all times the recommendations of the State Bar Association in matters of this kind and will be very glad to co-operate in every way for the general purposes and work of the State Board. But the State Board thinks the committee ought to do some work itself, that it ought to investigate, that it ought not to throw back the whole burden of this work on them. And I am very much in sympathy with the expressions of President Burr that some method ought to be evolved whereby a complaint may be directly placed before the Supreme Court of this state by the State Bar Association; and perhaps in accordance also with his suggestion it might be wise and probably is best that the incoming President appoint a committee for the purpose of considering this proposition, to consult with the Legal Ethics Committee, and the Committee on Legal Education, and the Board of Law Examiners; but a member of the Ethics Committee ought not, I think, to be a member of this special committee. Now, Mr. President, I move you that the recommendations made by the Legal Ethics Committee be adopted; they read as follows:

First. That a fund be provided, either by legislative appropriation or from the funds of the Association, to carry on the work of the Ethics Committee.

Second. That steps be taken to bring about a closer co-operation between the Association and the State Board of Law Examiners, in order that there may be more thorough and prompt investigation of complaints and more expeditious and efficient prosecution in cases where the complaints are well-founded.

Third. That the powers and duties of the committee be more accurately defined in accordance with the views above expressed.

In that last recommendation I might add that there has been submitted to the committee certain abstract questions by lawyers in the state in respect to what is and what is not ethical conduct. The committee has thought that we had no authority under the constitution of the Association to answer those questions. The question is for this Association to determine, whether the work of the committee shall be broadened along this particular line or shall there be a special committee appointed for the purpose of passing upon abstract questions of ethical conduct. Those questions have been submitted to the New York Bar Association and answered. The question is, whether this Association at this time shall take up work of this kind.

MR. SHEARER: As to the motion just made for adoption of the report, I wish to say that I have known something about the work done by this committee. It takes a great deal of wisdom and a keen sense of personal ethics to know just how far to go when the whole future of another lawyer is perhaps at stake. And I believe this committee has discharged its duties so well that we ought to express some commendation, and I ask that that be incorporated in the motion, and I second the motion.

MR. CHILD: I would like to inquire if there is any machinery by which the objects of this recommendation may be carried out in case the recommendation is passed. It is futile to make recommendation, unless there be some machinery or somebody to take up these matters and carry out the recommendations. Otherwise, as soon as these recommendations are made and we

go from the hall, the matter will lie until the next year where it is now.

PRESIDENT BURR: If it is appropriate for me to answer that suggestion, I think these recommendations of the committee are general in their nature. They express the sentiments of the Association. They do not provide the machinery. If they are carried, so that it appears that the sentiment of the Association is in accord with the recommendation of the committee, it will then be appropriate for specific resolutions to be offered, aimed at carrying out the recommendations made.

MR. CHILD: And will now be the time for these resolutions, or is there some other time that the matter will come up?

PRESIDENT BURR: I should say that the proper order is to take a vote upon the recommendation, to declare the sentiment of the Association, and then it will be in order to offer and consider specific resolutions.

MR. F. A. DUXBURY: I do not believe any one will vote against the resolutions in their present form, because they express desirable objects, but unfortunately we disagree, when we come to the determination of means to attain them.

PRESIDENT BURR: Gentlemen: The question is upon the motion of Mr. Buffington for the approval by the Association of the recommendations affixed to the report of the Ethics Committee which have been read. Those in favor of the motion, which carries your approval, say "Aye." Opposed, "No." The motion is carried.

It is now in order to consider plans for carrying these objects into effect. I don't know whether the members of the Ethics Committee or any of the other members of the Association are ready with such resolutions, and it might be well to suspend further action on this report, unless some one is prepared with such specific recommendations, until afternoon.

MR. BUFFINGTON: Some members of the committee are not present today. It was the purpose of the committee to have a meeting when all the members might assemble for the purpose

of suggesting some remedies, specific in character, to be submitted to the Association. Mr. Lum, who is intensely interested in this matter, will arrive tomorrow morning; we expect to get a meeting of the Ethics Committee at that time, and we will formally bring up a resolution for consideration by this Association looking toward carrying out the general purposes expressed in the recommendations of the committee. Mr. Olds, of St. Paul, who has been also intensely interested in this subject, will be here then, too.

MR. CHILD: I move you, Mr. President, that the present Ethics Committee be authorized to make such report to this body before it adjourns and the President arrange the program for this report to come up again.

PRESIDENT BURR: If there is no objection, that will be taken as the sense of the meeting, and a further consideration of the Ethics Committee report will be suspended until a later session.

MR. D. F. CARMICHIEL (Minneapolis): I move that the President appoint a special committee of three to report back to the Association, not later than Thursday afternoon, with a recommendation as to a provision for assistance to the Secretary, in line with the President's address and recommendation.

Motion seconded.

Motion put and unanimously carried.

PRESIDENT BURR: This committee will be appointed and announced later.

The Legal Education Committee will now report. Mr. Ray is chairman of the Committee on Legal Education, and a member of the other committee, and the subjects are so closely allied that I think perhaps he will speak for the Special Committee as well as the committee of which he is the chairman. I think it would be well for him to deal with them both at the same time, if he is so minded. (For Report of Committee on Legal Education see Appendix.)

MR. JOHN H. RAY (Minneapolis): Before the last meeting of the Association there had been presented to the Committee

on Legal Education information to the effect that two night law schools in Minneapolis had abused the privileges which the Supreme Court had conferred upon them by admitting graduates to practice upon presentation of law school diplomas. At the last meeting, by resolution, the Association authorized a special committee to investigate these rumors and report upon them to the Supreme Court. Eight cases were reported, four of them from the Minnesota College of Law and four from the Northwestern College of Law. It was reported that eight men who had been dropped from other law schools for inability to carry on their work had been admitted to these two schools and were graduated without having their required credentials from the other schools from which they had been dropped.

The committee found that the four men who had attended the Minnesota College of Law had had credentials and that the reports were without foundation as to those men. As to the other school the committee could obtain no information. The head of the school took the attitude that it was none of the business of the Association, that the Association had no jurisdiction over his school, and the committee was forced, because it had no authority to inquire further, to report back that it could make no report on those four men.

We understand that the Supreme Court has made a ruling which will prevent the recurrence of any such trouble in the future, and that hereafter men cannot be admitted to one school and given advance credit for work done in another school, without certificates from the first school showing the amount and kind of work they have done; also, that they cannot be given advance credit in law schools for time spent in studying in law offices outside of any school.

The regular work of the Committee on Legal Education brings up the question which was acted upon at the last two meetings of the Association, that is the abolition of the admission by diploma privilege for all law schools of the city.

There are now three standards for admission: first, the standard set by the Board of Examiners in law examinations; second, the requirements of the University of Minnesota, whose gradu-

ates are admitted on diplomas under the statute; and third, the standard of the three night law schools of the city, whose graduates are admitted to practice on presentation of diplomas, under permission and privilege by the Supreme Court, which, under the statutes, has authority to approve schools other than the University and permit the admission of graduates upon diploma.

To show how different these standards are, it is only necessary to state that the Board of Law Examiners is required by the Supreme Court to examine in twenty-six subjects, and some of these subjects are not taught at all in the schools whose graduates are admitted on diplomas.

The University of Minnesota is a day law school that requires twelve hours of class work a week in the first year and ten hours class work a week in the second and third years. The St. Paul College of Law has a night school, which requires, I believe, eight or nine hours a week class work for three years. The Minnesota College of Law requires eight or nine hours a week for three and a half years, the change having been made this year from three years. The Northwestern College requires six hours a week extending over a period of four years.

This shows the wide difference in the requirements of those law schools for graduation, the graduates of each law school being entitled to admission upon presentation of diplomas. The committee, in its printed report, recommends the adoption at this meeting of the same resolution which was adopted at the last meeting, which is found on page 32:

"RESOLVED, That the Minnesota State Bar Association favors the uniform rule that all applicants for admission to the bar in this state, excepting such as may be admitted through comity, shall be required to pass examinations set by the State Board of Law Examiners; and that it favors the repeal of such portions of G. S. (1913), Sec. 4946 as confer upon the graduates of Minnesota law schools the privilege of admission to the bar upon presentation of diplomas."

I move the adoption of that resolution, but to that I would like to make this amendment: "That the law take affect at once." At the last meeting of the Bar Association and at the meeting for the preceding year it was suggested that such a law should

not take effect for two or three years, because some members of the schools might have been induced to enter or might have considered when they did enter the schools that they were entitled to admission to practice by diplomas. The agitation for repeal of this law has been going on for three or four years or longer, and every student who has entered any law school must have had in mind that this privilege might be repealed, and the committee believes that this law should be repealed, the repeal to take effect at once. I would like to amend that in that way and move its adoption.

PRESIDENT BURR: The motion is that the resolution recommended by the Committee on Legal Education, which appears on page 32 of the printed report, be amended by adding thereto the provision that the repeal of the diploma privilege take effect at once; and that the resolution, as so amended, be approved and adopted by this Association. Are there any remarks on the subject?

MR. PATTERSON (of Minneapolis): Do I understand that this law applies to all law schools, including the University, or to the other law schools?

MR. RAY: All law schools.

MR. PATTERSON: That section has no particular reference to the University. And the other part, referring to the other law schools—I thought it well to have it understood.

Motion seconded, put and unanimously carried.

PRESIDENT BURR: What will you do with the report of the committee, gentlemen? shall it be accepted?

Moved that the report be accepted and adopted.

PRESIDENT BURR: The motion is that the report of the committee be accepted and adopted.

MR. RAY: At the last session of the legislature there was a good deal of difficulty before the Committee on Legislation could get any action on the bill proposed at that time to accomplish this same purpose. If this recommendation is adopted, the Com-

mittee on Legislation will more than have its hands full, and it seems to our committee that it will be proper, if not necessary, to have assistance for the committee before the legislature.

I would move the adoption of a resolution for appointment of a committee of three to act with the regular Legislative Committee, the chairman of that committee to be its chairman, to use its best efforts to procure the passage of this repealing law at the next session of the legislature.

PRESIDENT BURR: Wouldn't we better act on the other motion first?

MR. RAY: There are some other matters in the report.

PRESIDENT BURR: There is before you, then, a motion offered by Mr. Ray to the effect that if the report of this committee is approved the special committee be appointed to act as a subcommittee, of the Committee on Legislation under the direction of the chairman of that standing committee, to work for the repeal of the diploma privilege in accordance with the recommendation you have just made.

Motion seconded.

MR. WASHBURN: What have you done with the motion to accept and adopt the report?

PRESIDENT BURR: My parliamentarian reminds me. Your motion will lie over, Mr. Ray. Those in favor of the motion to accept and adopt the report say "Aye." Contrary "No." The motion is carried.

This is the motion to accept and adopt the report. Now you have before you Mr. Ray's motion that a special committee of three be appointed as stated.

MR. WASHBURN: Don't that open a pretty broad door? What is the title of that committee? We have the Committee on Legislation. It seems to me that we have nothing to indicate the incompetency of that committee, nor any reason for appointing one in its place. If you pass this motion then you may pass a dozen such motions, and after awhile the Committee on Legislation will conclude that it is a matter of form, and it

seems to me that we could combine the Committee on Legislation with the other, and pass this thing through.

PRESIDENT BURR: There seems to be a difference of opinion. Are there any further remarks?

MR. F. A. DUXBURY: I think Mr. Washburn is right, as usual. Of course this is an important matter. I think it is rather unwise to take this action. I think, however, in this particular instance we will find very little effective opposition in the legislature to this movement. I think that if this matter is taken up at the beginning of the legislative session it will go through almost without opposition, if it goes through this Association without a dissenting vote. The time is ripe and Minnesota is going to purge itself of disgrace with reference to these admissions to the bar. However, I think the motion ought to be withdrawn, because it is bad precedent and not necessary.

PRESIDENT BURR: It is only fair to Mr. Ray to say that he has been encouraged in the idea by some of the officers of the Association, including myself, but I am much impressed by what Mr. Washburn and Mr. Duxbury have said in reference to the matter.

MR. RAY: I will withdraw my motion.

PRESIDENT BURR: Mr. Ray withdraws the motion. If there is no objection on the part of the seconds, that will be considered its disposition.

MR. WASHBURN: I did not make the remarks in opposition to the committee headed by Mr. Ray. Nobody appreciates the work that he and the other members of the committee have done more than I do, but they can do the work themselves without any formal motion to help the thing through.

PRESIDENT BURR: I think so long as Mr. Ray is on any committee of the Association, it can be taken for granted that the work will be well done. I think we are deeply indebted to him for the work he has already done and that we will appreciate it.

MR. STONE: By the way of formal expression, I would offer the following Resolution:

"RESOLVED, That the present Special Committee of Five to Investigate and Report to the Supreme Court on complaints against the practice of certain law schools, be continued during the current year as a committee of observation, with authority to report to the Supreme Court any improper practices of which it may have knowledge and with further authority to request from the Supreme Court direct powers of investigation, if the committee shall deem such additional powers necessary or desirable.

Motion seconded and carried.
Recess until 2 p. m.

Tuesday, August 8, 1916, 2 p. m.

PRESIDENT BURR: It is supposed to be the function of the presiding officer to introduce the speakers. But why introduce to a convention of lawyers or the people of Duluth Frank B. Kellogg? I feel that it is only fair to Mr. Kellogg to say that he has been pressed into service at a late hour and he has responded to the emergency, as he always does. I told you this morning that I had been connected with the Bar Association work from the beginning. There has never been a year that we have not had to ask something from Mr. Kellogg, and there has never been a time that he has not responded with the utmost promptness, without hesitation or reservation, and not only that, but he has always given us more than we have asked for, whether money, time, work or speech or anything else. (Applause.)

MR. FRANK B. KELLOGG: Mr. President and Ladies and Gentlemen of the Minnesota State Bar Association: I thank you very much for your generous reception. I regret exceedingly that without fault of your President, a distinguished foreign

lawyer was not obtained, but we were disappointed in not having one to address you today. I regret more that I had not had the time and opportunity to prepare an address worthy of this great Association. I do not object to being the second choice for speaker. In fact, I would rather be the second choice of the Minnesota State Bar Association, than the first choice of any other institution in the United States. (Applause.)

I am, and have been for many years, deeply indebted to the Bar Association and to the bar of this state. I shall detain you but a few moments today, not upon a legal subject, but upon a question which it seems to me should interest all who are interested in representative government.

THE WAR AND DEMOCRACY.

Great movements in the advancement of world civilization go in cycles. There are periods of stagnation in mental, moral and material development. There are periods when civilization seems to be going backward, when the foundations of world society seem to be breaking up, when nations disappear; followed always by great tides of advancement. History presents a strange phenomenon in the rise and fall of nations and the growth and decay of civilizations. But through all the thread of history there runs a general advancement in the human race. The destruction of empires is followed by the building of greater nations. The decay in letters, law, art and science is followed by a greater renaissance.

I desire to mention briefly three of these great periods and contrast them with the present. The golden age of Grecian history was at the time of Pericles. That was the period of its greatest development in democracy, in letters, art and science. Yet Greece disappeared, and over its ruins swept the waves of Oriental invasion; but it left to the world a heritage in the lessons of government, in its literature and its imperishable works of art. It was followed by the republic and empire of Rome, which extended its dominion over nearly all of the then civilized world. Its greatest gift to mankind, however, and its greatest

work in the advancement of civilization was not the extent of its dominion. It was its contribution to the wisdom of government, to art and letters, and, greatest of all, to the spread of Christianity. Its rise was the most spectacular, and its decline and fall the greatest calamity, the world had ever known. Yet, upon its ruins came a third and still greater civilization—the dominion of the West—which has given us the highest wisdom in government, the greatest degree of democracy, the widest spread of Christianity, a marvelous advance in science, art and letters and a betterment in the condition of the mass of the people.

For centuries after the disappearance of the Greek and Roman republics, real democracy seemed to have perished from the earth. Absolute monarchies, petty tyrannies, oligarchies and autocracies followed each other, appeared and disappeared in wars, struggles and commotions of the middle centuries. They were undoubtedly instruments of the Creator, working out his vast design. They preceded the building of the mighty races of the North and West—the Germanic, Saxon, Norman, Anglo-Saxon and Celtic.

The close of the eighteenth century and the beginning of the nineteenth was one of those marvelous periods of world conflict and revolution, unequaled by any except the present. At the time of the American and French revolutions and the great Napoleonic War, which swept Europe with its consuming flame and lighted the southern skies, democracy, except to a limited degree in England, was unknown to the world. The wars which devastated this country and Europe during this period were undoubtedly the outgrowth of man's struggle against governmental oppression and despotism in various forms.

Our government was the first representative democracy founded upon the principles of liberty and equality. It was a great stride in advance of its prototype—the English Constitution. It was yet to be tried in the flame of war and domestic discord before it could be said to be firmly established. Its birth was followed by the French Revolution and the Napoleonic Wars. Whatever may be said about the excesses, crimes and horrors of

the Revolution, about the ambitions of the colossal genius of France who carried war over all of Europe, these conflicts marked the beginning of the growth of real democracy in Continental Europe. In the flame of war disappeared feudalism, serfdom, slavery and absolute monarchies; and the result of these terrible conflicts undoubtedly was the growth of human liberty, the establishment of different degrees of democracy and constitutional monarchies, with a large degree of self-government.

In the hundred years from the end of those conflicts to the present there has been a continuous growth in liberal democracy. Year by year and decade by decade we have seen the liberalizing influences increasing; the individual rising in the scale; his influence and participation in government increasing; betterment in the condition of the masses of the people; the spread of education and the growth of more liberal laws; wonderful development in the arts, sciences and invention and increase in industry, commerce and world wealth, until we reach the present time, when we stand appalled before a conflict, the equal of which history does not record.

We struggle in vain to fathom the cause of this war. We are driven along an unknown pathway. We are but groping in the dark when we attempt to speculate upon its effect on the world. Are the belligerent nations to emerge from this terrible conflict with a higher and better civilization; with a more tolerant and Christian sentiment towards each other as members of the great human family? Is militarism to be discarded as the sword and guillotine of the French Revolution were discarded? Is democracy to increase its dominion? Are wisdom and justice to dethrone passion, ambition and national greed, or is democracy to decrease and militarism be substituted in its place? Is individual enterprise to be set aside as a useless thing, and in its place be substituted the marvelous efficiency of centralized power? These are the questions which most affect us and most interest the world.

There are evidences among the Allied Powers, as well as among the Central Powers, of a decrease in individual rights and

individual freedom; of a step backward in democracy; of an attempt to bring under arbitrary governmental and quasi-military control all human endeavor and all branches of industry. The British Empire, followed by France and Italy, has organized a formidable trade alliance, based upon the military alliance of these powers, the object of which is not only to cut off the trade of the Central Empires, but to control the trade of the whole world after the war. More than 120 chambers of commerce were represented in the conferences which led up to this trade alliance. Great Britain has already practically taken possession of her ocean transportation facilities and proposes to use them solely for the development of British trade. She is assuming not only to dictate with whom her citizens shall trade, with the avowed purpose of cutting off the commerce of the Central Powers, but is attempting to dictate what citizens of neutral countries shall trade with British subjects within her dominions and has illegally boycotted American firms and corporations composed of American citizens because some or all of their members may be of German birth or sympathy. This is not only in violation of international law and immemorial principles of trade and commerce between neutrals and belligerents, but it is in violation of her treaties with this country, which guarantee complete liberty of trade and commerce between American and British subjects. Those treaties also provide that no prohibition shall be imposed on the exportation or importation of any articles the growth, produce or manufacture of the United States or of his British Majesty's territory in Europe, to or from said territory of either power, which shall not equally extend to all other nations. This is a dangerous power over the trade and commerce of neutral countries, which if once conceded apparently has no limits and would not only place the commerce of the Allied Powers under direct governmental control, but destroy the commerce of neutral nations.

On the other hand the large industrial organizations of Germany have petitioned the Imperial Chancellor to create a general economic staff for the purpose of dictating and controlling German business, manufacture and commerce.

Through these organizations, therefore, both the Allied and Central Powers propose a direct control and supervision of all their industries, not simply as a war measure but after the war, in order that they may control their own industrial activities and the trade and commerce of the world. These governments would thus be enabled to control the production of raw materials, the manufacture and sale thereof, the price, and, greatest of all, to control the nature, price and the extent of labor. In other words, they would make all the industries of the country a great adjunct of the government for the purpose of continuing the war of trade and commerce over the world. This may be efficiency, but it is not democracy. It may control the trade of the world, but it will do it at the price of stifling human energy, enterprise and manhood.

Let us not delude ourselves with the idea that the belligerent nations will be exhausted when the war closes and will have neither resources nor men with which to carry on a trade war. The organization of industry, self-denial and economy practiced by the people during war fit them to continue the struggle.

It has been estimated by the best authorities that the total number killed in the first year of the war, enormous as it was, did not exceed one-sixth of the birth-rate, and that the total cost did not exceed 5 per cent of their combined wealth. But as an economic proposition the loss to the warring nations is not the cost of the war. To a great extent the money was borrowed from their own citizens, spent among their own people and caused a stimulus and a profit in domestic industry. The actual cost of the war might be measured more accurately by the destruction of property. Of course, the loss of men takes from the vitals of the nation; but these powers are now, and will be, capable of wonderful efficiency in industry, and the question is whether all human energy in these countries is to be marshaled like a military force, making their citizens but soldiers in a great industrial army.

Our government was formulated upon the principle of the widest individual liberty. The individual, unhampered by law and uncontrolled by power, was to be free to follow his own will

in education, industry and employment; to make the most of his abilities or not, as he should see fit. Government was to interfere as little with industry and individual employment as would be possible, consistent with law and order. It is undoubtedly the wisest government yet conceived by the mind of man, giving the greatest individual incentive to enterprise, conducive to the growth and development of the greatest race of men. Under it we have seen a development in science, invention and industry surpassing that of any other age. The principles of our government, in varying forms, have been adopted by the peoples of the Old World.

We cannot but deplore this endeavor to extend militarism to all branches of government, and to industry, commerce and labor. Militarism may be efficient, but it is inconsistent with self-government. It draws all authority from the central power. It may enable European nations, by forced contribution of labor and the regulation of prices, to outstrip us in world commerce, but it will be at the expense of their best manhood and will mark the beginning of their decay. You cannot build a great nation upon a dependent people. Human enterprise, individual initiative and the lure of ambition are the mainsprings of human progress. I do not under-estimate the desirability, even the necessity, for efficiency, not only in governmental affairs, but in individual and collective enterprises. If we hope to maintain our place in the world and maintain our foreign commerce, which today furnishes employment to millions of our people and fixes our principal markets, we must, of course, encourage efficiency and enterprise and be prepared with all the instrumentalities at our disposal to meet the competition of the Old World. But, should we do this to the extent of paternalism, which robs the people of the fruits of labor and takes from them the liberties guaranteed by the Constitution? The framers of our form of government, looking back over the history of nations, guarded against the exercises of just such governmental powers and immutably fixed, as they believed, in our Constitution, our individual liberties. They sought to guarantee life, liberty, the pursuit of happiness, the right to labor, and protection to property.

At this time of great world conflict, do we fully realize what this government means to us?

I have in the last few years heard much said in criticism of our institutions of government, but, as I have said before, I believe it to be the wisest government that the brain of man has yet conceived. That it has defects which require constant vigilance to remedy is true, as must be true of all human governments; but to me it is the consummation of the highest ideals of government; the result of the long upward struggle of the human race for the establishment of liberty and free play of individual enterprise. It means the protection of the individual against the exercise of arbitrary power, either by the government or by concentrated individual wealth. It means the protection of the home, the right to labor and enjoy the fruits of labor. It means equal opportunity, a land where the humblest boy, unaided by wealth or influence, may reach the highest place in industry, in education, in honor, in public service. The greatest service a lawyer can perform for his country is to maintain unblemished the real principles of representative democracy; the principles which lie at the foundation of our Bill of Rights —protection of life, liberty and property, the maintenance of equal opportunity, the protection of the people against oppression, either governmental or individual, the freedom and independence of labor and the preservation of equality of opportunity.

I know of no class in any community whose opportunities or responsibilities are greater than those of the lawyer. His education, his acquaintance and his influence fit him to be a leader in all great movements. Whether his position be humble or great, his field of opportunity is before him, with attendant responsibilities. The government is what we make it, and while representative democracy confers the greatest blessings, it imposes the highest obligations. It requires a corresponding intelligence, high purpose and vigilance in participation in public affairs.

I cannot believe that the world is going backward. I cannot believe that we are going to forget the lessons of history;

that we are going to substitute the principles of military rules for those of human liberty. I choose rather to believe that ultimately out of this terrible conflict will come a higher and better civilization; will come a better understanding between the nations of the earth; that instead of substituting for the principles of constitutional government the principles of military rule, principles of law will be established for the control of nations and the maintenance of peace; that behind the great world tribunals there will be an irresistible public sentiment as well as an armed world power for the enforcement of the decrees of arbitration and the maintenance of world peace. It may be that we have not yet reached that degree of civilization where this can be accomplished, but as American citizens, valuing our government and our liberty, it behooves us to hold steadfast to those principles of individual liberty and representative government which have so far guided us upon the pathway of nations. (Prolonged applause. All standing.)

MR. STONE: Not only for his favor in addressing us upon this occasion, but for the past service he has rendered to the bar of this state, I move you that this Association express its gratitude to Mr. Kellogg by rising. (Prolonged applause, all standing.)

PRESIDENT BURR: We still have before us the report of the Committee on Legal Education, or rather the questions raised by that report. Have you something further to say in this regard, Mr. Ray?

MR. RAY: There is one further matter on which we would like action different from that requested by the printed report. The printed report states the conviction of the members of the committee that some more thorough preliminary examination and thorough qualifications of candidates for admission to the bar should be had than is had now. At present a certificate from attorney that the applicant is of a good moral character is required. In New York and Massachusetts they have methods of examining into the matter particularly. The Bar Association of Chicago has just arranged for a similar provision. If

resolutions are to be presented to this Association tomorrow or next day calling for the appointment of a committee to consider, with the Supreme Court, questions of reorganization of committees, so that they may fulfill their functions and do more than they are now doing, we would like to have the provision broad enough to cover this phase. The work of the Bar Examiners is twofold. They are called upon as lawyers of experience to formulate questions and answers in addition to a great deal of administrative work which they will be required to do if they undertake any moral examination. The two things do not need the same kind of men to do them. A clerical force could take care of a part of the work. The committee would like an expression of the sentiment of this Association in favor of a more strict requirement, a more thorough inquiry into the character and qualifications of applicants for the bar, so that the resolutions to be presented tomorrow or the next day may include that, also.

PRESIDENT BURR: May I suggest that you confer with the Ethics Committee and agree with them on some resolution broad enough to cover that point? Or would you like a vote of the Association upon the question before us?

MR. RAY: If the Association will be willing to act upon such resolution without first expressing its sentiment, and if it won't cause any confusion, that will be satisfactory.

PRESIDENT BURR: It occurs to me that the task of the Committee on Ethics has been simplified by the expression of the opinion of the Association in the approval of these general recommendations, and possibly it might be well to take the sentiment of the Association at this time on the point you have in mind, so that you may have, working with the Ethics Committee, such an expression.

MR. RAY: I move you that it be declared to be the sentiment of this Association that it is in favor of a thorough examination into the moral qualifications of candidates for admission

to the bar before they be admitted, either before or after the examination.

Motion seconded and carried.

PRESIDENT BURR: Then Mr. Ray will confer with the members of the Ethics Committee and see that resolutions are properly presented. Have we anything further on the subject that is referred to the Committee on Legal Education, or shall we pass to the next report?

If there is nothing further we will have the report of the Committee on Membership, Mr. Allen.

(For Report of the Committee on Membership see Appendix.)

MR. ALLEN: Securing members, and interesting them in our work is the foundation of our success. The task requires activity, enthusiasm, and the unanimous co-operation of our membership.

Most applications are secured by personal solicitation; but a proper appreciation of the Association springs only from an adequate understanding of its work and purposes. Bar Associations, to be sure, have existed without sufficient excuse; and many presume that we so exist. There are yet several hundred worthy lawyers in Minnesota who have not discovered our usefulness. With such it is necessary to meet and overcome their indifference and diverse objections. With the objections most usually met we should be familiar. So far in as they are valid we should remove them; and wherein they are invalid, we should disprove them. This work cannot be fully accomplished by a committee less than a committee of the whole.

The commonest objection, expressed or implied by the country lawyer is, that he and his troubles get no consideration from the Association. Wherein this objection implies an advantage to the city lawyer, it is not well founded, and arises from the imagination, or from a sort of "country-cousin" jealousy. Not having given attention to our meetings or proceedings, many country lawyers are prone to attribute to the accident of residence what is due to different causes; and since they find the practice

no easier because of our labors, they conclude that the city practitioner is more fortunate.

It is often necessary to impress upon them that we are in no sense of the word a beneficial society; that to make professional success easy or certain could not properly be an object of our Association; but that we should be content, and would be more than content, could we substantially improve the rugged and laborious highway to professional success, by bridging its more dangerous chasms, draining its unsanitary quagmires, removing the briars of jealousy, meanness and discourtesy, and making it a somewhat safe and certain thoroughfare to the ports of justice.

It is a commonplace to say that the self-centered man is in error as to the conditions of success and happiness; but you will excuse my remarking here, what I have felt compelled to suggest elsewhere, that a lawyer might better ask himself:

"How can I best vindicate rights, and redress wrongs? How hasten the repeal or reformation of bad laws and practices? How promote necessary enlightened legislation? How make justice secure, and injustice dangerous? How clear the bench from all just imputations of favoritism and political methods? How establish and uphold in the bar higher standards of education, character and courtesy?"

These are problems that belong to the Association, to Christendom, and to the individual lawyer.

Elihu Root, the worthy President of the American Bar Association, in a recent circular letter on the Membership situation, which must have reached your desks and which deserves the closest consideration, says:

"The people of our country are called upon to solve many new problems and to perform important duties dependent upon conditions of which they are not fully informed, and to make new decisions for which they require leadership of opinion. It is plain that the whole world has entered upon a period of re-examination and development of political and juridical systems. Nowhere is this period of development more critical than in the United States. In this juncture the highest duty rests upon the bar. Their knowledge, their training, their fit-

ness to lead opinion should be utilized to the utmost. This duty cannot be effectively performed by lawyers acting singly. It must be done by the power of association. In modern times it is only by the power of association that men of any calling exercise their influence upon the community."

It well becomes us, who have enjoyed the benefits and observed the usefulness of the Bar Associations of great states and nations, by both personal appeal and intelligent invitation, to reach the worthy members of our favored profession, remove from their minds all existing erroneous derogatory opinions, and form with them a more powerful engine and organization, for the overthrow of evil, the establishment of justice and the advancement of the interests of humanity.

The average lawyer lacks diversity of thought and employment and is benefited by whatever supplies it. His exacting work is not easily laid aside. The shackled mind, accustomed to servitude, refuses, ofttimes, the month or day of rest; and in thought and dreams returns, a voluntary slave to unending tasks. In the delights of literature is to be found little that is not obtained only by bookish application which resembles his more studious professional duties, already too long pursued. In the conversation of friends, the years have left him little that is new. The society and pastimes of the unlearned, the perusal of papers and periodicals, do not supply the need. Driven back upon himself, and to the contemplation of the affairs of business and society, what wonder that his mind exhausts itself, and is sometimes stranded athirst amid the springs of learning.

Commonly the lawyer is also an *idealist,* whose happiness is not realized in the continuous contemplation of the serious or unfortunate affairs of his clients. If in his heart flows the milk of human kindness, he finds little to cheer him in the service of either greed or wretchedness. If he thirsts for wealth, position or power, his experiences and efforts will tend to a view of life not altogether comforting or satisfactory; and even a brilliant career, to what the world deems high success, may lead him to disillusionment and disappointment, rather than to contentment or happiness.

From such conditions active association to worthy ends tends to deliver him. Here, instead of the diversion of a single night at a bar banquet, wrongly supposed by many to be the principal feature of our annual meeting, he is happily surprised to find in our work and program sustained interest throughout, followed by a year of ennobling work. To this, are added new friendships, pleasant associations, and the gems of fellowship. He at first perhaps thinks the fun-makers of our banquets always frivolous; but he is joyed to discover his error, and to find that rigid work does not always accompany the rigid feature. His professional brethren, with faults strangely lessened, and characters surprisingly ennobled, become to him so many objects and occasions for improvement and enjoyment, and he no longer feels, nor would say, that he and his troubles get no consideration from the Association.

The isolated lawyer sometimes fights imaginary windmills, with only the support and sympathy of some local Sancho Panza; or suffers in a Gethsemane of his own imagination. Such sometimes allege complaints even against the presiding judge; illogically deeming the same a valid reason for declining activity among us—implying thereby that the Association is impotent or blameworthy in the circumstance. Such complaints are, no doubt, usually as unfounded in fact as illogical in allegation. But if any such is well founded, the remedy which our brothers have failed to find in isolation they may find in association. For it is inconceivable that any number of self-respecting lawyers should long suffer the tyranny of petty men on the bench. To lawyers who seek to know and perform their duty, ungraciously and unnecessarily humiliating treatment of the youngest, or any member of the profession, is distasteful and intolerable, and those most liable to unjust treatment find both instruction and protection in the associations of the bar.

In answer to such complaints we have intimated that the improvement of the bench, if improvement be necessary or possible, is not to be effected by too loud or prolonged complaining.

I do not wish to intimate that I have, in any instance, had the hardihood to attempt interference with that most ancient

and generally exercised of the prerogatives of the bar—the right to berate the court for adverse decisions and errors; for I have not been so ignorant as not to know that a long established evil may be more stoutly defended than an undisputed right; and that applications for membership are secured only by the sunshine of persuasion. No, I have rather condoled with our dissatisfied brothers, and assured them, with self-evident truthfulness, that their grievous wrongs have remained too long unredressed; but that the improvement of the bench is to be accomplished, if at all, only by that slow and painful process, the improvement of the bar. For that, if any judge so far forgets himself as to be guilty of favoritism, abuse of juniors, or unworthy political methods on the bench, it may be said for certain, that he is not from the ranks of the learned, worthy and studious practitioners, who, without suing for improper favors, or stooping to any mean advantages, have by toil and courtesy, plucked the flowers and fruits of professional success from the rugged hills of litigation.

A worthy bench does not often take rise from an unworthy bar.

In such ways and by such methods, we have striven to meet objections and to forward the interests of the Association. Many other objections we have all met; for instance:

That the Association is run in the interests of the railroads, the corporations, or the large cities; that particular measures, if not all measures, to which we have lent our assistance, have worked injustice rather than justice; and other similar misconceived assertions, are honestly made by lawyers of our state.

How we have attempted to answer them, I have neither time nor disposition to further state; but can assure you that there are still lawyers to be convinced, and abundant work for a new and abler committee to perform.

But being poor at condensation, I must forego further discussions; nor is it necessary. In leaving with you our report and work, I would say that the measure of success attained is largely due to the ever-ready and laborious efforts and assistance of your efficient officers, as well as to the joint work of the mem-

bers of a large committee, who have, in most instances, shown industry and made sacrifices, in bringing to the attention of the lawyers of the state, the claims, merits and purposes of our thriving Association, the pressing need of the elevation of our profession, and its standards, and the demands of the progressive age in which we are privileged to live.

PRESIDENT BURR: Gentlemen, I think that any action which you take upon the report of the Membership Committee ought to be accompanied by a vote of thanks and appreciation to the committee and its chairman for the wonderful work done during the past year and for this most able and interesting address; and I shall be glad to entertain any motion that any one wishes to make in respect to this report.

MR. PATTERSON: I move that the report be accepted and that the thanks of the Association be presented to the committee and its chairman for its very energetic work during the past year.

Motion seconded and carried.

PRESIDENT BURR: I will announce the Committee on Nominations for the Board of Governors as follows: Marshall B. Webber, John G. Williams, James D. Shearer, John M. Bradford, Warren E. Greene.

The next thing on the program is the report of the Committee on Legislation by Mr. Shearer, its chairman.

(For Report of the Committee on Legislation see Appendix.)

MR. SHEARER: I don't know what I can talk about to this body, which knows so much more about legislation and the need of it than I do. If this were the legislature, I promise you that I would be very glad to talk to you very earnestly for about a half hour or a full hour, and tell you some things that I think you ought to know. But due to the fact that you are not members of the legislature—I wish you were, all of you—I will make my report very short.

I did promise our President that I would talk perhaps fifteen

or twenty minutes upon this subject, but I have written nothing and I have had no time to even arrange my ideas on the subject. Therefore, what I shall say to you will perhaps be somewhat rambling, but it may touch a field possibly that has not been touched upon before.

The need of legislation in an association like ours—growing as rapidly as it is and becoming as important to every phase of existence in this state as this Association is becoming—makes it absolutely necessary that the Association should express itself in two ways in addition to the general way, which you all know and which occurs at these annual foregatherings, and one is regarding the passage of needful legislation and, second, the enforcement of that legislation when passed and the enforcement of all legislation which we now have. While my subject is limited to legislation which directly and intimately concerns the Bar Association, yet every man before me is a leader in his community. I do not mean to flatter when I say that, because it must be so, and always will be, that men who attend these Bar Association meetings, coming from the country and city, are the leaders of thought in their respective communities. They give a great deal of time, *pro bono publico,* they rejoice in it, they scatter their time, not concentrating as perhaps might be done in an association of this kind, but instead of that we dissipate our energies a great deal and diffuse them among the various bodies and associations to which we belong. The expression of our activity, so far as this Association is concerned, has in the last few years been limited to a few fields.

The report of your Committee on Jurisprudence and Law Reform, as well as the Ethics Committee, has developed and shown the great need for new legislation. I assure you that the work of the Legislative Committee is not an easy task. It is onerous and thankless—not that anybody needs any thanks for any work he may do in the attempt to get through legislation affecting the bar and the interests of the state.

But I am going to say this, which I have never said before, and I have been on this committee for several years: Some months ago I was in the legislature on a matter which is well

known to every member of the Bar Association, and attempting to get it through, and I happened to be sitting with a member, and he invited me to explain to him a certain measure which was about to come up, and I was pointed out by one of the speakers as a lobbyist, although the man well knew what I was there for and what I was attempting to do. Now, I cannot explain that in any other way except to say that there is a great deal of politics in our legislature. (Laughter.)

Politics is all right as a means, but not as an end, and it is a mighty poor thing to allow politics to interfere with the work this great Association is attempting to do. But what can we expect in a legislature, when almost all of the representatives in the National Congress of the United States from this state have apparently more respect for the fences at home than patriotism, just ordinary patriotism, following perhaps more the political leadership than the flag, and allowing men to step in who are absolutely untrue and unpatriotic to the best interests of the United States? I say that politics is bound to, and always will, cut a great figure in legislation. Our legislature is no better and no worse than others. In fact, I have always entertained the belief that it was a little better, because I have always thought that the state of Minnesota had a little higher grade timber than any other state in the Union. However, we have those things to contend with in every legislative session, and I wish to say to you that your committee, no matter how large, cannot pass measures alone and unaided; they can go to the legislature as much as they please and act as earnestly as possible and see as many men as possible, but still it is absolutely impossible for them to succeed in carrying through legislation which you would approve of and ask to have carried through, at your annual meeting.

The only way that can be done is by each member of this Association who knows what the Association wants, to make himself a committee of one to see a representative or senator from the locality in which he lives, before the legislature meets, and say to him that certain legislation is contemplated, and make him familiar with it and get him interested in it. If he is a

lawyer he ought to know all about it, because he ought to be a member of this Association, and he should not need education on that subject. But if he is a layman, he must be reached before the legislature meets. It is the only way.

Now there are two or three things that we are interested in. In the last two sessions of the legislature, especially the last session, there was a bill which you all know about on the subject of legal education, and legal education depends on examination finally for admission to the bar.

I see no reason why that should not pass at the next session, providing the bill is gotten into the legislature within the first week or ten days of the session. During that time the members are mostly new. There is simply a bona fide frank effort on the part of all members to get acquainted with each other. There is no immediate legislation coming up. This has all been threshed out by the committee and most everybody knows about it, and it is a question of every member of the Association doing his part to assist in the passage of the bill. It is no use to attempt to get anything of that kind through in the legislature in the latter days, or the last three weeks of the session.

There is the so-called Ambulance-chasing Bill. I have seen no report from the committee that was appointed at the last session and I do not know to what extent they have whipped those bills into shape. There were certainly some serious defects in those bills the last time, although I believed in the bills as they were originally presented, but when we got into the legislature, and the many sided views of members and lawyers were expressed there, I was convinced there were some radical errors in the bills and that they would have to be corrected before getting them through. But I want to say that I do not believe a bill of that kind, that affects a man's business (because we are dealing with the personal equation, we are dealing with a man's personal interests), will ever reach the legislature in such shape that it will find favor enough to pass, until both sides have been fully heard in committee. I think these bills ought to be threshed out from every standpoint.

If there is a man in the profession in the state of Minnesota

who subsists on a class of business that none of us believe in, I would be glad to see him on that committee, because if he represents any constituency whatever, his point of view has got to be threshed out and met, or it will bob up later and he will have a certain following, and it won't be passed. Therefore, the only way is to be absolutely frank and fair and give everybody a chance.

When the bills come out in that way, if I happen to be on the Legislative Committee, I will do everything in my power to get them through.

I want to say something to my friend who read the last report, the only report not making any recommendations. Some reports have asked for appropriation. It just occurred to me, sitting here listening to what was said, that there must be a good many cases where the Board of Governors has to act and act quickly, and have no funds to draw on. We have twelve hundred members and we ought to be able to produce $3,600 a year. It seems to me that we ought to have a small contingent fund. I am not going to make any resolution, I am only suggesting it. There ought to be a contingent fund at the disposal of perhaps the President and Vice-President, the Secretary and Treasurer. There comes a time in legislative matters, in my committee, when we ought to have literature; but there is no fund to draw on and no way to get it. We call up and ask the Secretary, and he has no authority to spend money for it. I think there should be a contingent fund to answer quickly to emergencies, placing the power to use that fund in the hands of the officers.

One other thing not mentioned, and I have not consulted my committee on it, but I think they know about it—a good many of them at least—and that is the salaries of the judges.

I believe there is no higher station in the state of Minnesota than that of Judge. It is along the same line of what Mr. Kellogg said here today. He said he would rather be the second choice of the Bar Association than the first choice of anybody else, and I think the position of Judge commands and ought to receive a higher salary than is now being paid in this district, and I would extend that all along the line, to the Supreme Court.

We are becoming a very wealthy state; there is no finer state in the Union and there is no higher grade of citizenship in the Union. The litigation of the state is growing by leaps and bounds and the position of Judge ought to be such that it commands the finest and highest class of men and the best legal ability that can be found in the state. I am for higher salaries. (Applause.) I only suggest this. I do not expect to be on this committee. I have been on it for two or three years and I think I have not been able to accomplish very much.

PRESIDENT BURR: Look at the experience you are getting.

MR. SHEARER: Yes, but I will say this, at the last session of the legislature we just missed getting that bill through on legal education by the wink of an eye. It didn't get in early enough. It stuck in the committee and there were lies promulgated in reference to it, and the men didn't understand it and we found that they were completely turned around in the last days of the session, because others had button-holed them and set their faces against it.

I don't know as I ought to be partisan in making this report and I hope I won't be considered so, but I will say that it seems to me that a law school ought to be glad to have its pupils put through the standards and the same examinations in entering our high profession that all others are subjected to. I do not see any reason for taking a different position. The point made by Mr. Ray sticks in my mind this morning, and I do wish that you men would carry these points to your constituency—the point that he made, one of the strongest points against the bill that he spoke of—the pupils might say: "We have gone into these schools upon the assumption that we would be admitted upon diplomas, and have changed the course of our lives to a certain extent." Pretty hard to answer a young boy when he looks you in the eye and tells you that; you don't like to answer him, because we older fellows, we skinned in pretty easily in the old days. But I think the point that Mr. Ray made is a valid one; that is, that there has been so much agitation for four years on this subject, that every one of these young men

must know that the time is coming and is not far away when this bill will pass; so they should have had their eyes open and that argument will no longer be valid.

Another point I think you should make to your constituency. They say: "It is discrimination against the farm boy who comes into the office of a lawyer and studies law with him." On the other hand, it is distinctly in his favor. Now, tell them about these things. I hope everybody here will take up these measures, and those which find favor in their minds as given by the report of the Committee on Law Reform, so that we can go there with some solidarity and some hope of getting through. If not, it is "Love's Labor Lost," as I have said in this report.

MR. YOUNG (Winthrop): I move that the report be accepted and approved; and that the thanks of the Association be extended to the chairman and his worthy associates for the very splendid entertainment given us during the last few minutes.

Motion seconded, put and unanimously carried.

PRESIDENT BURR: There was a motion this morning which called for the appointment of a committee of three to formulate and present to the Association, not later than the session of Thursday, some resolution bearing upon the recommendation made in my address for an allowance for clerical assistance for the Secretary. It has seemed to me best to put on that committee men who have been especially familiar and intimate in an inside way with the administration and the conditions of the treasury of the Association and the character of the work which the Secretary has been called upon to do.

On that Committee I name Mr. George W. Buffington of Minneapolis, Mr. Royal A. Stone of St. Paul, and Mr. J. L. Washburn of Duluth.

That concludes our program for the day, unless some one has something to offer on papers that have already been read or some new resolutions.

MR. WASHBURN: Cannot we take up some report in the program for tomorrow for the next twenty or thirty minutes?

PRESIDENT BURR: In the next fifteen or twenty minutes we may have time for the report of the Committee on Library.

(For Report of Committee on State Library see Appendix.)

MR. PAGE: The report is printed on page 28. There is only one recommendation in that report, and in view of the fact that it is printed, I will read the recommendation of the committee and move its adoption:

Since the allotment of space within the Capitol is left with the Governor of the state, your committee would recommend the appointment of a committee to act with the Justices of the Supreme Court and State Librarian for the purpose of consulting with the Governor in reference to additional available room for the Library when the Historical Library Building is completed.

The one crying need of the State Library is space, and the reason the committee makes this recommendation at this time is, that when there will be available space, the Library may be properly housed in the State Capitol. We do not know if we can do this, but we want authorization to use all the influence possible to have the Library in such space as it needs.

PRESIDENT BURR: Is it your view that it is necessary to have a special committee? Isn't that within the province of the Standing Committee on Library?

MR. PAGE: I don't know. It needs to be an efficient committee, and men of sufficient influence to secure the means of correcting what is a very crying shame and disgrace to this state, to have the Library housed in such quarters.

PRESIDENT BURR: It seems to me that the Library Committee might cover that.

MR. PAGE: The committee would leave that entirely to the discretion of the Association.

MR. F. A. DUXBURY: It occurs to me that it might be a good idea to pass a resolution calling that particular matter to the attention of the Committee on Library, so that they will feel that the Association supports them. I think the Committee on

Library can attend to it as well as a special committee and I move that the resolution be amended, that it be the duty of the Library Committee to consult with the Governor and so forth. I move that the resolution be amended to that effect.

Motion seconded.

PRESIDENT BURR: The resolution is that the Committee on Library be instructed to use every reasonable and proper means to procure better and more spacious and convenient quarters in the Capitol for the State Library, when the completion of the new building will give additional space.

Motion put and unanimously carried.

MR. ST. CLAIR (Duluth): If there is nothing further to come before the meeting before adjournment, I would like to suggest that it might be wise to consider the matter mentioned by Mr. Shearer; that is, the appropriation of a fund for the use of the Committee on Legislation, which would be available for their use.

PRESIDENT BURR: As I understand it, Mr. Shearer's suggestion was that an emergency fund be created and placed in control of the four gentlemen who are officers of the Association: the President, the Vice-President, the Secretary and the Treasurer, to be used in any emergency—especially by the Legislative Committee—but in any emergency the same fund could be available without reference to the Board of Governors.

MR. SHEARER: That is right. And I would suggest that the amount should be made small at first.

PRESIDENT BURR: What amount had you in mind?

MR. SHEARER: I would not have it more than $150 to $200 to start with.

MR. STONE: I would like to suggest that before the Association makes very many appropriations, it ought to have before it and give very careful consideration to the Treasurer's Report. We ought not to appropriate money that we are not going to be likely to have, and you are dangerously near that point.

PRESIDENT BURR: Is Mr. Bradford, the Treasurer, here, and are you ready, Mr. Bradford, to submit your report?

MR. BRADFORD: After it is audited. I have to go to the hotel to get it.

PRESIDENT BURR: We will pass it until tomorrow.

MR. VERNON (Little Falls): Wouldn't it be a good idea to have the officers report what funds are liable to be available during the next year, and what disposition they would recommend might be made of them—a sort of a budget report, and then you can tell whether we want to make this fund $100 or $200?

PRESIDENT BURR: I think that we ought to have the Treasurer's Report before us first, and that might be passed until tomorrow.

MR. VERNON: Perhaps the officers might make some recommendations, as they are familiar with it.

PRESIDENT BURR: It might be well for the officers to consult, with that in view, and make some recommendation of that kind when the matter comes up tomorrow.

Adjourned to 9 a. m. Wednesday, August 9, 1916.

Wednesday, August 9, 1916, 9:30 a. m.

Meeting called to order, President Burr in the chair.

PRESIDENT BURR: Gentlemen, I have often stood on the wrong side of the bench and thought how nice it would be to sit up on the right hand or the left hand of the Chief Justice and whisper to him, if he would listen, what I thought of the lawyers on the other side, but this is the nearest I can come to it.

A VOICE: "Why didn't you file here?" (Laughter and applause.)

PRESIDENT BURR: Because, although you who listened to me yesterday may doubt it, I have some grain of common sense.

It always seemed to me that introductions were superfluous, but if they can be superfluous in any case, it would be here, where we sit to listen to the Chief Justice of the Supreme Court of Minnesota. (All stand and applaud in greeting to Chief Justice Brown.)

CHIEF JUSTICE BROWN:

Mr. President and Gentlemen of the Minnesota State Bar Association:

Your committee on jurisprudence and law reform has had under consideration, during the past year, certain propositions or suggestions looking to changes and modifications in the practice and procedure in this state, and to some extent the procedure on appeals to the Supreme Court. The committee has reported thereon in some respects, and the report will come before you for action. In so far as the subject relates to the practice and procedure in the Supreme Court, it is perhaps proper, at least not out of place that the view and probable attitude of the members of that court in reference thereto be made known. Some of the matters referred to have heretofore been suggested to the court by members of the bar, but no definite proposal for a change in the practice has been made, yet we have considered them, though no action has been taken. If the Association, representing the bar of the state, shall submit any recommendations along this line, all thereof will receive due attention. The court, though conservative when it comes to modifications in the long established practice, as fixed by its rules or by general custom, is not a blind worshipper of its forms and is disposed to listen attentively to suggestions for improvement, and to adopt such new ideas as will facilitate or simplify the practice and not unnecessarily interfere with the orderly disposition of the work before it. In matters of this kind the court should not only consult its own convenience, but also the situation and convenience of the bar, and in doing so no doubt results satisfactory to both may in all instances be brought about. In this light some of the proposed or suggested changes or modications in the Supreme Court practice may be referred to briefly.

1. It has been suggested that there be four instead of two terms of court each year, and also that the court remain in continuous session from some date in the fall to the early summer the following year. Both of these proposals have heretofore been made to members of the

court, in the form of suggestions, and the four term idea has been considered by your committee, but not favorably. No doubt both proposals will come up at some future date unless sooner finally acted upon and disposed of by the Association. In view of which it may be said that the members of the court do not deem either change necessary at this time. The four term proposition cannot well be adopted without inconvenience to both bench and bar. No suitable dates can be found for such terms without encroaching upon the midsummer months, the time usually alloted to the vacation period; the time when both bench and bar seek temporary relief from their labors. It is not believed that the plan, if adopted, would work well. The continuous term would result in no substantial advantage, while it would impose upon the members of the court an unnecessarily long and continuous strain, which present conditions would seem not to require. The court is up with its work and there is no unnecessary delay in the hearing of appeals.

Some substantial advances in the matter of appellate procedure have been made in this state in the past few years, all tending in the direction of removing from our practice some of the causes of the law's delay, of which we hear so much from the public at large. A commission appointed by the Governor from among the lawyers of the state three years ago, considered and recommended to the legislature the amendment of various practice statutes which theretofore had often been resorted to for the purposes of delay only. These were enacted into laws by the legislature, and have served the purpose intended, without complicating the practice, or depriving the litigant of any substantial right. The Supreme Court supplemented the effort of the commission by the adoption of certain amendments to its rules. The purpose of the amended rules was to simplify appellate procedure, remove some forms deemed superfluous and unnecessary, and to expedite the passage of appeals to a final hearing. Under the former rules only such appeals as were taken sixty days before a term of court could be brought to a hearing at that term. Under the amended rules all appeals taken 30 days before the term are placed on the calendar, and those taken within 30 days may have a place thereon by stipulation of the parties. Appeals taken during the term may also, by order of the court, be placed on the calendar for hearing, in all cases where an early decision is necessary for the protection of the rights of either or both the parties. We frequently, in the furtherance of justice, have applied the rule, and ordered appeals taken during the term to be heard at a time deemed sufficient to enable counsel to prepare for the argument. Under the amended statutes certain appeals, where either public or private interests require a prompt decision, may be ordered heard in vacation, and this statute also has in several instances been resorted to and ap-

plied by the court. Proceedings under the Workmen's Compensation Act, when brought to the Supreme Court for review, are given the right of way, and are set for hearing during the term whenever brought in. There is no delay in such proceedings. In this situation as respects the manner and method of transacting the business before the court, the facilities open to litigants to secure an early hearing, the necessity for more terms of court or a continuous session thereof would seem at least debatable. Yet if the Association shall conclude at this or at any other meeting to consider and act upon the question you may be assured that the court will give your action due and proper consideration, and if believed feasible, interpose no objection to efforts in that direction. The change would probably have to be brought by legislation.

2. Much has been said and written of late years upon the subject of the enormous yearly increase of case law. Reports, both state and federal, are multiplying with great rapidity, and there must of necessity, sooner or later, come a time when the pendulum will forcibly be made to swing the other way. Many of the courts of last resort have already inaugurated plans to check the publication of unimportant opinions. Yet the efforts, by reason of faulty plans, have failed. In Kentucky, and perhaps some other states, a plan of classifying opinions into those to be officially reported and those not to be so reported, failed. The industrious law book concern published them all, and found ready sale to the busy lawyer in search of a precedent and anxious that none should escape attention. In other states a more effective method has been adopted by announcing from the bench the affirmance of particular cases without the formality of a *per curiam* or other opinion. This subject has received the attention of your committee, the bar of this state are interested, and the matter is important enough to demand your deliberate thought and consideration. We are situated in this state somewhat different than in some of the other states. Our statutes provide that the Supreme Court shall give its decision in writing, with appropriate headnotes indicating the points decided. The authority of the legislature to direct its co-ordinate branch of the government in respect to the manner and method of performing its functions has never been called in question, the statute has never been challenged, and the spirit and purpose thereof has been complied with without question as to its validity; the occasional *per curiam* being treated as a substantial compliance therewith. The court has never felt free to break away from the statute altogether, but it is believed that the situation ought to be remedied here as it has been in other states. Our reports are increasing at the rate of four volumes each year, with an average of about 120 opinions to each. Many of the appeals heard from term to term present only the question of the sufficiency of the evidence to support the verdict, or the findings of the trial court, and some present only

questions of law which have been considered and disposed of in other cases. Where an affirmance is ordered in such a case, particularly where the evidence presents nothing out of the ordinary, an extended opinion will answer no useful purpose as a precedent or otherwise and may well be dispensed with. The question dealt with by the appellate court in such cases is whether there was evidence on the trial sufficient to support the verdict or the findings, as the case may be. If the evidence be found in the record, the discovery may as well be made known and expressed in a short *per curiam*, as in a long and learned discussion of the facts, which will interest no one save the losing party to the appeal. If the wholly unnecessary opinions were eliminated from our annual reports there would be a substantial decrease in the annual output of legal literature in this state. Litigation is not decreasing, and the number of appeals before the Supreme Court remains about the same from term to term, with the variation on the increase side of the ledger. The Workmen's Compensation Act has not had the expected effect of reducing the work of the courts of the state, for we still have with us the wounds of the transient from Kentucky and Tennessee to heal and redress.

The subject of shorter opinions, or no opinions at all, in particular cases, is worthy of special attention, and the result of your discussion of the subject will be awaited with interest by members of the court.

3. Another matter will be brought to your attention, namely, the propriety of changing the method of setting cases on the first day of the term, and the repeal of the rule which permits motions to affirm for non-compliance with the rules to be presented on the call of the calendar, without previous notice. The present method of setting cases for argument, which requires the presence of counsel in person or by proxy, and the right of a party to move for an affirmance for non-compliance with the rules, as stated by your committee, originated many years ago, and at a time when the calendars were light, and the attorneys engaged substantially all resided within the large cities of the state. Attorneys suffered no inconvenience in attending court at that time, or for many years thereafter, and the necessity of a written motion to affirm was no doubt deemed an unnecessary ceremony, and it was dispensed with. Since the adoption of the practice the state has grown and the attorneys have multiplied; some reside near and others at a considerable distance from the capitol, and appeals come in from all parts of the state. The suggestion that they should not be required to be present on the first day of the term to answer to their case has merit, and is worthy of consideration. Many attorneys have overcome the situation by writing the clerk before the first day of the term, requesting that the cases in which they appear, for appellant or respondent, be set at or about a particular date, or in their order on the calendar.

Such requests have always received attention and so far as possible complied with, and will be in the future. But it is said that if the attorneys do not personally attend the call of the calendar a motion may be made to affirm, which, for lack of opposition may be granted. This furnishes a reasonable ground for the abrogation of the rules of the court in this respect. And if the Association shall conclude that there should be a change, your recommendation will receive due attention. If the attorneys prefer the written motion to affirm, rather than one to be noticed on the call of the calendar, there will be no trouble in effecting a change, If the change be made, then attorneys residing at a distance, or those who cannot spare the time, may by communicating with the clerk have their cases set without being personally present to answer the call of the calendar. Of course in this way the precise date requested by the attorneys may not always be available, but an effort will be made to come as near the requested date as possible. And again, it may be that some method of setting the cases can be found which will give better satisfaction than the present, and if the Association shall suggest one it will receive attention.

4. There are some other matters referred to in the report of your committee, but the foregoing covers all that may be said at this time. What has been said discloses the frame of mind in which the court will receive your suggestion, and that is enough for the present.

The Court has confidence in the bar and we think the bar has confidence in the Court. I thank you for your attention and for the opportunity of communicating directly to you the probable attitude of the Court with respect to matters which will be considered before you at this meeting. (Applause, all standing.)

PRESIDENT BURR: Gentlemen, a motion is in order.

MR. SHEARER: I move you that the very warm thanks of this Association be extended to the Chief Justice for the very able and useful presentation of his remarks.

PRESIDENT BURR: And for the attitude, gentlemen, of the Court toward this Association as expressed in these remarks. The Chair has no business to amend the motion, but this Chair does not care very much about the constitution or parliamentary laws, anyway, when his parliamentarian is not here.

Motion seconded.

Motion put and unanimously carried.

PRESIDENT BURR: Gentlemen, we have a printed program which has been circulated, but the chief advantage of a printed program is to give us something to change when we feel like it. And at this time we will substitute for the number on the program the address of Mr. Ambrose Tighe. (Applause.) Here is another superfluous introduction.

HONORABLE AMBROSE TIGHE:

I am going to read a paper on JUDGE HUGHES' POINT OF VIEW AS EXPRESSED IN HIS JUDICIAL DECISIONS: The paper will be non-partisan and non-alcoholic in the sense that it will be sober and will necessarily be about as interesting and exciting as Homer's catalogue of the ships. I don't vouch for the accuracy of its statistics or citations. I am aiming to convey an impression rather than to compile a record.

A friend of mine and I attended church in a Cape Cod village a few Sundays ago. The heat was intense and the sermon long and tiresome. When the preacher got through, he asked the board to remain after the service for a brief meeting. By the board, I suppose he meant the board of trustees. My friend turned to me and said "He wants the bored to remain. That includes us, but I am not going to stay." If any of you find you don't like my paper, you have your remedy.

When President Hayes withdrew the federal troops from South Carolina, Daniel H. Chamberlain, who had been the state's carpet bag governor, went to New York, formed a partnership with Walter Carter and took up the practice of the law in the jobbing district. Governor Chamberlain was a man of force and ability and Mr. Carter was very successful as a business producer. Mr. Carter also displayed extraordinary capacity for discovering young men of promise and attaching them to the firm's staff. The subsequent careers of many of the young men who got their early training in that office, proves this beyond any question. Mr. Hornblower, whom President Cleveland named for the Supreme Court of the United States and whom the Senate rejected, and who died a member of the New York Court of Appeals, was at one time a junior member of the firm of Chamberlain & Carter. So was Clarence Kelsey, the organizer and now the head of one of the largest trust companies in New York. So was Lloyd W. Bowers, well known in Minnesota, who was solicitor-general under President Taft, and who would have been on the federal supreme bench had he lived. So was James Byrne, the present counsel for the Harriman and the Gould properties, and Starr Murphy, Mr. Rockefeller's personal attorney. Into this office also came Mr. Hughes, and while the others named all gradu-

ated into other connections, he remained and after a time became head of the firm. When he was a young man, all his contemporaries agreed that he had high character, profound legal learning and good judgment. Lloyd Bowers, who was a discriminating critic of men, often spoke to me in terms of unqualified admiration of Mr. Hughes.

But the public did not know much about him nor do I think his contemporaries realized his ability as a trial lawyer, until he became counsel successively for the legislative committee which investigated the lighting companies of New York, and for the legislative committee which investigated the insurance companies. His power to marshal the most complicated facts, involving technical knowledge in widely diverse fields of learning, in a simple, clear and coherent shape, and his adroitness and resourcefulness as an examiner of witnesses, as then displayed, were marvelous. I was present at his cross examination of Mr. McCurdy, president of the Mutual Life Insurance Company. Mr. McCurdy was an old man, who in his day had done good work and was entitled to respectful treatment for this reason, but who obviously was not earning the $150,000 salary the company was paying him. When Mr. Hughes began to question him about the unjust and exorbitant compensation of the insurance companies' officers, Mr. McCurdy in answer entered upon a prolix exposition of the nature of life insurance. He said in substance that it was an eleemosynary business, designed to protect men against their own improvidence, that through its agency many women and children who but for it, would be in want, were living in comfort, and that it was as worthy of popular support and subserved as good a purpose as the foreign and domestic missions, so generously supported by public bounty. The old gentleman went very far afield and consumed perhaps half an hour or more in his effort, until every one, except Mr. Hughes, became very impatient. But Mr. Hughes did not interrupt or arrest him. He let him finish in his own way, and then he said with great courtesy that the committee was willing to admit that life insurance was a missionary enterprise, but that the point of his pending inquiry was the pay of the missionaries.

Mr. Hughes' appointment to the supreme bench was distinctly political in its character. I do not mean by this that it was not an appointment eminently proper and fairly earned, or that President Taft would not have selected him in the absence of political considerations. But as Governor of New York he had been a thorn in the side of the organization, it had urged the President to make way with him in some fashion, and whether or not its importunities influenced the President at all, it is a fact that he both sought and took credit with the organization for the service, he had thus done it. I do not know

how far it is right to hold a judge responsible, either by way of praise or blame, for a decision which carries his name in the reports. When he dissents alone from a decision, his opinion, of course, gives his individual point of view. But a unanimous or a majority decision is, in one sense, the work of all the judges who concur in it, for which the writer of the opinion is no more responsible than any of the others. And yet even among lawyers, a contrary impression prevails, and there must be some basis of reason for it. Six judges sat on the supreme bench when the decision in Marbury vs. Madison was rendered, and there was no dissenting opinion. But for all time John Marshall has and will stand before the world as its author. The Dred Scott case was decided by a divided court but Roger B. Taney, who wrote the opinion, was only one of the prevailing majority. And yet, as long as the national feeling on the slavery question was acute, he bore among the friends of human freedom, the brunt of the execration the court's ruling excited. I take it that the philosophical explanation is here: It is not what a man thinks which is recognized as his view, but what he says or writes. The concurring justices are participants in the result by way of affirmance or reversal. But practically they cannot contribute to the language in which the conclusions are phrased. Chief Justice White cannot go through the picturesque, trenchant sentences of Mr. Justice Holmes, translate them into his own periods, and qualify or dissent from Judge Holmes' several lines of reasoning or his incidental dicta. Such a program would not be humanly possible of accomplishment. There is therefore a sort of rough propriety and justice in giving John Marshall credit for the rulings which created the American theory of constitutional law, and in holding Roger B. Taney responsible for the promulgation of the doctrine that in America on free soil the slaves' shackles were not broken, as Lord Mansfield had held they were in England, and also in holding him responsible for the Civil War which followed to reverse his decision.

Judge Hughes took his seat on the bench in October, 1910, and is the author, as I count them, of one hundred and thirty-four prevailing or dissenting opinions, which appear in the published volumes of the Supreme Court reports from Volume 218 to Volume 240. By far the largest part of these opinions was handed down in controversies, which have no public or general significance. This part includes a number on what may be classified as questions of practice. The most important of these are his dissenting opinion in Slocum vs. New York Life Insurance Co. 228 U. S. 364, and his opinion in Wilson vs. United States 221 U. S. 361. In the Slocum case the majority held, he dissenting, that, under the 7th Amendment, on the reversal of a judgment on the ground that a party's request for a directed verdict should have been

granted by the trial court, the only constitutional course was to order a new trial. In the Wilson case, he held that the "immunity against self incrimination" principle would not operate to protect a corporation from the production of its books and papers, and while an officer of a corporation might decline on the witness stand to utter any self incriminating word, he could not withhold the corporation's books to save it, or if he was implicated in its violations of law, to protect himself from disclosures. In Grant & Burlingame vs. United States, 227 U. S. 74, he afterwards extended the same principle to the case of an attorney, having the custody of a corporation's books, and denied that professional privilege or the plea that they might incriminate the attorney himself, would relieve him from their production.

Many of the other opinions have to do with the ordinary controversies between man and man which come before courts, and some with the application to new situations of principles already well established. On the ever present problem of taxation, in Liverpool, London & Globe Insurance Co. vs. Board of Assessors 221 U. S. 346, he held that Louisiana had power to tax premiums, due from residents of the state to a non-resident insurance company, in spite of the legal fiction that movables follow the person, saying that the credits were of value to the creditor, because of the power given by the sovereign to enforce the debt. In Clement National Bank vs. Beaumont 231 U. S. 120, he held that a state tax upon deposits in a national bank, to be paid by the depositors and requiring the bank to act as agent in collecting it, is constitutional. In Hawley vs. City of Malden 232 U. S. 1, he held that a tax might be assessed in Massachusetts against a citizen, upon shares of stock which he held in a foreign corporation, although the corporation itself did no business and had no property within the state of Massachusetts. In the field of personal liberty, he held void the Alabama statute, which made it a crime not to perform labor which had been paid for (Bailey vs. Alabama 219 U. S. 219), and in McCabe vs. Atchison, Topeka & Santa Fe Ry. Co., 235 U. S. 151, he held the Jim Crow Law of Oklahoma unconstitutional. In Truax vs. Raich 239 U. S. 33, there was before the court the Arizona statute, limiting the number of aliens who could be employed in an industry, and in holding it unconstitutional Judge Hughes said:

"An alien admitted to the United States under the federal law has not only the privilege of entering and abiding in the United States, but also of entering and abiding in any state and being an inhabitant of any state, entitles him under the 14th Amendment to the equal protection of the laws. The right to work for a living in the common occupations of the community is of the essence of that personal freedom and opportunity which it is the purpose of the 14th Amendment to secure."

Of his opinions on questions of public and general significance, in the first place, the following may be said: Each epoch in the nation's history seems to present to the Supreme Court particular constitutional problems requiring solution, and as to which no earlier decisions can be positively said to afford a controlling guide. Popular attention somehow becomes concentrated on certain phases of public thought at certain periods, and there is an insistent demand that the supreme court state the law, with definiteness and in terms of wider applicability than the immediate controversy before it requires. After the court has spoken, the rulings are acquiesced in, popular feeling subsides and business and personal interests adjust themselves accordingly. Many of the great questions which in recent years have agitated the public mind in this way, had already been disposed of before Judge Hughes' appointment. For example, before his appointment the insular cases growing out of the national territorial acquisitions after the Spanish War, had been decided and the status and relations of our colonial possessions and of their people defined. The Standard Oil case also had been argued, but it was re-argued after he took his seat and he participated in the decision, although he did not write the opinion. The decisions of general and public significance with which his name is associated may be divided into two classes. One class defines the extent and limits of state legislation in matters of inter-state commerce, and the other has to do with the so-called police powers of Congress and of the state legislatures.

Judge Hughes wrote the opinion in the Minnesota Rate Cases (230 U. S. 353). When he had been Governor of New York, he had vetoed a two cent fare bill on the facts before him. In the Minnesota cases, he sustained a law prescribing this rate in the case of two Minnesota railroads and held it provisionally confiscatory in the case of a third railroad. In doing this, he in effect disposed of the favorite and alluring argument of the railroad lobby, that rates in a community must be fixed with regard to the status of the weakest competing company, because even though permitted by law to make higher charges, in practice it has to meet the rates of its competitors. In doing it, he also in effect reversed the findings of the master and the trial court on the facts. Without commenting on the accuracy of his conclusions, there is not in the range of supreme court decisions a more masterly analysis of figures and statistics than that which he makes in discussing the evidence in these cases. His skill in these directions which won him his reputation in the gas and insurance investigations, persisted until 1913. In the same cases, he formulated for the first time an important constitutional principle, which may be paraphrased as follows: Where the constitution gives Congress paramount power in a field of legislation,

until Congress does act, the states may none the less make suitable provision for their local needs, although thereby the field of federal paramount power may incidentally or indirectly be involved. Or in more concrete terms, although Congress has paramount power to fix rates for interstate commerce, if it has not done so, a state is not barred from prescribing local rates, even though they necessarily affect in their practical application the charges made for interstate transportation. This doctrine, novel in its first expression, he has since applied in a number of cases. In Port Richmond Ferry Co. vs. Hudson Co. 234 U. S. 317, and in Wilson Transportation Co. vs. Railroad Commission of California 236 U. S. 151, he applied it to interstate ferries, saying that the absence of federal action does not pre-suppose that the public interest is unprotected from extortion, that the mere existence of federal power does not, while dormant, preclude the reasonable exercise of state authority, and that while Congress may regulate interstate commerce by ferry, until it does, a state may prevent unreasonable charges for ferriage from a point of departure within its borders. In Atlantic Coast Line R. R. Co. vs. Georgia, 234 U. S. 280, he applied the same doctrine to safety devices, saying that in the absence of federal legislation, a state might prescribe the use of specified safety devices on trains, even though such trains were used in interstate commerce, and even though another state has imposed or may impose a different requirement for the same trains.

It is one of the commonplaces of courts and writers to say that the distinguishing characteristic of the American governmental system is the written constitution. When Mr. Roosevelt in 1912 criticised some of the provisions of the federal constitution, his offense was classified as a species of blasphemy. Popularly the federal constitution is regarded as something as fixed and certain and, for that matter, as sacred as the multiplication table or the yard stick. This has been the general opinion. Constitutions have been accepted as norms with which legislation is required to square, but not themselves to be uncertain or doubtful in meaning.

This style of thinking overlooks one thing which is fundamental. A constitution is a code of laws, and that is all it is. It is enacted differently from a statute and repealed and amended differently. But like any law, it is necessarily expressed in words, and no thought can be so expressed and convey the same meaning to every one who reads it. The ten commandments were phrased by God Himself, who can be assumed to be a Master of language, and yet ever since their promulgation, there has been the widest disagreement as to their meaning. Governor Tod of Ohio spelled his name with one "d," while other members of his family spelled the same name with two "d's."

When some one asked him for an explanation, he said he noticed that God used only one "d" in His name and that if one "d" was enough for God, it surely was enough for Tod. If a code of laws of divine origin requires construction and carries a varying significance under varying circumstances and at different times, this is still truer of a federal or state constitution. Its phraseology does not import anything absolute, certain and exact. It is not a standard or norm like the yard stick or the multiplication table. If it is a standard at all, it has rather the characteristics of the money standard. For convenience, we measure the prices of other commodities by their relation to the price of gold and we assume that the price of gold is stable. But in point of fact, the price of gold shifts like the prices of other commodities, and we are really measuring things by a standard, which itself declines and rises like them. In the same way, when we say that a legislative act is constitutional or unconstitutional, all that we mean is that its language, as understood by the courts, conforms or does not conform with the language of another code of laws, also as understood by the courts. If it were not for the courts, there would not be any constitutions. The courts themselves are the authors of the constitutions, not the men who originally wrote them, and the courts are constantly amending the constitutions. The standard with which legislation has to square, is not the constitution, but the court's interpretation of the constitution.

During the six years in which Mr. Hughes has been on the supreme bench, the police power doctrine has made great progress, and Mr. Hughes has been a protagonist in its advancement. The strict construction theory has been exploded and legislative conception of public welfare has been made the criterion of constitutional legislation. Here are some examples. When Mr. Bryan was for the third and last time a candidate for the presidency, he advocated the enactment of a law to protect bank depositors by the creation of a guaranty fund. Mr. Hughes in a powerful speech delivered in many places, including St. Paul, exposed the folly and impracticability of the proposition. Two months after his appointment to the Supreme Court, the Oklahoma statute, subjecting state banks to assessments for a depositors guaranty fund, came before the court. Judge Holmes wrote the opinion holding the statute constitutional as a valid exercise of the state's police power. In the course of the opinion he said:

"It is asked whether the state could require all corporations or all grocers to help to guarantee each other's solvency, and where we are going to draw the line. But the last is a futile question and we will answer the others when they arise."

Judge Hughes concurred in the decision and endorsed as a judge the validity of a law, the wisdom of which he had criticised as a layman.

In Chicago, Burlington & Quincy R. R. Co. vs. McGuire 219 U. S. 549, the question was this: Has a state power to prohibit contracts limiting liability for injuries made in advance of the injury received, and to provide that the subsequent acceptance of benefits under such contracts shall not constitute satisfaction of the claim for injuries received after the contract? Judge Hughes held that the state had the power. The following are quotations, not necessarily consecutive, from his opinion:

"It has been held that the right to make contracts is embraced in the conception of liberty by the constitution. But freedom of contract is a qualified and not an absolute right. There is no absolute freedom to do as one wills or to contract as one chooses. The guaranty of liberty does not withdraw from legislative supervision that wide department of activity which consists of the making of contracts or deny to government the power to provide restrictive safe guards. Liberty implies the absence of arbitrary restraint, not immunity from reasonable regulations and prohibitions imposed in the interests of the community. The right to make contracts is subject to the exercise of the powers granted to Congress for the suitable conduct of matters of national concern. It is subject also, in the field of state action, to the essential authority of government to maintain peace and security and to enact laws for the promotion of the health, safety, morals and welfare of those subject to its jurisdiction. The principle involved in the decisions is that where the legislative action is arbitrary and has no reasonable relation to a purpose which it is competent for government to effect, the legislature transcends the limits of its powers in interfering with liberty of contracts, but where there is reasonable relation to an object within the governmental authority, the exercise of legislative discretion is not subject to judicial review. Whether the enactment is wise or unwise, whether it is based on sound economic theory, whether it is the best means to achieve the desired result, whether, in short, the legislative discretion, within its prescribed limits, should be exercised in a particular manner, are matters for the judgment of the legislature and the earnest conflict of serious opinion does not suffice to bring them within the range of judicial cognizance. In dealing with the relation of employer and employe, the legislature has necessarily a wide field of discretion, in order that there may be suitable protection of health and safety, and that peace and good order may be promoted through regulations designed to insure wholesome conditions of work and freedom from oppression. The fact that both parties are of full age and competent to contract, does not deprive the state of the power to interfere, where the parties do not stand upon an equality or where the public health demands that one party to the contract shall be protected against himself."

In Savage vs. Jones 225 U. S. 501, he held that regulating the sale of food for domestic animals was within the scope of the state police

power. In Purity Extract & Tonic Co. vs. Lynch 226 U. S. 192, he held that to the end of making its prohibition laws effectual, a state may include in the prohibition, beverages which separately considered may be innocuous, that the court has no concern with the wisdom of exercising the police power, and unless the enactment has no relation to a proper purpose, cannot declare that the limit of legislative power has been transcended.

In Price vs. People of Illinois 238 U. S. 446, he said "It is not enough to condemn a police statute as unconstitutional under the due process clause, that the innocuousness of the prohibited article, (in this case boric acid used as a preservative) is debatable, for if debatable, the legislature is entitled to its own judgment."

Finally not to protract the catalogue, there is Miller vs. Wilson 236 U. S. 373. Here the litigant was a hotel chamber maid and Mr. Brandeis was her lawyer. The California statute limited the work of female employes in hotels to eight hours a day. It did not apply to certain classes of female employes like stenographers and bookkeepers, and it did not apply to female employes in boarding and lodging houses. Judge Hughes said these things did not make any difference, that the legislature might recognize degrees of harm, that it did not have to cover all cases at one time and in one act, and that the law was good. It seems only a few years ago that the New York bakers' law was before the Supreme Court. Then Judge Peckham said:

"The right to purchase or sell labor is part of the liberty protected by the 14th Amendment, and the question being which of two powers or rights should prevail, the power of the state to legislate or the right of the individual to liberty of person and freedom of contract,"

he decided that the right of the individual should prevail. There would appear to have been some changes in the constitution in recent years.

As lawyers we shall be asked more or less about Judge Hughes during the coming months. Perhaps some of this will serve to refresh our memories, even if it does not add to our knowledge.

MR. WASHBURN: I want to move a vote of thanks to my friend Mr. Tighe, for his paper and his address, not only for the substance of it, but for the manner of its delivery. (Applause.)

MR. PIERCE BUTLER: I desire to second the motion, and I believe that there are other reasons sustaining the conclusions of Mr. Tighe.

Motion put and unanimously carried.

PRESIDENT BURR: We will now have the report of the Committee on Jurisprudence and Law Reform.

(For Report of Committee on Jurisprudence and Law Reform see Appendix.)

JUDGE L. L. BROWN (Chairman, Winona.): Mr. President and Gentlemen: It is rather embarrassing to have to come on now when we have listened to this very able and profitable and very pleasing address. In fact we have had a treat, but we must now go to work, because the report of this committee will be like its work, very prosaic and very uninteresting, unless you want to consider the importance only of the subject in hand. I will assure you, however, gentlemen, that the report of your committee will be, including the preliminary remarks of the chairman, strictly non-partisan. (Laughter.) Now, before coming to the report of the committee, I want to scold the members of the Bar Association a little bit. I have been a member of this Association for a great many years, nominally, but as a matter of fact for only about one year. For a long time the Treasurer, by persistent effort, succeeded in getting from me my dues—I think. (Laughter.) And that is about as far as I got into the work of the Association and I am not sure but that some one in the office would send those dues in order to maintain the standing of the firm. Now I have reformed. (Applause. Voices: "Good.") And that is the reason that I assume the right to scold those who are still wayward, if any there are.

Now what we want in this organization is not men to sit on the shady side of the passenger deck, as I did for years, simply pay your dues and think that the organization owes you something on that account. What we want are men to scrub the deck and wash the dishes. That is plain work, getting to the daily work, that is not spectacular. We want men to do it thoroughly, however, and if this organization does that for ten years, we will have a great many wrinkles ironed out of the crooked statutes and rules that there are in the state today.

Now, in the committee, when appointed, every man was re-

quired by the President to give bail that he would devote a large percentage of his time to the work of the committee, and we did so. The President himself, and I want to say, greatly to his credit, acted practically as a member of the committee and his service was very valuable. The first thing that the organization did was to draft a letter, as has been said, to every attorney in the state that we could get any trace of, asking him to send to this committee suggestions about things that should be remedied. We received in response to that a very great many valuable suggestions.

We considered every one of them, gentlemen, in a most courteous spirit, and we tried to treat—and I hope we did treat—every man who sent us a suggestion with due and proper consideration. We did not adopt all the suggestions; we did not agree upon them ourselves. But the committee went to work and divided the subjects and put them into the hands of subcommittees. I say that, because we will report in sections. Instead of an hour or so, we ought to have a day to report and discuss the subject of this committee. The main discussion, and the main recommendations of the committee, you will find in the advance sheets, and I want you to listen to Dean Vance's discussion of these subjects and take them home with you and think them over. It does not do any man good to listen to anything or read anything if he does not subsequently think it over and formulate an idea. But Dean Vance, as I started to say, but which you probably all know, is the peer of Deans in this country. (Applause.) I discovered that, and I am proclaiming it publicly and uproariously and tumultuously. The first thing we found was that the work was too burdensome. We, therefore, proceeded to work out a scheme which we have outlined under the head of Affirmative Recommendation No. 1, entitled "Co-operation between Bar Association and Law School." It is on page 11 of the report.

It has been said, and it has been justly said, by men of other professions, that the legal profession in some respects is five hundred years behind the time—there may be possibly some-

thing in that, in some respects. And in one respect we are a long ways behind the time.

The Agricultural Department of the state, the Engineering Department and the Medical Department, have bureaus and laboratories in which they can compile and bring together for the quick use of business men full information upon any particular subject. Dean Vance made a suggestion which we took up and discussed fully, and we have agreed upon a recommendation along the line of his suggestion, which you will find embodied in the resolution on page 13 of the advance sheets.

The Dean will discuss that, and clarify his notions on the matter. But I want to say that when the committee takes up a subject (the committee is made up of busy men), they have no time to go into research, and they must have something to refer to, some bureau that they can refer the subject to and have the information collected upon that subject in the form of a bulletin and placed in their hands. If we had had that machinery, we could have come before this organization with a much better report. Now, take the subject which will be discussed by Dean Vance, also the subject of a Small Debtor's Court, the subject of a Court of Conciliation, so that small controversies may be quickly settled without leaving any hard feelings and eliminating the idea that a man cannot get justice if he hasn't money. In handling that subject we had to have literature that is world-wide and we wanted it from the older countries, like Norway, where it has been worked out. And when you go to Chicago to look into that subject and see how the Poor Debtor's Court and the Conciliation Court are working there and think it over, we have reached the conclusion that we want, as the Agricultural Department has—when you want to find out how to eliminate quack grass you can go there for literature on that subject. The idea is that we should be able to find literature on any subject we want. A man who is elected to the legislature is probably shocking oats or working on the threshing machine when the votes are counted, and he has an idea that he has something that he wants to carry through the legislature. If we had this University Extension Department with, say, a $5,000 man, and

the post-graduate students at his service, that legislator could call for and receive a bulletin giving him all the information in the world upon that subject. This would bring the Bar Association into close touch with the State Law Department, and so we have recommended for adoption the following resolution:

"RESOLVED: That the Minnesota State Bar Association is of opinion that the efficiency of the Law School of the State University and the best interests of the people of this state will be promoted by the establishment in such Law School of a graduate department, with, the intent to bring about the special study of current legal problems, the better training of lawyers for public service and fuller co-operation with the State Bar Association in promoting the efficient administration of justice and the maintenance of proper professional standards within the state. It, therefore, recommends to the Board of Regents of the State University that such a department, having the general scope indicated, shall be established as soon as practicable."

And we move its adoption.

Now, gentlemen, we hope that our recommendations will not have an undue influence upon this body. We do not want you to err in that direction, but we do want you to take your subject home and study it and if you think best and agree with us, create a public sentiment in favor of the Regents (when they may do so, and if they agree with us), founding this department. We could use that department every day.

The next recommendation is one in favor of a Small Debtor's Court that is found on page 13 under heading 2. Now a Small Debtor's Court is a big subject. We studied it. We appointed committees. We found that literature, even in foreign lands, was very accurate; we find it is working successfully. We all know that there are many many small cases, cases between persons who are without ability to employ counsel, that a Small Debtor's Court can dispose of.

We dispose of this matter in our minds by offering the following resolution:

"RESOLVED: 1. That the Minnesota State Bar Association approves the establishment of Small Debtor's Courts in the larger cities of this state, and hereby authorizes the President of the Association to appoint a committee of five to prepare a bill for such purpose, said

bill to be of such form and scope as the committee may deem best after careful consideration of the whole subject and conference with other organizations in the state interested in promoting such legislation.

"2. That the Committee on Legislation be instructed to present the bill so prepared at the next session of the legislature of this state, and on behalf of this Association to make use of all proper means to secure the passage thereof."

Now, that is a large subject and I want to make one suggestion to the man who is privileged to appoint that committee, and that is that Dean Vance be at the head of it, or at least on the committee. He has the subject well in hand and he believes in a Small Debtor's Court and I agree with him.

Now it was very fortunate and very timely that the Chief Justice gave us such a clear and able discussion of some of the points of our recommendations with reference to decisions of the Supreme Court and the change of methods of setting cases. Some of us on the committee do not agree with the Chief Justice in all his ideas, and as he is off the bench we are free to say so. I have been thinking, and I cannot say that the statute intends the Court to write an opinion in each case; but a long-time understanding and construction has been that it does, and that it is what the Court dislikes to break away from without some authority. The consequence is that our recommendation in that regard will perhaps have to be varied, with reference to the publishing of decisions. You will find it on the advance sheet, page 14, Subdivision 3.

"RESOLVED: That the Minnesota State Bar Association does hereby most respectfully indicate to the Supreme Court of the state that the members of the Association would cordially approve the practice in cases where an order or judgment is affirmed, of writing no opinion, except where the questions involved shall be deemed by the Court of such importance or difficulty as to demand it."

Now I am not in favor of throwing down the bars and suggesting to the Supreme Court that they do not write opinions. I myself sometimes like to know when the Court has decided one of my cases, the ground on which they base their decision and I do not want them to hide behind any notion that the

opinion is not sufficiently important to warrant writing it, particularly if it is one of my own cases. But you will notice that the resolution is framed in language of the utmost courtesy to the Supreme Court, and that we do not presume to attempt to tell them to stop writing opinion.

The next item is to the method of setting cases. We have had difficulties from both directions but I am inclined to think that the Court had better call the calendar and set the cases and the attorneys be notified in advance and they can shift their dates if possible. But I don't want a case to be set so rigidly that an attorney cannot have it shifted. The Court, as the Chief Justice has intimated this morning, and as we know, has been very courteous about managing those things, and they should be left very largely with the Court. On that subject we offer the following resolution:

"RESOLVED: That the Minnesota State Bar Association is of the opinion that the present practice of the Supreme Court with respect to the setting of cases and the disposition of so-called calendar motions should be changed in such manner as to dispense with the necessity of personal attendance before the Court by counsel for the purpose of having cases set for argument, and as to require a written notice of all motions; and respectfully recommends such amendment of the rules of the Supreme Court as the Court may deem necessary to effect such a change."

As you will see we have "passed the buck" to the Supreme Court. I do not think there is any very great evil existing in that regard.

You will see in the report what we have to say, on pages 15 and 16, No. 5, "Change in Requirement of Service of Notice of Expiration of Redemption," and No. 6, "Motion for Judgment After Disagreement of Jury"; No. 7, "For Service Upon Attorney of Notice of Appeal from Justice Court"; No. 8, "Vacation of Plats."

Then under "Other Suggestions Considered," on page 17, we considered these questions and we did not agree upon them—I don't agree with myself on some of these questions.

The first one, No. 9, is in reference to taking away from the

legislature the power of providing by statute the practice and procedure, and turning it over to the courts. Now, gentlemen, the committee wants you to take that matter home with you and study it for a year. It is an important thing; we have not told you what opinion you must reach after you have studied it. Are you willing to take from the legislature the authority of our present Practice Act covering the subject of procedure and practice, not jurisdiction nor substantive law, take that whole subject and turn it over to the Supreme Court, or make it a duty of the Supreme Court to adopt a set of rules controlling the practice in the district courts of the state and amend them when they see fit? It is a big subject, too big to discuss without more time than we have.

There are some things to be said in its favor, there are some things to be said against it. We must remember that we are not in New York but we are in Minnesota. We have to consider Minnesota conditions. We have a practice code and we understand it and it is simple. We have not three great volumes of conflicting rules about serving summons and getting a case on the calendar, as they have in New York. They are agitating the question there. It has been before Congress in the form of the Clayton Bill, to transfer the whole subject of the making of rules for the law side of the Federal Courts as they are made on the equity side,—by the Supreme Court of the United States. Some 150 or 200 commercial bodies of other nations have recommended it, the United States Board of Trade and various important Associations, etc. I think every Bar Association in the United States is in favor of rules on the law side of the Federal Court being promulgated by the Supreme Court instead of Congress. This subject is being worked out in various ways.

The members of the committee were not agreed as to the merits of the proposed change or as to any form of recommendation thereon. There have been many hearings before the Judiciary Committee in Congress on the subject, and many able men have been before that committee. They have Senator Wallace, of Montana, on the committee, who is unfavorable to the change and has blocked the recommendation so far, because

President Taft recommended it. He has appeared before the Judiciary Committee and strongly advocated it; so has Senator Root and so have the deans of law schools, and so have many men who have thought upon the subject, and it is still pending in the committee. The theory is that if the United States Supreme Court makes the rules for the Federal Court, then the state courts may conform to that set of rules throughout the United States. So when a lawyer travels across the river he does not have to enter into practice under a different set of rules. It is a big subject. We have threshed it over and turned it over and I am inclined to favor it, and Dean Vance, I think, is in favor of it. One of the arguments is that if we lawyers don't do it, then somebody else is going to do it for us. This does not scare me at all; but if it is good, let us do it, and if not, let somebody else do it. It is a fundamental question of the transfer of the powers of the legislature to the courts, and one argument in favor of it is that the courts see the working of rules and if there is any defect it can be corrected without waiting for a legislative session. We know how hard it is to get bills through the legislature—or we will find it out when we try to pass these bills.

I want to make this suggestion, if we do adopt this, or if we favor the transfer of the making power from the legislature to the Supreme Court—then I think that subject should be urged for this simple reason, that a lot of things we are working for would fall under that head and would be corrected by that rule-making body instead of the legislature. So if we are going to nail our flags to the proposition that we will have the Supreme Court, assisted by a commission possibly, make the rules of practice, let us leave other things alone until we get that enforced, and that body will correct a lot of our difficulties.

Now I have taken more time than I intended, because I am standing in the way of other members of our committee and particularly Dean Vance, to whom I want you all to listen carefully. He is going to tell you some reasons why you should take this or that stand upon some of our important recommendations.

If the Chair please, may I introduce Dean Vance as a member of the committee? (Applause.)

PRESIDENT BURR: I am afraid you are tired of hearing me say that introductions are superfluous, but it is a thought that comes to me each time the occasion for an introduction arises. This Bar Association is greatly indebted to Dean Vance for some of the best service that has been given to us by any member. From the time he first came to Minnesota he has shown a willingness to respond to every call we have made on him and he has always done better and more than we expected any man to do. Dean Vance. (Prolonged applause.)

DEAN VANCE: Mr. President and Gentlemen of the Association: It is getting late, and therefore, I shall not take the time of the Association for the purpose of disproving the accuracy of the very pleasing and complimentary allegations that the President and the chairman of the committee have seen fit to make. I want to come directly to the particular recommendations of the committee of which the chairman has ordered me to speak. I am taking them up in order.

I want to say generally, that fundamentally it is really a matter of organization, of organization of those agencies that make for the efficiency of the administration of the law in this state. Of course we have three agencies that may be called official agencies for improving the administration of law. The first and most important is the State Bar Association, which ought to grow constantly in importance and influence. Then there is the State Board of Law Examiners and the Law School of the State University. Those three agencies ought to be so organized as to enable close co-operation among them in order to secure the best results. It has been said that in America we have too many organizations and too little organization. We ought to realize the tremendous importance of the function which the legal profession performs. If the laws of the state are wisely made and fairly administered, that state is prosperous and peaceful; if, however, those laws are unjust and unfairly administered, there will break out civil strife and disorder.

The functions of the legal profession cannot be overestimated, and the difficulty of those functions cannot be overestimated, either. The man who thinks that the work which the legal profession in a state endeavors to perform may be rightly performed without the best thought and use of the best agencies, is a man who has not thought at all; and therefore, the thing that the lawyers in this state must look to is a broad organization of all of the agencies and factors that go to make up the efficient performance of the work.

This first recommendation is merely another step toward the organization and co-operation which the President of this Association referred to yesterday. And if we have secured a capable and efficient organization of the lawyers of the state, so that they may act as a well organized and disciplined army, and not a helpless mob, in fifteen years, that will stand a wonderful achievement accomplished. (Applause.)

This is but another step in the efficiency organization of the forces of the bar of this state. The State University Law School should be an integral part of the work of this Association and an essential factor in it, and if at any time the officials of that Law School do not so conduct it as to aid the work of the profession in this state, this Association should see that a change is made.

This first recommendation is one that will bring about a closer co-operation and a practical and efficient co-operation between the Law School, as an agency, and the State Bar Association, working particularly through the Committee of Jurisprudence and Law Reform.

Those who have served on such committees or have observed the work of such committees know well enough that they are unable to accomplish much, for the reason that those lawyers who have had enough experience and ability to be entrusted with that kind of work are so hard pressed by their own private practice that they cannot give the time that is necessary to look up carefully all the facts that are connected with the proposed changes in the law.

Our committee, and I think all of the committees of this

Association, appreciate the folly of superficial tinkering with the statutes. We have too much of that, and this Association does not want to contribute to that kind of statute making. Any kind of statute making proposed by this Association should be only after the most careful consideration of all the facts and factors that enter into the situation.

Therefore, any kind of recommendation of statutory action, by the committee, without careful examination of the facts and deliberation, would be a mistake. It has been so recognized in the agencies for making such research, and the result is that very little important affirmative action has been recommended.

Take a few of the matters that were referred to our committee in the past year. Take Number 9 on page 17, referring to the question of abolishing the practice code and substituting a procedure based upon rules of court. There is no question of it being good. There is no question that any of the foremost lawyers in this country are agreed as to it being the one avenue of escape from troubles which prevail consequent upon constant statutory modifications such as they have in the New York courts of procedure. We do not want that in Minnesota. It is important that that shall be carefully considered. But do you think that our committee was able to give the time necessary to examine that matter and to see what were the actual changes in reference to that that have been made in the several states and how they had worked out? Of course not. Therefore, we had to pass it up, practically.

Then the second one, No. 10, which refers to the matter of getting out an issue of facts before the trial through written interrogatories, depositions or otherwise. That undoubtedly is the most important question that we should consider. Undoubtedly in those states where such changes have been made in the law there are many lawyers and people who think that the change has been most wise and just, and others think otherwise. But the changes have been made in the Province of Ontario, in the State of Wisconsin, in England. There is considerable difference of opinion as to how they work. It would be the utmost folly for our committee to bring forward a recommenda-

tion on that point without knowing the facts, just what changes were made elsewhere and how they had worked, and furthermore, to know what they are doing in other states.

Take the question of the Small Debtor's Court, upon which the committee did take some action. This matter is not simple at all, but inasmuch as I am asked to deal with it, I will go into it a little more in detail.

The suggestion that this committee should recommend the establishment of a Small Debtor's Court, or a Court of Conciliation, came from two sources. First, a lawyer submitted to us, for our examination, the bill that was introduced in the last legislature, which bill was copied word for word from the Kansas bill, substituting only "Minnesota" and a few other words.

There was also a suggestion from the Board of Associated Charities of the city of Minneapolis, who find in connection with the work of the Legal Aid Bureau, that the present mode of procedure in Municipal and District Court, however adequate for larger cases, is entirely inadequate to dispose of the kind of cases which come in very large numbers before that board.

In the Legal Aid Bureau, maintained by the Board of Charities and Associated Charities in the city of Minneapolis, more than three thousand cases per year come into that office—about three hundred a month—and the majority of those cases involve small wage claims. Of course there are many others on almost every legal question that could come before a court, but the majority of them are small wage claims involving less than $10 or not much above $5, and about ten per cent of these cases go into the courts. Ninety per cent are settled by divers means, but it is found that it takes four or five months to get a judgment as a result of action in that kind of claim. In the case of a working man who has $5 coming to him, and particularly a poor girl who has $5 coming to her which she can't get, a promise that she will get her money after six months will not do her any good; she needs relief at once. With many of those poor people, justice in four months is not justice at all; and, therefore, the Board of Charities brought before us the desira-

bility for providing means for the settlement of these small claims.

The committee, being actuated by these two factors, proceeded to look into the matter. We quickly saw that the Kansas bill would not suit us; they have a different constitution and different kind of population. They differ in industry and conditions and, although the Kansas bill had been tried out in several courts established there and was working fairly well, we felt it would not work under our conditions and that we could not very well recommend the adoption of the Kansas statute. What should we recommend? We began, after some investigations, to see that it was of great importance, and that we ought to do something, so we thought we would draw a bill. Well, you know how it is to draw a bill. We didn't get very far until we struck so many snags, arising out of the peculiarities of our constitution and systems, and the fact that our municipal courts are, some of them, under general acts and some of them under special acts, which vary considerably. In some places they have Justices of the Peace, and in others none, and such variations that it was manifest that the drawing of a bill was a difficult matter. Of course, we have the constitutional provision entitling every person to a trial by jury, and that would make a very great difference between our condition and that in Ohio, where a Small Debtor's Court has been so successful. We could not copy the Cleveland act, we could not even copy the action taken by Illinois in the establishment of a Small Debtor's Division of Municipal Court, because we have no municipal code like that. There was nothing that we could copy, not even the provision with reference to County Courts, worked so successfully in England, disposing of a large number of small claims. We could not copy anything. We felt that it was of the greatest importance and when we began to search in the continents of Europe we found conciliation courts largely developed, but when we came to the Norway code, which was the original code for all the courts, we found there was no English translation. No member of our committee could read Norwegian—the incoming President will kindly take note of that fact—it took some time to

get a translation of that act, and when we got it you should have seen it. The translator was strong on Norse literature, but he didn't know anything about Norse or any other law and the translation would not fit. There were difficulties that took a lot of time to get even as much information on this matter as we have today. We were convinced that, with the manifestly successful operation of the Small Debtor's Court in Cleveland and Chicago, and of its growing favor in those states and the strong movement for the establishment of similar courts in New York and Pennsylvania, and the success of the County Court in England, we ought to do something. Therefore, we recommend, not a bill—because we were not prepared to draw a proper bill—but we recommend that a special committee be appointed for the purpose of working at this thing. There is an illustration of the amount of research work necessary in all cases under important legislation to be done by a committee before it makes any such suggestion.

Is there any agency that can do that? There is not at the present time—we must admit there is not. You may say they ought to tell the law faculty of the State University to do it, but as a matter of fact, we have to work like slaves—we have all we can do to keep up—and we could not take on anything more, even if we were capable, and, therefore, it has seemed to us wise to establish, over in the State University Law School, a graduate department which would be put in primary charge of some man peculiarily fitted to direct it. That man will be hard for the Regents to find, but we need not trouble ourselves about that; that bridge may be crossed later. It should be in charge of a man of large experience in the actual administration of the law, and of careful and exact training in the work of scientific research. If we had a department of that kind, with graduate students who were coming there to take a fourth year in law and fit themselves for public service, because they want to make specific studies of some of these great problems, legal and judicial, we would then have an agency upon which the Committee on Jurisprudence and Law Reform could call, and that committee could submit to the graduate department of the State

University any great live questions needing careful research, and that matter could be turned over to a class of graduate students. Those young fellows are very keen. Of course, it is understood a young fellow who is at law school does not know anything, but he is pretty keen for all that, and he knows mighty well where to go to look for what he wants to know. And you submit particular questions, which the Committee on Jurisprudence and Law Reform want to know about, to a class which is studying different problems and tell them to get the facts, and they will work under the guidance of a man who has had training in this kind of research, and they will get all the information that is available in this country and abroad with reference to that matter. Then a report upon that could be made by a student, perhaps, under the direction of the professor of research, and that might be considered by the whole law faculty, and they could determine whether the conclusions reached were sensible, etc. Suppose it were approved by the whole law faculty, all this information could be put into proper file and submitted, with the recommendation, to the Committee on Jurisprudence and Law Reform at its next meeting. There it would be subjected to a critical test of examination by men who are actively engaged day after day in the administration of law in the courts, and things that might escape the attention of members of the law faculty not so engaged would be developed there. So when this committee met it would have the facts upon which it would be possible for it to base a sound conclusion. It might reject the recommendation, or modify, or approve, as the case might be, and then when the committee came before this bar with the recommendation for legislation, it would have in the files the facts with reference to any matter that might come up in debate, and we would not have to be talking in the air.

I do not need to go further in this explanation of what seems to me the very great usefulness of such an arrangement. I want merely to shift to the other side, and that is the institutional side. I think we ought to have in the State University, we ought to provide an opportunity for the specific study of special questions. You might call it graduate research study of law.

You can make research in practically any department of the State University, except the Law School. I am not complaining. We have not been ready for that up to this time, but we believe we are ready for it now, and we think that the men who ask us if we can give special courses along this or other special line of investigation ought to have some sort of satisfaction. I get every year fifteen to twenty-five letters from young lawyers asking if we can give courses in different subjects, and we cannot do it.

The number of registrations would be great, and the man who had appreciated the need of this kind of graduate work would be in position, when he comes to the legislature or practicing before the bar, to make a much more thorough and careful research than perhaps is possible now, with reference to our legislation, and sometimes our arguments before the Court of Appeals.

What in the world are we troubling you about this for? Why don't we go before the Regents and ask them to act? Is it the implication that this is an appeal from an unfavorable decision of the Regents? Not at all. The Regents have treated the Law School generously and liberally, but, although it may seem strange, in spite of the fact that large funds are available to the University, so huge has that institution become that the Regents find great difficulty in getting the money necessary for its activities, and the Regents naturally, in devoting to the uses of the University such funds as are given by the legislature, select those lines of activity which, to the Regents, seem the most necessary, and this matter of establishing a graduate department of the Law School must come in competition before the Regents with many other requests for useful employment of their funds, and unless the State Bar Association and the members of the bar of the state believe that this is a useful activity and that it might be made a useful agency in the work of this Association and in the training of the future lawyers of this state, then I think the Regents would be justified in saying that they could not do it, and I do not think that they ought to do it.

But on the other hand if the Bar Association of this state is in agreement with the Committee on Jurisprudence and Law Reform, that this would be a valuable agency to be used in the upbuilding and promoting of the interests of the legal profession and of the state, I think that would have very considerable influence with the Regents in determining as to whether they would appropriate the money necessary for this purpose, rather than for some other demands made upon them.

I want specifically to reiterate that this resolution is not in any sense to be regarded as an appeal from an adverse decision of the Board of Regents, but merely as indicating whether or not the members of the bar of this state will feel that this is a wise movement. I think I have said enough on this subject of the Small Debtor's Court. I might merely add that this resolution or recommendation may seem to be unwise because it appears to commit you to a sort of blind alley. You authorize the Legislative Committee to put before the legislature and endeavor to pass a bill which you have not seen, but it seems to me that it is justifiable under the circumstances, because if you agree with the committee in thinking that the policy is a wise one, you will have, I think, to take the result of the work of the committee that you select, rather than work it out yourself, because the bill will be rather complicated and complex and could not very well be treated in a meeting of the whole. But it seems to me, under the circumstances, you would be justified, if you approve of the general plan of providing a Small Debtor's Court, to leave it in the hands of a committee of careful lawyers. I thank you. (Prolonged applause.)

MR. L. L. BROWN: I want to make the suggestion that the members of the Association and the members of the bar throughout the state adopt the habit, and be persistent in writing to this committee and making suggestions. Write short, intelligent letters upon "one side of the paper only," and say all you want to and brief what you want to, and it will be very fruitful.

Without disparagement to any other member of the committee, I want to say that Mr. Richardson has been one of the wheel

horses in the work of this committee. He has done work in time and out that we have asked him to do, and he has some suggestions here which I wish you would listen to now.

PRESIDENT BURR: I think it might be well, since our time of adjournment is at hand, to take our recess at this time until 2 o'clock.

Recess until 2:00 p. m.

Wednesday, August, 9, 1916, 2 p. m.

Meeting called to order by President Burr.

PRESIDENT BURR: It is our custom, Gentlemen, to give the right of way at the beginning of each session to the speaker who is scheduled to address us, and postpone unfinished business until the conclusion of that address.

The speaker for the afternoon is Mr. Pierce Butler, who is another of the victims of the urgency of the officers and who had the usual twenty-four hours notice—or perhaps a few more. I am making an apology for him that he does not need, but only in order that the Association may understand how some of its members respond to a call. I do myself the honor to escort to the platform Mr. Pierce Butler.

(Prolonged applause.)

MR. PIERCE BUTLER:

THERE IS IMPORTANT WORK FOR LAWYERS AS CITIZENS.

Mr. President and Members of the Association:

Because of my high respect for the learning and powers of criticism of its members, I find it a difficult and laborious task to prepare an address for a meeting of the Minnesota State Bar Association.

Since Mr. Stiles W. Burr, the President, announced to me his inability to secure an acceptable speaker for this afternoon session and then—a very short time ago—graciously and gracefully invited me to

address you, I have cudgelled my brain and have sought assistance from friends in an effort to select a subject which would be of interest.

A few years prior to our great Civil War, one of the older statesmen of the time said to a new member of Congress that he had entered public life at an inopportune time, because all of the great constitutional and political questions had been settled and there were then no problems of such character as to give opportunity for real statesmanship. To him it seemed that the country was destined long to pursue the even tenor of a peaceful and prosperous time, unvexed by economic or political problems of sufficient magnitude to justify the time and effort of an ambitious young congressman.

I recall hearing Thomas B. Reed, of Maine, make a political speech in 1890, shortly after the McKinley Bill had been passed by the same Congress, which had also passed the Silver Purchase Act providing for the purchase of silver bullion, which was to be kept in the Treasury of the United States as security for an issue of silver certificates which was to pass as current money. He claimed for his party all the credit for the passage of both measures. He roundly condemned the Democracy for their opposition, and, as a climax of his denunciation, he asserted that no Democrat in the House had voted for the Silver Purchase Act.

He predicted that, due to the new tariff law, the merry hum of industry would fill the land; that high wages would bring prosperity to all employed in the factories protected by the new law against the competition of Europe and its pauper labor; that a great home market would thereby be developed, which would save the products of the soil from ruinous competition in the markets of the world, and insure to the farmers prices that would enrich them, and, in a short time, make this indeed a smiling and prosperous land. To meet the needs of a new prosperity, of a revivified business and the growing infant industries, it had been necessary to provide for an increase of the circulating medium.

I recall how, in glowing terms, he portrayed the advantages which were sure to result from the increase of the volume of money. The McKinley Law would create the business and the Silver Law would furnish the money with which to carry it on. All the country then needed was rest from further legislative activity and to be protected from the Democrats.

He predicted that within a single year the Silver Law would demonstrate the wisdom of Congress so clearly that the Democrats would have no criticism of it; that within two years everybody would be satisfied with it and even the Democrats would approve it and put it in their platform, and that within three years they probably would claim that they had passed the bill.

The great Civil War and the train of momentous political problems which followed it answered the first prophecy, which I have alluded to. The financial disaster and the great business panic of 1893 marred the picture painted by Mr. Reed, and, within two years and a half, Congress was called in extraordinary session to repeal the Silver Law in order to save the government from financial ruin, and, as I remember it, Mr. Reed himself worked for that repeal under the leadership of Grover Cleveland and some Democratic members of Congress, whom he had denounced for failing to vote for the measure when it was passed.

Prudently avoiding the perils which ever attend prophecy, I shall hazard no forecast of what may be in store for us in the near future. We do not know, and conjecture is useless.

The immediate present seems to be reasonably secure. In the main, the laws of the state and nation do not seem to be inadequate; public officials, as a rule, faithfully discharge their duty; business is good; credit is ample, banks are sound and bankers reasonably accommodating. Indeed, it is quite difficult, even for candidates of the "outs," to find anything to "view with alarm."

At this conference of the Minnesota Bar Association, we cannot fail to observe an absence of that exuberant enthusiasm for numerous legislative remedies of real or fancied ills, which seemed to prevail among all classes a few years ago. We now hear little in condemnation of the courts because they hold that the judiciary has power to disregard as null and void legislation which clearly violates the Constitution. There are few, if any, who now insist that the recall of judges, or the recall of their decisions, by a vote of the people, is a necessary reform. There is no active demand that federal judges should be elected by popular vote, or that, in any case in which a suitor claims state action has transgressed the limitations of the federal Constitution to his injury, the jurisdiction of the Federal Courts may not rightly be invoked. These and many other propositions for change were widely agitated, when in 1911 this Association met here in Duluth.

Questions for discussion and concerning which there was real difference of opinion were then numerous. Some were debated with ability, zeal and genuine feeling. None were settled, yet all profited by the discussion, and the truth as to many things was less obscure when the meeting ended than when it opened.

I have thought that at this session I might be able to suggest a kind of preparedness for the discharge of the duties and responsibilities of lawyers, not as advocates or officers of the court, but as citizens. Possibly it is true that, for one reason or another, lawyers too often

defer the necessary advance preparation for the proper consideration of great public questions that are likely to arise.

With the members of our profession, the bread and butter problem is almost always present, and sometimes it imperiously demands attention. Busy lawyers find but little time fully to prepare themselves upon the social, economic and political questions of the day. Few are unwilling, when called upon in matters of public importance, to make the required sacrifice of time and interest to give their fellow-citizens freely of their services for the general good. Some, perhaps by reason of lack of time and proper attention, permit themselves to see only the side which affects the clients or causes they are accustomed to serve.

If here today, under the inspiration of the Minnesota Bar Association, interest may be quickened in some important matter of public concern and the duty of the lawyer freely to serve the state and the nation emphasized, I am sure that all will vote the meeting a success.

It is easy at all times to apostrophize the flag, and to carry it in times of peace. The singing of patriotic songs is always pleasant. It is not hard, indeed to some it is a pleasure, to make patriotic speeches, but it requires real character and involves the exercise of real patriotism freely and gladly to bear the burdens of taxation and to discharge the duties of citizenship.

DUTIES OF CITIZENSHIP.

First and foremost, a lawyer must be a citizen, and, in common with all his countrymen, he is bound to discharge his duties as such.

Allegiance to government and protection by it are reciprocal obligations, and, stripped of all sentiment, the one is the consideration for the other; that is, allegiance for protection and protection for allegiance. Because the citizen is entitled to its protection, he owes allegiance in full measure to his country.

Public officials of every class and rank, by qualifying oath, pledge support to the Constitution; the alien is admitted to our citizenship only upon his renouncing and abjuring all allegiance and fidelity to every other sovereignty, and upon his registering solemn oath that he will support the Constitution; and all persons native here, though not oath-bound, owe the same allegiance. Thus it is that all, from the highest to the lowliest of our naturalized citizens, are, by legal obligation strong and binding, held to full and faithful loyalty. But far stronger than legal duty is the motive born of confidence, made steadfast by approving judgment and inspired by the love of individual freedom and equality before the law.

The people themselves have fixed the great canons of fundamental law, and by power expressly reserved may establish others. By them

constitutions may be amended in the manner prescribed. For good of ill, theirs it is authoritatively to ordain. They constitute the state and are its subjects. All have equal voice to commission representatives, magistrates and executives, in their behalf, to make, declare and enforce the laws.

The American citizen stands in duty doubly bound: first, as under other forms of government, he is held loyally to serve the state; and next, being charged with responsibility, share and share alike with all his fellows, for the proper discharge of duties which attach to sovereignty, he is bound to seek the right and to do it. He should love justice, that graciously and freely it may come to or be within the reach of all. Not alone as a subject, but even as an essential ingredient of the sinew and fibre of the state itself, it is his duty to cherish his country to the end that, in the perfection of purpose and genius of performance, this may be an example to other countries and an inspiration to other people to pursue with strong hearts and clean hands the ideals which make men free.

The highest function of the state is to see to it that, while none shall suffer wrong, all shall be free in the pursuit of happiness and the highest good.

To be a fitting instrument for the performance of all its duties, the state must be powerful and well ordered; must be alert that those to whom it owes protection, each for himself in his own sphere, may have well guarded right and opportunity freely to follow his own conceptions of right and wrong, and, so long as no injury comes through him to others, to pursue his own course, to be master of his own affairs and to live his own life.

Our government stands in contact at numberless points with all individuals within its borders. Ever more fully it concerns itself with their daily affairs, graciously conferring opportunities, prudently setting restrictions and wisely strengthening itself against dangers from without, and to insure order and justice within.

Citizens here, having more power than those who are the subjects of any other country, owe a higher duty to the state, because the form of government, the character of its laws and the quality of justice depends upon them. Of the utmost concern, therefore, is the quality of the people. A venal electorate will not be apt to choose wise lawmakers or just judges. If the source be foul, the stream will not be clean.

SPECIAL OBLIGATIONS OF THE LAWYER.

Upon every lawyer rest special obligations and duties as a citizen. He is oath-bound, not only to conduct himself uprightly and courteously, with good fidelity to court and client, but also to support the state and

federal constitutions. By his learning, character and professional experience, he is better able fully to understand the character of the service required of a citizen. He should be quick to appreciate his duty and always well prepared to discharge it.

His calling leads easily and naturally to official service as advocate, judge, executive, legislator. Perhaps there are some among us who carry no lightning rod, yet there are few who are completely insulated. Every lawyer is liable to be called to the public service. Whether in private place or public station, he is the counsellor and guide of his fellow-citizens in matters of general concern. More than is at all times realized, the private life and professional conduct of every reputable lawyer influences the community in which he lives. Undoubtedly he wields more influence upon public affairs—in politics, in the administration of justice, in legislation, in the execution of the laws—than any other citizen of corresponding ability.

Because of the dignity of his position, it is his duty to be willing and prepared well to discharge every public demand, even when there is involved a sacrifice of time, energy and interest.

GREAT QUESTIONS NOT ALL SETTLED.

The great public problems have not all been solved. Notwithstanding many vexed matters which troubled a short time ago have been settled, or are for the moment quiescent, I venture to suggest that we shall indeed be fortunate if the tremendous catastrophe of the war beyond the seas shall pass into history without imposing upon us, as a nation, international and domestic problems which will require calmness, fortitude, intelligence and high patriotism rightly to solve.

Aside from matters associated with, or which may follow as a consequence of, the war, there are many things of great general interest which require intelligent and patriotic attention.

Neither hopelessness nor pessimism is to be inferred from the observation of things which appear to threaten. So long as the ideals and vigor of the past are cherished and retained, there need be no fear for the nation's safety. In every crisis the people have risen and will rise to meet the requirements of the hour. In peace and in war sound sense to see things as they are, and to apply necessary remedies, may be depended on. However, it is always wise to "take stock" of present conditions in order that the future course may be more safely guided.

Sometimes it has seemed to me that there is danger in the recent tendency to refer to the electorate the details of lawmaking, while at the same time the franchise is being extended to those inexperienced in the affairs of government or unaccustomed to American institutions. In some of the states the experiment is being tried, and I think that

experience is disappointing to those who hoped that the reform would accomplish much good, and I also think that the disasters feared by those who opposed the change have not materialized.

Growing extravagance in appropriations for supposed public purposes heavily burdens the property and industries of the country. It is ever to be borne in mind that the power to tax includes the power to destroy, and that moderation in the exercise of that power is essential. Discrimination and inequality in taxation bring a train of evils. Attempts to shift the burden from the producers of the country are futile. Indirection leads to extravagance and encourages the representatives of the people to impose burdens which would not be tolerated if directly laid.

Contemporaneously with the ever increasing activities of government, there is a school of thought leading toward a kind of state socialism. Too much paternalism, too much wet-nursing by the state, is destructive of individual initiative and development. An athlete should not be fed on pre-digested food, nor should the citizens of tomorrow be so trained that they will expect sustenance from the public "pap."

There are some who teach that society should own all the means of production, including land and machinery; that the government should protect every individual against all the trials and vicissitudes of life; that it should prescribe wages and fix conditions of employment, become the employer and require labor only to the extent that it may be necessary to furnish it the means to supply to the people the simple needs of life.

It has even been suggested that, if parents are unwilling to support their children, this burden should be borne for them at the public expense; and if, in any instance, the marriage relation shall be found to be irksome, the bonds are freely to be dissolved and mere sentiment or economic considerations are to be deemed adequate grounds for divorce.

There has been in this country a good deal of teaching which is calculated to impair initiative and to destroy the prime motives for morality, industry, thrift and independence, and which is liable to foster the belief, or hope, that the state, transgressing the limits of its true functions, will undertake to stand in the place of father and mother, husband and wife, brother and sister, and become one vast machine to provide employment and to furnish supplies to meet the needs of the people.

For some years it has seemed to me that there has been a widespread danger that the power reserved to the people to alter and amend our fundamental law in the manner prescribed may be considered inadequate for the speedy accomplishment of reforms thought to be

necessary, and that allegiance to and veneration of the Constitution is in danger of impairment by the complaints of those who dwell too much upon the inadequacy of present law and seek to remedy existing evils by a multitude of legislative experiments.

The ascertainment in concrete cases of the effect of the Commerce clause and of the "due process" and "equality" clauses of the Fourteenth Amendment upon the powers of the states appropriately to legislate in accordance with the needs arising from modern conditions, is a matter of great difficulty and importance.

Constitutional interpretation and the correct application of constitutional principles has ever been a work of supreme importance. In this, the judiciary has been called upon to perform its most delicate and important duty.

In the formative period, by decisions of the Supreme Court under the leadership of Chief Justice Marshall, were securely laid the foundations of national integrity and power. There was fear of usurpation by the courts of all the powers of government when, and for a long time after, it was held (in Marbury vs. Madison) that an act of Congress repugnant to the Constitution is not law, and that when the Constitution and an Act of Congress are in conflict the Constitution must govern.

Against the conclusion of the court, it was urged that it was for the legislative branch to determine for itself whether it was acting within its authority, and that its judgment on the subject was conclusive, and that every other branch of the government must accept the fact of its action as proof of its validity.

The simple reasoning of the court completely answers that contention. That reasoning is, in substance, this: It is the duty of the court to decide concrete cases between parties. It is essential to the carrying out of its jurisdiction that the court should determine what the law applicable to the issue really is. When a statute is relied upon by one party and it is claimed by the other that the statute is void because in violation of the fundamental law, the court must decide whether the statute was within the power of the legislature. This reasoning has been accepted generally as sound for more than a century, and the power has been exercised by all courts, State and Federal.

The heedless disregard by legislative bodies of the scope and effect of constitutional provisions has frequently been the occasion of the exercise of the judicial power to hold void enactments which were in violation of fundamental law. It is the duty of legislative bodies to pass no law that is not clearly constitutional, while the courts have power to set aside only such legislative acts as are clearly in violation of the Constitution.

If it can be brought about that proposed legislation shall receive

the painstaking consideration of lawyers, who are legislators, and that no bills shall be enacted into law which, after lawyer-like examination, do not seem to be clearly within the limitations of the Constitution, relatively few questions involving constitutional validity of statutes will ever reach the courts, and all grounds for any apprehension that the courts are in danger of assuming to exercise legislative and political authority will be removed.

I think it is now generally believed by lawyers that the life of the nation probably depended upon the proposition that, as a last resort, the Supreme Court has power to protect the Constitution from legislative transgression and to give living force to the statement thereof—"This Constitution, and the laws of the United States which shall be made in pursuance thereof * * * shall be the supreme law of the land."

While power of the court is everywhere recognized, its proper exercise probably always will be a matter of great delicacy and public concern.

In the last two or three decades a large number of cases has been brought before the Supreme Court, involving questions of vital importance. Chiefly, these arose under the commerce clause of the Constitution, the Act to Regulate Commerce, the Sherman Anti-Trust Act, and upon the application of the Fourteenth Amendment to state legislation called for by modern industrial conditions, and to laws relating to the regulation of public utilities, taxation and the like.

The attitude of the court toward the Acts of Congress and of the states, when brought before it for the application of constitutional tests, is of great importance. Safely it may be said that the course of decision in recent years does not disclose any danger that constitutional provisions, as interpreted and applied by the court, are likely to put the Congress or the state legislatures into "straight jackets," or render them powerless by valid law to declare and follow sound public policy.

If there ever was a time in the history of the country when there was any danger that a narrow view, or a rigid application, of the language of the Federal Constitution would be substituted for its living spirit, which ever may be made to harmonize with the real needs of government, it seems to me that the same has been completely dispelled by the utterances of the court itself.

Let me call attention to some recent language of the court:

In the Diamond Glue Company case (187 U. S., 611), it was said:

"In modern societies every part is related so organically to every other, that what affects any portion must be felt more or less by all the rest. Therefore, unless everything is to be forbidden and legislation is to come to a stop, it is not enough to show that, in the working of a

statute, there is some tendency, logically discernible, to interfere with commerce or existing contracts." -

In the Interstate Railway case (207 U. S., 79, 87), it was said:

"If the Fourteenth Amendment is not to be a greater hamper upon the established practices of the states in common with other governments than I think it was intended, they must be allowed a certain latitude in the minor adjustments of life, even though by their action the burdens of a part of the community are somewhat increased. The traditions and habits of centuries were not intended to be overthrown when that amendment was passed."

In the Noble State Bank Case (219 U. S., 104), there was involved the constitutional validity of a law of Oklahoma subjecting banks to assessment for a depositors' guaranty fund to be used to pay the debts of insolvent banks. Against the validity of that law, it was argued that the fund was not raised for any governmental purpose, but was to be donated to private citizens who happened to be the depositors of an insolvent bank. The suitor objected to the taking of its money to pay the debts of its insolvent competitor. The Supreme Court of the United States sustained the law as valid. Among other things the court said:

* * * "We must be cautious about pressing the broad words of the Fourteenth Amendment to a drily logical extreme. Many laws which it would be vain to ask the court to overthrow could be shown, easily enough, to transgress a scholastic interpretation of one or another of the great guarantees in the Bill of Rights. We have few scientifically certain criteria of legislation, and as it is often difficult to mark the line where what is called the police power of the states is limited by the Constitution of the United States, judges should be slow to read into the latter a *nolumus mutare* as against the law-making power."

Still further it was said:

"It may be said in a general way that the police power extends to all the great public needs. * * * It may be put forth in aid of what is sanctioned by usage, or held by the prevailing morality or strong and preponderant opinion to be greatly and immediately necessary to the public welfare. Among matters of that sort probably few would doubt that both usage and preponderant opinion give their sanction to enforcing the primary conditions of successful commerce. * * * If then the legislature of the state thinks that the public welfare requires the measure under consideration, analogy and principle are in favor of the power to enact it. * * *

With regard to the police power, as elsewhere in the law, lines are pricked out by the gradual approach and contact of decisions on the opposing sides. * * *

When the Oklahoma legislature declares by implication that free banking is a public danger and that incorporation, inspection and the above described co-operation are necessary safeguards, this court certainly cannot say that it is wrong."

In the Cedar Rapids gas case (223 U. S. 655, 669), it was said:

"An adjustment of this sort under a power to regulate rates has to steer between Scylla and Charybdis. On the one side if the franchise is taken to mean that the most profitable return that could be got, free from competition, is protected by the Fourteenth Amendment, then the power to regulate is null. On the other hand, if the power to regulate withdraws the protection of the Amendment altogether, then the property is naught. This is not a matter of economic theory, but of fair interpretation of a bargain. Neither extreme can have been meant. A midway between them must be hit."

In the Gompers case (233 U. S. 604, 610) it was said:

"The provisions of the Constitution are not mathematical formulas having their essence in their form; they are organic, living institutions transplanted from English soil. Their significance is vital, not formal; it is to be gathered not simply by taking the words and a dictionary, but by considering their origin and the line of their growth."

Its decisions show that the court occupies a proper and most respectful attitude toward expressed legislative will, Federal and State, and that, in their application, constitutional provisions are to be read "according to the spirit which giveth life," and that, in legislative enactments, regard may be had for the sanctions of usage, the prevailing morality, strong and preponderant opinion, and the like.

This does not mean, as wittily suggested by Mr. Dooley, when he said that he did not know whether the Constitution follows the flag, but that it did seem to him that the Supreme Court follows the latest election returns. Concerning the language of the learned Justice in the Oklahoma case, Ex-President Taft has said:

"What was in the mind of the learned Justice and of the Court for whom he spoke was a view entertained by most people, and evidenced by expressions of popular will in the press, in the pulpit, in juridical writings, as well as by legislative action and popular elections. All of these evidences should cover a period long enough to leave no doubt about the clarity of the opinion or its deliberate character. Such an opinion is not expressed in election controversy where the losing vote is substantial, but it is the result of a general and continued acquiescence that does not suggest a party division or a heated campaign."

It has been persuasively and learnedly suggested that, according to the reasoning of the Supreme Court in a recent case, if the same be carried to its logical conclusion, the *prices* of everything within the circle of business transactions can be regulated by legislative authority. The case referred to was the German American Alliance Insurance Company vs. Kansas (233 U. S. 389), in which it was held that a public interest may exist in a business as distinguished from a public use of the property; that such public interest can be the basis of the rate or price fixing power, that the business is the fundamental thing,

and that the property is but an instrument of the business; that a business, by its circumstances, may rise from private concern and consequently become subject to price regulation, and that a law of Kansas, authorizing one of its officers to prescribe rates for Fire Insurance in that state, was held valid against attack on the ground that it violated the "due process" clause of the Fourteenth Amendment and as being not within the police power of the state.

This case is a very interesting one, and suggests great possibilities in the development of the law for the regulation of all kinds of business and for the fixing of prices and rates for all classes of commodities and service. The tendency is clearly in the direction of subjecting property, which is employed in trade, manufacture, insurance, banking and many other lines of business, to regulation similar in kind to that now applying to numerous classes of public utilities.

It is to be borne in mind that it has been held that liberty of contract guaranteed by the Fourteenth Amendment is not more intimately involved in price regulation than in other proper forms of regulation of business affected by a public use.

The cases I have referred to—and many others disclosing the same general trend might be added—are sufficient to satisfy all intelligent men that it is within the power of the Congress and the states, under the Constitution, as applied by the court, to pass all laws made necessary by modern business and social conditions. The court will not review the legislative discretion. The question of power alone is open for judicial review, and there exists a very strong presumption that the states have power to pass whatever laws they do pass.

While the power and duty of the court to declare void Acts of Congress or of state legislatures which conflict with constitutional provisions may not be questioned, the national and state legislatures must be regarded as practically omnipotent within very wide limits and as to our most vital concerns. As a practical matter, the safety of the business of almost every one, and the security and value of the property of all, to a very large extent depends upon the wisdom and discretion of legislative bodies.

No criticism of the court on the ground that it too strictly applies constitutional provisions against legislative freedom of action, can be justified, but is it unjust to say that legislative bodies are not as careful in all cases to act within their constitutional power as the courts are to presume that they have done so?

Conscious of their great powers over transactions and affairs, sometimes heretofore regarded as private and therefore not subject to regulation, the Congress, state legislatures and commissions created by them to regulate a multitude of the transactions of the business world and the use of the vast amount of private property employed to serve

the public, are quick to respond to what appears to be a public need for legislative act or regulatory order.

While regulation of some, perhaps many, classes of business is clearly essential to the public welfare, in order that one who occupies a position of advantage may not over-reach or oppress his less fortunate neighbor or the public, it is ever to be borne in mind that a certain freedom is essential, and that, when it is abused, the power to regulate may work destruction.

Legislators or commissioners should not be partisans. They should not be advocates in any matter of difference, or in the discussion of any question, quasi-judicial in its character, which they may be called upon to decide. Commissions are now deciding matters of the greatest importance and are settling controversies involving enormous sums of money. (In some cases they have been partisan advocates in favor of one side of questions which they have to decide.)

It is always easier to criticise past performances or present conditions than it is to specify in detail what ought to have been done, or to prescribe appropriate remedy.

I think that most lawyers, after careful examination of the decisions of the state and federal courts in recent years on constitutional questions, will feel that the country is secure from any present danger of judicial usurpation of the powers of other branches of government, and that the attitude of the courts towards such questions is such as to leave an abundance of freedom for the enactment of laws needed to meet present conditions and to accomplish all necessary social reforms.

I apprehend that, by far, the greater number of the laws which have been held unconstitutional in late years by the state and federal courts, are so plainly so that no persuasive argument could be made to sustain them, and that they never would have been passed, if legislators had given painstaking attention to the questions involved when the measures were under consideration. May it not justly be said that legislators, national and state, are too prone to pass up to the court constitutional questions which ought to be unhesitatingly decided adversely to proposed measures which appear to have a considerable popular support?

To suggest a detailed plan for the reform of legislative procedure, even in Minnesota, is remote from my purpose. That some measure of change is needed, all will agree.

Many members have a kind of passion for the introduction of bills. Pride of authorship is very great in some members. Alacrity to respond to the supposed wishes of the constituents is often too keen. A flood of unnecessary and crude bills is let loose at every session. Numerous committees struggle with the mass, and, in the available time, it is im-

possible for the most diligent to ascertain what changes in the body of existing laws would be wrought by passing the bills proposed. Industrious and conscientious members are exhausted by the struggle to attend the sessions, to do committee work and to keep up.

Possibly the restoration of party organization for the pursuit of a policy in harmony with the mandates, if any, of the last election, or a well organized bureau of experts, or a steering committee to guide legislative action, or all of these, would tend in the direction of improvement.

The Minnesota Bar Association has already done some good work in the improvement of Minnesota laws, and I now want to suggest that its Committee on Jurisprudence and Law Reform consider whether improvement of legislative procedure and method is not needed, and, if so, whether, under the direction of the President of the Association and aided by its members—and especially those who are or have been legislators—it cannot serve the state by a painstaking study of this matter. I venture the opinion that, if there be such a need, this Association, through its proper committees, can render valuable service.

MR. WASHBURN: I move you that this Association extend to Mr. Butler its sincere thanks for the practical and able address to which we have just listened.

PRESIDENT BURR: All those in favor of the motion please rise. I shall not wait for a second. They are all on their feet, Mr. Butler. (Applause.)

We will resume now the consideration of the report of the Committee on Jurisprudence and Law Reform. Mr. Richardson.

MR. RICHARDSON: Before lunch it seemed to me that the chairman of this committee and Dean Vance had reported sufficiently the work of the committee, but two hours of lunch time sometimes is disastrous. It gave me an opportunity to think of one or two things that I am going to say. It appears to me pretty clear that the importance of the work of this Committee on Jurisprudence and Law Reform is recognized more or less generally here. The Chief Justice addressed his paper this morning to a consideration of some of the aspects of the report of the committee. In the splendid paper we have just heard from Mr. Butler we find also reference to the possibilities of

suggestive and useful work in future on the part of this committee, perhaps work as important as the committee itself has hoped might be delegated to a standing committee of the Law School of the University.

In the opinion of the committee, the big thing that we thought we saw was outlined in the item under the first number of suggestions recommended—the establishment of laboratory work of some sort at the Law School. Perhaps the second important thing that we thought of is the one which we placed under No. 2, the establishment of a Small Debtor's Court. Hence the chairman of the committee has seen fit to number these two items as No. 1 and No. 2 at the head of this report. Also, the chairman has presented these two items, and I will say nothing more of them.

Perhaps the smaller matters ought to be attended to to some extent. I want to refer to Section 3, decisions of the Supreme Court. There was no item presented to the committee upon which they spent more time or had more meetings, and on which the members disagreed more than this. A suggestion was made by a very useful and active member of this Association to the committee that the present statute in this regard be amended so there should be express provision that no opinions should be written. There were members of the committee, I think, who were strongly and entirely opposed to this proposed amendment; others were in favor of it. The proposition fell into the traditional lines of conservative and progressive. So our recommendation is really a compromise between the two opposing bands as to the propriety of amending that statute.

The rest of the suggestions which we have recommended have mostly been after careful search as to the defects in various statutes of the state, which were suggested to us. For example, No. 5, of which no mention was made; a member of the Association addressed a letter to the committee saying that he had in his experience come across more than one instance where lands had been assessed in the name of a person other than the owner. There is in the statute, as it appears now, no express requirements in all cases that there should be a personal service

upon the occupant of the land. It appeared to the committee that it would be advisable, in the way of legislation, to have the statute amended so that such a provision would be required. The amendment is "Note A" of the Appendix, which seeks to amend the statute by inserting the words in italics, *"and upon the person in possession of the land, if the same is actually occupied."* We did quite a lot of this laboratory work ourselves in the committee.

I think I will say nothing more about these as a whole at this time, except to call your attention to the fact that the committee has recommended for adoption less than half of the suggestions which were presented to it. More than half of those which were suggested were either recommended for continuance to the committee for the coming year, or were disapproved.

I think, in view of the suggestions, that before any action upon some of these items which was outlined this morning be taken, rather than to move the adoption of this report as a whole, it would be better to make the motion in some such form as that there may be consideration of the various affirmative recommendations of the committee.

PRESIDENT BURR: I think that is the proper procedure.

MR. RICHARDSON: I therefore move that the report of the Committee on Jurisprudence and Law Reform be adopted, and that the suggestions cited as "Affirmative Recommendations," and numbered one to eight inclusive, be separately voted on.

MR. WASHBURN: I understand that that motion has in mind the acceptance of the report and that we proceed to act on the resolutions separately.

MR. RICHARDSON: Yes.

PRESIDENT BURR: The motion is that the report of the committee be accepted and that the Association then proceed to consider separately the several affirmative recommendations that are made. Shall I submit that to a vote without debate?

(Cries of "Question.")

The motion was put and carried.

PRESIDENT BURR: The report is accepted and we are ready now to receive motions for the adoption of the separate recommendations. Are you prepared, Mr. Brown, to move the adoption of the first recommendation?

MR. L. L. BROWN: I so move.

PRESIDENT BURR: That is the resolution on page 13 of the printed report. You are familiar with its substance and you have heard it explained.

Motion seconded.

MR. LARIMORE (Minneapolis): In speaking for this resolution, or specifically, certain of the remarks made both by Mr. Brown and Dean Vance, I will say, last winter or the winter before, when I had the honor and pleasure of being in St. Paul on the Judiciary Committee in the House, I became familiar with a certain bill there with which you are all familiar. There was a very insistent movement in its favor, and I think during the coming year it will culminate in action. It does seem to me that it is wise, exceedingly wise, that such a department of the state, such an official, if we are to have one, as they have in Wisconsin, should be an officer, or member of the faculty of the University, and that the department should be, as Dean Vance has explained, a department of the Law School of the University.

Last winter we had a perfect flood of bills, bills of all kinds, expressing all kinds of ideas and sentiments, wise and unwise. And there devolved upon the Judiciary Committee work which was very very hard. Bills came in drawn very crudely, some of them, with the best of intentions, no doubt, desiring to effect certain purposes, but when we would get them in before the committee we would find that they would not achieve the desired effect, and that we could not offer the bills as they were introduced. In many cases it was necessary that the bills be redrafted, and sometimes that they be re-drawn in toto. On some of the bills several of the members would be working, and we found many things to consider.

Take the bill introduced last year and which has been recently affirmed by the Supreme Court, making it criminal on the part

of a contractor to receive the money from the owner of the property and then not pay the bills and permit the property to become subject to liens, making it a penal offense. An attorney from Duluth had in his own family suffered loss and he wished to remedy that defect. The bill as it was drawn when first submitted to us would not, I think, have been constitutional—I doubt it very much. That was submitted by a lawyer. If it had been workable at all we might have been able to put it through, but several members worked on that bill and it was finally threshed and whipped into shape.

Without any criticism on the part of the committee, I would mention the "Ambulance Chasing Bill" to be discussed here tomorrow, and which failed in passage largely because those bills were carefully discussed and were found, in certain respects, not constitutional, or we found that we could not pass the bills in their drastic form, and part of them was incorporated in the report to be submitted again next year.

Unless the personnel of the House is very much changed from what it was last year, I doubt very much if it would pass. Not because of opposition to lawyers, but because of opposition from country districts. But if we had a proper department and a proper official to whom bills could be submitted and who would see that they were carefully discussed, and if, when they were submitted to the legislature, he could come before the Judiciary Committee, we would have not only a general statement of what was desired to be accomplished but, if necessary, the same technical matter as a brief would present—a statement which would always show exactly the effect and purpose of the bill, and previous statutes upon the subject, which would lighten the labors of both the Senate and Judiciary Committees, expedite legislation and prevent a good deal of legislation that is harmful, and at the same time enable us to put through legislation that we should put through. Take the Ambulance Chasing bills—four bills submitted last session to the legislature of that character. If the matter had been properly brought before us, with a full brief on them, we could have gotten something through. In that particular case, after those bills were practic-

ally admitted to the committee, in certain particulars there might be question as to their advisability, and we endeavored to get as many of the members of the committee as we could to come in, and finally two of us re-drafted some of the bills, but they were never enacted into law because by that time the calendar was so crowded that they were never reached.

And I wish very heartily to second this resolution, not in so far as it concerns a graduate department of the Law School, although I think that advisable, but in so far as it will be a help to the members of the legislature in drafting bills and in preparing the argument on bills which may be submitted to it. I sincerely hope that the resolution will pass.

DEAN VANCE: I am sorry to have to say that the purpose of this resolution is not to supply the place of a legislative reference bureau to which Mr. Larimore refers. It is absolutely impossible for any department of the University or Law School or any other department to serve adequatetly as a legislative reference bureau for two reasons; first, that there is no department strong enough—it would take too much time and work. Of course the department in medicine is large and extensive, as are two or three other departments of our University, and it is impossible for the law students or any other department to altogether serve as a legislative reference bureau. It might be a fine thing to have, but I do not think it ought to be made a part of the University, although such a bureau might well enough cooperate with a department of the University.

Another reason why this could not be made a legislative drafting agency is that inevitably the members of the organization that draws a bill are deemed to be in politics and behind that bill. I mean to say that such a bureau would serve only as an agency, but possibly then the name of the bureau would be attached to the bill, if it were passed, and it would undoubtedly throw any odium attached to a bad bill that might be passed, on the bureau. And inasmuch as it is not possible for the University to be in politics in any form whatever, it seems to me unwise to put the responsibility for any kind of legislative draft-

ing on the University or any department thereof. I do think that if the legislature creates a legislative bureau, the University, in some department, may be of great assistance to such a bureau, and I am sure any department of the University, including the Law School, would welcome such co-operation, but our present plan and purpose presented here by the committee is not so far reaching, but merely contemplates an agency to work through that committee with this Association in securing legislation that will go through this Association and be favored by this Association. I think that the resolution as offered by our committee looks in the direction of the work suggested by Mr. Larimore, but we would not willingly be misunderstood in this matter.

PRESIDENT BURR: I might say for the information of Mr. Larimore and the members present, that there is a special committee appointed under a resolution, adopted at the last meeting, which is to consider a report upon the question of a legislative drafting bureau. That committee's report is on tomorrow's program. Are there any further remarks?

MR. MERCER: I would like to say on behalf of this resolution, that I favor not only the reference bureau at the proper time and in the proper manner, but I favor this graduate course in the Law School. I favor it because I have had at least three times as much value out of the two years graduate courses that I took in the Law School as in the undergraduate courses. (Applause.) I have done three years work myself in two courses over there and have gotten my degree. I want to say to you that post-graduate work teaches men to think for themselves. They get to studying the subject in its bigger aspect—the theory of constitutional law as compared with this country and European countries, and all the various systems and theories of law; they go back into the field of philosophy and thresh out many things in their investigation of the work of the great philosophers, and they find that they can take any group of men, lawyers or laymen or ministers or literateurs or any other set of men in the country, and if you watch them for a while you can determine their mental attitude on any subject, so that you

know whether they are going to be for or against the particular thing. They get to size up men in politics and law, and on the bench, and in all their daily walks, as coming generally within two main groups, and when you get there you begin to think what you ought to do in the courts or studying legislation and law suits. I have no doubt in the world that any man here, if he could have two or three years of the right kind of post-graduate work, could increase his efficiency a great deal. I feel sure that I did this.

MR. JENSWOLD: I simply arise for information. I desire to discover the meaning of the expression, "The study of current legal problems," whether that pertains to problems of substantive law or practice. The gentleman can probably inform me on that.

DEAN VANCE: The next sentence provides for the better training of lawyers for public service. I assume that is meant for public service in the legislature, and under those circumstances it seems to me that our young men can hardly put in their time to better advantage than to take one, or two, or possibly three years of post-graduate work in the law department; four years of study in academic and three years more make seven, and to add to that two or three years more of post-graduate work would enable a man to meet and cope with almost any situation in that line. For these reasons it seems to me it is a very practical requirement.

MR. WASHBURN: I would like to make an inquiry, and perhaps it should be addressed to Dean Vance. Having in mind that perhaps many of us here never had a law school education, and, unlike my friend Mercer, are not fitted out with several degrees or any degree at all—I would like to inquire whether the young men over the state practicing law can avail themselves of this post-graduate course, regardless of whether they have been graduates; whether a young man practicing without the advantages perhaps of the original law school course, but who might be presumed to have learned possibly as much in study and practice as the law school would afford, whether the doors

would be open to such a young man in this state to avail himself of this course of study, or whether he must have a diploma before the doors would be open to him? It seems to me, as I think back and think how little I knew—one of the other members of this Association and myself were talking the other day, comparing as to what we had read in the way of law before we began practicing, and we congratulated each other upon the meagerness of our preparation. It was about alike. But it seems to me that if there had been open to me then such an opportunity as this, I might have found it possible to avail myself of it, and it may be that today there are young men in this state who have prepared themselves very well for the practice of law by the study in offices and have passed the examination of the Board of Examiners, who might like to avail themselves of such a thing as this. I would like to know if the door would be open to them?

DEAN VANCE: I am talking too much on this point, but I happen to be very much interested in it. Of course I can reply only by expressing my own personal opinion on what ought to be done. The Regents naturally would have to approve of any plan that would be proposed by the faculty, and preceding that the faculty would have to be brought to agree with me before that plan could be proposed. So Mr. Washburn and all the rest of you should understand that what I am saying is my own personal opinion as to how the thing should be worked out. Assuming that the Regents should see fit to establish the department, my idea is that this post-graduate course should be made accessible and easily available to young men, of course principally to those engaged in practice; that the graduate degree ought to be made available to a man who has been admitted to the bar who would do a certain amount of work which would be determined by the number of hours and courses which would have to be worked out in detail; that the young man in practice could come over to the law school probably in the evenings to attend a course of lectures once a week possibly, or twice a week; or if he is near the Twin Cities he could run in on Fri-

day or Saturday perhaps, for a lecture; that might be worked out I think. So the idea is that this course would be open to every man who was a member of the bar of the state of Minnesota, irrespective of what his previous academic training had been.

Furthermore I think it quite probable that in the near future we shall be compelled to offer work in the law school in the summer time. Work is now offered in the Medical School and pretty nearly every other school in the University. It is quite possible that some of these courses that we are proposing to give under the auspices of this graduate department would be given during the summer vacation, so that a young man who had been at the bar one or two or three years, and wanted to make some thorough preparation along some particular line, might come to the University and spend ten weeks there in the summer time, during the vacation of the courts, in pursuing that particular study.

I do not believe I can answer any more specifically, because we cannot proceed to make plans until the Regents have expressed a willingness to establish this department, although we can make the plans and submit them to the Regents, and I think it might be well for them to be published in this Law Review, which I hope we will get started this year. Have I answered your question?

MR. WASHBURN: I think you have probably answered just as well as you could under the circumstances. I am in favor of this resolution, but I would like to see it worked out, and I trust it may be developed and worked out so as to be of the largest possible assistance to the men who practice law, and who are young enough to avail themselves of it. In other words, I am quite as much interested in that department of the University helping us all, to the extent that you can, to be better lawyers, as I am in your manufacture of new lawyers. (Applause.)

The motion was put and unanimously carried.

MR. RICHARDSON: I now move the adoption of the resolution printed on page 14, concerning the Small Debtor's Court.

Motion seconded by Mr. H. V. Mercer.
Motion put and unanimously carried.

PRESIDENT BURR: The next in order is the resolution which appears at the end of the third recommendation of this committee, which involves a declaration that the Minnesota Bar Association is in favor of no written opinions in the ordinary cases of affirmance, the resolution being found near the bottom of page 14.

MR. PIERCE BUTLER: What does that resolution mean? Does it mean what it says?

MR. L. L. BROWN: That subject was proposed by one of the best members of this Association, Mr. Stone. It struck all sorts of snags in the committee, and it is a compromise resolution. It does not mean anything. Personally, I am not in favor of the resolution. Personally, I am in favor of the Supreme Court writing decisions and telling why they reached a certain conclusion, and putting it on paper, so that we may read; but we passed it up to the Association to dispose of.

MR. BUTLER: Then this does not express your view?

MR. BROWN: No, my view is, as I have just stated.

MR. BUTLER: Do you know the opinion of the members of the committee on that subject, or whether they are agreed that it means nothing and that they are opposed to it?

MR. BROWN: I won't speak for all, but I think the majority are.

MR. MCDONALD: In view of what has passed here between Mr. Brown and Mr. Butler, I move you that this resolution on the subject matter be re-referred to the Committee on Jurisprudence and Law Reform for further consideration, to report at our next meeting.

MR. L. L. BROWN: Second the motion.

MR. STONE: If my name had not been mentioned I would not take your time to say anything on this point, but self respect at least prevents my silence, especially in view of the characteristic levity with which it has been treated by two distinguished members, Mr. Butler and Mr. Brown.

MR. BUTLER: My levity was directed at Mr. Brown.

MR. STONE: And I suppose his levity was directed at you.

MR. BUTLER: I so understood it.

(Mr. Brown removes his coat.)

MR. STONE: Of course it ought to appear on the record that at this point Mr. Brown removes his coat. Now, coming down to the serious part of it. The present statute on the subject, and the practice followed, almost without exception, by the Supreme Court, proceeds upon the assumption that every case submitted to that tribunal has in it points, the decision of which and the grounds of that decision, are so important that they should be placed on record. There is not a lawyer here who will dispute me when I say that there is fundamentally no ground for such assumption, because many cases come to that court and every other court, that depend for their decision upon an absolutely elementary principle of law which has already been disposed of in innumerable decisions of this court. And again, many cases come to that court and to every other appellate court involving no question of law, but involving simply a question of facts. And while the time was, when we wanted to know how the courts applied the rule of contributory negligence or something of that sort, now we are not so much interested in it. The time has come when Minnesota, following the lead of other states, it seems to me, should do something to put an end to the utterly useless and very expensive volume of judicial legal literature. This proposition is not original with me. It came from the Supreme Court of our sister state, Wisconsin. I happened to fall upon the rule of that Court in regard to the practice of leaving it to the court to say, in case of affirmance, whether or not the case was of such importance as to require a written de-

cision for record. There are many cases wherein some of us have been beaten and are curious to know why the Supreme Court did it. We don't like to have them tell the other people why they did it—of course, Mr. Butler and Mr. Brown never had that experience; but to come back to the original proposition, the rule and statutes proceed upon an erroneous assumption that every case is of such importance that every decision should be spread upon the records. There has been some difference of opinion as to whether or not the statute needs changing. The Supreme Court was apparently of the opinion that it did, but that it did not feel at liberty under the statute as it now stands to act differently than they have been doing. The Federal Statute of 1913 requires that in all cases decided by the court, etc., it shall give decisions in writing and file the same with the clerk, together with notes briefly stating the points decided, and of course, briefly stating the grounds. Personally, I think that needs amendment or repeal, in order to allow the Supreme Court to alter its practices. We have these two propositions, the erroneous assumption of the importance of every case, and second, is it or is it not safe to leave to the Supreme Court the question of saying whether in a given case the matters involved are so important that the record of the grounds of the decision should be placed on file. I think the Supreme Court may safely be trusted with that discretion. If we oppose the granting of such discretion we are taking the position that every case which we see fit to appeal there is of sufficient importance to burden the literature of the state and of the nation with the grounds of the decision. It seems to me that would be arrogating a great deal of importance to our affairs. The Supreme Court of Wisconsin recently inaugurated this reform, and I think three or four other states have followed suit, and the question is whether we want to change.

MR. BRIGHT: This resolution is addressed to the power of the court. If the court has power and desires to act, I do not see that it is necessary for us to do anything. If the statute stands in the way, then what we ought to do is to lend our in-

fluence to modify the statute, so that the court can act according to its judgment.

MR. STONE: I agree with you.

MR. BRIGHT: The resolution does not seem to be very apt to the end you have in view. The Supreme Court now has authority to shorten its decisions, they have the power to say this case is affirmed on the principles of another case, they have the same authority the Supreme Court of the United States does. I do not think there is any necessity for this particular resolution.

(At this point Mr. H. V. Mercer took the chair at the request of the President.)

MR. BURR (on the floor): I very much agree with Mr. Stone that the statute, which the Supreme Court thinks binding upon them because of long acquiescence, should be amended to leave it to the discretion of the court as to whether or not extended opinions should be written in any particular case. There was a division of opinion on the part of the committee, and this is, as Mr. Brown says, rather a compromise resolution, the idea being to give the Association a chance to express its views on that question. I personally favor a recommendation for amendment of the statute. I do not know whether there is anything to be gained by re-submitting this to another committee, because it is very well understood by the bar, but I should like to see the action of the Association take such form that it would amount to an expression of opinion one way or another, rather than to merely set the question aside altogether.

MR. FREEMAN: I would like to ask whether this contemplates a considerable shortening of per curiam decisions—whether they are not short enough to satisfy everybody?

MR. BURR: I think the feeling of many of us is that the court would like to have some excuse, some support for the practice which it seems to have adopted, and I think a very commendable one, of writing, per curiam, all their memorandum opinions. It has lately done this to a much greater extent

within the last few months (I think since this agitation began), than it did two or three years ago.

MR. BUTLER: What is the ground of distinction between affirmance and reversal?

MR. BURR: I should answer that by saying that in case of reversal, the reason of reversal is necessary for the guidance of the parties and the further action of the court below. In the case of affirmance it is done, and unless there is something of interest to the bar or the public, there is no occasion for an extended statement of reasons.

MR. ARNOLD L. GUESMER (Minneapolis): It seems to me that Mr. Stone's suggestions proceed on mistaken premises. The rules in relation to writing opinions are, of course, intended for the generality of cases, rather than the exceptional ones. His argument is based on the assumption that in some instances, necessarily few in number, there is not anything to be decided, nothing to appeal from. It may be that here and there there is a case of that kind, but because of these exceptional instances, are we going to say that they shall decide what the rule is going to be, rather than the generality of cases? A client who spends money to take a case to the Supreme Court does so on the advice of his attorney, who presumably would not advise the appeal unless there was something to pass on by the higher court. When they go there they are entitled to have that case passed on and decided by the Supreme Court. If the case may be set aside by a mere statement of affirmance, the court may sometimes consider the case comparatively unimportant, when as a matter of fact, it may be very important to that particular client and to the general public. Also, if you do not have opinions, how do you know whether the Supreme Court got the point upon which the appeal was argued? The point might be hard to get. It sometimes happens that we file a petition for a re-hearing and get an entirely different decision. Unless we have the decision, we don't know whether the court has gotten the point or not. Furthermore, Mr. Stone says that the question is, shall we leave it to the Supreme Court, the same men now there, to

say whether an opinion is necessary or not. That, it seems to me, is not the question. We do not know who is going to occupy that court in the future. We do not know what may come out of this practice of waiving the case aside with the simple statement "Affirmed." If the generality of cases were such as described, and if the instances in which the appeal is made, not involving any substantial question, were not so few in number, there might be some reason for adopting such a statute, but inasmuch as experience demonstrates that there are not very many of those cases, it seems to me to be a dangerous thing to do away with the very wholesome rule that requires the court to state reasons for its decision. The lower court, acting upon the thing first hand and in a limited time, does not have an opportunity to write a memorandum and state reasons, etc., necessarily, and somewhere we ought to have an opinion by the final arbiter, the duly constituted authority, composed of men of more than ordinary learning and opportunity to study these questions and accomplish the object for which the court is there, namely, the rendering of an opinion which states what the rights of the litigants are and why the decision is as it is.

PRESIDENT BURR: The motion is that this question be resubmitted to the Committee on Jurisprudence and Law Reform, with instructions to consider further and report at the next annual meeting.

MR. SHEARER: Somebody said, a few moments ago, that he thought this matter ought to be brought to the attention of the Supreme Court, in view of what was said by the Chief Justice this morning, so that the court might know at least how we felt upon this subject. It is only in view of that that I have hurriedly scribbled here a mere recommendation, which I now offer as a substitute resolution in place of the one in the Committee's report:

"RESOLVED, That it is the sense of the Minnesota State Bar Association that in all cases of affirmance, not involving new points of law or questions of importance, the Supreme Court might, in its discretion, write no opinion, other than a very abbreviated one." (Laughter.)

—that last clause I was obliged to tack on there to head off the chairman in putting the question. What I mean there is—it could be put in better form, of course—I mean that they are merely, in a few short sentences, if there is anything which in their discretion is of interest to one of the parties—and that must have appeared upon the argument—that they may, in a few short sentences, write an opinion which may be filed. I speak of this because Mr. Brown suggested—and I can see the point of what Mr. Guesmer has said—there might be a small case which could be covered by one short paragraph. In other words, I would like to make myself clear by simply encouraging the Supreme Court in cases of this kind to write an exceedingly short statement, if they think it warrants any written opinion at all.

MR. FREEMAN (Olivia): Owing to the remarks of the chairman of this committee it is apparent that it is really hopelessly divided, and for this reason I wish to offer a substitute for Mr. Shearer's substitute, or a substitute for the original motion, and this is, that this resolution be laid on the table. I think it is apparent to members of the Supreme Court, especially those who are here, that we do not particularly favor the writing of long decisions, and they may make them just as short as they wish, so long as they present to the readers of the decisions the facts upon which they are based, and I think the bar of this state and especially the bar of other states, the subscribers to our Minnesota Reports, are entitled to know the facts from which our court has drawn its conclusions.

Motion seconded.

PRESIDENT BURR: The motion is to lay on the table the motion for re-submission.

MR. FREEMAN: My resolution is to lay the resolution on the table.

PRESIDENT BURR: What is your pleasure upon this substitute motion offered as a substitute for the motion for re-submission—to lay the resolution on the table?

Motion put and carried.

PRESIDENT BURR: The next order of business is the recommendation of the committee for a change in the method of setting cases for argument. It is accompanied by a resolution to that effect. Is there any motion for adoption of the resolution?

MR. RICHARDSON: I move the adoption of the resolution on page 15 as to the setting of cases.

Motion seconded, put and unanimously carried.

PRESIDENT BURR: That brings us to No. 5, beginning on page 15, which recommends a change in the provision of the statute providing for service of notice of expiration of time for redemption.

MR. BRIGHT: I move that this recommendation be adopted.

Motion seconded, put and unanimously adopted.

PRESIDENT BURR: No. 6 on page 16 is a recommendation for an amendment of the statutes so as to make the provision for motion for judgment, after the denial for motion of directed verdict, apply to cases where the jury has disagreed as well as to cases where the verdict has been rendered. That is to permit the trial court to entertain a motion for judgment notwithstanding the disagreement in an action where a motion for directed verdict has been denied and the case submitted to the jury and the jury disagreed. The committee recommends such a bill. Will you vote on it.

Motion to adopt; seconded.

PRESIDENT BURR: Those in favor of the adoption and approval of that part of the report for the recommendation of this bill and its reference to the Committee on Legislation will manifest by saying "Aye."

Motion unanimously carried.

MR. MERCER: I move the adoption of recommendation No. 7 on page 17, for service upon attorney of notice of appeal from justice court.

Motion seconded, put and unanimously carried.

PRESIDENT BURR: No. 8, page 17, is as to vacation of plats. A bill is recommended for the correction of certain defects in the statute relating to the vacation of plats by judicial procedure.

Motion to adopt and approve and to refer to the Committee on Legislation for presentation to the legislature.
Motion seconded.

(Attention was called to typographical errors in the bill printed on page 20 and 21 as follows: In the fourth line of the second paragraph of Section 1, the word "order" should be "alter," and in the first line on page 21 the third word "affected" should be "effective." By motion duly made and carried these corrections were made in the bill, and motion carried.)

MR. GUESMER: Mr. Brown, this morning, made some suggestion as to whether it was the idea of the Association to change the practice which has prevailed of setting cases by letter, thus arranging it for the convenience of counsel. This resolution does not give the court any expression on that subject. Would it be advisable to adopt some resolution?

PRESIDENT BURR: The report explains that the details of that should be properly left to the Supreme Court with the declaration merely that the Association favors a change in the method of setting cases, which will render it unnecessary for lawyers to attend the call of the calendar.

MR. GUESMER: That is covered by discussion, but not by these resolutions.

PRESIDENT BURR: I think so. The details of that must be left to the court, and the Chief Justice stated that the court would be very responsive to any particular suggestions.

Gentlemen, the next thing on our program is the report of the Special Committee on "Ambulance Chasing." But Mr. Mercer, who is chairman of the Special Committee on investigating complaints concerning the practice of law by corporations, has unfortunately found it necessary to go back tonight. His re-

port is very brief, and he has asked me to permit him to present it at this time.

MR. MERCER: (Reads report.)

REPORT OF SPECIAL COMMITTEE TO INVESTIGATE THE PRACTICE OF LAW BY CORPORATIONS AND UNAUTHORIZED PERSONS.

To the Minnesota State Bar Association:

Gentlemen—The committee on the above named subject begs leave to report:

1. That in its opinion the work that has been done by the committee is not sufficient to enable it to make the proper recommendations, if any, that should be made upon a subject of such importance.

2. Recommends that a committee be appointed for the ensuing year, with power to make further investigations on this subject and report back to the Association.

3. Also recommends that such committee keep posted as to further legislation proposed by others in Minnesota on the question in the meantime.

4. But if it finds that outsiders propose such legislation at the coming session, then the committee, with the advice of the officers or Board of Governors, attempt to protect the interests of the public as well as the members of the bar, by rendering such assistance as it can to the legislature upon the subject.

August 2nd, 1916.

Respectfully submitted,
H. V. MERCER,
Chairman.

MEMORANDUM.

After certain designated work had been done by the respective members, a full meeting of the committee was not gotten; but a majority authorized the chairman to attach a memorandum and to say that in the main they agree with its suggestions. The subject is a growing one at present, as will be readily seen.

The system of appointing committees here does not leave a very extended time for consideration of any subject after the appointment and organization of the committees. We do not have, as it seems to us we should have, any system connected with the University Law School that enables us to call upon that institution to have its embryonic lawyers make special investigations and tabulations of subjects like this.

The committee on this subject divided up its work in such way as to try to lessen the burdens of the task, but the time was short.

The subject was attempted to be covered, so far as information was concerned, first, with a view of ascertaining what the present regulations are; second, what the practices are; in order to formulate a report that would give to the Association some accurate notion of the breadth and necessities, as well as the dangers, if any, of the present situation.

We had time to get reports from the various probate judges throughout the state as to practice in their courts, and to go somewhat into the present situation as to the status of the law, here and elsewhere; but we have not had time to systematize that information and to get the additional information which seems to us necessary to make recommendations for such regulations, if any, as are needed, and which we are sure would not hamper the efficiency of the business of the state.

As is well-known by the bar generally, there is no gradation of lawyers in Minnesota. The better informed business men take most of the time of lawyers of recognized ability, and even they are not able to distinguish between expert service and mediocre services of a professional nature, in some instances, any better than we can distinguish between doctors.

The average persons in the community are left reasonably ignorant as to where to go for counsel upon the intricate subjects that may come to them at times in the course of their lives upon which they need counsel, and must be so until we reach the state of civilization where we have some method of grading lawyers, so that the layman can better tell whether he is employing some person of broad business experience, learning in the law, and good judgment, or a beginner, or worse still, an incompetent practitioner. It is true that the members of the bar should not stand in the way of real progress any more than laboring men should stand in the way of the perfection of new machinery that may take their places. But members of the bar should not be limited by ethics to standards of professional conduct which corporations and associations that seek to do the same business are not required to observe. The corporations are removed one degree further from the client with no disbarment penalties, and should be correspondingly more limited. If it is wrong to advertise excellent qualifications of good lawyers to do probate business, it is wrong to make the same ad. for a company to do the same thing.

It will be conceded by all persons of course, that members of the bar should maintain a high standing. If the time has not come for the practice of law by corporations and associations for profit, that is one thing; but the trend of business would indicate that much of it is being done by corporations, now. If, upon the other hand, the corporation under proper regulations is the sort of an institution to practice law, then we ought to recognize it openly and place the proper regula-

tions upon it. As it stands, the subject is one worthy of the best consideration that can be given to it by an efficient committee so that such report as shall come back to this Association at its next meeting, with recommendations if any, will be made with that degree of foresight that will enable proper action to be taken.

There has come to the chairman's desk a printed advertisement circulated by a trust company within the year, which contains the following solicitation:

"The Company offers the following service to individuals:
Trusteeship by private agreement.
Executor and trustee under will.
Trustee of life insurance and endowment.
Guardian, Administrator, Attorney.
Confidential Agent.
Safekeeping.
It will act for Corporations as:
Trustee of Mortgage.
Registrar—Transfer Agent.
Fiduciary Agent in any capacity."

It is a matter of common knowledge that there has been an ad. running week after week in a newspaper in one of the bigger cities of the state by a trust company which publishes the names of well-known business men as its officials or directors, and suggests to the public the idea that it would be better to handle their estates through men of such experience; yet everybody who has had to do with such institutions must realize that the board of directors of such companies is not likely to give a great deal of attention to the business and, is more likely to place it in the hands of employees, who cannot be too high priced in the main. It may be true, and probably is true in many cases, that the business is sufficiently handled in this way. Indeed one trust company advertises this year in Minnesota as follows:

"The large amount of Trust Business handled by this company was built up in a measure by the co-operation of the Lawyers of Minneapolis and the State of Minnesota. They are our Attorneys in every case where any business of a fiduciary nature requiring legal assistance is influenced or directly placed in our hands through their instrumentality."

It may be that it is to the advantage of the bar, as well as the public, in some instances to have some trust estates handled by trust companies; but it is a significant fact that the largest estate left in Minneapolis in recent years was left by a man prominently connected with a trust company doing that sort of business, and that he did not make it his executor, but did use it as trustee in matters of trusts to be invested for income purposes; and that the most prominent business man who died in St. Paul in recent years was likewise connected with a trust company, and not only did not use it as his executor, but

did not even employ it to draw his will. He depended upon the public will. Why should men of such excellent foresight so regard their own companies? Indeed, in still another case within the state, a prominent trust company is reputed to have drawn a will, through its legal department, that involved millions, which will has recently been held invalid by the Probate and District Courts as not complying with the law of trusts. Yet, in spite of all of this the trust companies can serve the public well in some particulars, as the first mentioned party recognized in his income trusts, and ought to be allowed to do so, under proper regulations.

It may not be known that a bill was proposed and seriously discussed in the last legislature of Minnesota to authorize state banks having not less than fifty thousand ($50,000) dollars in surplus and national banks authorized by the Federal Reserve Board to act as trustee, executors, administrators, etc., and that had it not been for the activity of those connected with one or more trust companies upon whose law business the bill would encroach, it would probably have become a law, before the lawyers knew of it.

It may be that the country banker often draws conveyances, leases, contracts for deeds and deeds and mortgages, and examines abstracts and gives opinions thereon, and draws the customers' wills and administers their estates, but does any one imagine that such persons do not, at least indirectly, get as much or more than lawyers for services?

It may be that some kinds of this business are necessary and sometimes a convenience, and that there is no statute which really prevents it; also that it often brings business to the lawyers by reason of the complications that laymen get their clients into, but what about the public service if the corporation turns to unrestrained professional practice as distinguished from financial necessities? It probably is not generally known that the Federal Reserve Act, paragraph "K" of Section eleven (11) contains the following provision:

"Sec. 11. The Federal Reserve Board shall be authorized and empowered: * * * * * * * * * *

(k) To grant by special permit to national banks applying therefor, when not in contravention of State or local law, the right to act as trustee, executor, administrator, or registrar of stocks and bonds under such rules and regulations as the said board may prescribe." Fed. St. Ann. 272.

Now it may be that further legislation upon this subject will be passed in the next session of the legislature, irrespective of whether this Association has a committee or not. Unless it has a committee with power to make suggestions before the legislature, should the matter be brought up by others, then there is likely to be legislation which not only inures to the benefits of additional corporations and

associations that desire to practice law without systematic regulation, but which will not be properly regulated and which will extend the present dangerous advertising and service to a point which may seriously injure the public. If it has a committee that can go before the legislature with full information, in case the matter is pressed by others before the next meeting, it may be of advantage to the efficiency of the legal profession, as well as the public. If the matter is not brought up by others before the next meeting, it seems to us that we should have the information collected and ready to use on the merits of the subject, at our next meeting.

Liability insurance defenses and various other sorts of law business are handled by other corporations. Lawyers themselves are not required to give security except in certain trust matters, before they are able to collect money for their clients.

One of the greatest economic losses, under the present system of business comes from the fact that if a lawyer gets a valuable goodwill, that is his greatest asset, it dies with him; but the good-will of a trust company, or an insurance company, or any other corporation doing the same business, does not die with the death of its owner. It is saleable. This makes the competition between lawyers and law corporations unequal as do many other things.

Undoubtedly there is a limited field for all such corporations, but who of us now know what the limits should be? All these matters should be thoroughly considered before recommendations are made upon them to this body or to the legislature.

The Eastern legislation and its results is worthy of study and careful scrutiny to see whether it aids or hinders progress in those states. It is possible that the rule in extremely large centers should be different from that in sparse communities.

NEW YORK.

The subject which this committee has had under consideration has been considered by the New York County Lawyers' Association, under the subject of "Unlawful Practice of the Law," by a committee that was authorized on the 8th of May, 1913, and which has reported back to that association in a pamphlet of some twenty-two pages of printed matter.

A law was passed in the state of New York known as Chapter 254, becoming a law on the 18th of April, 1916, to prohibit the practice of law by corporations and voluntary associations other than for themselves in any court in the state or before any judicial body, and from holding themselves out as being entitled to practice law and render or furnish legal services or advice or to furnish attorneys or counsel or render services or advice or to conduct actions or proceedings of

any nature, or any other manner, to assume to be entitled to practice law or to advertise the title of lawyer, or attorney at law, or equivalent terms, and make it unlawful for any corporation or voluntary association to solicit any claim or demand to be prosecuted, a copy of which law is attached hereto.

A pamphlet of the New York County Bar Association points out that a number of cases have been prosecuted.

See Misel vs. The National Jewelers Board of Trade, 90 Misc. 19.
166 Appellate Division, 688.
170 Appellate Division, 818.
217 N. Y.—(Advanced Sheets March 4th, 1916).
111 Northeastern, 828.

MASSACHUSETTS.

Massachusetts passed a law known as "General Acts, Chapter 292," which was approved June 1, 1916, a copy of which is attached hereto.

Respectfully submitted.

H. V. MERCER.

NEW LAW IN MASSACHUSETTS PROHIBITING THE PRACTICE OF LAW BY CORPORATIONS.

(General Acts—Chap. 292.)

AN ACT TO PROHIBIT THE PRACTICE OF LAW BY CORPORATIONS.

Be it enacted, etc., as follows:

Section 1. It shall be unlawful for any corporation to practice or appear as an attorney-at-law for any person other than itself in any court in this commonwealth or before any judicial body or to hold itself out to the public or to advertise as being entitled to practice law; it shall further be unlawful for any corporation to draw agreements, or other legal documents not relating to its lawful business, or to draw wills, or to practice law, or to hold itself out in any manner as being entitled to do any of the foregoing acts, whether by or through any person or persons, and whether orally or by advertisement, letter or circular; provided, however, that the foregoing shall not prevent any national bank or any bank or trust company incorporated under the laws of this commonwealth from furnishing to persons with whom it may deal or who may apply for the same, through its officers or agents, legal information or legal advice with respect to investments, taxation, or an issue or offering for sale of stocks, bonds, notes or other securities or property.

Section 2. Any corporation violating the provisions of this act shall be liable to a fine of not more than one thousand dollars; and every officer, agent or employee of any such corporation who, on behalf of the same, directly or indirectly, engages in any of the acts herein prohibited, or assists such corporation to do such prohibited acts, shall be deemed guilty of a misdemeanor, and shall be punished by a fine of not more than five hundred dollars.

Section 3. This act shall not prohibit a corporation from employing an attorney or attorneys in and about its own affairs or in any litigation to which it is or may be a party.

Section 4. This act shall not apply to any public service corporation nor to any corporation lawfully engaged in the business of conducting a mercantile or collection agency or adjustment bureau, or lawfully engaged in the examination and insuring of titles to real property, or lawfully engaged in the business of insurance against liability for damages or compensation on account of injury to persons or property, or lawfully engaged in assisting attorneys-at-law to organize corporations, or organized for and lawfully engaged in benevolent or charitable purposes, or organized under the authority of the commonwealth for the purpose of assisting persons without means in the pursuit of any civil remedy, nor shall it prohibit a newspaper from answering inquiries through its columns or any corporation from providing legal advice or assistance to its employees. (Approved June 1, 1916.)—Courtesy of E. Howard Perley, Salem, Mass.

NEW LAW IN NEW YORK PROHIBITING THE PRACTICE OF LAW BY CORPORATIONS AND VOLUNTARY ASSOCIATIONS.

Laws of New York by Authority.—Chap. 254.

AN ACT TO AMEND THE PENAL LAW, IN RELATION TO PROHIBITING PRACTICE OF LAW BY CORPORATIONS AND VOLUNTARY ASSOCIATIONS.

Became a law April 18, 1916, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section two hundred and eighty of chapter eight-eight of the laws of nineteen hundred and nine, entitled "An act providing for the punishment of crime, constituting chapter forty of the consolidated laws," as added by chapter four hundred and eighty-three of the laws of nineteen hundred and nine and amended by chapter three hundred and seventeen of the laws of nineteen hundred and eleven, is hereby amended to read as follows:

Section 280. Corporations and voluntary associations not to practice law. It shall be unlawful for any corporation or voluntary association to practice or appear as an atorney-at-law for any person other than itself in any court in this state or before any judicial body, or to make it a business to practice as an attorney-at-law, for any person other than itself, in any of said courts or to hold itself out to the public as being entitled to practice law, or render or furnish legal services or advice, or to furnish attorneys or counsel or to render legal services of any kind in actions or proceedings of any nature or in any other way or manner, or in any other manner to assume to be entitled to practice law or to assume, use or advertise the title of lawyer or attorney, attorney-at-law, or equivalent terms in any language in such manner as to convey the impression that it is entitled to practice law, or to furnish legal advice, services or counsel, or to advertise that either alone or together with or by or through any person whether a duly and regularly admitted attorney-at-law, or not, it has, owns, conducts or maintains a law office or an office for the practice of law, or for furnishing legal advice, services or counsel. It shall be unlawful further for any corporation or voluntary association to solicit itself or by or through its officers, agents or employes any claim or demand for the purpose of bringing an action thereon or of representing as

attorney-at-law, or for furnishing legal advice, services or counsel to a person sued or about to be sued in any action or proceeding or against whom an action or proceeding has been or is about to be brought, or who may be affected by any action or proceeding which has been or may be instituted in any court or before any judicial body, or for the purpose of so representing any person in the pursuit of any civil remedy. Any corporation or voluntary association violating the provisions of this section shall be liable to a fine of not more than five thousand dollars and every officer, trustee, director, agent or employe of such corporation or voluntary association who directly or indirectly engages in any of the acts herein prohibited or assists such corporation or voluntary acts is quilty of a misdemeanor. The fact that such officer, trustee, director, agent or employe shall be a duly and regularly admitted attorney-at-law, shall not be held to permit or allow any such corporation or voluntary association to do the acts prohibited herein nor shall such fact be a defense upon the trial of any of the persons mentioned therein for a violation of the provisions of this section. This section shall not apply to any corporation or voluntary association lawfully engaged in a business authorized by the provisions of any existing statute, nor to a corporation or voluntary association lawfully engaged in the examination and insuring of titles to real property, nor shall it prohibit a corporation or voluntary association from employing an attorney or attorneys in and about its own immediate affairs or in any litigation to which it may be a party, nor shall it apply to organizations, organized for benevolent or charitable purposes, or for the purpose of assisting persons without means in the pursuit of any civil remedy, whose existence, organization or incorporation may be approved by the appellate division of the supreme court of the department in which the principal office of said corporation or voluntary association may be located.

Nothing herein contained shall be construed to prevent a corporation from furnishing to any person, lawfully engaged in the practice of law, such information or such clerical services in and about his professional work as, except for the provisions of this section, may be lawful, provided that at all times the lawyer receiving such information and services so received. But no corporation shall be permitted to render any services which cannot lawfully be rendered by a person not admitted to practice law in this state nor to solicit directly or indirectly professional employment for a lawyer.

Section 2. This act shall take effect immediately.

State of New York, Office of the Secretary of State—ss.

I have compared the preceding with the original law on file in this office, and do hereby certify that the same is a correct transcript therefrom and of the whole of said original law.

FRANCIS M. HUGO,
Secretary of State.

Courtesy of Henry Klein, Kingston, N. Y.

PRESIDENT BURR: I infer that the recommendation is for resubmission. Do you make a motion to that effect?

MR. MERCER: I make such a motion.

Motion seconded by Mr. Larimore.

MR. LARIMORE: This matter was up in the legislature last year. It was very important, and we had briefs on it and the bill was introduced. There was some question in regard to the matter, and the bill was referred to the Banking Committee. There was a hearing, and we had it referred to the Judiciary Committee, and the matter was so important that we thought that it was better to refer it to this Associaion. I understood Mr. Mercer had the matter in charge, and I expected more to be done, that is a more specific recommendation by this committee, because we will have a meeting of the legislature before we have another meeting of the Association, and we ought to have those matters before the committees of the House and the Senate next winter, because we certainly will have legislation on that matter. A committee should be appointed here to continue the work which Mr. Mercer mentions and be prepared to appear before the committees in the Senate and the House and give them what information and help they can in this regard.

MR. MERCER: The recommendation covers the contingency of outsiders trying to get in such legislation and provides that then the committee, with the advice of the Board of Governors, shall try to protect the interests of the public and the bar by giving all the assistance it can to the legislature upon the subject.

MR. LARIMORE: The legislature will act upon the question next winter, I suppose.

MR. HARRISON L. SCHMITT: I desire to offer an amendment to the resolution. I move you that the motion made by Mr. Mercer be amended by attaching thereto a further clause providing that it is the sense of this Bar Association that no corporation shall be or safely can be permitted to practice law, either directly or indirectly.

A MEMBER: There is nothing in our law now permitting a corporation to practice law. According to the Court of Appeals of the state of New York, the statute of that state, prohibiting the practice of law by corporations is superfluous. I

have not heard it suggested before that the mere action of the trustee performing the duties of a trustee, such as administrator, was the practice of law. I think there is danger of some confusion in this regard. We must realize, however, that in reality the liability companies are practicing law. We must realize that it would be turning back the hands of progress to interfere with those institutions. They are here to stay, because they are greatly needed. The trust company has an important function to perform. It is here to stay, and the more we use it in a proper way, the greater service we will do our clients. If we are going to adopt a resolution against the practice of law by corporations, which I think is unnecessary, we ought to have some definition of what the practice of law is, and when that matter came up before the Board of Governors, they agreed that it would be almost impossible to define the practice of law. I submit that there is no reason why this Association should do the thing that he proposes that we do, unless we define the particular activity at which the resolution is aimed.

MR. SCHMITT: I made my motion principally for the reason that it was included in the first motion that this Association appoint a committee which should appear before the legislature if any such bills were presented. I think such a committee, if we appoint it, should know the sentiment of this Association on the question. The question was also raised by Mr. Larimore on behalf of the legislature. I think the legislature ought to know, when it meets, what this Association thinks about corporations engaging in the practice of law. We have been making a fight to prevent the legal profession becoming commercialized, and many have spoken on that question and pointed it out as a very grave danger. I think here is a point upon which we ought to take a decided stand. We can leave the question of the determination of what shall be construed to be the practice of law, but I think we are now ready to pass upon the question of the general principle, that corporations cannot safely be permitted to practice.

MR. JONES: I am heartily in favor of Mr. Schmitt's amendment. I second the motion.

PRESIDENT BURR: Are you ready to vote upon the amendment? Those in favor of Mr. Schmitt's amendment to Mr. Mercer's motion will signify by saying "Aye."

Motion carried.

PRESIDENT BURR: Are there any other remarks on the motion as amended? The question is now upon Mr. Mercer's motion for the re-submission of this subject to another committee to be appointed by the incoming President, with the provision, if the question comes before the legislature, the committee shall consult with the officers or the Board of Governors. Those in favor of the adoption signify by saying "Aye."

Motion unanimously carried.

(Short recess.)

PRESIDENT BURR: The next thing is the report of the Special Committee on Ambulance Chasing. It is five o'clock and the representation here is not so large as it might be. We have a heavy program for tomorrow and I doubt if we can take more than half the time tomorrow on this particular subject. It seems to me that we ought to get started tonight.

MR. CARMICHAEL: I think we should proceed with it and accomplish as much as we can tonight.

MR. PUTNAM: I was going to suggest that the report of the committee be read tonight, and such debate as can be held this afternoon, and that in the morning when you get to it you can take up these questions for debate, and limit the debate.

PRESIDENT BURR: Suppose we hear from the committee.

A MEMBER: Why not have the presentation of the report and such explanation as the spokesman of the committee deems necessary and then adjourn and leave the general debate until tomorrow morning, and the question of whether or not there should be any limit upon the debate?

PRESIDENT BURR: If there is no objection, I will take that as the sense of the meeting. Do I undertsand, Mr. Child, that you will speak for the committee on the presentation of this report?

MR. CHILD: If there is no one else to do so.

PRESIDENT BURR: Most of the members understand that Mr. Jenks is the chairman of this committee, but he has been prevented by illness from taking any part in the work. We will be glad to hear from Mr. Child.

MR. CHILD: In submitting the report of the Special Committee, we have added, at the end, certain sections or paragraphs. We will furnish corrected copy for the record. I would suggest to start with that Bill No. 1, which begins on page 41, is the most important one and is designed to be printed as legislative bills are printed. Being an amendment, the present statute, the old matter, is retained, and printed in black faced type. If you will run your pencil through the black faced type you will get rid of the confusion that that occasions. At the head of the bill is the explanation calling your attention to the use of italics and black faced type.

We assume that you have all read the committee's report. I shall not read it in detail. Mr. Jenks, as it has been stated, was the chairman of this committee, but has been unable to meet with it, and our President acted as chairman of that committee and acted as a veritable slave-driver, holding the stop watch on the members of the committee and insisting upon a lot of work. The understanding of these bills at the present, I think, involves your having in mind that the Ethics Committee in 1914 voluntarily presented to the Bar Association seven bills and a report upon evils from which we were suffering. Those bills were discussed at length at St. Paul, and we took that whole situation up and a special committee was appointed with instructions to draw bills for the legislature of 1915. That special committee drew four bills for the legislature of 1915 and presented them to that legislature. For different reasons they did not get anywhere. The committee which attempted to get those bills through the

legislature thought that they learned something in their efforts, and a process of elimination in the matter of those bills has gone on since that time, until we have gotten down to the bills now presented. Those same bills were not even reported out of the committees. Then they came up before the Bar Association at St. Cloud last summer. We had no legislature the following winter, last winter. At that meeting an objection was raised, as it had been raised from time to time, upon two propositions which were considered objectionable in those bills by which it was claimed that they ought not to pass the legislature and never would. The only objections at that meeting that I remember that were raised to the bills were the discrimination against the soliciting of personal injury cases and others, and the contingent fee, and such action was had there at that time that many of the committee considered that the question of contingent fees should be eliminated from the bill and that the discrimination between personal injury cases and other cases should be done away with.

The committee in their work eliminated those two provisions and have presented, not the four bills that were there presented, but the three bills as shown here. The bills as given here are: No. 1, for the regulation of the practice of law, as found on page 41; No. 2, the regulation of settlement of claims in hospital or bedside settlements, on page 42; No. 3, the venue bill, page 43, the importation of cases from without the state.

I hope the Bar Association will not get the idea that the committee was agreed among themselves upon these bills. They are not. The committee is attempting to make no case. They have presented these bills as the best thing in their judgment that could be done under the circumstances, as they stand at present, with any hope of getting the relief desired from evils complained of. The report of the special committee as written shows some of those differences of opinion. The bills are not aimed directly against ambulance chasing alone, nor directly against the soliciting of business in the way they have attempted to exclude it, alone, but they are directed as well against the

system which has produced the ambulance chasing and the unconscionable settlements of personal injury cases.

There has been no attempt to prevent personal solicitation of business, except as that attempt is made in subdivision "e" of Section "2," Bill No. 1.

Other than that, it is well for us to keep in mind that there is no attempt to legally interfere with or supervise even personal solicitation of business.

MR. DAVIS: How about Section "e?"

MR. CHILD: That does not do it.

MR. DAVIS: How about subdivision "a,"—by letter?

MR. CHILD: That does not purport to do it.

MR. DAVIS: Do I understand that it does not aim to prevent a person going to another and asking for employment, unless he is persistent?

MR. CHILD: It does not purport to prevent it.

MR. DAVIS: But it does not make it a ground for disbarment if he writes a letter, instead of acting personally?

MR. CHILD: We will discuss those questions when we come to them. The other bills presented two years ago, we have tried to simplify, not only as to the subject matter, but the arrangement of the bills has been very much simplified, from the bills as they were presented at the last legislature.

The attempt to regulate so-called ambulance chasing is done through a definition of what is wilful misconduct in one's profession, and in no other way. The section upon that general subject as it existed in our statute is ungrammatical, and does not read straight; for that reason, the section is re-arranged in other particulars. Some of those changes are not new matter at all, simply the re-arrangement of the section in order to make it good English. But after getting past that, the regulation of this misconduct operates through the wilful misconduct in one's profession, which includes the conduct here prohibited.

Now, another thing it is necessary to keep in mind, is that

this operates not upon the solicitor or the general solicitor, but it operates upon the attorney. It does not attempt to operate upon a man who is not an attorney. It is not a general bill; it is an attorney's bill; it is a bill to regulate the personal conduct of attorneys. It provides that it is wilful misconduct in his profession for him to solicit or knowingly cause or permit to be solicited, directly or indirectly, professional employment, by means of a runner or solicitor, or by any book, circular, pamphlet, letter or other soliciting matter, or by any means of any other soliciting agency.

That is subdivision "a." The violation of that provision is professional misconduct, subject to the supervision of the Supreme Court through removal, suspension or censure.

Now, subdivision "b" is no broader than subdivision "a;" and all you need to do is to refer to subdivision "a." It simply provides that an attorney cannot take a case which is prohibited in subdivision "a." That is all there is to that, that he cannot try cases which are gotten in the manner described in subdivision "a."

MR. PUTNAM: There are provisions "a," "b" and "c;" and then there is "d"—the persistent and repeated solicitation of professional employment." Why couldn't "a," "b" and "c" be included in "d," by simply adding to that, in addition to the personal solicitation, a provision against business solicited in any other way or form, leaving it in broad, general language, so as to cover all cases of solicitation, without attempting to specify the particular manner of solicitation.

MR. CHILD: I cannot say whether that could be done, or not. If it can be done, I would like to have somebody try it.

MR. PUTNAM: Why not withdraw "c" and include "a" and "b?" "c" covers another ground.

MR. CHILD: Subdivision "c" is an attempt to cover the other phases of the situation. It is an attempt to reach those men who, it has been claimed, have been in the habit of procuring and bringing about unconscionable settlements of damage cases.

Now, as to subdivision "d;" that is to cover a phase of the matter which some thought it necessary to go after, and which at first we had decided not to touch at all. It seems the Wisconsin statute proposes to prohibit any personal solicitation whatever—the Wisconsin committee met with us once. But there were those on our committee who were unwilling to interfere with the matter of the personal relation of a man with his client; there were those who thought that there were phases of solicitation which should be considered. And so we added subdivision "d" to make it unprofessional conduct to "persistently and repeatedly make personal solicitation of professional employment."

Another thing, we endeavored to construct the bill so that it could be amended without upsetting the whole proposition and having to reconstruct the bill entirely.

Subdivision "e" is what is contained in subdivisions 3 and 4 of the old statutes; also the substance of a provision in the New York law, about which Mr. Boston told us, and which he discussed a year ago at St. Cloud.

MR. PUTNAM: Let me ask a question about Bill No. 1. I would like a little more definite idea of what that word "solicitation" means, as used in this section. The other day a friend of mine in a neighboring town sent a man to me who had a personal injury; he came over there—there was nothing to the case. Now, is that solicitation?

MR. CHILD: I would not think that it was under any circumstances possible to construe that as solicitation, for more than one reason. In the first place, this operates on the individual—his solicitation. The attorney himself is prohibited soliciting by these means. We have no control over these agencies. They do not come within the rule. I would say personally that a sending or directing of patronage of that kind is not soliciting under any definition of the term. That is the way we all get business. That is what we try to avoid. That is why we cut out the personal phase of the proposition.

A MEMBER: Would that reach the railroad attorney who sends out his claim agent to effect a settlement?

MR. CHILD: I would not think that was soliciting employment.

A MEMBER: Then what have we in this bill No. 1 to cover that personal injury element?

MR. CHILD: Subdivision "c" covers only unconscionable settlements. That is not covered. If there is any evil existing in that phase, in the practice of law, it is not covered, of course.

MR. BEGIN (Minneapolis). Section "b" says: "Claims handled through commercial or collection agencies, under established and customary"—I wondered what those methods would be there in those particular cases.

MR. CHILD then read subdivision "b."

MR. PUTNAM: The addition of "by any person" will destroy the effect of "a," won't it?

MR. CHILD: I do not think so. Without that, "b" operates upon the attorney and upon no one else; "b" operates upon the members in case of business solicited by runner, direct. If you leave that off, you are limiting it to business obtained by runners. If you put it on you catch the attorney soliciting business by runners, and you exclude that business obtained by an attorney direct.

Now, in reference to Bill No. 2. It has been claimed that something ought to be done in reference to matters therein involved. It has proved a difficult matter to get at. The bills presented to the legislature in 1915 and to the Bar Association last year provided that any settlement within a certain time, however small, should be approved by the court; and, if it were set aside, there should be a return of the payment of the money received. Now the object of any bill, of course, is not to discourage small settlements. It is to encourage small settlements, settlements of small amounts of damages; moreover, there is no machinery for getting the approval of the district judges; it

would probably have to be done by application, or some entirely impractical way in matters of small damage cases which the committee thought ought to be settled expeditiously and for all time; and to allow those small settlements, we saw no other way except by the provision that a settlement might not be made within a certain time—that is, that the test of the settlement might be one of degree. That degree is made in this bill where one is disabled from following his usual occupation for a period of more than ten days.

In a case of that kind, the settlement within thirty days is absolutely voidable within six months by an action. We suppose the effect of that would be to shut off settlements of that kind within thirty days.

A MEMBER: Did your committee have before you any data or information as to what proportion of personal injury claims are settled within thirty days?

MR. CHILD: I did not have any. Some members of our committee have had experience in all things that we discussed. But as to that point, so far as I know, we had none, and so far as I know, it would not be possible to obtain any such data.

Bill No. 3. This bill prohibits in a general way the bringing of an action against a foreign corporation under the circumstances outlined here. It operates only as to foreign corporations. There is a great difference in the opinions of the members of the committee upon the proposition. The written report will show some of these differences. They are presented to the Bar Association for its consideration. Some thought that it was not necessary, if No. 1 were enacted. Some thought a bill of that kind was not necessary, if the means by which those cases were brought into the state, were done away with, and others thought that it was absolutely necessary to have such a bill, if this evil were to be remedied. Therefore, the bill is here presented for your consideration.

Now, so far as I have heard, there is no lawyer but who concedes that ambulance chasing is an evil in the profession that should be gotten rid of. During all the discussion in this Asso-

ciation, and from what I have heard from attorneys on the outside, no one has attempted to defend that conduct. If it is to be reached, it will have to be by concerted action.

PRESIDENT BURR: The Secretary reminds me that in view of the fact that the entertainment begins at such an early hour this evening, and that so few of us are here now, it might be better to suspend further consideration of this subject until morning.

MR. STONE: Before we adjourn, because I think the Association owes it to the gentleman in question, I want to move you that the Secretary be instructed, on behalf of the membership of this Association, those who are present and those who are not present, to tender to Mr. Jenks, who has been and probably is now a very sick man, our sympathy and sincere wishes for his early and complete recovery, and the fact that we miss him very much, not only in the consideration of this question, but in every other matter that comes before us.

MR. SHEARER: I second the motion.

PRESIDENT BURR: In the absence of some contrary expression, I shall assume that the motion is unanimously carried, and the Secretary is so instructed.

Adjourned until 9 a. m., Thursday morning, August 10, 1916.

Thursday Morning, August 10, 1916, 9 a. m.

Meeting called to order by President Burr.

PRESIDENT BURR: The first thing on the program this morning, is an address by Dean Vance. I have complained a good deal about the superfluity of introductions here, when the speakers have been among our own number, but this time I shall absolutely refuse to greet the speaker.

(Dean Vance greeted with prolonged applause.)

DEAN VANCE:

THE VISION OF A WORLD COURT.

To every one of you there will occur a half dozen reasons why I should not speak of this subject. It indirectly involves consideration of the great war, which is taboo among all real nice and considerate people; it has been so much talked about at conventions, conferences and on other occasions that nothing new remains to be said about it; that it is a question for diplomats, and not for lawyers; that in any event the bearing point of the issue is too far from home to concern Minnesota lawyers; and, finally, that the whole scheme is visionary and impracticable, a component part of the pipe-dream of the pacifists, who think that the lamb may lie down in safety and comfort with an ordinary unregenerate and hungry lion, if only the lamb is careful to be sufficiently gentle and helpless. But I do not propose to apologize for my theme. I do not even feel apologetic. Far from it. I rather wish I could have you before me an hour every day for a week under the ruthless conditions that grip students in the classroom, so that we might study this subject with a thoroughness commensurate with its supreme importance. I shall not hope, or even try, to say anything new or startling; but I do hope that in the brief time at my disposal I may lead every one here to a new realization of the deep significance of this question in the future development of the human race and particularly to that part of it resident in Minnesota. The bloody battlefields, the ruined cities and towns, the wrecked homes of Europe seem very far away from us in peaceful and prosperous Minnesota. We cannot quite bring ourselves to believe that such horrors are possible to us, seated as we are in the very midst of a mighty continent protected on either side by mighty oceans. But a little thought must convince us, even in Minnesota, that we cannot but share the fortune of our common country, and that our country cannot longer isolate herself from world relations. Therefore the question as to what is

to happen after the war is not remote to us in Minnesota. Discarding such sentimental standards as broken hearts and ruined homes, and using only our own most respected standard, dollars and cents, the question is by far the most important now confronting you and me. We groan at the mounting cost of the state government, at the burden of supporting the State University and the public school system, but if after the war we must live in a lawless world of hungry and vengeful nations armed to the teeth, we shall be compelled to do as must every individual in a lawless community—prepare to defend our lives and our property by force. The cost of such military and naval preparedness as will be absolutely necessary to our safety in a state of international lawlessness will not be less than a billion dollars a year, an average of ten dollars per capita. At that rate Minnesota's share of the burden of preparedness will be something like $25,000,000 each year, fifteen times the cost of maintaining the State University, even more than the whole cost of the state government, and in the very nature of things this burden must constantly swell on our backs until the next world explosion, from which we can scarcely hope to escape. With the prospect of a future so burdened and shackled, shall we do nothing to escape? Shall we be foolish enough to say that whether we must pay $25,000,000 annually as our share of the cost of adequate preparedness is a question too remote to be here considered? Mind you, it is not a question of being either too poor or too proud to fight. If we must live in a lawless community of nations, knowing no law but force, no right but might, we must face the situation intelligently and courageously. We must get ready to defend "our lives, our fortunes and our sacred honor," whatever be the cost; and if the worst ever comes, so that we must meet force with force, we must quit ourselves like men. And we will. There are many things in our American life dearer than peace, dearer than blood and treasure. Let us not consider this proposition as being involved in the question I am discussing. But is such a dread prospect inevitable? Is there no avenue of escape? I think there is. It leads through the doors of a world convention to the bar of a world's court.

Neither do I hesitate to talk of this subject because so many other people have talked of it. Like the Gospel story, it cannot be told too often. I hope others here will talk about it. In fact I wish that it would come about that wherever in the broad world two or three were gathered together, there would be with them, even as is the spirit of the Lord, the thought of a great court where quarreling diplomats might peaceably litigate their disputes instead of drenching the world with blood and tears. If such were the case the faint hope we now have that the great international settlement that will end this war will set up a world court would become a certainty.

Furthermore I feel little concerned about the oft heard criticism that this whole scheme of an international world court is visionary—the dream of mere idealists. Let no one under-estimate the value of visions and dreams. The capacity to see visions and dream dreams is the essential qualification for progress in any society. The only people who do not see visions are those, like the savages of Africa, who make no progress from generation to generation. The architect of the State Capitol at St. Paul dreamed a dream of a noble monument to the majesty and power of this great state long before it came true in the marble masterpiece in which all Minnesotans take such pride. The great man so recently gone to his rest with the well earned title of "Empire builder," saw a vision of a populous and prosperous Northwest where his eyes then beheld only trackless wastes. Every man who builds a new bridge or a new kind of business, or devises a new process for improving existing business is led on in his endeavors by the glory of a dream. That wonderful galaxy of great men who assembled in the Constitutional Convention of 1787 saw a vision of a mighty Union, one and inseparable, where those without vision saw only a loose Confederacy of quarreling, jealous and mutually distrustful independent states drifting into strife and warfare. Condemn, if you please, impossible dreams and visions that have no practical relation to existing facts, but always remember that that is an unfortunate land in which the young men dream no dreams and the old men see no visions.

That the vision of a world court is related to existing facts cannot well be questioned. Time was when every individual in the savage communities that knew neither law nor order was compelled to rely wholly upon force to protect the lives of himself and his family and the meagre property that he had acquired. Only by a slow and painful process of social evolution did the individuals in the community learn that it was possible to realize in fact the vision of an orderly community governed by rules of law in which all disputes between individuals were determined by impartial tribunals. The principle being now well established among individuals in society that one must look for redress or protection to the organized state and its laws, the next step naturally to be taken is to apply to the family of nations the great rule that has proved so beneficent to the family of individuals.

Furthermore, this vision of a world court has come to the eyes of many of America's most trusted leaders, and has frequently found expression in high places and on great occasions. The President of the United States, weighed down by the responsibilities of his great office, has, on a solemn occasion, expressly declared his hope that such a court might be established. The distinguished nominee of the Re-

publican party for the presidency has deliberately expressed approval of the same vision. Ex-President Taft, Elihu Root, and many others who are honored in this country, not only for their breadth of view but for the soundness of their judgment, have expressed their concurrence in this great hope. The platforms of each of the great parties now appealing to the voters of this country, contain planks recognizing this vision, and expressing the hope that it may be consummated. In the presence of such dreamers I think no one here will say that the dream is impossible of realization.

But there are, particularly in Europe, where statesmen have grown cynical during the terrible experiences of the past two years, many thoughtful men who think that such things as a world convention and an international court established thereby, are impracticable. They say that the mutual jealousies, varying ambitions and conflicting interests of the different nations will prevent them from ever reaching an agreement, and that even if a convention were made and an international court established, its decrees and orders would not be respected since there could not, in the nature of things, be a sovereign power having jurisdiction of all the nations and capable of exerting the force necessary to give effect to such decrees; that international law is nebulous and uncertain at best; and that, in any event, the great powers could not be expected to submit questions vitally affecting their interests and national honor to the determination of a court or to abide by such determination even if it were made.

It is this last objection, the sanction of international law and the authority of such an international court, that is of especial interest to lawyers and the one which I propose particularly to examine before you with as great brevity as possible. The issue may be put briefly as follows: Is it possible that the decrees of an international court could be made effective in the absence of a military force sufficiently great to crush the resistance of any possibly recalcitrant defendant nation?

I make bold to answer this question by saying that the teaching of human experience justifies a reasonable hope that such decrees would, in time, become operative by the mere force of world opinion, irrespective of the amount of force which the court itself could command in the enforcement of its decrees.

By way of removing obstacles to clearness of thinking, let us all freely admit that under any circumstances a world court could not do away with all warfare among nations any more than our municipal courts can prevent all warfare among individuals. Lawless individuals will murder and rob in spite of the law and the courts. And even in our most civilized communities it sometimes becomes necessary for the individual citizen to defend himself and his family

by force of arms. There are some questions of national policy that lie so deep in the foundation of national existence that they are said to be non-justifiable. They are not subject to determination by rules of law, and it is not reasonable to expect that disputes with reference to them will always be peaceably settled, even though a world court became well established. For instance, our so-called Monroe Doctrine, which is not a doctrine at all but a policy, would not be abandoned by the American people, even though an international court were to decide adversely a claim that we might make under it. This policy is as deeply rooted in our national feeling as is the instinct of self-preservation, and the American people would unquestionably go to war with any nation or combination of nations in order to preserve it. In like manner the geographical conditions of the British Empire make absolutely necessary to its existence, the maintenance of a large navy. For England to give up her navy would be to commit suicide, and a nation would be no more ready to commit suicide at the order of a court than would an individual. But granting that disputes involving fundamental policies affecting national existence could not be successfully determined by an international court, I think it reasonable to believe that all other disputes between nations, however greatly affecting the general welfare of such nation, might be so determined; and the careful student will perceive that comparatively few of the wars that have stained the pages of history had their origin in disputes affecting fundamental policies of national existence. Certainly the great war now devastating Europe did not, at its inception, involve any such fundamental question.

Again, we should bear in mind that any convention for the establishment of an international court would necessarily have to provide and put at the disposal of the court, a small military and naval force that would perform functions analogous to those of marshals and bailiffs in our municipal courts.

With these matters out of the way, let us turn our attention directly to the main issue. Is it possible that the decrees of an international court, determining justiciable questions, will be obeyed. I repeat that I think it is quite possible, and in support of my opinion, I wish to call your attention to some great facts of legal history of especial interest to lawyers that have received altogether too little attention in the consideration of this momentous question. These facts are that that there already exists an international court set up by a convention between sovereign states, which for over a hundred years has frequently heard and determined disputes between sovereign states of the very kind that have so frequently drenched the fields of Europe with blood; that in not one single case in which a decree was rendered against a sovereign state by this court, has any

military or naval force whatsoever been used to compel obedience on the part of the state; that in the first half century of its existence in no fewer than three different instances, obedience to the decrees of this court was refused by sovereign states, and no force was used to compel obedience; and that during the half century just closed the authority of the court, through mere force of public opinion, has become so great that no state dares to disobey its orders.

That the Supreme Court of the United States, in exercising its jurisdiction over "controversies between two or more states" sits as an international as well as a Federal Court, and that it enforces the principles of international law as well as those of municipal law, is a fact too often lost sight of, even by lawyers, and yet abundantly recognized by that court in its judgments. This fact is well shown in the case of Kansas v. Colorado (185 U. S. 125), in which Kansas complained that Colorado was diverting so much of the water of the Arkansas River, which has its head waters in Colorado, that the flow of the river was injuriously diminished in its course through Kansas. Colorado answered, in a manner strikingly suggestive of a European diplomatic communication, that Colorado's duty was to her own citizens and to conserve their interests, whatever might be the consequences to neighboring states; that there was nothing in the Constitution of the United States or in the laws of Congress made in pursuance thereof, that would prevent Colorado from doing as she might please with waters within her own boundaries. But in response to this typical "might is right" answer the Supreme Court declared that it would, in a proper case, enforce the law of nations, which prohibited any unreasonable diversion of the waters of an international stream to the prejudice of a lower riparian state, saying:

"Sitting, as it were, as an international as well as domestic tribunal, we apply Federal law, State law and international law as the exigencies of the particular case may demand."

An interesting aspect of the Supreme Court's jurisdiction as a Court of Nations is also seen in Georgia v. Tennessee Copper Co. (206 U. S. 230), in which the state of Georgia had filed a bill in the Supreme Court to enjoin the operation of certain Tennessee copper smelters near the Georgia state line on the ground that the fumes were destructive of vegetation in the northern counties of Georgia. The defendant argued that the state had no standing in court, since it owned no property that was subject to damage from the alleged fumes, but the court said:

"The case has been argued largely as if it were one between two private parties; but it is not. * * * * * * * * * * This is a suit by a state for an injury to it in its capacity of quasi-sovereign. In that capacity the state has an interest, independent of and behind

the titles of its citizens, in all the earth and air within its domain * * * * * * * * * * When the states by their union made the forcible abatement of outside nuisances impossible to each, they did not thereby agree to submit to whatever might be done. They did not renounce the possibility of making reasonable demands on the ground of their still remaining quasi-sovereign interests; and the alternative to force is a suit in this court."

The peculiar character of the Supreme Court's jurisdiction over controversies between states is also shown in the fact that the ordinary rules of law and procedure obtaining in private litigation are not applied when states are the parties litigant. The states are given every opportunity to settle their disputes by negotiation, and judgment will be entered by the Supreme Court only when, on failure to reach an agreement, the contestants must have had recourse to arms in the absence of judicial determination. This is best illustrated by the controversy between Virginia and West Virginia because of West Virginia's refusal to pay her share of the common debt when she separated from Virginia. After long and fruitless negotiations Virginia haled West Virginia before the court in 1906. West Virginia demurred to Virginia's complaint on the ground that the Supreme Court had no authority to enter a money judgment against a state since it had no means of compelling payment. The court overruled the demurrer and ordered West Virginia to answer (206 U. S. 290). In so doing the court thus commented on West Virginia's implied threat not to pay:

"When this court has ascertained and adjudged the proportion of the debt of the original state which it would be equitable for West Virginia to pay, it is not to be presumed on demurrer that West Virginia would refuse to carry out the decree of this court. If such repudiation should be absolutely asserted, we can then consider by what means the decree may be enforced. Consent to be sued was given when West Virginia was admitted into the Union, and it must be assumed that the legislature of West Virginia would, in the natural course, make provision for the satisfaction of any decree that may be rendered."

In 1908 the case was again argued on motion to appoint a master to determine the amount of the debt payable (209 U. S., 514). The master made his report in 1910, and in 1911 the court entered a decree fixing the amount payable by West Virginia to Virginia, but gave further time to West Virginia to review the calculations in order to detect any possible errors. In so doing it said that the case was

"no ordinary commercial suit, but * * * * a quasi-international difference referred to this court in reliance upon the honor and constitutional obligations of the States concerned rather than upon ordinary remedies." (220 U. S., 1, 36.)

West Virginia still manifested great reluctance to pay the amount of the decree or to take any steps looking to such payment. Virginia in the latter part of the same year asked the court to proceed at once to a final decree. West Virginia stated, however, that she wished still more time to negotiate and reach a settlement with Virginia. Accordingly more time was given, with no better effect upon West Virginia's readiness to pay (222 U. S., 17). Again, in 1913, Virginia moved the court to enter final judgment. Again West Virginia asked for more time to consider the matter, and more time was given (231 U. S., 89). When the case again came up, in 1914, West Virginia asked leave to file a supplemental answer setting up additional credits and set-offs claimed. Again the Supreme Court refrained from entering a final judgment, saying that since the suit was not an ordinary one between individuals but was a controversy between states involving grave questions of public law determinable by the Supreme Court under the exceptional grant of power appointed by the Constitution, the defendant state was not to be pressed to a judgment until every consideration that it desired to advance had been given its proper weight (234 U. S., 117). Not until June, 1915, was a final decree entered. (238 U. S., 202.)

A petition for writ of execution filed by Virginia denied on the ground that the legislature had not yet met since the rendition of the judgment. (June 12, 1916)—(36 Sup. Ct. Rep. 719.)

It will now be said that even if we admit that the Supreme Court in trying controversies between states sits as an international court enforcing the law of nations and that its decrees have been so fully respected, yet the same result could not be expected with reference to the decrees that might be entered by a court in causes to which sovereign and independent states not members of any confederation were parties. But it is interesting to observe in the fascinating history of the Supreme Court of the United States that in no single instance has that court ever called upon the Executive to enforce one of its decrees by the military or naval forces of the Federal Government. The decrees of the court have been obeyed through respect for compelling public sentiment. The people of the several states came to recognize that it was the wise and sensible thing to do to submit their controversies to a learned, just and impartial court rather than to go to war about them. But it was not in every case that public sentiment brought about such a commendable result.

In some instances it has been strongly opposed to the decree of the Supreme Court, and in several specific cases, the orders of the court have been wilfully and deliberately disobeyed. Just before the establishment of the Constitution the state of Pennsylvania used its militia to prevent the enforcement of a decree of the Federal Court

acting under the Articles of Confederation. The state of Georgia not only refused to obey the decree of the Supreme Court in the now famous case of Chisholm v. Georgia (2 Dall. 419) but it passed a law making it a capital offense for any judge in the state to recognize the Supreme Court's judgment. The Georgia authorities likewise refused to obey the decree of the Supreme Court in Worcester v. Georgia (6 Pet., 515). It was of this case that President Andrew Jackson made his famous statement, "John Marshall has made his decision; now let him enforce it."

In 1854 the people of Wisconsin became so excited over the slavery issue that the state Supreme Court refused to obey the mandate of the Supreme Court of the United States with reference to the conviction of one Booth, who had aided the escape of a slave (21 How., 506). This magnificent defiance of the Supreme Court by the state of Wisconsin and the consequent doctrine of states' rights erected upon such defiance remained the principal political issue in that state for some three or four years.

Thus it appears that the enforcement of the inter-state judgments of the Supreme Court ultimately rests upon the public sentiment of the people of the several states of the Union; that when that sentiment is opposed to obedience to the decree it has been successfully defied, but that now the sentiment in favor of submission to the judgment of this great court has become so overwhelming that such a thing as disobedience to its orders, even in the case of a state, is hardly conceivable.

The compelling power of international public opinion to enforce the judgments of conventional tribunals is shown in the history of arbitration between nations. It is painfully evident that arbitration and arbitration tribunals are not adequate preventives of war, partly because arbitral awards are compromises resulting from diplomatic considerations of concession and expediency, rather than judgments of a court according to the law and the facts, and thus satisfactory to neither contestant, but the results of such submissions as have been made afford valuable evidence on the question of whether sovereign and independent nations would submit to the judgments of an international court if once established. We have records of some two hundred and forty cases voluntarily submitted by nations to arbitration. Many times the resulting award has been bitterly disappointing to one of the parties, as notably in the Alaska Boundary arbitration, and in the case of the Alabama claims, where there was bitter complaint of the fairness and correctness of the award, but in no single case has any country refused to abide by the award actually made. The ready acceptance of the decisions of the International Waterways Commission, of near and peculiar interest to us in Minne-

sota, supplies further evidence of the unwillingness of any nation to face the scorn of the world that would be visited upon the people who should repudiate an award.

The great war in Europe, now entering upon its third year, has taught the world much. At the beginning, when the Teuton exultantly took arms to make good his place in the sun by casting a deep shadow upon all his neighbors, when the Frenchman bravely sallied forth to rescue the lost provinces of Alsace and Lorraine, and the Italian gaily set forth to redeem "Italia Irredenta," there was undoubtedly much sympathy with Treitske's false doctrine, given such brutally frank expression by General Bernhardi, that war is a necessity for the highest moral development of man. War now stands revealed to us in all of its hideous barbarism, destructive of all that is best worth preserving in civilization, whether of body or spirit. War is bad, unreservedly bad, so bad that there is only one thing worse—national dishonor in cowardly submission to wrong. War is the scourge of mankind, and this war now devastating Europe is unquestionably the greatest disaster that has ever befallen the human race, and all the world now knows it.

No one can know when the war will end or how; but sooner or later it will be ended, and civilization will awake from the dreadful nightmare that has fallen upon it; will awake to see ruined cities, devastated fields, trade and industry paralyzed, and many lands filled with widows and orphans, wrecked homes and broken lives. And then it is probable that war will be detested as never before in the history of the race. Then will come the favorable hour to take the next great step forward in the development of law and order in human relations. A great conference of the nations of the world, somewhat similar to the Hague conferences of the past, may be held, and at this conference a world-wide agreement may be reached limiting the military and naval armaments of the several nations to a police basis, say to a certain fractional percentage of the population and the gross shipping tonnage of the respective nations. It may establish a real international court authorized to issue writs and to hear controversies between states and determine them according to the law and the facts, and create a small military and naval police force of strictly non-national character, or preferably supplied by some small country like Holland, whose ambitions cannot be such as to excite the suspicion or antagonism of the great powers, such force to be under the control of the court, and to perform the functions of the marshal or bailiff of one of our municipal courts.

If such a convention is made, I think it is reasonable to hope that the conditions existing at the close of hostilities will be favorable to the rapid upbuilding of a world-wide opinion in favor of the

observance of the terms of the treaty, and submission to the court in accordance with its provisions. When a dispute arises between two nations, if the defendant before the court should refuse to respond it would be so severely condemned by the rest of the world that it would be unable to sustain its rebellious position either in negotiations or, if the worst came to the worst, by force of arms. If a decree should be entered, the whole force of the enlightened opinion of the world would be behind it so as to compel obedience, unless unhappily it should involve one of those great and fundamental causes of conflict which divide large portions of mankind one from the other. It can never be expected that wars arising from disputes about the fundamental things of the world's life can be avoided, but there are few such wars. Certainly the one now raging cannot be so regarded. The abatement of the huge armaments that have made Europe during the last forty years a great armed camp will remove the dangerously explosive factor in international relations. A death wound could not be inflicted on a nation in a fortnight, and the knowledge that six months or a year must elapse before a dangerous army can be equipped and put in the field will tend to produce that calm and deliberate procedure in diplomatic relations that is favorable to the substitution of an orderly legal arbitration for the horrors and unspeakable waste of war. May we not, then, reasonably hope that now is the time to make this great forward step toward establishing the rule of law among nations—a step so long and sadly delayed?

It is quite true that many difficulties are to be encountered, some of them hard to overcome. But certainly any plan for settling disputes between nations as a substitute for the stupid and barbarous trial by battle is worth trying. It is probable that the plan, even if tried, would at first frequently fail to accomplish its purpose. But let us remember that the settlement of disputes between man and man by courts rather than by force was of painfully slow growth. For hundreds of years in the history of our own English law the more powerful individuals in the community were able successfully to ignore the law and the courts. Even now, after nearly a thousand years of development of our system of judicial settlement of disputes, there are many instances in which it does not work very successfully. Even in this favored country it does not, in all cases, prevent attempts to settle disputes by force and violence, as in the case of the distressing conflicts between labor and capital. But the mere fact that our legal system sometimes fails of its high purpose to make law and order universal, affords no reason for condemning or renouncing the whole system.

The substitution of the judicial settlement of international dis-

putes for war and violence, the reduction of the lawlessness and chaos that now rules in the community of nations to the rule of law and order will, in any event, be slow and painful, but the bereaved and oppressed in the war-torn countries of Europe, and the spirits of our children and their children's children who, unless relief be found, must bend their backs under the staggering load of military preparedness, call to us to make no delay in beginning the process. (Applause.)

MR. PIERCE BUTLER: I move that the thanks of the Association be extended to Dean Vance for the excellent and very interesting and brilliant address which he has given us.

MR. STONE: I heartily second the motion.

Motion carried by unanimous rising vote.

MR. WASHBURN: Gentlemen: The committee has felt justified in stating to the hotel management that it should provide for two hundred guests tonight, and no more. 150 tickets have been sold up to this time; and if there are others who want them they should be secured without delay.

I have been asked by the City Attorney of Duluth as to what sort of clothes he is to wear tonight. I should say that in the matter of clothes, and some other things, our banquets have always been considered rather informal, and this will be no exception to the rule. (Applause.) Now, this banquet is "all right." It will not be a Bacchanalian riot, but it will not be dry, either. (Applause.) It will be a dignified but enjoyable occasion—especially dignified—as you might guess by a glance at the present gathering. (Cheers.)

PRESIDENT BURR: Before we listen to Mr. Congdon, I want to say that he was another "midnight" appointment, and the last of them; and when he has done, I would like to have you ask yourselves the question, and perhaps express your opinion privately to the officers, for their guidance for another year, as to the advisability of such programs occasionally; that is, having all the speakers from our own ranks. This year we have had no speakers except from the membership of our own Association. The administration can claim no credit for this, be-

cause we tried to do the other thing. But I have about come to the conclusion that we are a good deal better off than if the efforts of the administration in the other direction had been successful. (Applause.) This is not a boast; it is a confession. I think the incoming administration might like to know whether or not you think this is a pretty good plan to follow in the future.

(The President here escorted Mr. Congdon to the platform.)

MR. CONGDON:

Gentlemen of the Minnesota State Bar Association:

It has been wisely said that all government rests either upon self-interest or upon fear.

It is a commonplace that the reason which justifies the democracies of the world is that this form of government results in the well being of the greatest number of people.

To accomplish that end, the law of the land is determined by the will of the majority, upon the theory that every man will vote for and support that which will be to his interest; and in this way the advantage of the greatest number of people will be attained.

There is nothing altruistic in this theory of government. It assumes that every man participating in the government, through his ballot, will act with an eye single to his own interest.

Since the will of the majority must determine the course of government, and since all are presumed to vote for their own interest, it has been believed that the rule of averages will work out a result which will benefit more people than will any other form of government.

Of course, this will in turn depend upon whether the majority realize what is to their permanent advantage.

It is a matter of universal knowledge that the greatest weakness of a democracy is always shown in its intercourse with foreign nations.

This is due to the fact that the majority of the people have never had the desire nor the opportunity to inform themselves on world politics, and therefore cannot express at the ballot box any opinion of value.

No man, whether he be the citizen of a republic or the kaiser of an empire, can safely advise a nation upon a subject of which he knows little.

Again: It is only a wise and far-seeing man who can correctly weigh the hardships of the future against those of the present. Therefore, the great majority of the people would rather muddle along some

way, than to voluntarily undertake present difficulties in order to avoid future calamity. This is the real reason why so many of us are unwilling that our country should be put into such a condition that it will not be to the advantage of any nation to attack us.

It is true that we never give this reason. Perhaps we are unconscious of it. At all events, it is more gratifying to our vanity to rest it upon our superior Christian character and prate of our determination to serve humanity by our unselfish example. But the fact remains that this country—the most perfect dwelling place for man on earth, the richest loot mankind has ever seen—continues unprotected while an armed world, in wars which stagger the imagination, is demonstrating that no nation can exist unless it has the physical power to protect itself, a fact which has been proven over and over again since the beginning of authentic history.

Thus, while to that famous inhabitant from Mars we may seem to be actuated by some other motive than self-interest, yet in fact we, as a nation, are determining our conduct by what we, rightly or wrongly, deem to be our advantage.

We have decided that our interests as a nation will be better served by trusting to the loving kindness of an armed and conscienceless world than by compelling it, through our own force, to leave us in the enjoyment of our land and the power to govern ourselves.

God grant that we are right! He will surely pity us if we are not.

But I digress. I wished only to emphasize the fact that the cornerstone of a democracy is the self-interest of its individual citizens.

For this reason the men or parties asking the people for power have appealed to their self-interest. They have attempted to point out to each voter the particular benefit that will accrue to him if they are entrusted with power.

I speak in the past tense because it seems to me that the form of the political argument is changing—indeed, has changed. The voter is less often told of the advantages that he will secure by supporting certain candidates, but he is threatened with the dire calamities that will befall him if he fails so to do. And these threats are followed up by legislation which is injurious to those classes of voters which did not support the successful party. The question which I submit for your consideration is this: Does the change in the arguments used in a political campaign indicate a change in the substance of our government?

Are we passing from a government which rests upon self-interest to one which rests upon fear? And if so, what will be the end of the transition?

Some three years ago I was about to take a long sea voyage, and before going aboard ship I bought as many newspapers from all parts of

the country as I could find. From them I got the idea that perhaps we are now ruled by fear. I was amazed to discover that in the discussion of public questions threats and vituperation had taken the place of arguments. Consider with me a few facts.

A few years since, any man who differed with the President of the United States was a liar. Today whoever criticizes the policy of the President is a traitor who would plunge his country into war to make money out of Mexican investments or the manufacture of munitions. We have probably had more federal impeachments, or threatened impeachments, within the last ten years than for a century before. In this way, the bench is inspired with fear. Recently we went so far that when a Congressman was indicted for a crime, his fellow Congressmen aided him in the attempt to impeach his prosecutor. The question of the guilt or innocence of the indicted man was not mooted in Congress.

A foreign admirer of our system of government said, long ago, that an increase in political impeachments would be an evidence of the degeneracy of the republic.

All lawyers having clients of large affairs know that the business men of this country are so terrorized by fear inspired by political threats that they have become moral cowards, and hesitate or refuse to assert their legal rights in the courts or elsewhere.

We can daily read in the newspapers costly advertisements in which corporations are pleading for that treatment which the constitution and the laws of the land purport to guarantee to them. Upon the business of the country is piled the burdens which ignorance and avarice always accumulate. And the lever which transfers these loads from the shoulders of the incompetent to those of the efficient is that of fear.

This of course means the ultimate submerging of all; because all mankind can be divided into two classes, those who lug and those who are lugged. If those who are carried increase the difficulties of the burden bearers to a point beyond endurance, all will go down together.

We have a curious illustration of the way in which fear is used to coerce the voters, in the pending political campaign. Both parties pretend that they do not want the votes of our Teutonic citizens, and we see in the newspapers cartoons in which one party represents the other as angling for such votes; but exclaiming with holy horror that it wants none itself.

This attitude is taken, not to inspire our German citizens with fear, but from an even meaner motive than that, if possible, viz: to make other voters believe that the voters of German blood would betray our country for the advantage of the land of their ancestors, and that therefore any party which has their support cannot be safely trusted with the government.

I am forced to say, in passing, that, basing my judgment upon those Germans with whom I have a personal acquaintance, there is not a single class in the United States which has a greater consciousness of the necessity for national defense, and a greater willingness to undertake and endure whatever is required to preserve our homes and the right to govern ourselves, than that possessed by our German citizens. I have yet to find a German who believes that it is better to meet our enemies with "fearless love" than with a well trained army; or that it is better to "serve humanity" than it is to protect our country.

Without fear of successful contradiction, I assert that if our Government, during the last ten years, had crystallized into action the beliefs of our German citizens on national protection, there would not be today a nation on earth considering what of our belongings they most desired, and when would be the opportune time to take them.

Whatever may be their faults, no men of Teutonic blood, since Cæsar found them in the Germanic forests, ever hesitated to protect their homes.

A similar outrage, perpetrated for the same purpose, is the abuse being heaped upon the Catholic church, by a newspaper which shall be nameless.

Thus we have a great race and a great church villified to the end that political power may come to the slanderers.

I hold no brief for either the Germans or the Catholics, but I regard the existence of such conditions as ominous for the well being of the republic.

When our leaders teach us that the way to political success is by terrorizing part of the voters, it is not a far step to the time when a compact body of voters will terrorize all other voters. Indeed, that is about to be done today when the transportation system of the country is to be tied up for the ostensible reason of increasing the wages of its employes, but for the real purpose of hastening the taking over of the railways by the government.

Today in New South Wales, and other neighboring states, the Government is the creature of an irresponsible body, in whose choice the voters have no voice.

If our present drift continues, the day is not far distant when the most powerful man in the country will be selected by a few. Indeed, it is already believed by many that the real master of the country today is a British subject.

Should the railroads be taken over, in form by the government, in substance by an organized minority of voters, we shall promptly know who are our real rulers.

The next step after frightening the voters is to terrorize the government. This is the easiest job in the entire transformation, because,

while there are patriots in America they rarely find their way to Washington.

I have read much in our press about our heroic soldiers who are ready to sacrifice their lives for their country, but I cannot recall that I ever read of a politician or statesman of this generation who was willing to sacrifice his career for the good of his country. Indeed, I do not remember that I have ever seen it suggested that such a thing is possible. We are, therefore, safe in assuming that it is impossible. This being so, it is easy to understand with what avidity a public official will listen to any noise which sounds as if it might come from a large body of voters; and thus we can readily see the facility with which terror can be made to creep into the heart of a public official.

It is, therefore, no wonder that the attempt to put it there is already being made; of course, the necessary result is that until the unhappy official can determine whether the noise which he is hearing really emanates from a large body of the voters, he lives in a state of distraction and either attempts nothing or else attempts all things. It seemingly never has occurred to him, that, like the soldier on the battle line, he should do his best, regardless of what may befall him.

I present to you the latest attempt to terrorize a government. It is now transpiring in this county. Last week certain men were committed for trial on the charge of murder, for killing a deputy sheriff in the discharge of his duty. Their friends, in mass meeting, denounced the Governor and the county officials and made sundry "demands" upon him and the local officials, and threatened to "shut every industry in the United States" unless their incarcerated friends are promptly released.

The meaning of these resolutions is best summarized by a quotation from the speech of a man who was influential in their passage. He said: "To hell with the governor! To hell with the sheriff! The I-don't-give-a-damn policy is the only method by which to win this strike." So accustomed are we to this kind of political argument that it did not even excite comment outside of this city.

This shows, better than aught I could say, that government by fear is now being attempted in this country. And there are interests which are expending money and much effort to facilitate the distribution of this fear.

A Mr. Walsh, lately a prominent official in our national government, is masquerading as the chairman of a committee on industrial relations; which falsely encourages the belief that it is a part of our government, and which uninformed citizens such as I, long thought it to be. It goes to the expense of sending out what it calls "investigators" who "report" on what they say they find. Even when I read their "report" on the conditions which they claimed to have found in this

county, I still believed they were government officials, though I knew that some of their statements were false, and that all were grossly exaggerated.

These facts are interesting in that they demonstrate the existence of organizations for the influencing of political results by appeals to prejudice and hate. There are leaders of parties who would achieve political power through the passions of people. If this can be accomplished, it means that our government will rest on fear; and, therefore, whatever may be its form, it will have ceased to be a democracy.

The people of this country have come from all lands and every clime. They speak many strange languages. They worship at many altars. Their lives and those of their ancestors have attached them to an infinite variety of customs. They bring from every land a different view of civilization. Their ideas of liberty vary as does their blood. Never in the history of the world was the power to govern vested in so many people differing so in opinions, customs and interests, real or fancied.

It follows, therefore, that, more than any other nation, must the people of this country be tolerant of the opinions and acts of each other up to the point, but not a hair's breadth beyond it, where such expressions or deeds tend to weaken the republic.

Composed of such heterogeneous material as is our country, any disintegrating influence is pregnant with greater danger to our nation than it would be to a people of common blood, language and customs.

A hundred million people, of such diverse origin as ours, can govern themselves only by the strictest adherence to well defined rules of action. Once the passions of millions of such a people are aroused, no man can foresee the end. Their very number intensifies the danger. Therefore, he who by word or deed teaches contempt for law, or would substitute for its dispassionate control the hates of any of the people, is the enemy of all the people, and, if he succeed, will be the assassin of their liberties.

The supreme moment in the history of the world is approaching. We are entering the most perilous period which we, as a nation, have ever seen. If we hope to survive, we must meet it with a united people, and not one torn into factions by prejudice and hate. We must yield our views on minor matters that we may keep the liberties we have. We are the greatest republic the world has ever seen.

A profound publicist and a great admirer of our form of government wrote, nearly a century ago: "The history of the world affords no instance of a great nation retaining the form of a republican government for a long series of years."

After denying that this fact would apply to the United States, he added: "But it may be advanced with confidence that the existence of

a great republic will always be exposed to far greater perils than that of a small one."

It is a suggestive fact that the reasons which he gave for thinking that this country would not follow the experience of other large republics have largely ceased to exist. It is also a suggestive fact that we are an old nation as the lives of nations go. There are very few governments which have the same form that they did at the time of the adoption of our federal constitution. We are among the "elder statesmen" in the family of nations. Can it be possible that we have about run our allotted period?

De Tocquerville said, in his admirable study of our government, "I cannot believe that a republic could subsist at the present time if the influence of lawyers in public business did not increase in proportion to the power of the people."

He places this efficient aid of the legal profession in the maintenance of free government squarely upon the proposition that "lawyers are attached to public order beyond every other consideration, and the best security of public order is authority."

If De Tocqueville is right as to the part which the men of our profession must play to maintain the liberties of the republic, is it not time that we of the bar seriously asked ourselves whether we are doing our full duty to the republic; and if not, why not?

But we should not forget that we can serve our country without holding a public office. (Applause.)

I am sorry to say that I have just reached what I was going to talk about. I was going to talk to you about the duties of the bar toward public affairs, and the operation of our government. And you see I have just gotten to it, but I will have to stop. (Prolonged applause.)

MR. ALLEN: For his timely, courageous, interesting and instructive address, I move you that Senator Congdon is entitled to the thanks of this Association.

Motion seconded and unanimously carried.

(Short recess.)

Treasurer's report read by Mr. Bradford, who stated that the report had been audited and approved by the Auditing Committee.

On motion made, seconded and duly carried, the report was accepted and adopted by the Association, and placed on file.

TREASURER'S ANNUAL REPORT.

RECEIPTS AND DISBURSEMENTS OF MINNESOTA STATE BAR ASSOCIATION.

August 6th, 1915, to August 4th, 1916.

Debit.

Receipts from all sources—		
Balance on hand, August 6th, 1915		$1,145.41
Annual dues 1916 and delinquent	$2,254.00	
Three life memberships	75.00	
1915 banquet tickets, John M. Bradford	74.50	
1915 banquet tickets, W. H. Stewart	177.00	
1915 banquet tickets, Jenks & Quigley, see letter March 11, 1916	36.25	
		2,616.75
Total		$3,762.16

Credit.

Disbursements—	
Printing, binding and mailing 1915 Proceedings	$1,175.53
Other printing and postage	25.00
Paid H. L. Schmitt, hotel bill of James R. Mann, St. Cloud	2.60
Paid H. L. Schmitt—James R. Mann, expense trip to St. Cloud	21.55
Paid Charles A. Boston, trip from New York to St. Cloud	118.81
Paid Robert Gehan, music 1915 meeting	14.95
Paid E. V. Dahlquist, music 1915 meeting	14.60
Paid Walter Mallory, services and expense of quartette to St. Cloud	62.60
Paid Roth Hotel Co., account 1915 meeting	35.00
Paid D. S. Hayward, Prop. Grand Central Hotel, St. Cloud	297.36
Paid E. J. Lien, postage and express, 1915 meeting	4.18
J. M. Witherow check returned for want of funds	3.00
George Seigel check returned for want of funds	3.00
Refund—George W. Granger 1916 dues	3.00
Evans-Holmes Co., printing and postage	98.50
Postage	41.02
Sundries	439.13

Expense of Committees—		
Paid Business Letter Co. for multigraphing and addressing notice of adjournment of meeting of District Judges	1.30	
Paid Evans & Co. for 1,000 copies of Reports of Committees	101.25	
Paid Albert R. Allen for printing, postage and expense of Membership Committee	61.98	
Paid Evans-Holmes Co. for 1,500 Committee Reports, 50 "Unfair Laws" and postage and envelopes	180.60	
Paid St. Paul Letter Co., 97 sets of Summons and Complaints and postage Membership Committee	5.22	
		$2,710.18
Balance on deposit with National Bank of Commerce, St. Paul		$1,051.98

JOHN M. BRADFORD, Treasurer.

MR. A. H. BRIGHT: I would like to move the thanks of the Association to Mr. Stone for his long and faithful service as our Treasurer.

Motion seconded and carried unanimously, all rising.

PRESIDENT BURR: We will proceed in the regular order of business with the discussion of the report of the Committee on Ambulance Chasing. Mr. Child had the floor at the time we adjourned last evening.

MR. CHILD: The purpose of the committee is simply to bring these bills before the Association and leave it for their consideration. It was not our purpose to argue the desirability or the merits. I went over them yesterday and now will recapitulate somewhat. The first bill is not a criminal statute. Some people and some members would discuss this bill as though a violation of the statute would constitute a crime or misdemeanor. There is nothing of that nature in the bill. It was thought by many that all the powers given to the Supreme Court were already there. But the Supreme Court has disclaimed any right to regulate the soliciting of business.

No. 1, the first bill, is meant to regulate the conduct of attorneys by further defining what wilful misconduct in one's profession is, and makes it include: (a) which practically covers the ambulance chasing part of the proposition; (b) which simply prevents an attorney from trying cases which cannot be solicited under (a); (c) which operates against the attorneys who through claim agents obtain unconscionable settlements; (d) which is self explanatory; and (e) which is what was already in the statute, somewhat broadened to include the New York statute.

The suggestion has been made that in (b) we are authorizing an attempt to permit an attorney to try cases handled through "a commercial collection agency," and that that gives the city collection agency an advantage over the country business. If that would or could be so interpreted, then I see no objection to changing "agency" to "business." I think "business" will cover it just as well. That term "agency" was not considered in that light by the committee.

As to the second bill, No. 2, this is an attempt to remedy, insofar as practicable, hospital and bedside settlements. It is not a fraud statute. It does not attempt to touch the question of fraud or fraudulent settlements and does not purport to. It places a limit of six months upon those cases that are settled contrary to the provisions of the statute, a sort of statute of limitation of six months for bringing action in those cases.

As to bill No. 3, which is the statute against the importation of cases. It is the same as it has stood from the beginning. It was framed by the old committee and is, I think, as it was framed in 1914. It is at least the same as it went before the 1915 legislature, and the same as was presented to the last convention, and it is especially urged by Judge Cray, who was upon those committees, and who is upon the present committee.

I would ask the opportunity for two or three members of the committee, who have some ideas upon this proposition, to present their ideas now, before the discussion opens. I think Mr. Carmichael and Mr. Cherry would have something to say.

MR. CARMICHAEL: I think Mr. Child has presented the bills pretty well, so that the discussion could intelligently take place now. I want to say a few words before the discussion begins, so as to clearly outline my position, which may not be entirely clear from the report. The committee's report as it is stated here, for the bill No. 1, contains an exception clause as to commercial collection business. Now I am on record as being opposed to that exception. I have taken that position so as to bring the issue squarely before this body. I have a conviction, and it has been my conviction all the time, that there should not be any distinction made; that if solicitation by the means indicated is wrong as to one kind of business, it is wrong as to all kinds of business. But after that matter is carefully considered by this body, if this body in its wisdom decides that the exception clause shall go in there, I want you all to understand that I shall abide by its decision in that matter.

MR. PUTNAM: Let me ask one question with reference to that clause, "except one involving a claim handled through a commercial or collection agency." Mr. Child suggested changing the word—

MR. CHILD: That word "or" is a misprint.

MR. PUTNAM: Yes. What is there to hinder, under this provision, a commercial agency or a collection agency bringing an action for the handling of personal injury right to him, and he can go right ahead—If there is anything to prevent them doing it, in the language of that Act, I would like to have some man that understands the proposition more thoroughly explain it.

MR. CARMICHAEL: You mean, if the exception clause remains in there?

MR. PUTNAM: Yes.

MR. CARMICHAEL: I don't know anything that would prevent them incorporating a personal injury business along with the rest.

MR. BRIGHT: How would you define the word "claim"—"commercial claim?"

MR. CARMICHAEL: I presume it is understood that the commercial collection business means the collection of commercial accounts, commercial business as distinguished from damage suits.

MR. SHEARER: May I suggest the question—would it not best clear that up by inserting the word "commercial" between "a" and "claim"—"involving a commercial claim"? I take it that is the meaning of the sentence.

MR. WASHBURN: Why not use the word "accounts"?

MR. CARMICHAEL: Of course, my point of view is, why have the exception in there at all?

MR. CARMICHAEL: As to bill No. 3, the venue bill, it is my position that if bills No. 1 and 2 are enacted into laws exactly as they are, or substantially as they are, that bill No. 3 is superfluous, is unnecessary and will encumber and delay, you might say, the work of getting enacted into laws the other two bills.

The importation of cases into this state is dependent upon solicitation. Anyone who has studied the situation knows that the percentage of cases which would come from another state into this state, if there was no organized solicitation, would not be large enough to make any difference at all, and if you eliminate the solicitation, the business of organized solicitation of business of that nature, you would eliminate at the same time and by the same means the importation of business. For that reason I think that it is unwise for the three bills to go before the legislature carrying along this third bill which has been attacked on the ground of constitutionality, because I think it is superfluous. That bill may tie up the other two bills before the legislature. They will probably be considered as Bar Association bills, the three bills all together, and if one is held up, they will probably all be held up; and for that reason I think it is a mistake. However, my position is the same in that as to the other bills; if you in your wisdom see fit to approve it, I

am not going to the legislature to oppose the bill—I will stand behind the action of this Bar Association. The principal objection that was made before the legislature to the other bills that we undertook to get through the 1915 legislature was that they singled out one class of business. Of course there was the objection to the contingent fee bill, but that is eliminated, as I take it, by the phraseology of the present bill. I think in going before the legislature we will accomplish the best results by refraining from presenting any bill which attempts in any manner to single out or differentiate between kinds or classes of business. We must take the position before the legislature that we condemn solicitation by the means referred to, no matter what kind of business it is.

Now as to this bill No. 2, referring to the releases. The objection has been made that if a bill of that kind is enacted into law it should provide for the return of the money in case the release is sought to be avoided, or that a bond should be put up by the parties seeking to avoid the release. This bill is designed to protect and give a remedy principally, if not entirely, to those who have been inveigled into signing improper releases, and if you impose the condition of the restitution of the money or putting up of a bond, you will substantially, if not entirely, defeat the very remedy that you are undertaking to give by the bill. Now you cannot, in my judgment, design a bill covering this subject which will be agreeable to everybody. I have discovered a decided diversity of opinion on this whole matter and we have to strike a middle course somewhere. This is what the committee has agreed upon as a middle course, as to that particular bill.

I want to urge that in the consideration of this matter we try as far as possible to consider it, not from a narrow self-interest point of view, but from the point of view of interest to lawyers as a class in the state of Minnesota, and leave the personal element out of it as to how it may affect me individually, or how it may affect some other fellow individually, but considering rather how it is going to affect the lawyers of the state of Minnesota as a class. I do not think there is any

doubt but that we will consider it from the self-interest point of view, whether we admit it or not. What is best for the lawyers in this matter is what we should determine, and what is best for the lawyers in that respect is necessarily determined by what will give us the best status of the lawyers of the state of Minnesota. In that we must take into consideration their relation to the public. We have to consider, one after another, some of these points in order to agree upon some definite bills. I think that the postponement of an agreement would be prejudicial to the interests of the lawyers of this state, and I want to urge at this time that we consider these bills dispassionately and sincerely and endeavor to get together calmly, each conceding all that he possibly can. (Applause.)

PRESIDENT BURR: Gentlemen, shall we continue to follow the suggestion of Mr. Child and hear from other members before the subject is open to general discussion? In the absence of objection I will assume that that is the course.

MR. CHERRY: As I understood the procedure, we are not now undertaking to discuss the forms and phraseology and exact effect of any bill. Each bill will come before you upon a proper motion. I do think, however, that some general features ought to be presented at this time. In the first place, those who were present at the meeting in St. Paul in 1914 may remember what took place at that meeting in this regard. Some of us were not there, and some who were there may not remember clearly what happened, so I will speak of it briefly, because that is the foundation of what we are doing now. At that time there was a report of the Ethics Committee which made some sweeping statements about practices which obtained at the bar of this state and made certain recommendations for bills which would attempt to remedy the conditions which were found to exist. There was considerable discussion, and at the close of what was, I understand, practically an all-night session outside of the Association, there was a resolution unanimously passed by this Association which I think ought to be read at this time. It was

on Mr. Jenks' motion and it will be found in the 1914 proceedings:

"WHEREAS, The report of the Ethics Committee of this Association and the discussion of the same have sharply called attention to the fact that there exists among members of the bar of the state certain practices which are clearly unprofessional and reprehensible;

"NOW, THEREFORE, BE IT RESOLVED, That unprofessional and unethical conduct on the part of the attorneys of this state be unequivocally condemned by this Association; and, to the end that such practices as have been called to the attention of this meeting be remedied as soon as may be,

"BE IT FURTHER RESOLVED, That a special committee of five (5), to be appointed by the President, shall, in co-operation with the Ethics Committee, be directed to present to the next session of the legislature such proposed bills as will, in the judgment of such committees, after careful consideration, best promote a reform of existing conditions."

I think we should not now depart from this resolution. It was resolved unanimously at that meeting, after heated discussion, that these conditions existed and that there should be found, if possible, a remedy for such conditions. At this time we should recognize that our discussion is one of ways and means solely, taking into consideration the bills which have been drawn by the committee appointed pursuant to the resolutions adopted last year at St. Cloud. We attempted to secure a plebiscite or referendum in this Association so that we might have an expression of opinion of those who cannot or do not care to, or for some other reason do not, attend these meetings. We got such a feeble response that I do not think it worth while to make any announcement concerning it.

We have the bills now before us for discussion, and I want to say that the three bills taken together represent an attempt by your committee to meet the whole situation, because no one bill would do it. Therefore, even though the bills are considered separately, each one on its own merits, there ought nevertheless to be an understanding that we are attempting by three bills to meet one set of conditions.

Just one word about the first bill. In the first place I think

it ought to be borne in mind that we have adopted one of two possible ways of meeting the Ambulance Chasing situation. We have attempted to provide for the disciplining of attorneys for such practice. It is possible that the bill this year to be presented to the Wisconsin Association—and to their legislature if adopted by that Association—will provide that such practices shall constitute a criminal offense. In the opinion of your committee that was not a wise way to attempt the solution of this problem, for several reasons. In the first place, as a matter of policy, it seemed to me much wiser to attempt to clean our own house, that is, for the lawyers themselves to attack problems of professional ethics and to take them to the Supreme Court, without interposing the grand jury or a petit jury, and all the machinery of the criminal courts in these essentially professional problems.

In the second place, the action will be more concerted than would otherwise be possible.

You will notice that the first bill is an attempt to amend the present statute on the disbarment of attorneys. We followed, so far as we could, the plan outlined by Mr. Boston last year, as carried out under the New York statute. We know that the New York statute has been a factor for the greatest good in that state, and in the final subdivision of the second section of our first proposed bill there appears much of the language of the New York statute, the language under which the New York court has found ample power to take care of all situations which have arisen.

I wish to call attention to the fact that this bill is not aimed at one particular class of attorneys to the exclusion of others. The attempt was made to present a statute under which our supreme court could meet any situation which might arise from now on, whether or not it might now be contemplated by your committee, or by this Association.

I think further discussion of these bills in general is not warranted at this time; but I do hope that at this session we may dispose of the whole matter. This is the third session at which this particular situation has commanded considerable

time, and it does not help the bar of this state to have laymen feel that the principal thing we have to meet for is to discuss the failings of one another. We have the situation to meet. Resubmission to another committee will not gain us anything; they would meet with the same difficulties, find the same perplexing problems, the same difficulties in a very delicate situation; and I think the committee wants to urge upon you that at this time we dispose of this matter, that we find out what bills we do want, and that as a net result of our discussions, we have definite measures to present to the legislature, with the approval of this Association, with the backing of this Association, and with the expectation that they will be enacted into law and will do their part in remedying the situation which confronts us.

PRESIDENT BURR: Mr. Webber, you were a member of that committee. Have you anything to offer at this time?

MR. WEBBER: I have nothing to add to what my associates upon the committee have said to you. The committee had a difficult problem. I agree with Mr. Cherry that this Association has gone upon record as to the practices which these bills seek to remedy. The Association has taken action upon them, and has gone on record as deprecating these practices. The only consideration, as Mr. Cherry has said, now is one of ways and means. These bills have been submitted as the results of the best efforts of the committee.

I do agree with Mr. Carmichiel, and personally I would eliminate subdivision "b" from Bill No. 1. I do not think there should be any exception. I mean only the exception clause, not the whole subdivision. I do not think there is anything in Bill No. 1 that any self-respecting attorney ought to object to, if he has a high conception of his duties, and a high regard for his profession. It is one of the ways and means. The committee were not entirely agreed on the bill, but it is presented for your consideration. I think the labors of the committee, Mr. Chairman, ought to be presented to the bar as a whole, and let

the members discuss these matters with a hope of doing away with those practices which we, as lawyers, have condemned.

MR. CHILD: The report having been presented to the body, in accordance with the custom, I move you that the report of the committee be received and filed, and I take it there will be no discussion on that motion. I wish then, to move, that each bill be approved by this Association, and recommended to the next legislature for adoption.

Motion seconded.

PRESIDENT: Those in favor of the report being received and filed, say "Aye." Motion carried.

MR. CHILD: I move you that Bill No. 1 be approved by this Association, and that it be recommended to the next legislature for adoption.

Motion seconded.

PRESIDENT BURR: That motion puts before the meeting for discussion this so-called Bill No. 1, and the question is open for debate.

MR. CHILD: I assume that the discussion on this bill will not exclude the discussion of the other bills at the same time.

PRESIDENT BURR: I suppose that is permissible.

MR. McDONALD (of Bemidji): I move you, as a substitute for the motion, that, for the purpose of amending this act, subdivision "b" of Section 2 be amended by striking out the words "except one involving a claim through a commercial collection agency, under established and customary methods." I make this motion for the reason that if there is—and we all agree that there is—objection to the soliciting of business, it is as strong to the solicitation of commercial business as any other. I want to remind the members that our Bar Association has adopted the code of ethics formerly adopted by the American Bar Association, as our code of ethics. Am I correct?

PRESIDENT BURR: I believe you are correct.

MR. McDONALD: The code of ethics of the American Bar Association was prepared after considerable deliberation. The question of what rules of conduct should govern the members of the American Bar Association, was determined by the submission to each member of the American Bar Association of the proposed code of ethics, for approval or disapproval or other criticism of each one of those rules of conduct; and it was after such action on the part of the American Bar Association and such an opportunity for expression of each member of that Association, that they adopted the code of ethics that now govern this Association. So far as each member of this organization is concerned, I am of the opinion that this legislation is not necessary; it is not intended to reach any member of this Association, because, I think, that his own regard for himself and his profession is sufficient restraint, and the fact that he is violating one of the provisions of the code of ethics of our Association is a very strong restriction in itself. But from what we know and from the information gained from the report of our committee a year ago, we realize that there is a condition which may have to be dealt with, and perhaps that ought to be dealt with. My own opinion is that this first bill should read as follows: "An attorney at law may be censured, suspended or removed by the Supreme Court, for any one of the following causes arising after his admission to the bar: 1. For the conviction of felony or misdemeanor involving moral turpitude, and the record of conviction shall be conclusive evidence in either case; 2, for wilful misconduct in his profession," and stop right there. But it is the judgment of these men who have given this matter more consideration than I have, that they should go further; but if we should go further than that, we should strike out this exception. I do not know that the motion is in order.

PRESIDENT BURR: I think it is in order.

Motion seconded.

PRESIDENT BURR: Moved and seconded that clause "b" of the second section of Bill 1, be amended by striking out the

words Mr. McDonald has specified. I take it that the question is upon the amendment.

On motion, the Association voted to take the noon recess before voting on the amendment.

Thursday, August 10, 1916, 2 P. M.

Meeting called to order.

MR. DAVIS: I move you to amend the first bill by striking out the subdivisions "a," "b," "c" and "d," and amending "e" to read as follows. "Any wilful violation of his oath or of any duty imposed upon an attorney by law; any fraud, deceit or dishonesty in his profession, unfaithfulness to his client, or any professional advertising or soliciting, or any conduct prejudicial to the administration of justice." Following that, I would favor a resolution to be adopted by the Bar Association, condemning the solicitation of cases by runners or advertising of any kind.

PRESIDENT BURR: Do you offer that as a substitute for the pending motion, or just to amend the report in that manner?

MR. DAVIS: To amend it in that way.

PRESIDENT BURR: Then, as I understand it, Mr. Davis moves as a substitute for Mr. McDonald's motion, that Bill No. 1 proposed by the Ambulance Chasing Committee, be amended in the manner he has stated.

MR. F. A. DUXBURY: I second the motion.

MR. JENSWOLD: This bill, as I understand it, is aimed at all lawyers that act in an unprofessional way. It is the only way in which legislation of this sort should be requested, and the only legislation which is fair. But I rise to ask why this chair-

man and yourselves continue to call this ambulance-chasing legislation. I do not believe the wrong is all on one side. There is just as much wrong on the other side, not alone in actions of tort, but in other cases. And while I am heartily in favor of this bill, I do protest against its being styled an ambulance-chasing proposition. (Applause.)

PRESIDENT BURR: Since Mr. Jenswold has referred to the characterization given it by the Chair, I think I ought to say that I simply followed the phrase used in the reports themselves, and in the debates. I had no intention of reflecting upon any individual or class. You all know my personal views. I have simply used the phrase which has become common among us.

MR. CHILD: The bills were so designated in the resolution appointing this committee. That is the official name of this committee.

MR. F. A. DUXBURY: I seconded the substitute motion proposed by Mr. Davis, because it was identical with what I intended to make, myself, but he secured the recognition of the Chair before I woke up. I am not saying that in a complaining spirit, at all, but I want it understood that I was quite in harmony with the motion.

I want to say further, in reference to the matter, that this substitute motion is prompted by the very suggestion which is involved in that question. It is an answer to the inference that this bill is aimed at any particular line of business or professional activities. It should not be. This Association cannot afford to lend itself to that sort of thing, and that is why this substitute motion is made. That is based upon the general principle, which I believe is right, that no legislation of this character should attempt to define and specify those particular acts, or a particular case, which ought to disbar a man. The trouble with this particular specification was that it seemed to specify just those particular offenses which have grown up in connection with certain lines of practice—that line of practice which has been characterized by the name which this Association can-

not afford to give any credit to, and that is the chief reason why we object to it. The bill, in the form it would be in if this substitute motion prevailed, cannot be characterized as a bill aimed at any practices except those which are unprofessional, and which ought to disbar a man; and it leaves to the proper tribunal, the Supreme Court of the State of Minnesota, to judge in each particular case whether that particular case constitutes conduct which will be prejudicial to the administration of justice, or will be the violation of an attorney's oath, and leaves it to the Court to determine what amounts to that particular thing.

The other system of legislation would be an attempt of the legislature to define what ought to disbar a man. I think a body of lawyers ought to admit that the Supreme Court can better judge in an individual case whether a man should be disbarred than the legislature could be expected to define those things. They are better judges of what is professional conduct and what interferes with the administration of justice. In the second place, they inquire into details; and the legislature must have the powers of prophecy, to be able to properly define those particular offenses which ought to disbar a man. The trouble with the whole thing in its present form is that it is an attempt to specify certain things which interfere with the practice of certain men, in favor of the fellows who are on the other side—a thing which we cannot afford to lend ourselves to.

I believe, if this substitute motion prevails, we will then have a bill which will pass the next legislature, and I am satisfied that you can never get a legislature to lend itself to specifying certain things set forth in the language which appears in this bill. We would want a general expression; we want the judgment of the court as to what will violate these principles, and that is all we want.

MR. WEBBER: What is to assist the Court in determining—

MR. DUXBURY: If we haven't a court in the state of Minnesota, which can determine whether or not a particular set of facts is prejudicial to the administration of justice under the

rules of the common law and ethics of the profession, we would better get another court. God help us!

MR. JENSWOLD: I may not know what professional conduct means, or professional ethics, but according to my idea there is not a thing in this bill, so far as it is printed in this book, that does not meet my hearty approval, except the characterization to which I referred; and I believe that every provision here should be applicable to every member of the bar and that there should be no exceptions.

PRESIDENT BURR: Gentlemen, will you vote on the motion whether Mr. Davis' substitute amendment should be substituted in place of the other? This does not mean adopting the amendment, but adopting it as a substitute for Mr. McDonald's amendment. Will you vote on the question?

MR. WASHBURN: Let us substitute Mr. Davis' amendment for Mr. McDonald's amendment, and then let us have it read.

PRESIDENT BURR: Are you ready to vote on the question whether the Davis amendment shall be substituted for the McDonald amendment? That is the question before the house.

Motion put and carried.

Mr. Davis re-read the amendment.

PRESIDENT BURR: The question before the house is on the amendment proposed by Mr. Davis. Are you ready to vote on this amendment which has been substituted?

(Cries of "Question.")

PRESIDENT BURR: The question is upon Mr. Davis' amendment, with which you are now, I hope, sufficiently familiar. Those in favor of the adoption of the amendment will manifest by saying "Aye."

Division is called for. Those in favor, please rise.
The motion is lost by 39 to 34.
The question now recurs to the original bill.

On motion duly seconded and carried, the meeting at this point took up the election of officers, and the following officers were elected:

President—Mr. Frank Crassweller, Duluth.
Vice-President—Mr. George W. Buffington, Minneapolis.
Secretary—Mr. Chester L. Caldwell, St. Paul.
Treasurer—Mr. John M. Bradford, St. Paul.
Assistant Secretary—Mr. John M. Bradford, St. Paul.
Librarian—Mr. Elias J. Lien, St. Paul.

PRESIDENT BURR: We will now hear from Mr. Webber, reporting the nominations for Board of Governors.

MR. WEBBER:

Mr. President, your Committee on Nominations begs leave to submit the following names to constitute the Board of Governors:
First District—Albert Schaller, Hastings.
Second District—Royal A. Stone, St. Paul.
Third District—Edward Lees, Winona.
Fourth District—Burt F. Lum, Minneapolis.
Fifth District—Jas. P. McMahon, Faribault.
Sixth District—Benj. Taylor, Mankato.
Seventh District—A. H. Vernon, Little Falls.
Eighth District—W. C. Odell, Chaska.
Ninth District—George T. Olson, St. Peter.
Tenth District—F. A. Duxbury, Caledonia.
Eleventh District—I. K. Lewis, Duluth.
Twelfth District—J. M. Freeman, Olivia.
Thirteenth District—A. J. Daley, Luverne.
Fourteenth District—Ole J. Vaule, Crookston.
Fifteenth District—Elmer E. McDonald, Bemidji.
Sixteenth District—Lewis E. Jones, Breckenridge.
Seventeenth District—A. R. Allen, Fairmont.
Eighteenth District—Godfrey G. Goodwin, Cambridge
Nineteenth District—Edwin D. Buffington, Stillwater.

Respectfully submitted,
(Signed) M. B. WEBBER,
JOHN G. WILLIAMS,
JAMES D. SHEARER,
WARREN E. GREENE,
JNO. M. BRADFORD.

PRESIDENT BURR: You have heard the nominations.

MR. CARMICHAEL: I move that the Secretary be instructed to cast the unanimous ballot for the nominees mentioned.

The motion was seconded.

PRESIDENT BURR: Gentlemen, the steam roller is in splendid working order. Shall she roll?

VOICES: Yes. Let her roll.

The motion was unanimously carried, the ballot cast, and the gentlemen named were declared elected.

PRESIDENT BURR: It is suggested that we take up the provision for clerical assistance for the Secretary. If there is no objection, a report of that committee will be received at this time.

MR. BUFFINGTON: The committee appointed by the Chair for this special purpose, has considered the question of compensation, incidental to the office of the Secretary of this Association, and in behalf of the committee, I move that the Secretary of this Association be allowed, for clerical work and assistance, the sum of $600 per year.

Motion seconded and unanimously carried.

MR. STONE: I ask to offer the following resolution, and move its adoption:

RESOLVED: That the Minnesota State Bar Association approves the plan announced by the Law Faculty of the State University to publish "The Minnesota Law Review," and hereby authorizes the Secretary of the Association to accept membership on the editorial board of said publication and to make such use of the pages as he may deem best in order to make the work of the Association more widely known and to promote its growth and efficiency.

Motion seconded, put and carried.

PRESIDENT BURR: We will now resume the regular order of business.

MR. JENSWOLD: I move that we strike out the word "letter" in subdivision "a."

MR. H. L. SCHMITT: Second the motion.

Carried.

MR. JENSWOLD: I move the further amendment of the bill by striking out the words "by any person," at the close of subdivision "b;" these are the words which were added by verbal amendment, or addition, by Mr. Child, in submitting the bill, and are not in the printed copy. That will leave the subdivision "b" as it is printed.

MR. CHILD called attention to the fact that the word "or" in the third line of subdivision "b," and before the word "collection," was a misprint and should be eliminated.

MR. VAULE moved as a substitute motion that subdivision "b" be amended so as to read as follows:

"Appearing as attorney in any case or proceeding in any court in this state, excepting in the case of commercial collections, when he knows or ought to know that the cause of action represented by him has been so solicited."

PRESIDENT BURR: That embodies Mr. Jenswold's motion and a further amendment of your own. Is there any second to that motion?

Motion seconded.

Substitute motion accepted.

After discussion, Mr. Vaule withdrew his amendment.

PRESIDENT BURR: The question now before you is on the amendment proposed by Mr. Jenswold, which strikes out from subdivision "b" the words which were inserted at the end, which do not appear in the printed report, and leaves that subdivision for the time being—until some further amendment is made—exactly as it is printed. Are you ready to vote on that?

MR. CARMICHAEL: I want it clearly understood, that if the words "by any person" are removed from that section, it means that any attorney who desires to do so may have an organization of runners and may get their business and try the cases, if the cases have not been solicited by attorneys. The amendment should be voted down.

MR. DAVIS I don't think it means anything of that kind. But if these words are not stricken out, it leaves it in the hands of any claim agent to come into court and say, "You solicited the case," whether you did or did not; and it puts you at the mercy of dishonest clients and others.

PRESIDENT BURR: The question is on the amendment proposed by Mr. Jenswold, which has already been stated. All in favor say "Aye." Opposed, "No." The Noes have it and the motion is lost.

MR. VAULE: I move my amendment.

PRESIDENT BURR: I think Mr. Vaule's amendment is understood and that it need not be restated.

Motion put and carried.

PRESIDENT BURR: The subdivision is so amended.

MR. SLATER: There appears to be in the minds of some members of the Association a question as to a possible ambiguity in Section 2, subdivision "a"; that question is whether or not the word "soliciting" is modified by the words "by means of a runner," etc., or whether it stands by itself and is not so modified. My own judgment is that it is so modified. In order to remove that possible ambiguity, I move that subdivision "a" of Section 2 be amended so as to read as follows:

"Soliciting by means of a runner or solicitor, or soliciting by means of any book, circular, pamphlet, or other soliciting matter, or by means of any other soliciting agency, any professional employment, or causing or permitting such solicitation."

MR. CARMICHAEL: I second the motion.

MR. CHILD: I think the committee sees no objection to that amendment.

Motion put and unanimously carried.

MR. JENSWOLD: I now move that this bill be approved, as amended.

Motion seconded.

PRESIDENT BURR: It is moved and seconded that the Association approve Bill No. 1, as we call it, as it has been amended. And I take it, Mr. Jenswold, that your motion includes the usual provision for reference to the Committee on Legislation with directions to present to the legislature?

MR. JENSWOLD: Yes.

Motion unanimously carried.

PRESIDENT BURR: The bill is unanimously approved. That brings us to Bill No. 2.

MR. CHILD: I move you that Bill No. 2 be approved by this Association, and that it be recommended to the next legislature for adoption.

MR. CARMICHAEL: Second the motion.

Motion put and lost.

MR. CHILD: I move you that Bill No. 3 be approved and recommended to the next legislature for adoption.

Motion seconded, put and carried.

MR. CARMICHAEL moved for reconsideration of Bill No. 2.

Motion seconded by Mr. Vernon.

MR. DAVIS: Did Mr. Carmichael vote against that bill?

MR. CARMICHAEL: I did not vote against that bill.

MR. DAVIS: Then I rise to a point of order.

The Chair ruled that the point of order was well taken.

MR. STONE: I did vote against that bill, and in order that it may be reconsidered, I desire leave to make the motion which Mr. Carmichael made.

Motion seconded.
The motion was carried.

MR. H. L. SCHMITT: I move that the bill No. 2 as proposed, be amended by striking out the words "may be avoided within six months by the commencement of an action for damages"

and inserting in lieu thereof the words "shall be presumptively void."

MR. JENSWOLD: I move that the bill be amended by striking out the words "within six months," so as to let this apply to the case, no matter when it is brought, within the statute of limitation. And also to add to it these words, "provided that this section shall not be applicable to any case where a settlement under the existing law would be voidable."

PRESIDENT BURR: Mr. Schmitt, do you accept that as a substitute for your motion?

MR. SCHMITT: Yes.

Motion seconded.

PRESIDENT BURR: The question before you then, is upon the amendment proposed by Mr. Jenswold.

MR. RAY: I would like to move to amend Mr. Jenswold's motion so that the section will read as it now does, but would have at the end a sentence equivalent to this, "The provisions of this act shall be in addition to and shall not limit the right to avoid any settlement or a release under existing law."

(Discussion.)

MR. STONE: As a substitute for all motions before the house, I move you that the bill now under consideration be amended as follows, so that the last clause of the first sentence shall read, "may be avoided if based upon inadequate consideration or unfairly or unconscionably entered into, by a commencement of action for such damages." I am willing that the proposed substitute motion should incorporate "that the provisions of this act shall be in addition to and shall not limit the right to set aside or make void a settlement or release under existing law"—which was Mr. Ray's suggestion.

Motion seconded:

PRESIDENT BURR: Are you ready for a vote on the substitute motion of Mr. Stone?

MR. JENSWOLD: I move to lay this entire motion on the table.

Motion seconded.

Motion put and lost.

PRESIDENT BURR: The question now is on Mr. Stone's amendment, or the substitute amendment.

MR. MCDONALD: I would like to ask the members of that committee if it is not a fact that organized labor is now opposed to the passage of Bills No. 1, No. 2 and No. 3, and that other organizations have so expressed themselves.

MR. CARMICHAEL: If that is a fact I do not know it. I have been informed that persons claiming to represent organized labor have circularized the prospective members of the legislature with reference to the old bills, but not with reference to the new ones.

MR. MCDONALD: My information is that they are opposed to this particular bill. We have been discussing this with reference to practical legislation. We who have been in the legislature know that we can not always get through the legislature what legislation we want as we want it; and the question that is now before this Association is whether or not, in order to secure the passage of Bill No. 1, we have to recommend Bill No. 2 when we don't believe in the passage of Bill No. 2. This is a matter for this Association. My judgment is that we do not do ourselves credit when we recommend the passage of one bill that we are in favor of, and then recommend another that we are not in favor of for the purpose of passing the bill that we are in favor of.

Motion put and lost.

PRESIDENT BURR: We now recur to the amendment, as I recall it, of Mr. Ray.

Motion put and carried.

A MEMBER: I move the adoption of the proposed bill, with Mr. Ray's amendment.

Motion seconded.

MR. CHILD: I assume that the motion stands. If my motion does not stand, there ought to be a motion that it be recommended to the legislature for adoption.

PRESIDENT BURR: That is the understanding.

A MEMBER: To cover the situation I move the previous question on Mr. Child's motion, on the bill as amended under Mr. Ray's motion.

Motion seconded and unanimously carried.

PRESIDENT BURR: The question recurs to the original motion, as amended by Mr. Ray's substitute amendment, which is the original bill, plus Mr. Ray's amendment.

Mr. Ray read his amendment.

PRESIDENT BURR: The question is on the motion to adopt the recommendation of the committee as amended by Mr. Ray's substitute amendment.

Motion put and carried.

PRESIDENT BURR: The motion is adopted.

We will now listen to the report of the Committee on Incorporation of the Association, by Mr. Schmitt.

MR. SCHMITT: The majority report is signed by four of the committee members and the minority report is signed only by myself. The majority report signed there recommends the incorporation of this Association. The minority report recommends against that proposition and recommends the appointment of a new committee consisting of one member from each judicial district to which this question of incorporating the bar of the state and giving the bar itself the right to admit to practice and the right to discipline and expel from practice, shall be referred. I, therefore, move you that a committee consisting of one member of this Association from each Judicial District in the state be appointed, and that this question and the questions

involved be referred to that committee with instructions to report at the next meeting.

Motion seconded.

SECRETARY CALDWELL: I have before me the remarks of Mr. Morgan on this subject and I ask to have them incorporated in the proceedings without reading them.

PRESIDENT BURR: If there is no objection they will be so incorporated.

MR. H. A. MORGAN:

Mr. President and Gentlemen:

As a member of the Special Committee to Consider Incorporation of the Association, etc., I desire to submit or present to the Association certain suggestions that appeal to me as being pertinent to the precise subject involved.

The question of changing the law relating to admission of attorneys by diploma or through the Board of Examiners in Law is not before this committee; nor is the question of amending the laws relating to discipline, suspension or disbarment; nor any matter, other than the question of incorporation and compulsory membership in the corporation when incorporated.

In the course of his address at St. Cloud, our distinguished visitor, Mr. Boston (P. 45), expressed himself in part as follows:

"Finally, my own view is that the discipline of the bar could be best maintained if the entire state bar were itself a corporation, with a general council, charged with duty of prescribing by-laws for its goverance not inconsistent with law, such by-laws to include a statement of the principles of professional conduct to be observed by the entire bar. This is the method of organization of the bar in the province of Quebec (and I understand that the bar in the larger cities, or at least of Montreal is organized as a similar corporation, a constituent of the larger one). It is the method of organization, as I understand, of the medical profession in almost every province of Canada. It is the method of organization of barristers in England, who are called to the bar, disciplined and recalled, if necessary, by the Inns of Court (corporations) of which they are members, and not by the courts themselves."

On the same page of his reported address Mr. Boston says in part as follows:

"As for the discipline of the bar, it seems to me that in New York we have solved the question already, so far as efficient machinery is concerned, through co-operation of the legislature in empowering the

courts, the courts in exercising the power, and the bar associations of the largest city, at least voluntarily entertaining and investigating all complaints of unprofessional conduct and presenting to the courts those considered to call for discipline, and finally in a Committee on Professional Ethics engaged altogether in an educational work. But I still view the expense of these disciplinary proceedings to be an unjust burden upon the bar associations. It seems to me the expense should be borne by the state or county. For this and other reasons, I have advocated official bodies supported by the state to do the work now assumed by the Associations at their own expense."

This does not, in my opinion, dispose of or solve the question before this committee.

What Canada or Great Britain have done regarding this subject or in respect to lawyers and doctors is not important, as I view it, as our constitutional limitations are not applicable to them in any sense of the word.

I do not understand, however, that there is any universal requirement in Canada or Great Britain whereby the qualified members of the bar are required to belong to an association or corporation as a condition precedent to the practice of law, or to continue in the practice of the profession.

I have in mind that there is a broad distinction between the right of the individual to practice his profession or calling after due qualification and examination and revoking such right unless he complies with some arbitrary rule or requirement not originally contemplated.

ATTORNEYS AT LAW.

Lawyers are admitted to practice in this state under provisions of chapter 35 (section 4945 Gen. Stat. Minn. 1913) and may be removed or suspended as provided in that chapter; but no part of such provisions point the way to require an attorney to do anything outside of his profession, like joining or becoming a member of an association or corporation, as a condition precedent to the practice of his profession.

PHYSICIANS AND SURGEONS.

Comparative reference may be made to the State Board of Medical Examiners as having power to take from practicing physicians and surgeons the right to practice. Section 4970 (Gen. Stat. Minn. 1913) provides for the Board of Medical Examiners and subsequent sections provide for the revocation of the license of any person "guilty of immoral, dishonest or unprofessional conduct," subject to the right of the applicant to appeal to the District Court; but this does not require any member to join a medical society or corporation or pay an annual fee.

OSTEOPATHISTS.

Section 4993 establishes the State Board of Osteopathy and regulates the practice of that profession and the qualifications of the applicant and the conditions under which he may be admitted to practice in this state, and provides for the revocation of license for misconduct and other prescribed causes, but not for failure to join an association or corporation or for non-payment of dues or an annual fee.

NURSES.

Section 5000 provides for the Board of Examiners to license professional nurses in this state and prescribes the duties of the board and qualifications of the applicant, and for revocation of the certificate for sufficient cause after due notice and a fair hearing, but not for failure to join an association or society or corporation, or for non-payment of dues.

DENTISTS.

Section 5015 provides for the Board of Dental Examiners and subsequent sections fix the qualifications of applicants for license to practice dentistry in this state and the conditions under which such license may issue, and section 5020 provides for the payment of an annual fee and for revocation of license upon twenty days notice for non-payment of the annual fee.

OPTOMETRISTS.

A Board of Optometrists is provided for in Section 5022, containing appropriate regulations for examination and certificates, and providing for an annual fee to be paid to the board, and in default of payment upon hearing after twenty days notice that certificate may be revoked, but like all of the provisions relating to this and kindred subjects it will and must be noted that no certificate holder is required to become a member of any association or corporation as a condition precedent to the practice of his profession.

PHARMACISTS.

The State Board of Pharmacists is provided for in Section 5029, and subsequent sections define the powers and duties of the board and qualifications of applicants and conditions under which license to practice the profession may be obtained, and Section 5036 provides for an annual fee. It must be observed that the certificate contemplates and is granted in the first instance upon the condition that every certificate and renewal thereof shall expire at the time therein prescribed, not later than one year from its date. In State vs. Hovorka, 100 Minn.

249, the Supreme Court sustained the annual fee of two dollars upon the ground that it was for the support and maintenance of the machinery provided by statute for the regulation of pharmacy and not a charge upon those engaged in that occupation.

Other Boards and Boards of Examiners are provided for under the General Statutes with the appropriate authority to examine and certify as to fitness, as follows: EMBALMERS (Section 5049); BARBERS (Section 5055); ACCOUNTANTS (Section 4962); MIDWIVES (Section 4982); HORSE SHOERS (Section 5068); AUTOMOBILE EXAMINERS (Section 2368); VETERINARIANS (Section 5063); ELECTRICIANS (Section 5082); PRIVATE DETECTIVES (Section 5090).

It will be observed that the annual fee is provided for or exacted only in respect to pharmacists, dentists and optometrists, and it must be kept in mind that the exaction of such a fee has been sustained by our Supreme Court upon the ground stated in State vs. Hovorka, above referred to, upon the ground, to-wit: "It is imposed only as a charge upon those engaged in the business of pharmacy for the support and maintenance of the machinery provided by statute for its regulation."

I am convinced that the General Statutes of Minnesota are sufficiently broad to enable the Minnesota State Bar Association to incorporate.

COMPULSORY MEMBERSHIP.

As I view it this Association, incorporated or unincorporated, cannot compel all lawyers of the state to join or become members.

INCORPORATION BY LEGISLATIVE ACT IMPOSSIBLE.

Section 2, Article 10, State Constitution (P. 2093, Gen. Stat. 1913) reads:

"No corporations shall be formed by special acts except for municipal purposes."

In Gardner vs. Railroad Co., 73 Minn. 517, our Supreme Court held that the stockholders were estopped from asserting the unconstitutionality of the act of 1881 by reason of the fact that they had organized and accepted the benefits of the act and doing business as a corporation. But this did not change or aim to change the law relating to such matters and could not and did not authorize incorporation by special act of the legislature.

Amendment to Section 33 of Article 4 (P. 2080 Gen. Stat. 1913) of the Constitution of Minnesota, adopted November 8th, 1892, became effective by proclamation December 23rd, 1892, and reads, so far as here appropriate, as follows:

"In all cases when a general law can be made applicable no special law shall be enacted; and whether a general law could have been made applicable in any case is hereby declared a judicial question, and as such shall be judicially determined without regard to any legislative assertion on that subject. * * * The legislature may repeal any existing special or local law, but shall not amend, extend or modify any of the same."

Mr Schmitt's motion was thereupon put and carried.

PRESIDENT BURR: We will now have the report of the Committee as to the Desirability of Establishing a Legislative Drafting and Reference Bureau.

MR. SLATER: I have supplemented the annexed report by some comments on the subject, but it is now late and I will only read to you the recommendation of the committee and leave to your judgment the question of whether that recommendation be adopted.

That report is found on page 45 of the Reports of Committees and recommends that the President be authorized, in his discretion, to continue the present committee or to appoint a new one, to further investigate and report on the question the coming year, and with that end in view, to co-operate and confer with the American Bar Association committee having the subject in charge, and with similar committees of other bar associations; and, if the committee is disposed to recommend legislation, to present plans of organization, operation and maintenance of such bureaus. I wish to change the wording of the printed recommendation so that it will read, "Your committee recommends that the President be authorized to continue the present committee or, in his discretion, to appoint a new committee"—that is really only a transposition of the clause "in his discretion."

On motion, which was seconded and carried unanimously, the report of the committee was accepted and its recommendations adopted.

MR. VERNON: I have a report which I shall not read but ask leave to incorporate. The so-called Uniform Procedure Bill is still pending in Congress and it has seemed advisable to the Committee to have the Association again adopt a resolution ap-

proving the bill and continuing the special committee to co-operate with the American Bar Association committee. I move the adoption of that Resolution.

REPORT OF COMMITTEE ON UNIFORM FEDERAL PROCEDURE.

The attention of the Minnesota State Bar Association was directed to the Clayton Uniform Procedure Bill, by Mr. Thomas W. Shelton, who addressed the Association at its meeting in St. Paul, in 1914.

At that meeting a resolution was adopted approving the Uniform Procedure Bill and a committee was appointed, of which the retiring President of this Association was chairman. This committee did very active and effective work in behalf of the bill and upon its recommendation, the 1915 meeting of this Association, re-adopted the resolution approving the campaign. Summarized in a sentence, the bill vests in the United States Supreme Court, power to prescribe rules of procedure for the law side of the Federal Courts.

This committee was appointed to carry on the work so ably begun by the committee of last year.

The resolutions of this Association were duly transmitted to the Minnesota delegation in Congress and this committee was very kindly furnished with the correspondence and data collected by the special committee of 1914. This has been of great assistance.

Our President has taken a very keen and active interest in the matter, and in his ex-officio capacity, has probably been the most valuable member of this committee.

While the bill has not yet been enacted into law, owing to the press of other matters and some opposition, notably that of Senator Walsh of Montana, who is a member of the special committee having the matter in charge, it has met with the general approval of the bar, of the Commercial and Credit Association and of the press and public.

The campaign has been directed by the committee of the American Bar Association, of which Mr. Shelton is the directing spirit, and it is largely due to his efforts, that the sentiment of the bar has been so favorably and so strongly aroused and expressed. The American Bar Association and the Bar Associations of forty-five states, have endorsed the bill and are co-operating in the campaign for its enactment. The principles contained in the bill were embodied in the proposed New York constitution and are being agitated in the states of New York and California. The Common Law State of Virginia, in March of this year, enacted a similar law, so that while the Clayton Bill is not yet law, the sentiment in its behalf, is undoubtedly stronger than ever before,

and it is only a question of time, until Congress must yield to the irresistible pressure for the Uniform Procedure Act.

The arguments in favor of the measure have been presented to this Association in the past so ably, that your committee will not reiterate them, but recommends that this Association formally reaffirm its approval of the Uniform Procedure Bill and provide for a special committee to continue the campaign for its enactment, as provided for in the accompanying resolution.

Respectfully submitted,
A. H. VERNON, Chairman.

Motion seconded, put and carried.

MR. BUFFINGTON: The recommendations of the Committee on Legal Ethics were of somewhat general character. I have a resolution which states the purpose more definitely, and I will read the resolution which attempts to crystallize in definite form its purpose:

"RESOLVED, That a special committee of five be appointed by the incoming President, the duty of which committee shall be to confer with the Justices of the Supreme Court, the members of the State Board of Law Examiners and the members of the Legal Education Committee in an endeavor to improve existing conditions pertaining to the admission to practice and discipline of attorneys, and to propose and advance legislation that will enable the Ethics Committee of this Association to make accusations directly to the Supreme Court for censure, removal or suspension of attorneys for causes provided by law, and to conduct proceedings for prosecution thereunder; and the further duty of which committee shall be to devise ways and means of obtaining funds that will enable the Ethics Committee to efficiently perform its duties; and that such special committee have full power and authority to act in the premises."

I move you the adoption of that resolution.

MR. DUXBURY: I desire to second the motion. I think this is one of the most important things that this Association has acted upon.

Motion put and carried.

MR. CARMICHAEL: I wish to offer the following resolution:

WHEREAS, The so-called Clayton Uniform Procedure Bill, vesting in the United States Supreme Court, power to prescribe rules of

practice and procedure for all proceedings at law in the United States District Court, is still pending in Congress:

WHEREAS, The Minnesota State Bar Association approves the principles embodied in said Bill and the efforts of the American Bar Association to modernize and make uniform the procedure of the Courts:

NOW, THEREFORE, BE IT RESOLVED, That the Minnesota State Bar Association hereby formally re-affirms its approval of the Clayton Uniform Procedure Bill, and urges the Representatives in Congress from this state to use their utmost efforts to secure its early enactment.

BE IT FURTHER RESOLVED, That a special committee of five be appointed by the President, to transmit these resolutions to the Senators and Representatives in Congress, from this state, to co-operate in every practicable manner with the committee of the American Bar Association, in its campaign for the enactment of the Uniform Procedure Bill.

And also the following resolution:

"WHEREAS, An amendment of the constitution of the state of Minnesota, providing for an increase of the term of Judge of Probate from two to four years is to be voted upon at the General Election to be held on November 7, 1916;

"NOW THEREFORE, BE IT RESOLVED: That this Association is in favor of the adoption of said amendment."

Motion seconded.

JUDGE BAZILLE: I want to call attention to the need of amendment to the existing law of descent, so that the sixth subdivision of Section 7238, G. L. 1913, shall include personal property. I think that the Legislative Committee of this Association should be instructed to prepare a bill to equalize matters. If it is good for real estate it ought to be good for personal property, and there should be no distinction. I move that the Legislative Committee be authorized to prepare a bill to include personal property as well as real estate under the present law.

PRESIDENT BURR: It occurs to me that under a system which we have approved at this meeting that ought to go to the Committee on Jurisprudence and Law Reform. A motion might be made to submit the question to that committee. I think we should follow our system and refer these questions to that committee. I will entertain a motion to refer this question to the Committee on Jurisprudence and Law Reform.

Motion made, seconded and carried.

MR. S. R. CHILD then read the following resolution:

"RESOLVED, By the Minnesota State Bar Association, that the Judges of the District Court be requested to furnish, the Clerk of Court where the decision or order is filed, carbon copies thereof, and to provide by rule for the Clerk sending such copies to the respective attorneys in the case, or that attorneys be furnished with such copies in such other way as may be deemed advisable. That the Secretary send a copy of this resolution to each of the judges of the District Court."

I move the adoption of this resolution.

Motion seconded, put and carried.

MR. WEBBER: For many years last past, to my personal knowledge and to the knowledge of every active member of this Association, no one member has done more for the promotion of the State Bar Association of this state than our retiring President. He has been present at every meeting; he has given his services in daytime and in night time; he has always responded when he was called upon; and during the past year, since he has been President of this Association, he has given his time in assisting committees that have been appointed. I now move you that, as an appreciation of this Association of the untiring effort of Mr. Burr in behalf of this Association, we signify our appreciation of his efforts by a rising vote of thanks.

Applause, every one rising.

PRESIDENT BURR: Thank you. I will not make a speech, because I have already shown you that I cannot do so. But I have been asked to read the following resolution:

"BE IT RESOLVED, By the Minnesota State Bar Association in annual meeting asembled, that we believe it unwise and unnecessary to burden the office of President of the United States with the task of selecting and appointing clerks of the United State Courts. That the present system under which such clerks are appointed by the judges of the respective districts has worked well in practice and conduced to efficiency and responsibility in that office. We, therefore, hope that Senate Bill No. 3055 now under consideration by the Senate, which

places the appointing power of said clerks, in the President of the United States, by and with the advice and consent of the Senate, be not favorably considered by the Congress.

"FURTHER RESOLVED, That the Secretary of the Association send copies of this resolution to the Minnesota Senators in Congress."

A MEMBER: I move the adoption of that resolution.

Motion seconded and carried.

PRESIDENT BURR (on the floor): I do not want to see this meeting close without there going upon the record some expression of our appreciation and gratitude to the bar of Duluth for the entertainment we have had here. I shall not try to put it into words; because if I really said what I felt and how I feel towards the members of the bar here in Duluth, my voice would become unsteady. They are the best friends I have, they have done everything possible for our comfort, and for our pleasure; they are the best bunch of lawyers in the state; and I want to see a vote of appreciation go on this record. As I am on the floor now, I move you a vote of grateful thanks to the bar of Duluth for what they have done for us.

Motion seconded and carried amid much applause.

PRESIDENT CRASSWELLER (in the Chair): Gentlemen, the bar of Duluth took as much pleasure in any service they may have rendered in trying to make this Association meeting a good one, as you have done in accepting any little courtesies which the bar of Duluth may have tendered you. We enjoy having the Association here. We desire to keep in touch with you at all times, with every member, and we trust that at the next meeting of the Association, wherever it may be, we shall have a good strong delegation from Duluth. I wish also to express my thanks to the retiring President for the untiring work he has done for the Association this year. (Applause.)

Adjourned.

MENU

Canape Romanoff—Pink Garter Cocktail

Celery Radishes Salted Almonds Ripe Olives

Clear Green Turtle, Amontillado

Brook Trout, en Papilotte

Sliced Cucumbers Pyramid Pomme de Terre

Punch, a la Washburn, all the Time

Boneless Squab-Chicken

Asparagus, Sauce Mousseline Sweet Potato Glace

Clover Club Salad

Frozen Nesselrode Pudding

Petit Fours

Cafe Noir

Cigars and Cigarettes

And then—

Mr Howard T. Abbott, of Duluth, Toastmaster

Mr. Stiles W. Burr, of St. Paul, The was President

Mr. Frank Crassweller, of Duluth, The now President

His Excellency, the Governor of Minnesota

Mr. Pierce Butler, of St. Paul

Mr. Frank E. Randall, of Duluth

Mr. L. K. Eaton, of Minneapolis

Mr. Frank B. Kellogg of Minnesota

Mr. Leonard A. Straight, of St. Paul

THE RESPONSES

MR. HOWARD ABBOTT (Chairman): Gentlemen of the Association and Visiting Guests: And the Ladies in the gallery—until a few moments ago, we did not know they were there: We welcome you this evening. About three weeks ago the committee from St. Paul, representing the general Association, came to Duluth to confer with the local committee regarding this program. After a conference lasting some little time, the subject of Toastmaster for the evening was discussed. Numerous names were suggested by different people, and there were many volunteers—Rome G. Brown, Morton Barrows, Pierce Butler—and all were rejected for reasons best known to you. (Laughter). Numerous telegrams were sent throughout the state, but no one responded as he should, and the committee returned to St. Paul with that important matter undecided.

A day or two later I received a letter from my friend Stiles Burr, which was somewhat insistent, and very largely apologetic. He stated that after the committee had reached St. Paul, that the really logical and proper toastmaster of the whole Association had been right there, present at that meeting, and had never said a word. I, gentlemen, was present at that meeting, and one of the most interested members, and I stood there with every appearance of a clear conscience and hope, relying on my friends, and they failed me at the last moment. That, gentlemen, is why

I am here, instead of some of those illustrious illusions who have served before this. (Laughter.)

Before we proceed with the program tonight, I cannot but reiterate what has been stated numerous times in the last three days, that we welcome you here to Duluth. This welcome is genuine. Duluth is the logical place to hold these conventions. You have been here, many of you, before; some of you have never been here until this trip, and some of you who have taken the boulevard ride today have heard considerable about the city. Anything that you have not heard has been, I assure you, the fault of the residents of this community who are appointed to tell you all about it. You have taken the trip of the boulevard, you have seen our size, you have seen our shape. You have realized from what the people have told you, if you have been inquisitive enough to ask, that everything we have here is the largest in the world—the largest ore docks, the largest coal docks, the largest body of fresh water in the world, the largest boat club in the world, and so on to the end. With one exception, one exception that I call to your attention, admittedly so, that the brains of the lawyers, of the northern part of this state, are all situated in men under five feet six in height. (Laughter.) I do not have to call your attention to their names, you see them scattered about; there are Fulton and Forbes and Banning, and if they would just crouch an inch or two, we might let in Washburn and Williams. (Laughter.) And I want to call your attention to the fact that the Toastmaster of the evening at the present moment is standing upon a plank at least two inches in height. (Laughter). As I have said before, you have seen the length and breadth of this city from the boulevard road. How did it impress you? There was a man here last year who delivered a lecture at the First Methodist Church.

A VOICE: Were you there?

THE TOASTMASTER: I was not. That is a church I have not attended this year. After the lecturer had had his ride around the city, he was asked his impression of the city, and he said it reminded him very much of a true story that was told about a

New York man who lived in New Rochelle and had an office in New York. He said that his wife was a very devoted church-worker and at Christmas time they were getting up a program in celebration of Christmas, and that morning when the man left for the city his wife gave him the dimensions of a sign which was wanted to place over the chancel, with the inscription that she wanted made, and sent back to New Rochelle. Of course, the man forgot the whole thing before he got to New York, and he wired his wife that he had forgotten. The next day when he was seated in his Club with numerous of his club members, he received a telegram saying: "Mr. S. S. Hampton, Knicker-bocker Club, New York City. Unto us a son is born ten inches high and twelve feet long," (laughter and applause), and this lecturer remarked that nothing reminded him so much of the city of Duluth as that story that was told on that occasion.

You have heard it said, I have no doubt, that there is no place in the whole city of Duluth where you can meet on the level and part on the square. I assume that is because the whole city is so inclined. You have also heard it said, I doubt not, that it is the only city in the United States where a man can spit two blocks. (Laughter.)

I approach this program this evening with considerable misgiving. Many of the speakers I have known for a long time, some of them I do not know at all and have never met, and I have heard considerable about them one way or the other. There are, however, on the program two names which I presume were put here of necessity. I understand that what these two men will say will be very short and consume but very little time. I must call upon them. The first one that I see on the program is the retiring President. I presume that this is done for the purpose of giving him one more chance. He has worked hard for this Association, he has done good and conscientious work. He is about to retire to the ranks, and I know that his work in the ranks in the ensuing year will be just as exemplary as when he was President and that he only wishes this opportunity to tell you so. Mr. Burr. (Applause.)

MR. STILES BURR: When my brother-in-law, Charles Farnham, some years ago announced to me I had been elected President of the Ramsey County Bar Association—he was boss of the Association and I think he named me as President—he said, "There is one thing I feel I ought to warn you against. The President is sometimes expected to make a speech, but don't you do it." And I pledged myself to him that I would not do it, and I fancy that pledge carries through this year. If I had not had that idea in mind, it would have been put there by what the Toastmaster has said to you. When I concluded my unfortunate speech at the opening meeting of this Association I ended with a prayer, "God bless Duluth," and I think that is a pretty good ending now.

Every member of the State Bar Association who knows anything about the history of the Association and the meetings that are held, knows that Duluth is the best town and that the lawyers are the best bunch of lawyers any town ever had. (Applause.)

VOICES: "You bet."

MR. BURR: Whenever they come here they get the best that is to be had anywhere.

THE TOASTMASTER: You didn't tell me that this morning.

MR. BURR: You are a falsifier! And so I say again, "God bless Duluth." (Applause.)

THE TOASTMASTER: Your apology is accepted but we don't believe a word you say.

The local bar, gentlemen, feels a great deal of gratification at the selection of the President. It came as a great surprise to us. (Laughter.) I noticed the feeling of distress evidenced by my friend Crassweller during the whole of this meeting and especially this afternoon. He is about to assume the office, or has assumed the office, of President. We ask for him the undivided support of this Association. We will give it to him from this end of the line and his whole success for the coming year depends on what you do. A young lady was vaccinated by a physician not long ago and at the conclusion of the opera-

tion she said, "Doctor, will the spot show?" and he said, "My dear young lady, it will all depend on you." (Laughter.)

And I say to you now, gentlemen, that the success of my friend Frank's administration will depend on you. He will do good work himself, and we will support him at this end of the line, and I know you will at the other end. This is the first complimentary thing I have ever said about Crassweller during all the years of our acquaintance. I wish you would tell him about it. Mr. Crassweller.

MR. FRANK CRASSWELLER: Gentlemen. (All standing and cheering.) Gentlemen, I thank you for your kindly reception and I assure you that the election was a greater surprise to me than it was to the Toastmaster. (Laughter.) I think in Holy Writ, it appears—

VOICES: "You ought to know."

MR. CRASSWELLER: I do. "Let him that putteth on his armor boast not as he that taketh it off." If I were my friend Burr, at the close of the most successful year of this Association, at the end of his labors, and with all the glamour and glory of the success of it on his shoulders, I would be full to overflowing, so that I could speak for the whole evening. But for myself, I am at the commencement and not at the end of the year.

I trust I may be pardoned for a little story about the Toastmaster. I didn't know that the Toastmaster was going to be so kindly in his remarks as he was, because he used some very threatening language to me during the first day of the sessions about what he was going to do when he introduced me this evening. It brought to my mind a little story he told me about the time, about a quarter of a century ago, when, young and ambitious, he landed in Duluth and commenced the practice of law.

You may look at the puny, attenuated form of the Toastmaster tonight, and you will hardly understand that at one time he was the champion fullback of two Universities and a

noted quarterback in both Minnesota and Michigan and the captain of a famous baseball team at Michigan University. As I say, some time ago he was talking with me one day about the later days of his university career and he told me about the last three or four weeks of that career. He said, "We had a crackerjack of a baseball team, and I was the captain, and they sent us all down East, and we played with Harvard and Yale and Princeton and Syracuse"— and I don't know all the teams that they played with. They lost only one or two games; they lived high; they dined at the best hotels and had the best meals on the dining cars; they were feted and wined, and when they came back victors, they were met at Ann Arbor by the Mayor of the city and ten thousand people with an immense band, and were put upon the shoulders of their fellow-scholars and carried through the town. And here is the climax. He said, "Do you know, Frank, that in two weeks after that I was sitting on a stool in a little restaurant down here, trying to get a meal for fifteen cents." (Laughter and applause.)

Now as an incentive to the younger members of the bar, I will say that he is in the millionaire class, has a fine summer residence in the city of Duluth, which he occupies about two months in the year, a residence at Pasadena, to which he takes two trips a year, and it may be a question as to where his legal residence is, although some of you who are residents of Duluth may have reason to believe his residence is in the city of Duluth by reason of the educational circular published over his signature advising us how to vote at the last election. (Laughter and applause.) And since the meeting of this association opened I have been taught a little ditty. I can't sing it, so I will say it to you. It was told to me by a very distinguished lawyer from the southern part of the state, whom I will not name. It is as follows:

"One word does not make a conversation,
You must keep right on talking;
One thought will not make you great,
You must keep right on thinking.
One step will not take you anywhere,
You must keep right on walking.
One drink will not make you drunk,
You must keep right on drinking."

Now, while I am not endorsing the last line of that ditty, I do think that it is a principle which we all have recognized, and that is, that persistent perseverance is the only way we can achieve success, and that has been the curse under which this Association has groaned. Those of us who attended meetings of the Association back in 1896 and 1900 will remember that the Association met on the first day of the Supreme Court term after the call of the calendar. We listened to one address from some prominent man and had a banquet in the evening and adjourned. The work of the Association at that time was small and what they accomplished was small, too.

Then my good friend J. L. Washburn became President of the Association and you decided to come to Duluth for a three days' session, and since then we have grown and grown with every succeeding meeting of this Association; and the Secretary informs me today that since 1913, when he took the secretaryship of this Association, we have doubled our membership, and doubling in membership means more than a doubling in influence. We have today, at the expiration of this session of the Association, the satisfaction of knowing that this meeting of the Association has exceeded any previous meeting thereof, as the meeting in each successive year has exceeded the previous year. We have made it a very democratic institution, as it should be, and we believe that we have grown in influence and importance and efficiency and power and good results. And if you will all give to the officers your earnest support, when called upon to act on any committee of the Association, you will find that we will continue our success and that the next year of the Association will be a satisfactory one. I trust that when the next annual meeting occurs, wherever it may occur, we shall find that we have a still larger membership and that the next meeting of the Association will be even more successful than this one. (Applause.)

THE TOASTMASTER: Gentlemen, I assure you that the remarks made by the last speaker as applicable to the Toastmaster are a fabrication, pure and simple. Frank has had that faculty

for a great many years. I understand that he had it when he was a boy. I understand that his father did his best to correct it, but the trouble was, with his father, that he appealed to the wrong side of him. His father appealed to the side of him which in those days had very little capability of understanding. (Laughter.)

What he has said about himself is true, except as amended by what I have told you.

The next speaker on the program, as it was arranged, I am sorry to say is not with us this evening; I refer to the Governor of the state. Some business, I understand, detained him. I also understand that the business was political. It is hard for me to believe it.(Laughter.) I should much rather think that he was detained in St. Paul by a delegation of the I. W. W., but I have been told that it was purely political and that he has not found it possible to be with us this evening. However, I will introduce his secretary, Mr. Andrist, and as Mr. Andrist always tells the Governor what to say, anyway, on occasions of this kind, I am going to ask him, if he is here, to tell us what the Governor would say if he were present with us here this evening.

(At this point Mr. Arnold L. Guesner and Mr. John McGovern presented a skit entitled "A Day in the Governor's Office," which, on account of the copyright laws, we are not allowed to print.)

THE TOASTMASTER: As Toastmaster, I want to thank the gentlemen of Minneapolis for their entertainment, the characters portrayed and so on.

During the course of this little play I was reminded of a story which I had heard about a Jew who had a little dry goods store over in West Superior. He had taken into his employ a young clerk, and once when he was about to leave the store, he called the clerk over to him and said, "Jacob, come here, I will give you my private marks. I make little dots like this for the number of dollars. One dot, one dollar; two dots, two dollars; three dots, three dollars; and so on. I am going down

town; when I come back I want to know what your sales are." He came back in a short time and said, "Jacob, how was business?" "Well," said Jacob, "I sold a pair of trousers for sixteen dollars." "Sixteen dollars for a pair of trousers! Those trousers were only two dollars! Let me see the ticket," and he took the ticket and looked at it and threw his hands up in the air and said, "God bless the flies." (Applause and laughter.)

I think the man in Duluth was better qualified to transact that business than the gentlemen who came from Minneapolis.

Edna Ferber, the author of the Mrs. McChesney stories, at one time, shortly after her story was produced as a play, gave some complimentary tickets to two shop girls whom she portrayed in her various characters. During the progress of the play, in which Ethel Barrymore was the principal character and a rather portly gentleman took the part of the traveling salesman, she invited these two girls to attend the play and gave them tickets. After the performance was over she happened to follow them out from the theatre, these two young girls whom she had thus favored. The first young girl said, speaking to the second one, "Say, the fellow that took the part of that drummer, wasn't he a peach?" "And," said the other, "didn't he have a wonderfully big repertory?" "Well, I don't know about that, I wouldn't want to go that far, but he *is* fat." (Laughter.)

That story was told me the other day by my friend the next speaker, but I am not going to introduce him as a fat man. I am going to introduce him tonight as a man of a distinguished presence and several distinguished absences, Mr. Butler.

MR. PIERCE BUTLER: Mr. Toastmaster, Ladies and Gentlemen, in enumerating the splendors of Duluth, the modesty of the Toastmaster prevented him from saying that it has the biggest-hearted bar in the world. (Applause.)

And by implication he was in danger of leading some of you who do not know him into error. He said that he was standing on a ten inch plank, to make him a little bigger. I think by unanimous consent, those of us who know him will say, that

Howard Abbott needs no plank to stand on to make him a pretty big fellow. (Applause.)

I have nothing to say that will at all justify me in occupying any of your time. As an old member of the present Bar Association, who had an interest in it from the beginning, I want to say that in my judgment the gratitude of the state of Minnesota is due for the work of the outgoing administration, under the leadership of Mr. Burr. (Applause.) I want to say further, that this meeting has demonstrated that this Bar Association is not only a success, but one of the great forces for good today in the state of Minnesota, and we rejoice at a membership of over twelve hundred lawyers in the state, and I predict that in the next administration, with Mr. Crassweller as President, that membership will be doubled. I want to congratulate you upon the attendance of the judges of our courts—our Chief Justice Brown and his associates and the district judges who have come here to fraternize with us. (Applause.) We have a court that the bar loves and that the people have confidence in and who love to associate with their brethren at the bar to the mutual advantage of the bench and of the bar and the welfare of the state. (Applause.)

I rejoice, too, that Judge Morris of the Federal Bench attends these meetings and, as one of the members of the bar of the southern part of the state, I want to say that in season and out of season, when Page Morris is in view, gracious and kind, as he always is, we are all happy.

I think it is due to this Association more than to any other influence, that the present satisfactory relations between the bench and the bar have been built up. The courts and the bar work together. The members of the bar in their conferences such as we have had for the last few days, of course, do not always agree, but no man can sit through these conferences, such as we have had, without having to repeat the opinion of every member of the bar as to every question that we have discussed. We get nearer together, nearer to an understanding of the different points of view that go to make up a state, and I believe that this Bar Association could carry on the work that

it has commenced so well and build up a better relation between the legislative branch of the government of this state and the bar of this state and the people of this state. The members of the legislature, except those present, do not need any reforming. They are as a class independent, intelligent, patriotic and earnest, and I think the next great work of the Bar Association, under the leadership of its proper committees, and possibly the graduate department of the University law school, is to co-ordinate with the work of the legislature. And if the bar does that, it seems to me that its work is pretty well done. And then the next thing is, to see to it that the United States Senate is taken in hand. And I think that with the appearance in that Senate of the gentleman who is present with us tonight, that the sessions in Washington will be in harmony with the spirit of the Bar Association—that is, in harmony with the spirit of Progress,—

These meetings, such as we have had in Duluth, are certainly very pleasant occasions in the busy life of a lawyer, and certainly they seem to me very pleasant opportunities to get acquainted with each other and help one another to serve the state and the public. I thank you. (Applause.)

THE TOASTMASTER: I knew when I introduced the last speaker that he was just the right man to say the right thing, in the right way, in the right time and at the right place and to the right people, and he has fulfilled all my predictions.

A short time ago a lady went into a hardware store here to purchase some kettles. A young clerk showed her kettles by the score, pewter kettles and copper kettles, steel kettles and iron kettles, and granite kettles and all kinds of kettles, and after he had spent some twenty minutes showing her different kinds of kettles, he said he would go down to the basement and see if there was anything more down there, and she said, "No, I was just looking for a friend." And the clerk thought a minute and then he reached up and took down a different kind of kettle and passed it to the lady and said, "Say, madam, perhaps you can find your friend in this." (Applause.)

This speech that is about to be delivered to you by my brother lawyer—I passed it to him. I was looking for a kettle to put that speech in and I found it in my friend, Frank Randall. I made a misstatement a little while ago when I said that originally I was selected as Toastmaster. I was not. My first job was to deliver this speech, so I wrote the speech and when the arrangement was changed, so that I had to take this office, I thought of the simple expedient of passing this speech on to Frank, and he has it now and I am going to ask him to do the best he can with it.

MR. RANDALL: Mr. Toastmaster and Gentlemen of the Minnesota Bar Association. At the very outset, when my confusion and natural timidity are most in evidence, it is perhaps unnecessary for me to state that I have no words of commendation for the judgment of the members of the committee whose activities have resulted in my selection and present predicament. For while I am not unappreciative of the honor thus conferred upon me, it is, I assure you, by no means an unmixed blessing.

Several distinguished friends here present, whose identity I have promised not to reveal (whom to name would be to embarrass), more accustomed than I to appearing before the dread high altar of our law in the Capitol, have recently informed me that they actually enjoy opportunities like the one before me, where they feel wholly relieved of the necessity of being instructive and where they are unconscious of the strain of reducing the generation of their high voltage intellects to a degree sufficient to insure judicial recognition, acceptance and application. I may state in passing—and under the same seal of secrecy as to identity—that one member of that tribunal to whom I have just mentioned this circumstance assured me that they fully reciprocated the preference of my learned brethren; that they always found it easier to listen to them after a good dinner than before one, and that they really felt, at least he so expressed himself, quite as much enlightened from one effort as from the other. And two of his associates, hearing this remark, in no manner expressed the slightest dissent therefrom, one even

suggesting that the maximum of fifteen minutes permissible on these occasions has many advantages over the limitation of one hour prescribed by their own rules.

I do not intend to take any exception to the somewhat insinuating remarks of that staunch defender of the defendant and last assurance of the insurer, our genial Toastmaster, and my reason for adopting this conciliatory course is partially in deference to and in conformity with recent precedent. I believe that occasions arise when a lawyer should be too proud to take an exception. But in the absence of such high resolve, my attitude toward him would be somewhat similar to that of the native son in Judge Taft's favorite story. Had he been with us this evening, I should have respected his copyright thereto, but in his absence and with this acknowledgment, it is available to me.

A new arrival some years since, in a progressive community westward of the grass line, chanced one evening to be one of a group watching an ably conducted trial of skill, the outcome whereof depended almost wholly upon the order in which fifty-two exhibits of varying degrees of relevancy and materiality were successively introduced in evidence. After the trial had progressed for some time, our hero observed one of the participants effecting a delicate and timely withdrawal of four wholesome aces from the bottom of the deck. Greatly agitated thereby, he nudged a native onlooker and said: "Did you see that?" "See what?" "Why, that man just took four aces from the bottom of the deck." The native, exhibiting mild surprise, replied: "Wal, stranger, it war his deal, warn't it?"

And so with the Toastmaster, who tonight in the effulgence of his transient glory, struts and frets his hour upon the stage, only to re-appear on the morrow in his accustomed field of less conspicuous efficiency and characteristic liberality to those of his brothers-in-law, who, forgetful of the admonitions of successive committees of this Association and by exceeding the speed limit of professional activity, have fortunately succeeded in overtaking the ambulance. We know by profitable experience that despite an apparent indifference, no one is more easily touched

by human suffering (under circumstances of legal liability) than is our selfsame Toastmaster.

So if you will keep in mind, whatever may be the result, that it is not my purpose, intentionally at least, to add to the pall of gloom that seems cast upon us by the numerical strength of the speakers of the evening, I will proceed with my discourse.

One of the admitted purposes of our organization—and I use the term "admitted" advisedly—as set forth in our Constitution, is to "cherish a spirit of brotherhood among the members while living and to perpetuate their memory thereafter." I will eliminate the last mentioned object from further consideration for the time being, although I am not entirely unmindful of a few choice spirits whose memory it will afford me the greatest pleasure to perpetuate at the earliest moment it can be done with seemly propriety; and no more suitable subject having suggested itself, I will adopt the remainder—"to cherish a spirit of brotherhood"— as my text, dwelling thereon only occasionally, in keeping with our recognized procedure.

This Constitutional provision would seem to afford all necessary justification for this evening's session, and surely as lawyers together, we ought not to leave undone or unattempted, here in convivial concourse, or in the more sober channels of our daily activities, anything which may tend to make life the more worth living, liberty the sweeter, or the pursuit of happiness more alluring. Upon these memorable occasions, when the inflow of things spirituous co-exists with the out-flow of the generous sentiments of good fellowship inspired by such a theme, the distinguished delegation from Ramsey County are always most conspicuous for their moist co-operation. With that devoted band, no thought of the headache of tomorrow is ever allowed to detract from enjoyment of the present.

The way of the young lawyer, like that of the transgressor, is often hard, although it is to be happily observed that the activities of the latter are frequently beneficial to the former. The converse of the proposition, I regret to state, does not always follow. In passing through the trials of early practice, and par-

ticularly during the prolonged intervals between the same, there come moments of great discouragement when the game hardly seems worth while; when the fruits of professional labor seem neither as luscious nor as plentiful as those to be derived from a well-plied shovel, and when all other pastures seem more green. How refreshing and inspiring at such times to meet with nothing but friendly counsel, warm sympathy and the stimulus of a great fellowship with men who, having passed through the same fiery furnace of watchful waiting and briefless practice, have come out pure gold—and with it.

As the great American Eagle has been prone of late to simulate the gentle and seductive cooing of the dove under most scholarly and noteworthy auspices, so may the great and powerful among us pause now and then to lend a hand—to give a word of cheer to those who, having yet to hear the tuneful knocking of opportunity in the guise of a goodly clientele, sometimes forget that many most excellent clients are still unborn

Nor can it be said that the practitioner of riper years and more extended experience is unmindful of or indifferent to the regard of his fellows at the bar; that he does not enjoy and is not benefited and kept young by associating with men who have almost everything in common with him except his clientele, and perhaps have designs on that. And so it is throughout the rank and file of our organization. True fellowship inspires high resolve, right thinking, and when realized, makes not only possible but probable the attainment of our professional ideals. It robs our work of its tedium, and the state of mind which it brings about makes for efficiency. These things are not debateable, but like many preachments, mean very little unless practiced. Practice, however, is where we shine without artificial illumination. We may justly congratulate ourselves that we are in the fortunate position of being able to contribute much to the uplift of humanity and at the same time charge it for the holdup. Society is enriched because we are of it and not out of it, and the mite of the widow and orphan is afforded an avenue for circulation and is frequently enhanced by a change of viewpoint. We do unto others what they would gladly do

unto us, if we were not lawyers, and by precept and example, teach the public that far from being a necessary evil, it is evil which makes us necessary. We cheer and inculcate a chastening spirit of fortitude in the disappointed appellant who has blown his all in obedience to our confidently expressed assurance of ultimate success, by reminding him that the aberration of the Supreme Court is, after all, only a temporary one, and that it is an ill blow which is not to someone's advantage. In our harvesting we even follow, and glean not unprofitably, after the Grim Reaper, and in so doing, not infrequently are the worthy means of limiting or curtailing the activities of spendthrift heirs and the injudicious investments of too trusting widows.

The Bible tells us that a certain ancient, having placed himself in the hands of his physicians, was, not unnaturally, gathered to his fathers. A popular version in our case might be that the man, having called in his lawyers, thereby lost the gatherings of his fathers. But these aspersions are jocose rather than truthful, and are most frequently indulged in by those who have found that the tablets of the law are bitter only in the mouth of the wrong-doer. They have never, so far as we know, received the formal sanction of any state bar association.

It is true that we occasionally break the laws of our great state, but then only by dashing them upon that great shoal consisting of seven stern rocks situated near the head of navigation in the Father of Waters, and forming a part of a Great Bar, over which no bark may pass unless it be in the service of humanity, piloting by justice and modeled after a historic "Constitution."

I have in mind an experience of one of our great western statesmen, who, facing re-election at the hands of an admiring constituency, had devoted much time to the elaboration of an extemporaneous speech of acceptance to be delivered in the Opera House at the county seat. To his apparent great surprise he was elected, and proceeded with a vast concourse of congratulatory citizens to the appointed place. Feeling that his mother would enjoy the manifest public approval of her son's distinguished efforts in its behalf, he secured for her a place

in a stage box, and before the thunderous applause which greeted his inspired oratory had elapsed into silence, he asked her what she thought of it all. Her reply ran in this wise: "Well, son, it seemed to me that you sort of overlooked several mighty good opportunities. You might have sat down several times before you did."

I am mindful of this lesson. I am about to close. May all our works be ever inspired by all that is good in life, to the end that we do our "bit" in weaving into the fabric of society as it comes from the loom of the great law-giver, purest tints of inspiration and courage to brighten and lessen, if not supplant, the drab hues of suffering, despair and woe—the fruition of evil.

I will now give the Chief Sniper at the head of the table a chance to pick off his next victim. Gentlemen, I join you in giving thanks. (Applause.)

THE TOASTMASTER: I hardly recognize the speech. It reminds me of an incident which occurred here in Duluth. One of the members of our bar has a large family of boys. One of the boys, about nine years old, is religiously inclined. On Easter Sunday morning, while he was yet in bed, he took a tablet and pencil and proceeded to write some poems, one of which was on "Easter." I happened to see one of these poems in the father's office a few days after he had written it. The first verse was something like this:

> "This is the blessed Easter day when our good Lord arose,
> But how on earth he did it, God Almighty only knows."

How on earth my friend Randall has so garbled the speech that I handed him, "God Almighty only knows."

I notice in looking over the program for the first time that there has been a tremendous omission. On most programs some member of the bar is called upon to respond to a toast to the Supreme Court. I notice that there is none noted here. I think inasmuch as that has been the usual custom, the proceeding should be reversed this evening and I believe that it is only fair that some member of the Supreme Court should speak to us a few minutes upon "The Bar of the State." I think that

is only right and I would suggest that some member of the Supreme Court be called upon to respond to such a toast. Do you agree with me?

VOICES: "You bet." Cries of "Schaller, Hallam!"

THE TOASTMASTER: It seems rather a dangerous precedent, but you take the chances and I am going to ask Judge Hallam to tell us a few things that he knows about the bar of the state.

JUSTICE HALLAM: Mr. Toastmaster, Ladies and Gentlemen: —Do you want me to tell all I know about them?

VOICES: "No, no, no." "Yes." "Just a little."

JUSTICE HALLAM: The bar of the state has been pretty well toasted during all the proceedings of this Association. You heard the address of Dean Vance this morning, where he told you a good many things about the bar, and what they were and what they should be, and he told us the difference between the African savage and the Minnesota lawyer, if you will remember. I don't remember all the points of difference, but I remember that one of them was that the Minnesota lawyer had bad dreams. (Laughter.)

Duluth is a wonderful place. I have heard all the things that the Toastmaster has said about Duluth and a great many more, and my earliest recollection of Duluth was a report which an old friend of mine made some twenty-five or thirty years ago after a trip here, and he said the one thing that struck him was that there was no privacy in Duluth; that your neighbor can look in your window and look down your chimney and see what you are going to have for dinner. Why, I was told today, too, by some member of this Association, who does not live here, that in Duluth somewhere, on the hillsides, there is a reservoir of water, and that the surface of the water slopes as does the slope of the hillside. (Laughter.) But what I was going to say was that Duluth is a wonderful place to have a meeting of the Bar Association. I met a young friend of mine this morning who said he had been in Duluth practicing law for a year, and

he said, "I have learned more law in that year than I supposed there was to learn." (Laughter.)

Something has been said about the stature of the people of Duluth. I don't know whether any of you have heard of that speech that a Duluth member of the Board of Regents once made to the Board. The President of the University was calling upon the members, one by one, and when he got to the W's, he said, "We have here with us Mr. Williams. Mr. Williams is from Duluth. Mr. Williams is a lawyer. Mr. Williams is a farmer. Mr. Williams is a man of small stature" and let it go at that. Mr. Williams arose to his feet and said, "One time when my fellow countryman, Lloyd George, was in London, he was introduced in a manner similar to that, and when he got up he said, 'It is true, as you measure men in London, I stand just five feet four from the ground. But in the country I come from we do not measure men from the ground up. We measure them from here to here,' and that is the way they measure men in Duluth."

I don't know just what you would expect to have said about yourselves, I don't know whether you expect to have kind things said or unkind things.

VOICES: "We want the truth." "No."

JUSTICE HALLAM: I don't know just how to start out saying unkind things about the members of the bar. I am reminded of a law suit that I listened to once. The attorney for the plaintiff was a member of Congress, or if he was not he has been since, but is not now, and the attorney for the defendant was a distinguished authority on negligence and torts and other things. The plaintiff had inadvertently turned a pan of hot ashes, not into the ash barrel, but into a dynamite barrel, hence the law suit. He had lost the function of one ear. The first day we had discovered that in taking the evidence, and the second day the attorney for the defendant, on cross-examination, got on the wrong side of the plaintiff and the attorney for the plaintiff reminded him of the fact. And then in the utmost good faith, the attorney for the defendant said, "Mr. Plaintiff, which ear

are you using this morning?" And the attorney for the plaintiff at once objected and said, "That is no proper way to abuse the witness." And the attorney for the defendant said, "Well, would you please tell me what is the proper way to abuse the witness?" (Laughter.)

And so we are fond of thinking that the law is a difficult and an abstruse subject. But it is marvelous with what rapidity some young men master, if not its principles, at least its spirit. In the law school, with which I have had something to do, where there are not the best facilities perhaps for instruction, one young man who had been studying for only six months, was asked this question, or rather he undertook to answer this question on examination. The question was, "When does the statute of limitations start to run and what will stop it when it is started?" His answer was, "The statute of limitations starts to run with the birth of an heir and it continues to run for two lives in being and twenty-one years. (Laughter.)

The practice of law is an intensely, practical and concrete matter. It is so to clients and clients sometimes make mistakes from their view point. I remember an unfortunate mistake a client once made—I could hardly call him mine, because I was not yet admitted to the bar. It was when I was studying law in Madison, Wisconsin. The client had been arrested in some little dried up town in Wisconsin for running a blind pig. Every one else in the office had something to do, and so they turned it over to me, and I went to the scene of action and found there were two clients. I found one of them and he showed me where the other one lived. It was near the hotel, and he said, "You go down there the first thing in the morning and see him. This case comes up at nine o'clock." Well, I went up the next morning early to the house, and I saw an old man sitting on the porch and I asked him if he was my client, and he told me that he was hard of hearing and asked me to speak a little bit louder, and I said again, "Are you Mr. So and so, my client," naming my client's name. And he said, "I wish you would speak a little louder." And I said, "Are you Mr. Stevens, the gentleman who is charged with running a blind pig?" His face was perfectly blank for a

moment, and then it lighted up with a smile, and he said, "No, I haven't a drop in the house, but if you will step inside, I can go and get you some." (Laughter.) Suffice it to say, that on that day justice was done and both of my clients were convicted. (Laughter.)

Do you think that the study and practice of law is a dry thing? No, you don't think so. It is not. It is full of human interest, all the emotions and all the passions and all the vices and all the virtues are manifested from time to time. Some people think that the briefs and records that are presented to the Supreme Court must be dry. They are not, all of them. Some people may think the arguments are dry, but they are not. They are enlightening and illuminating and instructive, and I use all these words, not in any jocular sense, although there are many glints of humor, there are many instances where the arguments are enjoyed by the court and perhaps by counsel as well. Sometimes a figure of speech occasions a smile. I remember one case where a distinguished lawyer from the Mississippi Valley district had demonstrated to a jury and was demonstrating to the court how a man had climbed up a telephone pole to cut some wires, and he said, "Why that man ran down that street and shinned up that pole like a jackass." (Laughter.)

We are delighted not infrequently by repartee which not only enlivens the cases, but may be instructive and is enjoyed by the members of the court.

This Association, during these sessions, has dealt somewhat with the conduct of lawyers, with the raising of the standards of ethics and morality, and the methods of practice. All such work is in the right direction. The bar can do such work effectively, probably more effectively than any other class of people, probably more effectively than the court, more effectively than the legislature by its laws.

I was interested in one passage in the report of one of the committees, where it was suggested that the Bar Association, or its proper representatives or committees, should investigate the character of a person who sought admission to the bar before he was admitted, so that something more can be taken besides the

oath of the applicant, as to his own good character, and the certificate of one or two persons who have given the matter very little attention. This would be a useful innovation. It is true that you could not always distinguish the gold from the dross, but you can make the investigation at least that every well regulated society makes before receiving a member into its membership. But more than all this, more than any specific regulation, the bar will be elevated by such discussions, by the infusion of a spirit which only such an association as this can infuse by insisting on proper standards among members of the profession, which every man will have a tendency to live up to, because he seeks the respect of the fellow members of the bar.

And now, Mr. Toastmaster, I am obliged to yield the floor again to you. I have treated feebly the subject which has been assigned to me, and I trust that you and the others present will attribute my feeble efforts to weakness of the flesh and not to unwillingness of the spirit. (Applause.)

THE TOASTMASTER: I congratulate you on the selection of the last speaker. I think it is fortunate indeed that we did not call Judge Bunn for that stunt. I think if Judge Bunn had had the opportunity that Judge Hallam had, we would have had a different toast, entirely.

VOICES: "Let us have it."

THE TOASTMASTER: We have not the time or I should certainly call on him. The next speaker on the program I have never heard and I have just had to ask the Chief Justice where he sat. I don't know anything about him. Some one just told me that he was a fine polo player and the best cocktail mixer in the Twin Cities. That ought to qualify him to address us tonight and I will ask him to do so without the use of his pony. Mr. L. K. Eaton. (Applause.)

MR. EATON: Mr. Toastmaster, Ladies and Gentlemen of the Association, were I properly equipped, I should use the spurs on your Toastmaster and give him a boost, with a good heart. I have felt very unhappy in this last hour or so in the expectation of

what I had coming to me. I imagine I have been about as uncomfortable as the soldier who is to be shot at sunrise; not quite, though, because I know that the agony will be over soon. But, however unhappy I may be, I can never look as solemn as your own Judge Fesler.

What a leveling influence are these meetings! Speaking of all our toasts, it brings to my mind a scene where a young practitioner enters for the first time the crimson velvet hung chambers of the Supreme Court and sees the judges on the bench, austere and dignified. He thinks that the individuals upon that bench are different from the ordinary run of human beings. But when they have taken off their coats and stand up here with us they look something like the rest of us. I have in mind what the distinguished Chief Justice told me at one time. He said, "We are all farmers," and I submit that the Supreme Court looks like an ordinary gang of farming men, but when the Judges of the District Court stood up and were followed by Thomas Davis, I then knew why the public and the municipal authorities had taken extra precautions here this week. (Laughter.)

My text comes from St. Paul. It was explained to me by the Secretary. He said that the program of the evening would be furnished largely by Mr. Butler. That Mr. Greene would take Webster's dictionary and abstract therefrom about nine-tenths of the words and throw them up into the air and catch them again. But he said, "All that you will have to do is to stand up there and be foolish—just be yourself, that is all." (Laughter.)

I am supposed to represent the bar of Hennepin County. I feel that I am wholly and utterly incompetent to encompass that task. The organization of our bar is so great that it could be represented or complimented only by a Superman. Hennepin County in a great many ways is one of the prize counties of the state and has one of the prize bars. A bar that in one year was augmented by the arrival from Mankato of your ex-president, Harrison L. Schmitt, bringing with him his own witnesses; and the loss in the same year of James Manahan, who practiced equity in the Co-operative Exchange and has lately removed to St. Paul.

Any county with a registered vote of 62,000 voters which can

march proudly to the polls on county option and cast a vote of 78,000, should excite your praise. (Laughter.)

Some men seem to always have their own way, but I couldn't have mine. When I first tried to get onto this program the Committee refused. When I asked to be appointed Toastmaster, they informed me that they had promised the place to Howard Abbott, inasmuch as he had agreed to bear all the expenses of this meeting which had not been borne by John Washburn. Therefore, I had to be content with this lowly place upon the program, sandwiched in between the Judges of the Supreme Court and our next United States Senator.

Last year at St. Cloud we had what was called a banquet, and I remember that the Ramsey County gang assisted in attempting to drink the town practically dry before it was legally so, and their habits remind me of a story of the young man in Peoria who had exhausted a couple of good-sized fortunes in an endeavor to find a brand of whiskey which tasted as good coming up as it did going down. In Peoria, as you know, there is an elevation upon which there is a splendid golf course with a well equipped nineteenth hole, and from the golf course you can see many distilleries smoking by day and lighted by night. A friend remonstrated with the young man for drinking and said, "Tom, you can't expect to drink up all the whiskey these distilleries produce." "Well," said Tom, "maybe I can't, but I've got 'em working nights." (Laughter.)

There is no task that is quite so hard for me as to address an audience of this character, and especially after the unkind sort of introduction given me by your Chairman. When I asked for this place on the program, I wrote up an introduction for myself in order that you all should know that I could be as dignified as Royal Stone. I will read this introduction which I so carefully prepared. It goes something like this: "Now, Gentlemen, in presenting the next speaker, I am presenting one who will dazzle you with his brilliancy, astound you with his learning, convulse you with his wit. In him you will find incarnate Demosthenes and Robespierre"—and so you see my friend Randall is not the only one who can read from manuscript.

I was supposed not to say one serious thing, but at every meeting of lawyers I am struck with one idea, and that is that of all the trusts in the world of the thousands of kinds, more are placed in the hands of the members of the bar and fewer are betrayed than is true of any other profession known to mankind. (Applause.)

MR. HAROLDSON: Mester Toostmester; and fellow Ambulance Chesers: I have viewed with grave concern the passing of the respective business sessions of this Association without any action being taken on a subject of vital importance to all de lawyers of the whole great state of Minnesota as well as those of Lake and Cook Counties, and inasmuch as this is the last opportunity to present the matter, I now take the high honor of rising on my feet to submit the proposition to you in order that it may be placed in the hands of some conscientious and painstaking committee to work upon until it dies of old age, in accordance with the established custom.

The question, Mester Toostmester, reduced to its lowest terms, so that even those who have been admitted to practice on diplomas may understand it, is simply this: Who, in the name of the foul fiend, are we going to endorse for Associate Yustice of the Supreme Court of the great state of Minnesoota at the coming election? and in answer to that question I take the privilege of suggesting that the name of the Honorable W. B. Anderson sounds pretty good to me.

THE TOASTMASTER: Mr. Haroldson, you are out of order. The understanding was that there was to be no business transacted at this banquet.

MR. HAROLDSON: Mr. Toostmester, this not a matter within your jurisdiction at all but I tank the ex-President of this Association wouldn't say I am out of order. He is the big potato when it comes to bisness, I tall you that, and when it comes to putting on the dog the Honorable Styles W. Styles has got it on you like a mastiff got it on a rat terrier. I tall you he is a president for your whiskers. His name takes up a whole page in the telephone book down in St. Paul. It is Styles W. Styles Resi-

dence, Styles W. Styles office, Styles W. Styles garage, Stiles W. Styles out-house, and so on down the line.

This is important business and as the Governor of the great state of Nort Dakoota once said to the Governor of the great state of Sout Dakoota, "business comes before drunkenness and drunkenness goeth before a fall." If we don't take action now the business will be laid on the table. Now I give you this chance to reverse yourself or I will appeal from the decision of your chair.

THE TOASTMASTER: Well, I will withdraw my objection. Is there anything further to be said on the candidacy of Mr. Anderson?

MR. MCKNIGHT: Maister Toastmaister: Will ye gie me your lug for two or three meenits? When our guid brither, Hans Haroldson, mentioned that gran' auld Scotch name, Anderson, I cudna stey in ma chair.

I was minded o' this afternune when, oot at Fond du Lac, near whaur oor ain Scotch judge, Wullie Cant, late o' Drumtochty, has established his ingleside, among the skirlin o' the pipes and the hoochin' o' the dancers the Scotch o' Minnesota foregethered.

Oot there this the day after we had huchyalled up hill and doon brae until we were sairly forfochen, the main topic o' oor conversation was the election o' a Supreme Court judge. We talked aboot these gran' gran' days when oor ain folk, Gilfillan and Mitchell, had honored oor Supreme Court wi' their presence, and we were looking forward wi muckle pleesure to the happy time, which was sune come, when oor Scotch brither Wullie Anderson would fill the places which these two distinguished Scotchmen had left vacant.

Richt prood am I this nicht tae hae oor gude brither Hans propose our Wullie for Supreme Court judge and I'm sure you well a' bear wi' me if I show you the gledness o' ma hert by singing tae ye a wee bit sang which our local Scotch bard his written in honor of oor Wullie's candidacy. It is entitled "Oor Wullie" and I will sing it to the tune of the Swedish national anthem, "A Wee Deoch an' Doris."

"There's a grand auld clan in Scotland,
Its name is known to fame;
Its a clan whose reputation nae Scot wad e'er defame,
There is nae ither like it, this grand auld Hielan' clan,
When a man's name is Anderson
He must be Scotch ye ken."

Chorus.

We want oor Wullie Anderson,
Because he's Scotch that's a'
We want oor Wullie Anderson,
He stands abune them a'.
The Scotch vote will elect him,
The Supreme Court tae adorn;
He'll be oor braw bricht legal licht,
As sure as ye are born.

O' 'John Anderson, mu jo, John'
Rab Burns did sweetly sing,
But oor Minnesota William from New Sweden's
Just the thing.
Clan Anderson will rally
Their Brither Scot to aid;
On November next oor Wullie will
A Supreme Judge be made.

Chorus.

The question noo before us and the cause of a' ma lilt
Is "Will Wullie wear the ermine or will he wear a kilt?"
But whichever garb is chosen, our Wullie tae adorn,
He'll be our braw bricht legal licht as sure as ye are born.

MR. HAROLDSON: This fat Caruso who just sat down may be a richt or bist forricht, like the Dutchman says, but in the words of Otis Skinner, I speak no language but my own, and therefore could make neither hide nor tail of his lingo. It seems to me dat anybody that cant speak plain United States, without such a foreign accent is entirely out of place in this gathering, but if he meant that he is in favor of that eminent Swede lawyer from Stora Kronbergs Lan i Smaland, Mester W. B. Anderson, I suppose it is alleright, although I cannot see how he could mistake him for a Scotlander.

It is a deplorable fact that there have arisen, from time to

time in this great commonwealth, great Skandinavisk statesmen, like Adolph Olson Eberhart for instance, men of admitted ability, admitted by themselves at least, who without pride of ancestry or hope of prosperity, have been so unfortunate as to have acquired by gift, devise, descent or antenuptial agreement, names that somewhat smack of limburger cheese and pretzels, sort of hyphenated Swedes if you please, and so they have failed to get the united Swedish voot and have lost their natural heritage.

But when you get a good old Swede name like Anderson, ya, ya skulle says de, there is a name you can inte make a mistake about; it is the clear stufft.

And furthermore, Mester Anderson has other qualifications for the high office for which he perspires than the fact that he is a roundhead, therein differing from the other Viking statesmen as some of our detractors will undoubtedly say.

The first qualification to which I refer is, that feeling certain of his election, he has already assumed that judicial dignity which is so essential and which, when once acquired, is as wonderful and as endurable as a mother's love.

In the next place it is a well known fact that there prevails among a certain class, a great deal of dissatisfaction with our present Supreme Court. I speak of the defeated litigants. Now Mr. Anderson's platform contains a solid mahogany plank to the effect that he will guarantee to give satisfaction to all, and if in no other way that the opinions will conclude with the epitaph Anderson J. dissents, or Anderson J. did not sit, on account of boils.

I might also say, but I do not, that after sizing up the material at the convention of District Judges, or Nisi prius yudges, as Mr. Burr styles them, that we would make no mistake in departing from the custom of promoting these nisis to the supreme bench, and elevating instead a man from the ranks once in a while. I make this statement with all due respect for, and with exception of, all District Judges before whom I now have any pending litigation, or who may hereafter preside in my cases,—safeties first and automobiles will follow—is my motto.

I am also frank like George Washington to say, that with

the exceptions and reservations above noted, my observation has been that after a man once gets on the District bench he immediately becomes pregnant with the idea that all the people are divided into two great classes,—the dam fools on the one hand and himself on the other hand.

The burden of my song, however, is that the Supreme Court, like the good old U. S. A. should be a melting pot for all nations, and that you bear in mind that the Swedes are awful easy to melt. We haven't melted one for some time now and you got to remember that the Swedes will not stand for taxation of costs without representation on the bench.

I think it is only fair to say that I have delivered this oration on behalf of the Scandinavian Business Men's Educational Alliance, and that of course I work entirely without pay. I speak no language but my own, but my efforts are solely pro bono publico, for the poor bonehead Republicans.

And now yentlemen, I trust that all will take my remarks in the spirit in which they are made, and if I have even in thought unborn, offended any one, I can assure you, that like most babies that are born nowadays—it was entirely unintentional. (Laughter and Applause.)

THE TOASTMASTER: Gentlemen, I wish to state that the trains for the Twin Cities will wait until this banquet is over.

I take great pleasure in introducing the next speaker, Honorable Frank Kellogg, who has consented to say a few words to us tonight. (Applause, all standing.)

MR. KELLOGG: Mr. President, Ladies and Gentlemen of the Bar Association, at this late hour I can do little more than to join in paying my tribute to the genius of Duluth and its splendid entertaining qualities. I agree with everything that the Chairman has said about the greatness of this city, and about its splendid character and the splendid character of its bar and its business men. But he neglected to say that it also has the most beautiful ladies in the world. (Applause.) As a citizen of Duluth, I am proud to say, that this entertainment exceeds any that the Bar Association has ever had. And as a citizen of the

twin villages of the south, I am proud to say that we owe gratitude to the splendid bar of Duluth.

It is said that lawyers are proverbially bad after-dinner speakers. I do not know where the idea got abroad, unless it was from the words of Napoleon that "Law lacked imagination." Napoleon was unacquainted with many of our modern laws. If he had been acquainted with them, he certainly would have said that it took imagination to draw them.

When I was notified that I was to speak tonight, I applied in my perplexity to Mr. Washburn, and he said, "Start in where Mr. Congdon left off today." I was much interested in what Mr. Congdon said and what he would have said had he proceeded with his splendid address. (Applause.)

When I came here tonight, I was filled with forebodings for my country and was in a rather sad state of mind about the terrible things that might happen to this country, but somehow there are things happening here tonight that dispel my gloom and now I feel more hopeful than I did when I was confronted with the great disasters that might happen to this country as narrated in his speech. He quoted DeTocqueville, the great Frenchman, but DeTocqueville said also, as I recall, that if ever the American people, disturbed by passions, should be carried away with the impetuosity of their own ideas, our lawyers, with legal counsel would calm the passion and deter the people by the influence that they possess over the nation.

It is my belief that the lawyers are the leaders in all great movements in modern times. They have been the leaders in this country from the beginning of the nation. A list of lawyers would contain the names of the greatest statesmen in our country.

Lawyers today are leaders in the life of our nation, they are leaders in legislation and reform and in all great movements in the country. So I have tonight no such forebodings as I had for a while today.

I do not wish to minimize in any way the grave problems which confront the American people in this hour of world's peril and world's war, but to me it seems that when this nation

was born there was a new light lifted into the western sky, there dawned a newer and brighter day for the people of the world.

I have the vision of a democracy, extending its dominion over all the world. I have a vision of the day when wars shall cease and in their place shall come universal peace; when the arbitrament of arms shall give way to the arbitrament of law, when greed and passion and national prejudice shall give way to justice and good fellowship and national unity.

That is a vision which it seems to me, we ought to hold up before the American people today. This great homogeneous race of modern times, that is circling the world with its accomplishments, that has carried its civilization to all parts of the known world, from the snows that have never melted to the sun that has never clouded. It is the province of our modern civilization to inculcate into the minds of the people of the world the blessings of peace and the blessings of democracy, the blessings of labor and the blessings of equality, guaranteed to us and for us, immutably in our Constitution.

That should be the province of the lawyer of America. That should be the province of the American citizens. We are divided by no race prejudice, we are a real homogeneous race of Americans and we should make American citizenship a thing to be proud of and liberty and equality things to be recognized all over the world, so that wherever American citizenship shall go it shall have behind it the stability, the power of the American government, and shall have above it forever the American flag. (Applause.)

That should be the province of the lawyer of the twentieth century, for law is the highest ideal of government. Before history recorded the doings of man, law governed men in all their relations with men, law governed communities and nations, it has governed us in the savage state and in the highest civilized communities. It is ever present. It means to us the possibilities of home, the means of domestic relations. Its administration is the highest duty a man can owe to his country and its corruption means the destruction of the State.

And I believe tonight, that in the presence of all these decla-

rations which appeal to our patriotic motives and patriotic sentiments, there is no higher duty in the face of the world's wars and the clouds of the world's conflict than for us as American citizens to uphold the honor and the dignity of democracy and to extend its principles over all the world by our example and to stand for the honor of the nation and the honor of the American citizen. I thank you. (Cheers and Applause.)

THE TOASTMASTER: Gentlemen, we are greatly indebted to Mr. Kellogg for his kindness. Until, however, Mr. Kellogg met our friend Mr. Washburn this afternoon, that was not the speech that he intended to deliver to us tonight. We who live here and the members of this Association know the speech that he really intended to deliver. It has been carefully prepared, it was his maiden speech, it is to be delivered before the Senate of the United States next March. Mr. Kellogg, won't you give us that speech?

MR. KELLOGG: Oh, no.

THE TOASTMASTER: He will not. But it cannot be avoided in that way, because I happen to know that a member of this bar has the speech tonight in his own possession, and I am going to ask him to produce it.

Mr. Greene, will you favor us?

MR. GREENE: Mr. Toastmaster, the speech, as I am credibly informed, is to be as follows:

"Mr. President,
Most potent, grave and reverend seigniors
My somewhat noble, but depraved co-senators,
That this is Minnesota's biggest job
And I am Minnesota's biggest man
It is most true; I have admitted it
The very head and front of my campaigning
Had this extent no more, but God knows 'twas enough.
I am little stuck on this soft phrase
Of peace at any price.
And little of this great Senate do I know
More than the fact that during twelve years past
My state has had no place in this august assembly,

For Minnesota's seat all vacant is,
Save when a member of my firm is here
To occupy it.
As you know I am but rude of speech
And Olds is far away by Mississippi's rolling flood,
And therefore little shall I grace my cause
By speaking for myself. Yet, by your gracious patience
I will a round, unvarnished tale deliver
Of how I tied the can to Adolph
And left old Moses wandering in the wilderness.
'Twas thus:
The people loved me, but they did not know it,
The editors invited me, but only in the manner following:
First, I did tell to them the story of my life
From year to year—the battles, lawsuits, fortunes
That I have won.
I ran it through, even from my boyish days
To the very moment of the telling.
Wherein I spake of that most happy chance
Which did befall when fate decreed that I be born
Within a humble cowshed. I showed them pictures of it,
And they wept with joy; they had it copied
And later slipped it to the unsuspecting proletariat.
I spake of moving accident by cane and switch
That my youth suffered.
I told them I had never had an education
And they said they guessed it.
Of hair breadth 'scape from imminent deadly work
Down on the farm.
Of being bitten by the legal bug
And sold to slavery: Of my redemption thence,
My rise to partnership,
Wherein of questions vast and matters large,
Big verdicts, fame, and fees whose heads touched heaven,
It was my hint to speak—such was the dope.
And of the trusts that I advised how best to eat each other,
The Octopi, with men whose heads
Don't grow beneath their shoulders.
All this to hear, the Greeleys of the Weekly Press
Did evermore most seriously incline,
And with a greedy ear
Devoured up my discourse; which I observing
Took once a pliant hour, and found good means
To draw from them a prayer of earnest heart

That I would let myself persuaded be
To seek that vacant Senate seat: and begged
That to the waiting public I should feed
The line of stuff I had been handing out to them.
All reluctantly, I did consent,
And thenceforth did beguile the people of their tears
When I did speak of that distressful time
When I did bust the trusts
And all the trusts remained unbust.
I questioned them, if they must hire a lawyer
Which of the fearful four would be their choice.
And they, unheeding that the wiser course
Would be to bunch the bunch
And try their lawsuits for themselves,
Fell for it with a most resounding crash.
I gave them Mexico, the Phillipines,
Poor Belgium and preparedness.
I cursed the Hyphen, and I cheered the flag
In most approved manner. My story being done,
They gave me for my pains a world of sighs.
They swore 'twas great, 'twas passing great,
'Twas bunk, but wondrous bunk, withal.
They wished they had not heard it, yet were glad
That Heaven had sent them such a man. They thanked me,
And bade me, if I had a friend that loved me,
He should but teach me to cut out the talk
And open up the check book. Upon this hint I paid.
Upon this hint, I'm paying yet. For billboards,
Postage, letters, type, cuts, pictures and cartoons;
But most of all, for advertising in that same weekly press,
Whose guardians have canny eye to spot the anxious cow
That's waiting to be milked."

(Cheers and applause.)

So much for levity. The real fact is, our brother, the people love you for that you are what you are. And you love them because—it is your nature to. This only, is the witchcraft you have used,—the drugs, the charms, the advertising, and the mighty heart with which you won election. (Prolonged applause.)

THE TOASTMASTER: Gentlemen, the hour is getting late. Without any preliminary remarks, I take pleasure in introduc-

ing the last speaker of this meeting, Mr. L. A. Straight, of St. Paul. (Applause.)

MR. STRAIGHT: Gentlemen, be not dismayed. It was specified, when I was asked to speak tonight that I should speak no longer than forty minutes. I have prepared my speech carefully and I think I can cut it to thirty-nine minutes. The Chairman may call me down if I take more than forty.

When the boys came to me to ask me to speak tonight, of course I consented by telling them that I would be in the condition of the man when his wife died; she was something of a shrew and when the arrangement was being made, the undertaker told the man that he would have to ride to the cemetery in the carriage with his mother-in-law. The man demurred and the undertaker insisted that it would be only proper, and the man said, "Well, if I must I will do it, but if I do, it will spoil the whole day for me." (Laughter.)

However, my invitation to speak has not spoiled the evening for me; I have enjoyed everything very much, indeed.

A story is told of Horace Greeley. On one occasion he was called upon to offer a prayer. The circumstances were such that he thought he should comply with the request, although he was not accustomed to it and he entered upon it and did the best he could. He managed the opening portion of it all right, from his memory of that sort of thing, but he stumbled along until he came to where he thought he might properly close, and he couldn't remember any proper formula for closing, and he just said, "Yours truly, Horace Greeley." And so I say "Yours truly." (Prolonged applause.)

(All standing sing "Auld Lang Syne.")

(Adjourned.)

APPENDIX

REPORT OF ETHICS COMMITTEE

To the Members of the Minnesota State Bar Association:

To rid the profession of lawyers whose conduct violates their oaths and the canons of ethics, requires of the bar generally and the members of the Ethics Committee of the Association a proper standard of moral responsibility. The public rightly looks to the bar to purge itself of those of its members whose misconduct merits not only the criticism of the bar, but its disciplinary action. To meet criticism of the public with the statement that members of the bar are as good as any other profession or calling, and that the bar does more to cleanse itself than many other callings, is not enough. By reason of the very nature of the profession we should, by constant effort, do everything possible to maintain the high standard of the profession. The members of the Association should be continuously alert to their responsibilities, and see to it that matters of misconduct demanding investigation are promptly submitted to the Ethics Committee; and that unfailing loyalty and support of the Association attends the work of the Committee. The Committee asks continuous co-operation of all members of the Association—a co-operation that means business.

In the past the Association has perhaps been open to criticism because insufficient attention has been paid to complaints, and the public has probably received the impression that it was useless to file complaints. This situation must be remedied and every complaint must receive thorough and careful attention, and the bar and public encouraged to make complaints.

This year's Committee has already done much work. When the Committee was organized, a circular letter signed by the President and Secretary of the Association, in which it was stated that the Committee would consider and investigate any complaint of misconduct which might be made to it, formally or informally, was sent to every lawyer in the state, whether a member of the Association or not; and con-

siderable publicity was given this announcement in the newspapers throughout the state. The publicity thus given to the plans and purposes of the Committee has had a double significance. It has disclosed a deep interest in the subject of legal ethics, not only among members of the Association, but also on the part of the general public. It has served also to bring before the Committee a large number of complaints.

The Committee, considering that its duties were more than perfunctory, has devoted much time and attention to the work. Leaving out of account a large number of minor matters which have not developed into formal complaints, the Committee has investigated and acted upon about twenty complaints. During the year many meetings have been held at which the President and Secretary of the Association have in nearly every instance been present. At these meetings hearings have been granted to various members of the bar who have been charged with unprofessional conduct; and in five cases the Committee has recommended prosecutions by the State Board of Law Examiners. Appended to this report will be found brief statements of the cases in which, recommendations for prosecutions were made. In other cases, where the facts did not appear to warrant prosecution or formal complaint, such action has been taken as seemed best calculated to prevent a repetition of that or any similar offense by the lawyer complained of, and to instill a proper conception of the ethics and obligations of the profession. The members of the Association will readily appreciate the difficulty of making a detailed report in matters of this nature. The Committee can only in general terms announce its conclusions and make recommendations for future action.

It must be borne in mind that neither the Committee nor the Association itself has any *legal* power to enforce its conclusions. Its power is confined to recommendations to the State Board of Law Examiners, the statutory agency. There has developed in the past year a better understanding between the State Board of Law Examiners and this Association. It is the hope of the Committee that in the future an even better understanding and closer co-operation can be brought about, but there is much yet to be done before conditions are such as to give full effect to the work of the Association.

As the result of their deliberations during the past year, the members of this Committee have been deeply impressed by the necessity for efficient, well-organized and aggressive work. In a rather surprising number of cases we have encountered a lack of respect for the attorney's oath and a low standard of moral responsibility. In our judgment the number of such individuals now practicing law in Minnesota is sufficiently large to command the serious attention of this Association. We believe that the public has a right to, and does, look to the bar itself to handle this situation.

The success of the work which the Committee has undertaken requires active and thorough investigation and the collection of evidence by or under the supervision of the Committee. When prosecution becomes necessary, it should be conducted by a lawyer of established reputation and ability, not a member of the Committee; and such prosecution should be vigorous and thorough.

Necessarily funds must be provided, if the work is to be properly done. Such a Committee can hardly continue to rely upon investigations made by its own members. It should have authority and means to employ, either permanently or from time to time, an attorney to conduct investigations and make reports. There should also be stenographic reports of its hearings. While the Committee will need no such sum of money as is raised annually for the purpose in New York and certain other jurisdictions, the experience of Bar Associations generally has been that satisfactory results cannot be secured without substantial expenditures.

The work of the Committee should be continued. It is the duty of the Association and the lawyers of the state to see that the high and deserved reputation of the profession be restored and its standard maintained. There should be continuity of action from year to year. Investigation or prosecutions commenced by this Committee and not completed when the term of its members expires, should be taken up and carried on by their successors with the same vigor and seriousness of purpose.

Your Committee has on one or two occasions been asked to answer abstract questions of ethical conduct. It has thus far declined to consider such matters on the ground that under the constitution of the Association its authority is probably confined to the hearing of specific complaints. It is the opinion of the Committee, however, that its powers and duties should be so defined as to include the making of suggestions in response to inquiries propounded in good faith by members of the bar, where such inquiries have reference to future conduct, as distinguished from past performance.

Your committee accordingly makes the following recommendations:

First. That a fund be provided, either by legislative appropriation or from the funds of the Association, to carry on the work of the Ethics Committee.

Second. That steps be taken to bring about a closer co-operation between the Association and the State Board of Law Examiners, in order that there may be more thorough and prompt investigation of complaints and more expeditious and efficient prosecution in cases where the complaints are well-founded.

Third. That the powers and duties of the Committee be more accurately defined in accordance with the views above expressed.

Respectfully submitted,

G. W. BUFFINGTON, Chairman,
EDWARD LEES,
BURT F. LUM,
ROBERT E. OLDS,
VICTOR STEARNS,
Committee.

SUMMARY OF CASES IN WHICH PROSECUTION HAS BEEN RECOMMENDED.

I.

One of the first serious complaints submitted to the Committee charged an attorney with having exacted an extortionate fee from a woman client in a probate proceeding, and with having written his name as a witness to a codicil in favor of his client after the death of the testatrix; the codicil having been executed by but one witness.

Investigation of this complaint disclosed that a woman had written a codicil to her will; that her signature to the codicil was witnessed by another woman who was a member of her household; and that the attorney in question had written his name as a witness upon the codicil at a later date and in the absence of the female witness. The testimony of the sister of the testatrix and of the female witness of the codicil was to the effect that the attorney's name was not written on the codicil before the testatrix died; that there was but one witness upon it, and that his name, as it now appears, was not there when these witnesses placed the codicil in his possession after the death of the testatrix.

In the course of the investigation it further appeared that the executrix named in the will and codicil in question had employed this attorney to represent her in probate court, where proceedings for the settlement of the estate of the testatrix were pending; that after he had been employed and represented her for some time he required her to execute a contract in writing with him whereby one-third of all that she obtained out of the estate of the deceased should be paid to him as his fee; that thereafter he took from moneys coming into his hands as such attorney $11,000, claiming it as his fee under the written agreement. After the representative of the Committee had begun the investigation referred to, the attorney refunded $5,000 to his former client.

After a thorough investigation and hearing at which the accused attorney and a number of witnesses in his behalf appeared before the

Committee, the Committee referred the case to the State Board of Law Examiners with the recommendation that a complaint for disbarment be prosecuted against the attorney in question. The Committee is advised that the State Board of Law Examiners has accepted this recommendation and has directed complaint and prosecution accordingly.

II.

An attorney in cross examination of a woman witness, in the presence of a crowded court room, unnecessarily used such foul, vile, loathsome language as to call for public censure and demand the presentation of a charge against him for consideration by the Supreme Court.

Such at least was the opinion of the Committee after the examination of a transcript of the proceedings—including the entire direct and cross examination of the witness. The Committee referred the matter to the State Board of Law Examiners with the recommendation that the attorney be prosecuted for disbarment on the grounds indicated; and the Committee is advised that the Board has directed complaint and prosecution accordingly.

III.

An Italian in jail on two charges of highway robbery was approached by an attorney whom he hired to defend him. According to the defendant, the agreed compensation was $50, and the attorney demanded that $1,000 be put up as bail money, or to indemnify sureties on a bail bond. The defendant raised and paid over to his attorney altogether $1,050; most of which was secured through the sale of an interest in real property owned by the defendant in Italy. There were two trials lasting altogether about three days. The second trial resulted in a conviction, and the defendant was sentenced to the reformatory. On application for the return of the bail money, the attorney claimed and retained as payment for services the entire amount received by him. After hearing both sides to this controversy, the Committee recommended the case for prosecution, and the State Board of Law Examiners has directed that a complaint for disbarment be filed and prosecuted.

IV.

Several years ago a lawyer performed certain services for a labor organization for which a fee of $100 was charged. Owing, it is said, to internal difficulties which affected the finances of the organization, this fee was not paid, although it was not disputed. Shortly before the transaction which is the basis for complaint, the lawyer saw the officers of the organization and requested payment of his fee. He was told that their financial difficulties had been

adjusted and that his bill would be paid within a few weeks and that $25 would be allowed him by way of interest to compensate him for the delay. Thereafter he was called on the telephone by another lawyer who represented that he had been retained as attorney for the organization, and that the matter of the first lawyer's claim for fee had been referred to him, the second lawyer, for adjustment. He indicated that the claim was outlawed and that payment could not be enforced against his opposition, and he demanded one-half the amount as consideration for his aid in bringing about a settlement. The first lawyer protested, but in a subsequent interview agreed to accept $75 and give $50 to the second lawyer. As a matter of fact, the second lawyer was never retained by the organization and had no authority to represent it. The officers of the organization had issued a check for $125, payable to the order of the first lawyer, and had sent it to a member of the union in the city of the lawyer's residence for delivery to the payee. The union man turned the check over to the second lawyer who consummated the agreement mentioned above; giving $25 of the $50 thus secured to the union man from whom he got the check and conveying the remaining $25 to his own account.

Upon a hearing before the Committee, the accused lawyer admitted the facts, but offered nothing in the way of justification or excuse. The Committee was of the opinion that while the amount involved in the transaction was small and that the other party was not himself beyond criticism, nevertheless the transaction constituted a clear case of professional misconduct of a reprehensible sort.

The case was recommended for prosecution, and the State Board of Law Examiners has directed that complaint against the lawyer in question be filed and prosecuted.

V.

A saloon employee was arrested on a charge of petit larceny based upon a robbery committed in a saloon. He was solicited by an attorney, whom he employed to defend him. He paid this attorney $220 in advance for fees and expenses. At the preliminary examination, it developed that the accused was guilty, if at all, of grand larceny. The charge of petit larceny being dismissed, he was immediately rearrested on the charge of grand larceny. He was then admitted to bail; having procured and paid his attorney $500 for that purpose, of which the attorney deposited $300 as "cash bail" (that being the amount fixed), and retained the remaining $200. On the day his case was called for trial in the district court, the accused fled the state, but subsequently returned and surrendered

himself and was given a work-house sentence. While in the work-house, he brought suit against the attorney to recover the $420 paid by him, charging that he had fled on the advice of the attorney; who, having asked for more money and being refused, advised him to "beat it out of town" and forfeit his bail, as he was sure to "get ten years in the penitentiary." He also charged that the attorney had induced him to make the second payment of $500, the attorney representing that bail had been fixed in that amount instead of $300 as the fact was. These charges were denied by the attorney, but the case was submitted to a jury under instructions by the court, which made a sharply defined issue as to the truth of the plaintiff's story in the particulars indicated above. The jury held for the plaintiff on both counts and the verdict was sustained by the trial court against a motion for a new trial. The attorney appealed to the Supreme Court and the matter was brought before the Committee, while the appeal was pending, as a result of a suggestion from the trial judge. A hearing was granted the accused attorney, who appeared before the Committee with his counsel, and subsequently furnished the Committee with copies of the record on appeal. After very full consideration, in the course of which the record was examined by a number of the Committee, the case was referred to the State Board of Law Examiners with the recommendation for immediate proceedings for disbarment. But the Committee is advised that the State Board deemed that a complaint ought not to be filed pending the determination of the civil appeal by the Supreme Court, and that it should adopt a resolution declaring in favor of proceedings for disbarment, but directing its secretary to withhold the filing of the complaint until the Supreme Court had decided the pending appeal.

REPORT OF COMMITTEE ON JURISPRUDENCE AND LAW REFORM

In November, 1915, President Burr and Secretary Caldwell of the State Bar Association addressed a letter to its members requesting that suggestions be addressed to the Committee on Jurisprudence and Law Reform for amendments or reforms in the public law of the state, and pledging the Committee to a consideration of such suggestions as might be submitted. This action of the officers has set an excellent ideal and the response on the part of the members of the Association has been gratifying. Numerous interesting suggestions have been submitted for reform and improvement in both substantive and procedural law. In the consideration of these various items of suggested reform, the Committee has held several meetings and its members have indulged in considerable research. It appears to the Committee that the interest shown by members of the Association in making these various suggestions indicates a need that the work of the Committee on Jurisprudence and Law Reform shall continue from year to year. This report will show later in its pages that the study of several items suggested is not completed but must be transmitted to the next Committee. In presenting the suggestions considered in this report, their authors have made clear this need for a continuous work, and have thereby conferred a favor both upon the Committee and upon the entire membership of the State Bar Association.

Many of the suggestions made to the Committee during the past year have been approved and are in this report recommended to the Bar Association for affirmative action; others, in the opinion of the Committee, require further research and are mentioned in this report as matter of record and recommended for transmission to the Committee for the ensuing year; still other suggestions the Committee has not recommended, some of these being deemed unwise or undesirable, and others being held to be without the scope and purview of the authority of the Committee.

AFFIRMATIVE RECOMMENDATIONS.

I. Co-operation Between Bar Association and Law School.

The Committee has considered at length plans for development of a method for utilizing the research facilities of the University Law School and reports as follows:

The importance of legal education as affecting professional standards and ideals, as well as professional efficiency, is coming to be recognized throughout the United States. In former times, and under different conditions, members of the bar felt and carried the responsibility for the proper training of students in their offices, but existing conditions render it impossible for legal education longer to be carried

on in the law office. It is now almost wholly given over to the law schools. Since, therefore, practically all of the new members come to the bar through the law schools, it necessarily follows that the State Bar Association, in pursuance of its policy of maintaining right professional standards, must concern itself with the work of the law schools in the state. It likewise follows that arrangement should be made for the most effective possible co-operation between the Minnesota State Bar Association and the State University Law School in respect to common purposes and policies.

In view of these considerations your Committee is of opinion that a plan for co-operation, to a much greater extent than heretofore possible, can be worked out by the establishment of a graduate department in the Law School of the State University. In the opinion of the Committee such a department may promote the welfare of the state in the following respects:

(a) There are constantly pending many legal questions, legislative and judicial (of a non-political character), which should be made the subject of careful investigation, research and report. At the present time there is in the state no agency whatsoever for making such investigations, although bulletins containing the results of research in medicine, mining, chemistry, engineering and agriculture, are frequently issued by the State University. Certainly it cannot be less important that the people of the state should have available all possible information concerning problems of law and order than that they should know the results of the most recent investigations in chemistry or history. There seems to be no good reason for such discrimination against research in the field of the law.

(b) The State University should afford to the young lawyers of the state who might desire, in preparation for a public career or for other reasons, to secure graduate instruction in current legal problems and training in methods of legal research, facilities reasonably adequate for their needs, such as are now provided in Agriculture, in the professional schools of Medicine, Dentistry and Engineering, and in the several departments of the College of Science, Literature and the Arts.

(c) The existence of such a graduate department would make possible an efficient co-operation between the State Bar Association, through its Committee on Jurisprudence and Law Reform and other standing and special Committees, and the Law School of the State University, which would not only prove beneficial to the said Law School in increasing the practical value of its instruction to students therein, but might also greatly aid the work of the committees. Each year many suggestions of changes in the statute law of the state are made to this and other committees. Not a few of these suggestions are of manifest importance, but the Committee is unwilling to act without

adequate exact information relating thereto. Usually, however, such information cannot be acquired without laborious investigation and an expenditure of labor and time which is impossible to members of the committees. But if such a graduate department were established in the State University, the committees could refer all such suggestions and problems to such department for investigation and report. It is the opinion of this Committee that by making use of such information as could be obtained through a research agency of this kind, its usefulness to the profession and to the state at large could be greatly increased, at the same time that graduate instruction in the Law School would be stimulated and facilitated.

For these reasons the Committee has recommended to the Board of Regents the establishment of such a graduate department in the Law School, and now recommends to the Association the adoption of the following resolution in support of the action of the Committee:

RESOLVED: That the Minnesota State Bar Association is of opinion that the efficiency of the Law School of the State University and the best interests of the people of this state will be promoted by the establishment in such Law School of a graduate department, with the intent to bring about the special study of current legal problems, the better training of lawyers for public service and fuller co-operation with the State Bar Association in promoting the efficient administration of justice and the maintenance of proper professional standards within the state. It therefore recommends to the Board of Regents of the State University that such a department, having the general scope indicated, shall be established as soon as practicable.

II. Small Debtors' Court.

Your Committee has considered with some care the growing movement for the establishment of Small Debtors' Courts in several of the American states. Such Small Debtors' Courts, or the somewhat similar Courts of Conciliation, have long been in successful operation in England and in several of the other European states, but only in recent years have they received the serious attention of American lawyers and publicists. Under the provisions of the Cleveland Municipal Court Act a small debtors' branch of the court was established in that city some three years ago, and a similar branch of the Chicago Municipal Court has been in operation more than a year. An act was passed in Kansas in 1912 establishing special Small Debtors' Courts in that state. A bill following the Kansas act was introduced in the legislature of Minnesota in 1915, but seems never to have come from committee. In the same year a similar fate appears to have overtaken a bill for a Court of Conciliation in Wisconsin. Legislation for the establishment of such courts is now being seriously considered in New York, Pennsylvania, Massachusetts, and possibly in other states.

Your Committee is of opinion that existing conditions in our larger urban communities require that adequate provision be made for the

cheap and expeditious settlement of petty disputes and collection of small claims, in order that the poor may avail themselves of legal remedies now substantially denied them. It is also of opinion that the success of the Small Debtors' Courts now existing in other states justifies the belief that similar courts in the larger cities of Minnesota, established by carefully considered legislation, either as separate courts or as branches of existing Municipal Courts, would meet a very real need, and tend to remove the reproach now so often heard that justice is not for the poor. The adoption of the following resolutions is therefore recommended:

RESOLVED: 1. That the Minnesota State Bar Association approves the establishment of Small Debtors' Courts in the larger cities of this state, and hereby authorizes the President of the Association to appoint a committee of five to prepare a bill for such purpose, said bill to be of such form and scope as the Committee may deem best after careful consideration of the whole subject and conference with other organizations in the state interested in promoting such legislation.

2. That the Committee on Legislation is instructed to present the bill so prepared at the next session of the legislature of this state, and on behalf of this Association to make use of all proper means to secure the passage thereof.

III. Decisions of Supreme Court.

Suggestions were submitted for an amendment to Section 123, General Statutes of Minnesota 1913, so that the Supreme Court need not write opinions in cases of affirmance. The Committee has considered and reports that, under the existing statute, the Court has sufficient control over the character, style and length of decisions filed, to enable it to prevent any tendency toward unnecessary enlargement of the reported case law of the state, and that no statutory amendment is necessary.

In the opinion of your Committee it would be well, however, as indicating to the Court the attitude of the bar, to have the State Association adopt the resolution that the Association would cordially approve the practice in cases where an order or judgment is affirmed, of writing no opinion, except where the questions involved shall be deemed by the Court of such importance or difficulty as to demand it. The following resolution is, therefore, recommended for adoption by the Association:

RESOLVED: That the Minnesota State Bar Association does hereby most respectfully indicate to the Supreme Court of the state that the members of the Association would cordially approve the practice in cases where an order or judgment is affirmed, of writing no opinion, except where the questions involved shall be deemed by the Court of such importance or difficulty as to demand it.

IV. Change in Method of Setting Cases for Argument in the Supreme Court.

The Committee has considered a suggestion that a recommendation be made to the Supreme Court for a change in its practice with respect to setting cases for argument and dealing with so-called calendar motions. The present practice is that which has been in force, in all substantial features, since the organization of the Court in territorial days. The calendar is called on the first day of each term and counsel are expected to be present when their cases are called. And in view of the rule which allows a motion to dismiss an appeal as frivolous or because the order appealed from is not appealable, or to dismiss or affirm for default in the matter of record or briefs, to be made orally in open Court on the call of the calendar and to be heard and disposed of summarily, a lawyer can hardly feel safe in absenting himself. This system may have worked well enough in early days, when calendars were small and terms short, and when most of the business before the Supreme Court was handled by lawyers living in or near the Twin Cities; but under existing conditions the necessity for making a special trip to St. Paul to attend the call of the calendar is a serious burden on counsel living in distant parts of the state and on the clients who employ them. And the Committee is convinced that the practice has been outgrown and that a change is desirable. The Committee believes that a system might be devised under which cases would be set in their order except in instances where the convenience of the counsel or Court, or other circumstances, require a special setting; and that provision may be made for dealing with such special cases without requiring the personal attendance of counsel. Such a system would, of course, necessitate the abrogation of a rule which allows motions to dismiss and affirm to be made orally without notice; but the Committee believes that such a change would be a step in the right direction. The Committee has not had opportunity to inform itself as to the practice in other states, but its members are under the impression that the practice in most other jurisdictions is unlike the present practice in Minnesota. In the opinion of the Committee it is hardly seemly for the Association to undertake to indicate to the Supreme Court the details of the system to be adopted in case the present system is abandoned or modified, but the working out of such details should be left to the Court itself. The Committee, therefore, recommends the adoption of a resolution in substantially the following terms:

RESOLVED: That the Minnesota State Bar Association is of the opinion that the present practice of the Supreme Court with respect to the setting of cases and the disposition of so-called calendar motions should be changed in such manner as to dispense with the necessity of personal attendance before the Court by counsel for the purpose of having cases set for argument, and as to require a written notice of all motions; and respectfully recommends such amendment

of the rules of the Supreme Court as the Court may deem necessary to effect such a change.

V. CHANGE IN REQUIREMENT OF SERVICE OF NOTICE OF EXPIRATION OF REDEMPTION.

A letter was addressed to the Committee suggesting such an amendment of Section 2148, General Statutes of Minnesota, 1913, relating to service of notice of expiration of redemption in tax sales as will provide for service of the notice in all cases upon the person (if any) actually in possession of the land, and also upon the record owner. The statute at present provides in effect for service upon the person in whose name the land is assessed, and in some, but not in all cases upon the occupant. Instances are cited where the assessor has erroneously assessed the property in the name of one to whom it did not belong, the result being that the owner has had no actual notice of the proceedings. In the opinion of the Committee it would be unreasonable and impracticable to require service of the notice upon the record owner. We think, however, that service of the notice upon the occupant should be required in all cases, not solely for his benefit, but as a means of communicating through him notice to all who may be interested in the land. In the somewhat analogous proceeding of mortgage foreclosure, notice upon the actual occupant is provided for. See Section 8111, General Statutes of Minnesota 1913. The Committee therefore recommends an amendment to provide for service of the notice in all cases upon the actual occupant, where there is one, and proposes such amendment in the form printed in note A of the appendix to this report.

VI. MOTION FOR JUDGMENT AFTER DISAGREEMENT OF JURY.

The Committee has considered a suggestion for an amendment of the statute providing for judgment notwithstanding the verdict so as to cover cases where a motion for directed verdict has been made and denied and the jury has disagreed. Under the existing law, the Court is without power, after such disagreement, to review its action in denying the motion to direct a verdict. The Committee is of the opinion that this is a defect in the law which should be remedied; and that the trial court should be given authority to entertain, after the jury has disagreed and been discharged, a motion for judgment notwithstanding the disagreement; and if it finds that upon the evidence a verdict for the moving party should have been directed, to correct its error by ordering judgment on such subsequent motion—except, of course, in cases where a new trial should be allowed under the rule which the Supreme Court has engrafted upon the existing statute. But the Committee is also of the opinion that it is not desirable to provide for an appeal to the Supreme Court from an order denying such a motion. Where the motion is denied, a new trial will result in any

event; and after carefully weighing the question, the Committee believes that more harm than good would result from allowing an appeal in such cases. If the motion for judgment is granted, the defeated party can, of course, allow judgment to be entered and appeal from the judgment.

The Committee, therefore, recommends an amendment to Section 4632 of the Revised Laws of 1905 (which was amended in 1913 and restored to its original form by chapter 31 of the session laws of 1915), so as to make the provision for motion for judgment, after the denial of a motion for directed verdict, apply to cases where the jury has disagreed as well as to cases where a verdict has been rendered. A suggested bill embodying this amendment is printed as in note B of the appendix. In the opinion of the Committee, the amendment in these terms will give authority to the trial court to act as indicated; but if the motion for judgment is denied, an appeal will not lie.

VII. For Service Upon Attorney of Notice of Appeal From Justice Court.

Attention of the Committee was called to a defect in Sub-section 3, Section 7602, General Statutes of Minnesota 1913, relating to service upon attorney of notice of appeal from Justice Court. The statute now requires service upon attorney to be made either personally or by leaving copy at residence, as is the requirement in case of service upon a party. The suggestion was made that the statute should be amended so that service may be made upon an attorney, where there has been an appearance by attorney, in the manner generally provided in Subdivision 1 of Section 7744, General States of Minnesota 1913. The Committee approves this suggestion and recommends the amendment set forth in the proposed bill which is printed in Note C of the appendix to this report.

VIII. Vacation of Plats.

It was pointed out to the Committee that through an obvious clerical error in the amendment of Section 3369 of the Revised Laws of 1905 relating to the vacation of plats, made by chapter 503 of the Session Laws of 1909, it is questionable whether there can be any valid judicial vacation of plats under the existing statute. The difficulty is explained by the Supreme Court in Jamieson vs. County of Ramsey, 114 Minn., 232. The necessity for amendment and correction is obvious. In this connection, the Committee is of the opinion that provision should be made for service of notice of the application to vacate plat upon the authorities of the city, village or town in which the land is situated. The Committee, therefore, recommends the amendment set forth in the proposed bill which is printed in note D of the appendix to this report.

OTHER SUGGESTIONS CONSIDERED:

9. The Committee has carefully considered a suggestion that it recommend the enactment of a statutory amendment abolishing the Practice Code of the state and providing that the procedure be regulated by rules of Court to be framed by the Judges of the Supreme Court. The Committee deems it advisable, in view of the importance of the question, to report, as matter of record, that the suggestion has been duly considered and that the members of the Committee are not agreed either as to the merit of the proposed change or as to any form of recommendation thereon.

10. By resolution of the Bar Association, printed at page 101 of the reports of Minnesota State Bar Association, 1915, it was resolved that the Committee on Jurisprudence and Law Reform report at the next meeting of this Association whether some aid to pleadings may not be adopted to get at the issues of fact before the trial, through written interrogatories, depositions, or otherwise. This resolution has been brought to the attention of the Committee and the suggestion considered with care. It has been found that a very confusing variety of statutory provision exists in this matter in other jurisdictions. Opinions both for and against the desirability of such changes in procedure, coming from practitioners in other states where such reform has been attempted, have been laid before the Committee. The Committee has been unable to determine what scheme of change in this respect is workable and desirable, and has, therefore, decided that it is inexpedient at this time to recommend any change in form of procedure, as called for in the resolution. The Committee, therefore, recommends that this suggestion be referred to the Committee for the ensuing year for further examination.

11. Suggestion was submitted for an amendment to Section 7679, General Statutes of Minnesota 1913, with reference to the appointment of guardian ad litem for non-residents in certain cases. It has not been possible to consider this suggestion in full Committee and recommendation is therefore made that the suggestion be submitted to the Committee for the ensuing year.

12. Suggestion was submitted for statutory amendment with reference to redemption by fraudulent ostensible incumbrancers. This has not been considered in full Committee, and it is, therefore, recommended that the suggestion be continued to the Committee for the ensuing year.

SUGGESTIONS NOT RECOMMENDED:

13. Certain suggestions were submitted for amendment to the present Workmen's Compensation Law. The Committee has deemed this problem to be without the scope of its purposes.

14. Suggestion was submitted that the Committee recommend

the adoption of some plan looking to the prevention of duplication of material in law books and law publications. The Committee has decided that this matter does not come within the purview of the work of the Committee on Jurisprudence and Law Reform.

15. Suggestion was made proposing an amendment to Section 7730, Revised Laws of 1913, so that a constable may be allowed fees for service of District Court summons. The Committee has considered that it is not wise to recommend the proposed amendment.

16. Suggestion was submitted for such an amendment to the Statutes as will increase the number of terms of the Supreme Court of the state to four. The Committee has decided not to recommend this proposed amendment.

17. Suggestion was submitted that the Practice Code be so amended as to supersede the general denial with specific denials. The opinion of the Committee is that it is not desirable to change the existing practice in this respect.

Respectfully submitted,

L. L. BROWN, Chairman,
W. R. VANCE,
ARTHUR M. KEITH,
HENRY OLDENBURG,
HAROLD J. RICHARDSON,
Committee.

(NOTE A.)

A BILL FOR AN ACT TO AMEND SECTION 2148, CHAPTER II, GENERAL STATUTES OF MINNESOTA, 1913, RELATING TO NOTICE OF EXPIRATION OF REDEMPTION.

Be It Enacted by the Legislature of the State of Minnesota:

Section 1. That Section 2148, Chapter II, General Statutes of Minnesota, 1913, be and the same is hereby amended so as to read as follows:

2148. Every person holding a tax certificate, after expiration of three years after the date of the tax sale under which the same was issued, may present such certificate to the county auditor; and thereupon the auditor shall prepare, under his hand and official seal, a notice directed to the person in whose name such lands are assessed, specifying the description thereof, the amount for which the same were sold, the amount required to redeem the same, exclusive of the costs to accrue upon such notice, and the time when the redemption period will expire. If, at the time when any tax certificate is so presented, such lands are assessed in the name of the holder of the certificate, such notice shall be directed also to the person in whose name title in fee of such land appears of record in the office of the register of deeds. The auditor shall deliver such notice to the party applying therefor, who shall deliver it to the sheriff of the proper county for service. Within twenty days after its receipt by him, the sheriff shall serve such notice upon the persons to whom it is directed, if to be found in his county, *and upon the person in possession of the land,*

if the same is actually occupied, such service to be made in the manner prescribed for serving a summons in a civil action, and shall make return thereof to the auditor. If the persons to whom the notice is directed cannot be found in the county, and there is no one in possession of the land, of each of which facts the return of the sheriff so specifying shall be prima facie evidence, the service shall be made by three weeks' published notice, proof of which publication shall be filed with the auditor. The notice herein provided for shall be sufficient if substantially in the following form:

Section 2. This act shall take effect and be in force from and after its passage.

(NOTE B.)

A BILL FOR AN ACT TO AMEND SECTION 4362 OF THE REVISED LAWS OF MINNESOTA FOR 1905, AS AMENDED BY CHAPTER 245 OF THE GENERAL LAWS OF 1913 AND CHAPTER 31 OF THE GENERAL LAWS OF 1915, RELATING TO JUDGMENT NOTWITHSTANDING THE VERDICT OR DISAGREEMENT.

Be It Enacted by the Legislature of the State of Minnesota:

Section 1. That Section 4362 of the Revised Laws of Minnesota for 1905, as amended by Chapter 245 of the General Laws of 1913, and as again amended by Chapter 31 of the General Laws of 1915, be and the same is hereby amended so that said section shall read as follows:

"Section 4362. When, at the close of the testimony, any party to the action moves the court to direct a verdict in his favor, and such motion is denied, upon a subsequent motion that judgment be entered notwithstanding the verdict, *or notwithstanding the jury has disagreed and been discharged*, the court shall grant the same if the moving party was entitled to such directed verdict. An order for judgment notwithstanding the verdict may also be made on a motion in the alternative form asking therefor, or, if the same be denied, for a new trial. If the motion for judgment notwithstanding the verdict be denied, the supreme court, on appeal from the judgment, may order judgment to be entered, when it appears from the testimony that a verdict should have been so directed at the trial; and it may also so order, on appeal from the whole order denying such motion when made in the alternative form, whether a new trial was granted or denied by such order."

Section 2. This act shall take effect and be in force from and after its passage.

(NOTE C.)

A BILL FOR AN ACT TO AMEND SUBDIVISION 3, OF SECTION 7602, OF CHAPTER 64, OF GENERAL STATUTES OF MINNESOTA 1913, RELATING TO SERVICE OF NOTICE OF APPEAL FROM JUSTICE COURT.

Be It Enacted by the Legislature of the State of Minnesota:

Section 1. That Subdivision 3, of Section 7602, of Chapter 75, General Statutes of Minnesota 1913, be and the same is hereby amended so as to read as follows:

7602. Subd. 3. The party appealing shall serve a notice upon the opposite party, his agent or attorney who appeared for him on the trial, specifying the ground of appeal generally, as follows: That the appeal is taken upon questions of law alone, or upon questions of both law

and fact. Such notice shall be served by delivering a copy thereof to the person upon whom service is made, or by leaving a copy at his residence; provided that if any party has appeared by attorney, service upon such attorney may be made in the manner provided in Section 7744, Subdivision 1, General Statutes of Minnesota, 1913; and the original notice, with proof of service thereof, shall be filed with the justice who rendered the judgment appealed from, within ten days after such service is made.

Section 2. This act shall take effect and be in force from and after its passage.

(NOTE D.)

A BILL FOR AN ACT TO AMEND SECTION 6863, CHAPTER 64, GENERAL STATUTES OF MINNESOTA, 1913, RELATING TO VACATION OF PLATS.

Be It Enacted by the Legislature of the State of Minnesota:

Section 1. That Section 6863, Chapter 64, General Statutes of Minnesota, 1913, be and the same is hereby amended so as to read as follows:

6863. Upon the application of the owner or owners of land included in any plat, and upon proof that all taxes assessed against such land have been paid, and a notice hereinafter provided for given, the district court may vacate or order all or any part of such plat, and adjudge the title to all streets, alleys and public grounds to be in the persons entitled thereto; but streets or alleys connecting separate plats or lying between blocks or lots, shall not be vacated between such lots, blocks or plats as are not also vacated, unless it appears that the street or alley or part thereof sought to be vacated is useless for the purpose for which it was laid out. *The petitioner or petitioners shall cause two weeks' published and posted notice of such application to be given, the last publication to be at least ten days before the term at which it shall be heard; and said petitioner or petitioners shall also serve personally, or cause to be served personally, notice of such application, at least ten days before the term at which said application shall be heard, upon the mayor of the city, the president of the village, or the chairman of the town board of the town where such land is situated.* The court shall hear all persons owning or occupying land that would be affected by the proposed vacation, and if, in the judgment of the court, the same would be damaged, the court may determine the amount of such damage and direct its payment by the applicant before the vacation or alteration shall take effect. A certified copy of the order of the court shall be filed with the county auditor, and recorded by the register of deeds; provided, however, that the district court shall not vacate or alter any street, alley or public ground dedicated to the public use in or by any such plat in any city, town or village organized under a charter or special law which provides a method of procedure for the vacation of streets and public grounds by the municipal authorities of such city, town or village; and provided also, that the provisions of this act shall not apply to nor be affected in any city of the first class having and operating under a special charter.

Section 2. This act shall take effect and be in force from and after its passage.

BILLS RECOMMENDED

Note.—These bills are printed in accordance with legislative rules. Italics indicate new matter in the amended statute. Black-faced brackets indicate that the old matter is dropped out and is shown for reference only.

A BILL FOR AN ACT TO AMEND SECTION 4957 OF GENERAL STATUTES, 1913, RELATING TO SUSPENSION AND REMOVAL OF ATTORNEYS SO AS TO ENLARGE THE POWER OF THE SUPREME COURT TO DISCIPLINE ATTORNEYS FOR SOLICITING PROFESSIONAL EMPLOYMENT, PROCURING UNFAIR SETTLEMENTS OF PERSONAL INJURY CASES, AND OTHER PROFESSIONAL MISCONDUCT.

Be it enacted by the Legislature of the State of Minnesota:

Section 1. That Section 4957 of General Statutes, 1913, be amended so as to read as follows:

4957. CENSURE, SUSPENSION OR REMOVAL, [REMOVAL OR SUSPENSION]. An attorney at law may be *censured, suspended or removed* [removed or suspended] by the Supreme Court for any [one] of the following causes arising after his admission to practice:

1. *For conviction,* [upon his being convicted] of felony, or of a misdemeanor involving moral turpitude; [in either of which cases] *and* the record of conviction shall be conclusive evidence *in either case.*

2. *For wilful misconduct in his profession, which shall include*: [upon a showing that he has knowingly signed a frivolous pleading or been guilty of any deceit or wilful misconduct in his profession.]

a. Soliciting by means of a runner or solicitor, or by means of any book, circular, pamphlet, or other soliciting matter, or by means of any other soliciting agency, any professional employment, or causing or permitting such solicitation.

b. Appearing as attorney in any case or proceedings in any Court of this state, except in the case of commercial collections, when he knows or ought to know, that the cause of action or defense represented by him has been so solicited (by any person).

c. Soliciting, securing, consummating, or knowingly causing or permitting to be solicited, secured or consummated, a release or settlement of damages arising out of any personal injury or death by wrongful act, when he knows or ought to know, that the consideration therefor is grossly inadequate, or that the releasing party is mentally incompetent from any cause, or that such release or settlement has been secured by fraud.

d. Persistent and repeated personal solicitation of professional employment.

e. Any wilful violation of his oath or of any duty imposed upon an attorney by law, or any fraud, deceit, dishonesty in his profession, unfaithfulness to his client, or any conduct prejudicial to the administration of justice.

Proceedings in such cases may be taken by the court on its own motion for matter within its knowledge, or upon accusation as hereinafter provided.

[3. For wilful disobedience of an order of court requiring him to do or forbear an act connected with, or in the course of his profession.]

[4. For a wilful violation of his oath, or of any duty imposed upon an attorney by law.]

Section 2. This act shall take effect and be in force from and after its passage.

A BILL FOR AN ACT TO REGULATE THE SETTLEMENT OF CLAIMS FOR DAMAGES RESULTING FROM PERSONAL INJURY OR DEATH BY WRONGFUL ACT.

Be it enacted by the Legislature of the State of Minnesota:

Section 1. Any release or settlement of a claim for damages arising out of any personal injury wholly disabling the injured person from following his usual occupation for a period of more than ten days, or arising out of death by wrongful act, made within thirty days after the injury or death, may be avoided within six months by the commencement of an action for such damages. Any money, or the value of any consideration paid for such release, need not be returned but shall apply as a payment upon any judgment recovered therein. Upon the trial of any such action, no reference to such avoided release shall be made in the presence of the jury.

Nothing herein shall be construed as modifying the provisions of Chapter 467, Laws 1913, as amended, known as the Workmen's Compensation Act, and the provisions of this Act shall be in addition to, and shall not limit the right to avoid any settlement or release under existing law.

Section 2. This act shall take effect and be in force from and after its passage.

AN ACT TO AMEND SECTION 7721 OF GENERAL STATUTES, 1913, IN RELATION TO VENUE IN CERTAIN CASES.

Be it enacted by the Legislature of the State of Minnesota:

Section 1. Section 7721 of General Statutes, 1913, relating to venue in certain cases, is hereby amended by adding at the foot thereof the following proviso:

Provided: That an action against a foreign corporation may be maintained by a resident of the state, who was such at the time the cause of action arose, whether or not he was a citizen of the state, or by a domestic corporation for any cause of action. An action against a foreign corporation may be maintained by another foreign corporation, or by a non-resident of the state, who was such at the time the cause of action arose, whether or not he was a citizen of the state, in one of the following cases only:

a. Where the action is brought to recover damages for the breach of a contract made within the state, or relating to property situated within the state, at the time of the making thereof.

b. Where it is brought to recover real or personal property situated within the state.

c. Where the cause of action arose within the state, except where the only object of the action is to affect the title to real property situated without the state.

Section 2. This act shall take effect and be in force from and after its passage.

A BILL FOR AN ACT TO AMEND SECTION 2148, CHAPTER II, GENERAL STATUTES OF MINNESOTA, 1913, RELATING TO NOTICE OF EXPIRATION OF REDEMPTION.

Be it enacted by the Legislature of the State of Minnesota:

Section 1. That Section 2148, Chapter II, General Statutes of Minnesota, 1913, be and the same is hereby amended so as to read as follows:

2148. Every person holding a tax certificate, after expiration of three years after the date of the tax sale under which the same was issued, may present such certificate to the county auditor; and thereupon the auditor shall prepare, under his hand and official seal, a notice directed to the person in whose name such lands are assessed, specifying the description thereof, the amount for which the same were sold, the amount required to redeem the same, exclusive of the costs to accrue upon such notice, and the time when the redemption period will expire. If, at the time when any tax certificate is so presented, such lands are assessed in the name of the holder of the certificate, such notice shall be directed also to the person in whose name title in fee of such land appears of record in the office of the register of deeds. The auditor shall deliver such notice to the party applying therefor, who shall deliver it to the sheriff of the proper county for service. Within twenty days after its receipt by him, the sheriff shall serve such notice upon the persons to whom it is directed, if to be found in his county, *and upon the person in possession of the land, if the same is actually occupied, such service to be made* in the manner prescribed for serving a summons in a civil action, [and, if not so found, then upon the person in possession of the land] and shall make return thereof to the auditor. If the persons to whom the notice is directed cannot be found in the county, and there is no one in possession of the land, of each of which facts the return of the sheriff so specifying shall be prima facie evidence, the service shall be made by three weeks' published notice, proof of which publication shall be filed with the auditor. The notice herein provided for shall be sufficient if substantially in the following form:

Section 2. This act shall take effect and be in force from and after its passage.

A BILL FOR AN ACT TO AMEND SECTION 4362 OF THE REVISED LAWS OF MINNESOTA FOR 1905, AS AMENDED BY CHAPTER 245 OF THE GENERAL LAWS OF 1913 AND CHAPTER 31 OF THE GENERAL LAWS OF 1915, RELATING TO JUDGMENT NOTWITHSTANDING THE VERDICT OR DISAGREEMENT.

Be it enacted by the Legislature of the State of Minnesota:

Section 1. That Section 4362 of the Revised Laws of Minnesota for 1905, as amended by Chapter 245 of the General Laws of 1913, and as again amended by Chapter 31 of the General Laws of 1915, be and the same is hereby amended so that said section shall read as follows:

"Section 4362. When, at the close of the testimony, any party to the action moves the court to direct a verdict in his favor, and such motion is denied, upon a subsequent motion that judgment be entered notwithstanding the verdict, *or notwithstanding the jury has disagreed and been discharged,* the court shall grant the same if the moving party was entitled to such directed verdict. An order for judgment notwith-

standing the verdict may also be made on a motion in the alternative form asking therefor, or, if the same be denied, for a new trial. If the motion for judgment notwithstanding the verdict be denied, the supreme court, on appeal from the judgment, may order judgment to be entered, when it appears from the testimony that a verdict should have been so directed at the trial; and it may also so order, on appeal from the whole order denying such motion when made in the alternative form, whether a new trial was granted or denied by such order."

Section 2. This act shall take effect and be in force from and after its passage.

A BILL FOR AN ACT TO AMEND SUBDIVISION 3, OF SECTION 7602, OF CHAPTER 75, OF GENERAL STATUTES OF MINNESOTA 1913, RELATING TO SERVICE OF NOTICE OF APPEAL FROM JUSTICE COURT.

Be it enacted by the Legislature of the State of Minnesota:

Section 1. That Subdivision 3, of Section 7602, of Chapter 75, General Statutes of Minnesota 1913, be and the same is hereby amended so as to read as follows:

7602. Subd. 3. The party appealing shall serve a notice upon the opposite party, his agent or attorney who appeared for him on the trial, specifying the ground of appeal generally, as follows: That the appeal is taken upon questions of law alone, or upon questions of both law and fact. Such notice shall be served by delivering a copy thereof to the person upon whom service is made, or by leaving a copy at his residence; *provided that if any party has appeared by attorney, service upon such attorney may be made in the manner provided in Section 7744, Subdivision 1, General Statutes of Minnesota,* 1913; and the original notice, with proof of service thereof, shall be filed with the justice who rendered the judgment appealed from, within ten days after such service is made.

Section 2. This act shall take effect and be in force from and after its passage.

A BILL FOR AN ACT TO AMEND SECTION 6863, CHAPTER 64, GENERAL STATUTES OF MINNESOTA, 1913, RELATING TO VACATION OF PLATS.

Be it enacted by the Legislature of the State of Minnesota:

Section 1. That Section 6863, Chapter 64, General Statutes of Minnesota, 1913, be and the same is hereby amended so as to read as follows:

6863. Upon the application of *the* owner *or owners* of land included in any plat, and upon proof that all taxes assessed against such land have been paid, and a notice hereinafter provided for given, the district court may vacate or *alter* all or any part of such plat, and adjudge the title to all streets, alleys and public grounds to be in the persons entitled thereto; but streets or alleys connecting separate plats or lying between blocks or lots, shall not be vacated between such lots, blocks or plats as are not also vacated, unless it appears that the street or alley or part thereof sought to be vacated is useless for the purpose for which it was laid out. *The petitioner or petitioners shall cause two weeks' published and posted notice of such application to be given, the last publication to be at least ten days before the term*

at which it shall be heard; and said petitioner or petitioners shall also serve personally, or cause to be served personally, notice of such application, at least ten days before the term at which said application shall be heard, upon the mayor of the city, the president of the village, or the chairman of the town board of the town where such land is situated. The court shall hear all persons owning or occupying land that would be effective by the proposed vacation, and if, in the judgment of the court, the same would be damaged, the court may determine the amount of such damage and direct its payment by the applicant before the vacation or alteration shall take effect. A certified copy of the order of the court shall be filed with the county auditor, and recorded by the register of deeds; provided, however, that the district court shall not vacate or alter any street, alley or public ground dedicated to the public use in or by any such plat in any city, town or village organized under a charter or special law which provides a method *of* procedure for the vacation of streets and public grounds by the municipal authorities of such city, town or village; *and provided also,* that the provisions of this act shall not apply to nor be affected in any city of the first class having and operating under a special charter.

Section 2. This act shall take effect and be in force from and after its passage.

A BILL FOR AN ACT TO AMEND SECTION 4946 OF THE GENERAL STATUTES OF MINNESOTA, 1913, RELATING TO THE ADMISSION OF ATTORNEYS TO PRACTICE IN MINNESOTA.

Be it enacted by the Legislature of the State of Minnesota:

Section 1. That Section 4946 of the General Statutes of Minnesota, 1913, be amended so as to read as follows:

4946. "Except as hereinafter provided, no person shall be admitted to practice as an attorney, or permitted to commence, conduct, or defend any action or proceeding in a court of record to which he is not a party, either in his own name or in that of another, otherwise than under rules prescribed by the Supreme Court."

Section 2. This act shall take effect and be in force from and after its passage.

REPORT OF COMMITTEE ON UNIFORM STATE LAWS

To the Minnesota State Bar Association:

Your undersigned Committee on Uniform State Laws respectfully report as follows:

Since the last Report of this Committee there has been no session of the Minnesota legislature; and only a few of the legislatures of other states held sessions this year. Therefore the status of uniform legislation in Minnesota is the same as shown in the 1915 Report of this Committee to your Association. The status of uniform legislation generally in the United States is, with few changes, the same as set forth in our last Report. We refer to that Report, which was presented by S. R. Child, chairman, and which comprised a very illuminating statement as to the work of the National Conference of Commissioners on Uniform State Laws, and of the necessity of further uniform legislation in Minnesota.

There have been adopted by the National Conference, and approved by the American Bar Association, previous to this Report, for adoption by the various states, uniform acts upon various subjects. Only two of these have been passed in Minnesota—the Negotiable Instruments Act and the Warehouse Receipts Act, which became Minnesota laws in 1913. The Uniform Sales Act and the Uniform Stock Transfer Act were introduced into the Minnesota legislature of 1915. They received favorable consideration, but were not passed because of the congested condition of the calendar. The Uniform Acknowledgments Act, recommended by the National Conference, has been for some time, in all its substantial features, a Statute of Minnesota. Many of the uniform acts adopted by the National Conference, as to which exact uniformity is less necessary than in purely commercial acts, are covered by Minnesota Statutes to an extent which is fairly adequate for the purpose of uniformity.

We next show the subject matter of the uniform acts which have been adopted by the National Conference and which have been approved by the American Bar Association for adoption by the legislatures of the various states, together with the year when they were adopted by the Conference, the number of states that have adopted the same, and the sections of Minnesota General Statutes 1913 where the adopted acts are shown, or where the subject matter of such acts is covered. "S" denotes that the subject matter is covered by present Minnesota Statutes. "M" denotes that the uniform act is, as recommended by the Conference, now a part of the Minnesota statutory law. We have divided the acts into three classes: "Commercial," "Social," and "Other Acts."

Commercial Acts.	*Year.*	*No. of States.*	*Sections of G. S. 1913.*
Negotiable Instruments.....	1896	44	M. Adopted, 5813-6009.
Warehouse Receipts Act....	1906	31	M. Adopted, 4514-4575.
Sales of Goods Act.....	1906	13	
Bills of Lading Act.....	1906	13	
Stock Transfer Act.....	1909	10	
Partnership Act.....	1914	4	
Social Acts.			
Divorce Act.....	1907	3	
Marriage and Marriage License Act	1911		
Marriage Evasion Act.....	1912	4	
Family Desertion Act.....	1910	9	S. Covered, 8666 and 7.
Child Labor Act.....	1911		S. Covered, 3839-3850.
Workmen's Compensation...	1914	1	S. Covered, 8195-8230.
Other Acts.			
Wills Executed out of State	1910	10	S. Covered, 7253.
Probate of Foreign Wills...	1914	10	S. Covered, 7274.
Cold Storage Act.....	1914		
Foreign Acknowledgments...	1914		S. Covered, 5746.
Acknowledgments Act.....	1892	15	S. Covered, 5744.
Pure Food and Drug Act....	1915	1	Same as Federal Act.
Land Registration.....	1915		S. Covered, 6878-6950.
Uniform Flag Act.....	1915		S. Covered, 9012.

Minnesota is represented in the National Conference by the members of its State Board of Commissioners on Uniform Laws, which now consists of Rome G. Brown, of Minneapolis, chairman, C. A. Severance, of St. Paul, and S. R. Child, of Minneapolis. Mr. Severance has been chairman and member of many important committees of the National Conference; as also Mr. Brown, who was vice-president of the Conference for the year 1913-14. Mr. Child is now the very efficient chairman of the Committee of the Conference on Adoption of Approved Acts.

The two biennial Reports of this State Board, the one to the 1913 and the other to the 1915 session of the legislature, contain much information on the subject of uniform legislation, particularly as applied to Minnesota. Fuller information on the subject is also obtainable from the annual reports of the National Conference, which may be obtained upon request from George B. Young, Secretary, Newport, Vermont.

It seems to your Committee that persistent effort should be made to obtain the adoption in Minnesota of other acts recommended by the National Conference, and particularly of those commercial acts which have not been already adopted in this state.

Another matter of importance is that which is referred to somewhat fully in the 1915 Report of this Committee. It is the general custom that the state legislatures make an appropriation, for the

payment, not only of expenses, to a limited amount, of the members of their State Board of Commissioners on Uniform Laws, but also for an annual contribution to the National Conference, to help defray the necessary work of that Conference. This custom was adopted by Minnesota in 1911, when the State Board of Commissioners on Uniform Laws was established (see Laws 1911, Chapter 68).

By that statute, a total appropriation of $1,000 per annum was made, of which $500 was for annual contribution to the National Conference, or such part thereof as should be deemed the proper proportion to be paid by Minnesota. The 1913 legislature repealed all such standing appropriations, but made a special similar appropriation for the years 1913 and 1914. The 1915 legislature failed to make any appropriation for either the expenses of the Board or for contribution to the National Conference. This was a mistake; for Minnesota should join with other states in promoting the cause of uniformity of legislation which is represented by the work of the National Conference. The appropriation should be renewed by the next legislature.

Your Committee recommends the passage by Minnesota State Bar Association of the following resolution:

Resolved, by Minnesota State Bar Association, that this Association commends the work of the National Conference of Commissioners on Uniform State Laws and recommends the passage by the Minnesota legislature of 1916 of the Commercial Acts, already adopted by the National Conference, which have not yet been adopted in Minnesota; and

Be It Further Resolved, that this Association shall, through its officers and its Committee on Uniform State Laws, urge upon the legislature of 1916 the making of an annual appropriation for the expenses of its State Board of Commissioners on Uniform State Laws, and for contribution to the National Conference, in the same amounts as had been provided by the Act of 1911.

Respectfully submitted,

ROME G. BROWN, Minneapolis;
ALBERT PFAENDER, New Ulm;
L. D. BARNARD, Renville,
Committee on Uniform State Laws.

REPORT OF COMMITTEE ON LEGAL BIOGRAPHY

Luverne, Minn., June 3d, 1916.

Chester L. Caldwell, Esq.,
506 Germania Life Bldg., St. Paul, Minnesota.

Dear Sir:—

As chairman of the Committee on Legal Biography of the State Bar Association I have the honor of reporting to you, as Secretary of the Association, the following memorials of members who have died during the past year.

I have corresponded with all the members of the Committee, and they report no other deaths among the members.

Yours very truly,

E. H. CANFIELD.

MEMORIALS.

WINFIELD SCOTT HAMMOND.

On December 30, 1915, there died from a stroke of apoplexy at Clinton, Louisiana, where he was sojourning for business and pleasure, Winfield Scott Hammond, a member of the Minnesota State Bar Association and Governor of the state. His sudden death, in the flower of middle life and at the height of his career as a public man, came as a great shock to his many personal friends and was a distinct loss to the people of Minnesota and the nation. All felt and knew that a really great man had passed away.

Winfield Scott Hammond was born at Southborough, Worcester county in the state of Massachusetts, on the 17th day of November, 1863. After attending school in his native town he entered Dartmouth college in 1880 and was graduated therefrom in June, 1884. Shortly thereafter he came west, and was for one year principal of the Mankato high school, and thereafter superintendent of the schools at Madelia for five years. While teaching school he took up the study of law on his own account and was admitted to the bar in 1891. His success as a lawyer was immediate. In May, 1895, he moved from Madelia to St. James, which was ever thereafter his home, and there he was buried on January 3, 1916. His funeral was a state affair and was attended by a large concourse of personal and political friends and admirers from every section of the state.

Mr. Hammond served as county attorney of Watonwan county for the years 1895 and 1896, and again from 1900 to the end of 1904.

Mr. Lind, while Governor, appointed him a member of the State Normal School Board; later, he was reappointed to the same position by Governor Van Sant, serving in all as Normal school director for a period of eight years. For a number of years he was president of the Board of Education of St. James and one of the state managers of the Sons of the American Revolution.

In 1892 Mr. Hammond was the Democratic candidate for Congress in the Second Minnesota district, but was defeated by James T. McCleary, Republican. He made a fine run, however. This was his only political defeat. In 1896 he defeated his old opponent, Mr. McCleary, by a decisive vote after a hard-fought battle which attracted nation-wide interest because of the issues involved and the great ability and prominence of Mr. McCleary. He repeated this performance in 1908. In the campaigns of 1910 and 1912 he was again re-elected a member of Congress, although his district was overwhelmingly Republican. He was elected Governor in the fall of 1914, defeating William E. Lee in one of the most spectacular fights ever staged for the governorship of Minnesota.

Mr. Hammond was a close friend of the late Governor Johnson, the two being intimately acquainted long before either of them attained state-wide prominence. It was Mr. Hammond who made the speech nominating Mr. Johnson for Governor in 1905. Two years later he again presented the name of Mr. Johnson to the Democratic convention for re-election. At the Denver National convention in 1908, he presented the name of his friend, John A. Johnson, for President of the United States, in a notable speech.

During his first term in Congress Mr. Hammond served on the committee of public lands and the committee of mines and mining, being active in the legislation which established the bureau of mines. At the next session he was a member of the committee of banking and currency. In his last term he arose to become a member of the great committee of ways and means, and took an active part in the framing and passage of the Underwood tariff bill. He was also president of the Western Association of Democratic representatives in Congress.

Mr. Hammond was frugal in his habits and a good business man, accumulating a comfortable fortune.

He was never married. In his church affiliations he was a Presbyterian and a regular attendant at the Sunday services.

Fraternally he was a Blue Lodge Mason, a Knight Templar, a Shriner, an Odd Fellow and an Elk.

From the above brief biographic sketch it will be seen that Mr.

Hammond had a varied and an eminently successful business and political career. He shed honor on his adopted state, for he served her well in many capacities, and his name and fame will never cease to adorn the pages of Minnesota's history.

PETER H. STOLBERG.

Peter H. Stolberg, Judge of the Nineteenth Judicial District, died suddenly on December 21st, 1915, at Hinckley, while returning from holding court at Mora. His death was a shock to all who knew him.

Peter H. Stolberg was born in Skog, Helsingland, Sweden, December 7th, 1848. He was the oldest of three brothers. He attended a government military school in Sweden, and became a non-commissioned officer. In his twentieth year he came to America alone, first locating at Galesburg, Illinois, where he worked as a farm laborer and on a railroad. Later he removed to Michigan, where he worked in the pineries as common laborer. In 1871 bought a farm in Chisago county, where for a time he made his home. During the first three years he was in America he saved enough money to bring his parents to America. They joined him at his home in Chisago county, and continued to live with him the succeeding ten years. During that period he worked upon his farm, and also in the pineries, driving logs down the rivers tributary to the St. Croix river. In 1877 he ran as an independent candidate for sheriff of his county, and was elected. He was twice re-elected. In 1884 he was appointed receiver of public money of the United States Land Office at Taylor's Falls, serving in that capacity from August 1st, 1884 to August 1st, 1887.

During his term of office as sheriff and receiver he conceived an ambition to become a member of the legal profession, and he devoted much of his time to legal study, and when he ceased to be receiver of the public land office, he entered the law office of Hon. H. N. Setzer, at Taylor's Falls. He was a natural student and a tireless worker, and the result was that he was admitted to the bar in May, 1888. He then located at Harris, Minnesota, where he commenced the practice of law.

In 1888 he was elected county attorney of Chisago county, serving in that capacity twelve succeeding years. During that time he built up an extensive practice, and conducted many important cases in different parts of the state.

Judge Stolberg was widely known as a safe counsellor and an able lawyer of the highest integrity. He was justly held in the highest regard as a man, a neighbor, and a citizen.

When the Nineteenth Judicial district was created in April, 1907, he was appointed judge without opposition, and in 1908 he was elected to succeed himself. In 1914 he was re-elected without opposition.

This brief resume of the life of Judge Stolberg indicates his leading characteristics. It furnishes an inspiration to those who are ambitious to succeed in any profession or calling.

In early life Judge Stolberg commanded the entire confidence of the community where he lived, and, as the field of his activities widened with the advancing years, public confidence in him correspondingly increased.

He was a man of great strength of character. He had strong convictions; was outspoken and even blunt at times; he was independent in thought and action; of the strictest integrity, and he lived a straight-forward and honorable life. He was a loyal friend. Those who disagreed with him could not withhold admiration for his rugged frankness and the honesty of his convictions, and other sterling qualities of mind and heart.

His struggles against adverse conditions show what may be accomplished by tireless industry, resolute perserverance, upright character, and unswerving integrity.

He was an able and industrious lawyer, fearless and loyal to the cause of a client. He never acknowledged defeat until all the resources of honorable effort were exhausted. He was unusually successful, and he won many important cases. He had and retained the absolute confidence of his clients, and he was a leader both at the bar and as a citizen. He was endowed with rare common sense, and he presented his cases with entire frankness, and in a clear, plain, convincing manner without artifice or concealment. He won the confidence of courts and juries.

He became a conscientious and painstaking judge, listening carefully and attentively to every suggestion and argument of counsel. He was never hasty in reaching a conclusion, though he lightly brushed aside objections tending to prevent the actual facts from appearing before the court. He wanted to know the truth; he hated every kind of sham, pretense and deception. He had a keen perception of the crucial point in a controversy and earnestly sought to do justice in every case brought before him. In short, he was a just and upright judge.

THOMAS H. QUINN.

Thomas H. Quinn was born at Berlin, Wisconsin, November 6th, 1854. In 1865 he came to Faribault, Minnesota, with his parents, where he continued to reside until his death on December 27th, 1915.

He was educated in the Immaculate Conception Church and the public schools of Faribault, receiving a good common school education, supplemented by reading and study.

In 1872 he worked with a company of engineers in locating the boundary line between Canada and the United States from Pembina to the Lake of the Woods, after which he taught one term of school.

In 1875 he began the study of law in the office of his brother, the late Judge J. B. Quinn. He was admitted to the bar in Rice county in November, 1877, and shortly thereafter entered into partnership for the practice of law with George N. Baxter. After a brief period this partnership was dissolved, whereupon he became a partner with his brother, John B. Quinn.

In 1882, his brother having removed from Faribault, Mr. Quinn continued the practice of law in Faribault until a short time before his death.

He served as county attorney of Rice county during the years 1884, 1885 and 1886, and again during the years 1891 and 1892. For some time he was city attorney of Faribault.

He was a member of the American, Minnesota, and Rice County Bar Associations, and served several terms as president of the last named association, holding the office at the time of his death. Mr. Quinn was a member of the Knights of Columbus, Fraternal Order of Elks, and the Faribault Commercial Club. He was president of the Commercial Club several terms.

Mr. Quinn married Miss Elizabeth Nolan on May 15th, 1893. She passed away in June, 1910. Mr. Quinn is survived by five children, two sons and three daughters.

Thomas H. Quinn was a plain man, retiring, unassuming, and of unsullied character. He was learned in the law, conscientious, industrious, and painstaking in his profession. He was a formidable opponent in a forensic contest. He gave to his clients the best that was in him. He was always courteous and considerate. He possessed strong common sense, a natural love of justice, and he was firm and fearless in the discharge of duty. He was the soul of honor, and his word had the force of law.

He was loved and respected by the members of his profession and by all with whom he came in contact. His death was an irreparable loss to the bench and bar.

REPORT OF COMMITTEE ON STATE LIBRARY

June 10, 1916.

To the President and Members of the Minnesota State Bar Association:

Your Committee on the State Library begs leave to report as follows:

The Minnesota State Library, located in the Capitol Building, St. Paul, Minnesota, contains 8,006 bound volumes and approximately 2,000 pamphlets, including United States and State documents. Current accessions number approximately 2,200 volumes annually.

The Library is supported wholly by state appropriation. The appropriation for the current year is as follows:

For salaries, $6,900, distributed as follows:

Librarian	$3,000
Assistant Librarian	1,800
Second Assistant Librarian	1,200
Library Clerk	900

For the purchase of books and for binding, $6,500.

For contingent expenses, $750.

The Library is under the general supervision of the Justices of the Supreme Court, Gen. Stat. 1913, Sec. 130. The Librarian is appointed for a term of two years by the Governor. The assistants are appointed by the Librarian, subject to the approval of the Justices of the Supreme Court.

In pursuance of the law, the Supreme Court has adopted rules governing the Library. The purchase of books comes under the supervision of the Justices of the Supreme Court, as well as all Library expenditures, all Library bills being subject to their approval.

From its inception the Library has been regarded as primarily intended for the use of the Supreme Court, the Attorney General's office, and the various state departments, as well as the State Judiciary, and has not been regarded as a circulating library and the rules adopted for controlling the Library have kept these ends in view. Your Committee feels that to meet the demands of the public service as above set forth will tax the efficiency of the Library staff to its fullest extent, and therefore hopes that the primary purposes for which the Library was established will not be extended. As the Library is a depository for the United States Government publications, with the distinct understanding that they are accessible to the public, it is necessarily, moreover, a public Library.

The Library quarters are at present crowded, and must necessarily remain so until the Historical Library Building is completed; then additional space can be provided. Unfortunately no room will be available for the Library quarters on the same floor as the Supreme

Court room, hence room will have to be provided on the upper floor adjoining the Library rooms. On the upper floor a room now occupied by the Tax Commission, which was originally intended for the use of the Library, would be fairly accessible and could be used for the housing of such documents as are not currently used. This would furnish stack room for approximately 25,000 volumes and meet the needs of the Library for some years. It is, however, an important question as to how the Library should be properly housed when space is made available upon the completion of the Historical Library Building. Since the allotment of space within the Capitol is left with the Governor of the state, your Committee would recommend the appointment of a committee to act with the Justices of the Supreme Court and State Librarian for the purpose of consulting with the Governor in reference to additional available room for the Library when the Historical Library Building is completed.

On the whole, we find the Library in good condition and its Library force courteous and efficient.

Respectfully,

GEORGE L. BUNN,
S. BLAIR McBEATH,
LYNDON A. SMITH,
W. H. STEWART,
JAMES PAIGE, Chairman,
Committee.

REPORT OF COMMITTEE ON LEGISLATION

To the Board of Governors, Minnesota State Bar Association, St. Paul, Minnesota.

Gentlemen: Your Committee on Legislation has the honor to report as follows:

The past year being one in which no legislature of the state has met, our task as a committee has been comparatively light. Would that it were always as easy to get a just and righteous measure through the legislature as it is to accomplish the task in one's mind by merely imagining that as done which ought to be done.

However, while the members of your Committee have not been able, through the assistance of the legislature to bring about the passage of certain much needed laws, we have "sicklied o'er with the pale cast of thought" certain measures which we think ought to be enacted into law by the next legislature. Among these are the so-called State Bar Association Bills, which failed of passage at the 1915 session, and were at last meeting of the Association recommitted for the purpose of having certain objectionable features in them removed by amendment. Our Committee has had no report from that committee.

At the last meeting of the Board of Governors of the Association it was decided that bills for any legislation desired by the bar ought to be introduced not later than the first two weeks of the session, in order that they should receive proper consideration and be out of the way before the members get buried up with other important work.

In behalf of our successors, may we therefore earnestly ask that any bill covering practice or procedure, or affecting the profession, be handed in to the next Committee on Legislation in sufficient time before the opening of the session, so that members of the committee can give it due consideration and have it introduced very early in the session. Otherwise the work of a legislative committee is "Love's labor lost."

Respectfully submitted,

JAMES D. SHEARER, Chairman,
JAMES H. HALL,
THOS. HESSIAN,
JAMES J. QUIGLEY,
MARTIN O'BRIEN,
J. N. NICHOLSON,
WM. E. MacGREGOR,
WARREN E. STONE,
ALFRED P. STOLBERG,
Committee.

June 6th, 1916.

REPORT OF COMMITTEE ON LEGAL EDUCATION

Minneapolis, Minn., June 1, 1916.

To the President and Members of the Minnesota State Bar Association:

This Committee has not completed all of the work it has undertaken, but it desires to submit and have published its report upon the matters it has finished, and also upon the matters in respect to which it recommends that the Association take some action at the 1916 meeting.

1. During the past few years serious complaint has been made by those taking the State Bar Examinations, as to the method of giving out the examination questions and the kind and degree of supervision exercised over the actual writing of the papers. We made a careful investigation of the facts and submitted our findings to the President and other members of the Board of Bar Examiners, who have not been familiar with the actual conduct of the examinations in the examination room; and we have been assured that the objectionable practices will be corrected.

2. At the present time there are four law schools in the state, whose degrees admit their holders to practice without examination by the State Board of Examiners. This so-called "Admission-on-diploma" privilege was conferred upon the State University by statute, and upon the other three schools by order of the Supreme Court given under a permissive statute. There are thus five standards for admission to the bar in Minnesota; that is, the requirements of the State Bar Examiners, and the respective standards of the four law schools. The Bar Examiners are required by the Court to examine applicants for admission in each of a list of subjects prescribed by the Court. Discovering that some of these prescribed subjects either were not taught at all or were "electives" in some or all of the schools, the Board applied to the Court for an order providing that all law schools whose degrees admitted to practice under the said order of court require, as a condition to graduation, that students satisfactorily complete at least a prescribed minimum of hours of work in each of the subjects in which the Board was required to examine those who came before it. The matter was studied as carefully as time and circumstances would permit by the Board, your committee and the deans and officers of the schools in question, and on May 8th, the Supreme Court heard all parties interested in the subject. No order has been filed at the time of this report.

3. The sentiment of the Association regarding the desirability of the immediate repeal by the legislature of the statute permitting admission to the bar by diploma was so clearly expressed at both the 1914 and the 1915 meetings, that no extended presentation of the subject is necessary here. It will, however, help the legislative com-

mittee to secure the passage of the desired repeal act if the Association once more expresses its judgment in the matter. Accordingly, we recommend the adoption of the following resolution:

"RESOLVED, That the Minnesota State Bar Association favors the uniform rule that all applicants for admission to the bar in this state, excepting such as may be admitted through comity, shall be required to pass examinations set by the State Board of Law Examiners; and that it favors the repeal of such portions of G. S. (1913), Sec. 4946 as confer upon the graduates of Minnesota law schools the privilege of admission to the bar upon presentation of diplomas."

In our opinion, there is no subject now before the Association of greater importance to the profession than this one. We suggest, therefore, that a circular letter, setting forth all the facts and the action of the Association regarding them, and requesting support for the desired law be mailed to each member of the legislature not later than December 1st, and that a follow-up letter be sent to each of them a few days before the 1917 session opens. If a special appropriation for these purposes must be made by the Association, that also should be taken care of at the annual meeting.

4. Believing that the "admission-on-diploma" privilege will be abolished by the legislature at its next session, and that thereafter the fitness of all applicants for admission will be passed upon solely by the State Board, we desire to call your attention to another phase of the situation, which we believe will be of increasing importance in the future; i. e., the inquiry which should be made into the moral character of applicants for admission to the bar.

For some years increasing attention has been given to the mental qualifications of such applicants, but the matter of character, which is of at least equal consequence to the bar and to the public at large, has been almost ignored. The rules of the Boards of Examiners in most states, our own included, have required applicants to furnish only a formal certificate of character from some designated class, such as attorneys, for instance. Such a certificate is easily obtained and furnishes no real help to the Examiners in passing upon the applicant's character. It does not even give them a starting point for an independent investigation if they wished to make one. Consequently, as a practical matter, the man who supplies this purely formal certificate, and whose general and legal knowledge is satisfactory, is admitted to practice without regard to the important questions of character.

All over the country, and in our own state, one of the most troublesome problems is the purging of the profession of its unworthy members. Ethics Committees of State and National Associations are overburdened, and complaints and disbarment proceedings reflect discredit upon the profession, largely because of the practices of dis-

honest lawyers. The Bar Associations of the different states are now beginning to recognize the importance of proper moral qualifications of candidates for admission to the bar, realizing that it is better to put up proper bars and safeguards prior to a candidate's admission than it is to attempt purification at a later date through disbarment proceedings. It is the opinion of your Committee, based upon its study of the matter, that no applicant should be admitted to the bar without a thorough investigation of his character. The exact form which that investigation should take we are not yet ready to recommend, but we do recommend that papers be heard upon the subject at the next annual meeting of the Association, and that there be presented at that time for discussion the method or methods of character investigation which your committee then working upon the subject shall think best adapted to the conditions existing in this state.

For your information we make part of this report a brief summary of what is being done elsewhere along these lines.

A. L. YOUNG,
LAFAYETTE FRENCH,
JOHN A. RAY, JR., Chairman,
Committee.

Methods adopted by the Bar Associations of the different states for the investigation of an applicant's moral character may be briefly summarized as follows:

1. Formal certificates of character from citizens, attorneys or judges. These are required in the following states: Arkansas, Iowa, Minnesota, Missouri, Nebraska, North Carolina, North Dakota, Oregon, South Carolina, South Dakota, Utah, Wisconsin and Wyoming. In Michigan, the State Board of Law Examiners must certify as to the moral qualifications of the applicants.

2. Recommendation by local bar associations, a requirement to be found only in Connecticut.

3. A judicial determination of character by the local Court of the applicant's residence and the certification thereof to the Examiner or to the Court having jurisdiction over admission. This method prevails in Alabama, Georgia, Illinois, Tennessee, Virginia, Kentucky, Texas and West Virginia.

4. A requirement that a student of law register with the Clerk of the Supreme Court or similar officials, upon beginning his study of law, prevails in Colorado, Delaware, New Jersey, Ohio and Michigan.

5. The publication, either in the press or by posting the notice in the office of the Clerk of the Supreme Court or similar public place, of the fact that the applicant intends to apply for admission in the near future, is required in Colorado, Illinois, Kansas, Maine, Maryland, Massachusetts, New Jersey and Rhode Island.

6. An affidavit by the applicant that he has read the Code of

Ethics of the State Bar Association, and that he will try to conform his conduct thereto characterizes Ohio.

7. Conditional admission on probation is provided for in Oregon and Washington.

8. An investigation of character by or under the direction of the Supreme Court is the requirement in Idaho, Montana, New Hampshire, New Mexico, Nevada and Oklahoma.

9. The special Character Committee, which has been developed only in New York.

The foregoing summary is taken from the records of the Committees on Legal Education of the American Bar Association. (See reports of American Bar Association Vol. XXXVIII 1913.) This Committee, after a close and diligent investigation of the subject, reported favorably upon the special Character Committee as developed in New York.

In reporting upon these various methods, the Committee stated that character investigations have been conducted, for the most part, in a very formal, if not perfunctory manner.

To quote from that report:

"Formal certificates of character, even from Judges, are in themselves of no value. Publication of names results in no information of value unless the bar and the public come to realize the importance of the proceedings. An affidavit, that one has read the Bar's Code of Ethics, is of no service in guaranteeing in the reader sufficient character to insure his applying the code to his own conduct. One without character will approve heartily to the Code of Ethics, as applied to the character of others."

Owing to its large emigrant population, in no state in the Union are conditions in respect to the moral plane of its bar more acute than in the state of New York. To solve the difficulties presented by this situation, that state has evolved the so called "Character Committee." An applicant for admission to practice in New York must obtain a certificate from the State Board of Examiners, as to his mental competency and in addition thereto receive a certificate of approval from the Character Committee, upon his moral fitness to practice law. This Committee receives its authority from the Court of Appeals, which has authorized the Appellate Division of the Supreme Court to appoint a character committee for each department. In the first department, embracing the city of New York, the committee consists of five members with a salaried investigator at their disposal. The committee begins its work by publishing in the New York Law Journal, the official journal, a list of those who have been certified to by the State Board of Law Examiners. This publication goes to the entire bar. Objections to the applicants are made in writing and filed with the Secretary of the Committee. In addition to the foregoing, every applicant is required to fill out a blank form containing in substance the following questions:

"Give your full name, age, residence and birthplace. If born in a foreign country, what was your age when you came to the United States? If naturalized, state where. State the name and occupation of your parents. State what schools you attended. State what degrees, if any, you have received. Did you attend a law school? If so, state what school and when. What degrees in law have you received? Have you been employed in any law office, or studied in a law office? If so, state when and where. State specifically the details as to the dates of your employment. Have you ever applied for admission to practice law as an attorney or as a counsellor in any other state or country? If so, specify when and where. Have you ever applied for admission to the bar in the state of New York in any other department than the First Department? If so, state when and where. Have you ever been engaged in any business, occupation or profession other than the law? State fully the names and addresses of your employers. Are such employers willing to appear before the Committee on your behalf? Have you ever been a party to or otherwise involved in any legal proceedings? Give names and addresses of persons to whom you refer as to your character, and state how long you have known each."

Investigation is made as to the truth of the replies and in case any objection is raised, the applicant is personally summoned before the committee and examined as to the truth of the charges. The candidates must also have an affidavit from two members of the bar, one of whom shall be known to at least one member of the committee, certifying to the applicant's fitness and stating fully what knowledge the affiant has of him and whether that knowledge is merely a business acquaintance or a personal one.

As a result of its labors, that committee has since its organization, rejected about four per cent. of those applying for admission to the bar in the state of New York. While the percentage is low, indicating more the partial inefficacy of the best of methods to cope with the situation, rather than a high standard of morality among the applicants, yet, nevertheless, it has accomplished something and the percentage is a growing one. At first giving the committee only its half-hearted support, the bar of the state of New York has recently rallied enthusiastically to the defense of the workings of this committee. With this growing sense of the importance of its work manifested in the earnest assistance of the bar, they feel that their labors will not have proven in vain.

REPORT OF MEMBERSHIP COMMITTEE

To the Minnesota State Bar Association:

In obedience to the rules of the Association and the request of its officers that reports be in the hands of the Secretary on or before June 8th, 1916, your Membership Committee beg leave to report:

1. That shortly after the St. Cloud meeting steps were taken to the organization of a membership committee, consisting of one member or more from each county, and the membership committee as organized is as follows:

Goodhue County.....C. P. Hall, Red Wing
Goodhue County.....D. C. Sheldon, Pine Island
Dakota County.....C. S. Lowell, Hastings
Dakota County.....D. C. Grannis, South St. Paul
Ramsey County.....Roy H. Currie, St. Paul
Olmsted County.....George J. Allen, Rochester
Wabasha County.....James E. Phillips, Lake City
Winona County.....L. L. Brown, Winona
Hennepin County.....L. K. Eaton, Minneapolis
Dodge County.
Rice County.....J. T. McMahon, Faribault
Blue Earth County.....C. C. Dailey, Mankato
Watonwan County.....J. L. Loben, St. James
Waseca County.....Joseph Moonan, Waseca
Steele County.
Becker County.....Henry L. Jenson, Detroit
Benton County.....E. W. Swenson, Foley
Clay County.....N. B. Hanson, Barnesville
Douglas County.....Constant Larson, Alexandria
Mille Lacs County.....Olin Myron, Milaca
Morrison County.....A. H. Vernon, Little Falls
Otter Tail County.....A. Thompson, Fergus Falls
Stearns County.....Hon. J. A. Roeser, St. Cloud
Todd County.....W. M. Wood, Long Prairie
Wadena County.....J. H. Mark, Wadena
Carver County.....W. F. Odell, Chaska
Le Sueur County.....Francis Cadwell, Le Sueur
McLeod County.....Garfield W. Brown, Glencoe
Scott County.....J. J. Moriarty, Shakopee
Sibley County.....A. L. Young, Winthrop
Lyon County.....E. B. Korns, Tracy
Redwood County.
Brown County.....Albert Hauser, Sleepy Eye
Nicollet County.....Geo. T. Olson, St. Peter
Lincoln County.....L. R. Johnson, Ivanhoe
Fillmore County.....R. E. Thompson, Preston
Freeborn County.....J. F. T. Meighen, Albert Lea
Houston County.....Charles A. Dorival, Caledonia
Mower County.....J. N. Nicholsen, Austin
Carlton County.....H. Oldenburg and Spencer J. Searls, Carlton
Cook County.
Lake County.....John Dwan, Two Harbors

St. Louis County.....A. T. Banning, Jr., Duluth
Ely County.....J. W. Osborne, Ely
Virginia County.....E. L. Boyle, Virginia
Hibbing County.....H. F. White, Hibbing
Chippewa County.....Olaf Gjersek, Montevideo
Kandiyohi County.....T. O. Gilbert, Willmar
Lac Qui Parle County.....H. W. Ewing, Madison
Meeker County.....Nelson D. Marsh, Litchfield
Renville County.....J. M. Freeman, Olivia
Swift County.....S. H. Hudson, Benson
Yellow Medicine County.....Bert O. Loe, Granite Falls
Cottonwood County.....O. J. Finstad, Windom
Murray County.....Hon. L. S. Nelson, Slayton
Nobles County.....J. A. Cashel, Worthington
Pipestone County.
Rock County.....C. A. Christofferson, Luverne
Kitson County.....P. H. Konzon, Hallock
Mahnomen County.....J. T. Van Metre, Mahnomen
Marshall County.....Julius Olson, Warren
Norman County.....M. A. Brattland, Ada
Pennington County.....W. T. Brown, Thief River Falls
Polk County.....E. O. Hagen, Crookston
Red Lake County.....Charles A. Boughton, Red Lake Falls
Roseau County.....M. J. Hegland, Roseau
Aitkin County.
Beltrami County.....T. C. Bailey, Bemidji
Cass County.....Edward L. Rogers, Walker
Clearwater County.
Crow Wing County.....George H. Gardner, Brainerd
Hubbard County.....M. T. Wooley, Park Rapids
Itasca County.....R. A. McQuat, Grand Rapids
Koochiching County.....Franz Jevne, International Falls
Big Stone County.....J. J. Purcell, Ortonville
Grant County.....E. J. Scofield, Elbow Lake
Pope County.....E. M. Webster, Glenwood
Stevens County.....James Ormond, Morris
Traverse County.....C. E. Houston, Wheaton
Wilkin County.....L. E. Jones, Breckenridge
Faribault County.....H. J. Frundt, Blue Earth
Martin County.....E. C. Dean, Fairmont
Jackson County.....O. Thoreson, Lakefield
Anoka County.....Will A. Blanchard, Anoka
Isanti County.....Godfrey G. Goodwin, Cambridge
Wright County.
Sherburne County.
Kanabec County.....P. S. Olson, Mora
Chisago County.....A. P. Stolberg, Center City
Pine County.....W. S. Ervin, Sandstone
Washington County.....E. D. Buffington, Stillwater

2. That the plan was adopted by concentrating efforts to secure new members in the several counties at the regular terms of the district court therein. This was done by citing each non-member of the Association by a mock Summons, to answer a pretended complaint

therewith mailed to him, and to appear on the first day of the approaching term of the district court in his county, and show cause why he should not join the Association; at the same time forwarding a copy of such summons and complaint, naming each eligible non-member as a defendant, to each member of the Association residing in the particular county, with a personal letter, requesting him to consider himself as "Of Counsel," for the Association, and to appear and render assistance to the Committee.

In several districts valuable aid was rendered by the presiding judges, who, joining in the spirit of the prosecution with becoming seriousness(?) placed the cause on the calendar, and after listening to the reading of the complaint, order that the case be passed or continued pending expected settlement, and it commonly resulted that we were promptly favored with the application and checks of the defendants.

We have the pleasure to report that in the country districts, with few exceptions, the plan worked well, and resulted in securing a marked increase in membership.

With few exceptions, the membership committeemen, and without exception, the Board of Governors, loyally forwarded our plan, and it is to their efforts that the results achieved are due.

This plan was not strictly followed in the large cities of the state, where the local committee by a great deal of work first separated the desirable from the undesirable non-members, mailed to the former copies of the summons and complaint, and promptly followed such mailing by the personal solicitations of a live bunch of workers.

In Duluth and the eleventh district it is thought best to postpone our work until shortly before the annual meeting, which will be held in Duluth in August, and will be a natural incentive, and can at the right time be used as an effective lever to bring all desirable non-members into the Association.

In executing the plan, and in otherwise forwarding the membership campaign, we have written approximately thirteen hundred letters, and expended $49.15 for printing, and $32.68 for postage.

The terms of the district court in all the counties were chronologically tabulated, and literature and letters sent out regularly and from time to time, so that the work was systematically prosecuted and distributed throughout the year.

The efforts of the Membership Committee have been seconded by President Stiles W. Burr and Secretary Chester L. Caldwell, who have on schedule time, each sent personal letters to district members of our committee and to members of the Board of Governors, requesting their assistance in soliciting new members on the opening days of the district courts, in all of the counties of the state.

We are pleased to report that since the St. Cloud meeting, the following additions to our membership have been made, to-wit:

From St. Paul	93
From Minneapolis	139
From Country Districts	65
Total	297

Our total membership is now 1,125, with St. Louis County yet to be heard from.

ALBERT JOHNSON, Red Wing,
ROY H. CURRIE, St. Paul,
L. L. BROWN, Winona,
L. K. EATON, Minneapolis,
JOSEPH MOONAN, Waseca,
C. O. DAILY, Mankato,
J. A. ROESER, St. Cloud,
A. L. YOUNG, Winthrop,
ALBERT HAUSER, Sleepy Eye,
J. F. D. MEIGHEN, Albert Lea,
A. T. BANNING, JR., Duluth,
J. M. FREEMAN, Olivia,
L. S. NELSON, Slayton,
E. O. HAGEN, Crookston,
THAYER C. BAILEY, Bemidji,
C. E. HOUSTON, Wheaton,
G. G. GOODWIN, Cambridge,
E. D. BUFFINGTON, Stillwater,
ALBERT R. ALLEN, Fairmont,
Membership Committee.

REPORT OF SPECIAL COMMITTEE TO FORMULATE PROPOSED LEGISLATION ON "AMBULANCE CHASING"

To the Members of the Minnesota State Bar Association:

The questions referred to this Committee were the subject of much consideration and debate at the annual meetings of the Association in 1914 and 1915, and have been dealt with in extended reports made in 1914 and 1915 by the Committee, which, in those years, had these questions in hand. The language of the resolution under which this Committee was appointed, and the debate which preceded the adoption of that resolution, indicate that the task of the Committee is somewhat restricted. It was not directed to consider and report upon the general subject, but to formulate proposed legislation covering particular questions already debated. It has even been thought by some members of the Committee that the action of the Association at the St. Cloud meeting was such as to preclude the Committee from considering the question of legislation regulating contingent fees.

For these and other reasons the Committee deems it neither necessary nor desirable to incorporate in this report any general discussion of the subject or any extended explanation of the measures which it recommends.

After much deliberation, the Committee has agreed upon three bills which it recommends to the Association for submission to the legislature.

The first of these bills is in the nature of an amendment of that provision of the General Statutes which relates to causes for suspension or disbarment of attorneys at law. The matter in subdivisions a, b, c and d of subsection 2 is altogether new. This is aimed at four different classes of abuses: (1) solicitation of legal business by a paid runner or solicitor, or by what are considered the more objectionable forms of advertising; (2) acting as attorney in cases where the business is solicited, in this objectionable manner, by persons who are not attorneys and are not, therefore, amenable to discipline as such; (3) persistent and repeated personal solicitation of business by an attorney himself—the bill is not intended to prevent occasional and casual instances of solicitation of business by an attorney on his own behalf; and (4) the obtaining of settlements and releases of claims arising out of personal injury or death by wrongful act under circumstances which make the transaction unfair or improper, even though actual misrepresentation or fraud such as will avoid the settlement or release cannot be proved. At the suggestion of the Ethics Committee, this Committee, in the

amendment proposed, has somewhat amplified the statement of general grounds for disbarment; following, in the main, the present New York statute, which has worked very satisfactorily. It has also in the proposed bill, eliminated the much criticized provisions which make the ground for disbarment of an attorney that he has "knowingly signed frivolous pleading" or disobeyed an order of court. Mr. Carmichael disapproves of that provision of subdivision "b" of sub-section 1 which excepts commercial collection business, but a majority of the Committee believe that this exception is necessary and desirable. Judge O'Brien is opposed to any prohibition of solicitation of legal business, not because he believes such solicitation proper, but because he believes that such matters should be left to the conscience of the individual lawyer, and feels that the abuses aimed at can be better dealt with by subjecting contingent fee contracts to regulation by the courts. Mr. Crassweller, who was unfortunately unable to attend the meeting at which the report was finally agreed upon, feels that he cannot assent to the first and second bills as a whole, because of certain provisions therein with which he is not in accord, although favoring many of the features of each bill. Some members of the Committee favor legislation regulating contingent fees, but a majority of the Committee, for varying reasons, is opposed to the recommendation of legislation on that subject; some on principle, some because they consider such legislation impracticable at the present time, and some because they believe that the action of the Association at the St. Cloud meeting in 1915 precludes action by the Committee on that subject.

The purpose of the second bill is to prevent hasty and ill-considered settlements of claims for serious injury or death, while leaving the parties free to adjust claims for minor injuries. The bill declares that a settlement of a claim for death by wrongful act or for any injury serious enough to cause total disability for more than ten days shall be voidable; provided suit upon such claim is brought within six months from the date of such settlement.

The third bill is aimed at the practice, now so general and so much condemned, of loading down the courts of Minnesota with actions by non-resident plaintiffs against non-resident defendants on causes of action arising outside of Minnesota. This bill is practically the same as that recommended by last year's Committee, and is too well understood to require explanation. Mr. Carmichael dissents from this recommendation because he believes that if the solicitation of such cases is prohibited, the evil will become negligible and that no further legislation is necessary or desirable. It is recognized by some members of the Committee that the constitutionality of such a measure is not beyond question; but a majority of the Committee

believe that the bill should be submitted to the legislature with the recommendation of this Association.

In view of the importance of these questions, the interest which has been taken in the subject, and the contrariety of opinion on the part of the members of the Association which debate at previous meetings has developed, the Committee believes it desirable to take a referendum vote of the members of the Association, so that the Association may have the benefit of the views of those who are unable to attend the annual meeting at Duluth in August. There will be supplied to each member of the Association a postal card (to be sent with this report) upon which he may signify, by a simple cross, whether he favors or is opposed to each of the three bills recommended by the Committee. It is hoped that every member of the Association will signify his views in this manner. In any case where a member feels that his position is not sufficiently indicated by a simple yes or no vote, a further expression by letter is invited and will be welcomed.

Mr. James E. Jenks, chairman of the Committee, has unhappily been prevented by illness from taking active part in the work of the Committee since the first few weeks of its organization. At the request of the other members of the Committee, the President of the Association, Mr. Burr, sat with the Committee as a member ex-officio, and has acted as chairman pro tem in the absence of Mr. Jenks. From statements of Mr. Jenks in former debates, and remarks made by him to certain members of the Committee, it is believed that the recommendations here submitted accord generally with Mr. Jenks' views.

Respectfully submitted,

LORIN CRAY.
THOMAS D. O'BRIEN.
JOHN MOONAN.
M. B. WEBBER.
S. R. CHILD.
D. F. CARMICHAEL.
WILBUR H. CHERRY.
ARTHUR H. CRASSWELLER.
STILES W. BURR.

Committee.

NO. 1.

(Italics indicate new matter. Matter in black faced type is omitted matter.)

A BILL FOR AN ACT TO AMEND SECTION 4957 OF GENERAL STATUTES 1913 RELATING TO SUSPENSION AND REMOVAL OF ATTORNEYS SO AS TO ENLARGE THE POWER OF THE SUPREME COURT TO DISCIPLINE ATTORNEYS FOR SOLICITING PROFESSIONAL EMPLOYMENT, PROCURING UNFAIR SETTLEMENTS OF PERSONAL INJURY CASES, AND OTHER PROFESSIONAL MISCONDUCT.

Be it enacted by the Legislature of the State of Minnesota:

Section 1. That Section 4957 of General Statutes 1913 be amended so as to read as follows:

4957. **REMOVAL OR SUSPENSION CENSURE,** *CENSURE, SUSPENSION OR REMOVAL.* An Attorney at law may be **removed or suspended,** *censured, suspended or removed* by the Supreme Court for any one of the following causes arising after his admission to practice:

1. **Upon his being convicted** *for conviction* of felony, or of a misdemeanor involving moral turpitude; in either of which **cases** *and* the record of conviction shall be conclusive evidence *in either case.*

2. **Upon a showing that he has knowingly signed a frivolous pleading** *for wilful misconduct in his profession, which shall include:*

a. *Soliciting, or knowingly causing or permitting to be solicited, directly or indirectly, professional employment, by means of a runner or solicitor, or of any book circular, pamphlet, letter or other soliciting matter, or by means of any other soliciting agency.*

b. *Appearing as attorney in any case or proceeding in any Court of this state, except one involving a claim handled through a commercial or collection agency under established and customary methods, when he knows, or ought to know, that the cause of action or defense represented by him has been so solicited.*

c. *Soliciting, securing, consummating, or knowingly causing or permitting to be solicited, secured or consummated, a release or settlement of damages arising out of any personal injury or death by wrongful act, when he knows, or ought to know, that the consideration therefor is grossly inadequate, or that the releasing party is mentally incompetent from any cause, or that such release or settlement has been secured by fraud.*

d. *Persistent and repeated personal solicitation of professional employment.*

e. *Any wilful violation of his oath or of any duty imposed upon an attorney by law, or any fraud, deceit, dishonesty in his profession, unfaithfulness to his client, or any conduct prejudicial to the administration of justice.*

3. **For wilful disobedience of an order of court requiring him to do or forbear an act connected with, or in the course of, his profession.**

4. **For wilful violation of his oath, or of any duty imposed upon an attorney by law.**

Proceedings in such cases may be taken by the court on its own motion for matter within its knowledge, or upon accusation as hereinafter provided.

NO. 2.

A BILL FOR AN ACT TO REGULATE THE SETTLEMENT OF CLAIMS FOR DAMAGES RESULTING FROM PERSONAL INJURY OR DEATH BY WRONGFUL ACT.

Be it enacted by the Legislature of the State of Minnesota:

Section 1. Any release or settlement of a claim for damages arising out of any personal injury wholly disabling the injured person from following his usual occupation for a period of more than ten days, or arising out of death by wrongful act, made within thirty days after the injury or death, may be avoided within six months by the commencement of an action for such damages. Any money, or the value of any consideration paid for such release, need not be returned but shall apply as a payment upon any judgment recovered therein. Upon the trial of any such action, no reference to such avoided release shall be made in the presence of the jury.

Nothing herein shall be construed as modifying the provisions of Chapter 467, Laws 1913, as amended, known as the Workmen's Compensation Act.

NO. 3.

AN ACT TO AMEND SECTION 7721 OF THE GENERAL STATUTES 1913, IN RELATION TO VENUE IN CERTAIN CASES.

Be it enacted by the Legislature of the State of Minnesota:

Section 1. Section 7721 of the General Statutes 1913, in relation to venue in certain cases, is hereby amended by adding at the foot thereof the following proviso:

Provided: That an action against a foreign corporation may be maintained by a resident of the state, who was such at the time the cause of action arose, whether or not he was a citizen of the state, or by a domestic corporation, for any cause of action. An action against a foreign corporation may be maintained by another foreign corporation, or by a non-resident of the state, who was such at the time the cause of action arose, whether or not he was a citizen of the state, in one of the following cases only:

(a) Where the action is brought to recover damages for the breach of a contract made within the state, or relating to property situated within the state, at the time of the making thereof.

(b) Where it is brought to recover real or personal property situated within the state.

(c) Where the cause of action arose within the state, except where the only object of the action is to effect the title to real property situated without the state.

Section 2. This act shall take effect and be in force from and after its passage.

REPORT OF SPECIAL COMMITTEE TO INVESTIGATE THE GRANTING OF DIPLOMAS BY CERTAIN LAW SCHOOLS

Minneapolis, Minn., June 10, 1916.

To the President and Members of the Minnesota State Bar Association:

At the 1915 meeting of the Association, the Committee on Legal Education reported that it had been informed that certain law schools in Minneapolis were abusing the "admission on diploma" privilege, by graduating, with less than a three-year course, or its equivalent, men who had been dropped from other law schools. Pursuant to a resolution adopted at that meeting, this Committee was appointed and directed to investigate such alleged abuses and to report its conclusions to the Supreme Court.

We made such an investigation and report. We found in several of the reported cases that the abuses complained of actually existed. In others, the facts had been inaccurately reported, and in those cases your Committee was not furnished with information by the schools from which it could determine whether the equivalent of a three year course had been taken. We are able to inform the Association that the Supreme Court, acting upon the information given by your Committee, has entered an order or regulation which should to some extent prevent the recurrence of abuses of the kind referred to.

Unquestionably the opportunity given by the "admission on diploma" privilege to increase the attendance in and revenues of law schools will continue in some instances to be improperly taken advantage of. We are convinced by our investigation that admission to the bar upon diploma from a law school should be abolished, and we recommend that the Association take such action as will insure the repeal by the next legislature of the statute providing for such method of admission to the bar.

Respectfully submitted,

NEWELL H. CLAPP,
FRED B. DODGE,
JOHN E. STRYKER,
JOHN H. RAY, JR.,
DAVID F. SIMPSON, Chairman,
Committee.

REPORT OF SPECIAL COMMITTEE TO INVESTIGATE AND REPORT AS TO DESIRABILITY OF ESTABLISHING A LEGISLATIVE DRAFTING AND REFERENCE BUREAU

Mr. President and Gentlemen:

Your special committee, appointed "to investigate and consider the general question of scientific and expert assistance to legislatures, and particularly to the legislature of Minnesota, in the framing of legislation," with directions, "that the committee be directed to confer with the American Bar Association's committee and to co-operate with that committee so far as it may think expedient and desirable, and to submit its report at the next annual meeting of this Association," presents the following:

Causes beyond the control of its members have prevented this committee from holding full meetings, and from giving the question the consideration due to the importance of the subject.

The subject naturally divides itself into the two questions of a reference bureau and a drafting bureau. The two are not necessarily connected, except as both are branches of the general subject, and each question must be determined largely on its own merits. Certain phases of the subject were pointed out and clearly discussed by Congressman Mann and by Hon. F. C. Stevens in their addresses before the 1915 Association. (See pages 111-115-118, 143-144 of the 1915 report.)

Legislation along the lines suggested is yet in a formative state. Several states have passed laws covering one or more of the phases of the subject, and the published reports from the bureaus so established tend to throw light upon the proper development of such legislation. These reports, however, represent so largely the point of view of the members of the different bureaus, who doubtless are not inclined to minimize the importance of their work or to point out the objectionable features in its development, that we feel impelled to ask that the matter be given further and broader consideration after careful inquiry from disinterested sources of the practical operations of and results accomplished by existing laws.

Your committee recommends that the President be authorized, in his discretion, to continue the present committee or to appoint a new committee to further investigate and report on the question the coming year, and with that end in view, to co-operate and confer with the American Bar Association committee having the subject in charge, and with similar committees of other bar associations, and, if the

committee is disposed to recommend legislation, to present plans of organization, operation and maintenance of such bureaus.

Respectfully submitted,

EDWIN S. SLATER,

Chairman.

REPORT OF SPECIAL COMMITTEE TO CONSIDER INCORPORATION OF ASSOCIATION, ETC.

MAJORITY REPORT.

Your Special Committee appointed to consider the question of the incorporation of the Minnesota State Bar Association respectfully recommends:

1. That the Association be incorporated and that a committee be appointed by the President to frame Articles of Incorporation, secure due execution of the same, and perfect such incorporation.

2. Said committee to have full power and authority to act and to obtain from the treasurer of the Association the necessary funds to pay for publishing, filing and recording of such Articles of Incorporation and all lawful charges and fees required by law, but said committee to act without compensation.

3. Your committee has had in mind the idea of framing a bill for the purposes of incorporation, but has concluded that the present Articles of Association embrace all of the essential requirements to be incorporated in Articles of Incorporation.

4. It is the sense of your committee that the present Articles of Association not only embrace matters appropriate to Articles of Incorporation, but in fact embrace matters that should be set forth in by-laws of the corporation when incorporated.

Your committee understands that the question of requiring all attorneys heretofore or hereafter admitted to practice in Minnesota to become members of the Minnesota State Bar Association is also before this committee, the idea being to make it compulsory for all lawyers to join the Association as a condition precedent to practice or continue in the practice of law in the courts of this state.

It is the sense of this committee that such a system would be ideal in many respects, but as to the constitutionality and validity of such requirement we have very grave and serious doubts, amounting to a conviction on the part of the writer of these lines and part of the report, that such requirement would be unconstitutional.

If, however, the objection above suggested shall be considered not well taken, we respectfully suggest:

1. That a committee be appointed by the President to draft and present to the legislature at its next session a bill providing for compulsory membership in this Association of all attorneys who now are or may hereafter be admitted to practice in this state.

2. That such measure should cover all essential matters, including the following:

(a) Preserve and keep in force all present laws relating to admission to practice law or the right to practice law in the state of Minnesota.

(b) Preserve and keep in force all existing laws and rules relating to disbarment or suspension of attorneys.

(c) Provide for the selection of a Board of Governors consisting of one member of the Association in good standing in each judicial district of the state.

(d) Grant to the Association, through its Board of Governors, the power and authority to disbar, suspend or discipline members, and provide rules of practice and procedure in such cases.

(e) Prescribe amount of membership fee to be paid and amount of annual dues and time within which the same shall be paid, in order to become and remain a member.

(f) Prescribe time of default that will result in suspension for non-payment of dues or fees required. Also method of giving required notice to members and length of notice.

JAMES D. ARMSTRONG,
HENRY A. MORGAN,
JOHN T. PEARSON,
LEE BROOKS BYARD,
Committee.

MINORITY REPORT.

Your Special Committee appointed to consider and report upon the question of incorporating the practicing lawyers of this state into a State Association, respectfully recommends:

1. That the legislature be asked to pass a law incorporating all the practicing lawyers in this state into an association under the title, "Minnesota State Bar Association," and containing in substance the following provisions:

(a) Requiring every lawyer practicing in the state to be a member of this Association.

(b) Requiring the Governor to appoint the first President, Vice-President, Secretary, Treasurer and Board of Governors, consisting of one member from each Judicial District in the state.

(c) Providing that such appointees shall be the first officers of the Association and shall hold office until the first annual meeting of the Association.

(d) Providing that the Association shall hold annual meetings and at such meetings elect officers for the ensuing year.

(e) Prescribing what shall constitute unprofessional conduct, subjecting members to discipline or disbarment.

(f) Providing that all charges against members for unprofessional conduct shall be filed with, and heard and determined by the Board of Governors, according to rules to be prescribed by By-laws.

(g) Providing that the action of the Board of Governors disciplining or disbarring a member of this Association shall be final and conclusive, except that the member disciplined or disbarred shall have a right to appeal to the Supreme Court from an order disciplining or disbarring him.

(h) Providing that every member shall pay an annual fee into the Association of $5.00, and giving the Association power to increase this fee, if necessary, to meet all expenses.

(i) Providing that the Articles of Association of the present State Bar Association be in substance incorporated in the Articles of Incorporation for the new association, with such amendments, changes, omissions and additions as may be necessary to carry this plan into effect.

(j) Providing that as soon as any person is hereafter admitted to practice in this state, he shall be a member of this Association, subject to all of its rules and regulations.

The writer is of the opinion that such a law could be framed so that there would be no constitutional objection to it. It will, of course, require a considerable amount of investigation and work on the part of the committee to be appointed, if one is appointed, to enable it to frame a law that will be general and broad enough to cover all of the contingencies. It is on this account that the writer is of the opinion that a committee consisting of one member of the present Association from each judicial district in this state should be appointed to draft such a law and to submit it to the next legislature for enactment.

Believing that this matter is of such great importance to the Association, I am of the opinion that we should not, at this time, consider the question of merely incorporating the present State Bar Association. Such action on our part, at this time, might defeat any attempt to secure the incorporation of the practicing lawyers, under a plan as above outlined. In this connection, I desire to call the attention of the Association to that portion of my annual address de-

livered before the State Bar Association at St. Cloud, and also to the address delivered at the same meeting by the Hon. Charles W. Boston, of New York City, relating to this subject, as the same are printed in the Annual Report.

The chairman of this committee, and the writer of this report, pleads guilty to neglect in not getting this subject considered more thoroughly by the members of the Special Committee, but is of the opinion that it will be for the best interests of all concerned that this matter be thoroughly considered by the whole Association at its next meeting.

An endeavor will be made to secure and present to the Association, at that meeting, further authorities and details on the subject.

Respectfully submitted,

HARRISON L. SCHMITT,
Of Committee.

OFFICERS
OF THE
AMERICAN BAR ASSOCIATION
1916-1917

PRESIDENT

GEORGE SUTHERLAND ..... Salt Lake City, Utah

SECRETARY

GEORGE WHITELOCK ..... 1416 Munsey Bldg., Baltimore, Md.

TREASURER

FREDERICK E. WADHAMS ..... 78 Chapel Street, Albany, N. Y

VICE-PRESIDENT FOR MINNESOTA

CHARLES R. FOWLER ..... Minneapolis

MEMBERS GENERAL COUNCIL FOR MINNESOTA

CORDENIO A. SEVERANCE ..... St. Paul

*FRANK CRASSWELLER ..... Duluth, Ex-Officio

LOCAL COUNCIL

STILES W. BURR ..... St. Paul

LESLIE L. BROWN ..... Winona

HOWARD T. ABBOTT ..... Duluth

GEORGE W. BUFFINGTON ..... Minneapolis

*CHESTER L. CALDWELL ..... St. Paul, Ex-Officio

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*Members ex-officio by virtue of Amendment of August 30th, 1916, to Constitution of American Bar Association.

CONSTITUTION

OF THE MINNESOTA STATE BAR ASSOCIATION

Adopted January 9th, 1901

ARTICLE I. NAME.

This Association shall be called Minnesota State Bar Association.

ARTICLE II. OBJECT.

This Association is formed to cultivate the science of jurisprudence, to promote reform in the law, to facilitate the administration of justice, to elevate the standard of integrity, honor and courtesy in the legal profession, to encourage a thorough and liberal legal education, to cherish a spirit of brotherhood among the members thereof, and to perpetuate their memory.

ARTICLE III. MEMBERS.

[As amended April 2d, 1907, July 14th, 1909, and August 19th, 1913.]

Any member of the legal profession in good standing, residing and practicing in the State of Minnesota, may become a member of this Association upon the approval of the Membership Committee, or a majority thereof, by signing the roll of members or by directing the Secretary to sign his name thereto and by paying the annual dues for the current year.

The judges of the United States Court within this state, and of the Supreme Court and District Court of Minnesota shall, during their respective terms of office, be honorary members of this Association.

Other honorary members may be elected by the Association.

Life membership in this Association may be purchased by any member in good standing upon the recommendation of the membership committee and election by the Board of Governors, and upon the payment of the sum of twenty-five dollars.

There shall be appointed annually by the President a membership committee to consist of one member from each judicial district, and it shall be the duty of such committee to pass upon all applications for membership, and either approve or disapprove such applications, and do everything in their power to induce every reputable member of the Bar of the state to become a member of the Association, and submit their report to the Association at its next annual meeting.

ARTICLE IV. OFFICERS.

[As amended April 5, 1904, August 21, 1912, and August 19, 1913.]

The officers of this Association shall be a President, a Vice-President, a Secretary, an Assistant Secretary, a Treasurer, and a Board of Governors consisting of one member from each of the judicial districts of the state, in addition to those who are members thereof ex-officio, as hereinafter provided. The President and Vice-President shall be ex-officio members of the Board of Governors during their respective terms of office and for two years after the expiration thereof. The Secretary, Assistant Secretary and Treasurer shall be ex-officio members of the Board of Governors during their respective terms of office, but no longer. Neither the President nor the Vice-President shall be eligible to re-election within two years after the expiration of his term of office.

ARTICLE V. PRESIDENT.

[As amended July 14th, 1909,]

The President, or in his absence, the Vice-President, or in the absence of both of them, one of the members chosen by those present as President pro tem., shall preside at all meetings of this Association.

The President shall, if present, preside at all meetings of the Board of Governors, and it shall be his duty to deliver an address to the Association at its annual meeting, and, immediately after its annual meeting, he shall call a meeting of the Board of Governers, and appoint, for the ensuing year, the standing committees as set forth in Article VI. herein.

ARTICLE VI. BOARD OF GOVERNORS.

[As amended April 4, 1905, Aug. 14, 1908, Aug. 5, 1910, and July 20, 1911.]

The management of this Association shall be vested in the said Board of Governors, constituted as hereinbefore set forth, which Board shall be vested with the title to its property as trustees thereof, until the incorporation of this Association; the said Board shall have the power to provide and amend By-Laws for this Association, not inconsistent with the Constitution, by a two-thirds vote of those present at a meeting of said Board. Such By-Laws, however, will be subject to change by the Association at any regular meeting.

Four members of said Board shall constitute a quorum thereof for the transaction of all business.

The said Board shall, immediately after each annual meeting of the Association, meet for the appointment by the President, of the following standing committees for the ensuing year:

First. An Ethics Committee consisting of five members, to whom shall be referred all complaints of professional misconduct of members of the Bar of this state, and all complaints affecting the interests of the legal profession, the practice of law and the administration of justice. The proceedings of this committee shall be in confidence and shall be kept in honorable secrecy except in so far as written or printed reports of the same shall be necessarily and officially made to the said Board.

And said Ethics Committee, if, after investigation and recommendation for prosecution in any case of complaint of professional misconduct, they deem it expedient, may, in the name of this Association, present such case for prosecution to the State Board of Examiners with such recommendation as they may deem proper.

Second: Committee on Jurisprudence and Law Reform consisting of five members to whom shall be referred all proposed changes in law or practice; and it shall be the duty of this Committee to report thereon at each annual meeting of this Association, such changes or modifications of existing laws or practice, or such other matters affecting the interests of the profession as, in their judgment, ought to be proposed by the Association.

Third: Committee on Legal Biography consisting of one member from each judicial district, whose duty it shall be to provide for preservation among the archives of this Association, suitable written or printed memorials of the lives and character of distinguished deceased members of the Bar of this state.

Fourth: A Finance Committee consisting of three members, who

shall disburse, by order to the Treasurer, the moneys of this Association.

[This subdivision was stricken out by unanimous vote Aug. 5, 1910, and on July 20th, 1911, the following subdivision was added:]

Fourth: A committee on Legislation, consisting of one member from each Congressional district, whose duty it shall be, individually and collectively, to use all proper means to secure the enactment and approval of all measures recommended for passage by the Association.

Fifth: A Library Committee consisting of three members, whose duty it shall be to assist the justices of the Supreme Court in maintaining and advancing the interest of the law library of this state.

Sixth: A Committee on Legal Education consisting of three members, whose duty it shall be to examine into and report to this Association at its annual meeting the system of legal education and admission to the Bar in this state, with such recommendations as to any changes therein as, in their judgment, shall be considered advisable. Such committee shall also from time to time confer with the State Board of Law Examiners relative to the qualification and admission of candidates.

It shall be the duty of the Board of Governors of this Association to retain an amply competent counsel to conduct such proceedings for disbarment or discipline of members of the legal profession in this state as shall, in the opinion of a majority of said Board, be considered to be for the best interests of the public and of the Bar of this state.

ARTICLE VII. SECRETARY AND ASSISTANT SECRETARY

[As amended August 21, 1912.]

The Secretary shall keep a record of all the meetings of this Association and of the Board of Governors, and, with the concurrence of the President, conduct its correspondence, and discharge such other duties of a like nature as shall be required by this Association.

It shall be the duty of the Secretary to mail to each member of the Association written or printed notice of the annual meeting at least sixty days previous thereto.

The Assistant Secretary shall aid the Secretary in all things.

ARTICLE VIII. TREASURER.

[As amended August 5, 1910.]

The Treasurer shall collect and disburse the monies of this Association and discharge such other duties of a like nature as shall be required of him by the Board of Governors. He shall give such security for the faithful performance of his official duties as the said Board shall require.

At the opening session of each annual meeting the President shall appoint from the members present an Auditing Committee of three members,

who shall forthwith examine the accounts of the Treasurer and his report, all of which shall be ready for their inspection, and said Committee shall make such report as they deem proper before the close of the session.

ARTICLE IX. MEETINGS.

This Association shall meet annually at such time and place as the Board of Governors may select; special meetings of the Association may be held upon such notice as the Board of Governors may determine, at a time and place to be fixed in such notice. Those present at such meetings shall constitute a quorum.

There shall be two regular meetings of the Board of Governors held on the first Tuesday in April and October in each year at the State Capitol, or such other place as the President shall determine, and there may be such other special and adjourned meetings of the said Board as the President, or in his absence the Vice-President, shall determine.

ARTICLE X. FEES AND DUES.

[As amended August 20th, 1913.]

The annuual dues of members shall be $3.00 and shall be payable to the Treasurer in advance, at or before the annual meeting. Honorary members shall be exempt from the payment of dues.

ARTICLE XI. EXPULSION.

[As amended April 3d, 1906.]

Any member may be suspended or expelled for misconduct in his relations to the Association or in his profession, or for the nonpayment of dues for one year, by the Board of Governors, upon a two-thirds vote of the members thereof; but if such suspension or expulsion be for misconduct, it shall only be had after charges have been preferred, and after a due trial thereof.

All interest in the property of the Association of persons ceasing to be members by expulsion, resignation or otherwise, shall thereupon vest absolutely in the Association.

ARTICLE XII. ELECTION.

All officers of this Association shall be elected by a ballot at the annual meetings for the year next ensuing, and they shall hold their offices until the election and acceptance of their successors.

All vacancies in office shall be filled by appointment of the Board of Governors.

ARTICLE XIII.

This Constitution shall go into effect immediately; it can be amended only by a two-thirds vote of the members present at an annual meeting of this Association.

LIST OF MEMBERS

OF

MINNESOTA STATE BAR ASSOCIATION

1915

The Judges of the Supreme and District Courts of the State and the Judges of the United States Courts within the State are, ex-officio, honorary members of the Association during their terms of office

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LIFE MEMBERS

Stone, Royal A.	July 17,	1911
Cotton, Joseph B.	Aug. 1,	"
Williams, John G.	" 8,	"
Farnham, Charles W.	Nov. 9,	"
Burr, Stiles W.	" 9,	"
Bailey, W. D.	" 10,	"
Kellogg, F. B.	" 10,	"
Butler, Pierce	" 11,	"
Washburn, J. L.	" 11,	"
Brown, Rome G.	Dec. 1,	"
Severance, C. A.	" 1,	"
Shearer, James D.	" 28,	"
Durment, E. S.	" 30,	"
Adams, Frank D.	Aug. 21,	1913
Crosby, Wilson G.	" 21,	"
Towne, Edward P.	" 21,	"
Crassweller, Frank	" 21,	"
Dibell, Hon. Homer C.	July 10,	"
March, C. H.	Feb. 4,	1916
Hickey, James R.	Mar. 31,	1916
Begg, W. R.	Apr. 10,	1916
Murphy, F. W.	Aug. 19,	1916

MEMBERS

Albert Lea

Blackmer, Heman — Carlson, H. C. — Hayden, Clyde
Johnson, Albert William — Knudson, Bennett O. — Mayland, A. U.
Meighen, John F. — Morgan, Henry A. — Ostrander, L. H.
Peterson, Norman E. — Peterson, J. O.

Amboy

Thompson, Charles

Ada

Brattland, Michael A. Hetland, John M.

Aitkin

Krelwitz, E. H.

Akeley

Webster, R. O.

Alexandria

Larson, Constant Thornton, Ralph S.

Anoka

Blanchard, Will A. Giddings, Arthur E.
Cutter, Leeds H. Stewart, F. S.

Appleton

McElligott, T. J.

Arlington

Vesta, O. S.

Atwater

Swenson, Charles A.

Austin

Bandler, Carl Catherwood, S. D. French, Lafayette, Jr.
Kingsley, Nathan Nicholson, J. N. Page, A. C.
Sasse, Frank G. Wright, Arthur W.

Barnesville

Hanson, N. B.

Belle Plaine

Irwin, Frank C.

Bemidji

Andrews, A. A. Bailey, Thayer C. Brown, John L.
McDonald, Elmer E. Scrutchen, Charles Spooner, Marshall A.
Stanton, C. M. Wood, William W.

Benson

Davis, John I. Hudson, S. H.
Kane, C. L. Lee, Jorgie A.

Bird Island

Baker, James B. Murray, Frank

Biwabik

Browne, W. W.

Blue Earth

Carlson, Chris. Higgins, James L.
Frundt, H. J. Putnam, Frank E.

Brainerd

Alderman, S. F. Fleming, William A. Gardner, George H.
McClenahan, W. S. Polk, A. D.

Breckenridge

Ballantine, Edward Elwin, E. H. Jones, D. J. Jones, L. E.
Kain, J. P. Smith, George D. Wyvell, Henry G.

Browns Valley

Leary, D. J.

Caledonia

Deters, W. A. Dorival, Charles A. Duxbury, L. L.
Dahle, O. K. Duxbury, F. A.

Cambridge

Goodwin, Godfrey G. Martin, Paul W. Southerland, A. H

Canby

Leude, O. A.

Carleton

Oldenburg, H. Searls, Spencer J.

Cass Lake

Smith, Fred W.

Center City

Stolberg, Alfred P.

Chaska

Odell, W. C. Odell, W. F.

Cloquet

Micharlson, V. J.

Crookston

Grady, F. A. Miller, L. S. Steenerson, Halvor
Hagen, E. O. Murphy, William P. Vaule, Ole J.
Loring, Charles O'Brien, Martin Watts, William
Miller, Arthur A. Rowe, W. E.

Dawson

Christianson, Theodore Halvorson, H. O.

Detroit

Johnston, C. M. Schroeder, P. F.

Dexter

Webber, Henry, Jr.

Duluth

Abbott, Howard T.
Adams, Charles E.
Adams, Frank D.
Agatin, A. L.
Alford, E. F.
Andresen, Oliver S.
d'Autremont, C. Jr.
Bailey, W. D.
Baldwin, Albert
Baldwin, Charles O.
Ball, Leo A.
Banning, A. T. Jr.
Billson, Wm. W.
Blu, E. F.
Boyle, Harry E.
Bright, Michael S.
Buell, I. C.
Cant, William A.
Carman, E. C.
Carmichael, H. A.
Cedergren, John G.
Chaffee, Rollo N.
Clapp, Harvey S.
Congdon, Chester A.
Cotton, Joseph B.
Courtney, H. A.
Courtney, Henry O.
Crassweller, Arthur H.
Crassweller, Frank
Crassweller, Frank H.
Crosby, Wilson G.
Culkin, William E.
Cutting, Frank H.
Dancer, Herbert A.
Davis, N. F.
Day, Frank A.
Dacey, Walter F.
Dibell, Homer B.
Donovan, Dennis F.
Duxbury, Leland S.
Elder, William
Engel, J. C. Herman
Ensign, J. D.
Fogarty E. L.
Forbes, Bert W.
Fesler, Bert
Fryberger, H. B.
Fulton, H. C.
Gardner, James E.
Gearhart, H. G.
Gifford G. B.
Gilbert, George M.
Gillette, A. C.
Gilpin, S. W.
Goldberg, Benjamin M.
Gouska, Walter
Gran, Victor H.
Grannis, H. J.
Greene, Warren E.
Hargreaves, F. W.
Haroldson, Hans B.
Harris, Luther C.
Harrison, William
Harrison, William P.
Heino, John R.
Heitman, John
Hicks, Frank
High, Leslie S.
Hollister, Theo.
Holmes, Donald S.
Hudson, T. T.
Hunt, J. W.
Hunter, Arthur W.
Ingalls, Edmund
Jacques, Lawrence
Jaques, Robert
Jaques, Alfred
Jenswold, John D.
Jenswold, John, Jr.
Joyce, Thomas J.
Keyes, John A.
Lanners, Harry W.
Larson, O. J.
Lewis, I. K.
Louiselle, M. E.
Lum, Leon E.
MacPherran, Edgar W.
Magney, C. R.
Mayall, R. L.
McClearn, Hugh J.
McCullough, Reuben
McHugh, Leonard
McKeon, Thomas J.
McManus, A. E.
Mitchell, Oscar
Morgan, Geo. W.
Morris, Page
Nelson, Andrew
Neukom, John W.
Parker, G. E.
Peale, William O.
Phelps, H. H.
Pittenger, W. A.
Randall, Frank E.
Reynolds, Joseph Ward
Richards, John B.
Richardson, Wm. E.
Robinson, J. J.
Samuelson, John E.
Schmidt, P. C.
Sinclair, John A.
Sjoselius, George B.
Smallwood, W. H.
Spear, George H.
Spencer, Herbert R.
Spencer, R. W.
Stearns, Victor
Stevenson, Wm. J.
Sulcove, L. A.
Towne, Edward P.
Wanless, James
Washburn, A. McC.
Washburn, J. L.
Watts, W. A.
Welch, Paul
Weinberg Henry E.
Whipple, W. E.
Whitely, J. H.
Williams, John G.
Wilson, Coryate S.

Elbow Lake

Casey, Thomas
Scofield, E. J.

Elk River

Wheaton, Charles S.

Ely

Osborne, James W.

Eveleth

Boyle, James P. Hughes, Martin

Fairmont

Allen, A. R. Ballon, Ben B. Dean, E. C. Haycraft, J. E.
Lovell, John W. Palmer, J. E. Quinn, James H.

Faribault

Batchelder, Charles Gipson, Eugene H. Smith, Lucius A.
Buckham, Thomas S. Le Crone, J. W. Stockton, C. M.
Childress, Arthur P. McMahon, James P.

Fergus Falls

Parsons, W. L. Thompson, Anton

Foley

Dougherty, Frank E. Swenson, E. W.

Fosston

Brager, O. A.

Gaylord

MacKenzie, C. H. MacKenzie, George A. Streissguth, Otto

Glencoe

Brown, G. W. Tifft, Cyril M.

Glenwood

Ronning, Henry T. Webster, E. M.

Graceville

Stevens, M. S.

Grand Marais

Murphy, S. C.

Grand Rapids

McCarthy, C. C. McQuat, R. A. Rossman, Willard A
Stone, Ralph A. Thwing, Alfred L.

Granite Falls

Hartwick, Ole Loe, Bert O.

Hastings

Lowell, Charles S. Schaller, Albert

Hawley

Hammett, W. George

Hector

Allen, O. A.

Herman

Anderson, F. C.

Heron Lake

Disson, O. E.

Hinckley

Lamson, Wm. H.

Hutchinson

Anderson, Sam G. Bonniwell, H. H. McNelly, William O.

International Falls

Jevne, Franz Kane, W. V. Norton, John
McPartlin, F. J. Palmer, Frank

Ivanhoe

Johnson, Louis P. Schulz, R. F.

Jackson

Faber, F. B. Knox, T. J. Nicholas, E. H.

Janesville

Rogers, L. D.

Jordan

Sullivan, Geo. F.

Kasson

Edison, H. J.

Lake City

Morgan, Henry W. Phillips, James E.

Lakefield

Thoreson, O.

Lamberton

Berry, H. M. Enerson, Albert H. Praxel, A. J.

Lanesboro

Anderson, Sydney Chapman, A. G.

Le Roy

Harden, G. W. W.

Le Sueur

Cadwell, Francis Hessian, Thos.

Litchfield

March, C. H. March, N. D. Peterson, E. P.

Little Falls

Bergheim, Nels S. Cameron, Don M. Kosenmeier, C.
Shaw, E. F. Vasaly, Stephen C. Vernon, Archibald H.

Luverne

Canfield, E. H. Christopherson, C. H. Daley, A. J.
Kennicott, Jay H.

Mabel

Hammer, Henry H.

Madison

Ewing, Arthur W. Schulz, O. W.
Soderberg, Nathaniel F.

Mahnomen

Cooper, Clayton C. Thompson, A. L. Van Metre, John T.

Mankato

Bowen, Ivan	Hughes, Thomas	Porter, Miles
Comstock, W. L.	Hughes, William F.	Regan, John E.
Cray, Lorin.	Noe, John C.	Schaub, Arthur
Dailey, C. O.	Pfau, A. R., Sr.	Schmitt, J. W.
Davies, W. B.	Pfau, A. R. Jr.	Smith, B. D.
Ellsworth, F. F.	Phillips, Charles E.	Taylor, Benjamin
Flittie, Jean A.	Plymat, Walter A.	Wilson, S. B.
Hughes, Evan		

Mapleton

McGregor, Benjamin F.

Marshall

Davies, Tom. De Reu, Charles L. Hall, James H. Mathews, M. E.
Michel, Ernest A. Von Williams, James

Melrose

Donohue, W. F. Stephens, W. J.

Milaca

Myron, Olin C. Vaaler, Rolliff

Minneapolis

Abbott, Howard S.
Allen, E. P.
Anderson, Albert M.
Anderson, William
Anderson W. A.
Anderson, Arthur H.
Anderson, W. B.
Anderson, W. H
Ankeny, Alex. T.
Arctander, Ludwig
Baldwin, Mathias
Barrett, Richard D.
Baxter, John T.
Bayard, Lee Brooks
Beare, Thomas V.
Beeman, E. R.
Begin, Z. L.
Benson, John C.
Benton, Henry W.
Berg, John N.
Bernhagen, John F.
Best, E. N.
Best, James I.
Bibb, Eugene E.
Blucker, George M.
Booth, Wilbur F.
Boutelle, M. H.
Bowler, Madison C.
Bracelen, C. M.
Brady, M. C.
Brewer, M. P.
Bridgman, Donald E.
Brill, Josiah E.
Brown, Edwin C.
Bruce, Olof L.
Buckman C. A.
Breding, A. M.
Bremner, W. H.
Bright, Alfred H.
Brooks, Frank C.
Brown, Hosmer A.
Brown, Rome G.
Buffington, George W.
Burgess, George D.
Campbell, K. A.
Carleton Henry G.
Carman, Ernest C.
Castberg, B.
Cant, Harold G.
Carmichael, Daniel F.
Carson, Harvey S.
Chase, Nathan H.
Chase, W. S.
Child, Sherman
Cherry, Wilbur H.
Child, S. R.
Childs, Clarence H.
Choate, A. B.
Chute, Fred B.
Chute, L. P.
Clutter, Gny E.
Cobb, Albert C.
Cohen, Emanuel
Cook, Theodore H.
Crawford, W. M. N.
Crosby, John
Cross, Norton M.
Dahl, John F.
Dalby, Charles A.
Darelius, A. B.
Davies, Otto N.
Deutsch, Henry
Devaney, John P.
Dickinson, Horace D.
Dille, John I.
Dille, C. Brooks
Dodge, L. L.
Donohue, William H.
Dodge, Fred B.
Dorsey, James E.
Drake, Benjamin
Drake, C. E.
Drew, Charles M.
Dwinnell, W. S.
Eaton, L. K.
Eberhart, Axel A.
Edwards, D. C.
Egelston, Alvord C.
Ellis, M. L.
Elliott, C. B.
Erdall, John L.
Erdall, Leonard T.
Fagre, J. Barthell
Ferguson, C. M.
Fifield, James C.
Finney, A. C.
Fish, Daniel
Flannery, George P.
Flannery, H. C.
Fletcher, Clark R.
Flynn, Wm. E.
Filgehman, Sol.
Fosseen, Manley L.
Fowler, Charles R.
Freund, S. Edward
Frisbee, Earl J.
Frost, Daniel R.
Fryberger, H. E.
Furber, Fred N.
Furst, William
Garrigues, Edwin C.
Gaylord, Edson S.
Geisseel, Ervin R.
Gilger, John W.
Goldman, Benjamin M.
Gould, C. D.
Greiner, O. F.
Grimes, George S.
Guest, J. Eustace
Guesmer, Arnold L.
Guilford, P. W.
Hale, William E.
Halls, Jay C.
Hall, Albert H.
Hanley, M. F.
Hanson, H. Stanley
Harvey, F. C.
Healey, Frank
Henderson, Wm. B.
Hempstead, Clark
Hennessey, Walter H.
Hessian, Maurice A.
Hinch, Frederick M.
Hoidale, H. L.
Hertig, Wendell
Higgins, A. M.
Hobbs, Arnold
Hoidale, Einar
Holt, Andrew
Houck, Stanley B.
Hubachek, Frank R.
Hubachek, Louis A.
Irwin, H. D.
Jackson, A. B.
Jayne, Trafford N.
Jelley, Charles S.
Johnson, Adolph E. L.
Johnson, Clay W.
Joss, Louis N.
Joslyn, C. C.
Junell, John
Kay, Spencer B.
Keith, A. M.

Minneapolis—(Continued)

Kelly, Charles F.
Kerr, W. A.
Kingsley, George A.
Kingman, Joseph R.
Kjellander, Harold R.
Kneeland, Thomas
Koon, W. A.
Krause, C. G.
La Belle, D. E.
Larson, A. T.
Lancaster, William A.
Larrabee, F. D.
Larimore, J. A.
Lauderdale, Henry W.
Leary, William C.
Leonard, George B.
L'Herault, N. A.
Lind, John
Longbroke, L. L.
Loring, Edward J.
Lossow, Albert H.
Lucas, Edward
Lund, Harry A.
Lum, Bert F.
McCune, Robert H.
McGee, John F.
McGrath, W. H.
McHardy, John A.
McDonald, W. H.
McGovern, John
Mahoney, Stephen
Martin, James M.
Mackall, H. C.
Mead, Henry S.
Mearkle, E. F.
Meleck, H. N.
Meighen, Philip J.
Melville, James C.
Mercer, Hugh V.
Merchant, Frank D.
Merrill, George C.
Merritt, Walle W.
Meyers, Simon
Michelet, Simon
Miner, Julius E.
Molyneaux, Joseph W.
Montgomery, E. A.
Morgan, E. M.
Morley, Frank J.
Morris, William R.
Morrison, Frank L.
Morrison, Robert G.
Nash, Edward M.
Nelson, Edward
Nelson, Iver C.
Newton, Walter H.
Nichols, Chester L.
Nichols, Samuel N.
Nordin, John A.
Nordbye, Emmar H.
Norris, W. H.
Norton, W. F.
Nye, Frank M.
Nye, James G.
O'Brien, James E.
O'Donnell, M. C.
Ohman, John N.
Olson, Floyd B.
Paige, James
Park, H. T.
Pardee, N. E.
Paul, A. C.
Peabody, O. M.
Penny, Robert L.
Peterson, James A.
Petri, Gustave A.
Pidgeon, C. A.
Platner, Warren K.
Purdy, Milton D.
Pond, Charles M.
Powell, Ransom J.
Prendergast, Edmund A.
Ray, John H. Jr.
Reed, Fred W.
Rieke, A. V.
Richards, J. H.
Richards, Bergmann
Ricker, Donald H.
Risk, Loren
Roberts, Harlan P.
Roberts, Horace W.
Roberts, William P.
Robertson, James
Rockwood, C. J.
Rose, Maurice
Safford, Orren E.
Salmon, T. H.
Sapiro, J. H.
Scallen, Raymond O.
Schall, A. X., Jr.
Schmitt, Harrison L.
Seevers, George W.
Selover, A. W.
Selover, G. H.
Shaw, Frank W.
Shay, Harry V.
Sherman, V. C.
Shearer, James D.
Simpson, David F.
Slater, Edwin S.
Smith, Benj. W.
Smith, C. L.
Smith, Edward E.
Smith, John Day
Smith, J. Russell
Solether, P. L.
Stellwagon, Sieforde
Stevens, H. H.
Steele, John H.
Stevens, F. H.
Stevenson, T. J.
Stewart, F. Alex.
Street, Arthur L. H.
Strong, George W.
Stinchfield, Frederick H.
Swan, James G.
Swenson, Lawrence
Sweet, John C.
Swenson, Harry S.
Tautges, William A.
Taylor, Kenneth
Teitsworth, Edward T.
Tenner Alphonse A.
Thomas, Woodlief
Thompson, Paul J.
Tifft, M. C.
Todd, Walter W.
Truax, J. J.
Traxler, C. J.
Tryon, Chas. J.
Ueland, A.
Vance, W. R.
Vanderburgh, W. H.
Van Fossen, L. J.
von Kuster, Paul E.
Volk, H. W.
Wadsworth, Frank H.
Waite, Edward F.
Webb, Robert W.
Ware, J. R.
Weeks, C. Louis
Weil, Jonas
Wheelwright, John O. P.
Whelan, Ralph
White, Clyde R.
White, C. V.
Whiteley, F. A.
Whitney, A. B.
Whiton, Walter S.
Will, G. A.
Williams, Charles J.

Minneapolis—Continued

Wilson, Wirt
Wilcox, Nelson J.
Williams, Warren O.
Williamson, James F.
Wilson, Geo. P.
Woodhull, Schuyler C.
Wolfe, Walter P.
Woodard, H. F.
Works, Robert M.
Yale, Washington
Yetter, Elmer C.
Youngdahl, Peter J.

Minneota

Gislason, Arni B.
Gislason, Bjorn B.

Monticello

Whipple, Harry S.

Montevideo

Fosnes, C. A.
Gjertsen, Olaf
Smith, Lyndon A.

Montgomery

McCarthy, C. D.
Hangel, Francis J.

Mora

Olsen, O. S.
Peterson, Almer J.

Moorhead

Dosland, C. G.
Johnson, N. I.
Marden, Charles S.
Nye, Carroll A.
Oleson, M. Victor
Perley, Geo. E.
Rustad, Garfield H.
Sharp, Edgar E.

Morgan

Herring, W. R.

Morris

Beise, George W.
Flaherty, S. A.
Mangan, T. J.
Ormond, James B.
Spooner, Paul L.

Nashwauk

Lewis, John C.

New Prague

Bean, Francis A. Jr.
Jelinek, Arthur J. Phil

New Richland

Spillane, John J.

New Ulm

Dempsey, Wm. H.
Eckstein, W. T.
Mueller, Alfred W.
Pfaender, Albert.
Somsen, Henry N.

Norwood

Morrison, P. W.

Olivia

Freeman, J. M.
Gage, George F.
Matson, Charles N.

Ortonville

Cliff, Frank L. Kaercher, A. B. Purcell, J. J.

Owatonna

Dunham, F. A. Nelson, Harold S. Sawyer, W. F.
Leach, Harlan E. Nelson, Soren R. Sperry, A. L.
Leach, Helon E. Sawyer, A. W.

Park Rapids

Wooley, Mark J. Wright, B. F.

Paynesville

Tolman, Frank

Perham

Daly, M. J.

Pine City

Long, Eugene H. Roberts, S. G. L.
Sobotka, Ottocar Wilcox, Robert

Pine Island

Sheldon, D. C.

Plainview

Carley, James A.

Preston

Gray, A. D. Hopp, John W. Larson, Henry A.
Thompson, R. E.

Princeton

Skahen, S. P.

Red Wing

Ericson, Wm. M. Hall, Charles P. Johnson, Albert

Redwood Falls

Clague, Frank Dolliff, A. C. Lauden, A. R. A.

Renville

Barnard, L. D. Daly, R. T.

Rochester

Allen, George J. Eaton, Burt W. Eckholdt, Irvidg L.
Fraser, Thomas Gates, Vernon Granger, George W.
Halloran, M. D. Willson, Chas. C.
Brin, John L.

Roseau
Hegland, M. J.

Sandstone
Ervin, W. S.

Sauk Center
Kells, L. L.

Sauk Rapids
Senn, J. A.

Shakopee
Coller, Julius A. Moriarty, Jos. J. Southworth, E.

Sherburn
O'Neill, S. D.

Slayton
Nelson, L. S. Terry, R. W.

Sleepy Eye
Hauser, Albert Olsen, I. M.

South St. Paul
Converse, Willard L. Grannis, David L.

Spooner
Erickson, George E.

Springfield
Erickson, August G. Frederickson, A.

Spring Valley
Pattridge, Samuel C. Gullickson, Ludwig

St. Cloud

Ahles, Paul	Himsl, J. B.	Roeser, John A.
Brower, Ripley P.	Hansen, Herbert	Stewart, W. H.
Bruener, Theodore	Maybury, James H.	Sullivan, Henry H.
Gorman, P. B.	Pattison, J. B.	Sullivan, John D.
Jenks, Jas. E.	Quigley, James J.	Taylor, Myron D.

St. James
Hammond, W. S. Lobben, J. L. Running, Albert
Seager, J. W.

St. Paul

Abernethy, H. A.
Albin, Martin H.
Anderson, Samuel A.
Appel, Monte F.
Armstrong, James D.
Barnacle, W. E.
Barrows, Morton
Barton, Humphrey
Bazille, Edmund W.
Bechhoefer, Charles
Begg, Wm. R.
Bjorklund, Albin B.
Boyesen, A. E.
Bradford, John M.
Brandt, Walter C.
Bremer, Paul G.
Bright, Frederick I.
Briggs, Asa G.
Brill, Hascal R.
Brill, Kenneth G.
Bunn, C. W.
Bunn, George L.
Burchard, J. E.
Burns, John A.
Burnquist, J. A. A.
Burr, Stiles W.
Butler, Pierce
Caldwell, Chester L.
Calmenson, Jesse B.
Carter, Warren S.
Caswell, I. A.
Catlin, F. M.
Chamberlin, Sherman R.
Chapin, George G.
Chapin, Walter L.
Chase, Guy.
Christensen, Oscar F.
Christofferson, Alvin B.
Christofferson, Arthur
Churchill, H. P.
Clapp, Augustus W.
Clapp, Newel H.
Clark, Homer P.
Coffman, Ashley
Coleman, Daniel J.
Conklin, Victor T.
Conzett, C. N.
Cowern, Joseph F.
Crooks, John S.
Crosby, S. P.
Cummins, Carl W.
Currie, Roy H.
Cutler, William W.
Daggett, Thomas C.
Denegre, James D.
Dickson, Frederick N.
Dobner, L. J.
Doherty, M. J.
Dohs, Charles N.
Donnelly, Charles
Donnelly, Stan Dillon
Donnelly, Stan J.
Donohue, John R.
Doty, Daniel W.
Douglas, W. B.
Drill, Frank
Drill, Lewis L.
Durment, E. S.
Duxbury, W. R.
Dwyer, D. E.
Edgerton, George B.
Everall, John
Ewing, Frank H.
Farnham, Charles W.
Firestone, Milton P.
Fitzpatrick, John F.
Fitzpatrick, Thomas C.
Fleming, James J.
Flor, H. H.
Fosbroke, Gerald E.
Fosnes, Walter
Frankel, Hiram D.
Frankel, Louis R.
Frankson, Thomas
Fry, William W.
Galbraith, John P.
Gehan, Frank J.
Gehan, Mark H.
Giberson, W. J.
Glenn, Horace H.
Goddard, W. T.
Goldman, H. K.
Graves, William G.
Gullickson, Glenn
Hadley, Emerson
Hage, Peder M.
Hageman, Harry A.
Halbert, C. W.
Halbert, H. T.
Hallam, Oscar
Hanft, Hugo O.
Harris, Harold
Harris, S. Grant
Heim, Moritz
Helmes, Emil W.
Hertz, A. J.
Hess, Sylvan E.
Hickey, James R.
Hoke, George
Horn, A. E.
Horrigan, William J.
Houpt, Charles C.
Ingersoll, Frederick G.
Iverson, Samuel G.
Ives, Gideon S.
Jackson, Richard A.
Janes, Alexander L.
Johnson, H. S.
Kane, Thomas R.
Keefe, D. J.
Keller, Herbert P.
Kellogg, Frank B.
Kelly, Wm. Louis
Kennedy, John P.
Kennedy, Leo
Kerr, Harold C.
Kidder, Charles S.
Kimball, Guy W.
King, Burt M.
Kirby, John J.
Kinney, C. G.
Knapp, Edward A.
Kueffner, Otto
Kueffner, W. R.
Lambert, George C.
Lane, Cornelius A.
Laughran, H. A.
Lawler, Daniel W.
Lethert, Charles A.
Levin, John I.
Lewis, G. Winthrop
Lewis, Olin B.
Lien, Elias J.
Lightner, William H.
Lilly, R. C.
Lindley, E. C.
Loevenger, Gustavus
Loomis, Harry
Lothrop, Arthur P.
Lyons, D. F.
McCarthy, Frederic D.
McDermott, Thomas
McDermott, Thomas J.
McGrath, Thomas J.
McGray, Frank E.
MacGregor, William B.
McLaughlin, P. J.
McLaughlin, William B.
McMeekin, T. W.

St. Paul—(Continued)

McMurran, W. T.
McNally, Carlton F.
McNamara, T. P.
Macartney, G. S.
Manahan, James
Manthey, F. W.
Markham, George W.
Markham, James E.
Marks, Henry
Marsh, Fayette
Martin, James A.
Menz, C. J.
Michael, James C.
Miller, Earl H.
Mills, Harvey L.
Mitchell, William D.
Moore, Albert R.
Moore, Russell L.
Morphy, E. H.
Morris, Owen
Mulally, J. D.
Munn, Marcus D.
Nelson, Arthur E.
Nelson, Sander N.
O'Brien, C. D.
O'Brien, C. D. Jr.
O'Brien, Dillon J.
O'Brien, R. D.
O'Brien, Thomas D.
O'Brien, William P.
O'Malley, Linus
O'Malley, Raymond G.
O'Neill, O. H.
O'Reilly, George R.
Oberg, Charles A.
Olds, Robert E.
Oppenheimer, William H.
Ordway, S. G.
Orr, Charles N.
Orr, Grier M.
Osborne, Frank O.
Osterlund, F. H.
Otis, Charles E.
Otis, James C.
Otis, Willis C.
Payte, Edward H.
Peabody, Lloyd
Pearson, John A.
Peterson, George W.
Peterson, Harry H.
Pettijohn, Lyle
Pollock, Charles M.
Quinn, W. J.
Randall, C. B.
Reese, Darius F.
Richardson, Harold J.
Richardson, Harris
Richardson, Walter
Rumble, Wilfred E.
Ryan, M. J.
Ryan, Patrick J.
Sanborn, Edward P.
Sanborn, John B.
Sanborn, Walter H.
Sargeant, Harvey O.
Schmidt, C. B.
Schriber, Bishop H.
Schwartz, Louis B.
Severance, Cordenio A.
Seymour, McNeil V.
Sheean, James B.
Shroeder, Baldwin
Siegel, George L.
Simons, Luman C.
Stark, Herman F.
Start, Charles M.
Stearns, Harry S.
Stevens, Frederic C.
Stewart, Arthur A.
St. John, C. R.
Stone, Royal A.
Storey, A. F.
Straight, L. A.
Stringer, Edward S.
Stryker, Jno. E.
Sullivan, Thomas V.
Summerfield, Arthur W.
Thompson, Edwin S.
Thygeson, N. M.
Tiffany, Francis B.
Tighe, Ambrose
Todd, Kay
Trask, James E.
Waters, E. A.
Watson, Ernest E.
Weiss, Harry
Wenzell, Henry B.
Wergedahl, Edward O.
Westfall, William P.
Weyl, Charles H.
Wheeler, Howard
White, William G.
Wickersham, Price
Williams, W. H.
Willis, John W.
Winter, Charles H.
Wright, Colin W.
Yardley, W. H.
Young, Edward B.
Young, Edward T.
Zehnder, John C.
Zollman, F. W.

St. Peter

Anderson, Robinson G.
Benson, Henry N.
Davis, Charles R
Gault, L. J.
Olson, George T.
Stone, Marshall E.

Staples

Cashman, George F.

Stephen

McLernan, P. A.

Stillwater

Buffington, E. D.
Comfort, F. V.
Comfort, Hollis M.
Gillen, H. H.
McBeath, S. Blair
Manwaring, Louis L.
Nethaway, J. C.
Searles, J. N.
Sullivan, George H.
Thoreen, Reuben G.
Wilson, Chester S.

Thief River Falls

Brown, William J.
Naplin, O. A.

Tracy

Campbell, Charles N.
English, A. R.
Robinson, N. J.
Korns, E. B.

Truman

Cooper, Paul C.

Two Harbors

Dwan, John
Jelle, J. G.

Tyler

Stauning, A. K.

Virginia

Boyle, Edward L.
Mills, Ernest B.

Wabasha

Murdock, John W.

Walker

DeLury, Daniel
Rogers, Edward L.
Scribner, James S.

Warren

Grindeland, Andrew
Olson, Julius J.

Warroad

Fosmark, Alexander
Heimbach, E. M.

Waseca

Collister, E. E.
Gallagher, Frank T.
Gallagher, Henry M.
Kiesler, Frank A.
McGovern, P. M.
Moonan, John
Moonan, Joseph N.
Spillane, Charles
Senn, Fred W.

Waterville

Everett, M. R.

Wells

Brewster, M. W. Morse, D. L.

Wheaton

Anderson, Victor E. Houston, Chas. E. Murphy, F. W.

Williams

Chilgren, Albert

Willmar

Gilbert, T. O. Otterness, George H. Qvale, G. E.

Windom

Borst, Wilson Finstad, O. J.

Winnebago

Dunn, Andrew C. Lindgren, H. C.

Winona

Abbott, W. D.
Bierce, Herbert M.
Blair, Burr D.
Brown, Calvin L.
Brown, L. L.
Pinkelnburg, Karl
Lees, Edward
Looby, Robert E.
Lamberton, Henry M.
Randall, Richard A.
Simpson, Earl
Somsen, S. H.
Tawney, D. E.
Tawney, James A.
Webber, M. B.

Winthrop

Young, A. L.

Worthington

Cashel, J. A. Flynn, John F. Smith, S. S. Thornton, Manley P.

Zumbrota

Rockne, A. J.

ALPHABETICAL LIST OF MEMBERS

A

Abbott, Howard S. ..... Minneapolis
Abbott, Howard T. ..... Duluth
Abbott, W. D. ..... Winona
Abernethy, H. A. ..... St. Paul
Adams, Charles E. ..... Duluth
Adams, Frank D. ..... Duluth
Agatin, A. L. ..... Duluth
Ahles, Paul ..... St. Cloud
Allen, A. R. ..... Fairmont
Allen, E. P. ..... Minneapolis
Allen, George J. ..... Rochester
Allen, O. A. ..... Hector
Albin, Martin H. ..... St. Paul
Alderman, S. F. ..... Brainerd
Alexander, F. A. ..... Owatonna
Alford, E. F. ..... Duluth
Anderson, Albert M. ..... Minneapolis
Anderson, Arthur H. ..... Minneapolis
Anderson, F. C. ..... Herman
Anderson, Robinson G. ..... St. Peter
Anderson, Samuel A. ..... St. Paul
Anderson, Sam G. ..... Hutchinson
Anderson, Sydney ..... Lanesboro
Anderson, Victor E. ..... Wheaton
Anderson, W. B. ..... Minneapolis
Anderson, W. H. ..... Minneapolis
Anderson, William ..... Minneapolis
Anderson, W. A. ..... Minneapolis
Andresen, Oliver S. ..... Duluth
Andrews, A. A. ..... Bemidji
Ankeny, Alex. T. ..... Minneapolis
Appell, Monte, F. ..... St. Paul
Arctander, Ludwig ..... Minneapolis
Armstrong, James D. ..... St. Paul
d'Autremont, C., Jr. ..... Duluth

B

Bailey, Thayer C. ..... Bemidji
Bailey, W. D. ..... Duluth
Baker, James B. ..... Bird Island
Baldwin, Albert ..... Duluth
Baldwin, Charles O. ..... Duluth
Baldwin, Mathias ..... Minneapolis
Ball, Leo A. ..... Duluth
Ballantine, Edward ..... Breckenridge
Ballon, Ben E. ..... Fairmont
Banning, A. T., Jr. ..... Duluth
Barnacle, W. E. ..... St. Paul
Barnard, L. D. ..... Renville

Barrett, Richard D. ..... Minneapolis
Barrows, Morton ..... St. Paul
Barton, Humphrey ..... St. Paul
Batchelder, Charles ..... Faribault
Baxter, Hector ..... Minneapolis
Baxter, John T. ..... Minneapolis
Bayard, Lee Brooks ..... Minneapolis
Bazille, Edmund W. ..... St. Paul
Bean, Francis A., Jr. ..... New Prague
Beare, Thomas W. ..... Minneapolis
Bechhoefer, Charles ..... St. Paul
Beeman, E. R. ..... Minneapolis
Begg, W. R. ..... St. Paul
Begin, E. L. ..... Minneapolis
Beise, George W. ..... Morris
Benson, John C. ..... Minneapolis
Benson, Henry N. ..... St. Peter
Benton, Henry W. ..... Minneapolis
Berg, John N. ..... Minneapolis
Bergheim, Nels S. ..... Little Falls
Bernhagen, John F. ..... Minneapolis
Berry, H. M. ..... Mapleton
Best, E. N. ..... Minneapolis
Best, James J. ..... Minneapolis
Bibb, Eugene E. ..... Minneapolis
Bierce, Herbert M. ..... Winona
Billson, W. W. ..... Duluth
Bjorklund, Albin B. ..... St. Paul
Blackmer, Herman ..... Albert Lea
Blair, Burr D. ..... Winona
Blanchard, Will A. ..... Anoka
Blucker, George M. ..... Minneapolis
Blu, E. F. ..... Duluth
Bonniwell, H. H. ..... Hutchinson
Booth, Wilbur F. ..... Minneapolis
Borst, Wilson ..... Windom
Boutelle, M. H. ..... Minneapolis
Bowen, Ivan ..... Mankato
Bowler, Madison C. ..... Minneapolis
Boyeson, A. E. ..... St. Paul
Boyle, Edward L. ..... Virginia
Boyle, Harry E. ..... Duluth
Boyle, James P. ..... Eveleth
Bracelen, C. M. ..... Minneapolis
Brady, M. C. ..... Minneapolis
Bradford, John M. ..... St. Paul
Brager, O. A. ..... Fosston
Brandt, Walter C. ..... St. Paul
Brattland, Michael A. ..... Ada
Breding, A. M. ..... Minneapolis
Bremer, Paul G. ..... St. Paul
Bremner, W. H. ..... Minneapolis
Brewer, M. P. ..... Minneapolis
Brewster, M. W. ..... Wells
Bridgman, Donald E. ..... Minneapolis

Briggs, Asa G. ..... St. Paul
Bright, Alfred H. ..... Minneapolis
Bright, Frederick I. ..... St. Paul
Bright, Michael S. ..... Duluth
Brill, Hascal R. ..... St. Paul
Brill, Josiah E. ..... Minneapolis
Brill, Kenneth G. ..... St. Paul
Brin, John L. ..... Rochester
Brooks, Frank C. ..... Minneapolis
Brower, Ripley P. ..... St. Cloud
Brown, Calvin L. ..... Winona
Brown, Edwin C. ..... Minneapolis
Brown, G. W. ..... Glencoe
Brown, Hosmer A. ..... Minneapolis
Brown, John L. ..... Bemidji
Brown, Leslie L. ..... Winona
Brown, Rome G. ..... Minneapolis
Brown, William J. ..... Thief River Falls
Browne, W. W. ..... Biwabik
Bruce, Olof L. ..... Minneapolis
Bruener, Theodore ..... St. Cloud
Buckham, Thomas S. ..... Faribault
Buckman, C. A. ..... Minneapolis
Buell, I. C. ..... Duluth
Buffington, Edwin D. ..... Stillwater
Buffington, G. W. ..... Minneapolis
Bunn, C. W. ..... St. Paul
Bunn, George L. ..... St. Paul
Burchard, J. E. ..... St. Paul
Burgess, George D. ..... Minneapolis
Burnquist, J. A. A. ..... St. Paul
Burns, John A. ..... St. Paul
Burr, Stiles W. ..... St. Paul
Butler, Pierce ..... St. Paul

C

Cadwell, Francis ..... Le Sueur
Caldwell, Chester L. ..... St. Paul
Calmenson, Jesse B. ..... St. Paul
Cameron, Don M. ..... Little Falls
Campbell, Charles M. ..... Tracy
Campbell, K. A. ..... Minneapolis
Canfield, E. H. ..... Luverne
Cant, Harold G. ..... Minneapolis
Cant, William A. ..... Duluth
Carley, James A. ..... Plainview
Carleton, Henry G. ..... Minneapolis
Carlson, Chris ..... Blue Earth
Carlson, H. C. ..... Albert Lea
Carman, E. C. ..... Duluth
Carman, Ernest C. ..... Minneapolis
Carmichael, D. F. ..... Minneapolis
Carmichael, H. A. ..... Duluth
Carson, Harvey S. ..... Minneapolis

Carter, Warren S. ..... St. Paul
Casey, Thomas ..... Elbow Lake
Cashel, J. A. ..... Worthington
Cashman, George F. ..... Staples
Castberg, B. ..... Minneapolis
Caswell, I. A. ..... St. Paul
Catherwood, S. D. ..... Austin
Catlin, F. M. ..... St. Paul
Cedergren, John C. ..... Duluth
Chaffee, Rollo N. ..... Duluth
Chamberlin, Sherman R. ..... St. Paul
Chapin, George G. ..... St. Paul
Chapin, Walter L. ..... St. Paul
Chapman, A. G. ..... Lanesboro
Chase, Guy ..... St. Paul
Chase, Nathan H. ..... Minneapolis
Chase, W. S. ..... Minneapolis
Cherry, Wilbur H. ..... Minneapolis
Child, S. R. ..... Minneapolis
Childress, Arthur P. ..... Faribault
Childs, Clarence H. ..... Minneapolis
Child, Sherman ..... Minneapolis
Chilgren, Albert ..... Williams
Choate, A. B. ..... Minneapolis
Christensen, Henry O. ..... Rochester
Christensen, Oscar F. ..... St. Paul
Christianson, Theodore ..... Dawson
Christofferson, Alvin B. ..... St. Paul
Christofferson, Arthur ..... St. Paul
Christopherson, C. H. ..... Luverne
Churchill, H. P. ..... St. Paul
Chute, Fred B. ..... Minneapolis
Chute, L. P. ..... Minneapolis
Clague, Frank ..... Redwood Falls
Clapp, Augustus W. ..... St. Paul
Clapp, Harvey S. ..... Duluth
Clapp, Newel H. ..... St. Paul
Clark, Homer P. ..... St. Paul
Cliff, Frank L. ..... Ortonville
Clutter, Guy E. ..... Minneapolis
Cobb, Albert C. ..... Minneapolis
Coffman, Ashley ..... St. Paul
Cohen, Emanuel ..... Minneapolis
Coller, Julius A. ..... Shakopee
Collister, E. E. ..... Waseca
Coleman, Daniel J. ..... St. Paul
Comfort, F. V. ..... Stillwater
Comfort, Hollis M. ..... Stillwater
Comstock, W. L. ..... Mankato
Congdon, Chester A. ..... Duluth
Conklin, Victor T. ..... St. Paul
Converse, Willard L. ..... South St. Paul
Conzett, C. N. ..... St. Paul
Cook, Theodore H. ..... Minneapolis
Cooper, Clayton C. ..... Mahnomen

Cooper, Paul C. ..... Truman
Cotton, Joseph B. ..... Duluth
Courtney, H. A. ..... Duluth
Courtney, Henry O. ..... Duluth
Cowern, Joseph F. ..... St. Paul
Crassweller, Arthur H. ..... Duluth
Crassweller, Frank H. ..... Duluth
Crawford, W. M. N. ..... Minneapolis
Cray, Lorin ..... Mankato
Crooks, John S. ..... St. Paul
Crosby, John ..... Minneapolis
Crosby, S. P. ..... St. Paul
Crosby, Wilson G. ..... Duluth
Cross, Norton M. ..... Minneapolis
Culkin, William E. ..... Duluth
Cummins, Carl W. ..... St. Paul
Currie, Roy H. ..... St. Paul
Cushing, R. G. ..... Hancock
Cutler, William W. ..... St. Paul
Cutting, Frank H. ..... Duluth
Cutter, Leeds H. ..... Anoka
Cutting W. H. ..... Buffalo

D

Dacey, Walter F. ..... Duluth
Daggett, Thomas C. ..... St. Paul
Dahl, John F. ..... Minneapolis
Dahle, O. K. ..... Caledonia
Dailey, C. O. ..... Mankato
Dalby, Charles A. ..... Minneapolis
Daley, A. J. ..... Luverne
Daly, M. J. ..... Perham
Daly, R. T. ..... Renville
Dancer, Herbert A. ..... Duluth
Darelius, A. B. ..... Minneapolis
Davies, Otto N. ..... Minneapolis
Davies, Tom ..... Marshall
Davies, W. B. ..... Mankato
Davis, Charles R. ..... St. Peter
Davis, John I. ..... Benson
Davis, N. F. ..... Duluth
Day, Frank A. ..... Duluth
De Lury, Daniel ..... Walker
De Reu, Charles L. ..... Marshall
Dean, E. C. ..... Fairmont
Dempsey, William H. ..... New Ulm
Denegre, James D. ..... St. Paul
Deters, W. A. ..... Caledonia
Deutsch, Henry ..... Minneapolis
Devaney, John P. ..... Minneapolis
Dibell, Homer B. ..... Duluth
Dickson, Frederick N. ..... St. Paul
Dickinson, Horace D. ..... Minneapolis

Dille, C. Brooks.....Minneapolis
Dille, John I. .....Minneapolis
Disson, O. E. .....Heron Lake
Dobner, L. J. .....St. Paul
Dodge, Fred B. .....Minneapolis
Dodge, L. L. .....Minneapolis
Doherty, M. J. .....St. Paul
Dohs, Charles N. .....St. Paul
Dolliff, A. C. .....Redwood Falls
Donnelly, Charles .....St. Paul
Donnelly, Stan Dillon .....St. Paul
Donnelly, Stan J. .....St. Paul
Donohue, John R. .....St. Paul
Donohue, W. F. .....Melrose
Donohue, William H.....Minneapolis
Donovan, Dennis F.....Duluth
Dorival, Charles A. .....Caledonia
Dorsey, James E. .....Minneapolis
Dosland, C. G. .....Moorhead
Doty, Daniel W. .....St. Paul
Dougherty, Frank E. .....Foley
Douglas, W. B. .....St. Paul
Drake, Benjamin .....Minneapolis
Drake, C. E. .....Minneapolis
Drew, Charles M. .....Minneapolis
Drill, Frank .....St. Paul
Drill, Lewis L. .....St. Paul
Dunham, F. A. .....Owatonna
Dunn, Andrew C. .....Winnebago
Durment, E. S. .....St. Paul
Duxbury, F. A. .....Caledonia
Duxbury, Leland S.....Duluth
Duxbury, L. L. .....Caledonia
Duxbury, W. R. .....St. Paul
Dwan, John .....Two Harbors
Dwinnell, W. S. .....Minneapolis
Dwyer, D. E. .....St. Paul

E

Eaton, Burt W. .....Rochester
Eaton, L. K. .....Minneapolis
Eberhart, Axel A. .....Minneapolis
Eckholdt, Irving L. .....Rochester
Eckstein, W. T. .....New Ulm
Edgerton, George B. .....St. Paul
Edison, H. J. .....Kasson
Edwards, D. C. .....Minneapolis
Egelston, Alvord C.....Minneapolis
Elder, William .....Duluth
Elliott, C. B. .....Minneapolis
Ellis, M. L. .....Minneapolis
Ellsworth, F. F. .....Mankato
Elwin, E. H. .....Breckenridge
Enerson, Albert H. .....Lamberton

Engel, J. C. Herman.....Duluth
English, A. R. .....Tracy
Ensign, J. D. .....Duluth
Erdall, John L. .....Minneapolis
Erdall, Leonard T.....Minneapolis
Erickson, August G. .....Springfield
Erickson, George E. .....Spooner
Ericson, Wm. M. .....Red Wing
Ervin, W. S. .....Sandstone
Everall, John .....St. Paul
Everett, M. R. .....Waterville
Ewing, Arthur W. .....Madison
Ewing, Frank H. .....St. Paul

F

Faber, F. B. .....Jackson
Fagre, J. Barthell .....Minneapolis
Farnham, Charles W. .....St. Paul
Ferguson, C M.....Minneapolis
Fesler, Bert .....Duluth
Fifield, James C. .....Minneapolis
Finkelnburg, Karl .....Winona
Finney, A C.....Minneapolis
Finstad, O. J.....Windom
Firestone, Milton P. .....St. Paul
Fish, Daniel .....Minneapolis
Fitzpatrick, John F. .....St. Paul
Fitzpatrick, Thomas C. .....St. Paul
Flaherty, S. A. .....Morris
Flannery, George P. .....Minneapolis
Flannery, H. C. .....Minneapolis
Fleming, James J. .....St. Paul
Fleming, William A. .....Brainerd
Fletcher, Clark R.....Minneapolis
Fligehman, Sol .....Minneapolis
Flittie, Jean A. .....Mankato
Flor, H. H. .....St. Paul
Flynn, John F. .....Worthington
Flynn, Wm. E.....Minneapolis
Fogarty, E. L.....Duluth
Forbes, Bert W. .....Duluth
Fosbroke, Gerald E. .....St. Paul
Fosmark, Alexander .....Warroad
Fosnes, C. A. .....Montevideo
Fosnes, Walter .....St. Paul
Fosseen, Manley L.....Minneapolis
Fowler, Charles R. .....Minneapolis
Frankel, Hiram D. .....St. Paul
Frankel, Louis R. .....St. Paul
Frankson, Thomas .....St. Paul
Fraser, Thomas .....Rochester
Frederickson, A. .....Springfield
Freeman, J. M. .....Olivia
French, Lafayette, Jr. .....Austin

Freund, S Edward ..... Minneapolis
Frisbee, Earl J ..... Minneapolis
Frost, Daniel R. ..... Minneapolis
Frundt, H. J. ..... Blue Earth
Fry, William W. ..... St. Paul
Fryberger. H. B. ..... Duluth
Fryberger, H. E. ..... Minneapolis
Fulton, H C ..... Duluth
Furber, Fred N ..... Minneapolis
Furst. William ..... Minneapolis

G

Gage, George F. ..... Olivia
Galbraith, John P. ..... St. Paul
Gallagher, Frank T. ..... Waseca
Gallagher, Henry M. ..... Waseca
Gardner, George H. ..... Brainerd
Gardner, James E ..... Duluth
Garrigues, Edwin C. ..... Minneapolis
Gates, Vernon ..... Rochester
Gault, L. J. ..... St. Peter
Gaylord, Edson S ..... Minneapolis
Gearhart, H. G. ..... Duluth
Gehan, F. J. ..... St. Paul
Gehan, Mark H. ..... St. Paul
Geisseel, Ervin R ..... Minneapolis
Giberson, W. J. ..... St. Paul
Giddings, Arthur E. ..... Anoka
Gifford, G. B ..... Duluth
Gilbert, George M ..... Duluth
Gilbert, T. O. ..... Willmar
Gilger, John W. ..... Minneapolis
Gillen, Hugh H. ..... Stillwater
Gillette, A. C. ..... Duluth
Gilpin, S. W. ..... Duluth
Gipson, Eugene H. ..... Faribault
Gislason, Arni B. ..... Minneota
Gislason, Bjorn B. ..... Minneota
Gjerset, Olaf ..... Montevideo
Glenn, Horace H. ..... St. Paul
Grady, F. A. ..... Crookston
Gran, Victor H. ..... Duluth
Granger, George W. ..... Rochester
Grannis, David L. ..... South St. Paul
Grannis, H. J. ..... Duluth
Graves, William G. ..... St. Paul
Gray, A. D. ..... Preston
Greene, Warren E. ..... Duluth
Greiner, O. F ..... Minneapolis
Grimes, George S ..... Minneapolis
Grindeland, Andrew ..... Warren
Goddard, W. T. ..... St. Paul
Goldberg, Benjamin M ..... Duluth
Goldman, Benjamin M ..... Minneapolis

Goldman, H. K. ..... St. Paul
Goodwin, Godfrey G. ..... Cambridge
Gorman, P. B. ..... St. Cloud
Gould, C. D. ..... Minneapolis
Gouska, Walter ..... Duluth
Guesmer, Arnold L. ..... Minneapolis
Guest, J. Eustace ..... Minneapolis
Guilford, P. W. ..... Minneapolis
Gullickson, Glenn ..... St. Paul
Gullickson, Ludwig ..... Spring Valley

H

Hadley, Emerson ..... St. Paul
Hage, Peder M. ..... St. Paul
Hageman, Harry A. ..... St. Paul
Hagen, E. O. ..... Crookston
Halbert, C. W. ..... St. Paul
Halbert, H. T. ..... St. Paul
Hale, William E. ..... Minneapolis
Hall, Albert H. ..... Minneapolis
Hall, Charles P. ..... Red Wing
Hall, James H. ..... Marshall
Halls, Jay C. ..... Minneapolis
Hallam, Oscar ..... St. Paul
Halloran, M. D. ..... Rochester
Halvorson, H. O. ..... Dawson
Hammer, Henry H. ..... Mabel
Hammett, W. George ..... Hawley
Hammond, W. S. ..... St. Paul
Hanft, Hugo O. ..... St. Paul
Hangel, Francis J. ..... Montgomery
Hanley, Martin F. ..... Minneapolis
Hansen, Hubert ..... St. Cloud
Hanson, N. B. ..... Barnesville
Harden, G. W. W. ..... Le Roy
Hanson, H. Stanley ..... Minneapolis
Hargreaves, F. W. ..... Duluth
Haroldson, Hans B. ..... Duluth
Harris, Harold ..... St. Paul
Harris, Luther C. ..... Duluth
Harris, S. Grant ..... St. Paul
Harrison, William P. ..... Duluth
Harrison, William ..... Duluth
Hartwick, Ole ..... Granite Falls
Harvey, F. C. ..... Minneapolis
Hauser, Albert ..... Sleepy Eye
Haycraft, J. E. ..... Fairmont
Hayden, Clyde ..... Albert Lea
Healey, Frank ..... Minneapolis
Hegland, M. J. ..... Roseau
Heim, Moritz ..... St. Paul
Heimbach, E. M. ..... Warroad
Heino, John R. ..... Duluth
Heitman, John ..... Duluth

Helmes, Emil W. ..... St. Paul
Hempstead, Clark ..... Minneapolis
Henderson, William B. ..... Minneapolis
Hennessey, Walter H ..... Minneapolis
Herring, W. R. ..... Morgan
Hertig, Wendell ..... Minneapolis
Hertz, A. J. ..... St. Paul
Hess, Sylvan E. ..... St. Paul
Hessian, Thomas ..... Le Sueur
Hessian, Maurice A ..... Minneapolis
Hetland, John M. ..... Ada
Hickey, James R. ..... St. Paul
Hickman, A. C. ..... Minneapolis
Hicks, Frank ..... Duluth
Higgins, A. M. ..... Minneapolis
Higgins, James L. ..... Blue Earth
High, Leslie S. ..... Duluth
Himsl, J. B. ..... St. Cloud
Hinch, Frederick M ..... Minneapolis
Hobbs, Arnold ..... Minneapolis
Hoidale, Einar ..... Minneapolis
Hoidale, H L ..... Minneapolis
Hoke, George ..... St. Paul
Hollister, Theo. ..... Duluth
Holmes, Donald S. ..... Duluth
Holt, Andrew ..... Minneapolis
Hopp, John W. ..... Preston
Horn, A. E. ..... St. Paul
Horrigan, William J. ..... St. Paul
Houck, Stanley B. ..... Minneapolis
Houpt, Charles C. ..... St. Paul
Houston, Charles E. ..... Wheaton
Hubachek, Frank R. ..... Minneapolis
Hubachek, L. A. ..... Minneapolis
Hudson, S. H. ..... Benson
Hudson, T. T. ..... Duluth
Hughes, Evan ..... Mankato
Hughes, Martin ..... Eveleth
Hughes, Thomas ..... Mankato
Hughes, William F. ..... Mankato
Hunt, J. W. ..... Duluth
Hunter, Arthur W ..... Duluth

I

Ingalls, Edmund ..... Duluth
Ingersoll, Frederick G. ..... St. Paul
Irwin, Frank C. ..... Belle Plaine
Irwin, H. D. ..... Minneapolis
Iverson, Samuel G. ..... St. Paul
Ives, Gideon S. ..... St. Paul

J

Jackson, A. B. ..... Minneapolis

Jackson, Richard A. ..... St. Paul
Jacques, Lawrence ..... Duluth
Jacques, Alfred ..... Duluth
Jaques, Robert ..... Duluth
Janes, Alexander L. ..... St. Paul
Jayne, Trafford N. ..... Minneapolis
Jelle, J. G. ..... Two Harbors
Jelley, Charles S. ..... Minneapolis
Jelinek, Arthur J. Phil ..... New Prague
Jenks, James E. ..... St. Cloud
Jenswold, John D. ..... Duluth
Jenswold, John, Jr. ..... Duluth
Jevne, Franz ..... International Falls
Johnson, Adolph E. L. ..... Minneapolis
Johnson, Albert ..... Red Wing
Johnson, Andrew William ..... Albert Lea
Johnson, Clay W. ..... Minneapolis
Johnson, H. S. ..... St. Paul
Johnson, Louis P. ..... Ivanhoe
Johnson, N. I. ..... Moorhead
Johnston, C. M. ..... Detroit
Jones, D. J. ..... Breckenridge
Jones, L. E. ..... Breckenridge
Joslyn, C. C. ..... Minneapolis
Joss, Louis N. ..... Minneapolis
Joyce, Thomas J. ..... Duluth
Junell, John ..... Minneapolis

K

Kaercher, A. B. ..... Ortonville
Kain, J. P. ..... Breckenridge
Kane, C. L. ..... Benson
Kane, Thomas R. ..... St. Paul
Kane, W. V. ..... International Falls
Kay, Spencer B. ..... Minneapolis
Keefe, D. J. ..... St. Paul
Keith, A. M. ..... Minneapolis
Keller, H. P. ..... St. Paul
Kellogg, Frank B. ..... St. Paul
Kells, L. L. ..... Sauk Center
Kelly, Charles F. ..... Minneapolis
Kelly, William Louis ..... St. Paul
Kennedy, John P. ..... St. Paul
Kennedy, Leo ..... St. Paul
Kennicott, Jay H. ..... Luverne
Kerr, Harold C. ..... St. Paul
Kerr, William A. ..... Minneapolis
Keyes, John A. ..... Duluth
Kidder, Charles S. ..... St. Paul
Kiesler, Frank G. ..... Waseca
Kimball, Guy W. ..... St. Paul
Kingman, Joseph R. ..... Minneapolis
Kingsley, George A. ..... Minneapolis
Kingsley, Nathan ..... Austin

Kinney, C. G. ..... St. Paul
King, Burt M. ..... St. Paul
Kirby, John J. ..... St. Paul
Kjellander, Harold R. ..... Minneapolis
Knapp, Edward A. ..... St. Paul
Kneeland, Thomas ..... Minneapolis
Knox, T. J. ..... Jackson
Knudson, Bennett O. ..... Albert Lea
Koon, W. A. ..... Minneapolis
Korns, E. B. ..... Tracy
Kosenmeier, C. ..... Little Falls
Krause, C. G. ..... Minneapolis
Krelwitz, E. H. ..... Aitkin
Kueffner, Otto ..... St. Paul
Kueffner, W. R. ..... St. Paul

L

LaBelle, D. E. ..... Minneapolis
Lambert, George C. ..... St. Paul
Lamberton, Henry M. ..... Winona
Lamson, Wm. H. ..... Hinckley
Lancaster, William A. ..... Minneapolis
Lane, Cornelius A. ..... St. Paul
Lanners, Harry W. ..... Duluth
Larrabee, F. D. ..... Minneapolis
Larimore, J. A. ..... Minneapolis
Larson, A. T. ..... Minneapolis
Larson, Constant ..... Alexandria
Larson, H. A. ..... Preston
Larson, O. J. ..... Duluth
Lauden, A. R. A. ..... Redwood Falls
Lauderdale, Henry W. ..... Minneapolis
Laughran, H. A. ..... St. Paul
Lawler, D. W. ..... St. Paul
Leach, Helon E. ..... Owatonna
Leach, Harlan E. ..... Owatonna
Leary, D. J. ..... Browns Valley
Leary, William C. ..... Minneapolis
Le Crone, J. W. ..... Faribault
Lee, Jorgie A. ..... Benson
Lees, Edward ..... Winona
Leonard, George B. ..... Minneapolis
Lethert, Charles A. ..... St. Paul
Leude, O. A. ..... Canby
Levin, John I. ..... St. Paul
Lewis, G. Winthrop ..... St. Paul
Lewis, I. K. ..... Duluth
Lewis, John C. ..... Nashwauk
Lewis, O. B. ..... St. Paul
Lien, E. J. ..... St. Paul
Lightner, William H. ..... St. Paul
Lilly, R. C. ..... St. Paul
Lind, John ..... Minneapolis
Lindgren, H. C. ..... Winnebago

Lindley, E. C. ..... St. Paul
L'Herault, N. A. ..... Minneapolis
Lobben, J. L. ..... St. James
Loe, Bert O. ..... Granite Falls
Loevinger, Gustavus ..... St. Paul
Longbroke, L. L. ..... Minneapolis
Long, Eugene H. ..... Pine City
Looby, Robert E. ..... Winona
Loomis, Harry ..... St. Paul
Loring, Charles ..... Crookston
Loring, Edward J. ..... Minneapolis
Lossow, Albert H. ..... Minneapolis
Lothrop, Arthur P. ..... St. Paul
Louiselle, M. E. ..... Duluth
Lovell, John W. ..... Fairmont
Lowell, Charles S. ..... Hastings
Lucas, Edward ..... Minneapolis
Lum, Bert F. ..... Minneapolis
Lum, Leon E. ..... Duluth
Lund, Harry A. ..... Minneapolis
Lyons, D. F. ..... St. Paul

M

McBeath, S. Blair ..... Stillwater
McCarthy, C. C. ..... Grand Rapids
McCarthy, C. D. ..... Montgomery
McCarthy, Frideric D. ..... St. Paul
McClearn, Hugh J. ..... Duluth
McClenahan, W. S. ..... Brainerd
McCullough, Reuben ..... Duluth
McCune, Robert H. ..... Minneapolis
McDermott, Thomas ..... St. Paul
McDermott, Thomas Jefferson ..... St. Paul
McDonald, Elmer E. ..... Bemidji
McDonald, W. H. ..... Minneapolis
McElligott, T. J. ..... Appleton
McGee, John F. ..... Minneapolis
McGovern, John ..... Minneapolis
McGovern, P. M. ..... Waseca
McGrath, Thomas J. ..... St. Paul
McGrath, W. H. ..... Minneapolis
McGray, Frank E. ..... St. Paul
McGregor, Benjamin F. ..... Mapleton
MacGregor, William E. ..... St. Paul
McHardy, John A. ..... Minneapolis
McHugh, Leonard ..... Duluth
MacKenzie, C. H. ..... Gaylord
MacKenzie, George A. ..... Gaylord
McKeon, Thomas J. ..... Duluth
McLaughlin, P. J. ..... St. Paul
McLaughlin, William E. ..... St. Paul
McLernon, P. A. ..... Stephen
McMahon, James P. ..... Faribault
McManus, A. E. ..... Duluth

McMeekin, T. W. ..... St. Paul
McMurran, W. T. ..... St. Paul
McNally, Carlton F. ..... St. Paul
McNamara, T. P. ..... St. Paul
McNelly, William O. ..... Hutchinson
McPartlin, F. J. ..... International Falls
MacPherran, Edgar W. ..... Duluth
McQuat, R. A. ..... Grand Rapids
Macartney, G. S. ..... St. Paul
Mackall, H. C. ..... Minneapolis
Magney, C. R. ..... Duluth
Mahoney, Stephen ..... Minneapolis
Manahan, James ..... St. Paul
Mangan, T. J. ..... Morris
Manthey, F. W. ..... St. Paul
Manwaring, L. L. ..... Stillwater
March, C. H. ..... Litchfield
March, N. D. ..... Litchfield
Marden, Charles S. ..... Moorhead
Markham, George W. ..... St. Paul
Markham, James E. ..... St. Paul
Marks, Henry ..... St. Paul
Marsh, Fayette ..... St. Paul
Martin, James A. ..... St. Paul
Martin, James M. ..... Minneapolis
Martin, Paul W. ..... Duluth
Mathews, M. E. ..... Marshall
Matson, Charles N. ..... Olivia
Mayall, R. L. ..... Duluth
Maybury, James H. ..... St. Cloud
Mayland, A. U. ..... Albert Lea
Mead, Henry S. ..... Minneapolis
Mearkle, E. F. ..... Minneapolis
Meighen, John F. ..... Albert Lea
Meighen, Philip J. ..... Minneapolis
Melville, James C. ..... Minneapolis
Meleck, H. N. ..... Minneapolis
Menz, C. J. ..... St. Paul
Mercer, Hugh V. ..... Minneapolis
Merchant, Frank D. ..... Minneapolis
Merrill, George C. ..... Minneapolis
Merritt, Walle W. ..... Minneapolis
Meyers, Simon ..... Minneapolis
Michael, J. C. ..... St. Paul
Michelet, Simon ..... Minneapolis
Micharlson, V. J. ..... Cloquet
Michel, Ernest A. ..... Marshall
Miller, Arthur A. ..... Crookston
Miller, Earl H. ..... St. Paul
Miller, L. S. ..... Crookston
Mills, Ernest B. ..... Virginia
Mills, Harvey L. ..... St. Paul
Miner, Julius E. ..... Minneapolis
Mitchell, Oscar ..... Duluth
Mitchell, William D. ..... St. Paul

Moonan, John ..... Waseca
Moonan, Joseph N. ..... Waseca
Moore, Albert R. ..... St. Paul
Moore, Russell L. ..... St. Paul
Molyneaux, Joseph W. ..... Minneapolis
Montgomery, E. A. ..... Minneapolis
Morgan, E. M. ..... Minneapolis
Morgan, George W. ..... Duluth
Morgan, Henry A. ..... Albert Lea
Morgan, Henry W. ..... Lake City
Moriarity, Joseph J. ..... Shakopee
Morley, Frank J. ..... Minneapolis
Morphy, E. H. ..... St. Paul
Morris, Owen ..... St. Paul
Morris, Page ..... Duluth
Morris, William R. ..... Minneapolis
Morrison, Frank L. ..... Minneapolis
Morrison, P. W. ..... Norwood
Morrison, Robert G. ..... Minneapolis
Morse, D. L. ..... Wells
Mueller, Alfred W. ..... New Ulm
Mulally, J. D. ..... St. Paul
Munn, Marcus D. ..... St. Paul
Murdock, John W. ..... Wabasha
Murphy, F. W. ..... Wheaton
Murphy, S. C. ..... Grand Marias
Murphy, William P. ..... Crookston
Murray, Frank ..... Bird Island
Myron, Olin C. ..... Milaca

N

Naplin, O. A. ..... Thief River Falls
Nash, Edward M. ..... Minneapolis
Nelson, Andrew ..... Duluth
Nelson, Arthur E. ..... St. Paul
Nelson, Edward ..... Minneapolis
Nelson, Harold S. ..... Owatonna
Nelson, Iver C. ..... Minneapolis
Nelson, L. S. ..... Slayton
Nelson, Sander N. ..... St. Paul
Nelson, Soren R. ..... Owatonna
Nethaway, J. C. ..... Stillwater
Neukom, John W. ..... Duluth
Newton, Walton H. ..... Minneapolis
Nicholas, E. H. ..... Jackson
Nichols, Chester L. ..... Minneapolis
Nichols, Samuel N. ..... Minneapolis
Nicholson, J. N. ..... Austin
Noe, John C. ..... Mankato
Nordin, John A. ..... Minneapolis
Nordbye, Emmar H. ..... Minneapolis
Norris, W. H. ..... Minneapolis
Norton, John ..... International Falls

Norton, W. F. ..... Minneapolis
Nye, Carroll A. ..... Mooorhead
Nye, James G. ..... Minneapolis
Nye, Frank M. ..... Minneapolis

O

O'Brien, C. D. ..... St. Paul
O'Brien, C. D., Jr. ..... St. Paul
O'Brien, Dillon J. ..... St. Paul
O'Brien, James E. ..... Minneapolis
O'Brien, Martin ..... Crookston
O'Brien, R. D. ..... St. Paul
O'Brien, Thomas D. ..... St. Paul
O'Brien, William P. ..... St. Paul
O'Donnell, M. C. ..... Minneapolis
O'Malley, Linus ..... St. Paul
O'Malley, R. G. ..... St. Paul
O'Neill, O. H. ..... St. Paul
O'Neill, S. D. ..... Sherburn
O'Reilly, George R. ..... St. Paul
Oberg, Charles A. ..... St. Paul
Odell, W. C. ..... Chaska
Odell, W. F. ..... Chaska
Ohman, John N. ..... Minneapolis
Oldenburg, H. ..... Carlton
Olds, Robert E. ..... St. Paul
Oleson, M. Victor ..... Moorhead
Olsen, I. M. ..... Sleepy Eye
Olson, Floyd B. ..... Minneapolis
Olsen, O. S. ..... Mora
Olson, George T. ..... St. Peter
Olson, Julius J. ..... Warren
Oppenheimer, William H. ..... St. Paul
Orr, Charles N. ..... St. Paul
Orr, Grier M. ..... St. Paul
Ordway, S. G. ..... St. Paul
Ormond, James B. ..... Morris
Osborne, Frank O. ..... St. Paul
Osborne, James W. ..... Ely
Osterlund F. H. ..... St. Paul
Ostrander, L. H. ..... Albert Lea
Otis, Charles E. ..... St. Paul
Otis, James C. ..... St. Paul
Otis, Willis C. ..... St. Paul
Otterness, George H. ..... Willmar

P

Page, A. C. ..... Austin
Paige, James ..... Minneapolis
Palmer, Frank ..... International Falls
Palmer, J. E. ..... Fairmont
Pardee, N. E. ..... Minneapolis
Park, H. T. ..... Minneapolis

Parker, G. E. ..... Duluth
Parsons, W. L. ..... Fergus Falls
Pattison, J. B. ..... St. Cloud
Pattridge, Samuel C. ..... Spring Valley
Paul, A. C. ..... Minneapolis
Payte, Edward H. ..... St. Paul
Peabody, Lloyd ..... St. Paul
Peabody, O. M. ..... Minneapolis
Peale, William O. ..... Duluth
Pearson, John A. ..... St. Paul
Pearson, John T. ..... Duluth
Penny, Robert L. ..... Minneapolis
Perley, George E. ..... Moorhead
Peterson, Almer J. ..... Mora
Peterson, E. P. ..... Litchfield
Peterson, George W. ..... St. Paul
Peterson, James A. ..... Minneapolis
Peterson, Harry H. ..... St. Paul
Peterson, J. O. ..... Albert Lea
Peterson, Norman E. ..... Albert Lea
Petri, Gustave A. ..... Minneapolis
Pettjohn, Lyle ..... St. Paul
Pfaender, Albert ..... New Ulm
Pfau, A. R., Sr. ..... Mankato
Pfau, A. R., Jr. ..... Mankato
Phelps, H. H. ..... Duluth
Phillips, Charles E. ..... Mankato
Phillips, James E. ..... Lake City
Pidgeon, C. A. ..... Minneapolis
Pittenger, W. A. ..... Duluth
Plymat, Walter A. ..... Mankato
Platner, Warren K. ..... Minneapolis
Polk, A. D. ..... Brainerd
Pollock, Charles M. ..... St. Paul
Pond, Charles M. ..... Minneapolis
Porter, Miles ..... Mankato
Powell, Ransom J. ..... Minneapolis
Praxel, A. J. ..... Lamberton
Prendergast, Edmund A. ..... Minneapolis
Purcell, J. J. ..... Ortonville
Purdy, Milton D. ..... Minneapolis
Putnam, Frank E. ..... Blue Earth

Q

Quigley, James J. ..... St. Cloud
Quinn, James H. ..... Fairmont
Quinn, W. J. ..... St. Paul
Qvale, G. E. ..... Willmar

R

Randall, C. B. ..... St. Paul
Randall, Frank E. ..... Duluth
Randall, Richard A. ..... Winona

Ray, John H., Jr. ..... Minneapolis
Reed, Fred W. ..... Minneapolis
Reese, Darius F. ..... St. Paul
Regan, John E. ..... Mankato
Reynolds, Joseph Ward ..... Duluth
Richards, Bergmann ..... Minneapolis
Richards, John B. ..... Duluth
Richards, J. H. ..... Minneapolis
Richardson, Harold J. ..... St. Paul
Richardson, Harris ..... St. Paul
Richardson, William E. ..... Duluth
Richardson, Walter ..... St. Paul
Rieke, A. V. ..... Minneapolis
Ricker, Donald H. ..... Minneapolis
Risk, Loren ..... Minneapolis
Roberts, Harlan P. ..... Minneapolis
Roberts, Horace W. ..... Minneapolis
Roberts, S. G. L. ..... Pine City
Roberts, William P. ..... Minneapolis
Robertson, James ..... Minneapolis
Robinson, J. J. ..... Duluth
Robinson, N. J. ..... Tracy
Rockne, A. J ..... Zumbrota
Rockwood, C. J. ..... Minneapolis
Rodgers, L. D. ..... Jamesville
Roeser, John A. ..... St. Cloud
Rogers, Edward L. ..... Walker
Ronning, Henry T. ..... Glenwood
Rose, Maurice ..... Minneapolis
Rossman, Willard A. ..... Grand Rapids
Rowe, W. E. ..... Crookston
Rumble, Wilfred E. ..... St. Paul
Running, Albert ..... St. James
Rustad, Garfield H. ..... Moorhead
Ryan, M. J. ..... St. Paul
Ryan, Patrick J. ..... St. Paul

S

Safford, Orren E. ..... Minneapolis
Salmon, T. H. ..... Minneapolis
Samuelson, John E. ..... Duluth
Sanborn, Edward P. ..... St. Paul
Sanborn, John B. ..... St. Paul
Sanborn, Walter H. ..... St. Paul
Sapiro, J. H. ..... Minneapolis
Sargeant, Harvey O. ..... St. Paul
Sasse, Frank G. ..... Austin
Sawyer, A. W. ..... Owatonna
Sawyer, W. F. ..... Owatonna
Scallen, Raymond O. ..... Minneapolis
Schall, A. X., Jr. ..... Minneapolis
Schaller, Albert ..... Hastings
Schaub, Arthur ..... Mankato
Schmidt, C. B. ..... St. Paul

Schmitt, Harrison L. ..... Minneapolis
Schmitt, J. W. ..... Mankato
Schmidt, P. C. ..... Duluth
Schriber, Bishop H. ..... St. Paul
Schroeder, P. F. ..... Detroit
Schulz, O. W. ..... Madison
Schulz, R. F. ..... Ivanhoe
Schwartz, Louis B. ..... St. Paul
Scofield, E. J. ..... Elbow Lake
Scribner, James S. ..... Walker
Scrutchen, Charles W. ..... Bemidji
Seager, J. W. ..... St. James
Searles, J. N. ..... Stillwater
Searls, Spencer J. ..... Carlton
Seevers, George W. ..... Minneapolis
Selover, A. W. ..... Minneapolis
Selover, G. H. ..... Minneapolis
Senn, Fred W. ..... Waseca
Senn, J. A. ..... Sauk Rapids
Severance, Cordenio A. ..... St. Paul
Seymour, McNeil V. ..... St. Paul
Sharp, Edgar E. ..... Moorhead
Shaw, E. F. ..... Little Falls
Shaw, Frank W. ..... Minneapolis
Shay, Harry V. ..... Minneapolis
Shearer, James D. ..... Minneapolis
Sheean, James B. ..... St. Paul
Sheldon, D. C. ..... Pine Island
Sherman, V, C. ..... Minneapolis
Shroeder, Baldwin ..... St. Paul
Siegel, George L. ..... St. Paul
Simons, Luman C. ..... St. Paul
Simpson, David F. ..... Minneapolis
Simpson, Earl ..... Winona
Sinclair, John A. ..... Duluth
Sjoselius, George B. ..... Duluth
Skahen, S. P. ..... Princeton
Slater, Edwin S. ..... Minneapolis
Smallwood, W. H. ..... Duluth
Smith, B. D. ..... Mankato
Smith, Benjamin W. ..... Minneapolis
Smith, C. L. ..... Minneapolis
Smith, Edward E. ..... Minneapolis
Smith, Fred W. ..... Cass Lake
Smith, George D. ..... Breckenridge
Smith, John Day ..... Minneapolis
Smith, J. Russell ..... Minneapolis
Smith, Lucius A. ..... Faribault
Smith, Lyndon A. ..... Montevideo
Smith, S. S. ..... Worthington
Sobotka, Ottocar ..... Pine City
Soderberg, Nathaniel F. ..... Madison
Solether, P. L. ..... Minneapolis
Somsen, Henry N. ..... New Ulm
Somsen, S. H. ..... Winona

Southerland, A. H. ..... Cambridge
Southworth, E. ..... Shakopee
Spear, George H. ..... Duluth
Sperry, A. L. ..... Owatonna
Spencer, Herbert R. ..... Duluth
Spencer, R. W. ..... Duluth
Spillane, Charles ..... Waseca
Spillane, John J. ..... New Richland
Spooner, Marshall A. ..... Bemidji
Spooner, Paul L. ..... Morris
St. John, C. R. ..... St. Paul
Stanton, C. M. ..... Bemidji
Stark, Herman F. ..... St. Paul
Start, Charles M. ..... St. Paul
Stauning, A. K. ..... Tyler
Steele, John H. ..... Minneapolis
Steenerson, Halvor ..... Crookston
Stearns, Harry S. ..... St. Paul
Stearns, Victor ..... Duluth
Stellwagen, Sieforde ..... Minneapolis
Stephens, W. J. ..... Melrose
Stevens, Frederick C. ..... St. Paul
Stevens, F. H. ..... Minneapolis
Stevens, H. H. ..... Minneapolis
Stevens, M. S. ..... Graceville
Stevenson, T. J. ..... Minneapolis
Stevenson, William J. ..... Duluth
Stewart, Arthur A. ..... St. Paul
Stewart, F. Alex ..... Minneapolis
Stewart, F. S. ..... Anoka
Stewart, W. H. ..... St. Cloud
Stinchfield, Fred H. ..... Minneapolis
Stockton, C. M. ..... Faribault
Stolberg, Alfred P. ..... Center City
Stone, Marshall E. ..... St. Peter
Stone, Ralph A. ..... Grand Rapids
Stone, Royal A. ..... St. Paul
Storey, A. F. ..... St. Paul
Straight, L. A. ..... St. Paul
Street, Arthur L. H. ..... Minneapolis
Streissguth, Otto ..... Gaylord
Stringer, Edward S. ..... St. Paul
Strong, George W. ..... Minneapolis
Stryker, John E. ..... St. Paul
Sulcove, L. A. ..... Duluth
Sullivan, George F. ..... Jordan
Sullivan, George H. ..... Stillwater
Sullivan, Henry H. ..... St. Cloud
Sullivan, John D. ..... St. Cloud
Sullivan, Thomas V. ..... St. Paul
Summerfield, Arthur W. ..... St. Paul
Swan, James G. ..... Minneapolis
Sweet, John C. ..... Minneapolis
Swenson, Charles A. ..... Atwater

Swenson, E. W. ..... Foley
Swenson, Lawrence ..... Minneapolis
Swenson, Harry S. ..... Minneapolis

T

Tautges, William A. ..... Minneapolis
Tawney, D. E. ..... Winona
Tawney, James A. ..... Winona
Taylor, Benjamin ..... Mankato
Taylor, Kenneth ..... Minneapolis
Taylor, Myron D. ..... St. Cloud
Teitsworth, Edward T. ..... Minneapolis
Tenner, Alphonse A. ..... Minneapolis
Terry, R. W. ..... Slayton
Thomas, Woodlief ..... Minneapolis
Thompson, Anton ..... Fergus Falls
Thompson, A. L. ..... Mahnomen
Thompson, Charles ..... Amboy
Thompson, Edwin S. ..... St. Paul
Thompson, Paul J. ..... Minneapolis
Thompson, R. E. ..... Preston
Thoreen, Reuben G. ..... Stillwater
Thoreson, O. ..... Lakefield
Thornton, Manly P. ..... Worthington
Thornton, Ralph S. ..... Alexandria
Thwing, Alfred L. ..... Grand Rapids
Thygeson, N. M. ..... St. Paul
Tiffany, Francis B. ..... St. Paul
Tifft, Cyril M. ..... Glencoe
Tifft, M. C. ..... Minneapolis
Tighe, Ambrose ..... St. Paul
Todd, Kay ..... St. Paul
Todd, Walter W. ..... Minneapolis
Tolman, Frank ..... Paynesville
Towne, Edward P. ..... Duluth
Trask, James E. ..... St. Paul
Traxler, C. J. ..... Minneapolis
Truax, J. J. ..... Minneapolis
Tryon, Charles J. ..... Minneapolis

U

Ueland, A. ..... Minneapolis

V

Vaaler, Rolliff ..... Milaca
Vanderburgh, W. H. ..... Minneapolis
Van Fossen, L. J. ..... Minneapolis
Van Metre, John T. ..... Mahnomen
Vance, W. R. ..... Minneapolis
Vasaly, Stephen C. ..... Little Falls
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Vernon, Archibald H. ..... Little Falls

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Watts, W. A. ..... Duluth
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Williamson, James F. ..... Minneapolis
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