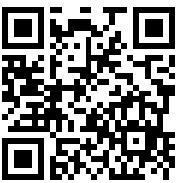
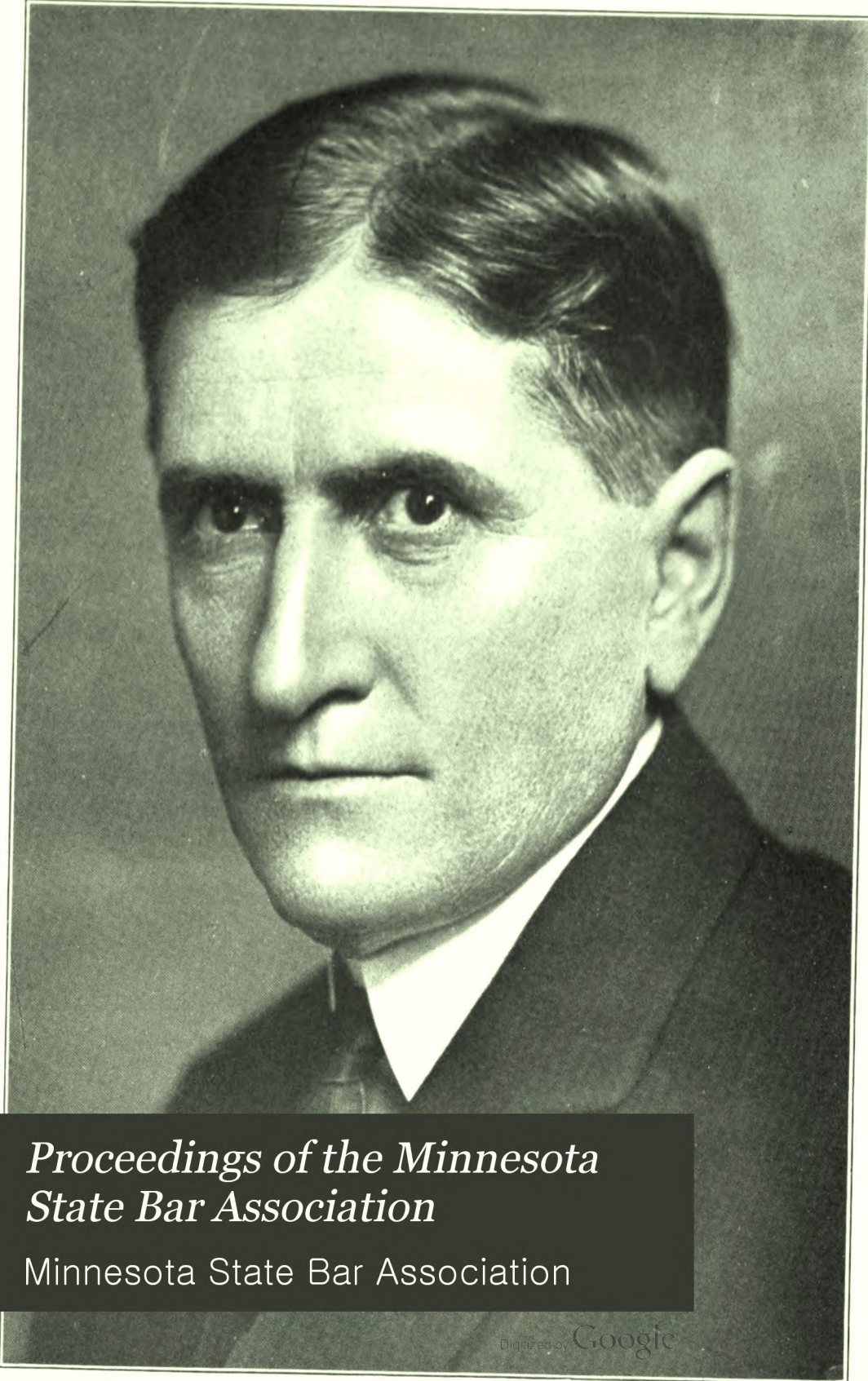




Proceedings of the Minnesota State Bar Association

Minnesota State Bar Association

PROCEEDINGS MINNESOTA STATE BAR ASSOCIATION

15th ANNUAL SESSION

1915

OFFICERS OF PREVIOUS YEARS

PRESIDENTS

HIRAM F. STEVENS, St. Paul,	1901
MARSHALL B. WEBBER, Winona,	1902
FREDERICK V. BROWN, Minneapolis,	1903
EDWARD C. STRINGER, St. Paul,	1904
A. C. WILKINSON, Crookston,	1905
ROME G. BROWN, Minneapolis,	1906
J. L. WASHBURN, Duluth,	1907
PIERCE BUTLER, St. Paul,	1908
LAFAYETTE FRENCH, Austin,	1909
JAMES D. SHEARER, Minneapolis,	1910
CORDENIO A. SEVERANCE, St. Paul,	1911
JOHN G. WILLIAMS, Duluth,	1912
HUGH V. MERCER, Minneapolis,	1913
HARRISON L. SCHMITT, Minneapolis,	1914

VICE-PRESIDENTS

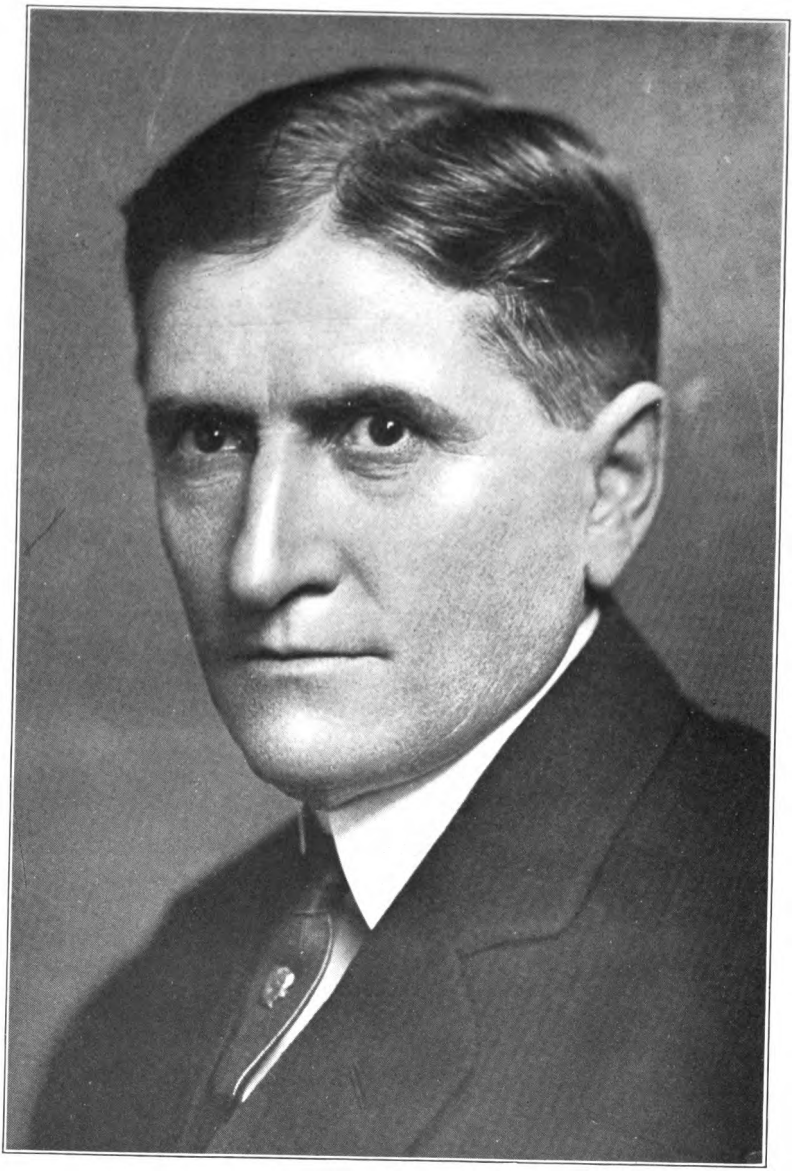
MARSHALL B. WEBBER, Winona,	1901
FREDERICK V. BROWN, Minneapolis,	1902
EDWARD T. YOUNG, Appleton,	1903
A. C. WILKINSON, Crookston,	1904
ROME G. BROWN, Minneapolis,	1905
J. L. WASHBURN, Duluth,	1906
PIERCE BUTLER, St. Paul,	1907
LAFAYETTE FRENCH, Austin,	1908
JAMES D. SHEARER, Minneapolis,	1909
CORDENIO A. SEVERANCE, St. Paul,	1910
JOHN G. WILLIAMS, Duluth,	1911
HUGH V. MERCER, Minneapolis,	1912
HARRISON L. SCHMITT, Mankato,	1913
STILES W. BURR, St. Paul,	1914

TREASURERS

FREDERICK V. BROWN, Minneapolis,	1901
F. W. GAIL, Stillwater,	1902
JAMES D. SHEARER, Minneapolis,	1903–5
W. H. YARDLEY, St. Paul,	1906–8
ROYAL A. STONE, St. Paul,	1909–

SECRETARIES

STILES W. BURR, St. Paul,	1901
WILLIAM R. BEGG, St. Paul,	1902
CHARLES W. FARNHAM, St. Paul,	1903–12
CHESTER L. CALDWELL, St. Paul,	1913



H. O. Schmidt
Mankato.

PRESIDENT 1914-1915

PRESIDENT 1915-1916

OFFICERS, 1915

STILES W. BURR, St. Paul, ... *President*
FRANK CRASSWELLER, Duluth, ... *Vice-President*
ROYAL A. STONE, 524 Endicott Building, St. Paul, . . *Treasurer*
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JOHN M. BRADFORD, 620 Capital Bank Bldg., St. Paul, *Asst. Secretary*
ELIAS J. LIEN, St. Paul, ... *Librarian*

BOARD OF GOVERNORS, 1915

Judicial District	Judicial District
1st—A. J. ROCNE, Zumbrota	11th—HANS B. HAROLDSON, Duluth
2d—CHARLES W. FARNHAM, St. Paul	12th—C. A. FOSNES, Montevideo
3d—EDWARD LEES, Winona	13th—A. J. DALEY, Luverne
4th—G. W. BUFFINGTON, Minneapolis	14th—OLE J. VAULE, Crookston
5th—JAMES P. MCMAHON, Faribault	15th—ELMER E. MCDONALD, Bemidji
6th—BENJAMIN TAYLOR, Mankato	16th—LEWIS E. JONES, Breckenridge
7th—JAMES E. JENKS, St. Cloud	17th—A. R. ALLEN, Fairmont
8th—W. C. ODELL, Chaska	18th—WILL A. BLANCHARD, Anoka
9th—GEORGE T. OLSON, St. Peter	19th—GEO. H. SULLIVAN, Stillwater
10th—F. A. DUXBURY, Caledonia	

Also the present officers and Ex-presidents HUGH V. MERCER, of Minneapolis, and HARRISON L. SCHMITT, formerly of Mankato, now of Minneapolis.

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Ethics

GEORGE W. BUFFINGTON, *Chairman*, ... Minneapolis
VICTOR STEARNS, ... Duluth
EDWARD LEES, ... Winona
BURT F. LUM, ... Minneapolis
ROBERT E. OLDS, ... St. Paul

Jurisprudence and Law Reform

L. L. BROWN *Chairman*, ... Winona
ARTHUR M. KEITH, ... Minneapolis
W. R. VANCE, ... University of Minnesota
HENRY OLDENBURG, ... Carlton
HAROLD J. RICHARDSON, ... St. Paul

Uniform State Laws

ROME G. BROWN, *Chairman* . . . . . Minneapolis
ALBERT PFAENDER, ... New Ulm
L. D. BARNARD, ... Renville

Legal Biography

E. H. CANFIELD, *Chairman*, Luverne, 13th District

Judicial District	Judicial District
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2d—WALTER L. CHAPIN, St. Paul	11th—LUTHER C. HARRIS, Duluth
3d—THOMAS FRASER, Rochester	12th—BERT O. LOE, Granite Falls
4th—CHAS. J. TRYON, Minneapolis	14th—A. A. MILLER, Crookston
5th—E. H. GIPSON, Faribault	15th—S. F. ALDERMAN, Brainerd
6th—JEAN A. FLITTIE, Mankato	16th—E. M. WEBSTER, Glenwood
7th—C. A. NYE, Moorhead	17th—E. C. DEAN, Fairmont
8th—P. W. MORRISON, Norwood	18th—F. S. STEWART, Anoka
9th—M. E. MATHEWS, Marshall	19th—L. L. MANWARING, Stillwater

Library

JAMES PAIGE, *Chairman*, ... Minneapolis
GEORGE L. BUNN, ... St. Paul
LYNDON A. SMITH, ... Montevideo
S. BLAIR MCBEATH, ... Stillwater
WARREN H. STEWART, ... St. Cloud

Legislation

JAMES D. SHEARER, *Chairman*, Minneapolis, 5th District

Congressional District	Congressional District
1st—J. N. NICHOLSON, Austin	7th—JAMES H. HALL, Marshall
2d—JULIUS E. HAYCRAFT, Fairmont	8th—WARREN E. GREENE, Duluth
3d—THOMAS HESSIAN, Le Sueur	9th—MARTIN O'BRIEN, Crookston
4th—WM. E. MACGREGOR, St. Paul	10th—A. P. STOLBERG, Center City
6th—JAMES J. QUIGLEY, St. Cloud	

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JOHN H. RAY, JR., *Chairman*. . . . . Minneapolis
A. L. YOUNG, ... Winthrop
LAFAYETTE FRENCH, JR. . . . . Austin

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ALBERT R. ALLEN, *Chairman*, Fairmont, 17th District

Judicial District	Judicial District
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2d—ROY H. CURRIE, St. Paul	11th—A. T. BANNING, JR, Duluth
3d—L. L. BROWN, Winona	12th—J. M. FREEMAN, Olivia
4th—L. K. EATON, Minneapolis	13th—L. S. NELSON, Slayton
5th—JOSEPH MOONAN, Waseca	14th—E O. HAGEN, Crookston
6th—C. O. DAILY, Mankato	15th—THAYER C. BAILEY, Bemidji
7th—J. A. ROESER, St. Cloud	16th—C. E. HOUSTON, Wheaton
8th—A. L. YOUNG, Winthrop	18th—G. G. GOODWIN, Cambridge
9th—ALBERT HAUSER, Sleepy Eye	19th—E. D. BUFFINGTON, Stillwater

SPECIAL COMMITTEES

Special Committee to Formulate Proposed Legislation for Remedying the Abuses of "Ambulance Chasing" so called:

JAMES E. JENKS, *Chairman*,	St. Cloud
LORIN CRAY,	Mankato
THOMAS D. O'BRIEN,	St. Paul
M. B. WEBBER,	Winona
DANIEL F. CARMICHIEL,	Minneapolis
ARTHUR E. CRASSWELLER,	Duluth
S. R. CHILD,	Minneapolis
JOHN MOONAN,	Waseca
WILBUR H. CHERRY,	Minneapolis

Special Committee to Investigate and Report to the Supreme Court on Complaints against the Practice of Certain Law Schools:

DAVID F. SIMPSON, *Chairman*,	Minneapolis
NEWELL H. CLAPP,	St. Paul
JOHN E. STRYKER,	St. Paul
FRED. B. DODGE,	Minneapolis
JOHN H. RAY, JR.,	Minneapolis

Special Committee to Investigate Complaints Concerning the Practice of Law by Corporations and Unauthorized Persons:

HUGH V. MERCER, *Chairman*,	Minneapolis
ROYAL A. STONE,	St. Paul
S. D. CATHERWOOD,	Austin
HARLAN P. ROBERTS,	Minneapolis
DONALD S. HOLMES,	Duluth

Special Committee to Work in Favor of Movement for Uniform Procedure in the Federal Courts:

A. H. VERNON, *Chairman*,	Little Falls
JAMES E. MARKHAM,	St. Paul
HERBERT M. BIERCE,	Winona
C. H. CHRISTOPHERSON,	Luverne
DAVID L. GRANNIS,	South St. Paul

Special Committee to Investigate and Report as to Desirability of Establishing a Legislative Drafting and Reference Bureau:

EDWIN S. SLATER, *Chairman*,	Minneapolis
F. C. STEVENS,	St. Paul
J. D. SULLIVAN,	St. Cloud
I. K. LEWIS,	Duluth
HORACE H. GLENN,	St. Paul

Special Committee to Consider Incorporation of Association, etc.:

HARRISON L. SCHMITT, *Chairman*,	Minneapolis
JAMES D. ARMSTRONG,	St. Paul
HENRY MORGAN,	Albert Lea
JOHN T. PEARSON,	Duluth
LEE BROOKS BYARD,	Minneapolis

PROCEEDINGS

AT THE ANNUAL MEETING OF THE MINNESOTA STATE BAR ASSOCIATION FOR THE YEAR 1915, HELD AT ST. CLOUD MINNESOTA, AUGUST 5th, 6th and 7th, 1915.

Thursday, August 5th, 1915.

Meeting called to order by President Harrison L. Schmitt.

PRESIDENT SCHMITT: The committee on nominations for the Board of Governors will be announced later in the day. Now, gentlemen, we have quite a number of important matters to consider and pass upon, and we shall have to conserve our time as much as possible. After disposing of the speeches and the President's address we shall take up the reports of the Ethics Committee and the question will be open for discussion. We shall omit reading the minutes of the last meeting, because they are published and in the hands of every member of the Association.

PRESIDENT'S ANNUAL ADDRESS.

Gentlemen of the Minnesota State Bar Association:

Your constitution commands the President to deliver an address to the Association at its annual meeting. I have been unable, though diligently trying to do so for a year, to find that this provision of the constitution has been judicially amended under the "Rule of Reason" decisions of the United States Supreme Court. Therefore, having in mind the heated and consequently spontaneous rhetorical outbursts of members of this Association (and others) at our last meeting, I venture to suggest that the constitution be amended so that the President will be required to open the annual meeting with a fervent prayer for wisdom, coolness and temperance on the part of the members present.

Bound as I am by the constitution as it now reads, to address you, I shall say what I have to say, upon the general subject of legal ethics, not that I assume to have any superior knowledge upon the question, but rather because I believe that we should settle the question, as far as the State Bar Association is concerned, at this meeting in order that the time of the Association, its officers and committees, may be devoted to other important matters during the ensuing year.

It is not necessary for me to give you a definition of legal ethics, because you are all presumed to know what that term implies.

Judging from an actual occurrence in the trial of a personal injury case in the District Court of Blue Earth County, then presided over by the Honorable M. J. Severance, now deceased, one of the most learned and distinguished jurists that ever graced the bar and bench of this state, this presumption may be a violent one.

In that case a lawyer of wide experience, and many years practice, during his cross-examination of the doctor who had amputated the injured limb of the plaintiff, asked this question:

"Doctor, who administered the *esthetics* to the plaintiff?" The witness, with a twinkle in his eye, replied: "No one." In amazement, the lawyer came back with the question: "Doctor, do you mean to tell this court and this jury that you cut this woman's limb off in cold blood without first putting her to sleep?" "O, no," the doctor replied, "we put her to sleep with an *anaesthetic* but did not bother her with any unnecessary *ethics* or *esthetics*."

Right professional ethics means no more and no less than right professional conduct. What constitutes right professional ethics or conduct is happily well settled, in so far as the members of this Association are concerned, for, in addition to the statutory provisions relating to this subject, we have adopted as ours the Canons of Ethics promulgated by the American Bar Association as they appear in the 1914 report of that Association on pages 1146 to 1156. If all lawyers practicing in this state had in the past adhered to the spirit of these canons there would now be no occasion for us to spend our time on this subject. By this statement I do not mean to say or intimate that the Bar of Minnesota, as a whole, is subject to just criticism for unprofessional conduct. I believe that the lawyers of this state, in general, have maintained as high a standard of professional ethics as have the lawyers in any other state in the Union.

That many of these canons of ethics, and the statutes of this state relating to professional conduct, have been ignored and grossly violated by a few lawyers, and firms of lawyers, practicing their profession in Minnesota, is well known and cannot now be ignored by this Association.

The serious question for us to consider and settle, if we can, is not, what constitutes right professional conduct, but rather how can lawyers be compelled to refrain from violating the rules of conduct to which they have solemnly subscribed. In order to have before us clearly the statutes and rules of conduct to which we have subscribed, permit me to quote some of the most pertinent:

"An attorney at law may be removed or suspended by the Supreme Court for any one of the following causes arising after his admission to practice:

"1. Upon his being convicted of felony, or of a misdemeanor involving moral turpitude, in either of which cases the record of conviction shall be conclusive evidence.

"2. Upon a showing that he has knowingly signed a frivolous pleading, or been guilty of any deceit, *or willful misconduct in his profession.*

"3. For willful disobedience of an order of court requiring him to do or perform an act connected with or in the course of his profession.

"4. FOR A WILLFUL VIOLATION OF HIS OATH, OR OF ANY DUTY IMPOSED UPON AN ATTORNEY BY LAW."

—*Sec.* 4957 *Gen. Statute of Minn.* 1913.

"Every attorney at law shall:

"1. Observe and carry out the terms of his oath.

"2. MAINTAIN THE RESPECT DUE TO COURTS OF JUSTICE AND JUDICIAL OFFICERS.

"3. Counsel or maintain such causes only as appear to him legal and just; but he shall not refuse to defend any person accused of a public offense.

"4. Employ for the maintenance of causes confided to him such means only as are consistent with truth, and never seek to mislead the judges by any artifices, false statements of fact or law.

"5. Keep inviolate the confidences of his client, abstain from offensive personalities, and advance no fact prejudicial to the honor or reputation of a party or witness unless the justice of his cause requires it.

"6. ENCOURAGE THE COMMENCEMENT OR CONTINUATION OF NO ACTION OR PROCEEDING FROM MOTIVES OF PASSION OR *INTEREST*: NOR SHALL HE FOR ANY CONSIDERATION PERSONAL TO HIMSELF REJECT THE CAUSE OF THE DEFENSELESS OR OPPRESSED."—*Sec.* 4948 *Gen. Stat. Minn.* 1913.

"In America where the stability of courts and of all departments of Government rests upon the approval of the people, it is peculiarly essential that the system for establishing and dispensing justice be developed to a high point of efficiency and so maintained that the public shall have absolute confidence in the integrity and impartiality of its administration. The future of the republic, to a great extent, depends upon our maintenance of justice pure and unsullied. It cannot be so maintained unless the conduct and the motives of the members of our profession are such as to merit the approval of all just men."—*Preamble to Canons of Ethics, A. B. A.*

"The lawyer should not purchase any interest in the subject matter of the litigation which he is conducting."—*Sec.* 10 *Canon of Ethics, A. B. A.*

"Money of the client, or other trust property, coming into the possession of the lawyer should be reported promptly, and except with the client's knowledge and consent, should not be commingled with his private property, or be used by him."—*Sec.* 11 *Id.*

"In fixing fees, lawyers should avoid charges which overestimate their advice and services, as well as those which undervalue them. A client's ability to pay cannot justify a charge in excess of the value of the services, though his poverty may require a less charge or even none at all. The reasonable requests of brother lawyers, and of their widows and orphans without ample means, should receive special and kindly consideration."

"In fixing fees, it should never be forgotten that the profession is a branch of the administration of justice, and not a mere *MONEY GETTING TRADE*."—*Sec.* 12, *Id.*

"Contingent fees where sanctioned by law, should be under the supervision of the Court, in order that clients may be protected from unjust charges."—*Sec.* 13, *Id.*

"Newspaper publications of a lawyer, as to pending or anticipated litigation may interfere with a fair trial in the courts, and otherwise prejudice the due administration of justice. Generally they are to be condemned.

"If the extreme circumstances of a particular case justify a statement to the public, it is unprofessional to make it anonymously. An *ex parte* reference to the facts should not go beyond the quotation from the records and papers on file in the court; but even in extreme cases it is better to avoid any *ex parte* statements."—*Sec.* 20, *Id.*

"The most worthy and effective advertisement possible, even for a young lawyer, and especially with his brother lawyers, is the establishment of a well merited reputation for professional capacity and fidelity to trust. This cannot be forced, but must be the outcome of character and conduct. The publication or circulation of ordinary simple business cards, being a matter of personal taste or local custom, and sometimes of convenience, is not *per se* improper. But solicitation of business by circulars or advertisements, or by personal communications or interviews, not warranted by personal relations, is unprofessional. It is equally unprofessional to procure business by indirection through touters of any kind, whether allied real estate firms or trust companies advertising to secure the drawing of deeds or wills, or offering retainers in exchange of executorships or trusteeships to be influenced by the lawyer. Indirect advertising for business or furnishing of inspiring newspaper comments concerning causes in which the lawyer has been, or is engaged, or concerning the manner of their conduct, the magnitude of the interests involved, the importance of the lawyer's positions, and all other like self-laudation, defy the traditions and lower the tone of our high calling, and are intolerable."—*Sec.* 27, *Id.*

"It is unprofessional for a lawyer to volunteer advice to bring a lawsuit, except in rare cases where ties of blood relationship or trust, make it his duty to do so. Stirring up strife and litigation is not only unprofessional, but it is indictable at common law. It is disreputable to hunt up defects in titles or other causes of action and inform thereof in order to be employed to bring suit, or to breed litigation by seeking out those with claims for personal injuries, or those having any other grounds of action in order to secure them as clients, or to employ agents or runners for like purposes, or to pay or reward directly

or indirectly, those who bring, or influence the bringing of such cases, to his office, or to remunerate policemen, court or prison officials, physicians, hospital attaches, or others who may succeed under the guise of giving disinterested friendly advice, in influencing the criminal, the sick, and the injured, the ignorant or others, to seek his professional services. A duty to the public and to the profession devolves upon every member of the bar having knowledge of such practices upon the part of any practitioner immediately to inform thereof to the end that the offender may be disbarred."—*Sec. 28, Id.*

"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."—*Art. 2 Const. Minn. State Bar. Assn.*

Keeping in mind the object and purpose of this Association, so clearly set forth in this article of our constitution, we should approach the discussion and settlement of these important questions with seriousness, candor and a full realization of our duty to ourselves, the courts of which we are officers and to the public generally.

At our annual meeting held in St. Paul in 1914 your Ethics Committee submitted a report, in which among other things, it was made to appear that there is a growing practice, on the part of some of the lawyers of the state, of soliciting personal injury cases and claims for loss resulting from shipments of live stock, personally, by circular advertisements and by paid solicitors. In this same report your committee stated:

"We think that we may well go on record as saying that we consider that this practice should be discouraged by all reasonable means."

"Investigations made recently at our suggestion proves that in the larger cities of the state this business has grown up into a very formidable and well organized business."

"Salaried solicitors are employed, one firm alone having employed forty-five railroad employes as solicitors."

"Hospitals and a medical staff have been provided for the purpose of providing medical treatment for non-resident injured persons while awaiting trial of their cases in this state."

"Lecturers are employed and much literature is distributed to railroad employes, and employes are constantly reminded that the courts of Minnesota are the most desirable forum in which to try personal injury cases."

"Some of the reasons given are that jurists in this state are more liberal than in other states, and that five-sixths of a jury may find a verdict, and that results can be reached in our courts much more quickly than in the courts of other states."

"The result is that self respecting lawyers, in this and other states, are robbed of their legitimate clientage, and our already overburdened courts are called upon to accept jurisdiction of cases that can be and ought to be tried in Wisconsin, Montana, Illinois, Mississippi, and at least a dozen other states."

"Investigation shows that added court expenses in Ramsey County alone resulting from this class of litigation is in round figures $7,200 per annum."

"The Illinois Central Railway Company has 30 19-100 miles of road in this state, and the extra expense to which this company was put in the trial of five cases in which the causes of action arose, and the plaintiffs resided in other states, was $9,000."

"One firm of attorneys in St. Paul claims to have recovered verdicts in eighteen months in personal injury cases amounting to $134,000, resulting in fees at the usual thirty per cent of $44,666."

"One firm of Minnesota attorneys making a specialty of this class of cases claims to have offices in thirty-two cities, with solicitors, etc., among which cities are Winnipeg, Houston, New York, Los Angeles and Jacksonville. At this time there are personal injury cases pending in this state against railroads by non-residents who have a remedy at home, in which it is sought to recover $6,358,522; 198 of these actions are pending in Ramsey County; 65 in Hennepin; 33 in St. Louis and 45 in other counties, making a total of 341. Of these cases 209 are in the hands of four law firms."

"That the centralizing of this class of business in this state is very unjust to our courts, and to our taxpayers as well, seems quite clear to us."

With its report the committee submitted to the Association four proposed bills to be enacted into law by the legislature of this state. A very interesting and prolonged discussion of these bills was indulged in at our last meeting, but no satisfactory result reached. Every one admitted that the practices enumerated in the report of the committee were highly reprehensible. The discussion centered about the question as to how to remedy the existing evils. Owing to the lack of time the questions brought up for discussion by this report could not be fully and finally considered and acted upon at that meeting. The President was therefore empowered by resolution to appoint a special committee of five members to prepare and present to the legislature such bills for enactment into law as in their judgment would be necessary to prevent these unprofessional practices in the future. The committee was appointed and worked industriously and presented four bills to the proper committees of the legislature for enactment into law. The bills were introduced but immediately met stubborn opposition and finally died in the hands of the committees of both branches of our legislature. These same bills are again to be presented to the Association for further consideration with the reports of these committees and will be before you for consideration and final action at this meeting. It is not my purpose, at this time, to discuss or comment upon these proposed bills in advance of their presentation to the Association.

Every lawyer is an officer of the Court and therefore an important part of the judiciary of the state in which he practices. His office is a

high and honorable one. The profession of the lawyer is one of the most honorable of professions and it is, and should be, not only the solemn duty, but the highly prized privilege, of every member of the bar to see to it that the standard of honor of the legal profession shall not only be kept above suspicion but that it shall be raised to the highest degree possible.

We should always remember that the legal profession is not, and should not be, a commercial business, and that the lawyer owes a solemn duty to the public and is engaged in his profession under a license derived from the people of the state in which he practices. In the case of Ingersol et al. vs. Coal Creek Coal Company, 9 L. R. A. (N. S.) Page 282, the Supreme Court of Tennessee among other things says:

"We cannot agree to several propositions advanced by complainants. We cannot agree that in these latter years a spirit of commercialism has lowered the standard of the legal profession. We cannot agree that the practice of law has become a 'business' instead of a 'profession,' and that it is now allowable to resort to the practices and devices of business men to bring in business by personal solicitation, under the facts shown in this case."

"As to how far an attorney may go in soliciting business, or whether he may solicit at all, we are not called upon to decide; but when such a case is presented as is disclosed in this record of attorneys rushing to the scene of disaster in hot haste and competing with each other in soliciting the bereaved ones to allow them to sue for their losses, we feel that we are called upon to say in no uncertain terms, that such conduct is an act of impropriety inconsistent with the character of the profession. We cannot, *we dare not*, lower the standard of the legal profession to that of a mere business, in which *fleetness of foot or celerity of automobile* determines who shall be employed. The miserable victims of the disaster are dazed by the terrible bereavement. They are in no condition to consider their rights to damages. In their extremity they fly to anyone promising relief, when, if left to take a more moderate consideration they would be enabled to make perhaps a better choice. In addition it is unbecoming a member of the profession, *and a public scandal*, and when he bases his right to recover fees upon such improper conduct and lowering the character of the profession and the court, it is no excuse that other attorneys do the same; but it is rather a reason why this court should act promptly and decidedly in order that he may be put out of practice.....The argument made in this case that such practice is not looked upon with disfavor by many members of the profession, that it is freely indulged in by prominent attorneys, that it is necessary to successful practice, and that the court of appeals, while deprecating the practice, does not condemn it.....this and other arguments call for a full and emphatic expression from this court in this case.....
Here it is not the client alone who is concerned, but the court and the public; and the incident is not narrowed down to the issue whether the client has been injured, but whether the conduct of the attorney has been contrary to the character of the profession, and opposed to a

sound policy and the proper and decorous administration of the law .....*We are not now attempting to lay down the rule of good faith between lawyer and client, but the professional conduct of the attorney as he appears to the court and the public in the practice of his profession*, nor are we attempting to lay down a rule of conduct for the agents of corporations in their efforts to effect compromises of damage suits."

"An attorney or counsel may be disbarred, if he has been guilty of an act of immorality or impropriety inconsistent with the character or incompatible with the faithful discharge of the duties of his profession, or any other good cause."

"We have no express statute defining what an attorney may or may not do in the transaction and practice of his profession. The code of ethics which the general assembly has prescribed can be gathered largely from the statute which laid down causes for disbarment. Section 5781 Shannon's Code prescribes:

'The several courts of this state may strike from their rolls any person not authorized to practice in said courts, and also any practicing attorney or counsel upon evidence satisfactory to the court that he has been guilty of such misdemeanor or acts of immorality or impropriety as are inconsistent with the character or incompatible with the faithful discharge of the duties of his profession.'

"Personal solicitation of a suit is not specifically mentioned as one of the grounds of disbarment; but it is evident that the legislature did not intend to limit the power of disbarment to the causes specifically mentioned, but an attorney may be disbarred for any good cause.—Shannon's Code, Section 5783.

"The legislature well knew that it could not particularize every ground for disbarment, and it also well knew that attorneys were officers of the court, and that courts have the inherent power to keep their forum pure by removing therefrom all parties appearing therein whose practices and acts tend to make them impure or to impede, obstruct and prevent the administration of the law, *or destroy the confidence of the people in such administration.*"

It seems to me that the Supreme Court of Tennessee has furnished the key for the solution of part of our difficulties. While we have a statute prescribing certain acts for which an attorney may be disbarred the statute does not assume to specify all of the grounds of disbarment. In this state the statutes specifically provide that an attorney may be disbarred for a willful violation of his oath *or of any duty imposed upon an attorney by law;* that every attorney at law shall observe and carry out the terms of his oath and *maintain the respect due the Courts of justice and judicial officers.*

Why is not this language of our statutes broad enough to cover such cases of unprofessional conduct as are detailed in the report of the Ethics Committee presented to this Association at its last meeting?

The bench and bar are so closely related and so intimately connected with the courts of the state that the confidence of the people

in the courts and their judgments rests largely upon the professional conduct of the lawyers and judges constituting the officers of the courts.

Absolute confidence in the courts and their officers is essential if the high regard in which they have been held shall be permanently continued. Lawyers must not engage in an unseemly scramble for business. Their services should be sought *by* and not pressed *upon* litigants. Neither lawyer or judge should have any pecuniary interest at stake in the outcome of any litigation in which he may be engaged. The judge should be as unbiased as a juror is required to be in order to be permitted to sit in the trial of cause, and the lawyer should be so free from personal interests that his conduct of his client's cause can not be justly criticised.

It certainly is a violation of his oath and his duty to maintain the respect due the courts of justice and judicial officers, of whom he is one, for a lawyer to engage in the practices enumerated in the report of the Ethics Committee. Every person aggrieved should have his day in court and the services of a competent lawyer to advise him. Every lawyer should have a chance to practice his profession, but if he is competent and trustworthy it will not be necessary for him to *buy* litigation, or spend his time in trying to force his services upon the unfortunate, or send out paid "barkers" as solicitors to proclaim his successes to those so unfortunately situated as to require the services of a lawyer, to secure his proper share of legal business.

This conduct is not confined to lawyers who take pride in styling themselves "plaintiff's attorneys." The practice of lawyers for the defendants, and their claim agents, of rushing to the injured and *forcing* settlements while they are sick and weak and before having had a fair opportunity to consult a lawyer or friends, is equally reprehensible. The grossest injustice has resulted to many a person crippled for life from such practices.

All of these practices tend directly to destroy the respect due the courts of justice and judicial officers and necessarily destroy the confidence of the people in judicial proceedings. Section 4948 *Gen. St. Minn.* 1913, *as we have seen provides*:

"Every attorney at law shall: *Maintain the respect due to courts of justice and judicial officers.*"

Every attorney practicing in this state has taken a solemn oath to perform this duty. It follows that any attorney who engages in practices that are bound to destroy or lower the respect due our courts of justice and judicial officers, violates his oath and is guilty of misconduct subjecting him to proper discipline.

An attorney at law may be removed or suspended by the Supreme Court for any one of the following causes arising after his admission to practice:

"4. For a willful violation of his oath or of any duty imposed upon an attorney by law."

So reads our statute.

The law—our statute, specifically puts upon every attorney at law, the *duty* to maintain the *respect due the courts of justice.* Every attorney guilty of the practices disclosed and condemned by the report of your Ethics Committee for 1914, has violated his oath and his duty to maintain the respect due the courts of justice.

Why wait until a subsequent legislature of the state may see fit to take enough time from efforts to regulate the style of women's dress, the length of their hatpins, the length of hotel bed sheets, granting permission to a parent to disinherit his unborn child; passing laws preferring pigs bitten by a dog, over children that may be permanently injured and disfigured by a bite from the same dog, laws providing bounties for killing woodchucks (not the legislative kind but real innocent little animals); laws regulating boxing matches and the size of gloves to be used, laws prescribing the kind of bait that may be used by the fishermen *in certain counties*, laws requiring barefoot boys engaged in picking up clams from their native haunts, to obtain and exhibit to a properly *uniformed* official a state license to engage in that noble sport—and spend it in an effort to put upon our statute books some laws of real importance, laws that are needed and will benefit the whole people.

In my opinion our present statutes are broad enough if construed according to their spirit and intention, to permit the removal of an attorney guilty of the practices enumerated in the report of the Ethics Committee hereinbefore referred to. In making this statement I am not overlooking what was recently said by our Supreme Court in the case of Johnson vs. Great Northern Railway Company, 151 N W. Page 125. In that case this language appears:

"But is it champerty or maintenance or against public policy for an attorney to solicit business, to pay money to a poor client for his living expenses during the litigation or to advise him against a settlement of his case? We may have our individual opinions on these propositions as questions of good taste or legal ethics but in the absence of some statute we are unable to hold that it is illegal or against public policy for an attorney to solicit a case.....the practice of advancing money to the injured client with which to pay living expenses or hospital bills during the pendency of the case and while he is unable to earn anything, may in a sense, tend to foment litigation by preventing a settlement from necessity; but we are aware of no authority holding that it is against public policy, or of any sound reason why it should be so considered."

In that case the question came up in a proceeding by which the plaintiff's attorneys sought to secure payment for their fees from the defendant railway company, which had settled the case with a client without notice to the attorneys. It appears from the appeal taken that, what the court said referred to the isolated case then before it, and cannot be construed to refer to a general practice of soliciting business through circulars and paid runners, or of making it a business to advance money to persons injured, in consideration of being employed as attorneys. The court might properly overlook such practice once, but it seems to me that, if it were to be made to appear, in a proceeding before the court to disbar an attorney upon the ground that he is in the *business* of habitually soliciting business, not alone in person, but through highly colored circulars and through paid solicitors, the court would find ample authority under the statutes of this state as they now stand, and the inherent powers of the courts of justice under the common law, to disbar.

Under a statute almost identical with ours, the Supreme Court of Tennessee has found, in the case from which I have quoted, ample grounds to deny the offending attorney compensation in a case secured through solicitation by a paid solicitor. The report of the committee shows further that much of the litigation secured through these practices is litigation that should never have reached the courts of Minnesota and that thereby the courts of this state have been overburdened with work and the tax payers unreasonably shouldered with taxes to take care of the expense of handling this extra litigation.

The courts of Minnesota were not established for the purpose of washing the dirty linen of citizens of other states. They were established, primarily, for the purpose of meting out justice to the citizens of Minnesota. In the case of In Re. Schmitzer 33 L. R. A., N. S., page 945 the Supreme Court of Nevada said:

"The courts of Nevada were established and are maintained for the protection of *their* citizens and citizens of other states and countries having dealings with the citizens of this state. An attorney who for the purpose of personal gain seeks to make the courts of this state a clearing house for the domestic woes, real or imaginary, of the country at large is certainly guilty of misconduct."

According to the report of the Ethics Committee, above referred to, the courts of this state for a number of years have been overburdened with just such outside litigation. Necessarily the taxes of the people have been unreasonably increased on that account; necessarily many of our own citizens have been delayed in securing justice in their own courts because the courts were smothered with outside litigation.

This Association is vitally interested in these questions and it is our duty as members of the Association to do our utmost to correct

the existing evils. What we can and shall do is a question to be decided by you at this meeting. I am heartily in favor of using the influence of the Association and its individual members to secure legislation along the lines suggested by your Ethics Committee, to supplement and make more certain and effective our present law.

Personally I do not believe that a young lawyer commencing the practice of law violates the spirit of right professional ethics or conduct by inserting his professional card in the newspapers of his community as long as he refrains from active solicitation of business; nor do I believe that it would be just to the profession to forbid that kind of advertising; but I do believe that the solicitation of business, in the manner in which it has been done in the past by some of the lawyers of this state should be absolutely prohibited by statute.

There can be no question of the constitutionality of such a statute. Our Supreme Court has had no trouble in enforcing our statute prohibiting the solicitation of divorce litigation by advertisement, as appears from the case of, State vs. Giantvalley 123, Minn. 227, in which the court stated:

"It is argued that because defendant was admitted to the bar of Minnesota before the statute was enacted, the law deprived him of a vested right to advertise that he was a specialist in divorce matters, and is therefore unconstitutional.

"Granting that defendant's license to practice his profession gave him a right to advertise his proficiency in any branch of it, such right was subject to regulation. The legislature decided that advertising for divorce business was contrary to public policy, and certainly the decision was justified. Rights of property far more valuable than any right defendant may have had to advertise his calling, have been obliged to yield to considerations of public health, safety and morals. We hold that the statute is valid."

But even if we secure the legislation recommended by the Ethics Committee, we will still be confronted with the question of making all lawyers obey it and conform to such legislation. It has been the experience of laywers having to do with these questions that it is very difficult to put in operation any proceeding to secure the disbarment of an attorney. I therefore suggest for your consideration this proposition: Why not secure the enactment of a law requiring the lawyers practicing in the state of Minnesota to maintain a State Bar Association and requiring every lawyer, practicing in the state, to become and be a member of such Association as long as he practices in the state? Of course, such a law should also provide reasonable rules and regulations for the admission of members to the Association. It should give the Association the right to discipline its members through suspension or expulsion, as the gravity of the offense charged might require. It should also provide, that any action, taken by the

Association resulting in a suspension or expulsion of a member, should be subject to review in the Supreme Court and that if affirmed by the Supreme Court the lawyer should stand suspended or disbarred as provided by the order or determination of the Bar Association. That such a statute would be a valid regulation I have no serious doubt. As already shown, there is no provision against it in our state Constitution. The only provision in the Constitution permitting a citizen to peddle his wares without a license is the following:

"Any person may sell or peddle the products of the farm or garden occupied and cultivated by him without obtaining a license therefor."—*Sec.* 18, *Art.* 1, *Minn. Constitution.*

In the case of Bradwell vs. Illinois, 83 U. S. page 130, the Supreme Court of the United States had up for consideration the question whether under the Fourteenth amendment of the Constitution of the United States any citizen had a right to practice law in the state of his residence. In that case the United States Supreme Court said:

"In regard to that amendment counsel for the plaintiff in this court truly says that there are certain privileges and immunities which belong to a citizen of the United States as such; otherwise it would be nonsense for the Fourteenth amendment to prohibit a state from abridging them," and he proceeds to argue that admission to the bar of a State, of a person who possesses the requisite learning and character, is one of those which a state may not deny.

"In this latter proposition we are not able to concur with counsel. We agree with him that there are privileges and immunities belonging to citizens of the United States, in that relation and character, and that it is these and these alone which a State is forbidden to abridge. But the right to admit to practice in the courts of a State is not one of them. This right in no sense depends on citizenship in the United States. It has not, so far as we know, ever been made in any State or in any case to depend on citizenship at all. Certainly many prominent and distinguished lawyers have been admitted to practice, both in the State and Federal courts, who were not citizens of the United States or of any State. But, on whatever basis this right may be placed, so far as it can have any relationship to citizenship at all, it would seem that, as to the courts of a State, it would relate to citizenship of the State, and as to Federal courts, it would relate to citizenship of the United States."

"The opinion just delivered in the slaughterhouse cases, from Louisiana (ante 394) renders elaborate argument in the present case unnecessary; for, unless we are wholly and radically mistaken in the principles on which those cases are decided, the right to control and regulate the granting of licenses to practice law in the courts of a State is one of those powers which is not transferred for its protection to the Federal Government, and its exercise is in no manner governed or controlled by citizenship of the United States in the party seeking such license."

I cannot believe that there is any difference, in principle, between

the right to license and regulate the practice of law and the right to license and regulate engaging in the fire insurance business.

"Every fire insurance company or other insurer authorized to effect insurance against the risk of loss or damage by fire or lightning in this state shall maintain or be a member of a rating bureau."—*Sec.* 3 *Ch.* 100 *Gen. Laws Minn.* 1915.

If the legislature has power to require insurance companies to join and be members of a rating bureau, as a condition to their right to do business in the state, it also has power to require all lawyers, practicing in the state of Minnesota to become and remain members of a State Bar Association as a condition precedent to their right to practice their profession in the state.

Practically the same system is now being applied to the medical profession in this state. Under the laws, as they now exist, the State Board of Medical Examiners has power to take from practicing physicians and surgeons their license to practice their profession.

If such a law could be enacted it would give the State Bar Association a standing that it cannot otherwise obtain. It would insure, in my opinion, a stricter requirement, on the part of practicing attorneys, to live up to the ethics of the profession. It would at the same time relieve the courts of much work. Every lawyer of the state, as a member of the Association, would be interested in its welfare.

Such a law would simplify and make more effective the law and procedure relating to the disbarment or suspension of attorneys. It would put upon the lawyers themselves the power and duty to keep their profession up to the standard of honor which it should always maintain. The law should be so framed that the rights of members of the Association would be amply safeguarded in such a manner that no member need have any fear of being unjustly suspended or expelled from the Association.

I suggest that you consider this proposition seriously, and if thought advisable, after such consideration, take some action looking towards the appointment of a committee to investigate and report its conclusions and recommendations at our next meeting.

Of course, the right of an attorney to practice his profession is an important one to him. No bar association, no legislature and no court should assume to take away such right arbitrarily or to hamper it with unreasonable restrictions. As was well said by Chief Justice Marshall in Exparte Burr, 9 Wheaton 99:

"On one hand the profession of an attorney is of great importance to an individual, and the prosperity of his whole life may depend on its exercise. The right to exercise it ought not to be lightly or capriciously taken from him. On the other hand it is extremely desirable that the respectability of the bar should be maintained and that its harmony

with the bench should be preserved. For this purpose some controlling power, some discretion ought to reside with the court."

The lawyer, the judge and the courts are so closely related under our system of government that whatever reflects upon one reflects also on the other two.

Thus far our judges and courts have occupied a high place in the courts of the world. Our lawyers, too, have the reputation of maintaining a high standard of honor. Shall we stand idly by and permit the confidence of the people in our judges, our courts and ourselves to be shaken, perhaps destroyed, by these uncalled for and unnecessary practices?

Remember that the confidence of the people in the lawyer, the judge and the court, will continue to be in direct proportion to the honesty, fairness and impartiality they display in the performance of their respective duties.

What I have said to you is intended to apply to all unprofessional conduct on the part of practicing attorneys. I do not wish to have my remarks confined to personal injury cases. In my opinion it is just as unprofessional to advertise for, or solicit, any other kind of legal business by methods similar to the methods used in soliciting personal injury cases.

In conclusion let me say that we lawyers, as men and women, are as other men and women, generally speaking, no better and no worse; yet, in the practice of our profession we are differentiated from all other professions and callings. We occupy quasi public office and under our licenses to practice are responsible to the people of the state for our conduct. As an Association of lawyers we should do everything in our power to merit the continued confidence of all the people of the state. By taking up and settling these questions among ourselves, we will show to the people that we appreciate our duty, and in good faith, are doing our utmost to merit their confidence in every respect.

Every lawyer desires to have a good reputation for honesty, fairness and ability. To make such a reputation lasting and worth while, we must earn it by and through the means of honorable achievement. We must cultivate, and at all times merit and keep, the confidence of the people, from among whom our clients must come. We must have and keep inviolate the confidence of the judges of our courts, before whom our clients' causes must be tried, and we must maintain the respect of the juries, before whom we must plead many of our cases.

To do this we must travel the straight and narrow path. We dare not go on the highways and byways of commercialism and adopt catch-as-catch-can methods of securing subjects to work upon. Getting a

reputation in this way may be slow and trying, but when we get it we shall have an asset that no one can take away from us. If, on the other hand, we adopt the get-rich-quick method of making a reputation in our profession, we may succeed in amassing a fortune, but it will be at the expense of the honor of the profession of which we are members.

It seems to me that it is up to us as lawyers to purge the profession of these evils; to show to the people that we ourselves are ready, able and willing to maintain and conduct ourselves in such a way that we shall continue to merit the confidence thus far reposed in us.

We must meet this responsibility. If we neglect it now we shall deserve the censure of all self-respecting men. (Applause).

PRESIDENT SCHMITT: Gentlemen, the chairman of the Ethics Committee, Mr. Jenks, has arranged for the presentation to you of the questions we had up a year ago, and we have prevailed upon a gentleman from the East to come here to address you. Mr. Jenks informed the speaker of the afternoon that the Ethics Committee desired to have the Association enlightened upon the question concerning solicitation of business by attorneys and also upon questions as to how to prevent it. Upon the program the subject of the next speaker who will address you appears as "Legal Ethics," and I say what I have said in regard to the manner in which this was arranged, in order to explain to you why that general subject is used, also the reason why the speaker about to be presented to you does not cover the entire subject.

We have with us this afternoon a gentleman who has had much experience in this line of work. He has had much to do with the progress made by the profession in this line around New Jersey and New York, and as a member of the Ethics Committee of the American Bar Association has had large opportunities. I have the honor and pleasure to introduce and present to you Mr. Charles W. Boston, of New York City, who will now address you. (Applause.)

MR. BOSTON: Mr. President, and Gentlemen: Unfortunately I did not have the opportunity to confer with your President

before I prepared this paper and there is so much similarity between them in some respects that I think if any one chose to raise the objection that my paper is merely cumulative, it would stand. But perhaps you are willing to listen to it in patience, in view of the fact that I speak in the light of outside experience, while your President has spoken with a more intimate knowledge of your specific problems. When I was invited to speak here I was asked to speak on the title, "Some Problems in Legal Ethics—Particularly Ambulance-Chasing and the Disciplining of Attorneys," and therefore I have devoted myself almost exclusively to those particular aspects of the subject, instead of speaking at length upon the much broader side of legal ethics. (Reads):

SOME PROBLEMS OF LEGAL ETHICS, PARTICULARLY AMBULANCE-CHASING AND THE DISCIPLINING OF ATTORNEYS.

"During or shortly after the first century of the Christian era, Plutarch, in his life of Theseus, the much earlier legendary founder of the City of Athens, wrote concerning the people whom Theseus had to encounter in his first journey from Peloponnesus to Athens, as follows:

"For it was difficult to make the journey to Athens by land, since no part of it was clear nor yet without peril from robbers and miscreants.

"For verily that age produced men who, in work of hand and speed of foot and vigor of body, were extraordinary and indefatigable, but they applied their powers to nothing that was fitting or useful.

"Nay rather, they exulted in monstrous insolence, and reaped from their strength a harvest of cruelty and bitterness, mastering and forcing and destroying everything that came in their path.

"And as for reverence and righteousness, justice and humanity, they thought that most men praised these qualities for lack of courage to do wrong and for fear of being wronged and considered them no concern of men who were strong enough to get the upper hand."

This was a first century imaginative picture of an age of lawlessness, but when I read it, it reminded me forcibly of any age when men who in work of hand, speed of foot and vigor of body are extraordinary and indefatigable, but who apply their powers to nothing that is fitting or useful. And I also thought that in that community their activities, however neglectful of ordinary considerations of humanity, would not have been pronounced "against public policy."

"Public policy," then, may not always be coincident with enlightened humanity or the best administration of justice, and when public

opinion advocates, tolerates or is indifferent to conduct which offends righteousness, justice and humanity, it behooves some one to stir public thought to awaken activity in order to provoke a public demand for an elevated standard of public policy.

It is a noteworthy fact, that many times lawyers, though ministers of justice, have appeared to be merely extraordinary and indefatigable in work of hand, speed of foot and vigor of body, but applying their powers to nothing that was fitting or useful. Too often in the public mind, Oily Gammon, of Quirk, Gammon and Snap, has appeared to be fairly representative of a body of men admitted to the privileges of ministers of justice and using their knowledge craftily to the undoing of the more innocent and helpless members of the community. We shrink from such men and their works instinctively, yet they remain suggestive types of those who enjoy extraordinary privileges from the state, as though they were licensed buccaneers.

Now, if there be such members of the profession, living through the law, but upon the community, whose duty is it, or is it any one's duty, to see that professional standards are forcibly so raised that such men are reformed or ejected?

Novelists and playwrights innumerable have delighted to depict members of the legal profession who utilize their knowledge of law and its practice, to achieve unrighteous and despicable results, and yet such pictures never fail to awaken a sympathetic response as a recognition that such men are believed to exist and to be tolerated in the profession. The people, though they seem to believe that such an evil exists, do not seem to be sufficiently awakened to purge the profession by active steps. In my own community, one firm was described by a district attorney who had the courage to prosecute one of its members for a misdemeanor, as a stench in the nostrils of the community for a whole generation.

Now, why should a community tolerate such licensed ministers of justice? Merely, I know, because of public indifference.

I do not mean for an instant that any member of the Minnesota bar could possibly be so described, for I know next to nothing of your local problems and it would be most presumptuous and unbecoming of me to assume or assert that you have any conditions which would provoke such a comment. But I do know, that in my own community such conditions did exist and were tolerated largely through public indifference, and that the bar was heedless of them, though its members felt an almost universal contempt for the men whose disreputable methods were so well known.

In my own community the bar and the courts are now most thoroughly awakened and are cleaning house most vigorously. I shall have occasion to mention this fact again.

This change, of which I shall speak more fully later, was due to a sudden appreciation of the simple fact that what is everybody's business is nobody's business, and the practical determination to make everybody's business the business of somebody in particular.

Judge Sharswood, in his work on legal ethics (Vol. XXXI, Am. Bar Assn. Reports p. 139) cites Gibbon to the effect that in Rome, in the declining years of its glory, the noble art of advocacy fell into the hands of freedmen and plebeians, who with cunning rather than skill, exercised a pernicious trade, and that some of them procured admittance into families for the purpose of fomenting differences, of encouraging suits, and of preparing a harvest of gain for themselves or their brethren.

This assuredly was a prototype of our present-day ambulance chaser.

This citation is not only of historical interest, but it contains food for present-day reflections. Sharswood expresses his own reflections in no measured terms when he says (ib. p. 147):

"A horde of pettifogging, barratrous, custom-seeking, money-making lawyers, is one of the greatest curses with which any state or community can be visited."

In a very recent number of the Central Law Journal (July 2, 1915), in an editorial upon the "Missouri Idea of Suppressing the Unlawful Practice of Law," I find comment upon the newly adopted law in that state, defining the law business and in effect excluding real estate agents, notaries, trust companies, and unlicensed persons generally, from advising or counseling for compensation as to law or legal documents, such as wills and deeds. And the writer grasps the true concept underlying the law when he says:

"These far reaching provisions regulating the practice of law and restricting the 'practice of the law' and the doing of 'law business' to those licensed by the state as being competent to transact such business will be regarded by students of sociological jurisprudence as being only a further evidence of the growing tendency of society to protect itself from fraud and incompetency on the part of those who hold themselves out as being skillful in the practice of the various trades and professions and viewed in this light are to be regarded as a very proper exercise of the police power of the state and not as being in the interest of any trade or profession."

The truth is that lawyers as a profession have acquired their bad repute for which the novelists and the playwrights always find willing and sympathetic listeners, because lawyers as a profession, though not even largely to be ranked in this exceptionally disreputable class, have been and still largely are indifferent to sociological jurisprudence. In too many instances they have not thought nor even

instinctively felt it to be worth their while to consider the demands of sociological jurisprudence that the bar should have standards of ethics to be enforced.

Legal ethics, in fact, is a branch of sociological jurisprudence; and when high ethical standards are widely observed, the community benefits and when they are honored by frequent breaches the community suffers. The conditions pictured by Gibbon could never have co-existed with a bar of high ethical standards. Such standards then are essential to the true public interest, whatever may be the state of mind which fails to see that their enforcement is a part of public policy and their breach, against public policy.

Good character has long been associated with the theoretical qualifications for the office of attorney. I have no time to cite numerous statutory and other proofs of this fact.

In New York, in 1867, it was determined by the Court of Appeals that good character was as essential to the retention of the office as to its acquisition, and hence that a man whose reputation in the community was such as to render him unworthy of trust and confidence was not fit to continue in office and should be disbarred. (Matter of Percy, 36 N. Y. 653.)

Assuredly we should have a more universal respect for our administration of justice, if it were generally understood that a member of the bar, like Cæsar's wife, should be above suspicion. And it ought to be the aim of a united bar to insist that such a standard be set.

The latest New York Statute has given the courts of that state a general power of visitation over the bar. It is as follows:

"The Supreme Court shall have power and control over attorneys and counsellors at law and the Appellate Division of the Supreme Court in each department is authorized to censure, suspend from practice or remove from office any attorney and counsellor at law admitted to practice as such, who is found guilty of *professional misconduct*, malpractice, fraud, deceit, crime or misdemeanor, or *any conduct prejudicial to the administration of justice*; and the Appellate Division of the Supreme Court is hereby authorized to revoke such admission for any misrepresentation or *suppression of any information* in connection with the application for admission to practice." (Act. 1912, c. 253.)

Do you ever pause to consider the significance of the undoubted fact that pettifogger and shyster are words peculiarly indicative of members of our profession—the one connoting the prostitution of legal procedure by intellectual trickery, the other unjust imposition through the opportunities offered by a knowledge of law or by the license to practice it?

The men who merit these appellations by their practices are ignoble practitioners once set apart with the approval of the state to

a life office in the state, theoretically demanding the qualities of integrity, intellectual honesty and high moral purpose, in order to contribute in the public and common interest to the due administration of justice through laws theoretically designed to accomplish that purpose.

Are not men, admitted to such office and so filling it as to merit those justly contemptuous appellations, traitors to the cause which they represent, enemies to the public interest and a sorry reflection upon the profession to which they belong?

Now why, if there be pettifoggers and shysters in any community, should they be tolerated there? And is it not to the very best interests of the community, social and economic, that they should be rooted out and their licenses revoked?

My answer would be, yes! But if so, whose duty is it? They do not root themselves out; and so long as they continue in office, they set the bad and contagious example of successful rascality.

Cicero, in his essays upon duties, (De Officiis, Loeb's Classics II, VIII-197), in speaking of one of the usurpers of dominion in Rome, says: "His estate descended by inheritance to but a few individuals, his ambitions to many scoundrels." And I say, it is very largely because of this contagious quality of such ambitions that it is to the public interest that they be smothered. I am prompted to cite other reflections of Cicero's that are pertinent to a consideration of legal ethics. He says:

"But confidence is reposed in men who are just and true—that is, good men—on the definite assumption that their characters admit of no suspicion of dishonesty or wrong-doing. And so we believe that it is perfectly safe to entrust our lives, our fortunes and our children to their care.

"Of these two qualities, then, justice has the greater power to inspire confidence; for even without the aid of wisdom, it has considerable weight; but wisdom without justice is of no avail to inspire confidence; for take from a man his reputation for probity and the more shrewd and clever he is, the more hated and mistrusted he becomes." (Cicero—De Officiis II, IX—Loeb's Classics p. 203).

I have asked whose duty it is to take steps to root out the pettifogger and the shyster and deprive him of his office. I should say it is to the interest of the community that it should be done, and the duty of the bar as the ministry of the great judicial branch of public service.

The business of the lawyer is to aid in the administration of justice; the ultimate business of the soldier is to kill his fellow men. One would think that the ministry of justice would most assuredly have and enforce a code of ethics the equal, if not the superior of the men of the profession of arms.

Yet I find in the Articles of War, promulgated by the President of the United States under authority of Congress, that *conduct unbecoming an officer and gentleman* is condemned and to be punished. (U. S. Army Regulations of 1905, Articles of War, S. 61.) Why should not the bar as a profession see to it in the interest of the justice of a community that its members should measure up to the standards of a lawyer and a gentleman? If a soldier, whose business includes the duty to kill, must be a gentleman, why should the bar tolerate lower standards among those whose duty it is to secure the administration of justice? And indeed, since all power emanates from the people, and it is the public interest which demands the inauguration and continuation of our judicial institutions, including the office of attorney, why should not the public itself exact as high standards from its bar as from its army?

In fact, the public *is* waking up; it has agitated for various reasons and upon different grounds the character of its judiciary, and there is every reason why it should agitate the character of its bar.

Public sentiment, as well as professional sentiment, in my own community, is turning actively toward maintaining the character of its bar. This is manifested in many ways. I have already quoted the latest legislative declaration on that subject in my own state, expressly giving the Appellate Divisons greater authority and supervision over the bar. And in my own department, the court has expressed its full appreciation of this reminder of its duty, saying:

"A law has just been enacted which expressly throws upon this Court vastly increased responsibility in its disciplinary powers over the members of the profession.—

"It is our duty to condemn conduct which tends to impair or defeat the administration of justice, or degrade and impair the usefulness of the profession, and protect the State and the public from lawyers who prostitute the authority given to them for private gain by imposing on or defrauding their clients or the tribunals which are instituted to administer the law and protect those whose rights and interests are committed to their care. If this country is to be governed by law, it is essential that those charged with its administration should be honest in the discharge of the duties confided to and obligations imposed upon them." (Matter of Flannery, 150 Ap. Div. 369).

And the bar itself, with us, is busy in the activity of purging its membership of the conspicuously unworthy members.

Last year the Association of the Bar of the City of New York, an incorporated voluntary association of some two thousand lawyers of my city, spent about $25,000 of its income in investigating and prosecuting complaints of unprofessional conduct among lawyers of my own department, the former lesser City of New York; the New York County Lawyers' Association, a larger association, but with more

restricted funds, spent nearly $5,000 for the same purpose; and at least 43 presentments of New York City attorneys for discipline were made by these two associations to the Appellate Division, while 879 complaints were investigated by the salaried forces provided by these two associations. You will note that here is a voluntary annual contribution by the lawyers of only a part of the present City of New York of about $30,000 for the purpose of examining complaints against lawyers, and purging the bar of its unworthy members.

Personally, I believe that lawyers should not have to make voluntary contributions of money to keep the ranks of their profession decent; I think that should be a public charge, but it is cheerfully assumed by the two associations in a voluntary effort to perform a function which it is unquestionably in the public interest to have performed by some one. To be accurate, the county did refund about $5,000 incurred in cases where the prosecution was successful.

I have now generalized enough upon the true public interest which underlies high standards of legal ethics, and shall devote my remaining time to two special sub-topics assigned to me: ambulance chasing and the disciplining of attorneys.

A writer in the July number of the "International Journal of Ethics" (p. 448), reflecting upon the ethical aspects of the present war, says: "Philosophical writers of the most distinguished rank have been heard on the subject, but in nearly all cases the intellectual conclusions seem to have been primarily determined by the emotional loyalty to one side or the other." I trust I shall impress you that my conclusions are not dictated by my emotional loyalty to preconceived notions, but that I shall be able to convince you of the correctness of my conclusions.

First, as to ambulance chasing—let us approach it without prejudice and discuss it in its ethical aspects. Perhaps I do not need to define it; in its specific sense, it is running after the severely injured in order to secure professional employment for a lawyer; in its more general sense, it is any systematic and organized effort to thrust one's professional existence before the attention of an indifferent or reluctant person in order to secure professional employment.

Its practitioners do not fail to justify it, and their argument proceeds along lines, including the interests of the chased and the interests of the chaser. The interests of the chased are thus represented—he has been injured, he has suffered damage, some one is responsible, the injured is poor, he is not advised of his rights, he cannot afford to employ a lawyer, he needs a lawyer to redress his wrongs, as he needs a physician to attend his ills, and the lawyer should be one who, while protecting his rights and aiding him to

redress his wrongs, is willing to take compensation from the fruits of victory and not add to his burdens by charging a fee in the event of defeat. You will note how closely this reasoning is related to the contingent fee, for it is practically unthinkable that any ambulance chaser would propose to his prospective client to charge him regardless of results. The standards of the competition would rule him out as a possible competitor under well recognized economic rules, which are supposed at least to govern in any race for business.

But this argument assumes certain facts as true which may be false, and overlooks certain additional considerations which to my mind are really controlling. It assumes that the damaged person has been injured, whereas he may himself have been the wrong-doer or he may so have contributed to the wrong as not to be legally entitled to redress; it assumes that some one other than the damaged person is legally responsible to him and that he is impoverished, when he may be well able to invoke and pursue his own remedies without the aid of a volunteer; it assumes that he is not advised of his rights, and that the chaser will actually advise him of his rights, and not misrepresent them to him and to others; it assumes that it will benefit him to make a speculative contract with his voluntary advisor who seeks the privilege of exploiting him and his alleged wrongs at the expense of the public, for a possible profit to the lawyer and a partial recompense to the sufferer.

Likewise, in the argument, the individual interests of the lawyer are not lost to view. It is argued that the lawyer, like all men must make a living and if everything is grist which comes to his mill, the traffic must bear its own expenses, and yield a profit, hence because it is contingent upon success the percentage of the reward in case of victory must be large to compensate for the possible gratuities, where the lawyer gets no reward for his labors.

It is even argued in a misty sort of way that it is justified by sociological jurisprudence—though its apologists are usually not of that order of intellectual activity that would express their reasons in terms of sociological jurisprudence, but they would resort to the cant explanation that it is but a natural development of an industrial democracy, with the well marked tendency for all of the community to divide into the two distinct camps of capital and labor. Labor is more numerous, it is essentially impoverished by such injuries (in the popular and not in the legal sense) and the ambulance chaser is the man who brings cheer and hope into the laborer's blank and miserable horizon and is his true friend.

And, finally, there is an argument based upon the faults of the Claim Agents, which suggests that because the latter may be buzzards

the lawyers should be permitted to be vultures. In answer to such an argument our Appellate Division has unanswerably said that it is no palliation of misconduct by a lawyer that his adversary resorted to similar practices (Matter of Metropolitan St. Ry. Co. 58 Ap. Div. 510).

Now, as a matter of fact, the ambulance chaser wants the "job"; he is willing to leave the courts to decide whether there is any merit in it, with the many intervening possibilities of forcing a settlement by the numerous arguments of self interest which appeal to any average man who is sued for any cause whatsoever or without cause.

Now let us examine the ethical aspects of ambulance chasing as though it were a new problem of public importance: We have heard what I shall assume are all of the arguments in its favor, for I have heard no others and can fancy no others. And let us see and examine the arguments against it.

Most assuredly it is undignified; as practiced it is unjust; it is an imposition upon litigants and upon taxpayers; and it leads to immorality; it is prompted by improper motives and produces undesirable results. It is undignified always for a man entrusted with an office of responsibility to run after those whom he may serve, thrusting himself upon their attention and soliciting them to employ him for his own advantage; and particularly is this true when they are strangers to him, feel no personal interest in him, and he is doing it on a business basis for wholly selfish reasons. He feels no interest in the injured man whom he regards as merely a person whose condition may induce him to yield to importunities for employment.

Such solicitation destroys confidence in the man who resorts to it and in the office which he holds, because it is most manifestly the sheerest self-seeking. The office is created to fulfill a public function in the due administration of justice between those who feel themselves aggrieved and those who refuse to give them redress.

But the methods of the ambulance chaser, being prompted simply by self-seeking, implant the seeds of discord for personal profit, and thus do the officers of the law become inciters to strife. It matters not to them where the right lies; it is their function to get employment, and then they will strive to demonstrate that the right lies with their client, whose case they do not view dispassionately and as public spirited counselors, but as speculators taking a chance either in the valid woe of their client or the woe which they seek to bring upon a perhaps innocent defendant. Their contingent interest in the result makes it a mere business speculation for themselves instead of a disinterested effort to secure redress for another for an actual wrong. Having sought to create the business in their own interest, and not having sought it in the interest of another, the temptation of the situation is to suggest exaggerated and distorted accounts of the facts

in order to make their business venture more likely of success. So that their employment instead of being as agents and fiduciaries of an aggrieved person, becomes primarily an effort on their part to utilize and exploit a person in whom they have implanted an exaggerated idea of damage and a misleading idea of law, as their own agents in their primary purpose of making profit for themselves. Having provoked strife by exaggerated suggestions, they allure their client-victims by offering to do their work for nothing unless victorious; but if victorious, their compensation is frequently unduly high, for it is not usually measured by the service performed, but is a percentage of the entire recovery, whether effected by suit or settlement, and fails to take into account what the client might have done peaceably in his own interest; it likewise discourages peaceable settlements, because the lawyer's percentage being predicated in almost every instance, so far as I know, on the initial assumption of the necessity of suit and the probability of determined opposition, is so great, and his initial encouragement of his client's belief in the importance of his rights so subtle, that the client is scarcely in a mood to receive his paltry remaining share of a reasonable settlement.

In so far as the lawyer provokes his client to pursue a doubtful remedy, he is misusing his office of counsellor, presumably learned in the law and its requirements, to put the public and its taxpayers through its courts, to the expense of allowing him to carry on his speculation without risk, except of his services, for which he charges perhaps an exorbitant rate; and he likewise puts the defendant to the unnecessary expense of defending an unjust suit or else submitting to an unjustified demand.

I have said that the practice is prompted by improper motives and leads to immorality. Being prompted by the anxiety of the lawyer to create business in which he may speculate at the expense of others, he is not careful to scrutinize testimony or to discourage either exaggeration or injustice; the rights of a defendant as possibly an innocent man are not considered. Where a client consults counsel of his own volition, he may be advised that he is in the wrong, and thus actual justice may be accomplished without expense, and without suit; but where the officer of the law solicits the privilege of exploiting an injured person primarily for his own profit, he tempts the client to misconceive the nature and extent of his own rights and loses sight of the moral rights of the selected victim, leaving him to defend himself by legal and expensive means; at the same time subjecting himself and his client alike to misrepresentation of facts in the interest of ultimate victory.

In my opinion a man who pursues this course, not only sacrifices dignity, but self-respect. A man who violates conventions in a righteous

cause may gain in self-respect what he loses in the respect of others; but a man who neglects conventions in a dubious or unrighteous cause loses alike dignity, self-respect and the respect of others. One of my friends recently epigrammatically said:

"It is to the public interest that he who has not convictions should have conventions."

Now I cannot conceive that an ambulance chaser who runs down all opportunities indiscriminately has convictions, and to my mind he should be forced to have conventions.

The loss of self-respect in a pursuit of gain, is itself dangerous to the man who loses it and to the public which has armed him with the dangerous privileges of office and to the victim against whom he levels his arts. He knows the means which the law offers for bringing his victim to terms, he knows the requisites to come within the right of recovery, he knows the foibles of jurymen, he knows the pitfalls of fact which he must avoid, and he knows the tenuous distinctions between negligence and contributory negligence. Having lost self-respect he is too apt to be devoid of any qualms of conscience in reaching the desired end.

The theoretical yardstick of negligence being the conduct of the man of ordinary prudence under the given circumstances, to wit, that such conduct is not negligent—one might readily assume that the normal average man is ordinarily prudent under any given set of circumstances and that the negligent man is exceptional. But the ambulance chaser in his mad career for employment starts with the assumption that every injured man is an average normal man, and every man at whose hands he suffers is an abnormal negligent man, instead of considering what is doubtless the case, that where negligence does exist, the chances are even that one or the other was negligent, and that the chances are even between the negligence of the plaintiff and the negligence of the defendant.

Yet, if the chances are even, the case is dubious and the cautious and self-respecting counsellor would discourage it, in view of the rule *potior est positio defendentis*. Not so of the ambulance chaser; having pursued methods calculated in reason to destroy his own self-respect and to forfeit the respect of the community and of his own profession, he is in a fair way to become a moral freebooter restrained by no inhibitory precautions save those against being found out.

And while this is the theoretical situation, it seems to be justified by actual experience. For instance, it has been rumored in my own city that one or more of such practitioners carried on at his own expense a school for witnesses in his employ, where models of destructive instrumentalities were used in practical experiments, reproducing accidents, which had their origin in the imagination of the practitioner,

but were accurately demonstrated to the witnesses, so that they might testify in detail in a trumped-up case. I cannot vouch for the truth of the story, though it has been quite generally repeated and is not beyond belief.

In proceedings which resulted in the disbarment of one man, who was reputed to have derived a very large annual income from his practices, an income which might provoke the envy of the most successful of legitimate practitioners, it was shown that after a horrible railroad accident in a neighboring state, he procured admission to the hospital and to the bedsides of the living victims by false stories of his near relationship to them (though actually a stranger), and that he procured his employment from delirious and otherwise excited patients under circumstances which to the average mind were positvely and disgustingly indecent, and he advised his injured clients to exaggerate their sufferings to increase the damage. Yet he had pursued the practice so callously that in the end his employment seemed to him to justify the disgraceful subterfuges to which he resorted. (Matter of Welch, 156 Ap. Div. 470; see also Matter of Mendelsohn, 150 Ap. Div. 445).

It is a common saying that you must fight the devil with fire, and so some of the larger corporations which are the most frequent defendants in a business so built up, have found it profitable, and according to the same processes of reasoning, necessary to resort to methods equally reprehensible to circumvent the manufactured or alleged manufactured evidence.

And so in my own community we have been treated to the disclosure, through the District Attorney, that one of the customary defendants employed standing jurors, who sat about the court house, ready to respond to the names of real jurymen, and to push themselves forward to a seat in the jury-box ahead of the real bearer of the name, who would or might thus conceive that another of the same name was on the same panel.

And again, in proceedings resulting in the disbarment of the chief counsellor in charge of the negligence business of a large railway company, it was brought to light through accident, that upon his accession to his position he had found in operation a system of subventions for witnesses, court clerks and police officers, which he had perpetuated, seeming to consider that it was justified by the methods which he had to combat. (Matter of Robinson, 151 Ap. Div. 589).

What is the use of Courts of Justice in such a system? A righteous judgment is a mere accident; the cases as presented are plausible, but the seamy side shows that they are manufactured by the respective lawyers; the one to promote, the other to circumvent the activities, ingenuities and ambitions of the ambulance chaser. Under such a

system all confidence in the results achieved is lost, and it becomes, through no fault of the courts themselves, a mere game of knavery, under the forms of law. This system brought to light in my own town as the result of several different investigations inaugurated at different times and as the result of different hints, is to my mind merely the logical fruition of the first step, which permits the lawyer to solicit business in ways which make for the lowering of the moral standards of himself, his clients, and the persons or corporations whom he attacks without conscientious scruple.

You may not have reached this condition in this state; I trust not. But I wish to hold up for your consideration not only the analysis of the bad tendencies of ambulance chasing which I have made, but the fruitions of those tendencies as illustrated in a few cases drawn from our actual experience. And such practices unrestrained will inevitably lead to conditions such as those summarized by Gibbon in his description of the Roman bar in its low estate.

I note that your Supreme Court has recently held in the case of Christ Johnson vs. Great Northern Railway Company, that it is not against the public policy of this state for an attorney to solicit a cause, or to make a practice of advancing money to an injured client with which to pay living expenses or hospital bills during the pendency of a case and while he is unable to earn anything, or for an attorney to loan his client money to enable him to carry on the suit, or to advise a client against settling a case, representing that he is entitled to heavy damages—though it asserted that it is wrong for a lawyer to discourage settlements out of personal motives. The Court likewise sustained a contract that attorneys may retain out of the amount recovered any moneys advanced for expenses, distinguishing it from a contract that attorneys shall support the litigation at their own expense or indemnify the clients against costs. The Court stated that an agreement to loan a client funds with which to carry on a suit or to maintain himself during its pendency is not regarded as *per se* opposed to public policy, saying, it is only when the attorneys are to ultimately stand the costs or when the client is indemnified from liability for them in case of no recovery, that the law declares the arrangement void.

I am not here to criticise or review the soundness of the law laid down for the State of Minnesota by its Supreme Court, nor to review even its declarations of public policy for this state. But I fancy, too, that the law of Hellas, through which Theseus passed on his way to Attica, did not condemn the activities which I have cited from Plutarch.

I do believe, however, that a *sound* public policy *would* condemn and *would* forbid lawyers systematically to solicit their own employment on account of its bad public tendencies which I have endeavored to show; or to make a *practice* of advancing money to their own em-

ployers in order that they may speculate through the courts and at the public expense in the exploitation for their own benefit of an unliquidated claim against other citizens, even though it be for the otherwise laudable purpose of saving a client from undeserved want. (See Matter of Clark, 108 Ap. Div. 150; Matter of Shay, 133 Ap. Div. 547). I likewise believe that it is against *sound* public policy for a lawyer to be permitted to be so far interested in an unliquidated claim of a client as to be subjected to the temptation to advise him against his own best interests. I believe it is against *sound* public policy to permit a lawyer to enter into a contract with a client for professional employment, which binds the lawyer to make advances to his client, though I can conceive circumstances under which a lawyer might properly make advances to a client for convenience or in order that his necessities might be relieved, but I think it is dangerous in its public tendencies to permit this to be the subject of contract.

To that extent I am forced to disagreement with your court, not on what is the law of Minnesota, but on what *ought* to be the policy of a highly civilized community jealous of the integrity of the administration of justice in its Courts and jealous of the confidence that its bar should inspire as a ministry of justice.

Nor am I without support in my views. An evil practice need not be designated as champerty or maintenance in order to lead to its condemnation by the courts or by public opinion. I note that your court said:

"We may have our individual opinions on these propositions as questions of good taste or legal ethics."

I am prepared to admit that questions of good taste lie outside of the realm of positive law. I doubt whether that is altogether true of legal ethics. I can understand that in-so-far as legal ethics is mere etiquette it may have no recognition in law, but I am still willing to question whether those principles of legal ethics which lie at the very foundation of public confidence in the integrity of the ministers of justice is not a part of our law.

If I mistake not, Maintenance, Champerty and Common Barratry were crimes at common law out of considerations of public policy. They may be no longer crimes (as to some extent they are not in my own state, where all crimes are now statutory), but that does not necessarily mean that they are not against sound public policy, or that the nice distinctions in respect to common law or statutory *crimes* must be applied with equal nicety to situations where the fundamental proposition is that the integrity of and public confidence in the bar must be preserved.

In my own state particular principles of legal ethics, even though

not supported by statutory enactment have been repeatedly treated as a part of the law applicable to the conduct of attorneys.[1]

Under the power to prescribe rules for the admission of attorneys, the Court of Appeals of the State of New York prescribes that the candidates shall show their familiarity with the canons of ethics of the American Bar Association, approved by the State Bar Association. And, while I am not aware that the question has yet been formally raised, I should certainly not expect that court to announce that, although its rules require a familiarity with those canons, no public policy of New York requires that they should be observed except in those particulars where they denounce conduct recognized in New York as criminal, so that if a lawyer is not a criminal, his breach of funda-

(1) For instance, lawyers have been disciplined more or less severely by disbarment, suspension or censure, for: bad general reputation and being a common mover of suits on slight and frivolous pretexts (Matter of Percy, 36 N. Y. 651); depraved professional morality indicated by an unconscionable agreement for excessive compensation (In Matter of an attorney, 86 N. Y. 563, 13 N. Y. Weekly Digest 476); deception and fraud of clients (In re Baum, 8 N. Y. Supp. 771, 55 Hun. 611); open disrespect of judicial officers (Matter of Murray, 11 N. Y. Supp. 336, 58 Hun. 604; Matter of Rockmore, 127 Ap. Div. 499; Matter of Manheim, 113 App. Div. 136); deceit and fraud in practice of profession (Ryan v. Opdyke, 143 N. Y. 528); aiding a client in leaving the jurisdiction to avoid the service of process of a Federal Court in the State (Matter of Lamb, 105 Ap. Div. 462); paying money to a canvasser to secure litigated business (a statutory offense, however), agreeing to pay expenses of litigation, taking compensation from adversary without client's knowledge (Matter of Clark, 108 Ap. Div. 150, 184 N. Y. 222); practicing under name of firm of which one was dead and the other suspended from practice (Matter of Kaffenburgh, 115 Ap. Div. 346, 188 N. Y. 49); threatening criminal prosecution to effect settlement of civil suit (Matter of Hart, 131 Ap. Div. 661); collecting money, delaying its payment and concealing collection from client (Matter of Gifuni, 137 Ap. Div. 351); agreeing to pay an expert witness a contingent fee (Matter of Schapiro, 144 Ap. Div. 1; Matter of Imperator, 152 Ap. Div. 86); advice to client to forfeit bail (although grand jury had refused to indict the lawyer) (Matter of Pascal, 146 Ap. Div. 836); imposition on client and commissioners in condemnation by concealment of his own knowledge, though both client and witnesses acted in good faith in ignorance of such knowledge (Matter of Flannery, 150 Ap. Div. 369); and permitting expert witnesses to testify in ignorance of data known to lawyer, which would have rendered their opinions valueless (ibid.); purchasing property from a client through a dummy at less than its value known to the lawyer (ibid.); procuring apparent authority from injured client incapable of realizing her act (Matter of Mendelsohn, 150 Ap. Div. 445); authorizing payment to influence witnesses (Matter of Robinson, 151 Ap. Div. 889); writing out answers to be given by a witness examined on commission (Matter of Eldridge, 82 N. Y. 161); inducing a client to make unauthorized use of funds in his hands as executor (Matter of Freedman, 113 Ap. Div. 327); disobeying instructions of client by pursuing litigation (Matter of Randall, 122 Ap. Div. 1; Matter of Hansen, 120 Ap. Div. 377); practicing under names of persons not connected with the attorney (Matter of Gluck, 139 Ap. Div. 894); misconduct in obstructing process of federal court in same district and falsely claiming privilege against testifying therein (Matter of Robinson, 140 Ap. Div. 329); permitting a corporation client to sign his name to dunning letters falsely purporting to be sent under a state law (Matter of Rothschild, 140 Ap. Div. 583); seeking in another state to obtain possession of letters by threats (Matter of Chadsey, 141 Ap. Div. 458); agreeing for a contingent fee (this was before the legislature sanctioned it) (Matter of Berkley, 5 Paige Ch. 310-1835); appearing for infant plaintiff at instance of defendant, in order to effect a settlement, without advising

mental principles of legal ethics is no concern of the law of the courts.

The American Bar Association has approved canons which provide among other things as follows:

"****Solicitation of business by circulars or advertisements, or by personal communications or interviews, not warranted by personal relations, is unprofessional. It is equally unprofessional to procure business by indirection through touters of any kind, whether allied real estate firms, or trust companies advertising to secure the drawing of deeds or wills or offering retainers in exchange for executorships of trusteeships to be influenced by the lawyer."

"It is unprofessional for a lawyer to volunteer advice to bring a lawsuit, except in rare cases where ties of blood, relationship or trust make it his duty to do so. Stirring up strife and litigation is not only unprofessional, but it is indictable at common law. It is disreputable to hunt up defects in titles or other causes of action and inform thereof in order to be employed to bring suit, or to breed litigation by seeking out those with claims for personal injuries or those having any other grounds of action in order to secure them as clients, or to employ agents or runners for like purposes, or to pay or reward directly or indirectly, those who bring or influence the bringing of such cases to his office, or to remunerate policemen, court or prison officials, physicians, hospital attaches or others who may succeed under the guise of giving disinterested friendly advice, in influencing the criminal, the sick and the injured, the ignorant or others, to seek his professional services. A duty to the public and to the profession devolves upon every member of the bar, having knowledge of such practices, upon the part of any practitioner, immediately to inform thereof to the end that the offender may be disbarred." (Canon 28).

"He" (the lawyer) "should strive at all times to uphold the honor and to maintain the dignity of the profession and to improve not only the law but the administration of Justice." (Canon 29.)

Court of Relations (Matter of Reifschneider, 60 Ap. Div. 478); inducing a complainant to withdraw a charge of petty larceny by promising restitution, and failure to instruct ignorant client of his rights (Matter of Woystisek, 120 Ap. Div. 373); making false and misleading statements to clients as to causes of delay of his action (Matter of Boehm, 150 Ap. Div. 443); interposing contradictory affidavits respecting same circumstances in different suits pending contemporaneously (Matter of Schleimer, 150 Ap. Div. 507); certifying as notary to personal appearance before him of absent clients, though without improper motive and solely for convenience of clients (Matter of Barnard, 151 Ap. Div. 580); using money of client temporarily, or mingling it with attorney's own funds, without intent to defraud clients (Matter of Sanborn, 152 Ap. Div. 935; Matter of Kesselburgh, 137 N. Y. 1060). Our Court of Appeals has intimated that a lawyer could be disciplined for vexatious proceedings to undermine final judgments and the behests of the law, for instance by repeated unsuccessful applications to the Supreme Court of the United States designed to prevent execution of a final judgment of capital punishment (People vs. Jugigo and Jugigo, 128 N. Y. 589).

These decisions were based upon recognized principles of legal ethics relating to the conduct of attorneys; the specific misconduct was not itself made the ground for disbarment by any statute, though a contract binding an attorney to pay all expenses in a condemnation suit proceeding has been held to violate statute law (Penal Laws, 274) (McCoy v. Gas & Engine Power Co., 152 Ap. Div. 642); and a contract to pay all court costs and disbursements in consideration of employment has been said likewise to violate the statute (Matter of Speranza, 186 N. Y. 284).

These canons have been approved as the true expressions of professional sentiment by the Bar Associations of 31 states; the Court of Appeals of New York requires candidates for admission to the bar to become familiar with them. Why, may I ask, should their principles be regarded as outside of the pale of enforcible law applicable to the conduct and the rights of attorneys in the Court?

The violation of the 28th canon (which denounces practices of the nature of ambulance chasing) is assumed in the canon itself to be a ground for disbarment. The members of the Committee whch reported that canon came from 10 states and the District of Columbia. The American Bar Association has members from every state. Why should it be considered that these should all have erred in the assumption that ambulance chasing is ground for disbarment? I insist that these canons are not the expression of mere sentimental fads and they are not mere rules of etiquette, but at bottom they have in view a sound public policy which will keep lawyers out of the class of buccaneers and lift them or keep them in a class noted for their integrity and enjoying public confidence for the public good.

I have dwelt long, but I trust not unduly, on the subject of ambulance chasing because in my opinion it merits this sort of treatment, in that there is no practice now indulged in, which is more aptly calculated to destroy the integrity of and public confidence in the bar as safe and sound advisers.

I have but little time left to say a few words about the disciplining of attorneys. It is surprising to me, or rather it would be surprising, if I were not thoroughly familiar with it, how indifferent we are or have been as a people and a profession to professional improprieties.

In an investigation which I made for an address before the New York State Bar Association on disbarment in New York, I found only 20 cases of discipline reported in that state from the earliest days to 1900. Since that date the number has so rapidly increased that in 1912 I found they numbered 72 since 1900. This was in nowise due to any deterioration in the bar itself, but on the contrary mainly to a greater voluntary activity and a higher concept of public duty on the part of one Bar Association. This Association had always had a grievance committee. But one day it was suggested that the Association ought to have a paid attorney to look after and investigate complaints, and so he was employed at a modest salary at the expense of the Association. He soon found that many of the complaints were well founded, and under his guidance, the grievance committee ceased to be a perfunctory and became a very active judicial body. As already stated, its last annual report showed that it had investigated 879 complaints during the previous year; and the Association now has five paid attorneys engaged in this work.

When a newer and more numerous association, the New York County Lawyers Association was formed, it too created a Discipline Committee, which commensurately with its more meagre resources is proportionately active, and it has one salaried attorney at work. Actual prosecutions are conducted before the Appellate Division by members of the Associations who volunteer their services; and this work is considered commendable by the members of the bar.

The public in my city now feels that it has an unbiased tribunal which will freely entertain and investigate its complaints and the offending lawyers know that to be the case. And now if one man complains in conversation of some impropriety on the part of a lawyer, his neighbor is more likely than not to say, why don't you take him before the Bar Association.

The courts too have fallen into the now well recognized practice, if advised of serious professional improprieties, of voluntarily bringing the matter to the attention of the Bar Association for initial investigation, and the courts have openly and repeatedly in their opinions commended the Associations for their good work and have resented implications that it is in any wise biased or oppressive.

In fact the grievance committees easily dispose of a vast majority of complaints as frivolous or conceived in improper motives, but they have uncovered enough rascality to justify many times over their existence. I should regard it as an actual public calamity, if their activities should cease, though they are a great financial burden on the membership and in the case of one association have twice led to a substantial increase in the dues which are now for members of longest standing $60 a year, while in the younger association they are but $10, though it is always a question whether in order to maintain its discipline committee it will not have to raise them.

I only call your attention to these details, because I feel that they practically solve the question of disciplining unfit attorneys, and in my community they know it. I have no doubt that the activity of the last few years has been of most substantial benefit to the community itself in improving the quality and practices of its bar, and in directing the attention of its courts and even of its legislature to the public necessity for an interest in prompt and efficient disciplinary measures.

I do not feel that I should close these observations without directing your attention to another very efficient agency inaugurated by the New York County Lawyers' Association, its Committee on Professional Ethics.

This committee, about three years ago, was granted experimentally the power to answer inquiries respecting the propriety of professional conduct, thus expounding for the benefit of inquirers, the practical application of accepted principles of professional ethics. The com-

mittee started the experiment of publishing the questions and its answers. It has been a complete and satisfactory astonishment to its members and the members of the association to learn of the actual utility of this experiment as evidenced by the widespread indications of public and professional appreciation. Through a well selected mailing list including every law school and every legal periodical in the United States and Canada, the committee has been able to bring these problems and the committee's solution (which of course is only the expression of its opinion) to the attention of the profession and law students, and we are actually amazed at the satisfactory evidences of the need which they fill. Our last annual report contained a list of fifty additional problems of professional propriety which had been submitted to the chairman for his personal views during the fiscal year, and which the inquirers had not deemed it necessary to submit to the committee.

The chairman has been consulted on many subjects in respect to ethical problems of members of his own bar, and his correspondence with non-resident inquirers has been quite voluminous. This indicates a widespread interest and an awakened conscience. The committee has been repeatedly advised of practices disapproved by it, being voluntarily discontinued by the inquirers after learning of such disapproval.

As chairman of the committee I do not wish to be too jubilant, for I fully recognize that "pride goeth before a fall, and a haughty spirit before destruction." But any address by me upon legal ethics would be in my opinion incomplete without a reference to this practical experiment and its surprisingly encouraging results.

I have been asked to make some specific suggestions respecting the disposition of the particular problems which your committee had under consideration during the past year, and upon which it endeavored to procure action of the legislature. It seems to me that what I have said points the way to the desirable course from the standpoint of the public interest, and that it also indicates an adequate and simple method of disposing of so much of the subject as concerns the lawyers as a profession.

These are particularly concerned with the administration of justice; certainly the sentiment of the large majority of the bar in any community favors the proper administration of justice and the purity of the profession; what would shock the average man does shock the *majority* of the profession anywhere; and it seems to me that it ought to be shocking to the average man that the state admits to a life office persons whom it permits for their own profit to urge others to institute suits at the expense of the state and its innocent citizens without the slightest regard to their merits, leaving it to the chances of the suit to ascertain the merits, instead of charging the licensee with the duty of investigating and satisfying himself of the merits according

to his understanding of the facts and his knowledge of the law, and furnishing him with conventions if he has no convictions.

Ambulance chasing is merely a flagrant illustration of the degrading results of the bad practice of soliciting. Those admitted to the life office of aiding in the administration of justice should not, in my opinion, be permitted by systematic solicitation to beg others to employ them in the business of attacking in the courts.

It is shabby work, and at best is unbecoming an officer and a gentleman; the conditions under which the work is practiced in ambulance chasing are merely particularly offensive; they frequently offend alike the unprejudiced observer, the man whom they persecute and the man whom they so persistently solicit. They bring the administration of justice itself into disrepute and under suspicion because of the many objectionable aspects of the methods to which they have to resort; and actual experience in my own city at least has brought so much rascality to light, that one feels as though the pirates who have been suppressed on the high seas, had found new employment on land under the guise of ministers of the law, exhibiting false lights in order that they may enjoy the wreckage.

While ambulance chasing is perhaps the most flagrant illustration because the most obnoxious methods are most frequently resorted to, I agree with those who say that this ought not to be singled out for legislative disapproval. All systematic solicitation of professional employment by lawyers is objectionable in its tendency; it may not be fraught with so many temptations to the prostitution of justice, for it does not offer so many inducements to exaggeration, misrepresentation and perjury; but it is only slightly less deleterious in undermining the profession.

Cicero truthfully said, "Take away from a man his reputation for probity, and the more shrewd and clever he is, the more hated and mistrusted he becomes."

What is there possible about ambulance chasing which would increase a man's reputation for probity?

Is it not a constant temptation and invitation held out by a lawyer to men to prosecute actions in the courts, regardless of their actual merits? Is not this in itself the business of promoting false claims and frauds? If this be so, is not the shrewdest and most clever of its practitioners the most dangerous, and does he not deserve to be most hated and mistrusted, by those most interested in civic righteousness? It seems so to me, and if he deserves to be hated and mistrusted as a dangerous citizen, why should he be tolerated and protected with an office of peculiar privilege? Is not that itself putting the sanction of the state upon the promotion of injustice under the guise of administering public justice?

But all systematic solicitation is bad in its tendency. A merchant's race for business may not be improper because he has wares for sale which may be tested by their own merits and may be examined and felt; a professional man's race for business may not concern the State, and may be a question merely of good taste; but a lawyer's race for business by organized solicitation can, it seems to me, scarcely by any possibility be free from misrepresentation and deceit, for it must at least be predicated upon some representation or impression of superior advantage, which cannot fairly exist in the law; and personally I cannot escape from the firm conviction that the systematic solicitation of business by lawyers is positively injurious to the public in holding out lawyers in a false light, multiplying unjust strife, stirring up animosities and false or exaggerated claims, burdening the courts and therefore the tax-payers with baseless litigation, and tending inevitably to degrade the personal ideals of the profession and thus to depreciate the quality of public justice.

It does not seem to me therefore necessary to legislate against the ambulance chaser alone, or to pick him out from all others, illustrious example as he may be.

The ten commandments are useful as general rules of conduct; they are noteworthy for their comprehensiveness. They do not denounce larceny, grand and petty, and burglary and robbery and embezzlement and obtaining money under false pretenses, but they say: Thou shalt not steal! With equal comprehensiveness, the President in promulgating rules for the Army, has found it possible to condemn conduct unbecoming an officer and a gentleman, and that is a sufficient fundamenal guide for courts-martial and for military conduct.

Why cannot and ought not a state legislature following such examples and in the interest of the general public, to prescribe a high standard of propriety for lawyers to whom it gives a life office in the state?

In New York the State legislature has found no difficulty in a simple enumeration of the principles applicable to the supervision by the Courts of the conduct of attorneys: I have already quoted the statute.

And under this, or even a more restricted power (before the extension in 1912), the Courts have had no difficulty in disciplining attorneys not only for the most flagrant abuses of professional propriety, but for other acts deemed prejudicial to the purity of public justice, which I shall cite in a foot note.[1]

With legislation expressed in such broad terms by the legislature and enforced in such spirit by the courts, or if the courts feel that

[1] See page 37.

they need more specific guidance to induce their beneficent elevation of professional standards, then with a specific condemnation by statute law of the practice of solicitation by attorneys, the practice could be stopped, and with it would unquestionably be stopped the importation for the profit of attorneys of litigation which has no moral justification for being foisted upon your courts and your taxpayers. Whatever may be the construction and incidental application of the Constitution of the United States, to occasional cases, it was certainly not conceived with the design of authorizing voracious attorneys, for their own individual profit, to fasten upon the citizens of a state, the burden of paying for whatever litigation they can succeed in enticing within the jurisdiction of the state.

Stop the practice of soliciting and imported litigation will become a negligible matter.

If further legislation be deemed desirable, it does not seem to me peculiarly to concern lawyers as a profession, while any conduct which injures the repute of the profession does. But if lawyers, as such, wish to direct attention to a practically efficacious method of preventing the importation of the relatively few suits against foreign corporations which would be brought if systematic solicitation were stopped, it seems to me that sec. 1780 of the New York Code of Civil Procedure offers the way. Your Committee's bill upon this subject substantially conforms with this section. It has been twice held to be constitutional, once by the Supreme Court of the United States,[2] in a case when the plaintiff was a foreign corporation, once by the Court of Appeals of New York, when the plaintiff was a non-resident individual.[3]

I have myself *unsuccessfully* argued that this did not fully dispose of the question, because of the circumstances presented to the courts.

It is impossible for me to discuss in this paper, for want of time, the question of the legislation for the limitation of the contingent fee. If the practice of soliciting employment were made illegal, and were actually punished by discipling offending attorneys, it is not likely that it would be necessary to put any provision in the law concerning compensation so as to refuse compensation for employment secured by such solicitation. If it should become necessary such a clause as your committee has suggested might be inserted.

Except for its effect upon the administration of justice and the moral degradation of the bar, it does not seem to me that the bar as such is particularly concerned with the unseemly activities of claim agents. Their effect upon the bar could be safely disregarded, if the

(2) Anglo-American Provision Co. vs. Davis Provision Co., 191 U. S. 373, 24 Supr. Ct. R. 92.
(3) Robinson vs. Oceanic Steam Navigation Co., 112 N. Y. 315, 19 N. E. Rep. 625.

practice of solicitation of employment by lawyers were prohibited and punished. That claim agents do impose upon injured persons seems to be an undoubted fact; the interests of justice require that such imposition should be stopped. But this should be done out of consideration for the victim and not as a sop to nor in the interest of the practitioner of law. The two questions do not seem to me to be in anywise related. The object of suppressing the unfair activities of a claim agent should not be to give the lawyers a fair field, but to give injured persons protection from imposition.

Whatever may be the duty of the bar as citizens in advocating legislation to prevent imposition by claim agents, it seems to me that it is its unquestionable right and duty to advocate legislation to prevent members of the legal profession from exacting contracts from injured persons under circumstances which lead them to condemn the claim agent for his pernicious activities.

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 in 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.

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 the duty of prescribing by-laws for its governance 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.

While voluntary associations of lawyers have done much in this country to uphold and restore correct and high standards of professional

ethics, I think a corporation composed of every lawyer in the state could and would do more to awaken a sense of individual responsibility, with corresponding public benefit. (Applause.)

At this point, the District Judges adjourned to meet in another room.

MR. STILES W. BURR: I move that this Association extend a vote of its appreciation to Mr. Boston for his very fine address.

Motion seconded.

Carried by unanimous rising vote.

PRESIDENT SCHMITT: We were in hopes to have sufficient time to-day to hear the paper from Mr. Boston, the reports of the General and Standing Committee on Ethics, and to discuss and consider the reports. But it is now nearly four o'clock and the local committee has arranged for a drive to the lakes, which they say will take about three-quarters of an hour or an hour and they desire us to be ready to leave here at four o'clock; therefore, I think we would better receive the reports of these committees at this time and perhaps postpone a discussion and action on them until nine o'clock tomorrow morning. We shall now, unless there is an objection, proceed to hear the report of the General Committee on Ethics, Mr. Jenks.

MR. JENKS: Mr. Chairman and Gentlemen: The report of the Committee on Ethics, as well as the joint report of the minority Joint Committee, appears on the printed report and it is not necessary for me at this time to take up in detail any discussion of these reports. The thing which has appealed particularly to the members of the Ethics Committee during the year has been the fact that there is so little interest, apparently, in the conduct of the members of the bar of this state about those who do conduct themselves in an unprofessional way. There is absolutely no question but that a large majority of the members of the bar of this state have high ideals as to legal ethics and for the most part practice in accordance with their ideals, but there are a great many members of this

state—far more than there ought to be—whose practices are bad, and so far as the Ethics Committee is concerned, it has discovered during the course of the year that the condition which Mr. Boston found primarily existed in the state of New York exists quite largely in the state of Minnesota, namely that what is everybody's business is nobody's business and that nobody is paying any attention to this situation.

So far as the Joint Committees are concerned, I have a letter from Judge Cray this morning, who is the chairman of the Joint Legislative Committee which prepared bills which were presented to the legislature at the last session. His letter says that he had intended to be present at this meeting and make the report, but that it is impossible for him to be here and that, much as he regrets it, he will be absolutely unable to present his views in reference to these bills that are to be proposed to the legislature. Of course, the general report is that the same bills presented to the legislature be again presented to the next legislature, but as I understand the attitude of this committee, of which I was a member—although Judge Cray was the chairman—they do not feel that these bills are necessarily absolutely right, but that they may serve as a text for discussion. It was suggested that one reason that the legislature refused to take any more kindly to these bills during the last session was because, as they said, the bills were not recommended by the Bar Association as a whole, but that they were recommended by a relatively small committee of the Bar Association. So one idea of this committee in bringing these bills up at this time before this Bar Association and recommending that they be again presented to the legislature was for the purpose of having the bills presented to the legislature—whether it be these bills or entirely new ones to be drafted, or those suggested by Mr. Boston or by your President, Mr. Schmitt, or whatever bills are recommended by the Association to be presented to the legislature—that they should be recommended by the Bar Association as a whole and not by a single committee. Mr. Carmichiel, you will note from the printed report,

presents a minority report in which he says that the bills presented by the General Joint Committee absolutely cannot be passed in their present form and he suggests his reasons in the report. He was to be here to-day with some documentary evidence to sustain his position, as the minority of this committee making this report, but I received a wire from him this morning, or from his clerk, rather, stating that he was taken ill last night, is now in bed in Minneapolis and absolutely unable to be here. So that, as far as the General Ethics Committee report is concerned, that of the Joint Legislative Committee and the minority report of the Joint Legislative Committee, it is presented now in a printed form for such action as the Bar Association may see fit to take. It is the hope, at the same time, of the General Joint Committee, that some definite and specific action be taken, because there is certainly a problem in the state of Minnesota to be solved, and in our opinion it is the province of this Bar Association to solve that problem.

REPORT OF THE ETHICS COMMITTEE.

Minnesota State Bar Association,

Gentlemen: At the 1914 meeting of the Minnesota State Bar Association the General Ethics Committee was directed to co-operate with a special legislative committee for the purpose of drafting and presenting to the legislature such bills as would in the judgment of the joint committee promote a reform of existing conditions in the state of Minnesota, more particularly as to "ambulance chasing," so-called.

Judge Cray of Mankato was named as the chairman of the joint committee and the report of the joint committee has been made by Judge Cray, so that this report will be confirmed strictly to the work and recommendations of the general Ethics Committee of the Association.

Very few matters have been brought to the attention of the Ethics Committee for consideration. This would indicate one of two things. First, that the standard of the bar of the state is so high and the practice in such conformity with the standard that there is nothing for the Ethics Committee to do; or second, that the bar of the state is more or less generally indifferent to both standard and practice, or at least that members of the bar generally do not feel

called upon to report to the committee violations of duty on the part of fellow attorneys.

The matters which have been reported to the writer in the way of complaint or in the way of statement would indicate that the latter of the two contingencies above suggested is the true statement of the case.

Early in the year a firm of attorneys in Fargo sent to the committee a form of pretended summons on a printed blank, which would indicate to the person receiving it that it was issued out of the Municipal Court of the City of Minneapolis by an attorney practicing in that city. Upon investigation of the specific case it was found that no action had ever been begun and it was perfectly evident that the attorney was attempting by use of the printed form to scare the debtor into payment on the theory that he had been sued.

The matter was referred to Mr. Southworth, secretary of the State Board of Examiners, who obtained assurance that the act would not be repeated by this attorney, but during his investigation Mr. Southworth found that this was quite a common practice in both Minneapolis and St. Paul. He further learned that it was a very common practice in both Minneapolis and St. Paul to issue a garnishee summons and have it served upon the garnishee, thus tying up a man's wages or other property in the hands of the garnishee, without filing either an affidavit of garnishment or beginning the main action in any way.

The writer inquired of one of the most reputable of the Twin City lawyers if he knew of these practices and how general they were. He replied that he did know of them and that they were quite general among a certain class of lawyers.

Another matter was referred to the committee indicating that money had been paid to a practicing attorney in northern Minnesota for the purpose of filing a petition in voluntary bankruptcy and carrying the matter through to a final discharge, but that though the money was retained by the attorney, nothing was ever done toward filing the petition or otherwise conducting the case. This matter is under investigation.

These two matters are the only ones which have been referred to the Ethics Committee during the year, except that a young practitioner submitted a question as to whether or not under certain circumstances stated it would be ethical or unethical to represent a certain client. This matter was submitted to the several members of the committee and they all agreed as to the propriety of the young man's action, and he was so advised. This and the fact of the formation of a club among the younger members of the bar in the Twin Cities

for the discussion of this and other problems are the most hopeful things which have come to the attention of the writer during the year.

A number of complaints have during the year come to the writer's knowledge, not as the chairman of the Ethics Committee but as a member of the Board of Examiners. Among these are the following:

1. That a practicing attorney in one of the large cities received a retainer of $250.00, for which he brought an action which he must have known upon the facts stated could not be sustained. In fact when the matter was first taken up with him he is said to have advised the client that no action would lie. It was only after urging on the part of the client that the action be brought for the purpose of "getting even" with the defendant that the attorney upon the payment of $250 brought the action.

2. That an attorney practicing in one of the small towns of the state collected $1,700 for obtaining the release of a young man who was held as a witness only; and discharged by the county attorney on his own motion; and attending a preliminary hearing, at which both the defendant and defendant's father stated to the justice that he was not employed nor wanted as defendant's attorney.

3. That an attorney practicing in one of the small towns of the state acted as attorney for both husband and wife in a default divorce case, negotiating first with one and then the other until he had collected from both fees aggregating $1600.

4. That an attorney practicing in one of the smaller towns of the state was asked to defend a young man charged with assault; that he demanded a jury trial and asked for a continuance until the next day, by which time the officer was to have the jury list ready; that during the evening the defendant's attorney went to the complaining witness and by means of threats and the serving of summons and complaint in an action in civil damages for $1,000 for assault, procured a dismissal of the criminal proceeding.

5. That an attorney practicing in one of the large cities made a settlement of a personal injury claim for $1500 with one of the railroad companies and without disclosing to his client that settlement had been made retained the entire sum for more than a year and until after his client had learned through the railroad company of the settlement and after complaint had been made to the State Board of Examiners; whereupon he remitted $1200, retaining $300 as his fee.

These matters are some which have been very recently called to the attention of the Board and are either under investigation or in the course of prosecution. If one were to go back any considerable length of time, many similar complaints, some almost unbelievable but which

nevertheless have proved true, would be shown to have been made to the secretary of the Board of Examiners.

Some time ago the writer was directed to investigate certain charges against certain practicing attorneys in one of the Twin Cities. In the course of investigation it was a common experience to have an attorney from whom information was asked, say, "What are you going after A for? B is as much worse than A as you can imagine and C and D and E and F are doing all the things with which A is charged and then some."

From the experience of the Ethics Committee, as well as that of the Board of Law Examiners, it would seem that some more effective plan than waiting for and investigating complaints should be devised and adopted. Some of the bar associations, notably the New York County Lawyers Association, have done a very great work within the last few years, not only in the way of education but also in the way of weeding out undesirable members of the profession. One of the members of our committee, Mr. Canfield, reports that during a recent trip in Canada he made special inquiries relative to the matter of professional ethics and found that they had "practically no unprofessional members." In Alberta no man can be admitted to practice without receiving the indorsement of the bar association. Membership in the association is compulsory, but only men of standing and character are permitted to remain members.

In the opinion of this committe some practical step should be taken by the State Bar Association looking toward requiring recognition in practice of the high standard of ethics of the general bar by those members of the profession who do not live up to such standards.

The State Board of Examiners is handicapped in many ways and it is an absolute impossibility for the secretary and members of the Board to give under the present practice and restrictions in disbarrment cases the attention to such matters of discipline that they should receive. We would, therefore, suggest that the matter of legal ethics be given special attention at the 1915 meeting of the Bar Association; that some man who has done a large amount of practical work, as for example Mr. Charles A. Boston of the New York Bar, be called upon for an address and practical suggestions and that sufficient time of the meeting be devoted to the discussion of the situation so that it may be thoroughly understood by the members of the Association and in so far as possible practical means be worked out for effective work, not only along educational lines but also along the line of eliminating those men, of whom there are now too many, whose practices are so

unethical as to shock even the indifferent, when specific attention is called to such practices.

Respectfully submitted,

JAMES E. JENKS.
P. J. McLAUGHLIN.
E. H. CANFIELD.
DAVID F. SIMPSON.
CARROLL F. NYE.

REPORT OF THE SPECIAL COMMITTEE OF FIVE TO CO-OPERATE WITH THE ETHICS COMMITTEE TO PRESENT TO THE NEXT SESSION OF THE LEGISLATURE SUCH PROPOSED BILLS AS WILL BEST PROMOTE A REFORM OF UNPROFESSIONAL AND UNETHICAL CONDUCT ON THE PART OF ATTORNEYS OF THIS STATE.

To the State Bar Association:

At the annual meeting of this Association in 1914 the following resolution was adopted:

"*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."

The regular standing Ethics Committee is as follows:

JAMES E. JENKS, St. Cloud.
P. J. McLAUGHLIN, St. Paul.
E. H. CANFIELD, Luverne.
DAVID F. SIMPSON, Minneapolis.
CARROLL F. NYE, Moorhead.

And in pursuance of the foregoing resolution, the following special committee was appointed:

LORIN CRAY, Mankato.
D. F. CARMICHAEL, Minneapolis.
THOMAS D. O'BRIEN, St. Paul.
JOHN F. MEIGHEN, Albert Lea.
LAFAYETTE FRENCH, Austin.

These committees met three times in St. Paul, and after much consideration, proposed four bills for introduction in the Legislature, hoping to secure their passage.

These bills are as follows:

AN ACT TO AMEND SECTION 4095 OF THE REVISED LAWS OF MINNESOTA FOR 1905 AS AMENDED BY THE LAWS OF 1913, CHAPTER 552, SECTION 1, BEING SECTION 7721 OF THE GENERAL STATUTES OF MINNESOTA FOR 1913, IN RELATION TO VENUE IN CERTAIN CASES.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. Section 4095 of the Revised Laws of Minnesota for 1905 as amended by the laws of 1913, Chapter 552, Section 1, being Section 7721 of the General Statutes of Minnesota for 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.

AN ACT RELATING TO COMPENSATION OF ATTORNEYS AND OTHER PERSONS IN CERTAIN CASES; REPEALING SECTION 4337 OF THE REVISED LAWS OF MINNESOTA FOR 1905, BEING SECTION 7973 OF THE GENERAL STATUTES OF MINNESOTA FOR THE YEAR 1913; AND FOR OTHER PURPOSES.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. A party shall have an unrestricted right to agree with his attorney as to his compensation for services, and the measure and mode thereof, except as herein otherwise provided; but certain sums may be allowed to the prevailing party for expenses in an action, which are termed costs:

Provided, however, that no agreement with an attorney or other person as to compensation for services, or the measure or mode thereof, shall be valid in respect of claims for personal injury or death by wrongful act, or in respect of any action brought to recover damages for personal injury or death by wrongful act, or in respect of an action brought to recover damages for any tort, where the compensation of the attorney or attorneys is contingent upon the amount recovered, whether by settlement or suit. But in such cases the attorney or attorneys regularly retained by the claimant or plaintiff, who have effected a settlement before suit or after suit has been brought, or prosecuted the action, to a favorable termination, shall be entitled to reasonable compensation for services actually rendered, and in case of the failure of the parties to agree on the amount thereof, the same shall be fixed and allowed by the court in which the action is pending or tried, or by any other court of competent jurisdiction; and such attorney or attorneys shall have a lien for the payment of such compensation as now provided by Section 4955 of the General Statutes for the year 1913, so far as the same may be applicable.

Provided, further, that if it be made to appear to the satisfaction of such court, or to a court of competent jurisdiction, that such claim or case was directly or indirectly solicited by such attorney or attorneys, or by any other attorney, person, partnership, or corporation, or by any means whatsoever, pursuant to the instructions or with the knowledge or consent of the attorney or attorneys bringing or prosecuting the action, such court or courts shall not allow any compensation whatever for services rendered in said suit or settlement or in connection therewith.

SECTION 2. This act shall not apply to contracts made prior to its passage.

SECTION 3. Section 4337 of the Revised Laws of Minnesota of 1905, being Section 7973 of the General Statutes of Minnesota for the

year 1913, and all acts and parts of acts inconsistent with this act, are hereby repealed.

SECTION 4. This act shall take effect and be in force from and after its passage.

AN ACT TO AMEND SECTION 2290 OF THE REVISED LAWS OF MINNESOTA FOR 1905, BEING SECTION 4957 OF THE GENERAL STATUTES OF MINNESOTA FOR 1913, SO AS TO MORE CLEARLY DEFINE THE DUTIES AND REGULATE THE CONDUCT OF ATTORNEYS AT LAW.

Be it enacted by the Legislature of the State of Minnesota:

That Section 2290 of the Revised Laws of Minnesota for 1905, being Section 4957 of the General Statutes of Minnesota for 1913, be amended so as to read as follows:

4957. Removal or Suspension—An attorney at law may be removed or suspended by the Supreme Court for any one of the following causes arising after his admission to practice.

1. Upon his being convicted of felony, or of a misdemeanor involving moral turpitude; in either of which cases the record of conviction shall be conclusive evidence.

2. Upon proof that he has knowingly signed a frivolous pleading; been guilty of solicitation of any suit, or claim for personal injuries or death by wrongful act or other tort, by means of the aid or assistance of any paid runner or solicitor, or by means of a circular, printed pamphlet, or similar advertising matter, or been guilty of any other wilful misconduct in his profession, or of any deceit therein.

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 him 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.

This act shall take effect and be in force from and after its passage.

AN ACT TO REGULATE THE SETTLEMENT OF UNLIQUIDATED CLAIMS FOR DAMAGES RESULTING FROM PERSONAL INJURIES.

Be is enacted by the Legislature of the State of Minnesota:

That any release or settlement of any claim for damages arising from or growing out of any personal injury occurring within this

state, if made or executed within thirty (30) days after the injury was sustained, may be cancelled at the option of the person injured or his legal representative as herein provided unless such settlement was approved by a judge of a District Court of this state. In case a person injured or his legal representative shall elect to cancel such settlement, he shall within thirty-five days of such injury notify in writing the other party to such settlement of such election, and shall refund and restore any money paid or property delivered thereon, provided nothing herein contained shall in any way limit any right heretofore existing to cancel or avoid a settlement on the ground of fraud in the procurement of the same or of incapacity to make the same or on any other ground.

This act shall take effect and be in force from and after its passage.

The object of these bills is evident.

The bills were introduced, and a joint meeting of the Judiciary Committees of the Senate and House was held, several members of your joint committee being present, urged that they be favorably reported. They met with vigorous opposition. The discussion was very lengthy.

The objection urged to the first aforementioned bill was its unconstitutionality. No other objection being available, this objection, as usual, was urged.

We had carefully considered this question when framing the bill, and are of the opinion that it is constitutional as written. None of these bills were enacted into law.

We advise that all of these bills be re-submitted at the next legislative session.

Dated this 12th day of June, 1915.

Respectfully submitted,

JAMES E. JENKS,
P. J. McLAUGHLIN,
E. H. CANFIELD,
CARROLL F. NYE,
THOMAS D. O'BRIEN,
JOHN F. MEIGHEN,
LAFAYETTE FRENCH,
LORIN CRAY,
Joint Committee.

MINORITY REPORT.

To Lorin Cray, Chairman of the Joint Ethics Committee of the Minnesota State Bar Association, year 1915, *and to the Members of the Minnesota State Bar Association,*

Gentlemen: Since the preparation of the pamphlet issued by the Joint Ethics Committee of the Minnesota State Bar Association, and distributed to the members of the Association and to the members of the last Legislature, I have made a thorough study of what appears to be needed in the way of new laws, and also what laws may probably be enacted.

From this study, and from my personal contact with the Legislature in connection with my support of the four bills recommended to the last Legislature, I am now convinced that the bills can be, and should be improved and modified in form. I am convinced that in their present form the four bills printed in the pamphlet referred to, cannot be enacted into law, and serious and strong objection and opposition was made to the bills upon grounds substantially as follows, to-wit: The bill to amend Section 7721 of the General Statutes of 1913 is objected to upon the ground that it is unconstitutional and that it gives a preference to certain classes of litigants over other classes of litigants.

The bill relating to compensation of attorneys was objected to principally upon the ground that it is designed to prohibit any contingent fee contract in any case involving a claim for tort. The principal objection centered on this bill.

The principal objection made to the bill to amend Section 4957 of the General Statutes of 1913, as to conduct of attorneys at law, was that it singles out solicitation of cases arising from tort, and does not attempt to prevent the solicitation of other classes of cases in relation to which it is generally known there is a large amount of solicitation.

The objection to the bill to regulate the settlement of unliquidated claims for damages arising from personal injuries was strenuously objected to upon the ground that it does not give any substantial benefit to the injured party because of the technical provisions contained in it, and the limited time within which action is permitted by the aggrieved party.

Another serious objection made to all of the bills at the last Legislature was that the bills proposed by the committee were not in fact proposed by the Minnesota State Bar Association or endorsed by a majority vote of the members of the Association at any regular meeting.

In the suit of Johnson et al. vs. Great Northern Railway, decided by our Supreme Court February 5th, 1915, and appearing in 151 Northwestern, page 125, our Supreme Court says: "We freely concede that champerty or maintenance in a case, may be ground for refusing the aid of the court in compelling compensation to the guilty attorneys. But is it champerty or maintenance or against public policy FOR AN ATTORNEY TO SOLICIT BUSINESS; to pay money to a poor client for his living expenses during the litigation; or to advise him against a settlement of his case? We may have our individual opinions on these propositions as questions of good taste or legal ethics, BUT IN THE ABSENCE OF SOME STATUTE WE ARE UNABLE TO HOLD THAT IT IS ILLEGAL OR AGAINST PUBLIC POLICY FOR AN ATTORNEY TO SOLICIT A CASE." I believe the foregoing decision is the best evidence we have of the need of legislation on this question of solicitation. I believe that it will be impossible to secure the enactment of any laws on this subject without covering the different phases of the subject involved, all at the same time so far as possible. I am convinced that a bill prohibiting contingent fee contracts in tort cases cannot be enacted into law, and that further effort expended in attempting to secure the passage of such a law will be a waste of time, and might better be expended in an attempt to secure the enactment of a bill which will practically control the solicitation of legal business, and which does not arouse the objection which has been aroused by the contingent fee bill. I believe the importation of cases into this state from other states will be practically stopped by a proper bill prohibiting solicitation, and fixing a suitable penalty for the trying or handling of any solicited cases, and that the opposition to the venue bill can be met by proper bills preventing solicitation and regulating the conduct of attorneys.

For the reasons here stated, I believe that bills in modified form should be submitted and recommended to the 1917 Legislature by a majority vote of the members at the annual meeting to be held in August, 1915, and in order to bring this matter squarely before the meeting, I respectfully submit three bills which I have prepared, and which I believe will effectively control and regulate the undue solicitation and unfair settlements so frequently complained of, these three bills being submitted to take the place of the other four bills. I respectfully urge their careful consideration, and that they be recommended by the Association at large for submission to the 1917 Legislature. The bills are as follows:

A BILL FOR AN ACT TO AMEND SECTION 2290 OF THE REVISED LAWS OF MINNESOTA FOR 1905, BEING SECTION 4957 OF THE GENERAL STATUTES OF MINNESOTA FOR 1913, SO AS TO MORE CLEARLY DEFINE THE DUTIES AND REGULATE THE CONDUCT OF ATTORNEYS AT LAW.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That Section 2290 of the Revised Laws of Minnesota for 1905, being Section 4957 of the General Statutes of Minnesota for 1913, be amended so as to read as follows:

4957. Removal or Suspension—An attorney at law may be removed or suspended by the Supreme Court for any one of the following causes arising after his admission to practice:

1. Upon his being convicted of felony, or of a misdemeanor involving moral turpitude; in either of which cases the record of conviction shall be conclusive evidence.

2. Upon (a showing) *proof* that he has (knowingly signed a frivolous pleading) *solicited or knowingly caused or permitted to be solicited in his name, directly or indirectly, or for his benefit, any business commonly known as legal business, either in this state or anywhere else, by means of or by the aid or assistance of any paid runner or solicitor, or any book, circular, pamphlet, letter, or similar advertising matter, or that he has prosecuted or defended in any courts of this state, any suit or claim of any nature or any legal proceedings, arising from any such legal business which has been solicited by either an attorney at law or any other person, either in this state or elsewhere, in the manner or by the means hereinbefore described, when he knew or ought to have known that it was so solicited, or that he has been guilty of any other wilful misconduct in his profession, or of any deceit therein,* PROVIDED, *that nothing in this section shall be construed to limit the right of any person, company, corporation, association or any group of individuals whatever, to employ any attorney to prosecute or defend any proceeding properly arising from or out of or in connection with his or its own personal and lawful affairs, which do not arise or grow out of any solicitation of legal business as hereinbefore described, nor the right of any attorney at law to accept and discharge such employment.*

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 him by law.

SECTION 2. *Any attorney at law who shall knowingly solicit, secure or consummate, or who shall knowingly cause or permit to be*

solicited, secured or consummated, under his direction or general supervision, any release or settlement of damages arising from any personal injury in any case when he knew or ought to have known that the compensation paid for such release or settlement was grossly inadequate or in any case when he knew or ought to have known that the injured party was totally incapacitated physically or mentally incompetent from any cause, or who shall knowingly participate in the securing or consummation of a release or settlement for damages arising from any personal injury and which shall afterwards be set aside by the Court on the ground of fraud in the securing of the same, shall be guilty of wilful misconduct in his profession.

SECTION 3. Proceedings in (such cases) *relation to any of the matters referred to in this act* may be taken by the Court on its own motion, for matter within its knowledge, or upon accusation as (hereinafter) provided *by statute. For all the purposes contemplated by this Act, the term "other wilful misconduct" as hereinbefore used, shall be construed to include any persistent or repeated solicitation of legal business personally or by any means whatsoever other than the means hereinbefore specifically mentioned. The Court shall determine and fix the extent of the penalty for any violation of this Act within the limitations thereof, after hearing the evidence in any particular case, and all proceedings under this Act shall be in manner and form as provided for in Sections* 4958, 4959, 4960 *and* 4961 *of the General Statutes of Minnesota for* 1913, *as published under and pursuant to Chapter* 299 *of the General Laws of Minnesota for* 1911, *or any amendments thereof.*

SECTION 4. *This Act shall take effect and be in force from and after its passage.*

A BILL FOR AN ACT TO REGULATE THE SETTLEMENT OF UNLIQUIDATED CLAIMS FOR DAMAGES RESULTING FROM PERSONAL INJURIES.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That any release or settlement of any claim for damages arising from or growing out of any personal injury occurring within this state, if made or executed within sixty (60) days in any case, or at any time while the injured person was totally incapacitated physically from the injury in question, may be cancelled at the option of the injured person or his legal representatives in the manner hereinafter provided.

SECTION 2. In any case when the injured person or his or her legal representative shall elect to cancel any such release or settlement, such person shall serve or cause to be served upon the other party to the release or settlement a notice in writing clearly setting forth the intention to make such cancellation. Any such notice shall be served in the manner provided by law for the service of summons in a civil action, except that in any case where proof by affidavit is made showing that such party is absent from the state or is concealing his whereabouts, and upon proper return by the sheriff that such party cannot be found within the county where he was last known to reside, such notice may be filed with the Clerk of the District Court of the county in which such release or settlement was made, in which event such filing of the notice shall be equivalent to personal service thereof, as hereinbefore provided.

SECTION 3. No such notice of cancellation shall be effective unless it is so served or filed as hereinbefore provided and within ninety days after the date of the execution of the release, nor shall any such notice of cancellation be effective to invalidate or set aside any judgment of any court involving any such injury.

SECTION 4. In any such case when the notice of cancellation shall be properly served or filed as provided for in this Act, the release or settlement agreement in question shall be at once and immediately void, but any money paid to the injured person or paid for his benefit because or on account of the injury in question shall be applied to reduce the amount of any judgment thereafter secured by such injured party or his legal representative on account or by reason of such injury.

SECTION 5. Any release or settlement agreement relating to any personal injury, and which has been properly cancelled and rendered void under the provisions of this Act, shall not be admitted or referred to in evidence or argument upon the trial of any suit to recover damages for any personal injury involved therein.

SECTION 6. In any suit to recover damages for personal injuries begun after the cancellation of a release or settlement as hereinbefore provided, if the plaintiff shall not recover a verdict of more in amount that the amount paid for such release or settlement, the plaintiff shall bear all the costs of such suit and the judgment therein shall be offset by the amount originally paid for such release or settlement.

SECTION 7. The provisions of this Act shall not in any manner limit or change any right heretofore existing to cancel or avoid any settlement on the ground of fraud in the procurement of the same or

of incapacity of either party to make such settlement, or upon any other ground not specifically covered by this Act.

SECTION 8. This Act shall take effect and be in force from and after its passage.

This bill is composed of entirely new matter and is not an amendment of any existing statute.

A BILL FOR AN ACT LIMITING THE RIGHT OF CONTRACT AS TO COMPENSATION OF ONE OR MORE PERSONS FOR SERVICES RENDERED IN THE TRANSACTION OF LEGAL BUSINESS, WHEN SUCH LEGAL BUSINESS HAS BEEN SOLICITED.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That in any case where business commonly known as legal business is performed or attempted to be performed under any oral or written agreement, when proof is made that such agreement was obtained or secured, through or by means of, or by the aid or assistance of any solicitation by means of any paid runner or solicitor, or any book, circular, pamphlet, letter or similar advertising matter, or by persistent and repeated calls by the person who is employed by said agreement, or his agent or representative, such agreement shall be absolutely void, whether partially performed or otherwise.

SECTION 2. For all of the purposes of this Act the term "legal business" shall be construed to mean and include any and all business where one person performs services for another for compensation in any matter involving the settlement of any claim or right of action, or any matter involving the determination or application of statute law, or legal principles, and in other matters which the court in its sound discretion may determine to be legal business.

SECTION 3. This Act shall take effect and be in force from and after its passage.

This bill is composed of entirely new matter and is not an amendment of any existing statute.

Respectfully submitted,

DANIEL F. CARMICHIEL.

Adjourned till 9 a. m. Friday morning, August 6th.

Friday, August 6th, 1915, 9 o'clock a. m.

Meeting called to order.

PRESIDENT SCHMITT: I announce as a committee to audit the Treasurer's books: C. W. Cummins, John Kennedy and A. L. Janes. The committee on the Nomination of the Board of Governors for the ensuing year will be L. L. Brown, John Moonan, John M. Bradford, J. A. Jenks and F. A. Duxbury.

THE SECRETARY: In connection with the auditing of the Treasurer's report, I have this letter to read from Mr. Stone. (Reading):

"In connection with my annual report there will be the usual Auditing Committee, but inasmuch as I will not be here to go over the vouchers with them and because of the possibility also that Miss Linton will be absent at the time, I suggest that the committee be given leave to make its examination of my account and vouchers on my return and then make its report, the same to be printed as a part of the proceedings in connection with the report,"

(Signed) "ROYAL A. STONE."

August 5th, 1915.

To the President, Board of Governors and Members of the Minnesota State Bar Association:

I beg leave to submit herewith a balance sheet showing the receipts and disbursements from August 21st, 1914, to August 5th, 1915, both dates inclusive, the balance on hand and on deposit in the Capital National Bank of this city, being $1,145.41.

Respectfully submitted,

ROYAL A. STONE, Treasurer.

TREASURER'S ANNUAL REPORT.

RECEIPTS AND DISBURSEMENTS OF MINNESOTA STATE BAR ASSOCIATION.
August 21st, 1914, to August 5th, 1915.

Debit.

Receipts from all sources:		
Balance on hand August 21st, 1914		$1,255.41
Annual dues, 1915, and delinquent	$1,587.10	
Two life memberships	50.00	
		1,637.10
Total from all sources		$2,892.51

Credit.

Disbursements on all accounts, August 21st, 1914, to date:		
Printing, binding and mailing 1914 proceedings.	$1,057.62	
Other printing and postage	219.67	
Paid Thomas W. Shelton, expense 1914 meeting.	80.00	
Paid Albert M. Kales, expense 1914 meeting	42.65	
Paid Roscoe Pound, expense 1914 meeting	25.50	
Paid Roth Hotel Co., account 1914 banquet	49.40	
Paid Philips, Smith & Powers, reporting 1914 meeting	81.00	
Paid for music, 1914 banquet	14.00	
Refund, W. D. Bailey, life membership	25.00	
Flowers on occasion of funeral of Hon. Philip E. Brown	20.48	
Expense of committees:		
Paid James E. Jenks for traveling expenses of members of Ethics Committee	52.69	
Printing for Ethics Committee, report, etc	11.39	
Sundries and stenographic services	67.70	
		$1,747.10
Balance on deposit with Capital National Bank.		$1,145.41
		$2,892.51

ROYAL A. STONE, Treasurer.

St. Paul, Minnesota, August 5th, 1915.

We, the undersigned, being the Auditing Committee appointed by the President pursuant to Article VIII of the Constitution of the Minnesota State Bar Association, hereby certify that we have examined the attached report of the Treasurer, together with the cash-book and vouchers kept by him, covering the period of said report, and find the statements of receipts and disbursements attached to said report to be correct, and that all items of disbursements have been properly accounted for by voucher, the vouchers therefor having been submitted to, and examined by us.

C. W. CUMMINS,
JOHN P. KENNEDY,
A. L. JANES,
Auditing Committee.

PRESIDENT SCHMITT: Unless there is some objection that will be taken as the sense of the meeting.

We have before us this morning the unfinished business of the report of the Committees on Ethics. As our time is limited, it will be necessary, if we expect to take up and take care of the different items that are on the program for to-day, that we husband our time, and I would suggest that you consider whether or not you should adopt the rule of limiting discussions of the reports to fifteen minutes, and that no member may talk more than once upon the question. I will entertain a motion upon that question.

No motion made.

PRESIDENT SCHMITT: We have the report of the Ethics Committee. What will you do with that report?

Gentlemen: The matter is before you for you to take such action as you think advisable.

Are there any members of the Bar Association in the room? (Laughter.)

Are there any members of the Ethics Committee here this morning?

We will pass over that question, for the present, and take up the next order of business and listen to the report of the Committee on Uniform Laws, and discussion of the same. Is there any member of that committee present this morning?

MR. JAMES ROBERTSON: Mr. President, in view of the small attendance here, I move you that we take a recess until 10 o'clock. It seems hardly proper for us at this time to do business with such a meager attendance. There are lots of men to-day in town who are interested in the subject and if we take a recess until 10 o'clock we can probably get them started.

Motion seconded.

Carried. Recess until 10 o'clock.

Friday, August 6th, 1915, 10 o'clock a. m.

Meeting called to order.

PRESIDENT SCHMITT: Now, gentlemen, we had a session here at 9 o'clock this morning, but it seemed as though most of the interested committeemen and members of the Association were not ready to commence doing business. It is very important that we should meet promptly at the hours set, in order that we may be able to do our business, and I want to emphasize this point for this afternoon's session at 2 o'clock. At that time Congressman Mann will give his address, and we want you all to be here promptly, because he will have to leave on an early train this afternoon, in order to get back to Chicago. Now don't forget that.

We have now lost over an hour of this morning's session, and we have a lot of work to do. We have the reports of the Ethics Committee to dispose of and the reports of a number of other important committees, and I would, therefore, suggest that we limit the speakers' time upon these reports to five minutes each, and that no member be permitted to speak more than once. Unless we do this, we will be unable to do the business and get through with it, and I will entertain a motion at this time to that effect, to limit the number of speakers and the number of times they may speak to the question.

MR. BURR: I would make a motion limiting the time given to any one speaker to five minutes, and not permitting any speaker to speak the second time.

Seconded.

MR. ROBERTSON: I do not believe that I shall want to make any talk at all, but I am not in favor of the motion for the reason that it savours too much of the idea of gagging. This is a popular body and if any member has anything to say and cannot express himself in five minutes, he ought to be given unlimited time, almost, to say what he has to say, because this is the time to say it and not some future time. I am opposed to the motion.

PRESIDENT SCHMITT: I want to announce now that if you pass the motion, the Chair will enforce it. Are there any further remarks? All those in favor of the motion say "Aye." Contrary, "No." The motion seems to be carried. It is carried. Division has been called for. All those in favor of the motion, signify by rising.

The motion was carried by a rising vote of 39 to 9.

The Secretary announced the Banquet for this evening at 8 o'clock and asked members to stand on the steps and have a group picture taken after the close of this session.

PRESIDENT SCHMITT: We now have for consideration the reports of the Ethics Committee. Remarks on these reports are now in order. What shall we do with these reports?

MR. DAVIS: I move that the reports be laid on the table.

MR. SCHMITT: You have heard the motion. Anything further upon this question?

MR. JENKS: Mr. President, I seem to be about the only member, except Judge Nye, of that committee, here. The committee has done a good deal of work. The work may not be good work, but it is a good deal of work and there is absolutely no question, as stated yesterday, but what there are some problems that ought to be worked out by this Association and —I am not asking it in justice to the committee, because so far as that committee is concerned it is immaterial what is done— but I am asking, in justice to the bar of the state, that some definite position be taken by the bar of the state, as represented here, in connection with the recommendations made by the Joint Committees. We have not any desire to insist on the bills which have been presented, but we do believe that something ought to be done looking toward a solution of what is unquestionably a problem. The difficulty has been heretofore that there has been too little interest taken in that particular thing and if the Bar Association does not care to take any interest in it, of

course it is up to the Bar Association. But it seems to me—and I think that I can speak for all of the members, not only on behalf of the committee but of the Joint Committee—that the Bar Association ought to do something besides laying the report on the table.

Motion seconded.

M. STILES BURR: It seems to me, with Mr. Jenks, that this is one of the most important subjects that has come up before the Bar Association of late years, and that it ought not to be disposed of cavalierly. We ought to take some definite action on the subject. If the sentiment of the Association is not in favor of these particular bills, but is in favor of some legislation, we should have that sentiment on our record, so that the Association, with its committees, can carry on the work in some definite form. If the Association is affirmatively against the movement we ought to have a definite vote. We ought not to dispose of the reports, from mere lack of interest, by laying them on the table.

MR. ROBERTSON: I am not entirely in favor of this motion and I am not entirely in favor of the bills proposed by the committee before the last session of the state legislature. It seems to me that Mr. Boston, yesterday, in his remark as to the power which had been given to the Appellate Division of the Supreme Court of that state, to determine as to what should constitute unprofessional conduct, has solved the whole proposition so far as this state is concerned.

A MEMBER: I rise to a point of order. It being an ethical matter, I think it is unethical to make a motion to lay the resolution on the table.

PRESIDENT SCHMITT: The point is well taken.

MR. DAVIS: To save time and come down to business, I will withdraw my motion with the consent of my second.

With consent of the second the motion was withdrawn.

MR. DAVIS: Now, I move you that the President appoint a committee of not less than ten members of the Bar Association, not including the mover of this motion, to frame laws to be presented at the next meeting of the Bar Association, looking to a remedy of the situation. It strikes me, Mr. President and Gentlemen, that while we have some members of the bar here, we have not a sufficient number to speak for the bar of the state of Minnesota, and that this matter does deserve serious consideration, and it strikes me that some persons who have the misfortune or the fortune to be interested in personal injury suits should be represented on that committee. Their ideas should be obtained, and for that reason it is not good policy for this Association, with perhaps a hundred members present, to recommend action at this time. It seems to me it should be left to another session of the Bar Association. A year from now the Association will have had a chance to look over the proposed bills and see what they are; they should be mailed to every member of the bar in the state of Minnesota; and in that way we can get a representative opinion. It seems to me that will be the better way to dispose of it, rather than to thrash it out here.

PRESIDENT SCHMITT: The Chair is of the opinion that the motion is not in order. The question is now upon what action we are to take with reference to the different reports before the Association.

MR. CHILDS: The motion was made yesterday to adopt the report. I think the report ought to be before the convention in the right way, and I move you, although not in favor of all these bills as they exist, I move that the report of this committee be adopted.

Seconded.

PRESIDENT SCHMITT: Are there any remarks?

MR. CHILDS: I don't see Mr. Carmichiel here. He presents a minority report. I did not intend to speak upon this proposi-

tion, but I think there ought to be some discussion of it and some action ought to be taken by this Association upon the subject of the reports. The legislature certainly ought to pass some bills upon this subject. The bills proposed seem to meet the suituation quite fairly, with one exception. I don't believe that we can pass through the legislature a bill that interferes with the contingent fee business. My experience last year with the legislature, in making inquiries generally—I think it was considered as an attempt to interfere with the contingent fee and would throw cold water upon the whole proposition. I am not sure but that that very thing would defeat the passage of these bills. I think that possibly the bills would accomplish all that would then be accomplished without that bill—I refer to the third one; I think the minority report is an attempt to get around that objection. I feel very confident that a bill such as was introduced, that does interfere with the contingent fees will, to the legislature, throw discredit upon all the rest.

MR. SULLIVAN: I am somewhat undecided what may be considered to be the effect of the motion that these reports be adopted. I read the reports some time ago, and my recollection of them is somewhat hazy, but it seems to me that before we adopt these reports, if adopting them will put this Association on record as in favor of the recommendations of that report, that we ought to be a little more careful what we are doing. I feel quite certain that I am not in favor of some of the recommendations of these reports—a number of them. They specifically recommend, I think, that the Association endorse those proposed bills as proper bills to be put on the statute book of the state of Minnesota. There must have been some reason why two committees in the legislature would not report any one of these bills out. I apprehend that the committee which had these bills under consideration had given them more deliberate consideration than this Association has given them this morning, and they probably had some reason for their action or failure to act, and we ought not to act specifically contrary to their conclusion.

If this action is to put this Association on record in favor of all those bills, I think we ought not to do that. I wish some one who knows would explain what the idea is.

MR. DAVIS: I want to call the attention of the Association to one particular defect. Page 33 of the report, Section 2, the proposed law, reads as follows:

"Upon proof that he has knowingly signed a frivolous pleading; been guilty of solicitation of any suit for personal injuries or death by wrongful act or other tort by means of the aid or assistance of any paid runner or solicitor, or by means of a circular, printed pamphlet, or similar advertising matter, or been guilty of any other willful misconduct in his profession, or of any deceit therein."

It strikes me that you cannot single out one class of lawyers and make them subject to disbarment when you permit men to solicit any other kind of a case, without being subject to disbarment. Why do you want to penalize a man for soliciting one kind of a case, and permit a man to solicit another kind of a case? This one bill is particularly obnoxious. It was threshed out on the floor of the house at the Joint Committee of the house and senate, the Judiciary Committee composed of lawyers. They won't stand for it. You can adopt this resolution, but you cannot make men honest by adopting resolutions; and to adopt in toto the report of this committee is a mistake. There is no doubt but a bill should be put on the statute books prohibiting solicitation of any lawsuit, but why single out the personal injury or a tort suit and permit a man to solicit collections and probate cases and any other kind of business that he wishes? I wish some member of this committee would give one good reason why you should penalize those—that particular kind. I do not believe it can be done, in good common sense. The bill is particularly obnoxious in that regard. It cannot pass the legislature, and why should we seek to pass a resolution which we know the legislature will never in the world adopt? That bill is unfair; there is not a man here who believes it is fair to say that, because a man solicits a case of tort of any kind, he is subject to disbarment and if he solicits a fraud case

he is not. Now, members of the bar, the first duty of a lawyer is to see that his client is protected. And probably the highest duty of a lawyer, if he were confronted by the fact that some man had been defrauded of a large amount of money, would be to go directly to that man and say, "Here, as a member of the bar, I can protect you." Every member of this bar would say he was ethical then. But if that same lawyer would go to some man whose leg had been taken off and who had been robbed by a claim agent and say, "I can protect your rights," then he is subject to disbarment. On what theory are you going to do that? It is not fair to single out a certain class. I have tried a few personal injury cases, myself, although my business is general practice of law in a country district. I know there is something that ought to be corrected, particularly the solicitation of actions by advertisement, but I do not think we should single out one class, and not the others. I would like Mr. Jenks to answer that.

MR. JENKS: The question of whether or not there should be any differentiation was discussed very fully at the time of the meeting of the Joint Committee, of which there were ten members, and, I think, eight members present; and the particular reason for doing it was because it was the consensus of opinion, so far as that committee was concerned, that the abuses which are against the sound public policy, of which Mr. Boston spoke yesterday, arose in the personal injury business and the solicitation of tort cases and not in the other matters. I find it a very difficult thing to draw a line as to just what is improper and what is not; and as Judge O'Brien, one of the members of that committee, said: "There are probably none of the lawyers, either on the committee or in the Bar Association or in the state, who are not holding themselves open for such retainers and legal business as may come their way." Just how far a man can go and be perfectly ethical and proper in his solicitation, is a question which is mighty difficult to solve. The legislature has held that it is unlawful to solicit divorce business. There is a differentiation in that respect; and it is not

my own personal opinion, but it was the opinion of the majority of the committee, that differentiation similar to the divorce business can be made including any personal injury matters and all torts. Now if you cover torts, you cover practically all the cases in which there are actual damages, and it is a question of coming to as nearly a practical solution as is possible.

MR. DAVIS: What about the solicitation of trust companies in administrating estates?

MR. JENKS: So far as a trust company is concerned it is not in the legal profession and we cannot control those people.

MR. DAVIS: But their stockholders and most managers are lawyers.

MR. JENKS: That is outside the question that I am trying to answer, so far as Mr. Davis is concerned, as to why the committee made the differentiation. The thought was that if the differentiation were made along the line of torts, that it would practically do away with the abuses.

MR. CHILDS: I see no reason why this should come up in that proposition here and now. I move you that the words in the bill, "for personal injuries or death by wrongful act or other tort," should be stricken out of that bill. It would then read, "Upon proof that he has knowingly signed a frivolous pleading, been guilty of solicitation of any suit or claim by means of the aid or assistance of any paid runner or solicitor, or by means of a circular, printed pamphlet or similar advertising matter, or been guilty of any other willful misconduct in his profession, or of any deceit therein."

Motion seconded.

PRESIDENT SCHMITT: There is already a motion before the house. The motion was made to adopt the report of the Ethics Committee.

MR. CHILDS: I will offer my motion as an amendment. I move you that the bill referred to, being the third bill in the

report of the committee, in amendment of Section 4947 of the General Laws, that there should be stricken out from that bill the following words, "for personal injuries or death by wrongful act or other torts."

MR. MOONAN: I would suggest to Mr. Childs whether it would not be better for him to withdraw the motion to adopt the report of the committee. I am interested only in the next bill, and I prefer that we do not complicate it by amending the present motion.

MR. CHILDS: It seems to me that that is the only way of doing it, but the report of the committee is before us and if we can get the ideas of this organization upon specific points we must do it by amendment, if there is no other way.

MR. DUXBURY: I hardly think Mr. Childs understood the suggestion of Senator Moonan. His suggestion was that you withdraw your motion to adopt the report and make it a motion to amend and when you get it amended move to adopt it as amended, so he can put his amendment in, and it will facilitate the question. I think if Mr. Childs understood the suggestion, he would withdraw his first motion and move to amend the report. When we get the report amended we can adopt it.

MR. CHILDS: I am willing to withdraw anything that will take care of this.

MR. DUXBURY: You will withdraw your first motion?

MR. CHILDS: Yes.

MR. MORGAN: I will withdraw my second.

MR. JENKS: I simply rise to ask a question. It is a point of order. Mr. Childs' motion, as I understand, put this report of the committee before the house for consideration. I see no reason why as many amendments to the report may not be made as we desire, by this body in due course, and be taken up as an amendment to that motion; but if the motion is withdrawn there is nothing before this body for consideration.

PRESIDENT SCHMITT: The Chair is of the opinion that the report and the questions relating to legal ethics is before the Association for action, and it occurs to the Chair that the orderly and practical way to get to a point where you consider the question as to what to do with the main report is to make such amendments as we may desire to make to the reports first.

MR. CHILDS: In view of that suggestion, I will withdraw the motion to adopt the report.

MR. MORGAN: I will withdraw my second.

MR. CHILDS: Then I move you that the report of the committee be amended as already moved for amendment.

PRESIDENT SCHMITT: Your motion, Mr. Childs, is, that the report of the committee be amended by striking out the words, "for personal injuries or death by wrongful act or other torts," on page 33, paragraph 2 of the printed report?

MR. SHEARER: I second the motion.

MR. JENKS: Mr. Janes asked what effect that would have on this proposed bill if those words were stricken out in reference to personal solicitation on the part of an attorney. As I understand, the attorney may solicit so far as that bill is concerned, but it tends to keep a man from soliciting or tie him up entirely, because there are personal considerations, his own personality and the things which he does every day, amount in some instances to an attempt to get business, or a means of getting business, and we cannot very well cut that out. And it would be ideal, the original idea, so far as personal solicitation is concerned—it would not be practical to cut that out, and no attempt was made to do that. It would be so no lawyer could personally solicit.

MR. HANLEY: Since we are cutting out the "holier than thou" business, why not put that into the resolution and cut out everything in the way of solicitation and be ethical as we used to be one hundred years ago, when it was beyond every self-respecting lawyer to even hint to his business acquaintances

or close family relations that he wanted their little bit of work? Let us go the "whole hog, or none."

MR. ROBERTSON: It seems to me that this is the bill to which Mr. Boston particularly referred as being covered by a section of the statutes of New York, giving to the Appellate Division of the Supreme Court of that state the power to determine what was unprofessional conduct. I have always believed and I will still believe that it is the duty of the Supreme Court of this state to determine what is unprofessional conduct, and I believe if the legislature were to adopt the New York practice in that regard that the situation would be cleared entirely. I am in favor of the motion, if that is the best we can get; but I do believe that the substitution of the statute of the state of New York, as read here yesterday by Mr. Boston, will be a solution. I move you as a substitute for the pending motion that the report of the committee be amended by inserting in place of the entire section under discussion now, the New York statute upon that subject.

QUESTION: What is the New York statute?

MR. ROBERTSON: The Secretary has a copy of it and it is to the effect that the Appellate Division of the Supreme Court of New York may determine what is unprofessional conduct, and discipline, suspend or disbar, according to their own judgment.

MR. SHEARER: I agree somewhat with what Mr. Hanley has stated. I think that our ethics in some respects are deteriorating, but I do believe that a "half loaf is better than no bread," and I think, from motives of expediency that we ought to take the position, as a Bar Association, that we should make some progress at every session of this Association. Now, the proposed amendment of Mr. Childs, I think, makes substantial progress. The only way we can ever do this in our three days' sessions, when we jump from one thing to another, is to take some one step forward and put it up to the legislature, and if we succeed in that, there are other legislatures coming, and we

may be able to make further progress as we go on. Therefore, I am in favor of the amendment as made by Mr. Childs. In support of that I have this to say; a good many of those who approached the legislature last year with respect to these bills and I had a little to do with it, and other bills—too, before the legislature, bearing upon kindred subjects—and those who approach the legislature will find that the legislature has not time to spend on these matters in clearing them up. We have got to present something concrete, clear and simple, so that one or two good lawyers there will not be picking flaws in it. They did pick flaws in this bill and other bills, and really some of their reasons were commendable. They commended themselves to me and to others; therefore, I think we have got to go a little slowly, and I think if we have these bills, as amended, we will make some substantial progress.

PRESIDENT SCHMITT: The question is upon the motion of Mr. Childs to amend the report of the Ethics Committee by striking out from paragraph 2 of the proposed act to amend Section 4957 of the General Statutes of Minnesota for 1913, the words, "for personal injuries or death by wrongful act or other tort." All those in favor signify by saying "Aye."

Motion carried.

MR. DAVIS: I move to amend the report of the Ethics Committee by striking out on page 32, in connection with action taken on contingent basis involving personal injury, "any action brought to recover damages for personal injury."

MR. MORGAN: Second the motion.

MR. CHILDS: I think those other bills cover that subject without that bill. I second the motion.

PRESIDENT SCHMITT: All those in favor of the motion to strike from the report of the Ethics Committee—the motion now is to strike from the report of the Ethics Committee the whole of the proposed bill appearing on page 32 of the printed report.

MR. JENKS: May I say a word in reference to that, as to the reason for the drafting of the bill in that form? I think it is generally conceded, and Mr. Boston practically stated yesterday, that practically all the evils which arise in connection with ambulance-chasing arise through the use of a contingent fee basis. This bill does not do away with the contingent fee. It makes the fee, a contingent fee, an entirely proper thing, so far as this bill is concerned. In fact it gives the power of application to the District Court to say whether or not that is a proper fee, and it seems to me that is not a very serious proposition, so far as the counsel are concerned, if their contracts are perfectly good, so far as the contingent fees are concerned, unless they are so high, so far as compensation is concerned, as to be unjust with reference to the work which is performed. It does not make the contingent fee illegal, but it does give the party who employs the attorney the right to appeal to the court to fix the proper compensation for the work done.

MR. JANES: This bill, about the court fixing the compensation. What are you going to do when it is a case of taking some charity patient and then have some court say what you ought to get. It is ridiculous to say that a lawyer should give his time to a case and let some court say what the services are worth. We know what they are worth, and it is only fair and proper, in that kind of case, that the lawyer take a case on a contingent fee. I take them, and so does every other lawyer take them.

MR. BURR: It seems to me that the trouble with this bill is that it absolutely condemns the contingent fee and merely leaves it to the court to fix a reasonable compensation. I am one of those who would like to see legislation to limit the contingent fee; and I think that is possibly what the committee had in mind, to make the contingent fee contracts reviewable by the court, so that if unreasonable, in view of the services performed, they should be set aside and a reasonable allowance made. As I read this bill, it seems on its face, to strike at the contingent fee attorneys, and a certain class of litigation. I think, if this is

objectionable in one class of litigation, it is objectionable in all. I am, as a whole, in favor of the resolution which strikes out this recommendation of the report, but I should not want to be understood as voting against the principle of making a contingent fee contract.

MR. DAVIS: Any client who objects to a contingent fee, has a right to come before the court. So far as taking a contingent fee, it is no crime. They are not the people who are making this noise. It seems to me to strike at the proposition that a man cannot take a poor man's case, because he has not a dollar in the world.

MR. YOUNG: It seems to me, aside from all other discussions, this proposed bill is vulnerable for the same reason that paragraph two in the other bill is vulnerable. This particular bill singles out contingent fees in connection with personal injury cases. Now, that is no more objectionable than the taking of any other sort of action on a contingent basis; and if for no other reason, this particular bill is objectionable. Another reason is this, that I don't believe that we here in Minnesota are yet advanced to a stage where all our citizens are able to make unconditional promises as a condition precedent to the hiring of an attorney, or taking a case that might be uncertain; and sometimes it is a lawyer's duty to take these cases on a contingent basis, in order to be of the assistance to a man which the profession requires. And for these several reasons, I am opposed to the bill in its present form.

MR. ROBERTSON: I think that merely reciting this paragraph is reciting the law as to all death cases. Any claim that is on a death has got to be before the District or the Probate Court for approval of what amount is to be paid—the amount that goes to the widow and the amount to the children.

Motion put and carried.

MR. MOONAN: I would like to inquire from the chairman of the committee if the committee considered the effect of this proposition in the bill entitled, "An act to regulate the settle-

ment of unliquidated claims for damages resulting from personal injuries," found on pages 33 and 34 of the report, "In case a person injured or his legal representative shall elect to cancel such settlement, he shall, within thirty-five days of such injury, notify in writing the other party to such settlement of such election, and shall refund and restore any money paid or property delivered thereon." I would like to ask whether the committee considered the rate case in 115, that permitted the injured person to proceed with his action and the court to allow credit for payment made?

MR. JENKS: Yes, sure.

MR. MOONAN: I didn't know whether the committee considered that and I wanted to know what position they took.

MR. VERNON: Could not the wording of the bill be changed so as to save the effect? I have no interest in this question at all personally, but it seems to me that, with the limitation that is remaining on solicitation by attorneys, unless we have something that would permit a settlement to be set aside which is made without approval, and perhaps without consultation, we are going before the people in the light of helping only one side. If this bill could be re-worded so as to save the rule in this case, and this period of 35 days extended to one year so that if the parties who made a settlement found that it was unfair, they could set it aside, it seems to me that the bill would have some value; otherwise, as I understand, there is no way to set aside, except on the grounds of fraud. I think the time should be any time within a year, because, otherwise, we are doing something on one side of the case and the fellows at home will say that "you fellows down there are trying to help out some big corporation."

PRESIDENT SCHMITT: If I might interrupt for a moment. You will notice from the program as printed that the Honorable Horace Dickinson is mentioned for an address at 3:30 this afternoon. He appears upon this program without authority from him. He was put there upon the authority of Judge Fish, who

stated that inasmuch as Mr. Dickinson was the High Justice of the Hennepin District Court, he was the one that ought to speak for the judges. I have tried to get one of the judges to speak for the judges before you, but have been unable to do so, and I gave some of the members notice yesterday that unless they appointed their own counsel, the President would appoint counsel for them; and inasmuch as it is the practice in our profession to appoint the youngest member of the bar to defend prisoners who need the services of an attorney, I now take the prerogative of appointing Judge Daly as counsel for the District Judges to appear for them in their behalf before this Association in place of Judge Dickinson. (Applause.)

MR. CHILDS: If the motion is to strike out this bill and substitute nothing in its place it seems to me it ought not to prevail. There are those who believe that the claim agent has gotten in his work to the extent that it makes the ambulance chasing necessary, and that anything done along this line of regulation should reach the claim agent also. I understand that this bill is to reach those objections and the method outlined would seem to be effective to some extent. I don't believe that we ought to say to the incoming Ethics Committee that we do not believe there should be any legislation on that proposition. That will be taken as the effect of this motion. I would like to ask the Senator if he cannot get around the proposition in some other way.

MR. MOONAN: My own judgment is that we can make no better rule than the rule now in vogue in this state and laid down by our Supreme Court. The Supreme Court fully recognized and adhered to the wholesome rule that where one comes into court and asks its aid to set aside a fraudulent deal he should do equity and restore what he obtained from the party who defrauded him, and it is also well settled that where there is inability to restore, and the matter settled by the fraudulent transaction is an unliquidated claim, the court has the power to let such claims be limited or determined and do justice and equity by applying what was received in the settlement upon the

verdict or judgment ultimately obtained. (Citing several cases.)

Otherwise the wrongdoer would go unwhipped of justice in every case where fraud is practiced upon the improvident or poor who, forsooth, have spent some of what they obtained by the deal before they discovered the fraud. I don't believe you can legislate any better rule, and if that bill abrogates that, I don't wont it. (Applause.)

MR. BURR: I move as a substitute for Senator Moonan's motion that, instead of striking out the recommendation in favor of this bill, the recommendation be amended by striking out the language of what appears on page 34, "In case a person injured or his legal representative shall elect to cancel such settlement, he shall within thirty-five days of such injury notify in writing the other party to such settlement of such election, and shall refund and restore any money paid or property delivered thereon." That will leave us on record in favor of a bill which will make any settlement within thirty days of an injury invalid, unless approved by the court and as I understand it will enforce the very salutary rule which Mr. Duxbury has read.

MR. MOONAN: If the gentlemen will add to that motion to strike out the words, "unless such settlement was approved by the Judge of the District Court of the State," I am satisfied. I think the whole bill ought to go, because I don't think it has been considered as fully as that able committee would consider it if it could be re-referred to them. I would be pleased to have it go back to that committee, because I have great confidence in the committee and their ability, but if I may be permitted to say, it is my judgment that we are dealing in matters not quite so clearly defined as other measures we have been discussing. The bill under consideration relates to very important matters affecting a great many people who are not members of this Association. I am not sure that we have given it due consideration or can give it the consideration that its importance deserves, in the short time limited to its consideration, but we know in our short experience with the Workmen's Compensation Act, that in

practice if every settlement is sent to a District Judge to be approved, the court will be loaded down with continuous work of this sort. I don't think that it is practical.

MR. BURR: I am very willing, gentlemen, to accept the suggestion in regard to overruling any settlement made within thirty days. I had in mind more particularly the preservation of the principle that settlements with an injured person should not be valid, if made within a specified time during conditions, as we all know, when the injured man is seldom fit to make a settlement. So far as I am concerned I have no objection to seeing the matter go back to the committee, but I should say this Association should declare in favor of the principle.

MR. DUXBURY: There is another feature that occurs to me, whether it is dangerous limitation for express legislation on the subject, to provide that on this class of cases arising out of any personal injury—a settlement within thirty days—that limitation of thirty days is apt to interfere with the rules which the courts have established in relation to that matter. It is a dangerous thing to legislate on that subject, which is now so satisfactorily settled by the decisions of the courts in relation to the limitation of thirty days. It creates a different class of cases and may be held to remove the class of cases from the rule which the court makes.

MR. BURR: That leaves in the proviso which expressly preserved the rule.

MR. DUXBURY: Then that is all right.

MR. SHEARER: I am afraid we are not going to get anywhere with these other bills. I move, as a substitute for all pending motions on this particular bill, that it be referred to the committee to report at the next meeting of this Association.

Motion seconded.

MR. JENKS: I think that the majority of that committee feels as though the matter should be put up to some other committee, or the new Ethics Committee to be appointed, or a new

Joint Committee to be appointed. I know Judge Cray especially asked in the letter received from him yesterday that he be not retained upon that committee, or a similar committee, and the same request is made by Judge Simpson of Minneapolis, and the thing was threshed out very fully, and unless somebody has attempted to draw a series of bills like that, he does not realize how difficult it is to cover all the points. I think it should be left to the incoming committee, rather than the old one.

MR. SHEARER: I think that committee is entitled to credit for what they have done, and it will make their labors easier to know the sentiment of this body.

MR. MOONAN: The committee has given careful consideration and in the light of suggestions is better able than any one else to consider it. I have such confidence in the committee that I feel like forcing the work upon them.

MR. CHILDS: We might continue that committee for this special purpose only, and then it will be a special committee.

PRESIDENT SCHMITT: I understand the motion to be that the bill appearing on pages 33 and 34 of the printed report under the heading of, "An act to regulate the settlement of unliquidated claims for damages resulting from personal injuries," be referred to the Joint Ethics Committee to prepare bills for further consideration and to report them at the next meeting of this Bar Association.

MR. DUXBURY: That means that if there be any change in the standing Ethics Committee for the coming year the old Ethics Committee will have to act with the special committee, or do you mean the standing Ethics Committee—they may be identical, and they may be different.

PRESIDENT SCHMITT: I understand the motion to be that the present standing Ethics Committee, in conjunction with the present special committee which prepared the bills, reconsider

this bill, that it be re-referred back to them to report at our next meeting.

MR. SHEARER: That is the only way we can get the benefit of their past services. Now, why not make the Ethics Committee of this Association, whatever it may be, the committee headed by Mr. Jenks, a special committee?

A MEMBER: Mr. Jenks does not head the Ethics Committee.

PRESIDENT SCHMITT: The motion is that the bill under discussion be referred back to the same committee that reported it, for further consideration, and report at our next meeting.

MR. L. L. BROWN: I move as an amendment to the motion made by Mr. Shearer that the bills already under consideration and included in this report now before us be referred to a committee of nine members to be appointed by the Chair at its leisure; the Chair can take as many of the members of these committees as he sees fit, to put upon that committee of nine, and make use of their past experience; in fact, he could make up this committee of nine of these members if he sees fit. How would that sound?

MR. DAVIS: I arise to a point of order. We cannot refer all these bills to this committee after having stricken parts of them and amended parts.

MR. BROWN: Well, the report as amended.

MR. BURR: I understand we have disposed of the first two bills.

THE PRESIDENT: Is there a second to the motion of Mr. Brown?

MR. BURR: It seems to me that the real duties of the Ethics Committee are rather aside from this question of legislation, and if this task is cast upon them, it will somewhat hamper their ability to consider questions of ethics that arise during the year, and if a special committee is made up which will con-

sist of the present Joint Committee to which we can refer this subject, it will not hamper the work of the Ethics Committee.

PRESIDENT SCHMITT: I understand Mr. Brown's motion to be that this shall be referred to a special committee of nine, taken out of the body of the Association, at the pleasure of the Chair. I do not know whether Mr. Brown refers to the Chair now, or to the incoming President.

MR. BROWN: The incoming President, at his leisure.

PRESIDENT SCHMITT: The motion now before you is that the incoming President be authorized and directed to appoint a committee of nine, and that the report of the Ethics Committee as amended, as it now stands, be referred to that committee for a report to the Bar Association at its next meeting. Are there any further remarks?

Motion put and carried.

PRESIDENT SCHMITT: Is it necessary to take any action on the minority report of the Ethics Committee,

MR. DUXBURY: I move that the minority report be referred to that same committee.

Motion seconded.

MR. L. L. BROWN: We may presume that we are going to elect a competent President, and that he is going to appoint a competent committee to consider this very important subject, and I move you that the report and work referred to that committee by the last motion be taken by the committee as mere suggestion and the sense of the State Bar Association, and not absolutely binding upon it.

MR. DUXBURY: The minority report, do you mean?

MR. BROWN: All of them.

A MEMBER: Do I understand that the bills are to go to them as the sense of this organization? We have just voted quite differently.

MR. BROWN: A suggestion, and the sense of the meeting I do not want to bind the committee of nine men.

A MEMBER: As Mr. Brown has just stated, we will have a sensible President who will appoint a sensible committee; let us assume that if any of these things come to that committee, we do not want to tell them anything, we will see what they do when they come back with it.

(Cries of "Question.")

PRESIDENT SCHMITT: The Chair is in doubt as to what the question is.

MR. DUXBURY: That the special report be submitted to the same committee—

MR. BROWN: With the permission of my second, I will withdraw the motion.

PRESIDENT SCHMITT: If there is nothing further ethical for the Association to consider, we will pass to the next report.

MR. CHILDS: I submit the report of the Committee on Uniform State Laws as printed, and move its adoption.

REPORT OF COMMITTEE ON UNIFORM STATE LAWS.

To the Minnesota State Bar Association:

The Conference of Commissioners on Uniform State Laws is an organization consisting of Commissioners appointed by the Governors of the different states, territories and possessions of the United States, (usually three from each state and territory), for the purpose of drafting and recommending for adoption by the various legislatures, forms of bills or measures to make uniform the laws of the different states and territories on various subjects on which uniformity seems practicable and desirable. Twenty-four conferences have so far been held, the first at Saratoga for three days, beginning August 24, 1892, and the twenty-fourth at Washington, D. C., October 14th to 19th inclusive, 1914. The next Conference will be held at Salt Lake City in August. These Conferences are held annually at the place of meeting of the American Bar Association and immediately preceding, and its proceedings are briefly reported in the A. B. A. Reports and are more fully reported in a separate volume.

The importance of aiding and promulgating Uniform State Legislation cannot be over estimated. Yet it must be conceded that there is very little interest, even among the lawyers in the legislature, due to the lack of familiarity on their part with the subject. This is largely due to the lack of publicity among the profession. Steps were taken by this committee to promulgate this information among the lawyers in the last legislature. A volume containing the five Uniform Commercial Acts was sent to each lawyer in the house and senate before the opening of the 1915 session.

The Uniform Acts already recommended, the year when adopted by the Conference, the number of states adopting the same, and the sections of Minnesota General Statutes, 1913, relating to the same, are as follows:

Uniform Acts.	*Year.*	*No. of States.*	*Sections of G. S.* 1913.
Negotiable Instruments....	1896	43	Adopted 5813 to 6009.
Warehouse Receipts Act...	1906	28	Adopted 4514 to 4575
Sales of Goods Act.....	1906	12	
Bills of Lading Act.....	1906	13	
Stock Transfer Act.....	1909	8	
Partnership Act	1914		
Divorce Act	1907	3	
Marriage and Marriage License Act	1911		
Marriage Evasion Act.....	1912	3	
Family Desertion Act.....	1910	8	Covered by 8666 and 7.
Child Labor Act.....	1911		Covered by 3839 to 3850.
Workmen's Compensation..	1914	1	Covered by 8195 to 8230.
Wills executed out of State	1909	10	Covered by 7253.
Probate of Foreign Wills..	1910	10	Covered by 7274.
Cold Storage Act.....	1914		
Foreign Acknowledgments.	1914		Covered by 5746.
Acknowledgments Act.....	1892	15	Adopted 5744. See Jones Legal Forms.

The first six acts are known as the Commercial Acts and are practically codifications of the subjects treated. The others are more in the nature of acts to be used as models rather than to be followed literally. The next seven acts are the social Uniform Acts.

It will be noticed that four new Uniform Acts were adopted at the last Conference, showing a commendable disposition on the part of the Commissioner to speed up in their final conclusion on recommended Uniform Acts. These make only 17 acts recommended during its 24 years of existence. These acts, however, by no means show the full scope of their activity. Numerous other acts, not officially recommended, have been framed and suggested, and have been adopted by numerous states including our own.

The text of all of the four acts recommended at the last Conference may be found in the 1914 Report of Proceedings of the Conference. The other acts will be found in the A. B. A. Reports of the year when adopted.

The Commissioners have recently had published all the Uniform Acts in separate pamphlets, so that they may be readily obtained from Geo. B. Young, Secretary of Commissioners, Newport, Vermont, or Rome G. Brown, Minneapolis, Chairman of Minnesota Commissioners.

The Commissioners are now prepared to furnish upon application, citations of all decisions rendered in the courts of last resort of each state upon any section of the Uniform Acts. It is of interest to the lawyers of this state to know that they can, upon any question on negotiable instruments arising since the adoption of the Negotiable Instrument Act in this state (G. S. 1913, Sections 5813 to 6009), so easily obtain the citations of decisions of 42 other courts of last resort, upon the same wording of our statute. These citations may be obtained by sending to Henry Stockbridge, Gunther Bldg., Baltimore, Maryland.

The care with which these acts are drafted is shown by the fact that the Partnership Act, adopted at the last conference, was under consideration for twelve years, there having been eight tentative drafts of the act presented and considered by eight Conferences. Consider the time spent on the acts passed by our legislature of a ninety days session, and the desirability of appropriating the work of the Commissioners will be appreciated.

The officers of U. S. L. Commission complain that the Uniform Acts are often ignored by the courts of last resort in many of the states that have adopted them, by failing to refer to the uniform statutes. However, we note with satisfaction that the justices of our Supreme Court are, in their decisions, citing those acts passed by our legislature.

To promote uniformity in decisions there was organized in 1913 a "Judicial Section" of the American Bar Association, being a conference of judges composed of federal and state judges of courts of final appeal who are members of the American Bar Association. (See 1914 A. B. A. Reports 963 to 1005.) There is also now a committee on Uniform Judicial Procedure, connected with the A. B. A., to promote uniformity in judicial procedure. So we now have, for the promotion of uniformity of laws among the states, the Conference of Commissioners on Uniform State Laws, for uniformity in statutes; the Conference of Judges, for uniformity in decision; and the Committee on Uniform Judicial Procedure, for uniformity in procedure.

Legislature of 1915. The Uniform Sales of Goods Act and the Uniform Stock Transfer Act were introduced in both House and Senate at the request of this committee in co-operation with the Minnesota Com-

missioners, Messrs. Brown, Severance and Lees. Printed uniform acts are very necessary for early circulation among the members of the legislature to create an interest in those acts, and these we were unable to obtain until too late in the session to avail anything. These bills were favorably considered by the judiciary committee of the two houses, but too late to come to a vote because of a congestion of the calendar. With a sponsor for each of the bills in each house, and with sufficient printed information for distribution early in the session, there will be no difficulty in passing such acts as the Minnesota Commissioners may select.

Representative C. E. Southwick again introduced the Uniform Marriage and Marriage License Act at the last session, which met with the same fate as the other bills. Mr. Southwick thinks that this act can be passed at the next session and he will make the attempt if he returns.

As there will be another report upon this subject before another session of the legislature, and there will probably be other uniform acts recommended by the conferences of 1915 and 1916, we leave the consideration of acts to be urged for passage at the next session of the legislature, to the committee of next year.

In 1911 the legislature recognized the duty of the state towards the cause of Uniform State Laws, by providing for a standing annual appropriation of $500 for the U. S. L. Conference, and provided also for the appointment of three commissioners by the Governor, Attorney General and the Chief Justice of the Supreme Court. Since the statute was passed, Rome G. Brown, C. A. Severance and Edward Lees have been the commissioners from this state and they have been an active force in the annual conferences. An appropriation of $500 for their expenses was also provided. The 1913 legislature, although repealing all standing appropriations, made the same appropriation for 1913 and 1914. The 1915 legislature failed to make any appropriation for those purposes. Minnesota can make no better investment than an annual appropriation for this cause. It has already received the value in dollars of many annual appropriations, in the uniform laws already adopted, to say nothing of the valuable services contributed gratuitously by those who have spent their time in framing these acts.

Thirty-six biennial states legislatures met in January, 1915, which will not meet again until January, 1917. The U. S. L. Conference did not meet last year until October, and the report of its proceedings were not printed so as to be available to the members of our legislature until too late to be of use. The A. B. A. Reports were not distributed until the latter part of April. Nor were the printed laws introduced in our legislature available for legislative use until too late in the session to be

of use. It is to be hoped that the conference will be held early enough in 1916, so that the printed report of its proceedings will be available for use with the legislatures of 1917, even as soon as November, when the full membership is known.

Your committee proposes for the consideration of the Minnesota State Bar Association, the following resolutions:

Resolved, By the Minnesota State Bar Association, that this Association recognizes that, in the words of Charles Thaddeus Terry, president of the Commissioners on Uniform State Laws, "it is not more law but uniform law that our country needs."

Be It Further Resolved, That this Association deprecates the action of the last legislature in withdrawing the appropriation for the cause of Uniform State Legislation, and urges all members of our Association to endeavor to have the appropriation renewed at the next session of the legislature.

Respectfully submitted,

S. R. CHILD,
Minneapolis;
ALBERT PFAENDER,
New Ulm;
C. H. CHRISTOPHERSON,
Luverne,
Committee on Uniform State Laws.

Motion for the adoption of the report seconded.

MR. CHILDS: I will call attention to the fact that the report suggests a resolution by this Association—on page 13—and in connection with the adoption of this report I move that it is the sense of this Association:

"RESOLVED, By the Minnesota State Bar Association, that this Association recognizes that, in the words of Charles Thaddeus Terry, president of the Commissioners on Uniform State Laws, 'It is not more law but uniform law that our country needs.'

"BE IT FURTHER RESOLVED, That this Association deprecates the action of the last legislature in withdrawing the appropriation for the cause of Uniform State Legislation, and urges all members of our Association to endeavor to have the appropriation renewed at the next session of the legislature."

PRESIDENT SCHMITT: Do you put that in the form of a motion, Mr. Childs?

MR. CHILDS: Yes.

PRESIDENT SCHMITT: Is there a second to that motion? You have heard the motion; are there any remarks?

Motion seconded and carried.

PRESIDENT SCHMITT: We shall now proceed to the report of the Committee on Jurisprudence and Law Reform. Is there a report from that committee? I am waiting for a report of that committee.

MR. BYARD: The report of that committee simply refers for consideration of the convention this year, the report of a special committee on Blue Sky laws that was appointed and made its report at St. Paul last year. The session was so crowded with work at that time that the report of that committee was not considered, and for that reason the present Committee on Jurisprudence and Law Reform decided it should receive some consideration this year. I was a member of the committee that prepared the report on the Blue Sky laws that reported last year at St. Paul, and that report was printed in the proceedings of the convention last year. It does not appear here now, and it can only be found in the copy of the proceedings of last year. Mr. Burr has suggested to me that I try and bring up to date the report as it was presented at that time.

There has been a great deal of activity on the part of the legislatures which have been in session in the matter of Blue Sky laws, and a considerable number of innovations have been introduced. As concerns Blue Sky law litigation, the Blue Sky law of Michigan was declared unconstitutional in a case recently reported there. The Blue Sky law of West Virginia was declared unconstitutional. The Blue Sky law of Florida was declared to be constitutional in a case reported in 66th Southern; that law, however, differs from the Kansas law. In 217th Fed., in a case concerning the Blue Sky law of Arkansas, the constitutionality of the law was questioned, but the court stated that under the circumstances it was not necessary to pass upon

it. In Kansas a new law was passed. In West Virginia a new law was passed. In Arkansas a new law was passed. In North and South Dakota new laws were passed.

Three new ideas have appeared. Whereas, the old Kansas law applied to all manner of securities, land contracts, debentures and all that, the present Kansas law is limited almost entirely to what is called speculative securities. The term "speculative security," as defined in the Kansas act, is very comprehensive, and it is rather peculiar to find a speculative security defined as a security in which the element of risk and probable loss predominate over that of possible success. It also includes those in which the assets of the issuing corporation are less than the amount of the securities. Further, any and all classes of obligations issued for the purpose of capitalizing intangible property—goodwill and the like—are declared to be speculative securities. Copies of all securities and contracts must be filed, as well as a financial statement of all the concerns issuing the securities, and also there must be filed information with regard to all issues which are prior liens upon the property. The law also provides, as all Blue Sky laws do, for the commissioner making junketing expeditions through the country, investigating the financial affairs of the issuer of the securities and the guarantors, and provides also for such special reports as the commissioner may demand, and also calls for a report four times a year.

Of course, in the case of a railroad operating under the Interstate Commerce Act that is clearly unconstitutional, because the act makes the corporation close its business four times a year.

After the declaration of the unconstitutionality of the Michigan Act, a new law appeared there, wherein power was given to a particular officer to forbid the sale of securities which, in his opinion, would work a fraud upon the purchaser. That law has been adopted in North and South Dakota. In West Virginia a new law has been adopted, which, like the Kansas law, is limited in its operation to speculative securities, those being defined as securities which on their face return more than eight

per cent. on the investment. The Investment Bankers' Association, in conjunction with the Association of State Bank Examiners, have drawn a Blue Sky law, the most prominent features of which are these: They have taken the fraud section of the postal laws, the Federal Postal Act, and have worked that into the law. It provides that all dealers and bankers, before they commence business, must be licensed and must deposit with the particular state officer a list of all the securities which they propose to sell, and submits to the discretion of that officer whether or not an investigation shall be made, and if he makes an investigation and discovers that the securities are fraudulent, he is not empowered to forbid the sale, but notifies the vendor that it is fraudulent. The District Attorney in that particular section of the state is also apprised of the fact, so that persons selling the particular security may be prosecuted, if the facts warrant it.

There has been some interesting legislation on this subject in England. In the Company's Act of 1857 there is a provision by which any prospectus or notice of stock offerings must contain the names of all directors and promoters and mention of all contracts entered into between directors and promoters, and between the company itself and all persons who propose to take stock and pay therefor with property; and any prospectus which fails to contain a full disclosure of that character is fraudulent. Then in the Directors' Liability Act of 1892 a provision is made whereby directors, promoters and all officers of the company are made personally liable in damages to all persons who purchase company stock in reliance upon a fraudulent prospectus.

The report of the committee as it stands is simply a suggestion. It is not to be taken as the consensus of opinion of the committee that such legislation should be proposed. It is, however, the unanimous sentiment of the committee, or was at that time, and I think is now, that the Blue Sky law is undesirable and unquestionably it is unconstitutional, as it appeared in its original form or in any of its amended forms. The committee felt, however, that certain legislation was necessary and proper in regard to the issuing of stock and also in regard to the

amount of capital stock which a corporation should have before it can enter into security investment business and which it must have in the way of paid-up capital before it is allowed to do business, and also that a time limit should be set in which the capital of a corporation should be paid in.

Incidentally, I have submitted to certain interested parties —business men—the report of the committee as it appears in the published proceedings for the year 1914, and I cannot say that it met with much favor—especially with the provisions in the report limiting the promotion expense and also providing that the stock must be sold at par and the promotion expenses satisfied by issuing the stock at a premium. That was declared absolutely impractical and that it would be impossible to vend corporate stock on any such basis, as a matter of practice, and as a matter of common business sense. There were very few provisions of this report that commended themselves to business men with whom I talked. The report is not here in sufficient number of copies for general inspection, and I do not know whether it is possible under the circumstances to discuss it intelligently; in fact, I do not know whether there is any sentiment in the Association that this matter should be further pursued. But I will say that at the last legislature three Blue Sky bills were introduced before the Judiciary Committee, and in addition to that Mr. Larimore introduced a bill—the first bill that was introduced was a copy of the Kansas Act, and the second a copy of the Fellows bills, which is the Michigan Act with a few changes; and a third bill was finally introduced, and reported favorably by the Judiciary Committee—being that authorized or prepared by the Investment Bankers' Association in connection with the National Association of State Bank Examiners.

PRESIDENT SCHMITT: Mr. Allen, I believe, is the only member of the committee who is present. In order to make our records clear, I think the report of that committee should be formally offered to the Association.

MR. ALLEN: Is that the report of the Committee on Jurisprudence and Law Reform? I depended upon others whom I supposed would be here to make a report at this time. If you will look in your report book you will see the committee has done but little more than refer back to the report submitted a year ago. Mr. Stone is sick and Mr. Brown was away, and very little attention was given to the matter. I do not conceive, with the amount of business before this Association now, that anything would be gained by the committee reading the report. It was published in the report of proceedings of last year's meeting, and not published in this report this year.

PRESIDENT SCHMITT: Do you offer the report of the committee as it appears in the printed report now before us?

MR. ALLEN: Yes, and that has reference to the old report of a year ago.

PRESIDENT SCHMITT: Gentlemen, what will you do with the report?

MR. BURR: In the absence of Mr. Stone, chairman of the special Committee, who made the report last year, and chairman of the Standing Committee on Jurisprudence and Law Reform this year, to which the matter was referred a year ago—as we have only one representative of that committee here, who says he was unable to give it consideration, and in view of the state of our program—I think the subject had better go over for another year. I doubt if we are in a position to give so important a subject as this proper consideration, and I, for one, having an interest in the subject, should be sorry to see action taken which would repudiate the recommendations. I move, therefore, that the subject be referred to the Standing Committee on Jurisprudence and Law Reform, with the idea that it be brought up again for discussion at the next annual meeting.

Motion seconded.

MR. CHILD: It seems to me that this matter is one in which no one takes any stock and everybody knows is a fake. What is

it for this Association, for the fourth time, to take up this Blue Sky legislation? A year ago there was no favorable recommendation by this committee. If you will read that recommendation, it was a suggestion of the report as it is now, that the Blue Sky laws as proposed are undesirable and unconstitutional, which every one knows is so; the only suggestion made by this committee is that there are some matters under corporate laws that it is desirable should be considered. Now that is a fact, but there is nothing in the elements of the Blue Sky law, as proposed, and none as such that ought to be retained, or that will ever be permanent, or that lawyers, if they look into it, will take any stock in. They have been declared unconstitutional. The essence of the laws has been declared unconstitutional by the federal courts and the essence of them is to attempt to control interstate commerce. You cannot get around except through the laws on corporations. I do not think we ought to perpetuate this movement. I do not think we ought to put this load on the committee, whose report is that there is nothing in the law, that it is unconstitutional and undesirable. I do not want to be discourteous to the committee, but I would like to see this Blue Sky proposition dropped by this Association.

MR. BURR: I think Mr. Childs misapprehends the report of the committee the last year, which is the only real report before us. That committee reported against Blue Sky law legislation. Certainly that was my own sentiment and the report made by the committee of which I was a member, the year previous; but certain recommendations were made for reforming laws as to corporate organization and matters which I think were very far from the spirit of the so-called Blue Sky legislation; also recommendations were made with respect to specific legislation. That report consisted of a recommendation of two specific bills, about as specifically as any report could be made—I am referring now to the report of Mr. Stone's committee of last year—speaking for myself, I was very much in favor of the first bill proposed;

I seem to recollect Mr. Childs was, too, but I was not particularly in favor of the second. I was not a member of the committee.

MR. DUXBURY: I thought the motion of Mr. Burr was a very desirable motion, until he got into the latter part of his statement, where it seemed to instruct this committee to report this thing back for further discussion. I think that ought to be referred back to them so that they can come in here with a report that the Blue Sky matter has gone away beyond the limits of this Association and that nothing further be done with it. If this motion did not imply an instruction as to what their report should be, I think it would be a very proper motion, because I understand they have nothing further to recommend except that this Association leave that matter to the legislative body, where it belongs.

MR. BURR: You understand, Mr. Stone's committee reported against Blue Sky law legislation. My recollection is that they felt that the principle of Blue Sky legislation was contrary to proper principles of legislation. The opinion of that committee was that the legislation was unconstitutional and unworkable and undesirable, and often made specific regulations which were quite away, as I understood it, from the subject.

MR. DUXBURY: I think if they should come in with the report it would be the unanimous sentiment of this Association that that subject has gone so far beyond this Association that we could not take the time.

MR. BURR: I think it ought to be re-referred back to the committee.

MR. CHILD: Do the gentelmen infer that this Committee is to understand that they take up no further consideration?

PRESIDENT SCHMITT: Allow me a suggestion. We have another session of the Association before the next legislature meets, and we are going to have a new committee on this subject. Why not a special report and place it on file and let the matter stand?

MR. BYARD: The question, it seems to me, is this: Mr. Duxbury suggests that this thing is away beyond the Bar Association committee. The Committee on Blue Sky laws was appointed to investigate the subject, not to report negatively, but also affirmatively. It would not be for any committee appointed by this Association to go before the Judiciary Committee of the legislature and oppose a Blue Sky bill and offer nothing constructive. Now, Mr. Duxbury—it seems that he does not care whether they pass Blue Sky laws or not. Irrespective of what he may think, the first motion should prevail, and if we are interested as to what the legislature does on this subject, this Association could do something. We cannot go over there and say we do not want Blue Sky laws. We have got to offer something to cure the evils which do exist, and it seems to me that Mr. Childs is mistaken when he says that this ghost is laid. It is not laid and the history of the proceedings in the last legislature shows that, because three bills were introduced and referred and favorably reported to the House. There is going to be some agitation in the legislature in the next session, and if we do not want to see something on the statute books that we do not want, it is up to us to take care of it.

MR. WASHBURN: As a substitute for everything else, I move you that the report of that committee, in so far as it was adverse to the adoption of the Blue Sky law in the sense that the term was used and as the committee reported it, be concurred in, and that the special recommendation for special legislation in the way of amendment to our corporation laws for the protection of the public be referred to the Committee on Jurisprudence and Law Reform to report at the next meeting of this Association.

Motion seconded and carried.

REPORT OF COMMITTEE ON JURISPRUDENCE AND LAW REFORM.

To the Members of the Minnesota State Bar Association:

At the annual meeting of this Association in 1912 a resolution was adopted referring to the Committee on Jurisprudence and Law Reform

for the ensuing year the question of changes in the corporate laws of Minnesota to prevent certain recognized evils in corporate management and administration, and in connection with the sale of corporate securities. That committee made a report at the 1913 meeting, at Mankato, in which it was explained that there had been an epidemic of so-called "Blue Sky" legislation during the preceding year; eighteen states having enacted laws of more or less radical character along those lines; and which stated that the committee believed that as this legislation was at an experimental and formative stage, much might be learned from a study of the practical workings of such legislation during the next year; and that in the face of these conditions it would be inexpedient for the Association to take up the question at that meeting with a view to recommending specific legislation on the subject. The committee therefore recommended that the question be referred to a special committee of five, to be appointed by the President, which should investigate the whole question, and should submit a report thereon at the annual meeting of the Association in 1914. The report of the committee did, however, carry certain specific suggestions for legislation of a remedial character dealing with particular evils in corporate organization and management, and (to a limited extent) in the sale of corporate securities. The report of the committee, and the proceedings thereon, appear on pages 56 to 70 of the Annual Report of the Association for 1913.

Upon this report, a resolution was adopted at the Mankato meeting referring the whole question to a special committee as suggested. The committee thus provided for, subsequently appointed by the President, consisted of Royal A. Stone, Chairman, E. M. Morgan, H. L. Oldenburg, J. E. Haycraft and L. B. Byard.

That committee submitted to the Association, at the 1914 meeting, a very carefully considered and comprehensive report carrying specific recommendations for legislation on the subject, which was printed on pages 207 to 221 of the Annual Report for 1914. It was intended that the subject should be fully discussed at the 1914 meeting, but the program of that meeting was such that when the report was submitted there was not sufficient time left for adequate discussion and consideration; and at the suggestion of Mr. Stone, the Chairman of the Special Committee, the matter was passed over, with the understanding that the subject would be taken up at the 1915 meeting.

No committee reference was made at the annual meeting, but at a subsequent meeting of the Board of Governors the question was rereferred to the standing Committee on Jurisprudence and Law Reform for the current year, of which Mr. Stone had been named as Chairman, with instructions to report further thereon at the 1915 annual meeting.

Owing to the engagements of the Chairman, Mr. Stone, during the earlier part of the year, and to his recent absence due to ill-health, there has been no meeting of the full committee. And because of that absence it has been impossible for Mr. Stone to participate in the present report. Mr. Rome G. Brown, the second member of your committee, has also been absent and unable to participate. Therefore the task imposed on this committee by the action of the Board of Governors has devolved upon the undersigned members; and the conditions have been such as to preclude extended or original consideration of the subject by the undersigned.

But the report of the Special Committee, headed by Mr. Stone, which was submitted at the 1914 meeting, is exhaustive and thorough, and it embodies definite and specific recommendations for remedial legislation. That report was not considered nor the subject discussed at the 1914 meeting; being passed over to the 1915 meeting solely because of lack of time to consider it. Therefore, the undersigned members of your present committee have deemed it best to submit the question to the Association upon the report and recommendations of the Special Committee of 1914.

No other questions have been specially referred to your committee during the year.

Respectfully,
WM. F. HUGHES,
S. D. CATHERWOOD,
A. R. ALLEN,
Committee.

MR. CHILD: Will it be in order now to make a suggestion, or to offer a resolution as a suggestion, to the incoming Committee on Jurisprudence and Law Reform?

PRESIDENT SCHMITT: The Chair is of the opinion that it would be in order.

MR. CHILD: I move you that it be resolved by the Minnesota State Bar Association 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 facts before the trial, through written interrogatories, depositions, or otherwise. I move the resolution.

Motion seconded.

MR. CHILD: Not to consume any time—there is not a lawyer but knows that the effect of pleadings, after you have observed some technical rules, is to conceal your hand from the other fellow. But there is no reason why there may not be such proceedings had before trials as will get at the issues of fact. The Federal Court does it in interrogatories. Massachusetts has a law, since 1858, along the same line. Wisconsin has a deposition proposition which effectuates the same purpose to some extent, and there is no reason why we cannot have something of that sort. I have talked with judges on the bench and others, and there is no one but concedes that if there were some effective way of getting at the issues of fact before the trial, it would save an immense amount of time and I believe that this Committee on Jurisprudence should take up this proposition.

MR. JONES: I am opposed to the motion. I am opposed to anything that approaches getting into the ante-diluvian practices of the Federal Court. These statutes are simple, they say you must state facts in concise language and the other man must come in and put in his reply, etc., and this is an attempt to get back to old time systems of pleadings instead of an improvement. It has been before this Association and I am against it, and every lawyer who wants a simple code of practice ought to be against it. There is an element in this Association, and has been ever since I have been a member of it, to get into Federal practice. The less we have to do with Federal practice, the better.

Motion carried.

PRESIDENT SCHMITT: Is the Committee on Legal Biography ready to report?

MR. BIERCE of Winona: I will submit the report as it appears on Page 14 and move its adoption.

Motion seconded and carried.

REPORT OF COMMITTEE ON LEGAL BIOGRAPHY.

To the Members of the Minnesota State Bar Association:

Gentlemen: The Committee on Legal Biography reports the death during the past year of the following members of the Association: Charles F. Thompson, Minneapolis; Arthur H. Snow, Winona, Judge of the Third Judicial District; Marion Douglas, Duluth; Gorham Powers, Granite Falls, Judge of the Twelfth Judicial District; Luther L. Baxter, Fergus Falls, Judge of the Seventh Judicial District; Philip E. Brown, Luverne, Judge of the State Supreme Court; Joseph A. Eckstein, New Ulm; Lloyd Barber, Winona, formerly Judge of the Third Judicial District: Edwin R. Holcombe, St. Paul, Minn.

Memorials have been prepared for these deceased members, and at the annual meeting of the Association, the committee will ask that these memorials be printed in the proceedings of the Association.

Respectfully,

WALTER L. CHAPIN,

Chairman, Committee on Legal Biography, State Bar Association.

St. Paul, Minn., July 7, 1915.

PRESIDENT SCHMITT: We will now have the report of the Committee on the State Library.

MR. PAIGE: I move the adoption of the report as printed on Page 15 with the recommendation as follows:

"The committee recommends that a committee of the State Bar Association be appointed to act with the Justices of the Supreme Court and the State Librarian in planning for such additional space and for the purpose of consulting with the Governor in reference to such additional room when the Historical Building is completed."

The point is that with the Historical Building there will be more room available for the Library. The room is not available on the same floor as the Supreme Court room, therefore it will be necessary to have the additional space on another floor and that involves a matter for the Governor, and the committee thought it advisable to recommend that a committee of the State Bar Association be appointed to act with Judges and the State Librarian and to consult with the Governor, as I have already stated in the resolution. I move the adoption of the report as printed.

PRESIDENT SCHMITT: You have heard the motion, are there any remarks? All those in favor say "Aye."

MR. PAIGE: I make the motion that the special committee be composed of three members, the recommendation does not state the number.

Motion carried.

REPORT OF THE COMMITTEE ON THE STATE LIBRARY.

June 29, 1915.

To the President and members of the Minnesota State Bar Association:

Your Committee on the State Library begs leave to report, as follows:

The official report made by the Librarian on January 2nd, 1915, shows that on January 1st, 1915, the library contained 76,660 volumes; that there were accessions during the year 1914 of 2,306 volumes. These volumes were added from the following sources:

By purchase	1,129
From the U. S. Goverment	281
Exchanges from other States	639
Exchanges from foreign countries	62
Minnesota Laws, Reports, Briefs and Docs	126
Miscellaneous donations	69
Total	2,306

The Librarian has continued during the year his policy of securing as far as practicable, scarce items of session laws to fill up gaps in the files. The report of this Committee to the Minnesota State Bar Association at its 1914 meeting called attention to the desirability of an increase in the appropriation for the support of the Library in order that the early session laws might be complete, foreign reports added and the subscriptions to legal periodicals extended. The Legislature, acting on this suggestion, granted an additional appropriation of $800 for the book fund, making the appropriation $6,500 instead of $5,700 as previously.

The Minnesota State Bar Association has turned over to the State Librarian its collection of Bar Association Reports from other states and has also made the State Librarian the official Librarian of the Bar Association. The Library has now a very good collection of Bar Association Reports from the various states.

Sectional bookcases are being installed wherever practicable, to provide temporary room for accessions. The Library quarters are, at present, crowded and most necessarily remain so until the Historical Building is completed, then additional space ought to be provided. Unfortunately no room seems to be available for library quarters on the same floor as the Supreme Court room; hence, room ought to be provided on the upper floor adjoining the Library rooms there, or on the main floor just under the present Library quarters. In either case it would be necessary to make some changes in order to make the rooms convenient and accessible. Your Committee recommends that a committee of the State Bar Association be appointed to act with the Justices of the Supreme Court, and the State Librarian in planning for such additional space and for the purpose of consulting with the Governor in reference to such additional room when the Historical Building is completed.

On the whole we find the Library in good condition, officered by an accomplished and efficient Librarian, assisted by able assistants.

GEORGE L. BUNN,
LYNDON A. SMITH,
HOMER R. DIBELL,
JAMES PAIGE, Chairman.

PRESIDENT SCHMITT: We will now have the report of the Committee on Membership.

REPORT OF COMMITTEE ON MEMBERSHIP.

To the Minnesota State Bar Association:

In response to the call, we beg leave to report:

That it is too early to convey to you even an approximate idea of what may be accomplished by your present committee.

In November, 1914, letters were dispatched, looking to the organization of the committee, and at intervals since. Like attention has been given to all.

1. In the First Judicial District we have been unable to organize a committee or to get any response either from the committeemen or member of the board of governors, excepting from Mr. A. J. Rockne, who advises that he is "too busy" to attend to the matter, suggesting that we appoint Thomas Mohn of Red Wing in his place. Like Josh Billings, Mr. Rockne considers that "The best place for a boil is on the other fellow." But we have maliciously refused to relieve him. Experience confirms the belief that it is easier to enlist the assistance of the busy than the idle.

2. In the Second, our committeeman advised April 17th that an early conference would be held and active work done. No further response has been received. By extending a day of grace, we yet hope for results from St. Paul.

3. In the Third, Mr. Thomas Fraser reports that the committee is well organized, and that in his opinion most of the bar will join.

4. In the Fourth, the committee, Walla W. Merritt, 732 McKnight building, James D. Shearer, Loan & Trust building, Wilbur H. Cherry, Security Bank building, George S. Burgee, Security Bank building, and John Rea, Loan & Trust building, have given such generous responses to our appeals as to justify the expectation of satisfactory results.

5. From the Fifth, we have failed to get response.

6. The Sixth displayes no activity, but every member of the bar is a member of our Association.

7. The Seventh has an active committee, consisting of C. M. Johnston of Detroit, R. B. Brower, J. E. Jenks and Warren Stewart of St. Cloud, and A. H. Vernon of the Board of Governors, and report excellent work. From Morrison County we expect a bunch of new members, and to meet them in a body at the St. Cloud meeting.

8. From the Eighth, we get no response from the committee, but are attempting to arouse interest through a new one.

9. In the Ninth, George T. Olson of St. Peter, of the Board of Governors, and Frank Clague of Redwood Falls, of the Membership Committee, are co-operating with Mr. Albert H. Enerson of Lamberton, P. H. Johnson of Ivanhoe, James Hall of Marshall, and Henry N. Somsen of New Ulm; and we believe they will do effective work.

10. The Tenth already has a large representation. Mr. Frank G. Sasse of Austin, Norman E. Peterson and Henry A. Morgan of Albert Lea are endeavoring "to make it unanimous."

11. The Duluth District is also well represented, but a substantial increase is designed by Committeeman Frank E. Randall and Ex-President John A. Williams.

12. In the Twelfth, Mr. Arthur W. Ewing of Madison and George H. Otterness of Willmar have promised activity. The committee consists of E. P. Peterson of Litchfield, A. W. Ewing of Madison, George H. Otterness of Willmar, and E. L. Thornton of Benson.

13. In the Thirteenth, Messrs. E. H. Canfield of Worthington and O. J. Finstad of Windom are co-operating to make a canvass. We have received no recent report, but are taking steps to secure an active canvass, of this large district, if possible.

14. Special effort has been made to extend our membership in the Fourteenth District. Messrs. W. E. Rowe and E. O. Hagen of

Crookston promised active work. They were impeded by a county option campaign. The District is a large one, but we are confident the work will be pressed with energy until the annual meeting.

15. In the fifteenth, Mr. E. E. McDonald of Bemidji has responded to our call for help, but with this exception, we have received no response. Owing to the size of the District we are making direct appeal to attorneys in Aitkin, Crow, Itasca and Hubbard Counties and shall awaken interest, if possible.

16. In the Sixteenth, Mr. Lewis E. Jones of Breckenridge and E. M. Webster of Glenwood have heretofore shown commendable interest. Both responded to our call, their responses being, however, somewhat reminiscent and highly humorous. We have been unable to secure a promise of any active work from the committee on the one remaining non-joining lawyer, Mr. William H. Cherry, of Morris, but will try to pick the Cherry for ourselves. Here's hoping we find it ripe and reachable.

17. As to the Seventeenth, all of the attorneys in Jackson County are members; also all in Martin, except Mr. Ben Ballou of Fairmont, whose application and check we enclose herewith. The stubborn two in Faribault County, which resisted our eloquence last year still give us a cold shoulder. But we will bring them to St. Cloud, if possible.

18. From this District we can get no promises. Judge Arthur E. Giddings has made repeated unsuccessful efforts to arouse interest without success. We have no active committee there, but by personal appeals to some of our acquaintances, we have prospects of some new members from Isanti County. Mr. Godfrey G. Goodwin has promised his application and expressed his hope of two others.

19. In this District, Mr. Edwin D. Buffington, of the Board of Governors, and Mr. S. B. McBeth promised activity in April, since when we have been able to get no response.

On April 8th, 22nd, May 18th, and June 7th, we wrote letters and made appeals to the committeemen in all districts and have besides carried on considerable general correspondence. To-day we are writing direct to one attorney at each County Seat in the districts in which the committeemen have failed to respond, enclosing blanks and requesting membership and assistance.

At the St. Cloud meeting we hope to report substantial results.

Respectfully submitted,

ALBERT R. ALLEN,
Chairman Membership Committee.

Fairmont, Minnesota, June 10th, 1915.

MR. ALLEN: Our report shows 94 new members since the last meeting, about one-third from this locality, the locality of St. Cloud, and twenty from the larger cities and the rest from the country. In some districts you can get a response and from some you cannot. Wherever you find some fellow who goes to the Bar Association meetings you can get a response and from the rest you cannot; and sometimes we waste postage stamps and auto bills and cannot get anything out of them. I do not know what recommendations should be made in the premises. The importance of increasing our membership is very great, and I should be glad to see some one take it up and go farther in the work. I do not know as there is anything I can add to the report. We have done what we could to secure new members. I do not know as there is anything more of interest to the Association.

PRESIDENT SCHMITT: Now, gentlemen, as I stated this morning, it is very important that you should all be here in your seats promptly at two o'clock this afternoon. We are going to hear some important addresses and we have a good deal of business to do after that.

Adjourned till 2 p. m.

Friday, August 6th, 1915, 2 P. M.

Meeting called to order.

Governor Hammond took a seat on the platform with the President, and was greeted with a round of applause.

PRESIDENT SCHMITT: Gentlemen of the Minnesota Bar Association: We are highly honored in having with us this afternoon a man who is well known to every one in the United States. We are fortunate in having been able to secure him to address us.

I want to say this, that when I inquired of our Governor where we could get a good man to address the State Bar Association, he promptly replied that the best informed man would be the minority leader in Congress. I at once took this matter up, in connection with Governor Hammond, and extended an invitation to Congressman Mann to speak to us. As it happened, Mr. Mann was on the coast and did not get our invitation until very shortly before the time of this meeting. But he replied that he would be very glad to come and be with us on this occasion on the condition that he would not be required to write a formal address. Of course, knowing him, and having been assured that he could talk without having a written address, I stated our willingness to have him address us under such circumstances, and he is with us to-day, and it now gives me great pleasure and honor to introduce to you Honorable James R. Mann, Congressman from Illinois. (Applause, all rising.)

MR. MANN: Mr. President, Governor, Gentlemen of the State Bar Association, I made a trip to Hawaii after Congress adjourned this spring, stayed on the Pacific Coast for quite a time after my return from Hawaii, and on my return to Chicago received the invitation from your President to address this Association. That invitation was supplemented by a request from my personal friend, your Governor, of whom we are all proud (applause), and although I was declining many invitations at the time, the temptation was a little too great, and I accepted and agreed to come. I know the reputation of your courts, of your judges and of your bar, throughout the country, standing very high in the opinion of lawyers and courts, judges and publicists all over the country. I had had such a good time on my western trip, covering several months, during which time I carried with me everywhere the most pleasant weather possible—prophetic as it seems to me, that I should see the need of my coming here to Minnesota and bringing good weather with me here. (Applause and laughter.) And I brought it. For, after all, while we can make and enforce laws, the law of Nature

is the one upon which we are mainly dependent, and it is more important at this season of the year to mature the crops than it is to have even a meeting of the State Bar Association in Minneapolis or elsewhere. (Applause and laughter.) I have been engaged in the business of law making now so many years, and have been out of the practice of law so long, that what I want to say to you will in the main relate to methods of law making and procedure in legislative business and proceedings which will lead up to legislation.

I suppose it is true that we have more laws and more lawyers, more courts, more judges, more litigation and more prosecutions than any other country in the world, and more in proportion to the population. I do not undertake to say whether our laws are harder to understand or our people less able to interpret them, but certainly we spend a large share of our time trying to find out what the laws mean, and it takes a great deal of litigation and great numbers of lawyers, judges and courts to ascertain what they intend. In my opinion, what we need is not so many new laws as it is intelligent and intelligible laws. We have statute books in sufficient numbers, we have statutes beyond count in numbers, but the difficulty is to understand what they mean, or to make them apply to the cases which arise. Everywhere else now, in life, in business, in the great undertakings of the world, we are beginning to apply scientific methods. The scientist is coming into his own, not only as applied to theory, but as applied to facts. No great industry of the country any more undertakes to proceed without having at its command scientists of the highest skill to apply scientific methods. Legislation has not yet reached that stage, and it is necessary in my opinion that we endeavor, if possible, to arrive at some method, and enforce it and apply it, by which we will adopt scientific methods in legislation.

There are in Congress, every term—the term being two years—thirty or forty thousand bills introduced for consideration, and while it is true that most of these bills are private bills relating to pensions or claims, or something of that

sort, it is also true that there is an enormous number of public bills relating to every conceivable form of government activity and private commercial relations. It is an impossibility for members of Congress or other persons to understand or appreciate the value and necessity of the legislation proposed, and when members of Congress have reached a long term of service, have arrived at the point where they are of the most value in legislation, it is one of the curiosities of our experience that as a rule they are retired for younger members who have been better able, perhaps, to keep in touch with the people at home. I refer to one conspicuous instance, before I pass on, to a member of Congress, who was probably the best informed upon the subject of the Interstate Commerce clauses of the constitution and legislation under it, the most important provision of the Constitution so far as modern legislation is concerned, the man best informed upon the subject, was a gentleman from your state, the Honorable Frederick C. Stevens of St. Paul. (Prolonged applause.) And no man who has left Congress in recent years will have his absence more regretted and his aid missed on both sides of the aisle of the House, as well as in the Senate among Democrats, Progressives and Republicans than will Mr. Stevens. (Applause.)

I do not speak of this for the purpose of complaining, that is not my desire. It is inevitable that these changes will be made—I expect to lose out myself most any time. (Laughter.) The wonder to me is that I have been able to stay as long as I have.

But it emphasizes the need of having scientific methods of legislation, of having experts retained in some form who will aid the legislative bodies not only of the Congress at Washington, but I fear that the state legislatures are in greater need than Congress—and that is saying a good deal. (Laughter.) And I am not entirely certain, after the proceedings that have entertained and interested me so much here this morning, but that the Minnesota State Bar Association might receive aid from

experts with skilled advice in the legislation which it desires to recommend. (Laughter and applause.)

Take the tariff, for instance, although I do not speak as a partisan. Whatever economic views might prevail in the country or in the government relating to the tariff, when it comes to making tariff schedules, it is essential that they be not made to play ball with politics—let there be scientific methods employed.

Accuracy of facts is first to be obtained, but is not a very easy thing. People constantly dispute as to what the facts are. Most of them proceed first upon impression, and not upon positive knowledge, and then two men often disagree as to the facts which they both have perhaps seen and witnessed. If we could make, after scientific investigation, tariff schedules upon whatever economic theory prevailed, while those schedules might be changed from time to time on account of the political complexion of the government, in the main they would remain permanent except as changed because of changed conditions.

But it is all through legislation—the same way. The procedure in Congress is, when a bill is introduced, it is referred by the Speaker—usually some one under him makes the reference—the parliamentary clerk, or perhaps the journal clerk—to a committee of the House, if it is in the House, and I do not make special reference to the Senate, as there are gentlemen here who will doubtless some day be in the Senate of the United States, and that is hardly a legislative body like the House. (Laughter.) Reference of a bill is made to a committee. There are a good many committees in the House—sixty, or such a matter, a number of very important committees; no one member of the House serves on more than one important committee, as a general rule. These committees then, selected by the House, either by appointment or by election, have their jurisdiction defined theoretically by the rules of the House, but no outsiders could read the rules of the House, however they might be framed, and be able to make a reference of many of the bills which are introduced, because the bills will contain matter which

might go, one part of it to one committee, and another part to another committee. The jurisdictions of the committees are so finely divided, often, that one could not tell to which committee a bill should properly be referred; but precedent in the House largely governs; the practice of the House and the practice of the Speaker in the main determine the reference to the committee, and many a man in Congress who, perhaps, thought he knew something outside of Congress, has prepared bills that have been introduced and offered for reference to some committee where he thought he had a friend, or himself was a member of the committee, and has received a decided jolt because the Speaker, following the practice and the precedent of the House, referred the bill to some other committee where it would receive consideration without the personal prejudice of some one member on that committee. The reference of bills sometimes is a matter of dispute in the House, and it is the right of any committee of Congress which claims the jurisdiction of a bill which has been referred to some other committee on any day, to move that the bill be taken away from the committee to which reference has been made, and that the bill be transferred to the committee which asks for it. Occasionally these disputes really come on the floor of the House, and not on the committees, because it is a matter of practice. The line of jurisdiction between these committees becomes pretty well defined; sometimes it changes without action of the House, or without a change of the rules. Where a committee has been perhaps sometimes having charge of a certain class of bills for a long time, it voluntarily releases its jurisdiction over that subject matter and will ask for consent for some other committee to take charge of that matter, having charge of subjects relating to the same jurisdiction; but when bills are referred to the committees, they receive, in the main consideration there.

The members of Congress from Minnesota are very able men. I desire to pay my respects to them here, both Republicans and Democrats—and Progressives, too, if there be any now. We have a very able membership from the state of Minnesota.

We have the same thing, in the main, from the other states in the Union, and Congress is composed of reasonably intelligent and more than fairly honest men. But no member of Congress is able to understand any very large proportion of the subject matters which come before him; and hence, the House, as well as the Senate, relies very largely upon the recommendations of the committees and the recommendations and opinions of the members of the particular committees which have the subject matter up. There is sometimes criticism in Congress and elsewhere of the attitude of the administration, and once in a while people will be led to believe that the President or his cabinet officers are attempting to usurp the prerogatives of the legislators. While, of course, it is true that the executive and legislative branches of the Government are separated, it is also undoubtedly true that the executive or administrative branch of the Government dealing with the execution of the laws constantly become impressed with the need of changes, with the need of new laws, or possibly the repeal of existing laws, and in my opinion it is eminently proper that the executive and the administrative branch of the Government should do what they endeavor to do in the aid of legislative bodies in their legislative work.

I never share in this criticism, although sometimes I think Presidents and Cabinet officers have become too much imbued with the idea that they are more legislative than they are executive in administration.

We call upon the executive and administrative branches in Congress for their opinion and aid. They make the reports generally not specific, but in general terms; they are of great value, but what Congress needs, and what legislative bodies all need, is the concrete work. The definite ascertainment of facts to begin with, the endeavor to definitely ascertain as far as possible the evils to be remedied and the good to be accomplished, and the language to be employed—what that language means, what it will reap, what it will produce—that is no easy thing to do. Everybody everywhere claims to be in favor of good and

against evil, and if some one some time would discover a method by which you could fire a gun at an object and kill all that was bad in it, and miss what was good, it would solve the question of legislation, curing the evil and saving what is good. But nobody has ever discovered such a method and nobody ever will.

We now have something in the way of a legislative reference bureau in some of the states, and to some extent in Congress, but not to a sufficient extent to form a specific remedy. But there is the need that, when legislation is proposed, there should be methods of thorough investigation of the facts, first the ascertainment of the facts. There should then be an ascertainment of the laws now on the statute books which can possibly relate to such facts or similar condition, and when it is proposed to draft a new law the old law then existing should be taken into contemplation, so that the new provisions, if adopted, will work harmoniously with the old, unless they are to be modified or ratified, and then prepare the language so that the people can understand it. We ought to have people skilled in legislative procedure, people skilled in methods of bill drafting and amending, to aid us in every legislative body. I have in the course of time drafted a good many bills myself, which are now laws. I think personally I have never drafted one which I have not re-drafted a dozen or more times, and I will give you one little illustration of the difficulties encountered. Some years ago on a provision in a law that was passed, I was asked to draft a certain provision where it was supposed I knew more than most of the members dealing with the subject. I drafted that provision, submitted it to people interested on both sides of the question, submitted a draft to members of the House on both sides of the aisle, asked each one to explain what he understood by it; these people all said it meant the same thing. It was put into a law, and the Treasury Department ruled that it meant exactly the opposite of what we had intended it to mean. (Laughter.) Well, those things do not often happen quite that way, but the drafting or re-drafting of a bill, the getting of light and opinions of this man and that, directing every con-

ceivable phase of thought upon the subject, constantly discovers new phases and new sides of the subject which you endeavor to cover if you can, but in the ordinary legislative method where a committee has a bill presented to it, which is very apt to be drawn on the outside—maybe by a Bar Association, or elsewhere—(laughter)—no one knows just who has drawn it, probably some very able gentleman, and we receive very great aid in Congress and other legislative bodies from the help of the organizations and the associations on the outside—they present this bill before a committee, and it may be carefully examined by a committee under the present method, amendments may be proposed which no one understands very well except the author of the amendment, and probably he does not. (Laughter.) The bill comes on the floor in the House or legislative body, it is amended there by striking out something or adding something, without much regard to the other provisions in the bill, and in the necessary rush the bill becomes a law, if the Government does not veto it. Under the new rule the Governor, while he has considerable latitude about vetoing bills presented to him, still he is largely controlled by the needs of legislation along certain lines, and he cannot change a bill which has been presented to him. The methods are a little too shipshod for this latter day cultivated scientific method introduced everywhere else. When we are learning now the value of scientists in every other branch of life it is as essential or more essential that "scientific" be one of the watchwords of the legislative body, and that through the aid of scientific methods of investigation and expert help, laws be understood before they are enacted.

Now, of course, it is true that, sometimes, that is not possible. I remember once helping to draft a bill, and some time after it was passed the Secretary of Agriculture came to me one day and said, "What did you mean when you wrote that provision?" referring to a certain provision in this law. I have always made it a rule, and do yet, that if I have helped to draft a law, which, when enacted, will be a law of the land, I do not undertake to give my opinion of what the law means,

because the law finally enacted ought to be as capable of being understood by the man who reads it and studies it, as it is by the man who writes it. He is not supposed to have any secret knowledge of what a law means. I said to Secretary Wilson, however, "I have no hesitation in saying what I meant, when I wrote that provision of the law—I meant to pass the bill." (Laughter.) Colonel Roosevelt asked me the same question about the same bill, and President Taft asked me the same question about the same bill, and I gave the same answer to all of them. I had made a situation where if I had been explicit I would meet certain opposition which I did not feel that I dared to meet, and I wrote a Delphic Oracle provision there. (Laughter and applause.) I do not think they have found out yet what it means, although it has been in litigation, and elsewhere, for a long time. (Laughter.) But that is not excusable under ordinary conditions. Sometimes it is necessary to do something in order to get good legislation, and not be too explicit about matters which we would say were of lesser importance. In the bill I spoke of we were endeavoring to cover one certain point, something of importance to the public. But I just want to emphasize before this great Bar Association the need of the country to have fewer laws and better ones, to have fewer long, complicated provisions of law which no one will understand, and more short, plain provisions of law which all may understand. (Applause.) We need when we enact legislation to find out what we want to do, and then be very careful that that is what we do do. No one can sit down and dictate offhand a long, complicated bill. No one, not even the author, will understand very well what it means, and he does not figure out the cases which it may meet, either for good or for evil. Congress is in need of scientific methods of legislation, of expert advice. I think the state legislatures are in need of them, too. I know that the administrative branches of the Government in Washington are very much in need of experts in legislation. We rely very largely upon the opinions, sometimes the advice of the great departments of the Government about legislation which

relates to matters under their control. Bills are constantly drafted in the Interior Department and in other branches and departments of the Government. Those departments ought to have experts in their departments who understand procedure in Congress and understand something about the rules of Congress, who understand the laws as they exist, and who are experienced and expert in the drafting of bills. Unfortunately, if there is any one of that kind who possesses any eminent qualifications in the departments at Washington, I never have run against his bill. (Laughter.) I have made it a practice for years to carefully examine every bill which is reported into the House or Senate at Washington. I read the reports and annotate the bills and the reports frequently, and other members of Congress do the same. I call upon the people who have made the reports and those who have written letters upon the subject from the different departments for additional information. While they do very well—I do not wish to be understood now as criticizing either of the departments or the legislative body, I am only speaking in favor of doing better than we have been doing upon the theory that a people of any sort which cannot make any progress under certain laws lacks the intelligence of modern day necessity. We have done very well in the way of legislation. Congress does exceedingly good work, the departments give us good advice—but we want better. We are entitled to better. We can find a way by which we can get better methods of legislation, although I do not know that it will add to the number of lawyers any. Then sometimes I have thought that the necessary evil might be slightly reduced without any damage to those now in the profession. (Laughter and applause.) I have great regard for the legal profession. I am a member myself, although I am not in very good standing so far as active work is concerned, but I ask your help and your aid, your influence as lawyers, and your influence with your legislators, that we may bring about an era where we may adopt better methods of legislation, know what we are doing, secure experts to help

us, and add to the goodness and glory of our country. (Applause, all rising).

MR. F. B. KELLOGG: I wish to tender the sincere thanks of this Bar association to Congressman Mann for his attendance and able address. (Signified by rising vote.)

CONGRESSMAN MANN: I must say, gentlemen, that owing to the fact that I had an engagement in Chicago, or just outside of Chicago for tomorrow, before I received the invitation to come here, I am compelled to leave you at once. I wish to assure you I have enjoyed very much indeed my visit with your Association, and have been greatly interested in your proceedings and your membership and your President, and I am always interested in my old colleague, Governor Hammond. (Applause).

PRESIDENT SCHMITT: Now, gentlemen, we have a few minutes before the next speech, and during that time I will call for a report of the Legislative Committee. Is Mr. Shearer present?

MR. SHEARER: I do not know that you will want to hear much of any report other than as printed in the pamphlet which has been placed in the hands of all of you. I will only say this, that the Legislative Committee felt very regretful at their inability to get through one special bill, that was the bill which related to the admission for practice in Minnesota, whether it should be upon diploma, or always upon examination. That bill, strange as it seems to me, developed some curious opposition. It was printed and passed around very secretly among the members of the legislature that the purpose of that bill was to deprive the farm boy of the same right to admission to practice as the graduates of our University and Law School, whereas, the exact reverse was the fact. Its purpose was not to permit any one to practice merely upon the presentation of a diploma, that every one must stand an examination before the Examining Board of the state. Of course, it is directly in favor of the boy who studies in an office; but that was passed around, and not until to-day has the committee discovered the exact situation and the opposition that has been aroused. A great many people spent their

time and work in endeavoring to get through that bill, and I want to say here a word of commendation for the last Board of Governors; it happened that I found near the close of the session they were all at the session, they all went over to St. Paul and suspended work that afternoon; but it happened that the time was so late and the calendar was so congested that it was impossible to get the bill through the house, although Senator Denegre of St. Paul had gotten it through the senate by hard work.

I have nothing further to say except this: you, who have been members of the legislature know how very difficult it is to get the ear of a member of either the house or the senate on a bill which does not particularly concern his constituency, in the last three weeks of the session. It cannot be done, unless the bill has met the approval of practically a majority of the house or senate, as the case may be, and the only way it can be done, to get any legislation through that this Association wants, or that the state needs along that line, is for every member, not only those of the committee, but every member who knows any one in the house or senate, to take it upon himself to do a little work. So, while we have not been able to report the passage of that bill or any other bill that the Legislative Committee wanted, I think we did make some progress. I do not believe there will be any difficulty whatever in getting through that bill at the next session. I move the acceptance of the report as printed.

Motion seconded and carried.

REPORT OF COMMITTEE ON LEGISLATION.

To the Minnesota State Bar Association:

Your Committee has no record of accomplishments with which to gladden your hearts. At the annual meeting in St. Paul last year one specific matter was referred to your committee as follows, viz.:

That there should be an amendment to the existing law for admission to the bar requiring that hereafter there be no admission granted except upon examination. This resulted from the discussion of the report of the committee of the Bar Association on legal education. It presented two propositions in one resolution for the action of the Association:

First, that every applicant for admission to the bar should be obliged to take the bar examination and that every such applicant be forced to prove a preliminary high school education. These propositions were voted upon separately.

The second one was laid upon the table for one year with instructions that papers be heard on the subject. The first proposition carried, and your committee was instructed to urge upon the session of the legislature of 1915 an amendment to the law effectuating the action of the Association. A bill was drawn amending Section 4946, General Statutes, 1913, by making it read substantially as follows:

"No person shall be permitted 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."

The bill was introduced very early in the session in both houses, and passed the Senate after a hard fight, but did not come to a vote in the House for the reason that although it was passed out by the House Judiciary Committee comparatively early in the session, a determined fight by letter and personal solicitation was made upon the law by students of the University and the various law colleges, and by the time it was ready to be voted upon in the House, such an adverse sentiment had been quietly created, that it was thought unsafe to bring it to a vote. Accordingly your committee with the assistance of the Board of Governors and others spent considerable time in counteracting the hostility to the bill, but before that was accomplished, the session had progressed so far that it was impossible to bring it to a vote in the House before the close of the session. Strange as it may seem, the argument which was quietly urged upon members against the bill, was that if passed it would discriminate against the farmer boy who acquired his legal education in a law office and in favor of the law school graduates, whereas the exact reverse was the fact. It was also alleged that it was a University measure and prejudice in certain instances was aroused because of that. Your committee is of the opinion that substantial progress was made, however, and that it will be possible at another session to put through such a bill. It may, however, be necessary to place the date of the taking of the bill far enough ahead to exempt at least the Senior class and possibly other classes.

There was also referred to your committee a resolution of the committee on Jurisprudence and Law Reform as amended and adopted at the 1910 annual meeting of the Association on the manner of opening and closing to the jury. Your committee was not very fully informed as to the present feeling of the Association upon this matter and as

there had been no thorough discussion of the matter since about 1910, your committee was of the opinion that it ought not to urge a bill upon this subject without a more recent command of the Association.

The following bills were also brought to the attention of your committee by members of the Association and by its committees, viz.:

1. A bill to enact an amendment for Section 1 of Chapter 298 of the General Laws of Minnesota for the year 1911, being Section 8267 of the General Statutes of Minnesota for the year 1913. This bill proposed that in case of conviction of any person of any felony or crime, except treason or murder, punishable by imprisonment in the state prison or state reformatory, that the court might exercise a discretion to impose a definite fine or fix a definite term of imprisonment, or in its discretion impose sentence to the state reformatory or to the state prison as the nature of the case might require, and that where one is convicted of a felony or crime that is punishable by imprisoment in the state prison or state reformatory or by imprisonment in the county jail or both, the court might impose the lighter sentence in its discretion. The members of your committee were not unanimous as to the advisability of this bill and it was therefore not definitely presented to the legislature.

2. Another bill presented to your committee was one amending the law relative to change of venue in this state. It required in such cases that the costs and expenses of the trial of the case in the county in which the action was removed to be paid by the county from which the venue was changed, and such costs and expenses should thereupon be paid upon being certified as correct by the trial judge. Your committee saw no objection to this bill, but it seemed to have got lost somewhere in the mazes of the legislative mill. The foregoing were the only bills presented to your committee as such for action. However, a special committee of the Association, together with its Ethics Committee, proposed certain legislation known as Association bills or "Bar bills" as follows:

A. Amending Section 7721, G. S. Minnesota 1913, in relation to venue in certain cases.

B. Amending Section 7973, G. S. of Minnesota for the year 1913.

C. Amending Section 4957 of the G. S. of Minnesota for 1913 to more clearly define the duties and regulate the conduct of attorneys at law.

D. An act to regulate the settlement of unliquidated claims for damages resulting from personal injuries. Members of your committee rendered some assistance to the committees regularly in charge of the four foregoing bills. However, serious objection was raised even by high class attorneys in both houses against some of these bills, especially A, B and C, upon the ground that A was too broad and that B and C were too drastic. The bills did not pass either house. As the

committees having these four bills in immediate charge, will doubtless make reports to the Association at the coming session, we will only say that even in those cases, we believe that ground was gained by the Association and that the bills proposed will furnish a good starting point for success at another session.

Respectfully submitted,
JAMES D. SHEARER, Chairman,
THOMAS FRASER,
JULIUS E. HAYCRAFT,
EDWIN D. BUFFINGTON,
RAYMOND G. O'MALLEY,
WM. A. FLEMING,
J. A. JOHNSON,
WARREN E. GREENE,
E. O. HAGEN,
W. H. CUTTING,
Committee on Legislation.

PRESIDENT SCHMITT: Is there any report from the Special Committee to confer with the members of the Supreme Court and the State Librarian as to plans for new and additional library quarters? Mr. Clapp is chairman, and Mr. Flaherty and Mr. Mercer are on the committee.

THE SECRETARY: The report is printed.

PRESIDENT SCHMITT: The report is printed. Shall anything be done with that report as printed? Is there any further report from the Committee?

REPORT OF THE SPECIAL COMMITTEE TO CONFER WITH THE JUDGES OF THE SUPREME COURT AND THE STATE LIBRARIAN AS TO PLANS FOR SUCH NEW OR ADDITIONAL LIBRARY QUARTERS, IF ANY, AS SHALL BE PROVIDED.

Gentlemen: Your Committee appointed for the purpose of conferring with the Supreme Court and the State Librarian, upon the question of the new quarters for the Supreme Court and State Library, begs to report that Chapter 143 of the Laws of 1915, amends Chapter 527 of the Laws of 1913, which provided for the removal of the Supreme Court from the Capitol building, so as to eliminate the proposition of removing the Supreme Court, unless the Governor should so direct. No such direction has been given, and we apprehend it will not be. Your Committee therefore thinks that there is no necessity

for any conference with either the Supreme Court or the State Librarian, certainly not at the present time.

Very respectfully submitted,

N. H. CLAPP,
Chairman.

PRESIDENT SCHMITT: Is there any report from the committee of five to appear before the Supreme Court and members of the legislature and speak for the modification of Chapter 527, General Laws of Minnesota for 1913, to the end that the Supreme Court and the State Library be eliminated from the provisions of said law, and that the Supreme Court and the Library be and remain in the Capital? Is there any report from that committee? Do you desire to do anything with that committee? The report is on page 27 of the pamphlet.

REPORT OF THE SPECIAL COMMITTEE OF FIVE OF THIS ASSOCIATION TO APPEAR BEFORE THE PROPER COMMITTEES OF THE LEGISLATURE IN A PROPER WAY, AND SEEK FOR THE MODIFICATION OF CHAPTER 527, GENERAL LAWS OF MINNESOTA FOR 1913, TO THE END THAT THE SUPREME COURT AND THE STATE LIBRARY BE ELIMINATED FROM THE PROVISIONS OF SAID LAW AND THAT THE SUPREME COURT AND THE LIBRARY BE AND REMAIN IN THE CAPITOL.

To the Members of the Minnesota State Bar Association:

Gentlemen: Your Committee appointed by this Association to appear before the proper Committees of the Legislature in a proper way, and seek for the modification of Chapter 527, General Laws of Minnesota for 1913, to the end that the Supreme Court and the State Library be eliminated from the provisions of said law and that the Supreme Court and the Library be and remain in the Capitol, begs leave to report that under and by virtue of Chapter 143 of the General Laws of 1915, the Supreme Court of the State of Minnesota and the State Library has been eliminated from the provisions of Chapter 527 of the General Laws of the State of Minnesota for 1913.

Respectfully submitted,

ALFRED H. BRIGHT, Minneapolis.
T. J. KNOX, Jackson.
FRANK CRASSWELLER, Duluth.
BENJAMIN TAYLOR, Mankato.
R. E. THOMPSON, Chairman, Preston.

PRESIDENT SCHMITT: Is the report from the Special Committee of five to co-operate with the State Efficiency and Economy Commission? Mr. Mercer is chairman, and I do not see him in the room.

REPORT OF THE SPECIAL COMMITTEE OF FIVE TO CO-OPERATE WITH THE STATE EFFICIENCY AND ECONOMY COMMISSION, OF WHICH MR. HUGH V. MERCER, SHALL BE CHAIRMAN.

Chester L. Caldwell, Sec., Minnesota State Bar Association:

Dear Sir: In my absence from the city I understand that it became necessary for you to print your reports.

So far as the committee that was appointed to co-operate for the Bar Association with the Economy and Efficiency Commission is concerned, there is really nothing to be printed so far as I can see. While some of our members sat with the committee a few days, we can hardly be said to have done more than aided in revisions of work that they had already done.

It became necessary for the President to appoint an additional member to fill a vacancy on our committee, and Mr. Tiffany of St. Paul was selected. It then developed that the commission itself wished the services of some one who was fresh from the comparison of Minnesota Law, and we gladly gave up the services of Mr. Tiffany to the commission for that purpose so that he could act for them. This made it unnecessary for our committee to spend so much time on the matter, and I know of no special thing in connection with it that needs any action by the Association, unless it should be thought desirable to put the matter on the program in some way again.

Very truly yours,

H. V. MERCER.

PRESIDENT SCHMITT: Is there any report from the committee to present resolutions adopted at the annual meeting in reference to the Clayton Procedure Bill?

MR. BURR: That report is submitted as printed. I think nothing calls for any special discussion except that it has been requested by the chairman of the committee of the American Bar Association having that matter in charge, that this committee re-adopt its former resolution signifying its interest in the sub-

ject. I therefore move you the adoption of the resolution which now appears on page 30 of the printed report, "Resolution declaring in favor of the Clayton Procedure Bill, and providing for a committee of five, etc."

Motion seconded and carried.

REPORT OF THE SPECIAL COMMITTEE OF FIVE TO PRESENT RESOLUTIONS ADOPTED AT THE ANNUAL MEETING OF THE ASSOCIATION IN REGARD TO THE CLAYTON PROCEDURE BILL, TO THE CONGRESSMEN AND SENATORS OF THE STATE AND TO THE PRESIDENT OF THE UNITED STATES, AND OTHERWISE TO ASSIST THE AMERICAN BAR ASSOCIATION COMMITTEE ON UNIFORM JUDICIAL PROCEDURE IN ITS CAMPAIGN, AS MAY APPEAR PROPER AND USEFUL.

At the 1914 annual meeting of the Minnesota State Bar Association, a resolution was adopted expressing the sympathy of this Association with the activities of the American Bar Association in favor of the so-called Clayton Procedure Bill; the purpose of which is to vest in the Supreme Court of the United States the power to formulate and put into effect a complete system of rules for the regulation of procedure in the Federal District Courts, in actions at law as well as in suits in equity; and providing for a special committee of five to present that resolution to the President of the United States and the Minnesota delegation in Congress, and "otherwise to assist the American Bar Association's Committee on Uniform Judicial Procedure in its campaign so far as might appear proper and useful."

Pursuant to this resolution the President, with the approval of the Board of Governors, afterwards appointed a committee consisting of Messrs. Harold J. Richardson of St. Paul, George W. Buffington of Minneapolis, Jed L. Washburn of Duluth, Samuel B. Wilson of Mankato, and Stiles W. Burr of St. Paul; Mr. Burr being named as Chairman.

In obedience to the resolution letters were addressed to the several senators and representatives from Minnesota carrying copies of the resolution and requesting their good offices in favor of the bill referred to; and letters carrying copies of the resolution were addressed to the President of the United States and the Chairman of the appropriate Committee of the American Bar Association. The latter was also informed of the action taken by your committee and

of the willingness of the committee to assist in every practical way in the campaign in favor of the bill.

The conditions have been such that, in the opinion of your committee, it was not practicable to take any further action; although individual members of your committee have spoken in favor of the movement as opportunity offered.

Your committee is advised that although the Judiciary Committee of the House unanimously indorsed the bill and the plan which it embodied, the measure was crowded out by other measures during the last session of Congress; also that the Senate Judiciary Committee referred the bill to a sub-committee composed of Senators O'Gorman, Walsh and Root, but that this sub-committee has thus far failed to act, largely because of the opposition of Senator Walsh.

Your committee is further advised that the American Bar Association Committee on Uniform Judicial Procedure is still conducting an active campaign in favor of the measures proposed; and that that committee is desirous that the state Associations, and particularly our own, show continued interest in the matter by the adoption of further resolutions in favor of the plan, and by the appointment of committees to assist in the campaign.

Your committee therefore recommends the adoption of a resolution similar in tenor to the resolution adopted at the 1914 meeting, and the appointment of a committee of five, to be named by the President, to present such resolution to the Minnesota delegation in Congress and to render such assistance as it can in the movement for uniform federal procedure now being carried on by the American Bar Association through its committees.

A copy of the resolution adopted at the 1914 meeting is appended hereto.

Respectfully,

HAROLD J. RICHARDSON,
GEORGE W. BUFFINGTON,
JED L. WASHBURN,
SAMUEL B. WILSON,
STILES W. BURR (Chairman).

Committee.

RESOLUTION.

WHEREAS, the American Bar Association is making an earnest and organized effort to modernize and make uniform the procedure of the Courts; and

WHEREAS, there is pending in Congress a Bill known as the Clayton Procedure Bill (H. R. 133), intended to vest in the Supreme Court of the United States the power to formulate and put into ef-

fect a complete system of rules for the detail regulation of the Federal District Courts; and

WHEREAS, such a system will prove a model that may be followed by the several states and thus bring about uniformity; and

WHEREAS, the Bar Association of the State of Minnesota is in entire sympathy with the American Bar Association's program, and it is desired to give expression to the same.

BE IT RESOLVED, That the Bar Association of the State of Minnesota formally gives expression to its entire sympathy with and approval of the American Bar Association's program, and does respectfully and earnestly request Congress to enact into law the Clayton Procedure Bill at the earliest possible moment; and

BE IT RESOLVED, That a Special Committee of five (5) to be named by the President, is hereby created for the purpose of presenting these resolutions to the Congressmen and Senators of this state and to the President of the United States, and otherwise to assist the American Bar Association's Committee on Uniform Judicial Procedure in its campaign as may appear proper and useful.

PRESIDENT SCHMITT: Should any action be taken in reference to the Special Committees? Should they be discharged or is no action necessary? I leave it to you. If nothing is necessary, we will proceed with the program.

(Voices: "Nothing.")

MR. CHILD: I presume the Special Committees expire by limitation if nothing is done, unless, of course, there be some action taken on these committees' reports—the committee which is not represented by chairman—these reports will not appear in Bar proceedings for the ensuing year. I think they ought to appear there for information. I move you that the report of these committees that has just been talked over be adopted. They do not involve any principle.

Motion seconded.

MR. WASHBURN: Had not you better say, accepted and the committee discharged?

MR. CHILD: I accept the suggestion, yes.

MR. WASHBURN: I second the motion.

Motion put and carried.

PRESIDENT SCHMITT: The motion prevails.

Some years ago there were whisperings that the District and Supreme Courts of the state thought that they were being tried without hearing by the State Bar Aassociation in annual session. We, therefore, adopted a system last year of requesting a member of each of those courts to address us, and I now have the pleasure to introduce to you Honorable Oscar Hallam, who will speak on behalf of the higher court. (Applause).

JUDGE HALLAM: Members of the State Bar Association, Ladies and Gentlemen, it is a matter of a little difficulty to follow on the program so soon after Congressman Mann. Such are his distinction and ability, that we all ought to regard this as an anti-climax. I understand from the suggestions that your President made that the only purpose of asking members of the court to appear at the sessions of this Association is, that there might be some suggestion or reference to some matters with some bearing upon the relation of the courts to the bar.

I believe this is the first time in my life that I have ever read a paper, unless we hark back to the essays written in school days when we stated the momentous questions of the hour. But we have to make departures sometimes. (Reads).

OFFICERS OF THE COURT.

Whatever may be said of law in the abstract, you will all doubtless agree that the winning of lawsuits is not an exact science. You may have said this yourselves after the conclusion of the trial of some case before a jury. You may have thought it and you may have said it after receiving the decision of a judge or a bench of judges.

The story is told that a Chief Justice of some state Supreme Court once said to an advocate whose argument was becoming prolix, "Mr. Doe, won't you just state the points upon which you mainly rely," whereupon Mr. Doe answered, "Your Honors, I have sometimes in the past won cases in this court on points upon which I did not mainly rely."

His narrative was doubtless correct. There probably never was a court that did not sometimes decide cases upon grounds not originally suggested by counsel at all. The lawyer sometimes wonders that the court cannot grasp his view point of his case, and the court sometimes

wonders that the lawyer did not present a view that seems to the court controlling. These things will happen as long as legal opinions differ as they do. They will happen as long as a tribunal such as the Supreme Court of the United States divides five to four on questions of purely legal aspect, especially when the four believe with all the force of conviction that some certain statute is within the power of a legislature to enact, while the five declare such statute unconstitutional beyond a reasonable doubt. Such wide difference of opinion is the exception and not the rule, but the fact remains that the basis of the law is partly moral, partly economic and partly political, and in the nature of things men will not all agree upon any yard stick by which to test its application.

The part of the lawyer in the determination of legal questions is more than that of a disputant. He is a chosen officer of the court and upon him devolves the duty of advising the court as to the facts and the law, and, while not relaxing in zeal for the cause of his client, to assist the court in its quest for truth. There is something more than idle jest in the anonymous lawyer's soliloquy which runs:

"I'll never throw dust in a juryman's eyes,
Said I to myself, said I,
Or hoodwink a judge who is not overwise,
Said I to myself, said I."

For a few years past my situation has been such that I could better observe the mistakes of counsel than those of the court. During that time I have learned to appreciate the value of both criticism and suggestion from those who were better situated than I to observe the mistakes and shortcomings of the courts. I do not expect on this occasion to indulge in real criticism. But, having observed some things which seem to me most helpful to the court, I may be pardoned for offering some suggestions. In the first instance I shall turn attention to the appellate court.

In most cases the members of the court have never heard of your case. If any information has come to them it is counted of no value, for it is all "off the record." They may have some notion as to the applicable law, but none as to the facts. The court must be educated as to the facts of the case from the ground up. This seems very elementary, yet lawyers "full of their case" sometimes appear to overlook this fact, at least they are prone to plunge the court into legal problems before their bearing upon the case can be seen by a proper introduction to the facts. By all odds the most important part of a printed brief is its recital of the facts.

The recital of facts is of little value unless it is complete and states all the pertinent facts developed by both sides. Of course a partial statement of facts may be of some value if it is accurate, as far as it

goes, and does not purport to be complete, but an inaccurate statement of facts is never worth while. When once its inaccuracy is discovered, whatever may be the cause, the whole narrative is discarded.

Again, a recital of facts is of little value unless it is accompanied by copious references to folios of the record, where its statements may be verified. For my own part I do not care for more than a folio reference. It is a custom not uncommon among careful attorneys to prepare their briefs replete with quotations of pertinent testimony. I do not find such quotations of such value as to make them worth while. However carefully and honestly such quotations are selected, they must at best be only excerpts, and no judge would decide a case without turning to the record where all pertinent testimony may be found. I will not say, however, that an occasional brief quotation of some decisive bit of testimony may not be of impressive value.

In a measure these observations apply also to citations of authority. It is of little assistance to the court to be cited to pages of cases without particular statement of what they involve or what they decide. It is of great value to be cited to an apropos case with a statement "in a word" of how it arose and what it decided. It is not, as a rule, of much assistance to furnish the court with long quotations from opinions. The court must still resort to the original opinions, and lengthy quotations only serve to incumber the brief and fatten the printer.

It is needless to say that no profit is realized from quotations that do not fairly represent the decided case. I know that none of this audience will emulate the over-zealous advocate who after he had incorporated a long quotation in his printed brief, upon discovering that some portion of it was unfavorable to his contentions, carefully pasted slips of blue paper over the objectionable language. Naturally the curiosity of the court was aroused to see what the language was that had been so industriously expunged.

In some cases oral argument is quite as important as the printed brief. In many cases it may not be important to the outcome of the case. The case of Smith vs. Munch, 65 Minn. 256, which settled in this state the rules of liability of the master for the personal torts of the servant, was submitted on briefs at the close of a summer term. The case suffered no loss, either in mature deliberation or in exhaustive analysis, on account of the manner of its submission. On the other hand, we can point to cases where the world believes the personal argument of counsel was a potent factor in shaping the law of the case. To go far enough home, for an illustration, no one doubts that the oral argument of Daniel Webster was an important factor in the decision of the Dartmouth College case and many another case argued by that great lawyer; indeed the biographer of John Marshall, after enumerating some of the distinguished practitioners at the bar of the

Supreme Court of his time, adds that, "the decisions of the Chief Justice may be said to bear the impress as well of the minds of these great lawyers as of his own." (Magruder, p. 172.)

But it is from the standpoint of the court that I speak when I say that oral argument seldom fails to be helpful and, to the court, a time saving device. I have been surprised at the brevity of the ordinary oral argument on appeal. The average oral argument in the Supreme Court of this state surely does not exceed half an hour. Chief Justice Parsons once said that "a half hour was long enough in which to argue a case to court or jury." It is enough for the ordinary case. The longest arguments are not always the most helpful. I do not mean by this that no argument should exceed half an hour. The court is sometimes glad to hear counsel for a full hour, and then to extend the time. But these cases are the exception, not the rule.

In oral argument, as in the printed brief, the most helpful thing is a full, lucid, and logical statement of facts. Extensive reading from testimony is not usually desirable. The facts can usually be placed in the possession of the court much better by a summary by counsel of the substance and effect of the testimony.

Lengthy reading of opinions in other cases has never won a lawsuit. This is especially true of opinions of the court of this state, not that they are not worth reading, but because the court professes some familiarity with them. The court would much prefer a terse statement by counsel of the nature of the case and of what it decided. The reading of an occasional short passage may sometimes, however, serve well to supplement such statement.

Flights of oratory must be left to the discretion of counsel. Usually it is not important to "shell the words" when addressing a bench of judges. But, mindful of the oratory of Erskine, Burke, Ellenborough, before the Law Lords, and of Webster, Wirt, Martin and Choate, before the Supreme Court of the United States, we should not discourage eloquence in the presentation of either conclusions or fact or principles of law.

These suggestions relate to the practical question of winning the particular lawsuit which is before the court. The lawyer will fail in his mission if he does not see in the practice of the law something more than the winning of cases, and both lawyers and judges will fail of their purpose if they do not see in a lawsuit something more than the disposition of a particular quarrel.

There is scarcely any subject more interesting or more logical or rational than the origin, the evolution and the development of human laws. In the primitive forms of society the father ruled his family, the chief his clan, the monarch his nation, each according to his own conscience and will. The vice of this system lay in the proneness of

the single conscience to err and of the single will to oppress. As mankind grew in numbers and intelligence, governments arose, with distributed powers and authority.

The early Saxon laws, crude and various as they were, served in some tolerable degree to decide the controversies of a simple people.

These people at first decided cases by the conscience of the parties. The defendant was put to oath. If he denied, on oath, the debt or crime, he was acquitted.

Then they decided a man's case by the country's opinion of him. If a man's neighbors would not vouch for him he was put to the ordeal, the ordeal of fire if he were a person of rank, of boiling water if he belonged to the common people. If he survived the ordeal he was innocent.

Then they let each man's own might determine his right in the wager of battle.

These forms of trial are not so ancient as we may think. Trial by ordeal was not abolished until after the Magna Charta. The legality of trial by battle was recognized as late as the 19th century and was not formally abolished until 1819.

There was an inconvenience in having every man the judge of his own case, therefore the community established judges. Arbitrary determination was not desirable, therefore people fled to settled rules of law. Legislatures were set to work to formulate law, courts to pronounce law in accord with settled principles and rules.

The Saxon laws and their administration were a neighborhood affair. William the Conqueror first established a judicial system for the English nation; he established the office of Chief Justiciar and assembled with him as judges, the constable, the marshal, the steward, the chamberlain and the treasurer.

His son, William Rufus, the king, built Westminster Hall. It was completed at Whitsuntide in the year 1099, and Flambard, the Chief Justiciar, sat there at the following Trinity Term, and the superior courts of justice of England were held there for nearly 800 years.

In those days of Norman kings, the king's justice was one great source of his revenue, and he sold it very dear. Suitors paid heavily, not to have causes decided in their favor, but to have them heard at all. It was to remedy this condition that there came that famous clause in the Great Charter, "To no man will we sell, nor to none deny or delay right or justice."

The Norman kings sold also the judicial office. There are authentic records of the purchase in those days of the chancellorship and accurate details of the consideration monies. Long after this the administration of English law was not according to our ideals. In 1592 Elizabeth appointed to the office of Lord Chief Justice of England, a lawyer,

John Popham, who is said to have occasionally been a highwayman until the age of thirty. This may not seem to be so incredible. In those days a certain amount of dignity was attached to a highwayman, for it was about this time that a law was put on the statute books of England which gave benefit of the clergy to peers of the realm when convicted of highway robbery.

In the next reign of James I., Coke, the first really great Chief Justice, was removed from office because he denied the right of interference of the crown in the decisions of the judges, and refused to advise with the king in private as to a cause in which the king was interested.

With the growth of social order these conditions disappeared. I have cited these instances to illustrate how the law has always partaken of the nature of the prevailing social order, has been tainted with its vices, and has grown with its growth and development.

We inherited our system of jurisprudence with our other institutions from England. My own judgment is that it is the best system of laws yet devised.

Few topics of the law receive from statutes any treatment beyond an occasional touch. The remainder is unwritten law, extracted from the habits, the usages, the wisdom of ages, formed out of the simple principles of natural justice, designed to be, as Blackstone says, "the perfection of reason," softened, supplemented and corrected by rules of equity, and interwoven with the written law as part of the municipal code of the state.

In characterizing the literature which makes up the common law of England, Chancellor Kent said, "I do not know where we could resort among all the volumes of human composition to find more constant, more tranquil, and more sublime manifestations of conscious rectitude." (I Kent Com. *497.)

The system is imperfect, as human order is imperfect. It is in some things over-technical. It has some faults which impede and embarrass justice. Men talk, sometimes understandingly, and sometimes without understanding, of the shortcomings of the administration of the law. Usually they stop short of prescribing any remedy. I know of no specific cure. I am convinced there is none. Legislation may from time to time make valuable contributions, as it did in the adoption of the code system of procedure, but different problems are now involved. A few years ago a committee of eminent men of this state was appointed to suggest legislation for the purpose of improving and simplifying legal procedure. Only a few measures of importance could be suggested. I am convinced that under conditions as they now exist in this state the improvement of legal procedure is administrative rather than legislative and that the responsibility for it rests, not on the courts entirely,

or even principally, but on the courts and members of the bar. I sometimes think lawyers do not fully realize this responsibility. I remember on one occasion, an able practitioner, while waiting for a case, complained to me that trials in our district courts were too long protracted, and then when his case was reached he consumed two hours in drawing a jury. I have made some attempts to expedite the trial of cases in trial court. On occasions I have myself interposed objection to testimony or methods of procedure. I have sometimes found later that what I objected to was an integral part of a plan of trial, and that, while my conviction that the trial was not being properly expedited was well founded, it was an exceedingly difficult matter for the trial judge to direct the particular manner in which it should be hastened. The trial of cases should be expedited. The responsibility rests both on counsel and court. The co-operation of both is essential to any marked improvement in administration of the law.

Appeals too often result in protracted second trials which involve a retrial not only on issues tainted by error, but a retrial of issues properly tried as well. This is sometimes impossible to avoid. To some extent this difficulty may be overcome. It may be overcome in a measure by the larger use of special findings and special verdicts. I know that special verdicts are sometimes a trap to the jury, but they are not necessarily so. To my mind a case involving several grounds of liability should, under no circumstances, be submitted to a jury without direction to return special findings. Let me illustrate by an error which I made myself. In a personal injury case negligence was alleged in the speed of a train and in failure to give signals of its approach. The jury were instructed that if there were negligence in either particular they might find for the plaintiff. They found generally for the plaintiff. The Supreme Court held there was evidence proper to be submitted to the jury on the question of negligence in failing to give signals, but not as to the speed of the train, but from the manner in which the case was submitted it was impossible to determine on which ground the jury decided the case, and a new trial was necessary. Had the jury been instructed to make special findings as to each issue of negligence alleged the case might have been disposed of without a second trial.

The law is a practical science. It is applied to such manifold and intricate relations of life that it is not fully comprehended, save by those who make its study the business of a lifetime. Yet it is of tremendous importance; upon it depends life, liberty and the pursuit of happiness.

In large part the law is administered out of court. In such case it is to the lawyer that the trust is committed to interpret, and administer the law, and to protect and safeguard legal rights, to solve the

problems of society in accordance with law. The lawyer is a trustee. He is entrusted with the fate of the property and sometimes of the life or liberty of his client. He is a trustee for the state, charged with the duty of justly conserving its laws and guiding his clients in true obedience to law. Nowhere in the world have lawyers been called to exert so large an influence on government and social order as in the United States. They have guided this people in every stage of their national growth. They entered early into the colonial counsels. Patrick Henry, John Adams and James Otis were leaders of thought and of action before the colonies began to act together. They entered the Continental Congress. The Declaration of Independence was penned by a lawyer. Four out of the five of the committee that reported it were lawyers. Two-thirds of the fifty-six men who signed it were lawyers. They have been chosen to the highest positions in every branch of the government. In Congress they have shaped the course of legislation. Take from the ranks of congressional statesmen the lawyers and how thinned the ranks would be. They have been called to the cabinet councils. Three out of four of Washington's first cabinet were lawyers. Six out of seven of Lincoln's first war cabinet were lawyers. The office of Secretary of State has always been filled by a lawyer, with the exception of one period of four months when it was filled by Edward Everett, a preacher. They have been called to the chief magistracy of the nation. For more than three-fourths of the time the Presidential office has been filled by a lawyer. Take from the roll of Presidents the names of the lawyers and what have we left? The hero of the War of Independence, the hero of Tippecanoe, the hero of Palo Alto, Buena Vista and Monterey, the military governor of Tennessee, the hero of Appomatox and the hero of San Juan Hill. In no other country has their influence been so great. In England such eminent lawyers as Erskine, Burke, Canning and the younger Pitt have taken conspicuous part. But lawyers have never dominated Parliament. Chatham, Fox, Sheridan, Peel, Walpole, Palmerston, North, Rockingham, Gladstone, Disraeli, Salisbury and Balfour were never called to the bar. Most of these men prepared for a parliamentary career as a profession, a course for manifest reasons not practicable in this country.

Officers of the court, your office is one of the large and varied responsibility. It is quite unnecessary for me to impress this upon you.

"And for a farewell I wish unto you," in the words of grand old Coke, "the gladsome light of jurisprudence, the loveliness of temperance, the stability of fortitude and the solidity of justice." (Applause.)

MR. WASHBURN: I would like the privilege of making a motion that we express our appreciation to Mr. Justice Hallam for

the illuminating paper which he has read, for the interest he has always taken in the members of the profession, and the special interest which he has always taken in this Association.

MR. BURR: Mr. Chairman, in that connection, I will second the motion, and at the same time I would like to comment on the very excellent address of Judge Hallam to this Association as being one worthy of study and a thing of particular enlightenment and service to the profession as a whole. (Applause).

PRESIDENT SCHMITT: You will please signify your sentiment upon that motion by a rising vote. (All rising.)

The Supreme Court has been brilliantly represented and properly acquitted. As was suggested this morning, we have been trying to get a representative of the District Court to represent the District Judges, and as I stated this morning, when not all were present, the name of Judge Dickinson appears on this program without authority. Notice was not given to Judge Dickinson, until he left on his vacation. But this morning I gave notice to the District Judges that unless they had a representative of their own, I would appoint counsel; and I did appoint the "youngest" member among the District Judges, as counsel for them—Judge Daly, of Renville.

JUDGE DALY: I wish at this time to enter a special objection to the jurisdiction of this Court. I was not present when I was tried. I was not permitted to cross-examine or see the witnesses, and do not know precisely what the charge is.

PRESIDENT SCHMITT: The objection to the jurisdiction will be overruled, because you should have been here. (Laughter.)

JUDGE DALY: Then I make the further objection that it is very unusual for the complaining witness to appoint counsel for the defense.

PRESIDENT SCHMITT: I think that objection is not well taken, because they were given an opportunity to choose their own counsel.

JUDGE DALY: Well, without any indictment against the District Court, I would say that I am only a sort of a judge by brevet—appointed on the field of battle; I hardly have been a judge long enough to learn anything from experience as a judge, but the memory of my contests in the courts is so fresh in my mind that I actually believe that I could address this body, if I were capable of addressing you at all, better as a lawyer than a judge. However that may be, the chief objection to a District Judge is his origin and his environment (laughter) for whch he should be pitied and not condemned. (Applause).

Now, all the boys who know me know my shortcomings and use me so kindly that I would hate to say all the things that I might, but I dislike to be classed among those judges who would deprive the lawyer of his right to swear at the judge or appeal to the Supreme Court. (Laughter.) I always availed myself of that privilege, and sometimes after I had appealed to the Supreme Court, I continued swearing at the court. Of course, at a meeting of the Bar Association we talk about officers of the court as men who have no other ambition than to see that the judge and opposing counsel do not overlook anything that might militate against clients, thus giving such clients an advantage. But in practice a lawsuit is a contest. Your client does not hire you to advise the court or your opponent. He ordinarily hires a lawyer to win his lawsuit, and why not face the actual condition? This is true and everybody knows it. And, gentlemen, you are mighty lucky if the other fellow has not used better judgment in hiring a lawyer to try his case than your client has.

In the quarter of a century that I have been trying cases—not very important ones, perhaps—I have lived in a rural community where the cases were not so important generally, but were just as important to the litigants, and in looking back over the decisions, I cannot point to any that I could now say were not just and right. Of course, I did not always agree with them—I was not hired for that purpose. But after my blood cooled and after I got to be that miserable being, an officer of the court, with the right to advise, I could see that the other fellow's case had

some merit. (Laughter). Now, to illustrate the position of District Judge. Perhaps it can be understood by most of the lawyers, especially those who have played baseball. It is as if while engaged in the game and imagining they were playing a pretty good game, suddenly and unexpectedly some one should say, "Get out and umpire"; and there is not a little boy in the bleachers or on the fence who could not make a better decision than an umpire; you might be a star as a pitcher, but when you come to umpire it is a different matter. You realize this, or at least you ought to realize it, when you call a man "out" on first or home, and everybody knows you were wrong, and says so, that is every one not in favor of the side the fellow is on who slid in there; those in favor of the other side all know you were right. That is the position the District Judge occupies; he is obliged to decide against one side or the other. He does not view the lawsuit the way the lawyer and litigant does. He forgets about the contestants, he looks for the merits of the case, he forgets that the lawyer is eloquent or able, or perhaps is his friend or former partner, he realizes fully that this contest is between two clients and his object is to see that justice is done. He may not always succeed; he is human. As long as laws are administered by human beings, errors will be made.

Now, as the President kindly informed you, I had no real notice that I was to be called on, and I do not want to occupy your valuable time with anything more that I might say, without being prepared to tell you something that might be of real value to you. I thank you. (Applause).

PRESIDENT SCHMITT: I think it will not be necessary to postpone until the next session of this Association the decision on the question of the guilt or innocence of the District Judges. I take it that we have acquitted them.

Now, gentlemen, we have still some time and the order of business on the program for the rest of the afternoon is Unfinished Business. If any member has any matter that he desires to bring to the attention of the Association, now is the time to state it.

The Secretary read a communication from the librarian, Mr. E. G. Lien, asking for copies of the 1908 Report of Proceedings. A communication was read from the Development Committee of Faribault for the Commercial Club, inviting the Convention to meet there next year. This was referred to the Board of Governors.

Mr. Washburn invited the Bar Association to meet in Duluth next year.

MR. CHILD: The address of the President of the Association made several recommendations, as it generally does, which seem worthy of some recommendation. I move you that the recommendations of the President in his address be referred to the Committee on Legislation.

Motion seconded and carried.

Banquet announced for eight o'clock that evening.

Recess until 9 o'clock tomorrow morning.

Saturday, August 7th, 1915, 9:30 A. M.

Meeting called to order.

PRESIDENT SCHMITT: I am glad to see that we older members of the bar are here on time, and we are also glad to see that at least one good representative of the Ramsey County Bar Association is here with us this morning.

Gentlemen, we have with us this morning a man who has been known to the lawyers of this state for a great many years, a man who has devoted a large share of his life to the public service in the halls of Congress. He has already been introduced to you by Mr. Mann, the minority leader of the House, in his speech yesterday. And I now have the honor and the pleasure of pre-

senting to you the Honorable Frederick C. Stevens of St. Paul. (Round of applause.)

MR. STEVENS: Mr. President and gentlemen, I very greatly appreciate your cordial greeting, and am very glad that all the good spirits that were evidenced last evening have not entirely departed. (Laughter.) I shall not very long detain you, as I realize that the last morning of your session is here; that you desire to do something concerning the affairs of the Association. But your Secretary, my very good and intimate friend, requested that I sort of fill in a gap this morning, and I promised to do it, provided there was no work connected with it, and it is under that promise that there shall be some talk and no work that I address myself to the theme proposed.

LAWYERS AS LAWMAKERS.

Most of the discussion within the profession and about the profession concerns its duties in the protection and custody of private rights. I shall digress from that, from his service and duty in the judicial work of society, and discuss the lawyer's attitude to the other branches of the government, the executive and legislative, especially the legislative, and his attitude toward the obligations and the burdens which the lawyer must necessarily have under our institutions. Mr. Mann and Judge Hallam touched somewhat upon the subject yesterday, but my theme will be quite different from theirs.

From the beginning of our government, lawyers have had a very large part in formulating legislation. And from the beginning, also, there has been a complaint more or less vociferous, that lawyers have had too large an influence upon public affairs. I have noted that within the last few years there has been a sort of revival in some influential circles of that very lamentation, especially among the leading business interests of the country, that lawyers rather than business men are exercising too large a part in the initiation and preparation of legislation. I do not believe that these gentlemen realize what the situation is in this country, and it is that which I propose to discuss briefly this morning.

OBJECTIONS TO LAWYERS.

The basis of complaint that there are too many lawyers in public affairs, is that we are too technical, that we are too conservative, that we are too restrictive of popular rights, that we have too much "red tape," if anybody can satisfactorily define that expression, and that the

will of the people is not given proper effect, and that we are impractical and unbusiness-like in our methods of meeting new and complicated problems. It is true, and we all realize, that in a popular government like ours, all kinds and classes of people and occupations and views should have an adequate representation in the formulation of our laws. That is the only way we can get satisfactory legislation which will be sustained and enforced by the people. It may not always be the best, but it is the most satisfactory to all and conduces to the best general results. From all sorts of training, and all sorts of minds and all sorts of experience, and all sorts of knowledge, we finally secure a compromise of ideas, and in this way it results in the best sort of legislation for a republic like ours. Then, too, legislation does move slowly, and properly so that the changes may sift the more surely among the people to be affected, so they can adequately prepare to meet them. Rapid changes in governmental methods or politics can only be made known to the few, the rich and powerful, who have the means and organization to keep informed about such matters.

I think Judge Hallam well stated yesterday the great proportion of lawyers who have had part in the conduct of our public affairs during the last century. On the average now, there are probably more than twice as many lawyers engaged in work in the federal branches of our government as compared with similar work in the service of our state, and I do not know but three times as many. I think that in the United States Senate there are four times as many lawyers as all laymen combined; and the lawyers in the United States House of Representatives are about sixty per cent of the total membership, and if I have examined the statistics of this state with any accuracy, probably the contrary is true here. This condition in Congress has not much changed for many years.

EFFECT OF SERVICE.

This fact is to be taken as contributing a very large part to important conditions which to-day confront our people. First, that a considerably greater proportion of the state statutes have been held by the courts as violating our federal constitution as compared with the federal enactments. That is to say, the state legislation violates the provisions of the federal constitution proportionally many times more than do the Acts of Congress.

I had occasion to ascertain the facts some years ago in the preparation or examination of some legislation; and I requested the Reference Department of our Congressional Library of Washington, D. C., to prepare for me on that subject whatever statistics it could, and I also requested the West Publishing Company at St. Paul to make such compilation as it could easily and conveniently make. (And I will say in

this connection that the West Publishing Company's compilation was far better, more comprehensive and accurate, than that of the Reference Library in Congress.) But these examinations showed the facts which I have stated.

If you will allow me to digress a moment, I wish to differ with the proposition of Mr. Mann of yesterday, and I do it with some temerity. We all realize that Mr. Mann is the foremost parliamentary authority in this country, and I think all of us who have associated with him in public and private life realize that he knows more things, and more things that are really so, and more accurately and comprehensively, concerning our government, than any living individual. He is an authority relied upon by Democrats and Republicans and Progressives, not only as to the facts but upon the methods and theories of government, so that when I venture to differ with him, it is with the greatest reluctance and diffidence.

REFERENCE BUREAU.

A Reference Bureau for Congress for furnishing the facts, statistics and precedents might be of some advantage, but a Reference Bureau to draft measures for legislation, to initiate and formulate bills, I think would be an error and would degenerate into a basis or opportunity for scandal, and a chance for forbidden forces to obtain an undue influence or produce unfortunate effects over legislation.

Where there is a large proportion of lawyers capable of drafting their own measures, there is needed for their use the facts applicable and the experience of others under similar conditions. Where there is not a large proportion of lawyers, and the laymen must depend on some outside assistance to prepare the legislation, I think it is dangerous in the drafting of this legislation to have a permanent official bureau always zealous to increase its own powers and influence, and desirous of disseminating its own views; not responsive to any popular election. I should prefer, and I think it would be safer, to have such important duties performed through the Attorney General's office, and the facts and statistics be gathered through the other state departments. I still think it would be better if we had permanent officials connected with the large and important committees of a legislative body, and perhaps a part of them during vacations, connected with some executive departments to compile and present the experience and proper precedents.

Some of our committees in Congress have such permanent officials, and more of them should do so. One of our largest committees has continued the same man as its clerk for nearly forty years. He originally was a Democrat from Tennessee, and all of the Republican committees have retained him regardless of his politics. I recall that another very important committee selected a very competent man, a

Republican from Ohio, and continued him under a Democratic Congress. I think that method would give us safer and better legislation.

But pardon me for digressing. I wanted to say that some of us do not agree with Mr. Mann in this regard, much as we admire him, and I usually agree with him; but in this particular, I differ. I think very great care should be exercised in the establishment of a Reference Bureau and that too much should not be required of it. The representatives of the people must not abdicate their responsibilities. Where there is a greater proportion of lawyers, as in the federal as compared with the state service, suitable legislation will be drafted by the experienced legislators, the better to conform to the requirements of the federal constitution and to the public necessities.

Where there is a small proportion of lawyers, there is a greater chance for confusion and for the nullification of what may be needed or expected from legislation. Now this confusion is important; it causes that instability of affairs, which indicates and inculcates a lack of confidence on the part of the people, when they are uncertain as to whether an act passed by a legislative body will really become effective or entirely disappointing or nugatory.

NATIONAL POWERS INCREASE.

We all realize that there is an increasing tendency on the part of the federal government to increase its powers at the expense of the states, and that the states must have their authority diminished accordingly as the federal increases, principally through the commerce clause of the constitution. I think that tendency is unfortunate. I am an old-fashioned Republican and a Federalist; I am an admirer and follower of Alexander Hamilton, and yet, strange it is that in the deliberations of the Committee on Interstate and Foreign Commerce, I have been the one generally who has objected most strenuously to the extension of the federal authority at the expense of the states, and my Southern brethren who have been vociferous believers in the doctrines of State Rights, have insisted upon having the federal authority extended. It might be of some little interest to you to know how this is done.

One of the recent measures which accomplished something of this sort is what is known as the Cummins bill, prohibiting railroads limiting their liability for loss and damage upon freight, especially on live-stock. For many years several of the states had statutes regulating the liability of railroads for such damage, especially to live-stock. But there was a pressure on the part of the states themselves to establish a uniform national rule which should supersede their own state laws. Some of us objected to it for that reason, and pointed out

that it was not only a question of liability as to the loss and damage, but it included many other things which would be troublesome to shippers and travelers. Notwithstanding, the act was passed, the state laws are superseded and now the traveling public is being bothered exactly as we told them it would be.

Nearly every session of Congress has enacted some legislation amending the Safety Appliance laws, the Pure Food law, the laws regulating the construction of bridges and dams or obstructions in navigable streams, the Anti-Trust laws or those regulating business matters in some way, or the laws controlling the transportation of freight or passengers, or the conditions of such transportation, all under the powers conferred by the commerce clause of the constitution. In all of these cases, these federal statutes necessarily must supersede similar state statutes and in that way extend the national jurisdiction and authority, and correspondingly restrict the jurisdiction and authority of the states. This is the tendency; the people seem to want it, the business world seems to desire it, even though there is not an adequate understanding of the full consequences of such tendency.

These illustrate in a way how the federal authority is gradually being increased at the expense of the power of the states. Some of us are old-fashioned enough to believe that in a great country like ours that local government administered closely to the people affected is the best and most enduring kind of government; and some of us who have had experience with national affairs realize that this concentration of authority in Washington will gradually build up a bureaucracy, which after all, must prove to be the same kind of bureaucracy that exists in Germany and France and England and Russia and China, and in all of those old countries. A leopard cannot change its spots, a bureaucracy is a bureaucracy, dominated by the same spirit, with the same intolerance and disregard of popular sentiment, and it does not change its nature very much, whether it be in the United States or in any other nation.

Now a bureaucracy has rules and methods of its own. Mr. Mann told you yesterday of the ruling and methods of the Treasury Department on that matter which he drafted with some care to accomplish a public purpose and which was completely nullified by the construction and administration by that department. A bureaucracy will construe and interpret acts to suit itself, and will build up a body of law and practice and precedents hitherto unknown to the business world and to the legal profession, and yet which, more than can be now realized, will affect the everyday work and welfare of our people. The ordinary man in business cannot get at them, knows nothing about them until it is too late, and it will require almost a new branch of

our profession to handle the business with that sort of a bureaucratic government. It formulates its own rules and regulations, as it is obliged to for proper administration, and the Supreme Court has emphatically sustained such power. These rules and regulations are unknown to the general public and even to our profession, and yet more and more do they control the business of our country and the daily affairs of our people, and take the place of our local statutes. That is bound to be a disadvantage to the business interests of our states, a disadvantage to our people; and above all, it is destructive of the fundamentals of our dual system of government. Yet that is the inevitable necessity which will come from the national government extending its powers at the expense of the states, and that is one reason I have opposed those extensions as far as I have.

CONDITIONS OF BUSINESS.

It is true that the greater part of our affairs nowadays are interstate and international, rather than local; and this condition is increasing by leaps and bounds, and that tendency and condition influences the concentration of power in Washington and the gradual taking away of important functions from the states, which, I think, the people will some time have reason to regret. But at the same time, we realize that the national administration has an expert set of administrators, probably more experienced than the states have or can have, men with higher salaries, of longer tenure of office and broader experience; and the national authority has a prestige, and an influence which the local authority has not and cannot have; and for that reason the people seem to instinctively prefer a national authority, will respect it readily and cheerfully rather than that of the state. This should not be true, but that is a condition and not a theory.

LAWYERS NEEDED.

But here is the important point which I was seeking to demonstrate at the beginning. There is a very much larger proportion of lawyers in the administrative work of the national departments than in the state departments, and necessarily a very much larger proportion of lawyers engaged in the preparation of legislation in national government than of the states. And I think that is one of the reasons which contributes to the greater confidence which the people have in the administration of national affairs rather than of the states. Of course, few would admit it, they would not say so; they may not even realize it, but these are the facts, and that is what I wish to impress upon you this morning. The lawyers after all are the best fitted to perform the important administrative and executive work, and for

the last century they have performed most of the legislative and all of the judicial work of our country.

Again there is a greater criticism of the state statutes failing to perform the purpose for which they were enacted than of national statutes for such reasons. My impression is that the national statutes are drafted with somewhat greater care and with a better comprehension of conditions and the results to be obtained. There is a very good reason for that; they are prepared as a rule by expert draftsmen and have at hand expert assistants . The crude bills are referred to committees which are practically miniature legislative assemblies, with their own rules of procedure and where each man has his own specialty. A man is apt to serve on one important committee for many years and devote himself exclusively to some one subject or a class of subjects, and these men are wise to do so. The result is that these men in the House have an expert knowledge upon those affairs, which I think as a rule is not possessed by the Senators, and cannot be possessed by the officials of the states. You will thus realize why the federal statutes as a rule are better prepared, and yet the Supreme Court and other courts have pointed out some very flagrant defects in many federal statutes. But I am speaking of the average, that the federal statutes are more liable to fulfill the purposes of their creation.

BUSINESS MEN IN LEGISLATION.

Now, coming to another phase of that same subject, many of the business organizations of the country have been advocating that there should be a larger proportion of business men in Congress and in state legislatures. The farmers have been advocating a larger proportion of farmers, and the labor organizations have been advocating a larger proportion of laboring men; and all of them have criticized lawyers and have been discussing and doing their best to have their proportions increased and of lawyers diminished. Consider briefly what would be liable to happen if this should be brought to pass. As I have said, the larger committees in Congress are a sort of miniature legislature and on every subject which comes before them they have their hearings with the testimony taken down and printed and distributed as public documents. The hearings on the Railroad Rate bill, I think, fill seven large volumes, and on the Pure Food bill and on the Anti-Trust bills two or three or more and so on; and so you can realize that there is an immense amount of extra work put upon these committees. The ablest men in the world very often take part in the discussions and give their best views and latest information for the guidance of those committees in formulating important legislation.

I will say right here that I think in Minnesota our legislatures have gone too far in following what Wisconsin has done in the way of reform legislation. They should think more and better for themselves. Also in Washington those who desire to accomplish various reforms, social, industrial and economic, have brought before us the examples of what Canada or Australia have been doing. Business men and reformers present all sorts of statutes there and urge Congress to adopt them, regardless of the fact that conditions are radically different, that there are not written constitutions in those countries to limit what their parliaments can do. Why, one prominent man came before our committee and urged in labor arbitration matters, that a law should be passed that whenever a dispute arose that a workman should be obliged to continue work until the matter might be settled by arbitration. We pointed out to him that Congress cannot compel a man to work when he does not want to, and that there was an amendment to the federal constitution prohibiting such an act. Then we said to him, "How would you like to have a law that you would be obliged to keep a man at work whether you wanted him or not?" and he said, "That would be ruinous and would take away our rights to control our property." That illustrates what would happen when the conditions are brought home to a man.

Right now, the Industrial Commission is traveling about the country taking testimony and another commission of even greater importance and dignity is traveling about the country taking testimony of the leading business men of the country, trying to secure a consensus of opinion as to what the federal government should do for the business world. Some testify, "We want that our class of business should be independent of the trust laws." Each one of these men may testify and you will find frequently do testify that it is for the good of the public that "My business should not have restrictions which the other fellow's business must have," and they seek to prove it. But you realize what the effect would be if we should eliminate restrictions from one class of our citizens and business and not from others. There would be a discrimination in our public affairs which would be fatal to good government and breed bitterness and disaster. I recall a matter which shows what a business man will do when he starts out and finally ascertains that he needs the advice of a lawyer. It was the case of a large business concern which had railroad plant facilities for its own purposes in industry, but it thought it could make a little money by securing for itself some of its own traffic rates to distant points, so it called itself a "common carrier" and demanded certain concessions from the railroads in regard to joint traffic rates. The question came before the Interstate Commerce Commission, which decided against such contention. Its decision was so framed that under

the law it could not be reviewed by the courts, as the courts then interpreted or construed the law. These men became very angry and demanded the same right for a review by the courts of their adverse decision which a railroad has from its adverse decision. We pointed out to them that the legislation which they urged to remedy that situation would practically nullify the benefits and concededly beneficial powers of the Interstate Commerce Act, would greatly diminish the powers of the Interstate Commerce Commission, and make that Commission only a sort of a spout to secure and collect facts about a controversy and lay them before the courts for final determination. We showed what the effect would be on the public regulation of utilities, and that their demands would practically make an end of federal administrative regulations of public carriers. That made not a particle of difference. They demanded that what they wanted should be done, and they did not think the courts would dare to set aside anything which they urged because it might violate the provisions of the constitution.

MAINTAIN FREE GOVERNMENT.

The point is this, that the average business man, no matter how high his character, does not realize that in a free government like ours, with a written constitution, there are limitations to legislative and executive authority which must be respected if we maintain our institutions. And it is for the lawyers in Congress and in the committees to demonstrate to these good men, that these foundations of a free government, at all hazards, must be maintained. And it is one of the obligations which lawyers in public life must have, to preserve our institutions, make them practical and efficient and frequently to save the public from itself.

I think it is best illustrated by an occurrence when one of the leading business men of the country came into our committee room one day and while waiting for something, looked over the measures before the committee. Some one suggested to him that it might be of interest to examine the bills in the order of their introduction and ascertain what would be the result if a considerable portion of them should be enacted. He read them over for about ten minutes, and then he threw up his hands in horror and said that if these bills or any great proportion of them should be made into laws it would drive out of business every solvent concern in this country within thirty days. We then said to him, "Do you realize what the situation always is in every legislative assembly in this country? You people on the outside, you larger business men are denouncing us often because of wild and radical legislation. The men who propose those bills, the people who favor them, have a right to come before this committee and have a hearing on their matters. They are sincere and often

show a wrong to be remedied, and they are criticising us just as strongly as you do because they cannot secure what they want and think will be of public benefit." Legislators cannot explain fully to either side, because they will not listen, so all that ever can be done is to try and do even justice between the two contending interests and to formulate and enact legislation which shall be for the best advantage of the whole country, so far as it can be worked out.

That is one of the obligations which the lawyer has in the public affairs of this country, and it is an increasing burden, because, as I stated a moment ago, the scope of our federal authority is increasing by leaps and bounds. Matters which formerly were performed by individuals are now being taken over by governmental activities, and especially by the national government. The wonderful secrets of nature are being rapidly discovered by scientists and are being wrought out for the benefit of mankind. The resources of our country are being rapidly developed and made to yield their vast wealth for the benefit of our people. Naturally and properly the people are demanding a larger share of these good things produced in this age, and a better opportunity to make comfortable and happy places and conditions for themselves and their families. How can these necessary and momentous results be obtained? How can these wondrous blessings be made available for the great mass of our people in a free government like ours? I presume that every patriotic and well-meaning citizen would like to assist and to know they will be brought to pass. In the past, nations with autocratic and nations with democratic forms of government have sought to realize these blessings, but in vain. Democracy on a large scale has been a failure, because too often it has been cumbersome and inefficient and unjust and has not realized the necessity of continued support of adequate leadership, through which the desired benefits can be secured and free institutions preserved. The short and easy way has always been to follow the blatant self-seekers, whose incompetence and selfishness have invariably led to disaster. The obligation is then upon the legal fraternity, with its training and ideals and history and prestige, to lead in this work. The duty cannot be escaped to appreciate and grasp these vast forces of government and of society and mould them in accord with the spirit and frame-work of our institutions which have so singularly blessed our people for more than a century, to the end that the hopes and aspirations and dreams of the ages may be realized, by the example of our own people leading in the march of the advancement of the world. I thank you. (Applause.)

MR. WASHBURN: I do not wish to make all this kind of motions, but I have the pleasure now to make a motion that this

Association express its thanks to the Honorable Frederick C. Stevens for his able and instructive address. Mr. Stevens has been a member of the bar of this state, and one whom the other members have continued to love and be proud of. (Applause.)

PRESIDENT SCHMITT: All those in favor of that motion signify by rising.

Rising vote was taken. (Unanimous.)

MR. STEVENS: Gentlemen, I very greatly appreciate that. It is one of the things that comes into one's life that makes it happier and brighter, and I thank you one and all. (Applause.)

PRESIDENT SCHMITT: Now, gentlemen, we will pass from the subject of making laws by lawyers, to the subject of making lawyers by law, and we will now hear from the Committee on Legal Education.

REPORT OF COMMITTEE ON LEGAL EDUCATION.

To the Minnesota State Bar Association:

Your Committee on Legal Education beg leave to submit the following report:

I. ADMISSION TO THE BAR ON DIPLOMA.

The undemocratic diploma privilege is dying hard in Minnesota. In spite of the fact that at the last meeting of this Association a resolution recommending the amendment of the statutes so as to abolish the privilege of admission to the bar on diploma was unanimously adopted, the bill prepared by the Committee on Legislation in pursuance of this resolution failed to become a law. The bill was passed in the Senate and was unanimously recommended for passage by the Judiciary Committee of the House. It is believed that if the bill had come to a vote in the House, it would have passed, but the opposition was sufficiently strong to prevent its being put on the special calendar. As a result, it was lost in the wilderness of the general calendar. The defeat of this bill is another instance of the triumph of a minority rendered zealously active by personal interest over a majority moved only by a public interest. It seems that the opposition to the bill was confined entirely to students in the several law schools of the state, who, very naturally, desired to avoid the bar examinations, and in a lesser extent to some lawyers connected with the law schools who, in the view of this Committee, made the mistake of supposing

that the enactment of the proposed bill would be injurious to the interests of the schools with which they were connected.

In recommending that a third effort be made to secure the abolition of the diploma privilege by the next legislature, the Committee feel encouraged by the history of similar attempts in the state of Michigan as narrated by Professor Goddard of the University of Michigan at the last meeting of the American Bar Association (39 A. B. A. Rep. 786).

"Now, I had an experience which I thought was unique, in that when we offered to give up this privilege our effort to give it up was met with a rebuff. Some years ago the faculty of the University of Michigan came to the unanimous conclusion that it would be much better for the profession that all of our students should pass the same Bar examination that was passed by other students. We made known that opinion to the state legislature. The first time we made it known to the legislature, no attention was paid to it. The second time we made an effort to impress them with the fact that we were really desirous of having the change made, and even then they did not take any action upon it. At the last session of our legislature, however, a bill was passed by which all students who enter upon the study of law shall be required, after the enactment of that bill, to take the regular Bar examination."

It was nearly thirty years ago that the American Bar Association condemned this practice of allowing the faculties of law schools to pass upon the efficiency of their own instruction. It has ceased to exist now in all but sixteen of the American states, and these sixteen are, with few exceptions, to be found among those states which, on account of their recent settlement or unsuccessful development, are generally regarded as the backward states of the Union. In order that we may free ourselves from the restricted vision incident to our own peculiar local conditions and endeavor to get a broader national point of view, it may be well to quote a few sentences from the discussion that took place at the last meeting of the American Bar Association in the conference between State Bar Examiners and Law School teachers. The distinguished lawyer, W. M. Lile, now dean of the law school of the University of Virginia, expressed his opinion as follows (39 A. B. A. Rep. 782):

"Such a privilege does not exist in Virginia. There is a tradition at the university that it did exist years ago, but at the request of the law faculty the privilege was taken away; and we would not under any consideration exercise the privilege because—speaking for myself and I am sure for every member of our faculty—in the grading of our examination questions the knowledge that our instruction is to be tested by a board of practising lawyers is a great spur to us. Therefore, we think the absence of that privilege in our state is a

great advantage to our legal instruction. I speak, I believe, for all the faculties of all the colleges in the state, when I say that we would regard it as a step backward if the legislature should pass a law extending that privilege to the graduates of the State University or carrying it further and extending it to graduates of the law schools."

The general view of lawyers in the eastern section of the country was thus forcibly expressed by J. Newton Fiero, reporter of the Court of Appeals of New York and Dean of the Albany Law School (39 A. B. A. Rep. 789):

"I have been somewhat surprised, not so much so at this discussion as at the occasion of it. I had supposed that this matter was settled nearly half a century ago. Indeed, it was settled in our state about the time I came to the Bar, and there has been no controversy with regard to it there since. Up to about 1870, we had a statute relating to the law school with which I am connected, giving it the special privilege that has been referred to here, and I believe that privilege was also conferred on another law school. Then in 1870, that privilege was abolished, and there has been no thought of reviving it. * * * It seems to me that argument on the subject is not necessary. The power ought not to be given to a law school to confer a diploma which will allow its possessor to be admitted to the Bar, in the light of reason and in the light of experience, and we have passed the time by many years when that position could be maintained."

Adverting now to our own particular local conditions; it is manifest that we have no fewer than five different standards of admission to the bar; those set by the four different law colleges whose diplomas admit to the bar and by the State Board of Bar Examiners. These five different standards may readily be increased to eight or ten as additional law colleges claiming the same privilege as that extended to those now existing in the state, shall be established. It is apparent to all that with this increase in the number of law schools and the consequent sharp competition for the students whose fees are needed to support the schools, there is very great danger of a resulting competition in low standards to the great damage of the public and of the legal profession in its reputation with the people for integrity and efficiency.

It is further to be observed that this state extends a similar privilege to training schools of no other profession or calling affecting the public interest and pursued under license from the state. All licensees to practice medicine, dentistry, veterinary medicine, pharmacy, nursing and horse-shoeing have to give evidence of their adequate training before boards of examiners separate and distinct from the institutions in which they have received their special instruction.

In view of all these circumstances, your Committee recommends to

this Association the adoption for the second time 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.

II. PRELIMINARY EDUCATION REQUIRED OF APPLICANTS FOR ADMISSION TO THE BAR.

We further renew the recommendation contained in the report of this Committee as made to the last meeting of this Association as follows:

"*Resolved*, That in the opinion of this Association, the public welfare and best interests of the legal profession will be advanced by requiring of all applicants for admission to the bar proof that they have received a preliminary education equivalent to that given by a four years' high school course."

At the last meeting of this Association this resolution was laid on the table and the Committee instructed to make arrangements for the presentation of papers on this subject at the next meeting of the Association. This has been done.

By way of introducing the discussion upon this resolution we wish to call attention to a recent proceeding in the state of Massachusetts which possesses a special interest for us at this time. The rules prescribed by the Board of Bar Examiners of Massachusetts with the approval of the Supreme Judicial Court of that state required that the applicant should show a general education substantially equivalent to that of a four years' high school course. At the last session of the legislature an act was passed, taking effect September 1, 1914, amending the previous law, wherein the Board of Bar Examiners were authorized to make rules subject to the approval of the Supreme Judicial Court as to the qualifications of applicants for admission to the bar, by adding the proviso that such an applicant "shall not be required to be a graduate of any law school, college or university." One Bergeron filed his petition in December, 1914, alleging that he had completed three and two-thirds years' work in the Fall River high school and that he had received the degree of LL. B. after a three years' course in a law school. He asked that he be permitted to take the bar examination without showing that he was a graduate of a high school or without being required to take

the preliminary examination as to his general education as prescribed in the existing rules of the Board of Bar Examiners above mentioned. Chief Justice Rugg, speaking for the Court in denying the petition and holding that the act of the legislature did not have the effect of abrogating or changing the rule prescribed by the Board of Bar Examiners, made the following luminous and forcible statement as to why it is reasonable and proper to require some preliminary education of candidates for admission to the bar:

"The question thus presented in its broader aspects is whether any qualification in general education reasonably can be required as a prerequisite for admission to the bar. The natural impulse of any believer in a republican form of government is that no barrier ought to be raised against any individual engaging in any pursuit. Unrestricted freedom of choice and absolute equality of opportunity in every employment are elementary principles. Hence, at first sight any restrictions seem contrary to the spirit of our Constitution. But it is apparent that there are limitations imposed by the nature of things which cannot be ignored nor overleaped. The ignorant cannot undertake a handicraft without training. Statutes in recent years as to plumbers, pharmacists and many branches of the civil service furnish numerous illustrations of the recognition of this principle. The passing of an examination by teachers in the public schools has been required for many years. The principle of preliminary examinations is thus thoroughly established as well by legislative recognition as in reason. Its proper scope is only the matter to be determined. On that point it becomes necessary to consider somewhat closely the duties of an attorney at law. He is in a sense an officer of the state. From early days he has been required to take and subscribe an 'oath of office' which forbids him from promoting and even from wittingly consenting to any false, groundless or unlawful suit, from doing or permitting to be done any falsehood in court, and which binds him to the highest fidelity to the courts as well as to his clients. The courts being a department of government, this is but another way of saying that his obligation to the public is no less significant than that to the client. He is held out by the commonwealth as one worthy of trust and confidence in matters pertaining to the law. Of course, no one can know all law. But every attorney ought to possess learning sufficient to enable him either to ascertain the law or to determine his limitations in that regard for the purpose of giving safe advice. It is impracticable to attempt to name the matters about which he may be asked to act. Stated comprehensively they include the liberty, the property, the happiness, the character and the life of any citizen or alien. They touch the deepest and most precious concerns of men, women and children. The occasions which lead one to seek the assistance of a lawyer often are emergencies in that person's experience which prevent the exercise of critical discernment in selecting a counsellor. They involve the utmost trust and confidence. In proportion as the client is poor, ignorant or helpless, and hence less likely to be able to exercise judgment in making choice, the necessity of adequate learning and purity of character on the part of every lawyer increases in importance. Thus

the interest of the public in the intelligence and learning of the bar is most vital. Manifestly the practice of the law is not a craft, nor trade, nor commerce. It is a profession whose main purpose is to aid in the doing of justice according to law between the state and the individual and between man and man. Its members are not and ought not to be hired servants of their clients. They are independent officers of the court, owing a duty as well to the public as to private interests. No one not possessing a considerable degree of general education and intelligence can perform this kind of service. Elemental conditions and essential facts as to the practice of law must be recognized in the standards to be observed in admission to the bar.

"The right of any person to engage in the practice of law is slight in comparison with the need of protecting the public against the incompetent. The propriety of requiring some educational qualifications as a prerequisite for admission to the bar seems plain. * * * The educational requirement does not seem unduly severe. It is urged that it is a requirement which many men who have achieved signal success in the practice of law could not have met at the time they were admitted to the bar. Doubtless that is true. But requirements which could not have been complied with in remote districts, where facilities for the acquisition of knowledge and general instruction were scanty, hardly can be regarded as a universal standard for other times and places. In this commonwealth, where there is a free public library in every city and town with a single exception and where every family is within reach of a free public library, where the compulsory school age is high and where provision for learning by day and evening schools is ample, the educational requirement of the rule is not beyond the reasonable reach of those possessing the native ability, the energy and the perserverance necessary to enable them to render moderately valuable service to the public as attorneys. It may be also that many members of the bar now in practice might not be able to pass such an examination. The mental strength developed by the study necessary to master the required subjects in general education is more significant than the book learning implied. The facts learned may be forgotten, the trained mind remains. * * * Even if it should happen in rare instances that one who could be a useful attorney should be excluded, that is on the whole far better than to have the public harmed and clients subject to injury which would be irreparable by the admission of considerable numbers of those who are deficient in education and incapable in fact. There must be a general rule. Almost every general rule of municipal or natural law in some instances appears to work a hardship upon an individual. The law of gravitation acts indifferently upon the just and the unjust."

In re Bergeron (Mass., 1915) 107 N. E. 1007.

Respectfully submitted,

WM. R. VANCE,
C. W. HALBERT,
J. H. RAY, JR.

MR. RAY: The report will be printed as you have it. If you have looked at it, you will see that it is in two parts. The first part recommends the correction of what the committee regards as the abuse now existing of the privilege of admission to the bar upon diploma. The bill presented to the last legislature, for reasons the same as Mr. Shearer stated yesterday, failed to pass; but the next legislature does not meet until after the next session of this Association, and the committee hopes to have the Association go on record, and to adopt again the resolution which was adopted last year, and which is printed on page 23.

The second section deals with high school requirements. The committee recommends earnestly that the candidate for admission to the bar be not permitted to take the examinations without the equivalent of a high school education.

These two matters had better be taken up separately, I think, and if it will be in order, I move the adoption of the resolution printed on page 23—a change in the statutes which will do away with admission upon diploma.

For the information of any one perhaps not familiar with our statutes upon the subject, I should state that the statute that gives that privilege to the graduates of the University of Minnesota, provides that other law schools in the state may have the same privilege, provided such school receives as students only those having the equivalent of a high school education and a three years course of tuition under a corps of ten competent instructors. There are at present two law schools in this vicinity whose graduates are admitted upon diploma.

As stated in the report, there are five standards for admission to the bar in this state: the standard set by the State University; the standard set by the St. Paul College of Law; the standard set by two other colleges; and the standard set by the State Board of Bar Examiners. I move the adoption of the first resolution, printed on page 23.

PRESIDENT SCHMITT: The effect of that resolution, as I understand it, is that all applicants for the bar in the state must take an examination before the State Bar Board. Are there

any remarks upon the motion of Mr. Ray? All those in favor of the motion signify by saying "Aye."

Motion carried.

MR. RAY: In the second portion of the report, printed on pages 23 and following, there is a quotation from a case involving educational requirements. I would like to quote one or two sentences from that:

"No one not possessing a considerable degree of general education and intelligence can perform this kind of service. Elemental conditions and essential facts as to the practice of law must be recognized in the standards to be observed in admission to the bar. The right of any person to engage in the practice of law is slight in comparison with the need of protecting the public against the incompetent. The propriety of requiring some educational qualifications as a prerequisite for admission to the bar, seems plain."

It is my understanding that in a discussion of this kind before the Educational Committee, it has been stated that to require a four years high school education would be unfair, that it would prevent many persons from practicing law who are qualified to practice it, and the example is cited of Abraham Lincoln and other famous lawyers. That has been answered by some one who has said that the conditions have changed to such an extent that it is now easier for the ordinary student to acquire a high school education than it was for Lincoln to acquire the fundamentals, a bare outline of such an education as he acquired.

I would like to move, Mr. President, the adoption of the second resolution on page 23—"Resolved, That in the opinion of this Association, the public welfare and best interests of the legal profession will be advanced by requiring of all applicants for admission to the bar proof that they have received a preliminary education equivalent to that given by a four years' high school course."

Motion seconded.

MR. CHILD: I would like to inquire to what extent this is the rule in other states. I note that in the other resolution

just passed they say, "it is the uniform rule." I don't understand what they mean by saying it is a uniform rule. Certainly it is not so in every state. But that is past. I would like to know to what extent this is the rule in other states.

MR. RAY: I am not able to answer that question. The preliminary investigation made before that report was made, was not made by me; but I am a firm believer in the principle, although I am not able to give the details of that.

MR. CHILD: Of course, this resolution does not seem to be very thorough. It is not supposed, I take it, that they could pass it through the legislature?

MR. RAY: The idea is that it be adopted as the sentiment of this Association.

MR. CHILD: Whether we have yet come to a time when we should insist upon the equivalent of a high school education, I think, is fairly debatable. I have, in the past, been opposed to that proposition, for the reason that it would possibly discriminate against certain classes of boys from the rural districts, who were not able to get a high school education. If the time is come when it is possible for all boys in the rural districts to get an education which will come within this standard, then very likely we ought to accept that standard. I am rather coming to the idea that perhaps we ought to make that standard. I make these remarks because I have always stood out against that proposition, in the past. I think the sentiment in the legislature is quite strong that way. When we appeared before the Judiciary Committee two years ago, there were four or five men there who said—(on this committee)—they said that if this bill had passed years ago, we might not have been in the practice of law to-day.

MR. J. L. WASHBURN: I do not believe this is a very debatable question. In every little town in our state, of any size, now, or at least, in some other little town nearby, there is a high school. The legislature of this state appropriated at its

last session eighteen hundred thousand dollars annually for the next two years, for the state aid to schools, a very great proportion of which goes to high schools. And provided this were an enactment, and something more than an expression of our sentiment, if there was in this resolution offered by Mr. Ray something of a discriminating character affecting the rural aspirant for the practice of law, it is a good thing for him as well as for his clients. It is discrimination for his own protection, if it is discrimination at all. Like a good many others who have lived as long as I have, I did not have the advantage of even a high school education. There wasn't any high school in the state of Minnesota when I was studying law, or if there was, there were but one or two. And I have never ceased to regret that I did not have five or ten times as much education as I had. It has been a handicap to me all my life. And still, I do not believe there is another man in the same situation but would make the same statement that I make, as to his experience. It seems to me that this requirement is a minimum requirement. Why cannot our boys be graduates of high schools when they are boys? Shall we lower the standard—our estimation of the standard for admission to the bar—as below the meager requirements of a high school course? It seems to me not.

MR. SHEARER: If this is a debatable question, I am heartily in favor of the Resolution. I am inclined to think that any young man who aspires to the legal profession ought to be glad to avail himself of the educational facilities which we now so lavishly place at his door; and I do not believe that, if any legislation on this subject is passed, that we ought to legislate for the notable exceptions—one here and there, like Mr. Washburn, whom we all might have regretted had he never entered the profession—but the exceptions are so rare, that I think legislation ought to be made for the general average. I think we should go on record as expressing a sentiment which will tend to advance the average ability of the profession, and if we should do this and if it is not urged upon the legislature, we will not have made any progress. I think it is Section 4946 General

Laws 1905, which shows that the standard shall be fixed by the rules of the Supreme Court before the young man shall be admitted to the bar. Now, it is perfectly safe for us to leave the entire thing to the Supreme Court, to be formulated under the rules of that body, and I do not believe that we shall ever meet the objection which Mr. Childs suggests, when we get the legislature, because I think they will all be perfectly willing that this matter be left to the rules of the Supreme Court.

MR. A. L. YOUNG (Winthrop): I have listened to several speakers upon this question thus far, and those who are representatives from the larger cities, while I represent the country, although I have no authority to speak generally for any country district, not even my own. Yet, I want to say that during my short career I have been a member of a high school board in the country for more than thirteen years, and I know something about what the demands are and are likely to be on the part of the country youth. Re-affirming what Mr. Washburn said a moment ago, there is, in almost every village and city of any consequence in the country, a high school, furnishing the educational facilities prescribed by the State Board. I find, as I travel more or less in my locality, and in the surrounding territory where high schools are located, that those high schools are very generously patronized by the country youth, and as a general rule are, if anything, above the average in the character of work they do in those schools. I want to say in this connection that I do not believe the country youth is asking any favors such as are proposed or have been remotely proposed to be given him. I think the requirements of the resolution are the minimum and should be absolute.

I have been impressed by the proceedings of this meeting thus far; with the importance of the legal profession. We have heard Congressman Stevens tell us this morning of the vast responsibilities that the legal profession must carry, and must justify themselves in undertaking; therefore, it is not at all beyond reason to ask that before a man should be permitted to enter upon that very important profession, he should have the

necessary fundamental qualifications of a general nature, and upon that structure, and upon such a structure only, the legal education should be built, qualifying him for the profession. Now, at the expense of repetition, I dare to say again that I do not believe any country boys are asking any such favors as are suggested here at this meeting this morning. And if any objection should be made to the resolution, or to any effort to enact such a law, I do not believe the objection will come from the country youths, or the country youths' parents. They feel perfectly able and willing and anxious to educate the country boys sufficiently for a legal career such as is required by that resolution. Objections of that kind must come from other sources, and arise possibly out of the sincerest motives, but not out of anxiety for the protection of the country youth. I favor the resolution most heartily. (Applause.)

MR. CHILD: Before we have a vote on this, it seems to me that the resolution, if it is to be of any value, it will be because all those present have expressed their opinions. I would like to hear a full expression of opinion. There has been a decided difference of opinion in the past, and if this Association wants to do a good thing in the matter, it should know whether all those present favor it.

PRESIDENT SCHMITT: Are there any further remarks upon this motion?

(Cries of "Question, Question.")

PRESIDENT SCHMITT: All in favor of the motion, signify by saying "Aye." Contrary, "No." Only one "No." The motion is carried.

MR. RAY: The Committee on Legal Education is made up of the Dean of the University Law School, the Secretary of the St. Paul Law School and myself. There are certain matters that have come to the attention of the committee during the last year which could not be embodied in any report, because of the fact that the two senior members of the committee were con-

nected with law schools or matters having to do with other law schools. Under the statute which I read from, the Supreme Court last year granted two law schools giving night courses in Minneapolis the privilege of entering graduates upon presentation of their diplomas. I do not know what the proportion is, this year; but there were approximately forty graduates from those two law schools. It is not desirable to mention any names; the men who have graduated, so far as I know, are qualified to practice. But it seems that the schools are not living up to the standard that they set for themselves; at the time when they obtained this privilege from the Supreme Court they purported to give a two years' course; they purported to give an adequate course. But this year, out of the men graduated, eight have been dropped from other law schools because of inability to carry the subjects; not one of those eight, as I understand it, have had more than two years in any other law school, and have not succeeded in carrying more than fifty per cent. of the studies. Without any investigation of the work that these men have done, they were admitted to these schools and graduated, this year, after one year's attendance only. These schools charge admission, and, as I understand it, are private corporations, engaged in business for profit.

Another man came to this state last fall from another state; he had never attended any law school; he had done some work in a practicing attorney's office; he was admitted to one of these schools, and after one year there has been admitted to practice, on presentation of his diploma.

The next legislature does not meet for two years. These corporations may reform; they may not graduate men in future as they have done this year, and the men who have graduated may be properly qualified. Nothing more need be said about that. But they are not living up to the standards which the Supreme Court and the statutes require. I do not know quite how that can be acted upon by this Association. I think a committee should be appointed, the membership to be made up of men having no connection with any educational institution,

which may investigate the facts as they have come to the attention of the present committee, and if they find these statements to be true, report the same to the Supreme Court with the recommendation that that Court revoke the privilege which it has heretofore given to those two schools, and require the graduates of those schools to take the State Bar examination in the regular course. If this condition really exists—and we understand that it does—those schools should not any longer have the privileges of admission to the bar on diploma, and we should not wait until the legislature meets again; it should come before the Court at once, and before another class has entered.

There is another matter. Of course, the University Law School has the right to admit its graduates on diploma, under the statute; there is no criticism, so far as I know, which has come to the attention of the committee, of the courses given or the standards set by that law school or the St. Paul Law School. But in order to forestall criticism and make it easy to apply the standards of the State Board of Examiners to every applicant, I think this same committee ought to confer with the heads of the various law schools and with the Board of Bar Examiners, that some plan may be worked out whereby all applicants for the bar be required to stand the State Board Bar Examiners' examination, without waiting for the two years which must elapse before the legislature can act.

I move you, Mr. President, that such a committee be appointed, and that its duties be as stated. Any effort or any results which the committee will reach will be not the official acts of this Association, except so far as it would present to the Supreme Court the facts as to the standards set by these two law schools.

MR. BURR: I think the duties of that committee might be unpleasant, and possibly the members of the committee might feel it less burdensome to have the duties distributed to a committee numbering five, instead of three.

Amendment accepted. Motion seconded.

A MEMBER: It just occurs to me that in this same connection, I happened to be before the Judiciary Committee on a matter last winter, and this question of the examination of all law students was before the committee at the time; there were quite a number of students there—all, I think, from the St. Paul College of Law; they were objecting to having the bill passed last winter, to include the present class, on the theory that they had gone in there with the understanding that they would be admitted on their diplomas; but the character of the young men who appeared there was such, as one of the members of the committee said, he did not believe there was a young man there who need have any alarm about passing an examination; they were a bright set of young men. The only objection seemed to be that they might be handicapping the law schools in this state somewhat, by making it necessary to take the bar examination after a graduation, while adjoining states admitted on diplomas; that seemed to be about the only argument used there, and that the bill, if it were passed, requiring all students to take an examination, ought also to provide that the students from another state should either take the examination in this state, or else have passed in another state.

MR. RAY: It is my understanding—I would like to be confirmed if I am right, or corrected, if I am wrong—that when a man has been admitted in another state, he cannot be admitted in this state without taking the examination, unless he has practiced in that state for five years. A man cannot, I understand, be admitted in any other state and then come in here and be admitted, except under those conditions.

(Calls for "Question.")

Motion put and carried.

PRESIDENT SCHMITT: I appointed the other day a committee to audit the accounts of the Treasurer. That committee will have to do its work during the recess, and before the report of the Secretary goes to the printer, for the reason that the Treasurer is not in the city. The new President will name this committee.

A MEMBER: Is the Treasurer in Canada?

THE SECRETARY: No, he is in Alaska.

PRESIDENT SCHMITT: We will now take up the report of the committee appointed to nominate the Board of Governors.

MR. BURR: May I offer this Resolution at this time? It turns out, it seems to me, to be very appropriate. I was asked to prepare it by another officer of the Society, and I intended to introduce it as by request of the chairman of the American Bar Association Committee. But, in view of Congressman Mann's remarks yesterday on one side of the question, and Mr. Stevens' remarks today on the other side, it seems to be a pretty lively issue, and I do not offer it in quite the same self-confident spirit that I supposed I would.

The following resolution is offered by request of the chairman of the Committee of the American Bar Association known as the "Special Committee on Legislative Drafting:"

"*WHEREAS*, In 1912, a special committee was appointed by the American Bar Association pursuant to a resolution adopted at its annual meeting in that year, to consider the question whether some efficient agency could be devised to provide the several state legislatures with scientific and expert assistance in the framing of resolutions; Mr. William Draper Lewis of Philadelphia being named as chairman of that committee, which has been continued from year to year and has collected much valuable information, and submitted a number of carefully considered and useful suggestions, and it is believed that said committee will be continued during the ensuing year, and

WHEREAS, The chairman of this committee has requested the co-operation of this Association in the work it has in hand, *NOW, THEREFORE, BE IT*

RESOLVED, That a special committee of five be appointed by the President 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, and 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.

This resolution calls for a committee to investigate and report, not to take any action, on the question which Mr. Mann spoke of yesterday and Mr. Stevens discussed from a contrary point of view this morning, and that is the question of the advisability, and if advisable, the method, of furnishing assistance to legislatures in the matter of reference information and the drafting of bills. I offer the resolution, and move its adoption.

Motion seconded, put and carried.

PRESIDENT SCHMITT: Is there any unfinished business?

MR. CHILD: It seems to me that in the recommendations of these committees, such as the Legal Education Committee, etc., that they ought to report the bill; they ought to report a definite bill or definite amendment; I think the bills drafted to be proposed ought to be our suggestion of a model or ideal for a bill. Now, if the Bar Association committees cannot put on an ideal or proper title to bills, do you expect the laity to do that. The last resolution was along the line of educating, legislative efficiency, and I hope it will accomplish something. There is no better work to be done by this Association than to make a recommendation for legislation which will be adopted by the legislature when it meets. I want to throw out that suggestion, that I think the bills that are reported ought to conform to the best standards of bill drafting, and that in all cases where a suggestion is made for a bill, that the bill ought to be presented in the form in which it should pass, and that it should conform to the best usage.

PRESIDENT SCHMITT: Is there any new business to come before the Association? If not, we will now hear the report of the Committee on Nominations for the Board of Governors for the ensuing year.

MR. BRADFORD: I have been asked to present the report of the Committee, which is as follows:

To the President:

Your Committee on Nominations begs leave to submit the following named for the Board of Governors:

First District, Hon. A. J. Rockne, Zumbrota;
Second District, Mr. Charles W. Farnham, St. Paul;
Third District, Mr. Edward Lees, Winona;
Fourth District, Mr. Geo. W. Buffington, Minneapolis;
Fifth District, Mr. James T. McMahon, Faribault;
Sixth District, Mr. Benjamin Taylor, Mankato;
Seventh District, Mr. James E. Jenks;
Eighth District, Hon. W. C. Odell, Chaska;
Ninth District, Mr. George T. Olson, St. Peter;
Tenth District, Mr. F. A. Duxbury, Caledonia;
Eleventh District, Mr. Hans B. Haroldson, Duluth;
Twelfth District, Mr. C. A. Fosness, Montevideo;
Thirteenth District, Mr. A. J. Daley, Luverne;
Fourteenth District, Mr. Ole J. Vaule, Crookston;
Fifteenth District, Mr. Elmer E. McDonald, Bemidji;
Sixteenth District, Mr. Lewis E. Jones, Breckenridge;
Seventeenth District, Mr. A. R. Allen, Fairmont;
Eighteenth District, Mr. W. H. Cutting, Buffalo;
Nineteenth District, Hon. Geo. H. Sullivan, Stillwater.

Respectfully submitted,

(Signed) L. L. BROWN,
F. A. DUXBURY,
J. E. JENKS,
JNO. M. BRADFORD,
JNO. MOONAN.

I might add that Mr. Jenks, who is nominated on the Board, for the Seventh District, was on our committee, but he did not know that his name was put on there. The same is true in the case of the gentleman from the Tenth District, Mr. Duxbury. I move the adoption of the report.

MR. BURR: Mr. President, I move you that the Secretary be instructed to cast the unanimous ballot of the Association for the gentlemen named in the report.

Motion seconded and carried. The Secretary was instructed to and did cast the ballot, and the gentlemen named in the report were declared elected, as members of the Board of Governors, for the ensuing year.

PRESIDENT SCHMITT: The next matter before us is the election of officers. Nominations for President are in order.

MR. BERNARD: I take pleasure in nominating Mr. Stiles W. Burr, of St. Paul, for President for the ensuing year.

PRESIDENT SCHMITT: Are there any other nominations? If not, I declare the nominations closed.

MR. BERNARD: I move that the Secretary be instructed to cast the unanimous vote of the Association for Mr. Burr.

Motion seconded, put and carried.

The Secretary was instructed to and did cast the vote and Mr. Burr was declared President for the ensuing year, and assumed the chair for the remainder of the meeting.

(Cries of "Speech.")

MR. BURR: The only speech I can make is one in which I express my great surprise and my great astonishment. (Laughter.) But, notwithstanding the retiring President's request for me to assume the chair, I think the newly-elected President's duties in presiding begin at the close of the session; until then he is a free agent.

MR. J. L. WASHBURN: I think that we may assume that the newly-elected President is at least relieved of the anxiety which troubled him all day yesterday. (Laughter—applause.)

MR. SCHMITT: I do not agree with the President-just-elected, that his duties are postponed. It is my understanding that his duties commence now. But, before quite abdicating the throne in favor of the new King from the Ramsey County bar, I desire to take this occasion to thank the members of the Minnesota State Bar Association for the loyal support they have given the Association during the past year. I want to thank, especially, the other officers of the Association for the loyal help that they have been, the Board of Governors for the loyal way in which they have left their private business and attended meetings of the Board; the committees who have had in charge the arrangements for this meeting. I am under the deepest obligation to all of them, for I feel that whatever measure of suc-

cess the Association has had, or whatever measure of entertainment and instruction we have been able to furnish you, these officers and committees are responsible and are entitled to all the honor. I now ask your newly-elected President to take the gavel. (Applause.)

PRESIDENT BURR (in the chair): It was in my mind to decline to take the gavel today; because, if the President of the Association has any power, he has the right to rule himself out of office; but it occurred to me that a motion ought to be made, which I knew would be made, and one which the retiring President could not entertain, and that is a motion expressing the appreciation of this Association for his services during his term as President. And I am standing here now, because I think that motion ought to be received standing, and voted on by rising vote.

The motion was duly seconded and carried by rising unanimous vote and applause.

PRESIDENT BURR: It may be you will think I am trying to establish a precedent in my own favor. (Laughter.) But Mr. Schmitt deserves it. That won't make any precedent, if I don't. The motion has been unanimously and joyously carried.

MR. SCHMITT: I thank you, Mr. President, for so bringing the matter to the attention of the state bar; and members of the state bar, I thank you for the support you have given me.

MR. L. L. BROWN: Gentlemen, for Vice-President I desire to nominate Mr. Frank Crassweller, of Duluth.

A MEMBER (St. Paul): Ramsey County seconds it.

On motion duly made, seconded and carried, nominations were closed, and on further motion the Secretary was instructed to and did cast the unanimous vote of the Association for Mr. Crassweller.

PRESIDENT BURR: You have heard the steam roller work, gentlemen. It is now the ruling of the chair that the new Vice-President make a speech.

MR. CRASSWELLER: Mr. President, I am not going to make a speech. I thank you, gentlemen, for the honor you have conferred upon me; and I wish to say that if the State Bar Association will come to Duluth at some time in the near future, I will endeavor to do my duty, as well as the people here have done, in entertaining the Association.

A VOICE: You will have to go some.

PRESIDENT BURR: The Chair has been in Duluth, and there is no doubt about one vote on that question.

MR. J. L. WASHBURN: Will our Treasurer be back, or has he escaped entirely? Isn't Royal A. Stone our Treasurer? We could not have a better one, and I move his election and that the nominations be declared closed, and the Secretary be instructed to cast the unanimous ballot of the Association for Mr. Stone.

Motion seconded, put and carried, and the vote was so cast and Mr. Stone declared elected.

MR. JAMES D. SHEARER: For Secretary, I nominate the present incumbent, who has been so efficient that no words of commendation are necessary. (Applause.)

PRESIDENT BURR: They may not be necessary, but I would like to make them—

MR. SHEARER: Why?

PRESIDENT BURR: Oh, I am just reminded that the Chair has no rights. Because Mr. Caldwell's work as Secretary through the last two years, which I have had some opportunity to observe, has been so efficient and self-sacrificing, that I think that we ought to give something more in the way of recognition from this Association than the mere toot of the steam roller. The steam roller has tooted. (Laughter.) Has everybody said "Aye?"

MR. SHEARER: I move that the President cast the vote of the entire Association for Mr. Caldwell.

Motion seconded.

PRESIDENT BURR: I think I will put that to a vote. All in favor say "Aye." Unanimously carried. The ballot is cast. Mr. Caldwell is Secretary of the Association for another year. (Applause.)

MR. CALDWELL: I thank you, Gentlemen. (Applause.)

PRESIDENT BURR: Nominations are in order for Assistant Secretary. Mr. Bradford now holds that office. (Laughter.)

MR. CALDWELL: We cannot get along without him. (Applause.)

MR. CHILD: I move that the Secretary cast the ballot of the Association for Mr. Bradford.

Motion seconded.

PRESIDENT BURR: You have heard the motion. Does she roll? All in favor say "Aye." She rolls. (Laughter.) The Ayes have it.

THE SECRETARY: The ballot is cast for Mr. Bradford.

MR. SCHMITT: I want to make a motion—that we express our appreciation of the treatment that we have received in St. Cloud during this meeting. I want, also, to refer to the handsome and efficient and effective way in which the Stearns County Bar Association has prepared our entertainment, and the manner in which we have been entertained while here. I want to include in the motion a vote of the most heartfelt thanks that we can give to that Association and to the various associations of the city that have joined with it. I think we also are under obligations to the Elks' Club and the officers of that institution in this city for having turned over to us this hall and this building, in which to hold our meetings, and in order to show the people of St. Cloud, one and all, that we have appreciated the hospitality that we have been furnished with, while we are here, I move you that we show our appreciation by a rising unanimous vote.

Motion seconded and carried by unanimous rising vote. ("Three cheers for St. Cloud.")

The President then declared the meeting adjourned.

PROCEEDINGS

BANQUET

"We may live without poetry, music and art;
We may live without conscience and live without heart;
We may live without friends; we may live without books.
But civilized men cannot live without cooks."

MENU

Anchovy Canape

Radishes — Olives

Baked Filets of Whitefish

New Potatoes — Parsley Butter

Fried Spring Chicken a la Maryland

Glazed Sweet Potatoes — Corn Fritters

Combination Salad

Wafers — French Dressing

Pineapple Ices

Macaroons

Roquefort Cheese

Water Crackers — Cafe Noir

Martinis
Ramsey County Punch
Rock Spring Table Water
Cigars

"They will eat like wolves
And fight like devils."

"The charge is prepared, the lawyers are met,
The Judges all ranged: a terrible show."

AFTER DINNER
ATMOSPHERIC DISTURBANCES

PRESIDENT H. L. SCHMITT, - Introducing the Colonel of the Air Brigade

"This small inheritance my father left me
Contenteth me."

COLONEL L. L. BROWN, - - - Is now in charge

"And the more he spoke, the more the wonder grew."

HON. W. S. HAMMOND, - - Our State, Our Governor

"And he learned about women from Her."

YOUNG MIKE J. DOHERTY, - Representing the Ramsey County Bar

"I wish'd myself the fair young beech
That here beside me stands."

MR. HANS B. HAROLDSON, - Apologizing for the St. Louis County Bar

"She was a Prince's child,
I but a Viking wild."

SEN. J. D. SULLIVAN, - - Praising the Stearns County Bar

"Your worth will dignify our feast."

MR. WILLIAM H. DEMPSEY, - Defending the Southern Minnesota Bar

"I'll fight till from my bones the flesh be hack'd."

OLIO

MR. ROY H. CURRIE, - - Of the Ramsey County Bar

"Look how fat he is, the lean
appears only here and there, a
speck like beauty spots."

THE RESPONSES

MR. SCHMITT: Now, gentlemen, it has been demonstrated in the State Bar Association, that it is not necessary to have a reputation or to be a genius. But it has been demonstrated in the past that to be the real leader in a circus you must have a reputation and be a genius.

It has been demonstrated that we need a competent ringmaster—I mean toastmaster. We have had, in years past, various men serving in that capacity. We have had Jed Washburn—you all know him; he has a reputation—of always having a substitute motion for every other motion pending.

MR. WASHBURN: You bet. That cleans the slate.

MR. SCHMITT: We have had Rome Brown—he has been a ringmaster for past circuses, and since that time he has been made even more eloquent by Cream of Wheat.

We have had Fish—this is Friday; we had ours yesterday, and therefore you escaped it tonight, because it was labeled at the lake last evening as "some" Fish.

The duties of Toastmaster on past occasions of this sort have been ably performed, and tonight I believe will see no exception to that rule. I have the honor of presenting to you a man of honor and reputation to a high degree—the degree of L. L. B. He was with us at Mankato; and you will remember that when the storm had reached its height that night, with the thermometer

at 100 degrees above, just as Judge Hughes was raising the signal of distress, the man whom I am going to introduce to you commenced to sing, "Pull for the shore, boys;" and Senator Putnam, sitting next to him commenced to sing the Doxology, and our friend said to him, "Remember, Senator, this is not the last night of the session of the legislature." (Laughter.)

Gentlemen, the man whom I am to introduce to you is a genius. He started in life early as a genius. He started with an "L. L. B." and he didn't stop—he kept on going until it was double L. B., J. C., C. & N. W., U. S. A., and now it is—Colonel. Gentlemen, I have the pleasure and honor to introduce to you tonight as your toastmaster, L. L. B. Brown. (Applause.)

(VOICES: "Everybody sit down. It is all over.")

THE TOASTMASTER: Thank you. Gentlemen, of the Bar Association, before proceeding any farther with the program, let us—and I think I voice the sentiment of all when I say, let us rise and drink a toast to the President of the United States.

(Cheers, all standing to drink the toast.)

Now, as to the introduction by your Ex-President. I do not propose to let that pass without notice. A very shrewd and successful business man who was once a client of mine—I would not claim that he is now (laughter)—stated to me, in answer to my question, What was the secret of his success in life? He said it was simply this—that he never found it necessary to argue with any man to convince him that that other was a great man. (Laughter.) Now, I am not going to argue this question with your Ex-President, for, after all is said, I frankly admit it. (Laughter.)

Now, gentlemen, I see that the name of "Colonel" has been annexed, or prefixed to the name of the Toastmaster—

MR. SCHMITT: Yes, it was designedly done, I understand.

THE TOASTMASTER: The term "Colonel" is a literal term, you understand—it is a term that means absolute authority. It is a term which means that you cannot recall the man who bears it, nor can you recall his decisions. In the hands of the

man who bears that name in action, as we are now, it may mean that the whip is in the hands of cruel authority, and now I, as Toastmaster—and Colonel—am going to announce the rules of this meeting from now on.

This meeting will adjourn promptly at four o'clock tomorrow morning, ("Hurrah"). If anyone wants to be heard after that time, anything he says will not be official. (Laughter.) The doors will be closed, if any one attempts to escape before that hour.

Now, referring to the program, or progr'm, whichever way you will have it, every man whose name is upon this paper, including the Toastmaster—

A VOICE: Sure.

THE TOASTMASTER: No man upon the program will be permitted to consume in his remarks exceeding one hour and a half—

VOICES: "Good, good."

THE TOASTMASTER:—except the Toastmaster, (laughter) Senator Sullivan and Governor Hammond. I say the Toastmaster, Senator Sullivan and Governor Hammond, and I mention them in the order, according to my notion, of their importance. (Laughter, Applause.) That is order number two.

If there is any stenographer present, after we have dispensed with the Governor, she will be discharged. (Laughter.) Occasions of this kind, as you know, are like horse races—they always involve a lot of scoring for a start. That is over now. The stretch that the animals come down, they will go now; it has reached the time when jesting is over and we will now commence lying to each other, famously and uproariously lying to each other. I suppose the Stearns County Bar and their associates, who have entertained us so magnificently, ("Hurrahs") if they were called upon to say anything, would say that they were glad to see us here.

A VOICE: Do you mean Bar?

THE TOASTMASTER: Yes, Bar, and bar, all of them, Bar and bars. They would say that they are glad we are here and they would say that they are sorry to see us go. Now, of course, we know they would be lying about it; those things are conventional and excusable. But in this case I want to say, and I voice every man's sentiment that has visited here, that the Stearns County Bar is a set of men who have always been noted as sterling men and honest fighters—honest, that means, from a lawyer's standpoint, some one suggests.

A VOICE: Hurrah.

THE TOASTMASTER: Some one suggested that amendment and the amendment is accepted. This is not a conventional lie; they have raised the entertainment of the Minnesota Bar Association to the high water mark. (Applause.) You may be glad to see us go, but we are sorry to go. (Applause.) Now, I want to say to the delegation from the Fourteenth Ward—(laughter.)

A VOICE: That is us.

THE TOASTMASTER: Yes, the Fourteenth Ward, the Ramsey County Bar, if you please, that there will be no insubordination tolerated in this meeting. (Applause.) I would have you understand, gentlemen of that ward, that this is not the first time I have presided at a Democratic convention. Now, the first time that I introduced Governor Hammond, he was plain Congressman Hammond. But at that time I made a prediction, and I claim to be a prophet. I did then, my prediction was that the next time I introduced him he would be Governor of the state of Minnesota. (Applause.)

A VOICE: Were you both sober? (Laughter.)

ANOTHER VOICE: Hammond was.

THE TOASTMASTER: Congressman Hammond was measurably sober. But at that time I made that prediction, and my prediction has come true, and we have here tonight with us the Governor of the great state of Minnesota. I had rather be Governor of the state of Minnesota for fifteen minutes than

to own all the stock of the steel companies. (Hurrahs and applause.) But we have him here with us tonight in another character, as a member of the Minnesota State Bar.

VOICES: Good boy, good boy.

THE TOASTMASTER: You will have a chance now to hear him. Now, gentlemen—

A VOICE: That is us.

THE TOASTMASTER: and others (laughter), I propose that we, as lawyers and citizens of this state, vouch our respect for the great office of the Governor of Minnesota. Now, I said the great office—by rising to receive your Governor, Governor Hammond:

(All rising. Hurrahs and applause.)

VOICES: ("What is the matter with Hammond?" "He's all right.")

OUR STATE, OUR GOVERNOR.

GOVERNOR HAMMOND: Mr. Toastmaster and Gentlemen: I cannot express to you how touched and at the same time surprised I am to see that so many members are able to rise. (Applause and laughter.) I had it passed on to me by the Toastmaster and I am directed to speak of and to "Our State"—the State of Minnesota, a great big state. The boys all tell us it is a long way from Tipperary, so it is a long way from Grand Marais to Luverne or from Kittson County to Caledonia. It is a very remarkable commonwealth in many ways. It comprises great cities within its jurisdiction, flourishing towns and thriving villages, and it divides responsibility with the steel trust in the government of Hibbing.

A VOICE: "Call out the militia."

GOVERNOR HAMMOND: It is a state of great sesources, of wonderful possibilities. Everything that is really comprised within the term "the necessaries of life" may be found in its broad domain. It has a very strategic position commercially and we can look forward to the time when great ships may bear

quantities of grain from the Red River Valley by the way of Hudson Bay to the Atlantic; great quantities of iron through Washburn—I mean Duluth ("Hurrah"); great quantities of iron by the way of the Great Lakes to the Atlantic Ocean, great cargoes of beef and pork via the Mississippi to the Gulf of Mexico, and the Atlantic Ocean; and the three great flotillas may unite in some large commercial metropolis in the vicinity of Oyster Bay—a distributing point of the necessaries of life to all of the people who are so fortunate as to live within a reasonable distance of the old North Star State. (Applause.) I am sure tonight that the gentlemen of the Bar Association have been thinking of the greatness of the commonwealth and of all these possibilities, and that that inspiration—with other inspirations—has brought about the enthusiasm attending this evening's gathering. I desire, at the risk of being too serious for an occasion of this kind, to say one thing in reference to the magnificent address to which we listened this afternoon.

Minnesota is spared many things. We have no cyclones or thunderstorms in winter, we are absolutely free from blizzards in the summer, and the legislature meets but once in two years. (Applause.) But nevertheless, we have our problems to meet in this state, and they were suggested to some extent in the remarks of the gifted and talented and distinguished man who addressed this Association during the afternoon session.

I suppose I can say to you without danger of contradiction that there is no man in the United States who has greater legislative experience, better knowledge of legislative procedure and more accurate information concerning federal enactments in the last quarter of a century, than Congressman Mann; and when he speaks upon any subject connected with these things he speaks as one having knowledge, and as one whose words it is well to ponder. He pointed out today some of the things that interfere with successful law making, and I know that he touched a responsive chord in every lawyer's heart, and every intelligent business man's heart, and in the heart of every student of political affairs, when he said, "We want fewer laws and shorter

laws and clearer laws." And the wonder of it all is, having made that statement and it having been received with acclaim by the audience present, that this man with all his experience and all his intelligence did not—because he could not—point out the effective way to obtain that thing that all desire. Of course, he could not do it, because it could not be accomplished by any legislative enactment. There is no one here brilliant enough to draft a law or a resolution to be adopted by any assembly that will bring about a reform so desirable. Just so long as human nature remains as it is, just so long as public sentiment remains as it is, just so long we will have, in federal and state legislation, the very evils of which he complains. Whether human nature may change, I shall not stop to discuss. But can public sentiment be changed? And if so, in what way?

My friend Congressman Mann, today, while he made no specific recommendation, did the only thing that can be done to correct the evils of which he complained and that is, to set them out clearly before the people of the state, in an endeavor to create a sentiment that will correct all such errors. (Applause.)

A congressman or a member of the legislature represents the will of the constituency behind him, he is no better and no worse than those who send him. I am facing gentlemen prominent at the bar ("Thank you"), gentlemen prominent on the bench, some of the strongest and best men in the state of Minnesota. ("Hear, hear.") And yet I wish you would take this lesson, you, the men who ought to be the leaders of thought in this state—I wish you would take this lesson home with you. You complain because a congressman or a legislator looks to the coteries of voters in the district who get together on election day and do the business. Don't you think that he would be a brave man, indeed, if he should say to them, "I am going to do the thing that seems to me best, no matter what the consequences may be," and go back to his constituency—to be destroyed? Because he realizes the condition and realizes that you, while you may give him a word of praise in some public meeting, while you may shake his hand and tell him he has done nobly,

still it is a question whether you will find the time on election day to leave your business and your concerns and cast your vote for the man you praised. There are others in the community who are sure to be at the polls, sure to stand by and behind the man that they think stands with them.

Now, gentlemen of the Bar Association, it rests with you as much as any body of men in this commonwealth to correct—if correction can be made—the things in public life concerning which Mr. Mann spoke to-day. When a public servant shows that he is trying to do the right thing, and I am referring now to a member of the legislature who is elected upon a non-partisan ballot, when he is straight, sensible and decent. Such a legislator, no matter whether or not he agrees with you about the temperance question or some other one question, ought to have your support and the support of this organization and kindred organizations. He ought to feel certain of commendation for fair dealing and square dealing and honest dealing, and to feel that he can depend upon the united support and backing of the business men of the community.

I have no patience with the man who condemns legislators and congressmen because they vote for this law or that law when they themselves, instead of criticizing him, ought to be talking to their neighbors and organizing to support steadily the man who will perform his duty and do the work in legislation bravely and earnestly.

Water does not flow up hill, it does not rise above the level of its source, and the legislator or public servant will not rise above the constituency behind him.

This, perhaps, is not the time for a talk of this kind, and yet it is not wholly out of place, when one looks into the faces of prominent lawyers and judges and citizens of the state, and after the remarkable address of the afternoon, to call attention to the fundamental situation beneath it all. Let the Bar Association of the state of Minnesota rise to the height of good citizenship to which it should measure and achieve the standard that rightfully and properly belongs to it. Let it stand behind the

kind of men who can appreciate and can uphold such a standard, and we shall have better legislation, better laws, better citizenship. There are men who go to the legislature or to congress, who feel it absolutely necessary to prove to their various constituencies that they are great men. It is not always so easily done as it was by my friend Brown here, who only had to admit it. (Laughter.) They feel that it has to be proven. And so, any association, any ambitious person, any man with industry and time to prepare anything that looks like a legislative bill will find some one ready to take it up, so that word may go out that Congressman A. or Legislator B. has just introduced a bill for the clipping of the wings of flies or some other measure of great importance. That is published and bruited about the district so the Congressman or Legislator may be in a position to appeal to the people in the next campaign and show that he is a busy man, if not a great man. The man who is able to convince his fellow citizens that he is reasonably intelligent without advertising it and devoting his time to an attempt to prove it, is very fortunate. I am inclined to think that many men, if they would devote themselves to the affairs of office and make no attempts by various devices to convince people of their greatness, would really achieve the reputation of being dependable, fairly intelligent, and reliable; and one who is fairly intelligent and reliable and honorable, might substitute for a really great man. (Applause.)

That subject is one that is tempting and were it not for the lateness of the hour and the hint given me by my friend on the left, I might yield to that temptation.

I have been a lawyer, at least a practicing attorney, for a great part of my life. I believe in the profession and desire to see it stand at the front of professions; I believe in this Association and in the men who practice at the bar; I believe that they are the equal, in intelligence, ability, activity and the power of doing good, of any body of men in the state. I feel it an honor to be enrolled with them and being allowed the privilege of speaking to them. (Applause and cheers.)

THE TOASTMASTER: This *is* the time and this *is* the place for the kind of talk that has just been given.

VOICES: "Sure."

THE TOASTMASTER: We ought to hear more of that kind of talk from men who are leading men, and I am glad that Governor Hammond talked and hammered the ideal into us, and when I am Governor of the state ("Hurrahs") I am going to preach the same doctrine. (Applause.)

There is one thing I like about an Irishman, he never takes it as a personal affront if you twit him of his nationality. He always takes it as a compliment. He is always proud of the country he came from. In fact, John Moonan has been sympathizing with me deeply for lo! these many years, because he thinks I am not an Irishman. He does not know that my grandfather on the maternal side was a prize fighter. Now, we have an organization in Ramsey County which calls itself the Ramsey County Bar. They tried awfully hard to get on this program, and the committee had great difficulty in keeping them off. But I find on the program the name of a man whom I never heard of, and that is Mike J. Doherty, an Irishman. He is no "birch tree." He's a slippery elm tree and the more you lick 'em, the better they be. There is poetry on this program; but that beats it all, I think. Now, perhaps, they have gone over to Hennepin County and gotten a real lawyer.

VOICES: "Not on your life." "Hurrah."

THE TOASTMASTER: I think they are trying to run in a professional on us. I asked somebody who he was, and nobody had ever heard of him. They never heard of him. Who is Doherty? I don't know whether he is here, or not, but we will see now. Mr. Doherty! Mr. Doherty is supposed to treat us to a vapor bath on the subject of the "Moral Impeccability of the Ramsey County Bar." Mr. Doherty, wherever he is. (Cheers.)

MR. DOHERTY: Mr. Toastmaster, Members of the Minnesota State Bar Association: The very hesitating, and almost I might

say regretful and apologetic manner in which the Toastmaster was forced to introduce me as a representative of the Ramsey County Bar reminds me of the man who asked the grocer how to tell a bad egg; to which the grocer replied that if he had anything to tell a bad egg he had better break it gently. (Laughter.) It seemed to me as though the Toastmaster was laboring under the impression, in the present instance, that he was breaking a bad egg for this occasion. (Laughter. Applause.)

While listening to the eloquent address of the Governor and thinking of the great number of occasions of this kind which he is called upon to honor with his presence, I was impressed with the truth of a remark which Chauncey Depew once put forth in introducing the Mayor of New York City, to the effect that, "Every good citizen of this metropolis expects of his Mayor the fluency of Henry Clay, the learning of Daniel Webster, the firmness of Andrew Jackson and the digestion of an ostrich." I believe our Governor possesses all of these qualities, "and then some." (Applause.)

Every after-dinner speech made in accordance with correct models contains five parts. First there is the toast, the point from which the speaker starts but to which he never returns. Then there is the apology on the part of the speaker for presuming to address so distinguished a gathering. Then come the jokes, the quotations and platitudes. Now I shall expect to conform strictly to correct usage in all these respects and, though you may not be able to recognize all of the parts as such—particularly the jokes—they will all be there, just the same, in disguise or otherwise.

When the suggestion came to me to address this banquet I was so amazed that before I could summon enough cowardice to decline the invitation I said that I would do it cheerfully, forgetting what I am now forced to realize, that to make a speech cheerfully and to make a cheerful speech are two entirely different things. (Laughter.) I studied over the scraps of sentiment with which this "wind shield" of ours here is decorated. I felt that they must contain a great deal of hidden meaning—

at least, if they contain any meaning at all, it is very securely hidden. But there are certain things made clear by the committee. In the first place it is very plain that the committee did not feel that it was necessary to appoint anybody to "apologize" for the Ramsey County Bar. In the second place that they did not consider that the Ramsey County Bar would have any part in the harrowing fight which is going to be put up in defense of the bar of Southern Minnesota. As for the praise which is to be the portion of the more fortunate bar of Stearns County, the committee no doubt realized that any words of eulogy which I could command would fall so far short of the deserts of the Ramsey County bar, that to use the Shakespearean phrase, it would be but "damned by faint praise." So I am put on here simply as the "representative" of the Ramsey County bar, which, needless to say, is very flattering to me. But when I think of the position of eminence which the bar of Ramsey County occupies, not only in the state of Minnesota but as well in the nation, I feel about as able to fittingly represent that Bar Association as a Jitney Ford to represent an exhibit of "Packard Double Sixes" at an automobile show. (Laughter.) Walton in his book, "The Angler," remarks that doubtless God might have made a better berry than the strawberry, but doubtless he never did. I say, doubtless there might be a greater and better body of lawyers than the legal fraternity of Ramsey County, but it is equally doubtless that no such body actually exists anywhere under the sun. (Applause.)

The term "Legal Fraternity" was just applied to the Ramsey County bar. That term is hardly comprehensive enough for the Ramsey County organization, for down there you know we embrace a legal sorority and we are never so ungallant as to forget our sisters-in-law. (Laughter.) These are occasions when we all feel glad that we are lawyers. As a profession we are inclined to complain a good deal about the inadequacy of the rewards of our professional labors and our responsibilities, which reward consists too often in nothing but the "un-remitting" love of our clients. But we may console ourselves, at least most

of us, with the thought that it is a profession in which financially we have everything to gain and nothing to lose. (Laughter.) Lawyers' lives are filled with emotions, varied and extreme. As some one has said, there is no field of the world's endeavor which is so replete with triumphant results and depressing defeats as the practice of law; that the court room is a stern and often terrible reminder that "all the world's a stage," where scenes that touch the heart and open the fount of human sympathy are daily enacted. The similitude of the court room and the stage is very striking, for what form of stage acting do we not have produced in the court room in the original reality? There is the drama, the melodrama, the problems of which plays are written, the tragedy and the comedy, all presented under the direction of lawyers as officers of the court and managers of the judicial stage. I presume that the nearest approach to opera is found in the music produced, when lawyers play upon the sympathies of the jury, sing the praises of their clients and whistle for their fees. (Laughter.)

I thought you would recognize that one, as one of the companions of your youth.

The responsibilities of the bar is a subject that is discussed often and one of which a repetition may perhaps be excusable, for it is very necessary that we constantly keep before our gaze our own responsibilities and our virtues, lest we lose our self-respect, in reading what the public think about us. (Laughter.) But there are encouraging signs; evidence that the public to-day has come to recognize that half of the lies that are told about lawyers have no truth in them. (Laughter.)

Take for instance such stories, as that of the man who went to his tailor and ordered a pair of walking pants. The pants were delivered, but the first time that the man attempted to sit down they split. The customer immediately went to the tailor to make a complaint. The tailor stated to him that these pants were made for walking and not for sitting, which caused the splitting. The altercation between the tailor and the customer resulted in the tailor's telling the customer to go to the

lower regions, so the customer immediately hastened to a lawyer's office, (laughter) and planted a $10.00 bill on his desk which the lawyer immediately folded up and put in his vest pocket, in a way that lawyers have, whereupon the customer related how he had just been to the tailor's and that the latter told him to go to the lower regions and that he desired the lawyer's advice. The lawyer felt that $10 in his pocket and said, "The tailor told you to go to the lower region?" "Yes." "And this is a retainer for me?" "Yes." "And you want my advice?" "Yes." "Well, my advice to you then is—don't go." (Laughter.) Such stories are discredited by the enlightened public of to-day.

As I started to say awhile ago, these are occasions when we feel a particular compensation in being lawyers; the compensation that comes from the giving and receiving in fullest measure of the spirit of good fellowship and fraternity which exists in a fullness and flows with a freedom at meetings of this sort as nowhere else. The genial atmosphere, the good cheer, the innocent hilarity which prevail, all denote the healthy conscience, the good digestion and the amiable disposition with which all lawyers are blessed. This fine spirit of fraternity existing between lawyers is one of the great things which helps make the practice of law tolerable and success possible, particularly for the young lawyer under present conditions. The young lawyer who starts out to make the high road of success to-day has to forge his way against a headwind of competition so strong as to make the task one difficult indeed of accomplishment. The hand of assistance so readily extended to him by his seniors steadies him on his way, their kindly sympathy and encouragement stimulate him, and their whole-hearted comradeship inspires and sustains him. And I say these things not in derogation of the ability or willingness of the average young lawyer to struggle for himself and make his own fight for the mastery, but, as someone has said, "Human nature requires so much companionship, is so dependent upon love and sympathy, that he must be of the divinest caliber who can win in the struggle

of life with none to be glad of his victory and none who would sorrow for his defeat."

If our work is hard and the emoluments of our profession meager, we can find much to compensate in enjoyable association with our fellow lawyers, in the satisfaction that comes from upholding the ideals of the profession and fulfilling the high duties which we discharge when we labor, as it has always been the ideal of the profession to do, in the words of the old verse:

"For the truth that lacks assistance,
For the wrongs that need resistance,
For the future in the distance,
And the good that we can do." (Applause.)

THE TOASTMASTER: The star of the Ramsey County Bar Association is in the ascendant and I owe an apology to Mr. Doherty. I beg his pardon. If I had seen him before, I would not have said what I did about him. But I want to second the sentiment of his eloquent remarks. I had rather be a tenth rate lawyer in a tenth rate town at a thousand dollars a year income than to be Governor of Minnesota (laughter) if I could not be both. (Laughter.)

If this session had ended last night, after the fish dinner, it would have been a great success. (Hurrahs.) If it had ended before this banquet had commenced it would have been an equally great success, because nothing was done to mar it to-day. And if all were abolished except what is taking place here tonight it would be a notable meeting of the State Bar Association. (Applause.) It has been one continuous intellectual feast, and so far as the Toastmaster is concerned, it is going to continue. (Laughter and cheers.)

Now, in the early days of my discipleship, I sat at the feet of Prof. Anderson in the University of Wisconsin. I listened for two years to his lectures on "North Folklore" and "Mythology," and he proved conclusively to my satisfaction and that of all of us—and, by the way, there sat by the side of me that member of the Hennepin County Bar, young Olaf Peterson. (Laughter.) I say he proved to our satisfaction that away back

in the tenth century Lief Carlson discovered America, and I understand that indisputable evidence was planted by him, in that city by the Zenith Sea, the home of Brother Washburn, that he made that discovery, and that that man was an ancestor of Mr. Haroldson, who is with us tonight.

(Applause.) ("You are on.")

And he is to tell us tonight about that discovery and about that proof. Don't say anything, Mr. Haroldson, about the Duluth Bar meeting; as Don Quixote said, many things might be said about that meeting—but they are better left unsaid.

APOLOGIZING FOR THE ST. LOUIS COUNTY BAR.

MR. HAROLDSON: Meester Toastmester, Yentlemen and Yudges: There is an old Norsk proverb, which says, "Never rake up the unsavory past of a man who is now decent," and so I trust you will not hold up against me what my ancestors have done. Now, Yentlemen, when Yohn G. Villiams and Yed L. Vashburn, and while speaking of them, I might add that I agree with the yentlemen from the Ramsey County bar when they say that they are yust as drunk as Mr. Vashburn, but not half so noisy. He is the only member of the St. Louis County bar for which I have to apologize this evening.

I tal you, when dese yentlemen and some of the other big farmer lawyer fallers up in St. Louis County heard that this har Bar Society of the great state of Minnesota was going to have its fest down here in Santa Claw, they immediately called one of their preferential elections for the purpose of choosing a representative for that orgy. And I am proud to state that by virtue of my own first choice vote and everybody else's last choice vote, I was declared unanimously elected plenty penitentiary with full charge of affairs.

I have also the distinguished honor to hold a brief for my old neighbors and fellow-citizens, the farmers of Jallow Mediseen Countay. And I think it is only right to say that what I state here this evening expresses the sentiment of all the farmers of the

whole great state of Minnesota, and also those of Nort and Sout Dakotay.

I tal you, yentlemen, it is a great sight to see so many drunken lawyers eating together out of the same trough, as we used to say of the hogs down in Jallow Mediseen Countay. But at the same time it makes me feel so sad I want to cry "woe unto you poor Santa Claw," with all this wickedness within your city,—You remember what happened to ancient cities of Sodom and Gomorrah—under similar circumstances. (Applause and laughter.)

But anyway, the great state of Minnesota—is a great state.

(Voices: "Go it, Hans.")

It has four lawyers for every farmer—and that reminds me of the parable of the Good Samaritan, because every time the farmer journeys down to the city he falls among lawyers and they strip him of his raincoat. (Laughter.)

The lawyers, they bane smart fallers. Like the niggers in the corn fields, they toil not, neither do their wives take in washing; nevertheless, yet I say unto you that even Governor Hammond with his big fat belly, live not so high as most of these. (Laughter.) But mark me well, and listen to my words; this business cannot go on forever; it has got to stop sometimes. The farmer is already getting mad and it looks omnibus for the lawyers. I tal you the trouble is with the lawyers that they cannot see beyond the wart on their nose. They know all about the cause, but when it comes to the effect, they do not know enough to give a headache to a humming bird.

Look at these Workmen's Compensation Act. Before that law was passed, the personal injury business was a regular umbilical cord for half the lawyers in the state of Minnesota (cheers) but now, I tal you, it is not even so good as a belly button. (Laughter and applause.) Well, I tal you what we got to do. We got to call a special session of the legislature—

Now (referring to memorandum) I am stuck. I got to look on my "pony." (Laughter.)

Now, there is the county option laws. What kind of a business proposition do you call that? You all know that drink is responsible for ninety-five per cent of all the crime. I point, for example, to the members from Ramsey County. And if this is the fact, how do you expect to get any more criminal cases if the county goes dry? You can't do it. It can't be done. That this law is unconstitutional is plain to be seen.

Statistics show that the average legislature is composed of fifty per cent farmers and forty per cent lawyers and ten per cent of others who need the money. (Laughter.) Why, I ask you, why do we pass such foolish laws when we have got such a large majority of farmers and lawyers? I think it is time to stop this here business pretty quick. What we have got to do is to form an alliance between the lawyers and the farmers—the kind that the Austrians have with the Dagoes. (Applause.) I thank you for the applause, which reminds me of what Abraham Lincoln said, speaking of ginger bread; he said, "There is nothing I like so well, and of which I get so little." (Laughter.)

Now, I tell you—I am stuck again. Where is that "pony?" (Laughter.) Oh, yes, we ought to be the hole in the cheese. Now, the first thing we have got to do is to stop the drainage of the swamp lands. I tal you the farmers have now more land in the great state of Minnesota than they can sell, already. They need more swamp land yust about as much as a Guinea pig needs one of Teddy Roosevelt's articles on the subject of race suicide. (Laughter.)

Now, yentlemen, here is another thing, this Sufficiency and Economy Commission. (Laughter.) I think we have sufficiency enough. The first thing we know they will abolish the whole legislature and then where is our meal ticket? (Laughter.)

I tal you there is one thing, yentlemen, we don't need to worry about, and that is de women's suffragettes. We can make plenty of laws to give women votes, and all we have to do is to pass the buck to the Supreme Court, and they got to hold de law unconstitutional because they have already decided we can only count the men and not the marks.

Well, boys, you see the game; we got to call this extra session of the legislature and get pretty quick action before we change our minds. Just like those great words of Hans Christian Andersen in "Les Miserables" (laughter), "The best laid plans of rats and men gang oftentimes aglee." And again, "There is many a slip between the coffee cup and the lip"; so let us all put our shoulders to the wheel and boost for the common weal and the good old North Star State shall stand forever pre-eminent amidst the commonwealths of our illustrious Union, a garden spot for farmers, and a soft spot for lawyers; where the laws grind the rich and the farmer makes the laws. From Two Harbors to Moorhead, from the Red River of the Nort to where the Mississippi rolls we'll raise high the illustrious banner of our fraternity, emblazoned with the undying motto (Honi soit qui mal y pense) —Honey, swat him in the pants, who evil thinks. (Laughter, cheers, applause.)

THE TOASTMASTER: By virtue of my absolute authority as Colonel, I extend to you, sir, the thanks of the organization. (Applause.)

And now, we must commence lying again. (Laughter.) I am surprised at this levity, and I think it ought to cease. It has been said or it has been written—perhaps not in St. Cloud, though—that no man ever lived in America, not excluding Abraham Lincoln or George Washington, who was known to so many individual persons as John L. Sullivan. Now, the more you think of that statement, the more you realize that it is true. I am free to admit that I have always had a considerable admiration for that grand old man, John L. Sullivan. He was an honest fighter; he fought fairly, and he never fought anything but a human being. (Applause.)

I have often wondered why Senator Sullivan would persist in carrying that middle letter "D" in his name, instead of substituting the letter "L." It may be that he does not know that John L. Sullivan in his profession handed down an unsullied name as a prize fighter; and I admire any man who is so proficient in his occupation, whatever it may be. Our friend Senator Sul-

livan has maintained the name and the reputation of John L. in another profession, unsullied; he has the reputation, and a true one, of being the fairest among fair and hard fighters, in the courts or in the senate. He represents here tonight, gentlemen, "Our Hosts, the Stearns County Bar Association." And I propose now that we all stand and receive the representative of our hosts, Mr. Sullivan. (Applause; all standing.)

PRAISING THE STEARNS COUNTY BAR.

MR. SULLIVAN: Mr. Toastmaster, Gentlemen: It is a matter of personal pride that my fellow-members of the bar in this city and county conferred on me the honor of responding to a toast here this evening on their behalf. But personally, so far as that is concerned, it has brought with it a sort of feeling of trepidation which has deprived me of my usual good appetite and destroyed, for me, the banquet, so far as the physical features are concerned. Because, let me say to you, that, notwithstanding I have addressed perhaps numerous gatherings in my lifetime, I have never yet been able to get over that shaky feeling that comes to a man until he gets upon his feet and commences to get the air clear around him. And so, I feel a little better right now than I have for the last hour. (Applause.)

I assure you, Mr. Toastmaster and gentlemen of the Bar Association, that we were proud to have you select our city as the place of your annual meeting. We have endeavored to exhibit in receiving you here, the friendly spirit which we all felt upon the occasion, and have tried to entertain you to our limited capacity. If we have, as you all so kindly say, succeeded in any measure, believe me, my friends, it affords us the very highest degree of satisfaction. (Applause. Voices: "You have succeeded." "Amen.")

We are glad to have you with us. It encourages us to keep up our own local organization. I don't know how it is in other counties of the state, but somehow, in our Stearns County Bar, while we have preserved the organization we have not been quite so active, we have not met so often, not taken the interest in our

organization which we ought to take; and I believe that the coming together of this Association here will stimulate us, the fact of your presence here will operate to stimulate not only our own county organization but other organizations in this judicial district.

I believe the practice of holding the State Bar meetings outside of the Twin Cities, or outside the large cities, is a good thing. You are going to get the country lawyers together in a way that you have never done before, in my judgment.

Now, Mr. Toastmaster, while I am on my feet, I see that my task is to "praise the Stearns County Bar." I am not going to do that, however, because, if you will bear with me, I will say, instead, a little something about some of the deceased members of our bar, the men whose ideals we are trying, locally, to live up to, the men who gave us ideals, men we are proud of as having been members of the bar of this county. We have furnished to the bench of this state some of its most illustrious members, Judge McKelvey and Judge Searle to the District bench, and Judges Collins and Taylor of the Supreme Court. We have quite a long list, unfortunately, of members of our profession in this district and county, who have died within the last half dozen years. There were the late Daniel W. Bruckart, David T. Calhoun, George H. Reynolds, and George W. Stewart. (Applause.)

There may be others; but I think I may say to you without being successfully disputed, that the men whose names I have mentioned, were men whom we were proud to have as members of our local bar association, men, I believe, whose names were almost household words, at least to the older practicing lawyers in this state. And I want to say to you here, in connection with these members, deceased, that we, the survivors of those men are going to try to uphold the high ideals which they upheld in this county as men high in their profession, and as good citizens. (Applause.)

I was very much impressed with the address given before this Association, by the gentleman, Mr. Boston of New York, regard-

ing professional and unprofessional conduct of attorneys. I believe that the lawyers of this state as a whole rank as high as the lawyers of any other state in the Union, so far as professional conduct is concerned, and so far as high ideals and ethics are concerned. And I want to say to you that, so far as the Stearns County Bar Association is concerned, I have never been able to observe among these active practitioners here anything but the utmost courtesy, one to the other, and the utmost regard for what is right and proper before the courts. I have never seen the time with one of these men in this Bar Association, but what his name upon a pleading, or his name upon a brief, was the synonym for truthfulness so far as he knew, as to that pleading, and the correctness of the law that he contended for in his brief; never anything in the way of discourtesy or an attempt to impose on the Court, and I believe that high regard for professional ethics that we have heard spoken of by the gentleman from New York is a greater legacy for the members of the Bar Association to leave to their successors, than the most profound textbook on the law itself. (Applause.)

What the people of this state want among lawyers, is not, perhaps, such a high degree of scientific legal knowledge, as to have the people know and understand that the lawyer is honorable, is fair and upright in all his dealings, in law or otherwise; that he is a man of integrity, a man they can rely on. You rarely hear a man criticized for lacking legal knowledge; if he is criticized at all, it is for not being the man he ought to be; and among the members of the bar in this district and county, there are none of that character, that I know of. (Applause.)

Mr. Toastmaster and Gentlemen: I am not going to take up any more of your time. The Secretary of this Association, when he notified me that I had to respond to a toast, was kind enough to inform me that I was to be restricted to six minutes—and that was the only enjoyable thing I saw in his letter. (Laughter.) I am not going to take up the hour and a half allotted by the Toastmaster, nor, indeed, any more of your time. I do want to thank you on behalf of the Stearns County Bar Association. As

I have already said, we are proud and glad to have you with us and we would be proud and glad to have you again. Any time when you are willing to come back to St. Cloud, just let us know, and we shall greet you with open arms. (Applause.)

THE TOASTMASTER: That speech alone is worth the entire meeting. I always had a great respect, as I have previously intimated, for the Sullivan family, and that has now been greatly augmented. (Applause.)

I remember, away back in my schoolboy days, an old German professor who used to teach the boys; and every time he went into the school-room, he took off his hat to his class. He said he did so, because the great senators and great lawyers and doctors and statesmen-to-be sat in front of him. Now, if I had my hat on, I would take it off to this body, particularly the Stearns County Bar Association; not because of the great men they are to be, but because of those great men that are now here. (Applause.) Barring the small amount of delicate lying that Senator Sullivan did in behalf of his guests, all remarks so far made are approved by the Toastmaster. (Applause.)

Now, I have been watching the career of Governor Hammond, as you all have, with a great deal of interest, since he was elected Governor. I have not made it my sole business to do that, as some people may have done—but I have been watching Governor Hammond's official acts, and there has been one that has puzzled me.

I wish to digress for a moment to make an announcement. Mr. Dempsey, Brother Dempsey, who plays left field for the New Ulm Ball Club, was sold by his Club this afternoon and escaped to North Dakota. (Cheers.) They wired us that we might exercise our option, but for financial reasons we let him go, and so he cannot be with us; he is already at Fargo.

Now, to return to my remarks about Governor Hammond. He has done one thing about which I think the public is entitled to an explanation. I thought it might be embarrassing to the Governor to ask him personally to make that explanation, as to why he took from the Southern Minnesota bar one of its good

lawyers, and reduced him to the bench. I would like to know the reason, and I know you others would like to, too. We all know that when Justice Schaller wrote his first decision, he declared one of the laws that he himself had been wholly instrumental in putting on the statute books to be unconstitutional, (laughter)—the currency law. And you will all remember that in a recent case an opinion which he wrote reads something like this: "Why," he said, "every man ought to know what a competent witness is; there is no dispute or chance of dispute about that. "Why," he said, "when the 1905 code was adopted, it was passed upon by some of the most eminent lawyers in the state of Minnesota—of which I was one. Order affirmed." (Laughter.) Now, I think it would be proper, insomuch as Brother Schaller has not yet gotten too far away from the bar, that he should now and here explain the action of Governor Hammond—in place of Mr. Dempsey. (Applause.)

JUSTICE SCHALLER EXPLAINS.

JUDGE SCHALLER: Ever since my friend Brown was licked in a certain case in which I had the honor to appear against him, he has had it in for me. I have had occasion to see some work that has gone out over his signature since that time, and it has been borne in on me with a great deal of force that when the committee made out that advertisement for "Brown, Abbott, Somson and others" and said they would "hire a lawyer when needed," that the committee struck more wisely than they knew. (Applause.)

I am not going to take up your time with any explanation of why Governor Hammond spoiled a good lawyer to make a better judge. (Laughter.) You all know Governor Hammond, and you know that he has an unerring instinct for picking the best men for the best places. (Applause.)

I heard my friend, the Senator from Stearns, telling of the great lawyers that they have advanced from Stearns County to the Supreme bench and the District bench, and I thought, "What is the matter with Dakota County?" (Applause.)

But I am not going to take up your time by dwelling on that. I merely wish to say that, so far as my experience goes—and it has been varied in the last thirty-five years,—the members of the Southern Minnesota Bar Association do not need an advocate and they do not need a defender; they usually speak for themselves; and in no uncertain terms. You usually get what they mean. (Applause.) Of course, it is admitted that the great state of Minnesota necessarily has the greatest lawyers, and those greatest lawyers are necessarily graded into different grades. But great as they are, we have to admit, and I do so here, solemnly and before the court, that the Southern Minnesota lawyers are just a shade, just a trifle, greater than the lawyers of any other part of the state. You would admit it, too, if you knew them as well as I do. (Applause.)

Now, I am not going to take my full hour and a quarter. But there was a thought came into my mind when I heard the Toastmaster had been promoted to "Colonel." He could not explain why, although he made a great attempt to do so. He told you it was a military term and denoted wonderful things. I will also remind you that a "kernel" is the inside of a nut. (Cheers and applause.)

THE TOASTMASTER: There is another man on the program. I could not find him before. I found him once holding court out in the woods. He told me what his name was. I called him aside and asked him where he lived, and he said in St. Paul. I asked him how long he had lived there, and he said, "Three weeks." I said, "How long do you intend to remain there?" He said, "That is my business." I think he does live in Ramsey County, and I think he is a lawyer, although the only reason I have for believing that is, that he is not a judge. However, he is going to represent the Ramsey County Bar—Mr. Currie.

MR. CURRIE: Mr. Toastmaster, judges, gentlemen of the bar and fellow thieves: I am ready to admit, since my appearance last night at the now famous "fish fry" and the trial of one Jenks, which I presided over and at which I suffered a total eclipse when I tried to think of the most severe sentence to be

passed on the convicted bigamist, that I am no judge, and since I have failed to elect Ripley Brower to the exalted position of "King," that I am no gentleman. Therefore you are entitled to one guess as to the class in which I belong. But, gentlemen, this is no confession.

Perhaps you have noticed the word "Olio" printed in large type above my name, and above the Ramsey County Bar. I find that no one quite understands the meaning of the term "olio." Some say it means a mixture; others a pot, and still another definition is that it is stewed meat or flesh—and so I suppose that is the reason— (Speaker's voice drowned out by laughter and applause.) This, however, is no surprise to me, for I was informed several days ago that I was to appear here in that capacity, and this evening I have exercised my capacity sufficiently (laughter) to bring about a condition of mind and body so as to comply as nearly as possible with the last definition of my "subject" and be able to stand with the assistance of my chair. (Cheers and laughter.)

Well, after finding out what "olio" meant, I was told by those in charge of the festivities what I was supposed to do. I am glad that I was not asked to represent the bar of Ramsey County, because I could not meet the occasion, for in my opinion they are the most able, the most successful and certainly the most genial body of lawyers in the state of Minnesota, unless perhaps it be the bar of St. Cloud. (Cheers.) Gentlemen, I may as well inform you that I am asked to "misrepresent" some of the members of the Ramsey County bar by giving imitations of them, and it is hardly necessary for me to say that I shall choose those who are not present for my subjects.

As I look about me it seems as though more than half of those present were from Ramsey, and it is with a feeling akin to displeasure that I note we have with us those two Napoleons in law, Frank B. Kellogg and Charles W. Farnham (cheers and laughter)—what lovely picking they would have been had they had the presence of mind to remain away. Then, too, if I were not confined to the limits of my own county, there is that

long-wooled "lamb" from the prairies at Marshall. (Cries of "Look out, he's here," and much laughter.) I see he is still able to stand. Have no fear, sis, our "Shearer" is not here tonight. (Laughter.)

I notice that there is a reporter present, and I request that no more of my remarks be taken, for the things I am to say in the stead of some of the absentees might not look as well in type as the learned discussion of Mr. Haroldson on "Imbecility." And I have been taken to task in the past for similar performances.

(Mr. Currie then proceeded, amid laughter and cheers, with his inimitable imitations of members of the bar, and closed the evening's entertainment with an imitation of ex-Governor Eberhart's speech on the subject of "The Iconoclast," delivered at the meeting of the Bar Association in Mankato in 1913.)

Several members responded to calls and made short speeches—Mr. Jenks, Mr. Stoning, and others; and the meeting finally adjourned at 1 A. M.

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MEMORIALS

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LLOYD BARBER.

The late Judge Lloyd Barber may very properly be numbered among the pioneer lawyers and jurists of this state. He ascended the bench of the Third Judicial District in September, 1864, having been appointed to succeed the late Judge Thomas Wilson, who had been elevated to the Supreme Court. He was the second judge to preside in that District. Of the many District Judges who have served throughout the state since 1850, only eight ascended the bench prior to the time Judge Barber did. His service continued until January, 1872, when he retired and resumed the practice of the law. He served as District Judge in the days when court conveniences were few, when there were no reporters and when libraries were limited in extent. Court trial proceeded slowly, the trial judge must necessarily assist in making the proper record for an appeal and he required a ready knowledge of law and procedure to properly conduct the court proceedings. Thus to Judge Barber was afforded an opportunity to aid in building a state, as his contribution was through his judicial service.

Judge Barber was born in Bath, New York, January 11th, 1826, and died in Winona, Minnesota, May 8th, 1915, being then 89 years of age. He located permanently in the West in 1858, was elected county attorney of Olmsted County in 1862, and ascended the bench in 1864. He moved to Winona in 1874, where he continued in the practice of law and the management of a very large stock farm. He retired from active work about a decade ago, enjoying the fruits of a well spent life and earning the rest which his services to the state and his clients entitled him. Judge Barber was twice married, and is survived by his widow, Lucy (Storrs) Barber, formerly of Long Meadow, Mass.

LUTHER L. BAXTER.

Luther L. Baxter was born and reared in Vermont, among the mountains that nurture and develop the strong, and came in his early manhood as a fitting pioneer to the Territory of Minnesota, where, serving himself for only four years in the practice of law, he entered upon an almost life service for the public. In 1861 he enlisted as captain of Company A, Fourth Minnesota Volunteer Infantry, and was assigned with two companies to the command of Fort Ridgely; remaining there until March, 1862, he rejoined his regiment at Fort Snelling, and was promoted to the rank of major. In April, 1862, he was ordered south with his regiment, where he participated in all of the campaigns in which his regiment took part until, owing to sickness, he was compelled to resign in October, 1862. Re-entering the service in November, 1864, as major of the First Minnesota Heavy Artillery, he was promoted to the rank of lieutenant-colonel in February, 1865, and commissioned colonel the same year, and participated in the battle of Nashville. He was elected to the state senate in the fall election of 1864, and was granted leave of absence to take his seat in that body at its session commencing in January, 1865. Returning to the army in March, 1865, he was assigned to duty as chief of artillery at Chattanooga, remaining there with his regiment until mustered out of service in October, 1865.

Judge Baxter held many positions of honor and trust; was judge of probate for Carver County in 1858; prosecuting attorney for the fourth judicial district, 1859; county attorney of Scott County, 1863; senator from Scott County, 1865-69; member of the house from Carver County, 1869; senator from 1869 to 1876; county attorney of Carver County, 1877-79; and member of the legislature, 1879-81, serving the people so well that he won an enviable reputation in all those districts where lived Minnesota's strongest men.

In politics he was a discriminating Democrat, voting and supporting only those men that in his judgment were fitted for the office to which they aspired. In 1882 he moved to Fergus Falls and renewed the practice of law till 1885, when he was appointed by a Republican Governor, largely at the unsought solicitation of the Justices of the Supreme Court of Minnesota, to the position of judge of the seventh judicial district.

He was continued by the votes of those whose friendship he had won by confidence in a strong, genial and kindly nature, in the same

honored position until 1911, when nature only refused him strength to continue.

To achieve and hold these distinguished positions dependent upon public favor pronounce eulogy more emphatic and enduring than that of tongue or pen.

While his inclinations did not urge him to intense and extreme legal research and a careful consideration of precedent opinions of jurists higher up, his sound judgment and keen insight into human nature and the varied affairs of life won and held the confidence and respect of a vast majority of those who knew him personally and in the discharge of his important judicial duties.

His strong character and fixed opinions, his unenvious view of wealth and pomp, his lack of grasping ambition, "that last infirmity of noble minds," his simple, quiet, helpful life, his unfailing courtesy and kindness to his casual acquaintances and those whose friendship he desired, won the favor of a wide public. Were those for whom he did some quiet, unheralded, kindly and helpful service to rise up and speak the thoughts of their hearts, Judge Baxter's "name would live to-day in a symphony of grateful eulogy."

N. F. FIELD,
JAMES A. BROWN,
M. J. DALY,
Committee.

PHILIP E. BROWN.

Philip E. Brown was born on the nineteenth day of June, 1856, in the town of Shullsburg, Lafayette County, Wisconsin, and was the son of George O. and Sarah (Robson) Brown. He died February 6, 1915.

He was graduated from the University of Wisconsin and received his degree of Bachelor of Law from the Albany College of Law in 1881. The following year he began the practice of law at Luverne, Minnesota. In 1891 he was appointed judge of the Thirteenth Judicial District. He was elected to that office in 1892 and re-elected in 1898 and 1904, which position he filled with marked ability until his election as Associate Justice of this court in November, 1910. He assumed the duties of that office in January, 1912, and remained a member of this court until his death.

He married Ellen Ford in 1882, who survives him.

Judge Brown was a plain man, retiring, unassuming and never sought public attention or applause. He was learned in the law, honest and conscientious both as a lawyer and a jurist. No man ever was more industrious or painstaking in his work. He never slighted any task. His days were spent in arduous and conscientious labor in the performance of his duties. He was possessed of strong common sense; a natural love for justice; always courteous and considerate; a patient and candid listener; firm and fearless in the discharge of his duties, both as a lawyer and a judge. He was a pronounced aid to both the bench and bar and his death is an irreparable loss to both.

His character in private life was as unsullied as was his public life.

While records of court endure, they will be a memorial to his industry, ability, integrity and sense of justice.

Our deepest sympathy is with his family and friends—their loss is our loss.

We move that this brief expression of our sincere regard be spread upon the records of this court.

CHARLES M. START, Chairman.

JOHN G. WILLIAMS,
LORIN CRAY,
DAVID F. SIMPSON,
ALEXANDER L. JAYNES,
J. H. TOWN,
CHESTER L. CALDWELL,
Committee.

MARION DOUGLAS.

On Thursday evening, November 19th, 1914, at 9:30, at Duluth, Minnesota, the earthly career of Marion Douglas was terminated. By a power unfathomed and unfathomable he came into being. He wrought well throughout a life longer than that allotted to most professional men, and by a power before which the strongest men are helpless he was removed from the scene of human activity.

Mr. Douglas was of Scotch-English ancestry. His father was William E. Douglas, who traced his lineage back to a Douglas of the

ancient Scotch nobility. He died March 23rd, 1903, at the age of 84. His mother, who was of English descent, was Mahala Tucker. She died in 1879.

Mr. Douglas was born on his father's beautiful estate near Dixfield, Maine, September 29th, 1849, and was therefore a little past 65 at his death. He first attended school at the old red brick country school house nearby. He prepared for College at Wilton Academy, Wilton, Maine. In 1872 he entered Bates College, at Lewiston, Maine, from which he graduated with the first honors of his class in 1876.

Soon after his graduation Mr. Douglas went abroad and studied a year at the International College of Languages at Paris. After his return home he was for two years principal of the Normal School at Lee, Maine. He studied law by himself and in the office of Hutchinson, Savage & Hale, a leading firm of Lewiston, Maine, and was admitted to the bar in Kennebec County in 1879. He came west soon after and opened an office in Minneapolis.

In the beginning of the '80's there was a great influx of people into Dakota Territory. All the lines of railway and all the main traveled roads were crowded with people going into the Territory. Many towns and supposed future cities were founded. Mr. Douglas joined the throng. He went to Jamestown, rafted lumber down the James River to a place since called Columbia, in Brown County, now in the state of South Dakota. Here he settled, constructed the first frame building in the place, built up a good law practice, was probate judge of the county and here continued his residence until he removed to Duluth in September, 1886.

In 1882, at Bangor, Maine, he married Miss May E. Brooke, who as his widow survives him. There were no children.

During his residence here Mr. Douglas has been a careful, hard-working lawyer. He was trusted by a substantial clientage, esteemed by his fellow members of the bar and had a high standing with the judges and officers of the courts, who always knew that nothing unfair or inequitable would be advocated by Mr. Douglas, or any wrong advantage be taken or sought in any of his proceedings. He never sought to impose on the court.

Mr. Douglas had very substantial business interests. He acquired by his diligence and frugality a considerable property, mostly in and about the city of Duluth. He lived comfortably, but modestly. He cared not for ostentation. All his life he was a student, a reader, a worker.

Although not given to much talking, Mr. Douglas was a good companion, and those who knew him well enjoyed being in his society. He was a man with whom it was profitable to be, whether there was speech or silence. In politics Mr. Douglas was a Republican .

He belonged to the Masonic fraternity, being a 32d degree Scottish Rite Mason, and also a member of Duluth Commandery Knights Templar. He was also a Shriner and an Elk.

He was a member of the Old Settlers' Association, the Bar Association and the Commercial Club. He became a member of the Duluth Bar Library Association in January, 1895, became a director in 1896 and remained as such until the end of 1907.

In 1900 he was secretary of the Association, and from February 9th, 1901, until the end of 1907 was its president. On March 7th, 1910, he was again elected a director and president and so remained until his death.

He gave upwards of 700 volumes of valuable law books to the Association during his life time, and it is understood that the residue of his law library has been left to it.

Mr. Douglas gave liberally of his time in promoting and directing the affairs of the library. The members of the Association, which means practically the whole bar of the District, recognize that they owe him a debt of continuing gratitude for his untiring and unselfish work in the building up of this great library, which is indispensable to practioners of the law.

Mr. Douglas was laid to rest in Forest Hill Cemetery in the city which he loved. Intimate personal friends acted as pall-bearers. The services were mainly in charge of the Commandery, the principal service being held in the Masonic Temple. Rev. John W. Hoffman, pastor of the First M. E. Church and Prelate of the Commandery, delivered an eloquent discourse and merited eulogy, in addition to the ritualistic ceremonies.

A useful life has closed, but its gracious influence will continue far into the future. With those who knew Douglas the memory of him will abide, and be an inspiration to emulate his example and to do things right.

JOSEPH A. ECKSTEIN.

Joseph A. Eckstein, for many years a leading member of the Bar of Brown County, died suddenly in this city on April 8, 1915. For sev-

eral months prior to his death Mr. Eckstein had been in failing health. On the day before his death he suffered a slight stroke of apoplexy. The next morning he was much improved and went to his law office to attend to business matters as usual. He left his office about five o'clock with his brother, W. T. Eckstein. Soon afterwards the deceased went to a local drug store, where, after greeting a friend, he fell to the floor and passed away a few minutes later.

Joseph A. Eckstein was born in Trautmannsdorf, Bohemia, Austria, on October 25, 1857, the son of John and Magdelena Eckstein. He came to this country with his parents in 1864 when he was seven years of age. The family came directly to New Ulm and located on a homestead in the Township of Sigel. Here Mr. Eckstein attended the district school and later the Mankato State Normal School, from which institution he graduated in 1876. He then taught two terms in the country schools of this county and for four years taught in the public schools of New Ulm. While he was teaching here he improved his spare time by studying law in the office of the late Judge B. F. Webber. He was admitted to the bar on May 5, 1880.

After his admission to the bar Mr. Eckstein enlisted in the Signal Service of the regular army. He was stationed at various points in Virginia, Texas and New Mexico. In 1881 his father became seriously ill and Mr. Eckstein returned to Minnesota in the fall of 1881, just before his father's death. He was honorably discharged from the service in October, 1881, and immediately thereafter opened a law office in New Ulm which he maintained to the time of his death, a period of almost thirty-four years.

Mr. Eckstein was affiliated with many fraternities. In many of them he attained prominence. Early in life he joined the Ancient Order of United Workmen and for a short time held the office of Supreme Master of that order, the highest office in the fraternity. He was for many years a member of the Masonic Order and held many offices in that fraternity, at one time being Eminent Commander of the Mankato Commandery. He was also affiliated with the Modern Woodmen of America. Mr. Eckstein always took a keen interest in military affairs. He was at one time captain of Company "A" at New Ulm and was at various times a member of the Governor's staff. At the time of his death he was an honorary member of the local Machine Gun Company and also of the Second Regiment Band.

For upwards of thirty-three years Mr. Eckstein practiced law in New Ulm. He acquired distinction as a capable lawyer and man of

affairs. For seventeen years following his admission to the bar he was city attorney of the city of New Ulm, a position which he filled with distinction. As city attorney for so long a period Mr. Eckstein had much to do with the development of the city of New Ulm. He was a student of municipal affairs and his faithful service in behalf of the city is held in grateful appreciation by the citizens of New Ulm. He was president of the Brown County Bar Association at the time of his death, having held this position for many years. Mr. Eckstein also enjoyed a wide reputation as a skillful criminal lawyer and also attained eminence in other branches of his profession.

Mr. Eckstein was a man of strong personality. He possessed many of the qualities that go to make a successful lawyer. He was endowed by nature with a strong and robust body and an active mind. He possessed to a remarkable degree a courage and fighting spirit that are so necessary to the success of a practicing lawyer. These qualities combined with remarkable industry, capacity for work and untiring energy, gained for him the regard and confidence of a host of clients.

Although a man of determined and positive character Mr. Eckstein was at heart a genial kindly man. He was thoroughly democratic in his association with other people, whether friends or strangers. That he was well regarded in this community is best shown by the fact that more than two thousand of the people of this vicinity were present at his funeral. The presence of so many of his friends and acquaintances on this occasion testifies most strongly to the esteem and high regard in which he was held by them.

In the death of Mr. Eckstein the bar of Brown County loses its oldest member. His excellent qualities will always be held in appreciation by the bar of this county. his companionship and kindly consideration for the other members of the bar will be long remembered.

MARTIN B. KOON.

Martin B. Koon, born in Altay, Schuyler County, New York, January 22, 1841, died August 20, 1912, in Minneapolis, Minn., is a stirring example of the successful American of to-day.

In his life we see the familiar steps of this success, the typical farm life, with its district schooling, the traditional course at the

nearby academy, later the teaching of school, the moving westward from the old home, winning early prominence at the bar by diligence and native ability, public recognition by his appointment to the bench, where his powers became more widely known, and his subsequent use of this success to establish a broad and general practice of the law.

All these steps are typical, yet he was over and above the type. He was an unusual man, a marked man, and because of the manner of his mind.

Throughout his life he was a compelling man, one who did his own thinking and followed his own course. Illustrations of this are seen in his journey to California and teaching on the Pacific coast in the years 1863-1865, his European journey in 1875 to broaden his outlook and experience at a time in his career when most young men would think they could ill afford either the time or money, and also in the successful results of his judgment in local investments and in the almost unbounded confidence that he inspired among his clients in the business world.

Judge Koon, after reading law in the office of his brother, E. L. Koon, at Hillsdale, Michigan, his home, was, in 1867, there admitted to the bar, and shortly being taken into partnership by his brother, continued the practice at Hillsdale until 1878 under the name of E. L. & M. B. Koon. From 1870 to 1874 he held the office of prosecuting attorney. In 1878 he came to Minneapolis and formed a partnership with E. A. Merrill, under the name of Koon & Merrill. Later A. M. Keith was associated with them and the firm became Koon, Merrill & Keith. In 1883 he was appointed judge of the District Court of Hennepin County, to fill the unexpired term of Judge John M. Shaw, resigned. Although elected to succeed himself, he resigned in 1886 to become special counsel of the Minneapolis Street Railway Company, but was gradually led into general practice, at first alone, then with associates, under the firm name of Koon & Semple, and later of Koon, Whelan & Bennett, and still later, of Koon, Whelan & Hempstead. He retired from this firm January 1, 1912.

A rare combination of business man and lawyer, and equally admired as either, his success in both fields of endeavor was due to the same two dominant traits, his power of keen analysis and his readiness to prompt practical judgment and action. His was a rare ability to go to the heart of any question.

As a lawyer his strength lay in his grasp of fundamental principles and his quick application of them to complicated states of fact.

His briefs were prepared with great care. Before a jury he prevailed by his clear, concise marshalling of facts, and his absolute directness.

On the bench his qualities eminently fitted him for a trial judge, quick and able to decide promptly after a willing hearing of argument. Before him when on the bench came such important cases as King vs. Remington, St. Anthony Falls Water Power Co. vs. Merriam, and the Washburn Will case.

In business he was a man of large affairs, and for many years closely affiliated with such institutions as the Northwestern National Bank, the Minnesota Loan & Trust Company, the Minneapolis General Electric Company, and the Minneapolis Street Railway Company, and his clients included also many of the leading business men of the city. Among his business associates his judgment and advice were greatly prized.

Although he served at an earlier date on the Library Board, his public activities did not broaden until the last years of his life, when he associated himself in most of the public movements for the practical improvement of Minneapolis. In some of them he took the leading part. Useful as were his works in the local field, it will always be a matter of regret that he did not take into state and national affairs his talents for clear analysis and persuasion. In those broader fields he might have gone far in serving his state and country.

Much traveled, fond of reading, of history and biography, not given to introspection or indirectness, he was a practical man, his was a practical mind, and admirably fitted for success in this practical age.

Catholic in his friendships, tolerant of others, Judge Koon has left a wide circle of friends, and in his death the community has lost a helper and the bar a leader.

GORHAM POWERS.

Honorable Gorham Powers was born in Pittsfield, Maine, September 14, 1840, and comes of a distinguished family. His father, Arba Powers, was a farmer and reared his family of ten children on the farm. He married Naomi Mathews about 1835, both being natives of Maine.

In the Powers family were eight boys, six of whom were lawyers. The oldest, Llewellyn Powers, served for four years as Governor of the

state of Maine, and was at the time of his death a member of congress from that state. The youngest, Frederick A. Powers, has held the position of Attorney General and Chief Justice of that state.

Judge Powers was educated at Hartland Academy, Maine, and finished his law course at the Albany Law School of New York. Before commencing his long and successful life's work as a jurist, he was called upon to serve his country in another capacity. On February 4, 1862, he enlisted in the Fourth Maine Battery and was in active service over three years in the great Civil War. He was mustered out at Louisville, Kentucky, October 5, 1865. He was a sergeant in the battery, and in recognition of his meritorious conduct he was, in 1864, commissioned by President Lincoln a lieutenant in the Thirteenth United States Colored Heavy Artillery, serving fifteen months in that regiment. He took active part in many memorable engagements. He was at the battle of Cedar Mountain in August, 1862, and at Reams Station, Virginia, he was wounded in the left shoulder and carried an ounce minie-ball therein for many years. He was at Antietam in September, 1862, and at the Wilderness, Cold Harbor and Petersburg in 1864, and in several other engagements.

After the war he came to Minnesota, locating at Minneapolis in May, 1866. He was admitted to the bar in September of that year. He practiced for about two years there and in September, 1868, removed to Yellow Medicine County, locating near Yellow Medicine City, where he pre-empted one hundred sixty acres of land, and while residing on this land, began the practice of law in this county.

In 1875 the county seat was moved from Yellow Medicine City to Granite Falls, and he took up his residence in this city. He was elected the first county attorney of this county and served in that capacity several terms. He served as a member of the legislature during the session of 1879. On January 30, 1890, he was appointed judge of the Twelfth Judicial District, to which position he was elected without opposition each succeeding term thereafter up to the time of his death.

He was married to Addie M. Ireland, in Maine, on November 10, 1865. She died in 1880. From this union two children are living, Edward and Mantie A. He was again married, on October 14, 1882, at Skowhegan, Maine, to Nettie M. Sanford, who survives him. They had four children, Arba J., Mary, Evelyn and Jeanette.

In November, 1913, while holding court at Montevideo, in this

district, he was stricken with the illness which finally resulted in his death. He passed away on April 15th, 1915.

Judge Powers possessed a genial and charming personality, always kind and courteous, easily approached and loved and admired by all who knew him. As a lawyer and judge he possessed rare qualifications. His broad and thorough knowledge of the principles of law enabled him to solve legal questions almost intuitively. He was endowed with a keenly analytical mind and had a natural fondness for the study of law. He was just and upright. In dealing with the weak and unfortunate, his judgments were ever tempered with mercy. By his death the community misses a faithful servant and good citizen, and his friends and associates mourn a personal loss.

ARTHUR HERBERT SNOW.

Arthur Herbert Snow, at the time of his demise judge of the Third Judicial District, died at Winona May 15th, 1915. He surrendered to a malady which he had combatted for four years.

At the time of his death Judge Snow had completed three complete terms as district judge and had entered upon his fourth term, so that his service was for eighteen years and four months, being the longest of any judge of his District. To the roll of distinguished names of jurists presiding in the Third District, which includes such names as Thomas Wilson, Lloyd Barber, William Mitchell, Charles M. Start and O. B. Gould, is added that of Arthur H. Snow. As a jurist he easily maintained the reputation of the bench of the Third District as one occupied by men of ability, judicial capacity and sound legal learning and his record is a distinctive expression of his ability as a jurist and a scholar of the law. During his years of service he presided at the trial of over one thousand cases and although appeals were taken from his decisions they were very few in number compared with the numerous decisions which he made and his rulings were sustained by the Supreme Court in a proportion which stamped him as one of the ablest trial judges in the state.

Arthur H. Snow was born in Clinton, Michigan, September 20th, 1841, and he was, therefore, of the age of seventy-three years and five months at the time of his death. His boyhood was spent in his home

village, where he acquired his early education. He was graduated from the literary department of the University of Michigan in 1865, and subsequently from the Albany Law School, at Albany, N. Y., in 1867. Before entering the law school, Judge Snow spent a year in the law office of the late George V. N. Lothrop, at Detroit, Michigan. Mr. Lothrop was a diplomatist and a lawyer of much experience. After being admitted to practice Judge Snow returned to Detroit, and in 1867 married Miss Martha A. Westcott, then of Homer, Michigan, who was his constant life companion and who survives him.

With his bride he left for San Francisco, where he located and practiced for nearly four years. Early in 1871 he came to Winona and formed a partnership with his uncle, the late John Keyes. This continued until his uncle died, and in 1877 Judge Snow and the late O. B. Gould united their efforts, which partnership was successfully continued for eighteen years, or until 1895, when Mr. Gould was appointed judge of the District Court. During his years of practice Judge Snow had served for six years as city attorney, for four years as county attorney, and for two years as mayor of the city of Winona and as a member and president of the Board of Education. His public service was marked by an earnest desire to serve the people and to faithfully perform his duties.

In the fall of 1896 Judge Snow was elected district judge, succeeding Judge Gould, and ascended the bench in January, 1897, to which position he was in succession re-elected for his fourth term. During his last two candidacies he had no opposition.

He served for many years as president of the local bar association and for some time as a member of the State Board of Law Examiners and was at one time Democratic candidate for associate justice of the Supreme Court of Minnesota.

During the past few years of service upon the bench Judge Snow suffered increasing pain from his malady. He steadfastly and with determination, however, continued to perform the many duties of his office and succeeded remarkably well in clearing up his work, and his death left very few matters undecided.

He was distinctly a jurist and enjoyed to the utmost the work imposed upon him. He spent many hours at his desk in immediate reach of his law books, carefully, and with minute detail, studying the facts submitted to him and making his decisions. These he usually wrote himself, with pen and ink, regardless of their length, and he never filed a decision until satisfied in every respect that he had cor-

rectly decided the matter according to the law and the evidence and that through his decision substantial justice between the parties had been done. In criminal matters he tempered justice with mercy, having in mind his duty to the community and expressing humanity to the accused. Neither bias nor partisanship entered into his decisions, and the care which he exercised and the knowledge of law which he brought to mind earned for him the respect and approval of the bar and the commendation of the higher court.

He was gentle in manner, exceedingly patient, but quick to rebuke wrong methods, and to protect the rights of the weak and those who might be incompetently represented, loving his library, and with a high regard for the virtues which make to elevate life. His religious affiliation was with the Episcopal Church. His home life was a most happy one and home had a great attraction for him. He was the father of seven sons, three dying in infancy and two in early manhood.

By his death the bench of the state loses a most able and experienced jurist, and the bar of the district, as well as of the state, one who was, indeed, a friend at court. Although called from a task which his constituents had freely and gladly placed upon him before they had expressed any thought that his work was done, nevertheless he had already done more and better work than most men do. By his works we shall remember him.

His funeral was held from St. Paul's church, Winona, being conducted by Rev. George S. Keller. It was attended by Federal Judge Booth, District Judges Johnson and Granger, nearly all the members of the bar of the three counties comprising the district, and representative lawyers from other parts of the state and many county officials of the district.

The Winona County bar held a memorial service, at which time a memorial similar to the above was adopted and spread upon the records of the court. A committee consisting of Herbert M. Bierce, Robert E. Looby and J. M. George had charge of the service. Judge George W. Granger presided and closed the service with a feeling expression of his very high regard for the work and life of his predecessor.

CHARLES TELFORD THOMPSON.

Charles Telford Thompson was born in Glendale, Ohio, June 6, 1853. He died in Minneapolis, Minnesota, after a brief illness, on November 3, 1914.

He began the practice of law in Minneapolis in 1878, and for more than 36 years was actively and continuously engaged in his chosen profession in all of our state and federal courts.

On August 1, 1883, Mr. Thompson became associated with Arthur M. Keith in the co-partnership known as Keith & Thompson. Later, Charles M. Webster entered the firm, thereafter known as Keith, Thompson & Webster.

In 1887 there was organized the co-partnership subsequently known as Keith, Evans, Thompson & Fairchild, which continued to the date of Mr. Thompson's death. His appreciation of long association with this firm is voiced in his will, drawn by himself only a few months prior to his decease, in which he emphasizes "the unfailing spirit of kindness and courtesy which has always existed among us during our long business life together."

His boyhood was spent in southwestern Ohio. His father, Samuel J. Thompson, was a distinguished lawyer of Cincinnati. They lived in Glendale, one of the suburbs of that city, and it was here that Mr. Thompson attended the public schools, finishing high school at the age of sixteen years. He then entered Denison College, at Granville, Ohio, from which he was graduated at the age of twenty. As a boy he manifested in a degree many of the characteristics which later were more distinctly developed in him; he was considerate of his fellows, fair in his play, patient, unassuming and conscientious.

As a student in college he was among the first in his studies. He was a fine appearing young man, aristocratic in the best sense, and yet broad and democratic; clean, straightforward; a real gentleman. He was a membor of the Beta Theta Phi fraternity while in college. During his college course it was his intention to become a physician, but subsequently he decided upon the law. At the time of his graduation, there was no Phi Beta Kappa chapter in Denison College, but later, by reason of his exceptional abilities, he was elected to that society. Nor as a student did he confine himself solely to his books. He took an active interest in the literary organizations of the college. He was fond of debate and excelled in it. He enjoyed, but usually as a spectator because he was not of robust physique, the athletic side of

college life. He also took an active interest in the religious activities of the college.

After his graduation from Denison, he spent two years in post graduate work in the University of Edinburgh, Scotland, and while there took honors in logic, metaphysics and the Roman law.

Returning to Cincinnati in 1875, he studied law in his father's office, and at the same time in the Cincinnati College of Law, from which he was graduated. He practiced for a short time in Cincinnati, and came from there to Minneapolis.

He enjoyed to the fullest extent the confidence and respect of the courts in which he appeared, and of the lawyers with whom he associated. His practice was lucrative, and his clients of a select and reputable class. He would not knowingly represent any one who sought unjust advantages. On one occasion his client's testimony on the trial of a cause was so different from the facts as represented by him to his attorney, that Mr. Thompson, realizing the dishonesty of his client, refused further to prosecute the action, and apologizing to the court and jury, he then and there moved for a dismissal of the case.

His abilities were peculiarly shown in his command of the English language, whether in speaking or writing, and also in his power to do a large volume of important work in a very short period of time.

In purpose, spirit and work he was unchangeable. With him, duty was an ever present, compelling, living principle, that enabled him to plow his way through obstacles and difficulties, and to win victories that belong only to those who are willing to sacrifice. He believed that the duty rested upon every one to take a personal and practical interest in public affairs, to protect the unfortunate, help the needy, minister to those in distress, and to live according to the dictates of a divinely guided conscience. His time, personal influence and his means were generously given for the uplift of society, the betterment of his fellow men, and the extension of the influence of the church he so deeply loved.

His life was a well regulated one. He disciplined himself. His ever present concern was for the happiness of others, and if inadvertently he gave pain to another, or if through a misunderstanding his motives were misconstrued, his sensitive soul showed instant signs of sorrow. He had a friendly voice, a kindly spirit, a cordial manner, and a well poised mind.

Mr. Thompson was especially active in religious work. Through all his life in Minneapolis he was a member, and very prominent in

the work of the Westminster Presbyterian Church. He was also closely in touch with the work of the Presbytery of Minneapolis, and the Synod of Minnesota, and the General Assembly of the Presbyterian Church of the United States. In 1912 he was chosen vice moderator of the General Assembly, the highest lay honor in America in the gift of the Presbyterian Church.

From 1886 to 1900 he was a trustee of Macalester College. At the time of his death he was a trustee of McCormick Theological Seminary of Chicago. He was then also president of the Minnesota Society of the Sons of the American Revolution, his last public appearance being at the recent annual meeting and dinner of that Society.

For many years he was president of the John A. Rawlins Post staff, a patriotic organization composed of 100 of the leading citizens of Minneapolis. He was a member of the University Club of Chicago, of the Minneapolis Club, and of the Lafayette Country Club.

His death in the very prime of his life was a great shock to this community. In his going many have lost a true friend, his family a devoted husband and father, the community a valued citizen, and the Minneapolis Bar Association one of its most conscientious and efficient members.

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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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,	"
Hammond, Winfield S. (Governor)	April 3,	1915
Dibell, Hon. Homer C.	July 10,	"
March, C. H.	Feb. 4,	1916

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Larson, Constant Thornton, Ralph S.

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Vesta, O. S.

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Swenson, Charles A.

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Irwin, Frank C.

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Biwabik
Browne, W. W.

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Frundt, H. J. Putnam, Frank E.

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Alderman, S. F. Fleming, William A. Gardner, George H.
McClenahan, W. S. Polk, A. D.

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Kain, J. P. Smith, George D. Wyvell, Henry G.

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Leary, D. J.

Buffalo

Cutting, W. H.

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Dahle, O. K. Duxbury, F. A.

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Carleton

Oldenburg, H. Searls, Spencer J.

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Stolberg, Alfred P.

Chaska

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Cloquet

Micharlson, V. J.

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Loring, Charles O'Brien, Martin Watts, William
Miller, Arthur A. Rowe, W. E.

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Christianson, Theodore Halvorson, H. O.

Detroit

Johnston, C. M.

Dexter

Webber, Henry, Jr.

Duluth

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Adams, Frank D.
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d'Autremont, C. Jr.
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Baldwin, Charles O.
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Banning, A. T. Jr.
Billson, Wm. W.
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Bright, Michael S.
Buell, I. C.
Cant, William A.
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Carmichael, H. A.
Chaffee, Rollo N.
Clapp, Harvey S.
Congdon, Chester A.
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Courtney, H. A.
Courtney, Henry O.
Crassweller, Arthur H.
Crassweller, Frank
Crosby, Wilson G.
Culkin, William E.
Dancer, Herbert A.
Day, Frank A.
De LaMotte, J.
Dibell, Homer B.
Elder, William
Engel, J. C. Herman
Ensign, J. D.
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Fesler, Bert
Fryberger, H. B.
Gearhart, H. G.
Gillette, A. C.
Gilpin, S. W.
Gouska, Walter
Gran, Victor H.
Grannis, H. J.
Greene, Warren E.
Hargreaves, F. W.
Haroldson, Hans B.
Harris, Luther C.
Harrison, William P.
Heino, John R.
Heitman, John
Hicks, Frank
High, Leslie S.
Hollister, Theo.
Holmes, Donald S.
Hudson, T. T.
Hunt, J. W.
Ingalls, Edmund
Jaques, Alfred
Jenswold, John D.
Jenswold, John, Jr.
Joyce, Thomas J.
Keyes, John A.
Lanners, Harry W.
Larson, O. J.
Lewis, I. K.
Lum, Leon E.
MacPherran, Edgar W.
Magney, C. R.
Mitchell, Oscar
Morgan, Geo. W.
Morris, Page
Nelson, Andrew
Peale, William O.
Phelps, H. H.
Randall, Frank E.
Reynolds, Joseph Ward
Richards, John B.
Richardson, Wm. E.
Robinson, J. J.
Ross, G. W. C.
Samuelson, John E.
Schmidt, P. C.
Sinclair, John A.
Smallwood, W. H.
Spear, George H.
Stearns, Victor
Stevenson, Wm. J.
Sulcove, L. A.
Towne, Edward P.
Wanless, James
Washburn, A. McC.
Washburn, J. L.
Watts, W. A.
Welch, Paul
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. B.
Lovell, John W. Palmer, J. E. Quinn, James H.

Faribault

Batchelder, Charles Gipson, Eugene H. Quinn, Thomas H.
Buckham, Thomas S. Le Crone, J. W. Smith, Lucius A.
Childress, Arthur P. McMahon, James P. Stockton, C. M.

Fergus Falls

Parsons, W. L. Thompson, Anton

Foley

Dougherty, Frank E.

Fosston

Brager, O. A. Hendricks, J. A.

Gaylord

MacKenzie, C. H. MacKenzie, George A. Streissguth, Otto

Glencoe

Brown, G. W.

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.

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.

Laverne

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.	Laurisch, C. J.	Schaub, Arthur
Dailey, C. O.	Noe, John C.	Schmitt, J. W.
Davies, W. B.	Pfau, A. R., Sr.	Smith, B. D.
Ellsworth, F. F.	Pfau, A. R. Jr.	Taylor, Benjamin
Flittie, Jean A.	Phillips, Charles E.	Wilson, S. B.
Hughes, Evan	Plymat, Walter A.	

Mapleton

Argetsinger, N. G. McGregor, Benjamin F.

Marshall

Davies, Tom. DeReu, 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, Arthur H.
Anderson, W. B.
Anderson, W. H
Ankeny, Alex. T.
Arctander, Ludwig
Baxter, Hector
Baxter, John T.
Bayard, Lee Brooks
Beeman, E. R.
Bennett, John C.
Benton, Henry W.
Berg, John N.
Bernhagen, John F.
Best, James I.
Bibb, Eugene E.
Blucker, George M.
Booth, Wilbur F.
Boutelle, M. H.
Bowler, Madison C.
Bracelen, C. M.
Breding, A. M.
Bremner, W. H.
Bright, Alfred H.
Brooks, Frank C.
Brown, Hosmer A.
Brown, Rome G.
Buffington, George W.
Burgess, George D.
Cant, Harold G.
Carmichael, Daniel F.
Carson, Harvey S.
Chase, Nathan H.
Cherry, Wilbur H.
Child, S. R.
Childs, Clarence H.
Choate, A. B.
Chute, Fred B.
Chute, L. P.
Cobb, Albert C.
Cohen, Emanuel
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.
Dodge, Fred B.
Dorsey, James E.
Drew, Charles M.
Dwinnell, W. S.
Eaton, L. K.
Eberhart, Axel A.
Edwards, D. C.
Elliott, C. B.
Erdall, John L.
Fagre, J. Barthell
Fifield, James C.
Fish, Daniel
Flannery, George P.
Flannery, H. C.
Fletcher, Clark R.
Fligehman, Sol.
Fowler, Charles R.
Frost, Daniel R.
Furst, William
Garrigues, Edwin C.
Gilger, John W.
Gould, C. D.
Guesmer, Arnold L.
Guilford, P. W.
Hale, William E.
Hall, Albert H.
Hanley, M. F.
Healey, Frank
Henderson, Wm. B.
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.
Jelley, Charles S.
Johnson, Adolph E. L.
Joslyn, C. C.
Junell, John
Kay, Spencer B.
Keith, A. M.
Kerr, W. A.
Kingsley, George A.
Kingman, Joseph R.
Kneeland, Thomas
Krause, C. G.
Lancaster, William A.
Larrabee, F. D.
Larimore, J. A.
Lauderdale, Henry W.
Leary, William C.
Leonard, George B.
Lind, John
Longbroke, L. L.
Lossow, Albert H.
Lund, Harry A.
Lum, Bert F.
McDonald, W. H.
McDowell, W. A.
McGovern, John
Mahoney, Stephen
Martin, James M.
Mackall, H. C.
Meighen, Philip J.
Melville, James C.
Mercer, Hugh V.
Merchant, E. A.
Merchant, Frank D.
Merrill, George C.
Merritt, Walle W.
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
Nichols, Chester L.
Nordbye, Emmar H.
Norris, W. H.
Norton, W. F.
Nye, Frank M.
O'Brien, James E.
O'Donnell, M. C.
Paige, James
Park, H. T.
Patterson, James B.
Penny, Robert L.
Peterson, James A.
Pond, Charles M.
Powell, Ransom J.
Prendergast, Edmund A.
Ray, John H. Jr.

Minneapolis—(Continued)

Reed, Fred W.	Slater, Edwin S.	Traxler, C. J.
Reed, Joseph M.	Smith, Benj. W.	Tryon, Chas. J.
Rieke, A. V.	Smith, C. L.	Ueland, A.
Richards, J. H.	Smith, Edward E.	Vance, W. R.
Roberts, Harlan P.	Smith, John Day	Van Fossen, L. J.
Roberts, Horace W.	Smith, J. Russell	von Kuster, Paul E.
Roberts, William P.	Steele, John H.	Volk, H. W.
Robertson, James	Stevens, F. H.	Waite, Edward F.
Rockwood, C. J.	Stevenson, T. J.	Ware, J. R.
Sapiro, J. H.	Stewart, F. Alex.	Weeks. C. Louis
Schall, A. X., Jr.	Stinchfield, Frederick H.	Weil, Jonas
Schmitt, Harrison L.	Swan, James G.	Wheelwright, John O. P
Seevers, George W.	Sweet, John C.	Wilcox, Nelson J.
Selover, A. W.	Swenson, Harry S.	Williams, Warren O.
Selover, G. H.	Tautges, William A.	Williamson, James F.
Shaw, Frank W.	Taylor, Kenneth	Wilson, Geo. P.
Shearer, James D.	Teitsworth, Edward T.	Woodhull, Schuyler C.
Simpson, David F.	Thompson, Paul J.	Yale, Washington

Minneota

Gislason, Arni B. Gislason, Bjorn B.

Monticello

Whipple, Harry S.

Montevideo

Fosnes, C. A. Gjertsen, Olaf Smith, Lyndon A.

Montgomery

Hangel, Francis J.

Mora

Olsen, O. S.

Moorhead

Dosland, C. G.	Nye, Carroll A.	Russell, William
Johnson, N. I.	Oleson, M. Victor	Rustad, Garfield H.
Marden, Charles S.	Perley, Geo. E.	Sharp, Edgar E.

Morgan

Herring, W. R.

Morris

Beise, George W. Flaherty, S. A. Mangan, T. J.
Ormond, James B. Spooner, Paul L.

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Bean, Francis A. Jr. Jelinek, Arthur J. Phil

New Richland

Spillane, John J.

New Ulm

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Leach, Harlan E. Nelson, Soren R. Sperry, A. L.
Leach, Helon E. Sawyer, A. W.

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Wooley, Mark J. Wright, B. F.

Paynesville

Tolman, Frank

Perham

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Pine Island

Sheldon, D. C.

Plainview

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Preston

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Thompson, R. E.

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Allen, George J. Eaton, Burt W. Eckholdt, Irvi gL
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Brin, John L.

Roseau

Hegland, M. J.

Sandstone

Ervin, W. S.

Sauk Center

Kells, L. L.

Sauk Rapids

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Shakopee

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Sherburn

O'Neill, S. D.

Slayton

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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.

St. Cloud

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Brower, Ripley P. Hansen, Herbert Stewart, W. H.
Bruener, Theodore Maybury, James H. Sullivan, Henry H.
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Seager, J. W.

St. Paul

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Appel, Monte F.
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Barrows, Morton
Barton, Humphrey
Bazille, Edmund W.
Bechhoefer, Charles
Begg, Wm. R.
Bjorklund, Albin B.
Boyesen, A. E.
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Brandt, Walter C.
Bremer, Paul G.
Bright, Frederick I.
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Brill, Hascal R.
Brill, Kenneth G.
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Bunn, George L.
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Caldwell, Chester L.
Calmenson, Jesse B.
Carter, Warren S.
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Chapin, Walter L.
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Christofferson, Arthur
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Clapp, Newel H.
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Cummins, Carl W.
Currie, Roy H.
Cutler, William W.
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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 B.
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.
Kinney, C. G.
Knapp, Edward A.
Kueffner, Otto
Kuefiner, W. R.
Kyle, John P.
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 E.
McLaughlin, P. J.
McLaughlin, William E.
McMeekin, T. W.
McMurran, W. T.

St. Paul—(Continued)

McNally, Carlton F.
McNamara, T. P.
Macartney, G. S.
Manahan, James
Manthey, F. W.
Markham, George W.
Markham, James E.
Marks, Henry
Marsh, Fayette
Marshall, John
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, B. H.
Morris, Owen
Mulally, J. D.
Munn, Marcus D.
Nelson, Arthur B.
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 B.
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 C.
Stringer, Edward S.
Stryker, Jno. B.
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.
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.

Traman

Cooper, Paul C.

Two Harbors

Dwan, John
Jelle, J. G.
Lawrence, David H.

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.

Wasseca

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.

Williams

Chilgren, Albert

Willmar

Gilbert, T. O. Otterness, George H. Qvale, G. E.

Windom

Borst, Wilson Friestad, O. J.

Winnebago

Dunn, Andrew C. Lindgren, H. C.

Winona

Abbott, W. D.
Bierce, Herbert M.
Blair, Burt D.
Brown, Calvin L.
Brown, L. L.
Finkelnburg, Karl
Lees, Edward
Looby, Robert E.
Randall, Richard A.
Snow, A. A.
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, 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
Andrews, A. A. ..... Bemidji
Ankeny, Alex. T. ..... Minneapolis
Appell, Monte, F. ..... St. Paul
Arctander, Ludwig ..... Minneapolis
Argetsinger, N. G. ..... Mapleton
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
Ball, Leo A. ..... Duluth
Ballantine, Edward ..... Breckenridge
Ballon, Ben E. ..... Fairmont
Bandler, Carl ..... Austin
Banning, A. T., Jr. ..... Duluth
Barnacle, W. E. ..... St. Paul
Barnard, L. D. ..... Renville
Barrows, Morton ..... St. Paul
Barton, Humphrey ..... St. Paul
Batchelder, Charles ..... Faribault
Baxter, Hector ..... Minneapolis

Roll of Members

Baxter, John T. ..... Minneapolis
Bayard, Lee Brooks ..... Minneapolis
Bazille, Edmund W. ..... St. Paul
Bean, Francis A., Jr. ..... New Prague
Bechhoefer, Charles ..... St. Paul
Beeman, E. R. ..... Minneapolis
Begg, W. R. ..... St. Paul
Beise, George W. ..... Morris
Bennett, 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, 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, Burt 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, James P. ..... Eveleth
Bracelen, C. M. ..... 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
Brewster, M. W. ..... Wells
Briggs, Asa G. ..... St. Paul
Bright, Alfred H. ..... Minneapolis
Bright, Frederick I. ..... St. Paul
Bright, Michael S. ..... Duluth
Brill, Hascal R. ..... St. Paul
Brill, Kenneth G. ..... St. Paul
Brin, John L. ..... Rochester
Brooks, Frank C. ..... Minneapolis
Brower, Ripley P. ..... St. Cloud
Brown, Calvin L. ..... Winona
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
Bruener, Theodore ..... St. Cloud
Bryan, Eugene ..... St. Paul
Buckham, Thomas S. ..... Faribault
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
Canfield, E. H. ..... Luverne
Cant, Harold G. ..... Minneapolis
Cant, William A. ..... Duluth
Carley, James A. ..... Plainview
Carlson, Chris ..... Blue Earth
Carlson, H. C. ..... Albert Lea
Carman, E. C. ..... Duluth
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
Caswell, I. A. ..... St. Paul
Catherwood, S. D. ..... Austin
Catlin, F. M. ..... St. Paul
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
Cherry, Wilbur H. ..... Minneapolis
Child, S. R. ..... Minneapolis
Childress, Arthur P. ..... Faribault
Childs, Clarence H. ..... 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
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
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 ..... 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
Cutter, Leeds H. ..... Anoka
Cutting W. H. ..... Buffalo

D

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
Day, Frank A. ..... Duluth
De La Motte, J. ..... 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, John I. ..... Minneapolis
Disson, O. E. ..... Heron Lake
Dobner, L. J. ..... St. Paul
Dodge, Fred B. ..... 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
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
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, 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
Elder, William ..... Duluth
Elliott, C. B. ..... 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
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
Fesler, Bert ..... Duluth
Fifield, James C. ..... Minneapolis
Finkelnburg, Karl ..... Winona
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
Forbes, Bert W. ..... Duluth
Fosbroke, Gerald E. ..... St. Paul
Fosmark, Alexander ..... Warroad
Fosnes, C. A. ..... Montevideo
Fosnes, Walter ..... St. Paul
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
Friestad, O. J. ..... Windom
Frost, Daniel R. ..... Minneapolis
Frundt, H. J. ..... Blue Earth
Fry, William W. ..... St. Paul
Fryberger, H. B. ..... Duluth
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
Garrigues, Edwin C. ..... Minneapolis
Gates, Vernon ..... Rochester
Gault, L. J. ..... St. Peter
Gearhart, H. G. ..... Duluth
Gehan, F. J. ..... St. Paul
Gehan, Mark H. ..... St. Paul
Giberson, W. J. ..... St. Paul
Giddings, Arthur E. ..... Anoka
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
Grindeland, Andrew ..... Warren

Goddard, W. T. ..... St. Paul
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
Guilford, P. W. ..... Minneapolis
Gullickson, Glenn ..... St. Paul
Gullickson, Ludwig ..... Austin

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
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
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
Hartwick, Ole ..... Granite Falls
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
Henderson, William B. ..... Minneapolis
Hendricks, J. A. ..... Fosston
Herring, W. R. ..... Morgan

Hertig, Wendell ..... Minneapolis
Hertz, A. J. ..... St. Paul
Hess, Sylvan E. ..... St. Paul
Hessian, Thomas ..... Le Sueur
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
Hobbs, Arnold ..... Minneapolis
Hoidale, Einar ..... 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

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, Alfred ..... Duluth
Janes, Alexander L. ..... St. Paul
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, H. S. ..... St. Paul
Johnson, J. N. ..... Canby
Johnson, Louis P. ..... Ivanhoe
Johnson, N. I. ..... Moorhead
Johnston, C. M. ..... Detroit
Jones, D. J. ..... Breckenridge
Jones, L. E. ..... Breckenridge
Joslyn, C. C. ..... 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, 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
Knapp, Edward A. ..... St. Paul
Kneeland, Thomas ..... Minneapolis
Knox, T. J. ..... Jackson
Korns, E. B. ..... Tracy
Kosenmeier, C. ..... Little Falls
Krause, C. G. ..... Minneapolis
Kueffner, Otto ..... St. Paul
Kueffner, W. R. ..... St. Paul
Kyle, John P. ..... St. Paul

L

Lambert, George C. ..... St. Paul
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, 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
Laurisch, C. J. ..... Mankato
Lawrence, David H. ..... Two Harbors
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, 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
Lobben, J. L. ..... St. James
Loe, Bert O. ..... Granite Falls
Loevinger, Gustavus ..... St. Paul
Longbroke, L. L. ..... Minneapolis
Looby, Robert E. ..... Winona
Loomis, Harry ..... St. Paul
Loring, Charles ..... Crookston
Lossow, Albert H. ..... Minneapolis
Lothrop, Arthur P. ..... St. Paul
Lovell, John W. ..... Fairmont
Lowell, Charles S. ..... Hastings
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
McClenahan, W. S. ..... Brainerd
McDermott, Thomas ..... St. Paul
McDermott, Thomas Jefferson ..... St. Paul
McDonald, Elmer E. ..... Bemidji
McDonald, W. H. ..... Minneapolis
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