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FIRST ANNUAL REPORT

OF THE

BOARD OF COMMISSIONERS

FOR THE

PROMOTION OF UNIFORMITY OF LEGISLATION
IN THE UNITED STATES.

DECEMBER 31, 1909
GOVERNMENT DOCUMENT COLLECTION

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APPROVED BY
THE STATE BOARD OF PUBLICATION.

The Commonwealth of Massachusetts.

REPORT OF THE BOARD OF COMMISSIONERS

FOR THE

PROMOTION OF UNIFORMITY OF LEGISLATION IN THE UNITED STATES.

To His Excellency the Governor and the Honorable Council of the Commonwealth of Massachusetts.

The undersigned commissioners, James Barr Ames, Samuel Ross and Hollis R. Bailey, appointed by the Governor under the provisions of chapter 416 of the Acts of 1909, pursuant to the provisions of said act, submit the following report.

In view of the great and increasing interest now taken throughout the Union in the matter of uniform legislation by the several States, a brief history of the movement seems desirable.

The work began as early as 1882, when the committees on jurisprudence and law reform and on judicial administration of the American Bar Association recommended the passage by the Legislatures of the several States of various acts, including one relating to the acknowledgment of deeds and one to prevent fraudulent divorces.

Between this year and the year 1889 various uniform legislation was recommended by different committees of the American Bar Association, including acts relating to the settlement of the estates of decedents, indeterminate sentences in criminal cases, marriages, descent and distribution of property, and execution and probate of wills.

In 1889, on motion of W. A. Collier, Esq., of Tennessee, the American Bar Association created a new committee,

called the committee on uniform State laws, this committee consisting of one member from each State. Massachusetts was at the outset represented by the Hon. Leonard A. Jones, afterwards judge of the Land Court, and very recently deceased.

In 1890 the necessity for uniformity in the laws governing commercial paper was discussed by Henry C. Tompkins, Esq., of Alabama, who called attention to the fact that one of the declared objects of the American Bar Association, as set forth in its constitution, was to promote "uniformity of legislation throughout the Union."

The committee on uniform State laws, created as aforesaid, made a report in 1891, which was signed by Mr. Jones and others. In this report it was stated that a circular had been issued, asking for information on various points relating to uniformity of legislation and the desirability of the same.

The report also stated that commissions on uniform State laws had been appointed in six States, viz., New York, Pennsylvania, Massachusetts, Michigan, New Jersey and Delaware.

The report recommended action looking to the creation of similar commissions in the various States.

ACTS OF LEGISLATURE.

The act by which commissioners for the promotion of uniformity of legislation in the United States were first appointed in Massachusetts was Acts of 1891, chapter 405, providing for a commission of three members, appointed by the Governor, to hold office not exceeding two years.

The following additional acts have since been passed:—

Acts of 1893, chapter 311, providing for a board of three members, to serve six years.

Acts of 1897, chapter 233, extending the term of office of the board for five years.

Acts of 1902, chapter 494, providing for two additional commissioners, one representing the interests of the working classes and one the interests of manufacturers.

This act further provided that said commissioners should

endeavor to promote uniformity of legislation making eight hours a legal day's labor throughout the United States.

Acts of 1902, chapter 501, extending the term of office of the commissioners to 1905.

Acts of 1904, chapter 415, providing money for expenses of the Board.

Acts of 1905, chapter 172, extending term of office of the commissioners to March 14, 1908.

In 1908 the Board lapsed, and there were no commissioners until the present Board was appointed, June 30, 1909, for a term of five years, under Acts of 1909, chapter 416.

The commissioners are authorized by this act to confer with the commissioners appointed by other States and to consider and draft uniform laws to be adopted by the several States.

The Board is required to make a report each year, on or before December 31, to the Governor and Council.

COMMISSIONERS IN MASSACHUSETTS.

The following have been appointed commissioners in Massachusetts on uniformity of legislation, under the acts above enumerated : —

EDMUND H. BENNETT.

FREDERICK J. STIMSON.

GEORGE E. MCNEIL.

LEONARD A. JONES.

GEORGE W. WEYMOUTH.

JOHN C. GRAY.

GEORGE E. GARDNER.

LOUIS D. BRANDEIS

FREDERICK H. NASH.

JAMES BARR AMES.

SAMUEL ROSS.

HOLLIS R. BAILEY.

GROWTH OF MOVEMENT.

In 1892, at the meeting of the American Bar Association, held at Saratoga Springs, a paper was read by William L. Snyder, Esq., of New York, on "The Problem of Uniform Legislation in the United States."

In this paper Mr. Snyder states that the initial step in the direction of securing uniform legislation by voluntary action among the States was taken by the State of New York by an act passed in May, 1890.

In August, 1893, the committee on uniform State Laws of the American Bar Association reported that during the current year eleven States had appointed commissioners on uniformity of legislation, making nineteen States in which such commissioners had been appointed.

In 1894 Iowa, Virginia and South Carolina also appointed such commissioners.

In August, 1895, the committee on uniform State laws of the American Bar Association reported that six more States and one Territory had appointed commissioners, making in all twenty-eight States and one Territory in which commissioners had been appointed. Mention is also made of a convention of commissioners, and it is stated that some of the laws recommended by the convention had been adopted in Massachusetts, Connecticut, Wisconsin, New York, Illinois and Michigan.

In 1896 the same committee reported that twenty-nine States had been represented in the convention, which in a recent session of three days had given almost the entire time to work on a negotiable instrument act.

In August, 1897, the committee reported that the negotiable instrument act recommended for adoption by the conference of commissioners in 1896 had been enacted in New York, Connecticut, Colorado and Florida.

No new acts, it is said, had been recommended at the conference of 1897.

In 1899 the committee reported that fifteen States had adopted the negotiable instrument act, among them being Massachusetts. Congress had also adopted it for the District of Columbia. At this time there were thirty-two States having commissions.

In 1900 a uniform act on divorce was recommended by the conference of commissioners, after three years' consideration and discussion.

In 1901 the conference of commissioners discussed and recommended three acts, one relative to insurance policies, one relative to migratory divorces and one relative to divorce procedure.

In 1902 nineteen States had adopted the negotiable in-

strument act, and several additional States had created boards of commissioners on uniform laws.

At the conference of commissioners held in August, 1902, it was voted that an expert be employed to prepare a draft of an act in regard to sales, to be submitted to the next annual conference.

Pursuant to this vote, Prof. Samuel Williston of the Harvard Law School was employed, and at the next annual conference of commissioners, held in August, 1903, submitted a draft of a uniform sales of goods act. Owing to the absence of Professor Williston, due to illness, the committee on commercial law was compelled to defer consideration of the act until the next year. Copies of the proposed act were, however, printed and widely distributed.

At this conference it was announced that the services of James Barr Ames, Dean of the Harvard Law School, had been secured to draft a uniform partnership act for the conference.

A paper was read by Mr. L. G. Powers of the Census Bureau on "A Uniform System of Accounting in State and Municipal Affairs."

In 1904 it was voted by the American Bar Association, on the recommendation of its committee on uniform State laws, that the proceedings of the Conference of Commissioners on Uniformity of Legislation be published each year in the report of the American Bar Association.

The report for 1904 (Vol. XXVII., American Bar Association) gave a brief history of the conference, the meeting in 1904 being the fourteenth annual meeting. The rules of the conference were also given, with a list of commissioners and the names of the various committees; also, the address of the President, Amasa M. Eaton, Esq., of Providence, R. I. Massachusetts was represented at this conference by Dean James Barr Ames, one of its commissioners.

The sales act was discussed at length. A donation of \$1,500 was received from the American Warehousemen's Association, to be used in procuring suitable experts to prepare a draft of an act relating to warehouse receipts; and

Mr. Barry Mohun of the Washington bar and Prof. Samuel Williston were employed as such experts.

Since 1904 a full account of the doings of the conference of commissioners has been included each year in the printed reports of the American Bar Association.

It appears that the uniform sales act prepared by Professor Williston was discussed for several years, and was finally perfected and recommended for adoption in 1907.

This sales act has already been made law in Massachusetts, Connecticut, New Jersey, Ohio and Rhode Island.

A uniform warehouse receipts act was also framed, and after extended consideration was, in 1907, recommended by the conference for adoption in the different States.

This act has been adopted and made law in Massachusetts and seventeen other States, viz.: California, Connecticut, Illinois, Iowa, Kansas, Louisiana, Michigan, Nebraska, New Jersey, New Mexico, New York, Ohio, Pennsylvania, Rhode Island, Tennessee, Virginia and Wisconsin.

The negotiable instruments law has now been passed in thirty-eight States and Territories and the District of Columbia.

CONFERENCE OF 1909.

The nineteenth Conference of Commissioners on Uniform State Laws was held this year at Detroit, Mich., in August. Massachusetts was represented by two of its commissioners, James Barr Ames and Hollis R. Bailey.

Much of the time was devoted to the consideration of uniform acts relating to certificates of stock and to bills of lading. These acts were perfected and recommended for adoption.

A uniform act relating to partnership, prepared for the conference by James Barr Ames of Massachusetts, was considered briefly, and also uniform acts relating to marriage and desertion. These acts will be considered further at the conference in 1910.

James Barr Ames of Massachusetts was appointed a member of the committee on commercial law, and of the committee on the Torrens system. Hollis R. Bailey of Massachusetts was appointed a member of the committee on banks and banking.

CHILD LABOR LAW.

The commissioners from Massachusetts presented the following resolution on the subject of child labor :—

Whereas, It seems desirable that as far as possible there should be uniform legislation in all the States to regulate the employment of child labor, —

Be it resolved, That a special committee of five be appointed by the president to consider and to report at the next annual conference as to the advisability of preparing a uniform child labor act, to be recommended for adoption in the several States.

The resolution was seconded by W. O. Hart, Esq., of Louisiana, and was adopted after being amended by the addition of a proviso that the committee should report on the following Monday, instead of a year later.

The president appointed, as the special committee, Hollis R. Bailey of Massachusetts, Amasa M. Eaton of Rhode Island, Charles Thaddeus Terry of New York, William H. Staake of Pennsylvania and W. O. Hart of Louisiana.

On the following Monday this committee reported as follows :—

We report that it is advisable that a special committee of five be appointed by the president, with authority to draft and present to the next conference an act to make uniform the law relating to child labor.

This report was adopted, and the president appointed the following gentlemen as the committee : Hollis R. Bailey of Massachusetts, Amasa M. Eaton of Rhode Island, Hon. Fremont Wood of Idaho, Nathan W. MacChesney of Illinois and A. T. Stovall of Mississippi.

This committee met and organized by electing Hollis R. Bailey as chairman and Amasa M. Eaton as secretary.

The committee will meet again in Washington, D. C., Jan. 17, 1910, and is arranging for a public hearing to be had in connection with the conference on uniform legislation called by the National Civic Federation in Washington, D. C., Jan. 17-19, 1910.

OFFICERS OF NATIONAL CONFERENCE.

The officers of the Conference of Commissioners on Uniform State Laws for the year 1909-10 are as follows:—

President, WALTER GEORGE SMITH of Pennsylvania.

Vice-President, PETER W. MELDRIM of Georgia.

Treasurer, TALCOTT H. RUSSELL of Connecticut.

Secretary, CHARLES THADDEUS TERRY of New York.

Assistant Secretary, FRANCIS A. HOOVER of Ohio.

Executive Committee, the foregoing, and Amasa M. Eaton of Rhode Island, William H. Staake of Pennsylvania, Charles F. Libby of Maine, Hiram Glass of Texas, Charles W. Smith of Kansas and John Fletcher of Arkansas.

Commissioners on uniform laws have now been appointed in forty-four States, two Territories, one federal district and one possession.

LIST OF COMMISSIONERS ON UNIFORM STATE LAWS, 1909.

Arkansas.—John Fletcher, Adams building, Little Rock; John M. Moore, Moore & Turner building, Little Rock; Ashley Cochrill, Southern Trust building, Little Rock.

Alabama.—Frederick G. Bromberg, 72 St. Francis Street, Mobile; Henry Tonsmeire, Mobile; S. D. Weakley, Birmingham.

Arizona.—Edward Kent, Phoenix; E. E. Ellinwood, Bisbee; J. M. Ross, Prescott.

California.—John F. Davis, 1430 Masonic Avenue, San Francisco; Charles Monroe, California Club, Los Angeles; Lynn Helm, Los Angeles Trust building, Los Angeles; Gurney E. Newlin, 431 South Hill Street, Los Angeles; Walter R. Leeds, Los Angeles.

Colorado.—Thomas H. Devine, Opera House block, Pueblo; Gerald Hughes, Hughes building, Denver; Willis V. Elliott, Kittredge building, Denver.

Connecticut.—Talcott H. Russell, 42 Church Street, New Haven; Walter E. Coe, Stamford (165 Broadway, N. Y.); Erliss P. Arvine, 42 Church Street, New Haven.

District of Columbia.—F. L. Siddons, Bond building, Washington; Aldis B. Browne, 1419 F Street, N. W., Washington; Walter C. Clephane, Fendall building, Washington.

Florida.—Robert W. Williams, 123 South Monroe Street, Tallahassee; John C. Avery, Thiesen building, Pensacola; Louis C. Massey, Empire building, Orlando.

Georgia.—Peter W. Meldrim, 15 Bay Street, W., Savannah; A. C. Pate, Odd Fellows building, Hawkinsville; Reuben R. Arnold, Atlanta.

- Illinois.* — John C. Richberg, 1303 Rector building, Chicago; Nathan W. MacChesney, 108 La Salle Street, Chicago; John H. Wigmore, Northwestern Law School, Chicago; Oliver A. Harker, University of Illinois, Champaign; Ernst Freund, University of Chicago, Chicago.
- Indiana.* — Andrew A. Adams, Columbia City; E. B. Sellers, Monticello; S. O. Pickens, Indianapolis; James W. Noel, Indianapolis; Merrill Moores, Indianapolis (1025 Law building).
- Idaho.* — James E. Babb, Lewiston National Bank building, Lewiston; Fremont Wood, Boise; W. W. Woods, Wallace.
- Iowa.* — Thomas A. Cheshire, Des Moines; Emlin McClain, Supreme Court, Iowa City; J. B. Sullivan, Des Moines; H. O. Weaver, State Savings Bank building, Wapello.
- Kansas.* — A. A. Godard, Topeka; C. W. Smith, Stockton; S. N. Hawkes, Topeka; J. L. Jackson, Topeka; S. H. Allen, Topeka.
- Kentucky.* — T. L. Edelan, Frankfort; John T. Shelby, Lexington; James R. Duffin, Louisville.
- Louisiana.* — Thomas J. Kernan, 414 Third Street, Baton Rouge; W. O. Hart, 134 Carondelet Street, New Orleans; J. R. Thornton, Alexandria.
- Maine.* — Charles F. Libby, 57 Exchange Street, Portland; Frank M. Higgins, Limerick; Hannibal E. Hamlin, Ellsworth.
- Maryland.* — George Whitelock, 1407 Continental Trust building, Baltimore; Jacob Rohrbach, Frederick; Lewin W. Wickes, Chestertown.
- Massachusetts.* — Samuel Ross, New Bedford; James Barr Ames, Cambridge; Hollis R. Bailey, Cambridge.
- Michigan.* — George W. Bates, 32 Buhl building, Detroit; Lawrence C. Fyfe, Benton Harbor; Cyrenius P. Black, Lansing.
- Minnesota.* — W. S. Pattee, University of Minnesota, Minneapolis; W. W. Billson, Duluth; Rome G. Brown, 1006 Metropolitan Life building, Minneapolis; Frederick V. Brown, Court House, Minneapolis; Daniel Fish, New York Life building, Minneapolis; Howard S. Abbott, Federal building, Minneapolis; Frank D. Larrabee, Security Bank building, Minneapolis; T. R. Kane, St. Paul; Albert R. Moore, Germania Life Insurance building, St. Paul; John D. O'Brien, Commercial building, St. Paul.
- Mississippi.* — R. H. Thompson, 429½ East Capitol Street, Jackson; W. V. Sullivan, Sullivan building, Oxford; A. T. Stovall, Okolona.
- Missouri.* — Seneca N. Taylor, Pierce building, St. Louis; John D. Lawson, Columbia; Edwin A. Krauthoff, Kansas City.
- Montana.* — J. B. Clayberg, Union Bank and Trust Company, Helena; T. C. Marshall, Missoula; Hiram Knowles, Missoula.
- Nebraska.* — John L. Webster, New York Life building, Omaha; Ralph W. Breckenridge, 711 New York Life building, Omaha; William G. Hastings, Wilbur.

- New Hampshire.*—Henry E. Burnham, Manchester; Ira A. Chase, Bristol.
- New Jersey.*—Frank Bergen, 763 Broad Street, Newark; John R. Hardin, 765 Broad Street, Newark; John R. Emery, Morristown.
- New Mexico.*—James M. Hervey, Roswell; James G. Fitch, Socorro; A. A. Freeman, Carlsbad (Victoria, B. C.).
- New York.*—Charles Thaddeus Terry, 100 Broadway, New York City; Francis M. Burdick, 633 West 115th Street, New York City.
- North Carolina.*—J. Crawford Biggs, Durham; Linsley Patterson, Winston-Salem; Charles A. Moore, Asheville.
- North Dakota.*—H. R. Turner, Fargo; John E. Greene, Scofield building, Minot.
- Ohio.*—Seth S. Wheeler, Holland block, Lima; Francis B. James, Mercantile Library building, Cincinnati; Harry B. Arnold, 8 East Long Street, Columbus.
- Oklahoma.*—J. C. Strang, Guthrie; J. W. Shartell, Oklahoma City; C. R. Brooks, Guthrie; John H. Mosier, Walsh building, Norman; C. B. Ames, Oklahoma City.
- Oregon.*—H. H. Emmons, 366 Washington Street, Portland; W. H. Fowler, Board of Trade building, Portland.
- Pennsylvania.*—William H. Staake, 648 City Hall, Philadelphia; Walter George Smith, 1006 Land Title building, Philadelphia; Robert Snodgrass, Harrisburg.
- Philippine Islands.*—E. Finley Johnson, associate judge, Supreme Court, Manila; Charles S. Lobingier, judge, Court of First Instance, District of Manila, Baguio; Charles H. Smith, judge, Court of First Instance, Manila (or Jackson, Mich.).
- Rhode Island.*—Amasa M. Eaton, 86 Weybosset Street, Providence; Wm. R. Tillinghast, Hospital Trust Company building, Providence; Clarence N. Woolley, Studley building, Providence.
- South Carolina.*—T. Moultrie Mordecai, 43 Broad Street, Charleston; John C. Sheppard, Edgefield; John P. Thomas, Jr., Columbia.
- South Dakota.*—U. S. G. Cherry, Sioux Falls; A. W. Wilmarth, Huron; L. W. Crofoot, Aberdeen; J. H. Voorhees, Sioux Falls.
- Tennessee.*—Lem Banks, Memphis; W. H. Washington, Nashville; H. H. Ingersoll, Knoxville.
- Texas.*—W. M. Crook, Beaumont; H. M. Garwood, Houston; Claude Pollard, Kingsville; Hiram Glass, Texarkana.
- Utah.*—Jerrold R. Letcher, United States Courts, Salt Lake; Benner X. Smith, Salt Lake; L. L. Baker, Tooele.
- Vermont.*—O. M. Barber, Ritchie block, Bennington; A. A. Hall, corner Main and Kingman streets, St. Albans.
- Virginia.*—Eugene C. Massie, Richmond; J. E. Thrift, Madison; James R. Caton, Alexandria.
- Washington.*—Charles E. Shepard, New York building, Seattle; Alfred Battle, Alaska building, Seattle; W. B. Tanner, Olympia.

West Virginia. — John W. Davis, Clarksburg; Hunter H. Moss, Jr., Parkersburg; Charles W. Dillon, Fayetteville; William W. Brannon, Weston; Edgar B. Stewart, Morgantown.

Wisconsin. — Edward W. Frost, Wells building, Milwaukee; E. Ray Stevens, Madison; Dr. Charles McCarthy, Wisconsin State Library, Madison.

Wyoming. — Chief Justice Charles N. Potter, Cheyenne; Attorney-General W. E. Mullen, Cheyenne; Assistant United States Attorney, Edward T. Clark, Cheyenne.

FINANCES OF NATIONAL CONFERENCE.

The expenses of the national conference have been met heretofore by a contribution of \$500 yearly from the American Bar Association and contributions from four States, viz.: New York, \$500; Connecticut, \$500; Pennsylvania, \$250; and Rhode Island, \$100.

There have been some special donations to cover the expense of experts to prepare drafts of various acts.

The treasurer of the conference has asked the members of the conference to urge upon the Legislatures of their respective States the necessity of appropriating a reasonable sum of money for carrying on the work of the conference.

EXPENDITURES OF THE BOARD.

The following is an account of the expenditures of this Board up to the date of this report. The statement does not include the expenses of James Barr Ames to Detroit, as his illness has prevented him from rendering a statement of same.

Hollis R. Bailey, travelling expenses to Detroit, Mich., and return, to attend conference,	\$75 00
Hollis R. Bailey, cash paid for 100 copies of volume entitled "American Uniform Commercial Acts," containing the five acts recommended for adoption by the conference, the same being wanted for the use of the various committees of the Legislature having occasion to consider said acts, at 10 cents per copy,	10 00
Samuel Ross, travelling expenses to Boston,	6 00
Cash paid for stamps by H. R. Bailey,	1 00
Total,	<u>\$92 00</u>

RECOMMENDATIONS.

The Board makes the following recommendations : —

1. That the Legislature authorize the Board in its discretion to contribute the sum of \$100 per year toward the expenses of the Conference of the Commissioners on Uniform State Laws, the same to come out of the money appropriated for the expenses of the Board by Acts of 1909, chapter 416.

2. That the Legislature pass the act to make uniform the law of transfer of title to shares of stock in corporations, recommended for adoption by the conference of commissioners.

3. That the Legislature pass the act to make uniform the law of bills of lading, recommended for adoption by the conference of commissioners.

4. That no amendments to any of the so-called uniform acts be passed by the Legislature until the same have been referred to the conference of commissioners and approved by that body.

BOARD OF COMMISSIONERS FOR THE PROMOTION OF
UNIFORMITY OF LEGISLATION IN THE UNITED STATES.

BY SAMUEL ROSS,

Chairman pro tem.

HOLLIS R. BAILEY,

Secretary.

