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Criminal Negligence--Statutory Regulation

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STUDENT NOTES

CRIMINAL NEGLIGENCE—STATUTORY REGULATION.

(I.)

The legislatures of practically all of the states have seen fit to frame statutes dealing with criminal negligence. These statutes are not confined to regulations pertaining to homicide, but also provide punishment for the negligent injury to human beings and to property. That the term "criminal negligence" enters into statutory criminal law is evidenced by statutes of which that of Montana is typical. This statute provides that "In every crime or public offense there must exist a union or joint operation of actual intention or criminal negligence."¹

The states differ in denominating the crime for which one whose negligence results in the death of another shall be punished. The entire gamut is run from second degree manslaughter to first degree murder. There is also a perceptible difference in the words used to refer to and to denote criminal negligence in the statutes of the various states. This writing will attempt to classify the statutes dealing with criminal negligence, and by pointing out and comparing the various types, to determine which of these are to be preferred.

Of course, those statutes relating to criminal negligence from which homicide results make up the greater part of all the statutes dealing with criminal negligence, and it is with these that we shall be first concerned. Five states, New York, Colorado, Alabama, Washington, and Utah, include within their statutes defining first degree murder a provision which states that homicide resulting from the doing of "any act greatly dangerous to the lives of others and indicating a depraved mind, regardless of human life" is punishable as first degree murder.² Precisely the same wording is used in the second degree murder statutes of Florida, Wisconsin, and Oregon.³ It is instantly observable that culpability within the meaning of the phraseology of these statutes is dependent upon something more than ordinary negligence, and that the reference is to something akin to reckless disregard. It could not be said of these statutes what was said by the Mississippi court in regard to the type of negligence punishable under a statute of that state, to the effect that the degree of negligence required was merely the omission to do something, or doing something which a reasonable prudent person would or would not do.⁴

¹ Mont. Rev. Code (Choate, Supp. 1927) Sec. 10726.

² Colo. Ann. Stat. (Courtright, 1927) Sec. 1753; Ala. Code (1923) Sec. 4454; Code of Wash. (Pierce, 1929) Sec. 8997; Utah Rev. Stat. (1933) Sec. 103-28-3; Consolidated Laws of N. Y. (Cahill, 1930) Sec. 1044.

³ Fla. Comp. Laws (1927) Sec. 1137; Wis. Stat. (1933) Sec. 340.03; Ore. Code Ann. (1930) Sec. 14-203.

⁴ Robertson v. State, 153 Miss. 770, 121 So. 492 (1928).

The phrases "depraved mind" and "regardless of human life" apparently pertain to more than mere ordinary negligence.

A number of states follow the common law in omitting to make any distinction as to degrees of murder. Of these, Mississippi employs wording identical with that used in the above mentioned statutes.⁵ Other states in this group, also punishing such offense as murder, including South Dakota, Ohio, and North Dakota, supplement their statutes with the provision that "Homicide perpetrated by an act imminently dangerous to others and evincing a depraved mind, regardless of human life is none the less murder because there is not an actual intent to injure others."⁶ However, such provision does not serve to change the effect of the statute, in that ordinary negligence would not be sufficient.

A similar diversity of treatment is found among those states whose manslaughter statutes encompass the concept of criminal negligence. There are only two states, Minnesota and Wisconsin, making a negligent homicide punishable as first degree manslaughter; and the statutes of these states are confined to the doing of specific acts. The Minnesota statute provides that one who shoots another carelessly in mistaking him for a deer or other animal is guilty of manslaughter in the first degree.⁷ Wisconsin's act states that culpable negligence while engaged in the commission or the attempt to commit a crime less than a felony, resulting in the death of another, is punishable as first degree manslaughter.⁸

While the number of states making a negligent homicide punishable as first degree manslaughter is comparatively small, those states dealing with it as involuntary or second degree manslaughter comprise a comparatively large group. Illinois, Georgia, Colorado, and Arkansas have acts stating that homicide resulting from the doing of "a lawful act which probably might produce such consequences" is involuntary manslaughter.⁹ Idaho and California also classify the offense as involuntary manslaughter, but as resulting from the doing of "a lawful act without due caution and circumspection."¹⁰ Three other states, Utah, New Mexico, and Montana, also classify criminal negligence as involuntary manslaughter, differing only in that they combine both the phrase "lawful act which probably might produce such consequences" and the phrase "lawful act without due caution and circum-

⁵ Miss. Code Ann. (1930) Sec. 985.

⁶ S. D. Comp. Laws (1929) Secs. 4012, 4016; Ohio Code Ann. (1934) Sec. 2216; N. D. Comp. Laws Ann. (1913, Supp. 1925) Sec. 9462.

⁷ Minn. Stat. (1923) Sec. 10075.

⁸ Wis. Stat. (1933) Sec. 340.10.

⁹ Ill. Rev. Stat. (1935) c. 38, Sec. 342; Ga. Code Ann. (Parks, 1914, Supp. 1926) Sec. 67; Colo. Ann. Stat. (Courtright, 1927) Sec. 1757; Ark. Dig. Stat. (Crawford & Moses, 1921) Sec. 2356.

¹⁰ Code of Idaho (1932) Sec. 17-1106; Cal. Gen. Laws (1931) Sec. 192.

spection" with the preposition "or".¹¹ Arkansas specifically provides that death resulting from negligence in overloading any boat operated for gain, or from negligence in placing excessive steam in the boilers of steamboats, is punishable as involuntary manslaughter.¹²

A typical statute of those in the second degree manslaughter group is that of Ohio. It provides that "Every killing of a human being by the act, procurement, or culpable negligence of another which under the provisions of this chapter is not murder or manslaughter in the first degree, or not justifiable homicide, is second degree manslaughter."¹³ States having almost identical statutes are North Dakota, New York, New Hampshire, South Dakota, and Minnesota.¹⁴ Among the specific negligent acts or omissions resulting in homicide and punishable as second degree manslaughter are: The act of the owner of a mischievous animal, who knowing its propensities, negligently suffers it to go at large, or keeps it without ordinary care (Minnesota and South Dakota);¹⁵ the act of one who negligently overloads a boat (South Dakota, North Dakota, and Ohio);¹⁶ and the act of one who negligently causes an explosion of a steam engine or other steam apparatus (South Dakota, North Dakota, and Ohio).¹⁷

Kansas and Wisconsin incorporate into their statutes defining third degree manslaughter some provisions as to criminal negligence. Both of these states punish "culpable negligence" as third degree manslaughter where homicide is committed by one who is committing a trespass or other injury to private rights or property.¹⁸ Kansas has a statute identical with those of Minnesota and South Dakota relating to the owner of a mischievous animal, the Kansas statute differing in that it punishes such negligence as third degree manslaughter, while in the other two states it is treated as second degree manslaughter.¹⁹ Wisconsin has a statute making one guilty of third degree manslaughter whose negligence causes a collision or explosion in the operation of a steamboat or railroad train resulting in death.²⁰ Kansas alone

¹¹ Utah Rev. Stat. (1933) Sec. 103-28-5; N. M. Stat. Ann. (Court-right, 1929) Sec. 35-305; Mont. Rev. Code (Choate, 1921, Supp. 1927) Sec. 10959.

¹² Ark. Dig. Stat. (Crawford & Moses, 1921, Supp. 1927) Secs. 2362, 2313.

¹³ Ann. Code of Ohio (1934) Sec. 2228.

¹⁴ N. D. Comp. Laws Ann. (1913, Supp. 1925) Sec. 9491; N. Y. Consolidated Laws (Cahill, 1930) Sec. 1052; N. H. Pub. Laws (1926) c. 392, Sec. 392; S. D. Comp. Laws (1929) Sec. 4024; Minn. Gen. Stat. (1923) Sec. 10078.

¹⁵ Minn. Gen. Stat. (1923) Sec. 10080; S. D. Comp. Laws (1929) Sec. 4025.

¹⁶ S. D. Comp. Laws (1929) Sec. 4026; N. D. Comp. Laws (1913, Supp. 1925) Sec. 9493; Ann. Code of Ohio (1934) Sec. 2230.

¹⁷ S. D. Comp. Laws (1929) Sec. 4023; N. D. Comp. Laws (1913, Supp. 1925) Secs. 9495, 9494; Ann. Code of Ohio (1934) Sec. 2331.

¹⁸ Kan. Rev. Stat. Ann. (1923, Supp. 1933) Sec. 21-414; Wis. Stat. (1931) Sec. 340.19.

¹⁹ Kan. Rev. Stat. Ann. (1923, Supp. 1933) Sec. 21-415.

²⁰ Wis. Stat. (1931) Sec. 340.22.

brings criminal negligence within the borders of fourth degree manslaughter by specifying that homicide resulting from "culpable negligence" is to be thus classified.²¹

Again like the situation in regard to murder, there are states indicating no separate degrees of manslaughter. Of these, Mississippi, Florida, Wyoming, and Missouri incorporate into their statutes the term "culpable negligence",²² while Georgia, Arizona, Oregon, and Nevada make use of the phrase "lawful act without due caution and circumspection".²³ Here again numerous specific acts or omissions are provided for: while in the commission of a trespass or other injury to private rights or property (Mississippi);²⁴ the dangerous animal provision mentioned above (Mississippi, Florida, Washington, and Missouri);²⁵ negligently overloading a boat (Mississippi, Florida, Washington, and Nevada);²⁶ negligently racing a steamboat (Florida);²⁷ and recklessness or gross negligence in the operation of any other steam engine (Nevada).²⁸ Missouri has a statute providing "If any master, owner, engineer, or pilot of any steamboat or engineer, conductor, superintendent, or manager, of any railroad train or locomotive engine . . . shall willfully or negligently run or operate any such engine, boat, or train of cars as to endanger the life of any person, he shall upon conviction be fined in any sum not exceeding five hundred dollars, and if any accident happen by reason thereof by which any person is killed, the person so offending shall be deemed guilty of manslaughter."²⁹

A Texas statute defining a crime designated as negligent homicide illustrates an altogether different method of treatment. This statute provides that "Whoever in the performance of a lawful act shall by negligence and carelessness cause the death of another, is guilty of negligent homicide. A lawful act is one not forbidden by penal law and one which would give no just occasion for a civil action." Subsequent provisions state that "To constitute this offense there must be an apparent danger of causing death of the person killed or some other person," and also that "The want of proper care and caution

²¹ Kan. Rev. Stat. Ann. (1923, Supp. 1933) Sec. 21-420.

²² Miss. Code Ann. (1930) Sec. 1023; Fla. Comp. Laws (1927) Sec. 7141; Wyo. Rev. Stat. (1931) Sec. 32-205; Mo. Rev. Stat. (1929) Sec. 3988.

²³ Ga. Code (Parks, 1914, Supp. 1926) Sec. 64; Ariz. Code (Struckmeyer, 1928) Sec. 4586; Ore. Code Ann. (1930) Sec. 14-206; Nev. Comp. Laws (Hillyer, 1929) Sec. 10069.

²⁴ Miss. Code Ann. (1930) Sec. 997.

²⁵ Miss. Code Ann. (1930) Sec. 998; Fla. Comp. Laws (1927) Sec. 7146; Code of Wash. (Pierce, 1929) Sec. 9004; Mo. Rev. Stat. (1929) Sec. 3992.

²⁶ Miss. Code Ann. (1930) Sec. 999; Fla. Comp. Laws (1927) Sec. 7147; Code of Wash. (Pierce, 1929) Sec. 9005; Nev. Comp. Laws (Hillyer, 1929) Sec. 10088.

²⁷ Fla. Comp. Laws (1927) Sec. 7148.

²⁸ Nev. Comp. Laws (Hillyer, 1929) Sec. 10090.

²⁹ Mo. Rev. Stat. (1929) Sec. 3996.

distinguishes this offense from excusable homicide. The degree of care and caution is such as a man of ordinary prudence would use under like circumstances. To bring the offense within the definition of negligent homicide, there must be no apparent intention to kill. Murder is distinguished from every other species of homicide by the absence of circumstances which reduce the offense to negligent homicide or manslaughter."²⁹

The remainder of those statutes pertaining to homicide caused by negligence are those relating to specifically named acts, in which statutes the offense is not classified as murder, manslaughter, etc., but merely as a felony, or in some instances only by a provision for punishment. Maine has one of this type regarding the act of one who kills another negligently while hunting.³¹ Maine, Massachusetts, and Minnesota have statutes relating to the negligent operation of steamboats.³² Those states having statutes punishing homicide resulting from the negligent operation of any vehicle are Louisiana, Michigan, Minnesota, and Connecticut.³³ Arizona, Utah, and Montana have statutes relating to negligence in causing a train collision.³⁴ Utah, Tennessee, and Montana have statutes punishing the negligent management of a steam apparatus from which death results.³⁵ Alabama punishes any engineer whose negligence results in a death.³⁶ Tennessee punishes negligence in the operation of a train resulting in death.³⁷ New Hampshire provides that "Whoever upon any way operates any vehicle recklessly, or so that the lives or safety of the public might be endangered . . . shall be fined not more than one hundred dollars, or imprisoned not more than six months or both; and for the second offense shall be imprisoned not less than one month nor more than one year. If death of any person results from the reckless operation of a motor vehicle, the person convicted of such reckless operation shall, in lieu of any other penalty imposed by this section, be fined not more than one thousand dollars or imprisoned not more than five years, or both, provided that the provisions of this statute shall not be construed to limit or reduce prosecutions for manslaughter."³⁸

Since what amounts to criminal negligence with one particular instrumentality will oftentimes not amount to criminal negligence in

²⁹ Tex. Pen. Code (1925) Secs. 1231-1238.

³¹ Me. Rev. Stat. (1930, Supp. 1931) c. 129, Sec. 3.

³² Me. Rev. Stat. (1930) Sec. —; Minn. Stat. (1923) Sec. 10083; Mass. Gen. Laws (1932) c. 265, Sec. 30.

³³ La. Code Crim. Pro. (1932) Sec. 1047; Mich. Comp. Laws (1929) Sec. 16743; Minn. Gen. Stat. (1923) Sec. 10082; Conn. Gen. Stat. (1930) Sec. 6047.

³⁴ Utah Rev. Stat. (1933) Sec. 103-46-27; Ariz. Rev. Code (1923) Sec. 4692; Mont. Rev. Code (1921, Supp. 1927) Sec. 11230.

³⁵ Utah Rev. Stat. (1933) Sec. 103-52-3; Tenn. Code (1932) Sec. 10810; Mont. Rev. Code (Choate, 1921, Supp. 1927) Sec. 11229.

³⁶ Ala. Code (1923) Sec. 5334.

³⁷ Tenn. Code (1932) Sec. 10815.

³⁸ N. H. Pub. Laws (1926) c. 102, Sec. 11.

regard to another instrumentality, a complicated situation may be averted by specific provisions such as those in the above paragraph. By statutes of this nature one of the fundamental purposes of criminal law, that of deterrence, is best served. By providing that negligence in the use of a firearm resulting in the death of another is punishable as a crime, rather than lumping all criminally negligent acts within a manslaughter statute, all uncertainty is dispensed with, and consequently public attention is drawn to the fact that great care must be exercised while handling firearms. The same would be true in regard to vehicles and in all other common situations, but because of the numerous situations through which a negligent homicide may result, we can not hope to make specific provision for each. For these less common occurrences, some effective method of treatment is essential. It is readily discernible that a statute wholly devoted to the problem of negligence is infinitely more expedient than one in which both intentional and negligent acts are attempted to be dealt with. The Texas statute quoted above as defining the crime of negligent homicide is advantageous for this reason. By being specifically designed to deal with criminal negligence, it avoids the broadness of statement and ambiguity of the other type of statute. The Texas statute is therefore to be preferred above any of the murder and manslaughter statutes quoted.

There are numerous statutes dealing with negligence wherein homicide does not result. These statutes differ to such an extent in both their subject matter and their form as to make it exceedingly more difficult to classify them than those regarding homicide, and in many instances it becomes necessary to repeat the exact provisions of the statutes in order to fully set forth their import. West Virginia has a statute punishing one who negligently shoots or wounds a human being or any live stock while hunting.³⁹ Vermont makes it a felony to carelessly or negligently wound another by gun shot.⁴⁰ Arizona provides that one who "carelessly discharges a firearm in public or in a business house, thereby endangering the life or person of another, or disturbing any of the inmates thereof, or shall thereby injure, destroy or damage any property therein, or who shall discharge the same in any city or town of this state, except in necessary self-defense "is guilty of a misdemeanor."⁴¹ Alabama punishes for a misdemeanor one who recklessly handles firearms on a train in the presence of other passengers.⁴²

Those statutes dealing with negligence in the operation of vehicles constitute an important part of the statutes within the group relating to negligence wherein homicide does not result. Maine has a provision relating to one who "operates any vehicle recklessly or in a man-

³⁹ W. Va. Official Code (1931) c. 61, Art. 7, Sec. 11.

⁴⁰ Vt. Pub. Laws (1933) Sec. 8414.

⁴¹ Ariz. Rev. Code (1923) Sec. 4723.

⁴² Ala. Code (1923) Sec. 5362.

ner so as to endanger any person or property."⁴³ Ohio has a similar enactment referring however only to motor vehicles.⁴⁴ A statute using the verbiage "the operation of a motor vehicle at a speed greater than is reasonably proper or such as to endanger the life or limb of any person" is to be found in Nebraska.⁴⁵

Four states have provisions in respect to negligence in the operation of railroads. A Georgia and a South Carolina act provide that "If any person employed in any capacity by any railroad company doing business in this state, in the course of such employment, be guilty of negligence either by an omission of duty or by any act of commission, in relation to matters intrusted to him, or about which he is employed, from which negligence serious bodily injury, but not death, occurs to another, he shall be guilty of criminal negligence. . ."⁴⁶ Alabama punishes any engineer failing to use the proper precautions.⁴⁷ A Tennessee statute deals with "a wrongful act, gross negligence, or an omission in the operation of a train resulting in the wounding or crippling of any person."⁴⁸ South Carolina also provides that "a person having control over a railroad train who is guilty of gross carelessness or neglect" may be punished.⁴⁹

Several states more or less supplement their statutes pertaining to homicide resulting from the negligent operation of boats by making provision for punishment in the event that homicide does not result from such conduct. North Dakota, South Dakota, and New York make it a misdemeanor to endanger life by negligently overloading a boat.⁵⁰ North Dakota and South Dakota also make it a misdemeanor for one to be so grossly negligent in the operation of a steamboat as to cause an explosion or any other accident resulting in endangering the life of any human being.⁵¹ South Carolina makes it a misdemeanor to be so negligent in the operation of a steamboat as to cause an injury to any person.⁵² Oregon makes it a criminal offense to negligently mismanage a boat so as to injure property or to endanger life.⁵³ New York punishes for a misdemeanor one who from gross neglect creates an undue and unsafe pressure of steam.⁵⁴

Rhode Island has a statute dealing with "gross negligence by those

⁴³ Me. Rev. Stat. (1930, Supp. 1931) c. 29, Sec. 86.

⁴⁴ Ohio Ann. Code (1934) Sec. 12603-1.

⁴⁵ Neb. Comp. Stat. (1929) Sec. 39-1102.

⁴⁶ Ga. Code (Parks, 1914, Supp. 1926) Sec. 117; S. C. Code (1932) Sec. 1690.

⁴⁷ Ala. Code (1923) Sec. 5333.

⁴⁸ Tenn. Code (1932) Sec. 10814.

⁴⁹ S. C. Code (1932) Sec. 1690.

⁵⁰ N. D. Comp. Laws (1913, Supp. 1925) Sec. 9707; S. D. Comp. Laws (1929) Sec. 4125; N. Y. Consolidated Laws (Cahill, 1930) Sec. 1890.

⁵¹ N. D. Comp. Laws (1913, Supp. 1925) Sec. 9708; S. D. Comp. Laws (1929) Sec. 4126.

⁵² S. C. Code (1932) Sec. 1126.

⁵³ Ore. Code Ann. (1930) Sec. 14-236.

⁵⁴ N. Y. Consolidated Laws (Cahill, 1930) Sec. 1892.

in charge of a vehicle or vessel employed in the conveyance of passengers resulting in injury."⁵⁵ Alabama has a provision pertaining to reckless driving.⁵⁶

Washington has a provision making it a misdemeanor to be so grossly negligent as to cause excessive boiler pressure or an explosion in any steam apparatus.⁵⁷ Utah has a similar statute making it a misdemeanor if human life is endangered.⁵⁸ New York, Nevada, and South Dakota have almost identical statutes.⁵⁹ Montana and North Dakota make the same offense a felony.⁶⁰

The states are not in accord on the manner in which they treat the negligent injury to property. Colorado penalizes one who carelessly mars, defaces, mutilates, tears down, or destroys any sign, sign board, post, or notice set up by the state.⁶¹ Vermont makes it a misdemeanor to injure carelessly and without malice any public property.⁶² Wyoming punishes a bailee who carelessly destroys property.⁶³ Vermont also punishes one who negligently injures public shade trees.⁶⁴ Ohio makes it a criminal offense to injure negligently railroad property.⁶⁵ Arizona punishes any employee of a telegraph company who negligently transmits a message, and also punishes one having the duty to repair a bridge who negligently fails to do so.⁶⁶

Kansas provides that "if any person be maimed, wounded, or disfigured or receive great bodily harm, or his life be endangered by the culpable negligence of another, in cases and under circumstances which would constitute murder or manslaughter if death had ensued, the person through whose negligence such injury shall be occasioned" shall be punished.⁶⁷ Florida has a statute stating that "whoever through culpable negligence or reckless disregard for the safety of others inflicts any personal injury or injuries upon another, not resulting in death" shall be punished.⁶⁸ Ohio makes it a misdemeanor for an apothecary to be so negligent as to endanger human life or health.⁶⁹ New York has a statute providing that one who furnishes insecure scaffolding shall be punished.⁷⁰ The statutes in this group are highly

⁵⁵ R. I. Gen. Laws (1923) Sec. 7850.

⁵⁶ Ala. Code (1923) Sec. 3328.

⁵⁷ Code of Wash. (Pierce, 1929) Sec. 9904.

⁵⁸ Utah Rev. Stat. (1933) Sec. 103-52-2.

⁵⁹ N. Y. Consolidated Laws (Cahill, 1930) Sec. 1893; Nev. Comp. Laws (1929) Sec. 10270; S. D. Comp. Laws (1929) Sec. 4127.

⁶⁰ Mont. Rev. Code (1921, Supp. 1927) Sec. 11195; N. D. Comp. Laws (1913, Supp. 1925) Sec. 9709.

⁶¹ Colo. Ann. Stat. (Courtright, 1927) Sec. 1831H.

⁶² Vt. Pub. Laws (1933) Sec. 8525.

⁶³ Wyo. Rev. Stat. (1931) Sec. 32-375.

⁶⁴ Vt. Gen. Laws (1917) Sec. 8536.

⁶⁵ Ohio Ann. Code (1934) Sec. 12603-1.

⁶⁶ Ariz. Code (Struckmeyer, 1928) Sec. 4865.

⁶⁷ Kan. Rev. Stat. Ann. (1923, Supp. 1933) Sec. 21-435.

⁶⁸ Fla. Comp. Laws (1927) Sec. 7164.

⁶⁹ Ohio Ann. Code (1934) Sec. 2438.

⁷⁰ N. Y. Consolidated Laws (Cahill, 1930) Sec. 1276.

advantageous, inasmuch as intent is a necessary element of criminal assault at common law. In the absence of provisions of this nature many negligent acts deserving punishment would go unpunished.

A statute, to the effect that "a jailer or other officer who negligently suffers a prisoner in custody for a criminal offense to escape" may be punished, is found in thirteen states.¹¹ Twenty-two states have statutes similar to that of Michigan stating that one who "negligently sets fire to the woods or grounds of another" may be punished.¹² Nevada punishes one who negligently leaves a campfire burning.¹³ Mississippi punishes one who carelessly places tacks on the highways.¹⁴

A summary of this nature points out the fact that criminal negligence forms an important part of statutory criminal law. By observing the various types of statutes, we are able to discern which of them are more advantageous. It is significant that Kentucky stands almost alone in failing to make any statutory provision for criminal negligence.

SAM MILNER.

CRIMINAL NEGLIGENCE—STATUTORY REGULATION.

(II.)

A New York statute¹ declares that

"The killing of a human being, unless it is excusable or justifiable, is murder in the first degree, when committed: . . .

"2. By an act imminently dangerous to others, and evincing a depraved mind, regardless of human life, although without a premeditated design to effect the death of any individual. . . ."

¹¹ Me. Rev. Stat. (1930) c. 133, Sec. 15; Ind. Ann. Stat. (Burns, 1926) Sec. 10-1806; Fla. Comp. Laws (1927) Sec. 7536; Wis. Stat. (1929) Sec. 346.36; W. Va. Code (1913) c. 61, Art. 5, Sec. 9; R. I. Gen. Laws (1923) Sec. 5998; Va. Code Ann. (Michie, 1930) Sec. 4506; Vt. Gen. Laws (1917) Sec. 8672; Pa. Stat. Ann. (Purdon, 1930) Sec. 7839; Ore. Code Ann. (1930) Sec. 14-422; Ohio Ann. Code (1934) Sec. 2480; N. C. Code Ann. (Michie, 1927) Sec. 4405; N. H. Pub. Laws (1926) c. 394, Sec. 15.

¹² Mich. Comp. Laws (1929) Sec. 16942; Idaho Comp. Stat. (1919) Sec. 17-2722; Colo. Ann. Stat. (Mills, 1930) Sec. 2011; Ariz. Code (Struckmeyer, 1928) Sec. 4695, 4696; Ala. Code (Michie, 1928) Sec. 4112, 4113; W. Va. Code (1913) c. 61, Art. 3, Sec. 9; Code of Wash. (Pierce, 1929) Sec. 8444; Va. Code Ann. (Michie, 1930) Sec. 4435; Utah Rev. Stat. (1933) Sec. 103-22-1, 103-22-2; S. D. Comp. Laws (1929) Sec. 3983; S. C. Code (1922) Sec. 1208; Ore. Code Ann. (1930) Sec. 14-363; Mont. Rev. Stat. (Choate, 1921, Supp. 1925) Sec. 11501; Ohio Ann. Code (1934) Sec. 12436; N. C. Code Ann. (Michie, 1927) Sec. 4310; N. D. Comp. Laws Ann. (1913) Sec. 9775; N. Y. Consolidated Laws (Cahill, 1930) Sec. 1900; N. M. Stat. Ann. (Courtright, 1929) Sec. 35-1406; Nev. Comp. Laws (Hillyer, 1929) Sec. 10262; N. H. Pub. Laws (1926) c. 391, Sec. 5; Neb. Comp. Stat. (1929) Sec. 28-509.

¹³ Nev. Comp. Laws (Hillyer, 1929) Sec. 10317.

¹⁴ Miss. Code Ann. (1930) Sec. 984.

¹ N. Y. Cons. Laws (Cahill, 1930) c. 41, § 1044.