This number of the Kentucky Law Journal is laid before the members of the General Assembly of the Commonwealth of Kentucky in order that they may see the work of the law students of State University as exhibited in this law magazine, and also see the handiwork of the University printing press. This periodical is altogether "made on the campus." While we are thus showing our own work, we indulge the hope that the Legislature will foster and build up the whole University and especially the agricultural school and the extension work in agriculture and home economics. Kentucky is essentially an agricultural state and agriculture must ever be the basis of nearly all of the substantial progress and wealth produced by its people. The condition of agriculture in Kentucky is most deplorable, owing chiefly to the fact that our people have not in the past valued the teachings of science as applicable to farming. The education of the farmers' boys has been much neglected with the result that profit has not been made on the farm and a general decay of agriculture has resulted. Ignorance is the twin sister of poverty.

The General Assembly will soon be busy trying to formulate and enact a wise and equitable revenue bill which will produce sufficient revenue to pay the current expenses of the state and to liquidate a very large deficit accruing in the past few years; this is a difficult and arduous labor and we certainly extend to the people's representatives our best wishes for their ultimate success in the great prob-
lem. But with, we hope, becoming modesty, we would suggest that no system of taxation will ever be permanently fruitful that is not based on a happy, contented and prosperous rural community. If the farmer is not prosperous, all taxation is a burden—if he is prosperous, no reasonable system is oppressive; therefore, it seems to us that the representatives of Kentucky should do everything in their power to make farming successful. The farmer should be taught to restore the lost fertility of his soil, to keep it fertile when its restoration is accomplished and to be made acquainted with the last word of science on the general subject of farming, farm management and co-operative marketing of crops. To teach these things is the business of the University both on the campus and in that great university, the Extension Department, whose class rooms are the cornfields and tobacco patches and whose laboratories are the dairy barns and silos throughout the State and whose students are the rural population of Kentucky.

We would most earnestly impress on the minds of the legislators that money invested in vocational education for the youth of the State is not wasted, but it is a sure and safe investment, certain to return large dividends in the very near future. The true statesman will pass by the paltry fruits of the mere political game and foster these claims on his bounty which make for the solid and substantial prosperity and grandeur of the whole Commonwealth. We commend to your earnest consideration the claims of State University to be fostered in every way that a great educational institution should be fostered.

It shall be necessary during the remainder of the year that we drop from the list those who have not paid their subscriptions.

We would gladly send a copy of this magazine to every lawyer in Kentucky free of charge if we had the funds to do so but as we are limited in the amount we spend this year it will be impossible to furnish any more free copies.

We feel that this Journal has already accomplished some good and we believe that we are now in a position to accomplish more than ever and we deplore the fact that the University is unable to help
us meet our expenses. However, those loyal alumnae and friends who have paid their subscription will continue to receive the Journal and it will be as good as we are able to make it the remainder of the year.

TOASTS TO THE LAW.

Here's to the Law and Justice
The guarantors of liberty,
Endorsed and sanctioned by the court,
In opinions most rigidly
Based upon customs which are fast
Becoming relics of the past.

Here's to the Grand old Jury
Who sit to decide the facts
In the case where some poor devils
Were caught in the very acts.
Yet they assert their innocence
Regardless of the evidence.

Here's to the Lawyer, the Sage,
Impartial, Wise and Learned.
If his client be guilty (or not)
He doesn't give "a Derned"
What is personal liberty
To him who only wants his fee?

B. D. SARTIN, LL. M.

A GOOD SUGGESTION

To the Editor of the Kentucky Law Journal, Kentucky State University.

Dear Sir:

Prompted by a sincere love and admiration for the law school of Kentucky State University, and a fervent hope to see this institution
us meet our expenses. However, those loyal alumnae and friends who have paid their subscription will continue to receive the Journal and it will be as good as we are able to make it the remainder of the year.

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To the Editor of the Kentucky Law Journal, Kentucky State University.

Dear Sir:

Prompted by a sincere love and admiration for the law school of Kentucky State University, and a fervent hope to see this institution
grow into one of the greatest law schools in our United States, I began to think of some way to aid in the furtherance of this worthy cause, and have hit upon this scheme.

My idea is to write to one (or more) attorney of each and every bar in Kentucky and ask him to send you some question of law that he is uncertain about, or cannot find much law on, due perhaps to the limited number of books he possesses, which to our law school with its library of over 9,000 volumes and tireless corps of law searchers, will seem rather easy. Those who do not have the afore mentioned trouble may see fit to tell you of their early practice of the law, the difficulties they encountered and how they overcame them. Maybe some one of the brothers of our great fraternity has heard an anecdote that he does not mind parting with that the rest of us may enjoy it with him.

I have my doubts whether the greater portion of the attorneys throughout the state know what rapid strides the College of Law of Kentucky State University has made, and cannot appreciate the help that this institution can be to them if they will apply to it for aid.

I was talking to my friend Leslie Morris, of the Franklin County bar, who has made a great success at the practice, and not only is a great lawyer but a fine gentleman. He seems to think this will be a good plan and submits the following question:

"Where a married woman dies seized of real estate, her husband prior to her death conveyed his marital rights, releasing to her his curtesy interest in her real estate; under the laws of Kentucky, is the husband entitled to curtesy interest in her estate notwithstanding the conveyance mentioned?"

Because a man has graduated and left college, is there any reason why he should turn his back on his Alma Mater, and say, "I am through with you," and on the other hand should not the college be like an honest mechanic, who puts his seal and guaranty on his work and is ever ready to make that guaranty good by seeing that his work serves the purpose that it was fashioned to do. This is, and should be the way with the Law College of Kentucky State University, not only does she offer the free use of her copious library to the alumnae, but the invitation is offered to every member of every bar. I can fully realize that this offer is broad, as it can touch only the few that
are close to us, and it resolves into the fact that we must take the law to those who cannot come to us; hence the foregoing method.

The report of the American Bar Association in their convention held at Chicago last fall, gave the law school of Kentucky State University the credit of having the best practice court in the whole United States. As you know this court was started some years ago by Judge Lafferty, who has built it up until it has become an institution in exact accord with the best courts in Kentucky. So far as I can learn, there is not another law school that has a grand jury to hunt up and try out actual cases that have come up between the students of that university or college, nor do I believe there is another school that has a court of appeals where the students are taught to try cases and write opinions on those cases.

When the Legislature makes a law of the bill to regulate the admission of attorneys to practice law in Kentucky, as was proposed by Judge Lafferty to the Kentucky Bar Association, a copy of which was printed in your October Law Journal, we can safely say that our numbers will be materially increased, as the lawyer will be forced to attend some law school before he can obtain his license to practice law. The question will then be where shall I go? He will naturally turn to some attorney for advice, who in view of the foregoing facts, would do rank injustice to the legal aspirant if he did not suggest Kentucky State.

I may be somewhat presumptuous, but in view of the foregoing and with the help of the Kentucky bar, I cannot help but believe that the students and faculty of Kentucky State University can publish a journal that will be cited by the highest tribunal in our state.

You have my heartiest co-operation in this matter, and my feeble efforts are ever at your disposal.

Wishing to compliment every member of the staff on their excellent journal heretofore, and hoping that the next issues will be an incipient means of raising our system of legislation to higher standards,

I beg to remain, very sincerely yours,

JOHN STRATTON DEERING,
Fayette County Bar.
The following clipping is taken from the Madisonville Hustler, of Madisonville, Ky.

Jack was Business Manager of the Law Journal in 1914 and 1915, and was a good one. Here's wishing him success.

NEW LOCATION.

Attorney Louis Nisbet on the first day of the year associated himself with Ed Morrow for the practice of law. Mr. Nisbit finished the high school here several years ago and went to the University at Lexington to study law. After finishing his course there and taking the bar examination he located here to practice his profession. The Hustler predicts for Mr. Nisbit a success in every way. He is a competent young man and deserves patronage from his home folk. He will be glad to see his friends at his new location.

UNIVERSAL TRUTH IN ARKANSAS POETRY.

Lazy lawyers make our laws,
Mules and niggers raise cotton,
The cotton sells for ready cash,
Our laws are bad, yea rotten.

For every tear the lawyer spills,
He charges four or five $ bills,
The farmer raises grain in stacks,
Then gives it up to pay the tax.


THE TRAIL OF THE LEGISLATOR.

The Commonwealth, dear Woman, never old but perennially young and vigorous, perpetual in existence but changing in form and quality, preserves her youth by periodical metamorphoses and reappearances in the persons and figures of her own offspring. Thus she continues her own entity by meeting change in her environment with corresponding accommodation within herself. The Commonwealth, dear old Lady, has mused and brooded for two years; her new brood has been hatched and weaned. The fledglings nurtured under her
wing have imbibed wisdom and inspiration under her direction. Now they will meet in assembly to accommodate change to change.

**What is Their Business.**

In a small, exceedingly interesting book,* Columbia University has published the series of lectures by Courtenay Ilbert, clerk of the House of Commons, delivered to meet the great amount of interest in the United States on the subject of bill drafting and improvement in the form of statutes. These topics have been generally agitated in all the states, resulting in the establishment here and there of Legislative Reference Bureaus, but, as yet, no agitation has been stirred among the people beyond the giving of new impulse to their settled habit of fault finding. Mr. Ilbert has had years of experience as the official draftsman of the government in proposing legislation to Parliament, and his comments and deductions are valuable. He asks: “What, then, is the ordinary task of a modern popular legislature? It is, I submit, to remove discontent and to avert revolution, by making laws which adapt the political, administrative and economic arrangement of the country to the requirements of the times. The substantial business of Parliament as a legislature is to keep the machinery of the state in working order.”

**Legislation Based Upon Grumbles.**

“I have referred,” he says, “to the dissatisfaction which is alleged to exist with the form of your statute law. Dissatisfaction of that kind is by no means confined to the United States. It exists and has found vigorous expression not only in the United Kingdom, but in most continental countries. Indeed, I do not know of any country which is so happy, or, shall I say, in so apathetic a condition that its citizens do not grumble with the work of its legislators. To do so, if they are free citizens, is their privilege and their duty. Legislation is largely based on grumbles—they used to be called grievances in the times of the Plantagenet Parliaments—it can not claim to be exempt from them. The ordinary citizen will grumble, and as to the lawyer, he has a special feud of his own. The modern English

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lawyer is apt to regard common law and statutory law as hereditary foes. 'My Lady of the Common Law,' the lady with whose character, history and adventures you have been made familiar by Sir Frederick Pollock, 'My Lady of the Common Law,' he would be inclined to say, 'regards with jealousy the rival who arrests and distorts her development, who plants ugly and inartistic patches on her vesture, who trespasses gradually and irresistibly on her domain.'"

Napoleon's View of the Legislature.

Napoleon, Henry VIII., Stephen Langton and Caesar would have fared badly if they had had the Kentucky legislature to deal with. There is good reason to believe that they would be treated rudely. Their conceptions and ours are materially different. Among the sayings of Napoleon, as reported, is: "No one can have greater respect for the independence of the legislative power than I; but legislation does not mean finance, criticism of the administration, or ninety-nine out of the hundred things with which the Parliament in England occupies itself. The legislature should legislate, i. e., construct grand laws on scientific principles of jurisprudence, but it must respect the independence of the executive as it desires its own independence to be respected. It must not criticise the government, and as the legislative labors are essentially of a scientific character there can be no reason why the debates should be reported." In his time and under Henry the executive bullied the people and their representatives, who, as to such worthies, existed only to be bullied. We have gotten so far away from such notions that the situation is just reversed.

The Executive and the Legislature.

The legislature is, under our system, so far the autocrat that the Governor—meaning thereby the so-called Executive Department—dare approach the People Enthroned only on his knees and with wrists manacled. The legislature has taken to itself all of power that the people have let go. The Governor is powerless and functionless, grandiloquent in speech, magnificent in attire, effulgent in benevolence, abounding in charity and good will, the emanating
source of the elusive bouquet of absolute justice and truth, the operator of the state’s glad hand of welcome. But he has no place in legislation. He is virtuous and lonesome. He is decorated all over with rewards and honors. He occupies still the highest hill in the barnyard, but he can’t crow, and when he clucks, the members of his own executive family ruffle their feathers in irony, and cry Tut! Tut! They are an unnatural brood, thus to treat the kindly and picturesque gentleman who stands to them in loco parentis. They have no other parent. The powers which an administrator would normally exercise have been differentiated into numberless “departments,” each with its own head, each separate from the other, and all with enumerated powers and functions laid down for them by the legislature. It is said that his function is “political.” Certainly he does not figure in the administrative function. But it must not be forgotten that he is commander-in-chief of the army and navy of Kentucky, a position which he holds only because it is specified in the Constitution, and he must in decency have some occupation. “Modern legislatures,” says Mr. Ilbert, “do not concern themselves much or often with amending the general rules or principles of what may be called private law, as distinguished from public or administrative law. That is certainly true in the case of the Parliament at Westminster, and it is probably true of the legislatures in America, also.” “The bulk of its members are not really interested in technical questions of law, and would always prefer to let the lawyers develop their rules and procedure in their own way.”

Legislation a Part of Statesmanship.

John Stuart Mill is credited with having laid down the proposition: “Leave the drafting of laws to experts and the grumbles of the legal profession and of the public would cease.” Mr. Ilbert says that it is a criticism frequently made by lawyers “that the defects of our laws are due to the clumsy and ignorant interference of Parliament.” But both these statements are clearly partial and founded upon prejudice. Few of us would advocate legislation by experts. Much might be gained by a general improvement of our legislators in the way of clumsiness and ignorance. But we must remember that there are limitations upon the capacities for labor of legislators as
well as ordinary men. One evil could be removed if members would realize that it is not only impossible but it is not every legislator's duty to attempt to digest, criticise, amend and otherwise interfere with every bill that is brought before the body. Then, much depends upon the machinery of legislation, the work of committees, expert assistance, committees of investigation, and the capacities of members to handle their work. But above all, the greatest desideratum is statesmanship. "Now machinery is a very good thing," says Mr. Ilbert, "good machinery is an excellent thing. But good machinery will not produce good laws, any more than good machinery will produce a good book. Legislation is a part of statesmanship, one of the most important parts. The man who has the insight to perceive the needs of his country and of his time, who is so imbued with the principles of statesmanship as to know how far those needs ought to be met by legislation, who has the foresight and constructive imagination required to devise an appropriate remedy for the evil of which he has become aware, who possesses those qualities of industry, patience, tact, knowledge of human nature, oratory, persuasiveness, which are needed for the successful steering of a legislative measure through a popular assembly—that man is a good statesman. Such men are rare, and when such men are not found, good legislation is difficult, if not impossible to accomplish. Unless a country has such statesmen, and unless it has also a sound public opinion to direct and contend the action of its legislature, it will not have good laws."

The Qualities of the Lawgiver.

In an essay, "Some Defects of the Common Law," Sir Frederick Pollock has given a very valuable description of the qualities necessary in a lawgiver in order that legislation may be satisfactory. "In the first place, he must know accurately what the existing law on the subject is. He must be no less clearly aware in what respect he is not content with it and why. He must further have formed a clear conception of the changes in the effect which he desires to produce. Nor is it enough to have a distinct intention founded on exact knowledge. The lawgiver must also have the skill to express that intention in apt, sufficient and unambiguous terms, which shall make
his purpose plainly understood, if possible, by those who have to obey
the law, but in any case by those who have to administer it.

"Parliamentary legislation, however, is carried on, with rare ex-
ceptions, under circumstances and in a manner which effectually pre-
vent most or all of these conditions from being satisfied. The diffi-
culty of knowing the actual state of the law is on many questions con-
siderable, even for experts, and most laymen do not so much as know
how great the difficulty is. Hence well meaning and otherwise well-
known men often bring forward proposals which they suppose to
be improvement of the law, and which might be so if the existing law
were such as they suppose it to be, but which in truth are either su-
perfìous or inappropriate. It is likewise a common state of mind,
even among educated persons, to have a sense of dissatisfaction or
hardship without attempting to fix in one's mind the real point where
things are amiss. And this vague feeling that something must be
done, somebody indemnified, or somebody else made answerable, is a
constant force tending to unconsidered legislation. When our crudely
formed and more crudely executed intentions fail to bear fruit, as
they naturally do, we are apt to think, not that we have legislated
badly, but that we have not legislated enough, and so blunders raise
up blunders, and the stock increases and multiplies. Technical skill,
again, is often below the mark, if not altogether wanting, especially
in the amendment which may seriously disfigure the most artistically
drawn bill. In fact, the more artistic the original composition is, the
more it will suffer from piecemeal alterations. The kind of skill re-
quired includes many elements. First comes power of expressing
ideas clearly, which is not so common as many people think. Familiar-
ity with appropriate technical terms is, of course, needful, and
besides this, there should be knowledge of the manner in which the
language of statutes is looked at by those who have to interpret them.

"There must yet be added faculty of scientific imagination which
can foresee the various consequences of a proposed enactment in its
relations to the various persons and transactions affected by it. We
shall offer no insult to the intelligence of members of Parliament in
saying that most of them are without these special qualifications.
Nor is there any expert or set of experts whose business is to guide or
superintend the technical part of legislation. The result is that acts
and clauses are passed to which it is all but impossible to attach a
definite meaning, which produce unexpected and absurd consequences,
or which, being intended to settle doubtful points, only raise up new
doubts in addition to the old ones. Many an Act of Parliament origi-
nally prepared with the greatest care and skill, and introduced under
the most favorable circumstances, does not become law until it has
been made a thing of shreds and patches hardly recognizable by its
author, and to any one with an eye for clothing of ideas in comely
words, no less ludicrous an object than the ragged pilgrims described
by Bunyan: "They go not uprightly, but all awry with their feet;
one shoe goes inward, another outward, and their hosen out behind;
there a rag and there a rent, to the disparagement of their Lord."

Unconstitutional Legislation.

In addition to the qualities of experience, knowledge, skill and
statesmanship required of the legislator, even the best of them, in our
American legislatures, must be always on guard to keep within the
constitutional limitations upon legislation. A patronage-seeking Con-
gressman inquired of President Cleveland, "What is the Constitution
among friends?" But the courts do not play friendships in weighing
acts of the legislature. If they did, our State and our Federal Gov-
ernment would soon be only legislatures, then mobs, then exit. This
principle is too little understood and considered. The people, after
the Revolution, specified in the Constitution of the United States and
in the written Constitutions of the States specific limitations upon the
powers of the state legislatures. In addition to these express prohibi-
tions, there were and are a still greater number and much more im-
portant body of limitations contained in the Bills of Rights. Through
the Bill of Rights, all the principles and doctrines of the civil liberty
of the Common Law have come down to us as a right which can not
be interfered with by the legislature further than by mere police
regulation. They are limitations upon legislative power as applied
to the function of state legislation. They constitute fundamental prin-
ciples of constitutional establishment and are taken under the pro-
tection of the courts as against the legislative power. We have thus
incorporated into our system of civil liberty all the general principles
contained in the great charters of liberty, beginning with Magna
Carta and supplemented by our own Articles of Confederation, Declaration of Independence, Federal and State Constitutions, and many other minor documents. A statute in violation of these traditional, unwritten constitutional provisions the courts will refuse to enforce. They will declare it to be "unconstitutional," a much overburdened word. Curiously enough, but easily explained, the English have no such conception. "The Parliament at Westminster," says Mr. Ilbert, "is sovereign in a sense in which no American legislature, whether Congress or a state legislature, is sovereign. Parliament, some sage of the law is supposed to have said—sayings of this kind are usually attributed to Coke—Parliament can do anything except turn a man into a woman. There are a great many things which Parliament would not venture to do, would not think of doing, would be far too sensible to attempt. But there are very few things, if any, which a court of law could prevent it from doing. I am not aware of any case in which an Act of Parliament has been declared invalid by a court of law. It would be very difficult to find or suggest any grounds on which its invalidity could be successfully urged."

As there is nothing which our state legislature would not venture to do, would not think of doing, would be far too sensible to attempt, it is necessary in Kentucky to apply a curb to their impetuosity. They would not hesitate at trying to turn a man into a woman if they could find a subject willing to be operated on.

Inquiry of Fact Before Enactment.

One of the most mischievous practices in our state legislatures is that of proceeding to enactment of laws without any sufficient information as to the facts supposed to call for a law or amendment. An official inquiry to inform the House of the facts would reduce the bulk of our legislation and add greatly to its expediency and aptness. Such investigations held and the evidence produced before the Committee of the Whole House are among the most efficient pieces of mechanism of the English House. "Most of the important legislation in English is preceded by an official inquiry and is based more or less on the reports and recommendations of some commission or committee. These official inquiries are usually held by a royal commission or by a parliamentary committee. The reports of these commit-
tees and commissions are made parliamentary papers by being formally presented to one or both houses of Parliament and constitute part but not the whole of that formidable mass of official literature which is popularly known under the name of blue books, which is so frequently used as an arsenal for argument in political discussions, and into the bowels of which the legislator or would-be legislator and his assistants have so frequently to dig.”

Committee of the Whole.

“If a bill does not go to a standing committee, it usually goes to what is called a committee of the whole house, but is really the House itself, transacting its business in a less formal manner, with the speaker’s chair vacant and sitting under the presidency of a chairman, who occupies the chair at the table which is occupied by the clerk of the House when the speaker is present. These so-called committees of the whole House, corresponding to what are called ‘committees of the whole’ in the United States, came into existence at the beginning of the seventeenth century. The more important bills were then sent to large committees, and as it was difficult to obtain attendance at these committees, orders were often made that any member who wished might attend. These orders grew into a general practice. It is said, also, that the House of that day did not place complete confidence in the speaker, whom it regarded as the agent and nominee of the king, and that it preferred to conduct its deliberations in his absence.”

Legislative Acts Are Compromises.

The play of conflicting interests and forces upon the spirit and form of proposed legislation is tremendous. Sometimes there is sincere difference of opinion over its expediency, sometimes there are local interests which must be met by a change of phrase or by amendment, sometimes the intrinsic worth to the state at large is made the measure of the value of support, the price paid being the enactment of some other law looking to the self aggrandizement of individual and selfish interests. Sometimes other interests of the same kind demand recognition as the price of assistance, sometimes party expediency is a factor, sometimes a special privilege is affected, sometimes the
sponsor of the measure is unpopular, and generally there is a lack of exhaustive information. With us, there is always the lack of technical and expert skill. Prejudices must be allayed, cliques must be reconciled, the problem of financing must be solved, the creation of new offices or placing of new responsibilities must be provided for, religious and civic bias and jealousy must be taken into consideration. Truly, the engineering of a proposed law through the Kentucky legislature is a practical matter and calls for political acumen and statesmanship of the highest order.

There is nothing abstract about it. It is a wonder that so much is accomplished. It is neither fair nor wise to take snap judgment. As imperfect and hodge-podge, desultory and incosequential as our legislation is, there is no good ground for believing that it is not enacted under the influence of good intentions and high motives. At any rate, those who enact them are ourselves, actuated by the same intentions and impelled by the same motives. Let us pray for our own acts, intentions, motives and wisdom. Our condition might be improved. We may take some comfort in the fact that there is no fundamental difference between ourselves and our neighbors, the variance being only in degree of fitness for our political tasks. We are all acquainted with the conditions in our neighboring commonwealths. In England the situation is the same. "In the first place," says Mr. Ilbert, "an ordinary Act of Parliament is essentially a creature of compromise. In point of form, it is a compromise between the terms of art demanded by the lawyer and the popular language required by the layman. If the lawyer finds such a term as "land" loose and slipshod, to the layman "hereditament" is pedantic and unintelligible. The result is that the layman usually finds his satisfaction in the text and the lawyer has to be consoled with a definition. In point of arrangement, an act is a compromise between the order most convenient for debating a bill and the order most convenient for administering an Act. In point of substance, a bill as it enters Parliament may be and as it emerges, frequently is a compromise between divergent views. It is the work of many minds and the product of many hands. Now compromise and co-operation are admirable things in politics, but they do not always tend to clearness or accuracy of style, logical arrangement, or consistency, in literary composition. It is a marvel that our English Acts are as decent in form
as they are, considering the conditions under which they are pro-
duced.”

LYMAN CHALKLEY.

NEUTRAL AMERICA.

By Henry B. Joy.

Our President has from the first urged upon us to be neutral; to keep our feet on the “soft pedal;” to say or do nothing which could disturb our relations with other nations with which we are at peace.

At the time, wise and sane counsel no doubt. And our people have lived up to it in full measure. I say our people advisedly, meaning to exclude those whose “hyphens” still attach them to their native or ancestral land.

Had we not, however, a right to feel that back of such sane counsel was a strong, brave government which would always maintain American honor even to action if necessary for American rights and righteousness between man and man and nation and nation.

We have remained as a people supinely quiescent under such a series of incidents as have never before irritated the patriotic spirit of any people without being soundly and thoroughly resented and re-dressed.

American self-respect is being bartered through the means of high-sounding words for the flesh pots of a temporary soft and delightful peace and prosperity which we all so much love when it can be ours righteously.

The pen is indeed mightier than the sword, except only when we use our pen and the other fellow uses his sword.

I have always, until the historical record of the past few years, especially the last eighteen months, been proud of being an American. I had felt that there was no serious blot upon our record as a nation. I had felt that I could travel the world around and be respected as an American by reason of what our generation and those gone before had written into the records of the United States of America, sometimes even with the good red blood of real men.
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Today, however, on what can be based a feeling of pride in being an American, in view of recent history?

The tragedy of Mexico, incontrovertibly illuminated from the records of George Harvey in the North American Review, is a pitiful picture of American dishonor.

Yet it is a mere sideshow to the greater dishonor heaped upon us by the records of the European war.

Do we really want to be a discredited and dishonored nation? Do our people really understand what is being done to them as a whole? Do they know, I ask, that the honor of Americans is being sold for dishonorable quietude?

Do they know that all this American people has striven for from the days of Washington through the times of Lincoln and McKinley is slipping through our fingers?

We are not a warlike people. Yet we have never before in history lived under a regime of "watchful waiting" or been counseled by our leaders to be "too proud to fight," no matter what the dishonor.

If ever on earth was a man of peace, it was Lincoln. Yet not for a moment did he hesitate to meet a policy of "blood and iron" like for like. We revere his sainted memory and we also revere the memory of the men who fought against him. We hold in dishonor and disrespect the pacifists of that day, as we do and will those of today.

And now comes the sinking of the Persia. This incident is, however, of no comment. Our disgrace came with the murder of Belgium. We also had signed the Hague Conventions. Our disgrace attaches to the Lusitania, and our methods of asserting Americanism. Our disgrace thereafter comes from Washington, D. C.

Our Government has now reached the point of "indemnity." What is to be the price of dead Americans and of the honor of our country?

Am I oversensitive in feeling that my self-respect as an American is weakened, has shrunk, is declining, is even a thing of the past? Sometimes I wonder at our passiveness under insult. Why is it?

I was brought up and trained in the idea that it was the duty of the government to protect the rights of even the most unimportant American wherever over the broad world he might roam on business or pleasure.
I was taught to believe it a duty to serve in the militia, to do my share in serving the State and the Nation, to stand for national self-respect and domestic unity and law and order.

Today we cannot fill the ranks of the State troops. We have advocates of peace—peace at any price—when there is no peace with honor to be had.

Let us forget Belgium and the solemn Imperial Treaty—if we can as good Americans. We can still send the survivors food and clothing with the consent of the conqueror (at which he doubtless laughs amusedly, as all being within the food calculations of the General Staff) for permission to do which we apply to His Excellency the German Ambassador who is still representing His Imperial Majesty, the Invader, in Washington.

Let us forget the rape of Belgium, I say, and read the following instructions to free Americans to be noted and acted upon or suffer the penalty of death.

_(Lusitania Advertisement)_

**NOTICE.**

TRAVELERS intending to embark on the Atlantic voyage are reminded that a state of war exists between Germany and her allies and Great Britain and her allies; that the zone of war includes the waters adjacent to the British Isles; that, in accordance with formal notice given by the Imperial German Government, vessels flying the flag of Great Britain, or of any of her allies, are liable to destruction in those waters and that travelers sailing in the war zone on ships of Great Britain or her allies do so at their own risk.

**IMPERIAL GERMAN EMBASSY,**


These instruction to Americans (I said free Americans above; I omit it hereafter) by direction of his Imperial Majesty, the German Emperor, through his representative to us (we Americans) His Excellency, Count von Bernstorff, the German Ambassador, stunned us. We had never received any such instructions before, and oh, the posi-
tive rudeness of it! The imperial and imperative manner of the instructions to Americans we, of course, did not take seriously.

Was the insult of this published notice immediately called to the attention of the German Ambassador? Was he told that he must instantly see that no harm should come? Was he told he must avert it? Does anyone doubt that in the intervening five days a real American government might have persuaded the Germans not to murder us? Think it over. You would never have known it, and the real American who might have saved those American lives and all others since would have been criticised for his rudeness to an Emperor!

Alas, our travelers, like the free Americans they thought they were, set sail on their lawful occasions, with, as they thought, the great American people backing them up in their lawful rights and guaranteeing their safety. Five days later they were murdered, and not a finger have we lifted in defense of our Americanism. We talk indemnity!

Twelve hundred innocents, including women and children and babies, were drowned by Imperial order, 187 being Americans. Our President is negotiating to send milk to babies in Germany.

The German Ambassador, however, is still in Washington, though the fashionable hotel in New York which harbors him when in that city has lost the patronage of red blooded people. There are some who understand and resent helplessly.

Does anyone think for a moment that if our American Ambassador in Berlin were to publish a similar notice to the German people he would be permitted to remain in Germany except as a hostage?

But why go on with further murderous incidents and the details of the "firm attitude" and "strict accountability" of our international correspondence? The murders of Americans continue. The correspondence continues and everybody seems to love the flesh pots of peaceful prosperity, disgraceful peace and disgraceful happiness.

We demand that the captains of the submarine who murdered the passengers on the Ancona shall be "slapped on the writs." We acquiesce in the so-called execution of Miss Cavel. We are a great people.

With what submissiveness shall we take the next instructions to Americans when published by His Excellency?
We have had our lesson—we better bow down low and obey. We are doing so. Everything is perfectly satisfactory.

"Babbling boobs" continue to babble of peace and neutrality when there is neither. The enemy carries on war in our country and we think it is peace. Our Washington officials call it infractions of our neutrality. Then more dynamite, more murders, and more diplomatic correspondence.

The German General in America is indeed a real General.

If approval of our course is modern Americanism, then indeed I am not an American.

Shall we not redesign our beloved Uncle Sam? Ought we not to depict him as a blind, bloodless cigar-store Indian, with a wooden head and a wooden heart and wooden insides?


The Baldwin Law Book Company of Louisville, Ky. has donated "Kentucky Tragedies and Trials" to be given as first prize to the student in the law department who writes the best article on some legal subject, and Gidder on "Judicial Sales of Infants and other Persons under Disability" is to be given as second prize. These articles must be in by March 1st and will appear in the March issue of this Journal. For a better description of the prizes see advertisement in this month's issue.

This is the first time that the Kentucky Law Journal has offered such a prize, and we are indebted to the Baldwin Law Book Company for co-operating with us in our efforts to create interest among the students in writing legal articles, and we hope our students will show their appreciation of this generous offer by writing creditable articles.

In the annual inter-society debate between the Patterson and Union Literary Societies held in the University Chapel January 14th, the former represented by Messrs. G. C. Wilson, F. A. Harrison and C. P. Nicholson was victorious over the latter represented by J. V. Chamberlain, Herbert Schaber and J. J. McBrayer.

G. C. Wilson, F. A. Harrison and J. V. Chamberlain were selected to represent the University in the intercollegiate debate with Center College which will be held sometime in April.