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## Editorials

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time. Practicing at the Louisville bar after the war was a quiet old gentleman who had come up, if I correctly remember, from Glasgow, Ky., and whose name was Judge Burwell K. Lawless. He was a gentleman of the old school; full of the courtesy of the days before the war; courteous to every one and expecting courtesy as his right from all others. One day, Judge Lawless and General Whitaker, representing opposing clients in court, clashed and sharp words passed between the two. General Whitaker was known to have killed his man, and, if I am not again mistaken, Judge Lawless had had the same experience, though I do not wish to positively state this as a fact. There was no doubt, however, that Judge Lawless had never seen any one of whom he was afraid. The young lawyers at the bar at that time knew of the incident and were promptly in court on the following morning anxious to witness the outcome of the incident of the preceding evening, which had come as the court was about to adjourn. Notwithstanding the warmth of the weather, Judge Lawless came into court on the following morning clad in a long cloak such as was commonly worn by well-to-do gentlemen in the days before the war. The court met and the business of the session proceeded with all the mildness of a May morning. General Whitaker and Judge Lawless proceeded with the matter at issue with all courtesy and a satisfactory conclusion was reached. After adjournment of the court, a rash young lawyer ventured to call General Whitaker's attention to the affair of the preceding day. General Whitaker had a pronounced lisp and in explaining why he had kept the peace, said: "Did you thee him with that long cloak on? By Dod, he wath a walking arthenal." And every one agreed that the General had shown excellent judgment, for under that long cloak Judge Lawless had an armament which justified the claim that he was "a walking arsenal."

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#### His Accounts Cancelled.

It was claimed by the friends of Judge Lawless that he kept his accounts with his clients on the whitewashed walls of his office. Finally determining to return to his home in the country—at Glasgow, I think—he gave up his office and returned to the scenes of his younger days. Some time afterwards, desiring to realize upon the professional labors of his days in Louisville, he returned to that

city only to learn that his accounts had all been squared by a man with a whitewash brush who had wiped out all evidences of indebtedness by whitening the walls afresh. I am telling this latter story as it was told to me and if Judge Lawless be yet alive, as I hope he is, I am prepared to apologize in any form he may suggest. I am a very old man, but have a desire to remain for yet a little while among the living.

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### It Would Compose His Mind.

Two of the characters of the long ago among the lawyers of Louisville were Bob Baird and Hop Price, who, at the time of which I write, were partners in the practice of law, principally in the city court and incidentally in the criminal court. It so happened that the two won a case in which a fee of several hundred dollars was involved and was collected. Price had picked up his knowledge of law while serving as a deputy sheriff, while Baird had more experience and had probably come to the bar in the manner which obtained in those days when one did not have to know much about the science of the law to be admitted to its practice. However that may be, when the fee in question had been collected Hop said: "Bob, now that we have some money, I think we should buy a law library."

"Not on your life," replied Bob, "a library would only serve to confuse your mind; better let things run along as they are," and they did so run along with the result that Price became judge of the Police Court and Baird practiced with more or less success in that court.

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### WHAT IS FORMAL ARRAIGNMENT?

This doubtless could be answered without hesitation by any one, who had practiced criminal law, but for one just coming out of a law school, it would be well for him to inform himself as to just what formal arraignment is. The very first thing that most young lawyers will find to experiment on when they come out of school is some poor unfortunate accused, who has not money enough to employ the ser-

vices of a lawyer. This was my experience at any rate, and when the Circuit Judge asked me, if I waived formal arraignment for my client, I was so dumbfounded as I would have been if the judge had spoken to me in some foreign language, with which I was not acquainted. But I knew that the good judge would take care of me and so I said, "Yes."

The next step in criminal law after a man has been indicted is arraignment, Chitty's Criminal Law, Vol. I, page 413, also Sec. 154 Ky. Criminal Code, (all law students should read these sections), says, that formal arraignment consists of three parts:

First. Calling the prisoner to the bar by his name; and commanding him to hold up his hand.

Second. Reading the indictment to his distinctly in English, that he may understand the charge.

Third. Demanding of him whether he is guilty or not guilty, and asking how he will be tried.

There are only three pleas to an indictment. Guilty, not guilty or former jeopardy; either a conviction or acquittal. The practice in State courts is for the accused's attorney to waive formal arraignment and to plead for his client, but in the Federal Courts the accused usually pleads in person.

There was nothing in the text on Criminal Law, which I studied, about formal arraignment, but it may have been through lack of attention or absence, which caused me to get through the law school without knowing what formal arraignment is. It would be well for any law student to read the above citations, as he would get a good deal of information, besides it is very interesting.

POLK SOUTH, Jr.

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#### New Evidence.

"Why do you want a new trial?"

"On the grounds of newly discovered evidence, your honor."

"What's the nature of it?"

"My client dug up \$400 that I didn't know he had."—Washington Herald.

## THE WHY OF LITIGATION.

Why is folks all de time a-suin,  
 Each seekin' sum 'vantage ob de uddeh,  
 When da's things dey might be doin'  
 Dat would get dem 'long a good deal fuddeh?

But dey jes' seem to r'ar and fuss  
 And fill de cote as full ob liddigation  
 As, from thinkin' deir cause is jus',  
 Dey, demselves, is full ob indignation.

One is claimin' lots ob damages,  
 All de jury will allow,  
 'Cause, he says, all his cabbages  
 Done been et up by his neighbor's cow.

Anuddeh's filed a 'junction bill,  
 'Cause his tenant's committin' waste  
 By cuttin' all de timbeh on de hill  
 And sellin' it in a-mighty haste.

And anuddeh wants a separation  
 As quick as she can land it,  
 'Cause her old man cusses like de nation,  
 And she don't intend to stand it.

But why do folks purfur to to liddigate,  
 And all deir money spend,  
 When dey can simply a'bitrate,  
 And hab a little left to lend?

Well, I don't know what uddehs say,  
 Dat to dem a'pear de causes,  
 But to me, it's jes' Gawd's own 'pointed way  
 Ob takin' care de lawyehs.

—Will W. Ackerly in "Case and Comment."

Bench and bar will have prominent place in this year's session of the National Conference of Charities and Correction at Indianapolis, May 10 to 17. Jurisprudence and social work have found constantly more in common since the day when there began to be recognition of the danger of putting juvenile offenders through the same process as adults. This year the kinship of their aims will be emphasized in a section on corrections of which Dt. Katharine Bennet Davis of New York is chairman, and Chief Justice Harry Olson, of the Chicago Municipal Court in vice chairman.

Diagnosis and treatment of mental defectives, a work in which the courts, the psychologists, and the social workers have joined, is a rapidly developing practice on which much new material will be presented. Judge Edwin L. Garvin, of the New York City Court of Special Session, will speak on the proper method of dealing with the defective delinquent. Dr. E. E. Southard, superintendent of the Boston Psychopathic Hospital, will take up the problem from the viewpoint of prevention, describing the methods which have been worked out for dealing with the potential delinquent. Dr. Mabel T. Fernald, of the Laboratory of Social Hygiene, Bedford Hills, New York, will speak from the standpoint of the psychologists.

Police Commissioner Arthur Woods, of New York, and Mrs. Stebbins Wells, policewoman of Los Angeles, will discuss the police as a social force. The farm colony plan of caring for criminals, which has met with universal approval as a matter of public policy, will be represented by George A. Shideler, president of the Board of Trustees of the Indiana State Farm at Marion and W. H. Whittaker, superintendent of the District of Columbia Workhouse, Occoquan, Virginia.

Three of the nine divisions of the conference plan to concentrate their attention on the problem of physical and mental defectives. The section on feeble-mindedness and insanity, the one on health and the group considering inebriety will all consider the extent to which these several factors contribute to the stream of those falling back upon the public for aid. Each will go as far as recent research warrants in determining the most effective means of dealing with these causes. The section on inebriety will present the results of an investigation by Alexander Fleisher, supervisor of the welfare division

of the Metropolitan Life Insurance Company, into the attitude of large employers toward the use of intoxicants by their employes. The division on health will go into the relation of disease to crime, insanity and poverty.

Conditions adverse to efficient public work under democratic government will be a leading topic in the program on the family and the community. Methods of co-ordinating civic effort in small communities will be presented from the viewpoint of the charity organization society, the public health nurse and the director of a social center in a small city. Reports from heads of welfare departments of various cities will be an important division of the section on public and private charities. The steps to be taken by both public and private social agencies to prepare for the next period of general unemployment will be the main consideration in the section on unemployment in which Anthony Caminetti, U. S. Commissioner of Immigration, will be the principal speaker.

Graham Romeyn Taylor, of The Survey, who is the chairman of the section on the promotion of social programs, plans to let social workers see themselves as others see them. He has arranged a symposium in which public officials, business men and editors will be invited to describe without fear or favor their reactions to social workers' programs. John P. Gavit, managing editor of the New York Evening Post, is one of the speakers.

An address of exceptional general interest will be given at the opening session of the conference, the evening of May 10, by Ernest P. Bicknell, directory of cvillian relief of the American Red Cross. Mr. Bicknell has been at the various war fronts in Europe, and will discuss war relief and the part played by contributions from Americans in aiding non-combatant victims of the war. His talk will rival in interest the address at the same session of Father Francis H. Gavisk, the president of the conference.

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### Their Job.

Willie—"Paw, what is a jury?"

Paw—"A body of men organized to find out who has the best lawyer, my son."—Cincinnati Enquirer.

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