

January 1926

## 48 State Legislatures and 7500 State Legislators

Henry Wolcott Toll

Follow this and additional works at: <https://digitalcommons.du.edu/dlr>

---

### Recommended Citation

Henry Wolcott Toll, 48 State Legislatures and 7500 State Legislators, 3 Denv. B.A. Rec. 7 (1926).

This Article is brought to you for free and open access by the Denver Law Review at Digital Commons @ DU. It has been accepted for inclusion in Denver Law Review by an authorized editor of Digital Commons @ DU. For more information, please contact [jennifer.cox@du.edu](mailto:jennifer.cox@du.edu), [dig-commons@du.edu](mailto:dig-commons@du.edu).

---

## 48 State Legislatures and 7500 State Legislators

## 48 State Legislatures and 7500 State Legislators

AN ADDRESS BY

STATE SENATOR HENRY WOLCOTT TOLL,  
PRESIDENT OF THE AMERICAN LEGISLATORS' ASSOCIATION,  
DELIVERED AT A MEETING OF THE DENVER BAR  
ASSOCIATION, MAY 3, 1926\*

*"What research has done for the prevention and cure of disease, what it has done for engineering, and what it has done for the technical arts, it may well do for the law. The call for research in law is especially strong. Lawyers, courts, legislatures, and the administration of justice, are subjects of serious criticism on the part of the lay public."*

—Roscoe Pound.

### Nothing to Diagnose

My first inclination was to entitle my remarks, "Pink Pills for Legislative Ills".

But this would not give a correct impression of my subject, for what I would like to discuss is not so much the possible cure as the probable diagnosis—not so much the pill as the patient.

Besides, most of you would exclaim, "But we have no legislative ills! We have well considered and considerate laws—a few of them: not too many,—enacted by a responsible group of brainy, patriotic men, who are not only experts in the subjects of legislative concern, but also adepts in legislative draftsmanship and technique, and who are well grounded in the principles of legislative, as well as administrative, efficiency".

It is conceivable, however, that one or two among you have had moments of misgiving when you have wondered whether Garfield's theory that God reigns and the government is in perfect health, still holds good, and to them I dedicate these remarks.

### Legislators in the Saddle

There are those who think of the genus Legislator as composed of beggars on horseback. Of course I would have to argue the suggestion that our law-makers are beggars. But there should be no argument over the fact that they are on horseback:

The 7500 state legislators who are in office at any one time, not only possess and exercise the right of dictation over the daily lives of 115,000,000 people; they also have, and annually exercise, taxing authority over

300 billion dollars' worth of property. They are the directors of 48 corporations which, together, own property worth one and one-half billion dollars, and which *spend* one and one-third billions of dollars *a year*.

I am speaking of the *state* governments alone. These stupendous powers and these appalling sums of money gauge the importance of our legislatures. The annual expenditure—last year, this year, and next year—of more than thirteen-hundred-million-dollars, deserves some thought on the part of Henry Dub, from whose pocket-book this Amazon River of unalloyed gold takes its source.

### An Occasional Criticism

It cannot be said that the evil fruits which, together with the good, are shaken down upon our heads by the legislative branches, go unheeded. They are much discussed, and the public's attitude is expressed in an anonymous case in 1 Tuck. (N.Y.) at page 247, in the statement that, "No man's life, liberty or property are safe while the Legislature is in session".

But after listening with some care to the criticisms of five hundred—or perhaps a thousand—different men, I say with feeling that the criticisms which are being made are astonishingly free from constructive substance.

It sometimes seems that the mechanics of legislation have not received their just share of inventive thought. During the period within which our progress in other fields has been marked by the invention in the *United States* of the steamboat, the electro-magnet, the telegraph, the

(\*The material concerning The American Legislators' Association at the end of this article was revised on June 10, 1926.)

typewriter, the telephone, the incandescent lamp, the automobile, the electric tramway, the linotype, the motion picture and the airplane, the only material improvement which the average state has made in its legislative methods has been to stop its legislature from meeting as frequently as it formerly did.

Bryce's remarks on this subject, written before I was born, might almost have been taken from a current edition of the *Atlantic Monthly*. He says:

"Many recent Constitutions have tried another, and probably a better, expedient than that of limiting the length of sessions. They have made sessions less frequent. At one time every legislature met once a year. Now in all the States but six (all of these six belonging to the original thirteen) the legislature is permitted to meet only once in two years. Within the last ten years, at least six States have changed their *annual* sessions to *biennial*. It does not appear that the interests of the commonwealths suffer by this suspension of the action of their chief organ of government. On the contrary, they get on so much better without a legislature that certain bold spirits ask whether the principle might not with advantage be pushed farther".

Bryce then quotes William Allen Butler, who had just retired as President of The American Bar Association, as saying:

"For a people claiming pre-eminence in the sphere of popular government, it seems hardly creditable that in their seeming despair of a cure for the chronic evils of legislation, they should be able to mitigate them only by making them intermittent. Under the biennial system the relief enjoyed in what are called the 'off-years' seems to have reconciled the body politic of the several States which have adopted it, to the risk of an aggravation of the malady when the legislative year comes round and the old symptoms recur".

And then Bryce resumes:

"The Americans seem to reason thus: 'Since a legislature is very far gone from righteousness, and of its own nature inclined to do evil, the less chance it has of doing evil

the better. If it meets, it will pass bad laws. Let us, therefore, prevent it from meeting'.

"They are no doubt right, as practical men. They are consistent, as sons of the Puritans, in their application of the doctrine of original sin. But this is a rather pitiful result for self-governing democracy to have arrived at".

#### Simply One Question

I must narrow my field to a single point. And the point which I would like to discuss is that of the uncharted possibilities which might result from systematic co-operation among the states as concerns their legislatures and their legislation.

And as an introduction to this subject, may I read some sentences from a no less cloistered publication than the *Saturday Evening Post* itself. About two months ago—February 20, 1926—it published an article entitled, "A Third United States", written by Richard Washburn Child, our recent Ambassador to Italy. He says:

"Anyone in Washington who watches this session of Congress with a distinct impression of a latent but coming struggle, such as we have often seen before, between the respective jurisdictions, concerning the sound policy of distribution of powers between state governments and national Government, can see in the offing, now, in 1926, the shadow of a new jurisdiction in America—the jurisdiction not of *these* United States taken one by one, not of *this* United States taken as a Federal Government, but a jurisdiction of a new United States—a third United States".

In another passage, Mr. Child says:

"The thoughtful men of the Administration, especially the President and Hoover, know very well the rapidly growing dilemma which already, with a large and grim countenance, faces the nation,—the dilemma of a changing, scientific, expanding but resource-exhausting age, with new social and economic problems snarling up two or more states. This dilemma cannot be solved by single selfish action taken by isolated states, and should not, and probably cannot, be solved by government action, regulation and administration created and located in Washington, D. C.

"The citizen who wishes to be intelligent in his peep into the future can be fairly certain that there will arise, in addition to These United States and The United States, a Third United States. In other words, the near future is certain to call out in a loud voice a new development in American political life. That development is state co-operation. That development is co-operation between all of the states, and between regional groups of states.

"In general, the great fields for this Third United States are two:

"The first is the voluntary adoption of uniform laws by states in such cases as, for instance, the negotiable-instruments law and the warehouse act already launched, or in such cases as may call for uniformity, such as marriage and divorce, child labor and other social and economic regulations, where uniformity rather than conflict is desirable for the nation as a whole.

"The second is the voluntary compacts between states to settle interstate problems".

In parenthesis we may note that Mr. Child might also include in this field, legislative co-operation which is *not* by compact, but which is probably at least as important as co-operation by compact.

And still further on he says:

"But there is scarcely one man in a hundred thousand in America who really knows that hovering over this Congress, as they will hover over many Congresses to come, are regional problems which single states or the United States cannot or should not attempt to solve—problems which perhaps nothing but state co-operation, or state compacts, or voluntary uniformity of state laws can satisfactorily un-gangle".

May I read one more sentence from this article:

"The inventive powers exacted from modern state legislatures must grapple with problems whose stage is an interstate region".

#### What Does a Legislator Think About?

For the purposes of this discussion, all legislative problems may be grouped under two main heads: (1). Those

as to which the individual state might say to each of the other states, "What we do in this matter is none of your business". (2). Those as to which the people of one state will suffer unless two or more legislatures act in harmony. Each of these classes of problems, in turn, comprises two groups of questions:

(1). The matters in which there is no absolute necessity for one Legislature to co-operate with any other Legislature may be divided into:

First: Legislative Efficiency, and

Second: Laws of purely local concern.

(2). The matters in which legislatures should co-operate, may be divided into:

First: Those matters in which it would be for the public good if the laws of the various states were *uniform*.

Second: All other matters concerning which the states might *co-operate* for their mutual benefit.

In other words it would be profitable if legislators would put their heads together concerning legislative efficiency, local policies, uniform laws and co-operative laws.

#### One-State Affairs

And so first I come to the question of the possible benefits from interstate co-operation, in improving the performance of the legislature of any single state, considered as a unit:

A legislature made up of members who knew their subjects, and who had some skill in properly formulating them, might still, by reason of an inefficient organization, have small achievement to be proud of when the curtain fell at the close of a session. In other words, the legislature should be concerned with three points: (1). the substance of its acts; (2). their form; and (3), its own machinery.

In all of these matters the 48 states have much in common. Each is conducting a legislative laboratory. Each laboratory is experimenting in almost identical fields. And in these nearly identical fields, each is engaged in the collection and arrangement of basic data, each is formulating its hypotheses of legislative solutions, each is reducing these hypotheses to definite form by the enactment of laws, and with every enactment, each is conducting an experiment, the results of

which demonstrate to some extent the truth or falsity of the hypothesis involved. And each of these 48 laboratories has substantially the same problems of overhead—the principal differences being in scale rather than in form. Even without changing the quality of the personnel of the legislatures, we might be able to devise means whereby their cost would be lowered and their accomplishment improved.

#### The Machinery

As to the efficiency of the legislative machines, I must content myself with little more than the bald assertion that there is a vast difference among the various states: apparently some are actually efficient; certainly others—I mention no names—have practically no trace of scientific efficiency. They rely mainly upon intuition. Judge Barculo took judicial notice of this fact in the case of *Holmes vs. Holmes*, 4 Barber (N.Y.) 295, saying, "The wisdom of the last century seems but folly in the present. The *experience* of the sages and venerable men who have preceded us is as nothing, compared to the intuition of the Solons of this 'progressive age'."

The combined cost of our *state* legislatures alone, is eleven million dollars a year. But the true cost of a legislature lies, not in the handsome sum required to keep it, but in the blundering manner in which it legislates. Nevertheless much of the criticism and ridicule to which legislators, as a class, are subjected, is undeserved. It is to be doubted whether the most brilliant men in any commonwealth could rush into their State Capitol, be submerged for ninety days by a thousand proposed bills, be buffeted by a thousand lobbyists, and rush home again, leaving behind them a clean and concise set of laws, entirely coherent with the compiled statutes, correcting a substantial proportion of the surviving mistakes of previous sessions, or free from absurdities and abortions. A legislature is, and must always be, a clumsy, lumbering affair.

Drivers of elephants, hippopotami and rhinoceroses, legislators may smile indulgently when reproached for their failure to bring blue ribbons from the horse show.

But the very fact that a legislature is cousin to a mastodon cries aloud for more than ordinary diligence in a study of the *species*. Contact with

legislatures and legislators of other states—if only through the printed page—certainly will not deepen the dusk in which most legislators are stumbling today in their official capacities—if I may judge others by myself.

Among the matters of legislative efficiency concerning which the states should compare notes are: first, those policies which tend to affect the quality of the personnel, such as length of terms, compensation, and the size of legislatures; second, those methods which affect the thorough consideration of bills, such as legislative reference bureaus, the functioning of committees, and the introduction of bills in advance of the session; and third, those practices which affect the cost of legislative procedure, such as the amount of printing, the frequency of terms, and the efficient use of employees.

I recently received a suggestion that at stated intervals—say every six years—each state should have one session at which nothing could be considered except measures to repeal, condense and correlate existing laws. Suppose that one such idea could be successfully developed through an organization of legislators: might it not justify the entire effort.

#### Laws of Local Concern

Still considering purely local questions, but passing now from questions of the legislative machine, we come to the many purely local legislative problems confronting the assembly of each state, which are nearly identical with those which are being legislated upon in other states.

The legislature of each state controls, within constitutional limits, the form of the state government: it may determine, for instance, the extent to which the government is to be centralized. It must determine the means by which the state's revenue is to be produced: the extent, for instance, to which *inheritance* taxes, *income* taxes, *poll* taxes, and *franchise* taxes (including those upon common carriers), are to be used. It must make decisions concerning election machinery, involving, for instance, the advisability of direct primaries and preferential ballots. It must determine scores of policies concerning its institutions for defectives, delinquents, and dependents, and concerning its educa-

tional program. Conceivably it should consider how to prepare and follow a correct budget.

All of these questions call for technical knowledge. The decision of the Kentucky Legislature concerning any one of them is a matter of practically no direct concern to Tennessee or its citizens. But in the course of its efforts to work out some one of these problems, the Kentucky Legislature, or the Vermont Legislature, or the Montana Legislature may devise methods or demonstrate facts which would be of value to the legislatures of every other state from Florida to Washington. In other words, each legislature is wrestling with local problems which are identical with those which are being studied by all of the other legislatures. No intelligent man can fail to benefit by a better knowledge of the researches and decisions of others concerning problems which are similar to his own.

Every legislative experiment is a case of social vivisection. It is wicked beyond expression if the legislators of any one state are indulging in experiments in order to ascertain principles which have already been discovered and demonstrated elsewhere.

#### Uniform Laws

Coming now to those matters of legislative policy concerning which there should be some concert of action among the states—some of which matters call for uniformity of legislation and others of which call, not for uniformity, but for other co-operation in a common cause:

First, consider only a few examples of problems calling for *uniform* legislation: In some points, lack of uniformity of the corporation laws of the various states is a source of annoyance and expense. Competition for corporations sometimes leads to the evils of the practice which may be called cut-rate legislation. The results of differing marriage and divorce laws have been much discussed, and have furnished entertaining plots to our leading novelists. The lack of uniformity in the pure food and drug requirements in different states impose unnecessary burdens upon national distributors. It is an open question whether the difficulties which arise from the complexities of various types of inheritance tax laws and estate tax laws should be solved by uniform leg-

islation or by some other form of co-operative and reciprocal policy.

Every year the Commissioners on Uniform State Laws, and other organizations, recommend that uniform acts should be passed by all of the states upon certain subjects, but lack of any direct contact between the legislatures renders anything approaching concerted action virtually impossible. And sometimes there are conflicting proposals for uniformity: if one state follows one proposal and another follows another, which, then, shall the next co-operative state consider the *official* proposal for uniformity, if the Commissioners have passed upon neither?

In one notable case all of the legislatures were induced to pass a uniform act—the Negotiable Instruments Act—and this uniformity has been of inestimable value to the entire nation. And virtual uniformity has been secured in the matter of warehouse receipts. But the attempt to promote uniform legislation upon any subject has been a Herculean task, and to secure such legislation has been practically impossible.

#### Mr. Child Speaks

Examples of fields in which uniformity of legislation is desirable might be multiplied indefinitely, but for an audience of lawyers, there is no occasion to do so, and I will leave this field with another passage from the article by Richard Washburn Child from which I have already quoted. He says:

"Finally, there is the field, not of compacts between states, but of adoption by states of uniform legislation.

"No one wants regimentation of laws in these United States. No one wants social or economic uniformity carried to an extreme. One of the most valuable assets of our federation is the fact that we have forty-eight laboratories of legislative experiment. One of our assets is that we still maintain a regional—even if state—control of many of our affairs. One of our great treasures is that, in spite of all lawmaking, the real center of our democracy is not Washington but the thing called the community.

"Nevertheless, there are certain laws which, if adopted uniformly by states, would relieve and, indeed,

have relieved, economic and social problems. Conferences of governors help, no doubt, toward this end. But I prophesy, as I see these problems of jurisdiction, which fall neither into the Federal basket nor into the one-state basket, but into the Third United States, the enlargement of the activity of interstate compacts and the adoption more and more by the separate states of uniform laws; laws which, in a day of swiftly and far moving civilization of Arab and Bedouin moderns, will apply the civilization of distant, and flexible, and gigantic economic transactions—a new adventure in human living.

"This adventure, as I have said in the beginning, is less concerned with *these* United States or *the* United States than with a *third* United States."

#### Other Co-operation in Addition to Uniformity

So much for the first group of matters as to which one state should not pursue policies in a manner completely oblivious of the policies of other states—namely, the field where *uniform* laws are desirable. I now ramble on to the second group of matters of interstate concern, namely, those in which states should co-operate, just as neighbors in a community co-operate, or as industrial concerns co-operate, or as different communities in the same state co-operate. This field is far more vast than the average man realizes.

A state is called upon to do its share in the construction and maintenance of a system of interstate highways, and some legislative co-operation is needed. Florida abolishes the inheritance tax, and seduces wealthy citizens from all parts of the Union, whereupon California, Colorado and a dozen other states which covet foot-loose plutocrats contemplate a similar impairment of their revenues by the abolishment of the inheritance tax, which constitutes one of the most correct and least oppressive forms of taxation.

Congress approves a constitutional amendment, providing for the prohibition of child labor, of strong drink, or of some other institution dear to the hearts of many, and all of the legislatures must act upon it. The aeroplane and the radio introduce new problems which require some co-opera-

tion between legislatures. Reciprocity concerning automobiles with foreign license plates also deserves consideration.

The most interesting case in which legislatures have vainly attempted to deal with one another is that involving the waters of the Colorado River. We do not expect a man to harmonize with one wife, or vice versa. How much less can we expect seven legislatures to co-operate with no point of contact and with no facilities for an informal interchange of views. Our states are so intimately connected that they will benefit if there is legislative co-operation, and they will suffer if there is *not*.

The examples which I have mentioned are merely cupfuls dipped up at random from the broad sea upon which our flotilla of ships of state is tossing so uneasily. And in the conservation and enjoyment of natural resources, the cases in which co-operation of states might result in vast benefits are legion. In speaking of this subject, Mr. Child says:

"Let us look at some of these problems which have touched zones rather than single states—states whose boundaries correspond to *political* maps rather than to *social* and *economic* maps.

"How extensive are they? How many?

"I do not believe that these gentlemen who are representing the country on the Hill, as the Capitol is called, realize how many.

"There are prohibition enforcement, fisheries, forestry conservation, water power, river use, rights to irrigation waters, rights to water for domestic purposes, distribution of natural gas, radio, probably telephones and telegraphs, crime suppression, fuel conservation, the interstate traffic or commerce in the distribution of electric energy, drainage to control floods, roads, navigation on inland waters, and port development."

#### The Possibilities in a Nut-Shell

And so, to summarize, is it not reasonable for one whose outlook is midway between that of Nietzsche and that of Polyanna to hope that a closer relationship between the 48 legislatures, and between the 7500 legislators, of our states might result in benefits:



First, in those matters which are the sole concern of the separate state, both by improving the legislative machine and by improving the quality of legislative acts concerning the organization of state government, the conduct of state institutions, and all of the policies of government which the various states have in common.

Second, in those matters in which the states are essentially involved with one another, by promoting both uniform and co-operative legislation.

#### The Temptation to Experiment

I do not pretend to say how much can be accomplished by the co-operation of legislators, and of legislatures. But is it not obvious that there is here a field for constructive effort looking to the improvement of a national problem which has been growing constantly more serious for a hundred and fifty years—to the betterment of a diseased organ which is receiving little medical care.

Does it not seem possible that good might result if once each year 96 delegates should meet—one elected and sent by each branch of each legislature—and if these 96 should pass upon proposals for co-operative and uniform legislation proposed by organizations of standing, such as the American Bar Association, the National Education Association, The American Bankers' Association, the National Tax Association, and especially by the Commissioners on Uniform State Laws?

#### Honor is Due

And in passing, let us pay tribute to the Commissioners on Uniform State Laws, who are at present headed by Mr. George B. Young of Vermont, an authority concerning uniform legislation. Legislators should endeavor to co-operate with these distinguished, faithful and unselfish members of the Bar, who have met with many discouragements. And by co-operation, it should be possible for the legislators to give a new impetus to the work of the Commissioners, for not only can an organization of legislators assist the Commissioners to communicate with the legislatures and the legislators more effectively: if the Commissioners will enter into the spirit of this organization,—and there is reason to hope that they will—the psychology of the situation can be greatly improved. For the legisla-

tors will certainly be more receptive to proposals concerning which they have had some little voice—even if it is comparatively nominal—than to proposals which a few lawyers, appointed by governors, formulate and then place before them to be taken intact.

#### Taking the Legislator Into the Secret

For after all, in matters of the laws which they are to pass, the legislators themselves are perhaps entitled to be consulted—and to consult them may increase the possibility of results. Most organizations and committees which make proposals for uniform state laws overlook one detail: namely, that the laws are passed by the legislators.

And what shall it profit a man to tell the whole world of his legislative proposal, if he lose his own legislature? It would do no good for those of us here present to pass resolutions concerning ways and means whereby the First National Bank might be rendered more safe and more useful, unless we communicated our conclusions to the Directors of that Bank, and convinced those Directors that our proposals were correct.

Our present disposition is to throw our suggestions out to the great, untamed public. We are looking in the wrong place for results. A somewhat inebriated gentleman recently dropped a penny into a street corner mail box and stood looking up at a tall illuminated clock tower to see how much he weighed. This case of intoxication on a large scale is hardly more discouraging than is our usual procedure in legislative matters. If we wish to see results, we must remember that the body of Legislators, taken as a whole, and it only, is the recording device in matters of legislation.

#### The Association in the Embryo

With this end in view the American Legislators' Association was recently launched by ninety-six elections by mail—one in each branch of each legislature. In these elections, last December 7500 nominating ballots were sent out—one to each member of the legislative branch involved in each election. In January, a list of the six Senators and of the eight Representatives nominated in each state was sent out with the explanation that it

was issued to give those who were not interested an opportunity to withdraw. I anticipated that of the 672 legislators named, 400 would withdraw; but only four did so. In February a final ballot was sent to each of the 7500 state legislators, and in March the names were announced of the three senators and of the four Representatives in each state who, by the return of these ballots from each of the 48 states, had been elected to make up their respective State Councils, the leading nominee in each legislative house becoming the Executive Councilor for his branch of the Legislature. On July 20 these Executive Councilors will choose a Board of Directors, which will elect the officers for the Association, and the entire control will have passed into the hands of the legislators themselves.

It is the plan that, eventually, the 96 Executive Councilors then in office will be sent by their respective states to a General Assembly to meet annually—in the same city in which the American Bar Association meets and immediately after the Bar Association Meeting. This General Assembly will determine what proposals for uniform state laws and for cooperative state laws it is prepared to work for. By this plan, the legislators of the states can, for the first time, reach something approaching an agreement—or at least an entente cordiale—concerning some of their policies, by the medium of an Assembly comprising representatives of all of the legislators in the United States.

This Association has undertaken the monthly publication of a four-page leaflet, known as *The Legislator*. Beginning with the issue of January 1926 this periodical has appeared regularly once a month. A copy of each issue has been sent to each of the 7500 state legislators and to each of the 500 members of Congress. Aside from its fundamental character as the connecting link between the thousands involved, this publication may be regarded either as a national correspondence school for legislators, which will incidentally serve the function of keeping up their interest in legislative questions between sessions, or as the legislators' trade journal. Plumbers, florists and undertakers have their trade journals, but the army of legislators has none; perhaps nothing so technical as to warrant one is in-

volved in the work of these, our chosen representatives, who merely govern our conduct and our education, protect our rights and our safety, construct and maintain our governmental institutions, and spend our billions.

#### A Few Small Committees

At the present time twelve standing committees are being organized, one to attempt to determine the fundamental principles of Legislative Efficiency, and others to deal with the problems of state legislation concerning Administrative Efficiency, Courts, Taxation, Education and Research, Highways and Motor Vehicles, Mental Hygiene and Eugenics, Health, Crimes and Criminals, Labor, Domestic Relations, and Agriculture and Livestock. Each Committee is to be composed of 96 members—one Senator and one Representative from each state—and each is to have an Advisory Board of thirty men who are not legislators but who are nationally recognized experts in its field. Thus will be established, for the first time, a direct line of communication between those who best know what the laws *should be*, and those who determine what the laws *are*. As members of these Committees, about 600 legislators have already been appointed by the Executive Councilors of various states.

#### A Digest of Advisors

More than 200 individuals have written expressing their willingness to serve upon these Advisory Boards. Among them are representatives of practically every national association of significance, including the Presidents of the American Bar Association, the National Conference of Commissioners on Uniform State Laws, the National Tax Association, The National Conference of Social Work, The American Association of Prisons and Prison Labor, and many other national associations; the Director of The American Law Institute; and one or more former Presidents of the American Bar Association, the National Education Association, the American Economic Association, the American Psychological Association, the American Public Health Association, and a score of other important associations; such educators as the Presidents of Yale, Harvard, Cornell, Williams, Hamilton, New Hampshire, Chicago, Michigan, Washington, Calif-

fornia, and ex-President David Starr Jordan of Stanford; such scientists as Terman, Yerkes, and Pupin; such physicians as Riggs, Kellogg, Winslow, Nicoll and Haven Emerson; such economists as Ely, Seligman, Fairchild, Taussig, and Munro; such public men as ex-Governor Robert D. Carey, Lawson Purdy, ex-Governor Winfield T. Durbin, General Henry C. Smith, Richard Washburn Child, and Governor Gifford Pinchot; such judges as Roland W. Baggott, Frederick F. Faville, Ben B. Lindsey, Francis X. Mancuso, Pliny W. Marsh, M. L. McKinley, Louis M. Myers, and T. Scott Offutt; such members of the Bar—alphabetically arranged and with titles omitted—as Kenneth F. Burgess, Rush C. Butler, Clarence Darrow, Walter F. Dodd, John A. Hamilton, Herbert Harley, E. A. Harriman, Herbert A. Hickman, George E. Holmes, Henry W. Jessup, William Draper Lewis, Robert D. Shick, Chester I. Long, D. E. Riordan, Robert E. L. Saner, Edgar B. Tolman, and George B. Young; such law school Deans as Hall of Chicago, Pound of Harvard, Wigmore of Northwestern, Alden of Buffalo, and Kirchwey, formerly of Columbia; many high officials of the Federal Government; the heads of many State Departments of Legislative Reference, Health, Highways, Charities, Motor Vehicles, Labor, Taxation, and so forth; and the heads of many Hospitals and Prisons, and of state institutions for mental defectives, for research, and so on.

These are only examples. There are very many others of like distinction whom I have not mentioned. Through these individuals, a direct relationship is thus established between the legislators of every state and many organizations, including scores of public institutions and scores of national associations—which can make contributions of great value to the science of legislation. And it may be that some benefits may result if these Advisory Boards of specialists of many callings are utilized as additional sources of information by the Commissioners on Uniform State Laws, all of whom are members of a *single* profession—albeit a broad-minded and well informed profession.

The American Legislators' Association is a part of the collection of bric-a-brac which lies in the laps of the gods. Whether it will be shatter-

ed or whether it will develop into an institution of national importance and usefulness, I have not the temerity to say. But in either case, Mr. President and Gentlemen, I thank you for your patient audience.

At the close of the meeting of the Denver Bar Association, on May 3, 1926, the following Resolution was offered by James Grafton Rogers, and was adopted without dissenting vote:

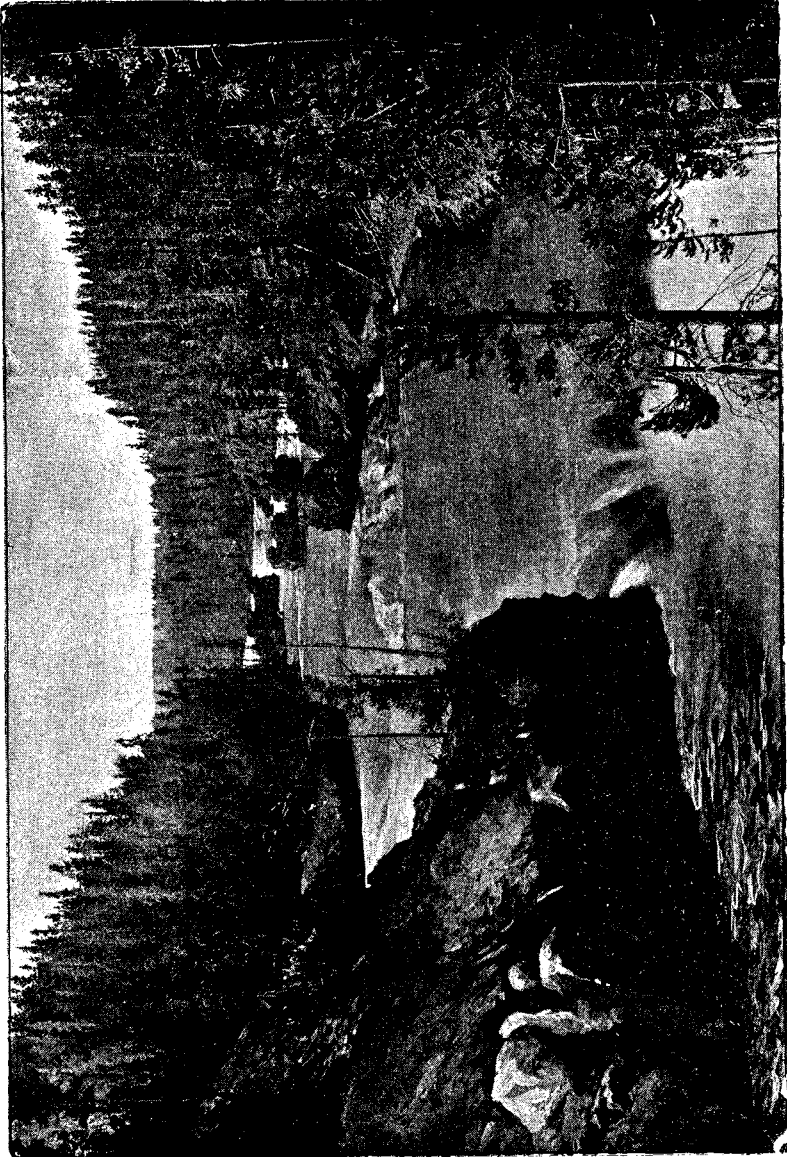
#### Resolution

VOTED: That The Denver Bar Association hereby records its indorsement and approval of The American Legislators' Association.

This organization, which originated with State Senator Henry W. Toll, a member of this Association, has secured the interest and co-operation of a number of responsible citizens of this state, and of a still larger number of nationally known leaders in public affairs. We believe that it may afford a useful clearing house and forum, and may result in desirable co-operation between the legislators and the legislatures of the various states. We believe that it may facilitate the enactment of uniform state laws, a subject in which lawyers of the country have shown an active interest for more than a generation, that it may produce other co-operative legislation, concerning tax matters and other important subjects, and that it may bring about a better understanding of the American problems of legislation.

We express our confidence in the present administration of the Association, and instruct our President to present the matter, in some appropriate way, to The American Bar Association for consideration at its next Annual Meeting, and to request it to consider the propriety of according its official approval and co-operation to The American Legislators' Association. A Committee of five shall be appointed by our President to cooperate with him in this matter.

Pursuant to this Resolution, Judge Charles C. Butler, President of the Denver Bar Association, has appointed the following Committee: William E. Hutton, Chairman; Judge John H. Denison of the Supreme Court of Colorado; William W. Grant, former President of the Colorado Bar Association; Tyson S. Dines; and Mary F. Lathrop.



*Pools Where the Trout Linger.*