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BILL DRAFTING*

By James McKirdy, Assistant Director, Penn-
sylvania Legislative Reference Bureau.

When I received from our worthy Presi-
dent a request that I prepare for this meet-
ing a paper on Bill-drafting, I was greatly
tempted to decline. There are so many
among you, by learning, by ability and by
experience, better qualified than I to under-
take this work, that it seemed presumptu-
ous in me to accept. However, when I came
to realize thoroughly that the chief function
of a paper read at our meetings is to stim-

ulate thought and discussion, my misgiv-
ings left me in a measure; and it is with
a lighter heart, as well as a deep apprecia-
tion of the honor, that I essay the task.

Before taking up the subject in detail, I
need hardly do more than refer briefly to
the great popular outcry of the present time
against our laws and our methods of making
and of interpreting them. To the mind of
the average man the making of laws is one
of the easiest things in the world. The
electors all over our broad land go to the
polling place and cast their ballots for legis-
lative representatives chosen at random
from among the people. And these legisla-
tors, the electors think, must, through some
mystic power, become ipso facto vested with
the skill and the knowledge requisite in
drafting and enacting wise and comprehen-
sible laws.

As Ordronaux in his work on Constitu-
tional Legislation says, "The right to make
laws being the political heritage of every
citizen in a republic, the knowledge neces-
sary to frame them is assumed to come to
him by intuition." Yet, to quote from Mill
on "Representative Government," "There is
hardly any kind of intellectual work which
so much needs to be done, not only by ex-
perienced and exercised minds, but by minds
trained to the task through long and labori-
ous study, as the business of making laws."
But among thinking men, among those
whose thoughts ultimately are carried into
action, there is an increasing appreciation
of the necessity of greater knowledge, of
greater care and skill in the drafting of
our laws. How is this to be brought about?
We cannot change our form of government.
It must still continue to be representative
in theory at least, however it may be in
practice. We cannot choose as our represen-
tatives only those who have the skill and
experience necessary in the drafting of bills.
How, then, is the problem to be solved?
A number of solutions have been proposed:
some very practical; some absurd in the ex-
treme. The solution which seems to prom-
ise the best results, and the one to which
we shall, for our present purposes, confine
our attention, is the one that aims to pro-
vide for the members of the state legisla-
ture a permanent body of men, skilled in
the drafting of legislative bills, and thor-
oughly familiar with the laws of the par-
ticular state and the judicial decisions there.

*Read at the meeting of Special Libraries Association, Ottawa, Canada,

on—specialists in law-making, as it were. From his constituents the legislator will ascertain the defects in the existing law, or the new phases in modern society that necessitate new legislation. Carrying these ideas to the draftsman, the idea can be put into the form of a bill which, if it becomes a law will fit into and form a homogeneous part in the general statute law of the state. Thus there will arise in time a new profession—that of the specialist in legislation—the legislative draftsman.

Before taking up the main subject of Bill-drafting it might not be amiss to discuss briefly the qualifications requisite in a member of this new profession. Please remember that we are now talking of the ideal draftsman. None of us can attain this ideal; but toward it we may ever strive as to an eagerly sought goal.

In the first place, the ideal draftsman must have the faculty of expressing clearly and succinctly his ideas in words. However great his learning, however long his experience, if he cannot clothe his ideas in suitable language he must leave bill-drafting to others. Lawyers do not often have this faculty; judges rarely possess it; and, unfortunately, it is often lacking among the members of the legislature. As a writer in a recent number of the *American Law Review* says: "It is foolish to assume that all lawyers can draft statutes. Such work requires a concentration of mind and of expression that few men have." This power of concentration and expression, however, may be cultivated by assiduous practice. I shall refer to this later. The draftsman might profitably pay heed to the advice of the late Justice Stephen of England, who said that he "was not accustomed to use language with that degree of precision which is essential to everyone who has ever had to draft Acts of Parliament, which, although they may be easy to understand, people continually try to misunderstand, and in which, therefore, it is not enough to attain to a degree of precision which a person reading in good faith can understand; but it is necessary to attain, if possible, to a degree of precision which a person reading in bad faith cannot misunderstand. It is all the better if he cannot pretend to misunderstand it."

The next thing that we shall ask of our draftsman is a wide knowledge of the law of his particular state. This is an obvious necessity. Without a clear and comprehensive knowledge of his state law as a whole, he is unable to judge either of the form or the fitness of the bill he may be called upon to frame. This knowledge must include not only the statutory law, but as well the decisions thereon by the various courts. A careful study of these decisions

will often show both the strength and the shortcomings of the laws framed by the legislature of his state.

Further than this, he must have an intimate acquaintance with the constitution of his own state, and the judicial interpretations of the various sections of the same. Unless he knows the limits within which, by the organic law, he must labor, he is unable to judge of the possible validity of his bill should it become a law. Another set of conditions must be familiar to him, namely, those imposed upon the several states by the federal constitution. He should, by repeated reading and study, become thoroughly acquainted with its provisions and with the judicial interpretations made thereon by the Supreme Court of our Land.

Lastly, the draftsman must carefully study the standard works on construction of statutes. Bill-drafting is synthetic; statutory construction is analytic. The one is the converse of the other. By a careful study of precedents in construction our draftsman will learn to avoid the pitfalls and dangers that others have encountered. By careful attention to this the draftsman will leave less work for the courts to do, and will go far toward removing that ground of common reproach: that the judges often make our laws for us.

Let us assume, then, that our draftsman possesses all these requirements—what must he next do? He must practice, practice, practice. He must examine laws; not with an eye single to the content, but with his mind centered on their phrasing. Have the ideas been expressed clearly? Have they been expressed briefly? Could the ideas have been stated otherwise and have gained in clearness and brevity by the change? He must answer all these questions. He must recast laws. He must strive to compress; to be concise; to express himself with a minimum of words and yet with a maximum of clearness. As Ilbert, the official draftsman of the British Parliament, says, "Every superfluous word may raise a debate in Parliament and a discussion in court." Our draftsman must look for models, and study them. He must find out the secret of their clearness and their brevity; and then practice, practice, practice. A valuable aid in this direction are the little manuals on precise writing, published mostly in England. A careful study of them will greatly repay the draftsman for the time and effort he bestows on it.

Our draftsman—our ideal—with all the knowledge and skill required by study and practice is now ready to enter on his labors—ready to begin actual, practical work. This brings us to the real theme of this paper: **Bill-drafting.**

In laying down what I think are the fundamental rules of this difficult subject, I do not wish to be understood as even intimating that the following suggestions are more than a resume or outline of its salient features. A text-book on Bill-drafting remains to be written. This paper is intended only as a summary of a few, a very few, of the leading principles.

In the first place, the draftsman should have a clear, comprehensive idea of the subject of his bill. There is a well defined distinction between the subject and the purpose of a legislative measure. For example, let us say the draftsman is asked to prepare a bill restricting the carrying of concealed weapons. The *subject* of this bill is the regulating or perhaps even the prohibiting of the carrying of such weapons. The *purpose* of the bill is to *prevent* the carrying of the weapons and thus conserve the peace and security of the citizens. But it is clear that unless the law is very faithfully and rigidly enforced, the carrying of such weapons will not be *prevented*. The word "prevent" then should not be used in the title of such a bill. This distinction may seem over-refined, judging from our example; but if the draftsman will always bear this distinction in mind, he will attack his problems much more intelligently than would be the case if he totally neglected to note this difference.

As an aid to a clear comprehension of the subject of his bill he must, if he can, supplement suggestions received from the legislator or department chief with knowledge of his own, of the actual conditions which call for this bill. A good draftsman must be a wide reader. He must at any cost keep closely in touch with the trend of modern legislation, not alone in his own state but in all modern countries. He must have a good working knowledge of the latest political and sociological theories. And what is more, he must know the leading arguments both for and against them. He must know well the local conditions obtaining in his own state, and not only in the entire state but also in the more important sub-divisions of it.

Having then a good grasp of the subject of his bill, and a more or less intimate knowledge of the conditions which call for the measure, he must first *examine carefully* the laws of his state to see if there is not already on the statute books a law covering this very subject. Perhaps there may be one, but not quite in point; one which, however, by a slight amendment might serve the purpose well. If the amendment then will answer, let him draw his bill accordingly. And in this connection he should always bear in mind that he should be practical. He is dealing not with abstract theo-

ries, but with actual conditions—with actual, practical men, and not with shadows. Let him take Lord Thring's apothegm to heart: "Bills are made to pass as razors are made to sell." In other words, he must remember that the exigencies attending actual law-making easily determine the fate of the measure he has drafted; or if not the fate, they determine its final form or arrangement; so that, *ceteris paribus*, an amendment or a supplement is easier to pass than a new or original measure.

Next, the draftsman must study the decisions of the various courts, especially the courts of last resort, to ascertain how this particular subject has been treated by the judiciary, or how similar bills have been regarded. This is always of the highest importance and should never be overlooked.

We shall assume, though, that a new measure is necessary, and not an amendment. If the subject is one where the conditions are not peculiar to his state, the draftsman should go over the laws of other states to see what the legislatures there have done on that point. If a law is found that wholly or partially suits his purpose, he must see how it has been construed by the courts. It is a well known rule of construction, that where a statute of another jurisdiction is adopted in whole or in part by a state and enacted as a law by the state adopting it, it is presumed that the judicial construction of the statute made by the courts of the first state is adopted along with the statute. And this rule is applied generally to single words or phrases borrowed from other enactments. In this construction defects may have been pointed out or ambiguities explained. He should, furthermore, ascertain, if possible, how the law has operated in that state and whether it has proved to be practical and capable of easy enforcement.

The draftsman should not overlook the laws of the other English-speaking countries: Great Britain, Canada and Australia. Most excellent work along the lines of sensible legislation and the proper drafting of bills is being done in those countries.

But with all this, he must guard against mere copying of the work of others. Nothing that man does is perfect; so the ideal draftsman will always strive to improve on the work of other draftsmen, howsoever great be the fame they have.

We assume that in all his work so far our draftsman has kept sedulously in mind the constitutional limitations of his own state and of the United States. Of course to us in Pennsylvania, more than in almost any other state, this is of paramount importance. But even in states where the restrictions are not so great, it is well not to lose sight of these possible limitations

that determine, possibly, the scope of the measure being drafted. And while on this point I may be permitted a suggestion that might prove helpful. An analytically indexed list of subjects upon which legislation is forbidden by the state constitution, or by the national constitution, should be prepared and referred to very frequently. In this list should be included the restrictions—not amounting to a prohibition—mentioned in the aforementioned constitutions.

Coming down now to the actual work of preparing the bill, the draftsman should sketch out his measure in rough outline. This sketch should show briefly the purport of each proposed section; its relative importance and its relative position. These sections should be arranged in logical sequence. The beginner will be surprised to learn how great a bearing this has on the actual consideration of the measure by the legislature, and on its construction by the courts. A good draftsman will always recognize the great role psychology plays in legislation; and, let me say it with due deference, in judicial matters. That which is carefully and logically arranged is easier to understand, and induces a more friendly and favorable consideration than one which imposes a greater burden on the memory and the understanding.

The draftsman should make his sentences short and his sections small. This is not always possible; but is always desirable. Naturally it makes for ease in understanding the bill, and minimizes the possibility of error. A long and complex clause should be cut up into sub-sections. Long, involved sentences, so frequently seen in bills, are an abomination. If the nature of the subject is such that a classification or an enumeration of persons or things is necessary, they may be arranged under numbered or lettered heads, with a general clause referring to them as a whole.

When the bill has been drafted the title should be drawn, and not before then. In Pennsylvania and a number of other states the title of a statute is of prime importance—being, in fact, a part of the bill. Some constitutions require that it state clearly the purport of the bill. It is essential then that the title be drafted last to fit the bill; and not, as is often the case, the bill to fit the title. And when the title is drawn, it should be read in connection with each section of the bill to the end that it may clearly express the whole subject of the measure. On the other hand, the draftsman should not fall into the error of making it an index of the contents of the bill. This is not only *not* necessary but even dangerous, as the courts in their construction of the statute may infer that the items

enumerated in the bill are all that the legislators intended to enact, and, therefore, sections not thus indexed may be declared unconstitutional. A good method is to make the title as general and as brief as possible.

Thus far I have confined myself to a rough outline of the qualifications requisite in an ideal bill-draftsman, and of what might loosely be termed the technique of drafting. There remain to be considered a number of general rules which must be ever born in mind by one drafting a legislative measure. I shall not attempt to formulate these rules in set terms, but shall merely offer and discuss them as suggestions recommended to the careful consideration of anyone who wishes to become proficient in his work. Nor, furthermore, does the arrangement of them, or their relative position, have any bearing on their importance.

I shall begin with the subject of definitions, although in the eyes of many this is of least importance. There is no one who does not know that nine-tenths of all discussions in this world could be avoided if the disputants at the outset would agree on their definitions. So it is in bill-drafting. In order to make things clear beyond the shadow of a doubt, it has become customary of late years to define certain terms which lie at the heart of the subject of the bill. There is hardly any doubt regarding the advisability of this. One great authority in England advises against them, but advances no sound reasons in favor of his position. In this country at least the practice seems to be a growing one, and has been adopted by the ablest workers in this field. There is, however, some dispute as to the proper place of the definitions: whether they should be placed at the beginning or at the end of the bill. I hold most emphatically with those who would place them in the first section. If they are so placed, the law-maker, the judge, the lawyer, or the layman, reading the law, starts forth with a clear idea of the words and phrases which are used most frequently in the law, or which are of the greatest importance in understanding it.

But in the definitions great care should be exercised to use no word nor phrase that is ambiguous. In some states the plan is being adopted of having legal definitions of certain frequently recurring words and phrases grouped in one act, known as a Construction Act, or Interpretation Act. Great Britain set us an example in this regard years ago.

The draftsman should never in the same bill use a word in different senses; nor should he use different words to express the same thing.

The draftsman should be very careful in his use of adjectives and relative pronouns;

and still more careful in his use of participles used as adjectives after the noun or nouns they modify. English is a language practically devoid of inflections, so that the meaning of a word is greatly influenced by its relative position.

"Nouns should be used in preference to pronouns, even though the noun has to be repeated." As Thring says: "Repetition of the same word is never a fault in business composition if an ambiguity is thereby avoided."

Some draftsmen pay great attention to the tense of the verbs they use. Lord Thring says: "Acts of Parliament should be deemed to be always speaking, and, therefore, the present or past tense should be adopted, and "shall" should be used as an *imperative* only, and not as a *future*." This is, however, to my mind an open question, to be settled by each draftsman for himself.

The question whether a sentence in a bill should be put in the affirmative or in the negative form is an important one. To quote Lord Thring again: "The greatest caution must be used in putting a sentence in a negative form, as it makes the performance of the conditions a matter of absolute necessity, and the omission of the smallest portion of them will render certain acts altogether nugatory. On the other hand, if the affirmative expression alone be used, the court will consider the enactments as to the conditions as *directory* and dispense with them on due cause being shown for their omission." As an example of the negative form let us take the following: "No appeal shall be entertained unless the following conditions have been complied with." In this case, unless certain conditions are complied with, an appeal may not be entertained. Let us now put it in the affirmative form: "Any person may appeal to such and such a court subject to the following conditions and regulations." Here the court has a wide discretion allowed it. It has the power of remitting certain of the conditions and regulations upon good cause therefor being shown. Which of these two forms should be used will always depend on the subject matter of the bill, or the intent of the legislature, and on the general policy of the state.

Provisos should be kept out of his bill. If there has to be an exception, let him state it succinctly in a short section following the main one to which the exception is made. And let him remember that provisos are often construed strictly. They often endanger the entire bill. The courts in interpreting a proviso generally confine it to that which immediately precedes, or to the section to which it is appended, unless it is clearly intended to have a wider scope.

As to preambles, I should advise against

their use unless the draftsman or his client thinks it essential to the passage of the measure. If he must have one, he should so frame his bill that it will be intelligible without resorting to the preamble for explanation.

The question of repeal is also a very important one. If the bill is liable to introduce sweeping changes in the law, the repealing clause should be given the most careful attention. It would be well to make the repeal very broad so as to include all special and local laws, if the bill being drafted is meant to apply to the whole state. And it is well to insert in a repealing clause a sentence to the effect that the repeal of a prior law will not operate to revive any law not in force at the time of such repeal. Curious legal complications have arisen through disregard of this. Instead of repeating this clause at the end of every bill, it will be better practice to induce the legislature to enact a general law on the subject applicable to all repeals. Some states of the Union have already enacted such a statute.

Before leaving the subject of repeals let me remind the draftsman that repeals by implication are not favored by the courts. If he intends by his bill to widen the scope of a prior act, or to supersede it, let him see that the prior act is repealed in express terms. Further than this, he must not forget that a repealing statute is generally construed retrospectively; so that unless he intends otherwise, he should insert a provision in the repealing clause to the effect that such repeal will not affect any act done, right vested, duty imposed, penalty accrued or proceeding commenced, before the date of such repeal. In this connection one should remember that where there is a prior act on the same subject as the bill in hand, the latter will, if it become a law, be interpreted with reference to the former.

In preparing a bill whereby certain things are prohibited or certain things are commanded, care should be taken that the enforcement of the act be given as a duty, in set terms to some department or to some official. Everybody's business is, alas, so often nobody's business.

The draftsman should not follow several special terms with a general term. For example: "It shall be unlawful for any farmer, drover or any other person to, etc." The courts have applied to this sort of enumeration a rule called the "*eiusdem generis*" rule, whereby the application of the law is limited to persons or things of the kind or class specifically mentioned.

Penal and criminal statutes are always strictly construed. The draftsman then should so frame such bills that their intent would be very clear, both as to meaning and scope. Further, in the preparation of a penal or criminal measure, or of a clause

fixing a penalty, he should endeavor to adhere to the general policy of his state in such matters. He should, in this connection, examine the penalties fixed in statutes enacted in similar or analogous cases. Caution should be exercised in fixing minimum penalties. My personal opinion is that they should never be used.

Again, in drafting penal or criminal measures where provision is made for summary conviction, great care should be taken to see that the clause reads as clearly as possible. The draftsman must bear in mind, in this connection, the constitutional rights of the citizens of the state; and he must remember that statutes authorizing summary proceedings will be construed with great strictness, and must be exactly followed by those whose duty it is to enforce them.

Statutes in derogation of the common law and in derogation of the common right will be strictly construed.

In drawing a bill dealing with judicial procedure, the draftsman must not fail to except from its operation actions at law already begun, unless he intends to include them.

The draftsman should early learn to distinguish between statutes and provisions which are mandatory and those which are merely directory. Every bill should be so clearly drawn that there can be no ambiguity on this point. The courts have no hard and fast rule in their determination of questions of this nature. The meaning and intention of the legislature govern. If the bill is clearly and unequivocally drawn the intent of the legislature will be plain.

In the preparation of amendments the draftsman should remember that the amendment becomes to all intents and purposes a part of the amended law. He should then, when drafting the amendment, read over carefully the entire original statute with the amendment in its intended place. He will thus be better able to grasp clearly the full force and effect of his measure. It is well also to remember that unless the contrary intention appears, the amendment will be construed as applying only to facts or things subsequent to its enactment. This despite the fact that the amendment becomes, as I stated, a part of the original act.

The careful draftsman will never draw any measure purporting to construe any prior law or part of a law. The right to construe statutes lies solely with the judiciary. It is a right that is sedulously and zealously guarded. The same end can be attained by the draftsman if he redrafts as a bill the entire prior law, making the changes deemed necessary. Then the old law should be specifically repealed.

He should not attempt to draw up a tax

or revenue measure, or one amending such a law, unless he is thoroughly familiar with the system of taxation in his state. In many states, on account of ill considered tinkering with the laws, the state revenue system is in a most deplorably chaotic condition.

Finally, as a parting suggestion to the draftsman, I should advise him, especially if he is a state official, to hold himself in readiness at all times to explain the reasons for the phraseology and arrangement of his bill, and to explain the effect of it if it become a law. To this end it would be well for him to brief up all his reasons in the same manner as a careful lawyer prepares his case.

SELECT LIST OF REFERENCES ON THE TRADING STAMP BUSINESS

(Compiled under the direction of H. H. B. Meyer, Chief Bibliographer, Library of Congress, with the co-operation of the State Libraries and State Legislative Reference Departments. Contributions were received from the following: Indiana, Massachusetts and Pennsylvania.)

California. Supreme court. Ex parte Charles F. Drexel. Ex parte J. C. Holland. (147 Cal. 763, 82 Pac. 429.)

(In Lawyers' reports annotated, 1906. Rochester, 1906. New series, book 2, p. 588-598.)

Decision forbidding the use of trading stamps.

Colorado. Laws, statutes, etc. An act concerning gift enterprises, prohibiting the sale or giving away, receipt or exchange of gift enterprise tickets, coupons, stamps, trading stamps or other devices, and prescribing penalties for the violation of this act.

(In its Laws, 1905. Denver, 1905. p. 241-242.)

Supreme court. City and county of Denver, plff. in err., v. H. D. Frueauff Municipal corporation—ordinance—trading stamps. (—Colo.—, 88 Pac. 389.)

(In Lawyers' reports annotated, 1907. Rochester, 1907. New series, book 7, p. 1131-1139.)

Connecticut. Laws, statutes, etc. An act concerning trading stamps, coupons, or other similar devices.

(In its Public acts, 1905. Hartford, 1905. p. 464-465.)

District of Columbia. Court of appeals. District of Columbia, plff. in err., v. William B. Kraft. (35 App. D. C. 253.) Lottery—gift enterprise—trading stamps.

(In Lawyers' reports annotated, 1911. Rochester, 1911. New series, book 30, p. 957-966.)

Forbidding use of trading stamps.

- _____ District of Columbia v. Gregory. Gift enterprises; criminal law. (In its Reports of cases, Apr. 5, 1910 to Nov. 1, 1910. New York, 1911. v. 35, p. 271-273.)
Decision relating to trading stamps.
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- Farrington, Frank.** Store management complete. Chicago, Byxbee pub. co., 1911. 252 p. HF5356.F3
"Premium giving": p. 238-252.
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Supreme judicial court. O'Keefe v. City of Somerville. Jan. 3, 1906. (In Northeastern reporter. St. Paul, 1906. v. 76, p. 457-459.)
Law relative to tax on business of selling or giving trading stamps on sales of articles (1904, ch. 403) declared unconstitutional as class legislation.
- Michigan.** Laws, statutes, etc. An act to restrain and to prohibit gift enterprises, to prevent the issuing, selling or giving away of trading stamps, or of certificates, coupons or any token or writing redeemable with or exchangeable, in whole or in part, for articles of merchandise or value as prizes, premiums, etc. (In its Public acts, 1911. Lansing, 1911. p. 416-418.)
- Minnesota.** Supreme court. State of Minnesota ex rel. George T. Simpson, Attorney-general, v. Sperry & Hutchinson company. (110 Minn. 373, 126 N. W. 120.) (In Lawyers' reports annotated. 1911. Rochester, 1911. New series, book 30, p. 966-973.)
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- Nebraska.** Laws, statutes, etc. Trading stamps. (In its Compiled statutes. 15th ed. Lincoln, 1911. p. 2439-2441.)
- New Hampshire.** Laws, statutes, etc. An act relating to trading-stamp companies, trading stamps and other similar devices. (In its Laws, 1905. Concord, 1905. p. 488-494.)
Supreme court. State v. Ramsey-er. Sept. 6, 1904. (In Atlantic reporter. St. Paul, 1904. v. 58, p. 953-963.)
Law prohibiting use of trading stamps (1899, ch. 60) declared unconstitutional—it imposes arbitrary restraint on trade not properly within police power.
- New Jersey.** Laws, statutes, etc. An act relating to the issue and redemption of trading stamps and other devices. (In its Acts of the one hundred and twenty-ninth legislature, 1905. Paterson, 1905, p. 554-555.)
- New York.** Laws, statutes, etc. An act to amend the penal code, relating to the issue and redemption of trading stamps or other devices. (In its Laws, 1904. Albany, 1904. v. 2, p. 1651-1653.)
An act to amend the penal code, in relation to trading stamps. (In its Laws, 1908. Albany, 1908. v. 2, p. 1221-1223.)
- Ohio.** Laws, statutes, etc. An act to control the issue and redemption of trading stamps and other devices. (In its General and local acts, 1904. Springfield, 1904. p. 277-278.)
- Rhode Island.** Laws, statutes, etc. An act to protect the public morals by prohibiting schemes and devices in the nature of lotteries. (In its Acts and resolves, 1901. Providence, 1901. p. 105-106.)
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Gives opinions of various courts in certain cases as to legality of issuing such stamps.
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- Vermont.** Laws, statutes, etc. An act to prevent the use of trading stamps, coupons and other devices on the sale or exchange of property. (In its Acts and resolves, 1898. Burlington, 1898. p. 93-94.)
Supreme court. State v. Dodge. Jan. 26, 1904.

- (In Atlantic reporter. St. Paul, 1904. v. 56, p. 983-985.)
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- Virginia.** Supreme court. *Young v. commonwealth*, Sept. 17, 1903.
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- Brick industry.** In its January, 1912, Monthly bulletin, the Carnegie library of Pittsburgh published a list on "Brick manufacture and brick laying", which although it contains only the more important references on the subject in that library, constitutes a valuable bibliography of 26 pages.
- Capital punishment.** "A select list of references on capital punishment" appears from the Library of Congress. This is the second list in the preparation of which Mr. H. H. B. Meyer has employed the co-operation of state and legislative reference libraries throughout the country. The entries are classed under general, favorable and opposed and a subject index makes the items further available. 45 p. 1912.
- Commerce and labor.** The Division of publications of the U. S. Department of commerce and labor has issued the 8th edi-

- tion, dated July 1, 1912, of its "List of publications of the Department of commerce and labor available for distribution." 63 p.
- Conservation.** Co-incident with the meeting of the National conservation commission in Indianapolis early in October, 1912, the Indiana State library devoted the entire issue of its September Bulletin to the subject of Conservation. The material is arranged as a "Guide to the study of conservation" under the sub-heads: General works on the various phases of conservation, forestry, waters, irrigation and drainage, waterways, soil, vital resources; Organizations; Magazine literature; State action for conservation; Federal government and conservation. Each of these divisions of the subject includes a brief statement and a selected bibliography. 12 p.
- Direct primaries.** The text of the Intercollegiate debates on direct primaries, Harvard v Yale, Yale v. Princeton, Apr. 3, 1911, authorized by the Harvard debating council, contains a bibliography of the subject of the debate, consisting of two lists,—books and pamphlets, and periodicals and proceedings of various organizations. p. 6-9. 1911.
- Disinfectants.** The American public health journal, Oct. 1912, contains the Report of the Committee of the Laboratory section of the American public health association on standardization of disinfectants to which is appended a brief bibliography on the subject of the report. p. 811.
- Employer and employed.** Winthrop Talbott, editor of Human Engineering, Cleveland, Ohio, has compiled a "Select bibliography of recent publications on the helpful relations of employers and employed." In the introduction, the author states that "this bibliography has been compiled for those interested in the human problems of industry. It places in convenient form references to current publications dealing with whatever seems admirable in the harmonious relations of industrial concerns and their employees. It treats also of the larger problems arising from the industrial systems which engage the attention of constructive thinkers everywhere." 112 p. 1912.
- Engineering periodicals.** From the American society of mechanical engineers comes a "List of periodical sets of serial publications in the joint library of the Engineering societies, i. e., the American institute of electrical engineers, the American society of mechanical engineers, the American institute of mining engineers", compiled by Alice J Gates, July 1, 1912. 55 p.
- Farm life.** The Bulletin of the University of Missouri, Library series v. 1, no. 4, Apr. 1912, is devoted to "Books for farmers and farmers' wives", a list compiled by H. O. Severance to place before the men and women of the farms the names and descriptions of a few useful books of service to them in their work. 22 p.
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- Fuel testing.** In Bulletin 49 of the U. S. Bureau of mines—"City smoke ordinances and smoke abatement" by S. B. Flagg—the publications of the Bureau on fuel testing, which may be obtained free from the Director, are listed. p. 53-55. 1912.
- Housing.** A list of books and periodical articles on "Housing" occupied 37 pages of the Dec. 1911 number of the Monthly bulletin of the Carnegie library of Pittsburgh. The list comprises several divisions of the subject,—bibliographies consulted, synopsis, housing in general and housing in special localities, housing legislation model tenements, garden cities and tenant co-partnership.
- Health and hygiene.** The U. S. Superintendent of documents has listed all the "United States public documents relating to health and hygiene including water pollution and purification, food, diet," etc., for sale by him. 72 p. July, 1912. (Price list 51, ed. 3.)
- Legislative reference.** The first publication of the Legislative reference department of the Vermont state library, which was organized in June, 1911, consists of a finding list of the books and pamphlets in the Department and is in itself a very interesting resume of the subjects and class of material covered in building up a legislative reference department. 111 p. 1912.
- Liquor—License.** A bibliography prepared for the Ohio Constitutional convention by the Library of the Ohio state university is a "Select list of references on license of the liquor traffic in the United States", compiled by C. W. Reeder, Feb. 9, 1912. 6 p.
- Library economy.** An annotated list of recently published library aids, appeared in the October, 1911, issue of New York libraries, p. 14-16 and in a foot-note attention is called to earlier lists of similar publications appearing in the same periodical, v. 1, p. 147 and v. 2, p. 133.

Montessori system of education. A review of Dr. Maria Montessori's recently published book on her system of education "Il metodo della pedagogica scientifica" by Anna Tolman Smith, which constitutes Bulletin, 1912, no. 17, wh. no. 489 of the U. S. Bureau of education, contains on pages 29-30 a bibliography of this new system of educating young children.

Railroads. The Bureau of railway economics has published an extensive bibliography on "Railway economics" which is a collective catalogue of books in fourteen American libraries and constitutes a volume of 446 pages. The general subject headings are: General works and history; Bibliography; General works on special topics; Administration; Construction and operation; Traffic; Railways of respective countries; Railway periodicals; and Proceedings. Also an index of names is added. Literature in periodicals, in collections of miscellaneous papers, in general works containing railway material and in all but the most important state and federal documents is not listed. 1912.

Recreation. The division of recreation of the Russell Sage Foundation of New York city announces a "Recreation Bibliography" consisting of an annotated list of more formal publications and an extensive reading list of pamphlets, magazine articles, etc. 10 cents a copy.

Roads. A list prepared by the Washington State library with the co-operation of the State university, the State college and the public libraries of Seattle, Tacoma and Spokane, for the high school debates of that state on the question of "State roads," is issued in a small booklet of 42 pages. Books and pamphlets on the subject are grouped together followed by periodical articles, state publications and U. S. documents. 1912.

Rooming houses. A bibliography completes F. K. Fretz's thesis for the degree of Doctor of philosophy from the Graduate school of the University of Pennsylvania, on "The furnished room problem in Philadelphia," p 169-71

Sawflies. A bibliography on sawflies is a part of an article in the University of Colorado Studies, May, 1912, on "The saw flies (chalostogastra) of Boulder county, Colorado", by S. A. Rohwer. p 103-4

Spotted fever. An article by W. C. Rucker on "Rocky mountain spotted fever", in Public health reports of the United States public health service, Sept. 6, 1912, contains a four-page bibliography on spotted fever. p. 1479-82

State constitution "A list of books lent by the Library of the Ohio State University

for the use of the Constitutional convention" was issued in a leaflet of 6 pages, Feb. 20, 1912 and gives an interesting survey of the questions that must be taken up by such an assembly

Transportation. Price list 25, 3d edition, from the U. S. Superintendent of documents, is devoted to a "List of United States public documents, relating to interstate commerce, railroads, roads, inland waterways, merchant marine, etc." 112 p June, 1912.

Weights and measures. The publications of the U. S. Bureau of standards are listed in its Circular no. 24, issued July 1, 1912, edition 3. 44 p.

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A preliminary report on land and agricultural credit in Europe including the letter of President William H. Taft to the governors of the states and the recommendations of Ambassador Myron T. Herrick in connection with the proposal of President Taft to introduce co-operative credit in the United States has been published in Washington (37 p. Oct. 1912) and from the United States Senate come two other earlier documents bearing on the subject—"Agricultural credit—general theory of co-operative credit in France and other foreign countries" by Maurice Dufourmantelle, translated by P. C. Biddle, and "Systems of rural co-operative credit; an outline of the European co-operative credit systems from bulletins of economic and social intelligence published by the International institute of agriculture." (U. S. Congress '62d. 2d ses. Sen. doc. nos. 572 and 574, Apr. 1912).

Child labor.

Last June with the first issue of the Child labor bulletin, the National child labor committee announced that in the future it would undertake the publication of its own documents, in a quarterly, to be known as the Child labor bulletin. The first issue contained papers and proceedings of the eighth annual Conference on child labor. The second number, which appeared in August contains a digest of the main features of laws governing child labor in the various states, the uniform child labor law, a symposium on street trades and a paper on the administration of child labor laws.

Children—Conservation.

Under the title "Conservation of school children" the papers and discussions of a Conference at LeHigh University, Apr. 3 and 4, 1912, held under the auspices of the American academy of medicine to-

gether with several papers (not presented to the Conference) prepared for this volume, are reprinted from the Bulletin of the American academy of medicine. Such topics as education of feeble-minded children, sterilization and segregation of the unfit, child labor, teaching of hygiene and sex instruction, in the schools, medical inspection of the schools, school lunches, school nurses, open-air schools, schools for cripples, occupied the programs of the meeting. 293 p.

City ordinances.

The Chicago woman's club has had printed for free distribution a little booklet of "City ordinances you ought to know," compiled by the Committee of the Reform department on the enforcement of city ordinances. The newspapers of Chicago had already co-operated in this work by printing prominently the selected ordinances in their daily editions. The motto of the compilation is "Ignorance of the law excuses no one" and the hope in its publication and distribution is to "help in making Chicago more beautiful, healthful and law abiding." 46 p. 1911.

City planning.

The Report of the Metropolitan plan commission created by a Massachusetts resolve of 1911, to report a plan for coordinating civic development in the Metropolitan district was issued Jan. 1, 1912. The Commission recommends that a Metropolitan planning board be constituted to collect data for a city plan, to study questions not already within the scope of any existing agency, to examine all plans by public authorities and approve or disapprove them, and submits a bill to this effect. The appendix contains, among other discussions, etc., pertinent to the subject of the Report, an article on "The success of city planning elsewhere" which summarizes the work done in this line in sixteen American cities and a "Selected bibliography of city planning." 61 p.

Conservation of human life.

At the request of Senator Robert L. Owen, Professor Irving Fisher and Miss Emily F. Robbins prepared a "Memorial relating to the conservation of human life as contemplated by Bill (S. 1.) providing for a United States public-health service," for the purpose of pointing out the extent of the great national waste, due to disease, death and inefficiency and the best means of checking the waste. This report was presented to Congress, April 5, 1912, and is published as Senate document no. 493 of the 62d Congress, 2d session. 82 p.

Country schools.

Under the title 'Country schools for city boys,' W. S. Myers, in U. S. Bu-

reau of education bulletin, 1912, no. 9, wh. no. 480, sets forth the growth of the idea of day schools in suburban or rural districts for the boys of the city, the methods, advantages and difficulties of such a system, which, unfortunately, it has been possible, so far, to apply only to boys of the wealthier classes on account of the high cost. 22 p.

Creosotes.

Circular no. 206 of the U. S. Forest service, prepared by C. P. Winslow, head of the Forest products laboratory is a study of "Commercial creosotes with special reference to protection of wood from decay." A tabular classification and description of 31 samples occupies several pages. The information in the pamphlet, it is stated, is intended rather for those unfamiliar with various products sold as creosote than for the chemist or manufacturer. 38 p. 1912.

Electricity—Units and standards.

At the International conference held in London in 1908, there was established an International committee on electrical units and standards, its duty to be the promoting of investigations in electrical standards and electrical measurements; and, among others, it appointed a Special technical committee to investigate the concrete standards of the International electrical units and to recommend a value for the Weston normal cell, in the laboratories of the Bureau of standards at Washington, D. C. The report of this Special technical committee to the International committee has been issued by the Bureau of standards and bears the date Jan. 1, 1912. The report includes the minutes of the 19 meetings held by the Committee, its conclusions and recommendations, 6 appendices showing details of various phases of the work, and a resume of the question of electrical units and standards. 207 p.

Employment of children.

A pamphlet recently issued by the Department of social investigation of the Chicago school of civics and philanthropy (Russell Sage foundation), entitled "Finding employment for children who leave the grade schools to go to work," is a report made to several Chicago women's clubs. The following five divisions of the report indicate the ground covered:—1, The school and the working child, a plea for employment supervision in city schools, by S. P. Breckinridge and Edith Abbott; 2, Preliminary report on opportunities of employment in Chicago open to girls under 16, by A. S. Davis; 3, Public care of working children in England and Germany, some notes on juvenile labour exchanges, by Edith Abbott; 4,

Trade and technical classes for girls in Chicago, 5. Selected bibliography relating to employment supervision.

Eugenics.

The Eugenics education society has published, under the title "Problems in eugenics" the papers communicated to the First international eugenics congress, held at the University of London, July 24 to 30, 1912. The volume of 490 pages takes up the problem under discussion from various view-points,—biology and eugenics, practical eugenics, education and eugenics, sociology and eugenics, medicine and eugenics being the topics of the various sections.

Horse power.

"The relation of the horse power to the kilowatt" is discussed in Circular no. 34 issued June 1, 1912 by the U. S. Bureau of standards. The Bureau takes this opportunity to recommend the use of the kilowatt instead of the horse power. 12 p.

Injunctions—Federal.

The argument of Thomas C. Spelling before a Sub-committee of the Senate committee on the judiciary on "Limiting federal injunctions", Aug. 13, 1912, is printed as Senate document no. 944 of the 62d Congress, 2d session. 73 p.

Library economy—Classification.

The U. S. War department has a special scheme for classifying the material in the library of the War college division of the General staff, a revised edition of which has recently been issued—Feb. 1912—as pamphlet no. 18. As a guide to arranging military books and papers it will of great service to any library composed all or in part of this class of material. The main divisions of this scheme of classification are: general warfare and training, military situation, administration, supply and transportation, cavalry and infantry, artillery, technical troops, minor services, navy. All of these are subdivided, or can be, whenever necessary. A minute subject index to the tables completes the scheme. 102 p.

Mineral waste.

In its Bulletin no. 47, "Notes on mineral wastes" by C. L. Parsons, the U. S. Bureau of mines presents to the public the results of certain preliminary inquiries as to the nature and extent of the needless waste of the mineral resources of the country which will be followed later by a more detailed report. 44 p. 1912.

Mines—Electrical accidents.

"Electrical accidents in mines, their causes and prevention," are treated in Miners' circular 5, of the U. S. Bureau of Mines. This little pamphlet furthers the work

of the Bureau in making mining safer, by pointing out the chief causes of such accidents, precautions that should be taken and the treatment for electrical shock. 13 p. 1912.

Minimum wage boards.

Another resolution of the Massachusetts legislature of 1911 provided for the appointment of a Commission to investigate the wages of women and children and to report on the advisability of establishing minimum wage boards. The report of this Commission, Jan. 1912, discusses the wage situation, the cost of living, minimum wage boards, the Victorian system, the English system, need of legislation in Massachusetts, legislation recommended, and concludes with a draft of a bill to establish a minimum wage commission. The Secretary of the Commission submits also a separate report of her investigation into the wages of women workers. The appendix contains statistics and summaries on related topics. 326 p.

Municipal administration—Chicago, Ill.

"The charts of organization of all departments of the city of Chicago, as in effect February, 1912, indicating lines of authority and responsibility, titles, classifications, grades, number and salaries of positions and the total number and compensation of employes assigned to the various departments" as authorized by the Chicago civil service commission and prepared by its efficiency division, offer a fascinating as well as practical study of the organization of the administration of a large city. An analysis of employment precedes the charts. The whole constitutes a square octavo pamphlet of 61 pages.

Rooming houses.

A thesis presented to the faculty of the Graduate school of the University of Pennsylvania in partial fulfillment of the requirements for the degree of Doctor of philosophy, by Franklin Kline Fritz is a study of "The furnished room problem in Philadelphia." The investigation covers the economic and social problems involved, the problems of crime and vice, and vital statistics. 171 p.

Smoke.

The U. S. Bureau of mines, in the course of its fuel investigations has collected information in regard to attempts of cities to abate the smoke nuisance. This information, presented to the public in Bulletin 49 of the Bureau, under the title "City smoke ordinances and smoke abatement," was compiled by S. B. Flagg. Smoke ordinances of 34 cities are summarized or given in full. 55 p. 1912.