

LAWYERS AND HIGH FINANCE.

LIMITS OF PROFESSIONAL ADVICE TO CLIENTS.

Views of Prominent Attorneys on Both Sides of a Timely and Important Question.

Whether lawyers who advise and guide clients of "high finance" so that they may break the spirit of the law, though not the letter, are guilty of more than malfeasance and whether the public can find any redress against their deeds is a question that presents many difficulties. The rough judgments of laymen have often been heard, but not the opinions of the members of the bar themselves, whose liability to members of the public is somewhat balanced by legal training and the sense of discretion. Of all professional men, at least, lawyers seem best able to diagnose their own cases with impartiality, and while pointing out the disease to prescribe a remedy. It is a little awkward at first for the follower of Blackstone to turn from a survey of the morals and conduct of others to his own, but he rises to the occasion with his usual display of keen intelligence and precision. No layman could hope to cut so widely and deeply as the lawyer performing a surgical operation on himself—at least, upon the members of his profession.

Among the remedies suggested by prominent attorneys in this city last week for professional malfeasance, aside from the penalties of the Criminal Code, are an advance in public intelligence such as would limit the field of chicanery and action by the grievance committee of the Bar Association, which undertakes to correct professional evils not amenable to legal processes. A wide difference of opinion was disclosed by the investigations of a Tribune reporter among the corporation and other attorneys. The subject in all its phases was approached with delicate hesitation by counsel famed for their courage in courts of law, but some were found who took a pronounced stand on one side or the other, asserting that corporation lawyers are deeply wronged or that they deserve much that is sometimes imputed to them.

It was admitted to be difficult to fasten the proof of guilt, even by a charge of conspiracy, upon the professional adviser of criminal deeds, who is protected by the rule of confidential privilege and who, moreover, skirts the edge of law-breaking with adroitness. There are generally no witnesses and no evidence of a secret conference to violate statutes. Even the names of attorneys on records and papers do not suffice as evidence of wrongdoing, it is asserted. Every one is aware that the scheme of the "whisky manufacturer" must have been arranged by legal talent, yet the proof of the transaction is mostly lacking. Again, in many cases there is no clear dividing line between sharp practice, or mere "unprofessional conduct," and absolute criminality.

It is comparatively easy to convict the common criminal, because the nature of his deed usually creates direct and tangible evidence. Difficulties increase with the refinements of law-breaking. The most complicated conditions, it is stated, may surround the offense of the corporation lawyer plotting an injury to the community. He has contrived a long chain of circumstances which it is almost impossible to follow up without a legal break, as becomes necessary in order to establish a crime. Motive must be proved through every step of the alleged wrongful manipulation, and there are many chances, technical and other, for him to escape the meshes of justice.

PHILBIN REVEALS A REMEDY.

Eugene A. Philbin, former District Attorney, was asked: "If a big financier is found guilty of an offense, is not the lawyer who engineered the operation equally guilty and deserving of punishment?" "Very assuredly he is," came the answer, with emphasis. "Is it difficult to obtain legal evidence in such a case?" "Yes."

"Then what is the redress?" "The grievance committee of the Bar Association, of which I am a member. It will gladly entertain a complaint against any lawyer, and will act without demanding all the evidence required in a court of law. The committee is composed of men who enjoy the highest reputation and whom no one would ever dream of as being amenable to improper influence."

"Has any lawyer of high finance been complained of to the committee?" "Not within my recollection."

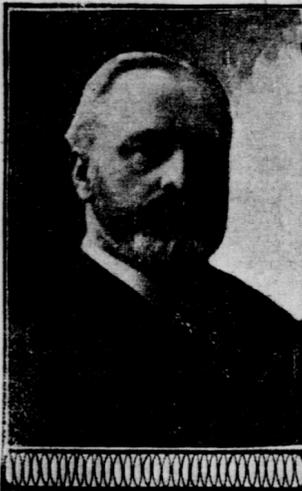
"A financier may come to a lawyer," Mr. Philbin continued, "and gain certain information which he may use wrongfully or to defeat the intent of the statutes. But the lawyer in such a case is not a party to the transaction and should not be blamed. Moreover, a lawyer is justified in defending a financier or any one in a court. One often thinks the worse of Martin Lottiston just now for defending Thaw and setting him off as best he can."

William M. Ivins, well known as investigator and former candidate for Mayor, said: "For about twenty-five or thirty years almost all of the legislation with regard to corporations in this state, until within the last year or two, has been had at the suggestion of the corporations themselves. The bills have been introduced at their instigation and drawn by their counsel, and it is these very laws, permitting the reckless issue of securities, the merging of corporations, the organization of holding companies and the giving of practical immunity to directors for failure in the performance of their duty, while at the same time making it practically impossible for shareholders in great public service corporations, as well as in industrial corporations, to ascertain the real facts and conditions of the business, that have resulted in causing such enormous mischief. The losses to shareholders in public service corporations alone in this state which are due to practices permitted by laws passed through the procurement of counsel to the corporations themselves amount to hundreds of millions of dollars."

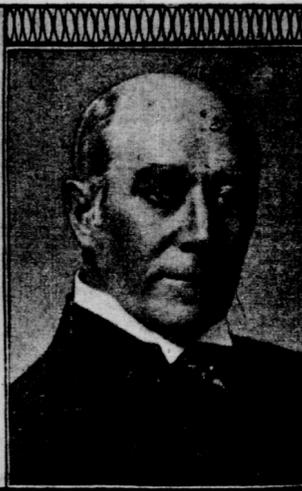
IIVINS CALLS LAW INADEQUATE.

"The bar as a whole is a hard working, unpretentious, honest body of men; but no lawyer accumulates a fortune running up into the millions by the practice of his profession with a constant eye to the public welfare. I know many members of the bar who have refused the fees of public service corporations precisely because they have been asked to do things which, while nominally legal, were nevertheless offensive to their public spirit and their sense of propriety. But notwithstanding all this it remains true that there are men at our bar who have not been so sensitive as to decline fees for showing their clients 'how to do it,' and who have been willing to apply all the principles of casuistry in justification of their eager desire for wealth and in support of policies which if universally practiced would disrupt society. The law itself is wholly inadequate to prevent what may be called crimes of cunning, as distinguished from crimes against property or simple crimes against the person. Courts of equity came into existence for the very purpose of doing justice where the common law courts failed. The courts of chancery themselves are, nevertheless, unable to check or to curb new devices for

FOUR LAWYERS WHO HAVE PRONOUNCED VIEWS ON THE MORAL STANDARD OF THEIR PROFESSION.



EUGENE A. PHILBIN.



WILLIAM M. IVINS.



FREDERIC W. HINRICHS.



JOHN D. LINDSAY.

wrongdoing. It has been a legal proverb from time almost immemorial that what one man can invent another man can circumvent, and that no statute looking to the definition of crimes or to the prevention of frauds can possibly foresee how inventive new generations may be in either of these fields.

"No man has a higher sense of pride in his profession than I, but it is just because of that pride and for the sake of the cloth that I believe the bar itself should be bold and intrepid in discouraging practices which would soon die out were it not for the insidious dogma of justification by success."

MR. UNTERMYER'S VIEWS.

Samuel Untermyer, a man intimately familiar with corporation practice, said:

"The ethical standards of the bar as a whole are far and away above those prevailing in the business and financial world. There has been a decided advance in the standards of commercial life in late years, but this is by no means true of the financial world and especially of 'high finance' as it has been practised by the great men of the country in Wall Street."

"The trouble with the bar of New York City has been that the flower of the profession has been drawn away from its truest and highest function of advocacy by the allurements of finance. Many of them have become rather aids to financiers—highly paid assistants—to carry out the very doubtful schemes that have been permitted by modern methods than advocates. Thus we have seen some of our best men leave the ranks of the profession for the allurements of money making as bankers."

"The remedy is with the existing state of the law rather than by way of complaint against the lawyers. When they are asked to advise as to the legal or illegal method of accomplishing a purpose it is their duty to proclaim the law as it is. If the law permits acts that are morally wrong but legally right it is not the fault of the lawyer. That our corporation laws and particularly the criminal laws applicable to corporations are crude and insufficient is well

known to every one of us who has to deal with the subject. If, for instance, we had in this country a law similar to the 'companies acts' and the laws on reorganization of corporations under which the English corporations are conducted we should do away with many of the existing abuses incident to the conduct and reorganization of corporations. If the Stock Exchange change was put under judicial control abuses that cannot now be reached by the law would be done away with. The same is true of the Clearing House Association, that now exercises a despotic power unknown in any other civilized land."

"The truth is that the corporations are stronger than the law. We have reached the parting of the ways at which we shall have to choose whether the government shall run the corporations or the corporations shall control the government. An intelligent application of the criminal law to a few of the powerful law-breakers would have done in a single month more to enforce respect for the law than these years of agitation and the consequent disturbance of business conditions."

"The remedy for existing evils is with the people themselves. There has never been a great public uprising in which the members of the bar have not been found on the right side. Of course, there were others on the other side with special interests to protect; but that is always so. That fact furnishes no justification for an arraignment of the entire bar."

NICE QUESTION OF ETHICS.

Fred W. Hinrichs, lawyer and political free lance, said: "It is a nice question of ethics whether a lawyer should accept any case that is offered to him. Every man, even a murderer, has a right to a fair trial, and the duty of defence is enjoined on the profession. You are not sure that a man is guilty even when he confesses; there may be insanity or motives of fear. History is full of pseudo confessions. Take the Orchard case, as a late example. But suppose a crooked financial deal has been made, a 'reorganization' involving stock juggling or what not; the lawyer who defends the case in court is not necessarily corrupt. Perhaps only one out of many transactions is involved, and there are questions to be determined of the exact measure of guilt and the suitable degree of punishment under the statute."

"It is a different matter when a lawyer engineers a fraudulent enterprise in advance. That is clearly wrong and unprofessional. There are undoubtedly had and corrupt men in the legal profession, which, on the whole, has a high standard of honor. It happens often that the vigorous personality of the marauder of finance dominates the lawyer. The client says: 'Let us suppose I want to do so and so.' The attorney replies: 'This act is equal to embezzlement, that one is impossible and the other may land you in jail.' 'Ah, very well. I will take the risk,' says the venturesome promoter. It is like a doctor and his patient. The doctor gives lots of good advice which the patient is inclined to disregard. People often expect the doctor to teach them how to beat the laws of health and the lawyer to show them how to evade the statutes."

"How to reach corrupt attorneys is a problem. The rule of secrecy in relations between lawyer and client prevents the obtaining of evidence, yet the rule seems to be necessary and wholesome. Without it no man would dare confide in his counsel, and many grievous injustices would ensue. As it is, there are men who do not tell enough to their lawyers or who consult them only after they are in very deep water."

Mirabeau L. Towns, once known as the poet-lawyer of Brooklyn, but who has lately brought his metrical talents to bear on Manhattan juries, was in a grave and serious mood when approached at his office.

"PROFESSION TAINIED," SAYS TOWNS.

"The profession has become tainted with the desire to get rich, like every other," said Mr. Towns. "It has lost its pride and its dignity that once divided it from commercial enterprise. When it is desired to manipulate laws you naturally go to a person learned in the law, and the more learned and astute he is the more useful he will be in regulating your actions so that you will come within the Revised Statutes. Such a man advises things which he knows to be technically violative of morals and ethics and the philosophic scope of the statute, if not its letter. It is hard to say how far a lawyer should use his knowledge and influence to further the ends of his client when he knows that client has been guilty of dereliction. The ethics of the profession were laid down many years ago, and I don't know that there has been any improvement on the definitions of Bishop Saunderson and Samuel Taylor Coleridge. A lawyer has a right to assume his client innocent until proved guilty, unless the client confesses. But whether it is right to conspire with a client in a nefarious assault on people's rights and properties is a matter too plain for comment. The lawyer who does so becomes an accessory before the fact, he prostitutes his high office for money and aids in a subversion of the rights of the people. He is guilty of larceny when he prompts reorganization schemes involving stock exchange manipulation."

Roswell A. Benedict, author of "A Business Question" and other works, surveyed the subject of legal responsibility with all the rigors of logic, and while unready to admit that any fault could be found with eminent members of the profession he suggested that a horde of reckless young men were being admitted to the bar every year, and that possibly these were the ones who brought discredit on the tribe of Blackstones. The police court shyder rather than the corporation lawyer deserved public attention, he thought.

THE STANDARD HIGH.

John D. Lindsay, formerly of the District Attorney's office and now associated with DeLancey Nicolli in an extensive corporation practice, spoke with cheerful optimism as follows:

"I know what the popular idea is in regard to lawyers and high finance. It is that a financier comes to a lawyer and wants some illegal project carried out. If the latter by some remote contingency refuses the job the wealthy client goes to another attorney who will do it. This is an erroneous belief and prejudice. It does wrong to a large and honorable class of men. We should remember that a lawyer has a conscience and is moreover bound by the rules of his profession. If a man comes to him with an improper proposal he must say, 'Nay, you are proposing a crime. I won't do it. It is impossible.' The public clamor against lawyers and judges is a most injurious thing. If you take away respect for courts you have a state of lawlessness and anarchy. After people have made their own laws they seem inclined to play the baby act and to object to their application. The standard of lawyers is very high indeed. It is at least as high as that of business men."

"How high is that?" asked the reporter. "Mr. Lindsay smiled pleasantly."

AMERICANS SERVING UNDER FOREIGN FLAGS.

Many Vexations and Disappointments Which They Cannot Escape.

(Copyright, 1908, by the Brentwood Company.) Although the retirement of Henry W. Dennison from the service of the Mikado just at this juncture may have no particular significance, yet it is unfortunate that it should occur at a moment when many persons in different parts of the world are purposely endeavoring to envenom the relations between the United States and the Land of the Rising Sun or else are thoughtlessly augmenting the difficulties of the situation by exaggerating every incident, dishonoring them up for public consumption with a sauce so highly flavored as to conceal the true state of affairs.

Mr. Dennison, in spite of his long residence of nearly thirty years at Tokio as the principal legal adviser of the Gal-Mu-Sho, or Department of Foreign Affairs, has always retained his American citizenship, together with a patriotic devotion to the land of his birth which precluded absence from its shores has merely served to develop and to render more intense. His presence in the Foreign Office at Tokio constituted an assurance, both to the United States and to the world at large, that no unfriendly move against this country was contemplated by Japan. So long as he remained at his post those aware of the character and reputation of this singularly able lawyer and former member of the American consular service felt safe in their belief in the professions of close friendship between the United States and Japan, a friendship which proved of inestimable value to the latter, morally and materially, during her war with Russia. That precisely this time of all others should have been selected to dispense with the services of Dennison, or, if he himself had been rendered anxious to resign, that he should have been permitted to do so now, instead of at some later date, is not only unfortunate, but apparently impolitic, since it is likely to give rise to all sorts of speculation and misconception.

JEALOUS JAPANESE.

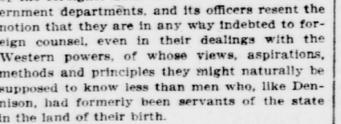
For my own part, and as one who was associated for a time with the Japanese Foreign Office before the advent of Henry Dennison—that is to say, away back in the 70's—I do not believe that the departure of Dennison from Tokio and his return home portend war between Japan and the United States, as some wiseacres would have the world believe. To any one who has served the Japanese or any other Oriental government as Dennison has done it must be a matter of profound surprise that he should have remained with them so long. That he should have succeeded in retaining his office until now speaks volumes for his tact and for his willingness to efface himself. Aside from the innate aversion, and even disgust, which the Oriental invariably entertains for the white race, the Japanese have always been extremely sensitive to the implication that they are dependent on foreign instruction and foreign experience. This has been marked in every phase of their life, and as soon as ever the natives have satisfied themselves that they had mastered the intricacies of any foreign craft they have at once proceeded to dispense with their alien instructors, giving the dismissal with flowery compliments, and, in many cases, with extremely generous gifts. Especially has this native jealousy

with which Henry Dennison had to contend after his return to Tokio on the conclusion of the—Japan—glorious peace at Portsmouth.

CASE OF SIR ROBERT HART.

China, like Japan, is jealous of the foreigner; but not having as yet vanquished any of the great military Western powers in war it is still content to accept, reluctantly and grudgingly, instruction from the white man. Sir Robert Hart, the famous Irishman who abandoned the British consular service in 1863 to organize the foreign customs service of the Celestial Empire, and who has been in the employ of the Chinese government ever since, is now quitting his post and returning to England after half a century spent in the Orient, thoroughly embittered and broken by the treatment which he has received. In spite of his wholehearted devotion to the interests of the Chinese government and of the Chinese nation, for whose sake he declined the office of British Minister Plenipotentiary in China, besides making many other sacrifices, his home in Peking was apparently singled out for special devastation at the time of the siege of the legations; and although the Chinese government owes to his powers of organization and to his integrity not only its one reliable source of revenue, but has been enabled solely and entirely through the credit which he enjoyed to obtain loans abroad, yet he has found himself not only an object of distaste, but has even been superseded of late by native dignitaries. He, too, is returning home, like Henry Dennison, probably asking himself whether his many years of exile spent in serving a foreign and Oriental government have not after all been in a measure wasted, since the one has deviated on the part of those to whom he has devoted the best years of his life is that his memory should pass into oblivion. He will be succeeded, though with sadly shorn powers, as inspector of customs by his brother-in-law, Sir Robert Bredon, like himself an Irishman, born of a Canadian mother, and married to an American wife, the daughter of Thomas Crane Banks, of San Francisco. The treatment which Sir Robert Hart has received at the hands of the Chinese during the last ten years is calculated, however, to destroy any illusions which even so great an optimist as Sir Robert Bredon may entertain as to his hopes of ever winning any real gratitude from his Oriental paymasters.

HENRY W. DENNISON. American who has just retired from the service of the Mikado.



While Anson Burlingame occupies an honored place in American and even in European history, it is doubtful whether even the most highly educated of the Chinese of the present generation have ever heard the name of the American statesman who, after quitting the post of envoy of the United States at Peking in order to help them to secure for the first time proper treatment and due consideration by Western nations, sacrificed his life in their service while engaged in establishing for the first time diplomatic intercourse between the Middle Kingdom and the civilized world.

A FORGOTTEN NEW YORKER.

Equally forgotten is the name of that General Williams, of New York, to whom the organization of the economic system of Japan on a civilized financial basis is almost wholly due, and who succeeded, without pecuniary benefit for himself, in negotiating abroad a 7 per cent loan for the Tokio government at a time when, owing to the prejudice against the Land of the Rising Sun and to the disbelief in the permanency or seriousness of its Western innovations, 10 or even 12 per cent would not have been an excessive interest to ask.

Nor should I omit the name of Sir Halliday Macartney, who resigned his commission in the English army to enter the Chinese service about the same time as did Sir Robert Hart, namely, in 1863. After acting as director of the great arsenal at Nanking, Sir Halliday figured for thirty years as counsellor of the Chinese embassies in Europe, winning for them a degree of confidence and consideration justly withheld from the missions of most other Oriental powers. In spite of this, and of the fact that his first wife, who lies entombed according to Chinese rites at Nanking, was the daughter of one of the principal mandarins of that city, he was informed some three years ago that his services were no longer required, and he died not long afterward, a prey to chagrin and to enforced idleness.

E. H. Strobel, the principal legal adviser and counsellor of the King of Siam, died the other day at Bangkok, before his royal employer had weaned of his services, and seems to have been really mourned. But there is little doubt that if he had lived a few years longer he would have shared the fate of so many other faithful servants of Oriental governments and potentates, and would have been sent about his business, feeling that he had wasted his energies and his devotion upon people who were incapable of any sentiments of disinterested loyalty, affection or gratitude where a white man was concerned.

Scores of Americans were formerly employed in Egypt by old Khedive Ismail and by his successor, Tewfik, until the British occupation of the Land of the Nile. But even some time before the bombardment of Alexandria most of them had been dismissed, or else had been to resign, by the lack of appreciation shown of the good work which they had done, not only in organizing the Egyptian army and navy, but also in exploration and in the establishment of Egyptian rule in the Sudan. One alone of them declined to allow himself to be discouraged, and remained on in the Khedivial service after the English had assumed control of Egypt, and that was Colonel Alexander Macomb Mason, grandson of that Major General Alexander Macomb who died as general in chief of the United States army. Mason was one of the finest types of the soldier of fortune that it has ever been my lot to meet. After taking part as a naval officer in the Civil War he saw active service in Chili and in Cuba before entering the employ of Khedive Ismail, where after a time he was assigned to assist General Gordon, of whom he became the closest friend. What especially endeared him to "Chinese" Gordon was his singular modesty, his discretion and, above all, his ability to hold his tongue. Mason was the most quiet and unassuming of men. People knew him for months and years, and were in almost daily intercourse with him before learning, and then only through others, of his splendid record in the Sudan, where he made the first survey of the Albert Nyanza.

"CHINESE" GORDON'S BATTLEAXE.

Gordon was extremely difficult to get along with. There were days when he was so excitable and irritable as to be absolutely unfit for human intercourse. No one realized this better than he did himself, and being very fond of Mason and unwilling to quarrel with him he made when they were at Khartoum together an arrangement which was as characteristic of one man as it was of the other. It was agreed that whenever Gordon felt his fits of irritability and exasperation coming on he should hang out of his window or above his door a huge battleaxe which he picked up in

INDUSTRIAL ALABAMA DRY.

Birmingham, Ala., Feb. 1.—Prohibition is making history in the industrial center of the South. Every county where coal is mined or steel and iron made went dry January 1 last. The majorities were the greatest where the iron and steel workers and coal diggers were most numerous, in spite of the fact that the iron and steel corporations opposed prohibition. Every portion of the metal working and

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THE Soudan, and that whenever this dangerous signal was put out Mason should give him a wide berth. The agreement worked splendidly. Mason never betook himself to Gordon's residence without looking out for the battleaxe, and if it was in sight nothing in the world, not even the most pressing official business, could induce him to intrude upon the privacy of his chief. Mason had the singular faculty of inspiring in everybody with whom he was brought into contact the same degree of confidence and regard that he enjoyed from that eccentric but brilliant and heroic English general who perished in 1885 at Khartoum.

It was this association of his with Gordon and the high value set by the latter on his friendship that commended him so strongly to Lord Cromer after the English had assumed control of the Land of the Nile; and it was at the suggestion of Cromer that he was requested by the British government to act with Admiral Sir William Hewitt in a special and confidential embassy to the late King John of Abyssinia. It is the only occasion that I can recall of an American citizen being intrusted with a diplomatic mission by the English Crown, and it is understood that it was precisely on account of his American nationality that he declined the titular reward there offered to him in the name of Queen Victoria. Over and over again was promotion to the rank of pasha pressed upon him, not merely by Khedive Tewfik, but also by the English authorities. Lord Cromer being especially enthusiastic in recommending him for the distinction. Yet Mason invariably refused, alleging that he had no hankering for titles, and that while his means were sufficient to maintain him as a colonel, they were inadequate for a full fledged pasha. For Mason, in spite of the unrivaled opportunities which he had enjoyed in the Sudan and in Lower Egypt for enriching himself, had remained a poor man—no small credit to a public official in a country where the very air that one breathed used to be, and for the matter of that, is to this day, tainted with gross dishonesty and corruption. Mason died during a visit to Washington—an American of whom his countrymen had reason to be proud, and who, never for a moment forgetting the country of his birth and his citizenship thereof, caused the name of the United States to be honored and respected in countries where it had up to that time been unknown. Not only in his case, but in the cases of Dennison, Durham Stevens, Strobel, Anson Burlingame, General Williams, Sir Robert Hart, Sir Halliday Macartney and others who have devoted their lives to the service of Oriental nations one cannot help feeling that each would have been happier on the whole if he could have written his name on the history of his own country and have served under his own flag. EX-ATTACHE.

THIRSTY MONTH FOR COLONELS.

HOW "DRY" LAWS WORK IN ALABAMA AND GEORGIA.

Great Falling Off of Petty Crime—Atlanta's Jail Goes Empty—Few Violations.

Augusta, Ga., Feb. 1.—Georgia's first month's experience under the state prohibition law shows that a great change has been worked through the elimination of the liquor traffic. Not only have there been comparatively few violations, but there has been a marked reduction in petty crime. More than half the State of Georgia was "dry" before January 1 under the local option law, by which the larger number of counties had from time to time during the last twelve or fourteen years voted out liquor. In six counties there were dispensaries operated under county regulations. In those districts the change has not been so noticeable as in the "wet," or "city," counties, as they were known, where open barrooms existed. The most important of these were the cities of Atlanta, Augusta, Savannah, Rome and Columbus.

The greatest number of arrests for violation took place in Augusta, where there are now sixteen cases waiting trial, comprising both walking and stationary "blind tigers." The basement of the Richmond County Court House is now stocked with seized liquors and beer. Under the law it is the duty of the sheriff of the county to dispose of seized goods by public sale, but he cannot sell the liquor in the state, and it has not yet been decided whether or not he can ship the goods to another state for sale. None of the thirty or thirty-five cases pending throughout the state has been disposed of yet, and there is considerable curiosity as to the outcome in the different counties. In Chatham, Richmond and Fulton counties the courts have announced their determination to impose sentences and not fines, sending "volunteers to the 'rock pile.'" CLUB MEMBERS TO PAY U. S. TAX.

Although Savannah is the largest seaport of Georgia, the law appears to have been enforced there as satisfactorily as elsewhere. It is true cases waiting trial, comprising both walking and stationary "blind tigers," have been formed, where liquor is kept in lockers by the "members" in quart bottles; but Judge Emory Spear, of the United States District Court, has dealt a severe blow to these organizations by charging the grand jury in the January term with the duty of a member of such club must pay a government tax of \$5.

In Augusta the effect of the law has been largely nullified by the operation of South Carolina's state dispensary system. In the little town of North Augusta, S. C., across the Savannah River from Augusta, with a population of not more than three hundred, the South Carolina authorities have opened, in opposition to the wishes of the townspeople, a county dispensary, where the sales of whiskey ran from \$1,000 to \$1,800 a day up to January 27, when the stock was sold out. Hence Augusta has by no means been a "dry" city.

The other cities in the state have not been altogether "whiskeyless." Wholesale houses in Chattanooga and Salisbury, N. C., have flooded the state with mail orders and express shipments and have done a land office business. The headquarters of a large wholesale liquor house with a branch in both of those places are in Augusta, where the entire clerical and executive work of the firm is conducted, although not a drop of whiskey is derived from that place. The change has been most marked in the lessening of crime. During the first month of the new law the number of police arrests in Augusta decreased 32 per cent, in Atlanta, 25 per cent, in Savannah, about 30 per cent, in Macon, 23 per cent, in Athens, 19 per cent, and for the state an average of a little more than 25 per cent, compared with the same month a year ago.

In Atlanta on January 25 there was not a prisoner confined in the city prison, for the first time since the building was erected. Every cell was opened and the place cleaned out. The liquor interests have announced their intention to test the constitutionality of the law, and attorneys are working on the case, but it has not yet been instituted. Their contention will be that the constitution of the state provides for the taxation of liquor to maintain a common school fund; that it is not within the jurisdiction of the State Legislature to change that without a vote of the people, and that the traffic in liquor is one of the inalienable rights of the people, of which the Legislature cannot deprive them. Governor Hoke Smith, however, is on record as saying that the law will stand.