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THE marriage laws of the State of New York have long offered a field for speculation and criticism. The reduction of the marriage relation to a civil contract is well established and is the result of the modern tendency to separate Church and State. The law in New York, however, which allows the status of a man and woman to be changed by the mere expression of such intention has perhaps gone farthest in the secularization of the marriage contract. A bill was lately submitted to the New York State Board of Health which although not restrictive in character is nevertheless regulative of the present system. The bill provides for a license in ceremonial marriages and for its return by the officiating clergyman to the local Board of Health within thirty days under a penalty of two hundred and fifty dollars. A further requirement is made of residents who go outside of New York to avoid its marriage laws, that they file a certificate of a marriage consummated in another State. But the bill is evidently aimed directly at common law marriages for it is further stipulated that certificates of such agreements must be filed with the State Board of Health and that a failure to comply with this provision shall render these marriages null and void.

The effect of such a law would be far-reaching and salutary. The importance of the marriage relation to our moral and civil welfare would well warrant its reasonable regulation by the State and the entrance upon such a relation should certainly be made a matter of State record. A provision which makes nec-

essary a license for a ceremonial marriage is perhaps of minor importance, as evidence of such marriages is generally obtainable, but the requirement of a certificate of common law marriages could avoid at least some of the dangers attending this form of contract which is only too often of a posthumous character. The agreement between the parties is the essential element in every contract—the meeting of their minds upon a common resolve—and it is this which constitutes marriage if marriage between the parties is otherwise lawful. It is the agreement itself rather than any symbol of it which should determine the relation. The danger of this doctrine however, does not lie so much in the ease with which such marriages are consummated as in the ease with which the fact of such marriages are afterwards simulated by those who are interested in proving their consummation. The present law not only makes secret marriages possible but also offers opportunity for the fraudulent assertion of marriages which were never intended. These results, dangerous to the morality and integrity of the community and disturbing to the distribution of property after the death of the owner, are defects which the proposed bill seeks to remedy.

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IN one notable particular the present Executive enters upon his administration with a great advantage over his predecessors. We refer to the placing of nearly all of the administrative offices of the Government under the operation of the Civil Service Law, thus relieving the President of what must formerly have been a great burden. That the chief officer of our Nation should be compelled to devote the largest part of the first months of his term to settling rival claims for petty offices is inconsistent with efficient government, and the country is to be congratulated that the practice has been discontinued. This is only one instance of the enormous gain effected by the civil service system, both in the efficiency of the Government and in the destruction of much that is corrupting in politics. The fact that there are now not more than 10,000 public offices unaffected by the operation of the Civil Service Law is indicative of the extent to which this reform has been applied. *The Nation*, in calling attention to this far-reaching influence, very suggestively remarks, "To appreciate what all this means one must remember that it is only fourteen years this Winter since the Civil Service Act was passed as a harmless concession to the reformers."

The friends of this reform, however, have much to fear from the efforts of spoilsmen to get control of and corrupt the machinery of the merit system. Strong efforts have very recently been made in New York to weaken the influence of the civil service movement by transferring the examinations from the management of the Civil Service Commissions to the heads of the various State and Municipal departments, which would practically amount to a return to the very practices that the reform was calculated to remedy. In the face of such attempts to undo the wholesome influences of the civil service movement, the decision of the Appellate Division of the Supreme Court of New York, lately rendered, reaffirming Judge Keogh's decision as to the meaning and force of the constitutional requirement of appointments by merit to the civil service of the State, is very welcome news and deals a hard blow to spoils politicians.

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ONE of the last acts of the outgoing Administration was the vetoing of an Immigration Bill which provided for the restriction of immigration into the United States. One of the first acts of the incoming Administration was the recommendation in the inaugural address of an improvement in our naturalization and immigration laws. Yet the two acts were perfectly consistent and should result in beneficial legislation. The Immigration Bill was vetoed because of the uncertainty and inefficiency of the restrictions which at the present, in view of our industrial condition, seemed neither expedient nor wise. The recommendation on the other hand was made for legislation which should be suited to our present dangers and demands. With changed conditions the laws of citizenship and inhabitancy must change also and the need or policy of a century ago is little likely to be that of the present. The country is more developed than was formerly the case and yet the development is not so great that we should shut our doors entirely against those who may assist us. On the other hand the character of our citizenship is such that restriction of some sort should be placed upon it, and the discordant and objectionable elements eliminated and restrained as far as possible. Legislation on the subject should be with reference to all interests, and must be so to avoid the dangers which lie in the advocacy of measures tending towards either extreme.