

great index to the fixed stars of independence, Hughes' Grounds & Rudiments of Law, and turning to the alphabetical heading of illegality we are put in possession of two great maxims.

*Ex turpi contractu non oritur actio.*

*Salus populi suprema lex.*

Holding fast to these two fixed stars which are forever true in all ages and for all time, we are ready to say that if whatever fails to come within the description of these maxims is absolutely void and should not escape our condemnation because of other considerations, of business or otherwise, which seem to support it.

From these great maxims we are led to the first great case, one which is called a leading case, not only because it was the leader in a new departure but because it was a good leader. The court knew the way it was going and gave good reasons in harmony with the great principles of justice.

This case is none other but the great case of *Collins v. Blanton*, Wils. 341, 1 Smith L.C. 715, Hughes G. & R. 436. It held that a contract of A. to indemnify B. for the results of breaking the common law was a void contract. We see easily why this must be so. *Salus populi suprema lex*, demands that no contract shall encourage a result that will in any manner affect the *salus populi*. This contract does so, for it encourages B. to commit an infraction of law. It is therefore tainted with illegality because it violates a fundamental principle of law and public policy. An action based thereon is therefore "*ex turpi contractu*," and must fail.

Now, we make more definite our assumed contract. A. promises B. to indemnify him if he B. suffer judgment in a civil action for damages for violating some statute, for instance, the Safety Appliance Act. This Act is in the interest of *salus populi* and requires the use of certain appliances which increase the safety of passengers and servants of railroad companies. B. is a railroad company and does not wish to obey this law or become liable for damages if he disobeys it (which, by the way, is the same thing, for where the law has lost its sanction it is no longer binding upon the consciences of men). At this interesting