

## SALE OF UNCLAIMED PACKAGES WITHOUT OPENING THEM.

ment of a better *esprit de corps*, the founding of legal institutions, the fostering of a higher legal education, the discussion, promotion and utilization of the great principles of law and law reform. The legal profession in this country ought to be prepared for such association of thought and effort by this time. It has had its heroic period, its age of individual greatness, of gigantic shadow grandeur. It has had its Patrick Henry, its Marshall, its Wirth, its Pinckney, its Choate, Kent, Story and Webster, whose originality, individuality and personal power both allowed and compelled them to tower above their brethren. Such men do not need association; with them, co-operation is as difficult as it is useless; they are only great when they stand alone, unsupported and unsupported. The true professional organization is that which allows individual freedom, and at the same time demands associated effort; it is the wise combination of the impersonal with the personal in action, the synthesis of individuality and self-denial in the consummation of a common end.

This ideal organization is, in the present condition of humanity and of the profession, only capable of partial realisation; but it is so far practicable as to be both desirable and beneficial. The dangers and pernicious influences which are usually to be apprehended from societies and guilds, are not to be feared from professional organizations. The charge of wielding unlawful or base powers, or of concocting cunning political, social or religious schemes, has never been made against the great law societies of England and Continental Europe. Law organizations possess the elements of their purification and correction within themselves. Formed to criticise shams, to discover truth, to promote legal learning, to foster professional dignity, law societies have a tendency to render their members increased admirers of their profession, better satisfied with it, more jealous of its name, dignity and legitimate influence. And it is impossible to resist the inference that much of the grandeur, dignity, purity and power of the English bar is due to the professional unity which there exists and has existed for centuries. And if the American bar will only learn wisdom from example and from the spirit of our time, the unity and organization of the profession will be

secured; and the uncertain and ephemeral "bar associations" will become stable and solid institutions where the law shall be enshrined, and lawyers catch the inspiration of success and the glory of professional renown.—*Albany Law Journal*.

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It is well known that express companies are in the constant habit of selling unclaimed packages which have remained in their hands uncalled for during the time provided for by contract or by law, *without opening them*, under the pretence that better prices are obtained where the bidders are kept ignorant of their contents. That this mode of sale, if fairly pursued, would operate as a fraud upon the owners of valuable packages in most instances, cannot be questioned. But it operates a double fraud; for it is not to be expected that dishonest agents will not find means to open the packages before the sale, and ascertain the value of their contents, and by so doing procure the valuable packages to be bid in for a small sum, for themselves or their friends. We are not surprised, therefore, to learn that under the Pennsylvania statute (Purdon's Dig. 220) providing that express companies may, after holding unclaimed packages a certain length of time, "expose" them to sale, etc., the Supreme Court of that state has held that selling the packages unopened, and describing the contents as unknown, is a fraud upon the rights of the owner, and the company is liable for the value of the goods. The case in which this ruling is made is *Adams Express Co. v. Schlesinger*, 6 "Legal Gazette," 191.

In delivering the opinion of the Court, MERCUR, J., said:—

"The first and second sections of the act of 14th December, 1863, Pur. Dig. 220, pp. 6 and 7, under which the plaintiff in error proposed to sell the property, authorized the company to 'expose' it to sale at public auction. The fair meaning of 'expose' in this statute obviously is 'to exhibit,' 'to bring into view,' 'display,' 'to point out or show to the bystanders.' Selling the trunks with