

## PROFESSIONAL ORGANIZATION.

purpose of showing that, since the remedy for a breach of this contract is the same as with ordinary violated contracts, the distinction is purely artificial. As the measure of damages, in case of a breach, is supposed to enter into the minds of the contracting parties, thus forming, to all intents and purposes, a part of the contract, why make this artificial distinction between the *rights* of the parties because one of them happens to be engaged in a public business?

I think it is clear that telegraph companies are not common carriers. The nature of their employment is a hiring. One party promises to give money and the other promises to perform a certain kind of service requiring a certain degree of knowledge and skill, and if he fails to use that knowledge and skill, then he is liable to the first party for the consequences. But this liability does not grow out of, or depend on, his public character, but out of the law of contracts as it is administered to every citizen in a state.—*Central Law Journal*.

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The legal profession in America has not yet thoroughly learned the lesson of the period—the lesson of organization. The distinguishing characteristic of modern times is the prevalence of organization and co-operation among individuals. An observation of the history of the world reveals the fact, that never before were there such a number, extent and completeness of organizations of individuals for the accomplishment of definite purposes. Associations, societies, conventions, congresses, and the less dignified but not less effective “rings,” form the mode, *par excellence*, of modern advancement in science, religion and politics. But we search in vain for a corresponding system among the members of the legal profession, in this country especially, for the accomplishment of the peculiar purposes of the law and the lawyers. In England the Inns of Court have existed for centuries, constituting a centre around which the whole legal profession of Great Britain have revolved, and from which have radiated that brilliancy and power

which have made the British law and lawyers honoured, valued and admired throughout Christendom. It is with unfeigned disapprobation and even dismay, that the English lawyers look upon a proposal for the establishment of local courts of first instance, which may result in the dispersion of the bar of that country. And yet, it is difficult to understand how such a result is at all possible in view of the strength of the professional union in England and the coherency and stability which it has acquired by time. The difficulties of a thorough professional union in the United States are not easily surmounted. The distinguishing characteristic of our people consists of individuality and independence. The efficacy and desirability of co-operation are of recent perception by the American mind; and while the growth of American organizations in business, in manufactures, in railway systems, in politics, has been immense and absolutely unparalleled during the last quarter of a century, yet the American lawyer has but lately discovered the utility of organization. And the few bar associations which the last year or two have developed (notably that in New York city), have been formed for protection and self-preservation, and *ex necessitate rerum*. The central idea of professional co-operation has not been developed, for organization is not mainly for the purposes of self-preservation, but for the purposes of promotion, improvement, power, dignity.

The Bar Association of New York was the result of a great political, social and commercial crisis which was acting in a damaging manner upon bench and bar, and threatening professional dissolution. Naturally enough, and by the operation of the very first law of life, the law of self-preservation, the legal profession in New York sought refuge in organization, in mutual support, in reciprocal and systematic action. Other bar associations have sprung up in the United States, the principal design of which is to protect, purify and preserve the profession in a social, political and judicial way. This purging, and preserving, and protecting work having been accomplished, these law societies must either dissolve or resolve themselves into associations for the consummation of the true ends of professional organization—the develop