

## THE LAW'S DELAY.<sup>1</sup>

BY C. CROZAT CONVERSE.

THE law's delay is accentuated by the present obligatory use of dead legal terms and forms. Common sense exclaims: Let the dead legal terms bury their dead! Are they burying them? An indenture was originally a document having tooth-like notches in it. Present documents have none in them though called indentures. A New Jersey deed, and one of numerous other states, may read: "This indenture witnesseth," though not being an indenture. An acknowledgment of a New Jersey deed, not necessarily made before a lawyer, reads: "State of New Jersey, County of Bergen, ss. On the . . . day of . . . A. D., 19 . . . before me . . . who I am satisfied . . . is the grantor . . . mentioned in the within indenture." Then, assuming the ignorance of the grantor of to-day, this acknowledgment continues: "to whom I first made known the contents thereof, and thereupon . . . acknowledged that . . . signed, sealed and delivered the same as . . . voluntary act and deed." Then, assuming that the wife of to-day is not the grantor's wife that she really is, this acknowledgment continues: "and the said . . . being by me privately examined, separate and apart from her husband, further acknowledged that she signed, sealed and delivered the same as her voluntary act and deed, freely, without any fear, threats or compulsion of her said husband." This form is used in numerous other states. The grantor of to-day knows that he is a grantor, and his wife, after having "signed, sealed and delivered" a deed, could not be influenced by any commissioner of deeds to say that her act was not voluntary. The state of Pennsylvania does not require her separate acknowledgment; and the state of Vermont does not require her to join in the conveyance or acknowledgment of her hus-

<sup>1</sup> Dr. C. Crozat Converse, of Highwood, Bergen County, New Jersey, is a graduate of the Albany Law School, has received the honorary degree of LL. D., and was admitted to the bar of the United States Supreme Court by Chief Justice Chase.—Ed.

band's realty, unless it be the homestead or a part of it. Contrast this condition with the wife's treatment in places where she cannot convey her own property without acknowledging her deed "separate and apart from her husband."

Sealing a deed is not now making an impression upon wax. A mere scroll suffices, or the letters L S in a circle; and as to delivery of a deed, it occurs after its acknowledgment. The state of Washington has abolished the use of private seals. The state of California has extended the term "grant" to include warranting against encumbrances. The term "bigamy" is used in cases of polygamy, though they concern more than two marriages.

The term "larceny" means "grand larceny" now, little thieving, formerly termed "petit larceny," now being styled "misdemeanor." The term "larceny" also differs in meaning in statute and common law. For example: stealing a corpse is larceny under statute; stealing a corpse is not larceny at common law.

Legal term-changes being many, would it not be well for our state-courts to combine in making legal terms suit their intended meanings by substituting live terms for dead terms, practicalizing the scriptural injunction to leave the spiritually dead, in a verbal way, ending, in this regard, the law's delay?