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The 166th Legislative Session of the State of New Jersey, which met in solemnity with his Excellency, the Honorable Charles E. Edison as governor, and Lettie E. Savage as a member of the Assembly representing the qualified voters of Monmouth, New Jersey, thought it fitting and proper to promulgate new laws for the further protection of migratory waterfowl as they winged their way over the sovereign state of New Jersey. After due deliberation, the following statute was passed by the senators and assemblymen of that great state: Revised Statute Cumulative Supplement of New Jersey, Title 23, Chapter 4, Section 18, Laws of 1942, approved May 2, 1942, which statutory amendment set the hours for shooting of migratory waterfowl not in conflict with the federal rules and regulations as contained in the Migratory Hunting Act of 1916 and all amendments thereto. The latter story follows, showing travesty of justice and the J. P.'s interpretation of that statute. It is a rather interesting yarn and contains facts which are not only humorous but pathetic from the standpoint of legal reasoning.

On or about January 1, 1945, one Ellis E. McCoy[1] and two of his companions were apprehended by the assistant game warden and arrested, the charge being, "gunning after sundown." The record is silent as to any evidence that McCoy and his two companions had in their possession at the time of their arrest any species of migratory waterfowl. They were haled before the justice of the peace and he, as a side activity, was employed in a war plant. The Honorable Justice of the Peace informed the defendants and game warden that he was in a hurry to get to work and did not have much time to attend to the case then before the bar of justice. In the discussion that followed between the game warden and the justice of the peace, the assistant game warden suggested that lots be drawn to determine who the culprit should be, and the "court" said that was agreeable to him. Immediately the justice of the peace and the game warden made preparations for the drawing which later took place. The warden held the "hat" and forced the defendants to draw slips therefrom. The first two defendants each drew a "no" and when it came to McCoy's turn, so far as he was concerned the lottery being over, he was presented by the assistant game warden with the slip marked "yes" and the cheering news by the warden and the justice of the peace that it also carried a penalty of $20.00. The justice imposed costs on all, even the "acquitted," and the two that drew the slips with the "no" marked thereon $5.50 each; also $5.50 for McCoy, and he pocketed for his judicial efforts the sum of $16.50.

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[1]Letter from the attorney for Ellis E. McCoy to the writer dated August 7, 1945.

McCoy being displeased with his drawing of the slip marked "yes" and justice being dealt out on a lottery basis, made an application for a writ of certiorari to the Supreme Court of New Jersey, and under the Supreme Court practice, a single justice is empowered to hear and determine such application in a summary manner. This Justice Joseph L. Bodine did.[2]

The justice of the peace then admitted the lottery, the imposition of the fine and the pocketing of the costs. The court set the conviction aside, ordered the return of the costs and required that the J. P. pay all the costs in the Supreme Court proceeding. As a result of the Supreme Court ruling, McCoy was not a victim of Justice on the Wing. He was refunded his fine of $20.00, the J. P. was forced to return the costs of $16.50 and further had to pay the Supreme Court costs of $91.00. After all the proceedings were completed, justice triumphed and the 166th Legislative Session of New Jersey can again face their constituents and state that their laws were not the victim of a lottery.

[2]Letter from the Clerk of the Supreme Court to the writer dated September 27, 1945.

Colorado Supreme Court Amends Rule Relating to Admissions of Persons Who Served in Armed Forces

The Colorado Supreme Court has amended its rule adopted February 13, 1942, relating to admissions of persons who served in the armed forces. The amended rule was adopted September 13, 1945, and reads as follows (new material in italics):

During the present war emergency and until further order of the Court, every applicant for admission to the bar who is a bona fide citizen of Colorado on this date and who may present a degree from an approved law school and whose application is favorably reported on by the bar committee of this Court, shall receive a certificate of admission, without examination, on showing that he has served one year or more in the armed forces of the United States and has received an honorable discharge therefrom or has been prevented from completing such term of service because of disability therein incurred or by retirement to reserve forces by governmental authority.

Provided, however, that any application for admission under this rule shall be filed within one year from the date of the termination of applicant's military service.