

Recent Legislation

THEFT PREVENTION—RECORDS OF PURCHASE OF DOMESTIC FOWLS.—The enactment of the Oklahoma Legislature of April 5, 1929, found in Chapter 1 of the 1929 Session Laws of Oklahoma, is a most unique and advanced step in the realm of statutory efforts at theft prevention. The law seems to be without parallel in the enactments heretofore attempted in this field. Its rather far-reaching and minute regulatory character is at once apparent, and the question of just how it will be received by the dealers and poultrymen of the state is a field for interesting speculation.

The Act provides, in substance, that a record open to public inspection at all times must be kept by those who buy domestic fowls from the general public, such record to contain the name, age and post office address of the seller, endorsed thereon in his own handwriting, the date of purchase, a description giving the marks, brands and other distinguishing characteristics of the fowls purchased, together with a description of the vehicle in which the fowls were delivered. In the case of delivery by a motor vehicle the license number is an added requirement. Nonresident or transient dealers must file such a record with the sheriff of the county where the purchase is made. The only named exception to the rule requiring records is to be found in the case of purchases from the heads of families known to the local dealer to be residents of the community. The usual misdemeanor penalties are provided for any violation of the requirements.

There are a few statutes in the field of theft prevention and detection efforts that, while in no way directly parallel to the Act in question, are somewhat similar. By far the most common form of recording statute directed in the main at the prevention of theft is the requirement effective in some states of a certificate of title for automobiles and the registration of such vehicles in a state office as a condition precedent to obtaining a license. The usual statute of this type requires an application by the owner for registration, the application to contain certain descriptive facts, the keeping of state records of such registration, and the issuance of a license and certificate of title to the owner. Enactments of this nature have unquestionably been a dominant factor in the efforts to prevent automobile thefts and in the detection of such crimes once committed.

Similarity may be seen also between legislation of this type and the enactments designed to establish more easily the ownership of stolen goods by prohibiting the alteration, removal or destruction of serial numbers on certain manufactured goods. Such legislation is commonly known as anti-fence legislation. Such statutes were originally applied only to such articles as revolvers, pistols and other weapons, but were later extended in many states to the automobile as thefts of the latter increased. By later enactment in some states the prohibition is extended to various other articles, as

pianos, radios and vacuum cleaners. A most inclusive statute of this nature is found in Illinois, providing that it is a misdemeanor to alter, remove, deface, cover or destroy a manufacturer's serial number or any other manufacturer's number or identification mark upon any machine or other article of merchandise for the purpose of concealing or destroying the identity of the same. By a section immediately following, the same prohibition is applied to marks or brands on any domestic animal or fowl, with intent to steal or prevent identification by the true owner. The gravity of the offense, whether felony or misdemeanor, is determined by the value of the animal or fowl whose brand or mark was altered or destroyed. Ill. Rev. Stat. (Cahill, 1929) c. 38, secs. 433, 434. Legislation of this character is usually applied to the buying, possessing and selling of articles containing mutilated numbers as well as to the act of mutilation. It might be noted in passing that the articles affected by the serial number statutes are most often those sold under installment contracts. 14 A. B. A. J. 67-78.

But the Act here involved seems to be rather unusual in its requirements in an industry heretofore relatively free from statutory interference and not generally considered as one demanding special statutory regulation and protection. It may be that an increased poultry industry in the state has resulted in an increase of chicken theft to such an extent that legislation was deemed necessary to check the offenses. That view is supported by the fact that the same session of the Legislature enacted a provision declaring the theft of chickens and the purchase or receipt of chickens known to be stolen a grand larceny, with a maximum punishment of five years imprisonment, amending a prior act which applied only to such offenses in the nighttime, as do statutes in many states. Okla. Laws 1929, c. 20. Be that as it may, and regardless of the purpose underlying the legislature's action, it is an interesting question as to how the enactment will be received by the dealers and the sellers of domestic fowls, upon whom it imposes the duty of such minute and detailed recording.

C. V. E., '31.

CIVIL PROCEDURE—CONTINUANCES BY AGREEMENT A MATTER OF RIGHT.—It is fundamental that, in absence of statutes to the contrary, continuances are granted at the discretion of the court for cause shown. A new Missouri statute provides that civil actions must be continued whenever the parties thereto agree. Laws 1929, 137. Massachusetts and Iowa have similar statutes. The question raised by their passage is whether it is wise to make the courts powerless to conclude cases and clean off their dockets, and to allow lawyers to unreasonably put off hearings until their own pleasure is best served.

The general law of the matter is expressed in the following extract: "A case may be postponed by agreement of the parties acting for themselves, or through their attorneys, and with the consent of the court; but an agreement by the parties that a cause should be postponed does not operate as a postponement without the sanction of the court, and does not of itself bind the court." *Moulder v. Kempff* (1888) 115 Ind. 459, 17 N. E. 906. The only