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Report of Committee on Law Enforcement

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"Sec. 8074. When Proceeding Enjoined.

Sec. 1. When a mortgagee or his assignee has served notice of intention for the foreclosure of a mortgage and within the thirty day period provided by such notice it shall be made to appear by the affidavit of the mortgagor, his agent or attorney, to the satisfaction of a Judge of the District Court of the County where the mortgaged property is located that the mortgagor has a legal counter-claim or any other valid defense against the collection of the whole or any part of the amount claimed to be due on such mortgage, which proof must be made by affidavit stating the facts and shall not be on information and belief, such Judge may by an order to that effect enjoin the mortgagee or his assignee from foreclosing such mortgage by advertisement and direct that all further proceedings for the foreclosure be had in the District Court properly having jurisdiction of the subject matter and for the purpose of carrying out the provisions of this section service may be made upon the attorney or agent of the mortgagee or assignee, or upon the Sheriff of the County where the sale under such foreclosure is to be had.

Sec. 2. Provided further that after the expiration of said thirty day period provided for in said notice of intention to foreclose an application for an order enjoining the foreclosure by advertisement shall be made only on motion; which motion, together with the affidavits used in support thereof, shall be served upon the attorneys or agents of the mortgagee or assignee on eight days notice in the same manner as service of other motions; the affidavits in support of said motion shall state the facts upon which the said application is made and shall not be on information and belief and shall disclose a legal counter-claim or other valid defense against the collection of the whole or any part of the amount claimed to be due on such mortgage, and upon a hearing upon said motion the Judge may likewise enjoin the foreclosure of the mortgage by advertisement in the same manner as if the application had been made ex parte within the thirty day period of the notice of intention to foreclose. All acts or parts of acts in conflict with the above and foregoing provisions are hereby expressly repealed.

LLOYD STEVENS, Chairman.

REPORT OF COMMITTEE ON LAW ENFORCEMENT

Your committee was fortunately made up of attorneys from adjoining counties, and as a result were able to meet at a central point and give the mater of law enforcement some serious consideration. The committee will make just two recommendations.

Paragraph XLV of the Magna Charta reads: "We will not make any justices, constables, sheriffs, or bailiffs, unless they are such as know the law of the realm and mean duly to observe it."

On considering the subject of law enforcement, this pledge of King John to the English Barons is pertinent.

Primarily, law enforcement is in the hands of the Sheriff of each county, and those acting under him, viz, deputies, constables and bailiffs. The public should be educated to the need of intelligence and a fair understanding "of the law of the realm", in those whom it selects to the office of Sheriff.

The first step in securing a higher intelligence and better understanding of the law with a resulting better service is to now urge forcefully and persistently the repeal of the present provisions of the statute which limit a Sheriff to four years in office.

It should be obvious to a mere casual observer that even a dull Sheriff will absorb some knowledge of his duties and acquire some added ability to perform those duties by experience. Making it possible to pursue indefinitely the business of Sheriff and the possibility of long service in that office, will attract to it men of intelligence and outstanding ability.

Police experience is needed in the apprehension of criminals and our Sheriffs are logically and by law charged with that work. That work cannot be done effectively under the present plan of electing these officers. The office of Sheriff requires more than candidates of outstanding ability in the art of campaigning and handshaking. What the office needs is experience and ability.

In remoulding our criminal procedure it should be realized that our greatest difficulty is in the apprehension of criminals, and it is evident that men of experience and ability are needed in the office of Sheriff, and men of that type cannot be attracted to offices of limited tenure.

The committee would further suggest that the present law surrounding the State's Attorney's Contingent Fund be entirely revamped. As the law now stands it has been construed by some of the Judges to mean that the State's Attorney is compelled, in making expenditures in the investigation of crime, to act blindly and virtually spend his own funds with the hope that when he submits a statement of expenditures to the Court, the Court will approve it.

The State's Attorney holds an important and responsible office, and a contingent fund, reasonable in amount, should be at his disposal in cases of emergency and he should have the power under the statute to use it in proper cases, without delay or red tape.

T. L. BROUILLARD, Chairman.

REPORT OF COMMITTEE ON COMPARATIVE LAW

It is not feasible to analyze and compare recent legislation of the various States, and the use of selected topics for analysis may not be profitable.

Your Committee deems it advisable to ascertain the amount of legislation and hopes by comparison with quasi-public returns to show whether the legislation correctly reflects public sentiment and demand, and thus be of more service to this Association.

Of the legislatures of the forty-eight States of the Union that of Alabama meets once in four years; New York, Rhode Island, and South Carolina annually, and those of the remaining States biennially.

Since January 1, 1929, all of the States, excluding Alabama, have held regular sessions of the legislature as have also the territories of Alaska and Hawaii. These legislatures have been prolific in the enactment of laws. Since January 1, 1929, 16,703 new state and territorial laws have been enacted. This is exclusive of special acts, concurrent resolutions, memorials and resolves.