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EDITORIAL

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Friends of Cornell University express the fear that because in the article in our last number on "Systems in Legal Education" credit was given to Cornell for inventing the term "coacentric system," a false impression may be created that the Cornell College of Law used that system. To correct any misapprehension on that score it should be stated that the Cornell School of Law has at least a *penchant* for the case system. We quote from a letter from Dean Frank Irvine on the subject:

"Pray do not consider us as 'wedded' to the case system, at least in the sense of pursuing the system exclusively or even as a cult. No system is imposed on the school. Every professor is free to pursue his own method. Every professor now here does use the case system, but in the first year work text books are used in connection with cases and I do not think that any member of this faculty believes that in its extreme form the case system is sufficient in itself."

CONTEMPT OF COURT

That the American Courts of today have an ever-increasing amount of litigation before them and that they should not be unduly hindered by counsel; also that they will not allow careless practitioners to offend their dignity by making unnecessary delays in court proceedings, is the decided stand taken by the St. Louis Court of Appeals of Missouri in *In re* Clark, 103 S. W. Rep. 1105. The decision seems to be one more of the signs of the times and emphasizes the fact that delays are dangerous, in law as well as in the outside world.

The case of *State v. Wilkins*, W. H. Clark, attorney for the defendant, was assigned for trial May 6th, 1907, in one of the Circuit Courts of the city of St. Louis. Mr. Clark appeared and explained that the defense was not ready for trial so that the case was postponed until 2 o'clock of the same day. He then appeared and presented an application for a continuance, which was overruled by the court but he was allowed until May 9th, at 10 a. m. in which to secure the presence of witnesses. He failed to appear at the hour named, but sent word that he was engaged in trying a case in another court, whereupon the court notified him that the case would again be called at 5 o'clock of the same day. At that time the attorney appeared and at his request the case was set for trial at 9 a. m. of the next day, May 10th.

The court was duly convened at 9 a. m. on the day set, but Mr. Clark failed to appear until 9:15 when he was promptly adjudged guilty of contempt and fined $10, the record showing that the delay was intentional. Several jurors were then examined and Mr. Clark at 10:40 asked permission to leave the court for ten minutes to attend to another case in which he was counsel, in the Court of Criminal Correction. The judge assented but Mr. Clark was away nearly an hour and on his return was fined $20. for contempt, in absenting himself for a time longer than the court had granted.

That a court of record has the power and authority to punish for contempt is a well established doctrine, taken from the English Common Law, and the inherent right to relieve in a summary way against the misconduct of an attorney was recognized in 1805 in New York. *People v. Smith*, 3 Caine, N. Y. 221. The reports contain many cases of contempt but none of them seem to have been for a mere delay in attending a session of the court although it is good law that if a contempt is committed in the presence of the court, the court has immediate jurisdiction of the person of the offender and he may be instantly apprehended at the court's discretion. *Middlebrook v. The State*, 43 Conn. 257. We can not adversely criticise the summary act of the judge in committing for contempt, for it has been stated that a criminal contempt consists in any act in disrespect of the court or its powers which obstructs the administration of justice or tends to bring the court into disrepute, *Wages v. Commonwealth*, 13 Ky. Law Rep. 925, and this case was of an aggravated nature and the delay extremely discourteous to the court.

The court expresses itself very clearly when it says, "An attorney at law is an officer of the court and it is as much incumbent on him to attend the sitting of the court when a case in which he is of counsel, is on trial, and which trial cannot proceed in his absence, as it is for the sheriff or the clerk of the court to be present. The absence of an attorney in certain circumstances unavoidably causes delay in the administration of justice which is a criminal contempt; if not a contempt, then the administration in the courts of the State would be at the mercy of the attorneys and they, instead of being aids to the court might become an

insufferable obstruction to its administration of justice by merely remaining away from court when it was their duty to be in attendance."

The power of committing for contempt lies solely in the discretion of the judge and either tardiness on the part of counsel has been of rare occurence, which we are not inclined to believe, or this judge has been among the first to endeavor to enforce punctuality.

Attorney Clark failed to pay the fines and was committed to jail whereupon he sued out a writ of habeas corpus alleging that he was denied a hearing. The Court of Appeals in commenting upon this said that the judgment record showed that "the court was of opinion that the delay on the part of said Clark was intentional" from which it reasoned that the court could not have formed this opinion without some evidence of the fact and as the habeas corpus proceeding was a collateral attact on the judgment, every reasonable attendment must be indulged in support of the judgment. In other words, the court on habeas corpus proceedings refused to investigate anything except what appeared on the face of the record, previously assuming that the court which had made the commitment had had jurisdiction.

This view has been long held in England and is clearly expressed by Blackstone J. in Lord Mayor's case, 3 Wilson 188, 204: "The sole adjudication of contempt and the punishment thereof in any manner, belongs exclusively and without interference to each respective court. Infinite confusion would follow if courts could, by writs of habeas corpus, examine and determine the contempts of others, for if they have power to decide, they ought to have power to punish." Contempt of Court, 20 Am. Law Reg. 292. So it is said to be the general practice not to inquire into the judgment of another court for contempt, *Shattuck v. State*, 51 Miss. 50, and the Supreme Court of the United States has adopted the rule that each Superior Court, being the judge of its own power to punish contemnors, no other court can question the existence of that power and the facts constituting the contempt need not be set out in the record. *U. S. v. Hudson*, 7 Cranch 32; *ex parte* Kearney 7 Wheat. 38. This rule has, however, been modified in many of the states both by statutes and decisions, but the prevailing American view is that on a habeas corpus in case of a commitment for contempt, the court can examine only two questions: first, as to jurisdiction; second, as to the form of commitment. When the jurisdiction is undoubted and the commitment is sufficient in form and contains all that the statute requires, the prisoner must be remanded and the writ discharged. Rapalje on Contempt, p. 227.

We fully believe that all attorneys should assist the court by prompt attendance and admire the decision of the St. Louis court, especially since it appears that the judge who made the commitment is dependent upon the people for election to his office. We might have expected such a ruling from one who had been appointed for life. The delay occasioned by a delinquent attor-

ney not only effects him but the court together with all its officers, as well as the opposing counsel, and we feel that the judgment of contempt in this case was deserved and fitting and that it should have its effect on court procedure.

SUPPORT OF CHILDREN IN ABSENCE OF PROVISION THEREFOR IN DECREE AWARDING CUSTODY TO DIVORCED WIFE.

The question as to the liability of the father for the support of the children in the absence of a provision therefor in the decree which awards their custody to the divorced wife, has given rise to one of the sharpest conflicts of authority known to the realm of law. The opposing decisions being almost equal in number and dignity, the opinions being based upon arguments equally strong and convincing, it would, indeed, be presumptious to say that one or the other constitutes the weight of authority. The most that can be said is that the oldest doctrine holds that the husband is not liable in such cases and that the trend of the decisions is towards the later doctrine which holds to the contrary. The former view still obtains in the following states: Connecticut, Illinois, Indiana, Kansas, Kentucky, Maine, Massachusetts, New York, and Rhode Island; the latter in Arkansas, California, Georgia, Michigan, Missouri, Nebraska, New Hampshire, Ohio, Vermont, Washington, Wisconsin and by the recent decision, in Maryland.

In the recent case of *Alvey v. Hartwig*, 67 Atl. (Md.) 132, the plaintiff had obtained a divorce from her husband, in which proceeding the custody of two infant children had been awarded to her but no provision made for their maintenance. She, having supported the children since the decree, brings this action against her husband to recover the expense therefor. It was held that she could recover. The court reaches this conclusion from the fact that the father is primarily liable for the support of his infant children and cannot relieve himself of this obligation by his own wrong.

The two views differ: first, in their conceptions of the common law in regard as to whose duty it is to support the minor children; second, as to who is entitled to the services of the infant children after divorce; third, as to the effect of father's wrong upon his rights in the premises; and fourth, as to the conclusiveness of the decree upon subsequent proceedings.

The first and oldest view is based upon the following facts. The obligation to support, protect and educate the children is a natural obligation and at common law was the duty of both parents and rested equally upon them. It is made a statutory duty in those states enacting that "The father and mother, grandfather and grandmother, of poor, impotent persons, shall maintain them if of sufficient ability, as the quarter sessions shall direct." While the relation of husband and wife continues, the husband is the head of the family and it is his duty to support and educate the children, so far as third persons are concerned. But as between the husband and wife and the children, the duty is equally that of

the mother and father. As head of the family, he is bound to support and educate his children and is entitled to their care, control, services and society. The right and the duty are reciprocal.

The effect of the divorce is to render the husband and wife single persons. They are strangers. The husband is no longer head of the family, for the family relation has been dissolved. He is head of whatever part of the family remains with him, and she of whatever remains with her. If the children are awarded to her by the decree, she obtains the right to their control, services and society. So it is but just that she assume the obligation of their support and education. If the husband must support them, he should be permitted to have them in his own home so as to be better able to judge of their needs and support them in his own way Besides he should be given the aid of their society and services.

In proceeding for divorce, all matters pertaining to the family relation are before the court for its disposal. All rights and duties are settled and determined by the court having before it all the circumstances and the respective situations of the parties. The court is not bound to make an allowance to the wife for the support of the children, the custody of whom has been awarded to her. The decree is rendered, having in mind all the rights and duties of the parties. By accepting the provisions of the decree she is presumed to have accepted, and the court is presumed to have given her all she was entitled to. That this is true is evidenced by the well-known fact that courts generaliy lean toward mothers as far as possible in cases of this kind. This is as right as it is natural. Failure to ask for an allowance is equivalent to an admission by the wife that an allowance was not necessary or required by the circumstances of the case. Failing to obtain the allowance, she is bound by the decree and is estopped from asking more in an independent action. It would indeed be severe and harsh to expose the husband to actions by every one who expended sums for the support of children over whom he exercised no control. And the courts do not permit it.

The principle underlying this theory is said, by Mr. Bishop, to be that the right to the services of the children and the obligations to support them go together. The right and the duty are reciprocal.

For discussion of this view see *Harris v. Harris*, 5 Kan. 46; *Hall v. Green*, 87 Me. 122; *Burritt v. Burritt*, 29 Barb. 124; *Brown v. Smith*, 19 R. I. 319; *Foss v. Hartwell*, 168 Mass. 66.

The later view considers the same facts but takes a different attitude in the matter. The weakness of infant children, their inability to secure for themselves food and clothing, shelter and protection, arouses in every parent an affection for them which of itself prompts the parent to do for them that which in their helplessness they cannot do. The parents are of all persons the most fit and proper to perform the trust reposed in them not only by nature and custom but also by law. And although the performance of this duty is imposed by law, its instrumentality is

seldom invoked to enforce it. However, should dissensions arise between the parents, the children not being parties thereto, will not be deprived of their rights. It is not the policy of the law to permit parents to evade their duties toward their children by the wrongful neglect, failure or refusal to perform them. The primary liability for the support of the children rests on the father. This is true at common law for the husband acquired his wife's liabilities along with her property. By statutes, allowing the wife a separate estate, the husband is generally declared to be liable for the support of his infant children. The father is primarily liable, the mother secondarily.

When the father shows by his own voluntary misconduct that he is unfit to exercise parental control and the custody of the children is awarded to the mother, he is not thereby released from his pre-existing duty to support them unless the court so decrees. The divorce from his wife is not a divorce from his children. His liability for the support and education of his infant children remains the same after divorce as it was before. Moreover, by failing to carry out the trust imposed on him, he forfeits the right to the services of his children. Nor can he complain, since he alone is responsible. The law will "not enable the father to convert his own wrong into a shield against parental liability." It is not the policy of the law to release the unworthy parent of a burden and impose it as an additional one upon the worthy parent.

By divorce, the husband and wife become, to all intents and purposes, absolute strangers. They are then single persons and none of the marital duties and obligations to each other survive the decree. If a third person supports the infant children, he can recover on the contract implied by law that the father will pay for that for which he is primarily liable. And if a stranger can recover in such cases, so may the wife who has become a stranger by the divorce decree. Moreover, guardians, or other persons having similar powers, are not personally liable for the expense of maintaining their wards, whatever relationship they may be to each other.

The fundamental principle upon which this argument is based, as expressed by Bishop, is: "that no one can cast off an obligation by refusing to keep it, or any duty by an evil doing."

For discussion of this view see *Rankin v. Rankin*, 83 Mo. App. 335; *Pretzinger v. Pretzinger*, 45 O. St. 452; *Stanton v. Willson*, 3 Day, (Conn.) 37; *Zilley v. Dunwiddie*, 74 N. W. (Wis.) 126; *Conn. v. Conn.*, 57 Ind. 323.

CORPORATIONS—RIGHT TO CORPORATE NAME

The value of no kind of property has in recent years increased more rapidly than the value of corporate names. A corporation for a number of years turns out a standard product or perhaps spends enormous sums familiarizing consumers with illustrations having its trade mark for a background and with verses of which its name constitutes the refrain. Not infrequently the result is

that the appellation which has thus become a household word is of more value to such corporation than even its manufacturing plant. As a consequence cases upon this subject have not only increased in numbers but have grown greatly in importance. One of the most interesting of this class of cases recently decided is *Blackwell's Durham Tobacco Co. v. American Tobacco Co.*, 59 S. E. (N. C.) 123.

Blackwell's Durham Tobacco Company of Durham sought to restrain the American Tobacco Company and also Blackwell's Tobacco Company, a New Jersey corporation, from using the plaintiff's corporate name. In refusing the injunction the court held that a domestic corporation does not acquire by the mere adoption of a corporate name the exclusive right to use the same and it does not acquire such a property right in the name as will be protected by injunction.

These conclusions are based upon the theory that the only right which a corporation has in its name results from the use of such name. Thus in settling the rights to corporate names the courts have reasoned from the analogous case of trade marks, where of course use furnishes the only criterion of ownership. Although few courts have had occasion to meet the question as squarely as did the North Carolina court, yet many cases have seemingly assumed that usage only is to be considered in determining the rights to a corporate name. And, if the analogous rules in regard to trade marks are to be strictly followed, such conclusions are entirely correct. *Higgins Co. v. Higgins Soap Co.*, 144 N. Y. 462; *Lamb Knit Goods Co. v. Lamb Glove & Mitten Co.*, 120 Mich. 159.

Such a rule, however, is not altogether convenient even in the case of trade marks. A man may have extensively advertised a certain article by a distinctive name yet, leaving out of consideration registry statutes, if some one else puts another article of the same name upon the market before the advertised article is put upon the market, he who has borne the expense of advertising has no redress. *Maxwell v. Hogg*, *L. R.* 2 Ch. App. 307. Again there is the ever recurring question: What is sufficient user? In the case of trade marks, however, there are obvious reasons why this rule in spite of its inconvenience should be adhered to. Since at common law there is no formal adoption, definite adoption by usage at least must be required; or as it has been stated, until an originator puts his uniquely named article upon the market he has given the world no consideration for the right to the exclusive use of any name. *Maxwell v. Hogg*, *supra*.

In the case of corporate names conferred at the time of incorporation this reasoning hardly holds. The assumption of the corporated name at the time of incorporation is certainly adoption definite enough to prevent any confusion. May it not also be said that the assumption of corporated duties is sufficient consideration for the right to such name?

This distinction between trade marks and corporate names has not been altogether overlooked by the courts. Although

usage is chiefly considered in determining the ownership of corporate names, yet the time of incorporation has been recognized as fixing some rights. Thus *Tussaud v. Tussaud*, 44 Ch. Div. 678, decides that a corporation can not select a name which is the same as or similar to that of another corporation created by, or under the laws of, the same sovereignty, and in many states there are statutes to the same effect. *State v. MaGrath*, 92 Mo. 355. If usage were the sole criterion, would it not be logical in such cases arising under the common law to hold that corporations with the same name as one already in existence could be chartered but that the name could not be used? Tending still further away from the analogy to trade marks is *American Order of Scottish Clans v. Merrill*, 151 Mass. 558, holding that when the name of a corporation has been approved by the proper state officials at the time of incorporation, such name becomes a part of the corporate franchise. Rhode Island also holds that the name of a corporation is a part of its franchise, provided the corporation was chartered by a special law. *Paulino v. Beneficial Association*, 18 R. I. 165. One court, not of last resort, has assumed the logical conclusion of such reasoning which is that priority of incorporation determines the right to a corporate name. *German Hanoverian Coach Horse Co. v. Oldenbery Coach Horse Association of America*, 46 Ill. App 281.

It would seem in such a case as the present, where one of the litigants is a foreign and the other a domestic corporation, that the public policy of the state also would dictate that the domestic corporation should as far as possible be protected. Some courts consider this principle of public policy so potent that they hold that a foreign corporation has no standing in a domestic court to sue to restrain a domestic corporation from using the same name. *Hazelton Boiler Co. v. Hazelton Tripod Boiler Co.*, 142 Ill. 494. In such a case as the one under discussion the same obligation of a state to protect a corporation of its own creation might be urged with perhaps more reason. If the court, however, feels itself bound by the rigid rules of the law, perhaps the best way to further the public policy of the state would be to pass a statute prohibiting a foreign corporation from doing business in a state under a name the same as or similar to one by which a domestic corporation has been chartered and giving to the domestic corporation the right to an injunction in accordance with the statute.

COURTS—ACTION AGAINST STATE

Last month in discussing *So. Ry. Co. v. M'Neil*, 155 Fed. 756 (N. C.), and *Seaboard Air Line Ry. Co. v. R. Commission*, 155 Fed. 792 (Ala.), we commented upon an important and far-reaching question which now engages perhaps more of the attention and anxious consideration of the public and of the courts of this country than any other. Very recently the Supreme Court of North Carolina, in *State v. So. Ry. Co.*, 59 S. E. 570, has made a decision upon practically the same state of facts as formed the basis of the M'Neil decision, arriving at an opposite conclusion.

The case arose upon the railway company's appeal from conviction under the Passenger Rate Law of 1907. While arresting judgment because no criminal offense was alleged in the indictment, the court proceeded, with the utmost ingeniousness, because the arguments and briefs of counsel were largely devoted to its consideration, to discuss the right of the federal court to pass upon the rate question, and declare the suit in that court to be one against the State within the prohibition of the Eleventh Amendment.

The questions where and whether a suit is one against a state within the Amendment are none too clearly settled. The lower federal courts, wherever possible, have upheld their own jurisdiction. *Virginia Coupon Cases*, 25 Fed. 654; *Parsons v. Marye*, 23 Fed. 113; *Gregg v. Sanford*, 65 Fed. 151. In the Supreme Court, since the early rule was departed from, that a suit was one against a state only when the state was a party upon the record. *Osborn v. Bank*, 9 Wheat. 738, the decisions have been conflicting. Clearly a suit by or against the governor of a state, as such, in his official character, is a suit by or against a state. *Kentucky v. Dennison*, 24 How. 16. A suit to compel a state auditor to proceed under an act authorizing him to levy a tax and to pay interest on certain bonds is in effect a suit against the state. *State v. Steele*, 134 U. S. 230. So where a suit is brought against state officers to enforce the performance of a contract made by the state, and the controversy is as to the validity and obligation of the contract, and the only remedy sought is the enforcement of the contract of the state, and the nominal defendants have no personal interest in the subject matter, but depend only as representatives of the state, the state is deemed the real party in interest. *Louisiana v. Jumel*, 107 U. S. 711; *Hagood v. Southern*, 117 U. S. 52. But a suit against the railroad commission of a state to restrain the enforcement of regulation as unjust and unreasonable—the state having no direct pecuniary interest therein—is not within the prohibition. *Reagan v. Farmer's Loan and Trust Co.*, 154 U. S. 362. The result of the cases may be said to be that (1) where the relief sought is affirmative official action by state officers in the performance of an obligation which attached to the state in its official capacity, the federal courts will not take cognizance; but (2) where the relief sought is the performance of a plain official duty requiring no exercise of discretion, or where the state officers have invaded or threatened to invade the vested pecuniary rights of the complainant in his property, the suit is not within the Eleventh Amendment. *Poindexter v. Greenhow*, 114 U. S. 270; *Pennoyer v. McConnaughty*, 140 U. S. 1; *Reagan v. F. & L. Co.*, *supra*. The main difference between the M'Neil and the principal cases appears to be this: the state court holds that under the Passenger Rate Act there is nothing which makes its operation depend at all upon anything to be done by the Corporation Commission, or the Attorney General, or his assistant, thus bringing the case within the first class, and within the rules in *Fitts v. McGhee*, 172 U. S. 516; whereas the federal court

holds that the Commission is specially charged with important duties in connection with the enforcement of the act in question by the laws of North Carolina, and puts the case within the second class.

MUNICIPAL CORPORATIONS—BRIDGES—LIABILITY TO REPAIR

The way in which our courts will many times straddle an issue is illustrated by the recent case of *City of Flemingsburg v. Fleming County*, 105 S. W. (Ky.) 133. The controversy was as to whether the county or the city should bear the expense of rebuilding a certain bridge in the most populous part of the city.

The burden of building and repairing the highways and bridges of the state had been imposed by statute upon the various municipal corporations. But as between county and city it was not clear from the wording of the statute upon which corporation fell the burden of rebuilding a bridge within the boundaries of both. There was an express provision that the county must repair public bridges within the county and forming part of the county highways. But the duty to control and care for the "streets and public places" within the boundaries of the city was cast upon the city. The county contended that the bridge was a part of the city's "streets and public places" and hence should be taken care of by the city. On the other hand the city contended that though the bridge was in one sense a part of its streets yet that the legislature used the term "streets and public places" in a limited sense and plainly its intention was to exclude bridges from that term. This legislative intent the city deduced from the fact that the legislature imposed the duty upon cities of the first, second, third and fourth classes to construct and repair "streets and bridges" whereas among the duties imposed upon cities of the fifth class, to which class Flemingsburg, belonged, and towns of the sixth class the word "bridge" is not mentioned. It was maintained that the legislature intentionally omitted the word "bridge" from the list of duties put upon cities of the fifth class and towns of the sixth class because they were the smallest and could not be expected to stand the expense of maintaining large bridges which happened to be within their boundaries, particularly as the benefits would accrue more to the welfare of the county than to that of the city. But the county claimed that the bridge was in the center of the city, that most of the traffic over it was local in its character, that it was part of the city's "streets and public places" and that therefore the city should bear the expense.

The court in handling the troublesome question before it

seems to have put stress upon the consideration, for whose benefit the bridge would be, rather than upon the consideration, upon whom, the legislature had cast the burden. It came to the conclusion that each corporation must pay a part of the expense, proportionate to the benefit it would derive from the bridge, as measured by the character of the travel over it. No doubt such a conclusion was a just one according to political science reasoning. The situation called for some remedy but was that remedy a judicial one? Did not the court invade the realm of the legislature? The legislature had committed this thing to the care of the county and that to the care of the city and so on through the matters pertaining to local government; but however ambiguous it may have been in pointing out these individual duties, surely it seems that the intention of the legislature was to impose all of these enumerated duties upon either one or the other of these public corporations. The court found that the legislation was insufficient and did not do complete justice. In trying to remedy the evil the court held that it must have been the intention of the legislature that these corporations share the burden because such would be highly equitable. But no matter how equitable or just a provision might have been had it been inserted, such a fact does not make it a part of the intention of the legislature.

The court had previously been confronted with the same troublesome facts in the case of *Leslie County v. Wooten*, 25 Ky. Law Rep. 217, except that the bridge in that case was in the outskirts of the city. The court there decided that the legislature did not intend that the phrase "streets and public places" should include bridges on country roads used mostly for county travel even though within the boundaries of the city. Such construction is common in this country. *Union Drainage Dist. v. Highway Commissioners*, 87 Ill. App. 93. But when the court decided in the case under consideration that the county and city must share the expense, it seems not only to have gone too far in construing the intention of the legislature, but also to have added to the confusion in the law on the subject in Kentucky. In *Town of Paintsville v. Commonwealth*, 21 Ky. Law Rep. 1634, the court had held that the town could be indicted for failure to keep in repair a bridge within its boundaries even though the bridge had been built and previously repaired by the county. That decision seems in conflict with the spirit of the legislative intent as interpreted by the court in *Leslie County v. Wooten*, *supra*, and in the case under consideration.

Furthermore, even though the chancellor should have no difficulty in determining the proportion of county as distinguished from city travel, who would have control of the bridge? Control of repairs should rest with the body liable to make them. *Whitehall v. Freeholders of Gloucester*, 40 N. J. Law 305. Would it be practical for the country to have, say, thirty-seven one hundredths of the control?

Thus the confusion has been increased even though the court in reaching its conclusion administered a remedy which would more properly have come from the legislature. Such interpretation of statutes from the outside as we might say illustrates well the truth of the words of that eminent jurist, Judge Coleridge, in *Lumley v. Gye*, 2 E. & B. 269, where he said, "It is wiser to ascertain the powers of the instrument with which you work, and employ it only on subjects to which they are equal and suited; and if you go beyond this you strain and weaken it, and attain but imperfect and unsatisfactory, and often only unjust results."