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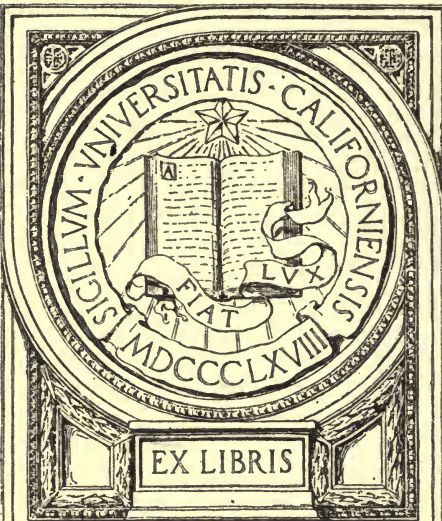


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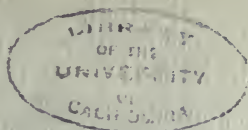
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ADDRESS BY

HON. WILLIAM W. MORROW, JUDGE UNITED STATES CIRCUIT
COURT OF APPEALS FOR THE NINTH CIRCUIT, AT THE
FESTKOMMERS, CELEBRATING THE TWENTY-FIFTH AN-
NIVERSARY OF THE ASCENSION TO THE THRONE OF
HIS MAJESTY, THE GERMAN EMPEROR, WILLIAM
II, DELIVERED AT THE GERMAN HOUSE,
SAN FRANCISCO, CALIFORNIA, SATUR-
DAY EVENING, JUNE FOURTEENTH,
NINETEEN HUNDRED AND
THIRTEEN.





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1888-1913

Festkommers

in ehrender Anerkennung
der 25-jährigen segensreichen
Regierungstätigkeit

S. M. des Deutschen Kaisers

Wilhelm II.

am 14ten Juni 1913
im
Deutschen Hause
zu
San Francisco

UNIV. OF
CALIFORNIA

DD 229

M 61

1913

MAIN

The German Civil Code.

MR. TOAST-MASTER AND GENTLEMEN :

When we think of the President of the United States; the tremendous power of his office in the political affairs of the nation, and the method by which it is assembled and distributed, we naturally compare the office with that of other national rulers, and we find that in civilized nations the difference in power vested in these rulers is not so great as one would at first suppose. The difference in its exercise is more often a difference in the character and temperament of the individual, rather than that of authority. A good and efficient President would probably make a good and efficient King or Emperor, if he had the chance; and a good King or Emperor ought to make a good President. It has accordingly occurred to me that we might, for the better government of the nations of the civilized world, provide for the temporary exchange of rulers, as they now provide for the exchange of professors in the great universities, in the interest of a broader education. Our object in introducing this scheme into governmental affairs would be to secure broader political views. The exchange might at times contribute somewhat to the gaiety of nations; but we would know our rulers better. However, we know both the President of the United States and the Emperor, William II of Germany, and we know them both to be earnest, sincere, patriotic men of the highest type

of character and attainments. And to-night we pay our tribute of respect to them both, while our special subject for the occasion is the German Emperor.

The present Emperor of Germany would be a popular ruler anywhere. His energy and activity appeal to the imagination of those who do things, and to those of us who like to see things done. Had he been a citizen of the United States, either by birth or residence, he would probably have been a captain of industry, or a director of some great enterprise, and had he entered the political arena, he would have been a popular leader. Whether he would have been a mere party leader is perhaps not so clear. In Germany he has no one party supporting his administration; but he is a leader of men, and by force of his will accomplishes his purpose as a ruler by moving men in the direction he is going. Hence he has the support of able men from all parties. His ability as a leader in this respect amounts to genius. He has made his monarchy popular by bringing it close to the people and making it work out the highest expression of the popular will. This has been the result of no small effort, and the fact that he has been successful is evidence of the versatility of his mind and the force of his character. He insists that his right to rule is a divine right; but his rule is human and for human needs. When he came to the throne twenty-five years ago the popular impression was that he would be an aggressive ruler, with the Hohenzollern spirit for war. He was described as the War Lord of Europe. What has been his course, and

what has he accomplished? He has been aggressive and persistent in protecting the financial and commercial interests of the German people, and in the development of their agricultural and mechanical industries; but he has not waged war in behalf of either. He has been alert in looking into the future for the purpose of seeing where German interests might be promoted, and material advantages have undoubtedly come to the German people by reason of his foresight. But in exercising this foresight in the interests of his own people, he has not disregarded the rights of the people of other nations. He has been forceful but not overbearing. His character is now pretty well understood. He will not commence a war for the mere purpose of achieving military glory, but if war comes he will be prepared for it. This seems to be a practical and reasonable view of the situation in which he is placed. He is a statesman and withal a practical sovereign, seeking the peace and welfare of his people; and now, after twenty-five years of prosperous rule, he is receiving the deserved congratulations of the people all over the world for the splendid record he has made in the cause of peace. This is a record to be proud of, particularly in view of the many temptations that have been presented for a different course of conduct.

But this does not tell the whole story; for while maintaining peace with other nations, the German people have had other problems to solve, many of them difficult and some of them serious. And with

the sympathetic aid and co-operation of the Imperial Government, a constant and steady progress has been made in the solution of some, if not all, of these problems. One of these problems has been the unification of the German people under one general law regulating their private rights and duties. The difficulties in the way of such unification seemed at one time to be insuperable and impossible of realization. But the situation was grasped by strong, patient, able and earnest men, selected by the Government, and we all know the result. Germany to-day is a powerful, unified nation, under practically one law. This has not all been accomplished during the reign of the present Emperor, but the final and most important part has been the work of his administration. And now, in answer to all the criticism that has been directed against the Kaiser and his administration of the German Empire, I offer in evidence the German Civil Code, which, by the approval of the Emperor, became the law for all the people of Germany on January 1st, 1900. I could offer other evidence of a similar character, but we may without fear rest the Kaiser's case before the world upon the merits of the German Civil Code alone.

There is more substantial and lasting glory in the enactment of one wise law for a civilized people than in winning numberless great battles. Napoleon at St. Helena, after reviewing all his past greatness achieved by war, declared that he would not be remembered for victories gained in forty battles, but

that he would go down to posterity with his Code in his hand (referring to the Code Napoleon). He was right. Good laws, wisely framed and justly administered, are always beneficent. Military achievement can make no such claim.

And so we say for the German Emperor that the preparation and adoption of the Civil Code by his direction and approval has brought to the German nation greater and more lasting glory than could have been achieved by a victorious army, and has required as much, if not more, genius to deal successfully with the adverse conditions of a complicated situation.

Prior to the formation of the present German Empire in 1871, the various judicial systems in the local jurisdictions forming the Empire were more numerous than all the kingdoms and principalities brought together under the one general government. That is to say: in several jurisdictions there was more than one law upon the same subject, and these laws contradictory. In Prussia, for example, there was more than one judicial system, and there was also more than one judicial system in Bavaria. Indeed, it was said that in one house in Bavaria, had three persons died in different rooms the estate of each would have been administered under a different judicial system. It was a condition very much like that in France at one time when Voltaire said that a traveler changed his system of law as often as he changed his horses.

This tangled and complicated condition of the laws was absolutely inconsistent with an efficient or even

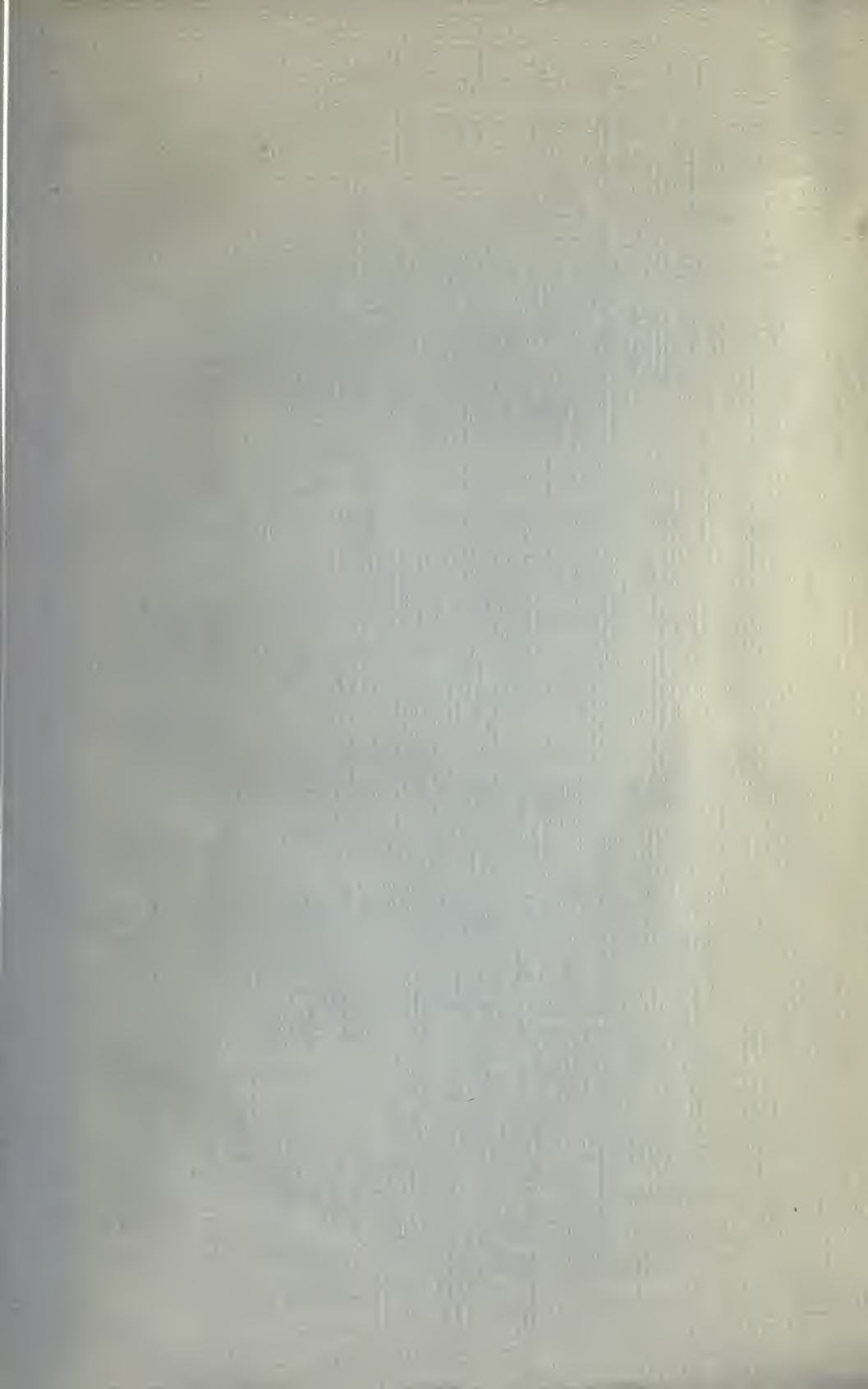
a tolerable administration of the affairs of one people, as one nation. A great effort was accordingly made by the Imperial Government to remedy the situation by preparing a code of private law for the entire German nation. Successive committees were appointed to prepare such a code, but it met with vigorous opposition; and it was not until the present Emperor came to the throne that opposition was overcome and the work had sufficiently progressed to be submitted to the legislative branch of the German Government. This was done in October, 1895, and, after a careful revision in some minor details, it was finally adopted by the Reichstag on July 1st, 1896; by the Bundesrat on July 4th, 1896, and approved by the Emperor on August 18th, 1896. It went into effect on the first day of January, 1900, and is now the general law regulating the private rights and duties of all the people of the German nation, taking the place of all the heterogeneous, inconsistent and contradictory laws, regulations and customs prevailing throughout the Empire before that time.

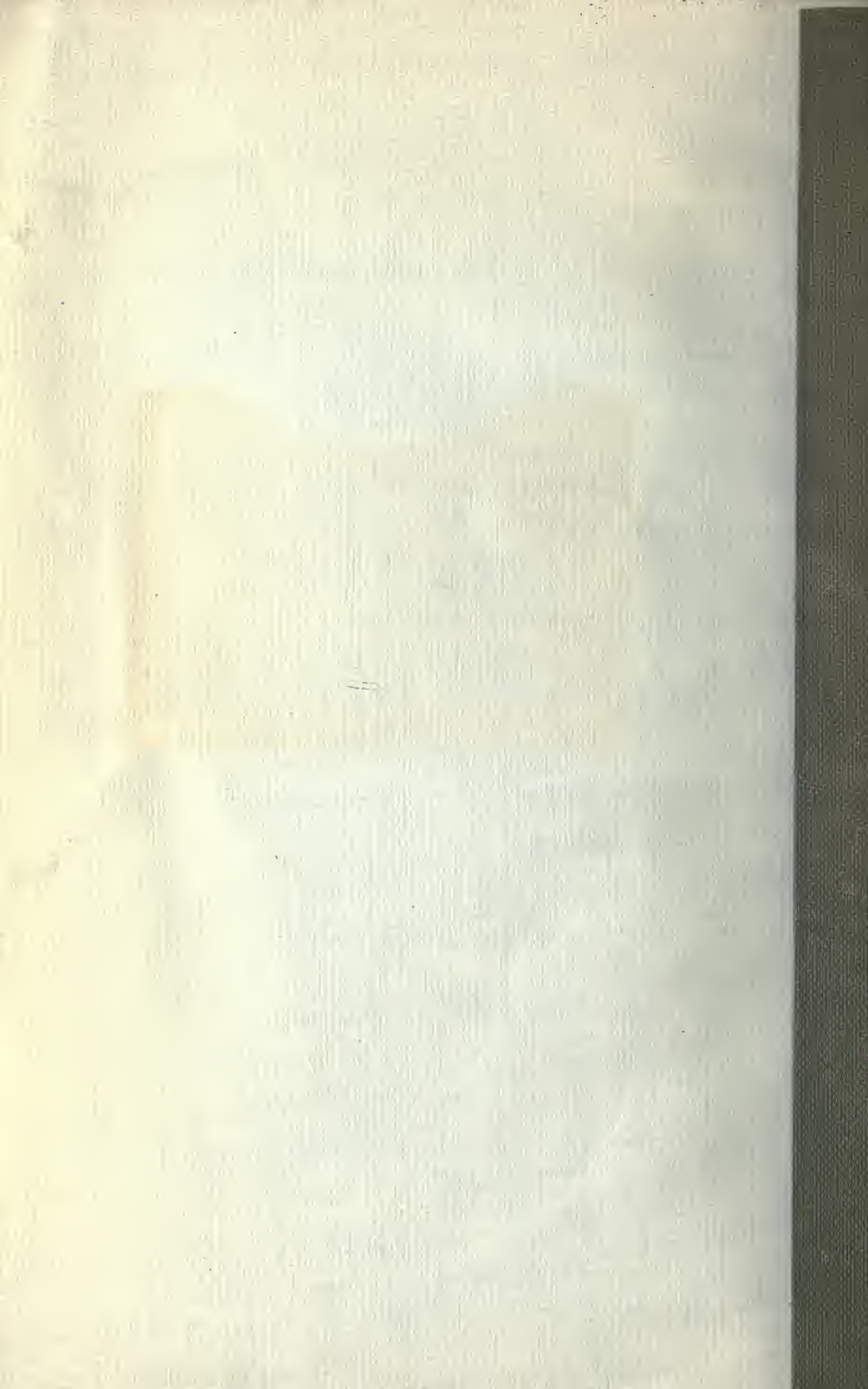
An inspection of this work shows it to be a clear and simple exposition of the law embraced within the scope of the work. The late Professor Maitland, the distinguished English jurist, speaking of this code, has said: "It is the most carefully considered statement of a nation's law that the world has ever seen." It is certainly a model of progressive legislation, based upon scientific principles. There is no discrimination and there is no distinction because of

class or condition. It is, for the present, the law for sixty-five millions of people; but, like invention and discovery, it becomes the common property of the whole world. It is a splendid achievement and will last as long as civilized government lasts.

We might refer to the Commercial Code prepared and adopted at the same time, and to other statutes passed for the benefit of the aged, the destitute and the dependent, and to laws passed for the preservation of the public health. But we need go no further. The case is made; and I submit that the Kaiser, and his reign of twenty-five years, stands before the world to-day as fully vindicated, and as highly deserving of our praise and song, and the praise and song of all who love peace and who are concerned for the welfare of nations.

Gentlemen, I propose the sentiment: The good health and long life of the German Emperor, William II.





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