Exhibit 221

in the case of:

People of the Republic of Texas
and the
Sovereign Nation of the Republic of Texas

v.

UNITED NATIONS
(and all it's Political Subdivisions)
and
UNITED STATES
(and all it's Political Subdivisions)

Under Pains and Penalties of perjury and the laws of the Almighty, and being sworn under a vow and oath, I attest that the attached pages are true and correct representations of:

Council of the State Governments, (definitions of statehood) from: *Dictionary of American History*, Capture of the tariff, ref. E, 174.D52 v. 6, (Quebec, 1976).

This attestation is made on August 14, 1998.

Attest: Coolidge Gender

D. A. West

Witness to source and above signature

Merle Anne West

Witness to above signatures

STATE GOVERNMENTS, COUNCIL OF THE. *See* **Council for New England.**

STATE LAWS, UNIFORM. In the 18th and 19th centuries the exercise of state sovereignty resulted in the development of a checkerboard of separate and often conflicting state legal systems. A valid divorce in one state, for example, was occasionally a nullity in another. Toward the end of the 19th century such factors as improved transportation and the increase in commerce persuaded lawmakers that it would be desirable to make some laws uniform throughout the states.

There are three fundamental methods of adopting laws so as to achieve the desired uniformity: (1) Congress in the exercise of one of its constitutional powers may pass a law that applies to the states uniformly; (2) state legislatures may adopt identical laws; and (3) representatives of state governments may negotiate an agreement that in turn is adopted by the respective legislatures.

Although only the latter two methods provide for uniform state laws, it is important to recognize that Congress plays a significant role in developing uniformity by merely exercising its constitutional powers to legislate in substantive areas where its failure to do so would permit idiosyncratic state regulation. Longstanding judicial doctrine holds that where Congress has the power to act, its laws preempt or supersede conflicting state laws on the subject.

In 1892, when state representatives first met at what was to become the annual National Conference of Commissioners on Uniform State Laws, they faced two monumental tasks. First, they had to draft legislation acceptable to themselves as representatives. Second, to be successful, they had to convince at least some of the state legislatures that the particular uniform act was wise state policy. Unlike federal laws, uniform acts are not thrust into existence by a superior governmental entity. Each state is free to adopt or reject such acts. Consequently, it is not surprising that there has never been a uniform act that has met with unanimous success. The powerful arguments of economic or social "necessity," theoretical "rightness," and the convenience of uniformity of culture and attitude are countered by arguments that certain local situations are unique or that a particular area is already covered adequately. What is surprising, in view of the disparity of geographical representation and the sheer numbers of sovereign states (and the District of Columbia, Puerto Rico, and the Virgin Islands), is the degree of success the conference has had.

The Negotiable Instruments Act and its successor, the Uniform Commercial Code (UCC), have been the most significant of the uniform acts. As of 1975, the UCC was law in all states except Louisiana, and its provisions were the legal framework of most business dealings in the United States. There were over 150 uniform acts, many of which met moderate to great success with state legislatures. Some were not adopted by any states. For example, conflicting laws governing marriage and divorce still allowed for "unknowing bigamists."

Part of the success of the conference is that it constitutes an ever-present machinery to set the wheels of uniformity in motion. Since 1892 the conference has convened every year except 1945. Through its president it makes a yearly report to the American Bar Association, which in turn passes on the efficacy of new acts and provisions. In short, there is a constituent assembly that can respond in timely fashion to needs for uniformity as well as publicize its utility.

The commissioners, generally three from each state, are appointed by the respective governors, who over the years have made a practice of selecting leading lawyers, judges, and law professors.

[American Bar Association, *Reports* (annual); Allison Dunham, "A History of the National Conference of Commissioners on Uniform State Laws," *Law and Contemporary Problems*, vol. 30 (1965); National Conference of Commissioners on Uniform State Laws, "Uniformity in the Law," *Montana Law Journal*, vol. 19 (1958).]

HAROLD W. CHASE
ERIC L. CHASE

STATE-MAKING PROCESS. The American federal system with its peculiar relationship of power and function between the state and the national government is one of the more notable contributions of the

United States to the science and theory of government. In a real sense the original thirteen states had entered the nation-building process as independent nations when they drafted the Articles of Confederation, the nation's first constitution, and when they labored to produce the present constitution at the Constitutional Convention of 1789. A major question to be resolved was the manner and method by which other territories that were held or later were to be acquired by the United States might become states in the Union. At intervals throughout American history major legal and political policy debates have arisen over the state-making process, although they have been somewhat muted since the noncontiguous territories of Alaska and Hawaii acquired statehood in 1958 and 1959, respectively.

The original thirteen states had all been colonies of Great Britain, and following their successful war for independence, they formed the original United States of America. The Constitution of the United States went into effect in 1789 after its ratification by conventions in eleven of the states. North Carolina and Rhode Island followed suit soon after. Vermont may possibly be considered one of the original states, since its people formed a constitution and declared themselves independent of Great Britain in 1777. It was admitted into the Union in 1791 by act of Congress. Kentucky, originally a part of Virginia, was formed into a county of that state in 1776. The people of this district asked Virginia to consent to the creation of a new state. The consent was given in 1789, and Kentucky was admitted as a state in 1792. North Carolina originally included the territory comprising what is now Tennessee, which it transferred to the Union in 1784. Tennessee was admitted as a state in 1796. All these creations of states and admissions to the Union were authorized by acts of Congress.

The territory of the United States was extended to the Mississippi River in 1783 by the Definitive Treaty of Peace with Great Britain. National territory was widely expanded by outright purchase, as in the case of Louisiana, Florida, and Alaska. Cessions from Mexico also added major land areas that were later to become states of the Union.

Texas was an independent nation from 1836 to 1845, after winning its independence from Mexico. It was annexed to the Union by joint resolution of Congress in 1845. Hawaii had also been an independent nation, but before becoming a state it had functioned as an incorporated territory for many years. Maine separated from Massachusetts in 1820, and in 1863 during the Civil War, West Virginia separated from Virginia. The remainder of the states were carved out of the public lands that came to the United States as the result of various cessions and annexations.

Immediately following the American Revolution the Continental Congress took the first steps in organizing the western lands. Congress wanted to prepare the inhabitants for local self-government and to organize the territories for their final admission into the Union as states. The famous Northwest Ordinance, or Ordinance for the Government of the Territory of the United States Northwest of the River Ohio, was passed on July 13, 1787. It contained three very important provisions: first, there was a grant to the inhabitants of the territory of those fundamental political and personal rights that are presumed to be the basis of American liberty; second, there was a statement of a plan for the immediate government of a territory; and third, there was a statement of the policy of the federal government on the final status of such a territory. This ordinance was the basis upon which all public lands and foreign possessions of the United States were administered during the succeeding century.

For the immediate government of an organized territory all powers were vested in a governor, a secretary, and a court of three judges, all of whom were to be appointed by the Continental Congress. At first there was to be no legislature, but the territorial officials had the authority to adopt and promulgate such laws of already existing states as suited the needs of the territory. While these laws were to be reported to Congress, they were allowed to go into effect immediately unless disallowed by that body. This concentration of executive and legislative power in the same hands was a violation of fundamental American ideas of free government but was justified on the grounds of temporary expediency. A more complete government was to be set up as soon as there were 5,000 free male inhabitants in any one of the territories. There was to be a legislative body consisting of a house of representatives chosen by the people of the territory on a certain arbitrary numerical basis of apportionment and an upper house or council of five members chosen by Congress upon nomination by the lower house of the legislature. The governor and legislature, under a delegation of power by act of Congress, were to pass all laws needed for local government, but there was no provision for a veto by the governor. A further provision required that the two houses of the legislature in joint session should elect a delegate to Congress who would have a seat in that body with a

right to participate in debate but no vote. This plan, as contained in the Northwest Ordinance, formed the basis on which the system of government for the future states of the United States was built. Ohio, the first state to be founded under the Northwest Ordinance, was admitted to the Union in 1803. The First Congress under the Constitution passed an act on May 26, 1790, that provided that a like plan of government should be created for the Southwest Territory, which lay south of the Ohio River.

As soon as an organized territory had maintained self-government under these conditions and had grown in population to a position sufficient to justify, in the varying public opinion of the times, its admission as a state, Congress passed a specific act under which the people of the territory could choose delegates to a territorial constitutional convention. The general procedure was for this convention to draw up a constitution for the prospective state, usually modeled on the constitutions of the original or other early states of the Union. Upon adjournment of the convention, this constitution was submitted to the people of the territory for their ratification and was generally accepted by them. The prospective state then applied to Congress for admission to full status in the Union. Congress usually passed the necessary enabling act; after acceptance by the people and government of the territory, a new state was then formally admitted into the Union. When finally admitted, each new state acquired complete equality with all the other states and a like possession of all reserved powers not specifically delegated to the national government according to the provisions of the Constitution.

Over the years new problems of social and political importance have arisen, which have on various occasions caused Congress to impose certain restrictions on the states. These have taken the form of mandatory requirements of provisions in their constitutions before Congress would pass an enabling act for their admission. Actually, this procedure began in the Northwest Ordinance, which forever prohibited slavery within territories soon to be organized. Also, when the southern states were "readmitted" to the Union in the years following the Civil War, Congress required their constitutions to include provisions for the abolition and future prohibition of slavery.

Another illustration of congressional restriction is to be found in the admission of Utah to the Union. Congress refused to pass the enabling act until Utah included in its constitution a provision prohibiting polygamy, then practiced by the Mormons. Utah complied and was admitted in 1896. In 1910 Congress gave the territories of New Mexico and Arizona permission to frame constitutions and apply for admission to the Union. The territories completed this procedure within the next year, but because the proposed Arizona constitution contained a provision for the popular recall of judges, admission of the territories was refused. For political reasons the case of New Mexico was included with that of Arizona. In 1912 Arizona amended its constitution to exclude the clause to which there was objection, and both states were admitted to the Union. After admission, acting on the theory that once admitted, a state is equal to all others, Arizona promptly restored the provision for recalling its judges, and it is still in effect.

A significant exception to the rule that after a territory becomes a state it is equal to all others and may not be bound by prior restrictions set by Congress was made by the U.S. Supreme Court when it held that conditions imposed on the disposition of federal lands ceded to states and other matters under federal jurisdiction are enforceable. Alaska is also a special case in this regard. Because of its vast area, sparse population, difficult climate and topography, Indian and Eskimo problems, and past history of federal subsidies, the Alaska Statehood Act and the accompanying Alaska Omnibus Act made unique and detailed provisions for continuing federal rights and responsibilities in this state, unparalleled in the others.

The admission of the first noncontiguous territories to statehood, Alaska and Hawaii, reveals some of the objections to converting such territories to states. One objection was that the process of Americanization had not gone far enough, especially in Hawaii, where there are many citizens of Oriental ancestry. In addition, the armed forces had objected to statehood for Alaska and Hawaii because they thought such a change in status would subject their bases and installations to civilian control.

[W. H. Bennett, *American Theories of Federalism;* J. W. Fesler, *The Fifty States and Their Local Governments;* C. J. Friedrick, *Trends in Federalism in Theory and Practice;* W. B. Graves, *American Intergovernmental Relations: Their Origins, Historical Development and Current Status;* W. F. Willoughby, *Territories and Dependencies of the United States.*]

DONALD E. BOLES

STATES, RELATIONS BETWEEN THE. The U.S. Constitution provides the basic principles governing relations between the states, subject ultimately to judicial and political interpretation. Article IV, Sec-

tion 1, provides, "Full Faith and Credit shall be given in each State to the public Acts, Records, and judicial proceedings of every other State." Divorce proceedings and regulation of businesses provide examples where such a general constitutional rule proves difficult in application. Recognizing this, the Constitution provides Congress with certain powers to set up governing rules relating to proof and "effect."

Article IV, Section 2, provides for citizens to be entitled to "all Privileges and Immunities of Citizens in the several States." It aims at protecting individuals from unequal application of the law regardless of their state of origin. This same protective section also provides for interstate extradition of fugitives from the justice of another state. The courts have interpreted the clause to be very inclusive of what punishable offense may be the basis for extradition of the fugitive. However, governors have sometimes exercised political or equitable judgments on the guilt of the fugitive and the seriousness of the alleged crime, in deciding whether to accede to another governor's request. The privileges and immunities clause has been subject to much judicial interpretation. A full body of law has developed around it, particularly concerning business civil transactions.

The clause that has given rise to the most interesting body of interstate relations is Article I, Section 10, which prohibits a state from entering "into any Treaty, Alliance, or Confederation" and prevents any "Agreement or Compact with another State" without consent of Congress.

From 1783 to 1920 thirty-six compacts were entered into. From 1921 to 1955 there were an additional sixty-five compacts agreed to by the states. Between 1956 and 1966 an additional forty compacts were established. In 1974 the Council of State Governments *Directory of Interstate Agencies* listed fifty-seven compacts with staff and identifiable locations. The missions included regulation of a natural resource or protection of the environment (the Atlantic States Marine Fisheries Commission); administration of a metropolitan-area function (the Port Authority of New York and New Jersey); administration of a river basin or flood area (the Connecticut River Valley Flood Control Commission and the Kansas-Oklahoma Arkansas River Commission); regional sharing of state services (the Southern Regional Education Board); and settling boundary disputes (an early purpose of the constitutional provision).

Regulation, planning, conservation, and sharing services have all been effectively implemented through compacts, sometimes with as few as two states (the Arkansas River Compact Administration) and sometimes embracing nearly all. Although it has been suggested that at least in one case, the Southern Regional Education Board, the purpose of a compact had questionable initial motives (perpetuating segregation in higher education), even here the compact has ended by allowing member states to take advantage of educational specialties each has had to offer students from the other states.

In some cases compacts have been initiated to avoid federal action in a particular field. Yet in the case of the Interstate Compact to Conserve Oil and Gas, the compact came into being because the Supreme Court had overturned the National Industrial Recovery Act provisions controlling oil markets and establishing production quotas. In the 1960's and 1970's the more familiar pattern was for the state compact to serve as a device to avoid some specific congressional act, as in the conflict over the 1971 proposal for an interstate environment compact, supported by many governors but opposed by the environmental lobby.

The Interstate Compact to Conserve Oil and Gas represents one of only two cases where Congress has limited its consent to an interstate compact. (The other case was a limitation of fifteen years on the Atlantic States Marine Fisheries Compact, a provision repealed in 1950.) Originally reviewed by Congress every two years, the oil and gas compact is now considered every four years, especially in light of any possible antitrust law violations concerning price-fixing.

Other forms of "federalism without Washington" have included the cooperative adoption of uniform laws through the National Conference of Commissioners on Uniform State Laws. The umbrella organization, the Council of State Governments, was organized in 1935 for interstate cooperation. However, elective and administrative officials of the various states convened as early as 1878, at the National Convention of Insurance Commissioners. Many more such organizations come into being each year to exchange experiences, draft uniform or model state legislation, resolve jurisdictional disputes, or even agree on proposed legislation that Congress may be asked to enact "governing" them, very much with their consent. The Hill-Burton Act (1946) was largely developed by state health officials, and the National Association of State Highway Officials has much to say about what are ostensibly federal regulations governing transportation administration. Here come into

place what Michael W. Reisman and Gary J. Simson have categorized as public intelligence, promotion, prescription, invocation, application, termination, and appraisal functions exercised cooperatively, in their article "Interstate Agreements in the Federal System" (*Rutgers Law Review*, vol. 27, Fall 1973).

While the interstate compact, the uniform state laws, and the various associations of state elected and appointed officials individually seem a relatively small part of the national decisionmaking process, these interstate modes of cooperation form a significant part of the national pattern of governance.

[Weldon V. Barton, *Interstate Compacts in the Political Process;* Daniel J. Elazar and others, *Cooperation and Conflict. Readings in American Federalism;* W. Brooke Graves, *American Intergovernmental Relations;* Morton Grodzins, *The American System, A New View of Government in the United States;* Richard H. Leach and Redding S. Sugg, Jr., *The Administration of Interstate Compacts.*]

E. LESTER LEVINE

STATE SOVEREIGNTY as a doctrine appeared shortly after 1776. James Wilson, congressman and lawyer, stated the following at the Convention of 1787:

> Among the first sentiments expressed in the first Congress one was that Virginia is no more, that Pennsylvania is no more, etc. We are now one nation of brethren. We must bury all local interests and distinctions. This language continued for some time. No sooner were the State governments formed than their jealousy and ambition began to display themselves. Each endeavored to cut a slice from the common loaf, to add to his morsel, till at length the confederation became frittered down to the impotent condition in which it now stands.

So intolerable had the evils of particularism become by 1787 that Henry Knox wrote:

> The State systems are the accursed things which will prevent our becoming a nation. The democracy might be managed, nay, it would be a remedy itself after being sufficiently fermented; but the vile State governments are sources of pollution, which will contaminate the American name for ages—machines that must produce ill, but cannot produce good.

There was sound reason for the display of state loyalty in 1787. State governments were known and trusted; they had carried the people through the war with Great Britain, while the impotent Congress of the Confederation had been unable to achieve the objects for which it was created. It followed that not only did men distrust a national government, but they also failed to understand that two jurisdictions largely coordinate could work toward a similar end. They imagined that coordination meant antithesis and feared lest the surrender of a portion of the power wielded by the states would end in the destruction of personal liberty. It could therefore be argued that the national government must rest in part on the states.

The part the states should play in the American political system was the subject of prolonged debate in the Convention of 1787. Alexander Hamilton, who wanted the states reduced to "corporations for local purposes," was poles apart from members who argued for the complete sovereignty of the states. As he listened to the debate, William Samuel Johnson of Connecticut remarked that "the controversy must be endless whilst gentlemen differ in the grounds of their arguments; those on one side considering the states as districts of people composing one political society; those on the other considering them as so many political societies." Finally, a compromise was reached whereby the states were secured against encroachment by the national government through their equal representation in the Senate (*see* Connecticut Compromise).

The problem of sovereignty remained unsolved when the government under the Constitution was inaugurated in 1789. The prevalent opinion was that somehow sovereignty had been divided between the states and the Union. This view was staunchly maintained by James Madison and was enunciated by the Supreme Court in *Chisholm* v. *Georgia* (1793). Until the 1830's and 1840's, when the theory of John C. Calhoun became influential, the characteristic American doctrine was that in the United States the sovereignty had been divided into several portions without the destruction of its life principle.

Calhoun, in insisting that sovereignty in the United States is indivisible, returned to the issues debated in the federal convention. He declared that to the people of the several states sovereignty devolved upon the separation from Great Britain, and it was through the exercise of this sovereignty that the state constitutions as well as the Constitution of the United States were created. In other words, the Constitution of the United States was ordained and established by the people of the several states, acting as so many sovereign political communities, and not by the people of the United States, acting as one people, though within the states.

The accepted statement of the states' rights doctrine was set forth by Calhoun in his *Disquisition on*

Government and his *Discourse on the Constitution and Government of the United States*. The influence of Calhoun is without question; his political theories became the dogma of the states' rights party and found expression in the constitution of the Confederate States.

The nationalist theory of the Union was defended by Daniel Webster, who insisted that the Constitution is an agreement among individuals to form a national government. "It is established," he said, "by the people of the United States. It does not say by the people of the several States. It is as all the people of the United States that they established the Constitution." Between the party of Calhoun and that of Webster the division of opinion was identical with that observed by Johnson in the federal convention. State sovereignty was made to rest on the idea that the people of the United States constitute a number of political societies among whom a treaty or agreement was made to form a national government. The Constitution was not, as the nationalists maintained, a fundamental law ordained and established by the whole people of the United States. The controversy remained for the clash of arms to settle, but the victory of Ulysses S. Grant at Appomattox in 1865 settled the question in favor of the defenders of nationalism.

[C. E. Merriam, *History of American Political Theories*.]

WILLIAM S. CARPENTER

STATES' RIGHTS. Advocates of the principle of states' rights believe that considerable governmental authority should be located in the separate and collective states of the United States. The concept of states' rights arose as an extension of colonial rights, which Americans had claimed when they were still under the British crown. This idea underlay the American Revolution, and it was present during the Confederation period. When the Constitutional Convention met in 1787, states' rights proponents pressed to include their ideas in the Constitution, but there was also the desire for a strong national government, with minimal power residing with the states. Adopted at that convention was a federal system, a reasonably satisfactory compromise reconciling state and national power. In 1791 the Tenth Amendment was added to the Constitution, which spelled out the states' rights doctrine: "The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people." A large part of American history from that time until 1865 was the story of the push and pull of the national and state governments in their attempts to define their relationships to each other and to protect their respective powers. In 1798 the promulgation of the Kentucky and Virginia Resolutions, which protested acts passed by the national Congress, were manifestations of states' rights. The Hartford Convention of 1814, called by New Englanders who disagreed with President James Madison's wartime policies, was another example of states' rightism.

Although various individual states and groups of states from time to time appealed to the principle of states' rights for their political and economic protection, the South is the section of the country most often associated with the doctrine. In the first half of the 19th century, when disputes arose over the tariff, the national bank, public land policies, internal improvement, and the like, southern leaders used arguments based on states' rights in their attempts to protect their economic interests. They usually lost these battles to maintain their economic power, and their appeals to a constitutional principle went unheeded. Overriding all the other disputes was the question of the extension of slavery into the American territories. Southern states fell back on the states' rights principle once again when northerners argued that slavery should not expand. Various events of the 1850's, including the Compromise of 1850, the Kansas-Nebraska controversy, the formation of the Republican party, civil strife in Kansas, the Dred Scott decision, and John Brown's raid, and the election of Abraham Lincoln as president in 1860 were closely related to the slavery and states' rights controversies and led directly to the Civil War. That war established the supremacy of the national government and relegated the states to lesser political and economic positions. Disputes arose from time to time about the relationship of the national and state governments, and invariably the national government emerged the victor. In the first half of the 20th century, southern politicians continued to speak about states' rights, but this was often nothing more than oratory designed to please southern voters.

After midcentury, when the power, size, and authority of the national government became greater and more complex, many Americans began to have misgivings about the shortcomings of a massive government essentially run by bureaucrats. Those politicians who talked about states' rights often found they had more receptive audiences than previously. Controversies over the administration of welfare programs and other social services gave states' rights advocates issues that they could exploit. More important, the cry for states' rights was often a thinly disguised but

firm stand against racial integration in regard to education, public accommodations, politics and voting, housing, and jobs, areas that states' righters insisted were within the sphere of the states. But the revival of states' rights arguments in the third quarter of the 20th century had little basic impact on the general locus of political power. The national government continued to be more powerful, the states remaining in secondary roles. The attempts of the Founding Fathers to divide sovereignty between national and state governments laid the basis for many controversies throughout the nation's history, but on the whole the structure of government that they established functioned well. Save for the Civil War, disputes had been compromised peacefully. Even as the national government gained more power within the limits of the Constitution after the mid-20th century, there appeared to be no prospect of a serious revolt over the diminishing rights of the states. (*See also* Federal-State Relations.)

[Avery O. Craven, *Civil War in the Making, 1815–1860;* William W. Freehling, *Prelude to Civil War: The Nullification Controversy in South Carolina, 1816–1836;* Arthur Meier Schlesinger, "The State Rights Fetish," *New Viewpoints in American History;* Charles S. Sydnor, *The Development of Southern Sectionalism, 1819–1848.*]

MONROE BILLINGTON

STATES' RIGHTS IN THE CONFEDERACY. The doctrine of states' rights, which was developed in the South as the defense mechanism of a minority section within the Union, was productive of disastrous results when it was applied by extremists to the Confederate government during the Civil War. Led by Gov. Joseph E. Brown of Georgia, Gov. Zebulon B. Vance of North Carolina, and Vice-President Alexander H. Stephens, they attacked conscription as unconstitutional and impeded its operation even after favorable decisions by the courts. The army was crippled by the insistence on the right of states to appoint officers, and by the policy of some states withholding men and arms from the Confederate government and themselves maintaining troops. On similar grounds the states' rights faction opposed suspension of the writ of habeas corpus, so that the government was able to employ this valuable military weapon for periods aggregating less than a year and a half. Under the theory of states' rights the impressment of supplies for the army was broken down; likewise the laws were repealed that had given the government a monopoly in foreign trade by means of which it had exported cotton and brought in war supplies through the blockade. States' rights hampered the Confederate government at every turn and in the end contributed to its downfall.

[Louise B. Hill, *State Socialism in the Confederate States of America;* Frank L. Owsley, *State Rights in the Confederacy.*]

LOUISE BILES HILL

STATUE OF LIBERTY, properly *Liberty Enlightening the World,* is located on Liberty (formerly Bedloe's) Island in New York Harbor. It was conceived by the French sculptor Frédéric August Bartholdi and cost approximately 1 million francs, a sum raised by conscription. A gift to the United States from the people of France, the colossal copper figure was shipped in sections in 1885 and unveiled on Oct. 28, 1886. President Grover Cleveland accepted it in a belated commemoration of a century of American independence. From the pedestal to the top of the upraised torch, the height is 152 feet; the overall height is 302 feet. The Statue of Liberty has served as the symbol of welcome to millions of immigrants.

IRVING DILLIARD

STATUTES AT LARGE, UNITED STATES, a chronological publication of the laws enacted in each session of Congress, beginning in 1789. This series is cited as "Stat.," with the volume number preceding and the page number following—for example, 40 Stat. 603 for the Sherman Antitrust Act of 1890.

These volumes also contained presidential executive orders until the *Federal Register* began publication on Mar. 14, 1936. They also included treaties until the publication *Treaties and Other International Agreements* began on Jan. 27, 1950.

The *Statutes at Large* is legal evidence of the laws passed by Congress. They are first officially published as "slip laws." The *United States Code* updates the laws in force by subject.

[M. Price and H. Bitner, *Effective Legal Research.*]

CLEMENT E. VOSE

STATUTES OF LIMITATIONS. All of the states of the United States have statutes limiting the time within which a person having a cause for court action is permitted to bring suit for the recovery of his rights. As time passes, witnesses die, papers are destroyed, and the conditions of transactions are forgotten. Such laws prevent the enforcement of stale claims that might earlier have been successfully defended. Thus

legal titles and the possession of property are made more secure, and much malicious and frivolous litigation is prevented.

EARL E. WARNER

STATUTORY LAW, as distinguished from constitutional law and the common law, is that which is laid down by a legislature. Both the U.S. Congress and state legislatures enact statutes either by bill or by joint resolution, and these make up the statutory law. Federal statutes take precedence over state statutes, and state statutes are superior to the common law. Statutory law is inferior to constitutional law, and courts exercise the power of judicial review when they declare statutes unconstitutional. Statutory law is codified under titles describing the areas of action to which they appertain, and these titles are grouped together in the codes. Both the federal code and the various state codes are also issued in what are termed "annotated codes," which reflect the decisions of the courts regarding the statutes. Some annotated codes are published by the public authorities; others are published by private sources.

Enforcement of statutory law lies with the administrative branch of the government, and in the execution of the statutes recourse is often had to administrative rules and regulations that have the effect of law as long as they lie within the limits set by the statutes.

[J. C. Gray, *The Nature and Sources of Law;* H. L. A. Hart, *The Concept of Law;* H. Walker, *Law Making in the United States.*]

PAUL DOLAN

STAY AND VALUATION ACTS. As a result of the panic of 1819, many citizens of the new western states were unable to meet obligations they had incurred during the time of expansion and prosperity of the previous years. Foreclosures and forced sales at ruinous prices became common. In addition to establishing inflationist banking schemes operated by the state, the states of Illinois, Missouri, Kentucky, and Tennessee adopted stay and valuation laws.

A stay law provided for a moratorium or extension of time for meeting a debt obligation. The extensions ranged from three months to two and one-half years. The stay law usually applied an unpleasant alternative to the case of a creditor who would not agree to the valuation laws. Property sold at forced sales was bringing only a small fraction of its normal value. In order to protect the frontier debtors from such heavy losses, valuation laws provided for the appointing of a local board to set a fair value on property offered in satisfaction of debt, usually a price much above that which would be secured at forced sale. If the creditor would not accept this overvalued property in satisfaction of his debt, he was forced to defer collection for the duration of the period provided by the accompanying stay law.

The state courts were accused of sympathy with creditors when they declared both varieties of relief laws unconstitutional. Missouri attempted to curtail the power of its courts, and Kentucky was plunged into chaotic conditions when its legislature voted the state supreme court out of existence and established a new, prorelief court in its place (*see* Old Court–New Court Struggle).

[W. J. Hamilton, "The Relief Movement in Missouri, 1820–22," *Missouri Historical Review,* vol. 22; N. S. Shaler, *History of Kentucky.*]

W. J. HAMILTON

STEAMBOATING ON WESTERN WATERS was inaugurated by the *New Orleans* in 1811. Scarcely a dozen steamboats were built by 1817, but in the next two years over sixty were launched for traffic on the Mississippi, the Missouri, and the Ohio rivers. By 1834 there were 230 steamboats, aggregating 39,000 tons, on western waters. Of the 684 steam craft constructed by the close of 1835, the Pittsburgh district contributed 304, the Cincinnati district 221, and the Louisville area 103. So phenomenal was the growth that steam tonnage on western waters soon exceeded steam tonnage in the British merchant marine. The cost of running the 1,190 steamboats on western waters in 1846 was estimated at $41,154,194. At that time fully 10,126,160 tons of freight valued at $432,621,240 were transported annually. This was nearly double the U.S. foreign commerce. Pittsburgh, Cincinnati, and Louisville were great Ohio ports, while New Orleans dominated the lower Mississippi. In 1854 New Orleans and Saint Louis ranked second and third respectively in enrolled steam tonnage in the United States. Six years later Saint Louis recorded 1,524 steamboat arrivals from the upper Mississippi, 767 from the lower Mississippi, 544 from the Illinois, 277 from the Ohio, 269 from the Missouri, 35 from the Cumberland, 31 from the Tennessee, and 7 from the Arkansas.

The first steamboat navigated the Missouri in 1819, the Tennessee in 1821, the upper Mississippi in 1823, and the Illinois in 1828. Before the Civil War, more than forty tributaries of the Mississippi system had been navigated by steamboat. Captain-ownership was