

**MORAL LAW AND  
CIVIL LAW PARTS  
OF THE SAME THING**

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Moral law and civil law parts of the same thing by Eli F. Ritter

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# CIVIL LAW

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BY ELI F. RITTER



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1895

## PREFACE.

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ABOUT twenty years ago, in an important trial in the city of Indianapolis, it was sought to break down the very strong testimony of a witness by showing that the general moral character of the witness was bad. It was not an attack upon the general reputation of the witness for truthfulness and veracity, but the inquiry was directed to the general moral character of the witness. About the same time, in another case in the same court, upon the application of a man to be admitted to the bar, a question was raised upon his moral character. A few weeks later, in another case, in another court, in the same courthouse, upon an application of a man for a license to sell intoxicating liquors, an issue was made upon his moral character. In each of these cases witnesses testified on

70 .VIMU  
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4 PREFACE.

each side of the question. In each witness who testified to the good moral character of an individual on cross-examination specified truthfulness, honesty, and some other elements of morality which were characteristic of the individual, but admitted defects in some of the moral elements of good character, while witnesses who testified to the bad moral character on cross-examination specified defects in the moral character of the individual and immorality in certain regards in support of a general statement of bad moral character. And another case was a suit on a promissory note in which a defense was successfully made that the note was given for an immoral and hence illegal consideration. I was, at the time when these cases were tried, a young practitioner at the bar. I was very deeply impressed in each case by the apparent uncertainty in the minds of witnesses as to what is meant in the law by moral character and morality; not only the uncertainty in the minds of witnesses in these regards,

but also the manifest uncertainty in the minds of attorneys and judges in the same regard. On account of these exhibitions of uncertainty I became greatly confused in my own mind upon this subject. Lawyers and judges in each of these cases undertook to explain to witnesses what was meant by moral character and morality, and in doing so made it very clear that they had no more definite ideas upon the subject than the witnesses had. From my experience in the practice of law and other business and social relations since the trial of the cases to which I have referred, having seen the same questions often arise in the trial of cases in court, I have become satisfied that the general public has no definite idea, neither is there generally a clear understanding among lawyers and judges, as to the meaning of "morality," "moral character," and "immorality" in legal contemplation. Truthfulness, or business honesty, or generosity, in fact, every other term that is used in speaking of the characteristics of individuals, seems to be quite well



understood. Judges, lawyers, witnesses, and the public generally can deal with these terms with confidence in their understanding, but when the question of legal morality is raised the minds of all at once become clouded. The question as to what is meant by the terms "morality," or "moral character," or "immorality," is generally settled upon an assumed moral standard in a particular locality or the peculiar views of each individual. The impression seems to largely prevail that this question may be settled by adding up the good qualities in one column, the bad in another, and striking a balance. This is a very dangerous process. I have known men of many most excellent qualities, but in one respect almost, or quite, totally depraved. Their good qualities were used to give them greater influence in the line of their depravity.

There seems to be a fair degree of certainty in the public mind generally as to the meaning of Christianity or Christian morality. The great uncertainty in the

meaning of these terms arises when they are used in legal contemplation. As morality and moral character are terms in very prominent and constant use in judicial proceedings, they must have some definite meaning, and there must be some way of determining definitely what they do mean. The purpose of this book is to aid in settling these questions. I claim no new discovery in the meaning of terms, and what I should appreciate as the highest compliment that could be paid to this work would be to have it proved that what is claimed by the author for the legal contemplation of morality has been a settled question for a great many years.

If I can succeed in calling attention to and aid in the correction of errors in the comprehension and application of, this term, and aid in arousing sentiment in support of morality in the fundamental position it occupies in civil affairs, I shall have accomplished my purpose and feel gratified. I have not undertaken to give exhaustive consideration to the subjects considered,

but to present and support them in the briefest possible way that I could do, putting the reader upon a line of investigation which can be pursued to great extent and profit.

ELI F. RITTER.

*Indianapolis, February 4, 1896.*