



THE ANNUAL AND SPECIAL LONDON MEETING

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THE ANNUAL AND SPECIAL LONDON MEETING

Interest in Major Events of the Association's Year Continues to Grow—Philadelphia Will Entertain Bar for First Time—Space on the *Berengaria* Already Completely Taken Up by Prospective London Pilgrims—Dinners in Guild Hall and Westminster Hall to Be Two Features of Transatlantic Program

INTEREST in the annual meeting of the Association in the City of Philadelphia on July 8th, 9th and 10th and in the special meeting of the Association which will be held in the City of London during the week beginning July 20th is constantly growing.

The Association has never before met in Philadelphia and the first meeting there will provide a most interesting page in the history of the Association.

The special meeting of our Association in London, following the annual meeting in Philadelphia, promises to be successful beyond even the most sanguine expectations. The historical significance and international importance of this meeting have already been the subject of widespread editorial comment in the American and English press, and while the program of the meeting has not yet been arranged, it is evident from articles which have appeared in English newspapers that our brethren overseas mean to make the most of their opportunities to act as hosts. A recent Associated Press dispatch from London states that entertainments are being planned on a large scale, in which the Government, King and Queen, and Bench and Bar will participate.

In April, at the request of President Saner and the Executive Committee of the American Bar Association, Secretary W. Thomas Kemp will go to England to confer with the English committee and furnish them such information and assistance as they may desire in completing the London arrangements. Up to the present, the London Committee, which of course has complete charge of arrangements on the other side, has settled upon two functions, one a reception and banquet to be tendered by the Lord Mayor of London in the Guild Hall on July 23, and the other a meeting and dinner in Westminster Hall on July 25. This committee consists of the Attorney General, the Solicitor General, the Rt. Hon. Lord Justice Bankes, representing the Inner Temple; the Hon. Mr. Justice Eve, representing Lincoln's Inn; Sir Lewis Coward, K. C., representing Gray's Inn; Mr. Butler Aspinall, K. C., representing the Middle Temple; Sir Malcolm Macnaghten, K. B. E., K. C., representing the Canadian Bar Association; Mr. T. R. Hughes, K. C., the Chairman of the Bar Council, and Mr. R. W. Didbin, President of the Law Society. The Committee appointed Mr. J. L. Grouch, 1 Brick Court, Temple, E. C. 4, Secretary.

Since September the members of our Association, who will go to London, have been filing their applications for steamship reservations with the Treasurer of the Association, who on February 20th turned over to the Cunard Steamship Company, Ltd., 25 Broadway, New York City, all the applications that had so been filed with him. It was found that the applications filed from September to about the middle of December exhausted all the

accommodations on the "*Berengaria*," and those whose applications were dated later than the middle of December were offered accommodations on the "*Laconia*" and on the "*Aquitania*," the former sailing on July 12th, the same date of sailing as the "*Berengaria*," and the latter sailing three days earlier, namely, on July 9th.

All the rooms on the "*Berengaria*," accommodating about 850 persons, have now been assigned, and our members have already secured accommodations on the "*Laconia*" for over 200 persons, while some have made reservations on the "*Aquitania*." The large majority of our members will be accompanied by their wives and members of their families.

Members who wish to join in the pilgrimage to London should apply at once to Frederick E. Wadhams, Treasurer of the Association, 78 Chapel street, Albany, N. Y., who will furnish them with complete information concerning the trip, together with a blank on which application for reservations either on the "*Laconia*" or the "*Aquitania*" should be made.

The Hotel Cecil, Strand, will be the headquarters of the Association, where members may register for the meeting and the various functions incident thereto.

It is suggested that those who have not already done so should secure their hotel reservations in London for the meeting by applying to Thomas Cook & Son, 585 Fifth Avenue, New York City.

Members are also reminded that, owing to the very heavy trans-Atlantic travel that is expected this year, west-bound or return passage should be secured at the earliest possible moment.

The "*Berengaria*" will sail from New York on July 12th and is scheduled to arrive at Southampton on July 18th or 19th; the "*Laconia*" will sail from New York on July 12th and is due at Southampton July 19th or 20th, and the "*Aquitania*" will sail from New York on July 9th and will arrive at Southampton on July 17th or 18th. All these ships stop at Cherbourg.

For the benefit of new members recently admitted who have not seen the previous issues of the JOURNAL, it may be stated that this special meeting in London is to be held in response to an invitation of the Bar and Law Society of England extended last year and accepted at the Minneapolis meeting of the American Bar Association in August, 1923. Following that meeting a special committee on arrangements and transportation was appointed by President Saner. This committee, after conference with various steamship lines, selected the "*Berengaria*," the largest and one of the best appointed steamers of the Cunard fleet, providing first-class cabin accommodations for nearly nine hundred persons, to carry the Bar Asso-

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ciation delegation to London. Later, it became necessary, on account of the large number of applications for passage, to make arrangements for additional accommodations on other ships, and the "Laconia" and "Aquitania" were therefore selected to help furnish needed transportation.

Travel Information

Steamship Rates to England

The steamship rates are as follows:

Berengaria and Aquitania

Inside rooms, \$270 per passenger.

Inside rooms with bath, toilet or shower, \$50 per room extra.

Outside rooms, from \$280 per passenger.

Children under 10 years of age, half fare (\$135 minimum).

No stateroom will be sold to one adult and one child for less than two full fares.

Laconia

Approximately 20 per cent less than the above.

Return Passage From England

The Cunard Steamship Company will allow a reduction of 33 1/3 per cent from their published rates for return passage on any of their vessels sailing on or prior to August 15th, and 10 per cent for return passage between that date and September 15th. These reductions, however, cannot be applied so as to reduce the price of passage below the published minimum rate.

Sailing Dates to England

Berengaria (52,100 tons) sails Saturday, July 12th; arrives Saturday, July 19th.

Laconia (20,060 tons), sails Saturday, July 12th; arrives Sunday, July 20th.

Aquitania (45,647 tons), sails Wednesday, July 9th; arrives Tuesday, July 15th.

What the Rates Include

The rates given herein include transportation from New York to Southampton on the *Berengaria* and *Aquitania* and to Liverpool on the *Laconia*, meals aboard the ship—in fact, all expenses of the trip from New York to the ports named, except the usual gratuities to the stateroom and dining salon stewards, stateroom stewardesses and other steamship employees. The railroad fare from the port of destination to London is not included. The fare from Southampton to London is approximately \$4 per passenger and from Liverpool to London approximately \$8 per passenger.

Travel in Europe

The Committee in charge will not attempt to arrange for travel anywhere in Europe after the meeting in London. The Committee recommends Messrs. Thomas Cook & Sons, 585 Fifth Avenue, New York; Raymond & Whitcomb Company, 225 Fifth Avenue, New York; American Express Company, 383 Madison Avenue, New York; Lifsey Tours, Inc., 1472 Broadway, New York; George Marsters, Inc., Washington Street, Boston, Mass.; Temple Tours, 65 Franklin Street, Boston, Mass., as reliable travel agents, any of whom will be glad to furnish definite information as to travel, rates, etc.

No attempt will be made to return in a body. Members of the Association may be accompanied by members of their families. No assurance can be given of accommodations for non-members who are not members of the families of members, although if a member desire to be accompanied by non-members who are not members of his family, an attempt will be made to arrange such accommodations on either the *Aquitania* or the *Laconia*.

Payment for Steamship Accommodations

As each reservation is confirmed by the Cunard Steamship Company, the member making the reservation will be called upon to make a deposit of twenty-five per cent (25 per cent) of the price of the accommodation reserved and will be called upon to make the final payment of the balance within a reasonable time thereafter. Tickets will be issued immediately upon payment of the final installment.

Each member taking the trip should arrange at once for his return passage. Any of the travel agencies recommended will be glad to attend to this matter for you, if you do not desire to make your arrangements for your return passage directly with the Cunard Steamship Company.

Hotel Accommodations

Members are free to make their own arrangements for hotel accommodations in London. The Committee itself can assume no responsibility respecting hotel accommodations, but it has arranged with Messrs. Thomas Cook & Sons to engage hotel accommodations for members desiring to make their reservations through them.

Suggestions as to London Trip

BY WALTER H. BUCK

Of the Baltimore, Md., Bar

(NOTE: As a member of the Judiciary commission of the State of Maryland, Mr. Buck, who is a member of the Baltimore Bar, spent five weeks in London in the summer of 1923 studying the administrative procedure there. He was fortunate in having letters of introduction which greatly facilitated his work. He gives in the following article certain results of his personal experience, with the view that they may interest and perhaps aid many who expect to attend the London special meeting.—EDITOR.)

THE American Bar Association is to have its meeting in London this coming July. In view of that meeting and after some little study of English Civil Court procedure made in London last Summer, the following suggestions are made. Most of the members making the trip will doubtless do so for pleasure only, and in a profession where such hard work and continuous application are required this is readily understandable, but to those who desire to study the English system of legal administration some preparation should be made to get the best results.

There are two books which should be read by all, namely: "A Philadelphia Lawyer in the London Courts" by Thomas Leaming, published in 1912 by Henry Holt and Company, and "Rule-Making Authority in the English Supreme Court," by Samuel Rosenbaum, published in 1917 by the Boston Book Company. Unfortunately the first of these books is

out of print, and the Association owes a duty to the profession to have it reprinted for use this Summer.

In addition, there should be made available to the profession in compact form the English orders and rules of pleading, practice and procedure. These orders and rules are made by the Rule Committee of the Supreme Court composed of eight judges and four lawyers, and they constitute the great advance made by the profession in England as compared with our situation here, where the Legislatures, though wholly unfitted for such a task, have large authority in these matters. The result is that we put the blame on the Legislatures thus furnishing another example of the familiar plan of "passing the buck."

The real key to the success of the English system of civil practice is to be found not in the actual trial of cases in Court, but in the work done before the Masters, and this is where the American lawyers and judges who are really interested in such matters should direct their attention. But a word of caution here is necessary, for during the sessions of the Courts in London these Masters are exceedingly busy, and have but little time to assist persons seeking information on such subjects.

Cases in England now begin with a mere summons, with no pleadings being filed at all; though in the case of liquidated claims, payable in money such claims may be specifically endorsed on the writ. The Defendant being thus brought into Court by the summons, the next move must be made by the Plaintiff who is required to take out a "summons for directions," returnable before a Master.

No pleadings can be filed without special leave of the Master, and it is this officer who, working with the lawyers, settles all matters of issues, discovery, inspection of papers, interrogation of parties before trial, etc., so that when the parties get into Court, they can address themselves to the issue and forget unimportant details. Thus the trial of a case resolves itself into a real investigation of issues of law and fact, and evasions and time-killing devices are eliminated.

No general issue pleas are allowed, and if a defense is put in to a liquidated claim, the Master has jurisdiction to examine the parties, and to permit judgment to be entered up for the Plaintiff if the defense is obviously without merit or the Master can at once set the matter for trial in Court, and put it on what is known as the "short cause list" where it will be reached for trial so quickly as to make pretended defenses of no value to those persons who simply desire delay. This common sense provision has relieved the Court of a great many unsubstantial cases.

At this point, too, it may be well to know that commercial cases are put on a special commercial trial list, and are given the preference in trial so that on June 18, 1923, a commercial case was being tried in Court, which was not in fact filed in Court until May 5, 1923.

Let us take a typical day's work of a Master in the London Courts: At eleven o'clock the Master goes to his small court room, where there is no clerk, but only a policeman who has charge of admissions to the room. There is a printed list of the matters to be taken up at different times that day.

For eleven o'clock points in fourteen different cases are set for hearing, and the policeman at once admits the solicitors or solicitors' clerks who repre-

sent these various parties. The Master sits at a desk on the floor level, with a railing directly in front of him, and the solicitors stand at this railing, and the whole proceeding is conducted in an easy conversational way with no strain and no declaiming.

From the great experience gained in such work, the Master at once senses the point, and after a few questions and an examination of the papers, reaches his decision, and endorses it in his own hand writing on the Court papers.

Requests are made to file pleadings, for further particulars, etc., and the decision is usually that such things must be done from within four to eight days. If unnecessary documents are filed in Court, the Master imposes the costs (usually rather heavy) on the party transgressing.

Matters of complicated accounts are referred to a Referee to decide. Matters on whether certain documents are privileged are decided, and requests for particulars are closely scanned, and those not proper are eliminated by the Master with a stroke of his pen.

At eleven-thirty these fourteen matters have been decided and then comes the eleven-thirty list with thirteen additional matters; the twelve o'clock list with eighteen more, and then the twelve-thirty list with two more. From one to one-thirty the Master has time to cross the street, and get his luncheon at the Inner Temple, and at one-thirty he hears six additional matters, and this time the points are more difficult and counsel (that is, barristers) attend, while the other matters taken up that day were handled by solicitors or their clerks, who seem none too able, and who give the Master but little help.

By two-thirty o'clock, the Master has finished his Courtroom work, having disposed of points in fifty-three separate cases that day. Going back to his chambers, he takes it easy after the strain of his work, but he frequently receives visits from lawyers who are in doubt on points of practice, and he gives friendly advice on such points.

Appeals can, of course, be taken from the decisions of the Master, but they must be promptly taken, and I understand there are few of such appeals.

When this modernization of the English practice was begun about 1873, some judicial fossils on the bench there opposed it, seeming to fear that putting sense into legal administration would do harm to the law, and we, of course, are familiar enough with that viewpoint here. And the lawyers, too, at first, got in the habit of appealing on all possible points. But when the old judges died off, a new spirit seemed to come over the profession, the rules on appeal were tightened up, and the lawyers have now, to a great extent, stopped petty, obstructive tactics, and show a real desire to come to the point.

So much for description of the work of the Masters.

In the actual trial of cases in Court, there are many good and some bad points, but emphasis must be laid on the fact that there is no rush or hurry in the actual trial of a case in England. The Judges ask questions in an easy conversational tone, and thereby keep in touch with the points, and lessen the tension of the trial. There is no wrangling and the examination of witnesses is conducted with decorum.

The opening statement of counsel is very full, and is really an argument. Objections to testimony

are seldom made though it is the constant practice to ask leading questions. There are no requests for instructions or prayers, the Judge simply charges the jury.

The judge makes voluminous notes during the course of the trial, and these notes are used for the purpose of getting up the appeal. And for some reason, the Courts are not properly supplied with stenographers.

The examination of witnesses is conducted with a great deal of deliberation and frequently the barrister does not appear to be sufficiently familiar with his case or with what the witnesses should bring out in their testimony.

And, indeed, a doubt may be noted here of the wisdom in separating the profession into barristers and solicitors. Such a separation has no real existence in Canada, where legal administration is on as high a plane as in England.

The physical arrangements of the Courtrooms are bad, and the working space for the solicitors and barristers is cramped.

On appeal the plan is to divide the Court of Appeal, consisting of six Judges, into two working divisions of three Judges each. In this Court the barrister for the appellant is greeted with a bombardment of questions, but no time limit is set for the argument, and it does not take long for the Court to get to the real point.

The failure to use briefs as we know them on appeal, is, however, a weakness of the appellate procedure in England. There is no printed record on appeal, but simply the trial judge's notes, the documents, and in some cases the stenographer's notes. However, in appeals to the House of Lords a printed record is used.

The Court of Appeal hears both appeals and motions for new trials. Each of the three Judges delivers a full and separate opinion, and thus is prevented the vice of the one man opinion, familiar enough on this side of the water.

To properly represent clients in the English Court of Appeal, to be able to make a respectable showing under the searching questions of such Judges as Younger and Scrutton, requires a standard which automatically eliminates the unfit.

Criminal trials are not conducted at the Royal Courts of Justice on the Strand, but at the Central Criminal Court known as the Old Bailey, to which Court go certain of the Common Law or King's Bench Judges from the Civil Courts. Like civil cases the criminal cases are not hurried in the actual trial, but nevertheless delays in reaching trial and technicalities are avoided, and the trial is a real inquiry on relevant issues.

In the famous Brixton Taxi Cab murder trial, last July, the material part of the indictment read:

Alexander Campbell Mason, on the ninth day of May, 1923, in the County of London, murdered Jacob Dickey.

The Criminal Court of Appeal also keeps up with its work promptly so that on June 19, 1923, that Court affirmed a murder sentence passed below on May 3, 1923.

In such matters as the handling of estates, probate proceedings, etc., there is great complexity and expense in England, as compared with our system here, but in the trial of common law actions, both civil and criminal, the present practice in England is a model, which we should follow closely, and many

of the orders and rules promulgated by the Rule Committee are adapted for use in our American Courts almost in the very words in which they are framed.

Summary Judgment Under N. Y. Rules

Philadelphia, Penn., Jan. 31.—To the Editor: The article on "Summary Judgment under New York Rules," by Thomas McCall, Esq., of the New York City Bar, gave the credit to the English and New Jersey practice which permits judgment on plaintiff's motion and affidavit unless defendant shows facts entitling him to defend. For the sake of accuracy, I quote from article read before the Pennsylvania Bar Association in 1905:

"The Act of May 25, 1887, P. L. 271, Section 5, provides: 'In the action of assumpsit judgment may be moved for want of an affidavit of defense or for want of a sufficient affidavit, for the whole or part of the plaintiff's claim as the case may be, in accordance with the present practice in actions of debt or assumpsit.'

"The first legislation on the subject was the *Act of March 28, 1835*.

"The objection of unconstitutionality was early made and overruled: *Vanatta v. Anderson*, 3 Binn., 416 (1811); *Hoffman v. Locke*, 19 Pa., 57 (1853); *Lawrence v. Borm*, 86 Pa., 225 (1878); because:

"'It is no tyranny to require that a good defence shall be fully and fairly stated on the record, and no hardship to verify it on oath.' Black, C. J., in *Hoffman v. Locke*, supra.

"The requirement of an affidavit of defence was wisely extended by the Legislature of 1901 to actions of replevin: Act of April 19, 1901, P. L. 88, Sec. 5; *Ramsdell v. Seybert*, 27 Pa. Supr. Ct., 133 (1905).

"The law does not apply to actions really sounding in tort: *Osborne v. Bank*, 175 Pa., 494 (1896); *Corry v. Pennsylvania R.R. Co.*, 194 Pa., 516 (1900).

"The practice of requiring affidavits of defence originated in an agreement of all but two of the Bar of Philadelphia, dated September 11, 1795."

The writer of the article before the Penn. Bar Association compares the New Jersey so-called "affidavit on the merits" "that the defendant thoroughly believes he is not indebted to the plaintiff" with the rugged common-sense of Pennsylvania's own decisions that a "*legally insufficient affidavit of defense is no affidavit at all*."

IRA JEWELL WILLIAMS.

How Washington Thought

Mr. W. A. Hayes, president of the Wisconsin State Bar Association, in a recent address to the Knights of Columbus in Milwaukee, emphasized the very important and generally neglected fact that how Washington thought was quite as significant for us today as what he thought. "We do not know how Washington would act in this or that matter if he were alive today," he said, "but we do know what method he would use in making a decision. Washington approached all questions with an open mind. He sought only the facts. After a calm study of these facts he would decide and his decisions were usually right. Washington's sound methods could be used profitably by public men today."