

public highway recover his doctor's bill but not his lawyer's bill? And on what principle of justice is a defendant who has been wrongfully haled into court made to pay out of his own pocket the expense of showing that he was wrongfully sued?

"But the adoption of the English system of costs is attended with much difficulty. In the first place, it is in direct conflict with Massachusetts traditions. In the second place, though the principle of the English system of costs ought to be adopted, the system in detail would not and ought not to be made part of our jurisprudence. It is enough to read an English bill of costs to be convinced of that. And lastly, in devising a new system of costs there are problems which must be met; for example,

the case of an impecunious person who has a meritorious claim must be taken care of by some system of allowing him to sue *in forma pauperis* and at the same time protecting him from the lawyer who makes a business of taking speculative cases.

"The Council has not been able to take up this subject this year. But they are convinced that a change should be made and that a system of substantial costs should be adopted. It will be a matter for consideration in the coming year."

The report of the Council is signed by William Caleb Loring, Franklin G. Fessenden, Charles T. Davis, William M. Prest, Frank A. Milliken, Addison L. Green, Robert G. Dodge, Frederick W. Mansfield and Frank W. Grinnell.

AMERICAN LAW INSTITUTE COUNCIL MEETS

THE fourth annual meeting of the American Law Institute will be held at Washington, D. C., on April 29 and 30 and May 1, in the auditorium of the Chamber of Commerce of the United States, according to the decision of the Council of the Institute at the meeting held in New York City on Dec. 16-19 inclusive. Much of the time at this meeting was devoted to a consideration of portions of the tentative drafts of the restatement of the law on agency, contracts, conflict of laws and torts. The parts considered were ordered printed and submitted for further consideration to the forthcoming annual meeting. Another action of general interest was the appointment of a special committee composed of the executive committee of the Council and certain others interested in the subject to take up the matter of drafting portions of a Criminal Code—a work made possible by the gift from the Laura Spelman Rockefeller Memorial.

Director William Draper Lewis submitted a report giving a complete statement of the work done on the Restatement since the meeting in Washington last spring. There had been eleven conferences on the various subjects now being restated, lasting in all forty-seven days. The results of this and other work were indicated in the portions of the Restatement submitted for consideration. He also told of the plan for securing cooperation of the State Bar Associations with the Institute which had been tried out experimentally in Illinois, with the most encouraging results. The essential feature of this plan, which was suggested by R. Allan Stephens of the Illinois Association, is that it enables any member of any State Bar Association entering into it to obtain a copy of any one or more of the tentative drafts distributed to members of the Institute, at printer's costs plus an additional charge to cover the distribution expenses of the State Bar Association.

Under this plan, he stated, nearly 400 copies of the Restatement had been secured and distributed by the Illinois State Bar Association Secretary to members, thus indicating a general interest in the

undertaking and a willingness to study and make suggestions. The Secretaries of other State Bar Associations having indicated to the Director that their respective associations would be glad to make a similar arrangement, the executive committee of the council had authorized the Director to make an arrangement with the printers of the Restatement, whereby such tentative drafts as had been submitted to the members of the Institute generally might be secured through the Director for State and other Bar Associations and Law Schools, all such matter to be previously copyrighted in the name of the Association. Director Lewis further reported that certain State Bar Associations had appointed standing committees to keep their members in touch with the progress of the Restatement.

The Council approved a resolution adopted by the Executive Committee in October to the effect that in submitting tentative drafts of the Restatement to the membership of the Institute and the Annual Meetings, there shall be transmitted with the Restatements, or as near thereafter as practicable, such commentaries as may facilitate consideration of the Restatements, but that it is not advisable to submit with such tentative drafts complete paralleling treatises repeating everything that is said in the Restatement with full citations of cases bearing on every statement made. The reason for this change in procedure is that the former method of submitting complete paralleling treatises tended to delay progress on the Restatement itself too much. The plan at present is to submit principally monographs calculated to assist on the points of law not well settled.

The Director was instructed to prepare and distribute to Members Volume III of the Proceedings of the Institute; the volume to include the Minutes of the Meeting of the Council and of the Executive Committee held during the present year, and also such Reports and other material as shall be selected by the Director and approved by the President. The customary resolutions approving the carefully prepared budget for 1926 were adopted.