Report of Massachusetts Judicial Council

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appear in every instance. Usually the editor has placed the name of the author first and then listed quotations from him following his name. But this is not always the case and in some instances it is confusing to find an isolated quotation that does not appear under the name of any individual. The reader is indebted to the editor for occasional cross-references and notes in explanation of certain quotations. These seem to be admirable; where they appear they are often fuller and more helpful than corresponding records in other books of quotations. The reader has the impression, however, that they have not been supplied in every instance where they would be helpful.


This is an admirable book. The American reader must feel that the book would be of real usefulness to the legal profession in Scotland while he himself is grateful to have such a work before him for comparative study. Since the civil law prevails in Scotland, though in a much diluted form, the law of intestacy in that country in its contrast with the law of intestacy of England is a very interesting subject. We see here the workings of the common law theories of inheritance with the retention of many of the old Roman law terms, and at the same time, see the incursions of the common law theory and the certain amount of compromise between the two systems. The common law extends itself slowly but it takes a tenacious hold upon any territory which it has once invaded. Thus in Scotland, the invasion by the common law had been somewhat limited, but it seems fair to say that its conquest will be permanent. This is not true merely because it brings all the civil law in Scotland or interprets the common law changes in the high courts of the British Empire but also because of the nature of the common law itself.

American lawyers should find great interest in this book. Not only in England but in other leading countries of the world there has occurred a very considerable change in the law of inheritance within recent years; he would have considerable hardihood who alleged that no extensive though different overhauling of the law of inheritance would occur in our states in the near future. When changes in this field are demanded, it is of the first importance that our lawyers should be familiar with the efforts and the principles and the achievements that have occurred elsewhere, not that we may copy their work but that we may learn from it and proceed in our own work more effectively.


By statute in 1924 the legislature of Massachusetts created a council for the continuous study of the Judicial system. The council is composed of a distinguished group of judges and practicing lawyers in Massachusetts. In its report it points out the importance of giving efficient and inexpensive justice in keeping with modern needs. The report shows that the cost of the courts and the Industrial Accident Department for the current
year was somewhat over $6,282,000 while the expense incidental to jails, prisons, etc., was over $10,500,000. From the point of view of a mere business enterprise that is a considerable undertaking. The Commission feels that the people have a right to a wise and helpful expenditure of so large a sum of their money.

Among the important recommendations of the Commission this year are the following: (1) A material increase in the entry fees incidental to the court actions. The purpose of this increase is to discourage speculative litigation; (2) Extension of the scope of appeal to the Supreme Court in Capital cases. If this change had been consummated before the late Sacco-Vanzetti case, a great deal of delay would have been prevented and perhaps a different decision would have occurred; (3) That the judges of the courts be allowed to express their opinion on the fact at the trial of the case. This would extend to the state judges a power similar to that which Federal judges now hold.

In view of the work of the Judicial Council in Massachusetts, and in view of the recommendations of Judge Cardozo in favor of a ministry of justice, may it not be important for workers in other states to consider the establishment of a Judicial Council or some other body that shall be constantly engaged in the important work of devising plans for the more efficient and wise administration of the law?

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