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The President's Page

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THE PRESIDENT'S PAGE

As the President looks out of his office window on this hot July day, and thinks how much pleasanter it would be in the garden, while his fellows are rushing through the afternoon's work to get out to the golf links, the whole question of vacations comes to mind, and a broader subject than vacations—how hard should we mortals work?

A century or two ago manufacturers thought they could make no money unless they forced their employees to work twelve or fourteen hours a day. Vacations would have been scorned if they had ever been heard of. Perhaps they were right; what was there to do with a vacation then? Nothing much except to get drunk, and for that the money was lacking. When they were forced, in spite of their cries of approaching ruin, to cut down the daily hours to ten, they discovered to their immense surprise that their more refreshed workers accomplished more in ten hours than previously in several more. Henry Ford is satisfied that a forty-hour week is better yet.

In England the barrister is apt to breakfast at nine, get to his office at ten, stop for afternoon tea at four, and leave soon afterward. Here lawyers are regarded as something akin to loafers if they work only from nine to five.

Certainly lawyers have no right to be loafers; there is, unfortunately, too much for them to do in the world. But how can they work to greatest advantage, for their clients and themselves?

It is a good principle to work when you work and play when you play, and to do both in strenuous Rooseveltian manner. But not too strenuous. In the war we did things we would have thought impossible, but the strain of the war told afterwards nevertheless.

The custom of closing offices at noon or one o'clock on Saturdays is penetrating to the larger towns in North Dakota. It may not be suitable to the smaller villages, where Saturday is still a great trading and consulting day. Some lawyers say they cannot afford to lose their Saturday afternoons, but do they really lose anything? Personally, if I can forget from Saturday noon to Monday morning that there is such a thing as law, I am satisfied I can do twice as much work Monday.

It is not the amount of work that counts; it is its efficiency. We have all seen men, in law as in every other trade, who potter along in such a way that ten hours can accomplish little. We have seen men such slaves to detail that they can never catch the broader implications of a problem. And, of course, we have also seen men who for lack of attention to detail come to false and fatal conclusions. It is hard to improve on the golden mean.

We must all do more or less drudgery. Probably it is good for our souls. Young men must be willing to do a good deal of it. As we grow older, if we have developed our minds as we ought, we should have secured a release from the worst of it, should have reached the place where our judgments are reasonably quick, where our experience has a value, and where we can, not indeed take our ease, but do our work with a smoothness and facility that is gained only by long practice. And that will give us more time to think of bigger problems—of how the admin-

istration of justice can be improved, the economic machinery oiled a bit, the world made a little better as we go along.

And so, as soon as I have mailed this screed to the Secretary, I am going up to my garden to admire the delphiniums.

—JOHN H. LEWIS, President.

JURY TRIALS

Continuing the article by John H. Wigmore, of which the May issue carried items 1 and 2, covering Demerits Erroneously Imputed to Jury Trial, and Demerits Non-inherent in Jury Trial, and the June issue the three items of Demerits Inherent in Jury Trial but Remediable, Demerits Alleged but not True in Fact, and Demerits Inherent and not Remediable, this issue takes up the sixth item, under the head of:

Merits

Supposing that all the remediable demerits be cleared away, and jury trial be revised to its utmost inherent efficiency, the question will still remain, "Is it superior to judge trial?"

The writer believes that it is, in that it possesses four merits that can never be possessed by judge trial. The first two of the four are so vital, yet so seldom appreciated, that they will here be emphasized.

1. Prevention of Popular Distrust of Official Justice: Most political revolutions have had either their origin or their touch-off in some phase of the administration of justice. The Peter Zenger trial for seditious libel in New York in the 1700's, James Otis' speech against general warrants in Massachusetts, the Seven Bishops' trial in London, the Boston Massacre, the Dred Scott case, John Brown's hanging—all the way back in our annals we see these notable landmarks. And this is because the legislative law, as well as the common law, gets enforced through the courts, and not by the legislatures themselves.

Hence, the popular attitude toward the administration of justice should be one of respect and confidence. Bureaucratic, purely official justice, can never receive such confidence. The one way to secure it is to give the citizen-body itself a share in the administration of justice. And that is what jury trial does. And judge trial would never do it.

In the Civil War of 1861-65 the military draft broke down, for a main reason, because it was conducted by Federal military officers sent out into the towns and villages; they came as strangers, with uniformed independent State authority. In the World War of 1917-18 this error was avoided. The draft was administered by 4,500 boards of three men each, chosen from the very locality on recommendation of the mayor. They were given no uniform (though several were thoughtless enough to ask for it); they had no soldiers and no bailiffs; they were just respectable fellow-citizens. The draft was a complete