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NOTES.

BAR ADMISSION BILL

Senate Bill No. 43, introduced by Senator M. C. Swinford, passed the State Senate January 29th, by a vote of 24 to 6. It was reported the next day in the House and referred to the Judiciary Committee. It was placed in the Orders of the Day in the House February 14th, and will come up for passage soon. This measure will prove of great benefit to Kentucky. Its purpose is to standardize admission to the bar. Every judge of the Court of Appeals has endorsed it. Practically all the lawyers and business men are for it, and it is confidently expected that the House will soon pass it and that the Governor will sign it.
The bill, as it passed the Senate, follows:

**An Act to Regulate the Admission of Attorneys to Practice Law.**

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Sec. 1. No person shall hereafter be licensed as an attorney or counselor at law in this State, except as herein provided for.

Sec. 2. The Court of Appeals of Kentucky shall from time to time make and adopt such rules and regulations as the said court may see proper, fixing the moral qualifications of applicants and standards of acquirements, both academic and legal, to entitle them to admission to practice law in the courts of this Commonwealth. No applicant, however, shall be under the age of twenty-one years.

Sec. 3. There is hereby created a Board of Examiners on Admission to the Bar. The board shall consist of three (3) members, each of whom shall possess the qualifications of a circuit judge, who shall be appointed by the Court of Appeals of Kentucky, and shall hold office for the term of three (3) years and until the appointment and qualification of their successors, respectively, except that three (3) examiners first appointed shall hold office for one, two and three (1, 2 and 3) years, respectively, the said court indicating at the time of their appointment which of said examiners shall hold for each of said terms. All vacancies, however occurring, shall be filled by appointment by said court. The member of said board who is senior in point of service shall act as its chairman, except that of the members constituting the first board, the holder of the shortest term shall be its chairman.

Sec. 4. The members of the board shall be appointed within thirty (30) days after this act shall take effect. A majority of them shall constitute a quorum, and said board shall proceed promptly after their appointment to the performance of its duties.

Sec. 5. Applicants who may appear before the Board for license to practice law shall be examined as to their qualifications. All such examinations shall be in writing and be on such subjects as shall be prescribed by said Court of Appeals, and the answers of the applicants to the questions propounded to them shall be graded by said board and no such applicant shall be granted license unless he secures a general average of seventy-five (75) per cent. The
board shall certify to the said court the name of each applicant who shall have passed the required examination before it. The said court shall enter an order licensing and admitting to practice as an attorney and counselor in all the courts of this State, each person who complies with the rules and regulations it shall adopt; which license, if procured by fraud, may be revoked by the court at any time within two years from its issuance. The applicant before beginning the practice of law will take the oath as now required.

Sec. 6. The Court of Appeals shall at the time of its appointment of the first Board of Examiners prescribe the subjects upon which the examination of those applicants for license who appear before the board shall be made, and from time to time make such changes in the list of subjects prescribed as to said court may seem proper; and the Board of Examiners shall from time to time make such rules and regulations as to the manner of holding and conducting its meetings and proceedings as said board may deem proper. Provided, however, that not more than six (6) sessions of said board may be held in any one year, and said sessions should be held at as nearly regular intervals as may be deemed advisable and must be held at such a place or places as may be selected by said court.

Sec. 7. Each person who applies for a license to practice law in this State under any rule adopted by said court, shall file a written application with the clerk of the court, on such form as may be adopted by the court, and shall pay to said clerk a fee of $10.00, and in case of the failure of such applicant to secure his license, he shall at the time of any subsequent application pay a fee of five ($5.00) dollars; but no one shall be permitted to file another application within six months next after his last application. All fees collected as aforesaid shall be paid by the said clerk at once into the State Treasury. The said Court of Appeals shall make an allowance to each of said examiners for his services, which shall be paid out of the fees so paid in (and from no other source) a sum not to exceed two hundred dollars per annum, and his necessary expenses while engaged in the performance of his duties; the same to be paid in quarterly installments on statements filed with the court.
Sec. 8. A certified copy of the license granted by the said court may be had at any time, and it shall be as valid as the original order. Each applicant shall pay to the clerk of said court the fees allowed by law in connection with his application.

Sec. 9. The Court of Appeals shall make such provisions, rules and regulations as it may deem proper for the admission to practice law in this State of persons who have been licensed to practice law in other states or counties.

Sec. 10. The provisions of this act shall not apply to any person now holding a license to practice law in this State.

Sec. 11. Nothing in this act shall be construed to prevent a non-resident attorney in good standing from appearing and practicing in a case in which he may be employed.

Sec. 12. All laws and parts of laws in conflict with this act are hereby repealed.

1918

REPORT OF THE COMMITTEE ON INTERNATIONAL ARBITRATION, WORLD COURT AND INTERNATIONAL POLICE, TO THE NEW YORK STATE BAR ASSOCIATION

Your Committee on International Arbitration respectfully reports as follows:

Since the presentation of our last report in January, 1917, this country has declared war against the Imperial Government of Germany, and more recently against the Imperial Government of Austro-Hungary. The magnitude of the armies and navies that we have already put into the conflict, and still more those that we are preparing for the campaigns of 1918, are beyond precedent in our history. Our expenditures already made or requested from the Congress exceed the entire expenditure of this Government in the Civil War. The loss of life, suffering from wounds and sickness and bereavement of family and friends cannot be adequately expressed. These woes have been brought upon the world by the
wanton violation of treaties and by the refusal of the rulers of Germany and of Austro-Hungary to submit to arbitration or conference the dispute with the little kingdom of Servia. In the prosecution of this wanton and wicked war of aggression the solemn covenants of the Hague conventions which had been signed by these Empires have been ruthlessly violated by them. The proof is conclusive that written agreements alone are insufficient to preserve peace.

Our President has declared the determination of the Allies to conquer a lasting peace, and the bitter lesson of experience is teach all nations engaged that adequate provision is necessary to prevent in the future such desolating and destructive wars of aggression and ambition.

It is, therefore, with satisfaction that we are able to report that the general plan which this Committee presented three years ago has met with acceptance in many influential quarters. We do not suggest that it has been recognized as our plan, neither when it was presented did we claim any special merit of originality. We were a committee appointed by the association to consider the subject. We gave it our best attention and we presented resolutions which were adopted by our association. Statesmen from diverse countries who have been considering the same subject have expressed similar conclusions. We do not even claim that our plan was distinctly before them all, although we know it was before the President and Secretary of State of the United States and before some leading statesmen abroad, of whom not the least prominent was Lord Bryce. It has been translated into French and published in La Renaissance (June 23, 1917).

The league to enforce peace which was formed in this country in June, 1915, and of which ex-President Taft is the President put forth in June, 1915, determined to advocate a permanent league of nations, pledged to joint military action against an aggressive nation that should refuse to submit its dispute to arbitration. That league has put forth the following brief exposition of its programme:

Briefly, it is proposed that a League of Nations, including the United States, be created at the end of the present war. An in-
vitation to join the league would probably be extended to all civilized and progressive nations. A general treaty would be signed, by the terms of which the member-nations would mutually agree to submit to public hearing any and all disputes which might arise among them. Such an agreement would not apply to quarrels of a purely national character and would not, therefore, interfere with insurrections or prevent revolutions.

To carry out the programme it would become necessary to set up two international tribunals: a Judicial Court for the purpose of hearing and deciding those questions that can be determined by the established and accepted rules of international law and equity; and a Council of Conciliation for the purpose of composing, by compromise, all other questions that come up which, unless settled, would be likely to lead to war. A peaceful way would thus be provided to change unjust conditions, however arising. The court, after preliminary inquiry, would determine before which tribunal a given case would go.

The military forces of the league would be used to compel submission of matters in dispute to a court of inquiry before any war was begun by any member. It is believed that the prolonged postponement, plus the public discussion, plus the justice of the decision or award, would tend to ensure acceptance in the vast majority of cases.

We submit in the appendix a statement of the declarations not only of the President of the United States but of many European statesmen which show how general has been the acceptance of the proposition that a League of Nations be established after the war for the maintenance of permanent peace. Most of these are taken from a reference book which has been published by the league above mentioned.

Beside the opinions thus expressed by men in authority and leading statesmen, as well as by the Chamber of Commerce, we note with satisfaction the action of two important American organizations at their National Conventions.

The National Grange at its convention in November, 1916, and again in 1917, declared its support of the general proposition of a league to enforce peace. Oliver Wilson, Master of the Grange,
at the latter convention, said that a league was already in process of formation through the action of each specific nation, because he said each nation of the allies "is arraying itself with the cause of humanity in a common defense against German aggression and destruction."

The Executive Council of the American Federation of Labor in its report presented at Buffalo in November, 1917, urged "the combination of the free peoples of the world in a common covenant for genuine and practical co-operation to secure justice and, therefore, peace, in relations between nations." A resolution recommending a convention to accomplish this result was adopted by the Federation.

In conclusion we are authorized to call the attention of the association to the action of a group of jurists, of which Hon. Theodore Marburg is chairman, which honored your chairman by an invitation to join its number. It has been engaged for a year in drafting a tentative convention for submission to the governments of the allied states for their consideration, in order that at the end of the war there may be some definite plan to be taken up and considered. Leading officials in the governments of England and France have welcomed this action and have given many helpful suggestions. In the present form the convention which this group has drafted proposes the following:

The contracting parties agree to submit to the International Court to be formed, all disputes between them of a justiciable nature, provided they have not been adjusted by diplomacy or arbitration, and agree to submit non-justiciable questions to the Council of Conciliation.

They agree not to declare war or begin hostilities against another state of the league until any question in dispute has been submitted for inquiry and hearing and until the decision of the court or the recommendation of the council shall have been made, or until the time for making such decision or recommendation as provided in this convention shall have elapsed. If the decision of the court or the recommendation of the council, as the case may be, shall have been made within said time, then not until six months shall have elapsed after the making of such decision. They agree to
use their economic and their military forces against any state of the league that declares war or begins hostilities in violation of the convention.

There shall be an International Council to be constituted of members chosen by the parties to the convention. Each of the Great Powers which become a party to it shall have three members; each of the other parties a single member.

This council is vested with the power to examine all conditions, affecting international relations, and to report thereon to the states of the league, and to propose measures which when approved by the states of the league shall become law between them.

It shall have power to determine that a state of the league has declared war, or begun hostilities, or committed other acts in violation of the convention, and it shall forthwith notify this condition to the states of the league, which shall thereupon, each for itself, declare war upon the recalcitrant member or in the case of a minor instance supply its military quota to the International Force.

It shall enjoin a state of the league from proceeding with objectionable acts pending an inquiry. The injunction shall be supported by the economic or military forces of the league, or both.

It shall also have power to call conventions to formulate and codify rules of international law.

It is proposed that there shall be an Executive Committee of this Council designated as the "Ministry," which shall have power to take such measures as may be necessary for carrying into execution the provisions of the convention.

A Council of Conciliation shall be constituted by the International Council, which shall have power to hear and make recommendations on non-justiciable questions arising between states, whether or not parties to the league.

There shall be an International Court consisting of fifteen judges. Each judge shall reside at the permanent seat of the court and shall enjoy diplomatic privileges.

Judges shall be chosen by an assembly of judicial electors appointed by the contracting powers.

The contracting powers agree to submit to the International
Court all disputes of a justiciable nature which may arise among them and which are not made by them the subject of other peaceful disposition, and also agree to encourage resort to the court in all other disputes which the court is competent to decide.

The court shall determine for itself whether a dispute is justiciable.

Provision is made for states not members of the league submitting disputes to this court.

The doctrines of law recognized and applied by the International Court shall be those which in or under future conventions may be provided by the contracting powers or those which may be agreed upon by the litigants; and in the absence of such general provision or special agreement the court shall follow its own theory of justice except in so far as doctrines have been established by general international law or have been embodied in the Hague Conventions of 1908.

Each contracting power agrees to co-operate with the International Court in securing attendance of witnesses and production of documents, whether such power be a litigant or not.

The court shall have power to enjoin a state of the league from committing objectionable acts pending a decision upon any question in dispute before it. Injunctions may also be issued by the court on application of the council of Conciliation or the Ministry. The injunction shall be supported by the economic or military forces or both, of the states of the league.

The convention is to take effect upon the ratification of the convention by nine powers.

The fact that such a convention has been drawn by American jurists and is being seriously considered by statesmen in Europe and America, is to us all a source of just satisfaction.

All of which is respectfully submitted.

New York, January 12, 1918.

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