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NORTHWESTERN UNIVERSITY SCHOOL OF LAW

NORTHWESTERN UNIVERSITY BUILDING
CHICAGO, ILLINOIS

21 November, 1924

Dear Professor Calamandrei:

I owe you the profoundest apologies for my long silence, which has been due to the fact that I have been bending every effort to get my book completed. I trust that you will accept my belated thanks for the very generous - indeed, over-generous - notice of my monograph which appeared in the Rivista, as also for your kindness in furnishing me with the data relating to the Court of Cassation.

Profiting by your suggestion, I procured a copy of Chiovenda's "Principi", and I find it to be everything you said. Chiovenda has a faculty for imparting life to the dry bones of procedure which I make bold to say - Mostara, in spite of his great learning and analytic power, almost completely lacks. I am only sorry that I did not know of its value in time to make more use of it in my account of the existing Italian procedure. I am grateful, also, to you for putting me on my guard about the Digesto. I must say, however, that I found Lanuccio Rossi's article on "Forme del procedimento" of great help, because of its condensed nature. Moreover, it contained the only summary I was able to find of the procedure under the old State codes. So my use of the article may, I hope, be forgiven, since it is not altogether a case of "video meliora proboque, deteriora sequor".

It is most gratifying to know that you so cordially

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accede to my proposal for a species of international formulary. Concerning its execution, however, may I say that if you do not object, I should prefer to postpone it until a freer time. Judging from the fact of your participation in the work of drafting a new code, I have no doubt that this suggestion will be acceptable to you. I shall re-open the question just as soon as I can.

I was very happy to peruse the monographs which you recently sent me. The one concerning the Court of Cassation I found of especial aid. You have probably perused by this time the Illinois Law Review for November and the American Bar Association Journal for October, the latter containing my article on the recent German reforms, which, by a curious coincidence, bears almost the same title as Mendelssohn Bartholdy's article in the *Revista*. The journal article is substantially the chapter on the reforms in question which will appear in the book, except for the introductory and concluding paragraphs. Prior to its publication I sent the chapter manuscript to Professor Mendelssohn Bartholdy who was good enough to read it for me. His only criticism was as to the use of the English term "party-prosecution" as an equivalent of "Parteibetrieb". The criticism is well founded, but the differences between the two languages make it very difficult to overcome.

I am in hopes that Professor Lissier, now of the French Court of Cassation, will consent to read the proofs of my account of the modern French system, and I am going to throw myself on your mercy, and ask if you will not do as much for my account of the

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modern Italian. Knowing how busy you must be, I am reluctant to trouble you, but I should feel much more confident about the chapter if it bore the stamp of your approval. It will not, I am glad to say, consume much of your time, as the whole account will probably not exceed more than 25 or 30 large printed pages. When the proofs will be ready, I cannot say definitely, since the manuscript has not yet left my hands: in all likelihood, it will not be until late in the Spring of 1925. If I can count upon your aid in this regard, I shall be most deeply appreciative.

The *Rivista*, I note, is realizing the promise which it gave and is fulfilling an indispensable function. Its arrival ^{in the mail} is always something to be looked forward to, with eagerness. You may have noticed, perhaps, that we have made a change in the editing and publication of the Illinois Law Review. The two other principal law schools of this state - those of the University of Illinois and the University of Chicago - have joined this school, in this regard, and the Review is now under control of all three. The new plan gives us increased financial support and will add greatly to the influence and value of the periodical.

With best wishes and most cordial regards, I am

Yours sincerely

Robert W. Miller