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West's Federal Forms, Volume 7, Sections 10651-11417, Admiralty (Book Review)

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Mr. Kuhn attended the Paris Peace Conference in 1919 and therefore speaks with a wealth of experience when he discusses certain phases of the work of the League of Nations and the United Nations. He was uniquely qualified by temperament and experience to be a pioneer in the field of international air law and an adviser to the Harvard Research in International Law. In his *Pathways in International Law* Mr. Kuhn has not only told a remarkable story of personal achievement but has included much information of value to all those interested in the establishment of peace based upon sound judicial and moral norms. It is toward the achievement of this peace that his pathways were always directed. The author concludes by stating that ". . . [s]ome day the pathways of international law will emerge from this mid-century Inferno of world relations, and, like Dante, we shall then be able to say:

"Thence issuing, we again beheld the stars."¹³

EDWARD D. RE.*



WEST'S FEDERAL FORMS, VOLUME 7, SECTIONS 10651-11417, ADMIRALTY. By Frederick K. Arzt and Thomas F. McGovern. St. Paul: West Publishing Company, 1953. Pp. xxxv, 752. Set of 8 volumes, \$125.

Having examined with care this presentable and most useful volume of admiralty forms, I am ready to concede that the authors have in a most satisfactory manner demonstrated that ". . . the difficult part of admiralty is not practice, but the application of a full and detailed body of substantive law to the facts as they come out on the trial."¹

In the "Introduction to Admiralty Forms" the authors concisely state their purpose to be twofold:

- "(1) To provide standard types of forms for proctors in districts where the admiralty practice is growing; and,
- (2) To provide precedent forms for unusual types of actions which even an office in a busy seaport may not customarily use."²

How successful they have been in accomplishing their purpose is evident to the admiralty practitioner who has perused this volume. In a step-by-step progression the authors have provided the necessary forms for every stage of the action from the Monition (in rem) and the Citation (in personam) through the Motions, Libel, Answer, Depositions, Trial, Judgment, to the execution and distribution of funds.

¹³ P. 233.

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¹ P. 6.

² P. 1.

In the chapter entitled "Introduction to Admiralty Forms" the nautical nomenclature is brought home to the reader. Pertinent reference is made throughout to key "Admiralty Rules," which are similar yet uniquely different from the Federal Rules of Civil Procedure (which do not apply in admiralty suits). The footnotes in this chapter cite the authorities for the positions taken.

In the "Introduction to Admiralty Process" the authors, in brief, enlightening paragraphs, sketch the pertinent peculiarities of the admiralty practice, such as the "process in rem" and the "process in personam" with and without foreign attachment and the "limitation of liability injunctions." Again there is the array of footnotes which reassure the veteran proctor and assist the neophyte.

The forms used throughout this volume are taken from actual admiralty and maritime cases. Each form has a subnote entitled "Source of Form" setting out the name of the case from which it was taken. The admiralty docket number is given together with the name of the court in which the suit was filed, thus simplifying the search for the actual pleading, if the need should arise. The names of the proctors and law firms appearing at the end of the respective forms are those prominent at the admiralty bar. Where pertinent, the authors have added a paragraph of "Comment" containing a caveat as to some subtle point that they thought might pass unnoticed, or a substantiating authority where there may have been some obscurity or controversy as to a particular point.

The pleading in admiralty practice that fulfills the functions of the complaint in civil suits is called the *libel*. This volume has a fine and representative collection of the usual libels; in addition, there is an assorted collection of unusual type libels which are infrequently seen even in active offices, and rarely in the less active office. The various forms of answers are arranged in almost parallel progression with the excellent collection of libels.

The role of the familiar demurrer of common-law pleading is taken by the "exceptive allegations" of admiralty practice. The forms of exceptive allegations and motions are made readily available in this volume, so that the proctor may adequately protect his client's interest.

The general practitioner is acquainted with such concepts as interrogatories, motions for discovery, notice to admit and physical examination. An adequate selection of such forms is included. But less familiar are the forms of unusual interim remedies such as "motion for sale," "order for unlivery and sale," "action by Marshall" and "order investing fund in registry of court." Therefore the authors have collected some fourteen such forms covering about thirty pages of text. These forms are adequate to reduce drafting time to a minimum.

Because of the fact that seamen drift, travel and disperse upon the seven seas, as well as the fact that seldom are shipper and consignee in the same country, the chapter on "Depositions, Commissions and Letters Rogatory" is especially interesting. Herein the mechanics for taking and preserving the sworn testimony of necessary, and often-times indispensable, witnesses are set forth. Even the case of the uncooperative witness is covered by the Letters Rogatory forms.

The evolution of the cause has now reached the trial stage. The admiralty trial resembles, in a general fashion, a non-jury trial. In quick succession the

book contains appropriate forms of interlocutory decrees, appeals and references. Then follows a most useful chapter on final decrees. It is interesting to note that these final decree forms parallel, to a large measure, the various libels and answers spoken of above.

The final two chapters on "Discontinuances and Releases" and "Execution, Sales and Claims against proceeds in Registry of Court" bring this volume to a close, and a most useful appendix containing "Rules of Practice in Admiralty and Maritime Cases" has been thoughtfully added by the authors.

This volume is indeed the product of thoughtful planning. Too often a form book is liable to be a random collection of miscellaneous forms, saved from oblivion only by its index. Volume 8 of the series contains a general index; and while volume 7 has no specific index, it has a complete, informative and referenceable table of contents, as well as a detailed chapter and section analysis at the very beginning of the book.

Finally, a nod of recognition in the direction of the authors is due. Frederick K. Arzt, Special Assistant to the Chief Counsel, USCG, is the author of several well-received volumes such as "Navigation Laws of the United States, 1940," "Laws Governing Marine Inspection, 1941," and, most recently, "Marine Laws, Navigation and Safety, 1953." Thomas J. McGovern, an Admiralty practitioner, is a lecturer in Admiralty at Georgetown and George Washington Law Schools. Mr. McGovern will be remembered as the government's advocate in the distinguished radar case, *Anglo-Saxon Petroleum Co. v. United States*.³

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³ 78 F. Supp. 62 (1948); 88 F. Supp. 158 (1950).

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