

Frederick Alexander Mann

# ***Life and Cases***

Manuscript of an Autobiography

**Bonn University Press**

Edited by  
Wolfgang Ernst



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ISBN Print: 9783847113508 – ISBN E-Book: 9783847013501

# Bonner Schriften zur Universitäts- und Wissenschaftsgeschichte

Band 11

Herausgegeben von

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Frederick Alexander Mann

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Edited by  
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With a preface by  
Mathias Schmoeckel

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Bibliografische Information der Deutschen Nationalbibliothek  
Die Deutsche Nationalbibliothek verzeichnet diese Publikation in der Deutschen  
Nationalbibliografie; detaillierte bibliografische Daten sind im Internet über  
<https://dnb.de> abrufbar.

**Veröffentlichungen der Bonn University Press  
erscheinen bei V&R unipress.**

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(Koninklijke Brill NV, Leiden, Niederlande; Brill USA Inc., Boston MA, USA; Brill Asia Pte Ltd,  
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**Vandenhoeck & Ruprecht Verlage | [www.vandenhoeck-ruprecht-verlage.com](http://www.vandenhoeck-ruprecht-verlage.com)**

ISSN 2198-5383

ISBN 978-3-8470-1350-1

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## Geleitwort

Frederick Alexander Mann war ein außergewöhnlicher Mensch und Gelehrter mit einem besonderen Lebenslauf längst vor der erzwungenen Emigration. Seine vorzügliche Erziehung und insbesondere die Kenntnis von Fremdsprachen schufen eine Weltläufigkeit, die ihn nach Genf und London führte, längst bevor er Berlin verlassen musste. Die perfekte Adaption einer anderen Nationalität mit ihrer ganz eigenen Art von Jurisprudenz war seine Leistung und nicht zuletzt auch das Ergebnis einer besonderen Ausbildung. Seine Leistung darf nicht dadurch relativiert werden, dass sein Schicksal ebenso wie das vieler anderer Zeitgenossen als das Erdulden eines Schicksals verstanden wird. Letztlich gab die Emigration Mann nur die Chance, sich zu einem einzigartigen Gelehrten zu entwickeln.

Es war eine der Leistungen der Bonner Fakultät nach dem Zweiten Weltkrieg, die verlorenen Verbindungen zu den Emigranten wieder zu suchen. Persönliche Verbundenheit früherer Kollegen waren die Grundlage, um die Gräben der fürchterlichen Zeit zu überbrücken. Vor allem Werner Flume, aber auch andere Kollegen, wirkten hier, um die wissenschaftlichen Kontakte zu den emigrierten Kollegen wiederherzustellen und durch Einladungen und Rufe Wiedergutmachung zu leisten. So selbstverständlich das heute erscheinen mag, so ungewöhnlich war dies zu seiner Zeit.

Das war auf der Seite von Bonn kein Altruismus, sondern einerseits Aufarbeiten einer allgemeinen Schuld, andererseits auch eine ungemeine Bereicherung für die Bonner Studierenden. Bis zum heutigen Zeitpunkt bekommen deutsche Studierende – trotz aller Anerkennung der deutschen Ausbildung im Allgemeinen – zu wenig Kenntnis von der internationalen Dimension der Rechtswissenschaft. Vor allem die andere Herangehensweise der englischen Jurisprudenz, die ungeheure Erfahrung in der praktischen Betreuung großer Wirtschaftssachen und der Einblick in Materien, die in Deutschland selten behandelt werden, mussten für die Bonner Hörer des Honorarprofessors Mann den Einblick in eine fremde, aber aufregende Welt darstellen. Die Bereicherung, die von Max Grünhut, Frederick Alexander Mann, Stephan Kuttner u. a. in der Bonner



Lehre der Nachkriegsjahrzehnte geleistet wurde, bedeutete eine Internationalisierung des Studiums, wie dies weder vor- noch nachher in Bonn erreicht wurde. Immer wieder wird deutlich, wie sehr auch Mann seine Studenten in dieser Internationalität und seinem Verständnis für Wirtschaft und juristische Argumentation beeindruckt haben muss.

Die kargen Andeutungen der bisherigen Literatur lassen die Vielseitigkeit seiner Lebensbedingungen und die Fülle seiner Fähigkeiten und Erfahrungen kaum erahnen. Umso wichtiger ist es, nun von ihm selbst so viel mehr aus seinem Leben zu erfahren. Es ist das Verdienst von Wolfgang Ernst, diese wichtige Quelle entdeckt und herausgegeben zu haben. Es ist gut, dass die Universität Bonn und ihr juristischer Fachbereich wieder an die Tradition anknüpfen und mitwirken, an das Unrecht der Vertreibung und die Bedeutung der Emigranten für die Ausbildung in Bonn zu erinnern. Gleichzeitig können wir immer noch so vieles von diesen vorbildlichen Gelehrten lernen.

Bonn, im April 2021

## Editorial Remarks

I write [an autobiography], because I am persuaded that it is my duty to tell the story of a world that has disappeared, but should not be forgotten, – the story of a highly cultured German Jewish bourgeois milieu which perished in Auschwitz, though my nearest and dearest succeeded in escaping. The history of the rise and fall of that social class merits to be preserved, but stands in danger of falling into oblivion on account of the lack of specific material, – no great novel describing its drama and tragedy has yet been written.

F. A. Mann

When F. A. Mann died in 1991, he had been working on an autobiography for a couple of years. Such progress had been made with the text that he sent out a draft to a number of friends, asking for comments and criticism. This was when I first got to read the text, given to me by the closest of his German friends, Werner Flume (1908–2009). Mann had already made plans to also produce a German version since he hoped for a wide readership in Germany.

Although no great input would have been needed to get the manuscript ready for the press, Mann's family as well as his executor were reluctant to go ahead with a publication. This may have been for the best. If colleagues, friends, and family would have gotten their hands at the text, in all likelihood they would have taken off the edge here and there. Mann was highly judgmental and did not mince his words, and these qualities are mirrored in his text, not to speak of sensitive details of family life which are set out with great candour. The publisher's copy-editor might only have polished and mellowed the text further.

This volume is not the book which F. A. Mann might have published had he continued to finalise his text and guide it through the press. Who knows what changes he would have made, what additions he might have put in? This edition does not try to finish the work which Mann had to leave unfinished. It is but an edition of a typescript from his estate.

In the past thirty years, copies of the manuscript have been in circulation, and scholars working on Mann's life already have made use of it frequently, provided they could get hold of one of the copies. It seems proper that the manuscript becomes available unrestrictedly for the legal community at large, and historians of the 20<sup>th</sup> century. Writers of legal history for the second half of the 20<sup>th</sup> century will not want to miss this text, and practicing lawyers today may be interested to

learn how some of Mann's contributions have left their mark on contemporary laws.

This book is the edition of a historical document from the early 1990s. It consists of 205 neatly typed and numbered pages. The original page numbers are retained here in [] brackets. The same signs are used for a few editorial remarks. There are minor gaps that Mann had obviously intended to fill in later, such as dates of birth or references to cases. No effort has been made to amend the manuscript in such instances. Mann was not a native speaker of English and, on occasion, the linguistically sensitive reader may detect constructions and phrases betraying Mann's mother tongue. Apart from obvious typos and lacking inter-punctuation, which were remedied here without editorial notice, all has been left as it came from Mann's pen. The titles and functions of the *dramatis personae* have not been updated.

The copies of the original typescript which were used for this edition, together with pertinent correspondence and earlier drafts, will go to the Humboldt University, Berlin, to supplement the ample archival material on F.A. Mann which is inventoried and digitised by a team led by Prof. Gerhard Dannemann, who is also in a position to fruitfully involve the University's Centre for British Studies. The masterfully curated archive has become the basis for ongoing research projects dealing with Mann's role in 20<sup>th</sup>-century legal developments, for which substantial financial support was provided by the German Research Foundation, the *Deutsche Forschungsgesellschaft* (DFG).

There is no reason to prolong these introductory remarks with substantive comments on Mann's life or the content of the autobiography. The manuscript speaks for itself. The reader will also learn about Mann's relationship with the Law Department of the University of Bonn, which is the reason this publication comes out in the series of the *Bonner Schriften zur Universitäts- und Wissenschaftsgeschichte*.

Many contributions made it possible for this edition to materialize. This is the rollcall for sincere thanks: first and foremost to Anne Kriken Mann, who as the widow of F. A. Mann's late son David holds the copyright and has also covered the print costs; further, to the editors of the *Bonner Schriften zur Universitäts- und Wissenschaftsgeschichte*, among them Mathias Schmoeckel as the former Dean of the Faculty of Law and Political Science of the University of Bonn, who contributed the preface; and last but not least to Stephen Ryan and Angelika Okotokro, both assisting Prof. Reinhard Zimmermann at the Max Planck Institute for Comparative and International Private Law (Hamburg), for the careful production of a processable document.

Oxford, April 2021

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## **F. A. Mann: Life and Cases**



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## Introduction

Why do I write an autobiography?

A lifetime has been devoted to writing which studiously avoided the first person, as academic usage requires. Writing about myself deviates from long established habit and, therefore, characterizes the oddity of the undertaking upon which I am about to embark.

There are so many reasons why I should desist. The art of writing will not pervade these pages; the lawyer's dryness will not fail to determine the style and to remove all literary merit. The story I have to tell lacks that excitement, that unusual complexion, those heights of greatness or adventure, those features of individuality, that general interest which alone justify authors to bore the public with their own story. And above all, the genuine humility, the diffidence, the scepticism with which, as my readers must believe me, I regard my own life, should preclude an enterprise that must appear presumptuous and indicative of a vanity such as deserves contempt.

Why, then, do I write an autobiography?

I write, because I am persuaded that it is my duty to tell the story of a world that has disappeared, but should not be forgotten, – the story of a highly cultured German Jewish bourgeois milieu which perished in Auschwitz, though my nearest and dearest succeeded in escaping. The history of the rise and fall of that social class merits to be preserved, but stands in danger of falling into oblivion on account of the lack of specific material, – no great novel describing its drama and tragedy has yet been written.

I write, because the survival of that social group in the countries of refuge, particularly in England is equally lacking in illustration. The German Jewish immigration of the 1930's is a phenomenon which in many fields has led to remarkable achievements. Mine has not been remarkable, is somewhere in the middle, it is average and, therefore, less untypical than the work of many famous men, yet more vivid than that of the majority. Hence it is a contribution to a history which, again, has not yet been written.

I write, because I have been fortunate in leading a double life in the law, a double life in a double sense. I have been a practising [2] and an academic lawyer and I have had the experience of two legal systems, the English and the German. There are a few others who have done the same. Again, I claim nothing that is special or singular. But few can have had a similarly intensive life in two careers and few, therefore, can have had a similar opportunity of observation. And this produced the urge of saying a few things which cannot find a place in a strictly academic work. They are not objective or capable of proof. They result from beliefs, impressions, instinct. They can be said as part of personal reminiscences and, as such, may attract the attention of some readers who care less for the author than for his personal reactions or judgments. Perhaps it would have been possible and also attractive to let them speak for themselves, to remove them from the framework provided by the description of a life, which inevitably is filled with many different strands of events. But an autobiography is the only convenient method which permits the combination of personal experience with lessons I have learned and wish to pass on.

This, then, is the explanation, the excuse for an undertaking which, as I start it, seems formidable and, the product of almost unforgivable vanity. But if readers come across at least a few pages which give them food for thought or which retain their interest, then one at least of my purposes will have been served. In one respect I can reassure them. My memory is curiously selective. I remember everything that strikes me as worth remembering. I remember nothing that would be a burden on my memory or that is trivial. If I read in autobiographs how authors remember what sort of conversation they had on a certain day, what the Menu of their dinner was, what dress Mrs. X was wearing, I can only marvel at the excellence of their recollection, at their sense of importance (or self-importance) and at their curious illusions about their readers' interest (or lack of interest). These are the things which I simply cannot remember even if I wanted to and about which, therefore, my readers will not hear.

When I was very young I came across the following passage from a letter written by Turgenjev to Tolstoi, a translation of which I have never been able to discover, but which has pursued me all my life been something like a private *leitmotif*:

“Humanität ist kein leeres Wort. Lasst Euch nichts weismachen von den Maulaufreissern dieser trübseligen Epoche, von den Amokläufern, den Veitstänzern und heulenden Derwischen irgendwelcher Bekenntnisse. Wahr sein, einfach sein, milden Herzens sein, heiter und gelassen bleiben in Leiden und Gefahr, [3] das Leben lieben und den Tod nicht fürchten, dem Geist dienen und an Geister nicht glauben, – es ist doch nichts besseres gelehrt worden, seitdem die Erde sich dreht.”

If these pages reflected a little of the spirit so beautifully expressed, if even some of my readers were to remember and live according to the words I would like to be a motto, my satisfaction and, indeed, my reward would be considerable.





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## **Part I: Life**



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## Chapter 1 – Background

I seem to remember that among my father's papers there were some family trees, but I cannot find them. So I have to reconstruct my family's background from such papers as there are (and there are few) and from some slight research I have been able to carry out.

My recollection is that on my father's side the records reach back to the second half of the 18th Century, when Jews on the left bank of the Rhine in the Palatinate did not have proper surnames, but were known, in the Hebrew fashion, by their first names and as their father's son, – Isaac ben Abraham, for instance, a practice which changed only as a result of Napoleon's decree of 20 July 1808. The only available documents indicate, that Alexander Mann, was born at Wattenheim, a little village in the heart of the Palatinate, on 14 July 1809, the son of Jaques, then aged 32, and of Caroline nee Mayer. He married Franziska Loeb and they had two daughters and two sons, Jakob and Benjamin, the latter born on 27 January 1842. On the 5 February 1863 there was registered in the Commercial Register at Frankenthal the banking firm of Mann & Loeb of which Alexander Mann and Hermann Loeb (I presume, his brother-in-law) were partners. As from the 1st October 1867 Alexander's two sons were the sole partners, but the later fate of the firm is unknown to us except that in about 1915 Benjamin and his then partner, Ferdinand Loeb, sold the business to one of the predecessors of the Deutsche Bank.

Benjamin was my grandfather. He died in 1917. I remember him well. He was a kindly, dignified man who, when as a child I went for walks with him, was generally treated with respect and affection. He must have been a man of some intelligence, for it is him who is alleged to have said: "If you have the reputation of being an early riser, you may lie in bed until midday."

On 28 November 1866 Benjamin married Johanna Kahn who had been born on 1 March 1845, the youngest daughter of thirteen children of Simon and Charlotte Kahn<sup>1</sup> and who died in 1906.

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1 Simon and Charlotte Kahn married on 4 July 1825 and died respectively on 17 September 1848

[5] A good deal is known about the family of Charlotte Kahn who died in 1869. She was a child of the marriage between Jesche Isaak (1774–1842) with Fromel Machol who must have died before 1808, for by October 1808 Jesche had married a second time, namely Elka, later Blandina Oppenheim (1783–1836) with whom between 1807 and 1829 he had twelve children. I have the following document:

Extrait due Registre de Declaration faite en Exécution du Decrèt Impérial du 20 Juillet 1808. Sur le changement de Nom et de Prénom, parler Juif habitant la Mairie et Commune d'Edenkoben.

feuillet 1

“Pardevant Nous Maire de la Commune d'Edenkoben Canton du dit lieu, arrondissement de Spire, Département du Mont Tonnère, est comparu: Jesché Isaak, qui déclare vouloir conserver son nom de famille Isaak et son prénom de Jesché. De Vouloir donner à son épouse Elka née Uppenheim, le prénom de Blandina.

De conserver à son fils aîné le nom et le prénom de Michel Isaak, à sa fille China Jeché, celle de Charlotte Isaak et à celle Kailé Jesche celle de Karoline Isaak.

Et a Signe avec nous à la Maison Commune d'Edenkoben le dix neuf octobre dix huit cent et huit.

Sigt: Jsche Isaak et Steinbrunn Maire

Pour Extrait conforme  
certifie par nous Maire à Edenkoben  
Steinbrunn Maire.”

Jesche Isaak, described as “un notable et regisseur” (whatever this may mean) lived at Edenkoben, another small town in the Palatinate. His ancestry can be traced back to one Isaak ben Jitzchock ben Sechel who died at Edenkoben in 1689.

I possess the matrimonial contract concluded on the 19 November 1866 before a notary at Frankenthal. It is a long document which established a community of earnings within the meaning of articles 1498 and 1499 of the Code Civil, i. e. the French Code, and recorded that the bridegroom had a property of 22,867.15 guilders and the bride 7349. guilders, the property consisting largely of her clothes and personal belongings which were meticulously enumerated.

Benjamin and Johanna had two daughters and six sons of whom my father, Richard, was one. He was born on 22 January 1873.

My mother, Ida Oppenheim, came from a family which for long had been settled in Bonn and Cologne. On her father's side, as appears from Schulte's book

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and 18 February 1869. On 22 August 1849 their daughter Fanny married Heinrich Marum and one of their descendents was Ludwig Marum, who in my time was a leading lawyer in Karlsruhe and a Socialist member of the Reichstag and who in 1934 committed suicide in a concentration camp. A son, Jacob Kahn, emigrated to the United States and the famous banker ? Kahn was one of his sons.

on the history of the Jewish community in Bonn<sup>2</sup> the family tree can be traced back to Salomon Herz Oppenheim (1694–1757). His son Salomon Hertz Oppenheim (1752–1832) had three sons the oldest of whom was Salomon, the founder of the still-existing banking house Sal. Oppenheim Jr. & Cie. in Cologne, and the youngest of whom was Abraham (1777–1853) whose son Marcus (1812–1889) married Regina Ungar. They had six children, a daughter Julia and five sons of whom Nathaniel August was the youngest. He was born in Bonn in 1847 and on 24 December 1874 married Anna Cohen who was born in Cologne on 19 October 1849. Her origins are equally interesting.<sup>3</sup> She was a descendant of the Bonn Chief Rabbi Simcha Benjamin Cohen (1734–1816) and the daughter of his grandson Anselm Cohen (18.–[6]1874) and of Rahel called Regina Cohen née Heymann (who died on 29 December 1862). August and Anna had two children, my aunt Laura (1875–1959) and my mother Ida Anselmine Franziska (19 April 1877–12 April 1936). August died in Cologne on the 10 February 1892, his wife having predeceased him and the death certificate described him as “der Rechtsgelehrte Doktor juris”, – it being totally mysterious how he had spent his time, where he obtained his doctorate and what he did to deserve the description “legal scholar”.

Their children were brought up by their mother’s brother Franz Cohen<sup>4</sup> until they went to a finishing school in Bonn.

It was there that Richard Mann, when reading law at the university, met Ida Oppenheim. I infer from a letter written by Karl Helfferich<sup>5</sup> on 29 December 1899 that shortly before this date they announced their engagement. They married on the 23 August 1900 in Cologne and had one child born on 11 August 1907, – guess whom.[7]

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2 Klaus H.S. Schulte, *Bonner Juden und ihre Nachkommen* (Bonn, 1976).

3 See Schulte sub verbo Cohen.

4 Franz Cohen whom I still knew was an extraordinary man. His real interest in life was Mozart and Mozart’s music. He was one of the founders, perhaps the principal inspirator of the Mozarteum in Salzburg where his name is displayed on a marble plate in the entrance hall.

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## Chapter 2 – My Father

My father was the only child of Benjamin and Johanna whose life took a course which, as I shall relate, is worthy of some general interest, – if I ignore the fact that two brothers emigrated to the United States around the turn of the century and died there childless and that another brother and his wife were killed by the Nazis during the Second World War in a concentration camp. My father, so I always understood, did well at school and spent the last few school years in a boarding school at Neustadt where he made friends with Karl Helfferich, later the President of the German Reichsbank and the author of a famous treatise on Money, with whom he remained in intimate touch until Helfferich's death as a result of a railway accident in 1924. Between 1893 and 1896 my father read law at the Universities of Munich, Berlin, Bonn and Erlangen, where on 27 February 1896 he qualified as a Doctor of law by virtue of a thesis on "the peculiar reasons for terminating the mandate or power of attorney" (*Die eigentümlichen Endigungsgründe des Mandats bzw. der Vollmacht*). In 1898 in Munich he obtained his final qualification as the eleventh among 263 successful candidates.

At Bonn, as I have already said, he met Ida Oppenheim and fell violently in love with her, for she must have been a very beautiful and attractive girl. This made him wish to marry at the earliest possible moment. But he could not expect to establish a practice with the speed he needed to found a family at any place other than his home town and so in 1898 or so he opened his office at Frankenthal.

In many ways this did not prove a bad choice. Frankenthal was (and is) a small town of some 30,000 inhabitants, but it has world-famous industries such as Schnellpressenfabrik Albert; Klein Schanzlin und Becker; Kuhnle Kopp and Kausch; Süddeutsche Zucker, and (which was decisive) it had the District Court, i. e. the court of first instance, for one of the largest and richest parts of Southern Germany. It comprised, in particular, Ludwigshafen with its enormous chemical industries, Speyer, the centre of the provincial government, and the greater part of the renowned wine and agricultural district stretching from Neustadt in the South to Deidesheim, Forst, Wachenheim, Bad Dürkheim, Freinsheim and beyond, – all familiar names to the expert of German wines. So the field for a lawyer



was large and in due course my father built up a very considerable, profitable and remarkably distinguished practice in commercial and civil litigation. He acted for many of the industrial undertakings, for all public authorities (Reich and Bavarian Government, Post Office, Railway Administration) and for many of the wine producers; in fact he acquired a reputation far beyond the Palatinate in [8] the law relating to wine production and frequently was called upon to assist in cases arising from it in other parts of Germany. All this work he carried on in an office consisting of two rooms, with one secretary and a filing clerk and with a most primitive library, – one of the many curious features of his practice. Another one was the leisurely pace at which it could be carried on and which allowed him not only to be a very active member of the Bar Council for the district of the Court of Appeal at Zweibrücken, i. e. the whole of the Palatinate, but also to travel a great deal and to pursue his cultural interests.

The special luck which invariably, professional men need for their success, came to my father in the oddest possible way. Before he opened his office there was at Frankenthal a lawyer of the same name who was still listed in some of the usual directories. One day at the beginning of the century Hamburg lawyers acting on behalf of the Hamburg export and import merchants Baring Brothers sent the papers in an intended action to the deceased lawyer called Mann. The Post Office delivered the letter to my father who, not noticing the error, opened the letter. He then informed the Hamburg lawyers about the mistake and asked for instructions. They replied asking him whether he would take the case on. It was a case against a certain Eugen Abresch, a financier, who lived in great style in a palatial home at Neustadt – a most colourful figure. One of his manifold activities was the sale of mining shares in Africa and South American countries to wealthy German investors. In due course they complained of having been defrauded by him and litigation followed, since his residence was within the district of the Frankenthal court, all of it had to be brought there. The Baring case was the first of a long series in the whole of which my father acted for the plaintiffs, which brought him into contact with numerous leading figures in German commercial life, continued for more than thirty years and led to many personal friendships. My father became an “Abresch expert”. He knew all the tricks of his Opponent who was always represented by the leading German lawyers such as Max Hachenburg, and I remember how amused my father used to be if he could use against Abresch an opinion which Hachenburg or another authority had given for him some ten years earlier. (But the incident was also told to me as a warning which all my life I never have forgotten: a lawyer who gives opinions or who publishes academic work over a long period must always take the utmost care to guard against a contradiction with earlier work the mere existence of which is liable to slip from his mind.) But in so far as I am concerned two personal friendships incidental to the never-ending Abresch-cases stand out. The one was