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Book Reviews

Roger Paul Peters

R. J. Schoeck

BOOK REVIEWS

THE FEDERAL ESTATE AND GIFT TAXES. By Richard B. Stephens and Thomas L. Marr. New York: The Tax Club Press, 1959. Pp. 426. $9.00. During the past ten years the three editions of a slender volume known as "Stanley and Kilcullen" have become well known to the profession as guides to the federal income tax law. Now available is a similar volume about federal estate and gift tax law. Following a brief chapter on the principal features of the estate and gift taxes, the book contains a section by section discussion with various references to regulations, rulings and decisions. The order of presentation follows that of the Internal Revenue Code of 1954, as does Stanley and Kilcullen with respect to the income tax sections. However, Stephens and Marr have not felt obliged to omit discussion of any sections, contrary to what has to be done in the income tax field to keep a book within proper bounds for readers desiring knowledge of only the essentials of the subject. The statutory provisions concerning the estate tax and more particularly those concerning the gift tax are rudimentary in character as compared with those concerning the income tax. They are not, of course, without their own peculiar complexities and perplexities. The volume prepared by Stephens and Marr will serve as a reliable guide to an understanding of the application of what are, to many lawyers, rather formidable statutory provisions.

Although there are obvious advantages in having a text follow the order of the statute, the reader approaching the subject of estate and gift taxes for the first time will undoubtedly be disconcerted by intricacies which occur almost at the outset as a result of following the statutory order. The statutory credits against the estate tax come up for discussion as early as page 11 of the book. As the authors state, these are highly technical matters and they judiciously advise that "a reader who has little previous experience with the federal estate and gift taxes will probably do well to skip the chapter initially and to return to it only after reading the other portions of the book."[1] Later on in the volume a similar suggestion is made concerning the special rule on adjusted gross income for community property estates.[2] These are but two out of many indications that great effort has been made to make the explanation of the law of gift and estate taxation as clear as possible, and, it should be added, the authors have to a very high degree achieved their goal.

More than a mere paraphrase of statutory language or a bald summary of rules and results of decision has been undertaken. Lucid examples are set forth to explain difficult points. And an additional feature which will prove valuable to many readers is the exposition from time to time of the policy of law, the reasons for specific provisions. An especially fine example of such exposition concerns that important and difficult aspect of the deduction allowed for both estate and gift taxes for property passing to a spouse (the marital deduction as it is commonly known) which involves what is called "terminable interests." Before presenting a detailed treatment of the rules concerning terminable interests the authors give an admirable account of the purpose of the rules.[3]

In preparing the book the authors had the benefit of the new Treasury regulations on both taxes. This fact makes the work attractive as contrasted with other recent valuable treatments that were issued too soon to have that advantage. The publisher states that pocket supplements will be published at intervals. Students will

1 Text, at 11.
2 *Id.* at 213.
3 *Id.* at 223.

find Stephens and Marr an excellent refresher for their course in federal estate and gift taxation, and lawyers generally will find no better introduction to the abstruse subject matter of the law of federal estate and gift taxation.

*Roger Paul Peters**

THE HIGH COURT OF CHIVALRY by G. D. Squibb. Oxford: Clarendon Press, 1959. Pp. xxvi. 301. 42s.

The High Court of Chivalry has been at best an unknown, in general a misunderstood, court, and largely unstudied. Holdsworth only glances at the court in the first volume of his *History of English Law*,[1] and I do not find that Maitland anywhere touches upon its appealing paradoxes. What then is the importance of this court and of the study before us? From the court we may learn much that concerns procedure (for in its history and practice we have new material on the impact of Roman law upon English common law); problems of its jurisdiction take us immediately into questions of its position among other courts and its legal title to exercise jurisdiction; and, by virtue of its unique history, the High Court of Chivalry raises the fascinating question of how that legal title is established and how transmitted: we have, in fine, a splendid case of legal tradition, nicely anchored in a single court whose history spans some six centuries. Let us look first at that history.

I—*History of the Court*

In general, it had been thought that the Court was primarily concerned with matters heraldic, but this (like many another textbook assumption about the Court) breaks down under Squibb's new light. "The High Court of Chivalry is unique in that it is the only surviving civil law court in England"; and "the essential distinction between the Court of Chivalry and other courts is not that it has jurisdiction in heraldic disputes, but that it administers justice in relation to those military matters which are not governed by the common law. That these matters are now and have been for several centuries entirely heraldic is an accident of history." (pp. xxv-xxvi)

Working from the records of the court, long dormant in the College of Arms, Squibb offers a dating of the foundation of the court during the siege of Calais between 1345 and 1348. Contrary to theorizing of Coke and Holdsworth's accounting of the Court of Chivalry as "originally the court which administered military law,"[2] Squibb writes that (p. 8), "the records of the Court of Chivalry do not include a single case relating to the 'offences and miscarriages of soldiers contrary to the laws and rules of the army'" (p. 8).

What can be accepted from early commentators is, first, that the Constable and the Marshal had a joint court which had "jurisdiction over disputes relating to armorial bearings" (p. 1) — these are the Constable and Marshal of England (later known as the Lord High Constable and the Earl Marshal), who are not to be confused with other and lesser constables and marshals. That court of the

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* Professor of Law, Notre Dame Law School.

1 HOLDSWORTH, I A HISTORY OF ENGLISH LAW 573 (1931). He calls it the Court of the Constable and the Marshal, and it is misleadingly indexed under "Courts — Constable and Marshal": hence the failure of "High Court of Chivalry" to appear either in the index of the first volume or in the index volume.

2 COKE, 4 Co. INST. 123; See further HOLDSWORTH, MARTIAL LAW HISTORICALLY CONSIDERED 117-32 (1902). As Squibb comments, much of the confusion between military law and martial law goes back to Hale's discussion which confused the two by regarding the two terms as synonymous.

Constable and the Marshal[3] "is the Court held before the Constable and the Marshal or their lieutenants by virtue of their respective offices, from which there is an appeal to the Crown in Chancery. Its records can be readily identified, because it proceeded in accordance with the forms of the civil law, but references or apparent references to the Court in secondary sources require careful scrutiny before they can be accepted" (p. 3).

The origins and medieval jurisdiction of the Court lie in the offices of Constable and Marshal, who were during the reigns of the Plantagenet kings the chief military officers of the Crown; these two military officers were closely associated, particularly in the Court over which they jointly presided. Here we must turn towards the vexing problem of the beginnings of the Inns of Court, and it is most relevant that the Inns themselves and the development of their unique traditions are also to be located during the Plantagenet period:[4] indeed, there is some evidence to suggest a mutual relationship. There are, for example, certain aspects of the training and the 'ritualistic entertainments' in the Inns of Court which amply illustrate Fortescue's declaration that the Inns were for the breeding of gentlemen as well as for the training of lawyers, and that the Inns were "fit for persons of their station," and we are beginning to understand Fortescue's further assertion that the students in the Inns of Court

> learn singing, and all kinds of music, dancing, and such other accomplishments and diversions (which are called *Revels*) as are suitable to their quality, and such as are usually practised at Court. At other times, out of term, the greater part apply themselves to the study of law. . . .[5]

The principal officers of these Inns of Court revels were the Constable and Marshal — other officers were the Master of the Revels, King, Steward and Butler for Christmas. Perhaps the peak of that tradition was the grand and solemn Christmas which was kept at the Inner Temple in 1561; Lord Robert Dudley, then Queen Elizabeth's favorite, was the chief personage, or Constable and Marshal, of the Revels; attending the entertainment (which lasted several days) were the highest legal officers of the realm, and among the Constable-Marshal's aides were Roger Manwood (afterwards Lord Chancellor) and Christopher Hatton (already rising rapidly in Elizabeth's favor, later Lord Chancellor).[6] But this is another story which has yet to be told in full, though we may here echo Maitland, more than fifty years later: "there is, perhaps, no more serious gap in the history of mediaeval England than that which should be filled by the tale of the Inns of Court."[7]

What these revels emphasize is the extraordinarily close relationship between the Crown and its servants, including the men learned in law who by their tradi-

3 Much confusion comes from the nomenclature of the court. Known also as the Court of the Constable and the Marshal — and proceedings before it being frequently described simply as "before the Constable and the Marshal" — it has, during its long history been known by a variety of names — the Court of the Constable and Marshal, the High Court of Chivalry, the Court Military, the Court of Honour, and, in its later days, the Earl Marshal's Court. Its Latin name of *Curia Militaris* engendered further misconceptions and has led seekers after its origins to connect it with the disciplinary powers exercised by the Constable and the Marshal over the army.

4 The best recent review of the evidence for fourteenth-century origin of the Inns of Court is BLAUD, CHAUCER AND THE INNS OF COURT: A RE-EXAMINATION (1952); see further FORTESCUE, DE LAUDIBUS LEGUM ANGLIE (1942); and Schoeck, *A Legal Reading of Chaucer's "House of Fame,"* 23 U. TORONTO Q. 1954.

5 FORTESCUE, *op. cit. supra* note 4, at 183-88. I have discussed this further in the following studies: Schoeck, *Christmas Revels at Lincoln's Inn,* 197 NOTES & QUERIES 226 (1952); Schoeck, *supra note* 4; and Schoeck, *A Fool to Henry VIII at Lincoln's Inn,* 66 MOD. LANG. NOTES 506 (1951).

6 The description has been printed in DUGDALL, ORIGINES JURIDICIALES 150 (1680). The list of officers at the 1561-62 Grand Christmas is reprinted in GREENE, THE INNS OF COURT AND EARLY ENGLISH DRAMA 167 (1931).

7 3 MAITLAND, COLLECTED PAPERS 78 (1911).

tional system of co-opting controlled the Inns of Court so tightly and (we must add, for the fifteenth and sixteenth centuries) so well. Like many another tribunal, the Court of Chivalry derived its jurisdiction through the King's Council: Squibb argues that in this the Court of Chivalry is similar to the Court of Admiralty (though possibly of quite different origin):

> Both courts had, however, the same connexion with the Council in that some at least of the jurisdiction of each was originally exercised by the Council, whilst an appeal to the Crown in Chancery lay from each court. Furthermore each court was governed by the civil law and neither court had any jurisdiction over matters which were triable at common law. (p. 13)

We must hurry over the long history of the Court of Chivalry, singling out for notice only such high-points as the famous trial by battle (and this was the subject of many detailed rules, p. 23) between the Dukes of Hereford and Norfolk in 1398, into which the King entered and "not only forbade the battle but also banished the parties" (p. 24). By the execution of the Duke of Buckingham in 1521[8] the office of Lord High Constable was left vacant, but apparently the vacancy in the Constableship had no immediate effect upon the Court, which fell into disuse for some years.

After 1622, when the Court was reconstituted and new officers appointed — among them Dr. Arthur Duck, one of the foremost civilians of his time, who has made King's Advocate in the Court — the Court flourished, its lucrative practice interrupted only by the Commonwealth's substitution of another tribunal for the Court of Chivalry. The last cases of the civilians were heard in 1737 and indeed the last sitting of the Court appears to have been "a purely formal matter and nothing was done. It was an inglorious end. Contemporary opinion was that 'the whole business was imprudently begun, and unskillfully conducted'." (p. 117)

The period from 1737 to 1954 is then a period when it was generally thought obsolete.[9] In 1819 the criminal jurisdiction of the Court in appeals of treason and homicide was abolished by 59 Geo. III, c.46, "which was passed in consequence of the revival of trial by battle in *Ashford v. Thornton*" (p. 120); and in 1832 the Judicial Committee of the Privy Council was made the tribunal of appeal from the Court. Legislators, and apparently nearly all lawyers, apparently took the view that the Court was obsolete, by section 3 of the Statute Law Revision and Civil Procedure Act, 1881, repealing the medieval statutes which defined its jurisdiction. But as Squibb comments,

> Neither of the repealed statutes conferred any jurisdiction on the Court: the purpose of each of them was to curb the Court's encroachments on the jurisdictions of other courts and to confine it to its original jurisdiction, which did not depend upon statutory authority. (pp. 120-1)

Other acts, such as the Trade Marks Act, 1905, reasserted the notion that the Court of Chivalry was obsolete. Then, in 1954, the Manchester Corporation presented its petition to the Earl Marshal which, as Squibb writes, "led to the first appearance of the Court of Chivalry in the *Law Reports.*"[10] And there are other authorities to support the truth which Squibb states as a maxim: "A court of law does not cease to exist by falling into disuse."[11]

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8 As Fineux, C.J. said in the *Duke of Buckingham's Case* (1514), the common-law judges have no experiences of the ley darmes. Having been asked by Henry VIII what was the Constable's jurisdiction, Fineux, C.J. declined to answer, as it was a matter for the law of arms and not for the common law. From Dyer we may note Henry VIII's view that the Constableship was "very [*sic*] hault et dangerous, et auxy verye [*sic*] chargeable al Roy in fees." See SQUIBB, THE HIGHER COURT OF CHIVALRY 151 (1959).

9 By the 1760's Blackstone could write that the Court had fallen into contempt and disuse, BLACKSTONE, 3 COMMENTARIES 105, while in 1828 it was declared by the editor of the second edition of *Blackstone's Reports* to be obsolete. SQUIBB, *op. cit. supra* note 8, at 120.

10 See Manchester Corp. v. Manchester Palace of Varieties Ltd. (1955), noted in SQUIBB, *op. cit. supra* note 8, at 122.

11 *Ibid.*

II—*The Court of Chivalry in 1954*

The long-quiet machinery of the Court of Chivalry was set in motion by the presentation of the petition of the Manchester Corporation to the Earl Marshal on 5 May 1954, the petition complaining of two matters: that Manchester Palace of Varieties Ltd. had displayed the arms, crest, and supporters granted to the Manchester Corporation, and that the amusement company had displayed the arms, etc., on its seal. The next step was for the Earl Marshal to issue a citation and to appoint officers of the Court; the Lord Chief Justice of England was appointed Lieutenant, Assessor, and Surrogate of the Court. The judgment delivered on 21 January 1955 confirmed the jurisdiction of the Court and proceeded to find for the plaintiff.[12] Apparently there has been no appeal.

One of the counsel retained in this historic case, Mr. G. D. Squibb, for some years had been systematically studying the records of the Court, which lay in "two large boxfuls of seventeenth- and eighteenth-century documents . . . kept in a strong room at the College of Arms and several manuscript volumes in the Record Room": to this circumstance much of the success of the re-establishment of the Court in 1954 and the resumption of traditions interrupted by 117 years of disuse is apparently due. In this volume Squibb has summed up his research in a splendidly learned monograph which will be the definitive statement of its subject. Besides the apparatus of Tables of Statutes and of Cases, there are separate chapters on Procedure, Appeals, etc., and 27 valuable appendices (Records and Officers of the Court; Letters Patent, Draft Bills and Appointments; examples of Petition, Citation, Bond, etc.).

Few monographs in English legal history have been so richly documented and presented with so mature a scholarship in control of its material. Constructed so surely from the records and original documents, this account of the court is not likely to be modified in any significant measure. Later legal scholarship can only reinforce, or perhaps enlarge the picture here presented.

Some of that kind of extension is to be found in Squibb's own *Heraldic Cases in the Court of Chivalry* (Harleian Society, 1956). In that volume (referred to in the Table of Cases under the abbreviation Her.Cas., with number) there are other cases which are reported for their heraldic or genealogical interest — I have seen nothing there of procedural of jurisdictional interest — but of the cases cited in the *High Court of Chivalry* a number are summarized by Squibb in *Heraldic Cases,* and a list of these is appended.[13]

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12 The substantive part of the definitive sentence, which in accordance with the practice of the civil law courts was in writing, was as follows:

> We the said Bernard Marmaduke Duke of Norfolk with the counsel of those skilled in the law whom We have consulted in this behalf pronounce decree and declare that the Plaintiffs lawfully bear the arms crest motto and supporters in this cause libellate and that the defendants have displayed representations of the said arms crest motto and supporters in the manner in this cause libellate and contrary to the will of the Plaintiffs and the laws and usages of arms and We inhibit and strictly enjoin the Defendants that they do not presume to display the said arms crest motto and supporters or any of them. *Id.* at 127.

13 Cases reported in SQUIBB, REPORTS OF HERALDIC CASES IN THE COURT OF CHIVALRY (1956): (references are to page numbers):

Amcotts v. Shuttleworth (1638/9), at 34.
Argent v. Crayford (1637/8), at 29.
Constable v. Carlyle (1640), at 48.
Henchman v. Radburne (1732), at 113.
Hudleston v. Pattison (1638), at 5.
Pember v. Phillipps (1639), at 43.
Rowden v. Mace (1635), at 17.
Warner v. Cadyman (1639), at 43.

Squibb has ably supplemented his account by material from secondary sources, but there are doubtless some additions to the Renaissance descriptions and appraisals of the Court which will be adduced by later students — such as that by Keeling which is prefixed (p. vi):

> 'This Court of honor is part of the law of England': per Keeling C.J. in *R. v. Parker* (1668), 2 Keb. 316.

Very likely references will be discovered in the rich materials of Elizabethan and Jacobean drama, which add so much to our understanding of the social function and value of law in its cultural milieu. In William Lambarde's *Archeion* (c. 1591)[14] there is a brief but important account of the court, important because it precedes the misleading account given by Sir Matthew Hale and because it so surely puts the Court of Chivalry in a full context:

> THE CONSTABLES COURT, AND WHENCE THE NAME
>
> The Court of the *Constable,* or [one text and one ms. have *&* for *or*] *Marshall* of *England,* determineth Contracts touching deeds of *Armes* out of the Realme, and handleth things concerning *Warre* within the Realme, as *Combats, Blazon, Armorie,* &c. but it may not deale with *Battaile in Appeales,* nor generally with any other thing that may be tryed by the Lawes of the Land.[15]

Conclusion

In a closed system like canon law (and I here have in mind the development of Roman canon law, particularly in England by the time of Lyndewood[16], or like Roman law in sixteenth-century Germany, we can speak with certitude of its system as a whole, and it is not likely that any manuscript or new set of records is to be discovered that can disturb our perspective or charting. But in what may be called the open system of English common law, there is a different story. We can speak with certitude only about the drift of the system as a whole, for there are still darknesses within and we have here a newly discovered planet (and we may well now come upon further evidence concerning relations of the High Court of Chivalry to common law courts which we can now interpret).

Certainly we can no longer regard the Court and its procedures as "the idle ingenuities of men who are amusing themselves by inventing a game of skill which is to be played with neatly drawn tables": the revival of the Court has considerable importance today to the practitioner as well as to the legal historian.[17]

There is of course a fine irony in the accident of its survival — whether the failure of the Victorian legal reformers to include the Court under the Supreme Judicature Act of 1873[18] was due to ignorance or lapse of memory or misconcep-

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Wase v. Newman (1688), at 69.
Weaver v. Pye (1639), at 43.
In re Wither (1710), at 113.
Wyke v. Ems (1688), at 70.

14 As Squibb notes in his Preface to *Heraldic Cases,* these cases have been selected with the purposes of heraldry and genealogy in mind, and the bulk of the reports consists of statements of fact and there are no reasoned judgments. But these reports will throw some light of fact upon the citations that appear in *The High Court of Chivalry.* LAMBARDE, ARCHEIAN or A DISCORSE UPON THE HIGH COURTS OF JUSTICE IN ENGLAND (1591), edited by Charles H. McIlwain and Paul L. Ward (Harvard Univ. Press, 1957). For review, see 34 SPECULUM (Oct. 1959).

15 *Id.* at 30.

16 This is beautifully demonstrated by a paper on William Lyndwood, in MAITLAND, ROMAN CANON LAW IN ENGLAND 1-50 (1898).

17 See 2 POLLOCK & MAITLAND, THE HISTORY OF ENGLISH LAW BEFORE THE TIME OF EDWARD I (1898).

18 36 & 37 VICT. c. 66 (1873).

tions about obsolescence ("a court of law does not cease to exist by falling into disuse") — the history of the Court of Chivalry makes a fine story. Writing about a similar problem, Maitland (and who is a better model in such concerns?) observed with his usual penetrating good sense:[19]

> Anyone who really possesses what has been called the historical sense must, so it seems to me, dislike to see a rule or an idea unfitly surviving in a changed environment. An anachronism should offend not only his reason, but his taste.

But there is more to the story of the Court of Chivalry than the merely anachronistic. Anachronism it was not for the fourteenth through seventeenth centuries: its law indeed was one of the points where medieval and renaissance life and logic met, and the account here given us shows, in fact, how many contacts the institution of the Court of Chivalry made with the social order and larger legal tradition. (How much of an anachronism it will prove to be in twentieth-century England is difficult, and for a country where heraldic traditions are still viable hazardous, to predict, but undeniably there is yet much relevance for the English common lawyer in this Court.)

For the history of the Court of Chivalry, now first told fully and precisely, and for other contributions we must be grateful: the clarification of the relationship between the Constable and the Marshal, and between them and the Crown (which in turn lights up many dark corners in legal history and in Tudor political and social institutions), the clarification of our picture of the development of military law in England of the growth of courts martial side by side with the other courts, and a reinforced sense of the important jurisdiction of the King in Council. There is "solid masonry" in this presentation, and we are enabled for the first time in centuries to see the whole structure, procedure, and history of this unique Court.

R. J. Schoeck*

19 3 Maitland, Collected Papers 19 (1911).

* St. Thomas More Project, Yale University.

BOOKS RECEIVED

ATOMIC ENERGY

ATOMS AND THE LAW. By E. Blythe Stason, Samuel D. Estep, and William J. Pierce.

Ann Arbor: University of Michigan Press, 1959. Pp. xxvii, 1512. $15.00. A comprehensive study of the unique legal problems being created and likely to be created in the future by peaceful uses of atomic energy. Principal interest is centered on tort liability for radiation injuries, workmen's compensation, federal statutory and administrative provisions regulating atomic activities, state regulation of atomic energy, and the international control of atomic energy.

BIOGRAPHY

BENJAMIN HARRISON: HOOSIER STATEMAN (From the Civil War to the White House, 1865-1888). By Harry J. Sievers.

New York: University Publishers, Inc., 1959. Pp. xxi, 502. $6.00. The second in a projected three-volume history of Indiana's only President.

COMMUNICATION

FREEDOM OF SPEECH BY RADIO AND TELEVISION. By Elmer E. Smead.

Washington: Public Affairs Press, 1959. Pp. viii, 182. $4.50. A simple but comprehensive treatment of the relation of the government to radio and television licenses. The author examines the standards which have been established for the selection of broadcasters and for the renewal of their licenses.

CONSTITUTIONAL LAW

SHALL WE AMEND THE FIFTH AMENDMENT? By Lewis Mayers.

New York: Harper and Brothers, 1959. Pp. x, 341. $5.00. A detailed discussion of the privilege against self-incrimination with novel suggestions for change.

THE SUPREME COURT IN A FREE SOCIETY. By Alpheus T. Mason and William M. Beaney.

Englewood Cliffs: Prentice-Hall, Inc., 1959. Pp. vi, 346. $6.50. A portrayal of how many of the major decisions of Supreme Court history were influenced by external pressures and forces, demonstrating that the Court has been an active and effective participant in our political process.

COURTS

A NEW PATTERN FOR MENTAL HEALTH SERVICES IN A CHILDREN'S COURT. By Molly Harrower, Harris B. Peck, and Mildred B. Beck.

Springfield: Charles C. Thomas, 1958. Pp. ix, 82. $3.25. A report based upon a research demonstration, the Court Intake Project, conducted at the New York City Court of Domestic Relations. The authors attempt to extract from the project the most crucial elements which seem pertinent to an understanding of the kind of mental health services a children's court must have if it is to serve adequately the purpose for which it was established.

ECONOMICS

U.S. PRIVATE INVESTMENT AND ECONOMIC AID IN UNDERDEVELOPED COUNTRIES. By Wil Marcus.

Washington: Public Affairs Institute, 1959. Pp. iv, 42. $.50. A report on private investment and government aid in underdeveloped countries based on the author's observations in Southeast Asia.

ESTATE PLANNING

PROFIT SHARING IN BUSINESS AND ESTATE PLANNING. By George Byron Gordon. New York: Farnsworth Publishing Company, 1959. Pp. 64. A study of profit sharing from the viewpoint of employer and employee, covering benefits, kinds of plans, financial, legal and tax problems, and written so as to be understandable to a layman.

HISTORY

SOURCES OF OUR LIBERTY. Edited by Richard L. Perry.
Chicago: American Bar Foundation, 1959. Pp. xxii, 456. $5.00. A collection of the historic documents constituting the major legal sources of our individual liberties. Each document is preceded by an introductory editorial note on its political background, effectiveness at the time, and ultimate influence.

IMMIGRATION

THE SECURITY ASPECTS OF IMMIGRATION WORK. By Anthony T. Bouscaren. Milwaukee: Marquette University, 1959. Pp. ix, 213. A three part study of security aspects of immigration work. Part I deals with the grant or refusal of visas. Part II discusses exclusion, deportation and denaturalization. Part III analyzes the security provisions of immigration legislation throughout American history.

JURISPRUDENCE

THE COMPLEXITY OF LEGAL AND ETHICAL EXPERIENCE. By F. S. C. Northrop. Boston: Little, Brown and Company, 1959. Pp. xvi, 331. $6.00. A discussion of the place of both ethical and legal philosophy in the contemporary world as shown in recent theories of law teachers and in recent controversial Supreme Court decisions. Different theories, Oriental as well as Western, are then examined in their relation to the customs of the different societies from which the theories arose.

THE LEGAL REALISM OF JEROME N. FRANK. By Julius Paul.
The Hague: Martinus Nijhoff, 1959. Pp. xxii, 176. $4.75. A systematic and critical analysis of the philosophy of law of the late Judge Frank, a leading exponent of the so-called school of American "legal realism."

THE PUBLIC PAPERS OF CHIEF JUSTICE EARL WARREN. Edited by Henry M. Christman.
New York: Simon and Schuster, 1960. Pp. xi, 237. $4.50. A compilation of many of the most famous and significant papers from the years the present Chief Justice has devoted to public service. Included are selected addresses as Governor of California and as Chief Justice, as well as Supreme Court decisions.

PROPERTY

LAND-USE PLANNING. By Charles M. Haar.
Boston: Little, Brown and Company, 1959. Pp. xxxv, 790. $10.00. In a casebook on the use, misuse, and re-use of urban land, the author analyzes the evolution of property law in relation to the assumptions, doctrines and implications of city planning.

TAXATION

*THE FEDERAL ESTATE AND GIFT TAXES. By Richard B. Stephens and Thomas L. Marr.
New York: The Tax Club Press, 1959. Pp. 426. $9.00.

* Reviewed in this issue.

MISSING AND UNKNOWN HEIRS LOCATED

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