Notre Dame Law Review

Volume 16 | Issue 3 Article 6

3-1-1941

Book Reviews

Joseph J. Miller

William J. Syring

Richard F. Swisher

Ronald P. Rejent

In the present case the court, in its opinion, stated that the assailant was in no sense a customer or patron of the defendant company. This statement seems to be open to debate. The plaintiff's decedent was a gasoline station attendant. It was his duty to show all persons entering the premises the courtesies due one who had actually presented himself as a cash customer. The making of change is an affable act which from common experience is a necessary part and service of a running business. It was a service expected from a gasoline station attendant. Now, the defendant company from the nature of the business impliedly knew the dangers to which the decedent was exposed. Moreover, the fact that he was exposed to those dangers to which everyone on the street is exposed does not prevent him as an employee, when on the street in the performance of his duty, from claiming compensation under the Workmens' Compensation Act. *Katz v. State Industrial Commission*, 232 N. Y. 420, 134 N. E. 330 (1922).

The case at hand has a long and interesting history. The Common Pleas Court held for the Plaintiff. The Court of Appeals reversed the decision of the lower court and held for the Defendant. The Supreme Court of Ohio reversed the decision of the appellate court and remanded the case back to the Common Pleas Court. The latter court then held for the Plaintiff. Now, the Court of Appeals has reversed the findings of the lower court and has rendered a decision in favor of the Defendant. The diversified opinions of the respective courts show a definite conflict as to the result that should be reached in this case. From this it can be seen that the present findings and holding are far from decisive as to the result under the present circumstances. The Court of Appeals did not find that the decedent had in fact aroused the assailant's homicidal impulses so as to justify this act. Therefore there being no showing of fault in fact on the part of the decedent in arousing the slayer to this condition or state of mind I cannot agree with the result reached by the learned Justices of the Court of Appeals of Ohio. As was stated in *Anderson v. Security Building Co.*, 100 Conn. 373, 123 Atl. 843 (1924): "It is the actual conditions under which the employment is carried on that are important, not the condition under which the parties suppose that it is carried on."

The gist of the present case seems to be summed up in these words of Judge William sitting when this case was decided and passed upon by the Supreme Court of Ohio in the Plaintiff's favor before being remanded and coming up on appeal again. He stated: "If the decendent had been killed by another purely out of personal spite or by an insane person who was not in any sense a customer or patron, a different question would be presented." This shows that the court, having the facts and evidence before it, decided that the assailant was a customer and that the decedent had not been killed purely out of personal spite. The findings and conclusion of the Supreme Court of Ohio are a more equitable and just solution to the close problem presented in this case than the result reached by the Court of Appeals of Ohio.

Ronald P. Rejent.

BOOK REVIEWS

ADMINISTRATION OF THE BANKRUPTCY ACT. A Report of the Attorney General's Committee on Bankruptcy Administration—1940. Published by the United States Government Printing Office as a Report of the Department of Justice. 1941. Pp. 330.

Seemingly, any authoritative work published under such a foreboding and threatening title, would almost force one to admit conclusions of long, involved, and boring hours of laboring to reach the vital facts of the volume. However, here we find not a discussion of the intrinsic values, legal effects, and theories of the

Bankruptcy Act as administered in the United States to-day; but rather a concise, and, in the least, critical review of the practical and, at the same time, physical, administration of the Act. Included in this outline is a thorough attack on many of the evident administrative defects of the act. Such well founded criticism is also supported by sound conclusions and recommendations.

In general, the volume is divided into three parts. The first, dealing with the necessity for responsible and coordinated supervision of the Bankruptcy Administration, develops the actual procedures involved in the administration of the Act. There is found several instances of complete failure to follow the act in any sense of propriety; however, the report is prone to place the blame for such practices not on the inability of the referees or the fallability of their judgment, but rather upon the terrific pace which must be maintained by them in order to keep abreast of the amount of detail with which they must contend. Under the operation of the administrative phases of the Act, the report in effect states that the present difficulties encountered in such detail are the result of the lack of uniformity of administrative practice and in the delays in the administration of the bankrupt estates. Add to these causes the expenses of administration and we find in a narrow concept the present difficulties of the actual administration of the estates.

In several cases cited by the report it was found that checks had been drawn to the order of persons, who, though purportedly employed in administration, had actually done nothing. The effect of this and similar practices may be seen from a schedule of expenses in one of the cases handled. Of the amount of $6,311.33 realized in the liquidation of the assets, the unsecured creditors received nothing, the three petitioning creditors received $1,110.77. A secured creditor received $200. The balance of $5,000.56 was distributed as administrative expenses of which $2,800.00 went for the various attorney fees; appraisers received $650.00; accountants, $200.00; clerks, $605.00; inventory work cost the procedure $135.00; trustees and referee's fees and expenses amounted to $418.86 witness fees, $160.00; and the printing of the notices and the trustee's bond consumed the remainder of $31.70.

Thus under the present methods and practices of administration, one-sixth (as in the case above) of the realized amount of the liquidated assets can be safely said to find their way into the hands of the creditors for whom and whose benefit the Act was passed. Could the act have been passed for the purpose of providing employment in an attempt to become a vital economic force or to render to the creditors of the bankrupt estate that which is their just due? Of course, this is by no means the rule, but the striking number of examples shown in the Report would also justify one in believing that similar cases are certainly not the exception.

Parts II and III of the volume deal entirely with the proposed changes as advocated by the preparers of this Report. Part II showing the need for full time salaried referees in bankruptcy and what qualifications such men would necessarily have to possess. Part III is basically a recommendation for changes which the Committee on Bankruptcy deemed it advisable to make. These recommendations include an administrative office of the Division of Bankruptcy and a proposed plan for a corps of trained bankruptcy referees and examiners.

The Committee seems to feel that, at present, these two changes would in a large measure counteract the many defects of the existent administrative procedure in a favorable manner. It is also thought that these changes would have the effect, from within, of remedying practically all of the glaring irregularities in the present system.

Joseph J. Miller, Jr.

A PRELIMINARY SURVEY OF THE LAW OF REAL PROPERTY. By Cornelius J. Moynihan.[1] The West Publishing Co., St. Paul, Minnesota. 1940. Pp. 154. $1.50.

One of the tasks of a student of Real Property law is to investigate outside the class room the background and basis on which our modern principles of land law stand. To do so requires study of the development of age old concepts which have evolved, changed, grown and declined from one meaning or shade of interpretation to another. Professor Moynihan in writing his work found, as a teacher of the fundamentals of real property law, that students should have a preconceived notion of the course to benefit most from their case-book study. He therefore wrote his "Preliminary Survey" as a supplement to the usual case-book course.

The purpose of this interesting book is as the author points out in his preface "to set forth the historical background of the land law in such detail as to make understandable the leading principles of property law today." In writing this compact little volume, Professor Moynihan has ideally accomplished his purpose. It sets down in a simple yet well explained manner definitions and terminology that every student of real property will eventually use in his course of study. It begins usually with historical meanings of the essential principles back of land law, thence after fully explaining ancient concepts, it proceeds to show the variations through which the uses and meanings have gone, pointing out the effects of the changing legislation of chronological periods and finally of our own modern statute influences. It sets the foundation of modern concepts of land law in its explanation of the Feudal Tenure, when land law principles were being born. Its chapter on "Seisin and Its Significance" makes it hardly necessary for the student to search further for a true concept of the meaning of seisin or for its historical background and decline.

In his chapter on "Future or Non-Possessory Estates and Interests At Common Law" the author sets down in surprising detail for the amount of space used primary concepts in understanding notions of Reversions, Remainders, and their various uses.

The numerous explanatory examples set out to demonstrate propositions and statements made are definitely helpful to the reader in picturing the situations in which the rules of law are used.

The help given by this work to students of Real Property law will be immense and interesting at the same time. It should be read by all students seeking a simple, concise explanation of land law concepts and principles that are used in conjunction with the case-book study.

William J. Syring.

CONCEPT OF PUBLIC BUSINESS. By Ford P. Hall. The Principia Press, Inc. 1938. Pp. 223 $4.00.

In view of the increasing amount of governmental regulation of business, this book is particularly valuable at this time. The monograph is devoted to a discussion of the legal guides in the determination of those businesses which are to be deemed subject to regulation by the government. Of particular interest to lawyers are the distinctions drawn between "public businesses" and private ones in their relations with their patrons.

Recognizing the obscurity in the history of a business being held public or private, Mr. Hall in his chapter on Historical Development summarizes very well

---

[1] Professor of Law, Boston College Law School.

the different theories and reasoning upon which the courts in the past have based their decisions. He stresses well the fact that what has once been a business "affected with the public interest" legally, need not necessarily be now, and that a business private in the past may become so affected now as to be subject to valid regulation by the government.

The author devotes a chapter in showing those businesses which have been declared to be public and subject to regulation. This chapter reveals a tremendous amount of work by the author in preparation. He includes the possibilities from a common carrier to a passenger elevator, where such have been held public. As an amplification of the peculiar relations between a public business and its patrons, the author classifies the various types of regulations which are exerted by commissions.

The book reveals an excellent background in Constitutional Law in its explanation of the source of the powers of the commissions to regulate and the limitations within which the commissions are bound. The deviations by the courts from some of the old standards in their determinations of which businesses shall be validly regulated and which shall not is very well shown. Mr. Hall weighs the factors used by the courts in their decisions and points out those which the courts feel to be immaterial. In regard to these factors and guides used by the courts, Mr. Hall points out that there is no one of them which may be applied as a common denominator of all businesses held "public."

This book should be of great practical interest to those in and out of the legal profession. It should be of inestimable value to any teacher or student of Public Utility Regulation. A far cry from the usual dry expositions on the subject, this work, in an easy style and concise form, offers an excellent summation of a problem of great concern to everyone.

Richard F. Swisher.

CONGRESSIONAL APPORTIONMENT. By Laurence F. Schmeckebier; Brookings Institutions, Washington, D. C., 1941. Pp. 233. $2.50.

Due to the recent public interest in the matter of apportioning population in each state and an apportionment of 435 members of Congress among the several states, this book should be met by a popular welcome because of its timeliness and because of the thoroughness with which it deals with the subject matter at hand. Although the method of major factions will be used in apportioning the members of Congress, because of the failure of Congress to designate another method, Mr. Schmeckebier presents all the various methods, whether recognized by statute or not, which could have possibly been used in re-districting the various states. He thus gives the reader a look into a problem which at first blush appears to be a simple one, but a perusal of the methods possible in reaching the allotment of Representatives per state shows the complexity of the task which lies ahead. The result or method decided upon is important because: (1) of equitable representation in the House of Representatives; and (2) of its effect on the election of the President, the electoral vote of each state being the number of representatives plus two. These two reasons alone justify a careful study of the various systems so as to make a thorough study of the means most just and proportionate a necessary task of our law-makers in future legislation.

The author has divided the book into nine major divisions. Part I deals with the importance of Apportionment. Part II is concerned with factors and their definitions, namely, Ratio, Quota, Major Factions and Units and Minor Factions, Paradoxes, Average Population per District, Individual Share in a Representative,

Absolute and Relative Differences, Priority Lists and Population. Part III takes up the modern methods of Apportionment, first those recognized by statute, namely, Method of Major Factions and Method of Equal Proportions and secondly methods not recognized by statute, namely, Method of Harmonic Mean, Method of Smallest Divisors and Method of Greatest Divisors. Part IV is concerned with the relative merits of the several modern methods of Apportionment, giving the advantages and failings of each. In conclusion it gives the opinion of the committee of the National Academy of Science as to the method to be preferred and the reasons for such choice. Part V explains the discarded methods of Apportionment, both those that have been used and others that have never progressed beyond the proposal stage. Part VI discusses the arguments for and against including aliens in determining population and the policy as regards the counting of aliens. Part VII treats of the consideration that voting and apportionment should be given serious thought. Part VIII deals with the methods of apportionment used from the First Census in 1790 up until the Census of 1940. Part IX is concerned with the apportionment within the states, showing the flagrant variations and inequalities in the apportionment which exist in several districts in many states. A comprehensive list of tables treating every district in every state brings home the situation that exists in the reader's own state and very own district.

The book is a scientific work, organized, prepared and written as such. Its thorough treatment of the difficulties, most equitable method to be used, paradoxes which arise in apportionment together with a discussion pro and con on the questions of counting aliens into the apportionment population and counting disfranchised voters into the apportionment leaves no doubt that this book must be regarded as an authority in its field. Although not recommended as light reading, still, the reader, interested in his government, having a knowledge of high school algebra, can get a layman's understanding of the subject matter. This is a book which our Congressmen should consider, as to methods, when they decide upon our next method of apportionment.

Ronald P. Rejent.

GOVERNMENT AND THE INVESTOR. By Emanuel Stein. Farrar & Rinehart, Inc., New York. 1941. Pp. 219. $1.50.

This book is one of the American Government in Action Series. Its author, Dr. Emanuel Stein, is an Assistant Professor of Economics at Washington Square College, New York University. He is also the author of *Understanding Corporations.* Dr. Stein immediately points out the changed attitude of the American Government in regard to business since 1929, and especially since 1933. During the prosperity of the 1920's the attitude had been "less government in business and more business in government." But beginning with The National Industrial Recovery Act the government began to bring business under closer governmental control. Dr. Stein agrees that these regulations coming as rapidly as they did were a virtual revolution, although they were merely the products of factors and forces which had been operating for years.

In the first chapter the author deals with the corporation and its security holders. Therein he discusses public attitudes toward corporations, the factors and devices in the concentration of control, the indifference of the security owner, the use of the proxy machinery, the investor's ignorance and its cause, and fraudulent and worthless securities. The chapter is summarized in three points: First, the individual security owner has no power in the corporation affairs. Second,

those in control often misuse their power by voting themselves large salaries, bonuses, profit-sharing arrangements, stock options and favorable contracts. Third, the security owners are easily victimized because of their ignorance.

In subsequent chapters Dr. Stein reviews the functioning of the securities markets with their place in the economic system, and he discusses the steps taken by the government to bring security issues and security markets under public control, with emphasis on the Securities Acts of 1933 and 1934 which brought those markets under the control of the federal government. From there the author enters a discussion of the public utility holding companies and the act of 1935 which controls them. The author sees in this act a desire to restrict their growth without flatly prohibiting them.

Dr. Stein closes with a discussion of investment trusts and investment companies and the Wagner-Lea Act of 1940. These additional links in the federal government's program for the protection of the investing public round out the plan says Dr. Stein. It is his belief that even if Herbert Hoover had been reelected in 1932 some of these measures would have been enacted. He believes that in spite of Mr. Hoover's naturally being more conservative than Mr. Roosevelt that this would have come about ultimately, for the factors which caused such action had long been recognized and discussed in magazines and books. These abuses had not really been felt in this country until the whole corporate structure was in danger of imminent collapse and until investors' and speculators' losses mounted into billions of dollars. Dr. Stein ends with a warning that overzealous administrators may do more harm than good by interfering with the free flow of investment capital into industry.

Dr. Stein's book very adequately and concisely explains the investors' problems which forced the government to take steps to meet them. It explains to the layman what only professional men in the brokerage houses and banks are usually familiar with — the real meaning of the changes brought about by the federal legislation of the last eight years. This explanation is very good and is clearly understandable, and for that reason the book will prove of value to the reader who has neither the time nor the patience to examine thoroughly this federal legislation and its effects.

James H. Graham, Jr.

LAW AS LOGIC AND EXPERIENCE. By Max Radin. Yale University Press, New Haven, 1940. $2.00.

Here we have the latest volume in the distinguished series of Storrs Lectures. There is erudition here and there and the same charm and wit that the reader enjoyed in *The Law and Mr. Smith* by the same author three years ago. The title of the present book refers, of course, to the famous statement of Holmes that the life of the law is experience and not logic. That statement in turn was the denial of an even more famous statement by Coke that reason is the life of the law. Radin's title, therefore, suggests a compromise between these empiristic and rationalistic formulae.

But the term "logic" is employed here in an opprobrious and egregious sense. The reader will recall the fate that befell the word "rhetoric." Although the traditional science and art of rhetoric listed as defects in discourse, the purple patch, flamboyant style, rodomontade, etc., by some strange irony the label "rhetorical" has become synonymous with that very blemish of writing and speech, that is to

say with the pedantic, bombastic and grandiloquent. A similar instance is the career of the term "propaganda." Give a dog a bad name, etc.

Logic seems to be identified in these lectures with *a priori* or synthetic constructs or subjective inferences as though *rational* really meant innate or fictitious and as though the intellect did not abstract its data from the raw-material of sensory or perceptual experience. Here, as in other current discussions of the hoary problem of universals (cf. the Preface and p. 156), there is indicated no awareness of the famous solution called moderate realism. The reply of a Thomist to the statement that "an idea has no objective existence" (p. 156) is: "But it has a basis in reality, an objective reference and counterpart even if it exists as such only in the mind."

It is a fallacious oversimplification to think that logic or reason differs from experience as the subjective from the objective. Moreover, as Irving Babbitt replied to Walter Lippman a decade ago, human experience is much broader than scientific observation or mere sensory perception. Something of the same limitation as in Lippmann's (then) view is discernible here as it was in Holmes and Cardozo. An antidote to such nominalism by a non-Scholastic was written by Morris R. Cohen in his *Reason and Nature*. Another warning to such empiricism lies in the successfully dominant role played today by mathematics which is so pre-eminently deductive or logical.

The author refers approvingly to Cardozo's view that "the process of logic is backward and not forward . . . we have our conclusion before we have our major premise" (p. 9). But Mill's criticism of the syllogism was answered long ago. Reasoning adds to knowledge, not to truth.

Although Radin objects to the "moral quicksand" of relativism (p. 93), he commits himself to that recent amalgam of empiricism and pragmatism which is usually described as operationalism, when he writes: "The law is not right reason, nor the means of a good life, nor the framework of society, nor the foundation of the world, nor the harmony of the spheres. It is a technique of administering a complicated social mechanism. . . ." (p. 163).

The brief historical sketches of the concepts of law (p. 2ff) and justice (p. 141ff) omit St. Thomas Aquinas and the author seems to regard both ideas as somewhat mythical constructs or *entia rationis*. There is repeated emphasis on "humanity" and "the humane" (cf. pp. viii, 25, 36, 162, 164) and there is reference to the now fashionable notion of "human, personal dignity" (p. 160f) but this sphere is regarded as something irrational or alogical (pp. 145, 155, 162). Thus, a tripartite division of mental processes into logic, experience and moral conviction (p. 143), places the last of these three under what we might call the heart rather than the head.

It is the positive law rather than the natural law that our author has in mind but even the positive law is conceived in a very restricted sense. When he says that the law deals only with "the marginal and exceptional" (pp. 28, 100, 146) he seems to forget that it is only a violation of the law which sets the legal machinery to work. But obedience to the law which is the usual, normal routine of most men and which does not involve the courts, nevertheless presupposes law. Many people would not stop when a traffic signal is red if there were no law which states that they must do so. Radin says (p. 27) that a man crossing a street "exercises care not because the law bids him to, but because he wishes to save his neck," etc. But may one not contend that people accept traffic regulations because they are designed to save necks. Moreover when it is obvious that there is no danger of collision, most people still obey the signal for the very reason he rejects, namely, that "the law bids them to." The function of any law is maintained not only when transgressions and infractions are penalized but also when the law is observed and honored.

To illustrate the narrow meaning which Radin assigns to law, we quote:

"Not every statement made by lawyers is a legal statement. Really to be law the statements must be made by a special class of lawyers — those whom we call judges or courts" (p. 37). . . . "The most characteristic of these statements is a decision in a particular case, the 'judgment' par excellence." (p. 38).

"The judicial function [which is] the legal function proper . . . gradually detached itself from the undifferentiated activity of a magistrate who was a political administrator, a military leader, a priest and other things, besides being a judge." (p. 122).

There is much said here about the multiple functions of lawyers and about what he regards as their proper business and special province. He holds that the police task should be shifted from the lawyers to the penologists (p. 122) but such buck-passing simply tries to explain a problem by explaining it away. To say that law as such has nothing to do with the maintenance of order would seem to be little more than verbalism.

More serious is the question of the relation of law to politics (p. 145). It will be agreed that the determination of their respective priorities or the solution of the problem as to which should have primacy and hegemony, is not an easy question. It is here that the distinction between the natural and the positive law is of basic importance. Here again his view of law is too narrow.[1]

Perhaps most serious is the common confusion (which seems to exist here to some extent, at least implicitly) of ethics and morals. What men ought to do and what they *know* they ought to do, are not identical with what men actually do. One may concede a separation as well as a distinction between intention and execution, betwixt the cup and the lip. One may grant an occasional or even a frequent discrepancy between theory and practice, logic and life, the abstract and the concrete. The reason is that in man intellect and will are distinct from each other. It was Socrates who held that "virtue is knowledge" but Ovid and St. Paul knew better. *Video meliora proboque; deteriora sequor.* The important point is that ethics and morals are not incompatible, irreconcilable or mutually antithetical. Otherwise the moral law would be on the same plane as the descriptive formulae of sociology. It would not be normative or obligatory.

Daniel C. O'Grady.[2]

LIFE AND LAW, by Samuel Williston. Little Brown & Company. 1940. $4.00. Pp. 338.

Here is an oak, — great, certainly, in its own grove, — grown from an acorn little, but sturdy. A more honest and unaffected autobiography was never written. In it Mr. Williston reveals himself, with impressive candor, as one who, without genius and without unusual good fortune, has tenaciously created for himself a position of impressive eminence in his field. That he was able to achieve this has been due to a distinct capacity for unremitting work, a Yankee's keen sense of his obligation to do his best at any job, and an ingenuous but delightful conviction of the worthwhileness of his endeavors. One will find in Samuel Williston, far more than in the George Apleys, the distillate of the New England American, —

---

1 "To secure a good society . . . cannot be the purpose of law for the simple reason that it is the purpose of the entire mechanism of political and social organization." (p. 145).

2 Professor, Department of Philosophy, University of Notre Dame.

a simplicity, too frequently mistaken for provincial smugness, a modesty, which might appear to the unsympathetic to be dullness, a whole-hearted sincerity and unabashed honesty, which we sometimes call *naivete*. Mr. Williston's book, neither brilliant nor exciting, is impressive as a record of unspectacular but significant accomplishment. Its readers, without ever having met or seen the author, know him as a man of exceeding kindness, sincerity, and simple strength, who was able to meet the misfortune of recurring and occasionally long-sustained attacks of a disabling nervous disorder, and the inestimable blessing of a good wife, with equal equanimity and grace.

Of what the average teacher will chiefly look for in the book, disappointingly little is to be found. Only slight mention is made of class-room methods and experience at the Law School, which may be attributed to the fact that the book was written primarily for the author's own family and friends. One observation of his own class-room attitude is worth emphasis: ". . . I gradually learned that the frank admission by a professor of ignorance on a particular point does not damage him in the estimation of students, if he shows general competence. . . . I have often feared in later years after I had grown gray and had gained some repute, that there was too polite and facile acquiescence by my students for their own good, and have wondered if I was not more effective in my days of comparative ignorance." There are some interesting observations on Dean Pound and his influence in the School, a delightful brief analysis and discussion of the "realist" school, which has disturbed Mr. Williston and so many others. Pound has aptly called "realism" a boast. Williston, too, boasts "I am a realist, though not so called by the group that have adopted the designation." The greatest honor of his life he believes was his reception of the American Bar Association medal "for conspicuous service to American jurisprudence."

Mr. Williston's contributions to American law have been enormous. This book is not one of them, but it can be read with profit and pleasure by all teachers and many lawyers.

Theodore Stensland.[1]

SOCIAL SECURITY AND LIFE INSURANCE. By Paul F. Cranefield, Erwin Gaumnitz, and W. Bayard Taylor. Security Press. 1940. Pp. 202. $2.50.

"Social Security supplies the base; Life Insurance fills the gap."

This phrase denotes the theme of the book. The authors take the position that the Social Security plan developed by the government does not end the need for life insurance — rather the Social Security Act forms the base upon which a sound insurance plan may be developed. Thus, it is the purpose of life insurance to fill the gaps or to fortify one against the limitations in the Social Security program.

A very simple and logical plan is followed in the presentment of the text of the book. First, one is acquainted with the Social Security legislation; namely, the Acts of 1935 and 1939. With this basis, the benefits are next discussed. The worker is primarily benefited by old age retirement insurance. There are also benefits to the widow, the children, and special lump sum benefits. The authors aptly supplement the text with many tables which serve to further illustrate the benefits which may accrue from the recent Social Security legislation. But, this legisla-

[1] Member of the firm of Ribal and Stensland in the practice of law in Chicago, Illinois.

tion does have its limitations. There are many workers omitted, the benefits are based on the average wages only, disability is not taken into consideration, and social security is rigid.

Thus, it is evident that the Social Security is quite inflexible, while life insurance on the other hand is very flexible and may be molded to fit the peculiar needs of each family. The authors point this out in a very elaborate manner by using sundry tables, types of insurance, and the schemes which may be used to fit "the family needs." So, it may be seen that Social Security creates a foundation for an insurance program and life insurance the necessary protection for the deficiencies in the Social Security legislation. An example of this is forcefully brought to mind when the authors said, "As time passes, the savings element actually contained in any whole life policy and available to the policyholder when he needs it, gradually increases. The insurance remainder moves in the opposite direction, and decreases. . . . In other words, as the years of insurance needs decline, the desire for an old age retirement fund increases. Social Security responds to just that desire, and, hand in hand with Social Security, the guaranteed cash values of his life insurance, steadily increase as he grows older."

So, it is seen that Social Security and Life Insurance are not at cross-purposes but rather they work hand in hand to offer the American People a sounder and more comprehensive insurance program.

The last chapter of the book deals with some speculation as to the possible effects of the present war situation on life insurance and on Social Security benefits.

The book contains an appendix which includes the Social Security legislation. Also, at the end of each chapter, there are suggested references for further reading on the particular phases presented in each chapter. I was particularly impressed by the use of titles which are given to each paragraph. This facilitates reading and makes for a more clear and concise presentment.

By and large, this work presents a simple concise analysis of a pressing problem of the American family — Insurance as affected by Social Security. The writer submits that this brief volume should be of interest to all of you who are desirous of shaping an adequate insurance program.

James H. Neu.

STATE—LOCAL FISCAL RELATIONS IN ILLINOIS. Simeon E. Leland, Editor. University of Chicago Press. 1941. Pp. 453. $2.00.

This book defines "fiscal relations" as the "relations of the state to the local governments and of the local units to one another and to the state with respect to the raising and spending of public money and the performance of governmental functions." Thus as the definition states the study is one which sets out in as clear as possible a manner the relations between the various local governments in the State of Illinois, and the relations between these governments and the state, dealing with the expenditure and collection of money and efficiency of government.

The study is a joint research affair, financed in great part by the Social Science Research Committee of the University of Chicago, the research being carried on by many individuals and agencies. The plan for the study was conceived by Simeon E. Leland, editor of the book, to whom much credit is due. The form of the book is good, with the very detailed table of contents being of great value in enabling the reader to find any particular point with ease. The recapitulation by Neil H. Jacoby, as found in the last chapter of the book, is a valuable and worthwhile

asset, for therein are set out in general the conclusions and main points dealt with in the text of the study.

The study has definitely brought out the need for a simplification in the structure of local government and a decrease in the number of such governments. This default in the governmental set-up of the State of Illinois is obvious to the student of government, and the manner in which this study has set out the defect by showing facts and figures is well worth the time spent upon the study. While the study shows that a more centralized form of state government is desirable, the authors do not state that a strictly centralized form is desired, but rather warn that the conclusions to be drawn from the study are to take into consideration the dangers of a too highly centralized state government.

The study covers almost every possible method of comparison of state and local relationships, and is as minute as possible under the circumstances. It is my belief that this study will prove of value to the student of government, the politician interested in efficiency and reform, and to the average citizen who is interested in where and how the tax money collected is disbursed.

Lawrence J. Petroshius.