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Book Reviews

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BOOK REVIEWS

PROCESS AND SERVICE. By Renzo D. Bower, Pp. 785. Thomas Law Book Company, St. Louis, Mo., 1927.—The profession should welcome Judge Bower's book on this troublesome subject. I say troublesome because not too infrequently an attorney is met by an objection to the writ; and this objection always comes without warning. Many a practitioner has experienced the shock that comes to him in an apparently good case by a motion to quash, to set aside the service, to dismiss or to discharge.

Manifestly, the author has done a vast amount of work in writing this book. The arrangement is logical and consonant with procedure; the discussions are brief and to the point, and the citations support the text.

The book is divided into two parts. The first 369 pages are devoted to definitions, necessity of process, classification, form and contents of process, and its issuance. Part two treats of the time, place and method of service. The two parts are followed by 105 pages of table of cases and a good index of 48 pages. The arrangement of the table of cases by jurisdictions should receive the plaudits of the profession. The book will undoubtedly find a place on the lawyer's shelf of ready reference books and local practice books. In my courses of pleading and trial practice I find the book invaluable for ready reference.

THOMAS F. KONOP

HANDBOOK OF INTERNATIONAL LAW. By George Grafton Wilson, Professor of International Law at Harvard University. 1927. St. Paul: West Publishing Co. Pp. 567.

Upon a more precarious foundation than any other system of law rests International Law. Until recently, at least, most attempts to reduce dealings between nations to an orderly, rationalized code have resulted in failure; and war has proved to be the only decisive solution of differences. The only sanction for mandates issuing out of international tribunals (besides comity, which, properly speaking, is no sanction at all), is force. But force is, after all, a double-edged weapon, capable of being ad-

ministered as well by the offender as by the aggrieved, and has not always shown the conclusiveness of a right principle. The doctrine "might is right", thought indefensible in morals, is compelling in International Law.

Despite the handicap of trying to solve a problem without antagonizing the offender and precipitating a war, there has been slowly evolved at least some kind of a system of International Law. War is at best an expensive way to test the validity of a judgment, and even strong nations are not always willing to invoke it. Friendships are, after all, somewhat valued, reprisals feared. Nations occasionally appreciate the folly of exterminating millions of men to defend, say, the murder of an important politician by an irresponsible fanatic, and, to preserve international good will, allow damages to be assessed against them.

This desire for international good will is called comity. Comity cannot properly be called a sanction, for its withdrawal reacts as viciously against the injured as it does against the offender: but it does have some force. Upon comity, therefore, coupled as it is so strongly with the possibility of war, has been built a system of law—a system which may, in the last analysis, be challenged at any time by a resort to arms, but which, being rational, is generally satisfactory.

Professor Wilson, in his Handbook (page 12) states that "International Law is generally recognized as the law of the land", and is so recognized by the United States; but (though he does not say so) there is nothing inherent in the system which compels recognition; the matter is wholly optional with the various nations, and when recognition is accorded, it is prompted either by a dread of war (a dread, by the way, in which righteousness is not concerned) or by a laudable consideration of abstract justice—but never by the knowledge that a refusal will be swiftly and adequately punished. The fact that so many nations adopt an international code testifies either to a purely natural fear of extermination, or to a high sense of morals. If the former, the nation may accede to principles which are not right, merely to save itself from invasion; if the latter, then it may yet have to prove its righteousness by war.

Professor Wilson's Handbook is an admirable text on the

present status of international law. He could have said, in treating the subject of war, that "the definite rules of war" actually are worthless; that "acts of perfidy and treachery", although prohibited, are often resorted to; that although prisoners are entitled to keep their "private property not of a military character", captors somehow have never heard of the restriction; and that although a surrendering enemy must not be killed, the distance to a prison camp is sometimes too great to travel, and a bayonet thrust is much more expeditious. But Professor Wilson's task was to state the rules, not comment upon them, so we must pardon him. The exposition of Diplomatic Relations is interesting, the Method of Settling International Disputes instructive, the Position of Neutrals illuminating, and the entire book worthy of attention.

CLARENCE J. RUDDY

A COLLECTION OF DECISIONS PRESENTING PRINCIPLES OF WAGE SETTLEMENT: By Herbert Feis, Ph. D. The H. W. Wilson Company: New York.

The new and ever broadening field of wage settlement and arbitration of industrial disputes has for the past decade been gathering unto itself a common law so that it is at this time, most valuable to have the principles that have been worked out assembled in order to afford students of the question a concrete basis upon which to work. In this book by Professor Feis of the University of Cincinnati we have a collection of cases which present in an orderly fashion the principles which underlie the decisions that have been handed down by Industrial Courts, Commissions and Arbitration Boards. No attempt is made by the author to take sides in the issues presented by these cases, but rather he has been content to introduce them as indicative of what a certain rule has held to be. His explanatory matter is, therefore, both fair as well as comprehensive.

The decisions set forth do not form the weight of authority or precedent. At the present day when we have penetrated but a short way into the problems that confront industry such an attitude by far is the safest one. This is the time for discovery, for exploration, for investigation; this the compiler keeps in mind.

Crystalized opinion as to what the various rules hold will only hamper progress at this time if followed blindly. It follows therefore that contemporary controversy is almost necessarily destined to cloud for us some of the meaning of these cases. They are not uniform. Varying circumstances make that well nigh impossible. No solitary rule or policy can be found that will meet the requirements of all industries. They differ in such a degree that at present each presents its own problems. Business and social conditions also are not stabilized and so this factor must be considered. As the compiler says "The ultimate purpose of exploring the field of wage principles is to find out whether any of these principles, or any combination of them; meet well the plainest requirements of a satisfactory wage policy."

On examination the book would recommend itself to anyone wishing to take up the matter of which it treats. It contains an introduction by Professor Feis that serves well to map out the route to be followed as well as introducing the subject matter itself. In this splendid gateway as it might well be called to the cases themselves we are given the reasons for the selection of the cases and acquainted with the difficulties that meet one who would attempt to codify the decisions that have been handed down.

The work is not a case-book. Rather it is an analytical study of the principles of wage settlement given through the media of the case system and enriched by a series of explanations.

In addition, the book contains an excellent bibliography. In its four hundred and fifty-four pages the book treats of such problems as Practice and Principle of Wage Standardization; Settling Wage Differentials between Different Classes of Workers; Living Wage; Upward Wage Adjustments; Downward Wage Adjustments; Comparison of Wages in Other Industries; and Wages and Production.

—J. P. M.

CASES ON FEDERAL JURISDICTION AND PROCEDURE. By Harold R. Medina, assisted by Bernard E. Kuhn. West Publishing Co., St. Paul. 1926.

The lawyer of today will find himself in the Federal Courts a great deal oftener than his predecessor of, say twenty-five or thirty years ago. In the decade a half that has just elapsed the power and scope of the Federal Courts has been extended to a marked degree so that a thorough knowledge of the procedure of the national courts has become almost imperative. Economic changes in forming the complex businesses of the age have helped in expanding the administrative law and has emphasized the importance of a thorough understanding of the national system.

In this volume of the American Casebook Series are found that the compiler has judiciously stressed cases of jurisdiction and for the most part, has left the procedural matters to be acquired later. This is an excellent decision and, we believe makes for a more practical use of the book. However, very often it will be found that Professor Medina has selected a case containing some basic principle and in addition giving the student valuable information concerning procedural matters. This practice of "Killing two birds with one stone" is praiseworthy not only because of its economy of time and of casebook space but better because it thus correlates the two branches in an admirable fashion.

Just as "all Gaul was divided into three parts", so also we would find this work falls into three divisions. The opening cases treat with the foundations and limitations of the jurisdiction of the Federal courts. Procedure is then taken up and three chapters are devoted to discussing this phase are the only ones directly on the point in the book. The teacher will find enough on this subject woven in with the other cases given, however. The final two-thirds of the book is devoted to jurisdictional discussion, and the scope of the District Courts, the Circuit Court of Appeals and the Supreme Court are rather clearly set forth.

The conflicting citizenship of states clause has aided a great deal in bringing many cases to the Federal dockets and this phase of the subject is dealt with in an admirable fashion. The work does not go into the subject matter of Criminal Procedure in the

Federal courts or with of Admiralty, which is, we think, a commendable point because a casebook or text might well be devoted to that in itself. Then too, the matter presents quite a bit of highly complicated reasonings and holdings which the student might better study later.

The collection of cases, the format, and the notations speak well for both the editor and the publisher of the casebook which comes at a rather opportune time.

—J. P. M.

LIBRARY RECEIVES GIFT

The University Law Library was the recipient of an apt Christmas present that will be of cheer to all of the students for the coming years according to an announcement made by Dean Thomas F. Konop as *The Lawyer* goes to press. Mr. James R. Spillane, assistant manager of the American Law Book Company has presented the Library with a Set of *Corpus Juris—Cyc* which is published by his company. We assure Mr. Spillane and the American Law Book Company that his gift will be deeply appreciated by the students and faculty of the Law College.