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Book Reviews

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of the insured's death. The court, being unable to ascertain survivorship, awarded the proceeds to the insured's estate. *In re Valverde's Estate*, 265 N. Y. S. 484 (1933). It is in such a situation that the civil law steps into the breach and provides its presumptions as the solution. The California and Louisiana statutes adopt these, but they are alone in their choice, for the rest of the states apparently frown on presumptions of survivorship with all the sternness of the old common law courts. The situation in these latter states is succinctly put by a writer from one of them in these words: "It is always necessary before one takes property under the statutes of descent, that he survive the decedent. It frequently happens that the supposed heir and ancestor die in the same accident under circumstances where it is impossible to prove which predeceased the other. In these instances, the burden of survivorship is upon the representatives of the deceased heir with the result that the latter cannot take because of the impossibility of proving the fact of survivorship. The common law refused to indulge in any presumptions. To remedy this situation, some states have enacted statutes providing for a presumption to the effect that the elder died first. So far, no statute of this character has been enacted in Indiana and the fact of survivorship would have to be proved in each case." GAVIT, INDIANA LAW 287.

The problem most frequently arises in the disposition of life insurance money, which by the terms of the policy is dependent on survivorship of the beneficiary, where there is no proof of survivorship. By the great weight of authority, where the beneficiary has no vested interest prior to the death of the insured, upon failure of the beneficiary's representative to establish survivorship, the insurance money is payable to the insured's estate, or if a second alternate beneficiary is named, to such. Annotation, 5 A. L. R. 797.

In the vast majority of states, in conclusion, the proof of survivorship remains a strict requirement which takes on the character of a condition precedent to the successful litigation of the party asserting it.

George S. Keller.

BOOK REVIEWS

A STUDY OF THE BUSINESS OF THE FEDERAL COURTS. Two Parts. Philadelphia: The American Law Institute. 1934.

The National Commission on Law Observance and Enforcement, and its successor under the auspices of the American Law Institute, has made a detailed study of the administration of justice in the federal courts. The results of this work are embodied in two volumes, the first dealing with criminal cases and the second with civil cases. Thirteen of the federal districts were selected as a basis of the study. These districts were chosen with a view to diversification.

Detailed study was made in each of these districts with a view to the securing of data that would serve as the foundation for a study of particular problems and for a basis of improvements in the federal judicial machinery.

The results of this work are comprehensive and detailed, and the work that the Commission has done should go far in giving the judiciary and the legislatures a concrete working model with which to build and improve the present court system. The everyday problems that present themselves to the federal

courts are treated, and while much of the matter covered concerns Prohibition enforcement, still enough cases on other branches have been studied to give an insight into particular defects.

The ever increasing amount of litigation makes it necessary for all of our courts to adopt means to speed up the administration of justice. The voluminity of statistics that these volumes under discussion cover should enable those upon whom the task of remodeling the judicial system falls to readily see particular defects in the individual districts covered. Of course the results that have been reached by these studies cannot be taken absolutely as determinative of like conditions in the districts not covered by the Commission, but they can be taken as a guide to those sections not touched, and should serve as a guide as to whether any changes are necessary, and if so what they should be, in the courts that have been the object of these observations.

The work of the Commission should be a great help to everyone interested in the prevalent methods of the administration of justice in our Federal courts and in suggested and possible reforms.

Donald F. Wise.

CASES ON EQUITY. Two volumes. By Zechariah Chafee, Jr., and Sidney Post Simpson. Cambridge: Published by the Editors. 1934.

This two-volume work, the general plan of which follows *Cases in Equity Jurisdiction Ames'* (1904), is more than the name indicates—it is not only a work containing cases on Equity, but a scientific treatise of the entire subject of Equity Jurisprudence.

The first part of the work consists of a historical discussion of Equity and the powers of the courts of equity. This foundation is well-supplemented by notes, citations, and suggested readings, and serves a distinct purpose in itself in that the material contained therein is accurate and of vital importance to an understanding of the subject to be studied.

Any book, to be a useful one, must have an arrangement of material that is adapted to the best end of the student. This book has a fine system of arrangement, and each section is well-subdivided, and in itself serves as a worthy basic outline of the entire subject. The wealth of material that is contained in these volumes is amazing, and the student is likely to be awed by the quantity of matter dealt with. But the authors have not only dealt in terms of quantity, but also in terms of quality. The cases have been chosen wisely, and their selection shows a desire upon the part of the compilers to give the student an insight into present day equity litigation as well as a well-rounded understanding of the subject by including cases of historical importance.

Problem cases as a supplement to the principal cases are a feature of the books. The authors have not spared themselves in this regard, and their work should prove of great value to a study of the subject.

The footnotes and citations are exhaustive and because of this fact both the student and the practicing lawyer ought to derive great benefit from them. Citations that are accurate and thorough are of the utmost importance to the practical value of any law book whether it be case book or text, and the books under discussion are surely enhanced in value by the splendid citations given. This, however, is not the end of the work that has been done. The footnotes and citations do not end the outside help rendered by these books, for many notes from leading texts are not only cited, but excerpts are given from these

texts. As part of the general scheme, there is often interjected a bibliography of a particular point. An example of this is the bibliography of the law of Commercial Arbitration, given on page 555 of Volume I.

Throughout both volumes the authors have interspersed pictures of individuals prominent in the history of Equity Jurisprudence, and also pictures and maps of particular importance in the subject treated. Pictures of Johanna Wagner, one of the parties in the case of *Lumley v. Wagner*, of Sir Edward Coke, and of Joseph Story, are but a few examples of the illustrations given.

The index to the books is especially fine, and anyone who has become lost in the maze of a poorly arranged or inadequate index will find this table to be truly helpful.

The authors have accomplished their end, and the job is a good one. These two volumes represent, to my way of thinking, the finest work that has ever been done in the particular field covered. This statement is true from the viewpoint of the student and the professor, but more particularly from the viewpoint of one engaged in seeking the essential features and the complex intricacies of a particular problem. The subject has been exhausted, and we sincerely believe that the work will not fail in garnering the reputation and standing that it deserves.

Donald F. Wise.

INNKEEPERS AND CARRIERS. By Karl Stecher. Washington, D. C. Public Utilities Reports, Inc. 1935.

Professor Stecher has developed this book as an introduction to the broader field of Public Utilities. It is meant to serve as a brief and concise foundation for its genus, and to bridge the gap between the layman and the law. The necessity for such a book is expressed as being the increased industrial regulation by the federal government.

The book is divided into three sections. Innkeepers, Carriers of Passengers, and Carriers of Property. Under each of these three main headings the author classifies the cases into their respective categories with the status of the respective parties in each section and the liability of the Innkeeper and the Carrier as the basic theme.

The simplicity of this book is its greatest asset, and while this is often a detriment it is the basic principle of this case book. Of course much can be written, and volumes have been, about each of the topics covered in this book, nevertheless, the material contained in the cases and notes in the volume under consideration cannot help but serve as a good foundation for the general fields covered.

The notes and citations are good and fairly exhaustive, and that is always one of the greatest assets of any law book.

Since the purpose of this volume is not to exhaust any particular field, but to give the reader an easy simplified case history of the law governing the particular field, and with that view in mind we can safely say that the author has accomplished his purpose, and that the book is valuable as far as it goes.

Donald F. Wise.