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Book Reviews

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Where the statutes expressly forbids municipalities from enacting ordinances on the subject, there can be no dispute about the absence of power to regulate by local authority.³¹ A mere inconsistency with the statute is not grounds for a conflict. This is borne out by numerous cases.³²

Observing the cases, it appears that, while it may be conceded that the regulation of travel upon a public street is of special interest to the citizens of a municipality, it does not follow that such regulation is only a municipal affair. The purpose of general statutes on the subject is to make uniform regulations throughout the state, and to avoid oppressive local ordinances. Too often the enactment of ordinances fixing the maximum speed becomes a mere formality, and not in accordance with law. The streets of a city belonging to the people of the state should be subject to legislative control, and that power is not lost by merely delegating it to the municipalities. Later statutes can make ordinances ineffective. No one can intelligently claim that a mere practice will serve to overturn such legislation. Generally, if there be a conflict between the statute and the ordinance the former will prevail. Whether or not there is a conflict can only be determined from the particular facts in each case; this cannot be determined by an invariable rule.

Daniel C. Lencioni.

BOOK REVIEWS

REGULATION OF PUBLIC UTILITIES. By Cassius M. Clay. New York: Henry Holt & Co. 1932.

This is not destined to become a popular book. It is not so intended. It is not a group of unusual legal and scientific facts, garbled from their logical context, and grouped under an eye-catching name. It is not pseudo-scientific. It is not theatrical law. But it is a scientific and a legal study of the principles, legal and scientific, which govern one of the outstanding problems in America today. It will be read and appreciated by those who are really interested in those problems, and who do not need the prospect of startling disclosures nor of sensational half-truths to spur on their interest. Unfortunately, this class of readers is not large enough to insure the book's financial success. And the fact that the publishers undoubtedly knew this is one of those rather rare things which revive our faith in the essential integrity of the American business man. In this he has published a book worth publishing with small hope of profit. But it is a *book*.

John M. Crimmins.

³¹ Posey Tp., Franklin County v. Senour, 42 Ind. App. 580, 86 N. E. 440 (1908); Huddy, *op. cit. supra* note 1, at p. 63.

³² *Op. cit. supra* note 22.

CASES ON PLEADING AND PROCEDURE. By Charles E. Clark. Volume II. St. Paul: West Publishing Co. 1933.

This is the second volume of a two volume work intended to provide courses taking the place of common law pleading, code pleading, and equity pleading courses, and parts of those on equity. This is a change, almost a radical change, in the manner of the presentation of adjective law to the law student. It is a plan worth trying. Unity in scope and treatment is an ideal that is ever before the law professor. Whether or not this method of treatment will provide that unity, or will only further confuse by attempting to unify things which are in their natures individual and separate, can only be determined by a trial of the method.

John M. Crimmins.

CASES AND MATERIALS ON VENDOR AND PURCHASER. By Milton Handler. St. Paul: West Publishing Co. 1933.

This casebook is another attempt by the writers of student law books to achieve unity in law courses. It assembles cases which have before this been taught in courses on Property, Equity, Procedure, and Contracts, and which have reference to the transfer and sale of real property, and groups them under this heading. However, when the treatment of all the phases of a subject are drawn under one heading, the parts have been drawn from other headings. Therefore by achieving unity in one course, you must necessarily take from another a portion of its integrity, by removing from it a part of the materials formerly considered under that heading. This is what has been done in this case. Whether the result will be a more unified law course as a whole or not, remains to be seen, when the book is subjected to its ultimate test, that is, classroom use.

John M. Crimmins.

CASES ON CONTRACTS. By Arthur L. Corbin. Second Edition. St. Paul: West Publishing Co. 1933.

This is an adaptation of a casebook to conform to the treatment of the Restatement of the Law of Contracts. This edition has been reduced by some 200 pages. Its chief value, however, is that there is a reference to practically every section of the Restatement in the footnotes. This provides the student with a direct reference to the ultimate authority on contract law. It should not only make the course easier to teach, but it should also be of immense benefit to the student, in thoroughly acquainting him with the Restatement itself, in connection with actual cases on the law of contracts.

John M. Crimmins.

THE LEGAL EFFECT OF ANTE-NUPTIAL PROMISES IN MIXED MARRIAGES. By the Rev. Robert J. White. Philadelphia: The Dolphin Press. 1932.

This book will necessarily have a limited appeal. However it should prove interesting to clergymen, and those interested in church law, as well as to those interested in a very thorough exposition of the history and development of one phase of the law. For the treatment is certainly exhaustive. While the book is small, it covers completely the author's field, and is to be recommended to all interested in these special contracts.

John M. Crimmins.

CASES AND MATERIALS ON THE ADMINISTRATION OF DEBTORS' ESTATES. By Wesley A. Sturges. St. Paul: West Publishing Co. 1933.

Mr. Sturges has presented in this publication by means of an admirable collection of cases and corresponding text materials the important legal problems pertaining to and arising out of the liquidation of debtors' estates.

He has brought out first in a general manner the typical methods, namely, compositions, assignments for the benefit of creditors, receiverships, and bankruptcies; secondly, he treats each of the methods separately and in a scientific manner; thirdly, he brings out two or more of the methods of liquidation together, setting out combinations which can be used effectively; fourthly, he considers the use of receiverships to supplement or displace compositions and general assignments; fifthly, he shows the supremacy of bankruptcy over the other methods of liquidation.

The author treats the subjects of debtors' estates only, not undertaking the field of "reorganization." Neither does he develop the phases of the liquidation of banks, insurance companies, or building and loan companies.

Mr. Sturges has not only presented the before-mentioned typical methods of liquidation, but has also attempted to provoke interest in current legal administration, pointing out possible changes and need for such, by incorporating non-case material which include statistical summaries, reports of investigations and public hearings, recommendations of bar associations and as appendix matter, the proposed bill to amend the Federal Bankruptcy Act. His bringing in of such material would seem to be a very wholesome feature for comparative study by the student, when need for changes in the laws, especially in this field is quite generally conceded at this time.

The appendix is made up of the Federal Bankruptcy Act, and general Orders in Bankruptcy; the proposed amendment to the Act and the statutes of the states of California, Michigan, and New York concerning general assignments.

In concluding, I should state that the material incorporated in this publication has already passed the classroom test in several law schools.

Joseph J. Deeb.

INDIANA TITLES TO REAL PROPERTY. By Roy C. Street. St. Louis: Thomas Law Book Co. 1933.

This book is good, unqualifiedly and unreservedly good. The amount of work which must have gone into its construction is astounding. It differs, in its method of treatment, from most law books. It is rather a large book, containing almost a thousand pages. And it is made up of small paragraphs, containing a sentence or two giving the contents of a case or a statute, material to the point under discussion. Thus, this book is not a discussion of the author's viewpoint of the law on real property in Indiana, supported by cited authorities, but it is in itself a citation of the authorities with their contents, showing what the law is independently of any legal theories or opinions of the author. The amount of labor necessary to construct such a work almost defies the imagination. A thousand pages of cases and statutes, properly classified and arranged, the average length of which is about two or three lines. There is no surplus weight of dead timber here.

Again, this book is as complete as it is thorough. The author divides his book into thirty-eight headings, each of which is subdivided into proper sections. In this classification all the questions germane to the law of real property in Indiana are considered. The author has taken a particular field of the law, confined himself to that field, and has thoroughly exhausted it. A proceeding which is almost

as rare as it is praise worthy. The book starts with the discovery of America, and from there down to the present day, treats of every problem that concerns the title to real property in Indiana.

One point, especially, shows the author's thoroughness and his consideration of the reader's needs. It is especially true in the law of real property, that what the law has been is as important as what the law now is, because the reader's particular problem may have had its origin in the period before the law was changed. Anticipating this, the author has included in his work, the Indiana statutes which concern real property, whether they are now repealed or not. This gives us, in one work, the complete law of real property, no matter how ancient or how modern our problem be.

The book is well arranged. It is based on a simple plan, and it follows that plan. The material is quickly available, both through the table of contents, and through an index that is especially exhaustive. This is a rare thing in books on Indiana law. Through some misadventure it seems that when the authors of most of these books come to the index they have exhausted their patience or their perseverance, with the result that the indexes are extremely sketchy. This is not so here. The quality of this book is maintained from cover to cover, from the table of contents to the index, inclusive of both.

What more could be said of any book? It is complete. It is well ordered. It is the result of much effort, and shows it. It contains no irrelevant matter nor immaterial discussion. It is authoritative. Its material is easily available. In short, it is good. It's good enough to buy, and that means that it's very good indeed.

John M. Crimmins.