



11-1-1930

Book Reviews

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Recommended Citation

Francis T. Ready, Joseph Wetli & J. P. Guadnola, *Book Reviews*, 6 Notre Dame L. Rev. 136 (1930).

Available at: <http://scholarship.law.nd.edu/ndlr/vol6/iss1/12>

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one o'clock in the morning. The opportunity offered for dancing was one of the attractions of the place and increased its revenue, otherwise there would be no object in the expense incurred. The Minnesota statute provides that "no public dance shall be held between the hours of one and six o'clock A. M. on any day. A public dance shall be taken to mean any dance wherein the public may participate by payment either directly or indirectly of an admission price." *Held*, that permitting patrons to dance to music of phonographs operated by placing a nickel therein was a violation of the law for conducting a public dance during the prohibited hours; also, that if the net result of the entertainment is a successful effort to obtain money, which obviously would not be obtained without the dancing, it is a violation of the law. *State v. Bennett*, 229 N. W. 88 (Minn. 1930).

The court in the instant case followed the ruling of *City of Chicago v. Green Mill Gardens*, 305 Ill. 87, 137 N. E. 126 (1922), which held that a restaurant furnishing entertainment and music for dancing, though charging admission, was a public amusement within a city penal ordinance prohibiting public amusement after one o'clock a. m. This seems to be the only case in point. Chief Justice Wilson in a well-discussed dissenting opinion criticises the construction given to this statute because of its extreme technicality. He claims that under the above decision a slight act by a patron of the defendant of placing a record on the phonograph would have been within the law; although if placed by the defendant himself it would render him liable as a proprietor of a dance hall.

Alvin G. Kolski.

BOOK REVIEWS

QUESTIONED DOCUMENTS, By Albert S. Osborn. Second edition. New York: The Boyd Printing Company, 1929.

In this handsomely bound, well illustrated volume, Mr. Osborn has undoubtedly made a valuable contribution to a science little known to the average practitioner in the law—that of detecting and proving forgeries in legal documents. Experts in detecting forgeries, men who pursue that work as a science, may also add to their scientific lore through a diligent perusal of Mr. Osborn's "Questioned Documents." It is well known by those familiar with the trial of law suits that an expert witness can only be well led by an attorney who is himself well versed in the subject on which the expert is testifying. It is well known, too, that an expert witness who is in fact not an expert but only a pretender may be revealed to the court and the jury in his true light by a clever cross-examiner who is himself as well or better informed technically than the alleged expert. It is not difficult to see, then, why it is imperative that the successful trial lawyer be well informed as to the latest and best methods of detecting and proving forgeries. It is to trial lawyers that Mr. Osborn's book should have special appeal.

As will be noted from the title of the volume under review, the book does not represent Mr. Osborn's first venture in this technical field, his first edition appearing in 1910. In the preface to his first edition, Mr. Osborn states the purpose of his book to be "to assist in the discovery and proof of the facts in any investigation, or legal inquiry, involving the genuineness of a document." The purpose of the second edition is the same, and the second edition differs from the first only in its scope of treatment. The second edition includes many new illustrations, describes divers new test instruments, and presents several new chapters. In the second edition there is also incorporated a distinctive addition in a second part entitled, "Citation and References to Discussions of the Facts and the Law of Questioned Documents."

The volume under review is notably well indexed—a point not to be overlooked by the busy attorney in his selection of ready references. The several chapters are well outlined in the table of contents found in the opening pages, and, to supplement this, a very comprehensive word index is conveniently placed in the closing pages of this eminently well organized and composed book treating the technical and little known subject of forgeries. The thoughtful lawyer will make no mistake by investing in a copy of Mr. Osborn's "Questioned Documents."

Francis T. Ready.

Monroe, Michigan.

VANCE ON INSURANCE (HORNBOOK SERIES). By William R. Vance, Second edition. St. Paul: West Publishing Co. 1930.

The reader will discern from the title of this handsomely-bound, up-to-date Hornbook, that this volume does not represent the author's first venture in the writing of text books on the intricate subject of insurance law. Mr. Vance's first volume treating the subject of insurance appeared in 1904. In the quarter century separating the publishing of the first and second volumes of Vance on Insurance, significant changes have taken place in the business of insurance, and marked changes have occurred in the rules of law relative thereto. The business of insurance has quadrupled in volume and the case law dealing with it has more than doubled. Moreover, the practice of insurance has been extended to cover almost every conceivable risk to which a highly complex society is exposed. These manifold changes made necessary an extensive revision of the author's first volume on insurance; hence the edition under review. Mr. Vance has for many years been a Professor of Law at Yale University and is eminently well qualified for the work he has undertaken in the field of text-book writing.

In the volume under review the author, in dealing with the maze of cases and statutes relating to insurance, has made an effort, and succeeded admirably, to consider as fully as possible all the important legal problems that arise in the conduct of the business of insurance, and to search out the basic principles that govern judicial action in solving them. Whenever possible the author has treated the topics under discussion in the nomenclature of the law, but when legal terms proved inaccurate Mr. Vance employed a classification of legal relations first evolved by Professor W. N. Hohfeld of Yale in a series of collected essays entitled "Fundamental Legal Conceptions." The volume is highly readable by those for whom it was written—lawyers and students of law.

"Vance on Insurance, Second Edition," is thoroughly indexed—a feature which will be appreciated by the busy attorney. Mr. Vance has succeeded admirably in giving to his second work that quality which adds more than any other to the value of a legal text—the quality of making the law on a given point readily accessible. This the author has done by placing a complete table of contents at the beginning of the book and by including a highly comprehensible general index in the closing pages. Moreover, by prefacing each chapter with a resume, in bold face type, of what the ensuing chapter treats in detail, Mr. Vance has made it possible for the quick-searcher to learn at a glance, generally, what the law is on his given topic without reading the chapter in detail.

Courts will not accept as authority, without substantiation, any proposition taken from a text-book, no matter how well or favorably known may be the author. Realizing this, Mr. Vance has authenticated every proposition he asserts with ample citation of case authority. All in all, as the commentator on "Vance on Insurance, Second Edition," I can say in all sincerity that every practicing attorney who has any insurance practice—and every busy attorney has—cannot afford to be without it.

Francis T. Ready.

Monroe, Michigan.

THE CASE METHOD OF STUDYING LAW. By Jacob Henry Landman. New York: G. A. Jennings Co. 1930.

In view of the almost universal system of teaching law by the "Case Method" the book here under review is well-timed and particularly interesting to law professors and students alike. As a professor and real legal scholar the author is especially qualified to discuss the subject of his choice. Briefly the book may be said to exemplify the author's sincere criticism of the prevailing system of teaching law by the "Case Method." In a few prefatory remarks Professor Landman clearly states his proposition. He conceives the law as a social science and not altogether as a Logical Science, from which, he concludes the "Case Method" to be inadequate because of its failure to recognize the social aspect of the law. With that as his foundation he proceeds to build up his theme in a well-ordered manner as to historical and material sequence.

The book is divided into five chapters, each of which is preceded by a paragraph of head-notes suggestive of its contents. Chapter one is largely historical in that it describes the origin and introduction of the "Case Method" into the law school by Professor Langdell in 1870. At that time the lecture method accompanied by the textbook was the recognized form of law study. Since then, however, Langdell's method has achieved such wide-spread adoption that its use is no longer the exception to the rule but the rule itself.

In chapter two we find the author's exposition of the scientific thought process which is given with a view to proving the "Case Method" unscientific. As depicted by Professor Landman the scientific thought process presents first, the realization of a problem requiring solution; second, the observation, analysis, and classification of data; third, the adoption of a tentative hypothesis as a probable solution; fourth, the rejection or verification of the hypothesis; and fifth, the conclusion.

In the next chapter the author shows the weaknesses of the "Case Method" by contrasting it with the scientific thought method. One of the chief objections raised against the "Case Method" is the introduction of the student into a maze of legal cases without giving him a sufficient legal background to make an intelligent study. At the same time he is supposed to reach his own conclusion when he is hampered by having before him the supposedly true solution given in the court's opinion. To fully appreciate the force of the author's arguments a close perusal of his book is necessary.

The author's remedy as described in chapter four is more or less an application of the scientific thought process to the problem in law, a theory which he illustrates by two examples. A definition of the science of law is the subject of the concluding chapter.

The chief impression to be received from this book is the fact that the "Case Method" is very unsatisfactory as an effective method of teaching law. While it is true that the reader may not wholly subscribe to all the arguments and criticisms advanced in this little book I feel sure that he will close the book with a feeling of great satisfaction—a satisfaction engendered by the realization of having read a worth-while book, written in a scholarly and entertaining style. Regardless of what conclusion the reader may reach he must realize as Dean Sommer of the New York University Law School has said, "that the author has furnished him food for thought."

Joseph Wetli.

MAY IT PLEASE THE COURT. By James Montgomery Beck. Edited by O. R. McGuire. New York: The Macmillan Co. 1930.

Supplied with a collection of nearly two hundred addresses and arguments by Mr. Beck, the editor of this new volume has very ably selected and edited from this valuable cluster, the addresses and arguments most characteristic of the nature of this illustrious barrister's notable art of advocacy and of his diverse activities. During the past half century Mr. Beck has contributed remarkable service to the legal profession and to the public in general. Since his admission to the Philadelphia bar in 1884 he has fulfilled his duties most eminently

throughout his respective terms of office as Assistant District Attorney, United States District Attorney for Pennsylvania, Assistant Attorney-General of the United States, and Solicitor-General of the United States. Outside of the legal profession his first public office came to him in 1927 when he was elected to Congress. One fact alone is sufficient to exhibit his abilities as a great lawyer, which is that in his four years' service as Solicitor-General of the United States Mr. Beck personally argued one hundred cases of great importance, out of the eight hundred cases of which he had charge in the Supreme Court. He definitely proved himself a talented writer during the World War when he wrote a most unusual article calculated to determine the moral responsibility for that great conflict. He later expatiated the article into a book, called "The Evidence in the Case." "The Constitution of the United States," written by Mr. Beck, has been the most widely read book of its kind, not only in the United States, but in England, France and Germany.

"May it Please the Court" is divided into two parts. The first consists of a series of selected general addresses and the second contains a number of his most famous legal arguments. Each speech is preceded by a headnote to give the reader an understanding of its subject-matter and of the nature of the occasion upon which the speech was delivered. His discourses are diligently written, and the reviewer finds Mr. Beck's effective method of spontaneously embellishing his treatises with literary and historical allusions most interesting. For example, during his argument on "The Revolt Against Prohibition," which he delivered before the House of Representatives on February 7, 1930, while suggesting that our generation, without violating the Constitution, can alleviate "the intolerable evils under which we are suffering," he well expressed his attitude on this subject when he said, "If we continue to submit to the graft, corruption and violence brought about by the Volstead Law, then it can be said of us, 'The fault, dear Brutus, is not in our stars, but in ourselves that we are underlings.'" (p. 224). And in delivering his address on "The Higher Law" before the American Bar Association at Cleveland in 1918, he pointed out historical events and the actions of celebrated historical characters as manifestations of the higher law and of the ancient conception that a higher law of retributive justice existed above all state-made laws. Among his references he quoted (p. 165) the words of Cicero, one of the greatest of Roman jurists: "which was never written and which are never taught, which we never learn by reading, but which was drawn by nature herself."

The lawyer will find this book very instructive and interesting. Lawyers should be particularly interested in Mr. Beck's address before the Bar of Canada at Montreal in 1915, on "The Lawyer and Social Progress." Here he discusses the work of lawyers in the development of American institutions; he emphasizes the prejudice against the legal profession, the duties of the lawyer and his place in society, together with various other consequential considerations which are of inestimable value to the lawyer. He says that "if it is desired to destroy the fabric of human society, the natural beginning would be to kill those who stand as vigilant guards at its outer portals," and makes reference to the notion of Jack Cade (p. 97) to "kill all the lawyers first" as he summoned his followers to revolt.

Reading a contribution of this nature satisfies sundry purposes. Its greatest value perhaps may be found in its general instructiveness. It is an animated study of a master's methods in handling momentous cases. With this book one can study the argumentative style and dexterous elucidations of a lawyer who has argued cases of weighty significance and universal interest before the greatest tribunal man has known—the Supreme Court of the United States. In Mr. Beck's addresses one can visualize celebrated speeches delivered before the most exclusive of audiences and the most fashionable of banquets,—speeches which have stirred the passions and emotions of the most discriminative listeners. Behind it all there is personality. That is the great motivating force which gives the book its essence—the mystical force which gives to a speech its color and to a man his reputation.

J. P. Guadnola.

BOOKS RECEIVED

- Cases and Materials on the Law of Credit Transactions.* By Wesley A. Sturges. St. Paul: West Publishing Co.
- Cases on Pleading and Procedure, Vol. I.* By Charles E. Clark. St. Paul: West Publishing Co.
- Cases on Trial Practice.* By Edward W. Hinton. Chicago: Callaghan and Company.
- Constitution and What It Means Today, The.* By Edward S. Corwin. New Jersey: Princeton University Press.
- Criminology.* By Fred E. Haynes. New York: McGraw-Hill Book Co.
- Development of American Political Thought, The.* By William Seal Carpenter. New Jersey: Princeton University Press.
- Introduction to the Science of Law.* By Albert Kocourek. Boston: Little, Brown & Co.
- Is Amendment Eighteen Treason?* By Joshua Grozier. Denver: The World Press, Inc.
- Modern Jury Trials.* By J. W. Donovan. New York: G. A. Jennings Co.