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Book Reviews

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BOOK REVIEWS

LECTURES ON LEGAL TOPICS. Volume Four of Lectures Delivered to the House of the Association of the Bar of the City of New York. The Macmillan Company, New York. 1928.

Almost any of us, I am sure, would feel that we were indeed fortunate, if by some chance, we should have the opportunity to visit with Roscoe Pound, or James M. Beck or any of a long list of such distinguished barristers. But to be permitted to obtain the ideas of such men, as Simon Fleischmann, Martin T. Manton, J. S. Y. Ivins, Joab G. Banton, Roscoe Pound, Charles T. Terry, Harlan F. Stone, Almet F. Jenks, James M. Beck, George G. Bogert, Harrington Putnam, Sherwood Whipple and William L. Marbury, to sit at their feet when they are both jovial and authoritative, is a "consummation devoutly to be wished."

All of this may sound a bit beside the point, may appear to be exaggeration, and yet it is neither. By giving "Lectures on Legal Topics" to the public at large, the Association of the Bar of the City of New York has made just the things outlined above possible. Thirteen subjects of as much interest as importance to students and members of the legal profession are discussed in this volume by men best fitted to talk of them. They are in every instance presented with clarity that is rivaled on by their compactness. And yet they do not become heavy. For there is the natural ability of these men to sustain interest.

After a manner, the reader of the volume is in a much better position than even the gentlemen who were favored to gather at the House of the Association of the Bar to hear these lectures, when they were given in 1922-23 because the type is always ready to respond at any moment the reader may wish to consult it. Then too, it opens avenues to a larger acquaintance through the issuance of 'letters of introduction', as it were, to other men who have thought and written upon the same topics.

First then, one is attracted to the volume because of the prominence of the names appearing on the outer jacket. In the second place he is enticed to linger with the volume because of the delightful blending of the style in which the lecture have been

prepared and the outright merit in the thoughts that are there set forth. Even a busy person will find that the address will, by sheer merit, command re-reading and reference from time to time.

For the purpose of review, it does not seem feasible or necessary to take up each of the thirteen lectures and discuss it separately. Hence, mere mention must serve as proxy for such analysis and commendation that would otherwise be attempted. The titles will no doubt be the best guide to the subject matter and it is because of this that they will be here listed.

The first lecture of the book deals with "The Practical Administration of the Law, as Distinguished from Its Theoretical Application and Enforcement" and was given by Simon Fleischmann of the Buffalo Bar in a style modeled on the easily-read, familiar essay. Judge Martin T. Manton, of the United States Circuit Court of Appeals (second circuit) is the next man on the list and will tell us of "The American Lawyer's Interest in the New International Court of Justice".

There are some men who have the nack of being informative while amusing one and it would seem that the deputy tax commissioner of the New York State Income Tax Bureau, J. S. Y. Ivins, is one of these if "Problems of Administration of the Income Tax Laws" is any measure. And in this day when so much discussion is waxing on the subject, "What Lawyers Can Do to Increase Efficiency in the Administration of Criminal Law" by Joab H. Banton, district attorney of New York County is quite pertinent.

Dean Roscoe Pound's three addresses on "The Theory of Judicial Decision" are next and are followed by a very able discussion of "Law and Order in Industrial Disputes" by Charles Thaddeus Terry. "Some Aspects of Law Simplification" by Justice Harlan F. Stone of the United States Supreme Court, "The Call and Calling of the Law" by former Justice Almet Jenks lead on to the address of Solicitor General James M. Beck dealing with "The United States Supreme Court, Past and Present".

"The Conditional Sales Act in New York" is the subject of two lectures by George G. Bogert, dean of Cornell Law School. "Recusation" is taken up by Former Justice Harrington Putnam and is followed by "The Tyranny of Judicial Procedure" by

Sherman L. Whipple of the Boston Bar. The final address is that of William L. Marbury of the Bar of Baltimore on "Why the Right of Local Self-Government is Essential the Preservation of Civil Liberty".

Now, if you have noted the scope of the titles as given above you will no doubt agree at once that a more detailed discussion would be out of the place in this review. Having read all of the lectures your reviewer can only assure you that they are all well worth the time that you may see fit to give them;—and in doing so, feel guilty of shouting the obvious.

The only criticism that seems applicable, is that the volume should have been published at an earlier date as the lectures were all given between November ninth, 1922 and May third, 1923. Yet the book was set up and printed in February of 1928. Perhaps there has been a good reason for the delay. At least it is merely in the province of the reader to note that there has been one. But, of course, that does not in any way detract from the worth of the book.

—J. P. M.

CASES ON CARRIERS. By Ferderick Green, Professor of Law, University of Illinois. The West Publishing Company, Saint Paul, Minn.

In this is the second edition of Professor Green's work concerning itself with the law as it applies to carriers we find that in this new edition that the compiler has added features which must make the book better for the student and instructor alike. For instance, the State and Federal acts relating to Bills of Lading, the Uniform Warehouse Receipts Act and various statutory regulations, Interstate Commerce and Public Utility Act, as to rates, service and remedies has been included in this, the later volume.

The manner in which subjects are taken up seems at once to be logical. For instance, part one deals with elementary matters and fortunately it goes into those phases peculiar to common carriers only in as far as that is considered essential so that the student may differentiate and may completely understand some of the decisions to follow, Chapter one takes up the subject of the liability of a bailee for loss or damage to the article bailed; chapter two, the obligation of a Common Carrier, (a) to serve,

(b) for loss or damage; chapter three, is an attempt to clarify the answer to the perplexing question. "What is Carriage?" and while some may imagine that this should be taken up prior to the study of the matters presented in the preceding chapters it seems well in place here. Progressing in orderly fashion we find chapter four discussing the definition of the common carrier.

The first four parts of the volume come unchanged from the first edition with the exception that certain of the footnotes have been changed and many later cases cited therein in an attempt to show in what manner the subject has been treated by the courts. The latter portion of the book is entirely new and deals with subjects are of increasing importance to the profession daily.

After having given cases on the carrier's undertaking, obligations incumbent upon the shipper, and the liability of the common carrier the student is carried into this new section of the collection. There reader was impressed with part six of the book mainly because it dealt in such a comprehensive fashion with the judicial control and judicial review from commission orders. It is felt that the latter subject is one that is well deserving of more time in the courses dealing with the law of carriers in our law schools.

The book is one of the American Case book Series and contains some 851 pages of case matter. In addition there is a comprehensive table of cases cited which is a feature that should not be too-little thought of. Such a table along with a good index, and this book has both, are important factors. The practicability of the book is especially enhanced when these two are worked out in the manner that they have been in this volume.

—M. A. C.