Book Reviews


This book by Dean Thayer originally issued in 1896 and now appearing in a new printing makes accessible to all students the noteworthy researches of its distinguished author. The publication of this book marked a high point in the evolution of the law of evidence and procedure. It is important to keep in mind that we find here not so much a consideration of the fundamental rules of evidence but rather a deep and thorough study of the older modes of trial, the history and growth of trial by jury and its development; the questions of law and fact which arise during the trial of cases in court with important chapters on Presumptions, Burden of Proof, the so called Parol Evidence rule and the matter of "Best Evidence." The concluding chapter deals with the present and future of the law of evidence.

Without this book it is very questionable whether Wigmore's five volumes on the law of evidence would ever have been written, as it is almost certain that without the continual contact with this author Mr. Wigmore would never have been drawn to consider the subject at all.

No students of the Law of Evidence can afford to be ignorant of this book.


In the new book, "How to Prove a Prima Facie Case," by Samuel Deutsch, LL.B., and Simon Balicer, LL.B., of the New York Bar, two lawyers tell "how to prove a prima facie case." The authors show how to probate a will; prove a cause of action upon an insurance policy; foreclose a mortgage; annul a marriage or obtain a decree of divorce; prove broker's commission; revive a debt barred by the statute of limitations; enforce an attorney's lien; recover damages for discrimination of race, creed or color; and all other prima facie cases.

It is obvious that this book will be of great assistance to young lawyers in preparing cases for trial. It is a guide in proving a prima facie case in any jurisdiction.

This evidently was prepared, having in mind the practice under the New York code, and this should be borne in mind by practitioners in other states.


This book will prove valuable to those members of the profession who are especially interested in Real Property law. It consists of practical questions and answers in connection with the subjects of rights, duties and obligations of real estate brokers and salesmen with a special reference to the matter of licenses and their revocation and suspension.

There is an important chapter on real estate contracts and another on the essentials of deeds and titles. In the appendix will be found valuable hints in regard to the examination of abstracts.


The author of this book covers a subject upon which there is a very small amount of legal literature. He is chairman of the Mortgage and Finance Division of the National Association of Real Estate Boards.

He deals in a practical way with the whole subject of junior liens and the financ-
ing of them. The book describes in detail how second mortgages can be secured to the best advantage and when they should be discounted. The rights, duties and liabilities of second mortgage brokers are clearly set forth. The book further emphasizes the difference between second mortgages and and contracts. Exact reproductions are given of a number of forms, applications, agreements, land contracts and land trusts, all of which will be helpful to the active practitioner.


This book is limited to cases dealing with common Carriers and excludes a large amount of material which is often associated with the subject. The editors have endeavored to give an accurate idea of the original common law applicable to the subject, with the modifications made by modern statutes. Is is a good piece of work and is especially noteworthy because it makes no attempt to cover every possible question with cases. It deals with the underlying and fundamental doctrines of the subject.

The Federal Bills of Lading Act, the Uniform Bills of Lading Act, and a large portion of the Interstate Commerce Act, are included in an appendix for general reference.


The object of this work is to present to the students a concise view of the principles of international law governing the relation of states in times of peace. This survey consists of decisions of the courts actually interpreting similar questions and deals with the subject as a branch of jurisprudence. The laws of war and neutrality are not dealt with in this volume.

While the plan seems to have been to limit the treatment of the subject to the decisions of the United States Supreme Court where the questions have been passed upon by the state courts and the lower federal courts the decision of such courts have been included by the author. There are references to general works on international law by standard writers.

International law is considered a part of the common law and is dealt with as such. The author considers the American Union as a state from the standpoint of international law. The jurisdiction of the states as such is dealt with in considerable length as well as citizenship and alienage. The book is a good piece of work, well done, and is entitled to a thoughtful reading by all students of the law.


This book represents an attempt to deal with the subject of pleadings as a science. There is no question but the system of common law pleadings has fallen into much disfavor with many state legislatures. This is evidenced by many facts; the objection of lawyers to changes from abroad; the attitude of bar commissioners who consider the question from the standpoint of local practice; by the decisions of the courts and in the construction of courts and practice acts. There is very little evidence of an attempt to deal with the subject as a unity.

The author begins with the code system of pleading as adopted by New York in 1848 and traces the development of notification from that time. He does not claim absolute finality for his conclusions. He offers them as a means to a more thorough treatment of the subject.

The work seems to be clearly a step in the right direction and can be used to advantage even by students who are practicing law in the common law states.


In the treatment of the subject of Bankruptcy the author has in one respect broken new ground and is entitled to much credit for this change. Case books usually
do not begin with the statutes. The collection of cases is based upon the provisions of the federal statute. The footnotes, while not meager, might have been expanded along the line of the notes of Professor Powell in his case book on Future Interests with a special reference to the formulation of questions on the cases to be solved by the students.


This is a second edition of Mr. Freund's valuable collection of cases on this subject. While it is not practical in an ordinary law school to give a considerable amount of time to this subject and while the work might be done to better advantage in a school of political science, yet in many cases questions are presented upon which the court is forced to act in the first instance particularly where the question is one of ordinary legal remedy.

Considerable attention is given to the subject of administrative discretion, notice and hearing of acts to be done by administrative offices, the necessary proof of official acts and the presumptions which arise upon the hearing.

There is a very full consideration of the cases dealing with actions to recover money back, and relief by injunction and mandamus.


The distinguishing characteristic of this last edition, to the increasing literature of case books on the subject of damages is the treatment of the modern development of the subject.

The events of recent years, such as the use of motor vehicles, the World War with its consequent fluctuation of the values of real estate and commodities, have produced interesting cases for the application of old precedents to the new facts. There is almost an entire absence of footnote material and this is to be much regretted.


An attempt has been made in this book to deal with the subject of suretyship with special reference to those schools in which the time given this subject is considerably limited. Much matter has been omitted which is commonly dealt with in other collections of cases on this subject.

There is, with the exception of the statute of frauds, no cases on the formation of the contract of suretyship.

While the modern decisions have not been used to any large extent a large use of lecture periodical references has been made.

Round Table

The regular monthly meeting of the members of the Round Table was held on Saturday, October 6th, at the Electric Club at 30 North Dearborn Street. Luncheon was served at 2:00 P.M. in the main dining room.

This being the first meeting of the year no regular program had been arranged and the meeting was devoted to business and the outlining of a program for the year.

Since the organization of the Round Table twenty of its members have graduated from school and their place is being taken by other members of the Junior and Senior classes, who meet with the requirements for admission. The twelve new members are the following: C. L. Browning, J. J. Chapman, Eric Collins, D. E. Emerson, C. C. Kirshbaum, J. C. Lamy, E. F. McCabe, W. W. Planke, R. S. Schultz, H. H. Stilley, C. B. Thomas, M. C. Van Alyea.

The following were elected as members of the Executive Committee: Judge Pickett, Director; Charles H. Edwards, Chairman and Secretary; Peter Wahl, Alumni member of the Executive Committee, and as assistants; N. W. Stoinescu, Myer Balin and George Stevens, representatives of the senior class, and J. R. Hemingway, E. Collins and C. C. Kirshbaum, Junior class.

The Round Table as a unit went on rec-