BOOK REVIEWS


This book fills a long felt want. It is midway between Mr. Beale's voluminous treatise in three volumes on the one side and the various Hornbooks on the other. It has all the advantages of Mr. Beale's work in that it treats the subject from the point of view of the historical development of the various topics covered by the subject. It does not operate as in the case of the many Hornbooks as being merely an index to decisions.

Where the subject is as difficult as is Conflict of Laws, it is of the greatest importance that in the treatment of the various topics the writer should undertake to state clearly what the early fundamental cases have decided, and upon what principles those cases were based, leaving it for the instructor and student to decide for himself whether later opinions which vary from such prior adjudications are incorrect. For example, it was originally decided that damages, both in contract and tort, were matters of substantive law and not of procedure. If now in a later decision, as for example, in Dorr Cattle Company v. Des Moines National Bank, 127 Iowa 153, the court holds, as it does, that damages are a matter of procedure, it becomes evident that the court is leaving the old highway and making a new path for itself. Whether it is right or not is a matter for argument, but it is sufficient to call attention to the matter of divergence without undue criticism of the court.

The principal criticism which may be made of this book is want of balance between its different parts. The first third of the book is covered by the introduction, the general subjects of jurisdiction and procedure, leaving for discussion in the remainder of the work the other twenty-one divisions of the law. The portico of the house would seem to be out of proportion to the principal structure.

In the subject of negotiable instruments and assignment of choses in action the treatment is limited to ten pages. It might well have been three or four times that amount. The subject of administration of estates is unduly condensed as is also the general subject of property, but even with these limitations the book...
is sound in treatment, dependable, and can be used by a law student with very good advantage for collateral reading.

**You May Cross-Examine.** Lewis Herman and Mayer Goldberg.


The co-authors of this book, one of whom is a member of the Chicago bar, have provided an entertaining commentary on the art of cross-examination as it has sometimes been practiced in the law courts. The pointed criticism made by the authors of the desultory manner in which an oath is currently administered clearly demonstrates the futility of this ancient method of insuring truthful responses by the witnesses and clearly demonstrates the necessity for adequate and proper cross-examination as a testimonial guarantee. However, the lessons illustrated in the book are not new, nor do the authors attempt to make specific recommendations for the trial practitioner.

Inasmuch as the book is obviously intended to interest the layman in the general principles lying behind the use of cross-examination it is doubtful if the nature of the work would justify making it a permanent addition to the lawyer’s library. There is no doubt, though, that it does provide a substitute for an evening at the theater as it is replete with modern anecdotal material.


It has been twenty years since the first edition of Kales’ Cases on Future Interests was published and during this time many statutes have been enacted substantially modifying important features of the law of future interests. The second edition, by including cases interpreting these statutes, has brought the law of future interests up to date without neglecting the earlier cases which form the groundwork of this most important and technical subject.

The number of pages in the first and second editions are about the same—739 pages in the first and 781 in the second edition. However, the earlier edition contains 220 cases while there are
only 197 in the second edition. One hundred nineteen of the cases contained in the second edition are also found in the first edition. These are the cases presenting the background material showing the origin of present practices and constructions, without which the student would lack equipment essential to a proper understanding of the subject. Indeed, the great majority of the cases found in both editions are to be found in any well edited case book on the subject. Of the remaining seventy-eight cases contained in the second edition but not in the first, nearly all are cases handed down since publication of the first edition. Approximately fifty of the cases in the second edition bear a date later than 1917 and this would seem to indicate that the law of Future Interests is now an exception to the rule that property law is slow to change. The greater part of the new material is the result of changes in existing statutes or the adoption of statutes modifying the common law and much of it deals with the problems arising in the drafting or construction of conveyances to charities, of trust agreements, of option contracts and wills. The new problems appear to deal more with stocks and bonds than with land and this is to be expected since most of the possible land problems have been long settled.

The foot notes have been so increased in number and extent as to form a very substantial portion of the contents and they are so largely directed to material indicating and illustrating new developments and modern variations in the law that the total amount of new material in the second edition far exceeds what the number of new cases would otherwise indicate.


The second edition not only brings the earlier edition up to date in this rapidly moving field, but indicates as well present tendencies and suggests possible ramifications of doctrines in process of formulation. Three features of the work are believed worthy of special commendation:

First, the editors have condensed, into a well annotated six-page introductory note, material upon common law regulation which
in the earlier edition occupied seventy-three pages. The cases then open with *Munn v. Illinois*, followed in chronological sequence by the principal milestones in the development of the public interest concept, culminating in the Nebbia case.

Second, a fifty-nine page section upon "The Functions of Commissions and Courts in the Regulatory Process" has been included, containing such indispensables as the Prentis and Ben Avon Borough cases. By the incorporation of four notes this last material is rendered more adequate than the number of the pages might suggest.

Third, in addition to the notes just mentioned, the cases throughout are interspersed with brief, succinct, readily comprehensible, supplementary text material—some, excerpts from law reviews, the majority clearly and fully annotated editorial notes, apparently prepared especially for the present work.

It is perhaps to be regretted that the editors have omitted the Interstate Commerce Act, printed in the appendix of the original edition. Nevertheless, falling as it does into three main subdivisions—general principles, rates, and liability—the new edition presents greater editorial unity, and suggests a more deliberate and conscious attempt to articulate the structure of the study as a whole.

The new work presents a worthy addition to the several excellent casebooks already in this field. It is difficult to believe that any instructor could fail to find in the present volume a body of material adequate for any type of course he might wish to teach in this subject.