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BOOK REVIEWS

GUIDE TO THE LAW AND LEGAL LITERATURE OF FRANCE. George Wilfred Stumberg, Washington: United States Government Printing Office, 1931. 242 pp.

The important commercial relations of the United States with France and the great number of Americans who live in and visit France have made its law of great practical interest. In the solution of social problems, notably those arising between the group and the individual, French administrative law has created legal institutions of the greatest importance. For example, in the field of governmental responsibility for the torts of state officers, French science and practice stand pre-eminent among the nations.

As a leader in the modern movement for codification, France has inspired many of the codes of other Latin and Latin-American countries, and the French courts in their decisions have shown that codification does not necessarily imply rigidity and inflexibility in the law.

This is the fifth of the series of guides to foreign law published by the Library of Congress. The general plan of the guides has been to combine with an introduction to the legal system as a whole, practical information concerning positive law accompanied by a critical comment in which the foreign institutions are described and discussed.

THE INTERSTATE COMMERCE COMMISSION: A Study in Administrative Law and Procedure. I. L. Sharfman. Part One. New York: The Commonwealth Fund, 1931. 317 pp.

The Legal Research Committee of the Commonwealth Fund is continuing the work begun ten years ago, of an examination of the field of administrative law. It was intended, so far as

was revealed in legislation, to determine the extent to which administrative control has been in fact created; following this with a series of special studies disclosing the actual workings of administrative organs. The general survey resulted in the publication of the study by Professor Ernst Freund, entitled *Administrative Powers Over Persons and Property*. The first of the special studies was *The Federal Trade Commission*, by Gerard C. Henderson. The present book is the first of four volumes intended to carry the results of this prior investigation still further.

The author takes the position that the controlling emphasis should be placed upon the Commission's record of performance rather than upon abstract generalizations concerning its significance in the development of administrative principles. In other words, this is an attempt to study the Interstate Commerce Commission in action, and only secondarily is it a general inquiry into the field of administrative law.

HANDBOOK OF THE LAW OF PERSONS AND DOMESTIC RELATIONS.
Joseph W. Madden. St. Paul, Minnesota: West Publishing
Company, 1931.

This latest edition to the Hornbook Series is a well organized text on the general phases of the law of persons and domestic relations. The author has drawn liberally upon the previous Hornbook on the same subject by Walter C. Tiffany for the general arrangement of this volume, but has given careful attention to the far-reaching developments in this branch of the law which have taken place in the last decade.

The book is conveniently and conventionally arranged according to broad, general divisions of the subject. In addition, the table of contents contains a concise analysis of the material contained in each chapter. As is customary in the Hornbook Series, a summary is printed in bold-face type at the beginning of each chapter.

Special mention may be made of the chapter on divorce. The author has included in this chapter considerable material on mental cruelty as grounds for divorce and separate maintenance by decree without divorce. As there has been great development in these phases of the law in recent years this treatment of them is valuable. Chapters are included on Guardian and Ward and on Persons Non Compotes Mentis and Aliens, subjects frequently omitted in such works for class-room use.

The use of many citations of recent cases as well as the clear statement of the principles involved make the book of value both to the student and to the lawyer engaged in practice.

CASES AND MATERIALS ON THE LAW OF CORPORATE REORGANIZATION. William O. Douglas and Carrol M. Shanks. St. Paul, Minnesota: West Publishing Company, 1931. 559 pp.

The material of this book has constituted the basis of a series of courses in Business Units which have been given at the Yale Law School during the past three years. Originally they were a part of the course of Finance. They are designed for use by students who are working either on the subject of Corporation law or in the department of Economics in the general subject of Finance. They deal with the process of refinancing either through an equity receivership or of voluntary procedure outside of court, and are restricted to the reorganization of insolvent concerns or enterprises under financial stress.

THE PRINCIPLES OF JUDICIAL PROOF. John Henry Wigmore. (Second Edition.) Boston: Little, Brown and Company, 1931. 1,056 pp.

The purpose of the author in this book has been to develop the science and art of judicial proof. In general he follows the

recognized subdivisions of evidence as laid down in his larger book on that subject.

The problem that is offered is with respect to the introduction of various kinds of evidence. For example, under the general principles of circumstantial evidence there is a detailed treatment with regard to proof of the authorship of documents, authenticity of handwriting, evidence with regard to finger prints, and the important new subject of prospectant evidence. The book will prove to be of great value to the attorney in active practice who needs assistance in introducing evidence to prove particular classes of disputed facts.

CASES ON THE INTERPRETATION OF STATUTES. Frederick Joseph de Sloovere. American Casebook Series. St. Paul, Minnesota: West Publishing Company, 1931. 970 pp.

Ability of the practicing lawyer to construe statutes and thus to forecast judicial decision has become increasingly important. This collection of cases grew out of a necessity felt by the author for materials in a course on the interpretation of statutes. The cases have been selected as much for their teachability as for their elucidation of the law. No attempt has been made to include cases showing the actual state of the authorities, nor has an attempt been made to develop the substantive law of statutes.

The classification is based upon the steps necessary in interpreting and applying statutes rather than upon the canons of construction. Part one of the cases deals with problems precedent to interpretation, such as judicial notice and proof and the functions of legislature. Part two and three deal with the text of the statutes and problems of interpretation in conjunction with existing law.

HANDBOOK OF THE LAW OF SURETYSHIP AND GUARANTY. Herschel W. Arant. Hornbook Series. St. Paul, Minnesota: West Publishing Company, 1931. 471 pp.

This volume is a discussion in a critical fashion of the elementary principles of suretyship. The author's approach to the subject is that the surety's equitable right of subrogation has been too frequently and improvidently asserted as the most important basis for determining the rights and liabilities of sureties. What the scope of the risk assumed by the surety is, rather than whether the right of subrogation has been impaired, appears to be the more important inquiry, requiring always that the function of the surety in ordinary business transactions be kept constantly in mind. When the risk assumed by the surety has been determined, the conclusion as to whether particular matter should operate as a discharge is relatively easy.

This is a new approach to a very difficult subject and one which would need to be tested in actual practice to determine its real value.

A SELECTION OF CASES ON THE LAW OF CONTRACTS. Samuel Williston. (Third Edition.) Boston: Little, Brown and Company, 1930. 990 pp.

This new edition of Professor Williston's well known collection of cases on the law of contracts has been prepared with the idea of retaining the cases in the earlier editions in order to illustrate the development of the law of contracts, and at the same time of inserting those recent decisions which have shown the new development of the law.

Notes of cumulative authorities have been almost entirely omitted, in view of the fact that treatises, now available, render unnecessary the elaborate annotations that were formerly used.

CASES ON THE LAW OF PROPERTY. William F. Walsh. (Third Edition.) Indianapolis, Indiana: The Bobbs-Merrill Company, 1931. 857 pp.

The analysis and arrangement of the law of real property in *Condensed Cases on Property*, by Dean Sommer of the New York University School of Law, have been followed by the author in this book. A chapter has been added on the development of conveyancing, title by adverse possession, and many new cases have been added, particularly in the chapters treating of the law of landlord and tenant and the law relating to future estates. The chapter on mortgages of the previous edition has been omitted.

CASES ON THE LAW OF EVIDENCE. Edward W. Hinton. (Second Edition.) American Casebook Series. St. Paul, Minnesota: West Publishing Company, 1931. 971 pp.

Since the publication of the first edition in 1919 there has been marked development in the law of evidence. Problems arising from the use of evidence obtained by unlawful search and seizure have occupied the attention of courts to an unprecedented extent, and have given rise to a number of new doctrines.

Approximately one hundred and fifty pages of the first edition have been omitted here, the omission being principally in the first part of the book, which deals with the qualifications and privileges of witnesses, and the rules with regard to examinations and impeachment. On the other hand, the sections dealing with what may be called the substantive law rather than the rule of evidence, that is, the hearsay rule of exclusion and circumstantial evidence have been much benefited by the addition of recent cases illustrating late application of well-established doctrines.

The second edition is a great improvement over the first, for the reason that the analysis of the subject is more minute and practical, thus making it easier for the instructor to keep before the minds of his students the main outlines of the subject.

HANDBOOK OF THE LAW OF CONTRACTS. William L. Clark, Jr. (Fourth Edition.) Hornbook Series. St. Paul, Minnesota: West Publishing Company, 1931. 858 pp.

In preparing this new edition the task of the editor has been chiefly that of bringing the book up to date. It is claimed that the material which has appeared during the past sixteen years has been diligently examined and an effort made to weave so much as seemed helpful into either the text or the notes. Free use has been made of articles in law reviews and in the Restatement of the Law of Contracts issued by the American Law Institute.

Decisions of the courts upon questions growing out of the World War have made necessary the re-writing of several sections, particularly those dealing with aliens as parties to contracts, and with the effect of war on rights and liabilities of parties to existing agreements. There has been further a restatement of portions of the text on contracts in restraint of trade and monopolies.

For many purposes this is a most valuable text book for the use of students on this important branch of the law, and it may be recommended to them for collateral reading.

CASES ON THE LAW OF PERSONAL PROPERTY. Harry A. Bigelow. (Second Edition.) American Casebook Series. St. Paul, Minnesota: West Publishing Company, 1931. 465 pp.

The most marked variations in this book from the first edition are in the treatment of the general subjects of Possession, Bailments and the Rights of the Finder of Lost Property. The

sections on Pledge and Gift have been considerably changed and improved. The section on Bona Fide Purchase is an important addition.

In the selection of materials an effort has been made to give the beginning law student as close a contact with reality as possible. For this reason, cases have been selected dealing with present-day problems of automobiles, safety-deposit vaults, illicit liquor selling, and the like.

BOOKS RECEIVED*

HISTORY OF THE PUBLIC DOMAIN OF GEORGIA. S. G. McLendon.
Atlanta, Georgia: The Author.

LEGAL PSYCHOLOGY. Harold Ernest Burt. New York:
Prentice-Hall, Inc.

*The above books are listed for the purpose of acknowledgement. Reviews of them may appear in subsequent issues.