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BOOK REVIEWS

THE COURTS AND THE PUBLIC SCHOOLS. Newton Edwards. Chicago: The University of Chicago Press, 1933. Pp. xvi, 591.

Newton Edwards, professor of education in the University of Chicago, should be proud of his recent publication, for he has so written it that it fits the need of the layman, the educator, and the lawyer who is interested in our public schools. It is published as number 28 of the Social Science Studies directed by the Social Science Research Committee of the University of Chicago.

The author set out to make clear the fundamental principles underlying the relation of the state to education and to reduce to systematic organization the principles of the case or common law which are applicable to practical problems of school organization and administration. This he has done beautifully. His authorities on the law taken from the decisions of the court of the various states are carefully set out in footnotes and include the current decisions. Pertinent statements from the cases noted are abstracted into the body of the book without impairing the easy, graceful flow of the author's language.

Every member of a school board or authority, every social worker, every teacher, as well as every legislator, can well afford to peruse this easily readable volume. Such reading may organize his thinking on school matters to the increasing benefit of our people at large. The language of the courts cited truly clears the public school questions. A perusal of the nineteen chapter headings in the table of contents is worthy of a moment's notice here. Beginning with "The School and the State," in which the policy of the state toward the Public School is outlined, the various branches of the school business, such as duties of the board members, contractual authority and liability of school boards, school debts, employment and dismissal of teachers, pensions and wages, are discussed in detail. The volume closes with a comprehensive index preceded by a chapter on the discipline and punishment of pupils.

The power to tax and the limitations on such taxing power are dealt with in the chapters on "The School Debt." Questions on the legality of bond issues, the rights of holders of illegal bonds, school warrants, are discussed in the light of decisions of the

court to determine the law. The leading cases and the minority views as expressed by the courts of the various states are expounded. The same method is used throughout the volume. "Acquisition and Use of School Property" is the longest chapter. It discusses the manners and modes in which property may be acquired for school purposes, the employment of architects and contractors, bids, assessments, and the use of property for non-school purposes.

The work is especially recommendable to the lawyer and law student interested in general administrative law as a clear and concise review of the underlying principles involved in that field. One here sees administrative law in many varied phases. A work such as this is important in these troubled times when even strong men find it difficult to think clearly in school matters and responsibilities. Many a community is aroused over its public school problems today without a real knowledge of its school powers, duties, or responsibilities. This volume contains such knowledge.

LAW OF THE PRESS. William G. Hale and Ivan Benson. (Second Edition.) St. Paul, Minnesota: West Publishing Company, 1933. Pp. x, 610.

To fill a definite need among journalists, Dean Hale, in 1923, published under the foregoing title, the material collected for use in lectures which he had presented to students in two schools of journalism. The present volume augments considerably the first edition and thereby increases its usefulness.

The book is of primary interest to journalists. Lawyers seeking knowledge on matters relative to libel, right of privacy, contempt of court, and so on, will probably find the treatment herein too fragmentary to be useful.

We shall expect to find in future editions more pages devoted to the "right of privacy" which is accorded greater space in the second edition than in the first. Two cases dealing with this subject are now pending in two states which have no legislation for the protection of this "right."

The author quotes Cooley's statement in *Constitutional Limitations* regarding liability for the republication of material such

as that sent out by press services. It is strange, therefore, that we find no reference to the recent case of *Layne v. Tribune Co.*, 146 So. 234 (Fla. 1933), which supports Cooley's view and is contrary to the case given for reference and study.

PRINCIPLES OF BUSINESS LAW. Essel R. Dillavou and Charles G. Howard. (Second Edition.) New York: Prentice Hall, Inc., 1933. Pp. xxxix, 966.

The material here presented was intended to meet two objectives; first, the preparation of a text supplemented with case material, and second, so to combine text method and case method that both may be covered in the time allotted for the usual business law topics.

The first 468 pages provide a statement of the fundamental principles, while the balance of the book is given over to a collection of cases connected with, and in the same topical order as, the text material. Both the student and the teacher have before them a brief statement of the fundamental principles and a selected body of case material illustrative of the text.

The work is intended primarily to prepare the student for the profession of business and covers all of the topics usually included in the business law courses of colleges and universities. The separation of the text and case material also adapts the book for use where it is desirable to curtail the course by reason of the time available for the subject. The course may be satisfactorily curtailed either by elimination of both text and case material covering selected topics, or by the full use of the text material and omission of some of the case material.

The time usually allotted to Business Law in colleges and universities is sufficient to cover both text and cases as here arranged. The illustrative cases are short and, in general, clearly illustrate the principles involved.

The second edition contains considerable material not found in the first. A number of cases in the second edition, decided after the first edition was published, have been added. The arrangement of the second edition differs from the first by bringing together Suretyship, Insurance, Conditional Sales, Bailment, and Chattel Mortgages, and arranging them in a group

entitled *Security Relations*. The subjects of *Negotiable Instruments and Business Organizations* have been reorganized and arranged in what the authors call a more logical sequence.

The second edition appears to be an improvement over the first edition. It is complete, up to date, and appears to include a maximum of features of advantage in the space utilized.

CASES AND MATERIALS ON THE LAW OF POSSESSORY ESTATES.

Richard R. Powell. St. Paul, Minnesota: West Publishing Company, 1933. Pp. xxii, 541.

This is one of a series of five volumes, which were planned, as stated in the preface, "to present an integrated and harmonious whole for a complete offering in the law of real property." The other volumes of the series include "Landlord and Tenant," by Jacobs, "Vendor and Purchaser," by Handler, and two volumes of "Trusts and Estates," by Powell.

Although this volume is the last of the series to be published, it is intended for use by students in their first year of real property. An examination of the table of contents indicates that certain subjects, traditionally included in a beginner's book have been omitted and material not usually found in such a book has been substituted therefor. Adverse Possession is omitted entirely and much more attention is given to modern statutes than has hitherto been brought to the attention of beginning students. The statutory ingredient of modern property law is stressed by reference to and inclusion of numerous pertinent statutory provisions of all of the states. Frequent references are made to all of the old as well as the more recent English statutes covering the law of real property.

The unusual emphasis placed upon modern developments has not been accomplished by omitting the traditional medieval material. The latter has been stressed sufficiently to provide what is considered the "essential minimum" requisite for a proper perspective of the historical background of real property.

The editor appears to have had constantly in mind the necessity for providing such an essential minimum of ancient property law without also providing an excuse for the student's forming such a dislike for the subject that he will lose interest.

The skillfully planned arrangement and interpolation of the medieval law throughout the book in connection with pertinent modern cases and statutory provisions should enable the instructor to "bridge the centuries" by conducting his classes through the mazes of a first year property course, and to give them a proper respect for the utility of medieval background materials and a working knowledge essential to entering intelligently upon the more advanced courses known as Titles, Leases, Conveyancing, Future Interest, Trusts and Wills.