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## Book Notes

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## BOOK NOTES

**BLACK'S LAW DICTIONARY.** Henry Campbell Black. (Third Edition, by Publisher's Editorial Staff.) St. Paul, Minnesota: West Publishing Company, 1933. Pp. vii, 1944.

This new edition of a book which has been the standard one volume law dictionary since the publication of the second edition in 1910 is a distinct improvement. The features of the second edition which make it especially well adapted to student use have been retained. In addition, the size of the book has been increased by more than six hundred pages, and the discussion in important sections has been considerably amplified. Citations to late decisions have been added, and an effort has been made to include the many new terms and words which have become a part of the language of the law since the publication of the second edition. The book includes a detailed table of abbreviations which is especially valuable.

**TRIAL BRIEFS.** Joseph Howard Hinshaw. Chicago: State Law Printing Company, 1933. Pp. 1004.

The author has attempted something entirely new in collecting and putting into book form his trial briefs. The trial lawyer will undoubtedly recognize at once the merit in a volume which may be thrown into his brief case for quick reference in court.

Many trial lawyers have collected cases and built up their own individual trial briefs, but it is probable that none are more complete, better organized, or better indexed than this volume. Attorneys who have already made use of it claim that the authorities cited are unerringly accurate from the standpoint of the principles they are represented to support.

The organization of the book is according to topics and sub-topics, containing cross references, which together with a comprehensive index enables one to find the point for which he is looking quickly and, it is ventured, with less effort than is necessary to locate a point in many of the digests and encyclopedias. The new Civil Practice Act in its entirety is set out at the end.

The fact that the contents have been collected in actual trial experience, where use over a period of time would result in the

elimination of inaccuracies, gives assurance of the practicability of this volume.

CASES AND OTHER AUTHORITIES ON THE LEGAL PROFESSION AND ITS ETHICS. George P. Costigan, Jr. (Second Edition.) St. Paul, Minnesota: West Publishing Company, 1933. Pp. xxix, 768.

When it is recalled that in America the ethics of the legal profession was not crystallized into authoritative canons until the year 1908, and that committees of city, state, and national bar associations have been constantly construing, adding to, and changing their respective codes, most of which were adopted since that date, one is reminded again that the science of duty is not an exact one, is subject to growth and change, and is altered by habits, customs and environment, as well as by education, experience and the advance of civilization.

When, also, it is recalled that the court which in 1870 refused to disbar a lawyer for stealing money as a trustee, because the professional relation of attorney and client did not exist between the lawyer and his beneficiary, now holds that a lawyer must conform to the ethics of his profession even in ordinary business affairs outside his calling in order to retain his license, it is recognized that the courts of which he is an officer may now disbar him for an act for which, if the rule of stare decisis were applied, he would not be subject to discipline.

When we are reminded of these things we recognize that the very latest decisions of the courts and rulings of bar associations, and ethics and grievance committees must be studied with care that we as lawyers may not subject ourselves to criticism for offending against announced conclusions. Hence we welcome the 1933 edition of Costigan's Cases on the Legal Profession and Its Ethics, which brings us in readable form these decisions and rulings.

CASES ON CRIMINAL LAW. William E. Mikell. (Third Edition.) St. Paul, Minnesota: West Publishing Company, 1933. Pp. xxiii, 775.

A difficulty experienced in the use of former editions of this book has been removed in the third edition. In the second edition the cases dealing with particular matters of defense such as consent, insanity, intoxication, infancy and the like, were placed before materials dealing with individual offenses. Thus the student was required to study defenses in connection with particular crimes before acquiring a knowledge of the elements of those crimes. In the present edition, after materials dealing with the nature of crime in general, the specific offenses are presented. It is believed that this will give the student a better organized knowledge of the subject. As is pointed out in the preface, certain defenses are valid to some crimes but of no avail in others. It would seem better, therefore, first to acquaint the student with the nature and elements of particular offenses and next to illustrate defenses which negative certain of the elements of those offenses.

In other respects this edition is similar in classification of materials and cases to the second edition. A few new cases have been added, chosen in most instances from decisions rendered since 1925 when the second edition appeared.

CASES ON THE LAW OF AGENCY. Roscoe T. Steffen. St. Paul, Minnesota: West Publishing Company, 1933. Pp. xxix, 836.

Steffen departs from the conventional arrangement of case-books on the law of agency in this volume. The materials are grouped under three main headings, "The Employment Relation," "Conduct of Business by Representatives," and "The 'Principal'—Forms of Association—Limited Liability." In the first section, matters having to do with employment are discussed; in the second, the risks growing out of the conduct of business by employees are presented; the third section deals with various forms of associations with a view to determining who is the employer in such cases. The purpose has been to present the subject of agency in its proper relation to modern

types of business organization. The merit in this arrangement lies in its presenting a general picture of present day business personnel organization.

The statement of the problem to be treated, placed at the beginning of each division and section, is of obvious assistance to the student taking up the problem for the first time.

AMERICAN LABOR AND THE NATION. Edited by Spencer Miller, Jr.  
Chicago: The University of Chicago Press, 1933.

GOVERNMENT IN A DEPRESSION. Edited by Thomas H. Reed.  
Chicago: The University of Chicago Press, 1933.

LEGISLATURES AND LEGISLATIVE PROBLEMS. Edited by Thomas H. Reed. Chicago: The University of Chicago Press, 1933.

THE ECONOMIC WORLD TODAY. Edited by Felix Morley. Chicago: The University of Chicago Press, 1933.

THE LAWYER AND THE PUBLIC. Edited by Council on Legal Education and Admissions to the Bar of the American Bar Association. Chicago: The University of Chicago Press, 1933.

These pamphlets are all reprints of popular lectures delivered over the air during the years 1932 and 1933, under the auspices of the National Advisory Council on Radio in Education, by men of recognized repute, whose representation ranges from the calm of academic cloisters to the midst of political ferment.

The fifth pamphlet rouses especial interest, for in it are discussed many of the perennial problems arising out of the peculiar status of the lawyer in the social order. Contributors range from Judge Seabury, fresh from the graft investigations in New York, through Silas Strawn and General Wickersham to Roscoe Pound, Judge Learned Hand, Walter Cook, and Felix Frankfurter.

The address "How Far Is a Judge Free in Rendering a Decision?" and the answers given by Judge Hand and Professor Frankfurter strike an appealing chord. Frankfurter ventures a definition of law: "Law is the body of arrangements by which conflicts that are bound to occur between individuals and among

various groups are settled by judges. The final forms which these arrangements take are decisions. The raw materials out of which decisions are shaped are prior decisions, doctrines, statutes, national traditions, the way in which lawyers reason, assumptions about what is good for society and prophecies of what is desirable for the future." In applying "the law" to a concrete case, the judge is, as Learned Hand so vividly points out, in the contradictory position of trying not to enforce legally "whatever he thinks best," but yet putting into concrete form what the "common will expressed by the government" is, "not by slavishly following the words, but by trying honestly to say what was the underlying purpose expressed." To the extent that they successfully accomplished this task, are great judges measured. Frankfurter's definition is made concrete when the problems of public law—interpretations of the Constitution—are concerned. It is here, says Frankfurter, that "the Justices of the Supreme Court are in fact arbiters of social policy." The authors obviously do not assume that they can settle this fundamental question of jurisprudence in the brief space of ten pages, but Hand and Frankfurter have set the stage for further analysis.

One criticism must be made. The publishers have failed in one rather important respect; they have not indicated precisely when these talks were delivered. This would have added considerably to their value, for the discussions purport to be of current problems.

CONDUCT OF MORTGAGE FORECLOSURE DURING BANKRUPTCY.  
COMPLETE BANKRUPTCY LAW AND FORMS.  
GENERAL ORDERS IN BANKRUPTCY AND FORMS.

Arranged, Annotated, and Indexed by Max Isaacs. New York: American Bankruptcy Review, Inc., 1932 and 1933.

The first pamphlet, containing forty-eight pages, includes a number of recent cases involving mortgage foreclosures during bankruptcy, notably the case of *Isaacs v. Hobbs Tie and Timber Co.*, 282 U. S. 734. Following the cases are discussions and comments of attorneys, the editor, and law reviews. The cases are annotated.

The second pamphlet contains ninety-six pages setting forth the entire Bankruptcy Act from 1898 to the amendments of 1933. All changes in the original act are italicized. The Act is copiously annotated and is appended with a twenty page index.

The third pamphlet of thirty-six pages, contains fifty-one general orders and forms Nos. 64 to 75 inclusive relating to new sections 74 to 75 of the Bankruptcy Act. The orders are likewise annotated and there is an index to both orders and forms.

The foregoing pamphlets appear to have been carefully edited and annotated and should be of value to attorneys and others who are interested in the recent developments in bankruptcy matters.

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#### BOOKS RECEIVED

CASES ON BUSINESS ORGANIZATION. Vol. I. Roswell Magill and Robert P. Hamilton. St. Paul, Minnesota: West Publishing Co., 1933.

CASES ON THE LAW OF SALES. Frederic Campbell Woodward. (Third Edition by Lawrence Vold.) St. Paul, Minnesota: West Publishing Co., 1933.

RESTATEMENT OF THE LAW OF AGENCY. Vols. I and II. Adopted and promulgated by the American Law Institute at Washington, D. C., May 4, 1933. St. Paul, Minnesota: American Law Institute Publishers, 1933.

SAVING TAXES IN DRAFTING WILLS AND TRUSTS. Joseph J. Robinson. (Second Edition.) Kansas City, Missouri: Vernon Law Book Co., 1933.