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BOOK REVIEWS

JUSTICE OLIVER WENDELL HOLMES—HIS BOOK NOTICES AND UNCOLLECTED LETTERS AND PAPERS. Harry C. Shriver. New York: Central Book Company, 1936. Pp. xiii, 280.

A quotation from a footnote in this book, page 130, makes a point which is important to this review, "Chief Judge Cardozo in 1931 said, 'Many a time, in turning the pages of an opinion devoted to a humdrum theme, some problem perhaps of contract or of negligence, I have come across a winged sentence that seemed with its wings to chase obscurity away. Curiously, I have gone back to the beginning to find the name of Holmes.'"

This tribute to Holmes's facility and power of expression may in a measure contain the secret which carried him to a place of such eminence and greatness in the legal profession. Of course, behind the lawyer and the judge who served twenty years on the Supreme Judicial Court of Massachusetts and nearly thirty years on the Supreme Court of the United States, is Holmes, the man. One can not fully appreciate the judge without knowing something of the man. Like a mirror, the many book notices, casual papers and letters, both legal and personal, reflect bits from Holmes's mind and personality. They offer one more opportunity for the admirer of this great man to read his thoughts and observe his reactions to the ideas and thoughts of others.

One would not suggest this book as a proper first source to anyone seeking a general knowledge of Holmes's life or his opinions. There are many biographies and collections of opinions which would serve this purpose much more satisfactorily and comprehensively. However, this volume will give the student, lawyer, or judge who is already well acquainted with Holmes a series of disconnected impressions of the man discussing books, ideas, other legal personalities, philosophy, and other subjects, some strictly legal, some personal, many a combination of both—impressions, however, which will furnish a keener understanding of a man no one could ever know as thoroughly as he would like.

HANDBOOK OF ANGLO-AMERICAN LEGAL HISTORY. Max Radin. St. Paul, Minnesota: West Publishing Co., 1936. Pp. xxiv, 612.

Difficulties experienced in presenting legal history to law students lie principally in the fact that a knowledge of the scope

of modern law must be presupposed or that the subject must be developed so generally that much of its value is lost. Professor Radin has endeavored to meet these difficulties in the form and content of this outline of Anglo-American legal history.

Throughout the first part of the book the origin and development of governmental agencies and the relation of administrative practice to the law have been stressed. Proper emphasis has been placed upon the patchwork growth of procedure to meet the constantly changing demands of centralized government. The controlling influence of procedure upon substantive rules and principles has been particularly described.

In the latter part of the book an effort has been made to discuss the evolution of certain important concepts and forms of liability. Concepts of contract, tort, agency, corporation, commercial law, and the family have all been briefly treated. A summary at the end of the volume sketches the picture of the common law with broad strokes, in which is made an interesting prophecy as to its future. "It is, consequently, likely that the future of the Common Law will not see an extension of the territory which it controls, but that the Common Law will enter as a constituent element into a new general law of those countries that have inherited European civilization and the European economic structure."

Frankly acknowledging his debt to Pollock and Maitland, Holdworth, and other familiar sources, Professor Radin has condensed for the law student and casual reader in legal history the important phases and characteristics of the Anglo-American legal system. This book will prove of value whether used in a formal course in legal history or read by the student as an aid in understanding the tenets and approach to social problems of the common law. The lawyer seeking a condensed and general treatment of the development of the common law will find this book of great value. A chronological chart and a valuable bibliography have been included.

CASES AND OTHER MATERIALS ON INTERNATIONAL LAW (Second Edition). Manley O. Hudson. St. Paul, Minnesota: West Publishing Company, 1936. Pp. xl, 1440.

This volume is a notable edition to the books published in the American Casebook Series. The compiler is the newly elected

Judge of the Hague Court of International Justice and is also Professor of International Law at Harvard Law School.

This subject is treated as a vital part of the common law. When the courts pass upon questions in which topics of this kind are involved, they decide them not as questions of political science and government but as topics of substantive law. This mode of treatment originated in the first book on the subject, published by Freeman Snow in 1893, which was re-edited and published by Dr. James Brown Scott formerly solicitor of State Department and counselor to the commissioners representing the United States at the time of the making of the Versailles Treaty in 1919.

That the subject is in fact part of the common law is clearly shown by cases cited, such, for example, as *Triquet v. Bath*, 3 Burroughs 1478, in which Lord Mansfield referring to an earlier decision of Chancellor Talbot said that "the law of nations in its full extent was part of the law of England." This English authority has been followed by various decisions of our own Supreme Court, as in *The Paquete Habana*, 175 U. S. 676, at page 700, where the court said, "International law is part of our law, and must be ascertained and administered by the courts of justice of appropriate jurisdiction as often as questions of right depending upon it are duly presented for their determination," and the case of *Hilton v. Guyot*, 159 U. S. 235.

International law, in its widest and most comprehensive sense—including not only questions of right between nations, governed by what has been appropriately called the "law of nations," but also questions arising under what is usually called "private international law," or the "conflict of laws," and concerning the rights of persons within the territory and dominion of one nation, by reason of acts, private or public, done within the dominions of another nation—is part of our law, and must be ascertained and administered by the courts of justice as often as questions are presented in litigation between man and man, duly submitted to their determination. Two of the interesting cases illustrating this proposition are cited forth at length in this selection—*Irish Free State v. Guaranty Safe Deposit Company*, 222 N. Y. S. 182, in which the Irish Free State claims that it was the owner of funds deposited by Eamonn De Valera in a bank in New York City and the case of *Russian Government v. Lehigh Valley R. R. Company*, 293 F. 133, involving a claim for

property belonging to the government to have been destroyed by German spies during the great war.

More than two-thirds of the material in this volume consists of similarly adjudicated cases. The book is one that can be used with much satisfaction in the study of this important subject.