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BOOK REVIEWS

A HISTORY OF AMERICAN POLITICAL THOUGHT. Edward R. Lewis.
New York: The Macmillan Company, 1937. Pp. x, 561.

At the present time so much political literature is being attempted that most of it may be disregarded as superficial propaganda, but no such criticism may be made in this case. Mr. Lewis has made a thorough study of the evolution of American political thought as expressed through the courts, literature and oratory.

From the Reconstruction era after the Civil War and the adoption of the Thirteenth, Fourteenth, and Fifteenth Amendments, the stream of political consciousness is carried down to the Wilson era and the beginning of the World War. It is concluded with a discussion of the various academic tests of politics and draws the inference that the test that is practically applied in the United States is basically in results, with no set standard of judgment. This treatment cannot fail to give the reader an excellent background for the understanding of the present day administrations.

Students should pay special attention to the first six chapters which deal extensively with the Reconstruction Amendments; the power of courts over legislation; due process and the police power; and the doctrine of dual sovereignty. Although, as the author states, "this is not a study of constitutional law, but rather of the course of political thought," its value as collateral material for the study of constitutional law and the understanding of the court's attitudes cannot be too highly stressed. This work has the rare combination of being worthwhile to both the layman and the lawyer or student interested in not only our American government in general but the specific field of constitutional law.

CASES ON FUTURE INTERESTS. Richard R. Powell. St. Paul, Minnesota: West Publishing Company, 1937, Second Edition. Pp. xxxix, 1068.

The first edition of this casebook was published in 1928. The appearance of a second edition only nine years later, in a branch of the law as notoriously conservative as is property law in general and future interests in particular, arouses curiosity and

prompts an inquiry as to what changes have occurred in the interim to justify the publication of a second edition. In the preface to the second edition it is stated that the interval between the two editions has been filled with events of vital importance to the understanding of the field of future interests. The most important of these events are the formulation of a Restatement of the Law of Property devoted largely to the subject matter of future interests and the publication in 1936 of an exhaustive three volume treatise by Professor Simes. It is well known that the Editor took an active part in the formulation of the Restatement and it is admitted that much of the novel content of the second edition is the result of a better understanding of the past gained, in part, from his activities and association with other teachers and scholars in the formulation of the Restatement.

The extent of the changes embodied in the second edition can be ascertained only by an examination of the first edition which presented a radical departure both in scope and method from existing casebooks by its inclusion of a relatively large number of modern American cases and a much smaller number of early English cases covering strict family settlements. The editor included sufficient of the old family settlement cases to provide the historical background essential to an understanding of the origin of the rules and procedures peculiar to the law of future interests. However, by far the greater emphasis was placed on the modern problems arising from the construction of conveyances to charities, trust agreements, option contracts, and wills, which today more frequently affect personal property in the form of stocks and bonds than interests in realty. This importance of future interests in personalty was recognized by the inclusion of numerous cases illustrating the development and modification of the older rules and foundation principles to adapt them to prevalent modern problems.

In addition to the coordination and balancing of the historical and modern aspects of the subject, the first edition provided an innovation in the form of questions inserted after many of the cases, these questions being intended to suggest problems directly or indirectly related to the main case. The second edition not only preserves the described innovations of the first edition but has more completely supplemented the cases with copious footnotes giving emphasis to the lack of uniformity in the law of dif-

ferent jurisdictions and the modifications by legislation in many of the states of the United States. The operation of the rule against perpetuities as affected by the New York Statutes is separately and adequately treated in chapter fourteen.

This casebook can be unhesitatingly recommended for class use to those teachers wishing to emphasize the application of the law of future interests to modern problems affecting both personalty and realty while preserving the historical aspect of the subject so essential to a proper understanding of its peculiar rules and principles.

CASES AND OTHER MATERIALS ON INTERNATIONAL LAW. Manley O. Hudson. St. Paul, Minnesota: West Publishing Company, 1937, Second Edition, American Casebook Series. Pp. xxxix, 622.

This is a shorter selection of cases on International Law selected from the larger work on the subject which appeared in 1936. In view of our review of the larger work in 15 CHICAGO-KENT REVIEW 83, it is unnecessary to say more than that this has made the work more available for schools where only a limited amount of time can be given to the subject of International Law. For that purpose it fits in well and fills a long-felt want.

CASES AND OTHER MATERIALS ON JUDICIAL TECHNIQUE IN CONFLICT OF LAWS. Fowler Vincent Harper and Charles W. Taintor. Indianapolis: The Bobbs-Merrill Company, 1937. Pp. xxix, 1189.

This new collection of cases on Conflict of Laws has an entirely different perspective on the subject from that in the existing American literature in this field. The writers come to their task from a study of general jurisprudence and more particularly from practical training in the civil law. The outlook on Conflict of Laws is that of the civilian rather than that of the common law lawyer. In the introductory chapter on the Social and Legal Necessity of Conflict of Laws, there is an extended exposition of the writers' point of view. This is an interesting treatment of the subject and yet it is questionable whether it is as well adapted to the use of law schools as the existing books which approach the subject from the standpoint of the common law.

The terminology used in the book is in many respects significant as showing the diverse position occupied by the authors. For instance, controversies in different jurisdictions are referred to as "foreign" elements rather than Contracts, Judgments, or Conveyances.

The book has its place in the literature of Conflict of Laws, and will no doubt prove helpful in many respects to students who desire to go beyond the ordinary boundaries of the subject as laid down in the courses commonly followed in law schools.

CASES AND MATERIALS ON THE CONFLICT OF LAWS. Ernest G. Lorenzen. St. Paul, Minnesota: West Publishing Company, 1937, Fourth Edition. Pp. xxxvi, 1138.

The new edition of Lorenzen's Cases on Conflict of Laws is in several respects an improvement on the third edition. There has been added a general historic survey of the entire subject as an introduction to the cases. The student in practice often feels the need of some help in the connection of the particular subject with other subjects of the common law and this general introduction supplies this need in a desirable way.

The section on Domicile which was omitted from the third edition has been restored and is somewhat enlarged. At the beginning of each chapter dealing with a different branch of the subject, there has been added a brief introductory note connecting up this particular field with the general subject of Conflict of Laws, and there is also frequent reference to the Restatement of Conflict of Laws. These features are highly desirable, and in short this is the best collection of cases for student use that has yet been published.

BOOKS RECEIVED

ADMINISTRATION OF WORKMEN'S COMPENSATION. Walter F. Dodd. New York: The Commonwealth Fund, 1936.

INTERNATIONAL LOANS AND THE CONFLICT OF LAWS (pamphlet). Dr. Martin Domke. London: Sweet & Maxwell, Limited, 1937.

RECENT THEORIES OF SOVEREIGNTY. H. E. Cohen. Chicago: University of Chicago Press, 1937.