

June 1944

Book Reviews

William F. Zacharias

Donald Campbell

Follow this and additional works at: <https://scholarship.kentlaw.iit.edu/cklawreview>

 Part of the [Law Commons](#)

Recommended Citation

William F. Zacharias & Donald Campbell, *Book Reviews*, 22 Chi.-Kent L. Rev. 235 (1944).

Available at: <https://scholarship.kentlaw.iit.edu/cklawreview/vol22/iss3/5>

This Book Review is brought to you for free and open access by Scholarly Commons @ IIT Chicago-Kent College of Law. It has been accepted for inclusion in Chicago-Kent Law Review by an authorized editor of Scholarly Commons @ IIT Chicago-Kent College of Law. For more information, please contact dginsberg@kentlaw.iit.edu.

BOOK REVIEWS

HANDBOOK OF THE LAW OF BILLS AND NOTES. William Everett Britton. St. Paul, Minnesota: West Publishing Company, 1943. Pp. xx, 1245.

It can hardly be denied that Professor Britton, author of this work, possesses high rank in his field, and the publisher's statement that more than ten years of research have gone into its pages can hardly be doubted. The author has long been known as one of the earliest and most consistent American commentators on the subject, and the erudition displayed in this book demonstrates a long and profound consideration of the problems involved in an intricate subject.

Emphasis of the volume, latest addition to the Hornbook Series, is upon the Uniform Negotiable Instruments Act, but continual reference to common-law authorities has been made where the common law has provided a background for the statute or where the common law is still in force. Outright departures from the common law have been noted, and the author's perspective and comprehensive grasp of the material is evident throughout the book. The introduction is historical and scholarly, while the chapter headings present a logical outline of the material. It is, therefore, easy for the lawyer who understands the problem of his particular case to find quickly a complete discussion thereof. A most generous use of cases, directly discussed or cited in the footnotes, is so indexed as to make it possible for the lawyer who recollects a case by name to find a discussion of its principles promptly.

It has been some time since a comprehensive handbook or satisfactory text has been published on the subject of bills and notes. Although, in 1938, a quite satisfactory but less comprehensive volume written by James Matlock Ogden reached its fourth edition, still prior to that edition it is necessary to go back many years to find an equally satisfactory work as the present one. Professor Britton's volume, of course, supplies the numerous decisions as well as statutory changes which have arisen through those years. The format of the book follows the style adopted for this series, one which is both efficient and highly satisfactory. It well maintains the high plane of scholarship and utility established by the publisher for works of this character.

Not only will the practicing lawyer having many cases in this field find the handbook useful and stimulating, but more particularly the lawyer with an occasional case should find it of great benefit. An essential work for law school libraries, it should prove most helpful to students of the law. The author justly deserves praise for so comprehensive and thorough a treatise.

D. CAMPBELL

CASES AND MATERIALS ON LABOR LAW. Milton Handler. St. Paul, Minn.: American Casebook Series, West Publishing Company, 1944. Pp. xxxii, 786.

With the exception, perhaps, of Taxation, no topic has concerned the lawyer of today so much as has that dealing with the field of labor rela-

tions. Independently of the manifold problems produced by labor engaged in a tremendous war effort, there exists an ever-growing body of law reflecting the impact produced by the assault of labor organizations upon traditional social patterns. Much of that material has crystallized in a National Labor Relations Act, but large segments remain uncharted. To give orderly presentation to such material, Professor Handler has prepared a casebook dealing not only with the judicial exposition of labor problems and their solution but also furnishing much related material bearing on the economic, political, and sociological surroundings essential to a clear understanding. A large section is devoted to the National Labor Relations Board and its administrative function.

Although not attempting to deal with the rapid and radical changes produced by the rulings of a National War Labor Board, the work does give a comprehensive picture of the means available for accommodating labor, and the settlement of its disputes, within the peacetime social order. Documented almost to the moment of publication, the book provides a mine of information not readily available elsewhere. The practitioner, as well as the student, should receive valuable assistance from this publication.

W. F. ZACHARIAS

HANDBOOK OF THE LAW OF EVIDENCE, FIFTH EDITION. John Jay McKelvey. St. Paul, Minnesota: West Publishing Company, 1944. Pp. xxiv, 814.

No single volume on the subject of Evidence can be completely satisfactory. The practitioner wants an indexed manual of the law of his own state. The scholar wants an exhaustive treatise such as that compiled by the late Dean Wigmore, or a still more elaborate discourse on some particular rule fortified by historical and procedural references with their social implications. The law student wants a terse recital of inflexible rules that will enable him to answer questions likely to be propounded on the next examination. These desires cannot be compromised and satisfied with one and the same treatise. Thayer and Wigmore are still beacons in their chosen fields, but the student and the practitioner are yet forced to search for light.

For this re-edited, improved, modernized, and more comprehensive handbook, the author admits a pride made pardonable by the fact that, in the course of over fifty years, the work has now reached its fifth edition. While no single volume can be completely satisfactory, the fact remains that with the new edition, McKelvey approaches closest to that perfection desired by student and practitioner. Definitions, rules of admission and exclusion, and corollary propositions are laid down in black-letter type as in earlier editions. Principal propositions are well indexed and readily found. Explanation and discussion, terse but sufficient, follows each section. The whole is logically divided and sensibly arranged. Abundant footnotes support the propositions or refer to minority views and distinguishable exceptions. It is unfortunate that the Supreme Court of the United States had not decided and published its opinions in the

cases of *Anderson v. United States*¹ and *McNabb v. United States*² at the time when this book went to press. It would have been interesting to learn if the author would have created a new classification for the exclusion of confessions voluntarily made but deemed inadmissible because the arresting officers did not promptly take the persons apprehended before a committing magistrate.

An added chapter on Pictorial Evidence brings down to date a discussion of the more recent developments in photography, such as pictures in color, motion pictures, and aerial photographs. Re-arrangement of main topics has not resulted in the omission of any of the material which would be expected in a treatise of this character, and where important propositions, rules, or definitions have been restated, the restatement or re-arrangement has, on the whole, been felicitous.³ An aid, a reminder, and a source book to the practitioner, the volume is sufficiently terse yet comprehensive to be helpful to any student.

D. CAMPBELL

A DYNAMIC ERA OF COURT PSYCHIATRY: 1914-1944. Edited by Agnes A. Sharp. Chicago, Illinois: The Psychiatric Institute of the Municipal Court of Chicago, 1944. Pp. 149 (Paper).

Through a series of short essays contributed by persons attached to or associated with the work of the Psychiatric Institute of the Municipal Court of Chicago, the reader is now furnished with an insight into the purpose, scope, operation, and performance of a small but helpful laboratory group who have struggled for thirty years to provide helpful assistance to local judges obliged to deal with problems generated by persons of borderline mentality. The work of that clinic, both in civil and criminal matters, has been ably documented and adequately expounded.

Not infrequently has that work been hampered by resistance on the part of the person of suspected mental abnormality, or from his counsel. A feeling that stigma attaches from consideration of the case by a psychiatric clinic has not made the work any easier. Perusal of these essays should help remove that attitude, while a study of the actual cases used as illustrations should help the bar toward a recognition of those types of persons whose mental unbalance requires study, analysis, and treatment. The statistical tables, diagrams, and statements of procedure should also serve to remove any fear that the reference of a given case to the Psychiatric Institute is but the first and inevitable step toward the Psychopathic Hospital and confinement in a mental institution.

These essays are not entirely retrospective in character, for the

¹ 318 U. S. 350, 63 S. Ct. 599, 87 L. Ed. 829 (1943).

² 318 U. S. 332, 63 S. Ct. 608, 87 L. Ed. 819 (1943).

³ An illustrative example will suffice. The 3d Ed., § 94, stated: "Confessions procured by deception or under promises of secrecy are not, on this account alone, rendered inadmissible." The present edition repeats the statement, but in addition prefaces it with a concentration thereof in larger type, viz.: **DECEPTION DOES NOT VITIATE**. This is perhaps a small matter, but such scrupulous attention to emphasis contributes assistance to the rapidly searching eye of the reader.

experience of the past has opened up avenues warranting extension of the services provided by the Institute. The likelihood of an increasing number of cases and problems in the post-war era, an offshoot of the present period of conflict, is almost a certainty. Some plans for the future are, therefore, submitted for consideration. They well deserve attention.

W. F. ZACHARIAS

MUNICIPALITIES AND THE LAW IN ACTION: 1944 EDITION. Edited by Charles S. Rhyne. Washington, D. C.: National Institute of Municipal Law Officers, 1944. Pp. 553.

Continuing a series originated in 1938, the present, or seventh, volume records still more of the impact of the war on municipal government as reflected by the problems placed before the city attorneys of major municipalities both on the American continent and in the island possessions. Although the materials collected and published are specifically designed to aid municipal officers, there is much of merit worthy of attention by the average lawyer. The wide range of subjects treated serves to emphasize the fact that the problems facing the various city governments are not unlike those which must be faced by all.

Particular types of post-war planning, whether in the form of the creation of special reserves, expansion of airports, development of public housing programs, rehabilitation of blighted areas, or the taking over of essential public utilities, are some of the matters considered. The report by the Corporation Counsel of the City of Chicago should especially receive local attention as it contains the germ of proposals which could have widespread effect. Further fuel to the movement for a constitutional limitation on the rate of federal income taxation is discerned in a report on the impact of such taxes on municipal revenues, while the cry is heard against the practice of using federal funds to purchase the surrender of local sovereignty. There is clearly recorded here much that will need to be done in the not too distant future, matters concerning which the bar should now be giving earnest thought.

W. F. ZACHARIAS