

BOOK REVIEWS

A TREATISE ON THE ANGLO-AMERICAN SYSTEM OF EVIDENCE IN TRIALS AT COMMON LAW, Including the Statutes and Judicial Decisions of All Jurisdictions of the United States and Canada. (Third Edition). By John Henry Wigmore. Little, Brown and Company, Boston, 1940. (10 volumes). Total no. pp. cccxv, 7324. Price: \$100.

In the thirty-six years since it appeared in first edition, Wigmore on Evidence has become a familiar masterpiece. The author's unique gifts as historian, analyst, polemic, stylist—all are so well known that it would be trite to remark upon them were they not so perennially amazing. No less remarkable is his indefatigable industry, the latest token of which is this third edition.

It was time for a new edition. Witness the many new citations and sections of text. This edition contains about 85,000 citations of judicial decisions, which is 30,000 more than contained in the second edition in 1923 and 45,000 more than in the first edition. Apparently these new citations are done with the same painstaking care and scrupulous regard for accuracy in details which characterized the references in the other two editions. It is welcome news that a pocket supplement service is promised.

The additional sections of text reflect the expansion of the law into new fields. Some of the new topics most suggestive of this growth are: 4g. (Rules of Evidence in Labor-Arbitration Agreements), 165a (Blood-Groups as evidencing Paternity), 798a (Moving Pictures in Evidence), 997 (Scientific Psychological Diagnosis of Testimony; Modern Methods), 2157 (Authenticating a Radio-Broadcast Message), 2287 (Privilege for Communication by Radio).

The work is now presented in ten volumes instead of five, but this does not mean a doubling of total bulk. The new volumes are smaller than the old and handier to use. Another new feature is the index of quotations from non-case materials. This will prove a valuable aid in the use of a text so richly adorned with striking illustration and anecdote.

Of more interest, however, is the extent to which the author has defended some of the basic views expounded in the other editions. Much searching criticism of these views has accumulated. It has been directed chiefly against the author's concept of the nature of hearsay evidence and his view of the effect of presumptions. In his Preface the author takes cognizance of the existence of this body of literature and asserts that "these contributions have been cited . . . and, when practicable, some attempt has been made to give consideration . . . to their views."¹ But he has, for the most part, found the attempt impracticable, and for reasons which seem unconvincing. For example, his reasons for not answering criticisms of his positions on the hearsay rule are that it would consume too much space, and that, since the future will bring about a wholesale liberalization of the hearsay rule, the "game would not be worth the candle."² "It would be interesting," he says, "to discuss what theories best represent the law as it is. But the present writer is now more concerned about the law as it ought to be and will be."³ In no spirit of carping, the last point may be answered by quoting the concluding sentence of the Preface in which the work is offered as "an adequate guide to the present state of the law of Evidence."⁴

1. Vol. I, p. xi.
2. Vol. V, p. 210.
3. *Id.* at 216.
4. Vol. I, p. xii.

So offered, the book should not neglect discussion of "what theories best represent the law as it is", even though such a discussion would require additional space. In the second edition it was found practicable to revise the treatment of admissions to meet Professor Morgan's provocative questioning of the original exposition. It is regrettable that the precedent thus established was abandoned in the third edition.

No disparagement is intended of the author's interest in the evidentiary law of the future. He, above all others, is entitled to assume a fatherly concern in the course which the reform of Evidence shall take. For it is largely he who has awakened the profession to the compelling need for reform. Unremittingly his penetrating analysis has disclosed absurdities and his delicious satire has ridiculed them. Moreover, he has not shirked the exacting obligation (often neglected by the advocate of reform) to present the precise tenor of his suggested changes. It has been his practice to offer model drafts. This edition contains some interesting new ones, chief of which are those for liberalizing the hearsay rule and for regulating the practice in regard to presumptions and burden of proof.

He endorses reform by rules of court in lieu of legislation, but he does not deal with the mooted question of the extent to which the rule-making power embraces rules of evidence. An expression of his views would, of course, have been helpful and weighty. It does seem out of place, however, to ask for more from one who has already contributed so much.

Indeed, when it is remembered that its general excellence as a whole has made Wigmore on Evidence a classic, then it will be cheerfully acknowledged that any criticism of a part is of minor significance only. Professor Beale hailed the first edition as "the most complete and exhaustive treatise on a single branch of our law that has ever been written . . ."⁵ Time has not altered the justice of this judgment. Quite possibly it never will.

James H. Chadbourn.†

LAW, THE STATE, AND THE INTERNATIONAL COMMUNITY, Vol. I, A COMMENTARY ON THE DEVELOPMENT OF LEGAL, POLITICAL, AND INTERNATIONAL IDEALS; Vol. II, EXTRACTS ILLUSTRATING THE GROWTH OF THEORIES AND PRINCIPLES OF JURISPRUDENCE, GOVERNMENT, AND THE LAW OF NATIONS. By James Brown Scott. Columbia University Press, New York, 1939. Pp. xxiv, 613; vi, 401. Price: \$8.75.

This treatise by the eminent Professor of International Law, Roman Law, and Jurisprudence, of Georgetown University, and editor of *Classics of International Law*, is devoted to a discussion "in more or less chronological order [of] what are believed to be the principal contributions to legal, political, and international ideals",¹ as revealed in the philosophical, religious, and legal thought from Plato to Grotius. The survey ends "prior to the Thirty Years War", because "legal and political ideals do not flourish amid the clash of arms."²

In the Middle Ages, says Dr. Scott,

" . . . the idea of a higher and a binding law, of divine origin and unchangeable content, was everywhere accepted. It made possible the simultaneous existence of forms of government which, in the absence of belief in such an all-embracing and all-pervasive law could not but have been in perpetual conflict. In the modern world, this conception of

5. Beale, Book Review (1905) 18 HARV. L. REV. 478.

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1. Vol. I, p. 593.

2. *Id.* at 596.

a higher law . . . has become dimmed by modern notions of law as being exclusively positive, and no longer pervades every phase of the life of individuals and of States. Is it too much to hope that the future may witness a recrudescence of this conception of an ideal law which shall serve as a standard for the individual, the nation, and the international community?"³

"It is only because of the so-called 'enlightenment' of the modern world that an effort has been made to separate law from religion and morality and place it, so to speak, in a water-tight compartment, where it may not be 'tainted' by the spiritual standards and aspirations of man. The result is that law and politics have been for long without a standard; and that law, government, and international relations are founded upon expediency instead of upon the bedrock of principle."⁴ "What leads to unspeakable tragedies is the separation, in the relations of States, of the moral and spiritual element from the rules of their intercourse."⁵

The first volume is divided into several parts devoted respectively to The Greek Background, The Roman Heritage, The Christian Heritage, The Transition from Medieval to Modern Thought, The Era of Reform, and The Beginning of the Modern Age. In each of these parts separate chapters are given to biographies and selected writings of the leading philosophers or moralists of the period: Socrates, Plato, Aristotle; Cicero, Seneca; St. Augustine, St. Thomas Aquinas, Dante Alighieri; Machiavelli, Vitoria, Bodin, Gentili; St. Thomas More, Martin Luther; Grotius, Suarez; and others. The second volume contains, what Dr. Scott calls, a "codification" of selected excerpts from approved writings and other documents of the times under review on Jurisprudence, The State, and the Law of Nations.

The treatise of Dr. Scott presents a solemn profession of faith in the supremacy of justice as the only sure foundation of Law, the State, and the International Community, and constitutes a crowning achievement of a long and distinguished work in the field of international justice.

Alexander N. Sack.†

CASES ON REMEDIES, Vol. II: RESTITUTION AT LAW AND IN EQUITY. By Edgar N. Durfee and John P. Dawson. Bobbs-Merrill Co., Indianapolis, 1939. Pp. xxxvii, 964. Price: \$6.50.

The casebook reviewed bears the title of *Cases on Remedies—II*. It has been published prior to Volume I, which, according to the reviewer's information, is to be Professor Durfee's *Cases on Equity* brought up to date and revised and which thus far has appeared only in mimeographed form for use at the University of Michigan Law School. Volume II is not, however, so interconnected or interrelated with Volume I that it cannot be used alone with perfect satisfaction as a casebook in equity and quasi-contracts, even though the student has not used Durfee's *Cases on Equity* in its older or revised form in his earlier equity courses. This is true in the same way that Volume III of Cook's *Cases on Equity* was usable without previous study of Volumes I and II of Cook.

The reviewer had the good fortune to use the casebook under review in his class in Equity III during the fall semester beginning in 1939 for a

3. *Id.* at 211.

4. *Id.* at 11.

5. *Id.* at 35.

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three hour a week course. During that time he covered all the cases save from 669 through 820, thus having covered all but 151 pages out of a total of 964. The materials are of such a nature as to afford an effective three hour course and admit of satisfactory condensation for a two hour course as well. It is interesting that both this casebook and Professor Thurston's *Cases on Restitution* (1940) contain exactly 964 pages of body and index.

In the opinion of the reviewer the present casebook offers a happy climax to fifty years of development of American casebooks on Quasi-Contracts. Professor Keener, who also wrote the first textbook on the subject, published his two volume casebook in 1888 and 1889. He was shortly followed by Professors Scott and Woodruff, each of whom published casebooks in 1905. The middle of this period was marked by the appearance of the first edition of Thurston in 1916. In 1924 at the beginning of the last third of the period Professor Cook conceived the idea of combining Quasi-Contracts with Equity. The importance of Cook's contribution was indicated by the fact that Professors Durfee and Dawson in their preface indicate that their greatest debt was to Cook. Cook published a second edition on 1932, Laube a third edition of Woodruff in 1933, and Patterson his *Cases on Contracts II* in 1935. During the next three years two very important events occurred. The *Restatement of Restitution* was adopted by the American Law Institute in 1937, and the revised edition of Williston on Contracts with its copious materials on Quasi-Contracts was published during 1936, 1937, and 1938. While no separate textbooks or treatises on Quasi-Contracts or Restitution were published, obviously the Restatement and the revised Williston made a new mass of materials available. Much could therefore be expected of the new casebook by Durfee and Dawson that was not expected of earlier casebooks. And these expectations were richly rewarded in the current volume. The reviewer had the unique experience of having several students on their own initiative express great enthusiasm for their casebook.

Professors Durfee and Dawson have done more than select cases. They have done a magnificent job of editing in the way of textual notes and footnotes. This editorial matter covers perhaps as much as one third of the space in the book. Thus this casebook, like that of Chafee and Simpson's *Cases on Equity*, will be invaluable in the office of a practitioner, though it should be noted that it is not so well indexed as the latter. Most of the editorial notes involve brilliantly analyzed and up-to-date materials nowhere else available, at least in a single volume. The cases selected are well edited and involve many recent decisions. The authors might, in the opinion of the reviewer, more often have cited the law review annotations to the cases employed as casebook cases.¹

Lester B. Orfield.†

1. For instance, *Federal Sugar Ref. Co. v. United States Sugar Equalization Bd., Inc.*, p. 34, was noted in (1921) 5 MINN. L. REV. 401; *Allen v. M. Mendelsohn & Son*, p. 44, in (1923) 21 MICH. L. REV. 819; *American Sugar Ref. Co. v. Fancher*, p. 112, in (1895) 9 HARV. L. REV. 225; *West v. Walker*, p. 184, in (1930) 30 COL. L. REV. 1205; 5 TULANE L. REV. 145, 6 WIS. L. REV. 37; *Malmberg v. Baugh*, p. 336, in (1924) 33 YALE L. J. 435; *Kelly v. Hance*, p. 361, in (1929) 38 YALE L. J. 389; *Reedy v. Ebsen*, p. 379, in (1933) 31 MICH. L. REV. 286, (1932) 10 N. Y. U. L. Q. REV. 94; *Oxborough v. St. Martin*, p. 405, in (1927) 27 COL. L. REV. 337, 40 HARV. L. REV. 648; *Pimpinello v. Swift & Co.*, p. 446, in (1930) 30 COL. L. REV. 899; *Miller v. Stanich*, p. 463, in (1931) 16 IOWA L. REV. 275, 29 MICH. L. REV. 786, 6 WIS. L. REV. 246; *L. Lewitt & Co. v. Jewelers' Safety Fund Soc.*, p. 272, in (1929) 38 YALE L. J. 682; *Teteman v. Epstein*, p. 488, in (1925) 13 CALIF. L. REV. 246, (1926) 26 COL. L. REV. 994; *Columbia Nat. Life Ins. Co. v. Black*, p. 525, in (1930) 39 YALE L. J. 907; *Hugo v. Erickson*, p. 533, in (1923) 23 COL. L. REV. 785; *Rosenblum v. Manufacturers Trust Co.*, p. 548, in (1936) 13 N. Y. U. L. Q. REV. 618; etc.

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NEW FEDERAL PROCEDURE AND THE COURTS. By Alexander Holtzoff. American Bar Association, Chicago, 1940. Pp. viii, 208. Price: \$2.00.

The Federal Rules of Civil Procedure produced a very extraordinary educational activity to acquaint the profession with the new reform. Lectures, institutes, books and articles¹ came in rapid succession; and the end is not yet. Here is another addition to the already large library of literature on the Rules. But I am afraid that despite the imposing title and the standing of the author and the publisher, the book hardly constitutes a contribution.

The text of the volume, apart from the index and the introduction, runs to one hundred and sixty-three pages. About half of this total is devoted to a verbatim reprint of the Rules and the citation of cases applying them. About half of the remaining pages is devoted to a repetition of the Rules, not verbatim but fairly literally. What is left consists substantially of one sentence statements of the holdings in the three hundred and sixty-five cases cited. Sometimes these are stated as positive rules; for example,

“. . . an unincorporated labor union may be sued as an entity in its common name. Similarly, a partnership may be made a plaintiff in its firm name in a suit for the infringement of a patent.”² “Matters of opinion are not appropriate subjects for interrogatories.”³

At other times the holdings are stated only as such, with the caution of an “it has been held”. Apparently the difference in the form of statement is simply a matter of style. The volume contains practically no analysis, criticism or comment by the author, beyond an occasional adulatory remark about the new procedure. There is no reference to any literature other than the three hundred and sixty-five cases,⁴ well over ninety percent of which are, necessarily of course, decisions of district courts. And there is no effort to explore the problems raised by these cases or their reason in different situations of fact.⁵ What the volume contributes, then, is a classification of the cases in the first approximately fifteen months of the life of the Rules. And it was rapidly becoming out of date even as it was rolling off the press.

The purpose of the author and of the Bar Association in publishing this book was to provide “the bench and bar” with a “ready source of information” as to the new procedure by combining in one volume citations of the decisions on the Rules which the author had been compiling in Department of Justice Bulletins that were sent to government attorneys and judges

1. In the West Publishing Company's Manual of Federal Procedure, nine pages are required to list the articles on the Rules in the legal periodicals.

2. P. 57. The text does not explain the significance of the clause “in a suit for the infringement of a patent.” There is probably no intention to imply that the rule is otherwise in other suits or that there is anything peculiar about a patent suit in this regard. This seeming hesitation to generalize is not, however, at all typical.

3. P. 90.

4. Except that on p. 29 there is a reference to 2 CHITTY, PLEADING (7th ed. 1844) 529, and on p. 54 there is cited an article by Judge Sweeney, *Expert Use of Pretrial Docket in Federal Court* (1939) 23 J. AM. JUD. SOC. 11. See note 1 *supra*.

5. For example, the problems indicated by *Collins v. Metro-Goldwyn Pictures Corp.*, 106 F. (2d) 83 (C. C. A. 2d, 1939) are given this single sentence: “A judgment disposing of one of several claims and leaving another to be subsequently tried is final and appealable” (p. 157). Cf. (1940) 49 YALE L. J. 1476. Also compare Chapter V, *Depositions and Discovery*, with Pike and Willis, *Federal Discovery in Operation* (1940) 7 U. OF CHI. L. REV. 297.

and were published in the *American Bar Association Journal*.⁶ This purpose may be laudable despite the fact that Callaghan and Company publishes a current Federal Rules Service which keeps up to the minute on Rules decisions, that the West Publishing Company publishes the Federal Rules Decisions series and its Manual of Federal Procedure, kept up to date by pocket supplement, and that there are several treatises on the Rules (Moore, Simkins, Edmunds, for example) which are likewise kept up to date by pocket supplement. If the Bar Association wishes to supply a cheaper source of information, it should publish an occasional paper pamphlet with cumulative citation of cases under each Rule number. Twenty pages would be quite ample for the purpose even if the citations were accompanied by a sentence stating their holdings, as in this volume. And such a pamphlet would not be reviewed in the legal periodicals.

Harry Shulman.†

PAPERS RELATING TO THE FOREIGN RELATIONS OF THE UNITED STATES: THE LANSING PAPERS, 1914-1920. United States Government Printing Office, Washington, 1939, 1940. (2 volumes). Pp. lxii, 801; xl, 576. Price: \$1.50, \$1.25.*

"L[ansing]. . . . I do not know how your Government can modify submarine warfare and make it effective and at the same time obey the law and the dictates of humanity.

"B[ernstorff]. Humanity. Of course war is never humane.

"L. 'Humanity' is a relative expression when used with 'war' but the whole tendency in the growth of international law in regard to warfare in the past 125 years has been to relieve non-combatants of needless suffering.

"B. Of course I think it would be an ideal state of affairs, . . ." ¹

This conversation, and the correspondence from which it is quoted, throws more light on the diplomacy of the last war than many formal notes and legal documents. It shows that Lansing, like Wilson, was not a lawyer but a moralist. They regarded the "principles of law and humanity" as synonymous, and American statecraft was based on their identity.² But the moral character which the President and his Secretary gave the State, on the analogy of an individual, was the antithesis of the Nietzschean doctrine of the non-moral State upon which Germany acted.³ What Wilson defined as "just rules of international law" were neither just nor law in German eyes.⁴ The Foreign Office never accepted his fundamental premise that "England's violation of *neutral rights* is different from Germany's violation of the *rights of humanity*."⁵ This discrimination between law and morality was more apparent than real because Germany alone was accused

6. See Foreword by Hon. Edgar B. Tolman, p. iv.

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* Department of State, Publications 1420, 1421.

1. Vol. I, p. 556.

2. *Id.* at 417.

3. See HARLEY NOTTER, *THE ORIGINS OF THE FOREIGN POLICY OF WOODROW WILSON* (1937).

4. Vol. I, p. 368.

5. *Id.* at 421 (*italics supplied*).

of sinning against both. Too much has been made of the failure of American statesmen to preserve neutrality by treating the belligerents impartially and with judicial prudence. Peace was never their primary concern nor law their guide. The course of events taught them, as Lansing confessed in the soliloquy of a diplomatic Hamlet, that international law was law only in peace and that in a world at war there was nothing left of it but the morality of natural law.⁶

There was also the national interest of a democracy to defend, and Lansing was its champion. In his *War Memoirs*,⁷ which were written from this correspondence, he explained his policy. It was to enter the war against Germany as soon as public opinion could be aroused to fighting temper, because otherwise a German victory over the Allies would threaten American interests and institutions—"democracy".⁸ Wilson was slow to reach this conclusion, from which Lansing started, but his Secretary urged him toward it on every occasion.⁹ Although Lansing had no fear that a victorious Germany would attack the United States directly,¹⁰ he believed that the two nations were opposed in polity and that a pre-war balance of power was essential to the security of the western hemisphere. This correspondence contains additional evidence of how much he was moved by apprehensions of German influence and design in Latin America and the Caribbean.¹¹

If these comments read like a tract for the times, it must be the fault either of the times or of the *Lansing* papers. The correspondence adds nothing important to what is already known of the abortive efforts to work out a *modus vivendi* for submarine warfare in 1916, the Ishii negotiations, and military intervention in Russia. There is nothing at all, unfortunately, on the peace conference or Lansing's break with Wilson. Since these two volumes contain a selection from the papers which the Secretary took with him on leaving office, it is to be hoped that more will be published. The papers printed in these volumes have been carefully edited by Dr. J. S. Beddie with numerous cross-references to the documents previously issued in the supplements on *Foreign Relations*. Thus the State Department has made its historical record of the last war nearly complete.

Roger W. Shugg.†

A SHORT HISTORICAL INTRODUCTION TO THE LAW OF REAL PROPERTY.

By J. John Lawler and Gail Gates Lawler. The Foundation Press, Inc., Chicago, 1940. Pp. xxii, 204. Price: \$2.50.

Unquestionably there is a need for a more widespread knowledge of the history of the law of real property. The judge, the lawyer and the legislator need this knowledge not only for an understanding of the law itself, but also for an understanding of the very words and expressions in common use in the opinions, in the practice of real property law, and in the preparation and enactment of our statutes. Obviously the way to educate our future lawyers is to arouse an intelligent interest in the student at the very beginning of his studies.

6. *Id.* at 227-37.

7. (1935).

8. LANSING, WAR MEMOIRS (1935) 17-21.

9. Vol. I, pp. 407-8, 417, 537-38.

10. See Alfred Vagts, *Hopes and Fears of an Anglo-German War, 1870-1915*, II (March 1940) 55 *POL. SCI. Q.* 53-76.

11. Vol. II, pp. 466-67, 498-99, 501-3, 514-16; LANSING, WAR MEMOIRS (1935) 310-11.

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The idea of preparing and publishing an introduction to the study of the law of real property is not new, a number of such works having appeared from time to time, but this work is designed to present to the student in a simple and plain manner the history of the law, without confusing him with quotations and excerpts from our learned historians, which are often difficult of comprehension by an experienced practitioner, with a comparison of the former law with the modern usage.

This plan is accomplished by setting forth the old law and its historical development and following this with a presentation of the existing law, showing what of the old is now obsolete and what has been retained and adapted to the changed conditions of the present time. Incidentally the student comes to realize that the very words and expressions he is learning to use have a modern meaning and significance which can be understood and appreciated only by one having an acquaintance with their history and origin.

Pennsylvanians are fortunate in having available a succession of textbooks on real property law, Mitchell, Fallon, Nicholson and Bushong, all of which contain historical explanations. However, these books are not histories, but rather are modern textbooks with such historical explanations as seem to be necessary. The present work is first a history, with the modern application following, thus making the history more easily comprehended and guiding the interested student in further investigations.

The writers disclaim credit for original research in the preparation of this work but the evidences of extensive reading and study are apparent both from the arrangement adopted and from the text itself, as also from the footnotes and the extensive bibliography at the end of each chapter.

The expressed intention of the authors is to make accessible to first year students the material presented by profound scholars of legal history, but this book will no doubt be used by many busy judges and practitioners as a ready reference and guide to these authoritative sources. The list of references, arranged as it is in relation to the various subjects discussed, is invaluable.

With such a vast amount of material to select from the choice of what should be developed in detail must have been difficult, and if any criticism were to be made it would be that some subjects are treated too briefly rather than of what is set forth at length. For example, the description of curtesy as "the interest given to the husband in the lands of the wife after her death" would hardly suggest to the student that after the birth of issue capable of inheriting, even though the wife were still living, the husband had a vested life estate, for which he did homage alone, and which could be alienated and held and enjoyed as against the wife. On the other hand tenures, the various estates in land, seisin and so forth, are fully treated in a clear and understandable way.

There are some minor inaccuracies, of course, as may be discovered by a reader acquainted with the law of his own state, but these are such as will not interfere with the main purpose of the work, which is to make plain and understandable an otherwise difficult and often discouraging subject. This book is highly commended to first year students of real property law and to any who wish to have a ready reference to more advanced treatises on particular subjects.

Mark R. Craig.†

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LEGAL ESSAYS AND ADDRESSES. By Lord Wright of Durley. The University Press, Cambridge; The Macmillan Co., New York, 1939. Pp. xxxv, 442. Price: \$3.75.

This book reveals Wright as a judge with sufficient interest and understanding to go beyond the minutiae of daily decision to the larger aspects of the art he practices. In a series of essays and addresses written and delivered within the last few years, Lord Wright concerns himself with the fundamental problems which so delight the law school student and out of which the new law will issue. He considers such topics as unjust enrichment and restitution, mistake in contracts, public policy, the rules revolving about *Rylands v. Fletcher*, consequential damages, and whether the doctrine of consideration ought to be abolished. There is also discussion, which I found less interesting, of smaller points, such as the recent gold clause litigation and developments in commercial law during the past century, as well as reviews of books by Williston and Wigmore and some harmless writing on the study of the law, the influence of law in our daily life and in memory of Sir Frederick Pollock.

In general, the author's opinions will have the commendation of those in the van of legal thought. On the basis of this book I am willing to say that Wright must be a good judge, although I have met only one or two of his decisions. The articles on restitution show a sense of fairness and justice unconfined by technicality, and the one on consideration advocates a rule of common decency which certainly ought to be the law. He is sympathetic to social reform, tolerant, openminded, fair, informed, but mindful of tradition and precedent. These qualities should satisfy us. Cardozo's genius or Holmes's fire may be hoped for, but seldom expected.

The important thing about Wright is that his hunches and sympathies appear, in the main, to lie on the right side of the line and that is what means most.

The book says nothing that is very new. It will not startle the legal world, and it probably will not be widely read. Nevertheless, there is some concrete gain in having reforms and extensions of the law vouched by a Lord of Appeals. The book is well written, the only faults I found with it being an occasional lapse into ten and twelve page paragraphs, and some repetition in the subject matter of the various essays. A positive merit is the absence of deadening, useless pages of footnotes. The articles collected here fulfill the proper function of a law review article: the elaboration of a principle by a writer expressing his view of the problem and the reasons for it, illustrated by a few of the leading cases in the field. Law review articles, of late, and especially those contributed by academic authors, have too often been mere catalogues of cases unilluminated by their writers, who mistakenly believe they can supplant the digests. Lord Wright shows how unnecessary that is.

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