

BOOK REVIEWS

Titles to Real Property. By George W. Thompson. Indianapolis, The Bobbs-Merrill Co. 1919. pp. lxxxii, 1112.

The purpose and scope of this book is stated by the author in his preface as follows: "In this treatise the author has prepared for the special use of attorneys, as well as conveyancers, a practical guide to the proper preparation and examination of abstracts, together with an epitome of the law applicable to questions arising in the perusal of such documents. A general outline is given of the most approved methods of making indices and abstract books, a general scheme is given of arrangement or grouping of the various instruments and transactions forming the chain of title, and the essential parts of instruments required to be noted are given, together with illustrative forms."

The title of the book, then, is rather misleading; it should be something like "Abstracts of Title—Their Preparation and Examination." The discussion of the law of Real Property in regard to titles is frankly incidental.

The main part of the book, that dealing with abstracts, appears to be very well done and should be of great value to lawyers generally. All lawyers are called upon to examine abstracts of title and an intelligent examination necessitates at least some familiarity with their preparation. In the smaller places, where there are no abstract specialists, lawyers are expected not only to examine titles but to prepare abstracts.

If the author had confined himself to the main topic, nothing but good things could be said as to the content. He essays, however, a pretty big task when he attempts to epitomize the law of Real Property. An accurate statement of the law in such a field as Real Property is a difficult task at best, but when any one attempts such statement merely as incidental to the discussion of another, though related, subject he must indeed be a superman if the result is to be satisfactory.

It may perhaps fairly be said to be astonishing that one should attempt the preparation of a book on *Titles to Real Property* without being familiar with such well known literature as Dean Ames' convincing explanation of the failure of the Statute of Uses to execute the second use in cases of a use upon a use. Yet on page 65, Mr. Thompson repeats the old statement that "the effect of the statute is *exhausted in the first use*" (italics mine). In truth it appears that the author was quite at sea when discussing uses, for on page 64 he makes the surprising statement that "A modern use, therefore, is an estate of right which is acquired through the operation of the Statute of Uses; and which, when it may take effect according to the rules of the common law, is called the 'legal estate,' and, when it may not, is denominated a 'use.'" No one can hope to understand fully our modern law of titles without a sound appreciation of the whole field of uses and the Statute of Uses. Is it surprising, then, that Mr. Thompson's epitome of the law of Real Property is open to criticism in many places as being either inaccurate or misleading?

To those who *know* the law of Real Property, the book will not be harmful; insofar as it may be used merely as a guide to the preparation of abstracts, it will be found very helpful. It is too bad that the author felt driven to attempt too much.

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The Relation of Custom to Law. By Gilbert T. Sadler. London, Sweet & Maxwell, Ltd. 1919. pp. viii, 86.

The author of this little book adopts Salmond's view that "custom is law not because it *has been* recognized by the courts, but because it *will be* so recognized, in accordance with fixed rules of law, if the occasion arises." (p. 51). The development of this proposition is useful and enlightening, as is also the author's insistence that any official or semiofficial interpreter of custom must of necessity not merely *declare*, but *modify* the custom he "declares," and so, whenever his declaration is fitted to the life-conditions of the society of which he is a part, add new customs by his decisions (ch. iii). The book is marred by slipshod proof-reading, by tedious repetition, by failure to drive home the relation of the evidence to the thesis, and, as it seems to this reviewer, by an injudiciously narrow concept of "law," as existing only under a modern "state." The chief blemish is, however, an apparently hopeless inability to single out incisively those "certain marks" which in fact distinguished customs which are laws from customs which are not (ch. iv). The writer sticks in the husk of the problem, confused and helpless amid the verbiage of the evidence he has collected. But he has collected evidence. The book is well worth the reading.

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American Labor and the War. By Samuel Gompers. New York. George H. Doran Co. 1919. pp. x, 377.

This book is a compilation of the principal speeches dealing with the issues and problems of the war which were delivered by Mr. Gompers during the four years, 1914-1918, and the official report and resolutions of the American Federation of Labor during this time. These speeches are in no way novel. They reflect the dominant sentiment of Americans during this period. Save for an occasional reference to the increased power or recognition of organized labor, the speeches might have been delivered by a representative of the capitalists. They are remarkably free from class bias. The dominant ideas in the speeches are that democracy must triumph over autocracy; that America is concerned if there be "unfreedom" anywhere, and that out of the war must come a society of nations that will prevent future conflicts.

It is interesting to note the vigorous opposition of the venerable labor leader to the proposals so often made by liberals both here and abroad during the latter half of the war; namely, that the allies should restate their war aims, that labor representatives from the allied countries should confer with labor representatives from Germany, and that some sympathy or consideration should be shown to the Russian bolsheviki. Mr. Gompers not only set his face resolutely against these proposals but vigorously condemned whatever seemed like pacifism, pro-Germanism, or bolshevism. At Rome, October 8, 1918, he bitterly arraigned what he called the Italian bolsheviki and their organ, the *Avanti*.

Aside from its service in setting forth the ideas of Mr. Gompers, the book is valuable for the record it contains of the recognition accorded to organized labor in America during the war. It is to be regretted that its publication was not delayed so that it might have contained the speech of Mr. Gompers at the June, 1919, convention of the American Federation of Labor in which he explained and defended his work in the labor council which sat at Paris during the early part of the peace conference and drafted the labor provisions of the peace treaty.

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