Yale Law Journal

Volume 33
Issue 8 *Yale Law Journal*

Article 8

1924

BOOK REVIEWS

BOOK REVIEWS

The Rational Basis of Legal Institutions. Vol. XI of the Legal Philosophy Series. By various authors. Editorial preface by John H. Wigmore and Albert Kocourek, and an introduction by Oliver Wendell Holmes. New York, The Macmillan Company, 1923. pp. xxxii, 603.

If reviewing books were the judicial function that it ought to be, I should be disqualified in this case. For as a member of the editorial committee of the Legal Philosophy Series my advice as to the making of this book was asked and in some cases followed. But as some of the notices of this book have been rather unjust in failing to take account of what the editors actually set out to do, a review from the latter point of view may be worth while.

The book is based on the assumption that it is very important that we should consider the reason or justification for the fundamental legal institutions. Put badly in this way, our assumption may sound like a truism the insistence on which can hardly seem necessary at a time when there is an apparently general acceptance of the idea that law is to be studied scientifically at a university and not as a mere trade at a trade school. But in fact we have two parties in opposition to the idea that the reason of the law is of any importance. In the first place there are the old-fashioned conservatives, who hold that the law is a closed body of rules—rules so definite that there is no use in theoretic discussion about them, since such discussion cannot change them. But neither history nor logic bears out this view. We know that the law has been constantly, if slowly, changing and that the reasons which judges and jurists have given for various legal rules have influenced the subsequent development (by the process of interpretation) of these rules. The *reasons* found in the Federalist or those given by John Marshall in *Marbury v. Madison* or in *McCulloch v. Maryland* have certainly been a determining factor in the subsequent development of our constitutional law. The same people who assert that law is law and has nothing to do with theory, generally rely confidently on such dogmas as that that government is best which governs best, etc. This and a host of other illustrations which will readily occur to any student of legal history would make the conservative's position untenable, if he were not, in his contempt for reason, reënforced (as conservatives generally are) by those who regard themselves as radicals, such as Marxians, positivists, behaviorists, and psycho-analysts. All these, while differing markedly among each other as to the causes of legal development, are united in the dogma that the reasons we give for any legal institution cannot possibly have any effective influence on its growth or administration. But without denying that economic and organic motives have their place in the law as in other fields of social life, it is rather easy to show that the dogmatic denial of all influence to reason, that we can keep on professing certain reasons without having them exert any influence, is just a snap judgment unsupported by serious evidence from the realm of law and in fact inconsistent with the profession of trying to improve its practice by better scientific teaching. For better or for worse the reason or justification for the law of property, contract, etc., is under discussion in the community at large; and the lawyer cannot ignore this or take the position that all discussion is absolutely futile. He must appeal to general principles in his defence of what he considers the legitimate interests of property, personality, etc. By reasoning also we transform the law from an endless catalogue of bare rules, remembered by rôte, into a coherent system deducible from principles and therefore more flexible and more easily adjustable to novel situations.

If the foregoing considerations have any merit, they show the necessity not only for the general theory or philosophy of law, but more especially for books which

will acquaint the students with the different influential views which have been actually held as to the rational justification (or condemnation) of the various fundamental legal institutions. To determine whether these reasons are sound or not will of course involve knowledge of history, as well as of contemporary social fact. But neither legal history nor contemporary social information can eliminate the necessity of a juristic analysis of the fundamental aims at the basis of the different legal institutions. Such an analysis is necessary, not only to determine to what extent the law actually renders the service claimed for it, but is also necessary for any coherent or truly scientific development of the law that exists. Indispensable as is a general textbook of the type of Dean Pound's "Introduction to Legal Philosophy," there is need also of a source-book which should give the different views as to the rationale of legal institutions in the words of their original or most powerful proponents, and should follow as far as possible the manner in which the law is generally split up in our law schools into a number of subjects such as persons, contracts, civil wrongs, property, crime, procedure, etc.

This volume then is to be judged primarily as an effort at a new type of text for students of law, occupying an intermediate position between the ordinary case-books and treatises on the general theory of law. It shares with the latter the aim of building up a general background against which the perspectives of various legal rules can be more justly estimated; but it shares with the casebook the pedagogic advantage of offering no ready solutions but compelling the student to weigh for himself the different contentions.

As to the manner in which Messrs. Wigmore and Kocourek have executed their task[1] it is very easy to be censorious—in fact too easy, since we are involved here in matters of judgment on which a wide diversity of opinion is possible. Thus many selections seem to me perfectly valueless, containing nothing but commonplace opinions dressed up in starched sociologic terminology. But possibly they are for that reason all the more valuable, as being perfect specimens of their kind, so plentiful nowadays. In any case I have no confidence that many more would agree with my own selection from the enormous literature of this field. I venture to think, however, that many of the needless repetitions in this volume could well have been omitted to make room for appropriate extracts from judicial decisions and other legal authorities to illustrate the way in which general social conceptions do in fact enter into the matter of strictly legal issues. Even more confident am I that it is an error to leave out the rationale of the institution of legal personality, and, even more so, of legal procedure. The logic of mathematical and physical science has made great progress by realizing that many fundamental principles or axioms are really rules of procedure, and similar progress in legal science will be blocked by too sharp a separation between substantive law and procedure.

Almost all the selections on property—which fill nearly half of the volume—illustrate what philosophers call the fallacy of vicious abstraction. Property is discussed as if it were just one simple thing existing by itself. In view of the fact that almost everyone believes both (1) in some amount of government or limitation on the right of individuals to do as they please, and (2) in some sphere of individual freedom to dispose of things in accordance with our pleasure, the significant question is not whether you are for or against private property, but rather where you will draw the line between public and private things and affairs. May there be private property in human beings (slavery), in public office, in the immoral use of things (intoxicants, etc.)? How far may a state expropriate an industry by entering into competition with it, or how far may it use the power of taxation to discourage undesirable enterprises? Questions of this sort are really more significant as to the meaning of private property than abstract arguments such

[1] On p. 28, l. 6, *obligations* is a misprint for *objections*. On p. 32, Sidgwick is made professor in 1833 though born in 1838.

as the one (p. 189) that private property is a guarantee of the desire for possession. For obviously the institution of private property is also a thwarting of this desire on the part of all who are not legal possessors. Indeed modern ownership of capital really amounts to a right to tax those who wish to use certain tools. This tax may be for the good of all in the long run, but the argument that such a system sets examples of thrift sounds too ironic (p. 366). Another type of argument which is singularly inconclusive is the one used by Mr. Paul Elmer More to the effect that private property despite its cruelty is necessary to our civilization. It might be replied that it begs the question as to whether a civilization that allows certain cruel injustices is worth preserving.

Indeed, the overpowering impression which the reading of this book makes on one interested in sound thinking, is the awful amount of nonsense written by worthy people on serious and momentous subjects. The very first selection, from Spencer, is based on a patent confusion between 'law of nature' as a uniformity of existence and 'law of nature' as a norm of what ought to be. Obviously, if laws of nature are absolute uniformities we cannot possibly violate them or act contrary to them, and to condemn certain legislation as an interference with them (pp. 4 ff.) is absolute nonsense. Though this confusion has been repeatedly pointed out by Huxley, Pearson and others, it continues to dominate popular thought. Nor is the laboriously conscientious Mill free from this confusion between what is and what ought to be (p. 16, end of sec. 2). But it is unnecessary to multiply examples. All absolute statements such as Mill's "The despotism of custom is everywhere the standing hindrance to human advancement," can be met by showing the equal truth of the contrary, e. g.: "All human advancement depends on the mechanism of habit or custom." It is only when through accurate factual knowledge we can reduce our statements to precise quantitative form, that any proposition about social life becomes more true than its contrary. So long as this is the case it behooves us to approach all these questions with profound humility and tolerance.

Meanwhile let us be thankful for a volume which contains such splendid and illuminating essays as those of Roscoe Pound, L. K. McMurray, and Charmont. They alone are well worth the price of the volume.

MORRIS R. COHEN

New York City

Cases on the Law of Bills and Notes. By William Everett Britton. Chicago, Callaghan & Company, 1923. pp. vi, 938.

This is on the whole a satisfactory casebook; it stands up under the test of classroom use. Its immediately outstanding features are up-to-date cases—157 out of 297 being on the N. I. L.; the inclusion of groups of N. I. L. sections in heavy-faced type in appropriate parts of the text; the inclusion of a list of States and dates of adoption of the Act, and of references to a considerable body of periodical literature; a set of annotations by quotations from other cases which are admirably brief and well-chosen, and are of particular assistance where it becomes desirable to skip cases without failing altogether to touch on the relative points; and, finally, the segregation in Part II of some 290 pages of material on the "Contractual Element" from which problems of negotiation and holders in due course are as far as possible excluded. In the main the cases are well-chosen and problem-raising rather than illustrative, although at times the compiler has slipped in this regard. The material is as satisfactorily allotted as one man can expect to find another's work to be; the compiler wisely refrained from including much more than illustrative notes on such portions of the Act as unambiguously define conditions of presentment for payment and of notice. The collections of cases on alteration, overdue paper, fictitious payees, and impersonation are especially good. As is proper, procedure and presumptions are developed with some fullness,

the difficulties of section 59 being the chief point on which more space seems needed. More attention might well have been accorded such modern developments as commercial letters of credit. But when this reviewer finds the generally neglected drawer-drawee relation receiving such attention throughout the cases as is accorded it by Professor Britton, he is little disposed to quarrel about omissions.

The move to include the text of the Act among the assignments is welcome. Professor Britton has not followed the arrangement of the Act, but has gathered together such sections as seemed to him to bear upon any particular problem. Occasionally, as where a section on sufficiency of presentment for payment is included without warning under "What Constitutes Presentment for Acceptance," the instructor is apt to be startled; further thought leads to the belief that such treatment challenges the student to comparison. It would do no harm to insert a trick section in almost every set of sections from the Act. As to the wisdom of thus grouping the Act's text where it seems to do most good, there may be question. "We do not teach illiterates"; and we need to encourage individual research into the statute. But if we insist on facing the facts of court decisions, and cutting beneath the bark of phrases, it would seem to behoove us to do the like with the facts of our own teaching. And he is a rare student who under present conditions does with the Act what we want done; the drilled-in tendency to look almost exclusively to the cases (and to those in the casebook), and the inertia of ordinarily human students holds the bulk of most classes in its grip. Putting the Text into the text helps. I should like to see the method varied, by omissions and by giving notice of omissions; by deliberately misleading or irrelevant inclusions, to force thought, if such a thing be possible. But the compiler's move remains welcome; and is convenient, as well, for the work in class.

The Part II already referred to deserves particular consideration. Its cases are peculiarly well chosen to bring out the business situations underlying the problems. Its only defect of which the reviewer would complain is that a wise move was not carried to completion: how, for instance, can "the rights of the holder" be fairly excluded from a discussion of the relations between immediate parties?

As this reviewer has already indicated (BOOK REVIEWS, 22 COL. L. REV. 770), a course in commercial paper seems to him to center on the definition of the normal obligations on that paper and in relation to it; it is in those obligations that the essentials of the law of bills, notes and checks are to be found; it is in their study that the uses and functions of the various kinds of paper appear.

Fixing one's dominant attention on the element of negotiability leads to a number of what seem exceedingly undesirable results. In the first place, whether necessarily or not, it has in fact led to thinking of "negotiable" as a term of unvarying content. Yet it is clear that a holding that an instrument is a "negotiable note," so as to sustain a count in a complaint, or to raise a presumption of consideration, or to make sections 14, 15, or 17 of the Act applicable, is by no means of necessity a holding that the same instrument could be transferred in such manner as to create a holder in due course; nor is the existence on its face of conditions, etc., forbidden by the N. I. L. conclusive that a bona fide purchaser cannot acquire all the rights purporting to be carried by the document. In this connection the negotiability element of bills and notes can and should be studied in conjunction with the modern developments as to other commodity and credit paper. In the second place, the fixing of attention on negotiability has tended to confine study to those documents held negotiable, whereas the problem of the practitioner is, a good part of the time: what are his client's rights, now that he is sure the document is non-negotiable? What are they when this seeming check is drawn payable alternatively at any one of three banks? Lastly, the emphasis on negotiability—though again, perhaps, not of necessity—has tended to produce a lumping together of checks, bills, short term notes, and investment paper which lamentably obscures

their differences in function and the desirability of consequent differences in form and, indeed, in rules. There is no reason, for instance, why stolen bearer bonds should not pass to a holder in due course free of title-equities, even when they are expressly on their face subject to the terms of a mortgage and even in law subject to possible equities in favor of the maker. Professor Britton in his Part II has made a good beginning toward a more solid treatment of the commercial paper field. But material on non-negotiable paper one will as yet seek in the casebooks in vain, and that is to be regretted; in notes, at least, suggestions along that line might be given without undue loss of space.

The reviewer's own preference for thinking of negotiability in terms of the sum of those conditions which make possible the creation by transfer of all that the paper calls for would lead him to differ somewhat from Professor Britton in arrangement, putting much of the material now placed under "holder in due course" under the first heading of the book, "operative facts of negotiability," which corresponds to the more usual heading "form"; and treating the balance of material on holder in due course as conditions, *other than form,* on negotiability. rather than as a "legal effect of negotiability"; for like reasons of definition the reviewer would regard transfer not as a "legal effect of negotiability" but as a situation where negotiability was immaterial (a scattering of real party in interest cases notwithstanding). These differences are, however, of no moment save as they bear on such a possible reworking of the whole commercial paper field as the reviewer feels to be impending and called for.

A lack to be regretted is that of examples of the numberless as yet largely unlitigated forms of instrument now current, and of the problems arising in their use. Some day the inclusion of such material will be recognized as a vital part of every casebook. Nor would it seem unreasonable to ask, ultimately, for notes on the working of the rules in practice: the effect of metropolitan banking in producing rather amazing numbers of irregular and probably ineffective protests, for instance; or the absurdity of the rule that failure to give notice discharges, regardless of loss suffered. After all, we are interested in the law not in the books, but in action; and where the law-in-the-books gives but an imperfect view of our objective, it must be supplemented.

KARL NICKERSON LLEWELLYN

Yale Law School

A Treatise on the Law of Corporations Having a Capital Stock. By William W. Cook. Eighth Edition. Six Volumes. New York, Baker, Voorhis and Company, 1923. pp. c, 5936.

It is now thirty-six years since Mr. Cook presented his first work on corporate law to the profession. The first book was limited in scope as compared with later editions, since it dealt with the law of stock and stockholders instead of The Law of Corporations having a Capital Stock, the title of the 8th edition just off the press. This period is notable as having witnessed the phenomenal development of corporation law. The decisions of the courts involving corporations for this time vastly exceed in number all previous decisions of English and American Courts on this subject.

Not only has corporate law grown in bulk, but it has been materially changed in concept and scope, so that decisions of a decade ago even, have become obsolete, and new theories of corporate personality and action are in process of developing. Mr. Cook has been an active and potent factor in this field. Successive editions of his work have made him not merely a leading, but the leading authority with the bench and practicing bar, and no other book in this field has been so frequently and favorably referred to by the courts. That the 8th edition contains nearly eight times the number of pages found in the first edition

is a striking illustration of the vast and increasing bulk of case law in this field with which the student of associated action is compelled to deal. The author has endeavored to include all the decisions of American courts of last resort.

In all these thousands of pages the text does not occupy on the average more than one-half of the page. Considerably more than half the space is occupied with long notes, collecting the cases. This treatise has been before the profession so long and has been so generally used that any extended comment on its classification and style of treatment is superfluous.

The reader who expects to find in this treatise a critical and analytical discussion of the law of associated action will be disappointed. The ambition of the author to present all the decisions is incompatible with such a treatment. Wigmore in his treatise on Evidence has in a large measure attained it, but Mr. Cook has not even tried.

The profession has found the earlier editions and will find this edition a vast and never failing reservoir of precedent. It is a digest, yet it is something more than a digest. The author has a certain gift of statement, if not of analysis, which makes his text quotable. Decisions which have approved of the text of former editions are referred to in great numbers in the notes, thus adding mightily to the value of the text in the eyes of the practitioner in search of authoritative material. The author does not permit himself the luxury of discussion on principle. His statements are always heavily fortified by notes.

The method of dealing with material throughout the work is fairly well indicated by a quotation from Sec. 668 on ultra vires. "The attempt to formulate general rules on this subject has only added to the confusion; accordingly the plan of explanation pursued in this work is to state those acts which have been adjudged ultra vires and also those acts which have been adjudged intra vires."

The eighth edition really represents the accretion on the seventh edition, made by the decisions during the last ten years. The analysis is the same, and the text for the most part the same. Chapter XXIX dealing with unincorporated associations and Massachusetts trusts is new. Chapter XXX dealing with a stockholder's right to inspect corporate books contains some new matter dealing with unreasonable searches and examinations. Chapter XXIV dealing with the taxation of shares of stock contains five new sections treating the more recent federal and state legislation on corporate taxation. Chapter III on watered stock contains some additional matter, particularly sec. 45d touching upon what appears to be one of the author's pet aversions—non-par stock.

The sixth volume is devoted to forms, table of cases, and index. The forms, 199 in number, appear to cover every conceivable situation from the inception to the end of corporate life. The approved methods of intertwining corporations in an almost inextricable mass that is driving courts to tug at, if not actually to lift the corporate veil, are here set out. These forms are not the happy inspiration of a printer, but the tried and true methods that have stood the shock of court decision and practical administration in the business world. They are all well worth the attention of the student of corporate law, as well as of the lawyer searching for a way to accomplish his client's wishes.

These shells of things, neatly labelled and ready to wear, throw much light on the life of the animal within. The table of cases is a veritable Niagara of precedent flowing on in double column for 691 pages. If all the law is not here, it ought to be. The index is well arranged and affords a fairly adequate guide to the great mass of material. The work is obviously written for what the author calls "the hard-headed lawyer" interested in finding material to support his clients' interests, and for that purpose it can not fail to serve its objective. The student of corporations will not find in it the same joy. His task at least is not so immediately practical. He is seeking to discover in this myriad of precedent the signs of order and system. Is the law but a great jelly-like mass

responding to every impulse from without, or has it a skeleton with definable functions and limitations? To such a seeker the present work is but collected raw material from which a form must be moulded, and a purpose found. The author has not attempted the task which Morawetz and Taylor set for themselves in this subject, of examining critically the foundations of associated action, which we call the law of corporations.

The preface is of interest since it is a dissertation on a number of topics more or less related. Impressed and depressed by the "wilderness of precedent and myriad of special instances," the author states that the crying need of the profession is a comprehensive and practical treatise on all law similar in form and style to the commentaries of Blackstone and Kent, which in his opinion so admirably served their generation. Whether the proposed treatise shall be on the science of law, philosophy of law or a comparison of law, the author professes to be in doubt, though his comments on Holland and the school of analytical jurists show pretty clearly that he does not believe there is much hope in that direction. To quote, "Even to the student of law this scientific view of the law must be somewhat visionary. Certainty in the law is but a dream, whether evolved from the scientific school, or the historical school, or the philosophical school or all combined."

In his opinion the certainty of the civil law is nothing but evil since it has put the law in a "straight jacket." The failure of the common law to define and classify everything while it produces uncertainty is at once its glory and opportunity since it leaves the door open for growth to solve the new problems of justice. "Justice, the supreme end, is undefined and undefinable. Science contributes but is baffled when it comes to the growth of great moral forces."

A study of comparative law is his way out. Distrustful as he is of the various schools of legal thought, he turns to the law schools as the final hope, when he suggests that the best future law books will have to emanate from law school professors. He also suggests four great juristic centers for the United States with faculties of highly paid professors, who shall devote a major part of their time to preparing treatises on various branches of the law, studying and working out problems of the law and advising bar associations, legislative committees and governors. Their duties as professors would be nominal, their real work being creative.

All of which means the conscious and systematic development of a philosophy of the common law that will make possible an orderly and scientific development of our legal system without the makeshifts and fictions by which our courts have sought to escape the rigid bonds of form and precedent. The plea for a concise and simple statement of the entire body of our law finds answer in the work of the American Law Institute, which has that precise objective.

It is gratifying to find this distinguished fabricator of tools for a hard-headed profession giving his indorsement to the law teachers and lawyers who are striving to make our common law a more perfect instrument of justice.

HENRY SANGER RICHARDS

Wisconsin University School of Law

De la Condition des Sociétés Étrangères aux États-Unis d'Amérique. By Pierre Lepaulle. Paris, Librairie Arthur Rousseau, Rousseau et Cie., 1923. pp. lviii, 274.

The present volume, dealing with the condition of foreign corporations in the United States, appears as the first of a series of monographs on Foreign Law, Comparative Law, and International Law, to be published under the direction of Professor Henry Lévy-Ullmann, of the University of Paris. The French jurists have been leaders in the study of Comparative Law in the past. For many years

courses in Comparative Law have been offered by the leading law faculties of France, notably by the Ecole de Droit of Paris. Very important work in this field has been done also by other bodies, for example, by the Société de Législation Comparée, which was founded more than fifty years ago. Since the close of the Great War the French jurists have determined to carry on their work in the field of Comparative Law on a still more comprehensive scale. Evidence of this fact may be seen in Professor Lambert's Institute of Comparative Law at Lyons, in the seminaries of Comparative Law created in the French law schools, in the new review on Comparative Maritime Law, which is to consist of four volumes a year and an additional supplementary volume, and in the series on Comparative Law, of which the present is the initial volume. All these undertakings are the expression of a desire to attain a better and a more scientific understanding of the legal order of the world, and by so doing to prepare the way for more intelligent and more uniform legislation.

M. Lepaulle is an advocate of the functional method in dealing with legal problems (see his article on *The Function of Comparative Law* in 35 HARV. L. REV. 838) and he approaches the subject of the condition of foreign corporations in the United States from that point of view. He inquires, therefore, not only into the legal rules and provisions that are applicable in the various states to foreign companies, but also into the social and economic forces behind the rules and into the functioning of those rules in actual practice. For this reason he studies with especial care the administrative machinery by which the rules and regulations are put into effect and the manner of its operation in the various states.

M. Lepaulle is a Doctor of Laws of the University of Paris and he has studied for three years at the Harvard Law School. Thoroughly at home in the systems of the civil and the common law, his observations regarding our law of foreign corporations are both interesting and valuable. The work is written, of course, primarily for French jurists, who are unacquainted with the American system of law. In the nature of things, it contains, therefore, much that is elementary to an American lawyer. He deals with the subject in all of its aspects in order to present to the French reader an adequate picture of the American law applicable to foreign corporations.

A work dealing with such a difficult subject is naturally not wholly free from imperfections. The author accepts, for example, without an examination into its merits, the territorial theory of law in the discussion of the problems of the Conflicts of Laws. Under the circumstances, this was perfectly natural. It is regrettable, nevertheless, that he should have neglected to take advantage of the opportunity afforded to inquire, by independent investigation, into the soundness of the above theory. The work as a whole is, however, one of conspicuous merit. It is a fine example of the functional method in the exposition of an important topic in our law, and as such it may be highly recommended to the American reader. It is written in a lucid style and can be easily understood by all possessing a slight knowledge of the French language.

ERNEST G. LORENZEN

Yale Law School

The Law and Practice in Bankruptcy. By William Miller Collier. Thirteenth Edition. By Frank B. Gilbert and Fred E. Rosbrook. Albany, Matthew Bender & Company, 1923. 4 vols. pp. li, 4119.

The United States Bankruptcy Act was approved July 1, 1898. In September, 1898, appeared the original edition of Collier on Bankruptcy, intended, as its author states, to "blaze the way" to a correct interpretation of the new statute. During the succeeding twenty-five years thirteen editions of the work have been

brought out. Most of these successive editions have been scarcely more than reprints of the prior edition, with the addition, chiefly in the notes, of citations to cases decided during the interval between editions. At last we have a really new edition in which the editors have brought the text as well as the notes down to date.

In this thirteenth edition much of the text seems to have been rewritten and greatly improved. For example, in the chapter on Section 60, which deals with preferences, the introductory synopsis of the section has been reanalyzed, the topical arrangement bettered, new material added, and the text considerably expanded and clarified. Authoritative Supreme Court decisions, such for instance as *Carey v. Donohue* (1916) 240 U. S. 430, 36 Sup. Ct. 386, are taken note of in the text and the discussion of what is meant by the statutory phrase "if recording or registering is required" is made far clearer than in the earlier editions. Similar improvements have been noted in other chapters which have been examined. No change, however, in the general plan of treatment has been attempted. Each section of the Act continues to be discussed in a chapter of its own. This arrangement is believed to be the most convenient method of dealing with a statutory subject such as bankruptcy and is perhaps the chief reason for the popularity which Collier on Bankruptcy has attained with practitioners.

The first two volumes contain the treatise, the General Orders in Bankruptcy, and a new feature consisting of a time table showing the time required for the performance of the various steps in bankruptcy procedure. Volume three is devoted to a very complete set of forms with annotations. The last volume contains the Bankruptcy rules and the federal equity rules, all of the United States Bankruptcy acts, the Canadian Act and a general index and table of cases. The new edition is printed more legibly than the old.

In making so many changes and improvements in the text the editors of the new edition have materially increased the value of this much-used treatise.

THOMAS W. SWAN.

Yale Law School.

BOOKS RECEIVED

War and Armament Taxes of Japan. By Ushisaburo Kobayashi. New York, Oxford University Press, American Branch, 1923. pp. xiv, 255.

Report of the Forty-Sixth Annual Meeting of the American Bar Association. Baltimore, The Lord Baltimore Press, 1923. pp. 1068.

Proceedings of the Bar Association of Tennessee. 1923. pp. 173.

Eight Great American Lawyers. By Horace H. Hagan. Oklahoma City, Harlow Publishing Company, 1923. pp. 293.

The Saar Controversy. By W. R. Bisschop. London, Sweet & Maxwell, 1924. pp. v, 186.

The Young Man and the Law. By Simeon E. Baldwin. New York, The Macmillan Company, 1924. pp. xi, 160.

Cases on the Conflict of Laws. By Ernest G. Lorenzen. Second Edition. St. Paul, West Publishing Company, 1924. pp. xxiii, 1096.

Legal Philology. Epigrams and Excerpts from the Legal Opinions of Hon. Henry Lamm. Selected by Fred C. Mullinix. St. Louis, The F. H. Thomas Law Book Company, 1923. pp. 344.

Jones on Evidence. Third Edition. Revised by William Carey Jones. San Francisco, Bancroft-Whitney Company, 1924. pp. xxvi, 1661.