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BOOK NOTES

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The law as administered in action, moreover, rests neither in statute nor in appellate decision, but largely in the discretion of the trial court, which in these "litigations" is made up of ethical ideas, wide experience in sordid cases, and a sense of judicial futility. A very high percentage of marital controversies are presented *ex parte* with little likelihood of appeal unless a decision is rendered adversely to the plaintiff. Trial courts are virtually unchecked, as a matter of actuality, by anything in statutes or in decisions, or even in the real facts of the particular case, as distinguished from facts as presented to the court, in administering what seems to them sound justice. Under these circumstances it is not perhaps strange that "sound justice" should so often be on the side of the plaintiff. A reviewer may therefore be pardoned for feeling that while this book refers to and discusses a vast quantity of interesting and valuable legal material more fruitful work remains to be done in other directions.

Harvard Law School.

WILLIAM E. McCURDY.

Book Notes

DIE AKTIENRECHTE DER GEGENWART: GESETZE UND ENTWÜRFE IN RECHTSVERGLEICHENDER DARSTELLUNG. By Dr. Walter Hallstein. Berlin: Verlag von Franz Vahlen. 1931. pp. vii, 408.

WANDERUNGEN GEWERBLICHER KÖRPERCHAFTEN VON STAAT ZU STAAT ALS PROBLEM DES INTERNEN UND DES INTERNATIONALEN PRIVATRECHTS. By Dr. Joachim von Spindler. Berlin: Carl Heymanns Verlag. 1932. pp. iv., 90.

BOTH books contain comparative studies in the field of private corporations. The one by Professor Hallstein gives the law of all countries on the subject of private corporations in general, and under the following chapter headings: 1. Corporations and the State; 2. Legal existence, object and name; 3. Capital, shares, and bonds; 4. Founding; 5. Amendments to charter; 6. Membership; 7. Meetings of shareholders and directors; 8. Dividends; 9. Dissolution, merger and consolidation;—a gigantic task, upon which only a German scholar would venture, and executed with rare skill and judgment. The book, standing alone as a complete survey of the existing world law and of the drafts of new legislation on the subject, should be of great interest to all scholars in this field.

Dr. Spindler deals with the "tramp corporation", a species little known on the continent. He gives the German law with a comparison of the law of France, Italy, England and the United States. The monograph contains useful information for the continental student, but little that is helpful from the standpoint of American law, owing to the fact that the "seat" (*siège social*) of the corporation is the all important factor on the continent instead of the law of the state under which the corporation was organized.

INHERITANCE TAXATION IN CONNECTICUT. By Charles M. Lyman. Volume III of Probate Law and Practice of Connecticut. By Cleaveland, Hewitt and Clark. New York: G. A. Jennings Co., Inc. 1932. pp. xiii, 373. \$7.50.

IN effect this volume is a supplement and appendix to Volumes I and II of Probate Law and Practice of Connecticut by Cleaveland, Hewitt and Clark; although its utility is not dependent on use in conjunction with the two

earlier volumes. The digest of the Connecticut succession and estate tax statutes chronologically arranged presents a survey of the history of inheritance taxation in Connecticut. The practitioner may thereby trace any particular section of the statute from its inception in 1889 to the present date, without the necessity of making a laborious search through the numerous statute books.

The author apparently recognized that the scarcity of case law dealing with inheritance taxation in Connecticut rendered impractical any attempt to treat the subject in extensive text form. The Federal Estate Tax is admittedly given brief treatment because of lack of space necessary for any adequate consideration. Connecticut practitioners already possessing Volumes I and II will find Volume III a helpful addition to the series, especially in its cross-references to Chapter XX of Volume I and to its supplement Volume II.

CASES ON THE LAW OF CONTRACTS. Second Edition. By George P. Costigan. Chicago: Commerce Clearing House, Inc. 1932. pp. xxxvi, 1112.

THE first striking feature of this second edition is that it discloses a reduction in size from some 1500 pages to about 1100 pages. This reduction is attained by the omission of 25 pages of introductory historical excerpts and 210 cases that were in the first edition. In place of these, there have been substituted about 70 new cases. Among the omitted cases are very few that will be seriously missed by former users of the book. Thirty of the new cases deal with the subject of Damages, a subject not separately considered in the first edition. Of the remaining new cases, about three fourths are the work of the courts since the first edition was published in 1921. The scholarly notes that were in the first edition are generally retained, and are frequently revised and extended, with references to the American Law Institute Restatement of Contracts. The new edition is clearly an improvement over the first and is an excellent law school text.

PROGRESS IN INTERNATIONAL ORGANIZATION. By Manley O. Hudson. Stanford University: Stanford University Press. 1932. pp. ix, 162. \$1.50.

MANLEY HUDSON'S name has long been associated with the movement advocating the United States' membership in the League of Nations, so that it is but natural to find his lectures on the progress in international organization, given under the auspices of the Borah Foundation for the Outlawry of War at the University of Idaho, devoted to a favorable summary of the League's work, and followed by an appendix containing the Covenant of the League and the Statute of the Permanent Court of International Justice. Undoubtedly few of his hearers were familiar with the work on economic problems which the League has sponsored or with its publications, which make available, in many cases for the first time, much material in this field. In bringing this to their attention, Mr. Hudson performed a valuable service both for the League and his hearers. However, his treatment of political problems leaves much to be desired. From a man of his training whose contacts with the League have been many and intimate, a more detailed and critical survey might have been expected. The brevity of his discussion of such issues as the use of arbitral procedure and the efforts for international organization before the war, of some of the cases decided by the Permanent Court such as the Austro-German

Customs Union Case, and of the position of the United States with regard to these problems is disappointing. He has raised many objections which have been made to American membership in the League but his answers by their brevity have failed to go to the essence of the issue. With due regard to the limitations placed upon a lecturer, it seems that Mr. Hudson's treatment of international organization in all but economic matters, fails to satisfy, as far as a lecturer can, the queries of his audience.

CASES ON CODE PLEADING. Third edition. By Edward W. Hinton. Chicago: Callaghan and Co. 1932. pp. xvi, 651.

THE third edition of this famous casebook bears the same stamp of careful workmanship which characterized its predecessors. The addition of many new cases and extensive references to recent literature on code actions, brings this latest edition completely up to date; while the chronological arrangement of the cases can hardly fail to give the student an historical perspective of the development of code pleading. For his modern material the author draws heavily upon the decisions construing the New York Civil Practice Act of 1920; and in the topical rearrangement of the subject matter, starts with the form of the code complaint instead of decisions struggling to define the "cause of action." From a pedagogical point of view, this would seem to be a considerable improvement. Probably prompted by a desire to present without a break each successive step of the pleadings from the complaint through demurrers and answers to the reply, the author has apparently thought it more satisfactory to take up questions of parties at the conclusion of the course. And although the practicing attorney is probably concerned with the question of parties in the very early stages of trial; from the teacher's angle, much can be said for the logic of Professor Hinton's presentation.

CASES ON COMMON LAW PLEADING. Second edition. By Edson R. Sunderland. Chicago: Callaghan and Co. 1932. pp. xxix, 693.

IN his second edition of *Cases on Common Law Pleading*, Professor Sunderland has attempted to eliminate those cases which are so technical and lacking in concrete detail as to produce in the student's mind what the author terms "a confused impression of unreality." He seeks further to achieve this desirable result by the addition of a considerable number of cases in which the facts are at least superficially related to possible present day disputes. But although Professor Sunderland's effort to remove the student's "confused impression of unreality" appears successful when compared with other similar attempts, the limitations of the subject matter are such that the course in common law pleading, whether taught from this author's casebook or some other, will surely remain exceedingly "unreal" to the vast majority of law students who have neither a flare for the purely historical nor a love for the purely logical.

If student interest in pleading is to be stimulated by developing a sense "reality," it can probably be better accomplished by discarding the course in common law pleading, as such, and replacing it with an integrated course in modern pleading and procedure which would embrace as much of the former

as may be necessary to understand particular aspects of our present systems of procedure. An attempt to make common law pleading "real" is comparable to an effort to revive classical Latin as a spoken medium.

THE SECRETARIES OF STATE (1681-1782). By Mark A. Thomson. London: Oxford University Press. 1932. pp. 206.

THIS book presents an account of the office of Secretary of State in England from the reign of Charles II (1681) to the year in which the secretaryships for the Northern and Southern Departments were amalgamated (1782). The history of the secretaryship is shown to be closely connected with the history of the transition from government by king to government by ministry. No attempt has been made to give a detailed account of each Secretary, but the emphasis is laid upon the administrative organization of the office throughout this period and the relation of the Secretaries of State to the King, the First Lord of the Treasury and Parliament. The appendix contains reprints of extracts from documents of state, a list of the Secretaries occupying office during this period and an extensive bibliography.