

treated as a ritualistic dogma in which it is possible to have ". . . one rule of law more sacred than another. . . ." This treatment strips off the ancient verbiage and discloses the universality and humanity of future interests situations. Footnotes range from a popular song<sup>6</sup> to an account of the pecuniary difficulties of a Duke by TIME, INC.<sup>7</sup> The full account of the *Perrin v. Blake* controversy<sup>8</sup> and the description of Mr. Eaton's hirsute adornment<sup>9</sup> lend piquance. For some unaccountable reason no photo of Mr. Shelley is included in the collection. Students are now reading footnotes who previously never noted their existence.

The book as a whole is a fine job. Some criticism has been placed in the foregoing; but it will be noted that the shafts are aimed at non-vital spots. Professor Leach has presented material for a better future interests course in a more intelligent, and, at the same time, a warmer and more human way than ever before. Teachers of future interests have always known that they were presenting the most fascinating material in the legal curriculum. Professor Leach has improved the available material and provided us with a show case that will display it to advantage.

J. John Lawler.

The University of Texas.

*Cases on Torts*. By Charles M. Hepburn; Second Edition by William M. Hepburn and Archibald H. Throckmorton. St. Paul: West Publishing Co., 1935. Pp. xxxi, 1071.

Hepburn's *Cases on Torts* has for years been a storehouse of valuable and accurate information. The meticulous scholarship of its first editor made it a reliable guide to the law of the field. The book has not suffered at the hands of the present editors either in workmanship or arrangement. Indeed, they state that they have for the most part retained the analysis employed by Dean Hepburn in the first edition, making only slight rearrangements and some simplifications.

New cases have been selected with care but the old landmarks have been retained. An increased number of citations to the periodical material is noted. Most interesting, perhaps, is the extensive use of the *Restatement of Torts*. Particularly in the chapters on Assault and Battery, Trespass to Land and Conversion, the black-letter propositions are often included in the footnotes. Throughout the footnotes contain much helpful information and valuable references and their frequency and character indicate a high degree of industry in the preparation of the volume.

The preparation of a casebook on any subject, of course, carries with it the editor's approach to the legal problems involved. There are several current techniques in presenting Tort materials. There is, of course, the Bohlen method of arranging doctrinal formulae on a functional frame of interest classification. Again, there is the Green technique of using the interest-harm framework but arranging cases on a factual basis. Dean Hepburn's scheme was to emphasize the procedural technique as an instrument of analysis. Choice between these techniques is pretty much a matter of taste. They are obviously all good because

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<sup>6</sup>"No! No! A thousand times No!" p. 241.

<sup>7</sup>P. 997.

<sup>8</sup>P. 134.

<sup>9</sup>P. 965.

they have been originated by great teachers. Whether other teachers can use one or another more effectively is a matter which cannot be determined by objective tests. Like many other teaching problems, it is one almost entirely for the individual. It is pretty clear that any modern teacher of Torts must place some emphasis on the historical development by procedural devices of delictual liability. It is also clear that he will not ignore those realities which constitute the factual situation out of which the legal problem emerges and those equally real formulae which courts employ, sometimes to guide the formation of their judgment and sometimes to express the judgment reached from more impelling considerations. Just how he will want his casebook arranged may vary somewhat from time to time and problem to problem. Indeed he may sometimes wish, as the present reviewer frequently does, that he could use all of the several available casebooks, including Hepburn's *Cases*, at the same time.

*Fowler V. Harper.*

The University of Texas.

*Bankruptcy in United States History.* By Charles Warren. Cambridge: Harvard University Press, 1935. Pp. 195, \$2.00.

This monograph by Charles Warren represents an amplification of a series of lectures delivered by the author at the Law School of Northwestern University in November, 1934. These lectures were prepared with the assistance and under the auspices of the Julius Rosenthal Foundation, an endowment established in 1919 to assist in carrying on scholarly legal research.

The distinctive feature of the book is the viewpoint from which it was written. The author believes that it is only from a careful study of the various arguments advanced by advocates and opponents of a statute that a law can be fully understood. In other words, in order to understand a law it is necessary to appreciate thoroughly the conditions which produced it. Accordingly Mr. Warren has stated the purpose of this volume as being the presentation of "the subject [of bankruptcy] in its proper historical setting."

To achieve this end, the author has apparently consulted all possible sources of information bearing upon the development of federal bankruptcy legislation in the United States. His greatest reliance, however, has been placed upon the Congressional Record and upon the speeches and writings, both published and unpublished, of the political leaders who have advocated and opposed such legislation since the beginning of our national history. Indeed, Mr. Warren deserves a medal of some sort for the painstakingly thorough manner with which he has combed through the many volumes of the Congressional Record for all references to this subject.

The author divides the history of bankruptcy legislation in the United States into three periods. The first period, covering the years 1789 to 1827, was characterized by sporadic agitation, largely from the creditor classes, for a federal law which would give the creditor some control over the property of an insolvent debtor and restore "to active trade-life the thousands of insolvent debtors then in jail or unable to resume business by reason of the load of undischarged debts." The period saw the enactment of the first federal Bankrupt Act in 1800, which provided a system of involuntary bankruptcy. Three years later this law was