

June 1945

Book Reviews

William F. Zacharias

G. Maschinot

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Recommended Citation

William F. Zacharias & G. Maschinot, *Book Reviews*, 23 Chi.-Kent L. Rev. 283 (1945).

Available at: <https://scholarship.kentlaw.iit.edu/cklawreview/vol23/iss3/6>

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BOOK REVIEWS

QUESTIONED DOCUMENT PROBLEMS. Albert S. Osborn, revised and edited by Albert D. Osborn, New York: Boyd Printing Company, 1944. Pp. xxviii, 486, with bibliography.

A well-equipped law library is sure to contain two earlier works by Albert S. Osborn, for his "Questioned Documents," first published in 1910, and his "The Problem of Proof," issued in 1927, have become essential handbooks on certain phases of evidence law. This companion work, not intended to take the place of either of the others, presents definite suggestions to the lawyer and the document examiner who may have occasion to face an issue as to the validity of a doubtful or even spurious document.

Much of the book is a reprinting of materials that have appeared elsewhere or represents the reduction to print of papers read at scientific meetings. Unfortunately, repetition is likely to creep into a work prepared in such fashion unless subjected to intensive editorial treatment, so the reader is apt to be impressed with the feeling that the material has been poorly integrated. One might almost remark that there is as much internal evidence throughout the book to prove the authorship of the several parts as would convince a handwriting expert that a given specimen was genuine from the constant reiteration of peculiar characteristics in penmanship.

If faults of this kind are not permitted to detract from the message conveyed, however, there is much in this book to be read with profit. No small feature is the challenge provided the reader to check his own skill in detecting similarities and dissimilarities in handwriting samples. Certainly, the suggestions as to testing, photographing, and protecting the questioned document are of supreme value as are also the outlines of study to be pursued by one who might plan a career as a questioned document examiner. A critical bibliography of recent publications on the subject should be more than helpful, while the references to decided cases involving problems of proof of this specialized topic are especially valuable.

The author has a tendency, though, to depart from his main thesis—if that thesis can be gathered from the title given this book—to tilt at more than one windmill that has stood alongside his path in a long lifetime of experience as a lay witness. It may be captious criticism to say that such asides have little bearing on the fundamental problems covered, for the discussion lets welcome fresh air blow into more than one musty corner of the law. His suggestions for the improvement of the administration of justice, for the development of a system of ethics among professional witnesses, and even for enhancement of the law school curriculum are worthy of notice even though they may be said to be out of place. The advice he extends

to the young lawyer discloses a sympathetic understanding of the needs of the novitiate. Digressions by one so obviously sincere can well be condoned.

W. F. ZACHARIAS

CASES ON AGENCY. Warren A. Seavey. St. Paul, Minnesota: American Casebook Series, West Publishing Company, 1945. Pp. xxix, 676.

This publication comes to fill the need for modern cases in the casebooks on the law of Agency. The author feels, from his many years of teaching experience, that students crave for recent cases, and he ministers to their desire. Indeed, from the very first chapter the student might possibly get the impression that all law on the subject had its origin in the Restatement. Yet he will find in the first two chapters alone, in concentrated form, alive and replete with the most modern fact situations, a rather complete survey of Agency law including references to agency for two principals and borrowed servant problems.

Older members of the teaching profession will be startled by the absence of footnotes and the scarcity of additional citations. References to the Restatement and to articles by the author and by Professor Wambaugh are not lacking, but footnoted compilations are omitted. Most will agree, though, that the average law student of today feels it below his dignity to read footnotes or to look up citations. He will never miss them, whereas both the publisher and the war effort will benefit from the resultant saving of paper.

Except for simplification, and except for the absence of discussion over weight of authority and minority holdings or the omission of historical consideration of the evolution of the law, the book is thoroughly modern in its arrangement of cases. Typical factual situations are grouped together. While cases involving negotiable instruments remain interspersed throughout the book, the systematic omission of most workmen's compensation and labor law cases will, no doubt, be approved by all.

It has been sometimes thought an art to present a conclusion first and, having thus aroused curiosity, to devote the rest of a given work to the exposition of that conclusion. The instructor who prefers to conform to traditional methods may well begin at Chapter Three, using the beginning of the book for review purposes. The modern-minded innovator, however, will make full use of this artistic method of exposition to develop the interest of his class in the subject.

G. MASCHINOT

MONEY AND THE LAW. Proceedings, Institute on Money and the Law, 1945, New York: New York University School of Law, 1945. Paper, pp. viii, 159.

A volume of addresses delivered at a technical institute can make dry reading. In direct contrast, the fifteen papers reported in this volume, presented at a joint conference on the economic, political and legal issues raised by the Bretton Woods and Dumbarton Oaks proposals, possess a high degree of interest not only because of their timeliness but also because they represent a scholarly appraisal by experts of matters of grave concern.

It would not be expected that fifteen eminent men in fields so generally as wide apart as economics and law could come to substantially similar conclusions on proposals for international co-operation like these, for such plans have been said to mean "all things to all men." It is a fact, though, that each one of the contributors reasons toward the result that much will need to be done before plans of this type can be made into effective agencies for peace. No one of these experts decries the proposals as utterly unsound, either in law or economics, but each advances the points of criticism he considers important. The result is that no less than fifteen different weaknesses are disclosed in the planned structure. If these defects are not corrected, the whole idea would be likely to collapse before the impact of reality thereby jeopardizing human faith in the ideal of international unity. In fact, suggestions emanating from the Bretton Woods conference would, in the opinion of some of these experts, be more likely to produce monetary inflation than to control it.

The criticism is not all destructive, however, for excellent suggestions for revision are made. In view of the fact that the Bretton Woods and Dumbarton Oaks proposals have not been submitted on the "take it or leave it" basis that accompanied the recommendation for American participation in the League of Nations, it is to be hoped that at least some of these recommendations will be given consideration. One thing is certain, this publication provides excellent ammunition for anyone who wishes to debate the wisdom of the more recent of the *new* New Deal plans for world betterment.

W. F. ZACHARIAS

MUNICIPALITIES AND THE LAW IN ACTION: 1945 Edition. Edited by Charles S. Rhyne. Washington, D. C.: National Institute of Municipal Law Officers, 1945. P. 500.

Another valuable and interesting volume has been added to the excellent series of publications produced by the National Institute of Municipal Law Officers. Arranged somewhat on the plan of the annual reports of the American Bar Association, these volumes contain a series of reports and monographs on widely varied aspects of municipal law, all keyed to the tempo of the times.

The changing emphasis from war to post-war problems is illustrated by discussions of housing and slum clearance projects as a source of peacetime employment, and of the difficulties which may arise in civil service over the return of former municipal employees. Revenue problems would still seem to be a matter of municipal concern, judging from the amount of space allotted to reports on municipal revenue from Federally-owned or controlled property, and the collection of delinquent taxes. In that regard, an extended discussion of a recent Missouri statute should make enlightening reading to the public officials of this state particularly as it provides for a land trust under which delinquent property can be acquired for public use or held as a public land reserve. A retrospective view of civil liberties in wartime indicates that the story of the handbill ordinances has not yet been fully unfolded. Opposition to any increase in liability for torts committed in the exercise of municipal functions is also displayed.

The editor deserves congratulation for being able to obtain so substantial an amount of readable material from so many busy contributors. He might, though, consider the advisability of numbering his volumes if it is intended that the series should continue for there is a tendency to assume that the latest publication is designed to supplant former editions.

W. F. ZACHARIAS