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Book Reviews

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BOOK REVIEWS

THE LAW OF WILLS (Second Edition). By George W. Thompson. The Bobbs-Merrill Company, Indianapolis, 1936. pp. iii, 1097.

This book is so well bound and makes such a pleasing appearance and the perfectly obvious things about will making are, for the most part, so well said that a reviewer would like to commend it. Just how a book, however, can be useful to a lawyer which tells him only the things that he already knows is something of a mystery. There is a complete lack of a discussion of principles. Thus, Section 556 on "Authority of less than all executors or trustees to act" is so general or even self-contradictory as to be without value. It reminds one of a statement in "Basic Principles of Industry" recently issued by the National Association of Manufacturers: "We condemn any undesirable practices and abuses in industry", etc.

So, for example, the discussion of incorporation by reference is dismissed with a single section without any mention or apparent realization that there exists the related problem of non-testamentary act. *Re Fowles' Will*, 222 N. Y. 222, 118 N. E. 611, is cited in another connection, with no intimation of its difficulties. There are no citations to the abundant periodical literature. The cases are sometimes not even responsive to the text for which they are cited.

It seems evident that no one can write so widely on property as this author has done and at the same time make a contribution to the law or be helpful to anyone save tyros in the legal profession.

ALVIN E. EVANS.

CASES ON INTERNATIONAL LAW, by Manley O. Hudson, West Publishing Company, St. Paul, Second Edition, 1936, pp. xl, 1440.

This is a new edition of a collection of cases and illustrative materials on international law, which was first published in 1929. The cases and materials have been brought up to date but only very minor changes have been made in the arrangement. Even though the number of pages has been reduced somewhat the number of inclusions has been increased. This has been done by cutting the texts. This is a move in the right direction. Most case books on international law are too voluminous. There is no excuse for compelling students to waste their time by reading irrelevant material. Case books on international law could be still further improved by a happier union of text and case material.

Teachers of international law will welcome the new edition of this useful collection.

A. VANDENBOSCH.

ADMINISTRATION OF WORKMEN'S COMPENSATION. By Walter F. Dodd, The Commonwealth Fund, 1936, pp. xiii, 845.

Of the general studies fostered by the Commonwealth Fund, probably few, if any, are the result of greater amount of research and the painstaking putting together of information collected from many sources. The conclusions of writers of monographs, treatises, articles in legal and labor periodicals, together with statistics collected by state and federal agencies, are brought together. The statutes of the various states and the decisions of the courts are, of course, primary material. Comments upon the Kentucky practice, which is not referred to in the index, may be found on pages 37, 51, 125, 126, 133, 191, 218, 244, 248, 359, 371, 437, 513, 518, 547, 596, 609, 659, 666, 667, 668, 748, 763, 807, 815.

The book starts with a discussion of the common law rule and its weaknesses, the fellow servant doctrine, the assumption of risk and contributory negligence. The Workmen's Compensation statute assumes the doctrine of liability without fault as its basis. English experience was drawn upon. To the *Ives* case, which held the compulsory statute unconstitutional in New York, may be charged the fact that most American statutes permit a choice to the employer whether or not he will operate under the statute but take away these common law defenses from the employer if he chooses not to be controlled by this statute. Washington was the first state thereafter to enact a compulsory statute.

Here follows a detailed study of the administration of the act, whether by court or other body. The author studies the uncontested and the contested cases, the matter of compromise, court review, etc. The difficulties of the medical problem stand out in bold relief, as also that of insurance, measure of compensation, rehabilitation, what injuries are industrial. It seems clear that all who are engaged either with the legal problems of this kind or with the administration of such statutes, as well as social workers and labor leaders, can afford to neglect this excellent study.

CONFLICT OF CRIMINAL LAWS. By Edward S. Stimson. The Foundation Press Co., Chicago, Ill., 1936, pp. xi, 219.

This book is divided into three main parts. Part one takes up jurisdiction over persons, including citizens abroad, and considers the law that should be applied with reference to fourteen specific crimes. Part two deals with the jurisdiction over property and contains a discussion as to the nature of forfeiture proceedings and proceedings in rem. In part three the problem of jurisdiction over territorial waters is discussed.

One is safe in stating that Professor Stimson is a strong believer in the territorial theory of jurisdiction and law application. He believes that jurisdiction should only be exercised by the state in which

the accused is at the time of the act, the legal effect of which is in question, and that the law of that same state should be applied in determining whether the act amounts to a crime. He finds this theory best since it tends to avoid double punishment for the same act, does not lead to those troublesome complications which may be expected to arise where there is an attempt to punish for acts done abroad, and, at the same time, is most likely to insure that the accused shall not go unpunished for his act. There is an able discussion of all the cases, and adequate examination of the reasons given for the decisions.

There are places in which the author seems to have fallen into error. For example, it is not accurate to state that ". . . Commonwealth of Kentucky v. Denison¹ holds that Art. IV, Sec. 2, Cl. 2 imposes a positive duty on the state in which one charged with crime in another state is found, to surrender him on demand of the executive authority of the latter."² That case holds that there is no legal duty to surrender the fugitive, and that no such legal duty could be imposed.

No review of this monograph would be complete without a statement that there is no reference to either the Restatement of the Conflict of Laws or Professor Beale's treatise. It is possible that the latter was not available at the time Professor Stimson finished his manuscript. Also in citing the cases in the footnotes no order of citation has been followed. Yet the book is stimulating and interesting.

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¹ 24 How. 66, 16 L. Ed. 717 (1860).

² Page 13, n. 31.