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Book Review. Vernier, C. G., American Family Laws, Vol. 5: Incompetents and Dependents

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Many other variables are pointed out, such as the giving of premiums, gratuities, varying guarantees, service, return privileges, etc. The moral: "The distinction between flexible and inflexible prices must be accepted with critical scrutiny; the stability of a price that seems to stand against the buffets of a disorganized market may conceal breakdowns in other terms of the bargain" and, "the function of price has less to do with the creation of demand than with the disbursal of custom among competitors." Not only is assumed rigid price to be taken critically, but flexibility may be a hoax in its pretense of public protector. Consider farm products, bituminous coal, textiles, and the building trades. "A flexible price has been unable to turn an advancing technology to effective use, has aggravated the host of the unemployed, and in its failures has created sources of further demoralization."

While they are in accord with most current observers that, in knowledge, technique, and resource, human and material, the stuff of a greater abundance is at hand, and therefore that we should grasp that greater abundance, the authors should be listened to when they conclude: "If a new agency is to be invoked against disorder it must be fitted to its office. . . . The state, with the club of the criminal law, can never beat the behavior that attends the pursuit of gain into accord with rigid norms. The quick staccato of industry cannot be timed to the decorous processes of a legal procedure developed in the days of petty trade. . . . A proper freedom of collective action, within the strict limits of public interest, must be accorded agencies of business." Of course, this means authority and control, both public and private. Some may prefer the clock turned back. "But from authority it is too late now to effect an escape. The sovereignty of the market is past; the political controls are here and we must subdue them to the public interest as best we can." Granting the inevitable, there is still a yearning for simplicity, but the prophet does not hold out hope of simplicity and, as befits a prologue which exposes an almost infinite variety of problems, exhorts only to base exercised authority on adequate knowledge, "a suiting of policy to the industry, and the contrivance of measures to meet the occasion." This is good advice.

BLACKWELL SMITH †

New York, N. Y.

AMERICAN FAMILY LAWS, Vol. V, INCOMPETENTS AND DEPENDENTS. By Chester G. Vernier, assisted by J. Rex Dibble and Richard A. Frank. Stanford University Press, 1938. Pp. xxxiii, 707. \$6.50.

WITH this useful and interesting work, supplemented by another¹ which brings the material in the five volumes up to date, Professor Vernier concludes his monumental survey of the family laws of 51 American juris-

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1. American Family Laws, 1938 Supplement, by Chester G. Vernier, assisted by Richard A. Frank. Pp. xxxiii, 178. \$3.50.

dictions.² The present volume, naturally, follows the plan of its predecessors. Its four parts, dealing respectively with Infants, Aliens, Drunkards, and Insane Persons, are divided into sections, each of which contains a summary of the relevant statutes, accompanied in some instances by a short discussion of the case law and by brief critical comment; a table giving the content of the statutes in each jurisdiction, or in some instances simply a list of statutory citations; and a bibliography of pertinent legal literature, including law review notes and comments. Federal statutes are not included, nor is non-legal literature.

In some instances³ the omission of case materials and Federal statutes and treaties⁴ (to which, however, reference occasionally is made) necessarily prevents anything like complete coverage of the matters in hand. It would exhibit a gross lack of understanding to characterize these omissions as regrettable in a work of this scope. For not since Stimson's American State Law has the mass of state statutes in a sizeable legal area been gathered together and interpreted in the light of a critical analysis of subject-matter. Now, other students, possessing less ingenuity and painstaking scholarship, can use Vernier's work in conjunction with their own investigations of more accessible materials.

Volume V, as the Preface notes, does not fall strictly within the field of family law but relates rather to the law of persons. Since traditionally the two are studied together when the law of persons outside the family is studied at all, few will quarrel with Professor Vernier's combination of subject-matter. In some ways this final volume is more revealing than any of the others, for most of the topics which it treats have not been dealt with to any extent in previous literature and have received much less popular attention than marriage law administration, divorce, and the status of married women, or even illegitimacy and non-support. Consequently this latest volume will well repay a systematic examination. Various aspects of infancy, such as apprenticeship, susceptibility to service of process, and minors' bank deposits; the entire matter of the civil status of aliens; public provision for the care of drunkards; and numerous specific regulations pertaining to the capacity of insane persons, are dark corners of the law. It is important to have light cast into them, both because of their social significance and because of their occasional importance in individual affairs.

Especially valuable is Professor Vernier's assembly of materials relating to insanity. Here it clearly appears that mental disorder is a matter of legal concern in surprisingly numerous connections and that statutory definitions of "insanity", together with legal methods of determining its existence, are utterly confused and unsatisfactory. It would be an incalculable boon if the author's work were to stimulate legislative clarification and reform in this vital matter.

2. The previous volumes are: I, *INTRODUCTORY SURVEY AND MARRIAGE* (1931), Book Review (1932) 42 *YALE L. J.* 158; II, *DIVORCE AND SEPARATION* (1932), Book Review (1933) 42 *YALE L. J.* 1001; III, *HUSBAND AND WIFE* (1935), Book Review (1936) 45 *YALE L. J.* 742; IV, *PARENT AND CHILD* (1936).

3. See § 282, on emancipation.

4. See Part X, Aliens.

American state legislation possesses, on the one hand, a variety that springs both from its popular origin and from the multifarious nature of the life with which it deals. On the other, it possesses fragments of a scarcely-visible pattern which gives ground for the hope that statesmanship may yet succeed in producing an administrable system of law. Professor Vernier has laid bare the variety of state legislation in family law and, at the same time, has applied the magic chemical that has revealed the elements of its pattern. As a consequence, the world of American legal scholarship is permanently in his debt.

RALPH F. FUCHS†

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A REVIEW OF BOOK REVIEWS

FEDERAL JUSTICE. By Homer Cummings¹ and Carl McFarland.² New York: The Macmillan Co., 1937. Pp. vii, 549. \$4.00.

Federal Justice, subtitled *Chapters in the History of Justice and the Federal Executive*, has fared well in the hands of reviewers in about thirty publications of wide circulation or of scholarly or professional standing.³ In only one has

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1. Attorney General of the United States.
2. Assistant Attorney General of the United States.
3. Including the following hereinafter referred to in the text or notes: *Marquette Law Review*, Herbert W. Rice (April, 1937); *Hartford (Conn.) Daily Times*, Bullkley S. Griffin (Jan. 9, 1937); *Review of Reviews*, Herschell Brickell (Feb., 1937); *California Law Review*, Wendell Berge (May, 1937, Vol. XXV, No. 4); *Boston University Law Review*, John D. O'Reilly, Jr. (June, 1937, Vol. XVII, No. 3); *American Political Science Review*, J. A. C. Grant (April, 1937, Vol. XXXI, No. 2); *Christian Science Monitor*, F. L. P. (Weekly Mag. Sec. Jan. 27, 1937); *Springfield (Mass.) Republican* (Sunday, Jan. 31, 1937); *Yale Review*, Harvey C. Mansfield (Summer 1937, Vol. XXVI, No. 4); *Federal Bar Association Journal*, John W. Brabner-Smith (April, 1937, Vol. III, No. 1); *University of Pennsylvania Law Review*, Fred P. Glick (April, 1937, Vol. LXXXV, No. 6); *Commonweal*, William Franklin Sands (Feb. 19, 1937, Vol. XXV, No. 17); *New York Herald Tribune*, Mark Howe, Jr. (*New York Herald Tribune Books*, Sunday, Jan. 31, 1937); *New York Times*, Francis Brown (Jan. 11, 1937), and see also *New York Times Book Review*, Charles Willis Thompson (Jan. 31, 1937); *Philadelphia Record*, Ralph W. Wescott (Jan. 5, 1937); *News and Observer* (Raleigh, N. C.), Josephus Daniels (Mar. 7, 1937); *Washington Daily News*, H. L. (Jan. 5, 1937); *Georgetown Law Journal*, Oscar A. Provost (May, 1937, Vol. XXV, No. 4); *American Bar Association Journal*, James Grafton Rogers (June, 1937, Vol. XXIII, No. 6); *Daily Journal of Commerce* (Seattle), Chas. S. Albert (Mar. 17, 1937); *New York World Telegram*, Herbert Little (Jan. 6, 1937); *Chicago Daily News*, Judge James H. Wilkerson (Jan. 27, 1937); *Bridgeport (Conn.) Sunday Post*, Anne Whelan (Jan. 10, 1937); *Time* (Law, Feb. 1, 1937); *Saturday Review*, Charles Bunn (Feb. 6, 1937, Vol. XV, No. 15, New York); *Evening Star* (Washington, D. C.), Rex Collier (Jan. 8, 1937); *New York Post*, Herschel Brickell (Jan. 13, 1937); *Journal of Criminal Law and Criminology*, William Renwick Riddell (Sept.-Oct., 1937); *Stamford (Conn.) Advo-*