

BOOK REVIEWS

Probation and Criminal Justice. Edited by Sheldon Glueck. New York: Macmillan Company. 1933. Pp. viii, 344. \$3.00.

This book should appeal to every thinking citizen and prove to be of profound value to judges, probation and parole officers, social workers, and students of penology. In it the potentialities of probation as a correctional instrument are strikingly and comprehensively set forth. The contributions dealing with the sentencing functions of judges and the possibilities of analytic psychiatry in the understanding and treatment of anti-social careers are most illuminating. The book consists of a series of essays, the authors of which are preëminent in their respective fields.

The significance and promise of probation and its legal problems are discussed by the editor and Sam B. Warner, Professor of Penal Legislation and Administration at Harvard Law School. The organization of a probation office is set forth by Edwin J. Cooley, formerly Chief Probation Officer, Court of General Sessions, New York City. Bernard J. Fagan, formerly Chief Probation Officer, New York City, and now New York State Parole Commissioner, makes a valuable contribution upon the selection and training of probation officers. The trial judge's dilemma in granting probation is discussed from the criminologist's point of view by Thorsten Sellin, Professor of Sociology, University of Pennsylvania, and from the judge's point of view by Judge Joseph N. Ullman, Supreme Bench, Baltimore, Maryland. The chapters on "The Case History in Probation Service," by Ralph Hall Ferris, Director of Domestic Relations Division, Recorder's Court, Detroit, Michigan, and on "The Social Worker's Technique and Probation," by Hans Weiss, formerly Probation Officer, Boston Juvenile Court, emphasize the importance of highly trained personnel in social case work. The chapter on "Analytic Psychiatry and Criminology," by Dr. Bernard Glueck, Director of Psychiatric Clinic, Sing Sing Prison, strikingly portrays the essential place of psychiatry in every problem of human behavior. Charles L. Chute, General Secretary, National Probation Association, gives the history of probation in the United States, and Sanford Bates, Director, Federal Bureau of Prisons, writes on federal probation. The concluding chapters relate to probation in England, France, Belgium and Germany.

Much credit is due to the distinguished editor, Dr. Sheldon Glueck, who, in brief compass and most interestingly, presents contributions of the outstanding leaders in probation work. This book should become the best seller in its field.

The long experience of the writer as a judge of the Criminal Court of Cook County impresses upon his mind the great wastage of human material that passes through our courts. The oft repeated statement of our late Chief Justice, William Howard Taft, that "the administration of the criminal law in America is a disgrace to civilization" is as true to-day as when first said. Dr. Bernard Glueck, formerly head of the Department for the Criminal Insane, New York, has well said, "The probation movement is the bridge over which might be carried some of the idealism and some of the scientific spirit of modern medicine and modern social service into the dark recesses of the tradi-

tional processes of the criminal law." Probation, supervised liberty of the individual, has a clearly defined meliorative aim, and is carried on "in the normal environment setting, rather than behind walls and bars."

The writer subscribes to these statements. The many limitations to the administration of our probation laws seriously impair their efficiency. The exclusion of certain offenses from their provisions emphasizes the fact that the lawmakers had in mind the character of the offense rather than that of the offender. This is one of the defects of a law which does not permit release on probation of an offender guilty of a larceny to exceed two hundred dollars, nor of a burglary of a dwelling house in the night-time, but does permit his release on probation for robbery while armed with a dangerous weapon. To release on probation in a case of an embezzlement in excess of two hundred dollars, a judge would have to indulge in the legal fiction that the value of the property stolen was less than that sum, and, at the same time, require the defendant to make restitution for a larger sum.

The period for which probation may be granted in Illinois is one year, but it may be extended for another year. The Massachusetts probation law permits the judge to exercise his discretion as to the length of the probation period. One year might prove sufficient in some instances, and five years not enough in other instances. Many cases have come to the writer's attention in which the probationer might have made complete restitution to needy victims if the period of supervision and control were extended.

The outstanding characteristic of scientific probation is the marked lack of emphasis on the nature of the specific offense. *The primary object is the rehabilitation of the individual.* Its attainment should be the interest of the community, the judge, and the social worker. The principle of probation, "substituting intelligence and humanity for ignorance and brutality," is now recognized in every state of the American Union, and in Europe. An efficient, scientifically organized probation department, wholly divorced from politics is, therefore, of paramount importance. Without adequate investigation and supervision under competent direction and leadership, probation largely fails of its purpose. Intelligent treatment or supervision of the offender must be preceded by a proper diagnosis based upon a comprehensive investigation.

The efficient administration of probation manifestly requires a well organized probation staff, with separate corps of investigators and supervisors and a psychiatric clinic. The investigation must be thorough; the truth regarding the life of the individual, his family, his personal relations, his environment, should be obtained, carefully analyzed and diagnosed. The treatment or supervision of the individual then follows. Perfunctory reports by the probationer, or casual visits to his home by the worker, are not enough. The probation officer must learn the personality of the individual before he can hope to effect his reform. It is not enough that he possesses the technique of the social worker; he must also possess that sympathetic understanding and philosophy of life that will win the confidence of the probationer. Weekly conferences of the staff and at least monthly check-ups are essential. A probation department, properly organized, should be a laboratory for the study and prevention of crime, with statistics available for that purpose. It should coördinate with other social agencies and with the judges, for its problem is a community problem. Politics should be completely divorced from the selection of probation officers. Probation work should be regarded as a career, an

honorable and dignified profession. The contributions of Dr. Glueck and other leaders, and their emphasis on the scientific aspects of the problem, constitute a valuable addition to the literature in this field.

JOHN P. McGOORTY*

Cases on Pleading and Procedure, Volume II. By Charles E. Clark. St. Paul: West Publishing Company. 1933. Pp. vi, 674. \$5.50.

The most challenging fact about the second volume of Dean Clark's "Cases on Pleading and Procedure," just published, and the fact to which this reviewer frankly will devote the bulk of his attention, is that the first half of it consists of what would some time have been called a course on "Equity." It is not so called in Dean Clark's work; his Book 5, three hundred and eighty seven pages long, is called "Specific Reparation or Preventive Relief." Book 4 of his first volume, however, is called "Equity." Its three chapters deal with "Early Development of Equity," "The Union of Law and Equity under Modern Codes," and "Equitable Decrees—Enforcement and Effect." Taking the two volumes together we find, somewhere near the middle, nearly six hundred consecutive pages of material which is roughly interchangeable with the first nine hundred pages of Cook's (one-volume) Cases on Equity, or the first seven hundred pages of Durfee's Cases on Equity.¹ The editor contemplates, judging from the preface, that there will be separate courses on Equity Three² and Vendor and Purchaser;³ otherwise the materials here (including those in the first volume) are to take care of the student's study of Equity.

This is challenging, of course, because it raises and purports to give a new answer to the question: What to do with Equity? It is the "Union of Law and Equity under Modern Codes," that has caused all the difficulty. If it (the "union" that is, or, as some prefer to say, the "fusion") were complete, the problem would hardly exist; so, too, if it had never been attempted. But it is the fusion that is still going on—still, if one may be permitted the expression, in the process of fusing, and doing it spottily, jerkily and obscurely—that is, and well may be, so perplexing to judges and editors of case books. And the perplexity of editors is the greater. The judge is asked to grant specific performance, not to define or classify it; the editor has to decide what "subject" it belongs to—"Equity," "Contracts," or "Procedure."

It has been our conventional teaching practice to solve the difficulty by looking backward and treating Equity as it was. Ames' classic case book did so; it dealt little with any fusion. Lately, the tendency has been the other way. Cook's familiar Volume Three deals with "Reformation, Rescission, and Restitution at Law and in Equity." Handler's interesting new casebook on Vendor and Purchaser treats the litigation aris-

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¹ These comparisons are not meant to be anything but hasty approximations and to give those not familiar with Dean Clark's book some idea of its scope. Taken so, they are not unfair, it is believed, to any of the works mentioned.

² As defined, for example, by the third volume of Cook's Cases on Equity.

³ As defined, perhaps, by Professor Handler's new casebook on the subject.

ing from land contracts and transfers, be it legal or equitable. One may not unreasonably infer that these books affirm their editors' belief in fusion as a fact accomplished. In some schools, the reviewer understands, the matter is not left to inference; Equity drops out of the curriculum, the subject of Torts includes injunctive as well as legal relief, and the subject of Contracts deals impartially with *assumpsit* and specific performance.⁴

This modern tendency seems both reasonable and inevitable; care must nevertheless be taken not to go too fast or too far. That a synthesis is logical or up to date does not necessarily make it teachable. Even a book now so standard as Cook's Volume Three presents great teaching difficulties. The child has the sins of both parents, plus some of its own. The difficulties can be overcome; there are advantages that make the effort worth-while. The danger remains that we may, as teachers, in attempting to force on our students a synthesis too subtle, too compendious, or too different from that prevalent in the courts, fail to teach anything at all. The conventional, old-fashioned course in Equity, as exemplified by Ames' cases and its modern counterparts, was and is highly teachable. Portions of it have been broken off when it seemed they might desirably be fitted in elsewhere. If this process stands the pragmatic test, it is a good one. Cook's Volume Three has stood it, in the opinion of many. The reviewer guesses that Handler's cases on Vendor and Purchaser will stand it. The process should and doubtless will go on in this cautious, trial-and-error way; it seems a better one than that of breaking up the old structure first, and then trying to do something with the pieces.

If these assumptions be sound, it remains to consider Dean Clark's work in the light of them. He has not, on the surface, adopted either the conventional point of view or what has been referred to above as the recent tendency. He proposes, it seems, a trend or technique of his own. It might be rationalized thus: equity is largely a matter of remedies; remedies are matter of procedure; therefore equity is procedure. If this is nowhere made explicit, it must be implicit in the facts of the case: that he has put the equity materials into a casebook on "Pleading and Procedure." But are the equity materials pleading and procedure? It would be beside the point to try to define these terms here; doubtless no definition of them could be made that would satisfy the maker. The problem, anyway, is not one of definition. An illustration does better; consider the title of section 6 of chapter 18: "Discretion—Balancing of Equities." No one familiar with that subject matter could suppose it has to do with Pleading and Procedure as those terms are ordinarily used. Dean Clark seems in a sense to recognize this in his preface. "The first volume," he says, "dealt with the *pleadings* in actions involving" and so on. But the "present volume contains *materials concerning* the granting of specific remedies." The italics are by the reviewer; the difference between *pleadings* and *materials concerning* is significant. And for the equity cases (Book 5) he has a separate chapter (19) on "Procedure."

Conceding, for the sake of the argument, that the equity materials are properly a part of the subject of Pleading and Procedure, they have not here been made a part of it in fact. There is no integration, no fusion. The equity materials remain as an undigested lump; the only cohesion is that supplied by the binder. Dean Clark estimates

⁴ This is the practice at Northwestern University, if the reviewer correctly understands what Dean Green has told him. It is to be hoped that the materials used may soon be made generally available.

that "a minimum . . . of eight to ten classroom hours per week for a semester, divided perhaps so that half is given in the first year of law study, and half in the second year, will be found necessary for the subjects covered by the two volumes."⁵ This is the equivalent, in most law schools, of two large courses. Why not call one "Pleading and Procedure," the other "Equity"? Will not the subject matter of its own weight break into two such parts?

The reviewer fears to seem captious; he does not intend to be so. Every strikingly new departure must expect to meet the question: is this something better or just something new? Opinions must always differ; the reviewer frankly records his that Dean Clark has not brought us materially nearer a solution of what may be called "the equity problem." He has either started on a new tack up a blind alley, or simply put old wine into new bottles. This is mixing metaphors with a vengeance; the reviewer apologizes by coining a new aphorism: mixed casebooks breed mixed metaphors.

That the workmanship of the book is first-rate may be taken for granted; Dean Clark is not noted for any other kind of workmanship. The reviewer has used his first volume as an invaluable source of equity materials not elsewhere available. It seems likely that the second volume will prove equally invaluable. Cases have been selected with discrimination; the notes are frankly and blessedly informative. Not infrequently, the gist of some long-winded case is put in a brief paragraph. The editor seems to be approximating what may be the policy of the case book of the future: to include only such portions or aspects of a given case as are of real value for a definite purpose. Note, for example, the enormous amount of information relative to injunctions against crime compressed into some fifteen pages (177-192). Equally admirable for its combined brevity, aptness and completeness, is the treatment of mutuality, including Professor Corbin's valuable note from the Restatement of Contracts. Other instances might be cited.

These numerous and manifest merits will doubtless recommend the book to many who will not wholly subscribe to the theories implicit in its organization. And, who, after all, would care to sponsor theories to which all would subscribe?

PHILIP MECHEM*

Cases and Materials on the Law of Vendor and Purchaser. By Milton Handler. St. Paul: West Publishing Company. 1933. Pp. xix, 950. \$6.00

In the preface the author states, "Only those topics as are susceptible of case analysis have been treated by the case method; doctrines which are settled have been presented in informational text notes." If the book were designed for advanced students of law, for practitioners, for law instructors, or for judges this theory might be sound. They, presumably, have mastered the fundamentals of law and will understand the implications of text statements. This book, however, is a student's first book on conveying. In such a book the theory should not have a place.

First, Mr. Jerome Frank would probably question the assumption that legal doctrines are settled. Though one may reject the extreme view of Mr. Frank one must

⁵ Preface, vi.

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recognize that doctrines which appear settled today may be unsettled tomorrow. The common law has always exhibited an unusual capacity for change, and the signs of 1933 do not indicate that this capacity has been exhausted.

Secondly, even though it be conceded that some doctrines are settled, it does not follow that the method of presentation should depend upon this fact. The goals of the study of law should be the acquisition of a sound philosophy of law, a mastery of the fundamental doctrines of the common law, and of techniques for their application to the problems of modern practice. That a doctrine is settled has little, if any, importance in the task of the law schools in guiding the student in his quest of these goals.

However settled a doctrine may be, the factors involved in the problem, the reasons for the doctrine, and the limitations on it are not necessarily obvious. Problems of future interests seem just as abstruse to students today as they did to students of previous generations, even though many of the problems are settled today. The same appears to be true of doctrines in other portions of the law, such as the rules of *Price v. Neal* and *Lawrence v. Fox*. Moreover, doctrines do not become unimportant when they are settled. A student who has not mastered the fundamental doctrines of the law, even though those doctrines are settled, is not prepared for the practice, and the practitioner who is not thoroughly familiar with the settled doctrines of his jurisdiction cannot safely and wisely advise his clients. For these reasons the theory that unsettled problems should be developed by cases and settled problems by text statements seems unsound.

In the execution of the plan for the book, however, this theory was almost entirely abandoned, except in the part dealing with "Rights in the Land of Another." This subject, if one may judge from the preface and the treatment of the material, was a portion of the law which, though not really a part of Mr. Handler's general topic, could not be entirely omitted from the curriculum of the Columbia University Law School and hence was included in this book. And because Mr. Handler did abandon this theory in the development of the materials directly bearing upon the subject of vendor and purchaser, it is an excellent casebook for the study of that subject. The chapter on Performance of the Contract seems especially good. The notes on the Standard Form of Contract, Title Search, Title Insurance, and the Torrens System are valuable portions of the book. In some particulars the arrangement of the sections does not seem the most effective, but since they can readily be shifted to suit the fancy of the individual instructor this does not seriously detract from the excellence of the book.

But with all these merits the book has certain limitations. In the first place, it is based upon the arbitrary arrangement of the curriculum of the Columbia University Law School. It covers a part only of the subject matters traditionally included in contracts, titles, rights in land and specific performance. It is suitable as a substitute for the standard casebooks on these subjects only when it is used in combination with two other books of the series (Powell, "Possessory Estates"; Jacobs, "Landlord and Tenant") and with a book on procedure which includes the rudiments of specific performance.

Secondly, some important problems of titles and rights in land have not been adequately developed. Estoppel by deed is disposed of by a footnote of citations to standard books on property. One case is allotted for the subject of prescription.

Finally, it is regrettable that the questions in the annotations have not been formu-

lated with the care that is unmistakably evidenced by the substance of the book. No one quarrels with the form of the notes of a lecturer or of a trial judge. They may be couched in the vernacular of Maxwell Street, or of LaSalle Street. One may pardon the form of statements made under the pressure of modern life, as, for example, "Hell and Maria, no — we shot it along," but in a book designed as a model for students one should not find such expressions as the following: "Why a statute of frauds altogether?"¹ "Are they breached by the same acts?"² "Is it possible to draft a clause that will stick which enables the vendor to withdraw for any or no reason?"³ "The interesting question, however, is what the possession, assuming its sufficiency, gives notice of."⁴

In spite of these limitations, however, the book should prove to be of great value not only for instructors of law but also for judges and practitioners confronted with problems of the law of Vendor and Purchaser.

SHELDON TEFFT*

The American Doctrine of Judicial Supremacy (Second edition). By Charles Grove Haines. Berkeley, California: University of California Press. 1932. Pp. xviii, 705. \$6.00.

Too many new editions of valuable works seem to have little justification save to swell the revenues of their publishers. This observation can in no sense apply to Dr. Haines' new edition of a book which since its publication in 1914 has been a standard work in its field. The issues with which the two editions deal in so able and scholarly a fashion are of perennial interest to students of law and political institutions and of vital importance to every citizen and resident of the United States. Much water has run under the bridge since the publication of the first edition. As the author observes in his preface, new material throwing light upon hitherto unexplored phases of the origin and evolution of this peculiarly American doctrine has come to light through the research of scholars, and a national political campaign has been fought with judicial review one of its outstanding issues. This is ample justification, were justification needed, for bringing his work up to date.

The general plan of the present volume is not materially different from the earlier one, but several of the original chapters have been substantially rewritten, and valuable new chapters have been added which illuminate English procedure in relation to the review of colonial acts, the theories and ideas involved in the establishment of the American doctrine of judicial review, the inter-actions of politics and federal constitutional law, and analysis and criticism of the assumptions and premises commonly underlying thinking in relation to judicial review. There is also extremely interesting material regarding the adoption of the theory of judicial review and its practice in varying degrees in certain foreign countries, and the movement in others looking to its reception. In addition, the author has incorporated the substance of several important articles which he has published in recent years in various law reviews.

The book is certain to appeal to readers who are looking for careful and exact infor-

¹ Page 8.

³ Page 294.

² Page 677.

⁴ Page 655.

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mation relative to a subject with regard to which all too much of the discussion has contributed heat rather than light. It is not so likely to appeal to extremists, whether they be of the school which regards judicial review as judicial usurpation, or the perhaps more numerous group which tends to accept as sacred dogma the Constitution and its Hamiltonian gloss. Dr. Haines is not a propagandist for a point of view. He is a careful historian, weighing dispassionately the evidence relevant to the origin of this American doctrine, its development, and the effect of its exercise in a large number of cases, federal and state, upon public opinion and the prestige of the courts. If he is not convinced of the historical accuracy of the charge that the power is the outgrowth of judicial usurpation, he likewise does not hesitate to point out the many cases in which there is substance to the criticism that the courts by their judgments of unconstitutionality have gone beyond the proper limits of judicial power and have read their own ideas of policy into vague and formless constitutional limitations. The result has too often been to thwart in the inception promising and significant legislative experiments in the field of social and economic regulation. Particularly does he find these abuses of judicial power in cases involving labor legislation and disputes. These criticisms of specific decisions are almost invariably supported by reference to dissenting opinions of judges themselves.

There is little in the way of unfavorable criticism one can make of so admirable a book. If a perusal of the summaries of long series of decisions at various points in the book becomes at times monotonous and wearisome, the fault is not due to the author's style, which is clear and precise, but to the character of the material with which he deals and to the fact that his task is the construction of a history, not of a persuasive argument. There are a few omissions that the reviewer found somewhat surprising, such as the lack of reference to the well known case of *Massachusetts v. Mellon*¹ in connection with the author's discussion of the principle of self-limitation in the form of an extension of the doctrine of the political question as a safeguard against the unwise use of the power of judicial review, and the absence of discussion of the relatively recent controversies in the Senate over the confirmation of the appointments of Charles Evans Hughes and John J. Parker as members of the United States Supreme Court. The fact that the formidable but unsuccessful opposition in one case and the successful opposition in the other were based almost altogether on the supposed economic views and social attitudes of the nominees seems to the reviewer one of very great historical importance, worthy of a section in the chapter dealing with proposals to remedy the defects in the American practice of judicial veto of legislation.

Dr. Haines, as indicated above, is quick to seize upon the language of dissenting opinions accusing the majority of judicial amendment under the guise of interpretation of constitutional provisions and of implications of powers or restrictions on powers not warranted by any language the Constitution contains. He frequently identifies the dissenting judges by name. He is perfectly correct in the suggestion he makes that the bitter criticisms directed at the courts by politicians and laymen can generally be matched by the language of judges themselves when in the dissenting mood. But his historical study would have been still more illuminating had he taken the trouble to compare systematically the performances of the same judges in a series of cases. Such a comparison would have revealed striking inconsistencies. We have had few judges with the philosophical and emotional detachment of Justice Holmes. How many can

¹ 262 U.S. 447, 43 Sup. Ct. 597 (1923).

escape the charge of rendering mere lip service, at one time or another in their decisions, to the presumption of constitutionality of legislative acts?

There are three appendices containing material which greatly enhances the value of the book. The first is a list of cases in which the validity of an act of Congress has been directly in issue and the judgment of the Supreme Court has been unfavorable to constitutionality. The reference to each case is followed by a summary of the court's holding and the alignment of judges where the court was divided. *Evans v. Gore*² is included in this list but *Miles v. Graham*³ is missing. Following is a classification of the acts declared void. The second appendix sets forth, with explanatory notes and comments, provisions of written constitutions relating to judicial review of legislative acts in foreign countries, first in those countries where guardianship of the Constitution is conferred in some degree upon the courts, and second in those nations where such guardianship is left primarily to the legislative or executive departments. The third appendix contains a well selected bibliography of books and articles, American and foreign, relating to judicial review. A table of cases and an index complete the volume.

So far as the author reveals his own position, it seems to accord rather closely with that of James Bradley Thayer in his classic essay.⁴ He accepts as sound many of the criticisms directed at the doctrine and is remorseless in exposing the many fictions and question-begging arguments which have been advanced in its support. He has little patience with the mechanical jurisprudence that has colored so many of the opinions holding welfare legislation unconstitutional. Yet he does not advocate, much less regard as feasible, proposals for the abolition of judicial review. When all is said and done, the justification of judicial review must be a functional one. If its practice continues to accord with the prevailing sentiment and desires of the people of the United States, it will survive as the most significant and unique feature of our political system.

There is much force in Dr. Haines' observation in the last paragraph of his book that the judges hold in their own hands, in the form of greater prudence and caution, the most effective and satisfactory safeguard of the perpetuity of their power. In the critical days that lie ahead, when so much that has been regarded as settled in our institutions, doctrines, and points of view seems certain to be subjected to renewed examination and possibly fundamental revision because of the necessity of satisfying the changed demands of a new day upon the resources of government, a continuance of the too severe application of the Fifth and Fourteenth Amendments and the Commerce Clause such as was witnessed during the ten years after the World War, may well result in an attack upon the powers of the courts far more formidable than any we have yet witnessed. Dr. Haines' careful and exhaustive researches should assist greatly in providing chart and compass to steer a safe course through the troubled waters which may lie ahead.

ARTHUR H. KENT*

² 253 U.S. 245, 40 Sup. Ct. 550 (1920).

³ 268 U.S. 501, 45 Sup. Ct. 601 (1925).

⁴ *The Origin and Scope of the American Doctrine of Constitutional Law*, 7 Harv. L. Rev. 129 (1893).

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Organization and Ethics of the Bench and Bar. By Frederick C. Hicks. Rochester: Lawyer's Coöperative Publishing Company. 1932. Pp. x, 606. \$4.50

This text, obviously intended for law school use, presents a comprehensive collection of cases, excerpts from articles and speeches and other miscellaneous material, which deal with two main topics. One of these two portions of the subject matter is concerned with the organization of the English and federal judicial systems, the manner of selecting judges, and the conduct, discipline and removal of judges. The other part of the text treats of the organization of the bar, the manner of admission to the bar, the supervision and discipline of lawyers and the various problems which confront a lawyer in his relation to his clients, to his colleagues, to witnesses, juries, judges and the public. In considering the lawyer in these various relationships, the cases and material treat very comprehensively the ethical problems which arise, and provide a valuable aid in the teaching of a course in ethics.

There is some very interesting material with respect to the problems of "ambulance chasing," obtaining law "business," and aiding corporations and laymen in practicing law through various associations and organizations which have come to handle matters formerly thought to be exclusively within the province of lawyers.

The author presents many late decisions, and material of very recent origin and wide interest. Thus, there is the interesting speech of Senator Norris, delivered on February 10, 1930, in connection with the matter of the approval of the reappointment to the Supreme Court of Mr. Chief Justice Hughes; the communication of Judge Parker to Senator Overman, when Judge Parker's nomination to the Supreme Court was before the Senate; the report of the New York Bar Association committee on Magistrate Vitale of New York; and the address of Mr. Justice Taft in 1912 on the question of the recall of the judiciary.

From the standpoint of an Illinois lawyer, the leading case of *People's Stock Yards State Bank*, in which the court passed upon the important problem of the practice of law by a bank is set forth almost in its entirety. The "ambulance chasing" investigation by the Bar Association of the City of New York is well presented.

The manner of admission to the bar in England, as distinguished from the manner of gaining admission in various states of this country, is comprehensively treated.

A difficult question is often presented as to the proper function of the Committee on Character and Fitness, in connection with admission to the bar. The particular problem considered by the cases is whether the committee has the power to examine an applicant for the purpose of testing his legal knowledge after he has already passed the bar examination. Also, the decisions which define the principles relative to the disbarment of judges and lawyers are adequately presented.

The only adverse criticism is that the manner of supervision and discipline of lawyers is not treated with sufficient detail, and that there are very few notes. In place of the notes, however, there are many lists of suggested supplemental reading.

An interesting chapter is that on lawyers in private life, which presents in detail the cases which consider the difficult problem as to the extent to which a lawyer's morals as a private individual affect his right to retain his license.

On the whole, the book is a very valuable addition to modern legal literature.

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