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YOU BE THE JUDGE, by Ernest Mortenson,
Washington Law Book Company, Washington, D.
C., 1940. Pp. xii, 439. \$3.75.

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enjoyed a wide popularity, and more recently the biography of a fictitious lawyer has become a best-seller, the prophecy is warranted that Williston's *Life and Law* should eventually become a classic of its kind. Its wealth of anecdotes, its stories of lawyers and sideglances into lawsuits, its lucid and convincingly emphatic style, warrant without a doubt its right to so endure.

In closing, while forewords are usually of a flattering nature, we cannot refrain from quoting from the book's foreword a portion of the high tribute to Williston as a teacher written by Learned Hand, one of his students:

"In the author of this book these qualities were happily fused, as he who reads it will learn. He will find the picture of one who had neither vanity, nor its counterpart, self-depreciation; neither pedantry, nor intellectual slackness; neither worship for the past nor a heart open to each new-comer; it will not be hard to see why the serene spirit—even under its frequent load of illness—should have ended by making its possessor one of the great figures of his calling, final authority when he speaks. But one thing he will not find, for it is reserved to us who were his pupils; he will not come to know him as a teacher. . . . And this book in which he tells us of himself is for all of us a fortunate occasion; once more it gives us an opportunity to salute our master."

JULES F. LANDRY* AND FRANCES L. LANDRY**

YOU BE THE JUDGE, by Ernest Mortenson, Washington Law Book Company, Washington, D. C., 1940. Pp. xii, 439. \$3.75.

As the late Dean Wigmore says in his foreword to *You Be the Judge*, "What this book does is make the law and its everyday process understandable to the man in the street. He ought thus, as he reads this book, to become a more useful citizen and a more manageable client."¹ Such a recommendation from one so eminent immediately marks this book as one worth the time of both layman and attorney.

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1. P. vii.

Mr. Mortenson's major premise is stated succinctly in the first paragraph of his preface.² It is there set forth that the human stories contained in the apparently dry and prosaic law books are stranger than those tales found in fiction. No one can begin this book without immediately becoming convinced of the truth of this statement.

The preface further warns the reader that acquaintance with the cases used in the book will not suffice to make a lawyer, but this need not detract from the enjoyment and profit to be derived from its reading. However, it will certainly serve the purpose of clearing some of the mystery and complications surrounding the law.

The thirteen chapters of this work cover such subjects as torts, criminal law, international law and domestic relations. Through these varied chapters runs a single thread of unity binding them into a well compiled and interesting study. The layman and indeed some attorneys will be fascinated by the channels through which a law suit will carry all interested parties before it is finally beached in the musty files of a court house.

Mr. Mortenson has dealt with his subject matter in a unique, but pleasing, way. The reader is told a series of stories taken from actual cases and recounted in a very entertaining manner reflecting the humor of the author, but always explaining that a certain phase of the law is dealt with in that particular chapter. The cases from which the author draws his material are concise and clear in the opinion of the reviewer and are very well selected. Though these cases are necessarily varied in scope, the author has made them flow together into a definite pattern. For example, in reading the chapter on domestic relations dealing with problems of divorce, annulment, adoption, marriage and numerous other questions, the reader unconsciously is led from one subject to the next. Furthermore, he is given very good practical suggestions. In this same chapter the author has presented an extensive chart which shows the causes for divorce in the forty-eight states of the Union, as well as in some foreign jurisdictions.³

At the end of each chapter are hypotheses dealing with the subject just discussed, and in the back of the book these hypotheses are answered—hence the title, *You Be the Judge*.

2. P. ix.

3. Pp. 242, 243, 244.

In his chapter "Problems of Proof" the author deals at length with expert testimony, scientific evidence, such as lie detectors and blood group tests. In speaking of this subject, Mr. Mortenson says:

"In recent years science has contributed many new methods for acquiring accurate evidence which should prove most useful in arriving at fair conclusions of fact at a trial. But there being no rules as to the admissibility of such new types of evidence, the Court hesitates to allow them. Sometimes, however, a judge seeing that such evidence is of fundamental importance in giving a jury a clear picture of the relevant facts of a case, will use his discretion and permit its admission."⁴

The book is full of humor, but the author surpasses himself in his discussion of cross-examination. Many so-called tricks of the trade are exposed and will prove ludicrous to the layman. Mr. Mortenson relates the following story as an example of the judge as examiner:

"A judge, known better for his charm, than his judgment, was showing his ability as a cross-examiner while presiding at a trial in which the attorney for one of the litigants was a young man recently admitted to the bar. When the Judge interrupted the cross-examination to ask questions of his own, the examining attorney finally said, 'Your Honor, this is my first case, so if you ask that question for me, I withdraw it. If you ask it of my opponent, I object to it, and furthermore, your Honor, if you insist on trying this case for me, for God's sake, don't lose it.'"⁵

It is impossible to review this book without mentioning the delightful illustrations by Alain. They are very descriptive and most amusing.

In his conclusion, the author sums up the benefits to be derived from our legal system, as he says:

"Our system of jurisprudence is rooted in English soil, its ancestry is older than Britain and her long cultivation and pruning has marked it as distinctly her own. The various legislatures and judiciaries of our States have given an American flavor to the English common law."⁶

4. P. 365.

5. P. 395.

6. P. 403.

This book is well worth the time spent reading it and is recommended to all students of the law, as well as to all whose interests, either cultural or commercial, are affected by that strange and baffling body of knowledge known as "the law of the land."

However, the best advice to be given about this book and its value is to tell you to read it and *You Be the Judge*.

CHARLIE HOLCOMBE PITCHER* AND SARGENT PITCHER, JR.**

AMERICANS ON GUARD, by Colonel O. R. McGuire. American Good Government Society, Washington, D. C.; Mitre Press, London, England, 1942. Pp. 400. \$5.00.

Americans on Guard is a collection of a few of the addresses delivered to various Bars, business organizations and clubs throughout the United States by Colonel O. R. McGuire, who was former counsel to the Comptroller General of the United States, and special assistant to various attorneys-general of the United States. Principally, the addresses are concerned with our tendency toward administrative absolutism which threatens, according to the author, our constitutional form of government by giving too much authority to the executive department through administrative agencies, with the consequent extension of the executive power into both the legislative and judicial branches of the government and the United States becoming a government of men rather than of law. The way suggested by Colonel McGuire to correct such absolutism is through passage of a bill providing for public hearings on regulations made by the various agencies and the granting to the courts ample review of administrative decisions.

During the entire six years of study that was spent in the drafting of the American Bar Association's Administrative Law Bill,¹ Colonel McGuire served as a member and then as chairman of the Administrative Law Committee of that body. The bill proposed by the American Bar Association after going through the preliminary steps was introduced into Congress as the Logan-Walter Administrative Law Bill, was subsequently passed by both

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1. For its provisions see (1939) 1 Louisiana Law Review, 570.