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Book Reviews

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reasonable precautions and warranted the seats to be safe. *Dondero v. Tenant Motion Picture Co.*, 94 N. J. Law 483, 110 Atl. 911 (1920); *Redmond v. National Horse Show Ass'n*, 78 Misc. (N. Y.) 383, 384, 138 N. Y. Supp. 364 (1912). The management had given no warning to make unexperienced patrons aware of the necessity to secure screened seats for absolute safety and the management knew that many of its patrons were there for their first time. As indicated by the court, ice hockey contests are not such a "familiar experience in life that all persons can be expected to understand incidental risks which are not visually apparent."

The fact that other rinks were not more protected than this one is not conclusive. Otherwise, those promoting such forms of amusement could create a rule of law for their own exemption. *Marcus v. Cent. R. Co. of N. J.*, 175 App. Div. (N. Y.) 783 (1916). Some writers have already questioned the policy of allowing the management to make profit from public entertainment and yet shield itself from liability for injury from dangerous conditions under the doctrine of *violenti non fit injuria*. 15 CORN. L. Q. 132, 136. Moreover, in view of the modern trend toward having the business bear the risks incident to it and since it is better able to bear the burden of loss and shift it to a larger number of people than the individual is, there should be a strong policy to hold the defendant in this case liable and not to apply the doctrine of assumption of risk. Douglas, *Vicarious Liability and Administration of Risk*, 38 YALE L. J. 584, 720 (1929). Requiring the hockey rink owner to put a net or wire screen around the rink to prevent such occurances as in the instant case would put no great burden on him.

The instant case is in accord with the general trend of the authorities to submit the question of due care and the assumption of risk, under these circumstances, to the jury. *Biskup v. Hoffman*, 220 Mo. App. 542, 287 S. W. 865 (1926); *Toohey v. Webster*, 97 N. J. Law 545, 117 Atl. 838 (1922); *Wells v. Minneapolis Baseball & Athletic Ass'n*, 122 Minn. 327, 142 N. W. 706 (1913); *Blakeley v. White Star Line*, 154 Mich. 635, 118 N. W. 482 (1908); *Cincinnati Ball Club v. Eno*, 112 Ohio St. 175, 147 N. E. 86 (1925); *Scott v. Univ. of Mich. Ath. Ass'n*, 152 Mich. 684, 116 N. W. 624 (1908). It should be noted, however, that under exactly similar facts, New York has come to the opposite conclusion and, applying the rule in the baseball cases where a screen is provided and the spectator takes an unprotected seat, has held that the plaintiff assumed the risk. See: *Hammel v. Madison Square Garden Corp.*, 156 Misc. (N.Y.) 311, 279 N. Y. S. 815 (1935); *Ingersoll v. Onondaga Hockey Club*, 245 App. Div. 137, 281 N. Y. S. 505 (1935) (three-to-two decision). The court in the instant case expressly disapproved of these decisions.

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BOOK REVIEWS

CASES ON CONFLICTS OF LAWS. Fourth Edition. By Ernest G. Lorenzen. St. Paul: West Publishing Company. 1937.

With the appearance of the fourth edition of Lorenzen's *Cases*, there is marked the completion of a new era in books treating Conflicts of Laws. With the finish of the *Restatement of the Law of Conflict of Laws* and the work supplementing it—*A Treatise on the Conflict of Laws* by Joseph Beale—sufficient text material modernizing this phase of the law has been published. However, to

coordinate all this a suitable case book for classroom use was required. Although the third edition of this book was used considerably, nevertheless it required a more modern casebook to furnish the binding link of this periodic series. After twenty-eight years of work, Lorenzen has kindly submitted his fourth edition. It is certainly to be expected that although the first three editions of the book seemed, each at its publication, sufficient, yet the author was unsatisfied and continued to improve it. We, students of today, have the benefit of a logical and parsimonious volume of this vast subject. It has been five years since the third edition was published. Many new influential decisions have since been adjudged concerning variations in this field of the law. These have been considered in various methods in this book. Not only are the cases cited, but brief and important notes from many law reviews, introductory notes equipping the student to better understand the particular field into which he is progressing, and lastly provisions of the *Restatement* showing the general common law of the United States upon the particular subject.

The most outstanding and note-worthy characteristic of the entire book is found in the recognition that law review comments, which are inserted timely among the cases, are of untold benefit to the student, and these modern articles upon the particular subject being so accessible that not only are the professors and the few conscientious students saved the monotony of searching for the citation, but even the indolent student does not hesitate to read over the comment presented to him on the "silver platter." These indexed law review articles are brief whereby only the essential material is presented for reading. Usually curiosity is sufficiently aroused, then the entire article will be sought for study.

It is equally true, for this same class of students, that not only are the majority opinions frequently summarized, but the minority opinions, seldom read in their entirety, are set out in special notes by the author. The seconds required to read these is of such benefit that even the student who otherwise would not consider the undercurrent of many opinions, visualizes the help bestowed upon him by the author's compressive work. So also is the instructor aided by a suggestion for cases which can be omitted if the number of semester hours be too few to permit a complete study of each of the 1106 pages. Certainly the author has so studied the material and knows the logical sequence of his text that his suggested omissions are best.

In answer to the continual requests on the part of both teachers and students, the author states in his preface that he has included at the opening of each chapter a short introduction into the particular material that is being considered. This not only tends to acquaint the student with the matter, but also arouses in his mind many of the outstanding questions of the course for which he searches through the subsequent material with a conscientious desire to locate. This initiates more study and adds greatly to the enjoyment of reading a casebook. The general introduction, giving a brief history of the Conflict of Laws, along with a general survey of the subject in the first chapter, is an improvement made in this, the fourth edition. So also is the allocation of the material on "domicil" a distinct improvement and it straightens out one of the glaring weaknesses of the former edition.

In conclusion let it be said that as each edition of *Cases on Conflicts of Laws* is published, there is improvement, so also is there the necessity of continually keeping abreast of the growing subject it considers. Foreign law notes appear in all footnotes; they are impressed upon the reader by being initiated with blackletter texts, and are used in the proper proportion so that the student acquires the necessary knowledge but avoids confusion. All of those studying the law have Professor Lorenzen to thank for this wonderful contribution.

John De Mots.

CASES ON INTERNATIONAL LAW. Second Edition. Shorter Selection. By Manley O. Hudson. St. Paul: West Publishing Company. 1937.

Professor Hudson in this, his latest edition of his *Cases on International Law,* has taken an admirable step toward the provision of better materials for the study of law. His example, and the example of those who have preceded him in this direction, could very well be followed by other editors of standard case books to the profit of themselves as well as law students. This latest publication is a compact and yet complete edition of a casebook which, to say the least, is recognized as a leader in its field. It is true of the law, just as with other fields of human thought, that some phases and some departments need more emphasis and attention than others. To urge this proposition is to strengthen rather than weaken the position of the minor subjects in the pyramid of legal thought. It is only by a proper perspective based upon a sound philosophy of value that the law can be correctly approached. The imperativeness of this plan of study finds its basis not only in the limited time which the majority of law students have to grasp the broad concepts and intricate distinctions of the law, but also in the restricted powers of comprehension and assimilation of the human mind. With all proper respect to the almost sacred profundity which two and one-half centuries' quotation have heaped upon Alexander Pope's "A little learning is a dangerous thing," I believe that the law student of today can find a far better key to his problems by reading further the couplet of Pope, until he realizes fully that "One Science only will one genius fit; so vast is art, so narrow human wit." A serious contemplation of the implications of that eighteenth century couplet will serve to vitalize a truth that many students of the law, to their loss, stumble upon after many, many ill-spent hours. It is a statement so true that even its triteness lends significance to its import, that "one cannot know all the law." This plan of approach to the law is essential not that some subjects may be neglected but that the many concepts of the more important subjects will not be lost in the relatively unimportant principles that make up, along with the essential fundamentals, each of the minor subjects of the law. It is because of these considerations that this shorter edition of "Cases on International Law," and the movement it represents in casebook editing, have contributed a definite and distinct improvement to the field of legal publication.

Let no one think from what has been said that this book is in any sense inadequate or uselessly limited. It is thorough and yet compact; it is complete and yet compendious. A prefatory note to this edition is careful to point out that the purpose of the abridgment is to aid students with limited time and that a teacher of the subject should supplement this work with the materials in the regular edition. In short, the book is edited with the obvious purpose of giving a complete exposition of the fundamental concepts, and those concepts only, of International Law. As might be expected of a book devoted to such a subject as this in which, probably more than in any other field of legal thought, the case law is necessarily limited, the cases reported are plentifully supplemented by treaties, legislative acts, and other materials upon which International Law is based. Not the least important of the departments of the work is a bibliography of International Law—a bibliography that is highly praiseworthy in that it combines comprehensiveness of scope with carefulness of selection. An examination of the book discloses the fact that, while due attention is given to the historical development of International Law, yet the book largely confines itself to the presentation of the rules and principles under which the Society of Nations currently operates. Such a scheme of material selection is highly important for this subject. The principles of most of our legal subjects are bound to be deep rooted in century old concepts of right and wrong or in rules which, though originally arbitrary, have come to be honored by the homage of time. The

rules of International Law, however, are vitally affected by economic and social conditions of the modern age as well as by the diplomatic abilities of those statesmen who enact and administer that law. It is only natural that there are also certain primary precepts of International Law that are time honored and morally certain to be immune to change. But the secondary and tertiary principles are not thus deeply imbedded in the traditions of international thought, and any casebook which is to serve as the basis of a study of international law must put emphasis upon its exposition of modern laws and current concepts.

The uninitiated and the philosophical technicians of jurisprudence have been known to scoff at the idea of International "Law." This derision has resulted from a rigid application of a strict definition of law to the international situation and from the reasoning that, since there is no international "sovereignty," and no international promulgator of law, in the strict sense, there can be no international government or law. Admitting the point that logically there can be no sovereign of sovereigns and that, practically, there can be no effective international sanctions in the sense that we have sanctions for the laws of the state or municipality, yet we have a large field of principles, concepts of justice, theories—call them what you will—that guide international thought and action. This field is a definite and important part of the study of law. This field, while certainly not as important to the average lawyer from a practical (that often abused word) standpoint as contracts or corporations, cannot be overlooked in either an adequate study of law or a worthy pursuit of citizenship. For the accomplishment of both of these ends Professor Hudson's book is excellently adapted.

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