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Bispham's Principles of Equity

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BISPHAM'S PRINCIPLES OF EQUITY. Eleventh edition by J. D. McCoy. New York: Baker, Voorhis and Company. 1931. Pp. xxiv, 491.

This eleventh edition of Bispham's Principles of Equity is, to say the least, disappointing. The author suggests that very few cases have been cited for the purpose of confining the edition to a compact volume. There are other ways that this might have been done than by the omission of citations. For instance, the book might have been printed on thin paper. The cases cited, for the most part, are those in which the controlling principles of equitable jurisdiction are stated and these citations could have been omitted for the sake of compactness and at the same time cases which illustrate exceptions and variations of the general doctrines added. There may be other ways in which this compactness, so sought for by the reviser, could have been accomplished.

There is too much dogmatic statement inferring that the principles of equity are immutable and universal, both as to time and place. In fact, one seems to sense that statements, from particular cases which appeared in the former editions of Bispham with copious citations, have here been set forth as axiomatic truths, with quotation marks omitted. The reviser has seen fit to state the principles as he sees them with very little history and less logical reasoning in their support. A Story, a Cooley, a Pound, or a Wigmore may do this and the name carries sufficient weight that the law is clearly stated.

The arrangement of the subject matter of the book could scarcely be improved upon. The index is certainly adequate. To one who is familiar with the principles of equity, who will not accept a statement just because it appears in ten point type, this book may serve a valuable purpose in refreshing his memory as to this great body of the common law. One cannot but feel, however, after a thorough examination of this volume that its sole justification is the desire to capitalize upon a great name.

—CLIFFORD R. SNIDER.

LAW AND THE MODERN MIND. By Jerome Frank. New York: Brentano's. 1930. Pp. xvii, 362.

A generation ago the legal world was awakened to a realization that law was made, not found, by the courts. Of recent years we have become aware that, since courts are composed of judges who, inevitably, if unhappily, must be human beings and not oracles,