Dakota Law Review

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NOTICES


This is a bibliography of books which are contained for the most part in the George Dunn collection which was acquired for the Harvard Law Library largely through the efforts of Professor Beale who has compiled this bibliography. The books themselves contain writings which were composed before the art of printing was developed and were subsequently printed as some of the earliest instances of printing in England. It is remarkable to know that these law books which were of interest almost exclusively to lawyers were so extensively published by the small printers with their limited equipment during the very first stage of the printing industry in England. The books themselves deal in large measure with records and cases of the courts but to an astonishing degree they consist of treatises on the different branches of the law. One might suppose that books with which we are currently familiar are really the significant ones. We must constantly remind ourselves that a vast store of learning in the common law which once obtained is known today only to those who have studied legal history with some care. For instance, one of the main topics of these books is the law of procedure which was even more formidable and more complicated and more obstructive to the prompt disposal of litigation on the merits than much of our procedure today. For instance, the vast learning connected with the substantive law of real property and the adjective law of real actions has passed away almost in its entirety.

In the preface Professor Beale disclaims any original contribution in his compiling of this bibliography. In this opinion his readers must respectfully disagree with him. The arranging of this book in the orderly manner indicating the names of the authors, where it is known, and the name of the printer and the date of publication, where it is known, call in themselves for a work involving vast effort and are of great service to librarians and legal scholars. Necessarily, a book of this kind has a limited appeal but it is invaluable for those who have studied legal history with some care. For instance, one of the main topics of these books is the law of procedure which was even more formidable and more complicated and more obstructive to the prompt disposal of litigation on the merits than much of our procedure today. For instance, the vast learning connected with the substantive law of real property and the adjective law of real actions has passed away almost in its entirety.

The book contains two appendices, one in which a large number of woodcuts for the different printers appear and the other a series of tables which indicate in brief form a number of important characteristics of each book.


This is another law review devoted in large measure to the local law of a particular jurisdiction. Like most State law reviews it is published under the editorial direction of the State University Law School. We hope it is to the interest of our new brother that in fact the content of
this review and the editorial arrangement of its publication are very similar to that of our own Law Journal in Indiana. It seems that we were the first law journal to be definitely published by the State Bar Association under the editorial direction of the State University Law School. The Michigan Law Review and others are published by the State University Law School with the financial aid and co-operation of the bar association; but the Indiana Law Journal was the first to be handled financially by the State Bar Association while the editorial work was done under the supervision of the State University Law School.

We notice that the Dakota Law Review is published by the State Bar Association of North Dakota under the editorial supervision of North Dakota University Law School. In the make-up of this review, we are also pleased to notice that the listing of the periodical material is similar to that which our Journal employs and different from that used in any other law review.

In this first issue appear two leading articles of interest and value while the case notes are of good quality and fairly exhaustive. The case notes are written by the student editors and signed with the full name of the writers. In the first issue no book reviews appear at all but at the end of the issue is a department entitled “Bar Briefs” in which brief summaries of certain North Dakota decisions are given. We confess that we do not understand from these bar briefs what court handed down these decisions or what the number of the cases are so that they can be identified in the reporter system later. No department covering news of bar association affairs appears in this issue and this seems somewhat extraordinary since the bar association is the publisher of the review.

It seems most fortunate that this plan of using it for the State Bar Association and the State University Law School has been approved in North Dakota. We are advised that a similar plan is being urged in many other jurisdictions and that it is likely that such arrangements will be made in the near future. It would seem that for the bar association and the State University Law School to work together in such an effort for their mutual advantage and for the service of the profession in the state.


Professor Nathan Isaacs of the Harvard Law School has published the leading article in the May issue of the Harvard Law Review, entitled: “Two Views of Commercial Arbitration.” These two views it seems are: (1) that commercial arbitration is a form of treatment, less technical perhaps than that of the regular courts but nevertheless an integral part of the judicial system; and (2) that commercial arbitration is a contractual method for the settlement of disputes out of court and separate from the regular judicial organization. Professor Isaacs gives a large number of instances from judicial decisions in this country and in Europe which, by his analysis, indicate that different problems in commercial law are decided one way or the other according as the court regards commercial arbitration as a matter of contract or as a matter of judicial procedure. This grouping of cases is remarkable and quite striking to one who has not considered the subject in this precise way. It is submitted, however, that the grouping is perhaps a little arbitrary in certain respects and that perhaps the facts and the decisions are sometimes made to fit the categories