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Lectures on Legal Topics 1921-1922, 1926

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REVIEWS

in this country and there they have the monumental work of "Russel on Arbitration," of which a tenth edition was published by Alfred A. Hudson in 1919. All ten editions of this exhaustive book have been of great value to the legal profession for many years and the periodic new editions bring it up to date for current use. Is it not time that we have some comprehensive treatment of the subject in America? The permanent importance of arbitration law as a branch of legal procedure cannot be doubted; if an exhaustive book were written now the changes that may occur even in the near future could be covered in later editions or supplements.

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NOTICES

(These notices are preliminary; they do not preclude reviews later.)


This volume consists of a series of addresses delivered before the association of the bar of the City of New York. The various papers are by James N. Rosenberg, Allen Wardell, Charles M. Hough, Robert Swaine, Benjamin N. Cardozo, Learned Hand, Hampton L. Carson, Francis J. Swayze, Carlos C. Alden, Sir John W. Salmond, Rt. Hon. Charles J. Doherty, Henry M. Powell, Augustus N. Hand, Willard Bartlett. The subjects of the address in the order of the authors just given are: Reorganization, The Next Step (dealing with reorganization of the corporations that have become insolvent or financially embarrassed), The Review of Criminal Causes in the Courts of the United States, Progress in the Law: A Ministry of Justice (this address was printed in the Harvard Law Review, Vol. 35, p. 113), The Deficiencies of Trials to Reach the Heart of the Matter, James Kent, Can We Improve the Sources of Our Law?, The New Civil Practice Act and Rules (Under this title are printed a series of five addresses by the Dean of the Law School of the University of Buffalo dealing in detail with the new court provisions governing civil procedure in New York State), The Literature of Law (in which the distinguished New Zealand jurist makes a plea for the codification of the common law with provisions so that common law precedents antedating the time of codification should not be recognized after codification), Canadian Constitutional Law, Taxation of Corporate and Personal Income in New York, A Sketch of Constitutional Law in America, and The Court of Appeals and Its Predecessors (which refers to the highest judicial court in the state of New York).

Of these admirable addresses perhaps the two that have the greatest general influence are those by Judge Cardozo on "The Ministry of Justice" and by Sir John W. Salmond of the codification of the common law. Both have been received with a great deal of critical approval and both are unlikely of realization in the near future. Many of the ends which Judge Cardozo hopes to accomplish by the ministry of justice are now being supported in some measure by the American Law Institute and the work of several of the leading law schools. The suggestions of Sir John Salmond are very much in keeping with the analytical school of jurisprudence which that jurist may be said to represent in large measure. There is some codification of the common law going on all the time but whether we will be willing to dispense with previous common law precedents entirely is to be doubted even though the common law were as fully codified as one can readily imagine.

All of the other addresses are of great merit and those that deal with New York practice are of special interest to lawyers in that state. For our purposes in Indiana, we might take a hint from this practice of the association of the bar of the city of New York in arranging for addresses on strictly legal subjects at their several meetings during the year. It will be noticed that these addresses are not of a popular or political nature, nor are they purely literary in character intended to interest and delight an audience apart from their content. In Indiana the Gary Bar Association has gone a long way in securing substantial addresses by able men at their several meetings. Similarly a number of county bar associations in the state have made excellent progress along the same line. This volume of legal papers shows what can be done in the field through the medium of bar association meetings.


This is a new case book in a field of the law where no significant collection of cases has been published since the basic work, Cases on the Law of Admiralty by Dean Ames, which was published in 1901. This case book by Dean Ames in turn was the first significant collection of cases on the subject at the time it was published and has remained so to this day. Not only are Ames' cases more than twenty-five years old at this time; but, divided in three parts, the total volume contained only 341 pages without detailed references to articles in legal periodicals or detailed analyses of other important cases not included in full in the case book. This new case book by Professors Lord and Sprague, however, is a much more considerable work containing 837 pages. The advantage here is not only in the added number of cases given but in the fact that the foot-notes are far more elaborate than in Ames' case book and they contain detailed references to other decisions and other work of legal writers in periodicals as well as treatises. These references are largely to cases and legal writings that have occurred since the publication of the case book by Dean Ames. The whole field of the conflict between the scope of admiralty jurisdiction and the development of common law jurisdiction in the borderland cases where the action might be brought in either admiralty or