2-1927

Ballantine's Problems in Law, edited by Henry Winthrop Ballantine

Paul L. Sayre

Follow this and additional works at: https://www.repository.law.indiana.edu/ilj

Part of the Legal Writing and Research Commons

Recommended Citation
Available at: https://www.repository.law.indiana.edu/ilj/vol2/iss5/7

This Book Review is brought to you for free and open access by the Law School Journals at Digital Repository @ Maurer Law. It has been accepted for inclusion in Indiana Law Journal by an authorized editor of Digital Repository @ Maurer Law. For more information, please contact rvaughan@indiana.edu.
laboratory work. What a good guide could fairly hope to do is to make the laboratory work more efficient and to enable the worker to get clearer results for the time expended; and it is submitted that this book is admirably calculated to render this service.

Paul L. Sayre.

Indiana University School of Law.

NOTICES

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


Here is a book prepared for reviewing purposes in law schools or for the bar examinations that is constructed on quite a different plan from the usual "law quizzers". Perhaps the reader immediately thinks of Haight's Questions and Answers (2d edition) which has hitherto been the most useful and the most scholarly work in this field. It may be said in brief that Professor Ballantine has constructed his book along the same general lines as Mr. Haight used in the second edition of his book which was published in 1919. It must be added, however, that this same plan has been so far amplified and developed by Professor Ballantine in the present work that the result is quite different from anything which has appeared before. In the mere matter of quantity the present book contains 1110 pages while Mr. Haight's book consists of only 585 pages. Furthermore, the present volume is larger in size and has more content to the page. Mr. Haight attempted to give questions and answers for twenty-eight different subjects in the law and he directly or indirectly prepared all the questions and answers himself. Professor Ballantine, however, covers thirty-four different subjects while the questions and answers are prepared by twenty-six different law teachers of national reputation. Thus in most instances the contributor prepares the questions and answers for only one subject, although the editor himself contributes three subjects to the total. It may be stated definitely that the questions and answers prepared under each subject are contributed by men who are masters in their respective fields. The result is as we would expect; both questions and answers show a degree of clarity and a scholarly thoroughness which have been absent from most law quizzes in the past.

Each subject is usually introduced by a general question which gives the contributor an opportunity to make some comment by way of defining and delimiting the subject in his answer. The succeeding questions and answers are grouped under appropriate divisions of the subject itself so that the whole gives a logical and scholarly treatment of the field in its entirety. In some instances the contributor gives his authorities for his answers in the course of his comment but in most instances the authorities are given after the answer itself. In every instance there are references to the decennial digests for further authorities. In many cases the con-
tributor refers to recent articles or to text books for further explanation of the points involved.

In considering such a book perhaps it is important for the law teachers to remember two things; first, that there is nothing criminal in putting its academic training into practical use; and second, that a book which has this practical aim need not be unscholarly in its make-up if it is also to be eminently practical. It seems to the reviewer that Professor Ballantine has had happy success in achieving a practical tool for the lawyer as well as a scholarly handling of the materials in view of their purpose. The questions are admirably specific, dealing with the real difficulties rather than generally dealing with matters which are well settled, in the manner of most law quizzes of the past.

We should remember that the editor and the contributors would be the first to deny that such a book should in any way intrude upon thorough preparation by the present methods used in law schools. The book is purely for review purposes or for reference. It is not unfair to suggest, however, that many students have a sort of constitutional inaptitude for taking adequate notes, although they may have the making of good lawyers. Such a book as this which could be used in some measure as an outline for their work might be peculiarly helpful for reviewing purposes. It may be stated definitely that the answers contain references to a number of recent cases and to references in legal periodicals which are valuable for any lawyer to have in convenient form.

The reviewer ventures a prediction that this book will supplant other law quizzes. The questions and answers cover real difficulties rather than fictitious ones; it should be of decidedly more practical value than other law quizzes or questions for review published thus far. The scholarly analysis of the problems and the convenient citation to recent authorities should make it a valuable reference book for the young lawyer after its immediate purposes have been fulfilled.


This is a little book which under a somewhat expansive and leading title, in fact deals exclusively with the right of a legislative body to expel one who has been duly elected to it under the law because of any offenses or conduct of that duly elected person that in the opinion of the legislative body seems to unfit him for membership. The late Solicitor-General of the United States takes the view that the constitution did not contemplate any right in either house of congress to impose additional qualifications for membership apart from those regular credentials of election which are supplied by the local state or congressional district. Mr. Beck goes into the instances in which the United States Senate has hesitated to exercise any power of expulsion upon its members because of reprehensible although not illegal conduct in the past. He also goes rather fully into the case of John Wilkes in England whose expulsion from Parliament in the eighteenth century caused such a furor at that time. It is quite obvious that Mr. Beck's little book finds its immediate occasion for being in the proposed expulsion from the United States Senate of the senators-elect from Illinois and Pennsylvania. If we are to assume that the conduct of these men in securing their elections was reprehensible but that they did