Constitutional Law

Hugh Evander Willis
Indiana University School of Law
REVIEWS

It is rather difficult, in the absence of practical experience with the book, to comment upon the desirability of these rather far-reaching changes in arrangement. As already intimated the arrangement is probably somewhat less logical than the conventional one but the purpose is avowedly pedagogical, and may well be justified on that ground. A reading of the cases in order gives the impression that the subject is unfolded in a way which should be readily grasped by the student and if that is so, the book will prove satisfactory, no matter how illogical from the strictly theoretical standpoint its arrangement may be.

There is included at the end a copy of the final draft of the Uniform Mortgage Act which has been recommended for passage by the legislatures of the various states.

The foot notes are excellent, and develop adequately minor matters which it was considered undesirable to cover by cases reprinted at length. At the same time the editor avoided the difficulty which some compilers have fallen into, of making the foot notes too elaborate by covering therein important subjects which should be developed by cases. The decision as to where the line is to be drawn between cases to be reprinted and foot note citations is of course a difficult question of judgment as to which no two compilers are likely to agree, but it is believed that the editor of the present collection has been wise in most of his decisions in this matter and likewise successful in his compilation and summary of the cases relegated to the foot notes.

In the reviewer’s opinion, the cases are well selected and the presentation of the subject is clear and pedagogically sound. The book should therefore be a satisfactory text for the classroom study of its subject, and will, no doubt, be widely adopted for that purpose.

ROBERT C. BROWN.

NOTICES


This book is a combination of text and case book. It was evidently prepared on the theory that it would combine both the advantages of a text and a case book, but the result, in the opinion of the writer, is that, as usual with such efforts, it possesses the advantages of neither. The author modestly says that his text “sets forth the minimum information” and “The cases include the indispensable milestones”. If his book was to be judged solely by his own purpose it would have to be criticised favorably. It does give satisfactory minimum information, and it does include many leading as well as a few important recent cases. The author has accomplished his purpose. If the book is to be criticised unfavorably it must be for its purpose. The writer cannot see any reason for writing a book for such a purpose. Of what use is it?

The trouble with this book, in the opinion of the writer, is that no one can learn constitutional law from it and he can see no other use for a book on constitutional law. For example, the topic of “Laws Impairing
the Obligation of Contracts" is treated by the Dartmouth College Case and two other cases remotely touching the subject and by three pages of text. The cases neither give the constitutional law pertaining to the "contract clause" nor even the subsequent historical development of the doctrine announced in the Dartmouth College Case. While some of this development can be found in the text material it is there treated in such a cursory way that it would have little meaning to anyone who had not studied the law elsewhere. The topic of "Due Process" is treated by three cases (one discussing the eight hour day, another, procedure, and the third, contempt) and by less than seven pages of text. How much about due process could be learned from these cases? Some elementary information about due process is given in the text, but the historical development of the subject is not given at all and the general principles touched upon are given only meagre treatment. These are fair samples of the treatment accorded other topics. In the opinion of the writer, such a book is not adapted for use in law schools. The method of the book is the "spoon-fed" method, but even for such a method there is too little in the spoon.

Hugh Evander Willis.

Indiana University School of Law.


This is an admirable little book for the beginning student in Law School. It is divided into eight chapters as follows: (1) The Courts; (2) Nature and Sources of Law; (3) Main Topics of the Law; (4) Procedure; (5) Forms of Action; (6) Pleadings; (7) How to Read and Abstract a Reported Case; (8) Repositories of the Law and Suggestions for Using Them. In addition to these eight chapters, there is a considerable appendix which gives detailed forms for the various common law writs and declarations in the common law actions. It will be noticed that the last five chapters deal directly with procedure or trial practice work. The first chapter also had its main interest in the understanding of the courts from the point of view of procedure or practice court work. The second and third chapters undertake some comment upon the substantive law. These chapters, however, are very brief and they purport to present these suggestions from the point of view of practice and procedure. Thus the "Nature and Sources of the Law" and the "Main Topics of the Law" are set forth so as to make the matter involved comprehensible for one who is working on a case for trial in court. When we bear in mind, therefore, that this book is an introduction to procedure more than an introduction to the substantive law we must recognize that it is of great value. The exposition of the forms of action at law and of pleading in equity together with the chapter "How to Read and Abstract a Reported Case" is set forth with unusual clarity and brevity. The comment upon the different repositories of the law is very helpful so far as the recent reports and digests go, but it is suggested that the comment upon the earlier sources of the law is inadequate. The suggestions for the use of encyclopedias and textbooks seem excellent.


This is an article of 43 pages which covers a broad subject in a most careful and condensed way. It is inevitable, however, that the author