Law Reform, by Henry W. Taft

Hugh E. Willis

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tion of Contract Obligations is inadequately treated, only thirty-three pages being devoted thereto. The subjects of Bills and Notes, Carriers, Agency and Partnership are deemed of insufficient importance to merit particular treatment. The chapter on Taxation is probably considered by the author as of greater importance, and is carefully treated, although the subject is more completely developed in works on Taxation.

The author states briefly, and in the main correctly, the majority rule in most instances, and he gives fairly and accurately the views of those who differ with him. His presentation is honest, and he lays before the reader a great mass of material in the form of articles and notes from the leading legal periodicals. The leading cases are generally given, and a cross reference is made to the splendid case book, Lorenzen's Cases on the Conflict of Laws, and thus another fund of citations and theories is laid open for the reader. References are abundant to the writings of all the leaders in the field of Conflicts.

The book is well indexed, which materially aids the lack of a table of cases which the publishers have not seen fit to supply. The citations appear to be accurate although at page 219 the author cites the case of *Egley v. T. B. Bennett & Co.* (Ind. App.), 139 N. E. 385, a decision which was superseded by 144 N. E. 533, which in turn was superseded by 145 N. E. 830.

The book comes at an opportune time and fills a need long felt by courts and lawyers. It is the first comprehensive American book since the last edition of Wharton in 1905. The work should prove exceedingly popular, at least until a more exhaustive treatise upon this important subject is produced. The book is essential to the court, necessary to the practitioner and valuable to the student of Conflicts.

C. SEVERIN BUSCHMANN.

*Of the Indianapolis Bar.*

**LAW REFORM**

This series of papers and addresses by a practicing lawyer covers a wide range of legal subjects, including a general comparison of American and English legal procedure, the application of the law of evidence in will contests and criminal trials, newspaper trial, uniformity of procedure in the Federal courts, justice and the poor, tenure of judges, freedom of speech and the Espionage Act, the American Law Institute, the League of Nations and the World Court.

For the most part the book consists of addresses delivered on different occasions before the American Bar Association, State Bar associations, Canadian bar associations, Law Society of London and the American Academy of Political and Social Science. As a consequence there is some repetition and the treatment of the subject of "Law Reform" is somewhat fragmentary. Only a few of the rules of evidence and practice are

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discussed and the rules of pleading are not discussed at all; but the fact that our system of practice is essentially a contest of skill, with the judge a mere moderator, is rightly held up as the most glaring defect therein, and the rules of evidence against hearsay, as to expert testimony and denying one who has made a will “the vicarious privilege” against contestants “of presenting his side of the case through beneficiaries, spiritual advisers, legal advisers and physicians” come in for sarcastic comment. The extent of crime in this country, the enormity of litigating procedure and of tolerating newspaper trials, as we do in the United States, and the suffering of the poor, are all vividly shown; but the other evils incident to our scheme for the administration of justice are for the most part passed by. By way of reform of Legal Procedure there is suggested law revision commissions, declaratory judgments, reform of the press (though probably not by the process of contempt), the abolition of the ease of divorce by uniform laws and the abolition of contingent fees in negligence cases, uniformity of Federal procedure, and conciliation and arbitration, domestic relations courts, administrative tribunals and small claims courts for the poor; but nothing is said about the reorganization of the courts, the appointment of judges, the education of the bar, the theory of criminal law, the disarmament of criminals, the character of the police and enforcement officers, the glorification of criminals and the teaching of law obedience. The author shows his vision when he insists that the theory which requires the administration of justice between individuals necessarily will force us ultimately to administer it between groups of individuals and between nations; and he is undoubtedly right in his position that what substantive law needs is not reforming so much as restatement, and that the American Law Institute is performing an adequate function in this respect.

The author everywhere shows a sane, broad, unbiased viewpoint, and a courage worthy of emulation. It is as encouraging as it is unusual to hear such doctrines and to witness such zeal from a practicing lawyer. Perhaps the explanation of why he does not, like most “legal votaries, cling to technique,” lies, as he himself says, in his advance in years and to his membership on law reform committees; but a more reasonable explanation is that Mr. Henry W. Taft is an unusual practitioner.

Hugh E. Willis.

NOTICES

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


This book consists of a series of articles contributed to Social England by the late Professor Frederick W. Maitland of Cambridge University and Professor Francis C. Montague of University College, London. Since