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Cases on Future Interests, by Richard R. Powell and Lewis M. Simes

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as well as practitioners are often greatly indebted to them. Possibly con-
stitutional law is the most difficult subject for treatment in this way al-
though it seems that Professor Yentima thinks that conflict of laws is
equally unsuited to such treatment (47 Yale Law Jour. 468.) In fairness
this must be said: Many phases of constitutional law can be treated ade-
quately and helpfully in this manner and the author in this instance has
done so; on the other hand certain of the more difficult phases of the sub-
ject which, unfortunately, deal with those questions that involve the great-
est amount of litigation, are almost impossible to handle in a brief and
dogmatic way. For instance, questions under the constitution of due process
of law or equal protection of the laws or trial by jury or freedom of speech
are several parts of the federal constitution which have given rise to much
litigation in recent years. The significant feature about these parts of the
constitution is that the expression in the constitution itself is not sufficient
explanation in the least degree. The significance of the constitutional pro-
visions depends entirely upon the way in which it has been interpreted by
the courts and the factual and social concepts which may be involved for
the future. It will be readily seen that a legal discussion of matter of this
kind can hardly be handled adequately unless the different cases or the
several factual and theoretical bases are considered in detail. It involves
no disrespect for the ability or the accomplishment of the author in this
instance, if we say that his book does not treat of these phases of constitu-
tional law in such a manner as to be of real service to the practitioner or
the student.

The book itself contains an admirable discussion of the powers of the
federal government and an interpretation of the constitution in most of
its parts. The foot note references are full and clear. We must surely
say on the other hand that no book or no series of articles gives the full
consideration which we should like to the subjects that we have indicated
this book treats inadequately. These phases of the constitution represent
a constantly growing part of the law. It seems that our ablest scholars
hesitate to treat of them in a systematic and thorough way. Such books as
Cooley on Constitutional Limitations and Burdick on The American Con-
stitution do deal with the 14th amendment and the Bill of Rights more
satisfactorily than this book; but Cooley's book is much longer and a really
thorough consideration of these phases of the constitutional law is yet to
be written.

Cases on Future Interests, by Richard R. Powell assisted by
Lewis M. Simes. American Casebook Series. West Publish-

This is an admirable casebook comparable in thoroughness and work-
manship to Campbell's Cases on Mortgages, Thayer's Cases (Maguire's
edition) on Evidence and Sayre's Cases on Criminal Law. Perhaps the
virtues of this casebook are even more apparent than similar virtues in the
other case books since we have been in need of these improvements in this
field of the law for a longer time and in a more serious way than in other
fields covered by legal case books. The author and his assistant have col-
lected a remarkable group of recent cases in the field of Future Interests
which serve not only to bring out the principles involved but to familiarize
the student with the kind of cases and the legal situations in which the
law of Future Interests deals at the present time. If we assume in a
general way that the law of Property has some elements of difficulty that
students do not find in other subjects it seems important for us to use
every reasonable means to tie the subject up with current cases and to
illustrate the principles from present day materials. It seems to the re-
viewer that the author has done this admirably without any sacrifice to a
sound exposition of the basic principles involved. Thus the author frankly
uses almost all of the famous historic cases that are found in Gray and
Kales. Certainly there are some cases that show a development of the
law of Property which every future casebook must use; the present author
shows no pride of selection which precludes his using the best materials
that are found in other case books.

In addition this book has many advantages. Its foot notes are replete
with references not only to decided cases and to standard texts but also to
recent law review articles and helpful suggestions as to other sources of
information. More important even than this to the classroom work is the
number of hypothetical cases that appear under nearly all the cases. It
may be suggested that these questions should be prepared by the instructor
and that it detracts from classroom work to have them in the book. The
answer to this seems to be that if the cases are well formed the difficulty
of the subject makes it advantageous for the student to have them before
him and there is more than enough room left for all the learning and
pedagogical skill of the instructor.

The introductory chapters of this casebook present a brief textual com-
mentary upon the historical development of Future Interests. Hitherto
most teachers of the subject have been dependent for this material either
upon Professor Biglow's little introduction or upon the use of longer
works where the gleaning of the information involves much time and has
usually proven unsatisfactory.

The entire plan of the work seems to have been worked out by men who
were conscientiously concerned about the training and information of the
students. Perhaps we may say that never before has a casebook in Future
Interests been presented where the needs of the student have been so fully
supplied.

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