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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 constitutional law is the most difficult subject for treatment in this way although 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 adequately 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 subject which, unfortunately, deal with those questions that involve the greatest 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 provisions 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 constitutional 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 Constitution 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.


This is an admirable casebook comparable in thoroughness and workmanship 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 collected 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 reviewer 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 class room 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 class room 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 commentary 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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