Book Reviews

GUIDE TO THE LAW AND LEGAL LITERATURE OF FRANCE, by *George Wilfred Stumberg*. Washington: Government Printing Office, 1931. Pp. v, 242. Price $1.25.

In this country where the study of comparative law is so largely neglected, every possible stimulus to the investigation of foreign law is doubly to be desired. Professor Stumberg's book, prepared under the auspices of the Library of Congress, is far from being a mere bibliography. The very complete references which it contains to French statutes, judicial decisions, search books, treatises, historical works, and philosophical and social-science disquisitions, occur in the course of a text which makes interesting reading and which should go far in leading the reader to investigate for himself the sources of which Professor Stumberg gives an account.

It will now be possible for the lawyer or student who wishes to investigate a subject in the law of France to obtain in advance from Professor Stumberg's book a brief account of the development of French law and legal literature, of the nature and varieties of French jurisprudence and legal thought, of the works of a general nature which may be consulted, and of the history and general setting of the subject to be investigated, as well as a thorough bibliography in the particular field. In the course of his reading the investigator will thus obtain an awareness of the cross-currents of thought which play upon his subject such as only a genuine insight on the part of the author, backed by painstaking research, could produce.

If the advertising methods of private publishers were available to increase the sale of Professor Stumberg's book, it would receive general recognition in the profession as an important contribution to legal literature. As matters stand, it will at least be accorded a welcome by the discriminating scholars who keep in touch with library publications. The Government Printing Office has provided a format and binding which leave nothing to be desired.

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COLLECTION OF CASES AND STATUTES ON REAL PROPERTY LAW. *Society of Public Teachers of Law*. London: Published by Butterworth & Co., in cooperation with Sweet & Maxwell, Ltd., and Stevens & Sons, Ltd., 1923. Pp. 819.

The editor saw this book in its English binding on my table and asked me about it. When he found that it was published by the English Society of Public Teachers of Law or at least under its auspices, he bethought himself of the several publications under the auspices of the Association of

American Law Schools and wanted a review or comparison or "what have you" on this pink volume.

To begin, the only comparison between the publications undertaken by the two bodies is that they were so undertaken. The American body has contributed to legal literature SELECT ESSAYS IN ANGLO-AMERICAN LEGAL HISTORY, 1907-1909, and SELECTED READINGS ON THE LAW OF CONTRACTS, 1931, the titles of which indicate their content, and two series of books, the CONTINENTAL LEGAL HISTORY SERIES, 1912-1927, and THE MODERN LEGAL PHILOSOPHY SERIES, 1911-1923. Casebooks in the various branches of the curriculum have been edited by members of the bar in some instances, but for the most part have been edited by individual teachers of law in the United States. In England the bar and the teachers of law have confined themselves to treatises and textbooks for students and practitioners. The first production of the Society of Public Teachers of Law was a summary of various curricula of the Public Law Schools of England, 1915. Its next effort was the production of the COLLECTION OF CASES AND STATUTES ON REAL PROPERTY. Its purpose was to fill a gap between the volumes on "leading cases" covering a miscellaneous field such as Smith's, and "smaller volumes which do not profess to reproduce the original judgments *in extenso* and are, therefore, not original authorities in the true sense." THE JOURNAL OF THE SOCIETY OF PUBLIC TEACHERS OF LAW (1924) 41. Real Property was taken as the subject for experimentation because no collection of cases on that subject had appeared in England for some time, and because "the successful teaching of which is peculiarly dependent on the conscientious use of precedents by teacher and student." The collection consists of seventy-six cases and fourteen statutes arranged, so far as the cases are concerned, in an alphabetical sequence and not by any logical analysis of subject matter. When published in one volume without an index except the alphabetical list of cases and a corresponding numerical designation, the book would appear hopeless to anyone not familiar with the style of the cases. The general scheme does not cover use as a book, but rather as a collection of cases, each printed separately as a pamphlet without note or comment and without alteration of the text of the reported case. In practice, then, an instructor selects the cases to be used and the student may purchase the pamphlets or loose-leaf units of the cases assigned for 6d., each, and arrange them as he progresses in his study according to their place in the division of the subject to which they apply. This loose-leaf arrangement for casebooks is now announced by some American publishers.

The selection of cases at first glance appears odd to one familiar with leading American casebooks on Real Property Law. Approximately fourteen of the seventy-six cases appear in Bigelow's collection, four in Aigler's, nine in Powell's, four in Walsh's, and a like number in Rood's. As the collection covers the whole field a more comparative statement is that one-third appear in the American Casebook Series. The difference is due to several causes. An obstacle which the committee could not overcome was the refusal of permission by the publishers of the Law Reports Series to allow use of cases from that series, and this undoubtedly accounts for the

absence of some familiar cases. The publishers of the Law Journal Series consented to cooperate and joined with Messrs. Butterworth & Co. in publishing the collection on behalf of and without expense to the Society.

The result produced is a casebook of modern precedents since 1716 with the exception of *Bowles' (Lewis) Case* (1615) 11 Co. Rep. 79 b., *Dumpor's Case* (1603) 4 Co. Rep. 119 b., *Gateward's Case* (1607) 6 Co. Rep. 59 b., *Mildmay's Case* (1606) 6 Rep. 40, *Pomfrey v. Rycroft* (1669) 1 Wms. Saund. 322, *Portington's Case* (1614) 10 Rep. 356, *Spencer's Case* (1852) 5 Co. Rep. 169, and *Tyrringham's Case* (1584) 4 Co. Rep. 36 b., eight luminaries from the older galaxy of stars. Through compulsion, then, if not purpose, the Society editors have made available an excellent collection of cases which approaches the study of the law in its more modern setting. Another reason for the discrepancy is obviously the difference between the American and English law in many respects that would make some of the cases unsuitable in American law schools. Such cases as *Dalton v. Angus*, sustaining a prescriptive right to lateral support for land incumbered by "ancient buildings," *Colls v. Home & Colonial Stores*, on the doctrine of "ancient lights," *Copestake v. Hoper*, deciding that seisin is in the mortgagee and not in the mortgagor under the circumstances set forth, would be of no value in our collections of cases.

In the writer's opinion the publishers of the Law Reports Series unwittingly did a service in their refusal and the editors have presented choice cases covering the important points of Real Property law with more full and balanced use of the precedents freely cited by the courts in coming to their conclusions, than if they had used only the older cases. No later publications by the Society have been noted in their Journal, but the last issue contains a full page advertisement of the Case Book, with special note of its loose-leaf advantage.

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