

and the Biography of Blackstone are of some value. The chief addition to the former edition consists in "Dean Gavit's Notes" which are appended to each abridged chapter. These notes briefly discuss the text and indicate the later progress and the present status of Blackstone's rules. The notes are usually succinct and well stated and constitute a welcome aid to the reading of the work. The lawyer will be slightly nonplussed by the total absence of citations of authorities in either the text or Dean Gavit's notes. The slight shock, however, may help to induce a realization of the essential similarity between Blackstone's original work and the Restatements of the Law by the American Law Institute.

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HOW TO PROVE A PRIMA FACIE CASE. By Howard Hilton Spellman. New York: Prentice-Hall, Inc., 1940. Pp. xviii, 815. \$6.50.

This is an enlarged and revised edition of a book under the same name by Samuel Deutsch and Simon Balicer, printed in 1928. That the book is in its third printing, and that the earlier book went through five printings indicates that there has been a demand for a treatment of the subject indicated by the title. Why? To whom does a book like this appeal?

In the Introduction<sup>1</sup> we find that "The elements of a prima facie case rest in the substantive law of the various subjects *embraced within a given litigation.*"<sup>2</sup> Surely the graduates of any member school of the Association of American Law Schools go into their profession qualified to recognize those elements. It is difficult to believe that such persons would have to look into a handbook to find that<sup>3</sup> "To establish a prima facie case based on fraud and deceit, the plaintiff must prove: (1) that the defendant's representation was false; (2) that the defendant knew it to be false (*sic*); (3) that he intended to defraud the plaintiff; (4) that the plaintiff believed the representations to be true and relied thereon; (5) that the plaintiff sustained damage." There may be many members of the bar to whom such elementary and inadequate statements of law, and the little bits of additional substantive law appended thereto under the title, Hints, are enticing. If so, it is a sad commentary on the courses in Legal Bibliography and the use of Digests and other material that a list of cases must be supplied in this way. The portions of the book given to such matter must be superfluous to lawyers, and this book is surely not merely for information to the layman.

The Introduction further states,<sup>4</sup> "In the broad sense, the presentation of the plaintiff's case involves a series of separate minimum requirements of proof." If the lawyer knows the "elements" he surely knows they must be proved. He has, in any accredited law school, taken thorough courses

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1. Introduction, p. 3.  
2. Italics ours.  
3. P. 209.  
4. P. 4.

in evidence and pleading, as well as some practice court work. He enters the practice with an abundance of knowledge of his subject, and of where and how to find more of it in standard and authoritative sources. It is believed that those who have successfully passed the grilling class room work and tests of our law schools have shown themselves capable of a very fair degree of analytical power. Then "Why" this book and the demand for it as evidenced by the sales?

To the reader, this answer lies in two matters. One is in the mental sphere arising from the fact that the novelty of any new situation in law practice (or in any other field) has its terrors for the inexperienced. Even the drafting of a minor document for the first time creates a little worry. The other is definitely on the "Art" side of the practice. No organized teaching of the *Art of Interrogation* is planned and in operation in the schools, other than that given sporadically in some courses in logic. Some of the books on the technique of the trial offer suggestions and examples to the beginner. That is done in this book in the so-called "Forms" or guides to questioning of witnesses. They should be of value, not perfect, but suggestive, and the author performs a service to the novitiate in this regard, a service which, it is believed, the schools are not furnishing in any great degree.

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## CURRENT PUBLICATIONS

- AMERICAN STATE DEBTS. By B. U. Ratchford. Durham: Duke University Press, 1941. Pp. xii, 259. \$1.50.
- COOPERATIVES, THE LAW OF THE ORGANIZATION AND OPERATION OF. By Israel Packel. Albany: Matthew Bender & Co., 1940. Pp. xvi, 307. \$5.00.
- DIGEST OF INTERNATIONAL LAW. Two volumes. By Green Hayward Hackworth. Washington: Government Printing Office, 1941. Pp. ix, 803; v., 829. \$2.00; \$1.75.
- FREE SPEECH IN THE UNITED STATES. By Zechariah Chafee, Jr. Cambridge: Harvard University Press, 1941. Pp. xiv, 634. \$4.00.
- INDEPENDENT REGULATORY COMMISSIONS, THE. By Robert E. Cushman. New York: Oxford University Press, 1941. Pp. xiv, 780. \$5.00.
- KALEIDOSCOPE OF JUSTICE, A. By John H. Wigmore. Washington: Washington Law Book Co., 1941. Pp. xxx, 751. \$5.00.
- MODERN TORT PROBLEMS. By Laurence T. Eldredge. Philadelphia: George T. Bisel Co., 1941. Pp. xxxvii, 311. \$3.50.
- REGULATION OF STOCK EXCHANGE MEMBERS, THE. By Raymond Vernon. New York: Columbia University Press, 1941. Pp. xvi, 152. \$2.00.
- TRIAL AND APPELLATE PRACTICE, CASES AND MATERIALS ON. Second Edition. National Casebook Series. By Edson R. Sunderland. Chicago: Callaghan & Co., 1941. Pp. xxx, 775. \$5.50.

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