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## Book Notes

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# BOOK NOTES

AMERICAN CIVIL PROCEDURE. By William W. Blume. Englewood Cliffs: Prentice Hall, Inc., 1955. Pp. xv, 432. \$6.50.

Professor Blume has written a compact text encompassing the whole field of American civil procedure. It includes an analysis of substantive conditions, both legal and factual, necessary for relief in the courts, at common law, under code procedures, and in equity; remedies for particular wrongs; and procedure from the institution of an action through judgment, including process, pleading, proof, motions, instructions and judgment. The style is clear and the text is well sectionalized. There are copious footnotes for more detailed research. References are also made to *Brown's Digest to Procedural Statutes*, compiled by Elizabeth Gaspar Brown (Ann Arbor: Overbeck and Co., 1954) to be used in conjunction with Professor Blume's text. This book should be of great assistance to the law student, particularly as a handbook for courses in pleading, civil and trial procedure and evidence.

HARRIET L. FRENCH

PROFESSOR OF LAW

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THE GREER CASE: A TRUE COURT ROOM DRAMA. By David W. Peck. New York: Simon and Schuster, 1955. Pp. xi, 209. \$3.75

This is an account of a sensational case that was brought before Judge Peck on appeal. It tells of an attempt to break the will of a wealthy socialite by proving the identity of an illegitimate son, and has all of the dramatic incidents of fiction made more fascinating because the characters are real. Judge Peck's careful explanation of procedure and the "behind the scenes" preparations of counsel in uncovering the evidence makes it of particular interest to lawyers and law students.

HARRIET L. FRENCH

PROFESSOR OF LAW

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CASES AND MATERIALS ON FEDERAL TAXATION. 4th Edition. By Erwin N. Griswold. Brooklyn: Foundation Press, Inc., 1955 Pp. xxxii, 1030. \$9.00.

This fourth edition continues the arrangement adopted in the third edition but has been expanded by approximately two hundred pages, principally in the preliminary chapters of the Income Tax section. Of course, the revision has been made with reference to the 1954 Internal Revenue Code.

WIRT PETERS

PROFESSOR OF LAW

CASES AND MATERIALS ON DECEDENT'S ESTATES AND TRUSTS. By John Ritchie, Neill H. Alford, Jr. and Richard W. Effland. Brooklyn: Foundation Press, Inc., 1955. Pp. xlvii, 1113. \$10.00.

This book is well compiled. Its most commendable attributes are the completeness of subject matter, recent selected cases and generous text material in the form of notes.

It covers adequately the law of succession, and includes a statement of the major problems raised in probate procedure. It also gives adequate coverage to fiduciaries' duties and the problems presented in the administration process.

The authors selected illustrative cases with obvious care and have edited them without distortion.

The generous "Notes" gives the students an understanding of the nature of the problems involved thus permitting an intelligent approach to the cases.

THOMAS A. THOMAS

PROFESSOR OF LAW

AN INTRODUCTION TO THE LAW OF NATIONS. By Oscar Svarlien. New York: McGraw-Hill Book Co., Inc., 1955. Pp. 478. \$6.00.

A handy and readable introduction to international law, well organized and offering a wealth of information.

S. A. BAYTCH

ASSOCIATE PROFESSOR OF LAW

PERPETUITIES AND OTHER RESTRAINTS. By William F. Fratcher. Ann Arbor: University of Michigan Law School, 1954. Pp. xix, 728. \$12.50.

*Perpetuities and Other Restraints* is a comprehensive study of the Michigan statutes and decisions relating to perpetuities and other devices which fetter the alienability of property. It is an exhaustive examination of Michigan law against the background of English and American legal history.

An exhaustive analysis of the law of a particular jurisdiction on so complex a problem is an obvious boon to the attorney interested in the law of a specific state. In addition, however, it is becoming increasingly evident that general works purporting to cover the law of all the American states can but give little attention to the details of a particular jurisdiction. As the number of cases and statutory modifications become increasingly numerous, the need for specific research at the state level becomes more apparent. This is especially true concerning the law of perpetuities in

Michigan where the legislature at one time adopted a considerable amount of the New York legislation dealing with the Rule Against Perpetuities, and later proceeded piecemeal to repeal it.

*Perpetuities and Other Restraints* is a valuable addition to American legal literature. It is to be hoped that it may serve as a catalyst for additional scholarly studies on a state level.

RALPH E. BOYER

ASSOCIATE PROFESSOR OF LAW

THE HOLMES READER. By Julius J. Marke. New York: Occana Publications, 1955. Pp. v, 282. Cloth, \$6.50, Paper, \$1.00.

The inevitably controversial and always readable Mr. Justice Holmes is again printed, the present publisher's vehicle being *The Holmes Reader*, organized and edited by Julius J. Marke.<sup>1</sup>

Since this reviewer really enjoys reading Holmes it would personally be satisfactory to just conclude at this point with an acknowledgment that the \$1.00 paper bound *Holmes Reader* is a *most reasonable* way to obtain for one's library some of the best Holmes' writing—in view of the exemplary Marke's editing. As Professor David Stern put it in the latest *Law Library Journal*:<sup>2</sup>

Here, at last, is a book at once as new and refreshing as it is significant . . . This reviewer hails the advent of the first of the *Docket Books*—*The Holmes Reader*. What is it? First a finely bound . . . edition for the connoisseur . . . [Then] there is the student edition in soft cover for the ridiculously low price of one dollar.

The only disadvantage to popularization of Holmes by the selected writing approach would be fear of over-simplifying a man who approached the institutional level in the few fields his mind dwelt upon at length. The almost unbelievable present control of constitutional law by the pragmatic, relativistic Holmes touch; the magic realists' fountainhead "The life of the law has not been logic, it has been experience"; the constant sharp-shooting at the great Holmes target by the new natural lawyers as part of their so-called "Renaissance of Natural Law"; the state of legal philosophy and sociology from Stammler and Jhering (among others) to Pound, certainly at least partially bridged by the magnificent Holmes destruction of ultimate, mystical values and ideals—*these* cannot be obtained for one dollar. But for one dollar, this reviewer guarantees you, the readers, an excellent organization of writings about the life and work of the Justice; his speeches and writings on the law, lawyers and government; and evaluations of his judicial work, with selected opinion excerpts.

C. C. ALLOWAY

ASSOCIATE PROFESSOR OF LAW

1. The scholarly Law Librarian of New York University.

2. 48 LAW LIB. J. (1955).