

1926

Lectures on Legal Topics

George Gleason Bogert

Follow this and additional works at: http://chicagounbound.uchicago.edu/journal_articles

 Part of the [Law Commons](#)

Recommended Citation

George Gleason Bogert, Lectures on Legal Topics," 21 Illinois Law Review 422 (1926).

This Article is brought to you for free and open access by the Faculty Scholarship at Chicago Unbound. It has been accepted for inclusion in Journal Articles by an authorized administrator of Chicago Unbound. For more information, please contact unbound@law.uchicago.edu.

judge will be repaid in reading the work carefully and thoughtfully. Judge Johnston might with profit have secured additional evidence for his central idea by having consulted Vinogradoff's works, and those of Cardozo, Stammler, and Duguit. As opposed to his central thought, Judge Johnston might have secured the criticisms and stimulations to thought of Dean Pound, none of whose writings is mentioned. As Pound has shown, law is more than merely "rules" of conduct; it likewise consists of principles and standards, and, in a given system of law, of a customary or traditional technique of materials in using the law as it exists and has been inherited. Perhaps Judge Johnston really means that the legal order contains what Pound says it does, and that his definition of law (p. 110) as "a system of rules or regulations recognized by the community as governing the intercourse of the people with each other" is broad enough to include principles and standards. Furthermore, can it be said that the Historical School which Judge Johnston represents is really, as the title of his work infers, "the modern conception of law?" Has not Judge Johnston instead set forth—and remarkably well and clearly—the modern conception of Historical Jurisprudence? These criticisms, however, are minor ones as compared with the excellent work that has been produced by Judge Johnston. Northwestern University. E. F. ALBERTSWORTH.

LECTURES ON LEGAL TOPICS. Addresses before the Association of the Bar of the City of New York, 1921-1922. New York: The Macmillan Company, 1926: pp. 390.

The first group of these lectures concerns corporate reorganization and more particularly the problems of giving a prior lien to money advanced to the reorganized corporation and of disposing of dissenting creditors. James N. Rosenberg of New York proposes a solution dependent on dicta in the famous *Boyd* case (228 U. S. 482), and Robert T. Swaine and Allen Wardwell criticize this suggestion.

The address of Judge Charles M. Hough of the United States Circuit Court of Appeals is on the survival of common law pleading and practice on the criminal side of the federal courts. He clearly shows that code state lawyers cannot safely assume that their practice acts are omnipotent.

Judge Cardozo's paper entitled "A Ministry of Justice" has received wide attention. It is an analysis of the lack of co-ordination between the administration of the law and the making of the law. It demonstrates the urgent need of an agency for suggesting changes in the law.

Judge Learned Hand speaks of the weaknesses of the bar in pleading and practice, and suggests several reforms. The paper of Hampton L. Carson, of Philadelphia, is a presentation of the life and work of Chancellor Kent. Justice Swayze of the New Jersey Supreme Court urges the abbreviation of judicial opinions, in order that the enormous bulk of legal materials may be reduced.

Dean Alden, of the University of Buffalo Law School, performs the useful service of discussing in five lectures the changes made in New York practice by the Civil Practice Act of 1920. These papers may well interest students of the law in any code state.

The late Sir John Salmond recommends, as a solution of the problems arising from the mass of statutes and decisions, a codification of the common law, to be preceded by a standardization of legal terminology, a consideration of desirable reforms, and critical treatises by legal scholars. The Rt. Hon. Charles J. Doherty of the Montreal bar comments on the constitutional law of the British Empire, Canada, and its provinces.

Henry M. Powell of New York contrasts the New York and federal income tax laws. District Judge Augustus Hand presents views with respect to the origins of our ideas of constitutional law and regarding the power of courts to interpret the constitution. Former Chief Judge Bartlett of the New York Court of Appeals speaks of the history of the highest court in New York and gives reminiscences of its judges.

The personnel of these lecturers needs no comment. They are in the front rank of bench and bar. Their addresses do justice to their powers and reflect their wide experience. Lawyers will find the book entertaining and instructive. In making the influence of these papers national instead of local, the Association of the Bar is adding to the list of its important public services. It is understood that the lectures of later years will be presented from time to time.

University of Chicago.

GEORGE G. BOGERT.

SOURCES AND LITERATURE OF ENGLISH LAW. By W. S. Holdsworth, K. C., D. C. L., F. B. A., Vinerian Professor of English Law in the University of Oxford. With a foreword by the Rt. Honorable Lord Justice Atkin. New York: Oxford University Press, American Branch, 1925: pp. x, + 247.

It is a pleasure to find a book on the law that seems worthy of entire commendation. The title expresses with preciseness the scope of the work with reference to its purpose to instruct "students who are beginning to read law." It contains just enough but not too much for that purpose. It is suited to give information to a lawyer who is desirous of locating himself in the history of English law. The lately published work of Winfield on the Sources of English law did not show the same judgment in selection. But Mr. Holdsworth is, as Lord Justice Atkin says, a master in this subject. In the volumes of his History of English Law, now almost completed, the material here condensed will be found in fullest measure. Yet one who is about to read that work will do well to read this small volume so that he may gain in a short space, a comprehension of the general field.