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### Report, Recommendations, and Studies of the Law Revision Commission, 1935

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adays the public, or at least the vocal part of the public, calls for constructive, not obstructive nor destructive legislation.”<sup>1</sup> If the *argument ad hominem* can be allowed, the writer’s criticism of the law making bodies applies equally well to his book. It adopts chiefly the historical method. Suffering from the same defect as most modern books on political science, too much exposition and not enough theory and analysis, it offers no remedies of any consequence and propounds no theories. Nevertheless, it is stimulating in that it clears the ground of the historical debris and it should open the way to a critical and scientific study of legislative theory in the light of modern experimental science and statistical method.

The series of works by this learned legislator should be the beginning of a new American science of legislation.

*Frederick K. Beutel.*†

REPORT OF THE LAW REVISION COMMISSION (State of New York). J. B. Lyon Co., Albany, 1935. Pp. 813.

In 1934 the Legislature of the State of New York passed an act providing for a Law Revision Commission. The Commission consists of five appointees of the Governor, and in addition, the chairmen of the judiciary committees of the Senate and Assembly as members ex-officio. The statute provided that at least two of the appointed members should be members of the law faculties of university law schools within New York, and that four of the appointed members should be members of the New York Bar. Dean Charles Burdick of Cornell University became the Chairman and Dean Young B. Smith of Columbia University was appointed a member of the Commission. In addition, John W. MacDonald, Professor of Law in the Cornell Law School, became the Executive Secretary and Director of Research for the Commission. Thus, it will be observed that the Commission was afflicted with “Brain Trusters”. Despite that handicap the work of the Commission for 1935 sets a very high standard and appears to be the type of commission needed in all our states as well as in the national government.

The purpose of the Commission is to examine the common and statutory law of New York in order to discover defects and anachronisms, and then to recommend necessary reforms. The Commission is required to receive suggestions from certain mentioned institutions and officials as well as from the general public. The Report for 1935 is a volume of 721 pages, aside from a table of leading cases and a very elaborate index. Within this volume are studies and recommendations concerning twelve legal subjects, to wit: (1) Definition of value in the personal property law; (2) Negotiability of documents of title; (3) Imputation of negligence to infants; (4) A uniform criminal extradition act; (5) The survival of causes of action for personal injury; (6) Perjury; (7) Six problems in the field of real property, including the doctrine of incorporation by reference as applied to wills; (8) Pre-natal injuries; (9) The New York Correction Law (Section 230); (10) The procedural problem arising under Section 83 of the New York Decedent Estate Law; (11) The Public Enemy Law of New York; (12) Certain proposals by Dr. Strauss for amendment of the code of criminal procedure concerning commissions to examine into the sanity of persons accused of crime and also to amend the mental hygiene law to provide for the certification of qualified psychiatrists.

Ten of these legal topics are presented in the Report. First, there is a terse recommendation to the legislature by the Law Revision Commission as to

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1. P. 714.

the legislation which, in the judgment of the Commission, the legislature should enact into law. Then each recommendation is followed by a study which supports the views of the Commission. All of the studies were prepared under the direction of Professor MacDonald, assisted by different individuals who are named in the Report. The writer has not read all of the studies, but he has examined them sufficiently to convince himself that they constitute legal research in the better sense of the word. Some of the studies, or portions thereof, are of particular importance only within the State of New York. Others are of general importance, and the legal scholar as well as the law student will find a great deal of value in these carefully prepared studies. Indeed, it appears that they will rank high in our modern legal literature.

Unless it is too much to expect of our state legislatures that they be sympathetic with carefully and competently considered proposals to reform our law, it would seem that the Law Revision Commission of New York should make a name for itself and should establish a precedent that other states will be glad to follow. However, it must be recognized that it is possible that selfish interests and perverse and reactionary minds may attempt to smear this movement by the same sort of demagogic attack as that made upon the present administration in our national government.

*Kenneth C. Sears.†*

THE MEXICAN CLAIMS COMMISSIONS 1923-1934. By A. H. Feller. The Macmillan Co., New York, 1935. Pp. xxi, 572. Price: \$7.00.

The copyright is by the Bureau of International Research, Harvard University and Radcliffe College. The work is dedicated to Manley Ottmer Hudson, a member of the committee of the Bureau, to whom the author in his preface expresses particular appreciation for his "unflagging enthusiasm and sympathetic and critical encouragement."

The author throws some little light on the failure of the arbitrations between the United States and Mexico. He indicates numerous adjournments taken by the Commissions because cases were not ready for presentation and because the two governments indulged in delays in the appointment of arbitrators. The so-called Special Commission was called upon to decide but two cases. The so-called General Commission was permitted to hold sessions for a period of only about thirteen months. It disposed through final decisions of one hundred and fifty cases.

A portion of the work consisting of 236 pages is devoted to quotations from opinions written by Commissioners who functioned in arbitrations undertaken a decade ago by Mexico with the United States, France, Germany, Great Britain, Italy and Spain, and comments are made on the decisions and the opinions.

The last part of the book contains an appendix of 228 pages which is largely a reprint of the several conventions and rules of procedure formulated pursuant to stipulations in those conventions.

On page 44 the author interestingly reveals a fundamental purpose. He states that it is "a great and justified temptation to embark on a discussion of the backgrounds and personalities of the men who sat on the Mexican Claims Commissions." He adds, however, that after "we have seen how the Commissions did their work, it will be possible for us to attempt an appraisal of the influence of the personality of the Commissioners on the results achieved." A brief reference to one or two pages of the book will indicate methods of accomplishing the author's purpose with respect to an appraisal of personalities of the Commission.

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