

The failure of Professor Willis to remain objective does not, however, detract from the value of the volume. The material is well-organized and accurate and the defects in the author's style, which inclines towards prolixity, are not serious. The objective of the author is to present a *functional* approach to problems in constitutional law.⁶ Though the author's orientation is liberal, his approach is essentially orthodox, for he has simply followed the pattern of the Constitution, treating each significant provision in the light of the societal interests to be protected and promoted. In discussing the constitutional framework, the powers of the state and federal governments and the limitations on those powers, the author has chosen selectively from the works of others and has contributed his own comments and observations which, except perhaps for their emphasis on socio-economic considerations, are fundamentally no different from those in any other text.

TROVER AND CONVERSION—AN ESSAY. By Edward H. Warren. Cambridge, Mass.: Harvard Law Review Ass'n, 1936. Pp. 110. Paper Cover.

A critical evaluation of this essay must start from the assumption that the author's purpose was merely to introduce the first year student into this no-man's land so frequently neglected by torts and property teachers. Discussion of the most important cases in this field is undertaken in an elementary way calculated to give the student an appreciation of the problems involved in each individual case, but this treatment may well leave him in doubt where in the private law the institution of conversion properly belongs. Emphasis is correctly placed on the peculiar measure of damages which puts the losing defendant into the position of an involuntary purchaser. Is it not rather strange, however, that the notion of fault otherwise so important in the law of torts failed to make its importance felt in the action of conversion? The explanation may be historical—this is one more case where the old forms of action have played a trick on the substantive law and made a property claim appear in the dress of a tort action, having an influence on the law of conversion similar to the influence of the action of assumpsit on the law of contracts—but the author does not discuss this circumstance.

Parting with this general criticism and looking at the discussion of individual cases, the treatment of *Hollins v. Fowler* must be particularly welcomed. The author has correctly pointed out that Blackburn's opinion introducing the well known finder test is actually a minority opinion, although followed in many jurisdictions. In fact, the author's exhaustive discussion of all the more important conversion cases makes it particularly regrettable that he did not undertake to tie up these cases with an adequate inquiry into the nature and function of the law of conversion.

ROGER B. TANEY. By Carl Brent Swisher. New York: The Macmillan Company, 1935. Pp. 608. \$5.00.

Mr Swisher's exceedingly friendly description of Chief Justice Taney's life gives, nevertheless, an impression of clenched-teeth objectivity. For instance, no attempt is made to disguise Taney's talents as a diplomatist. Admittedly his letters to Jackson reveal sycophantic manoeuvring, but this is excused as a political necessity. Similarly, it is clear that his rivalry with McLane may have influenced his judicial decisions.

In his fascinating description of the struggle against the Bank of the United States,

⁶ Preface, p. iv.