

If it were really desired to cut distribution costs, it might be quite feasible to canalize competition on a price basis, by setting *maximum* as well as minimum ratings for grades, limiting the number of grades, and in general standardizing the non-price factors into which competition among small numbers of dealers tends to run off. If forced to compete solely on a price basis, dealers would have to look closely into opportunities to reduce both costs and prices by deliveries in greater quantity but at longer intervals. Dr. Mortenson's anti-competitive bias shows up, incidentally, in the complete lack of discussion of the reduced rates for gallon purchases which are now becoming common and the extent to which they may correct the alleged "competitive abuses."

Since the book, by its Wisconsin origin and its copious legal citations, is labeled as institutionalistic, the reader should be warned that all the material dealing with public attitudes toward milk distribution is strictly *a priori*.⁴ A factual inquiry on public attitudes in the Middle West would be a useful supplement to the cost study here presented.

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Cases and Materials on the Law of Future Interests. By W. Barton Leach. 2d ed. Chicago: The Foundation Press, Inc., 1940. Pp. xxvii, 1042. \$6.50.

This second edition of Professor Leach's cases and materials on Future Interests follows the first edition exactly as to order.¹ The changes in material are fairly numerous and are suggestive and helpful.

Several decisions that appeared since the first edition have been inserted among the main cases. Such are *In re Montgomery's Estate*² on the vesting of class gifts and the interesting *McKallip's Estate*³ on powers.

There are, also, additions in the shape of notes discussing problems of both theoretical and utilitarian value. One of the best examples of these is the fine three-page note beginning on page 238 on the Use and Abuse of Testamentary Trusts. Throughout the work one feels the definite purpose of making the volume realistic and at definite grips with both the theory and the practice of creating future interests.

The illustrative footnotes are also considerably increased, largely by the addition of recent decisions. How far this can be wisely done has always seemed to the reviewer something of a problem. Any case book is necessarily a reflection of the attitude of the author toward the subject matter. It is his judgment as to what points should be emphasized in treatment; as to what is the best order to develop the material; as to what are the most significant and valuable cases or other material. All this is inevitable, and within large limits most teachers would agree as to what the salient points are in the particular field, and if they do not like the order in which the material is presented, they can ordinarily change it without too much difficulty. It is also true that a certain amount of fringe material in the shape of footnote cases or

⁴ Thus (p. 152): "Managers . . . *can be expected*" to oppose change.

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¹ See Bigelow, Review of Leach, Cases and Materials on the Law of Future Interests, 49 Harv. L. Rev. 1018 (1936).

² P. 420; 166 Misc. 347, 2 N.Y.S. (2d) 406 (Surr. Ct. 1938).

³ P. 580; 324 Pa. 438, 188 Atl. 343 (1936).

references is expected and desired in case books. Just to the extent, however, that this latter material is expanded and particularized, the freedom of the individual instructor is hampered. He may in class: (1) take the time to work out the problems raised by the extended footnotes; to the degree that he does this he loses control of the details of the course; (2) take up only selected cases of those outlined in the footnotes; (3) ignore them all. Either one of these latter two procedures may prove embarrassing to the instructor because the student may become interested in these more or less collateral problems, and for the instructor to ignore them in class or cut off discussion on them may lead to the idea on the part of the student that the "prof" doesn't "know the answer,"⁴ at least in all its implications—which may indeed, at least as to the younger instructor, at times be true, because there are other aspects of the course that interest him more. Professor Leach evidently does not feel these difficulties and this point being passed, his copious arrangement of collateral cases is admirably made and measures up to the high quality of the whole work.

Particularly helpful alike to the student, instructor and practitioner is an extensive bibliography both of the general treatises on the subject, English and American, and also of articles and treatises dealing with the laws of the individual states.

The condiments that gave an individual tang to the first edition have also been augmented, and even students who do not contemplate a detailed study of the material will get an enjoyment from the newly added footnotes, by a perusal, *inter alia*, of those on pages 39, 236, 738, and 757.

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Criminal Appeals in America. By Lester B. Orfield. Boston: Little, Brown & Co., 1939. Pp. 305. \$5.00.

If this book is a text it appears to be one of a rather unusual type. The main interest of the author seems not to be a statement of the law of criminal appeals to aid the ordinary student or practitioner. Rather it appears to be written with a view of informing those who would reform our law in order to secure a more perfect system of criminal appeals. Judicial decisions do not receive the major attention except, perhaps, in Chapter V. The main contribution of the book is to give the reader the essence of a large amount of legal literature that has discussed the many ideas that have occurred to many minds over a good many years. In addition, the author presents his own ideas of reform and these frequently appear after other and sometimes conflicting views have been fairly presented. Hereafter, the person who is interested primarily in what has been said or done about appeals in criminal cases should consult Professor Orfield's book. Therein he will find reference to apparently all that has been printed in the English language, and the essence of it has been set forth for convenient use. It is work of patience, well and faithfully performed.

No recommendation can be made that the book be read for general pleasure. It proved to be tough reading to this reviewer because so much is condensed into a relatively brief document. It was no exciting adventure. There is considerable unnecessary repetition aside from the last chapter which is a summary. This may be due in

⁴ Cf. Professor Leach's remark on p. v: "I have learned a lot on future interests since 1935."

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