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Book Review (reviewing William Mikell, Cases on Criminal Law and Procedure (1935))

Ernst W. Puttkammer

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CASES ON CRIMINAL LAW AND PROCEDURE—by William E. Mikell. Third Edition. West Publishing Co., St. Paul, 1935. Pp. xxiv, 775, x, 303.

The present volume (as was the case also with the second edition) is really two casebooks in one binding—the author's cases on the substantive criminal law and a collection of cases on procedure. So complete is the separation in all but binding that the pagination begins afresh and there are two separate tables of contents and two indices. A review of the book, therefore, is in reality a review of two entirely separate compilations.

Taking first the part dealing with substantive law, this is merely a reprint wholly unchanged, of the third edition of the author's *Cases on Criminal Law*, which appeared in 1933. Extended comment on it would hardly seem advisable as in the three years that have elapsed since its appearance it has probably become well known to interested persons.¹ Suffice it to say that it differed only very slightly from its second edition. There has been some rearrangement of the order of topics, some change in section headings, and the replacing of some thirty-six cases by thirty-one new ones. Beyond these matters the book stands practically unchanged. This 1933 publication is, then, the opening (and larger) part of the present volume, with even certain textual errors left untouched.

The other part, on procedure, is a new edition of a procedural supplement which appeared in its last previous edition in 1912. It contains changes of much greater magnitude. The chapter and section headings are, as might be expected in this sort of subject, much the same, and this is true also of their sequence. But the part is half again as large as the old one was.² As many of the old cases are gone the proportion of new material is even larger than that. That is to say, the new material extends not only to the cases decided since 1912; it is also true that many of the cases prior to that date are replacements not found before. Looking at the cases by age groups it appears that³ thirty-eight were decided before 1800, seventy-six between 1800 and 1899, only twenty-two between 1900 and 1929, and thirty-eight between 1930 and 1934. This seems an admirable balance by age

¹ The views of the present reviewer were expressed in (1934) 1 U. OF CHI. L. REV. 662.

² The second edition was, however, very much shorter than the first, in 1910, which contained over 400 pages.

³ These figures are approximate only, as they were not rechecked.

groups. While at first glance the very old cases appear over-favored, this criticism wholly disappears as these cases are generally very brief. Likewise at first glance the last group of five years seems very much favored in having so much more representation than do the preceding thirty years. While superficially this would seem a search for newness for its own sake, the explanation here too is obvious. It was Dean Mikell's wish to supply as many illustrations as the newness of the subject permitted, of applications of the American Law Institute's model code of criminal procedure. These would, of course, necessarily be confined to very recent years. To include them was obviously wise—perhaps it would have been even better to have gone farther and in addition to have included in an appendix the entire text of the code itself.⁴ The reviewer hesitates to speak as to the cases which have been chosen for inclusion. While they appear, on superficial examination, to have been well selected, few things are harder to judge than a casebook before actually using it in class. The author's reputation and past achievements in casebook construction give every reason to believe, however, that this superficial impression would turn out to be well founded.

E. W. PUTTKAMMER.*

ANNUAL DIGEST OF PUBLIC INTERNATIONAL LAW CASES,
YEARS 1929 AND 1930—edited by H. Lauterpacht. Longmans, Green
& Company, London, 1935. Pp. xxxvi, 534.

This is the fifth volume in this excellent series, now so well known to every teacher and practitioner of international law. Dr. Lauterpacht, who in the former volumes shared his editorial labors, first with Professor McNair, and later with Sir John Fischer Williams, has now undertaken the burden alone, although the others remain on the Advisory Committee. Dr. Lauterpacht continues, as hitherto, to supply himself the digests of the opinions of the Permanent Court of International Justice and other international tribunals (with one exception), while Professor Dickinson is retained as reporter of American decisions.

⁴ The pertinent sections of the code are, however, printed in footnotes. The reviewer's comment is meant only to apply to gathering them all together as a whole in one spot. For an example see Britton's handling of the Negotiable Instruments Law in his *CASES ON BILLS AND NOTES*.

* Professor of Law, University of Chicago Law School, and Faculty Editor, the University of Chicago Law Review.