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Country Club and to hear an address by Dean Charles T. McCormick of the University of North Carolina Law School and to consider the advisability of the formation of a Greensboro Bar Association. Lively discussion revealed an active interest in organization. Committees were appointed, for conference with members of the High Point Bar, for drafting a constitution, and for arranging for a future meeting. On March 15, 1929, at the call of the committee on arrangements, a dinner meeting was held. The organization of a High Point City Association was reported. The Bar Association of the City of Greensboro was organized. A thorough constitution was adopted which set out objects as follows:

"This Association is established to encourage the assembly of its members at stated periods for the transaction of business conducive to the public good and their own welfare; to co-operate with the legislative, judicial and executive departments of government, in securing, administering and enforcing laws for the common weal; to aid in maintaining the honor and dignity of the profession of law; to promote legal science and the administration of justice, and to cultivate social intercourse among its members."

The following officers were elected: Robert R. King, Sr., President; A. Wayland Cooke, Vice-President; Harry R. Stanley, Secretary-Treasurer, who, together with Frank P. Hobgood, C. Clifford Frazier, Charles A. Hines and Thomas C. Hoyle, compose the Executive Committee.

Today the Guilford County Bar Association, the City Associations of Greensboro and High Point and the Barristers Club for legal research are functioning with success.

ROBERT H. FRAZIER.

Greensboro, N. C.

## BOOK REVIEWS

*Some Aspects of the French Law*, by Junius Parker. New York. Charles Scribner's Sons. 1929. Pp. 1, 82. \$1.25.

We of the South of recent years can claim few of those who are the authors of the *belles lettres* of the law. The pens of William Wirt Howe and U. M. Rose and their generation are still, and we are too much pressed by the need for fitting old legal traditions to new industrialism to have the detachment which the full-flavored legal litterateur stands in need of. This slender volume of lectures delivered at the

University of Virginia gives evidence that the humane and classic spirit of McGehee, Minor, and Mordecai which combined legal scholarship with a wide reading and deep appreciation of literature, flourishes in the author. He is a distinguished lawyer who has played a busy and leading part in North Carolina and New York as General Counsel for the American Tobacco Company in shaping the development of a rapidly growing industry within the channels of legal control.

These lectures, with none of the heavy straining of propaganda, are a potent incitement to the study of Comparative Law. Legal provincialism can hardly survive a sympathetic reading of this suave comparison of a few of our legal rules and institutions with those of France. The urbanity of our conductor forefends all resentment of the frank suggestion which pervades the book that "they do these things better in France."

He traces with a light touch the path of French legal history with its Roman heritage and its Napoleonic crystallization, and concludes that the great merit of the system lies in its hospitality to the influence of the philosophers. "It has always been true in France, as it has never been true here, that the writings of the philosophers form a part of the daily intellectual exercise of judge, lawyer and legislator alike. We have some great *juris consults*, undoubtedly, such as Pound, Wigmore and Cardozo, but they are all principally engaged in the routine of deciding cases, or in the no less exacting routine of actual law teaching. Their number is limited, and their activity is still more limited, but their greatest limitation is that their works are not read here by judges, lawyers and legislators alike, and as part of their professional lives, but only by an occasional man—occasionally." He sees the source of its strength in the freedom from slavery to precedent which inheres in the Code.

He alludes to the absence of artificial distinctions in French law between realty and personalty, to its more liberal theory of damages than ours, to which he attributes its rather surprising failure to develop as flexible a procedure as ours for specific relief such as injunction and specific performance, to its conception of partnership between husband and wife, which he finds less equitable than our modified common law system of marital property rights, to its relative freedom and lack of hypocrisy in granting divorces, to its *requirement* that the accused give evidence about the charge, and to other features of French criminal procedure, including the absence of a jury except in the most serious cases. The following passage bears quotation:

"The reciprocation of the filial sentiments of the people of France is reflected in a penal jurisprudence not less humane than that of any other land. I do not forget the *Dreyfus* case—nor do I forget the *Sacco* and *Vanzetti* case. Far be it from me to say that any of them were guilty, or that any of them were innocent. I do say, though, first, that they all engaged the sympathy of the intelligentsia, including folks who write, and write well; second, that, the majority of the stolid, substantial and less vocal of their respective communities thought them all guilty; and third, that Dreyfus fared better than Sacco and Vanzetti, because he was only exiled, and men were still interested in demonstrating his innocence, actual or presumed, while Sacco and Vanzetti are dead, and it serves no useful purpose to demonstrate, or talk any more about, their innocence. With all that, I venture further the opinion that about as many Frenchmen yet believe that Dreyfus was guilty, as twenty years from now, so far as they shall have heard of the matter at all, Americans will believe Sacco and Vanzetti guilty, and that in the two cases believers in the guilt and believers in the innocence of the accused constitute, and will constitute, respectively, of their respective communities, very much the same classes or kinds."

His comparison, however, extends beyond private and penal law, to underlying theories of governmental power. A consideration of centralization in France leads him to speculate on the desirability of our distribution of functions between state and nation. His suggestion here is bold and thought-provoking.

"Not by way of persuasion, nor by way of prophecy, nor even as intimating that, after considering all things, such in my mind would be desirable, I say that I know of no way to have settled and uniform laws where the law should be settled and uniform, and differences between the police regulations of given states or communities where there ought to be differences, but by a convention which would reallocate between the nation and the states their respective powers in the light of present conditions, and would vest in the nation all unallocated powers, with the right in the nation by statute to delegate further of its powers to the states from time to time. The dealing with police regulations—such as the liquor traffic, hours of labor, child labor, and a hundred other such things—would be left with, or given to, the states which would act for themselves, without the intervention of federal statutes or regulations, save only such as are necessary to enable each state to enforce effectively its own policy within its own borders. To the nation would be reserved, or given, the duty of

legislation as to divorce, negotiable instruments, formalities for the devolution of property, changes of doctrines of the common law, and the hundred other things as to which the law should be stable, uniform and codified. I recognize that against such a course is to be set off all the loss that comes from the loss of the dignity of tradition, and that wisdom as well as sentiment urges conservatism. I only mean that a part of the traditional dignity, but none of the proper usefulness, of states must be sacrificed, if we would enjoy the simplicity and workability of the law of France, or England, or Germany."

That a greatly successful corporation lawyer has escaped intolerant idolatry of all our Anglo-American "ancient landmarks" is a tribute to the influence of that catholic love of humane letters, of which every phrase of this book shows the imprint.

CHARLES T. McCORMICK.

Chapel Hill, N. C.

*Examination of Titles*, by George W. Thompson, The Bobbs-Merrill Company, Indianapolis. 1929. Pp. iii, 340.

Perhaps no other task requires such painstaking care and meticulous attention to detail as the examination of a title, and the preparation of the abstract thereof, of a parcel of real estate. Even the most careful attorneys and abstracters are haunted by the fear that they have overlooked some detail which might have an important bearing on the state of their client's title. Intricate and subtle questions regarding interests and estates constantly arise to challenge close thought and to require diligent research, and the title examiner should have ready at hand some authoritative work to aid him in solving his problems. It often happens that the busy lawyer, in order to find the point in question, must wade through the several volumes of a monumental work on Real Property.

To facilitate the work of the title examiner and to obviate some of the difficulties which beset him, Mr. Thompson, an experienced writer on real property and allied subjects, has prepared the present volume. As is stated by the author, "its effort is to set forth an epitome of the law applicable to questions arising in the examination of a title"; it is not a treatise on the law of real property, but a handbook on a specialised application of such law.

After discussing, briefly, the nature and kinds of real property and the estates and interests therein, the author explains the different

sources of title. He then treats, in detail, all instruments and transactions affecting the title to real estate with reference to their legal effect and operation as muniments of title or encumbrances. Many helpful suggestions are to be found regarding the preparation of the abstract, the curing of defects in the chain of title, the analysis of title, and the preparation of maps and memoranda.

Although the author does not handle his material from the standpoint of actual problems raised in the examination of titles, yet he seems to have prepared a little handbook which should prove quite useful to the busy title examiner because of its informational content and its practical suggestions.

FRED B. McCALL.

Chapel Hill, N. C.

*Politics and Criminal Prosecution*, by Raymond Moley. Minton, Balch & Co., New York. 1929. Pp. xii, 241.

Professor Raymond Moley has for several years participated in surveys of the administration of criminal law in different parts of the United States: Cleveland and Chicago, Missouri, Pennsylvania and New York, and literally more than a score of others. These surveys have covered rural and urban sections, and cities large and small. In them he has had probably a wider opportunity than any other American to observe the influence of politics on criminal prosecutions. These observations he has brought together in this book. They are interesting and instructive.

He puts the prosecutor in a setting with his medieval colleagues—the sheriff and the coroner—and then proceeds to point out and illustrate the decline and decay of much of our traditional machinery for the administration of criminal law in chapters with headings that tell their own story: *The Twilight of the Grand Inquest*, *The Vanishing Trial Jury*, *Justice by Compromise*. The same process illustrates the corresponding rise of the prosecutor to the importance and power described in the chapter on *The American Prosecutor*. The “prosecutor’s vastly important exercise of discretion” is the source of his power, and the exercise of that discretion “can be understood only in connection with the forces of a political, social, economic nature which condition his activity.” Dramatic instances of these forces are furnished in the chapters on *Symptoms*, and *When Politics Seasons Justice*. And the general run of the cases as presented in the chapter on *Perspective* tell the story which for all its sobriety is

equally startling when interpreted by Mr. Moley himself: "It is impossible to review these cases without reaching the conclusion that a single immediate cause may be found in all the manifestations of failure with which they were marked. The police were badly trained and disciplined because the rule of politics does not permit the retention of such leadership as will train, discipline and direct police departments. Prosecution was feeble and incompetent because prosecutors' offices were political agencies rather than law offices. Insidious relationships existed between shady characters and public officials because votes and party funds were involved. The administration of criminal justice was infested with perjury, intimidation and bribery because the personnel of law administration was infested with politics. The attack of the underworld upon popular government through fraud and intimidation at elections was one of the means to the larger end, the control of those who are successful at elections. There are many deepseated factors involved in the defects of criminal law administration, but the motif in the present disorder is, we believe, political."

Mr. Moley has done what he set out to do: he has pictured and proved the influence of politics on criminal prosecutors. His pictures and his proof are based on the "surveys" which have "served chiefly as means of providing material for public discussion of the entire problem of crime." His book therefore will serve the same purpose for a part of the problem of crime: it is a pointed effort.

But the chapter—Reflections upon Reform—leaves something to be desired. There is difference of opinion, he says, among the experts who know the facts and among the laymen who think they know them, as to what to do about them. He has, therefore, a quite becoming modesty which causes him to "hesitate to draw too confidently a schedule of reform." But when he contents himself with offering here "a few observations concerning some currently notable tendencies, leaving the more exacting task of prescription to more practical, more capable and, above all, more hopeful observers," one may well ask, in view of the personal qualifications by way of actual experience he sets forth in the Foreword, who could be more "practical," who could be more "capable," who could be more "hopeful" than Mr. Moley himself for "the more exacting task of prescription"? Surely his experience in collecting the facts and the discipline or organizing them into presentable arrays has given him some-

thing which while it may be beyond the facts is nevertheless within them. It is because of his wide experience and his evident insight that we want this "something" from him.

ALBERT COATES.

Chapel Hill, N. C.

*Trial of Automobile Accident Cases*, by Louis E. Schwartz. Matthew Bender & Company, Inc. Albany. 1928. Pp. v, 693.

This is another of the kindergarten type of texts on practice for beginners, which was more flagrantly exemplified by a recent book on "How to Prove a Prima Facie Case."<sup>1</sup>

The present book, however, within its narrow limits is a fairly workmanlike job. It attempts to take one through the steps of an automobile accident case, from the interview with the client, through the steps in the trial, and ending with the motions after verdict. The short section on forms includes an excellent questionnaire to be addressed by the investigator to the client, which will save many later interviews, and give the data upon which to frame the pleadings, interrogatories, etc. The book is highly "functional," as witness some of the section heads, "Examination of Witnesses: Chauffeur," "Pedestrian," "X-Ray Expert." Throughout, questions to be asked the witness are given in the margin, as a Greek chorus accompanying the text. The text is a commentary, with a sprinkling of cases cited from various jurisdictions, on questions of law likely to arise in automobile cases. The marginal questions, largely taken from actual trial records, are as simple and obvious as one would expect them to be, but would doubtless be of much suggestive value to a beginner standing "with reluctant feet" at the threshold of his first trial. The author is sound and sensible throughout in his advice about tactics, and for a young lawyer who lacks the invaluable tutelage and example of some senior trial counsel, the book is well worth buying and conning.

C. T. McCORMICK.

Chapel Hill, N. C.

<sup>1</sup> By Deutch and Balicer, Prentice-Hall, 1928.