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Book Reviews

AMERICAN FAMILY LAWS. VOLUME II. DIVORCE AND SEPARATION.

By Prof. Chester G. Vernier of Stanford University,
Stanford University Press, 1932.

This volume is the second of a series of five on American Family Laws. In it the author gives the same critical treatment to absolute and limited divorce and separation that Volume I gave to marriage; and the same general plan of presentation of the relevant legislation is followed.¹

Legislators, sociologists, and all those interested in the social problem of divorce and separation, may study this book with profit; first, because this comparative treatment of the statutes strikingly discloses the needless variations, the inconsistencies, and the inherent weaknesses of our divorce legislation, and, by the same token, discloses the need of reform and suggests the path which such reformation should take; second, because the author, in his comments, freely and intelligently criticises some of the statutory provisions and supports the changes which he advocates by extended arguments, which, if not always convincing, are at least provocative of a thoughtful consideration of the particular problem involved; and lastly, because the list of references collected under each head comprise a selective bibliography of the relevant text and periodical literature.

The practicing attorney, or law student, will find it a valuable handbook, for its bibliographies, its erudite discussions and analyses of the various problems, and as a handy means of ascertaining what states have provisions similar to his own statutes; whose decisions he can then consult

¹In a Review of Volume I of this series, by Prof. W. R. Hitchens, 36 Dickinson Law Review, 218, the general plan of presentation is explained and discussed.

for an authoritative interpretation of a provision not yet litigated in his own state.

In using this book one must bear in mind that it attempts merely to set out the statutory provisions verbatim, and not to interpret them, and that the various provisions are classified on this basis. A survey of the decisions will sometimes disclose that a statute does not mean what it literally says, and occasionally it will be found that the marital conduct which some states have considered sufficiently isolated to require a specific provision to make it a ground for divorce, has been held a valid cause for divorce in other states as falling within the scope of some other statutory ground. Hence, the classifications, though ably done, are apt to be misleading in certain instances.

In error of omission appears in Section 94 of this volume. In this section the author lists all the jurisdictions having statutory provisions pertaining to the effect of divorce on the legitimacy of children to the marriage, particularly where the ground is adultery. Pennsylvania is omitted, but in fact has such a provision. The Act of 1813 provides, in respect to a divorce granted for adultery, that "nothing herein contained shall be construed to extend to or affect or render illegitimate any children born of the body of the wife during coverture."²

F. E. Reader

HISTORY OF ANGLO-AMERICAN LAW

By William F. Walsh, Professor of Law, New York University.
Second Edition. Indianapolis. Bobbs-Merrill Co., 1932.
p.p. xix, 447.

That "legal education needs more legal history and real understanding and less of modern pragmatic and behavioristic philosophy" is the keynote of Mr. Walsh in a one-volume history of the beginnings of our law. It is his con-

²Act of March 13, 1815, P. L. 150, Sect. 9; 23 P. S., Sect. 92.

tention that a volume topically divided will accomplish this object far better than casual statements picked up in various courses. About that there can be little dispute. To the student just beginning his legal education Mr. Walsh presents a development of the background of law that unifies it in his mind, a distinct advantage over the division into unconnected parts that courses frequently cause. For those who are well into the legal field here is a means of gathering up loose ends and binding them together to get a single picture of the past.

Mr. Walsh undertakes to cover the whole field of Anglo-American law. It is a question, however, whether he has selected his material as wisely as he might have. More than half the pages are devoted to property. Conceding that the law of property comprised 50 per cent of our early law, it is at least doubtful since the rise of other subjects to an importance equal with property whether they should not have demanded more space. For example, a fuller discussion of the mental element of crimes, especially of the much maligned doctrine of transferred intent; a development of the broad general principles such as public health, morals, etc., on which the lesser common law crimes were erected; a fuller treatment of public utilities; the growth of constitutional law and bills of rights; and at least the beginnings of bankruptcy law would have added to the value of this history.

Technically, Mr. Walsh has done very well. He treats a subject, frequently involved and obscure, with a lucidity that makes interesting reading. For the benefit of the reader, there is a summary of passed ground at points that keeps the whole picture before him. There is also an excellent bibliography for more detailed study.

This history serves to emphasize once more that legal background would be enhanced by collateral reading of some social or economic history of England.

S. R. L.