
Volume 36
Issue 1 *Dickinson Law Review - Volume 36,*
1931-1932

10-1-1931

Book Reviews

Follow this and additional works at: <https://ideas.dickinsonlaw.psu.edu/dlra>

Recommended Citation

Book Reviews, 36 DICK. L. REV. 55 (1931).

Available at: <https://ideas.dickinsonlaw.psu.edu/dlra/vol36/iss1/9>

This Article is brought to you for free and open access by the Law Reviews at Dickinson Law IDEAS. It has been accepted for inclusion in Dickinson Law Review by an authorized editor of Dickinson Law IDEAS. For more information, please contact lja10@psu.edu.

Book Reviews

PENNSYLVANIA PRACTICE, PART II.

Statutes, Rules, Forms and Cases. Revised and enlarged by Phillip Werner Amram, Associate in the Law School of the University of Pennsylvania, 1931. Sold by Joseph M. Mitchell, 2132 Land Title Building, Philadelphia, Pa.

A review of Part I of this book may be found in Vol. XXXV, Dickinson Law Review, page 103. Patton's Pennsylvania Common Pleas Practice, 2d Ed., by Myers and Reese of the Dickinson School of Law, covers the same ground, is printed in large type and contains a table of contents, table of statutes and a table of cases cited, as well as the usual index. The only method of approach in Amram's book is through the index. The legislatures of 1927, 1929, and 1931 have all made changes in the law of practice and the last edition of Patton was prepared before these changes were made. The publication of Part II of Amram's book was delayed until the Acts of the 1931 Legislature could be embodied in it. The subjects covered are: Costs, Inquiry of Damages, Execution, Exemption, Sheriff's Interpleader under the Act of 1897 and under the Act of June 22, 1931, which repealed the Act of 1897 and completely revised the law on the subject, Attachment Execution, and other forms of Execution, Appeals, Foreign Attachment, Fraudulent Debtor's Attachment, Replevin and Ejectment. The latest cases are embodied in the text. The book is a concise handbook and should prove very useful to both students and practitioners.

J. P. McKEEHAN.

WHAT PRICE JURY TRIALS?

By Irvin Stalmaster. Published by Stratford Company, Boston, Mass., 1931, pp. 143.

The publishers tell us that the present book is not for lawyers, but suggest that they may read it with profit.

The book is intended "primarily for the man or woman who has not any information on the subject and for whom the veil of mystery about jury trials is lifted for the first time." The author, accordingly, has treated the subject as simply and as directly as possible, avoiding the use of technical and strictly legal terms where suitable substitutions could be made. The subject of jury trial has been treated from a practical viewpoint rather than from a theoretical one.

We must confess that we read the book with our mind not entirely free from prejudice against it. That attitude was caused, partially at least, from the following statement in the author's foreword. "Since nothing of this kind appears to have been undertaken in the past, it is hoped that this little volume will evoke an avalanche of controversy from which eventually will flow substantial benefits to the administration of justice in civil cases." So very few books in the history of man have "caused an avalanche of controversy" that one immediately scans very critically this book to determine whether or not he is reading such an epoch-making volume. While well written and while most of the criticisms are just, we fear that the hoped-for goal will not be reached.

The book is a criticism of trial by jury. The author sets out in interesting fashion the various defects of this system and gives numerous illustrations of the actual results of these defects. Any person with any interest at all in the existing jury system will find the book of great value.

As in most books that are written to sustain a predetermined idea of the author, many sweeping generalizations will be found that cannot be proven to be correct. We content ourself with one example. On page 140 is the statement, "Every lawyer will speak in loud praise of our equity courts."

The author's solution to the problem seems to be to replace jury trial by a trial by the judge alone as in equity cases. We wonder whether many of the arguments advanced against jury trial could not be advanced equally well against trial by a judge. Some of the defects in jury trials

are inherent in the nature of the human mind and cannot well be avoided by shifting the determination of facts from twelve men to one.

The book is a thought provoker and could be read with enjoyment and profit by lawyers as well as laymen.

HAROLD S. IRWIN.

THE LAW OF FRAUDULENT CONVEYANCES

By Garrard Glenn of the New York Bar. Professor of Law,
University of Virginia. Baker Voorhis & Company,
New York, 1931.

The subject of fraudulent conveyances is of perennial importance and interest. Perhaps we might join with Reporter Coke in the famous Case of *Twyne* (1602) in an observation equally applicable today:

“And because fraud and deceit abound in these days more than in former times, it was resolved by the whole Court, that all statutes made against fraud should be liberally and beneficially expounded to suppress the fraud.”

At least the learned author of the work under consideration is of opinion that the subject is a timely one and in this we concur.

Moreover, the subject matter is well handled. The book is commended to the careful consideration of our Pennsylvania brethren at the Bar, not only because of the discussions on the variety of topics within the Statute of 13th Elizabeth—a part of the common law of the state—but likewise by reason of the annotations anent the Uniform Fraudulent Conveyance Act adopted by our General Assembly in 1921. In addition there are some valuable discussions of the law of fraudulent conveyance from the partnership angle and particularly in the light of provisions of the Uniform Partnership Act adopted by our General Assembly in 1915, as well as the correlative Uniform Act of Fraudulent Conveyances on the same topic. See page 288 et seq. The author notes the fact that fifteen

states have adopted both uniform laws, with Virginia as a sixteenth state adopting only the Partnership Act.

Chapter 18 on Subsequent Creditors contains a valuable discussion in the light of the provisions of 13th Elizabeth and Sections 5, 6 and 7 of the Uniform Fraudulent Conveyance Act. To the Pennsylvania lawyer familiar with *Harlan vs. Maglaughlin*, 90 Pa. 293, the chapter contains much of helpful suggestion. To the practitioner in the bankruptcy courts this book should be of great assistance. The print is of good size, clear, and upon paper of quality. Copious notes contain illustrative cases from the various common law jurisdictions. The book is well bound in law buckram.

A. J. WHITE HUTTON.