

---

Volume 59  
Issue 3 *Dickinson Law Review* - Volume 59,  
1954-1955

---

3-1-1955

## Book Reviews

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

---

### Recommended Citation

*Book Reviews*, 59 DICK. L. REV. 282 (1955).

Available at: <https://ideas.dickinsonlaw.psu.edu/dlra/vol59/iss3/12>

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](mailto:lja10@psu.edu).

## BOOK REVIEWS

HANDBOOK OF THE LAW OF EVIDENCE, by Charles T. McCormick; West Publishing Co., St. Paul, Minnesota, 1954.

Concurring wholeheartedly with the adage that "one can not tell a book by its cover", conversely, it must be conceded that the cover and the book itself enhances readability. Thus, in reviewing, I shall refer to the substantive qualities and the physical layout of Professor McCormick's hornbook.

The author has intimated his purpose to provide for the student "a preliminary view of some of the important areas, and to furnish the lawyer or the judge with a starting point" in solving evidentiary problems. As a student, there remains little doubt as to the accomplishment of the former purpose. Correlatively, one must concede he has succeeded in the latter objective, due to the broad exposition of evidence that receives treatment, most of which is unfamiliar to the law student.

Those sections concerned with the hearsay rule and exceptions thereto are both comprehensive and authoritative. This results from the historical analysis approach and policy reasons for the particular rule's existence. The discussion of the *res gestae* rule and further classification of the rule enables one to have a more intelligent insight into its applications as advanced by Professor McCormick, and subsequent destruction of the rule upon adoption of his classification.

In conformity with the present trend of scientific and human progress, enlightening sections upon the application of science in detection and presentation of such material at trial prove not only interesting to the student but also should be equally beneficial to the practitioner. This elaboration extends to the use of blood tests in criminal investigation, paternity cases, various sobriety tests, lie detection and many other advancements seeking equality and recognition by the bench and bar.

The necessary comprehensive treatment of the privilege against self-incrimination has been justifiably emphasized to satisfy present needs of both student and practitioner. Its reference notes provide for further expansion into an area having achieved notoriety in a relatively short period of time. The objectivity displayed in the coverage of this highly controversial segment of the field of evidence illustrates the literary giftedness of Professor McCormick. A contemporary of the privilege against self-incrimination controversy revolves around the admissibility of illegally obtained evidence. This, in recent years, seems to have an effervescent current, one jurisdiction accepting, another rejecting, and even some jurisdictions reversing a previous rule of law on the matter. The author has theorized the problem and has advanced concrete situations, one of which culminated in recent congressional legislation as to the admissibility of wire tapping evidence in national security and homicide cases.

Nothing has been stated regarding what may be termed fundamental (common place in litigation) evidence rules such as demonstrative evidence, relevancy and its counterweights, judicial notice, competency and privilege of witnesses,

examination and scope of cross-examination of witnesses and other evidentiary topics. These too, however, have received equal treatment and attention. To comment would prove superfluous; to read would reap benefits.

Noteworthy in the physical layout of the hornbook is the new format of the book. The unique change from the traditional one column to the two column page has many advantages, namely, eyestrain reduction, greater print in less space, a wider book enabling it to lie flat on the desk and, essentially, adoption of the theory that less eye movement facilitates assimilation of the subject matter. Another quality recognized by the reader is the use of recent decisions and legal periodicals in the pronouncement of an evidence rule in a given area but not to the detriment of leading cases on point. The author in this respect has not only utilized recent material but also his method of pinpointing and referring to the reporter system greatly facilitates research and minimizes time consumption.

The proposals advocated by Professor McCormick for utilization of evidence stimulate serious consideration of present attentative problems in this area of the law. Both the student and the lawyer will profit from the time devoted to reading this book. Its forceful logic, founded upon today's policies in contrast with archaic precedents, will undoubtedly alter the individual's approach to the crux of evidentiary problems.

Charles E. Chase  
Member of the Senior Class

---

SUMMARY OF PENNSYLVANIA JURISPRUDENCE—AGENCY, by Robert Levin, Russell Levin and Leonard Levin; The Lawyers Co-operative Publishing Company, Rochester, New York, 1954.

The *Summary of Pennsylvania Jurisprudence—Agency* is one of a series of titles which Robert, Russell and Leonard Levin have prepared as a summary of Pennsylvania law. The authors are the instructors at the Robert Levin School of Pennsylvania Law which twice yearly conducts an eight week review course to prepare law students for the Pennsylvania Bar examinations. Robert Levin founded the school in 1933, and his sons, Russell and Leonard Levin, recently joined him as instructors there.

The material for this twenty-one volume set has been principally taken from the text books used by the authors at their review school. Over the years the texts have been constantly brought up to date, thus, all the latest decisions and statutes are included. The volumes in the set will be supplemented periodically for the latest cases. At this writing two volumes, *Agency* and *Domestic Relations*, have been published, and the remainder are scheduled to be released at the rate of two volumes every ninety days.

The summary of agency is similar in its style to most texts or outlines of agency. The law is taken topic by topic and all aspects, including most of the peculiarities encountered in other jurisdictions, are discussed from the Pennsylvania viewpoint. The summary is divided into two principal sections. One deals with the rights and liabilities of the principal, the agent and third parties with respect to contracts, and the other treats of the tort liability of the principal and the agent for injuries to third persons. The latter division of the book deals extensively with the doctrine of respondeat superior. There are particularly outstanding treatments of the Pennsylvania application of this doctrine to state and municipal governments.

The book deals solely with Pennsylvania law, and the authors have used a very effective method of putting the law before the student and the practicing lawyer. Each chapter is divided into many sub-titles, as are most legal texts. But the authors have further enhanced the simplicity of comprehension of the materials by adding, at the end of nearly all of the sub-titles, one or two hypothetical cases illustrating the point of law labored in the particular section. These examples are always drawn from leading Pennsylvania cases in point. In the rare situations where the Pennsylvania courts have taken no stand, the authors show the prevailing United States view and try to determine which way Pennsylvania would decide such an issue. Generally, the *Restatement of Agency* is preferred by the authors on these undecided points.

The value of the summary is also increased by frequent references to *American Jurisprudence*, the *Restatement of Agency* and annotations in the *American Law Reports*. This facilitates further research on the topics by students and lawyers.

The practical value of these outlines would seem to be great, not only to students, who can now easily determine what the Pennsylvania view is on most any point, but also to the practicing lawyer in Pennsylvania. Problems can be traced easily through the handy word index included in each volume and the Pennsylvania law quickly ascertained. The citations of the leading cases are immediately available, and annotations lead to detailed discussions of the general topics in other works. This outline of agency, if indicative of the quality of the remainder of the volumes, indicates that the *Summary of Pennsylvania Jurisprudence* will give the Pennsylvania lawyer an excellent text statement of the law of his state.

Sidney D. Kline, Jr.

Member of the Middler Class

---

1953 ANNUAL SURVEY OF AMERICAN LAW, published by New York University School of Law, 1953.

This present annual survey represents the twelfth consecutive publication published by New York University School of Law. Established by Chief Justice Arthur T. Vanderbilt of New Jersey when he was dean of that law school, the 1953

volume, like its predecessors, covers the year's developments in private and public law, jurisprudence and legal reform.

Prepared under the editorial direction of Professor Robert B. McKay, the expressed purpose is "for the busy lawyer and informed layman who otherwise could never keep up with the flood of statutes, case law and comment each year". In content, the publication carries out this purpose very well. The subject matter is organized into six major divisions and forty subtopics, each of which was prepared by either a member of the New York University School of Law or by a selected guest contributor.

Compiling only the outstanding legal developments of any year is, of course, a difficult task. However, as F. H. Lawson, whose comments are included on the book's jacket, writes:

"... I have never felt that they have chosen their material with any end in view other than that of giving a fair picture of the year's work, though occasionally they wield a critical bludgeon or rapier."

An example of careful selection and a well-written summary is the topic on "Trusts" written by Dean Russell D. Niles of the law school. Dean Niles discusses important recent developments in this field with particular emphasis upon Pennsylvania law.

An example of the occasional "critical bludgeon", to which Mr. Lawson referred, is found in Edmond Cahn's provocative article on "Jurisprudence" in which the author discusses "Atavism". This topic's criticism of the methods of Senator McCarthy, however, is an exception to the general rule of impartial reporting in the *Survey*.

It must be remembered that the volume is a survey of the entire field of American law and, therefore, offers only an occasional key by which a reader may open the door to further investigation in a particular state or jurisdiction. In this regard the table of statutes is helpful in locating citations to Pennsylvania statutes. The table of cases, however, is not listed by states. Perhaps future editions of the *Survey* will provide an index of the cases by the particular jurisdictions, thus facilitating research by lawyers and laymen seeking recent changes in their jurisdiction.

The volume provides an excellent means for a lawyer to keep up with general developments in American law, and as commented by Dean Roscoe Pound in the *American Bar Association Journal*:

"The volumes of the *Survey* will find a welcome place, not only in law libraries, but on the private shelves of judges and practitioners who would know what is going on in the law as a whole as well as in the fields of their immediate interest."

Harman R. Clark, Jr.  
Member of the Middler Class

BUSINESS LAW, by A. L. Shugerman; The Bobbs-Merrill Company, Inc., Indianapolis, Indiana, 1954.

In this work, Professor Shugerman of the University of Miami, has summarized the everyday principles of business law and practice into one concise volume.

Designed for use by business men and business students, it is written in the business man's language. It represents a well considered compromise between a highly technical attorney's text and a superficial college work. The author has made his book readable and understandable to the layman but yet technical enough to be of value. It will serve well as a handy guide to merchants, bankers, small manufacturers, landlords and insurance brokers.

*Business Law* has its usefulness to attorneys and law students limited by the nature of the subject matter considered. It is not thorough enough to solve any real problems for an attorney but is adequate, as a refresher on the many business subjects it considers, to rejuvenate one's knowledge of them. The law student will find the text material useful in tying up loose ends and in understanding the workaday meaning of the many business-legal terms he encounters in his work.

An interesting feature incorporated in *Business Law* is a compilation of cases decided on the subject since 1950. They are grouped under various topics but are edited to the point where they recite little in addition to the bare decision, leaving the reader to wonder how the court reached its conclusion. Chosen from various jurisdictions, they represent no one jurisdiction's law. They do, however, illustrate the courts' general thinking and the general direction of the law at the present time.

For those who find a book of this nature helpful, this text's accessibility and clarity will make it a welcome desk companion.

Richard L. Placey  
Member of the Senior Class