

How to Conduct a Criminal Case, by William Harman Black

J. Walter McKenna

Follow this and additional works at: <http://scholarship.law.marquette.edu/mulr>



Part of the [Law Commons](#)

Repository Citation

J. Walter McKenna, *How to Conduct a Criminal Case, by William Harman Black*, 20 Marq. L. Rev. 164 (1936).
Available at: <http://scholarship.law.marquette.edu/mulr/vol20/iss3/10>

This Article is brought to you for free and open access by the Journals at Marquette Law Scholarly Commons. It has been accepted for inclusion in Marquette Law Review by an authorized administrator of Marquette Law Scholarly Commons. For more information, please contact megan.obrien@marquette.edu.

43 Wis. 246 (1877); *Deakin v. Scheuer*, 182 Wis. 234, 196 N.W. 222 (1923). Of course, even though both principals know and consent to the broker's double employment, if fraud is present and it is shown that the broker has dealt unfairly with one of his principals to the benefit of the other, then he may not recover. *Featherston v. Trone*, 82 Ark. 381, 102 S.W. 196 (1907). But *cf.* *Hafner v. Herron*, 165 Ill. 242, 46 N.E. 211 (1896). In the absence of knowledge of the principal concerning the double employment of his broker, the broker may not recover. *Bunn v. Keach*, 214 Ill. 259, 73 N.E. 419 (1905); *Bowers & King v. Roth*, 189 Iowa 1264, 179 N.W. 859 (1920). Note (1932) 80 A.L.R. 1075, 1087.

It is submitted that in every case of double employment, before the broker may recover his commissions, two important inquiries of fact must be made concerning (1) the knowledge of the principals as to such employment and their consent thereto; and (2) the acts of the broker in handling the transaction as indicating the fairness with which he has dealt with both parties.

ROBERT J. BUER.

BOOK NOTE

How to Conduct a Criminal Case, by William Harman Black. Revised edition, Prentice-Hall, Incorporated, New York, 1935, pp. lxxvi-481.

This book is a fine example of a type that is greatly needed by the legal profession. There is no field of law in which there is a greater paucity of necessary legal literature than in that of criminal procedure. It was extremely difficult—if not impossible—for the practicing lawyer to find a modern text-work in criminal procedure that would explain every step in a criminal case from the arrest of his client to the final conviction or acquittal. But now this book, written by a former Justice of the Supreme Court of New York, solves this problem.

An unusual feature is provided by means of a graphic chart which visualizes the whole procedure in a criminal case. The chart is also an instantaneous index to the book with a reference to the page or form mentioned on the chart. The chart seems somewhat complex due to the extensive field that it covers. Perhaps a series of smaller charts would be more useful for the purpose intended by the author.

Although the material in the book refers to a criminal case in the New York courts, the general principles of procedure are equally applicable to all states. The author is qualified to deal with such a subject as criminal procedure. He has served for many years as acting district attorney of New York City.

Another feature that deserves special mention is the placing in convenient parts of the volume the many forms that are necessarily used in the prosecution of a criminal case.

This book should be in the library of every practicing lawyer. The law student can likewise learn much from a careful study of it.

J. WALTER MCKENNA.