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Book Review: The Legal Effects of Recognition in International Law, By John G. Harvey, LL.B., Ph.D.

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BOOK REVIEWS

Cases on Domestic Relations, (American Casebook Series). By Joseph Warren Madden, xix, 742 pages, West Publishing Co., St Paul, 1928.

The author succeeds in adequately presenting the law of domestic relations in a casebook, within such compass that it can be covered in the one semester allotted to the course in many law schools.

He has omitted treatment of aliens, drunkards and insane except as they are problems in family relations, and has reduced much case material of purely historical value to notes in the nature of brief reviews with notes, referring the student to cases texts, and reviews that discuss each point. In like manner he has treated certain phases of the subject that are fully treated in other courses. In some instances these notes are several pages in length and give the student historical perspective that would be acquired only from laboriously reading a large number of cases.

In his preface the author states that he has made free use of materials that appear in Kale's, "*Cases on Persons*," and Vernier's, "*Cases on Marriage and Divorce*." A large proportion of the cases are recent; about forty percent of those included were decided in the present century and over half of the rest in the last quarter of the past century. Cases decided as late as 1927 have been included.

ALEX WILMER

The Legal Effects of Recognition in International Law. By John G. Harvey LL.B., Ph.D. pp. 170. \$3. University of Pennsylvania Press 1928

The new states which emerged from former empires as a result of the blast from Mars of a decade ago, constituted new international personalities which had to be dealt with in the last few years. Thus the legal aspects of recognition have assumed unprecedented importance. These states have compelled a revision of recognition policies by the Foreign Offices. Likewise new situations before the courts have made it necessary for them to re-examine and restate the fundamental principles which control in recognition cases.

This book is not concerned with the wisdom of any policy and is only incidentally concerned with the recognition policy of any particular country. It is concerned with neither the meaning nor with the importance of recognition, except insofar as individual rights before the courts have been involved.

It is a study of the legal effects of recognition as interpreted and applied by the municipal courts of the United States and England. It deals with cases and controversies before courts of law and equity. The awards of arbitration commissions and mixed claims commissions are outside the scope of this treatise, and for that reason no attention is given to such awards.

The object of the present work is to study the effects of recognition as revealed by the decisions of the courts. More than 200 of the leading American and English decisions ranging over a period of a hundred and fifty years have been critically analysed to determine the correctness or incorrectness of the

positions assumed by the courts with a view toward furnishing a guide for future use in the determination of such cases and controversies.

The author presents this book in the hope that it will clarify the problems and stimulate further study and research in this field. This writer can say in all sincerity that the author has succeeded in a praiseworthy manner; that his research has been thorough; that he has analyzed the cases in such a practical way that his book stands as a guide for use in the determination of future recognition controversies.

EUGENE M. HAERTLE

Losing Liberty Judicially. By Thomas James Norton of the Chicago Bar; xiv, 252 pp. including index and table of contents: The Macmillan Company, New York, 1928.

The first thing that arrests one's attention in examining this book is the title. With the same sense of salesmanship evinced in the present day movie title, "Losing Liberty Judicially" was conceived with malice aforethought to attract the eye of prospective readers. The title forecasts a pleasing originality of thought on the subject of the U. S. Constitution, which has otherwise been pretty thoroughly covered in innumerable other works.

The preface synthesizes the questions covered in the text proper. The book is devoted to an analysis of the power of government in the U.S. under the constitution, and the liberty of man under the same instrument. The author says: "Sociology, political morals, policy, and 'that convenient refuge of loose thinking which is vaguely called the 'spirit of the constitution'" are excluded from consideration. They have already received too much attention from the legislators and judges, to the beclouding of the constitutional doctrine."

These original, or rather different ideas from the average legal conception of the constitution, whether acquiesced in by the reader or not, stimulate thought. And in final consideration, the determining factor in evaluating a book rests largely in its ability to stimulate thought.

STEWART G. HONECK

Real Estate Financing. By North, an Buren, and Smith; 630 pages; \$6.00; Prentice Hall; New York.

The aim and purpose of this book is to supply a much needed demand for a ready reference hand book, and general discussion of problems of finance relating to real estate. It is written in such style that it can be easily understood. The book is of practical value to the banker, builder, title companies and lawyer. It is of particular value to the lawyer in that it gives in a comprehensive short outline form the methods used in financing real estate projects; for example, it states the various sources from which money may be obtained for mortgages, the different kinds of mortgages and their practical applications. If a lawyer is asked to draw up a land contract he may have sufficient knowledge, obtained through his legal training to draw up a valid and binding contract, but part of the contract is the matter of finance. This book explains in detail how land contract payments are calculated and paid. It has many other practical problems pertaining to legal instruments, including that of long term leases.

A lawyer is often called upon to organize and establish building and loan associations. These organizations and associations have had a remarkable growth in the last few years, and very little material has been written as to their operation and functioning. A lawyer in order to satisfactorily draw up legal papers