

Book Review: Law of the Press, By William G. Hale

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BOOK REVIEWS

Law of the Press, By William G. Hale, Dean of the Law School, University of So. Calif., and Ivan Benson, Associate Professor of Journalism, University of So. Calif. 1933. Second Edition. One Volume. West Publishing Company, St. Paul, Minn.

Twenty-five or thirty years ago, when I was a reporter on a newspaper, without malice aforethought, I plunged that paper into a costly libel suit that went to the state supreme court twice. Right then and there, I decided to become an authority on Newspaper Law. I purchased a ponderous volume on "Libel and Slander" and spent the winter reading the book from cover to cover—without grasping a single idea on the subject. Like every law book of the period, it was written for the legal profession and was beyond the comprehension of the average layman. Lawyers of that day frankly admitted that they were incapable of teaching such a technical subject to laymen, and newspapermen despaired of ever being able to secure a working knowledge of this important branch of the law.

The first contribution of any consequence to the American Newspaperman was "The Law of the Press" by William G. Hale, printed by the West Publishing Company in 1923. This work, written, as far as the text was concerned, in popular language, interpreted the cases which were abridged and set forth in the language of the courts and, for the first time, these legal principles, couched in so-called legal phraseology, became intelligible to the newspaper writers. And Journalists, for the first time, were made conscious of the fact that "Newspaper Law" included not only the subject "Libel" but such heretofore unknown branches of the law as "The Right of Privacy," "Contempt of Court," "Freedom of the Press," "Copyright" and kindred subjects.

While the first edition by Hale was a real contribution not only to newspapermen, but to lawyers, and others who desired a comprehensive treatise on the subject, there was considerable room for improvement both in arrangement and treatment. Although written for newspapermen, primarily, it presented the viewpoint of the lawyer and failed, in a number of instances, to take into consideration that the average layman lacked the foundation to properly grasp some of the fundamentals.

Now, ten years later, the same author, in an effort to reach the people most interested in the subject-matter—the newspaperman and the student in the various colleges of Journalism—has collaborated with a trained journalist in an effort, as he says, to revise and reorganize the materials "with a view to their clarification for the lay reader." The Second Edition of "The Law of the Press" has accomplished its purpose.

While written for the lay-reader the second edition will be of great value to lawyers who desire to obtain a completed general knowledge of a very interesting branch of the law. Of course the same general fundamental principle that governs all fields of human endeavor are applied to the conduct of newspapers, but there has been a development in this field almost undreamed of by the average lawyer. The subject matter of the "Freedom of the Press," for instance made great strides since the World War. As the authors say, the World War brought the subject into bold relief, and the development of the particular phase of the law having to do with "Seditious Utterances" forms one of the most interesting chapters in constitutional law. Other constitutional questions are likewise developed in the same interesting way.

The work is recommended to lawyers who are desirous of broadening their knowledge in a field not often met with in the average practice; it is a good place to start in briefing for a case involving any of the numerous sub-heads treated in the volume. It is particularly recommended to newspapermen who take pride in their profession and who are desirous of elevating the standards of their calling by understandingly discussing legal and political problems.

WALTER J. MATTISON.*

Restatement of the Law of Contracts—Wisconsin Annotations, By Miles Lambert, Wisconsin Attorney, Under Auspices of the Wisconsin State Bar Association. 1933. One Volume. American Law Institute Publishers, St. Paul, Minn.

Every lawyer in Wisconsin, who is the owner of the Restatement of the Law Contracts, will find a great need for this useful collection of Wisconsin cases. Each section of the Restatement has been considered from a standpoint of the decided Wisconsin cases on contracts, and it is indicated whether or not the Restatement is an expression of the Wisconsin law. In the event that no Wisconsin case covers the point in the Restatement, this fact is also noted with some opinion or comment. The book appears easy to use and follows the numbering and topic names used in the Restatement.

All Wisconsin cases through volume 207 of the Supreme Court Reports of Wisconsin and through volume 243 of the Northwestern Reporter are covered in this annotation. The work was done by Mr. Miles Lambert, an attorney of Wausau, Wisconsin, under the supervision of Prof. W. H. Page of the Wisconsin Law School. The publication of the work resulted from the co-operation with the American Law Institute of the Wisconsin State Bar Association.

The annotations might be useful even to attorneys who do not own a set of the Restatement of the Law of Contracts if some type of descriptive word index might be added. Thus, the whole field of Wisconsin contract law would be of comparatively easy access.

It is hoped that Wisconsin Annotations covering other fields in which the Institute has worked, will be soon forthcoming. They will be a needed contribution and useful supplement to the work of the American Law Institute.

J. WALTER MCKENNA.†

Cases and Materials on the Law of Possessory Estates (Property Series), By Richard R. Powell, Professor of Law, Columbia University. 1933. One Volume. West Publishing Company, St. Paul, Minn.

Whenever law students discuss their favorite branch of the law, little is left unsaid in merit and praise of the subject of their choice. However, a deathlike calm overtakes the discussion when Property Law is mentioned. Such, at least,

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