

Book Review: Review of American Family Laws, by Chester G. Vernier

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BOOK REVIEWS

Review of *American Family Laws*. By Chester G. Vernier of Stanford University. Vol. 1. Published by the Stanford University Press (1931).

I have had the pleasant opportunity of examining this very interesting volume. I found the work interesting in view of the fact that it is the first product, which has fallen into my hands, of my law school instructor of many years ago. It was my extreme pleasure to sit at the feet of Professor Vernier in the first law class that he ever taught, at Indiana University the year after he had been graduated with honors from the Chicago University; but that statement is not a part of this review.

I do not claim to have checked the citations nor to have read every word in this volume. I have put the book to some very severe tests. We have a very unusual situation in Wisconsin with reference to common law marriages, with reference to marriage evasion, and we have a very unusual so-called eugenic law. This book purports to be a compilation of statutory provisions in the various states, with liberal references to other text books and law review articles. Using the Wisconsin common-law marriage situation as a test I found the book very accurate. I found that the author had even collected and cited an article written and published in our own Marquette University LAW REVIEW on the subject along with many other citations.

Our local so-called eugenics law is unique and I had a little difficulty finding where the author had treated that subject; but that was my own fault. I finally found that he treats it in Section 31 under *Proof of Age and Other Facts*. And when I finally located the right place I found that the subject was accurately handled.

Anyone who has ever undertaken to collect the laws of the various states on even a limited subject can quickly comprehend the immense amount of work that has been put into this volume. Two or three years ago I started to collect statutes and decisions all over the United States with reference to declaratory judgments, being a very narrow subject. I found that even that limited work required weeks of labor and when I multiplied that by the breadth and number of subjects investigated and covered in this volume I stagger at the rough computation of the labor that is involved in the production of this book.

The tables are especially unique and deserve favorable mention. Not only has the author arranged various subjects according to states but he has even gone to the trouble of arranging text books against each other according to states. Referring again to the troublesome subject of common-law marriage I find on pages 106 and 107 that the author has taken various states for the basis of the table and has taken five well known text books and has arranged in column form these text books against each other as to the validity and invalidity of a common-law marriage in the various states. That is a mere sample of the demonstration of painstaking hours put into this volume.

The only difficulty with a book of this kind is that it is soon questionable because the legislatures in the various states meeting annually and bi-annually as they do and passing numberless and sometimes needless laws, soon place the stamp of unreliability on a volume of this kind, no matter how well the work has been done. But I say that up to the date that the book went to press it has stood every test that I have been able to apply to it.

I am sure that this work will have an effect that the author does not even claim for it or at least it will help along the lines of the necessity of uniformity in our marriage and divorce laws.

CLIFTON WILLIAMS,
Dean, Marquette University Law School.

Cases on the Interpretation of Statutes. By Frederick Joseph De Slovene, Professor of Law, New York University. Published by West Publishing Company. (970 pages.)

The death of Edison has forcibly reminded us that our time is one of marvelous mechanical development. Not only is almost every street in our cities lighted by electricity, but the means of travel and communication, the methods of commerce and manufacture, and numberless related subjects have been revolutionized during the lifetime of the inventor. The development has been so fast that the slow method by which the common law adapts itself to changed and changing conditions has been found to be inadequate to serve the needs of our time. The result has been a resort to the legislature and the enactment of written laws whose bulk staggers the imagination.

The passage of such laws has however by no means decreased the importance of the judiciary branch of our government. Even the best drafted statutes require interpretation and construction. Much more is this the case in regard to statutes whose draftsmen clearly evince a lack of skill. Besides this numerous amendments to existing statutes make the legislative intent frequently all but undiscoverable. Frequent resort to the courts has therefore resulted in a large body of decisions construing the various statutes.

Since this subject is of such present importance both the author and publisher are to be congratulated on their enterprising and pioneering spirit. Text-books on Statutory Construction have been in existence for many years but so far as the reviewer is aware no attempt has heretofore been made to make the leading and illustrative cases on the subject available for classroom use in the form of casebook. There would seem to be no question but that this subject is as much entitled to a place on the curricula of our law schools as many of the standard subjects with which we are familiar.

Since this is a pioneering venture the book undoubtedly will be found by experience to have defects which a future edition will eliminate. It is not the purpose of the reviewer to point out any such defects. Only a test in the classroom for a semester would disclose to a teacher criticism which would be useful to the compiler. Any surface criticism which he might advance would be of little practical use. He sincerely hopes that this newest of the American Case Book Series will receive the recognition and adoption to which it is entitled.

CARL ZOLLMAN,
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