

Book Review: Bigelow's Cases on Personal Property. Second Edition. American Casebook Series.

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citations and the rewriting of certain sections have resulted. The notes also contain reference to contract articles in Law Reviews where difficult problems of contracts will be discussed and analyzed. Material from the *Restatement of Contracts* by the American Law Institute is likewise cited. These additions and revisions have resulted in giving to the law student and the lawyer in practice a modern text book on contract law.

It is submitted that the ideal method of learning law would be in studying a casebook and also a text book, each one being correlated to the other. The prohibitive cost of two books for the student and also the lack of good text in certain fields are barriers to this plan. However it is suggested that unless casebook study is supplemented by lectures in the class room or study in a text book, the student is apt to have a confused mass of unrelated rules of law and cases rather than a logical arrangement of legal knowledge.

The student of contract law would find his contract cases easier to understand if he frequently uses a contract text, like this book being reviewed, to help him formulate definite ideas and to classify the problem presented in his casebook.

J. WALTER MCKENNA,
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Bigelow's Cases on Personal Property. Second Edition. American Casebook Series. Published by West Publishing Company (1931).

This reviewer has used the first edition of Professor Bigelow's casebook for several years. He has also used and examined other casebooks on Personal Property. He has found Professor Bigelow's book the most adaptable. He has not used the new book for a long enough time as yet to be able to pass a mature judgment upon it, but he does have some impressions.

The second edition contains little improvement over the first. The plan of the book remains the same. The cases on possession have been rearranged, the chapters on bailment have been considerably enlarged, and the most recent leading cases decided since the publication of the first edition have been added. There is little to criticize about the new book unless one objects to the academic analysis that it still presents.

The editor has this to say in his preface, "Whether 'possession' is a separate and fairly unified legal concept although with variations in the marginal portions thereof, or whether the term is merely a convenient phrase that is applied to differing situations to give an appearance of explanation for what is conceived of as a socially desirable result, is a question that it will not be attempted to settle here. Whichever view the user of this book may entertain, it is believed that the material in chapter 2 (on possession) will prove stimulating and helpful. Whether the material is regarded as tending to establish the homogeneity of 'possession,' or its heterogeneity will depend largely upon the emphasis that the instructor places upon various parts of it."

Apparently the editor hopes that those teachers who purport to be "realists" or "functionalists" will be able to use his casebook. They must be the persons he has in mind when he suggests that some law teachers may stress, for example, the "heterogeneity" of possession, and still find the material in the casebook stimulating. It may be difficult to describe just what a realist or a functionalist

is, and to know who can qualify as such, but there are some law teachers who do not present the "heterogeneous" group of problems covered in a course on Personal Property under such classifications as "elements of a bailment," or "acquisition of ownership," nor do they place much emphasis on "possession" and "power to control" and "intent to control." In the field of fixtures, these law teachers have a difficult time, as apparently the courts also do, in comprehending and then in presenting to first year students or to any students, the mystic change which "chattels" undergo when they become "real" property. These teachers (and let us call them the "realists" or "functionalists") may struggle along with the present casebooks because they are convenient for the students to purchase and use—and an instructor can struggle with this one a little more easily than with the others. They may have to tell the students sometimes to read the original reports, or to omit some cases altogether, because the cases in the case books occasionally present only what the courts have said with little indication of what the courts have done. If the struggle seems too hard they may do the bigger thing, they may prepare their own casebooks, or they may give up the job of trying to teach such a course—which may not be the worst solution after all.

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Principles of Judicial Proof. By John Henry Wigmore, Professor of Law of Evidence at Northwestern University. Second Edition. Published by Little, Brown and Company, Boston (1931).

I deem it a great pleasure to have the opportunity to review this book, because the process of proof is very little, if ever recognized, in the actual study of law as being important. For this reason the value of the work can not be estimated as it deals with the science and art in the production of evidence. The author in this work has entirely revised and rewritten the first edition and has left out many of the short illustrations from the works of other authors. However, he has not sacrificed anything for the reason that the text in itself is very complete. This text consists of part one, two, three and four (1-2-3-4), under the following headings:

PART ONE, *General Principles of Proof*, consists of three (3) chapters, which in substance illustrate the process of proof, the analysis of evidence, its application and the manner in which this proof can be collected and charted by means of symbols, the manner of plotting a chart and the conclusions to be drawn therefrom.

PART TWO, *Circumstantial Evidence*, consists of sixteen (16) chapters which consist mostly of the classification of data and their particular relation to the facts involved. These sixteen (16) chapters are divided into four (4) titles, which cover a full and complete classification of the effect that proof has in relation to the particular facts.

PART THREE, *Testimonial Evidence*, divided into ten (10) chapters and five (5) titles, deals mostly with the logical process and the psychology entering into the production of proof before a court and jury.

PART FOUR is entitled *Autoptic Preference*, and PART FIVE is entitled *Mixed Masses of Evidence in Trials for Analysis*. In the latter chapter the author treats