Warren: Traffic Courts

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BOOK REVIEWS

Burby on Real Property, by William E. Burby, Professor of Law, University of Southern California. Published as a textbook by West Publishing Co., St. Paul, Minn. Containing 656 pages, including the index; bound in red fabricoid.

This book contains a concise up to date statement of the modern law of real property with sufficient of the historical background to make it understandable to the average student. Theoretical discussion is conspicuously absent, although upon points on which the courts are not in agreement, the conflict is stated with the leading cases that sustain each point of view. The footnotes, while ample, do not contain a mere cumulation of cases in an attempt to cite all the available ones. This policy has proved of advantage in keeping down the size of the volume, while retaining the advantage of citing all the cases necessary to illustrate the text.

A further innovation is a departure from the blind footnote idea; sufficient facts of many of the footnote cases are stated to make resort to the report unnecessary to determine whether the decision is in point.

The editors have confined the scope of the book to the main topics which are taught in most law schools as the course on real property; the topics usually treated in separate courses such as mortgages, trusts and wills being omitted. This is advantageous in avoiding an unnecessarily large volume and duplication of subject matter which is available in separate texts. Other assets worthy of mention include a useful table of cases and an excellent index. The book should be a convenient teaching tool, and where the case method is in use should be helpful for review and filling in any gaps that may occur. I have personally found it very useful in finding cases to supplement my case book.

Willis E. Lang.*


This book represents an effort to correct a major problem in the administration of justice—that part lying within the scope of courts trying traffic violations cases. With figures gathered from personal observations in the courts of municipalities of the forty-eight states and from the answers to questionnaires submitted to magistrates, chiefs of police, and prosecutors, Mr. Warren has compiled and presented without sensationalism a survey of the factors which have made the traffic

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courts the *terra incognita* of the judicial field. He has gone farther and has shown what the maladministration has cost, both in material losses of life and property in traffic accidents, and in the less tangible loss of respect for all law in jurisdictions where the practices of the traffic law courts do not command respect. He has traced back to their fountainhead in the thought processes of the bar and public and in physical factors the conditions which he found prevalent; and, finally, he has embodied in 57 concrete recommendations a program of improvement which has won the support of various organizations interested in traffic law enforcement.

No better measure of the worth of the book can be gained than by consideration of the importance of the traffic courts to the whole of the field of the administration of justice. The opening chapter of the author, and the prefacing remarks of Mr. Arthur T. Vanderbilt, chairman of the Advisory Committee on Federal Rules of Criminal Procedure, point out that the traffic courts are “visited” annually by an estimated one out of every eight persons in the country. In the great majority of cases, the parties haled before the magistrate have no other contact with judicial tribunals. Consequently, their impressions, derived in the traffic courts, have been universalized into respect or disrespect for all judicial institutions; and the factors which the survey disclosed have done little to inculcate respect in the minds of the public. At the other end of the scale, the practice of “fixing” tickets has had a blighting effect on law enforcement. In the words of Mr. Vanderbilt: “the field is one which cannot be neglected without grave risk to the body politic.”

The book is not merely a statistical treatment of conditions as the author found them. Interesting as the picture which they present is, the great contribution is Mr. Warren’s recommendations for the improvement of this phase of the machinery of justice. His 57 resolutions cover traffic laws, courts, violations, bureaus, personnel, court procedure, and the elimination of the “fix.” Approval of their scope has come not only from the sponsoring organizations but also from the American Bar Association, the National Safety Council, and the International Association of Chiefs of Police.

All in all, Mr. Warren’s book presents a highly readable, painstakingly careful, and comprehensive research into the problems of a heretofore neglected field. It is a distinct contribution to the bringing of the element of enforcement into line with advances in engineering and education in the joint undertaking to reduce the terrific cost of traffic accidents. An even higher recommendation is that it is written by a man sincerely anxious to make traffic court procedure conform to standards which will breed respect for all American judicial institutions.

*William Smith Malloy.*