mentary evidence, not to all documents, but to such documents as are evidence."

Perhaps a study of this case is the reason why Senators Wheeler and Brookhart traveled to Washington Court House, Ohio, instead of forcing the bank involved to produce all its records at Washington.

The contents of the book are as follows:
- Historical Survey—Freund.
- The Interstate Commerce Commission—Fletcher.
- Constitutional Aspects of Administrative Law—Pound.
- State Public Service Commissions—Kurtz.
- Federal Departmental Practice—Nagel.

When an attorney considers the number of times he is called upon to act in matters before commissions and governmental agencies, he will realize the importance of the study of books containing material such as this. It has the merit of being short and will justify careful reading.

CARL B. RIX


This book is one of a set comprising the Citizens' Library of Economics, Politics and Sociology, a set of books intended for the citizen as a layman. The title, The American Judge, while somewhat indicative of the contents therein, does not reveal the substance of the following chapters:

II. Are the Courts Oligarchic or Democratic?
III. The Courts, the Constitutions and the Regulation of Industry.
IV. The Need of Clarifying the Law.
V. Are the Courts Responsible for Lawlessness?
VI. The Cost of Litigation—The Contingent Fee.
VII. The Elective and Life-Term Judiciary.
VIII. The Courts and the Legal Profession.
IX. The Misinformed—Enthusiast and the Courts.
X. More Needed Reforms.
XI. The Reign of Law.

Being conversant with the trials and vicissitudes of judges and thereby eminently qualified, he hastens to defend the judiciary against the accumulating criticism which has been heaped upon the courts in the past few years. He presents the issue squarely that this book will "attempt to throw some light upon the problem, to present at least the issues, to explode some fallacies, and to discuss the limitations as well as the needs of a government of law among men." (p. 12.) Its composition is very interesting and Judge Bruce's originality and keen observations enable him to convey his ideas in a most absorbing manner.

The main theme which permeates the entire book is that this is a government of laws, not of men, that the judiciary is the backbone in the final analysis of the stability of such a government. While a judge reflects the mores of his time, reflects the public attitude of mind and the public thought, yet the tradition of the bench and the law of the land makes it possible for him to render impartial justice. While it is admitted that at times decisions partake of judicial legislation yet old law must be adapted to the new situation and the legislatures never have kept and never will keep pace with the need. It is pointed out that practically all the law of master and servant, of negligence and contributory negligence, of common carriers, and practically all our commercial law has been made by the judges and not by the legislatures.

In vindication of the judiciary and the so-called usurpation of powers in declaring statutes void the author blames a great deal of this upon the legislatures. The passing of countless, premature, foolish laws, very often poorly argued on the floor of the assemblies, has resulted in the shifting of responsibility of the constitutionality of the laws upon the judiciary. This left the courts in the predicament of declaring void many laws and
thereby incurring the enmity of their constituents to whom they must look for re-election. From this theme the author develops the age old controversy between an elected judiciary and the life-term judiciary. An entire chapter is devoted to this discussion which presents the issue very thoroughly to the reader. The difficulty of any judge who has an uncertain tenure of office to hold himself aloof from the public and be impartial in all decisions in which one half of the litigants are losers and face these on election day is an enigma difficult to solve.

A great deal of this difficulty and criticism of the judiciary by misinformed enthusiasts can be changed by education. Much of this lies in the training of the young lawyers, the law schools, and the bar associations. If judges could have their decisions printed in the newspapers and understood by the public much of the harm caused by mere garbled comments on cases would be relieved. Critics have allowed sentiment to control and have forgotten what goes to make a stable government. "Ours is a government of laws and not of men, and the members of our supreme courts are compelled to announce and to decide not what they desire but that which the law and the constitutions have authorized." (p. 165.)

It is his contention that the American public does not pay sufficient attention to the one unsolved problem—that of government. That which is the bulwark of all our rights and enters into our everyday lives, the citizen pays least attention to and knows least about. This book attempts to enlighten the public in regard to these several fundamental rules of a government of laws, not of men.

V. W. D.


This volume contains in a moderate compass and attractive form a compilation of epigrams and excerpts from the legal opinions written by Henry Lamm while he was Associate and Chief Justice of the Supreme Court of Missouri. During his tenure of office of ten years he wrote more than five hundred opinions which he chose to deck with the treasures he had gathered in the realms of science, history and the world's greatest literature.

Perhaps no better review of this book can be given than to quote the following epigrams contained in the volume. "Presumptions may be looked upon as the bats of the law, flitting in the twilight, but disappearing in the sunshine of actual facts." 94 S. W. 262. "Courts should not be more ignorant than any one else. Hence courts should not pretend not to know what everyone else knows." 121 S.W. 311. "Decree: The voice of the chancellor's conscience—a conscience that is not plastic mortar to be molded this way and that by the hand of a litigant, however skillful potter he be." 112 S.W. 274. "A court may not bake an equitable loaf in a legal pan, nor a legal loaf in an equitable pan." 138 S.W. 535.

In a little journey through Judge Lamm's opinions you may be in the presence of Abou Ben Adam, Æsop, Alcibiades, Apollo, Aphrodite, Aristophane, or Antonious; and again you may be reminded of Belshazzer, Bentham, Blenheim, Bunyan, or Buzfuz; or of Cassio, Caesar, Cicero or Claudius; or you may read again the Deacon's Masterpiece, the Decalogue, Deuteronomy, or Diogenes, Don Juan or Dogberry; or again you may be brought face to face with Mansfield, Micawber, Milton, Moore, Moses—or the Merchant of Venice; or once more Paine, Paul, Pecksniff, Pickwick, Portia, Praziteles or Puffendorf.

The book is provided with a general index according to the Standard Classification of Law, an index containing all cases from which selections are made, and a Literary Reference index.

V. W. D.