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Book Reviews

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LEGAL AID IN THE UNITED STATES — A study of the Availability of Lawyers' Service for Persons Unable to Pay Fees. By Emery A. Brownell. Rochester. The Lawyers Cooperative Publishing Co., 1951. Pp. xxiv, 333. $4.50.

The interest of the writer of this review in Legal Aid stems, to a large extent, from an assignment made to him in a college class in sociology. The assignment was to make a book report on Reginald Heber Smith's *Justice and the Poor*, published in 1919 by the Carnegie Foundation for the Advancement of Teaching. That was the first comprehensive survey of Legal Aid in the United States. The book now under review is a report on the third such survey.[1] This report is published as a part of the survey of the legal profession being conducted by the American Bar Association under the direction of Reginald Heber Smith, author of *Justice and the Poor*.

Legal Aid in the United States was written by Emery A. Brownell, Consultant on Legal Aid to the Survey of the Legal Profession and Executive Director of the National Legal Aid Association, whom we are told "traveled well over forty thousand miles and visited 123 Legal Aid organizations in 103 different localities collecting information, securing opinions, and personally observing the services rendered." In the preparation of his report, Mr. Brownell had the assistance of a group of Legal Aid executives in both the civil and criminal fields.

Those who are familiar with Mr. Brownell's thorough and systematic work on behalf of the National Legal Aid Association are not at all surprised that he has given the legal profession, and the public at large, a very comprehensive, accurate and documented review of the past and present status of Legal Aid in the United States. But in addition to this, he has woven into the picture a message which will bring the lawyer closer to the public and make his functions in the community stand out clearer in the minds of a large section of the public.

Legal Aid in the United States begins with a review of *Justice and the Poor*. It should be surprising, although it is not to those who know the field, that the conditions re-

[1] The second was by JOHN S. BRADWAY and REGINALD HEBER SMITH, GROWTH OF LEGAL AID WORK IN THE UNITED STATES, U. S. Department of Labor Bulletin No. 607, 1936.

vealed by *Justice and the Poor* a generation ago, with reference to the Legal Aid movement, are still largely the same today. Some of the weaknesses and needs pointed out a generation ago were lack of funds, low salaries, the need for "intelligent propaganda and missionary work", establishment of the service in all larger areas of population, and providing means by which the accumulated experience of Legal Aid organizations could be used by the various movements for improving the administration of justice. In one area, that of the creation of a centralized responsibility or authority to head up the Legal Aid movement, there has been a desired improvement in the creation of the National Legal Aid Association and the splendid work done by the Standing Committee on Legal Aid of the American Bar Association.

From the organized Bar, *Justice and the Poor* asked on behalf of the Legal Aid movement, for leadership, supervision and financial support. *Legal Aid in the United States* discloses that the first two are now being given in a generous measure and in a way which has established Legal Aid as one of the primary interests of the organized Bar in our decade. Moreover, financial support is being given on an increasing scale, especially in the support which the Bar is rendering to the National Legal Aid Association. However, as shown by the chart on page 237 the cost of maintaining Legal Aid offices throughout the country is borne as follows: 60% by Community Chests, which is the growing mode of support for Legal Aid, 9½% comes from tax funds, 6% from payments made by clients, 2% from capital income, and 14% from all other sources.

Chapter III dealing with "What Legal Services Are Needed" is of special interest to members of the Bar, because it describes a study made in six representative cities (Akron, Atlanta, Nashville, Oakland, Rochester and Seattle) in which a scientific sampling was made out of about 2,000 middle income families and 2,000 lower income families, in an effort to ascertain the type of legal problem these families have, the nature of their problems, whether they recognize them as legal problems and whether they have taken their problems to attorneys. The survey disclosed that only 65% of the people in the low-income group recognized their legal problems as legal problems, and that only 44% had consulted lawyers about such problems. A further discussion in this chapter of the misconceptions about the law and lawyers, about the fees charged

and the functions of a lawyer are an excellent contribution to bringing the lawyer and the public closer together.

In answering the question "Who needs Legal Aid?" Mr. Brownell indicates that city families of three persons or more with incomes of less than $2,000 a year cannot afford to pay for legal services unless they have other resources. In Eastern cities of over a million population the income figure should be $2,500. This puts 20% of the population in need of Legal Aid services. Of this 20% approximately sixteen million live in urban areas where the services must be more highly organized. Only slightly more than one half of these urban areas have adequate Legal Aid services. In rural areas organized volunteer services should be available. It should further be noted that as people become conditioned to use legal services preventively, Legal Aid will be in greater demand. This was illustrated by the high incidence of use of legal assistance offices by the members of the armed forces, and by the fact that less than half of the lower-income families now take their legal problems to lawyers.

On the criminal side, Mr. Brownell summarizes the need for Legal Aid by stating that every one accused of serious crime is entitled to adequate representation by competent counsel at all stages of the proceeding; that approximately 60% of the defendants in criminal cases are unable to employ counsel; that in 1947 an estimated 97,000 persons who faced serious criminal charges could not employ counsel, of these not more than 22,000 were assisted by public or voluntary defenders, 36,000 received assistance from an assigned counsel, often an inadequate service, and at least 38,000 went without any form of legal representation.

In contrast with this, it is interesting to take the long view and see the development of Legal Aid and its growth since 1876. Chapter VIII on "Service Now Available" does this and in Table XVIII shows how in the first year of Legal Aid in the United States, the New York office began by handling 212 cases at a total cost of $1,060. In 1948 a total of 344,616 cases were handled throughout the United States at a total cost of $1,519,076.

In discussing the services available, the study touches upon the problem of Court costs and how these can be met by Legal Aid clients. Among the various alternatives suggested, Mr. Brownell rejects the use of *in forma pauperis* procedure as hardly affording a "dignified, open door to

justice." In that connection he calls attention to the fact that in Baltimore, and this would be true for the entire State of Maryland, *in forma pauperis* proceedings are not available in equity, which includes divorce proceedings. A Maryland reaction to this might be that, although *in forma pauperis* proceedings would appear to be warranted fully as much in equity as at law, and the failure to provide them in equity would seem to be a deficiency in our system of justice, yet the way the procedure has been used in our law courts does not seem to warrant Mr. Brownell's fear that it is lacking in dignity and short of an open-door policy to justice.

However, the quotation from Mr. Justin Miller with which the section on Court costs closes is well worth consideration. Justin Miller has suggested that Court costs be abolished altogether for rich and poor alike. He regards them as a vestigial carry-over from pre-feudal days when the settlement of a dispute by peaceful means was not considered a public service. He maintains that they neither help appreciably in bearing the public cost of litigation, nor do they prevent litigation except for the very poor. Mr. Miller is then quoted as follows:

> "Suppose that you were required to pay a fee before the Fire Department would put out a fire in your home, would it be proper administration of that governmental function to say that because a rich man could pay a fee to the Fire Department it should put out his fire; but that if a poor man could not pay a fee, he would have to take a pauper's oath before the Fire Department would move out of its station? Should any such penalty be placed on the poor man as regards the services of the Police Department, or the Health Department. . . . But why have we put the administration of justice by one of these great coordinate branches of government on a basis of pay-as-you-go?"[2]

In summarizing the next steps which should be taken in the Legal Aid field, Mr. Brownell points out that although there has been a remarkable growth in Legal Aid during the last generation, the results have been little more than keeping pace with the growth in population, if it has done as much as that.

When the first national survey was reported in *Justice and the Poor,* there were 34 large cities of over 100,000

[2] BROWNELL, 192.

population in 1917 which were not served by Legal Aid organizations. In 1949 there were 50 such cities. Moreover, by reliable test it was shown that the existing organizations in 1917 were able to cover only 51% of the actual need. Now, by the same test, the existing organizations are able to meet only about 55% of the actual need. On the criminal side, it should be noted that fewer than half of the counties of the United States provide counsel for indigent defendants accused of major crimes. In 38% of the counties no help whatsoever is provided except when a lawyer serves without fee.

The survey, therefore, concludes that the following specifics are an immediate minimum requirement:

1. In every city with a metropolitan area population in excess of 100,000, a Legal Aid office should be open with not less than one full-time attorney and the necessary clerical assistance.

2. Every other city or county with a population in excess of 50,000 should have a Legal Aid office with at least some paid clerical personnel to keep it open at specified hours. The legal services there can be rendered, if necessary, by one or more volunteer attorneys, on a part-time basis.

3. In every other county a committee of volunteer lawyers, or some other means should exist to take care of the Legal Aid needs.

4. In every state there should be established a committee under the State Bar Association to supervise and support Legal Aid work.

5. In all of the larger cities there should be an organized Defender service for criminal cases, either as a part of the Legal Aid office, or an independent public or private office, providing competent representation in all felony cases and other serious offences.

6. In all counties where there are no Defender offices, adequately compensated counsel should be provided.

7. Effective minimum standards, policies and personnel practices should be formulated for both the civil and the criminal fields, in order that there may be assurance of high grade service, which fully meets the actual need, and which provides a sound integration of the work with the private practice of law and other community services.

It is encouraging to note that the progress made toward these objectives during the last five of the past thirty years, has been very much more rapid than during the preceding

quarter century. The organized Bar has seen the importance of the work and is moving it forward. This survey should lend tremendous impetus to that forward movement. With that in mind, it can be expected that the next five years will see an even greater degree of progress than the past five. If we act with our characteristic national energy, the next decade will see the job of making Legal Aid available to all those who are rightly entitled to it, well-nigh completed, and then, "but not until then", says Mr. Harrison Tweed in the Foreword, "we can all go fishing."

GERALD MONSMAN.*

THE FEDERAL INCOME TAX. By Joyce Stanley and Richard Kilcullen. New York. The Tax Club Press, 1951. Pp. xviii, 374.

A professor of law, by way of recommending text material to his students during the introductory session of a course in Contracts, and by way of emphasizing his obvious partiality to Mr. Williston was reputed to have remarked, "There are, of course, in addition to Williston, quite a few good treatises on Contracts, but frankly, gentlemen, why drink lemonade when you can have Scotch and soda". Although some might not subscribe to such an analogy between spirituous beverages and writings in legal matters as a general proposition, the analogy would seem, nevertheless, particularly appropriate in apprising the reader of the Stanley and Kilcullen work on THE FEDERAL INCOME TAX, of its extremely concentrated subject matter, and in warning him of the need for meticulous care in consumption.

As its title would indicate, the purpose of this book is to furnish a guide to the income tax provisions of the Internal Revenue Code. For that reason the authors have very wisely adopted the framework of the Code itself as the organizational scheme of the book. The introductory chapter explains the obvious need for a book of this sort, arising from the growing complexity of the subject matter, and it outlines for the reader the general arrangement and organization adopted. The following eleven chapters treat in detail almost all of the sections of the Internal Revenue Code relating to income taxation, including the provisions of Sub-chapter A of the Code governing the taxability of

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personal holding companies. The authors adhere rigidly to the Code, taking up each section in the order in which it occurs in the Code.

In certain instances where the real substance of the law has been delegated by the Code to Treasury Department regulation, as is the case under Section 22(a) defining items of gross income, the authors discuss the companion sections of the Regulations in the same detail with which they treat the Code provisions in other portions of the book. Except in these few instances, however, no detailed treatment has been given the Regulations.

In a similar manner, no attempt has been made to present an exhaustive study of the large body of case law which has implemented and expounded the statutory law of income taxation. However, fairly extensive treatment is given to leading cases in those areas in which some particular concept has been developed by the courts more or less independently of statute or regulation. For example, Section 115(f)(1), concerning the taxability of stock dividends, merely states that a distribution of stock dividends shall not be considered a dividend to the extent that it does not constitute income within the meaning of the Constitution. In handling this uninformative section, the authors obviously had to treat with some detail the case law from which this statutory provision was an outgrowth, and, therefore, the landmark cases, such as *Eisner v. Macomber, Koshland v. Helvering,* and the more recent *Wiegand* and *Tourtelot* cases, have been described at some length. Although outstanding cases deciding certain basic elements of tax law in furtherance of or in interpretation of various Code provisions have also been mentioned more briefly, as occurs in discussing the concept of the realization of taxable income from the cancellation of indebtedness, such instances are rare.

Reference was made earlier to the rigid adherence of the authors to the numerical section number framework of the Internal Revenue Code. In a great many instances this would normally result in a disjointed consideration of that subject matter, such as the taxability of trust income, which is dispersed among widely separated sections of the Code. This difficulty has been overcome to a fairly successful extent by the authors through extensive and very skillful use of footnotes and cross references within the body of the text itself.

One extremely helpful aspect of this book, and one which the authors have handled particularly well for a

volume of such condensed form, is the manner in which the underlying reason and theory of various Code provisions have been explained in places where it would not be otherwise apparent. The authors have shown excellent restraint in deciding where to terminate such discussion, in the interests of brevity and conciseness.

Since the Federal Income Tax Statutes were first adopted in 1913, the statutory as well as regulatory and case law has developed a degree of complexity which has been cumulatively increasing throughout the years; since the 1934 amendments to these laws, the burden has become particularly severe. The problem of initiating new students of law, accountancy and business into the tangled maze is one which has caused greater and greater concern among educators. For these, as well as for many other obvious reasons, a book of this sort is sorely needed today and should serve an extremely useful purpose in schools and colleges throughout the country. Beyond the portals of places of learning, those who are required to take into consideration in a general sort of way various aspects of Federal Income Taxes, should find this book extremely helpful in painting the overall broad picture without involving some of the more minute details of the law better left to those who make taxes their specialty. These advantages of the book are obvious and have been covered completely in the excellent prefaces by Messrs. Randolph E. Paul and Gerald L. Wallace.

The book seems admirably suited, however, to another use which is probably not so obvious. As the income tax field increases in breadth, depth and complexity, even those professional men whose business and daily occupation require them to work with the various provisions of the Internal Revenue Code, are finding it increasingly difficult to retain any degree of perspective in the broad overall aspects of income tax law as they become more and more intimately involved in the more detailed application of the law. A quick reading of this work should be extremely helpful in enabling them to remember the general overall outlines of those fields once known but not frequently revisited.

Many caveats should be kept in mind in using this book. Attempts to over simplify and generalize have produced some statements which are probably not entirely accurate for all purposes. One instance of this stands clearly forth in the passages of the book discussing income splitting, first enacted by the Revenue Act of 1948 for the announced

purpose of equalizing the burden of taxpayers in common law and community property states. The authors make the broad statement that the effect of the newly enacted Code Section 12(d) is to permit all married couples to compute their tax as if the husband and wife had each received one-half the income and been allowed one-half the deductions and credits. The possibility that this overstates the real tax effect of this amendment has been made clear by litigation concerning the inter-relationship between Section 12(d) and Section 107(a) of the Code allowing taxpayers to limit their tax on long term compensation to the taxes which would have been imposed had they received the long term compensation over the years for which services earning the income had been rendered. See, *Marshall v. Hofferbert,* 200 F. 2d 648 (4th Cir., 1952).

All in all, the book represents a very bold step in a long needed direction and, if properly used, could be an extremely valuable work for anyone whose interests or occupation take them into the confusing and complicated realm of Federal Income Taxation.

FRANK L. FULLER, III*

AMERICAN LAW OF PROPERTY. Various authors; A. James Casner, Editor-in-Chief. Boston. Little Brown & Company, 1952. 7 volumes. $115.

Perhaps the most informative description of this work which can be written is contained in the four-page preface where the Editor-in-Chief describes what has been done, and the basic principles which were adopted to chart the course. The first sentence reads:

> "American Law of Property is the product of the efforts of a group of men, each writing on a phase of the subject in which he has by experience in teaching, practice or writing specially qualified himself, and all working under a master plan to assure an integrated treatment of property law."

The work was intended to be essentially practical; that is to say, it is prepared by students for the practicing lawyer. One of the first objectives was, therefore, to prune out subjects which are primarily of academic interest, and to expose as concisely and promptly as possible the actual

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state of the law as it now exists, the hard core on which it rests, and the root or foundation from which it came.

The law of property, being the oldest branch of the law, is perhaps also the most complex. Modern ideas to the contrary, notwithstanding, it is the source of our freedom and our liberty; and where property rights have been established courts have normally been disposed to protect those rights, however complex or obscure the explanation as to how they arose. In other branches of the law relating to the rules which are to apply to existing and future relationships, they have rightly attempted to streamline the rules and adapt them to modern requirements. With the law of property, the courts have avoided any change, recognizing that the most important — perhaps the only valid guide, is to determine property rights as they exist. In no other part of the law is stare decisis of greater importance: in no other branch is a clear understanding of the root and development of each rule of law more necessary to a just decision of the case in hand. The law of property is therefore peculiar in that its recognition and adherence to rules of law — even rules which have lost their reason for being, is of profound importance. When courts, of their own accord, commence to deprive individuals of their vested rights, under the pretense of streamlining and rationalization, they are at once turning their back upon the reason for their existence and the very fundamentals of liberty.

These self-evident facts not only demonstrate the need for a treatise along the present lines, but also the real difficulty of the task. With the mass of legal history, rules and explanations for rules, which now exist, the problem is as much what to exclude, as what to include. Brevity is a landmark of knowledge. Only a master in his field can select the truly important, and exclude the rest. Yet the law of property is so complex, and the field so large, that no single modern textbook writer can pretend to have mastered it all. With this in mind, the Editor has said:

> "It was also felt that there was need, in each segment of the field, for the most matured thought and the most careful expression of a man whose natural bent had drawn him to that area and who had devoted much of his professional life thereto. Therefore the principle was established that the field would be divided into segments each capable of exhaustive study and intensive labor by one author, or at most a team of two, and that the man chosen for the task should be one who had the advantage of years of specialized professional

> interest and study behind him. An examination of the list of authors and their subjects will show how successfully this principle has been put into effect."

Finally, the Editor-in-Chief's own most important task is outlined. The work was to be produced by twenty-four separate authors. Yet the whole must be coordinated into a single treatise; each part fitting into the rest, without unnecessary duplication, and without gaps. Anyone possessing a law review index, has access to a series of articles on selected points, written by these same authors; where individual points of law are minutely analyzed, and individual theories developed. Perhaps a well-selected collection of articles on the law of property — somewhat like the "Selected Essays on Constitutional Law" published under the auspices of The Association of American Law Schools in 1938, would justify the expenditure of $100.00 more or less, even by a young lawyer without too much ready cash. Your reviewer once thought so. The present work is not of that category. In fact a very particular effort has been made to avoid such a description. The Editor describes what he has attempted to accomplish as follows:

> "This is a treatise, not a series of monographs; it it written by a team, not by individuals on frolics of their own; . . ."

The American Law of Property is therefore a new departure. It is not an encyclopedic collection of all the cases, as Corpus Juris, the West Publishing Company Digests, purport to be. It is not a collection of articles expressing the last word on particular developments of the law of the sort supplied by the law review digests. It is an attempt by the coordinated effort of leaders in the field to express in the form of a treatise what the Restatement of the Law of Property has attempted in the more abbreviated form as a collection of rules: a compendium of the law of property which can form a solid background of reading for the practicing lawyer, about to draft a difficult lease; or to argue a case on a point where local authorities are not conclusive. He may not find the appropriate cases in his own jurisdiction — that he can do by reference to the digests; but he can learn where to look, and can plan or verify a method of attack.

So much for the declared purposes and justification for the treatise. This reviewer can find no fault with what the authors set out to do. The need clearly exists; and the

method of attack is commendable. Perhaps no greater compliment can be made in a review of this work than to say that the group of authors (and in particular the Editor-in-Chief) have accomplished what they set out to do. I believe that they have done so.

The work is divided into twenty-seven different "Parts", each prepared by one, two or three authors. Of course no good purpose could be accomplished by any attempt to outline the contents; but it may serve some purpose briefly to discuss a few of the Parts which had some particular appeal to me.

Of these, Part 1, entitled "Historical Background of the Law of Property", by Lewis M. Simes, is in my opinion one of the finest in the entire work. Here in seventy-one pages is as concise and simply stated an account of the complicated background on which the present law of property rests, as this reviewer has ever read. An author can only be as thorough, and yet as brief, when he has a complete mastery of the whole subject. It is a section of the work which can be read from time to time by anyone interested in property law, whether he is professor, practicing lawyer or judge.

Of very particular interest to me was Part 3 on "Landlord and Tenant", by Hiram H. Lesar of the University of Missouri School of Law. Here not only are history and general principles discussed, but the whole is brought up to date by analysis of problems which have had a marked development in recent years. Percentage leases, escalator clauses and reappraisal provisions for increase in rent, are considered, with numerous citations to articles and whatever treatises there are on the subject. Owner occupancy of cooperative apartments; devices for securing payment of rent, are covered. There are sections on various quasi leases, such as billboard "leases", "leases" of departments in stores, and so on. Termination problems, such as the oft recurring one arising out of current government rent control regulations, are outlined.

Maryland lawyers will be especially interested in Part 9 by our own Russell R. Reno (University of Maryland Law School), entitled "Covenants, Rents and Public Rights". His chapters come up to the fine standard of teaching and writing for which he is generally known in this State. He is particularly good in his chapters on covenants running with the land and equitable servitudes. It would have been interesting to have his comments on the recent U. S. Supreme Court cases relating to covenants involving racial

discrimination; but this subject is reserved for a later title (Restraints, Part 26).

Part 11, by Sidney Post Simpson (late of New York University School of Law), John P. Maloney (late of St. John's University School of Law), and R. G. Patton (Land Registration Department, Hennepin County, Minnesota), is entitled "Vendor and Purchaser". Chapter V, of this Part, entitled "Construction and Performance", is essentially practical, and excellent reading for conveyances. It includes sections on such subjects as "Standard Contract Clauses" (with citations to a number of form books); "What Is Marketable Title", "Preparations for Closing and the Closing". This part can be read in conjunction with the equally practical Part 18, entitled "Examination of Title", by R. G. Patton and Carroll G. Patton (also of the Land Registration Department of Hennepin County). The same R. G. Patton is author of Part 12, entitled "Deeds", which includes an extremely interesting discussion of the "Inception of Private Title" with sections on "Public Lands" and "Underwater Land". A discussion of the Tidewater Oil cases appears in another Part (Sec. 10.134).

Part 14 is headed "Title After Probate Action", and was prepared by Thomas E. Atkinson (New York University School of Law). It concerns administration, and the passage of title at death of both realty and personalty. One of the outstanding parts in this division is the discussion of means to establish the validity of a will during the life of the testator. Very few lawyers in general practice have not wished for some such procedure. There is also a discussion of the need in many states (including Maryland) for a procedure to establish title to real estate, similar to the distribution account, which fixes title in the administration of personalty. We could use such legislation in Maryland.

One of the longest Parts in the book is Part 16 on "Mortgages", by George E. Osborne (Stanford University Law School). It contains 519 pages. It includes excellent chapters on the history and development of mortgages, equitable mortgages, the obligation, future advances, and rights before and after foreclosure. There are a wealth of citations to treatises and leading articles, including reference to the fine article on "Future Advances" (4 Md. L. Rev. 111) prepared by R. Dorsey Watkins of the Baltimore Bar.

Part 19, entitled "Fixtures and Things Growing on the Land" is by Russell D. Niles (New York University School of Law) and John Henry Merryman (University of Santa Clara College of Law). The 57-page chapter on fixtures is

very good. Here as in other parts of the entire work, we find that the authors are forthright — i.e., they do not appear to avoid the difficult points; nor do they merely state alternative contentions with a list of authorities and, perhaps an admiring glance at each side. They take a position and then say why.

Title 22 is by the Editor-in-Chief, A. James Casner (Harvard Law School and formerly of the University of Maryland Law School) and is on "Class Gifts". After an exposition of the general rules relating to class gifts, the author has made a most exhaustive statement of the law relating to various sorts of class gifts. His analysis, which contains 218 pages, appears to cover almost every conceivable variation. He adds suggestions as to the proper method to draft such clauses.

To me, the outstanding part of the whole work is Title 24 on the "Rule Against Perpetuities", by W. Barton Leach (Harvard Law School) and Owen Tudor (of Boston). The authors do not profess merely to restate the law. In an introduction they say:

> "At the date of publication of this treatise the professional literature on the Rule against Perpetuities is such as to require that any new treatment be designed to (a) use fully existing literature and (b) provide a type of professional assistance which is not merely cumulative to those already available."

The differences in approach between two leading authorities, Simes and Gray, are stated and there are cross reference tables to the works of each of these authors and to the Restatement, so that any part in the text may be readily compared with each. A modern touch is added by the short sections on the relation of the Rule against Perpetuities to Pension Trusts and Insurance Trusts. The authors have done a fine job, and I have no doubt that this Title will be one of the most frequently cited in the work.

Omissions: The Editor-in-Chief states in the introduction that after some hesitation it had been decided to omit titles on "Intestate Succession"; and on "Wills". The common law of descent is, of course, interesting and is still a matter of litigation in Maryland (see *Perkins v. Iglehart*, 183 Md. 520, 39 A. 2d 672 (1944)). However, to a large extent the subject is now controlled by statute. The omission of a title on "Wills" would have been of greater moment in Maryland if we were not already equipped with Miller's outstanding book. Also, this omission at first sounds to be

of greater importance than it really is, because there are included many related subjects such as "Title After Probate Action"; "Class Gifts"; "Rule Against Perpetuities", etc., which take up much of what would be included in an ordinary book on wills.

The omission of Part 28, entitled "Rights Incident to Possession of Land" is unfortunate. It is contemplated that this will be published as an appendix to Volume VI. It is to include chapters on "Freedom From Tresspass", "Freedom From Non-Trespassory Interference" (the Law of Private Nuisance), "Surface Support", and "Enjoyment of Waters". A paper supplement, if that is what is contemplated, soon becomes worn and is often lost. I hope that it will be decided to publish this title in a bound volume.

Volume 7 includes a table of cases; a table of statutes cited to the text; and an excellent index. The decimal system of citation is in my opinion as convenient as any yet invented. It is far superior to many other methods. For example, it is easier to cite, and to locate a citation in the American Law of Property (six volumes of text, 4,826 pages) than it is to cite or locate a Rule of the Court of Appeals of Maryland (paperback pamphlet entitled "Rules and Regulations Respecting Appeals, General Equity Rules and General Rules of Practice and Procedure of the Court of Appeals of Maryland", 98 pages).

Conclusion: In conclusion, I regard the work as Grade A. I am sure that it will be generally accepted by the bar as the most useful modern treatise on the law of property. It is concise, practical, thorough and learned. Furthermore it is forthright. I found very little dodging of the question, which appears in many treatises of this length. The American Law of Property should serve as a sure guide for any lawyer who wises to obtain an over-all picture, before he sets out to find the local cases on his subject.

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