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Review of “What Price Jury Trials?” By Irvin Stalmaster

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Book Reviews

GAYNOR, *The Tammany Mayor Who Swallowed the Tiger*, by Louis Heaton Pink. New York: The International Press, 1931.

This biography was apparently written by a man whose admiration for William J. Gaynor occasionally interfered with a satisfactory interpretation of reported facts. The book, though written in swift journalese, is nevertheless interesting, partly because of the subject matter and partly because of that same swift writing that is too impatient to ferret out small, telling details or to resolve apparent contradictions of character.

William J. Gaynor's rise to political importance through the ancient route of the legal profession, as lawyer and judge, is an interesting story. The newspaper reporter's zest for shady political machinations is apparent, although usually there is more critical attention accorded to the maneuvers of Gaynor's enemies than to Gaynor's. However, Mr. Pink does succeed, in the main, in winning the reader's sympathy for Gaynor. Much effort is devoted to making Gaynor a political character, according to the American tradition. Clever excerpts from letters are quoted; witty bits of public addresses; short phrases that pass as philosophy or bible lore; all with intention of moulding a kindly, witty, philosophical, God-fearing figure, ruthless to those who do wrong, and lovable to the unfortunate.

Somewhere, beyond Mr. Pink's interesting language, is the real William J. Gaynor; and I, though I have the pleasure of having read an interesting book, do not yet know the Tammany Mayor Who Swallowed the Tiger.

MORRIS E. COHN.

Los Angeles, California.

WHAT PRICE JURY TRIALS? by *Irvin Stalmaster*. Boston: The Stratford Company. 1931. Pp. ii, 143.

This little book, which the author in all modesty hopes "will evoke an avalanche of controversy from which eventually will flow substantial benefits to the administration of justice in civil cases," is the first publication, according to the author, to reveal to public gaze the actual operation of the jury system. Disclosing to the uninitiated the mysteries which only judges, lawyers, and court attendants heretofore have known, it is, nevertheless, a sensibly written volume which states clearly the case against juries in civil actions.

The aim of the book is to picture the jury system unclouded and unobscured by traditional hand-me-downs and popular opinion. The author dispels any belief of sanctity of the institution by showing the changes it has undergone since its origin, when first-hand knowledge of the case was an essential attribute of the jurors, rather than a disqualifying one, and when witnesses were unnecessary. His most telling point, however, is his demonstration of the large number of cases in which juries are never used to

determine questions of fact. Numerous situations are indicated where cases may be changed from legal to equitable by slight alterations in their prayers for relief; these he uses to overcome the argument that a single judge is incapable of determining factual issues.

The remaining pages are devoted largely to discussions of the failure of jury reforms and to the results which would follow the abolition of the system in civil cases. Among these the author includes: swifter and more certain disposition of cases, lowered costs, no appeals on questions of evidence, instructions, and mistrials, and added dignity to the profession.

JEROME A. GROSS.

St. Louis, Mo.

CASES ON THE LAW OF PERSONAL PROPERTY, by *Harry A. Bigelow*. St. Paul: West Publishing Company, Second Edition, 1931. Pp. xiii, 465.

The course in personal property, where it is retained in the law curriculum, may be taught with one of three purposes primarily in mind: (1) to introduce the student to certain legal conceptions and modes of thought, involving ideas of possession and ownership, the bases for exerting legal claims, the kinds of property interests, and the means of protecting creditors; (2) to relate the law of personal property to the law of real property, with such differentiation as will contribute to an understanding of each; or (3) to lead into a study of the multitudinous forms of modern business property, largely intangible in nature, which are of such great economic if not litigious importance. Professor Bigelow's book has been the best in the field for the first of these purposes since the publication of the original edition in 1917. Elementary in nature and thoroughly teachable, it has won wide acceptance. It is believed that the second edition, in whose preparation Professor Francis W. Jacob has collaborated, will continue the popularity of the book for its purpose. There has been a rearrangement of the cases relating to the common-law actions, about which opinions will differ. The introduction of a greater number of modern cases which bring out the present significance of the topics treated will undoubtedly be generally approved. The slight increase in bulk which thus is occasioned does not create a problem, for the volume even yet will not tax the capacities of a class.

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AMERICAN FAMILY LAW, by *Chester G. Vernier*. Vol. I, Stanford University Press, 1931. Pp. xxi, 311.

Professor Vernier has produced a rare type of law book. He and his assistants have expended prodigious labor and care in gathering together the statutes of the forty-eight states, the District of Columbia, Alaska, and