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Review of "Cases on the Administration of the Criminal Law," Selected and Arranged by Edwin R. Keedy

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Professor McBain to state (p. 104) that the fourth amendment "is being swept blithely into the discard" by searches and seizures upon suspicion for the purpose, "not of prosecuting the guilty, but of seizing and destroying liquor." View Number Seven leads to the statement (p. 153) that—although not, of course, as a matter of law—"A word must be said in behalf of the very occasional violator who has the misfortune to be prosecuted under both the state and the federal law."

Despite its unexpressed premises, however, Professor McBain's book is illuminating and valuable. His statement of the constitutional difficulties in the way of modification is accurate and complete, and his conclusion that there is no satisfactory way out leaves us, at least, with a picture of the situation we must face. His exposition of the constitutional guaranties in relation to prohibition enforcement will be understandable to the layman and informing to the lawyer. His numerous "wisecracks" will amuse or annoy according to the disposition of the reader.

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CASES ON THE ADMINISTRATION OF THE CRIMINAL LAW, Selected and Arranged by *Edwin R. Keedy*. Indianapolis: The Bobbs-Merrill Company, 1928.

Prior to a decade ago there was a notable tendency in American law schools, even the best law schools, to pay almost exclusive attention to those branches of the law that were most lucrative in private practice. Vast improvements were made in pedagogic method and in marshaling and editing material for study. But the method was chiefly applied and the published material was chiefly used in turning diligent students into highly paid corporation lawyers. In the law schools of those days there was not as much sensitiveness to public welfare as there was in the bar associations of those days. There has been a great change. Perhaps the change started before the World War and before Alfred Z. Reed, of the Carnegie Foundation for the Advancement of Teaching, began his study of American training for the "public profession of the law." However this may be, the external evidences of the change have been seen only in the last ten years. The great change is apparent if we consider criminal law as taught in American law schools a dozen years ago and the same subject as taught today. Criminal practice is no more lucrative today than it was a dozen years ago. The social importance of criminal practice is no greater today than it was a dozen years ago. The change is in the mental attitude of law school faculties. "Sociological jurisprudence" has done its work.

Professor Keedy's case book on the administration of criminal law is an admirable illustration of the new attitude toward the public aspect of American jurisprudence. Until recently the subject itself was almost totally neglected in law schools. Today those law schools that do not pay some attention to the procedural aspect of criminal law are constrained to apologize for their neglect. That the welfare of society is concerned with existing rules of criminal procedure is admitted by all. Since this is true,

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it is now recognized as a matter of course that law schools should no longer ignore those rules. Many competent critics within and without the legal profession have vigorously denounced alleged defects in our prevailing rules of criminal procedure. Suggestions for improvement have been made. Experimental changes have been brought about in some jurisdictions either by judicial legislation or by statutory enactments.

All of these facts can be studied in Professor Keedy's book. The arrangement of the material is according to the chronological order in which proceedings occur. The first chapter has to do with police officers and their duty with respect to both arrest and investigation of crime. The last chapter relates to the executive's power of clemency and its effect. In between are thirteen chapters relating to such topics as magistrates, grand juries, prosecuting attorneys, trial courts, petit juries, courts of appeal, etc. While most of the material is in the form of appellate judicial opinions, a fairly large portion of the material consists of extracts from state constitutions and statutes and of quotations from commentaries and law review articles. The footnotes are not so voluminous as to discourage actual collateral reading, as is unfortunately true of some modern case books. The editor does not hesitate to make clear his own view on controversial topics. The theoretical law of "third degree" is revealed by a group of judicial opinions. The undoubted fact that this theoretical law is habitually violated in our large cities is also revealed. The contrast between the theoretical law and the actual practice is impressed upon the students by a footnote suggestion for a statute as follows: "Police officials are hereby authorized to examine accused persons in their charge and to obtain from them, by any methods short of physical violence, confessions or admissions of their guilt."

The book is a well manufactured volume of 586 pages, including a carefully prepared index.

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FEDERAL INCOME AND ESTATE TAX LAWS, CORRELATED AND ANNOTATED, by *Walter E. Barton* and *Carroll W. Browning*, Fourth Edition. Washington: John Byrne & Company, 1929. Price $15.00.

The present edition, which is the fourth, includes the Revenue Act of 1928. Whereas previous revenue acts and revisions had preserved the arrangement of the subject-matter to a great extent, the Revenue Act of 1928 was completely rearranged with a view to simplifying the use of the revenue law by the average taxpayer. This rendered it peculiarly appropriate to have a new edition of Barton and Browning's work which, as is probably well known, consists of the arrangement of the various revenue laws in six parallel columns so that it is easy for the reader to glance from one to the other and compare the actual wording of the related matter in the various revenue acts. It is, of course, obvious that a court or administrative decision under one act may be good authority under another, but this depends in every case on the comparative wording of the two acts, so

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