

January 1938

## Review of “Readings on Personal Property,” By William Fryer

Orrin B. Evans

Follow this and additional works at: [http://openscholarship.wustl.edu/law\\_lawreview](http://openscholarship.wustl.edu/law_lawreview)



Part of the [Law Commons](#)

---

### Recommended Citation

Orrin B. Evans, *Review of “Readings on Personal Property,” By William Fryer*, 24 WASH. U. L. Q. 145 (1938).

Available at: [http://openscholarship.wustl.edu/law\\_lawreview/vol24/iss1/4](http://openscholarship.wustl.edu/law_lawreview/vol24/iss1/4)

This Book Review is brought to you for free and open access by the Law School at Washington University Open Scholarship. It has been accepted for inclusion in Washington University Law Review by an authorized administrator of Washington University Open Scholarship. For more information, please contact [digital@wumail.wustl.edu](mailto:digital@wumail.wustl.edu).

Clark has stopped. Those criticisms of her book which have been made undoubtedly reveal as much the predilections of the reviewer toward some forms of "cooperative federalism" as they do weaknesses in the study itself. The author set herself to the task of describing a vast mass of phenomena; she has drawn the picture in full, and for the most part, orderly detail; and her work will serve as an excellent starting place for analytical studies of what may or may not be a new facet of federalism.

W. WILLARD WIRTZ.†

---

READINGS ON PERSONAL PROPERTY. By William T. Fryer. Third edition. St. Paul: West Publishing Company, 1938. Pp. xxxii, 1184.

To the public this is a new book, despite its designation as "Third Edition." In its earlier forms its use was limited to the experimental efforts of the editor, who was convinced that casebooks limited in size to that of practical utility in the classroom failed to give an adequate picture of the nature and judicial solution of fundamental legal problems. It would also appear that he was convinced that the omission *could* not be supplied by the dialectics and expositions of the instructor, and *would* not be supplied merely by citation to additional case, periodical, and treatise material. Presumably he chose the field of personal property for his contribution because he has been concerned with teaching it at George Washington University for a number of years; but the general location of the course at the beginning of law school curricula plus the conglomeration of scarcely related subjects which it ordinarily embraces makes it a favorable one for introducing the student to the broader aspects of legal study.

Professor Fryer is no exponent of the Hornbook and Illustrative Case system, nor does he attempt to fill the space between cases with textual treatment in the fashion of Walsh's Cases on Equity. He has compiled a few reports, a great many law review notes and comments on other cases, and most of the standard essays on the subjects covered. It should be observed that the notes are, for the most part, not annotations to the cases reported in the standard casebooks, the function of which would be largely duplicated by classroom analysis, but instead serve the purpose of concise abstracts of reports of related cases, collating additional authorities thereon, and suggesting some of the multitudinous aspects of the property concepts. Certainly the anonymous student law review editor comes into his own in this book, and if writing notes is good preparation for the practice of law, so might reading them have value apart from the factual information obtained.

In his preface Professor Fryer intimates that the best use of the collateral and source material he has compiled might be obtained by realignment of the subjects covered in the course (to show "the history and function of property") without specifying in detail the approach he favors. "The orthodox classification of topics has been adhered to, in order to make possible use by the greatest number of students." Specifically the order

---

† Assistant Professor of Law, State University of Iowa.

is precisely that employed by Dean Bigelow though the material is arranged and indexed for easy use in connection with any of the standard casebooks. The result is that, as used by the greatest number of students, this book will make it possible for any instructor to select his casebook on the basis of case material alone, and to add or withhold the extraneous material at his pleasure and without regard for the pedagogical convictions of the compiler of his casebook, who may not approve of the distraction from exhaustive analysis of the principal cases.<sup>1</sup> The reviewer's personal opinion on this issue is inconsequential, but he would express his approval of the selection of material which Professor Fryer has made from the vast storehouse of periodical literature. One who prefers the "Chafee technique" can hardly go wrong in assigning this volume for use in conjunction with any of the casebooks available. In any event, it is bound to be useful and convenient to the instructor himself.

Although the book is professedly a teaching tool, I can not help thinking it would be a practical investment for any lawyer who seeks to maintain a library beyond the bare essentials for active practice. It includes the best and most suggestive thinking on the subjects covered to be found in some forty-five law reviews. It is almost inconceivable that a lawyer faced with a difficult question of "delivery of gift," for example, would not profit by study of Professor Mechem's article reprinted here from the Illinois Law Review in all of its ninety-five pages. Professor Brown's admirable little book on Personal Property has been the only recent contribution to this field for some time, and this collection will help to round out many a library now almost barren or outdated in Personal Property.

ORRIN B. EVANS.†

---

SPIRIT OF THE LEGAL PROFESSION. By Robert N. Wilkin. New Haven: Yale University Press, 1938. Pp. viii, 178.

The author, a former justice of the Supreme Court of Ohio, traces the development of the legal profession from Rome through English history and its subsequent growth in the United States. The book is divided into four parts. Part I describes the birth of the profession during the Roman Republic. Part II deals briefly with its beginning in England and describes the conflict between the profession and the crown, culminating in the separation of the judicial function from other political elements. The author thus presents the evolution of the doctrine of the "supremacy of the law" or, otherwise stated, government of law and not of men. Part III, after

---

1. Edward Warren in the Preface to his Cases on Property (1938) states: "I have deliberately avoided the marshalling of cumulative citations in footnotes. This casebook is intended to be, not a *quasi-encyclopedia*, but an aid to good thinking. It may be that such citations are desirable in case-books designed for second-year or third-year students, but I am convinced that it is far better for a first-year student to think and discuss much over a small number of cases than to read a large number of cases. Reading makes a full man, but thinking and conference makes a ready man."

† Visiting Assistant Professor of Law, University of Missouri.