

January 1940

Review of “Handbook of Admiralty Law in the United States,” By Gustavus H. Robinson

Clyde W. Thurmon

Follow this and additional works at: http://openscholarship.wustl.edu/law_lawreview



Part of the [Admiralty Commons](#)

Recommended Citation

Clyde W. Thurmon, *Review of “Handbook of Admiralty Law in the United States,” By Gustavus H. Robinson*, 26 WASH. U. L. Q. 148 (1940).

Available at: http://openscholarship.wustl.edu/law_lawreview/vol26/iss1/6

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.

political theory, with significant historical connections, and with the impact of all this on international law and morals. The first volume represents his own analysis; the second consists of excerpts from the writings of eminent legal philosophers of antiquity and the Middle Ages. These excerpts are placed chronologically within the tripartite classification indicated by the title. Perhaps they may be of some significance for students.

The first volume begins with the ancient Greeks and ends with Hooker (d. 1600). Most of the outstanding legal and political philosophers writing within these limits are included—though several notable exceptions come to mind. Professor Scott usually gives a short biographical sketch, then an outline of what he regards as the salient points, interspersed very liberally with long quotations from the work analyzed as well as from those of modern commentators thereon.

One can hardly call this treatise an original or stimulating study. The chapters on history are easily the best of the lot. On the jurisprudential side there is an unbroken paean of "Natural Law" with not even the suggestion of a critical note. Although this reviewer is sympathetic with the author's general views and ideals, he does not conceive the task of the legal philosopher to be adoration but, on the contrary, analysis and enlightenment. The furtherance of jurisprudence will not be served by rote and repetition. In such affairs a single well-conceived paper is worth a ton of indiscriminate quotation. This is not to say that this work is without value—especially, perhaps, for students of political science and international law. As jurisprudence, it is disappointing, to say the least, especially to expectations raised by a knowledge of Professor Scott's substantial and scholarly contributions in the realm of international law.

JEROME HALL,†

HANDBOOK OF ADMIRALTY LAW IN THE UNITED STATES. By Gustavus H. Robinson. St. Paul: West Publishing Co., 1939. Pp. xiii, 1025. \$5.00.

The author of this book, G. H. Robinson, deserves the praise of the practitioner and student alike for this scholarly treatise on the subject of Admiralty. It is a permanent contribution to a subject which has not received "the frequent treatment accorded to other branches of law."¹ The mechanical features of the book, i. e., Table of Contents, Table of Cases and Index, are very comprehensive and arranged in a manner to permit the user to find his objective with the minimum loss of time. The outline and the concise statement of rules of law found at the beginning of each chapter are other commendable features of the book. The simple, yet unequivocal, language and phraseology employed by the author greatly enhance the usability of the book and enable the reader more readily to acquire a better understanding of the basic principles of law. This last comment is made in light of the apparent and ever increasing tendency of writers and judges to clutter their opinions with flowery language which serves only the per-

† Professor of Law, Indiana University.

sonal gratification of the writer and at the same time tends to defeat clarity of expression.

The book includes statutory law and decisions of courts, both district and appellate, up to the date of publication. This fact, together with the pocket part for the supplemental work of the author and user, affords a facility for the prolonged and indefinite life of the book.

The author, having chosen to edit a book which will take its place as an integral part of the ever increasing popular group known as the "Hornbook Series," necessarily limited the space that could be devoted to the subject matter. However, despite that fact, which would in itself ordinarily constitute a handicap to most writers, the author, as a result of his apparent industry and thorough knowledge of the Law of Admiralty, has given the profession a treatise which covers the subject matter as the proverbial blanket. The omissions, viz., Admiralty Pleadings and Marine Insurance, are noted in the preface together with appropriate references to source materials covering that particular phase of the subject. However, the incidental treatment accorded admiralty practice and procedure gives to the reader the elementary principles.

The text of the book forcefully displays the analytical abilities of the author, both in his arrangement of the subject matter and his appreciation of the principles involved in the respective statute or decision under consideration. The fact that admiralty cases do not usually involve matters foreign to the controversy, but, on the contrary, deal with one or more points directly connected with Admiralty Law renders less difficult the arduous task of the writer in the matter of deleting and selecting those parts of each case appropriate to the discussion. The author's faculty for stating in simple and understandable language the facts and the decision of the cases in one or two short sentences enables him to review practically all of the important cases and at the same time consume only a relatively small space. By adopting a method of beginning with those cases where the rule of law is clearly and succinctly stated and steadily but rapidly working out in all directions to the border line cases, the author prepares the reader, whether a beginner, a teacher or an experienced practitioner, for a better understanding of the subject matter. The complete documentation of each principle of law by citation of pertinent cases gives to the reader a feeling of security not often enjoyed in legal work. Naturally, there are numerous instances when the scarcity of decisions or the lack of clarity in those decisions renders it impossible, if not dangerous, for the writer, regardless of his accomplishments, to venture too far in making categorical statements of what the law is or should be. Without shirking the duties inherent in his undertaking, the author invariably points out the problem involved and the dilemma in which the party or parties may find himself or themselves, but, as pointed out above, carefully refrains from making questionable predictions. Conflicts between decisions of the various district and appellate courts are brought to the attention of the reader by appropriate citations and discussions. The uncanny ability of the author to locate and elucidate on those cases wherein the decisions are harmonious but the logic supporting them is hard to reconcile is apparent throughout the book.

In the opinion of the reviewer one of the most valuable features of this book is the copious footnotes. Citations of text books, law reviews and other material are complete. Besides performing the usual duties of footnotes, they are particularly informative, so that the reader should find them extremely useful whether the references are followed or not.

For the many reasons stated above this book should find wide use in all schools and in the office of every practitioner of Admiralty Law. Its presence would seem indispensable.

If any criticism of the book, either constructive or destructive, is forthcoming, the limited experience of the writer of this review precludes this as a source. The reviewer can offer only commendation for the book and its author.

CLYDE W. THURMON.†

CASES AND MATERIALS ON THE LAW OF CONTRACTS. By Harold Shepherd. Chicago: The Foundation Press, Inc., 1939. Pp. xxxv, 1215. \$6.50.

This is essentially an original work although announced as a "revision" of Costigan's Cases on Contracts, Third Edition. The author is loyal to the Costigan tradition in urging that the study of Contracts begin, not with the assumed psychological harmony in offer and acceptance, but with the legalistic concept of a covenant under seal. This is merely a return to the conventional pedagogical fashion prevailing in England and this country before the days of Anson and Langdell. Mr. Shepherd is also loyal to the Costigan tradition in frankly supplementing the principal cases with commentaries and footnotes intended partly for informational purposes and partly for the purpose of stimulating outside reading. Of course this feature of the book, now generally characteristic of contemporary American case-books, indicates an important modification of the classical ideology behind the case method of instruction. In most of our law schools, at least in the schools west of the Alleghenies, students are required to buy books for class use which contain not only cases but also the kind of material that formerly appeared in text-books. Among books of this type in the field of contracts Mr. Shepherd's work probably and deservedly will occupy a high position.

Mr. Shepherd's book contains 357 principal cases and also, printed as a part of the text, significant extracts from seventeen commentaries, essays, or reports of professional organizations. The table of cases includes 331 cases not printed in the text, but referred to in the author's footnotes. The footnotes also include 139 references to secondary authorities, chiefly law review articles, and these are tabulated separately by authors and subjects. There is an additional tabulated list of references in the book to 135 separate sections of the 606 sections of the American Law Institute's Restatement of Contract Law.

Some of those who formerly labored for the American Law Institute, and are now gone, prophesied that the work of the Institute would be good but would remain comparatively unknown until new generations of law stu-

† Lecturer on Admiralty, Louisiana State University.