

The author advocates procedural reforms such as the abolition of the grand jury and reduction in number of jury trials. Perhaps criminal defense should become a state function. He recommends an expertly staffed Ministry of Justice headed by a changing executive but permanently staffed by Civil Servants. The foregoing reforms must be supplemented by improvements in society itself. The author believes that some signs indicate that voluntary self-discipline will serve to transform society and still retain the capitalistic system.

Many of the reforms suggested by the author have great merit. However, in several cases he advocates such far-reaching changes that one may question their practicability at any time in the near future. The attempt to raise the economic level might be said to be as old as society itself and the progress made has been very slight. Humans are often too biased and irrational creatures to support a reform adverse to their pecuniary interests. An improvement in quality of the administrative personnel would go far toward bettering conditions for a good administrator can smooth out many of the rough places in the law.

CARL R. BULLOCK

JUSTICE OLIVER WENDELL HOLMES — *His Book Notices and Uncollected Letters and Papers*. Harry C. Shriver, Central Book Co., New York, N. Y.

The present volume completes the Miscellanea of the writings of the late Justice Holmes. It is a collection of his early book notices, extant papers not heretofore collected, and some recently published letters.

The author has done a highly estimable bit of work in gathering together these stray, uncollected writings of Holmes. They complete, as it were, the tale of the intellectual life of a great jurist and the story of a great man that had been previously revealed through his own published writings and by those who wrote about him and his studies. The book notices, written in the seventies of the last century, reveal a versatility and resiliency of mind that foretell the unfolding genius of the latter-day Holmes. No matter what the subject-matter of the book or article under review, Justice Holmes showed himself familiarly at home with it. He knew the by-paths as well as the well-trodden highways of the law. He was quick to pick out the dilettante and the dissembler. The author whose work came to his hand for criticism was frankly, but always objectively, exposed to the withering and searing analysis of a master. On the other hand, appreciation for works of worth was not withheld by Justice Holmes in his notices. These early notices show

that Holmes was as quick to praise as he was ready to condemn. His literary style of review is chiefly noted for its succinctness and brevity. And the spirit which the notices unfailingly reveal is that of a man commissioned to warn the public what to expect from the particular work. He pointed to the highlights, cautioned the prospective reader as to errors, and suggested constructively how the book might be bettered.

However eager the public of today may be to gather in these glittering brevities of Holmes which deal with reviews of books and articles of his contemporaries of the seventies, I think that his letters to Dr. Wu will be more attractive and appealing. Most of us think of the late Justice Holmes strictly as the Jurist and as a fine legal machine who turned out mechanical masterpieces of legal reasoning. But these letters to Dr. Wu introduce us to another Holmes. They bring out in bold relief the real nature of the man through his own words written in the spirit of intimacy in hours when he could write unguardedly of his inner feelings and in language not cast in the cold, formal and objective terminology required by the technique of his calling. In these letters Holmes shows himself capable of deep, understanding and unselfish friendship; poignantly philosophical about life, humble and kindly.

The letters of Holmes also bring out how familiar he was with the classics of literature, with the great philosophic systems from the Greeks down to the modern Dewey. Holmes discourses on God, life and death. Without sham he admits enjoyments springing from the compliments of friends and from those who wrote knowingly and with appreciation of his works. At the age of eighty-five, he wrote Dr. Wu of the expectant thrill he had of living past ninety, then resigning from the supreme bench of the land before resigning to the inevitable. He admits with philosophic restraint the pleasure of outliving the record of Judge Taney who, prior to himself, had served longest on the bench and had lived longest. Quoting from his letter to Dr. Wu, found on page 199 of the author's work, "Things seem to be going well with me and if I live to October 4 or 5 I shall be older than Taney was when he died and I rather think the oldest judge who has been on the bench at my age, a silly little matter for which of course I do not really care." And quoting again from a subsequent letter to Dr. Wu, on page 200, "I naturally think of the chances as I am now the oldest judge who ever has remained sitting on our Bench. I now have lived longer than Taney, C. J. who until last month was the oldest. This is a perfectly external trifle and yet in a small way it pleases me, as externals do, although the only thing that gives me real happiness is when one whose judgment one respects says the few words that are the laurel crown."

We catch a glimpse of Holmes' humility in a line he wrote to Dr.

Wu about Justice Cardozo. "Cardozo I am sure that I should really love if I knew him better. I not only owe to him some praise that I regard as one of the chief rewards of my life, but have noticed such a sensitive delicacy in him that I should tremble lest I should prove unworthy of his regard. All who know him seem to give him a superlative place. I have seen him but once, and then his face greatly impressed me. I believe he is a great and beautiful spirit." (See letter to Dr. Wu, page 199 ff. of opus.)

Thus we could go on quoting beautifully composed passages from these letters to reveal that in Holmes America had a man whose heart was as great as his head.

The reader will find this book infinitely worth while. It has an unusual balance in developing the late Justice Holmes both as a jurist and as a man. The work is splendidly indexed and contains a comprehensive bibliography of the works of Holmes as well as a bibliography of selected articles and books relating to his works.

JOSEPH FREEDMAN

THE STORY OF THE SUPREME COURT — *Ernest Sutherland Bates. Bobbs Merrill. 1936. \$3.00*

This recent book meets the current demand for a history of our United States Supreme Court which connects the recent controversial decisions concerning the New Deal with the history of the court up to that time. It lets us look at the present opinions in the light of past decisions, so that we may obtain some idea of what the Supreme Court holds in store for us.

The author points out that the Supreme Court did not have the vast power it possesses today when it first started on its institutional journey. This power has been gained only after a century and a half of the keenest conflict in which the court has had almost life and death struggles with the President, Congress and the states. As a result of these conflicts, the United States is the only nation which has placed the judiciary above the legislature.

Mr. Bates traces the court from its beginning in the Constitutional Convention through the various Chief Justiceships to the present. It is not a very happy picture, if viewed in the light of modern liberalism. The author demonstrates that the court has been an obstacle in the path of progress during most of its history. Except for occasional flashes of liberalism as practiced by the Taney and the White courts during part of their existences, the court has forced upon the United States the economic philosophy of the propertied class that created the court.

According to the author, the philosophy of capitalism, of which the