

BOOK NOTES

NEW FEDERAL PROCEDURE AND THE COURTS. *Alexander Holtzoff*. Published by the American Bar Association. Lord Baltimore Press, 1940. Pp. viii, 208. \$2.00.

It is a commonplace to assert that the new Federal Rules constitute the greatest contribution in procedural reform since the English Judicature Acts of 1873 and 1875. So universally is this recognized that there can no longer be any study of judicial procedure without a complete understanding of these Rules.

Law schools are discussing whether these Rules shall be the basis of a separate course or are to be woven into the presentation of existing materials. There is no assertion anywhere that these Rules may be ignored.

With this emphasis upon the Federal Rules, law professors, law students and practicing lawyers will welcome any presentation that will add light upon the operation of these Rules. There is no one better qualified to give an accurate account of the reception of these Rules by the courts than Alexander Holtzoff, Special Assistant to the Attorney General of the United States. Since the effective date of the Rules, Mr. Holtzoff has been receiving and editing all the decisions of the courts that are interpreting them. Each week he has been putting bulletins relative to this material on the desks of federal judges and attorneys as well as other students of the Rules.

To one who has been attempting to keep track of the various interpretations of the Rules through these weekly bulletins, the recent book by Mr. Holtzoff is a very welcome manual. There has been too much experience with judicial reforms to accept without question some procedural change until one sees the attitude of the courts applying those rules.

This little book is put out by the American Bar Association and is a fitting supplement to the three volumes in which the Rules were explained and interpretations were anticipated by the members of the Rules Committee. Now we see the actual interpretation of the Rules in all the leading cases that have been handed down during the first two years of the new procedure.

The volume is of value not only to those practicing in the Federal Courts, but is of even greater value to those interested in procedural improvement in state practice. It is probably true that only a few states will adopt these new Rules substantially in full. But there is more

likely to be a slower infiltration of the rules by the occasional adoption of a provision here and there. In addition, there is likely to be a gradual acceptance of the philosophy of these rules by state courts which can be adopted under existing provisions. This slower but more permanent modification of state procedures will more effectively take place when courts and attorneys can get a picture of the operation of the rules as they are first being received by the Federal Courts. This book by Mr. Holtzoff is a valuable contribution to the ever-increasing record of judicial experience under this new system.

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THE STRANGEST CASES ON RECORD. *John Allison Duncan.*
Chicago: Reilly & Lee, 1940. Pp. 272. \$3.00.

More truly descriptive of the contents of this book is its subtitle, "A Rare Collection of Legal Oddities." Mr. Duncan deals with many oddities found both in and out of court records. For example, we learn with amazement that in the State of Illinois it has been illegal since 1923 to speak English. The official language of that state is American.

The stated purpose of the author has been to entertain the reader. Many of the incidents to which he refers certainly accomplish that result. But he has done more. His compact two hundred and seventy-two page book contains items that are purely informative, many of which cast interesting sidelights on famous historical personalities.

From Roman Law, Canon Law and Common Law, the author derives his illustrations, based upon original and secondary sources ranging from the Code of Hammurabi to the issues of Case and Comment. It was very gratifying to find a notation showing the source of each of the "queeriosities" set forth. This little book is profuse with drawings sketched by the versatile Cleveland lawyer-author illustrating numerous incidents mentioned.

On the entertaining side we find the poetic petition filed in the Cleveland Municipal Court for damages for the loss of a privy; the *nunc pro tunc* marriage license authorizing John and Poly to "do as old folks does anywhere inside Coopers precinct—and when my commission comes, I am to marry 'em good—and date 'em back to kiver accidents"; and the name of a New York law firm *Ketchum and Cheatham* who, in order to avoid undesirable publicity, changed the name to *I. Ketchum and U. Cheatham*.