

in the middle of the night and dragged off to prison without explanation. The idea to which Taney clung was that individual rights under law and not natural rights were supreme and to be protected from encroachments whether from government or people.

It is doubtful, says Smith in conclusion, whether actual democracy in the huge modern state can ever be reached. If no technique can be developed to make the sovereignty of the people factual then the "democratic faith of Taney may have to go the way of the flatboats and stage-coaches which he himself ushered out."

VICTOR A. KETCHAM, JR.

ROMAN LAW AND COMMON LAW — *Buckland and McNair.*
Cambridge University Press

"Our interest lies * * * in examining the independent approach of the two peoples and their lawyers to the same facts of human life, sometimes with widely different, sometimes substantially identical results. For our belief is that one of the main juridical features of this century must be a big advance in the comparative study of law."

Thus succinctly stated, the authors set forth both the plan and the purpose of Roman Law and Common Law. They have done an admirable work in their examination of the two basic legal systems and have gone far toward accomplishing their avowed purpose.

Comparative substantive law is worthy of more attention than it has been accorded by contemporary legal scholars. Recognizing this need, Messrs. Buckland and McNair have attempted to compare and contrast the Roman legal system as it existed in various stages of Roman history, with the English common law. Their work was facilitated by the fact that searching treatises have been written concerning each system but their endeavor to compare and contrast the two bodies of law stands as a unique work fulfilling an evident need.

The book covers most of the important rubrics of law. The treatment given the comparative law relative to limitation of actions exemplifies the authors' technique. It is pointed out that to the Roman lawyer limitation of actions was one thing and the acquisition of ownership by lapse of time quite another. The common law is not so logical. The common law jurists seemed to have stumbled into the latter as a by-product of the former, and for no apparent reason have confined this mode of acquiring ownership to land, easements and the like. The Roman system of limitation of actions is marked by what appears to the modern student to be excessively long periods, being thirty years for

most actions in later Roman law. This can be explained by the fact that the Romans attached more importance to the right of the individual and less to the principle, "*interest reipublicae ut sit finis litium*," than is done by those peoples adhering to the common law.

This technique of comparison and analysis of causes is apparent in the authors' treatment of each branch of the law. Their condemnation of unsound principles and unjust results is scathing. Their criticism of common law is merciless. They do not, as is often the case in treatises on comparative law, consider the common law as a perfect system suitable for use as a standard by which to measure the worth of the system being compared with it.

The work is not above criticism. The most evident deficiency is an almost total disregard of the underlying philosophies upon which the two bodies of law are predicated. The difficulty, however, of incorporating comparative philosophy into a work of this kind is evident. While the book is on the whole quite readable, the insertion of a multitude of Latin phrases affords considerable difficulty to a reader unfamiliar with the language.

The fact that the work is written from the viewpoint of the English legal scholar does not detract from its value to the American student. Frequent references to the American jurisprudence plus the close similarity of the American and English juridical systems make the book a valuable asset to the library of any student of the law.

GEORGE E. BAILEY

THE POLICE AND MODERN SOCIETY — *August Vollmer. University of California Press, Berkeley, 1936. \$2.50*

The Bureau of Public Administration of The University of California inaugurated a program of research in public administration, emphasizing initially the administration of criminal justice as one of several major fields in each of which specialists in particular aspects of that subject would cooperate in a series of related research projects. This publication represents the compilation and analysis of facts found by members of the staff, under the direction of Professor August Vollmer, from studies in police administration.

The book is an attempt to present a picture of the difficulties of the administration of criminal justice from the viewpoint of the police officer, and to suggest means that would aid in the elimination of these difficulties. The entire field of police administration is divided into five groups, namely: Major Crimes, Vice, Traffic, General Service, and