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Review of “Cases on Domestic Relations,” By Joseph W. Madden

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that a work of this kind, which facilitates the comparison, is of considerable value.

The authors have also annotated the various acts by references to the decisions of the Federal courts and the Board of Tax Appeals. It is stated in the preface that the principal increase in the size of the volume is due to the unprecedentedly large number of decisions of the Board of Tax Appeals and the Federal courts. While these annotations are doubtless convenient there is some question whether it is necessary to place them in a work of this kind which will necessarily have its principal appeal to specialists who will surely have access to one of the principal tax services.

The authors point out that while the Revenue Act of 1928 was heralded as a simplified law, the first principle of simplification was violated, in that it is now necessary for taxpayers to determine what portions of the Revenue Act of 1926 remain in force, because the Revenue Act of 1928 amends the Revenue Act of 1926 instead of repealing it and reenacting a complete new law.

The book is of about the same size as a volume of *Corpus Juris*. It contains 766 pages and is printed in excellent type on a good quality of paper.

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WORKING MANUAL OF ORIGINAL SOURCES IN AMERICAN GOVERNMENT, by *Milton Conover*. Revised and enlarged edition, pp. ix, 167. Baltimore: The Johns Hopkins Press, 1928.

This volume is an interesting attempt to apply the valuable features of the case system to the study and teaching of American government. The author has profited by suggestions received from numerous sources since the publication of the first edition in 1924. A rearrangement of the chapters has been made and two new chapters and an appendix containing the Constitution of the United States have been added.

This manual will be a useful supplement to courses in American Government in institutions that possess adequate library facilities. The arrangement is very good. Each chapter deals with a general problem and there are sufficient references to provide separate assignments to source material for each member of a class of fifty students. Provision is made for requiring each student to discuss a number of specific questions and features relating to the problem as embraced within his assignment and there are also valuable suggestions for optional work.

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CASES ON DOMESTIC RELATIONS, by *Joseph W. Madden*. St. Paul: West Publishing Company, 1928. Pp. xix, 743.

CASES OF THE LAW OF PERSONS AND DOMESTIC RELATIONS, by *William Edward McCurdy*. Chicago: Callaghan and Company, 1927. Pp. xxi, 1246.

Neither of the books under review contains important innovations in the

scope and arrangement of the material covered. The chief new feature of both is greater fullness of treatment of the topics which are taken up. This is accomplished both by the elimination of questions of evidence, real property law, and the like, and by increasing the bulk of the volume beyond that of previous casebooks in the field. Mr. McCurdy has gone considerably farther than Mr. Madden in the direction of increased size; for after allowance is made for footnotes and other material, there remain about four hundred cases covering a thousand printed pages. Mr. Madden includes approximately 280 cases in his compilation. The difference is accounted for partly by the inclusion in the McCurdy collection of a greater amount of historical background and of a chapter on "International Jurisdiction over Marriage, Separation, and Divorce." But Mr. McCurdy's collection is intended primarily for the full-year course on Persons and Domestic Relations in the Harvard Law School. Drastic eliminations, which the author suggests in a separate memorandum issued by the publishers, are necessary to its use in a shorter course.

A feature of Mr. Madden's volume is the large number of cases decided during the past three or four years. Relatively few cases antedate 1880. Such modernization is highly desirable. Except where an older case definitely contributes to the understanding of historical development, it seems to the reviewer to be inferior to a more recent case for teaching purposes—provided, of course, that the more recent case is not markedly inferior in the quality of the opinion or in some other vital respect. It is a distinct gain when factual situations are modern and when the student obtains a sense of dealing with the living law.

Both books, in accordance with the modern trend, contain copious footnotes. Mr. McCurdy refers almost solely to additional cases, arranged under topical headings which do not, for the most part, indicate what are the holdings of the cases cited. So numerous are these citations that the book can be made to serve some of the purposes of a digest or legal encyclopedia. Whether it is desirable to tantalize the student with raising a large number of questions which he cannot hope to find time to answer is a point about which opinions will naturally differ. Mr. Madden at least adopts the course of indicating how the authorities he cites are related in their holdings, and he does not hesitate to refer to annotated case notes and law review material. A few of his notes—some original and some borrowed from earlier books—are elevated to the text in order to supply gaps in the case material.

Neither compiler makes any excursions, even by way of footnote reference, into sociological or other non-legal material, although Mr. Madden, in his preface, specifically pays his respects to the value of such material and Mr. McCurdy, by implication, gives evidence that he sets equally great store by it. So far as these editors are concerned, the sociological approach will have to win or lose according to the support which it can enlist among law teachers working independently.

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