



1964

Recent Publications in the Real Property Area: A Bibliography

Donald L. Garbrecht

Follow this and additional works at: <https://commons.und.edu/ndlr>



Part of the [Law Commons](#)

Recommended Citation

Garbrecht, Donald L. (1964) "Recent Publications in the Real Property Area: A Bibliography," *North Dakota Law Review*. Vol. 41 : No. 4 , Article 7.

Available at: <https://commons.und.edu/ndlr/vol41/iss4/7>

This Article is brought to you for free and open access by the School of Law at UND Scholarly Commons. It has been accepted for inclusion in North Dakota Law Review by an authorized editor of UND Scholarly Commons. For more information, please contact und.common@library.und.edu.

RECENT PUBLICATIONS IN THE REAL PROPERTY AREA: A BIBLIOGRAPHY

DONALD L. GARBRECHT*

This bibliography outlines representative books, published from 1960 through 1964, dealing with various aspects of real property law. Included are general volumes on real property as well as books on land use planning, valuation under eminent domain, zoning, conveyancing, land tenure, and future interests. Though the literature in this area is extensive, recent publications of substantial value are not as numerous as might be expected.

The list of publications considered is selective and designed to offer material of interest to the practitioner, teacher, student, legal historian, land use planner, and anyone else concerned with real property law. Bibliographic information concerning each volume, including special features such as index, table of cases, or glossary, is mentioned in the footnotes. Prices are given when available.

I. GENERAL

Professor John E. Cribbet of the University of Illinois School of Law has written a volume entitled *Principles of the Law of Property*.¹ This volume is directed to the first-year law student and designed, as the author notes in his preface, to fulfill two objectives: "(1) to give the reader the 'big picture' of 'basic' property law, both in depth (history) and in breadth (scope of the subject); (2) to make the student aware of the changing nature of property law and the need for critical, responsible reform in what is all too often conceived as a static field of jurisprudence."² This volume is basically a summary of the law of real property,³ the author observing that Brown's one-volume text adequately covers the law of personal property.⁴ The treatment of the subject is of necessity brief, with rules and principles set forth in a clear, orderly, and concise manner. The book will be helpful to anyone seeking a quick review of the principles of real property law. One feature

* Assistant Professor of Law and Law Librarian, University of Maine. A.B., 1958, LL.B., 1961, University of Minnesota.

1. Brooklyn: Foundation Press, 1962. Pp. xviii, 354. \$7.00. (Index, table of cases).
2. *Id.* at vii.
3. The author notes that he has followed this approach because the most important aspect of personal property—commercial transfer—demands special treatment. *Id.* at viii.
4. BROWN, PERSONAL PROPERTY (2d ed. 1955).

worthy of mention is material informing the student of the function and role of the real property lawyer, giving him some idea of his future professional responsibilities.

The law student wishing to consult a short general text on real property will find *Introduction to the Law of Real Property*,⁵ by Judge Cornelius J. Moynihan, formerly of Boston College Law School, a useful reference source. This volume is a revision of the author's *A Preliminary Survey of the Law of Real Property*.⁶ The *Introduction* considers many important real property concepts, explains them in the light of their historical development, and shows their evolution into modern rules. The American law of real property is set forth against its English background in an understandable manner. The student seeking a scholarly and well-documented survey, yet not wishing to delve into a treatise, will find this volume indispensable.

Mr. Milton P. Friedman, a practicing attorney from New York City, has prepared an excellent book for lawyers and laymen entitled *Contracts and Conveyances of Real Property*,⁷ one of the series of publications issued by the Practising Law Institute. This volume, a second edition, is larger in scope and has more features than the first edition.⁸ It covers real estate transactions in detail from contract to closing. Designed to inform the uninformed about all aspects of real property transfers, this book is not written for the experienced title lawyer, who will be familiar with almost everything it covers. It will be most useful to lawyers who have not engaged in much real estate work and to laymen interested in a detailed guide for buying or selling real property. Although the author relies heavily on New York law, the volume is usable in any state: the work is extensively documented, the table of cases covering 115 pages. Among the more valuable features are a checklist of points to be considered by the buyer when purchasing real estate, sections covering customs in respect to title closings, points to be covered in the contract of sale from both the buyer's and seller's point of view, and the actual conduct of the closing itself.

The property teacher, lawyer, legal historian, or law student who wishes some material in depth on the background, history, and development of the law of real property, will find *An Introduction to the History of the Land Law*,⁹ by A. W. B. Simpson, Fellow of Lincoln College, Oxford, to be invaluable. This volume was written

5. St. Paul: West Publishing Co., 1962. Pp. xvi, 254. \$4.50. (Index, table of cases)

6. St. Paul: West Publishing Co., 1940. Pp. ix, 154. The revised volume is larger and more accessible through the new table of contents; citation has increased, with the citations moved from text to footnotes, making the volume easier to read and understand.

7. New York: Practising Law Institute, 2d ed., 1963. Pp. 700. \$20.00. (Index, table of cases, checklists).

8. Chicago: Callaghan, 1st ed., 1954. Pp. xi, 425.

9. London: Oxford University Press, 1961. Pp. xx, 276. \$3.50. (Index, table of cases, bibliography).

as a replacement for Holdsworth's *Historical Introduction to the Land Law*.¹⁰ It is not as elementary as Holdsworth but will be readily understood by those who have some background in real property. The author attempts to separate history as history and law as law. The book tends to concentrate on English sources and to ignore the American experience. Nevertheless, it is a volume that will prove of interest to all concerned with the history of real property and will provide an understanding of present day real property concepts.

The practitioner and student will find the *New York Law and Practice of Real Property*,¹¹ by Joseph Rasch, a practicing lawyer in New York, to be a useful reference work. While this treatise is concerned primarily with New York law, it deals with basic principles and practical aspects of real property law. It also attempts to cover most types of real property transactions that the practitioner deals with, from everyday conveyancing to the less common eminent domain proceeding. As an exhaustive treatise covering the real property law of a single state, this set will afford a starting point for detailed research.

The legal scholar and historian will be interested in *Copyhold, Equity, and the Common Law*,¹² by Professor Charles M. Gay, of the history department of the University of Chicago. The law of copyholds and the development of remedies for the protection of copyholders are traced in a study of bills and pleadings filed in the Court of Chancery, the Star Chamber, and the Court of Requests of Henry VIII, as found in the Public Records Office. In addition, the author consulted unprinted reports of common law cases found in the manuscript collection of the British Museum. These cases are reported in the footnotes.

Attorneys interested in real estate transactions will find *Questions and Answers on Real Estate*, 4th edition,¹³ by Professor Robert W. Semenow, to be a useful reference guide. This volume is designed primarily to aid the real estate practitioner in his everyday business activities and to assist prospective real estate brokers in preparing for state licensure. It covers real estate transactions in detail and includes forms, sample real estate problems, a glossary of real estate terms, and charts covering licensure requirements for all fifty states. Mortgages, valuation and appraisal, landlord and tenant, judgments, and financing of real estate, are also considered. Robert W. Semenow is Professor of Urban Land Studies

10. Oxford: Clarendon Press, 1927. Pp. xxiv, 339.

11. Kisco, N.Y.: Baker, Voorhis & Co., 1962. 3 vols. \$62.50. (Index, tables, checklists, forms).

12. Cambridge: Harvard University Press, 1963. Pp. 254. \$6.50. (Index, table of cases, bibliography).

13. Englewood Cliffs, N.J.: Prentice-Hall, 4th ed., 1961. Pp. xx, 662. \$7.50. (Index, charts, tables, forms, sample questions).

at the University of Pittsburg and Executive Vice-President of the National Association of License Law Officials.

Another volume of interest to those concerned with the real estate business is entitled *Principles of Real Estate Law*,¹⁴ by Professor Edna L. Hebard and Gerald S. Meisel. This volume is basically a textbook designed to point out to those engaged in real estate work that this area is complex and should be dealt with by those learned in real property law, namely, lawyers. It will prove helpful to real estate brokers, law students, business students, and businessmen. Lawyers will be familiar with the material covered. Subjects considered include the ownership of land, conveyancing, mortgages, and real estate brokerage. The Code of Ethics of the National Association of Real Estate Boards is included in the appendix. Edna L. Hebard is Chairman of the Department of Real Estate, School of Commerce, New York University. Gerald S. Meisel is a member of the New York Bar.

The Law of Subdivisions,¹⁵ by Emmet C. Yokley, is designed to fill what the author considers to be the need for a treatise dealing exclusively with the law of subdivision. He pictures his volume as a comprehensive discussion of the law of real estate subdivision, completing the fragmentary presentation of the subject that has been presented by law review and magazine articles. The author notes in the preface that he has attempted to provide a "definitive statement of the rights and obligations of those who are most closely identified with the subject of subdivision administration, regulation, development and control. This, of necessity, includes professional planners, staff commission members, municipal legislative bodies and officials, real estate developers and subdividers, and home builders."¹⁶ This volume serves as a useful introduction to the law of real estate subdividing, though some of the concepts are not dealt with in great detail. Emmet C. Yokley, a member of the Tennessee Bar, was formerly Director of Law for Nashville, Tennessee.

The Ohio State University, Law Forum Series of the College of Law, presented as its initial lecture in 1961 an address by Professor Charles C. Callahan entitled *Adverse Possession*,¹⁷ which was later published in book form under the same title. While it is directed mainly to law students, it should be consulted by all persons interested in this area. Professor Callahan notes in the preface that adverse possession is a subject that is not of momentous importance. This does not mean, however, the matter is not worthy of attention

14. New York: Simmons-Boardman Publishing Corp., 1964. Pp. ix, 532. \$11.75. (Index, forms, glossary, customs in respect to title closing).

15. Charlottesville, Va.: Michie Company, 1963. Pp. xvi, 492. \$20.00. (Index, table of cases, forms, analysis of state statutes affecting subdivision control).

16. *Id.* at vii.

17. Columbus: Ohio State University Press, 1961. Pp. x, 120. \$3.00. (Bibliographical footnotes).

or that all prior questions regarding adverse possession have been answered to everyone's satisfaction. Not pretending to answer all adverse possession questions satisfactorily, he suggests that the subject should receive continued and detailed consideration. Professor Callahan covers the history and development of adverse possession and challenges what he considers to be the superfluous and technical requirements of the doctrine. He concludes with a discussion of the purpose of a doctrine of adverse possession, rejecting some of the theories advanced in support of the concept. He suggests a simplification of the rules of adverse possession and calls for new reasoning to be applied to the problems and theories of adverse possession. A detailed discussion of the effect of, and the reason for, change in this area of real property law is included. It will prove useful to readers who wish to gain new insights and formulate new ideas in a difficult area of the law. Charles C. Callahan is a member of the faculty of Ohio State University Law School.

The lawyer and student will find a difficult area of real property law set forth in understandable manner in two publications on the Rule against Perpetuities.

The second edition of *The Rule Against Perpetuities*,¹⁸ by John H. C. Morris, Fellow of Magdalen College, Oxford, and Professor W. Barton Leach of Harvard Law School, was published in 1962. This volume, as with the first edition, attempts to state in an understandable manner the law of the Rule as it has evolved in the last three centuries. The authors note that their treatise is designed for those who have not studied the Rule in great detail yet have some knowledge of the law of future interests. The authors point out where the Rule falls down in modern society and offer critical comment that they hope will lead to a Rule adapted to modern needs. In essence, this is a critical evaluation of the Rule with suggestions for reform. American, English, Irish, and British Commonwealth authorities are cited and the experiences with the Rule in those jurisdictions are compared. In line with the stress placed upon the need for reform, the Report of the Law Reform Committee of Parliament, issued in 1956, is noted and the recommendations examined in detail.

The theme of reform and the experience of one American jurisdiction has been examined in *Perpetuities Law in Action, Kentucky Case Law and the 1960 Reform Act*,¹⁹ written by Professor Jesse Dukeminier, Jr. Professor Dukeminier examines the Rule as it has developed unaffected by statute, proceeds to discuss Kentucky

18. London: Stevens, 2d ed., 1962. Pp. ii, 352. \$9.80. (Index, table of cases, statutes on perpetuities).

19. Lexington: University of Kentucky Press, 1962. Pp. vii, 168. \$5.00. (Index, Kentucky Perpetuities Act of 1960, analysis table of Kentucky Perpetuities Cases, table of cases).

applications and variations, and concludes with a discussion of the Kentucky Reform Act passed in 1960, which he drafted. The volume is well-documented and covers a difficult area in as simple a manner as the subject permits. Kentucky case law is cited in detail, though decisions from other jurisdictions are noted, as are leading legal periodical articles. The theme of the volume is reform along lines that will minimize the defeat of intention in the treatment of future interests. The book is more than a case study of one jurisdiction: it sets forth the innovations that have been developed to improve the application of the Rule. Professor Dukeminier is on the faculty of the University of California at Los Angeles School of Law.

Evidence and Procedures for Boundary Location,²⁰ by Curtis M. Brown and Winfield H. Eldridge, will be of special interest to conveyancers, title insurance men, and surveyors since it is devoted to the procedures of locating properties. It is written from the surveyor's point of view in language the non-surveyor can understand and provides practical and comprehensive coverage of the field of property surveying. The authors take the position that the problem of locating a parcel of land correctly from a given description is one of evaluating evidence. The book attempts to teach the surveyor some law, and it should teach the lawyer some of the principles of surveying. Lawyers wishing to know more about surveying in its legal aspects should also consult *Boundary Control and Legal Principles*,²¹ by Curtis M. Brown, companion volume to *Evidence and Procedures for Boundary Location*. Curtis M. Brown is a licensed land surveyor in San Diego, California. Professor Winfield H. Eldridge is on the Engineering Faculty of the University of Illinois.

Volume 1 of *Shore and Sea Boundaries*,²² by Aaron L. Shalowitz, is concerned with the boundary aspects of the Submerged Lands Cases and the Submerged Lands Acts. The principles developed by these Cases and Acts are considered, along with present problems and doctrines in this area, on a national and international basis. Recent developments in the international law of the sea, including continental shelf problems, are covered, as are the United Nations Conferences on the Law of the Sea. The Coast and Geodetic Survey's specialized operations are dealt with in a comprehensible manner. Lawyers concerned with boundary disputes involving waterfront property and coastal lands will find the work helpful in understanding the problems involved. Aaron L. Shalowitz is Special Assistant to the Director of the Coast and Geodetic Survey.

The problem of the complexity of the American system of

20. New York: Wiley, 1962. Pp. ix, 484. \$9.75. (Index, bibliographical footnotes).

21. New York: Wiley, 1957. Pp. 275. \$7.50.

22. Washington: Government Printing Office, 1962. Published by U. S. Dep't of Commerce and Coast and Geodetic Survey. Pp. xxiv, 420. (Index, glossary, table of cases, bibliography, table of selected acts, illustrations).

transferring land is considered in *The Improvement of Conveyancing by Legislation*,²³ written by Professor Lewis M. Simes with the assistance of Clarence B. Taylor. The authors have attempted to devise legislative remedies that will simplify land transfer, reduce risks assumed by parties interested in title transactions and lighten the work load of the title examiner. The volume contains thirty-two model acts designed to help accomplish those purposes. Existing legislation has been used in drafting these model acts. Additional statutes and decided cases are also considered as well as the results of a questionnaire sent to a select list of attorneys in six states concerning "Hazards in Conveyancing Practice." The authors also note the title problems that have not been covered in their book and suggest other possible land title reforms. Lewis M. Simes is Professor Emeritus of Law, University of Michigan. Clarence B. Taylor is a Legislative Analyst, Legislative Research Center, University of Michigan.

II. LAND USE PLANNING

Land use planning, eminent domain in all its aspects, as well as the growing problems of urbanization, have been accorded extensive treatment in recent literature. The following volumes all deal with these areas in some aspect.

Law and Land: Anglo-American Planning Practice,²⁴ edited by Professor Charles M. Haar of Harvard Law School, compares the English and American systems of land use control. The contributors to this volume, English and American land planners, participated in a 1960 Brookings Institution seminar on the legal control of land use. The essays presented cover the relationship of land planning and individual ownership, a comparison of English and American land plans, the individual's relationship to the machinery and procedure of land planning, and the compulsory taking of property under the planning laws. Professor Haar has written an introduction and an appraisal summarizing the difference between English and American land use control systems. Fundamentals of land use control in England and America are compared to show how two nations have undertaken to preserve one of our greatest natural resources while recognizing the basic right of private property. This is an excellent comparison of land use control systems, recommended for those who wish to gain insight into this area.

Another study of land use controls comparing United States and English practice is presented in *Land Use Controls*,²⁵ by John

23. Ann Arbor: The University of Michigan Law School, 1960. Pp. xxv, 421. \$5.00. (Index, table of cases, Model Acts, bibliographical footnotes).

24. Cambridge: Harvard University Press, 1964. Pp. xviii, 290. \$7.50. (Index, bibliographical footnotes).

25. Cambridge: Joint Center for Urban Studies of the Massachusetts Institute of Technology and Harvard University, 1962. Pp. 150. \$3.50. (Paper, table of contents, appendix).

Delafons. The author points out the contrasts between centralized land use control in Great Britain and the decentralized practice in the United States. The history of land use controls in the United States, the broad objectives and motives of American land planning, methods and examples of control in different situations and areas are covered in detail. The volume concludes with an appraisal of the American system of land use control and a commentary on its future development. The appendix contains extracts from various zoning ordinances and related material. John Delafons of the British Ministry of Housing and Local Government prepared the study during a year spent as a Visiting Associate of the Joint Center for Urban Studies of the Massachusetts Institute of Technology and Harvard University.

Two casebooks that will be of interest to the student and teacher of land use planning have recently been published. Professor Jacob H. Beuscher of the University of Wisconsin School of Law has finished work on the third edition of his *Land Use Controls*.²⁶ This edition, revised to January 31, 1964, contains extensive editorial comment on the latest developments, sample problems, and supplementary bibliographic references. It is designed for use throughout the United States as a casebook presenting land use control problems.

Professor Harry Cohen of the University of Alabama School of Law, has written a casebook entitled *Fundamentals of Land Use Control*.²⁷ Designed for the instruction of students taking the first semester real property course at Alabama it is devoted entirely to the law of land use. This pioneer effort presents the basic problems of land use law in a lucid and well-organized manner. Historical and philosophical materials are presented, as well as cases and legislation. Alabama materials are used to illustrate the various points, though the problems presented are not unique to that state. The index is brief, and there is no table of cases. However, the overall organization of the book makes the material easily accessible.

The course of United States land policy for approximately 180 years is traced in a volume published in 1962 in observance of the one hundredth anniversary of the signing of the Homestead Act by President Lincoln. *Land Use Policy and Problems in the United States*,²⁸ edited by Professor Howard W. Ottoson, consists of eighteen papers by students of land policy presented at the University of Nebraska Homestead Centennial Symposium. The materials presented review United States land policy from the nation's inception, speculate about future use of land in the United States, and consider the unsolved issues in the area of land use that face the nation today.

26. Madison, Wis.: College Printing and Typing Co., 1964. Pp. 577. (Index, table of cases, bibliography).

27. Tuscaloosa: University of Alabama Press, 1962. Pp. ix, 265. \$10.00. (Index).

28. Lincoln: University of Nebraska Press, 1963. Pp. x, 470. \$6.00. (Maps, diagrams, tables, bibliographical references).

The papers may be read independently, though they cover the entire range of land policy issues. Howard W. Ottoson is Chairman of the Department of Agricultural Economics at the University of Nebraska.

The reader interested in general coverage of some aspects of land use control will find *Modern Land Policy*,²⁹ published by the Land Economics Institute of the University of Illinois, useful. This volume consists of a series of thirty-two articles on various aspects of land use presented in 1958 at the Institute. Though the editor promises a comprehensive view of contemporary land use policies and practices, the reader will find the essays to be an introduction to land use concepts that can be investigated more thoroughly in other literature covering this area. The essays were written by economists, from the economist's point of view.

Essays delivered at the Fourth Resources for the Future Forum in 1962³⁰ have been published under the title *Cities and Spaces: the Future Use of Urban Land*.³¹ The editor, Lowdon Wingo, Jr., outlines problems in planning for urban growth, that the Forum participants have attempted to answer. Among the problems considered are effective utilization of urban space, transportation, communication, public services, and the economic and physical deterioration of large cities. The final essay reviews the preceding papers, ending on an optimistic note for the future. The work is recommended for anyone seeking an understanding of the issues involved in the effective use of urban space. Brief biographies of the contributors are noted at the beginning of each essay.

Urban Zoning and Land-Use Theory,³² by Sidney M. Willhelm, examines the zoning process within the city of Austin, Texas, in an attempt to evaluate contemporary land use theory. The author asserts in the introduction that "The data taken from the zoning proceedings of this city will clearly support the view that existing sociological theories cannot account for land utilization and that an alternative approach will have to be developed in order to incorporate a wide range of land-use phenomena. The framework that is to be formulated in this study will be designated as a 'cultural' approach."³³ He further notes that "a concerned scholar cannot locate a sociological analysis that examines the impact of zoning upon the placement of social activities or that sets forth how zoning

29. Urbana: University of Illinois Press, 1960. Pp. x, 449. \$3.50. (Index).

30. Resources for the Future is a non-profit corporation for research and education in the development, conservation, and use of natural resources. It was established in 1952 with the co-operation of the Ford Foundation and its activities since then have been financed by grants from that Foundation. Part of the work of Resources for the Future is carried out by its resident staff, part supported by grants to universities and other non-profit organizations.

31. Baltimore: The Johns Hopkins Press, 1963. Pp. 261. \$5.50. (Index).

32. New York: The Free Press of Glencoe, 1962. Pp. x, 244. \$6.00. (Index, bibliographical footnotes).

33. *Id.* at 2.

decisions are reached; a concerned city planner possesses a limited theoretical understanding of the social values attributed to the physical setting within our highly developed industrial society."³⁴ Mr. Willhelm presents this sociological analysis and constructs a "second action" theory of land utilization.

The area of church zoning law is considered in *Public Regulation of the Religious Use of Land: a Detailed and Critical Analysis of a Hundred Court Cases*,³⁵ by James E. Curry. This volume is written for lawyers and laymen, the author noting that he has avoided legal jargon and long wordy footnotes. It is designed to convey in simple language the basic requirements for the religious use of land as set forth in 100 leading decisions, based on the author's historical and critical analysis. In line with his attempt to present a readable text, the author has included many aids to the reader; among them a chronological table of references and indices of authors, cases, subjects and religious denominations. This volume should prove useful for lawyers, clergymen, church committees and planning officials concerned with the religious use of land. James E. Curry is a member of the bar of Washington, D. C.

The planning practitioner struggling with a land use plan will obtain help from a pamphlet entitled *Land Use Classification Manual*,³⁶ published by the Detroit Metropolitan Area Regional Planning Commission. The classification scheme described in the *Manual* was developed in the hope that it could be universally applied. The system devised is flexible so that new land uses may be fitted into the scheme. The authors note that this is not a panacea for all land classification problems, but express the hope that it is a step in the right direction. The *Manual* covers in a general way the steps in the development of a land use code, how to use the code, and how to report the results of a land use survey. The work is of value not only to the planning practitioner, but also to the student of land use and the lawyer who encounters land use problems in his practice.

The statistical-minded reader will be interested in *Location and Land Use: Toward a General Theory of Land Rent*,³⁷ by Professor William Alonso. The author follows the approach of economics in this study of rent and location, and he uses the notation of mathematics with a parallel presentation in words and diagrams. He notes that his conclusions regarding land use differ from commonly held opinions concerning urban structure, and hopes that his work will be of value to regional and city planners. This volume was

34. *Id.* at vii.

35. Charlottesville, Va.: The Michle Company, 1964. Pp. xxii, 429. \$12.50. (Index, list of references, highlights of cases, table of cases, indices of authors, religious denominations, municipalities, states).

36. Chicago: Public Administration Service, 1962. Pp. vii, 53. \$5.00. (Index).

37. Cambridge: Harvard University Press, 1964. Pp. xl, 204. \$5.50. (Index, graphs, diagrams, bibliographical footnotes).

originally developed by Professor Alonso as a doctoral dissertation in the Department of Regional Science at the University of Pennsylvania. It was rewritten, with additions, at the Joint Center for Urban Studies of the Massachusetts Institute of Technology and Harvard University. William Alonso is acting director of the Joint Center for Urban Studies and a member of the faculty at Harvard University.

Inverse Condemnation: The Constitutional Limits of Public Responsibility,³⁸ by Professor Daniel R. Mandelker, examines the basis for the doctrine of inverse condemnation,³⁹ considers its present-day application, offers solutions to the problems raised, and suggests alternatives to the doctrine. The author notes that he has examined both the procedural and substantive aspects of inverse condemnation and considered the handling of inverse condemnation cases at the administrative level. Alternative tort and statutory approaches to recovery by inverse condemnation claimants are also considered. Daniel R. Mandelker is a member of the faculty of Washington University School of Law in St. Louis.

The many problems involved in determining compensability in an eminent domain case are dealt with in *Condemnation Appraisal Handbook*,⁴⁰ by George L. Schmutz, revised by Edwin M. Rams. The authors note that this volume will be of value to real estate appraisers in estimating property values and damages, to lawyers who are interested in valuation fundamentals, and administrators who must acquire real property interests for public use. Case studies are included where available. The authors have attempted to present a cross-section of thinking on matters pertaining to condemnation appraisal and have not adhered to any one school of valuation thinking.

Valuation is again considered in *Valuation of Property for Highways Under Eminent Domain*,⁴¹ by Donald L. Heaney. This is a study of Wisconsin's law of eminent domain valuation in action and is an attempt to set forth the law in an actual highway taking situation. The actual operation of the law through appraisal, negotiation, award and court review is closely followed. Unwritten law and law in action are compared. While the author is reviewing the law and practice in one jurisdiction, his findings regarding valuation of land taken for highways will be of interest to those concerned with achieving uniformity and coordination for valuation and

38. Washington: U. S. Dep't of Commerce, 1964. Pp. v, 122. (Index, bibliographical footnotes).

39. The author notes that "Inverse condemnation, or reverse eminent domain, is the name given to a cause of action available to landowners who have been damaged by a highway improvement, but who have not been compensated in the original condemnation proceeding. The action is based on the constitutional eminent domain provision, which in most states is held to be self-executing without the enactment of statutory consent to sue, and thus provides a way around the barrier of sovereign immunity in tort." *Id.* at iv.

40. Englewood Cliffs, N.J.: Prentice-Hall, Inc., 1963. Pp. xxi, 426. \$12.95. (Index, case index, forms, tables, diagrams).

41. Washington, D.C.: Automotive Safety Foundation, 1960. Pp. 108. (Tables, bibliographical footnotes).

appraisal throughout the United States. No doubt the problems of Wisconsin are not unique and the findings of this study can be applied elsewhere. Donald L. Heaney is a member of the Wisconsin bar.

Control of Highway Access,⁴² by Professor Ross D. Netherton, is a comprehensive treatise on the law of limited access highways. It also offers solutions to many of the parallel problems of modern land use planning. The author deals extensively with regulation of land use under the police power without compensation and taking under eminent domain with compensation. The book is essentially a legal history of public highways, the right of access and its impact on the property interests of abutting landowners. The private right of access and the public right for protection from unlimited access are examined thoroughly. Administrative problems of access controls, their validity and day-to-day application, are also considered. Extremely useful features of this volume are the case diagrams and tables provided to clarify given fact situations to the reader. To the extent that problems of land use control in highway planning can be correlated with parallel problems in other types of land use planning, this treatise will prove to be of value to all land use planners. Ross D. Netherton is Counsel for Legal Research, Highway Research Board, National Academy of Sciences—National Research Council.

The problem of advance location of highways before actual construction is considered in *A Study of Future Acquisition and Reservation of Highway Rights of Way*.⁴³ This volume is divided into two parts, each of which considers one of the two legal methods by which the precise advance location of highways can be ascertained. Part I, written by Professor Daniel R. Mandelker of Washington University of St. Louis Law School, is entitled Problems under the Police Power. Part II, by Professor G. Graham Waite of the University of Maine School of Law, is entitled The Legal Power and Financial Ability of States to Condemn or Purchase Land for Future Construction of Highways. A Model Act for the Protection of Future Highway Rights of Way is also included,⁴⁴ as well as a case study of the administrative experience of Ohio in securing advance acquisition of highway rights of way.⁴⁵

Rural Land Tenure in the United States,⁴⁶ edited by Professor Alvin A. Bertrand, attempts to present land tenure problems in

42. Madison: The University of Wisconsin Press, 1963. Pp. xxvi, 518. \$10.00. (Index, glossary, diagrams of leading cases on control of highway access, tables, bibliographical footnotes).

43. Washington: U. S. Dep't of Commerce, 1963. Pp. iv, 142. (Bibliographical footnotes, charts).

44. *Id.* at 125.

45. *Id.* at 138.

46. Baton Rouge: Louisiana State University Press, 1962. Pp. xii, 313. \$7.50. (Subject index, name index, bibliographical footnotes, graphs and tables).

their total social aspect. This volume does not consider land tenure problems merely from the economic and sociological point of view, but systematizes current writings in the field from an interdisciplinary approach that emphasizes changes in land tenure relations. Recent technological innovations, government programs, population changes as well as other factors are covered. The methods, needs, trends and techniques of land tenure research are considered as well as tenure programs and theories. The articles in the volume were written by a group of agricultural economists and rural sociologists. Alvin A. Bertrand is Professor of Sociology and Rural Sociology at Louisiana State University.

Those concerned with the adequacy of natural resources in the United States may wish to examine *Natural Resources for U. S. Growth*,⁴⁷ by Hans H. Landsberg. This volume is a condensed version of a larger work published by Resources for the Future, Inc.,⁴⁸ entitled *Resources in America's Future: Patterns of Requirements and Availabilities, 1960-2000*,⁴⁹ by Hans H. Landsberg, Leonard L. Fischman and Joseph L. Fisher. The parent work presents a comprehensive set of projected future demands for resources and resource products, reviews the possibilities of meeting those demands, and sets forth the major policy issues. It also includes a 500-page statistical appendix. The shorter work, while retaining the essentials of the larger, has omitted the statistical appendix and condensed many of the details regarding the analysis of requirements for particular resources. The reasoning, conclusions, and policy implications of the larger work have been retained to make a more readable presentation.

Regional Development and Planning: A Reader,⁵⁰ edited by Professors John Friedman and William Alonso, contains reprints of articles published since 1955 emphasizing the national approach to regional development. Regional policy issues that arise at the national level, the organization of regions, the theory of regional development, national policy for regional development, and a review of national plans that have been proposed for regional development are among the items considered. The authors note that they have excluded case studies from the material presented and hope this volume will provide a foundation for realistic thinking about problems of regional development and planning. John Friedman is Associate Professor of Regional Planning, Department of City and Regional Planning, of the Massachusetts Institute of Technology. William Alonso is Acting Director of the Joint Center for Urban

47. Baltimore: The Johns Hopkins Press, 1964. Pp. viii, 257. \$1.95. (Index, graphs, charts).

48. *Supra* note 30.

49. Baltimore: The Johns Hopkins Press, 1963. Pp. 1056. \$15.00. (Index, graphs, tables).

50. Cambridge: Massachusetts Institute of Technology Press, 1964. Pp. xvii, 722. \$9.75. (Table of contents, graphs, bibliography).

Studies of the Massachusetts Institute of Technology and Harvard University, and is a member of the faculty at Harvard.

The Federal Bulldozer: A Critical Analysis of Urban Renewal 1949-1962,⁵¹ by Martin Anderson, is an evaluation of the urban renewal program. The author notes in his preface that evaluation of this program has been difficult because (1) little aggregate data were available in meaningful forms; (2) the available data were incomplete; and (3) no one had attempted to consolidate analyses dealing with various parts of the program. He further notes that his study is based on surveys of published material, personal interviews, and unpublished government reports. The results of his study are not favorable to the program and his conclusions will be disputed by many. This volume should be of interest to land use planners and those interested in the federal urban renewal program. This publication is one of the series published by the Joint Center for Urban Studies of the Massachusetts Institute of Technology and Harvard University.

The Public Lands: Studies in the History of the Public Domain,⁵² edited by Vernon Carstensen, contains reprints of articles that have been written during the past fifty years on the history of public lands in the United States. The articles concentrate on those aspects of public domain history that have been of greatest interest to historians. The volume is an imposing collection of material from many sources and is now readily available to those interested in the history of the creation, expansion, distribution and management of the public lands.

Those concerned with the problem of urban space and its effective use will be interested in the following publications:

URBAN DEVELOPMENT, by David E. Christensen. New York: Holt, Rinehart and Winston, Inc., 1964. Pp. 95. \$.88. (Bibliography, glossary).

THE URBAN PROCESS; CITIES IN INDUSTRIAL SOCIETIES, by Leonard Reissman. New York: Free Press of Glencoe, 1964. Pp. xiv, 255. \$5.85. (Index, bibliographical footnotes).

THE CHALLENGE OF MEGALOPOLIS. A GRAPHIC PRESENTATION OF THE URBANIZED NORTHEASTERN SEABOARD OF THE UNITED STATES, by Wolf Von Eckardt. Based on the original study by Jean Gottmann. New York: Macmillan Company, 1964. Pp. 126. \$3.95. (Index, illustrations).

III. ENGLISH PUBLICATIONS

The following volumes will be of interest to those who wish to

51. Cambridge: Massachusetts Institute of Technology Press, 1964. Pp. xiv, 272. \$5.95. (Index, tables, bibliography).

52. Madison: University of Wisconsin Press, 1963. Pp. xxvi, 522. \$6.75. (Index, appendix containing historical data).

compare American with English real property law. Included are publications covering specialized areas of English land law that will be of interest to the legal historian.

THE MODERN LAW OF REAL PROPERTY, 9th ed. by Geoffrey C. Cheshire. With the Parts on Registered Conveyancing and Town and Country Planning by J. B. Butterworth. London: Butterworths, 1962. Pp. lxii, 949. \$8.75. (This volume covers all aspects of English real property law, including a short section on planning law.)

LAND TENURE IN EARLY ENGLAND: A DISCUSSION OF SOME PROBLEMS, by Eric John. Leicester: Leicester University Press, 1960. Pp. xii, 184. \$6.00. (The author attempts to provide answers to early English history, drawing mainly on charter evidence. The volume contains a new edition of the *Altitonantis* charter.)

EARLDOMS IN FEE; A STUDY IN PEERAGE LAW AND HISTORY, by Sir Geoffrey Ellis. London: The Saint Catherine Press, Ltd., 1963. Pp. xv, 236. \$11.34. (This is a study in peerage law and history by a learned and experienced English peerage lawyer. The book is a scholarly contribution to English legal history and gives suggestions for reform.)

CRIPPS ON COMPULSORY ACQUISITION OF LAND: POWERS, PROCEDURE AND COMPENSATION. Eleventh ed. by Harold Parrish. London: Stevens & Sons, Ltd., 1962. Pp. cvi, 1151. \$29.40. (This volume attempts, in a new modern edition, to cover the English law regarding compulsory purchase of land.)