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Book Reviews

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BOOK REVIEWS

PRE-TRIAL. By Harry D. Nims. New York; Baker, Voorhis and Company, 1950. Pp. 334. \$5.75.

This book was published under the joint sponsorship of the Committee on Pre-Trial Procedure of the Judicial Conference of the United States and the Council of the Section of Judicial Administration of the American Bar Association. The aforementioned organizations have recognized that in recent years many litigants, disgruntled with the delay and expense of securing civil relief in court, have resorted to arbitration or have chosen not to assert their claims. Invariably such practices could be eliminated by courts in which cases would be tried simply and at a minimum of cost. The sponsors believe through efficient pre-trial conferences the administration of justice would be increased. This book was published in furtherance of the needed reform.

Mr. Nims has discussed pre-trial under four chapter headings: (1) Pre-trial — what it is; (2) How pre-trial is used; (3) Various problems involved in use of pre-trial; (4) Judicial comment on pre-trial in reported decisions. A large portion of the material used in this book was obtained by personal correspondence between the author and judges from many states of the Union. Each letter disclosed the various pre-trial techniques adopted by the court to meet their own needs. Through compilation of the correspondence, the author recites the pattern generally adopted by the rural areas as distinguished from metropolitan centers. Many problems arise concerning the efficient operation of pre-trial. Representative are such matters as whether the conference should be slightly or substantially before the trial date, the presence or absence of the parties themselves, whether the judge should tactfully suggest a possible settlement. Through reported cases, the author presents judicial comment on the simplification of issues, amendment of the pleadings and similar procedural problems. The appendix, in presenting the minutes of several pre-trial conferences, affords interesting, as well as informative reading.

Mr. Nims has written a very creditable book; both the student and the practitioner will benefit from the author's discussion and analysis of the pre-trial conference, its problems and procedure.

WILLIAM E. PORTER^o

^o U. N. D. Law Student

ROMAN LAW, AN HISTORICAL INTRODUCTION. By Hans Julius Wolff.
Norman: University of Oklahoma, 1951. Pp. xiii, 237. \$3.75.

The author, a distinguished and learned legal historian, has achieved admirably his purpose of writing an historical introduction into Roman law "for practical lawyers and others interested in historical problems as they are related to law." Law was one of the glorious achievements of the Roman civilization, and here one reads with profit as well as with pleasure of the formation, administration, codification, and subsequent influence of Roman law because of the commendable balance in the author's treatment of the subject matter and because of the convenient format of the book itself.

While the magistrates were charged with the administration of Roman law, the juriconsults were men familiar with the formalism of judicial process. This was the beginning of the legal profession. In keeping with the aristocratic character of Roman society, the juriconsults were almost exclusively chosen from the senatorial class. The author stresses the fact that integrity of character and soundness of advice were "indispensable prerequisites of their authority."

The latter half of the book discusses Roman law in the post-classical period and in medieval and modern times. The *Corpus Iuris Civilis* (Body of Civil Law) was the codification of Roman law accomplished under Emperor Justinian in the sixth century A. D. In the United States today, Roman law, through the French Code, is still force in the State of Louisiana. Thus, the "golden thread" of Roman law has persisted in the thinking of civilized nations of the West for over 2,000 years.

Since the task of organizing the facts of so broad a field is not an easy one, Wolff's book is the more valuable to the practical lawyer because here one gets sound scholarship, careful writing and discerning judgment. The bibliographical note appended is helpful in legal research.

FREDERICK E. MARTIN*

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SEX AND THE LAW. By Morris Ploscowe.* New York: Prentice-Hall, Inc., 1951. Pp. ix, 310. \$3.95.

In this work Judge Ploscowe deals with the law as to marriage, annulment, divorce, illegitimacy, and the various sex crimes. The discussion of these topics is frank and open, and in many instances constructively critical. Judge Ploscowe's book is written against the background of material and analysis supplied by Kinsey, Pomeroy, and Martin in their book *Sex Habits of American Men*.

This work is essentially and necessarily a condensation of the entire field encompassed by the term "domestic relations" and related sex matters. The author's organization and presentation is excellent. He has logically divided his work into ten chapters. He begins by treating Marriage, following this with chapters dealing respectively with Annulment, Divorce, Illegitimacy, Fornication, and Adultery. In Chapter Six the author treats Rape, following in succeeding chapters with Abnormal Sex Offenses, Prostitution, and in the final chapter discusses Marriage, Sex Crime and Social Policy. The material in each chapter is essentially treated along a familiar pattern: namely, the discussion of the general topic, its common law aspects, modern refinements of the common law, present laws, and whether solutions to the problems posed have been found, or can be found under present existing laws. Inserted footnotes have been collected by chapters following chapter ten, followed by a listing of principal books and articles cited by the author in authoring this work. At appropriate intervals the author makes timely comments on the need for a systematic overhaul of our entire system of laws relating to sex matters and society.

The book is an excellent introduction and review of our present laws relating to sex. The book is highly recommended by this reviewer as good informative reading for lawyers, intelligent laymen, ministers, doctors, and social workers. The book is not a text, nor an authoritative volume, neither was it intended, by the author to be one. The author merely intended, and in this he ably succeeded, to present clearly the law, its application, its areas of conflict with present society and the pressing need for major reform in our laws and in our thinking.

* New York City Magistrate, and member of New York Bar. He is a recognized authority on the legal aspects of sex matters. Author of Kefauver Committee report on Crime in the United States.

Judge Ploscowe, in authoring *Sex and the Law*, has completed the first complete examination of our municipal, state and federal laws in relation to sex matters. In this he has done an excellent, commendable job.

LAVERN C. NEFF**

BOOKS RECEIVED

1. JURISPRUDENCE — ITS AMERICAN PROPHETS. By Harold Gill Reuschlein. Indianapolis: Bobbs-Merrill Company, Inc., 1951. Pp. xvii, 480. \$7.50.
2. CASES ON PARTNERSHIP. By Judson A. Crane and Calvert Magruder. Indianapolis: Bobbs-Merrill Company, Inc., 1951. Pp. ix, 822. \$8.00
3. CASES ON SECURITY, No. 1. By Edgar N. Durfee. Indianapolis: Bobbs-Herrill Company, Inc., 1951. Pp. xiv, 619. \$7.50.

** Associate Editor, N. D. L. Rev.