

June 1928

## Cases on Future Interests

James W. Simonton

*West Virginia University College of Law*

Follow this and additional works at: <https://researchrepository.wvu.edu/wvlr>



Part of the [Estates and Trusts Commons](#)

---

### Recommended Citation

James W. Simonton, *Cases on Future Interests*, 34 W. Va. L. Rev. (1928).

Available at: <https://researchrepository.wvu.edu/wvlr/vol34/iss4/21>

This Book Review is brought to you for free and open access by the WVU College of Law at The Research Repository @ WVU. It has been accepted for inclusion in West Virginia Law Review by an authorized editor of The Research Repository @ WVU. For more information, please contact [ian.harmon@mail.wvu.edu](mailto:ian.harmon@mail.wvu.edu).

## BOOK REVIEWS

CASES ON FUTURE INTERESTS. By Richard R. Powell, assisted by Lewis M. Simes. St. Paul: West Publishing Company. pp. xxviii, 968. (1928).

For nearly forty years Gray's Cases on Future Interests and Kale's Cases, which is practically a new edition of Gray, have been almost exclusively used in the law schools belonging to the American Association. This is a long time and though Gray's selection of cases undoubtedly was of great merit, yet the time is ripe for a change, or at least for some departure from the scheme of these venerable books. In the book under review we have such a departure. It is a new case book—not a new edition of the old. Students who use this new book ought to be grateful that the author has followed the modern tendency to make use largely of modern American materials. Many of the English cases found in Gray and Kales are missing, and there will be few regrets. Too many of the English cases involved strict family settlements, practically unknown in this country. These cases tended to make more difficult for the student a subject inherently very difficult. The author's attempt to make his selection from cases dealing with problems which have arisen in this country is to be commended.

An unusual feature is the questions found at the end of almost every case in the book. These are questions and not hypothetical cases. The author states they are "intended to stimulate the student to a consideration of the problems raised by the case." How successful these questions may be in producing the desired stimulation only a careful use will reveal, but the writer is anxious to give them a fair trial, though he would object to such sets of questions in a case book dealing with subject matter less difficult to grasp. Like the hypothetical cases found in some of the modern case books, these questions will be largely disregarded by the average student, unless the instructor is able to impress him with their importance to him. If the instructor does his part these questions may prove to be a valuable feature.

The book being one of the American Casebook Series

needs no remarks as to binding, printing or general design. The book is probably intended to furnish material for a course of as much as four semester hours, and there seems abundant material for such a course. Where less time is devoted to the subject the instructor will find he can readily make omissions which will leave material suitable to his needs. The book should meet with general approval.

—JAMES W. SIMONTON.

---

THE BUSINESS OF THE SUPREME COURT. A Study of the Judicial System. By Felix Frankfurter and James M. Landis. New York: The Macmillan Company. pp. viii, 349. (1927).

The business of the Supreme Court has ceased to be a settlement of litigation between private individuals. Originally the activities of the court were concerned predominantly with common law topics and federal specialties, like admiralty, bankruptcy, patents and claims against the government. Today, it is pointed out by the authors of this work, the common law controversies in the Supreme Court are in process of atrophy. In the 1925 term of court there were only eleven of such cases. In the 1875 term 81, representing the shrinkage of 43% to 5%. The judiciary act of 1925 was passed to relieve the court of these sources of jurisdiction. Resort to the Supreme Court in cases involving ordinary common law or statutory issues were shut off by the Act of 1925, which made decisions of circuit courts of appeals final on such issues.

The authors point out that in the future the effects of the Act of 1925 will become more and more apparent. Private litigation in this tribunal is practically disappearing. The Supreme Court has ceased to be a common law court. It has become instead "the final authority in adjusting relationships of the individual in the separate states, of the individual in the United States, of the forty-eight states to one another, and of the states to the United States." In other words, the authors point out that the business of the