

Cases on Criminal Law and Procedure (3rd Ed.)(Book Review)

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exact mechanics of empanelling a jury in a criminal cause. Even a defendant's motion to dismiss an indictment on the trial, and the verbiage used on the motion when made orally, are set forth in clear and concise language. Such unusual subjects as the removal of cases from the Court of Special Sessions in New York City under certification by a justice of the Supreme Court, or a judge of General Sessions, or a county judge in counties other than New York County, or that it is reasonable that the charge be prosecuted by indictment, a practice authorized in some cases by the Inferior Criminal Courts Act, are treated at length in the volume. On that subject there is very little literature. Interesting, involved and practical matters, such as extraditions, habeas corpus, demurrers and bail bonds, are treated in such a frank and understandable manner that a reading of the pages devoted to these subjects is genuine pleasure. All in all, the volume is a well-written, practical work arranged in orderly fashion, telling a "simple, understandable story of the procedure followed in a criminal case from an arrest to a final sentence or discharge, with a graphic chart, a graphic index, and accurate forms for every step."

JAMES B. M. McNALLY.*

CASES ON CRIMINAL LAW AND PROCEDURE. CASES ON CRIMINAL LAW. Third Edition. By William E. Mikell. St. Paul: West Publishing Co., 1933, pp. xxiii, 775. CASES ON CRIMINAL PROCEDURE. Third Edition. By William E. Mikell. St. Paul: West Publishing Co., 1935, pp. x, 303.

In 1933, Professor Mikell published the third edition of his "Cases on Criminal Law". The present volume, under the title of "Cases on Criminal Law and Procedure", contains a reprint of the 1933 publication on Criminal Law and the original third edition of "Cases on Criminal Procedure".

The author does not indicate in either of his prefaces whether or not the two topics are to be treated jointly in the classroom. If they are to be so treated, much would depend upon the ingenuity of the instructor in weaving the cases into a logical whole, inasmuch as no attempt in this direction is found in the volume. On the other hand, if the topics are to be treated consecutively, little is to be gained from co-publication unless it be that cross referencing is made less laborious.

The topics on Criminal Procedure are arranged in the standard method.¹ The cases are selected from a variety of jurisdictions and are naturally intended to construe fundamental principles, rather than to impart the technique of prosecution in any specific state. Supplementing the cases are many "pertinent sections" of the American Law Institute's Code of Criminal Procedure, the inclusion of which tends to picture more fully the various steps in the prosecu-

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¹ See Book Review, Mikell, *Cases on Criminal Law* (3d ed. 1933), Edward J. O'Toole (1934) 8 *ST. JOHN'S L. REV.* 443. In view of this, only the materials in "Cases on Criminal Procedure" are reviewed here.

tion of crime. Furthermore, the Institute's efforts to bring some order out of the confusion which permeates criminal procedure is forcefully brought to the attention of the student by the author's skillful reference to sections designed to cure the inconsistencies in rulings which are found in the decisions immediately preceding them. For instance, at page 65, there is reprinted the decision in *People ex rel. Battista*,² where it was held that one charged with felony could not waive presentment or indictment of a grand jury; and at page 67 is found the case of *Commonwealth ex rel. v. Francies*,³ where waiver of indictment under somewhat similar facts was upheld. Then, there immediately follows at page 70 a reference to Section 113 of the American Law Institute's Code of Criminal Procedure which provides that "all offenses heretofore required to be prosecuted by indictment may be prosecuted either by indictment or information." The compelling force of such an arrangement of materials seems obvious.

Any publication of materials for use by future lawyers which stresses the need for uniformity and directness in the prosecution of crime is necessarily of importance. Professor Mikell's "Case on Criminal Procedure" unquestionably merits classification as such a publication.

EDWARD J. O'TOOLE.*

HOW TO PROTECT BUSINESS IDEAS. By William H. Leahy. New York: Harper & Bros., 1936, pp. ix, 146.

The author has attempted to prepare a manual to aid individuals and corporations in the protection of their business ideas. To this end, he has presented a study of the law of Trade Marks, Labels and Prints, Patents, and Copyrights. Although the book is didactic in form, no attempt is made at a fundamental analysis of the property concepts involved. Nor has the author attempted to weave into his work the usual references to outside cases and the usual burdensome footnotes containing citations of decisions so prevalent in manuals of this type. In short, he has avoided the pitfall of trying to write a book that is specialized and technical and has written, instead, in a rather popular vein.

This volume contains a great deal of interesting information which should be useful to persons engaged in producing ideas—especially in business fields. It should also serve to point out the necessity of legal protection, and when and where it is to be obtained. The procedure for registering trade marks, copyrights, and patents is outlined, but only sufficiently to serve as a guide to action. The discussion of trade marks, including the illustration of familiar combinations of words and symbols, is quite worth while, but the chapter on Copyrights

² 249 N. Y. 314, 164 N. E. 111 (1928).

³ 250 Pa. 496, 95 Atl. 527 (1915).

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