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## Book Reviews

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## Book Reviews

CRIME IS A BUSINESS. By John C. R. MacDonald. Stanford University, California:

Stanford University Press, 1939. Pp. xiii, 263.

Last summer, while visiting a law school classmate in a western state, I was told by the classmate of a "confidence game" that was worked successfully on a local client by "bunco men" operating out of Hot Springs, Arkansas. The device employed was a faked card game, and the amount involved was several thousand dollars. The western victim, who had been spending a short vacation in the resort city, was more or less inclined to forget the matter, despite the amount involved, since he had small hopes of ever recovering what he had lost. The "bunco men" had not been apprehended. About a month later I was amazed to read, in an Arkansas newspaper,<sup>1</sup> an account of an almost identical swindle, this time at the expense of a retired business man from Illinois. According to the news story, the two crooks, seeming to be strangers to each other, "just happened" to meet their victim, a lonesome visitor in a strange town, and arranged for automobile trips and later for a card game, for their mutual entertainment. The auto trips out of Hot Springs took them as far afield as Eureka Springs, about two hundred miles away, where in each case the "kill" was made by inducing the "guest" to telegraph his home town bank for money which eventually passed into the hands of his thoughtful hosts.

The book now being reviewed is, despite its somewhat broader title, essentially a descriptive catalog of one comparatively small department of the whole business of crime. The department dealt with is that of the crimes of fraud, the "bunco games"; and some ninety-three specific types in this department of crime are described in considerable detail. Naturally enough, I looked in this book, which was on my desk at the time, to see if the Arkansas "game" was described therein, and to ascertain if it had been played according to Hoyle. I found it under the head of "American Major Buncos" in sub-head "E. Card Bunco".<sup>2</sup> True, the card game employed was not the same type of poker as was referred to in the book, and there were other definite variations in the facts. All these, however, may fairly be attributed to artistic license. The confidence man is not a scientist—he is an artist. And it is a maxim as old as art itself that no two artists will paint the same landscape exactly alike.

The author of this specialized crime catalog is an experienced member of the Oakland, California, police force, and has been in charge of the "bunco detail" of that force for fourteen years. In his introduction he states that every one

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1. Arkansas Gazette, Oct. 4, 1939, p. 2.

2. At p. 112.

of the ninety-three devices for fraud described in the volume represent actual cases handled by him as a police investigator. They are not, however, isolated instances of crime, but constitute well established techniques regularly employed today by persons professionally engaged in this line of criminal business. In a foreword, Professor August Vollmer, once a nationally known chief of police in California, says of the book that it "is the most complete exposition of the methods used by criminals for defrauding the public that has ever been presented. (It is) especially written for policemen . . . . (and) should be used as a text in all police schools . . . ." Among the frauds explained in detail, with some photographic illustrations, are the "sick old man" scheme, the "money-making machine," "pigeon-dropping," the "badger racket," the "missing heir to a fortune" and "Spanish prisoner" tricks, and many others which cautious stay-at-homes read about from time to time in their newspapers. Incidentally, an interesting feature of this catalog of frauds is the author's classification thereof based on racial origins. Although he deals altogether with crimes committed in the United States, he points out that each particular type of confidence game listed is peculiar to some special racial group, such as the Italians, the Negroes, the Filipinos and the Gypsies. It is interesting to note, however, that one large and very important set of frauds is listed simply as "American".

While the book is written primarily for policemen, it is stated that it would be useful to the average citizen also, since "it would enable him to recognize 'steers' for bunco men at the first approach."<sup>3</sup> Of course, any citizen who would be apt to read the book probably would consider himself too smart to be roped in as a sucker for a "con" game. The book, nevertheless, suggests interesting possibilities to the country boy who goes to town only once or twice a year, whether he be lawyer or layman.

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CASES AND OTHER MATERIALS ON THE LAW OF WILLS AND ADMINISTRATION. Second Edition. By Philip Mechem and Thomas E. Atkinson. Chicago: The Foundation Press, Inc., 1939. Pp. xvi, 840.

In the present edition, this casebook has been improved by a revision of the case and note material and by a rearrangement of topics. The chapters are now grouped under the time honored headings—Descent and Distribution, The Making and Revoking of Wills, and Probate and Administration. Although intended for use in a full year course, the book is readily divisible into two parts for use in separate semester courses, one on wills, descent and distribution, the other on probate and administration.

Part I, Descent and Distribution, deals with lineal and collateral inheritance, succession by after-born children, and advancements. Part II contains the usual

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3. A. Trotter, Captain of Inspectors (retired), Oakland, Calif., in a statement printed on the inside flap of the paper cover in which the book is distributed.

chapters on the making and revoking of wills, changes from the first edition arrangement being as follows: mental capacity is considered in a ten page note instead of by case material; revocation by operation of law is similarly treated in a three page note; mistake in the making of a will and mistake in revocation are considered separately in connection with the topics of execution of wills and revocation of wills, instead of being considered under condition and mistake; and satisfaction, ademption, abatement and lapse are dealt with here instead of in the final chapter on administration. In Part III, on Probate and Administration, the arrangement is practically the same as in the first edition. There is an effective use of editorial notes, there being notes entitled Introduction to Probate and Administration, Appointment of Personal Representatives, What are Assets, Interests Arising out of Land as Assets, The Personal Representative as a Fiduciary, Power of a Personal Representative to Sell Property, and Time Limitations upon Claims against Decedents.

Criticisms may be so minor that, perhaps, they should not be mentioned. For example, the treatment of the topics mental capacity and revocation by operation of law lose color by the exclusion of cases; the note on partial revocation by destructive act (p. 535) does not mention the contrary New York holding shown by *In re Bissonette's Will*,<sup>1</sup> which appeared in the first edition; and there is no mention of the provisions of the *Restatement of the Law of Restitution* relating to descent and distribution, and fraud in the making and revoking of wills.

Looking at the book as a whole, it is apparent that it provides an opportunity to understand the essential problems, and, after all, that is what counts in selecting a casebook. The second edition of Mechem and Atkinson on Wills and Administration is a fine book and the editors are to be congratulated.

The George Washington University Law School      CARVILLE D. BENSON, JR.

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1. 127 N. Y. Misc. 215, 216 N. Y. S. 325 (Surr. Ct. 1926).

