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REVIEWS

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REVIEWS.

Stocks and Stockholders. By Arthur L. Helliwell. Keefe-Davidson Co., St. Paul, Minn. Sheep, 1071 pages.

Minor criticisms can be made upon this book. It is more voluminous than seems necessary; the table of cases cited could have been condensed so as to cover less than a hundred pages; and where the principles of the law and the reasons on which they rest are clearly stated, extensive quotations from decisions in text and note do not add to the value of such a work. The author, in his references to the doctrine that the assets of a corporation constitute a trust fund for the benefit of its creditors, does not seem to follow the trend of modern opinion. And his treatment of trusts and holding companies, to which he calls especial attention, cannot, in view of the inchoate stage in the evolution of the law relating to these yet reached, but be unsatisfactory. Yet, despite these, the work is undoubtedly a success. It is thoroughly up-to-date, even containing a discussion of the Northern Securities Company cases. Although restricted in its title to a consideration of the law relating to stock and stockholders, in reality it touches upon nearly every question of importance involving corporation law which the practitioner frequently encounters. Its style is that most suitable for the lawyer; without flourishes of rhetoric or beauties of diction, its apt choice of words and ordering of phrases does not leave doubtful even for a moment the exact thought which the author intends to convey. Unburdened by black-lettered synopses at the heads of the paragraphs, it well illustrates how unnecessary these are where the statements in the body of the text are clear and concise. Altogether it is an example of the best type of modern text book.

W. M. M.

Taylor's Landlord and Tenant. Ninth Edition. By Henry F. Buswell. Little, Brown and Co., Boston, Mass. 1904. 2 vols. Sheep, pp. cxxx and 1133.

The editor has not contented himself in this edition, as in the eighth, published in 1887, with merely bringing this work to date, by embodying in the footnotes the later decisions which affirm new principles, or modify familiar rules, and by making slight amendments in the text. In the present edition the entire text of the work has been subjected to a critical revision, and while all essential statements of the author have been retained, redundancies, repetitions and obsolete matter have been expunged. In place of the matter thus removed the substance of the notes, where the importance of the principles enunciated warrants, has been incorporated into the text, and the remainder of the notes, with the additions thereto, have been collated and condensed. Some twelve hundred new cases,

embodying decisions of courts of last resort and rendered since the publication of the eighth edition, are cited.

Many subjects of increasing importance have been made the subjects of original paragraphs, among such subjects being "Covenants of Lessor and Lessee," "Mining Leases," "Railways and Receivers as Lessors and Lessees." All new matter appearing in the text is bracketed. The index has been carefully revised and the necessary changes made to it.

This careful revision, embodying not only in the notes and indices but also in the text, where their relative importance demands it, the recent developments of the law, seems destined to retain this work in the place it has held for fifty years, as the most authoritative American treatise upon this subject.

E. T. B.

The Mirrour of Justices. By Andrew Horne. Translated by W. H., Esq., of Gray's Inn, with an introduction by William C. Robinson, LL.D., Whiteford Professor of Law in the Catholic University of America. (Legal Classic Series.) John Byrne & Co., Washington, D. C. 1903. Sheep, pp. 337.

While some authorities attack the value of the *Mirrour of Justices* as a correct exposition of the law, there are many of great note to be found in its support. The prevailing opinion upholds its merits and its substantial accuracy; in any case, it is unquestionably of great historical interest. Written during the reign of Edward I., it was intended to be, at the same time, a defense of the law from those who accused it of being an instrument of injustice, and an arraignment of the many abuses, which, creeping into its administration, had earned for it those accusations. The former object is sought through a clear statement of the laws, past and present; the latter through an enumeration of some hundreds of specific instances of their incorrect application. Dr. Robinson has given us in his introduction a brief summary of the facts known with regard to the author, and of the varying estimates which have been placed upon his work.

C. C. R.

Commentaries on the Law of Master and Servant. By C. B. Labatt, of the San Francisco Bar. Lawyers' Co-operative Publishing Co., Rochester, N. Y. 1904. 2 vols., (published). Sheep, pp. 2639.

The published volumes of this work relate only to the subject of employer's liability. In view of the great progress of industrial society in the past three or four decades, it is eminently a subject of the highest present-day importance to the legal world and one which has given rise to much discussion and, perhaps, almost hopeless conflict. The completeness of this work certainly cannot be questioned; if the author has erred, it is on the side of prolixity. Its great length and wealth of minute discussion will hardly recommend it as a text-book for what is at best but an important sub-

division of a great department of the law. And yet it cannot fail to be of value to both the student and the practitioner as a most complete and careful commentary of its kind. The work in itself is worthy of great praise; it is written in clear and convincing English, and is decidedly exhaustive, citing, as the preface sets forth, "every reported decision on the subject wherever the common law prevails." The author criticises with much force and an equal degree of justice, both the fellow-servant rule and the doctrine that a servant may not recover for injuries suffered by reason of the abnormal risks of his employment, as being inequitable. The work's value is greatly enhanced by the fact that the date of the cases cited is given throughout—a thing of very minor importance, perhaps, yet which adds much to the convenience of the student. The remaining volume of the work, which is to be published, will treat of hiring and discharge, compensation, strikes, etc. R. H. S.

Banks and Banking. Volume I of *Case Law and Index.* By Howard Ellis. Case Law Company, New York. 1903. Cases, sheep, pp. 1432; Index, cloth, pp. 207.

The rapidity with which legal precedents are piling up one upon another is frequently adverted to. It is frightening enough to the student about to begin his course in law to enter some law library and, gazing about him on rows and rows of sheep-bound volumes, to be told that this represents but a small portion of the law, and that here in this mass he is to hunt down legal principles hidden away, perhaps, in some dust covered tome centuries old. He may see some busy practitioner hurrying about with his arms full of books with the glow of excitement written on his face as out of breath after the mad chase he has found a case in point, and this he may see change into gloom as the searcher finds that after all his hours of work it is not exactly the case needed. If these precedents seem confusing and voluminous to-day, how reckoning from this present state of affairs will they be a few years from now? Hon. John F. Dillon said before the American Bar Association in 1886: "We find in the English and American law an already unwieldy mass of reports. In twenty years they will number ten thousand volumes; in fifty years, twenty thousand volumes." The present increase in the reports verify this prediction. In the United States we are adding two hundred volumes per annum to our stock, and the increase is approaching a geometrical ratio. The present condition is thus vividly described by Mr. Charles F. Beach: "It reduces common law research and practice to a mere fishing about in pools of muddy water for stray bits of law suspected of being immersed or in solution therein—the pools growing larger and deeper and muddier, and the fishing becoming more difficult and unsatisfactory *die in diem.*" To many this means that less regard will have to be paid to precedents, or else our substantive law must be codified in analogy to the *Code Napoleon* and the *Corpus Juris Civilis* of

Justinian. But be this as it may, the case system is with us and with us it is likely to remain for some time. Any method, therefore, that reduces it to a simpler form, and makes it more readily accessible must meet with the hearty approval of the legal profession. Recent years have seen several attempts in this direction of varying degrees of partial success. "Case Law and Index" is the latest, and if the first volume can be taken as an indication of what the entire work will be it will accomplish the object others have aimed at, but not quite hit. "Banks and Banking" is its title; in its 1432 pages it contains every decision on the subject handed down by the appellate courts of all the States from Alabama to Wyoming. Accompanying this is a supplementary index of 207 pages. This is simple yet comprehensive enough to cover each minute point so that in looking up the case we find it covers the exact thing we are looking for. The cases are condensed in a novel manner. The way the question arose together with the facts is briefly stated, then follows in numerical order the principles invoked, with the name of the judge writing the opinion. At the end there is a list of cases in which the principal case has been cited in that jurisdiction. It will be seen that it is not like the ordinary digest in that the whole case is given in an epitomised form, instead of merely a portion relating to a particular point. It renders the task of getting at the meat of the right case an easy one. In addition to this we feel confident in the result arrived at, for the work is being done under a system of reporting and sub-editing that insures accuracy. The index statements are made by the editors themselves, all jurists of prominence. James DeWitt Andrews, Chairman of the Committee on the Classification of the Law in the American Bar Association, is the chairman of this board.

The editors announce that the entire work will cover 60 volumes. These will include the United States decisions, the State decisions, arranged under subject heads as the one on "Banks and Banking," and the English cases. We wish them continued success in their vast undertaking, for its accomplishment means for the law that which is to be desired above everything else—more symmetry and simplicity.

J. H. S.