



11-1-1933

Book Reviews

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Recommended Citation

Thos. L. McKevitt, E. J. Payton & Thomas Gately, *Book Reviews*, 9 Notre Dame L. Rev. 114 (1933).

Available at: <http://scholarship.law.nd.edu/ndlr/vol9/iss1/7>

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BOOK REVIEWS.

BLACK'S LAW DICTIONARY. Third Edition. St. Paul: West Publishing Co. 1933.

A review of a law dictionary naturally includes a consideration of dictionaries in general. Thought is useless without expression, and expression is only effective when it is couched to the proper terms. It seems senseless to thus repeat the obvious, but the most obvious truths are the most often overlooked. That a thing must have a name before it can be known is also obvious, but we must postulate this to reach the conclusion that philology is necessarily a fundamental science.

Quite naturally each science or division of learning has its own peculiar lexicon. A botanist's records mean nothing to one not versed in the accepted method of classification. The technical terms used by doctors have long been the source of jokes anent their translated meaning. Similarly, the law has a nomenclature of its own. This terminology reflects the curious admixture of stability and flexibility which characterizes our legal system. Since modern law is steeped with the dictates of tradition, it still uses the verbiage of tradition to express itself. Perhaps this is most strikingly illustrated in the law of property, the proper understanding of which necessarily includes a knowledge of its history. On the other hand the law must keep pace with the development, advancement, and changing needs of mankind. New ideas are expressed in new terms, and the undeniable influence of slang and common usage impart to old words new connotations. Naturally, these changes are reflected in the decisions of the courts.

It is principally to provide for these changes in legal terminology during the past twenty-three years that this third edition of Black's Law Dictionary has been published. This end has been effectively achieved not only by adding new definitions but by changing others to conform with modern interpretations. Additional annotations to both cases and statutes have been made. At the same time the extensive list of the terms of medical jurisprudence, and the many French and Latin words and maxims which featured the second edition have been continued and, in many instances, added to.

Because this is a one volume work the explanatory material is not as extensive as in other dictionaries, yet it is entirely adequate for the purposes of a dictionary. The definitions are clear and to the point with sufficient references for further research. A plan of treating connected terms and phrases under a main heading from which they are derived is followed, adding facility in the use of the book. The defects of this plan are cured by adequate cross-references. The appendix of this book consists only of a table of abbreviations. The dictionary proper embodies the usual tables and glossaries that are "born to blush unseen" in the appendix of too many dictionaries.

This third edition of Black's Law Dictionary, in that it is an authoritative and usable legal dictionary, entirely fulfills its original purpose; and in that it is a thorough revision of a standard work to meet changing conditions, it fulfills its particular purpose as a third edition.

Thos. L. McKevitt.

BUSINESS LAW. By Richard S. Bowers, New York: Prentice-Hall, 1933.

The real object sought in presenting the subject of Business Law to college students (other than law students) and business men, is to give them a practical understanding of the sources of law, the judicial system, kinds and functions of courts, both State and Federal, the successive steps in a suit-at-law, and the fundamental principles of business contracts, both in form and substance. Then too, it is most essential to study problems in the form of actual cases with such

degree of care that the student about to embark on a business career may readily grasp these principles.

Professor Bowers, in his text, presents the subject in a logical development of principles, and the language of the author is understandable and devoid of technical terms essential to the lawyer. Many business law texts either attempt too brief a study of principles or a superficial treatment of cases that only serves to confuse the mind of a student whose study of the whole subject of Business Law is confined to a period of a single academic year.

This book happily combines a clear presentation of practical points, well-selected cases presented with such care that the student may, in his limited study, obtain a concise knowledge of the law as it relates to various business relationships.

Possibly one adverse criticism that might be directed at the book is the brevity in the number of cases selected to illustrate the principles of subjects discussed in the text. The text section is reasonably brief and that brevity seems to me to require a wider treatment of points of law in the study of cases. It is true that each case, ably selected, may in its discussion develop a number of points; but frequently an attempt to develop many points of law from a single case leads to confusion in the student's mind. Such confusion may be avoided by a larger selection of cases.

While a combination of text and cases furnishes the ideal system of presenting the law, the fact remains that the vital interest of a business man and commerce student in the law is aroused and sustained by practical cases more so than in reading the text, supplemented by lecture and study of too limited a number of cases.

The chapter devoted to a study of bankruptcy is brief and concise, and might well be supplemented with an explanation of the practical differences between bankruptcy in the Federal court and insolvency in State courts. These distinctions are vitally important to a man in business and there is a woeful ignorance of such distinction among business men of today.

*E. J. Payton.**

CASES AND MATERIALS ON TRUSTS AND ESTATES. Volume II. By Richard R. Powell. St. Paul: West Publishing Co. 1933.

This new case book completes the two-volume work on Trusts and Estates edited by Professor Powell of Columbia University. The author has selected for treatment that widely scattered field composed of those subjects which cover the distribution of wealth in the United States. As the two volumes are naturally germane it will be better to epitomize Volume I in order to point out the central theme and to give a better understanding of Volume II.

Each volume is divided into three main divisions or parts. Part I concerns itself chiefly with an introductory function; presenting a clear, interesting and profound historical background coupled with information as to current problems. Part II deals with the essential rules which guide one in ascertaining desired results. Part III emphasizes the importance of stating clearly and definitely the actual desires of the disposing party. Thus in the first volume the student grasps an understanding of the subject without which the second volume could not be fully utilized or appreciated.

Volume II leads the student into the problems of draftsmanship occasioned by income and succession tax statutes. In no way conflicting with the usual course

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on Taxation, these two brief chapters treat a topic of vast importance for the proper protection of the client who relies on his lawyer for intelligent guidance in estate planning. Part II discusses the social restrictions upon the creation of future interests and upon the purposes for which trusts can be created. It closes with a chapter dealing with dispositional matters and the effects of partial invalidities. Part III, comprising half the volume, treats the practical problems arising in the course of handling already created trusts and future interests, their subjection to the claims of creditors, the exercise of powers of appointment, and the extinguishment of trusts.

This work speaks for itself of the painstaking gathering together of all pertinent data followed by a deliberate weeding out of the superfluous. The result is in the formation of a well balanced text on Trusts and Estates. The mechanics of the book are set out effectively. Throughout, the annotations to pertinent statutes and law review articles, together with abundant collections of current American decisions, make the book a useful instrument not only for law school instruction but also to lawyers engaged in advising corporate fiduciaries or in the practice of estate law.

Thomas Gately.