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## Book Reviews

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directly from an act carelessly performed by the defendant in a public street, where the zone of danger was confined to persons then upon his land. In the principal case, the zone of danger was undefined both in time and space, and the injury followed nearly a year after the defendant's negligent act was completed. The decision in the principal case is in harmony with the true basis for a landowner's immunity from liability for injury to a trespasser on his land. The owner or occupier of premises is exempt from liability because the courts are reluctant to interfere with his right to use the land as he so desires and with reasonable freedom. But this immunity is dependent on the ownership or possession of the land and the use thereof; so it does not extend to acts done by the owner when he is not upon the premises. The plaintiff's intestate, a trespasser in a house belonging to the defendant, may have assumed the risk that the defendant's use of its land might endanger persons thereon, but he did not assume the risk that such danger would arise from a condition existing several hundred feet away in the public street, heedlessly created by the defendant.

*James H. Levi.*

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## BOOK REVIEWS

CASES ON CORPORATIONS. By Harry S. Richards. Third Edition by Sveinbjorn Johnson. St. Paul: West Publishing Company. 1936.

Since 1924, when the late Dean Richards revised his casebook, time and the accumulating decisions and statutes in a rapidly changing industrial life have antiquated the best law book. With this in mind, Sveinbjorn Johnson has revised Richard's Cases on Corporations.

In this edition the sections wherein there seemed to be too many similar cases on the same topic and an overemphasis in places, such as ultra vires, de facto corporations, etc., the editor has dropped about ninety cases; where there seemed to be an underemphasis, such as in the sections dealing with finance and reorganization, the editor has added new chapters. In the new edition there has also been added a topical analysis or breaking up of chapters into subdivisions, thus facilitating teaching.

In the two new chapters on Finance and Reorganization, the editor has done an excellent work in bringing the book up to date. The chapter on Finance is mainly an outline, the material being condensed as much as possible. In other chapters there is added material on finance, such as in the chapter on the Rights of Stockholders.

The chapter on Reorganization is very complete. Reorganization prior to and after the Congressional Reorganization and Rehabilitation Acts of 1933 and 1934 is considered. Most of the decisions to date are cited or otherwise used on this new subject. No course in Corporations can be taught today without consideration of this development of the law, and the treatment in this casebook is excellent.

Retained in this edition is the appendix, containing forms for the organization of corporations, and the articles and by-laws of some well-known corporations of international scope, which was introduced in the second edition.

The notes are frequent and contain much excellent explanation and additional information. Especially interesting is the Table of Periodical Literature which lists law review articles on the subject of corporations.

*E. Spencer Walton.*

CASES ON FEDERAL JURISDICTION AND PROCEDURE. By Armistead M. Dobie. St. Paul: West Publishing Company. 1935.

This is a casebook to be used in a third year law course. Although no previous knowledge of the jurisdiction and procedure of the federal courts is presumed, the editor has taken for granted that the student has a knowledge of the subjects taught in the first two years of law.

In his own words the editor "has endeavored to give a realistic picture of the jurisdiction and actual functioning of the federal courts." This he has done very well, explaining in order, after an introductory chapter, the jurisdiction and venue in the district courts, the substantive law applied, the procedure in the district courts, the appellate jurisdiction of the circuit court of appeals and the appellate and original jurisdiction of the United States Supreme Court.

The interrelation of state and federal courts, to which topic there is devoted a chapter, is emphasized and treated throughout the entire book. This subject, although very important, is many times ignored or not stressed enough.

A number of extracts from the editor's textbook on federal jurisdiction and procedure have been included in this casebook and serve to supply the student with knowledge which could only be secured otherwise with much extra work. These extracts are especially numerous in the first chapter where the editor sets out the elementary information on the nature and organization of the federal judicial system. Provisions of the Federal Constitution and statutes that are deemed important by the editor are set out in the text and in the cases dealing with these provisions.

The notes are quite numerous and sometimes quite elaborate. Many references are made to articles and notes in law reviews. In these the editor thinks is the best material on this subject.

*E. Spencer Walton.*

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HOW TO CONDUCT A CRIMINAL CASE. By William Harmon Black. Third Edition. New York: Prentice-Hall, Inc. 1935.

This book outlines the New York criminal procedure of a case from the time the crime is committed until the defendant is either convicted or acquitted. Each separate step of a criminal case is fully treated and described in its proper sequence. Every eventuality and alternative is provided for, and all the necessary forms, treated and annotated, are given.

The author's familiarity with his subject is an excellent reflection of his experience gained as a trial judge and practitioner over a period of many years.

The book is written in simple straightforward language easily understandable to the layman, thereby making it a book not for lawyers alone, but for the layman as well. It contains a glossary explaining the meaning of every technical term used, and tells what is said and done, and when and where.

The author has included along with the book, a large graphic chart upon which is illustrated, in chronological order, the three hundred things that can happen to a defendant from the time he is arrested until his case is concluded. Each action that is pictured upon this chart is cross-referenced to a given page in the book proper, where such action is fully and completely discussed. This chart alone is worth the price of the book and should prove an invaluable aid to every lawyer, especially to the young man just starting out in the profession. This chart is also an instantaneous index to the book.

While the book refers particularly to a New York criminal case, the general principles are applicable alike to all the states. The book is particularly valuable to a New York lawyer because of its complete annotations of New York cases and constructions of the New York Penal Code, Civil Practice Act, and various other statutes.

The author has done an excellent and thorough job and has turned out a book that should be included in the library of every lawyer.

*W. A. Stewart, Jr.*

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INVENTION AND THE LAW. By Harry Aubrey Toulmin, Jr. New York: Prentice-Hall, Inc. 1936.

Patent law is a branch of legal practice that seldom occupies the time and energies of the average attorney. The tendency in late years is to treat it as a highly specialized branch of the law, requiring a trained personnel of searchers, and office workers, much of the application work being done through recognized patent lawyers in Washington, D. C. Although this is true, the average lawyer should find the author's work of considerable interest, both historically and legally.

The trial lawyer engaged in the trial of cases involving patentable invention is called upon to find the solution to many perplexing problems revolving around what is or what is not a patentable invention, problems involving more money, perhaps, than any other type of litigation. A work that will help to make the patent attorney's task lighter, a book that will lead him quickly to the leading decisions establishing the ground work of patent law, is certain to be met with general approval. The author of "Invention and the Law" apparently has written such a book.

The historical background of invention is treated in concise fashion in the first chapter of the volume. The always debatable question of what constitutes an invention, and the general characteristics of a patentable article or machine, are given considerable space in the body of the book. The British rule on utility and novelty, on change of form and degree, are given attention. The English law of invention is compared with the American rules in many instances, especially where conflicts are found.

German, French, American and English bibliographies of considerable length are included. A workable index is one of the most salutary features of the work.

As a book that makes no pretensions of being "the complete or final word on such a controverted subject" as patent law, the work is recommended as interesting and instructive reading.

*John J. Locher, Jr.*

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THE INSTITUTION OF PROPERTY. By C. Reinold Noyes. New York: Longmans, Green and Company. 1936.

Prompted by the turmoil besetting the modern generation of economists and the established theories of economics, the author presents this work as a means of a better understanding of the problems thus arising with a view to their bases, paying special attention to the relation of property to this field. The author has

divided his extensive and erudite project into three parts. In the first of these he treats in detail the conceptions of and the development of property as an institution under the civil law and under the common law, the two systems of jurisprudence upon which our modern law is chiefly based. With respect to the civil law, he deals at length with the organization of early Roman society and the development of the Roman system of property. His discussion of the common law is confined to a treatment of the characteristics of property under the English feudal system. This division of the book has great historical value and should, moreover, be of great interest to philologists because of the etymological appendix presented therewith. The second part of the book is devoted to a discussion on the nature and organization of modern property. And the last section contains the author's conclusions, reached as a result of and based on his study of the material found in the two preceding parts.

In the course of preparation of his treatise the author spent many years, and the result is a very learned treatment of his subject. The work is extensively footnoted throughout, and these references are augmented by lengthy appendices. The book is of great value to historians, philologists, and anthropologists. But, and the reason for this is perhaps its great appeal to those others just mentioned, the book would not be very beneficial to a practicing lawyer, or even to a law student, as a working tool. This last, however, is not to be construed to mean that an attorney would not profit by a study of it; on the contrary, because of its historical side alone it would be of great value to him. But this is not a repository of the law. It is not a work to which he might go to find a case in point or to determine the basic principles of any branch of the law. There are, to be sure, certain citations to cases to be found in the book, but they are, in a sense, incidental, and are valueless without reference to the text. The author himself, in his *Foreword*, says of them: "Case citations for the fifth chapter, which are not likely to be extensively used, are placed in the second appendix."

This is an exceptional book. The subject is a novel one, and is treated in an orderly and thorough manner. It is a work of substance, conducive to thought, and pregnant with information. It is of great value and should not be passed over by those who are interested in the matter with which it deals.

*Richard A. Molique.*

