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Book Review: Cases on Business Law, by William Everett Britton

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BOOK REVIEWS

American Church Law, By Carl Zollmann, Professor of Law, Marquette University. 1933. One volume. West Publishing Company, St. Paul, Minn.

"The need for a compact statement of the legal relations of church and state, in the United States," led Professor Zollmann of Marquette University to revise his *American Civil Church Law* (1917) and to give it once more to the public in an up-to-date, permanent form.

The work in its earlier form was used extensively not only by lawyers but by churchmen. Dr. C. Augustine, O.S.B., for example, cites it frequently with approbation in his 8 volume Commentary on Canon Law and especially the volume on Civil and Ecclesiastical Status of Parishes. No doubt this new edition which "is in a large part a new treatment," will aid church and state officers to perform their tasks of adjusting the complicated relations arising between the two jurisdictions. Certainly one could not ask from such a book fuller treatment of the matter. In it all subjects seemed to be covered: religious liberty, education, corporations, trusts, schisms, taxes, protection, are just a few of the chapter titles. Nor could a hurried reader demand more expeditious tables of references; besides a complete index, there is an alphabetical list of cases cited, a table of the Constitutional (State and Federal) provisions cited, topic summaries before and after each chapter, and copious footnotes. Add to this an excellent printing job. Truly a compact statement of what the clergyman and the functionary need to know about American Church law.

REV. G. SMITH.

Cases on Business Law, By William Everett Britton, Professor of Law, University of Illinois and Ralph Stanley Bauer, Professor of Law, De Paul University. 1932. One volume. West Publishing Company, St. Paul, Minn.

The book is bound in red fabrikoid and consists of 1219 pages and is designed for the use of students in schools of Commerce and Business Administration. For the accomplishment of this design the authors have chosen most aptly those subjects in law which would practically be most beneficial to the business man. For in the latter's daily contacts he should have a speaking knowledge of fundamental requirements for successful legal negotiations which will enable him to forestall contingent losses. The subjects which are chosen are Contracts, Agency, Negotiable Instruments, Corporations, Partnerships and Sales.

Since the purpose of the book is to indicate to the business man legal problems, the cases selected are of the modern trend. The book is conspicuous for its lack of cases of an historical nature, which in effect would have no practical benefit to the contemporary American. An example of how well the authors have accomplished this result is found in the section devoted to negotiable instruments wherein out of a total of five hundred and eighty cases, three hundred and seventy-nine have been decided since 1900.

The categorization of the subject tends to facilitate the student's comprehension of the subject in its entirety. In each section material is furnished in the form of explanation of the immediate problem involved. Thus fortifying the student with an indication of the instant problem, the authors choose cases, the facts and opinions of which illustrate most practically the legal problems. In

those subjects which are codified under uniform acts such as Partnerships, Negotiable Instruments and Sales, the particular codified sections are used to initiate the problem, followed by an explanation of the section and illustrated by the use of pertinent modern cases. The problems are very well annotated with a choosing of authoritative, similar or contradictory, cases from various states thus giving the student an indication of the law in his own state. Wisconsin cases are found both in illustration of instant problems of law in the text book proper and are also cited in the annotated portions of the text.

Very much favor was found in this arrangement since it is an intelligent escape from the theory and narrowness of the Horn book and the difficulties of the Case book. Such an arrangement if followed in the law school text books would tend to facilitate the legal problems to the student of law as these authors have eased the path of the business student into legal matters which will confront him in his daily commercial contacts.

WARD DUNPHY

Discovery Before Trial, By George Ragland, Jr., 1932. One volume. Callaghan & Co., Chicago, Ill.

The author of this book, George Ragland, Jr., has made an extensive study of the subject of discovery examination from its earliest inception down to the present time. There is very little, if anything, more to be said on this subject than what is contained in this comprehensive work. The book should prove very valuable both to the bench and to the bar. Mr. Ragland makes a strong plea for adverse examinations as a means of clarifying the issue and saving the time of the courts and attorneys and as a basis of settlement. He points out that under the present practice the discovery examination is not an antagonistic procedure and is usually welcomed by the attorneys as the effect of such examination is to save time and to promote substantial justice between the parties. The fact that the examination may be had by a stipulation between the parties, or at the request of either the plaintiff or the defendant, that in most personal injury cases defendant is an insurance corporation whose attorneys would rather dispose of their cases by settlement than await the delay before trial and be subject to the uncertainty of the verdict of a jury, are points to be studiously considered by the attorney for the plaintiff. The author in a very comprehensive and easily understandable manner has set out the subject of examination in a way that is sure to be very helpful to the young and inexperienced attorney. He shows the inadequacy and confusion and the loss of time of courts and attorneys in trying to arrive at the real issue in a case. Mr. Ragland has made an extensive study of the discovery statutes of the various states and discusses very fully the procedure in each state. His work is particularly helpful to the young attorney in that it sets forth in detail the actual practice before a court commissioner, the scope of the examination, the supervisory jurisdiction of the circuit court over such examination, the value and proper use of the record at the time of the trial and the current practice as followed by attorneys with special reference to the practice in Wisconsin. The author has made a careful study of the practice as followed in Milwaukee County at the present time. The author explains the actual practice and in that lies the great value of the book.

VAUGHN S. CONWAY