

# Book Review: Busch: In and Out of Court

Paul Noelke

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the risk is materially increased. This insurance rule has been applied to surety contracts. The Restatement specifies in Section 128 that to obtain a release of a compensated surety there must be a material increase in risk. It further states that if the damages traceable to a variation in risk can be ascertained, adjustment should be allowed, not a complete release. Is not the application of this insurance rule to surety contracts merely an application of the old rule of damages first enunciated in *Hadley v. Baxendale* (9 Ex. 341)? Applying such rules to a compensated surety and not to other sureties would appear to be merely a specific instance of the rule that for breach of contract there may be recovered only damages arising from circumstances reasonably within the contemplation of the parties.

It is very gratifying to observe the particularity with which the terms employed in the Restatement, such as that of "compensated surety," are defined and, as so defined, used throughout the volume. The value of the work is increased by its reference to other volumes in the Restatement series and the incorporation by reference, where possible, of definitions of terms employed in the other volumes.

MAXWELL H. HERRIOTT.\*

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*In and Out of Court.* By Francis X. Busch. Chicago, De Paul University Press, 1942. Pp. xii, 306. \$3.

Lawyers are and should be interested in the personalities and history of their profession. Many books have been published in the last few years, apparently to satisfy this interest; *In and Out of Court* takes its place in the field with the lighter books, such as Bellamy Partridge's "Country Lawyer." The new tale deals with the experiences of the author in an active midwest trial practice, centering around the early 1900's, and is composed largely of vignettes of trials, strange cases and humorous incidents. The author also relates his impressions of personalities of the bench and bar in Illinois, such as Judge Joseph E. Gary, Judge Kenesaw Mountain Landis, Clarence Darrow and John P. Altgeld.

The book should provoke the recollections of older lawyers, and the interest of younger practitioners. *In and Out of Court* is not without its lessons—new men will be reminded of what they were told in law school, and what they may already have experienced in court, by chapters such as "You Can Never Tell About a Jury" and "The Ever Present Element of Surprise." Caricature sketches nicely illustrate the author's narration.

*In and Out of Court* is the type of book one likes to see in a lawyer's waiting-room. Each chapter is its own little story, and ten minutes reading will tell it. The book is diverting; it is light and interesting.

PAUL NOELKE.\*

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*International Legislation*, Volume VII. Edited by Manley O. Hudson. Washington, Carnegie Endowment for International Peace, 1941. Pp. xlix, 1026. \$4.

This "collection of texts of multipartite international instruments of general interest," concluded during the years 1935 through 1937, is a continuation of similar publications which have collected like documents signed since 1919. The present volume contains 140 instruments, usually given in one of the original

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\*Professor of law, Marquette University.