

Book Review: Outline in Torts, By H. B. Schermerhorn

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Repository Citation

Willis E. Lang, *Book Review: Outline in Torts, By H. B. Schermerhorn*, 10 Marq. L. Rev. 174 (1926).
Available at: <http://scholarship.law.marquette.edu/mulr/vol10/iss3/15>

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separate chapter is devoted to non-residents, and there is a timely and full discussion of administrative practice. Part 3 relates to the gift tax, and part 4 to the capital stock tax. The cases illustrating the law, construing its various provisions and defining its limitations contain all the leading decisions upon this question, including the decisions of state courts, where income and inheritance taxes are in force. All considered, it is a very timely and useful contribution to the subject of taxation and cannot fail to assist in systematizing the subject and reducing taxation to a more scientific basis. Professors Beale and Magill are to be commended on the excellent judgment they have displayed in the preparation of this work.

The tax in the first instance being administered by the internal revenue department there is interspersed throughout the work copious quotations from rules of administration laid down by that department. Without prejudice to the purpose for which the book was designed, the suggestion is ventured—that a topical index may profitably be added to facilitate the locating of rules.

THOS. E. LYONS

Outline in Torts. BY H. B. SCHERMERHORN. Philadelphia. George T. Bisel Company. 1925. pp. 436.

This book contains, in outline form, the essentials of the principles and usual divisions of the law of Torts, such as Assault and Battery, False Imprisonment, Trespass, Conversion, Unfair Competition, Malicious Prosecution, Deceit and Negligence. Like any outline this should be helpful to a student in piecing together the detailed information which he has acquired by the study of cases, and although the author does not state what object he had in view in the preparation of the outline, it would seem that this was the purpose which he sought to accomplish. Necessarily an outline cannot and is not expected to develop the detail of a subject, but the author has accomplished this end by the insertion of what he calls "Problems and their Answers." These problems are in much the same form as the hypothetical question ordinarily given in quizzes and final examinations in the better law schools. This feature renders the book useful to professors teaching the subject, as the statement of each problem is especially accommodated to the topic of the law of Torts under which it is located.

As a sort of Appendix to the book, beginning on p. 422, is found a list of collateral reading in Tort, which seems to be particularly well selected. Although all of the references to the legal periodicals here contained are to be found in the current index to legal periodicals, this feature of the book is valuable to anyone who has not access to this index.

Appended to the above list is found, on Page 430, a list of writers on the law of Torts, also a list of the principle collections of cases upon the subject. The index follows the traditional form.

The author claims to have reduced the questions involved in the law of Torts to two. This, for the moment, is encouraging to the tired student and any professor who has been seeking a short-cut means of imparting a knowledge of the law. The comfort which may have been derived by a naive acceptance of this statement is found, however, to be of short life, because the first question as stated is, "What are the indispensable elements of allegation and proof essential to the plaintiff's case in each of the actions in tort?" and the second question is, "What matters of defense in each action will, if sustained by proof, defeat the plaintiff's claim?" Upon reflection, these questions do not seem at all new, but on the

contrary they are present in every action no matter what the subject or right involved may be, and the solution of the two questions involved in each case is as diversified as the rights which may be the basis of recovery or the excuses which may be the legal reason for denying recovery in any particular case.

WILLIS E. LANG

Cases on Criminal Law. BY WILLIAM E. MIKELL. West Publishing Co. St. Paul. 1925. pp. 800.

A new member of the American Casebook Series, this book is really the outgrowth, development, and revision of two former casebooks of the same author. The reviewer is immediately impressed with the orderly and systematic arrangement of the subject matter, a point which reflects very highly in the book's favor, both from the standpoint of the professor and the student. To the professor, it suggests a logical and effective order of procedure in the conduct of his course; while for the student, it lends itself admirably to a system of outlining and cataloging, by means of which system, many of the less retentive memories are assisted in preserving the gist of the great mass of matter covered in the cases. With its notes, and the exhaustive index and table of contents, the work very nearly approximates what might be termed a text book of cases, and thus, while retaining its inherent character as casebook, performs a double function.

Good as the work is, however, the reviewer is forced to question the book's adaptability to use in all schools. The very changeability and arbitrary nature of the field of criminal law makes one doubt the relative values of a course using this book, and one using a standard text augmented by a wealth of local cases, and the local statutes.

Suffice to say that, in schools where the former system is found to be the most desirable, the work could be profitably used, as it is unquestionably an excellent selection of cases, which are collectively presented in a most pleasing form.

B. C.