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of these courses it cannot be said that attorneys can safely ignore the Federal court dockets, although that practice is still almost universal.

KEMP D. BATTLE.*

Rocky Mount, N. C.

BOOK REVIEWS

Federal Appellate Jurisdiction and Procedure, by Elijah N. Zoline. Third edition, revised by Alexander Holtzoff. Clark Boardman Co., Ltd., New York, 1928. Pp. xcvi, 792.

Appellate Practice and Procedure in the Supreme Court of the United States, by Reynolds Robertson. Prentice-Hall, Inc., New York, 1928. Pp. xxxix, 360.

Both these new books on federal appellate jurisdiction and procedure will be found to be indispensable tools for the lawyer engaged in federal practice. As the titles indicate, their scope is different and each complements the other. The first undertakes to cover the entire field of federal appellate procedure as well as the substantive law of jurisdiction. The second is restricted to procedure in the Supreme Court and omits all treatment of jurisdiction; it assumes that the practitioner has determined questions of jurisdiction and has selected his proper remedy, and proceeds to set out chronologically and in practical detail each step to be taken.

The new edition of Zoline's well known text was made necessary by the radical changes brought about by court decisions and statutory enactments, in particular the amendments to the Judicial Code adopted in 1925 and the Act of January 31, 1928. Mr. Robertson is Assistant Clerk of the United States Supreme Court, serving as such under the late Mr. Stansbury and under the present clerk, Mr. Cropley. Out of a wealth of experience and information he has written one of the most practically helpful legal texts ever written.

Both books leave an inevitable sense of incompleteness due to the inability of the authors to give an authoritative treatment of the Act of January 31, 1928, abolishing writs of error and of the Act of April 26, 1928, amending that of January. A number of perplexing questions arose out of the Act of January 31, 1928, and since the courts have not passed upon them the authors of these books have

* Mr. Battle delivered a series of lectures on Abstracting to the law students at the University of North Carolina in November, 1927.

only been able to suggest such questions and give their views as to the correct answers, which views are helpful.

In the first section of that act, Congress in sweeping terms abolished writs of error and provided that all relief theretofore obtainable by writ of error should thereafter be obtainable by appeal. On the face of the act a doubt arises as to whether this provision applies to the review of decisions of state courts of last resort and to appeals pursuant to Section 240 (b) of the Judicial Code as amended. In the second section detailed provisions are made as to the procedure in taking the new "appeal" in law actions, rendering unnecessary petition for appeal, order allowing appeal, and citation. After thus marching up the hill, Congress, in the Act of April 26, marched most of the way back down again, repealing that second section and apparently restoring all the former statutory provisions governing the procedure on writs of error and making them still applicable to the newly substituted "appeal." The net result would seem to be little except the change of the name from "writ of error" to "appeal," not a very salutary procedural reform.

Mr. Robertson did not get the latter statute into his book at all. It creeps into the new edition of Zoline, evidently at the last moment, as a pasted addendum, containing only the text without comment, but containing an incidental typographical error. It does seem that an addendum slip containing only twenty lines of type should have been accurately proofread. As to the final effect of these two statutes the reader of these latest books will find himself groping.

The most valuable feature of the new edition of Zoline is its convenient arrangement. An example which will illustrate this is Chapter XVIII, Time for Taking Appeals, where are gathered together in one place the data as to the time for taking all manner of appeals. It is unnecessary to search for "time" under each class of appeal.

Mr. Robertson's book is valuable throughout in that it gives the practical, administrative and mechanical details missing in other books. It tells you just what to do, just what the Clerk of the Supreme Court will attend to for you, just how to file motions and to have briefs printed, and is full of helpful hints and suggestions. Incidentally it is very interesting reading, a unique quality.

The new edition of Zoline is by no means such a formidable text as its bulk would indicate. It is substantially padded. The text

occupies only 379 out of 792 pages. Necessary forms occupy eighty-two pages, but 252 pages are occupied by an appendix setting forth the complete texts of the rules of each of the Circuit Courts of Appeals in addition to those of the Supreme Court.

Greensboro, N. C.

SIDNEY S. ALDERMAN.

North Carolina Code of 1927, Annotated. The Michie Company, Charlottesville, Virginia, 1928. Pp. iv, 2467.

This book has been recently published and is intended to include the public statutes of North Carolina down to and including the public laws of 1927, and annotations from the State Supreme Court Reports, including a part of Volume 194. By the prospectus issued and by the statement in the preface, it purports to incorporate "in one volume the entire body of the statute law, completely annotated, with a thorough and accurate index." This is an extensive and complicated undertaking, involving many intricate questions of detail in collecting and comparing statutes, and in selecting, digesting and arranging decisions of the court, and upon the whole it seems to have been carried through successfully.

The work is in one volume of nearly twenty-five hundred pages, with double column page, thin paper, different type to distinguish text and annotation, neatly and apparently durably bound, making a compact volume about the size of volume I of the Consolidated Statutes. Of making new laws and of the interpretation of laws by the courts there is no end, and one compilation or code, with its varied annotations, is hardly completed before another and larger one is called for to meet the growing demands of the profession. The Consolidated Statutes adopted in 1919, with annotations including a part of Volume 178 of the Reports, had received many amendments, most of which are found in volume three, except the laws of 1925 and 1927, and the annotations had not been continued in the supplemental volume. This would seem to give an opportunity for a book of this kind to serve a useful purpose, and to be of great service to the lawyer in finding and keeping up with the law. This work is not intended as a supplement to the previous compilations, but purports to be complete in itself as a statement and exposition of the statutes.

In compiling the statutes, the chapters, headings and sections of the Consolidated Statutes have been followed, as a matter of con-

venient reference and for uniformity of arrangement. There is no analysis given at the beginning of each chapter, as in the Consolidated Statutes, showing the contents of the chapter, which is often a convenience in finding a particular subject quickly; but this is supposed to be taken care of by a very elaborate index. In compiling the statutes it would be necessary to take them as they appear in the various compilations, which have been made the statute law by special enactment, together with such amendments and substitutions as have been made by subsequent legislation. The new laws and amendments have been inserted in the proper sections or in supplemental sections, and an explanatory note follows the section showing the nature of the change in the former law. The former compilations were made the law by express adoption after they were prepared, while this one is not the law except as it states accurately the statute law of the state as it has been enacted and published in the authorized publications. Its value, therefore, will depend upon the thoroughness and accuracy with which this has been done. By a comparison of sections here and there, without attempting to make a complete examination, it appears that the statutes have been given accurately, even to perpetuating a clerical error in volume three of Consolidated Statutes, Section 220k, in designating the time for maturity of paper for discount, "nine" days instead of "ninety" days. This is a pardonable oversight, since it has been made twice, and the second is excused under the maxim *ita lex scripta est*.

The annotations following the sections are generally very full, and the analysis made by the editors, where there were many different decisions, should be very helpful; as in the Section 1795 in Evidence, the old Section 590 of The Code or 343 of C. C. P., or under Section 547 in the code of civil procedure providing for amendments. The editorial comments following some of the sections explain more fully the meaning of the section in its relation to the former law. Frequent references are given to decisions of the Federal Supreme Court, not necessarily construing the particular section as a question of state law, but as an aid to the meaning. THE NORTH CAROLINA LAW REVIEW also is referred to frequently, where it has published articles, notes or comments upon questions of local law.

The annotations from the Supreme Court decisions are full enough to explain the meaning which the court has given to par-

ticular sections, though probably not intended to give every case in which the section has been cited or discussed. It proceeds upon a somewhat different plan from that used in Pell's Revisal and the Consolidated Statutes, and is somewhat like the plan used in Gregory's Supplement to Pell's Revisal. Instead of collecting all the cases on a particular subject under a short sentence or "catch line" to indicate the general meaning, it gives a rather full digest of the cases in many instances, and in others more briefly. Whichever plan is used, it can at most be only a suggestion or help in finding where a subject is discussed, and a careful lawyer would go to the decision itself for the law. Without anything like an examination of the annotations under each section, an examination of those under a few of the most general subjects gives the impression that the work has been done with much care and investigation. It may not always be clear why an annotation was inserted, which was germane when the decision was rendered, but is apparently useless after a change in the statute; as where a case is cited reconciling the difference between Sections 476 and 593, when both of these statutes have been changed and there is now no conflict to reconcile. The annotation as made, however, is correctly given. In discussing the section which suspends the statute of limitations when the defendant is out of the state, Section 411, the ruling of the court as to the effect in case of a foreign corporation is given, as explained in the earlier cases, that the existence of some one in the state upon whom service of summons might be had would not take the foreign corporation out of the class of nonresidents; but the later cases expressing a different view, and overruling the earlier cases in this respect, are not given. The later cases, with the ruling correctly given, are found under the section in regard to a process agent by a corporation, Section 1137, and no cross-reference is made in either case. Taking the two annotations together, all the cases are given, but the arrangement is not such as to be of the greatest advantage.

Out of the very large number of cases digested, and the difficulty in always placing them in their proper relation, it is not surprising that here and there some error or inconsistency may appear. The instances mentioned are not given by way of criticism of a work which as a whole appears to have been well done, but to call attention to the fact that in this, as in other compilations of authorities, the helpfulness is in suggesting where the authorities may be found,

and not in making the statement itself an authority. In this respect there is no doubt that the work will be a valuable aid to the busy lawyer.

In the appendix to the book will be found the State Constitution, with annotations, and the Federal Constitution; statutes regulating the Authentication of Records, the Removal of Causes, and the Naturalization Laws; the Rules of Practice in the Supreme Court, with annotations, and the Rules of Practice in the Superior Court. The Index, which appears to be one of the most valuable features of the book, contains nearly three hundred pages with three columns to the page.

A. C. McINTOSH.

University of North Carolina,
Chapel Hill, N. C.

The Elements of Crime, by Boris Brasol. Oxford University Press.

"The prime object" of this "study is to give a clear understanding of crime itself . . . its nature, genesis, growth and outward manifestations." This "inquiry entails many difficulties which, it is felt, cannot be properly understood and adequately met without the aid of psychology, psychiatry, biology, ethics, jurisprudence, economics and scientific discipline. To these departments of human knowledge the attention of the reader is frequently directed."

Part I, dealing with "crime as a social phenomenon" includes an analysis of many previous theories of crime in the effort to construct another, and then discusses the genesis and nature of the criminal propensity, and the influence of the economic factor, religion and family, education and the press, legislation and procedure.

Part II, dealing with the psycho-physical nature of crime, discusses bio-psychic elements of conduct and criminality, crime and responsibility, crime and mental diseases.

The author brings to his work the experience of a former prosecuting attorney of the St. Petersburg Supreme Court and the learning of one well versed in the literature of criminology. He contributes a valuable analysis and a fruitful method of approach to the problem he undertakes to solve.

ALBERT COATES.

University of North Carolina,
Chapel Hill, N. C.

Real Estate Questions and Answers, by Israel Flapan. Prentice-Hall, Inc., New York, 1928. Pp. xv, 342.

This book has been written principally for the layman interested in real estate who would very likely find a text book on the subject of real property hard and technical reading. The author has not attempted to write a law book, but, as he explains in his preface, "the questions and answers have been prepared to help the layman to understand real estate problems, to serve as a ready reference for the real estate broker, and to aid those who desire to pass an oral or written examination, where such examinations are required to produce a real estate broker's or a salesman's license."

The book contains eight chapters; and there are discussed, in order, the topics of Brokers and Salesmen, Principal and Agent, Real Estate Contracts, Deeds, Bonds and Mortgages, Landlord and Tenant (dealing chiefly with leases), Encumbrances, and Miscellaneous Questions and Answers. The last chapter discusses in somewhat sketchy manner such subjects as police power, zoning laws, Torrens titles, taxes and assessments.

The author develops the divisions of the book in a rather unique way. First he makes a general analysis of the problems involved in a particular phase of a real estate transaction; he follows this with specific questions and answers which deal, more or less, with the legal aspects of the problem under consideration. This second step is a sort of legal catechism adapted to the lay mind. As a third step, he sets forth a number of hypothetical fact situations—cases which are apt to arise in the ordinary everyday real estate transactions in which real estate brokers and salesmen are engaged. After the statement of each problem is found its solution. There are placed, at pertinent stages in the development of each chapter, forms of the various legal instruments under discussion. In the foregoing simple manner the author develops the most used and practical side of real estate law.

While the book seems to have been written primarily for the use of real estate brokers and salesmen, and while the most of the legal problems considered in it are worked out on the basis of the New York law, yet it would seem to contain enough general and practical material to render it quite useful in the hands of the layman who is interested, in a business way, in real estate transactions. The general practitioner also could use it to advantage in connection with his