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## *Outline of Suretyship and Guaranty*, by Earl C. Arnold (1927)

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property and, (3) That governments, in the modern view, are peculiarly adapted to oversee the use of all kinds of property and to regulate their enjoyment in the interest of that social harmony which we call progress.

The uninstructed attitude toward air-right is, no doubt, the same as that which has always prevailed toward the unappropriated; the non-existence of recognizable ownership tends to make it free, and convenience gradually creates necessity. If there is a tendency in law, as in morals, to get away from the hard and fast categories of strict right and to place law upon a basis of real injury, this subject offers an excellent field for its development.

Men have discovered a new use for atmosphere; new methods for subjecting it to old social needs are being developed. Government regulation postulates lawfulness and merely keeps pace with the accelerating impetus of growing populations. As one may gather from Mr. Zollman's text, there ought not to be anything new in the juridic situations which will arise; only the difference in setting will require the restatement of principle, and the logic of experience will blend the essentials of old law with the new circumstances.

It is a temptation to say that Mr. Zollman should have been content with a monograph and so enriched the literature of the law without adding to its encyclopedias. However, the lawyer's propensity for authority suggests that the author has chosen the form of his book wisely from the law-writer's point of view and, being early in the field, he can justly anticipate that the future will clothe his efforts with the honor of frequent citation.

EUGENE C. LUCCOCK.

OUTLINE OF SURETYSHIP AND GUARANTY. By Earl C. Arnold. Chicago: Callaghan and Company 1927, pp. 620.

The avowed purpose in this work is to present an outline of Suretyship and Guaranty in such form as to be an aid to students and practitioners and the author has succeeded admirably therein.

Perhaps any attempt to cover a broad field in the compass of a single volume raises the question as to choice of material and apportionment of space. The author has seen fit to select leading English and American cases as the basis for his discussion, and in the body of his text has made generous use of quoted material from opinions in the cases on the particular point of law under consideration. These are used not only to show the present state of the law but the development of it. The footnotes likewise contain statements from opinions in addition to citations of many cases bearing on the point in issue. Realizing the value of discussion in law journals, reference has been made to that source of information as well as to treatises in the field.

Naturally no attempt has been made to exhaust the authorities. Conflict in English and American decisions as well as controversial points have been discussed intelligently and concisely. The result achieved in the manner of using the material is clarity of statement of the principles of the law of suretyship and guaranty.

The apportionment of the book is in some respects new. The early part follows the usual procedure—the obligations in general—the requisites of the suretyship contract—Statute of Frauds—original and secondary promises—temporary and continuing guaranty—the defenses of the surety and rights and remedies of surety being discussed in order. Following this are two chapters which mark an interesting presentation of material—one on the Statute of Limitations and the other on the Effect of Bankruptcy upon Rights and Obligations of the Surety—a departure which seems to have merit.

Realizing the importance of the modern development of the compensated surety—the author has devoted the last part of his work to a separate discussion of this phase of the subject. In view of the widespread use of the compensated surety in the present day, the setting aside of a considerable portion of the book for this purpose is justifiable especially in view of the manner in which the subject is handled. The

appendix containing illustrative forms, commonly approved by surety companies and in usage, adds practical value to the work.

On the whole the work is worthy of careful consideration especially from the student. Well indexed, well written and with a good selection of cases, it gives the reader a comprehensive idea of the subject discussd.

R. H. NOTTELMAN.

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## BOOK NOTE

**CASES ON TRIAL PRACTICE.** By James Patterson McBaine. St. Paul: West Publishing Company, 1927, pp. xvi, 1045.

This book, containing selected cases upon essentials in trial practice, affords the student a splendid preparation for the more formal course in procedure, in that it acquaints him with matters of prime importance relating to the ordinary Civil Trial, in a practical way, which is so separate and apart from the ordinary case books upon substantive law. It treats a subject which chronologically follows the subject of Code Pleading, interlinking it with the practical application made during a trial.

Appreciating the scope of the subject, the author has endeavored to treat only the major factors in Trial Practice which are essential to the equipment of every young lawyer who is to engage in the trial of a civil action. The book is divided into sixteen chapters, arranged in chronological order, taking up the subjects of: Venue-Jurisdiction, 32 pages; Process, 208 pages; Default Judgments, 20 pages; Judgments Without Trial of Facts, 15 pages; Change of Venue, 8 pages; Continuance, 21 pages; The Jury, 47 pages; Opening Statements, 10 pages; Sufficiency of the Evidence, 107 pages; Instructions by the Judge to the Jury, 176 pages; Argument of Counsel, 32 pages; Verdicts, 91 pages; Trials by the Court, 63 pages; New Trials, 127 pages; Bills of Exceptions, 19 pages; Rendition, Entry, and Sufficiency of Judgments, 42 pages.

The cases selected are English and late American decisions and cover each topic concisely but with sufficient elaboration to be read with results on the part of the elementary student. It is, of course, a book adapted to the practices of all jurisdictions, and would necessitate collateral supplementary study upon the part of the student to present the subject for a local jurisdiction. It would certainly form the basis for a worth-while course, both from the standpoint of substantive as well as procedural law.

R. C. C.

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## BOOKS RECEIVED

**A TREATISE ON THE LAW OF SURETYSHIP AND GUARANTY.** By Earl C. Arnold. Chicago: Callaghan and Company, 1927, pp. 620.

**CASES ON CIVIL PROCEDURE.** By Roswell Magill. St. Paul: West Publishing Co., 1927, pp. viii, 578.

**CASES ON TRIAL PRACTICE.** By James Patterson McBaine. St. Paul: West Publishing Co., 1927, pp. xvi, 1045.

**HANDBOOK OF AMERICAN CONSTITUTIONAL LAW.** By Henry Campbell Black. Fourth Edition. St. Paul: West Publishing Co., 1927, pp. xxxi, 815.

**HANDBOOK OF ROMAN LAW.** By Max Radin. St. Paul: West Publishing Co., 1927, pp. xiv, 516.

**ILLUSTRATIVE CASES ON CONSTITUTIONAL LAW.** By James Parker Hall. Second Edition. Henry Campbell Black. St. Paul: West Publishing Co., 1927, pp. x, 586.

**THE LAW OF THE ATR.** By Carl Zollman. Milwaukee: Bruce Publishing Co., 1927, pp. 286.