

# Michigan Law Review

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Volume 2 | Issue 7

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1904

## Recent Legal Literature

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### Recommended Citation

Jerome C. Knowlton & Dwight B. Cheever, *Recent Legal Literature*, 2 MICH. L. REV. 646 (1904).  
Available at: <https://repository.law.umich.edu/mlr/vol2/iss7/4>

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## RECENT LEGAL LITERATURE

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THE GENERAL PRINCIPLES OF THE LAW OF CONTRACT. By Louis L. Hammon, pp. XXX, 1233. St. Paul: Keefe-Davidson Company. 1902.

It is doubtful whether the field is open to more treatises on contract law in its entirety, that is to say the elementary principles of contract; but there is always room for a good book and this one by Mr. Hammon will command a place in every well equipped library.

In his analysis of the subject the author has followed closely Pollock and Anson. To this no exception can be taken. It is doubtful whether the science of these two great writers will be improved upon and the author who attempts to do it takes many chances. Mr. Hammon has simply followed their method of treatment and added the more recent changes in the law,—of which there are many,—and enriched the subject with illustrations, valuable to the student and the practitioner.

He has done more than this, however, by adding a fuller discussion of many topics such as: Legality of object, and Misrepresentation. His treatment of contracts prohibited by statute is full and very satisfactory, but his theory of *uberrimae fidei* contracts is too much like Anson's. Upon this subject Anson was not at his best. Contracts for the sale of lands or stocks in corporations are not *uberrimae fidei*, simply because land or stocks are sold.

If we were to suggest a criticism on Mr. Hammon's excellent work it would be along this line: He groups the topics of a chapter or subject at the beginning of the subject. He states one proposition after another without any elucidation or illustration; see pp. 604, 360. Each proposition is then taken up and discussed. This method has been adopted by other authors, but in our judgment it is confusing to the student and not helpful to the practitioner. Greater good comes from the statement of a principle and its full discussion before another principle is introduced. This may be a matter of taste, however, and the method adopted does not materially detract from the merits of the work.

On the whole we have an example of good book building; the author has done his work well and thoroughly,—perhaps he has overdone the citation of cases in his notes, but this is an error the active practitioner will forgive. The table of contents, the index and the table of cases could not be improved upon.

J. C. KNOWLTON

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TEXT-BOOK OF THE PATENT LAWS OF THE UNITED STATES OF AMERICA.

By Albert H. Walker, Fourth Edition, New York: Baker, Voorhis & Co. 1904.

This book is an up-to-date revision of the well known standard text-book by the same author, and, according to the preface, contains references to some 600 additional cases as well as copies of recent statutes appearing since the Third Edition of 1895. A comparison with the former Edition shows substan-

tially no material change in the text or the number of pages, the space for the additional cases being apparently provided for by the omission of some obsolete forms of pleadings contained in the Third Edition.

The book is written in the writer's usual clear, concise style and covers the points it attempts to go into as fully as could be asked for in a text-book. The chapters on Invention, Utility, Novelty and Infringement, are almost classics upon the subjects. They could, however, be somewhat improved for easy reference by the use of black-face type headings for the various well-chosen and clearly defined propositions, which the author has stated at the head of his discussions of the subdivisions of the subject. Most of the leading cases appear to be cited in the text, but there are a few omissions, the most glaring one being the total omission of any reference to the case of *U. S. Repair & Guarantee Co. v. Assyrian Asphalt Co.*, 183 U. S., 591, 98 O. G. 582, which should certainly be cited as the leading case to article 187, page 181, note 6 if nowhere else. Again the case of *Bundy Mig. Co. v. Detroit Time Register Co.*, 94 Fed. 524, a leading case on an important modification of the doctrine of primary patents, is omitted from page 176 where it might very properly be cited.

The volume contains a complete copy of all the United States Statutes relating to patents to date; but those prior to the revised statutes covering some 80 pages of the book, are obsolete and of no practical value. The space occupied by these statutes and that occupied by some useless discussions of the text, as for instance, the chapter on Extensions, which were abolished in 1861, might well be used for a complete discussion of some propositions of law and practice, which do not appear to be as fully discussed in the volume as they might be—among which might be mentioned: the practice in the Patent Office on motions arising between the declaration of interference and the taking of testimony; the right and conditions governing the assignment of future inventions; and the rights of employer and employee to inventions made during the relationship. It is true that the separate propositions of some of these subjects are to be found scattered in various parts of the book, but they are not brought together at one point which can be reached by reference to the index of the volume, an index which, while complete if the searcher can think of the title which the writer had in mind when he made the index, is greatly deficient in cross references. The volume would be greatly improved for the novice in patent law by the insertion of some up-to-date fire tested forms of patent pleadings for use both in the courts and patent office.

Typographically the book is first-class, except for an annoying confusion arising from the fact that the table of cases in the front of the book refers to pages, while the index refers to sections.

The volume is the only text-book on the subject published within recent years and should certainly be in the hands of every student of patent law. The specialist will find it a satisfactory review of first principles and a useful supplementary digest.

DWIGHT B. CHEEVER

CHICAGO

Some book reviews have been necessarily omitted this month. Reviews of the following works will follow:—

MCMASTER'S IRREGULAR AND REGULAR COMMERCIAL PAPER.

ABBOTT'S BRIEF UPON THE PLEADINGS IN CIVIL ACTIONS.

STREET RAILWAY REPORTS ANNOTATED. Edited by Frank B. Gilbert.

THE LIFE OF JOHN MARSHALL. By Henry Flanders.

A TREATISE ON SPECIAL SUBJECTS OF THE LAW OF REAL PROPERTY.  
By Alfred G. Reeves.

THE MIRROR OF JUSTICES.

CASES ON CRIMINAL LAW. Selected by William E. Mikell.

THE DATA OF JURISPRUDENCE. By W. G. Miller.