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Book Reviews

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BOOK REVIEWS.

THE MODERN LAW OF GENERAL BUSINESS CORPORATIONS IN MICHIGAN. Including commentaries and annotated acts with forms, the Consolidated Corporation Law, the Partnership Association, Limited, Law, the Foreign Corporation Law. By Burritt Hamilton, of the Battle Creek, Michigan, Bar. Second edition, entirely rewritten, greatly amplified, thoroughly revised to date. Detroit: Drake Law Book Co., 1909, pp. xiii, 448.

The above work includes: Division I—System of Domestic Corporation Jurisprudence, Part One—Commentaries (12 chapters) 169 pp; Part Two—Annotated Act (Act 232, Public Acts, 1903), 164 pp. Division II—System of Domestic Partnership Association Jurisprudence, Part One—Commentaries, (1 chapter) 7 pp.; Part Two—The Annotated Act (1877, and amendments), 40 pp. Division III—System of Foreign Corporation Jurisprudence, Part One—Commentaries (1 chapter) 5 pp.; Part Two—The Annotated Act. (Act 206, Public Acts 1901, as amended), 11 pp. Division IV—System of Corporation Forms and Precedents, Part One—Forms of Incorporation, 70 pp; Part Two—Miscellaneous Corporate Forms, 20 pp. Table of cases, 23 pp., and Index, 41 pp.

The method of treatment by the author,—commentary on the general subject, and annotations to the specific statutory provisions,—has enabled him to produce a work that gives ready access to Michigan business corporation law. The commentary, on each subject, is clear, concise, pertinent, discriminating and helpful in every way, directing one to the Michigan decisions, indicating what they have decided, and arranged along the lines one is familiar with in the usual text books upon the topic treated. The annotations are full, specific, definite, practical, and go to the point one wishes information upon. *Dicta* as well as decisions of the Michigan cases are given for the light they may give, and these are not infrequently amplified by the author's suggestions, or quotations from leading text books. The forms are such as are needed in actual practice, and have been tested by actual use. The effort seems to have been to show "*what to do and how*" by one who has successfully worked out the matter for himself, and is able to make it clear to others, and does so in this work. It is believed that it deserves and will receive the approval of the profession, when tested by daily use. H. L. W.

LAW OFFICE AND COURT PROCEDURE. By Gleason L. Archer, LL.B., Dean of the Suffolk School of Law. Boston: Little, Brown & Co., 1910, pp. xxxv, 330.

This is a book written expressly for the young lawyer about to take up the active work of his profession. Its aim is to briefly elucidate all the phases of a lawyer's routine work, in the office as well as in court. Part One covers the necessary proceedings prior to the commencement of the suit, treating especially of the client's story and its confirmation, the essential features of

the various courts between which the attorney must choose in bringing his action, the relative merits of the various forms of action, and such other matters as commonly require attention in the preliminary stages of a legal controversy. Part Two takes up the different writs and the manner of serving them, with particular reference to the remedy of attachment, and discusses generally the drawing of pleadings and the various interlocutory proceedings prior to the trial of the case. Part Three relates to the trial itself, and treats at some length of the empanelling of the jury, the direct and cross-examination of witnesses, and the lawyer's address to the jury. Part Four briefly covers proceedings after trial.

The book is eminently practical, and reinforces the general rules set forth with ample concrete illustrations. Possibly the latter are too elaborate and extensive in view of the limited size of the book, particularly the long transcripts from stenographers' notes illustrating the direct and cross-examination of witnesses. And yet books on practice are often so vague and abstract, and generalize so ineffectively, that one hesitates to criticize an excess of concrete details. A more serious limitation upon its wide usefulness is the fact that it is founded almost wholly upon the Massachusetts practice. This differs in innumerable particulars from the practice of other states, particularly from that of the states outside of New England, and a reader employing the book in a jurisdiction other than Massachusetts would be confused rather than aided by much of its material. As a fact, a successful book on practice, which really seeks to explain the details of the subject, is almost of necessity limited in its scope to the practice of a single jurisdiction. As a book on Massachusetts practice it can hardly fail to be of great value to young lawyers just beginning their careers at the Massachusetts bar. For others it is interesting and suggestive, but in many respects irrelevant. E. R. S.

THE LAW OF REAL PROPERTY (Based on Minor's Institutes). By Raleigh Colston Minor, M.A., B.L., Professor of Law in the University of Virginia, and John Wurts, M.A., M.L., Professor of Law in Yale University. St. Paul: West Publishing Co., 1910, pp. lix, 959.

We have before us the latest on the law of real property; and are informed by the preface that credit must be given to Professor Minor for everything in the book except the American modifications of the common law, for which Professor Wurts assumes responsibility; who has with Professor Minor's consent rearranged the former's two-volume work into one volume, omitting all local matters, and making numerous additions to show the statutory changes of general importance in America.

The publishers renounce all claims for the book of serviceability to the practitioner, having in mind the publication of a book exclusively for the law student, wherefore we presume it is designed to displace Hopkins on Real Property published in the hornbook series by the same house. The reviser, Professor Wurts, brought to this work his experience as a lawyer and teacher specializing along this line, and his special knowledge as editor of a recent edition of Washburn on Real Property. The pages are liberal in size and there is as much matter on a page as is consistent with good readable type,

ten point text and eight point notes. The authorities cited for historical matter are rarely the originals, reference being usually made to Minor's Institutes, Thomas's Coke, and Williams on Real Property, or other standard authors, for these. The citations to American decisions both early and late are quite numerous, the table of cases cited in the 957 pages including in the neighborhood of 5000 cases, of which the great majority are American.

Presumably the publishers design the text for use as a means of review where the case system alone prevails as a system of study in class, as a companion book to a collection of cases if the teacher prefers, or as a sole basis of instruction, the more styles the better. We see no reason why it would not serve in either capacity.

J. R. R.

THE LAW OF TAXATION IN MICHIGAN. By Willis Baldwin. Detroit: Drake Law Book Company, 1909, pp. xix, 747.

This work does not purport to be a discussion of the principles of taxation, but the author states that he has attempted to show what the law of Michigan is at the present time rather than to suggest what it should be. As a collection of the statutory provisions and decisions concerning taxation it should prove to be a useful manual for the lawyer and the public officer. Little reference is made to the decisions of other courts than those of Michigan and almost no reference is made to the statutes of other states. As statutes similar to those of Michigan exist in other states and as they have been construed by other courts, comparisons might have been made that would have been helpful to Michigan lawyers and courts in cases of doubt, and such comparisons might perhaps have tended to produce general uniformity in this important field. The Michigan decisions are, however, very fully cited and the reader may find in the volume practically all of them down to the date of its publication. Amendments to the statutes made at the legislative session of 1909 are also noted, but there are some curious inaccuracies in referring to these: for example at p. 84, Act No. 309 of 1909 is referred to as Act No. 175; at pages 146 and 149, Act No. 292 is mentioned as Act No. 127; at pages 214 and 234, Act No. 19, 1909, is referred to as Act No. 8; at p. 58 Act No. 298, Laws 1909, is called No. 148; and at p. 81, Act No. 242 is referred to as Act No. 99. It would have been well had there been a reference to Act No. 114, Laws 1909, amending the law as to plats, and requiring the county treasurer's certificate as to the payment of taxes before the auditor-general may approve the plat; and mention might also have been made of the exemptions from taxation provided for by Act No. 84 of the Laws of 1909.

BRIEF MAKING AND THE USE OF LAW BOOKS. By William M. Lile, Henry S. Redfield, Eugene Wambaugh, Edson R. Sunderland, Alfred F. Mason, and Roger W. Cooley. Second Edition, edited by Roger W. Cooley, Special Lecturer on Legal Bibliography. St. Paul: West Publishing Company, 1909, pp. xii, 574.

The first edition of this work, which appeared in 1906, was good, but this edition is better. Parts of the work have been rewritten and new chapters have been added. An improvement has been made in rearranging the matter

in a natural and simple order: that part dealing with "The Brief on Appeal," which in the former edition came first, appears now as the last of the five principal parts, and is preceded by a new chapter on "The Trial Brief" by Edson R. Sunderland. Part I, "Where to Find the Law," by Alfred F. Mason, has been rewritten and much useful matter concerning English reports has been added to this part. The editor, Roger W. Cooley, has rewritten the part entitled "How to Find the Law."

Any young practitioner—and many an older one—will find this volume most helpful to him in that important part of his work involved in the preparation of briefs. It will aid him greatly in acquiring the best methods of using books, in finding and analyzing decisions in point, and in putting his arguments in such form as to carry conviction.