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to the township. The appointment of magistrates by the Legislature and by the Governor should be abolished. Vacancies should be filled as now (Constitution, Art. IV, Sec. 28) by the Clerk of the Superior Court. Power of removal after hearing should be conferred on the resident Superior Court Judge. The fees should be increased, perhaps doubled, so that together with the special compensation for trial of criminal cases apparently rendered necessary by *Tumey v. Ohio*, the office will furnish sufficient compensation to attract competent men. If some such measures as these do not restore the Justices of the Peace to something resembling their former dignity, then the office may have to be abolished entirely and its jurisdiction conferred upon Recorder's Courts, Police Courts and County Courts.

At the risk of being tedious let me summarize. The administration of the public business in the courts of Justices of the Peace has become a scandal. The trouble arises not from unworthy individuals here and there but from a system whose necessary tendency is to include the unfit and to exclude the fit. To introduce young lawyers to their first actual acquaintance with the practice of law by pitching them headlong into magistrate's courts as now conducted has a debasing influence upon their conception of professional ethics and the dignity of the law and upon their standards of personal conduct. The older lawyers, though the shoe does not pinch their feet, have a duty to perform in the protection of the public and in the preservation of their professional traditions and standards. An informed public opinion and an interested bar, working through a Legislature awakened to the need of reform, can easily remedy a situation which now cries aloud to Heaven.

KEMP D. BATTLE.

Rocky Mount, N. C.

BOOK REVIEWS

The Story of Law, by John M. Zane. New York, Ives Washburn, Inc. Pp. xiii, 486.

"Jethro" (the father-in-law of Moses), so the author remarks in the course of his splendid chapter on Jewish Law, "is the first on record of those curious animals who can sit patiently in a court room all day hoping for something to happen which may be interesting." This is one of the countless side remarks that the author puts into

his narrative as he takes us racing through what he accurately entitles *The Story of Law*.

It is quite obvious that he has read the story and the philosophy and the history not only of law but of social development generally. But he has read it with a chuckle always pretty close to the surface, and he shares many such with the reader. It is also quite obvious that he is a corking good trial lawyer, or rather that he has been such. The title page describes him as LL.D. and Litt.D., and we don't suppose an active, ground-scuttling jury lawyer would, while he was still active and ground-scuttling, ever get those entitlements. He has all of that thing called punch that anyone is looking for and, take it from us, he doesn't fail to use it when occasion demands. As, for example, his opinion with respect to the Leopold-Loeb judgment is expressed in the following unequivocal language: "They, of all people, had no reason to complain of society, yet a stupid and ignorant judge, who never would have reached the bench except under the depraved elective system for reasons best known to himself, thought that the death penalty would be too harsh a punishment for their young and tender souls and that these precocious criminals, who, of course, were afflicted in the judgment of penologists, with dementia praecox, should be supported for life at the public expense. The administration of the law was thus thoroughly disgraced."

One might ask what a detail such as the Leopold-Loeb case has to do with a story of law which within the short compass of some four hundred pages undertakes to carry us from the beginning of the stirring in primeval man of the social instinct to the latest developments in both private and international law. The answer to the question contains the explanation of the charm of the book. The book is not an austere, dry treatment of a profound and forbidding subject. It is illuminated time and time again with accounts of actual cases; accounts that get across to the reader the point the author is making better than general terms and philosophical comments ever could. And when we say accounts of actual cases we mean just that. With his advocate's keen sense for news (and our own particular view is that a successful jury lawyer is bound to have an instinct for those things in his case that have news value) he serves up to the reader, sometimes almost in the style of tabloid newspapers, and always with the interest of the *New York World*, tales of actual law-suits, giving names, facts and details. An entire chapter, for instance, is given over to and is entitled "A Greek Law-

suit." Read it and be amused. Read it, be amused, and at the same time come away with a better comprehension of the social, business and legal relationships that existed in the time of Demosthenes than you ever dreamed you would have.

We suggest that the reader keep his eyes open for novel epithets. Here are some of the gems that we found: Hegistratus was a "shallow-pated fool"; another fellow was a "clumsy imbecile"; still another was a "chuckle headed Spartan." The author seems to be an especial admirer of the Greeks. He refers to them at one place as "garlic scented Greeks." His comments on the Anglo-Saxons will be particularly appreciated by us in North Carolina who claim to have the purest Anglo-Saxon blood extant. He says, "the Saxons seem to have been a profoundly stupid race." "The Anglo-Saxon was coarse, a gross feeder and a heavy swiller of mead."

At page 301 he begins to tell about the legal profession of England and for some forty odd pages he recounts stories of various and sundry barristers and trials that make as entertaining reading as you will find anywhere. He gives verbatim a part of the actual colloquy in court that occurred between Lord Coke and Sir Walter Raleigh when the latter was being prosecuted by the former. Raleigh, by the way, was executed fourteen years after he was convicted. So there was a precedent for the Sacco Vanzetti affair after all.

But don't get the impression that this is merely a collection of entertaining anecdotes of the law. The book is full of meat. The author's treatment of Roman Law and also his treatment of English Law will give any reader a genuine insight into the development and the high points of these systems. He also treats of Babylonian Law, Jewish Law, Greek Law, International Law and pretty nearly everything that has had anything to do with law in its large aspects. In fact, he goes back into primeval times and undertakes to lay the foundations of his book back there. We couldn't follow him very well during that period and we mighty near got bogged. That part of the book is at the first and it is a pity because there is danger that the general reader, who has heard so everlastingly much about primordial man, may leave the book cold before he gets to the next chapter. But we'll gamble that if any reader, general or professional, gets into that next chapter, being the one on Babylonian Law, he'll stay with the story to the end.

C. W. TILLET, JR.

Charlotte, N. C.

Real Estate Titles and Conveyancing, by Nelson L. North and DeWitt Van Buren. Published by Prentice-Hall, Inc., New York.

"While this volume does not pretend to be a law book" (page 243) it nevertheless deserves the thoughtful examination of lawyers whose practice includes the handling of real estate transactions and the making of abstracts. A generation ago practically all of the money invested in North Carolina on the security of land was furnished locally by lenders who relied largely upon neighborhood knowledge of titles. Title searches were made more or less perfunctorily, being usually limited to a short search for encumbrances. With the advent of the land banks and the foreign insurance and mortgage companies, a revolution has been wrought so that at the present a very substantial percentage of the entire working time of the legal profession is devoted to real estate titles and transactions. And the work is done by men whose predecessors at the bar and whose law school teachers for the most part have had little or no personal experience of the problems presented. To such workers, a text book, written with simplicity, clarity and conciseness, and yet with adequate detail will prove a welcome source of information, not less than to the lay real estate dealers to whom it is more particularly addressed.

The volume itself is a pleasing one as to format and appearance. The type is good, the size handy, and the book lies flat and free wherever opened. The table of contents is full and the index adequate. The reviewer has an impression of "padding" in the appendix of forms constituting over half the volume. It hardly appears justifiable to endeavor in a single volume text book to present forms for as many as fifteen states. If the presentation of forms is to exceed illustrations of each type from two or three states at the outside, then it would seem that all of the states should be covered as to such fundamental things as acknowledgments.

The first three chapters, admirably done, compress within fifty pages a general statement of real estate law. Obviously prepared for students of business rather than of law, and with no references for research, nevertheless law students will find here a general survey of real property remarkably complete for the space consumed, and quite useful in preparation for quiz or examination.

To the lawyer actively engaged in title work the chapters on descriptions and surveys will probably be most informative. "Neighborhood descriptions" are now unacceptable to practically all invest-

ors and a working acquaintance with the terms and methods of the civil engineer in preparing satisfactory plats and formulating therefrom accurate descriptions is now an essential to any lawyer whose practice includes the closing of real estate sales or loans. The problem of encroachments discussed under the head of "Surveys" is one which has not yet received the serious attention of our courts but which the rapid growth of our industrial centers is certain to soon force upon the profession.

The absence of any discussion of restrictive covenants, their validity, scope, enforcement and release, is a notable omission in a work in which all cognate subjects are covered so thoroughly.

To many North Carolina lawyers it will come as a surprise that in the cities practically no abstracts are made by lawyers; the material assembled by non-professional clerks being later submitted to an attorney for his opinion. That system will doubtless be adopted here when the multiplication of records and the increase of offices containing necessary data have produced anything like the complexity described in the chapter on Recording Offices. Fortunately our system is in comparison rather simple. In some counties, Halifax for instance, information as to payment of county taxes and special school district taxes is not available at the courthouse. But in most of our counties all necessary records are within the walls of the courthouse, except municipal taxes for which resort must be had to the city or town clerk or tax collector.

All in all, Messrs. North and Van Buren in publishing their lectures, prepared for students of real estate in New York University, have produced a volume which will prove invaluable to laymen engaged in that business and the reading of which will repay the time of any lawyer doing a general civil practice.

KEMP D. BATTLE.

Rocky Mount, N. C.

The Jurisdiction and Practice of the Courts of the United States, by Charles W. Bunn. Third edition. St. Paul, West Publishing Company, 1927. Pp. vii, 169.

Federal Jurisdiction and Procedure, by Armistead M. Dobie. Hornbook Series. Saint Paul, Minn., West Publishing Company, 1928. Pp. xiii, 1151.

Cases on Federal Jurisdiction and Procedure, by Harold R. Medina, assisted by Bernard E. Kuhn. American Casebook Series. St Paul, West Publishing Company, 1926. Pp. x, 674.

The act of February 13, 1925, which revised the legislation defining the jurisdiction of the Federal appellate tribunals, and rendered obsolete much of the learning in reference thereto, has no doubt created a demand for new manuals on Federal Procedure. At any rate, the output of such books, good and bad, is very copious. Among the best of recent years was the work of the late Circuit Judge Rose, and it may serve as a standard of comparison.

First, as to Mr. Bunn's book. The author, an eminent north-western practitioner, is general counsel of a railway system, with constant and active experience in the Federal Courts. The book apparently is the substance of lectures delivered to students in the University of Minnesota. It is only a brief sketch of the bolder outlines of the subject, and can be read in a couple of hours. It cites only a few of the leading Supreme Court cases. It is eminently sound and readable, and would make an excellent manual for use by students in preparation for bar examinations.

The Hornbook, by Professor A. M. Dobie, of the University of Virginia, is from the practitioners' standpoint, the most important of the recent works on the subject. Mr. Bunn's manual is much more elementary than Judge Rose's, but Professor Dobie's is far more detailed and specific than Judge Rose's. In the writer's opinion, the present work would, except for its lack of forms and of a table of cases, be unquestionably the best practitioner's manual on the subject, and even in view of that lack, the greater detail of the text and its more vigorous attack on doubtful and controversial problems, makes it preferable to such works as Montgomery's and Williams'. A convenient feature is the appendix, containing the Supreme Court Rules and the Judicial Code as it appears in the new United States Code.

Finally, Professor Medina's Case-book is seemingly an excellent collection of cases and statutes. Most of the book is devoted to Jurisdiction rather than to the other phases of Procedure, though there are short sections on State Laws as Rules of Decision, the Conformity Act, and Law and Equity. The publication of this Case-book will undoubtedly stimulate Law Schools to teach this subject much more widely than they have in the past, when only one Case-book—and that an inferior one—has been available.