

Marquette Law Review

Volume 12
Issue 1 December 1927

Article 25

1927

Cases on Business Law, by Leslie J. Ayer

Al Watson

Follow this and additional works at: <https://scholarship.law.marquette.edu/mulr>



Part of the Law Commons

Repository Citation

Al Watson, *Cases on Business Law, by Leslie J. Ayer*, 12 Marq. L. Rev. 86 (1927).
Available at: <https://scholarship.law.marquette.edu/mulr/vol12/iss1/25>

This Article is brought to you for free and open access by the Journals at Marquette Law Scholarly Commons. It has been accepted for inclusion in Marquette Law Review by an authorized editor of Marquette Law Scholarly Commons. For more information, please contact elana.olson@marquette.edu.

This aggressive development renders it highly desirable that the legal principles invoked in the settlement of school disputes should be more critically inspected and more closely correlated. A knowledge of school law is particularly advantageous to a teacher. Firmness and tact are essential to his success. Personal knowledge of the law will render him more competent and resolute in enforcing contested rules and regulations. It will disclose to him some instances at least of illegal conduct to avoid. It certainly is detrimental to his reputation to be hauled before a court by some captious pupil justly deserving punishment though not the punishment of the teacher's choice and be mandamused to do something, enjoined from doing something, fined or imprisoned for doing something or forced to pay damages for technical assault and battery, false imprisonment, slander or libel.

The book by Dean Trusler fills a gap in both legal and school literature. It will be highly useful to lawyers as a means of *getting* teachers out of trouble and will be even more useful in enabling teacher to *keep* out of trouble. It is written in a style which not only will render it intelligible to any teacher and useful to any lawyer but will also make it highly instructive and interesting reading to any man or woman of intelligence. The author has not hesitated to let the courts themselves speak at length on various matters, neither does he hesitate to criticize them where he considers them to be wrong or to state in case of a conflict of authority which side in his opinion has the better of the argument. Something like 1,500 cases are referred to and an immense variety of questions arising out of school life are discussed. Thus under the chapter of the Teacher's Contract the author discusses minimum wages for teachers, bonuses, compensation for unqualified teachers, and dismissal of teacher for marriage or childbirth, incompetency, immorality, refusal to become vaccinated, tardiness, negligence, inattention, mismanagement, political activity, cruel treatment, profane and abusive language, etc. Other chapters cover a similar range of subjects of interest to a person who is at the head of a classroom.

A substantial binding, good paper and the excellent typographical work for which the publishers are noted enhance the value of the book. An index of twenty pages at the end of the volume as well as an analysis of the chapters at its beginning opens it up to such readers as cannot afford the time to read it in course. A table of cases of twenty-seven pages will prove of great value to the lawyer users of the volume and occasionally even to those readers who are not lawyers. The book certainly deserves a place in the library of every school principal. Its purchase by any teacher, who takes teaching seriously, will not be regretted.

CARL ZOLLMANN

Cases on Business Law, by Leslie J. Ayer. Prentice-Hall, Inc.

This book is one that is not new in the field of business law books, and yet it stands alone. It is a book of many divisions of the law grouping them all under the subject of contracts. There is a very good introduction made up primarily of explaining various points of law, such as municipal law, unwritten law, common law and equity, pleading and procedure, and the contrast of crimes, torts, and contracts. Many points are illustrated by very select cases.

The major portion of the book treats with the subject of contracts. This treatise includes mutual assent, consideration, capacity to contract, illegality of contract, effects of fraud, duress, mistake and undue influence, forms of contracts, statute of frauds, performance of contracts, rights of third parties, remedies, interference with contractual relations. Each subject is illustrated with cases

taken from the various reports. The cases are cut, also the decision, making it easier for the student to dissolve. However, the material and the immaterial elements are often left in the case in order to leave it up to the student to work out the question involved and sort out the rule of law as laid down by the courts. There are excellent introductory notes which give a glimmering of the chapter, but which are evidently put there to arouse the students interest so that he will look farther and will read and study the cases following such note. The questions asked are matters which the author did not find it advisable to illustrate by cases, but which he thought advisable to mention. A distinguishing feature of the book is the fact that the cases and the notes are in the same type, thus eliminating the usual disregard for the small print as unimportant.

To the professor, it suggests a logical and effective order of procedure in the conduct of his course; while to the student, the cases bear out the actual facts and decisions of the courts, and leave it entirely up to the power of analysis of the student to decide the cases. The book is fine, if for the purpose of illustrating to the man in the business field that there are many problems which he cannot solve and upon which it is necessary to consult a lawyer. It is equally good for the first year law students and for pre-law work, but if its purpose is for the man in the commerce or business administration course, the writer feels that the student will find great difficulty in understanding the law and getting the most good out of his short study of business law, because there appears many a pitfall and problem that will cause the student to pause. If the primary purpose is the former, the book cannot help but be successful, if the latter, we hesitate.

AL WATSON

Cases on Civil Procedure. American Casebook Series. Roswell Magill. West Publishing Company.

This book is primarily a procedure book for first year students and has for one of its purposes the filling in of that wide chasm between the pre-legal course and the study of law itself. The purpose is accomplished first by a very fitting chapter introducing the students to the court system. After laying the proper foundation with this, various chapters are devoted to getting the students acquainted with the common law forms of actions. Demurrers, objections and exceptions, motions, pleadings in the actions, parties and enforcement of judgments are taken up in great length by usually explaining it by a quotation of some able textbook writer and then giving both English and American decisions in point.

A word must be said about the arrangement of the matter contained in the book. It is a work for students and hence the author has born in mind the most fitting way to arrange the material so as to answer the problems of the students as they confront them. The arrangement is peculiar in that it gives the students a bird's-eye-view of the subject and then develops it in separate topics, thus emphasizing the subject and impressing it with greater pressure on their minds.

A very interesting and novel feature is contained in the appendix and that is the record of an entire case on appeal. In this way the first year student is given an idea as to the manner of procedure practiced in the preparation in a case on appeal and thus it gives him a concrete illustration of what he has in store for him in the future.

ELMER SCHUMACHER