

Washington Law Review

Volume 1 | Number 1

6-1-1925

***Cases on the Law of Public Service, Including the Law Peculiar to Common Carriers and Innkeepers*, by Charles K. Burdick, 2d ed.**

Harvey Lantz
University of Washington School of Law

Follow this and additional works at: <https://digitalcommons.law.uw.edu/wlr>



Part of the [Organizations Law Commons](#)

Recommended Citation

Harvey Lantz, Book Review, *Cases on the Law of Public Service, Including the Law Peculiar to Common Carriers and Innkeepers*, by Charles K. Burdick, 2d ed., 1 Wash. L. Rev. 78 (1925).

Available at: <https://digitalcommons.law.uw.edu/wlr/vol1/iss1/11>

This Book Review is brought to you for free and open access by the Law Reviews and Journals at UW Law Digital Commons. It has been accepted for inclusion in Washington Law Review by an authorized editor of UW Law Digital Commons. For more information, please contact cnyberg@uw.edu.

stock, stockholders and general corporation law, and in this work he has drawn most generously upon his fund of accumulated knowledge, and has expressed himself in definite language easily understood.

Some of the features of arrangement are unique and exceedingly valuable. For example, Chapter I, consisting of 53 pages, is entirely devoted to "definitions and characteristics" and citations in support of the text are chiefly decisions of the Supreme Court of the United States. This chapter alone is worth the price of the book.

The topics presented and discussed can best be understood by quoting the head-lines of the several chapters: Chapter I has been referred to: Chapter II—Subscriptions to and liabilities on stock; conditional subscriptions; fraud, calls; forfeitures; defenses to suits; corporate creditors' suits; statutory liability irregular incorporation liability, and voluntary aid by directors or stockholders to an embarrassed corporation: Chapter III—Who may subscribe to or purchase stock? Power and liability of various parties, corporations, holding companies, directors; unissued stock; partners; joint tenants; tenants in common, joint operators; infants; married women; agents; "dummies" transfers; various parties; executors; legacies; life estates and remainders; gifts; guardians; pledgees: Chapter IV—"Watered" stock: Chapter V—Increase, decrease and overissue of capital stock: Chapter VI—Sales of stock: Chapter VII—Illegal combinations by corporations, commonly called "trusts" Chapter VIII—Pledges and mortgages of stock: Chapter IX—Brokers and their contracts: Chapter X—Actions and measure of damages in suits relative to stock: Chapter XI—Examination of corporate books and papers; unreasonable seizures and searches: Chapter XII—Dividends: Chapter XIII—Stockholders' powers, meetings and elections; directors' meetings and acts; mode of making corporate contracts; liability on unauthorized or irregularly executed contracts: Chapter XIV—Constitutionality of amendments to charters; police power commissions; reduction of rates; condemnation: Chapter XV—Frauds of directors and others on stockholders: Chapter XVI—Ultra vires; intra vires; negligence of directors and discretion as to suits by or against the corporation: Chapter XVII—Stockholders' suits in behalf of all stockholders to remedy frauds and ultra vires acts; pleadings, practice, etc., laches as a defense: Chapter XVIII—Bonds and mortgages: Chapter XIX—Receivers: Chapter XX—Foreclosure: Chapter XXI—Reorganizations: Chapter XXII—Taxation: Chapter XXIII—Dissolution and forfeiture of franchises: Chapter XXIV—Unincorporated associations; English trusteeships; New York joint stock companies; Massachusetts trusts: Chapter XXV—Public service corporations.

This unique treatise is painstakingly written, is sound, a credit to its author and worthy of an honorable position in any lawyer's library. Its value to the student is beyond question. It is as well adapted to the use of the layman as any purely professional book can well be.

IVAN W GOODNER.

CASES ON THE LAW OF PUBLIC SERVICE, INCLUDING THE LAW PECULIAR TO COMMON CARRIERS AND INNKEEPERS. By Charles K. Burdick. Second Edition. Boston: Little, Brown & Company, 1924. pp. vi, 738.

This book is arranged in two parts. Part I, 541 pages, deals with the principles of law applicable alike to all public service agencies. It is presented in seven chapters entitled: The Bases of the Duties of Public Service, 103 pages; The Service to Be Rendered, 79 pages; The Right to Make Rules for the Service, 40 pages; Rates, 170 pages; Discrimination, 57 pages; Adequate Facilities, 45 pages; and Withdrawal from Service, 40 pages.

Part II, 182 pages, is entitled "The Law Peculiar to Common Carriers and Innkeepers" though it includes only two cases dealing specifically with innkeepers. It is divided into seven chapters entitled: Common Carriage and Innkeeping, 19 pages; Commencement of the Undertaking, 18 pages; The

Insurance Liability and its Exceptions, 41 pages; Liability to Passengers and Guests, 26 pages; Limitation of Common Law Liability, 30 pages; Termination of Carriage, 23 pages; and Connecting Carriers, 26 pages.

The author's analysis of the subject seems logical, and his treatment of it, though concise, is adequate. The conflict of law upon the perplexing question of what is the proper rate base and the method by which it is to be ascertained, is, for example, very faithfully pictured within the scope of sixty pages. The purpose of Professor Burdick apparently was to produce a book large enough to cover satisfactorily the whole subject of Public Utilities, and small enough to permit the study of it to be completed within the period of a single semester. If such was his purpose it must be admitted that he has accomplished it very well, though his space limitations may have prevented him from treating the subdivision of Carriers as exhaustively as he otherwise would have desired.

HARVEY LANTZ.

BRIEF-MAKING AND THE USE OF LAW BOOKS. By Roger W Cooley. Fourth Edition. St. Paul: West Publishing Company, 1924. 2 vols. pp. xxvi, 700 and ix, 1040.

This is the fourth edition of Prof. Cooley's work which was first published in 1906. The value of this work is unquestioned and the fact that it has gone through four editions is its best recommendation, but underlying this success is the assurance that it fills an important need.

It is now admitted that the Law Schools of this country and the profession at large have come to realize the need and importance of training in the use of the tools of the profession. All are agreed that while no one can know all the law, every one can know how and where to find the law. Prof. Cooley started as a pioneer in this field and the esteem with which this new study is regarded is largely attributable to him. The use of law books is an art that is now being taught to students on the same basis as courses in adjective or substantive law.

The text in question is designed both for class-room instruction and individual research. Volume One treats the subject of legal bibliography, how to find the law, and the preparation of briefs. Volume Two is the reference manual to accompany the class-room instruction and is designed to illustrate the various types and classes of law books. Volume One discusses the two repositories of the law—the primary and the secondary—and the search books which are the keys, so to speak, to these repositories. Volume Two contains sample pages from these various classes of law books such as digest, texts, encyclopedias, citators, official reports, annotated reports, and the reporter system.

The first volume is divided into six parts. Part One explains "Where" to find the law, and part Two "How" to find the law. Part Three discusses the use of decisions and statutes and distinguishes between the decision as precedent and the cases as dicta. The last chapter in this part deals with the construction of statutes. Parts Four and Five present the theory of the brief for trial and the brief on appeal respectively and are each supplemented by sample briefs. Part Six is a very useful bibliographical manual.

The second volume purposes to give the student a visualization of the different types of law books to which the instructor may in his lecture be referring, so that when he goes to the law library to work out the problems presented he knows for what he is expected to look and the plan and purpose of each library aid to be consulted.

Lastly each volume contains a complete table of contents and an exhaustive index. These features are always an index of thoroughness and precision.

For the benefit of the instructor, where these books are to be used as texts in courses in legal bibliography, it would have been an improvement to