

Washington Law Review

Volume 2 | Issue 1

11-1-1926

Cases on Business Law—Introductory Course, by Leslie J. Ayer (1926)

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Recommended Citation

Alfred J. Schweppe, Book Review, *Cases on Business Law—Introductory Course*, by Leslie J. Ayer (1926), 2 Wash. L. & Rev. 56 (1926).
Available at: <https://digitalcommons.law.uw.edu/wlr/vol2/iss1/9>

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vent or redress the wilful causing of damage to another if it is possible to do so without restricting the defendant's freedom of action in a particular deemed valuable by the law. But if the preventing or redressing of the damage would tend to restrict the freedom of action of other persons, i. e., employees, in a manner deemed impolitic, it is a case of *damnum absque injuria*.

"For him [the employee] to be compelled to give up all his friends and business acquaintances, made during his previous employment, would tend to destroy the freedom of employees and reduce them to a condition of industrial servitude," p. 16 of principal case. Hence the damage must be endured without remedy. But it is never necessary to the employee's proper freedom of action that he be allowed to copy his employer's lists, and there is no valid objection to preventing that. See Kay L. J., in *Lamb v. Evans*, *supra*.

While the taking or copying of lists should be a sufficient basis for relief, it should not be necessary to the interposition of the law, anymore than it is in the case of other trade secrets. The ultimate extent of the remedy will depend on what degree of good faith may be required without too seriously restricting a freedom of action valuable to society. Whether or not the information could be discovered fairly, is not, it would seem, the test (as it was intimated to be by one of the authorities cited in the principal case). "Because this discovery may be possible by fair means, does not justify a discovery by unfair means." *Tarbor v. Hoffman*, 118 N. Y. 30, 23 N. E. 12 (1889).

O. B. K.

BOOK REVIEWS

CASES ON BUSINESS LAW—INTRODUCTORY COURSE. By Leslie J. Ayer. Seattle: Wood & Reber, Inc., 1926, pp. 474.

The solution of the problem of teaching business law, that is, of teaching a limited legal subject-matter in a limited time to students who are intending to be, or are, business men and not lawyers, has been approached through many avenues. This book represents the solution of a professional law teacher who has had more than fifteen years of experience as a teacher in recognized law schools, and who has for more than a decade rendered a part-time service to the school of business administration at the University of Washington, in teaching business law. He entertains the opinion that the same reasons which have caused modern law schools to abandon the text method and to adopt the laboratory method of case teaching exists for the introduction of the case method into so-called business law courses; that is to say, that a business man, just as the regular law student, will profit most by a study and analysis of legal principles in concrete situations passed upon by courts of justice.

The writer, after an introduction designed to prepare the student for intelligent study has selected interesting as well as leading cases, and in the development of a subject uses the standard legal classifications. The book deals primarily with contracts. The author also devotes some treatment to remedies, dividing this subject into sections covering damages, specific relief, and the miscellaneous remedies involved in receiverships, assignments for the benefit of creditors, bankruptcy proceedings, and claims against decedents' estates.

The case book uses headnotes only as introductory to large subdivisions of the subject-matter treated, and has thus reserved the analysis of specific cases for the student without stating the solution for him. This method is commendable in that it makes the solution of the problem not a matter of memorizing but of subjective analysis. The judgment with which the cases in this book are selected and the care with which they are edited can perhaps be best expressed in the language of the reviewer for one of the large New York publishing companies other than that hereafter named, as follows:

"Like all case books, the contents consist almost entirely of complete or edited reports of cases decided by the various courts of appeal

in common law jurisdictions. In such a book the scholarship of the author is shown almost entirely in his judgment in choosing the cases and in the order in which he arranges them. In both of these respects this is one of the finest case books that has ever come to my attention. Every case is in point and with few exceptions well chosen to fill its place in the outline of the text. In this respect it is one of the best edited of all the so-called business law case books that has been published."

The book purports to be a selection of cases designed primarily for colleges and universities having schools of commerce or of business administration, and for courses in law given in various other technical and professional schools other than law schools.

In the hands of a trained and experienced law teacher, the use of the book should achieve excellent results and is likely to find a ready place among the leading case books of its kind in the American colleges and universities. Its publication has recently been taken over by Prentice-Hall, Inc., one of the largest publishers of business administration books in the country.

ALFRED J. SCHWEPPE.

CASES ON EQUITY. By Walter Wheeler Cook. St. Paul: West Publishing Co., 1926, pp. xix, 1167.

This casebook fills the need for an up-to-date collection of cases on the principles of equity in a single volume. The many notes are of value to the teacher in supplying references to recent cases and to articles in leading law periodicals dealing with the principles involved in the cases.

The cases included relate to both the subjects of Specific Performance of Contracts and Equitable Relief by Injunction against Torts. The cases are collected under five heads: Part I—The General Nature and Scope of Equity—Injunctions; Part II—Specific Performance of Contracts; Part III—Reformation and Rescission for Mistake; Part IV—Benefits Conferred Under Agreements Which Have Been Wholly or Partially Performed, Part V—Benefits Conferred Under Compulsion and Undue Influence; Part VI—Benefits Obtained by the Wrongful Use of Another's Property.

Part I includes an historical introduction and a note on Procedure in Equity.

The present edition is a selection of cases from the author's three volume edition. Material omitted from the larger volumes has been referred to in footnotes. The notes also serve to indicate the connection of equity with the relevant portions of the common law grouped under the heading of quasi-contracts.

The table of cases and citation include a number from Washington and other western states. The subject matter of the cases has been indexed, and the index which comprises some ten pages is very helpful in locating cases and notes bearing on a particular topic.

This abridged edition has been prepared at the request of schools which found it undesirable to use the three-volume set, and will undoubtedly be used by many as a single volume covering the whole field.

C. M. BISHOP.

HYATT ON TRIALS. By W. H. Hyatt. 2 Vol. San Francisco: Bender-Moss Co., 1924, pp. 2017.

This is a fine two-volume text book of 2017 pages, well bound in buckram. The author, W. H. Hyatt, is a San Francisco lawyer, and the work furnishes convincing evidence of the wide range of his reading, observation and practice. The book covers the trial of both civil and criminal cases in the state and federal courts.

Vol. I, Part I, Ch. I, gives a very interesting account of ancient judicial trials, without being wearisome in detail. Ch. II defines "trial" and explains the scope of the treatise. Part II, in eight chapters, covers the subjects of Calendars and Dockets, Trial Notices, Transfer of Causes, Consolidation for Trial, Separate Trials in Criminal Cases, Separate Trials in Civil Cases, Continuances and Change of Venue. Part III furnishes a careful consideration of