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Book Reviews

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Book Reviews

RECESS. By EDWARD A. SCOTT, JR. New York: Pandick Press. 1954, pp. 152.

This happy little book of cartoons,¹ which presents on each page a law maxim in both Latin and English, illustrated by a humorous cartoon in which the maxim is applied,² with dialogue balloons or a punch line, is an interesting and amusing trifle. The drawings are of professional quality; the situations are amusing without being uproarious, and some are unashamedly based on stock quips. Only one cartoon is in color,³ and none are really off-color. A few of the cartoons are simply foils for outrageous puns,⁴ but most of them contain other elements of humor. They are law-related, at least to the level of J.P. court, and a number depict trial court scenes. An occasional cartoon invites the lawyer-viewer to ponder the problem, as where the "nut" who denies that he is Napoleon is shown by the lie detector to be lying.⁵

Chief Justice Arthur T. Vanderbilt, in a brief Foreword, aptly praises the book as "genial," and whimsically suggests several valuable courtroom uses for it. The book is not seriously intended as a sugarcoated way of learning Latin maxims,⁶ but a careless reader might find that he had brushed up on a few Latin words while enjoying the book.

The author, who describes himself simply as having spent 30 years in practicing law and sitting on the bench, is Village Judge of the Village of Pelham Manor, and Town Justice of the Town of Pelham, both in New York, and is an ex-President of the New York State Association of Magistrates. Becoming a lawyer despite a frustrated desire to be an artist, he sublimated by drawing these panels, originally published under the heading "Illustrated Legal Maxims" in Justice Court Topics, a publication of the New York State Association of Towns.

Each viewer will have his own favorite or favorites, but the following example⁷ is fairly representative:

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1. 149 cartoons, only three of which have more than a single panel.
 2. "Applied" is an understatement.
 3. P. 77.
 4. *E.g.* "Raise up Sir Lowquitter" (P. 71). The thing speaks for itself! Cf. p. 59 (man found under bus was not a total stranger—his arms and legs were missing).
 5. P. 36.
 6. Some of the most useful maxims are missing, their places usurped by maxims rarely encountered. Several maxims are repeated (*i.e.* "Abundans Cautela Non Nocet" is variously illustrated on Pp. 15, 83, 86, 132; and some ten others are illustrated twice each.) Occasionally the author fails to supply any Latin. Pp. 5, 55, 112, 138; cf. pp. 46, 104.
 7. P. 7.

It Behooves all Good men to Avoid Suspicion.
(*Omnes Bonos Accusare Adlocet Suspicionem*).



Being married to one woman too many doesn't always involve bigamy! ! !

The appearance of this book reminds us that American law students have available to them many excellent books in which the stuff of their profession is presented for leisure-time reading in varying shades of levity mixed with learning. Other legal writers who have essayed light treatment of legal maxims include William R. Anson, author of *Anson on Contracts*, whose privately printed *Ballads en Terms de la Ley* appeared in 1914, and Yale law professor William Frederic Foster, whose *Latin Maxims of Anglo-Saxon Law Compiled and Translated Into English Verse* was published in New Haven in 1924.

Possibly the best known cartoon treatment of odd American laws is that of O. Soglow,⁸ which the serious student may enjoy even more by classifying the depicted items under one of several general headings (*e.g.* formerly sensible laws, ridiculous because now obsolete; laws reasonable in themselves but enacted with so little imagination as to be ridiculously limited in scope; laws seemingly capricious but designed to remedy or avoid a discernible recognized or fancied danger).

Arthur Train's famous Mr. Tutt usually presented in breezy short story form the application of some archaic, obscure, or overlooked legal principle.⁹ Irvin S. Cobb's *Old Judge Priest* was a similar, more folksy collection, less given to turning on some narrow legal technicality.¹⁰

Various volumes are devoted to preserving the wit and anecdotes of lawyers of a particular state,¹¹ and books devoted to humorous or unusual wills occupy a sizable niche of their own.¹²

Two volumes giving serious but good-humoured legal answers to various hypothetical situations portrayed deserve special mention,¹³ as does the anthology

8. IN RICHARD HYMAN'S *IT'S AGAINST THE LAW!* (New York, 1949) and *LOONEY LAWS* (New York, 1947).

9. See Review, 24 ORE. L. REV. 223 (1945) (citing several Mr. Tutt volumes, and other reviews).

10. BELLAMY PARTRIDGE, in *COUNTRY LAWYER* (New York, 1939) presented serious legal problems in his stories, the humor merging with a sympathetic understanding of human frailties. As a work of biography, however, the volume lies outside the area of the works here cited. Cf. HENRY H. CURRAN, *MAGISTRATE COURT*. [New York. Scribners, 1940. Pp. 197 (human interest courtroom vignettes)]. SAMUEL BUCHLER, *COHEN COMES FIRST AND OTHER CASES* (New York. Vanguard Press, 1933. Pp. 256).

11. JOHN H. GWATEMEY, *LEGENDS OF VIRGINIA LAWYERS* (Richmond, Va., 1934. Pp. 187); AUSTIN H. KERIN, *YANKEES IN COURT: HUMOROUS TALES FROM VERMONT COURTROOMS* (Brattleboro, Vt., 1937. Pp. 62); JOHN L. RESPESS, JR., *WIT AND WISDOM OF GEORGIA LAW* (Atlanta, the author, 1952. Pp. 92); CHARLES F. STANSBURY, *THE BARRISTER* (Mab Press. New York, 1902. Pp. 264) (anecdotes concerning New York lawyer Tom Nolan). See also other titles listed in MARKE (ed.), *CATALOGUE OF THE LAW COLLECTION AT NEW YORK UNIVERSITY* (1953), pp. 150-158.

12. VIRGIL M. HARRIS, *ANCIENT, CURIOUS AND FAMOUS WILLS* (Boston, 1911. Pp. 472); JULIA C. BYRNE, *CURIOSITIES OF THE SEARCHROOMS, A COLLECTION OF SERIOUS AND WHIMSICAL WILLS* (London, Chapman & Hall, 1880. Pp. 407); WILLIAM TEGG, *WILLS OF THEIR OWN: CURIOUS, ECCENTRIC, AND BENEVOLENT* (London, 1876, Pp. 124); JOSEPH E. BRIGHT, *TO WILL OR NOT TO WILL* (Buffalo, N.Y., Dennis & Co., 1939. Pp. 72); PROFFATT, *THE CURIOSITIES OF LAW OF WILLS* (San Francisco, Whitney, 1876. Pp. 216); E.V. HALL, *THE ROMANCE OF WILLS AND TESTAMENTS* (London, 1912. Pp. 256).

13. FRED L. GROSS, *WHAT IS THE VERDICT?* (New York, Macmillan, 1944. Pp. 311); ERNEST MORTENSON, *YOU BE THE JUDGE* (London, 1940. Pp. 451) (originally published in the United States).

which is currently the best known volume of American legal humor.¹⁴

The American law student has access also to a treasury of British legal humor. Without comparing the merits of the two, one may safely observe that some of the legal humor written in England requires from its readers considerable legal and literary learning. Several English humorists have dealt with cases actually reported,¹⁵ or have written enchanting opinions in cases either wholly imaginary,¹⁶ or extracted from Shakespeare,¹⁷ the classics,¹⁸ or other familiar sources.¹⁹ Blackstone's *Commentaries* have not been entirely overlooked.²⁰ Even after excluding Gilbert and Sullivan, works in the field of general literature,²¹ and volumes of legal biography, personal reminiscences, and straight legal essays, the student can find many English writers who have devoted their

14. WILLIAM L. PROSSER, *THE JUDICIAL HUMORIST* (Little, Brown, 1952. Pp. 284).

15. Grisly humor, extracted from London criminal proceedings of 1732 and 1733, comprise A.P. HERBERT, *MR. GAY'S LONDON* (London, 1948. Pp. 136). SIR FREDERICK POLLOCK, under the pseudonym of "An Apprentice of Lincoln's Inn", reprinted from *Pall Mall Gazette* his versified accounts of sixteen famous English cases (including *Armory v. Delamirie*, *Coggs v. Bernard*, and *Scott v. Shepherd*), titling his collection *LEADING CASES DONE INTO ENGLISH* (London, Macmillan & Co. 2d ed. 1876. Pp. 136). See also an unsigned volume, *CURIOUS CASES AND AMUSING ACTIONS AT LAW, INCLUDING SOME TRIALS OF WITCHES* (London, 1916, Pp. 234). Of a number of American volumes collecting amusing or unusual actual cases, see BROWNE, *HUMOROUS PHASES OF THE LAW* (San Francisco, Sumner Whitney & Co., 1882. Pp. 460); ABRAHAM L. SAINER, *THE JUDGE CHUCKLES* (New York, Substantive & Adjective Publishers, 1935. Pp. 233) (opinions in reported cases); CHARLES S. DESMOND, *SHARP QUILETS OF THE LAW* (Buffalo, N.Y., Dennis & Co., 1949. Pp. 245). B.A. MILBURN, *OFFICE BOY'S DIGEST* (Charlottesville, Va., Michie Co., 1904. Pp. 319) (sentence digests, often humorous, from reported American cases).

16. A.P. HERBERT, *MISLEADING CASES IN THE COMMON LAW* (London, 4th ed., 1928, Pp. 236); A. P. HERBERT, *MORE MISLEADING CASES* (London, Methuen & Co., 1930. Pp. 196); A.P. HERBERT, *STILL MORE MISLEADING CASES* (London, Methuen & Co., 1933. Pp. 241); A.P. HERBERT, *UNCOMMON LAW* (London, 1935. Pp. 494) ("66 misleading cases"); A.P. HERBERT, *CODD'S LAST CASE* (1952).

17. ALFRED L. POLAK, *MORE LEGAL FICTIONS* (London, 1946. Pp. 134).

18. ALFRED L. POLAK, *LEGAL FICTIONS* (London, 1945. Pp. 127).

19. ALFRED L. POLAK, *FINAL LEGAL FICTIONS* (London, Stevens & Sons, 1948. Pp. 117). Cf. DAVID WERNER AMRAM, *LEADING CASES IN THE BIBLE* (Phila., J.H. Greenstone, 1905. Pp. 220).

20. GILBERT ABBOTT A'BECKETT, *THE COMIC BLACKSTONE* (London, Bradbury & Evans, 1846. Pp. 252); *Id.* (rev. ed., Arthur Wm. A'Beckett) (London, Bradbury, Agnew & Co., 1887. Pp. 324).

21. JOHN MARSHALL GEST, *THE LAWYER IN LITERATURE* (Boston, Boston Book Co., 1913. Pp. 249) (discussing Dickens, Scott, de Balzac, Coke, and *The Bible*); C.K. DAVIS, *THE LAW IN SHAKESPEARE* (Washington, D.C., Washington Law Book Co., 1883. Pp. 303); PAUL S. CLARKSON AND CLYDE T. WARREN, *THE LAW OF PROPERTY IN SHAKESPEARE AND THE ELIZABETHAN DRAMA* (Baltimore, Johns Hopkins Press, 1942. Pp. 346). And see works cited in MARKE (ed.), *CATALOGUE OF THE LAW COLLECTION AT NEW YORK UNIVERSITY* (1953), pp. 1141-1153. Cf. Wigmore, *A List of Legal Novels*, 2 ILL. L. REV. 574 (1908) (375 titles), reprinted with revisions, Wigmore, *A List of One Hundred Legal Novels*, 17 ILL. L. REV. 26 (1922); DAVENPORT, A. BIBLIOGRAPHY: *Readings in Legal Literature*, 41 A.B.A.J. 939 (1955).

attention to interesting legal quirks and oddities²³ or legal anecdotes.²³

The foregoing representative canvass is necessarily selective, both among items of a given category and as among different categories. It sought to survey the books of legal humor, exclusive of out and out gag books.²⁴

ELMER M. MILLION*

*Professor of Law, New York University.

22. THEOBALD MATHEW (under the pseudonym "O"), *FORENSIC FABLES* (London, 1926); *Id.*, *FURTHER FORENSIC FABLES* (London, Butterworth, 1928. Pp. 131); *Id.*, *FINAL FORENSIC FABLES* (London, Butterworth, 1929. Pp. 114); and a later selected reprint, *FIFTY FORENSIC FABLES* (London, Butterworth & Co., 1949. Pp. 176). ALFRED L. POLAK, *SECOND THOUGHTS* (London, Stevens & Sons, 1949. Pp. 134); ALFRED L. POLAK, *PUFFS, BALLOONS & SMOKEBALLS* (London, 1952). *Cf.* JENIFER WAYNE, *THIS IS THE LAW* (London, Sylvan Press, 1948. Pp. 326) (reprint of B.B.C. radio scripts presenting law in human interest playets); SIR EDWIN A. PARRY, *WHAT THE JUDGE THOUGHT* (New York, Knopf, 1923. Pp. 283) (seventeen essays, some humorous, others inspiring), also published London, Unwin, 1922. Pp. 282; EDWARD J. WHITE, *LEGAL ANTIQUITIES* (St. Louis, Mo., Thomas Law Book Co., 1913. Pp. 349) (witchcraft, sanctuary and benefit of clergy, trial by battle, ordeal and wager of law, curious wills, *peine forte et dure*). SIR CARLETON ALLEN, *LAW AND DISORDERS: LEGAL INDISCRETIONS* (London, Stevens & Sons, 1954. Pp. 162).

23. JOHN WILLOCK, *LEGAL FACETIAE: SATIRICAL AND HUMOROUS* (London, Literary Society, 1887. pp. 442); JAMES PATERSON (under pseudonym Croake James), *CURIOSITIES OF LAW AND LAWYERS* (London, Sampson Low, etc., new ed. 1891. Pp. 790) (New York edition, Bank & Bros., 1883. Pp. 514) WILLIAM ANDREWS, *LEGAL LORE: CURIOSITIES OF LAW AND LAWYERS* (London, W. Andrews & Co., 1897. Pp. 280). *Cf.* FRANKLIN F. HEARD, *CURIOSITIES OF THE LAW REPORTERS* (Boston, Lee & Shepard, 1871); *Id.*, 2d ed. 1881. Pp. 212; A CHANGE MEDLEY OF LEGAL POINTS AND LEGAL STORIES (Boston, Little Brown & Co., 1912. Pp. 374).

24. For the latter category, see FRANCIS L. GOLDEN, *LAUGHTER IS LEGAL* (New York, F. Fell, 1950. Pp. 280); MILTON FARBER, *BLACKSTONE AND WHITE ROCK* (New York, Dutton, 1948. Pp. 213); DENNIS HARTMAN, *JEST FOR LAWYERS* (Los Angeles, Calif., Mercury Press, 1950. Pp. 89); GUS C. EDWARDS, *LEGAL LAUGHS, A JOKE FOR EVERY JURY* (Clarksville, Ga., Legal Publ. Co., 1914. Pp. 416). *Cf.* COLIN McILWAINE, *LAUGHTER IN COURT: AN ANTHOLOGY OF HUMOUR FROM BENCH AND DOCK* (London, John Lane, 1933. Pp. 84); HENRY F. REDDALL, *WIT AND HUMOR OF THE AMERICAN BAR* (Phila., Jacobs & Co., 1905. Pp. 238); [DAVID L. PURVES], *LAW & LAWYERS* (Edinburgh, Wm. P. Nimmo, 1868. Pp. 154); GEORGE A. MORTON AND D. MACLEOD MALLOCH, *LAW AND LAUGHTER* (London, Foulis, 1913. Pp. 249).