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Book Reviews

Saul Gordon

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ten per centum has not been paid. (*Haggoods v. Lusch*, 123 A. D. 23; N. Y., etc., *R. Co. v. Van Horn*, *supra*.)

Since the obvious purpose of the statute in question was to benefit creditors by assuring them of tangible assets and *bona fide* stockholders (1 *Morawetz, Corporations*, 2 ed., Sec. 72) it is submitted that the decision in refusing to permit the subscriber to defeat the interests of the creditors by shielding himself behind a statute enacted to protect them, is sound and in furtherance of the legislative intent. (*E. & W. Plank Road Co. v. Brown*, 25 Penn. St. 156; *Boyd v. Peach Bottom R. Co.*, 90 Penn. St. 169, accord).

BOOK REVIEW

BOSTWICK'S *LAWYERS' MANUAL* (2nd ed.), by Charles F. Bostwick (Matthew Bender & Co., Inc., Albany, N. Y.). 1917. Pp. 1354, XXVIII.

"In conducting a suit at law, there are two things to be considered by the practitioner: first, what is to be done; and secondly, the time and manner of doing it: And in attending to these objects, it will be found that an adherence to certain established forms is constantly necessary."—*Tidd's Practical Forms*, A2.

Tidd's statement was written in 1799. The cordial reception by the legal profession, almost ten years ago, of the first edition of *Bostwick's Lawyers' Manual* showed that the passing years had demonstrated the wisdom of Tidd. It is evident that Mr. Bostwick's work was evolved, consciously or unconsciously, about the twin theses of Tidd.

The present edition of *Bostwick's Lawyers' Manual* does not depart from the plan of the first edition. As those who are familiar with it know, the work outlines what a lawyer should do in preparing for trial and, what is more, the course he should pursue in certain trials (pp. 39-52). It, also, indicates, with delightful simplicity, the successive steps, which must be taken in prosecuting an appeal from such courts of original jurisdiction as the City Court (pp. 130-144), the Surrogate's Court, New York County (pp. 107-129), and the Supreme Court (pp. 55-106). Numerous forms, useful in daily practice, are included in the work, as witness the forms of complaints (pp. 303-340), verifications (pp. 344-355), affidavits (pp. 365-370; 436-454), etc. Notes,

fortified by authorities, help to lighten the difficulties of the New York practitioner (see pp. 252-255; p. 376; p. 457).

Certain inaccuracies, which marred the first edition of the book, have been eliminated. We heretofore pointed out (*1 Fordham Law Review*, 9) that Mr. Bostwick erred, in including a provision for preclusion in his order granting a bill of particulars. This objectionable clause now has been omitted (see pp. 472-473).

We are unable to concur in the view of Mr. Bostwick (*vide, iii*), that the addition of "Many Surrogate's Court forms with directions how to use them as occasion and circumstances require tend[s] to make this edition more helpful." Most of these forms are obtainable (certainly in New York County) from the court, and the pages containing them well might have been devoted to more profitable uses.

It must not be inferred, however, from what has been said, that the book concerns itself only with forms useful in the prosecution or defense of actions and proceedings. Not the least helpful part of the book imparts information useful in the closing of titles (see Part IV)—information obtainable, before this work was published, only in the dread school of experience. Add to all this, numerous leases (p. 1179, *et seq.*), wills (p. 1271, *et seq.*), and other instruments (see Part VI), and one will begin to appreciate the scope and real merit of the work.

To the law student, eager to observe the application of the principles of law; to the young lawyer, anxious to profit by the experience of others; to the mature lawyer, wary of the pit-falls in the path to judgment;—to these, no better book than *Bostwick's Lawyers' Manual* can be recommended for use.

SAUL GORDON.

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