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Book Note

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BOOK NOTES

AMERICAN CIVIL PROCEDURE. BY WILLIAM W. BLUME. Englewood Cliffs: Prentice-Hall, 1955. Pp. xv, 432.

This text on civil procedure should prove valuable to lawyers trained in Texas, for it is concerned not with our peculiar but familiar Texas practice, but with the rather uniform procedures used in a majority of the other American jurisdictions, as well as discussions of federal court practice.

In comprehensive form, Part One covers claims for relief including the facts, conditions, elements, and form of the various causes of action and the remedies available today in law, equity, and federal courts as well as treatment of their historical development. There is a generous amount of illustrative material which clarifies otherwise difficult concepts.

Part Two is a step by step outline for in court and out of court procedure applied in prosecuting civil remedies. The author's discussion of the interplay and dependence of procedural rules with the substantive law of the action is very useful. Also, substantive elements of all common causes of action are presented and discussed from a procedural point of view with an eye toward accurate pleadings and the avoidance of costly mistakes and omissions.

It is believed that the information on practice in the majority of American jurisdictions will be useful to Texas lawyers who often have dealings in other states where procedural rules are quite unlike those of Texas.

Morton L. Susman

COMPULSION. BY MEYER LEVIN. New York: Simon & Schuster, 1956. Pp. x, 495. \$5.00.

Meyer Levin is a newspaperman whose first big story was the coverage of the trial of Leopold and Loeb, two brilliant young college students convicted of the brutal murder of a little boy. Levin knew the two defendants well; all three of them had graduated from college at the age of eighteen. Since he was the first reporter assigned to the story and was acquainted with the participants, Levin was in an excellent position to learn the facts. However, he has chosen to write this book not as a documentary but as a historical, psychological novel. With this purpose in mind he has changed the

names of the characters; *e.g.* Leopold and Loeb become Judd Steiner and Artie Straus, Clarence Darrow becomes Jonathan Wilk, etc. The book concerns itself with the psychological factors which led to the crime and with the trial that followed.

Seldom has any crime aroused the public to such fury. This callous kidnapping with an attempt to collect ransom, the motiveless selection and killing of the child victim, together with the unrepentant attitude of the killers led to widespread feeling that the youths should be hanged. The brilliant defense of the young prodigies was concerned solely with saving their lives. There was no possible denial that the boys had committed the crime. A defense of insanity was barred by the near certainty that a jury would recommend death. Clarence Darrow (Wilk) decided to have the boys plead guilty and to offer in mitigation evidence of mental derangement. The defense walked a tightrope, attempting to show that the boys were mentally deranged in order to justify mitigation of punishment, and yet not so deranged as to lead to a jury trial on the issue of insanity. The prosecution countered this defense by emphasizing the sordid details of the murder to show that the crime was aggravated. The evidence of both aggravation and mitigation was introduced to guide the judge in levying sentence. The last half of the volume describes the trial in great detail. Liberal quotes from the trial transcript are used with particular effectiveness, especially with respect to Clarence Darrow's closing argument, which in reality lasted two days and which covers thirty pages of the book.

The single volume is divided into two parts. Book I, "The Crime of Our Century," starts out with the discovery of the body of the murdered boy and works backward with psychological flash-backs, showing the defendants' mental and sexual maladjustment, which lead to mutual perversion and their attempt to be "supermen" by committing a perfect crime. At the same time Book I works forward in chronological sequence to the youths' decision to confess to the crime after being confronted with the evidence against them. Book II, "The Trial of the Century," starts out with the confessions, the defendants' later indefensible conduct in bragging about securing high-priced lawyers and a friendly judge, the intricate psychological examinations which the boys underwent, and finally the trial in which their innermost thought-processes were exposed to the judge and to the public. Each of the defendants ultimately received a sentence of life imprisonment for the murder and 99 years for the ransom

kidnapping. The judge recommended that they never be paroled.¹ This amounted to a victory for the defense, and the boys were overjoyed.

The legal and ethical problems of defending persons who are legally sane, yet have committed murder without motive and without remorse, create an interesting philosophical background for this novel. The public had decided that the boys were monsters of which society ought to rid itself, but the book aptly states the justification for their defense: "Our conception of justice requires a defense. That's why justice holds the scales blindfolded. So as not to see the monsters."

Robert N. Best

HANDBOOK OF OIL AND GAS LAW. BY ROBERT E. SULLIVAN.
New York: Prentice-Hall, 1955. Pp. xix, 534.

It must be made clear at the outset that this book by Mr. Sullivan was never intended to be a complete synthesis of Oil and Gas law gleaned from the problems created in that field in the first century of its existence. The author's purpose in writing this handbook was to create a basic "hornbook" for those whose primary work and interest is not Oil and Gas law as such. To the uninitiated, this book is the best one-volume text presently found in the highly complex field of Oil and Gas. In the author's own words in the preface of the book, "This is a book for oil and gas lawyers, for oil people who are not lawyers, for lawyers who are not oil people, and for persons interested in the legal aspects of the Oil and Gas industry."

With this purpose in mind, Mr. Sullivan has produced an admirable summary of the basic rules in this field. These rules extend through a broad area, and do not contain any fine points, qualifications, or policies behind court decisions. It might be said that the fine points, minority views, and policies are left for the reader to discover amidst an accurate and exhaustive network of footnotes. The footnotes indicate the ultimate in legal research on the part of Mr. Sullivan, but he wisely decided to limit any text discussion concerning them and allows the initiative of the reader to prod any follow through on problems of greater depth.

In 534 easily readable pages, the author has dealt basically with the following subjects: (1) origin, occurrence, and production of petroleum; (2) nature of the landowners interest; (3) Oil and Gas leases, including their execution, interpretation, and termination—

¹ The reader is reminded that Loeb was murdered in prison by a fellow inmate, and that Leopold, now in his fifties, recently had his third application for parole refused.

this section encompasses granting, habendum, drilling, royalty, and pooling clauses, as well as implied covenants; (4) transfers by landowners; (5) transfers by lessees; (6) conservation regulation; (7) transportation of oil and gas; (8) taxation; (9) problems in commencement and financing of oil operations. There is an excellent index, but unfortunately no table of cases.

There are two phases of the book which delve into the subject matter with a viewpoint more than basic. These are the areas of conservation legislation and unit operations. Each treatment is excellent and should be considered somewhat of an analysis of the two problems compared with the basic survey given the remaining subject matter. The construction of oil and gas leases could well have received more emphasis than it did since approximately half of all Oil and Gas litigation arises in this area.

The expert in Oil and Gas law would probably consider this book an excellent basic review, whereas the ordinary practitioner, businessman, or law student would look on the work as an invaluable guide to a practical and working knowledge in the field. In any event, it is probably the best one volume text now available in its field.

John R. Vandevort