

February 1930

Book Reviews

Peter Vallentyne

Follow this and additional works at: <https://scholarship.kentlaw.iit.edu/cklawreview>

 Part of the [Law Commons](#)

Recommended Citation

Peter Vallentyne, *Book Reviews*, 8 Chi.-Kent L. Rev. 9 (1930).

Available at: <https://scholarship.kentlaw.iit.edu/cklawreview/vol8/iss2/3>

This Article is brought to you for free and open access by Scholarly Commons @ IIT Chicago-Kent College of Law. It has been accepted for inclusion in Chicago-Kent Law Review by an authorized editor of Scholarly Commons @ IIT Chicago-Kent College of Law. For more information, please contact dginsberg@kentlaw.iit.edu.

words are as a matter of law held libelous per se, the burden redounds upon the defendant to justify their truth, not as fair comment but as statement of fact. No burden attaches to the plaintiff to prove that the words are false. The publication has already injured him in his revolted feelings, if not in his legal right. It is clearly the defendant's burden to show that he has acted within his legal right in publishing only the truth without malice, with good motives and for justifiable ends. If the words charged are by the court held to be statement of fact, or in part statement of fact, and are libelous in and of themselves, there is then no ground upon which a defense of fair comment as such can be based or stand in the law.

And, finally: Upon a trial, after plaintiff has proved publication of objectionable and defamatory words and special damage resultant therefrom, the duty is then devolved upon defendant to show that the subject of comment is a matter of public interest or importance upon which he has correctly stated true foundational facts as a basis for fair comment made by him thereon. After such duty has been performed by the defendant to the establishment of his prima facie defense, the duty is then cast upon the plaintiff to show withal that malice in fact has actuated the whole purpose or course of the defendant in making the publication complained of, and if thereupon, malice in fact, or express malice, upon the part of the defendant, be by the plaintiff proved, the defense of fair comment fails at last as wrecked upon defendant's malice.

Book Reviews

Cases and Other Materials on International Law. By Manley O. Hudson, St. Paul: West Publishing Company, 1929.

We find here the latest and by far the best collection of cases on international law. Dr. James Brown Scott who published a collection of cases in 1902 and a second edition in 1922, has placed at the disposal of the editor the materials which he had brought together. This book has a great advantage over Dr. Scott's treatise in not undertaking to deal with international law as a part of general substantive law, but on the contrary, treats it as a sub-division of public law.

The decade since the end of the World War has made an important contribution to the materials which are open to the use of students. Probably at no time have there been so many difficult problems awaiting solutions. In consequence, the boundaries of international law have been much extended, and this collection of cases is quite sufficient evidence of that fact. Wherever possible, the editor has included cases in which the tribunals have applied the general law of nations, and has distinguished them from those cases which have been based upon the theory of international law of a single state.

The only criticism which may be made upon the book is that there is nothing like an adequate annotation of the periodical literature on the subject.

Corporate Meeting, Minutes, and Resolutions. By Lillian Doris. New York: Prentice-Hall, Inc., 1929.

The object of the writer in this case is to explain to those who are responsible for preparing the minutes of corporate meetings, the elementary principles of corporation law, a knowledge of which is essential to a proper authorization of corporate action.

The forms include such as are useful in the case of stockholders' and directors' meetings, proceedings upon the meeting called for the purpose of organizing corporations, resolutions concerning the management of the corporation, issuance

**TUNE IN ON
WMAQ**

**Sunday, March 30
6 P. M.**

**RADIO DEBATE
Chicago-Kent**

vs.

Oklahoma University

of stock, subscription agreements and notices, dividend resolutions, resolutions naming by-laws, forms available in the case of sales of assets of corporations as well as where there is a question of consolidation and merger, and special resolutions governing the rise and duties of holding companies.

This will be found to be a valuable hand book for the corporation lawyer.

Rights of the Minority Stockholder and of the Railway Security Holder. By Richard Selden Harvey. New York: Baker, Voorhis & Co., 1929.

Much emphasis is laid in this book upon the rights of minority stockholders which it is asserted, are of supreme importance at the present time when the corporation is the favorable vehicle for conducting business enterprises. The author notes with approval the unquestioned tendency of the courts today to afford protection to the smaller investors. He notes that in some instances the property of a corporation has been taken in charge through a receiver appointed by the courts at the request of a small minority, or even of a single stockholder.

There is quite full treatment of the forms which oppression of minority stockholders often assumes, with a treatment in separate chapters of the means of redress through courts of equity.

Particular attention is paid to the subject matter of watered stock and the remedies available to minority stockholders in special cases.

Cases on Air Law. By Carl Zollmann. St. Paul: West Publishing Co., 1930.

Progress in aviation and the important development of radio have given rise to problems heretofore undreamed of. The rights and liabilities accruing in each case have formed the subject matter of many decisions which, in view of their scarcity, have made them precedents with regard to the points decided. The first part of the work dealing with the subject of aviation takes up in detail the subject of air space rights, air ports and air ways, negligence of the owner of an aviation field, and the liability of the pilot. There is also a question as to

whether the common law applicable to common carriers and Workmen's Compensation Act is applicable to parties engaged in aviation, and if so, to what extent. There is an interesting decision upon the question whether or not, and to what extent a lien may be asserted upon an airplane.

The section dealing with cases relating to radio considers in detail the construction and constitutionality of the Radio Act, control over radio sending stations, and the liability of owners and operators for torts and crimes arising out of the use of the broadcasting system.

There is also much attention paid to the question of the wrongful use of copyright material and unfair trade practices.

Radio Debates Prove Their Popularity

On February 2 a debating team representing Chicago-Kent engaged a team from Coe College on the question, "Resolved, That the chain store system is more harmful than beneficial." The visiting team unsuccessfully advanced the negative side of the issue. The radio public were requested to decide the winner by mailing their choice to the WMAQ studio of the Chicago Daily News. The vote was 889 to 269 for the affirmative side upheld by the Chicago-Kent team. This was the largest number of votes that has ever been cast to decide a debate in which a team from Chicago-Kent College of Law participated.

The next debate was on the question, "Resolved, That the nations of the world should disarm except for police purposes." This time the affirmative issue was advocated by a Chicago-Kent team against representatives of Drake University. It was held in the studio of WMAQ on March 2. The popular vote is very heavy but the result of the balloting is not known at this writing.

On March 30 a third radio debate will be held between teams of Chicago-Kent and Oklahoma University on the subject, "Resolved, That the Sherman Anti-Trust Law should be repealed."