McDermott: Deskbook on Land Titles and Land Law

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This is a book which is difficult for a law teacher to review, because it is avowedly (and obviously) prepared for the practitioner. Only incidentally will it be useful for the law teacher or law school student. Its worth could better be assessed by one whose daily chores require quick references to determine the commonly accepted generalizations from which legal analysis must usually start. Its ultimate value will be determined largely in that setting. But in spite of the handicap under which this reviewer thus labors, the book should be reported to the profession. In some respects it is unique, and if my description can be made accurately, the reader can determine for himself whether it should be added to his library.

Before describing the scope and content of the book, reference should be made to two aspects of the book's format. In the first place no cases are cited in the book. The author has selected a list of texts relating to the law of Real Property, and his footnote references are all to these works. The following references are included: American Jurisprudence, American Law Reports, American Law of Property, Corpus Juris Secundum, Powell's Law of Real Property, Restatement of the Law of Property, Simes' Law of Future Interests, Thompson's Law of Real Property and Tiffany's Law of Real Property. In a sense, therefore, the book serves as a comparative index, guiding the reader to the more detailed analyses of each subject which appear in the various cited works. It must be noted, however, that as a comparative index the footnote references are somewhat incomplete. That is, there are many of the subjects referred to in the book which are treated in all of the works which are used as references, but not all of the works are cited. The book provides no hint as to the basis upon which a choice of references was made for footnote citation. There are, for example, numerous areas in the law of Future Interests where Simes' treatise might have been appropriately cited but is in fact omitted. Indeed, in the whole chapter on Estates and Future Interests, there are but two references to Simes' work, which is the one work which contains the most detailed analysis of the problems in that area. It would probably be a more helpful book if the footnote references had been cross-indexed into all of the treatises cited by the author. However one cannot be too critical in this respect since the author only purports to give the reader "a time saving guide to further research." Hence, it is perhaps unnecessary to make the cross-index references complete if the reader is referred to at least one source in which a more detailed case analysis can be found.

The second feature of the book that should be mentioned will be welcome news to many practitioners. At the beginning of many of the divisions there are blank pages inserted on which the reader may make
notes of local matters which are related to the general treatment in the text. The book thus provides an opportunity for its owner to gather into a single handbook a substantial amount of helpful information at the local level without the necessity of providing a separate pocket supplement or writing in the margins of the book.

With reference to the scope and content of the book it must be said that it purports to cover a tremendous amount of the material customarily embraced under the heading “Real Property.” Abstract examination, marketable title, estates, trusts, powers of sale, future interests, mortgages, mechanic’s liens, conveyancing and execution of deeds, easements, boundaries, testamentary and intestate succession, fixtures, effect of judgments, bankruptcy, landlord and tenant, oil and gas, the rule against perpetuities, and water rights are among the subjects covered in the book. It is obvious therefore that the textual treatment of any given subject is very restricted. This statement is again made as descriptive rather than critical, because the author’s objective was to provide merely a “quick reference book” with emphasis on the general rules and mere reference to more extended analyses. One may, however, raise some question concerning the utility of a book which is thus so extremely condensed. For example, the whole subject of delivery of deeds occupies one and one-half pages with cross-references to materials which may comprise another page. Whether the subject can be usefully condensed to this point is perhaps open to conjecture. There is an omnipresent danger under such circumstances that the condensation will lead to such an incomplete analysis that the resulting statements may be misleading in their simplicity.

For example, although the text adopts the term “reversionary interest” as including both the reversion and the possibility of reverter, the definition of a “remainder” does not by its terms exclude the possibility of reverter. In an area where precision of terminology is most desirable, and where such precision needs exposition, the dangers of over-generalization seem clear.

Another feature of the book is found in the Appendix. The author has collected tables of comparative legislation on specific subjects, providing the reader with an index to statutes in the several states. To the lawyer who has access to a complete set of statutes, this feature will probably be of little value, since one may as well use the index to the statutes of the state in which he is interested. To the practitioner without such a library, the index may prove useful as a quick guide to particular statutes of other states, thus simplifying the task of locating a copy of a relevant statute.

The physical characteristics of the book are good. A firm binding, a place for pocket supplements, readable type, and an extensive index, all make the book useable.

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