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LOUISIANA PRIVILEGES AND CHATTEL
MORTGAGE, by Harriet Spiller Daggett.
Louisiana State University Press, Baton Rouge,
1942. Pp. 813. \$10.00.

Cecil Morgan

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Book Reviews

LOUISIANA PRIVILEGES AND CHATTEL MORTGAGE, by Harriet Spiller Daggett. Louisiana State University Press, Baton Rouge, 1942. Pp. 813. \$10.00.

Montaigne, whose *Essays* contain such a multitude of wise observations, once said: "There is more ado to interpret interpretations than to interpret the things, and more books upon books than upon all other subjects; we do nothing but comment upon one another."

This would imply that had he been a lawyer he might have suggested to the critic that there are times when it is better to say of a book "*res ipsa loquitur*" than to attempt to review it.

Of necessity, a work on privileges and chattel mortgages is an interpretation of statutes. This would seem to be a most matter-of-fact and comparatively simple legal task. The written law involves less of speculation and lends itself to a more definite and exact dissertation than case law. This latter observation, however, can hardly be said to hold true of the work of Harriet Spiller Daggett on this most interesting, but confused, subject of Louisiana law. The marshalling of privileges by a complete listing of them all in proper sequence is practically an impossibility, and I believe no student of the law and no legislator has ever attempted to do it. Dr. Daggett comments: "The constitutional freedom of the remedy idea will be of particular value if the Louisiana Legislature sees fit to clarify and coordinate the many statutory privileges. Furthermore, the fact that, strangely enough, the court has fortunately been rarely called upon to settle the relative standing of the many privileges except on a two-by-two basis gives to the lawmakers a relative freedom from established rules if they care to establish definite ranking."¹

I fear me a legislator examining this work with a view to writing a law that would settle for all time the relative rank of privileges would soon be persuaded that his efforts would be both arduous and futile, and would shortly abandon the task, leaving to the courts continuation of the two-by-two method as the lesser of the two evils. Should he persist in his undertaking he would mark himself either a genius or the most bold of egoists. But the

1. P. 11.

analysis Dr. Daggett has given us, the compilation, the classification of all available material, and the comment are most important, and undoubtedly these efforts constituted no small task.

In her preface, Dr. Daggett almost disowns the book, ascribing the greater part of its authorship to a host of students and others—too many in fact to convince us that she, herself, is not the author, at least of the text itself. She says she signed the book in the “capacity of entrepreneur, director, supervisor, and editor, rather than as author.”² Excellent and complete documentation evidences aid of the kind she acknowledges, and consistency, coherence and a forceful presentation of the text clearly entitle her to credit for a most worthy accomplishment.

The structure of the work is properly fitted to the nature of the development of the subject matter. Being of statutory origin, the full text of these enactments is set forth; whereas cases, though often quoted, are not presented in full. Citations and footnotes are copious. Her text is replete with historical background containing the practical maximum of philosophical observation without detracting from the usefulness of the text as a tool in the hands of a practitioner urgently in need of the present law in point with the immediate problem.

The work may be contrasted with her volume on “Louisiana Mineral Rights” published in 1939 in that she had a freer rein for the expression of opinion with regard to what the law of minerals should be. In the matter of statutory privileges her opportunities are more restricted by reason of the mass of legislation on the subject. Jurisprudence might embody her own ideas as presented in the “Mineral Rights” but the subject of privileges addresses itself more to the legislature than to the courts. Her efforts are, therefore, more a matter of reporting in “Louisiana Privileges and Chattel Mortgage.”

One might inquire why chattel mortgages appear in her first chapter, whereas the more ancient law of privilege is discussed later on, which would seem to depart from any suggestion of chronological order. It is observed to be the reverse of the title of the book itself, but we would not quibble about such details as long as we find such a thorough and complete index and outline as well as a table of cases and all the other mechanical appurtenances of a practical volume for the desk of a busy lawyer.

To attain the best results, she has been forced most regret-

2. Preface, p. ix.

fully to abandon any discussion of tax liens, leaving that field of research and endeavor to a later effort or to someone else. This is the disappointment in the work; the only matter of importance that seems to be omitted. It is only to be hoped that a second volume, handled in the same manner as this one, will shortly follow dealing with that most timely of subjects.

She has, however, discussed paving liens, which with the many more or less obscure privileges provided for in the Civil Code and special statutes and the newer and most interesting liens growing out of the drilling of oil, gas and water wells, occupy the latter half of the book. The first half is occupied with chattel mortgage, vendor's privilege, lessor's privilege and pledge, laborers' and materialmen's liens and the related liens such as the garageman's lien and others of similar nature.

All in all, the book is thorough and practical. It should be most valuable to any lawyer as a desk book for it should serve as law clerk, brief writer and research assistant whenever the question of liens, privileges and chattel mortgages arises in Louisiana.

CECIL MORGAN*

CODE OF PRACTICE OF THE STATE OF LOUISIANA, by Benjamin Wall Dart, assisted by the Publisher's Editorial Staff, Second Editorial Staff, Second Edition. The Bobbs-Merrill Company, 1942. Pp. xiv, 1697.

This new edition of the Code of Practice completes, with the exception of the Criminal Code and the much needed general index volume, the revised set of General Statutes, Codes and Constitution, which is of such great value to the bench and bar. This new volume, mechanically, repeats the interesting preface to the first edition, purports to bring the annotations up through the 3rd Southern Reporter 2nd, and has a table of contents and index which follow closely those of the first edition. The chief improvement over the former edition, however, is the correlation with the appropriate articles of the Code of Practice of thirty-four sections from Articles 7, 9, and 11 of the State Constitution, some eight hundred thirty articles of the Revised Civil Code, publisher's edition, and some nine hundred seventy-seven sections of the publisher's General Statutes. Numerous cross references and a digest

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