

Essentials of Insurance Law (Book Review)

Edward T. Fagan

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words of John Philpot Curran, "The condition upon which God hath given liberty to man is eternal vigilance."²⁷

CHARLES J. ZINN.*



ESSENTIALS OF INSURANCE LAW. By Edwin W. Patterson. Second Edition, McGraw-Hill Book Company, 1957. Pp. XIV, 558. \$7.50.

When the Dean of insurance scholars produces a new book on the subject, the scholars' response is immediate and enthusiastic. As Professor George W. Goble has stated in a recent review:

. . . Professor Patterson has produced the best book yet written on the subject. This addition to the author's already numerous contributions to the law of insurance is an appropriate climax to his many fruitful years of service as teacher, scholar, author and legislative draftsman.¹

While these are words of high praise, they are both accurate and appropriate in view of the product they describe. Professor Patterson's book is addressed primarily to people in the insurance business, their clients, employees of insurance companies, agents, brokers and insurance managers. Lawyers and law students, however, will find it an authoritative guide because of its practical approach to current insurance law problems.

The book presents, with a minimum of legal language, the essentials of insurance law in its relation to the insurance business and its practices. The scope includes the major legal problems of the insurance contract and explanations of the rights and duties of insurers and insureds under it.

The initial chapter on governmental control furnishes an outline of the types and functions of insurance regulatory legislation for those who may need special information on these topics and provides the legal and institutional background of the insurance contract, which is discussed in the ensuing chapters. The book is chiefly devoted to the making, validity, and enforcement of insurance contracts. Informal contracts as well as formal policies are discussed, and the final chapter is concerned with those oral or informal dealings be-

²⁷ Curran, Speech on the Right of Election, 1790.

* Member of the New York and District of Columbia Bars. Law Revision Counsel of the U.S. House of Representatives Committee on the Judiciary. Professorial lecturer in law, George Washington University School of Law.

¹ Goble, Book Review, 9 HASTINGS L.J. 232, 234 (1958).

tween the insured and the insurance agent and other insurer's representatives that go under the name of waiver and estoppel.

While some criticism has been made² of the fact that the last portion of the book places undue emphasis on warranties, representations and concealment, the complexities occasioned by statutory change of common law in these areas make the coverage most interesting and valuable to the practicing insurance attorney and more than justify the space allotted. This reviewer is proud, therefore, to add his voice to the chorus of those who sing of the master.

EDWARD T. FAGAN.*



FRAUD IN EQUITY, A STUDY IN ENGLISH AND IRISH LAW. By L. A. Sheridan. London: Sir Isaac Pitman & Sons, Ltd., 1957. Pp. XLIII, 235.

This handsomely bound and attractive book was originally submitted to the Queen's University of Belfast in 1953 as a thesis for the degree of Ph.D. Although that thesis has been somewhat abridged for purposes of publication, the book is nevertheless a complete and penetrating discussion of an extremely important fact of equity jurisprudence. The finished product is a monograph wherein the author has undertaken to re-examine, in a thorough and scholarly manner, the concept of fraud as it has developed in the Court of Chancery.

The scope and purpose of the work is set forth in an interesting nine-page "General Introduction" which commences with the following quotation from *Reddaway v. Benham*:¹

. . . Fraud is infinite in variety; sometimes it is audacious and unblushing; sometimes it pays a sort of homage to virtue, and then it is modest and retiring; it would be honesty itself if it could only afford it. But fraud is fraud all the same; and it is the fraud, not the manner of it, which calls for the interposition of the Court.²

Soon thereafter the author bemoans the fact that the courts have not established a definition of fraud. He suggests that "leaving a definition general and flexible is one thing, and having no definition at all is quite another."³ Surely, in these introductory pages, there is

² *Id.* at 233.

* Professor of Law, St. John's University School of Law.

¹ [1896] A.C. 199, 221 (per Lord Macnaghten).

² P. 1.

³ *Ibid.*