

Two Book Reviews of Benjamin J. Shipman: “Handbook of the Law of Equity Pleading.” (1897).

Benjamin Jonson Shipman was born on Sept. 29, 1853, in Haddam, Connecticut, and died in Seattle, Washington, on August 31, 1915, at age 61. He practiced law in St. Paul for many years, concentrating on real estate and commercial matters. His business card in the 1892 edition of Hubbell’s Legal Directory for Lawyers and Business Men lists his “specialties” as “Real Estate and Admiralty, Examination of Titles and Investments for non-Residents.”

His book on equity pleading was published by West Publishing Company in 1897. It was dedicated to United States District Court Judge Rensselaer R. Nelson (1826-1904), who served on the federal bench in Minnesota from 1858 to 1896:

“To the Honorable
RENSELAER R. NELSON,
For many years Judge of the United States District Court
for the District of Minnesota, and often sitting in Equity Causes, —
In appreciation of his courtesy and consideration towards
the younger members of the profession,
THIS BOOK IS INSCRIBED.”

Shipman’s treatise on equity pleading was reviewed in two law journals:

1.

6 Michigan Law Review 281-281 (November 1897)

“A careful examination of this work proves it to be equal in merit, to that of any of the previous volumes of the Hornbook series, about which so much of a commendatory nature has been written.

“Equity Pleading like that of Common-Law Pleading is necessarily complicated and it is pleasing to find the subject treated according to the admirable arrangement of the Hornbook series. An accurate view of the principles, a defect so prominent in other treatises upon the same subject, is amply supplied by this book, and it is a pleasure to turn from the older works on Equity Pleading where one must plod through pages of dry details in order to get a clear understanding of the principles to such a work as that under consideration, where the established rules or principles are fully set forth and copiously illustrated in such a manner as to fully remove this objectionable feature.

“The work treats of the origin, nature, and object of Equity Pleading, giving a brief sketch of the development of the system, and showing the analogy between Equity and Common Law Pleading.

“The Hornbook series are primarily intended for the use of law students, but this number of the series will prove valuable and convenient to practicing lawyers. In the chapter on Equitable Bills, the bill applicable to each equitable remedy is treated of separately, giving a clear statement of the purpose and the essential contents of the bill, thus greatly aiding the lawyer in drawing up his pleadings.

“Michigan lawyers will find this a good reference book, as the author has quoted abundantly the decisions of their state.”

2.

45 American Law Register and Review 744 (November 1897).

“This work is a very complete and logical analysis of one of the most important branches of the law, clear and concise to a high degree, like all the other books of this series. The sequence of topics could not be improved upon. Nearly two hundred pages, treating of “Bills in Equity,” cover that comprehensive subject exhaustively, yet without once allowing the reader to lose his bearings among the multitudinous divisions and subdivisions. The chapter on “Proceedings in an Equitable Suit,” intended chiefly for the student, “to state and explain what may or must generally occur in the conduct of an equitable suit from its commencement to and including the rendition and enforcement of the decree,” is an excellent preface to the study of the Pleadings in detail.

“To say that the book is essentially a reproduction of Story's masterly treatise on the same subject (which the author in his preface acknowledges to be the chief source of his material) will in no wise lessen its value. Its presentation of the law, as it now exists, and its original division of the subject and method of treatment, give it a value all its own. M. H.”

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