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Book Reviews: *Law and the Farmer*, by Jacob H. Beuscher, New York: Springer Publishing Company, 1953

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Law and the Farmer. By Jacob H. Beuscher.¹ New York: Springer Publishing Company, 1953. Pp. 406. \$4.95

Law and the Farmer is a non-technical presentation of real estate, agricultural and business law as it applies to the farmer. The chief purpose of the book is to furnish legal guidance to the farmer, both in his daily operations and in long-range planning for the acquisition, development, and even the ultimate disposal of the farm. The introduction, briefly but clearly, explains the nature and scope of business law against the background of the origin and application of the entire field of law.

Several chapters are devoted to the subject of acquiring a farm, discussing the problems of leasing, purchasing on contract, borrowing money, execution of real estate mortgages and the use of abstracts of title. Included in the discussion of land title records is an explanation

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of property description—a subject frequently ignored by both legal and agricultural authors.

Another portion of the book is devoted to the general problems of transferring a family farm from one generation to the next. Transfers during the life of the parents by purchase contract, deeds reserving a life estate, deed and mortgage, and creation of joint tenancy are covered. The reported decisions indicate a fairly wide resort among farm families to the support contract, by which an elderly couple agree to convey the farm to a close relative in return for being furnished support during the rest of their natural lives. The advantages and disadvantages of such arrangements are set out in this book, and the need for a definite agreement in place of an implied understanding is clearly explained. The discussion of transfers on death, both with and without a will, are supplemented by a quite complete review of probate procedure and death taxes.

The discussion of problems encountered in the ordinary course of farm operations appropriately commences with an explanation of property taxes, income taxes and social security.

Debts encountered in conducting farm operations are discussed briefly but clearly with explanations on promissory notes, conditional sales contracts, and chattel mortgages, the latter with particular reference to after-acquired property, increase from mortgaged animals, and unplanted crops. The remedies of the creditor under these transactions are outlined as well as the remedies of the farmer as a creditor and seller of his produce.

The brief mention given to other problems encountered in routine farm operations relating to boundaries, fences, drainage and water rights and animals and strays, is well justified upon the grounds that the answer to many of these problems is dependent upon a detailed knowledge of all facts and can often be resolved only by obtaining professional legal advice.

One chapter is devoted to governmental regulations of the farming business. Taxation, licensing, and quarantine are mentioned as methods of obtaining control. Regulation at the state level is illustrated by an explanation of the Wisconsin Milk Control Order Act, and at local level by an explanation of zoning ordinances and drainage, soil conservation, weed and other types of districts.

One of the admirable features of this book is the use throughout the entire discussion of illustrative situations with which every farm operator is familiar. The discussion of these illustrations outlines the legal steps to be taken to obtain a desired solution, or explains what should be done to avoid the creation of undesirable situations.

In our opinion the book in its chapter on regulation of the farming business touches rather too lightly on the federal aspects of such

regulations. In recent years the federal price support programs on agricultural commodities have affected almost every farmer in the United States. Our experience in handling legal work for the United States Department of Agriculture has shown us that many farmers do not understand that when a commodity is sealed in the crib on their farm under a federal price support loan, that the grain is still theirs and not the government's and that they are, therefore, except to the extent excused by the loan instruments, or applicable regulations, still liable for any losses in quantity or deterioration in quality. On the other hand, many other farmers fail to realize that while such commodities, even though stored on their own farm, are under seal and mortgaged to the government, they have no right to sell or feed this mortgaged property without first obtaining a release from the mortgage, and as a result, many farmers have become involved in civil litigation and some have even been indicted and convicted for conversion.

The chapter on secured farm debts we also believe should have pointed out that under both federal law and state statutes, a mortgagor may be criminally liable if he sells or feeds property subject to a chattel mortgage. Many farmers seem to be totally unaware of this fact.

Except for the above comments, in our opinion, the book is very comprehensive and thorough and should be a useful addition to any farm owner's or operator's library. While a few farmers might be tempted to try to solve all their own legal problems by the information contained in the book, we believe that most of those who read it would be adequately informed by the book so that they would recognize the situations which require professional legal services.

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