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## Book Reviews

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## BOOK REVIEWS

**THE MARQUIS DE MORES: DAKOTA CAPITALIST, FRENCH NATIONALIST.** By D. Jerome Tweton, Fargo: North Dakota Institute For Regional Studies, 1972. Pp. 249. \$8.95.

Professor Tweton of the University of North Dakota Department of History has prepared an outstanding work, the only complete biography in any language of a colorful and important figure. Mores, who died eighty years ago had careers and exploits on four continents in the spheres of business and promotion as well as politics and ideology. The Tweton study is the sole one to deal with the French nobleman in each of his three phases.

Court trials on two continents receive attention. The Marquis, a skillful swordsman, killed a number of men in duels. The death at his hands of a Jewish officer, Captain Joseph A. Mayer, brought Mores to jail and to court at Paris. The incident affords the reader a glimpse of French legal procedures. Involvement of Mores in the infamous, absurd episode of forged diplomatic documents which swirled about the celebrated Clemenceau, ends in a sensational civil suit, the Norton-Ducret case, at which Mores testified. Other French trials are treated, but the case, *Territory of Dakota vs The Marquis de Mores*, heard at Mandan, is given the fullest treatment it has ever received.

Mores was accused in June 1883 of having killed a cowboy who may or may not have been thinking of retaliating against the Frenchman because he had fenced land along the Northern Pacific in the northern Dakota Badlands. His fences closed trails used by the buffalo-hunters. Tweton not only recounts the 1883 hearing and the 1885 trial, quoting from the testimony and indicating the strategies employed by the attorneys, he also records the reaction to the acquittal of the foreign entrepreneur who was doing so much to promote the Missouri Slope country. The press acclaimed the escape of punishment by the nobleman. The "better class of people" extended to him "heartly and sincere congratulations."<sup>1</sup>

It is the Marquis' business ventures, responsible for such sup-

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1. D. J. TWETON, MARQUIS DE MORES: DAKOTA CAPITALIST, FRENCH NATIONALIST 97-98 (1972).

port of him by Dakota's urban elite, which receives most attention from Professor Tweton. The book opens with a comprehensive chapter, "The Cattle Craze," the phenomenon which brought capital to the Dakota of the 1880's and the attention of eastern Americans and Europeans to the northern, disadvantaged Territory. Mores' grand design was to slaughter and pack beef on the plains close to the supply of cattle. Not shipping the bones and other waste to Chicago—then and for a half-century to follow the principal packing center of the United States—would save large sums of money.

But the packing plant at Medora in the Bad Lands failed. In part its demise was caused by the mismanagement by the Marquis. He had no business sense. He diverted his energies and some capital—both much needed for the packing operation—into salmon shipping, sheep, cabbages and freight and passenger stage operations.

The Marquis, with considerable inherited wealth and commensurate social position, professed concern for the less fortunate members of the community. In France he advanced his elaborate scheme for "workers' credit." In the United States he sought to ameliorate the lot of the urban poor by eliminating the middle man from a sector of the food industry. He organized the National Consumers' Meat Company with plans for 50 retail shops in New York City alone. The saving to the consumer would amount to 3 cents a pound—a very considerable sum keeping in mind the low prices of the 1880's. Six shops were opened in 1886 but the supply of dressed beef could not meet the demand generated by the stores. That the outlets enjoyed success is indicated by picketing conducted—with some violence—by butchers. These New Yorkers had sought by legislation to keep out western beef, and failing took to picketing and to breaking shop windows.

The scheme could not succeed, despite announced plans to erect a very large enclosed feed lot at Medora. Neither the Bad Lands—no matter how salubrious the climate and plentiful the grasses—nor neighboring Montana could provide a dependable supply of cattle fit for the market. The Marquis was ahead of his time; meat packing in North Dakota would not be feasible until cattle-raising was added to grain farming on the Drift Prairie extending from the Missouri River toward the Red River Valley, and the feed lot was introduced farther east a bit later. By World War I, Armour & Co. would have operations at Grand Forks and Fargo.

Mores had little impact on northern Dakota Territory; Medora became a ghost town. Only recently has North Dakota made a bid for the tourist dollar by cultivating the memory of his exploits

here. The Tweton biography makes the man and his ideas available to students, and more narrowly, gives him his place in the Dakota story.

ROBERT P. WILKINS

**AGRICULTURAL LAW.** By Donald R. Levi, Lucas Brothers Publishers. 325 pages, with glossary and index.

In the preface to his book, Professor Levi states that, "[t]he basic purpose of this book is to help farmers, ranchers and other agriculturally oriented people understand when they have a legal problem so that they may seek timely legal assistance." The aim of the book is laudable, but the subsequent chapters fail to hit the mark.

The field of preventive law has been neglected too long, especially in the area of law for the layman, and perhaps Levi wrote the book in answer to the often perceived need of the man on the street to know enough about the law to recognize that he has a legal problem when it arises. This book differs markedly from the approach taken by Norman Dacey in "How to Avoid Probate," since Levi does not attempt to lead the laymen through any particular legal procedure or task nor does he encourage the layman to avoid lawyers. To the contrary, he emphasizes the need for skilled professional help in solving legal problems. What Levi does for the laymen is comparable to what is done by a law faculty for a first year student: to teach fundamental legal principles in certain foundation areas of the law and to develop the student's ability to "think like a lawyer."

After an introduction to the judicial system, Professor Levi proceeds to take the reader through a discussion of the law of contracts, torts and property. The subject matter and approach seems to have little to do with agricultural law as that term is commonly understood. Indeed, Levi is so imbued with traditional legal education concepts that he even instructs the reader on the techniques of briefing cases! It is unrealistic to assume that a layman will be able to apply the case method successfully without the further intervention of a law faculty and contact with other students. In short, Levi expects the reader to reach a similar plateau that the first year law student would attain without the benefit of going to law school. Perhaps this assessment is unfair, since Levi only warranted that a reading of the book would give the reader a sophistication in legal principles to the point where he would recognize a legal problem in time to get effective legal assistance. Quare, however, how far a first year law student's sophistication extends beyond that frontier.

It is difficult to understand why Levi chose the format of a casebook for his work. The author lists certain legal principles and then a case is given to illustrate the principle. Thirty-two cases

are included in the book, most of them from Missouri. The weakness in this format is immediately evident. The reader cannot hope to understand the procedural context of the case and the "judicialese" language of the courts must be mystifying to any layman. The problem is not solved by the attempt in the first chapter to explain the court system and legal process in general nor by the explanation of terms in the glossary. Professor Levi would have been better advised to spend his time in the far more difficult but infinitely more effective work of writing for his readers. If the readership consist of laymen, the law must be "decoded" and personalized. Just as one cannot expect to teach the average person how to repair his automobile engine by giving him an advanced text on mechanical engineering, neither can one hope to instill in laymen an appreciation of basic legal principles by using a casebook which is largely a copy of the type used in law schools.

In trying to cover the subjects of contracts, torts and property, in a relatively short book, Professor Levi has the additional problem of choosing the principles to emphasize. A little learning is a dangerous thing, as the adage goes, but the danger is compounded if the little learning is also the wrong learning. For example, the section on property law emphasizes a discussion of the difference between fee simple absolute, fee simple conditional, fee tail, fee simple determinable, and other traditional matters covered in a first year law school property course complete with all the murky terminology. The discussion is brief, but such subjects can hardly be covered in a few pages and one wonders what the discussion has to do with the author's purpose of emphasizing preventive law. A farmer or rancher would be more interested in a discussion of typical problems dealing with leases and sales of farm or ranch property. After reading the section on property in this book, the reader will probably not be able to recognize many legal problems which he may face, much less seek timely legal help for their resolution.

The remainder of the book touches on subjects including water rights, restrictions on the use and ownership of land, federal income tax, estate planning and forms of business organizations. These chapters are useful and somewhat more suited to a lay readership. Moreover, the reader can identify with the problems discussed and the purpose of advancing the cause of preventive law is fulfilled to a much greater extent than in the earlier chapters.

Laymen are interested in legal information, not necessarily legal education. Professor Levi's book emphasizes legal education and it is doubtful that it will succeed in raising the level of legal sophistication of laymen or in teaching them to think like lawyers. There

is a dearth of effective law books for laymen, and Professor Levi unfortunately has not eased the shortage.

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