



1931

Book Reviews

S. Chesterfield Oppenheim
George Washington University

Samuel M. Wilson

Alvin E. Evans
University of Kentucky

Forrest Revere Black
University of Kentucky

William B. Gess

Follow this and additional works at: <https://uknowledge.uky.edu/klj>

Right click to open a feedback form in a new tab to let us know how this document benefits you.

Recommended Citation

Oppenheim, S. Chesterfield; Wilson, Samuel M.; Evans, Alvin E.; Black, Forrest Revere; and Gess, William B. (1931) "Book Reviews," *Kentucky Law Journal*: Vol. 19 : Iss. 2 , Article 7.

Available at: <https://uknowledge.uky.edu/klj/vol19/iss2/7>

This Book Review is brought to you for free and open access by the Law Journals at UKnowledge. It has been accepted for inclusion in Kentucky Law Journal by an authorized editor of UKnowledge. For more information, please contact UKnowledge@lsv.uky.edu.

BOOK REVIEWS

CASES ON THE LAW OF PROPERTY.—Volume 5. Wills, Descent and Administration. By George P. Costigan, Jr. Second Edition. St. Paul: West Publishing Company, 1929, pp. xxi, 888.

The editor's declaration in the preface, of an intention not to make radical changes, is well served by strict adherence to the general plan of the first edition. With few exceptions, the chapter and section headings are the same in order of treatment and in descriptive titles. For the most part, the compiler has pursued the policy of increasing somewhat the materials selected for each topic. Allowing for shifts in emphasis as between topics and contractions in a number of them, the new edition contains about one hundred pages more than the original.

It may enhance the effectiveness of classroom presentation to modify the arrangement in one respect. It seems desirable to treat in one chapter, probably after revocation of wills, the cases dealing with mistaken execution and mistaken revocation, including implied condition and dependent relative revocation, and distinguishing therefrom the cases involving express conditions. This classification is found in Mechem and Atkinson's casebook. While the order is not as logical as may be desired, it seems more satisfactory on pedagogical grounds.

Among the changes which enrich the treatment of the subject are: new cases on mistake in description of beneficiaries and of the property; the reclassification of *Luscomb v. Ballard* (from the section on claims against the estate to the section on contracts and power of alienation) and the addition, following that case, of *Alexander v. Herring* (continuation of deceased's business) and *Exchange National Bank v. Betts* (relation of performance of contracts of deceased to contracts of a representative); the addition of a section on "Legacies and Devises upon Conditions" and another on "Decrees of Distribution and Final Settlement."

At a number of points, the presentation is also bettered by contracting subject-matter found in the earlier edition. It is gratifying to find that a footnote replaces an unnecessary section in the first edition on "Priorities of Creditors over Legatees and Next of Kin." The appointment and removal of representatives and the doctrine of executor de son tort seem to require no more than the two cases now offered for each of those topics in place of the four originally used. The reviewer regrets that Professor Costigan did not see fit to exclude from the chapter on "Integration and Incorporation by Reference" the cases dealing with referential testamentary trusts; *Caldwell v. Caldwell*, *In re Boyes*, *In re Maddock*. To discuss these cases adequately, too much has to be assumed or developed concerning strictly trust aspects of the problem involved. Perhaps the notes on pages 277, 280

and 286 are sufficient to propose the problem to the more enterprising student for further study and correlation with his course in Trusts.

In a number of places, recognition is given to changes in terminology which have been introduced since the first edition. For example integration cases are grouped with incorporation by reference. Further reference to new nomenclature is found in the notes in the chapter on "Republication" and "Revival," which contain numerous references to the able article of Dean Evans. In this chapter alone, ten different cases have been inserted. These, together with the annotation, should prove adequate for distinguishing re-execution, incorporation, republication and revival.

The revision of footnotes is thorough and new notes are incorporated. Especially significant are the extensive references to articles and notes in legal periodicals. The citations to cases are given with parallel references to the reporter and selected case series, including monographic notes. There are frequent references to the standard American treatises of Page, Rood, Gardner and Woerner.

Students should find much of practical value in the addition to the Appendix of a section on "The Planning and Drafting of Wills," including a helpful bibliographical note and a sample will. The recent English legislation is found either in the body of the book or in the Appendix. One might wish that the editor had also included some specimen forms for Probate and Administration procedure and had furnished more samples of statutory types of Administration. The variations in statutory types for the Wills portion of the subject are well covered in Professor Bordwell's carefully prepared articles, which are cited in a number of footnotes.

One may get the impression that the treatment of Probate and Administration may be strengthened somewhat by including a wider range and greater variety of topics in those fields. However, it should be remembered that some instructors prefer to center the course around testate succession, or to introduce local cases and statutes on the topics of Descent, Probate and Administration, thus restricting the material required for those topics. This is the design of the present compilation, as the editor informs us in the preface. Judged from this point of view, Professor Costigan's casebook serves the purpose admirably for the usual thirty-two hour course. Perhaps it may be considered a little unbalanced for the longer course, which may be planned so as to give equal or almost equal emphasis to Wills and to Probate and Administration. It must not be thought, however, that Professor Costigan has neglected his revision of the third part of the casebook dealing with Probate and Administration. There are important modifications and additions, some of which have already been mentioned. Perhaps what is needed is some round-table discussion as to the relative value of the Probate and Administration portion of the subject. Once that is determined, the inevitable differences of view as to scope and content may be considerably lessened.

Those who have benefited from the high scholarship and accuracy which characterized the preparation of the first edition of Professor Costigan's collection of cases will welcome the present work as one which maintains the same excellence in the respects in which revision and enlargement are made.

S. CHESTERFIELD OPPENHEIM

The George Washington
University Law School.

QUESTIONED DOCUMENTS. By Albert S. Osborn, author of *The Problem of Proof*, with an Introduction by Professor John Henry Wigmore. Second edition, second printing. Boyd Printing Company, Albany, N. Y.; The Carswell Company, Limited, Toronto, and Sweet & Maxwell, Limited, London. 1930, pp. xxiv, 1028.

Surely this is one of the most valuable and fascinating law books that could possibly be presented to the legal profession. The first edition, with which older members of the profession are well acquainted, was published in 1910. Its unusual merits were immediately recognized and the entire edition was disposed of in short order. But the capable and conscientious expert who had thus given to the world the ripe fruits of his wide experience and profound knowledge was in no hurry to set the presses to whirring again. He bided his time, knowing that the constantly expanding fields of business and the multiplying complexities and needs of human relations, which more and more demand the use of documents to facilitate and expedite dealings between man and man, would only serve to augment the author's vast store of information and render that information indispensable to the busy layman no less than to the active practitioner. An honest and justifiable pride inevitably arose from the fine reception accorded this first edition, and, deeming it an honor to have provided mankind with so useful an instrument for the promotion of the common welfare, Mr. Osborn wisely resolved not to repeat the venture until he felt assured he had accumulated materials which would unquestionably prove a second edition better than the first. And now, within the short space of less than two years, so instantly and impressively was his confidence vindicated, that a second issue of this second edition has been called for. No less a person than Professor John Henry Wigmore, Dean of the Law School of Northwestern University and the well-known author of "Wigmore on Evidence," had given his enthusiastic and unqualified approval to the original 1910 edition of the book, and, again, in 1928, he said: "I am quite ready to renew my endorsement of your book, 'Questioned Documents.'" And the same thing is true, with added emphasis, of the second printing of this second edition, which has just come from the press.

With the reading public it has come to be expected as almost a matter of course that a review of any book is not complete or satisfactory unless the writer has scrutinized its contents sufficiently to be able to detect flaws or to point out defects, as if the sound canons of

literary or juristic criticism might be violated or dishonored if no fault were found. The present reviewer, however, can testify from personal experience to the value of the first edition of this work, and to the genuine pleasure he has derived from reading and studying the more recent edition. As for him, it is enough to say that it is a book he would not willingly be without. He keeps a copy in his law office and another in his private library, so that it may at all times be available for ready reference. In scanning the brand-new *third* copy, which has lately come to his desk, as beautiful in paper, press-work and binding as its pages are excellent for the pith and point of the instruction they convey, he has forgotten the possibility of typographical errors or of erroneous citations or of inelegant rhetoric, so real is his gratitude for the sterling worth of what is here unfolded and so sincere is his admiration for the mastery the author has displayed of his intricate and difficult subject. Fly specks there may be in this book, but one reader at least has failed to discover them. Its excellencies are beyond number.

Nor should anyone imagine that this is all mere indiscriminate and inordinate praise. A moment's reflection will satisfy lawyer, law student, and law professor, to say nothing of the thoughtful layman, that here is a book that deals with the very foundation of civilization itself. It is a common saying that without documents there would be no history. But an equally tenable proposition is that civilization itself, whether commemorated in historical annals or not, could not exist, indeed, would never have emerged from man's primitive state of barbarism, had not documents, in one form or another, been invented. And the progress of civilization has rendered documents a necessary and indispensable part of every man's life. Blot out the documents of the world and number writing and printing among the lost arts, and mankind would speedily revert to a state of savagery. And this indisputable fact makes it all the more imperative that the documents upon which human beings rely for the verity of history or for the safe conduct of their daily affairs should be of unassailable authenticity. The spurious and the counterfeit, in such circumstances, can work harm and only harm.

The principles and the tests laid down in Mr. Osborn's most useful book, which are illustrated by innumerable concrete examples, are designed to prove and establish as well as to disprove and overthrow "Questioned Documents." As every practicing lawyer knows, it is oftentimes quite as essential and important to demonstrate the genuineness of a document as it is to show that a given document is a forgery. But we think it cannot be too strongly stated, that the scope and utility of this work are by no means confined to the needs or emergencies of the legal profession. The student of history, which in modern times is more fortified by original documents, and the lover of "mere literature," particularly the collector of autograph manuscripts, will here find a veritable *vade mecum*, a manual which will infallibly save him from snares and pitfalls which beset the unwary and guide him into

the right road and fill him at all times with a sweet sense of security. The connoisseur in the realm of art may, also, gain from this authoritative source many helpful hints.

Perhaps those who, by chance, may condescend to read this review are beginning to wonder what is in this book, after all, and why it is that the reviewer contents himself with this lengthy effusion of unadulterated commendation, instead of singling out specific extracts or carefully citing chapter and section in support of his praise. Well, the short answer is that it simply can't be done, leastwise it can't be done acceptably. If those interested desire to subject it to test, let them open it at random either in the main body of the text or in the appendices, and if their attention is not immediately riveted and their interest aroused and their understanding illuminated, then the present writer would hold himself ill qualified to make selections wherewith to impress or convince the unresponsive or the skeptical. Lawyers will not need to be told how to use this keen-edged tool to advantage in civil or criminal contests in the courts. Bearing in mind that "a scrap of paper and a few ink marks may lead to a lawsuit," and that upon the rightful or wrongful use of a drop of ink on the nib of a pen may hang the fate of a fortune, for our brethren of the bar it will suffice to note such chapter headings as "Classes of Questioned Documents," "Standards of Comparison," "Photography and Questioned Documents," "The Microscope and Questioned Documents," "Variation in Genuine Writing," "Simulated, or Copied, Forgeries," "Traced Forgeries," "Anonymous Letters," "Ink and Questioned Documents," "Paper and Questioned Documents," "Age of Documents," "Questioned Typewriting." This list comprises only twelve of the thirty-six chapters or less than a third of the entire volume. Part Two consists of a clear, compact, and comprehensive treatise, with citations and discussions on "The Facts and the Law of Questioned Documents." Resort to it will save many a hard-pressed counsellor from tiresome and fruitless search, and he will discover, to his intense relief, that science and the law are here happily wedded.

Those of a bookish tendency, who cherish or cultivate a liking for documents on their own account, should prepare themselves for the full enjoyment and correct appreciation of this book by reading the paper on "Literary Forgeries" in Doctor Rosenbach's charming sheaf of essays, recently published by that prince of bibliophiles, entitled "Books and Bidders." Then, before conning the text, let these book-lovers and autograph collectors turn to Section 18, of Part Two, of "Questioned Documents," which gives citations and discussions on "Circumstantial Evidence," and, at page 962, note the comments on the alleged letters between Ann Rutledge and Abraham Lincoln, to see what havoc a glaring anachronism may play with a suspected document. Skipping a few pages, let the same bookmen or men of letters glance at the citation, on page 978, of the case of *Manning v. Anderson Galleries*, 222 N. Y. Supplement 572, and learn what the court had to

say about the legal title to the famous Button Gwinnett signature as witness to a will, which sold for the fabulous sum, of \$22,500.00. If a course of preparation such as this is not sufficient to enlist an irresistible interest in this book, then we are no competent judge of how bibliomania works in the mind of the typical collector.

Helpful beyond measure to the beginner will be found the sound and valuable advice embodied in the chapters on "The Physical Preparation of Documents," "The Signing or Execution of Wills and Other Documents," "A Questioned Document Case in Court," and "The Law and Legal Procedure in Disputed Document Cases." The ambition of any aspiring law student would be amply gratified by setting out to equip himself as a specialist in this branch of the law practice, and the knowledge thus acquired would stand him in good stead in all branches.

"Questioned Documents" is well indexed and is provided with a splendid bibliography. Nothing, apparently, is left to chance, even for the careless or the abnormally indolent. It contains over a thousand pages in all and every page is packed full of meat.

In a characteristic flash of insight, Oscar Wilde once observed, "One's style is one's signature always." That's a good criterion for all critical students of documents, whether questioned or unquestioned.

SAMUEL M. WILSON.

Lexington, Kentucky.

A TREATISE OF COMMERCIAL ARBITRATIONS AND AWARDS. By Wesley A. Sturges. Kansas City, Missouri: Vernon Law Book Company. 1930, pp. x, 1082.

The discussion of a difficult subject is brought within the confines of a one-volume treatise by Mr. Sturges. Owing to the requirements of space, doubtless, he has little to say about the historical aspects of the subject, nor does he bother himself about the early fear of the courts that arbitration agreements may be in conflict with public policy because they tend to oust the courts of their proper jurisdiction. Possibly space might have been saved for such matters, to some extent, by more summarizing of the views courts have taken on particular matters, rather than making somewhat extended quotations.

As the author observes in his preface, the order and subject matter of the seventeen various chapters follow the chronology of the events of an arbitration, to wit: the agreement of submission, the formation of the arbitral board; preparation for the hearing, the award and the enforcement and impeachment of it; and the review on appeal and proceedings to enforce, vacate or modify it.

This is undoubtedly a valuable collection of material, and the modest hope of the author that the book may serve as a guide in conducting arbitrations should be fulfilled. The appendix contains the United States Arbitration Act of 1925, the English Arbitration Act of 1889, the Administration of Justice Act of 1920, a draft of a State Arbitration Act, and the Uniform Arbitration Act.

ALVIN E. EVANS.

CORPORATE MEETINGS, MINUTES, AND RESOLUTIONS. Lillian Doris Prentice Hall, Inc. (N. Y.) 1929, pp. 1, xxxix, 1046.

The aim of this work, as stated in the preface, is "to explain to those who are responsible for preparing the minutes of a corporate meeting the elementary principles of corporation law; also to present precedents of minutes and resolutions that meet the usual legal requirements." This aim has been realized. There is an attempt to state briefly the law applicable to organization meetings, management, capital stock, dividends, amendments, sales, consolidations, etc. The law as stated is elementary and of little value to the practicing attorney and is more of the nature of that found in the many books classified as "business guides." However, the few annotations given are well selected and recent. Each chapter is followed by a selection of forms at least suggestive of the proper wording of the various minute entries, notices and resolutions. There are nearly seven hundred forms suggested, and in this lies the value of the book.

F. M.

LIBERTY. By Everett Dean Martin. W. W. Norton & Co., New York. 1930, pp. x, 307.

THIS LAND OF LIBERTY. By Ernest Sutherland Bates. Harpers & Brothers, New York. 1930, pp. x, 383.

WHAT RIGHTS ARE LEFT. By Henry Alan Johnston. The Macmillan Co., New York. 1930, pp. x, 177.

These three popular books should be of interest to all members of the legal profession. Their theme is the contemporary attack, on many fronts, that is being made on liberty. The Everett Dean Martin work is a philosophical discussion of liberty. The author, in a convincing manner, shows that a hundred years ago the struggle for liberty was a struggle of the average individual against the tyranny of an entrenched nobility, monarchy or priesthood. Now the enemy of liberty seems to be the crowd itself, operating through the instrumentality of majority rule and mob law and social ostracism. There is an admirable historical discussion of the problem of liberty in ancient Athens, the relation of Christianity to liberty and the effect of the Renaissance on political, economic and social freedom. The chief contribution of the book is the penetrating analysis that is made of crowd behavior and its effect on the liberty of the individual.

Mr. Ernest Sutherland Bates has written a thought-provoking book giving a descriptive account of the many-sided attack that is being made on liberty in contemporary America. It is an admirable companion volume to Leon Whipple's "The Story of Civil Liberty in the United States." The writer portrays in an interesting manner the growth of sumptuary legislation and makes a bold plea for tolerance. Several chapters are devoted to lawless methods of law enforcement with special reference to the use of private constabularies, the "third degree," illegal searches and seizures, espionage and lynch law. Under the caption, "Fair and Speedy Trials," the writer summarizes a few of

the flagrant miscarriages of justice in California, Pennsylvania, Washington, Massachusetts and North Carolina. The activities of the Post Office Department during the war and of the Department of Justice after the war under the direction of Burlison and Palmer are held up to scathing criticism. There is an admirable discussion of propaganda and pressure groups and "major minority" tyranny. The whole work is in effect a defense of the Ralph Waldo Emerson credo, "If there be a country where knowledge cannot be diffused without perils of mob law and statute law; where speech is not free; where the Post Office is violated . . . that country is, in all these respects, not civil, but barbarous."

The final work in this trilogy is written by a prominent member of the New York bar, Mr. Henry Alan Johnson, and deals exclusively with the legal and constitutional aspects of prohibition enforcement. The writer discusses the leading cases on search and seizure, forfeiture of vehicles, entrapment and the right of castle. One chapter is devoted to the (theoretical) remedies available to the wronged individual. As the title indicates, the main purpose of the book is to show the deep inroads that have been made into the field of liberty by writing into the fundamental law a piece of sumptuary legislation. In the chapter entitled the "Rights that are Left" there is a discussion of Possession of Liquor in the Home, Home Manufacture and Intoxication.

Every citizen should be interested in the problem of the reconciliation of liberty and authority. Ever since America's entrance into the World War, the pendulum has been moving in the direction of further governmental intrusion into the everyday life of the citizen. Lovers of liberty are beginning to ask, "Can this tendency toward despotic power be checked, or will it rise to the dignity of an evolutionary process?" These three books are well worth while and constitute an eloquent protest against the trend of the times.

FORREST REVERE BLACK.

STUDIES IN THE HISTORY OF AMERICAN LAW. By Richard B. Morris. New York: Columbia University Press. 1930, pp. 285.

One rarely reads a technical book with so much pleasure and deep interest as this book affords. There are five chapters: An Introduction to Early American Legal History, Laws Relating to the Distribution and Alienation of Land, Women's Rights in the Early American Law, and Responsibility for Tortious Acts.

The writer justifies the claim that there was an early "American" common law. He gives the various theories of transplantation of the common law. He shows how the early American common law came to be lost. The subsequent influence of the frontier conditions, the theological concept of the law of nature and the influence of the clergy and of the Old Testament doctrines played important parts thereafter. The expansion of the applications of case, trover and ejectment and

the reform of the law of evidence and resort to arbitration, is shown in some detail.

As to land law, there were two striking developments; first, the initiation of a recording system, and restraints on alienation. The ideal was that of the small peasant farmer. Early attack was made by legislation and otherwise upon the principle of primogeniture and as a consequence it never took much hold even in Colonial America. The writer indicates that only in the seaboard colonies did the statute *De Donis* and the entailment of estates have their English strength.

The chapter dealing with the rights of women is most interesting, showing as it does at that time the rather amazing advance married women had made over their English sisters. The discussion of tort liability is equally valuable and the theories then developed would still bear watching.

On the whole, lawyers with a taste for history would be richly repaid by, not a perusal, but a detailed study of this little volume.

ALVIN E. EVANS.

PROGRESS OF THE LAW IN THE U. S. SUPREME COURT, 1929-1930. By Gregory Hankin and Charlotte Hankin. Legal Research Service, Washington, D. C. 1930, pp. xiii, 483.

This book constitutes the second annual review of the work of the Supreme Court of the United States prepared by the Legal Research Service. The first volume in the series published a year ago was received favorably by lawyers and laymen. It is to be hoped that this service will become permanent. The editors, Gregory and Charlotte Hankin, are attempting to present an impartial description of the work of our highest court. The cases are reviewed and discussed in a non-technical manner. The book is of special interest to the layman, but it is also valuable to the busy lawyer in that it provides a convenient means of keeping abreast of the times. The reader will not acquire a thorough knowledge of any case from reading this book, but his interest may be aroused and he may thereby be led to the original report. This volume differs from the preceding one in two respects: the authors have stressed the social and economic background of some of the leading cases to a greater degree and they have presented a more critical analysis of some of the cases by expressing their own opinions concerning them. The cases are arranged under such general headings as Railroads, Insurance, Banks, Taxation, Labor Problems, Prohibition, and Trade Regulation.

This volume is dedicated to the memory of Chief Justice Taft, "The Great Administrator of the Supreme Court." The first fifty pages are devoted to the contribution of the late Chief Justice and his successor under the Jurisdictional Act of 1925 in speeding up the work of the Supreme Court. We recommend this work in the highest terms to every citizen who is interested in the problem of the administration of justice.

FORREST REVERE BLACK.

A TREATISE ON THE LAW OF TRUSTS AND TRUSTEES. By Jairus Ware Perry. Boston: Little, Brown and Company. 1929, pp. Volume I, clxxxii, Volume II, xviii, 1729.

The first edition of this book was published in 1871. In the preface the editor acknowledges his obligations to Mr. Hill and also to Mr. Lewin. He was under especial obligation to Mr. Lewin, however, whose material was very largely adopted. In 1874 the second edition appeared in which the American cases were much more painstakingly taken up and discussed. The book has just come through its seventh edition, being revised and enlarged by Raymond G. Baldes of the Boston Bar.

In the preface to the seventh edition, the editor indicates that references to many articles in law reviews have been added but the number is not very large, and they are not an important feature of the new edition.

This book is the leading American treatise on trusts. It is appearing just before the product of the American Law Institute, the Restatement of the Law of Trusts, is scheduled to appear. How closely it corresponds to the Restatement, of course, cannot be told until the Restatement has been published. The book, however, has been very popular with American lawyers, and the new edition will make it much more serviceable because it cites a large amount of the vast material that has accumulated in recent years. There are some incidental matters that one would like to have seen touched upon more fully. For example, the *Olafin* Doctrine, briefly referred to in Section 422, might have been more fully elaborated. The discussion of The Termination of Trusts, which is the subject matter of the thirty-second chapter, might have been more complete. For example, the author speaks only of trusts being terminated by their purposes being accomplished, or by the impossibility of carrying them out; of the right of termination being reserved in the instrument creating the trust; and of termination by merger. Of course not all the angles of termination of trusts are included within this chapter. Such criticisms, however, can be made of almost any treatise.

The book may be commended to the members of the Bar as a valuable guide for the study of Trusts, and especially for the large number of cases cited on so many of the points discussed. It thus becomes a storehouse for lawyers, showing them where further authority can be found on most of the problems that are likely to confront the practicing attorney.

ALVIN E. EVANS.

CASES AND MATERIALS ON THE LAW OF CREDIT TRANSACTIONS. By Wesley A. Sturges. St. Paul: West Publishing Company. 1930, pp. xi, 1228.

This volume contains the substance of the course in Credit Transactions which the author has given at the Yale Law School for the past five years. The course displaced the separate courses in Bankruptcy, Mortgages and Suretyship which were formerly given.

The aim of the book is to present suggestive materials for study of some of the simpler and more frequently recurring transactions, involving, for the most part, borrowing and lending of money and purchase and sale of property on credit. This object is a commendable one, and the author has made a very creditable attempt. There is little rivalry in this field.

The plan of the book is good, but the execution is in some respects subject to criticism. For instance, the author gives about one-fourth of his entire book to law journal articles. There are, to be precise, one hundred and eight excerpts from the various legal periodicals, and of this number fifty-six are "comments on recent cases."

It is difficult to review a casebook. To some extent a critic is disarmed at the outset by the fact that such a book is a collection of material designed by the editor for his own use in presenting the subject to his own students. It is prepared as a result of his own experience to meet his own needs. This book is, however, extremely broad in its scope and the cases chosen by the author are outstanding.

The book is distinctly American. To some, this will seem a vice; to others, a virtue. Of the three hundred and seventy-eight American cases, two hundred and forty were decided since 1900, and most of these in the past ten years. The book is indeed modern in most respects. The English cases were all decided prior to 1900, and thus it is apparent that they were used chiefly for historical setting.

It is said that the function of a casebook is to present in convenient form an adequate amount of selected materials for the use of students on the subject and that the comments of the reviewer should be directed to the form in which the materials are presented, their scope and quantity, the basis of selection and the skill displayed by the editor in his choice of cases.*

The cases are carefully cited and well chosen. The leading decisions on the subject are practically all included in the text. Footnotes are few in number, but those cited are concise and give useful information with reference to the state of the law. There is much attractiveness in a casebook so planned that one can begin at the first page and go right through to the end. Such is the situation in this book. The arrangement of cases is excellent, and the excerpts from reference books, thirteen in number, are timely and helpful. To one who is not yet far enough from his law school days to have forgotten what was of value to a student, a suggestion may be permitted. A casebook cannot, of course, contain all the materials in the field: Mr. Sturges' book is long enough. Why should not the footnotes, however, indicate the cases that have been omitted and point the way more fully to further reading? Complete notes are most valuable as stimulation to independent research.

* Cited in a review by Horace F. Whiteside, 42 *Harvard Law Review*, 843.

In the appendix is included The Negotiable Instruments Law, The National Bankruptcy Act, The Uniform Real Estate Mortgage Act, The Uniform Chattel Mortgage Act, and The Uniform Conditional Sales Act.

In conclusion, the book as a whole may be considered as above par. The typography, binding, and paper are of the best.

WILLIAM B. GESS.

Lexington, Kentucky.