

The Restatement in the Courts (3rd Ed.)(Book Note)

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BOOK NOTES

THE RESTATEMENT IN THE COURTS. Third edition. St. Paul: American Law Institute Publishers, 1937, pp. i, 358.

Since the second edition of this report to the Bar appeared in 1935, the increase in the number of cases in which the various restatements have been cited and followed is at once noteworthy and not surprising. In any comment on the current edition, this matter deserves first mention. The current edition reports the publication of the first two volumes of the Property Restatement in 1936 and the Restatement of Restitution in 1937. The rate at which the work of restating the law has progressed in the last two years, then, will be seen to be about the same as during the years from 1932 to and including 1935.

In the matter of state annotations, greater progress has been made. On page 18, the Institute reports annotations on Contracts in twenty-four states; on Agency in eleven, on Conflict of Laws in eighteen, on Torts and on Trusts in two. The name of New York appears in the list of states having annotations to the Restatements of Contracts and of Conflict of Laws.

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CASES ON FUTURE INTERESTS. Second edition. By Richard R. Powell. St. Paul: West Publishing Co., 1937, pp. xxxix, 1068.

Although ten years have passed since the publication of the first edition of this work, the author has found little reason to make any outstanding changes, either in the method of approach or in the contents. Two new chapters have been added, the fifteenth, "dealing with restraints upon alienation", and the fourteenth, "dealing with the operation of the rule against perpetuities in New York".

The fourteenth chapter on the New York rule neither adds to nor detracts from the conceded excellence of the original volume. The New York rule is naturally and properly considered throughout the book under the various subdivisions of the law of future interests. Chapter Fourteen tends to emphasize rather than exhaust the intricacies of the rule in New York.

In Chapter Fifteen, entitled "Restraints Upon Alienation", Professor Powell has limited the discussion to those "restraints on alienation expressly imposed by the form of the limitation". For example, reference is made to the case of *Northwest Real Estate Company v. Charles Secio et al.*,¹ where "a deed in fee simple for a lot of ground contained * * * a provision that the land should not be subsequently sold or rented, prior to a designated date, without the consent of the grantor". Cases of this type undoubtedly demand separate and

¹ 156 Md. 229, 144 Atl. 245 (1929).