

Cases on the Law of Sales (3rd Ed.) (Book Review)

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possible. The materials which follow concerning the function of pleadings and the historical development from oral to written pleadings, as well as the quotations from Dr. Karl von Lewinski's article "Courts and Procedure in Germany," complete the picture. This reference to the Continental practice is characteristic of Dean Clark's method.

Features which will strongly appeal to those interested not merely in procedural detail, but, more particularly, in breadth of view and fundamentals, are the materials which tend to tie up the rules of Pleading and Procedure with the rules of Evidence and a similar tie-up between Adjective Law and Substantive Law. Unless Procedure is taught in a manner which properly connects various phases of Adjective Law with one another, the result is bound to be artificial and unsatisfactory. The materials on facts and law to be found on pages 102-17 seem particularly striking and useful.

Dean Clark would doubtless be one of the first to admit that no wholly satisfactory and more or less final method of handling the subject has yet been found. It will be interesting to note future developments. It has seemed to the writer that much benefit could be derived from a deliberate and methodical emphasis on various procedural aspects of the Substantive Law courses in the second and third years. It should not be over-difficult to have a few of the lectures in selected Substantive Law courses given by the professor in charge of the Procedure courses or one of his assistants. This would be particularly helpful in connection with the course on Conflicts of Laws where the subject of Jurisdiction of Courts is traditionally handled. Some of the finest procedural material is frequently lost in the shuffle by virtue of the emphasis placed upon the purely constitutional phases of the subject of Jurisdiction, thus throwing away, as it were, one of the best opportunities to train the student in the underlying principles of Procedure.

Whatever be the particular views of each teacher on the subject, and however broad his experience and background, it would seem that he could benefit immeasurably by teaching his course for a year or two by using this case book. It is all very well to train men about to assume the responsibilities of practice in the details of practice in a particular jurisdiction. But it is the fundamentals of the subject, and the point of view toward it, and the philosophy one develops about it, which count most heavily in the long run.

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CASES ON THE LAW OF SALES. By Frederic Campbell Woodward. Third, edition by Lawrence Vold. St. Paul: West Publishing Co., 1933, pp. xxxi, 988.

A selection of cases edited by so eminent an authority as Professor Vold is bound to be of great interest. Professor Vold's most valuable text book on the Law of Sales stamps him as one of the most up-to-date of our legal writers. His case book on Sales is bound to receive the same well-merited success.

This third edition of Woodward's Cases on Sales contains no radical departures from the second edition either in the scope of the subject matter or in the general arrangement of the material. About one hundred cases appearing in the second edition have been reduced to the form of footnotes or problem cases, while some one hundred and fifty new cases have been inserted without any great increase in the size of the book. This has been attained partly through the omission or abbreviation of certain cases which dealt at considerable length with states of fact now substantially, if not wholly, obsolete in the business world.

One distinctly new feature not found in the earlier editions has been added. An attempt has been made to relate the legal material definitely to the business facts of current marketing transactions. To this end, occasional extracts from certain business literature, or briefer references thereto, have been from time to time included in the footnotes. There is included in the appendix, not only a group of typical business documents frequently encountered in current sales transactions, but also a few samples of illustrative practical cases and comments taken from the business side of marketing.

The new cases added by Professor Vold contain factual situations designed to acquaint the student with current marketing problems. Together with the valuable footnotes on present-day business methods, the students will gain a better appreciation of the background in which judges seek to bring law into accord with business customs.

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HANDBOOK OF CRIMINAL LAW. By Justin Miller. St. Paul: West Publishing Co., 1934, pp. xxii, 649.

The method of treatment of legal topics which is followed in the "Hornbook Series" has long been a matter of common knowledge to the legal profession.¹ Its value, however, has seemed to depend more on the susceptibility of the stated topic to the treatment prescribed and on the individual scholarship of the author, than on the somewhat inflexible order of development that the "Series" has made standard. As a general rule, scholarship can neither be confined within the walls of a formula, nor otherwise limited in action. No better evidence of this can be submitted than the "Handbook of the Law of Trusts" by Professor Bogert. "Hornbook" in form it is, but, beyond that, it is unquestionably recognized as a masterly treatise in its specific field. Nevertheless, there will be instances where the shackles of method will be the undoing of the scholar as well as his topic.

¹"The special features of these books are as follows:

1. A succinct statement of leading principles in black letter type.
2. A more extended commentary, elucidating the principles.
3. Notes and authorities."