

Law of Bills and Notes (Book Review)

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LAW OF BILLS AND NOTES. By David Stewart Edgar and David Stewart Edgar, Jr. Brooklyn: St. John's University School of Law, 1935, pp. xxvii, 200.

A text-book on the law of bills and notes is a hazardous and difficult undertaking. This would appear from the scarcity of such books in our law library. The last important work on the subject is Norton, whose first edition appeared in 1893 and the last edition of which appeared in 1914. Since then the only book of any consequence is Ogden which was published in 1931. In the main, lawyers and students have been compelled to rely on expansive annotations to the statute, like Brannan's Negotiable Instruments Law.

Into this field the Edgars have now entered because, as they tell us, they, together with Professor Maloney, have discovered "that a law school course in negotiable instruments cannot, for lack of time, completely cover the theory and the practicalities inherent in all the sections of the act."¹ And they tell us further that the purpose of this present volume is to provide the necessary "thorough theoretical development of portions"² of the act.

The Edgars have again placed us in their debt. The present volume continues the careful analysis and fine scholarship that went into the creation of the two editions of the "Outline of Torts." But bills and notes, unlike the law of torts, is a strictly technical subject, and the authors have ventured courageously upon the dialectic of the law, applying to it a practical philosophy as well as a sound legal background. This appears very clearly, particularly in Chapter III dealing with the contentious subject of negotiability. Here the authors show a fine mastering of the intricacies of the law. They are aware that no definition, no matter how complete, can hope to include within its terms all forms of negotiable instruments which the genius of commerce may devise from time to time. They have accordingly shown a conscious realization that the law merchant is an organic body of rules which must constantly develop to meet conditions of commerce and changes in the habits of business. A body of law which must at once produce extremely predictable rules, and, at the same time, is sufficiently flexible to adjust itself to ever-changing conditions, is of course no anomaly in English jurisprudence. The particular difficulty in this instance, however, arises from the fact that in most states the law with regard to bills and notes has been reduced to a code. The flexibility of the common law is of course a commonplace by this time, but it is precisely for this reason that common law judges find it so difficult to adjust themselves to the interpretation of statutes and frequently resort to logical violence in order to accommodate a code to the practical needs of the time.

It is the realization of these difficulties which makes the present volume so interesting and instructive to students and lawyers alike. The book abounds with quotations from the primary sources and is well annotated. It should find a place in every law office that has to deal with problems involved therein.

This reviewer cannot pass an opportunity of this kind without animadverting to the personality of the authors. In reviewing other books by these authors, I have pointed out how their deep devotion to legal science and

¹ P. vii.

² *Ibid.*

particularly to the science of law teaching is symbolic of the work that they do and of their literary contributions. If this is true of Professor Edgar, Jr., it is of course everywhere present to all of his colleagues in the case of Senior. Students return to tell us with great frequency that they never forget his courses and the thing that impresses itself most firmly upon their minds is not so much the legal learning which they acquire as the object lesson in sincerity, devotion and single-minded attention to the duties which he is daily performing in the classroom. It is not too much to say that Professor Edgar, Sr., regards his vocation as a law teacher in the light of a ministry and that he propounds the law of the land with the same zeal and earnestness that ministers of the gospel employ in expounding the word of God.

We congratulate the authors upon this signal achievement and look forward to many editions of this book and to similar achievements in other fields of law.

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THE FAMILY IN COURT. By Jonah J. Goldstein. New York: Clark Boardman Co., Ltd., 1934, pp. xiii, 284.

Justice Goldstein, in this interesting volume, discards his "judicial cloak" to chat intimately with the reader concerning the need for a tribunal even more fully specialized and unified than the newly created Domestic Relations Court¹ with its two divisions, the Children's Court and the Family Court. He chats, not from the point of view of a judge and lawyer, but rather as a tireless and energetic social worker whose efforts are made solely in furtherance of "a better to-morrow."

The author's ideas and convictions result largely from his experiences as club leader, social worker, lawyer and justice of the Magistrate Court in New York City. He makes a number of recommendations regarding procedure and jurisdiction for the new court, that, in his opinion, will tend to effectuate its usefulness. Many of these appear thoughtful and merit consideration.

The reason for consolidating the Children's Court and the Family Court, as the author points out, is that the family may be treated as a unit. This is in accord with the sociological view that delinquencies common among children, and the ordinary troubles within the family, may be traceable, in many instances, to disorganized and unwholesome family living. Belief is expressed by the advocates of this new court, of which group the author is one, that this more unified court will be a medium through which domestic problems will be more happily adjusted.

But as the author further points out, mere consolidation of itself is not sufficient. The new court should be conducted on a clinical basis, to be used

¹DOMESTIC RELATIONS COURT ACT OF THE CITY OF NEW YORK, Laws of 1933, c. 482 [in effect Oct. 1, 1933].