

American Family Law: Volume II--Divorce and Separation (Book Review)

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in non-corporate form. Following these, are the cases dealing with the assets from which the liabilities may be satisfied. Into this plan the authors ingeniously place the cases showing differences between partnerships and other non-corporate associations, such as the joint stock company, defective corporations, and business trusts. The distribution and marshaling of assets between creditors and members complete Part One of the volume.

Cases pertaining to the management of the business are included in Part Two. Here again the authors show originality. Under this one heading they have arranged in a logical order those cases bearing on the question of disputed control, holding of property, standard of conduct, termination and enforcement of rights. At first sight it might appear that the new arrangement will prove confusing to the student. However, the complete notes following each case should overcome such difficulties.

The appendix includes the Uniform Partnership Act, Uniform Limited Partnership Act, Fraudulent Conveyance Act. In the Table of Contents the second part of Chapter Five is improperly inserted under the appendix.

In the case of *Martin v. Peyton* (1927) 246 N. Y. 213, 158 N. E. 77, Judge Andrews pointed out that much learning as to partnership is obsolete. The truth of this proposition cannot better be demonstrated than by referring to the decision rendered by the New York Court of Appeals in that particular case. Rules that were appropriate when the law of partnership was developing among the traders and merchants have ceased in many respects to apply to these modern non-corporate business associations. The adoption of a Uniform Partnership Law by so many of our states evidences this fact. The authors have sensed this change in the selection of their cases. They do not emphasize cases which no longer constitute the law. The notes point out wherein the law has been modified and by means of the references the student is able to trace its historical development. The selection is a worthy contribution to the valuable series sponsored by its publishers.

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AMERICAN FAMILY LAW: Volume II—DIVORCE AND SEPARATION. By Chester G. Vernier. Stanford University, California: Stanford University Press, 1932, pp. XXVII, 523.

This volume is the second in a series of five dealing with American family law. Volume I dealt of marriage and Professor Vernier has now essayed an analysis of divorce and separation. Later volumes will complete the series under titles of "Husband and Wife," "Parent and Child," and "Incompetents and Dependents."

The key to Professor Vernier's work is found in his subtitle, "A Comparative Study of the American Family Law of the Forty-eight American States, Alaska, the District of Columbia and Hawaii." By the use of fifty-one excellent tables there is laid before us the whole of the statutory law of this nation and its dependencies on divorce, limited divorce or judicial separation,

and separation in fact. Under each of the usual encyclopedic titles and sub-titles (*e.g.*, divorce; causes, defences, jurisdiction, limitation, effect, alimony, etc.) there is summarized the law of each jurisdiction. The text provides the guide and a running commentary on the laws as they appear in the tables. The names of the states are printed in bold-faced type to facilitate reference to the law of a desired jurisdiction. In addition to the tables reference is made at the end of each section to books, notes, annotations and cases in point.

The virtue of this work is found in the collation of the statutes of the various states and in the placing of them in juxtaposition so that a comparative analysis of the different laws is made easy. Much of the text accompanying these tables is superfluous, being merely a duplication or summary of the schedules. Thus an example taken from page 94 on the use of proctors in the American courts:

"In four states intervention is permitted only in divorce cases where insanity is the ground for divorce; in two states only where suit is for divorce and the defendant defaults; in one state only in legislative divorce cases; in one where the divorce is not contested or there is no contest in good faith; in four states only where the divorce is uncontested or the court orders intervention. * * *"

And so on for the remainder of the paragraph. The information here given can be found readily enough in the table on the opposite page, and for the practicing attorney the space could be better devoted to more cases interpretive of the statutes. Those who have studied under the case system and from heavily annotated texts will be surprised at the few case references. Professor Vernier has relied almost exclusively on the words of the statutes.

To students of sociology and members of legislative committees employed in codal revision this work should be of great value. It is here, perhaps, that it will find its largest field of usefulness, for the daily practitioner is hardly concerned with a nation-wide comparison of statutes. The sociologist will find this volume a starting point in the investigation of familial legislation, for the author makes no attempt to discuss the social problems behind the divergence from state to state in the rights and remedies which his book discloses. That such a discrepancy exists we are all aware, but only such a book as this reveals the differences, unreasonable and unaccountable unless we are mindful of the vagaries of our law-making bodies, through the whole width and breadth of this section of our jurisprudence.

Perhaps this book will assist those working for a deeper comprehension of our family problems and indirectly further the movement for a uniform system of divorce, the prospects for which this author is none too optimistic.

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ARON'S NOTES ON PROOF. By Harold G. Aron. Connecticut: Georgic Press, 1932, pp. XXIV, 561.

The power of suggestion, it is said, is stronger than the act of expression. One might well confirm the truth of the statement after an evening spent with Mr. Aron's latest contribution to legal literature. The bulk of the material