

Cases on Pleading and Procedure (Book Note)

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determine whether or not it will enforce a solemn promise to subscribe to a charity without the necessity of implying a counter promise on the part of the beneficiary when in fact no such promise exists.⁴

Interrelated phases of the law such as the rules relating to evidence, unlawful combinations and the criminal law are also treated in this volume. The subject-matter closes with a consideration of discharge of contracts, the measure of damages for a breach, and quasi-contracts.

The practitioner will not rely on this book for an exhaustive treatment of a problem, though it might well be used as a reference book. Certainly it will be an aid to students desiring to familiarize themselves with the rules of contracts in all states and states in particular.

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BOOK NOTES

BENDER'S FEDERAL FORMS (2 vols). Edited by Charles L. Sylvester. Albany: Matthew Bender and Co. (1929).

Business, interstate in character, has increased to such a large extent that the volume of litigation in Federal Courts has of necessity increased. This increase of litigation and the adoption of the new United States Code necessitated a new work on Federal forms, which burden the author undertook. He has produced a work which is of inestimable worth to the practitioner in the Federal Courts.

The entire field of Federal Court forms, both of pleading and of practice, has been covered. As the practice differs in the various districts of the Federal Courts the author has had to limit himself to forms which are used in a State Court but which can be adapted for use in the Federal Courts and forms which pertain to causes of action peculiar to the Federal Courts.

The work is keyed to the new United States code and the former United States Revised Statutes making it a welcome addition to the necessary tools of the Federal Court lawyer.

CASES ON PLEADING AND PROCEDURE. By Charles E. Clark. St. Paul, Minn.: West Publishing Co., 1930, pp. 674.

In treating this subject the tendency of casebook writers has been to emphasize history apart from the modern law of procedure. In this volume modern law administration is stressed throughout, and, while history appears, it is presented only to explain general principles of present-day utility.

⁴ Allegheny Col. v. National Chautauqua Co. Bank, *supra* note 3. Also First Methodist Church v. Estate of George Howard, 133 Misc. 723, 233 N. Y. Supp. 451 (1929). For a criticism of these cases see (1929) 4 ST. JOHN'S L. REV. 125.

The work is divided under four general headings: Claims for damages for injuries to the person, claims for damages for breach of contract and for debts or sums due, actions concerning personalty and realty, equity. The development of pleading and procedure is traced from the days of oral pleading down through the common law to the present system. The entire work will be in two volumes, this being the first. The book is well indexed and should be exceedingly valuable to the student of adjective law.

CASES ON EVIDENCE (2nd edition). Edward W. Hinton. St. Paul, Minn.: West Publishing Co., 1931, pp. 971.

The development in the law of Evidence since the first edition of this work in 1919 necessitated a revision of the very excellent collection of cases contained therein. Evidence covers such a wide field and there is such a vast amount of material that the compiler of a casebook on the subject is confronted with a colossal pruning job. Professor Hinton's many years of general practice, plus the years spent teaching the subject of Evidence, makes him an ideal person for this work.

This revised edition groups the cases under four general heads: 1. The respective functions of the judge and jury. 2. The qualification and privileges of witnesses and the rules governing their examination and impeachment. 3. The various rules excluding types of evidence. 4. Various matters embraced under the parol evidence rule. There are 141 new cases of the total of 546 found in the book. The English courts have contributed 192 of these and the balance are from American courts. Of the new cases included, about two-thirds of them have been decided since 1919, the date of the first edition.

Not much space has been devoted to the citation of cases in accord with, or *contra* to, the cases which have been reprinted. To offset this, however, the compiler has noted the more important of the recent articles in the various law reviews. The book is well indexed.

FORMAL CORPORATE PRACTICE WORKING METHODS AND SYSTEMS. By William Crow. New York: Burrell Snow, Inc., 1931, pp. 1504.

As aptly stated in the Introduction to this volume, its purpose is to furnish a "working tool and guide for all persons concerned with, or called upon to participate in, the formal activities of the corporation." There is no pretension that corporate matters and problems are treated with an infusion of academic discussion and philosophic analysis. The rules are determinate and are set forth in their stark significance. Not that the treatment of particular phases is left without historical trace, but that one is concerned primarily with formal corporate practice.

The inclusion, in abundance, of such necessary forms as certificates of incorporation, minutes of meetings and proxies reveal the practical value of a book of this nature. An attempt to include in a book note the multitudinous number of tables, charts and other material to be found in the volume would extend the review to unlimitless bounds. Mr. Crow's work will undoubtedly find its way into countless libraries of lawyers, accountants and corporate secretaries.