

Cases on Bills and Notes (Book Review)

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BOOK REVIEWS

THE JUDICIAL PROCESS IN TORT CASES. By Dean Leon Green. St. Paul, Minn.: West Publishing Co., 1932, pp. 1,900.

The compilation of a case book which presents a branch of substantive law from the viewpoint of the practical application of rules of adjective law is a novel and interesting departure from the usual form of such publications. A properly presented course based on such a work will of necessity be of great practical value to the neophyte. As the subject of Torts is usually presented during the first year of law school work, a student at the inception of his studies receives an introduction to the operation of the judicial process.

To collect well selected cases, not only illustrative of fundamental principles of the law of Torts, but also indicative of the proper method of presenting the usual formulae and rules in a judicial forum, is indeed a worthwhile contribution to legal education. The writer agrees with Dean Green that the proper place for the instructing in procedure is in connection with problems of substantive law. "The severance of the judicial process at this point into substantive and procedural law is as fatal as would have been the execution of Solomon's judgment in the celebrated maternity case."

Too frequently are students confused by apparent conflicts in adjudicated cases, when the real reason for the differences in ultimate determinations is the manner in which the issues of substantive law were presented. This situation is aptly illustrated by the selection of cases utilized. Procedural rules are a vital factor in all cases and it is well to be taught this fact while acquiring knowledge of substantive law principles.

In arrangement, the work leaves nothing to be desired. It evidences that the distinguished author of the work is not only familiar with the entire field of his choice, but is skilled in pedagogic method. The chapter devoted to Torts arising out of trade relations lends a modernistic touch to the work. Too frequently is the subject treated solely with respect to its effect on personal relations.

The only possible criticism of the work that might be advanced is its size. It is the writer's opinion that it would be impossible to complete the book in the hours usually allotted to the subject. However, the selection of cases to be used would challenge the skill of the instructor using the book.

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CASES ON BILLS AND NOTES. By Howard L. Smith and Underhill Moore. St. Paul: West Publishing Co., 1932, pp. 967.

This is the third edition of these cases. The first edition appeared in 1910; the second was published in 1922. In the preface, the authors inform the reader that although in scope and arrangement the present edition is like its

predecessors, "it is significantly unlike them in three respects." These differences are pointed out by the authors in their own language: "More than a third of the decisions reported in this edition are new cases, decided since the publication of the second edition. Some problems are introduced for the first time and the treatment of others has been elaborate. The number and scope of the notes have been changed. Wherever possible and useful, notes have been added which refer the reader to collections of cases, to some of the more interesting recent cases, and to the more recent articles, notes and comments in the *AMERICAN LAW REVIEW*."

The authors draw their material from many jurisdictions. Decisions from approximately forty-four states of the Union are reported in this volume. There are about sixty-eight English cases and about fifty-nine New York cases among those reported. The number of English cases reported exceeds those from any other jurisdiction. The New York decisions have second place. Massachusetts is given third place, approximately thirty-four cases being reported from that jurisdiction. All this indicates the wide range of research covered by the authors in their effort to place before the reader decisions that not only involve questions of interest, but which are well-reasoned. There are, approximately, two hundred reported cases and two hundred cited cases in the book. A table of contents and a table of cases supply a ready reference to its contents. The volume represents a prodigious amount of painstaking labor on the part of its authors, and is a real contribution to the subject with which it deals. The student in the law school has here all the case material he can use during his course, and more. Indeed, the practicing lawyer would probably be able to discover an authority applicable to the state of facts before him, and, with this as a starting point, be led to other cases. The book is a compendium of the law of bills and notes as the courts have declared it, and when it is remembered that the authors are dealing with a statute which is uniform throughout the country, the value of the cases reported and cited in the book is greatly enhanced.

A very considerable and highly valuable part of this volume consists of innumerable footnotes, references and comments, from which a textbook on the subject might be written. The book contains many of the decisions which have become classical in the law of negotiable instruments, and the New York attorney will find many familiar landmarks among the cases from his own state.

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HANDBOOK OF THE LAW OF SALES. By Lawrence Vold. St. Paul, Minn.: West Publishing Co., 1931, pp. IX, 504.

This edition of the Hornbook on Sales, by Professor Lawrence Vold of the University of Nebraska, replaces the previous book in the publisher's Hornbook series by H. T. Tiffany. The reviewer has not had at his disposal a copy of Tiffany so that a comparison of the two volumes could be made,