

## Handbook of the Law of Sales (Book Review)

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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,

but from the number of recent cases cited by Professor Vold, as well as his text treatment of the many new and recent developments of the Law of Sales, it is obvious that most of the text material is original.

The general outline of the work follows the special features of the Hornbook series, namely, (a) a succinct statement of leading principles in black-letter type; (b) a more extended commentary, elucidating the principles, and (c) notes and authorities. The primary purpose of the text is for classroom use in schools not using the case method of teaching, either because the text-book type of course is used entirely in the school, or because, unfortunately, the amount of time allocated to the course on Sales is insufficient to warrant the use of the case book method. The text would also be extremely helpful to a student studying under the case system as a supplement to the classroom discussion. As an elementary handbook the practicing attorney would find it up to date and useful.

The reviewer has gone over the text material with great care, and in the main is especially pleased with the clear and concise method with which the material is handled and developed. Particularly pleasing is the development of the subject of divided property interests as security for the purchase price. This troublesome proposition should give the student of this book less difficulty than students have heretofore had. A brief but adequate treatment of Bulk Sales Laws is most advisedly included, as well as a complete discussion of Trust Receipts.

No important collateral subject has been neglected. The student should be able to get from this book a thorough understanding of the Law of Warranty (as well as the illuminating comments of the author's boyhood experiences as illustrating or explaining the ruling in the *Farrell* case,<sup>1</sup> set forth in footnote 77 on page 465<sup>2</sup>), with all of its various collateral problems including privity of contract, disclaimer, etc. Warranties of articles sold under trade names are especially well treated.

On the whole, the outline of the subject matter is logically presented. The reviewer might question the advisability of postponing the consideration of the doctrine of warranties until the last part of the work.<sup>3</sup> It would seem that the subject should necessarily be studied as part of the bargain and contract in Sales and included in the text directly after Chapter Two.

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<sup>1</sup> *Farrell v. Manhattan Market Co.*, 198 Mass. 271, 121 N. E. 471 (1918).

<sup>2</sup> "The present writer vividly recalls an instance of this sort that came under his own observation in his youth. At a butcher shop and meat store a side of a carcass was found to be decomposing, especially around the edges. A purchaser who bargained for it directed the shopkeeper what portions to cut off and throw away, and purchased the remainder at a bargain price."

<sup>3</sup> Chapter VI.