

New York Law Real Estate Brokerage (Book Review)

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ance with modern thought on the subject are evident. He cites *Epstein v. Gluckin*, 233 N. Y. 290 (1922), in connection with the doctrine of mutuality in specific performance, and then in a footnote suggests the falsity of the assumption by the New York Appellate Division of the Second Department in *H. & H. Holding Corporation against Broad Holding Corporation*, 204 A. D. 569 (1923), that the *Epstein* case destroyed the doctrine of mutuality, to the extent of permitting a vendor to have specific performance as against the assignee who had not assumed the burdens of the contract. The author's judgment has since been vindicated by the New York Court of Appeals, in the case of *Langel v. Betz*, 250 N. Y. 159 (1928). The work will hardly supplant a case book as a means of instruction, but it should prove exceedingly valuable to the student as a work of reference or for use in collateral reading.

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NEW YORK LAW REAL ESTATE BROKERAGE. By Alexander Pfeiffer. New York: The Ronald Press Company, 1929, pp. 140.

The "Foreword" to this book timidly states that "this book can be safely recommended as a helpful guide." The author, in his "Preface" offers it as a "treatise" or "text-book," and as a "reliable guide." It is more than a guide. It is a carefully prepared, well constructed, and concisely presented outline of the New York Law upon this subject. There has been no waste of space in the exposition of legal theory, no indulgence in sophomoric perambulations, no effort to establish the learning of the author. The style is direct. The purpose obviously is to give the lawyer (particularly the practitioner of limited experience in real estate brokerage), and laymen in the real estate field, such as brokers and real estate traders, a dependable treatise in which legal theory is subordinated to utilitarian worth.

The chapters dealing with the character of the business, the nature of the broker's authority, the duties and obligations of the broker, and agreements to divide commissions (Chapters I, III, IV, VII), are particularly impressive. Most of the general propositions of law stated by the author are already familiar to the lawyer, and the nature of the subject prevents any new contribution to legal thought. The book intelligently arranges the decisions in New York, and presents them logically, without rhetorical pretensions. For the lawyer whose problem is the presentation of a brief or argument on an obscure question of brokerage law, the book is of doubtful value. For the lawyer who is called upon to give quick advice to a client, for the broker, for the real estate specialist, its value is evident.

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