

Outline of the Law of Sales (Book Review)

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THE CLAIM AGENT AND HIS WORK. By Smith R. Brittingham. New York: Ronald Press Company, 1927, pp. 463.

This is an intensive work embracing within one volume a terse resumé of the scope and salient principles of those phases of the Law of Negligence as, in the main, effect, concern or apply to common carriers, particularly steam railroads and affiliated interests. It contains a most exhaustive discussion of the technique employed in the application of these principles.

The psychological, medical and legal phases of claim investigation are completely and ably analyzed and many chapters are devoted to the more common and general problems of claim agency.

In consideration of progress made in regulating the relationship of employer and employee, the author submits a rather elaborate outline of Workmen's Compensation Acts both federal and state; citations of leading authorities appertaining thereto, and economic consideration thereof with complete American Experience Table of Mortality and United States Life Table.

Laws of nation-wide application, such as the Federal Employers Liability Act, Federal Safety Appliance Acts and Federal Vocational Rehabilitation Acts, are treated at great length in three all-inclusive appendices.

A glossary containing such medical and legal terms, words and phrases ordinarily associated with claim work completes a veritable working manual of unquestionable value and practical benefit to those engaged in the prosecution or defense of claims for injuries to persons.

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OUTLINE OF THE LAW OF SALES. By Frederick A. Whitney. New York: 1929, pp. 249.

As was to be expected of the author, he has accomplished in a text book of less than 250 pages what writers on the law of this subject have, in at least two instances, failed to do in from twice to four times that number. That is, to put into the hands of the student a book, lucid in style, definite in statement and yet with enough discussion in substantiation of his conclusions to make the work more than a mere outline. It is, indeed, as thorough a text book as any of those cited therein.

No one who knows the scholarliness of Professor Whitney and the thoroughness of his method in all things, could fail to recognize this book as the work of such a man. With regard to the positions he has chosen to take on controversial matters, a familiarity with the subject far less than his own, makes criticism by this reviewer unwarranted. Nor is there any occasion so to criticize, for the author submits nothing with which this reviewer is not in entire accord.

A peculiarly valuable thing is that both sources of modern sales law are cited, discussed and frequently quoted throughout, namely, the Uniform Sales

Act and the case law of sales. The chapters on conditional sales and on sale on approval, sale or return, etc., and on the Bulk Sales Act, are both interesting and well done.

In conclusion, the fact that the New York authorities are, while not stressed, ample, and carefully selected, makes this work of supreme value for the purposes for which it was intended. At the same time, it deals with general law and is of value to the lawyer as well as to the student without regard to the jurisdictional location of the reader.

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BANKING AND BILLS OF EXCHANGE. By John D. Falconbridge. Toronto: Canada Law Book Company, 1928, pp. 980.

While this volume is essentially an annotated edition of the Canadian Bank and Bills of Exchange Acts, it differs from the usual works of this type in that the annotations are singularly thorough and intelligent and supplemented by useful comment. It is likewise valuable because of the recognition that the law of banking and the law of negotiable instruments are so closely allied as to make a discussion of one without the other abortive and unusual.

The limitations of the volume are found in even the best works of this type and are especially serious when an exposition of the law of banking is attempted. At present the chief problems in that field are in certain aspects of the relations between the bank and its depositors and other outside parties. The solution to these problems is not as a rule to be found in the statutes which concern themselves primarily with other aspects of the law of banking such as organization, power of stockholders, dissolution, insolvency, etc. This is recognized by the author:

"The banking legislation of the Dominion leaves untouched in many respects the great body of the law merchant. The efforts of parliament have been mainly directed to the perfecting of the banking system as regards the existence of the banks as corporations with special powers and privileges, and the security afforded by them to the public. The general relation of banker and customer and the rights and liabilities arising therefrom are only incidentally affected."

However, he goes on to say:

"Nevertheless the general banking law is so far affected by the Bank Act that it seems impracticable to treat the general subject of banking law in any order other than that followed by the act."

Why this should be the case, is not clear. The method of treatment results in the over-emphasis of less important parts of the law of banking to the detriment of the more immediate and pressing problems. While the author has attempted to meet this problem by devoting a large amount of space to those sections where problems of this type can profitably be discussed (see Chapters