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Cases and Materials on Partnership (Book Review)

W. Tapley

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CASES AND MATERIALS ON PARTNERSHIP. By Louis Prashker. Brooklyn: St. John's University School of Law, 1933, pp. vii, 526.

Most of us shy at the "Cases and Materials" publications. They belong on that shelf where various attempts have been made to reclassify legal topics according to the average problem presented and where the factual connection is closest. The shelf is generally the highest in our library and preferably beyond our reach. There never was any real reason why this modern school of legal education should take unto itself the exclusive use of the name. The satisfactory "case-book" today must be supplemented with additional "materials". We note with pleasure, therefore, that in this latest work on the law of partnerships, the title has an entirely different meaning. To be sure, there is a reclassification, but based on the sound reason that the uniform act has supplanted "much ancient learning on the law of partnership."

Taking the Partnership Act as his basis, the author has grouped the cases and materials around its principal chapters. In respect to the cases selected it is apparent that there are two central ideas: first, to include the opinions that have been handed down during the last decade and which interpret the sections of the law and, second, to exclude those cases which have been overruled by reason of the adoption of the statute. The Partnership Act provides that it "shall be so interpreted and construed as to effect its general purpose to make uniform the law of those states which enact it." The author has sensed this object in selecting the recent cases. He has drawn primarily from those states that have adopted the statute. Students and lawyers will note to what degree the object has been attained. The weeding-out process must have been difficult. To understand what is now "ancient" requires knowledge of what the law was. The author solves this problem by including the important early cases in an abbreviated form. The necessary historical background is thus supplied and the transition is easily effected. The material includes "notes" used by the Commission on Uniform State Laws in preparing the Partnership Act. These will be particularly helpful in interpreting those sections not already passed upon by the courts. The text materials parallel the sections of the statute and include matters taken from the author's "Outlines on the Law of Partnerships." The notes contain many references to law-review articles as well as interesting and original questions based on case analysis.

The author's primary purpose in publishing this volume was for the use of law students. In this, he has succeeded. What more could be said in justification or praise?

W. TAPLEY.

St. John's University School of Law.

LAW OF TRUSTS. By Edward J. O'Toole. St. John's University School of Law, 1933, pp. xvii, 121.

The supervision of trusts by courts of equity lends itself easily to scientific classification. Trusts are either express or implied, and express trusts are either created by clear language or by necessary inferences from facts and