

# An Introduction to the History of Equity and Its Courts. By Harold Potter, LL.B., Ph.D

E. Harold Hallows

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## BOOK REVIEWS

*An Introduction to the History of Equity and Its Courts.* By Harold Potter, LL.B., Ph.D. Published by Sweet & Maxwell, Ltd., London, (1931) pp. 109.

This small volume is designed to fill certain needs of students who are about to begin the study of Equity. It has little to offer the practitioner, except perhaps to refresh his memory on historical facts. The origin of the court of Requests and of Chancery as a court is faithfully depicted according to the generally accepted theory. Mention is made of the recently discovered Bills in Eyre, but the author points out that while the equity of the Justices of Eyre may perhaps be regarded as foreshadowing the equity of the Chancellor, the former was not the immediate or even the direct ancestor of the latter. The development of the courts of Equity as the administrative machinery by which relief was given is treated briefly and with more than usual emphasis on the early imperfections and abuses of the system. The development of Equity as a body of principles is traced by a chronological account of the contributions and influences of the foremost Chancellors in shaping and creating new principles of equitable relief. In the latter part of the book, the doctrines underlying Uses and Trusts, Equity of Redemption, Specific Performance, and Injunctions are briefly sketched. The treatment of these subjects is too meager to be of much value to the advanced student, but it does open to the beginner the extensive scope of equitable relief.

The volume is necessarily small, as it represents an advanced collection of chapters rewritten for the third edition of the author's "Introduction to the History of English Law." The work does not display any original research, a fact which the author readily admits. His frequent reliance upon, and reference to, such scholars as Holdsworth, Kerly, and Maitland, however, attests its accuracy. In all, the book is worth reading, and should prove valuable to the student.

E. HAROLD HALLOWS.

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*Cases on Contracts.* By Samuel Williston. Third Edition. Published by Little, Brown and Company (1930) pp. 990.

The author of this new edition needs no introduction in the field of contract law. He is the recognized authority on this subject and is the contract reporter of the American Law Institute.

The new edition contains several changes which will be found to be of benefit to the student and the teacher. An examination will reveal that many cases are more condensed than in previous editions, that there has been an omission of certain old decisions and in their places an insertion of rather recent cases, that names of counsel are omitted, and unnecessary points in the case have been left out.

One change deserves special mention and that relates to the omission of notes of cumulative authorities. In his preface Williston says: "Notes of cumulative authorities are necessarily almost wholly omitted. The cases are now so numerous that to print lists of them would unduly increase the size of the book; and in view of available treatises the elaborate annotations that may have been desirable in a Case book thirty years ago seem now unnecessary."

In spite of these changes, the development of contract law is well-illustrated

by many leading cases and the admirable arrangement of the various topics in contract law, which is found in previous editions, remains the same.

J. WALTER MCKENNA.

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*Select Cases and Other Authorities on The Law of Trusts.* By Austin Wakeman Scott Story, Professor of Law in Harvard University and reporter on the subject of trusts for the American Law Institute, second edition. Published by the editor at Langdell Hall Cambridge (1931).

This book in its 818 pages contains the parts of 300 cases material to the law of trusts with elaborate footnotes, a convenient table of contents, table of cases and a very useful index. It also contains an extended bibliography which makes the sources of the text material easily available. In the preface to the first edition the author acknowledges his debt to Professor James Barr Ames because of his first and second editions of cases on trusts which blazed the trail for the teachers of the subject and which have largely defined the limits of the course as it is now taught in the better law schools of the country. All teachers of trusts are aware of the excellent way in which the author treated the subject as is witnessed by the fact that he has attained a national reputation as an authority upon trusts, no small part of which is attributed to his authorship of this book.

The preface to the second edition which reads as follows:

"During the dozen years which have elapsed since the first edition of this book was published, the subject of Trusts has been one of increasing importance. The number and kinds of trusts which have been created and the value of the property held in trust have greatly increased. New problems and new applications of old problems have been presented to trustees, lawyers and courts. Many recent cases have been inserted in the present edition and the footnotes have been extensively revised. The editor has attempted to furnish the student with sufficient material to show him the nature of the trust device, what it is today and how it became what it is, what are the functions which it performs and how it performs them."

shows the purpose of its publication and an examination discloses the success of the author in accomplishing this purpose. The most notable improvement, aside from the inclusion of late American decisions, is to be found in the chapter on charitable trusts which is new in this second edition, it having been treated in the first edition under the section upon *Cestui Que Trust*. The material is shortened from 90 pages in the first edition to 49 pages in the present edition, an improvement in itself noteworthy in view of the mass of material which the student must strive to master. The arrangement is much better and shows marked progress in understanding the subject of charities which is really distinct from the law of private trusts. Charities have this in common with private trusts, that both are usually created by will or deed but until an adequate book is produced upon non-profit organizations there is no more convenient place to teach the general principles of the subject than in connection with private trusts.

Because of the rapid development of the subject of trusts in the past decade this new edition should be welcomed by the teachers of the subject as it makes these new phases available without losing any of the excellencies of the former edition.

WILLIS E. LANG.

## SUGGESTED READING LIST.

<i>Law Office Management.</i> By Association of the Bar of New York (1931). Published by Matthew Bender & Co., New York.....	\$ 3.50
<i>May It Please the Court.</i> By Beck (1930). Published by Matthew Bender & Co., New York.....	5.00
<i>How to Prove a Prima Facie Case.</i> By Deutsch & Balicer (1931). Pub- lished by Prentice-Hall Inc., New York.....	10.00
<i>Principles of Business Law.</i> By Dillavou & Howard (1913) Published by Prentice-Hall Inc., New York.....	5.00
<i>Law of Aviation.</i> By Fixel (1931). Published by Matthew Bender & Co. New York .....	7.50
<i>Inheritance and Other Like Taxes.</i> By Handy (1931). Published by Pren- tice-Hall Inc., New York.....	5.00
<i>Law of Zoning.</i> By Metzenbaum (1931). Published by Matthew Bender & Co., New York.....	7.50
<i>Federal Liquor Laws.</i> By Nelson (1930). Published by Callaghan & Co., Chicago, Ill. ....	13.00
<i>Abstracts and Titles.</i> By Thompson (1930). Published by Matthew Bender & Co., New York.....	10.00
<i>Equity.</i> By Walsh (1930). Published by Callaghan & Co., Chicago, Ill.---	5.50

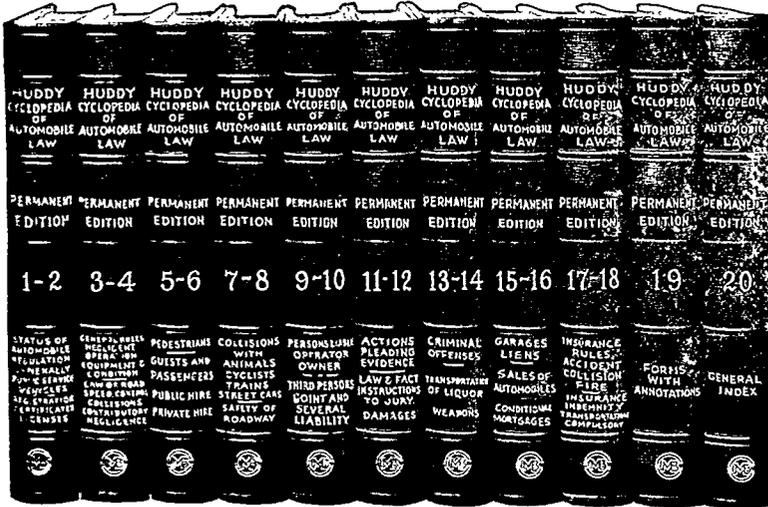
## RECEIVED FOR REVIEW.

<i>Principles of Judicial Proof.</i> By Wigmore (April, 1931). Published by Matthew Bender & Co., New York.....	10.00
This book was received too late to be reviewed in this issue. The Review will appear in the first issue next Fall.	

C. A. R.



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