

Bills and Notes. By Henry W. Humble

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BOOK REVIEWS

Bills and Notes. By Henry W. Humble. Harmon Publications, Brooklyn, N. Y. 1939. pp. xx, 223, plus appendix.

The declared intention of the author in presenting a text in the field of Bills and Notes is to give to the average student a volume which will unfold the leading legal principles in the simplest, clearest, and most thought-provoking manner. In the face of such an obvious and pointed purpose, it would be unfair to offer as a criticism the statement that the book could not be used to great advantage by the experienced practitioner interested in looking up one of the many intricate problems that can arise in negotiable instrument law. Fairness demands an analysis of the work with its objective in mind. Certainly the average student who reads this treatise will indeed find unfolded in a very clear-cut manner many of the leading doctrines of the law of bills and notes. It would be difficult for anyone to present the picture in more understandable fashion. Professor Humble has done a fine job of tying into an integrated whole the various parts of the uniform negotiable instrument law which bear upon the numerous suggested problems. The illustrative examples are skilfully woven into the textual and discussion material. As specific evidence of the ability of the author to make the abstract meaningful and concrete, the section on the warranties of an indorser in the chapter on Liability of the Parties is particularly good.

There are only a few places in the text where the principles of law do not seem to stand out in such clear focus. Such appears to be the case in connection with the discussion on the fictitious payee, and on good faith in taking an instrument.

It is to be regretted that an author capable of such lucid delineation should not have seen fit to make his treatment more complete. The value of the volume as a review tool for students is somewhat diminished because of a failure to allude sufficiently to problems which seem fundamental. The reader misses an analysis of the situation covered by the *White v. Continental Nat. Bank*¹ and *Wells Fargo Bank and Union Trust Co. v. Bank of Italy*² cases and their relationship to the right of a drawee bank to recover when it has paid out on a forged or altered promissory document. Furthermore, and in spite of the fact that a course in bills and notes cannot include all of banking law, it does seem that the author should have taken cognizance that it has become customary to include in a negotiable instrument course much on the duties and liabilities of collecting banks, and the duties, liabilities, and rights of the depositor and his bank. The student will be disappointed in not being able to find adequate treatment of such topics.

Although cases are cited in support of many conclusions, the author has not intended to present to his readers a book replete with numerous references to authority. That is certainly not necessary in a work designed to give the student an understandable overall view of the law of bills and notes. For the same reason the author does not detract from his work by purposely keeping controversy on conflicting points down to a minimum.

The Uniform Negotiable Instruments Law and the English Bills of Exchange Act are presented in a 143-page appendix. Each section of the American Act is

¹ 64 N.Y. 316, 21 Am. Rep. 612 (1876).

² 214 Cal. 156, 4 P. (2d) 781 (1931).

cross indexed to the English Act and to Corpus Juris and Ruling Case Law. It is regretted that the citation to Corpus Juris is not to Corpus Juris Secundum. There are also some explanatory notes included along with the various sections of the Uniform Law.

The typography throughout the entire book is excellent. The index is not nearly as adequate as could be desired.

If the student has been made aware of the existence of fundamental issues not dealt with by Humble, he can with profit employ this book as an aid in integrating what he has been taught about a large portion of Bills and Notes.

REYNOLDS C. SEITZ.

Illinois Motion and Petition Practice. By Harry G. Fins. Callaghan & Co., Inc., Chicago. 1939. Pp. 1322. \$15.

The modern lawyer is greatly in need of books which deal with procedure subjects in a practical and useful way. This volume, under review, is an excellent treatise on Illinois procedure under the Civil Practice Act of that state.

Mr. Fins, the author, is a member of the Illinois bar and the lecturer on Illinois Practice and Procedure at the John Marshall Law School. He is well-qualified to produce this usable work for the members of the profession.

In the book the author has included a discussion of 1015 motions and petitions in use in Illinois. He has cited statutes, court rules, and pertinent decisions as authorities. The excellent arrangement of the material deserves special note. The various motions and petitions are arranged in the same order as they would appear during the course of the litigation of a case. This method of arrangement saves considerable time for the busy practitioner and adds to the clarity of many complex procedural problems.

The book is divided into thirty-six chapters. The first chapter, entitled "Legal Tools," contains a description of all pleadings and other instruments that are used in civil, criminal, and appellate procedure. The rest of the book is divided into four parts: I. Civil, II. Criminal, III. Funds and Estates (including all probate matters and estates of minors and incompetents), IV. Appeals. Each section contains numerous practical illustrations of various phases of the problem and is replete with concise excerpts from Supreme and Appellate Court cases, most of which were decided recently.

The section on civil procedure is the largest, occupying fully half of the book. The motion procedure is found just as adaptable to criminal practice as to civil practice, which is taken up in the second section of the book. Under the heading "Funds and Estates," the author has collected all the procedural law applicable to receivership, trusteeship, probate and administration of estates in the Probate Court. Also included under this section are probate matters and estates of minors and incompetents. Under each section is included the form for every type of motion or petition suggested, with statutory provisions, court rules and case decisions wherever applicable, and with foot-notes further clarifying the text and its annotations.

In view of the fact that Illinois became a code state as recently as 1933 when the present Civil Practice Act was adopted, there is no doubt that a work of this type is of extreme value to the members of the Illinois bar. Other code states might find a similar work helpful to members of its legal profession.

JOSEPH ZILBER.