

Book Review: Cases and Materials on the Law of Vendor and Purchaser, by Milton Handler

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BOOK REVIEWS

Cases and Materials on the Law of Vendor and Purchaser, By Milton Handler, Assistant Professor of Law, Columbia University. 1933. One Volume. West Publishing Co., St. Paul, Minn.

The volume, though its title might lead one to believe that it is just another book on the conventional subject of sales, in fact is one of four books on the law of real property into which it is proposed to divide the real estate field, the other titles being *Possessory Estates, Landlord and Tenant*, and *Trusts and Estates*. The purpose of this series is the reorganization of the real estate field with a view to a more orderly and logical presentation. The present volume is a good illustration of what was meant by the "functional approach" so much discussed some years ago at the meetings of the Association of American Law Schools. The book as a whole is a far cry away from the original conception of Langdell concerning the ideal system of instruction by the case book method.

The classification is new so far as the writer of this review has been able to determine. The volume is divided into three parts: 1. The real estate contract (508 pages); 2. The conveyance (223 pages); and 3, Rights in the land of another (180 pages). Parts two and three deal with subjects which have received treatment in the various case books on property law which have been published in the past, the difference being that the treatment in the present volume is far more concise than has generally been the case. On the other hand part one, to which the major portion of the book is devoted, represents the new conception and includes chapters and parts of chapters which heretofore have not received any consideration by law school writers, at least not in connection with property books. Part one therefor will determine whether the book is to be a success or a failure. Some extremely practical problems are treated in this part of the book. For example 128 pages are given over to the subject of "marketable title". The resulting disproportion between the material in part one and the material in the rest of the book of course is due to the fact that the author in part one, is a pioneer, and that he is more or less of a copyist in the rest of the book. If the author's conception is adopted such disproportion of course can readily be remedied in future editions.

The writer of this review does not pretend to be a prophet or a son of a prophet. He has not had occasion to use the volume in the classroom. He has not undertaken to read the entire book or even a substantial portion of it. Personally, through a course of ten years teaching, he has found the books of Aigler and Bigelow quite satisfactory and expects to adhere to them for the time being. Those who are dissatisfied with the present standard case books will naturally welcome the present volume, and are naturally the ones who will make the experimentation which will determine whether it represents progress in the right direction. On the whole it appears to the writer of this review to be a worthwhile attempt at improvement or at least change. This is so particularly because the author's policy is to present well settled doctrine by informational text notes leaving greater space for the important problems, though even as to these the digested case method has been partly used to supply the inevitable cluster of corollaries. The extensive notes appearing in the volume bring this case book very close to the conventional text book and make it a valuable addition to the library of any lawyer regardless of whether it is a success or a failure in the classroom.

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