

Code Remedies

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Cases on Property (American Casebook Series) *Wills*. By George P. Costigan, Jr. Vol. 5, 2nd Edition, 888 pages, including table of contents and index; West Publishing Company, St. Paul, 1929.

The second edition of this casebook on wills is an enlargement on the first edition both as to number of cases and as to classifications. It is the result of the natural growth in this field as new decisions are handed down clarifying and distinguishing points of law formerly doubtful or otherwise decided.

The volume is replete with footnotes carefully collecting the decisions in other states on the case or related subjects to that which the author has chosen to illustrate the particular topic contemplated, and classifies them in a manner which leaves the reader in no doubt as to the status of his own state. In addition, there are many notes of an historical and explanatory character, which enable the student to lay a firm foundation before reading the illustrative cases which follow.

The author has retained the order of treatment of topics with a few exceptions, and in this revision he has not supplanted very many of the older cases, except where necessary to show the newer trend, but has brought the topic down to date by adding the later cases. In some instances, recent cases have been supplanted by older decisions.

The appendix should be of especial value and interest to the student because of the practical advice therein offered, and also because of the sample will which is a very worthy model and which will no doubt be of great benefit as a guide.

M. F. SCHIMENZ, JR.

Code Remedies. By John Norton Pomeroy, D.D. Author of "*A Treatise on Equity Jurisprudence*" Fifth Edition, Published by Little Brown & Company, 1154 pages, 1929.

Professor Pomeroy states his purpose for writing this book in the preface to the first edition when he says, "How completely the reformed system is severed from the ancient common law modes, how entirely it abandons all arbitrary, formal and technical notions which were their very essence and life, and how firmly it rests upon natural and necessary facts as its foundation, is shown in the introductory chapter, and in other portions of this work."

While this work is intended to be a practical handbook for the lawyer as an aid in the everyday duties of his profession, it is hoped that its use may tend to bring the procedure of the different states into closer relation and may finally produce the perfect identity of method and form which is possible from the legislation itself, and which was, beyond doubt, the design of the several legislatures in adopting the reform. An attempt has also been made to obtain, in a general and complete form, the true meaning of certain phrases found in all codes, upon which the interpretation of most important provisions and the practical rules resulting therefrom so closely depend. Among the statutory phrases are "the causes of action," "the subject of action," "transaction," "causes of action arising out of the same transaction," and the like.

Having seen the purpose for which the book was written, we are now to see in what ways the fifth edition differs from the fourth. The editor of the fifth edition included some section of Professor Pomeroy's text which were omitted by the editor of the fourth edition on the ground that it was "theoretical rather than of present practical value." However, in the comparatively few instances

where Pomeroy's views are not now supported by the greater weight of judicial opinion that fact is stated and the majority rule is given. The most important cases since the publication of the fourth edition have been selected and can be found in this edition. The section numbers in the fourth edition are retained as are also the first edition numbers, which are distinguished by stars.

From a student's viewpoint, the writer believes this text to be of great value in explaining and making more clear and understandable the various statutory provisions dealing with pleading. It also is truly successful in conveying to the reader the meaning of many phrases which are found in all codes and which must be understood in order to fully comprehend the subject of code pleading. Since a practicing attorney is also a student of the law, it must follow that this book is likewise of great value to him.

ARTHUR R. STEITZ

Conditional Sales. By Roger Sherman Hoar, M.A., LL.B. The Roland Press Company, 1929. Price \$10.00 net; pp. 521.

A conditional sale is a contract for the sale of goods on installments so that the vender retains title to the goods until they are paid for. With the increasing popularity of this type of selling the question then arises: How can a concern selling goods under a retention of title contract, protect itself? In this volume the commercial attorney of a company doing an installment business of many millions of dollars a year, shows you just what should be done to protect your interests at every stage of the contract and in every section of the United States.

This volume of 521 pages is complete in itself in that it takes up the nature of conditional sales and the status of a conditional sale in all of the states together with an explanation of the Uniform Conditional Sales Act and Uniform Sales Act.

Since the various states have adopted uniform legislation, it becomes increasingly important to know whether or not the courts of one state feel bound to follow the decisions of another state. The author in Chapter 3 of this book gives a practical explanation on how to proceed in determining whether or not one state does follow or would be likely to follow the decisions of another state.

The writer gives detailed information as to the description of property, the formalities of execution, filing and recording, the rights of third parties and the method of foreclosure as well as the dangerous pitfalls which would be disastrous to the vendors' rights.

The book concludes with a list of the statutes covering this subject together with a complete bibliography and fifty practical forms and the decisions of the various states.

As no legislatures, except nine, will meet again until 1931, and as two of these nine are in states which already have the Uniform Conditional Sales Act, this book may be regarded as being practically complete and up-to-date to the middle or latter part of 1931, and as it is a practical handbook of the subject, every lawyer and every business man doing an extensive installment sale business would do well to have a copy on his desk.

M. O. B.