

be commended to any lawyer who has lingering doubts as to the utility of casebooks in active practice. Not only is the book equipped with a complete bibliography, but the notes which embellish practically every case are not only invaluable in themselves as embodying the seasoned research of the Reporter on Trusts for the American Law Institute, but they point the way to a wealth of textbook and law review material. No law office can afford to be without this study of a subject which promises to rival the corporation as a legal device. Indeed, as the editor points out in an appendix which deals with "Modern Uses of the Trust Device" and treats of the corporate trustee, insurance trusts, the trust as an instrument in avoiding or reducing taxes, the trust in business, "the purposes for which the trust can be employed are limited only by the imagination of lawyers and men of business and by the policy of the law".

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NEW JERSEY LAW PRACTICE. By James Morgan Sheen. Newark: Soney & Sage Co. 1931, pp. li 1330.

The bar of New Jersey has for some time felt the need of a comprehensive book on Law Practice. Such earlier works on the subject as Besson's *Law Precedents*, and Jeffrey's *Law Precedents* are now out of date as well as out of print, and at best are of little value to-day to the busy practitioner who desires a ready reference book.

Dean Harris's book entitled *Pleading and Practice in New Jersey* is much more useful and satisfactory, but is designed rather for the law student than the practicing attorney.

Mr. James M. Sheen has recently compiled and published a second edition of his work entitled *New Jersey Law Practice*. This book is frankly described by him in the foreword as a "practical working tool." Necessarily, therefore, it consists largely of a compilation of the provisions of the statutes regulating law practice and of the court rules with reference thereto.

The sections of the various statutes are set forth fully and followed by ample citations and annotations from the several cases. The text is fully indexed, even to such an extent that of the first volume of 1330 pages 561 are taken up by the index. The book should serve adequately as a ready reference to the statutes and cases bearing thereon.

In the preparation of pleadings and in practice, it is desirable that the lawyer should be thoroughly familiar with the earlier practice. To understand the modern system, the basis of that system and reasons which led to its development into the present pleading and practice should be comprehended. Mr. Sheen does not in any way endeavor to cover that field. Nor does his book deal with procedure not included in the statutory provisions. As an instance of this, the work does not cover or refer to applications for new trial on the ground of newly discovered evidence or misconduct of the jury.

It is also apparent that the Editor has not attempted any critical analysis of the various cases or any extended summary of his own of the effect of the decisions which might assist the bar in making the practice uniform and harmonious. In

cases involving the issuance of *capias ad repondendum* in actions of outrageous battery, we find opposing opinions. The cases on each side are set down by the Editor, but without suggestion or comment on his part as to which decision represents the better view.

Similarly in dealing with Bills of Particulars, we find the cases fully cited and also a valuable commentary by Edward P. Johnson on the decisions, but the Editor does not express his views or state whether, in his opinion, Mr. Johnson's views do or should prevail, except perhaps inferentially.

The second volume containing forms is not yet available so no comment can be made, except the hope that it will soon appear. The first volume is a valuable addition to the working equipment of the lawyer and will be exceedingly serviceable as a reference work although it does not go as far as we should have liked in covering the earlier development of procedure and in a summary and analysis of the existing practice.

THEODORE MCC. MARSH.

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HANDBOOK OF THE LAW OF SALES. By Lawrence Vold. St. Paul: West Publishing Co. 1931, pp. ix, 623.

The author of this valuable addition to the Hornbook Series studied under Professor Samuel Williston, and the influence of that master's monumental work on the law of sales is acknowledged throughout Professor Vold's book. The adherence to the orthodox approach is, however, qualified and counterbalanced by a realistic approach where the authorities have not by their number and weight created an insuperable obstacle. It is to Dean Pound, another of the author's great teachers at the Harvard Law School, that he attributes the liberal inspiration of the "functional perspective of interests involved and ends to be achieved in the legal ordering of human relations."

The modernistic tendency is not, however, as radical as that presented by Professor Llewellyn in his *Cases and Materials on the Law of Sales* (Callaghan & Co. 1930). Both works recognize the necessity of a pragmatic approach to a subject so bound up with everyday life as the law of sales. But while Professor Llewellyn would make each case depend on the construction of the particular contract under the peculiar economic conditions of the business in which the parties are engaged, Professor Vold recognizes the usefulness of rules of law applicable to sales transactions generally.

After explaining in the opening chapter the functional perspective for the law of sales, the author discusses the questions incident to the making of the sales contract, especially the requirements of section 4, the Statute of Frauds in the Uniform Act. Passage of the "property interest" in the goods to the buyer is the problem of Chapter 3, and this is followed by the most interesting chapter in the book, entitled "Sales Financing Devices Involving Divided Property Interest as Security." Here are analyzed in lucid fashion (1) the unpaid seller's lien and stoppage in transit, (2) conditional sales, (3) documents of title and (4) trust receipts. This is a logical treatment of the situations in which two or more persons have interests in the same property. The remaining chapters deal with the effect of fraud, retention of possession and bulk sales statutes on passage of