

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.

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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

title; Performance, including Inspection, Acceptance and Warranties; and the seller's and buyer's remedies.

The text contains appropriate references to, and discussions of, the Uniform Sales Act and the Uniform Conditional Sales Act, both of which are printed in full in an appendix. The footnote annotations are ample. Emphasis is properly placed on the more recent decisions involving construction of the Uniform Acts. Conforming to the method characterizing the Hornbook Series, the author follows the citation with a few words which convey to the reader the issue involved in the case. The notes also present variations of the problems treated in the text. The references to recognized treatises and to valuable law review articles are numerous. In short, the work fulfills adequately the function of a handbook. It is recommended to the law student as a valuable aid in filling the gaps which case books on the subject necessarily leave; and to the practitioner as a ready reference work of reasonable compass.

The New Jersey lawyer will find apt citations of the significant sales decisions in this jurisdiction; also a compromise between the classic and the ultra-realistic approaches which may prove acceptable to our courts.

DAVID STOFFER.

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REASON AND NATURE. An Essay on the Meaning of Scientific Method. By Morris R. Cohen. New York: Harcourt, Brace & Co. 1931. pp. xxiv, 470.

To attempt an analysis and a critique of Professor Cohen's philosophy of law without unduly becoming involved in a consideration of the possible ultimacy of the metaphysical notion of Polarity, or the logical concept of Universality, or the teleological notion of the Ideal—all schematic ideas in the fabric of his thought,—is to undertake what is foredoomed to lack logical conclusiveness, or even cursory finish. The critic, in acknowledging at the outset this undesirable foreshortening of his undertaking, blames not only the exigency of space, and the nature of the journal, but more the fact that nowhere in the volume does the author himself undertake an exposition or clarification of these notions, least of all in his treatment of the nature of the judicial process. He takes them for granted in the same way that Kant took for granted that the intuition of Space must yield not only logical, but also practical, truths. What *Reason and Nature* lacks is a prolegomena, in which the notions fundamental and active in Cohen's philosophy would be given spermatic quickening and incubatory warmth. But when one thinks of the fact that it took poor Tristram nine or eleven books in which to be born, then Cohen's method, like the invention of the Immaculate Conception, or the "spontaneous generation" of Infusoria, gains regard. Despite this concession, if in philosophy it is "dogmatic" to presuppose certain things to have existential or deontological truth or significance, without a studied attempt being made to establish their necessity—logical, pragmatic, psychological or what,—then Professor Cohen is undoubtedly a dogmatist. But perhaps with time will come another volume from Professor Cohen, which will prove to be the elephant to the world of whose nature he treats in the volume under review. We promise (for ourself, at any rate) not to ask then for the tortoise.

To the student of legal science two matters, at least, will be of interest in