

BOOK REVIEWS

DAS NEUE HANDELSGESETZ RUMANIENS. By Dr. Louis Hausknecht. Cernute, 1939.

As long ago as 1914 Mr. Edward A. Adler wrote an article on Business Jurisprudence, pointing out the atrophy of the concept of the Law Merchant which, as he, with much truth points out, is in the mind of most lawyers confined to the law of negotiable instruments. His historical sketch of the various early English forums, more or less independent of the general common law courts, shows the Law Merchant in lusty operation before such tribunals as the Piepowder and staple courts where the various customs of trade, either uncodified or codified in some of the ordinances of guilds, were enforced as law in speedy and informal proceedings. (28 Harvard Law Review 135.)

Very little progress seems to have been made toward strengthening this branch of the law or toward simplifying and expediting procedure in business causes. Indeed, unless one considers the very slight development of the arbitration concept and the creation of the so-called commercial calendars in some of our courts, practically nothing has been done in the last twenty-five years, and long before that, toward the re-creation of a merchant's law.

The recent publication of the new business law of Rumania, which is now being distributed for critical examination throughout the civilized world, is a cogent contrast between the European continental treatment of this field and its neglect in the greatest trading countries of the world—Great Britain and the United States.

The immediate cause of the new code is pointed out in the introduction. It was not so much that no law existed in this field, but rather that too much and conflicting law was present growing out of the change in national boundaries under the Treaty of Versailles. Thus it appeared that in that portion of Transylvania which was annexed to Rumania, the business law of Hungary adopted in 1875 was in effect, in Bukavina, the Austrian law, adopted in 1862, while in the old Rumania and in Bessarabia the 1887 Rumanian law was still in effect.

The Act itself contains some nine hundred sections and covers definitions of all kinds having to do with business relations; establishes requirements for proper bookkeeping, defines unfair competition, registration of employees and persons generally engaged in commerce of different classes and provides for the formation of associations and corporations with limited liability much on the order of our corporation acts and partnership and limited partnership statutes. Provision is made for the liquidation of organizations; for the assertion of rights growing out of commercial undertakings; express, freight and personal transportation; credit institutions; warehousing; insurance, including compensation, fidelity, life and others; for compositions and bankruptcy as well as for criminal actions for commercial delicts of one kind or another.

The code as distributed is not the text of the Act but rather a critical summary of it prepared by Dr. Louis Hausknecht and is circulated in a German

edition as being a language of greater currency than would the original Rumanian be. The comprehensive character of this enactment and the inclusion in it of so many fields of, with us, scattered legislation, which, however, is logically closely interrelated, is worthy of study and might afford to our bar associations and legislatures a basis for once more considering as a whole the broad field of merchant law.

SPAULDING FRAZER.

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MARRIAGE, DIVORCE AND SEPARATION. By Dougal Herr. 2 Vols. Legal Publishers, Inc., Hoboken, New Jersey.

This book will meet a long felt need of the New Jersey bar and although it is meant primarily for such use, presents so comprehensive a study in brief compass of the underlying principles governing the field of matrimonial relations as to be of real value to a much broader audience. The author has brought to bear not only his broad experience over many years as Advisory Master in matrimonial causes in the New Jersey Court of Chancery, but an unusual amount of serious research in this general field, resulting to the New Jersey practitioner in an almost complete collocation of the New Jersey decisions upon the various phases of matrimonial law. That such would have been the result of his undertaking such a work might well have been prophesied by anyone familiar with his work as a judge. In recent years particularly, his well considered and scholarly opinions reviewing the trend of decisions in disputed sections of this field have done much to define earlier hazy outlines. As to similar fields wherein his judicial activities afforded no such opportunities, he has in this book most stimulatingly raised queries without attempting a dogmatic assertion of what the law is, although usually definitely pointing the way to what he considers in these disputed fields the law should be.

There seems to be little doubt but that this work will have unusual weight with the courts and if it were for that reason alone it becomes a book which no practising lawyer can afford to be without. The text is included in one volume while the second volume is devoted to forms, to the publication of a number of important but hitherto unreported decisions, to an exhaustive table of cases, and to a full index both to the text and to the forms. As to the forms it may be said that they set out in a detail rarely to be found practically every paper, the need for which will arise in any matrimonial cause whether in the trial court or on appeal, including among them the actual pleadings used in some of the more cited cases. To the lawyer of restricted imagination who is at a loss how to proceed unless someone has already shown him the way, these forms should prove an everlasting source of relief, while to the more self-reliant members of the bar in moments of doubt and indecision they will afford suggestions of almost equal value.

SPAULDING FRAZER.

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