



1897

BOOK NOTICES

Follow this and additional works at: <https://digitalcommons.law.yale.edu/ylj>

Recommended Citation

BOOK NOTICES, 7 *YALE L.J.* (1897).

Available at: <https://digitalcommons.law.yale.edu/ylj/vol7/iss2/7>

This Article is brought to you for free and open access by Yale Law School Legal Scholarship Repository. It has been accepted for inclusion in *Yale Law Journal* by an authorized editor of Yale Law School Legal Scholarship Repository. For more information, please contact julian.aiken@yale.edu.

BOOK NOTICES.

The Law of Sales. By Francis M. Burdick, Professor of Law in Columbia University. Cloth. Pages 1., 278.

Cases on the Law of Sales. By Francis M. Burdick. Cloth, pages ix., 664. Little, Brown & Co., Boston, 1897.

The change since the time of our fathers in the text books set before the law students is most acceptable to the beneficiary and must be of ultimate benefit to the profession. Swift's Digest and similar works have given place to the small, handy volume crammed full of clear explanation, and apt illustration, augmented here and there by a happy quotation from the opinion of an eminent judge. This improvement is the result of the devotion of scholarly men like Prof. Burdick to the teaching of law. During his ten years' experience the author has discovered the points in his subject difficult of understanding for the student, and in his book has given fullest attention to these. Conditions and Warranties, Buyers' Rights against Third Parties, and like topics are fully discussed, and the student made to see that common sense applies even to those parts of the law. The treatment of the Statute of Frauds is novel in that its provisions are explained wherever the common law changed thereby is treated. This results in a more practical and time-saving method than devoting a separate chapter to the statute. The cases cited are few in number, but comprise the leading cases on the topics treated. The appendix contains the Factors Acts of England and of the leading States. The volume of cases intended to accompany the text-book contains the latest as well as the leading decisions on Sales, and will prove helpful to the student working with or without an instructor. To the latter it would seem well-nigh indispensable.

State Control of Trade and Commerce. By Albert Stickney of the New York Bar. Art canvas, 202 pages. Baker, Voorhis & Co., New York, 1897.

Two decisions in leading courts have recently caused increased attention to be paid to State control of trade and commerce. Mr. Stickney submits that those decisions are at variance with the common law, and furthermore, are not justified by a true interpretation of existing statutes. To support the first contention he has reviewed the attempts in England and America to regulate private employments by statute, showing

the statutory origin of the offenses of engrossing and others, and their abolition. He comes to the conclusion that the case of *Mogul Steamship Co. v. McGregor* states the law as it exists today. The author contends that the State should confine its attention to public rather than private employments. The legal basis of the control of railroads, elevators, etc., is discussed, and the present state of the law as to contracts in restraint of trade. He draws the conclusion that "a combination for the express purpose of preventing competition from all outside parties, even in the case of common carriers, was lawful; not only that it does not constitute a crime, but that it did no individual a civil injury." Against this background should be interpreted those statutes making criminal "any act injurious to trade or commerce." For "it is not to be presumed that the Legislature intended to make any innovation upon the common law further than the case absolutely required." Accordingly, "it is submitted that the only reasonable interpretation of that phrase is, that it means an act which violates some legal right, of some individual or class of individuals, in a matter concerning trade or commerce." The book contains long extracts from the statutes and opinions referred to.

The General Digest, Annotated. New Series. Vol. 3. Law sheep, 1,562 pages. Lawyers Co-Operative Publishing Co., Rochester, N. Y.

The addition of a system of annotations has made this well-ordered serial more valuable than ever. The authorities relied upon by the court in the case digested outside its own decisions, with the cases criticised, distinguished, limited, or overruled, are added; also, to cases on the more important topics is added reference to a line of decisions *pro* and *con* upon the point involved. The arrangement thus affords a key to the law on topics so treated, and it is planned thus to furnish eventually a complete citation of cases on all important points.

Cases on Domestic Relations and the Law of Persons. By Edwin H. Woodruff, Professor of Law in Cornell University. Cloth, pages xviii., 540. Baker, Voorhis & Co., New York.

Some two hundred cases are here collected and arranged for class-room work. The facts in each case are concisely stated, and only relevant parts of the opinions are printed, thus saving time to the student.

Probate Reports Annotated. By Frank S. Rice. Vol. I. Law sheep, pages xxiv., 765. Baker, Voorhis & Co., New York, 1897.

With this volume a new start is made with the experience already gained from compiling the American Probate Reports. Only the less common decisions are to be reported, while the more important topics are to be treated in notes. Thus, in a note at page 594 ff., Jarman's and Wigram's rules for the construction of wills and Stephen's evidentiary rules are given. In the future dissenting opinions of weight are to be included.