man-like consideration of all the questions involved, and of avoidance of local or temporary influences. The United States is at present "clearly backward in the development of machinery for the friendly settlement of international difficulties," and it must therefore ally itself with the existing machinery of this kind, the League of Nations, the World Court and other agencies. With this conclusion no person capable of thinking internationally will disagree.

Washington, D. C. E. C. ROPES.

Cases on New York Pleading and Practice. By Harold R. Medina. Chicago, Callaghan & Co., 1928. pp. xxxviii, 1005.

This is a competent and workmanlike product, done by an experienced hand, which well attains at least a part of its stated objective. Professor Medina says in his preface: "It is believed that a proper treatment of the subject should include every phase of the ordinary actions and special proceedings, including trial and appellate practice, so that the student shall not approach his duties as a practitioner with a knowledge which extends to only a few phases of the subject." And there is here presented a complete and adequate picture in case form of the New York Civil Practice Act from the summons on down through the trial to appellate procedure and special proceedings. Mechanically it is presented in attractive form with an excellent index. To all those interested in this kind of illustrative practice material the book should be extremely valuable.

But more doubt arises whether the editor has accomplished another stated purpose of stressing "matters of theoretical importance." This purpose is believed to be much more important than that of giving students the mechanics of practice which they can more easily acquire by actual experience or by bar preparation courses. It is, however, difficult, perhaps impossible, of achievement if the study is to be confined to the local practice of a single state. Unless the student considers the variations, even the aberrations, of one state against a background of scientific study of the subject as a whole, he will come to believe, as many lawyers do, that only the local rule is workable, and that the more convenient and efficient practice of an adjoining jurisdiction is to be summarily rejected as manifestly unsuitable. It is particularly unfortunate to study New York pleading in this way, for in this state there is now a distinct tendency, with only a few notable exceptions, towards a particularistic, meticulous and retrogressive construction of the code.

To this difficulty is here added the further one of attempting to give material dealing with substantially all the code. This leads to a selection of cases which serve more to illustrate particular statutes than to present problems for analysis and discussion. Thus Chapter X dealing with the statute of limitations contains nine cases under eight different subheads.

Necessarily with this form of presentation of the subject, no attempt is made to attack boldly the controversial problems of the subject. Thus one of the anomalies of New York practice today is the inconsistent and variable attitude of the several courts of that state towards the fundamental problems of the union of law and equity and the abolition of forms of action. To this problem Professor Medina devotes less than five per cent of his casebook with thirteen cases appearing under five different subheads of such misleading (as it is believed) form as "Equitable defenses in legal actions." Legal actions as such were abolished in New York eighty-one years ago. In line with this general plan is the omission of all reference to the many recent law review articles debating various aspects of New York practice. Thus we find *Susquehanna Steamship Co.*

v. Andersen & Co., 239 N. Y. 285 (dealing with "equitable defenses" and their trial) reprinted once in full and another time in part with no intimation of the serious questions which that case has raised and no reference to the critical literature concerning it.

Thus we conclude that as a lawyer's desk manual or as a student's practice assistant, the book has its important uses. As a casebook for critical study it is not so successful. In fact it is potentially dangerous, unless most skillfully handled.

New Haven, Conn. CHARLES E. CLARK.

The Law of Bills of Lading and Contracts of Shipment. By Ernest W. Hotchkiss. New York, The Ronald Press Co., 1928. pp. xviii, 287. $5.

This small volume was designed to treat of that "considerable body of law relating to bills of lading" which has come into prominence commercially in the last twenty-five years. With the adoption of uniform legislation by many states since 1910 and the passage of the Federal Bills of Lading Act in 1916, the subject has assumed new importance. This legislation created the order bill of lading as a "document of title" having certain aspects of negotiability. It is no longer merely a receipt for goods coupled with a contract of carriage. Because of the greater security afforded to purchasers and lenders by the order bill, it has served in a sense to unlock and make more readily available for commercial uses the enormous values represented by goods in transit, a matter of considerable economic significance.

The importance of the subject would justify a thorough, comprehensive analysis of the prior law, the changes effected by statute and the present position of bills of lading in the light of recent decisions. The present work falls far short of any such object. In the first place only 148 pages are devoted to discussion, the remaining 130 pages being taken up with forms, statutes and such matters. The Federal Bills of Lading Act, the Uniform Bills of Lading Act, the Interstate Commerce Act, the British Carriage of Goods by Sea Act and other lesser statutes are set out in full. Strangely enough, the Sales Act provisions relating to bills of lading are omitted although in many states they comprise the principal legislation on the subject.

But more serious even than the inadequacy of the space allowed for development of the subject is the manner of treatment. Much of the work appears to consist of one sentence digests of cases. This has not been well done, as often no distinction is made between order and straight bills. Many sentences are so long and fully packed with qualifying facts and phrases as to make them difficult of comprehension. This has resulted further in a jerky, disjointed sequence of ideas. There is very little independent analysis of the subject apart from cases, and almost no discussion of the implication of the cases cited. In many instances a single case is left to support a point on which there has been much conflict in decision.

Possibly an illustration may be permitted. On page 100 the following sentence appears supported by a Texas Civil Appeals case:

"Title has been held to pass under an order bill of lading where such a bill was sent to a bank with a draft attached and the shipment was delivered by the carrier without payment of the draft, and the shipment could not be recovered from the innocent purchaser because of a dealer's contract, tending to show that it was the intention that title should pass to the person to whom the shipment was delivered, when such shipment was delivered to the carrier."

The next sentence reads,