

studies are an indispensable aid to the working out of practical remedies. A study of the metropolitan government of London, for example, or of the effect of administrative control by the state, as in the rapid transit system of New York (both unfortunately omitted in this survey) would throw light on some of the serious problems now confronting our unorganized metropolitan areas.

Certain criticisms might be urged against this book, but they relate to minor features rather than to substance and form. The index is inadequate, being almost entirely geographic or factual; so valuable a work deserves to be clothed in a more attractive dress. But the answer is that any one interested in metropolitan government who opens the book will have but little use for the index and will become too absorbed in the contents to give to the paper or typography more than a passing thought.

C. W. TOOKE

NEW YORK UNIVERSITY
SCHOOL OF LAW

A TREATISE ON EQUITY. By William F. Walsh. Chicago: Callaghan and Company, 1930. pp. xli, 603.

This little treatise has at least one characteristic which gives it unique value among equity texts. That is its treatment of the union of law and equity under modern procedure. Other writers have been prone to emphasize the differences between the two systems and have helped to keep those differences alive. Professor Walsh on the other hand, expressly following the arrangement of Professor Cook's *Cases on Equity*, sets forth early in his text the administration of principles of equity in a court of the present day. He is one of those who sees the possibilities for a simplified procedure in a real merger of the two systems. These he gives, together with an historical sketch of equity, in Part One of his book. It is a distinct and thoroughly worthwhile contribution to the subject. It is not only clearly presented but is interestingly written.

The remainder of the book deals with problems of equitable relief in specific situations. These sections discuss equitable relief in tort cases (injunctions against waste, trespass, nuisance, etc.), in contract cases (specific performance of contracts), against fraud and mistake and in miscellaneous cases. Within the brief limits allowed, the author's discussion of these problems is reasonably adequate. To the reviewer, this portion of the book, while of much value for general reference, seemed less interesting than the first section. This is probably due to the fact that here a more conventional arrangement of materials is made. The early section has served to show the important but not exclusive position which equity has acquired in present day procedure. Here, however, we find the case analysis made with an eye to presenting the subject of equitable remedies, notably injunctions and specific performance. To a very considerable extent this results in resurrecting the distinctions between the two systems.

It should be said, however, that, given the premise of a separate text on equity, no arrangement of materials more suitable than the one chosen is apparent. Any plan wherein equity is now treated as a separate unit inevitably leads to an arrangement of materials which emphasizes distinctions supposedly abolished along with common law pleading. This is even true of such a modern book as Professor Cook's *Cases on Equity*. It is all very well to present a history of the development of equity. Further a statement of modern procedure should include the rules conditioning the granting of injunctions and specific performance. But when it comes to a consideration of waste, trespass, nuisance and land contracts, it would seem that each of these

topics should be considered in its entirety, without limitation to merely the equitable remedy available.

These are, however, questions which go only to the arrangement of material rather than to the detailed presentation of particular topics. This seemed to the reviewer, well done, even on points where he would dissent from the conclusions reached. All in all this is the best one volume book on the subject, and because of its fresh and modern approach it will not suffer by comparison with the older and more voluminous treatises.

CHARLES E. CLARK

YALE UNIVERSITY
SCHOOL OF LAW

JESSUP-REDFIELD LAW AND PRACTICE IN THE SURROGATE'S COURTS, 3rd Edition. By Henry Wynans Jessup. New York: Baker, Voorhis & Co. 1930. 2 Vols. pp. xcxi, 1465; xii, 3115.

The rapid firing guns of our Surrogate's Courts from which some 300 to 400 decisions per year are forthcoming tend to render a practice book which is upwards of five years old an out of date affair. Excellent as was the seventh edition of Mr. Jessup's book on *Surrogate's Practice* (1925) the mass of decisions rendered since that date makes a new edition necessary if one would be up to date, and Mr. Jessup has now brought out a new edition entitling it "The Eighth Edition of Jessup's Surrogate's Practice and the third edition of Jessup-Redfield's. . . ."

This new edition is timely too because of the new statutes which became effective on September, 1930, and Mr. Jessup has prepared this edition with those statutes in mind. More fully to acquaint the practitioner with the changes, he has added Surrogate Feeley's analysis as reported to the Rochester Bar Association in May, 1930. Excellent as this analysis is, we are disappointed that Mr. Jessup has not added to it his own lucubrations, with especial reference to the need of revision and clarifications of some part thereof. That it is defective in some parts see *Suggested Changes in Sections 17 and 18* by Victor Morawetz,¹ and *A Striking Omission in the New York Statute of Devolution*² appearing in *Fiduciary Law Chronicle*.

Mr. Jessup has a style all his own. In terseness, we believe him to have no peer. In happiness of expression which attracts the attention he is a master. All of these are the more reasons why he should have directly favored us with his own thoughts in praise and in criticism as the particular section may demand. However this may be, the author has included in his text a complete statement of the new amendments and has carefully compared the old and new in such form as to make them easily comprehensible. The bulk of them are contained, of course, in the Chapter on the Disposition of Decedent's Real Property and Distribution, with particular reference to the Surviving Spouse, which is entirely new. In referring to the amendments, the author, with a bravado born of his experience in teaching, says he has ventured into angel's territory and in some instances modestly opined as to "what the courts may decide." His long and successful experience at the Bar and the high place that his book occupies in the minds of our Surrogates, easily demonstrated by their innumerable citation thereof, gives him little excuse for such modesty, and the profession will welcome his opinions as a real aid in the settlement of the problems which are found to be raised under the new amendments.

That the new edition is up to date goes without saying. Mr. Jessup has per-

¹(1930) 2 N. Y. STATE BAR ASS'N BULL. 578.

²(1930) 1 FID. L. CHRON. (No. 11. Dec.) 3-6 (1931) 2 *ibid.* 4-6, 15-17, 32-36.