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Book Notes

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BOOK NOTES

CASES ON COMMON LAW PLEADING. James P. McBaine, St. Paul, Minnesota: West Publishing Company, 1934. Pp. xi, 304.

While code pleading is supplanting common-law pleading in many, if not most, of the American jurisdictions, it is quite generally conceded that a knowledge of the common-law actions and of common-law pleading is helpful or even essential not only for a better comprehension of code pleading but also for an understanding of the older English and American cases. It is improbable, therefore, that many law schools will drop the subject of common-law pleading and actions from the curriculum.

Professor McBaine has prepared a case-book which is admirably adapted to use in those schools where common-law pleading is no longer treated as a major subject. Part I deals with the conventional common-law actions, including the action of account. For each action, forms of the writ and declaration are given. Following the cases covering the scope of each action, a case is given indicating the modern significance of the action.

Part II, which comprises only one-third of the book, deals with the principles of pleadings. No attempt is made to cover the subject in detail, but since a course in code pleading covers many of the same principles, the cases in this book will give the student a foundation from which to work.

CASES ON PLEADING AND PROCEDURE. Charles E. Clark. (One volume edition) St. Paul, Minnesota: West Publishing Company, 1934. Pp. xxii, 905.

A two volume edition of this collection of cases was published previously, but because some of the material appeared to duplicate work given in substantive courses on Equity in some law schools this volume was published covering the same cases but with the duplicated material omitted. The organization is identical except for the omission of chapters 15 to 20 inclusive of the previous edition, which chapters cover Equitable Decrees, Injunction and Specific Performance, Restrictions on the Grant of the Remedy, Procedure, and Other Specific Remedies.

RESTATEMENT OF THE LAW OF AGENCY. Illinois Annotations. St. Paul, Minnesota: American Law Institute Publishers, 1934. Pp. vi, 224.

The Restatement of the Law of Agency, which was issued by the American Law Institute in permanent form a few months ago, contained much material that was definitely a restatement of familiar principles, and some that was new and strange. The position taken by the Restatement on some questions provoked argument. No doubt the Restatements suffer in the view of the practicing lawyer because they do not aid the search for authorities—and it takes time for the Restatements to be considered themselves authorities. The publication of the state annotations, it cannot be doubted, makes works of greater value and appeal to the practitioner. It is suggested that possibly a collection of leading authorities drawn from all jurisdictions might be equally valuable to lawyers and courts.

The preparation of the Illinois Annotations was entrusted to a committee of the Illinois State Bar Association. No attempt has been made to do anything more than to group the leading Illinois authorities under the various organization headings of the Restatement with an indication of the agreement or disagreement of the case with the position of the Restatement. This is probably a most satisfactory method of handling, and the authorities appear to have been chosen with care. These annotations should aid in an orderly arrangement of the case law in this jurisdiction. It is to be hoped that the appeal by the committee for the aid of the lawyers working upon phases of the subject in sending briefs of their work will be heeded.