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Book Reviews

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BOOK REVIEWS

KENTUCKY ANNOTATIONS TO THE RESTATEMENT OF THE LAW OF CONTRACTS. Frank Murray, with the assistance of W. Lewis Roberts, Frank H. Randall and Roy Moreland. American Law Institute Publishers, St. Paul, Minn.

This volume consists of annotations only. There is no repetition of the text of the official restatement—nothing but each section heading, which is required to show how the annotations fit in. Thus, it is all fresh "meat". There is no numbering of the pages indicated.

While the book purports to be but a citation of the Kentucky authorities on each topic and section of the Restatement of Contracts, yet it is more than that. Wherever there is appropriate occasion for it, the cases are compared with and often distinguished from each other. This book is believed to be substantially exhaustive of the Kentucky cases and is therefore a storehouse and the only available storehouse of Kentucky contract law. The user must, of course, have also a copy of the Restatement itself.

One notes especially such exhaustive citations as that of six pages under "Promise to pay a debt barred by the Statute of Limitations", of five pages under Section 193, and four pages under Section 195. Many others are only slightly less extended. Thus, under Section 276, "Rules for determining materiality of delay in performance" there is a surprising number of pertinent opinions. In fact, in very few sections do we find inscribed beneath "No cases found". Citations to articles in the Kentucky Law Journal dealing with Kentucky cases would have been useful. An index would be useful, but it is not indispensable, since this book is to be used in conjunction with the Restatement and will rarely be used by itself.

This is the first book to bear upon its title page the imprint, "Under the auspices of the Kentucky State Bar Association". On three occasions the Association made a contribution towards the clerical expense of production. The book represents years of work by Professor Murray, of the University of Kentucky Law School. Certain sections were assigned to his colleagues, Professors Roberts, Randall, and Moreland. There is manifest a uniform painstaking effort to make the work of greatest service to lawyers and the reviewer believes it excels in that respect, the annotations prepared for other states.

ALVIN E. EVANS.

CASES AND MATERIALS ON THE LAW OF DEBTORS' ESTATES, Second Edition, by Wesley A. Sturges. St. Paul: West Publishing Co., 1937. Pp. xv, 1008.

Professor Sturges, in his second edition of Debtors' Estates, has followed practically the same outline as in the first edition; compo-

sitions, assignments for the benefit of creditors, receiverships and proceedings under the Bankruptcy Act. Owing to the many recent changes in the Bankruptcy laws, a greater proportion of the new book is devoted to that field than was given to it in the first. Corporate reorganization, however, which is provided for under the act, has been left for a separate course using Douglas and Shank's Cases on Corporate Reorganization. Such an arrangement does not seem to meet the needs of the smaller schools where it is impossible to give so much time to the subject. Much new text material has been incorporated and a large number of cases decided since the first edition went to press, nearly a fourth, in fact, of all the cases used. The second edition is not as large by a hundred and thirty pages as the first.

While the appendix contains all the amendments of the Bankruptcy Act to date, January, 1938, this may not be so at the time one starts class work with the second edition, as many changes are still on the way in this field.

Professor Sturges has handled his materials in a scholarly way and, judging from his earlier casebooks in this field and the field of credit transactions, one cannot go far wrong in adopting it for class work in creditors' rights.

W. LEWIS ROBERTS.

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PETROLEUM AND NATURAL GAS BIBLIOGRAPHY. By Robert E. Hardwicke. Published by the University of Texas, Austin, 1937.

The secret of being well informed on a given subject rests upon the ability of an inquiring mind to know where to find information and perseverance to follow up "leads" to reference material. To that end Robert E. Hardwicke, author of Petroleum and Natural Gas Bibliography, set himself the Herculean task of going to the sources. Being generous as well as able and persistent, he has made those who would delve into the petroleum and natural-gas literature his partners, and he has become their benefactor.

Mr. Hardwicke has chosen a unique and commendable way of making his bibliography generally available. Upon completing the manuscript to the satisfaction of himself and his critical reviewers, he unselfishly donated his work to the University of Texas, free of all financial interest. Any profits from the sale of volumes are to be used in extending the petroleum and natural-gas library of the University of Texas.

Mr. Hardwicke's bibliography is the first systematic attempt given to the public wherein some orderly arrangement of titles has been brought out of the chaotic mass of written words contained in books on petroleum and related subjects. The author wisely has limited his

bibliography to fall within a comprehensive definition of "book literature", as it would not have been feasible to include citations to all outstanding contributions on oil and gas appearing in current periodical publications. However, the volume does list indexes and other compilations relating to periodical literature and gives reference to available publication lists of various agencies of the United States Government concerned with petroleum and allied substances; also, transaction volumes and similar publications of technical societies and trade associations are cited.

The bibliography should be helpful especially to members of the legal profession who are interested in the law of oil and gas. A complete list is given of all articles, notes, and comments on oil and gas law that have been found in legal periodicals published in the United States.

The author does not present his book as a complete bibliography of petroleum and natural gas. However, a statement made as a part of the title-page, at the end of his breath-taking description of its contents, namely, "a reasonably complete guide to the literature in English dealing with petroleum and natural gas", is conservative and prompted by modesty.

Mr. Hardwicke has divided his index material into 11 major divisions, and several of these have as many as 7 sub-divisions. In this manner he lays before the reader the vast book literature pertaining to petroleum and natural gas under the following captions: (1) general and historical; (2) finding and prospecting; (3) development and production; (4) transportation and storage; (5) refining, analysis, and testing of petroleum, natural gas, and their products; (6) marketing and utilization of petroleum, natural gas, and their products; (7) economics and statistics; (8) legal; (9) hearings, investigations, reports and findings of political nature by branches of Congress, departments and bureaus of the Government of the United States; (10) accounting and finance; and finally (11) other bibliographies, indexes, and lists of publications, including lists of agencies of the United States Government publishing material on petroleum and natural gas.

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CASES ON PERSONAL PROPERTY. W. Lewis Roberts. Callaghan & Co., Chicago, 1938. Pp. 1-588.

Casebooks on personal property are fairly uniform with respect to subject matter covered. All deal in the main with ways of acquiring common types of interests in personal property and the nature of those interests. In this respect Professor Roberts' casebook is no

exception. The chapters, in order, deal with ownership acquired by occupancy, acquisition of title by judicial process, by accession and by confusion, title acquired by gift, interests incident to bailment, lien and pledge. A short chapter is given over to fixtures.

However, in choice of material with which to present traditional notions of property law, there is much in this book to commend it. To make the course as vivid and stimulating as possible, recent cases dealing with present-day problems have been selected. Approximately three-fourths of the cases are of the present century; one-fourth were decided in the 1930s. Older landmark cases are not neglected; they find place in the texts of recent decisions or are suggestively stated in notes. Nevertheless, there is a clear recognition that principles of earlier cases, when set against contemporary fact situations, are likely to become new principles, and that the problems of modern cases and the kind of professional technique applied to their solutions are what the students, as lawyers, must face.

This shift in emphasis is further apparent in the allotment of space to subject matter. The concept of possession, a classic among earlier writers, is adequately treated in conjunction with the purpose for which it is considered. The subject of bailment is dealt with in considerably more detail than in most casebooks. Special emphasis is given to this relation as distinguished from such transactions as sale, conditional sale and trusts. A full treatment of liens affords an introduction to statute law and the technique of statutory interpretation. The thorough covering of pledge is best explained by the author (preface):

"Today personal property is represented by stocks and bonds more than by horses and cattle—a form of property that is easily pledged. This shift is only too plainly shown by the cases. Decisions involving the law of pledge are not only numerous, but represent large sums of money and should, it seems, receive more attention in our law curriculum."

Professor Roberts' book is the product of long experience in teaching the course to first year law students. Its general appearance gives the impression of simplicity; there is nothing formidable in its make-up to perturb the student at the outset of his study. There are no numbered footnotes, no blind citation of innumerable cases. But the material is there and in usable form. The book contains 205 well edited principal cases, and about 150 cases cited in notes, most of which are briefly abstracted as to facts and holding, some of which are cited in connection with problems suggested by the principal cases. Many of these might well have been included in the table of cases, especially where they are stated and discussed sufficiently to make the reference useful. In addition to case material, there are references to approximately 150 law review articles and notes on all phases of the law of personal property.

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