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## *Brief-Making and the Use of Law Books*, by Roger W. Cooley (5th ed. 1926)

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*Smith, supra, Coates v. Harvey, supra, Hobdy & Read v. Siddens, supra, National Seed Co. v. Leavall*, 202 Ky. 438, 259 S. W. 1035 (1924) *Longino v. Thompson, supra, Moorhead v. Minneapolis Seed Co.*, 139 Minn. 11, 165 N. W. 484, L. R. A. 1918 C, 391, Ann. Cas. 1918E, 481 (1917) *Ward v. Volker* 44 N. D. 598, 176 N. W. 129 (1920)

Also it has been held that where tags containing a disclaimer of warranty are placed upon the seed bags by wholesale dealer, this disclaimer does not operate to relieve the retail dealer who sells the same bag with the tag still attached, the implied warranty of description is effective in such a case. *Jolly v. Blackwell*, 122 Wash. 620, 211 Pac. 748 (1922).

In the main case it was contended by the plaintiff that the facts brought it within the rule of *Jolly v. Blackwell*, but the court decided that the Inland Seed Company acted merely as agents, thus putting the case squarely within the rule announced in *Seattle Seed Company v. Fujimori, supra*, and the main case was decided in accordance therewith; which seems to be in accord with the general authority in the United States.

A. E. H.

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## BOOK REVIEWS

BRIEF-MAKING AND THE USE OF LAW BOOKS. By Roger W Cooley. Fifth edition. St. Paul: West Publishing Company 1926. Two vols. in one. pp. xxvi, 700; 1085.

The reviewer had the pleasure of reviewing for the first issue of this journal the fourth edition of Professor Cooley's work on Brief-Making and the Use of Law Books, which was published in two volumes.

The fifth edition of this meritorious work has the decided advantage of being more compact and easy to handle. The two volumes have been combined into one book, thereby eliminating the extra bulk of a second volume.

This edition bears the evidence of the more careful editorial work in the second part of the book which deals with the specimen or illustrative pages taken from the publications of the various law writers and which are used to provide a visualization of the form and substance of these works. These pages include signatures from such standard sets as Corpus Juris, Ruling Case Law, Lawyers' Reports Annotated, American and English Annotated Cases, the American Digest, the National Reporter System, etc.

If it be true that the eye must lead the hand, then in the use of these tools the legal profession the eye must first observe the plan, content, and method of the work in question and be able to direct the hand in the mechanical phase of the solution of the legal problem.

The selection of the illustrative material has largely been the work of Mr. Lafayette S. Mercer, who has given toward the perfection of the work the benefit of his years of teaching of legal bibliography. The result represents a broader and more comprehensive type of material than has appeared in previous editions.

In the teaching of legal bibliography the instructor should aim to present the material of the various publishers as nearly as possible in the manner in which the publisher desires the material to be presented and from their point of view—thus evincing an attitude of fairness and impartiality toward all publications. No instructor can permit himself to entertain any bias toward any instrumentality having for its object the better solution of the legal problem. As an example of this impartial treatment of the subject of legal bibliography and research Professor Cooley's treatise stands the test.

The reviewer, in his teaching of legal bibliography and research, has formed the opinion that the best success is to be had when the instructor is to follow as closely as possible upon the scientific and labora-

tory method of teaching. To this end it is his opinion that the above treatise could be more effectively used as a basis of instruction if it contained numerous problems, the solution of which depended upon an intimate acquaintance with the material covered by the specimen pages therein incorporated.

ARTHUR S. BEARDSLEY.

CASES ON PARTNERSHIP AND OTHER UNINCORPORATED ASSOCIATIONS. By Dr. Scott Rowley. New York: Prentice-Hall, Inc. 1927. pp. xvi, 784.

This book comprises seven hundred and thirty-six pages of selected cases and forty-three pages of appendices giving the English, American and Limited Uniform Partnership Acts. It has a table of contents giving the general subjects of its twenty chapters and the subdivisions of each, also a list of cases alphabetically arranged and, what is unusual in case books, a very complete index to the legal principle, relation or matter treated in the several cases referring to pages where found.

The first chapter gives a short history of the law of partnership, taken from Dr. Rowley's text book on the "Modern Law of Partnership," which suggests the exhaustive study the author has made of his subject.

Dr. Rowley has given in his preface as the reason for omitting all citation of cases on the various subjects covered that they are wasted on poor students and are discouraging to good students. The writer humbly suggests, such lists in case books are a wasted effort on all students taking a regular law course in a university. In the copious footnotes references are made to many excellent articles in the Law Reviews and Journals and the author's text book above referred to. These references add greatly to this case book. Such articles are interesting and very instructive to the students and are quite generally used by them.

The sequence of the subjects is splendidly arranged to develop the subject, the cases are well selected, and where recent cases are found well discussed, they have been wisely substituted for those found in the older case books.

Where only one quarter of the scholastic year is allotted to this subject, this case book is too long to be used satisfactorily, particularly where leading cases from our own Supreme Court are also assigned.

J. GRATTAN O'BRYAN.

FORMS OF INDIVIDUALITY. By E. Jordan. Indianapolis: Charles W Laut & Co. 1927.

"Forms of Individuality" is not a book of forms. It is a scholarly, albeit laboriously written, attempt on the part of Professor Jordan to define social order in logical terms. The first part of the book is devoted to a severe and yet fine analysis of the theories presented by many psychologists, economists, political scientists, sociologists, historians and what-nots in their explanations of societal growth. After clearing the debris of other theories, he, workmanlike, commences to construct one of his own, gathering his materials from the data of economics, politics, law, history, psychology and from other social sciences. He is a realist.

Society, to the author, is something real, it is made up of individuals, pulsating with life, working with and through institutions to bring about certain social ends in an orderly fashion. Every social institution and every right and privilege granted, for example, to own property, to form corporations, to sell one's services, to make contracts, are injected with the personalities of individuals. The forms that these individual personalities take on in their economic, political and general social relations are so numerous that maladjustments must of necessity occur. The basic things in society are, to the author, "compacts" and contracts. He therefore urges that all avenues, economic, political and social, leading to individuals making compacts and contracts should always be kept clear. Any legalized privilege, which interferes with these basic "motifs" he advocates throwing into the alleys of social oblivion.

The book is very hard to read, and will not be read by many, frankly