

BOOK REVIEWS.

HANDBOOK OF THE LAW OF SALES. By FRANCIS B. TIFFANY.
(Hornbook Series: West Publishing Co., St. Paul, Minn.
1895.)

This volume of only two hundred and fifty pages contains the essence of the law of sales. It is legal nourishment in its most concentrated form, the boiling-down process having been carried to its utmost limit.

Mr. Tiffany has followed as his recipe the excellent plan of analysis and arrangement adopted in the Hornbook Series. This, it will be remembered, consists in the separation and distribution of material into general principles, printed in heavy type; short commentaries upon the principles, divided into paragraphs and printed in a lighter type—these commentaries forming the body of the book; and, lastly, notes, in which alone are collected the authorities. While the tendency of such a handbook is unpleasantly in the direction of a digest, Mr. Tiffany's grasp of subject and fluency of style have produced a different result and preserved for his work all the continuity and interest of a treatise.

He draws in outline, as it were, the entire law of sales, following, as he tells us in his preface, more or less closely upon Mr. Benjamin's synopsis. He starts with the principles lying at the basis of the contract, and, then, in one well written chapter after another, unfolds the law governing the sale of a specific chattel; the sale of a chattel not specific; the effects of mistake, fraud, and the failure of consideration; illegality; conditions, warranties, the execution of the contract; and, finally, the rights of action of either party arising on a breach. In the text, as we have suggested, there is nothing but the bare outline of his subject. In the notes, however, will be found all the necessary drapery and details, in the form of references to some twenty-seven hundred precedents.

Notwithstanding the extreme degree of concentration required by his publishers, we are not aware of a single

sentence in which Mr. Tiffany has failed to set forth his meaning clearly. He has succeeded very wonderfully in combining brevity and clearness. Every now and then by a mere passing reference to the reasons for preferring one line of authorities to another, he shows his breadth of view and proves that, if space permitted, he could do much more than "indicate the law." The unique and unreasonable attitude of the Supreme Court of Pennsylvania on the question of the right to rescind, where the purchaser on credit not only was insolvent at the time he purchased but knew himself to be insolvent, does not escape our author. And yet he contents himself with but a few sentences of explanation in the text, and a reference to the cases in a note. In his few sentences of explanation he has shown us what he conceives to be the better line of reasoning.

It will certainly not be long before the profession realizes the debt they owe to Mr. Tiffany for the production of this handbook. The rare, good judgment and ability displayed by him on every page will certainly secure for the volume the success which it deserves.

F. F. KANE.

UNIFORM STATE LEGISLATION. By FREDERIC J. STIMSON.
A Paper Submitted to, and Published by the American
Academy of Political and Social Science. April, 1895.

The recent conference of the "Commissions for the Promotion of Uniformity in Legislation" has attracted far more attention than any of its predecessors, the various states having become more deeply impressed with the practical importance of the subject.¹

"The first general meeting," says Mr. Stimson, "was held at Saratoga in August, 1892, at the time of the meeting of the American Bar Association. At this meeting seven states only were represented." At the conference in August, 1894, there were twenty-two in all. Mr. Stimson

¹ It will be noticed that this pamphlet appeared in April. The conference met in August at Detroit.

was chosen secretary at the first meeting, and, is, therefore, well qualified to discuss the question of Uniform State Legislation and to tell us what has been accomplished in that direction. His pamphlet (containing only thirty-six pages), without attempting to enter into a minute discussion as to what are and what are not proper subjects for uniformity, directs attention to the general merits of the case.

After reminding us that we are living under a fourfold system of law, the author disclaims any desire to touch our system of state and Federal government "with the resulting system of state and Federal courts," but expresses the hope that "by voluntary and simultaneous action—the same action which led to the adoption of the Federal Constitution—the several states may gradually be brought to enact the same statutes on all purely formal matter, on most matters of trade and commerce, and in general on all those subjects when no peculiar geographical or social condition or inherited custom of the people demands in each state a separate and peculiar statute law."

Then, after tracing historically the causes which led to the diversity of ante-revolutionary statute law, but before taking up in detail the subjects selected as examples of laws which demand a uniform adoption, the author calls attention to the fact that it is not as if the states and territories had each a wholly different statute upon any subject, but that not more than three or four *different* statutes are found, in them all, upon any one subject. The similarity in the statutes is observable in groups of states, one having set an example which has been followed by other usually, but not always, neighboring states. And there are many statutes, such as those upon limited partnership, where the law throughout the whole United States is now nearly identical.

"The diversity, however, even between adjoining states of like conditions is very great," and to illustrate this the difference between the laws of New York and those of Connecticut as regards marriage, divorce, the descent of property, etc., is cited.

The reason for the wide diversity in statutes enacted since