Book Review. New York Annotated Real Estate Forms

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from such popular fields of study and writing as evidence, contracts or corporation law, to investigate some of the remoter fields of legal development. Professor Zollmann's earlier work on American Law of Charities was a useful example of this exploration of back-lying legal territory. His latest work on American Church Law constitutes another source of gratification and creates a sense of obligation to him. It is the outgrowth of an earlier doctoral dissertation on American Civil Church Law published in the Columbia University "Studies in History, Economics and Public Law." In its present form it offers not only a compendium in many fields of ecclesiastical law, including religious liberty, religious education, tax exemption, liability, cemeteries, powers of corporations, and clergymen, but it also serves as a scholarly and valuable contribution to some of the highly picturesque but less well known aspects of American history. The several topics are introduced by compact historical notes. These notes in themselves would justify the publication of such a volume. But the analysis and summary of cases with appropriate commentaries provide a body of historical legal material which makes fascinating reading for both the layman and the professional lawyer. Each topic is thoroughly documented with a citation of cases. A careful table of cases is included, together with a good index, adds to the usability of the text. It should serve a very useful purpose for teaching and reference in theological schools and in other institutions preparing men for professional service in the ministry; indeed it is being used for just these purposes already. But, in addition to that, it is not, perhaps, too much to hope that this work may find circulation amongst the general reading public who desire to acquaint themselves with some interesting by-paths through the socio-legal history of our country.

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This book has been examined primarily from the viewpoint of its availability for use in states other than New York where the New York property and procedural statutes have been copied. In a so-called common law state it is obvious that a book of this character would be of but little interest. The book is divided into two almost equal parts. The first half is devoted to forms of instruments dealing with real property interests; the second half is devoted to procedural forms. The former, to be specific, covers mortgages, leases, contracts of sale, covenants for easements, building contracts, devises and testamentary trusts. The latter includes forms for ejectment, quieting title, reformation and cancella-

tion, foreclosure of mortgages and other liens, partition, action for dower, specific performance, actions between landlord and tenant, injunctions, tax proceedings, actions to set aside fraudulent conveyances, condemnation, waste and the judicial sale of property interests.

The procedural portion of the book is not particularly valuable in the so-called code States. The recent changes in New York procedure have been so numerous and far-reaching that the modern New York code of procedure has little in common with the older code, which remains substantially unchanged in most states which adopted it. At least it is true that this portion of the book would not be easily usable in other states and that a lawyer there would prefer his own local form book.

Few states, however, have an adequate form book on real property law and it would seem that the book would be a desirable tool in those states where the New York statutes and theories have been extensively copied. The work gives evidence of thorough and wise scholarship. The forms fit almost all possible needs. It is there that a competent book of this character is most valuable, for it suggests the possible difficulties and a solution of them. It is an easy task to provide for the usual contingencies, but it takes a lively imagination and a vast experience to provide for the unusual. The authors demonstrate that through experience or imagination they have anticipated most of the possibilities in this field. This feature is augmented by memoranda of points to be considered in closing a real estate transaction, as for example a mortgage loan, or the execution of a long term lease. One who whole interest is not in the property law field and who therefore has not worked out his own technic in a transaction of that character should welcome this feature as a most valuable one.

The chapters on mortgages, leases and contracts of sale are particularly extensive and complete. The chapter on devises and testamentary trusts, however, does not measure up to the standard set by those previous chapters. The forms there given deal with the usual situations, but no attempt has been made to demonstrate how any devise or trust must and can be made to conform to the New York statutes on restraints against alienation, and against remote vesting. On this score, too, future interests and trusts created by a transfer inter vivos are completely neglected. The omissions may not be so serious to the New York lawyer, for there undoubtedly are available competent books covering those situations, as for example, Chaplin's Suspension of The Power of Alienation and Post-pomement of Vesting (with forms) (3rd ed., 1928). To laws in other states struggling with a law of future interests copied from the New York statutes the omission would appear to be regrettable.

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