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Cases on Partnership and Other Unincorporated Associations, by Scott Rowley

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NOTICES

(These Notices are preliminary; they do not preclude Reviews later.)


The most violent criticism that can be made of this book has already been implied by stating the number of pages. It is at least twice too long and the fact that a considerable amount of material can be readily omitted hardly compensates for this defect. The editor suggests that cases on this subject can be gone over more rapidly because of the more interesting facts which they contain, than those in most other subjects in the law. No doubt there is something in this, but a long assignment is regarded by the student as a hardship, no matter what human interest there may be in the cases.

On the other hand, the book has so many virtues as to induce one to overlook this one vice. In the first place, the primary emphasis is laid upon cases with respect to Marriage and Divorce. This has previously been almost a mere appendix in casebooks on Persons—in Kale's casebook, literally so—but there can be little doubt that it has now become the most important part of the subject.

For this change in arrangement, then, the reviewer has nothing but applause. The same is true with respect to the arrangement of the cases on the law of Husband and Wife, where the editor seems to have skillfully avoided the pit-falls which nearly always arise in trying to handle this subject, complicated as it is by equitable and statutory changes of vital importance but often of extremely illogical nature. The editor has also deemed it wise to handle the subject of Parent and Child together with the subject of Infants, and has also incorporated into the same chapter some cases relating to Guardian and Ward. As to the desirability of this arrangement the reviewer is not clear, but it seems worth trying, and the editor has suggested a method by which the cases may be taken up more nearly in accordance with the conventional arrangement of this subject, if this is desired.

On the whole the reviewer feels that this is a thoroughly good piece of work and one which is very much needed, in view of the very rapid development of this subject in recent years. The book deserves to be widely used.

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This collection of cases follows closely the editor's textbook on the "Modern Law of Partnership." This might well be considered a defect by those teachers who are opposed to permitting their students to seek much help from textbooks. Some of the same teachers will also dislike the editor's failure to cite any other cases than those actually reprinted. This omission is deliberate, however, the editor stating as his opinion that
citations of numerous cases do no good to the poor student and are dis-
couraging to better students who may involve themselves in the hopeless
attempt of trying to read all these numerous citations. The reviewer is
inclined to agree with the editor on this point although the citations in
the footnotes of other collections of cases are often valuable as a starting
point for a more careful investigation of certain particular divisions of the
subject. The footnotes in the book under review do, however, contain
numerous references to articles in law periodicals.

In view of the fact that the printing is widely spaced and that the
pages are not large, the book is quite short—much shorter than would be
indicated by the comparatively large number of pages. It is perhaps
subject to the criticism that the cases are unduly abridged and in a number
of instances a single case is cut up, and parts presented under different
headings in the book. This has the obvious disadvantage of minimizing
the effort required from the student to analyze the case, but on the other
hand it does assist in carrying out the simple and logical arrangement,
which is unquestionably one of the great merits of this book. If anything,
the subject is subdivided a little too minutely but it would seem clear that
a student who had worked through this book should have a fairly complete
and logical knowledge of the subject of partnership. The scope of the
subject matter is in general accord with that of other casebooks on the
subject except that perhaps more attention is given to joint stock com-
panies and to Massachusetts trusts, which constitute the subjects of the
last two chapters. In the appendix is a reprint of the English Partner-
ship Act of 1890, the Uniform Partnership Act and the proposed Uniform
Limited Partnership Act. There is also a simple, but apparently quite ade-
quate index.

On the whole, this seems to be a work of very real merit. As has
already been said, it is chiefly characterized by simplicity and by careful
and logical arrangement. These very qualities may not be regarded as
virtues by many teachers who prefer that their students be compelled
themselves to struggle to work out the complex principles of the cases
and to fit their knowledge into a logical arrangement of the subject.
For such teachers this book is not suitable, and was not intended. The
purpose of the editor seems to have been to produce a simple and logical
unfolding of the subject, using the cases merely for this purpose rather
than as more or less isolated legal problems. It may, of course, be ques-
tioned whether this is the most desirable way to treat this or any other
legal subject, but, assuming the desirability of what the editor has
attempted to do, he has accomplished it with great success.

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This book contains four addresses by William S. Holdsworth, Vinerian
professor of law in the University of Oxford and author of the great
"History of English Law." The addresses were delivered by Professor
Holdsworth during his visit to the United States in 1927. The first three
of them were delivered as the lectures for 1927 under the Julian Rosenthal