Handbook of the Law of Code Pleading, by Charles E. Clark

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BOOK REVIEWS

one short paragraph of six sentences. Another illustration of the same inadequacy is the chapter on judgments consisting of twenty-two pages of text. Res Judicata commands one paragraph of one sentence.

The author reveals himself a man of rather wide learning in his subject. He is familiar with a good portion of the learned literature on equity. Although there is a marked paucity of citations to this literature, there are occasional references to the writings of Ames, Maitland, Pomroy, Cook, and others.

In the estimation of this reviewer this work is not nearly so valuable as Clark's small handbook nor can it be compared with Pomroy's extensive work on the subject. On the other hand it is by no means a futile effort. The author's obvious purpose was to present to the practicing profession what he believes to be a practical and accurate statement of what "equity" is. This purpose is perhaps attained in a reasonably satisfactory way. The work would no doubt be valuable in most law offices for handy and quick reference. It has a complete table of contents, a very usable index and 130 pages devoted to a table of cases.

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That this is the most valuable text on the subject of Code Pleading is obvious. The book deserves higher praise than that, in fact, because previous efforts along the same line have been quite perfunctory. Dean Clark has made a distinct contribution on the subject, and at the same time has produced a most usable book. Although the book is small in its proportions, it covers the ground thoroughly, and Indiana Lawyers will find a large number of Indiana cases cited. It is the reviewer's opinion, based both on experience with use of the book in practice and teaching, that a lawyer in a Code state who is actively engaged in the trial of cases can not afford to be without its assistance. There is an informed, mature, intelligent and scholarly discussion of the principles of Code Pleading, and the cases decided under the Code. That is altogether too rare an attribute of most legal textbooks. Too often the legal text book is just another digest in disguise.

The reviewer is far from convinced that all of Dean Clark's theories are sound and workable. Primarily it is doubted if his definition of the Code "cause of action" can be sustained as a proper interpretation of the Code. Certainly however it is an arguable point, and it will be found that the argument is stimulating, and has not influenced the discussion and statements as to what the cases decide. It is recommended most highly to the bench and bar of the state.

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