

have been added to old notes, and about seven lines removed. Numerous sections, and some whole chapters even, appear without the slightest change. Sometimes this is unfortunate. Thus the nearly obsolete subject of larceny by breaking bulk surely calls for a more recent case than 1835 as the latest word. Insanity gets but one change, viz., the addition of five lines to a footnote; many will feel this to be far from adequate growth. Very welcome is the editor's decision to include citations to law review articles. It is a pity, however, that he has carried it out to so slight a degree, as such references appear in only ten notes and are to only twenty-six articles.<sup>4</sup> The book maintains the usual high standards of its publishers in the matter of freedom from errors of composition.<sup>5</sup>

By way of summing up, the new edition will undoubtedly hold fast the many friends gained by the two preceding editions, while, on the other hand, those who found these not congenial for one reason or another will probably react in the same way to the instant edition. Considering how slight the changes were that Dean Mikell found it desirable to make there is room for some question as to the wisdom or need of this new edition at all.

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Cases and Readings on Property. Volume II. By Everett Fraser. Chicago: The Foundation Press, Inc., 1933. Pp. 687.

The present volume deals with the usual subject matter of personal property together with a few topics touching real property such as Adverse Possession, Prescription, Emblements, Waste, Fixtures and "Some Legal Relations of a Landowner in Respect to Land, Air, and Water." The inclusion of these topics in real property logically brings together a treatment of the law of possession of both real and personal property with seemingly satisfactory results. Similarities and differences in the two branches of the property law can be pointed out and time saved by treating possession of both types of property as a whole.

In the preface Dean Fraser states that "possession is the dominant idea of the first six chapters." It may be queried whether Dean Fraser has not allowed that one concept to dominate him and his selection of cases just a little too much. The reviewer would have preferred to see a case with a good plain discussion of the essential elements of a bailment for the opening case in the chapter on Bailments rather than one in which the discussion revolves about "possession" with little more than an inference that it is one of the elements of a bailment. Likewise, for the opening case in the chapter on Prescription, the writer would have preferred a case involving prescriptive rights in

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<sup>4</sup> There are also two citations to books.

<sup>5</sup> Such errors as there were in the second edition seem, however, to have survived without exception. *Regina v. W. D.* still appears as *Rex v. W. D.*, though the date, 1570, glares at one. The reference to suicide (p. 308) as an "occasion" (which it no doubt is) instead of an "occision" (which is what Lord Hale was talking about) remains. The same is true of an error on p. 681. And in the case on p. 343 there is still the rather serious failure to indicate that the "foregoing reasons" on account of which the case was reversed were reasons omitted from the casebook quotation, and were not connected with the lengthy jury charges given (which were approved, and which, in the casebook, appear as the only matters in review).

land rather than the case involving "user" of a ship since prescription generally involves user of land and not of chattels.

However, on the whole, the casebook contains a splendid selection of cases with a careful and a most logical arrangement of cases within each chapter. One can discern a well thought out plan within each chapter with seemingly two objectives; first, a logical development of the subject matter and second, bringing the law down to date. One is almost tempted to say that the presentation is too logical and not confusing enough for the student. In the chapter on Liens Mr. Fraser could not resist the temptation of showing a logical and connected development of the law though he had to resort to seven English cases at the beginning of the chapter to attain his objective. About one-half of all the English cases, which constitute twenty per cent of the total in the book, are found in this chapter. The English cases used are of the simple kind serving the purpose clarifying a technical subject which is brought down to date by recent and practical American decisions giving us a treatment of the liens unequalled in any casebook.

That Dean Fraser intended to produce a practical and useful casebook as well as a logical one is just as evident in some other chapters as was his attempt at a logical development in the chapter on Liens. He begins the chapter on Waste with a Massachusetts case wherein it is pointed out that the English law of waste is not generally applicable in the States and then he does not use a single English case. In the chapter on Water Rights the same process is followed. In the chapter on Gifts the modern trends are particularly conspicuous. The subject matter of the cases is stocks, bonds, choses in action, contents of safe deposit boxes, etc. The more liberal attitude of the courts on the *manner* of delivery to meet modern conditions is almost too evident. Only in one case out of nine does the decision go against the donee and no case particularly emphasizes the necessity of delivery. One case showing that delivery, whatever it be, is strictly necessary to the validity of any gift might have been useful.

The excellent footnotes, which are numerous in comparison with the footnotes in the Dean's Volume One, must be regarded as a valuable addition to a casebook in a field lacking in good up-to-date textbooks. Perhaps, the most gratifying feature of the footnotes is the characteristic style of Dean Fraser of saying much in simple and succinct statements.

In the production of the present volume Dean Fraser has measured up to the high standards which he set in Volume One. With the exception of the chapter on Bailments, which, in the opinion of the reviewer, has been done better by others, Dean Fraser has the most skilful development of the useful materials for a modern course in personal property with an equally good treatment of the limited number of real property topics.

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