It is the vital discovery of the simple motion and petition, in the place of the former multiplicity of pleas and demurrers, that constitutes Mr. Fins' distinct contribution to Illinois jurisprudence. For Mr. Fins has not merely written a new book on procedure. It would be more precise to say that he has rewritten the substantive law of practice and legal remedies and cast it into the forms required by the Civil Practice Act. An up-to-the-minute book on Illinois practice, based upon our actual experience with the new system, is definitely needed. But this book becomes unique in its bringing to the fore new and undiscovered possibilities inherent in our new practice. The motion, formerly a little-used trial tool, now becomes transformed, moulded and transmuted and put in place as the keystone of a new system of practice and procedure in Illinois. The notion that instead of choosing between scores of assorted pleas and demurrers one need merely set up in a motion the factual and procedural background and conclude with a prayer for relief (supporting such motion by affidavit when necessary) is in itself a quiet revolution of historical importance. Motion procedure simplifies, clarifies and speeds up our trials. Such a concept, when carried into statewide practice by Illinois lawyers, establishes our practice and procedure upon a just and sensible basis, free from the hampering restrictions of the past.

Mr. Fins divides his work into four parts: Civil Procedure, Criminal Procedure, Funds and Estates, and Appellate Practice. The section on civil procedure, of course, is the largest, occupying fully half of the book. The motion procedure he finds just as adaptable to criminal practice as to civil procedure. Under the heading "Funds and Estates," Mr. Fins has collected all the procedural law applicable to receivership, trusteeship, probate and administration of estates in the Probate Court. The value of each section is enhanced by actual forms for every type of motion or petition suggested, with statutory provisions, court rules and case decisions wherever applicable, and with footnotes further clarifying the text and its annotations.

Of vast importance is the new clarification of the procedural steps for appeal, which the author has divided simply into three parts: Pre-Appeal, Appeal, and Post-Appeal. The arrangement thus made is conducive to the peace of mind of the appeal lawyer. It tells him what to do and when, with decisions backing him up on every point.

The significance of the motion as a new simplified procedure will depend upon its acceptance and use by the bar of Illinois. Until Illinois lawyers become accustomed to its possibilities, Fins on Motion and Petition Practice will still be the only work based upon the actual experience of the Supreme Court decisions handed down in concrete situations arising out of the Civil Practice Act.

Because of his new approach and because of the timeliness of his topic, Mr. Fins' work soon ought to become essential to every law library.

CARL R. LICHTENSTEIN*

Money in the Law. By Arthur Nussbaum. Chicago: Foundation Press, Inc., 1939. Pp. xxxvii, 534. $7.50.

This book represents "an effort to attack the legal problems of money at their very foundation in order to find the basis for a sound and consistent body of law. . . . While emphasizing American law, it aims at analyzing and determining the universal principles that underlie the law of money. . . . In this volume the view is taken that the basic monetary problems . . . . are substantially the same throughout the world."[1]

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[1] P. iii.

But the author's conviction as to the universality of the basic problems has not blinded him to the diversity of the economic doctrines implicit in the laws of different countries.

Professor Nussbaum's views on the nature of money are on the whole in "tune" with advanced thinking among economists. "Money, the concrete object, is . . . . a thing which, irrespective of its composition, is by common usage treated as a fraction, integer, or multiple of an ideal unit."[2] Such a unit (e.g., the dollar) "is the name for a value which, at any given moment, is understood in the same sense throughout the community"[3] and which is the customary unit of valuation.

But being "treated by common usage" in a certain way is a matter of degree; and without parting company with Professor Nussbaum's basic definition one may regard different types of property as having different degrees of moneyness, varying along a nearly continuous scale. Professor Nussbaum shows here and there that he has grasped this notion.[4] Unfortunately, however, he has tried to establish a difference of kind, rather than of degree, between money and not-money. The result is an inadequate presentation of the monetary meaning of debt, and of bank deposits in particular.

Professor Nussbaum chooses to draw the line between money and not-money at the boundary between bank notes and bank deposits—a boundary, it should be said in passing, which is itself not altogether clear-cut: witness the gradation from notes through travellers' checks, certified checks, checks of well-known firms, and more doubtful checks, to inactive balances. While there is no denying that bank notes have more moneyness than checking accounts, the appeal to common usage in the definition quoted seems to involve either including checking accounts—and perhaps other types of bank accounts—as money, or else giving up a distinction of kind. Professor Nussbaum's chief ground for refusing to extend the concept of money is apparently that deposits are not "corporeal."[5] But after all, the only "corporeal" embodiment of most money is paper with ink on it; so that records of bankers and their customers should pass muster by any standard which admits greenbacks. The attempt to reinforce the distinction by citing the decision in *Wheeling Steel Co. v. Fox* to the effect that " 'money in bank' is an indebtedness"[6] involves gross inconsistency; for the debt character of bank notes (and even of government paper) is clearly recognized a few pages earlier.[7]

Another consequence of the attempt to create a difference of kind is the absence of any consideration of the differences between short-term and long-term debts in the chapter on "Debts in General."[8] There is virtually no material on moratoria; and public debt—to the economist definitely on the monetary border—is nowhere systematically considered.

The reviewer, as an economist, is poorly qualified to forecast the usefulness of this volume for lawyers. But aside from the weaknesses just discussed—which after all are chiefly errors of omission—its economic analysis is apparently very reliable. Possibly Professor Nussbaum has gone too far in allowing the metallists to prescribe his problematics; but he has been admirably successful in keeping their errors out of his results. The economic analysis in the numerous historical sketches which illuminate the legal issues

[2] P. 5. [3] P. 6.

[4] For example, he says on page 19 that "among commodities proper, 'securities' . . . . such as checks, bills of exchange, and bonds, are closest to money," clearly implying a continuum.

[5] P. 104. [6] P. 103. [7] Pp. 76–84. [8] Pp. 212–48.

is very workmanlike. The clarity of the book's structure and its admirable indexing make it very convenient for reference. While it bears the marks in language and arrangement of being written by a foreigner,[9] its readability is not in the least impaired; there is every evidence that the author has developed a satisfactory "feel" as well as factual picture of American institutions; and the advantage of a foreigner's detached position is used to the full.

ALBERT GAILORD HART*

Patents: A Textbook Compilation of the Patent Decisions of the Supreme Court of the United States. By Beirne Stedman. Charlottesville: Michie Co., 1939. 8v. Pp. xii, 708. $10.00.

This book reminds me of the amusing criticism passed upon the works of Shakespeare by that very precocious Etonian—"definitely interesting, but quite unoriginal you know, inasmuch as they consist so largely of quotations." But how profoundly different is the connotation in the present instance! For let me say at once that Mr. Stedman's book *is* a work composed almost entirely of quotations, and that this statement is by way of praise, and not by way of derogation. Mr. Stedman writes in his preface: "This volume is intended as a presentation of the views of the Supreme Court of the United States upon the Patent Laws, supplemented by statutory references deemed necessary to show the existing status of patent legislation. While not formally quoted, much of the text is in the language of the court, and in numerous instances verbatim quotations from the opinions have been used. The author has tried to set forth accurately and exhaustively, yet concisely, what our highest judicial tribunal has decided in construing and applying the laws enacted by Congress 'to promote the progress of science and useful arts.' And he will feel richly compensated if the practitioners of this highly specialized branch of the law generously conclude that his efforts have not been wholly in vain."

To fashion an accurate, coherent and fluent text upon patent law, utilizing, for the most part, the *ipsissima verba* of the United States Supreme Court, is not so easy a task as one might imagine. For while there appears to be an immense amount of material available for such a purpose (the opinions in the patent decisions of the United States Supreme Court bulk at least a hundred fold the dimensions of Mr. Stedman's volume), in actuality, but a small fraction of it is suitable for direct utilization in the construction of a work such as the author has produced. Mr. Stedman has been most scrupulous in the selection of his materials. He has been careful to utilize only the indispensable sentences of the opinions, and he has not succumbed to the temptation to incorporate in his text a felicitous phrase when it occurs as mere dictum. The result of his labors is an impeccable presentation of that portion of the judicially developed patent law of this country which has been established by the United States Supreme Court and which may rightly be regarded as valid in greater degree than is the portion established by the lower federal tribunals. And when consideration is accorded to the facts that since 1891 patent litigations have usually terminated in the United States

[9] Witness the surprising statement on page 216 that "The English language has only one expression, namely, 'debt' to signify the 'creditor' and the 'debtor' side of the monetary obligation."

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