

natural law doctrines that the system we know was brought to Roman law. Scholars are now somewhat inclined to attack this system, but nevertheless the individual topics of the Roman law are nicely pigeon-holed for ready reference. There is so much meat in the volume under review that it is indeed unfortunate that a strict logical arrangement was not attempted.

So many of the writings of modern scholars upon Greek procedure, since the work of Lipsius (1905-15), the last extensive treatment of the subject, have been made the subject of critical examination by the authors that it is indeed strange that the name of Ugo Enrico Paoli, perhaps the most active student of Greek law today, is not to be found. Surely his treatment of the so-called special pleas of *paragraphé* and *diamartyria*, in his *Studi sul processo attico*, pp. 75-173, to say nothing of numerous articles before and after that date, at least deserves mention. Nor did the reviewer find a reference to the exhaustive work of Artur Steinwenter, *Die Streitbeendigung durch Urteil, Schiedsspruch und Vergleich nach griechischem Rechte*. Except, however, for the omission of the consideration of some recent European writings, the authors have presented an excellent survey of those particular topics which the chapter titles denominate.

A. ARTHUR SCHILLER*

Cases on Code Pleading—Second edition. Edited by Archibald H. Throckmorton. St. Paul: West Publishing Co., 1938. Pp. xxiii, 756. \$5.50.

The second edition of the late Professor Throckmorton's *Cases on Code Pleading* reflects his usual painstaking workmanship as an editor of classroom materials. It retains such of the distinctive features of the first edition as a decade's classroom experience has proved to be convenient teaching devices; and it contains further developments of certain other features already attempted in the first edition as well as some which are entirely new.

The principal cases have been selected from a large variety of jurisdictions. A considerable number of them are new. Many of them—and this seems especially desirable in cases illustrating pleading problems—have definite human interest value. Professor Throckmorton has been particularly successful in replacing cases having to do with horses, buggies and newspapers with cases involving automobiles, radios and talking pictures.

Even better editing than in the first edition has been done. A full statement of the actual pleadings has been retained in a large number of cases where it might have value; in others prolix and redundant pleadings have been paraphrased to bring the student more immediately to the problem raised in the case. Seldom has such restatement of the pleading unduly sacrificed the air of reality of the edited case.

The arrangement of the cases is much improved over that in the first edition. In the period intervening between the two editions the need for revision of the codes has not only become more apparent but the movement in that direction had gained momentum. Professor Throckmorton has consciously arranged his materials in two principal respects in this edition to indicate the need for, and the possible direction of, pleading reform. First, the provisions of the Ohio and Missouri codes, modeled after the original Field Code, and of the more modern New York and Illinois Civil Practice

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Acts are set out preceding appropriate case material. Unfortunately, the book was already in type before the New Federal Rules were finally adopted so that reference could not be made to them, but they do appear in the appendix and may be conveniently referred to. Second, and even more significant, wherever possible, within each chapter or section, cases under the typical code provisions are followed by cases under more modern provisions. Thus difficulties of joinder of parties, joinder of causes of action, bringing in counterclaims and cross-actions, arising under older codes are shown to have been met under the provisions of the later codes.

As in the first edition, forms of typical pleadings are reproduced in appropriate places. This feature in principle is to be commended; however, the bare outline forms lack realism and would seem involved in reproducing pleadings. It would be exceedingly difficult to reproduce actual pleadings which would be realistic and which would at the same time be of general interest. A casebook on Code Pleading is not a form book, neither does it attempt to supply all teaching materials.

The cases in the second edition have been much more elaborately annotated than in the first edition. In part this is a result of having shortened the casebook considerably by reducing the number of principal cases over twenty per cent; in part it is because far more material on pleading problems is available than formerly in the form of case notes and especially law review articles. In large measure, however, the more elaborate annotation is the result of a conscious purpose on the part of the editor to provide a more complete selection of materials for the exacting teacher or student and to raise problems in the student's mind. The latter type of annotation in the writer's opinion, in keeping with the modern trend in casebook editing, might safely have been carried considerably further. This abundant annotation should be of value to a beginning teacher of the subject.

So far as the reviewer has real criticisms to offer, these may better be directed toward the curricular arrangement of pleading and practice materials than to any particular casebook on either pleading or practice. To the writer these two courses, often separately arranged and taught, are inseparable and indistinguishable, but that is another problem and one which was often discussed with Professor Throckmorton. Even under a curricular re-arrangement Professor Throckmorton's *Cases on Code Pleading* could no doubt be effectively fitted in as a source of teaching materials.

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Patents and Gebrauchsmuster in International Law. Edited by Emerson Stringham. Madison: Pacot Publications, 1935. Pp. 538. \$7.00.

The Pacot Publications specialize in books on patent, copyright, and trademarks. The basic idea of the present book is stated in an introductory note to one of the chapters, where it is said: "The viewpoints of various European scholars, viewpoints distinctly new to English Language material, will add to our knowledge of events, our knowledge of thought back of these events, and of the issues which have arisen."¹ Indeed the articles here translated or abstracted by Dr. Stringham are unique in American patent literature. Even the reprints, which had originally appeared in the English language, have been selected from sources otherwise virtually inaccessible. Many of

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¹ At page 350.