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Review of “Cases and Materials on the Law of Credit Transactions,” By Wesley Sturges

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CASES AND MATERIALS ON THE LAW OF CREDIT TRANSACTIONS, by Wesley A. Sturges. St. Paul: West Publishing Company, 1930. Pp. xi, 1228.

It is difficult, indeed presumptuous, to attempt to review a pioneer casebook in the new approach in law school study or in the functional classification of the law school curriculum, and this is especially true if the reviewer has not used the casebook in the classroom. As pointed out by Professor Vance, books of this type can only be tested by the results of long classroom use, and the experiment must extend over a long period of time before the results obtained can be accurately stated or usefully interpreted.¹

This book is designed to cover the materials usually given in the courses in Mortgages, Suretyship, and Bankruptcy. Its purpose, as expressed in the preface, is to "study legal decisions and propositions in terms of, and with principal emphasis upon, their effects in the business dealings and practices to which they relate."² It is an attempt to bring into the study of the law a comparison of the business and economic, as well as the legal, advantages and disadvantages of the various forms of credit transactions. By placing in one course the more important creditor's rights and remedies the law student is shown the contractual modes of safeguarding and facilitating the credit transactions of the business man whom he is to represent and advise. The approach to the subject matter and the problems involved is described as a functional one. There is some danger in using at random casebooks with the functional approach. Unless a particular law school arranges its curriculum according to such a plan there might be grave omissions or great overlappings.

As to the book itself: In the first place the cases are for the most part quite recent. Indeed, the functional approach, due in part to lack of classroom time, would tend to require that the cases be recent ones even at the expense of the historical development of the subject as well as the expense of any showing of the trends in the law. The author partially overcomes this difficulty by the use of quotations from various texts and law reviews with which he introduces the chapters. Even with these quotations there is in the book a lack of background of the subjects treated.

Professor Vance in the article quoted above, in speaking of this question, says, "... the law of the Year Books is about as useful in solving our problems of social and economic adjustment as the Code of Hammurabi." But in the next paragraph he stoutly insists that a knowledge of an historical background is of the greatest value to the student of the law. While it is probably true that in the subjects included in the casebook, the trends in the law and the historical background are not as important as they might be in other subjects, yet they are too important to be slighted in a proper treatment of the subject matter.

The question also arises whether the book, which is by the preface admittedly elementary, is sufficiently inclusive of all subjects and all subject matter on credit transactions to justify its name. The answer is, of course, a matter of personal opinion.

There are few citations in the book as compared with other casebooks. The author has again substituted quotations from leading authorities on

¹ Vance, *Of the Making of Casebooks* (1926) AMERICAN LAW SCHOOL REVIEW 6.

² P. iii.

the subject and quotations from articles appearing in the law reviews. While it is desirable that the author of a casebook should be more than a mere compiler of the book and that he should express his opinion by means of footnotes with a reasonable number of references, yet it seems quite permissible for him to substitute in the place of the footnotes the quotations from law review articles. These articles are from the pens of men equally learned in the subjects discussed in the articles and are a proper substitute for the editor's opinions. It is a question whether or not the notes can be as exhaustive as they should be on questions about which there is some doubt, when the quotations are substituted for the full notes and citations usually given in casebooks. Yet from the point of view of the student who is to study the casebook the change is a good one. The student is much more apt to read the quotations than he is to look up a number of citations; indeed, since there are few citations in the book there is a probability that he might even read them, since he will learn that the citations given are important and directly in point.

At the end of some of the cases a question is asked. This is a fortunate change from the older method of stating the finding of the court. Often the student needs the stimulus of a question at the end of the case to establish firmly in his mind the point involved. To answer the question he must fully understand the case. The questions are asked only when they would tend to have that effect.

In the appendix the Negotiable Instruments Act, the National Bankruptcy Act, the Uniform Real Estate Mortgage Act, the Uniform Chattel Mortgage Act, and the Uniform Conditional Sales Act are set out in full. It seems that this is needless expense for the student who must purchase the book and that these things should be separately bound.

It probably goes without saying that this grouping of courses will be of great benefit in smaller law schools where the faculty is not large and where it is impossible to give all of the courses that different law students desire to study. This grouping, aside from the functional approach, will permit the student to get more courses than he could otherwise have in his law school experience. Nor is it without benefit in the larger law schools where practically all of the desirable courses are offered. Even there the student finds that he has too many courses and with the time at his disposal can take only a part of the courses offered.

In a rearrangement of the law school curriculum the courses might be divided into two classes. The required basic courses would be in one class and the electives in another. The electives could be grouped into several fields. In this second class would appear the courses that Dean Hall called the informational courses. This classification seems the most desirable for the arrangement of the elective groups. In this second class it is probably more beneficial to the student to take several courses properly grouped together than to spend the same amount of time on one course.

There can be no definite conclusion in this review. All that can be stated is the observation made in the beginning, that the book can only be tested and judged by experience. It is not improper, however, to say that teachers of the law are indebted to Professor Sturges for this book. It might also be said that they confidently expect that the book will successfully stand the tests that experience and its use in the classroom will impose.

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