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Review of “Handbook of the Law of Code Pleading,” By Charles Clark

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Book Reviews

HANDBOOK OF THE LAW OF CODE PLEADING, by *Charles E. Clark*. St. Paul: West Publishing Co., 1928.

This is the latest volume in the so-called Hornbook Series, and in point of scholarship is distinctly above the average of that series. While designated a textbook on Code Pleading, it might well be designated a textbook on Pleading. Very properly Mr. Clark recognizes that there is such a thing as a science of pleading in general, and that what we call Code Pleading represents merely a stage in the procedural history of Anglo-American law. Every important feature in the prevailing code system is presented in the light of pre-existing common law and equity. Some features of the code are presented with the frank comment that they are defective when compared with modern practice in England. Careful attention is paid to the recent reforms in New Jersey and New York. Mr. Clark's method of approach may be indicated by quoting the first paragraph in his chapter on "Joinder of Parties," as follows:

"The subject of joinder of parties is peculiarly interesting in that it shows the growing tendency to develop procedural rules towards the end of prompt dispatch of litigation. At common law the rules of party-joinder depended entirely on what was conceived to be the substantive rights of the parties litigant; and the idea of employing the rules of joinder as a procedural device to save many trials by deciding at one time issues affecting several persons came later through the code adoption of the more liberal equity rules of joinder. Even under the code the idea was only imperfectly perceived or carried out and it is only in a few jurisdictions—notably England, New York, California and New Jersey—that the possibilities of thus somewhat relieving the press of cases upon the courts are being at all adequately realized. The subject can best be understood by tracing this course of development through the various systems of pleading."

The book contains 581 pages. The footnotes, while brief, are fairly representative of American case law on the subjects discussed, and are especially rich in detailed references to recent statute law and to legal periodical literature. Mr. Clark's volume is undoubtedly the best book for collateral reading in law school classes on Code Pleading. The book is not intended to satisfy practicing lawyers who are interested only in procedural rules of one particular jurisdiction.

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CASES ON TORTS, by *Lyman P. Wilson*. Chicago: Callaghan & Co., 1928. Pp. xxiii, 1088.

When a new case book comes to a teacher's desk his first interest is in the arrangement—the point of attack and sequential development of the subject. This book, in a major way, is divided into five parts. Part I, entitled "Introductory General Considerations," deals with the definitive factors and