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BOOK REVIEWS

CARLIN'S EDITION OF HOGG'S EQUITY PROCEDURE—Revised and Enlarged By Leo Carlin, A. B., LL. B., Professor of Law at the West Virginia University, College of Law. Cincinnati: The W. H. Anderson Company, 1921, 2 volumes, pp. xxxvii — xxi. 1080, 944.

This edition has for its underlying base Hogg's Equity Procedure, edited in 1903 and in general use throughout Virginia and West Virginia. The author of the new edition has not attempted to depart from the arrangement of the original edition but has aimed to bring the work down to the present time having strict regard to the development of the law of equity procedure by the Supreme Court of Virginia and the Supreme Court of West Virginia since the original edition was printed in 1903. In Mr. Hogg's edition many cases were cited from foreign jurisdictions as supporting the principles therein enunciated, but since that time those very questions have been decided either by the one or the other of the courts referred to, thus such of those decisions as appear pertinent to the propositions of the text are cited in Mr. Carlin's edition either in lieu of the former citations to cases of foreign jurisdictions or as additions to them. The author believes that it is better to sin in prolixity of citations than to make a doubtful excision of authorities of foreign courts. The advantages accruing to the profession by having a ready reference to one's own decisions cannot be overestimated.

The annotations have been amplified considerably, and will no doubt result in many beneficent results to the profession. The notes are full, complete, but concise, and withal well suited to the needs of the busy practitioner. Wherever necessary, reference is made to statutory enactments, since the date of the first publication, dealing with equity and equity procedure both special and general, and in several instances the forms used are changed to meet the requirements of the particular statute involved.

Mr. Carlin states in his preface to this edition that his main task is chiefly to bring the Virginia and West Virginia law down

to date in the matter of equity procedure. As to how well he has succeeded in this respect the profession in the two Virginias must be the judge. It would seem from an investigation of the work that he has not only succeeded but in all probability surpassed his own expectations.

The two volumes contain fifty-two chapters, thirty-five of which are devoted to a discussion of the principles of equity procedure, including such matters as venue, the process, parties, etc., and the remaining seventeen devoted to the various forms used in general practice. Some forms not found in the original edition Mr. Carlin has deemed best to include in his work, some of them no doubt inspired by his experience as an active practitioner, while others have grown out of his investigations as a teacher of procedure at West Virginia University. These additional forms are apt and especially well suited to the needs of the younger practitioner, whose interest the author has always had at heart. One important feature appearing in this edition is a table of citations to the codes and statutes of both Virginia and West Virginia set forth just preceding the table of cases in the second volume.

In some instances details of the text have been added and in a few cases new paragraphs appear outright, all of which tend to improve the general substance viewed in the light of the present day. This is to be expected in a subject belonging to the adjective group of the law, and for such additions the author deserves special commendation.

As a general rule one who revises a work of this character cannot avoid putting into it his own general ideas on the subject, and uses that as his guide, but Mr. Carlin has carefully avoided the personal unit and kept the needs of the profession uppermost in mind, and has striven to make his edition an adjunct to the profession rather than a medium to exploit his individual impressions and notions about such a subject as equity procedure. He has followed in the footsteps of the courts of last resort and deduced from his investigations safe principles supported with sound precedents. In doing so he has prepared an edition that tends to safety in procedure, well in keeping with the original edition, and not one fraught with the hazards of pioneering. It lends no encouragement to the plunger.

The original edition was prepared by a careful, painstaking lawyer already well known to the profession before his work appeared. It has been a great boon and precedent within itself. It has been

popular because it deserved to be popular. What Mr. Carlin has done by way of revision and enlargement will be still greater cause for its expanded usefulness. The light of many years has shone upon Hogg's Equity Procedure and in view of this light and what it has revealed in the way of precedent the additions and amplifications have been made in the new edition. Those who have had use for the original edition will have still greater use for the new edition; in fact it is not easy to see how a work of this nature could be dispensed with by the profession of the two Virginias.

—Lewis H. Miller

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