

*The Preparation of Contracts and Conveyances.* By Henry W. Ballantine. New York, The Macmillan Co., 1921. pp. vi, 226.

Though it has only been recently realized, it is a proper, even a necessary, function of the modern law school to train the future lawyer both in the bare mechanics of drafting instruments and also in that finer and subtler sense of appreciation of the vast difference between a stereotyped form and the carefully wrought product of the trained legal draftsman. The present valuable little volume comes to a not overcrowded field as a means of assistance in performing that function, as well as a guide to the lawyer who has come to the bar without any adequate training in this very vital portion of his professional activity.

The task of stimulating the student's imagination so that he may perceive some, if only a few, of the numberless situations which may hereafter center about a legal instrument now in course of preparation is indeed difficult. Perhaps here the law teacher needs the collaboration of the psychologist. The teacher is forced to realize that there is no stimulus which is comparable to the gold coin of a real client, and his problem is to discover what substitutes will most nearly produce the illusion of reality.

Professor Ballantine does not here attempt to offer a solution. Perhaps this is wise. The solution probably must come by the teacher's working out his own salvation, having in mind a particular group of students. But this volume does form a very valuable adjunct to any work in legal draftsmanship. It is a useful desk book to which student and lawyer may turn for advice and suggestion in the preparation of any of the more common forms of legal instruments. It is not a mere collection of forms. Not so voluminous as a form book, it is, because of its advice and suggestion, more valuable to the student than such a book. As the reviewer has discovered, it may be placed in the hands of a class, thus making it possible to dispense with more than a reference to several of the instruments there discussed. Valuable time is thus saved which can profitably be employed in demonstrating through the perfection of only a comparatively few kinds of instruments how necessary it is that legal training and imagination should combine before it is safe to offer an instrument for execution. The book serves a highly useful purpose.

As is only natural, some difficulties are encountered in attempting a work to be used in different states. One is somewhat nonplussed to find the Illinois deed of indenture side by side with the Massachusetts deed poll as though it were simply a question of taking one's choice. So a Connecticut lawyer would come to grief if he relied on the directions given as to spendthrift trusts. The Illinois law seems rather to be favored, as is perhaps to be expected in view of the author's former connection with that state. Defects of this kind are to be expected from the nature of the case, and no student or lawyer, properly warned that this is a book merely of suggestions, ought to be led astray. Or if he would be so led astray, he is not competent to attempt the drafting of legal documents.

Of a different kind is an error such as that on page 88 where it is stated that the federal stamp tax on deeds is at the rate of "50 cents per *hundred* dollars of consideration." (The italics are the writer's.)

The reviewer would be greatly interested to see the attempt made to work out a book, probably largely of problems, designed to serve as the basis for a law school course, and aimed especially at developing originality in the student. He is nevertheless very grateful to Professor Ballantine for the considerable manner in which the present volume has lightened his task of teaching.

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