

BOOK REVIEWS.

THE LAW OF CONVEYANCING IN PENNSYLVANIA. By CHRISTOPHER FALLON, of the Philadelphia Bar. Philadelphia: T. & J. W. Johnson & Co. 1902.

This volume, consisting of some nine hundred pages, is a distinctly important addition to the series of text-books on local law which have become increasingly numerous during recent years. Containing as it does a very large amount both of practical information and of well-digested law, it will perform its most useful function in the hands of the very large class of real estate agents and conveyancers, to whom a convenient summary of these departments of law is very essential; indeed the author's chapter on the functions and duties of real estate agents seems to suggest that he had their interests particularly at heart in preparing the book, inasmuch as, logically speaking, the topic is one which belongs to the Law of Agency rather than to the Law of Conveyancing. The volume does not purport to develop any doubtful or unknown principles or to clear the way in any of the uncertain departments of the law, but simply to contain a convenient summary from both the practical and legal point of view of one of these branches of the law which are most practical. Considered from this standpoint, the volume is deserving of very considerable praise. The cases cited are very numerous, and a survey of the various chapters suggests that there are very few authorities not referred to; the comparatively few unsettled questions of the law of conveyancing are also clearly stated and the authorities bearing upon them conveniently summarized. The general arrangement of the book is a very simple one, which will make it convenient for the use of conveyancing. As a practical book, it might perhaps have been well to add to the interesting chapter on "liens and encumbrances—searches," a reference to the purpose and effect of the modern "guaranteed search" and "title policies," which have in practice so much superseded the detailed searches referred to in the chapter.

So far as the practicing lawyer is concerned, the book here comes into competition with the digests on the subject, which, if reasonably clear and well arranged, ought from their general character to afford to one who knows where to look, all the data contained in this volume. Again, as a means of assistance to students, it may be very seriously questioned whether such books are of any great value—at least such question would certainly be made by those who believe that the study of law can most profitably be made through a study of the original reported

cases, supplemented only by those text-books which lay down general principles. To illustrate: Such a book as Professor Mitchell's lectures, entitled "The Law of Real Estate and Conveyancing in Pennsylvania," is probably, from this point of view, as practical and helpful a book as a student of Pennsylvania law could use, in order to supplement the ground covered by vols. iii and iv of Professor Gray's Cases on Property.

The book, however, was apparently not written for students, but as above indicated primarily for real estate agents and conveyancers. Considered from this point of view, a set of forms might perhaps have been added to the work, which would have increased its practical value. The proof-reading has evidently been done with considerable care, as very few mistakes appear; one of the few reminds the writer of a familiar mistake so often appearing in the first-year property examination answers. It is contained on page 27, under the chapter entitled "title by adverse possession," in the following sentence: "The running of the *statute* will only begin from the date of the return."

R. D. B.

TREATISE ON THE LAW OF FRAUD AND MISTAKE. By WILLIAMS WILKINSON KERR. Third edition by SYDNEY E. WILLIAMS. London: Sweet & Maxwell. 1902.

This work is too well known by the profession on both sides of the Atlantic to need an extended review. The present editor has not tried any more than the original author to produce an exhaustive treatise. He who wants in a small compass a statement of the general principles on which the courts have apparently proceeded, will not be disappointed in the book. He who would turn to the book for a scientific investigation into the problems involved, or an analysis of the historical growth of the law will not find anything to aid him. Take for instance the part on mistake of law as a ground for the rescission of a contract. The cases and on the whole the general principles are fairly stated, and the quotations from the opinions are well selected; but there is no pretence of scientific analysis or investigation.

Ever since the appearance of the first edition the work, within the limits indicated, has been recognized as an authority on the subjects on which it treats. The present editor has not changed the original form of the work, though he has introduced a considerable amount of new matter and has omitted that which has become obsolete. Since the publication of the last edition in 1883, many important alterations have taken place in both the Law of Fraud and the Law of Mistake. The editor of the present edition has been peculiarly fortunate in the way in which he has dealt with this new matter. As an instance of this we would refer particularly to the way in which he has treated the now

celebrated case of *Derry v. Peak*. He has brought the cases down to November last, but has followed the plan of the other editions in confining himself to English cases. We cannot help feeling that though the addition of American cases would not have added any weight to the book in England, while it would have considerably added to the labors of the editor, that the time is not far off when English works must at least include the principal cases decided in the English colonies. For American readers absence of American cases in a book elementary in character is of course an almost fatal omission.

W. D. L.

MISCELLANEOUS WRITINGS OF THE LATE HON. JOSEPH P. BRADLEY. Edited and compiled by his son, CHARLES BRADLEY. Newark, N. J.: L. J. Hardham. 1901.

This book aims to give, through selections from miscellaneous writings and speeches, a view of the mental life of Mr. Justice Bradley, which cannot be gained through a knowledge of his strictly legal productions.

The miscellaneous writings are of interest in showing his varied activities and sympathies, but the political expressions are yet more interesting. Mr. Bradley, while a Republican in politics, belonged to that class of thinkers who looked upon both sides of the questions which were dividing the North and South before the outbreak of the Civil War, and desired most sincerely peace with honor; that reasonable and generous class who could see cause for, and do justice to, the reasons and feelings which swayed the other side. In the passionate struggle which followed, this class received little consideration from either side, but in the calmer days in which we now live they should receive the high honor we pay to heroes, for it requires heroism of a fine type to be moderate and reasonable in times when passion and unreason hold sway. He, too, could be passionate when the time came, as his letter of April 15, 1861, shows, but even in the midst of passion he was still ready to obey the will of Congress rather than follow the dictates of his own passions. Later some bitterness of expression may be pardoned when one remembers how exceeding bitter was the struggle at the time they were made. At all times and everywhere he spoke for the Constitution and that alone, deprecating partisanship in all his speeches.

There can be no doubt that this spirit of fairness was carried into his opinions in the Electoral Commission. When the vast interests at stake are remembered, the intensity of the passion aroused, it cannot be wondered at that charges of partisanship were made. That the people felt such confidence in the men to whom they had intrusted the solution of the problem, as to accept of their decision without a struggle, should be a sufficient answer to such charges.