

BOOKS RECEIVED.

[All legal works received before the first of the month will be reviewed in the issue of the following month.]

A TREATISE ON THE LAW OF INSURANCE, including Fire, Life, Guarantee and other Non-marine Risks, with reference to the Decisions in the United States, England, Ireland, Scotland, Canada and the other British Provinces. By ARTHUR BIDDLE, M.A. Two volumes. Philadelphia: Kay & Brother, 1893.

PRINCIPLES OF THE LAW OF INTEREST, as applied by Courts of Law and Equity in the United States and Great Britain, and the Text of the General Interest Statutes in force in the United States, Great Britain and the Dominion of Canada. By SIDNEY PERLEY. Boston: George B. Reed, 1893.

THE LAW OF WILLS. By JOHN B. CASSODAY, LL.D. Being a Series of Lectures on the subject of "Wills" delivered before the College of Law of the University of Wisconsin. St. Paul, Minn.: West Publishing Company, 1893.

BOOK REVIEWS.

AMERICAN RAILROAD AND CORPORATION REPORTS. Edited and Annotated by JOHN LEWIS; Vol. VII. Chicago: E. B. Myers & Co.

The sixth volume of Mr. LEWIS' valuable series of reports contains, several cases and annotations of unusual importance, and concludes with a complete index of the entire six volumes. In reviewing Volumes IV and V of the series we have commented at large upon Mr. LEWIS' plan and its execution. Little is left to be said with regard to the volume now before us, except to commend the selection of cases and to call attention to the exceedingly interesting and valuable presentation of the authorities upon the "Legitimate Uses of Streets—Railroads and Electric Wires"—which appears in the form of an annotation to the case of *Rafferty et al. v. The Central Traction Co.* (p. 287). We are not quite prepared to agree entirely with Mr. LEWIS in his view of the way in which the courts should approach questions involving the right of electric car companies to occupy the surface of streets without making compensation to abutting owners. In support of a view unfavorable to the right of these companies, Mr. LEWIS appeals to the historical development of the highway; but it is at least doubtful whether he does not disregard the fact that the development has been progressive and is still going forward, and his remarks expose him to the criticism that he is anxious to arrest this pro-

gressive development at a point arbitrarily chosen. It is whether the reviewer or Mr. LEWIS is right on this point, there can be no doubt that the discussion of the subject here presented is complete and thorough.

Another case of considerable interest is the case of *Stearns' Executor v. City of Richmond* (p. 247). This case gives occasion for an annotation upon "Streets and highways—Rights of Abutting Owners—whange of Grade." In view of the fact that Mr. LEWIS is the author of a careful work on "Eminent Domain," it is not surprising that he should be led to devote a considerable portion of the whole space allotted to annotations to this and kindred subjects. If he has been able to make use of material originally collected for his text-book, those who have occasion to use these reports will have no ground for complaint. These remarks are also applicable to the annotation which follows *Witty of Buffalo v. Pratt* (p. 499), upon the fee of streets as affecting rights of the public and of abutting owners. Another annotation which will doubtless be found useful by our readers is the annotation upon "Foreign Corporations—State Regulation." This note was originally prepared for publication, the author tells us, in connection with the case of *Wright v. Lee*, 31 Pac. Rep., 706, but it is published in this volume in connection with *Attorney-General v. Fidelity and wasualty wo.*, because a rehearing in the former case has been granted and was pending at the time of going to press.

It cannot be doubted that these six volumes, together with the ample index with which the profession has now been supplied, will form a most useful addition to the office library, and that they will be found valuable to all who desire to keep abreast of the development of American corporation law.

G. W. P.

A TREATISE ON THE LAW OF MORTGAGES OF REAL PROPERTY. By DARIUS H. PINGREY. In two volumes. Philadelphia: T. & J. W. Johnson & Co., 1893.

This is probably as complete a work on mortgages of real estate in the United States as could be written by one man. Mr. PINGREY has cited some 1500 cases, innumerable statutes, and produced a work in two volumes of nearly 2100 pages long, exclusive of the table of cases and index. Perhaps as clear an idea which we can give of the book is to tell something about what it is not. It is not a history of the development of the law of real property relative to mortgages. "The design of this work is to present the law of real estate mortgages as it is, supported by the leading and the latest decisions of the courts," says Mr. PINGREY in his preface. The opening chapter, however, is devoted to the history and development of the subject, but it is evident, from its arrangement, that the author's interest was not in the laws and conditions of the past, but of the present. It is too short, too condensed, and withal, evincing too little knowledge of the subject, to be of any value. The part of the work which will appeal to lawyers in all the States irrespectively is that covered by Chapters II and III, where the author treats in a very clear and satisfactory manner of the difference between mortgages and condition sales, and

mortgages and absolute sales. Chapter IV, on the evidence to establish the character of the evidence, has evidently been put in on the theory that all legal works should contain a little something about evidence. Part 2, on the relative rights of the parties to insurance, makes interesting reading. Part 3, which treats of registration of the instrument, was necessary to make the book complete, but it must have been very dry work for the writer. The two last parts into which the work is divided, viz., Rights of Parties Before Default and Rights of Parties After Default, contain much that is valuable, some that is interesting, and much again that is necessarily dry, but which had to be inserted in order to make the book complete for reference. A perusal of these last subjects discloses both the merit and the limitations of Mr. PINGREY'S work. There are some subjects connected with real estate in general and mortgages in particular which can be treated in a general work on the subject, covering all the States with interest and profit, but nine-tenths of what the law is to-day, relative to any question of real property in other States besides our own, is useless lumber for the average practitioner. It would seem, therefore, that a work on mortgages, or any other subject connected with real property, can be only of great interest and value to the profession if, to use an Irish "bull," it does not try to be of any practical value. In other words, it simply tries to give us a picture of the slow but steady movement and development of the law by courts and legislatures. Mr. PINGREY, therefore, in giving us what the law is, has not produced a work of great value. He has not produced a readable book. Therefore, while he has bravely attempted, as he intimates in his preface, to give the profession something more than a readable digest, the profession will probably use the book only as a digest. As such it is a valuable aid to the profession. It supplies what is lacking in works like "Dunlap's Book of Forms," and other publications. Whether it is worth all the labor and energy which has evidently been spent upon it—because the work bears evidence that the cases have been read and not simply taken from their syllabi—may be doubted; we suppose Mr. PINGREY is the best judge, and yet, if he will pardon us a suggestion, his work shows evidence that his life can be better spent than providing the average two-penny lawyer with a useful tool.

We notice, with great satisfaction, that the type, index and general make-up of the book is excellent. The absence of ugly black headings of the paragraphs and the substitution of light capitals being especially gratifying.

W. D. L.