

LAWYERS' REPORTS ANNOTATED. BOOK XX. All Current Cases of General Value and Importance decided in the United States, State and Territorial Courts, with full Annotation, by BURDETT A. RICH, Editor, and HENRY P. FARNHAM, Assistant Editor, aided by the Publishers' Editorial Staff and by the Reporters and Judges of each Court. (Cited 20 L. R. A.) Rochester, N. Y.: The Lawyers' Co-operative Publishing Company, 1893.

## BOOK REVIEWS.

LAW OF FOREIGN CORPORATIONS: A DISCUSSION OF THE PRINCIPLES OF PRIVATE INTERNATIONAL LAW AND LOCAL STATUTORY REGULATIONS APPLICABLE TO TRANSACTIONS OF FOREIGN COUNTRIES. By WILLIAM L. MURFREE, Jr. St. Louis: Central Law Journal Company, 1893.

The plan of this work is sufficiently indicated by the chapter headings. These are: "The Rule of Comity," "Statutes Regulating Foreign Corporations," "Actions By and Against Foreign Corporations," "Federal Jurisdiction Over Foreign Corporations," "Power of Foreign Corporations to Take and Convey Land," "Stock and Stockholders in Foreign Corporations," "Officers and Agents of Foreign Corporations," "Notice of Corporate Powers," "Corporations Created by Congress," "Consolidation of Foreign Corporations" and "Dissolution and Insolvency." These chapters are further subdivided into articles. The method of classification and division may be said to be a reasonably good one, when the complexity of the subject is taken into consideration. The author is especially to be commended for not yielding to the temptation of incorporating into his work discussions upon general questions of corporation law which have no peculiar applicability to foreign corporations. He has, in other words, avoided the error into which almost all those who have written upon this subject before him have fallen.

In addition to this negative commendation it may be said that the author has succeeded in placing before his readers a succinct and accurate statement of the many important legal principles which underlie this branch of the law. The summary statements of judicial decisions with which the text abounds are comprehensive and clear, and, in general, satisfactory. It is, of course, true that the aim of the work is to represent the condition of the law to-day without reference to the stages of development which have gone before, and with little regard for the tendencies which may mould the development of the law in the future. It is but natural, therefore, that the work should lack perspective and that it should have but little intellectual interest for students. It is, however, "practical" and "useful," and it will, therefore, doubtless find a ready market.

G. W. P.

## A TREATISE ON THE LAW RELATING TO GIFTS AND ADVANCEMENTS.

By W. W. THORNTON. Philadelphia: T. & J. W. Johnson, 1893.

The perfect avalanche of decisions which yearly descends from the appellate courts of the various States, scarcely leaves a nook or cranny of the many ramifications of our jurisprudence unswept by the torrent. Almost every conceivable legal question is subjected to judicial investigation, and the spectacle is quite familiar of no two judicial conclusions in different jurisdictions being in harmony upon the same topic. The annually increasing bulk of the West Publishing Company's Digest, shows that the limits of rational classification will soon be reached, and useful digesting hopeless. Text-writers then rush to the rescue of the practitioner, collecting and classifying the cases upon some by-way or alley of a grand division of law, which will supply the purposes of a digest and give a handful of legal principles interspersed with some slight historic treatment. It is, therefore, with no surprise that we pick up Thornton on Gifts and Advancements, and notice the disproportion between the thickness of the volume and the narrowness of the topic treated in it.

The natural inquiry of why advancements are treated in conjunction with gifts, is answered by the author in his preface, to be on account of the great similarity between them. But then adoptions are very like advancements in their legal constitution, and so Adoptions are like many other things in the law of decedents' estates. The author appreciates this, and devotes ten pages to an introduction which would lead the reader to believe that for a time he was consulting Williams on Executors and Administrators. We doubt the wisdom of the author's scheme, but the thoroughness of his work—the care in the arrangement and the general accuracy of his statement—make us feel that we should be thankful, regardless of the variety in the repast he has given us.

The first five hundred pages of the work are devoted to a discussion of the law of gifts *mortis causa* and *inter vivos*; the essentials of; the nature of the delivery required; the rights of donor and donee; and the peculiarities of the law of gifts *mortis causa*, where the subject matter is a chose in action. Two hundred pages are devoted to the law of Advancements.

The statements on pages 531-32, as to the presumption of an advancement in the case of a mother's conveyance to a child, are misleading. It may be taken as true, that at common law no such presumption existed; due, no doubt, to the weakness of the obligation on the part of the mother to provide for her children: *Holt v. Frederick*, 2 P. Wms., 357. No such rule probably ever existed in Pennsylvania: See *Murphy v. Nathans*, 46 Pa., 508. The Pennsylvania Intestate Law of 1833 is general, and provides for the distribution of the "real and personal estate of a decedent, whether male or female;" and thought the sixteenth section relating to advancements uses the masculine pronoun, it was said in *Bucknor's Estate*, 136 Pa., 23, that the term was used in its generic sense. Accordingly, a sum of money handed by a female intestate to her daughter, was an advancement, and distribution was made upon this basis.

The law of New York is similar to that of Pennsylvania, and in the well-considered case of *Kurtz v. Friday*, 4 Dem. R., 100, the doctrine of *Holtz v. Frederick* was expressly rejected.

We note with pleasure the soundness as well as the fullness of the discussion, on pages 315-23, of the law relating to gifts *mortis causa*, where the subject matter is the book of a savings bank association. The peculiarity of the Pennsylvania law as manifested in *Walsh's Appeal*, 122 Pa., 30, is brought forward with sufficient emphasis.

The "externals" of the book are pleasing to the eye, though bad proof-reading on page 15 would have us believe that the author wrote three times on one page: "These kind of gifts."

We can recommend Mr. Thornton's work as a complete manual of the decisions upon the law relating to these rather diverse topics, and regard it as a valuable acquisition to our library.

J. A. Mc.

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HAND-BOOK OF THE LAW OF BILLS AND NOTES, DESIGNED ESPECIALLY FOR THE USE OF INSTRUCTORS AND STUDENTS IN LAW SCHOOLS. By CHARLES P. NORTON, Lecturer on Bills and Notes in the Buffalo Law School. St. Paul: West Publishing Co., 1893.

In this work Mr. NORTON has collected from the pages of text-writers and from the opinions of judges apt statements of the principles underlying the law of bills and notes. The plan which the author has followed in constructing the book involves the statement of a general principle in heavy type, followed by a discussion of the statement in a style both terse and clear, with references to the text-books and judicial decisions which bear upon the subject under investigation. The chapter, in most instances, ends with a numbered list of "problems," somewhat after the fashion familiar to us in the case of treatises upon arithmetic and algebra.

Chapter I treats of negotiability so far as it relates to bills and notes; Chapter II deals with negotiable bills and notes, and their formal and essential requisites; Chapter III with acceptance of bills of exchange, and Chapter IV with indorsement. In Chapter V the author discusses the nature of the liabilities of the parties, and in Chapter VI the subject of transfer. Chapter VII is occupied with a discussion of defenses commonly interposed against a purchaser for value without notice; Chapter VIII treats of the purchaser for value without notice. The subject of Chapter IX, the concluding chapter, is "Presentment and Notice of Dishonor."

As a concise statement of the law upon this important subject, the book deserves high commendation. The classification is in the main excellent, the author having, in respect to the position of the purchaser for value without notice, exercised a sound discretion in adopting Professor AMES' division of the subject. The author is happy in the possession of a faculty for clear statement which has resulted in making plain many points with respect to which the utterances of most text-writers are

involved in an almost impenetrable obscurity. The problems are well stated and they form upon the whole an admirable basis for quiz-work.

In the pages of this magazine the reviewer has often expressed his conviction that an adequate knowledge of the state of a given branch of law at any time involves familiarity with its history and development in the past. It is believed that in order to study this history and development one must read the cases in chronological order and note the progress of the principle from case to case. If it is the function of a text-book to trace this progress and analyze the influences which have moulded the law in the past and which may, therefore, be expected to have some effect upon the development of the law in the future—if, in other words, a text-book should be the story of a growth and not the picture of a condition—then this book does not fulfil its function. All those, however, who share Mr. NORTON'S conception of what a text-book for students should be, and all those who, while differing from him, have not permitted their judgment to be warped by the existence of an honest difference of opinion, will recognize the undoubted merit of this book, and will appreciate the service which Mr. NORTON, in writing it, has rendered to the cause of legal education. G. W. P.

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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: Published by George B. Reed, 1893.

The foregoing, although a subject of comparatively small importance, is here discussed in an exhaustive treatise of some 400 odd pages. It would be no easy matter, indeed, to produce a decided case bearing in the slightest degree on the subject of interest which has not already been listed in the enormous number of cases which Mr. PERLEY has so laboriously digested for us.

We note as a peculiar space-saving device the citation of authorities without the names of the parties litigant, the numbers only of the volume and page being given. This practice is to be commended in this instance, for it lessens the bulk of the book considerably. It is unfortunate that the author saw fit to protract his discussion of interest allowed as damages to such length, as the reader becomes wearied with the repetition of well-established principles in the chapter on that branch of the subject. For example, we are told on pages 23, 28 and 30, that "interest as damages never begins to run until the debt is due and payable." Likewise on pages 48, 72 and 76, in regard to interest chargeable upon mixed trust funds. Mr. PERLEY is assuredly to be commended for the indefatigable research which he has bestowed upon every part of the treatise, but we are not prepared to say that the results obtained are commensurable with the labor involved in the preparation. The chapter headed "Usury" is well written, and the citations are more systematically arranged than in other portions of the volume.

A. D. L.