

BOOK REVIEWS.

THE LAW OF BANKRUPTCY AND THE NATIONAL BANKRUPTCY ACT OF 1898. By WM. MILLER COLLIER. Albany: Matthew Bender. 1898.

There are probably only two ways in which the new bankruptcy law can be successfully treated: the one is a publication of the text, with marginal notes (as the pamphlet just published by Washington Law Book Co.), and the other and more ambitious method, which is adopted by Collier, includes also the various sections of the act in arithmetical order, but so interspersed with explanations, comparisons with the older legislation and citations from the decisions thereunder, as to entitle it to the name of text book. The work, which modestly claims for itself the privilege of hewing a path through the intricacies of the law, is likely, however, owing to the skillful execution of the plan, to find a place at the elbow of the practitioner after the way has been well cleared. Features of it which deserve special mention are: The cross references at the close of each section to the correlative sections in *pari materia*; the practice of giving all the reports where the various bankruptcy decisions may be found—which will be found helpful by those who do not possess N. B. R.—and the very full comparison of the various sections with the corresponding sections of the preceding acts—which will, doubtless, enable the reader to avoid some of the numerous pitfalls into which an apparent similarity between the statutes might easily lead him. The important new questions are broached by the author—as to widow's dower, on page 91, and "debts created by misappropriation," on pages 175, *et seq.*; and he seems to have on occasions, as for instance in section 10, on "Extradition of Bankrupts," refrained from deciding how the law should be interpreted, without, however, where the authorities are conflicting, hesitating to indicate the preferable rule, as in the note on "Rights of Action Upon Provable Claims," on pages 10, *et seq.*; "Attachment Bonds," on pages 149, *et seq.* Particularly suggestive is his essay (for it really deserves that name) on "Date of Transfer," on pages 309, *et seq.* The treatment seems to be well sustained in spite of occasional sections, which are hardly adequately treated, as § 29, on Offences, §§ 38-9, 50 and 64. As appendices are printed: (1) The Act of 1867, which should prove useful; (2) The exemption laws of the various states, which are, perhaps, hardly worth the space they take; and (3) a set of forms, whose usefulness is limited by the fact that they may be superseded at any time by the Supreme Court. On the whole, however, it may be fairly said, both that there was a distinct opportunity for such a work and the opportunity has been realized by the author.

R. D. B.

ELEMENTARY LAW. By WILLIAM C. ROBINSON, LL. D., Professor of Elementary Law in Yale College. Boston: Little, Brown & Co.

Mr. Robinson's volume on Elementary Law is intended, as he states in the preface, to serve as a text-book for the use of students in law schools, to guide private students in their initial research for legal principles and definitions, and to familiarize students in general with some of the leading treatises on jurisprudence. The author has followed Blackstone's Commentaries in the sub-division of the book and the treatment of the subject. The definitions are given in clear, precise terms, freed from all legal and technical verbiage. Copious references are made to noted writers and commentators, to assist the student in his subsequent investigations. The explanation of the usually difficult subject of Uses on pages 42 and 43 is so lucid that it may be readily understood by the beginner. The work is supplemented by a table of reference and a duplicate index. The definition of conspiracy on page 141 would be more complete if the words "or a lawful act in an unlawful manner" were interposed. With this and a few other minor errors corrected, the work will prove an invaluable aid to students just beginning their legal studies.

P. V. C.

SUMMARY OF TITLE TO PERSONAL PROPERTY. By CHARLES A. GRAVES, Professor of Common Law in Washington and Lee University. Lynchburg, Va.: John P. Bell Company. 1897.

In his little volume of eighty-seven pages, containing three chapters, Professor Graves has given some things in a brief way that may be helpful to both student and practitioner. As suggested in the prefatory note, the volume should be studied in connection with a work of illustrative cases.

While it may be claiming too much to expect that more than two hundred and seventy-five cases should be cited in a treatise of less than one hundred pages, yet it does seem that some portions of the book are well worth being supported by more leading cases—as, for instance, those parts of the volume dealing with gifts *inter vivos* and gifts *causa mortis*. Then, too, it would seem much better to have the dates given of all authorities cited.

One misses any reference to the Statute of Frauds, and the brief mention of title to lost negotiable instruments, stolen chattels and unclaimed goods is hardly satisfactory. However, a careful reading of the seventy-five pages devoted to the three chapters—Title by Original Acquisition, Title by Gift, and Title by Sale—will convince anyone that the author has his subject well in hand, and has clearly said what he intends the reader to get from his book.

W. C. J.

A DIGEST OF THE LAW OF EVIDENCE. By SIR JAMES FITZJAMES STEPHEN. Second American Edition, from the Sixth English Edition, with Annotations and References to American Cases. By GEORGE CHASE, LL. B. New York. 1898.

The second American edition of Stephen's important work on Evidence incorporates such amplifications and changes in the text as were made by the author in the last English edition, which was published before his death. In the preface to this sixth English edition Stephen stated that the Law of Evidence had hardly been altered at all since the book had been first published. Cases had been decided, however, and statutes passed; and, to include mention of these, the successive editions had been prepared.

A similar justification is found for the second American edition. In the twelve years since its predecessor appeared, several thousands of cases bearing on the subject of Evidence have been reported in America. These have been carefully examined and are extensively cited in the notes, so as to exhibit the law in its latest developments. Many new illustrations have been added, and the annotations which set forth the American law have been thoroughly revised and largely rewritten. Some of the topics have thus received fuller treatment than was given them before. In other minor respects this second edition marks an improvement over the first, and it will doubtless gain a welcome from the profession.

J. J. S.

THE NEGOTIABLE INSTRUMENTS LAW. Annotated. By J. WARNER MILLS. Denver, Colo.: Mills Publishing Company. 1897.

"The Negotiable Instruments Laws" of Colorado (Colorado Session Laws, 1897, Chapter 64, pages 210-248), have been digested and annotated by Mr. J. Warner Mills. The work is on the same general plan as is used in the various digests of the state laws, though more complete. The book is of 150 pages, and is of value only to the Colorado bar.

J. F. B. A.

THE LAW ON RAILWAY ACCIDENTS IN MASSACHUSETTS. By G. HAY, Jr. Boston: Little, Brown & Co. 1897.

The author, in this case, has succeeded admirably in treating a subject which has already been extensively written upon and exhaustively considered. We end a perusal of his single volume with the wish that Mr. Hay, instead of restricting his scholarly treatise to the law of Massachusetts, had made it a general text-book. The discussion of the subject has been with bolder originality than one would think possible without making the law suffer, but in no case has it resulted in other than a felicitous exposition, which, from

the time the author settles upon his leading thought of "physical integrity" until he finishes his discussion of the most recent Massachusetts statute, is especially noticeable. The analysis of the subject is worthy of note, together with the logical methods which have been used in arrangement. The chapters usually start with some well-established rule, and lead, by the most natural steps, into the very heart of the subject.

Some 700 cases are collected and are cited in the body of the text instead of by foot-notes, and this at times so cuts the text up that it is found unpleasant. The book is chiefly of value to the practitioner and student of the one state only; and aside from its logical arrangement and orderly grouping of the parts, so that the main object is constantly kept before the reader's eyes, it is, owing to its limited scope of treatment, not likely to be widely read. But, in all justice to the author, we must bear in mind that he has thoroughly covered the ground that he started out to accomplish.

T. C.

SUPPLEMENT TO NOTES ON THE REVISED STATUTES OF THE UNITED STATES AND THE SUBSEQUENT LEGISLATION OF CONGRESS, JULY 1, 1889, JANUARY 1, 1898. By JOHN M. GOULD and GEORGE F. TUCKER. Boston: Little, Brown & Co. 1898.

In 1889 appeared the well-known volume of Messrs. Gould and Tucker, entitled "Notes on the Revised Statutes of the United States and the Subsequent Legislation of Congress." A supplement of some six hundred and fifty pages now brings the work down to January 1, 1898. The purpose of the notes and the supplement cannot be better shown than by an extract from the preface to the original volume: "The aim has been to show all changes made by the revision of 1874 in the previous laws, and all statutory changes and additions since made down to and including the legislation of the Fiftieth Congress, together with the result of all material decisions of the Federal and state courts relating to the constitutionality, repeal, modification and construction of these, the supreme law of the land."

In the supplement, which includes the later statutes through the first session of the Fifty-fifth Congress, the arrangement of the previous volume is followed. The notes are classified in accordance with the numbering of the titles and sections of the Revised Statutes. In many instances the new statute is inserted in full. The notes of judicial decisions are remarkably concise. The authors, throughout the book, have used rare judgment in condensing a great mass of information within a reasonable compass. Every page gives evidence of careful editing. Messrs. Gould and Tucker have placed the bar at large under renewed obligations by bringing down to date a standard work of wide usefulness.

T. S. W.