

BOOK REVIEWS

THE LAW OF ROADS AND STREETS. By B. K. and W. F. ELLIOT
Indianapolis: The Bowen Merrill Company. 1900.

"It has been our purpose to make a book that shall be practically useful, and to that end our labors have been directed." We take these words from the preface to the first edition of the valuable work before us, in order to show just what purpose animated the authors. Some works are written with a view to a theoretical inquiry into legal fictions or legal entities, but the work under consideration has been animated by one thought, that of practical utility. That it has been a success is undoubted; to say that it has served its purpose is therefore no mean praise.

A second edition, the one on our table to-day, attests the popularity of a work which, though special in the main, deals with a number of cognate subjects, such as bridges, street railways and railway crossings. It is ten years since the first edition was printed and since then judicial decisions, statutes, even written constitutions, have settled many points disputed at that time and have also changed the law in many respects, so many respects, indeed, that some adjudged cases have yet to be confirmed by higher courts before they will become of any value.

Some idea of the size and scope of the volume may be gained from the fact that the table of cases alone covers 129 pages of small type. While it was impossible to include every rule in every state on these subjects treated in this work, mention should have been made of the Pennsylvania rule that where land is bounded by an unopened street, the grantee of land so bounded takes title to the side only, where that side is mentioned as his boundary. His title jumps to the middle of the street only when the street is opened, not before; so that damages in such cases are rarely allowed. *Hancock v. City of Philadelphia*, 175 Pa. 124 (1896).

Typographically the work is all that could be expected; the section headings and the index are of particular assistance.

J. M. D.

THE LAW OF OPERATIONS PRELIMINARY TO CONSTRUCTION IN
ENGINEERING AND ARCHITECTURE. By JOHN C. WAIT. New
York: John Wiley & Sons. 1900.

The author of this unique work took his M. C. E. at Cornell and his LL. B. at Harvard; his engineering and his legal training, therefore, were of the best and qualify him to be an authority on matters requiring a knowledge of both subjects. A few years ago he published a work on "Engineering and Architectural Jurisprudence,"

which was so successful that he was emboldened to take up the task which has borne such good fruit in the work now before us. "The earlier book," to quote from the author's preface, "was a presentation of the law of construction, while this treats of the law attending those operations which precede construction."

When we reflect for a moment on the vast public enterprises which are daily set on foot around us, we can easily see that a knowledge of the law, in some of its branches, at least, is almost indispensable to an engineer of any prominence. Take, for example, an enterprise which has for its object the conveyance of a suitable water supply to a great city from a distance. How minute must be the consulting engineer's knowledge of the myriad branches of the law of property! He must know something about deeds and conveyances and of the determination of boundaries, not only by surveying, but by the law courts after the surveyor has long finished his task; he must keep in mind the rights of riparian owners,—in fact, all the law in regard to surface and subterranean streams; he must know something of rights of way and other easements and incorporeal rights, to say naught of franchises. To make a complete list of all such requirements would be to make a list of the chapter and section headings of Mr. Wait's work. It may be urged that all this could be well enough left to the lawyer; not to-day, however, for a man who is now managing such an undertaking must be able to decide legal questions as well as to solve engineering problems. If a lawyer had always to be consulted, the enterprise would lag. Moreover, he would be a lawyer merely and would at times be unable to grasp what the engineer could see at a glance. For such an engineer, indeed, for all engineers, Mr. Wait's work is invaluable; nor is it by any means amiss in a lawyer's office.

The citations are numerous and accurate, though dates might sometimes well be inserted; the book also represents all the latest improvements in typography.

J. M. D.

OUTLINE STUDY OF LAW. By J. F. RUSSELL, D. C. L., LL. D.,
Professor of Law in New York University. Third edition. Baker,
Voorhis & Co., New York, 1900.

Any one who expects to find in this book a labored and dreary exposition of salient points of jurisprudence will be pleasantly disappointed. Instead he will find, woven into the warp of a more or less scientific arrangement of topics, a pleasing woof of informal lectures, or *chats*, which will interest and stimulate him. Upon a background of eminent common sense he will perceive the large figures of a deep learning, shot here and there with brilliant threads of wit and humor. We can imagine no better book to be put into the hands of one contemplating the study of law or even of one who has made some progression in it. To laymen of intelligence it will prove pleasant and profitable reading because of the large culture it displays and the happy way of putting legal thought. To the

lawyer it will be of interest and of charm by reason of its clear and sane way of stating things and its piquant phrases and expressions. It is not our purpose to discuss this meritorious book at length - that has already been done for previous editions by THE AMERICAN LAW REGISTER. We simply wish to call attention to its excellence. It is well worth a place in any library, and must be read with interest and instruction by every serious-minded person. We even venture to think that persons who never read anything "heavier" than the current novel will find it not altogether tiresome.

E. B. S., Jr