

BOOK REVIEWS.

A TREATISE ON THE LAW OF SURETYSHIP AND GUARANTY. By DARIUS H. PINGREY, LL. D. Mathew Bender, Albany, N. Y., Publisher. 1901.

There are at the present day so many excellent text-books on nearly every branch of the law that it is hard to discuss the relative merits or demerits of a particular one within the limited space allowed us here. To say that a certain book is good and must prove useful to both the student and the busy practitioner is only saying what is true of nearly every publication and is hardly a sufficient guide for our readers in selecting any one volume as an addition to their library.

The subject of the present review covers a branch of the law which, owing to the multiplicity of the business transactions of our country in which it might be involved, should not only be known in general by lawyers, but its every detail should be mastered by them. The author starts out with the right idea, for he tells us in his preface that "the student will find that this treatise will help him in the law school and then in his practice." In other words, he has endeavored to prepare a work which will serve as a text-book from which the beginner may learn the first principles of the subject, as drawn from the leading cases, and the lawyer may use as a compendium of the law as it is propounded by the different courts. We think that he has fulfilled his intention. No elaborate discussions of the mooted questions have been introduced, but merely the results of the best decisions have been set down in a concise and accurate manner.

The scope of the work is quite broad and the author has divided the subject into fifteen principal heads, going into details under each one minutely and with logical precision. The work opens with a discussion of the elementary principles of suretyship and guaranty, their nature and effect, the parties, and the execution of the contract of surety. Then follows in logical order the scope of the liability, the discharge of the surety, and the rights and remedies of sureties and co-sureties as to creditors and principal. The remaining chapters deal with the different kinds of bonds, as legal bonds, those of public and private officers, etc., and the book closes with an exposition of the law of guaranty in its relation to the Statute of Frauds and the subject of bail.

The text is amply supported by numerous citations of authority from the leading courts both of England and this country, showing that the author was a thorough master of his subject and an extended course of reading of all the leading cases bearing in any way upon his subject.

Finally, we may add that the author has employed what seems to us to be the ideal scheme of preparing a treatise on any branch of the law when we consider the needs of the busy lawyer of to-day. No man can know all the law: one can at best know but where to find it; but, if he has at hand a good text-book which will give him the best law as determined by the weight of authority to serve him in every-day practice, he can have the general principles always before him, and when a more particular knowledge is required it will be an easy matter to seek the more voluminous works.

M. H.

CONSTABLES' GUIDE. By W. F. DILL. Philadelphia: T. & J. W. Johnson & Co. 1901.

This is a pocket manual for the use of constables in Pennsylvania. It contains, within 200 small pages, a brief and simple explanation of almost every duty which could possibly fall upon a constable in the discharge of his office. The book is well indexed and should prove exceedingly useful to those for whom it is written.

THE LAW OF LANDLORD AND TENANT IN PENNSYLVANIA. Second Edition. RICHARD J. WILLIAMS. Philadelphia: T. & J. W. Johnson & Co. 1901.

On this every-day subject a certain amount of reliable information is useful and important. Not many real-estate men, landlords and prospective tenants, however, care to master the subject as treated by Jackson and Gross, because the latter's book is written in an exhaustive manner especially adapted for the practitioner's needs. As such its high standing will, very likely, not soon be equaled. But it does not fill the need which this short and accurate statement of the law by Mr. Williams meets. The second edition follows the plan of which the first edition was hardly more than an outline and has developed it greatly. The subject is clearly and logically treated. The points are well stated and are readily found by the aid of many subdivisions and a complete index. Few cases are cited, but they are well selected from among the vast number to be found in the reports. A chapter, especially valuable for the property owner and tenant, is that in which directions are given for renting property. The author gives the facts of cases to re-enforce his advice. The subject of coal and iron leases, and gas and oil leases, has a large chapter devoted to it and the difference between the two classes of leases is pointed out. The important statutory remedies are given in full, and the proceedings for the recovery of rent or possession are stated in a plain, practical way. Statutory provisions, applying exclusively to Philadelphia, the author treats specially. A list of forms at the end adds to the completeness of the book.

F. K. S.

CONFLICT OF LAWS; OR, PRIVATE INTERNATIONAL LAW. By RALEIGH C. MINOR, M. A., B. L., Professor of Law in the University of Virginia. Boston: Little, Brown & Co. 1901.

A treatise on the Conflict of Laws necessarily presents a transverse view—a cross-action, so to speak—of a great many departments of the law. It treats of Domestic Relations, Personal Property, Contracts, Crimes and Practice, and must always, therefore, be somewhat disjointed and valuable more as a reference- than as a text-book.

The author, in the present instance, has sought as far as possible to avoid the disadvantages thus entailed by his subject by departing from the arrangement pursued by Story, Dicey and Wharton, and pursuing what he considers to be a logical, fundamental and consistent theory of the conflict of laws. He thinks that private international law might more properly be called the law of *situs*. "If," he says, "from the tangled skein of decisions upon this subject it can be said that a single certain conclusion may be drawn, after a careful and laborious analysis of the cases I should select as that conclusion the fact that the great foundation and basic principle of private international law is *Situs*. Find the *situs* of the particular act, circumstance or subject under inquiry, and you will know the law which should properly regulate its validity and effect. This proposition, it is true, is subject to exceptions, but the exceptions are quite clearly defined and may in general be applied without great difficulty."

Acting on this theory the author treats his subject under the following eight heads: (1) Introductory; (2) *Situs* of the Person; (3) *Situs* of Status; (4) *Situs* of Personal Property; (5) *Situs* of Contracts; (6) *Situs* of Torts and Crimes; (7) *Situs* of Remedies; (8) Pleading and Proof of Foreign Laws.

The result is that the book conveys to the reader a series of intelligible general principles, under which all the cited cases, with but comparatively few exceptions, may be grouped. If there is any unfavorable criticism to be noted at all, it is that the style is peculiarly Latinized, technical and condensed, so that the book forms somewhat "heavy" reading. There are no extended discussions of the theory of the law which require comment; the author's originality lies rather in his arrangement of the entire subject than in his treatment of any particular phase thereof.

H. S.