

BOOK REVIEWS.

BAILMENTS: A COMMENTARY ON THE LAW OF CUSTODY AND POSSESSION AS DISTINGUISHED FROM PROPERTY, IN CHATTELS. By WYATT PAINE. London: Sweet & Maxwell, Ltd., 1901. 25 s.

From the Inner Temple comes to us a work, equally welcome for timeliness and unmistakable intrinsic merit, on the live, progressive law of bailments. No apology for its appearance is called for, since under late statutes, the classics of Jones and Story contain rules of law, sound enough when they were written, but which now have become archaisms,—bits of wreckage strewn in the student's course,—though naturally the substance of their work must remain the corner-stone of all new treatises, as it is of Mr. Paine's book. Within five hundred and fifty pages the author comments, never without discernible study, on the multiplex topics suggested by the general subject and the subheads embraced therein: carriers and carriage by sea and land; pledge; hire-purchase; bills of sale; deposit; mandate (with special notes relating to goods in the custody of the law, and the nature of the possession of executors and trustees in the chattels of their testators); and a compendious account of the rights, obligations and respective liens of artificers, auctioneers, bankers, innkeepers, pawnbrokers, solicitors, unpaid vendors, warehousemen, etc. Unfortunately for us, the book is exclusively British, the decisions cited being confined to the English, Indian and Australasian reports,—unfortunately, for the treatment of so many heads within one volume is exceptionally skillful. Brevity seems never to destroy clearness, and authorities are well selected and copiously cited. The introductory chapter on general principles is comprehensive, yet but eight pages in length. Immediately the writer plunges "*in medias res*," and, generally, follows closely in the steps of his models. He considers the law of bailments as the law of custody and possession only, as distinguished from property, in chattels. He asserts that the entire property remains in the bailor,—without adverting to the fact that the proposition has been disputed. Williams, in his work on Personal Property, lays it down similarly, but the case he cites as authority, *Franklin v. Heate*, 13 M. & W. 481, does not sustain him. That case simply holds that the pawnor holds a *qualified* property in the chattel, subject to the right existing in the pawnee, and that the pawnor may sell and transfer this qualified property in him to a third person, entitling the latter

to maintain trover against the pawnee, if the latter refuses to surrender the chattel on being tendered the amount of his debt. The author, however, is probably safe in following so eminent an authority as Jones, who considered the question settled in 1704 by *Coggs v. Barnard*. (2 Ld. Ray. 909.)

The chapters on Auctioneers, Innkeepers, Hire of Work and Labor and Railroad and Canal traffic contain able and lucid discussions of the authorities compiled. Throughout the work, a judicious mingling of pithy dicta rather than the usual cumbersome succession of more or less relevant excerpts, together with the masterly grasp of the law in the author's own comments, distinctions and elucidations, raise him somewhat above the great class of pedantic text-writers who all too literally, to the patient reader's fatigue, become of those whom Izaak Walton dubs "gatherers and disposers of other men's stuff." The style is finished, and betrays the scholar's command of virile, idiomatic English. While of necessity and prudence somewhat bound to the terminology of the greatest exponents of the law, and to didactic narrative, careful pruning has made the book appetizing reading. Now and then a sentence or a paragraph fairly scintillates with a terse allusion or a crisp phrase, revealing behind a mind of broad general erudition and vast special research. To the barrister abroad the book should be valuable for reading and reference on the branch of law of which it treats. It is a worthy latter-day product of those hallowed precincts near Temple Bar where Coke meditated upon Littleton, and Smith compiled his immortal "Leading Cases."

J. W. H.

BOOK NOTES.

HIRSH'S TABULATED DIGEST OF THE DIVORCE LAWS OF THE UNITED STATES. New Revised Edition. By HUGO HIRSH. Folding Chart, Cloth Covers. Price, \$1.50, net. New York and London: Funk & Wagnalls Company.

This unique chart contains a complete digest of the divorce laws of every state and territory, placed in tabulated form, so that by a mere glance one may ascertain the status of the law on this important subject in every part of the Union. The tabulation is printed on one large sheet of paper. At the head of it is an introduction with an explanation of the arbitrary signs and abbreviations used. Then follows an alphabetical list of states and territories in columns, and on each side is an index of causes for divorce. At the end of each column there is a concise synopsis of the practice in such case, showing the jurisdiction of courts, the methods of service of process, trials, and grounds for separation.

To the general practitioner, this table presents a quick and convenient method of comparing the laws of the various states, and to any one interested in comparative legislation, this compilation will be most interesting, as showing graphically the status of the law in each community.

An interesting study of "The Insular Cases," by Carman J. Randolph, Esq., of the New York bar, has been reprinted from the *Columbia Law Review*, of November, 1901. The author is well known as a writer upon constitutional subjects, and his work upon "The Law and Policy of Annexation" had appeared before the decisions of the Supreme Court which are discussed in the monograph upon "The Insular Cases." An analysis of the decisions which were handed down in the spring of 1901 will be a helpful guide to any one who desires to trace the argument upon which the decisions rest,—especially true is this when the analysis is so clear and logical as that which Mr. Randolph has prepared.

"The Report of the Thirteenth Annual Meeting of the Virginia State Bar Association," held at White Sulphur Springs, August 6, 7 and 8, 1901, is the record of the annual session of one of the most influential of the state associations. The volume contains a careful record of the proceedings, edited by Eugene C. Massie, Esq., of the Richmond bar, and also some interesting papers upon various phases of the law. The president's address, by Linsford L. Lewis, Esq., upon "Some Notable Cases in the Supreme Court of the United States," is an interesting *résumé* of the progress in constitutional interpretation; a full account is given of the proceedings on John Marshall Day, with an address by Hon. Horace Gray, Associate Justice, United States Supreme Court.