

# THE AMERICAN LAW REGISTER

FOUNDED 1852.

---

UNIVERSITY OF PENNSYLVANIA  
DEPARTMENT OF LAW.

---

*Editors :*

EDGAR HOWARD BOLES, Editor-in-Chief,	
ERNEST LEROY GREEN, Business Manager.	
JOHN BOYD CRUMRINE,	MELVIN GUY ROGERS,
RALPH BERRELL EVANS,	MAURICE BOWER SAUL,
BENJAMIN OTIS FRICK,	FRANK GIESSMAN SAYRE,
SAMUEL GILBERT SCHWARTS,	WILLIAM HENRY MUSSER.

---

SUBSCRIPTION PRICE, \$3.00 PER ANNUM. SINGLE COPIES, 35 CENTS.

---

Edited by members of the Department of Law of the University of Pennsylvania under the supervision of the Faculty, and published monthly for the Department by ERNEST LEROY GREEN, Business Manager, at S. W. Cor. Thirty-fourth and Chestnut Streets, Philadelphia, Pa. Address all literary communications to the EDITOR-IN-CHIEF; all business communications to the BUSINESS MANAGER.

---

## CURRENT LEGAL PERIODICALS AND BOOK REVIEWS.

---

CITIZENSHIP OF THE UNITED STATES. By FREDERICK VAN DYNE, LL.M., Assistant Solicitor of the Department of State of the United States. Pp. xxvii+384. Rochester, N. Y. The Lawyers' Co-operative Publishing Company, 1904.

This book will doubtless receive a hearty welcome. It contains all of the data bearing on the subject compiled and arranged in a convenient manner. All questions affecting the status of citizens are discussed and all important cases which have arisen in the interpretation of enactments and treaties concerning citizenship are duly noted. The first part of the work deals with citizenship by birth, both in the United States and abroad, of children born to our citizens. Part II discusses naturalization, which is treated under the following divisions:

Naturalization, in pursuance of the general laws of the United States, by naturalization of parent, by marriage, by treaty, by conquest, by special act of Congress, and by admission of territory to statehood.

The author of this book, who has occupied his present position for the past ten years, has had much experience in dealing with the numerous questions bearing on the subject, and has perceived the need of such information which his position has enabled him to collect being placed within the reach of the public at large. One of the most valuable features of the treatise is that it is up to date. The very latest material is incorporated, as, for example, the act of Congress, June 14, 1902, amending the statutes on the subject of Passports, in the regulations of which considerable change has been made since our new territorial acquisitions. Part III is devoted to Passports and Part IV to Expatriation, under which is treated the renunciation of citizenship by foreign residence and the attitude of foreign governments towards their citizens who have become naturalized in the United States. The Appendix contains a summary of all laws relating to citizenship and naturalization as well as the various treaties with foreign powers relative to the same questions. On the whole, this book has a useful mission and will serve as a valuable work of reference for the lawyer and prove interesting reading to the layman.

W. H. M.

---

EQUITY PRINCIPLES: A PRACTICAL TREATISE ON THE PRINCIPAL RULES AND DOCTRINES OF EQUITY JURISPRUDENCE.  
By CHARLES E. HOGG. Pp. lxx+846. Cincinnati: The Robert Clarke Company, 1903.

When volumes have been written on the one subject of Injunctions alone, it would be unreasonable to expect to find in a book of this size an exhaustive treatise on the whole subject of Equity Jurisprudence. It makes no pretence as such. It is, as the title indicates, a practical working book—a clear, comprehensive digest of the principal rules of equity, stated in the briefest possible form, and supported by an abundance of authorities.

As a ready reference-book for the practising lawyer it should prove a valuable aid. In it he can find at a glance a brief, clear statement of the rules on any given subject, with references to authorities, without having to wade through pages of logical discussion to arrive at the result. To the student, however, except for the purposes of review, it is almost too brief to be of any great value. Reasons and theories have no

place in it, and the bare principles themselves are stated so briefly as to be frequently misleading. For example, under the head "Marshalling of Assets," it is said that the doctrine applies to partnership cases, but no mention is made of the peculiar variation of the doctrine in such cases. Similarly, under Partnership, it states that "the firm debts must first be paid out of the firm's assets," but the important subject of the equities of retiring partners is not touched upon.

The book is divided into three parts. In the first are included those subjects over which equity exercises concurrent jurisdiction with the common law courts; in the second, those over which it exercises exclusive jurisdiction, and in the third, those over which it exercises what the author calls auxiliary jurisdiction; for example, Bills of Discovery and Bills of Interpleader. A novel and successful innovation is the arrangement of the subjects in alphabetical order.

As stated in the preface, the book has been designed especially for use in Virginia and West Virginia, and preference has been given to the decisions of the courts of those states. The result, however, has not been to detract materially from its value as a general book of reference. *R. B. E.*

---

LAW OF TRADE-MARKS, INCLUDING TRADE-NAMES AND UNFAIR COMPETITION. By AMASA C. PAUL, of the Minneapolis Bar. Pp. xviii+981. St. Paul, Minn: Keefe-Davidson Company, 1903.

Recent years have witnessed a remarkable growth in trade-mark law. Through the development and rapid advance in late years of industries, this subject has become one of vast importance in the business world and necessarily to the legal profession. The effort of the author has been to produce a practical work for the practitioner of trade-mark law.

The work is complete in its treatment of the subject, dealing in the first few chapters with the growth and nature of trade-marks,—what can or cannot be appropriated as such, their acquisition and assignability with incidents thereto, and finally their loss. Trade-names and infringements form the substance of the succeeding chapters, and then follows quite an important feature of the work, the subject of unfair competition in trade. The text is concluded with a necessary adjunct—that of procedure. The author has produced a very creditable book, and his treatment of the law of unfair competition is especially to be noted. The book is very readable, and is arranged in a systematic manner. It is thoroughly up to

date and elaborated with the facts of numerous interesting and well-known cases. The Appendix contains a valuable compilation of the acts of Congress and the statutes of the various states on the general subject of trade-marks, and also the mode of procedure for registration. *M. B. S.*

---

HANDBOOK OF THE LAW OF WILLS. By GEORGE E. GARDINER. Pp. xv+726. St. Paul, Minn.: West Publishing Company, 1903.

This is the latest addition to the Hornbook series and has all the merits of the previously published handbooks as well as some of their defects. The book expresses clearly and concisely the law of wills, together with a discussion of their probate. The arrangement of the text and notes is excellent, the succinct principles under each topic discussed being printed in black-letter type followed by a more extended explanation of those principles. Each statement of the law is abundantly supported by citations from the English and American decisions. In fact, this is one of the most valuable features of the book, for the citations in the notes include practically all the decisions on the Law of Wills in any court of last resort in the United States during the last fifteen years, as well as references to the leading English and American cases previous to that time. Theoretical discussion is for the most part not attempted, that not being the purpose of the book, the idea of the author being "to express clearly and concisely the law of wills" with "no discussion of legal theory except where it has promised profit."

Whether such a book as this is as valuable to the student as one dealing more at length with the theory of the law; whether the presentation of the bare principles, as set forth here, does not encourage superficiality in the student, are questions upon which there will always be considerable difference of opinion. For a terse statement of the principles of the Law of Wills the work is admirable. The book will probably be of more value to the practitioner than to the student, for here the busy lawyer can readily find in a condensed but eminently satisfactory form a statement of the law with the collation of all modern authorities, both pro and con.

For a well-arranged, clear, compendious statement of the Law of Wills, supported by a collection of the modern authorities, the book is to be highly commended. It will serve its purpose as furnishing a most convenient and accurate digest of the law. *B. O. F.*

THE JUDICIAL DICTIONARY OF WORDS AND PHRASES, JUDICIALLY INTERPRETED, TO WHICH HAVE BEEN ADDED STATUTORY DEFINITIONS. By F. STROUD, of Lincoln's Inn, Barrister-at-Law, Recorder of Tewkesbury. Three volumes. Second Edition. London: Sweet & Maxwell, Ltd., 3 Chancery Lane; Stevens & Sons, Ltd., 119 and 120 Chancery Lane. Boston, U.S.A.: The Boston Book Company, 1903.

In the beginning of his preface the author himself says that, "Good or bad, it is believed that this book is unique." We agree that the work, as well as the idea upon which it is based, is unique, and, further, consider it decidedly good.

The work does not attempt to take the place of the regular law lexicon in defining all the words one may encounter in legal work, but gives the interpretation of common legal terms and phrases as established by prominent jurists of the English courts and by statutory definition. By comparison of these the author seeks to show the general and authoritative acceptance of these terms, thus to give them a more definite and well-settled significance than has formerly attached thereto.

The fundamental idea and object of the book seems well expressed by one of its title-page quotations: "It is of the utmost importance that in all parts of the Empire where English law prevails, interpretation should be, as nearly as possible, the same."—*Trimble v. Hill*, 5 App. Cas. 345. And the well-known fact that so many apparent legal contradictions and disagreements of courts are ultimately traceable to a difference in use and conception of terms, and not in any fundamental difference in idea, shows strongly for the truth of this statement, and for the fitness of such a work as Mr. Stroud's.

There are, in all, references to over sixteen thousand cases and to an extensive list of statutes, which latter are indexed chronologically. In addition to the dictionary proper, the work includes a short chapter on the Construction of Documents, and the Interpretation Act of 1889 is given in the Appendix.

The work is accurate and complete so far as the English courts and English statutes are concerned. There are, however, very few American cases referred to, and consequently the work is not of so much value to the American practitioner, except in so far as one may be of the opinion that American jurists would construe our language the same judicially as English jurists have done, but for general reference it is a valuable addition to any library.

J. B. C.