

CURRENT LEGAL PERIODICALS AND BOOK REVIEWS.

THE LIFE OF HORACE BINNEY, with Selections from His Letters. By CHARLES CHAUNCEY BINNEY. Pp. xi+460. Philadelphia and London: J. B. Lippincott Company, 1903.

"A good book," said Horace Binney in a letter to the Hon. D. A. White in 1859, "a book that is worth printing for the instruction of the world, is, always excepting primers and catechisms, the rarest thing on earth,—a mild day in the Arctic Sea; reason and virtue in a democratic mob." There is no doubt that the rigor of that sentence might be moderated, but it expresses an idea which should be the directing guide of every prospective author. And whether or not Mr. Binney had such sentence in mind in publishing the present work, nevertheless the book is one of merit, of instruction, and of excellent reading for those outside the field of legal study, and one of inspiration, of helpful guidance, and invaluable worth to those who love the law and are earnestly endeavoring to share some measure of glory in a profession where courage and integrity are indispensable requisites.

The plan pursued in the making of this book will meet with hearty appreciation among those persons who were brought nigh to disgust by such publications as the letters of Robert Browning and of Victor Hugo. No public should, nor probably would, demand that the personal and intimate letters of any man be displayed to the world, and no author has the right to search the life of any correspondent for lines not concerning public matters, or, at the most, for lines which concern facts not really of broad interest and going further than to show the general personality and characteristics of their writer. It is a real pleasure to find in this volume, then, a collection of highly interesting letters (and Horace Binney's own pen has written just about two-thirds of the book), mostly on affairs of universal concern, and for the remaining part on matters of delightful recollection. The author is to be congratulated on the methods of his erasures and selections.

Marked by an integrity exalting to contemplate, distinguished by a learning and culture which raised him to the first place in his profession in America, no man led a more stirring and prominent life than did Binney during, at least,

three-quarters of a century. Designated by Chief Justice Lewis¹ as the "eminent patriarch of our profession," and fittingly compared to Nestor by Sir John Taylor Coleridge (Justice of the Queen's Bench and the father of the Lord Chief Justice of England), one of Horace Binney's most cherished correspondents, his distinguished attainments as a lawyer and high position in public esteem made it imperative that a biography of him should eventually appear. Mr. Charles Binney has been successful, indeed, in giving us a book which can be thoughtfully read. Obviously his task has been one of carefully using the shears while searching through the famous lawyer's letters and journals, and in giving a modest and running commentary throughout the work. There has been some occasion for regret in our mind that a more extended selection has not been given from the journal of Binney's travels abroad, and it may not be amiss to suggest the publication of that journal *in toto*.

It has been said of Horace Binney that he lived a life of protest. It is admitted: but so earnest, so honest, and so wholly meditated was that protest, that to-day it turns to his honor. And if any tinge of prejudice remains to-day towards the memory of so noble a citizen as Binney was, it were well that this book should be read again and again, both for the sake of its explanations and for the reverence to be gained for Binney for the tenacity and unaltered vehemence with which he supported his ideas in regard to every question that concerned him, of either local or national importance.

It might have been more felicitous on the part of the living Mr. Binney not to have introduced his own ideas of present-day local politics either directly or by way of *innuendo* into a book of such wide-spread interest as this work concerning Horace Binney undoubtedly must be. Of all things, he was a man who remained free from the real strife and strain of political life; and the fact that he expressed even frequent ideas in regard to Philadelphia politics, or took an ephemeral though keen interest in the same, does not seem to justify the insertion of remarks on our immediate state of politics in the city of Philadelphia. The book is not exclusively for Philadelphians by any means; to all others, and even to Philadelphians, such an innovation must seem, to say the least, like bad taste.

There is only one other fault (and these bits of suggestion are almost eclipsed by the many virtues of the book), namely, the frequent abruptness of change in those parts of the work

¹ *Price v. Maxwell*, 28 Pa. 35 (1857).

which Mr. Charles Binney himself has written. We skip from a letter of 1847 to a short review of a case in 1848, and then to the death of Binney's older sister (and of Charles Chauncey) in 1849; all this in two pages, and it is the sum of what we learn in regard to these three years. There is no word of explanation attempting to weave events one into the other; not infrequently the suddenness of the change is anything but literary. Considering the fact that the work on the volume has been mainly that of compilation, the fault is readily to be understood, but it might probably have been guarded against by a more extended research, quite possible in respect of the life of one so recently deceased.

The avowed attempt has been to show Horace Binney as citizen and lawyer, and to produce in his own words the principles of government he formulated or approved. It is without doubt that the publication will be inceptive to further study of those principles; but it is believed the publication is more amply justified and more fully to be praised on a far different ground. The example set by the nobility of the lives of great and eminent men must needs be the incentive and the inspiration of every aspiring student. The study of biography is the bed-rock of encouragement. A book that has given us a lasting impression of one whose learning in the law was unsurpassed, whose attainments caused him to be judged the leader of the American Bar, and whose life was a model of consistency and beauty of character, must of necessity come welcome to the hands of those who find some measure of profit in the admiration of the lives and the achievements of noble and illustrious men.

E. H. B.

FIRE INSURANCE AS A VALID CONTRACT, in Event of Fire and as Affected by Construction and Waiver, Estoppel and Adjustment of Claims thereunder, including an Analysis and Comparison of the Various Standard Forms, all reduced to Rules, with the Relevant Statutory Provisions of all the States. By GEORGE A. CLEMENT, of the New York Bar, Editor of *Fire Insurance Digest*, *Probate Reports Annotated*, and the *New York Annotated Code of Civil Procedure*. Pp. vii-xcviii+1-637. New York: Baker, Voorhis & Company, 1903.

Out of the existing chaos and confusion in which the law of fire insurance was, the author has attempted and succeeded, in one volume, in reducing the decisions of the courts to certain, clear, logical, and concise rules. Such a book is of great

value to the practitioner and to anyone either directly or indirectly interested in loss claims, whether in or out of court, as it is a thorough and exhaustive tabulation of the rules applicable to the limited portion of the field which deals with the conditions in the policy of insurance. All questions that arise in case of fire, from the time of its occurrence until final adjustment and payment, can be decided with the aid of the rules in this volume.

A book of rules differs essentially from a text-book. The former, as a consequence, is of greater value to the practitioner and interested layman because in it are to be found not a writer's views on what the law ought to be or is, but rules binding upon the courts and upon which they, in fact, do act.

The author treats the subject by classifying the rules deducted from decisions according to the two classes of conditions in the policy: (a) "Those which become operative in the event of fire upon the assumption that the claim is a valid contract, and (b) those which declare it to be void in specified events. This plan is carried out in all its completeness, and is one upon which the courts have acted.

The book is systematically arranged, so that little difficulty will be had in finding the rules applicable to the particular facts of any given case. The table of contents is quite complete, in that way adding greatly to the value of the book for use. Each rule is supplemented by a list of cases in the various jurisdictions where the questions have arisen. The book contains such statutory provisions in all the states as appertain to the rules, and such as are relevant or affect the subject matter—namely, the claim of the insurer in the event of fire.

S. G. S.

THE LAW RELATING TO OIL AND GAS, including Oil and Gas Leases, Production of Oil and Gas, both Natural and Artificial, and Supplying Heat and Light thereby, whether by Private Corporations or Municipalities. By W. W. THORNTON, of the Indianapolis Bar. Pp. 918+cxi. The W. H. Anderson Company, Cincinnati, 1904.

Whatever may be the thought of the general practitioner upon the subject of oil and gas law, it takes but a casual glance at Mr. Thornton's treatise to convince one that here is a subject which cannot be dismissed with several chapters of a few pages and less authority, as we so often find it to be in "the whole law in two volumes."

The author has handled his subject with exceeding minuteness; for instance, we find several chapters relating to fix-

tures, a subject we would naturally expect to find in a treatise upon the law of property, but very properly examined in this work under the title of gas. Again, the author has devoted a chapter to the consideration of insurance as affected by gas, oil, and their allied products. Indeed, these are not the only instances in which we see the writer's desire to give to the legal profession a work complete in every sense. The subject of oil and gas contracts and leases has been treated very extensively; as has been the relations and duties of the municipalities and private corporations to the public in respect to street lighting, private consumption of gas, and topics closely connected therewith. The author has inserted the forms of oil and natural gas leases and contracts used in Pennsylvania, West Virginia, Ohio, Indiana, Kansas, and Texas.

The text is supported by numerous authorities, the author citing over three thousand cases. A very commendable feature of the book, and one which many text-writers appear to have forgotten, is that most cases have more than one citation, and Mr. Thornton, wherever possible, has included all the volumes in which the case is reported. The book is very interesting and should prove a great help to the lawyer whose practice necessitates any reference to the law on oil and gas.

M. B. S.