BOOKS RECEIVED.

[All legal works received before the first of the month will be reviewed in the issue of the following month.]


BOOK REVIEWS.

AMERICAN RAILROAD AND CORPORATION REPORTS. Edited and Annotated by JOHN LEWIS; Vol. VII. Chicago: E. B. Myers & Co.

The sixth volume of Mr. Lewis' valuable series of reports contains, several cases and annotations of unusual importance, and concludes with a complete index of the entire six volumes. On reviewing Volumes IV and V of the series we have commented at large upon Mr. Lewis' plan and its execution. Little is left to be said with regard to the volume now before us, except to commend the selection of cases and to call attention to the exceedingly interesting and valuable presentation of the authorities upon the "Legitimate Uses of Streets—Railroads and Electric Wires"—which appears in the form of an annotation to the case of Rafferty et al. v. The wentral Traction wo. (p. 287). We are not quite prepared to agree entirely with Mr. Lewis in his view of the way in which the courts should approach questions involving the right of electric car companies to occupy the surface of streets without making compensation to abutting owners. On support of a view unfavorable to the right of these companies, Mr. Lewis appeals to the historical development of the highway; but it is at least doubtful whether he does not disregard the fact that the development has been progressive and is still going forward, and his remarks expose him to the criticism that he is anxious to arrest this pro-
gressive development at a point arbitrarily chosen. It is whether the
reviewer or Mr. Lewis is right on this point, there can be no doubt that
the discussion of the subject here presented is complete and thorough.

Another case of considerable interest is the case of Stearns' Executor
v. City of Richmond (p. 247). This case gives occasion for an annotation
upon "Streets and highways—Rights of Abutting Owners—Change of
Grade." On view of the fact that Mr. Lewis is the author of a careful
work on "Eminent Domain," it is not surprising that he should be led to
devote a considerable portion of the whole space allotted to annotations
to this and kindred subjects. If he has been able to make use of material
originally collected for his text-book, those who have occasion to use
these reports will have no ground for complaint. These remarks are also
applicable to the annotation which follows with Buffalo v. Pratt
(p. 499), upon the fee of streets as affecting rights of the public and of
abutting owners. Another annotation which will doubtless be found use-
ful by our readers is the annotation upon "Foreign Corporations—
State Regulation." This note was originally prepared for publication,
the author tells us, in connection with the case of Wright v. Lee, 31 Pac.
Rep., 706, but it is published in this volume in connection with Attorney-
General v. Fidelity and Casualty Co., because a rehearing in the former
case has been granted and was pending at the time of going to press.

It cannot be doubted that these six volumes, together with the ample
index with which the profession has now been supplied, will form a most
useful addition to the office library, and that they will be found valuable
to all who desire to keep abreast of the development of American cor-
poration law.

G. W. P.

A TREATISE ON THE LAW OF MORTGAGES OF REAL PROPERTY. By
DARIUS H. PINGREY. In two volumes. Philadelphia: T. & J. W.
Johnson & Co., 1893.

This is probably as complete a work on mortgages of real estate in
the United States as could be written by one man. Mr. Pingrey has
cited some 1500 cases, innumerable statutes, and produced a work in two
volumes of nearly 2100 pages long, exclusive of the table of cases and
index. Perhaps as clear an idea which we can give of the book is to tell
something about what it is not. It is not a history of the development of
the law of real property relative to mortgages. "The design of this
work is to present the law of real estate mortgages as it is, supported by
the leading and the latest decisions of the courts," says Mr. Pingrey in
his preface. The opening chapter, however, is devoted to the history and
development of the subject, but it is evident, from its arrangement, that
the author's interest was not in the laws and conditions of the past, but of
the present. It is too short, too condensed, and withal, evincing too little
knowledge of the subject, to be of any value. The part of the work which
will appeal to lawyers in all the States irrespective of that covered by
Chapters II and III, where the author treats in a very clear and satisfac-
tory manner of the difference between mortgages and condition sales, and
mortgages and absolute sales. Chapter iv, on the evidence to establish
the character of the evidence, has evidently been put in on the theory that
all legal works should contain a little something about evidence. Part 2,
on the relative rights of the parties to insurance, makes interesting read-
ing. Part 3, which treats of registration of the instrument, was necessary
to make the book complete, but it must have been very dry work for the
writer. The two last parts into which the work is divided, viz., Rights
of Parties Before Default and Rights of Parties After Default, contain
much that is valuable, some that is interesting, and much again that is
necessarily dry, but which had to be inserted in order to make the book
complete for reference. A perusal of these last subjects discloses both
the merit and the limitations of Mr. PINGREY'S work. There are some
subjects connected with real estate in general and mortgages in particular
which can be treated in a general work on the subject, covering all the
States with interest and profit, but nine-tenths of what the law is to-day,
relative to any question of real property in other States besides our own,
is useless lumber for the average practitioner. It would seem, therefore,
that a work on mortgages, or any other subject connected with real prop-
erty, can be only of great interest and value to the profession if, to use an
Irish "bull," it does not try to be of any practical value. In other words,
it simply tries to give us a picture of the slow but steady movement
and development of the law by courts and legislatures. Mr. PINGREY,
therefore, in giving us what the law is, has not produced a work of great
value. He has not produced a readable book. Therefore, while he has
bravely attempted, as he intimates in his preface, to give the profession
something more than a readable digest, the profession will probably use
the book only as a digest. As such it is a valuable aid to the profession. It
supplies what is lacking in works like "Dunlap's Book of Forms," and
other publications. Whether it is worth all the labor and energy which
has evidently been spent upon it—because the work bears evidence that
the cases have been read and not simply taken from their syllabi—may
be doubted; we suppose Mr. PINGREY is the best judge, and yet, if he
will pardon us a suggestion, his work shows evidence that his life can be
better spent than providing the average two-penny lawyer with a useful
tool.

We notice, with great satisfaction, that the type, index and general
make-up of the book is excellent. The absence of ugly black headings
of the paragraphs and the substitution of light capitals being especially
gratifying.

W. D. L.