

## BOOK NOTICES AND REVIEWS.

*May's Criminal Law.* By John Wilder May. Third edition by Harry Augustus Bigelow, Assistant Professor of Law in the Law School of the University of Chicago. Little, Brown & Co., Boston, 1905. Buckram. Pages liv, 366.

Professor Bigelow's edition of May's Criminal Law is a slight enlargement upon Professor Beale's edition of 1893. Some sentences and paragraphs, and an occasional section, have been added but the general order of the second edition is unchanged. This is wise, for the arrangement by Professor Beale was logical, and a dozen years furnishes but few notable changes in the grounded principles of criminal law. Sometimes, to be sure, courts are engaged in the decision of a new refinement of principle, which has formerly been the subject of only academic discussion, but such instances are rare. Unfortunately—or fortunately—there are few variations of crime which have not long ago been passed upon by the courts. Professor Bigelow has, nevertheless, inserted some valuable additions, as, for example, section 285*a*, (on the subject of larceny in the case of bailment), 153*a*, and 155*a* (on "offences less than perjury," and "contempt"). It will be noticed, however, that even where additions have been made, it is not so much because the law has been lately developed on the several points as because the author evidently considered the former edition defective. The lists of citations are much enlarged and are brought down to date, and citations are given from three of the later case books on the subject—Chaplin, Kenny and Mikell. The author has made a few additions in presenting the general principles in the first chapters of the book which should add to its value to the student. But in the main he has held to the second edition without any great variation—though whatever changes have been made tend toward the general improvement of an already excellent work.

G. S. A.

*The Rule Against Perpetuities.* By John Chipman Gray, Royal Professor of Law in Harvard University. Little, Brown & Co., Boston, 1906. Law Buckram. Pages 664.

The subject of this treatise, while occupying a somewhat narrow compass in the law of property, is nevertheless of considerable importance, the courts being called upon frequently to elucidate its subtleties and refinements. The rule against perpetuities, which, the author points out, might more properly be called "the rule against remoteness," is practically all that is left to us of that vast field of feudal law inviting the creation and transfer of future estates. The rule itself, however, is in full vigor, statutes tending rather to increase its stringency than otherwise.

The first edition of this work, which appeared in 1886, at once commanded recognition as the leading American authority upon the subject. That a second edition is warranted at this time is indicated by the large number of new cases discussed and cited. Many of the topics have also received amplification, the text being enlarged by about 150 pages. In presenting this scholarly and critical treatise on the rule against perpetuities, Mr. Gray performed a distinct service for the profession. It is further indebted to him for the present edition.

*J. C. D.*

*Street Railway Reports Annotated.* Edited by F. B. Gilbert. Matthew Bender & Co., Albany, N. Y., 1906. Volume III. Sheep. Pages, xxvi, 1010.

This volume, following the system of the two preceding ones, contains a compilation of the latest decisions in both the Federal and state courts upon the subject of street railways. The value to the practicing lawyer of such a compilation of cases, restricted as it is to one branch of the law, is always open to question; but as the street railway systems of our country are every day increasing in importance and now perform to a great extent the functions of steam roads in urban and interurban transportation, and in view of the fact that litigation by and against such roads must necessarily increase as new roads are built and old ones extended, the present work would hardly seem to be open to the above objection.

The system adopted by the compiler of arranging the cases in alphabetical order of the states in which they arose is a convenient method, enabling one to look up the cases of the different states with ease. Following the cases reported in full from each state the compiler has added a digest of the earlier cases from the same state. The book also contains copious and well arranged foot notes referring to decisions in other states upon the same point as that decided in the main case; and a complete index to both the cases reported and the notes, arranged according to the alphabetical order of the subject matter. As a whole the book is one, which, taken in connection with the preceding volumes and those yet to come, must prove valuable not only to the specialist in railway law but to any practitioner who has occasion to consult the authorities upon this subject.

*F. B. W.*

*The American Law Relating to Income and Principal.* By Edwin A. Howes, Jr. Little, Brown & Co., Boston, 1905. Cloth. Pages xviii, 104.

The title to this little book states exactly what it is. It takes up the different kinds of investments and distinguishes between corpus and income under various sets of circumstances that may arise. The book consists of digests of cases and careful notes.

In the case of apportionment of extraordinary cash dividends,

the author, although a Massachusetts man, concedes that the illogical and inconvenient Pennsylvania rule comes nearer to just results than the more strictly logical and more convenient rule of Massachusetts. The Massachusetts, Pennsylvania and New York rules as to stock dividends are well explained. The illustrative cases all through the book are exceedingly comprehensible, so that the laymen would have no difficulty in catching all of the points. There is a valuable little summary of the laws of various states upon the subject, toward the end of the book. Taken as a whole it is a good little hand-book for a trustee, especially if he be a layman.  
S. W. B.

*The Law of Fire Insurance.* By George A. Clement. Baker, Voorhis & Co., New York, 1905. Vol. II. Sheep. Pages cxii, 807.

With the appearance of this volume Mr. Clement completed his treatise on the law of Fire Insurance and has given to the legal world the benefit of a most comprehensive and thorough investigation on this branch of the law. The first volume dealt with the insurance policy as a valid contract and this concluding volume takes as a basis those conditions which render the contract void. From the manner in which the subject is treated it is evident that the intention of the writer was to provide a book which would be of the greatest use to the greatest number, *i. e.*, the practitioner rather than the law student.

The practical value of the work is greatly increased by the fact that the author has withstood the temptation of expanding his own views and has confined himself strictly to the law as established by the courts of the various states. The entire work may be said to be a digest of decisions put in the form of rules, well supported by notes which are made up of the latest cases and which point out both conflicts and exceptions.

Each chapter is subdivided into "Titles" which contain not only the requirements of the standard forms of policies of each state regarding the particular point under discussion, but also, what perhaps is of more interest than value, the provisions of old forms. Chapter VIII, containing the various state statutes relevant to the subject, the value of which is too obvious to mention, completes a work which undoubtedly will be quoted as an authority on the law of Fire Insurance.  
G. E. P.

*The Law of Domestic Relations.* By Joseph R. Long, Professor of Law in Washington and Lee University. Keefe, Davidson & Co., St. Paul, 1905. Sheep. Pages 378.

Professor Long handles the subject of Domestic Relations in a masterly, yet brief and interesting, manner. In the notes, however, the work is amplified, so that where the text suffers (as it sometimes does) from brevity, such sections are pointedly elucidated by annotation. The citations are numerous and so far as

the reviewer has been able to investigate, correct. It is essentially a student's book, consisting, for the most part, of statements of general rules and principles, all details of application being left out except where deemed desirable for purposes of illustration.

The major part of the book is rightfully, we think, taken by the subject of Husband and Wife. Professor Long, we venture to state, would be among the first to hail the advent of the uniform divorce law. And we think that this opinion is shared by every judge, lawyer, or even student who has had occasion to investigate the result of the present conflict of divorce laws—results most deplorable.

The author has very wisely left out the subject of Master and Servant, deeming it, as it undoubtedly is, of practically no importance to-day as a domestic relation. In its place he has substituted the subject of Infancy, which is essentially closely related to all of the domestic relations. Under this head he treats of the domicile of infants; their capacities and disabilities; their criminal and civil liability; and of suits by and against an infant, thus giving a short but very complete statement of the law regarding infants, their rights and liabilities. *H. V. J.*