

BOOK REVIEWS

Company Law. By William Frederick Hamilton, LL.D., One of His Majesty's Counsel. Third Edition, by the author, assisted by Percy Tindal-Robertson, B. A., of Lincoln's Inn, Barrister-at-Law. Canadian Edition, by W. R. Percival Parker, of the Canadian Bar. Toronto: Canada Law Book Company, Limited. Philadelphia: Cromarty Law Book Company. 1911. pp. cxxxix, 583, 110, with additional pages for Canadian notes.

This special Canadian edition of Hamilton's *Company Law* should be welcomed by all practitioners in the Dominion. The great prosperity and vastly augmented commerce of the Provinces has within the past few years brought into existence innumerable companies and corporations, thus making a work of this nature extremely useful.

The work has been developed along the lines of the English Companies Act which went into effect April 1, 1909. A chapter is devoted to actions and legal proceedings by and against companies. The material sections of the English Assurance Companies Act of 1909 have been incorporated. The last five chapters treat of the winding up of companies. To bring the treatise home to Canadian readers, the main chapters of the text have been followed by relevant Canadian matter. Brief summaries of the various Canadian cases which are cited are given in each instance. In addition reference is made wherever possible in discussing the various topics, to the corresponding sections in the recent Companies Act of Ontario, the only province in the Dominion which has adopted a special incorporation act.

The plan adopted of stating the general rules of law in large type, followed in smaller type by specific examples of its application taken from decided cases, is to be commended. This feature increases the value of the treatise not only to members of the legal profession, but also to laymen who have business relations with companies, either as shareholders or as business men. The failure to carry out this feature in the Canadian notes strikes one as a fault which might be pointed out.

Although intended primarily for Canadian and English readers, this work would undoubtedly be of great practical value to mem-

bers of the American Bar and to any others whose business relations necessitate a knowledge of English or Canadian corporation law.

L. O. R.

Elements of Bankruptcy Law, for the use of Law Students. By Harold Remington, late Referee in Bankruptcy at Cleveland, Ohio. Former Lecturer on the Law of Bankruptcy at Western Reserve University Law School. The Michie Company, Charlottesville, Va. 1911. pp. xi, 548.

Recognizing the demand for a text-book on the elementary principles of Bankruptcy Law adapted to the special needs of the law student, Mr. Remington has produced the present volume. The author, it will be remembered, has previously written a large and exhaustive practitioners' treatise on the Law of Bankruptcy. By constant reference in footnotes Mr. Remington cites this larger work for collateral reading, while unfolding in the new treatise a more logical and philosophical development of the bankruptcy system.

The history and statutory development of bankruptcy is first taken up, after which the procedure in cases of insolvency and bankruptcy are considered. The body of the work is devoted to the explanation of the trustee's position, the treatment of claims, preferences, and liens, questions of jurisdiction, and the fundamental propositions in connection with Distribution and Discharge. The latter part of the work contains the provisions of the Bankruptcy Act of 1898, with its amendments, the official forms in use, and general orders. For ready reference a very complete index is furnished.

This work is a pioneer in its special field. Bankruptcy law is mainly of statutory origin, and until recent years has had no marked development in the United States. The growth of American industry and commerce, however, and the adoption of a National Bankruptcy Act, have so greatly increased the importance of the bankruptcy system, that the necessity for its special consideration by the student of law is apparent. Mr. Remington has produced in this book a valuable treatise, and one admirably adapted for use as a students' text-book.

F. R.

Four Phases of American Development. By John Bassett Moore, LL.D., Professor of International Law, Columbia University. Baltimore. The Johns Hopkins Press. 1912 pp. 218.

Dr. Moore delivered the series of lectures embraced in this volume at the Johns Hopkins University in April, 1911. His aim is to interpret certain important phases of American history by a review of the causes which have produced them. This book is not only well worth the reading because of its instructive value, but the reading of it will afford a delightful general review of United States history.

The "Four Phases" here treated of are: Federalism; Democracy; Imperialism; Expansion. The growth of a real federal power, which culminated in the adoption of our Federal Constitution, is portrayed. This centralizing period was followed by a reaction, and gave rise to the strongly advocated doctrines of States rights and to Democracy, the causes for which are shown. Then Imperialism, a concomitant of the Rebellion necessary for the preservation of the Union, is described, and its present day traces pointed out. Under the fourth "phase" is presented a history of our national Expansion, which traces in brief but clear detail the circumstances accompanying each of our national acquisitions, also enumerates our attempted but unsuccessful acquisitions, and closes with a short discussion of the United States and its relation to international peace.

H. C. C.

The Law of Copyright. By L. C. F. Oldfield, M.A., F.C.S., of the Inner Temple and South Eastern Circuit, Barrister-at-Law. London: Butterworth & Co. Toronto: The Carswell Co., Ltd. 1912. pp. xxxiv, 269, 23.

The aim of this book is to present in a brief but complete form the present English and American law of Copyright, although the work is primarily a commentary on the British Copyright Act of 1911, which goes into effect July 1, 1912. The author states each section of the Act separately, and then proceeds to comment upon it, showing how the law has changed and how the courts have construed similar words and provisions in former acts. An

attempt is made also to interpret the Act, where it appears doubtful, by reference to decided cases, and as to matters which are now for the first time made subject to copyright protection by the Act and upon which therefore there are no English decisions, foreign authorities are quoted.

Following this treatment of the English Copyright Act are the United States Copyright Act of 1909, and the Rules and Regulations for the Registration of Claims to Copyright in the United States. In an appendix is the Revised Berlin Convention of 1908, collated with the Berne Convention of 1886 and the Acts of Paris of 1896.

This work, intended to serve the practitioner as a handbook or code of Copyright law, would seem indispensable to the English and colonial lawyer who practices in copyrights. And American lawyers desiring to know the rights of American authors and publishers under English law will find this book a ready guide of very considerable value.

J. A. S., Jr.

The Leading Cases on Hindu Law. By S. Srinivasa Aiyar, Vakil, High Court, and Manager and Editor, The Madras Law Journal. Part I, *Adoption—Capacity*. Madras: G. C. Loganadham Bros., The "Guardian Press," Mount Road. 1911. pp. viii, 114.

The Hindu system of law was originally a religious rather than a political institution. Its foundation-head is found in the *Vedas*. Hindu law is a supposed emanation from a divine will which has been revealed to man by inspiration. This system of law the British Government in its administration of justice in India has within certain limits reserved to the native inhabitants.

A series of Leading Cases on Hindu Law will be a distinct and important addition to legal bibliography. The author's intention is to publish a set of Leading Cases on Indian Law, and he has first taken up the subject of Hindu Law. The cases are carefully grouped and analyzed, and in notes appended to the cases is shown the manner in which they have been developed and understood. This compilation of cases when completed should receive a warm welcome from lawyers in India. While outside of India

the student in Comparative Law will find here a new and interesting field toward which to turn his investigations.

H. C. C.

The Work of the Advocate. By Byron K. Elliott and William F. Elliott. Second Edition. Indianapolis. The Bobbs-Merrill Company. 1911. pp. ix, 605.

Law, like other sciences, has a two-fold aspect. It is on the one hand theoretical, on the other practical. These two aspects, theory and practice, intimately co-related, are each the necessary complement of the other in the make-up of a truly successful lawyer. Of the two, however, the practical, if either, is the more important. For of what value to a lawyer is a knowledge of legal theory, no matter how acute and comprehensive, if unaccompanied with a practical knowledge of law in its use and application? It is such practical information that the book we are considering aims in a large measure to furnish.

First is taken up the advocate's work out of court. The preparation of a case for trial is carefully discussed from determining the facts, the law, and the theory, including precautions to be taken and incidental matters to be considered, to choosing the *forum*, the remedy, and the method of trial. Then, in Book II, the work in court is dealt with, to which is devoted by far the greater portion of the book. Among the many questions discussed are: the presentation of evidence; the examinations of witnesses; the right to open and close; the handling of the jury; arguments to the court; and bills of exceptions. Special attention should be called to the chapter on "Fallacies and Artifices." This is a practical and at the same time a philosophical analysis of the unsound reasoning only too often met with on the part of advocates, and even at times on the part of courts. A careful perusal of this chapter would do much toward enabling the advocate and the judge to detect and prevent the fallacies which creep into the arguments of the *forum*.

This work is commended in the highest terms. Without the information which may be obtained from its study, the stumbling-blocks in the path of the young attorney will be greatly increased. Moreover, not only is this a book full of sound and practical principles, but it is a book the reading of which should afford pleasure to any lawyer, young or old.

H. C. C.