

Book Review: Equity Jurisprudence, By Judge Fred F. Lawrence

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The author has augmented his bibliography of the subject and has greatly enhanced its value by some instructive comments the first of which pays a deserved tribute to the memory of Daniel T. Ames, whose work on forgery (1900) still merits perusal. These comments are of special value and interest to the expert and to the student of handwriting generally.

Not only should this book be in the library of every bank and financial institution, but no lawyer with a document case should be without it from the beginning of his investigation until the argument on appeal.

When in the course of time Mr. Osborn lays aside his pen, his measuring instruments and his microscope, he may well do so with the feeling that he has not only narrowed the field of guesswork and empiricism in his own profession, but that he has contributed as have few laymen to the rational and beneficent progress and development of the law.

EDWARD W. SPENCER,
Member of Milwaukee Bar

Equity Jurisprudence. By Judge Fred F. Lawrence of the Portland, Maine, bar. First edition. Published by Matthew Bender and Company. 1,400 pages. 1929. \$20.00.

In two compact, handy volumes, Judge Lawrence has succeeded in presenting a most readable, practical, and certainly a most scholarly treatise on the substantive law of equity jurisprudence.

On every important phase of this vast field the author has prepared an historical delineation which, though short, is unusually thorough and complements the general statement opening each subject. The value of such scholarly treatment of the foundation is inestimable, and thoroughly appreciated by the lawyer who is preparing a case involving a subject he has not had an opportunity to delve into before.

In treating the modern aspects of his subject the author has caught and held to the modern trend of our best text writers. He opens each paragraph with his own clear, concise statement of the majority rules following it up with the more prominent exceptions and stricter applications in the words of the court that layed them down. These are all cited and the two volumes contain citations to around 5,000 cases as well as to many leading articles and texts. Citations and extracts are not duplicated but an efficient system of cross reference is used which saves much space and weight.

There are seventy-one chapter headings. This writer especially liked the treatment of the subjects of "Mortgages and Other Contractual Liens"; "Corporations"; and "Trusts, Private and Public or Charitable." This subject of trusts is placed thoroughly before the lawyer in clearly legible type in about 130 pages.

For Wisconsin lawyers, may I say that I found a wealth of Wisconsin citations, some as late as 193 Wisconsin and 213 N.W.

The principals of equity are much the same everywhere although with passing years some drop behind in importance while others forge ahead and take their place, appearing like mile stones, to be met at every turn of the road. It is of importance to note, that, where Wisconsin has deviated, her deviations are marked.

Some of the other seventy-one chapter headings are "Traditional Conceptions of Equity," which is a correct statement of the several different theories of equity which have been accepted by various schools of legal minds. He repeats

the natural justice doctrine, then points out its fallacies, laying stress upon the fact that no two consciences will see the same set of facts in the same light. Another chapter deals with "The Real Nature of Equity" i.e. its dual purpose in jurisprudence and the practical nature of equitable relief. Its history and generous scope, its necessity where the limitations of the law prevent remedying of certain wrongs, the surest tests of adequacy of relief at law and various forms of relief, are pointed out in following chapters. "Building restrictions" and "Specific Performance and Protection of Creditors," are given considerable space as are the chapters on "Injuries Inflicted Through Governmental, Official or Judicial Agency"; "Injunction"; and "Receivership"; all important phases of modern equitable jurisdiction.

The index which was prepared by Mr. William R. Simson of the New York Bar, will be of great value in speeding up the use of these books as it is thoroughly clear, comprehensive, and standard.

J. STEWART MURPHY

The British Yearbook of International Law. 1928. Oxford University Press, pp. 248. Price \$5.50.

This review will briefly state the history and contents of this book. It marks the ninth year of issue of the *British Yearbook of International Law*. The first issue appeared in 1920-1921 with the explanation that this book, "has been established because its promoters feel that a wider knowledge and comprehension of the subject is essential at the present time, and that a British periodical devoted to international law would help to this end." The object of this series was at that time also explained, "The purpose of the yearbook is to provide scope for well informed and careful contributions to the science of international law, wherein the fruits of research can be applied to the problems of the day."

This book is not an official organ and is not dependent on governmental or private organizations, but is an absolutely independent enterprise under the management of a committee. Since the publication of the first volume, the *British Yearbook of International Law* has been affiliated to the British Institute of International Affairs.

The editors of this yearbook are Sir Cecil Hurst and Professor A. Pearce Higgins. The editorial committee is composed of Professor P. J. Baker, W. E. Beckett, H. H. L. Bellot, Professor J. L. Brierly, A. D. McNair, H. W. Malin, and Sir John Fischer Williams.

The leading articles and their authors are as follows:

"International Law and the Property of Aliens" by Sir John Fischer Williams.

"The Treatment of Mails in Time of War" by Professor A. Pearce Higgins.

"The Theory of Implied State Complicity in International Claims" by Professor J. L. Brierly.

"The Value of the Right of Capture at Sea in Time of War" by Vice-Admiral Sir Herbert Richmond.

"When Do British Treaties Involve Legislation?" by Arnold D. McNair.

"Neutral Commerce In The War of the Spanish Succession and the Treaty of Utrecht" by G. N. Clark.

"The Admission of States to the League of Nations" by Lillian M. Friedlander.

"The Pre-War Theory of Neutrality" by Miss V. M. S. Crichton.

The notes include the following subjects:

"Annual Digest of Public International Law Cases."