

Litigation of Husband and Wife (Book Review)

Frederick A. Whitney

Follow this and additional works at: <https://scholarship.law.stjohns.edu/lawreview>

This Book Review is brought to you for free and open access by the Journals at St. John's Law Scholarship Repository. It has been accepted for inclusion in St. John's Law Review by an authorized editor of St. John's Law Scholarship Repository. For more information, please contact selbyc@stjohns.edu.

XII to XVIII), it is only approximately one-third of that devoted to the law of banking. A more serious objection is that in the attempt to tie up the discussion with the sections of the Bank Act, dealing generally with the powers of banks, the resulting arrangement of the material is rather arbitrary and unsatisfactory. In addition many important topics are neglected, *e. g.*, the duties and rights of the bank in relation to transmission of funds, commercial letters of credit, third party deposits. These are either inadequately treated or omitted altogether. It is interesting to note that the author recognized the inherent limitation of this type of work as far back as the first edition in 1907, when he stated in his preface:

"In connection with the Bank Act, I have not neglected to discuss the general relation of banker and customer and the body of law merchant which governs that relation, but the limits of time and space have restricted my discussion of them to a moderate length. The act affects such relation to a comparatively small extent, and the standard English text books contain an exposition of the law more in detail than it has been possible to include in a book of the somewhat wide language of this one."

Unfortunately, though there are many formal treatises on the law of banking, the reviewer knows of no work that achieves more satisfactory results than does this volume, despite the fact that many of the commentators have not burdened themselves with the limitations that Dean Falconbridge has placed upon himself. The modern text on the law of banks and banking still remains to be written.

The second half of the volume deals with the law of negotiable instruments and the Canadian Bills of Exchange Act. Since the problems arising in connection with bills and notes are to a larger extent covered by statute, the method of expounding the law by annotation is *pro tanto* more satisfactory, particularly as the quality and quantity of the annotations in the second part of the volume are in keeping with those of the first. For American lawyers a very useful part of the annotations is the constant comparison with the Negotiable Instruments Law. In view of the present discussion regarding amendments to it, an examination of the differences between the two statutes indicated by the author and his comments thereon would be both timely and useful.

HERMAN N. FINKELSTEIN.

New York City.

LITIGATION OF HUSBAND AND WIFE. By Charles M. Jacobs. Philadelphia: Dorrance and Company, 1928, pp. 565.

This scholarly work by a member of the Massachusetts Bar is very comprehensive in its scope, including every possible form of litigation that could arise between husband and wife. The book does not, as its title might indicate, limit itself to an exposition of the technical procedural aspect of suits between husband and wife, but is rather a complete digest of the Law of

Husband and Wife culled from the leading decisions of many of the states of the Union.

No preface advises us of the purpose of the author in writing the book. After a forty-six page Introduction defining, by numerous quotations from opinions of courts in various states, the marriage status, both at common law and under the statutes, extraterritorial recognition of the married status, common law marriage, husband, wife, family, head of family, competency of parties, child, children and domicile of wife, the author proceeds to discuss the following subjects: Agency, Contracts, Business, Gifts, Services, Partnership between Husband and Wife, Necessaries, Suits between Husband and Wife, Adverse Possession, Separate Estate, Conveyances, Estoppel, Alienation of Affections, Abandonment, Divorce, Alimony, Community Property, Notes, Torts Dower and Curtesy and Jointure.

A peculiar feature of the book is that there are no chapter numbers, nor subdivision of chapters into sections. Each of the subjects embraced in the book is dealt with separately and the same style and policy is followed in reference to their presentation as was employed in the Introduction; namely, statements of the law, followed by citations and quotations from cases decided in many different states. No attempt is made to divide the subjects according to jurisdiction.

One cannot but be impressed by the tremendous research and work of arranging the material undertaken by the author in preparing the book for publication. To one who wishes to study the law of husband and wife as a whole throughout the United States, without reference to any particular state, the book should prove very valuable and a veritable mine of information. But its usefulness to the practicing attorney who is interested principally in the law of his own state, is considerably diminished by the absence of a table of cases and the lack of an index of any kind.

FREDERICK A. WHITNEY.

St. John's College School of Law.

BOOKS RECEIVED

Bond, *THE COURT OF APPEALS OF MARYLAND*. The Barton-Gillet Co., 1928, pp. 214.

Cockle & Hibbert, *LEADING CASES IN COMMON LAW*. The Carswell Co., Ltd., 1928, pp. 960.

CONOVER, *WORKING MANUAL OF ORIGINAL SOURCES IN AMERICAN GOVERNMENT*. The Johns Hopkins Press, 1928, pp. 167.

Norton, *LOSING LIBERTY JUDICIALLY*. The MacMillan Co., 1928, pp. 252.

Powell, *REDUCING REALTY TAXES*. Boyd Press, 1928, pp. 375.

Schwartz, *TRIAL OF AUTOMOBILE ACCIDENTS*. Matthew Bender & Co., 1928, pp. 693.

Sylvester, *BENDER'S FEDERAL FORMS, VOLUME 2*. Matthew Bender & Co., 1928, pp. 2094.