

summaries of decisions and statutes giving a unity to the book, which it would otherwise lack, due to its necessarily compilatory character. Continuity is sought by the employment of a numerical sequence of key or section numbers. There is in general an adherence to the traditional legal structure relating to reference works on trusts, namely, a division based upon their creation, administration, and termination.³⁰ Before each chapter, that part of the general table of contents which applies to that particular chapter is repeated. The customary devices of index³¹ and table of cases³² are utilized. There is a table of statutes, both federal³³ and state,³⁴ plus a summary³⁵ of statutory provisions dealing with life insurance proceeds in reference to the matter of inalienability, and covering twenty-nine states and the District of Columbia. There is a table³⁶ which relates numerous points of discussion to the Restatement of the American Law Institute. Numerous collateral readings in current law review articles are listed in the footnotes. The whole work is brought up to date by a list of the latest sources examined.³⁷

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American Family Laws. By Chester G. Vernier, assisted by John B. Hurlbut. Volume III (Husband and Wife). Stanford University, Cal. 1935. Pp. xl, 684. \$6.50.

There are not many legal treatises which may properly be called "indispensable," but Professor Vernier's American Family Laws certainly belongs to that small group. It needs little introduction or recommendation. The first two volumes have found the general welcome which they so well deserve. They were devoted to a systematic and critical study of all the existing American legislation on marriage, divorce, and separation. The recently published third volume continues this study for the topic of Husband and Wife. In his already approved manner, the author takes up one group of problems after the other, in systematic sequence, and presents the immense mass of legislation existing in the forty-eight states, Alaska, the District of Columbia and Hawaii. In each chapter this material is presented in a lucid and critical analysis of the statutory provisions as well as their underlying policies.

³⁰ The first chapter traces the history of restraints on alienation and describes the origin of spendthrift trusts, while the second demonstrates that the question of the validity of these trusts is no longer debatable, since they are now firmly established. With the assumption that their validity is now a postulate, Professor Griswold makes a survey of spendthrift trust cases arranged according to states in the third chapter. The creation of such trusts and the problems arising in their administration are discussed in the fourth. He takes up the problem of how the interest of the beneficiary may be reached in the succeeding chapter, discussing related types of trusts in the sixth. The seventh chapter covers trusts created for the benefit of the settlor. The last two chapters are concluding, the eighth explaining how spendthrift trusts may be ended, and the ninth offering the author's ideas as to the proper status of the spendthrift trust of the future.

³¹ Griswold, *id.*, at 513-551.

³² Griswold, *id.*, at xxv-lix.

³³ Griswold, *id.*, at lxi.

³⁴ Griswold, *id.*, at lxi-lxxiii.

³⁵ Griswold, *id.*, at 97-117.

³⁶ Griswold, *id.*, at lxxiv-lxxv.

³⁷ Griswold, *id.*, at xxiii-xxiv.

There are few other branches where statute law plays such an important rôle as in the law of family relations. There is no other branch of this topic where legislation is so abundant, so difficult, so different in the various states, and so completely interwoven with old common law traditions, as in the property relations of husband and wife, especially with respect to curtesy and dower. Although this latter topic is not generally treated in this connection, practitioners as well as law teachers will be grateful to Professor Vernier for his exhaustive and systematic survey of this perplexing jungle. However, not only will American lawyers welcome his work, but also their foreign colleagues who frequently must, according to their conflict of law rules, apply American law to the property relations of American citizens.

Professor Vernier's work, of course, is not intended to be an exhaustive treatise of the law of family relations. The publisher's advertising statement on the cover that "the complete work should fill a place in its field comparable to Wigmore's five volumes on Evidence or Williston's treatise on Contracts" is misleading and likely to arouse expectations which, when they are not fulfilled, may prejudice the reader. The nearest counterpart to Professor Vernier's work is another legal classic, Stimson's American Statute Law. The Association of American Law Schools, at its latest meetings, has vividly pointed to the need of a modern work of a similar kind. For the field of Family Relations, this need is being satisfied by Professor Vernier.

In looking over the third volume, one feels that, with growing experience, the author has succeeded in adding a few new features to the third volume which may make it still more valuable than its two predecessors. The author endeavors, to a greater extent, to refer the reader to the decisions which so frequently are indispensable for an understanding of a statute. The intentional restriction of the work to a description of statutory dispositions necessarily involves the danger of being an incomplete and frequently even misleading statement of the law actually in force. Such a danger is necessarily inherent in any work of the Stimson-type, and the careful reader will be conscious of it. Professor Vernier has done much to reduce this danger considerably. He not only refers in his text to a great number of decisions—the table of cases cited comprises eleven pages— but each chapter is also accompanied by extensive references to books, law review articles, law review case notes, and A.L.R. annotations. These references seem to be even more complete in the new volume than in the preceding ones. The author has also made a more extensive use of "tables" where the statutory provisions of the several states are lucidly arranged under certain rubrics. A gigantic mass of material is compressed in the thirty-three tables of the new volume. As far as checkings taken at random can reveal, the third volume is equally as reliable and complete as the preceding ones. There seem to be only very few points where the author's statements appear open to doubt or not quite complete. For example, the statement that, at common law, the husband, when he neglected to reduce to possession his wife's choses in action during coverture, "lost all right to them" may be misleading.³ What about his right to administer his wife's estate for his own benefit, which was recognized at least in a great number of jurisdictions? In Section 163, the author gives a brief outline of the various statutes dealing with family courts and courts of domestic relations. The picture, however, is hardly complete without any mention of the existence of many of such courts apart from express statutes and on the sole basis of administrative arrangements, as, for example, the Domestic Relations Court of Chicago.

³ Vernier, *American Family Laws* 167 (1935).

It is one of the most valuable and most stimulating features of Professor Vernier's work that he not only states the present statute law of the various American jurisdictions but that he also approaches this mass of legislation in a spirit of creative criticism. The work is full of appropriate critical remarks as to the form and substance of the existing legislation, of fine observations on legislative trends, and of suggestions for improvements with respect to general tendencies as well as with respect to the state of the law in those jurisdictions which appear to lag behind the general lines of development. Almost all of these suggestions appear to be sound and well-reasoned. It may be especially appropriate that the author repeatedly emphasizes to what unjustified preferences of the female party to a marriage the zeal of modern reformers has sometimes led. The statement is surprising, though correct, that after all the legislation taking away from the husband those rights in the wife's property which could help him in bearing the costs of household and family, "no statutes have been found which substantially lighten the husband's common-law liability for the support of his wife."² In the light of such a statement one is astonished to find the author among those who hold it "hardly consistent with modern statutes to require" a wife "to serve the husband without pay outside the household."³ When a baker's wife sells the bread her husband has been baking, or when a farmer's wife works with her husband and children in the fields, or when a doctor's wife keeps his books, is she really serving her husband? Is she not rather working for the marital community, for the higher unit of the family, even where such family consists only of her and her husband?

Why should not the law recognize that in most families the husband and wife are perfectly willing to contribute jointly to the upkeep of the family, not only with their capacity to work but also with their property? Professor Vernier's book shows that there is not a single jurisdiction which imposes upon a wife having capital and income of her own the legal duty to contribute an adequate share to the family expenses.⁴ Modern laws of foreign countries, the German Civil Code being an example, provide not only for a duty of the wife to collaborate in the household or business "as far as such collaboration is usual under the circumstances in which the couple lives,"⁵ but also for the duty of the wife to contribute to the family expenses an adequate share out of her income from capital, or gainful employment, or her own business.⁶ American social customs and conventions do not appear to be so different as to render such a provision repugnant to American ideals.

There are many other aspects in which a look abroad might have furnished the author with new ideas for constructive criticism. Indeed, a certain comparative law background seems almost indispensable for any such task as Professor Vernier has undertaken. The work might also have been benefited by a more historical approach. As it actually is, the statutes of the various jurisdictions are presented as they are today. It might be more than a purely scholarly benefit, however, to know where a certain legislative idea originated, by which state or states it was first taken over, where it then migrated, how it was modified during its peregrinations. The philologists are

² Vernier, *id.*, at 5.

³ Vernier, *id.*, at 11.

⁴ The so-called "family-expense statutes" which make the wife's property liable for the debts incurred for family expenses protect the sellers only, but do not lighten the husband's burden.

⁵ German Civil Code, § 1356.

⁶ German Civil Code, § 1427.

now working on an atlas of the migrations of English-American dialects, words, and idioms. Why should we not have a sort of an atlas of legislative ideas? It would reveal many as yet unwritten chapters of the history of the American settlement. Beyond that, it would greatly facilitate the actual, every-day application of statutory provisions. Such a task, however, desirable though it be, may be far beyond the capacity of any single individual.

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The Law of Banks and Banking, Bills, Notes and Cheques. By John Delatre Falconbridge. Fifth Edition. Toronto: Canada Law Book Company, Ltd., 1935. Pp. lxxv, 1030.

This work, by a well-known Canadian writer, first appeared in 1907, following the enactments of the Bank Act and the Bills of Exchange Act. The second edition, in 1913, appeared soon after the decennial revision of the Bank Act in that year. A third edition followed the decennial revision in 1923. A general revision of the statutes in 1927 led to the publication of the fourth edition. In accordance with the author's policy of decennial revision, consequent upon the decennial revisions of the Bank Act in Canada, the present edition takes account of the revision of the Bank Act in Canada in 1934 and of the changes in the banking structure brought about by the establishment of the Bank of Canada in 1935.

Approximately one-half of the volume is devoted to the law of banks and banking and the remainder to the law of bills and notes as established generally by the Bills of Exchange Act. A short chapter on the history of the law merchant appears, in which the leading articles and treatises on this development are cited. Another introductory chapter deals with the conflict of laws.

That portion of the work which concerns the law of banks and banking is not primarily directed to the subject as a whole, but is devoted to the statutory provisions of the Bank Act. Provisions of the statute are set forth, followed by comments and discussion by the author in much the same manner as has been done in such works as Collier on Bankruptcy. The emphasis is thus thrown on the corporate aspects of the subject rather than upon the contract features of the relations between parties to banking transactions. Amendments to the various sections, as they have been adopted in the decennial revisions, are carefully noted. Decisions of the courts in interpreting and applying the statute are cited and discussed. An American reader will note with envious eye that the author is able to dispose of the subject of bank insolvencies in a single chapter. In view of the closing of approximately 15,000 banks in the United States during the years 1921 to 1933, no American writer would have the temerity even to refer, in a single chapter, to the law that has accumulated in this country around this regrettable phase of our financial and banking history. The text of the Act of 1935, which sets up the Bank of Canada as a central bank, is reprinted. It has not been the author's object to articulate this act or the Bank Act generally with the principles of monetary and banking policy which they are designed to effectuate, hence the background of policy must be sought in official reports and other works on the theory and practice of central and of deposit banking.