

AMERICAN STATE REPORTS, VOL. 84.—The American State Reports, containing the Cases of General Value and Authority Subsequent to those Contained in the "American Decisions" and the "American Reports," Decided in the Courts of Last Resort of the Several States. Selected, Reported and Annotated. By A. O. FREEMAN, and the Associate Editors of the "American Decisions." San Francisco: Bahcroft-Whitney Company, Publishers and Law Booksellers. 1902.

In addition to the great variety of case law presented in the cases herein collected and published, this volume contains a number of valuable notes, some of which exhibit legal doctrines from new and striking standpoints. For example, we are all aware of the general rule that the domicile of the husband is the domicile of the wife; but we are not aware of the exceptions to the rule. A long note beginning on page 27, is devoted to this subject, under the caption "Exceptions to the Rule that the Domicile of a Husband is the Domicile of his Wife." Beginning on page 185 is another long and useful note dealing with the effect of "The Failure to comply with the Statute Requiring the Stamping of Writings." Passing to page 236 we find another

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considerable note on the very interesting subject of "Conveyances to Persons not in Being." Beginning on page 397 there is another long and very useful note on "The Binding Effect of Conditions on Unsigned Passenger Tickets,"—meaning the binding effect of such tickets upon the passenger. We also commend the note beginning on page 147, on the subject of "Conditions in Restraint of Marriage." Nothing could be more novel, interesting and important than the subject dealt with in the note beginning on page 487, namely, the "Constitutionality of Statutes Affecting Rights Based on Pre-existing Marriage." Beginning on page 539 there is a long note divided into 12 subtitles, on "Self-destruction as Defense to Life Insurance." What could be more apt than to throw into contrast "The Right of Policemen to Arrest and of Citizens to Resist," which is done in a long note beginning on page 679? Is there any topic more difficult or more deserving of separate and special treatment than the subject of "Powers of Attorney by Married Women?" This is treated at considerable length in a note beginning on page 761. Roughly speaking, every case re-edited and reprinted in this series is followed by a short note, most of them referring to previous cases on the same subject in the same series, or in its predecessor series the "American Decisions" and the "American Reports." This volume reports the first decision of the Supreme Court of California in the celebrated Fair will case, under the title of "Estate of Fair."¹ This decision involved an intense struggle and excited deep interest, because of the fact that it was a contest over the will of a multi-millionaire. It was decided by a bare majority of the court, four against three; and the dissenting judges (Beatty, C. J., Temple, J., and Harrison, J.), easily stood at the head of the court. This case has, it seems, been again decided on a subsequent appeal. In the decision on the former appeal now presented in 84 American State Reports, the court decided that the trusts in the will of Fair were invalid so far as his real estate was concerned. That, it seems, was the only subject dealt with. In the later appeal it decides, for the purposes of determining the validity or invalidity of the will, that the trusts in the real and in the personal property are inseparable. This last decision has been severely challenged, as having been drawn as a deduction from the previous decision in which the question had not been argued, and as being an unsound interpretation of the will. We are not in a situation to express any opinion upon this controversy, but, in view of its great importance, we hope to present in a future number a short review of this celebrated case.