November 1920

Necrology

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the statute. *Parkersburg Mill Co. v. Ohio River R. Co.*, supra. It indicates a return to a desirable strictness in limiting the field of statutes in derogation of common law rights. But *quaeret*: Could not the same result have been reached on the facts of the principal case by holding that since the lease in question was terminable by the lessee at the end of six months, the contract was not one which could not possibly be performed within a year, and was, therefore, not within the Statute of Frauds? *Cf. McClanahan v. Otto-Marmet Coal etc. Co.*, 74 W. Va. 543, 82 S. E. 752.

—S. C. M.

**TELEGRAPH AND TELEPHONE COMPANIES—LIABILITY TO ADDRESSEE**

—CONDITION AGREED TO BY SENDER BINDING ON ADDRESSEE.—In an agreement between a telegraph company and the sender of a telegram there were certain stipulations limiting the former’s liability. The telegram was not delivered. The addressee brought an action in tort against the telegraph company for the failure to deliver. The question was whether the conditions limiting liability were binding on the addressee. *Held*, The conditions were binding. *Dunham v. Western Union Tel. Co.*, 102 S. E. 113 (W. Va. 1920).

For a discussion of this case, see NOTES, p. 81.

**WEST VIRGINIA BAR ASSOCIATION NOTES:**

**NEWS OF THE PROFESSION**

**BAR EXAMINATION.**—Eleven candidates took the examination for admission to the West Virginia bar held in Charleston, September 8-9, 1920. Certificates of having passed the examination were issued to the following:

Harry V. Campbell, Charleston,
Rolla Dacres Campbell, Huntington,
William Wallace Goldsmith, Beckley,
T. Seldon Jones, Huntington,
Joe P. Hatfield, Williamson,
Chas. E. Lamberd, Jr., Clarksburg,
E. B. Pennybacker, Parkersburg,
Harper Poling, Hendricks,
John V. Ray, Charleston.

**NECROLOGY.**—Judge Alston G. Dayton, U. S. District Judge, Northern District, W. Va., Philippi, died July 30, 1920; Ed. Nooncheater, Williamson, died September 5, 1920; Judge E. Boyd Faulkner, Martinsburg, died September 19, 1920, and S. N. Pace,
Lewisburg, died September 19, 1920. Messrs. Noonchester and Pace both were young men who were killed in automobile accidents. V. B. Dunn, Kingwood was killed in a similar accident on September 21, 1919.

BOOK REVIEWS


The author states that the purpose of his "humble effort" in writing this treatise is to aid in the modern movement for removal of the barriers to further development of international life "by exhibiting a more accurate and a more logical discussion of international law than has been usual among writers most of whom are so far removed from the actual facts of the world" (II,479). His chief aim has been "to clear away some of the many obscurities and misconceptions which pervade the subject." Apparently, however, he has no intention of popularizing a subject on which he says the masses must be content to be advised by experts. He says it would be as feasible to popularize the binomial theorem, the law of optics or the rule against perpetuities; and he recognizes that international law can be understood only through a knowledge of the "obvious facts in the history of man" —the rise and development of modern civilization through commercial and intellectual expansion.

He "does not pretend to have any more than scraped the surface" but he has especially tried to present "a more logical arrangement than that commonly found."

Although the author is logical, painstaking and comprehensive in his treatment, and his ambitious effort will doubtless prove stimulating, he has evidently found some difficulty in realizing his purpose or in fulfilling the promises of the publisher’s extravagant announcement of "International Law made absolutely clear." His definition of law as "the jural conception of human conduct influenced by external factors other than forces of nature" and his conclusion that it has "no origin or existence outside of the mind" will hardly prove satisfactory to all who read the confusing definitions of writers which he has collected and compared.