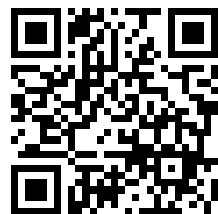

This is a reproduction of a library book that was digitized by Google as part of an ongoing effort to preserve the information in books and make it universally accessible.

GoogleTM books

<http://books.google.com>



The University of Chicago
Libraries



THE LAW SCHOOL

LAW BOOK NEWS

A MONTHLY REVIEW

OF

Current Legal Literature and Journal of
Legal Bibliography

VOL. 2

COVERING THE YEAR 1895

ST. PAUL
WEST PUBLISHING CO.

¹⁸⁹⁶
The University of Chicago
Law School
Chicago - Illinois

1896

COPYRIGHT, 1896.
BY
WEST PUBLISHING COMPANY.

INDEX TO VOLUME 2.

[THE NUMBERS REFER TO PAGES.]

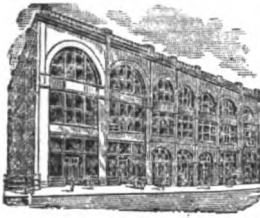
- Abatement and Revival. See "Topical Digest," 60.
- Abbott's Select Cases on Code Pleading. "Contents," 373.
- Abbott's Select Cases on Evidence. "Contents," 175; "Reviews," 178.
- Abbreviations, List of, and Publications Digest-ed, 397.
- Abortion. See "Topical Digest," 156.
- Abstracts of Title. See "Topical Digest," 350.
- Account Stated. See "Topical Digest," 285.
- Adoption. See "Topical Digest," 60, 125, 398.
- Alderson on Judicial Writs and Process. "Contents," 208; "Other Opinions," 388.
- Aldrich, Prof. O. W. See review of "Wambaugh's Cases," 37.
- Aliens. See "Topical Digest," 28, 60, 93.
- Alphabetical Arrangement as Applied to Treatises, 355.
- Alteration of Instruments. See "Topical Digest," 93.
- Ambassadors and Consuls. See "Topical Digest," 274, 285.
- American Bar Association, Annual Report of, 97.
- American Corporation Legal Manual. "Contents," 144; "Reviews," 146.
- American Digest (Annual 1894). "Other Opinions," 219. (Annual 1895.) "Other Opinions," 345.
- "American Digest v. Reports," 324.
- American Electrical Cases (Vol. III.), 261.
- American Legal Literature, The Beginning of, 323.
- American Negligence Cases. "Contents," 373.
- American State Reports, Notice in regard to, 34.
- Anderson's Law Dictionary, 4.
- Animals. See "Topical Digest," 156, 222, 285, 350.
- ANNOUNCEMENTS, 8, 39, 68, 100, 131, 164, 197, 229, 262, 293, 326, 359.
- Annual Report of the American Bar Association, 97.
- Anson on Contract. "Contents," 374.
- Appeal. See "Topical Digest," 125.
- Arbitration and Award. See "Topical Digest," 28, 60, 93, 125, 189.
- Army and Navy. See "Topical Digest," 28.
- Art of Reviewing, The, 324.
- Assignment. See "Topical Digest," 93, 350, 398.
- Assignment for Benefit of Creditors. See "Topical Digest," 60, 189.
- Attachment. See "Topical Digest," 60, 156.
- Attorney and Client. See "Topical Digest," 60, 93, 125, 156, 189, 254, 285, 318, 350, 398.
- "Authorized" Reports, 195.
- Author of "The Steamboat," 260.
- Bacon's Benefit Societies. "Contents," 20; "Reviews," 113; "Other Opinions," 120.
- Bacon (Sir Francis) as a Dramatist, 162.
- Bacon's (Mr.) Views on Law Treatises, 291.
- Bailey on Master's Liability for Injuries to Servant. "Reviews," 21; "Other Opinions," 57.
- Bailment. See "Topical Digest," 125, 398.
- Baldwin, Hon. Simeon E. See review of "Thompson on Corporations," 246.
- Ballard's Equity in Pennsylvania. "Contents," 374; "Other Opinions," 389; "Minor Notice," 394.
- Ballard's Real Property Annual. "Minor Notice," 393.
- Ballinger on Community Property. "Contents," 337; "Other Opinions," 346.
- Banks and Banking. See "Topical Digest," 28, 60, 93, 398.
- Bar Associations. See "Topical Digest," 156.
- Barbecuerious, 228.
- Barren Law, The, 357.
- Barrett, Elmer E. See review of "Browne's Kent's Commentaries," 184.
- Beach on Injunctions. "Contents," 305; "Other Opinions," 389.
- Beach on Insurance. "Contents," 176; "Reviews," 179; "Other Opinions," 185.
- Beale, J. H., Jr. See review of "McClain's Cases on Carriers," 314.
- Beale's Cases on Criminal Law. "Contents," 50; "Reviews," 52.
- Beginning of American Legal Literature, 323.
- Bennett's Outlines of Trial Procedure. "Minor Notice," 249.
- Bicycle, The Law of the, 225.
- Bigelow's Cases on Torts. "Contents," 375.
- Bishop on Insolvent Debtors (3d Ed.). "Contents," 273; "Reviews," 275.
- Black, H. Campbell. See reviews of "Sen's Glossary of Law Terms," 85; "Borgeaud on Constitutions," 181; "Boutwell on the Constitution," 380; "Van Fleet's Former Adjudication," 385.
- Black's Constitutional Law. "Contents," 50; "Reviews," 341; "Other Opinions," 346.
- Bonds. See "Topical Digest," 93.
- BOOKS RECEIVED, 25, 58, 91, 123, 154, 187, 220, 252, 283, 316, 348, 396.
- Borgeaud's Adoption and Amendment of Constitutions. "Contents," 176; "Reviews," 181.
- Boundaries. See "Topical Digest," 60.
- Boutwell's Constitution. "Contents," 375; "Reviews," 380.
- Boycotts. See "Topical Digest," 285, 350.
- Bradner on Evidence. "Contents," 177; "Reviews," 210; "Other Opinions," 219.
- Bradner's Practice in Attachment of Property. "Contents," 80; "Reviews," 83.
- Bradner's Practice in Supplementary Proceedings. "Contents," 80; "Reviews," 84.
- Breach of Marriage Promise. See "Topical Digest," 93.
- Bridges. See "Topical Digest," 189.
- Browne's Kent's Commentaries. "Reviews," 184; "Other Opinions," 185.
- Browne's Statute of Frauds. "Contents," 375; "Reviews," 381.

- Building and Loan Associations. See "Topical Digest," 28, 189, 398.
- Cachard's French Civil Code. "Contents," 376.
- Carriers. See "Topical Digest," 28, 60, 93, 156, 189, 222, 285, 350, 398.
- Case-Law. To reduce, 130, 258.
- Cases Reported by Subjects, 355.
- Century Digest, The, 193.
- Certiorari. See "Topical Digest," 93.
- Chamier's Literary Copyright. "Minor Notice," 394.
- Charities. See "Topical Digest," 28, 125, 398.
- Chase, Prof. Geo. See review of "Dwight's Commentaries," 115.
- Citizenship. See "Topical Digest," 28, 189.
- Clark, Prof. Jas. L. See review of "Fetter's Equity," 147.
- Clark's Criminal Procedure. "Contents," 209; "Reviews," 213.
- Clark's Handbook of Contracts. "Reviews," 114; "Other Opinions," 120.
- Clark's Life Sketches. "Reviews," 382.
- Clementson's Road Rights and Liabilities of Wheelmen. "Contents," 209.
- Cohn, Morris M. See review of "Am. Corp. Legal Manual," 146.
- Cole, Prof. S. S. See review of "Johnson's Bliss on Code Pleading," 214.
- Common Law. See "Topical Digest," 350, 398.
- Composition with Creditors. See "Topical Digest," 189.
- Conflict of Laws. See "Topical Digest," 28, 285.
- Conspiracy. See "Topical Digest," 93, 189.
- Constitutional Law. See "Topical Digest," 28, 60, 93, 125, 156, 222, 318, 350, 398.
- Contempt. See "Topical Digest," 60.
- CONTENTS OF NEW BOOKS, 20, 50, 80, 112, 144, 175, 208, 240, 273, 305, 337, 373.
- Contracts. See "Topical Digest," 29, 60, 125, 156, 189, 222, 254, 398.
- Conversion. See "Topical Digest," 285.
- Convicts. See "Topical Digest," 254, 350.
- Copyright. See "Topical Digest," 61.
- Corporations. See "Topical Digest," 29, 61, 93, 125, 156, 189, 222, 254, 285, 318, 350, 398.
- CORRESPONDENCE DEPARTMENT, 14, 45, 76, 108, 140, 171, 204, 234, 269, 303, 368.
- Costs. See "Topical Digest," 29.
- Courts. See "Topical Digest," 29, 61, 94, 126, 156, 190, 222, 254, 285, 318, 350, 398.
- Covenants. See "Topical Digest," 29, 61, 156.
- Criminal Law. See "Topical Digest," 29, 61, 94, 126, 156, 190, 222, 254, 285, 318, 350, 398.
- Criminal Procedure in Russia, 291.
- Crowwell's Law Relating to Electricity. "Contents," 338; "Reviews," 383.
- Dallas, Hon. Geo. M. See review of "Randolph's Eminent Domain," 22.
- Damages. See "Topical Digest," 351.
- Daniell's Chancery Pleading and Practice (6th Am. Ed.). "Reviews," 146; "Other Opinions," 152.
- Dassler's Kansas Digest. "Reviews," 53.
- Dead, 162.
- Death. See "Topical Digest," 61.
- Death by Wrongful Act. See "Topical Digest," 156, 222.
- Decay of the Law, The, 68.
- Dedication. See "Topical Digest," 61.
- Dedications, Law Book, 226.
- Deed. See "Topical Digest," 61, 156, 399.
- Dembitz on Land Titles. "Contents," 338; "Other Opinions," 389.
- Demurrage. See "Topical Digest," 286.
- Descent and Distribution. See "Topical Digest," 29, 61, 94, 126, 156, 286, 318.
- Desty, Robert, 290.
- Dictionary, Anderson's Law, 4.
- Dillon, Hon. John F. See review of "Pollock & Maitland's History of English Law," 215.
- Discontinuance of Law Book News, 358.
- Discovery. See "Topical Digest," 154.
- "Divisions," Sir Frederick Pollock's, 196.
- Divorce. See "Topical Digest," 126, 156, 222, 254, 296.
- Domicile. See "Topical Digest," 29.
- Dos Passos on Inheritance Tax Law. "Contents," 377.
- Dower. See "Topical Digest," 61, 156.
- Duress. See "Topical Digest," 61, 94.
- Dwight's Commentaries. "Reviews," 115; "Other Opinions," 121, 219.
- Early American Reporting, 66.
- Easements. See "Topical Digest," 126, 190, 222, 399.
- Eastern Praise for Western Books, 130.
- EDITORIAL DEPARTMENT, 1, 33, 65, 97, 129, 161, 193, 225, 257, 289, 321, 353.
- Ejectment. See "Topical Digest," 254.
- Eldridge's U. S. Internal Revenue Tax System. "Contents," 274; "Reviews," 276.
- Elections and Voters. See "Topical Digest," 29, 61, 126.
- Electricity. See "Topical Digest," 190.
- Electric Wires. See "Topical Digest," 29.
- Elliott, Hon. Charles B. See review of "Westlake's International Law," 279.
- Eminent Domain. See "Topical Digest," 29, 61, 126, 156, 190, 222.
- Endlich on Building Associations. "Contents," 306; "Reviews," 310.
- Entomology. See "Topical Digest," 254.
- Equal to the Occasion, 260.
- Equity. See "Topical Digest," 61, 222.
- "Escaped Mutilation," 99.
- Estates. See "Topical Digest," 223.
- Estoppel. See "Topical Digest," 94.
- Evidence. See "Topical Digest," 29, 62, 94, 126, 254, 399.
- Ewell, Dr. Marshall D. See reviews of "Reese's Medical Jurisprudence," 23; "Hamilton & Godkin's System of Legal Medicine," 148; "Lombroso & Ferrero's Female Offender," 384.
- Exceptions, Bill of. See "Topical Digest," 286.
- Excise and Hotel Laws (N. Y.). "Minor Notice," 396.
- Execution. See "Topical Digest," 62, 351.
- Executors and Administrators. See "Topical Digest," 29, 126, 190.
- Extradition. See "Topical Digest," 62, 94, 318, 351.
- Factors and Brokers. See "Topical Digest," 29.
- Facts vs. Advertisements, 98.
- Fences. See "Topical Digest," 223.
- Fetter's Equity Jurisprudence. "Contents," 51; "Reviews," 147; "Other Opinions," 153.
- Fires. See "Topical Digest," 351.
- Fitman's Trial Procedure. "Other Opinions," 23; 88.
- Fixtures. See "Topical Digest," 62, 318, 351.
- Folwell, Prof. W. W. See review of "Glenn's International Law," 245.
- Foster & Abbott's Income Tax. "Contents," 112; "Reviews," 117; "Other Opinions," 121.
- Fowler's History of the Law of Real Property. "Contents," 307; "Other Opinions," 390.
- Frauds, Statute of. See "Topical Digest," 62, 126, 157, 223, 286.
- From Virginia, 289.
- Game Laws. See "Topical Digest," 223.
- Gaming. See "Topical Digest," 29, 351.
- Gardner's Review in Law and Equity. "Contents," 307; "Other Opinions," 390.
- Garnishment. See "Topical Digest," 94, 286.
- Gifts. See "Topical Digest," 126, 190.

- Glenn's International Law. "Contents," 240; "Reviews," 245.
- Goodnow's Municipal Home Rule. "Contents," 307; "Other Opinions," 391.
- Good Old Ways, The, 292.
- Gould & Tucker's Federal Income Tax. "Contents," 52; "Reviews," 54.
- Grand Jury. See "Topical Digest," 286, 319.
- Great Law Books, 33.
- Gregory, Prof. Charles Noble. See review of "Clark's Criminal Procedure," 213.
- Guaranty. See "Topical Digest," 157, 190.
- Half or the Whole, The, 67.
- Hall's Bank Laws. "Minor Notice," 395.
- Hall's Infringement Outline. "Minor Notice," 250.
- Hamilton & Godkin's System of Legal Medicine. "Contents," 145; "Reviews," 148.
- Harriman, Prof. Edward Avery. See review of "Huffcut and Woodruff's Cases on Contract," 84.
- Headnotes, Paragraphing, 99.
- Health. See "Topical Digest," 126.
- Healthy Optimism, 325.
- HIGHWAYS. See "Topical Digest," 126, 157, 390.
- Hogg's Pleading and Forms. "Minor Notice," 250.
- Homicide. See "Topical Digest," 223, 254.
- Horse and Street Railroads. See "Topical Digest," 29, 62.
- Hough, Hon. Robert T. See review of "Eldridge's U. S. Internal Revenue Tax System," 276.
- Huffcut on Agency. "Contents," 378.
- Huffcut, Prof. E. W. See review of "Tiffany on Sales," 344.
- Huffcut & Woodruff's Cases on Contracts. "Contents," 81; "Reviews," 84; "Other Opinions," 89.
- Hughes, Hon. Chas. E. See review of "Bishop on Insolvent Debtors," 275.
- Hughes, Hon. Robert W. See review of "Daniell's Chancery Pleading," 146.
- Hughes, Thomas W. See review of "Murray & Riordan's Students' Review," 277.
- Husband and Wife. See "Topical Digest," 62, 94, 126, 157, 190, 223, 254.
- Hutchins' Williams on Real Property. "Other Opinions," 391.
- "Ignored" Opinions, 197.
- Infancy. See "Topical Digest," 94.
- Ingersoll, Prof. Henry H. See review of "Black's Constitutional Law," 341.
- Injunction. See "Topical Digest," 30, 126, 223, 254, 286, 351.
- Inkeepers. See "Topical Digest," 286.
- Insanity. See "Topical Digest," 94, 126, 157.
- Insolvency. See "Topical Digest," 399.
- Insurance. See "Topical Digest," 30, 62, 94, 126, 158, 286, 319, 351.
- Interest. See "Topical Digest," 190, 223.
- Internal Revenue. See "Topical Digest," 351.
- International Law. See "Topical Digest," 223, 286, 319, 399.
- Intoxicating Liquors. See "Topical Digest," 190, 319, 351.
- Jaggard on Torts. "Contents," 339; "Other Opinions," 392.
- James' Ohio Law of Opinion Evidence. "Minor Notice," 251.
- Jewett's Election Manual. "Minor Notice," 395.
- Johnson's Bliss on Code Pleading. "Reviews," 214; "Other Opinions," 219.
- Johnson's Cases on Bills and Notes. "Contents," 113.
- Judges. See "Topical Digest," 158, 190, 255.
- Judgment. See "Topical Digest," 62, 94, 158, 191, 223, 351.
- Judicial "We," The, 357.
- Jurisprudence. See "Topical Digest," 286.
- Jury. See "Topical Digest," 191, 223, 255.
- Justices of the Peace. See "Topical Digest," 191.
- "Just Published," 99.
- Keigwin's Notes on the Rules of Practice in Public Land Cases. "Minor Notice," 251; "Contents," 308.
- Landlord and Tenant. See "Topical Digest," 95, 127, 158, 223, 286, 319, 351.
- Larceny. See "Topical Digest," 319.
- Larremore, Wilbur. See reviews of "Bradner's Attachment of Property," 83; "Bradner's Supplementary Proceedings," 84.
- Law. See "Topical Digest," 30, 63, 95, 127, 158, 191, 255, 286, 319, 351, 390.
- Law and Poetry, 37.
- Law Book Dedications, 226.
- Law-Book Making, a New Theory in, 321.
- Law Book News, 1.
- LAW BOOK NOTES, 8, 40, 69, 101, 132, 165, 198, 230, 263, 295, 327, 360.
- Law Books of 1894, 2.
- Law Books of 1895, 354.
- Law Dictionaries, 35.
- "Lawyerish," 323.
- LEADING TEXT-BOOKS published in 1895, 396.
- Leavitt on Negligence. "Contents," 308; "Reviews," 312; "Other Opinions," 315.
- Legal Education, 161.
- Legal Literature, The Beginning of American, 323.
- Legal Verbiage, 257.
- Libel and Slander. See "Topical Digest," 95, 127, 158, 223, 255, 287, 351.
- Light Reading for Lawyers, 196.
- Life, Prof W. M. See review of "Oliver's Precedents," 384.
- Limitation of Actions. See "Topical Digest," 127, 158, 191, 255.
- Lis Pendens. See "Topical Digest," 30.
- Literary Judges, 358.
- Lithby's District and Parish Councils. "Minor Notice," 282.
- Lobingier, Charles Sumner. See review of "Beach on Insurance," 179.
- Lombroso and Ferrero's Female Offender. "Contents," 309; "Reviews," 384; "Other Opinions," 392.
- Lord Coleridge on Poetry, 6.
- Lotteries. See "Topical Digest," 191, 351.
- McClain, Prof. Emlin. See review of "Thayer's Cases on Constitutional Law," 218.
- McClain's Cases on Carriers. "Contents," 309; "Reviews," 314.
- McDougall, Hon. H. C. See review of "Clark's Life Sketches," 382.
- Maintenance. See "Topical Digest," 63.
- Malicious Prosecution. See "Topical Digest," 390.
- Mandamus. See "Topical Digest," 30, 63, 127.
- Maritime Liens. See "Topical Digest," 158, 390.
- Marine Insurance. See "Topical Digest," 63, 158, 351.
- Marriage. See "Topical Digest," 30, 63, 95, 127, 158, 191, 352, 399.
- Master and Servant. See "Topical Digest," 30, 63, 95, 127, 158, 191, 224, 255, 287, 319, 352, 399.
- Masters in Chancery. See "Topical Digest," 399.
- Maxims. See "Topical Digest," 191.
- Maxwell, Hon. Samuel. See review of "Bacon's Benefit Societies," 113.
- Mechanics' Liens. See "Topical Digest," 30, 63, 158.

- Mechem, Prof. Floyd R. See review of "Randolph & Talcott's Williams' Executors," 143.
- Merwin on Equity. "Contents," 378.
- Mines and Mining. See "Topical Digest," 158.
- MINOR LAW BOOK NOTICES, 249, 282, 393.
- MISCELLANEOUS NOTES, 10, 41, 72, 103, 134, 167, 201, 232, 264, 297, 320, 362.
- Mistake. See "Topical Digest," 158.
- Mr. Bacon's Views on Law Treatises, 291.
- Mobs. See "Topical Digest," 352.
- More in Sorrow than in Anger, 194.
- Monopolies. See "Topical Digest," 127, 191, 287.
- Moot, Prof. Adelbert. See reviews of "Abbott's Select Cases," 178; "Bradner on Evidence," 210.
- Morrill, Wm. W. See review of "Croswell's Electricity," 383.
- Mortgages. See "Topical Digest," 63, 95, 158, 224, 287.
- Murray & Riordan's Students' Review of Law and Equity. "Reviews," 277; "Other Opinions," 346.
- Municipal Corporations. See "Topical Digest," 30, 63, 95, 127, 158, 191, 224, 255, 287, 319, 352, 399.
- Name. See "Topical Digest," 159.
- Navigable Waters. See "Topical Digest," 31.
- Negligence. See "Topical Digest," 31, 95, 127, 159, 319, 352, 399.
- Negotiable Instruments. See "Topical Digest," 63, 159, 191, 255, 319, 352.
- Negotiable Notes. See "Topical Digest," 255.
- New Theory in Law-Book Making, 321.
- Next Friend. See "Topical Digest," 352.
- NOTES OF LAW BOOK ERRATA, 14, 44, 75, 107, 139, 171, 204, 269, 367.
- Notice in Regard to the American State Reports, 34.
- Nuisance. See "Topical Digest," 31, 224.
- OF COLLATERAL INTEREST, 13, 44, 75, 106, 137, 170, 203, 268, 301, 332, 366.
- Office and Officer. See "Topical Digest," 95.
- Oliver's Precedents. "Contents," 310; "Reviews," 384.
- 1894, Law Books of, 2.
- 1894, The Record of One Publishing House for, 3.
- OTHER OPINIONS DEPARTMENT, 23, 57, 88, 120, 152, 185, 219, 248, 280, 315, 345, 388.
- Otis, Hon. Chas. E. See review of "Endlich on Building Associations," 310.
- Pagin, Oliver E. See reviews of "Gould & Tucker's Federal Income Tax," 54; "Foster and Abbott's Federal Income Tax," 117.
- Paragraphing Headnotes, 99.
- Parent and Child. See "Topical Digest," 192, 320.
- Partition. See "Topical Digest," 63, 159.
- Partnership. See "Topical Digest," 96, 159, 224, 255, 320.
- Patents for Inventions. See "Topical Digest," 287.
- Perjury. See "Topical Digest," 63, 255.
- PERSONALS, 14, 45, 76, 108, 140, 171, 233, 303, 367.
- Physicians and Surgeons. See "Topical Digest," 352.
- Pleading. See "Topical Digest," 63.
- Pledge. See "Topical Digest," 31.
- "Pocket Precepts," 258.
- Poetry, Lord Coleridge on, 6.
- Pollock & Maitland's History of English Law. "Contents," 209; "Reviews," 215.
- Poor and Poor Laws. See "Topical Digest," 63.
- Powers. See "Topical Digest," 159, 224.
- Practice and Procedure, 38.
- Practice in Civil Cases. See "Topical Digest," 31.
- Priest, Hon. Henry S. See review of "Bailey's Master's Liability," 21.
- Principal and Agent. See "Topical Digest," 192, 255.
- Property. See "Topical Digest," 127, 255.
- Protected Legal Industry, A, 100.
- PUBLISHERS' DEPARTMENT, numbers for May, June, July, Aug., Sept., Oct., Nov., Dec.
- Publishers of Books, The, 129.
- Railroad Companies. See "Topical Digest," 31, 63, 96, 127, 159, 192, 287.
- Randolph's Eminent Domain. "Reviews," 22; "Other Opinions," 24.
- Randolph & Talcott's Williams on Executors. "Contents," 145; "Reviews," 149.
- Rape. See "Topical Digest," 159.
- Rayner's Law of Interest. "Minor Notice," 252.
- Real Estate. See "Topical Digest," 128, 159, 192.
- Real Property. See "Topical Digest," 400.
- Real-Property Law Books, 193.
- Receivers. See "Topical Digest," 31, 159, 192.
- Record of one Publishing House for 1894, 3.
- RECORD OF THE LATEST LAW BOOKS, 15, 46, 77, 109, 141, 172, 205, 235, 270, 304, 333, 369.
- Records. See "Topical Digest," 192.
- Reese's Medical Jurisprudence. "Contents," 20; "Reviews," 23.
- Release and Discharge. See "Topical Digest," 31, 128, 160.
- Religious Societies. See "Topical Digest," 64, 128, 160, 192, 224.
- REVIEWERS—
- Aldrich, Prof. O. W.
- Baldwin, Hon. Simeon E.
- Barrett, Elmer E., Esq.
- Beale, J. H., Jr., Esq.
- Black, H. Campbell, Esq.
- Chase, Prof. George.
- Clark, Prof. James L.
- Cohn, Morris M., Esq.
- Cole, Prof. S. S.
- Dallas, Hon. Geo. M.
- Dillon, Hon. John F.
- Elliott, Hon. Chas. R.
- Ewell, Dr. Marshall D.
- Folwell, Prof. W. W.
- Gregory, Prof. Charles Noble.
- Harriman, Prof. E. A.
- Hough, Hon. Robert T.
- Huffcut, Prof. E. W.
- Hughes, Hon. Chas. E.
- Hughes, Hon. Robert W.
- Hughes, Thomas W., Esq.
- Ingersoll, Prof. Henry H.
- Larremore, Wilbur, Esq.
- Lile, Prof. W. M.
- Lobinger, Charles S., Esq.
- McClain, Prof. Enlin.
- Maxwell, Hon. Samuel.
- McDougall, Hon. H. C.
- Mechem, Prof. Floyd R.
- Moot, Prof. Adelbert.
- Morrill, Wm. W., Esq.
- Otis, Hon. Chas. E.
- Pagin, Oliver E., Esq.
- Priest, Hon. Henry S.
- Rogers, Hon. Henry Wade.
- Rohbach, Prof. James A.
- Rose, Hon. G. B.
- Russell, Wm. Hepburn, Esq.
- Slack, Hon. Charles W.
- Taft, Hon. Russell S.
- Tiffany, Francis B., Esq.
- Trickett, Prof. Wm.
- Ware, E. F., Esq.
- Reviewing, The Art of, 324.
- REVIEWS DEPARTMENT, 21, 52, 83, 113, 146, 178, 210, 249, 275, 310, 341, 380.

- Reviews of Law Books, 67.
 Rice's American Probate Law and Practice. "Contents," 81; "Reviews," 118; "Other Opinions," 122.
 Riots. See "Topical Digest," 160.
 Rogers, Hon. Henry Wade. See review of "Stevens' Sources of the Constitution," 342.
 Rohbach, Prof. James A. See review of "Russell's Outline Study of Law," 119.
 Rose, Hon. G. B. See review of "Works' Courts and their Jurisdiction," 57.
 Russell's Outline Study of the Law. "Reviews," 119; "Other Opinions," 122.
 Russell, Wm. Hepburn. See review of "Leavitt's Law of Negligence," 312.
 Russia, Criminal Procedure in, 291.
 Safe-Deposit Companies. See "Topical Digest," 224.
 Sale. See "Topical Digest," 64, 128, 160, 192, 224, 255.
 Schools and School Districts. See "Topical Digest," 96, 128.
 Seal. See "Topical Digest," 352.
 Seamen. See "Topical Digest," 96.
 Sen's Glossary of Law Terms. "Reviews," 85.
 Shipman's Common-Law Pleading. "Other Opinions," 80.
 Shipping. See "Topical Digest," 224, 400.
 Sir Francis Bacon as a Dramatist, 162.
 Sir Frederick Pollock, 195.
 Sir Frederick Pollock's "Divisions," 196.
 Slack, Hon. Chas. W. See review of "Underhill on Evidence," 86.
 Societies. See "Topical Digest," 31.
 Specific Performance. See "Topical Digest," 31, 64.
 Stare decisis, 65. See "Topical Digest," 192, 288.
 "Stare Decisis" Limited, 161.
 States and State Officers. See "Topical Digest," 64.
 Statute Law, Uniformity of, 65.
 Statutes. See "Topical Digest," 32, 160, 192, 255, 288.
 Stevens' Sources of the Constitution. "Reviews," 342.
 Students' Test Book of Law and Practice. "Minor Notice," 395.
 Sunday. See "Topical Digest," 32, 160, 192.
 Surface Water. See "Topical Digest," 32.
 Taft, Hon. Russell S. See review of "Rice's Am. Probate Law," 118.
 Taxation. See "Topical Digest," 96, 160, 224, 250, 320, 400.
 Telegraph Companies. See "Topical Digest," 32, 128, 192, 288, 320, 400.
 Telephone Companies. See "Topical Digest," 224.
 Tenancy in Common. See "Topical Digest," 352.
 Thayer's Cases on Constitutional Law. "Reviews," 218; "Other Opinions," 220.
 Thompson on Corporations, 225. "Contents," 241; "Reviews," 246; "Other Opinions," 248.
 Tiffany, Francis B. See reviews of "Beale's Cases on Criminal Law," 52, and "Browne on the Statute of Frauds," 381.
 Tiffany on Sales. "Contents," 210; "Reviews," 344; "Other Opinions," 347, 393.
 TOPICAL DIGEST, 28, 60, 93, 125, 156, 189, 222, 254, 285, 318, 350, 398.
 To Reduce Case-Law, 130, 258.
 Torts. See "Topical Digest," 32, 64, 96, 128.
 Trade-Marks and Trade-Names. See "Topical Digest," 288, 400.
 Treason. See "Topical Digest," 288.
 Trespass. See "Topical Digest," 64, 96, 400.
 Trial. See "Topical Digest," 96.
 Trickett, Prof. Wm. See review of "Clark on Contracts," 114.
 Trover and Conversion. See "Topical Digest," 64, 160, 224.
 Trusts. See "Topical Digest," 96, 192, 320, 352.
 Uncertainty of the Law, The, 163.
 Underhill on Evidence. "Reviews," 86; "Other Opinions," 90.
 Uniformity of Statute Law, 65.
 Van Fleet's Former Adjudication. "Contents," 379; "Reviews," 385.
 Vendor and Purchaser. See "Topical Digest," 320.
 Virginia, From, 289.
 Walker's Am. Law. "Contents," 380.
 Wambaugh's Cases for Analysis. "Contents," 82; "Reviews," 87.
 Ware, E. F. See review of "Dassler's Kansas Digest," 53.
 Water Companies. See "Topical Digest," 320.
 Waters and Water Courses. See "Topical Digest," 96.
 Webster's Law of Naturalization. "Contents," 340.
 Westlake's International Law. "Reviews," 279; "Other Opinions," 280.
 What Law Book News has Done, 1.
 Willard's Reminiscences, 97.
 Wills. See "Topical Digest," 64, 96, 128, 160, 288, 400.
 Wilson's Handy Books. "Minor Notice," 282.
 Witness. See "Topical Digest," 192, 256, 400.
 Works' Courts and their Jurisdiction. "Reviews," 55; "Other Opinions," 57.
 Writs. See "Topical Digest," 64, 96, 128, 160.



**WEST
PUBLISHING
CO.,**
ST. PAUL, MINN.
Founded 1876.
Incorporated 1882.
Capital Stock, \$500,000

Proprietors of
the National Re-
porter System,
and the most ex-
tensive law pub-
lishers and law
booksellers in the
United States.



The • • National Reporter System

Is a complete and established system of authentic law reports. The back volumes now published contain more than one-quarter of all the American case law.

The continuations report in full all the current decisions of all the U. S. Courts and the Courts of last resort of all the states and territories, and all the intermediate and lower courts of record of New York State, in the following publications:

Supreme Court Reporter,	Northwestern Reporter,
Federal Reporter,	Pacific Reporter,
Northeastern Reporter,	Southwestern Reporter,
Atlantic Reporter,	Southern Reporter,
Southeastern Reporter,	New York Supplement.

The American Digest, Annual and Monthly, covers all the current reported decisions.

Full information regarding the Reporters, with sample copies, will be sent to any address on application.

LAW BOOK NEWS

A MONTHLY REVIEW OF CURRENT LAW LITER-
ATURE AND JOURNAL OF LEGAL
BIBLIOGRAPHY.

TERMS OF SUBSCRIPTION:

\$1 a Year. Single Copies, 10 Cents.

Vol. 2. St. Paul, Minn., January, 1895. No. 1.

What Law Book News Has Done.

LAW Book News is a year old, and, with the habit that grows upon one with years, it feels inclined to use the anniversary in looking before and after, even if it does not indulge in much sighing for what is not.

A year ago there was no publication in this country which made a specialty of covering the field of legal literature. There were law journals and law magazines, and more or less information regarding law books and their writers was given in these, but it was all fragmentary and eclectic. It was incidental to their main object, which was to provide a general bill of literary fare for the delectation of the lawyer.

Observing this, the projectors of Law Book News saw that an opportunity had been reserved for them to demonstrate their desire and ability to serve the legal profession. It would, indeed, have been a bold undertaking to start a new journal of the regulation sort,

v.2L.B.N.no.1—1

if their ambition had turned in that direction. The profession would hardly care, for instance, to have a new journal which should be made up, to any extent, of selected current cases, when all the cases are systematically published, properly classified and indexed, in the Reporters, and are there much more accessible than they can possibly be in any eclectic publication, however well-intentioned it may be. And there would be little excuse for launching a new "olla-podrida" sort of journal, to further scatter the attention of the profession. Unless it could promise contributions of striking interest and excellence, such a journal would only be another addition to the number of good-enough publications which could die any day without being missed. In this place, however, was a gap. On the one hand was the legal profession, using books as the tools of its trade, and needing, as a matter of the first importance, to have reliable information as to new books. On the other hand were the law writers and publishers, making it the object of their life to minister to the literary needs of the profession. And there were no means of introducing the one to the other. Law Book News saw the emergency, threw itself into the gap, and has come triumphantly through its first year's varied experiences.

The first thing to do was to make a record of all new law books as fast as published. The material for this has been gathered from various sources, largely from the Publishers' Weekly of New York and the Publishers' Circular of London, which make their lists from the current copyright records. In the 12

numbers, January to December, 1894, 761 new books and new editions have been thus registered, with information as to the name of the publisher, the number of pages, and the price, whenever this could be ascertained. Of 65 of the more important it has given the complete table of contents, or descriptive matter from the preface, or notices from other journals which would serve to give a general idea of the character of the work.

The department of Reviews was at once recognized as a very important one. The scanty anonymous notices which are all that the average journal can afford to give are of little help to the profession and small satisfaction to the author. They are necessarily hasty, perfunctory, and, in general, colorless. Law Book News has been able to secure, instead, thoughtful reviews by men who are able to speak as specialists, who have not been limited as to space, who have spoken without favor, fear, or bias, and who have signed their reviews for all the world to see. This is a new departure in the matter of law-book reviewing, and the profession was not slow to recognize the value of having such men as Prof. Austin Abbott, Judge Baldwin, Prof. Henry Wade Rogers, and Judge Taft tell them what they, personally, thought of certain new books. In addition to these original reviews, the more significant notices from other journals have been reprinted, so as to give an all-around view of any book which might be attracting contemporary attention.

The Topical Digest Department is also one of peculiar value to the busy lawyer, who cannot take the time to read all the current law journals, and yet would be glad to have anything in them which is of special value to him pointed out. He will find such pointers in the "heads" and "cross references" of this department, which make it easy to tell at a glance whether there has been anything in the publications of the month which it would pay him to look up further.

The whole object of Law Book News has been to cover a certain field, to cover it thoroughly, and to sedulously resist all temptation to wander afield. The lawyer who loves his books will need no other incentive to induce him to turn the pages of this little monthly with interest and pleasure. And even the lawyer who looks upon his books

severely as tools of his trade, and nothing more, will recognize the utilitarian value of a journal which gives him "points" like those to be found here, from month to month.

Law Books of 1894.

THE department in Law Book News called "Record of the Latest Law Books" gives, from month to month, a list of the titles of all new law books published, as reported in the Publishers' Weekly from the records of the librarian of congress, the Publishers' Circular (London), and elsewhere. The record in the twelve numbers, January to December, 1894, includes some books published in the latter part of 1893, and naturally may not include all the books published late in 1894, but it probably approximates the year's output in law books with sufficient closeness to serve as a practical basis for study. The record classifies as follows:

	American.	English and Provincial.	Total
New Treatises...	202	63	270
New Editions...	52	39	91
State Reports			
Reporters.....	274	24	298
Other Series...			
Statutes.....	73	7	80
Digests.....	18	4	22
	619	142	761

The absence for previous years of anything like as exhaustive a record as that started by Law Books News makes it impossible to institute a comparison of this showing with that of recent years. The statistics kept by the Publishers' Weekly show only 430 law books published in the United States in 1893, and 374 in 1892; and, in England, 142 in 1893, and 65 in 1892. It is not credible, however, that there has actually been the increase indicated, so we must believe those records were not complete.

When we come to examine the list we find it no less notable for quality than for quantity. Dillon's Laws and Jurisprudence of England and America was greeted with a chorus of delighted applause. It presented the rare combination of legal learning and a charming style. Probably the most notable original work of the year in a field where originality is largely barred out is Bailey's

Master's Liability for Injuries to Servant. It has made a distinct "hit." The development of another original idea is shown in the Hornbook Series, three volumes of which have been issued during the year. Among the new editions of standard books are Bacon on Benefit Societies, Benedict's Admiralty, Bliss on Code Pleading, Burrill on Assignments, Cook on Stocks, Daniel's Chancery, Jones on Chattel Mortgages, Jones on Liens, Jones on Mortgages, Jones' Forms of Conveyancing, Kent's Commentaries (Brown's), Lloyd's Buildings, Niblack on Mutual Benefit Societies, Taylor on Private Corporations, Williams on Real Property, and Woods on Railways. Among the new treatises are Clark on Contracts, Clark on Criminal Law, Cogley on Strikes and Lock-outs, Kinney on Irrigation, Prentice on Police Power, Randolph on Eminent Domain, Tiedeman on Municipal Corporations, and Underhill on Evidence. In another group may be classed Beach on Modern Equity Practice, Elliott's General Practice, Fitnam's Trial Procedure, Loveland's Forms of Federal Procedure, Pagin's Precedents and Forms in Federal Cases, Shipman's Common-Law Pleading, and Willey's Procedure in Courts of Law and Equity.

Among the reports, the most notable American publication is that of the Federal Cases,—a series which distinguishes not this year only, but is unique in the history of law publishing. It has won a hearty and spontaneous commendation, which evidences the professional appreciation of good books.

Indeed, the list of publications, as a whole, looked at from the end of the year, strikingly bears out the view that the legal profession know how to judge of books, and that the "machine-made" books which trouble the visions of bibliophiles are in little danger of coming to rank as "standard."

The Record of One Publishing House for 1894.

A list of the things which January, 1894, saw dimly in the future, and which for January, 1895, are facts accomplished, gives a better idea of the distance which the planet has traveled in the meantime than any measurement by miles or minutes. It also gives a

means of measuring what has been accomplished by individual effort in any direction.

The West Publishing Company is the largest law-book house in the United States,—from which it follows that it is the largest law-book house in the world, or, so far as statistics can be obtained, in the solar system! Mere extent isn't everything, but it is something, and the mere extent of the publication plans which have been carried into effect this year by this house is interesting and instructive.

Law Book News has a right to head the list, since it began with the beginning of the year. But it speaks for itself! Another enterprise, which was equally original and even more important, was the publication of the Federal Cases,—a series of which six books have been issued during the year. The object of this undertaking was to gather up the federal decisions of the circuit and district courts prior to 1880,—the commencement of the Federal Reporter,—and so open up to the light of modern day that region which Judge Hammond has called "The Dark Continent of American Jurisprudence." In the language of the Virginia State Bar Association, it has "placed within the reach of every one much-cited opinions, which have heretofore been accessible only in the largest public libraries, in reports mostly out of print, and costing a small fortune." It is certainly the most important and imposing undertaking of many years in the legal literary world. The Books now coming from the press in rapid succession are the ripe fruit of five years of editorial preparation. Allied to this, in some respects, is the series known as the "C. C. A.," in which the decisions of the United States circuit courts of appeals are published in volume form, with annotations. Five volumes (5 to 9, inclusive) have been issued during the year.

In the line of text-books, 1894 has seen the practical beginning of the Hornbook Series. The record began with Clark's Criminal Law, in the Hornbook Series, issued in April. Few books of the year have had so quick a success and so wide a recognition. It was followed in June by Bailey's Master's Liability for Injuries to Servant, a strong and original work upon a subject of great present importance. This enjoyed almost immediate popularity, and has already become a high authority in its line. Shipman's Common-Law Pleading and Clark's Contracts, both in the Hornbook Series, a new and condensed edition of Kent's

Commentaries, by Wm. Hardcastle Browne, Abbott's Selections on Descent, Wills, and Administration, a supplemental volume to Cumming's Cases on Private Corporations, a new edition of Bliss on Code Pleading, by Prof. E. F. Johnson, and Fitnam's Trial Procedure under the Codes, have all been added to the list during the year. Four volumes of Minnesota Reports have been issued, and a new compilation has been made and published of the General Laws of Minnesota, to be known as the "Statutes of 1894." Black's Law Dictionary, having met with a large sale, was reduced in price to \$6.50.

While these separate enterprises were necessarily absorbing considerable attention, the regular work on the Reporters was carried forward uninterruptedly. Every week the advance sheets have given the current decisions from all over the country, and these have been reprinted into bound volumes, making a series which keeps pace constantly with the courts themselves. This is no longer a novelty, but 1894, at least, had the satisfaction of seeing constant improvement in the workmanship. It also witnessed the completion of two Reporter Digests, one covering volumes 1 to 30 of the Northeastern Reporter, and the other volumes 1 to 20 of the Southwestern. A new edition of the Blue-Label Book, giving the Reporter pagings for State Report citations, was brought out; and, the crown of all, the American Annual Digest for 1894 was given to the profession six weeks after the publication of the last cases digested in it. The matter in this one volume would equal twenty-five volumes of ordinary Reports, if set in that form.

Summing up the new publications of the West Publishing Company in 1894, we find that they include ten text-books, fifty-four volumes of Reports, three of digests, two of statutes, and one of tables of citations,—SEVENTY VOLUMES in all. But this statement does not fairly represent the vast extent of the company's work. The large pages and compact typography of the Reporters, the Digests, and the Federal Cases make each volume equal to half a dozen or more volumes in the ordinary law-book style. These seventy volumes contain a quantity of matter nearly, if not quite, equal to that in the books published in 1894 by all the rest of the Law-Book Trade put together. It represents thousands of cases carefully reported, hundreds of thousands of citations verified, and hundreds of millions of

printers' ems of composition. It is truly a remarkable record for a year of commercial inaction and financial depression.

Altogether, this brief notice of the work done by this one house in 1894 gives point to the comment made by the National Corporation Reporter: "It ought to be called the West-East-North-South Publishing Co., for it controls all the points of the compass. It has brought the American bench and bar into closer companionship, which is an accomplishment in itself."

Anderson's Law Dictionary.¹

II.

IN the last number of the News we made mention of the recent articles by Mr. William H. Anderson, in which he undertakes to point out exactly how a law dictionary should—not be made, with illustrations from other dictionaries than his own. We would not for a moment assume that an author who takes the unusual, and perhaps undignified, course of attacking books which compete with his own, is prompted by any but the highest motives; and we do not suppose that Mr. Anderson wished to call anybody's attention to his own "Dictionary of Law." But there is a time-honored adage concerning people who live in glass houses, and our too eager critic has the misfortune to dwell in a tempting vitreous expanse. In short (to change the metaphor), Mr. Anderson has by his pleadings brought himself and his Dictionary into court, and he can hardly complain if this results in a judicial investigation of his own work on its merits.

One of the first fruits of such an examination is the discovery of the author's ignorance of the Latin language. It has usually been considered that some slight acquaintance with that tongue was useful, not to say necessary, to the maker of a dictionary destined to contain many Latin words, phrases, and maxims. But our learned author, if he ever learned Latin, has apparently not cultivated his knowledge of its grammar and vocabulary with the same assiduity which he has devoted to the acquisition of junk for his dictionary. A conscientious critic could not fail to point out to him that the language mentioned does not contain any such word

¹ See Vol. 1, No. 12, Law Book News, p. 356.

as "Reddare," as he fondly imagines; that "Uno Acto" is a false inflection; that his phrase "In Hiis Verbis" contains an unnecessary abundance of vowels; that "Vexari" is the passive form of the verb, and not the active, and hence is not correctly translated "to shake, molest," etc.; that such a combination as "Corpus Delicto" would make Cicero's hair stand on end; that he is very seriously mistaken if he really supposes that "Ipsud" is Latin; that "Dubitantur" does not mean, "It is doubted," but would mean, "They are doubted"; that "Adjudicatus" and "Res Adjudicata" are barbarous and indefensible; and that "Del Credere" is an Italian phrase, and not Latin. We may also venture the surmise that the critic would not overlook the title "Bl," which contains almost as many errors in Latinity as it does words. And we feel very sure that he would not spare the learned author in his remarks on the absurd mistranslation of the phrase "Obsta Principiis." The author naively informs us that this means, "Adhere to first principles." Notwithstanding the wisdom of this maxim, as a guide to philosophers, it is, unfortunately, not at all the meaning of the expression, as any school boy should know. The verb "obsto" signifies to resist or withstand; and the phrase quoted means, "Oppose beginnings; resist the first encroachment"; or, in the familiar phrase, "If you would successfully check an evil, you must nip it in the bud." We consider that we do our learned friend a substantial kindness when we advise him to take a few lessons in the rudiments of the Latin language before he puts forth a second edition of his valuable book.

The critic of Mr. Anderson's work would hardly accomplish his whole task if he did not point out some of the more grossly erroneous and misleading definitions to be found in this book. For instance, he would be likely to pause at the title "Officina Chartarum." Under this head we read: "The office of writs; the ordinary side of the court of chancery, because out of it issued, and to it returned, all writs." Now it happens that "officina" does not mean "office," and "charta" does not mean "writ." Further, although original writs were framed in the chancery, they were not returnable there. The author refers to 3 Bl. Comm. 273, where we learn that the chancery was called "officina justitiæ," the shop or mint

of justice, because all the king's writs were there constructed. But that is a very different thing. Again, take the author's expression of opinion that a "grass widow" is more properly called a "grace widow," and that the term is applicable only to those who are divorced. This contains a double blunder. The derivation is philologically impossible, and is pronounced by the best authorities to be "certainly wrong"; and no one is so ignorant as not to know that the speech of the people does not restrict the term to divorced women (if, indeed, it is ever applied to them), but uses it as a facetious description of a woman who has been abandoned by her husband. Not less remarkable is the author's declaration that there still exists in the District of Columbia such an institution as the old "levy court," or his statement that "precarium" was a "thing held by entreaty." In this last instance we suppose he must have had in mind the ingenious solicitations of the beggar who last held him up on the street. But "precarium" was a loan returnable on the demand of the lender. But it must have been some physical obliquity of vision which induced our author to give "J. A. J." as the abbreviation of Judge Advocate General. We have known the dialect writers to use "Jinerl" but never "Jeneral."

Space fails to note all the fatuous and puerile "definitions" found in this compilation. How refreshing it is to learn, for instance, that a "Lawsuit" is "a popular term for a suit at law to which there are two parties." And again, see "May Saw." What a loss it would be to the profession if our learned author had not told us that "an agreement to sell all the plank one may saw during a winter was held not to bind the defendant to saw any plank at all." An "Opera House," we are told, is "the house in which operas are represented." And to "Hook" may not be equivalent to "to steal." If a lawyer must know a little of everything, it may perhaps be useful for him to have clear ideas on the subject of dredges. Here he will find it all. A dredge, it seems, was originally a net or drag for taking oysters, now a machine for cleansing canals and rivers, and, we are tempted to add, very useful in collecting materials for a "dictionary of law." But all this is trifling as compared with the immense satisfaction which

the thoughtful mind must experience in learning that a "Fence" is "a line of obstacle composed of any material that will present the desired obstruction"; or that "Go to Prison," apparently a very simple expression, in reality means all this: "To be committed or sentenced to a jail, penitentiary, or other place of confinement for persons accused or convicted of a criminal offense." A little earlier in the book we learned that "Cured Meat" is a term of the law; and it is stated that this word "was given the meaning at the residence (Memphis, Tenn.) of a purchaser when that differed from the meaning at the residence (Atchison, Kan.) of the seller." The attorney who does not know all about dredges and cured meat is in a fair way to starve. But much more hopeless is his predicament who has no clear conception of the legal meaning of "Hair." Hence it is most heartily to be deplored that our learned author gives us no further information on this point than that hair "may not include bristles."

Another characteristic of the book is the arbitrary and vexatious system of cross references. It is altogether likely that the reader will be compelled to look in several places before finding any given phrase or maxim; and, as like as not, his search will end in vanity and disappointment. For a single example, if he has occasion to refresh his memory as to the meaning of a judgment "non obstante veredicto," it is probable that he will look under "Judgment." But he will find nothing there. Then he may be supposed to consult the titles beginning with "Non." Here he discovers "Non Obstante," which directs him on to "Verdictum." But he will search for the latter word in vain. There is no such title in the book. At this point he will probably turn to some trustworthy dictionary. Or his eye may be arrested by the singular title "Bell Rope," with its direction "See Obstruct, 1." Turning up that title, and after reading down a half column or so of fine type, he comes across this gem of legal lore: "One who wrongfully pulls a signal rope and stops a train does not 'obstruct' the train." Or if he stops at the title "Ear" long enough to observe that it hales him on to "Mark, 1, (2)," and follows its beck, he will then learn that an "earmark" is "a mark placed upon a thing to identify it."

We must also mention our friend's strange

habit of making ludicrous transpositions of the English words in his translations of maxims. Whether this proceeds from distrust of his own scholarship, or from an exalted ideal of fidelity in the rendering, it would be hard to say. But he reminds us very much of the character in "Little Dorrit," who resorted to an outlandish construction of her sentences when bent on impressiveness of speech. We have room for only a single specimen, but that is too good to be omitted. Here it is: "Of whom is the land, of him is it also to the sky and to the deepest depths." This recalls another lexicographical curiosity,—the celebrated Portuguese Phrase Book, in its happiest moments.

The most essential quality of a dictionary, next to accuracy of definition, is comprehensiveness. Unless it contains every word and phrase which has a proper and legitimate place in a dictionary of law, it cannot pretend to be anything more than a selection of titles considered by the compiler to be important or useful. But lawyers are not willing to let others do their selecting; and any one who has experienced the annoyance which comes from searching a dictionary for a definition which ought to be there, but is not, will have very little further use for such a book. The same conditions which have led the lexicographers on from the small phrase books of former days to the mammoth modern works, such as the Century Dictionary and the still greater work of Murray, demand a corresponding fullness and exhaustiveness in the professional lexicons. In this respect, the book in question is strikingly deficient. It contains only a small proportion of the words and titles of the law, even of contemporary English and American law, though its bulk is grossly swollen with many pages of statutes, reports of cases, biographical sketches, extracts from treaties, digests of decisions, and other incongruous matters.

But again the limitations of editorial space necessitate the adjournment of this inquisition, and the discussion will therefore be continued in our next.

Lord Coleridge on Poetry.

IT is well known that the late Lord Coleridge was a lover of good literature as well as good law. Indeed, it has been charged

against him that his devotion to law was rather of the formal sort, and that his heart had been given irrevocably to her gentler sister. In view of this fact, his article on the Uses of Poetry, which we reprint from the "Contemporary Review," possesses more intrinsic interest than most of the discussions of art subjects which enterprising editors occasionally secure from men justly celebrated in public affairs:

Speaking as an old lawyer, I may say that few things compare in usefulness with a retentive, accurate memory. It is in youth that this faculty is formed and trained, and one of the best methods of strengthening it is the habit of learning by heart passages we admire from authors, both in verse and prose. What we learn in youth we are apt to remember well; mental impressions at that period of life do not easily fade, and, although they are easily received, they are indelibly retained, and, if they are impressions of noble thoughts clothed in noble language, we are laying up a store of intellectual pleasure at one end of life for enjoyment at the other. Many of us live to grow old; if we do, our minds, if not ourselves, grow lonely; the interests of the world fade away, and the fashion of the beauty of it vanisheth, and a time comes when we feel that

'Tis meet that we should pause awhile
Ere we put off this mortal coil,
And in the stillness of old age
Muse on our earthly pilgrimage.

At such times the recollection of great thoughts, of lovely images, of musical words, comes to us with a comfort, with an innocent pleasure, which it is difficult to exaggerate. And, what should you learn? Speaking generally, the safest rule to follow is to learn that which pleases you best; I assume that it is not bad; but as to what is best, taste is very varied, and that which commends itself to one man perhaps repels another. My own taste you must take just for what it is worth; but (leaving out for obvious reasons all Greek and Latin writers) before and above every one (including them) I should myself place Shakespeare, an inexhaustible storehouse of wisdom, instruction, and exquisite diction, indispensable to any one who has anything to do with speaking or writing. Next Shakespeare I for one should put Milton. Have any of you not heard the magnificent eloquence of John Bright? He told me himself that he was built on Milton; and if you heard him, nay, even if you read him, you can see that he is steeped in the spirit of this great poet, and that, though he does not imitate Milton, he speaks after Milton. And next for use, yes, for daily use, read Wordsworth. Much of Wordsworth has passed into the language, the poet of nature and of lofty spiritual thought, whose verse makes bright things brighter and happy men hap-

pier, the man of whose song Matthew Arnold says that, when he spoke,

Our foreheads felt the wind and rain;
Our youth returned, for there was shed
On spirits that had long been dead,
Spirits dried up and closely furled,
The freshness of the early world.

There is one man in English literature, perhaps there are two, who wrote too little. Gray is one. Every word he wrote is precious; he has the perfection of diction and of melody. Every line contains a thought or a picture complete in itself, and you cannot change a word without marring its perfection. The other, perhaps, is Wolfe. Every one knows his lines on the Burial of Sir John Moore, of which, in my judgment, no higher praise is possible than to say they are worthy of their subject. But he wrote also "Go, Forget Me," and "If I had Known Thou Couldst have Died,"—two poems little known. The time would fail if I were to speak at length of Shelley, of Keats, of Scott, of Ben Jonson, of Ford, of Massinger, of Dryden, Pope, and Young, not to mention more recent authors. Coleridge I omit, of course. Tennyson I omit, because I know that any estimate which places him, as I should place him, in an order of men far below Shakespeare, is at present the mark of a Philistine. Browning I omit, because, though I have admired him since I was a boy at school, I have not been so fortunate as always to understand him. He once rebuked me in a way which I relate for the comfort of those small striving souls who watch his flights and try to follow his course in vain, till he disappears from them in clouds. He was so kind as to give me many of his volumes, and he knew I honestly read them. Soon after one had thus been given me, he asked me how I liked it. I replied that what I could understand I heartily admired, and that parts of it, I thought, ought to be immortal; but that as to much of it I really could not tell whether I admired it or no, as I could not understand it. "Ah, well," he said, "if a reader of your calibre understands ten per cent. of what I write, I think he ought to be content." Whether for present or future comfort, I cannot too earnestly recommend your acquainting yourselves with good books. They are the best of companions; in sickness, in misfortune, in sorrow, in sleepless nights and days of pain, you will find your recollection of great and wholesome literature a constant solace and refreshment. And, as a man is known by the company he keeps, still more truly is he known by the books he reads, and the authors he loves. Read only the best books, and never read bad ones. Good books will nerve you for the work—the serious and earnest work—which is the lot of all true and good men. For, to quote a great writer, Dr. Young, the author of the Night Thoughts, not from that book, however, but from his Satires, a book much less known:

This is the scene of combat, not of rest,
Man's is laborious happiness at best;
On this side death his labors never cease;
His joys are joys of conquest, not of peace.

Announcements.

[Publishers and others are invited to send news regarding law writers and law books, and any items of interest to legal bibliography.]

Fetter on Equity, the sixth of the Hornbooks, will probably be issued this month.

Black's Constitutional Law, the fifth of the Hornbook Series, is a treatise of some 600 pages, in the now familiar Hornbook Style.

N. B. Parsons, Albany, issues this month the new work of Charles Fisk Beach, Jr., on Injunction. It is in two volumes, and contains some 10,000 citations.

Peter F. Smith, of the Atlanta bar, whose work on Evidence is elsewhere announced, has in preparation a digest of the Georgia Reports, which is to be published by H. B. Parsons next spring.

A fifth edition of Stephen's Digest of Criminal Law is announced by Macmillan & Co. It has been edited by the author's sons, Sir Herbert and Mr. Harry Stephen. It will contain a new index, and is otherwise brought down to date.

H. B. Parsons announces for publication in January a new work on Evidence, by Peter F. Smith, of the Atlanta bar. The principles of law are illustrated by questions and answers, authorities being cited to sustain the statements made.

The "C. C. A." Reports (the West Publishing Company's series of reports of the United States circuit courts of appeals) seem to be growing in favor. The plan of annotation has been recently extended, and now a digest of the first 10 volumes is announced as nearly ready.

The West Publishing Company will have ready this month vol. 4 Federal Digest; Black's Constitutional Law and Fetter on Equity, of the Hornbook Series; vol. 10 C. C. A. Reports; vol. 30 New York Supplement; vol. 63 Federal Reporter; vol. 60 Northwestern Reporter; and Book 8 Federal Cases.

The publishers of the American and English Encyclopaedia of Law have projected a new series as a companion to this, and call

it the "Encyclopaedia of Pleading and Practice." The first volume is announced for January. Nothing is said about the number of volumes which the set may make. The plan, we understand, is to gather up and reprint all the decisions, now to be found in the various Reports, under the codes and practice acts, at common law, and in equity. Whether the bar will consider it worth while to have these cases re-reported in this way remains to be seen.

The Laning Printing Company of Norwalk, Ohio, announces that it will reprint and issue in volume form the Ohio cases decided in the common pleas, district, and supreme courts, which were published in the Western Law Journal in 1843 to 1852, inclusive, and in the five volumes of the Western Law Monthly, which began in 1859. The cases were digested in the Walker & Bates edition of the Ohio Digest, but the volumes in which they were published are out of print and very scarce. The enterprise also contemplates the reprinting of the Ohio cases in the Cleveland Law Reporter, issued in 1878, the Cleveland Law Record, issued in 1856, and the Weekly Law Gazette, printed at Cincinnati in 1858. Each case will be annotated with references to other Ohio cases. It is expected that the first volume will be completed by February 1st.

Law Book Notes.

Another New York book is "Practice in Attachment of Property," with forms, by George W. Bradner, author of "Rules of Pleading." It is, of course, down to date. Matthew Bender, of Albany, is the publisher.

Clark's Handbook of Contracts, published last month, turned out to be a volume of nearly 1,000 pages, rather to the dismay of the publishers, who had agreed beforehand to sell it at the regular "Hornbook" price,—\$3.75, delivered.

The West Publishing Company issued in December: Minnesota Statutes of 1894 (2 vols.); vol. 59 Northwestern Reporter; vol. 62 Federal Reporter; vol. 37 Pacific Reporter; vol. 27 Southwestern Reporter; and Book 7 Federal Cases.

The Building Society Acts is the title of a new English law book, published by Sweet & Maxwell. The sections of the various English acts dealing with any one particular point are grouped together, irrespective of

their number or date, and notes of cases, etc., are appended.

Williams on Executors and Administrators has just been issued in a new edition,—the seventh American from the ninth English. It is edited by Randolph & Talcott, who also edited Jarman on Wills. The publishers, Frederick D. Linn & Co., announce that the American notes make 850 pages.

Banks & Brothers have given to the profession the result of the work of the constitutional convention of 1894. The volume, in paper, at 75 cents, and in sheep at \$1, contains the constitution of the United States of America and the constitution of the state of New York as in force January 1, 1895.

Part 1 of Prof. C. Stuart Patterson's "Principles of the Law of Real Property" has been published by Allen, Lane & Scott, Philadelphia. It covers estates at law and in equity, according to the plan of the first year's course in the law of Real Property in the Law School of the University of Pennsylvania.

A second edition of the Magistrate's Manual for West Virginia, by Marcellus M. Thompson, of Clarksburg, has been called for. It contains forms in civil and criminal proceedings, under the Code of West Virginia, for justices of the peace, constables, etc., and formulae for certificates of acknowledgments, deeds, bills of sale, power of attorney, depositions, wills, etc.

The Minnesota Statutes of 1894, published about the end of December, in two handsome royal octavo volumes, have been received with great satisfaction by the bench and bar of the state; and the second bill introduced at the legislative session just begun in Minnesota was for the authorization of this compilation, making it *prima facie* evidence of the law, etc.

A compilation of the laws and ordinances of the city of Chicago has been made by Henry Binmore, and published by E. B. Myers & Co. It includes the ordinances from April 2, 1890, to July 10, 1894, with notes and cross references to all amended and repealed sections of prior ordinances, and is, in fact, a supplement to the Compilation of April 2, 1890.

The Law of the Apothecary is the title of a little book by George Howard Fall, pub-

lished by Irving P. Fox, Boston. It is a compendium of the common and statutory law governing druggists and chemists in Massachusetts, Maine, New Hampshire, Vermont, Rhode Island, and Connecticut. It is intended for the use of druggists and chemists primarily, but will also be found useful by lawyers.

The F. H. Thomas Law-Book Company has issued a new edition of Bacon's Benefit Societies. The work has been expanded to two volumes, and includes a treatise on life and accident insurance. New tables have been added to the "comparative tables of mortality," which made a feature of the first edition; and the work is brought down to date by the citations of recent authorities.

Another book for the "Owner, Builder, and Architect" comes before the profession, this time from Australia. It is a series of 12 papers, contributed by James Walter Smith, LL.D., of the Inner Temple, to the Australasian Builders' & Contractors' News, now reprinted in volume form by C. F. Maxwell, Melbourne. The articles discuss "the building contract," "the architect," "questions that may arise on building," "arbitration," and "litigation."

Clarence F. Birdseye has prepared a supplement to his Chronological Table of the Statutes of New York, bringing the work down through the Laws of 1894. It is especially adapted to use with "Birdseye's Revised Statutes, Codes, and General Laws." The Chronological Table is in the nature of a ledger account with each act of the legislature, giving clear and simple references to all the statutes which in any way, directly or indirectly, amend, modify, repeal, or affect the statute in question.

William Green & Sons, Edinburgh, have issued a Handbook of the Law of Defamation and Verbal Injury, by F. T. Cooper. It contains a dictionary of words and imputations complained of as defamatory and reported in the Scotch decisions, and a compendious classification of defamatory imputations classified under the following heads: those against the moral character; those injurious to a person's trade, business, or profession; those against a person's public character; those attributing insanity or obnoxious physical defects to persons; and verbal injuries. The work, we notice, is commended by the Scottish Law Review and the Scots Law Times.

Miscellaneous Notes.

Toronto is the publishing place of a new legal journal, called "The Barrister."

The articles in the Counsellor on the law of mortmain, by William Gilbert Davies, are concluded in the December number.

The "Notes to Bispham's Equity," by Prof. Robert D. Petty, which have been running in the Counsellor, have been interrupted by the illness of Prof. Petty.

The National Corporation Reporter will give, in its January issue, a series of letters of the American judiciary on the subject of "Criticism of the American Bench."

Sir Frederick Pollock's friendly interest in the Harvard Law Review has not ceased. He contributes a valuable article on the Divisions of Law to the December number.

The Northwestern Law Review for December contains an account of the Fur Seal Arbitration, filling 20 pages, by Hon. H. W. Blodgett, one of the counsel for the United States.

The Legal Intelligencer completed its fifty-first volume in December. From the alertness and vigor displayed in its editorial columns, we should say that it is 51 years young.

The National Corporation Reporter, in a notice of vol. 54 Illinois Appellate Reports, comments on the characteristic features of Judge Gary's opinions, and promises to collect some of them under the title "Garyana." It will be an interesting collection.

The Copp-Clark Company, Toronto, has issued the Canadian Almanac, and Miscellaneous Directory, for 1895. It contains a full law list of the province of Ontario, its lists of division courts and their clerks, and other information relating to the courts.

The New York Law Journal informs us that a suit has been entered by Thomas Canary against Lillian Russell. Has one been saying that the other couldn't sing? We suggest that a trial contest in open court would enable the judges to combine business with pleasure.

The Counsellor for December reprints in full the report made by J. Newton Fiero, Esq., chairman of the committee on law reform of the New York state bar association, in regard to the proposed revision of the Code of Civil Procedure. Mr. Fiero's suggestions have been widely quoted.

The Counsellor for December has an article on the Influence of Legal Fictions on the Early Growth of the Roman Law, by H. W. B. It is interesting to learn that these curious examples of imagination were originally dramatic symbols, used to help out the poverty of language in really conveying an idea.

The University Law Review suggests that an easement for beauty should be created. The encroachments of commercial demands are eating away the Highlands and Pallsades of the Hudson; and, unless some legal interference can be invoked, there is danger that the next generation will have nothing to take the place of one of the prettiest views of the modern tourist.

Bacon said that every man ought to know enough law to keep out of it. Perhaps that is what is the matter with the decrease of litigation over which the legal profession is becoming concerned. If doctors teach hygiene, and lawyers make the principles of justice plain to all men, how can they expect to earn their living when the lessons have been well learned by the public? It is a clear case of Othello's occupation being gone.

The following card has been called to our attention. As a dunning notice, it is certainly original:

Cedar Rapids, Iowa, —, 1895.

Mr. —.

Esteemed Sir:

Kindly call and commune with me now relative to matters concerning yourself with which I am charged for purposes to appear anon.

Be pleased to minister to your own interest and my complacence by compliance as be-sought above.

With Cordiality,

F. Stuart, Lawyer.

Office, Calder Block.

"How is the law made?" asked the instructor in United States history in a private school of one of the young girls in his class. "Oh," replied the maiden cheerfully, "the Senate has to ratify it, and then the President has to—has to veto it, and then the House of Representatives has to"—she hesitated for a moment and knit her pretty forehead. "Oh, yes, I remember now!" she

said. "The House of Representatives has to adjourn until the next session."—Financial Record.

The Toledo Legal News has taken a new name and a new lease of life, and as the Ohio Legal News it promises to make things lively for competitors. It is full of wise saws (editorial) and modern instances (from the courts). From the numbers we have seen, we infer that the publishers' plan is to give in full the decisions of all courts of record below the supreme, with such selected decisions from the supreme courts of Ohio and other states as may be deemed interesting to its readers.

The University Law Review begins its eleventh volume with November, 1894. Its "Notes," under the able editorial direction of Prof. Austin Abbott, form a distinctively valuable and interesting feature. They take up points of law contained in recent decisions, and illuminate them with the reflections of a well-stored mind. Other contributions discuss National Corporations, the Right to Shoot a Burglar, the New Calendar Practice in New York, Presence by Telephone, and questions connected with legal education, making altogether a valuable contribution to periodical legal literature.

A. F. Judd, of Honolulu, who assisted in preparing the draft of the constitution of Hawaii, contributes an interesting account of the document to the December Yale Law Journal. Of the sixteen men who met to draw it up, ten were lawyers, four were graduates of Yale (one coming from the Yale Law School), ten were Hawaiian born, and the others were men of long residence in the islands. The Nation of August 2d, commenting on the Hawaiian constitution, says that "not a few articles are incorporated providing for what many reformers in this country have contended would be highly desirable for us."

The studies of the Oriental Club of Philadelphia have led to the publication of "A Legal Document of Babylonia," by Morris Jastrow. The document is a little clay tablet, dating from 642 B. C., and contains a record of the judicial action taken at that time in connection with the transfer of a certain parcel of land. Dr. Jastrow uses the tablet as the starting point for an interesting discussion of the legal documents of Babylonia in general. It is full of curious and learned lore, but it leaves one wondering who lays claim to-day to the land over which

Aplâ and Nurea contended. "Where are the snows of yesteryear?"

Another law school comes into line with a "Journal." The faculty and students of the Franklin T. Backus Law School of the Western Reserve University are the sponsors for the enterprise, which bears the name of the Western Reserve Law Journal. It is to be published monthly during the college year, the first number coming out in February. The Ohio Legal News greets the announcement with the cynical air that veterans always have ready for the service of ambitious youth; but the Western Reserve projectors may remember that if everybody who received the advice, "Don't," didn't, the world would stop going around.

The Michigan Law Journal for December contains a paper on The Making of our Law, by Prof. Alfred Russell, which is marked by careful research and thought. It also contains an article on Proposed Improvement in Michigan Circuit Court Practice, by Chester L. Collins, chairman of the Michigan Bar Association committee on law reform, in which Mr. Collins present drafts of three proposed bills to simplify practice in both law and equity, and make the rules of the two courts the same when there is no reason to the contrary. Wm. K. Clute also contributes an article proposing legal questions for the next state legislature to take under consideration. The Journal appears in a new cover and with a new editorial board.

We learn from the Counsellor that a "Law Hospital" has been in operation in New York for 18 years. It is known as the "German Legal Aid Society." During the past year it managed about 4,000 claims for wages, collecting more than \$19,000 for clients too poor to institute and conduct legal proceedings. In addition, nearly \$12,000 was collected by inducing parties to settle their differences. The organization has been self-supporting from the commissions from its attorney's office and from members' contributions. The society's representative is fully recognized in the courts of the city. It appears to be chiefly used by the foreign element, 29 nationalities having received legal aid from the society.

The Green Bag for December contains a biographical sketch of William Curtis Noyes, by A. Oakey Hall, together with a portrait of the subject. Mr. Hall is very happy in getting the personal element into his

sketches. There is nothing perfunctory in his tributes. Another article of interest is *The Chloroform Poisoning Cases*, which recalls the alarm excited by the use of chloroform about the middle of the century, curiously like the present alarm in regard to hypnotism. The latter is probably quite as unfounded as the former, for experts declare that no one can be hypnotized, the first time at least, without his own consent and co-operation. The two series, *Contrasts in English Criminal Law* and *The Court of Star Chamber*, continue, and the number contains the usual number of other entertaining contributions.

The "Reporter" plan of giving the current decisions of the courts, which has been applied by the National Reporter System to the supreme courts of the different states, is to be further exemplified in a new venture called the "Missouri Appellate Reporter." This publication is to give the current decisions of the St. Louis and Kansas City courts of appeals in weekly parts. These opinions, not falling within the scope of the Reporter System, have not heretofore been made easily accessible to the bar; and as the courts in question, by reason of the scope of their jurisdiction, must pass upon the great bulk of cases of the average lawyer, there is every reason to believe that the new Reporter will prove a valuable assistant to the bar of the state. It is edited by R. F. Lozier, Esq., and published at Carrollton, Mo., and the circular of announcement bears the cordial commendation and indorsement of a number of the members of the Carroll county bar.

The December number of the "Collector and Commercial Lawyer," published at Detroit, Michigan, is described as a "pictorial Christmas number." The "pictorial" part consists of the faces of advertisers, scattered plentifully through the pages. This "trade paper" for lawyers has certainly been successful in overcoming the old-fashioned conservatism in regard to advertising. It comments upon the fact, editorially, as follows: "We realize that we have trespassed upon good taste in many instances, that we have hewed very close to the line of professional ethics, that we have made severe innovations, and have from time to time laid ourselves open to ridicule on the part of the good, old-time lawyer. We realize that the model for the Collector and Commercial Lawyer will not be found among the relics of Troy, nor yet among the catacombs of Egypt, and we are not sure but what we are glad of it." Doubtless, the publishers are satisfied; but curiosity wonders what the effect of publishing one's portrait may be. Do these lawyers

have so much faith in physiognomy that they think the public can read recommendations to confidence in every lineament? And, furthermore, can it?

The Pennsylvania Law Series, announced last month by the Blackstone Publishing Company, is to be edited, it seems, by graduates and students of the Law School of the University of Pennsylvania. It is to give their own essays on legal questions, and contributions from older members of the bar who may be disposed to add thus to its value. The prospectus shows a good list of articles and contributors for the first year. The first number opens with an article on Federal Interference with Strikes, which will obtain special attention owing to the recent death of the writer, Richard C. McMurtrie. It also contains a monograph of 51 pages on the Liability of Architects, Builders, Contractors, and Owners, for Negligence, by Irvin Cooke Williams. We infer that it is the intention to publish this article as a separate pamphlet, since it appears here with title-page, introduction, tables of contents and of cases cited, and index, all complete. Each article in the number is pagged independently, there being also a consecutive paging at the bottom of the pages for the number itself. The work, as a whole, certainly does credit to its student editors. There is no hint of the amateur about it.

The first number of the Pennsylvania Law Series contains an interesting account of that unique department in the Law School of the University of Pennsylvania, known as the "Law Dispensary." Like the clinic at which the medical student obtains practical experience in diagnosing and treating diseases, and the ailing poor obtain free attendance, the Dispensary is designed to give students practical experience in carrying through the courts the causes of "persons, who, having been wronged, and desiring redress by legal means, are unable from poverty to retain a lawyer in the usual way." Meetings are held fortnightly for the consideration of old and the acceptance of new cases, and each case is assigned to a committee of students, which is expected to do all the work preliminary to carrying the cause into court. Under the supervision of a lawyer who is willing to assume its management gratuitously, the committee gets witnesses, prepares and files pleadings, briefs, etc. No charge is made for services; and when the applicant is destitute, and the claim meritorious, even the actual costs are advanced from the treasury of the Dispensary. The plan is certainly an original one, and would seem to offer practical advantages to the student. One's sympathies rather go

out to the subjects,—we should say, clients,—but this is probably needless. These aspirants for legal responsibilities very probably make up in care and enthusiasm what they lack in experience; and it is claimed that, with very few exceptions, the cases submitted have terminated favorably to the clients.

Of Collateral Interest.

The American Law Review always lends a sympathetic ear to discussions of the capital and labor question,—if the discussion is on the right side. Its last number reprints the paper on Injunction and Organized Labor, read before the American Bar Association, by Charles Claflin Allen, of St. Louis.

Prof. John H. Wigmore contributes a learned article on American Naturalization and the Japanese to the November-December number of the American Law Review. It is full of ethnologic interest, and speaks a spirit of fairness and courtesy which is regrettably lacking in many discussions of racial questions.

A new work on the Roads and Road Laws of the United States has been issued by the D. Van Nostrand Company. The author is Mr. Roy Stone, vice president of the National League for Good Roads. There has been a considerable awakening of interest in this subject of late, and Mr. Stone's work will give valuable information to those who wish to learn the present status of the matter, from a practical and a legal standpoint.

James Denton Hancock, of Franklin, Pa., has prepared an essay on the Genesis and Evolution of Money, which is issued from the press of Allen, Lane & Scott, Philadelphia. It traces the origin and development of money, and the relation thereto of credit and banking currency, and closes with the draft of a proposed act of congress to establish a national currency. Mr. Hancock advocates a system of international coinage, and says in regard to this: "For such an agreement between nations, no time could be more auspicious than the present, when the evolution in favor of gold has been accomplished, and when the sympathies of the world are aroused in behalf of the laboring masses loaded down with public burdens, which they sensibly feel, though they have not always learned from what causes they originate."

The teaching of patriotism is no longer a Utopian dream. The Lyceum League of

America is making it an actuality. This League was organized three years ago by the Youth's Companion, "to promote intelligent practical patriotism among the youth of America." It has grown so large as to make its independent organization necessary, and will henceforth work under a directorate of its own. Hon. Theodore Roosevelt is the president, and the directorate includes Henry Cabot Lodge, President James Schurman, Cornell, President William Harper, Chicago University, Prof. Richard T. Ely, William Dean Howells, Edwin D. Mead, Edward Everett Hale, and others equally well known. The work of the League is on the general plan of the old New England Debating Lyceum, and reports of debates, etc., are made to its "organ," the New Century, which is published monthly at 1 Beacon St., Boston.

A new venture, very significant of the trend of present-day thought, is the Hartford School of Sociology, which opened its first year on October 5th. The founders desire to make this a professional school, on a par with schools of theology, medicine, and law, for the study of those problems connected with human society which the advance of civilization is bringing forward every day more prominently. The course of study covers three years, and leads to the degree of Bachelor of Sociology. Instruction is by lecture, and the first year's course, just begun, covers the encyclopaedia, methodology, and philosophy of sociology; the family, considered from the biological, legal, theological, and ethical point of view; heredity; the status of women; domestic economy; environment; the evolution of customs and of law; and numerous related subjects. The second year will cover the spiritual, competitive, relational, and recuperative forces of society; and in the third year the deteriorative and remedial forces will be treated. For the present, lectures are given by professors from leading colleges, who have given the subject special study; and among those on the first year's list are President Hartranft, Profs. Bascom, of Williams, Willson, of Brown University, Lester F. Ward, of Washington, Chapin, of Brown University, Willcox, of Cornell, Austin Abbott, of New York, and others as widely known.

Among the recent publications of the American Academy of Political and Social Science are the following: "The Ultimate Standard of Value," by Eugen von Böhm-Bawerk, of Vienna, translated by C. W. Macfarlane. It expresses with much erudition the concepts of the school of Austrian economists in regard to cost and value. "Relation of Labor Organizations to the American Boy, and to Trade In-

struction," by Edward W. Bemis, of the University of Chicago, is a reply to an article in the Century, which made the claim that "the American boy has no rights which organized labor is bound to respect." Mr. Bemis advocates trade schools. "Why Had Roscher so Little Influence in England?" is answered by William Cunningham (Trinity College, Cambridge), by a brief account of the development of economic theories in England and Germany, giving a clear idea of the new and old views. In "Reasonable Railway Rates," H. T. Newcomb, of the Interstate Commerce Commission, seeks to correct the popular misapprehension that present railway rates are unduly high. The rates have steadily declined for a considerable period, and Mr. Newcomb claims that any further reduction would be unreasonable and unjust to the owners of railway property. Edward T. Devine, of the University of Pennsylvania, discusses "The Economic Function of Women," finding it in their management of the department of "consumption of wealth." Mr. Devine finds that "consumption has been subordinated in importance to production, and that, when we consider it, is one of the strangest and most unnatural inversions that the history of any science has ever disclosed." He considers that political economy is as much concerned with the way wealth is consumed as with the way in which it is produced, and he would have woman's position dignified accordingly. An encouraging account of the "Relief Work Carried on in the Wells Memorial Institute" last winter, under the management of the Boston College Settlement (Denison House), is given by Miss Helena S. Dudley. The statistics given show the work accomplished, and attest the success with which well-directed relief work may be attended.

Notes of Law-Book Errata.

[We invite contributions to this department from all sources, but we have two suggestions to make to correspondents: First, that they report none but serious mistakes; second, that the character of each mistake be very briefly indicated.—Eds. Law Book News.]

BEACH, in his work on PRIVATE CORPORATIONS (section 481), states the doctrine of the courts to be that the purchase of its own stock by a corporation does not reduce its capital stock, unless so intended, and cites several cases, some of which sustain him, some of which do not discuss the effect of such purchase as a reduction of capital stock, and one of which (Percy v. Millaudon, 17 Am. Dec. 196) has no relation whatever to the point, being an action between two individuals growing out of their joint ownership of the sugar plantation.

It seems to me hardly the square thing for Mr. Beach to state, as the doctrine of the courts, a proposition upon which there is so great a conflict of authority as the one above mentioned. Fairness to his readers required that he should give the cases on both sides. Morawetz has taken the opposite view to Beach, and claims to be sustained by the most and best authorities; but he admits the conflict, and cites cases pro and con. See sections 112 and 113, and notes; also sections 434, 761, and 763, and notes.

T. C. Ryan.

Wausau, Wis.

Personal.

Sir Frederick Pollock is soon to deliver a lecture in Glasgow under the auspices of the Scottish Society of Literature and Art.

Hon. Walter Clark, of Raleigh, N. C., contributes an article on the True Remedy for Lynch Law to the American Law Review.

Lord Chief Justice Russell is paying one of the penalties of eminence in having his picture scattered abroad in the land. It forms the frontispiece of the American Law Review, for November-December, and is supplemented by a personal notice by George H. Knott, of the Inner Temple.

William H. Staake, of the Philadelphia bar, was invited to deliver an address on "The Merchant and the Law" before the annual meeting of the Mercantile Beneficial Association; and the Legal Intelligencer for December 28th gives an extensive extract from the address. He discussed the law's delays, and suggested the remedy, through legislative extension of the judicial machinery.

Dr. C. Ellis Stevens, author of Sources of the Constitution of the United States, who recently received the decoration of a knight of the Order of Isabella, from the queen regent of Spain, has just been made a knight commander of one of the highest orders of knighthood in Portugal, by the king of that country. Such recognition abroad of American scholarship is unusual.

Correspondence.

[Correspondence is invited on subjects pertinent to the purpose of Law Book News.]

NEW LAW BOOKS.

RECORD OF THE LATEST LAW BOOKS.

[We take pleasure in acknowledging our indebtedness to the Publishers' Weekly, of New York, and the Publishers' Circular, of London, which we use in completing this list.]

N. B. Bindings are in law sheep unless otherwise specified.

Treatises, Etc.

Agency.

See "Sprague's Quizzer."

ALPE, E. N. The law of stamp duties. London: Jordan & Sons. 1894. 6s.

AMERICAN and English encyclopaedia of law. V. 26, compiled under the editorial supervision of C. F. Williams. Northport, N. Y.: E. Thompson Co. 1894. 8+1007 pages. \$6.

Attachment.

See "Bradner's Practice in Attachment of Property (N. Y.); "Waples on Attachment and Garnishment."

BACON, Frederick H. A treatise on the law of benefit societies and life insurance, voluntary associations, regular life, beneficiary, and accident insurance. 2d Ed. St. Louis: The F. H. Thomas Law-Book Co. 1894. 2 vols. \$12.

BARNARD'S county commissioners' legal guide, defining the powers, duties, immunities, and privileges of a county commissioner. This compilation embraces the acts of the twenty-third legislature, which adjourned May 9, 1893. St. Louis: G. D. Barnard & Co. 1894. 340 pages. \$6.

Benefit Societies.

See "Bacon's Law of Benefit Societies"; "Fowke's Industrial and Provident Societies Acts (Eng.)."

BLACK, Henry Campbell. Handbook of Constitutional Law. St. Paul: West Pub. Co. 1894. 646 pages. \$3.75, del'd.

BRADNER, George W. Practice in attachment of property in New York state. Albany: Matthew Bender. 1894. \$3.50.

Building.

See "Smith's Law Concerning Owner, Builder, and Architect."

Building Societies.

See "Crales' Building Societies Act (Eng.); "Macoun's Building Societies Act (Eng.)."

Children.

See "Hall's Law Relating to Children (Eng.)."

Constitutional Law.

See "Black's Handbook of Constitutional Law."

Contracts.

See "Huffcutt & Woodruff's American Cases on Contracts."

Conveyancing.

See "Davidson's Precedents in Conveyancing (Eng.)."

COOPER, F. T. A handbook of the law of defamation and verbal injury. Edinburgh: William Green & Sons. 1894. 14s.

CRAIES, W. F. Annotated acts, No. 6. The building societies act, 1894. London: Sweet & Maxwell. 1894. 1s.

CRAIES, W. F. Annotated acts, No. 7. The London building act, 1894. London: Sweet & Maxwell. 1894. 3s.

Criminal Law.

See "Stephen's Digest."

DAVIDSON, W. G. Concise precedents in conveyancing. 16th Ed. London: Sweet & Maxwell. 1894. 21s.

DENDY, F. W. The duties of executors. 6th Ed. Revised in accordance with the finance act, 1894. London: Waterlow & Sons. 1894. 1s. 6d.

DILL, T. R. C. The poor law guardian and district councillor's election manual. London: Shaw & Sons. 1894. 15s.

DRAKE, J. N. The village charter, in 2 parts. Pt. 1, laws governing all villages in the state of N. Y. Pt. 2, general act for the incorporation of villages (chapter 291, Laws 1870), with the decisions of the courts. Brockport, N. Y.: John N. Drake. 1894. 156 pages. Cloth, \$2; paper, \$1.75.

Ejectment.

See "Williams' Law of Ejectment (Eng.)."

English Law.

See "Alpe's Stamp Duties"; "Crales' Building Society Act"; "Crales' London Building Act"; "Davidson's Precedents in Conveyancing"; "Dendy's Duties of Executors"; "Dill's Poor Law Guardian's Manual"; "Fowke's Industrial and Provident Societies Acts"; "Gorst on Writs of Summons"; "Hall's Law Relating to Children"; "Macdon's Building Societies Acts"; "Parker's Election of Guardians, etc., under the Local Government Act"; "Pollock on Fraud and Mistake"; "Smith's Law of Banker and Customer"; "Soward's Handbook to the Estate Duty"; "Stephen's Digest of Criminal Law"; "White's Merchant Shipping Act"; "Williams' Law of Ejectment"; "Wills' Theory and Practice of the Law of Evidence."

Evidence.

See "Wills' Theory and Practice of the Law of Evidence (Eng.)."

Federal Income Tax.

See "Gould and Tucker's Federal Income Tax Explained."

FOWKE, V. de S. The industrial and provident societies acts. The treasury regulations and sets of model rules. London: Jordan & Sons. 1894. 6s.

Fraud and Mistake.

See "Pollock on Fraud, Misrepresentation, and Mistake."

GARDNER, George E. A reviewer in law and equity for law students, together with a summary of the rules regulating admission to practice throughout the United States. A handbook for law students. New York: Baker, Voorhis & Co. 1894. xvi+299 pages. \$2.75.

GORST, W. The law and practice relating to writs of summons, their issue and service. London: Wm. Clowes & Sons. 1894. 5s.

GONED, John M., and George F. Tucker. The federal income tax explained. Boston: Little, Brown & Co. 1894. xiv+108 pages. Cloth, \$1.

HALL, W. C. The law relating to children. A short treatise on the personal status of children, etc., including the complete text of the prevention of cruelty to children act. 1894. London: Stevens & Sons. 1894. 4s.

HANDBOOK OF INDIAN LAW. By a barrister at law and advocate of the high court of Calcutta. London: Thacker. 1894. 16s.

HUFFCUTT, Ernest W., and Edwin H. Woodruff. American cases on contract, arranged in accordance with the analysis of

Anson on Contract. New York and Albany: Banks & Bros. 1894. xxxiii+718 pages. \$6.

Indian Law.

See "Handbook of Indian Law."

Inns of Court.

See "Loftie's Inns of Court and Chancery."

Insurance.

See "Bacon's Law of Benefit Societies."

International Law.

See "Nys' Les Origines du Droit Internationale."

LANGBEIN BROTHERS. The law and practice of the district courts of the city of New York, with the divisions and boundaries of the wards and judicial districts. The laws relating to city marshals, statutory amendments, and notes of the latest decisions to Oct. 1, 1894, with forms. 3d Ed. New York: Banks & Bros. 1894. 30+528 pages. \$5.

Law.

See "American and English Encyclopaedia of Law"; "Gardner's Review in Law and Equity."

Law Dictionaries.

See "Sen's Glossary of Law Terms. (Indian)"; "Trayner's Latin Maxims."

Law Student's Books.

See "Black's Handbook of Constitutional Law"; "Gardner's Review in Law and Equity"; "Huffcutt & Woodruff's Cases on Contract"; "Sprague's Quizzer on Agency"; "Sprague's Quizzer on Partnership"; "Wambaugh's Cases for Analysis"; "Wambaugh's Study of Cases."

Libel and Slander.

See "Cooper's Law of Defamation and Verbal Injury (Scot.)."

License Laws.

See "Shepard's License Laws."

LOFTIE, W. J. The inns of court and chancery. New, cheaper Ed., illustrated by Herbert Railton. New York: Macmillan & Co. 1894. 302 pages. Cloth, \$2.

MacDOUGALL, James Patton, and James Miller Dodds. The parish council guide for Scotland. Edinburgh and London: William Blackwood & Sons. 1894. 2s. 6d.

McLAREN, Hon. John. The law of wills and succession, as administered in Scotland, including trusts, entails, powers, and executry. 3d Ed. Edinburgh: Bell & Bradfute. 1894. 2 vols. 63s.

MACONN, J. Ritchie. The building societies acts, 1880, 1874, 1875, 1884, 1894. London: Sweet & Maxwell. 1894. 7s. 6d.

Medical Jurisprudence.

See "Reese on Medical Jurisprudence and Toxicology"; "Witthaus' Medical Jurisprudence and Forensic Medicine."

Mining.

See "Stewart's Law Relating to Mines, Quarries, and Minerals in Scotland."

New York.

See "Bradner's Practice in Attachment of Property"; "Drake's Village Charter"; "Langbein's Law and Practice in the District Courts of the City of New York."

NYS, Ernest. Les Origines du Droit Internationale. Paris: Thorin & Sons. 1894. 414 pages.

PARKER, F. R. The election of guardians and district committees under the local government act, 1894. With the rules made thereunder, and all the statutes required during the election. London: Knight. 21s.

Partnership.

See "Sprague's Quizzer."

POLLOCK, Sir F. The law of fraud, misrepresentation, and mistake in British India. London: Thacker. 1894. 12s.

Probate Law.

See "Rice's American Probate Law."

REESE, John J. Text-book of medical jurisprudence and toxicology. 4th Ed., revised by Henry Leffman. Philadelphia: P. Blakiston, Son & Co. 1894. 16+624 pages. \$3.

RICE, Frank S. American probate law and practice. A complete and practical treatise, expository of probate law and practice as it obtains to-day, including a discussion of the general principles governing the execution and proof of wills, the devolution of property, the administration of estates, and the relations subsisting between guardian and ward. Albany: Matthew Bender. 1894. xiv+786 pages. \$6.50, net.

Scots Law.

See "Cooper's Law of Defamation and Verbal Injury"; "MacDougall & Dodds' Parish Council Guide"; "McLaren's Law of Wills and Succession"; "Shannon's Parish Councillor's Handbook"; "Trayner's Latin Maxims"; "Wood's Law of Entail."

SEN, P. C. A glossary of law terms. Serampore, India: J. M. Sen & Co. 1894. 155 pages.

SHENNAN, Hay. The parish councillor's handbook, being a digest of the local govern-

ment (Scotland) act, 1894 (57 & 58 Vict. c. 58), with the text of the act and an account of the powers and duties of parish councils. Edinburgh: Wm. Green & Sons. 1s. 6d., net.

SHEPARD, J. A. License laws. All license laws restricting interstate commerce are unconstitutional. For the manufacturer, publisher, wholesale agency house, commercial traveler, canvasser, peddler. Chicago: J. A. Shepard. 1894. 17 pages. Paper, 50c.

SMITH, J. W. The law of banker and customer. New Ed. London: E. Wilson & Co. 1894. 5s.

SMITH, James Walter. A handy book on the law concerning owner, builder, and architect. London: Effingham Wilson & Co. 1894.

SOWARD, Alfred W. A handbook to the estate duty. London: Waterlow & Sons. 1894. 3s. 6d.

SPRAGUE, W. C. Quizzer, No. 12; being questions and answers on agency, for students preparing for examination for admission to the bar, or for advanced standing in law schools, or for review in connection with text-books and lectures. Detroit, Mich.: Collector Pub. Co. 1894. 30 pages. (Quizzer Ser.) Paper, 50c.

SPRAGUE, W. C. Quizzer, No. 13; being questions and answers on partnership, for students preparing for examination for admission to the bar, or for advanced standing in law schools, or for review in connection with text-books and lectures. Detroit, Mich.: Collector Pub. Co. 1894. 24 pages, blank interleaved. (Quizzer Ser.) Paper, 50c.

STEPHEN, Sir J. T. A digest of the criminal law. 5th Ed. By Sir Herbert Stephen & H. L. Stephen. London: Macmillan & Co. 1894. 16s.

STEWART, D. Ross. A treatise on the law relating to mines, quarries, and minerals in Scotland. Edinburgh: Green & Sons. 1894. 30s.

Summons.

See "Gorst's Writs of Summons (Eng.)."

Texas.

See "Barnard's County Commissioners' Legal Guide."

Towns.

See "Drake's Village Charter (N. Y.)."

TRAYNER, John. Latin maxims and phrases, collected from the institutional writers on the law of Scotland and other sources.

With translations and illustrations. 4th Ed. Edinburgh: Green & Sons. 1894. 21s.

WAMBAUGH, Eugene. Cases for analysis. Materials for practice in reading and stating reported cases, composing headnotes and briefs, criticising and comparing authorities, and compiling digests. Boston: Little, Brown & Co. 1894. \$3.

WAMBAUGH, Eugene. The study of cases. A course of instruction in reading and stating reported cases, composing headnotes and briefs, criticising and comparing authorities, and compiling digests. 2d Ed. Boston: Little, Brown & Co. Cloth, \$2.50, net; sheep, \$3.

WAPLES, Rufus. A treatise on attachment and garnishment. 2d Ed. Chicago: Callaghan & Co. 1895. 850 pages. \$6, net.

WHITE, J. D. The merchant shipping act, 1894. London: Eyre & Spottiswoode. 1894. 7s. 6d.

WILLIAMS, J. H., and W. B. Yates. The law of ejectments or recovery of possession of land. London: Sweet & Maxwell. 1894. 16s.

WILLS, W. The theory and practice of the law of evidence. London: Stevens & Sons. 1894. 10s. 6d.

Wills.

See "Dendy's Duties of Executors (Eng.)"; "McLaren's Law of Wills and Succession (Scot.)"; "Rice's American Probate Law and Practice"; "Soward's Handbook of Estate Duty (Eng.)."

WITTHAUS, R. A. Medical jurisprudence, forensic medicine, and toxicology. V. 2. New York: Wm. Wood & Co. 1891. 751 pages. Cloth, \$5; sheep, \$6.

WOOD, John P. A lecture on the law of entail. Edinburgh: Green & Sons. 1894.

Reports.

AMERICAN AND ENGLISH RAILROAD CASES. V. 58. A collection of all the railroad cases in the courts of last resort in America and England. Edited by W. M. McKinney. Northport: E. Thompson Co. 1894. 8+734 pages. \$4.50.

AMERICAN RAILROAD AND CORPORATION REPORTS. V. 9; being a collection of the current decisions of the courts of last resort in the United States pertaining to the law of railroads, private and municipal cor-

porations, including the law of insurance, banking, carriers, telegraph and telephone companies, building and loan associations, etc. Edited and annotated by J. Lewis. Chicago: E. B. Myers & Co. 1894. 7+800 pages. \$4.50.

AMERICAN STREET-RAILWAY DECISIONS. V. 2. A collection of all reported cases decided in the various courts within the United States and Canada, chronologically arranged. Edited by Charles A. Richardson and Alfred J. Hook, counselors at law. Brooklyn: The American Street-Railway Association. 1894. 17+433 pages. \$5, del'd.

FEDERAL CASES. Book 7; comprising cases argued and determined in the circuit and district courts of the United States from the earliest times to the beginning of the Federal Reporter, arranged alphabetically by the titles of the cases, and numbered consecutively. Dart-Dunbar. Case No. 3,583—Case No. 4,130. St. Paul: West Pub. Co. 1894. 1222 pages. By subscription, \$10.

FEDERAL REPORTER. V. 62. Cases argued and determined in the circuit courts of appeals and circuit and district courts of the United States. Permanent Ed. Aug.—Oct., 1894. St. Paul: West Pub. Co. 26+1043 pages. (National Reporter System.) \$5.

ILLINOIS appellate court reports. V. 54; containing cases submitted at the Aug. term, 1893, and the Feb. term, 1894, of the Fourth district; and the Oct. term, 1893, and the Mar. term, 1894, of the First district. Reported by Martin L. Newell. Chicago: Callaghan & Co. 1894. 707 pages. \$3.50.

LAWYERS' REPORTS ANNOTATED. Book 24. Annotated by Burdett A. Rich, editor, and H. P. Farnham, assistant editor. Rochester: Lawyers' Co-op. Pub. Co. 1894. 908 pages. \$5.

MISSISSIPPI supreme court reports. V. 71; containing cases decided at the October term, 1893, and March term, 1894. Reported by Brame & Alexander. Nashville: Marshall & Bruce Co. 1894. 20+1199 pages. \$4.

NEBRASKA supreme court reports. V. 39, Jan. term, 1894. D. A. Campbell, reporter. Lincoln: State Journal Co. 1894. 49+941 pages. \$3.

NEW JERSEY court of chancery, prerogative court, and court of errors and appeals. V. 6 (V. 51). Reports of cases. S. Meredith Dickinson, reporter. Trenton: The J. L. Murphy Pub. Co. 1894. 29+680 pages. \$3.

NEW YORK state reporter. V. 61; containing all the current decisions of the courts of record of New York state. Edited by W. H.

Silvernail. Albany: W. C. Little & Co. 1894. 5+34+903 pages. \$4.

NEW YORK supreme court reports. V. 86 (Hun, 79). T. Hun, reporter. New York and Albany: Banks & Bro. 33+702 pages. \$3.

NORTHWESTERN REPORTER. V. 59; containing all the decisions of the supreme courts of Minn., Wis., Iowa, Mich., Neb., N. D., S. D. Permanent Ed. June 16-Sept. 29, 1894. St. Paul: West Pub. Co. 1894. 15+1167 pages. (National Reporter System.) \$5.

PACIFIC REPORTER. V. 37; containing all the decisions of the supreme courts of Cal., Kan., Or., Colo., Wash., Mont., Ariz., Nev., Idaho, Wyo., Utah, N. M., Okla., and court of appeals of Colo. Permanent Ed. July 26-Nov. 8, 1894. St. Paul: West Pub. Co. 1894. 20+1172 pages. (National Reporter System.) \$5.

PENNSYLVANIA. Weekly notes of cases argued and determined in the supreme court of Pa., the county courts of Philadelphia, and the U. S. district and circuit courts for the Eastern district of Pa., by members of the bar. V. 34, Feb.-Sept., 1894. Philadelphia: Kay & Bro. 1894. 12+616 pages. \$6.

SOUTH CAROLINA supreme court reports. V. 40; containing cases of April and Nov. terms, 1893. By Robert W. Shand, state reporter. Columbia: R. L. Bryan & Co. 1894. 7+588 pages. \$6.

SOUTHWESTERN REPORTER. V. 27; containing all the current decisions of the supreme courts of Mo., Ark., and Tenn., court of appeals of Ky., and supreme court, court of criminal appeals, and courts of civil appeals of Tex. Permanent Ed. July 16-Nov. 19, 1894. St. Paul: West Pub. Co. 1894. 16+1176 pages. (National Reporter System.) \$5.

UNITED STATES circuit courts of appeals reports. V. 9; containing the cases determined in all the circuits from the organization of the courts, fully reported, with annotations. St. Paul: West Pub. Co. 1894. 32+748 pages. \$3.

UNITED STATES supreme court. Citations and conflicting cases of the Reports, from the organization of the court down to and including v. 154. By King & Leonard. Dublin, Tex.: National Citation Co. 1894. \$7.50.

VERMONT supreme court reports. V. 66. By C. A. Prouty. (N. S., V. 6.) Montpelier: Argus & Patriot Printing House. 1894. 15+762 pages. \$2.75.

Statutes, Codes, and Laws.

ENGLAND. Acts of the privy council. N. S. V. 9. A. D. 1575-1577. London: Eyre Spottiswoode. 33+36+452 pages. Cloth.

ENGLAND. Paterson's Practical Statutes of the Session, 1894. 57 & 58 Vict. Edited by James Sutherland Cotton. London: H. Cox. 1894. 15s.

NEW YORK. Annotated Code of Civil Procedure. By George Bliss. 4th Ed., revised. New York: Baker, Voorhis & Co. 1894. \$22.50, net.

NEW YORK. A supplement to Birdseye's Chronological Table of Statutes, bringing the work down through the Laws of 1894. By Clarence F. Birdseye. New York: Baker, Voorhis & Co. 1894. \$4.50, net.

LOUISIANA. The Code of Practice of the state, adopted in 1870, with amendments, including session of the legislature of 1894. Annotated by H. L. Garland, Jr. New Orleans: F. F. Hansell & Bro. 1894. 10+897 pages. \$15.

UNITED STATES. Constitution of the United States of America and the constitution of the state of New York, in force January 1, 1895, except part of article VI., in force January 1, 1896. By Amasa J. Parker. Albany: Banks & Bros. 1894. Paper, 75c; sheep, \$1.

MARYLAND. The public school law, as contained in the Maryland Code, Public General Laws, edition of 1888, and subsequent amendments, passed at Jan. session, 1872, amended at Jan. sessions, 1874, 1884, 1886, 1888, 1890, 1892, and 1894. Baltimore: Press of W. J. C. Dulany Co. 1894. 43 pages. Paper, 10c.

CHICAGO. The laws and ordinances governing the city of Chicago, from April 2, 1890, to July 10, 1894, with notes and cross references to all amended and repealed sections of prior ordinances; being a supplement to the compilation of April 2, 1890. Compiled by Henry Binmore. Chicago: E. B. Myers & Co. 1894. \$6.

MINNESOTA. The General Statutes, as amended by subsequent legislation, with which are incorporated all general laws of the state in force December 31, 1894. Compiled and edited by Henry B. Wenzell, assisted by Eugene F. Lane, with annotations by Francis B. Tiffany and others. 2 vols. St. Paul: West Pub. Co. 1894. \$12.

INDIANA. Annotated Statutes. Revision of 1894; embracing the revision of 1881, as amended, and all permanent, general, and public acts of the general assembly passed

since the adoption of that revision, with a digest under each section of the judicial decision relating thereto, containing also the United States and Indiana constitutions, with annotations. By Harrison Burns. Indianapolis and Kansas City: The Bowen-Merrill Co. 1894. 8 vols. \$18.

Digests.

MISSISSIPPI. A digest of Mississippi railway decisions, from v. 1 to and including v. 71, Mississippi Reports. Compiled by J. Bowmar Harris, Jackson, Miss.: J. B. Harris. 1894. 191 pages. Paper, \$3.40, net.

CONTENTS OF NEW BOOKS.

Bacon's Benefit Societies and Life Insurance.

TITLE-PAGE. A Treatise on the Law of Benefit Societies and Life Insurance, Voluntary Associations, Regular Life, Beneficiary, and Accident Insurance. By Frederick H. Bacon, of the St. Louis Bar. Second Edition. 2 Vols. St. Louis: The F. H. Thomas Law-Book Co. 1894.

PREFACE. When the first edition of this work appeared, the law of beneficiary insurance was in its infancy. During the six years that have elapsed since its publication, numerous new decisions have been rendered, sometimes modifying or changing, but more frequently adding to, the principles there laid down. The importance of these new cases, as well in regard to life insurance proper as beneficiary indemnity, or questions arising in cases involving the acts of voluntary associations or clubs, imperatively demanded their incorporation in a new edition. The text has therefore been carefully revised, incorporating all the cases bearing on the subjects herein treated of up to October 1, 1894. In this work of revision five hundred pages of new matter and twelve hundred cases not cited in the first edition have been added. A chapter on accident insurance in all its phases has been included, as that branch of business has increased enormously during the last ten years.

CONTENTS.

Volume I.

- Chap. I. Introductory—Definition, History, and Extent of Benefit Societies—Origin and Growth of Life Insurance.
- Chap. II. Organization—Powers and Liabilities—Dissolution.
- Chap. III. Government and Membership—By-Laws.
- Chap. IV. Officers and Agents.
- Chap. V. Nature and Subject-Matter of Contract—After-Enacted Laws.
- Chap. VI. Application, Warranty, Representation, and Concealment.
- Chap. VII. Designation of Beneficiary—Insurable Interest.
- Chap. VIII. Consummation of Contract—Incomplete Contracts—Jurisdiction of Equity to Reform or Cancel.
- Chap. IX. Change of Beneficiary—Assignment.
- Chap. X. Conditions which Avoid the Right—Suicide, Intemperance, etc.

- Chap. XI. Premium, Assessments, and Dues.
- Chap. XII. Maturity of Contract—Proofs of Loss—Good Standing.
- Chap. XIII. Waiver and Estoppel.
- Chap. XIV. Remedies, Practice, Pleading, and Evidence.
- Chap. XV. Accident Insurance.
- Volume II.

Reese's Medical Jurisprudence.

TITLE-PAGE. Text-Book of Medical Jurisprudence and Toxicology. By John J. Reese, M. D. Fourth Edition. Revised by Henry Leffman, A. M., M. D., Ph. D., Professor of Chemistry and Toxicology in the Woman's Medical College of Pennsylvania, etc. Philadelphia: P. Blakiston, Son & Co.

FROM THE PREFACE. In all the work of revision the purpose of the book has been kept in view. It is not a laboratory manual, nor is it intended as a comprehensive work for experts; but it is a students' text-book and a reference work for general practitioners in medicine and law. On the publication of the first edition, it attained immediate popularity, and has held its place ever since. Its distinguished author had an unusually wide experience as an expert, as well as a teacher of the subject, and brought, therefore, to the preparation of the work, an extended knowledge of facts and a high capacity for expressing them in clear and correct language.

- Chap. 1. Introductory.
- Chap. 2. Phenomena and Signs of Death.
- Chap. 3. Medico-Legal Investigations—The Post-Mortem.
- Chap. 4. Presumption of Death and of Survivorship.
- Chap. 5. Personal Identity.
- Chap. 6. Causes Producing Violent Death. Examination of Blood Stains. Burns and Scalds. Death from Different Forms of Apnea Asphyxia. Death by Electricity. Death from Heat and Cold. Death by Starvation. Death from Poisoning—Toxicology. Corrosive Irritants. Mineral Acids. Alkalies and Their Salts. Irritants Proper. Arsenic. Antimony Compounds (Tartar Emetic).

Mercury Compounds (Corrosive Sublimate).
Lead.
Copper.
Zinc, Bismuth, Tin, Iron, and Chromium.
Vegetable and Animal Irritants.
Animal Irritants.
Neurotic Poisons.
Cerebral Neurotics.
 (1) Narcotics.
 (2) Anesthetics.
Spinal Neurotics.
Cerebro-Spinal Neurotics—Delirants.

Depressants.
Astenics.
Alkaloids of Putrefaction—Ptomaines.
Chap. 7. Feigned Diseases.
Chap. 8. Pregnancy.
Chap. 9. Criminal Abortion, or Feticide.
Chap. 10. Infanticide.
Chap. 11. Legitimacy—Inheritance.
Chap. 12. Rape.
Chap. 13. Insanity.
Chap. 14. Medical Malpractice.
Chap. 15. Life Insurance.

REVIEWS OF NEW BOOKS.

Bailey's Master's Liability for Injuries to Servant.¹

Reviewed by Hon. Henry S. Priest,
United States District Judge,
E. D. Missouri.

[For contents and other descriptive matter, see page 239, vol. 1, Law Book News.]

The mechanical execution of this book is excellent, and the arrangement of the text is very systematic. The profession has the thoughts of many writers upon this now complex topic, but none deal with the subject in a more practical, logical, dispassionate, and helpful way than the author of this book. It is an old-fashioned treatise, such as the profession will find convenient to handle, and to which it may refer with the assurance that the text has been carefully considered, and is the result of patient and profound thought. The book consists of twenty-seven chapters, the first of which sets forth plainly the basis of the relation and mutual obligations and liabilities of master and servant, and the necessarily implied duties of the master arising from the simple contract of service. These implied obligations are stated to be three in number: First, that of providing suitable means and appliances to enable the servant to do his work as safely as the hazards incident to the employment will permit; second, an obligation to provide a suitable and reasonably safe place for the performance of the work; and, third, when the circumstances require it, a sufficient number and reasonably skillful and competent co-servants for the performance of the work. And then follows, logically, the degree of care exacted of the master in the performance of these obligations.

The different branches of the master's implied obligations are taken up in the order of their statement, discussed, the cases criticised, analyzed, and the true principle stated in terse, concise, forceful terms.

During the discussion of the obligation of the master to employ competent and fit co-servants, my attention was particularly called to a criticism of the case of *Monahan v. City of Worcester*, 150 Mo. 439, and to the practical and cogent manner in which the conclusions in that case are handled. I cannot forbear making an excerpt from that part of the author's discussion:

"The facts were that the plaintiff was at work in a trench. McLaughlin, the alleged incompetent servant, who was sixty-two years old, physically weak, with hearing and eyesight somewhat impaired, was engaged in wheeling brick upon a hand barrow to the edge of the trench, and, by improper handling, the barrow tipped, and a portion of the bricks was emptied into the trench, and upon the plaintiff, causing him injury. There was not the slightest evidence that either his defective hearing or defective eyesight had aught to do with the tipping of the barrow; on the contrary, it appeared that carelessly, perhaps, he struck a rail with the wheel of the barrow. Nor did it appear that though physically weak, he was not strong enough to perform the service at which he was engaged, or that the tipping of the barrow was the result of his want of strength. The employment was one of an ordinary character, not essentially different from farm or ordinary laborer's work. It was not 'hazardous,' as the term is used in the law, as distinguished from 'ordinary,' employment. The same measure of care was not required in selecting competent servants as in a hazardous employment. There was no reason why any different rule should apply than is uniformly applied to the furnishing of ordinary tools and implements. Yet in this case the master was found to be negligent in having employed an incompetent servant, whose incompetency would have been disclosed to the master from his reputation, if the master had made proper inquiry. Conformity to so strict a rule precludes all charity. It limits the days and years of man's usefulness, and when he may labor at ordinary employments to obtain subsistence for himself and those dependent upon him. It subjects those who employ him to unreasonable penalties. It adds to the misfortunes of those who are in the decline of life."

¹ The Law of the Master's Liability for Injuries to Servant. By W. F. Bailey, One of the Judges of the Circuit Court of Wisconsin. St. Paul: West Pub. Co. 1894.

This is but an illustration of the terseness of style and simplicity and forcefulness of thought which characterizes the book throughout.

I may give another illustration upon a subject of apparently great difficulty, judging from the conflict of judicial utterance, when discussing the obligation of the master to promulgate rules. It has often been said by the courts that if the master habitually neglects to enforce rules intended to secure the safety of the servant, he will be presumed to have waived them when interposing them as a defense against the suit of the servant. This argument Judge Bailey replies to in such a manner as at once to convince the understanding. He says:

"It is generally said that the master will be deemed to have waived a rule promulgated for the servant's own safety where he knows it is generally or habitually violated. Suppose it may be so considered; the effect, reasonably, could only extend to a waiver of any liability on the part of the servant or master for injury to the person or property of the master. The servant is informed by the existence of the rule that the master has made adequate provision for his safety. The servant is presumed to know—for such is the law—that, where both are on an equal footing, the master is under no greater obligation to care for the safety of the servant than the servant is to look out for his own safety. They have equal knowledge. The servant has at his option two methods of doing his work,—the one perilous; the other reasonably safe, considering the hazards of the employment. How can it be said, if he adopt the more perilous, and is thereby injured, that it is aught else than his own fault."

After stating the absolute obligations of the master, he deals with the risks assumed by the servant, and, in his classification of Assumed Risks, places Master's Duties and Methods, and a Knowledge of Defect and Appreciation of Danger, Promise to Repair, Fellow Servants, devoting seven chapters to the discussion of fellow servants; concluding the discussion, so far as the servant is concerned, with three chapters on the subject of Contributory Negligence, which he carefully distinguishes from an assumption of risk,—two subjects frequently confounded by the courts. One chapter, and a very interesting one, is devoted to contracts limiting liability. It is perhaps to be regretted that more space is not given to this particular topic. It is one of great importance, and it would be extremely beneficial to have the extended views of so lucid a mind as Judge Bailey's upon it.

Each chapter of the work is prefaced with syllabi, indicating fully and clearly its contents, and the order of arrangement. The syllabi are so arranged that at a glance the mind of the practitioner would light upon

that particular phase of the discussion which he is in need of.

It is a book of great value simply for handy reference, but of greater value to be carefully read and pondered. It has not been my pleasure for some time to read a law book so full of clear and convincing argument, so sound in principle, and so much needed in the present state of confusion of this particular branch of the law. His whole aim seems to be to arrive at the truth of the matter, and to so clearly demonstrate it as to commend at once his conclusions to the ordinary professional understanding. It is an earnest and strong work, and will do much good in elucidating a topic of great importance, now much mystified by hasty and thoughtless expressions.

St. J. Primmer

Randolph's Eminent Domain.¹

Reviewed by Hon. Geo. M. Dallas, Circuit Judge of the United States Circuit Court, Third Circuit.

[For Contents and other descriptive matter, see vol. 1, Law Book News, p. 378.]

Mr. Carman F. Randolph's work upon the Law of Eminent Domain in the United States is, within the limits which he appears to have prescribed for it, thorough and well executed. The social and political bearings of the subject are, he tells us, beyond his province; and, having excluded those aspects of the matter from his treatment of it, the perhaps necessary consequence is that he has given to the profession a book of practical utility rather than a treatise. Of such a production, however meritorious of its kind, it is impossible to say much by way of commendation, but in this particular instance there is nothing which calls for adverse criticism. In his opening sections, his topic is introduced in a manner which is both agreeable and instructive; and the reader must regret, though not entitled to complain, that the same comparatively free-hand method of portrayal was not persisted in throughout. The capacity which the author has evinced for putting the results of his labor in attractive as well as profitable shape might, with advantage, have been more largely exerted. Yet, I repeat, he has done all that he purposed or promised, and has done it well. The right of eminent

¹ The Law of Eminent Domain in the United States. By Carman F. Randolph. Boston: Little, Brown & Co. 1894.

domain has given rise, as he says, to a great body of law. The principles of this law, and the rules which govern its application, are of the highest importance, and are very frequently presented for investigation. Knowledge and understanding of them can be acquired only by careful examination of constitutional and statutory provisions, and thoughtful and comparative study of numerous judicial decisions. Mr. Randolph has greatly facilitated such examination and study, and by doing this has rendered the profession a substantial service. Nothing is omitted from his book which one would naturally expect to find in it. His arrangement and divisions are discreet and helpful. His citations are numerous and accurate; and his observations upon the authorities, though few and meager, are intelligent and suggestive. Practitioners having occasion to consider the subject with which it deals will, I think, find it a very convenient and reliable compendium of the decisions of the courts, and an efficient guide for directing research.

Wm. H. Dallas

Reese's Medical Jurisprudence.¹

Reviewed by Prof. Marshall D. Ewell,
President of the Kent Law School.

[For Contents and other descriptive matter, see page 20 of this number.]

We are familiar with the previous editions of this book, of which this is the

¹Text-Book of Medical Jurisprudence and Toxicology. By John J. Reese, M. D., Late Professor of Medical Jurisprudence and Toxicology in the University of Pennsylvania, etc. Fourth Edition. Revised by Henry Leffman, A. M., M. D., Ph. D., etc. Philadelphia: P. Blakiston, Son & Co. 1894.

fourth, and have examined the present edition with some interest. It does not purport to be anything more than a students' text-book and a reference work for general practitioners in medicine and law. There do not appear to have been many changes in the present edition from the third edition, and those that have been made do not bring the subject, so far as we have had time to examine the work, down to date. In this respect the same criticism might be made as we have made, in a previous number of this journal, on Hamilton & Godkin's System of Legal Medicine. But the failure, in an elementary work like this, to notice in detail the most recent literature on this subject, is more pardonable than it would be in one professing to be exhaustive. The work, so far as it goes, appears to be well done, and its conclusions correct. We notice that on page 138 the author, referring to the identification of blood, has adopted the conclusion for which we have contended for the last ten years; namely, that "all that the expert can consistently do in the present state of our knowledge is to say that the blood is mammalian blood," which, however, he qualifies by saying that, "from his examination and measurements, it is consistent with human blood," whatever that statement may mean, and it seems to amount to no more than saying that it may or may not be human blood,—a statement which adds nothing to the previous statement, and might well be omitted.

Altogether, the book will be found to be a useful one, and, as such, we commend it to students of law and medicine.

Marshall D. Ewell

Kent College of Law, Chicago, Jan. 3, 1895.

OTHER OPINIONS OF NEW BOOKS.

Fitnam's Trial Procedure.

[See Contents and other descriptive matter on page 304, vol. 1, Law Book News, and a review by Hon. G. S. Robinson, on page 383, vol. 1.]

"What to do, how to do it, and what not to do, in civil actions and proceedings in trial courts of record." This is a sentence inscribed upon the title-page of this work. In it are comprised the objects of the work.

There are several works on codes and code pleading, nearly all of them very good as far as they go, but in none of them can be found much of the valuable matter relative to procedure in civil actions in courts of record which is contained in this book. The claims of the publishers that it is a reliable "hand-book of procedure" will be found to be thoroughly substantiated upon a careful examination. The author treats with precision questions of procedure at all stages of the

civil action, and supplements the text with authorities upon each, which he has evidently gathered with much care from a great mass of reports. He has arranged his text in the most admirable manner. There are 670 sections and 76 chapters. The first 21 chapters contain considerable valuable matter which other authors have given very inadequate treatment, but which should be carefully studied in order to thoroughly understand what follows. These chapters treat of the courts, their jurisdiction, organization, powers, officers, etc.; also the appellate jurisdiction of trial courts, and the proper action to be taken by each party under the several circumstances that may arise during the pendency of the action. The balance of the work treats of the procedure in a civil action, from the issuing of the summons to the taxation of costs. The thoroughness with which the author has treated every detail of his subject and the logical manner in which the text has been arranged are two of the most commendable features of the work.

—Mich. Law Journal, Nov., 1894.

This work, which has been on the market since the first week of the present month, is a volume of 867 pages, including the index, besides 53 pages of contents and cases cited. The author is John C. Fitnam, Esq., of Denver. Two of our district judges and our county judge, to whom advance copies were submitted for their examination, have written most commendatory notices of the work. They pronounce it the best work on Trial Procedure written, a work indispensable to a practicing lawyer, for whom it will be found to be a complete vade mecum in the courts, and a great assistance to judges on the bench, whom it relieves of great labor in investigating questions of procedure as they are raised in courts. Commendatory notices of the work are coming in daily, and the author has reason to believe that it will be adopted in all the code states as a standard work on procedure. The topics are arranged in the order in which they usually arise in court, and the index is full, giving both page and section of the book.

—Denver Republican, Oct. 29, 1894.

The object of this work is to point out to young and inexperienced practitioners "what to do in procedure from the initiatory state in an action or proceeding, step by step, through its various stages; how to do it correctly; and what not to do, because improper." Mr. Fitnam has devoted much study and careful research to the preparation of the work, and

it should prove a valuable aid, not only to "inexperienced practitioners," but also to the veterans of the bar.

—Green Bag, Nov., 1894.

Randolph's Law of Eminent Domain in the United States.

[See Table of Contents and other descriptive matter on page 378, vol. 1, Law Book News, and a review by Hon. Geo. M. Dallas, on page 22 of this number.]

The name "Eminent Domain" comes from Grotius, and the subject is a prominent one with European writers on public law; but treatises about it do not exist outside of the United States. The topic develops here because it is a branch of our system of Constitutional Law. The first treatise was by H. E. Mills, of St. Louis, in 1879; of this a second edition appeared in 1888. In the last-named year there came another much larger book, by John Lewis, of Chicago. The subject had been systematically dealt with in two elaborate articles, published in 1856, in Volume XIX. of the Boston Law Reporter; and of course it is often nowadays incidentally expounded in works on other subjects,—e. g. in Pierce's American Railroad Law and Angell and Ames on Corporations.

Mr. Randolph's book brings the subject well up to the present date. It is a compact, accurate, and scholarly piece of work. The author is no party to that widespread silent conspiracy between writers and publishers which palms off upon an abused profession so much worthless matter. There is no padding here; the writer has thought over his matter, and his thinking is his own. He has furnished his reader also with an unusually good apparatus of helps in his full indexes, his careful syllabus of the entire volume, and a collection of all the constitutional passages relating to his subject. While the book is smaller than that of Mills, it has a more thorough and scholarly treatment of the subject. In avoiding the wholly unnecessary bulk of Lewis's treatise it steers clear also of the narrow, doctrinaire tone which did much to mar that book,—e. g. in its treatment of the topics of "Public Use" and "Taking." It may well be thought that Mr. Randolph carries too far the effort to widen the reach of the constitutional provisions, and accepts too readily the smoothly transmitted dicta of judges who in many cases have not sufficiently considered the nature and origin of the great topic they have in hand. But in this he has the example of his two predecessors. Both he and they may perhaps say that they are not making law, but only recording the law ascertained by the courts; yet one has only to recall the subtle skill of Blackburn in his treatise on Sale to perceive how much an author may do by a

wise selection, analysis, and interpretation of the cases, and a close restriction of them to the exact point decided, towards placing the law upon a better footing. "Legislation," says our author of a certain topic, "both constitutional and statutory, has cleared or confused the situation according to the amount of legal sense behind it." He would probably think it unbecoming to say of judicial decisions what he says here of legislation; yet as to many topics that thing ought to be plainly said. Many of the decisions on the subject of Eminent Domain are ill instructed and petty. To say that they declare the law for their own jurisdiction is to say much, when one is inquiring what the momentary law in that jurisdiction is; but it is to say comparatively little when the question is of that larger sort that concerns the jurist, and the lawyer who seeks to set his own feet on the rock of right principles and sound reason and to help place his subject there.

—*"J. B. T."* in *Harvard Law Review*.

This is a thoughtful treatise on a difficult subject, and we think that the New Jersey bar will be glad to acknowledge it as the work of a Jerseyman. There are already several text books on the subject, but the subject is one that is growing with the increase in the number of enterprises requiring the exercise of the eminent domain, and it is changing with the growth of the feeling of respect for private rights. It is a subject which can be fully treated only in the United States, where the right of private property is fully protected by the constitution, and where it is for the courts and not the legislature only to determine whether private property is to be taken or not; and Mr. Randolph pertinently suggests that those who view this power of the state as a menace to the rights of individuals may comfort themselves with the knowledge that in this country the duty of the state to pay for what it takes is a bulwark against many forms of spoliation under the guise of law.

—*New Jersey Law Journal*.

This is a learned and scholarly monograph on a subject which increases in importance with the material progress of our country, and which interests every property owner in the United States. Eminent domain is the

right of the State to take private property for public use on payment of compensation. The extension of our highways, the expansion of our steam and electric railroads, together with the vast engineering schemes for the reclamation of swamp lands, and the irrigation of arid lands, are but a suggestion of the innumerable progressive movements which are constantly demanding of the State an exercise of the eminent domain. As a result of the constant and varied application of this right a great body of law has been created. Mr. Randolph has written this book for the purpose of presenting the principles of this law, and the rules governing its application. The first chapter contains a brief historical sketch of the rise and development of the right of eminent domain in this and foreign countries, with a comparative view of this power and kindred powers. The subject is treated clearly and interestingly, and forms an admirable introduction to the thirteen subsequent chapters, which discuss among other topics, the Jurisdiction of the Federal and State Courts, and the Effect of the Federal Constitution on State Eminent Domain; Public Use, with an analysis of what constitutes public purpose and who determines it; the Authority to Condemn Property, with its exercise by and qualification of agents; Interference with Private Property in furtherance of Public Purpose, and Compensation and Damages. The author also discusses very fully the rules of procedure by which the rights and obligations incident to the exercise of the eminent domain are enforced, together with the legal and equitable remedies for wrongful interferences with property under cover of the public interest. Mr. Randolph's style is clear and forcible and his volume shows conscientious and laborious research. He has given a clear presentation of the general principles of the law of eminent domain applicable to all the states, and not mere local interpretations of the law, and has supported his statements by citations of only those cases that he has personally examined. The work will be accepted by the profession as a trustworthy, authoritative statement of the law, and a valuable addition to the literature on this subject. The book is indexed thoroughly, and the paper, typography and binding are of the best.

—*Yale Law Journal*.

BOOKS RECEIVED.

From Baker, Voorhis & Co., New York:

Gardner's Review in Law and Equity.

From W. C. Little & Co., Albany, N. Y.:

Bradner's Practice in Supplementary Proceedings.

From Matthew Bender, Albany, N. Y.:

Bradner's Practice in Attachment of Property.

Rice's American Probate Law.

From P. Blakiston, Son & Co., Philadelphia:

Reese's Medical Jurisprudence.

From Little, Brown & Co., Boston:
 Wambaugh's Study of Cases.
 Wambaugh's Cases for Analysis.
 The Federal Income Tax.
 From Marcellus M. Thompson, Clarksburg,
 W. Va.:
 Magistrate's Manual.

From Banks & Bros., New York, N. Y.:
 Huffcutt & Woodruff's American Cases on
 Contracts.
 From F. H. Thomas Law-Book Co., St. Louis,
 Mo.:
 Bacon's Benefit Societies.

Leading Text Books Published in 1894.

Bacon on Benefit Societies. 2 vols. 2d edition	12 00	Jones' Forms of Conveyancing. 4th edition	6 00 net
Bailey's Master's Liability for Inju- ries to Servants.....	6 00 net	Kinney on Irrigation.....	7 00 net
Beach on Modern Equity Prac- tice. 2 vols	12 00 net	Lloyd's Law of Buildings. 2d edi- tion. Cloth, \$4.50. Sheep.....	5 00 net
Benedict's Admiralty. 3d edition..	6 00 net	Loveland's Forms of Federal Proce- dure	6 00
Bliss on Code Pleading. 3d edition	6 00 net	Niblack on Mutual Benefit Societies. 2d Ed.	6 00 net
Browne's Kent's Commentaries....	5 00 net	Pagan's Precedents and Forms in Federal Cases	6 00 del
Burrill on Assignments. 6th edition	6 00 net	Pollock on Torts. Webb edition....	5 00
Carr's Judicial Interpretation of the U. S. Tariff Act.....	5 50 net	Prentice on Police Powers.....	5 00 net
Clark on Contracts.....	3 00 net	Randolph on Eminent Domain...	5 50 net
Clark's Criminal Law.....	3 50 net	Rice's Probate Law and Practice..	6 50 net
Cogley on Strikes & Lockouts.....	4 00 net	Shipman's Common Law Pleading...	3 50 net
Cook on Stocks. 2 vols. 3d edition	12 00 net	Stephen on Pleading (Andrews)...	4 00 net
Coxe on Judicial Power and Un- constitutional Legislation.....	3 00 net	Taylor's Law of Private Corpora- tions. 3d Ed.....	6 00
Daniell's Chancery. 3 vols. 6th Ed.	18 00 net	Tiedeman on Municipal Corpora- tions	6 00 net
Demarest on Elevated Railroad Law	3 50 net	Underhill on Evidence.....	6 00 net
Dillon's Laws and Jurisprudence of England and America. Cloth....	4 00 net	Wiley's Procedure in the Courts of Law and Equity.....	2 00 net
Elliott's General Practice. 2 vols..	12 00 net	Williams on Real Property. (Hutchins' Notes.) 17th Interna- tional Ed.....	4 00 net
Fitnam's Trial Procedure.....	6 00 net	Wood on Railways. 3 vols. 2d edi- tion	18 00 net
High on Receivers. 3d edition....	6 00 net		
Jones on Chattel Mortgages. 4th edition	6 00 net		
Jones on Liens. 2 vols. 2d edition	12 00 net		
Jones on Mortgages. 2 vols. 5th edition	12 00 net		

Leading Text Books Published During the Year 1893.

Adams' Cases on Sales.....	5 00 net	Perley's Law of Interest.....	5 00 net
Beach on Public Corporations. 2 vols.	12 00 net	Phillips on Mechanics' Liens. 3d edition	6 00 net
Beach on Modern Equity Jurispru- dence. 2 vols.....	12 00 net	Pingrey on Mortgages. 2 vols.....	12 00 net
Best on Evidence. (Chamberlayne.) 8th edition.....	5 00 net	Pomeroy on Code Remedies. 3d edition	6 00 net
Biddle on Fire Insurance. 2 vols..	10 00 net	Robinson's Forensic Oratory. Cloth, \$2.50. Sheep.....	3 00 net
Bispham's Equity. 5th edition....	6 00 net	Spelling on Trusts and Monopolies	3 50 net
Black's Pomeroy on Water Rights...	5 00 net	Spelling on Extraordinary Relief. 2 vols.	11 00 net
Black on Tax Titles. 2d edition...	6 00 net	Sheldon on Subrogation. 2d edition	5 00 net
Buswell on Law of Personal Injuries	5 50 net	Smith on Personal Property.....	3 50 net
Cassoday on Wills.....	3 50 net	Sutherland on Damages. 2d edition. 3 vols	18 00 net
Church on Habeas Corpus. 2d Ed.	7 50 net	Thornton on Gifts and Advances..	6 00 net
Clements' Digest of Fire Insurance	6 50 net	Tiffany on Death by Wrongful Act	4 50 net
Cobbey on Chattel Mortgages. 2 vols.	10 00 net	Van Fleet on Collateral Attack....	6 50 net
Keener on Quasi Contracts.....	5 00 net	Walsh's Quiz Books. 3 volumes..	8 00 net
Lawson on Contracts.....	5 00 net	Wood on Limitations. 2d edition. 2 vols.....	11 00 net
Mechem's Cases on Agency.....	4 00 net	Warvell on Abstracts. 2d edition..	6 00 net
Murfree on Foreign Corporations..	4 00 net	Wood on Nuisances. 2 vols.....	12 00
Norton on Bills and Notes.....	3 50 net		
Parsons on Partnership. 4th edition.	6 00 net		
Parsons on Contracts. 8th edition. 3 vols.....	18 00		

DIGEST

Of Articles on Legal Subjects in Current Periodicals, Newspapers, Annotations in Reports, etc., etc.

List of Abbreviations and Publications Digested.

Abbreviations.	Name.	Published.	Prices of Single Numbers.
Abb. N. C.	Abbott's New Cases, Diossy Law Book Co., N. Y. City	Monthly.....	\$4.50 per vol.
Alb. Law J.	Albany Law Journal, Albany, N. Y.	Weekly.....	25c.
Am. Banker.	American Banker, New York City	Weekly.....	10c.
Am. Lawy.	American Lawyer, New York City	Monthly.....	10c.
Am. Law Reg. & Rev.	American Law Register and Review, Philadelphia	Monthly.....	50c.
Am. Law Rev.	American Law Review, St. Louis	Bi-Monthly.....	\$1.00.
Am. Prob. R.	American Probate Reports, Baker, Voorhis & Co., New York City	Irregular intervals.....	5.50 per vol.
Am. R. & Corp. R.	American Railroad and Corporation Reports, E. B. Myers & Co., Chicago	Irregular intervals.....	4.50 per vol.
Am. St. Rep.	American State Reports, Bancroft-Whitney Co., San Francisco	Bi-Monthly.....	Sold by subscription only.
Am. & Eng. Corp. Cas.	American and English Corporation Cases, Edward Thompson Co., Northport, Long Island, N. Y.		\$4.50 per vol.
Am. & Eng. R. Cas.	American and English Railroad Cases, Edward Thompson Co., Northport, Long Island, N. Y.		4.50 per vol.
Anst. Law T.	Australian Law Times, Melbourne, Australia	Semi-Monthly.....	£3 8s. per yr.
Banking Law J.	Banking Law Journal, New York City	Monthly.....	30c.
Brief.	The Brief, London, Eng.	Monthly.....	Sixpence.
Can. Law J.	Canada Law Journal, Toronto, Can.	Semi-Monthly.....	50c.
Can. Law T.	Canadian Law Times, Toronto, Can.	Monthly.....	50c.
Cape Law J.	Cape Law Journal, Grahamstown, Cape of Good Hope	Quarterly.....	\$1.50.
C. C. A.	U. S. Circuit Courts of Appeals Reports, West Pub. Co., St. Paul, Minn.	Irregular intervals.....	\$3.35 per vol.
Cent. Law J.	Central Law Journal, St. Louis	Weekly.....	25c.
Chi. Law J.	Chicago Law Journal, Chicago	Monthly.....	25c.
Chi. Leg. N.	Chicago Legal News, Chicago	Weekly.....	10c.
Civil Proc. R.	New York Civil Procedure Reports, S. S. Peloubet, New York City	Monthly.....	10c.
Collector	The Collector and Commercial Lawyer, Detroit, Mich	Monthly.....	35c.
Cornell Law J.	Cornell Law Journal, Ithaca, N. Y.	Monthly.....	30c.
Counsellor	The Counsellor, New York City	Irregular intervals.....	\$6 per vol.
Cr. Law Mag.	Criminal Law Magazine, Jersey City, N. J.	Daily.....	02c.
Daily Balt. Rec.	Daily Baltimore Record, Baltimore, Md.	Monthly.....	50c.
Green Bag.	Green Bag, Boston	Monthly.....	10c.
Guide.	The Guide, Kalamazoo, Mich.	Monthly.....	35c.
Harv. Law Rev.	Harvard Law Review, Cambridge, Mass.	Quarterly.....	65c.
Int. Jour. Eth.	International Journal of Ethics, Philadelphia, Pa.	Monthly.....	25c.
Iowa Univ. Law Bul.	Law Bulletin of Iowa University, Iowa City, Iowa	Weekly.....	1 shilling.
Ir. Law T.	Irish Law Times & Solicitors' Journal, Dublin, Ire.	Weekly.....	Sixpence.
J. P.	Justice of the Peace, London, Eng.	Quarterly.....	Sixpence.
Jurid. Rev.	Juridical Review, Edinburgh, Scotland	Monthly.....	5 shillings.
Law Notes.	Law Notes, London, Eng.	Quarterly.....	10c.
Law Quart. Rev.	Law Quarterly Review, London, Eng.	Monthly.....	Sixpence.
Law Student's Helper.	Law Student's Helper, Detroit, Mich.	Quarterly.....	5 shillings.
Law Students' J.	Law Students' Journal, John Indermaur, Chancery Lane, London, Eng.	Monthly.....	10c.
Law T.	Law Times, London, Eng.	Monthly.....	Sixpence.
Lawy. Rep. Ann.	Lawyers' Reports Annotated, Lawyers' Co-operative Pub. Co., Rochester, N. Y.	Weekly.....	
Leg. Int.	Legal Intelligencer, Philadelphia	Semi-Monthly.....	75c.
Madras Law J.	Madras Law Journal	Weekly.....	10c.
Med. Leg. J.	Medico-Legal Journal, New York City	Quarterly.....	
Mich. Law J.	Michigan Law Journal, Grand Rapids, Mich.	Monthly.....	25c.
Minn. Law J.	Minnesota Law Journal, St. Paul, Minn.	Monthly.....	25c.
Mont. Leg. N.	Montreal Legal News, Montreal, Can.	Monthly.....	
Morr. Min. R.	Morrison's Mining Reports, Callaghan & Co., Chicago	Irregular Int'vals.....	\$5 per vol.
Nat. Corp. Rep.	National Corporation Reporter, Chicago	Weekly.....	10c.
Neb. Leg. N.	Nebraska Legal News, Lincoln, Neb.	Weekly.....	10c.
N. J. Law J.	New Jersey Law Journal, Plainfield, N. J.	Monthly.....	25c.
N. W. Law Rev.	Northwestern Law Review, Chicago	Monthly.....	25c.
N. Y. Cr. R.	New York Criminal Reports, S. S. Peloubet, N. Y. City	Monthly.....	
N. Y. Law J.	New York Law Journal, New York City	Daily.....	05c.
Pa. Law Series.	Pennsylvania Law Series, Philadelphia, Pa.	Monthly.....	\$1.00.
Pittsb. Leg. J.	Pittsburgh Legal Journal, Pittsburgh, Pa.	Weekly.....	10c.
Political Science.	Political Science, Boston, Mass.	Quarterly.....	
Quart. Jour. Econ.	Quarterly Journal of Economics, Boston	Quarterly.....	\$2.00 per year.
Rev. of Rev.	Review of Reviews, New York City	Monthly.....	\$2.50 per year.
Revue Generale.	Revue Generale, Paris, France	Monthly.....	
Scot. Law Rev.	Scottish Law Review, Glasgow, Scot.	Monthly.....	1 shil. and sixpence
Scot. Law T.	Scots' Law Times, Edinburgh, Scotland	Weekly.....	
University Law Rev.	University Law Review, New York City	Monthly.....	25c.
Wash. Law R.	Washington Law Reporter, Washington	Weekly.....	10c.
Wkly. Law Bul.	Weekly Law Bulletin and Ohio Law Journal, Columbus, Ohio	Weekly.....	25c.
W. Va. Bar.	West Virginia Bar, Morgantown, W. Va.	Monthly.....	10c.
Yale Law J.	Yale Law Journal, New Haven, Conn.	Monthly.....	35c.

TOPICAL DIGEST.

N. B. The classification of the American Digest is here used.

Accident Insurance.

— See "Insurance."

ALIENS.

A review of the recent decision of Judge Colt as to the right of Japanese to be naturalized. Reported in 62 Fed. 126.—By John H. Wigmore. 28 Am. Law Rev. 818.

Appeal.

— Mandamus in aid of, see "Mandamus."

ARBITRATION.

A review of the fur seal arbitration.—By H. W. Blodgett. 3 N. W. Law Rev. 73.

ARMY AND NAVY.

— Right of president to use to enforce the law, see "Constitutional Law."

ATTORNEY AND CLIENT.

A valuable article on the right of attorneys to commissions in lieu of costs.—28 Ir. Law T. 581, 591.

A valuable article, with numerous citations, on the liability of an attorney for erroneous advice.—By William B. Bosley. 4 Yale Law J. 65.

BANKS AND BANKING.

A compilation of recent decisions as to the liability of banks and the officers thereof.—9 Am. R. & Corp. R. 228.

An extensive note as to recent decisions touching the liability of banks towards their depositors.—9 Am. R. & Corp. R. 146.

A collection of authorities as to the prohibition of preferences by insolvent national banks.—25 L. R. A. 546.

BUILDING AND LOAN ASSOCIATIONS.

A collection of recent decisions as to the powers and liabilities of such corporations.—9 Am. R. & Corp. R. 553.

CARRIERS.

— Liability for negligence or torts of servants, see "Master and Servant."

A review of recent decisions as to interchangeable mileage tickets.—9 Am. R. & Corp. R. 592.

A collection of authorities on the rights and remedies of shippers for unjust discrimination as to freight.—9 Am. R. & Corp. R. 619.

An extensive note, with numerous citations, as to some phases of unjust discrimination and undue preference or prejudice under the common law and the statutes.—9 Am. R. & Corp. R. 273.

A collection of authorities on the effect of a receipt or bill of lading limiting the liability of the carrier.—9 Am. R. & Corp. R. 25.

A collection of authorities on the validity of contracts for rebates.—9 Am. R. & Corp. R. 638.

An extended note on the relation of sleeping-car companies to railroad companies, and their duties and liabilities towards their passengers.—By H. Campbell Black. 10 C. C. A. 335.

CHARITIES.

A valuable article on the remoteness of charitable gifts.—8 Harv. Law Rev. 211.

CITIZENSHIP.

A valuable note on the effect of diverse citizenship as a ground of federal jurisdiction, with numerous authorities.—By H. Campbell Black. 10 C. C. A. 249.

Comparative Negligence.

— See "Negligence."

CONFLICT OF LAWS.

A short article on the right of plaintiff in England, who has suffered a wrong abroad, to the same right and remedy as he would have in the place where he was injured.—98 Law T. 104.

CONSTITUTIONAL LAW.

A review of the income tax, and its probable unconstitutionality.—By Robert Sewell. 28 Am. Law Rev. 808.

A review of the powers of the New York legislature over local offices under the constitution of 1894, with numerous citations.—By Roger Foster. 50 Alb. Law J. 349.

A review of the right of the president of the United States to use the army to enforce the law and the jurisdiction of the court without the request of any one.—By Richard C. McMurtrie. 1 Pa. Law Series, 4.

CONTRACTS.

— See "Specific Performance."

A continuation of a valuable article on the effect of public policy on contracts.—By R. C. Chapman. 2 Law Students' Helper, 357.

CORPORATIONS.

A short article on the executive powers of a corporation president.—By W. W. Rathbun. 9 Nat. Corp. Rep. 291.

A short note on the liability of directors of corporations not legally organized for debts contracted in their name.—9 Am. R. & Corp. R. 505.

A short note on the liability of subscribers to stock of corporations.—9 Am. R. & Corp. R. 239, 245.

An extensive note on the right of insolvent corporations to prefer creditors.—9 Am. R. & Corp. R. 50.

A compilation of recent decisions affecting foreign corporations.—9 Am. R. & Corp. R. 167.

COSTS.

— See "Attorney and Client."

An article on the effect of excessive costs in causing a decrease in litigation.—13 Law Notes, 378.

COURTS.

An extended note on diverse citizenship as a ground of federal jurisdiction.—By H. Campbell Black. 10 C. C. A. 249.

COVENANTS.

A review of the covenants in a lease for years, with the law affecting the same, with numerous citations.—By James M. Kerr. 50 Alb. Law J. 366.

CRIMINAL LAW.

An article on the true remedy for lynching.—By Walter Clark. 28 Am. Law Rev. 801.

A collection of American authorities on the right to introduce evidence against prisoners of previous misconduct.—By Lyne S. Metcalfe, Jr. 39 Cent. Law J. 486.

Damages.

— Mental anguish as an element, see "Telephone Companies."

DESCENT AND DISTRIBUTION.

An interesting article on "estate duty, and the road around it."—98 Law T. 178.

DOMICILE.

A short note on the effect of a change in domicile on the citizenship of a party.—By H. Campbell Black. 10 C. C. A. 251.

ELECTIONS AND VOTERS.

A few authorities on the constitutional right of suffrage.—25 L. R. A. 480.

ELECTRIC WIRES.

A collection of authorities as to the liability of cities and electric light companies for injuries to travelers from wires in the streets.—9 Am. R. & Corp. R. 424.

EMINENT DOMAIN.

A collection of recent decisions as to the rights and remedies of abutting owners where a railroad is laid in a public street.—9 Am. R. & Corp. R. 113.

A short note as to the right of an abutting owner to damages where the grade of a street is changed.—9 Am. R. & Corp. R. 122.

EVIDENCE.

A note, with numerous citations, on the method of proof of foreign laws.—25 L. R. A. 449.

A short article on the evidence admissible to prove handwriting.—58 J. P. 813.

EXECUTORS AND ADMINISTRATORS.

A short note on the citizenship of executors, as affecting the jurisdiction of the federal courts.—By H. Campbell Black. 10 C. C. A. 252.

FACTORS AND BROKERS.

An article on the right of a principal to revoke the authority of a real-estate agent, with reference to the case of *Blumenthal v. Goodall*, 25 Pac. 131, 26 Pac. 906.—By Upton J. Hammond. 50 Alb. Law J. 384.

Fire Insurance.

— See "Insurance."

GAMING.

A collection of authorities as to what, under the English law, is a betting resort.—98 Law T. 105.

HORSE AND STREET RAILROADS.

A collection of authorities on the liability of a street railway for injuries by collision with vehicles and horses.—25 L. R. A. 568.

Husband and Wife.

— Injuries to wife, see "Negligence."

INJUNCTION.

A few citations as to the jurisdiction in equity to enjoin legislative action of municipal bodies.—9 Am. R. & Corp. R. 90.

A short review of recent decisions as to the validity of injunctions issued against the strike leaders in July.—8 Harv. Law Rev. 227.

An interesting article read before the American Bar Association on the question whether violation of criminal law shall be prevented and punished by a court of equity by decree of injunction.—By Charles Clafin Allen. 28 Am. Law Rev. 828.

INSURANCE.

An extensive note, containing recent decisions, as to the powers and liabilities of fire insurance companies.—9 Am. R. & Corp. R. 371.

A collection of recent decisions as to the liability of accident insurance companies, and the method of enforcing claims.—9 Am. R. & Corp. R. 403.

Jurisdiction.

— Of federal courts, see "Courts."

Labor.

— See "Injunction"; "Sunday."

Landlord and Tenant.

— Effect of covenants in lease, see "Covenants."

LAW.

A short article on the influence of legal fiction on the early growth of the Roman law.—4 Counsellor, 79.

A collection of authorities on the question of how far statutes will be regarded as having abrogated the maxim that one cannot profit by his own wrong.—25 L. R. A. 564.

A review of the making of law.—By Alfred Russell. 3 Mich. Law J. 331.

An address at the opening meeting of the winter session of the Scots Law Society, Edinburgh, on some questions of legal reform.—By Walter C. Spens. 10 Scot. Law Rev. 299.

A valuable article on the divisions of law.—By Frederick Pollock. 8 Harv. Law Rev. 187.

LIS PENDENS.

A review of the decision of the court of appeals deciding that the doctrine of lis pen-

dens does not apply to personal estate other than chattels real.—Sol. Jour. Republished in 28 Ir. Law T. 618.

Lynching.

— See "Criminal Law."

MANDAMUS.

An extensive note on the office of the writ of mandamus in aid of appeals.—By H. Campbell Black. 10 C. C. A. 450.

MARRIAGE.

A review of the marriage laws of Scotland.—2 Scot. Law T. 287, 345.

MASTER AND SERVANT.

A valuable article on the legal rights and duties of employer and employed, as affecting the interests of the public.—1 Pa. Law Series, 19.

A review of the law as to the liability of a master for the negligence of a fellow servant, as applied in the courts of Illinois, with numerous citations.—By James P. Harrold. 39 Cent. Law J. 467.

A short note as to the liability of railroad companies for injuries to brakemen.—9 Am. R. & Corp. R. 440.

An extended note, with numerous citations, as to the liability of carriers for injuries caused by the negligence or torts of their servants.—By H. Campbell Black. 10 C. C. A. 466.

A short note as the liability of railroad companies for the acts of a brakeman in ejecting a trespasser.—9 Am. R. & Corp. R. 348.

MECHANICS' LIENS.

A short article on the rights of a subcontractor.—2 Law Students' Helper, 381.

Mental Anguish.

— As element of damage, see "Telegraph Companies."

Municipal Aid.

— See "Railroad Companies."

MUNICIPAL CORPORATIONS.

A short note on the right to recover for damages to private property resulting from vacating streets.—9 Am. R. & Corp. R. 183.

A short note on the liability of cities for injuries resulting from snow or ice upon sidewalks or crossings.—9 Am. R. & Corp. R. 219.

An extensive collection of authorities as to the rights, duties, and liabilities of munic-

ipalities to abutting owners for injury caused by openings in or near sidewalks for the use of abutters.—9 Am. R. & Corp. R. 688.

National Banks.

— See "Banks and Banking."

Naturalization.

— See "Allens."

NAVIGABLE WATERS.

A review of the law relating to the removal of wrecks in navigable waters and near harbors.—58 J. P. 761.

NEGLIGENCE.

— See "Municipal Corporations"; "Railroad Companies."

— Of servants, see "Master and Servant."

An interesting review of the question whether contributory negligence of a wife will defeat the husband's recovery for consequential damages resulting to him from the injuries to his wife.—By William A. Carr. 1 Pa. Law Series, 93.

A valuable article on the liability of architects, builders, contractors, and owners for negligence.—By Irvin Cooke Williams. 1 Pa. Law Series, 47.

A short article on the rule of comparative negligence in Illinois.—By Albert D. Davidson. 3 N. W. Law Rev. 93.

Nonsuit.

— See "Practice in Civil Cases."

NUISANCE.

An article on the right of action arising to a neighbor from nuisances committed on one's own land.—58 J. P. 745.

Parties.

— Citizenship, as affecting the jurisdiction of the federal courts, see "Courts."

Passengers.

— Duties and liabilities of street-car companies towards, see "Carriers."

PLEDGE.

A brief note as to how far a pledge may be effectual of which the pledgor's agent is made depository.—25 L. R. A. 577.

PRACTICE IN CIVIL CASES.

A short article as to the power of the court to grant a nonsuit on failure of proof in Minnesota.—2 Minn. Law J. 282.

Some practical suggestions on proposed improvements in circuit court practice in Michigan.—By Chester L. Collins. 3 Mich. Law J. 341.

Preferences.

— By insolvent corporations, see "Corporations."

— By insolvent national banks, see "Banks and Banking."

Public Policy.

— See "Contracts."

RAILROAD COMPANIES.

— Discrimination in freight rates, see "Carriers."

A collection of recent decisions as to the power of municipalities to issue railroad aid bonds, and the validity thereof.—9 Am. R. & Corp. R. 530.

A collection of authorities as to the power of the legislature to compel companies to make alterations, construct works, or otherwise incur expense for the purpose of promoting the public health, convenience, or safety.—9 Am. R. & Corp. R. 605.

A collection of authorities on the liability for damages resulting from the frightening of horses by blowing whistles, emitting steam, etc.—9 Am. R. & Corp. R. 482.

RECEIVERS.

A short article on the jurisdiction to appoint a receiver on petition of a debtor.—28 Am. Law Rev. 925.

A short note on the effect of citizenship, as affecting the jurisdiction of the federal courts.—By H. Campbell Black. 10 C. C. A. 253.

RELEASE AND DISCHARGE.

A collection of authorities on the validity of releases to railroads for damages through personal injuries.—9 Am. R. & Corp. R. 493.

Sleeping-Car Companies.

— Their duties and liabilities, see "Carriers."

SOCIETIES.

A review of the state of the English law as to disputes between a friendly society and its members.—58 J. P. 797.

SPECIFIC PERFORMANCE.

A valuable article, consisting of extracts from lectures delivered before the students of the law school at Osgoode Hall.—By A. H. Marsh. 14 Can. Law T. 312.

STATUTES.

— Proof of foreign statutes, see "Evidence."

A short article on the decisions of the supreme court of the United States on the subject of construction of statutes.—4 Yale Law J. 80.

Strikes.

— Remedy by injunction, see "Injunction."

Subscription.

— To corporate stock, see "Corporations."

SUNDAY.

Works of charity and necessity, within the meaning of the statutes forbidding labor on Sunday.—By Percy Edwards. 39 Cent. Law J. 507.

SURFACE WATER.

A collection of recent decisions as to mental anguish as element of damages for negligence in sending or delivering telegrams.—9 Am. R. & Corp. R. 770.

Taxation.

— Constitutionality of income tax, see "Constitutional Law."

TELEGRAPH COMPANIES.

A review of the decisions of the several states in relation to the effect of limiting the liability for unrepeatd messages.—9 Am. R. & Corp. R. 748.

A collection of recent decisions as to negligence in failure to deliver, or in delay in delivering, telegrams.—9 Am. R. & Corp. R. 515.

A collection of recent decisions as to mental anguish as element of damages for negligence in sending or delivering telegrams.—9 Am. R. & Corp. R. 770.

TORTS.

— Of servants, see "Master and Servant."

An interesting article on the right to so maliciously exercise one's legal rights as to cause damage to others, and the remedy therefor.—58 J. P. 814.

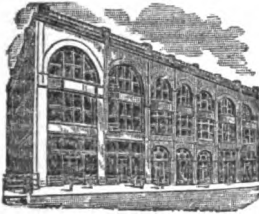
A valuable essay on the tripartite division of torts.—By John H. Wigmore. 8 Harv. Law Rev. 200.

DO You Wish Annotations to Every Text Book on Your Shelves?

The American Annual Digests for 1887, 1888, 1889, 1890, 1891, 1892, 1893, and 1894 (U. S. Digest, Third Series, Vols. 1 to 8) contain 133,193 American cases, arranged uniformly under a scientific classification, elaborated in multitudes of subdivisions marked by black-letter headings, and with many thousands of specific cross-references. They are the very latest cases up to September 1, 1894, with references to the Reporters and the State Reports so far as published.

These Digests are in almost daily use with some thousands of attorneys in all parts of the United States. By leading the reader directly to the latest modifying decisions on any given topic, they practically operate as a **Supplement to every Text Book**, or a **New Edition**, bringing it down to date. Any single volume will be sold on approval.

WEST PUBLISHING CO., St. Paul, Minn.



**WEST
PUBLISHING
CO.,
ST. PAUL, MINN.**
Founded 1876.
Incorporated 1882.
Capital Stock, \$500,000

Proprietors of
the National Re-
porter System,
and the most ex-
tensive law pub-
lishers and law
booksellers in the
United States.



The • • National Reporter System

Is a complete and established system of authentic law reports. The back volumes now published contain more than one-quarter of all the American case law.

The continuations report in full all the current decisions of all the U. S. Courts and the Courts of last resort of all the states and territories, and all the intermediate and lower courts of record of New York State, in the following publications:

Supreme Court Reporter,	Northwestern Reporter,
Federal Reporter,	Pacific Reporter,
Northeastern Reporter,	Southwestern Reporter,
Atlantic Reporter,	Southern Reporter,
Southeastern Reporter,	New York Supplement.

The American Digest, Annual and Monthly, covers all the current reported decisions.

Full information regarding the Reporters, with sample copies, will be sent to any address on application.

LAW BOOK NEWS

A MONTHLY REVIEW OF CURRENT LAW LITER-
ATURE AND JOURNAL OF LEGAL
BIBLIOGRAPHY.

TERMS OF SUBSCRIPTION:

\$1 a Year. Single Copies, 10 Cents.

Vol. 2. St. Paul, Minn., February, 1895. No. 2.

Great Law Books.

THE American Lawyer for January has an editorial upon "The Books of the Law," which will probably attract attention because it expresses so enthusiastic a desire to bring about the day of masterpieces in legal literature. With such a desire, in the abstract, every one must sympathize. But, with the privilege of throwing cold water which every critic claims, we would like to inquire how that legal millenium is to be reached. The writer in the American Lawyer only indicates the method in terms of a glittering generality. He finds that the majority of our legal text-books are "inadequate to the service to which they are dedicated," and instances Blackstone's and Kent's Commentaries, Benjamin on Sales, Sugden on Vendors, Smith on Contracts, and Stephen on Pleading, as examples of what all law books should be. This is a good deal like

v.2L.B.N.no.2—3

saying that we really need and ought to have a few more Hamlets, Fausts, Divine Comedies and Illads. He proceeds: "One of the great needs of the profession is that it shall have at its command works of like character in every department of our jurisprudence." By all means let us have them,—if we can get them. But where are they to be had? It would seem that the writers of classics must be occupying themselves with other affairs. If so, the American Lawyer evidently intends to bring them to a realizing sense of their duties to the profession. "For this condition of affairs in our literature we are not inclined to censure either authors or publishers," it says. "We appreciate the difficulties which have environed them in the past, but those difficulties, which may excuse if they do not justify the desultory character of their work, no longer exist. The time has come when the old method of writing and of publishing law books should be abandoned." What the difficulties are which have environed authors and publishers in the past, but which "no longer exist," is not stated, and from the latter clause we cannot guess them. The difficulty which environs the publisher, and in fact encompasses him about on every side, is the difficulty of getting any writer of books destined to become classics to submit a manuscript for publication. This must explain his failure in the past and present tenses, to do his part in providing the legal profession with works which would survive the assaults of time. Nothing would rejoice his heart more than

(33)

to get hold of the manuscript of such a book. If the American Lawyer's assurance that this difficulty is no longer to exist may be accepted, the law publishers of the country will joyfully get their presses into readiness, and decline more sternly than ever to be interviewed by writers who have not established their claim to be recognized as geniuses.

As to the difficulty which the authors may have encountered, we can only judge inferentially. Perhaps they have found more profit in arguing cases, or more glory in deciding them, than in writing books; or perhaps they have feared to run the gauntlet of the reviewers, or have not been sufficiently sure of an audience to warrant them in spending their time in this manner. Certainly if there is no professional demand for masterpieces there will hardly be a supply. Possibly the trouble is that lawyers are more anxious to purchase "case-winners" than books which might teach them the views of an abstract jurist.

But is it not possible that there is an inherent difficulty in the subject itself? Law cannot be evolved in the present day from the inner consciousness of any jurist. Its elementary principles have been gradually formulated by the clearest thinkers of the past, these formulations have been tested by generations of lawyers and reduced to their most unassailable terms, and it is questionable whether any modern mind, however comprehensive in legal grasp, could now improve upon many of these crystalized statements of the past. In fact it is probable that the best practical service to the legal profession is to-day rendered by men who do not seek to produce original masterpieces, but who present in the clearest manner and in properly related order the already established principles, with only so much comment as may serve to make these most intelligible. The several volumes of the Hornbook Series, projected exactly upon these lines, have been welcomed by critics, by legal instructors, and by practicing lawyers, as meeting most exactly the real need of the times. They are not ambitious books, in the ordinary sense. Beyond completeness and accuracy they make no claims. But they are useful to the present day lawyer, because they meet his present day need of

a chart to guide him through the perilous seas of jurisprudence. The man of to-day does not care to go on an original voyage of discovery. That joy was for Columbus and Bracton; the modern sailor knows that though he may sail to west and east and north and south, he will only discover islands which have already been named and claimed and bounded on the charts of earlier explorers. All that is left for him is to reach his port in the quickest and safest manner, and then to cultivate the lands and make them fruitful.

Notice in Regard to the American State Reports.

"LAW booksellers, who offer second-hand sets, or parts of sets, for sale, without giving notice that future volumes cannot be had, commit a fraud on the legal profession," is the language used in a circular issued by Bancroft-Whitney Co. on January 1, 1895, and as the publishers of Law Book News wish to clear their skirts of any possibility of a suspicion of either perpetrating or countenancing fraud, they hasten to give the aforesaid notice the widest possible publicity. The sets referred to are sets of the "American State Reports," and the New Year's resolution of the publishers expresses, apparently, a determination to keep these valuable books on their own shelves if by any means it is possible to overcome the wicked desire of the profession to get them away. "The American State Reports," they say, "are sold only by subscription in complete sets." The man who might wish to add this set to his library is therefore advised that it will be necessary for him to purchase the 39 volumes already issued before he may have the 40th volume. There is no such thing as beginning in medias res here. Let us be orderly, gentlemen, and realize that it is much better (for the publishers) to begin at the beginning. "Continuations or new volumes, as issued to said sets, when in the office of the original purchaser," the notice continues, "are delivered at four dollars each." This would seem to make it clear that if the owner should take the books to his house, or should lend them, he must abandon the hope of getting the continuations without paying a bonus. Query, how would it be if he took one volume home over night, and forgot to

bring it down to the office the next morning, and the new volume should arrive while his set was in this broken condition? Would he be allowed to obtain the new volume on a promise of good behavior for the future, or would he be sternly denied custody of the nice, fresh, new book until he had restored the other to its proper place "in his office"? And how would it be if a man should die? Would the executors be required to maintain his old office in statu quo in order to secure the continuations of the set? And could they secure them even then? There appears some room for doubt, since it would no longer be "the office of the original purchaser." Exactly how the publishers would manage to secure means of transporting the new volumes to the office of the original purchaser after that person has moved his office from this planet is not clear to us, but that may be because we have allowed our visions to be long limited by ordinary business methods. Perhaps they rely upon the fact that no subscriber to the American State Reports would feel justified in dying and involving his heirs in such a tangle.

"Purchasers of said sets, or parts of sets, may be able to get the future volumes at \$5 per volume PROVIDED they are able to trace books to original subscriber, and present satisfactory evidence that he paid for them," is the further condition of this manifesto. That seems to be requiring a good deal of work in view of the fact that it is to be rewarded at the end with a "may be" only, but of course the object in view may justify the requirement. Judging from the terms of this decree, it would seem that the object is to keep the profession from buying these particular books.

A similar notice from the Lawyer's Co-operative Publishing Company, to the effect that "The Lawyer's Reports Annotated are sold only by subscription in complete sets on continuing orders," suggests the query whether there may not be something in the business of "selection" which tends to make the publishers exclusive in their attitude towards the bar.

"No, I no keep thread any more," a country storekeeper indignantly informed a would-be purchaser. "So soon as I get some in stock, de peoples come and buy it right away. I get no more."

Law Dictionaries.¹

III.

"FINALLY and in conclusion," the whole discussion raised by Mr. Anderson in his polemical articles turns on the question as to what a dictionary should include. Mr. Anderson's ideas differ from those of most other lexicographers. He quarrels with them for including in their dictionaries antique words, on the ground that they are not in use, and that therefore it is not necessary to take up valuable space with them. But what is space in a dictionary for? A dictionary, as commonly understood, is not for general reading. It is for reference, and it includes antique words just because they are not commonly used, and need explanation. Mr. Anderson's theory seems to be that a "dictionary of law" should contain a certain percentage of definitions, a good deal of entertaining miscellaneous information, some cases of peculiar interest, and summaries of the law on certain topics of general interest. He therefore includes, under "Commerce," a discussion of the general subject, a digest of a number of decisions in which the subject has been involved, and a reprint of the entire text of the Interstate Commerce Act, taking up altogether 11 pages. So, under "Congress," he gives extensive extracts from the Constitution and from the Revised Statutes, relating to the formation of the Senate and the House of Representatives, and refers us for still further information to "Constitution," under which we find an article about the English Constitution, our State Constitutions, the Federal Constitution, with dates, quotations, original interpretations, etc., and a further reference to "Confederation, Articles of," and "National." In the same manner he takes up "Prohibition," not to give a definition, legal or lay, but to cover the various bearings of the subject, and he does it in 10 pages of fine print. The rule in Shelley's Case is not merely stated, but is made the occasion for two columns of what might well be classed as an annotation of the subject. Under "Telephone" he gives great chunks of the Bell Telephone Decision, which is accessible in full to every lawyer who wants to use it, in several reliable series of United States Supreme Court Reports.

¹See Vol. 1, No. 12, and Vol. 2, No. 1, of Law Book News.

To sum up, in all seriousness, and with no attempt to emulate Mr. Anderson in making out a case by the help of rhetoric, there are serious objections to Mr. Anderson's theories, and sound, not rhetorical, reasons why a book based upon them cannot take rank as the standard dictionary. He wishes antique words to be omitted. But it is sometimes necessary to know the meaning of these words, and a dictionary is the natural and proper place to look for it. If they are not given here, where should the searcher expect to find them? Does Mr. Anderson assume that no antique term of the law can be of interest or importance to the modern practitioner? If so, the assumption is matched only by that of the student who saw no need of acquainting himself with anything but the Revised Statutes of his own state. Eminent and respected authorities have told us that it is not possible thoroughly to comprehend a modern deed without a pretty extensive knowledge of the feudal system of land tenures.

He wishes to include all odd scraps of curious legal lore which he has gathered from various sources. This is interesting matter, but would any one ever go spontaneously to a dictionary for it? If we come upon it at all, it will probably be accidentally, and it is a question if we would be able to turn to it again.

He wishes to include curious and important cases. Where is the line to be drawn? And who, untrained to his artificial classification, and unacquainted with his personal idiosyncrasies, would find what he does include?

He wishes to give in some instances a summary of the law. If a dictionary is the proper place for a lawyer to study up the law of a subject before preparing for trial, the publishers must provide for new editions to keep the work constantly down to date. A practitioner could not safely rely on an old text-book or the text-book pages of an old dictionary, even if it have "Compendium" as its subtitle.

Finally, if all this miscellaneous matter is to be included with anything like consistent thoroughness, it would take something like 20 volumes to do it. To attempt to make "a dictionary and a compendium of American and English jurisprudence" in one volume is to confess that the work is incomplete accord-

ing to its own theory. The thing is impossible. For all the encyclopedia matter which is included, so much legitimate dictionary matter must be crowded out, and the encyclopedia matter itself cannot be exhaustive. It can hardly even be on any uniform plan. It must rest upon the arbitrary judgment or personal fancy of the compiler.

A number of law dictionaries are offered by their several publishers for the use of the profession. Several of them are considered as "standard" works of reference. Doubtless all have their merits and defects. Law Book News does not wish to appear as the champion of any one of them, but Mr. Anderson has, through his somewhat violent denunciation of the methods pursued by his rivals, invited a critical examination of his own theory and practice as a lexicographer, and we have accepted the invitation. This examination shows that Anderson's Dictionary of Law is constructed upon a very erroneous theory, if indeed it can be said to embody any consistent theory at all. It is not a dictionary in the ordinary sense, but a sort of scrap basket of general legal information put under an alphabetical arrangement. It brings to mind the little books offered on the cars by the engaging train boy, and doubtless sold in large quantities to country people,—the "Handy Manuals of Useful Information," containing statistics, abridgments of the law, interest tables, cures and treatments for all diseases, recipes for cooking, and in brief, innumerable "facts." These compendiums are doubtless very useful if you happen to find what you are looking for in them. So, also, Anderson's Dictionary is often found very useful by the lawyers; indeed we have known men to be enthusiastic over matter which they found accidentally in its pages, and which they had not the slightest reason for expecting to find there; but it is exhaustive of nothing, least of all of the matter which one would naturally expect to find in a law dictionary.

The commonplace book of a well-read man, into which he has gathered, during many years of wide and enthusiastic reading, the "things I have found interesting," can hardly fail to be interesting reading for others; but it can hardly claim to be either a dictionary or a compendium of jurisprudence.

Law and Poetry.

CHIEF Justice Sir J. Madden, of Australia, took occasion some time ago to regret the absence of poetry among his compatriots. "This nation,—or rather the makings of a nation," he is reported to have said, "needed the adornment of poetry more than any other nation, for we were sprung from progenitors who were eminently practical themselves, and who had transmitted this quality to their descendants. Poetry, which represented all that was brightest, purest, and best in human character, was sadly lacking in this community, as one could not but see and lament, whether on the platform or in the council chamber or the law court."

Whereupon the Australian Law Times rises to the occasion, and in its issue of December 15th submits the following poetic report of a court-room symphony as "a possibility of the future":

Scene—The First Civil Court.

The case of *Shadrack v. Tompkins* is called before the Chief Justice and a jury. The plaintiff sues for £1000, the amount of a promissory note made by the defendant and interest thereon.

The defence is that the note is not properly stamped.

Mr. Phibber and Mr. Undertone appear for the plaintiff; and Mr. Kewsee and Mr. Wicketts for the defendants.

Mr. Phibber—If your Honor pleases, in this case I appear for the plaintiff, with my learned friend Mr. Undertone. I propose to address the jury in verse, and my learned junior will accompany me on the violin; which you perceive he has under his gown. He has nothing else to do in the case; and may as well earn his fee that way.

The Chief Justice—I'm delighted to hear it, and will be delighted to hear both of you.

"Rhyme with reason,
Is speech in season."

Mr. Phibber—As Shakespeare says:

"If music be the food of law, play on."

Mr. Undertone tunes up, and the jury assumes attitudes of unwonted interest.

Mr. Undertone then plays the preliminary bars of the waltz from "Morocco Bound," at the end of which there is a rustle of applause, but the Crier calls "Silence!"

Mr. Phibber sings in silvery tones—

My client is a gentleman, in business in this town,
He's figured in the Courts before, with more or less renown,
His principles are Principal, with interest to boot,
His motto is from Shakespeare, and it's "Money is your suit."

Oh! it's cent. per cent. for money lent,
That's interest to boot.

The Chief Justice—Excuse me, Mr. Phibber, I didn't catch that last quotation. Your junior was a little bit out.

Mr. Undertone—Beg your Honour's pardon;

but the violin is a time payment one; my own is —

The Chief Justice—"Yes, Yes, I understand, very good, proceed please."

Mr. Phibber—

Defendant comes to Mr. S.— says he, "I want a thou,"
Taeese busted banks have busted me, I'm clean stumped anyhow."
"Oh! very good," says Mr. S. "Just sign this little bill,
And get a friend to back it," the defendant says "I will."

Oh! the friend is found, the money's downed,
And here's the little bill.
Three months have passed, and now at last,
My client must be paid.
The "friend" has vanished into space—for ever,
We're afraid.

And so we come on Tompkins for to pay his little bill,
And when we come to get the cash, he does not say "I will."

The stamp is wrong, that is his song,
And his assets, too, are nil.
"Call you that backing of your friends.
A plague upon such backing." (King Henry IV.)

Mr. Phibber then proceeds to prove his case, which he does by simply putting the Promissory note in evidence.

Mr. Kewsee and Mr. Wicketts then ask for a non-suit together, to the well known air—

"The moon has raised her lamp above."

Defendant wrote the Bill above,
But with too small a stamp, my love;
Too small a stamp—
Too small a stamp.

The Stamp Act well and truly prove,
The Stamp Act 1890, Sir,
We do respectfully aver,
Distinctly shows that this is so,
And plaintiff can't recover here.

The jury show signs of impatience, and, led by the foreman, sing thus—

We're sitting here since half past ten,
And now 'tis nearly one;
A bit of lunch, we'd like to munch
Before our task is done.

The Chief Justice (to the Foreman), Very well, Sir, and "Use a little wine for thy stomach's sake."—(Timothy.) And if you have time, have a smoke, although as for tobacco I agree with Cowper—You know the lines?

"Pernicious weed! whose scent the fair annoys,
Unfriendly to Society's chief joys
Thy worst effect is banishing for hours
The sex whose presence civilizes ours."

The jury murmur "Hear, Hear!" and secretly proceed to cut up Lucy Hinton, Victory and Golden Bar.

The intelligent jury retire, discuss their lunch and the case together.

The Foreman.—Well, I've made up my mind to give my verdict according to justice, and hang the evidence, and as for these here lawyers, what I say is—

"And be these juggling fiends no more believed
That palter with us in a double sense."

(Macbeth).

Juryman No. 2.—"Well, as for the whole affair, I fancy a thousand pounds is rayther stiff these times, this yarn—

" . . . is a tale
Told by an idiot—full of sound and fury,
Signifying nothing."

Juryman No. 3—If you'd just tie up your
sound and fury and pass them vegetables, I'd
be obliged.

(The vegetables are duly passed).

Juryman No. 4 to Juryman No. 3—Well you
are

"A Snapper-up of unconsidered trifles."

(Winter's Tale).

When you've done with those vegetables, send
'em along.

Juryman No. 5—

"Give the Devil his due." (King Henry IV.)

The Foreman—Yes, but take care, there's not
much due to him. Well, gentlemen, how about
the verdict.

Juryman No. 2—"Well, I'll bet—

The Foreman—Now, don't do that.

"I've heard old cunning stagers,
Say, fools for arguments use wagers."

Juryman No. 2—D'y'e mean to say I'm a fool,
cause if you do it strikes me the boot's on the
other leg."

Juryman No. 3—Order please, gentlemen.

"If a house is divided against itself that house
cannot stand." (St. Mark).

Juryman No. 4—Time's up. (They proceed to
Court again and take their seats in the jury-
box).

The Chief Justice to Mr. Phibber—"Mr.
Phibber, I'd like to hear what you have to say
on the point raised by Mr. Kewsee."

Mr. Phibber.—Very well your Honor—

"Bid me discourse, I will enchant thine ear,
Or like a fairy, trip upon the green."

(Venus and Adonis).

But I'm happy to tell your Honor, that myself
and my learned friend who leads on the other
side arranged an amicable settlement, the terms
of which need not be made public.

The Chief Justice.—Very well, gentlemen.

Mr. Kewsee.—Before the Court adjourns may
I ask your Honor to allow me to make a few
remarks in song, according to the recent statu-
te in that case made and provided—

" . . . The man that has not music in his
soul"—and so forth.

The Chief Justice.—I shall be most happy to
hear you. In fact I shall assist in the melody
myself.

Mr. Kewsee.—My learned junior Mr. Wicketts
has brought his harp with him, and will join in
the harmony with Mr. Undertone.

Undertone and Wicketts after a prelude pro-
ceed with Liszt's Rhapsodie Hongroise No. 2;
while Mr. Kewsee and Mr. Phibber sing as fol-
lows:—

In this very funny case,
Was the stamp in its place?
This will always remain a mystery,
For we cut the matter short,
When we settled out of Court,
And the verdict's a blank in history."

Chorus by the jury—

"Oh they settled out of Court,
Which we think they didn't ought.
And smothered the case in mystery!

Mr. Kewsee and Mr. Phibber—

As for who's to pay our fees,
You may guess that how you please,
To a pretty penny reckon up the guineas.
But be assured the cost,
Is paid, when won or lost,
By either of the litigating ninnies."

Chorus by the jury—

"Oh yes we know the cost.
Of a case when won or lost,
Is settled by the litigating ninnies."
So, gentlemen, adieu.

Mr. Kewsee and Mr. Phibber—

You have nothing more to do,
Your attention we no longer will importune,
So intelligent a set,
Of men we've rarely met,
And we never want to have a better fortune.

Omnes—

Oh a very knowing set
We doubtless are, you bet,
And we never want to meet with better fortune.

Flourish by violin and harp and exeunt omnes
to the loyal tune—God save the Queen.

W. F.

Practice and Procedure.

THE address made by Frank C. Smith be-
fore the section on legal education of the
American Bar Association, to which refer-
ence has already been made in Law Book
News (see "Two Views on the 'Superabun-
dant' of Opinions," page 321), has been re-
printed in the January number of the Amer-
ican Lawyer, of which Mr. Smith is the ed-
itor. It gives the details of the examination
made by Mr. Smith of the points in the de-
cisions reported in the National Reporter Sys-
tem for 1893. This examination brought out
the fact that nearly 49 per cent. of the de-
cisions were upon points of procedure, or
other matters not involving the merits of the
controversies.

This is a startling showing, and, without
the statistics to back it up, would hardly be
believed. But if it is a fact, it is well to
have it acknowledged. Mr. Smith asks:

"What would be said of a trade or craft
against which it could be proven that in an
average of nearly 50 per cent. of the attempts
it made to serve its patrons, it failed to secure
just results, because its craftsmen did not un-
derstand how to use its machinery, or, under-
standing this, failed to so employ it as to attain
the end promised when it was entrusted to do
the service?"

If the profession once realizes the dilemma
which is presented by Mr. Smith's question,
there is little doubt that professional pride
will soon suggest a remedy. The fact that
technicalities in procedure have often been

taken advantage of to further the interests of clients has perhaps cast a professional glamour over the tangle which surrounds the matter of bringing a case into court. But the sense of justice developed by the study of the law can be trusted to correct and control the habit of subtlety developed by the practice of the law. Mr. Smith's statistics do good service in bringing the profession face to face with the facts.

Announcements.

[Publishers and others are invited to send news regarding law writers and law books, and any items of interest to legal bibliography.]

The West Publishing Company announces for publication in March the new Digest of the Pacific Reporter, the Digest of the C. C. A. Reports, book 10 of the Federal Cases, and probably several new volumes of the Hornbook Series.

The Bancroft-Whitney Co. announces the early issue of a digest to the first hundred volumes of the California Reports, prepared by James H. Deering, of the San Francisco bar. It will be in three volumes of about one thousand pages each.

The West Publishing Company will issue this month Black's Constitutional Law and Fetter on Equity Jurisprudence, of the Hornbook Series; volume 38, Northeastern Reporter; volume 28, Southwestern Reporter; and volume 55, Minnesota Reports.

The Boston Book Co. announces a new work on the Income Tax, by Roger Foster, author of Foster's Federal Practice, and Everett V. Abbott, one of the lecturers on law in the Metropolitan Law School. It will contain a treatise on the law of the Income Tax, and also the new Law in paragraphs, with a digest of cases under analogous provisions of former federal statutes and English acts.

Macmillan & Co. announce for early issue a work on the "Adoption and Amendment of Constitutions in Europe and America," translated from the French of Charles Borgeaud by John Martin Vincent, of Johns Hopkins University. The book is said to be a brief but systematic treatise on the methods by which constitutions are adopted and changed in all the countries of Europe and America where written charters prevail. The Publishers' Weekly adds: "These states are arranged in two large groups according to

the character of their fundamental laws, namely, those where constitutions are of the nature of compacts between the sovereigns and the people, and those having 'popular constitutions,' as in France, Switzerland and the United States. Without intending to write a constitutional history, nor yet a complete exposition of the government of each of these countries, yet by his vigorous sketches the author has succeeded in giving the reader remarkably clear views of the origin, growth, and present status of government in them all. Of Switzerland he is able to write as a native, of France as a long resident and close observer, while of the history of America he displays an intimate knowledge of which many a native student might well be envious."

The Bancroft-Whitney Co. breaks a long silence in regard to legal text-books by announcing the publication during 1895 of a new and elaborate work on Private Corporations by Hon. Seymour D. Thompson. It is to be in six volumes, the first two of which are announced for March, the others to follow at bimonthly intervals. Judge Thompson states in his preface that the work was commenced more than sixteen years ago, having been announced in 1883. It was then designed as a three-volume work, but has with difficulty been kept within the limits of six. This is due to the method pursued by the author, who has "endeavored to state not only what the courts have decided, but also the reasons which they have given for their decisions, and the applications which they have made of them to certain states of facts." "The plan to which the author has endeavored to adhere throughout has been to treat every topic with such fullness of detail that the state of the law in respect to it could be learned from the pages of the work, and without the necessity of the reader searching the adjudged cases." The publishers issue the tables of contents of the several volumes as sample advance sheets, and from these we obtain the following analysis of the work: Title I. Organization and internal government; II. Capital stock and subscriptions thereto; III. Remedies and procedure to enforce share subscriptions; IV. Shares considered as property; V. Liability of stockholders to creditors; VI. Directors; VII. Rights and remedies of members and shareholders; VIII. Ministerial officers and agents; IX. Formal execution of corporate contracts; X. Notice, estoppel, ratification; XI. Franchises, privileges, and exemptions; XII. Corporate powers and the doctrine of ultra vires; XIII. Corporate bonds and mortgages; XIV. Torts and crimes of corporations; XV. Insolvent corporations; XVI.

Dissolution and winding up; XVII. Receivers of corporations; XVIII. Actions by and against corporations; XIX. Foreign corporations.

Law Book Notes.

Law Notes (London) gives Williams & Yates' Ejectment place as "the book of the month."

A new (second) edition of Waples on Attachment and Garnishment has been issued by Callaghan & Co.

A new (fourth) edition of Bliss' New York Annotated Code of Civil Procedure has been issued by Baker, Voorhis & Co. It is in three volumes.

A collection of the Ohio decisions on Evidence has been made by Seymour Cunningham, of the Chillicothe bar, and published by W. H. Anderson & Co.

Van Schaack's "Manual for Corporations," published by The Chain & Hardy Co., is a compilation of the corporation laws of Colorado, annotated from the Colorado decisions.

"Practical Points for Conveyancers" is the title of a little book of 106 pages, compiled and edited by Louis M. Duvall, of the Baltimore bar. It is of value chiefly to the lawyers and conveyancers of Maryland.

The West Publishing Company issued in January volume 4, Federal Digest; volume 10, C. C. A. Reports; volume 30, New York Supplement; volume 63, Federal Reporter; book 8, Federal Cases; and volume 60, Northwestern Reporter.

Sir Frederick Pollock makes the announcement, through the Harvard Law Review, that a new and fourth edition of his book on Torts is now in press, and that the American reprint of the third edition was issued without his authority or consent.

T. & J. W. Johnson & Co. have issued a little pamphlet giving the text of the act of congress imposing a tax on income. It is paraphrased for ready reference, and furnished with an index-digest, arranged alphabetically by subjects, by John A. Glenn, of Philadelphia, formerly corporation tax clerk.

Birdseye's Supplement to the Chronological Table of the New York Statutes is warmly praised by that discriminating critic, the New York Law Journal. "A man who undertakes a work such as that which Mr.

Birdseye has performed so well has rendered a service to the profession, none the less great because it is one which is so inadequately acknowledged."

The new edition (the fourth) of the New York Code of Civil Procedure, by George Bliss, is appreciatively referred to by the New York Law Journal as "next to Abbott's Digest, the book most used in New York law offices." It goes on to say: "The notes are as complete and accurate as ever, and their great bulk is no fault of the editor, but arises from the fact that our practice act is an overgrown monstrosity which is a code only in name. The necessity of thousands of opinions on mere questions of practice is a reproach to our jurisprudence. But, such as it is, it is all we have, and therefore Mr. Bliss' annotated Code is an indispensable help to its understanding."

The Dlossy Law Book Co. publishes this month Prof. Austin Abbott's Select Cases on Evidence, with especial reference to examination of witnesses. The work contains 170 leading and ruling cases, and recent American cases are cited in the notes. The cases have been used by Prof. Abbott in connection with his courses on Evidence in the New York University Law School, and have excited much interest among the members of the bar attending in post-graduate studies. The topics considered are: I. Competency of witnesses; II. Questions, objections, offers and answers; III. Facts not conclusions; IV. Experts; V. Aiding memory, and memoranda; VI. Handwriting; VII. General principles affecting mode of examination; VIII. Cross-examination; IX. Privilege against crimination; X. Right of a witness to explain; XI. Impugning testimony of one's own witness; XII. Impeachment.

Banks & Bros., Albany, have published an elaborate Reference Catalogue of Law Books, compiled by H. E. Griswold, of the New York State Law Library. The nucleus of the catalogue was a "subject-index" of elementary works, prepared by Hon. Nathaniel C. Moak for the use of his students in the Albany Law School. This was amplified and arranged by John T. Cook, Esq., and completed, as we understand, by Mr. Griswold. The result is a reference catalogue which cannot fail to be of great practical value to librarians and to lawyers. Among its useful features will be found its "Rules for Citations." A following of these rules would save many blind citations and much vain searching. The lists of abbreviations of American and British elementary law books and of British and American Reports and legal periodicals are unusually complete, and

give information which is not readily accessible, in other form, to the average practitioner. These are followed by a descriptive list of Banks & Bros.' own publications; an alphabetical list of American and English elementary works; American reports; periodicals, and miscellaneous reports; an alphabetical list of important trials, with notes showing the crime charged and place of trial, and, in general, the name of publisher; a sketch of the English courts and their present organization; English, Scotch, Irish, British, Colonial, Indian, Australian, and other Reports; and an elaborate subject-index. Two defects may be noted: There is no attempt to give the statutes of the various states, though this would be valuable information for lawyers representing corporations, with whom it is coming to be more and more the custom to have at hand the statutes of the states in which their company does business. In the second place, the prices of the text-books are indicated in comparatively few cases, and when given there is nothing to indicate whether they are "net" or "list." This information can of course be obtained by writing the publishers; but they have given so much it seems to justify a wish that they had added this, and made the work complete.

Miscellaneous Notes.

The Chicago Law Journal has just completed its fifth volume, new series. The December number contains an editorial on the law of Real Estate Brokers and Brokerage.

The Canada Law Journal Issues, as a supplement, a calendar for 1895, containing a list of the judiciary of the several provinces, local judges and county officers, and the dates of legal notices, etc.

American legal authorities are more familiarly used in India than we commonly realize. The Legal Companion, published at Konnagar, gives, in its October issue, an extract from Underhill on Torts.

The January number of The Barrister (Toronto) made its appearance under difficulties. The entire first edition was destroyed by fire, and the issue had to be reprinted. Its leading article is a study of Sir John S. D. Thompson as a lawyer.

Wm. Hodge & Co., Glasgow, have issued the Scottish Law Directory, 1895, as a neat, cloth-bound volume. It contains a court calendar, blank pages for memoranda, and much valuable information for any one who writes himself a "law agent," rather than an "attorney at law."

The January number of the Harvard Law Review contains an article by Sir Frederick Pollock on "Sovereignty in English Law." Other articles are "Parol Contracts Prior to Assumpsit" by James Barr Ames, and "Voluntary Assignments in Massachusetts," by Prescott F. Hall.

The leading article in the January Green Bag is a sketch of Charles O'Connor, by Irving Browne, with a portrait. The series of Old World Trials continues, as does also the Court of Star Chamber. The case of the Sloop "Active," as recounted by Hampton L. Carson, is illustrated.

The Cape Law Journal, published at Grahamstown, Cape of Good Hope, gives, in its November number, a complete list of the contents of the first seven numbers of Law Book News. Judging from the Journal, the lawyers of the Cape take a commendable interest in legal literature. Perhaps they are not so distracted by the number of claimants upon their attention.

The report of Julius Rosenthal, librarian of the Chicago Law Institute, made at the annual meeting in January, 1895, contains a pleasant reference to Law Book News: "A great help in this regard [selecting books] for our library, as well as for any law library, is the 'Law Book News,' a monthly periodical published in St. Paul." That is what it means to be.

The American Law Register and Review for December contains a commentary on the Debs Case under the title "A Protest against Administering Criminal Law by Injunction," by William Draper Lewis. The department of comment on recent noteworthy American and English decisions, called "Progress of the Law," is developing, and showing more fully, as it develops, its valuable features.

The Australian Law Times of November 17th contains an editorial on the "Federation of the Legal Profession," from which it appears that the Victorian legislature in 1891 passed a Legal Profession Practice Act which excluded practitioners from the other colonies, and these have now responded by excluding Victorian lawyers. This prohibitive tariff policy seems to be causing general grief, especially to the Victorians.

The West Publishing Co. has issued a large wall calendar for 1895, which gives, in addition to the information generally expected of calendars, other instruction of special value to the New York lawyers. It gives the date,

place of sitting, and name of judge, of the different terms of the several New York courts, and calls attention to the last date on which notice can be served, etc. The blank spaces of the calendar page are filled with metrical praises of the New York Supplement.

The "sovereign people" is a good phrase in a Fourth of July oration, but when a member of that body begins to exercise sovereignty, it is a little chilling to find him doing it after the following fashion:

— Minn., Jan 27th 1895

West Publishing Co
St Paul Minn

Dear Sir

I wish to get you prices for Justice of the Peas Books & and manuals that will aid justices in performing his official duties

Law Notes, a monthly magazine published in London, for law students and young solicitors, has a continuing series of "Interviews with Clients, by a Worldly Solicitor," which give, in dialogue form, legal opinions on various hypothetical cases. It is doubtless much easier to remember that a receiver appointed by the trustees of the debenture trust, and not by the court, is not personally liable, when it comes out as a dramatic denouement, than when it is stated as a plain rule.

The bound volume of the *Green Bag* for 1894 shows how fully it lives up to its claim to be "an entertaining magazine for lawyers." It is full of sketchy articles, which catch the eye and hold the attention, and many of which demonstrate that the entertaining qualities of a paper are by no means in inverse ratio to its learning. The illustrations are a valuable feature. This volume contains 71 portraits. These, and the accompanying sketches of men eminent in the profession, form a storehouse for convenient reference.

The freedom with which the Montrealites drop into French is illustrated by *The Legal News*, published in that city. The number for December 15th gives, without comment or apology, a French version of "La Légende de Mgr. Saint Yves, Patron des Avocats." The bilingual character of the law reports of Lower Canada must be startling to the American lawyer, whose French is not even that of "Stratford atte Bowe,"—when he finds a pertinent authority, with the opinion in French, and the statement of facts in English, or vice versa.

The *American Law Register and Review* says, in reviewing Daniell's *Chancery Pleading and Practice*: "The general use of the

West Co. Reporters renders a double citation of cases almost essential nowadays in any text-book that aspires to a general audience." This is a fact which law-book writers and publishers are coming very generally to recognize, as is evidenced by the citations in most new books. Certainly, it is embarrassing for a lawyer who has the *Reporters* on his shelves and uses them every day, to find the cases in his new text-book so cited as to make it necessary for him to consult his "Blue Label Book" constantly.

The *Legal Intelligencer* for January 4th and 11th prints a number of interesting decisions on the various phases raised by the occupation of country roads by electric railways, and in an editorial note it comments on the importance of the questions involved, not only to the legal profession, but to the community at large. Its judicial tone finally breaks into the following gleeful strain:

"Finally, however, brethren, let us be of good cheer. As the war horse snuffeth the battle from afar and sayeth *aha! aha!* so do we, as the eye of the profession, see business. Verily, there will be litigation, accidents, assignments, receivers, masters, auditors. Like unto rooks and ravens, let us perch on the trees and fences—nay, even on the trolley wires themselves—and wait for the procession to move."

The *Canada Law Journal* contains the following interesting note concerning the change in the editorship of the *English Law Reports*:

"A year ago Sir Frederick Pollock made a new departure in law reporting, being at the head of the Council of Supervision of 'The Reports,' which have become a formidable rival of the *Law Reports*. The *Law Quarterly Review*, so ably conducted by that charming and learned writer, criticized somewhat severely various defects in the *Law Reports*, and justified the publication of the new series. Recently the news came that Sir Frederick had been appointed editor of the *Law Reports*, in the place of Mr. Hemming, Q. C., resigned. We rather expected to see some explanation of this move in the next issue of the *Law Quarterly*; but the only reference to it is a simple statement of the fact that this month he enters on his new duties, and that he cannot be expected to criticize in public the work for which he is now answerable to the profession. We are not informed whether he has severed his connection with 'The Reports,' though we should suppose he could not well act with both."

The *Barrister* is a new law journal, published at Toronto. The initial number contains 54 pages, and serves up to the legal profession a variety of notes, news, anecdotes and articles, all of which are of interest to the lawyer of Canada, and many of which will be gladly read by his brothers on this side of the line. The leading article is a treatise on the Ancient Laws of Japan, by C. T. Long, which is to be followed by one on the modern laws of that country. Mr. Long writes from knowledge obtained on the

ground. The editor announces that a series of articles on the leaders of the Canadian bar will be begun shortly, and that The Barrister will open its pages to the profession for an expression of views upon any question affecting law and lawyers.

We learn from the American Lawyer that President Harper, of the University of Chicago, has definite plans for the establishment of a school of law in connection with the university, which shall be something more than the ordinary law school. Instead of a school which shall merely supply the practical requirements of the practitioner, this is to be a classic school where the art and science of law will be expounded by eminent jurists, and which may be expected to turn out judges and jurists. Certainly, any plan which will have a tendency to raise the standard of professional ability is deserving of all encouragement. The graduates of such a school may not all pass at once to the bench, but the training for it will not be wholly wasted, even if they only appear at the bar.

The Legal Intelligencer for January 11th gives an account of the dinner tendered Hon. Mayer Sulzberger, upon his election as a judge of the court of common pleas, by the members of the Philadelphia bar, and gives also the toasts and "sentiments" which added the Attic salt to the feast. These were:

The Guest of the Evening:

"One who hath mastered the lawless science of our law,
That codeless myriad of precedent,
That wilderness of single instances."

The Supreme Court of Pennsylvania:

"Justice, sir, is the great interest of men on earth."—Webster.

The Bench of Philadelphia:

"You are a worthy judge;
You know the law; your exposition
Hath been most sound."

The Philadelphia Lawyer:

"'Sir Man of Lawe,' quod he, 'so have ye blisse
Telle us a tale anon, as forward ys,
Ye be submitted thurgh your free assent
To standen in this cas at my juggement.'"

The Junior Bar:

"I beseech you, let his lack of years be no impediment to let him lack a reverend estimation."

Under the head of "Court of Criticism," the National Corporation Reporter of January 10th begins the publication of a series of letters from members of the American Appellate Judiciary, written in answer to a circular letter in which the following questions were put to the judges: "Are the members of the American judiciary averse to a fair and just criticism of their judicial labors? When, where, and how, is this criticism to

be conveyed to the court?" The first answer printed is from Ex-Chief Justice L. E. Bleckley, of Georgia. He thinks that no judge would object to being criticised fairly and temperately by any competent body or even by any competent individual, though almost any judge would resent ill-natured criticism, and be annoyed by ignorant criticism. He suggests that a body might be constituted by law, and paid by the government, to exercise the critical function, and suggests the title, "Court of Criticism." Other letters are from Ex-Chief Justice Campbell, of Mississippi; Hon. W. S. Pryor, of Kentucky; Hon. H. O. Head, of Texas; Associate Justices Shiras and Brown, of the United States supreme court; Hon. Chas. D. Hoyt, of Colorado; Hon. James C. MacRae, of North Carolina; Chief Justice Dunbar, of Washington; Hon. T. E. Howard, of Indiana; Hon. John P. Hoyt, of Washington; Hon. John H. Burford, of Oklahoma; Chief Justice Frank Dale, of Oklahoma; Hon. A. N. Waterman, Illinois appellate court; Hon. Lyman Lacey, Illinois appellate court; and Hon. Alfred Sample, Illinois appellate court. They all express the same views as regards fair, just, and intelligent criticism, though some are careful to indicate that this does not open the door to newspaper abuse and indiscriminate censure. It is an interesting question, and well worth the space given it. Whether it will lead to anything remains to be seen. Undoubtedly, few judges will be found ready to declare that they cannot tolerate a "fair and just criticism," but whether a lawyer practicing before that court would feel warranted in acting upon that assurance is another matter. The silence of the bar is perhaps not wholly due to consideration for the sensibility of the judges.

Of course there is such a thing as improper criticism, and this is vigorously and properly characterized by Chief Justice Dunbar, of the supreme court of Washington, in the following language:

"Possibly the most pernicious character of criticism is the newspaper criticism. Ordinarily, editors of newspapers, while well versed on general subjects, are entirely innocent of any knowledge of technical law, by which courts are bound; and it frequently eventuates in the experience of every judge that, after he has given possibly weeks of painstaking and conscientious study to a case and has arrived at a conclusion which he feels compelled to under the law (whether it be in harmony with his inclinations in the particular case or not), some thoughtless newspaper writer, who would be incapable of discriminating between a warranty deed and a title bond, will, without the least investigation, and in three lines, dispose of the case, and assert in the most vehement language that the judge who has decided the case has violated every principle of law and of ethics. Such criticisms as these, for the reasons I have mentioned, are hurtful, not to the judge, but to society, who look to the judges for the legal establishment and maintenance of their civil rights."

Of Collateral Interest.

The American Economic Association, Baltimore, has published a monograph on Sir William Petty, by Wilson Lloyd Bevan, M. A., Ph. D. It is a study of Petty's life and of his economic writings, and shows an unusual familiarity with early English economic literature. Petty is sometimes spoken of as anticipating Adam Smith. While Dr. Bevan does not go to this enthusiastic extent, he recognizes the value of the work done by Dr. Petty at a time when economic theories did not have so many statistics upon which to base themselves as they have to-day.

The Medical & Surgical Reporter of Philadelphia ends the forty-second year of its consecutive publication with its issue of December 29th. The chief editorial in this number is devoted to a review of the advances made in medicine and surgery during 1894. In speaking of Medical Literature the editors say:

"Of the making of books there is no end," thanks to the provision of generous publishers, and the literary crop of the year contains some wheat among the tares. A few works have been issued in special lines whose value justifies their existence. For pronounced excellence, general utility and widest application, Dr. Gould's new medical dictionary deserves specific mention among the publications of 1894."

The American Academy of Political and Social Science was organized in Philadelphia, on December 14, 1889, for the purpose of promoting the political and social sciences. It was incorporated on February 14, 1891. It has fulfilled the purpose for which it was organized in many ways, but the principal methods have been by scientific sessions and by its publications. The first scientific session was held on March 14, 1890, three other sessions were held in 1890; seven in 1891; five in 1892; five in 1893; and six in 1894, or twenty-seven in all. The proceedings of the Academy have been published in the periodical called the *Annals of the American Academy*, which at first was issued quarterly but now appears bimonthly. The *Annals* is now in its fifth volume. The first four volumes consisted of twenty-two numbers of The *Annals* and nine supplements, containing 4,378 pages and comprising 121 papers, besides reports of the proceedings of the scientific sessions of the academy, briefer communications, personal notes, book reviews and notes. These papers have been submitted by distinguished scholars both at home and abroad, and discuss topics of interest in all the varied phases of political and social science, political economy and public law. During 1894 six numbers of The *Annals* were sent to the members of the American Academy

of Political and Social Science, and along with them four supplements, containing together 1,312 pages and comprising twenty-eight principal papers, twelve briefer communications, besides the usual departments of The *Annals*. The Book Department of The *Annals* was organized on its present basis during the later part of 1893, the January, 1894, number being the first issued under the new plan. During the year Dr. Johnson, the editor of this department, has had the co-operation of over forty-five well-known specialists who have assisted in the preparation of reviews and shorter notes. During the year 205 pages have been devoted to the book department, and 151 books have received longer or shorter notices.

Notes of Law Book Errata.

[We invite contributions to this department from all sources, but we have two suggestions to make to correspondents: First, that they report none but serious mistakes; second, that the character of each mistake be very briefly indicated.—Eds. Law Book News.]

In BURROUGHS ON PUBLIC SECURITIES (page 258), the case of *Plattville v. Galen*, 43 Wis. 493, is the only authority cited to a point which the case does not touch.

In BURROUGHS ON PUBLIC SECURITIES (page 263), the author's statement of the point decided in *People v. Green*, 55 N. Y. 135, is exactly the reverse of what was decided. For the words of the text, "Including the class named," read "excluding the classes named," and the statement will be right.

T. C. Ryan.

Wausau, Wis.

AMERICAN AND ENGLISH ENCYCLOPAEDIA OF LAW. The article on "Charities" in the American and English Encyclopaedia of Law (vol. III. p. 132, § 8) misstates the law relative to monuments and tombstones. The article says that "a trust to erect and maintain monuments or tombs of the donor or others is now generally upheld in this country, though not in England": citing *Swasey v. American Bible Soc.*, 5 Me. 523; *Dexter v. Gardner*, 89 Mass. (7 Allen) 243; *Jones v. Habersham*, 107 U. S. 174; bk. 27, L. Ed. 401; S. C., 3 Woods, C. C. 443, Fed. Cas. No. 7,465. An examination of these authorities shows that this statement in the Encyclopaedia is not warranted by the decisions of the courts in the cases referred to as authority. In *Jones v. Habersham*, 107 U. S. 174; bk. 27, L. Ed. 401; S. C., 3 Woods, C. C. 443, Fed. Cas. No. 7,465,—a bequest to keep a burial ground in good order was held to be

valid because the Code of Georgia enumerates among charitable uses "the improvement or repair of burying-grounds or tomb-stones." In *Dexter v. Gardner*, 89 Mass. (7 Allen) 243, a bequest in trust from "the income of which is to be appropriated for the benefit of the Friends meeting," was held not to be invalid because of the fact that the purchase and repair of burying grounds is regarded by Friends as one of their religious duties, to which, under their usages and discipline, they apply their funds. It was a good bequest to a religious society for religious purposes, and the court say: "Where a denomination of Christians regard the providing and oversight of burying grounds as a religious service, as is usual among most sects of Christians here, it is difficult to see by what principle this religious duty can be distinguished from that of maintaining and repairing meeting-houses in respect to the statute." That case, therefore, stood upon a very different ground from that of a bequest for keeping in repair a monument or tombstone. The other authority cited is *Swasey v. American Bible Soc.*, 57 Me. 523. The court in its opinion, indeed, says that bequests for the repair of tombs have been recognized as charitable; but, very surprisingly, they cite as their only authority for the statement two cases which decided exactly the opposite. Perry states (2 Perry on Trusts, 4th Ed., § 706) that such bequests have been held good, but he cites only the cases referred to above. The prevailing rule at present both in England and the United States is that a trust to keep in repair the graves and monuments of the testator and other persons named does not constitute a charitable use, and will not be upheld. *Johnson v. Hollfield*, 79 Ala. 423; *Coit v. Comstock*, 51 Conn. 352; S. C., 50 Am. Rep. 29; *Piper v. Moulton*, 72 Me. 155; *Bates v. Bates*, 134 Mass. 110; S. C., 45 Am. Rep. 305; *Kelly v. Nichols*, 18 R. I. —; S. C., 25 Atl. Rep. 840; 19 L. R. A. 413; *Hornberger v. Hornberger*, 12 Heisk. (Tenn.) 635; *Fite v. Beasley*, 12 Lea (Tenn.) 323; See *Giles v. Boston F. & W. Soc.*, 92 Mass. (10 Allen) 355. Kerr & Van Volkenburgh.

New York.

Personal.

We learn from the Law Student's Helper that the class of '95 of the Ann Arbor Law School has decided to leave as a class memorial a bust of the Hon. Thomas M. Cooley. The bust will be placed in the lecture room. Prof. Thompson announces that the class of '60 wishes to assist in the purchasing of such a memorial, and the two classes will co-operate. Laredo Taft has been selected as sculptor.

The Scots Law Times, commenting on the death of Robert Louis Stevenson, says:

"Lawyers in Scotland will recall with some pride that, like Sir Walter Scott, Mr. Stevenson was a member of the Scottish bar. He was admitted to the Faculty of Advocates in 1875. But he early forsook the purlieus of the law, and passed into the glorious legion of 'stickit lawyers,' from whom, in all ages and all countries, literature has drawn some of its greatest leaders. We understand that Mr. Stevenson never had a case in court, but his legal studies, perfunctory and fitful as these were, and his brief connection with the picturesque Parliament House, have left their traces on many pages of his literary works."

Lord Russell is winning golden opinions by his work on the bench. The London correspondent of the Scottish Law Review writes:

"He is showing himself as strong a judge as he was an advocate, and it is already without doubt that in him we are to have a great Chief-Justice. We have been so long accustomed to the Chief-Justice acting on Lamb's principle at the East India Office, of being the last to come but the first to go, that we admire the Chief who is glimpsed behind the door in the corridor pacing impatiently about till half past ten shall strike, and who will sit on after the official hour in order to save suitors the expense of another visit to his court."

Correspondence.

[Correspondence is invited on subjects pertinent to the purpose of LAW BOOK NEWS.]

Gentlemen: In *First National Bank v. Laughlin*, 61 N. W. 473-5, Justice Wallin, of the supreme court of North Dakota, in discussing the negotiability of an instrument, says that in *Garretson v. Purdy*, 14 N. W. 100, the following language was quoted from *Woods v. North*, 84 Pa. St. 410, "which, despite its metaphor, we reiterate with approval: 'But a collateral agreement, as here, depending, too, as it does, upon its reasonableness, to be determined by the verdict of a jury, is entirely different. It may well be characterized like an agreement to confess a judgment was by Chief Justice Gibson, as "luggage" which negotiable paper, riding, as it does, on the wings of the wind, is not a courier able to carry.'" Chief Justice Sharswood's name is prefixed to the opinion in *Woods v. North*, but it seems strange that he could have written such a sentence as the last one quoted. It is clumsy, and the use of "like" for "as," though common, is incorrect. Chief Justice Gibson must not be held responsible for that figure of the travelling man with his grip, flying on the wings of the wind. Judge Sharswood's reference is to the opinion in *Overton v. Tyler*, 3 Barr, 346, in which Chief Justice Gibson said, simply and elegantly, "A negotiable bill or note is a courier without luggage."

Jamestown, N. Dak.

E. W. Camp.

NEW LAW BOOKS.

RECORD OF THE LATEST LAW BOOKS.

[We take pleasure in acknowledging our indebtedness to the Publishers' Weekly, of New York, and the Publishers' Circular, of London, which we use in completing this list.]

N. B. Bindings are in law sheep unless otherwise specified.

Treatises, Etc.

ABBOTT, Austin. Select cases on the law of evidence, as applied during the examination of witnesses. New York: Dlossy Law Book Co. 1895. \$6.

BARBER, G. M. A guide for notaries public and commissioners, being a complete handbook of their powers and duties; containing all necessary forms and instructions, etc. 3d Ed., rev. and imp. Cleveland, O.: G. M. & A. W. Barber. 1894. 151 pages. \$1.

BEACH, Charles Fisk, Jr. Commentaries on the law of injunctions, as determined by the courts and statutes of England and the United States. 2 vols. Albany: H. B. Parsons. 1895. \$12.

BELL, Sir William J., and H. S. Scrivener. Sale of food and drugs acts, 1875 and 1879, with the margarine act, 1887, and the fertilisers and feeding stuffs act, 1893, with notes and cases; also practical observations bearing upon legal and chemical questions, which have arisen in the working of the acts. 2d Ed. London: Shaw & Sons. 1894. xvi.+146 pages.

BENHAM, W. G. Chairman's and councillor's guidebook. London: Marlborough. 6d.

Bills and Notes.

See "Ellis' Quizzer No. 10."

BINMORE, Henry. Handbook on the law of sheriffs. Chicago: E. B. Myers & Co. 1895. \$2.50, del'd.

BLACK, Henry Campbell. Handbook of Constitutional Law. St. Paul: West Publishing Co. 1895. 11+627 pages. \$3.75, del'd.

BLYTH, E. E. Snell's principles of equity; an analysis of the 11th edition, with notes thereon. 5th Ed. London: Stevens & Haynes. 6s.

BRADNER, George W. The rules of evidence. Chicago: Callaghan & Co. 1895. 680 pages. \$5.

BRADNER, G. W. Practice in matters of cost, with table of cases and appendix of

fees. Rochester: Williamson Law-Book Co. 1894 [1895]. 2+25+4+349+38 pages. \$4.50.

BROWNE, J. H. B., & W. H. Macnamara. Reports of cases decided by the railway and canal commissioners. 1891 to 1894. Vol. 8. London: Sweet & Maxwell. 30s., net.

Charter-Parties.

See "Leggett's Law of Charter-Parties (Eng.)."

CLAY, Walter Gorst. The law and practice relating to writs of summons. London: Clowes & Sons. 1895. 5s.

Colorado.

See "Van Schaack's Manual for Corporations."

Constitutional Law.

See "Black's Constitutional Law."

Corporations.

See "Van Schaack's Manual for Corporations (Colo.)."

CRAIES, W. F. Collection of statutes relating to criminal law. London: Sweet & Maxwell. 10s.

Criminal Law.

See "Craies' Collection of Statutes Relating to Criminal Law (Eng.)."

CUNNINGHAM, Seymour. Ohio decisions on evidence. Cincinnati: W. W. Anderson & Co. 1895. \$6.

DAVIES, J. W. Parish councils act (the local government act, 1894), 56 & 57 Vict. c. 73. In the form of questions and answers. London: Simpkin. 304 pages. 2s. 6d.

DUVAL, Louis M. Practical points for conveyancers in Baltimore. Baltimore: The Daily Record. 1895. \$10, by subscription.

Elections.

See "Rogers' Municipal Elections (Eng.)."

ELLIS, Griffith Ogden. Quizzer No. 10; being questions and answers on bills, notes, and cheques, for students preparing for examination for admission to the bar, etc. Detroit, Mich.: The Collector Pub. Co. 1894. 55 pages (blank interleaved). (The quizzer ser.) Paper, 50c.

EMERY, G. F. A complete guide to the parish and district councils act (local government act, 1894), with rules for elections and polls, etc.; with index. London: Stevens & Sons. 1894. 4s.

English Law.

See "Bell & Scrivener's Sale of Food and Drugs Act"; "Benham's Chairman's and Councillor's Guidebook"; "Blythe's Snell's Equity"; "Browne & Macnamara's Railway and Canal Commissioners' Reports"; "Clay's Law and Practice Relating to Writs of Summons"; "Crales' Statutes Relating to Criminal Law"; "Davies' Parish Councils Act"; "Emery's Parish and District Councils Act"; "Every Man His Own Lawyer"; "Fletcher's London Building Act"; "Gill & Douglas' Summary Jurisdiction Acts"; "Ginnell's Brehon Laws"; "Graham & Brodhurst's Parish Councils Act"; "Heywood's County Courts Practice"; "Howell's Labour Laws"; "Leggett's Charter-Parties"; "Lorimer's Death Duties"; "Macmorran & Dill's Local Government Act"; "Macoun's Building Society's Act"; "Mathew's Laws Relating to Children"; "Peck's Annotated Copyhold Act"; "Pulling's Merchant Shipping Act"; "Rogers' Municipal Elections"; "Rudall's Copyhold Act"; "Scrutton's Merchant Shipping Act"; "Stone & Pease's Local Government Act"; "Wright & Hobhouse's Outline of Local Government."

Equity.

See "Blythe's Snell's Equity."

EVERY man his own lawyer. 32d Ed. Carefully revised and enlarged, including the legislation of 1894, to which is now first added a concise dictionary of legal terms. By a barrister. London: Lockwood. 1895. 6s. 8d.

Evidence.

See "Abbott's Select Cases on the Law of Evidence"; "Bradner's Rules of Evidence"; "Cunningham's Ohio Decisions."

FETTER, Norman. A handbook on Equity Jurisprudence. St. Paul: West Publishing Co. 1895. 474 pages. \$3.75, del'd.

Equity Jurisprudence.

See "Fetter's Equity Jurisprudence."

FLETCHER, B. The London building act, 1894: a text-book for the use of architects, surveyors, builders, etc. London: Batsford. 6s. 6d.

GILL, Edmund Arthur, and Cecil George Douglas. Summary jurisdiction acts, 1848-84, regulating the duties of justices of the peace with respect to summary convictions and orders, the indictable offences acts, 1848 and 1868, and the prosecution of offences acts, 1879 and 1884, with appendix, copious notes,

index, and tables of statutes and cases. 7th Ed. London: Shaw & Sons. 1894.

GINNELL, L. The Brehon laws; a legal handbook. London: Unwin. 1894. 250 pages. 6s.

GLENN, John A. Income tax law of 1894 explained. Philadelphia: T. & J. W. Johnson & Co. 1894. 25c.

GRAHAM, A. H., and Brodhurst, S. Practical guide to the parish councils act. New Ed., with additions. London: Ward & L. 1s.

HEYWOOD, G. W. The annual county courts practice, 1895. 2 vols. London: Sweet & Maxwell. 1895. 25s.

HOWELL, T. A handy book of the labour laws; being a popular guide to the employers' and workmen's act, 1875, trade union act, etc. 3d Ed. London: Macmillan & Co. 3s. 6d., net.

Income Tax.

See "Glenn's Income Tax Explained."

Injunctions.

See "Beach on Injunctions."

LEGGETT, E. A treatise on the law of charter-parties. London: Stevens & Sons. 1894. £1. 5s.

LORIMER, J. C. The new death duties under the finance act, 1894; with introduction, text of statute, and notes. London: Sweet & Maxwell. 5s., net.

MACMORRAN, A., and T. R. C. Dill. The local government act, 1894. 2d Ed. London: Shaw & Sons. 15s.

MACOUN, J. R. The building society acts, 1836, 1874, 1875, 1884, 1894; with introduction, notes, and appendices. London: Sweet & Maxwell. 1894. 7s. 6d.

M'LAREN, J. Law of wills and succession as administered in Scotland, including trusts, entails, powers, and executry. 3d Ed. 2 vols. London: Sweet & Maxwell. 1894. 1550 pages. £3. 3s.

MATTHEWS, J. B., and A. A. Maund. The laws relating to children and young persons. London: Sweet & Maxwell. 1895. 10s. 6d.

New York.

See "Bradner's Practice in Matters of Cost"; "Smith's N. Y. Court of Appeals Practice."

Notaries Public.

See "Barber's Guide for Notaries Public."

Ohio.

See "Cunningham's Decisions on Evidence"; "Rockel's Guide for Township Officers."

PECK, W. A. Annotated acts. No. 4: The copyhold act, 1894. London: Sweet & Maxwell. 1894. 1s. 6d., net.

PULLING, A. Annotated acts. No. 5: The merchant shipping act, 1894. London: Sweet & Maxwell. 1894. 6s.

ROCKEL, W. M. The complete guide to township officers; containing all the sections of the Revised Statutes of Ohio, applicable to township affairs, with forms and citations for the guidance of township officers. 4th Ed. Cincinnati: W. H. Anderson & Co. 1895. 15+574 pages. \$4.

ROGERS on Elections. Vol. 3. Municipal, etc. 17th Ed. By S. H. Day. London: Stevens & Sons. 1894. 21s.

RUDALL, A. R., and J. W. Treig. The law as to copyhold enfranchisement under the copyhold act, 1894. London: Jordan & Sons. 10s., net.

Scots Law.

See "M'Laren's Wills and Succession."

SCRUTTON, T. E. The merchant shipping act, 1894. London: Wm. Clowes & Son. 1894. 30s.

Sheriffs.

See "Blinmore's Handbook on the Law of Sheriffs."

SMITH, Edmund H. New York court of appeals practice. The rules in force Jan. 1, 1895; practice and admission of attorneys. 2d Ed. New York and Albany: Banks & Bros. 1895. 224 pages. Half sheep, \$1.50.

STONE, J. H., and Pease, J. G. Local government act, 1894; a practical ready reference guide to the election of parish and rural district councillors. London: Phillip. 2s.

Students' Books.

See "Abbott's Select Cases on Evidence"; "Black's Constitutional Law"; "Ellis' Quizer No. 10"; "Fetter's Equity Jurisprudence."

VAN SCHAACK, Henry C. Manual for corporations. A complete and concise compilation of the corporation laws of Colorado. Denver: The Chain & Hardy Co. 1895. \$2.50, del'd.

Wills.

See "M'Laren's Wills and Succession (Scots)."

WRIGHT, Sir R. S., and Hobhouse, H. An outline of local government and local taxation, excluding London. 2d Ed. London: Sweet & Maxwell. 1894. 7s. 6d.

Writs.

See "Clay's Law and Practice Relating to Writs of Summons (Eng.)."

Reports.

AMERICAN State Reports. V. 39. Selected, reported, and annotated by A. C. Freeman, and the associate editors of the "American Decisions." San Francisco: Bancroft-Whitney Co. 1894. 1019 pages. \$4.

CALIFORNIA supreme court reports. V. 103. C. P. Pomeroy, reporter. San Francisco: Bancroft-Whitney Co. 1894. 18+756 pages. \$2.50.

CONNECTICUT reports. V. 64; being reports of cases argued and determined in the supreme court of errors. January—August, 1894. James P. Andrews, reporter. Albany and New York: Banks & Brothers. 1895. 8+657 pages. \$3.50.

DAKOTA reports. V. 4; containing cases argued and determined in the supreme court of the territory of Dakota, from Oct., 1884, to Feb., 1888. Ellison G. Smith, reporter. Pierre: Carter Publishing Co. 1894. 4+578 pages. \$5.

DISTRICT OF COLUMBIA, court of appeals. V. 2. Reports of cases from Dec. 4, 1893, to March 6, 1894. Reported by Charles Cowles Tucker. To be cited as "2 App. D. C." Baltimore: M. Curlander. 1894. 18+616 pages. \$6.50.

DISTRICT OF COLUMBIA. Reports of cases arising upon applications for letters patent for inventions, determined in the circuit and supreme courts on appeal from the commissioner of patents, and a table of the patents directly involved therein, together with references to the cases where these patents have been subsequently litigated, and construed, sustained, or held invalid. By Frank MacArthur, examiner of interferences, U. S. patent office. V. 1. Washington, D. C.: William H. Morrison, law bookseller and publisher. 1895. 15+788 pages. \$6, net.

FEDERAL CASES. Book 8; comprising cases argued and determined in the circuit and district courts of the United States from the earliest times to the beginning of the Federal Reporter, arranged alphabetically by the titles of the cases, and numbered consecutively. Duncan—Fielder. Case No. 4,131—Case No. 4,760. St. Paul: West Publishing Co. 1895. 1232 pages. \$10 (by subscription).

FEDERAL REPORTER. V. 63; containing cases argued and determined in the circuit courts of appeals and circuit and district courts of the United States. Permanent edition. Oct.—Dec., 1894. St. Paul: West Publishing Co. 1895. 31+1058 pages. \$5.

ILLINOIS supreme court reports. V. 151; containing cases in which opinions were filed in June and September, 1894. Norman L. Freeman, reporter. Printed for the reporter. Springfield: 1894. 19+791 pages. \$2.50, net.

INDIANA appellate court reports. V. 8; containing cases decided at the May term, 1893, not published in V. 7, and cases decided at the November term, 1893. Sidney R. Moore, reporter. Indianapolis: Carlon & Hollenbeck. 1894. 23+746 pages. \$3.50, net.

KANSAS supreme court reports. V. 53; containing cases decided at the January and the July terms, 1894. A. M. F. Randolph, reporter. Topeka: The Hamilton Printing Co. 1894. 14+906 pages. \$2.50.

LOUISIANA supreme court reports. V. 45. For the year 1893. Parts 1 and 2. Henry Denis, reporter. New Orleans: F. F. Hunsell & Bro. 1894. 45+800 pages in part 1. 801+1658 pages in part 2. \$17.

MASSACHUSETTS supreme judicial court reports. V. 161. Cases argued and determined, March, 1894—June, 1894. George F. Tucker, reporter. Boston: Little, Brown & Co. 1894. 18+692 pages. \$2.

MISSOURI. St. Louis and the Kansas City courts of appeals. V. 57. Cases determined from Mar. 5, 1894, to Apr. 30, 1894. Reported by D. Goldsmith and Ben Eli Guthrie. Columbia: E. W. Stephens. 1894. 19+738+11 pages. \$3.

MISSOURI supreme court reports. V. 121. F. M. Brown, reporter. Columbia: E. W. Stephens. 1895. 18+747+5 pages. \$3.

NEBRASKA supreme court reports. V. 40. January term, 1894. D. A. Campbell, reporter. Lincoln: State Journal Company. 1894. 51+957 pages. \$2.50, net.

NEW YORK court of appeals. V. 143. Reports of cases decided from and including decisions of June 5, to and including decisions of Nov. 27, 1894. H. E. Sickles, reporter. Albany: James B. Lyon. 1894. 22+782 pages. \$1.50.

NEW YORK courts of record. V. 9. The miscellaneous reports; cases decided in other than the court of appeals and the general terms of the supreme court, etc. F. B. Delehanty, reporter. June to Oct., 1894. Albany: James B. Lyon. 1894 [1895]. 48+768 pages. \$2.

NEW YORK SUPPLEMENT. V. 30; containing the decisions of the supreme, superior, and lower courts of record of New York state. Permanent edition. Sept. 13—Dec. 13, 1894. St. Paul: West Publishing Co. 1894. 17+1193 pages. \$5.

NEW YORK supreme court reports. V. 87 (Hun, 80). Marcus T. Hun, reporter. New York and Albany: Banks & Bros. 1895. 40+686 pages. \$3.

NORTHWESTERN REPORTER. V. 60; containing all the decisions of the supreme courts of Minn., Wis., Iowa, Mich., Neb., N. Dak., S. Dak. Permanent edition. Oct. 6—Dec. 15, 1894. St. Paul: West Publishing Co. 1895. 16+1163 pages. \$5.

NORTH DAKOTA reports. V. 3. Cases decided in the supreme court of the state from June 1, 1892, to March 3, 1894; also, rules of practice in the supreme and district courts. Edited by John M. Cochrance, reporter. Grand Forks: Herald, State Printers & Binders. 1894. 36+605 pages. Price \$3.00.

OREGON supreme court reports. V. 25; containing cases decided between Nov. 13, 1893, and June 26, 1894. Robert G. Morrow, reporter. San Francisco: Bancroft-Whitney Co. 1894. 16+669 pages. \$5.

PENNSYLVANIA district reports. V. 3. Cases decided in all the judicial districts during the year 1894. From V. 51 of the Legal Intelligencer. Philadelphia: E. P. Allinson. 1894 [1895]. 16+911 pages. \$5.25.

PENNSYLVANIA supreme court reports. V. 162; containing cases decided at May and July terms, 1894. James Monaghan, state reporter. New York and Albany: Banks & Bros., law publishers. 1895. 23+702. \$2.50, net.

UNITED STATES circuit courts of appeals reports. V. 10; containing cases determined in all the circuits, fully reported, with annotations. With tables of cases in the United States circuit courts of appeals in which rehearings have been granted or denied. By members of the editorial staff of the National Reporter System. St. Paul: West Publishing Co. 1894. 31+740 pages. \$3.35, del'd.

Statutes, Codes, and Laws.

ENGLISH. Public general acts passed in the fifty-seventh and fifty-eighth year of the reign of her majesty Queen Victoria. London: Eyre & S. 3s.

NEW JERSEY. The act concerning corporations, approved April 7, 1875, with all the amendments to Jan. 1, 1895, together with notes and forms. 8th Ed., rev. and enl. By W. H. Corbin. Jersey City: F. D. Linn & Co. 1894 [1895]. 17+182 pages. Paper, \$1.

NEW YORK. The code of civil procedure, with all amendments thereto, down to and

including those enacted in 1894, fully and exhaustively annotated by R. M. Stover. 2d Ed. By Amasa J. Parker, Jr. 3 vols. Vol. 1 contains cc. 1-10; vol. 2, cc. 11-17; vol. 3, cc. 18-23. New York and Albany: Banks & Bros. 1895. 9+1127, 6+1128-2114, and 5+2115+3341 pages. \$19.50.

Digests.

FEDERAL REPORTER DIGEST; being a digest of decisions of the supreme, circuit

courts of appeals, circuit and district courts of the United States, reported in the Federal Reporter, vols. 46-60, and in the Supreme Court Reporter, vols. 12-14 (covering the cases in vols. 141-154, U. S. Reports). With tables of cases reported (showing, also, page and volume where reported in U. S. Reports), cited, overruled, etc.; constitutions and statutes construed; and patents enumerated. Edited by members of the editorial staff of the National Reporter System. St. Paul: West Publishing Co. 1894. 1181 pages. \$6.50, del'd.

CONTENTS OF NEW BOOKS.

Beale's Cases on Criminal Law.

TITLE PAGE. A Selection of Cases and Other Authorities upon Criminal Law. By Joseph Henry Beale, Jr., Assistant Professor of Law in Harvard University. Cambridge: Harvard Law Review Publishing Association. 1894.

EXTRACT FROM PREFACE. This collection of cases is chiefly intended for the use of classes in the schools. That students may get the benefit to be derived from studying cases, it is necessary to omit headnotes. In order, however, that the collection may be useful to the lawyer in practice, an index has been added, which is intended to enable one quickly to find the authorities upon any subject herein contained. Experience shows that a class studying such a collection of cases under the superintendence of an instructor is by no means inclined to give too much weight to the mere decision of a case. But those who may study this book without the help of a teacher must be warned not to regard as law the decision of every case here printed. The course of study to be pursued involves a determination of the point decided, a careful consideration of the reasons which led the court to its decision, a comparison of these reasons with those which were urged, or might have been urged, on the opposite side, and an independent solution of the question by the student. The object of study is not only to gain familiarity with the legal principles usually involved in criminal cases, but also to build up a legal mind—to acquire the science of legal reasoning, and the faculty of sound legal common sense. One or two of the cases are now for the first time printed. They are taken from a contemporary manuscript, in the library of the Harvard Law School, entitled "Anonymous Reports temp. Eliz. and Jac., vol. 11."

TABLE OF CONTENTS.

Chap. I. Sources of the Criminal Law.
Chap. II. Criminal Procedure

Chap. III. The Indictment.
Chap. IV. Former Conviction or Acquittal.
Chap. V. The Criminal Act.
Chap. VI. The Criminal Intent.
Chap. VII. Intent as Affected by Circumstances.
Chap. VIII. Intent in Statutory Offenses.
Chap. IX. Justification.
Chap. X. Parties in Crime.
Chap. XI. Jurisdiction over Offenses.
Chap. XII. Crimes against the Person.
Chap. XIII. Larceny.
Chap. XIV. Embezzlement.
Chap. XV. Obtaining Property by False Pretenses.
Chap. XVI. Receiving Stolen Property.
Chap. XVII. Crimes against the Dwelling House.
Chap. XVIII. Criminal Conspiracy.
Chap. XIX. Nuisance.
Chap. XX. Contempt and Disbarment.
Chap. XXI. Territorial Jurisdiction.
Chap. XXII. Extradition.
Appendix.
Index.

Black's Constitutional Law— (Hornbook Series).

TITLE PAGE. A Handbook of Constitutional Law. By H. Campbell Black, Author of Black's Law Dictionary, Treatises on Judgments, Tax Titles, etc. St. Paul, Minn.: West Publishing Co. 1895.

FROM THE PREFACE. The necessary limitation of space, as well as the purpose and plan of the work, have precluded any attempt at exhaustive discussion or minute elaboration of the great topics of constitutional law. But the book is believed to be comprehensive of the general subject and sufficiently detailed to equip the student with an accurate general knowledge of the whole field. And since the solution of new questions must be sought, not alone in the application of precedents, but also in the settled rules and the accepted canons of interpretation, and since the mind is often best prepared for the investigation of a specific problem by a rapid synoptical review of the results already worked out by the courts in that department to which it belongs, it is

hoped that general practitioners may find the book to possess a special value for themselves. It would have been undesirable, even if it were possible, to discuss in these pages all the thousands of reported cases which bear upon the subject of constitutional law. Such an accumulation of authorities would have cumbered the work to the point of destroying its utility. But a very considerable number of the more important and valuable decisions have been suitably referred to, and more, perhaps, than any student would have time or occasion to read. But it was thought that both student and practitioner would appreciate the advantage of being directed to the principal authorities, especially as they may have occasion to study certain special topics with more detail and particularity than the handbook itself could undertake. The subject of constitutional law is not free from disputed and unsettled questions. In respect to these, the author has invariably stated what he conceives to be the sound rule or the best principle for their interpretation. If his disposition of such topics should at times appear summary, or even dogmatic, it must be ascribed to the necessity for condensation, not to any failure to appreciate the possible arguments on both sides of the question.

TABLE OF CONTENTS.

Chapter I. Definitions and General Principles.
 Chapter II. The United States and the States.
 Chapter III. Establishment and Amendment of Constitutions.
 Chapter IV. Construction and Interpretation of Constitutions.
 Chapter V. The Three Departments of Government.
 Chapter VI. The Federal Executive.
 Chapter VII. Federal Jurisdiction.
 Chapter VIII. The Powers of Congress.
 Chapter IX. Interstate Law.
 Chapter X. Republican Government Guaranteed.
 Chapter XI. Executive Power in the States.
 Chapter XII. Judicial Powers in the States.
 Chapter XIII. Legislative Power in the States.
 Chapter XIV. The Police Power.
 Chapter XV. The Power of Taxation.
 Chapter XVI. The Right of Eminent Domain.
 Chapter XVII. Municipal Corporations.
 Chapter XVIII. Civil Rights, and Their Protection by the Constitution.
 Chapter XIX. Political and Public Rights.
 Chapter XX. Constitutional Guaranties in Criminal Cases.
 Chapter XXI. Laws Impairing the Obligation of Contracts.
 Chapter XXII. Retroactive Laws.

Fetter's Equity Jurisprudence— (Hornbook Series).

TITLE PAGE. A Handbook of Equity Jurisprudence. By Norman Fetter. St. Paul, Minn.: West Publishing Co. 1895.

FROM THE PREFACE. The system of equity jurisprudence, created by the English chancellors, and developed by English and

American courts of equity, will always be a fascinating subject of study for the lawyer. It has its roots in social conditions which have long since passed away,—when the clergy were supreme in the administration of secular as well as of spiritual affairs. Down to the time of the Reformation, one hundred and sixty prelates, in an almost unbroken succession, were elevated to the office of lord high chancellor of England. In influence and authority, political as well as judicial, they stood without a rival, save the king. Enjoying an almost complete immunity from secular control, and intrusted even with the nomination of the common-law judges, it is not strange that these dignified ecclesiastics should have succeeded in establishing a court, constituted in effect of one man, the lord chancellor, having for its object the correction of the common law, though at the very time there existed a legislature, consisting of the king, lords, and commons, charged with the duty of amending the law, and securing its due administration.¹ The personal conscience of the chancellor, and the principles of morality as declared in the Bible, supplemented by the rules of the Roman law, constituted the primitive equity jurisprudence as administered by the ecclesiastical chancellors. No reports of their decisions ever existed; and but few of them—and these with perhaps not altogether friendly motives—are preserved in the Year Books. One of them is here quoted to show the wide gulf which separates the modes of thought and reasoning of the ecclesiastical chancellors from those of their modern successors. Lord Chancellor, Archbishop Morton, is reported to have delivered himself as follows concerning an executor who had wasted the assets of an estate: "I know that the law is or ought to be according to the law of God; and the law of God is that an executor who is evilly disposed shall not expend all the goods; and this I know that if he do so, and do not make amends if he can, he will be damned in hell."² With the advent of the lay chancellors, learned in the common law, and fully alive to the fact that uncertainty of the law is the greatest obstacle to the due administration of justice, there was developed a practically new system of equity jurisprudence, with principles as fixed and as definite as those of the common law itself. To state clearly these principles as they now obtain, with their proper qualifications and limitations, to sketch their development whenever necessary to their comprehension, to illustrate their application by brief statements of decided cases, and to clothe the whole in a garb which will attract, rather

¹ 1 Spence, Eq. 355, 356.

² 1 Spence, Eq. 578; Year Books, 4 Hen. VII. fol. 5.

than repel, the student, have been the objects in view during the composition of this book.

TABLE OF CONTENTS.

Chapter I. Nature and Definition of Equity.
Chapter II. Principles Defining and Limiting Jurisdiction.
Chapter III. The Maxims of Equity.
Chapter IV. The Doctrines of Equity.
Chapter V. The Doctrines of Equity (Continued).
Chapter VI. The Doctrines of Equity (Continued).
Chapter VII. Grounds for Equitable Relief.
Chapter VIII. Property in Equity—Trusts.
Chapter IX. Property in Equity—Mortgages, Liens, and Assignments.
Chapter X. Equitable Remedies.
Chapter XI. Equitable Remedies (Continued).
Chapter XII. Equitable Remedies (Continued).
Chapter XIII. Equitable Remedies (Continued).
Chapter XIV. Reformation, Cancellation, and Quieting Title.
Chapter XV. Ancillary Remedies.

Gould & Tucker's Federal Income Tax.

TITLE-PAGE. The Federal Income Tax Explained. By John M. Gould and George F. Tucker, Authors of "Notes on the United States Statutes," etc. Boston: Little, Brown & Co. 1894.

PREFACE. The income tax law, incorporated in the recent act of congress entitled "An act to reduce taxation, to provide revenue for the government, and for other purposes," is new in certain of its clauses, especially in those relating to property acquired by gift and inheritance, and those relating to appeals and to corporations; but in other respects it retains the words,

phrases, and clauses which, in the income tax laws of the time of the Civil War, acquired a settled meaning under the rulings of the courts and the practice of the department of internal revenue. The aim of the present treatise is to elucidate the new statute from the decisions and practice affecting the older laws, so far as changes of statutory phraseology have not changed or superseded them. It is believed that most of the decisions and rulings here stated will be adopted and followed by the courts and departments in passing upon the present act. The Index shows that quite a large body of law has been collected in a small compass. The English law (5 & 6 Vict. c. 35) is very exhaustive. It contains one hundred and ninety-four sections, several schedules, and carefully prepared rules upon the method of assessment and general procedure. While the first income tax laws passed in this country were war measures, they were probably suggested by the English law, which had been in existence about twenty years before the passage of the first American statute. The decisions upon the English law, most of which are collected in Ellis's Income Tax Acts, are not always satisfactory as a means of construing our own earlier statutes. They may, however, prove of some value in interpreting the present act. It has not been thought advisable to give copious extracts from the English adjudications, as the technical differences in phraseology between the two acts were deemed a source of probable embarrassment, while any attempted delineation of these differences would lead to additional confusion.

REVIEWS OF NEW BOOKS.

Beale's Cases on Criminal Law.¹

Reviewed by Francis B. Tiffany, Esq.,
Author of "Tiffany on Death
by Wrongful Act."

[For contents and other descriptive matter, see page 50 of this number.]

This volume might serve as a model of what a selection of cases should be. Professor Beale has not been content merely to make a good collection of leading and illustrative cases, but by classification and grouping by chapter, section, and subsection, he has so presented the subject that from the cases and authorities here collected a fairly systematic knowledge of criminal law might, if need were, be obtained

without the further aid of a text-book. Frequent prefatory extracts from Hawkins, Hale, Blackstone, and other text writers, by way of definition and explanation, help greatly to introduce and to throw light on the topics treated. This is a valuable feature, which might be carried even farther with advantage.

As might be expected in a book prepared under the influence of the Harvard system of instruction, the cases are selected and arranged with a view to the historical development of the subjects. Not infrequently Professor Beale begins with a case from the Year Books, and the English cases, and often the earlier English cases, are more frequently selected than will perhaps commend itself to those who aim only to impart a broad and butter acquaintance with the law as it exists to-day in the particular states over which their law schools may

¹ A selection of cases and other authorities upon Criminal Law. By Joseph Henry Beale, Jr., Assistant Professor of Law in Harvard University. Cambridge: Harvard Law Review Publishing Association. 1894.

have jurisdiction. But with those who believe that a study of the sources and development of the law is essential to a broader knowledge of it this method will find approval, the more so that the later cases have been by no means slighted and that the most recent volumes of the reports have been drawn upon to an extent that shows that the editor has a keen eye for the best case, wherever it may be found. The full index, which will go far to make the volume useful to lawyers, as Professor Beale suggests, will make it especially useful to teachers, who will find the material here collected of great assistance in the preparation of lectures, even though they may not use it, as it is chiefly intended to be used, in the classroom.

Francis B. Tiffany

Dassler's Kansas Digest.¹

Reviewed by E. F. Ware, Esq., of the Topeka Bar.

[For other descriptive matter, see page 199, vol. 1, Law Book News.]

The recent publication of the second volume of Mr. Dassler's Kansas Digest calls to mind the fact that the bar of Kansas has kept the state well supplied with literature concerning its own decisions and laws. The first Kansas digest was published by Mr. Hammatt, then clerk of the supreme court. This was in 1871. It digested the first three volumes of Kansas Reports. After that came the first volume of Mr. Dassler's digest. This first volume was the standard and standby of the lawyers of the state for many years, and included the first twenty-one volumes of the Kansas Reports, together with a volume of the Territorial Reports, known as McCanon's Reports, and also five volumes of the United States Circuit Court Reports pertaining to the district in which Kansas was situated. Two years after the first volume of Mr. Dassler's, there was published, by George R. Chaney, Esq., a digest of the first twenty-five volumes of the Kansas Reports. The work of Mr. Chaney was not satisfactorily done, and although it went

into most of the libraries it failed to meet expectations. In 1885 Judge Talcott, of the Seventh judicial district, published a volume of Annotations of Kansas Reports, with citations referring to the American Decisions and American Reports. This volume endeavored to show all of the citations made by the Kansas Supreme Court of Kansas, which were in the standard series known as American Reports and American Decisions. In the same year, though later, came out Taylor's Brief Digest, a most laborious work, in which Mr. Taylor endeavored to boil down the decisions of the first thirty-three volumes of the Kansas Supreme Court Reports. The volume was a valuable one, of great service to the bar, but very incomplete. It contained no table of the numerous citations to the laws and statutes of the state. In addition to this, the condensation was so great that the index-digest hardly furnished a clue to the decisions cited. Mr. Taylor afterwards published a supplemental volume, comprising the decisions of the next ten volumes, thirty-three to forty-three inclusive.

In this condition of things Mr. Dassler's second volume was published, a large, well edited, honest book, in which the entire syllabi of the various cases were given in full and in such an arrangement as enabled them to be found and comprehended. Mr. Dassler's second volume is a better arranged volume than the first, and contains a table of cases and a list of the judges of the district courts during the period covered by the reports digested. There is but one criticism that may be justly made upon this second volume, and that is that it does not follow out the new style of digesting, the subdivisions and heads adopted by the West Publishing Company in their large digest. The West Publishing Company's Annual is the finest and best arranged digest that the human mind ever invented, and it ought to be adopted as a model by all digesters, so that a lawyer can get into the habit of knowing right where to go, and under what head and subhead to find what he is looking for. It is to this failure of Mr. Dassler to fully adopt the West plan that we object. Otherwise the book is entitled to the highest encomiums, and will be bought and should be bought by every lawyer who has the Kansas Reports.

¹ A Digest of the Decisions of the Supreme Court of Kansas, embracing volumes 22 to 51, inclusive, of the Kansas Reports, and also the reported decisions of Kansas cases in the federal courts during the same period. By C. F. W. Dassler. New Volume II. Topeka, Kan.: Crane & Co. 1894.

E. F. Ware

Gould & Tucker's Federal Income Tax.¹

Reviewed by Oliver E. Pagin, Assistant U. S. District Attorney, Chicago.

[For other descriptive matter, see page 52 of this number.]

"The Federal Income Tax Explained" is the title of a neat little book by Messrs. John M. Gould and George F. Tucker, lately published by Little, Brown & Co., of Boston, and called forth by the income tax provisions of the act of congress of August 27th, 1894, generally known as the Wilson bill.

That a statute which is bound to affect the finances of a very great number of the citizens and residents of this country needs explanation will be readily admitted. The tax payer, his legal counsel; the tax collector, the government counsel; the judges of the courts; the newspaper reader, and (probably) the newspaper editor,—will want it explained.

What manner of explanation does this book furnish? Its title might indicate to a casual observer that the authors have merely expressed their own views upon the policy of the new law, or prophesied concerning its workings, or anticipated its interpretation without considering precedents. But when it is remembered that this is not the first income-tax law of this country; that such laws were passed or amended in 1861, 1862, 1864, 1865, 1866, 1867, and 1870; that five at least of the states have such laws; that such a law has been in force in England since 1842; that the gift and inheritance feature of this law is not new either to federal or state jurisdiction; and that almost every word, phrase, and clause of the old laws, and, in consequence, of the new law, have been the subject of judicial interpretation of the courts and the practical interpretation of revenue officials,—it becomes apparent that there is a mine of material to the hand of him who would explain the new law in the light of what has gone before, as our authors have here undertaken to do. And as the product of a real mine does not always indicate by its bulk the extent of the delving which produced it, or the quantity of dross rejected, so this book gives no indication by its size of the amount of labor expended and learning applied by its authors in its compilation. They have brought to the present work, also, the facility and experience acquired by them in writing their similar but hundredfold more extensive "Notes on the United States Statutes," of inestimable value

to those who have occasion to consult the decisions of the federal laws generally.

The authors say in their preface, "The aim of the present treatise is to elucidate the new statute from the decisions and practice affecting the older laws, so far as changes of statutory phraseology have not changed or suspended them. It is believed that most of the decisions and rulings here stated will be adopted and followed by the courts and departments in passing upon the present Act."

What a jury's verdict will be on a question of fact is proverbially uncertain; but it may be taken as a rule with but few exceptions that a court will be inclined to follow precedent and analogy in deciding a question of law, and that officers having to enforce a new law will be guided by what was done in case of a like prior law; and so the authors of this book are safe in assuming, as they do in the plan of their work, that what has already been decided and done under certain circumstances will in all probability be decided and done again under substantially the same circumstances; and that therefore a book for the use of those who may desire to know how this statute is likely to be enforced by the revenue officers and interpreted by the courts, should sift and present in convenient form to the reader the decisions and rulings on the older statutes of the same general character.

He who would be posted concerning this law cannot elsewhere find the law and whatever decisions and departmental rulings may be fairly considered as a part of it, or as explanatory of it, so conveniently brought together as they are in this book. The law as a whole is first considered from a constitutional standpoint and historically; and then the first section of the law is set out in coarse print, followed by the matter in finer, but still good, print, which constitutes the real work of the authors; and so with the other sections. There is also a table of cases, as well as a good index.

In view of the penalties following a failure to comply with the provisions of this law, it behooves every person of affairs to inquire into it.

Mr. Bishop's remarks concerning statutory interpretation, to be found in the introductory chapter of his work "On the Written Laws," are here set out as bearing witness to the dependence of a new statute upon the prior law:

"Whatever may be the rules of interpretation, and however known, obviously no statute can be understood except by him who understands the prior law. Not, therefore, to theorize, but for practical help, persons seeking the meaning of statutes constantly go back to see what is the unwritten or otherwise prior law; with which 'lock and key,' says Coke, they 'set open the windows of the statute.' Other-

¹The Federal Income Tax Explained. By John M. Gould and George F. Tucker, authors of "Notes on the United States Statutes." Boston: Little, Brown & Co. 1894.

wise their search after the statutory meaning would be vain. Every statute combines and operates with the entire law whereof it becomes a part; so that, without a discernment of the original mass, one can form no correct idea of the action of the new element."

Chas. E. Page

Works' Courts and Their Jurisdiction.¹

Reviewed by Hon. G. B. Rose, of Little Rock.

[For contents and other descriptive matter, see page 380, vol. 1, Law Book News, and other opinions on page 57 of this number.]

There are a few great treatises which are almost codifications of the law upon the subjects with which they deal; whose accuracy has been so often approved that bench and bar refer to them as final authorities and rarely go behind them to review the cases which they cite. They stand out as conspicuous landmarks in the path of juridical progress. For the production of such a treatise there is required in the first place an acceptable literary style, for, as a treatise is intended to be read, its first requisite is that it be readable; then an artistic sense of proportion, that the work may be orderly in its arrangement and that each heading may receive only its due share of the allotted space; thirdly, a masterly grasp of the subject, a comprehension of it in all its length and breadth, before pen is put to paper; and lastly, an infinite care and patience in the examination and classification of the adjudged cases. Such works are rare, but when they come they are hailed with universal acclaim as heaven-sent gifts.

Below these there are many written by men without special qualifications for the task, who have groped through the digests painfully from point to point, works which are often of great practical utility until they are superseded by later ones of like description and later date.

Whether it is possible at this time to produce a treatise of the first class upon the subject of jurisdiction we do not know. The task has been so long delayed, the courts, without any one clear beacon light to guide their steps, have fallen into such confusion, and the matter is so complicated by local statutes whose exact influence upon the decisions is not always apparent, that the un-

dertaking has become one of unusual difficulty. Even upon the most elementary questions, such as what courts are superior and what inferior, what are courts of record and what not of record, the decisions are in apparently hopeless conflict. But whether or not it is possible to write such a treatise on such a subject, certain it is that this, while in many respects a meritorious work, is not such an one. It belongs to the large class which are useful to bench and bar, but which mark no advance in juridical science; which are serviceable as collections of cases, but which do not handle the authorities in that masterly way that creates a new point of departure for future growth and development.

Even as a practical book, it has its limitations; and as it is generally agreeable to speak evil of others, we will first indicate its defects.

In the first place it has no table of cases, an inexcusable fault in any treatise. Nothing so much facilitates the labors of a lawyer who knows the leading case upon a subject. Instead of turning to the index, always complex and frequently inadequate, he can turn to the leading case, and there all the others should be grouped.

In the second place, there are a number of inaccurate statements of the law.

For example, on page 31 he says:

"It is the pleading on the part of the plaintiff which determines whether the court has jurisdiction or not, and not the defence."

We have always supposed that if the jurisdictional facts appeared anywhere in the record, it was sufficient. He cites no authority but Wells on Jurisdiction, sec. 4, who only says:

"It is the character of the suit on the part of the plaintiff which gives the right of jurisdiction to a court, so far as the subject-matter is concerned, and not of the defence thereto."

So, on page 35, he lays it down as a general proposition that

"Personal actions are transitory, and, as a rule, must be brought in the court having jurisdiction over the territory in which the defendant resides."

In support of this astonishing statement he cites only *Williams v. Wilton*, 28 Ohio St. 404, where it is held that such suits may be brought wherever the defendant resides or is found.

And the author himself says on page 258.

"It is not necessary that the party served shall reside within the state or other territorial jurisdiction, in order to render personal service therein effective. A party may be served if he is voluntarily within the jurisdiction of the court temporarily."

Continuing this subject, he says, p. 35:

"It is held in New York that the courts of that state may, in their discretion, entertain jurisdiction of an action for personal injuries between persons actually domiciled in that state

¹ Courts and Their Jurisdiction. A Treatise on the Jurisdiction of the Courts of the Present Day, how such Jurisdiction is conferred, and the means of acquiring and losing it. By John D. Works, formerly one of the Justices of the Supreme Court of California. Cincinnati: The Robert Clarke Co. 1894.

when the action is brought, though the injury was committed in a foreign state, of which the parties were still citizens."

That could not be the law, for as between the states "citizenship" and "domicile" are synonymous. (Jacob's Domicile, sec. 48.)

He cites in support of that only *Burdick v. Freeman*, 24 N. E. 949, 950; S. C., 120 N. Y. 420,—where Follett, C. J., says:

"The courts of this state may, in their discretion, entertain jurisdiction of such an action between citizens of another state actually domiciled therein (i. e. in the other state) when the action was begun and tried, though the injury was committed in the state of their residence and domicile."

On page 53, speaking of suits for specific performance, he says:

"The weight of authority seems to be that the action is one upon contract, affecting the person, and therefore follows the person of the defendant, and may be maintained by the courts of a state having jurisdiction of the person of the defendant, although the land is situated in another state. But whether the court can go further and enforce a conveyance is still more doubtful. To allow such a power is to concede to the courts of one state the jurisdiction to render a decree and enforce a conveyance, which would pass the title to real estate outside of its territorial jurisdiction. And yet some of the cases go to that extent."

This is meaningless; but when we look at the authorities cited we perceive that what he means by "enforcing a conveyance" is exactly the reverse of that, viz. the making a deed by the court, through its master, instead of forcing the defendant to make it.

On page 56 he says that a mortgage on property in two states may be foreclosed by suit in one of the states upon constructive service. He cites no authority for such a position, and it is not believed to be tenable. In *Muller v. Dows*, 94 U. S. 444, 448, where the authority of a federal court sitting in one state to foreclose a mortgage on property in that state and in another was established, it was put expressly upon the ground that the court had jurisdiction of the person of the defendant.

On the same page he says:

"It is further held in this connection that a railroad or telegraph company chartered either by the state or the United States is an inhabitant of every state in which it operates its lines and maintains offices for the transaction of business, within the meaning of the (U. S.) statute fixing the jurisdiction of courts."

And again, still speaking of the jurisdiction of the United States courts:

"But it has been held that a corporation created in one state and doing business in another with the permission of the latter is also a citizen of the state in which it does business."

In view of the fact that *Shaw v. Quincy Mining Co.*, 144 U. S. 444, was decided in May, 1892, and *Southern Pacific Co. v. Denton*, 146 U. S. 202, was decided in November, 1892, such a statement is inexcusable in a work published in the year of our Lord 1891.

In the absence of a table of cases, we have not been able to ascertain whether he has cited *Southern Pac. Ry. v. Denton*, but on page 321 he cites *Ex parte Shaw*, and states the law correctly, and yet allows the text upon the previous page to remain as it is.

It would serve no useful purpose to go in detail through all the errors in the book. These, taken from the first sixty pages, sufficiently show their character, and establish the fact that the work is not the production of one those great lawyers who have grasped their subject in its full extent before beginning to write, but that it has been built up from the digests. It would not be just, however, to conclude that the book is a bad one. On the contrary, it is a most useful and laborious work, containing a vast deal of law which is accurately stated; and it is calculated to be a great help to the practitioner. Many of its pages read painfully like a digest, and he who takes it up for pleasant reading on a summer afternoon may find himself in an unexpectedly somnolent mood; but the lawyer hurried in the preparation for trial will find it a great assistance. He cannot rely upon its statements of legal principles with the same confidence that he feels in reading *Greenleaf on Evidence* or *Cooley's Constitutional Limitations*; it is not the work of a great jurist; but it is a very serviceable collection of authorities conveniently arranged and well indexed, a useful weapon in the hands of every practicing lawyer. As such, it is welcome; and though we are disappointed that it is not more, the author is entitled to the thanks of the profession for what he has given us, a book which represents many days of painful labor. It has not fallen to his lot to light a beacon upon a hilltop; but we should be thankful to him who furnishes us a lantern to guide our steps from point to point through such a labyrinth as the law of jurisdiction.

In conclusion we may say that he cites too many cases from Indiana and California. A man is naturally most familiar with the decisions of his own state; but when he undertakes to write a treatise for general use he should cease to be provincial.

G. B. Rose

OTHER OPINIONS OF NEW BOOKS.

Bailey's Master's Liability for Injuries to Servant.

[See contents and other descriptive matter on page 239, vol. 1, Law Book News, and a review by Hon. Henry S. Priest on page 21, vol. 2.]

It may safely be said that there is no branch of the law which has developed at so rapid a pace within the last few years as that which treats of the liability of the master for injuries to his servants. It affords a splendid field for the efforts of the legal literary harvester, as the ripeness of the subject renders it exceedingly interesting. It is pleasant to think that a lawyer and a scholar of Judge Bailey's ability should have been selected for the work, and the wisdom of the selection is evidenced by the very able discussions of the principal cases, and the scholarly arrangement.

The great body of case law which is annually introduced by the appellate courts of the various states renders complete digesting almost impossible, except when confined within very narrow districts. It is necessary, therefore, for text writers to specialize, taking up some important branch or subdivision of the law, and reducing the decided cases bearing upon it to something like a system. But the great difficulty seems to be, and, in fact, it is the one objection which we can see to this very careful and conscientious work, that the text writer, in order to make this book of a respectable size, devotes considerable space to the discussion of subjects only indirectly connected with the apparent scope of the work. Thus, we find in Chapters XX and XXI a very lengthy discussion of the doctrines of contributory negligence, which, while very much in order in a work of negligence, seems hardly proper in a work covering the Law of a Master's Liability for Injuries to his Servant. But these instances are rare in Judge Bailey's book, and even though they may be objectionable from a standpoint of a perfect text-book, they are, nevertheless, valuable contributions to the literature of this subject.

The citation of cases is very full and complete throughout, and the index carefully prepared. The "externals" are in excellent taste, and we take great pleasure in recommending this work to the profession as a valuable addition to the literature of the law relating to master and servant.

—John A. McCarthy, in *Am. Law Register and Review*.

This is a modern work within true modern lines. In fact it is the only American text-book which treats distinctively of the subject of Master's Liability for Injuries, and

with the exception of the treatise on Master and Servant by Mr. Wood, which is no longer new, is the only work on the general subject. This work is designed to be practical rather than theoretical. In addition to the general statement of the law, the doctrine of Fellow Servants has been classified by states, as the only method, in view of the contrariety of decisions, by which an intelligent and concise statement of the law and the cases may be made. It discusses in a clear and indeed entertaining manner the law applicable to the Master's Duty, Fellow Servants, Contributory Negligence, Independent Contractors, Contracts Limiting Liability, and also Releasing Claims, and also the Law Governing Rights and Remedy. The author has a peculiar style of his own in reference to the form of the text and notes, which we think will be found to be very satisfactory to the examiner. The work exhibits great care on the part of its author in its preparation, and unusual diligence in the search for authorities. We can readily see that it will be an invaluable aid to the practitioner. It is a book of seven hundred pages, beautifully printed, and reflects credit upon its publisher, West Publishing Co., St. Paul.

—Central Law Journal.

Works' Courts and their Jurisdiction.

[See contents, etc., on page 380, Vol. 1, Law Book News, and a review by Hon. G. B. Rose on page 55 of this number.]

The task Judge Works has set himself, the fulfillment of which gives us this book, is one that has been immensely complicated by the great number of statutes and provisions in the constitutions defining the powers of the various courts. One constantly is reminded of this by the qualifications the author feels himself compelled to put on various statements, to the effect that "the tendency of legislation" seems to be against this or that. Yet out of the chaotic mass of decisions and legislative directions on the subjects treated, he has given us a resumé of the doctrines laid down, with a good discussion of the principles on which the various theories are based. The author candidly admits that many of the cases go on no principle at all save that of precedent, but states as the object of the work, "to get below this mass of cases which rest upon one another, and find out why a given principle of law should be maintained, and cite the cases by which the reason for the rule has been established." On this very commendable plan he has treated the means of acquiring and losing jurisdictions, jurisdiction of judges, venue and common law, equity and

statutory jurisdictions in the civil and criminal sides of the court, and in the various actions and suits. The subjects are interestingly dealt with, and the book seems a good one for the student as well as the practitioner. Authorities are cited to a sufficient extent to render the treatise a valuable one to the practicing lawyer; but it is more than a collection of authorities.

—Harvard Law Review.

Judge Works gives us in this volume a very clear and concise treatise upon the subject of jurisdiction, one which we are confident will prove to be exceedingly useful to every practicing lawyer. The author is not a superficial writer, but he goes to the very root of the matter in hand, and finds a reason for every why and wherefore, if there is one to be found. The arrangement of subjects is excellent.

—The Green Bag.

BOOKS RECEIVED.

From H. B. Parsons, Albany: Beach on Injunctions.

Leading Text Books Published in 1895.

Abbott's Select Cases on Evidence...	6 00 net	Harlow on Sheriffs and Constables.	
Black's Constitutional Law.....	3 50 net	2d Ed.....	6 00 net
Beach on Injunctions. 2 vols.....	12 00 net	Smith on Evidence.....	5 00 net
Bradner's Rules of Evidence.....	5 00 net	Thompson on Private Corporations.	
Fetter on Equity.....	3 50 net	6 vols.....	36 00

Leading Text Books Published in 1894.

Bacon on Benefit Societies. 2 vols.	12 00	Jones' Forms of Conveyancing. 4th edition	6 00 net
2d edition		Kinney on Irrigation.....	7 00 net
Bailey's Master's Liability for Injuries to Servants.....	6 00 net	Lloyd's Law of Buildings. 2d edition. Cloth, \$1.50. Sheep.....	5 00 net
Beach on Modern Equity Practice. 2 vols	12 00 net	Loveland's Forms of Federal Procedure	6 00
Benedict's Admiralty. 3d edition...	6 00 net	Niblack on Mutual Benefit Societies. 2d Ed.....	6 00 net
Bliss on Code Pleading. 3d edition	6 00 net	Pagan's Precedents and Forms in Federal Cases	6 00 del
Browne's Kent's Commentaries....	5 00 net	Pollock on Torts. Webb edition....	5 00
Burrill on Assignments. 6th edition	6 00 net	Prentice on Police Powers.....	5 00 net
Carr's Judicial Interpretation of the U. S. Tariff Act.....	5 50 net	Randolph on Eminent Domain...	5 50 net
Clark on Contracts.....	3 00 net	Rice's Probate Law and Practice..	6 50 net
Clark's Criminal Law.....	3 50 net	Shipman's Common Law Pleading...	3 50 net
Cogley on Strikes & Lockouts.....	4 00 net	Stephen on Pleading (Andrews)...	4 00 net
Cook on Stocks. 2 vols. 3d edition	12 00 net	Taylor's Law of Private Corporations. 3d Ed.....	6 00
Coxe on Judicial Power and Un-constitutional Legislation.....	3 00 net	Tiedeman on Municipal Corporations	6 00 net
Daniell's Chancery. 3 vols. 6th Ed.	18 00 net	Underhill on Evidence.....	6 00 net
Demarest on Elevated Railroad Law	3 50 net	Willey's Procedure in the Courts of Law and Equity.....	2 00 net
Dillon's Laws and Jurisprudence of England and America. Cloth....	4 00 net	Williams on Real Property. (Hutchins' Notes.) 17th International Ed.	4 00 net
Elliott's General Practice. 2 vols..	12 00 net	Wood on Railways. 3 vols. 2d edition	18 00 net
Fitnam's Trial Procedure.....	6 00 net		
High on Receivers. 3d edition....	6 00 net		
Jones on Chattel Mortgages. 4th edition	6 00 net		
Jones on Liens. 2 vols. 2d edition	12 00 net		
Jones on Mortgages. 2 vols. 5th edition	12 00 net		

DIGEST

Of Articles on Legal Subjects in Current Periodicals, Newspapers, Annotations in Reports, etc., etc.

List of Abbreviations and Publications Digested.

Abbreviations.	Name.	Published.	Prices of Single Numbers.
Abb. N. C.	Abbott's New Cases, Drossy Law Book Co., N. Y. City	Monthly.....	\$4.50 per vol.
Alb. Law J.	Albany Law Journal, Albany, N. Y.	Weekly.....	25c.
Am. Banker.	American Banker, New York City	Weekly.....	10c.
Am. Lawy.	American Lawyer, New York City	Monthly.....	10c.
Am. Law Reg. & Rev.	American Law Register and Review, Philadelphia	Monthly.....	50c.
Am. Law Rev.	American Law Review, St. Louis	Bi-Monthly.....	\$1.00.
Am. Prob. R.	American Probate Reports, Baker, Voorhis & Co., New York City	Irregular inter-vals.....	5.50 per vol.
Am. R. & Corp. R.	American Railroad and Corporation Reports, E. B. Myers & Co., Chicago	Irregular inter-vals.....	4.50 per vol.
Am. St. Rep.	American State Reports, Bancroft-Whitney Co., San Francisco	Bi-Monthly.....	Sold by subscrip-tion only.
Am. & Eng. Corp. Cas.	American and English Corporation Cases, Edward Thompson Co., Northport, Long Island, N. Y.		\$4.50 per vol.
Am. & Eng. R. Cas.	American and English Railroad Cases, Edward Thompson Co., Northport, Long Island, N. Y.		4.50 per vol.
Aust. Law T.	Australian Law Times, Melbourne, Australia	Semi-Monthly ..	£3 3s. per yr.
Banking Law J.	Banking Law Journal, New York City	Monthly.....	30c.
Barrister.	The Barrister, Toronto, Can.	Monthly.....	\$2.00 per year.
Brief.	The Brief, London, Eng.	Monthly.....	Sixpence.
Can. Law J.	Canada Law Journal, Toronto, Can.	Semi-Monthly ..	25c.
Can. Law T.	Canadian Law Times, Toronto, Can.	Monthly.....	50c.
Cape Law J.	Cape Law Journal, Grahamstown, Cape of Good Hope	Quarterly.....	\$1.50.
C. C. A.	U. S. Circuit Courts of Appeals Reports, West Pub. Co., St. Paul, Minn.	Irregular inter-vals.....	\$3.35 per vol.
Cent. Law J.	Central Law Journal, St. Louis	Weekly.....	25c.
Chi. Law J.	Chicago Law Journal, Chicago	Monthly.....	25c.
Chi. Leg. N.	Chicago Legal News, Chicago	Weekly.....	10c.
Civil Proc. R.	New York Civil Procedure Reports, S. S. Peloubet, New York City	Monthly.....	
Collector	The Collector and Commercial Lawyer, Detroit, Mich	Monthly.....	10c.
Counsellor	The Counsellor, New York City	Monthly.....	30c.
Cr. Law Mag.	Criminal Law Magazine, Jersey City, N. J.	Irregular inter-vals.....	\$6 per vol.
Daily Balt. Rec.	Daily Baltimore Record, Baltimore, Md.	Daily.....	02c.
Green Bag.	Green Bag, Boston	Monthly.....	50c.
Guide.	The Guide, Kalamazoo, Mich.	Monthly.....	10c.
Harr. Law Rev.	Harvard Law Review, Cambridge, Mass.	Monthly.....	35c.
Int. Jour. Eth.	International Journal of Ethics, Philadelphia, Pa.	Quarterly.....	6c.
Iowa Univ. Law Bul.	Law Bulletin of Iowa University, Iowa City, Iowa	Monthly.....	25c.
Ir. Law T.	Irish Law Times & Solicitors' Journal, Dublin, Ire.	Weekly.....	1 shilling.
J. P.	Justice of the Peace, London, Eng.	Weekly.....	Sixpence.
Jurid. Rev.	Juridical Review, Edinburgh, Scotland	Quarterly.....	
Law Notes.	Law Notes, London, Eng.	Monthly.....	Sixpence.
Law Quart. Rev.	Law Quarterly Review, London, Eng.	Quarterly.....	5 shillings.
Law Student's Helper	Law Student's Helper, Detroit, Mich.	Monthly.....	10c.
Law Students' J.	Law Students' Journal, John Undermaur, Chancery Lane, London, Eng.	Monthly.....	Sixpence.
Law T.	Law Times, London, Eng.	Weekly.....	
Lawy. Rep. Ann.	Lawyers' Reports Annotated, Lawyers' Co-operative Pub. Co., Rochester, N. Y.	Semi-Monthly ..	75c.
Leg. Int.	Legal Intelligencer, Philadelphia	Weekly.....	10c.
Madras Law J.	Madras Law Journal		
Med. Leg. J.	Medico-Legal Journal, New York City	Quarterly.....	
Mich. Law J.	Michigan Law Journal, Grand Rapids, Mich.	Monthly.....	25c.
Minn. Law J.	Minnesota Law Journal, St. Paul, Minn.	Monthly.....	25c.
Mont. Leg. N.	Montreal Legal News, Montreal, Can.	Monthly.....	
Morr. Min. R.	Morrison's Mining Reports, Callaghan & Co., Chicago	Irregular Int'vis	\$5 per vol.
Nat. Corp. Rep.	National Corporation Reporter, Chicago	Weekly.....	10c.
N. J. Law J.	New Jersey Law Journal, Plainfield, N. J.	Monthly.....	25c.
N. W. Law Rev.	Northwestern Law Review, Chicago	Monthly.....	25c.
N. Y. Cr. R.	New York Criminal Reports, S. S. Peloubet, N. Y. City	Monthly.....	
N. Y. Law J.	New York Law Journal, New York City	Daily.....	05c.
N. Y. Law Rev.	New York Law Review, Ithaca, N. Y.	Monthly.....	25c.
Pa. Law Series.	Pennsylvania Law Series, Philadelphia, Pa.	Monthly.....	\$1.00.
Pittsb. Leg. J.	Pittsburgh Legal Journal, Pittsburgh, Pa.	Weekly.....	10c.
Political Science	Political Science, Boston, Mass.	Quarterly.....	
Quart. Jour. Econ.	Quarterly Journal of Economics, Boston	Quarterly.....	\$2.00 per year.
Rev. of Rev.	Review of Reviews, New York City	Monthly.....	\$2.50 per year.
Revue Generale.	Revue Generale, Paris, France	Monthly.....	
Scot. Law Rev.	Scottish Law Review, Glasgow, Scot.	Monthly.....	1 shil. and sixpence
Scot. Law T.	Scots' Law Times, Edinburgh, Scotland	Weekly.....	
University Law Rev.	University Law Review, New York City	Monthly.....	25c.
Wash. Law R.	Washington Law Reporter, Washington	Weekly.....	10c.
Wkly. Law Bul.	Weekly Law Bulletin and Ohio Law Journal, Columbus, Ohio	Weekly.....	25c.
W. Va. Bar.	West Virginia Bar, Morgantown, W. Va.	Monthly.....	10c.
Yale Law J.	Yale Law Journal, New Haven, Conn.	Monthly.....	35c.

TOPICAL DIGEST.

N. B. The Classification of the American Digest is here used.

ABATEMENT AND REVIVAL.

A short article on the survival of actions in tort.—By Robert D. Brown. 3 N. W. Law Rev. 103.

ADOPTION.

An extensive note on the nature of proceedings for adoption, and the effect thereof.—39 Am. St. Rep. 210.

ALIENS.

An instructive article on the necessity of reformation in the present method of naturalization.—By Wm. L. Carpenter. 4 Mich. Law J. 7.

A short article on the necessity of "continued residence" of applicant for naturalization.—By Fred Van Dyne. 29 Am. Law Rev. 52.

ARBITRATION AND AWARD.

A review of the laws of the several states for the settlement of disputes between employers and their workmen.—5 Chi. Law J. 620.

Assignment.

— Of dower, see "Dower."

ASSIGNMENT FOR BENEFIT OF CREDITORS.

An extensive article on the law in relation to voluntary assignments and insolvency in Massachusetts.—By Prescott F. Hall. 8 Harv. Law Rev. 265.

ATTACHMENT.

A review of the law, with numerous authorities, relating to the priority of attachment liens over unrecorded conveyances.—By Chapman Maupin. 40 Cent. Law J. 25.

A few authorities on the right of attachment of individual property of one partner for the fraud of his copartner.—25 L. R. A. 645.

ATTORNEY AND CLIENT.

— See "Maintenance."

An inaugural address, delivered by the president of the Birmingham Law Student's Society, on specialism in law.—By Francis Henry Jeune. 11 Law Quart. Rev. 11.

A short article on the compensation of attorneys. 5 Chi. Law J. 636.

BANKS AND BANKING.

A collection of notes on the origin and business of clearing houses.—25 L. R. A. 824.

Bona Fide Purchasers.

— See "Negotiable Instruments."

BOUNDARIES.

A short note, with a few authorities, as to the evidence necessary to establish boundaries.—39 Am. St. Rep. 825.

Burden of Proof.

— See "Evidence."

CARRIERS.

A few authorities on the effect on the rights of a purchaser of a ticket of the stipulations thereof.—39 Am. St. Rep. 658.

Clearing House.

— See "Banks and Banking."

CONSTITUTIONAL LAW.

A review of Pike's Constitutional History of the House of Lords.—By W. R. Anson. 11 Law Quart. Rev. 86.

A short article on the province of government.—By H. Teichmueller. 29 Am. Law Rev. 21.

A short article on the federal power to regulate interstate commerce and the police powers of the state.—By Herbert B. Shoemaker. 29 Am. Law Rev. 59.

A valuable article on the question of sovereignty in English law.—By Frederick Pollock. 8 Harv. Law Rev. 243.

CONTEMPT.

A review of the decisions as to the power of a justice of the peace to commit for contempt in England.—58 J. P. 830.

CONTRACTS.

— See "Corporations."

— Enforcement, see "Specific Performance."

— of parol contracts, see "Frauds, Statute of."

A valuable note, with numerous authorities, on the validity of a moral obligation as a consideration to uphold an express promise.—39 Am. St. Rep. 735.

Conversion.

— See "Trove and Conversion."

COPYRIGHT.

An interesting article on the question whether copyright is a chose in action.—By Spencer Brodhurst. 11 Law Quart. Rev. 64.

CORPORATIONS.

A few authorities on the necessity of a corporate seal on contracts of corporations.—39 Am. St. Rep. 289.

A review of the doctrine that corporate assets are a trust fund for the benefit of creditors.—By Edward A. Harriman. 3 N. W. Law Rev. 115.

A review of authorities on the right of corporations to be or become shareholders in other corporations.—By Horace E. Ware. 9 Nat. Corp. Rep. 357.

Corrupt Practice Act.

— See "Elections and Voters."

COURTS.

A history of the supreme court of Delaware.—By Ignatius C. Grubb. 12 Med. Leg. J. 351.

A short review of "Judicial Power in United States," by Brinton Coxe.—By J. Westlake. 11 Law Quart. Rev. 81.

A continuance of a series of interesting articles on the court of star chamber.—By John D. Lindsay. 7 Green Bag, 28.

COVENANTS.

A valuable article, with numerous citations, on covenants usually inserted in a lease, and the laws affecting them.—By James M. Kerr. 51 Alb. Law J. 6.

CRIMINAL LAW.

The duties of the medical examiner as a successor to the coroner.—By J. A. Mead. Boston Med. & Surg. J. Republished in 12 Med. Leg. J. 285.

A series of articles on the inequality of sentences, the expediency and efficacy of corporal punishment, and the necessity of reform in criminal procedure.—98 Law T. 197, 224, 248, 295.

An interesting article on crime and criminals. What are they? With communications from leading justices.—98 Law T. 272.

An interesting history of the laws regulating the punishment of suicide, with a special reference to the recent legislation in New York in regard to the same.—By S. B. Livingston. 4 Counsellor, 91.

A review of recent cases affecting the constitutional right to a public trial.—By John D. Lawson. 40 Cent. Law J. 7.

A short article on the power of a colonial

legislature to affix a criminal character to acts committed beyond its territorial limits.—31 Can. Law J. 7.

Crops.

— See "Deeds"; "Execution."

DEATH.

An interesting article on the presumption and evidence of death.—98 Law T. 228.

DEDICATION.

A few authorities on the presumption sufficient to show dedication.—39 Am. St. Rep. 811.

DEED.

A short note, with a few authorities, as to whether crops pass upon conveyance of land.—39 Am. St. Rep. 367.

DESCENT AND DISTRIBUTION.

A review of the law as to the probate of wills, and the distribution of estates, where the ancestor or testator has been killed by the legatee or heir.—33 Wkly. Law Bul. 14.

DOWER.

An extended note, with numerous authorities, on the assignment of dower, and the effect thereof.—39 Am. St. Rep. 25.

DURESS.

A valuable collection of authorities on the subject of duress.—33 Am. Law Reg. 885.

ELECTIONS AND VOTERS.

An article on the relief that may be granted in a case of illegal but not corrupt practice under the municipal election act.—59 J. P. 34.

EMINENT DOMAIN.

A collection of authorities on the necessity for public use in order to its exercise, and as to what constitutes public use.—39 Am. St. Rep. 818.

EQUITY.

— Relief against judgment, see "Judgment."

A protest against administering criminal law by injunction, with a special reference to the Debs Case.—By Wm. D. Lewis. 33 Am. Law Reg. 879.

An address on the law of injunctions as applied to strikes.—By John F. Phillips. 3 Am. Lawy. 18.

EVIDENCE.

A review of the system of legal rules which constitute the law as to examination and cross-examination as to character, with reference to its main provisions, and its so-called rational basis.—By E. Bowen-Rowlands. 11 Law Quart. Rev. 20.

A short article on the degrees of proof and burden of proof.—2 University Law Rev. 59.

EXECUTION.

A few authorities as to whom crops belong upon execution sale of land.—39 Am. St. Rep. 367.

EXTRADITION.

A review of the Case of the Salvadorean Refugees.—By John B. Moore. 29 Am. Law Rev. 1.

A collection of authorities as to the effect on the prisoner's rights of a necessity of amendment of the charge on which he was extradited.—25 L. R. A. 593.

FACTORS AND BROKERS.

A valuable article, with numerous citations, on the law of real-estate brokers and brokerage.—5 Chi. Law J. 587.

Fellow Servant.

— See "Master and Servant."

FIXTURES.

A short note as to the method of determining whether a thing is a fixture or not.—39 Am. St. Rep. 172.

Forgery.

— Payment of forged paper, see "Negotiable Instruments."

FRAUDS, STATUTE OF.

A valuable article on the validity and enforcement of parol contracts prior to assumpsit.—By J. B. Ames. 8 Harv. Law Rev. 252.

General Average.

— See "Marine Insurance."

HORSE AND STREET RAILROADS.

A review of the duty imposed on street-railroad companies to avoid injuring children on the track, with numerous citations.—25 L. R. A. 663.

A few authorities on the duty of street railways to vehicles and persons on the track.—39 Am. St. Rep. 413.

HUSBAND AND WIFE.

A collection of authorities as to the power of courts in chancery to decree a nullity or dissolution of marriage.—25 L. R. A. 800.

Injunction.

— In restraint of criminal acts, see "Equity."

Insolvency.

— See "Assignment for Benefit of Creditors."

INSURANCE.

A collection of authorities on the rights given by the attachment of a mortgage slip to an insurance policy.—25 L. R. A. 679.

An extended note on the right to take life insurance for the benefit of a stranger.—25 L. R. A. 627.

A short note as to forfeitures caused by nonpayment of premiums.—39 Am. St. Rep. 320.

A short note, with a few authorities, on contribution and subrogation between insurers.—39 Am. St. Rep. 394.

Interstate Commerce.

— See "Constitutional Law."

JUDGMENT.

A collection of authorities on the relief granted by a court of equity, as against a judgment on the ground of surprise.—By Lawrence P. Pool. 40 Cent. Law J. 46.

A collection of authorities as to the nature of evidence competent to rebut recitals in judgments and decrees as to jurisdictional facts.—By Flora V. Tibbits. 40 Cent. Law J. 67.

Justices of the Peace.

— See "Contempt."

Landlord and Tenant.

— Covenants in lease, see "Covenants."

LAW.

A treatise on the ancient law of Japan.—By C. T. Long. 1 Barrister, 15.

A continuation of a valuable article on Codes of Procedure.—By William Macrum. 25 Pittsb. Leg. J. 199, 209.

Liens.

— Of attachment, see "Attachment."

Life Insurance.

— See "Insurance."

MAINTENANCE.

A short article on what is "a common interest in a thing at variance."—98 Law T. 226.

MANDAMUS.

A collection of authorities on the power of the court, by mandamus, to compel a municipal corporation to enter into a contract with one who shows himself to have been the lowest bidder.—By Charles F. Eggleston. 33 Am. Law Reg. & Rev. 890.

MARINE INSURANCE.

Some suggestions for the qualifications of the law of general average.—By H. C. Dowdall. 11 Law Quart. Rev. 32.

MARRIAGE.

— Dissolution in equity, see "Husband and Wife."

A continuation of a valuable article on the marriage laws of Scotland.—2 Scot. Law T. 362, 377, 390.

An article on the validity of a marriage with a deceased wife's niece.—The Scotsman. Republished in 11 Cape Law J. 257.

MASTER AND SERVANT.

— Arbitration between, see "Arbitration and Award."

A few authorities on the degree of care to be exercised by a master, and his liability for a vice principal's negligence.—39 Am. St. Rep. 195.

An extensive collection of authorities on the liability of a master for injuries caused to one servant by the incompetency of a fellow servant.—25 L. R. A. 710.

A collection of statutory regulations for the protection and safety of workmen in mines, with the decisions thereon.—25 L. R. A. 848.

MECHANICS' LIENS.

A short article upon the oppressive effect of the operation of the mechanic's lien law on the interests of lessors.—12 N. Y. Law J. 926.

Medical Examiner.

— See "Criminal Law."

MORTGAGES.

A review of the exercise of powers of sale without notice.—By F. P. Betts. 15 Can. Law T. 1.

MUNICIPAL CORPORATIONS.

— See "Mandamus."

A collection of authorities on the physical characteristics necessary to municipal organizations.—25 L. R. A. 755.

Naturalization.

— See "Allens."

Negligence.

— See "Master and Servant."

— Injury to child on track, see "Railroad Companies."

— Of street railway, see "Horse and Street Railroads."

NEGOTIABLE INSTRUMENTS.

A review of the law as to the responsibility for the payment of money on forged paper.—60 Am. Banker, 10.

A review of the recent decision of the court of appeals in the case of Scholfield v. Earl of Londesborough, as to the liability on forged bills of exchange.—59 J. P. 2.

A short note on the rights of bona fide purchasers.—39 Am. St. Rep. 89, 303.

PARTITION.

A short note on the title and possession required in order to sustain a suit.—39 Am. St. Rep. 73.

Partnership.

— Attachment of individual property, see "Attachment."

PERJURY.

A short article on the laxity of the average sentiment in relation to perjury.—12 N. Y. Law J. 878.

PLEADING.

An address at the annual meeting of the Illinois State Bar Association on the necessity for the abolition of variance as a legal cause for reversing judgments and decrees.—By Adolph Moses. 9 Nat. Corp. Rep. 426.

POOR AND POOR LAWS.

A review of the poor laws in England.—59 J. P. 17.

RAILROAD COMPANIES.

A collection of authorities as to the care required of railroad companies to prevent injury to small children upon the track.—25 L. R. A. 784.

Real-Estate Agents.

— See "Factors and Brokers."

RELIGIOUS SOCIETIES.

A valuable article on the relations existing between the church and the law.—98 Law T. 274.

SALE.

— Under power in mortgage, see "Mortgages."

A few authorities on the law of implied warranty.—39 Am. St. Rep. 867.

SPECIFIC PERFORMANCE.

A short note on the sufficiency of the contract.—39 Am. St. Rep. 82.

STATES AND STATE OFFICERS.

A short article on the obligation of the state to indemnify persons who are wrongfully accused of crime.—29 Am. Law Rev. 85.

Subrogation.

— See "Insurance."

Suicide.

— See "Criminal Law."

Tickets.

— See "Carriers."

TORTS.

— Survival of actions, see "Abatement and Revival."

A review of the question as to whether the civil action can be maintained for the tort before a prosecution for the felony.—98 Law T. 227.

TRESPASS.

A short article on the effect and validity of a notice, "Trespassers will be prosecuted."—58 J. P. 829.

TROVER AND CONVERSION.

A review of the remedy by damages for conversion, compared with that by trespass and by replevin.—2 University Law Rev. 67.

Trusts.

— See "Corporations."

Warranty.

— See "Sale."

WILLS.

A few notes on their execution and attestation.—39 Am. St. Rep. 94.

Witness.

— Privileges of nonresident witnesses, see "Writs."

WRITS.

A collection of authorities on the rights and privileges of nonresident witnesses as to suits.—25 L. R. A. 721.

The Subscription Price of the American Monthly Digest Has been reduced to \$3 per annum.

The Monthly Digest gives full statements of all points decided in all the current decisions of the United States Courts and the Supreme Courts of all the states and territories reported in the National Reporter System for the month. Owing to the promptness with which cases are reported, decisions appear in the Monthly Digest within from 60 to 90 days after filing, on an average. Each number makes a stout pamphlet of from 100 to 250 pages, covering from 700 to 2,000 current decisions, and is equipped with tables of cases, cross-references, black-letter catch words, etc.

The price of the Monthly and Annual together will be \$10 a year, as heretofore.

WEST PUBLISHING COMPANY, ST. PAUL, MINN.

READY IN APRIL.

A NEW BOOK UPON A NEW SUBJECT.

**A
VALUABLE
WORK
FOR EVERY
LAWYER
IN EVERY
STATE.**

**THOROUGHLY
PRACTICAL
AND
WRITTEN BY
AN
EXPERIENCED
PRACTITIONER.**

**THE
ONLY WORK
ON A
SUBJECT
OF
EVERY DAY
IMPORTANCE.**

♦ **THE LAW** ♦

OF

Judicial Writs and Process

IN

CIVIL AND CRIMINAL CASES.

**The Sufficiency, Validity, Amendment and Alteration of
Process; Its Execution and Return, and the Powers
and Liabilities of Officers Thereunder.**

By WILLIAM A. ALDERSON, of the New York Bar.

A complete and aggressive presentation and discussion of Judicial Writs from the time they are drafted and issued until they are again lodged with the Court, including a full consideration of the return.

THE BOOK IS COMPOSED OF FIVE PARTS, AS FOLLOWS:

- PART I—History, Definition and Kinds of Process.**
- PART II—Issuing Process, its Sufficiency, Validity, Alteration and Amendment.**
- PART III—The Service and Execution of Process.**
- PART IV—The Return of Process.**
- PART V—Criminal Process.**

The scope of the work is indicated by the following list of subjects, which are fully treated of in the thirty-two chapters into which the book is divided:

Historical Introduction; Writs and Process, Definition and Kinds, The Code Summons; Issuing Process; Void, Voidable, Irregular and Erroneous Process; Style or Title of Process; Direction or Address of Process; The Tests of Process; The Sealing of Process; The Signing of Process; The Writ of Summons; The Writ of Subpoena Duces Tecum; The Writ of Execution; The Writ of Replevin; Writs of Attachment, *Ecce Fugas*, Injunction and of Error; The Code Summons; The Amendment of Process; The Alteration of Process; Process Issued in Blank; The Endorsement of Process; Alias and Pluries Writs; By Whom and When Process May Be Executed; The Manner and Sufficiency of Service of Process on Persons; The Manner and Sufficiency of Service of Process on Corporations; The Service of Process in a State Other than Where Issued; Privilege and Exemption from Service of Process; Presumption and Recital in Judgments as to Service of Process; Constructive or Substituted Service of Process. Publication, Posting, Mailing; Property Subject to Process; Manner and Sufficiency of Levy of Process; The Duties, Powers and Liabilities of Officers in the Execution of Process; The Return of Process; The Kinds, Sufficiency and Validity of Criminal Process.

It is a book written by a practitioner, for the practitioner, containing complete and numerous citations of authorities upon the subject, and consideration and discussion of the principles governing the questions presented. *It is the only work upon the Subject of Judicial Writs and Process.* It treats of the Sufficiency of Judicial Writs in all their parts, of what may or may not be done under them, of their service on persons and corporations, the persons privileged from service of and the property subject to process, and of the levy and return. It is not competitive with works having for their single subject the writ of execution, attachment, replevin, etc., but is supplementary to them. *The book is in every way practical and intended for the practitioner.* It is the thought of an active experience of fifteen years in the various courts of several states.

Alderson on Judicial Writs and Process is a full size, handsome octavo volume, printed and bound in best law book style. **Price, \$6.00 net, or \$6.25 by express, prepaid, on receipt of the amount.**

BAKER, VOORHIS & CO., NEW YORK.

(1.)

■ THIS ■

Digest Holder

IS EQUIPPED WITH

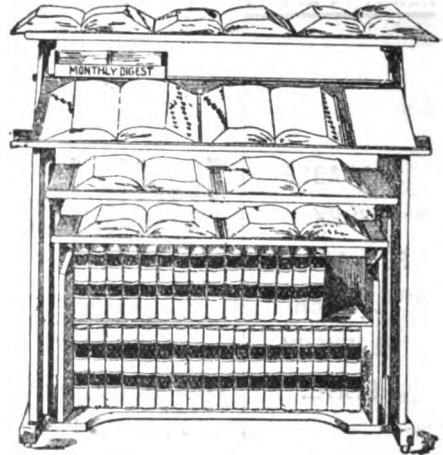
The
U. S. Digest
(33 volumes)

Occupying
but not filling
the two
lower shelves.

.... AND

The
American Digest
Annuals,
(8 volumes,)

Open for
ready reference on the upper extensi-
ble shelves.



Suppose you had never heard before that there is in this country a set of books in which you can find the gist of every reported decision from the earliest times down to the last thirty or sixty days. Would the information seem valuable to you, or not? Would you not go and sell all your possessions to obtain such a set of books, and so secure the nearest possible approach to **certainty** in the handling of your cases?

Would you rather go into the court room armed with a precedent "on all fours" with your case, or only with an argument on the abstract theory of the law on the subject?

PRICE REDUCED.

We will sell the U. S. Digest, First and Second Series, regular edition. 33 volumes, bound separately, for \$85, net. Or, with the Digest Holder, \$100, net.

There is no other set of books offered the lawyer that covers the same field; there are few sets more important in a library; and the price has never been so low.

Write for terms of payment.

WEST PUBLISHING CO., St. Paul, Minn.

(11)

IMPORTANT Law Books +

JONES ON MORTGAGES. A Treatise on the Law of Mortgages of Real Property. By LEONARD A. JONES. *Fifth Edition*, 1894, revised and enlarged. Vol. I., pp. xvi + 967. Vol. II., pp. vi + 1000. 2 vols. 8vo, sheep, \$12.00, *net*.

The fifth edition has been thoroughly revised and reprinted throughout. It contains citations of about four thousand new cases. As compared with the original work, it contains citations of twice the number of cases contained in that, with several pages of new matter. The size of the page in this edition has been enlarged, the notes printed in smaller type, and all sections treating of Liens omitted; and yet the number of this edition has increased to about 2000.

"Mr. Jones enjoys a practical monopoly in the legal literature of mortgages, pledges, and liens. It is not too much to say that during his lifetime his works will not be supplanted by those of any other author."—LAW LIBRARIAN, San Francisco.

JONES ON CHATTEL MORTGAGES. A Treatise on the Law of Mortgages of Personal Property. By LEONARD A. JONES. *Fourth Edition*, 1894, enlarged by 66 pages and 800 cases; containing 200 pages and 2000 cases more than the first edition. 8vo, law sheep, \$6.00, *net*.

JONES ON LIENS. A Treatise on the Law of Liens—Common Law, Statutory, Equitable, and Maritime. By LEONARD A. JONES. *Second Edition*, 1894, thoroughly revised and enlarged; 1200 more cases being added to the part relating to *Mechanics' Liens* alone. 2 vols. 8vo, law sheep, \$12.00, *net*.

JONES'S FORMS OF CONVEYANCING, and General Legal Forms, comprising Precedents for Ordinary Use and Clauses adapted to Special and Unusual Cases. With Practical Notes. By LEONARD A. JONES. *Fourth Revised Edition*. With an appendix containing recent statutory changes. 8vo, law sheep, \$6.00, *net*.

LLOYD ON BUILDING. Building and Buildings, Building Contracts, Leases, Easements, and Liens. By A. PARLETT LLOYD, Esq., of the Baltimore bar, author of "The Law of Divorce." *Second Edition*, revised to date. 1 vol. 8vo, sheep, \$5.00, *net*; cloth, \$4.50, *net*.

BENJAMIN ON SALES. A Treatise on the Law of Sale of Personal Property. With References to the American Decisions and to the French Code and Civil Law. By J. P. BENJAMIN. *Sixth American Edition*, reprinted from the latest English Edition, edited by Messrs. ARTHUR BEILBY PEARSON-GEE and HUGH FENWICK BOYD, of the Inner Temple, London, and newly edited and revised, with American Notes, by the Hon. EDMUND H. BENNETT, Dean of the Law School of the Boston University, and SAMUEL C. BENNETT. 8vo, pp. xiv + 1053, sheep, \$6.00, *net*.

POMEROY'S CONSTITUTIONAL LAW. An Introduction to the Constitutional Law of the United States. Especially designed for Students, general and professional. By JOHN NORTON POMEROY, LL. D. *Tenth Edition*, revised and enlarged by Hon. EDMUND H. BENNETT, LL. D., Dean of the Boston University Law School. 8vo, pp. xxxviii + 709, sheep, \$5.00, *net*.

POMEROY'S INTERNATIONAL LAW. Lectures on International Law in Time of Peace. By JOHN NORTON POMEROY, LL. D. Edited by THEODORE SALISBURY WOOLSEY, Professor of International Law in the Yale Law School. 8vo, pp. xiv + 481, sheep, \$5.00, *net*.

Sold by all Law Booksellers. Sent, postpaid, by

HOUGHTON, MIFFLIN & CO., BOSTON.

(iii.)

If You Need the U. S. Reports

DO NOT BUY BEFORE WRITING FOR OUR

ART PAMPHLET

about———

Myer's Federal Decisions

ALL FEDERAL CASES

for first one hundred years in the best arrangement for practical use.

SAVES YOU LOTS OF MONEY.

SETS OF REPORTS FOR

MISSOURI AND TEXAS,

Also ALL LOCAL BOOKS for those two States.

Four Good Books:

MYER ON VESTED RIGHTS,	-	-	-	\$6.00
WEBB ON RECORD OF TITLE, Late Edition,	-	-	-	6.00
MURFREE ON SHERIFFS, Second Edition, Enlarged,	-	-	-	6.00
MILLS ON EMINENT DOMAIN,	-	-	-	5.00

GILBERT BOOK COMPANY,

ST. LOUIS, MO.

(iv)

LAW BOOK NEWS.

A Monthly Review of Current Law Literature and Journal of Legal Bibliography.

Terms of Subscription: \$1 a Year; Single Copies, 10 Cents.

VOL. 2.

ST. PAUL, MINN., MARCH, 1895.

No. 3.

Uniformity of Statute Law.

THE work which has been accomplished by the Board of Commissioners, appointed to consider means to establish uniformity of law throughout the Union, was recently made the subject of an address by Hon. Frederick J. Stimson, of Boston, author of "American Statute Law," and commissioner from Massachusetts on the Board, before the American Academy of Political and Social Science. To illustrate the present complexity and conflict of statute laws, Mr. Stimson showed that a resident of Philadelphia, making a contract by letter with a resident of Boston, and then going to New York where the contract was afterward modified, being, on the way, married in New Jersey, and afterward divorced in Connecticut of a prior marriage in New York, might become subject to no less than 17,764 possible systems of law. To reduce the number of these contingencies is the work which the National Conference has set before itself.

The Conference is at present composed of 69 members, from 23 states, and one of Mr. Stimson's recommendations is that every state shall create a permanent commission upon this subject, to co-operate with those now established. Four national conferences have already been held, and some of the laws recommended thereat have been enacted in several of the states. The plan of the campaign is to have matters of mere form, which involve no important public institution, treated first, so that when the law is made uniform as to these more simple matters, the commissioners may turn their attention to those subjects upon which there is a real diversity of opinion in the several states. The recommendations which have been made cover uniform laws for the acknowledgment and execution of deeds, for the form and effect of seals upon written instruments, for a uniform standard of weights

and measures, and of the legal weights of coal, grain, and other commodities to the bushel, for the form of execution of wills, and of the probate of wills made out of the state where they are intended to have effect, for the abolition of days of grace, the time of the presentment of bills and notes, and certain general recommendations concerning marriage and divorce. The complications which may arise under the existing laws on the last-named subject are notorious.

Individual criticisms and suggestions are desired by Mr. Stimson, who is the secretary of the Conference. He may be addressed at 53 State street, Boston.

Stare Decisis.

THE Legal Intelligencer is not content with bringing logic to the support of its position in regard to the desirability of having legal principles fixed and certain. It invokes the aid of the muses as well, and with great adroitness and felicity adapts the story of the Inch Cape Rock to its purpose:

The Inch Cape Rock, or, Stare Decisis.

The holy Abbot of Aberbrothock
Had placed that bell on the Inch Cape Rock;
On a buoy in the storm it floated and swung,
And over the waves its warning rung.
When the rock was hid by the surges' swell,
The mariners heard the warning bell;
And then they knew the perilous rock,
And blessed the Abbot of Aberbrothock!

The buoy of the Inch Cape bell was seen,
A darker speck on the ocean green;
Sir Ralph, the Rover, walked his deck,
And he fixed his eye on the darker speck.

His eye was on the Inch Cape float;
Quoth he, My men, put out the boat,
And row me to the Inch Cape Rock,
And I'll plague the Abbot of Aberbrothock!
The boat is lowered, the boatmen row,
And to the Inch Cape Rock they go.

Sir Ralph bent over from the boat,
And he cut the bell from the Inch Cape float;
Down sank the bell, with a gurgling sound,
The bubbles rose and burst around.

They hear no sound, the swell is strong,
Though the wind is fallen, they drift along
Till the vessel strikes with a shivering shock
O, Death! it is the Inch Cape Rock!

Early American Reporting.

THE history of reporting in this country is an interesting page of our legal history. When the American nation, with its three departments in full working order, began to attend to the affairs of its citizens, it was perhaps a little more anxious about discharging the pressing duties that met each moment, than about providing for future historians. The courts were there to decide cases between litigants, and when one decision was rendered and the case crossed off the docket, they took up the next quarrel and settled it, and thanked Heaven that they were equal to the occasion. There was no arrangement for making these decisions public. They were not rendered for the public, but for the litigants. If the public wanted to know the opinion of the courts on any matter, they could get up a case and have it tested for themselves. The courts were there as interpreters of the law, not as public instructors therein. But sometimes it happened that the courts decided a question one way one day, and, forgetting, in the press of business, just what they had concluded in that former case, decided another way another day. This, and the trouble that grew therefrom, is indicated in the quaint preface to Kirby's Reports, which has the distinction of being the first volume of reports published in this country. It bears the date of 1789, and contains "Cases adjudged in the superior court of the state of Connecticut, from the year 1785, to May, 1788, with some determinations in the supreme court of errors." The preface is curious and interesting by reason of its long, lisping s's and its discolored paper, and also because of the light it throws on contemporaneous legal matters:

"The uncertainty and contradiction attending the judicial decisions in this state have long been subjects of complaint.—The source of this complaint is easily discovered.—When our ancestors emigrated here, they brought with them the notions of jurisprudence which prevailed in the country from whence they came.—

The riches, luxury, and extensive commerce of that country, contrasted with the equal distribution of property, simplicity of manners, and agricultural habits and employments of this, rendered a deviation from the English laws, in many instances, highly necessary. This was observed—and the intricate and prolix practice of the English courts was rejected, and a mode of practice more simple, and better accommodated to an easy and speedy administration of justice, adopted.—Our courts were still in a state of embarrassment, sensible that the common law of England, 'though a highly improved system,' was not fully applicable to our situation; but no provision being made to preserve and publish proper histories of their adjudications, every attempt of the judges, to run the line of distinction, between what was applicable and what was not, proved abortive: For the principles of their decisions were soon forgot, or misunderstood, or erroneously reported from memory. Hence arose a confusion in the determinations of our courts;—the rules of property became uncertain, and litigation proportionably increased.

"In this situation, some legislative exertion was found necessary; and in the year 1785 an act passed, requiring the judges of the superior court, to render written reasons for their decisions, in cases where the pleadings closed in an issue at law.—This was a great advance towards improvement; still it left the business of reformation but half performed:—For the arguments of the judges, without a history of the whole case, would not always be intelligible; and they would become known to but few persons; and being written on loose papers, were exposed to be mislaid, and soon sink into total oblivion.

"Hence it became obvious to every one, that should histories of important cases be carefully taken and published, in which the whole process should appear, showing the true grounds and principles of the decision, it would in time produce a permanent system of common law."

Such was the beginning of our system of reporting. The "confusion in the determinations of our courts," so deprecatingly referred to, naturally suggested that it would be well to have the decisions put on record. The manner of it is also naively indicated by Mr. Kirby:

"The court being ambulatory through the state, the undertaking would be attended with considerable expense and interruption of other business, without any prospect of private advantage; therefore no gentleman of the profession seemed willing to make so great a sacrifice.—I had entered upon this business in a partial manner, for private use; which came to the knowledge of several gentlemen of distinction.—I was urged to pursue it more extensively."

Fortunately he yielded to persuasion, and set his name, "Ephraim Kirby, Esquire," on the earliest volume of reported American

case-law. The volume was recognized by the legislature, and 350 copies purchased for distribution to the towns. It is now one of the rare books and sells at a price that would doubtless have made Mr. Kirby open his eyes.

The Half or the Whole?

THE question whether half is or is not better than the whole is one that confronted the primitive man when he first began to familiarize himself with the idea of sharing his goods with his fellow man—or woman!—and it has not been wholly settled yet, as is evidenced by the frequent protests we hear in these modern days against people who “want the earth.” In a somewhat different aspect the same old question comes up to the lawyer who contemplates possessing himself of the reports of cases decided by the courts of his country. Is the half (or to speak more accurately the twelfth) which may be obtained in series of selected cases better for him than the whole? The publishers of the selected reports urge that it is, and when the young lawyer remembers the lessons of his youth, and particularly when he remembers the state of his finances, he is often inclined to make a practical experiment and see whether the theory may not prove true in this instance as well as in the case of the boy who divided his loaf in the moral tale. Perhaps he is beguiled by some such circular as the one recently issued by the publishers of the American State Reports, headed as follows:

Comparative Cost.

The 505 volumes of original State Reports (covered by American State Reports in 37 vols.) will cost about	\$1,560 00
The 221 volumes of the Reporter System (mostly covered by American State Reports, 37 vols.) are listed at about.....	946 50

This is continued by a comparison of the “Annual Cost,” as follows:

Original State Reports, about 84 vols., say	\$260
Reporter System, about 18 vols., say....	74
American State Reports, 6 vols. per year	24

This proves, beyond confutation, that a set of the American State Reports costs less than either of the other sets mentioned. Figures may, as has been wittily said, be false than anything else, unless it be facts, but in this instance there is no need to charge them with falsehood. Unquestionably \$148 is a smaller

sum than either \$946.50 or \$1,560. It could be proved, with equal conclusiveness—and equal relevance!—that one volume of American State Reports indisputably costs less than a full set. There is a certain kind of test problem much in favor with schoolboys of a certain age, constructed after the following fashion: “If a man can walk eleven miles in three hours, how long would it take him to buy six quarts of blueberries at a shilling a quart?” The publishers of the American State Reports seem to have constructed their problem on a somewhat similar theory: “If full reports of all the cases cost \$1,560, isn’t it better to buy the American State Reports, which contain about one-twelfth of the cases?” It depends on what he wants, and what he wants it for.

The fallacy lies in the words “covered by,” in the advertisement. The 37 volumes of American State Reports do not cover the 505 volumes of original State Reports, nor the 221 volumes of the Reporter System. Neither do the 6 volumes to be issued annually “cover” the 18 volumes of the Reporter System issued in the same length of time. The American Annual Digest for 1894 shows 19,432 American cases digested from the Reporters. For the American State Reports to “cover” these, at the rate of 155 cases to the volume, (their late average,) would take something nearer 125 volumes than 6.

It will be admitted without controversy that a part costs less than the whole. It is a different question whether the part is better to have than the whole. As that is a question which directly involves a consideration of the existing methods of book making, and affects the owners of libraries, Law Book News will give some further space to a discussion of it in another issue.

Reviews of Law Books.

THE Boston Book Co. refers to Prof. Mechem’s review of Vol. 1, English Ruling Cases, in the October number of Law Book News, as “a model book review.” It is not to be wondered at that the publishers were pleased with that carefully considered notice of their important venture in reporting, but what they say of reviews in general is also significant:

“It is very difficult for lawyers to get any light on the purchase of books from the book-

notices in the current law magazines. At the best, these are only perfunctory abstracts from the publishers' circulars; and it is so rarely that a competent critic analyzes and weighs the merits of a new book that we take pleasure in noting a conspicuous exception to the rule."

Law Book News has had the pleasure of presenting a number of conspicuous exceptions of this sort to the profession. While it is of course possible that its reviewers may sometimes fail to do perfect justice to a work from lack of sympathy or from holding a different view point, yet there is a wide difference between the perfunctory notice compiled from the publishers' circulars, or couched carefully in noncommittal language to conceal the lack of thought, and the elaborate reviews written and signed by eminent men who consider the books personally, and with no directions from the editors or limitations as to space.

There is another aspect of the review question, and one that is sometimes as unfair to the reviewer as the first is to the author. This is the way in which reviews are misquoted. It is amusingly exploited by T. B. Russell in a recent article in *Printers' Ink*:

"For instance, a reviewer will say something like this:

"Mr. Achitophel Dryden Absalom surpasses himself in his new work, *The Plum-Colored Dandelion*. We had always supposed that Mr. Absalom reached the lowest depths of twaddle in his last production, but this one far transcends even that monument of imbecility. We shall be interested to see what he will do next—that is, if any publisher can be found to disgrace his book shelves with a third such exhibition of blatant incompetence—and so on, and so on, in the urbane style cultivated by some of our literary journals. What does A. D. Absalom do? Does he curl up and say nothing or does he bring an action for libel? Not a bit of it! The publishers quote the review like this:

"*The Eatonsville Gazette*, in reviewing Mr. Achitophel Dryden Absalom's new book, *The Plum-Colored Dandelion*, says: "Mr. Absalom surpasses himself in his new work. * * * We shall be interested to see what he will do next," etc."

Of this, too, has Law Book News had experience, in the uses made of its reviews by publishers.

The Decay of the Law.

THE Law Quarterly (London) laments the peaceful proclivities of modern man, as tending to deprive the lawyer of his occupa-

tion. Like Kipling, it thinks that what we really need to be educated in is the fighting spirit:

"Perhaps the most striking fact quoted in Mr. John Macdonnell's instructive *Statistics of Litigation* is that, while there were 75,458 writs issued in 1892 at the Central Office and the District Registries, the actual trials in Middlesex and London and at the Assizes were only 2,401. Here we have the automatic power of our law illustrated, and we may well be proud of it. It is not equally good hearing—at all events to the lawyer—that thirty years ago there were 100,000 writs issued in the Queen's Bench to 45,000 to-day; nay, worse—only one person in 11,000 now goes to law, it seems, as against one in every 3,000 in 1823.

"In those brave days our fathers
Stood boldly for their law;
They sued their writs, they filed their bills,
They chuckled at 'a flaw.'
They blenched not at the fluttering writ,
Neat pleas and coy replies.
They faced the attorney's bill of costs,
They d—d a compromise.

"Now law is to the Briton
More hateful than a foe,
He quails before the dreaded writ,
He lets the judgment go;
And arbitrators bungle,
And honest law grows cold,
And actions thrive not as they throve
In the brave days of old."

Announcements.

[Publishers and others are invited to send news regarding law writers and law books, and any items of interest to legal bibliography.]

F. F. Hansell & Bro., New Orleans, announce as in press a second edition of Marr's *Annotated Index to Acts of the Louisiana Legislature*.

It is stated in the *Yale Law Journal* that George M. Sharpe, lecturer on insurance law in the Yale Law School, is preparing a work on the Law of Insurance, to be published by Little, Brown & Co.

A 500-page *Handbook of Criminal Procedure*, by Wm. L. Clark, Jr., author of *A Handbook of Criminal Law*, will be issued by the West Publishing Company this month. Like the earlier volume, it is published in the Hornbook Series. The books supplement each other.

Whiteford & Theoret, Montreal, announce as in press *The Railway Law of Canada*, by Harry Abbott, Q. C., of the Montreal bar. The publishers' announcement shows the work to embrace the law of corporations,

expropriation, contracts, common carriers, negligence, taxation, constitutional law, railway securities, damages, master and servant, etc.

The West Publishing Company will issue this month a new Digest of the Pacific Reporter, covering volumes 1 to 35; a Digest of the first 10 volume of the C. C. A. Reports; Book 9, Federal Cases; Clark on Criminal Procedure; volume 64, Federal Reporter; volume 31, New York Supplement; volume 38, Pacific Reporter; and volume 30, Atlantic Reporter.

Houghton, Mifflin & Co. have in press an important book on "The United States Internal Revenue Tax System," comprising all internal revenue laws now in force, as amended by the act of August 28, 1894, including the income tax, by Charles Wesley Eldridge, a member of the bar of the supreme courts of Massachusetts and California, and for twenty-five years in the internal revenue service.

The West Publishing Company announces for publication in April the digest of the Southern Reporter, covering volumes 1 to 15, and calls attention to the fact that this digest will include volumes 77 to 99 of the Alabama Reports, and thus be a continuation of Brickell's Alabama Digest; that it will include volumes 39 to 46 of the Louisiana Annals, and thus be a continuation of Taylor's Louisiana Digest; that it will include volumes 64 to 71 Mississippi Reports, and will thus be a continuation of Heidelberg's Mississippi Digest; and that it will include volumes 23 to 33 of the Florida Reports, and thus be a continuation of Choate's Florida Digest.

Law Book Notes.

W. C. Little & Co. have prepared the third volume of their digest to the New York State Reporter.

T. H. Flood & Co. have issued a new edition of Cunningham's Forcible Entry and Detainer for Illinois.

F. F. Hansell & Bro. publish the Louisiana Code of Practice, with amendments down to 1894, inclusive, annotated by Henry L. Garland, Jr.

Baker, Voorhis & Co. have issued a new (third) edition of Bishop on Insolvent Debt-

ors. It is brought down to date and includes an appendix of forms. The work will be more fully noticed in a later issue.

W. C. Little & Co. have issued a Supplement to Cowen's Poor Laws of New York, showing the changes with notes and citations to 1895, and a compilation of laws relating to villages, also brought down to 1895.

The subscription price of the American Digest Monthly has been reduced from \$5 a year to \$3 a year. This is a remarkably low price for a current digest of over 20,000 cases, making 2,400 octavo pages of compact print.

James B. Lyon publishes Gibbons' Digest of cases decided in the New York state courts and of the New York Session Laws, for the year ending January 1, 1895. A subscription to this digest includes weekly advance sheets for the year.

Trayner's Latin Maxims and Phrases, with Translations and Illustrations, has gone into a fourth edition. The exposition and commentary on the leading maxims of the law form the most unique and valuable part of the work.

W. H. Anderson & Co. have published Edgar B. Kinkade's Code Pleading, a work based upon the Ohio Code. We have not seen it yet, but the Weekly Law Bulletin accords it high praise, and says that it will be valuable even outside of the state.

The West Publishing Company gives notice that, the subscription edition of the United States Digest having been practically exhausted, the regular single volume edition will hereafter be sold at the reduced price of \$85 net for the 33 volumes.

The West Publishing Company issued, in February, Black's Constitutional Law and Pette's Equity Jurisprudence of the Hornbook Series; volume 38, Northeastern Reporter; volume 28, Southwestern Reporter; and volume 55, Minnesota Reports.

Etudes sur la Compétence Civile à l'Égard des États Étrangers, published late in 1894 by P. de Paepe, is spoken of as "a thoroughgoing study of an important subject, from the standpoint of the Belgian law." It gives full and late references to English law.

A Practical Guide for Police Magistrates and Justices of the Peace (of Canada) has been prepared by James Crankshaw, of Montreal, and published by Whiteford & Theoret. It is based mainly upon the Criminal Code, and contains an alphabetical synopsis of criminal law.

The Boston Book Co. has issued the second edition of Bevens on Negligence, an English work whose author has made reference to such American cases as were accessible to him in London. They are also publishing a revised edition of Chitty's Statutes, to be completed in 12 volumes.

H. D. Mann & Co., Denver, have issued this month Butler & Wadley's Annual for 1895, intended for free distribution to the bar in Colorado. It contains information as to terms of court and judges in the different districts, county officers, etc., and notes on the Colorado decisions of the year.

The Bowen-Merrill Co. have ready the new edition of Thompson's Indiana Citations, being an alphabetical table of cases reported and cited from 1st Blackford to 135th Indiana, and from the 1st Ind. App. to the 7th, with a statement of the legal proposition upon which each citation is made.

John Murphy & Co., Baltimore, have issued a review of the Surratt trial, by David Miller Dewitt, under the title of "The Judicial Murder of Mary E. Surratt." The author undertakes to vindicate Mrs. Surratt, and to show that her life was sacrificed deliberately to appease the popular thirst for vengeance in some form.

Volume 1 of the "Ohio Decisions," the new set of reprinted Ohio cases announced recently by the Laning Printing Co., is out. It contains 144 circuit court decisions, 107 common pleas decisions, 22 Cincinnati superior court decisions, and 9 probate court decisions, making, as the publishers state, the largest collection of Ohio cases ever published in a single volume.

A collection of illustrative cases upon the Law of Bills and Notes, selected and annotated by Prof. E. F. Johnson, of Ann Arbor, has been published by the West Publishing Co. It contains 250 pages, and is issued only in brochure binding. It follows the arrangement of Norton's Handbook of Bills and Notes, and is designed for use by students in connection with the latter work.

George W. Bradner, of the New York bar, is certainly an industrious writer of law books. Two works of his on practice, designed for the state of New York, have been published within the past three months, and now Callaghan & Co. bring out a work on the Rules of Evidence, which from the announcement appears to be general in its character. It follows Stephen's classification.

Dymond's Municipal Index has gone into a second edition. It is an index to the provisions contained in the Revised Statutes of Ontario (1887) and the annual volumes of statutes of subsequent years, which affect municipal corporations, their councils and officers. The author, Allan M. Dymond, is law clerk to the legislative assembly of Ontario, and the work is published by the Carswell Co.

Azel F. Hatch, of the Chicago bar, has prepared a compilation of the statutes and constitutional provisions of the states and territories of the United States and of the statutes of England, relating to libel and slander, with suggestion of amendments. Mr. Hatch's idea is that, with the advent of the telegraph, the press association, and the modern newspaper, the ancient laws as to libel should be to some degree relaxed.

Among the recent publications of Sweet & Maxwell are Bewes' Law of Waste, a treatise on the rights and liabilities which arise from the relationship of limited owners, and the owners of the inheritance with reference to the tenements; a fifth edition of Lely's Statutes of Practical Utility; Kerly's Law of Trade-Marks and Trade-Names; and Chadwyck-Healey's Treatise on the Law and Practice Relating to Joint-Stock Companies, with forms and precedents.

A treatise on Mines, Minerals, and Quarries as Heritable Estate, by D. Ross Stewart, has been published by Wm. Green & Sons, Edinburgh. It is designed to be of assistance to the legal profession, and cites all the important English and Scottish mining cases, but it is all colored with the purpose of the author to give general information to practical miners and quarriers upon the law of the subject. This modifies to some extent its strictly legal aspect.

An interesting literary fragment, intended as a part of a history of the development of Roman law, by Von Rudolph von Thiering, has been edited and published by itself under the title "Entwicklungsgeschichte des römischen Rechts." It contains what the author

intended for a general introduction, in which he gives the views which he thinks should govern the presentation of the history of Roman law, and a study of the Roman household, in its earliest constitution.

Houghton, Mifflin & Co. have just published two books of interest to lawyers. The first is a small volume by Joseph A. Willard, clerk of the superior court, Boston, called "Half a Century with Judges and Lawyers," containing his personal reminiscences and a large collection of anecdotes of the leading lights of the Boston bench and bar. This is promised to delight all lovers of good stories, whether they belong to the legal profession or not. The other is a two-volume work on Insurance, by Charles F. Beach, Jr., author of Contributory Negligence and Modern Equity. We hope to give a fuller notice to both when the books are received.

Among the new books for New York lawyers recently published are a new edition of Jewett's Election Manual, from the press of Matthew Bender; Lansing's Manual for Assessors, Collectors and Town Clerks, issued by H. B. Parsons; Corporation Tax Laws, compiled by John J. Merrill and published by James B. Lyon; the Revised Constitution of the State of New York, with notes, references, and annotations, prepared by Robert C. Cummings, Owen L. Potter, and Frank B. Gilbert; the fourth edition of Bliss' Annotated Code, published by Baker, Voorhis & Co.; Rust's pocket edition of the New York Codes, including changes of 1894, and an Index-Digest to vols. 1 to 22, New York Civil Procedure Reports, both published by S. S. Peloubet.

Quiz books seem to be coming to the fore. A "quiz" is published to accompany each volume of the Hornbook Series, and now the Collector Publishing Co. announces that it will prepare a series of quiz books upon the statute law of the various states. The Michigan Quiz Book, prepared by Lemuel H. Foster, of the Detroit bar, is announced for publication in February. The Hornbook quizzes, published by the West Publishing Co., have heretofore been furnished only with the books which they accompany, but will hereafter also be sold separately when desired, at the uniform price of 50 cents each. The subjects already covered in this form are Common-Law Pleading, Criminal Law, Contracts, Constitutional Law, and Equity Jurisprudence.

Hukm Chand's treatise on Res Judicata has attracted universal interest and very favorable attention. The interest is undoubtedly

due in part to the author's nationality, and to the surprise not unnaturally experienced by the peoples of the west on finding a representative of the old and conservative orient familiar with the current decisions of their own courts; but the favorable commendations can be attributed only to the intrinsic merit of the work. A circular issued by the publishers shows indorsements from The London Law Times, and Law Journal, Harvard Law Review, Law Book News, Lord Herschell, Lord Macnaghten, Lord Hobhouse, Hon. Melville W. Fuller, Hon. John F. Dillon, H. Campbell Black, The American Lawyer, and other widely diverse English and American critics.

The Income Tax Law has, as was to be anticipated, lured a number of commentators into the task of explaining it, and inspired a number of publishers with the duty of making it public. Besides the government publication of the text of the law, we have Gould and Tucker's "Federal Income Tax Explained," published by Little, Brown & Co.; a "Treatise" upon the subject, by Messrs. Foster & Abbott, published by the Boston Book Co.; Banks & Bros.' edition of the Law, with notes and annotations by A. B. Covington; a compilation by John A. Glenn, formerly corporation tax clerk, published by T. & J. W. Johnson & Co.; F. A. Wyman's "U. S. Income Tax Law Simplified for Business Men," published by B. Wilkins & Co., Boston; the law also comes within the scope of Mr. Eldridge's promised treatise on the Internal Revenue Tax System; and doubtless the end is not yet. When the courts have had a turn at it, there will be a chance for some more comment.

The New York Law Journal, which keeps careful watch of the books prepared for the New York bar, makes the following comparison of the two recently published digests for that state:

A Digest of New York Statutes and Reports from January 1, 1894, to January 1, 1895, with Tables of Statutes, Constitutional Provisions, Rules of Court, and Cases Cited. By Austin Abbott. Published by Dossy Law Book Company. New York. 1895.

Mr. Abbott's annual digests are so well known that it is unnecessary to do more than note the appearance of the present volume, which is in all respects similar to its predecessors. It takes in cases as late as 80 Hun, 9 Miscellaneous Reports, 143 N. Y. Reports, 61 State Reporter, and part of 30 N. Y. Supplement, and contains the usual tables of statutes, &c., which are among the most useful features of the digest. The mechanical execution of the volume is good and the different kinds of type used clearly distinguish the different classes of matter.

Digest of the Reports and Session Laws of the State of New York for 1894, including all the decisions of the Courts of the State published during that period, and a full synopsis

of all acts passed by the Legislature, and being the Annual of the Weekly Digest Revised and Rearranged. Compiled by Willard S. Gibbons. Published by James B. Lyon. Albany. 1895.

This is the first time a really formidable rival to Mr. Abbott's Annual Digest has appeared. In one respect it surpasses its rival, for its cases are a little later than those in Mr. Abbott's work, but in most of its features, while it is complete and, so far as a hasty perusal shows, accurate, it cannot be said to be better than the older series. Its pages are too crowded with matter to make very easy the work of finding any given paragraph, although, once the paragraph is found, the large type makes the reading easy. The headings to the sections ought to be printed in more prominent type. The matter is well arranged, but the references to statutes should be condensed and also printed in a different type from the matter embodying the decisions.

T. C.

Miscellaneous Notes.

The London Law Journal contains a review of the English decisions in 1894, and finds that, though numerous, there have been among them comparatively few judgments of first-class importance to lawyers.

The February number of the American Lawyer contains the address of Hon. Simeon E. Baldwin on Law School Libraries, and the address of Hon. John F. Dillon on the True Professional Ideal, both delivered before the American Bar Association.

The January Guide (Kalamazoo) gives an abstract of a paper read by Hon. Geo. M. Buck at the Convention of Circuit Judges of the State of Michigan on "Indeterminate Sentences." The Guide shows a discriminating mind in the selected articles which adorn its pages.

The Ohio Legal News for February 9th contains portraits and biographical sketches of Judge Taft and Judge Ricks, of the Federal Courts, of Judge Shauck, supreme court judge-elect, and of the new circuit court judges of Ohio who have just assumed official duties.

The address delivered by Hon. John F. Dillon before the New York State Bar Association on "Property, its Rights and Duties in Our Legal and Social Systems," is printed in the Albany Law Journal of January 26th. It is an address that will be gladly read by those who failed to hear it.

The English distinction between barristers and attorneys is not always clear to the American mind. Perhaps Sterne's explana-

tion will make it clearer. "An attorney" he says, "is the same thing to a barrister that an apothecary is to a physician, with this difference—that your man of law does not deal in scruples."

The publishers of the Ohio Weekly Law Bulletin announce that as the decisions of the circuit court and the nisi prius courts have grown too numerous to be all included in the regular weekly issues of the Bulletin, they will hereafter make an extra volume in each set annually, and will issue advance sheets of same under a separate subscription.

John Houston Merrill, formerly editor of the American and English Encyclopaedia of Law, has established a "Barrister's Bureau" in Philadelphia, to assist lawyers in preparing cases by furnishing memoranda of authorities or arguments upon questions of law. The editors of the Legal Intelligencer personally indorse Mr. Merrill's plan and affirm his ability.

The Gilbert Book Company is advertising "Pattison's late Missouri Digest." There is a suggestion of mortality in this designation which is rather ill-omened. It is to be hoped that the new venture will not be prematurely classed with the late Jacob's Fisher's Digest, or the late Central, Western and New England Reporters, or the other short-lived publications of the past.

The legal character of merchant ships in a foreign port is discussed by Count Rostworowski in the Annales de l'Ecole Libre des Sciences Politiques for November; and Baron d'Anethan reviews the laws recently passed in Germany, Switzerland, and Italy for the suppression of anarchism, in the December issue of the Bulletin of the Societé de Législation Comparée.

The February number of the Harvard Law Review contains the first part of a carefully considered study on the "Lease of Railroad by Majority of Stockholders," prepared originally with a view to preparing an opinion in Dow v. Northern R. R. Other articles are "Consent in the Criminal Law," by J. H. Beale, Jr., and a comparison of Swift v. Tyson and Gilpcke v. Dubuque, by Wm. H. Rand, Jr.

The Chicago Legal News of February 9th gives a picture of the appellate court, First district, Illinois. We learn from the editorial page of that friendly journal that the

Illustration is reproduced from a flash-light negative taken by Mr. Hessler and James B. Bradwell, the editor of the Legal News, and that "thirty-six separate teaspoons full of the best imported blitz pulver were exploded simultaneously," to secure the exposure of a hundredth part of a second.

Hampton L. Carson, of the Philadelphia bar, contributes to the Legal Intelligencer of February 8th an interesting collection of letters containing pen-pictures of Wm. Pinkney as he appeared to his contemporaries. The list includes the names of Mr. Justice Story, William Wirt, Chief Justice Taney, and Chief Justice Marshall. Mr. Carson's introductory letter gives homogeneity to the collection, and the profession will thank him for sharing his antiquarian treasures with them.

The first number of the Western Reserve Law Journal made its appearance in February. It is published by the faculty and students of the law school of the Western Reserve University, and adds another to the list of representative school journals. It will aim specially at interesting the bar of Ohio, and begins a series of sketches of famous Ohio lawyers by a half-tone portrait and a biographic notice of Judge Rufus P. Ranney. The Journal begins well, and we hope it may end better.

Law Book News is going to keep a scrap-book of the pretty things said about it, to read over "when the long, dull, autumn evenings come." The following from the New York Law Review must go in: "It has completely occupied an entirely new field of legal journalism, and is as necessary for the lawyer who wishes to keep abreast of current law books, legal periodicals and annotations, as are the periodical digests for the lawyer who wishes to keep abreast of the points decided by the courts."

The American Law Review for January-February contains a consideration of The Case of the Salvadorean Refugees, by Prof. John Bassett Moore, of Columbia College; The Province of Government, by H. Teichmüller; Some Observations on the Constitution of Canada, by Edward Meek, of Toronto; Naturalization in the United States, by Fred Van Dyne, of Washington; Federal Power to Regulate Interstate Commerce, by Herbert B. Shoemaker, of the University of Colorado; The Income Tax, by N. Trickett, of the Dickinson School of Law.

The February number of the Yale Law Journal contains an article by Hon. Oliver P. Shiras, United States district judge, suggesting that corporations should be classified as political, public, and private, and a significant paper on "Slipshod Legislation," by Edward Anthony Bradford, in which the absurd mistakes made in engrossing laws are commented upon. Mr. Bradford regards the practice of trusting the accuracy of the wording of statutes to a copyist as a relic of the time when printing presses were not, and lawmakers could not read or write themselves.

The January number of the Juridical Review contains several articles which will be interesting to members of the legal profession on this side of the Atlantic. Among these are "Arrested Development and Responsibility," by T. S. Clouston, M. D., F. R. C. P. E.; "Arbitration," by John M. McCandlish, W. S., in which the writer indicates some of the practical difficulties connected with the settlement of disputes by such extra-legal means; and "The Historical and Philosophical Methods in Jurisprudence," by Alex. Thomson, advocate. Other more local questions discussed are "Proof in Civil Cases in Scotland," "Religious Instruction in Board Schools," and "Recollections of Colonial Service."

The Green Bag for February contains one of A. Oakey Hall's biographical sketches, the subject being Samuel J. Tilden; a sketch of Charles O'Connor by Irving Browne, in connection with which is reprinted a clever anonymous skit originally published in the Albany Law Journal, beginning:

'Tis human to err, I know,
And I've heard of the nods of Homer,
But to call me fallible—O
That is an absurd misnomer!
For I never nod, not I, 'pon honor.
I nod? Go to, I'm Charles O'Connor.

Other articles are upon Detecting Human Blood; the English Law Courts; the Scien-ter; French Legal Procedure; and interesting installment of L. E. Chittenden's Legal Reminiscences; and the usual departments.

The Michigan Law Journal for February contains the address on The Mission of State Bar Associations delivered by Ralph Stone, of Michigan, before the New York Bar Association at its last meeting. Mr. Stone gives a brief statement of the work done in the different states by their bar associations, and suggests what greater work might be done. Gov. Rich's address to the Association of Circuit Judges of Michigan is also printed. It contains the suggestion that, in

cases of sentence for four years and upward, the judge should prepare and file a concise history of the case, with a statement of any mitigating or aggravating circumstances which the pardoning power should know if the matter is subsequently brought up, as it often is.

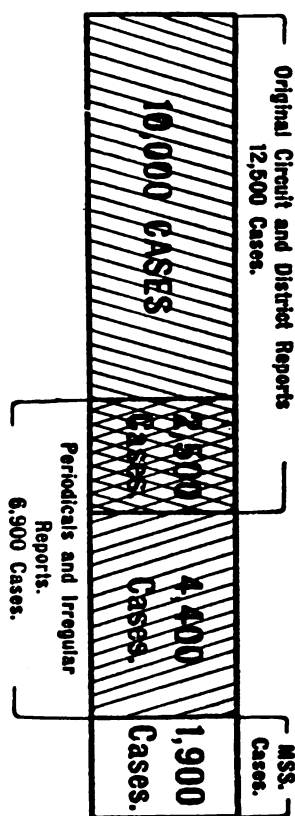
Virginia is going to have a law journal of its own,—the Virginia Law Register. The prospectus announces it as a monthly of from 64 to 80 pages, devoted more especially to the law of Virginia. It will contain full reports of the more important decisions of the supreme court of appeals, notes of other decisions, original editorial and contributed articles, comment on current legislation, book reviews, and legal miscellany. The editorial board is one to inspire confidence. Hon. E. C. Burks, the editor in chief, was for years one of the justices of the court of appeals, and his associates, Prof. C. A. Graves and Prof. W. M. Lile, fill, respectively, the chair of common and statute law at the Washington & Lee University and at the University of Virginia.

The legal Solons of the country have been disturbed in their minds lately over "the recent acquittal of a self-confessed homicide in Kansas on the plea of hypnotic influence, and the conviction by the same jury of his alleged hypnotizer," and have been laying down the law (unofficially) upon the general subject. It now appears that the plea of hypnotic influence was not made in the case cited, and the conviction and acquittal were on quite other and more ordinary grounds. The story had its origin in the overheated imagination of a correspondent of the Wichita Eagle, who felt himself bound to furnish his paper with an interesting report of the proceedings whether the dull facts deserved it or not. His success was probably greater than he had dared to hope.

The Legal Intelligencer has inaugurated a new departure of distinct value. Believing that "if the profession could have notice of ill-considered and dangerous bills, as well as of measures good in substance but bad in form, which are claiming the attention of the legislature, such information, laid before the profession in a concise and regular form, might have a tendency to awaken such sufficient interest and watchfulness as might result in a better net result for our acts of assembly," the editor addressed a letter to the secretary of the Miller Club, upon the subject, and the club took up the work suggested. The result is a letter in the Intel-

ligencer of February 22d, commenting upon the legal bearings of 10 of the acts now before the legislature, and indicating briefly the reasons why they are deemed good or bad. In view of the fact that bills are often framed by those who have little technical legal knowledge, it would seem that such comments, before passage, would be extremely valuable, and might save much subsequent vexation of spirit. The plan of an organized assault of this sort upon the citadel of public indifference might be advantageously followed in other states.

The publishers of the Federal Cases have prepared the following diagram to show the sources from which the cases reprinted in this series have been obtained:



Only some 12,500 of the cases, or about two-thirds of the whole number, were given in the original Circuit and District Reports. Of the 6,900 cases found in the periodical publications of the times or in irregular reports, such as selected cases, or bound in with State Reports, etc., some 2,500 were also given in the Circuit and District Reports. The remaining 4,400 were only reported in the irregular ways indicated, and consequent-

ly would not be accessible to the present-day owner of even a complete set of the expensive original Circuit and District Reports. The remaining 1,900 cases in the collection are now given to the public for the first time, having been obtained from the manuscript records of the courts. So complete and exhaustive and important a series justifies the comment of the Virginia State Bar Association (no champion of case-law reporting at the best) that it is "destined to become well and widely known."

January brings the first number of the New York Law Review, published by the Cornell Law Publishing Co. It states its position in the following words:

"The New York Law Review assumes that there is still a very broad field for a solid monthly or semi-monthly law magazine, addressed primarily to the business-like problems most likely to arise before the busy lawyer, furnishing the strongest possible arguments pro and con upon unsettled problems, with the best judgment of the writer as to the true solution thereof; disentangling, by clear and systematic presentation, questions which have been lately settled after much conflict and confusion; raising danger signals where, by reason of late legislation or novel decisions, the busy lawyer is in danger of being misled; but preserving always the necessary breadth of view by due attention to the philosophical and historical phases of the law, and to questions of legislative and constitutional policy."

The publishers have certainly remembered that "not failure, but low aim, is crime," and have set their mark high. We hope they may have the material satisfaction of reaching it, as well as the moral satisfaction of aiming for it. The first number contains leading articles by Prof. C. A. Collin, F. C. Woodward, E. J. Marshall, and Chief Justice Cassoday, of Wisconsin.

Of Collateral Interest.

Municipal problems are becoming so prominent to-day that the Notes on Municipal Government in the Annals of the American Academy (Philadelphia) are attracting wide attention. The March number contains a review of the reform movement in New York, an account of the work accomplished by the Boston Municipal League, an analysis of the estimates for 1895 of the New York Board of Estimate and Apportionment, a discussion of the right of the Philadelphia Park Commission to authorize the construction of trolley roads in Fairmount Park, a review of the Civil Service Reform movement in New York municipal offices, a very complete bibliography of recent books and articles on municipal questions, etc.

Among the recent works issued by Congress and the various departments of the Government, are the following:

Abnormal Man; essays on education and crime and related subjects, with digests of literature and a bibliography, by Arthur MacDonald; second edition.

Appropriations, New Offices, etc. Statements showing appropriations of 53d Congress; new offices created and salaries thereof; salaries reduced or increased; chronological history of regular appropriation bills, etc.

Armor Contracts; report and evidence submitted by the committee on naval affairs.

Income Tax Regulations and Law.

Labor; ninth annual report, 1893, with statistics regarding Building and Loan Associations.

Charles Noble Gregory, Assistant Dean of the College of Law, University of Wisconsin, read an address on "Political Corruption, and English and American Laws for its Prevention," before the Wisconsin Academy of Sciences, Arts and Letters, in December, 1894, and the address has been issued in pamphlet form by the Academy. Mr. Gregory's interest in political reform has led him to express himself on this subject before, and those who remember how vigorously he has done so will be prepared to find in this paper a healthy sentiment for justice, backed by a solid weight of statistics, and presented with a charming lightness of style. An appendix gives the Missouri law to prevent corrupt practices in election, as passed in 1893. This is the most thorough-going of any of the provisions in this country for this purpose, and it forms the text of Mr. Gregory's comment.

Notes of Law Book Errata.

[We invite contributions to this department from all sources, but we have two suggestions to make to correspondents: First, that they report none but serious mistakes; second, that the character of each mistake be very briefly indicated.—Eds. Law Book News.]

In "FOSTER'S FEDERAL PRACTICE," 2nd edition, vol. 1, page 38, sec. 19, in discussing the subject of citizenship with reference to jurisdiction of federal courts, the author states in the text: "If one of the parties sues, or is sued, * * * as an executor or administrator, his own citizenship, not that of those whom he represents, is the test in determining the jurisdiction." In support of this statement, he cites in footnote 6 the case of *Bradford v. Williams*, 3 How. 576. This case is not in 3 How., but

in 4 How., and has no bearing on the case, but in the case of *Bonafée et al. v. Williams et al.*, 3 How. 574 to 577, it is decided that where the citizenship of the parties gives jurisdiction, and the legal right to sue is in the plaintiff, the court will not inquire into the residence of those who may have an equitable interest in the claim.

A. R. Gray.

Houghton, Mich., Feb. 26, 1895.

Personal.

A fine photogravure of the Hon. Lord McLaren forms the frontispiece of the January number of the *Juridical Review*.

The February number of the *New Jersey Law Journal* contains an excellent steel engraving of the late Joseph Dorsett Bedle, LL.D., late governor, and justice of the supreme court of New Jersey.

Judge Alfred Yapple, a leading member of the Cincinnati bar, and for two terms a judge of the superior court, died last month at Cincinnati. He was the author of *Yapple's Code, Practice and Precedents*, a two-volume work intended especially for the practitioner beginning his practice in Ohio.

Correspondence.

[Correspondence is invited on subjects pertinent to the purpose of *Law Book News*.]

Law Book News: Among the things that make up desirable features in a text-book is a good system of references to authorities. Some of the law books of the day,—a very few in number, happily,—in citing authorities, refer only to the volume of the Report, and page. They leave off the style of the case, and thereby make it much more difficult to find the case anywhere except in the authority cited. Such a system of reference would do very well where the practitioner had a complete library of all the law books in vogue, but, for those who have not, the task of getting at the case in some other work where it might be found is much more difficult. Text-books are for the use of the country lawyers

to a great extent, it will be conceded. This great body of the practitioners of the country can't have all the Reports of all the states. They usually have the next best thing they can afford. Sometimes they have the *American Decisions* or *Reports* or both; sometimes the "Reporter System"; and sometimes all these and others; generally the reports of the state in which they live and the U. S. Supreme Court Reports. To make citations most valuable and convenient as well, to this class of lawyers, it is well to cite all of the works mentioned, in addition to the official citation, when the cases referred to can be found in any of these books. This not only makes the books more valuable to their possessors, but makes the text or other books which refer to such works as those mentioned much more valuable and desirable to the great body of lawyers who can't step across the street to the city or state library and find any case that may be cited. Even in the case of the city lawyer, these books will generally be found on his shelves. He hasn't even the small time to go over to the near library if he can find the case in his office in his *Reporters*, or *American Decisions* or *Reports*, etc., etc. Another very essential feature of a useful text-book is the way in which its parts are separated and arranged. It is submitted that all text-books should be written so as to be divided in sections, and every section should be numbered. This numbering should be kept up without any change in future editions. Any additional matter for a section, if it requires practically a new section, could be designated, for instance, as Sec. 1a, 1b, etc. The necessity for this is apparent for this reason: The libraries of the appellate courts usually get the latest editions of all the law books as they come out. But it is not every practitioner that is as prompt in supplying himself with the late editions as the court librarians are. An authority might be referred as sec. 24. Now sec. 24 of the old edition might be very different from sec. 24 of the new edition. The practitioner refers to the edition he has, but the court, when it goes to investigate the case, looks only to the edition in its library, and, when it finds that the references in the various editions do not tally, it necessarily leads to more or less confusion, and in all probability much additional search to find the point wanted in some other part of their newest edition.

W. C. Rodgers.

Nashville, Ark.

NEW LAW BOOKS.

RECORD OF THE LATEST LAW BOOKS.

[We take pleasure in acknowledging our indebtedness to the Publishers' Weekly, of New York, and the Publishers' Circular, of London, which we use in completing this list.]

N. B. Bindings are in law sheep unless otherwise specified.

Treatises, Etc.

ABBOTT, Harry. The railway law of Canada, embracing the law of corporations, expropriation, contracts, common carriers, negligence, taxation, constitutional law, railway securities, damages, master and servant, etc. Montreal: Whiteford & Theoret. 1894. Cloth, \$6.50; half calf, \$7.

BEACH, Chas. F., Jr. Commentaries on the law of insurance. Boston: Houghton, Mifflin & Co. 1895. 2 vols. \$12, net.

BEVEN, Thomas. Principles of negligence. 2d Ed. 2 vols. Boston: Boston Book Co. 1895. \$15, net.

Bills and Notes.

See "Johnson's Illustrative Cases upon Bills and Notes."

BISHOP, James L. Treatise on insolvent debtors. 3d Ed. New York: Baker, Voorhis & Co. 1895. \$6.50, del'd.

BOONE, C. T. A treatise upon some of the general principles of the law, whether of a legal or of an equitable nature, including their relations and application to actions and defenses in general, whether in courts of common law, or courts of equity; and equally adapted to courts governed by codes; being a supp. to Wait's "Actions and Defenses." 7 vols. Chicago: The Wait Pub. Co. 1894. 157+1501 pages. \$7.50.

Canada.

See "Abbott's Railway Law of Canada"; "Crankshaw's Practical Guide to Police Magistrates and Justices of the Peace"; "Dymond's Municipal Index."

Catalogue.

See "Griswold's Catalogue of Law Books."

Citations.

See "Missouri Citations of the Mo. Revised Statutes"; "Indiana Citations of Ind. Reports"; "United States Citations of the U. S. Revised Statutes."

CRANKSHAW, James. A practical guide to police magistrates and justices of the peace. Montreal: Whiteford & Theoret. 1895. Cloth, \$5.50; half calf, \$6.

CUNNINGHAM, William B. A treatise on the law of forcible entry and detainer and related topics. 2d Ed. Chicago: T. H. Flood & Co. 1895. 388 pages. \$3, net.

DAVID, A. J. The London building act. 1894. London: Lockwood & Son. 1895.

DICKSEE, B. The London building act, 1894, with index, notes, etc. London: Stanford. 5s., net.

DYMOND, Allan M. The municipal index, being an index to the provisions contained in the Revised Statutes of Ontario (1887), and the annual volumes of Statutes for subsequent years affecting municipal corporations, their councils and officers. 2d Ed. Toronto: The Carswell Co. (Ltd.) 1895.

English Law.

See "David's London Building Act, 1894"; "Dicksee's London Building Act, 1894."

Executors and Administrators.

See "Randolph & Talcott's Williams on Executors and Administrators."

Forcible Entry.

See "Cunningham's Forcible Entry and Detainer."

FOSTER, Roger, and Everett V. Abbott. A treatise on the federal income tax under the law of 1894. Boston: Boston Book Co. 1895. Cloth, \$3.50, net.

GRISWOLD, H. E. Catalogue of law books published or for sale by Banks & Bros. New York and Albany: Banks & Bros. 1894. Paper, 75c.

HOGG, C. E. Pleadings and forms; a practical treatise on the system of common-law pleading, supplemented with numerous precedents of declarations, pleas, replications, and court orders, now in use in the state of West Virginia. Cincinnati: The Robert Clarke Co. 1895. \$6, net.

Income Tax Law.

See "Foster & Abbott's Federal Income Tax"; "Wyman's United States Income Tax Law."

Insolvent Debtors.

See "Bishop's Insolvent Debtors."

Insurance.

See "Beach's Insurance."

JOHNSON, Elias F. Illustrative cases upon the law of bills and notes. St. Paul: West Publishing Co. 1895. 218 pages. Brochure binding, \$2, net.

Law.

See "Boone's Supplement to Wait's Actions and Defenses."

LEACH, Orlando. The state and local government of New York, with the text of its constitution; an appendix to "Our Republic." Rev. Ed. Boston: Leach, Shewell & Sanborn. 1895. 139 pages. Leatherette, 35c.

MACDOUGALL, James Patton, and James Miller Dodds. A handbook to the local government (Scotland) act. Edinburgh and London: William Blackwood & Sons. 1894.

MISSOURI citations; a compilation showing all provisions of the Mo. Revised Statutes, which have been either amended by the legislature, down to and including the Session Laws of 1893, or cited by the courts, down to and including 56 Mo. Appeals, 63 Federal Reporter, 9 C. C. Appeals, 120 Mo. Reports, and 154 U. S. Reports. Compiled, etc., by the Am. Citation Co. St. Louis: Nixon-Jones Pr. Co. 1895. 20 pages. \$1.50.

Negligence.

See "Beven's Negligence."

New York.

See "Leach's State and Local Government."

Personal Property.

See "Sprague's Quizzer, No. 14."

Pleadings and Forms.

See "Hogg's Pleadings and Forms (W. Va.)."

Private Corporations.

See "Thompson's Private Corporations."

Railway Law.

See "Abbott's Railway Law of Canada."

RANDOLPH, Joseph F., and William Talcott, editors. A treatise on the law of executors and administrators by Sir Edward Vaughan Williams. 9th English Ed. by Sir Roland L. Vaughan Williams. American notes by Randolph and Talcott. 3 vols. Jersey City: F. D. Linn & Co. 1895. 3,000 pages. \$18.

Scots Law.

See "MacDougall and Patton's Handbook to the Local Government Act."

SPRAGUE, W. C. Quizzer No. 14; being questions and answers on sales of personal

property, for students preparing for examination for admission to the bar, etc. Detroit: The Collector Pub. Co. 1895. 37 pages. Blank interleaved. (The Quizzer Ser.) Paper, 50c.

THOMPSON, J. W. Indiana citations; a complete alphabetical table of all cases reported and all cases cited from 1 Blackford to 135 Indiana, and from 1 to 7 Appellate Reports, inclusive. Indianapolis: Bowen-Merrill Co. 1895. \$10.

THOMPSON, Seymour D. Commentaries on private corporations. Vols. 1 and 2. San Francisco: Bancroft-Whitney Co. 1895. To be completed in 6 vols. Price per vol., \$6.

UNITED STATES citations; a compilation showing all provisions of the U. S. Revised Statutes, which have been either amended, repealed, or otherwise modified by congress, or cited by the federal courts, down to and including 27 U. S. Statutes at Large, 60 Federal Reporter, 8 C. C. A., and 154 U. S. Reports; comp. and pub. by the Am. Citation Co. St. Louis: Nixon-Jones Pr. Co. 1895. \$2.

VIRGINIA law examinations; embracing examination papers from the year 1869 to 1894. Rev. and cor. by T. R. Keith. 4th Ed. Comp. and pub. by Anderson Bros. University of Va., Va. 1894. 193 pages. Paper, \$3.

Wait's Actions and Defenses.

See "Boone's Supplement."

West Virginia.

See "Hogg's Pleadings and Forms."

WILLARD, Joseph A. Half a century with judges and lawyers. Boston: Houghton, Mifflin & Co. 1895. \$1.25.

WYMAN, Ferdinand A. United States income tax law simplified for business men. Boston: B. Wilkins & Co., prs., 1895. 48 pages. S. paper, 50c.

Reports.

AMERICAN and English corporation cases. V. 46. A collection of corporation cases, both private and municipal (excepting railway cases), decided in the courts of last resort in the United States, England, and Canada. Edited by William M. McKinney. Northport: Edward Thompson Co. 9-728 pages. \$4.

AMERICAN and English Railroad Cases. V. 59. A collection of all the railroad cases in the courts of last resort in America and

England. Edited by William M. McKinney. Northport: Edward Thompson Co. 10+707 pages. \$4.50.

AMERICAN State Reports. V. 40. Selected, reported, and annotated by A. C. Freeman and the associate editors of the "American Decisions." San Francisco: Bancroft-Whitney Co. 1895. 1013 pages. \$4.

ARKANSAS supreme court. V. 59. Reports of cases determined. March–November, 1894. I. D. Crawford, reporter. Little Rock: Gazette Publishing Co. 1894. 16+669 pages. \$2.50, net.

COLORADO court of appeals. V. 4; containing cases determined at the September term, 1893, and the January and April terms, 1894. T. M. Robinson, reporter. New York and Albany: Banks & Brothers. 1895. 22+637 pages. \$5.

ENGLISH Ruling Cases. V. 3. (Ancient Light & Banker) Boston: Boston Book Co. 1895. \$5.50.

IOWA supreme court reports. V. 7; being V. 87 of the series; containing cases from January 17, 1893–May 11, 1893. By Nathaniel B. Raymond. Columbia: E. W. Stephens. 1895. 23+890 pages. \$3.

KENTUCKY court of appeals. V. 93 (V. 11). Reports of civil and criminal cases decided from March 10, 1892, to January 31, 1893. Edward Hines, reporter. Frankfort: Capitol Printing Co. 1894. 16+737 pages. \$3.60.

LAWYERS' reports, annotated. Book 25. Annotated by Burdett A. Rich, ed., and H. P. Farnham, asst. ed. Rochester: The Lawyers' Co-op. Pub. Co. 1895. 904 pages. \$5.

MINNESOTA Reports. V. 55; cases argued and determined in the supreme court of Minn. Sept.–Dec., 1893. Charles C. Willson, reporter. St. Paul: West Publishing Co. 1895. 15+588 pages. \$2, net.

MISSOURI, St. Louis and Kansas City courts of appeals. V. 58; containing cases from April 30, 1894, to September 18, 1894. David Goldsmith and Ben Eli Guthrie, reporters. Columbia: E. W. Stephens. 1895. 16+11+726 pages. \$3.

NEW YORK supreme court reports. V. 88 (Hun, 81). Marcus T. Hun, reporter. 1894. New York and Albany: Banks & Bros. 31+704 pages. \$3.

NORTHEASTERN REPORTER. V. 38; containing all the current decisions of the supreme courts of Mass., Ohio, Ill., Ind., appellate court of Ind., and the court of appeals

of New York. Permanent edition. Sept. 14–Dec. 28. St. Paul: West Publishing Co. 1895. 13+1193 pages. \$5. (National Reporter System.)

OHIO reports of cases argued and determined in the circuit court of Ohio; supplement to the Weekly Law Bulletin and Ohio Law Journal. V. 8. Columbus: The Capital Printing & Publishing Co. 2+2+4+744 pages. \$3.50.

ONTARIO Practice Reports. V. 15. T. T. Rolph, reporter. J. F. Smith, Q. C., editor. Toronto: Rowse & Hutchison. 1894. 22+7+526 pages.

PENNSYLVANIA supreme court reports. V. 163; containing cases decided at July and October Terms, 1894. James Monaghan, reporter. New York and Albany: Banks & Bros. 1895. 17+707 pages. \$2.50.

SAN FRANCISCO, city and co. Superior ct. reports. V. 1; containing decisions in probate rendered by James V. Coffey, judge. Timothy J. Lyons and Edmund Tauszky, eds. San Francisco: L. R. Dempster & Co. 1895. 620 pages. \$5.

SCOTTISH Law Reporter. V. 31; containing cases decided in the court of session, court of judicary, court of teinds, and house of lords. October, 1893–July, 1894. Edinburgh: John Baxter & Son, printers, Elder street. 79+964 pages. 32/6.

SOUTHWESTERN REPORTER. V. 28; containing all the current decisions of the supreme courts of Mo., Ark., and Tenn., court of appeals of Ky., and supreme court, court of criminal appeals, and courts of civil appeals of Texas. Permanent edition. Nov. 26, 1894–Jan. 28, 1895. St. Paul: West Publishing Co. 1895. 14+1157 pages. \$5. (National Reporter System.)

TENNESSEE supreme court reports. V. 93; containing cases argued and determined for the western division, April terms, 1893 and 1894; for the eastern division, September terms, 1893 and 1894; and for the middle division, December term, 1893. George W. Pickle, reporter. Nashville: Marshall & Bruce Co. 24+758 pages. \$3.

UNITED STATES courts of appeals reports. V. 12. Cases adjudged in the United States circuit court of appeals for the Eighth circuit at December term, 1892, and May term, 1893. Samuel Blatchford, reporter. New York and Albany: Banks & Brothers. 1895. 41+830 pages. \$3.

WASHINGTON supreme court reports. V. 9; containing decisions rendered from May 21, to November 6, 1894, inclusive, and de-

cision in *Grarty v. McKenzie*, filed Dec. 28, 1893. Eugene Kreider, reporter. Olympia: O. C. White. 1895. 21+767 pages. \$2.50.

Statutes, Codes, and Laws.

NEW YORK. Supplement to Cowen's Poor Laws. Albany: W. C. Little & Co. 1895. Paper, 75c.

Digests.

ARKANSAS. A digest of the statutes embracing all laws of a general nature in force at the close of the session of the general assembly of 1893; by L. P. Sanders and Jos. M. Hill; examined and approved by S. W.

Williams; pub. by authority. Columbia: E. W. Stephens. 1894. 16+1851 pages. \$2.50.

TEXAS. A civil digest of Texas reports; embracing the opinions in *Dallam*, v. 1 to 85, inclusive of the supreme court reports (including 25 Texas Sup.) and the 1st 2 V. of the reports of the court of civil appeals, also the 4 V. of the condensed reports by White and Wilson, and 2 V. of unreported cases. By C. N. Buckler. Kansas City: Hudson-Kimberly Pub. Co. 1894. 3 V. V. 1 (A-E), 786 pages; V. 2 (F-P), 739 pages; V. 3 (Q-Z), 632 pages. \$25, net.

NEW YORK. Annual digest of cases decided in the courts of the state of New York, and of the session laws. Willard S. Gibbons, editor. Albany: James B. Lyon. 1894. Price, by subscription, \$5.

CONTENTS OF NEW BOOKS.

Bradner's Practice in Attachment of Property.

TITLE-PAGE. Practice in Attachment of Property. For the State of New York, with Complete Forms. By George W. Bradner, Author of "Rules of Pleading," etc. Albany, N. Y.: Matthew Bender. 1895.

FROM THE PREFACE. The object of this work is to present in a concise volume the rules and practice governing the various steps in attachment of property under the New York Code of Civil Procedure, so far as settled by the legislature and the decisions of the courts. The fundamental requisites of such a work are the separate and clear statement of each precise point, and the consistent classification of such points where they can be easily found. That every point in practice and attachment of property shall be fully, clearly, and accurately stated, that it may be surely and quickly found by any one who seeks it in this volume, no matter how unskillful in searching, is the aim of the work. Radical differences exist between this work and its predecessors.

TABLE OF CONTENTS.

Chap. I. In What Actions Remedy Allowed.
Chap. II. Proof Necessary to Obtain Attachment.
Chap. III. Proof Necessary to Obtain Attachment.
Chap. IV. Against Whom Remedy Allowed.
Chap. V. Undertaking and Warrant.
Chap. VI. Proceedings under Warrant.
Chap. VII. Proceedings under Warrant (Continued).
Chap. VIII. Exempt Personal Property.
Chap. IX. Proceedings after Levy of Attachment.
Chap. X. Proceedings to Remove the Lien of an Attachment.

Chap. XI. Vacating Attachment.
Chap. XII. Judgment, Execution, Restoring Property, etc.
Chap. XIII. Proceedings in New York Marine Court.
Chap. XIV. Justices' and Inferior Courts—Attachment in.

Bradner's Practice in Supplementary Proceedings.

TITLE-PAGE. Practice in Proceedings Supplementary to Execution. With Table of Cases and Forms. By Geo. W. Bradner. Albany, N. Y.: W. C. Little & Co. 1894.

PREFACE. Radical differences exist between this work and its predecessors. The rules of exclusion of overruled and obsolete decisions and cumulative citations in law-book making are hardly less important than those of inclusion, and on this point the practitioner will find this work of value. The decisions of the courts during the years 1889-1894, inclusive, have worked great innovations in the practice in proceedings supplementary to execution. The legislature has interfered for the putting an end to some disputed questions. * * * There is much of the old practice which has become obsolete, and it is, consequently, omitted. No attempt has been made to state the old practice. Of course, there are, and there will continue to be, disputed and doubtful questions under these proceedings for decision by the courts; and to avoid all error, and to prevent any omission of valuable citations, is not the lot of any author.

CONTENTS.

Chap. I. Practice in Supplementary Proceedings.
Chap. II. Judgments.
Chap. III. Execution.

- Chap. IV. By and against Whom Proceedings may be Instituted.
 Chap. V. Proceedings after Return of Execution.
 Chap. VI. Orders.
 Chap. VII. Orders.
 Chap. VIII. Return — Adjournment—Continuity—Examination.
 Chap. IX. Practice.
 Chap. X. Warrant for Examination.
 Chap. XI. Third Parties.
 Chap. XII. Reference.
 Chap. XIII. Witnesses.
 Chap. XIV. Orders for Payment of Money—Proceedings for Collection of Judgment before Appointment of Receiver.
 Chap. XV.
 1. Superseding — Vacating—Discontinuing or Dismissing Proceedings.
 2. Vacating Order.
 (2) In General.
 (3) Grounds of Motion.
 3. Discontinuance.
 4. Dismissal.
 5. Irregularities and Annulments.
 Chap. XVI. Costs.
 Chap. XVII. Receivers.
 Chap. XVIII. Receivers (Continued).
 Chap. XIX. Contempt.
 Chap. XX. Exempt Property.
 Chap. XXI. Review of Orders.

Huffcutt & Woodruff's Cases on Contracts.

TITLE-PAGE. American Cases on Contract, Arranged with the Analysis of Anson on Contract, and Edited by Ernest W. Huffcutt, of the Cornell University School of Law, and Edwin H. Woodruff, of the Leland Stanford Junior University. New York and Albany: Banks & Bros., Law Publishers. 1894.

PREFACE. This volume is the outcome of a need experienced in the classes of a professional law school, on the one hand, and the undergraduate classes of a university, on the other. It is an additional proof of the value of law as a culture study, as well as a professional study, that the editors have encountered no difficulty in uniting in a selection of cases equally suited to both purposes. The admirable analysis by Sir William Anson in his "Principles of the English Law of Contract" has been followed in the arrangement of the cases. * * * The selection is confined to American cases, because the limits of a single volume did not admit of an adequate representation of both English and American decisions, and because excellent collections of English cases are already available. It is believed, moreover, that the decisions of the federal courts, and the courts of the various states, now afford for the American law student a sufficient number of illustrative cases that are adequate in content, and that possess the additional value of being stated in terms reflecting the character and procedure of our own courts. * * * Subjects commonly

treated at length in related courses—as the statute of frauds, capacity of parties, and interpretation of contract—have been much abridged, the object being to indicate the trend of judicial decision without attempting to develop details or refinements. Compression at these points has permitted a fuller illustration of difficult or disputed topics, and the addition of some special topics not indicated by Anson, as substantial performance, joint obligations, and laws impairing the obligation of contracts. The subject of agency has been omitted altogether. Notes have been added where it seemed impracticable to develop a subject fully by the use of cases.

TABLE OF CONTENTS.

Part I. Introduction.

Part II. Formation of Contract.

- Chap. I. Offer and Acceptance.
 Chap. II. Form and Consideration.
 Chap. III. Capacity of Parties.
 Chap. IV. Reality of Consent.
 Chap. V. Legality of Object.

Part III. The Operation of Contract.

- Chap. I. The Limits of the Contractual Obligation.
 Chap. II. The Assignment of Contract.
 Chap. III. Joint Obligations.

Part IV. The Interpretation of Contract.

- Chap. I. Rules Relating to Evidence.
 Chap. II. Rules Relating to Construction.

Part V. Discharge of Contract.

- Chap. I. Discharge of Contract by Agreement.
 Chap. II. Discharge of Contract by Performance.
 Chap. III. Discharge of Contract by Breach.
 Chap. IV. Impossibility of Performance.
 Chap. V. Discharge by Operation of Law.
 Chap. VI. Impairment of Obligation of Contract by Statute.
 Index.

Rice's American Probate Law and Practice.

TITLE-PAGE. American Probate Law and Practice. A Complete and Practical Treatise Expository of Probate Law and Practice as it Obtains To-day, Including a Discussion of the General Principles Governing the Execution and Proof of Wills, the Devolution of Property, the Administration of Estates, and the Relations Subsisting Between Guardian and Ward. Applicable to all the States. By Frank S. Rice, Author of Rice on Civil and Criminal Evidence. Albany, N. Y.: Matthew Bender. 1894.

FROM THE PREFACE. Nearly every subdivision of our municipal law has been explored and expounded by text writers of high repute, whose scholarly researches have removed obscurities, explained dubious and doubtful passages, and imparted certitude to its many branches, where formerly much was apt to be misunderstood, and more but in-

differently apprehended. It is astonishing that some portion of this literary activity, which has enriched the most trivial subjects and grappled with the most abstruse themes, has not displayed itself with less aversion within the domain of probate law. It is the one department in which we find cumulative evidence of inadequate exposition, rather let me say of systematic neglect, for many of our jurisdictions are without even a local work on the subject; and, where this is the case, bench, bar, and commentator, left without any direct precedent, as well as without specific legislation, have been compelled to apply to this anomalous state of things the analogies and suggestions of the common law and the more expanded and ductile principles of equity jurisprudence.

Whatever may be the cause, the conviction is abroad that a period has at last been reached in the evolution of Probate Law, when this Law can justly be referred to as a well-recognized department of jurisprudence, whose doctrines and postulates are inspired by logical processes drawn from fundamental principles, and not as an unwieldy mass of legislative enactments, capriciously interpreted by a still greater mass of discordant decisions. It is further believed that Probate Law rests upon distinctive and characteristic principles that have given strength and entablature to it as a science, and to the consideration of which, as to infallible criteria of truth, may be brought the statements of text writers and jurists, the provisions of statutes, and the judgments, definitions, and discussions of the courts.

From the foregoing introductory paragraphs it may be premised that the present undertaking is an attempt to collate, classify, and exhibit the rules that characterize and govern the American Probate Courts and their peculiar methods of procedure.

TABLE OF CONTENTS.

- Chap. I. Nature and Scope of Probate Jurisdiction.
- Chap. II. Practice Methods Considered.
- Chap. III. Management of the Case on the Part of the Proponent.
- Chap. IV. Duties of the Court as to Wills and Their Interpretation.
- Chap. V. Court Governed by the Intent of the Testator.
- Chap. VI. Testamentary Capacity and Its Incidents.
- Chap. VII. Probate Regulations as to Lost and Destroyed Wills.
- Chap. VIII. Contesting Probate.
- Chap. IX. Evidentiary Rules Applicable to Probate Proceedings.
- Chap. X. Of Expert and Opinion Evidence.
- Chap. XI. The Issuance and Revocation of Letters Testamentary or of Administration.
- Chap. XII. Of the Inventory Demanded in Probate Practice.
- Chap. XIII. Scope and Nature of Probate Bonds.
- Chap. XIV. Of the Judicial Settlement of Claims.

- Chap. XV. General Rules Affecting Legacies and Their Payment.
- Chap. XVI. Of the Measure of Liability Imposed upon Executors and Administrators.
- Chap. XVII. Supervisory Duties of Probate Court as to Executor and the Administrator.
- Chap. XVIII. Supervisory Control by Probate Court over Official Accountings.
- Chap. XIX. Conclusiveness of Probate Decrees.
- Chap. XX. Of appeals from Courts of Probate.
- Chap. XXI. Probate Guardianship.
- Chap. XXII. Miscellaneous Functions of Probate Court.
- New York Code Provisions.
- California Code Provisions.

Wambaugh's Cases for Analysis.

TABLE OF CASES. Cases for Analysis. Materials for Practice in Reading and Stating Reported Cases, Composing Headnotes and Briefs, Criticising and Comparing Authorities, and Compiling Digests. By Eugene Wambaugh, LL.D., Professor of Law in Harvard University. Boston: Little, Brown & Co. 1894.

PREFACE. This volume, consisting wholly of cases, has been prepared as the basis for a course of instruction in the use of the reports. The student is expected to study the cases minutely, to state the facts and the results, to discover dicta, to determine the precise doctrine and weight of each decision, to compose headnotes, to compare and criticise the cases and to compile a digest. The cases have been selected chiefly because of supposed fitness for such a course of study,—a course intended not to teach any one branch of law, but simply to teach by practice the methods and principles adapted to the use of authorities in all branches. Yet an attempt has also been made to present cases that discuss or apply valuable principles of law. For the purpose of comparing cases with one another, either with the intention of discovering how law changes, or with the intention of discovering how decisions supplement one another, and eventually develop a rounded doctrine, it is obviously useful to place in juxtaposition cases bearing on identical or related topics. Hence the principal purpose of the volume has permitted, and even required, the selection of cases developing some topics rather thoroughly. The cases in the text and in the notes deal exclusively with some of the elementary topics in Contracts and in Torts; and consequently the course of study herein provided may be treated, if so desired, as a supplement to courses on those subjects.

TABLE OF CONTENTS.

- Book I. A Selection of Cases on Contracts, Covering Offer and Acceptance, Consideration, Subscriptions, Illegality.
- Book II. A Selection of Cases on Torts, Covering Assault and Battery, Defamation, Deceit, Negligence, and Nuisance.

Wambaugh's Study of Cases.

TITLE-PAGE. The Study of Cases. A Course of Instruction in Reading and Stating Reported Cases, Composing Headnotes and Briefs, Criticising and Comparing Authorities, and Compiling Digests. By Eugene Wambaugh, LL.D., Professor of Law in Harvard University. Second Edition. Boston: Little, Brown & Co. 1894.

PREFACE. In the preface to the first edition it was explained that the aim of the volume is to teach students the methods by which lawyers detect dicta and determine the pertinence and weight of reported cases, and that the plan includes both a general statement of the methods pursued by lawyers and a collection of cases intended to serve as material for experiments by the student. In the second edition that aim is retained, and the same plan of combining a theoretical statement with practice is pursued; but to the original plan is now added an attempt to teach by example. Accordingly, an attempt is now made to present for study cases that not only afford suitable material for the beginner's experiments in detecting dicta, framing headnotes, and comparing and criticising authorities, but also afford, in the arguments of counsel or in the opinions of the judges, suggestive illustrations of the way in which skilled persons perform this

same work. Further, in the theoretical chapters, the text is now illustrated by inserting in the footnotes quotations, ancient and modern, showing the point of view from which English and American lawyers have always regarded precedent.

TABLE OF CONTENTS.

Book I. General View.

Chap. I. Preliminary Topics.

Chap. II. How to Find the Doctrine of a Case.

1. The Court's Duty to Consider the Actual Case.

2. The Necessity of Uniformity.

3. The Words of the Court.

4. The Effect of the Court's Ignoring Possible Doctrines.

Chap. III. Cases Involving Several Questions.

Chap. IV. How to Write a Headnote.

Chap. V. How to Criticise Cases.

1. The Nature of the Report.

2. The Arguments of Counsel.

3. The Opinion.

4. The Nature of the Question.

5. The Court.

6. Subsequent State of the Law.

Chap. VI. Combining and Comparing Cases.

Chap. VII. The Growth of Legal Doctrine.

Chap. VIII. The Importance of the Unwritten Law.

Chap. IX. The Respect for Authority.

Chap. X. Reports.

Chap. XI. Digests.

Chap. XII. Briefs.

Book II. Cases for Study.

Append. I. Regnal Years.

Append. II. Terms of Court.

Append. III. Abbreviations.

Index.

REVIEWS OF NEW BOOKS.

Bradner's Practice in Attachment of Property.¹

Reviewed by Wilbur Larremore, Esq.,
of the New York Bar, Editor of the
New York Law Journal.

[For contents and other descriptive matter, see page 80 of this number.]

This little book is a very good sample of the class of legal tools for which the exigencies of modern law practice are creating a demand. It purports to, and, as far as a somewhat careful examination has disclosed, does contain the law and practice on the subject of Attachment as it exists in this state to-day. Care has been exercised not to include obsolete or overruled cases as sources of present authority, and, on the other hand, to bring citations down to date.

¹ Practice in Attachment of Property. For the state of New York; with complete forms. By George W. Bradner, author of "Rules of Pleading," etc. Albany, N. Y.: Matthew Bender. 1895.

As an illustration of thoroughness in the latter respect there may be mentioned section 5½ of chapter III (page 53), treating of the obtaining of information upon which to base an attachment through the medium of a telephone or phonograph. *Murphy v. Jack* (76 Hun, 356, 142 N. Y. 458), which recently called forth much judicial controversy upon the necessity of identifying the speaker's voice when telephonic information was relied on, is cited. From the nature of things the authorities relied on consist almost entirely of New York cases, but the author occasionally resorts to decisions of courts of other states in discussing questions of general law, or for illustration, as, for instance, in the chapter on Exempt Property. The arrangement of topics is natural and orderly and the classification of minor points consistent. The forms included in this work seem technically reliable, and they are commendably modern in their directness and freedom from verbosity.

Wilbur Larremore.

Bradner's Practice in Supplementary Proceedings.¹

Reviewed by Wilbur Larremore, Esq.,
of the New York Bar, Editor of the
New York Law Journal.

[For contents and other descriptive matter, see page 80 of this number.]

The above remarks upon Mr. Bradner's work on Attachment will in spirit apply to his book on Supplementary Proceedings. The same general plan has been followed in its preparation. Obsolete rules and cases that have been overruled, either by later authorities or by statute, are omitted, and the entire volume is wisely utilized in presenting the existing law and practice with completeness and accuracy. The steps required in conducting examinations supplementary to execution are outlined with sufficient fullness to enable a novice to conduct such a proceeding without outside aid. And in this work, also, the forms will be found adequate and concise. It might be well in a subsequent edition to caution practitioners against the too prevalent error of permitting judgment debtors to be sworn before Notaries Public or Commissioners of Deeds. It would hardly be fair to make a serious point of such omission, because a law book is supposed to state what the law is rather than what it is not. This particular irregularity of practice has, however, been so common that special mention of it would not be amiss.

Wilbur Larremore.

Huffcutt & Woodruff's Cases on Contracts.²

Reviewed by Prof. Edward Avery Har-
rison, of the Northwestern
University Law School.

[For contents and other descriptive matter, see page 81 of this number.]

The nature and object of this book are best shown by the following extracts from the preface:

"This volume is the outcome of a need experienced in the classes of a professional law school on the one hand, and the undergraduate classes of a university on the other. It is an additional proof of the value of law as a culture

study as well as a professional study, that the editors have encountered no difficulty in uniting in a selection of cases equally suited to both purposes. The admirable analysis by Sir William Anson in his 'Principles of the English Law of Contract' has been followed in the arrangement of the cases. * * * It is believed, however, that the cases will be found equally well adapted for use with any of the elementary treatises, or in connection with lectures, or without either text or lectures. The selection is confined to American cases because the limits of a single volume did not admit of an adequate representation of both English and American decisions, and because excellent collections of English cases are already available. It is believed, moreover, that the decisions of the federal courts, and the courts of the various states, now afford for the American law student a sufficient number of illustrative cases that are adequate in content, and that possess the additional value of being stated in terms reflecting the character and procedure of our own courts."

In determining the value of this book we have to consider, first, the purpose to be accomplished by its publication, and second, the success with which that purpose has been accomplished by the editors. We notice first, that the book is intended for use by undergraduates in a university and by students in a professional law school, and that it is regarded by the editors as equally suited to both purposes. This statement of course involves the assumption not merely that law is a culture study as well as a professional study, but also that law should be studied in the same manner in the college and in the law school. That law may properly be a culture study, although most American universities do not so treat it, and that as much mental discipline is to be obtained from the study of the rule against perpetuities as from studying the theory of equations, seems obvious; but that the methods employed in developing the mind of the undergraduate should also be employed in training men for the legal profession is a question on which there may well be a difference of opinion. This important topic, however, is beyond the limits of this review.

The editors also assume that Sir William Anson's analysis of contract is the best. This assumption is not without reason, for Anson's analysis seems to have been followed generally by recent American writers, some of whom are indebted to the distinguished warden of All Souls' for much more than his analysis. Recent historical investigations, however, have shown conclusively that the English law of contract is not founded on any theory of agreement, but on the historical development of the writs of debt, covenant, and assumpsit, affected of course by the benign influences of the courts of equity.

The most important thing to notice is that American cases only are used. The reasons given for this exclusion of English cases, are, first, the existence of collections of English cases; second, the impossibility of adequate-

¹ Practice in Proceedings Supplementary to Execution, with forms. By Geo. W. Bradner. Albany, N. Y.: W. C. Little & Co. 1894.

² American Cases on Contract, arranged with the analysis of Anson on Contract, and edited by Ernest W. Huffcutt, of the Cornell University School of Law, and Edwin H. Woodruff, of the Leland Stanford, Jr., University. New York and Albany: Banks & Bros. 1894.

ly representing both English and American cases in a single volume; third, the fact that English cases are discussed at length in the text-books; fourth, that there are enough illustrative cases to be found in the American Reports; and fifth, that American cases possess the additional value of being stated in terms reflecting the character and procedure of our own courts. Are these reasons sufficient? We think not. As to the first reason, the existence of collections of English cases cannot benefit the student who can buy only one book. As to the second reason, while it is perfectly true that one cannot in a single volume expect to find an English case and an American case on every point, that seems to be no reason for saying that as between an English and an American case on the same point, the American case shall always be selected; unless it be assumed that the American case is always better for the student. As to the third reason, the discussion of English cases in the text-books can benefit only the student who reads the text-book, so that this reason assumes that the text-books will be studied by the student. As to the fourth reason, the assumption is that cases are to be used for purposes of illustration. As to the fifth reason, the differences in procedure between the English courts and our own are no greater than the differences between the courts of one state and those of another.

We cannot discuss the question as to the manner in which cases should be used in law schools. There are two distinct theories, however, as to the study of cases. One is the theory that the cases are to furnish the student with illustrations of great legal principles, and that these principles are to be acquired from some other source—lecture or text-book, as the case may be. This may be termed the "illustrative" theory. The other theory is that the object of the study of cases is to make the student grapple for himself with legal problems in a concrete form, and to train him first, to induce principles from cases, and second, to apply principles thus induced to other cases. This may be termed the "inductive" theory. The editors of this book seem to lean more towards the "illustrative" theory.

As to the manner in which the editors have accomplished their task, that is indeed admirable. This book contains 237 cases, and the selection shows great care and good judgment. A large number of important recent cases have been cited. It might perhaps be possible to make an equally good selection of an equal number of American cases; it would be hard indeed to make a better one. The book ought to be used by every teacher of contracts who uses cases for purposes of illustration. It will be especially useful in

connection with Anson, Lawson, or Clark on Contracts, though it is excellently adapted for use with other text-books, or without a text-book. It is rendered remarkably serviceable by the careful analysis and table of cases, and by the index and various cross-references. The notes are helpful and sufficient in number for a book of this kind. In these respects the book is in pleasing comparison with certain case-books published by some very learned and distinguished instructors, who need not be mentioned, in which one sometimes has occasion to regret the omission of notes, or of indices, or sometimes even of a table of cases. The book, moreover, is well printed, in which respect it has the advantage of some other case-books.

A word as to the editors may not be out of place. They are both graduates of Cornell University. Mr. Woodruff is instructor in law in Leland Stanford, Jr., University, where law is made an undergraduate study. Mr. Huffcutt first taught in the law school of Indiana University, and afterwards in the Northwestern University Law School, whence he was called to his present position as professor in the Cornell University School of Law.

Edward Perry Harrison.

Sen's Glossary of Law Terms.¹

Reviewed by H. Campbell Black, Esq.,
of Washington, D. C., Author of
"Black's Law Dictionary," etc.

This late addition to the family of law dictionaries is a small octavo of 155 pages. It contains certain selected titles from the Hindu and Mohammedan law, with translations or definitions, some few terms of English and Roman jurisprudence, and a sparse collection of words and phrases from other systems, Asiatic or European. It is an emanation from that Anglo-Indian school of jurisprudence which has been so much developed within the last few years, and which has now entered upon what may be styled the productive stage of culture, when commentaries, lexicons, and systematic treatises begin to issue from the press. Some of these works have already been noticed in these columns, and with more commendation than can be conscientiously bestowed upon the book before us. Indeed, it is not easy to take this small exotic very seriously. As a compendium of the legal terminology of either England or India, it is of course utterly in-

¹ A Glossary of Law Terms. Compiled by P. C. Sen, Pleader. Serampore: Published by J. M. Sen & Co. Printed by A. L. Kuare at the Law Press, Konnagar. 1894.

adequate. It might perhaps be of some value to the native students of English law, if only it were more complete, and if it were always dependable, which last qualification we are much inclined to question when we read, for instance, that a "Messuage" is a "dwelling house with a will annexed." As an introduction to a knowledge of the law terms of the Hindus, Persians, Turks, and others, it would be of great use and interest to Anglo-American readers, if the same objections did not present themselves. The explanatory comment upon these terms is for the most part only translation, not proper definition or exegesis. But it must be remarked, in justice to the learned compiler, that he has given us some very interesting glimpses of the indigenous systems of law, in the form of brief epitomes of particular topics, such as the Hindu and Mohammedan law of mortgages and pledges. In effect, we think it unlikely that this meager volume will find a large audience among the profession in our own country, although it may prove to be of interest to a few students of comparative jurisprudence or the antiquities of the law.

J. Campbell Black.

Underhill on Evidence.¹

Reviewed by Hon. Charles W. Slack,
Judge of the Superior Court, California, and Dean of the Hastings College of Law.

[See contents and other descriptive matter on page 378, vol. 1, Law Book News, and other opinions on page 90 of this number.]

One cannot fail, on looking over the list of works on the law of evidence, to be struck with the fact that the subject has not recently engaged the attention of law writers as much as he might naturally expect. Greenleaf, Taylor, Best, Wharton and Stephen have pretty much supplied the wants, or at least have been made to supply the wants, of lawyers in this direction. Yet an examination of the title Evidence in late reports and digests is sufficient to demonstrate that the active legal practitioner requires something more. The law of evidence has not ceased to develop; and although its fundamental principles may be fairly well settled and understood, the application of those principles results in rules and illus-

trations about which no lawyer can afford to be ignorant. The success, from a mercantile standpoint, of Mr. Rice's recent work, is due, without doubt, to its full collection of cases, especially recent cases. No one can well claim merit for it in any other respect. Mr. Chamberlayne, in his late edition of Best, has given to the profession of this country some valuable notes, which indicate, in many particulars, the present law, and make an important supplement to a scholarly text. The annotations are, however, somewhat unsatisfactory, because they are disconnected and occasionally fragmentary. Yet the book is in every way preferable, both for the student and the practitioner, to any of the others mentioned, and if one reads, in connection with it, Thayer's splendid collection of cases, he ought to have a very good knowledge of this most important branch of the law.

Mr. Underhill's work is not, and perhaps the author does not claim it to be, a scientific treatise; but it bears the marks of a good deal of painstaking and conscientious labor. There is no doubt that the profession will find it useful, not only as containing a statement of the principles and rules of evidence within a comparatively small compass, but as containing a very full citation of cases. His treatment of such questions as incompetency of interested persons to testify as to transactions with decedents, and privileged communications between physician and patient, which have arisen under modern statutes, cannot fail to be of particular value.

One of the greatest objections to the book, at least so far as students are concerned, is that the rules are usually stated without the reasons; and when the reason of a rule does not readily suggest itself, the rule is apt to be puzzling to a beginner. For instance, the rule on page 144, that "the admission of a dying declaration does not violate a constitutional provision that the accused shall be confronted with the witnesses against him," requires some explanation of its existence, which could have been easily given in a line or two.

Again, when there is a difference of opinion upon a certain question, the author generally contents himself with a statement of the different views, without any indication of his own opinion as to the correct rule. This can be very well illustrated by the following quotation from section 202:

"The question whether the court in civil cases can compel the plaintiff to furnish evidence by submitting to a physical examination by a physician has been differently decided. The affirmative is supported by a majority of the cases, which maintain that the courts have an inherent power to do this, basing their reasoning upon the necessity for the inspection, though there are other cases sustaining the proposition

¹A Treatise on the Law of Evidence with a Discussion of the Principles and Rules which govern its Presentation, Reception and Exclusion, and the Examination of Witnesses in Court. By H. C. Underhill, LL. B. Chicago: T. H. Flood & Co. 1894.

that, while such an inspection may be allowed, it cannot in the absence of a statute be compelled."

The impression given by this language, as well as by the citations in support of it, is that the weight of authority is in favor of the power of a court to compel a physical examination of the plaintiff in an action for personal injuries; whereas the current of judicial opinion has been setting in in the opposite direction since the decisions in *Union Pacific Ry. v. Botsford*, 141 U. S. 250, 11 Sup. Ct. 1000, and *McQuigan v. Delaware*, etc., R. R., 129 N. Y. 50, 29 N. E. 235, cases of the utmost importance which the author does not cite at all.

When the author does give us his views as to the best-established rule in a case of conflicting judicial opinion, they are not always free from successful challenge. For example, in section 249, in speaking of the burden of proof in criminal cases, where the defense is insanity, or rather, more accurately, of the amount of evidence required of the defendant to establish the defense of insanity, he says:

"But the view which has received fullest support, and one by which the lack of harmony in the authorities may be avoided, is that while the burden to show insanity is on the defendant, yet if he introduces evidence sufficient to raise a reasonable doubt in the minds of the jury on that point, it is the duty to acquit."

As a matter of fact, the numerical weight, at least, of judicial authority is in favor of the position that the defendant is not entitled to an acquittal on the ground of insanity unless he proves his insanity by a preponderance of evidence: Sec. 97, Am. Dec. 176-8, note.

In some instances the author does not treat an important question as it should be treated. Thus, in section 354, a, in speaking of the privilege of a witness to refuse to answer incriminating questions, he slurs over the rule, established under recent statutes, to the effect that if a witness is afforded complete immunity from prosecution for an offense which he may have committed, he cannot claim his privilege. The great case of *Counselman v. Hitchcock*, 142 U. S. 547, 12 Sup. Ct. 195, on this point, is not here referred to at all, although the case was not overlooked by the author, because it is found cited, not in section 381, to which the table of cases refers, but in section 345, a, and to a point of little consequence.

There are also some minor faults, as, for example, a number of references to a recent work on equity, which we understand has been suppressed by the publishers. We would also suggest the omission, as valueless, of the reference to such a local publication as the "University Law School Helps, No. 8," "by Austin Abbott of New York City."

Some of these criticisms may seem to be a little severe, but they are made in the greatest kindness to the young author, who gives promise of being a successful law writer. We do not wish to be understood as intending to convey the impression that the faults of the book are by any means greater than its merits. On the contrary we wish it to be understood that the book, as a whole, is a useful one, and perhaps will be found by the busy practitioner to be better, in many respects, for every-day use and ready reference than any other work upon the same subject.

Charles H. Slack

Wambaugh's Cases for Analysis¹ and Wambaugh's Study of Cases.²

Reviewed by Prof. O. W. Aldrich, of the
Ohio State University, Department
of Law.

[For contents and other descriptive matter, see pages 82, 83 of this number.]

One of the most important things to be desired in the education of a lawyer, is the faculty of using cases with skill, and of discriminating between such as are closely allied, but differing in such a degree as to be in apparent conflict. A knowledge of the various things which give a case weight as authority, and of those things which detract from its value, is absolutely essential to success in the practice of the profession.

The great number of briefs filed in our courts, which are only a mass of cases having but little if any bearing on the precise questions involved, clearly shows the necessity of a more thorough training in this respect, than the average member of the bar has received.

The purpose of the volumes above mentioned, as will appear by their titles, is to give the student the information as to things which give weight to a case, and as to the points upon which it may properly be cited, the difference between the points decided, and the dicta which may be found in the opinions, the use of digests and the preparation of briefs.

¹ Cases for Analysis. Materials for Practice in Reading and Stating Reported Cases, composing headnotes and briefs, criticising and comparing authorities and compiling digests. By Eugene Wambaugh, LL. D., Professor of Law in Harvard University. Boston: Little, Brown & Co. 1894.

² The Study of Cases. A Course of Instruction in Reading and Stating Reported Cases, etc. By Eugene Wambaugh, LL. D. Second edition. Boston: Little, Brown & Co. 1894.

The first volume will be found to be of great value to the student, or young lawyer when studying by himself, and if carefully studied cannot fail to give him ideas which he could get elsewhere only by long experience, and from hints found scattered through many volumes. Chapter five, "How to Criticise Cases," and six, "Combining and Comparing Cases," are especially valuable.

The second volume, "Cases for Analysis," is a selection of cases on the subjects of contracts and torts, and while valuable as giving a selection of cases on those topics, will not be of so much use to the student studying without a teacher, as to those in law schools, who are under the instruction of teachers competent to give practical instruc-

tion in analysis, and in the preparation of headnotes. The cases have no headnotes, and while the first volume gives the theories and doctrines which should govern in the analysis, there are no examples of the methods of analysis, no illustrations showing what portions of the statements of facts are material, or are surplusage, nothing showing the student the practical method of applying the abstract propositions of law to the facts of the particular case.

For law schools the volumes will be found valuable aids, in enabling the teachers to give the needed instruction upon the topics treated of.

O. W. Aldrich

OTHER OPINIONS OF NEW BOOKS.

Fitnam's Trial Procedure.

[See contents on page 304, vol. 1. Law Book News, and a review by Hon. G. S. Robinson on page 383.]

This work treats solely the questions of procedure under the civil codes. It attempts no examination of common law or purely chancery practice. We have scrutinized the volume with particular interest because it contains the first serious effort to deal comprehensively with the supremely important matters included within its title. The result of this scrutiny is the conviction that as a whole the work meets the requirements of the times better than any other now extant. We use the phrase, the requirements of the times, advisedly, because the gravest deficiency of the profession to-day is in the matter of its application of substantive law. Lawyers seem to be adequately informed as to rights and remedies, but when it comes to the employment of the prescribed rules whereby rights and remedies are to be enforced, they fail to meet just expectations. More than this, a careful examination of the decisions of the courts of appellate jurisdiction in this country shows that, as compared with the common-law practice, procedure under the codes is the most prolific of disputed points upon matter of trial procedure. Therefore a work which compiles the various rules of code practice, and properly congregates in connection therewith the decisions of the several appellate tribunals, meets a recognized want. This, the book under consideration does to a satisfactory degree.

There is no question in relation to the creation, construction and jurisdiction of courts; the eligibility, qualifications and power of

judges, and the duties and responsibilities of the various court officers, but what is treated in the first 21 chapters. In most cases the treatment is exhaustive, and in many instances where a fuller exposition seems desirable it is an open question whether their extension would be wholly pertinent to the end which the author had in view. In the remaining 55 chapters the entire course of trial litigation, from the issuance of summons to the perfection of the record for appeal, is covered by a succinct and yet thorough statement of the proper practice whereby error in the exceptional as well as in the ordinary cases, may be avoided or overcome.

It should be understood that the work is more than a treatise upon code pleading. It not only restates the familiar rules as to the form and sufficiency of the various pleas, but it gives essential information, collated in no other single volume, as to venue, the procedure on motions, election of remedies, joinder of causes, proceedings after issue joined, the various incidents of actual trial such as the introduction of and objection to evidence, the taking and allowance of exceptions, the asking, objection to, and giving of instructions to the jury, also the making up of the bill of exceptions, and amendments thereto, the matter of costs, and every question of law likely to arise in connection with the conduct of causes through trial courts.

The fact that the work is largely elementary in character, is, to our mind, one of its strongest recommendations. It is thereby rendered susceptible to the ready comprehension of the student and the immature practitioner; and yet the most experienced lawyer, on the bench as well as at the bar, will often find upon its pages authorities accom-

panying the statement of some perplexing question, which could otherwise be obtained only by an irksome search through numerous digests and court reports. In its special field it is superior to any other book now at the command of the profession. It is a forerunner of the work on Practice and Procedure of the future, which shall so present the laws of litigation that their affinity to the substantive rights from which they sprung, or in the travail of which they were germinated, shall be lastingly apparent to the mind of the inquirer, and enable him, therefore, to apply the same with scientific precision to the affairs with which he is called upon to deal.

Huffcut & Woodruff's Cases on Contract.

[See contents on page 81 of this number, and a review by Prof. Edward Avery Harriman on page 84.]

The object of this volume is, as the editors state, to illustrate the essential principles of the law of contracts by selections of American cases. The theory on which English decisions are excluded, however, hardly seems a wise one. Certainly the judgments of the house of lords have as much authority in this country as those of many of our own tribunals. Surely, too, in some English cases at least, a more satisfactory statement of the doctrine to be brought out might have been found than in parallel American ones; and in such a situation it is hard to see a good reason why the worse exposition should be preferred to the better, simply because it is American. It spite of this bias, however, the editors have gathered in a comparatively small space a number of well-chosen cases, which, while not straying off into the kindred branches of agency, partnership, etc., cover in a broad way the entire field of their subject. In fact, something might have been gained from the student's point of view if the book had aimed to be less comprehensive, and had endeavored to cast more light, by a larger array of cases, on some of the less-settled topics of the law. This defect, however, seems one inherent in the nature of the task, and considering how admirably much is covered in little space, the failure to emphasize more fully dubious points is not to be wondered at.

—Harvard Law Review.

Shipman's Common-Law Pleading.

[For contents and other descriptive matter, see page 275, vol. 1, Law Book News.]

Mr. B. J. Shipman has prepared an excellent "Handbook of Common-Law Pleading." The old common-law system, so admirable for its logical accuracy and complete-

ness, is no longer used in its entirety, anywhere. Even England, its mother, has abandoned it. Yet it is the foundation upon which the various reformed systems in use where English law prevails have been built. Some knowledge of the common-law system is, therefore, indispensable to a thorough understanding of the systems derived from it. Mr. Shipman has stated, clearly and concisely, those common-law rules which are still recognized and applied in this country, and those which, although they have become obsolete in practice, underlie the method now in use. He has very wisely followed the arrangement and adopted the rules found in Stephen on Pleading,—the classic of this branch of the law, and one of the best textbooks ever written. We may add that Mr. Shipman's work, like that of Stephen, contains—what its title does not indicate—much valuable matter relating to questions of practice and substantive law. —The Nation.

It is a valuable book, not only in states where the common-law pleading has not been abrogated by a code of civil procedure, but also to the student in a state such as our own, where the Code provides the general manner of procedure. The book is very well arranged, with heavy, boldface type, calling attention to the important heads under which the work is divided, and the annotations for each section placed at the bottom of the page. They are well selected, and much to the point. After the text is a table of cases cited, with reference to the page on which the decision is used, and this table of cases is followed by a general index, which is gotten up in a practical and thorough manner. The work is excellently published, and is one which should receive the most favorable attention from the bar of the country.

—Albany Law Journal.

This work presents in a clear and concise form the rules and principles of common-law pleading. While designed especially for the student's aid, it will be found useful by the regular practitioner. The publishers have given the text an attractive setting, both paper and typographical work leaving nothing to be desired.

—Green Bag.

Like its two predecessors, "Norton on Bills and Notes," and "Clark's Criminal Law," it possesses the admirable feature of having the principles and leading rules of common-law pleading formulated in blackletter paragraphs, which are followed by the author's comments or amplifications in lighter type. This arrangement is one of the distinctive features of the Hornbook Series, and mate-

rially aids the student in his search for, and his acquisition of, the fundamental principles of the subject he is studying. In most states the common-law system of pleading, with its subtle technicalities, excessive refinements and confusing complexities has been superseded by a system of code pleading, especially designed to bring the facts in controversy to an issue, with the utmost simplicity and certainty. So many rules of the former system remain, however, or have left so marked an influence on the rules of the present system, that a knowledge of common-law pleading is essential to a thorough understanding of either equity or code pleading. To bring these important rules and fundamental principles into a more concise and convenient form for the use of law students, than the clearly written but elaborately detailed works of Chitty, Gould and Stephen, Mr. Shipman has written this admirable book. He has confined himself strictly to those rules and principles of common-law pleading, that are still recognized and applied in this country, and to those rules that, though obsolete, are the foundation of the present method in use, and he has given special prominence to those rules whose principles are noticeably applied in pleading under the code. The arrangement of the work is admirable.

—Yale Law Journal.

This series is essentially a student series. That does not imply that the volumes put forth are of value only to students in law schools and law offices. The learned practitioner, whose work and thoughts have been confined within certain lines, not unfrequently finds himself confronted with questions with which he has not for some time had to deal, or with subjects upon which he has become "rusty." He then becomes a student, and will appreciate this series as much as any other. It has not been claimed as a paramount feature that the works of the series possess a great amount of originality of subject-matter. It is in the matter of arrangement and the judicious elimination of unessentials that they excel. It is true that the first volume has met with some criticism upon the ground that it follows too closely the work of other writers upon the subject. This criticism will not be made upon Mr. Shipman's work. Every one realizes that a work upon common-law pleading depends, in great part, for its usefulness, upon the amount of useless verbiage and obsolete rules and principles which it omits. The author frankly admits that the arrangement is mainly that of Mr. Stephen, and that the rules given are those found in his well-known book. Certainly he has shown good sense in thus following the old saw "let well enough

alone." Modern typographical arrangement has done much to make the study of law books a pleasure rather than a task, and to enable the student to sift the grain from the tares. This art of the publishers has been thoroughly exercised in the preparation of this work.

—Michigan Law Journal.

Underhill on Evidence.

[See contents and other descriptive matter on page 378, vol. 1, Law Book News, and a review by Hon. Charles W. Slack on page 86 of this number.]

The primary purpose of the author in the preparation of this work is, as he says in his preface, "to present in a concise and clear narrative a reasonably comprehensive statement of the rules and principles of the existing law of evidence, for the use of students of law pursuing their studies in law schools or elsewhere." Having in mind its use also by the profession, he has made a full citation of the most recent and important cases, which, with a carefully prepared topical and analytical index, will, it is believed, facilitate the convenient use of the book in many, if not in all, the exigencies of practice. We have made careful examination of the work and are favorably impressed with the results of the author's work, which is manifestly of a high order. His style and arrangement is excellent. The citation of authorities full and abundant. There is evidence throughout of good judgment, careful study, and conscientious research. We have no doubt that the book will take its place among the valuable treatises and be regarded as a controlling authority upon the law and rules of evidence.

—Central Law Journal.

This is a brief treatise primarily intended for students. It follows the method and teachings of the leading text-books, but does not show any familiarity with the recent monographs and articles that have helped so much to give the rules of evidence their proper formulation. Such subjects as the parol-evidence rule, the construction of written instruments, *res gestae*, and the "best evidence" rule, receive brief and by no means satisfactory treatment. It is but just to the author, however, to say that he purposely gives but little consideration to some of these questions, because they are so fully treated in the standard authorities. More careful attention is paid to subjects which have come into prominence within recent years, as a result of our rapid and immense advance in the arts and sciences. The application of newly-discovered scientific principles to every-day affairs, and the extensive use of machinery for transportation and manufactures, have not

been without influence on the law of evidence, and the author endeavors to show what it has been. The comparatively recent statutory changes, such as those which af-

fect the competency of witnesses and their privileges, have also received the full consideration their importance to-day demands.

F. B. W. in Harvard Law Review.

BOOKS RECEIVED.

From Baker, Voorhis & Co., New York:
Bishop on Insolvent Debtors.

From The Diossy Law Book Co., N. Y.:
Abbott's Select Cases on Evidence.

Leading Text Books Published in 1895.

Abbott's Select Cases on Evidence..	6 00 net	Harlow on Sheriffs and Constables.	
Black's Constitutional Law.....	3 50 net	2d Ed.....	6 00 net
Beach on Injunctions. 2 vols.....	12 00 net	Smith on Evidence.....	5 00 net
Bradner's Rules of Evidence.....	5 00 net	Thompson on Private Corporations.	
Fetter on Equity.....	3 50 net	6 vols.....(del'd.)	36 00 net

Leading Text Books Published in 1894.

Bacon on Benefit Societies. 2 vols.		Jones' Forms of Conveyancing. 4th	
2d edition	12 00	edition	6 00 net
Bailey's Master's Liability for Injuries to Servants.....	6 00 net	Kinney on Irrigation.....	7 00 net
Beach on Modern Equity Practice. 2 vols	12 00 net	Lloyd's Law of Buildings. 2d edition. Cloth, \$4.50. Sheep.....	5 00 net
Benedict's Admiralty. 3d edition..	6 00 net	Loveland's Forms of Federal Procedure	6 00
Bliss on Code Pleading. 3d edition	6 00 net	Niblack on Mutual Benefit Societies. 2d Ed.	6 00 net
Browne's Kent's Commentaries....	5 00 net	Pagan's Precedents and Forms in Federal Cases	6 00 del
Burrill on Assignments. 6th edition	6 00 net	Pollock on Torts. Webb edition....	5 00
Carr's Judicial Interpretation of the U. S. Tariff Act.....	5 50 net	Prentice on Police Powers.....	5 00 net
Clark on Contracts.....	3 50 net	Randolph on Eminent Domain...	5 50 net
Clark's Criminal Law.....	3 50 net	Rice's Probate Law and Practice..	6 50 net
Cogley on Strikes & Lockouts.....	4 00 net	Shipman's Common Law Pleading..	3 50 net
Cook on Stocks. 2 vols. 3d edition	12 00 net	Stephen on Pleading (Andrews)...	4 00 net
Coxe on Judicial Power and Unconstitutional Legislation.....	3 00 net	Taylor's Law of Private Corporations. 3d Ed.....	6 00
Daniell's Chancery. 3 vols. 6th Ed.	18 00 net	Tiedeman on Municipal Corporations	6 00 net
Demarest on Elevated Railroad Law	3 50 net	Underhill on Evidence.....	6 00 net
Dillon's Laws and Jurisprudence of England and America. Cloth....	4 00 net	Wiley's Procedure in the Courts of Law and Equity.....	2 00 net
Elliott's General Practice. 2 vols..	12 00 net	Williams on Real Property. (Hutchins' Notes.) 17th International Ed.....	4 00 net
Fittum's Trial Procedure.....	6 00 net	Wood on Railways. 3 vols. 2d edition	18 00 net
High on Receivers. 3d edition....	6 00 net		
Jones on Chattel Mortgages. 4th edition	6 00 net		
Jones on Liens. 2 vols. 2d edition	12 00 net		
Jones on Mortgages. 2 vols. 5th edition	12 00 net		

DIGEST

Of Articles on Legal Subjects in Current Periodicals, Newspapers, Annotations in Reports, etc., etc.

List of Abbreviations and Publications Digested.

Abbreviations.	Name.	Published.	Prices of Single Numbers.
Abb. N. C.	Abbott's New Cases, Diossy Law Book Co., N. Y. City	Monthly.....	\$4.50 per vol.
Alb. Law J.	Albany Law Journal, Albany, N. Y.	Weekly.....	25c.
Am. Banker.	American Banker, New York City.....	Weekly.....	10c.
Am. Lawy.	American Lawyer, New York City.....	Monthly.....	10c.
Am. Law Reg. & Rev.	American Law Register and Review, Philadelphia.....	Monthly.....	50c.
Am. Law Rev.	American Law Review, St. Louis.....	Bi-Monthly.....	\$1.00.
Am. Prob. R.	American Probate Reports, Baker, Voorhis & Co., New York City.....	Irregular intervals.....	5.50 per vol.
Am. R. & Corp. R.	American Railroad and Corporation Reports, E. B. Myers & Co., Chicago.....	Irregular intervals.....	4.50 per vol.
Am. St. Rep.	American State Reports, Bancroft-Whitney Co., San Francisco.....	Bi-Monthly.....	Sold by subscription only.
Am. & Eng. Corp. Cas.	American and English Corporation Cases, Edward Thompson Co., Northport, Long Island, N. Y.		\$4.50 per vol.
Am. & Eng. R. Cas.	American and English Railroad Cases, Edward Thompson Co., Northport, Long Island, N. Y.		4.50 per vol.
Aust. Law T.	Australian Law Times, Melbourne, Australia.....	Semi-Monthly.....	£3 3s. per yr.
Banking Law J.	Banking Law Journal, New York City.....	Monthly.....	30c.
Barrister	The Barrister, Toronto, Can.....	Monthly.....	\$2.00 per year.
Brief	The Brief, London, Eng.....	Monthly.....	Sixpence.
Can. Law J.	Canada Law Journal, Toronto, Can.....	Semi-Monthly.....	25c.
Can. Law T.	Canadian Law Times, Toronto, Can.....	Monthly.....	50c.
Cape Law J.	Cape Law Journal, Grahamstown, Cape of Good Hope	Quarterly.....	\$1.50.
C. C. A.	U. S. Circuit Courts of Appeals Reports, West Pub. Co., St. Paul, Minn.....	Irregular intervals.....	\$3.35 per vol.
Cent. Law J.	Central Law Journal, St. Louis.....	Weekly.....	25c.
Chi. Law J.	Chicago Law Journal, Chicago.....	Monthly.....	25c.
Chi. Leg. N.	Chicago Legal News, Chicago.....	Weekly.....	10c.
Civil Proc. R.	New York Civil Procedure Reports, S. S. Peloubet, New York City.....	Monthly.....	10c.
Collector	The Collector and Commercial Lawyer, Detroit, Mich	Monthly.....	30c.
Counsellor	The Counsellor, New York City.....	Monthly.....	\$1.00.
Cr. Law Mag.	Criminal Law Magazine, Jersey City, N. J.	Bi-Monthly.....	10c.
Daily Balt. Rec.	Daily Baltimore Record, Baltimore, Md.....	Daily.....	50c.
Green Bag	Green Bag, Boston.....	Monthly.....	10c.
Guide	The Guide, Kalamazoo, Mich.....	Monthly.....	35c.
Harv. Law Rev.	Harvard Law Review, Cambridge, Mass.....	Monthly.....	65c.
Int. Jour. Eth.	International Journal of Ethics, Philadelphia, Pa.	Quarterly.....	25c.
Iowa Univ. Law Bul.	Law Bulletin of Iowa University, Iowa City, Iowa.....	Monthly.....	1 shilling.
Ir. Law T.	Irish Law Times & Solicitors' Journal, Dublin, Ire.	Weekly.....	Sixpence.
J. P.	Justice of the Peace, London, Eng.....	Quarterly.....	Sixpence.
Jurid. Rev.	Juridical Review, Edinburgh, Scotland.....	Monthly.....	5 shillings.
Law Notes	Law Notes, London, Eng.....	Quarterly.....	10c.
Law Quart. Rev.	Law Quarterly Review, London, Eng.....	Monthly.....	Sixpence.
Law Student's Helper	Law Student's Helper, Detroit, Mich.....	Weekly.....	10c.
Law Students' J.	Law Students' Journal, John Indermaur, Chancery Lane, London, Eng.....	Monthly.....	Sixpence.
Law T.	Law Times, London, Eng.....	Weekly.....	75c.
Lawy. Rep. Ann.	Lawyers' Reports Annotated, Lawyers' Co-operative Pub. Co., Rochester, N. Y.	Semi-Monthly.....	10c.
Leg. Int.	Legal Intelligence, Philadelphia.....	Weekly.....	25c.
Madras Law J.	Madras Law Journal, New York City.....	Quarterly.....	25c.
Med. Leg. J.	Medico-Legal Journal, New York City.....	Monthly.....	25c.
Mich. Law J.	Michigan Law Journal, Grand Rapids, Mich.....	Monthly.....	25c.
Minn. Law J.	Minnesota Law Journal, St. Paul, Minn.....	Monthly.....	25c.
Mont. Leg. N.	Montreal Legal News, Montreal, Can.....	Monthly.....	\$5 per vol.
Morr. Min. R.	Morrison's Mining Reports, Callaghan & Co., Chicago	Irregular Int'vis	10c.
Nat. Corp. Rep.	National Corporation Reporter, Chicago.....	Weekly.....	25c.
N. J. Law J.	New Jersey Law Journal, Plainfield, N. J.	Monthly.....	25c.
N. W. Law Rev.	Northwestern Law Review, Chicago.....	Monthly.....	25c.
N. Y. Cr. R.	New York Criminal Reports, S. S. Peloubet, N. Y. City	Monthly.....	10c.
N. Y. Law J.	New York Law Journal, New York City.....	Daily.....	25c.
N. Y. Law Rev.	New York Law Review, Ithaca, N. Y.	Monthly.....	\$1.00.
Pa. Law Series	Pennsylvania Law Series, Philadelphia, Pa.	Monthly.....	10c.
Pittsb. Leg. J.	Pittsburgh Legal Journal, Pittsburgh, Pa.	Weekly.....	25c.
Political Science	Political Science, Boston, Mass.....	Quarterly.....	\$2.00 per year.
Quart. Jour. Econ	Quarterly Journal of Economics, Boston.....	Monthly.....	\$2.50 per year.
Rev. of Rev.	Review of Reviews, New York City.....	Monthly.....	1 shill. and sixpence
Revue Generale	Revue Generale, Paris, France.....	Monthly.....	25c.
Scot. Law Rev.	Scottish Law Review, Glasgow, Scot.....	Weekly.....	10c.
Scot. Law T.	Scots' Law Times, Edinburgh, Scotland.....	Monthly.....	20c.
University Law Rev.	University Law Review, New York City.....	Weekly.....	25c.
Wash. Law R.	Washington Law Reporter, Washington.....	Monthly.....	10c.
West. Res. L. J.	Western Reserve Law Journal, Cleveland, O.	Monthly.....	25c.
Wkly. Law Bul.	Weekly Law Bulletin and Ohio Law Journal, Columbus, Ohio.....	Weekly.....	10c.
W. Va. Bar	West Virginia Bar, Morgantown, W. Va.	Monthly.....	35c.
Yale Law J.	Yale Law Journal, New Haven, Conn.....	Monthly.....	35c.

TOPICAL DIGEST.

N. B. The Classification of the American Digest is here used.

Accident Insurance.

— See "Insurance."

ALIENS.

A review of the necessity of making the requirements for the rights of citizenship strict and exact.—By George Lawyer. 40 Cent. Law J. 106.

ALTERATION OF INSTRUMENTS.

A short article, with numerous citations, on the effect of an alteration of an instrument.—By W. C. Rodgers. 40 Cent. Law J. 143.

ARBITRATION AND AWARD.

An article on the necessity, in a mercantile community, for a system of arbitration, in preference to a resort to legal tribunals.—7 Jurid. Rev. 53.

ASSIGNMENT.

A short note on notice or an assignment of choses in action, and the extent to which the court is affected by notice of incumbrances.—98 Law T. 371.

ATTORNEY AND CLIENT.

An article read before the New York State Bar Association on the mission of state bar associations.—By Ralph Stone. 4 Mich. Law J. 33.

BANKS AND BANKING.

An article on the historical consideration of the question of authority to create national banks.—By J. B. Cassoday. 1 N. Y. Law Rev. 33.

Bar Associations.

— See "Attorney and Client."

BONDS.

A short note on the validity of bonds not executed by some of the parties.—40 Am. St. Rep. 51.

BREACH OF MARRIAGE PROMISE.

A collection of authorities as to defenses to actions for breach of promise to marry.—40 Am. St. Rep. 72.

CARRIERS.

A short note on the rights and liabilities of passengers injured while alighting from a railway car.—6 Chi. Law J. 21.

An extensive note on the expulsion of a passenger on refusal to pay fare.—26 L. R. A. 129.

CERTIORARI.

An extensive note, with numerous authorities, as to the office of the writ of certiorari, and proceedings thereunder.—40 Am. St. Rep. 29.

Citizenship.

— See "Aliens."

CONSPIRACY.

A collection of authorities on what will constitute a conspiracy by employes of railroad companies engaged in the transportation of mails and interstate commerce.—59 Am. & Eng. R. Cas. 671.

CONSTITUTIONAL LAW.

A short article on the delegation of legislative power, with reference to the recent cases of *O'Neill v. Insurance Co.* (Pa. Sup.) 30 Atl. 943, and *In re Flaherty* (Cal.) 38 Pac. 981.—12 N. Y. Law J. 1324.

Contracts.

— Disaffirmance by infant, see "Infancy."

— Interference in the performance of, by persons not parties, see "Torts."

— Made under duress, see "Duress."

Contributory Negligence.

— See "Master and Servant."

CORPORATIONS.

A short essay on the corporation at common law.—By James A. Rohbach. 15 Iowa Univ. Law Bul. 10.

A review of corporation legislation in New York.—By C. A. Collin. 1 N. Y. Law Rev. 1.

A review of the doctrine that the capital stock of a money corporation is a trust fund for the payment of corporate debts.—By Stevenson Burke. 1 Western Reserve Law J. 5.

A short article on the classification of corporations into political, public, and private.—By O. P. Shiras. 4 Yale Law J. 97.

A short note on the right of a stockholder to inspect the books of a corporation.—40 Am. St. Rep. 248.

A collection of authorities on the powers and obligations of corporations.—40 Am. St. Rep. 157.

COURTS.

An essay on judicial legislation.—By William Rand, Jr. 8 Harv. Law Rev. 328.

The first of a series of interesting articles on the English law courts.—7 Green Bag, 65.

CRIMINAL LAW.

— Liability of public officers, see "Office and Officer."

An interesting article on hypnotic influence in criminal cases.—Chl. Leg. News. Republished in 51 Alb. Law J. 87.

An essay on consent in criminal law.—By J. H. Beale, Jr. 8 Harv. Law Rev. 317.

A review of the recent decision of the supreme court of Connecticut in *State v. Lee*, 30 Atl. 1110, and what constitutes former jeopardy.—8 Harv. Law Rev. 334.

An interesting article on the theory of punishment for crimes.—98 Law T. 329.

A note on the validity and effect of agreements concerning state's evidence.—40 Am. St. Rep. 767.

DESCENT AND DISTRIBUTION.

An interesting article on how to avoid estate duty on legacies.—Sol. J. Republished in 29 Ir. Law T. 80.

Dissolution.

— Of partnership, see "Partnership."

DURESS.

A note on the effect of duress as a defense to contracts secured by threats of prosecution of a relative.—26 L. R. A. 48.

ESTOPPEL.

— As applied to special tax bills, see "Municipal Corporations."

EVIDENCE.

A short note as to the rule under which evidence of words or acts is admissible as part of the *res gestae*.—40 Cent. Law J. 166.

An interesting article on proof in civil cases in Scotland.—By J. Henderson Begg. 7 Jurid. Rev. 1.

EXTRADITION.

An article on the law of extradition.—Exp. Gaz. Republished in 51 Alb. Law J. 92.

A short review of the recent case of *State v. Hall* (N. C.) 20 S. E. 729, as to what con-

stitutes a fugitive from justice, within the interstate extradition law.—40 Cent. Law J. 141.

A note on the right to arrest and detain fugitives to await arrival of extradition papers.—26 L. R. A. 33.

Fellow Servants.

— See "Master and Servant."

Former Jeopardy.

— See "Criminal Law."

GARNISHMENT.

A short note on the power to garnishee money due from a receiver.—26 L. R. A. 218.

HUSBAND AND WIFE.

A short article on the rights of a wife in her paraphernalia.—29 Ir. Law T. 59.

Income Tax.

— See "Taxation."

INFANCY.

A note, with numerous citations, on the power of an infant to disaffirm his contracts, and the necessity of returning the consideration thereof.—26 L. R. A. 177.

INSANITY.

A short note on the civil liability of insane persons for torts or negligence.—26 L. R. A. 153.

An interesting article on arrested development and responsibility.—By T. S. Clouston. 7 Jurid. Rev. 38.

INSURANCE.

— See "Constitutional Law."

A short note on the nature of a risk against loss by lightning.—26 L. R. A. 267.

A note, with numerous authorities, on the location of movable property, as affecting fire insurance thereon.—26 L. R. A. 237.

A short note as to when liability on an accident insurance policy becomes fixed.—26 L. R. A. 112.

JUDGMENT.

A short article on the operation and effect of foreign judgments.—98 Law T. 370.

Jury.

— Refusal of juror to agree to verdict, see "Trial."

LANDLORD AND TENANT.

A short article on the relation between a landlord and his tenant.—6 Chi. Law J. 1.

A note, with numerous authorities, on the liability of landlords to third persons for condition of premises in possession of tenant.—26 L. R. A. 197.

LAW.

An essay on the recognition by statute of the ethical element identical with the so-called moral law.—By Isaac A. Loos. 15 Iowa Univ. Law Bul. 15.

Lease.

— Of railroad, see "Railroad Companies."

LIBEL AND SLANDER.

A short article on the element of malice in the law of libel in Connecticut.—By Arthur Perkins. 4 Yale Law J. 112.

A review of the Canadian libel act of 1894.—By J. King. 15 Can. Law T. 29.

Malice.

— See "Libel and Slander."

MARRIAGE.

— See "Breach of Marriage Promise."

Continuation of a series of articles on the marriage laws of Scotland.—2 Scot. Law T. 401, 414, 461.

MASTER AND SERVANT.

— Conspiracy by employes, see "Conspiracy."

A valuable note on the duties of railroad companies to adopt and enforce rules, and the effect of a failure of an employé to obey the same.—59 Am. & Eng. R. Cas. 574.

A short note on the rights of employes of injured by the concurring negligence of the master and a fellow servant.—59 Am. & Eng. R. Cas. 302.

A short note on the rights of employes of a railroad company injured by violation of statute requiring maintenance of fences.—59 Am. & Eng. R. Cas. 312.

An extensive note on evidence of, and presumption of, negligence.—59 Am. & Eng. R. Cas. 341.

A collection of authorities on assumption of risks by employes.—59 Am. & Eng. R. Cas. 399.

A valuable note, with numerous citations, on the question as to who is a fellow servant.—59 Am. & Eng. R. Cas. 413.

An extensive note, with numerous citations, as to the effect of contributory neg-

ligence in an action for injuries to an employé.—59 Am. & Eng. R. Cas. 503.

A collection of authorities as to who are employes of a railroad company.—59 Am. & Eng. R. Cas. 120, 125.

A short note on the liabilities of railroad companies for injuries to employes by defective roadbeds or dangerous tracks.—59 Am. & Eng. R. Cas. 209.

An extensive note, with numerous citations, on the liability of railroad companies for failure to furnish employes with reasonably safe appliances.—59 Am. & Eng. R. Cas. 150, 158, 173, 189, 197, 246.

A few authorities on the liability of a master for the negligence of vice principals and fellow servants.—40 Am. St. Rep. 622.

A valuable article on the liability of railroad companies for injuries to employes caused by defective foreign cars, with numerous citations.—By E. J. Marshall. 1 N. Y. Law Rev. 23.

An article on the power to prevent strikes by judicial action, with numerous citations.—By J. S. Erwin. 17 Cr. Law Mag. 1.

MORTGAGES.

A continuation of a series of articles on powers of sale without notice.—By F. P. Betts. 15 Can. Law T. 40.

A short note on the priority of mortgages of concerns other than railroads, as affected by equities to claims for operating expenses.—By James A. Webb. 40 Cent. Law J. 163.

MUNICIPAL CORPORATIONS.

A short note on the powers of municipalities, and the authority of legislatures over them.—40 Am. St. Rep. 126.

A review of the recent decisions as to the application of the doctrine of estoppel to special tax bills.—By John W. Snyder. 40 Cent. Law J. 126.

National Banks.

— See "Banks and Banking."

NEGLIGENCE.

— See "Master and Servant."

A review of the disappearance of degrees of negligence.—By Frederic C. Woodward. 1 N. Y. Law Rev. 16.

OFFICE AND OFFICER.

A collection of authorities on the criminal liability of public officers on failure to perform their public duties.—40 Am. St. Rep. 712.

PARTNERSHIP.

A note, with many authorities, on the powers, rights, liabilities, and remedies of partners after the dissolution of the partnership.—40 Am. St. Rep. 561.

Passengers.

— See "Carriers."

RAILROAD COMPANIES.

— Rules for employes, see "Master and Servant."

A short note on the rights of subcontractors engaged in the construction of a road.—59 Am. & Eng. R. Cas. 28, 41.

A collection of notes on the right of the majority of the stockholders to lease a railroad, with the assent of the legislature.—8 Harv. Law Rev. 295.

A brief collection of authorities on the liability for costs of a railroad company for changing grade of street to prevent the crossing of a railroad at grade.—26 L. R. A. 92.

An extensive note on the rights and liabilities of consolidated railroad companies.—59 Am. & Eng. R. Cas. 108.

Receivers.

— Liability to garnishment, see "Garnishment."

Riparian Rights.

— See "Waters and Water Courses."

SCHOOLS AND SCHOOL DISTRICTS.

An article on the question of religious instruction in board schools in England and Scotland.—By J. Edward Graham. 7 Jurid. Rev. 13.

SEAMEN.

A short article on the analogy existing between the protection of seamen, as wards of admiralty, and the protection of laborers on the land by the legislature.—12 N. Y. Law J. 1266.

Stockholders.

— Right to inspect books, see "Corporations."

Strikes.

— See "Conspiracy"; "Master and Servant."

TAXATION.

— Legacy taxes, see "Descent and Distribution."

An article on the constitutionality of the income tax.—By C. F. Randolph. 51 Alb. Law J. 104.

TORTS.

— Liability of insane person, see "Insanity."

An interesting article, with numerous citations, on the degree and character of interference in the performance of contracts by persons not parties thereto, to render such persons liable.—By A. L. Tidd. 40 Cent. Law J. 86.

TRESPASS.

A short article on the right to recover continuing damage.—98 Law T. 87.

TRIAL.

An interesting article on the province of court and jury, with a special reference to the power of the court to coerce or imprison a juror who refuses to agree to a verdict.—6 Chi. Law J. 4.

TRUSTS.

— See "Corporations."

An extended article on the statute of uses.—By Samuel Hayes. 14 Iowa Univ. Law Bul. 1.

WATERS AND WATER COURSES.

A short note on the law relating to diversion of waters between opposite riparian proprietors.—26 L. R. A. 284.

WILLS.

A short article on the sale by executors of lands incumbered with a charge.—Sol. J. Republished in 29 Ir. Law T. 60.

WRITS.

A note, with numerous citations, on the effect on jurisdiction of defects in summons or other process.—40 Am. St. Rep. 430.

LAW BOOK NEWS.

A Monthly Review of Current Law Literature and Journal of Legal Bibliography.

Terms of Subscription: \$1 a Year; Single Copies, 10 Cents.

VOL. 2.

ST. PAUL, MINN., APRIL, 1895.

No. 4.

The Annual Report of the American Bar Association.

THE American Bar Association has issued its Report of its Seventeenth Annual Meeting, held at Saratoga Springs last August. This contains the transactions of the meeting; the addresses and papers read before it, with the discussions, some of them very spirited and worthy of record, which arose thereon; reports of officers and committees; the text of the association's constitution and by-laws, and lists of members, arranged alphabetically and by their states; making altogether a volume of 564 pages.

The papers and addresses have already been given to the profession generally by the law journals, but they gain a certain cumulative effect from being presented together in this form. And the effect is one to rejoice the heart of Abou Ben Adam. No one can examine the contents of this volume without being impressed with the sensitiveness to the public welfare which characterizes the utterances of these leaders of the bar. Not only in the carefully thought out papers, but in the spontaneous expressions of opinion elicited in the succeeding discussions, there is felt constantly the ring of public spirit, of enthusiasm for high professional standards, and a recognition of personal and professional responsibility which goes far to negative the theory that the world to-day, and the legal world especially, is growing careless concerning these things. It may of course be urged that the parade-dress of a public speech sometimes gives a fictitious air of stateliness to ideas of very ordinary stature. To some extent this may be true; but at worst that is in the nature of homage from vice to virtue, and on a better construction it is at least an acknowledgment of continued allegiance to the higher standards which sometimes seem to have been put out of mind as well as out of sight in the daily practice.

There is much talk of "the commercializing of the profession," just now, and the term is used to convey to some degree an idea of degradation from a higher estate. That the conditions of practice are changing is very true. "The world do move," conditions are changing for all, and even the most conservative of professions must feel the influence. That the change is in the direction of "commercialization" may also be true. But it would be a pity and a waste of pity if it were assumed that this implies degradation, either intellectual or moral. The forensic orators who were the glory of the profession may have passed away forever, but neither wisdom nor virtue has died with them. There is honor in commercial methods which lawyers may find attainable only by reaching upward instead of downward. At any rate there is no need to be in a hurry to discount one's ideals, and any one who has feared it might be necessary is recommended to read this Report of the American Bar Association. He will go on his way again with the assurance that the honor of the profession has not yet by any means become a Forlorn Hope.

Mr. Willard's Reminiscences.

"HALF a Century with Judges and Lawyers" is the title of a book recently issued from the press of Houghton, Mifflin & Co. It contains the reminiscences of Mr. Joseph A. Willard, clerk of the Superior Court of Massachusetts, who, since 1846, has been connected officially with the courts and unofficially with the bar of Massachusetts, and who has gathered together here a sheaf of memories of the men with whom he has been associated. Many of these are too slight to be called anecdotes, and the interest in them will often depend, as Mr. Willard modestly states in his preface, upon a personal knowledge of the personages who figure

in them. To those who knew Wendell Phillips and Daniel Webster, the judges whose names were a power in the '50's and '60's, and the leaders of a bar which is now represented by their sons and grandsons, even the slightest of these accounts will have an interest. They are not always brilliant, but they are always gentle and kindly.

We borrow the following, with due acknowledgments:

"During that summer, to wit, the summer of 1846, I became acquainted with a man who took daguerreotypes. They were then just being introduced, and as it was a sort of experiment the artists were willing to take pictures of noted persons to hang outside of their doors as a sample of their work. This man told me that this same judge walked into his room one day and said, 'Mr. ———, I am Mr. Justice ——— of the Justices' Court. I understand that you take pictures of distinguished men to exhibit to the public.' 'Yes, sir; be kind enough to take a chair. How would you like to be taken?' 'I should like to be taken as in my court room.' 'Assume your attitude, sir, and tell me when you are ready.' He placed himself to his satisfaction, and looking very stern said, pointing his finger in the direction of the supposed criminal, 'Prisoner, where— Take me *now*, sir.' He was taken, and the artist then said, 'How else would you like to be taken?' 'I should like to be taken in the bosom of my family; John, bring me the Bible.' The artist gave him a Bible. He opened it and said: 'We will now read the 92d Psalm. Take me *now*, sir.'"

Facts vs. Advertisements.

IN the editorial upon "The Half or the Whole?" in the last number of the Law Book News, we took a circular issued by the publishers of the American State Reports as the text of our discussion, not because we have any quarrel with that well-known and highly-respected publishing house, but because the circular in question was based upon the assumption that a series of selected cases is worth just as much as a set of all the cases, while costing considerably less. We consider that assumption founded on an erroneous theory, and therefore desired to make the point that the difference in cost is commensurate, or a little more than commensurate, with the difference in value. A selected twelfth of the cases may cost one-sixth as much as the full reports, but it is not worth one-sixth or even one-twelfth as much, because it is not to be depended upon. The very vital element of trustworthiness is ignored.

It is also ignored, or, rather, explicitly denied and repudiated, in the advertisements

of another series of selected cases,—the Lawyers' Reports, Annotated,—now running in the current magazines. In one of these the claim was tersely made: "L. R. A. gives exactly and only what you need." In the next this is amplified as follows: "Want to be sure you have all the law there is on your side? Use L. R. A. Want to know, also, all the authorities your opponent will use? Use L. R. A."

If the advertisements were written with the expectation that, being advertisements, they would not be believed anyhow, no discussion of the claims made therein is necessary. Barnum was wont to construct his advertisements on that theory, and, as the method was generally understood, no one considered himself very much defrauded when investigation and the requisite half-dollar failed to show the Double-Headed Woman or the Human Snake depicted in vivid colors and large capitals on the posters. They all knew all the time that it was only a pleasant "fashion of talking,"—a legal fiction, so to speak, recognized on both sides as meaning simply that the showman wanted to get the curiosity-seeker inside, and was willing to say anything that might be exacted in order to bring him. But advertising methods have been reformed of late years, and it is now generally understood among reputable business men that a man may be held as much responsible for the guaranties in his advertisements as for any other "promise to pay." We must therefore assume that the Lawyers Co-operative Publishing Co. expect the profession to believe at least that they themselves believe that their selected cases "give exactly and only what you want," "all the law there is on your side," and "all the authorities your opponent will use." That means that you can have no possible use for any of the cases which the Co-operative editor has ruled out of his set,—that those cases are in fact valueless, containing no law that either you or your opponent could use. To state it in plain words is to show its absurdity. It implies that the judges of the country, by concerted action, arrange to render during the year just so many valuable opinions as will fill four volumes of the size determined upon by the Co-operative editor, for by no chance could such a result be arrived at. Even omniscience on the part of the editor—which

we might be willing to concede for the sake of argument—could not bring a variable number of valuable opinions from year to year within the fixed limits of four volumes annually unless we add omnipotence to his qualifications as well. The judges must have borne the limits in mind, and, mindful of the fact that type and paper are bound by exact laws which nothing short of omnipotence can overcome, they must have put their valuable decisions into exactly the right compass. The claim made implies further—nay, states in so many words—that all the other decisions rendered during the year by all the courts throughout the land contain no law. What do they contain? It implies finally, and in effect guaranties, that this state of affairs is universally acknowledged and acted upon, otherwise you could have no assurance (other than that of the advertiser) that your opponent would confine his researches to these selected cases. If by any chance he should go outside of these limits and by chance find in some of these other decisions a statement of law which by a judicial chance had been allowed to slip in, where would Cock Robin be then, poor thing?

The limits of space (which are sometimes as embarrassing to an editor as they must occasionally be to a selector of valuable cases) constrain us to interrupt our observations for the time being, but in closing we would suggest the following card, which has been constructed on the lines of strict truthfulness recommended by Mr. Artemas Ward, of Fame, and other advertising experts, as a conscientious advertisement of a series of Selected Cases: "The L. R. A. give as many of the cases you will want to examine as the editor could get into books of that size." "Want to see a few of the cases showing the law on your side? Use L. R. A. Want to be sure your opponent will use no other authorities? Destroy all the libraries, manuscript copies of opinions and court records of all judicial utterances except those preserved in the L. R. A."

Really, there is no other practical way of accomplishing this last-named and much-desired result, for Peeping Tom of Coventry wasn't a circumstance to the opposing lawyer who gets a hint that some available authority is in the neighborhood, even in most unconventional guise.

"Just Published."

THIS caption is one that appears over many an advertisement of law books, and it is an eminently proper one when the book in question is making its first bow to the public. But why should it linger in the lap of spring? Perennial youth may be given to some favorites of the gods, but never perennial infancy. To find "Just published" and "Now ready" over advertisements of books that should have reached their legal majority, according to the bright calendar of law books, suggests either a lapse into mental obliviousness on the part of the publisher or a Rip-van-Winklian sleep on the part of the book, neither of which would be good recommendations to an American public. "Just" is defined by Webster as "precisely,—nearly," and derived through the Latin *jus, juris*, "right, law," from the Sanskrit *yu*, "to bind." We submit that it is neither just, precise, right, lawful, or equitable thus to bind the living present to a dead past by applying the term to books which *were* "just published" some months or years ago. Besides, it's hard on the editor of our "Record of New Books" department.

"Escaped Mutilation."

THE secretary's report to the West Virginia Bar Association at its last meeting contains the following "sarcastical" remarks:

"Nothing of unusual interest or importance affecting the Association has, during the past year, been called to the secretary's attention. Having had no session of the Legislature since 1893, our statutory law has escaped mutilation. Nor, so far as we have discovered, has the Supreme Court of Appeals rendered more than the allowable quota of questionable decisions. We may say, however, in passing, that the form in which their opinions are given to the profession is not worthy of the contents, as the binding is so poorly done that the volumes soon fall to pieces from ordinary handling."

Paragraphing Headnotes.

AN instance of the superficial manner in which criticisms and suggestions regarding law reporting are made by volunteer reformers is to be found in a contributed article published under the head of "Corre-

spondence" in the Albany Law Journal for November 24, 1894. The writer says:

"The evils in reporting decisions, and their remedies, are so well known that it is useless for me to mention them, except one, which I have never seen touched upon. That is, the headnotes should be numbered, and the decision should be paragraphed and numbered to correspond, so that when the case is long the searcher can immediately refer to the part he wishes to examine."

Any editor who has ever headed a case or any student who has studied one with any care knows that the plan suggested can only be carried out when the judge writes the opinion with that in view. Some judges do make a practice of writing their opinions in that way, but they are comparatively few. The matter is one distinctively in the hands of the judge and not of the reporter, and when the opinion is constructed on another basis, the headnote must conform to that theory. It may be doubted in any event whether the plan proposed should be universally adopted. There are some subjects which might not be adapted to that kind of treatment. Sometimes two or more points of law have to be treated together. In such cases, to separate the opinion into numbered sections would be manifestly impracticable.

A Protected Legal Industry.

PARTY spirit is a curious thing, and it sometimes leads men into curious positions. One would think, as an abstract proposition, for instance, that in the matter of law reports the interest of the legal profession would be so manifestly in having the best reports, irrespective of everything else, that no other theory would be seriously advanced. Yet as a proof of the unwarranted character of this assumption, we find the Albany Law Journal of March 23d arguing as follows, regarding the bill introduced in New York to continue the "official" publication of the Miscellaneous Reports:

"The main argument in favor of the bill to continue these reports is that there should be no stoppage of the publication of the opinions handed down in the courts of record of this state which are to be published in the Official Series, and no encouragement to outside unofficial reports."

There is no contention that the "official" series is better; no denial of the fact that the various "unofficial" series have met the

needs of the lawyers and have really been the cause of the higher standard maintained of late by the state publication. Yet the state is invited to pay a large sum to discourage the effective service which is rendered by unsubsidized Reporters which have many advantages in all respects over the "official" reports. Surely, the devotion to a party at the expense of the people could hardly have a better illustration.

Announcements.

[Publishers and others are invited to send news regarding law writers and law books, and any items of interest to legal bibliography.]

F. D. Linn & Co. announce as in press a Digest of Vols. I. to XVI., inclusive, of The Criminal Law Magazine and Reporter.

Little, Brown & Co. announce for publication this spring a "History of English Law before the time of Edward I.," by Sir Frederick Pollock and Prof. F. W. Maitland, to be issued in two volumes.

Wm. Hodge & Co., Glasgow, have in press, shortly to be issued, "Forms of Standing Orders and Byelaws for Burghs," by James Muirhead, and "The Local Government (Scotland) Act, 1894," by James Donaldson.

Matthew Bender announces that Vol. 2 of the American Electrical Cases will be published in April. It covers the period from January 1, 1886, to July 1, 1889, and contains 130 cases in full, and 26 cases in memoranda.

The West Publishing Company announces for publication in April Clark's Criminal Procedure (Hornbook Series); the Southern Digest; volume 61 Northwestern Reporter; volume 20 Southeastern Reporter; and Book 9 Federal Cases.

Among the books to be issued by the West Publishing Company in May are the third volume of the Northwestern Digest (covering volumes 51 to 60 of the Northwestern Reporter); volume 56 Minnesota Reports; and Book 10 Federal Cases.

Stevens & Sons, London, announce for early publication a new edition (the sixteenth) of Prideaux's Conveyancing; a new

(third) edition of *Castle on Rating*; and a new work on *Income Tax* by A. Robinson, Esq., barrister at law.

The National Citation Company promises to have the first of the series of *National Reporter System Citations* ready next month. That will be the *Federal Reporter Citation*,—to be followed by the *Southwestern, Pacific and Southern Citations*, at intervals of about one month.

J. M. Sen & Co., Konnagar, announce that, if a sufficient number of advance subscriptions are received, they will issue a *Digest of Rulings of the Privy Council and the Indian High Courts from the earliest times; and Select Judgments of the Privy Council from 1829 to 1894*, in two volumes.

"LIGHT," in large capitals, greets one's eyes in a page of advertising from Reeves & Turner, London law booksellers. It proves to be simply an announcement of a third edition of a "*Digest of the Law of Light*," with an appendix of statutes, forms and plans, and not, as was at first fondly hoped, an illumination of general legal darkness.

The *General Laws of New Mexico* are being compiled by Hon. L. Bradford Prince, late chief justice of the Supreme Court of New Mexico. The last compilation was that of 1884, and there have been five subsequent sessions, but the special necessity for the present compilation arises from the fact that at the burning of the capitol building the *Compiled Laws* as well as the *Session Laws of 1887 and 1889* were nearly all destroyed.

The Courier-Journal Job Printing Co., Louisville, announces a new edition of *Carroll's Kentucky Code of Practice*, revised by the author. It is to contain all amendments and notes of decisions to January, 1895. An appendix gives the sections of the *Kentucky statutes* relating to questions of practice, and the laws of the United States relating to the Removal of Actions to the U. S. Courts, and the rules adopted by the Court of Appeals of Kentucky.

A "*System of Corporation Law*," in three volumes, to be published within the year, is announced by Banks & Brothers. The several subdivisions of the forthcoming work have been assigned to different writers, many of them being active practitioners. The list of writers includes the names of Francis C. Huntington, Wm. Draper Lewis,

Edwin R. A. Seligman, George Wharton Pepper, Henry L. Stinson, Ardemus Stewart, Charles Henry Burr, Howard R. Bayne, George Stuart Patterson, and others. The whole will be under the editorial supervision of Messrs. Pepper and Lewis.

The West Publishing Company now announces for publication next autumn a "*Pacific States Digest*," supplementing the recently published *Pacific Digest*, and covering all the State and Territorial Reports issued previously to the beginning of the *Pacific Reporter*. These are volumes 1 to 63 *California*, volumes 1 to 6 *Colorado*, volumes 1 to 29 *Kansas*, volumes 1 to 16 *Nevada*, volumes 1 to 10 *Oregon*, volume 1 *Idaho*, volumes 1 to 3 *Montana*, volumes 1 and 2 *New Mexico*, volumes 1 and 2 *Utah*, volume 1 *Washington Territory*, and volumes 1 and 2 *Wyoming*. The two Digests together will cover, in two volumes, all the Reports named down to date, —about 270 volumes of State Reports in all.

Law Book Notes.

Callaghan & Co. have issued a new edition of *Burnell's Wisconsin Digest*, covering vols. 55 to 87, inclusive, and constituting a supplement to *Starr's Digest*.

A new (fifth) edition of *Oliver's Precedents* has been issued by Little, Brown & Co. It has been edited by Mr. Boardman Hall, and so enlarged and extended as to make it applicable to the Codes of other than the New England States.

Another contribution to the *Federal Income Tax* literature is a "*Compendium of Information for Taxpayers*," arranged and annotated by Francis B. Bracken and Eustace B. Grimes, and published in pamphlet form by Kay & Brother, Philadelphia.

Sweet & Maxwell have just published a book on "*The Insane and the Law*; a plain guide for medical men, solicitors, and others, with hints to medical witnesses and to cross-examining counsel," by Geo. Pitt Lewis, Q. C., R. P. Smith, M. D., and Y. A. Hawke, B. A.

The West Publishing Company issued in March the new *Pacific Reporter Digest* (volumes 1 to 35); the "*C. C. A.*" *Digest* (volumes 1 to 10); volume 64 *Federal Reporter*; volume 31 *New York Supplement*; volume 38 *Pacific Reporter*; and volume 30 *Atlantic Reporter*.

A book valuable especially to lawyers of California, Texas, Washington, Louisiana, Idaho, and Nevada, is Ballinger on Community Property, published this month by Bancroft-Whitney Co. It is a treatise upon the property rights of husband and wife, under the community or ganancial system.

Among the new books published by Shaw & Son, London, are Lumley's Public Health, fifth edition; Stone's Justice's Manual, twenty-eighth edition; Prideaux's Duties of Churchwardens, sixteenth edition; Mackenzie's Poor Law Guardian, fourth edition; Shaw's Parish Law, eighth edition; Parochial Charities, by J. T. Dodd.

J. M. Sen & Co., Konnagar, India, have issued a Handbook of the Law of Torts, compiled from Pollock, Underhill, Addison, Blackstone, Stephen, and others, the principles being illustrated with rulings of the Privy Council and the Indian High Courts. They also announce a fourth edition of the Indian Evidence Act, with notes.

As was natural, the Legal Companion (India) devotes considerable space to a review of the Tagore Law Lectures for 1894, by Sir Frederick Pollock, on the Law of Fraud, Misrepresentation, and Mistake, in British India. The several chapters are taken up in turn, and their substance briefly given, in the issue of December, 1894.

Houghton, Mifflin & Co. have published "The United States Internal Revenue Tax System," comprising all internal revenue laws now in force, as amended by the act of August 28, 1894, including a history of the development of the internal revenue tax system since the foundation of the government, by Charles Wesley Eldridge.

Among the books recently published by J. M. Sen & Co., Konnagar, are the following: The Secrets of Success at the Bar, third edition; Model English Deeds, a handbook of practical forms; Speeches of Eminent Lawyers; and a report of "The Great Kidnapping Case," including the address of counsel, and commentary upon the law of kidnapping under the Indian Penal Code.

Stevens & Sons, London, have recently published a fourth edition of Pollock's Torts, volume 3, English Ruling Cases, and volume 7 of the new edition of Chitty's Statutes. They also bring out a new work by Robert Temperley, of the Inner Temple, on the Mer-

chant Shipping Act of 1894. This act is an important one, as it repeals and re-enacts in a consolidated form 33 entire acts and parts of 15 others, being almost the whole statute law directly relating to merchant shipping.

W. H. Lowdermilk & Co. have recently published a "Students' Review in Law and Equity," embracing some 1,800 questions and answers on a number of different branches of the law, prepared by Lawrence O. Murray, of the New York bar, and Charles E. Riordan, of the bar of the District of Columbia. Another book from their press is the "Compiled Statutes in Force in the District of Columbia," to and including 1889, prepared by William Stone Abert and Benjamin G. Lovejoy, and published by authority of congress.

Another book of "Citations" has been issued, this one coming from the American Citation Company, St. Louis. It is called "National Citations," and shows the provisions of the U. S. Revised Statutes which have been either amended, repealed, or otherwise altered by congress, or cited by the federal courts. The citations come down to and include 27 U. S. Statutes at Large, 60 Federal Reporter, 8 C. C. A. Reports, and 154 U. S. Reports. Subsequent citations are to be provided for by yearly supplements. The pamphlet, as now issued, contains 32 pages of citations: it is of pocket size, with paper covers.

Chas. W. Palm & Co., Los Angeles, Cal., have recently published a "California Attorneys' Directory for 1895," which contains also a list of all county officers, justices of the peace, and state officers; the "Street Law of California," annotated by Frank G. Finlayson, and including the several street opening and improvement acts, tree planting, sanitary district, and other acts, of the state; "California Constitution Citations and Amendments," on gummed paper; the "California Statutes for 1895"; and "Code Slips" for 1887, 1889, 1891, 1893, and 1895, to be used to bring Deering's Codes down to date.

The eleventh edition of Snell's Principles of Equity, edited by Archibald Brown, has been issued by Stevens & Hayes, London. The London Law Students' Journal, reviewing the work, says: "It is just two years since we reviewed the tenth edition of this book. We then complained that the bulk of a book containing 740 pages of text made it unsuitable for the use of students, and advised that about 100 pages of the text should be cut out. We are very pleased to see

that Mr. Brown has acted on our advice, with the commendable result that the book now has 642 pages of text only." Reviewers have reason to congratulate themselves when any of the advice which they so prodigally scatter happens to fall in with the inclination of the author.

Two new State Digests are just issued by the Gilbert Book Co. of St. Louis,—Pattison's Missouri Digest, covering volumes 101 to 121, Mo. Rep., and volumes 42 to 58, Mo. App. Rep.; and Sayles' Civil Digest for Texas, covering volumes 52 to 87, Tex. Rep., volumes 1 to 4, Appeal Civil Cases, and volumes 1 to 6 Civil Court of Appeals. Pattison's Digest is to be in 2 volumes, price \$13; Sayles, in 3 volumes, price \$30. The West Publishing Co. also announce a new Digest of their Southwestern Reporter, volumes 21 to 30, to be issued as soon as possible after the completion of volume 30, next summer. This will cover decisions which will probably eventually constitute the following State Reports: 113 to 124 Mo. Rep., 85 to 87 Tex., 31 to 33 Tex. Cr. App., 1 to 9 Tex. Civ. App., 57 to 60 Ark., 93 and 94 Ky., and 92 to 94 Tenn. It supplements the recently published Southwestern Digest, which covers the decisions of the five states named, as reported in the Southwestern Reporter since 1886. The price of the new digest, to subscribers, will be \$4.

Miscellaneous Notes.

"The Cat in Law" is made the subject of an article in the North American Review for February, by Gertrude B. Rolfe.

The report of the librarian at Osgoode Hall, Toronto, shows 1,454 volumes added to the library in 1894, as against 1,244 in 1893. The expenditure falls within \$8,000.

The March number of The American Lawyer contains the addresses delivered by Hon. Tracy C. Becker, Hon. J. Newton Fiero, and Ralph Stone, Esq., before the New York State Bar Association.

The Barrister for February is rather a copyright number. The leading contribution and editorial present Canada's side of the question now disturbing the minds of English and Canadian publishers.

The March number of the Green Bag opens with an illustrated sketch of the Supreme Court of Ohio, by Edgar B. Kinkead. "Soc-

rates as a Cross-Examiner" is another interesting contribution, from O. F. Hershey.

A brief report upon the Initiative and Referendum, made by Hon. H. W. Child, Attorney-General of Minnesota, in response to a resolution of the state senate asking therefor, is printed in the Minnesota Law Journal for February.

Among the books of lighter legal interest—lighter as to legality if not as to interest—is W. J. Loftie's Inns of Court and Chancery, issued by Macmillan & Co. It is descriptive as well as historical, and is illustrated by Herbert Rallton.

The characteristic modesty of the Hindu mind is illustrated by an advertisement of the Legal Companion. "No one can possibly be a loser by being its subscriber," say the publishers. An American publisher would add emphasis to the statement.

An index to its editorials for the past six months is given in the New York Law Journal for March 30th, and must prove a very convenient feature for its subscribers. The Law Journal editorials are not only worth reading, but are worth referring back to.

The Texas Civil Appeals Reports cease with volume 6, the state legislature having failed to make any provision for continuing their publication. The reports of the current and future decisions of these courts will therefore be found only in the Southwestern Reporter.

The Copp-Clark Co., Toronto, have published a book by John S. Ewart on "The Manitoba School Question," containing a compilation of the statutes relating to the matter, an account of the legal proceedings, and a historical retrospect. It is written from the Catholic standpoint.

The second number of the New York Law Review maintains the high standard set by the initial number. It contains a contribution from Hon. J. Newton Fiero on the new judiciary article of the New York Constitution, and other papers by Prof. E. W. Hufcut, E. J. Marshall, and C. A. Collin.

The March number of the Yale Law Journal contains the paper read by Hon. Simeon E. Baldwin in the Judicial Section of the Congress of Jurisprudence, held at Chicago in 1893 in connection with the Columbian

Exposition, on "The Duty of the State, in Suits Attacking Charitable Bequests."

The West Virginia Bar for February contains a report of the proceedings of the ninth annual meeting of the West Virginia Bar Association, held at Charleston on February 5th and 6th, with the text of President Jacobs' address, and of Hon. J. B. Sommerville's paper on Justices and their Courts.

"Some curious incidents in the work of a public administrator" made the basis of a paper read before the N. Y. State Bar Association by William B. Davenport, of Brooklyn, and reported in the Albany Law Journal for March 2d. The line of contact between law and life is the place where dramas grow.

The January number of the University Law Review gives up the greater part of its space to the valuable "Notes" upon current legal questions which have secured much favorable comment for the earlier numbers. Under the able editorship of Prof. Austin Abbott, this department becomes very valuable.

In the February Harper's, Hon. John Bigelow discusses "What is Gambling?" under the recent New York constitutional amendment adopted in New York. It admittedly affects horse-racing and pool-selling; how far it affects church-fair methods and a rubber at whist, Mr. Bigelow does not attempt to determine.

The publishers of the Louisiana Reports have adopted the Reporter plan of issuing unbindable advance sheets for the current use of subscribers. No. 1 of volume 47 is issued in this form. The subscription price is announced as \$10 in advance, and balance when volume is completed, at the rate of one cent per page for the entire volume.

Matters Japanese are having a "boom," if so western a term may be permitted in connection with oriental affairs. Robert C. Morris, of the New York bar, contributes an article on "Adoption in Japan" to the March Yale Law Journal. The Michigan Law Journal for March has an article on "The Criminal Law of Japan" by Torazo Kikuchi.

The dispatch with which books are produced in these days upon any subject that may be attracting attention is illustrated anew by the issue of a 480-page volume on the "Life and Work of the Right Hon. Sir John Thompson, P. C., K. C. M. G., Q. C." It

is written by J. Castell Hopkins, with a preface by the Earl of Aberdeen, contains about fifty illustrations, and is published by Bradley, Garretson & Co., Toronto.

Who says the days of forensic rhetoric are past? True, we do not have many efforts of the "Great speeches by great lawyers" type, yet let us gratefully recognize the flowers that do bloom even in our cheerless spring. The following metaphor appeared in a recently-filed brief:

"The positions taken by the plaintiff are but straws forming a barrier of sand against the impregnable strength of our defense."

"Contributory Infringement of Patents," a paper read before the American Association of Inventors and Manufacturers at Washington, January 15, 1895, by Hubert Howson, of the New York bar, has been printed, though apparently only for private distribution. It discusses the different ways of contributing to infringement, and gives a list of cases in which questions relating thereto have come up since 1871.

The following is a quotation from the judgment of a sub-judge of Tinnevally, as reported in the Statesman:

"The sullen cynicism of defendant's second witness, the forward jauntiness of defendant's third witness, the affected drowsy indifference of defendant's fourth witness, and the uncheckable garrulousness of defendant's fifth witness afford the convincing proofs as to their being unscrupulous participators in the deep game played by the second defendant."

The following comment from the University Law Review indicates a special convenience for lawyers who like to keep a copy of the court's decision in their cases with their paper-books:

"The method which the West Publishing Co. pursues of furnishing single numbers of any of the 'Reporters' of the various states at a trifling cost, enables counsel to keep with their files and bound volumes of their cases and points, a printed copy of the decision which the court made after the argument represented in the briefs. The great additional value thus given to counsel's volumes of cases may be at once appreciated."

Modern law writers may consider themselves crushed. According to the Canada Law Journal, Lord Chancellor Selborne recently interrupted counsel in the citation of a text-book authority on International Law with the impatient remark: "We really cannot have the laws of the world made by gentlemen, however learned, who have published books within the last twenty or thirty years." Emerson laid down the rule that

no book should be read till it was two years old, meaning thus to weed out the ephemeral publications of the day. If this is to be extended in the case of law books to twenty or thirty years, there will have to be some virile writing to stand the test.

A Report of the Second Annual Meeting of the Territorial Bar Association of Utah comes to us with the compliments of Richard B. Shepard, secretary. It contains the transactions of the meeting, and the full text of the following addresses and papers:

President's Address, by Hon. J. G. Sutherland.

Some Views on the Constitution, by Mr. C. S. Varian.

The Constitution, by Hon. C. S. Zane.

The Judiciary, — Appointment, Tenure, and Compensation, — by Mr. George Sutherland.

A System of State Revenue by Indirect Taxation, by Hon. H. W. Smith.

Constitutional Provisions Relative to Water and Water Rights, by Mr. C. S. Kinney.

The publishers of the Criminal Law Magazine and Reporter announce that they resume, within the January-February number, 1895, the publication of their magazine in bimonthly form, as in former years. No numbers were issued during 1894; instead, the bound volume for that year will be published about April 1st. It is to be compiled on the same general lines as the earlier volumes, but the leading articles will be grouped together, instead of being scattered through the volume, and one digest covers the cases. It appears, however, that the advantages of the plan are not considered to offset the disadvantage of delayed appearance, and therefore the publication in parts will be resumed.

The Chicago Evening Post reprints, with favorable editorial comment, the article by Henry Wollman, of the Kansas City bar, on "The Danger of the Federal Judiciary," which appeared in the North American Review for March. Mr. Wollman takes the position that the federal judiciary possesses too much arbitrary power, and that an idea has been growing among them that "they can do almost everything necessary to enforce their ideas of justice." He urges that the power to indulge in judicial legislation should be effectually taken away; that in jury cases the judge should be required to confine himself to the law, leaving the facts to the jury; and that no appellate judge should be permitted to hear cases on the circuit. The Post adds:

"The suggestions come from a not unfriendly source, and friends of the judiciary should be first to carry them into effect. It would be a

great calamity if congress should, as it might, destroy all the minor federal courts, and the danger is more imminent than some of the judges seem to think. Nothing would be more desirable to the Populists."

The National Corporation Reporter, however, does not think that Mr. Wollman's fears have much foundation, and invites him to give his reasons "for the faith within him."

The University Law Review refers to "advance sheets not intended for binding" as an American device, now adopted in the English Law Reports. The device was originally designed, as far as we can discover, by the West Publishing Co., in connection with the publication of the Reports. It was at first received by subscribers with great disapproval, but the advantages which it affords are now generally recognized. This is not the only feature of the Reports which has worked its way back into the Reports. Promptness of publication and low prices are "devices" which may also be said to have originated with the Reports, and which have been adopted to a marked degree by the Reports in response to the "Why not?" of the profession. There is nothing like having some one else prove a thing possible.

The Albany Law Journal for March 2d contains an extract from an address made by Hon. James H. Rothrock, of the supreme court of Iowa, at the banquet of the Des Moines Bar Association, in which the judge drew a comparison between the practice of the law in the last and the present generations:

"Then very few private libraries exceeded 200 volumes. The average lawyer had no clerk. All his pleadings were written by his own hand. He made his fires and swept out his office. Now, any well-equipped office away from public libraries must have a large collection of books, a clerk, a stenographer and typewriter, and many other expensive appointments. Then the lawyer presented his case to the court without the aid of long lines of decisions on the question at issue. His argument was based upon the analogies of the law, and by logical reasoning and analytical processes of thought he deduced the principles which he claimed controlled the case at bar. Now books have been so multiplied that many arguments are mainly founded upon precedent rather than upon any independent reasoning. With the long lines of decisions of state and federal courts, and the innumerable text-books, it is a contest between authorities, rather than the reasoning of trained lawyers, which is thought to be decisive of disputed questions."

The correspondence department of a house like the West Publishing Co. receives some literary gems which it occasionally longs to share with an appreciative friend. In this

way the following letters, copied verbatim et literatim from the originals, have come into the hands of the editors of Law Book News:

— W. Va. — 1895.

Deare sure I take this pencil to write you a fue Lines to see if you can splie me with 3 or more Books. I saw In you seccion Handid Book List In the Reporter. I am studying Law and I like to get section Hand Book thay aire 3 Books one is Green Leaf on Evidence and Stephen on pleading, and if your all Have a hande Dictneare, which I can applie with thease study, is one Book is \$1.50 Stephen on pleading and Let me Here from you all soon Before I Goe to School next month

Yours

It would seem that school might be a very good place for the young aspirant to legal honors. The following was written in response to an inquiry as to the financial standing of a lawyer who had requested credit:

— Ala. — 1895.

— is nou attourney if he Has Reported theat it is falts, he is Selling goods & Repairin old Watches his Father-in-Law put out Groceries & got him to attend to the Store & he has bought out the stock has nou money as I now off. Sou Look out as he will do Som boddy. & I do not think that you can mak a Dollar out of Him Your Truly do not yous my name

The following entertaining Corporation Catechism, by F. E. L., appeared in Kate Field's Washington. The writer would seem to have gathered experience, if nothing else, from his contact with corporations:

Question. What is a corporation?

Answer. An association founded for the purpose of issuing stock, which the first holders get for nothing and the second holders pay a premium for.

Q. What is a charter member?

A. A person let into a corporation on the ground floor, while the dear public has to climb a ladder and get in at the second story windows.

Q. What is common stock?

A. That kind that is lying around loose when the corporation starts business.

Q. What is preferred stock?

A. The kind everybody prefers to have after the charter members have unloaded all their common.

Q. What are dividends?

A. The small percentages of stockholders' money which they never get back again.

Q. What are bonds?

A. Fetters for tying up the money of those capitalists who are too smart to buy stock.

Q. What is a receiver?

A. A gentleman with cool nerves who comes in at a certain stage of the game and takes all within reach.

Q. What is a receiver's certificate?

A. A paper which certifies to stockholders and bondholders that the receiver is a bigger man than all of them put together.

Q. What is a construction account?

A. A convenient device for accounting for the money which the dear public knows it has paid over, and which the corporation can't produce on demand.

Q. What is a balance sheet?

A. Mathematical demonstration that two and two make seven.

Q. What is a report?

A. A legal formula whereby a corporation inquires whether the public authorities can see any green in its eye.

Q. What do the public authorities require of a corporation?

A. That when it bleeds the dear public, it shall do so with as little pain as possible to the victim.

Q. And what redress has the victim if the corporation defies the law?

A. Profanity.

Of Collateral Interest.

The Yale Law Journal says:

"There are a good many things not legal which are as well worth a lawyer's attention as the technical knowledge of law. Social and financial phenomena, if at all general, are worth looking at, from a business point of view, with especial reference to their practical application to the business future."

These are matters "Of Collateral Interest."

The November-December number of the Johns Hopkins University Studies in Historical and Political Science is devoted to "The International Beginnings of the Congo Free State." It is said to open systematically a chapter in international law in the new aspects in which the European dealings with the African question present it.

Among the books of general interest announced by Harper & Brothers for early publication are Joseph West Moore's "The American Congress," a history of national legislation and political events from 1774 to 1894; and the second and concluding volume of "The Constitutional History of the United States from their Declaration of Independence to the close of their Civil War," by George Ticknor Curtis, edited by Joseph C. Clayton.

"Suicide and Insanity" is the subject of a work recently published in the Social Science Library of Swan Sonnenschein. The author, S. A. K. Strahan, is both a physician and a barrister, and he treats the subject from the physiological and sociological points of view, concluding that suicide is not necessarily a criminal act, though it may be so.

Macmillan & Co.'s imprint is a good recommendation. It appears upon the title page of a "Student's Manual of English Constitutional History," by Dudley Julius Medley, M. A., a tutor in Keble College, Oxford. It aims to bring together the results of the work done recently and separately by F. W. Mait-

land, Professor Dicey, Sir W. Anson, and others, in a similar direction.

Dr. Wm. Howe Tolman, Secretary of the City Vigilance League, New York, has written a book on Municipal Reform Movements, which has been published by Fleming H. Revell Company, with an introduction by the President of the League, Dr. Chas. H. Parkhurst. It covers The Civic Renaissance, Municipal Reform Movements, Movements for Civic Betterment, Women's Work in Municipal Reform, and The City Vigilance League, its origin, growth, object, etc.

Macmillan & Co. have nearly ready a volume of "Studies in Social Life and Theory," by various writers. The work is edited by Mr. B. Bosanquet, who contributes to it papers on Duties of Citizenship, on Character in its Bearing on Social Causation, on Socialism and Natural Selection, on the Principle of Private Property, and on the Reality of the General Will. Mr. C. S. Loch, secretary to the Charity Organization Society, writes on Pauperism and Old-Age Pensions, on some controverted points in Poor Law Administration, and on Returns as an Instrument in Social Science.

"Law in a Free State" is the title of a recent book published by Macmillan & Co. The author, Wordsworth Donisthorpe, classes himself as a socialist, and his book is a series of more or less connected chapters on subjects of economic interest. The Literary World says of the work:

Mr. Donisthorpe has a pet scheme for the "capitalization of labor," which has the one defect that nobody can understand what is meant by it; he believes in temporary marriage contracts; he inveighs against public libraries, and in general disports himself freely among established institutions and the tendencies which go to evolve a higher type of State. If he could restrain his natural vivacity and cultivate his historic sense more, Mr. Donisthorpe would write less amusingly and more profitably.

"The Break-up of the English Party System" is the subject of a paper recently issued by the American Academy of Political and Social Science (Philadelphia) in its series of publications. (Price, 25 cents.) The author, Edward Porritt, author of "The Englishman at Home," discusses one of the most interesting and significant of the features which have developed in English politics since 1835. He shows how the present House does not contain, as formerly, only two distinct parties, but is made up of no less than eight groups, six of which, if taken together, constitute what was formerly the Liberal party, and the remaining two the Opposition. He

then explains how this system developed, and what a great influence it has upon legislation. One of the results of this development, according to Mr. Porritt, will be that what is known as the Liberal party will cease to be a legislative power.

The American Economic Association has just published a monograph on "The Canadian Banking System, 1817-1890," by Roeliff Morton Breckenridge, Ph. D., sometime Seligman Fellow in Economics, Columbia College. The subject is one of special interest to economists and financiers at this time, and the work is so carefully compiled, and stands so alone in its field, that it will doubtless command general attention. Dr. Breckenridge has had access to the public documents of the several British North American provinces and of the Dominion of Canada, and to the files of journals in which alone many of the early parliamentary debates were reported, and has thus been able to correct many popular misapprehensions arising from incomplete information. The work gives an historical narrative account of the system, beginning with the first banks of Lower Canada, carefully following the various changes and developments down to the revision of 1890, and concluding with a chapter on the present working of the system. As indicating the attitude taken through the work, we give the comment of the N. Y. Daily Commercial Bulletin, quoted with approval by the author:

"We know of no system that more closely conforms to the best and broadest economic ideals of banking; none better calculated to afford the largest possible public accommodation; none better adapted to insure a safe utilization of the surplus balances of the people; and none better qualified to supply the daily fluctuating wants of trade with a safe and convenient circulating medium."

Notes of Law Book Errata.

[We invite contributions to this department from all sources, but we have two suggestions to make to correspondents: First, that they report none but serious mistakes; second, that the character of each mistake be very briefly indicated.—Eds. Law Book News.]

Editors Law Book News:

I would suggest to attorneys who are making use of the department for "Notes of Text Book Errata" that they preserve the numbers of the Law Book News, and annotate their text-books, by referring, in the margin where errors are found, to the volume and page of the Law Book News where the error is pointed out. This method will give them the benefit of the research made

by the authors of the notes, which I have often found to be of great value.

T. C. Ryan.

In AMERICAN AND ENGLISH ENCYCLOPEDIA OF LAW (vol. 3, page 51, note 5), the case of Boyce vs. Kalbaugh is stated to be in vol. 27 of American Reports, at page 464. This is an error. The case is in 28 American Reports, page 464. In the same volume of the same work, in note 3, on page 50, the case of Buffalo Cemetery vs. City of Buffalo is stated to be in 46 N. Y., at page 593, whereas the case is on page 506 of the report stated, and does not have any material bearing upon the proposition stated in the text, to support which it is cited. In same book, in note 1, on page 50, the case of Meagher vs. Driscoll is stated as being in 99 Mass., page 381, whereas the case is in the report stated, but on page 281.

A. R. Gray.

Houghton, Mich.

In BAILEY'S MASTER'S LIABILITY FOR INJURIES TO SERVANTS, at page 403, the author refers for a definition of the term "comparative negligence" to an article in the American and English Encyclopedia of Law, and in a note cites "Vol. 4, page 367." The article referred to is not in the 4th volume of the work mentioned, but in the 3rd volume thereof, at the page cited.

In the ENCYCLOPEDIA OF PLEADING AND PRACTICE (vol. 1, pages 73 to 82), W. L. Crawford, author of the article upon Accord and Satisfaction, omits one of the most important points in his subject. In treating of accords made after suit brought he entirely fails to mention a well-settled distinction between accords before suit, which must always be completed by satisfaction in order to constitute them a valid defense, and accords after suit brought where there is a bona fide controversy, which accords are treated as a full defense to the cause of action before satisfaction thereof, and may be set up by way of supplemental answer or plea puls darrein continuance.

T. C. Ryan.

Wausau, Wis.

Personal.

Hon. Levi Burgess, clerk of the supreme court of Ohio, has been obliged to submit to the amputation of his left arm, in the hope of eradicating a cancerous growth which has been under treatment. unfortunately unsuc-

cessful, for two months past. He will have the sympathy of the entire bar.

A portrait and sketch of Darius H. Pingrey is given in the Chicago Legal News of March 2d, together with an address delivered before the Illinois State Bar Association on "If the Jury Believe from the Evidence." Mr. Pingrey is known not only as the author of "Pingrey on Mortgages" and "Chattel Mortgages," but also as a contributor to current legal magazines.

Hon. John W. Showalter, recently appointed United States Circuit Judge for the Seventh Circuit, was the guest of the Chicago Bar Association at the University Club on March 12th, and the occasion was made brilliant by toasts and speeches from Hon. Thomas Dent, president of the association, Hon. John Barton Payne, of the superior court, Gen. John C. Black, Hon. John W. Showalter, Hon. James G. Jenkins, Hon. Thos. A. Moran, Hon. Peter L. Grosscup, and others. A full report of the proceedings, with portraits of the speakers, is given in the Chicago Legal News of March 16th.

Correspondence.

[Correspondence is invited on subjects pertinent to the purpose of LAW BOOK NEWS.]

In re English and American Encyclopedia of Pleading and Practice.

Peoria, Ill., April 3, 1895.

Editors Law Book News—Gentlemen: As a part of your duties is to keep the lawyers of the country posted as to law books, I call your attention to the work above named, the 1st vol. of which has recently appeared. I have nothing to say against the work itself, but its publishers (The Edward Thompson Company) are sending out circulars claiming that it is a companion series to the prior publication by the same house, and containing new data. Now, if you will examine the two topics in such 1st vol., viz.: (1) An agreed case; (2) a pending suit,—you will find them treated largely the same under (1) submission to the court; (2) former suit pending,—in the Encyclopedia of Law (now in process of publication), with much the same citation of authorities. You, being a book publisher, can doubtless explain why this exchange of titles was made.

Yours,

F.

[While we give our readers the benefit of this interesting discovery, we are not prepared to submit any theory in reply to our correspondent's question.—Editors Law Book News.]

NEW LAW BOOKS.

RECORD OF THE LATEST LAW BOOKS.

[We take pleasure in acknowledging our indebtedness to the Publishers' Weekly, of New York, and the Publishers' Circular, of London, which we use in completing this list.]

N. B. Bindings are in law sheep unless otherwise specified.

Treatises, Etc.

American Corporation Legal Manual.

See "Borgmeyer's Volume for 1895."

AMERICAN and English Encyclopaedia of Law. Comp. under the editorial supervision of C. F. Williams, assisted D. S. Garland. V. 27 [Trusts to Usury]. Northport: E. Thompson Co. 1895. 7+1061 pages. \$6.

ANGUS, John W. A dictionary of crimes and offenses according to the law of Scotland. Revised by R. B. Shearer. Edinburgh: Green & Sons. 1895. 12s., net.

Auctions.

See "Bateman's Law of Auctions."

BALL, W. W. R. The student's guide to the bar. 6th Ed. Revised and edited by John P. Bate. London: Macmillan. 2s. 6d., net.

BALLINGER, Richard A. A treatise on the property rights of husband and wife, under the community or ganancial system. San Francisco: Bancroft-Whitney Co. 1895. \$6, net.

BATEMAN'S Law of Auctions. 7th Ed. By Patrick F. Evans. London: Sweet & Maxwell. 1895. 12s.

BORGMEYER, Charles Louis. The 1895 volume of the American Corporation Legal Manual. V. 3. New Jersey: Honeyman & Co. 12+1231 pages. \$4.50, del'd.

BISHOP, Jas. L. A treatise on the common and statute law of the state of New York relating to insolvent debtors. 3d Ed. New York: Baker, Voorhis & Co. 1895. 40+741 pages. \$6.50, del'd.

Blackstone.

See "Sprague's Quizzer D."

BRACKEN, Francis B., and Eustace B. Grimes. The Federal Income Tax, under the law of 1894. Philadelphia: Kay & Brother. 1895. Pamphlet, 50c.

CALIFORNIA. Attorneys' directory; also containing complete list of all county officers and justices of the peace in the state of Cal-

ifornia, and state officers. Los Angeles: Chas. W. Palm Co. 1895. 124 pages. \$1.

CALIFORNIA constitution citations and amendments. Los Angeles: Chas. W. Palm Co. 1895. \$1.

Charities.

See "Dodd's Law of Parochial Charities" (Eng.).

Citations.

See "California Constitution Citations"; "Virginia Citations to the Code."

Contracts in Restraint of Trade.

See "Jolly's Contracts in Restraint of Trade."

Corporations.

See "Borgmeyer's American Corporation Legal Manual."

Criminal Law.

See "Angus' Dictionary of Crimes and Offenses" (Scot.).

DODD, J. Theodore. The law of parochial charities. London: Shaw & Sons. 1895. 2s. 6d., del'd.

ELDRIDGE, Charles Wesley. The United States internal revenue tax system. Comprising all internal revenue laws now in force, as amended by the act of August 28, 1894, including the income tax. Copiously annotated, with a digest of the decisions of the United States courts, the regulations and rulings of the internal revenue office, the treasury department, and the attorney general. Boston: Houghton, Mifflin & Co. 1895. 1 vol., 8vo. \$5, net.

English Law.

See "Ball's Student's Guide to the Bar"; "Bateman's Law of Auctions"; "Dodd's Parochial Charities"; "Glen & Jenkins' Public Health"; "Holland's Elements of Jurisprudence"; "Hood & Challis' Conveyancing and Settled Land Acts"; "Jolly's Contracts in Restraint of Trade"; "Jones' Solicitor's Clerk"; "Jordan & Gove-Browne's Joint-Stock Companies"; "Lumley's Public Health"; "Mackenzie's Overseers' Handbook"; "Mackenzie's Poor Law Guardian"; "Phillips' Patent Facts"; Pitt-Lewis, Smith

& Hawke's *Insane and the Law*"; "Prideaux's *Duties of Churchwardens*"; "Shaw's *Parish Law*"; "Stone's *Justice's Manual*."

Evidence.

See "Smith's *Evidence*."

GLEN, W. C., and A. F. Jenkins. The law relating to public health and local government. 11th Ed. 2 vols. London: Knight & Co. 1895. 63s.

HOLLAND, T. E. The Elements of Jurisprudence. 7th Ed. London: Clarendon Press. 1895. 10s. 6d.

HOOD, H. J., and H. W. Challis. Conveyancing and settled land acts. 4th Ed. London: Reeves & Turner. 1895. 18s.

Husband and Wife.

See "Ballinger's *Property Rights of Husband and Wife*."

Income Tax Law.

See "Bracken's *Federal Income Tax*"; "Eldridge's *U. S. Internal Revenue Tax System*."

Indian Law.

See "Torts."

Internal Revenue.

See "Eldridge's *U. S. Internal Revenue Tax System*."

Insanity.

See "Pitt-Lewis, Smith & Hawke's *Insane and the Law*" (Eng.).

Insolvent Debtors.

See "Bishop's *Insolvent Debtors*."

Joint-Stock Companies.

See "Jordan and Gove-Browne's *Joint-Stock Companies*" (Eng.).

JONES, Charles. The solicitor's clerk. A Handy book of the formation, management of a solicitor's office. 3d and revised Ed. London: Effingham Wilson. 1895. 2s. 6d.

JOLLY, William Arnold. Treatise on the law relating to the validity of contracts in restraint of trade. London: Effingham Wilson. 1895. 1s., net.

JORDAN, William, and F. Gove-Browne. Handy book of the formation, management and winding up of joint-stock companies. 18th Ed. London: Jordan & Sons. 1895. 3s. 6d., net.

Jurisprudence.

See "Holland's *Jurisprudence*" (Eng.).

Law.

See "American and English *Encyclopaedia of Law*."

Legal Directories.

See "California *Attorneys' Directory*."

LUMLEY'S *Public Health*; containing all the statutes relating to the powers and duties of sanitary authorities, to the present time. 5th Ed. By Alex. Macmorran and S. G. Lushington. London: Shaw & Sons. 1895.

MACKENZIE, William. The overseers' handbook. 2d Ed. London: Shaw & Sons. 1895.

MACKENZIE, William W. The poor law guardian. 4th Ed. London: Shaw & Sons. 1895.

MURRAY, Lawrence O., and Charles E. Riordan. Students' review of law and equity, embracing questions and answers. Washington, D. C.: W. H. Lowdermilk. 1895. 316 pages. Sheep, \$3, net, del'd. Paper, \$2.50, net, del'd.

New York.

See "Bishop's *Treatise on Insolvent Debtors*."

OLIVER, Benjamin L. A treatise on American precedents. 5th Ed., revised and enlarged. By Bordman Hall. Boston: Little, Brown & Co. 1895. 773 pages. \$6, net.

PHILLIPS, Robert F. One thousand patent facts. London: Iliffe & Sons. 1895. 2s. 6d.

PITT-LEWIS, Geo., R. P. Smith, and G. A. Hawke. The insane and the law: A plain guide for medical men, solicitors, and others. London: Sweet & Maxwell, Limited. 1895.

Precedents.

See "Oliver's *American Precedents*."

PRIDEAUX, Charles Greville. Duties of churchwardens. 16th Ed. By Frederic Mackarness. London: Shaw & Sons. 1895.

Property Rights.

See "Ballinger's *Property Rights of Husband and Wife*."

Scots Law.

See "Angus' *Dictionary of Crimes and Offenses*."

SHAW'S *Parish Law*. Guide to parish officers in the execution of their duties. 8th Ed. By J. T. Dodd. London: Shaw & Sons. 1895.

SMITH, Peter Francisco. A treatise on evidence. Published for the author. 1895. 712 pages. \$5.

SPRAGUE, W. C. Blackstone quizzer D., being questions and answers on book 4 of Blackstone's *Commentaries*. 2d Ed. Detroit: The Collector Pub. Co. 1895. 30

pages, blank interleaved. (The quizzier ser.) Paper, 50c.

STONE'S Justices' Manual, or Guide to the Ordinary Duties of a Justice of the Peace. 28th Ed. By George B. Kennett. London: Shaw & Sons. 1895.

Students' Books.

See "Murray and Riordan's Review of Law and Equity"; "Sprague's Blackstone Quizzier."

Tax.

See "Eldridge's U. S. Internal Revenue Tax System."

TORTS. A handbook on the law of torts, compiled from Pollock, Underhill, Addison, Blackstone, Collett, Alexander, Stephen, etc. Principles illustrated with rulings of the privy council and the Indian high courts. Konnagar: J. M. Sen & Co. 1894. Price, Re. 1, As. 4, net.

VIRGINIA. Citations to the Code of Virginia. By Abram C. Eby. Richmond: J. W. Randolph & Co. 1895. 1105 pages. \$6, net.

Reports.

AMERICAN electrical cases. V. 2; reporting the electrical cases from January 1, 1886, to July 1, 1889. Albany: Matthew Bender. 1895. \$6.

CANADA. Reports of cases decided in the court of appeal during the year 1894. Toronto: Rowsell & Hutchison. 1895. 30+749 pages.

ENGLISH Reports. Reports of state trials. V. 6. John E. P. Wallis, reporter. 1842-1848. London: Eyre & Spottiswoode. 1894. 10s.

FEDERAL CASES. Book 9; comprising cases argued and determined in the circuit and district courts of the United States. Field-Garcey. Case No. 4,761-Case No. 5,239. St. Paul: West Publishing Co. 1895. 1237 pages. \$10 by subscription.

FEDERAL REPORTER. V. 64; cases argued and determined in the circuit courts of appeals and circuit and district courts of the United States. Permanent edition. Dec., 1894-Feby., 1895. St. Paul: West Publishing Co. 1895. 29+1037 pages. \$5.

MICHIGAN supreme court reports. V. 100; cases decided from April 10 to June 16, 1894. William D. Fuller, reporter. Chicago: Callaghan & Co. 1895. 30+740 pages. \$3.

MISSOURI supreme court reports. V. 122. F. M. Brown, reporter. Columbia:

E. W. Stephens. 1895. 19+5+725 pages. \$3.

MONTANA supreme court reports. V. 14; cases argued and determined at the December term, 1893, and the March and June terms, 1894. Fletcher Maddox, reporter. San Francisco: Bancroft-Whitney Company. 1895. 15+630 pages. \$6, net.

NEBRASKA supreme court reports. V. 41; January and September terms, 1894. D. A. Campbell, reporter. Lincoln: State Journal Co. 1894. 48+952 pages. \$3, net.

NEW YORK state reporter. V. 62; cont. all the current decisions of the courts of record of New York state, etc. Edition by W. H. Silvernail. Albany: W. C. Little & Co. 1895. 8+34+919 pages. \$4.

NEW YORK SUPPLEMENT. V. 31; containing the decisions of the supreme, superior, and lower courts of record of New York state. Permanent edition. Dec. 20, 1894-Feby. 14, 1895. St. Paul: West Publishing Co. 1895. 26+1183. \$5.

PACIFIC REPORTER. V. 38; containing all the decisions of the supreme courts of Cal., Kan., Or., Colo., Wash., Mont., Ariz., Nev., Idaho, Wyo., Utah, N. M., Okl., and court of appeals of Colo. Permanent edition. Nov. 5, 1894-Feby. 21, 1895. St. Paul: West Publishing Co. 1895. 20+1197 pages. \$5.

UNITED STATES courts of appeals reports. V. 14; cases adjudged for the second circuit at Oct. term, 1892. S. A. Blatchford, reporter. New York and Albany: Banks & Bros. 1895. 25+785 pages. \$3.25.

UNITED STATES court of claims reports. V. 20. Term of 1893-94, with abstracts of decisions of the supreme court in appealed cases from October, 1893, to May, 1894. Reported by Charles C. Nott and Archibald Hopkins. Washington: Government Printing Office. 1895. 21+615 pages. \$3.

WISCONSIN supreme court reports. V. 88; May 1-Dec. 11, 1894. Frederic K. Conover, reporter. Chicago: Callaghan & Co. 1895. 28+738 pages. \$2.25 net.

Statutes, Codes, and Laws.

CALIFORNIA. Code slips for 1895. Los Angeles: Chas. W. Palm Co. 1895. Price, per session, \$1.

CALIFORNIA street law. By Frank G. Finlayson. Los Angeles: Chas. W. Palm Co. 1895. 500 pages. \$5.

DISTRICT OF COLUMBIA. Compiled statutes to and including 1889. By William

Stone Abert and Benjamin G. Lovejoy. Washington: W. H. Lowdermilk. 1895. 730 pages. \$4.25, net.

GEORGIA. Acts and resolutions of the general assembly, 1894. Atlanta: Geo. W. Harrison, State Printer. The Franklin Printing & Publishing Co. 1895. 327 pages. \$1.

MICHIGAN. A working edition of the election law and guide to voters and election officers; rev. according to the latest legislation; comp. by S. B. McCracken. Detroit: S. B. McCracken. 1895. 24 pages. Paper, 15c.

OHIO. The annot. Ohio municipal code: laws governing municipal corporations in Ohio. 2d Ed., thoroughly rev. Frank M. Coppock. Cincinnati: W. H. Anderson & Co. 1895. 11+1262 pages. \$3.50.

SOUTH AUSTRALIA. Acts of the parliament. Adelaide: C. E. Bristow. 1895. 131 pages. Paper binding.

Digests.

CANADA. The annual digest of all the reported decisions of the superior courts, including a selection from the Irish; with a collection of cases followed, distinguished, explained, commented on, overruled, or questioned, and references to the statutes, orders, and rules of court during the year 1894. By John Mews. London: Sweet & Maxwell. 1895. 15s.

CIRCUIT COURT OF APPEALS REPORTS. Digest of decisions of the United States circuit court of appeals reported in volumes 1-10; with citations under the several paragraphs showing where they have

been passed upon by the supreme court of the United States, affirmed, cited, etc.; also, a table of cases digested, a table of constitutions and statutes construed, a table of patents enumerated, and an index to annotations. Edited by members of the editorial staff of the National Reporter System. St. Paul: West Publishing Co. 1895. 604 pages. \$4, del'd.

MISSOURI. A digest covering volumes 101 to 121, Missouri Sup. Ct. Rep., and volumes 42 to 58, Missouri Appeals. 2 vols. By Everett W. Pattison. St. Louis: The Gilbert Book Co. 1895. Vol. 1, \$6.50.

PACIFIC. Digest of decisions of the supreme courts of Cal., Colo., Idaho, Kan., Mont., Nev., Or., Wash., Wyo., Ariz., N. M., Okl., Utah, and court of appeals of Colo., reported in the Pacific Reporter, vols. 1-35, and in the following vols. of state and territorial reports: Ariz. 1-2; Cal. 64-101; Colo. (Sup. Ct.) 7-19; Colo. (App.) 1-4; Idaho, 2-3; Kan. 30-53; Mont. 4-13; Nev. 17-21; N. M. 3-5; Okl. 1; Or. 11-25; Utah, 3-9; Wash. State, 1-8; Wash. Ty. 2, 3. Edited by members of the editorial staff of the National Reporter System. St. Paul: West Publishing Co. 1895. 4422 pages. \$10, del'd.

TEXAS. A digest covering vols. 52 to 87 supreme, vols. 1 to 4, appeal civil cases, 2 vols. unreported cases, vols. 1 to 6 reports of the new civil court of appeals. By John and Henry Sayles. 3 vols. St. Louis: The Gilbert Book Co. 1895. Vol. 1, \$8.50.

WISCONSIN. A digest of the decisions of the supreme court from volume 55 to 87, inclusive. By Geo. W. Burnell. Chicago: Callaghan & Co. 1895. \$4.50.

CONTENTS OF NEW BOOKS.

Foster & Abbot's Income Tax.

TITLE PAGE. A treatise on the Federal Income Tax under the Act of 1894. By Roger Foster, of the New York Bar. Author of "Foster's Federal Practice," etc., and Lecturer on Federal Jurisprudence at the Yale Law School; and Everett V. Abbot, of the New York Bar, Lecturer at the Metropolis Law School. Boston: The Boston Book Company. 1895.

PREFACE. The authors have scrupulously abstained from expressing any opinion upon the economical merits or the constitutionality of the act. The book, however, contains a chapter in which is a summary of the arguments which may be used on

either side of the principal constitutional objections that may be raised to the whole act, or any particular provisions of the same. This was prepared by Mr. Foster, and the greater part of it is extracted from an unpublished work by him on Constitutional Law. Mr. Foster has also prepared the chapter on Remedies of the Taxpayer. Nearly all the rest of the book was first drafted by Mr. Abbott, but each of the authors has carefully edited the work of the other.

CONTENTS.

Part I.

Chap. I. History of the Income Tax.

Chap. II. Constitutional Objections to the Statute.

Chap. III. Incidence of the Tax.
 Chap. IV. Income Subject to Tax.
 Chap. V. Returns and Assessments.
 Chap. VI. Payment.
 Chap. VII. Collections.
 Chap. VIII. Remedies of Taxpayer.

Part II.

The Statute Annotated.
 Appendix.

Johnson's Cases on Bills and Notes.

TITLE PAGE. Illustrative Cases upon the Law of Bills and Notes. Selected and Annotated by Elias F. Johnson, B. S., LL. M., Instructor in Law, University of Michigan, and Editor of the Third Edition of Bliss on Code Pleading. St. Paul, Minn.: West Publishing Co. 1895.

FROM THE PREFACE. It is deemed advisable that the student in law should be

required, during his course, to master, in connection with each general branch of the law, a few well-selected cases which are illustrative of the philosophy of that subject. To require each student to do this in the larger law schools has been found to be impracticable, owing to the lack of a sufficient number of copies of individual cases. The only solution of this difficulty seems to be to place in the hands of each student a volume containing the needed cases. The following cases have been selected so far as possible from the most recent discussion, and are to be used in connection with Norton's text on "Bills and Notes," for the purpose of illustrating the general topics therein discussed.

The **TABLE OF CONTENTS** is arranged to form an analysis of the subject illustrated by the selected cases.

REVIEWS OF NEW BOOKS.

Bacon's Benefit Societies and Life Insurance.¹

Reviewed by Hon. Samuel Maxwell,
 Late Chief Justice of the Supreme Court of Nebraska.

[See contents and other descriptive matter on page 20, vol. 2, Law Book News, and other opinions on page 120 of this number.]

At the present time the statutes of the several states permit societies formed for religious, literary, benevolent, social, or benefit purposes to become corporations, by complying with the law. Where societies are thus formed, their powers are defined by their articles of incorporation, and the statutes under which they are created. There would seem to be but little difficulty in determining both their powers and duties, and the rights and liabilities of their members, under such charters. Experience has shown that even the plainest provisions may be misunderstood and ignored, and the party aggrieved compelled to resort to the courts for relief. Many societies are mere voluntary associations, in which the articles of association are considered as an agreement between the members. This fundamental compact is called a "constitution," and is analogous to the charter of a corporation. The legal status of voluntary associations has been the subject of much dispute, and

the adjudicated cases differ widely. The association, however, cannot change the purposes for which it was formed, as set forth in its articles of association, without the consent of all the members. So the executive board cannot convert it into a corporation unless the power is conferred by the constitution or by-laws, and even then any members of the voluntary association who do not acquiesce may remain in the former organization. Many questions necessarily arise as to the rights, duties, and liabilities of members,—more particularly in regard to the admission, trial, and expulsion of members, and liability for debts or obligations incurred. The general rule in regard to controversies in the civil courts concerning property rights of religious societies, the author states, is based on one or more of three propositions: (1) Was the property in controversy, by the express terms of the grant, etc., by which it was acquired, devoted to the support of any specific religious doctrine or belief, or acquired by the society for religious purposes, with no other limitation? (2) Was such society wholly independent in its form of government? (3) Or is it one of a number of such societies united to form a more general body of churches with control in the general association? In the first instance the courts, when necessary to protect the trust, will inquire into the religious faith and practice of the parties claiming its use or control, and will not permit it to be diverted from the trust. So, in case the property was acquired for the use of a religious society, the court will inquire who constitute the society or its

¹A Treatise on the Law of Benefit Societies and Life Insurance, Voluntary Associations, Regular Life, Beneficiary, and Accident Insurance. By Frederick H. Bacon, of the St. Louis Bar. Second edition. 2 vols. St. Louis: The F. H. Thomas Law Book Co. 1894.

legitimate successors, and award them the property. But where property has been acquired by purchase, etc., by a society which constitutes a subordinate part of a religious organization, these tribunals must decide all questions of faith, discipline, rules of custom, or ecclesiastical government; and, where the right of property is dependent on any of these questions which has been decided by the highest tribunal within the organization to which it has been carried, the courts will accept that decision as conclusive, and be governed by it. There are some exceptions to these general rules.

The work treats of the admission of members, and the formalities required; the power of the majority, and rights of the minority; the relative rights of officers, and the jurisdiction of supreme, grand, and subordinate lodges, etc. A large part of the work is devoted to the subject of life insurance in the beneficiary orders. Some 30 years ago, mushroom life insurance companies sprang up at various points in the country, which, by their fraudulent devices and dishonesty, brought the subject of insurance, for a time, into disrepute; and persons who had paid the installments for years—often by self-sacrifice and deprivation—found that the funds of the company had been stolen or squandered, or, at best, a loss would only be paid after the recovery of a judgment. These objections opened the way for the beneficiary orders to provide for the sick, accident, or life insurance of its members. The original design seems to have been to make life insurance a mere incident, and to transact the business with but little if any additional expense to the members. A number of associations have been organized, which, while professedly benevolent in their character, are in fact but mutual life insurance companies. In adjusting losses,—or, rather, refusing to adjust them,—some of these beneficiary orders seem to have lost sight of brotherly love and kindness, and the purpose of the insurance, and set up defenses not justified by the golden rule. The result is that many cases have found their way into courts of last resort, been reported, and are here classified and arranged. Many of the questions presented are comparatively new, and there is a want of harmony in the decisions. The author, therefore, has presented the substance of the various decisions generally, without expressing his opinion on the matter. This would seem best, under the circumstances. The beneficial orders which hold themselves out to the world as bands of friends and brothers should, without objection or unnecessary delay, pay all losses, where there has been a substantial compliance with the rules and by-laws of the order. Technical defenses which deprive parties of their rights are not favored

by the courts, or indeed by the better classes of lodges themselves. The insurance feature of beneficial societies naturally leads to a discussion of the general law of life insurance, and the analogy between the business and nature of the contract of such companies and benefit societies, and a statement of the difference between them. The nature and subject-matter of the contract, warranty, and representation; conditions which avoid the right; premiums, assessments, and dues; excuses for nonpayment of premiums when they become due; waiver and estoppel; remedies, practice, pleading, and evidence, etc.,—are all stated in a clear and intelligible manner. In fact, the work covers the whole subject of life insurance. The author, in stating the leading propositions of the text, has quoted freely from the opinions of the judges. The selections have been chosen with judgment and discrimination, and the practice is sanctioned by some of the ablest law writers. The number of members of the beneficiary orders in the United States at the close of 1892, as reported by the Fraternal Congress, is stated to be 1,187,168, and the number not reported is estimated at 250,000. The amount of insurance is stated to be \$2,387,061,039. The work also contains the Northampton, Carlisle, and other tables of the expectation of life, annuity tables, etc.

The work shows care and research, and will be found of great value to every lawyer who has business relating to voluntary associations, beneficial societies, or life insurance.

Samuel Maynard

Clark's Handbook of Contracts.¹

Reviewed by Prof. Wm. Trickett, Dean
of the Dickinson School of
Law, Carlisle, Pa.

[See contents and other descriptive matter on page 373, vol. 1, Law Book News, and other opinions on page 120 of this number.]

The merits of the work of Sir William Anson on the subject of contracts are not only conspicuous, but they have been generously recognized. Its plan may be safely pronounced more scientific, and its definitions and statements of principles more precise and luminous, than those of the numerous treatises on the same subject that preceded it. It has, however, as a text-book for American students, two defects. Its treatment of sundry topics is too meager,

¹A Handbook of the Law of Contracts. (In the Hornbook Series.) By Wm. L. Clark, Jr., author of "Clark's Criminal Law." St. Paul, Minn.: West Publishing Co.

and the authorities cited by it are too exclusively English. As a teacher of the law of contracts, using Anson as a text-book, the writer has felt for some time the seriousness of these defects. He does not mean to say that the cases which first embodied great principles should be ignored, because of their antiquity, by students of jurisprudence. Far otherwise. He thinks, however, that modern cases, decided with deliberation and competent learning, should be lifted into prominence, and that, for American students, a fair proportion of these modern cases should, when such exist, be American.

Sundry topics sparingly discussed in Anson could, with great propriety, be more amply developed. Reference need be made only to the statute of frauds, consideration, contractual capacity, mistake, duress, illegality of contracts, and certain branches of the subject of the discharge of contracts.

Clark's Handbook seems to preserve the distinctive excellence of Anson, and at the same time to improve upon him.

(a) It adheres to the plan, substantially unimproveable, of Sir William Anson's treatise.

(b) It is eminently lucid and exact in statement.

(c) The cases cited, though numerous, have been found, by considerable verification, to be selected with a view to their pertinence and authoritativeness.

(d) They are preponderantly recent American decisions of courts of much repute, although a proper percentage of leading English cases are both discussed in the text, and referred to in the footnotes.

(e) The development of the various topics is proportional to their importance, and to the volume of extant authority thereupon.

(f) The careful student of the book will find in it a scientific survey of the entire field, in which he will have no difficulty in properly locating such other principles of the law of contracts as the scope and purpose of the work have made it necessary to premit.

The fullness of the notes makes the book a very valuable aid to the practitioner. As a text-book for the use of students, it is distinctly in advance of Bishop, Leake, Smith, Pollock, Metcalf, Lawson, or any others that have fallen under notice. It will rank as one of the comparatively few great text-books put forth in this generation.

After a trial of the treatise for three months as the basis of instruction in the law of contracts, the writer deems it simple justice to say that it has fulfilled all expectations. No complaint of any obscurity has come from the most humbly endowed student. It has proven stimulating and interesting. Its notes are a vast repertory of

pertinent decisions, from which, by teachers and students of every state, appropriate selections can be made for detailed study and discussion. It cannot but accomplish very important results as an instrument of legal education.

Wm. T. Indebett

Dwight's Commentaries.¹

Reviewed by Prof. George Chase, of the New York Law School.

[See contents and other descriptive matter on page 374, vol. 1, Law Book News, and other opinions on page 121 of this number.]

It is natural to wish that a great teacher should leave behind him literary productions which may continue, as far as may be possible after his voice is stilled, the beneficent influence of his teaching. Professor Dwight stood at the head, as has been generally conceded, of the legal instructors of this country. For thirty-three years (1858-1891) the law school over which he presided rendered a service of incalculable benefit to the cause of legal education. It may be said to have revolutionized the general sentiment prevailing among the legal profession in regard to the best method of legal instruction. When he began, it was with a mere handful of students, and the common opinion among lawyers was that the only true way to learn law was in a lawyer's office. In a brief space of years, however, the signal superiority of such instruction as Professor Dwight gave, over that obtainable in the offices, became manifest. The number of students increased rapidly year by year, till in the last years of his life his law school was the largest in America. It had grown also to be the common opinion that a student who desired to gain a really thorough and systematic knowledge of the law should begin in a law-school, and make his study there pre-eminently the means of his education, whether he entered an office then or afterwards. The plausible theory, once advanced, that law schools might make theorists, but not practical lawyers, has been proved by the teachings of experience to have no foundation. Many of the ablest and most renowned practical lawyers now practicing at the bar gained their education through the schools. They studied law as a science, and the result is that they

¹ Commentaries on the Law of Persons and Personal Property. Being an Introduction to the Study of Contracts. By Theodore W. Dwight, late Professor of Law at Columbia College, New York. Edited by Edward F. Dwight. Boston, Mass.: Little, Brown & Co.

practice it as a science. The rapid multiplication of law schools throughout the country shows that this is now recognized everywhere as the true method of study.

The wish, above adverted to, that Dr. Dwight might have left ample works to illustrate and perpetuate his method, finds its only gratification in the single volume before us,—Commentaries on the Law of Persons and Personal Property. It was intended, so the preface tells us, to be the prelude to a "more extended work, which would have embraced the whole subject of contract law." Unfortunately, this purpose was never carried out, and the book on contracts never came in esse. That such a work would have been of the highest value, those can well realize who remember his masterly teaching of the topic of contracts. The labor of daily instruction, and the duties of administration in connection with his school, consumed so much of his time and energy, that the project of treatise writing was constantly postponed to the more favorable season which never came. We must needs be thankful, therefore, that he did find time to complete the work now under consideration. It is intended chiefly as a book for law students, and, like Blackstone's Commentaries, is therefore made purposely elementary in its mode of treatment. But Blackstone has never ceased to interest and charm students "of an older growth," nor will this volume. Professor Dwight's mind was eminently logical and analytic. He loved to reduce every subject to the basis of broad general principles, and then develop under each principle, in due systematic order, the subordinate doctrines therein enfolded. This was one thing which made his lectures so attractive to students. Bewildered by the mass of cases or by the abstruse presentation of a subject by some text writer, the student would find these lectures so orderly in arrangement and so simple in their form of statement that everything came out in beautiful clearness. The book shows this same characteristic. When each new subject is begun, there are first given the general definitions which are essential by way of introduction, happily and clearly expressed. Then follow the main topics embraced in the general subject, each made prominent and distinctive by a special heading. Under each is placed its appropriate subtopics, till the subject is worked out to its furthest ramifications. It used to be said of a distinguished Massachusetts counselor that he administered, in his forensic arguments, more of his own confusion of mind to the court than the other side could counteract. Conversely, it might be said of Professor Dwight that he administered so much of his own clearness of mind to his students that they

were in little danger afterwards of falling into perplexity about what they had been taught. It is a notable advantage, therefore, to all law students to have these lectures printed. They have in these pages the aid of one of the greatest of teachers, and, if they con his written words zealously, they will find their introduction to the study of law made easy and attractive.

Professor Dwight taught the law as a system of principles, and not as a mere aggregation of decided cases. He loved to impress upon students the truth of Lord Coke's saying that "reason is the life of the law." For his own mental satisfaction he was impelled to search into the origin of legal doctrines, and to learn upon what basis of reasoning they rested. He knew well by his own experience that a rule is best apprehended and remembered if the reason for it is well understood. So in his teaching he was constantly asking his students to state what they conceived to be the reasons on which each principle was based. They did not always, of course, suggest the true reason, but, when they failed, he would state it himself, and explain it fully and clearly, so that its justness and soundness might be thoroughly appreciated. Some simple illustration, taken from every-day life, might be cited, and suggest much better than could be done by an elaborate exposition the why and the wherefore of some established doctrine. Text-books and reports are wont to tell us that a thing is so without telling us why it is so, and are oftentimes unsatisfactory for this reason. But a teacher who shows us the essential reasonableness of a doctrine wins his way to our minds and hearts with the greatest ease. This quality is manifest in Professor Dwight's book, as it was in his teaching, though, of course, there is no such opportunity for variety of illustration as there was when the needs of special students suggested, on the spur of the moment, incidents and cases fitted to the immediate demand.

This volume is also noteworthy for its compactness and comprehensiveness. By terse and clear statement, for which Dr. Dwight had a peculiar faculty, a great amount of valuable information is packed away in a brief space. Subjects of wide extent receive a reasonably complete and well-rounded exposition within moderate limits. Thus the subject of Husband and Wife is considered within the compass of 92 pages; that of Parent and Child in 36 pages; that of Corporations in 65 pages; that of Wills and Administration in 88 pages; and so of other topics. Obviously, as much cannot be condensed into such limits as are contained in the special treatises on these subjects, but the reader will be surprised when

he realizes how much learning is packed away in these pages. The treatment of the subject of Husband and Wife, for example, covers the whole field, treating of marriage, the capacity to marry, the legal consequences of the marriage relation as to property rights and otherwise,—also of divorce and the grounds therefor, the defenses to an action for divorce, the consequences of a divorce decree, etc. For the use of a student, needing, as he does, a clear, full, and succinct treatment of legal topics at the beginning of his studies, nothing would be better than this book.

Professor Dwight's special method of legal instruction is, since his death, known distinctively as the "Dwight Method." It does not disparage the value of reported cases, but, on the other hand, regards them as highly serviceable, when read in connection with suitable text-books, and by students whose degree of progress renders it presumable that they can read the cases understandingly and to advantage. Text-books, written by competent hands, state the principles of law in due systematic arrangement and classification, while the cases in the reports serve as object lessons of the application of the principles. This book of Dr. Dwight's affords a good opportunity to test the relative merits of the different methods of instruction now in vogue. It is our belief that a student who takes this volume as his guide, and studies its pages faithfully from the very commencement of his studies, will find his course much more attractive and speedily profitable than if he began by the reading of cases. It is written with the express object that it may be readily within his comprehension, and the exposition is by a master hand. The experience of years in studying the needs of students has served the author well, in enabling him to adapt his book to their requirements. The student who approaches the law as an abstruse subject, bristling with technicalities and requiring portentous labor for its mastery, will be delighted to find how easy the way has been made for him, and how rapidly he makes progress. Everything presented to him is within the measure of his capacity, and so he feels encouragement at every step of the way. He sees the field of legal knowledge ever widening out before him, and realizes that he has only made a beginning, but still, he never feels beyond his depth, even though he is but as yet a novice. And so the foundation of his legal education is laid deep and sure and strong, and he can build on it to greater and greater heights of attainment with perfect confidence that it is stable and enduring. This is the legacy which the great teacher has left us, and, though we may deeply re-

gret that he did not add others to it, we may well treasure this as a most valuable agency in the cause of legal education. It serves to crown and perpetuate the beneficent work of a lifetime spent in this noble cause.



Foster & Abbot's Federal Income Tax.¹

Reviewed by Oliver E. Pagin, Esq., Asst.
U. S. Dist. Atty., Chicago.

[See contents, etc., on page 112 of this number, and other opinions on page 121.]

A man who had claimed to be connected with the fine arts was pressed to specify whether he referred to painting or sculpture. "I do not sculpt myself," said he, "I only carries away the chips for the man as does." Digest making necessarily bears about the same relation to authorship as this man's work did to the fine arts.

It seems to be getting more and more in vogue to collect fragments of the law, under headings of more or less significance, after the "hit-and-miss" style, without any of the skill of the old digest-compilers, who arranged their extracts into legal mosaics. If you would find authorities upon a particular point of law, you have only to plunge into such an "encyclopedia" and flounder around until you meet with them. They are there, and you are bound to find them sooner or later.

Having occasion to clear up a point in his mother's marriage-settlement, Tristram Shandy congratulated himself upon having the good fortune to pop upon the very thing he wanted before he had read a day and a half straightforwards; when it might have taken him a month.

It was to be expected that a book so hastily thrown together as Foster and Abbot's "A Treatise on the Federal Income Tax under the Act of 1894," evidently was, should turn out to be to some extent a work of the kinds above referred to. The authors say in their preface that the object of the work is to furnish a treatise for the benefit of lawyers, government officials, and laymen, on the interpretation of the new law imposing an income tax. To a lawyer with ability to winnow away the chaff, this book will be of service, as it seems to have between its covers references to and extracts from all the

¹A Treatise on the Federal Income Tax under the Law of 1894. By Roger Foster and Everett V. Abbot. Boston: Boston Book Co. 1895.

laws and decisions bearing proximately or remotely upon the matter under consideration. It seems to me that there is too much matter in this book for a layman, and too many errors. A lawyer would not study long over such errors as the following without guessing what was intended, while to a layman—and I include revenue officers in the term—they would be utterly confusing:

Near the bottom of page 37, in the chapter entitled "Constitutional Objections to the Statute," which, as appears from the preface, is the work of Mr. Foster, and was largely extracted from an unpublished work by him on constitutional law, the Supreme Court of Kentucky is made to say, "Such an exaction, by whatever name the legislature might choose to call it, would not be a tax, but would be undoubtedly the taxing of private property for public use, and which could not be done constitutionally without the consent of the owner." To a layman this would be a surprising statement; but a lawyer would easily perceive that the word "taxing" was intended to be "taking."

On page 170, in the quotation from section 20 of the act, the word "leaving" should be "hearing," as may be seen by referring to that part of the book where the act is set out in full, and especially to page 464.

On page 263 begins a quotation of section 989 of the Revised Statutes, in which the words "officer of the Government, no execution shall issue against such" (the gist of the section), are omitted after the word "proper," and the expression "paid out of the proper appropriation" is made to read "paid out by the proper appropriation." Even a layman would infer from the ungrammatical and nonsensical language of this quotation that there was something wrong either with the book or with Congress.

The recent decision of Judge Hagner, of the Supreme Court of the District of Columbia, in the case of *Moore v. Miller*, Commissioner of Internal Revenue, occupying eighteen pages of the book, and the chapter on the constitutional objections to the new act, occupying seventy pages, will be of little or no value after the decision of the Supreme Court is rendered in the case lately argued before it.

However, the practical value of this book lies in the facts that the statute itself is in one place set out in full, in connection with the numerous and scattered provisions of the Revised Statutes pertaining to the collection of internal-revenue taxes generally, while in another place it is set out clause by clause, each followed by very full annotations, and cross-references to other parts of the act, from which the reader may gather what has heretofore been enacted and decided on the subject of income taxes; that a set of the

forms prescribed by the Commissioner of Internal Revenue for use in making returns and assessments is set forth; and that the remedies of the taxpayer, in case of illegal assessment, and the ways of obtaining them, are described in a separate chapter, citing the decisions and practice growing out of prior and analogous internal revenue and customs laws.

There is a good index to the work. The press-work appears to be excellent.

Chas. E. Pagen

Rice's American Probate Law and Practice.¹

Reviewed by Hon. Russell S. Taft, Associate Justice of the Supreme Court of Vermont.

[See contents and other descriptive matter, on page 81, vol. 2, Law Book News, and other opinions on page 122 of this number.]

Litigation in the settlement of estates is quite remunerative to the profession. A century since, in many parts of our country, estates consisted principally of lands, which generally descended to the owners' children as intestate estates. The vast increase of landed values, the frequent accumulation of immense personal estates during the last half century, and the almost universal disposition of estates by will, have resulted in a proportionate amount of litigation. Mr. Rice's late work in one volume upon American Probate Law and Practice covers the whole field of that interesting and important subject, the administration of the law relating to the settlement of estates. It is more like the works of Schouler and Woerner than the voluminous treatises of Redfield, Jarman, and Williams. We have presented in one volume of five hundred and fifty-eight pages a compact, pithy treatise covering the whole domain of probate law. It is what the author intended it should be,—“a practical guide to the whole field.” It is a statement of principles, remarkably clear, concise, and accurate. The author evidently intended to state what the law is, and this is what a practitioner, especially the younger one, wishes to learn; in this respect it is invaluable, for in the beginning the general inquiry is, what is the law? The book is not a digest of cases, a collection of all the cases

¹American Probate Law and Practice. A Complete and Practical Treatise Expository of Probate Law and Practice as it Obtains Today. By Frank C. Rice, Author of *Rice on Civil and Criminal Evidence*. Albany, N. Y.: Matthew Bender. 1894.

which have been adjudged upon this branch of jurisprudence, but, to confirm the statement of a principle, reference is made to important and leading cases, not all that can be found in the multitude of reports, but to those of the best and highest authority. The book would be a better one if the author had omitted all citations of cases decided in the lower courts. The book is so well written, in such clear and simple language, that many a layman will find it interesting and within the grasp of his comprehension. The author discusses the nature and scope of probate jurisdiction, considers the methods of practice and management of the case on the part of the proponents of wills, the duty of the court in admitting them to probate, and their interpretation; states the rules governing their construction, the capacity of testators, and the correct mode of contesting their probate, with the rules of evidence applicable to all probate proceedings. There is a short but interesting chapter on Expert and Opinion Evidence, with the noted views of Surrogate Hutchings upon that subject. He states the legal rules applicable in the proceedings in the settlement of estates in all stages from the grant of letters testamentary or of administration until the estate is fully settled. He thoroughly considers the conclusiveness of probate decrees, gives us an excellent chapter in relation to "Guardian and Ward," and concludes the work with one on the miscellaneous functions of the probate court.

Among the cases cited upon the question of testamentary capacity is that of *Converse v. Converse*, 21 Vt. 168, in which Redfield, J., says, "Less mind is ordinarily requisite to make a will than a contract of sale." Does this mean that if one has capacity sufficient to make a contract, that he cannot make a will? That it is necessary, indispensable, that he should have less? It so reads, does it not?

As an addendum to the book, we have two hundred and fourteen pages of the New York Code of Civil Procedure relating to Surrogate's Practice, and a tabulation of the Field Civil Code of California, of the enactments pertaining to probate law. These statutes, crystallizing the best efforts of American jurists, probably contain a better system of probate law than exists in any other American state. They are of unrivaled excellence, and furnish a guide to practitioners in those jurisdictions that have no specific regulations governing the probate courts. Mr. Rice has done a great service to the bench and bar in this branch of the law.

Russell's Outline Study of Law.¹

Reviewed by Prof. James A. Rohbach,
Secretary of the Faculty of the
State University of Iowa,
Law Department.

[See contents and other descriptive matter on page 307, vol. 1. Law Book News, and other opinions on page 122 of this number.]

The author, in his preface to "Outline Study of Law," states that "these outline lectures are mere summaries of what was much amplified when presented orally." We are pleased with this assurance on the part of the author, because, had we been led to presume otherwise, we could not avoid the feeling that these outline lectures are immeasurably deficient in all matters of real value to the student of law. Even as a basis of lectures to nonmatriculants, upon subjects named in the title to the lectures, we doubt whether, without the above assurance, they are of any merit. We find that the author has selected forty-eight subjects, and has outlined these subjects, in some events including a second subject, but he seems to have used no method in their arrangement (and we suppose that they followed in order of their presentation in this book), but rather to have been selected at haphazard, without any reference, in many cases, to their bearing upon previous subjects, and without either logical or natural order of succession. The subjects are sometimes legal, sometimes historical, sometimes religious, and invariably give but little idea of what really follows in the discussion.

Referring again to the preface, we find the author states that these outline lectures "were prepared to serve as a text-book on elementary law." Selecting as examples a few of the lectures, not because we deem them the most faulty in their merit or bearing on the principles of elementary law, but as fair examples of the usefulness of the volume as a text-book on that subject, we would say that they contain but little else than the most useless (for the purpose above expressed) generalities, and treat of but little relating to the text. This we think true of Lecture VI. Lectures VII and VIII have but little merit as outline study of elementary Law, and Lecture IX is but little more than a fair notice of several excellent works on Religion, Reason, and History, both constitutional and political. In Lecture X, we fail to find any systematic discussion of the subject, but do find much that pleases, al-

Russell S. Taft

¹ Outline Study of Law, by Isaac Franklin Russell, D.C.L., LL.D., Professor in the University of the City of New York. New York: L. K. Strouse & Co. 1894.

though unsupported except by professional and impractical sociologists, but nowhere in this chapter, save the citation from 117 U. S. 288, anything of value to the law student.

Lecture XI leaves the student no better off, so far as any knowledge of the Federal Judiciary is concerned, than before he studied the "outline."

The book is interesting because it hints, in most beautiful language, at many important and valuable topics, which every student, not only of the law, but of history,

as well as every one who seeks to be well informed, should know understandingly.

We might sum it all up by saying the titles to the lectures in this book are good, but they are the only good things the book does contain.

James A. Rolbach

OTHER OPINIONS OF NEW BOOKS.

Bacon's Benefit Societies and Life Insurance.

[See contents on page 20, and a review by Hon. Samuel Maxwell on page 113, vol. 2, Law Book News.]

The first edition of this work appeared in one volume and was very satisfactory to the profession. After a lapse of six years a new edition has been called for. This has required the addition of about five hundred pages of new matter, and the citation of some twelve hundred additional cases. The work is now presented in two volumes of the ordinary law size, printed in a very creditable manner by the printers of the American Law Review. Since the preparation of his first edition, the learned author has been engaged in active practice, largely in cases involving controversies to which these volumes are devoted. During his practice it has been his constant habit to study, collate and arrange the new decisions as fast as they came out. It thus appears that his acquaintance with them is not a mere author's acquaintance, based upon a hasty reading and comparison, but it is the better acquaintance of the practitioner, based upon constant everyday use of them in the active work of the profession. Mr. Bacon is a most conscientious man, mentally and morally. He could not, if he were to try, turn out a slipshod or unconscientious piece of literary work. The necessities of his mental constitution require a thorough and careful study of every case he cites; and we venture the opinion that no book has appeared in recent times embracing a more thorough, careful or conscientious study of every case cited therein than the present volumes. * * * Although there is a general complaint about the multiplication of law books, there can be no complaint on the publication of a thorough and well-studied treatise upon special subjects, like the volume before us. On the contrary, Mr. Bacon will deserve and receive for the present edition what his first edition deserved and

received, the cordial and unstinted thanks of his professional brethren.

—American Law Review.

Clark on Contracts.

[See contents on page 373, vol. 1, Law Book News, and a review by Prof. Wm. Trickett on page 114 of this number.]

We like the way in which the subject of Contracts is developed by the author of this work. He follows the general lines of Anson in his treatment of a contract, and logically traces out its attributes. In spite of the modest disclaimer of originality, Mr. Clark shows that he has not been content to follow the loose statements of either books or cases. In several instances he has insisted upon the logic of the law, though the cases have squinted another way. Therein he has ceased to be a mere compiler, and has asserted the author's privilege. The black-letter headings smack of the class-room, but this, if it be a fault, is not so much Mr. Clark's as it is the publishers', and the publishers declare it to be a positive virtue.

—Yale Law Journal.

This appears to be a complete text-book on the law of contracts. It is arranged in an admirable manner, and, by reason of the black-letter type in which the leading principles discussed are printed at the opening of each chapter, there is no difficulty in ascertaining at a glance the nature of the questions discussed. The notes are arranged so that the cases cited best illustrative of the principle involved appear first.

—New Jersey Law Journal.

The mechanical and typographical arrangement is arranged with the same degree of excellence that has characterized all the volumes of the series. The paragraph head-

ings and the black-letter sentences serve to enable the reader to comprehend and retain the fundamental principles of the subject. These general principles have been stated with clearness, and as concisely as possible in the treatment of a subject comprising so much. In thus confining himself to the essentials the author has shown rare good judgment.

—Michigan Law Journal.

The arrangement of the book is natural and methodical. The author begins with the principles underlying the nature and requisites of contract in general. After a remarkably clear discussion of this groundwork follow in natural sequence the classification of contracts, consideration, capacity of parties, etc. Nearly 10,000 cases have been cited. Every one of them has been personally examined, and is cited because in point, not because it has been cited elsewhere, or because it is found in the digests. This close attention to discover the point actually decided in a given case makes this work an authority on the subject as well for the student as for the practitioner.

—The Counsellor.

Dwight's Commentaries.

[See contents on page 374, vol. 1, Law Book News, and a review by Prof. George Chase on page 115 of this number.]

In this work we have the lectures of the greatest master of simple exposition whose services American law has ever enjoyed. The simplicity and clearness of his statements of the principles of law, and the explicitness with which at each step he explains the meaning of the terms used by the law, appears on every page. Of course, a great part of the skill of such a teacher consists in the wise judgment he exercised concerning the relative importance of different details, and his selection of that which is most useful, characteristic and memorable. These features make the volume one of permanent interest to the bench and bar.

—The University Law Review.

This work is confined in its scope to those topics included in the learned author's lectures at Columbia Law School immediately preceding the course on contracts. The first book deals with the law of personal rights and personal relations, and chapters are devoted to citizens, aliens, infancy, and finally to corporations. The important part of the second book treats of the method of acquiring ownership. The book, while intended

primarily for students, recommends itself not only to neophytes but to the young hierophants in the temple of justice, and may well be read by those who care to refresh their memory and understanding by reviewing the fundamental principles on which the law must ever rest. While neglecting none of the masters who have preceded him, nor forgetting the judicial declarations germane to his subjects, the work is not a mere digest nor a compilation of excerpts loosely thrown together as so many text-books are, which bear the impress of being written to order. The author has stamped his individuality on his work; his plan or scheme is well defined and sustained. The subject-matter is marshalled with intelligence and in natural sequence. The style is simple and terse but interesting and attractive. The tables and index are full and complete, and both suggestive and responsive. It is sufficient to have named the publishers to give assurance of all the superior excellences of the book-makers' art, which always delight us in the productions of Little, Brown & Co. Even in these days of multitudinous productions this work may be said to show cause.

—E. P. Allinson, in American Law Register and Review.

Foster & Abbot's Federal Income Tax.

[See contents, etc., on page 112 of this number, and a review by Oliver E. Pagin, Esq., on page 117.]

This book is certainly the safest guide possible to an investigation of the statute, and it is the only one so far as we know which contains all the sections of the prior acts, all the decisions thereunder and a complete set of forms for returns; forms prepared for the use of collectors which throw considerable light on their duties; the regulations of the Commissioner of Internal Revenue; the opinion in the District Court of Columbia of Judge Hagner in the recent case of Moore v. Miller, Commissioner, and the joint resolution of 15th February, 1895, extending the time to make returns to 15th April of this year. The most immediately useful portion of the book is that containing the statute, annotated clause by clause, which gives the authorities under the prior statutes and those statutes themselves. The chapter which is the product of the most labor is that taken from an unpublished work of Mr. Foster's on Constitutional Law. It gives a clear summary of the arguments and authorities which may be produced for or against the constitutionality of the act, but leaves the reader to draw his own conclusions on most questions. We should have been glad

to have the opinion of the author a little more clearly expressed. A legal author is supposed to do a little more than merely state the arguments for and against a proposition. —"T. C.," in the New York Law Journal.

Important as this act is, it would scarcely seem possible to make a book of nearly 550 pages upon it before it has received any judicial construction, although, if it be upheld, many volumes will be needed to contain the accounts of the litigation which it will cause. But by reprinting the old acts, the instructions to collectors, the copies of various forms now or formerly used, and by constant repetition, the authors have contrived to swell the work to its present compass. While we incline to think that a digest of the old internal-revenue reports might have been more valuable, we can testify, after a careful reading, that nearly every point upon which it is now possible to throw light has been here considered. The book is so prepared as to be available for non-professional readers, and is of service to lawyers especially on account of its annotations upon the statute, section by section. It must be said, however, that many of the citations are wholly irrelevant, and must have been introduced through hasty and careless preparation or as mere padding.

—The Nation.

Rice's American Probate Law and Practice.

[See contents on page 81, vol. 2, Law Book News, and a review by Hon. Russell S. Taft on page 118 of this number.]

The author of this work, Mr. Rice, is favorably known to the profession by his masterly and scholarly treatise on "Civil and Criminal Procedure," and his name is a sufficient guarantee that this volume represents painstaking and laborious research, and a critical and comprehensive presentation of probate law and practice. All the steps by which a decedent's estate passes by probate procedure into the hands of the legal beneficiaries are clearly and forcibly discussed, together with the judicial interpretation of the statutes which regulate this procedure. The volume bears every evidence of discriminating and scholarly research, of critical analysis and of logical presentation. It is characterized by great lucidity of expression and cannot but prove of value to the profession. For the purpose of furnishing a rational guide to members of the bench and bar of jurisdictions that have not adopted specific practice regulations for their probate courts, the author has inserted at the close of the book the different

sections of the codes of civil procedure of the states of New York and California, that relate to probate practice.

—Yale Law Journal.

A man must indeed be courageous to go before the profession with a work which assumes to treat the subject of American probate law in a single volume of 772 pages of text. But whatever may be the merits or demerits of the works of Mr. Rice, their author does not lack the merit of courage. We judge from the examination which we have been able to make that the volume before us treats fairly well a large number of topics relating to the law of wills, the administration of the assets of deceased persons, and the jurisdiction of practice of courts of probate; but if the reader expects to find in it a thorough and exhaustive treatise on those subjects he will probably be disappointed. The printing of the work would be good enough for the fact that the citations are run into the textual matter, as in the previous works of this writer. The index contains but fourteen pages and is altogether insufficient, on any theory of the way to make an index.

—American Law Review.

A new and most welcome treatise on the subject of the American Probate Law and Practice is that by Frank S. Rice. It is a book of the utmost value both to the general practitioner and to the specialist in Probate Law. For, as the author himself says in his preface, this branch of law has been most sedulously avoided by the vast majority of our learned text writers, so that though the governing principles of this department of jurisprudence are universally recognized and most carefully and faithfully followed by our courts, yet no adequate compilation of the law upon the subject has yet been produced.

—Albany Law Journal.

Russell's Outline Study of Law.

[See contents on page 307, vol. 1, Law Book News, and a review by Prof. James A. Rohbach on page 119 of this number.]

This is an exceptionally good little first book of law, meant apparently, and well suited, for use before the serious study of law is begun. It has, in the form of lectures, as the Preface tells us, been so used with success. The author has succeeded especially well in the definition of the general nature of law, and in the consistent application of his definition. Having neatly pointed out that law is not command, but custom, he makes one feel it when he treats of the limitations of an artificial conception like "con-

sideration" for contracts, as well as when he describes the growth and commercial application of the law of Insurance. The book may safely be recommended to those who want to begin at law and see what it is like.

—Harvard Law Review.

The author reveals a breadth of knowledge that forms a rich background to the terse but clear statements which characterizes each lecture. It is an excellent book on elementary law.

—Yale Law Journal.

BOOKS RECEIVED.

From Honeyman & Co., Plainfield, N. J.:
Am. Corporation Legal Manual. 1895.
From Houghton, Mifflin & Co., Boston:
Beach's Law of Insurance.
From E. B. Treat, New York, N. Y.:
Hamilton & Godkin's System of Legal Medicine, vol. 2.

From F. D. Linn & Co., Jersey City:
Randolph & Talcott's Williams on Executors.
From the Boston Book Co., Boston:
Foster & Abbot on the Federal Income Tax.

Leading Text Books Published in 1895.

Abbott's Select Cases on Evidence..	6 00 net	Harlow on Sheriffs and Constables.	
Black's Constitutional Law.....	3 50 net	2d Ed.....	6 00 net
Beach on Injunctions. 2 vols.....	12 00 net	Smith on Evidence.....	5 00 net
Bradner's Rules of Evidence.....	5 00 net	Thompson on Private Corporations.	
Fetter on Equity.....	3 50 net	6 vols	del'd 36 00 net

Leading Text Books Published in 1894.

Bacon on Benefit Societies. 2 vols.		Jones' Forms of Conveyancing. 4th	
2d edition	12 00	edition	6 00 net
Bailey's Master's Liability for Injuries to Servants.....	6 00 net	Kinney on Irrigation.....	7 00 net
Beach on Modern Equity Practice. 2 vols	12 00 net	Lloyd's Law of Buildings. 2d edition. Cloth, \$4.50. Sheep.....	5 00 net
Benedict's Admiralty. 3d edition..	6 00 net	Loveland's Forms of Federal Procedure	6 00
Bliss on Code Pleading. 3d edition	6 00 net	Niblack on Mutual Benefit Societies. 2d Ed.	6 00 net
Browne's Kent's Commentaries....	5 00 net	Pagan's Precedents and Forms in Federal Cases	6 00 del
Burrill on Assignments. 6th edition	6 00 net	Pollock on Torts. Webb edition....	5 00
Carr's Judicial Interpretation of the U. S. Tariff Act.....	5 50 net	Prentice on Police Powers.....	5 00 net
Clark on Contracts.....	3 50 net	Randolph on Eminent Domain...	5 50 net
Clark's Criminal Law.....	3 50 net	Rice's Probate Law and Practice..	6 50 net
Cogley on Strikes & Lockouts.....	4 00 net	Shipman's Common Law Pleading..	3 50 net
Cook on Stocks. 2 vols. 3d edition	12 00 net	Stephen on Pleading (Andrews)...	4 00 net
Coxe on Judicial Power and Un-constitutional Legislation.....	3 00 net	Taylor's Law of Private Corporations. 3d Ed.....	6 00
Daniell's Chancery. 3 vols. 6th Ed.	18 00 net	Tiedeman on Municipal Corporations	6 00 net
Demarest on Elevated Railroad Law	3 50 net	Underhill on Evidence.....	6 00 net
Dillon's Laws and Jurisprudence of England and America. Cloth....	4 00 net	Willey's Procedure in the Courts of Law and Equity.....	2 00 net
Elliott's General Practice. 2 vols..	12 00 net	Williams on Real Property. (Hutchins' Notes.) 17th International Ed.	4 00 net
Fitnam's Trial Procedure.....	6 00 net	Wood on Railways. 3 vols. 2d edition	18 00 net
High on Receivers. 3d edition....	6 00 net		
Jones on Chattel Mortgages. 4th edition	6 00 net		
Jones on Liens. 2 vols. 2d edition	12 00 net		
Jones on Mortgages. 2 vols. 5th edition	12 00 net		

DIGEST

Of Articles on Legal Subjects in Current Periodicals, Newspapers, Annotations in Reports, etc., etc.

List of Abbreviations and Publications Digested.

Abbreviations.	Name.	Published.	Prices of Single Numbers.
Abb. N. C.....	Abbott's New Cases, Drossy Law Book Co., N. Y. City	Monthly.....	\$4.50 per vol.
Alb. Law J.....	Albany Law Journal, Albany, N. Y.....	Weekly.....	25c.
Am. Banker.....	American Banker, New York City.....	Weekly.....	10c.
Am. Law.....	American Lawyer, New York City.....	Monthly.....	10c.
Am. Law Reg. & Rev.....	American Law Register and Review, Philadelphia.....	Monthly.....	50c.
Am. Law Rev.....	American Law Review, St. Louis.....	Bi-Monthly.....	\$1.00.
Am. Prob. R.....	American Probate Reports, Baker, Voorhis & Co., New York City.....	Irregular intervals.....	5.50 per vol.
Am. R. & Corp. R.....	American Railroad and Corporation Reports, E. B. Myers & Co., Chicago.....	Irregular intervals.....	4.50 per vol.
Am. St. Rep.....	American State Reports, Bancroft-Whitney Co., San Francisco.....	Bi-Monthly.....	Sold by subscription only.
Am. & Eng. Corp. Cas.....	American and English Corporation Cases, Edward Thompson Co., Northport, Long Island, N. Y.....	-----	\$4.50 per vol.
Am. & Eng. R. Cas.....	American and English Railroad Cases, Edward Thompson Co., Northport, Long Island, N. Y.....	-----	4.50 per vol.
Aust. Law T.....	Australian Law Times, Melbourne, Australia.....	Semi-Monthly.....	£3 3s. per yr.
Banking Law J.....	Banking Law Journal, New York City.....	Monthly.....	30c.
Barrister.....	The Barrister, Toronto, Can.....	Monthly.....	\$2.00 per year.
Brief.....	The Brief, London, Eng.....	Monthly.....	Sixpence.
Can. Law J.....	Canada Law Journal, Toronto, Can.....	Semi-Monthly.....	25c.
Can. Law T.....	Canadian Law Times, Toronto, Can.....	Monthly.....	50c.
Cape Law J.....	Cape Law Journal, Grahamstown, Cape of Good Hope	Quarterly.....	\$1.50.
C. C. A.....	U. S. Circuit Courts of Appeals Reports, West Pub. Co., St. Paul, Minn.....	Irregular intervals.....	\$3.35 per vol.
Cent. Law J.....	Central Law Journal, St. Louis.....	Weekly.....	25c.
Chi. Law J.....	Chicago Law Journal, Chicago.....	Monthly.....	25c.
Chi. Leg. N.....	Chicago Legal News, Chicago.....	Weekly.....	10c.
Civil Proc. R.....	New York Civil Procedure Reports, S. S. Peloubet, New York City.....	Monthly.....	10c.
Collector.....	The Collector and Commercial Lawyer, Detroit, Mich.....	Monthly.....	30c.
Counsellor.....	The Counsellor, New York City.....	Monthly.....	\$1.00.
Cr. Law Mag.....	Criminal Law Magazine, Jersey City, N. J.....	Bi-Monthly.....	10c.
Daily Balt. Rec.....	Daily Baltimore Record, Baltimore, Md.....	Daily.....	50c.
Green Bag.....	Green Bag, Boston.....	Monthly.....	10c.
Guide.....	The Guide, Kalamazoo, Mich.....	Monthly.....	35c.
Harv. Law Rev.....	Harvard Law Review, Cambridge, Mass.....	Quarterly.....	45c.
Int. Jour. Eth.....	International Journal of Ethics, Philadelphia, Pa.....	Monthly.....	25c.
Iowa Univ. Law Bul.....	Law Bulletin of Iowa University, Iowa City, Iowa.....	Weekly.....	1 shilling.
Ir. Law T.....	Irish Law Times & Solicitors' Journal, Dublin, Ire.....	Weekly.....	Sixpence.
J. P.....	Justice of the Peace, London, Eng.....	Quarterly.....	Sixpence.
Jurid. Rev.....	Juridical Review, Edinburgh, Scotland.....	Monthly.....	5 shillings.
Law Notes.....	Law Notes, London, Eng.....	Quarterly.....	10c.
Law Quart. Rev.....	Law Quarterly Review, London, Eng.....	Monthly.....	Sixpence.
Law Student's Helper.....	Law Student's Helper, Detroit, Mich.....	Monthly.....	75c.
Law Students' J.....	Law Students' Journal, John Indermaur, Chancery Lane, London, Eng.....	Weekly.....	10c.
Law T.....	Law Times, London, Eng.....	Semi-Monthly.....	75c.
Lawy. Rep. Ann.....	Lawyers' Reports Annotated, Lawyers' Co-operative Pub. Co., Rochester, N. Y.....	Weekly.....	10c.
Leg. Int.....	Legal Intelligencer, Philadelphia.....	Quarterly.....	25c.
Madras Law J.....	Madras Law Journal.....	Monthly.....	25c.
Med. Leg. J.....	Medico-Legal Journal, New York City.....	Monthly.....	25c.
Mich. Law J.....	Michigan Law Journal, Detroit, Mich.....	Monthly.....	25c.
Minn. Law J.....	Minnesota Law Journal, St. Paul, Minn.....	Monthly.....	25c.
Mont. Leg. N.....	Montreal Legal News, Montreal, Can.....	Irregular Int'vis.....	\$5 per vol.
Morr. Min. R.....	Morrison's Mining Reports, Callaghan & Co., Chicago	Weekly.....	10c.
Nat. Corp. Rep.....	National Corporation Reporter, Chicago.....	Monthly.....	25c.
N. J. Law J.....	New Jersey Law Journal, Plainfield, N. J.....	Monthly.....	25c.
N. W. Law Rev.....	Northwestern Law Review, Chicago.....	Monthly.....	25c.
N. Y. Cr. R.....	New York Criminal Reports, S. S. Peloubet, N. Y. City	Monthly.....	25c.
N. Y. Law J.....	New York Law Journal, New York City.....	Daily.....	05c.
N. Y. Law Rev.....	New York Law Review, Ithaca, N. Y.....	Monthly.....	25c.
Pa. Law Series.....	Pennsylvania Law Series, Philadelphia, Pa.....	Monthly.....	\$1.00.
Pittab. Leg. J.....	Pittsburgh Legal Journal, Pittsburgh, Pa.....	Weekly.....	10c.
Political Science.....	Political Science, Boston, Mass.....	Quarterly.....	25c.
Quart. Jour. Econ.....	Quarterly Journal of Economics, Boston.....	Quarterly.....	\$2.00 per year.
Rev. of Rev.....	Review of Reviews, New York City.....	Monthly.....	\$2.50 per year.
Revue Generale.....	Revue Generale, Paris, France.....	Monthly.....	1 shill. and sixpence
Scot. Law Rev.....	Scottish Law Review, Glasgow, Scot.....	Monthly.....	25c.
Scot. Law T.....	Scotts' Law Times, Edinburgh, Scotland.....	Weekly.....	10c.
University Law Rev.....	University Law Review, New York City.....	Monthly.....	25c.
Wash. Law R.....	Washington Law Reporter, Washington.....	Weekly.....	10c.
West. Res. L. J.....	Western Reserve Law Journal, Cleveland, O.....	Monthly.....	20c.
Wkly. Law Bul.....	Weekly Law Bulletin and Ohio Law Journal, Columbus, Ohio.....	Weekly.....	25c.
Western Reserve Law J.....	Western Reserve Law Journal, Cleveland, Ohio.....	Monthly.....	20c.
W. Va. Bar.....	West Virginia Bar, Morgantown, W. Va.....	Monthly.....	10c.
Yale Law J.....	Yale Law Journal, New Haven, Conn.....	Monthly.....	25c.

TOPICAL DIGEST.

N. B. The Classification of the American Digest is here used.

Accident Insurance.

— See "Insurance."

ADOPTION.

An interesting historical article on adoption in Japan.—By Robert Morris. 4 Yale Law J. 143.

Ancient Lights.

— See "Easements."

APPEAL.

A collection of authorities on the power of the appellate court to interfere with a verdict because of excessive damages.—26 L. R. A. 384.

ARBITRATION AND AWARD.

A short article on the practicability of practicing lawyers serving as arbitrators.—12 N. Y. Law J. 1608.

Assignment for Benefit of Creditors.

— Preferences by foreign corporations, see "Corporations."

ATTORNEY AND CLIENT.

A short article on the authority of counsel to compromise.—98 Law T. 489.

BAILMENT.

A short note on the liability of a hirer for driving a team to places where it was not hired to go.—26 L. R. A. 366.

Bar Associations.

— See "Law."

BREACH OF MARRIAGE PROMISE.

A short note as to the defenses possible in an action for a breach of promise of marriage.—26 L. R. A. 430.

CHARITIES.

A valuable article on the duty of the state in suits attacking charitable bequests.—By Simeon E. Baldwin. 4 Yale Law J. 133.

Common Law.

— See "Law."

Compromise.

— By attorney, see "Attorney and Client."

CONSTITUTIONAL LAW.

A short article on the constitutionality of the income tax.—By Wm. D. Lewis. 34 Am. Law Reg. & Rev. 189.

A review of the taxing powers of the United States, with numerous citations.—By James J. Hamilton. 51 Alb. Law J. 200.

A review of the constitutional rights of Canada.—By O. A. Howland. 1 Barrister, 150.

A review of the new judiciary article of the New York constitution.—By J. Newtop Fiero. 1 N. Y. Law Rev. 47.

CONTRACTS.

— Between master and servant, see "Master and Servant."

A valuable article, with numerous citations, on the doctrine of ejusdem generis, as applied to the construction of documents.—31 Can. Law J. 146.

CORPORATIONS.

— Service on nonresident corporation, see "Writs."

An article on the personal liability of one whose name appears as a stockholder on the books of a corporation followed by the term "trustee."—By Lyne S. Metcalfe, Jr. 40 Cent. Law J. 248.

A short article on the right of a stock subscriber to deliver the stock subscription to the agent of the corporation in escrow.—10 Nat. Corp. Rep. 30.

A note on the liability of stockholders, as affected by the statute of limitations, with numerous citations.—By William L. Murfree, Jr. 40 Cent. Law J. 210.

An interesting article on the rights and remedies of the corporation and its stockholders in respect to contracts ultra vires.—By Charles A. Winter. 4 Counsellor, 151.

A valuable note on the right of insolvent foreign corporations to make preferences under general assignments.—By C. A. Collins. 1 N. Y. Law Rev. 69.

An address before the Kansas City Bar Association on the corporation as a factor of modern growth.—3 Am. Lawy. 62.

COURTS.

A sketch of the supreme court of Ohio, with numerous illustrations.—By Edgar B. Kinkaid. 7 Green Bag, 105.

An interesting historical sketch of the supreme court of the United States in 1866.—By R. C. Parsons. 1 Western Reserve Law J. 43.

CRIMINAL LAW.

A short article on the punishment of lunatics as criminals.—98 Law T. 415.

Damages.

— Excessive damages, see "Appeal."

— For mental suffering, see "Telegraph Companies."

DESCENT AND DISTRIBUTION.

A review of the right of the United States to tax inheritances.—By Luther E. Hewitt. 34 Am. Law Reg. & Rev. 179.

DIVORCE.

A short note, with a few authorities, on the liability of a father for the support of his children on the award of the custody to the mother.—40 Cent. Law J. 214.

EASEMENTS.

An article on the obstruction of ancient lights, with a review of the recent cases in relation thereto.—J. P. Republished in 29 Ir. Law T. 101.

ELECTIONS AND VOTERS.

The effect of residence at the seat of a seminary, as bearing upon the right to vote, with reference to the case of *Berry v. Wilcox* (Neb.) 62 N. W. 249.—12 N. Y. Law J. 1562.

Electricity.

— See "Negligence."

EMINENT DOMAIN.

A review of the right to take a part of the house in condemnation proceedings.—J. P. Republished in 29 Ir. Law T. 146.

An interesting article on the rights of abutting owners on highways appropriated in part by electric railroads, with reference to the case of *West Jersey R. Co. v. Camden, G. & W. Ry. Co.* (N. J. Ch.) 29 Atl. 423.—By Samuel D. Matlack. 34 Am. Law Reg. & Rev. 38.

EVIDENCE.

A short article on the admissibility of declarations or statements of agents as against their principals.—59 J. P. 145.

EXECUTORS AND ADMINISTRATORS.

An article on the constructive appointment of executors where, to adopt the customary phrase, probate is granted to an executor according to the tenor of the will.—Sol. J. Republished in 29 Ir. Law T. 99.

FRAUDS, STATUTE OF.

An interesting article on the question whether the sale of standing trees involves any "interest in or concerning land," within the statute of frauds.—By Edmund H. Bennett. 8 Harv. Law Rev. 367.

GIFTS.

A short article on the validity of a gift by promissory note.—26 L. R. A. 305.

HEALTH.

A short article on the control of infectious diseases.—59 J. P. 147.

HIGHWAYS.

A short article on the law of the road.—By Israel H. Peres. 4 Yale Law J. 137.

HUSBAND AND WIFE.

A valuable article on covenants in a marriage settlement to settle future acquired property.—By Charles Thwaites. 17 Law Students' J. 58.

Independent Contractors.

— See "Master and Servant."

INJUNCTION.

An interesting article on the right of a court of equity to restrain publications intruding upon privacy.—34 Am. Law Reg. & Rev. 134.

INSANITY.

— Punishment of lunatics, see "Criminal Law."

INSURANCE.

— See "Limitation of Actions."

The effect of death by freezing on an accident insurance policy.—Scot. Law T. Republished in 29 Ir. Law T. 110.

LANDLORD AND TENANT.

A continuation of a valuable article on the relation of landlord and tenant.—6 Chi. Law J. 81.

LAW.

A review of the ninth annual meeting of the West Virginia Bar Association.—2 W. Va. Bar, 33.

A report of the annual meeting of the New York State Bar Association.—3 Am. Lawy. 92.

A short article on the question so widely discussed of late, as to whether there can be said to be a federal common law.—12 N. Y. Law J. 1492.

LIBEL AND SLANDER.

A continuation of the review of the Canadian libel act of 1894.—By J. King. 15 Can. Law T. 61.

A note, with numerous authorities, on the question whether statements imputing incompetency to physicians constitute slander.—26 L. R. A. 325.

LIMITATION OF ACTIONS.

— See "Corporations."

An interesting article, with numerous citations, as to limitation of actions with reference to insurance contracts.—By W. C. Rodgers. 34 Am. Law Reg. & Rev. 52.

MANDAMUS.

A review of the use of mandamus as a means of settling strikes, in connection with a recent street-railway strike in Brooklyn.—By Stephen B. Stanton. 34 Am. Law Reg. & Rev. 102.

MARRIAGE.

A continuation of a series of articles on the marriage laws of Scotland.—2 Scot. Law T. 492, 509, 525, 539.

Marriage Settlements.

— See "Husband and Wife."

MASTER AND SERVANT.

A review of the limitations of the doctrine of the independent contractor.—By Charles W. Pierson. 29 Am. Law Rev. 229.

A review of recent labor legislation and statutory limitations of freedom of contract between employer and employé.—By Frederick C. Woodward. 29 Am. Law Rev. 236.

An interesting article, with numerous citations, on the liability of a master for personal injuries to third parties caused by the

willful or malicious acts of his servants, with reference to the recent case of Texas & P. Ry. Co. v. Scoville, 10 C. C. A. 479, 62 Fed. 730.—By Thomas S. Gates. 34 Am. Law Reg. & Rev. 120.

Mental Suffering.

— As element of damage, see "Telegraph Companies."

MONOPOLIES.

A review of the recent decision in case of U. S. v. E. C. Knight Co., 15 Sup. Ct. 249, in which the action was brought to dissolve what is known as the sugar trust.—29 Am. Law Rev. 283.

MUNICIPAL CORPORATIONS.

A valuable article on the right of churches and charitable institutions to exemption from assessments for street paving and other public improvements, with particular reference to the case of Appeal of M. E. Church of Sewickley (Pa. Sup.) 30 Atl. 1007.—By Lucius S. Landreth. 34 Am. Law Reg. & Rev. 169.

NEGLIGENCE.

A short note on the distinction between the liability of a property owner for injuries to guests and to invited persons, with reference to the recent case of Howe v. Ohmart (Ind. App.) 33 N. E. 466.—34 Am. Law Reg. & Rev. 196.

A short article on the liability for escape of electricity, with citations of the most recent cases.—By E. W. Huffcut. 1 N. Y. Law Rev. 56.

Parent and Child.

— Support of children, see "Divorce."

Principal and Agent.

— Declarations of agents, see "Evidence."

PROPERTY.

An address before the New York State Bar Association on the rights and duties of property in our legal and social system.—By John F. Dillon. 29 Am. Law Rev. 161.

A note, with numerous authorities, on the right of property in growing trees.—By George C. Flett. 40 Cent. Law J. 230.

RAILROAD COMPANIES.

An interesting paper, read before the New York State Bar Association, on government

regulation of railroad rates.—By Martin A. Knapp. 51 Alb. Law J. 151.

A continuation of a valuable article on the right of the majority of the stockholders of a railroad to lease it with the assent of the legislature.—8 Harv. Law Rev. 396.

REAL ESTATE.

A series of valuable articles on land transferred and registration of title.—29 Ir. Law T. 113, 125, 137.

RELEASE AND DISCHARGE.

A short note, with numerous authorities, on the effect of a release, executed by the person injured, of all claims for damages.—40 Cent. Law J. 236.

RELIGIOUS SOCIETIES.

— Exemption from assessments, see "Municipal Corporations."

A valuable series of articles on the church and the law, and the legal nature of the establishment.—98 Law T. 274, 393.

Revocation.

— Of wills, see "Wills."

SALE.

An article on implied warranty in a manufacturer's contract of sale, with numerous citations.—By E. M. Winston. 40 Cent. Law J. 182.

SCHOOLS AND SCHOOL DISTRICTS.

A review of the Manitoba school case.—1 Barrister, 145.

Stockholders.

— Rights and liabilities, see "Corporations."

Strikes.

— See "Mandamus."

Taxation.

— Constitutionality of income tax, see "Constitutional Law."

— Of inheritances, see "Descent and Distribution."

— Taxing powers of the United States, see "Constitutional Law."

TELEGRAPH COMPANIES.

A lengthy review, with numerous citations, of the doctrine of liability of a telegraph company for mental suffering.—By W. C. Rodgers. 29 Am. Law Rev. 209.

TORTS.

— Of servant, see "Master and Servant."

A general analysis of tort relations.—By John H. Wigmore. 8 Harv. Law Rev. 377.

Trees.

— See "Property."

Trusts.

— See "Monopolies."

— Liability of trustees as stockholders, see "Corporations."

Warranty.

— Implied warranty, see "Sale."

WILLS.

— Charitable bequests, see "Charities."

A short article, with numerous authorities, on common-law and statutory revocation of will by marriage, by birth of child, and by both.—By E. J. Marshall. 1 N. Y. Law Rev. 61.

WRITS.

A short article on the effect of a service of summons on the nonresident president of a foreign corporation while temporarily within the jurisdiction of the court, with reference to *Goldey v. Morning News of New Haven*, 15 Sup. Ct. 559.—12 N. Y. Law J. 1584.

LAW BOOK NEWS.

A Monthly Review of Current Law Literature and Journal of Legal Bibliography.

Terms of Subscription: \$1 a Year; Single Copies, 10 Cents.

VOL. 2.

ST. PAUL, MINN., MAY, 1895.

No. 5.

The Publishers of Books.

IT is a very difficult and delicate matter to keep a perfect balance in this world,—to be loyal to one's ideal of what is worth striving for without becoming impractical, or to recognize and deal with the actually existing conditions of life without becoming a little cynical in regard to ideals. And yet that is exactly the balance which must be kept if anything is to be accomplished. It is very easy to be a thorough-going idealist and cry for the moon. It is very easy to pooh! pooh! the whole thing, and declare that moonlight is nothing but moonshine. It is more difficult to do justice to the truth on both sides, and bring them into harmonious working.

The American Lawyer for April has an editorial on "The Duty of Law-Book Publishers," continuing the discussion begun in the American Lawyer for January upon "The Books of the Law," to which a reply was made in the editorial on "Great Law Books" in the February number of Law Book News. The Lawyer writes avowedly from the standpoint of the practitioner, which it assumes (without sufficient grounds, we think) to be something entirely different from the standpoint of the publisher. It declares that the great bulk of the literature which law publishers have been furnishing in recent years lies "under the censure, if not, indeed, under the condemnation, of the profession," and that this kind of work "will not much longer be tolerated by live members of the bar." It wants books of like character to Blackstone, Kent, and other classics "in every department of our jurisprudence." True, it is a pretty moon, and the desire to possess it is not unnatural. But how to get it down? Ah, that is the duty of the servants of the profession, the publishers. "What is required of the publishers is that they shall winnow the bar and lead to the realms of juridical authorship the master

minds of the profession, whose matured judgment and conscientious service will, from the accumulated deposits of judicial opinion, evolve the treatises demanded by the times."

It sounds simple,—but practically it is not easy to "lead" the master minds of the profession to do something they do not care to do. To assume that the publishers can and should do so is to ignore the actual facts and conditions which the people who are doing the work *must* recognize. It is with no desire to turn aside a righteous censure, but simply with a hope of making the facts clear, that we desire to call attention to the part which the publishers play in the matter of book-making.

The publisher of law books, like the publisher of other books, chooses the best of the books that are offered him, and brings them out for the public. In deciding as to what is "best," he is guided largely by his knowledge of what his public wants, since he is generally in business to make a living rather than as a public educator. At the same time, every reputable publisher knows that he has done something more than advance his own interests. He has had an opportunity, and has used it, to save the public taste from some shocks and some dangers. He perhaps has not published masterpieces which the world did not want to buy, but, on the other hand, he has given the world the best grade of the material offered which it would pay for. In the case of law books, he has generally risked issuing even the masterpieces,—knowing the high appreciation of the legal profession! At any rate, there are no stories current of law books which have been refused by a dozen publishers, and then have carried the world by storm, as "A Gentleman of France" did not long ago. In other words, the publisher is simply the purveyor for the public. He is limited on the one side by the books offered him, and on the other side by the demands of the public.

If the public wants "case-winners," he cannot risk his business by bringing out nothing but books of theory. If the master minds of the profession are otherwise occupied than with authorship, he must accept the work of other minds instead.

But perhaps the American Lawyer is simply beating the profession over the publishers' shoulders. On further consideration, this strikes us as the most probable explanation of its strictures, for it continues as follows:

"It is idle to say that this cannot be done. The superb history of our jurisprudence glows with the record of the labors of love in its behalf rendered by the most eminent of its ministers. To doubt that the profession still holds in its ranks a goodly number of members of the highest deserved eminence whose unselfish devotion to the sacred principles of the jurisprudence they administer is not sufficient to lead them to render it the meager service of their best thought and experience along the lines indicated, is to confess that the suggestion of the News that such men find 'more profit in arguing cases, or more glory in deciding them, than in writing books,' marks the height of the fealty of our best lawyers to their beloved profession. This we do not admit."

If the American Lawyer can thus arouse the master minds of the profession to a sense of their obligation in the direction of contributing to the too meager list of great books, it will be a consummation most devoutly to be wished, and the publishers of to-day will anticipate the voice of posterity in rising up and calling the editor blessed.

Eastern Praise for Western Books.

THE stress which The American Lawyer is laying in its book reviews upon the necessity of a higher standard in legal literature than has been common in the books of the past gives peculiar significance to the cordial praise which it bestows, in its May issue, on the "Hornbook Series." The editor states that his judgment had been withheld until a sufficient number of volumes should be published to warrant an opinion as to their success in forming a series, because he felt that, "if the announced design was measurably attained as the series developed, a distinct, valuable, and lasting benefit to the momentous cause of legal education would inevitably result." From the words that follow it ap-

pears that he is satisfied the announced design has been attained, perhaps somewhat more than "measurably." After describing the special features of the "Hornbook" presentation, he says:

"This characteristic is something more than mechanical. It is a plan whereby the learner, or the perplexed practitioner, can secure the exact statement of a principle of law without a search through a mass of dissertation or of accumulated judicial opinion, and in connection therewith find the leading cases upon which it is founded. Or, if this be not sufficient for his purpose, there follows, in a different type, an amplification of the condensed statement, wherein is summarized, with authorities stated, the conclusions of the several courts passing upon the principle, either upholding, modifying, extending, or disputing it. Thus the student gets all that is requisite in the initial stages of his study, and the practitioner finds his knowledge clarified, and an accurate guide to the fuller founts of information, if a farther inquiry is necessary."

And the conclusion is given:

"It would be hard to suggest improvements upon the method described in the matter of facilitating a search for the elementary rules of the law and its practice. We have only words of cordial praise for the enterprise which devised, and the skill which is guiding, this series of elementary treatises to a place of importance, as well as of prominence, in our literature."

The prerogative of the critic is exercised in the suggestion that all the books should pass under one editorial supervision, in order to enhance the element of homogeneity, but it is admitted that, as it is, "each one is marked by lucidity as well as accuracy of expression; and while, as is to be expected, the degree of excellence varies, there is not one of them but admirably fills its allotted place, and will be found a positive aid to the acquirement or the imparting of legal knowledge, and very often to the hurried lawyer in active practice."

To Reduce Case-Law.

THE mail brings to the editorial desk simultaneously two concurring opinions from almost antipodal parts of the earth, relating to the growth of case-law reports. The first is from Hon. J. H. Rothrock, of the Supreme Court of Iowa. In his address at the annual banquet of the Bar Association of Des Moines, he said, *inter alia*:

"Courts of last resort are given to too much elaboration. The opinions are much more ex-

tended than necessary. The iteration and reiteration of the fundamental principles and the citation of authorities in their support ought to be excluded as mere rubbish. The opinions of courts are not for the purpose of instruction in rudimentary law. If a new question arises it should be properly treated and the reasons given therefor. But the citation of scores of cases on the common question should be omitted. It is enough to refer the reader to the Digests in such cases. The opinions should be in such form that they can readily be used in the hurry of a trial in the lower courts. A recent writer has said that there are opinions now being rendered by the courts, each of which cites more authorities than John Marshall cited in all the cases ever written by him. In a late number of one of the Reporters, there is an opinion of the supreme court of one of the states which occupies thirty-two solid columns, equal to about fifty pages in a volume of official Reports. Ten pages would have been ample to properly elaborate and determine every material question in the case. All the other space is of value only to the compositor who sets the type. This case is cited as an example of many others to be found in recent Law Reports."

The other comment comes from India. The Legal Companion, in an editorial upon "Law Reporting," says:

"Lawyers in India are at a loss to know what to do with 75 volumes of the Indian Law Reports, 15 volumes of the Bengal Law Reports, 26 volumes of the Weekly Reporter, 13 volumes of the Calcutta Law Reports, numberless volumes of the late Sudder Dewaney Adalat and the High Court Reports, not to speak of the series of the Panjab Record, Indian Jurist, Wyman's R. C. C. Reports, Sevestre's and Marshall's Reports (some of which fortunately have gone out of print). It is really painful to think of having to read all these books. But there might be much reduction of reportable matter, and much of the valuable time of the judges, practitioners, and law students might be saved, if the judges do not attempt to lay down the law when in fact they merely follow earlier decisions."

The solution thus arrived at separately and independently is one that must appeal to every thoughtful mind. It goes to the root of the trouble. All attempts to "select" certain cases for publication or use are but a dealing with symptoms. So long as the decisions of the courts are recognized as quotable expressions of the law, they must be made easy of access. Reform must come in a change of the system, or in a reduction of the number of the cases, not by a "selector" who will be overruled by every individual member of the bar, but by those who alone have the power,—the judges themselves.

Announcements.

[Publishers and others are invited to send news regarding law writers and law books, and any items of interest to legal bibliography.]

The Barrister (Toronto) reports that a new edition of Holmsted & Langton's Commentaries on the Judicature Act is to be prepared by the authors.

The Australian Law Times announces as in press a work on "Bills of Sale, Stock Mortgages, Liens, and other Securities under the Instruments Act 1890."

Houghton, Mifflin & Co. announce as in press a treatise on Equity and Equity Pleading, by Elias Merwin, late of the Boston bar, and professor in the law school of Boston University.

A consolidated Ontario Digest is announced by the Carswell Company, Limited. It is to include the cases digested in Robinson & Joseph, and in the old Ontario Digest, together with later cases to date.

Among the books announced by the West Publishing Company for June are the South-eastern Reporter Digest (covering volumes 1 to 20), Tiffany (F. B.) on Sales, and Tiffany (W. C.) on Domestic Relations, in the Hornbook Series, Book 12, Federal Cases, and volume 12 of the C. C. A. Reports.

The West Publishing Co. will issue this month the third volume of the Northwestern Reporter Digest (covering volumes 51 to 60 of the Northwestern Reporter), volume 56, Minnesota Reports, volume 29, Southwestern Reporter, volume 16, Southern Reporter, volume 65, Federal Reporter, volume 39, North-eastern Reporter, and Book 11, Federal Cases.

Two new volumes in the Hornbook Series are announced for immediate publication by the West Publishing Company. One is a handbook of the Law of Sales, by Francis B. Tiffany, author of "Tiffany on Death by Wrongful Act," and a lecturer in the Minnesota University Law School; the other a handbook of the Law of Domestic Relations, by Walter C. Tiffany.

The Minnesota Legislature passed the act making the Compilation of Minnesota Statutes (General Statutes 1894) competent evidence,

but the provision authorizing a new edition, to be called the "General Statutes of 1896," was stricken out. On this account the West Publishing Company announce that the plan of issuing an 1896 edition has been abandoned. Inasmuch as no steps were taken towards a revision of the Statutes, this admirable Compilation of 1894 is likely to be the standard edition of Minnesota Statutes for many years to come.

The West Publishing Company announce that they have arranged with Messrs. King and Leonard to prepare tables of "Citations and Conflicting Cases," for the several sets of Reporters, on the plan of the Supreme Court Citations, by which, with others, they have established their reputation for this difficult work with the profession. The annotations are to be bound up in neat books, pocket size, with flexible covers. Supplements covering all citations subsequent to those tabulated in the volume itself will be issued at short intervals.

The Federal Reporter Citations will be issued in May. They are arranged volume by volume for the Federal Reporter, show what cases have been mentioned in subsequent opinions, and by an ingenious system of abbreviations indicate whether they have been approved and followed, criticised, overruled, or qualified. Books for the Southwestern, Southern, Southeastern, Pacific, Northeastern, Northwestern, and Atlantic Reporters will follow.

Law Book Notes.

The English Annual Digest for 1894, edited by John Mews, was issued in March by Sweet & Maxwell.

W. E. Hall's "International Law" (London) has gone into a fourth edition. Its first appearance was in 1880.

Book 10 of the Federal Cases, published in April, covers Cases No. 5,240 to No. 5,805, "Garey" to "Greve," inclusive.

The third volume of Thompson on Corporations is issued this month, and the publishers promise volume 4 by July 10th.

Stevens & Sons (London) have issued a compendium of Sheriff Law, especially in reference to writs of execution, by Philip E. Mather.

F. F. Hansell & Bro. have issued a second edition of Marr's Index to the Acts of the Legislature of Louisiana, including the session of 1894.

"The Law of Bank Checks," by Henry C. Van Schaack, is published by the Chain & Hardy Co., Denver. It is announced as a book for bankers and business men.

S. S. Peloubet, New York, has published an Index-Digest to the New York Civil Procedure Reports, volumes 1 to 22. It is issued in one volume, same size and style as the Reports.

Thomas Edward Scrutton's "Shipping Act, 1894," published by Wm. Clowes & Son (London), is said by the Law Quarterly Review to be "the first in the field that can be called a complete handbook to the act."

A new work by Charles Robert Tyser on "The Law of Losses under Policy of Marine Insurance" has been issued from the press of Stevens & Sons, London. It has received friendly criticism from the reviewers.

Stevens & Sons (London) have published a work on "The Theory and Practice of the Law of Evidence," by William Wills. The book is intended both for a text-book for students, and a handbook for practitioners,—a digest clothed with comment for the benefit of the student."

Building associations are coming in for a good share of legal attention this spring. Bacon's Benefit Societies was followed promptly by Niblack's Voluntary Societies, and now F. D. Linn & Co. have brought out a new edition of Endlich on Building Associations, revised by the author.

The West Publishing Company issued in April Clark on Criminal Procedure, of the Hornbook Series, the Southern Reporter Digest (covering volumes 1-15), volume 61, Northwestern Reporter, volume 20, Southeastern Reporter, Book 10, Federal Cases, and volume 11, C. C. A. Reports.

Sweet & Maxwell, of London, have issued what is said to be an exceedingly useful work, by J. Ritchie Macoun, on the English Building Society Acts, 1836-1894, six in number. Such a work will be useful, not only to lawyers and officers of such societies, but to all who have funds invested in such institutions.

Among the recent publications of Sweet & Maxwell are Williams & Yates on the "Law of Ejectment, or Recovery of Possession of Land," and "The Law Relating to Children and Young Persons," by Joseph Bridges Matthews. Whether the respective and disputed rights of the novelist and the young person are finally settled in the latter work, the advertisement does not indicate.

E. W. Stephens, Columbia, Mo., has issued the Missouri Criminal Code, indexed and annotated by Judge D. W. Shackleford. It is a digest of the criminal cases contained in the first 120 volumes of Missouri Reports, and the first 57 volumes of the St. Louis and Kansas City Courts of Appeals Reports. The statute is republished, and the syllabi from the decisions are arranged under the appropriate sections.

The publication of a Digest of volumes 1 to 10 of the C. C. A. Reports makes volume 11 in a certain sense the beginning of a new series. The publishers have therefore republished in this volume, in addition to the regular matter, the act of congress establishing the circuit courts of appeals, annotated with all pertinent decisions down to the present time; and also the compiled Court Rules for all the circuits, with amendments and annotations.

The West Publishing Company has issued a Digest of volumes 1 to 10 of the C. C. A. Reports. It was prepared by John A. Mallory, Esq., and presents the classification features which have become familiar to the profession through the American Digest, and the other Digests of the Reporters. It is annotated with the subsequent citations of the cases digested, where they have been referred to in decisions of the United States supreme court or any other United States court.

Clark's Criminal Procedure, just issued in the Hornbook Series, is a companion volume to Mr. Clark's popular work on Criminal Law. It contains 665 pages, and covers the following subjects: Jurisdiction in general; arrest, fugitives, searches, etc.; examination, bail, commitment; mode of accusation, complaints, etc.; pleading on the accusation; pleading and proof; variance; arraignment; defendant's pleadings; questions relating to trial; evidence; judgment, appeal, and execution; habeas corpus.

The Southern Reporter Digest, published by the West Publishing Company in April,

is a digest of volumes 1 to 15, Southern Reporter, prepared "on the American plan," by the editorial corps of the National Reporter System. It is also a practical digest of volumes 77 to 99 Ala. Rep., 23 to 33 Fla. Rep., 64 to 71 Miss. Rep., and 39 to 45 La. Ann., giving the State Report citations as well as the pages of the Southern Reporter. The double citation makes it possible for lawyers to use the Reporter Digests as supplementing their own State Digests.

A new book on what is practically a new subject for a text-book is Alderson on Judicial Writs and Process in Civil and Criminal Cases, just published by Baker, Voorhis & Co. It is a discussion of judicial writs from the time they are drafted and issued until they are again lodged with the court. The book is composed of five parts, as follows: "Part I. History, Definition, and Kinds of Process. Part II. Issuing Process, its Sufficiency, Validity, Alteration, and Amendment. Part III. The Service and Execution of Process. Part IV. The Return of Process. Part V. Criminal Process." It will be more fully reviewed in another number of Law Book News.

"L'Intervento Della Difensa nell'Instruttoria" is the title of an important pamphlet just issued in which the author, Signor Ugo Conti, advocates a wholesome reform in the Italian system of criminal procedure. "Among the reforms he advocates," says the London Law Quarterly Review, "the principal one is that the accused shall have legal assistance—gratuitously, if he cannot afford to pay for it—from the time he is formally charged. * * * His proposals, though liberal as compared with the existing practice, only go the length of allowing the difensore, or counsel for the defense, to see his client after the latter has undergone his first interrogatory; i. e. after a possibly innocent defendant has been entrapped by an artful examiner into admissions or contradictions to be used against him."

A law book, on what appears from the publishers' announcement, to be constructed upon a somewhat novel plan of arrangement, is John Brooks Leavitt's Law of Negligence. It is a collection of all the points ruled in cases in negligence and kindred subjects in the New York court of appeals. Part I. is a condensed book of reports, in which the salient facts and rulings of law of all the cases, arranged in chronological order, are given. Part II. contains a "Code of Negligence," made up from the utter-

ances of the New York court of appeals, and annotated with references to the cases. Part III. contains a table of cases classified according to the causes, occasions, or scenes of accidents; as "Alleys," "Animals," "Appliances," "Areas," "Arrests," "Ashpits," etc. According to the publishers' definition, it is a trial brief of the law of negligence, expanded to 800 pages.

In a notice of volume 152, Illinois Reports, the National Corporation Reporter says: "This is a volume of 711 pages, containing 155 cases, an index and table of cited Illinois cases. The index is a departure from the method of the former reporter and is, barring some oddities, a commendable departure. One looking for the title 'Corporations' will not find it until he stumbles on 'Private Corporations.' There are no cross-references. The title 'Governor' has reference to the acknowledgment of a governor's deed, not again found under 'Deed' or 'Acknowledgment.' There are other oddities and incongruities. There are some commendable improvements in Mr. Phillips' reportorial work, though he often fails to distinguish between decision and dictum." The fact is that law reporting is "both a science and an art" (as the old-fashioned schoolbooks say), and it generally takes a new court reporter four or five volumes to learn how to do his work properly.

The second volume of the series of American Electrical Cases, edited and annotated by Wm. W. Morrill, has been issued from the press of Matthew Bender. The general plan and object of this series was indicated in Judge Elliott's review of the first volume, published in volume 1, Law Book News, p. 381. In that notice, which commended the valuable features of the plan, Judge Elliott suggested that it might have been better to group the cases by subject rather than chronologically. The publisher advises us that this plan has been adopted with the succeeding volumes; and accordingly, although the 131 cases contained in volume 2 were nearly all decided between January 1, 1886, and July 1, 1889, they are arranged, not chronologically, as in volume 1, but as far as possible by subject. A number of the cases are briefly annotated by references to other decisions reported or to be reported in the series; and the contents of the volume are made accessible by a carefully arranged subject index.

De Bruyn's translation of the Opinions of Grotius is honored with a long and appreciative review in the Cape Law Journal. The

work has a peculiar interest to the Cape lawyers from the fact that the translator is a member of that bar, and a special value from the fact that in South Africa Grotius is considered second to no other legal authority. The common law of the land there is, with few modifications, the Roman-Dutch law expounded in the works of Grotius and his successors, and hence the great jurists of the Netherlands are still leading and living authorities throughout South Africa. The work contains some ninety opinions, selected from the six volumes of the *Hollandsche Consultation*, with legal notes by the translator, and citations of the decisions of the various South African courts. Mr. De Bruyn regrets the absence of authentic reports of cases decided in the supreme courts of the Transvaal and of the Orange Free State; the reviewer echoes this regret, but adds that so far as the Transvaal is concerned this want is being supplied. From this we may judge that South Africa is having the same experience in regard to unreported cases that the rest of the world has had.

The subject of English Local Government is treated from different standpoints by three recent works that have been issued by the press of London: Rogers on Elections, volume III., which has reached its seventeenth edition, by S. H. Day (Stevens & Sons); An Outline of Local Government and Local Taxation in England and Wales, excluding London, second edition, by Henry Hobhouse, M. P., and E. L. Fanshawe (Sweet & Maxwell and P. S. King & Son); and An Outline of English Local Government, by Edward Jenks (Methuen & Co.). The two first mentioned deal with local government law; the latter treats of the machinery of local government, and is intended rather for popular than for professional reading. Rogers on Elections has to do with the subject of Municipal Elections. Speaking of the last-named work, the Law Quarterly Review says: "Some idea of the importance to the legal profession of the subject of this work may be gathered from the fact that, out of some twenty cases reported in the January number of the Law Reports (Queen's Bench Division), more than half deal more or less with municipal affairs. In fact, nowadays only public bodies appear to have the courage, or we might perhaps say the funds, for serious litigation."

Miscellaneous Notes.

Percival H. W. Almy, an English lawyer, has written a volume of nonlegal verse, entitled "*Scintillae Carmenis*."

The American Lawyer for April has the first installment of a monthly "London Letter," to be furnished by Mr. George Augustin Blackwell.

The Law Students' Helper has a department of "Current Events of Interest to Lawyers and Law Students," which gives a brief paragraph to the events of each day of the month. It is a good feature.

The Cape Law Journal for February contains the first part of an interesting lecture upon Codification delivered before the Cape-town Forensic Society by C. H. Van Zyl, Esq., in December, 1894. It gives an historical view of the efforts which have been made in the direction of a code in various countries.

The Wisconsin Legal News is a new exchange. The first number was published April 27, 1895, and is a four-page sheet, one of which is given up to advertisements, one to memoranda of Wisconsin supreme court decisions, one to legal notes and miscellany, and one to legal notices. It is edited by Horace P. Henderson, and issued at Milwaukee.

The Albany Law Journal for April 13th contains an anthology from various authors bearing upon the Income Tax decision. The following is included:

"In Rama was there a voice heard, lamentation and weeping and great mourning, Rachel weeping for her children and would not be comforted because they are not. (Matt. ii. 8.)"

At a Boston bar dinner, the report goes, the governor of Massachusetts quoted Hamlet, act V., scene 1: "Where be his quiddits now, his quilleets, his cases, his tenures, and his tricks?" The Boston Herald reporter put it into modern English as follows: "Where be now his cases, his ten years of contracts?"

The Scots Law Times is running an interesting series of articles on "The Marriage Laws of Scotland." The peculiarities of Scots law in this particular have given the romancers many a pretty plot and have led to some exciting complications in real life. The plain facts of the law will be interesting finding for students in both fields.

The criminal lawyer who wants congenial reading for his summer vacation, and who fails to find enough of it in the daily papers, is hereby informed that an English translation of Alexandre Dumas' Celebrated Crimes of History, complete in eight volumes, with 45 photogravures, is announced by George Barrie, Philadelphia.

Prof. John H. Wigmore, in the American Law Review, says:

"The best field for work [in legal authorship] is the treatment of special topics, in which Bailey's Master and Servant, Tiffany's Death by Wrongful Act, and Newell's Defamation are examples. This specialization of work is the trend of the day, and is particularly appropriate in a law of such compass as our own."

The leading article in the April number of the Western Reserve Law Journal is a biographical notice of Benjamin Franklin Wade, one of Ohio's famous sons, who during the war was a leader of the senate, and who would have been president if the impeachment of Johnson had carried two more votes. A characteristic portrait accompanies the sketch.

The Barrister reprints (though without credit) the clever verses of Samuel Minturn Peck on "A Fair Attorney" in the collection "Cap and Bells," which were published in Law Book News, vol. 1, p. 356. We note, however, that "Cousin Lillian" has become "Cousin Clara" in the transfer. This was probably done in order that a marked copy might be sent to some particular and individual "fair attorney."

A package from London addressed to "The West Publishing Co., St. Pauls, Minn.," has been duly received. Some one has written on the margin, in a chirography which suggests desperation, "Try U. S. A." They had probably tried ancient Ilion without success. Whether the helpful suggestion was given by Prof. Schlemann or Hector we cannot pretend to guess.

A paper on the Judicial Systems of England and France is given in the Cape Law Journal for February, based upon a study of the Comte de Franqueville's "Système Judiciaire de la Grande Bretagne," and "Le Palais de Justice de Paris," recently written in collaboration by members of the association of journalists attached to the Paris law courts, and translated by G. P. Moriarty.

The Cape Law Journal, published at Grahamstown, Cape of Good Hope, quotes our notice of a former issue of the Journal, and adds:

"It may interest Law Book News to learn that the South African States boast of four benches of judges, that of the Cape Colony sitting in three three-judge courts in different districts. Bechuanaland and Mashonaland are, respectively, dealt with by a single judicial office,—and, most important, American decisions are quoted in our courts."

The Chicago Law Journal for March contains letters from Dr. M. D. Ewell, of the Kent Law School, and Mr. Clark Bell, editor of the Medico-Legal Journal, in regard to the method of detecting human blood which has recently been associated with the name of Dr. Cyrus Edson. It appears that, while human blood is easily distinguishable from that of most animals, no certain means have yet been discovered of distinguishing it from the blood of the dog, the rabbit, and the guinea pig.

Thomas J. Sutherland, of the Chicago bar, author of *Sutherland on Damages*, is about to publish a limited edition of his address delivered before the Illinois State Bar Association upon "The Production and Inspection of Books, Papers, and Documents in Pending Cases in Court." The paper discusses the question as affected by the common law and by the statutes of the several states. It will make a pamphlet of about 100 pages, and the price has been placed by the author, to whom orders may be sent, at \$1.00.

The Howard Publishing Company, of Detroit, publishers of "Sir Francis Bacon's Cipher Story, Discovered and Deciphered by Orville W. Owen, M. D.," has complied with our request for a specimen of the work by sending the first four volumes, with the remark that "no more fitting place than a law journal could be found for reference to the greatest work of the Great Chancellor of England." We hope to give the work a more extended notice in our next issue. In the meantime we are studying Mr. Swinburne's essay in proving that Darwin wrote Tennyson's poems.

"The Money Lender Unmasked" is not, as might be supposed, a dime novel, but a serious, though not sober, arraignment of usurers, recently published by the Roxburgh Press. The author, Thomas Farrow, points out the methods adopted by money lenders which call for legislative interference in order to properly protect the ignorant and unwary. "How the author has gathered much of his information it is difficult to understand," says the Scots Law Times, "except upon the supposition that he has succeeded in duping money lenders themselves into supplying the means wherewith to scourge them."

"A Legal Aviary" is the title of a paper in the April Green Bag, in which R. Vashon Rogers gathers together a delightful collection of points and authorities in regard to

birds who have come before the courts. It begins with an account of the cock who, in 1474, at Basle, laid an egg, and was consequently burnt at the stake as a sorcerer, and comes down through the feathered record to the Regina trials after the Riel rebellion in the Canadian Northwest, in 1885, in which the queen's crown, against which One Arrow was charged with conspiring, with other Indians, was translated to him as "the great mother's big war-bonnet with feathers in it."

The Lawyer's Easy Chair in the April Green Bag discourses brightly of "Pipe and Pouch, the Smoker's Own Book of Poetry," published by Joseph Knight, a book which the Easy Chair thinks "will doubtless appeal to most lawyers, for we take it that most lawyers smoke." The collection contains several poems in praise of tobacco written by women, among them one by Mrs. Ella Wheeler Wilcox, whom the Easy Chair refers to with easy familiarity as "Ella." Perhaps there is some justification for the custom of women writers to adopt masculine pseudonyms, so long as they cannot be sure their reviewers will extend to them in print the same courtesy they could demand in person.

The March number of the Chicago Law Journal contains a very interesting article on "Attorney and Attorney General," by Wm. R. Chamberlain, of Chicago. From it we learn that "lawyer" and "scribe," as used in the Bible, are supposed to be equivalent terms, and both to equal "secretary." He says, further:

"Among the Greeks and the Romans, until after the time of Cicero, the services of attorneys were gratuitous. They plied their vocation, prepared their briefs, and delivered some of the finest specimens of forensic eloquence that have come down to us, with no other hope of reward than that that always comes with the knowledge of having helped one in need, and the other and more immediate object to them of gaining popular favor. At Athens attorneys often prepared pleas for their clients which the latter would deliver on their own behalf."

The April number of the Green Bag contains an interesting sketch of Chancellor Kent, by Charles S. Martin, who has had access to unpublished correspondence and contemporaneous records. The following extract, showing the books he was reading while sitting on the chancellor's bench, is interesting:

"This moment I have Virgil on my table, and I am determined to amuse myself in reading him forthwith. I have nothing else to do. I have just finished Ferrier's History of the Civil Law, and I am charmed with it. My three children are all with me, and I am, of course, brimful of happiness." Or again: "I have been

amusing myself with the two volumes of Eden's Reports. They are excellent. I have also pored through an immense file of oriental erudition and geography in Marsden's edition of Marco Polo, and I am now on Raffle's Java, which promises a great feast."

The London Law Students' Journal offers two prize competitions, one being for the best essay on certain prescribed legal subjects, and open only to articulated clerks and bar students; the other being for "an original legal tale, which will embrace and illustrate any legal points or principles or matters of evidence. This competition is absolutely open to any one,"—which we suppose may be construed to include even Americans, if any of our readers are disposed to compete. The tale must not exceed 80 folios in length, and must be accompanied with the writer's name and address. The prize is two guineas, and the journal reserves the right to publish also any tale not receiving the prize, upon paying the author one guinea therefor. The tales must be sent before June 17th to the office of the Journal, 16 Cursitor street, Chancery Lane, London.

The address delivered by Hon. John F. Dillon before the New York State Bar Association on "Property, its Rights and Duties, in our Legal and Social Systems," is reprinted as the leading article in the American Law Review for March-April. The editors of the Review, commenting upon Judge Dillon's mastery of an audience, falls back for an explanation upon Bulwer's line—

"Man has no majesty like earnestness."

This earnestness is felt even in reading the address, and carries a conviction with it that mere oratory wholly lacks. Other articles in the Review are "The Pacific Railroad Companies," by George H. Smith, "Liability of a Telegraph Company for Mental Suffering," by W. C. Rodgers; "The Independent Contractor Doctrine and its Limitations," by Charles W. Pierson; and a monographic study of the "Statutory Limitations of Freedom of Contract between Employer and Employé," by Frederic C. Woodward.

The favorable impression which was made by the prospectus of the Virginia Law Register, mention of which was made in a late number of Law Book News, is confirmed by the appearance of the first number, dated May, 1895. The magazine wins approval, in the first instance, by its neat mechanical make-up; and it is not surprising that under the able editorial supervision of Hon. E. C. Burks, Prof. C. A. Graves, and Prof. W. M. Lille, the inside matter matches the dress. It is to be conducted primarily for

the benefit of the Virginia bar, and will aim to give what will probably be the first publication of new legislative acts. In the matter of cases, it naturally cannot, as a monthly, come first in the field. It states, indeed, that it has "no disposition to rival or supplant, but rather to supplement, that very excellent publication, the Southeastern Reporter," and we note that the cases given either in full or in memorandum form in this number have already been published in full in the Southeastern, with the exception of one, delayed at the request of the court. A noticeable feature is the editorial comment upon several of the opinions. Opinions of other than Virginia courts will occasionally be included, and questions of law and practice will come up for editorial discussion. There is a department for book reviews, and, as a whole, the prospect is promising.

Of Collateral Interest.

Among the works "of collateral interest," published recently by Macmillan & Co., are "Eight Hours for Work," by John Rae, "The Unemployed," by Geoffrey Drage, and a third edition of "A Handy Book of the Labour Laws," by George Howell, M. P.

"Natural Rights," by David S. Ritchie, published by Swan Sonnenschein & Co., is described as "a criticism of political and ethical conceptions." It stands for a philosophy of the state, based on experience, but inclining on the whole to conclusions often associated with speculative socialism.

Messrs. Bliss, Sands & Foster (London) publish "Strikes, Labour Questions, and other Economic Difficulties: a Short Treatise of Political Economy," by Alexander W. Johnston, M. A. Mr. Johnston's panacea is a "tax on land values" in place of the present land monopoly; and the "Publishers' Circular," of London, declares that it contains "not a little food for reflection."

"Local Taxation and Finance," by G. H. Blunden, is one of the recent additions to the Social Science Series, published by Swan Sonnenschein & Co., London. It gives an exposition of the existing English system of local taxation, grants-in-aid, allocated taxes, valuation, debt, etc. The history of the subject is traced in the introduction, and there are voluminous statistical appendices.

The thirty-second annual number of "The Statesman's Year-Book" has been issued by

Macmillan & Co. It contains the usual statistical and historical matter for the various states of the world, brought down to 1895 by J. Scott Keltie and I. P. A. Renwick, with a new feature showing the different systems of customs valuation in various countries. A list of the books of reference, dealing with the various countries, is also given.

The American Economic Association has issued its Handbook for 1895, containing its constitution, by-laws, and a list of its members. Included within the same covers is a report of the seventh annual meeting, held at Columbia College, in 1894. The papers and discussions, of which abstracts are given in the report, were upon such subjects as "The Chicago Strike," "The Unemployed," "Population and Capital," "Our Trade with the East," etc., and views were presented by some of our best-known economists.

Mr. John Spencer Bassett contributes to the April number of the *Law Quarterly Review* a paper on the subject of "Landholding in Colonial North Carolina." Eight of the chief nobles of the court of King Charles II. were in 1663 granted the province of Carolina. Under the terms of the royal charter, these gentlemen were to enjoy the privileges conferred by the grant "as amply, fully, and in as ample manner as any Bishop of Durham in our kingdom of England ever heretofore had, held, used, or enjoyed, or of right ought or could have used or enjoyed." The lords held the property till 1729, when they sold it to the crown.

Macmillan & Co. have recently published a study of "Trusts, or Industrial Combinations and Coalitions in the United States," by Ernst Von Halle. The author has lived in the United States, and has made a study of the subject for the use of a German economic society, whose standpoint is like that of the Cobden Club. He gives documents and statistics which will be valuable to any student of the subject. The conclusion he reaches is that the repeal of the present anti-trust legislation seems desirable, and that combinations will eventually be controlled by public supervision.

The questions between Mexico and Guatemala, as to the boundary line between the two countries, are treated exhaustively in a pamphlet of 46 pages, published by *El Mensajero de Centro-América*, a daily paper in Guatemala. It is written in a fair and temperate spirit, and its claims, which are supported by reference to a map showing the boundary line at different dates, seem to in-

dicate that the smaller Republic is suffering an encroachment from its stronger neighbor. The pamphlet, which can doubtless be obtained on request, gives statistical and historical references which will make the subject-matter clear to the inquirer.

A new literary journal, *The Bookman*, has been started by Dodd, Mead & Co., New York. It is favorably distinguished from many of the journals of similar pretensions already in the field, inasmuch as it is by no means a mere collection of notices and reviews published elsewhere. Its reviews are evidently written with much more than the usual intelligence and care, and from a standpoint that will make wholesome-minded people glad to accept their indications. It contains also contributions on literary subjects from writers who are well known in the world of letters, biographical sketches of new writers, book notes, and general literary information from Europe and our own cities, which promise altogether a very pleasant monthly feast for the lovers of books.

Macmillan & Co. have published a work on "The Ethics of Citizenship," by John Maccunn, professor of philosophy in University College, Liverpool. The *Literary World* says of it:

"A treatment more thorough and penetrating of numerous great ideas of the modern democratic world on their moral side it would be hard to find. Such ideas are those which form the titles of the nine chapters of this modest little volume,—the equality of men, fraternity, 'the rights of man,' citizenship, the rule and the tyranny of the majority, party, political consistency, democracy as a moral force, and the ethical and economical bearings of luxury. * * * It should not be confounded with the numerous practical books on 'the duties of the citizen' we already have. It goes far deeper and reaches much higher than these in its firm handling of essential ideas. It will help to clear the mind of everyone who reads as to the substantial value of democratic conceptions."

Two books which will appeal to the lawyer of wide interests have been recently published by Harper & Bros. One is Joseph West Moore's "The American Congress," being a history of national legislation and political events from 1774 to 1895. The publishers say:

"The great American statesmen, as well as the measures advocated by them, are portrayed, and the causes and consequences of federal legislation are treated in a resolutely fair manner. The history begins with the colonial period,—with the continental congress and its prominent men,—narrates very clearly the proceedings in the formation of the nation and the establishment of the constitutional government, and then goes steadily on to tell of the notable legislative and political transactions in the growth and development of the American Republic up

to the present time. There are many bright sketches of character, interesting accounts of all the political parties, and pleasing incidents, anecdotes, and personalities; also important state papers, famous speeches and debates, and other matter valuable for reference."

The other book is the third volume of James Ford Rhodes' *History of the United States*, covering the political and social conditions and military operations through the years 1860-1892.

In 1893 a senate committee was appointed to investigate the relation between American prices and wages for the last half century. A condensed summary of the result of the committee's work was given in a recent issue of the *New York Voice*, with a diagram showing the variation, year by year, from 1840 to 1892. The following comments from *The Voice* indicate the conclusions reached:

"Prices show relatively the smallest variation during the period. During the first decade prices touch the lowest point,—83.5 per cent. in 1849. In 1866 they reach the highest point, 134.0 per cent., measured in gold; and since that time they have quite steadily declined, reaching 91.7 in 1892. Wages gained about 20 per cent. from 1840 to 1860. Measured on a gold basis, they declined very materially during the last three years of the war. Then they advanced rapidly to 153.2 per cent. in 1872. Then for four years, during the great crisis, there was a decline, followed by a very steady advance, until the highest point was reached in 1891. The heavy line of the diagram shows the varying purchasing power of a ten-hour day. For the first twenty years this was comparatively steady, averaging about 82.6 per cent. There was a little advance up to the opening of the war, then a very sudden drop during the four years of the war, falling below 60 per cent. in 1865. From this point there was a steady advance, till the highest point, 181.5 per cent., was reached in 1891."

"The Pacific Railway Debts" is the subject of a paper by Mr. R. T. Colburn, published by the American Academy of Political and Social Science, of Philadelphia (price, 25c). The question as to the settlement of these debts is one which must be decided by congress at an early date, since the thirty-years term of the original loan of the United States to the Pacific Railroad has rolled around. The first installment of bonds issued to the Central Pacific Railroad matured on January 16 last, and during the next four years, but chiefly in 1898, the remaining installments fall due. Not only have the companies failed to collect enough to pay off the principal, but they have even failed to pay a great part of the annual interest, so that now the Central and Union Companies owe the government about \$125,000,000, or twice the original loan of \$64,000,000. Several modes of solving this problem have been advanced in congress. Mr. Colburn takes them up in turn, showing

the advantages and disadvantages of each. He finally explains the method which seems to him the best. Other recent issues by the Academy are "Elected and Appointed Officials," by Hon. J. G. Bourinot, clerk of the Canadian House of Commons; and a translation of a pamphlet by the Duc de Noailles on "How to Save Bimetallism."

Notes of Law Book Errata.

[We invite contributions to this department from all sources, but we have two suggestions to make to correspondents: First, that they report none but serious mistakes; second, that the character of each mistake be very briefly indicated.—Eds. Law Book News.]

In JONES ON LIENS, vol. 2, § 1585, Second Ed., the author states an exception to the general rule that the commencement of an action against a party brought in by amendment dates from the time of the amendment, maintaining in the exception that the commencement of the action in such cases dates from the time the suit was originally instituted. This contention is purported to be supported by the single case of *Manly v. Downing*, 15 Neb. 635, S. C. 19 N. W. Rep. 601. If the author had carried on his investigation a trifle further, he would have discovered that even this single authority had been expressly overruled in *Green v. Sandford*, 34 Neb. 363, S. C. 51 N. W. Rep. 967. There is no exception to the general rule, where no disability exists.

John C. Kleber.

Olympia, Wash.

In WAPLES ON ATTACHMENT, 2d edition, p. 106, the case of *Miller v. Munson*, 34 Wis. 579, is cited to sustain this proposition: "Alternation in the affidavit should not be allowed if the evident intent of the legislature was to lay down separate grounds." The proposition is correct, but the case of *Miller v. Munson* does not touch upon it. The statute involved in that case stated the ground of attachment to be: "That the defendant has assigned, disposed of, or concealed, or is about to assign, dispose of, or conceal, any of his property with intent to defraud his creditors." The affidavit was in the very words of the statute. The supreme court held that the use of the word "any" in the affidavit rendered the affidavit meaningless, and that affiant could not be convicted of perjury upon it. As to the question of "alternation," the same court has often held that this very ground of attachment might be stated in the alternative. T. C. Ryan.

Wausau, Wis.

JONES ON LIENS was published in 1888. The preface bears date June 4, 1888. The author claims therein to give the substance of the statutes of several of the states as to liens on logs and lumber for labor and services, and the decisions of the courts construing such statutes. Among others he mentions Michigan and Wisconsin. The supreme court of Michigan, more than two years before that, viz. in January, 1886, decided in the case of *Shaw v. Bradley*, 26 N. W. Rep. 331, 59 Mich. 199, a more important question than any mentioned by the author. It was held in that case that a person who contracts with the owner to drive his logs at so much per thousand feet, and who does this work through his employes, is entitled to the statutory lien for the sum due him under the contract; and that such contractor is, within the terms of the statute, "any person or persons that perform labor or services in * * * driving," etc. Eight years before *Jones on Liens* was written the same construction was given by the supreme court of Wisconsin to the log-lien statute of the latter state. *Hogan v. Cushing*, 40 Wis. 169, 5 N. W. Rep. 490. The subsequent decision to the contrary, in *Michigan, Kieldson v. Wilson*, 43 N. W. Rep. 1054, and the express overruling of the latter decision in *Phillips v. Freyer*, 45 N. W. Rep. 81, adhering to the rule laid down in *Shaw v. Bradley*, may be here noted, although having no reference to the foregoing criticism, inasmuch as both decisions were made long after *Jones on Liens* was published.

Wausau, Wis.

T. C. Ryan.

[NOTE. In the second edition of *Jones on Liens* (1894) all the cases named by our correspondent are duly noted. We print the "erratum," however, for the benefit of subscribers owning the first edition only. — Editors *Law Book News*.]

Personal.

A "Statute Law Book Company" has been formed in Washington, D. C., for the purpose of dealing in the session laws and statutes of the American colonies, states, and territories. The management is in the hands of Theodore L. Cole and James H. Thomas.

Mr. T. E. Holland contributes to the current number of the *London Law Quarterly Review* an interesting biographical sketch of the late W. E. Hall, whose contributions to

the bibliography of *International Law* "mark an epoch," the writer alleges, in the literature of the subject, and are recognized as authority by jurists, both in England and on the Continent.

The death of William Francis Finlayson, the early friend of Charles Dickens and for 50 years the chief legal reporter of the *Times*, has elicited comment from nearly all the English law journals. "It was his duty to make reports, and he was the most voluminous manufacturer of them all, and that is saying a good deal to all who know anything of English legal reporting. For half a century he had sat at Westminster and the new law courts as head of the *Times'* law reporting staff, whose members are all barristers, one of the *Times'* chief distinctions among newspapers. He became the great repository of the traditions, the history, the social and domestic relations, the anecdotes and scandals, of the legal profession of the half century. I have often wondered what 'Fin' might be thinking of as he sat reporting the cases in which a son of Charles Dickens, who had made so much fun of and written such caustic sarcasm against lawyers, appeared as counsel."

Correspondence.

[Correspondence is invited on subjects pertinent to the purpose of *Law Book News*.]

Salt Lake City, April 15, 1895.

Editor *Law-Book News*: I inclose a copy of a legislative act, which I copied from the *Session Laws of Utah*, 1854. Lawyers were evidently not in high favor here at that time.

Yours, truly,

Wm. L. West.

"Act of Legislative Assembly of Territory of Utah, approved Jan. 14, 1854.

"Chapter Second.

"Section 1. Be it enacted by the legislative assembly of the territory of Utah:

"That all questions of law, the meaning of writings other than laws, and the admissibility of testimony shall be decided by the court; and no laws nor parts of laws shall be read, argued, cited, or adopted in any court, during any trial, except those enacted by the governor and legislative assembly of this territory, and those passed by the congress of the United States when applicable; and no report, decision or doings of any court shall be read, argued, cited, or adopted as precedent in any other trial."

NEW LAW BOOKS.

RECORD OF THE LATEST LAW BOOKS.

[We take pleasure in acknowledging our indebtedness to the Publishers' Weekly, of New York, and the Publishers' Circular, of London, which we use in completing this list.]

N. B. Bindings are in law sheep unless otherwise specified.

Treatises, Etc.

ALDERSON, William A. A treatise upon the law of judicial writs and process in civil and criminal cases. New York: Baker, Voorhis & Co. 1895. 59+667 pages. \$6, net.

AMERICAN Bar Association. Report of the seventeenth annual meeting, held at Saratoga Springs, New York. Philadelphia: Dando Printing & Publishing Co. 1894. 564 pages. Paper, 75c.; cloth, \$1.

Australian Law.

See "Eagleson's Employers' Liability Act."

BALL, W. W. Ronsa. The students' guide to the bar. 6th Ed. By John P. Bate. London: Macmillan & Co. 1895. 60 pages. 2s. 6d.

Bank Checks.

See "Van Schaack's Law of Bank Checks."

BISHOP, Joel Prentiss. New criminal procedure or new commentaries on the law of pleading and evidence and the practice in criminal cases. 4th Ed. Vol. 2. Chicago: T. H. Flood & Co. 1895. 26+921 pages. \$6, net.

BORGEAUD, Charles. Adoption and amendment of constitutions in Europe and America. Translated by Charles D. Hazen, with an introduction by John M. Vincent. New York: Macmillan & Co. 1895. 21+353 pages. \$2.

Building Associations.

See "Endlich on Building Associations."

Citations.

See "Indiana Citations"; "Texas Supreme Court Citations."

CLARK, William L., Jr. Handbook of criminal procedure. (In the Hornbook Series.) St. Paul: West Publishing Co. 1895. 8+658 pages. \$3.75, delivered.

Compensation.

See "Lloyd's Law of Compensation" (Eng.).

Constitution.

See "Borgeaud's Adoption and Amendment of Constitutions."

Constitutional Law.

See "Thayer's Cases on Constitutional Law."

Criminal Procedure.

See "Bishop's Criminal Procedure"; "Clark's Criminal Procedure."

DISTRICT of Columbia. Examination questions for admittance to the bar. 2d Ed. Washington: J. Byrne & Co. 1895. 166 pages. Paper, \$1.

EAGLESON, J. L. Employers' liability act. Melbourne, Australia: G. Partridge & Co. 1895.

Elections.

See "Rogers on Elections" (Eng.).

ENCYCLOPAEDIA of pleading and practice under the codes and practice acts, at common law, in equity and in criminal cases; compiled under the editorial supervision of W. M. McKinney. Vol. 1 (Abatement to appeal bonds). Northport, N. Y.: E. Thompson Co. 1895. 5+1103 pages. \$6.

ENDLICH, G. A. A treatise on the law of building associations. 2d Ed. Jersey City: Frederick D. Linn & Co. 1895. 21+684 pages. \$6, net.

English Law.

See "Glen's Law Relating to Public Health and Local Government"; "Griffith & Pember's London Building Act, 1894"; "Hunter's Footpaths and Commons"; "Jenks' Outline of English Local Government"; "Lloyd's Law of Compensation"; "Mackenzie's Overseers' Handbook"; "Mansfield and Duncan's Merchant Shipping Act"; "Robinson's Law Relating to Income Tax"; "Rogers on Elections"; "Stewart's Law of Wills"; "Temperley's Merchant Shipping Act."

GLEN, W. C. Law relating to public health and local government; being the public health act of 1875, and other statutes affecting district councils. 11th Ed., including the local government act of 1894. By A. F. Jenkin. 2 vols. 1860 pages. London: Knight. 63s.

GRIFFITHS, W. R., and Pember, F. W. London building act of 1894. With notes and references. London: Wm. Clowes & Sons. 12s. 6d.

HARLOW, W. S. A treatise on sheriffs and constables. 2d Ed. San Francisco: Bancroft-Whitney Co. 1895. \$6.

HUNTER, Sir Robert. Footpaths and commons and parish and district councils. London: Cassell & Co. 1895. 32 pages.

Income Tax.

See "Robinson's Law Relating to Income Tax" (Eng.)

INDIANA. A citation of supreme and appellate court decisions, adhered to, affirmed, criticised, doubted, distinguished, explained, etc. By Shaffer Peterson. Decatur: Peterson, Peterson & Lutz. 1895. Unpaged. Im. mor., \$2.

JENKS, Edward. An outline of English local government. London: Methune & Co. 1894. 229 pages.

Judicial Writs.

See "Alderson's Judicial Writs and Process."

LEAVITT, John Brooks. The law of negligence of New York. New York: The Dossy Law Book Co. 1895. \$6.50 delivered.

LLOYD, E. The Law of Compensation. 6th Ed. By W. J. Brooks. London: Stevens & Haynes. 21s.

MACKENZIE, William W. Overseers' handbook. 3d Ed. London: Shaw & Sons. 1895. 5s.

MANSFIELD, J. W. and G. W. Duncan. The merchant shipping act 1894; being a supplement to Kay's law relating to shipmasters and seamen. London: Stevens & Haynes. 1895. 8+415 pages.

Negligence.

See "Leavitt's Law of Negligence."

Overseers.

See "Mackenzie's Overseers' Handbook" (Eng.)

PATTEE, W. S. Illustrative cases in realty. Part 2. Estates in land. Philadelphia: T. & J. W. Johnson & Co. 1895. 11+201 pages. Cloth, \$2 net.

Pleading and Practice.

See "Encyclopaedia of Pleading and Practice."

Realty.

See "Pattee's Cases in Realty."

ROBINSON, Arthur. The law relating to income tax. London: Stevens & Sons. 1895. 49+508 pages. 21s.

ROGERS on elections. Vol. 3. 17th Ed. By S. H. Day. London: Stevens & Sons. 1894. 27+780 pages. 21s.

Sheriffs and Constables.

See "Harlow on Sheriffs and Constables."

STEWART, C. E. The law of wills for testators, heirs, and legatees. 4th Ed. 164 pages. (Wilson's Legal Handy Books.) London: E. Wilson. 1s. 6d.

Students' Books.

See "Ball's Student's Guide to the Bar" (Eng.); "District of Columbia, Examination for the Bar."

TEMPERLEY, Robert. The merchant shipping act of 1894. London: Stevens & Sons, Limited. 1895. 80+714 pages. \$2.50.

TEXAS. King and Leonard's Texas citations and conflicting cases; being a complete compilation of all citations of the Texas supreme court reports, etc. 2d Ed. Dublin: National Citation Co. 1894. Unpaged. D. roan. \$7.50.

VAN SCHAACK, Henry C. The law of bank checks. Denver: The Chain-Hardy Book, Stationery & Art Co. 1895. 290 pages. \$3.50.

THAYER, James Bradley. Cases on constitutional law, with notes. Parts 3-4. Cambridge: C. W. Sever. 1895. 10+488; 22+1002 pages. Pt. 3, \$2.50; Pt. 4, \$4.50.

Wills.

See "Stewart's Law of Wills" (Eng.).

Reports.

AMERICAN and English railroad cases. V. 60; a collection of all the railroad cases in the courts of last resort in America and England. Edited by William M. McKinney. Northport, Long Island, N. Y.: Edward Thompson Co. 10+746. \$4.50.

***AMERICAN** state reports. V. 41; 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. C. Freeman and the associate editors of the "American Decisions." San Francisco: Bancroft-Whitney Co. 1895. 992 pages. \$4.

ATLANTIC REPORTER. V. 30; containing all the decisions of the supreme courts of Me., N. H., Vt., R. I., Conn., and Penn.; court of errors and appeals, court of chancery, and supreme and prerogative courts of N. J.; court of errors and appeals and court of chancery of Del.; and court of appeals of Md. Permanent Ed. Oct. 3, 1894-Feb. 27,

1895. St. Paul: West Publishing Co. 1895. 17+1199 pages. \$5. (National Reporter System.)

CANADA. The Times law reports. V. 10; 1893-1894. Arthur Russell, editor. London: George Edward Wright, Times Office. 10+28+683 pages.

DELAWARE superior court, court of errors and appeals, and criminal courts. V. 9; cases decided. Reported by John W. Houston. Edited by Robert G. Houston and Robert H. Van Dyke. Dover: Published by the editors. 1895. 618 pages. \$10.

DISTRICT OF COLUMBIA reports. V. 2; cases, civil and criminal, argued and adjudged in the circuit court of the District of Columbia for the county of Washington from October term, 1849, to the reorganization of the courts of the District of Columbia, pursuant to the act of congress, March 3, 1863. John A. Hayward and George C. Hazleton. Washington: John Byrne & Co. 1895. 4+490 pages. \$6.50.

ENGLISH reports. V. 6-10; decisions of the queen's bench division, including those on crown cases reserved and of the railway and canal commission. Edited by John Mews, barrister at law. London: Published for "The Reports" Company, Limited, by Sweet & Maxwell, Limited. 39+667 pages.

FEDERAL cases. Book 10; comprising cases argued and determined in the circuit and district courts of the United States. Cases. Garey-Greve. Case No. 5,240—Case No. 5,805. St. Paul: West Publishing Co. 1895. 1233 pages. \$10 by subscription.

FLORIDA supreme court reports. V. 34; cases argued and adjudged at the June term. A. D. 1894. William B. Lamar, reporter. Tallahassee: The Tallahasseean Book and Job Office. 1895. 10+712 pages. \$3.

ILLINOIS appellate court reports. V. 55; cases submitted at the May and November terms, 1893, and the May term, 1894, of the Third district; and the March and October terms, 1894, of the First district. Martin L. Newell, reporter. Chicago: Callaghan & Co. 1895. 708 pages. \$3.50 net.

ILLINOIS supreme court reports. V. 152; containing cases in which opinions were filed in March, April, May, June, and October, 1894. Isaac Newton Phillips, reporter. Springfield. 1895. \$2.50 net.

INDIANA supreme court reports. V. 136; containing cases decided at the November term, 1894. Sidney R. Moon, Daniel W. Crockett, and Lee W. Moon, reporters. Indianapolis: Carlton & Hollenbeck. 1894. 22+751 pages. \$3.50.

NEW JERSEY law reports. V. 56; cases argued and determined in the supreme court and, at law, in the court of errors and appeals. (Vol. 27.) Garret D. W. Vroom, reporter. Trenton: The J. L. Murphy Pub. Co. 1895. 28+747 pages. \$3.50.

NEW YORK court of appeals reports. V. 144; cases from and including decisions of November 27, 1894, to decisions of February 26, 1895, with notes, references, and index. H. E. Sickels, reporter. (Sickels 99.) Albany: Ja. B. Lyon. 1895. 25+829 pages. \$1.50.

NORTHWESTERN REPORTER. V. 61; containing all the decisions of the supreme courts of Minn., Wis., Iowa, Mich., Neb., N. Dak., S. Dak. Permanent edition. Dec. 22, 1894—Feb. 23, 1895. St. Paul: West Publishing Co. 1895. 24+1199 pages. \$5. (National Reporter System.)

OHIO. Decisions embracing all courts of record below the supreme. V. 1; 1894. J. F. Laning, editor. Norwalk: The Laning Printing Co. 1895. Sheep, \$3.50; half sheep, \$3.

PENNSYLVANIA supreme court reports. V. 164; containing cases decided at October term, 1894. James Monaghan, reporter. New York and Albany: Banks & Bros., Law Publishers. 1895. 23+712 pages. \$2.50.

PENNSYLVANIA. Weekly notes of cases, argued and determined in the supreme court of Pa., the county courts of Philadelphia, and the U. S. district and circuit courts for the Eastern district of Pa., by members of the bar. V. 35. Sept., 1894—Feb., 1895. Philadelphia: Kay & Bro. 1895. 12+612 pages. \$6.

SCOTLAND. Select cases decided in the sheriff courts. Collected by William Guthrie. Edinburgh: T. & T. Clark. 1879. 9+604 pages.

SOUTHEASTERN REPORTER. V. 20; containing all the decisions of the supreme courts of appeals of Va., W. Va., and supreme courts of N. C., S. C., Ga. Permanent edition. Sept. 25, 1894—March 12, 1895. St. Paul: West Publishing Co. 1895. 13+1079 pages. \$5. (National Reporter System.)

SOUTHWESTERN REPORTER. V. 29; containing all the current decisions of the supreme courts of Mo., Ark., and Tenn., court of appeals of Ky., and supreme court, court of criminal appeals, and courts of civil appeals of Texas. Permanent edition. Feb. 4, 1895—April 1, 1895. St. Paul: West Publishing Co. 1895. 17+1221 pages. \$5. (National Reporter System.)

UNITED STATES courts of appeals reports. V. 5; cases adjudged for the First cir-

cult at October term, 1891, October term, 1892, and October term, 1893. Samuel A. Blatchford, reporter. New York and Albany: Banks & Bros. 1895. 20+767 pages. \$3.25.

UNITED STATES reports. V. 155; cases adjudged in the supreme court at October term, 1893, and October term, 1894. J. C. Bancroft Davis, reporter. New York and Albany: Banks & Bros. 1895. 21+734 pages. \$2 net.

WEST VIRGINIA reports. V. 39; cases argued and determined in the supreme court of appeals, at the spring special, June, September, and fall special terms, 1894. Thomas S. Riley, reporter. Charleston: Butler Printing Co. 1895. 38+37+765 pages. \$2.75.

Statutes, Codes, and Laws.

LOUISIANA. Marr's annotated index of the acts of the legislature through the session of 1894. 2d Ed. New Orleans: F. F. Hansell & Bro. 1895. \$8.

KENTUCKY. Civil and criminal codes of practice and amendments enacted prior to 1895, with notes of decisions, forms, and indexes. Prepared by Hon. Joshua F. Bullitt. Louisville: The Bradley & Gilbert Co. 1895. 6+198 p. \$6.

IOWA. Acts and resolutions passed at the regular session of the twenty-fifth general assembly, begun January 8 and ended April 6, 1894. Published under the authority of the state. Des Moines: Geo. H. Ragsdale. 1894. 245 pages. 50c.

NEW YORK. The penal code, in force Dec. 1, 1882, as amended by laws of 1882, 1883, 1884, 1885, 1886, 1887, 1888, 1889, 1890, 1891, 1892, 1893, and 1894, with notes of decisions to date. A table of sources and a full index. 13th Rev. Ed. New York and Albany: Banks & Bros. 1894. 13+312. \$2.

OHIO. V. 91; general and local acts passed and joint resolutions adopted by the seventy-first general assembly, at its regular session, begun and held in the city of Columbus,

Jan. 1, 1894. Norwalk: The Laning Ptg. Co. State Printers. 1894. 953 pages. \$1.15 delivered.

Digests.

ENGLISH. The annual digest 1894. By John Mews. London: Sweet & Maxwell. 1895. 15s.

MISSOURI. A digest of the criminal cases in volumes 1 to 120, Mo. Sup. Court Reports, and volumes 1 to 57, St. Louis and Kansas City Courts of Appeals Reports. By D. W. Shackleford. Columbia: E. W. Stephens. 1895. \$6.50.

NEW YORK. Index-digest to New York civil procedure reports. Vs. 1 to 22, inclusive. New York: S. S. Peloubet. 1895. \$3.50.

PENNSYLVANIA. Purdon's digest of the statutes, and of the judicial decisions in construction thereof. V. 1 (A to L). By George Wharton Pepper and William Draper Lewis. Philadelphia: T. & J. W. Johnson & Co. 1895. \$6.50.

SOUTHERN REPORTER DIGEST. Being a digest of decisions of the supreme courts of Ala., La., Fla., and Miss., reported in the Southern Reporter, volumes 1-15, and in the following volumes of state reports: Volumes 77-99 Ala., 23-34 Fla., 39-45 La. Ann., 64-71 Miss. Edited by members of the editorial staff of the National Reporter System. St. Paul: West Publishing Co. 1895. 2571 pages. \$6 delivered. (National Reporter System.)

TEXAS. A digest of Texas civil cases, including the supreme court reports, volumes 52 to 86, and the first two hundred pages of volume 87; also civil appeals reports, volumes 1 to 6; unreported cases, 2 volumes; appeal civil cases, 4 volumes; and the cases from S. W. Rep., volume 1 to 27, not found in the official reports,—the whole giving as many cases as are usually contained in over 60 volumes of reports. By J. Sayles, assisted by W. G. Myer. V. 1. St. Louis, Mo.: The Gilbert Book Co. 1895. 7+768 pages. \$10.

CONTENTS OF NEW BOOKS.

American Corporation Legal Manual.

TITLE PAGE. The American Corporation Legal Manual. A Compilation of the Essential Features of the Statutory Law Regulating the Formation, Management, and

Dissolution of General Business Corporations in America (North, Central, and South), and other Countries of the World. With Special Digest of the United States Street-Railway Laws. Also Treatise on Receiverships. Also Synopsis of the Patent, Trade-Mark, and Copyright Laws of the World. Vol. 3.

To January 1, 1895. Edited by Charles L. Borgmeyer. Plainfield, N. J.: Honeyman & Co. 1895.

FROM THE PREFACE. The growth of corporations, and the continual changes in the laws governing them, necessitates the constant revision of this work, and the addition of important new matter. It has been our aim to place clearly before the busy lawyer a ready answer to any important statutory question of corporation law which may come before him in his daily practice. Special care has been taken to treat all new phases of corporation law, and much attention has been bestowed upon those questions which are prominent in current litigation. The matter which has appeared in former editions has been very carefully revised, the citations have been verified, and material changes, additions, and improvements have been made in whatever respect the work of former editions has seemed lacking. About two thousand cases have been carefully digested, while more than five thousand cases have been cited, and nearly seventy-five hundred references are made to various statutes, codes, constitutions, etc. At the special request of many subscribers, a large addition has been made to the already large collection of Corporation Forms.

Hamilton & Godkin's System of Legal Medicine.

TITLE PAGE. A System of Legal Medicine by Allan McLane Hamilton, M. D., Consulting Physician to the Insane Asylums of New York City, etc., etc., and Lawrence Godkin, Esq., of the New York Bar, with the collaboration of many others. Illustrated. Volume II. New York: E. B. Treat, 5 Cooper Union. 1895.

CONTENTS.

Duties and Responsibilities of Medical Experts. Wm. B. Hornblower.
Insanity in its Medico-Legal Bearings. Allan McLane Hamilton, M. D.
Mental Responsibility of the Insane in Civil Cases. Calvin S. Pratt.
Insanity and Crime. B. Sachs, A. M., M. D.
On the Relations of Mental Defect and Disease to Criminal Responsibility. Louis E. Binss.
Aphasia and Other Affections of Speech. Charles K. Mills, M. D.
The Traumatic Neuroses: Being a Description of the Chronic Nervous Disorders That Follow Shock and Injury. Charles L. Dana, A. M., M. D.
The Effects of Electric Currents of High Power upon the Human Body. Allan McLane Hamilton, M. D., and George De Forest Smith, M. D.
Accident Cases. Lawrence Godkin.
Mental Distress as an Element of Damage in Cases to Recover for Personal Injuries. John E. Parsons.
Feigned Diseases of the Mind and Nervous System. Philip Coombs Knapp, A. M., M. D.
Birth, Sex, Pregnancy, and Delivery. Andrew F. Currier, M. D.

v.2L.B.N.no.5—10

Abortion and Infanticide. Charles Jewett, A. M., M. D., Sc. D.
Genito-Urinary and Venereal Affections in Their Medico-Legal Relations. F. R. Sturgis, M. D.
Marriage and Divorce. Simeon E. Baldwin, LL. D.
Sexual Crimes. Charles Gilbert Craddock, M. D.
Surgical Malpractice. George Ryerson Fowler, M. D.
Appendix.
Index.

Randolph & Talcott's Williams on Executors.

TITLE PAGE. A Treatise on the Law of Executors and Administrators by Sir Edward Vaughan Williams, Late one of the Judges of her Majesty's Court of Common Pleas. Ninth English Edition by Sir Roland L. Vaughan Williams, Knt., One of the Justices of Her Majesty's High Court of Justice. Seventh American Edition by Joseph F. Randolph and William Talcott (Editors of Jarman on Wills), of the New Jersey Bar. In Three Volumes. Jersey City: Frederick D. Linn & Co. 1895.

FROM THE PREFACE TO THE SEVENTH AMERICAN EDITION. Williams on Executors has been for more than twenty-five years an unexhausted and unsurpassed fountain of authority. It is no disadvantage that it dates from a day when cases were properly examined, accurately and fully stated, carefully weighed, and judiciously discussed. These considerations give to this book a permanent value, which its English and somewhat antiquated form cannot take from it. No text-book of this century has been more cited in the most recent arguments and decisions of our own courts. The American editors have, at the request of the English publishers, and with the assignment of their copyright in the United States, taken up the heavy but pleasant task of adding an American volume to the work for American use. In doing this we have endeavored to give a complete and accurate statement of the law as expressed in all the states, avoiding dicta, and necessarily striving for the utmost brevity.

CONTENTS.

Part I. Of the Appointment of Executors and Administrators.
Part I. Book I. Of the Origin of Wills of Personal Estate; and of Their Nature and Incidents.
Part I. Book II. Of the Making, Revocation, and Republication of Wills of Personal Estate.
Part I. Book III. Of the Appointment of Executors, and the Acceptance or Refusal of the Office.
Part I. Book IV. Of Probate.
Part I. Book V. Of the Origin of Administration; and of the Appointment of Administrators.
Part I. Book VI. Of the Effect of Probate and Letters of Administration, as Long as

They are Unrevoked; or the Revocation of Them, and of the Consequences Thereof.
Part I. Book VII. On the Stamp Duties of Probates and on Letters of Administration.

Part II. Of the Estate of an Executor or Administrator.

Part II. Book I. Of the Time when the Estate of an Executor or Administrator Vests; and of the Quality of That Estate.

Part II. Book II. Of the Quantity of the Estate in Possession of an Executor or Administrator.

Part II. Book III. Of the Quantity of the Estate in Action of an Executor or Administrator.

Part II. Book IV. Of the Estate of Several Executors or Administrators; of the Estate of an Executor of an Executor, and of an Administrator de Bonis non; and of the Estate of an Executrix or Administratrix Who is a Feme Covert.

Part III. Of the Powers and Duties of an Executor or Administrator.

Part III. Book I. Of the Power and Authority of an Executor or Administrator.

Part III. Book II. Of the Duties of an Executor or Administrator with Respect to the Funeral; the Proving of the Will, and the taking out Administration; the Inventory; and the Payment of Debts.

Part III. Book III. Of the Duties of an Executor with Respect to Legacies.

Part III. Book IV. Of Distribution.

Part III. Book V. Of the Stamp Duties on Legacies and Successions to Personal Estates.

Part IV. Of the Liabilities of an Executor or Administrator.

Part IV. Book I. Of Assets.

Part IV. Book II. Of the Liability of an Executor or Administrator in Respect of the Acts of the Deceased; and of the Liability of an Executor or Administrator in Respect of his own Acts.

Part V. Of Remedies.

Part V. Book I. Of Remedies for Executors and Administrators.

Part V. Book II. Of Remedies against Executors and Administrators.

REVIEWS OF NEW BOOKS.

American Corporation Legal Manual.¹

Reviewed by Morris M. Cohn, Esq., of the Little Rock Bar.

[See other descriptive matter on page 144 of this number.]

The American Corporation Legal Manual for 1895, edited by Charles L. Borgmeyer, of Newark, N. J., may be fairly treated as a compilation of the essential features of the statutory law relating to the formation, management, and dissolution of general business corporations in the United States, and possibly elsewhere in America. It does not claim, in a single volume, to give a full and accurate treatment of the statutory provisions and decisions of the courts upon the subject. Though the work is not free from error, and will not justify entire reliance upon the decisions, as cited, it does serve as a guide to enable interested parties to determine under what laws they should incorporate, or to ascertain the responsibility of corporations, their officers and stockholders, in a general way. A new branch of the subject is growing up, relating to "tramp corporations," which would justify a separate treatment, even in a work of this nature.

Morris M. Cohn

¹ The American Corporation Legal Manual. A Compilation of the Essential Features of the Statutory Law Regulating the Formation, Management, and Dissolution of General Business Corporations, with digest, etc. Vol. 3. To January 1, 1895. Edited by Charles L. Borgmeyer. Plainfield, N. J.: Honeyman & Co.

Daniell's Chancery Pleading and Practice (8th Am. Ed.).¹

Reviewed by Hon. Robert W. Hughes, United States District Judge, Eastern District of Virginia.

[For descriptive matter, etc., see page 373, vol. 1, Law Book News, and other opinions on page 152 of this number.]

Daniell's Chancery Practice has always been a work of peculiar interest to the practitioner or judge of the federal courts. It has received the stamp of approbation from the supreme court itself, as specially valuable in its treatment of the practice of the old high court of chancery, and has always been recognized as of the highest authority.

Even those who disapprove the modern fashion of issuing new editions of text-books with just enough alterations to spoil the paging of the first edition can receive a new edition of Daniell with satisfaction; for the valuable edition of Chancellor Cooper was fifteen years old, and the publication of a new English edition, coupled with the marvellous growth of federal litigation, not only in volume, but in variety as well, rendered a modernizing of this useful old classic a boon to the profession.

The new edition seems to fulfill amply the need which elicited it. Mr. Gould, its editor,

¹ Pleading and Practice of the High Court of Chancery, by the late Edmund Robert Daniell. Sixth American Edition, with notes and references to American decisions, and appendix of forms, etc., by John M. Gould, Author of "The Law of Waters," etc. 3 vols. Boston: Little, Brown & Co. 1944.

already well known as an original writer, has shown excellent judgment in his notes and references. The admirable index of the Cooper edition—a feature often neglected or perfunctorily made—has been preserved and amplified, and unlocks easily this storehouse of information. The annotation of the Federal Equity Rules to date, and the copious and judicious citations of federal authorities throughout the work, render it highly useful to the specialist in federal practice, and give it the elasticity not possessed by the original treatise, but essential to the modern lawyer in the varied demands of present practice.

The third volume of the work, like the Cooper edition, is devoted entirely to forms, the Equity Rules, and the index,—an arrangement that adds greatly to facility of reference, and to its convenient handling and use in court.

In short, when I say that it is an improvement on the Cooper edition, I feel that no higher words of commendation can be added.

Robert W. Hughes

Fetter's Equity Jurisprudence (Hornbook Series).¹

Reviewed by Prof. James L. Clark,
Central Normal College, Danville,
Ind.

[See contents and other descriptive matter on page 51, vol. 2, Law Book News, and other opinions on page 153 of this number.]

One would think that to launch a new work on Equity into the field of legal literature at this time would be making quite a venture. The works on Equity are numerous, and many of them have been written by the best minds the bench and bar have produced. They have sustained themselves against all adverse winds, and some of them are quoted by the courts of last resort as almost conclusive authority. They cover all phases and sides of the subject. Yet this little book, with its blue Hornbook label, its three hundred and thirty-five pages of text, its one hundred pages of cases cited, and its thirty pages of index, will find its way into many libraries.

My attention was first, specially, called to the work by a gentleman who is not a trained lawyer, but who has read and practiced to a limited extent, and who, after an examination of the book, said: "I must have a copy of that book. I can understand the propositions of law it discusses." This I regard as

one of the chief merits of the book, especially as it has been written for those who are beginning the study of law.

The brief statement of the rules in black letter, followed by a more minute and detailed statement and illustrations, serves to keep the subjects separated in the mind of the student. It has also had the effect, in this case, of preventing repetition, and enabling the writer to get a large amount of matter in a small amount of space.

Another valuable feature of the book, as a work for students, is the positiveness with which the propositions are stated. The author can make his statements with much assurance, for the reason that he is dealing with the elementary and well-settled principles, and is not required to build an argument on two sides of a proposition, and then choose that which he thinks to be the stronger, and leave his readers to do the same thing. The writer has wisely written on what the law is, and not on what it might or ought to be.

The order in which the subjects follow each other is good, though perhaps not just as the author would have arranged it if he had passed from one subject to another in logical order, without a break in the text.

The opening chapter, on Equity Jurisdiction, is a model of simplicity. One of the difficult things for a student to grasp is the question of the jurisdiction of courts of Equity. Mr. Fetter makes the matter quite clear, considering the brevity of his treatment of the subject.

As a work for students one would expect to find a chapter of fifty pages on Equity Pleading and a like chapter on Evidence, and feels quite disappointed when nothing is found on either of these topics. That is wholly a matter of quantity, and not of quality, however; and the author has only followed in the path of almost all the writers on this subject in leaving these to other writers or other volumes.

The book is not exclusively for students, and I shall expect to see the practitioner take to it with much favor. The Table of Cases Cited, covering a hundred pages, shows that the author has made broad research in the preparation of the book. And one may expect to find much that is helpful to the busy lawyer, and the hope is strengthened by the freshness of the decisions cited. An old decision is as good as a later one if it is founded on as good reasoning, but the average lawyer is so much more likely to have the recent decisions in his office, and the work that cites the case you have is the work you want.

In making an examination of a few of the cases cited, I found them well selected, and sustaining the text on the point from which they were cited. This is especially valuable to the practicing lawyer. The cases are selected from all courts, which is worthy of all

¹ A Handbook of Equity Jurisprudence. By Norman Fetter. St. Paul: West Pub. Co. 1895.

praise. One of the most provoking things is to find a long list of citations which do not sustain the text to which they refer, and one is equally provoked to find a text writer citing all or nearly all of his authorities from one or two states, where he may have practiced. This book seems to be free from these objections. Certainly it is free from the latter, as no court seems to be preferred in the selection of cases.

The mechanical work on the book is of a high order, and the writer will certainly be kindly remembered by the profession for the aid and pleasure his work brings to those who use it.

James L. Clark

Hamilton & Godkin's System of Legal Medicine.¹

Reviewed by Prof. Marshall D. Ewell,
President of the Kent College
of Law.

[See contents and other descriptive matter on page 145, and a review of Vol. 1 by Prof. M. D. Ewell, on page 385, vol. 1, Law Book News.]

We have examined this volume with much interest, and the conclusions which we announced in our review of the first volume of the series may be well repeated in this. The book is composed of a series of essays by different contributors, and lacks that unity of treatment which the reader has a right to expect in a book of this description. There are many things of value, and the book must necessarily find a place in the library of every specialist in medical jurisprudence. The chapter by Dr. Charles D. Chaddock, the accomplished translator of Von Kraft-Ebing's *Psychopathia Sexualis*, is especially worthy of notice, and is a valuable contribution to an important subject, very little, if at all, discussed in most treatises on medical jurisprudence. The chapter by Dr. Sturgis on "Genito-Urinary and Venereal Affections in Their Medico-Legal Relations" is also an interesting and valuable accession to the literature of the subject, as is also the chapter by Drs. Hamilton and Smith upon the "Effect of Electric Currents of High Power upon the Human Body."

One notable characteristic of the book is the attempt by medical men to discuss purely legal subjects. A mere lawyer who should undertake to write a treatise upon any subject of medicine or surgery would deservedly in-

cur the severe censure of the medical profession, and yet, as is exemplified in this book, men who have never had a legal education attempt to treat legal topics which can only be well discussed by men of large experience in the profession of the law. Medical gentlemen seem to forget that the law is one of the learned professions, and that a competent knowledge of it can only be obtained by lifelong study. So far as the medical editors of the volumes in question have undertaken to treat purely legal subjects, their essays are, as a rule, absolutely without value, and consist merely of a hotchpot of disconnected decisions and quotations, not always from first-class authors, strung together without order or sequence. They are often incorrect. For instance, on page 143, we find this statement: "The responsibility of a lunatic for malicious acts depends upon the extent of his direct participation and capacity, and his liability is thus limited. A lunatic is liable for his torts so far as to subject his estate to a suit for damages reverted to others by his negligent management. On principle, however, he cannot be held liable for malicious acts in cases where he is not *apud [sic] doli*." What this means, for the life of us we cannot say. There is no such thing in fact in the common law as a suit against an estate. Actions at law for damages are always *in personam*. The inaccuracy of the author's law is only equaled by the badness of his Latin. If he turns to Blackstone he will find that this phrase should be *capax doli*, and not *caput doli*. The author will do well to consult in this connection the cases of *Morse v. Crawford*, 17 Vt. 499, and *Krom v. Schoonmaker*, 3 Barb. 647, where he will find the rule as to the effect of insanity in an action for tort. He can also, in this connection, well consult Cooley on Torts (2d Ed.) page 115. The most superficial examination of this subject ought to have led the writer to consult these authorities. Again, on pages 149 and 150, in treating the subject of the compensation of expert witnesses, only two cases, and those not late ones, are referred to, whereas the subject has often been passed upon by the courts of last resort in the various states of the Union. Again, on page 137, we find this remarkable statement: "The testimony of a lunatic whose incapacity has been determined is, of course, incompetent, and he will not be permitted to testify until after his restoration to mental health. The time of existence of his 'civil death' is to be determined before any testimony shall be received." We never had supposed before that insanity involved "civil death," which is by common-law writers, so far as our knowledge extends, predicated only of the criminal. While the above statement is somewhat modified by a further consideration of the subject, no cases are cited except the old one of *Regina v.*

¹ A System of Legal Medicine. By Allan McLane Hamilton, M. D., Consulting Physician to the Insane Asylums of New York City, and Lawrence Godkin, Esq., of the New York Bar, with the Collaboration of Others. Illustrated. Volume II. New York: E. B. Treat, Cooper Union. 1894.

Hill, decided in 1851, and the writer has entirely ignored the modern cases upon the subject. In Underhill on Evidence we find the doctrine stated as follows: "It is now a well-established fact that insanity or intellectual weakness, no matter what shape it may take, is no objection to his competency, provided he has mental capacity sufficient to discern between right and wrong, so far as the facts at issue and his testimony thereon are involved, understands the nature of an oath, and can give an apparently intelligible and reasonable account of any transaction which he has seen or heard." We find substantially the same doctrine laid down in the late work, Bradner on Evidence (section 6, p. 71). Again, in the article on "Surgical Malpractice," by Dr. Fowler, we find some of the most extraordinary statements of legal principles. For instance: "Malpractice, therefore, has come to be an offense punishable by fine and imprisonment as well as financial loss to the defendant from actions brought by patients or their legal representatives. Under the common law the latter cannot recover in case of death, inasmuch as the act of malpractice constitutes a tort, unless some property interest is involved." The author does not seem to have the most rudimentary knowledge of the common law upon the subject he is treating, and here we do not find even a reference to Lord Campbell's act and the cases construing it. Again, on page 584, we find a reference to the case of *Commonwealth v. Thompson*, 6 Mass. 134, which was distinctly and definitely overruled by the late case of *Commonwealth v. Pierce*, decided by the same court. It would be easy to multiply instances like the above. On the other hand, we find some essays by the legal authors which are models of conciseness and accuracy. For instance, the article on "Mental Distress as an Element of Damage in Cases to Recover for Personal Injuries," by J. E. Parsons, and "Accident Cases," by Mr. Lawrence Godkin, although brief, have the merit of being accurate. It is very much to be regretted that these gentlemen were not employed to write the legal part of the other articles which we have reviewed, as in that case they would not have been marred by any such inaccuracy of statement or lack of lucidity as we have specified. Notwithstanding these blemishes which we have mentioned, the book must find a place in the library of every professional man who desires to be well informed on the subject of Medical Jurisprudence.



Kent College of Law,
April 17, 1895.

Randolph & Talcott's Williams on Executors and Admin- istrators.¹

Reviewed by Prof. Floyd B. Mechem,
of the Michigan University
Law School.

[For contents and other descriptive matter, see page 145 of this number.]

Williams on Executors and Administrators is fairly entitled to rank among that often-mentioned, but vaguely-defined, class of books known as "Legal Classics." It belongs, at any rate, among such books as Chitty on Pleading, Jarman on Wills, Benjamin on Sales, Sugden on Vendors, and Williams on Real Property. Written many years ago by an eminent English judge, its successive editions, prepared in its earlier history by the author himself, and since his death by his sons, have kept pace with the growth of the law, until in this, the ninth edition, it is unquestionably the best statement of the present English law now extant.

Originally prepared before the passage of the Wills Act of 1 Vict., the treatise, in its early form, was distinctively a work upon the law of executors of wills of personal property; and though, in successive editions, its scope has been extended by the natural development of the subject, and particularly by the numerous statutory changes, the book still retains much of its earlier distinctive character. It is still primarily a treatise upon executors, and secondarily upon the law of administrators. In this respect it resembles Jarman on Wills, which, though nominally a treatise upon the whole subject, is distinctively a treatise upon the construction of wills of real property.

Since Williams on Executors was first published, the growth of the statutory law upon the subject has been great. This growth has been reflected in the successive editions of the book, and, as various subjects have been brought within the statutory provisions, the earlier common-law treatment of these subjects in the treatise has been eliminated. Many pages of matter, for example, which appeared in the seventh English edition, have been omitted from the ninth edition. The extent of this omission in that portion of the

¹ A Treatise on the Law of Executors and Administrators, by Sir Edward Vaughan Williams, late one of the Judges of her Majesty's Court of Common Pleas. Ninth English Edition, by Sir Roland L. Vaughan Williams, Knt., one of the Justices of her Majesty's High Court of Justice. Seventh American Edition, by Joseph F. Randolph and William Talcott, Editors of Jarman on Wills, of the New Jersey Bar. In three volumes. Jersey City: Frederick D. Linn & Co., Law Publishers. 1895. Law sheep, \$18.

two English volumes which goes to make up the first of the three volumes of the sixth and seventh American editions is nearly a hundred pages. Much of this omitted matter was of more value to the American practitioner than the statutory enactments which have replaced it; and it is therefore undoubtedly true, in the case of this and several other English works, that the later English editions are less useful and valuable to the average American practitioner than the earlier ones.

The two volumes of this last English edition, bound in cloth, are listed by the London publisher at £3. 16s., so that the three volumes of this American edition are cheaper than the two volumes of the English edition.

So much, very briefly, for the English edition.

There have been seven American editions of the work, including the one now under review. This is the seventh American from the ninth English. The sixth American from the seventh English edition was published in 1877 by Kay & Bro., of Philadelphia. It was prepared by that accomplished and experienced editor, J. C. Perkins, LL. D. It was the aim of Mr. Perkins, as stated in his preface, to so extend the scope of the American notes as to include the whole subject of Wills. His edition was a very admirable one. The notes are full, clear, accurate, and lawyer-like, and have made his the standard edition until this time. The new seventh American edition comes from different publishers and new editors. Messrs. F. D. Linn & Co., of Jersey City, are the publishers, and Jos. F. Randolph and Wm. Talcott are the editors. They are the publishers and editors, respectively, of what is known as the Randolph and Talcott Edition of Jarman on Wills. Mr. Talcott died before the work on Williams was completed.

Of the scope and purpose of this edition, the publishers have this to say:

"The American editors, at the request of the English publishers, and with the assignment of their copyright in the United States, have added in their annotations an American volume to the work for American use. In doing this, they have given a complete and accurate statement of the law as enacted and decided in all the States, avoiding dicta and adopting the utmost brevity of statement consistent with clearness and accuracy.

"These American notes (which, allowing for greater condensation, add 100 per cent. to the English edition) are the result of three years' earnest effort by gentlemen whose work in this direction has never been surpassed, and cover the entire field of Probate Law and much of Testamentary Law. They are distributed as follows:

Wills—Capacity, Execution, Form and Revocation.....	100 pp.
Probate—Letters and Bond.....	1-5 "
Executors—Estate, Authority and Powers.....	55 "
Debts—Preference, Proof, Payment.....	45 "
Legacies—Capacity of Legatees (Corporate, Charitable, &c.)—Construction, Abatement, and Payment.....	210 "
Distribution—of Residue.....	50 "
Succession Tax.....	7 "
Assets—Personal and Real (including Charge, Exoneration and Sale of Lands, and Suits against Heirs and Devisees).....	70 "
Executors' Liability—Contracts and Torts of Decedent and of Executors, Accounting and Commissions.....	85 "
Actions—by and against Executors.....	43 "
	850 pp.

"If printed in regular law-book style, these annotations would fill more than 1,250 pages; they cite more than 15,000 American cases, which, added to the 8,000 cases cited in the English edition, gives a grand total of 23,000 cases cited in the three volumes. The gold is all out of the mine."

These American notes, when brief, are printed at the foot of the page, but the majority of them are printed in one body at the end of the chapter or section of a chapter to which they refer.

That much labor has been expended upon these notes cannot be doubted, and the result is a body of American law of considerable value. It cannot, however, we believe, be said that the work is of a high order or the results of the greatest value. While much labor has been expended, it has not always been discriminating labor. While much valuable material has been gathered, it has not always been digested and assimilated in such a way as to produce satisfactory results. Many of the notes seem to be a running digest of the cases, without condensation or attempt at comprehensive statement, —in other words, an undigested digest. The note on "Partnership Property," on page 793 of the first volume, may be taken as an illustration. The note is appended to a part or chapter entitled "On the Quantity of the Estate in Possession of an Executor or Administrator." This note begins with the statement: "Upon the death of a partner, the surviving partner has the right to the control of the partnership property [citing cases], to enable him to settle the affairs of the firm [citing cases]. His possession and title is in trust for partnership purposes [citing cases]." Further down the column, the same idea is restated: "A surviving partner is entitled to the exclusive possession and control of the assets [citing more cases]." A couple of inches further on, the same thing is again stated: "Partnership effects vest in the survivor for the purpose of winding up partnership affairs [citing cases]; and he is trustee for this purpose [citing more cases]." Thus, in the space of a single page the same rule is stated three or four times with sep-

arate citation of cases, instead of a single comprehensive rule under which all the cases are grouped together.

On page 22, Vol. I., note 8, is another example. The note begins: "The presumption of sanity exists until the contrary is shown." To this proposition nine cases are cited. Three lines below, in the same note, it is said: "Until the contrary appears, sanity is to be presumed." One case is cited for this. Three lines further, it appears this way: "He who impeaches the will must overcome the presumption which the law raises of the sanity of the testator." One case sustains this. The next paragraph is the following: "The first principle is that the presumption of the law is in favor of capacity [one case cited]. The decedent must be presumed to be competent to make a will until the contrary is proved [one case]. The case is *prima facie* established by the production of the will and the inference of law in favor of sanity [one case]. The presumption [sic] of law is always in favor of sanity [two cases]. Competency will be presumed until the contrary is shown [one case]. If the will is properly proved, 'the presumption of law' makes one [sic] a *prima facie* case for proponent [two cases]." The italics are theirs. All this in one paragraph. With the following paragraph, they begin anew: "Every man is presumed to be sane until there is some evidence shown to rebut that presumption [two cases]. The presumption of sanity always exists [eight cases]." Here, in less than half a page, the same idea is separately stated and supported by citations no fewer than eleven times. Many other examples of the same sort might be cited, but these will suffice. It may not be a fault. It may serve to emphasize the point by repetition, but can this method be reconciled with the publishers' assertion, quoted above, that there has been adopted "the utmost brevity of statement consistent with clearness and accuracy"? Does it serve to explain how, "if printed in regular law-book style, these annotations would fill more than 1,250 pages"? In our judgment, these notes of Messrs. Randolph and Talcott are inferior in style and method to those of Mr. Perkins in his edition of the same work. They do not compare favorably with the scholarly, clear, and accurate notes of Mr. Bigelow to Jarman on Wills, or with those of Mr. Bennett to Benjamin on Sales, or with those of Mr. Perkins to Chitty on Pleading.

Neither are these notes always accurate. For example, on page 24 of Vol. I. is this: "In *Rice v. Rice*, 50 Mich. 448 [15 N. W. 545], it is said that the same degree of mental capacity is required to make a will as to make a contract, or to attend to the ordinary affairs of life." And three other cases are cited as if to the same effect. In *Rice v.*

Rice, however, the court does not say what is here imputed to it. It said that the capacity which enables one to make a contract is ordinarily sufficient for the making of a will; not that such a degree is required,—a distinction not without a difference.

On page 10 of the same volume it is said: "In Ohio a joint will is unknown to the law. *Walker v. Walker*, 14 Ohio St. 157." *Walker v. Walker*, however, is overruled on this point in *Betts v. Harper*, 39 Ohio St. 639, which is not cited.

Neither are they always exhaustive. The last note in the first volume is upon the important subject of gifts *causa mortis*; but, though the publishers assert that "the gold is all out of the mine," it has not been exhausted in this instance. How much it lacks of being so may be seen by comparing this note with an article by Mr. Thos. F. Reddy on the same subject in 21 American Law Review, 732. Many recent and important cases are not mentioned in this note at all. *Ridden v. Thrall*, 125 N. Y. 572, 26 N. E. 627, is cited, but the unique point in the case—whether it is essential that the donor shall die of the very disease or peril from which death was contemplated—is not mentioned. On the question of the sufficiency of the delivery, the important case of *Drew v. Hagerly*, 81 Me. 231, 17 Atl. 63, is not mentioned. The vexed question of the sufficiency of the delivery of a bank book to pass the funds in bank is disposed of in one line, citing but one case, taking no notice of the conflict of authority, and making no reference to such cases as *Ashbrook v. Ryon*, 2 Bush, 228; *Thomas' Adm'r v. Lewis*, 89 Va. 1, 15 S. E. 389; *Jones v. Weakley*, 99 Ala. 441, 12 South. 420; *Curtis v. Portland Sav. Bank*, 77 Me. 151; *Pierce v. Savings Bank*, 129 Mass. 425; *Walsh's Appeal*, 122 Pa. St. 177, 15 Atl. 470; and many others.

Further details cannot be indulged in, nor is it necessary. The whole matter may, in our opinion, be summed up in few words. Here is a standard English text-book, of great value to the American practitioner, notwithstanding the fact that much of its contents now consists of English statutes. The English text alone can be procured more cheaply here, leaving the American notes out of view, than in its English form. Appended to this English text is a large mass of American law, which has been accumulated with no little labor and expense. It is sometimes rambling and diffuse, sometimes not wholly accurate, never up to the highest standards of annotation, and yet of much value and usefulness. If one wishes to approach his own field of law upon this subject, through the gate of an English treatise with American notes, he can probably find no better one than this.

But why should the American lawyer go abroad for his treatises upon this subject? There is certainly no scarcity of good American works, and our own jurisprudence is surely rich enough and varied enough to supply his needs. Here is what we already have at home, without including the many local works on probate law: The chapters in Judge Redfield's work on Wills, amounting to nearly one volume; Mr. Schouler's treatise on Executors and Administrators, now in the second edition, in one volume; Mr. Crosswell's treatise on Executors and Administrators, in one volume; and Judge Woerner's treatise on Administration, in two volumes.

Mr. Schouler's work has proven acceptable to the profession. Though he cites but few cases, and does not enter so fully into details as might sometimes be desirable, his book, for the ordinary needs of the practitioner, will be found satisfactory. He has also pretty fully "skimmed the cream" from this larger work of Williams.

Mr. Crosswell's work is also a very excellent one. It is clear, full, and practical. He seems at times to give prominence to Massachusetts law, but, on the whole, his treatment of the subject will be found very satisfactory.

Judge Woerner's treatise is a masterpiece. Touching briefly upon the law of wills, gifts *causa mortis*, and descent and distribution,

he proceeds to discuss the whole process of administration, of testate and intestate estates, with a fulness, a clearness, and a comprehensive grasp of the subject which has made his volumes pre-eminently the best and most satisfactory upon this branch of the law. We have no hesitation in saying that, for the needs of the American practitioner, Judge Woerner's two volumes are more valuable than the three of Williams on Executors, with Randolph and Talcott's notes. Neither do we think there can be any doubt that the two volumes of Schouler on Wills and Schouler on Executors and Administrators, or Schouler on Wills and Crosswell on Executors and Administrators will serve the needs of the average American practitioner more fully and satisfactorily than the three volumes of this English treatise.

If a man can have them all, he will find them all of service; but, if his means or his tastes lead him to choose between the English and the American treatises, we think he will make no mistake if he prefers the latter.



University of Michigan.

April 12, 1895.

OTHER OPINIONS OF NEW BOOKS.

Daniell's Chancery Pleading and Practice.

[See descriptive matter on page 373, vol. 1, Law Book News, and a review by Hon. Robert W. Hughes, on page 146 of this number.]

It is a work of supererogation at this day to say anything in praise of a book that has so thoroughly commended itself to the legal profession, and been the recipient of such eulogy from the most learned members of the bench and bar, as Daniell's Chancery Practice. At its first appearance, it took precedence of all other text books on the subject, and has retained that position, without a rival. Other works, of greater or less value as brief epitomes of the principles and practice of equity, have from time to time appeared, and by their less cost obtained a considerable clientele; but Daniell has always been, and still is, the most exhaustive and masterly work on "Chancery Practice," in its fulness and accuracy of detail, comprehensiveness of plan, and logical arrangement. All these features are enhanced by the skilful editing of the present edition, which has been enriched with

a vast number of additional citations, bringing the cases down to a very recent date.

In particular, the equity rules of the Supreme Court of the United States have now been annotated for the first time, with all the federal decisions relating to their construction—a feature of the work, which alone will render the book even more indispensable to the equity lawyer than it has previously been (if the grammarians will permit the expression). But in addition, all the recent cases on Equity Practice in the Code States, as well as in the common law States, have been added, with copious citations referring to and elucidating the many peculiar developments of the English Chancery system; thus giving a complete view of the history and present condition of Equity Procedure. The results of this fulness of treatment may be seen everywhere throughout the book.

There are some minor points in which this present edition might have been improved upon. The notes, during the years that have elapsed since the first issue of the book, have been loaded with such a plethora of additional cases, as to necessitate their being

printed in very small, and therefore trying type. It might have been better if the work had been printed in four volumes, though this would, perhaps, have hindered its sale. The notes are also in a somewhat chaotic state, owing to the last editor having printed many of his notes as addenda to the original ones, though also incorporating a large number of cases in the text of the old notes. It would have been far better, though of course a great addition to the labor required, if the notes had been wholly recast, and all the new matter worked into them.

The general use of the West Co. Reporters, also, renders a double citation of cases almost essential now-a-days in any text book that aspires to a general audience; but this will be found to be rarely the case in this book. These blemishes, however, are but trifling compared with the real value of the work that Mr. Gould has done in this edition; and Daniell's Chancery Practice may be safely affirmed to be more than ever the one essential book, both for study and for practical use, in reference to the practice in Courts of Equity; indispensable alike to the student, the practitioner and the judge.

—"X," in Am. Law Register and Review.

The notes of the author and of the previous editors are indicated by figures, and the new notes of the present editor by letters; though he has made many additions of decisions and statements of law to the old notes. In going over these volumes we had marked many of Mr. Gould's notes as examples of thorough and exhaustive work; but there are so many and it is so difficult to discriminate between them that we shall not attempt to refer to them. They are in all parts of the work, upon all the different phases of the subject treated; and it is worthy of note, that special attention has been given to the equity side of the Code Procedure, now so widely adopted; a form of procedure which did not exist when Daniell wrote his commentary. We therefore have in this edition the vast labor of Mr. Gould added to the vast labors of Judge Cooper and Mr. Perkins supplementing the vast labor of the author and his English editors; and the result of the labor of all these learned jurists is the authoritative commentary in the three full volumes of the pres-

ent edition showing the development of equity pleading and practice and the best learning upon the subject at the present time.

—American Law Review.

Fetter on Equity Jurisprudence.

[See contents and other descriptive matter on page 51, vol. 2, Law Book News, and a review by Prof. James L. Clark, on page 147 of this number.]

Mr. Fetter has managed to sum up the whole of equity in 204 rules and 335 pages, notwithstanding that some 4,000 cases are cited.

—The Nation.

It should be a very popular work, for students, especially as it contains, with brevity, the general principles of equity, clearly expressed, and with abundant opportunity for refinements in principles through the medium of a large number of cases cited.

—Albany Law Journal.

Mr. Fetter has succeeded in making a dry subject attractive, and at the same time giving a very lucid statement of the principles which underlie and govern this important branch of the law.

—Green Bag.

The ordinary text-book on Equity is too diffuse and elaborate for the student first taking up this study. It is indispensable that he, at the very outset of his study, be given a brief and comprehensive view of the entire field of inquiry, and then enter upon the study of the larger text-books and cases. It is believed that Mr. Fetter has succeeded in preparing just such work as the beginner needs and will find most helpful. The statement of maxims and fundamental principles in black-letter type will be of great aid to the student preparing for the bar examinations. After a careful study of the book, the student will be able to review the entire subject in a few hours by simply reading the black letters. To the candidate for admission to the bar, who is expected to be prepared in some twenty important subjects, such a book as this will be a great boon.

—Western Reserve Law Journal.

BOOKS RECEIVED.

From W. H. Lowdermilk & Co., Washington, D. C.:	From Little, Brown & Co., Boston, Mass.:
Murray & Riordan's Students' Review of Law and Equity.	Oliver's Precedents and Forms of Practice.
From Houghton, Mifflin & Co., Boston, Mass.:	From Macmillan & Co., New York, N. Y.:
Eldridge's U. S. Internal Revenue Tax System.	Borgeaud's Adoption and Amendment of Constitutions.
From Frederick D. Linn & Co., Jersey City, N. J.:	From Baker, Voorhis & Co., New York, N. Y.:
Endlich on Building Associations.	Alderson on Judicial Writs and Process.
From Dlossy Law Book Co., New York, N. Y.:	From Callaghan & Co., Chicago, Ill.:
Leavitt's Law of Negligence.	Bradner on Evidence.
	From the author:
	McClain's Cases on Carriers, 2 vols.

Leading Text Books Published in 1895.

Abbott's Select Cases on Evidence..	6 00 net	Fetter on Equity.....	3 50 net
Alderson on Judicial Writs and Process	6 00 net	Harlow on Sheriffs and Constables. 2d Ed.....	6 00 net
Black's Constitutional Law.....	3 50 net	Oliver's American Precedents in Personal and Real Actions. 5th Ed.....	6 00 net
Beach on Injunctions. 2 vols.....	12 00 net	Smith on Evidence.....	5 00 net
Beach on Insurance. 2 vols.....	12 00 net	Thompson on Private Corporations. 6 vols	36 00 net
Bishop's Criminal Procedure. Vol. 1. 4th Ed.....	6 00 net	Waples on Attachment. 2d Ed....	6 00 net
Bishop on Insolvent Debtors. 3d Ed.....	6 50 del	Williams on Executors. 3 vols. 7th Am. Ed.....	18 00 net
Bradner's Rules of Evidence.....	5 00 net		
Clark's Criminal Procedure.....	3 50 net		
Endlich on Building Associations. 2d Ed.....	6 00 net		

Leading Text Books Published in 1894.

Bacon on Benefit Societies. 2 vols. 2d edition	12 00	Jones on Mortgages. 2 vols. 5th edition	12 00 net
Bailey's Master's Liability for Injuries to Servants.....	6 00 net	Jones' Forms of Conveyancing. 4th edition	6 00 net
Beach on Modern Equity Practice. 2 vols	12 00 net	Kinney on Irrigation.....	7 00 net
Benedict's Admiralty. 3d edition..	6 00 net	Lloyd's Law of Buildings. 2d edition. Cloth, \$4.50. Sheep.....	5 00 net
Bliss on Code Pleading. 3d edition	6 00 net	Loveland's Forms of Federal Procedure	6 00
Browne's Kent's Commentaries....	5 00 net	Niblack on Mutual Benefit Societies. 2d Ed.....	6 00 net
Burrill on Assignments. 6th edition	6 00 net	Pagan's Precedents and Forms in Federal Cases	6 00 del
Carr's Judicial Interpretation of the U. S. Tariff Act.....	5 50 net	Pollock on Torts. Webb edition...	5 00
Clark on Contracts.....	3 50 net	Prentice on Police Powers.....	5 00 net
Clark's Criminal Law.....	3 50 net	Randolph on Eminent Domain...	5 50 net
Cogley on Strikes & Lockouts.....	4 00 net	Rice's Probate Law and Practice...	6 50 net
Cook on Stock and Stockholders. 2 vols. 3d edition.....	12 00 net	Shipman's Common Law Pleading...	3 50 net
Coxe on Judicial Power and Unconstitutional Legislation.....	3 00 net	Stephen on Pleading (Andrews)...	4 00 net
Daniell's Chancery. 3 vols. 6th Ed.	18 00 net	Taylor's Law of Private Corporations. 3d Ed.....	6 00
Demarest on Elevated Railroad Law	3 50 net	Tiedeman on Municipal Corporations	6 00 net
Dillon's Laws and Jurisprudence of England and America. Cloth....	4 00 net	Underhill on Evidence.....	6 00 net
Elliott's General Practice. 2 vols..	12 00 net	Wiley's Procedure in the Courts of Law and Equity.....	2 00 net
Fitnam's Trial Procedure.....	6 00 net	Williams on Real Property. (Hutchins' Notes.) 17th International Ed.....	4 00 net
High on Receivers. 3d edition....	6 00 net	Wood on Railways. 3 vols. 2d edition	18 00 net
Jones on Chattel Mortgages. 4th edition	6 00 net		
Jones on Liens. 2 vols. 2d edition	12 00 net		

DIGEST

Of Articles on Legal Subjects in Current Periodicals, Newspapers, Annotations in Reports, etc., etc.

List of Abbreviations and Publications Digested.

Abbreviations.	Name.	Published.	Prices of Single Numbers.
Abb. N. C.	Abbott's New Cases, Diossy Law Book Co., N. Y. City	Monthly.....	\$4.50 per vol.
Alb. Law J.	Albany Law Journal, Albany, N. Y.	Weekly.....	25c.
Am. Banker.	American Banker, New York City.....	Weekly.....	10c.
Am. Lawy.	American Lawyer, New York City.....	Monthly.....	50c.
Am. Law Reg. & Rev.	American Law Register and Review, Philadelphia.....	Monthly.....	50c.
Am. Law Rev.	American Law Review, St. Louis.....	Bi-Monthly.....	\$1.00.
Am. Prob. R.	American Probate Reports, Baker, Voorhis & Co., New York City.....	Irregular intervals.....	5.50 per vol.
Am. R. & Corp. R.	American Railroad and Corporation Reports, E. B. Myers & Co., Chicago.....	Irregular intervals.....	4.50 per vol.
Am. St. Rep.	American State Reports, Bancroft-Whitney Co., San Francisco.....	Bi-Monthly.....	Sold by subscription only.
Am. & Eng. Corp. Cas.	American and English Corporation Cases, Edward Thompson Co., Northport, Long Island, N. Y.		\$4.50 per vol.
Am. & Eng. R. Cas.	American and English Railroad Cases, Edward Thompson Co., Northport, Long Island, N. Y.		4.50 per vol.
Aust. Law T.	Australian Law Times, Melbourne, Australia.....	Semi-Monthly.....	£3 3s. per yr.
Banking Law J.	Banking Law Journal, New York City.....	Monthly.....	30c.
Barrister	The Barrister, Toronto, Can.	Monthly.....	\$2.00 per year.
Brief	The Brief, London, Eng.	Monthly.....	Sixpence.
Can. Law J.	Canada Law Journal, Toronto, Can.	Semi-Monthly.....	25c.
Can. Law T.	Canadian Law Times, Toronto, Can.	Monthly.....	50c.
Cape Law J.	Cape Law Journal, Grahamstown, Cape of Good Hope	Quarterly.....	\$1.50.
C. C. A.	U. S. Circuit Courts of Appeals Reports, West Pub. Co., St. Paul, Minn.	Irregular intervals.....	\$3.35 per vol.
Cent. Law J.	Central Law Journal, St. Louis.....	Weekly.....	25c.
Chi. Law J.	Chicago Law Journal, Chicago.....	Monthly.....	25c.
Chi. Leg. N.	Chicago Legal News, Chicago.....	Weekly.....	10c.
Civil Proc. R.	New York Civil Procedure Reports, S. S. Peloubet, New York City.....	Monthly.....	10c.
Collector	The Collector and Commercial Lawyer, Detroit, Mich.	Monthly.....	30c.
Counsellor	The Counsellor, New York City.....	Monthly.....	\$1.00.
Cr. Law Mag.	Criminal Law Magazine, Jersey City, N. J.	Bi-Monthly.....	50c.
Green Bag	Green Bag, Boston.....	Monthly.....	10c.
Guide	The Guide, Kalamazoo, Mich.	Monthly.....	35c.
Harv. Law Rev.	Harvard Law Review, Cambridge, Mass.	Quarterly.....	65c.
Int. Jour. Eth.	International Journal of Ethics, Philadelphia, Pa.	Monthly.....	25c.
Iowa Univ. Law Bul.	Law Bulletin of Iowa University, Iowa City, Iowa.	Weekly.....	1 shilling.
Ir. Law T.	Irish Law Times & Solicitors' Journal, Dublin, Ire.	Weekly.....	Sixpence.
J. P.	Justice of the Peace, London, Eng.	Quarterly.....	Sixpence.
Jurid. Rev.	Juridical Review, Edinburgh, Scotland.....	Monthly.....	5 shillings.
Law Notes	Law Notes, London, Eng.	Quarterly.....	10c.
Law Quart. Rev.	Law Quarterly Review, London, Eng.	Monthly.....	Sixpence.
Law Student's Helper	Law Student's Helper, Detroit, Mich.	Quarterly.....	5 shillings.
Law Students' J.	Law Students' Journal, John Indermaur, Chancery Lane, London, Eng.	Monthly.....	10c.
Law T.	Law Times, London, Eng.	Monthly.....	Sixpence.
Lawy. Rep. Ann.	Lawyers' Reports Annotated, Lawyers' Co-operative Pub. Co., Rochester, N. Y.	Weekly.....	75c.
Leg. Int.	Legal Intelligencer, Philadelphia.....	Weekly.....	10c.
Madras Law J.	Madras Law Journal.....	Quarterly.....	25c.
Med. Leg. J.	Medico-Legal Journal, New York City.....	Monthly.....	25c.
Mich. Law J.	Michigan Law Journal, Detroit, Mich.	Monthly.....	25c.
Minn. Law J.	Minnesota Law Journal, St. Paul, Minn.	Monthly.....	25c.
Mont. Leg. N.	Montreal Legal News, Montreal, Can.	Monthly.....	\$5 per vol.
Morr. Min. R.	Morrison's Mining Reports, Callaghan & Co., Chicago	Weekly.....	10c.
Nat. Corp. Rep.	National Corporation Reporter, Chicago.....	Monthly.....	25c.
N. J. Law J.	New Jersey Law Journal, Plainfield, N. J.	Monthly.....	25c.
N. W. Law Rev.	Northwestern Law Review, Chicago.....	Monthly.....	25c.
N. Y. Cr. R.	New York Criminal Reports, S. S. Peloubet, N. Y. City	Monthly.....	25c.
N. Y. Law J.	New York Law Journal, New York City.....	Daily.....	05c.
N. Y. Law Rev.	New York Law Review, Ithaca, N. Y.	Monthly.....	25c.
Pa. Law Series	Pennsylvania Law Series, Philadelphia, Pa.	Monthly.....	\$1.00.
Pittsb. Leg. J.	Pittsburgh Legal Journal, Pittsburgh, Pa.	Weekly.....	10c.
Political Science	Political Science, Boston, Mass.	Quarterly.....	\$2.00 per year.
Quart. Jour. Econ.	Quarterly Journal of Economics, Boston.....	Quarterly.....	\$2.50 per year.
Rev. of Rev.	Review of Reviews, New York City.....	Monthly.....	1 shill. and sixpence
Revue Generale	Revue Generale, Paris, France.....	Monthly.....	25c.
Scot. Law Rev.	Scottish Law Review, Glasgow, Scot.	Monthly.....	50c.
Scot. Law T.	Scots' Law Times, Edinburgh, Scotland.....	Weekly.....	10c.
University Law Rev.	University Law Review, New York City.....	Monthly.....	20c.
Va. Law Reg.	Virginia Law Register, Lynchburg, Va.	Weekly.....	25c.
Wash. Law R.	Washington Law Reporter, Washington.....	Monthly.....	10c.
West. Res. L. J.	Western Reserve Law Journal, Cleveland, O.	Weekly.....	25c.
Wkly. Law Bul.	Weekly Law Bulletin and Ohio Law Journal, Columbus, Ohio.....	Monthly.....	10c.
W. Va. Bar	West Virginia Bar, Morgantown, W. Va.	Monthly.....	35c.
Yale Law J.	Yale Law Journal, New Haven, Conn.	Monthly.....	35c.

TOPICAL DIGEST.

N. B. The Classification of the American Digest is here used.

ABORTION.

A review of the crime, with numerous authorities.—By Edward A. Belcher. 17 Cr. Law Mag. 141.

Accidents.

— At railroad crossing and on track, see "Railroad Companies."

Amendment.

— Of judgment, see "Judgment."

ANIMALS.

A note on the validity and construction of statutes as to infected cattle.—26 L. R. A. 640.

A short article on the rights and liabilities of the owners of animals.—59 J. P. 225.

ATTACHMENT.

An extended note on the right to attach property in the hands of an assignee for creditors.—26 L. R. A. 593.

ATTORNEY AND CLIENT.

An article on admission to the bar in the United States.—By Ralph Stone. 3 Am. Lawy. 158.

An interesting essay on the article clerk and the propriety of the abolition of articles of clerkship.—By John Indermaur. 17 Law Students' J. 72.

BAR ASSOCIATIONS.

Address at the meeting of the Kansas State Bar Association.—By John D. Milliken. 3 Am. Lawy. 153.

CARRIERS.

A collection of conflicting authorities on the right of a common carrier to exempt himself by contract from the consequences of his own negligence in the case of strictly free passengers.—By Albert B. Davidson. 3 N. W. Law Rev. 191.

An interesting article on the rights and duties of passengers in a railway train.—By Chester N. Farr, Jr. 2 Am. Law Reg. & Rev. (N. S.) 238.

A short article on the rights of a passenger traveling on a railway without a ticket.—98 Law T. 515, 538.

Church.

— See "Religious Societies."

CONSTITUTIONAL LAW.

A short collection of authorities on what constitutes due process of law.—41 Am. St. Rep. 338.

CONTRACTS.

— Made on Sunday, see "Sunday."

— Of corporations, see "Corporations;" "Municipal Corporations."

— Of railroads, see "Railroad Companies."

A continuation of an article, with numerous citations, on the doctrine of ejusdem generis, as applied to the construction of documents.—31 Can. Law J. 187.

CORPORATIONS.

An article on the formation of limited companies from the solicitor's point of view.—11 Scot. Law Rev. 105.

A compilation of the statutes governing a transfer of corporate shares.—10 Nat. Corp. Rep. 177.

A continuation of an article on the rights and remedies of a corporation and its stockholders in respect of contracts ultra vires.—By Charles A. Winter. 4 Counsellor, 183.

A continuation of a valuable article on corporate assets as a trust fund for the benefit of creditors.—By Edward A. Harriman. 3 N. W. Law Rev. 206.

A short article on "One-Man Companies."—By Edward Manson. 11 Law Quart. Rev. 185.

A short note relating to a right of action against foreign corporations and process of service in such cases.—41 Am. St. Rep. 837.

COURTS.

An interesting article on the rights of foreign litigants in French courts.—By Malcolm McIlwraith. 11 Law Quart. Rev. 167.

COVENANTS.

A short article on the question whether covenants to settle property embrace savings.—29 Ir. Law T. 171.

CRIMINAL LAW.

— See "Abortion"; "Rape."

— Insanity as a defense, see "Insanity."

An article on the absence of common law crimes in Ohio.—By Alexander Hadden. 1 West. Res. L. J. 72.

An article on the effect of suggestions or consent to commit crime.—8 Chi. Law J. 173.

An article on the prevention and cure of crime.—By R. O. B. Lane. 98 Law T. 511, 559, 582.

An essay in favor of intermediate sentences.—By George M. Buck. 4 Mich. Law J. 114.

Damages.

— See "Death by Wrongful Act"; "Eminent Domain."

DEATH BY WRONGFUL ACT.

An extensive note as to actions for death by wrongful act, with a review of the pleadings, evidence, and instructions in such cases.—60 Am. & Eng. R. Cas. 178.

An extensive collection of authorities on the question of damages for injuries causing death.—60 Am. & Eng. R. Cas. 219.

DEEDS.

An interesting article on the priority of liens on a fund where the question of priority is created by the recording or nonrecording of a deed or the docketing or nondocketing of a judgment.—By J. Randolph Tucker. 1 Va. Law Reg. 4.

A short note on the effect of a deed on after-acquired title.—41 Am. St. Rep. 722.

DESCENT AND DISTRIBUTION.

A review of decisions on the constitutionality of laws taxing collateral inheritances.—41 Am. St. Rep. 580.

DISCOVERY.

A valuable note on the power to compel a party to produce books and papers as evidence or for examination by his adversary.—41 Am. St. Rep. 388.

DIVORCE.

A short article on the principles of the law and the procedure of the court.—98 Law T. 513.

DOWER.

An article on the nature of an inchoate right of dower, how it may be protected for the wife's benefit, and how it may be relinquished by her act.—By Ralph H. Holland. 4 Counsellor, 199.

Due Process of Law.

— See "Constitutional Law."

EMINENT DOMAIN.

An extensive note on mitigation of damages in condemnation proceedings by preserving to the landowner an estate or easement in respect to the property.—26 L. R. A. 751.

Factors and Brokers.

— See "Sale."

Fire Insurance.

— See "Insurance."

Foreclosure.

— Of trust deed, see "Mortgages."

Foreign Corporations.

— See "Corporations."

Forfeiture.

— Of railroad franchise, see "Railroad Companies."

FRAUDS, STATUTE OF.

A collection of authorities on the validity of a parol promise to accept an order or bill of exchange.—26 L. R. A. 620.

GUARANTY.

An article on the requisites of contracts of suretyship and guaranty.—By G. H. Jenkins. 2 Am. Law Reg. & Rev. (N. S.) 258.

HIGHWAYS.

An extensive citation of authorities on discontinuance of highways.—26 L. R. A. 821.

A note on the effect of an abandonment of a highway.—26 L. R. A. 659.

HUSBAND AND WIFE.

A few authorities on tenancy by entireties and joint tenancy as between husband and wife.—41 Am. St. Rep. 429.

Income Tax.

— See "Taxation."

INSANITY.

An interesting article on insanity as a defense to crime.—98 Law T. 536.

An instructive article on the disposition to be made of the surplus income of a lunatic after every reasonable expenditure has been made for his care and comfort.—By William G. Thompson and Richard W. Hale. 8 Harv. Law Rev. 472.

INSURANCE.

A collection of authorities on a rule governing an insurer's option to rebuild.—26 L. R. A. 853.

A valuable article, with numerous citations, on the insurer's right of subrogation to the rights of an insured mortgagee.—By James F. Noble. 3 N. W. Law Rev. 163.

JUDGES.

An article on the duties of trial judges and methods of procedure.—By Frederick J. Russell. 4 Mich. Law J. 120.

JUDGMENT.

An article on the collateral impeachment of judgments of other states and of default judgments.—By Flora V. W. Tibbits. 40 Cent. Law J. 298.

A short article on the right to amend the justice's orders or judgments.—59 J. P. 211.

LANDLORD AND TENANT.

A continuation of a valuable article on the relation of landlord and tenant.—6 Chl. Law J. 161.

A short note on the right of compensation for the use of premises where the lease is invalid under the statute of frauds.—26 L. R. A. 799.

LAW.

See, also, "Attorney and Client"; "Bar Associations."

An interesting lecture delivered before the Capetown Forensic Society.—By C. H. Van Zyl. 12 Cape Law J. 16.

An historical review of the judicial systems of England and France.—12 Cape Law J. 1.

A scholarly article on the law of nature.—By John W. Salmond. 11 Law Quart. Rev. 121.

LIBEL AND SLANDER.

A conclusion of an article on the libel act of 1894.—By J. King. 15 Can. Law T. 89.

A note on the liability of a newspaper proprietor for libel published without his knowledge or consent.—26 L. R. A. 779.

Liens.

— See "Mechanics' Liens"; "Maritime Liens."

LIMITATION OF ACTIONS.

A short note on the interruption of the statute by assignment in insolvency.—26 L. R. A. 737.

MARINE INSURANCE.

A short note on insurance law.—By Arthur Cohen. 11 Law Quart. Rev. 118.

MARITIME LIENS.

A valuable article, with numerous authorities from recent cases, on the law of priority among maritime liens.—By Edward G. Benedict. 2 University Law Rev. 122.

MARRIAGE.

A continuation of an interesting series of articles on the marriage law of Scotland.—2 Scot. Law T. 556, 572.

MASTER AND SERVANT.

A collection of authorities as to the law of vice principals.—41 Am. St. Rep. 94.

An article on the right of compensation for loss of employment through the action of the health department on occasion of infectious disease.—59 J. P. 163.

MECHANICS' LIENS.

A collection of authorities on the law of waiver of lien by taking notes or other securities.—41 Am. St. Rep. 761.

MINES AND MINING.

An article on the discovery and location of mines on public lands.—By S. S. Merrill. 40 Cent. Law J. 335.

MISTAKE.

A short essay on the effect of mistake of law in criminal and civil matters.—By Leonard J. Tynan. 18 N. J. Law J. 103.

MORTGAGES.

A note with numerous authorities on the requisites of notice in foreclosure of power of sale mortgage or trust deed.—By D. H. Pingrey. 40 Cent. Law J. 270.

A valuable article with numerous English citations on freedom of contract in mortgages.—By Ernest C. C. Firth. 11 Law Quart. Rev. 144.

MUNICIPAL CORPORATIONS.

A collection of authorities on the powers and liabilities of municipalities in times of epidemics.—26 L. R. A. 727.

An extended note, with numerous citations, on the right of the lowest bidder on a public contract.—26 L. R. A. 707.

A short article on the licenses by cities and towns to use streets.—By R. G. H. Kean. 1 Va. Law Reg. 1.

A valuable note on the rights of abutting owners to easements of light and air in streets.—41 Am. St. Rep. 323.

NAME.

An interesting article, with numerous citations, on the legal status of a name.—By George Lawyer. 40 Cent. Law J. 316.

NEGLIGENCE.

— See "Railroad Companies."
— Of carriers, see "Carriers."

A collection of authorities as to the liability of abutting owners for the dangerous condition of private grounds beside a highway or frequented path.—26 L. R. A. 686.

A valuable article, with numerous citations, on the doctrine *volenti non fit injuria* in actions of negligence.—By Charles Warren. 8 Harv. Law Rev. 457.

A note on the duty of railroad companies as to dangerous premises.—60 Am. & Eng. R. Cas. 19.

A valuable note on the responsibility of a railroad company for injuries by fright of horses at crossings.—60 Am. & Eng. R. Cas. 665.

NEGOTIABLE INSTRUMENTS.

A review of the varying state laws governing commercial paper, with reference to instruments payable to "bearer" and "A. or bearer."—11 Banking Law J. 183.

PARTITION.

A valuable note on partition in connection with the distribution of the estates of decedents.—41 Am. St. Rep. 140.

PARTNERSHIP.

An article on the right of a separate creditor to prove against the joint estate with reference to the case of *Calhoun v. Bank* (S. C.) 20 S. E. 153.—By E. A. Harriman. 3 N. W. Law Rev. 177.

Passengers.

— See "Carriers."

POWERS.

A short article on the subject of appointment under powers, with a citation of a few recent English cases.—14 Law Notes, 112.

Practice in Civil Cases.

— Production of books and papers, see "Discovery."

RAILROAD COMPANIES.

— See "Carriers"; "Negligence"; "Receivers."

A valuable note on the forfeiture of charter for failure of a railroad company to comply with its terms in the construction of its road.—60 Am. & Eng. R. Cas. 563.

A valuable note on the assessment of railroad property and the enforcement of the payment of the tax.—60 Am. & Eng. R. Cas. 328.

A valuable note on the law as to the abolishment of grade crossings, and as to the right of one railroad to cross another.—60 Am. & Eng. R. Cas. 587.

A valuable article on legislative interference with the freedom of railroad corporation contracts.—By Henry L. Harrington. 51 Alb. Law J. 246.

A collection of authorities on the duties of persons on railroad tracks.—60 Am. & Eng. R. Cas. 56.

An extensive note on the duty of railroad companies to trespassers on the track.—60 Am. & Eng. R. Cas. 43.

An article, with numerous citations, on actions for injuries at crossings with reference to the sufficiency of the pleadings, and the effect of the imputed negligence of the drivers of the vehicles.—60 Am. & Eng. R. Cas. 714.

A short note on the duty of a company to a licensee at a private crossing.—60 Am. & Eng. R. Cas. 651.

A valuable note on the duty of persons about to cross a track to stop and look and listen for approaching trains.—60 Am. & Eng. R. Cas. 679, 694.

A valuable note on injuries to travelers by defective railroad crossings.—60 Am. & Eng. R. Cas. 642.

A note on the duty of a railroad company to maintain gates or station flagmen at railroad crossings.—60 Am. & Eng. R. Cas. 628.

RAPE.

A short article on the question of admissibility of evidence of complaints.—29 Ir. Law T. 183.

REAL ESTATE.

A history of land-holding in colonial North Carolina.—By J. S. Bassett. 11 Law Quart. Rev. 154.

RECEIVERS.

A collection of authorities on appointment of receivers for railroad companies.—60 Am. & Eng. R. Cas. 421.

A short note on the authority of receivers to incur expenses for the operation of a railroad.—60 Am. & Eng. R. Cas. 384.

A valuable article on the rights and duties of receivers, and as to what constitute preferred claims against funds in their hands.—60 Am. & Eng. R. Cas. 462.

A valuable note on the effect of a discharge of a receiver of a railroad company, both as to his successor in the receivership, and as to the railroad company, when the property of the company is restored.—60 Am. & Eng. R. Cas. 511.

RELEASE AND DISCHARGE.

A collection of authorities as to the effect of a release from liability for personal injuries.—60 Am. & Eng. R. Cas. 265.

RELIGIOUS SOCIETIES.

A continuation of a valuable series of articles on the church, and the law and the nature of church property.—98 Law T. 561.

RIOTS.

A short article on the authority of magistrates on occasions of riot.—59 J. P. 161.

SALE.

A valuable article on the law of purchase and sale through a stock broker, with numerous citations.—By Eliot Norton. 8 Harv. Law Rev. 435.

STATUTES.

A review of the recent constitutional provisions for the regulation of the enactment of laws in New York.—By Christopher G. Tiedeman. 2 University Law Rev. 133.

Stock.

— In corporation, see "Corporations."

Streets.

— See "Highways."

Subrogation.

— Of insurer to rights of mortgagee, see "Insurance."

SUNDAY.

A short article on the law of Sunday contracts.—By Harold E. Lippincott. 2 University Law Rev. 119.

TAXATION.

— Collateral inheritance tax, see "Descent and Distribution."

— Of railroads, see "Railroad Companies."

A review of the decision of the supreme court of the United States on the income tax case (Pollock v. Trust Co., 15 Sup. Ct. 673).—51 Alb. Law. J. 225.

A review of the single-tax proposition.—By B. R. Webb. 3 Am. Lawy. 145.

A short article on distress warrants for nonpayment of rates.—59 J. P. 177.

Tenancy in Common and Joint Tenancy.

— See "Husband and Wife."

TROVER AND CONVERSION.

A short note on the effect of the return of the property on the question of damages.—41 Am. St. Rep. 43.

Vice Principals.

— See "Master and Servant."

WILLS.

A review of the rule of law conferring the power of diverting property from the family of the testator, or of distributing such property unequally, with numerous citations.—By William Henry Lloyd, Jr. 2 Am. Law Reg. & Rev. (N. S.) 247.

Witness.

— Privilege from service of writ, see "Writs."

WRITS.

— Service on foreign corporations, see "Corporations."

A short note on the privilege from service of by suitors and witnesses.—41 Am. St. Rep. 44.

See Mr. H. Campbell Black's Note on **MENTAL ANGUISH**, in Vol. II, C. C. A.

LAW BOOK NEWS.

A Monthly Review of Current Law Literature and Journal of Legal Bibliography.

Terms of Subscription: \$1 a Year; Single Copies, 10 Cents.

VOL. 2.

ST. PAUL, MINN., JUNE, 1895.

No. 6.

Legal Education.

A PAPER on the above subject, read by Prof. Hutchins, dean-elect of the University of Michigan Law School before the Michigan Political Science Association, is published as the leading article in the Michigan Law Journal for May. Its appearance is timely, for the sweeping strictures of President David Starr Jordan in his article on "Pettifogging Law Schools and an Untrained Bar," in the May Forum, will bring the subject, for a moment at least, to the front. Prof. Hutchins takes rather a more hopeful view of the situation than President Jordan, but both urge a higher standard for admission to the profession, and would foster a keener public interest in the importance of having the men who, as lawyers, will naturally have more than any other single class to do with managing the public affairs of the nation, properly trained for their office. "Our lawyers are our rulers. We can never hope to see our states well governed till its lawyers are well trained," says President Jordan. "He [the lawyer] is more than a hired advocate. He is an essential part of the machinery of government. His influence upon the jurisprudence and legislation of the country is practically omnipotent. He is the natural leader of the people. If I have succeeded in making out my case, it follows logically that his education is a matter of public concern," says Prof. Hutchins.

From these views none will dissent, and it is within reasonable bounds to hope that the agitation of the subject by such writings, and by the energetic discussions in the section of Legal Education of the American Bar Association, some good result may be accomplished. The general interest manifested in the session of that section at Saratoga Springs last summer bears witness to the fact that the profession itself recognizes the important bearings of the question. The

University Law Review announces that it opens its pages for suggestions upon this subject.

A paper on "The Inductive Method in Legal Education," by William A. Keener, dean of Columbia College Law School, appears in the May number of the Law Student's Helper. He advocates the case system of instruction.

"Stare Decisis" Limited.

THE following editorial note from The Nation of May 23d is worth reprinting for its luminous thought and succinct statement upon a subject which has become so complicated and hazy that most lawyers hardly know whether they have much of an opinion upon it or not:

Nothing in Mr. Choate's brilliant argument against the income tax was more cogent and instructive than the portion which related to the stare decisis rule. There has been nearly as much confusion in the popular mind about this as about the "Monroe doctrine." We were told, as soon as the constitutionality of the income tax came up, that inasmuch as the judges at the close of the last century had recognized only two taxes, namely, those on land and capitation taxes, as direct, the taxes on salaries and other sources of income were not direct; and by this rule we must stand, if necessary, for a thousand years. "Stare decisis," cried all the "scientific" taxers, and then closed their ears. The passage in Mr. Choate's argument which disposes of this is worth quoting:

"The reason of the rule is, that it is often better on public grounds, where a question of law has been decided—where it has been repeatedly decided—that the court should let it remain rather than, by the declaration of another though a better rule, dispense with it. Where is that chiefly applied? Where ought it chiefly to be applied? Where has it always been applied? When the former decision has grown into a rule of property, and vested rights in a trusting community, relying upon the past decision, have become fixed, where rules of conduct have come to be governed by it, as in the making of contracts and other arrangements between man and man and between citizens and corporations, I acknowledge that there may often be cases where less damage to the public, less injury upon the whole, arises from letting the bad rule stand. Everybody has acquiesced in

the rule, everybody knows it to be the rule, everybody has acquired his property under the rule, and made his contracts under the rule. But what right or reason is there for its application to a constitutional provision respecting the power of government in the matter of taxation? Let the learned attorney-general point to one man in the United States, to one woman, to one child, who will be affected detrimentally, whose rights will be in the least impaired, by a correction of that former error here—if such error has ever been committed, and I do not believe it has been."

See the effect of letting human reason play around a thing. As soon as we ask how the stare decisis rule came by its sanctity, we see its exact value. But when somebody who has never examined the matter at all tells us that on no compulsion and for no purpose must we depart from what the court said about it one hundred years ago, then we get a glimpse of the great Chinese secret. The explanation of the Chinese immobility comes to us like a flash. The Chinese adopted stare decisis as the rule of their lives thousands of years ago, and we see the result.

Dead.

THE little fleet of pamphlets, monographs, treatises, elucidations, and comments, which set sail so gayly, and so very, very promptly, when congress made some desultory remarks about an income tax, has been scattered to the four quarters of the sea by the stiff nor'-wester which came down from the supreme court, and publishers and authors are now gathering up the wreckage, and trying to find out where the blow hit them. It is sad to think of all the good printer's ink which has been wasted, to say nothing of the exhaustion of brain tissue, and the moral strain which the community has suffered. But it is incidentally amusing to read, in the *Central Law Journal* of May 17th, for instance, that Foster on the Federal Income Tax "has an especial value at this time." As Browning remarks:

"The little more, and how much it is!
The little less, and how far away!"

Sir Francis Bacon as a Dramatist.

THE latest version of the Baconian theory comes from Detroit, Mich. The Howard Publishing Company has issued four volumes of "Sir Francis Bacon's Cipher Story, as discovered by Orville W. Owen, M. D.," and an indefinite number of additional volumes are promised.

Sir Francis Bacon has had his Donnellies, and Dr. Owen has profited by the example.

Not content with reiterating the simple old claim that the great chancellor was the author of Shakespeare's dramas, Dr. Owen is trying to persuade his public that the man whom Pope characterized as "the wisest, brightest, meanest of mankind" was the author, not only of the plays credited to William Shakespeare, but also of those given to the world by Robert Green, George Peel, and Christopher Marlowe, as well as of the *Faerie Queene*, *Shepherd's Calendar*, and all of the works of Edmund Spenser, the *Anatomy of Melancholy* of Robert Burton, and all the works signed by Francis Bacon himself. To establish this claim, he tells us that he has discovered a cipher which Bacon worked into the plays, and that by following the directions given in this key the secret history woven inside the plays is so clearly revealed that it can be written out by his typewriter assistants as a matter of routine. The first volume contains a lengthy epistle in blank verse purporting to be addressed by Sir Francis Bacon to his decipherer. The remainder of the work as published gives a description of the Queen and of Sir Francis Bacon's life, a new poem of very many lines, indeed, on the Spanish Armada, and a new prose (and prosy) play, the *Tragedy of Mary Queen of Scots*, in four acts. The comprehensiveness of Dr. Owen's claim from the literary standpoint is only matched by the courage with which he treats what has heretofore been regarded as history. According to the story which he has deciphered, Sir Francis Bacon could rightfully claim the name and title which he attaches to his poem on the Spanish Armada, "Francis, Prince of Wales." The account of Queen Elizabeth's marriage to Leicester, kept secret for state reasons, and of the manner in which Sir Francis learns the rights which he may not claim, are treated in blank verse, which is made up, like patchwork, of the words, phrases, sentences, and paragraphs which are familiar quotations from the great plays. After reading same, the only feeling can be one of thankfulness to Sir Francis for hiding the alleged poem as obscurely as he did.

The Baconian theory is a curious instance of the way in which a myth will survive. Had it been more tangible, it would have been killed long ago, but a myth, like a ghost, may be stabbed through and through without apparently being any the worse for it.

This particular myth has always possessed more or less attraction for the legal mind, because an important part of the circumstantial evidence in the case is the free and accurate use of legal terms in the plays. It is claimed that only the greatest lawyer of the day could have shown such familiarity with legal phraseology, and, as Sir Francis Bacon was reputed to be the greatest lawyer of the day, it follows, according to these logicians, that he must have been the author of the plays.

To be sure, there is other circumstantial evidence which should be given equal weight. If Shakespeare's ignorance of law, his "small Latin and less Greek," are to be taken in evidence, Bacon's ignorance of humanity, his small generosity, and less honor, should be considered at least an equal offset as regards his qualifications for the authorship of plays which are an epitome of life.

If we confined ourselves to circumstantial evidence, there would in fact be little difficulty in showing that all the specialized learning in the plays which has caused subsequent decipherers so much trouble was to be found in the manuscript plays which the Globe Theatre had been accumulating for years, and which in Elizabeth's time constituted a vast manuscript library, entirely at the disposal of the stage manager and adapter of plays of the time. It was a play-writing age, and the talent of England had been blossoming for years in plays which possessed all the wit, all the learning, and all the technical knowledge of the time. It only needed the vivifying touch of a master of human nature to produce, out of these materials, the dramatic masterpieces of the world. It was not by any means essential that such an adapter should have served a legal apprenticeship or a medical apprenticeship, or that he should be able to conjugate his verbs in ancient Greek. That part of the work had been done and was ready at his hand. It was necessary for him to breathe the spirit of life into the cold classical perfections which had been produced by such apprentices, and make them trob with humanity. To explain genius is a somewhat difficult task. It is a miracle at best, and no more a miracle if it expresses itself through a William Shakespeare than if it is made manifest through a Francis Bacon.

But of course Dr. Owen does not go on

circumstantial evidence. He relies for the support of his claim upon the cipher, and, as this has not yet been made public we cannot discuss its merits. We understand that it is to be given to the world after the stories which Dr. Owen's stenographers evolve from the plays according to its formula have been on the market for a sufficient length of time. If the public has forgotten its experience with Mr. Donnelly's famous cipher, it is possible that a remunerative sale may be secured.

The Uncertainty of the Law.

THE uncertainty of the law is popularly supposed to be the chief occasion for the rejoicing of the members of the legal profession, but it is not often that a lawyer is willing to publicly sing "Hey!" over this characteristic of his handiwork. But, in the Canadian Law Times, our old friend "Anonymous" gives vent to his jubilation in verse as follows, upon the occasion of two opposite judgments in two cases of exactly similar facts:

STEVENS v. GROUT.

McDERMOTT v. GROUT.

(16 P. R. 210, 215.)

"The facts of the case McDermott v. Grout were precisely the same as those of the preceding case, Stevens v. Grout. This action, however, was in the Common Pleas Division."—Report of case.

McDermott and Stevens brought suit against Grout,

The law is uncertain, Sing Hey!

In the Practice Reports their fates are set out,
Come read me this riddle, I pray.

The twelve honest men made an honest mistake,

The law is uncertain, Sing Hey!

And the Judge refused straight any judgment make,

Come read me this riddle, I pray.

Now, what in the world are the parties to do,

The law is uncertain, Sing Hey!

To untangle this snarl and get started anew,

Come read me this riddle, I pray.

With a notice of trial both plaintiffs were fain,

The law is uncertain, Sing Hey!

To fly at the throat of defendant again,

Come read me this riddle, I pray.

Said the "Pleas" to McDermott, "Your practice was right,"

The law is uncertain, Sing Hey!

"To have moved us *in banc* were nonsensical quite."

Come read me this riddle, I pray.

But the "Bench" said to Stevens, "To help you,
you know,"
The law is uncertain, Sing Hey!
"Takes three of us sitting here, all in a row,"
Come read me this riddle, I pray!

Thus McDermott is merry and Stevens is sad,
The law is uncertain, Sing Hey!
And Grout now is sorry and now he is glad.
Come read me this riddle, I pray.

And one thing we learn from these cases of
Grout,
The law is uncertain, Sing Hey!
While some lawyers are in that some judges are
out,
Come read me this riddle, I pray.

Announcements.

[Publishers and others are invited to send news regarding law writers and law books, and any items of interest to legal bibliography.]

William Hodge & Co. (Glasgow) will soon publish *By-Laws for Burghs*, a work prepared by James Muirhead.

Clowes & Son (London) announce as in press a new work by A. W. Norman, entitled "*Death Duty Tables and Computations.*"

Kay & Bro. (Phila.) announce as in preparation a sixth edition of *Dunlap's Book of Forms*, revised by Edward F. Pugh, of the Philadelphia bar.

Brewster's *Equity Practice*, being volumes 5 and 6 of Judge Brewster's series on *Practice in the Courts of Pennsylvania*, is announced for September, 1895, by the publisher, George T. Bisel.

A third volume of the *Digest of the United States Supreme Court Reports*, issued by the *Lawyers' Co-operative Publishing Company*, is announced as nearly ready. It is to cover volumes 118 to 154, inclusive.

The Bancroft-Whitney Company announce that volume 4 of *Thompson's Commentaries on Private Corporations* will be issued in July. Volumes 5 and 6 are expected to follow in September and November, respectively.

In response to the expressed wish of subscribers, the publishers of the *Federal Cases* will bring out the remaining volumes more rapidly, thus placing the entire set in the hands of the profession at as early a date as possible.

Houghton, Mifflin & Co. announce for publication in the early autumn the long looked for *Treatise on the Law of Real Property as Applied to Modern Conveyancing*, by Leonard A. Jones, in two volumes, of about 1,000 pages each.

On the authority of the *Law Students' Helper*, it is stated that H. L. Woodward, of Marietta, Ohio, has been engaged by some unnamed law publishing house of Albany, N. Y., to write a new work on corporation law, in two volumes.

The West Publishing Company will issue this month *Tiffany on Sales*, in the *Hornbook series*; *Book 12 Federal Cases*; Vol. 12 *C. C. A. Reports*; Vol. 39 *Pacific Reporter*; Vol. 62 *Northwestern Reporter*; and Vol. 66 *Federal Reporter*.

The Robert Clarke Company announces as in press *Hogg's Pleading and Forms*, being a treatise on the system of common-law pleading especially applicable to the state of West Virginia, prepared by Charles E. Hogg, of the West Virginia bar.

The West Publishing Company has in preparation a volume of *Equity Cases*, selected and annotated by Norman Fetter, and a volume of *Criminal Law Cases*, selected and annotated by W. L. Clark, especially adapted for use in connection with the *Hornbooks* on those topics.

"The Law of Landlord and Tenant" is the title of a new work by Mr. S. R. Clarke, soon to be issued by the Carswell Company, Toronto. It will be an exhaustive treatise on the subject, and will doubtless prove of special interest and value to Canadian lawyers. American cases are extensively cited.

The Australian Law Times announces as in course of preparation the *Rights, Duties, and Liabilities of Employers and Employés*, by J. G. Eagleson; the *Laws Relating to Bills of Sale*, by Alfred MacHugh; and the *Law Relating to Marriage and Divorce*, by J. G. Eagleson, L. T. S. Robinson, and B. P. O'Dowd.

The Carswell Company (Toronto) will soon publish a *Handbook of Procedure under the Ditches and Watercourses Act, 1894*, by George Fredrick Henderson. The work will contain, in addition to the text of the act, annotated by sections, a full digest of Ontario cases, which will doubtless make it a very useful work for Canadian lawyers.

Callaghan & Co. announce as in press a new edition of the lectures delivered by James Wilson, delivered before the law school of the University of Pennsylvania, 1790-1791, edited by J. De W. Andrews. James Wilson was one of the signers of the Declaration of Independence, and one of the first justices of the federal supreme court.

Among the announcements of the West Publishing Company for July are Tiffany on Domestic Relations, Jaggard on Torts, and Glenn on International Law, of the Hornbook Series. They have also in an advanced state of preparation the second volume of the Southwestern Reporter Digest, covering volumes 21 to 30 of the Southwestern Reporter.

Tiffany on Sales, the new volume in the Hornbook Series which is to be published in June, is by Francis B. Tiffany, the author of Tiffany on Death by Wrongful Act. It will undoubtedly show the same noticeable care and thoroughness which characterized the former work, and which have given it a place among the books that do not pass away with the day.

Series 4, volume 1, of the Supreme Courts of the States and Provinces of North America, will soon be issued by the Medico-Legal Journal. This series will contain historical sketches of the supreme court of Pennsylvania and of Delaware, together with portraits of all the present and many of the former members of the supreme bench in each of the states named. The sketches are reprinted from recent issues of the Medico-Legal Journal.

The Hornbook Series offers no exception to the general rule that authors and publishers are unable to come up to their proposed dates of publication. Thus, Tiffany on Domestic Relations, which was to be issued in June, will not appear until July. Smith's Elementary Law, which was promised last fall, and has several times been announced as nearly ready, still lingers. Yet the prospects are that a number of new volumes of this series will be published during the coming summer. In July or August the publishers expect to have ready Jaggard on Torts, by Prof. Edwin A. Jaggard, of the University of Minnesota Law School; Glenn on International Law, by Capt. Edwin F. Glenn, Acting Judge Advocate of the U. S. Army, Johnson on Extraordinary Remedies, by Prof. E. F. Johnson, of the University of Michigan, editor of the third edition of Bliss on Code Pleading; McKelvey on Evidence, by John J. McKelvey, author of the Students' Book on Pleading;

and Shipman's Equity Pleading, by Benjamin J. Shipman, of the St. Paul bar, author of Shipman's Common Law Pleading, in the Hornbooks Series.

Law Book Notes.

Stewart's Law of Wills, a pamphlet issued by Effingham, Wilson & Co., has reached a fourth edition.

A new (tenth) edition of Binns' Justice, revised by Frank F. Brightly, was issued in May by Kay & Bro.

The Federal Cases are coming out regularly. Volume 11 of the series was sent out to subscribers May 10th.

The Session Laws of Oklahoma, 1895, have been issued in bound form by the State Capital Printing Company, Guthrie.

E. B. Myers & Co. have published a book on the Illinois Law of Assignment for the Benefit of Creditors, by Sidney Richmond Taber.

Bewes' Law of Waste, a new and thorough treatise on a difficult and important subject, has recently been brought out by Sweet & Maxwell.

The Central Law Journal Company (St. Louis) has issued a new (ninth) edition of Hints on Advocacy, by Richard Harris, of the London bar.

G. J. Jones, Chicago, has issued a reprint of the Dartmouth College Case and the Supreme Court of the United States. It is bound in cloth, at \$2.50.

A Manual of the Law of Contract, a new work prepared especially for students, by M. Majid Ullah and J. G. Colclough, was issued in May by Jordan & Sons, London.

Mr. Florian Glauque has added to his useful series of local treatises for Ohio a treatise on the Road and Bridge Laws of Ohio, including the common law of roads, ways, and highways.

The twenty-eighth edition of Stone's Justices' Manual, revised, enlarged, and brought down to date, by George B. Kennett, has recently been issued from the press of Shaw & Sons, London.

Among the May publications of T. & T. Clark (Edinburgh) are a new edition of Prof. Henry Goudy's *Law of Bankruptcy*, and a new work on the *Principles of Summary Criminal Jurisdiction*, by H. H. Brown.

Notes on *Perusing Titles*, which is styled by the author, Lewis E. Emmet, as "an attempt to reduce the perusal of abstracts to a system," was announced to issue in May, from the press of Jordan & Sons, London.

A *Guide to Income Tax Practice*, by Adam Murray and Roger N. Carter, has recently been issued by Gee & Co. It is said to be an able and exhaustive treatise on the subject,—which might have been of some interest to the American bar, if —.

Sweet & Maxwell have recently published a *Commentary on the Sale of Goods Act, 1893*, prepared by Walter C. A. Ker and A. B. Pearson-Gee. The work is said to be a complete and exhaustive treatise on the whole law relating to the sale of goods.

Volume 4 of *English Ruling Cases*, issued in May by the Boston Book Company, is devoted mainly to the law of bills and notes. The bills of exchange act of 1882 introduces the volume, followed by 51 cases, with English and American notes.

Baker, Voorhis & Co. have published a *History of the Law of Real Property in the State of New York*, by Robert Ludlow Fowler. The author's object is to trace the origin and development of this branch of law from the earliest times down to and through the Revised Statutes.

Sweet & Maxwell (London) have just published the *Law of Copyright in Designs*, together with the practice relating to proceedings in the court and in the patent office, with an appendix of statutes, rules, and forms, etc., by Lewis Edmunds, T. M. Stevens, and M. W. Slade.

A *Summary of the Law of Land and Mortgage Registration in the British Empire and Foreign Countries* is the self-explanatory title of a new work by R. Burnett Morris, recently published by Clowes & Son, London. The book purports to present the law in all parts of the world on the subjects indicated by its title.

The Williamson Law Book Company has issued Haviland & Greene's *Table of New York Decisions and Citations*, covering the

period from October, 1892, to September, 1894, and supplementing Benjamin's *Table of Cases*. It has been the compiler's design to make the table full enough to indicate the character of the citation.

The West Publishing Company issued in May Vol. 29 *Southwestern Reporter*, Vol. 16 *Southern Reporter*, Vol. 65 *Federal Reporter*, Vol. 3 *Northwestern Digest* (covering volumes 51 to 60 *Northwestern Reporter*), Vol. 56 *Minnesota Reports*, Book 11 *Federal Cases*, Vol. 32 *New York Supplement*, and Elliott's *Outlines of the Law of Insurance*.

Among the recent publications of Stevens & Sons, we name the following: A *Treatise on Possession of Land*, by John M. Lightwood; *The Finance Act of 1894*, by John Eustace Harman; A *Guide to the New Death Duty*, by Evelyn Freeth; *The Shipping Code, 1894*, by Alexander Pulling; and A *Handy Guide to the Licensing Laws*, by H. W. Lathom.

The *Road Rights and Liabilities of Wheelmen* form the subject of a new work by George B. Clementson, just published by Callaghan & Co. It presents the rights of wheelmen to use highways, streets, alleys, sidewalks, etc., the liability of individuals, cities, and towns for injuries to wheels and wheelmen, and the liability of wheelmen for injuries to others.

The third edition of Macdonald's *Treatise on the Criminal Law of Scotland* has been issued from the press of Wm. Green & Sons, Edinburgh. To the American reader, an interesting feature of this work is the provision for a verdict by a majority of the jury, instead of a unanimous one. A "golden mean" between these two extremes might effect a very important saving of expense to the state without jeopardy to the ends of justice.

Under the heading, "The Book of the Month," *Law Notes* (London) gives a lengthy and somewhat commendatory review of Prideaux's *Precedents in Conveyancing*, the sixteenth edition of which has just appeared from the press of Stevens & Sons. The fact that the fifteenth edition of this work was issued barely two years ago proves either that it possesses unusual merit or that English lawyers are controlled by a mania for buying books.

Little, Brown & Co. have just issued a little book called "Your Will: How to Make It," by George F. Tucker, author of *A Man-*

ual of Wills, etc. It is designed to give all necessary suggestions to those intending to make their wills, and to show the reasons for making one. Perhaps it should be taken as a companion volume to the little work by Mr. B. B. West on "Wills, and how not to Make Them," reviewed in volume 1, Law Book News, p. 344.

Reeves & Turner (London) have issued a new edition of "Conveyancing and Settled Land Acts, and Some Other Recent Acts Affecting Conveyancing," by H. J. Hood and H. W. Challis. The Law Quarterly Review avers that this new (fourth) edition of the work is "required," and apparently bases this opinion on the somewhat surprising proposition that "the knowledge of the law of real property is less widely spread than it was some twenty years ago."

The West Publishing Company have just published in brochure binding an Outline of the Law of Insurance, by Charles B. Elliott, Judge of the District Court of Minnesota and Professor of Law in the University of Minnesota. This little pamphlet, of about 150 pages, covers in outline the whole subject of insurance. It is, of course, only the most general analysis for the use of students. The main propositions are printed in black letter, and the leading cases are cited. The little pamphlet is equipped with an index, an analytical table of contents, and a table of cases.

Miscellaneous Notes.

Percival H. W. Almy, an English lawyer, has written a volume of nonlegal verse, entitled "Scintillae Carmenis."

The Chicago bar is discussing a project to have a department of legal literature added to the Chicago public library.

The New Jersey Law Journal for May completes, from chapter 212, the publication of the acts and resolutions of the 119th legislature of New Jersey.

The Ohio Weekly Law Bulletin announces a reduction in the price of the Ohio Circuit Court Reports, which are issued in bound form, as a supplement to the Bulletin.

The Justice of the Peace (London) for April 27th contains a review of the recent report of the departmental committee on prisons, which will interest English readers.

Says Charles J. Darling:

"Never torture a witness longer than he will wriggle in a lively fashion; for it is not the pain, but the contortions, of the victim, which amuse lookers on."

The West Virginia Bar for May publishes a paper on Building Associations, by Mr. S. S. Greene, of the Charleston (W. Va.) bar, read at the last meeting of the State Bar Association.

T. Fisher Unwin, a London publisher, has recently brought out, under the title of "The Brehon Laws," a collection of lectures which were delivered before the Irish Literary Society of London, by Laurence Ginnell.

The Personal Rights Association (London) has issued in pamphlet form a paper read at a recent meeting of the society by Sir Roland Knyvit Wilson, entitled "Observations on Some Neglected Duties of the State."

A meeting of the American Library Association will be held at Denver in July or August, the precise date to be announced by the executive committee later. The membership of this association now numbers about 600.

The Legal Intelligencer for May 10th contains the full text of an address delivered by Hon. John B. McPherson before the Law Academy of Philadelphia, April 30th, on the subject of "Proposed Changes in Pennsylvania Practice."

The Right Honorable Sir Francis Henry Jeune, in a recent address, made the following pithy remark: "I confess that a code always seems to me like a traveling medicine-case, very neat and portable, but hardly adequate to cope with all the complex ills of humanity."

"The Witness" is the name given to a little advertising sheet published by Callaghan & Co., giving information about the books they publish and their authors. It bears the motto, "The truth, the whole truth, and nothing but the truth." It is a very good motto indeed.

"Female Barristers" is the title of the introductory article in the Canada Law Journal for May. The writer takes a decided stand against allowing women on the bench, and regards their exclusion from the bar as "the only legitimate" way in which the bench may be protected.

The Michigan Law Journal for May publishes an able paper on the subject of "Legal Education; Its Relation to the People and the State," read by Prof. F. B. Hutchins, denn-elect of the University of Michigan Law School, at a recent meeting of the Michigan Political Science Association.

The annual meeting of the Michigan State Bar Association is announced for June 25th, at Lansing. Papers by Alexander R. Avery, of Port Huron, J. Newton Fiero, of New York, J. A. Boyd, chancellor of Ontario, and Benton Hanchett, of Saginaw, will be prominent features of the programme.

The Yale Law Journal for May contains "Suggestions on the Organization of Corporations," by Willis F. McCook; "Selecting the Jury," by C. La Rue Munson; "Implied Easements of Light and Air," by J. A. Robinson; together with the usual amount of editorial and collateral matter.

The eighteenth annual meeting of the American Bar Association is announced for August 28th, 29th, and 30th, at Detroit, Mich. Programmes have not yet been issued. A meeting of the commissioners on uniform state laws will also be held at Detroit just before the Association meeting.

The Wisconsin Legal News has changed its name to the Wisconsin Legal Reporter, in order to avoid collision with the ex-cutors and representatives of an old paper which bore the former title before it died. The Reporter also announces that it will hereafter be enlarged to 16 pages.

The April number of the Banking Law Journal contains an abstract of the varying state laws governing instruments payable to "bearer," or to "A. or bearer," and an abstract of recent legislation affecting bankers. The Journal has a department for newly-decided cases of importance to bankers.

The United States Revenue Journal announces that it has purchased the equipment and franchises of the Internal Revenue Record and Customs Journal. The back volumes of the Record contain what is said to be the only complete record of customs and internal revenue decisions from the Civil War.

The carefully prepared article on Judicial Precedents, by Prof. J. C. Gray, in the May Harvard Law Review, will attract especial attention from practitioners who are interested in the deeper questions of jurispru-

dence. The weight to be given to authorities is one of the fundamental questions in our juridical system.

The May number of the Law Student's Helper publishes an able and helpful article on "Medical Jurisprudence" by Dr. M. D. Ewell, forming the fourth of a series of articles which that journal is presenting to its readers under the heading "Choosing a Specialty." Articles on criminal law, mining law, and patent law have preceded it.

The leading article in the May Green Bag is a biographical sketch of John Van Buren,—"Prince John," as he was called by his contemporaries,—by A. Oakley Hall. In a paper on the question, "Should woman be admitted to full citizenship?" Percy L. Edwards takes up the cudgels for women. The regular departments are of the usual interest.

According to one of our exchanges, the following story is true. We hope it is:

A lecturer on criminal law at one of our law schools, in tracing the history of criminal law, quoted: "Whosoever sheddeth man's blood, by man shall his blood be shed." Genesis, ix. 6. Not long afterwards a member of the class was hunting the library diligently for a copy of "Genesis Reports." It is unnecessary to add that he was unable to find the citation under that title.

When a certain funny paper took unto itself the title of "Judge," the legal profession may have thought, justifiably, that here at least they would be safe from the pen pricks of the professional humorist, but behold, now are their hopes quenched:

Lawyer—"What's that book you are reading?" Law Student—"Oh, it's a work on common sense." Lawyer—"Yes, sir; and one day with such a book as that would ruin your mind for legal work forever."—Judge.

Briefly commenting on the notorious Wilde trial, the Scots' Law Times says:

It is a matter for great regret that English criminal practice does not admit of the case being heard with closed doors. It seems inconsistent that the law against objectionable publications should exist alongside of a practice which permits the scattering broadcast of such details as have recently appeared in the daily press.

If slightly altered and decidedly emphasized, this very sensible comment would express the sentiments of the American public relative to some of our own great criminal trials.

The Chicago Law Journal recently gave the following advice: "Buy Blackstone, young lawyer, if you can buy but one book; if you can buy two books, buy Blackstone and Elliott's General Practice." Without

challenging the second part of the sentence, we wonder whether the first part is not open to challenge, and we would like to know what our subscribers think about it. Or we might enlarge the question. If a young lawyer is in the interesting predicament of being able to buy only one book, what book, apart from the statutes of his own state, should he buy? We invite replies.

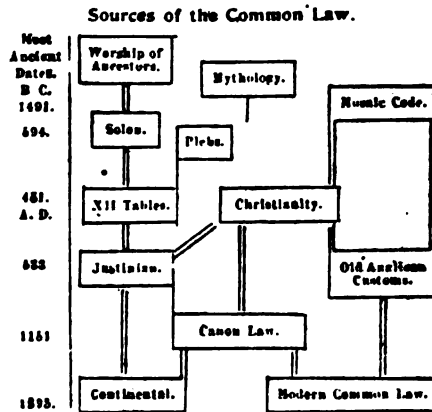
The Juridical Review for April contains a chapter on Early Law by P. J. Grierson, in which the origin of certain legal rights is looked into; a continuation of J. Robertson Christie's consideration of the propriety of the law of interest; an explanation of certain proposed changes in connection with the courts of London, by G. H. Knott; the conclusion of Sir David P. Chalmers' interesting recollections of Colonial Service, in which he recalls his experiences in British Guiana; records and searches, by John Erskine; and a discussion of the Scottish principle of desuetude, by Wm. C. Smith.

The following paragraph appeared in a recent issue of the Wisconsin Legal News, as a heading for a column of notes of recent cases: "The following are digests of recent important decisions throughout the limited States. They are furnished us by the Lawyer's Co-operative Publishing Co." It has always given us a pang when we have seen our beloved country referred to as the "Untied States," and our faith in its unbounded greatness is likewise wounded by this characterization as "the limited States." But we understand that the Lawyers' Co-operative Publishing Company believes in selected cases, so a digest by it of cases from limited States is not without a certain fitness.

The late Mr. John Wilder May, while district attorney for Suffolk county, Mass., wrote and published a treatise on the law of insurance, and some time afterwards, while contemplating publishing a second volume, happened to meet the late Mr. George Sinnott, and said to him: "I suppose, Mr. Sinnott, you know my book on insurance." "Oh, yes," said Sinnott, "I know it." "I call it," continued May, "'May on Insurance,' but I am about to publish a second volume, and it struck me that rather than call the two volumes 'May on Insurance,' it would be better to change the title of the first, and call it the first of May, and the second the second of May; how does it strike you?" "I don't know anything about your second volume," said Sinnott, "but it strikes me you had better call the first one the first of April."

—The Green Bag.

The Law Students' Helper for May contains an installment of a continuing paper on legal history, in which the following interesting chart is reprinted from an essay by W. H. Platt, of the Mobile bar, published some years ago:



The West Virginia Bar for May thus deals with the question of prompt publication of state laws:

"The Emperor Caligula has come down to us through the pages of history as an unmitigated tyrant. When a bill of particulars is called for of his tyranny, it is specified that he enacted laws, engraved them in small characters upon brass plates, and fastened them high upon a column where they could not be read by the citizens with the naked eye; yet the tyrant punished disobedience to these laws with the same severity as though the people had been acquainted with their contents. * * * How much better are our legislatures? They enact laws,—they usually accommodate the patron of a bill by permitting it to go into effect from its passage,—and then they hang their laws up for an indefinite period, and expect the people to obey them before they have the opportunity of reading them, and to be punished for disobedience to the laws of whose existence they are unconscious. The legislature should provide that their laws should not go into effect until the end of the three or six months which the public printer takes to publish his little book, or else they should provide for the more expeditious publication of their acts. In these days, when it is not unusual for a daily newspaper to publish in one edition more matter than is contained in the ordinary volume of the acts of the legislature, the latter alternative might well be adopted. But it is nothing less than outrageous to have a considerable body of laws go into effect months before it is possible for the people to know what they are."

An article that deserves more than passing mention for the delightful flavor which it imparts to some apparently dryasdust principles of law is the "Homely Advice; being a brief discussion of how to ride in a railway train,"—by Chester N. Farr, Jr., in the American Law Register and Review. The following extract shows Mr. Farr's method of dealing with his subject, but the

whole paper should be read for its sound law in a lightsome form:

"On entering a car, rush instantly for a seat. Do not stand leisurely looking to see which pretty girl you are going to seat yourself beside. This is not a time for the inspection of female loveliness. Take a seat p. d. q. (N. B. This is not verbatim from the opinion): *De Soucey v. R. R. Co.*, 15 N. Y. S. 108. The courts are graciously pleased to permit a passenger to sit next the stove on a cold day. If you are thrown into it by a sudden jerk of the train, as *Mr. Stewart*, of Texas, was, you may recover. This is gratifying: *R. R. Co. v. Stewart*, 1 Tex. Civ. App. Pointing out scenery to an admiring friend while seated at a car window, or endeavoring to pull down telegraph poles or station posts with your hand as they are passed, is not an exercise of due care: *Quinn v. R. R. Co.*, 7 S. E. Rep. 614. * * * There is a certain intricate action performed by railroad officials, known to the omniscience of the law as 'an invitation to alight.' Such invitation we may hint to the uninitiated is not couched in terms such as, 'The Northern Pacific Railroad Company presents its compliments to J. S., and will be pleased to dispense with the pleasure of his company at Walla Walla station.' No, indeed. An individual pokes his head in at the door, and calls out, 'Xyzhirthmxpq.' It then becomes your duty to conduct yourself in the following manner: Think carefully of the important proposition of law, to wit, that passengers are expected to know that trains stop at places other than stations," etc.

It is all good.

The Harvard Law Review for May is issued as a "Langdell Twenty-Fifth Anniversary Number," and bears the following dedication, signed by the several contributors:

To C. C. Langdell, in honor of his genius as a lawyer, his originality as a teacher of law, his sagacity as a law-school administrator, and his devoted and successful services as dean and professor during the last twenty-five years, the following essays are inscribed, with cordial regard, by his present and former colleagues in the faculty of the Harvard Law School.

J. B. Thayer.	J. B. Ames.
J. Smith.	E. Wambaugh.
J. C. Gray.	S. Williston.
O. W. Holmes.	J. H. Beale, Jr.

The essays are such as to make the dedication a worthy compliment. An interesting "Chapter of Legal History in Massachusetts," by James Bradley Thayer, is the introductory article, followed by a critical discussion of the "Use of Maxims in Jurisprudence," by Jeremiah Smith. John Chipman Gray contributes an article on "Judicial Precedents: A Short Study in Comparative Jurisprudence." Other articles not less interesting are: "Executors," by Oliver Wendell Holmes; "Specialty Contracts and Equitable Defences," by James Barr Ames; "A Problem as to Ratification," by Eugene Wambaugh; "The Risk of Loss after an Executory Contract of Sale in the Civil Law," by Samuel Williston; and "Recovery for Consequences of an Act," by J. H. Beale, Jr. The Harvard Law School Association will further celebrate Dean Langdell's anniversary by an address in Sanders Theatre on June 28th by Sir Frederick Pollock, and this will be followed by a dinner.

Of Collateral Interest.

The third edition of *Inebriety or Narcomania*, by Norman Kerr, M. D., has been issued by H. K. Lewis. The work is said to be a valuable addition to the literature of medical jurisprudence.

A students' Manual of English Constitutional History, by D. J. Medley, has recently been published by B. H. Blackwell (Oxford). It is intended as a compendium for the use of teachers and students.

A collection of Acts Affecting the Universities of Oxford and Cambridge and the Colleges Therein, with references to decided cases, has been prepared by W. B. Skene, and issued by Sweet & Maxwell.

An Election Manual for Parish Councilors, Urban and Rural District Councillors, and Guardians Outside London, a new work the nature and scope of which is sufficiently indicated by the title, has just been issued by Reeves & Turner.

A new (fourth) edition of Smith's Summary of the Law and Practice of the Ecclesiastical Courts has recently been issued by Stevens & Haynes. Law Notes (London) refers to it as being "still too good for a rival to enter into competition."

Effingham, Wilson & Co. (London) have issued Alex. Del Mar's History of Monetary Systems in Various States. Price 15 shillings. The author's earlier works on Money in Ancient States, Money and Civilization, Science of Money, and History of the Precious Metals, have been favorably received.

Sampson Low, Marston & Co. have recently brought out a new (twelfth) edition of Hints as to Proving Wills, etc., Without Professional Assistance, under the anonymous authorship of "A Probate Court Official." As its title indicates, it is one of that class of books which are designed to enable the layman to transact legal business without a lawyer's help; and, from the reviews, we should judge that it is just such a work as the lawyer with a keen eye to business is always glad to see published.

"The Public Official" is the name of a new monthly publication, devoted to the interests of county, township, and municipal officers. Its sphere, to judge by the first number, will include the discussion of governmental questions and municipal methods, notes of new laws and of decisions involv-

ing questions important to officials, etc. Some phases of official life and its approaches lend themselves to humorous treatment, as witness the following:

Queer Things About A Campaign.

It always comes "after a hard winter."
Most of the relatives of the indigent voter die and have to be buried.

The "other fellows"—that is, the managers of the opposite party—are "tapping a bar!" every few minutes.

Somehow each and every particular class of voters holds "the balance of power."

"Our side" is always victorious two weeks before the election, but more money must be had to hold the advantage.

All the political clubs are about to disband for want of hall rent.

The chairman of the committee is "a regular chump" and "don't know anything about politics."

All the votes you got must have been from the members of the opposite party who promised to scratch their ticket in your behalf, for, of course, they carried out their promises.

Half our voters of each precinct are about to be ejected a week before election for non-payment of rent. The other half are away visiting, but are willing to come home and vote the ticket straight if their railroad fare is paid.

The unanimity with which foreign speakers of your own party dive into subjects you don't want discussed is something appalling.

There is always a difference of opinion between each of the other candidates and the committee as to whether or not they have paid their assessments in full. As you get all your information on this subject "in strictest confidence," you can't very well compare notes.

A large number of our precinct men are taken suddenly ill on election day.

If you read the newspapers and listen to street-corner discussions you discover more good and bad points about your character than you ever dreamed of.

Personal.

A full page half-tone reproduction of a photograph by Bell of the supreme court of the United States appears in the Review of Reviews for May.

The law library of the Washington and Lee University has received the gift of the late David Dudley Field, consisting of some 1,200 volumes of legal treatises and papers.

The Western Reserve Law Journal for May contains an excellent full-page portrait of Ex-Chief Justice Morrison R. Waite, followed by an interesting biographical sketch.

At last a law-book publisher has become a benefactor of mankind. Matthew W. Bender, of Albany, N. Y., has given \$20,000 for the erection of a hygienic laboratory in that city.

The Chicago Legal News for May 25th publishes, in connection with a full report of the income tax case, a fine half-tone portrait of Chief Justice Melville W. Fuller, who delivered the opinion.

Sir Frederick Pollock is to visit America in June, and will deliver an address at Cambridge. His works are probably as well known and as highly honored in America as in England, and he will receive a warm and genuine welcome.

The death of Levi J. Burgess, which occurred May 11th, was not entirely unexpected, but was none the less regretted. Mr. Burgess has held the position of supreme court reporter for Ohio since 1889, and was personally very popular with the bar of the state.

Jarvis M. Adams, who is president of the New York, Pennsylvania & Ohio Railroad, and also a member of the Cuyahoga county bar, has presented his law library of over 1,500 volumes to the Franklin T. Backus Law School. It is particularly rich in corporation and railroad law.

Henry B. Wenzell, the new Supreme Court Reporter of Minnesota, was graduated from Harvard in 1875, studied in Germany for several years, and then went through the Harvard Law School in the class of 1882. He settled in St. Paul about ten years ago, and was for some time in partnership with Francis B. Tiffany, who is fast making a reputation as an able and careful law-book writer. Mr. Wenzell's appointment gave very general satisfaction to the bar. He will make a capable and conscientious reporter.

When Hon. Frank E. Dellenbaugh went upon the bench to assume his new duties as common pleas judge at Cleveland last month, he found a basket of roses and lilies awaiting him, with the following flowery inscription:

"Frank in name and frank in act,
Honored in title and in fact,
In judgment sound and wide in law,
We welcome you, Judge Dellenbaugh."

It is not often that a poet is among the perquisites of the judicial office. We congratulate Judge Dellenbaugh.

Correspondence.

[Correspondence is invited on subjects pertinent to the purpose of LAW BOOK NEWS.]

NEW LAW BOOKS.

RECORD OF THE LATEST LAW BOOKS.

[We take pleasure in acknowledging our indebtedness to the Publishers' Weekly, of New York, and the Publishers' Circular, of London, which we use in completing this list.]

N. B. Bindings are in law sheep unless otherwise specified.

Treatises, Etc.

AFFLICK, J., Jr. A guide to the income-tax law and practice, with illustrative cases of returns, accounts on appeal, repayment of claims, etc. London: Manchester Income-Tax Agency. Svo. 5s. net.

Bankruptcy.

See "Gondy's Bankruptcy" (Scot.).

BOYLE, Edward, and G. Humphreys Davies. A treatise on rating. 2d Ed. London: Wm. Clowes & Sons. 1895. Cloth, 25s.

BROWN, H. H. The principles of summary criminal jurisdiction, according to the law of Scotland. Edinburgh: T. & T. Clark. 1895. 12s.

Canadian Law.

See "Clarke's Landlord and Tenant."

CASTLE, E. J. The law and practice of rating. 3d Ed. London: Stevens & Sons. 1895. 25s.

Churchwardens.

See "Prideaux's Churchwarden's Guide" (Eng.).

Citations.

See "Indiana Citations."

CLARKE, S. R. The law of landlord and tenant. Toronto: The Carswell Co., Limited. 1895. \$10.

CLEMENTSON, George B. A treatise on the road rights and liabilities of wheelmen. Chicago: Callaghan & Co. 1895. 200 pages. \$1.50.

Contempt of Court.

See "Oswald's Contempt of Court" (Eng.).

Conveyancing.

See "Prideaux's Precedents in Conveyancing" (Eng.).

Copyright.

See "Edmunds' Copyright in Designs."

Corporations.

See "Thompson's Corporations."

Criminal Law.

See "Brown's Criminal Jurisdiction"; "Dewar's Penal Servitude."

DEWAR, D. The penal servitude and prevention of crimes acts, 1853 to 1891. Edinburgh: Wm. Green & Sons. 1895. 5s. net.

EDMUNDS, Lewis, T. M. Stevens, and M. W. Slade. A treatise on the law of copyright in designs. London: Sweet & Maxwell. 1895. 15s.

ELLIS, Griffith Ogden. Quizzer No. 2, being questions and answers on criminal law, for students preparing for examination for admission to the bar, or for advanced standing in law schools, or for review in connection with text-books and lectures. 2d Ed. Detroit: The Collector Pub. Co., 1895. The Quizzer Series. Paper, 50c.

English Law.

See "Afflick's Guide to Income-Tax Law"; "Boyle's Treatise on Rating"; "Kay's Shipmasters and Seamen"; "Kerly's Equitable Jurisdiction"; "Moore's Practical Forms"; "Morris' Law of Land"; "Murray and Carter's Income Tax"; "Oswald's Contempt of Court"; "Pollock and Maitland's History of English Law"; "Pollock's Digest of the Law of Partnership"; "Prideaux's Churchwarden's Guide"; "Prideaux's Precedents in Conveyancing"; "Smith's Summary of the Law and Practice"; "Stephen's Commentaries of the Law"; "Stone's Justice Manual"; "Walkers International Law"; "Wills, a Few Hints as to Proving Wills."

Equity.

See "Kerly's Equitable Jurisdiction" (Eng.).

FINCH, John A. The insurance agent, his rights, duties, liabilities, etc. Indianapolis. Bowen-Merrill Co. 1894. \$2.

FOWLER, Robert Ludlow. History of the law of real property in the state of New York, from the earliest times. New York: Baker, Voorhis & Co. 1895. \$3 net.

GIAUQUE, Florian. Road and bridge laws of Ohio, and the common law of roads, ways, and highways. Cincinnati: The Robert Clarke Co. 1895. 713 pages. \$4 delivered.

GONDY, Henry. Treatise on the law of bankruptcy. New edition. Edinburgh: T. & T. Clark. 1895.

Income Tax.

See "Afflick's Guide to Income-Tax Law and Practice" (Eng.); "Murray and Carter's Guide to Income-Tax Practice" (Eng.).

INDIANA citations and conflicting cases, being a complete compilation of all citations of the Indiana supreme court reports from 1st Blackford to vol. 135, inclusive, and appellate court reports, vols. 1 to 7, inclusive; also all citations to Indiana reports contained in the United States supreme court reports up to October, 1894; compiled by King and Leonard. Dublin, Tex.: National Citation Co. 1895. roan, \$7.50.

Insurance Agent.

See "Finch's Insurance Agent."

Interest.

"Rayner's Law of Interest in Michigan."

International Law.

See "Walker's Public International Law" (Eng.).

Justices.

See "Stone's Justice Manual" (Eng.).

KAY, J. The Law relating to shipmasters and seamen etc. 2d Ed., with supplement comprising the merchant shipping act, 1894. By J. W. Mansfield and G. W. Duncan. London: Stevens & Sons. 46s.

KERLY, D. M. An historical sketch of the equitable jurisdiction of the court of chancery. London: Stevens & Sons, Limited. 1895. 14+302 pages. Cloth, 12s. 6d.

Landlord and Tenant.

See "Clarke's Landlord and Tenant" (Can.).

Law and Practice.

See "Smith's Summary of the Law and Practice" (Eng.).

MOORE'S solicitor's book of practical forms. New edition. By H. Percival. London: Wm. Clowes & Sons. 1895. 20s.

MORRIS, R. B. A summary of the law of land and mortgage registration in the British Empire and foreign countries. Crown, 8vo. London: Wm. Clowes & Sons. 1895. 5s.

MURRAY, Adam, and Roger N. Carter. A guide to income-tax practice. London: Gee & Co. 1895.

OSWALD'S contempt of court. 2d Ed. London: Wm. Clowes & Sons. 1895. 12s. 6d.

Partnership.

See "Pollock's Digest of the Law of Partnership" (Eng.).

PATTEE, W. S. Illustrative cases in realty. Part 3. Title to estates. Philadelphia: T. & J. W. Johnson & Co. 1895. 8+337-781 pages. Flexible cloth, \$2 net.

POLLOCK, Sir Frederick, and Frederic William Maitland. The history of English law prior to the time of Edward I. 2 vols. Boston: Little, Brown & Co. 1895. Cloth, \$9.

POLLOCK, Sir F. A digest of the law of partnership; incorporating the partnership act. 1890. 6th Ed. London: Stevens & Sons. 8s. 6d.

Practice.

See "Moore's Practical Forms."

PRIDEAUX'S churchwarden's guide. 16th Ed. By Frederic Coleridge Mackarness. London: Shaw & Sons. 1895. 12s.

PRIDEAUX'S precedents in conveyancing. 16th Ed. By John Whitcombe and B. Harsburgh. 2 vols. London: Stevens & Sons. 1895. 70s.

Rating.

See "Boyle's Treatise" (Eng.); "Castle's Law and Practice of Rating."

RAYNER, Tyrrell, Jr. The law of interest in the state of Michigan, with rules for the computation of interest. Kalamazoo: Ihling Bros. & Everard. 1894. 134 pages. \$2.

Real Estate.

See "Morris' Law of Land" (Eng.).

Real Property.

See "Fowler's Law of Real Property in New York State."

Realty.

See "Pattee's Illustrative Cases."

Roads.

See "Glaucque's Road and Bridge Laws of Ohio."

Scots Law.

See "Brown's Criminal Jurisdiction"; "Brown's Principles of Summary Criminal Jurisdiction"; "Dewar's Penal Servitude"; "Gondy's Bankruptcy."

Seamen.

See "Kay's Shipmasters and Seamen" (Eng.).

Shipmasters.

See "Kay's Shipmasters and Seamen" (Eng.).

SMITH, T. E. A summary of the law and practice in the ecclesiastical courts. 4th Ed. 8vo. London: Stevens & Haynes. 1895. 8s.

SPRAGUE, W. C. Quizzer No. 9, being questions and answers on corporations, for students preparing for examination for admission to the bar, or for advanced standing in law schools, or for review in connection with text-books and lectures. Detroit: The Collector Pub. Co. 1895. Paper, 50c.

STEPHEN'S commentaries of the law of England. 12th Ed. By His Honour Judge Stephen. 8vo. 4 vols. London: Butterworth & Co. 1895. £4. 4s.

STONE, S. Justices' manual; or guide to the ordinary duties of a justice of the peace. 28th Ed. Edited by George B. Kennett. 8vo. London: Shaw & Sons. 1895. 25s.

THOMPSON, Seymour D. Commentaries on the law of private corporations. In six volumes. Vol. 3. San Francisco: Bancroft-Whitney Co. 1895. 43+3232 pages. \$6.

TUCKER, Geo. F. Your will; how to make it. Boston: Little, Brown & Co. 1895. \$1.

WALKER, T. A. A manual of public international law. Cambridge Warehouse. 238 pages. 9s.

Wheelmen.

See "Clementson's Treatise on Road Rights and Liabilities of Wheelmen."

WILLS. A few hints as to proving wills, etc., without professional assistance. By a probate court official. 12th Ed. London: Sampson Low, Marston & Co. 1895.

Wills.

See "Tucker's Wills."

Reports.

ALABAMA supreme court reports. V. 100. November term, 1892, and November term, 1893. By Wm. S. Thorington, reporter. Montgomery: The Brown Printing Co. 1895. 32+786 pages. \$2.50.

AMERICAN and English corporation cases. V. 47; collection of corporation cases, both private and municipal (excepting railway cases), decided in the courts of last resort in the United States, England, and Canada. Edited by William M. McKinney. Northport: Edward Thompson Co. 1895. 9+751 pages. \$4.50.

AMERICAN railroad and corporation reports. V. 10; being a collection of the cur-

rent decisions of the courts of last resort in the United States pertaining to the law of railroads, private and municipal corporations. Edited and annotated by John Lewis. Chicago: E. B. Myers & Co. 1895. 7+807 pages. \$4.50.

CALIFORNIA supreme court reports. V. 104. C. P. Pomeroy, reporter. San Francisco: Bancroft-Whitney Co. 1895. 32+774 pages. \$3.

FEDERAL CASES. Book 11; comprising cases argued and determined in the circuit and district courts of the United States. St. Paul: West Publishing Co. 1895. 1231 pages. \$10.

FEDERAL REPORTER. V. 65; containing cases argued and determined in the circuit courts of appeals and circuit and district courts of the United States. Permanent Ed. February-April, 1895. St. Paul: West Publishing Co. 1895. 29+1044 pages. \$5. (National Reporter System.)

ILLINOIS supreme court reports. V. 153; containing cases at law and in chancery argued and determined in October and November, 1894. Isaac Newton Phillips, reporter. Springfield. 1895. 7+718 pages. \$2.50.

KENTUCKY court of appeals reports. V. 94 (v. 11); civil and criminal cases. Containing cases decided from January 31, 1893, to October 3, 1893. E. W. Hines, Reporter. Frankfort: Printed by the Capital Printing Co. 1894. 16+712 pages. \$3.60.

KENTUCKY court of appeals reports. V. 13 (95 Ky.); civil and criminal cases. Containing cases decided from October 3, 1893, to September 17, 1894. E. W. Hines, reporter. Frankfort: Printed by the Capital Printing Co. 1895. 18+747 pages. \$3.60.

LOUISIANA supreme court reports. V. 46. H. Denis, reporter. New Orleans: F. F. Hansell & Bro. 1895. 1750 pages. \$17.

MINNESOTA supreme court reports. V. 56; cases argued and determined from December, 1893, February, 1894. Charles C. Willson, reporter. St. Paul: West Publishing Co. 1895. xii+592 pages. \$2.

NEW YORK courts of record. V. 10; the miscellaneous reports, other than the court of appeals and the general terms of the supreme court, in pursuance of Laws 1892, c. 598. F. B. Delehanty, reporter. Oct., 1894-Jan., 1895. Albany: James B. Lyons. 1895. 60+844 pages. \$2.50.

NEW YORK SUPPLEMENT. V. 32; containing the decisions of the supreme, superior, and lower courts of record of New York state. Permanent Ed. February 21,

1895-April 18, 1895. St. Paul: West Publishing Co. 1895. 16+1184 pages. \$5. (National Reporter System.)

NEW YORK supreme court reports. V. 89 (Hun, 82); Marcus T. Hun, reporter. New York and Albany, N. Y.: Banks & Bros. 1895. 33+697 pages. \$3.

NORTHEASTERN REPORTER. V. 39; containing all the current decisions of the supreme courts of Massachusetts, Ohio, Illinois, Indiana, appellate court of Indiana, and the court of appeals of New York. Permanent Ed. January 4, 1895-April 5, 1895. St. Paul: West Publishing Co. 1895. 16+1178 pages. Price \$5. (National Reporter System.)

SOUTH DAKOTA reports. V. 3. Pierre: Carter Pub. Co. 1895. \$2.75.

SOUTHERN REPORTER. V. 16; containing all the decisions of the supreme courts of Alabama, Louisiana, Florida, and Mississippi. Permanent Ed. St. Paul: West Publishing Co. 1895. 14+1014 pages. \$5. (National Reporter System.)

UNITED STATES CIRCUIT COURTS OF APPEALS REPORTS. V. 11; containing the cases determined in all the circuits from the organization of the courts. Fully reported with annotations. Edited by members of the editorial staff of the National Reporter System. St. Paul: West Publishing Co. 1895. 137+660 pages. \$3.35 delivered.

UNITED STATES courts of appeals reports. V. 16; cases adjudged for the sixth circuit at October term, 1892, and October term, 1893. S. A. Blatchford, reporter.

New York and Albany: Banks & Bros. 1895. 28+824 pages. \$3.25.

UNITED STATES supreme court reports. V. 156; cases adjudged at October term, 1894. J. C. Bancroft Davis, reporter. New York and Albany: Banks & Bros. 1895. 22+739 pages. \$2.

VIRGINIA supreme court of appeals reports. V. 90. April 21, 1893-January 1, 1895. George W. Hansbrough, reporter. Richmond: J. H. O'Bannon. 1895. 30+1034 pages. \$2.50.

Statutes, Codes, and Laws.

OKLAHOMA. Session laws 1895. Guthrie: State Capital Printing Co. 1895. Calif. \$3.

Digests.

UNITED STATES. Supreme court digest. V. 3; covering volumes 118 to 154, U. S. Sup. Ct. Rep. Rochester: The Lawyers' Co-operative Pub. Co. 1895. 1200 pages. \$6 delivered.

NORTHWESTERN REPORTER DIGEST. Decisions of the supreme courts of Mich., Wis., Minn., Neb., Ia., N. D. and S. D. reported in the Northwestern Reporter vols. 51-60, and in the following vols. of State Reports: Ia. 84-91, Mich. 90-101, Minn. 48-59, Neb. 33-42, N. D. 2-4, S. D. 2-5, Wis. 81-88. Edited by members of the editorial staff of the National Reporter System. St. Paul: West Publishing Co. 1895. 2210 pages. Price \$5. (National Reporter System.)

CONTENTS OF NEW BOOKS.

Abbott's Select Cases.

TITLE-PAGE. Select Cases on the Law of Evidence as Applied During the Examination of Witnesses. With Notes by Austin Abbott, LL.D., Dean of the New York University Law School; Author of "Trial Evidence," "New York Digest," &c. New York: The Dossy Law Book Company. 1895.

PREFACE. In this volume I have brought together the leading authorities that now define our practice in the examination of witnesses. I have arranged them so that the reader perusing them in order will find the law systematically developed in groups of doctrines easy to be understood and remembered when their relation is thus made visible. Every attorney is becoming familiar with the disposition of appellate courts to

press with increasing strictness the necessity of clearness and precision in framing the questions put on the trial so as to bring out legal evidence without drawing improper and prejudicial statements before the jury; while at the same time they require with the like increasing strictness, that objections be so specifically stated in the trial court, as to enable the judge clearly to understand the ground, and the adverse counsel to change his question or his offer so as to obviate the objection if it be one which can be obviated. In the selection of cases I have had in view the great practical importance of promoting regularity in the trial court, in these respects; and (except in a few cases where it has seemed unnecessary) I have prefixed to the opinion, as reported in the books, a statement from the record, which I have examined for

the purpose, of the facts material to the point of evidence, and the colloquy between the judge, counsel, and witness, at the trial, to enable the reader to see the exact line of discrimination which the appellate courts have drawn between obscurity and clearness in question and objection.

CONTENTS.

Note on Mode of Administering Oath.

- I. Competency.
- II. Questions, Objections, Offers and Answers.
- III. Facts, not Conclusions.
- IV. Experts.
- V. Aiding Memory; and Memoranda.
- VI. Handwriting.
- VII. Some General Principles.
- VIII. Cross-Examination.
- IX. Privilege against Crimination.
- X. Right of a witness to Explain.
- XI. Impugning Testimony of One's Own Witness.
- XII. Impeachment.

Beach's Law of Insurance.

TITLE PAGE. Commentaries on the Law of Insurance, including Life, Fire, Marine, Accident and Casualty, and Guaranty Insurance, in every Form, as determined by the Courts and Statutes of England and the United States. By Charles Fisk Beach, Jr., of the New York Bar, Author of "Modern Equity Jurisprudence," etc. In Two Volumes. Boston and New York: Houghton, Mifflin & Co. The Riverside Press, Cambridge. 1895.

FROM THE PREFACE. In preparing these volumes my purpose has been to collect and state in a clear and orderly way the present law of Insurance in all its phases, as defined by statute and declared especially by the later decisions of our state and federal courts and of the courts of England and her colonies. In virtue of the somewhat peculiar nature of the subject, and taking due account of the subject-matter, I have thought it desirable, in preparing the text, to depart somewhat from the method which has characterized my work hitherto, giving here more space than I have usually given to the discussion of disputed questions by the courts, and to an attempt to differentiate and distinguish cases apparently in conflict. This has been done, whenever possible, in the precise language of the judges, and will, I believe, serve to render the work more useful than it could otherwise be to my professional brethren, especially to those who have access to only a part of the law reports.

TABLE OF CONTENTS.

Vol. I.

- Chap. I. Insurance Companies.
- Chap. II. Foreign Insurance Companies.
- Chap. III. Mutual Companies.
- Chap. IV. Benevolent Associations.
- Chap. V. Beneficiaries and Their Rights.

- Chap. VI. Accident and Casualty Insurance.
- Chap. VII. Accident Insurance Contracts.
- Chap. VIII. Exceptions in Accident Insurance Contracts.
- Chap. IX. Procedure after Accident.
- Chap. X. Guaranty Insurance.
- Chap. XI. Annuities and Tontine Insurance.
- Chap. XII. The Application.
- Chap. XIII. Representations in Application.
- Chap. XIV. Concealments in Application.
- Chap. XV. Warranties in Application.
- Chap. XVI. The Agreement and Policy.
- Chap. XVII. Construction of Contracts.

Vol. II.

- Chap. XVIII. Conditions in Policies.
- Chap. XIX. Other Insurance.
- Chap. XX. Alienation.
- Chap. XXI. An Increase of Risk.
- Chap. XXII. Protection of Property.
- Chap. XXIII. Waiver of Conditions.
- Chap. XXIV. Avoidance of Contract.
- Chap. XXV. Insurable Interest.
- Chap. XXVI. The Risk—Fire.
- Chap. XXVII. The Risk—Life.
- Chap. XXVIII. The Risk—Marine.
- Chap. XXIX. Premiums.
- Chap. XXX. Subrogation.
- Chap. XXXI. Lapse and Reinstatement.
- Chap. XXXII. Insurance Agents.
- Chap. XXXIII. The Payee—Fire.
- Chap. XXXIV. The Payee—Life.
- Chap. XXXV. Proof of Loss.
- Chap. XXXVI. Arbitration and Appraisement.
- Chap. XXXVII. Limitations.
- Chap. XXXVIII. Actions by and against Insurance Companies.
- Chap. XXXIX. Procedure.
- Chap. XL. Evidence.

Borgeaud's Adoption and Amendment of Constitutions.

TITLE PAGE. Adoption and Amendment of Constitutions in Europe and America. By Charles Borgeaud. Awarded the Rossi Prize by the Law Faculty of Paris. Translated by Charles D. Hazen, Professor of History in Smith College, with an Introduction by John M. Vincent, Associate of the Johns Hopkins University. New York and London: Macmillan & Co. 1895.

EXTRACT FROM PREFACE. The method employed will be found to be largely the historical. A new school, now counting among its representatives the greatest names of German science, has undertaken to solve the problems of public law, while almost completely ignoring historical considerations, and has inaugurated what is called the legal method (*méthode juridique*). This is not the place to discuss the conclusions reached by this school in regard to this or that particular constitution. These are in many ways remarkable, perhaps because of the character of the men using this method rather than because of the value of the process itself, but it must be admitted that in the domain of comparative legislation such a method may be followed by most unfortunate consequences. Nothing is more misleading than the comparison of the institutions of different societies, if made

from a purely legal standpoint. This procedure may have its advantages in the study of administrative law, but it has only disadvantages in the study of constitutional law, for the political character of the latter is the predominant factor, to appreciate the importance of which, we must above all appeal to history.

Modern constitutions are not like the best of our present codes of private law, the systematic work of jurists. They have sometimes been the result of theoretical speculations, though much less than is generally believed; at any rate, they have never been solely the product of theory. Even during the century of philosophers, they were, in more respects than one, the work of time and circumstance. To-day they are little else. They are the great pages in the life of nations, which it is impossible to interpret rightly, apart from the book in which they have been inscribed. If we attempt to institute comparisons, to contrast the fundamental laws of one country with those of another, without having thoroughly investigated their origin, we run the risk of making the strangest blunders.

To judge a constitutional system correctly, a clear understanding of its general underlying principles is essential. We can attain this only by studying the origin of the fundamental law upon which that system is based, or by tracing the evolution of the customary law to which it conforms. Research alone, although at times difficult, can furnish the reader with conclusions based upon real facts and not upon more or less arbitrary theories.

The aim of this book is to show the possibilities of such an investigation. The largest place is given to the legislation of those countries whose public law is based upon the principle of popular sovereignty, because the states of this character are the homes of written constitutions, and because with them originated the idea of regulating their adoption and revision.

CONTENTS.

Introduction.

Author's Preface.

I. The Origin, Growth, and Character of Written Constitutions.

II. Royal Charters and Constitutional Compacts.

III. Democratic Constitutions.

Conclusion.

Index.

v.2L.B.N.no.6—12

Bradner on Evidence.

TITLE PAGE. Rules of Evidence as Prescribed by the Common Law for the Trial of Actions and Proceedings. By George W. Bradner. Chicago: Callaghan & Co. 1895.

EXTRACT FROM PREFACE. The latest cases are not to be found in the larger and older works. As one of the older works—Greenleaf, Best, Taylor, or Wharton—is generally to be found in the hands of every practitioner, and accessible to every student, a mere reproduction of their works, even in new form, is unnecessary. The author has therefore made use of the arrangement of Stephen, modified as he thought necessary, enlarged by a fuller statement of the rules, having made a point of citing only such of the older cases generally cited in the older works as were necessary or advisable, and having taken especial pains to cite the late cases through the union illustrating the application of the rules of evidence. This feature of the work makes it especially desirable to the trial lawyer, and enables him at a very moderate price to supplement these older works by the latest utterances upon the subject, arranged in accordance with the most logical order of which the subject admits.

TABLE OF CONTENTS.

- Chap. I. Preliminary Observations.
- Chap. II. Relevancy and Materiality.
- Chap. III. Evidence under Particular Pleadings.
- Chap. IV. Evidence Excluded from Public Policy.
- Chap. V. Competency of Witnesses.
- Chap. VI. Judicial Notice.
- Chap. VII. Admissions and Confessions.
- Chap. VIII. Best and Secondary Evidence.
- Chap. IX. Parol Evidence Concerning Writings.
- Chap. X. Exclusion of Oral by Documentary Evidence.
- Chap. XI. Burden of Proof.
- Chap. XII. Hearsay Evidence.
- Chap. XIII. Hearsay Evidence (Continued).
- Chap. XIV. Hearsay Evidence (Continued).
- Chap. XV. Opinions and Conclusions.
- Chap. XVI. Presumptive Evidence.
- Chap. XVII. Presumptive Evidence (Continued).
- Chap. XVIII. Presumptive Evidence (Continued).
- Chap. XIX. Damages—Practice as to Proof of.
- Chap. XX. Practice in Admission and Rejection of Evidence.

REVIEWS OF NEW BOOKS.

Abbott's Select Cases.¹

Reviewed by Prof. Adelbert Moot, of
the Buffalo Law School.

[See contents and other descriptive matter,
on page 175 of this number.]

"Select Cases on the Law of Evidence," by Austin Abbott, is what the profession would naturally expect from Austin Abbott,—a thoroughly practical, up-to-date selection of cases in one department of the law of evidence. The profession has known and approved the work of Mr. Abbott for many years. Some of the profession doubtless confuse Austin Abbott with Benjamin Vaughn Abbott, and are not aware that some of the digests known as "Austin Abbott's Digests" are the work of Benjamin Vaughn Abbott, some of them are the work of Benjamin Vaughn Abbott and Austin Abbott working together, and the more recent digests are the work of Austin Abbott. No harm has resulted from this confusion, however, because a digest prepared by either or both is as satisfactory to the profession as digests usually become.

Some years ago Mr. Austin Abbott issued a work on "Trial Evidence," which was thoroughly practical and very useful to the active practitioner. I cannot understand why a new edition of that work would not be welcomed by the profession, not because there are not numerous works on evidence, but because there are few works on evidence partaking of the practical, modern character of that work.

In his "Select Cases on Evidence," Mr. Abbott discloses the author who is himself familiar with work in court, from having tried and argued cases. He discloses the author who knows the difference between theory and practice; between law that is interesting as a matter of history and law that is useful because it is applicable here and now. This practical quality betrays itself in the very heads in the table of contents. Under the general head of "Competency," we find cases and notes on the competency of infants, felons, and husband and wife. The estates of deceased persons and the rights of interested witnesses to testify, where such estates are involved, are topics carefully considered.

Under "Facts not Conclusions," we find cases, and often notes, upon distance, quantity, speed, size, feeling, conduct, intent, physical condition, hearing and seeing, mental condition, intoxication, identity, likeness, care, danger, ownership and possession, value of personal property, value of services, upon

whose credit, contract, agency, partnership, own intent, motive, and knowledge. An examination of the cases which have been selected, and the notes which have been prepared, to elucidate the law of evidence upon these points, shows that the cases have been selected with care, and the notes have been prepared to so supplement the cases that the lawyer who examines this work upon these points shall not examine in vain. Many of the cases and notes throw light where it is difficult to find authority and find light. Indeed, this is a characteristic of Mr. Abbott's work, for he usually gives us cases, and gives us light, if he gives us anything, upon practical phases of the law, where light and authority is most needed. This is illustrated by what we find under "Experts." The cases and notes there deal with such subjects as these: "On what subjects competent; form of questions; proper foundation of hypothetical questions." Perhaps a better illustration is the part of the work under the head of "Aiding Memory, and Memoranda"; for under this head we find: "Memoranda to refresh; witness reading memoranda; memoranda of forgotten facts; memoranda made under duty; memoranda against interest."

In this part of the work, as in other parts, there is no attempt to pad, but, on the contrary, the cases are excellently reported, the question and answer are furnished in many cases, and only that part of the opinion is given which is directly in point. In this way, we obtain 78 pages of select cases and notes dealing with the important subject of aiding memory, and memoranda,—a subject on which it is not easy to collate authority.

So, handwriting, photographic copies, accounts, best and secondary evidence, res gestae, and preliminary questions are dealt with, but upon some of these topics the work is not so full or complete as upon those already mentioned.

From page 585 to page 671, cross-examination, the right, the limits, opening the door by direct use of previous statements, bias, disparaging questions, are subjects dealt with in a satisfactory manner. Cases and notes also cover the rights of a witness, and impeaching a witness by evidence of crime, of bias, of contradictory statements, and bad character.

It will be seen that this is not a general work on evidence. The cases do not pretend to cover the whole field of evidence. They may be said to cover very effectively the competency of witnesses and the examination and cross-examination of witnesses. The cases selected are largely recent cases in the state of New York and United States supreme court, or in the highest courts of other East-

¹ Select Cases on the Law of Evidence as Applied During the Examination of Witnesses. With notes by Austin Abbott, LL. D., Dean of the New York University Law School, etc.

ern and Middle states. The notes, however, which are very numerous, very terse, and very practical in their character, have a wider range, so far as authorities are concerned. In a large number of instances, the note states the rule in the different states, referring to authorities in each, and the practitioner is able to find his state almost instantly, without reading the entire note.

The work is well printed and bound, and examination has not disclosed any error of sufficient importance to require mention to be made of it. It should contain a table of the cases referred to in the notes, because they are very numerous, and such a table is always useful. The table of cases reported, of which there are 310, and the index to the work, are satisfactory.

In this book we have a work which could be used to advantage in law schools, although it was evidently designed for the busy practitioner, and it fulfils its design.



Buffalo, May 27, 1895.

Beach on Insurance.¹

Reviewed by Charles Sumner Lobinger, Esq., of the Omaha Bar.

[See contents and other descriptive matter on page 176 of this number.]

The merits of a new legal text-book may be measured by three tests. The professional public has a right to estimate it from answers to the questions: (1) Does it exhaust the citations? (2) Is it conveniently and logically arranged? and (3) is its announcement of the law precise and clear? In proportion as these questions may be answered affirmatively and in the order above named, a work may be regarded as a valuable or an indifferent contribution to the literature of the subject of which it purports to treat.

Publishers of new books on insurance law may expect their ventures to be subjected to these tests more rigidly than those which attempt to cover certain other branches, because that particular field has of late been so prolific of works that unless a new candidate for public favor fulfills these criteria of merit more nearly than its predecessors, or offers some original feature in method or matter, it can hardly have a valid *raison d'être*. Mr. May's two-volume edition appeared so late as

1891, and in the same year Mr. Cooke's work on Life Insurance. Mr. Biddle's two portly tomes were issued only last year, not to mention the recent, but more restricted, efforts of Richards and Ostrander, and the new edition of Bacon. And now we have two handsome volumes, bearing the name of Mr. Beach, aggregating 1550 pages of text and index, and purporting to be "Commentaries on the Law of Insurance * * * in Every Form." It is only fair to inquire concerning a work appearing under such circumstances, and with such a title, how closely it conforms to the foregoing tests.

1. As to Thoroughness in Citations.

It will hardly be questioned that this is the most important of these criteria. Of all things, the practitioner who purchases and uses a text-book has a right to demand of its author that every reported case be cited which will throw light upon the particular subject under discussion. Lack of space here forbids anything like an extended review of Mr. Beach's work in this respect. But we may take some particular subdivision, and, assuming it to be fairly representative of the whole, determine in some degree, at least, how far the author has succeeded in collating the authorities.

Chapter 11 of volume 1 of Mr. Beach's treatise is devoted to "Annuities and Tontine Insurance." The second part of this title is, of course, the principal part. Tontine insurance is a subject of growing importance, the decisions involving it are mostly recent and not numerous, and they are easily accessible. Here, if anywhere, it would seem, the latest writer on insurance law could be thorough. Let us, therefore, select this chapter as a sample of the work.

The case of *Simons v. New York Life Ins. Co.*, 38 Hun (N. Y.) 309, 15 Ins. Law J. 150 (1885), is not only one of the earliest cases pertaining to this general subject, but it is hardly too much to count it the leading authority on the nature of the Tontine contract, and the rights of the policy holder thereunder; yet nowhere in this chapter does the author refer to it. Indeed, it is cited only once in the entire work, and then in the volume other than that containing the chapter on Tontine insurance.

The cases of *Hunton v. Equitable Assur. Soc.*, 45 Fed. Rep. 661, and *Fuller v. Knapp*, 29 Fed. Rep. 100, are both important adjudications involving the rights of the Tontine policy holder; yet they are omitted, not alone from this appropriate chapter, but, apparently, from the entire work, since they do not appear in the table of cases at all.

The following decisions relate to questions in the law of Tontine insurance: *Avery v. Equitable Life Assur. Ass'n*, 117 N. Y. 451; *In re Order of Fraternal Guardians' Estate*,

¹ Commentaries on the Law of Insurance, Including Life, Fire, Marine, Accident and Casualty, and Guaranty Insurance in Every Form, as Determined by the Courts and Statutes of England and the United States. By Charles Fisk Beach, Jr., of the New York Bar. Houghton, Mifflin & Co., 1895.

28 Atl. 482; *Bain v. Aetna Life Ins. Co.*, 20 Ont. 6. But both chapter 11 and the table of cases are silent reminders that the foregoing decisions were overlooked in the preparation of this work. Then there are other cases which, while they are cited elsewhere in Mr. Beach's work, are not referred to in this chapter on Tontine insurance, though they are directly concerned with the law of that subject. Such are: *Chicago Mut. Life Indemnity Ass'n v. Hunt*, 127 Ill. 257; *Ferdon v. Canfield*, 104 N. Y. 143; *Hill v. United Life Ins. Ass'n*, 154 Pa. St. 29.

In other words, while there are some fifteen adjudications covering points which belong to the subject of Tontine insurance, Mr. Beach omits at least nine of them from his chapter on that subject, and, judging from the table of cases, at least five of the nine from his entire work.

2. As to Arrangement.

Probably most practitioners and others who use law text-books prefer that all analogous matter in a work be consolidated, so that the author's entire discussion of a subject may be found in one place. Mr. Beach has, in part at least, followed a different plan in this work. For example, in his treatment of suicide as related to insurance,—a most important and much litigated subject,—he discusses it in part under accident insurance in volume 1, and in part under life insurance in volume 2; yet from a legal standpoint these form but one topic. Both life and accident policies contain clauses embodied in similar language, designed to relieve the insurer from liability for suicide. It is the cases construing these clauses which the practitioner stands in need of, and for guidance to all of which he seeks the aid of a text-book; and it is usually quite immaterial whether the phraseology construed in such cases is found in a policy insuring against natural death only, or against accidental death and injury as well.

3. As to Style, Expression, etc.

Mr. Beach apparently discloses in this work a somewhat different notion of the office of the text as well as of the notes than is usually entertained by law writers. Ordinarily the text is supposed to be reserved for the statement of general principles, and the concise expression of the doctrine of cases whose titles and details are set forth in the notes. In this work, however, not only are the titles of many cases printed in the text (a return in this respect to a style now almost obsolete), but the text itself often consists of long quotations from opinions giving the details of some particular case, while the notes become mere lists of citations, frequently quite long, and with nothing to indicate the differences between the cases cited. An example of this

style of text may be found in chapter 32, in volume 2, devoted to "Insurance Agents," almost the entire text of which is made up of long quotations from opinions; while the peculiarity mentioned as to the notes is illustrated in the first volume, where the notes to pages 453, 454, contain more than a solid page of undistinguished citations. It is not too much to say that the size of the work is largely due to this interchange of the usual functions of text and notes.

The matter of accuracy of statement is one which is closely connected with exhaustiveness of citations, and, in so far as Mr. Beach's work is deficient in the latter, it necessarily fails in accuracy. Recurring, for example, to his discussion of Tontine insurance: One of the most important questions which has yet arisen in connection with that subject involves the right of the insured to compel an accounting. There are some seven decisions upon this question, but they are at variance in regard to granting the remedy of accounting,—the Massachusetts rule allowing, and the authorities elsewhere mostly denying, it. In Mr. Beach's discussion of this point (sections 341, 342) he cites two cases, but gives no hint of this conflict of opinion, and quotes the dictum in *Bogardus v. New York Life Ins. Co.*, 101 N. Y. 328, to the effect that the policy holder may have an accounting. But in the later case of *Uhlman v. New York Life Ins. Co.*, 109 N. Y. 421, which Mr. Beach does not cite in this connection, this dictum was in effect overruled, and the present New York doctrine is exactly the reverse of what one might gather from this work.

Literary style and euphony of expression are commonly supposed to occupy so secondary a place in legal text writing that errors of an author in this regard do not perhaps call for comment. Those of the present work are probably not greater than the average. Still one cannot help tiring, for example, of the constant repetition as section headings of such phrases as, "The Same Subject Continued," "A Texas Case," "A Late New York Case," "Another," "Still Another," etc.

On the whole it is difficult to see how this effort is to enhance the already ample reputation of Mr. Beach. He has put forth better books. Of his work on Private Corporations, and also that on Public Corporations, probably far less criticism could be justly passed.

Typographically the work is excellent, as one might expect from Houghton, Mifflin & Co. The two volumes are well bound, printed on good paper, and in clear type,—a characteristic product of the Riverside Press.

Charles Sumner Goringier.

Omaha, Neb., June 2, 1895.

Borgeaud on Adoption and Amendment of Constitutions.¹

**Reviewed by H. Campbell Black, Esq.,
of Washington, D. C., Author of
"Black's Constitutional
Law," etc.**

[See contents and other descriptive matter, on p. 176 of this number.]

The work here presented to English readers first came before the public in 1893 as the successful competitor for the Rossi Prize, awarded the previous year by the faculty of law of the University of Paris. It is translated from the French by Prof. Charles D. Hazen, and edited by John M. Vincent, of Johns Hopkins University, who contributes an introduction and occasional notes.

The book comprises a brief but incisive review of the written constitutions in force in the various countries of Europe and America, with special reference to the methods provided for their revision and amendment, and the legal and political aspects in which the changing of the fundamental law is regarded, and is particularly designed to illustrate the growth and ascendancy of the democratic idea that "constituent power" resides in the people, and that the people have the ultimate right to revise and remodel their constitutions at will. With this specific purpose, the author has confined his researches to the history and present status of constitutional amendment, and has not attempted a detailed exposition of the governmental systems of the various countries referred to. Nevertheless it will be found that the question particularly discussed is intimately connected with the very essence of governmental ideas and of the relations of government and people in all. The work is much more than a collation of constitutional texts. The author, with the true scientific spirit, has taken history as his guide, and has invariably sought the explanation of contemporary phenomena in the political development of the people. He is thus enabled, not only to trace the influence of the institutions of one country upon those of another, and the gradual spread of political ideas, but also to exhibit the revision clauses of modern constitutions, not as isolated and unmeaning facts, but as the product of the growth and life of the nation. Such an investigation, pursued after this method, involved immense labor. Admiration is due both to the patience and clear sight of the learned author, and to the faculty which he

displays of condensing voluminous results into small compass. The work is suggestive rather than didactic. But many valuable lessons of history and experience emerge from the writer's investigations, and are reinforced with irrefragable argument. Not only in France and Switzerland is the question of constituent power and its exercise one of the greatest moment, but in this country, also, we cannot fail to perceive that so learned and practical a work as the one before us is a distinct acquisition, and a valuable contribution to the literature of a most interesting subject.

The first part of the book is devoted to a discussion of "the origin, growth, and character of written constitutions." Herein are passed in rapid review the rise of the power of the Puritans in England; the transformation of the religious revolt into a political revolution; the beginning of the idea of a fundamental written frame of government, growing out of the covenants on which the Puritan congregations were founded; the "agreement of the people," framed by Cromwell's soldiers and presented to the house of commons; the early compacts and covenants of the New England settlers; the formation of constitutions in the states before and during the War of Independence; the introduction and spread of the American idea in France, and the influence of Adams, Franklin, and La Fayette in shaping the constitutions born there in the throes of the Revolution; and the progress of the ideas of France throughout the continent of Europe, as the new political gospel followed the victorious arms of the Revolution and of Napoleon. The following chapter, on the nature of written constitutions, contains a succinct statement of several very important and significant truths in constitutional law, which, however, are perhaps better understood by Americans than they are abroad. Here, for instance, we find mention made of the organic unity of the state, and of the essential difference between the sovereign and the organs of sovereignty. Here, also, we are reminded that a true constitution is not an intellectual production, but a growth; not improvised, but developed; not made to order, but evolved from the life and thought of the people; and that its aim is not to create forms of government out of nothing, but to protect those which exist, and, we may add, not to create rights, but to guaranty them. In this connection, also, our author touches upon the question whether the written constitution necessarily comprises the whole of the organic law of the country, or whether there may not exist side by side with it an unwritten constitution. That this state of affairs actually exists in Italy is sufficiently shown in an-

¹ Adoption and Amendment of Constitutions in Europe and America. By Charles Borgeaud. Macmillan & Co.: New York and London, 1895.

other part of the book. But not every American reader will agree that the precedent or custom which declares a president ineligible to re-election after having served eight years can be called, in any sense, a part of our national constitution.

Proceeding, after this introduction, to the main object of his essay, M. Borgeaud divides the constitutions which he proposes to examine into two categories: On the one hand, compacts and royal charters; on the other hand, purely democratic constitutions. In the first category he proceeds to examine, first, the German group, including, besides the constitution of the German Empire, those of Prussia, Saxony, Hesse, and several others, and that of Austria. The second group belonging to this category includes the constitutions of the Latin and Scandinavian monarchies,—Italy, Spain, Portugal, Sweden, Finland, Norway, Denmark, the Netherlands, Luxembourg, Belgium, Roumania, Greece, Servia, and Bulgaria. It appears that in the first, or German, group, two strongly marked tendencies are manifest. One is to regard the constitution as a compact between the prince and the representatives of the people, and to consider any revision of it as a renewal of the compact, rather than as a modification of a settled, common public law. The other tendency, dating from the Prussian charter of 1848, and originating in a desire to make the amending process easier, has led to the almost complete assimilation of constitutional and statutory law, by providing that amendments to the constitution may be made by ordinary legislative enactment. In the Latin-Scandinavian countries, a single great principle dominates all changes of the constitution; the nation must be consulted. This appeal to the country is effected by a dissolution of parliament, and the election, by popular suffrage, either of a new legislature or of a special national assembly, especially instructed with reference to the proposed constitutional changes, and empowered to accept or reject them. In the final determination, however, the ruler has a voice, save only in Greece, by the terms of the constitution, and in Norway, by the determination of the legislature and the acquiescence of the king.

The next division of the book, having to do with democratic constitutions, begins with an account of the constitutional systems in the United States, and treats especially of the origin, development, and practice of the submission of constitutions and constitutional amendments to ratification by a direct vote of the people. As to the genesis of this idea, he traces it, as already indicated, to the Puritans in England. Their theory was

that to establish a jural society, as to found a congregation, they must bind themselves together by a compact, and that the unanimous engagement required for this compact could be made only by those who were themselves concerned. This idea, by the time of the Revolution, had been "taken up and systematized by philosophy," and had become the theory of the social contract. Our author very correctly points out that, though this theory is most commonly associated with the name of Rousseau, our ancestors mainly derived their knowledge of it from the works of Wyse and Locke. The social contract theory is now admitted to be untenable, considered as an explanation of the beginnings of society, because it is historically unverifiable. But as an hypothesis in pure law it remains valid, because it embodies the true democratic idea that government is by the consent of the governed. Thus understood, and with the necessary transmutation of a unanimous consent into the vote of the majority, it may still be accepted as laying the foundation for our machinery of the constitutional convention and popular votes on constitutional revisions. The constitution, says our author, "in theory a social compact, thus became in reality the sovereign decree of the people." Pursuing the method of historical recital, he relates the circumstances attending the formation of the Massachusetts constitution of 1780, and those of the other states, during the Revolutionary period, and proceeds to consider the origin and rise of the method, now generally prevalent, of amending the constitution by specific provisions or clauses, as a substitute for the earlier cumbersome method of calling a convention for the purpose of an entire revision. This idea, it seems, was born in a constitutional convention which met at Hartford in 1818. But the question of a popular ratification of the work of the convention was not raised (or at any rate not settled) until a later day. It was first agitated in New York in 1820-1822. But since that time it has become the settled doctrine in America that a constitutional convention, though elected by popular vote for a specific purpose, is not itself sovereign. It cannot take from the people their sovereign right to ratify or reject the constitution or amendments framed by it, and cannot infuse life and vigor into its work before ratification by the people. In this connection, our author refers (in a footnote to page 174) to the proceedings of the constitutional convention in Mississippi in 1890, whose work, "notwithstanding the formal provisions of the law," was not submitted to the people for ratification. This he describes as a "*coup d'état*." The character-

ization is just. And the American reader will not fail to recall the judgment of the supreme court of that state, sustaining the validity of this action, on the ground that the people had power to authorize the convention, not merely to draft an organic act, but also to "enact" it. *Sproule v. Fredericks*, 60 Miss. 898, 11 South. 472. Sophistical as is the argument of the court on this point, it yet deserves some notice, in order to complete the discussion of this interesting question. But, in fact, as Borgeaud points out in another place, the great historical precedent for this theory of the powers of a constitutional convention is found in the passage of the "Ordinances of Secession," which, in a majority of the Southern states, were never submitted to the people at all. The "bitter experience," as Jameson calls it, of the results, has probably gone far to settle forever the question of the location of sovereignty as between the convention and the people. One other question in practical constitutional law is referred to in this part of the book, but in a manner which we cannot consider as either complete or satisfactory. It is as to the power to call a convention for revising the constitution, when the constitution itself makes no provision for that method of procedure. Our author describes this as the "common-law method, the one to which recourse may always be had, even if not prescribed by an article of the constitution, or even if the constitution provides only for legislative initiative." In support of this doctrine, he cites the precedent set in New York in 1845, the views of "American statesmen," not otherwise specified, and the cases of *Wells v. Bain*, 75 Pa. St. 39; *Woods' Appeal*, Id. 49; and *Collier v. Ferguson*, 24 Ala. 108. But the question, in reality, is not nearly so simple as this. It has been very much debated; and it must be said that, on the whole, the preponderance of authority is against the position assumed by our author. See, for example, *Koehler v. Hill*, 60 Iowa, 543, 14 N. W. 738; *In re Constitutional Convention*, 14 R. I. 649. In fact, as the present writer has elsewhere had occasion to say, "the generally accepted doctrine is that the method of amendment provided in the constitution is the only method in which it can be amended without revolution." It may be thought that this view is narrow and doctrinaire, and that it derogates from the power of the sovereign people to revise their own frame of government at their own time and in their own manner. But it must also be remembered that the constitution, though in the nature of a "social compact," is also a law, and, if it is dealt with otherwise than in the forms and under the sanctions of law, the process and the result will alike be extralegal.

We regret that we have not space to follow the learned author through his exceedingly interesting account of the eleven constitutions which have successively been in force in France since the revolution. The result of the discussion is to show the present submergence of one of the most fundamental traditions of French public law. It has always been a cardinal principle, since the close of the last century, that the constituent power resides in the people, and that the people have ultimately the right to ratify or reject any constitution or amendment. But article 3 of the constitutional laws of 1875—which was adopted under the pressure of political necessities and in the expectation that the constitution then framed would prove to be only provisional, and hence was not truly an expression of principle—permits the legislature to revise or amend the constitution, upon simply resolving itself into a national assembly for that purpose, thus exercising sovereign power upon a feigned delegation of it. This is an abnegation of the doctrines of the revolution, or, at best, the substitution of a juristic fiction for a living fact. But, notwithstanding this eclipse of the popular right of constitution making in France, it still remains a part of the unwritten constitution of the republic, and is bound, in our author's judgment, eventually to regain its ascendancy. It is true that "the abuses of the consultation of the people perpetrated by the emperors have prejudiced the enlightened and liberal of every school against it," so that "even the very word 'plebiscite' is in disfavor." But these prejudices are waning, and the current of a very strong and growing public opinion is setting in favor of a practical restoration to the citizen of the sovereign rights bequeathed to him by the men of 1789.

The third of the democratic countries whose institutions are examined in this regard is Switzerland,—a nation whose political affairs have attracted wide-spread attention, in late years, by reason of the novel expedients in constitution making which are there undergoing trial. These chapters, therefore, form perhaps the most interesting portion of the work. The necessary limitations of this review forbid us even to epitomize their contents. But the student will find here an able explanation of the origin and working of the popular initiative in constitutional revision (*plebiscite initiatif*) and of the individual and plural initiative. This system (as also that of the referendum) is treated of only in connection with constitutional amendment, and not as affecting the domain or the process of ordinary law.

One of the most significant features of modern political science, in this country, is

the tendency to overload our state constitutions with a mass of details, which have properly nothing to do with the frame of government or the rights of the citizens, but belong to the domain of statute law, and are incorporated in the organic act only through fear or distrust of the legislature. This fact our author notices and comments on. But he says that Americans "have not diminished the grandeur of their constitutions by intrusting them with the care of matters which they feared would otherwise be mismanaged, however long the list of these may be. Nor have they rendered them weak and fragile. American constitutions are not less respected and obeyed to-day than they were a hundred years ago." This is true. But it is not because a written constitution is normally designed as a receptacle for codes of private law. It is because of the sharp line of distinction which we have maintained between the comparatively fixed and unalterable nature of the constitution and the easy facility of repealing a statute. The process of constitutional amendment may be slow and cumbersome; but it has saved us from the assimilation of constitutional and statutory law, and the consequent degradation of the constitution, which has overtaken Germany, and has thence affected some other countries. How far this assimilation may go, and the resulting attitude of legislative enactment towards the fundamental law, may be clearly perceived by comparing the utterances of our courts as to the boundaries of legislative competence with the writings of contemporary German jurists. Take, for example, the following remarks of Prof. Laband of Strassburg, as quoted by our author: "The doctrine that individual laws ought always to be in harmony with the constitution, and that they must not be incompatible with it, is simply a postulate of legislative practice. It is not a legal axiom. Although it appears desirable that the system of public and private laws established by statute shall not be in contradiction with the text of the constitution, the existence of such a contradiction is possible in fact and admissible in law, just as a divergence between the penal, commercial, or civil code and a subsequent special law is possible."

We are compelled to add that, if the American editor had carefully verified the American references, he would have avoided a number of miscitations and other blemishes.

J. G. Campbell Black.

Browne's Kent's Commentaries.¹

**Reviewed by Elmer E. Barrett, LL. B.,
Secretary of the Chicago
College of Law.**

[See contents and other descriptive matter on page 240, vol. 1, Law Book News, and other opinions on page 240, vol. 1 Law Book News.]

Chancellor Kent's Commentaries will ever hold a prominent place with the standard works in the literature of the law. Since the publication of Sir William Blackstone's Commentaries on the law of England, no treatise on jurisprudence has received the uniform commendation and eulogy from the bench and bar alike equal to that of Chancellor Kent's great work. To quote Judge Dillon, who seems to me to have expressed the general consensus of opinion: "The American bar and people venerate the name of Chancellor Kent. Simple as a child in his tastes and habits throughout his tranquil and useful life; more than any other judge the creator of the equity system of this country; the author of commentaries which, in accuracy and learning, in eloquence, purity, and vigor of style, rival those of Sir William Blackstone,—his name is admired, his writings prized, and his judgments at law and in equity respected, in every quarter of the globe (and nowhere more than in England), wherever in its widening conquest the English language, which is the language of freedom, has carried the English law." This, no doubt, is the reason why, as a rule, since its publication, Kent's Commentaries is the first book to be put into the hands of the American law student. As a text-book, the chief, and perhaps the only, criticism that can be justly made is that the student just entering upon the study of the law will find at times the work too diffused, that it contains many cases cited almost in full that are often only slightly distinguished from each other, and much matter that is merely a repetition of statements, having only a small bearing on principles already accurately and fully stated. This tends to confuse the beginner. Mr. Browne in his edition of Kent's Commentaries has succeeded admirably in eliminating the accumulated matter without omitting any part of that which might be termed essential. A careful examination of several chapters shows that where a definition is given or a rule laid down the exact language of the text has been preserved.

¹ Commentaries on American Law, by James Kent, LL. D., Chancellor of the State of New York. In one volume. Edited by Wm. Hardcastle Browne, A. M., of the Philadelphia bar, author of an edition of Blackstone's Commentaries, etc. St. Paul, Minn.: West Publishing Co. 1894.

Where changes occur, the effect has been to make the sentence more terse and to the point, without changing the meaning or idea intended to be conveyed by Chancellor Kent.

The prefatory catchwords to each paragraph will prove of great assistance to the instruct-

or, and makes the book convenient for reference. This edition should be welcomed by student and lawyer alike.



OTHER OPINIONS OF NEW BOOKS.

Beach on Insurance.

[See Contents, on page 176, and a review by C. S. Lobingier, on page 179, of this number.]

The following are the noteworthy characteristics of this work: The text is clearly written. The unsettled and disputed questions of the law are stated and discussed with unusual care and good judgment; the language of the courts in deciding important questions is quoted, wherever possible; the latest decisions are given much prominence; and the whole work is arranged in an orderly and convenient way. About six thousand cases are cited in the notes. More cases might have been cited, as the work embraces every form of insurance; but from appearance many of the older cases have been omitted, probably because they are now of doubtful value, or have been superseded by better statements of the law in more recent decisions. The ultimate test of the value of a law treatise comes in the use of it, and a comparison of the decisions with the author's presentation of the subject in his text. So far as we have had opportunity to examine the book in this way, it stands the test well. In fact, the more we have examined it, the more we are impressed with its worth and usefulness.

The works that have appeared so rapidly under the name of this author have varying degrees of merit, but the profession has found them generally to be practically useful. The present work is more than this, though the average lawyer cares more for the practical usefulness of a law book than for any other merit it may have. We regard this work upon insurance as the very best in every way of all the author's works.

—American Law Review.

This work is in some respects different from those which Mr. Beach has previously published. The peculiar condition of the law of insurance has made it necessary for him to depart somewhat from his usual practice, and, instead of simply stating the law as he finds it expressed in the better authorities, to give some space to the discussion of ques-

tions as yet unsettled, and to attempt to reconcile cases apparently in hopeless conflict. This has been done, as he informs us in the preface, in the precise language of the judges, whenever possible. Perhaps the most prominent examples of this are to be found in the chapters on Insurable Interest and Premiums. The work is rather enhanced in value by this circumstance, and yet one could wish that he had given his own opinions with a little more freedom and less modesty. They would in many cases be fully as valuable as the declarations of the bench.

The text is written with the author's usual clearness and directness, and presents the principles of the law on the subject in a terse and perspicuous manner. The details are not so well worked out as might have been the case if he had devoted himself to one branch of his subject, for it is a manifest impossibility to present a complete view of the law of insurance, in all its departments, with its endless ramifications and myriad inconsistencies, within the compass of two volumes. But, with a few slight exceptions, this work contains all that is needed by the practitioner, save those minor points that are so rarely met, but so badly needed on unexpected occasions. This is no blemish, however, and cannot be justly laid at the author's door. * * * On the whole, therefore, Mr. Beach's work is a reasonably complete one, and will prove eminently useful to the profession, while the method of citing the very words of the court in doubtful and conflicting cases will save much annoyance and waste of time in consulting the reports.

—American Law Register and Review.

Browne's Kent's Commentaries.

[See contents on page 240, vol. 1, Law Book News, and a review by Prof. Elmer E. Barrett, on page 184 of this number.]

Every lawyer knows the present bulk of Kent's Commentaries, and the way in which the text is overlaid, even smothered, with notes. Feeling that the student is somewhat overtaxed thereby, Mr. Browne has discarded the notes; and, feeling that the well rounded periods of the great American Chancellor are too diffuse for some students

of to-day who want before all things brevity, Mr. Browne has gone over the text itself with an unsparing hand, making almost every statement shorter, changing bits of the phrasing in almost every sentence, and putting in prefatory catchwords in black type, but nowhere attempting anything but condensation. Now less than nine hundred pages in this volume represent the text of all Kent's Commentaries. The student who can get from this what students have hitherto sought in the unabridged edition will save much valuable time and the purchase money of three octavo volumes. To many this will overbalance the loss of notes, though they be by Mr. Justice Holmes, and of Mr. Chancellor Kent's own graceful style.

—Harvard Law Review.

The work has passed in rapid succession through many editions, and has been incumbered by its numerous editors with elaborate notes, that too frequently added little or nothing to its value. Mr. Browne, believing that the presence of copious notes in commentaries of this character tends to confuse rather than to assist the student, has refrained almost entirely from annotations, and has confined his table of cases to the decisions of American tribunals as cited by Chancellor Kent himself. He has succeeded thereby in bringing the commentaries into one volume, and has enhanced its value by the use of a system of prefatory catchwords to each paragraph, so that the student can tell at a glance the subject-matter of each sentence. The book is printed in large, clear type, on good quality of paper, and is strongly bound in sheep, and makes a valuable volume for student, lawyer, or general reader.

—Yale Law Journal.

Whether the student of the law should begin his study by reading Blackstone or Kent is a much disputed question. The covers to Blackstone's Commentaries have long been regarded by many as the only gate through which one might properly enter the field of the law. Other equally thoughtful men of the profession have been equally strong in their opinion that the commentaries of Chancellor Kent on "American Law" should be the first book placed in the hands of the student. The latter seems to be the growing sentiment. The great drawback has been that the editions of Kent have been so cumbered with notes and abstract discussions, which, while they have proven of inestimable value to the older members of the bar, have but served to confuse the student. Had he but known which portions to have omitted, doubtless many a dreary headache would have been averted. This difficulty Mr. Browne has solved for the benefit of future beginners. In one volume, of 890 pages, he has condensed all that is essential of Kent. We say all. That may possibly be putting it too strongly. It would hardly be possible for one man to perform such a task without leaving out something which another would deem essential, or inserting that which the other would have omitted. But in doing this it must be admitted that Mr. Browne has been remarkably successful. Throughout the book are the evidences of great care and conscientious work in its preparation. It is a very handsomely bound volume, convenient in size, and printed in very plain type. The system of prefatory black-letter catchwords to each paragraph, throughout the work, assists materially in the reading and proper understanding of the text, and serves to fix the principles in mind. Certainly Kent's Commentaries were never before published in so convenient a form at such a low price.

—Michigan Law Journal.

BOOKS RECEIVED.

From Bancroft-Whitney Co., San Francisco, Cal.:
 Ballinger on Community Property.

From Little, Brown & Co., Boston:
 Pollock & Maitland's History of English Law.

From Callaghan & Co., Chicago, Ill.:
 Clementson's Road Rights and Liabilities of Wheelmen.

From W. H. Lowdermilk & Co., Washington, D. C.:
 Kelgwin's Notes on the Rules of Practice.

From Baker, Voorhis & Co., New York:
 Fowler's History of the Law of Real Property.

From Bancroft-Whitney Co., San Francisco, Cal.:
 Thompson on Private Corporations, 3 vols.

From Ihling Bros. & Everard, Kalamazoo, Mich.:
 Rayner's Law of Interest in the State of Michigan.

Leading Text Books Published in 1895.

Abbott's Select Cases on Evidence..	6 00 net	Fetter on Equity.....	3 50 net
Alderson on Judicial Writs and Process	6 00 net	Harlow on Sheriffs and Constables. 2d Ed.....	6 00 net
Black's Constitutional Law.....	3 50 net	Kerr on Real Property. 3 vols....	16 00 net
Beach on Injunctions. 2 vols.....	12 00 net	Oliver's American Precedents in Personal and Real Actions. 5th Ed.	6 00 net
Beach on Insurance. 2 vols.....	12 00 net	Smith on Evidence.....	5 00 net
Bishop's Criminal Procedure. Vol. 1. 4th Ed.....	6 00 net	Thompson on Private Corporations. 6 vols	36 00 net
Bishop on Insolvent Debtors. 3d Ed.	6 50 del	Tiffany on Sales.....	3 50 net
Bradner's Rules of Evidence.....	5 00 net	Waples on Attachment. 2d Ed....	6 00 net
Clark's Criminal Procedure.....	3 50 net	Williams on Executors. 3 vols. 7th Am. Ed.....	18 00 net
Endlich on Building Associations. 2d Ed.....	6 00 net		

Leading Text Books Published in 1894.

Bacon on Benefit Societies. 2 vols. 2d edition	12 00	Jones on Mortgages. 2 vols. 5th edition	12 00 net
Bailey's Master's Liability for Injuries to Servants.....	6 00 net	Jones' Forms of Conveyancing. 4th edition	6 00 net
Beach on Modern Equity Practice. 2 vols	12 00 net	Kinney on Irrigation.....	7 00 net
Benedict's Admiralty. 3d edition..	6 00 net	Lloyd's Law of Buildings. 2d edition. Cloth, \$4.50. Sheep.....	5 00 net
Bliss on Code Pleading. 3d edition	6 00 net	Loveland's Forms of Federal Procedure	6 00
Browne's Kent's Commentaries....	5 00 net	Niblack on Mutual Benefit Societies. 2d Ed.	6 00 net
Burrill on Assignments. 6th edition	6 00 net	Pagin's Precedents and Forms in Federal Cases	6 00 del
Carr's Judicial Interpretation of the U. S. Tariff Act.....	5 50 net	Pollock on Torts. Webb edition....	5 00
Clark on Contracts.....	3 50 net	Prentice on Police Powers.....	5 00 net
Clark's Criminal Law.....	3 50 net	Randolph on Eminent Domain...	5 50 net
Cogley on Strikes & Lockouts.....	4 00 net	Rice's Probate Law and Practice..	6 50 net
Cook on Stock and Stockholders. 2 vols. 3d edition.....	12 00 net	Shipman's Common Law Pleading..	3 50 net
Coxe on Judicial Power and Unconstitutional Legislation.....	3 00 net	Stephen on Pleading (Andrews)...	4 00 net
Daniell's Chancery. 3 vols. 6th Ed.	18 00 net	Taylor's Law of Private Corporations. 3d Ed.....	6 00
Demarest on Elevated Railroad Law	3 50 net	Tiedeman on Municipal Corporations	6 00 net
Dillon's Laws and Jurisprudence of England and America. Cloth....	4 00 net	Underhill on Evidence.....	6 00 net
Elliott's General Practice. 2 vols..	12 00 net	Wiley's Procedure in the Courts of Law and Equity.....	2 00 net
Fitnam's Trial Procedure.....	6 00 net	Williams on Real Property. (Hutchins' Notes.) 17th International Ed.....	4 00 net
High on Receivers. 3d edition....	6 00 net	Wood on Railways. 3 vols. 2d edition	18 00 net
Jones on Chattel Mortgages. 4th edition	6 00 net		
Jones on Liens. 2 vols. 2d edition	12 00 net		

DIGEST

Of Articles on Legal Subjects in Current Periodicals, Annotations in Reports, etc.

List of Abbreviations and Publications Digested.

Abbreviations.	Name.	Published.	Prices of Single Numbers.
Abb. N. C.....	Abbott's New Cases, Dlossy Law Book Co., N. Y. City	Monthly.....	\$4.50 per vol.
Alb. Law J.....	Albany Law Journal, Albany, N. Y.....	Weekly.....	25c.
Am. Acad. Pol. & Social Science.....	American Academy of Political and Social Science, Philadelphia, Pa.....	Fortnightly.....	\$6.00 per year.
Am. Banker.....	American Banker, New York City.....	Weekly.....	10c.
Am. Lawy.....	American Lawyer, New York City.....	Monthly.....	10c.
Am. Law Reg. & Rev.....	American Law Register and Review, Philadelphia.....	Monthly.....	50c.
Am. Law Rev.....	American Law Review, St. Louis.....	Bi-Monthly.....	\$1.00.
Am. Prob. R.....	American Probate Reports, Baker, Voorhis & Co., New York City.....	Irregular intervals.....	5.50 per vol.
Am. R. & Corp. R.....	American Railroad and Corporation Reports, E. B. Myers & Co, Chicago.....	Irregular intervals.....	4.50 per vol.
Am. St. Rep.....	American State Reports, Bancroft-Whitney Co., San Francisco.....	Bi-Monthly.....	Sold by subscription only.
Am. & Eng. Corp. Cas.....	American and English Corporation Cases, Edward Thompson Co., Northport, Long Island, N. Y.....		\$4.50 per vol.
Am. & Eng. R. Cas.....	American and English Railroad Cases, Edward Thompson Co., Northport, Long Island, N. Y.....		4.50 per vol.
Aust. Law T.....	Australian Law Times, Melbourne, Australia.....	Semi-Monthly.....	£3 3s. per yr.
Banking Law J.....	Banking Law Journal, New York City.....	Monthly.....	30c.
Barrister.....	The Barrister, Toronto, Can.....	Monthly.....	\$2.00 per year.
Brief.....	The Brief, London, Eng.....	Monthly.....	Sixpence.
Can. Law J.....	Canada Law Journal, Toronto, Can.....	Semi-Monthly.....	25c.
Can. Law T.....	Canadian Law Times, Toronto, Can.....	Monthly.....	50c.
Cape Law J.....	Cape Law Journal, Grahamstown, Cape of Good Hope	Quarterly.....	\$1.50.
C. C. A.....	U. S. Circuit Courts of Appeals Reports, West Pub. Co., St. Paul, Minn.....	Irregular intervals.....	
Cent. Law J.....	Central Law Journal, St. Louis.....	Weekly.....	\$3.35 per vol.
Chi. Law J.....	Chicago Law Journal, Chicago.....	Weekly.....	25c.
Chi. Leg. N.....	Chicago Legal News, Chicago.....	Monthly.....	25c.
Civil Proc. R.....	New York Civil Procedure Reports, S. S. Peloubet, New York City.....	Weekly.....	10c.
Collector.....	The Collector and Commercial Lawyer, Detroit, Mich	Monthly.....	10c.
Counsellor.....	The Counsellor, New York City.....	Monthly.....	30c.
Cr. Law Mag.....	Criminal Law Magazine, Jersey City, N. J.....	Bi-Monthly.....	\$1.00.
Forum.....	The Forum, Forum Publishing Co., New York.....	Monthly.....	25c.
Green Bag.....	Green Bag, Boston.....	Monthly.....	50c.
Guide.....	The Guide, Kalamazoo, Mich.....	Monthly.....	10c.
Harv. Law Rev.....	Harvard Law Review, Cambridge, Mass.....	Monthly.....	35c.
Int. Jour. Eth.....	International Journal of Ethics, Philadelphia, Pa.	Quarterly.....	65c.
Iowa Univ. Law Bul.....	Law Bulletin of Iowa University, Iowa City, Iowa.....	Monthly.....	25c.
Ir. Law T.....	Irish Law Times & Solicitors' Journal, Dublin, Ire.	Weekly.....	1 shilling.
J. P.....	Justice of the Peace, London, Eng.....	Weekly.....	Sixpence.
Jurid. Rev.....	Juridical Review, Edinburgh, Scotland.....	Quarterly.....	
Kan. Univ. Lawy.....	Kansas University Lawyer, Lawrence, Kans.....	Bi-Weekly.....	\$1.00 per year.
Law Notes.....	Law Notes, London, Eng.....	Monthly.....	Sixpence.
Law Quart. Rev.....	Law Quarterly Review, London, Eng.....	Quarterly.....	5 shillings.
Law Student's Helper.....	Law Student's Helper, Detroit, Mich.....	Monthly.....	10c.
Law Students' J.....	Law Students' Journal, John Indermaur, Chancery Lane, London, Eng.....	Monthly.....	Sixpence.
Law T.....	Law Times, London, Eng.....	Weekly.....	
Lawy. Rep. Ann.....	Lawyers' Reports Annotated, Lawyers' Co-operative Pub. Co., Rochester, N. Y.....	Semi-Monthly.....	75c.
Leg. Int.....	Legal Intelligencer, Philadelphia.....	Weekly.....	10c.
Madras Law J.....	Madras Law Journal.....	Quarterly.....	
Med. Leg. J.....	Medico-Legal Journal, New York City.....	Monthly.....	25c.
Mich. Law J.....	Michigan Law Journal, Detroit, Mich.....	Monthly.....	25c.
Minn. Law J.....	Minnesota Law Journal, St. Paul, Minn.....	Monthly.....	
Mont. Leg. N.....	Montreal Legal News, Montreal, Can.....	Monthly.....	
Morr. Min. R.....	Montreal Mining Reports, Callaghan & Co., Chicago	Irregular Int'vs.....	\$5 per vol.
Nat. Corp. Rep.....	National Corporation Reporter, Chicago.....	Weekly.....	10c.
N. J. Law J.....	New Jersey Law Journal, Plainfield, N. J.....	Monthly.....	25c.
N. W. Law Rev.....	Northwestern Law Review, Chicago.....	Monthly.....	25c.
N. Y. Cr. R.....	New York Criminal Reports, S. S. Peloubet, N. Y. City	Monthly.....	
N. Y. Law J.....	New York Law Journal, New York City.....	Daily.....	05c.
N. Y. Law Rev.....	New York Law Review, Ithaca, N. Y.....	Monthly.....	25c.
Pa. Law Series.....	Pennsylvania Law Series, Philadelphia, Pa.....	Monthly.....	\$1.00.
Pittsb. Leg. J.....	Pittsburgh Legal Journal, Pittsburgh, Pa.....	Weekly.....	10c.
Political Science.....	Political Science, Boston, Mass.....	Quarterly.....	
Quart. Jour. Econ.....	Quarterly Journal of Economics, Boston.....	Quarterly.....	\$2.00 per year.
Rev. of Rev.....	Review of Reviews, New York City.....	Monthly.....	\$2.50 per year.
Revue Generale.....	Revue Generale, Paris, France.....	Monthly.....	
Scot. Law Rev.....	Scottish Law Review, Glasgow, Scot.....	Monthly.....	1 shil. and sixpence
Scot. Law T.....	Scots' Law Times, Edinburgh, Scotland.....	Weekly.....	
University Law Rev.....	University Law Review, New York City.....	Monthly.....	25c.
Va. Law Reg.....	Virginia Law Register, Lynchburg, Va.....	Monthly.....	50c.
Wash. Law R.....	Washington Law Reporter, Washington.....	Weekly.....	10c.
West. Res. L. J.....	Western Reserve Law Journal, Cleveland, O.....	Monthly.....	20c.
Wkly. Law Bul.....	Weekly Law Bulletin and Ohio Law Journal, Columbus, Ohio.....	Weekly.....	25c.
W. Va. Bar.....	West Virginia Bar, Morgantown, W. Va.....	Monthly.....	10c.
Yale Law J.....	Yale Law Journal, New Haven, Conn.....	Monthly.....	35c.

TOPICAL DIGEST.

N. B. The Classification of the American Digest is here used.

Aliens.

— See "Citizenship."

ARBITRATION AND AWARD.

A collection of authorities on the general principles governing a setting aside of an award for partiality, prejudice, or misconduct of arbitrators.—12 C. C. A. 592.

ASSIGNMENT FOR BENEFIT OF CREDITORS.

A collection of authorities as to the validity of an unregistered voluntary assignment of personal property situated in another state.—By W. A. McNeill. 40 Cent. Law J. 404.

ATTORNEY AND CLIENT.

A review of the decision of the supreme court of California in *Re Philbrook*, 38 Pac. 884, disbaring him for filing a brief reflecting upon the integrity of the court.—29 Am. Law Rev. 444.

Baggage.

— See "Carriers."

BRIDGES.

A collection of authorities on the liability of municipalities for injuries caused by defective bridges.—47 Am. & Eng. Corp. Cas. 163, 173.

BUILDING AND LOAN ASSOCIATIONS.

A valuable paper on the origin and powers of building and loan associations, read before the West Virginia Bar Association.—By S. S. Green. 2 W. Va. Bar, 111.

CARRIERS.

A useful note, with numerous authorities, on the liability of carriers for baggage in the custody of the passenger.—By John D. Lawson. 40 Cent. Law J. 444.

CITIZENSHIP.

An interesting article on citizenship by birth.—By George D. Collins. 29 Am. Law Rev. 385.

COMPOSITION WITH CREDITORS.

A note, with numerous authorities, as to the effect of giving one creditor a secret advantage in a composition.—27 L. R. A. 33.

Confession.

— See "Criminal Law."

CONSPIRACY.

A collection of authorities as to unlawful combinations and conspiracies of railroad employes.—10 Am. R. & Corp. R. 442.

CONTRACTS.

A valuable essay on specialty contracts and equitable defenses.—By J. B. Ames. 9 Harv. Law Rev. 49.

An extensive note on contracts in restraint of trade considered with reference to the bearing of the principles involved upon the validity of pools and trusts.—10 Am. R. & Corp. R. 107.

A collection of authorities on public policy as a basis for judicial decision in relation to contracts.—10 Am. R. & Corp. R. 84.

CORPORATIONS.

A few suggestions on the organization of corporations.—By Willis F. McCook. 4 Yale Law J. 169.

A collection of authorities as to the validity of corporations.—47 Am. & Eng. Corp. Cas. 227.

A collection of authorities on the qualification and election of corporate officers.—47 Am. & Eng. Corp. Cas. 559.

An extensive note, with numerous authorities, on the personal liability of officers of corporations.—47 Am. & Eng. Corp. Cas. 635.

An extensive collection of authorities on the personal liability of directors for negligence.—12 C. C. A. 680.

A collection of authorities on the compensation of officers of a corporation.—47 Am. & Eng. Corp. Cas. 711.

A collection of authorities on the power of insolvent corporations to prefer creditors.—47 Am. & Eng. Corp. Cas. 305.

A collection of authorities on the rights of creditors of insolvent corporations.—47 Am. & Eng. Corp. Cas. 379.

A continuation of an interesting article on the rights and remedies of the corporation and its stockholders in respect to contracts ultra vires.—By Charles A. Winter. 4 Counsellor, 213.

A collection of authorities on the dissolution of corporations by forfeiture of franchise and otherwise.—47 Am. & Eng. Corp. Cas. 486.

A collection of authorities on the power to issue and validity of preferred, guaran-

tied, or interest-bearing stock.—27 L. R. A. 136.

An article on the right of foreign corporations to do business in other states, with numerous citations.—By Newton Wyeth. 40 Cent. Law J. 383.

A collection of authorities as to the powers and privileges of foreign corporations.—47 Am. & Eng. Corp. Cas. 519.

A collection of recent decisions affecting foreign corporations.—10 Am. R. & Corp. R. 621.

COURTS.

A valuable article on the national judiciary.—By Martin Welker. 1 West. Res. L. J. 100.

A continuation of the history of the supreme court of Ohio.—By Edgar B. Kinkead. 7 Green Bag, 168, 225.

A history of the New York court of errors.—By Irving Browne. 29 Am. Law Rev. 321.

A sketch of the metropolitan law courts of the city of London.—By George H. Knott. 29 Am. Law Rev. 395.

CRIMINAL LAW.

An interesting article on confessions in criminal law, as applied to Indian evidence act.—5 Madras Law J. 74.

A review of the bill introduced in the house of commons to establish a court of criminal appeals, with powers to grant new trials and revise sentences.—99 Law T. 3.

EASEMENTS.

A short article on the implied easements of light and air.—By J. A. Robinson. 4 Yale Law J. 190.

ELECTRICITY.

A collection of authorities as to damages for electrical interference arising in controversies between telephone companies and electric railway companies.—10 Am. R. & Corp. R. 577.

EMINENT DOMAIN.

A note with numerous authorities as to the rights of abutting owners to recover for injuries by a change of grade on construction of embankments and the like, in connection with the laying of a railroad in the street.—10 Am. R. & Corp. R. 56.

An article upon the question as to whether the preparation of leased premises for public purposes abates the payment of rent.—By Joseph H. Taulane. 29 Am. Law Rev. 351.

EXECUTORS AND ADMINISTRATORS.

— Judgments against, see "Judgment."

A valuable article on the rights and liabilities of executors as to the assets of the estate.—By Oliver W. Holmes. 9 Harv. Law Rev. 42.

Foreign Corporations.

— See "Corporations."

GIFTS.

An article on the inconsistency of the laws of gifts.—By C. B. Labatt. 29 Am. Law Rev. 361.

GUARANTY.

A short collection of authorities on the necessity of notice of acceptance of a guaranty.—40 Cent. Law J. 389.

Horse and Street Railroads.

— See "Carriers."

HUSBAND AND WIFE.

A review of the iniquities of the law in England in relation to married women.—Law Notes. Republished in 29 Ir. Law T. 250.

An extensive note on the liability of a husband for the negligences and misfeasances of his wife.—By W. L. Murfree. 12 C. C. A. 196.

Insolvency.

— See "Corporations."

INTEREST.

A continuation of a valuable article on the subject of interest.—By J. R. Christie. 7 Jurid. Rev. 119.

INTOXICATING LIQUORS.

A citation of a few English authorities as to the proof required of knowledge, connivance, or carelessness in the licensee or person in charge on trial for violation of the liquor law.—59 J. P. 289.

JUDGE.

An interesting sketch of Chancellor James Kent.—By Charles S. Martin. 7 Green Bag, 153.

An interesting article on Morrison R. Waite, late chief justice of the United States supreme court.—By Morrison R. Waite. 1 West. Res. L. J. 93.

JUDGMENT.

A collection of authorities as to the effect of a judgment of another state rendered against an executor or administrator.—27 L. R. A. 101.

JURY.

A short article on the jury system.—Nation. Republished in 51 Alb. Law J. 334.

A valuable address before the territorial bar association of Utah, as to the benefits derived by trial by jury, with a suggestion that the jury should be abolished in the new constitution.—By J. G. Sutherland. 4 Counselor, 222.

An interesting article on the selection of the jury, with numerous citations.—By C. L. R. Munson. 4 Yale Law J. 173.

JUSTICES OF THE PEACE.

A short note on the personal liability of a justice for exceeding his jurisdiction.—27 L. R. A. 92.

LAW.

A valuable article on uniform state legislation.—By Frederic J. Stimson. Am. Acad. Pol. & Social Science, April 23, 1895.

A short review of the article on uniform state legislation by Mr. F. J. Stimson. 13 N. Y. Law J. 544.

An interesting article on pettifoggery law schools and an untrained bar.—By Davis S. Jordan. The Forum, for May.

An article on the inductive method in legal education.—By William A. Keener. 3 Law Student's Helper, 201.

Early law; a chapter on method.—By P. J. H. Grierson. 7 Jurid. Rev. 97.

A scholarly essay on legal education; its relation to the people and the state.—By H. B. Hutchins. 4 Mich. Law J. 141.

LIMITATION OF ACTIONS.

A review of the decision of the supreme court of California in case of Hunt v. Ward, 99 Cal. 612.—29 Am. Law Rev. 435.

LOTTERIES.

A extensive collection of authorities on the question of what is a lottery.—12 C. C. A. 346.

MARRIAGE.

A continuation of a series of articles on the marriage laws of Scotland. 2 Scot. Law T. 589.

MASTER AND SERVANT.

—Unlawful combinations of railroad employes, see "Conspiracy."

MAXIMS.

An interesting article on the use of maxims in jurisprudence.—By Jeremiah Smith. 9 Harv. Law Rev. 13.

MONOPOLIES.

— See "Conspiracy"; "Contracts."

An interesting historical article on trusts and monopolies.—By Charles L. Dobson. 1 Kan. Univ. Lawy. 47.

A collection of authorities as to the limitations set by the law on a consolidation of independent dealers into partnerships or corporations.—10 Am. R. & Corp. R. 190.

A collection of cases involving the sufficiency of indictments or informations, under the federal anti-trust act.—10 Am. R. & Corp. R. 770.

MUNICIPAL CORPORATIONS.

An interesting article on state supervision for cities.—By John R. Commons. Am. Acad. Pol. & Social Science, May 7, 1895.

A collection of authorities as to what will constitute a defect in a sidewalk or crossings. 47 Am. & Eng. Corp. Cas. 22.

A collection of authorities on the necessity and sufficiency of notice of injuries by defective ways and claims therefrom.—47 Am. & Eng. Corp. Cas. 42.

A collection of authorities on the duty of a municipality to erect rails along excavations and embankments.—47 Am. & Eng. Corp. Cas. 69.

A collection of authorities as to what constitutes contributory negligence by persons using defective streets or highways.—47 Am. & Eng. Corp. Cas. 114.

A collection of authorities as to the duties and liabilities of municipalities and lot owners as to defective sidewalks, as between themselves and the public.—47 Am. & Eng. Corp. Cas. 143.

A collection of authorities as to the liability of municipalities for injuries caused by defective streets and highways.—47 Am. & Eng. Corp. Cas. 98, 148.

Negligence.

— See "Bridges"; "Master and Servant."

— Defective streets and sidewalks, see "Municipal Corporations."

— Injuries to passengers, see "Carriers."

— Of wife, see "Husband and Wife."

NEGOTIABLE INSTRUMENTS.

An article on the liability of the acceptor of a bill of exchange altered after his acceptance and the doctrine of negligence.—Sol. J. Republished in 29 Ir. Law T. 225, 247.

Officers.

— Of corporations, see "Corporations."

PARENT AND CHILD.

A collection of authorities on the validity of a contract for the transfer of parental responsibility or authority.—27 L. R. A. 56.

PRINCIPAL AND AGENT.

An article on the power of ratification of an act performed by one not authorized to act as agent.—By Eugene Wambaugh. 9 Harv. Law Rev. 60.

Public Policy.

— See "Contracts."

RAILROAD COMPANIES.

— See "Carriers"; "Master and Servant."

A collection of recent decisions as to the liability of railroad companies for injuries to trespassers.—10 Am. R. & Corp. R. 287.

A collection of authorities on the removal of grade crossings at the expense of railroad companies.—10 Am. R. & Corp. R. 378.

A collection of recent decisions on the taxation of railroads and railroad property.—10 Am. R. & Corp. R. 365.

REAL-ESTATE.

An interesting article on the system of registration of land rights existing in Scotland.—By John Erskine. 7 Jurid. Rev. 162.

RECEIVERS.

A collection of recent authorities on the appointment of receivers, their liabilities and duties.—47 Am. & Eng. Corp. Cas. 419.

RECORDS.

A note with numerous authorities as to the right to inspect public records.—27 L. R. A. 82.

RELIGIOUS SOCIETIES.

A valuable article, with numerous authorities, on the rights of pew holders in churches.—By James M. Kerr. 40 Cent. Law J. 356.

A continuation of a series of articles on the nature of church property.—99 Law T. 31.

SALE.

A valuable article on the risk of loss after an executory contract of sale in the civil law.—By Samuel Williston. 9 Harv. Law Rev. 72.

STARE DECISIS.

A review of judicial precedents, and the weight to be attached to them.—By J. C. Gray. 9 Harv. Law Rev. 27.

STATUTES.

An interesting article on the principle of desuetude which is recognized in Scotland as regards statutes.—By William C. Smith. 7 Jurid. Rev. 173.

Streets.

— Defective streets and highways, see "Municipal Corporations."

SUNDAY.

An extensive note on Sunday as dies non juridicus.—By H. Campbell Black. 12 C. C. A. 402.

Taxation.

— Of railroad companies, see "Railroad Companies."

TELEGRAPH COMPANIES.

A collection of authorities on the rights of abutting owners as regards telegraph and telephone poles and wires in the street.—10 Am. R. & Corp. R. 76.

Torts.

— Of wife, see "Husband and Wife."

TRUSTS.

— See "Conspiracy"; "Monopolies."

An interesting article on following trust funds on occasion of the bankruptcy of an agent or factor.—11 Scot. Law T. 132.

WITNESS.

A note, with numerous citations, on the constitutional privilege of witnesses against self-crimination.—10 Am. R. & Corp. R. 508.

An interesting chapter of legal history in Massachusetts as relating to the competency of witnesses.—By J. B. Thayer. 9 Harv. Law Rev. 1.

LAW BOOK NEWS.

A Monthly Review of Current Law Literature and Journal of Legal Bibliography.

Terms of Subscription: \$1 a Year; Single Copies, 10 Cents.

VOL. 2.

ST. PAUL, MINN., JULY, 1895.

No. 7.

"The Century Digest."

UNDER this suggestive title comes "an announcement of the first magnitude," as the publishers justly call it. It is to be a complete and comprehensive digest of American law from the earliest period down to the present time, based on a recompilation of the United States Digest, Old Series Annuals, First Series, and New Series, and the American Digest Annuals for 1887 to 1894, "with additional matter and new and useful features."

Something over 4,600 volumes of American State and Federal Reports have been published, containing in round numbers half a million cases. To put this enormous quantity of case law into condensed and compact form without sacrifice of accuracy, and arrange the whole so that every part of it will be easily available for the use of the searcher for judicial authorities on any given legal question, is indeed a work "of the first magnitude." It is unquestionably the most extensive, if not the most important, labor ever undertaken by a law publishing house. No single enterprise could do so much to relieve the profession of the "burden of the case law."

How nearly the West Publishing Company can realize the ideal which it has set up for itself in this work remains to be seen; but the publishing house which has within the space of less than ten years given the legal profession the National Reporter System, with the American Digest, the Federal Cases, and the Hornbook Series of text-books, is certainly entitled to the presumption that it is able and willing to carry through successfully the vast enterprise which it has now laid out for itself.

It is stated that the Century Digest has been in preparation for many years, and much of the preliminary work is already done, so that publication will be begun in 1896.

We hope to give in an early number of Law Book News a more detailed account of the scope and plan of this very important publication.

Real-Property Law Books.

IS there a periodicity in legal text-book publication, analogous to that which governs the mysterious annual round of tops, marbles, and kites with the youth of our species? Or is the strange outbreak of a number of new works on the same topic the work of some dry-as-dust bacillus that infects the whole fraternity of law writers and law publishers. Law Book News is too young an observer to hazard a theory upon the subject just yet, but will content itself for the present with collecting the bibliographical facts, and noting and recording the phenomena for further scientific consideration.

Certain it is that last year was given over to books on Practice and Procedure (see Law Book News, Vol. 1, p. 292), accompanied by Mr. Frank C. Smith's investigations for the American Bar Association, and leading up to the scheme of a "Cyclopedia" of Pleading and Practice. Now, 1895 sees an actual epidemic of works on the Law of Real Property. This is the more remarkable as that department of the law has been but slightly exploited (comparatively speaking) for the past decade. It is many years since a new treatise on that general subject has been published. New editions of more or less standard writings have been brought out. Thus, the fifth edition of Washburn was published in 1887, the second edition of Tiedeman in 1892, and the seventeenth edition of Williams in 1894. A number of books on branches or segments of the subject have come along from time to time, such as Devlin on Deeds, published in 1887, Webb on Record of Title and Warvelle on Vendor and Purchaser in 1890, and Newell on Ejectment in 1892, besides new editions of Sedgwick & Wait in 1886, and Rawle on Covenants for Title in 1887. A Real Property "Annual" has also been started, made up of annotated selections of the current cases on that subject. This is not much of a record compared with the output of treatises in some other departments of law

during the ten years,—corporations, for instance.

But already, when the new year is but half over, we have two full-fledged general treatises on the Law of Real Property actually published, and two more announced for the fall. First in order of time is a work in two volumes by Darius H. Pingrey, author of recently published books on Chattel Mortgages and Real-Estate Mortgages. This is declared by the publisher to be "the most complete and valuable treatise on the Law of Real Property in its practical and philosophic treatment yet published, treating the subject on wholly modern lines," etc. The second is the work of James M. Kerr, whose previous writings have covered the subjects of Homicide and Business Corporations. Kerr on Real Property is published in three volumes. Jones on Real Property is announced for publication, in two volumes, in the early autumn. This is the long looked for treatise on "the Law of Real Property as applied to Modern Conveyancing," by Leonard A. Jones, well and favorably known to the legal profession as the author of a cycle of treatises on Lenses and Mortgages. The Real Property volume of the Hornbook Series will also be ready in the fall, presumably in one volume. Verily, the profession is not likely to suffer longer from a lack of "modern" books on this great subject. Yet this list by no means exhausts the catalogue. There are several more new books coming, on branches or phases of Real Property Law. Of these, the most notable is by Lewis N. Demblitz (author of the work on "Kentucky Jurisprudence," which has become a classic in that state), on "Land Titles in the United States," to be published in the near future, treating the general subject of titles to land from the standpoint of the practitioner rather than that of the student; and we know of at least one other Real Property book in preparation for a New York publisher. Of a somewhat different character from these lawyer's tools is Fowler's History of the Law of Real Property in New York, just assigned for review in an early number of Law Book News.

Then, there is a veritable cloud of students' books on Real Property Law above the horizon. Besides the inevitable Hornbook, there is a "Summary" by Prof. Graves of Virginia, "Outlines" by Prof. Patterson of Pennsylvania, Pattee's Cases on Real Property, and Law

Book News has heard rumors of several others said to be on the way, which it is not at liberty to mention as yet.

It must be said that this is a very formidable showing, when it is remembered that there are six months more in the year, and a number of back counties yet to be heard from.

More in Sorrow than in Anger.

WHEN we made mild fun, in our February issue, of the restrictions which the Bancroft-Whitney Company was seeking to impose upon the purchaser of the American State Reports, we did not foresee that we would so soon be obliged to mournfully chronicle a somewhat similar departure nearer home.

The publishers of Law Book News have issued an announcement that "the Reporters will be sold only in complete sets or subscriptions beginning with current volumes"; moreover, that "sets will not be broken to supply odd volumes except in special cases," and that "in no case will Reporters be sold to complete secondhand sets purchased from dealers, or sets for which the publishers have not been paid in full." This would seem to indicate that the West Publishing Company thinks that some of the Bancroft-Whitney Company's business ideas are good, however much they may differ as to the theory of selected cases.

It will be noticed that there is one radical difference between this rule and that of the publishers of the American State Reports which we criticized. The latter decline to take subscriptions for their series except from purchasers of all the back volumes, while no such condition is made precedent to a new subscription for the Reporters. But, since the West Publishing Company have taken one step in that direction, we feel no security that they may not take the other. They would doubtless excuse their apparent inconsistency in the words of Benedict, "When I said I would die a bachelor, I did not think I should live till I were married."

But can it be possible that the profession has made it so common a practice to sell books which have never been paid for that the publishers of the country find it necessary to adopt such measures for their protection? We have heard it alleged that lawyers

are the most unbusinesslike class of men in the world, but we are sorry to see dealers in books forced into adopting the stringent rules referred to in order to inculcate strict business principles. And we are particularly sorry to see this measure adopted by publishers who unquestionably read our former remarks on the subject, and who are therefore estopped from pleading that they did not know our views.

Sir Frederick Pollock.

THE visit of Sir Frederick Pollock to America this summer was duly heralded and has been fully reported in the current journals. The special object of his coming at this time was to take part in the Langdell celebration at the commencement exercises of the Harvard Law School. The twenty-fifth anniversary of the appointment of Prof. Langdell as Dean was made still more memorable by the address of Sir Frederick Pollock on "The Vocation of the Common Law." This address has been already printed in full in the July number of the *American Lawyer* and elsewhere, and should be read, and will be, by thousands of lawyers all over the United States, and will promote mightily the feeling of kinship between the bar of this country and that of England, and bring home to us the sense of the essential unity of Anglo-Saxon jurisprudence.

Law Book News is glad to contribute its share to the welcoming of our honored guest by giving its readers in this number an elaborate review of Pollock & Maitland's *History of the English Law*, by one of the most distinguished American scholars and jurists, Hon. John F. Dillon. Almost without special intention also there is much other matter in the present number connected with Sir Frederick. Indeed, it is safe to say that no name has appeared more frequently than his in the nineteen numbers of this journal which have now been issued. A legal bibliographer is kept busy chronicling his many and various services to jurisprudence, ranging from the legal drudgery of digesting and reporting to the more conspicuous work of the editor and the commentator, and including even that of the versifier and elegant trifler. This also has he done, and yet has not neglected the weightier matters of the law.

The professor of law at Oxford and in the Inns of Court, the Tagore lecturer in Calcutta, the editor in chief of "The Reports" and "The Revised Reports," the author of great treatises on the Law of Contracts, Torts, and Partnership, and many contributions to the science of jurisprudence, has already much more than paid the debt to his profession, and put a large balance to his credit on the ledger. But in spite of the long list of Sir Frederick Pollock's literary achievements he is still a young man, and we hope that our columns may be enriched and enlivened by the products of his pen coming to us through many channels for at least a quarter of a century to come.

"Authorized" Reports.

THE following brief account of a recent lecture by Sir Frederick Pollock is obtained from the *Law Students' Journal* (London):

Sir Frederick Pollock is this year's president of the Birmingham Law Students' Society, and has delivered to the members an address on "Law Reporting." It seems there is no satisfactory historical instance of law reporting before the middle of the 13th century. The Year Books show little or no traces of revision, and appear to record just what might be heard and transcribed by a fairly attentive lawyer who happened to be in court. From first to last the language of the Year Books and the other earlier reports down to the time of the Restoration, purported to be French. In the earlier volumes it was the French of the day spoken by educated persons, but in time it becomes an English dialect of French. The court of Edward III. deliberately adopted English as the spoken language, and after that the spoken language of the courts became English, but lawyers continued to write in French, and the result was "law French" which became more and more mixed with English words until (said Sir Frederick) in the 16th century it was a mere jargon. Private reporting began in the 16th century, and the modern system of reporting is not more than a century old. All that is meant by an "authorized" report is that the reporter is more or less recognized by the court, that the judge affords him reasonable facilities, and will often revise his judgment for the purposes of the report.

In this country, the word "official" has been generally applied to the reports which are published at public cost, and "unofficial" to those which, unsubsidized and published by private enterprise, have to depend solely upon their good qualities for patronage. It follows, not unnaturally, that there

has grown up a recognition of a fine distinction between "official" and "authentic." Sir Frederick's point, that any report which the court recognizes is "authorized," is a good one.

Sir Frederick Pollock's "Diversions."

THE welcome visit of Sir Frederick Pollock to this country gives an excuse, if one is needed, for taking a few moments from the new books to turn to one which, though not new, can hardly hope to claim the reverence due to age for some time yet.

Sir Frederick Pollock's "Leading Cases Done into English, and Other Diversions," part of which were published in 1876, show that the distinguished author of "Pollock on Torts," etc., has devoted some long vacations, at least, to researches in other fields. It might be quite possible to "do" leading cases into verse without any great familiarity with the works of other English bards; but Sir Frederick slyly gives his verses in the very drawl or lisp or brogue of this great man, and that until the primary pleasure of listening to legal propositions stated in metre is eclipsed by the interest of identifying the voice in which they are announced.

The following, for instance, is more Shakespearean than the product of any Bacon cipher so far discovered:

This, your leave,
Shall flower for life-giving to England's law,
A leading case for ever, and each drop
And several vinlet of this liquor shed
In Water-lane shall rise in Westminster
A fountain-head and wellspring of clear streams
Perennial; so this court hath judged and I.

It does not need the subtitle of "Any Pleader to Any Student" to make us understand that our skillful mimic took up the case of *Scott v. Shepherd* after having refreshed himself with a draught from Browning's own particular fountain on Parnassus:

Well—liquor's out, why look more at old bottle?
Gulp down with gusto, you that are young.
These new Rules' ferment tastes ill in my
throttle,
Since justice, in nubibus no more on high sitter,
Descends to speak laymen's vulgar tongue.
So be it! Explicit—parum feliciter.

And with *Wigglesworth v. Dallison* we slip into the liquid measure of Tennyson:

"Hibaldstow Leys, they say, this field is call'd"—
So I to Edwin as he swung with slow
Mechanic oscillation on the gate,
Half mindful in dim chambers of the brain.

If our new prophets read old riddles right,
Of some ancestral four-foot playfulness—

The echoing refrains that give the old ballads half their charm, and which have been adopted, in the hope that their charm would go with them, by more than one of our modern rhymers, reappear in many examples:

Minorea lies in the Middle Sea,

Within the ward of Cheap to wit,
Was aforetime of England's empery,
And St. Mary-le-Bow to prosper it.

And again:

Sing sorrow for money had and received,
And alack for the common counts, O.

The "Argument" prefixed to the version of *Marriot v. Hampton* shows that even the great Dante is not safe from this audacious young poet. It is the Dante of the *Vita Nuova*, however, and he is less formidable than "the man who had been through hell."

This is an exceedingly pitiful ballad, and therefore I shall divide it before I write it down. And I will divide it subtly, for it hath many parts. First it is divided into two parts. The first part sheweth the former dealing between the parties, and the grounds of this action. The second part sheweth the course of this action, and the fortunes of the plaintiff therein. The second part begins here! Go to now."

But we must leave our readers the pleasure of identifying the other imitations for themselves. Their gratitude to the author for affording them this diversion will gradually deepen into profound respect when they see him, for his diversions, turning Shakespeare's colloquialisms into Greek, turning out original compositions in Latin, French, German, and English with apparently equal facility, and finally discoursing on Atman with the composure of a Vedantin. When such a man tells us what a contract is, who is going to have courage to question his definition?

Light Reading for Lawyers.

UNDER the above title, the Law Student's Helper for January gives the following list:

Novels.

Warren's *Ten Thousand a Year*; Dickens's *Pickwick Papers*; Reade's *Hard Cash*; Reade's *A Terrible Temptation*; Haggard's *Mr. Meeson's Will*; Miss Green's *Leavenworth Case*; George Eliot's *Felix Holt*; Bulwer's *Paul Clifford*.

Biographies.

Forsythe's *Cicero*; Campbell's *Lives of the Chancellors*; Campbell's *Lives of the Chief Justices*; Van Santvoord's *Chief Justices of the*

United States; Brown's Choate; Nelson's Choate; Curtis' B. R. Curtis; Harvey's Webster; Lodge's Webster; Wirt's Patrick Henry; Morse's Jefferson; Magruder's Marshall; Goodrich's British Eloquence; Snyder's Great Speeches by Great Lawyers.

Miscellaneous.

Besant's Fifty Years Ago; Croke's Lyrics of the Law; Croke's Poems of the Law; Rogers' Law of Drink and Drinkers; Rogers' Law of Hotel Life; Bigelow's Bench and Bar; Baldwin's Flush Times in Alabama; Browne's Humorous Phases of the Law; Browne's Lawyers in Literature; Browne's Short Studies of Great Lawyers.

Magazine Articles.

Law in Romance, 1 American Law Review, 477; The Howard Will Case, 4 American Law Review, 625; Wharton's Trial, 6 American Law Review, 647; Lobbying at Washington, 9 American Law Review, 684; The Ring Suits, 10 American Law Review, 39; Case of the Diamond Necklace, 13 American Law Review, 463; Circumstantial Evidence, 1 Western Law Journal, 558; What are Lawyers For? 1 Columbia Law Times; Shylock against Antonio, 5 Albany Law Journal, 193.

A similar, but more extended, list, was given in Law Book News, Vol. 1, p. 199.

"Ignored" Opinions.

IN a recent number of the West Virginia Bar, a contributor, who modestly hides his personality behind three stars, offers some gentle criticism of the action of the supreme court of his state in laying down a ruling which "swears at" an earlier ruling of the same bench, without making any public acknowledgment of the fact that it was exercising the privilege of changing its mind. He thinks the world should not be left to discover that fact for itself, and to adjust itself as best it can to the changed conditions, but that, if the court chooses to indulge in the mental diversions of mere mortals, it must at least do so in the impartial and judicial and impersonal manner which characterizes its supermortal estate. He says:

What reason can be given for this tenderness about criticising a previous decision when it is wrong? We are not protesting against the law as announced in these later cases; for we hold it to be a legal absurdity to say that you cannot take the judgment of the court upon the sufficiency in law of a party's statement of his case, until a trial before the jury is in progress. But we protest it is not fair that the labor of reconciling the several decisions of an appellate court should be cast upon the bar. The bench should, at least, make its own decisions harmonize with

its former ones, and where this is not possible, overrule in plain language the case which was adjudged wrongly. Inattention to these suggestions has done more than any one thing we can name, to produce confusion and uncertainty in our case law. Decisions should be written so as to state the law, not to set the lawyers guessing. If this continues, the undiscovered benefactor of mankind, who is to prepare an ideal digest of West Virginia reports, will have to add a new title to his list of cases, and place under it those ignored as well as those overruled.

The American Law Review recently expressed itself on the subject as follows:

There is a proper and an improper way for an appellate court to express itself when it overrules its previous decisions. The proper way is to say so in direct and clear language, as was done by that old man honest, Stone, J., of the supreme court of Alabama, in *Randolph vs. Little*, where, speaking for the court, he said: "In making this order, we suppose the court was controlled by the case of *Webb vs. Edwards*, from which this case cannot be distinguished. We dissent from, and overrule the majority opinion in that case, and agree, in the main, with the views of Peck, C. J." The improper way is to decide the contrary of its previous decision, and then to endeavor to "distinguish" or to steer around it, or slur it over in some way. It is to be regretted that the highest national court—which is not infallible, its judges being men—is in the habit of proceeding in the latter way when it overrules its previous decisions, thus leaving the profession in a state of doubt and perplexity as to whether it has done so or not.

Announcements.

[Publishers and others are invited to send news regarding law writers and law books, and any items of interest to legal bibliography.]

Whiteford & Theoret (Montreal) announce as in press a work on the Railway Law of Canada, prepared by Henry Abbott.

A new three-volume work on the Law of Real Property, by James M. Kerr, of the New York bar, will soon be published by Banks & Bros.

The Bancroft-Whitney Company will issue this month volume 4 of "Thompson's Commentaries on Private Corporations." There are two more volumes of the series to follow.

The Law Notes Publishing Company (London) announces as in preparation a new edition of the "Students' Criminal and Magisterial Law," by Albert Gibson and Arthur Welton.

Houghton, Mifflin & Co. will soon publish a new work on Real Property, by Leonard A. Jones, one of the editors of the American Law Review, and a legal writer of no ordinary ability.

Among the announcements of the West Publishing Company for August are Jaggard on Torts, Smith's Elementary Law, Tiffany on Domestic Relations, and Shipman's Equity Pleading,—all of the Hornbook Series; the second Southwestern Digest, covering volumes 21 to 30 of the Southwestern Reporter; and two books of the Federal Cases.

The West Publishing Company will issue during the present month, the Southeastern Reporter Digest, Glenn on International Law (in the Hornbook Series), Fetter's Equity Cases, volume 33 New York Supplement, volume 21 Southeastern Reporter, volume 31 Atlantic Reporter, volume 40 Northeastern Reporter and books 13 and 14 Federal Cases.

A complete "Digest of the California Reports," declared by the publishers to be the "greatest need of the profession in California," has been prepared by Mr. J. H. Deering, librarian of the San Francisco Law Library, and editor of the supplement to Deering's Codes. It is said that Mr. Deering has been engaged on the work constantly for four years, and, in his ambition to give the profession a reliable digest, has done all except mechanical verification himself. It is intended to be a complete syllabus digest of volumes 1 to 100 of the reports, supplied with numerous cross references and citations of cases from the other Pacific coast states. It will be published by the Bancroft-Whitney Company in three volumes, the last of which will be issued during the present month.

Banks & Bros. announce that they will publish during the year a "System of Corporation Law," edited by George Wharton Pepper and William Draper Lewis, assisted by a number of other able and prominent legal writers. It is the aim of the editors to produce a standard text-book on the law of private corporations, each division of which is practically the work of a specialist, the unity and harmony of the several parts being maintained by editorial supervision. This plan has been used to some extent in the preparation of medical works, but is rather an innovation in the field of legal authorship. The work will consist of three volumes, consisting of twelve principal divisions. Among the subeditors to whom have been assigned the preparation of certain divisions of the work

are: Francis C. Huntington, Henry L. Stimson, and Howard R. Bayne, of the New York bar; Edwin R. A. Seligman, of Columbia College; Abram H. Wintersteen, Ardemus Stewart, Russell Duane, Lewis Lawrence Smith, Reynolds Driver Brown, and Charles Henry Burr, Jr., of the Philadelphia bar; and George Stuart Patterson, of the University of Pennsylvania.

Law Book Notes.

Stevens & Haynes (London) have just published a new (second) edition of "The Relation of Landlord and Tenant," by E. Foa.

Clowes & Sons (London) have issued a new (third) edition of Moore's "Handbook of Practical Forms," revised by Herbert Percival.

Effingham, Wilson & Co. have just issued a "Handy Book of the Law Concerning Owner, Builder, and Architect," by J. W. Smith.

A third edition of "Fraser on Torts," a compendium for the use of students, has been published by Reeves & Turner (London).

"Problems and Quiz on the Law of Sales," by S. B. Fisher, LL. B., has just been issued from the press of the West Publishing Company.

A "Treatise on the Law of Bankruptcy in Scotland," by Prof. Henry Goudy, was published early in June by T. & T. Clark, Edinburgh.

Shaw & Sons (London) have issued a new (fourth) edition of "Archbold's Lunacy," revised and brought down to date by S. G. Lushington.

"Pratt's Law of Highways" (England) has reached a thirteenth edition. The latest edition is by William W. McKenzie, and is published by Shaw & Sons.

The laws of New Jersey passed at the last session of the legislature have been issued in pamphlet form by the New Jersey Law Journal Publishing Company.

Richards and Soper's "Parish Councillor's Guide to the Local Government Act of 1894" (3d Ed.) was published during the first week of June, by Jordan & Sons, London.

The Collector and Commercial Lawyer (Detroit) is authority for the information that Hon. Geo. A. Wilson, of Maine, expects to publish soon a work on Probate Practice.

A new edition of the "Rules and Forms of the Orphan's Court" (Philadelphia), compiled by A. J. Fortin, and annotated by Luther E. Hewitt, has been published by the Legal Intelligencer.

T. & J. W. Johnson & Co. have just published a Digest of the Pennsylvania County Court Reports, Vols. 1 to 15, by Albert D. Welmer, of the Philadelphia bar, who is the editor of the series.

"Pingrey on Real Property" is the title of a two-volume work by Darius H. Pingrey, recently issued by H. B. Parsons. Mr. Pingrey has already given the profession a treatise on Mortgage and Chattel Mortgage.

"Writs of Summons," a treatise on the English law and practice relating to the issue and service of such writs, prepared by Walter Gorst Clay, has recently been published by William Clowes & Sons, London.

A treatise by John Erskine on the ownership and transfer of land in Scotland, including a discussion of proposed reforms, was published in June by William Hodge & Co. (Glasgow), under the title "The Land Question."

A new (second) edition of Martindale's "Law of Conveyancing," revised by Lynn S. Metcalfe, Jr., has been issued by the Central Law Journal Company, St. Louis. The publishers declare it to be the "only American work" on the subject.

Clementson's "Road Rights and Liabilities of Wheelmen," brief mention of which was made in our June number, is a bright little volume of unusual interest to both wheelmen and lawyers. We expect to give an extended review of it next month.

A compilation of the school laws of all the states is now being prepared by the bureau of education. It will first appear in connection with the annual report of the commissioner of education for 1895, and a separate edition of 20,000 copies will be subsequently published.

The West Publishing Company issued in June Tiffany on Sales (of the Hornbook Series), volume 12 of the C. C. A. Reports, volume 39 Pacific Reporter, volume 62 Northwestern Reporter, volume 30 Southwestern Reporter, book 12 Federal Cases, and volume 66 Federal Reporter.

"Quizzer No. 8," containing questions and answers on Common-Law Pleading, prepared by Griffith Ogden Ellis and Emil W. Snyder, and "Quizzer No. 9," on Corporation Law, by William C. Sprague, have appeared from the press of the Collector Publishing Company, Detroit.

A new (twelfth) edition of "Stephen's Commentaries," "Underhill on Trusts and Trustees" (4th Ed.), "Powell on Evidence" (6th Ed.), and Brown's "Law and Practice on Enfranchisements and Commutations" (2d Ed.), are among the recent publications of the Butterworths, London.

William Green & Sons (Edinburgh) have recently issued a compilation of Conveyancing Statutes, presenting in chronological order all the statutes, repealed and unrepealed, relative to the conveyance of real property in Scotland, from the thirteenth century to the present. The work was arranged and edited by John Craigie.

Leon Chailley (Paris) has recently issued, under the title "Lois Sociales," a digest of the laws of France relating to the social condition of the people. The laws are classified according to subject, and arranged in chronological order, both the existing and repealed laws being given. Some of the subject headings are Labor, Providence, Property, Protection, and Assistance.

F. & J. W. Johnson & Co. (Philadelphia) have recently published "Price's Index to Local Laws," containing a complete index to all the Pennsylvania laws which apply to only one county or part of a county, and also an index of all the laws passed prior to the constitution of 1874. The Pennsylvania Digests give only the general laws, and thus have left room for this work.

A new (ninth) edition of the Revised Statutes of New York, edited by Prof. Charles A. Collins, is announced by Banks & Bros. as in press, to be issued in September. The work will give in its three parts the Revised General Laws, the Revised

Statutes, and the Independent General Statutes in the order of their enactment; all carefully annotated and supplied with cross references.

The income tax seems to have become a prominent feature of politics in France, where, according to the "Nation," the "demand for its imposition, in a progressive form, is incessant and irresistible"; and accordingly the crop of income tax publications have begun to swell the literature of that country. A volume of speeches by M. Godefroy Cavaignac, setting forth the arguments in favor of the tax, has recently been published by Armand Colin & Cie., Paris.

Lightwood's Treatise on the Possession of Land, lately published by Stevens & Sons, is declared by the Juridical Review to be "one of the most valuable additions which have been made to our legal literature for many years." It is divided into two parts, the first dealing with the nature of possession, the way in which it is acquired, maintained, and lost, and the remedies provided by law for its protection; the second taking up the examination of the statutes of limitation, old and modern, and the cases decided on them.

The Gladstone Publishing Company (Chicago) has just issued a work on the "Production and Inspection of Books and Papers in Pending Cases in Court," by Thomas J. Sutherland, of the Chicago bar. The work is a general one, dealing with the subject—First, independently of statute; and, secondly, as affected by English, federal, and state laws. A third division of the work contains a comparison of the laws of Illinois on the subject with those of other states, together with a critical examination of some of the leading Illinois cases.

Rees, Welsh & Co. have published the first volume of a compilation on "Equity in Pennsylvania," by Ellis Ames Ballard, of the Philadelphia bar. The work, which will be completed in two volumes, covers the legislative enactments granting equity powers to the courts, arranged chronologically for historical purposes, an analytical table of contents, and the syllabi of all reported equity decisions of the Pennsylvania courts. Volume 2 is to be published "at an early date," and will include an index and table of cases for both volumes.

Banks & Bros. have recently issued a volume of 160 printed pages (the leaves being

printed on but one side) containing the (New York) Code amendments of 1895. The leaves are so perforated that each amendment may be easily detached and pasted in its proper place in the Code. The enterprise of the publishers is shown by the fact that the last amendment of the year was signed by the governor on Saturday, June 15th, and the work was issued on Monday following. Whether the intervening Sabbath was kept holy,—but let that pass.

In his notice of "Beach on Insurance," the editor of the *American Law Review* takes the opportunity to divulge in the following genial manner what has long been an open secret among law-book people:

In his preface Mr. Beach acknowledges the assistance throughout the work of William A. Reid, Esq., of the New York bar, "to whom is due some substantial part of any merit the work may be found to possess." We infer from this, and from the fact that Mr. Beach is much occupied in other affairs, that this work upon insurance is substantially the work of Mr. Reid, under the general direction of Mr. Beach. We hear that Mr. Reid is a scholarly lawyer, and he is to be congratulated upon his labors on the subject of insurance.

Macmillan & Co. have recently published a volume entitled "Memoirs of George Higinbotham, an Australian Politician and Chief Justice of Victoria," prepared by Edward E. Morris. A reviewer dismisses the work in these words:

The subject of the biography was a reporter, journalist, legislator, lawyer, attorney general, and chief justice. But the political controversies in which he was engaged, although lively enough, are of as little interest except to students of political development as the battles of the kites and crows. Some constitutional questions were settled, but they have little bearing on the fundamentals of government. The biographer has slight literary qualifications for his task, and the life that he describes was on the whole of no more than local interest.

Although the income tax, as a practical reality, is quite dead, as a subject for legal treatises it seems as obstinate as Banquo's ghost. Prior to the final decision of the case, a baker's dozen of our enterprising publishers had issued works which are now valuable mainly to take up shelf room; driven out of this country by the unsympathetic decision of the supreme court, they have begun to seek a refuge abroad. During the first week of June, an English edition of Mr. Roger Foster's "Treatise on the Federal [United States] Income Tax under the Act of 1894" was issued from the press of Sweet & Maxwell. We can recommend this book very cordially to our English cousins.

We learn that the first volume of a "new and complete" edition of the American & English Encyclopedia of Law will be issued in the course of the next 60 days. This second edition will, like the first, be comprised in 30 volumes, and it is said that the publishers will exchange each volume of the new edition for the corresponding volume of the old edition plus five dollars. It is an interesting question how this arrangement will strike the numerous purchasers of that very popular work, and how far they will wish to avail themselves of the opportunity to exchange their old lamps for new—on payment of the necessary bonus. We have not heard the reasons why the publishers have taken the very unusual course of beginning a new edition of their Encyclopedia before the first one is finished. Their reasons must be "mighty powerful" to induce them to apparently discredit the work which they have sold so largely, and advertised so persistently and eloquently. We wonder if the original purchaser will not want to know what is the matter with the first edition,—which has become the "old" edition before it is completed,—and why he should be expected to give his six-dollar volume and five dollars more for the corresponding new volume. It is our impression that the lawyers are prone to suspect the innocent law publisher of ulterior motives, and an anomalous plan like this of the Encyclopedia is liable to be considered a "scheme." The outcome of this novel experiment will probably be awaited with much curiosity by other law publishers.

Miscellaneous Notes.

The Tennessee Bar Association will hold its annual meeting this year on July 17th, 18th, and 19th.

"Injunctions against Crimes," by Carl S. Andrews, is the leading contribution to the June number of *Northwestern Law Review*.

The *Luzerne Legal Register* for June 7th completes Vol. 7 of Kulp's *Pennsylvania Reports*. A complete index to the volume forms a supplement to that number.

"A Sketch of the Origin and Growth of English Law Courts," by F. E. Buchan, is one of the leading contributions to the *Kansas University Lawyer* for June 4th.

The May number of the *Northwestern Law Review* (Chicago) contains a lengthy annotated article by Carl S. Andrews on the subject of "Injunction against Crimes."

An interesting article by Frank E. Robson on the history of the law of fences appears in the June number of the *Michigan Law Journal* under the title "A Few Words about Fences."

The *Yale Law Journal* for June contains an interesting article by F. F. Hamlin on the work of the New York Constitutional Convention; also an article on the "Law of the Telephone," by Herbert H. Kellogg.

The first volume of the *Lackawanna Legal News*, containing reports of cases decided by the courts of the Forty-Fifth and other judicial districts of Pennsylvania, has been issued by the editor, John G. McAskie, of the Lackawanna bar.

The *Law Students' Helper* for June has for a frontispiece a copy of a handsome group photograph of the supreme court of the United States, accompanied by a very well-written description of the court as a whole, and of the judges separately.

As a preface to the text of Chief Justice Fuller's opinion in the recent Income Tax Case, the *American Lawyer* for June publishes an extended account of the manner in which the case was prepared for trial and conducted through the courts.

The *Daily Record* (Baltimore) began in its issue of June 8th the publication of a carefully prepared paper on "Federal and State Constitutional Limitations on the Power of Taxation," by Arthur L. Jackson, of the Baltimore bar. The article gives numerous citations of both federal and state authorities.

A circular having been sent to the address of a man whose administrators had failed to make the fact of his death sufficiently public, the postmaster returned it with the comment: "_____ has been in heaven for a couple of years, we hope. Perhaps a copy of the laws of Moses would suit him just as well."

The sixteenth annual meeting of the Ohio Bar Association is announced for July 17th, 18th, and 19th, at Put-in-Bay. Addresses by the president, Judge Chas. Pratt, of Toledo, Hon. Cortlandt Parker, of New Jersey, and Hon. Lawrence Maxwell, of Cincinnati, are among the prominent features of the programme.

The June number of the Harvard Law Review contains the "Doctrine of Public Policy, as Applied to Ownership of Real Estate by Foreign Corporations," by Arthur M. Alger; "The Risk of Loss after an Executory Sale, in the Common Law," by Samuel Williston; and the "Law of Safe-Deposit Companies," by Thomas K. Cummins, Jr.

The Virginia Law Register for June publishes an interesting article by James A. Walker on "Injunction to Restrain Criminal Proceedings." The Register also announces as a supplement to the July number the recent address of Hon. John Randolph Tucker before the Richmond Bar Association, entitled "Reminiscences of the Bench and Bar of Virginia."

Prof. J. H. Beale says, in reviewing Bishop's Criminal Procedure, in the June number of the Harvard Law Review:

No law book to-day ought to omit references to the National Series of Reporters. Without discussing their intrinsic value, its wide use among lawyers renders such a course proper. It is a serious defect in this volume that there seems not to be a reference to that series; even the Federal Reporter is neglected.

In addition to its usual amount of notes, reviews of recent cases, correspondence, etc., the May-June number of the American Law Review contains a long article on the "New York Court of Errors," by Irving Brown; "Does the Appropriation of Leased Premises Abate the Payment of Rent?" by Joseph H. Taulane; "Inconsistencies of the Law of Gifts," by C. B. Labatt; "Economic Freedom," by Geo. D. Collins, and the "Unification of London: The City Metropolitan Law Courts," by George K. Knott.

The following interesting epistle reveals the fact that not all the field of legal authorship has been covered. There is yet room for a first book of the law for those to "studday" whose ambition has so madly outrun their elementary education:

June 3, 1895

Kind Sir

You Will Please Send me Your Price List of Second Hand Law Books i Want the Books that a New BeGinner Should Studday i Havent Never Did Studday Law i Want the First Books Needed to BeGin on

Yours Rest

The following sidelight on the case-law question comes from the Law Quarterly Review (London):

"In the absence of authority, my lord," said an eminent Q. C. the other day, "we are reduced

to look at this case on the low ground of principle." The irony was not so great after all. An English lawyer feels helpless without a case, and as a consequence we are case-ridden. Take that small corner of the law field,—directors' qualification,—it is become a perfect quagmire, and fresh cases serve only to make it worse. Said Vaughan Williams, J., in a recent case in which he was being plied by counsel on both sides with qualification cases, "Mr. X., cannot we put the cases aside for a moment, and argue this case on principle?" And lo! light out of darkness.

The following is given in Printer's Ink as an example of a lawyer's method of attracting business:

WATERVILLE, Va., April 20, 1895.
Editor of PRINTER'S INK:
What do you think of the following ad.

· · HY. CHRISTIAN, · ·

ATTORNEY-AT-LAW,

McDOWELL C. H., W. VA.,

will appear for the prosecution in all cases where he is not retained for the defense.

from the McDowell (W. Va.) Recorder &
WM. G. ST. CLAIR.

If Mr. Christian means what he says, his practice must keep him very busy.

The Scottish Law Review gives the following account of a lecture upon "Justice According to Law," delivered by Sir Frederick Pollock, Bart., LL. D., as the concluding lecture of the series organized by the Scottish Society of Literature and Art in the Athenaeum Hall, Glasgow:

"He said his object was not to persuade his audience that law succeeded in doing complete justice in every particular case, but to show that there was such a thing as legal justice, and that there must be a kind of justice which was guided by definite rules if we were to have justice in a civilized state at all,—not that law could always be perfectly just, but that any kind of short-cut to justice, which some people were apt to think might be made, would really be in proportion much less just. Both morality and law had to be progressive, and it was not possible that both could move at the same pace. Having pointed out that the administration of law in a civilized community must have the three characteristics,—generality, equality, and certainty,—Sir Frederick proceeded to argue that, if we are to have civilized law, it must be a defined science. If there was to be a legal science, it followed that there must be a learned profession to maintain that science, and develop it in accordance with changing circumstances of society. The upshot of the whole matter was that law, like philosophy, had ultimately to be justified by common sense."

American lawyers who have never discovered any relation between professional dignity and a smoothly-shaven face may be pardoned for the smile which the following item from the English Law Times provokes:

"Sergeant Robinson related, in his entertaining volume of 'Reminiscences,' that some forty

years ago an Old Bailey practitioner who wore a beard was summoned to attend a meeting of the bar and charged with violating an honorable tradition of the profession. He sought acquittal on the ground that a serious affection of the throat compelled his transgression of the unwritten ordinances of the bar. But his judges declined to accept this defense. They sent him to Coventry 'for subjecting the bar to general ridicule by his extravagant physiognomy.' But times have changed. Half of the ordinary members of the court of appeal now wear beards."

After quoting the above paragraph, the *Scott's Law Times* adds, half pathetically:

"In Scotland, also, beards have invaded the bench. After a severe illness, Lord Wellwood (now Lord Moncreiff) and Lord McLaren appeared in their places in court with beards; and these judges have not since returned to their practice of shaving. Unless promotion takes a devious line, they will in time have many bearded brother judges. Most practitioners will remember the astonishment of the assembled audience when the late Lord President Inglis, of all men, ascended the bench one morning for the first time with a mustache."

Of Collateral Interest.

"A Study in Administration" is the title of a new volume by Frank J. Goodnow, just issued from the University Press.

A pamphlet on the subject "States as Bankers," by L. Carroll Root, forming No. 10 of the "Sound Currency Series," has recently been issued by the Reform Club (N. Y.).

Stevens & Sons have recently published a translation of the "French Civil Code, with amendments, as in force March 15, 1895," prepared by Henry Cachard, of the New York bar.

A pamphlet entitled a "History of the Origin and Progress of the Chancery Library" has recently been published by Reeves & Turner (London). It is written by Thomas Hort, the librarian.

Prof. John Basset Moore is engaged on a "History and Digest of the Arbitrations to which the United States has been a Party," the preparation and publication of which were ordered by congress at its last session.

Macmillan & Co. have recently issued a new (third) edition of Bryce's *American Commonwealth*. The two preceding editions of this work have given it the place as the leading English treatise on the American constitution and government.

A new work of passing interest is Von Halle's "Trusts, or Industrial Combinations in the United States," published by Macmillan & Co. It deals with the growth and influence of commercial monopoly, and its relation to law and industrial society.

"Husband and Wife, Including How to get Married, Divorce, Separation and Alimony, Husband's Liability for Wife's Debts, and a Chapter on the Custody of Children," is the comprehensive title of a work recently issued by George Wilson, Edinburgh. The first two subjects "included" should give the book an extensive sale.

Hon. Elliott Anthony, for many years judge in one of the branches of the Cook county superior court, has written an interesting pamphlet of nearly 200 pages on the subject "Reform of the Practice and Procedure in Civil and Criminal Cases." It is a work which should be of interest to the Illinois bar. The Chicago Legal News Company is the publisher.

"Speeches and Speech Making" is the title of a new work by Judge J. W. Donovan, just published by the Collector Publishing Company, Detroit. The first three divisions of the book consist of selected addresses suitable for special occasions. Part 4 deals with the preparation of speeches, and the final chapter is made up of legends, anecdotes, etc., useful in illustration.

Macmillan & Co. have issued a 94-page pamphlet containing 5 papers read at the last meeting of the American Economic Association at Columbia College, Dec. 27-29, 1894. The papers are: "Modern Appeal to Legal Forces in Economic Life," by John B. Clark; "The Chicago Strike," by Carroll D. Wright; "Irregularity of Employment," by Davis R. Dewey; "The Papal Encyclical on Labor," by John Graham Brooks; and "Population and Capital," by Arthur T. Hadley.

La Criminalite Politique, by Louis Proal, is a new work recently issued by Felix Alcan, Paris. A current review refers to it as a "learned and interesting book, which wants method and definite result." Special chapters on "Political Assassination," "Anarchy," "Political Hypocrisy," "Political Robbery," "Corruption of Politicians," "Electoral Corruption," and other kindred topics, make up the text of the work, and sufficiently indicate its scope and character.

Among the books recently issued by Shaw & Son (London) are: McKenzie's Overseers' Handbook, a summary of the law relating to overseers, churchwardens, collectors of poor rate, vestry clerks, parish officers, etc; Little's Law of Burial, including all the burial acts as modified by the local government act of 1894; the Poor-Law Guardian, a treatise on the powers, rights, and duties of guardians under existing laws; Dodd's Law of Parochial Charities; and Prideaux's Churchwarden's Guide.

How to Save Bi-Metallism," by the Duc de Noailles, and "Elected or Appointed Officials?" by J. G. Bourinot, are two interesting pamphlets recently published by the American Academy of Political and Social Science (Phila.). The present agitation of currency reform gives special interest to the first; while the second, though dealing with a question just now prominent in Canadian politics, is rendered interesting to American readers by the fact that this question grew out of a desire to adopt to a certain extent, in Canada, the elective system of the United States in lieu of the system of appointments now in use; and from the further fact that the pamphlet itself sprang from the author's somewhat emphatic opposition to such a change. Both pamphlets are well worth reading.

One of the most important publications of the American Academy (Philadelphia) is a pamphlet on the subject of "Uniform State Legislation" by Frederick J. Stimson, of Boston, whose recent comparative compilation of the laws of all the states has given him a wide reputation. The pamphlet is a masterly treatment of the subject by one who is evidently familiar with its every detail. Mr. Stimson shows how the diversity of statute law originated and has grown, and reveals the fact that this diversity is not as great as it is generally thought to be. He advances the idea that, without disturbing the system of government or the constitution, uniform state legislation on the varied matters of trade and commerce may be secured; and, as an important step in this direction, he suggests the passage of "Acts to Promote the General Uniformity of Law," correcting existing differences, without making extensive and radical changes in the laws of any particular state. The history of the present movement to secure uniform state laws is briefly given. The entire pamphlet is one of special interest to all who have given the subject even passing attention.

Notes of Law Book Errata.

[We invite contributions to this department from all sources, but we have two suggestions to make to correspondents: First, that they report none but serious mistakes; second, that the character of each mistake be very briefly indicated.—Eds. Law Book News.]

In VAN FLEET'S COLLATERAL ATTACK ON JUDICIAL PROCEEDINGS (sections 85 and 86) the author writes his whole text upon the principles laid down by the supreme court of the United States in *Ex parte Bigelow*, 113 U. S. 328; i. e. first, when the point or question presented in habeas corpus (collateral attack) was presented to and decided by the court below, it could not be reconsidered in a collateral proceeding; second, that all constitutional rights pertaining to personal liberty are not jurisdictional, and cannot be properly raised by habeas corpus. The author quotes at length from the opinion in that case, and cites several—some very old—decisions in line therewith, while in sections 83 and 84 he gives merely a passing glance at *In re Snow*, 120 U. S. 274, and *Hans Neilson*, Petitioner, 131 U. S. 176-182. *Ex parte Bigelow* was cited and relied upon in each of these cases by counsel for the government, and in *Snow's Case* the first point above mentioned, and expressly emphasized by the author, was disapproved, while in *Neilson's Case* the second point was expressly and emphatically denied. In *Neilson's Case*, at about pages 182 or 183, the court, after affirming that constitutional rights do go to the jurisdiction, and can be reviewed collaterally, says, "If we have seemed to hold the contrary in any case it has been from inadvertence," referring directly to *Ex parte Bigelow*. They further hold that the constitution "bounds and limits all jurisdiction." In *re Coy*, 127 U. S. 731-758, the same doctrine is reiterated. *Ex parte Bigelow* has not, to my knowledge, been approved or followed in any subsequent case by that court. Therefore, it is (if not expressly overruled in toto) so much doubted and disapproved that it falls far below an authority upon which a text should be predicated, as later decisions by the same court are to the contrary.

H. P. McKnight.

Columbus, Ohio.

Correspondence.

[Correspondence is invited on subjects pertinent to the purpose of *LAW BOOK NEWS*.]

NEW LAW BOOKS.

RECORD OF THE LATEST LAW BOOKS.

[We take pleasure in acknowledging our indebtedness to the Publishers' Weekly, of New York, and the Publishers' Circular, of London, which we use in completing this list.]

N. B. Bindings are in law sheep unless otherwise specified.

Treatises, Etc.

ARCHBOLD'S Lunacy. 4th Ed., by S. G. Lushington. London: Shaw & Sons. 1895. 42d.

BALLARD, Ellis Ames. Equity in Pennsylvania. In two vols. Vol. 1. Philadelphia: Rees Welsh & Co. 1895. \$6.50.

Bankruptcy.

See "Goudy's Bankruptcy (Scots)."

BLY, Myron T. A treatise on business law, with forms of ordinary legal and business documents; designed for use in all schools in which the commercial branches are taught, and as a book of reference. New Ed. Rochester and Chicago: Williams & Rogers. 1894 [1895]. 208 pages. Cloth, \$1.

BROWN, A. The law and practice on enfranchisements and commutations, etc. 2d Ed. London: Butterworth & Co. 1895. 16s.

Business Law.

See "Bly on Business Law."

CHAPMAN, A. Income tax, how to get it refunded. 11th Ed. Effingham Wilson & Co. 1895. 60 pages. 1s. 6d.

Citations.

See "Federal Reporter Citations."

Commercial Law.

See "Fitch & Stuble's New Commercial Law"; "Test Questions in Commercial Law."

Commercial Paper.

See "Palge's Cases."

Constitution.

See "Parker's Constitution."

Contracts.

See "Ullah's Law of Contracts (Eng.)."

Conveyancing.

See "Craigie's Conveyancing Statutes (Eng.)."

CRAIGIE, John. Conveyancing statutes, 1214-1894. Edinburgh: Wm. Green & Sons. 1895. 25s., net.

EMMET, L. E. Notes on perusing titles. London: Jordan & Sons. 1895. 5s.

Enfranchisements.

See "Brown's Law and Practice on Enfranchisements and Commutations (Eng.)."

English Law.

See "Archbold's Lunacy"; "Brown's Law and Practice on Enfranchisements and Commutations"; "Chapman's Income Tax"; "Craigie's Conveyancing Statutes"; "Emmet's Notes on Perusing Titles"; "Erskine's Land Questions"; "Fitzpatrick & Fowke's Joint-Stock Companies"; "Foster's Income Tax"; "Frazer's Law of Torts"; "Moore's Practical Forms"; "Rattigan's International Law"; "Richards' Parish Councillor's Guide"; "Roscoe's Digest of the Law of Light"; "Stephen's New Commentaries on the Laws of England"; "Theobald's Wills"; "Ullah's Contracts"; "Williams' Taking of Evidence on Commission"; "Wolstenholme & Brinton's Conveyancing and Settled Land Acts".

Equity.

See "Ballard's Equity in Pennsylvania"; "Fetter's Equity Jurisprudence."

ERSKINE, John. The land question. Glasgow: William Hodge & Co. 1895. 2s. 6d.

FEDERAL REPORTER. Citations and conflicting cases from vol. 1 down to and including the last current vol. of this set of Reports. By King & Leonard. Dublin, Tex.: National Citation Co. 1895. Unpagged. D. skiver. \$7.50.

FETTER, Norman. Illustrative cases upon equity jurisprudence. St. Paul: West Publishing Co. 1895. 248 pages. Brochure \$2.00.

FITCH, A. Norton, and Stuble, W. D. The new commercial law. A practical text-book, with an appendix containing chapters on courts, pleadings, and practice, and forms of ordinary legal and business documents, designed for use in all schools in which the commercial branches are taught, and as a book of reference for business men. New Rev. Ed. Rochester and Chicago: Williams & Rogers. 1894 [1895]. 262 pages. Cloth, \$1.25.

FITZPATRICK, J., and Fowke, V. de S. The secretary's manual on the law and practice of joint-stock companies, with forms and

precedents. 3d Ed. 288 pages. London: Jordan & Sons. 1895. 5s., net.

FOA, Edgar. The relationship of landlord and tenant. 2d Ed. London: Stevens & Hayes. 1895. 25s.

FOSTER, R. A treatise on the federal (U. S.) income tax under the act of 1894. London: Sweet & Maxwell. 1895. 550 pages. 18s.

FRAZER, Hugh. A compendium of the law of torts. 3d Ed. London: Reeves & Turner. 1895. 6s.

GOODNOW, Frank J. Municipal home rule. A study in administration. New York: Macmillan & Co. 1895. 283 pages. Cloth, \$1.50, net.

GOUDY, Henry. Treatise on the law of bankruptcy. 2d Ed. Edinburgh: T. & T. Clark. 1895. 36s.

Government.

See "Goodnow's Municipal Home Rule."

Income Tax.

See "Ochapman's Income Tax (Eng.); "Foster's Income Tax (Eng.)."

International Law.

See "Rattigan's Private International Law (Eng.)."

Joint-Stock Companies.

See "Fitzpatrick & Fowke's Secretary's Manual on the Law of Joint-Stock Companies (Eng.)."

JONES, C. Companion to the solicitor's clerk. London: Effingham Wilson & Co. 1895. 2s. 6d.

Land Laws.

See "Erskine's Land Question (Eng.)."

Landlord and Tenant.

See "Foa's Relationship of Landlord and Tenant (Eng.)."

Lunacy.

See "Archbold's Lunacy (Eng.)."

MOORE, H. A handbook of practical forms. 3d Ed. Revised and edited by Herbert Percival. London: Clowes & Sons. 1895. 20s.

MUIRHEAD, James. By-laws and standing orders for burghs in Scotland. Glasgow: William Hodge & Co. 1895. 21s.

PAIGE, Ja. Illustrative cases in commercial paper, with analysis and citations. Philadelphia: T. & J. W. Johnson & Co. 1895. 12+346 pages. O. (Pattee Series) limp cloth. \$2, net.

PARKER, Amasa J. Constitution of the United States of America and the constitution of the state of New York, in force January

1, 1895. Albany: Banks & Bros. 1895. Paper, 75c.; sheep, \$1.

PINGREY, Darius H. A treatise on real property. 2 vols. Albany: H. B. Parsons. 1895. 1880 pages. \$12, net.

RATTIGAN, W. H. Private international law. London: Stevens & Sons. 1895. 10s. 6d.

Real Property.

See "Pingrey's Real Property."

RICHARDS, H. C., and Soper, J. P. H. The parish councillors' guide to the local government act, 1894. 3d Ed. London: Jordan & Sons. 1895. 7s. 6d., net.

Sales.

See "Tiffany on Sales."

Scott's Law.

See "Goudy's Bankruptcy"; "Muirhead's Burghs in Scotland."

STEPHEN'S new commentaries on the laws of England. 12th Ed., by Archibald Brown. London: Butterworth & Co. 1895.

SUTHERLAND, T. J. The law relating to the production and inspection of books, papers, and documents in pending cases. Chicago: Gladstone Pub. Co. 1895. 122 pages. Half sheep, \$1.25, net.

TEST questions in commercial law with answers for the use of teachers and students. Rochester and Chicago: Williams & Rogers. 1895. 62 pages. Paper, 25c.

THEOBALD, H. S. A concise treatise on the law of wills. 4th Ed. London: Stevens & Sons. 1895. 30s.

TIFFANY, Francis B. Handbook on the law of sales. St. Paul: West Pub. Co. 1895. 7+348 pages. \$3.75, del'd.

Titles.

See "Emmet's Notes on Perusing Titles (Eng.)."

Torts.

See "Frazer's Law of Torts (Eng.)."

ULLAH, M. M., and Colclough, J. G. A manual of the law of contracts. London: Jordan & Sons. 1895. 5s., net.

WILLIAMS, W. E. H., and Macklin, A. R. The taking of evidence on commission, including therein special examinations, etc. London: Stevens & Sons. 1895. 12s. 6d.

Wills.

See "Theobald's Wills (Eng.)."

WOLSTENHOLME, E. P., Brinton, W., and Cherry, B. L. Conveyancing and settled land acts. 7th Ed. London: Wm. Clowes & Son. 1895. 20s.

Reports.

ALABAMA supreme court reports. V. 101; cases decided during the Nov. term, 1892, and Nov. term, 1893. By Phares Coleman, state reporter. Montgomery: Roemer Printing Co. 1895. 16+865 pages. \$3.75.

AMERICAN STATE REPORTS. V. 42; 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. C. Freeman, and the associate editors of the "American Decisions." San Francisco: Bancroft-Whitney Co. 1895. 1043 pages. \$4.

CANADA supreme court reports. V. 23. George Duval, reporter; C. H. Masters, assistant reporter. Published pursuant to the statute by Robert Cassels, Q. C., registrar of the court. Ottawa: Printed by the Queen's Printer. 1895. 23+751 pages.

FEDERAL CASES. Book 12; comprising cases argued and determined in the circuit and district courts of the United States. Herbert-Illinois; Case No. 6,394—Case No. 7,009. St. Paul: West Pub. Co. 1895. 1248 pages. \$10.

FEDERAL CASES. Book 13; comprising cases argued and determined in the circuit and district courts of the United States. Illins-Judkins; Case No. 7,010—Case No. 7,560. St. Paul: West Pub. Co. 1895. 1227 pages. \$10.

FEDERAL REPORTER. V. 66; cases argued and determined in the circuit courts of appeals and circuit and district courts of the United States. Permanent Ed. April-May, 1895. St. Paul: West Pub. Co. 1895. 34+1046 pages. \$5. (National Reporter System.)

ILLINOIS appellate courts reports. V. 55; cases submitted at the May and Nov. terms, 1893, and the May term, 1894, of the Third district; and the March and Oct. terms, 1894, of the First district. Reported by Martin L. Newell. Chicago: Callaghan & Co. 1895. 708 pages. \$3.50.

ILLINOIS appellate courts reports. V. 56; cases submitted at the Dec. terms, 1893 and 1894, and the May term, 1894, of the Second district, and the May and Nov. terms, 1894, of the Third district. Reported by Martin L. Newell. Chicago: Callaghan & Co. 1895. 706 pages. \$3.50.

INDIANA appellate court reports. V. 9; containing cases decided at the Nov. term,

1893, and not published in V. 8. Sidney R. Moon, reporter. Indianapolis: Carlon & Hollenbeck. 1895. 26+746 pages. \$3.50.

KANSAS supreme court reports. V. 54; containing cases decided at July term, 1894, and Jan. term, 1895. A. M. F. Randolph, reporter. Topeka, Kan.: Hamilton Printing Co.; Edwin H. Snow. 1895. 11+918 pages. \$2.50.

LAWYERS' reports, annotated. Book 26; annotated by Burdett A. Rich, editor, and H. P. Farnham, assistant editor. Rochester, N. Y.: Lawyers' Co-op. Pub. Co. 1895. 908 pages. \$5.

MASSACHUSETTS supreme court reports. V. 162; June, 1894—Jan., 1895. George F. Tucker, reporter. Boston: Little, Brown & Co. 1895. 18+703 pages. \$2.

MICHIGAN supreme court reports. V. 101; cases decided from June 16—Sept. 25, 1894. William D. Fuller, reporter. Chicago: Callaghan & Co. 1895. 30+728 pages. \$3.

MONTANA supreme court reports. V. 12; cases decided at the March, June, and Oct. terms, 1892. V. 13; reports of cases at the Dec. term, 1892, the March, June, and Oct. terms, and a portion of the Dec. term, 1893. Fletcher Maddox, reporter. San Francisco: Bancroft-Whitney Co. 1893, 1894, 1895. 17+633 pages; 16+610 pages. \$6, each.

NEW YORK court of appeals reports. V. 145; cases decided from and including decisions of February 26, 1895, to decisions of April 23, 1895. H. E. Sickles, reporter. Albany: James B. Lyon. 1895. 20+754 pages. \$1.50.

NEW YORK supreme court reports. V. 90 (Hun, 83); cases heard and determined. Marcus T. Hun, reporter. New York and Albany: Banks & Bros. 28+712 pages. \$3.

NORTHWESTERN REPORTER. V. 62; containing all the decisions of the supreme courts of Minn., Wis., Iowa, Mich., Neb., N. D., S. D. Permanent Ed. March 2—May 11, 1895. St. Paul: West Pub. Co. 1895. 14+1200 pages. \$5. (National Reporter System.)

PACIFIC REPORTER. V. 39; containing all the decisions of the supreme courts of Cal., Kan., Ore., Colo., Wash., Mont., Ariz., Nev., Idaho, Wyo., Utah, N. M., Okl., and court of appeals of Colo. Permanent Ed. Feb. 28—May 2, 1895. St. Paul: West Pub. Co. 1895. 13+1175 pages. \$5. (National Reporter System.)

PENNSYLVANIA supreme court reports. V. 165; containing cases decided at Oct. term, 1894, and Jan. term, 1895. Jas. Mona-

ghan, state reporter. New York and Albany: Banks & Bros. 1895. 23+709 pages. \$3.50.

SOUTH CAROLINA supreme court reports. V. 41; containing cases of Nov. term, 1893, and April term, 1894. Robert W. Shand, reporter. Columbia: R. L. Bryan & Co. 1895. 8+591 pages. \$6.

SOUTHWESTERN REPORTER. V. 30; containing all the current decisions of the supreme courts of Mo., Ark., and Tenn., court of appeals of Ky., and supreme court, court of criminal appeals, and courts of civil appeals of Tex. Permanent Ed. April 8-June 3, 1895. St. Paul: West Pub. Co. 17+1199 pages. \$5. (National Reporter System.)

UNITED STATES courts of appeals reports. V. 8; cases adjudged in the United States circuit court of appeals for the Fourth circuit at June term, 1891, May and Oct. terms, 1893, and Feb., May, and Oct. terms, 1894. Samuel Blatchford, reporter. New York and Albany: Banks & Bros. 1895. 28+805 pages. \$3.25.

UNITED STATES courts of appeals reports. V. 13; cases adjudged for the Fifth circuit at Nov. term, 1892, and Nov. term, 1893. S. A. Blatchford, reporter. New York and Albany: Banks & Bros. 1895. 32+832 pages. \$3.25.

Statutes, Codes, and Laws.

KENTUCKY. Civil and criminal codes of practice, with notes of decisions of the court of appeals to Jan., 1895. Amendments and acts relating to codes to Jan., 1895. Edited by J. D. Carroll. Louisville: The Courier-Journal Job Printing Co. 1895. 790 pages. \$6.

Digests.

RAPALJE and Mack's digest of railway decisions. Complete in about six volumes. Northport, Long Island, N. Y.: Edward Thompson Co. 1895. Vols. 1 and 2. \$7.50 each.

TEXAS. Index-digest and notes of all criminal cases decided in Texas, with notes; including all cases in the Texas Reports from Dallam to 45 Texas, and from 1 to 32 Criminal Appeals Reports, and all cases reported in the Southwestern Reporter from 1893 to the latest published at date of going to press. By A. B. Peticolas and J. V. Vandenberg. St. Louis: Gilbert Book Co. 1895. 7+17-942 pages. \$10.

ROSCOE. A digest of the law of light. 3d Ed. London: Reeves & Turner. 1895. 6s.

CONTENTS OF NEW BOOKS.

Alderson on Judicial Writs and Process.

TITLE PAGE. A Practical Treatise upon the Law of Judicial Writs and Process in Civil and Criminal Cases. The Sufficiency, Validity, Amendment, and Alteration of Process; Its Execution and Return, and the Powers and Liabilities of Officers Thereunder. By William A. Alderson, of the New York Bar. New York: Baker, Voorhis & Co. 1895.

CONTENTS.

Part I.—History, Definition, and Kinds of Process.

- Chap. I. Historical Introduction.
- Chap. II. Writs and Process—Definition and Kinds—The Code Summons.
- Part II.—Issuing Process—Its Sufficiency, Validity, Alteration, and Amendment.
- Chap. III. Issuing Process—Commencement of Action.
- Chap. IV. Void, Voidable, Irregular, and Erroneous Process.
- Chap. V. Style or Title of Process.
- Chap. VI. Direction or Address of Process.
- Chap. VII. The Teste of Process.
- Chap. VIII. The Sealing of Process.
- Chap. IX. The signing of Process.
- Chap. X. The Writ of Summons.
- Chap. XI. The Writ of Subpoena—Subpoena Duces Tecum.
- Chap. XII. The Writ of Execution.

- Chap. XIII. The Writ of Replevin.
- Chap. XIV. Writs of Attachment, Scire Facias, Injunction, and of Error.
- Chap. XV. The Code Summons.
- Chap. XVI. The Amendment of Process.
- Chap. XVII. The Alteration of Process.
- Chap. XVIII. Process Issued in Blank.
- Chap. XIX. The Indorsement of Process.
- Chap. XX. Alias and Pluries Writs.

Part III.—The Service and Execution of Process.

- Chap. XXI. By Whom and When Process may be Executed.
- Chap. XXII. The Manner and Sufficiency of Service of Process on Persons.
- Chap. XXIII. The Manner and Sufficiency of Service of Process of Corporations.
- Chap. XXIV. The Service of Process in a State Other than Where Issued.
- Chap. XXV. Privilege and Exemption from Service of Process.
- Chap. XXVI. Presumption and Recital in Judgments as to Service of Process.
- Chap. XXVII. Constructive or Substituted Service of Process—Publication—Posting—Mailing.
- Chap. XXVIII. Property Subject to Process.
- Chap. XXIX. Manner and Sufficiency of Levy of Process.
- Chap. XXX. The Duties, Powers, and Liabilities of Officers in the Execution of Process.

Part IV.—The Return of Process.

- Chap. XXXI. The Return of Process.
- Part V.—Criminal Process.
- Chap. XXXII. The Kinds, Sufficiency, and Validity of Criminal Process.

Clark's Criminal Procedure.

TITLE PAGE. Handbook of Criminal Procedure. By Wm. L. Clark, Jr., Author of Clark's Handbook of Criminal Law and Clark's Handbook of the Law of Contracts. St. Paul, Minn.: West Publishing Co. 1895.

TABLE OF CONTENTS.

Introduction.
 Chap. I. Jurisdiction.
 Chap. II. Apprehension of Persons and Property.
 Chap. III. Preliminary Examination, Bail, and Commitment.
 Chap. IV. Mode of Accusation—Time of Prosecution—Nolle Prosequi or Withdrawal.
 Chap. V. Pleading—The Accusation.
 Chap. VI. Pleading—The Accusation (Continued).
 Chap. VII. Pleading—The Accusation (Continued).
 Chap. VIII. Pleading—The Accusation (Continued).
 Chap. IX. Pleading—The Accusation (Continued).
 Chap. X. Pleading and Proof—Variance—Conviction of Minor Offense.
 Chap. XI. Motion to Quash. Arraignment, Demurrer, and Pleas of Defendant.
 Chap. XII. Trial and Verdict.
 Chap. XIII. Proceedings after Verdict.
 Chap. XIV. Evidence.
 Chap. XV. Habeas Corpus.

Clementson's Road Rights and Liabilities of Wheelmen.

EXTRACT FROM PREFACE. In general it may be said that the trend of decisions in accessible bicycle cases is to place the wheel on a plane of equality with other vehicles upon the highway. Nevertheless, the treatment of the wheelman by the courts has not been by any means one of universal approval, and especially in the past has the cyclist been often regarded as, and to his utter confusion proven to be, an upstart, a danger to the traveling public, and finally a persona non grata,—an individual to be discouraged, if not prohibited. Fortunately, the outlook for the wheelman is growing brighter. Roads are improving, slowly, it is true, but we hope surely; and, through the mist of years as yet unborn, he may see, if he strain his eyes, a millenium ahead in which his grandchildren or remoter posterity shall spin along something that without exaggeration can be called a highway. The confidence of the wheelman is also growing. He is becoming more persistent in demanding his rights; but (and this is the explanation of the present imperfect treatise) as yet he does not feel firm ground beneath his feet; he has but an imperfect perception of the reciprocal duties between himself and the public. Although he is aware that he has ceased to be considered an outlaw, that he has rights, and that a right, like rank, involves corresponding obligation, he has no clear idea in re-

v.2L.B.N.no.7—14

gard to that which he may justly claim as his due, nor does he understand the nature or extent of the demands which the public, in the return, may make upon him. In the belief that wheelmen need something more definite than a notion to guide them, the writer has attempted an essay upon their rights and liabilities, which he hopes and believes will prove of some service.

TABLE OF CONTENTS.

Chap. I. The Wheelman and the Road—Classification and Definition.
 Chap. II. The Liability of Municipal Corporations for Injuries Occasioned by Defective Highways.
 Chap. III. The Liability of Individuals for Defective Highways, and under the Law of the Road.
 Chap. IV. The Use of Bicycles in the Streets of Cities and Villages.
 Chap. V. Negligence and its Redress.
 Chap. VI. Legal Maxims.

Appendix A.

Thompson v. Dodge. Highways—Horses—Bicycles—Superior Privilege.

Appendix B.

Macomber v. Nichols. Highways—Horses—Improved Methods of Locomotion—Superior Privilege.

Pollock and Maitland's History of English Law.

TITLE PAGE. The History of English Law before the Time of Edward I. By Sir Frederick Pollock, Bart., M. A., LL. D., Corpus Professor of Jurisprudence in the University of Oxford, of Lincoln's Inn, Barrister at Law, and Frederic William Maitland, LL. D., Downing Professor of the Laws of England in the University of Cambridge, of Lincoln's Inn, Barrister at Law. Cambridge: At the University Press. Boston: Little, Brown & Co. 1895.

CONTENTS.

Preface.
 Table of Contents.
 List of Abbreviations.
 List of Texts.
 Addenda.
 Introduction.

Book 1. Sketch of Early English Legal History.

Chap. I. Anglo-Saxon Law.
 Chap. II. Norman Law.
 Chap. III. England under the Norman Kings.
 Chap. IV. Roman and Canon Law.
 Chap. V. The Age of Glanvill.
 Chap. VI. The Age of Bracton.

Book 2. The Doctrines of English Law in the Early Middle Ages.

Chap. I. Tenure.
 Chap. II. The Sorts and Conditions of Men.
 Chap. III. Jurisdiction and the Communities of the Land.

EXTRACTS FROM INTRODUCTION. It has been usual for writers commencing the exposition of any particular system of law to undertake, to a greater or less extent,

philosophical discussion of the nature of laws in general, and definition of the most general notions of jurisprudence. We purposely refrain from any such undertaking. The philosophical analysis and definition of law belongs, in our judgment, neither to the historical nor to the dogmatic science of law, but to the theoretical part of politics. The constitutional is not the only department of medieval law that we have left on one side. We have said very little of purely ecclesiastical matters. Here, again, we have been compelled to draw but a rude boundary. It seemed to us that a history of English law which said nothing of marriage, last wills, the fate of an intestate's goods, the punishment of criminal clerks, or which merely said that all these affairs were governed by the law and courts of the church, would be an exceedingly fragmentary book. On the other hand, we have not felt called upon to speak of the legal constitution of the ecclesiastical hierarchy, the election and consecration of bishops, the ordination of clerks, the power of provincial councils, and so forth, and we have but now and then alluded to the penitential system. What is still the sphere of ecclesiastical law we have avoided; into what was once its sphere we could not but make incursions. At other points, again, our course has been shaped by a desire to avoid what we should regard as vain repetition. When the ground that we traverse has lately been occupied by a Holmes, Thayer, Ames, or Bigelow, by a Brunner, Lieberman, or Vinogradoff, we pass over it rapidly. We should have dwelt much longer in the domain of criminal law if Sir James Stephen had not recently laboured in it. And then we have at times devoted several pages to the elucidation of some question, perhaps intrinsically of small importance, which seemed to us difficult and unexplored and worthy of a patient discussion, for such is the interdependence of all legal rules that the solution of some vital problem may occasionally be found in what looks at first sight like a technical trifle. We have thought less of symmetry than of the advancement

of knowledge. The time for an artistically balanced picture of English medieval law will come: it has not come yet.

Tiffany on Sales.

TITLE PAGE. Handbook of the Law of Sales. By Francis B. Tiffany, Author of Death by Wrongful Act. St. Paul, Minn.: West Publishing Co. 1895.

PREFACE. The object of this handbook is to present concisely the general principles of the law of the sale of personal property. The arrangement is in the main that of Benjamin. The statement of rules and principles in the black-letter text has to a considerable extent, though with many modifications, necessitated by the differences between the American and English law, or by other reasons, been taken from the English Sale of Goods Bill, as drafted by his honor, Judge Chalmers, and published, together with his invaluable notes, under the title of "The Sale of Goods." This bill, which was purely a codifying measure, has since been substantially enacted as "An act for codifying the law relating to the sale of goods" (56 & 57 Vict. c. 71, Feb. 20, 1894). The writer has made frequent use both of the notes of Judge Chalmers and of the text of Benjamin on Sales. The references to Benjamin are to the sections as found in the sixth American edition of Messrs. Edmund H. and Samuel C. Bennett.

TABLE OF CONTENTS

Chap. I. Formation of the Contract.
Chap. II. Formation of Contract (Continued)—Under the Statute of Frauds.
Chap. III. Effect of the Contract in Passing the Property (Continued)—Sale of Specific Chattel.
Chap. IV. Effect of the Contract in Passing the Property (Continued)—Sale of Chattel not Specific.
Chap. V. Mistake, Failure of Consideration, and Fraud.
Chap. VI. Illegality.
Chap. VII. Conditions and Warranties.
Chap. VIII. Performance of Contract.
Chap. IX. Rights of Unpaid Seller against the Goods.
Chap. X. Action for Breach of the Contract.

REVIEWS OF NEW BOOKS.

Bradner on Evidence.¹

Reviewed by Hon. Adelbert Moot, of the Buffalo (N. Y.) Bar.

[For contents, etc., see page 177, No. 6, vol. 2, Law Book News.]

"Bradner on Evidence" is a work not without a proper ambition on the part of its au-

¹ Rules of Evidence as Prescribed by the Common Law for the Trial of Actions and Proceedings. By George W. Bradner. Chicago: Callaghan & Co. 1895.

thor. A review of it should put a practicing lawyer in position to decide whether or not he desires to add it to his library. Its merits should be indicated, and its demerits should be stated with equal plainness. To review this or any other work with justice, it is necessary to ascertain the author's point of view or claim for the work. In an introduction of ten pages, somewhat philosophical in character, Mr. Bradner states his claim very explicitly. He says: "One of the important features of this work is that it will be a work

for lawyer and student. The searcher for a rule of evidence can find what he wants without trouble, and the lawyer who desires a case illustrating a rule will find it useful, collecting, as it does, the latest cases."

Again: "The student will discover a considerable advantage over any other work, finding in a moderate compass a full discourse of the law of evidence with the benefit of the latest cases. The law is changing. Time was when the earliest precedent was of paramount authority, and later decisions were tested by the earlier, and disregarded when not following the earlier. But this rule has been reversed. It is now the latest decisions of the courts of last resort which are regarded as the highest evidence of the law."

Again: "The plan followed in this work has prevented the introduction of long critical dissertations on controverted points. A continuous system of citations gives the reader the means of verifying by their sources all the propositions of the text. In these citations I have strictly confined myself to the leading cases,—I mean to the latest cases in the courts of last resort."

The legal profession will at once see the great value of this work if it sustains the claims of Mr. Bradner. Does the author accomplish the high purpose thus stated?

Mr. Bradner's work is not without its merits. It is succinct, and in a single volume; but it does not always refer to the latest cases on important points. Nor does it always support legal propositions by authority. For instance, in section 16, p. 128, he lays down this proposition, apparently with reference to writings: "Sixth. Where its production is physically impossible or highly inconvenient." No authorities are cited to sustain this proposition, and the legal profession will be a little surprised to learn that the production of writings is excused where their production is "highly inconvenient." What Mr. Bradner probably had in mind is that, where the writing is one that is collateral to the issue, the court may permit evidence of its contents to be given, without production of the writing, and may be influenced by the inconvenience of producing it; but this is not what he has said, and students or lawyers reading his text would not be likely to infer that this is what he intended to say.

Again, at page 501, he refers to Anderson's Law Dictionary to sustain the proposition that "an exception taken during the progress of a trial is a protest against the ruling of the court upon a question of law." The careful language of Anderson is that an exception is: "In common-law practice, a formal notice, following the denial of a request or the overruling of an objection, made in the course of a trial, that the exceptant intends to claim the benefit of his request or objec-

tion in future proceedings; as, upon a writ of error."

If Mr. Bradner means to give us his own definition, he should tell us so; but, if he refers to Anderson alone as his authority, he should give us Anderson's. There is a manifest distinction between notice that a man intends to claim the benefit of his request or objection in future proceedings and the bare statement that it is a protest against the ruling of the court upon a question of law. Mr. Bradner proceeds further to state that an exception "is designed as a warning for the protection of the opposing counsel." No authorities are referred to, to sustain this statement. The opposing counsel is warned by the objection, and he should, and usually does, then decide whether he is willing to take the risk of a ruling, or whether he will waive or withdraw his question. He does not expect his adversary to protect him or warn him with exceptions.

But is this work one that can be relied upon to fairly outline the general rule and cite the latest authorities that sustain it? In many cases it can be, but its inadequacy in other cases is notable. To illustrate, take the question of the privilege of a witness when before a legislative body or committee. This is a live question, as newspaper men and the whole country have learned through the attempt of a committee of the senate to compel newspaper correspondents to testify in connection with the part of the sugar trust in the present tariff schedule. But this instance is not the only one within recent years where this question has played a prominent part.

The United States supreme court first passed upon the rights of a witness when before a congressional committee, in *Kilborne v. Thompson*, 103 U. S. 168, in October, 1880. The court of appeals of New York (Mr. Bradner's own state) considered the question of the rights of a witness when before a committee of the state legislature, also the effect of the *Kilborne Case*, in *People ex rel. McDonald v. Keeler*, 99 N. Y. 463 [2 N. E. 615], in 1885. No reference can be found to these cases in the Table of Cases or elsewhere in Mr. Bradner's work, issued in 1895. In a volume of about the same size, on the same subject (evidence), issued late in 1894, Underhill (section 289) considers this subject, and he cites the *Kilborne Case*, although he omits *People ex rel. McDonald v. Keeler*.

Bradner (pages 43, 44, §§ 1, 2) deals with the privileges of witnesses and incriminating answers, without referring to these cases, but he does cite *People v. Kelly*, 10 Smith, 74. Now, as several Smiths have reported in England and this country, "10 Smith" is not very informing, and is not the way a New York lawyer should cite 24 N. Y. 74, which is the same thing. Furthermore, the court of ap-

peals of New York have dealt with the subject dealt with in *People v. Kelly*, in a celebrated case,—*People v. Sharpe*, 107 N. Y. 424, 14 N. E. Rep. 319. *People v. Sharpe* is referred to in Bradner (page 370) upon an unimportant feature of that case, although the page of the Northeastern Reporter is not there correctly given.

Mr. Underhill has been properly taken to task, in a review of his work, for not referring to *Counselman v. Hitchcock*, 142 U. S. 547 [12 Sup. Ct. 195], a leading case, decided in 1892; that case arising out of an alleged conspiracy of the "Whiskey Trust," so called, where the United States supreme court, after carefully considering the question, in substance holds that, although section 860 of the Revised Statutes provides that no evidence given by a witness before a grand jury shall be in any manner used against him in any criminal proceeding in the United States courts, yet, as such statute does not protect him from all criminal prosecutions, the witness cannot be compelled to answer questions before a grand jury that he claims will incriminate him, because of the fifth amendment of the United States constitution.

The decision in *Counselman v. Hitchcock* disapproves *People v. Kelly*, 24 N. Y. 74, and approves, instead, *Emery's Case*, 107 Mass. 172, after carefully reviewing many authorities, including *People v. Sharpe*, 14 N. E. Rep. 319, 107 N. Y. 424; but Mr. Bradner fails to refer to the *Emery Case* or the *Counselman Case*, and Bradner leaves us in ignorance of the late cases and the present state of the law upon this subject. How Mr. Bradner and Mr. Underhill could write works on evidence purporting to deal with the whole subject, and omit to even cite so important a case as *Counselman v. Hitchcock*, decided two years before their works were issued, is not easy to understand. Other authors discover it, and in a note in another recent work, "*Abbott's Select Cases*" (page 679), authorities in other states upon this proposition are carefully collated, with that case.

That the failure to cite *Counselman v. Hitchcock* is not mere oversight in Mr. Bradner, but marks the failure of his work to fulfill the promise of his excellent plan in important particulars, is seen on another point. There are provisions in the constitutions of nearly all the states, and in the constitution of the United States, as to the vote required to enact certain laws, and as to what number shall constitute a quorum. Some years ago, when David B. Hill was lieutenant governor of the state of New York, he ruled, contrary to a common practice, that the presiding officer could observe as to who were present, and direct that their names be entered in the journal of the senate, although the senator so present refused to answer the roll call or vote.

Subsequently, Thomas B. Reed, as speaker of the house of representatives, assumed to do the same thing, by virtue of the rules of the house as framed at his instance, and in this manner he secured the passage of the so-called "McKinley Tariff Act." Importers claimed that this act was not passed in the form in which it was signed by the president; also that it was unconstitutional for the speaker to record a quorum in this way, for the purpose of passing the act. In these cases it was necessary to decide whether it was possible to impeach an act once signed by the president by showing by the most convincing testimony that he did not sign it in the form in which it was passed, and it was decided that the act could not be impeached, in *Field v. Clark*, 143 U. S. 649 [12 Sup. Ct. 495], in February, 1892. In a note to that case, at page 661, the authorities are collated from the brief of the attorney general, showing the rulings of the courts of the different states upon the important question of whether or not the validity of an act may be inquired into, and it may be overthrown by evidence from the journals of the legislative bodies.

In *U. S. v. Ballin*, 144 U. S. 1, 12 Sup. Ct. 507, decided in February, 1892, it is decided that "Reed's Rule," so called, and his method of ascertaining the presence of a quorum, is constitutional; and the previous decision, that an act of congress may not be overthrown by the journals of that body, is reiterated.

Mr. Bradner makes no reference to either of these cases in his table of cases or elsewhere, and he fails to consider this subject, so far as I can ascertain. It may be that some explanation of these shortcomings can be made on the ground that a work of one volume on evidence cannot consider everything, although it would seem that it should at least make some mention of important doctrines recently established by the courts, or important modifications of doctrines recently made by the courts. I suspect that the truth is that "evidence" is too large a subject to be adequately considered in one volume.

Stephen's very abstract, but wonderfully accurate, work, is admirably supplemented by Mr. Chase's notes, and Lawson, Rogers, Browne, Rapalje, and Abbott have recently treated certain topics of evidence in a very instructive and helpful manner; and it is true each of these competent men found it necessary to use a volume on a single topic for this purpose. I fear, however, that most practitioners will still cling to the best and latest edition of "*Greenleaf on Evidence*" until some author enters this field who shall produce another work as accurate, as learned, as philosophical, and as pre-eminent for excellence as was *Greenleaf on Evidence* when that excellent work was produced. Mr. Dillon, in his

unrivaled work on "Municipal Corporations." and Mr. Cook, in his great work on "Private Corporations" (misnamed "Cook on Stockholders"), have disclosed how to write a work on evidence that shall displace Greenleaf. The care, the accuracy, and the attention to detail, and the full citation of all the latest leading authorities, which we find in these works, will alone produce the work that shall displace Greenleaf as Greenleaf displaced Phillips on Evidence.



Clark's Criminal Procedure.¹

Reviewed by Associate Dean Charles Noble Gregory, of the College of Law, University of Wisconsin.

[For contents, see page 209 of this number.]

Perhaps the one branch of law, the administration of which has a living interest for clerk and layman alike, is the criminal law. The trial of criminal cases habitually attracts the multitude, whereas, during the hearing of even those civil causes which involve nice principles of justice and great sums of money, the empty halls echo with the voices of the lawyers, animated by none but a weary perfunctory audience.

The history of criminal law, as the late Sir James Fitz James Stephen declared, "is full of interest, partly because it illustrates the unexpressed views of many different ages upon violence and dishonesty, and partly because it is perhaps the most striking illustration to be found in any part of the law of the process by which the crude and meager generalities of the early law were gradually elaborated into a system, erring on the side of over luxuriance and refinement, but containing materials of the highest value for systematic legislation."

Mr. William L. Clark, Jr., has sought to present the whole body of this great department of law in two volumes of the Hornbook Series, which are described as handbooks, severally, of Criminal Law and of Criminal Procedure.

The text of the first covers 377 pages; the text of the second, 562 pages. The volume of Procedure is just out, and we confine our discussion to its characteristics. The same system is pursued throughout which was used with such marked success in the volume on Criminal Law. Headings, propositions,

and definitions are given in large type, and are boldly systematized and subdivided. The text follows in ordinary law-book type, and citations are freely given at the foot of the page. The writer of this brief review has just taken a class of 125 law students through Clark's Criminal Law, and he found this classification and subdivision of matter greatly simplified the task of teacher and student. They both turned with pleasure and relief to this work from the highly valuable and compendious works of learned writers, like Mr. Schouler, who, through perhaps a too scrupulous caution, rather exaggerate than diminish the refinements and ambiguities of the law and the confusing intricacy with which it is woven together. It is easy to resolve the text of Mr. Clark's books into a series of questions and answers which cover the theme adequately and lucidly. This very clearness might easily excite animadversion, and lead unjustly to the conclusion that the work was superficial; but, if clearness and lucidity must destroy the character of a law writer for depth of learning, then Mr. Cooley and other eminent men must fall with Mr. Clark.

It may be said, moreover, that for most practical purposes, certainly for those of ordinary consultation and class instruction, the positive and slightly dogmatic statement of the rules of criminal procedure seem far more serviceable than the vaguer and more subtle safeties which are the resort of timid and hesitating writers overborne by the "over luxuriance and refinement" of which Sir James speaks.

The work is evidently not meant as a rival to the invaluable and exhaustive writings of such profound and voluminous writers as Mr. Bishop and Mr. Wharton. There are 1,524 pages in the text of Wharton's Criminal Law, ninth edition. There are 1,414 pages in the text of Bishop's New Criminal Law, eighth edition. There are 377 pages in the text of Clark's Criminal Law. In the first volume alone of Bishop's New Criminal Procedure, fourth edition, just printed, there are 857 pages of text; and it is apparently to be followed by an indefinite number of later volumes to complete the topic.

Mr. Bishop, with perhaps pardonable pleasure in this work, calls it "a revolution in legal writing whereof we have no precedent in any English-speaking country." Mr. Clark's Criminal Procedure covers the whole ground in about 300 fewer pages, of smaller size and containing less of fine print.

Therefore, one great desideratum of Mr. Clark's books is certainly attained in diminished size and a corresponding decrease of cost.

As to the thoroughness of citation, it seems not exhaustive, but sufficient, and the notes abound in late cases. Looking in the index of cases cited for two decisions involving

¹ Handbook of Criminal Procedure. By William L. Clark, Jr., Author of Clark's Handbook of Criminal Law and Clark's Handbook of the Law of Contracts. St. Paul, Minn.: West Publishing Co. 1895.

important principles of criminal procedure lately won by him, the writer of this finds one cited to one of the two principles of constitutional practice it passes upon, and one wholly omitted. But, if every case were fully cited, of course the scope of the work would be extended, and the intended reduction of size and cost wholly sacrificed. The references, being made to the West Reporter System, as well as to the State Reports, in all recent American cases, greatly serve the convenience of perhaps the large majority of practitioners remote from the great cities. Only in the great libraries of those cities can complete collections of State Reports be found. The large number of recent decisions cited and the accuracy and appositeness of the citations add to the usefulness of the treatise. In many works, even of reputation and esteem, the cases are collected from the notes of older writers, and are not consulted at first hand, and, as a result, are cited much at random, and very often wholly fail to support the proposition which is made to rest on them. Mr. Clark's books seem particularly free from this very common and very aggravating fault. They have the advantage of Wharton and Bishop in condensation, in cost, and, perhaps partly by that condensation, in clearness and simplicity. They have the advantage of Washburn's excellent small work in avoiding his extreme condensation, which, though ably done, sacrifices too much. In fact, Mr. Clark seems to have avoided with great judgment either extreme, and to have kept well to Emerson's precept:

All good things keep
The midway of the eternal deep.

The work is one which tends to reduce the mysteries of the law, and is an exemplification of the strong present tendency in all the best writers and thinkers in the higher occupations of men to make knowledge plain and easy, not to shroud or conceal it in pedantry and obscure elaboration, to exhibit its essentials well arranged and alphabetically indexed, and to discard the rest. We congratulate practitioners, teachers, and students of the law on this new aid to a competent understanding of Criminal Procedure, adapted to an age which has also many other things to learn. It will still be necessary, in order to become a good lawyer, to pay some respect to Lord Thurlow's maxim that all such must be content to "live like a hermit and work like a horse"; but such books as Mr. Clark's help to limit this hard necessity, to which, by the way, Lord Thurlow himself at no time conformed.

Charles Noble Gregory

University of Wisconsin.

Madison, Wis., June 25, 1895.

Bliss on Code Pleading, Johnson's Edition.¹

Reviewed by S. S. Cole, of the Des Moines Bar, Professor in the Iowa College of Law.

[For contents and other descriptive matter, see page 306, Vol. 1, Law Book News.]

It is unnecessary at this late day to discuss the merits of Bliss on Code Pleading. It is the recognized authority upon that subject. Written in 1878, it was a pioneer in this field. The New York Code, which may properly be called the beginning of the code system in this country, was adopted by the legislature of that state in 1848. Prepared by that eminent commission of which David Dudley Field was a shining light, it proved a rare success. Its beneficent effects were felt at once in the administration of justice, and notwithstanding the opposition of the profession, especially the older members, that Code or others patterned after it have been adopted by a majority of the states. In the face of the opposition to this new system, and in spite of the claim of the lovers of the old common-law pleading that the Code was the abandonment of all system, Judge Bliss boldly took the position that the new code pleading constituted as complete and precise a system of pleading as the old, and was based "upon the strict rules of logic applied to the facts and the principles involved, instead of a logic founded, to a great extent, upon forms, formulas, and fictions." Judge Bliss not only took this view of the new system, but set forth his ideas in such a clear, logical, and convincing manner in this work that it became at once the standard authority upon the subject, and many of his theories have been recognized and adopted by the courts and legislatures since that time. Without disparagement to the other works upon the subject of Code Pleading, we think that "Bliss" stands at the head. To be sure, its philosophical treatment requires deep thought upon the part of the student, and the objection is often made that it is too difficult for the use of students. But it is by exercise that the mind grows, and our experience in

¹ A treatise on the Law of Pleading under the Codes of Civil Procedure of the States of New York, Connecticut, North Carolina, South Carolina, Ohio, Indiana, Kentucky, Wisconsin, Minnesota, Iowa, Missouri, Arkansas, Kansas, Nebraska, California, Nevada, Oregon, Colorado, Washington, North Dakota, South Dakota, Montana, Idaho, Wyoming, and the Territories of Arizona and Utah. By Philemon Bliss, LL.D., Professor of Law in the Missouri State University, and Late Judge of the Supreme Court of Missouri. Third Edition. Revised and Annotated by E. F. Johnson, B.S., LL.M., Instructor of Law in the University of Michigan. St. Paul, Minn.: West Publishing Co. 1894.

the use of Bliss as a text-book convinces us that it affords the best training possible for the development of good pleaders.

This third edition of the work is prepared by Professor E. F. Johnson, of the University of Michigan. Prof. Johnson has rendered valuable service both to the student and the practitioner in the preparation of this work. He has added extensive footnotes, citing additional cases, and also quoting largely from those heretofore cited in the former editions of the book. Many of the footnotes are of an historical character, and they are accurate and reliable. An excellent feature is the placing of leading cases in large type, both in the footnotes and in the table of cases. In this way a student's attention is attracted to them, and the study of leading cases, to which so much importance is attached in many law schools, is facilitated. It is also a decided advantage to the practicing lawyer because of the fact that, with our modern complete system of annotations, he will find grouped around a leading case all the cases of importance upon that particular subject. Brief forms are given, or rather outlined, in the footnotes, not to be memorized or blindly followed, but for the purpose of giving the student some idea of the general language employed and the expressions used. Prof. Johnson has also added to the work an extra chapter on "Extraordinary Legal Remedies." His style is clear and direct, and the chapter forms a valuable addition. The notes and additional matter added by the editor enlarges the book to over eight hundred pages. The work is a decided improvement upon the former editions, and will no doubt be even more highly prized, both in the class room and by the profession generally.

S. S. Cole

Pollock and Maitland's History of English Law.¹

Reviewed by Hon. John F. Dillon, LL.D., of the New York Bar; Member L'Institut De Droit International, Late Professor of Real Estate and Equity Jurisprudence in Columbia College Law School; Formerly Circuit Judge of the United States for the Eighth Judicial Circuit and Chief Justice of the Supreme Court of Iowa.

[For contents, etc., see page 209 of this number.]

This work, the joint product of Professor Pollock, of Oxford, and Professor Maitland,

of Cambridge, is an event of permanent interest in our legal literature, and, indeed, in the history of our law. Since Reeves and Blackstone wrote, the collection and publication of ancient laws, documents, and judicial records have brought to light so many facts illustrative of our legal evolution that those works no longer adequately portray and set forth the history of the English law. The present work embodies the results of careful studies of the authors for many years. It is sure to take rank among the eminent and lasting productions of English lawyers and scholars. We are afraid to express all we feel concerning the various merits of this performance for fear that what we say would be regarded as a panegyric instead of a calm and judicial judgment. These two volumes (produced in the best style of the University Press), covering nearly 1,400 pages, cannot, indeed, be adequately reviewed in the short space at our service, even if we felt (as we do not) competent for such a task. We shall therefore confine ourselves to a brief notice of the scope and character of the work, to the end that our readers may, as we hope, be induced to read and study it for themselves.

It is impossible to acquire a thorough knowledge of our law without a careful study of its history; and this consideration it is that gives to these volumes not only a theoretical but a practical value of the highest moment. Rights in, over, and concerning land, in incorporeal things, in movable goods, contract, wills and inheritance, the domestic relations, crimes and torts, and procedure in its whole range, including pleadings and proof, fictitious persons and corporations, are treated of in connection with their origin and historic development with a fullness never before attempted.

The first chapter is devoted to a sketch of what is known concerning Anglo-Saxon law. All the light upon this subject, obscure on many points at best, which minute and learned modern researches have shed upon it, tends to show that the law which prevailed in England before the Norman Conquest was essentially Germanic.

As preliminary to a consideration of the law of England under the Norman kings, we have a chapter on Norman law as it existed in Normandy at the time when William set out on his expedition to England. This chapter dispels the notion that the Normans were far advanced in jurisprudence, and the conclusion is reached that "the Normans had no written law to bring with them to England, and may be safely acquitted of much

¹ The History of English Law before the Time of Edward I. By Sir Frederick Pollock, LL.D., etc., Corpus Professor of Jurisprudence in the University of Oxford, and Frederic William

Maitland, LL.D., Downing Professor of the Laws of England in the University of Cambridge. Cambridge: At the University Press. Boston: Little, Brown & Co. 1895. 2 vols. 8 vo. Cloth.

that could be called jurisprudence." (Vol. I, p. 54.)

The third chapter treats at length of the evolution of law under the Norman kings William, Henry I., and Stephen. The substance of the English customs and laws was not abrogated or superseded, but recognized; yet the effect of being administered by Frenchmen is noticeably seen in the fact that a large proportion of the important words in our law are French, of which our authors give an interesting account. (Vol. I, pp. 53, 59.) Although many facts are known to-day that were not known to Sir Matthew Hale, we are not able to see that they have invalidated his conclusions as to the effect of the conquest upon the law of England as given in the fifth chapter of his *History of the Common Law*. Sir Matthew Hale there says that King William I., though he be called a conqueror, and his attaining the crown here a conquest, "yet in truth it was not such a conquest as did or could alter the laws of the kingdom, or impose laws upon the people per modum conquestus or jure belli, and therefore to wipe off that false imputation upon our laws, as if they were the fruit of a conquest or carried in them the badge of servitude to the will of the conqueror, which notion some ignorant and prejudiced persons have entertained, I shall [he says in his vigorous way] rip up and lay open the whole business from the bottom," which he proceeds to do. (*Hist. Com. Law*, chap. V.) The English law, in its body and substance, notwithstanding the Norman domination, ever remained distinctively the law of England. "Eight centuries have rolled away, and where is the Norman now? or where is not the Saxon?"

The fifth chapter relates to the Roman and canon law, and shows more exactly than has ever been done before the extent to which they influenced the history and affected the character of the law in England. And this brings the authors to the important reign of Henry II. The supreme importance of this reign in the history of the common law is justly recognized by our authors, who treat of it under the title of "The Age of Glanvill." (Chap. V.)

For thirty-five years, from 1154 to 1189, Henry II. ruled the destinies of England. He ranks as among the greatest English statesmen. Reigning at a time when the Norman and home elements were fast fusing, he was able to leave the impress of his decisive policies permanently, not only upon the history of the English nation, but specifically upon its laws, legal polity, and legal institutions. If he did not originate, he certainly did more than any other ruler to establish the fundamental principle that the law, and chiefly the body of customs and usages known as the "common law," was su-

preme over all in church and state alike. We are more indebted to his "Constitutions of Clarendon" and "Assize of Clarendon" than to any, and perhaps all, other agencies and influences that the Roman law as a distinct and competing system never obtained the force of authority in England, and that the English-speaking races throughout the world to-day are governed by the common, as distinguished from the civil, law. His judicial reforms, largely embodied in the assize of Clarendon, proceeded upon the distinct policy of a national and paramount system of law and administration to which all local feudal and rival jurisdictions were to be subordinate and obedient. The essential features of the policy set forth in the twenty-two articles of the Assize remain to the present day. To the reign of Henry II. belongs, as we all know, the distinction of the earliest text-book on English law, known as *Glanvill*, written about 1185, and usually ascribed to Henry's Justiciary Ranulph de Glanvill. It is an early Code. Its purpose was to put in written form the customs or unwritten rules and practice of the court. Curiously enough, the authorship of the work is not certainly known. Evidently, our authors doubt, for the reasons they assign (Vol. I, p. 143), that it was written by Glanvill, although they are clear that it was not written without his permission or Henry's; and they make or favor the conjecture that it may have been the work of Glanvill's kinsman and secretary, the celebrated Hubert Walter, himself to become in due time a chief justiciar.

Our authors well sum up the legal results of Henry's reign in these words: "That the whole of the English law is centralized and unified by the institution of a permanent court of professional judges, by the frequent mission of itinerant judges throughout the land, by the introduction of the 'inquest' or 'recognition' and the 'original writ' as normal parts of the machinery of justice." (Vol. I, p. 117.)

Each of these important subjects is treated with the aid of all of the researches down to the present time, beginning with the most distinctive,—the inquest, recognition, or trial by jury. It is clearly shown that the germ—perhaps it is not too much to say the essence—of the jury is a royal institution, derived from the prerogative rights of the Frankish kings to make "inquests" of various kinds, and adopted in the Norman age of English history as part of the machinery of royal administration and justice. Before the time of Henry II. the use of the "inquest" for purposes of justice was exceptional, but in Henry's reign it became a regular and normal part of judicial procedure, civil and criminal, and we have what we may properly call juries of accusation,

and juries for the determination of specific questions of royal right, of local customs, and questions of fact or of mixed law and fact in private controversies.

Viewed, however, in the light of its permanent and fruitful consequences, the most important development of the law in the time of Henry II. is, in our judgment, the establishment before the end of his reign of a permanent central royal judicial court at Westminster, composed of experts,—in a word, of judges,—known as the "King's Court," and in the work of which the king often took an active part. Henry "was at heart a lawyer, quite competent to criticise minutely the wording of a charter, to frame a new clause, and give his vice chancellor a lesson in conveyancing; quite willing, on the other hand, to confess that there were problems that he could not solve." (Vol. I. p. 138.)

But the judicial system does not attain its perfection until in its evolution the judicial office is wholly separated from the kingly office, and justice is administered solely by judges in the judicial courts. This result was not reached until the time, or about the time, of Edward I.; and, from the time it is reached, the English law becomes eminently the province of the lawyers. The beneficial consequences of the separate establishment of judicial courts constituted exclusively of judges need not here be referred to at large. It suffices now to observe that to this fact may be traced nearly all that constitutes the merits and value of our system of laws and jurisprudence, and that the difference between judicial courts constituted of judges and any form of legislative or governmental tribunal not constituted of judges, but of commissioners or other officials, by whatever name they may be called, is of vital moment to the rights and liberties of the people, and consequently to the public welfare.

The next chapter, the sixth, under the title "The Age of Bracton," treats of the growth of the English law from the reign of Henry III. to Edward I. It is one of the most instructive and interesting in the work. The authors' views of Bracton's remarkable production are exceedingly valuable, being the views of ripe scholars and profound and learned lawyers. The book seems to have been mainly written between 1250 and 1258. "Romanesque in form, English in substance,—this, perhaps, is the best phrase we can find for the outcome of his labours, the crown and flower of medieval jurisprudence."

Having brought down an account of the

growth of English law to the time of Edward I., the work examines in detail the rules and doctrines of the English law, civil and criminal, in relation to persons and property, as they existed in the age of Glanvill and Bracton, stopping at the time of Edward I., for reasons which the authors give. (Introduct. p. xxxiv.) We subjoin a brief table of the contents of the work.¹ These are reasons which, indeed, justify the line of division, but the work of Crabbe and Reeves cannot permanently meet the wants of our legal literature, and we trust it is not too much to hope that this want may yet be supplied by the authors of the present work. They have these great and essential qualifications: profound learning, professional experience, and last, but not least, literary and artistic sense and judgment.

John F. Dillon.

¹ Brief Table of Contents of Pollock and Maitland's History of English Law.

Volume I.

Introduction. Book I. Sketch of Early English Legal History. Chapter I. Anglo-Saxon Law. II. Norman Law. III. England under the Norman Kings. IV. Roman and Canon Law. V. The Age of Glanvill. VI. The Age of Bracton.

Book II. The Doctrines of English Law in the Early Middle Ages. Chap. I. Tenure. Tenure in General; Frankalmoin; Knight's Service; Serjeanty; Socage; Homage and Fealty; Relief and Primer Seisin; Wardship and Marriage; Restraints on Alienation; Aids; Escheat and Forfeiture; Unfree Tenure; The Ancient Demesne. II. The Sorts and Conditions of Men. The Earls and Barons; The Knights; The Unfree; The Religious; The Clergy; Aliens; The Jews; Outlaws and Convicted Felons; Excommunicates; Lepers, Lunatics, and Idiots; Women; Fictitious Persons; The King and the Crown. III. Jurisdiction and the Communities of the Land. The County; The Hundred; The Vill and the Township; The Tithing; Seigneurial Jurisdiction; The Manor; The Manor and the Township; The Borough.

Volume II.

Book II. (Continued). Chapter IV. Ownership and Possession. Rights in Land; Seisin; Conveyance; The Term of Years; The Gage of Land; Incorporeal Things; Movable Goods. V. Contract. VI. Inheritance. Antiquities; The Law of Descent; The Last Will; Intestacy. VII. Family Law. Marriage; Husband and Wife; Infancy and Guardianship. VIII. Crime and Tort. The Ancient Law; Felony and Treason; The Trespasses; Ecclesiastical Offences. IX. Procedure. The Forms of Action; Self-help; Process; Pleading and Proof. List of Abbreviations. List of Texts. Index.

Thayer's Cases on Constitutional Law.¹

Reviewed by Prof. Emlin McClain,
Chancellor of the Law Department
of the State University of Iowa.

[For review of parts 1 and 2, see page 343, Vol. 1, Law Book News.]

Parts III. and IV. of Prof. Thayer's collection of cases on constitutional law have appeared, completing the work which will hereafter be published in two volumes, the four parts having been issued from time to time as prepared for the use of his classes.

The general plan of the work was considered in a review of parts I. and II. (1 Law Book News, p. 343), and need not be again referred to. It will be sufficient here to very briefly notice the manner in which the plan has been carried out with reference to the subjects embraced in the last two parts of the book. These subjects are among the most interesting and practical, in the sense of being involved in present litigation, of any which are covered by the whole scope of constitutional law.

With reference to taxation, a large number of cases are given with reference to the relative powers in this respect of the federal and state governments, the requirement of public purpose, uniformity, etc. These cases cover in the main that portion of the subject of taxation which can be discussed generally without reference to the peculiar tax laws of the different states,—in short, the constitutional law of taxation, both state and federal. The subject of impairment of contracts receives attention in 250 pages, and that of regulation of commerce in all its phases in 400 pages, and on each of these subjects the pivotal cases are given.

It would be easy, of course, on any of these subjects, to call attention to cases of great interest which are not included; but criticism from that point of view would be unwise, as well as unjust. It will be readily conceded, when it is said that the whole work covers, exclusive of index and table of cases, over 2,400 pages, that as many cases have been given as a student can well be required to read, even in a course of study which gives the largest possible opportunity for the study of the subject; and the only question for consideration is whether subjects have received relatively the amount of space which their nature and importance requires, and whether under each subject the cases given are those which are the best suited for the purpose. From this point of view, there seems to be no room for adverse criticism,

but rather the highest commendation. And the examination of these two parts only confirms the opinions expressed in the review of parts I. and II., that the student will get a better fundamental knowledge, not only of what is the constitutional law, but also of the method in which questions of constitutional law are considered and decided, from reading these cases than from reading any treatise on the subject. For the lawyer and the judge who may be regarded as already educated upon the subject, condensation of the discussion in the cases into brief statements of established doctrine may perhaps be made, but for the student abstract statements are unsafe and misleading. He needs to know how the courts reason about constitutional questions, and that he can learn only from following their reasoning as they have set it forth in their opinions.

If any objection as to the selection of subjects and the relative importance given to them were to be ventured, it would perhaps be with reference to the treatment of the subject of due process of law as guaranteed in the bills of rights embodied in all state constitutions, and in the amendments to the federal constitution, especially in the fourteenth amendment. The index shows a long list of references to the subject throughout the four parts, but it seems that cases on that subject have not been collected into a special chapter. Doubtless, the cases bearing on the subject which are given under other headings sufficiently state the general doctrine, but its importance would perhaps have justified more detailed and consecutive treatment. It might, perhaps, be suggested also that the right of jury trial in both civil and criminal cases, the right to be prosecuted for the higher criminal offenses only upon indictment as still provided in most of the state constitutions and in the federal constitution with reference to proceedings of the federal courts, and some of the other incidents of criminal trials, might have received special attention. But, considering that the book is as large as it ought to be for the purpose intended, it is hard to point out any part that might have been advantageously abridged or omitted in order to make room for these subjects. The provisions as to *ex post facto* laws is fully treated, and beyond that it was perhaps not practicable to go into the consideration of provisions applicable specially to criminal procedure.

With reference to the work as a whole, it may be said in conclusion that the table of contents, the complete list of cases, showing not only where the opinions are given, but also where they are discussed in other cases, and the very complete index, make all portions of the book readily accessible.

Emlin McClain

¹ Cases on Constitutional Law, with Notes. By James Bradley Thayer, LL. D., Weld Professor of Law of Harvard University. Parts 3 and 4. Cambridge: Charles W. Sever, 1894.

OTHER OPINIONS OF NEW BOOKS.

The American Digest (Annual, 1894).

We poor provincials, accustomed to grumble at the delays and the verbosity of our own small reports, may well admire the enterprise and energy which in the fall of 1894 produce this Digest of contemporary American and Canadian decisions almost down to the date of publication. The Digest proper contains 4,907 pages of double column, and is distributed into 404 titles, dealing with between 50,000 and 60,000 decisions. The notes or rubrics are wonderfully intelligible. They are founded on the publications of the National Reporter System, one convenient feature of which is that the State court decisions are grouped into Atlantic, Pacific, Northeastern, Northwestern, etc., the Federal and Supreme Court volumes being separate. This immense body of law is, of course, in one sense useless in the United Kingdom; but the rapid and myriad-sided development of civilization in the United States makes the Digest instructive reading for all lawyers. Nowhere are the fundamental principles of private and public right more frequently "run to earth" than by the practical and sceptical citizens of the great Republic. Notwithstanding the professions of Hosea Biglow, it is reassuring to learn that it is still libelous to call a congressional candidate a "perjured villain." Perhaps the newspaper man was thinking of the old definition of a candidate as a man "who is standing, who wishes to sit, and who must lie." The decisions on the famous South Carolina Dispensary Law are duly noted. It appears that it is not criminal "to attempt to land Chinese laborers in a United States port." Neither Burmese nor Japanese are within the American Naturalization Laws, which are confined to white men and Africans. "No Monogolians need apply." Such titles as Constitutional Law, Divorce, Eminent Domain, Extradition, Electric Light Companies, Horse and Street Railroads, Literary Property, Municipal Corporations, etc., are full of interest.

—The Juridical Review. (Scotland).

Bradner on Evidence.

[See Contents, page 177, No. 6, Vol. 2, Law Book News, and a review by Hon. Adelbert Moot, on page 210 of this number.]

It cannot be denied that Mr. Bradner has given the profession in this volume an elementary work, clear in its statement and illustrations of the principles and rules of evidence, based upon a judicious selection from the best and latest authorities. The author

disclaims any expectation of supplanting the standard treatises of Greenleaf and Starkie, and yet for the modern practitioner this latest compilation on evidence will be found in some respects, even more satisfactory. The law of evidence has been developed in conformity with the development of modern judicial thought and many of the statements of rules by older authors, which were correct when written, are by no means an adequate exposition of the present state of the law.

It is a book of one hundred and eighty pages and is published by Callaghan & Company, Chicago. —Central Law Journal.

Dwight's Commentaries on the Law of Persons and Personal Property.

[See contents, on page 374, Vol. 1, and review by Prof. George Chase, on page 115, Vol. 2, Law Book News.]

This comprises the topics included in the author's lectures at the Columbia Law School, "immediately preceding the course on contracts." It is designed principally for the use of students, but it is so condensed that we suspect that in delivery the text must have been much amplified. Prof. Dwight had indeed a far greater faculty for oral than for written exposition, and those who remember his energetic manner, and capacity for creating interest in a dry subject, will miss something in looking over these pages. The book is marked by conciseness and accuracy, and the editor has added such late decisions and statutes as the lapse of time since its completion has made necessary.

—The Nation.

Johnson's Bliss on Code Pleading.

[See Contents, on page 306, Vol. 1, Law Book News, and a review by Prof. S. S. Cole, on page 214 of this number.]

To those interested in the subject, and that should include every progressive lawyer in the state, we would recommend a careful study of this edition of this standard work upon code pleading. It is conceded that no work upon the subject has ever excelled that of Professor Bliss; and no one is better qualified to edit and modernize it than Professor Johnson. The experience of the latter as instructor of that subject has given him a most thorough knowledge of it, and afforded him an opportunity to discover the inefficiencies of the former edition. Such few mistakes or deficiencies as could be found have been rectified and supplied in this edition. Professor Johnson has added some very valuable ex-

planatory notes which will assist materially in the understanding of the subject. The leading cases to which particular attention is called form a valuable feature. The text, while substantially preserved, has been put in far better form for rapid reading and quick understanding by the insertion of a short and terse statement of the principles contained in a paragraph, printed in black type, in a separate sentence immediately preceding the paragraph. He has also added quite a number of well-drawn forms, a notable deficiency of the former editions of the work. He has also added an entire new chapter upon "Extraordinary Legal Remedies." The table of contents, list of cases cited, and the index seem to be all complete. As a law-school text-book, for which it seems to have been specially designed, it will no doubt supersede all other works on the subject.

—Michigan Law Journal.

Judge Bliss' work has stood the test of sixteen years' use by practitioners in the code states, and is universally recognized as an authority. This new edition will therefore be heartily welcomed by the profession in those states. Mr. Johnson has added many valuable notes and annotations, and has enhanced the usefulness of the book by inserting a short and terse statement of the principles contained in each paragraph in black type in a separate sentence immediately preceding the paragraph, beside which the "leading cases" cited are printed in large type.

—Green Bag.

Thayer's Cases on Constitutional Law.

[See review by Prof. Emlin McClain, on page 218 of this number.]

The second part of Prof. James B. Thayer's "Cases on Constitutional Law" (Cambridge: Charles W. Sever) completes that important work (pp. 2,434), which is the most comprehensive and at the same time scientifically arranged collection on the subject in existence. This volume contains five chapters on the important topics of retroactive laws, the regulation of commerce, the impairment of contracts, money, and military law. The work is intended to be divided into two volumes. Careful directions to the binder will enable the possessor of the parts as published to have them thus suitably bound, and to avail himself of the excellent index, which almost atones for the omission of head notes, exacted of the author by the demands of the Law School. We say author advisedly, for the skillful linking together of the developed steps of each topic, and the copious annotation from all sources, give this book the character of an original work. Although primarily intended for law students, members of the bar will find the book a great repository of information. We only wish that a copy of it could form a part of every editorial library in America, and that a careful study of the chapters entitled "Taxation," "The Regulation of Commerce," and "War" might be obligatory upon the economic or military writers for every newspaper.

—The Nation.

BOOKS RECEIVED.

From Macmillan & Co., New York:

Goodnow's Municipal Home Rule.

From Rees Welsh & Co., Philadelphia, Pa.:

Ballard's Equity in Pennsylvania.

From D. Appleton & Co., New York:

Lombroso and Ferrero's The Female Offender.

From West Publishing Co., St. Paul, Minn.:

Clark's Criminal Procedure.

Tiffany on Sales.

Fetter's Illustrated Cases on Equity Jurisprudence.

Leading Text Books Published in 1895.

Abbott's Select Cases on Evidence..	6 00 net	Harlow on Sheriffs and Constables.	
Alderson on Judicial Writs and Process	6 00 net	2d Ed.	6 00 net
Black's Constitutional Law.....	3 50 net	Leavitt's Law of Negligence.....	6 50 del
Beach on Injunctions. 2 vols.....	12 00 net	Oliver's American Precedents in	
Beach on Insurance. 2 vols.....	12 00 net	Personal and Real Actions. 5th	
Bishop's Criminal Procedure. Vol.		Ed.	6 00 net
1. 4th Ed.	6 00 net	Pingrey on Real Property. 2 vols..	12 00 net
Bishop on Insolvent Debtors. 3d		Smith on Evidence.....	5 00 net
Ed.	6 50 del	Thompson on Private Corporations.	
Bradner's Rules of Evidence.....	5 00 net	6 vols	36 00 net
Clark's Criminal Procedure.....	3 50 net	Tiffany on Sales.....	3 50 net
Endlich on Building Associations.		Waples on Attachment. 2d Ed....	6 00 net
2d Ed.....	6 00 net	Williams on Executors. 3 vols.	
Fetter on Equity.....	3 50 net	7th Am. Ed.....	18 00 net

DIGEST

Of Articles on Legal Subjects in Current Periodicals, Annotations in Reports, etc.

List of Abbreviations and Publications Digested.

Abbreviations.	Name.	Published.	Prices of Single Numbers.
Abb. N. C.	Abbott's New Cases, Dossy Law Book Co., N. Y. City	Monthly.....	\$4.50 per vol.
Alb. Law J.	Albany Law Journal, Albany, N. Y.	Weekly.....	25c.
Am. Acad. Pol. & Social Science	American Academy of Political and Social Science, Philadelphia, Pa.	Fortnightly.....	\$6.00 per year.
Am. Banker.	American Banker, New York City.	Weekly.....	10c.
Am. Lawyer.	American Lawyer, New York City.	Monthly.....	10c.
Am. Law Reg. & Rev.	American Law Register and Review, Philadelphia.	Monthly.....	50c.
Am. Law Rev.	American Law Review, St. Louis.	Bi-Monthly.....	\$1.00.
Am. Prob. R.	American Probate Reports, Baker, Voorhis & Co., New York City.	Irregular intervals.....	5.50 per vol.
Am. R. & Corp. R.	American Railroad and Corporation Reports, E. B. Myers & Co., Chicago.	Irregular intervals.....	4.50 per vol.
Am. St. Rep.	American State Reports, Bancroft-Whitney Co., San Francisco	Bi-Monthly.....	Sold by subscription only.
Am. & Eng. Corp. Cas.	American and English Corporation Cases, Edward Thompson Co., Northport, Long Island, N. Y.		\$4.50 per vol.
Am. & Eng. R. Cas.	American and English Railroad Cases, Edward Thompson Co., Northport, Long Island, N. Y.		4.50 per vol.
Aust. Law T.	Australian Law Times, Melbourne, Australia.	Semi-Monthly.....	£3 3s. per yr.
Banking Law J.	Banking Law Journal, New York City.	Monthly.....	30c.
Barrister	The Barrister, Toronto, Can.	Monthly.....	\$2.00 per year.
Brief	The Brief, London, Eng.	Monthly.....	Sixpence.
Can. Law J.	Canada Law Journal, Toronto, Can.	Semi-Monthly.....	25c.
Can. Law T.	Canadian Law Times, Toronto, Can.	Monthly.....	50c.
Cape Law J.	Cape Law Journal, Grahamstown, Cape of Good Hope	Quarterly.....	\$1.50.
C. C. A.	U. S. Circuit Courts of Appeals Reports, West Pub. Co., St. Paul, Minn.	Irregular intervals.....	\$3.35 per vol.
Cent. Law J.	Central Law Journal, St. Louis.	Weekly.....	25c.
Chi. Law J.	Chicago Law Journal, Chicago.	Monthly.....	25c.
Chi. Leg. N.	Chicago Legal News, Chicago.	Weekly.....	10c.
Civil Proc. R.	New York Civil Procedure Reports, S. S. Peloubet, New York City.	Monthly.....	10c.
Collector	The Collector and Commercial Lawyer, Detroit, Mich.	Monthly.....	30c.
Counsellor	The Counsellor, New York City.	Monthly.....	30c.
Cr. Law Mag.	Criminal Law Magazine, Jersey City, N. J.	Bi-Monthly.....	\$1.00.
Green Bag	Green Bag, Boston.	Monthly.....	50c.
Guide	The Guide, Kalamazoo, Mich.	Monthly.....	10c.
Harv. Law Rev.	Harvard Law Review, Cambridge, Mass.	Monthly.....	35c.
Int. Jour. Eth.	International Journal of Ethics, Philadelphia, Pa.	Quarterly.....	45c.
Iowa Univ. Law Bul.	Law Bulletin of Iowa University, Iowa City, Iowa.	Monthly.....	25c.
Ir. Law T.	Irish Law Times & Solicitors' Journal, Dublin, Ire.	Weekly.....	1 shilling.
J. P.	Justice of the Peace, London, Eng.	Weekly.....	Sixpence.
Jurid. Rev.	Juridical Review, Edinburgh, Scotland.	Quarterly.....	\$1.00 per year.
Kan. Univ. Lawy.	Kansas University Lawyer, Lawrence, Kans.	Bi-Weekly.....	Sixpence.
Law Notes	Law Notes, London, Eng.	Monthly.....	5 shillings.
Law Quart. Rev.	Law Quarterly Review, London, Eng.	Quarterly.....	10c.
Law Student's Helper	Law Student's Helper, Detroit, Mich.	Monthly.....	Sixpence.
Law Students' J.	Law Students' Journal, John Indermaur, Chancery Lane, London, Eng.	Monthly.....	10c.
Law T.	Law Times, London, Eng.	Weekly.....	10c.
Lawy. Rep. Ann.	Lawyers' Reports Annotated, Lawyers' Co-operative Pub. Co., Rochester, N. Y.	Semi-Monthly.....	\$1.00
Leg. Int.	Legal Intelligencer, Philadelphia.	Weekly.....	10c.
Madras Law J.	Madras Law Journal	Quarterly.....	25c.
Med. Leg. J.	Medico-Legal Journal, New York City.	Monthly.....	25c.
Mich. Law J.	Michigan Law Journal, Detroit, Mich.	Monthly.....	25c.
Minn. Law J.	Minnesota Law Journal, St. Paul, Minn.	Monthly.....	25c.
Mont. Leg. N.	Montreal Legal News, Montreal, Can.	Monthly.....	25c.
Morr. Min. R.	Morrison's Mining Reports, Callaghan & Co., Chicago	Irregular Int'vals.....	\$5 per vol.
Nat. Corp. Rep.	National Corporation Reporter, Chicago.	Weekly.....	10c.
N. J. Law J.	New Jersey Law Journal, Plainfield, N. J.	Monthly.....	25c.
N. W. Law Rev.	Northwestern Law Review, Chicago.	Monthly.....	25c.
N. Y. Cr. R.	New York Criminal Reports, S. S. Peloubet, N. Y. City	Monthly.....	25c.
N. Y. Law J.	New York Law Journal, New York City.	Daily.....	05c.
N. Y. Law Rev.	New York Law Review, Ithaca, N. Y.	Monthly.....	25c.
Ohio Leg. N.	Ohio Legal News, The Laning Printing Co., Norwalk, Ohio.	Weekly.....	\$3.00 per year.
Pa. Law Series	Pennsylvania Law Series, Philadelphia, Pa.	Monthly.....	\$1.00.
Pittsb. Leg. J.	Pittsburgh Legal Journal, Pittsburgh, Pa.	Weekly.....	10c.
Political Science	Political Science, Boston, Mass.	Quarterly.....	\$2.00 per year.
Quart. Jour. Econ.	Quarterly Journal of Economics, Boston.	Quarterly.....	\$2.50 per year.
Rev. of Rev.	Review of Reviews, New York City.	Monthly.....	1 shill. and sixpence
Scot. Law Rev.	Scottish Law Review, Glasgow, Scot.	Weekly.....	25c.
Scot. Law T.	Scotts' Law Times, Edinburgh, Scotland.	Monthly.....	10c.
University Law Rev.	University Law Review, New York City.	Weekly.....	10c.
Va. Law R-g.	Virginia Law Register, Lynchburg, Va.	Monthly.....	20c.
Wash. Law R.	Washington Law Reporter, Washington.	Weekly.....	25c.
West. Res. L. J.	Western Reserve Law Journal, Cleveland, O.	Monthly.....	25c.
Wkly. Law Bul.	Weekly Law Bulletin and Ohio Law Journal, Columbus, Ohio.	Weekly.....	10c.
W. Va. Bar.	West Virginia Bar, Morgantown, W. Va.	Monthly.....	35c.
Yale Law J.	Yale Law Journal, New Haven, Conn.	Monthly.....	35c.

TOPICAL DIGEST.

N. B. The Classification of the American Digest is here used.

ANIMALS.

A short article on the liability of the owner of a vicious animal.—J. P. Republished in 29 Ir. Law T. 274.

Baggage.

— Of passengers, see "Carriers."

CARRIERS.

Rights and duties of carriers as to the personal luggage of their passengers.—99 Law T. 128.

A collection of decisions on laws regulating the sale of tickets by common carriers and preventing ticket scalping.—10 Am. R. & Corp. R. 459.

A collection of authorities on the liability of street railways for injuries to passengers.—10 Am. R. & Corp. R. 780.

Confession of Judgment.

— See "Judgment."

CONSTITUTIONAL LAW.

A short review of the New York constitutional convention.—By F. T. Hamlin. 4 Yale Law J. 213.

CONTRACTS.

A valuable article, with numerous notes, on conditions precedent or subsequent.—By F. M. Evarts. 51 Alb. Law J. 340.

CORPORATIONS.

A collection of authorities as to the effect of a misnomer of a corporation in deeds and contracts.—10 Am. R. & Corp. R. 655.

A collection of authorities on the liability of directors for failure to make statutory reports.—10 Am. R. & Corp. R. 602.

An article on the recent development of corporation law by the supreme court of the United States.—By George Wharton Pepper. 2 Am. Law Reg. & Rev. (N. S.) 296.

An article, with some authorities, on stockholders, their statutory liability, and the remedy of creditors.—By Willis L. Hand. 40 Cent. Law J. 492.

A valuable essay on the doctrine of public policy as applied to ownership of real estate by foreign corporations.—By Arthur M. Alger. 9 Harv. Law Rev. 91.

COURTS.

An interesting review of the decision of Judge Goff in the case of *Wadley v. Blount*, 65 Fed. 667, restraining the officers of a state from prosecuting one of its citizens for a

criminal violation of its laws, the validity of which is not questioned.—By James A. Walker. 1 Va. Law Reg. 79.

Crime.

— As causing dissolution of marriage, see "Divorce."

CRIMINAL LAW.

— The relations of husband and wife, see "Husband and Wife."

— Restraining commission of crimes by injunction, see "Injunction."

An article on hypnotism and the law read before the section on "Medical Jurisprudence" of the American Medical Association of Baltimore, Md.—By Clark Bell. 6 Chi. Law J. 336.

An interesting article on the reclamation of the criminal under the improved present system.—99 Law T. 154, 184.

An interesting article on the amendments of the law of evidence in criminal cases now proposed by the act of parliament for the present year.—99 Law T. 103.

A short article, with authorities, on the law of commitments.—By Lewis Hochheimer. 40 Cent. Law J. 471.

DEATH BY WRONGFUL ACT.

An interesting review of the right of action for injuries causing death under Lord Campbell's Act.—By George S. Holmsted. 15 Can. Law T. 117.

Deed.

— Misnomer in, see "Corporations."

Directors.

— Of corporations, liabilities of, see "Corporations."

DIVORCE.

An article on the dissolution of marriage by sentence for crime, with reference to a recent decision by the supreme court of Wisconsin (*State v. Duket*, 63 N. W. 83).—13 N. Y. Law J. 630.

EASEMENTS.

A continuation of a valuable article on the law as to private rights of way appendant to land.—By Charles H. Collins. 2 Ohio Leg. N. 524.

EMINENT DOMAIN.

A collection of authorities as to the determination of the question of public use, and of the necessity of the taking.—42 Am. St. Rep. 406.

EQUITY.

A collection of authorities on the jurisdiction of equity in the protection and enforcement of political rights.—42 Am. St. Rep. 234.

ESTATES.

A valuable article on the liability of the reversioner and occupier for damage to other persons by reason of the defective condition of the demised premises.—99 Law T. 186, 209.

Evidence.

— In criminal cases, see "Criminal Law."

FENCES.

A short article on the law in relation to fences.—By Frank E. Robson. 4 Mich. Law J. 175.

A valuable article on the law of fences.—By R. M. MacDonald. 15 Can. Law T. 149.

FRAUDS. STATUTE OF.

A collection of authorities on the effect of the statute of frauds on contracts of indemnity.—42 Am. St. Rep. 186.

GAME LAWS.

A collection of decisions arising in the prosecution of offenses against the game laws.—42 Am. St. Rep. 138.

HOMICIDE.

A short article on the nature of the limitations of the right of self-defense.—13 N. Y. Law J. 768.

Horse and Street Railroads.

— See "Carriers."

— Use of streets, see "Municipal Corporations."

HUSBAND AND WIFE.

An interesting article on the relation of husband and wife in the criminal law.—By J. S. Erwin. 17 Cr. Law Mag. 269.

Hypnotism.

— See "Criminal Law."

Indemnity.

— As affected by the statute of frauds, see "Frauds, Statute of."

INJUNCTION.

—Restraining officers from prosecution of criminal offense, see "Courts."

An article on the right to restrain the commission of crimes by injunction.—By Carl S. Andrews. 3 N. W. Law Rev. 219.

INTEREST.

A short article, with numerous English citations, on the right to interest on legacies.—99 Law T. 105.

INTERNATIONAL LAW.

An article on the redemption of the private property of the enemy from capture in a maritime war.—By William S. Ellis. 34 Am. Law Reg. 313.

JUDGMENT.

— For taxes, see "Taxation."

An interesting article, with numerous English citations, on judgments by consent.—Sol. J. Republished in 29 Ir. Law T. 271, 295, 307, 316.

JURY.

An article on the right of trial by jury when common-law counterclaims are interposed in mechanics' lien actions, with reference to the decision of the appellate court of Indiana (Reichart v. Krass, 40 N. E. 706).—13 N. Y. Law J. 710.

A collection of authorities as to the power of the jury as judges of the law and facts.—42 Am. St. Rep. 290.

LANDLORD AND TENANT.

A collection of authorities on the duty of a landlord to keep in repair the hall and passageways of offices and apartment buildings.—6 Chi. Law J. 327.

A short article on the warranty of fitness as implied from the lease for particular purposes with reference to the recent decision of the supreme court of West Virginia (Clifton v. Montague, 21 S. E. 858).—13 N. Y. Law J. 678.

Legacies.

— Interest on, see "Interest."

LIBEL AND SLANDER.

An interesting article on the effect of retraction in an article for libel with reference to the recent case of Davis v. Marxhausen (Mich.) 61 N. W. 504.—34 Am. Law Reg. 328.

Marriage.

— When dissolved by sentence for crime, see "Divorce."

MASTER AND SERVANT.

A collection of recent authorities as to the liability of railroad companies for accidents to employes.—10 Am. R. & Corp. R. 309.

A short review of the opinion rendered by the supreme court in the Debs Case, and the opinion of Judge Holmes, of Massachusetts, in the case of Walker v. Cronin, 107 Mass. 555.—40 Cent. Law J. 507.

A valuable article, with numerous authorities, as to the law in relation to an employer's liability for his servant's negligent injury of one who, having an interest in the operation, assists in it, with reference to the case of Welch v. Maine Cent. R. Co. (Me.) 30 Atl. 116.—34 Am. Law Reg. 337.

MORTGAGES.

A collection of authorities on the effect of a provision in the mortgage that the whole debt might be declared due on default in payment of an installment.—By Samuel Maxwell. 40 Cent. Law J. 513.

MUNICIPAL CORPORATIONS.

A collection of authorities as to the power of a municipal corporation to grant the use of a street for a private purpose.—10 Am. R. & Corp. R. 718.

A collection of recent decisions as to the distinction in the use of streets by street railroads and commercial railroads.—10 Am. R. & Corp. R. 35.

NUISANCE.

A valuable article on the right to injunction to restrain the acts of two or more persons which, taken together, may constitute a nuisance, though the act of any one of them, if taken alone, would not amount to a nuisance.—J. P. Republished in 29 Ir. Law T. 306.

PARTNERSHIP.

A review of the decision in Illinois in relation to the rights and duties of a surviving partner.—By E. A. Harriman. 3 N. W. Law Rev. 235.

Passengers.

— Injuries to, see "Carriers."

POWERS.

An interesting article on the subject of appointment under powers.—Law Notes. Republished in 29 Ir. Law T. 272.

Public Policy.

— See "Corporations."

RELIGIOUS SOCIETIES.

A continuation of a valuable series of articles on the church and the law.—29 Law T. 127.

SAFE-DEPOSIT COMPANIES.

A review of the law of safe-deposit companies.—By Thomas K. Cummins, Jr. 9 Harv. Law Rev. 131.

SALE.

A valuable article on contracts for the sale of goods and matters incidental thereto, with special references to the codification of the sale of goods act of 1893 (56 & 57 Vict. c. 71).—By John Indermaur. 17 Law Students' J. 120.

A valuable article, with numerous authorities, on the risk of loss after an executory contract of sale in the common law.—By Samuel Williston. 9 Harv. Law Rev. 106.

Self-Defense.

— See "Homicide."

SHIPPING.

A collection of authorities on the powers, rights, and liabilities of part owners of vessels.—42 Am. St. Rep. 753.

Stockholders.

— Statutory liability, see "Corporations."

TAXATION.

A collection of authorities on the right to recovery of a personal judgment for taxes.—42 Am. St. Rep. 655.

A collection of authorities on the right to recover money paid at a void tax sale.—42 Am. St. Rep. 538.

TELEPHONE COMPANIES.

A valuable article on the law of the telephone.—By Herbert H. Kellogg. 4 Yale Law J. 223.

Trial by Jury.

— See "Jury."

TROVER AND CONVERSION.

A collection of authorities on the effect of a judgment for the value of the property as vesting title in defendant.—42 Am. St. Rep. 432.

LAW BOOK NEWS.

A Monthly Review of Current Law Literature and Journal of Legal Bibliography.

Terms of Subscription: \$1 a Year; Single Copies, 10 Cents.

VOL. 2.

ST. PAUL, MINN., AUGUST, 1895.

No. 8.

Thompson on Corporations.

THIS issue of the News has rather the appearance of a "Seymour D. Thompson Number." Judge Thompson's great work on Corporations has seemed to us a publication of such unusual significance and general interest as to warrant us in giving a large allowance of space to descriptive and critical notices of it. This great treatise is the crowning achievement of a lifetime largely devoted to legal literature, and the name of Seymour D. Thompson, for many years familiar to the legal profession of this country through the many and various publications of that learned and indefatigable writer, will henceforth be chiefly known as that of the leading authority on the law of Private Corporations. The first three volumes of Thompson on Corporations are reviewed for our subscribers in this number by Hon. Simeon E. Baldwin, of the supreme court of Connecticut and of the Yale Law School, himself a recognized authority on the subject. In our "Other Opinions" will be found in extenso the comments of Hon. John F. Dillon, perhaps the leading corporation counsel of this country; but the "other opinions" of Judge Thompson's great work, so far as they have come to our notice, are essentially the same,—that it is a masterpiece of industry and learning.

The space given to this treatise in the present number of the News has crowded out several valuable reviews of other recent law books, and other interesting matter which we have in type. This, however, is merely postponed, and will get around to our readers next month.

The Law of the Bicycle.¹

BOTH the wheelman and the lawyer—and certainly the person who is both—will find much to interest, something to instruct,

¹ Road Rights and Liabilities of Wheelmen. By George B. Clementson, of the Wisconsin Bar. One volume, 200 pp. Law sheep, \$1.50. Chicago: Callaghan & Co. 1895.

v.2L.B.N.no.8—15

and a little to amuse him in a bright little volume recently issued under the title, "Road Rights and Liabilities of Wheelmen," which the author, Mr. George B. Clementson, of the Wisconsin bar, dedicates to the "Devotees of Terrestrial Flight in its most Exhilarating Form,"—a dedication which renders superfluous the subsequent statement that he is himself a wheelman. The phenomenal increase in the number of wheelmen during the past few years, and the fact that a large majority of them are more familiar with the delights of wheeling than with the laws governing their rights and fixing their duties and liabilities while so engaged, form a sufficient apology for a book of this nature. Its scope and purpose may, to some extent, be gathered from the table of contents and extracts from the preface published in the July number of the Law Book News (page 209). The book is, practically, a plain, clear and thorough treatise on the law of the road, setting forth the rights, duties, and liabilities of the wheelman in common with those of persons using vehicles of any other kind; for the decisions in the few bicycle cases that have reached courts of last resort have finally determined the status of the bicycle to be the same as that of other vehicles used upon the road: about 350 English and American cases are cited.

The work is written in a semi-jocose style rather unusual in legal treatises, but making it readable and entertaining. The final chapter contains a number of legal maxims which wheelmen are advised to remember, and with them is given not a little wholesome advice, couched in the broad humor which adds life to many parts of the volume. A few selections from this chapter may not be out of place here:

"Actus Dei nemini facit injuriam." The act of God does no man injury. When you are injured, and negligence is imputable to no one, you will probably (if you reflect long and earnestly upon your past life) remember you once carelessly collided with a portly and inoffensive citizen in a checked suit and spats. You may

also remember that he wore a tall hat (before the mix up). It is further barely possible that you may remember a few of the gentleman's hearty wishes for your future success. If you do, you should accept your injury as proof that your admirer's prayers for your safety have been heard. Don't blame the man in the checked suit. It is all in accordance with the two great laws of equalization and retribution.

In looking around for some one on whom to draw down the blight of the law's displeasure, and in seeking for some one to come forth with the wherewithal to compensate you for your sufferings, remember—"Qui facit per alium facit per se." He who does a thing by another, does it himself. The town's officers and agents represent the town; a man's servants and agents often represent the man. In many cases where the servant, agent, employé, is liable unto you in damages, the principal, as the instigator of their acts, may also be liable. But don't expect to recover from any one for an injury sustained by you while riding your wheel without touching the handle-bars and flirting with a milk-maid in a red sunbonnet on the other side of the fence.

In all cases where you claim damages from somebody for injuries you have received as the result of that somebody's negligent conduct, bear in mind—"Non remota, sed proxima causa, in jure spectatur." It is not the remote, but the immediate (proximate) cause that the law looks at. With this in mind, don't sue the author of "Ta-ra-ra-boom-de-ay" because he wrote a song that was sung by a man, who thereby scared a team, which ran away, and, colliding with you, demolished your machine, broke two of your ribs and fractured your clavicle. The thing to do in such a case is, first, get a doctor; second, get well; third, retain an attorney to sue somebody who had a real and causal connection with the injury, or don't sue at all."

The volume concludes with an appendix containing the full opinion of the court in two recent and important cases involving the law of highways, etc.: *Thompson v. Dodge* (Minn.) 60 N. W. Rep. 545, and *Macomber v. Nichols*, 34 Mich. 212.

Law Book Dedications.

BETWEEN the title page and the preface, where the publisher and the author respectively make their formal announcements to the world, there is a page which custom has set apart for an expression of that personal element which for the most part is sternly barred out of the rest of the book. The legal sage generally prefers to wear a mask, and finds good precedents in the Greek actor, the Veiled Prophet, oracles innumerable and the great editorial "We."

But on this page he drops into the mere mortal, and permits the world a glimpse into his friendships, sometimes even into his affections.

Doubtless this custom of formally expressing the fact that the book had been dedicated upon its publication originated in the days when an author was glad to be "patronized" by some great man and to eke out the poor bargain he made with his publisher by accepting the honorarium which the great man was willing to bestow in consideration of the distinction (the advertisement, we would call it nowadays) of having his name connected with the latest work of genius. The profound humility and obsequiousness of genius in acknowledging the gracious patronage of the man who had a pension within his gift cast a significant and somber light upon the relations existing between the several human orders in the past. When genius came to learn enough of the ways of business to arrange for a royalty, it ceased to be dependent upon the benefactions of the mighty, and the valuable dedicatory page was given over, with what relief we can imagine, to the expression of respect and admiration for which no pecuniary returns were expected. In the modern law book, the dedication perhaps serves chiefly to show how prettily the author can turn a phrase and how symmetrically the compositor can arrange it on the printed page. Yet there certainly is a compliment in it also, and the custom is worth preserving in this age of scant courtesy. To the outside public, the dedicatory page is often the most interesting, though probably not the most instructive, of the entire book.

Perhaps as general, and generous, a dedication as any is that in Alderson's *Judicial Writs and Process*, recently published:

To the Lawyer, whoever and wherever he may be, this treatise is sincerely inscribed, appreciating that he merits the tribute uttered by that eminent jurist, Honorable David J. Brewer, whose name it is a pleasure here to mention, thus eloquently expressed on a memorable occasion:

While it is cheap wit for many to say sneering things of our profession, yet, if you strike from Anglo-Saxon history the thoughts and deeds of her lawyers you rob it of more than half its glory. Blot from American society of to-day the lawyer with all the work that he does and all the power that he exerts, and you leave society as dry and shifting as the sands that sweep over Sahara. For the mystic force that binds our civilization together and makes possible its successes and glories in the law, and

they who minister at its shrine and keep alive its sacred fires, are you and I that vast multitude of our co-workers who boast no higher title than that of lawyer.

But as a rule the inscription is more specific as to the beneficiary.

Examples of the Dedication of Compliment are most frequent. A hasty examination of a shelf-ful of late books yields the following:

Jones on Corporate Bonds & Mortgages,—

"To the Honorable John F. Dillon, LL. D., Judge of the Circuit Court of the United States, in testimony of the esteem which the author shares with the profession for his judicial opinions and legal writings upon the subjects here considered, this treatise is inscribed."

Norton's Bills & Notes,—

"To Adelbert Moot, in recognition of his care and devotion to the interests of the Buffalo Law School, this book is inscribed."

Randolph on Eminent Domain,—

"To Cortlandt Parker, the honored leader of the New Jersey Bar."

Pagin's Precedents & Forms,—

"To the Honorable William G. Ewing, judge of the superior court of Cook County, Illinois, but for whose disinterested kindness to a young lawyer at the outset of his career it would never have been written, this volume is most respectfully inscribed."

Clark's Criminal Law,—

"To the Honorable Holmes Conrad, of Winchester, Va., Assistant Attorney General of the United States, in recognition of his learning in the law, and of his courteous and distinguished bearing at the bar, this book is respectfully inscribed."

Spelling on Private Corporations,—

"To Hon. Stephen M. White, of California, who, whether in official or professional life, or as a champion of popular sovereignty, has ever proven himself faithful to every trust, loyal and courageous in advocacy of public justice and in defense of private right, and in all qualities unexcelled as a type of intellectual American manhood, this work is respectfully dedicated by the author."

Spelling on Extraordinary Relief,—

"To Arthur Rodgers, of the San Francisco Bar, than whom there is no higher type of the honorable and successful lawyer, this work is respectfully inscribed by the author."

Endlich on Building Associations,—

"To George F. Baer, Esq., of Reading, Pa., in cordial acknowledgment of his integrity as a man, his kindness as a friend, and his genius as a lawyer, this work is dedicated."

Perhaps no one man has had a greater number of these compliments than Judge Cooley. This one shelf yields for him a whole bouquet.

Cook on Stock & Stockholders,—

"To the Honorable Thomas M. Cooley, LL. D., Professor, Author and Judge, whose pre-em-

inent ability, untiring research, profound learning and exalted character have secured for him an imperishable fame as a jurist, under whose instruction the author acquired a desire to search out and master the principles of the law, this work is respectfully dedicated."

Kinney on Irrigation,—

"To the Hon. Thomas M. Cooley, LL. D., who eminently adorns American jurisprudence in the capacity of Judge, Author and Teacher, and in each of which he has no superior, this work is dedicated as an expression of admiration and respect, by one who has enjoyed the good fortune of being both his pupil and friend."

Cogley on Strikes,—

"In common with all other law students who have had both the honor and privilege of hearing the law lectures of Thomas M. Cooley at the University of Michigan, I early contracted the reverence for him that a son has for his father, and stood in awe of his legal learning. I am happy that I can place the testimonial of my profound respect for him in a permanent form, but at the same time am chagrined that the bearer of it is not worthy of so great a lawyer and so distinguished a citizen. It is therefore with trepidation that I lay this unpretentious contribution to law literature at the feet of the great jurist."

Beach on Public Corporations,—

"To the Hon. Thomas M. Cooley, LL. D., in token of the author's esteem and admiration, these volumes are cordially and respectfully dedicated."

Rogers' Expert Testimony,—

"To the Honorable Thomas M. Cooley, LL. D., Chairman of the Interstate Commerce Commission, this book is inscribed, in appreciation of his friendship and the virtues of his private life, as well as in recognition of his eminence as a jurist and his fame as a judge."

Often the dedication leaves the stately language of professional compliment to express simply, and with the eloquence of earnestness only, the familiar affection which had been the inspiration of the work.

Shipman's Common-Law Pleading,—

"To my father, William D. Shipman, one of whose first successes at the bar was due to his thorough knowledge of Common-Law Pleading, this book is inscribed."

Bacon's Benefit Societies,—

"These volumes are affectionately inscribed to my brother, Edward Bacon, of Niles, Michigan, whose integrity, clear intellect, and studious habits have made him a successful lawyer. I spent a happy period of my life reading law in his office, and the memory of his example and precepts will ever be cherished. F. H. B."

Jones on Liens,—

"To the memory of my father, Augustus Appleton Jones, this treatise is affectionately dedicated by the author."

Loveland's Forms of Federal Procedure,—

"To my father, David Andrew Loveland, this book is dedicated as a token of filial love and affection."

Moore on Extradition,—

"To the memory of my mother, this book is inscribed."

And sometimes the inscription is so intimate and tender that only the fact of the author's publication of it justifies its repetition here.

Robinson's Forensic Oratory,—

"In memoriam A. E. R., the last of whose life-long labors with and for the author, this volume contains."

Thompson's Private Corporations,—

"To L. A. T. Save for the two years during which the final preparation of the manuscript of this work has withdrawn me from your society, you have been the companion of this and of my other literary labors. I can trace on almost every page of my works in the law, the record of your intelligent, patient, and loving assistance. I obey the first impulse of my heart in reserving this page for a public acknowledgment to you; knowing that, however much you may shrink from publicity, it will be gratifying to our children that your name is linked with mine, as your life and fortunes have been, on a page of the most important, and, I trust, the most permanent, of my published works. Let us trust that it shall be to them like an inscription on a monument, inciting them to honorable endeavor, long after we shall have 'passed to where, beyond these voices, there is peace.'"

Leavitt's Law of Negligence,—

"To my wife."

Dillon's Laws and Jurisprudence of England and America,—

"A. P. D.—The years of professional studies, circuit journeyings, and judicial itinerancies, whereof this book is in some measure the outcome, as well as the time required for its preparation, have been taken from your society and companionship. The only reparation possible is to lay these imperfect fruits upon your lap. As to you, indeed, they justly belong, this formal dedication serves alike to accredit your title and to manifest my grateful sense of obligation and affectionate regard."

Sometimes the dedicatory page is left blank so far as the world can read. Yet doubtless the inscription is there, written in invisible ink which comes out under the light of loving eyes. For perhaps no true book was ever written without the thought of One Reader among the many being woven into it.

Barbecuerious.

THE governor of Kentucky has recently had an opportunity to exercise the official clemency, which is one of the compen-

sating privileges of the gubernatorial office, to rescue from the meshes of the law "a noble African martyr to Democratic thirst," as the Louisville Courier-Journal describes the victim. From the report in the Courier-Journal, it appears that at a barbecue last July the attorney general of Kentucky, who was one of the speakers, by assurances, promises, pledges, and a tender of 20 cents, induced one George Williams, a colored person, to procure for him a bottle of beer. This being in violation of the Fleming county prohibition law, the said George Williams was brought before the county judge, and fined \$100. Being unable to pay the fine, he was incarcerated in the Fleming county jail on March 1st. His hard fate appealed to the generous sympathies of Hon. Theodore F. Hallam, of Frankfort, and the following petition was by him placed in the hands of the governor:

"Frankfort, Ky., March 23, 1895.

"In re George Williams, convicted under Fleming Liquor law.

"To the Governor:

"If I seem intrusive in a matter which does not concern me, please pardon me; if not, pray pardon the above named.

"His offense seems to have consisted only of conveying a bottle of beer to the chief law officer of the Commonwealth.

"It is possible that the chief law officer, returning to his desolated old home, bereft of beer, was athirst as Ishmael in the wilderness, and that the colored convict above named came, as came the angel to Hagar (not John F.), to save the life of the chief law officer. Now, think of an indictment against the angel for furnishing water contrary to the common law of the desert, where water is prohibited. Shocking. Even great Caesar cried in agony, 'Give me some drink. Titinius.'

"Then, again, the colored convict may have been a mere agent of the chief law officer in the performance of the latter's duty. You remember that Dr. Parkhurst went into the vilest slums of New York and witnessed, with disgust, the most abandoned strippings and the wildest orgies, verifying vision by touch solely to acquaint his soul with sin in order that he might crusade effectively against it.

"Quite recently in Cincinnati Rev. Dr. Pelton and Rev. Dr. Robertson, on a Holy Sabbath morning just before divine services went—with like benevolence and kindly purposes—into a saloon and called for beer and cigars, and swigged the one and sucked the other, only to make sure they were real and not mere ingenious confectionery imitations, and

then holly went forth in the spirit of their divine Savior and got a cop to arrest the culprit who provided their refreshment.

"It is said that those saintly gentlemen in their zeal even paid for the refreshments instead of holding up their fingers.

"Now is it not possible that the chief officer of the law was zealously desirous, like Dr. Parkhurst, of acquainting himself with the manner of violating law, or, like Drs. Pelton, etc., of ascertaining whether it was really violated and whether the beer was real, at the same time renewing the strength which his duties to the State required?

"Furthermore, when the chief officer of the law renders an opinion it is the duty of all to respect it 'so long and so far as not declared void by the supreme court'—as our oaths of allegiance used to say concerning the lamented Lincoln's proclamations. Then if he gave an opinion to this colored convict concerning the furnishing of a bottle of beer, would it not have been in the nature of lese majeste if the C. C. had disrespected it?

"Mark, please, that nothing had been declared void by the supreme court, and I doubt if anything in the transaction can be declared void except this conviction—and the bottle.

"Most respectfully I submit that, in the absence of adjudication by the highest court, the Attorney General's opinion—that he needed beer—ought to prevail, and that it is not a crime—that is to say—well—no, not exactly a crime—to act upon the Attorney General's opinion.

"Therefore I petition for pardon for the one and only person who ever so acted, assuring you that such a thing is not likely to happen again. And as in duty bound, etc.,
"T. F. Hallam."

The following is the indorsement on the back of the papers, written in the governor's hand:

"A distinguished Kentucky official was furnished a bottle of beer by an American citizen of African descent, bearing the name of Williams, to soothe his fatigue after the delivery of an able and most eloquent speech on the public issues of the day. For having supplied the needed and innocent beverage, for which he received as compensation only the small sum of twenty cents, he now languishes in jail for the nonpayment of a fine of \$100, imposed for the violation of the prohibition law of Fleming county. Williams has been imprisoned since the first day of March, and I think he has been sufficiently punished. I will grant a remission of the judgment, being moved thereto by the classic and pathetic appeal of Hon. Theo. F. Hallam, which is filed with the papers of the case.
"John Young Brown."

Announcements.

[Publishers and others are invited to send news regarding law writers and law books, and any items of interest to legal bibliography.]

Effingham Wilson & Co. (London) will publish, during the autumn, a treatise on Copyright, from the pen of D. Chamier.

Matthew Bender (Albany) announces that volume 4 of American Electrical Cases will be issued soon. Volume 3 was published in July.

Stevens & Sons have in press a new (sixth) edition of Palmer's Company Precedents, revised by F. B. Palmer and Charles Macnaghten.

Stevens & Sons announce as in preparation a new (second) edition of "The Student's Equity," by A. Gibson and A. Weldon. It will be published early in the autumn.

Stevens & Haynes announce as nearly ready a new (seventh) edition of Baldwin's "Bankruptcy and Bills of Sale," revised and enlarged by the author, Edward T. Baldwin.

"The profession will be delighted to hear that a Digest of English Cases from 1891-1895 will appear in the spring of 1896. This will bring the existing Digests from 1865 down to the end of 1895."—Law Notes.

The Carswell Company (Toronto) has in press a second edition of "Howell's Probate Practice," revised and enlarged by the author, Alfred Howell. It is said that the work has, for the most part, been rewritten.

The West Publishing Co. will issue during this month Clark's Criminal Law Cases, volume 67 Federal Reporter, volume 63 Northwestern Reporter, volume 31 Southwestern Reporter, and Books 15 and 16 of the Federal Cases.

Stevens & Sons (London) announce as in preparation a new (third) edition of Roscoe's Admiralty Practice; Lowndes' Treatise on Marine Insurance; Odgers' Digest of the Law of Libel and Slander; and Robbins on the Law of Mortgage.

Among the announcements of the West Publishing Co. for September are Dembitz on Land Titles, Dos Passos on Collateral In-

heritance Tax, volume 2 of the Southwestern Digest (covering volumes 21-30 of the Southwestern Reporter), and the four Hornbooks which were announced for publication in August.

Matthew Bender (Albany) announces as in press, to be issued in September, Hale's Bank Laws, arranged by Charles Roswell Hall. The volume will consist of two parts, the first being given up to the New York State Banking Law and supplemental laws, and the second, to the National Bank Act and amendments thereto.

The West Publishing Co. will soon issue a new (second) edition of the treatise on the Collateral Inheritance Tax by Mr. B. F. Dos Passos of New York City. The first edition was issued in 1890, but the development of the subject, as shown in the increasing legislation for the taxation of estates, makes this revision and enlargement of the only American text-book on the subject timely and expedient.

Mr. W. L. Clark's Criminal Law Cases, published this month, is intended as a companion volume to the author's well-known manual of Criminal Law in the Hornbook Series. It contains the full text of about 130 cases, with full annotations, and a digest or condensation of about 500 other cases. The collection gives in very convenient form the leading authorities, English and American, on all the most important questions in Criminal Law, and will be of equal value to the practitioner and the student of law.

Under the title "Confederation," the Carswell Company (Toronto) will soon bring out a volume of hitherto unpublished documents relating to the British North American Act, containing the minutes of the proceedings, the discussions, and the resolutions of the Confederation Conferences held at Quebec and London. The various drafts of the British North American Bill are given, together with much other interesting matter of a similar nature. The work was compiled by Joseph Pope. It will be valuable mainly as an aid in the study of the Canadian constitution.

The West Publishing Co. has in press for immediate publication Dembitz on Land Titles in the United States. This is a two-volume treatise by the author of a work on Kentucky Jurisprudence which has become almost a classic in that state. The characteristic feature of Mr. Dembitz's treatise is that

it deals exclusively with the validity of titles to land,—considered, as to whether they are marketable or the contrary. Other subjects usually treated in books on real property—tenures and estates, easements, personal covenants, and obligations—are either treated incidentally by way of introduction or omitted; and the space gained admits of very full treatment of titles as derived from the United States or from grants of its predecessors, etc. Exhaustive discussion is given to transfers and incumbrances of all kinds, not only by deeds and mortgages, wills, descent, etc., but, as equally important, the effect of adverse possession, the operation of statutes of limitation, or of judgments, judicial sales, etc., taxation and tax sales, and, in general, all the involuntary transfers and incumbrances of real property, as well as those resulting from the owner's "act and deed." The work is intended throughout as a practical tool for the lawyers engaged in the examination or trial of titles to land, and will occupy a distinct and important place in the library of real property law books.

Law Book Notes.

A new (sixth) edition of "Ringwood's Principles of Bankruptcy" was issued in June by Stevens & Sons.

Wood & Childers' treatise on the "Stamp Laws of Victoria" is a recent publication by the Australian Law Times.

A recent publication of Stevens & Sons is a "Digest of the Law Relating to District Councils," prepared by G. F. Chambers.

A treatise on Banking Law, prepared by William Wallace and Allan M'Neil, was published in June by Green & Sons, Edinburgh.

A Digest of British and Foreign Patent Laws, prepared by A. J. Boulton, has recently appeared from the press of Bemrose, London.

A new (sixth) edition of Pollock's Digest of the Law of Partnership, by Sir Frederick Pollock, has recently been issued by Stevens & Sons.

A new (third) edition of "The Law of Copyright in Works of Literature and Art," by Walter Arthur Copinger, has been recently issued by Stevens & Haynes.

A new (second) edition of Beven's Principles of the Law of Negligence, rewritten and rearranged by the author, T. Beven, was issued by Stevens & Haynes last month.

Parson's "Pocket Code of Civil Procedure" (New York) has just been issued by H. B. Parsons (Albany). This volume contains all the amendments to the Civil Code, and decisions down to and including Vol. 145 N. Y.

The Electors' Manual for Scotland, a handbook defining the rights, privileges and disabilities of Parliamentary Electors, prepared by J. B. Douglass, has recently appeared from the press of Wm. Green & Sons (Edinburgh).

The Municipal Index, an alphabetical digest of the provisions of the Ontario statutes relative to municipal corporations, prepared by Allan M. Dymond, has recently appeared from the press of the Carswell Company (Toronto).

Volume 3 of the District Reports, comprising cases decided in all the judicial districts of Pennsylvania, has been issued by the publisher, Edward P. Allison (Philadelphia). The opinions are reprinted from the Legal Intelligencer.

The Chicago Legal News Company has recently published a volume containing the acts passed by the 39th general assembly of Illinois, with headnotes and references to the revised statutes of 1893, arranged by James B. Bradwell. A complete list of the acts included is given in the Chicago Legal News for July 6.

Volume 3 of American Electrical Cases, edited by William W. Morrill, was published by Matthew Bender (Albany, N. Y.) last month. This volume contains 108 cases, with annotations, covering 596 pages. Of the cases reported, but 42 are telegraph cases, the remaining 66 growing out of other practical applications of electricity.

The West Publishing Co. put forth in July the Southeastern Reporter Digest (covering volumes 1 to 20 of the Reporter), Glenn's International Law, of the Hornbook Series, Fetter's Equity Cases, volume 21 Southeastern Reporter, volume 33 New York Supplement, volume 40 Northeastern Reporter, and Books 13 and 14 of the Federal Cases.

Among the recent publications of Sweet & Maxwell are the following: "A Guide to the

Mining Laws of the World," by Oswald Walmsley; "The Law of Property, including Its Nature, Origin, and History," by R. A. Nelson; "The Corrupt and Illegal Practices Prevention Act of 1883" (second edition); and "Lindley on Partnership" (sixth edition).

A new (eighth) edition of Morgan's Digest of the United States Tariff and Customs Laws, revised down to the adjournment of congress, March 4, 1895, by Samuel F. Morgan, William H. Masson, and Charles H. Morgan, has just been published by Samuel F. Morgan & Co., Baltimore. This work has been before the public in its several editions for 24 years.

"A Guide to Constitutional Law and Legal History," by John Indermaur and Charles Thwaites, is the latest addition to the list of students' "guides" prepared by these two authors. It contains (1) general advice on the details of reading; (2) test questions on Dicey's Constitutional Law; (3) a chronological table of English rulers; and (4) a digest of questions and answers. Geo. Barber (London) is the publisher.

The following works were announced to appear from the press of Matthew Bender on August 1st: Jewett's (New York) Election Manual (third edition), by F. G. Jewett, revised to meet the changes made by the new election law; Smith on Chattel Mortgages and Conditional Sales in New York (second edition), with forms adapted to the Code of Civil Procedure; The New York Excise and Hotel Laws, with forms and annotations, prepared by Robert C. Cumming and Frank B. Gilbert.

The Law Quarterly Review, speaking of Leavitt's "Law of Negligence in New York," recently published by the Dossy Law Book Co., says:

Mr. Leavitt's work is a digest of the most full and elaborate kind, furnished with every possible appliance in the way of indexing and cross-reference. * * * Some of the learned author's incidental remarks on the manner in which cases are got up and argued lead us to think that the average of both general education and professional training in the bar of the Empire state must leave a good deal to be desired. Other passages illustrate the mischief (by no means confined to the state of New York) wrought by the late Mr. D. D. Field's premature and over-ambitious attempt to codify the common law.

A recent and important addition to English medico-legal literature is a two-volume work entitled "A Text-Book of Forensic Medicine and Toxicology," by Arthur P. Luff, M. D., Lecturer on Medical Jurisprudence and Toxi-

cology in St. Mary's Hospital, and Examiner in Forensic Medicine in the University of London. While the work is intended primarily as a text-book for students of medicine, it has been prepared with a special view to making it useful to both medical and legal practitioners as a reference book in connection with medico-legal cases. The subject of Toxicology is treated with special thoroughness and care. The work is published by Longmans, Green & Co.

The Selden Society hopes to have ready in July a new edition of "The Mirror of the Justices," the curious old law book of which Lord Coke said: "In this * * * In effect appeareth the whole frame of the ancient common laws." The earlier editions are corrupt and often unintelligible; this one is being printed from the excellent MSS. in the possession of Corpus Christi College, Cambridge. The society is also preparing for early publication a volume to be called "Bracton and Azo," to be edited by Prof. F. W. Maitland. Thanks to Prof. Maitland's admirable work in editing Bracton's Note-Book, the English sources of Bracton's treatise are before the student. Now it is proposed, by printing certain parts of Bracton's text and Azo's "Summa" in parallel columns, to make plain how much Bracton and the English law through him do and do not owe to the Roman law. Azo's "Summa" was at one time (as the proverb "Chi non ha Azzo non vada a Palazzo" still attests) a necessary possession of every Italian judge, and from it Bracton is supposed to have drawn most of his knowledge of the civil law. "Twice in the history of England," Prof. Maitland has well said, "has an Englishman had the motive, the courage, the power to write a great, readable, reasonable book about English law as a whole." Bracton and Blackstone are these two authors, and everything which helps to the understanding of the former and to the knowledge of the sources which he used, is to be welcomed by all who care for the history of our law and institutions.—Nation.

Law Notes says: "The Annual Report of the Incorporated Council of Law Reporting for 1894 is interesting reading. The finances of the society are in an excellent condition. The report gives an account of the history and constitution of the society. Mr. Hemming, we regret to learn, has retired from the editorship, and the post has been offered to, and of course accepted by, Sir Frederick Pollock, Bart. Mr. A. P. Stone, we are pleased to find, remains as assistant editor. To have lost the benefit of his large experience would have been a great blow to the personnel of the staff. Sir Frederick Pollock is,

we believe, also editor of the Revised Reports and The Reports. We are not told, but we assume, that Sir Frederick intends to resign these posts. Possibly he might remain editor of the Revised Reports, but we should say that he can scarcely consistently remain editor of the Law Reports and The Reports, being, as they are, rivals. The Weekly Notes have outgrown their original object. They have developed into miniature reports of the most important cases. This is to be altered, and the Weekly Notes are to revert to the original conception. They will, in future, consist of short notes of nearly all the decisions in the courts during the week up to the preceding Thursday."

The interesting question now arises, if Sir Frederick Pollock is to take charge of "The Law Reports," what is to become of "The Reports," started last year as a competing series by Sir Frederick and others, because of the shortcomings of the existing reports. Will these shortcomings, now removed from "The Law Reports" be transferred to "The Reports," or will the two series be merged—"or how"? If "The Reports" are so soon to be done for, its subscribers may reasonably wonder what they were begun for.

Miscellaneous Notes.

A congress of the Medico-Legal Society of the United States will be held in New York City during the latter part of August.

An able article on "Ratification by Corporation of Unauthorized Act of Agent," by D. R. N. Blackburn, is the principal contribution to the Central Law Journal for July 19. The article is supplied with numerous citations of authorities.

A recent number of the Madras Law Journal contains an extended and somewhat critical review of an article by Mr. J. H. Beale, Jr., on the subject of "Consent in the Criminal Law," published in the February number of the Harvard Law Review.

The Cape Law Journal for May contains the final installment of an able lecture on "Codification," delivered before the Cape-town Forensic Society, December, 1894, by C. H. Van Zyl, Esq. The publication of this lecture began with the February number of the Journal.

In connection with a full account of the meeting of the State Bar Association, the Ohio Legal News for July 20 publishes in

full an interesting address delivered at the meeting by Judge Charles Pratt, of Toledo. This address is also published in the Weekly Law Bulletin for July 22.

The American Lawyer for July publishes in full the address by Sir Frederick Pollock on the "Vocation of the Common Law," delivered at the commencement exercises of the Harvard Law School on June 26, 1895. This number also contains an interesting paper on "Remedial Law," read by Hon. Malcolm Jackson at the recent session of the West Virginia Bar Association.

In the July number of the Law Students' Helper, Hon. Darius H. Pingrey discusses, in an able and admirably arranged article, the advantages which real-estate law offers to the young attorney who desires to become a specialist. This article forms the sixth number of the series of articles on "Choosing a Specialty" which has been a commendable feature of the Helper during nearly all of the year.

The introductory article in the Green Bag for July is entitled "Personal Recollections of Chief Justice Chase," by Eugene L. Dider. A full-page portrait of Mr. Chase forms a frontispiece to the number. "Why it is not Wise to Give the Ballot to Woman," by Mary Wicke Saxe; "Legal Etymology," by R. Vashon Rogers; and "The English Law Courts," by "Lex,"—are among the other interesting contributions.

In the Virginia Law Register for July, J. C. Wysor discusses, under the title "The Other Side of the Wadley Case," the subject of federal injunction in criminal cases in state courts, to which some attention was given by different legal journals in June. Robert M. Hughes presents a short article on "Demurrers to Evidence," and Thomas J. Kirkpatrick treats, in a critical article, of the "Action of Ejectment in Virginia." The number contains the usual amount of reports and miscellaneous matter.

The Law Quarterly Digest, covering the quarter from January 1 to March 30, 1895, was published a short time ago by Stevens & Sons. In a brief review of the volume, the Law Quarterly Review for July says:

It does what not the most industrious of practitioners can do for himself, or only at an utterly disproportionate expense of time and trouble. Here we have a complete and compendious summary of current case law for the past quarter, enabling the practitioner to discover at a glance whether, in all the multifarious literature of reported cases from the Times

Law Reports or the Law Times note to the finished product of the reporter in the pages of the Law Reports, there is anything which concerns him. We said complete, and so the digest is, with one qualification: Why no references to "The Reports"?

The reader will readily appreciate the delicate hint contained in this final question when told that "The Reports" and the "Law Reports" are rival publications, and that Sir Frederick Pollock, already editor of the former, recently accepted the editorship also of the latter. Law Notes (London) indulges the supposition that he intends to resign the editorship of "The Reports."

July had its full share of bar association meetings. A few were held in June, and among them that of the Kansas State Bar Association, which was held at Kansas City on June 8. A few others go over until August; and of this number is that of the Virginia State Bar Association, to be held at White Sulphur Springs on August 6, 7, and 8. The Bar Association of Tennessee met on Lookout Mountain on July 17, 18, and 19. That of Michigan held its annual meeting at Lansing on July 25. The Michigan Law Journal reports that the session "was an interesting one despite the fact that the general apathy of the members of the state bar towards the official organization was painfully manifest in the attendance of less than forty attorneys." The Ohio State Bar Association was more fortunate, there being an attendance of nearly 200 members at its sixteenth annual meeting held at Put-in-Bay on July 17, 18, 19. The report of the Pennsylvania Association, which met at Bedford Springs on July 10 and 11, shows an attendance of more than 200 members. A number of other such meetings have been held, the reports of which have not found their way into print.

Personal.

An extended biographical sketch of the late Lord Moncreiff, prefaced by a full-page half-tone portrait, adds interest to the Scottish Law Review for June.

It is intimated by the Chicago Legal News that there is a probability that Mr. Charles F. Beach, Jr., author, or at least god-father, of many legal treatises, will soon settle in Chicago.

Hon. Harlow S. Orton, chief justice of the supreme court of Wisconsin, died suddenly of heart failure, on July 4th. Mr. Orton first became a member of the supreme bench in 1878. Justice John B. Cassoday will be his successor.

A full-page portrait of the late Secretary Gresham forms the frontispiece of the Review of Reviews for July. Portraits of Secretary Olney and Attorney General Harmon also appear, along with the review of current political events.

A biographical sketch, together with a full-page portrait of Hon. J. W. Donovan, author of "Modern Jury Trials," "Tact in Court," and other similar works of collateral interest to lawyers, appears in the June number of The Guide (Kalamazoo).

The Philadelphia Bar recently tendered a complimentary banquet at the Lawyers' Club to Hon. F. Carroll Brewster, in honor of the seventieth anniversary of his birth. Toasts were responded to by Hon. James M. Beach, Mayor Warrick, Judge M. Russell Thayer and Col. William B. Mann.

The Northwestern University, at the recent commencement exercises, conferred the degree of Doctor of Laws on Vice President Stevenson and Prof. Harvey B. Hurd. Prof. Hurd's name has been inseparably connected with the statutes of Illinois, as official reviser, for more than twenty years.

One of the brightest and most readable of the multitude of addresses delivered to the graduating classes of law schools throughout the country during the past month is that of Justice Brewer, of the United States supreme court, to the graduating class of the law department of Maryland University. The address was published in full in the Daily Record (Baltimore) on June 6th.

One of the most interesting events in the history of the University of Michigan was the recent presentation to the University, by the senior class of the Law School, of a bust of Judge Thomas M. Cooley. The presentation was made by Mr. R. J. Barr, as president of the class. Addresses were made by Prof. Jerome C. Knowlton, Dean of the Law School, President Angell, and Hon. William B. Hornblower, of New York.

Few court reporters have achieved greater distinction in that important line of work than Hon. Hiram E. Sickles, reporter of the New York Court of Appeals, whose death occurred at Albany on July 4th. At the time of his death, Mr. Sickles was 68 years of age, and had served as court reporter 23 years, having edited during that time 100 volumes of the New York Reports,—a larger number than any other court reporter has ever issued under his own supervision, al-

though something over 100 volumes of the Illinois Reports were published in the name of the late Mr. Freeman. The superior quality of his work has been uniformly commended by the members of the bench and bar throughout the country. Mr. Sickles was admitted to the bar in 1848, and began the practice of law in Alblon, N. Y. In 1862 he entered the war as first lieutenant of the 17th volunteer battery of light artillery, which he had assisted in organizing. He participated in the capture of Fort Fisher and in nearly all the battles around Richmond and Petersburg, and was at Appomattox to see the last act in the great tragedy of 1861-65. Upon being mustered out of service in 1865, he returned to the profession of law, to which he gave the rest of his earnest and active life. His service as court reporter began in 1872.

On July 29th occurred the death of Prof. John B. Minor, for 50 years instructor in the law department of the University of Virginia, and a legal author of more than national reputation. Few, if any, of the great teachers of law of the present day have held higher rank or merited greater honor than Prof. Minor; and surely no man has held over any section a wider or more potent influence than he has exercised over the bench and bar of the South. Mr. Minor was born in Virginia in 1813. At the age of 32, while a practicing attorney in Albemarle county, he was appointed to succeed Mr. Henry St. George Tucker in the law department of the University of Virginia, and to the duties of this position he gave the remainder of his years. Along with his work as a teacher, he has given to the public two legal works of more than ordinary value,—"*Minor's Institutes*," a four-volume treatise on the general principles of law, and "*Minor's Criminal Law*." Both of these works are used as text-books in the university. But little more than a month before his death, the law alumni of the university honored their distinguished teacher, their alma mater, and themselves by presenting to the university library a life-sized marble bust of Prof. Minor. The ceremonies of unveiling the bust were held on June 12th,—the fiftieth anniversary of his professorship. This event, itself full of the interest natural to such an act and occasion, acquires a deeper interest from the fact that the venerable teacher, ripe with years and rich in honors, closed his eyes to the world so soon after this tribute to his work and worth by those who most appreciate both.

Correspondence.

[Correspondence is invited on subjects pertinent to the purpose of LAW BOOK NEWS.]

NEW LAW BOOKS.

RECORD OF THE LATEST LAW BOOKS.

[We take pleasure in acknowledging our indebtedness to the Publishers' Weekly, of New York, and the Publishers' Circular, of London, which we use in completing this list.]

N. B. Bindings are in law sheep unless otherwise specified.

Treatises, Etc.

Actions and Defenses.

See "Mickey's Index."

AMERICAN and English Encyclopædia of law. V. 28; C. F. Williams and D. S. Garland, editors. Northport: E. Thompson Co. 1895. 8+1065 pages. \$6.50.

Australian Law.

See "MacHugh's Bills of Sale."

BALDWIN, E. T. A treatise on the law of bankruptcy and bills of sales, with an appendix containing the bankruptcy acts. 1883-1890. 7th edition. London: Stevens & Haynes. 1895. Price 21s.

Bankruptcy.

See "Ringwood's Bankruptcy" (Eng.); "Baldwin's Bankruptcy" (Eng.).

Bills of Sale.

See "Baldwin's Bankruptcy and Bills of Sales" (Eng.).

BINN'S Justice, or magistrate's daily companion, a treatise on the office and duties of aldermen and justices of the peace, in the commonwealth of Pennsylvania, including all the required forms of process and docket-entries, etc.; originally compiled by J. Binn, and afterwards cor. and enl. by the late F. C. Brightly. 10th ed., rev., cor., and greatly enl. by Frank F. Brightly, Phila.: Kay & Bro., 1895. 979 pages. Shp., \$5.

BONET, A. J. Digest of British and foreign patent laws. London: Bemrose. 1895. Price 5s.

BROWN, Richard. Notes and commentaries on the sale of goods act, 1893. Edinburgh: Wm. Green & Sons. 1895. Price 16s. net.

Building Societies.

See "Wurtzburg's Building Societies" (Eng.).

CACHARD, H. French civil code, with the various amendments thereto, as in force on March 15th, 1895. London: Stevens & Sons. 1895. Price 20s.

Canadian Laws.

See "Howell's Law and Practice."

CHAMBERS, G. F. District councils: a digest of the law relating to district councils, so far as regards their constitution, powers, &c. 9th edition. London: Stevens & Sons. 1895. Price 10s.

Chattel Mortgages.

See "Smith's Chattel Mortgages."

Citations.

See "Pacific Reporter Citations"; "South-eastern Reporter Citations"; "Southern Reporter Citations"; "Southwestern Reporter Citations."

Common-Law Pleading.

See "Hopkin's Answers to Problems."

Constitutional Law.

See "Hopkin's Answers to Problems."

Contracts.

See "Hopkin's Answers to Problems."

Corporations.

See "Thompson's Corporations."

Criminal Law.

See "Disney & Gundry's Criminal Law" (Eng.); "Hopkin's Answers to Problems."

Criminal Procedure.

See "Hopkin's Answers to Problems."

Directory.

See "Sharp & Alleman's Directory."

DISNEY, H. W., and H. Gundry. The criminal law. A sketch of its principles and practice. London: Stevens & Sons. 1895. Price 7s. 6d.

DOUGLAS, J. B. The electors' manual for Scotland. Edinburgh: Wm. Green & Sons. 1895. Price 1s.

Easements.

See "Innes' Digest of the Law of Easements."

EDMUNDS, Lewis. The patents, designs, and trade-marks acts, 1883 to 1888. 2d edition. London: Stevens & Sons. 1895. 86 pages. Price 2s. 6d.

Election.

See "Jewett's Election Manual for New York State."

ENCYCLOPAEDIA of pleading and practice under the codes and practice acts, at

common law, in equity and in criminal cases. V. 2. W. M. McKinney, editor. Northport: E. Thompson Co. 1895. 3+1168 p. \$6.

Encyclopaedia.

See "American and English Encyclopædia of Law."

English Law.

See "Baldwin's Bankruptcy"; "Bonet's Digest of British and Foreign Patent Law"; "Brown's Notes and Commentaries on the Sale of Goods Acts, 1893"; "Chamber's District Councils"; "Disney and Gundry's Criminal Law"; "Edmund's Patents, Designs, and Trade-marks"; "Frazer's Compendium of the Law of Torts"; "Innes' Digest of the Law of Easements"; "Jelf's Corrupt and Illegal Practices"; "Nelson's Law of Property"; "Ringwood's Bankruptcy"; "Wurtzburg's Building Societies."

Equity Jurisprudence.

See "Fetter's Illustrative Cases"; "Hopkin's Answers to Problems."

FETTER, Norman. Illustrative cases upon equity jurisprudence. St. Paul: West Publishing Co. 1895. 7+238 pages. Paper. Price \$2.

FRAZER, HUGH. A compendium of the law of torts. 3d edition. London: Reeves & Turner. 1895.

French Law.

See "Cachard's Civil Code."

GLENN, Edwin F. Handbook of International Law. St. Paul: West Publishing Co. 1895. 16+478 pages. Price \$3.75.

HALL, T. B. Outline of the infringement of patents for inventions, not designs, based solely on the opinions of the supreme court of the United States. N. Y. and Alb.: Banks & Bros. 1895. 6+86 p. Cl., \$1.

HENDERSON, George Frederick. A handbook of procedure under ditches and water-courses act, 1894. Toronto: The Carswell Co., Ltd. 1895. Price, cloth 75c., leather \$1.

HOPKINS, Earl P. Answers to problems on American constitutional law. St. Paul: West Publishing Co. 1895. 16 pages. Paper.

HOPKINS, Earl P. Answers to problems on common-law pleading. St. Paul: West Publishing Co. 1895. 18 pages. Paper.

HOPKINS, Earl P. Answers to problems on the law of contracts. St. Paul: West Publishing Co. 1895. 22 pages. Paper.

HOPKINS, Earl P. Answers to problems on criminal law. St. Paul: West Publishing Co. 1895. 18 pages. Paper.

HOPKINS, Earl P. Answers to problems on criminal procedure. St. Paul: West Publishing Co. 1895. 27 pages. Paper.

HOPKINS, Earl P. Answers to problems on equity jurisprudence. St. Paul: West Publishing Co. 1895. 17 pages. Paper.

HOWELL, Alfred. The law and practice as to probate administration, and guardianship in the surrogate courts. 2d edition. Toronto: The Carswell Co., Ltd. 1895. Price, half calf, \$8.50.

INNES, L. C. A digest of the law of easements. 5th edit. 8vo. London: Stevens & Sons. 1895. 156 pages. 7s. 6d.

International Law.

See "Glenn's Handbook of International Law."

Invention.

See "Petit's Law of Invention."

JELF, E. A. The corrupt and illegal practices prevention act, 1883. 2d edition. London: Sweet & Maxwell. 1895. Price 5s.

JEWETT, F. G. Election manual for New York state. Third edition. Albany: Matthew Bender. 1895. 376 pages. Price \$1.50.

MacHUGH, Alfred. A treatise on the law relating to bills of sale, lien on crops, liens on wool and stock mortgages. Melbourne: Chas. F. Maxwell. 1895.

MICKEY, D. M. A general index to Walt's actions and defenses, 8 v., which includes v. 1 to 7 of the regular set, and the supp., or 8th v., by C. T. Boone. [v. 9.] Chic.: The Walt Pub. Co. 1895. 653 p. \$4.50.

MORGAN, Samuel T. Digest of the United States tariff and customs laws, with a schedule of duties on imports. 8th edition. Baltimore, Md.: Samuel T. Morgan & Co. 1895. Price \$4.

NELSON, R. A. The law of property, including its nature, origin, and history. London: Sweet & Maxwell. 1895. 425 pages. Price 15s.

PACIFIC Reporter. Citations and conflicting cases of the Pacific Reporter from volume 1 down to and including the last current volume of this set of reports. This book also shows all citations of the above set of reports contained in the S. W., Sup. Ct., N. W., Pac., So., Fed., N. E., Atl., and S. E. Reporters and New York Supplement. By King & Leonard. Dublin, Tex.: National Citation Co. 1895. Price \$6.

Patents.

See "Edmund's Patents, Designs, and Trade-Marks" (Eng.); "Hall's Outline of the Infringement of Patents."

PETIT, Horace. The law of invention. Reprinted from the journal of the Franklin Institute. 1895.

Procedure.

See "Henderson's Procedure."

RINGWOOD, Richard. The principles of bankruptcy. 6th Edition. London: Stevens & Haynes. 1895.

Scots Law.

See "Douglas' Elector's Manual."

SHARP & Alleman's Lawyers' and Bankers' Directory for 1895, July ed., cont. the names of over 7,000 capable and trustworthy attorneys in the U. S. and Canada. Philadelphia: Sharp & Alleman. 1895. 1427 p. shp., \$5.

SMITH, Dix W. A treatise on chattel mortgages and conditional sales in New York state. Second Edition. Albany: Matthew Bender. 1895. Price \$2.50.

SOUTHEASTERN Reporter. Citations and conflicting cases of the Southeastern Reporter from volume 1 down to and including the last current volume of this set of reports. Also shows all citations of the above set of reports contained in the S. W., Sup. Ct., N. W., Pac., So., Fed., N. E., and Atl. Reporters, and N. Y. Supplement. By King & Leonard. Dublin, Tex.: National Citation Co. 1895. Price \$5.

SOUTHERN Reporter. Citations and conflicting cases of the Southern Reporter from volume 1 down to and including the last current volume of this set of reports. This book also shows all citations of the above set of reports contained in the S. W., Sup. Ct., N. W., Pac., So., Fed., N. E., Atl. and S. E. Reporters and N. Y. Supplement. By King & Leonard. Dublin, Tex.: National Citation Co. 1895. Price \$4.

SOUTHWESTERN Reporter. Citations and conflicting cases of the Southwestern Reporter from vol. 1 down to and including the last current vol. of this set of reports. This book also shows all citations of the above set of reports contained in the S. W., Sup. Ct., N. W., Pac., So., Fed., N. E., Atl., and S. E. Reporters and New York Supplement. By King & Leonard. Dublin, Tex.: National Citation Co. 1895. Price \$5.

Tariff.

See "Morgan's Digest of U. S. Tariff and Customs Laws."

THOMPSON, Seymour D. Commentaries on the law of corporations. In six volumes. Vol. 4. San Francisco: Bancroft-Whitney Co. 1895. 30+5764 pages. Price per vol. \$6.

Torts.

See "Frazer's Compendium of the Law of Torts" (Eng.).

WURTZBURG, E. A. The law relating to building societies. 3d Edition. London: Stevens & Sons. 1895. Price 15s.

Reports.

AMERICAN ELECTRICAL CASES. Vol. 3; reporting the electrical cases from Dec. 16, 1889, to May 23, 1890. William W. Morrill, editor. Albany: Matthew Bender. 1895. 21+893 pages. Price \$6.

ATLANTIC REPORTER. Vol. 81; containing all the decisions of the supreme courts of Me., N. H., Vt., R. I., Conn., and Penn.; court of errors and appeals, court of chancery, and supreme and prerogative courts of N. J.; court of errors and appeals and court of chancery of Del.; and court of appeals of Md. Permanent edition. March 6-June 12, 1895. St. Paul: West Publishing Co. 1895. 14+1155 pages. (National Reporter System.)

ENGLISH RULING CASES. Vol. 4; arranged and annotated. R. Campbell, reporter; with American notes by Irving Browne. London: Stevens & Sons. 1895. Price 25s. net.

FEDERAL CASES. Book 14; comprising cases argued and determined in the circuit and district courts of the United States. Judson-Laverty. Case No. 7,561-Case No. 8,124. St. Paul: West Publishing Co. 1895. 1,237 pages. Subscription price \$10.

ILLINOIS appellate court reports. V. 57; cases, submitted at the Nov. term, 1894, of the Third district; the Oct. term, 1894, of the First district; the Aug. term, 1893, and Feb. and Aug. terms, 1894, of the Fourth district. Rep. by Martin L. Newell. Chicago: Callaghan & Co. 1895. 705 p. \$3.75.

ILLINOIS supreme court reports of cases. V. 154; cont. cases in which opinions were filed in Mar., Apr., May, June, Oct., Nov., 1894, and Jan., 1895. J. Newton Phillips, reporter. Springfield: J. Newton Phillips. 1895. 710 p. \$2.25.

INTERSTATE COMMERCE COMMISSION reports. V. 4; decisions and proceedings of the interstate commerce commission under the interstate commerce act of Feb. 4, 1887. Rochester: The Lawyers' Co-operative Pub. Co. 1895. 16+33-928 p. Shp., \$5.

INDIANA supreme court reports. V. 137; containing cases decided at the November term, 1893, and not published in V. 136. Sidney R. Moon, Daniel W. Crockett, and Lew W. Moon, reporters. Indianapolis: Carlton & Hollenbeck. 1894. 22+741 pages. Price \$3.50.

MISSOURI supreme court reports. V. 123. F. M. Brown, rep. [1894.] Columbia: E. W. Stephens. 1895. 21+734+5 p. \$4.

MISSOURI. St. Louis and the Kansas City courts of appeals. V. 59; cases determined from Oct. 1, 1894, to Dec. 4, 1894. Rep. by D. Goldsmith and Ben Eli Guthrie. Columbia: E. W. Stephens, 1895. 13+734+11 p. Price, \$5.

NEW YORK court of appeals reports. Book 21, rev. ed., with notes. Ed. by J. T. Cook. Comprising v. 101-105, inclusive, of the original series, viz. Sickels' reports, v. 56-59. Alb.: H. B. Parsons, 1895. 39+1291 p., \$5.

NEW YORK court of appeals reports. Vol. 145; cases from and including decisions of Feb. 26, 1895, to decisions of Apr. 23, 1895, with notes, references, and index. By H. E. Sickels, st. rep. Alb.: Ja. B. Lyon, 1895. 20+754 p. shp., \$1.50.

NEW YORK SUPPLEMENT. Vol. 33; containing the decisions of the supreme, superior, and lower courts of record of New York state. Permanent edition. April 25-June 27, 1895. St. Paul: West Publishing Co. 1895. 29+1181 pages. (National Reporter System.)

NORTHEASTERN REPORTER. Vol. 40; containing all the current decisions of the supreme courts of Mass., Ohio, Ill., Ind., appellate court of Ind., and the court of appeals of New York. Permanent edition. April 12-June 28, 1895. St. Paul: West Publishing Co. 1895. 13+1174 pages. (National Reporter System.)

PENNSYLVANIA supreme court reports. V. 166; cont. cases decided at Jan. term, 1895. By Wilson C. Kress, st. rep. N. Y. and Alb.: Banks & Bros. 1895. 23+702 p. \$3.50.

PENNSYLVANIA. Luzerne legal register reports. V. 7; cont. cases decided in the supreme ct., and in the ct. of common pleas, orphans' ct.,oyer and terminer, and ct. of quarter sessions of the county of Luzerne, and in the cts. of the 12th, 26th, 46th, and 47th judicial districts of Pa.; originally rep. in the Luzerne legal register; ed. by G. B. Kulp. Wilkesbarre: E. B. Yordy. 1895. 5+593 p. Price \$5.25.

SOUTHEASTERN REPORTER. Vol. 21; containing all the decisions of the supreme courts of appeals of Va. and W. Va., and supreme courts of N. C., S. C., Ga. Permanent edition. March 19-June 11, 1895. St. Paul: West Publishing Co. 1895. 12+1094 pages. (National Reporter System.)

UNITED STATES REPORTS. Vol. 157; cases adjudged in the supreme court at October term, 1894. J. C. Bancroft Davis reporter. New York and Albany: Banks & Brothers. 1895. 21+727 pages. Price \$2.

Statutes, Codes, and Laws.

ARIZONA. Acts, resolutions and memorials of the 18th legislative assembly. Session begun on the 21st day of Jan., 1895. Phoenix: Phoenix Herald Book and Job Print. 1895. 153 p. shp., \$1.25.

CALIFORNIA. The statutes and amendments to the codes passed at the 31st session of the legislature, 1895; Jan. 7-Mar. 16, 1895. Sacramento: A. J. Johnston, Supt. State Printing, 1895. 53+484+36 p., net, \$2.50.

FRANCE. The civil code with the various amendments thereto as in force on March 15, 1895. By Henry Cochar. London: Stevens & Sons, Ltd. 1895. 12+611 pages. Price 20s.

GEORGIA. The law of Georgia relating to banks; compiled by Erwin, Cobb and Woolley. Macon: Georgia Bankers' Assoc., L. P. Hillyer, sec'y. 1895. 99 p. hf. shp., \$1.

KANSAS. Session laws of 1895, passed at 26th regular, the same being the 9th biennial session of the legislature of the state. Topeka: G. W. Crane & Co. 1895. 26+598 p. \$2.

MONTANA. The complete codes and statutes in force July 1, 1895, together with the constitution of the United States and of the state of Montana, with the amendments thereto, ed. by Wilbur F. Sanders. Helena, Mont.: W. F. Sanders. 1895. 60+2105 p. \$10.

MONTANA codes. Volume 1, containing the political and civil codes, annotated by O. E. S. Booth. Volume 2, containing the code of civil procedure and the penal code, annotated by Fletcher Maddox. 2 vols. San Francisco: Bancroft-Whitney Co. 1895. Price \$10.

NEBRASKA. The compiled statutes, 1881, 7th ed., with amendments 1882 to 1895, comprising all laws of a general nature in force Aug. 1, 1895. Published under authority of the legislature by Guy A. Brown and Hilland H. Wheeler. Lincoln: State Journal Co. 1895. 10+1490 p. shp. \$7.50.

NEW YORK. Amendments of 1895. The code of civil procedure. The code of criminal procedure. The penal code. Mayer's plan for printing the code amendments has been adopted, thus insuring ease and neatness in detaching the amendments from the pamphlet and attaching them to the codes. N. Y. and Alb.: Banks & Bros. 1895. 166 p. (pr. on one side) pap., \$1.25.

NEW YORK. Penal code and code of criminal procedure of the state of New York. 3d ed. By W. H. Silvernail. Albany: W. C. Little & Co. 1895. Price \$5.

NEW YORK. The excise law of the state as enacted by the legislature of 1892; and supplementary acts of 1894 and 1895, with index; pub. under direction of the secretary of state. N. Y. and Alb.: Banks & Bros. 1895. 49 p. Pap., 50c.

NEW YORK. Excise and hotel laws for New York state. By Robert C. Cumming and Frank B. Gilbert. Albany: Matthew Bender. 1895. Price, \$2.25.

NEW YORK. Excise laws of the state of New York, including the rights, duties, and liabilities of hotel keepers. By C. H. Graham and D. F. Lane. New edition. Albany: W. C. Little & Co. 1895. Price, in paper, \$2; sheep, \$2.50.

NEW YORK. Analyzed New York decisions and citations, 1893 and 1894; a table of cases, decided, affirmed, reversed, cited, criticised, disapproved, distinguished, followed or overruled, with analysis of each decision, citation, criticism, etc., by Eugene W. Haviland and James G. Greene. Rochester: Williamson Law Book Co. 1895. 893 p. \$6.50.

NEW YORK. Statutory revision of the laws affecting insurance companies, passed in 1892, and amended in 1893, 1894, and 1895; prepared by Andrew Hamilton. N. Y. and Alb.: Banks & Bros. 1895. 48+88+162+15+26 p. Pap., \$1.50.

NEW YORK. Court of appeals. Tables of constructions of New York statutes, codes, and constitutions; comp. by W. N. Tuller. Philadelphia: Franklin Pr. Co. 1895. 387 p. Hf. shp., \$4.

ONTARIO statutes, 1895. Toronto: The Carswell Co., Ltd. 1895. Price, \$1.50.

OREGON. General and special laws and joint resolutions and memorials enacted and adopted by the 18th regular session of the legislative assembly, 1895, begun on the 14th day of Jan., and ended on the 23d of Jan.,

1895. Salem: W. H. Leeds. 1895. 689 p. Hf. shp., \$3.25.

WASHINGTON. Supplemental notes to the code of procedure and penal code, giving the date when each law now in force was first enacted, from what state it was taken, so far as known, etc. Compiled and arr. by Herbert B. Huntley. Seattle: The Calvert Co. 1895. 18 p. Unb'd, \$1.

WISCONSIN. The laws passed at the biennial session of the legislature of 1895, together with the joint resolutions and memorials. Madison: Democrat Pr. Co. 1895. 812+169 pages. Price, \$2.50.

Digests.

LAW JOURNAL. Quarterly digest, Jan. 1 to March 30, 1895. London: Stevens & Sons, Limited. 1895. Price 2s. 6d.

ONTARIO. The Municipal Index; being an alphabetical digest of the provisions contained in the revised statutes of Ontario (1887), and the annual volumes of statutes for subsequent years, affecting municipal corporations, their councils and officers. By Allan M. Dymond. 2d Edition. Toronto: The Carswell Co., Ltd.

PENNSYLVANIA. A digest of v. 1 to 15, county cts. reports, together with a table of the cases reported therein. By Albert B. Welmer. Philadelphia: T. & J. W. Johnson & Co. 1895. 827 pages. \$5.

SOUTHEASTERN REPORTER. Digest of decisions of the supreme courts of appeals of Va. and W. Va., and supreme courts of N. C., S. C., Ga., reported in the Southeastern Reporter, vols. 1-20, and in the following vols. of state reports: Ga. 76-93, N. C. 96-115, S. C. 25-42, Va. 82-90, W. Va. 29-40. Edited by members of the editorial staff of the National Reporter System. St. Paul: West Publishing Co. 1895. 3,179 pages. Price \$8. (National Reporter System.)

TEXAS. A digest of civil cases, including the supreme court reports, v. 52 to 86, and the first 200 p. of v. 87; also civil appeals reports, v. 1 to 6; unreported cases, 2 v.; appeal civil cases, 4 v.; and the cases from S. W. Rep., v. 1 to 27, not found in the official reports; the whole giving as many cases as are usually contained in over 60 v. of reports. By J. Sayles, assisted by W. G. Myer. V. 3. St. Louis: The Gilbert Book Co. 1895. 4+1525-2130 pages. 3 vols. \$25.

CONTENTS OF NEW BOOKS.

Glenn's International Law.

TITLE PAGE. Handbook of International Law. By Captain Edwin F. Glenn, Acting Judge Advocate United States Army. St. Paul, Minn.: West Publishing Co. 1895.

FROM THE PREFACE. In the preparation of this work the controlling purpose has been to so place the leading principles of public international law before the student's mind that they can be readily grasped. The book is intended primarily for the use of students in their law-school work, and such others as may wish to find the principles governing international relations stated in a brief and concise manner. It is not intended to follow and discuss these principles in their many ramifications of actual practice, but their application has been illustrated with well-considered cases stated in as brief a manner as possible. It is believed that, having the principles clearly stated and well fixed in the mind, the student will be all the better prepared to follow the reasoning of the eminent jurists, statesmen, and writers in their practical application of them. No attempt has been made to prepare a substitute for the many excellent text-books which treat this subject in an exhaustive manner, but rather to prepare the student's mind for the more ready and complete comprehension of them. With this object in view, reference has been made in the notes to most, if not to all, of the leading authorities. These references have been prepared with great care for the purpose of enabling those who are called upon to instruct, as well as those who may desire to further pursue the subjects treated, to ascertain the exact place of treatment in the works referred to. In the citation of cases every effort has been made to select such as will illustrate in the clearest and most concise manner the principle enunciated. The definitions selected and placed in the body of the work are such as appeared to be the most accurate, but these, certainly the more important, will be found supplemented with others which have been collected and placed in the notes.

TABLE OF CONTENTS.

Introduction. Covering the Definition, Source, and Nature of International Law.

Chapter I. PERSONS IN INTERNATIONAL LAW: Covering states, their loss of identity, various unions of states, de facto states, belligerency and recognition thereof, and equality of states.

Chapter II. THE COMMENCEMENT OF STATES — FUNDAMENTAL RIGHTS AND DUTIES: Covering the commencement and recognition of new states, effect of change of sovereignty, the fundamental rights and duties of states, etc.

Chapter III. TERRITORIAL PROPERTY OF A STATE: Covering modes of acquiring property, boundaries, territorial waters, etc.

Chapter IV. TERRITORIAL JURISDICTION: Covering extraterritoriality, sovereigns and diplomatic agents and their immunities, vessels, right of asylum, alienage, responsibility for mob violence, extradition, jurisdiction beyond state limits, etc.

Chapter V. JURISDICTION ON THE HIGH SEAS AND UNOCCUPIED PLACES: Covering nature of jurisdiction, jurisdiction over merchant ships, piracy, privateers, letters of marque, slave trade, etc.

Chapter VI. THE AGENTS OF A STATE IN INTERNATIONAL RELATIONS: Covering public diplomatic agents and consuls, and matters relating to them.

Chapter VII. INTERVENTION: Covering the subject generally.

Chapter VIII. NATIONALITY: Covering citizenship, allegiance, expatriation, naturalization, etc.

Chapter IX. TREATIES: Covering the subject generally.

Chapter X. AMICABLE SETTLEMENT OF DISPUTES: Covering mediation, arbitration, retorsion, reprisals, embargo, pacific blockade, etc.

Chapter XI. INTERNATIONAL RELATIONS IN WAR: Covering the subject of war generally, including the kinds, causes, and objects of war.

Chapter XII. EFFECTS OF WAR — AS TO PERSONS: Covering the relations of enemies, noncombatants, privateers, prisoners of war, and the subjects of ransom, parole, etc.

Chapter XIII. EFFECTS OF WAR — AS TO PROPERTY: Covering contributions, requisitions, foraging, booty, ransom, and other questions in regard to property.

Chapter XIV. POSTLIMINIUM: The right and its limitations defined and explained.

Chapter XV. MILITARY OCCUPATION: Covering the definition, extent and effect of occupation, and the duties of an occupant.

Chapter XVI. MEANS OF CARRYING ON HOSTILITIES: Covering the instruments and means of war, spies, etc.

Chapter XVII. ENEMY CHARACTER: Covering enemies generally, domicile, houses of trade, property and transfer thereof, etc.

Chapter XVIII. NON-HOSTILE RELATIONS: Covering commercia belli, flags of truce, passports, safe-conducts, truces or armistices, cartels, etc.

Chapter XIX. TERMINATION OF WAR: Covering the methods of termination, uti possidetis, treaties of peace, conquest, etc.

Chapter XX. OF NEUTRALITY IN GENERAL: Neutrality defined and explained.

Chapter XXI. THE LAW OF NEUTRALITY BETWEEN BELLIGERENT AND NEUTRAL STATES: Covering the rights, duties, and liabilities of neutral states.

Chapter XXII. CONTRABAND: Covering the subject generally.

Chapter XXIII. BLOCKADE: Covering the subject generally.

Chapter XXIV. VISIT AND SEARCH, AND RIGHT OF ANGARY: Covering those subjects generally.

APPENDIX. Giving in full, as in no other single work, the Instructions for the Government of Armies of the United States in the Field (Lieber); Papers Carried, or that Ought to be Carried, by Vessels in Evidence of their Nationality; The Declaration of Paris; The Declaration of St. Petersburg; The Geneva Convention for the Amelioration of the Con-

dition of the Sick and Wounded of Armies in the Field; The Laws of War on Land (Recommended for Adoption by the Institute of International Law at Oxford, Sept. 9, 1880); and The Brussels Conference.

Thompson on Corporations.

TITLE PAGE. Commentaries on the Law of Private Corporations. By Seymour D. Thompson, LL.D. In six volumes. San Francisco: Bancroft-Whitney Company. 1895.

PREFACE. This is an attempt to state the law relating to corporations existing in the United States, except those created for governmental purposes. As will be seen by the analysis of the whole work which immediately follows this preface, it is divided into 19 separate titles. So great is the extent and variety of the questions under consideration that it has been found necessary to distribute the matter in these titles into no less than 201 chapters. Many of these chapters are so large that it has been necessary to subdivide them into subchapters, called articles. For example, one of these chapters contains 15, another 12, others 7, and still others lesser numbers, of these articles; so that many of the so-called chapters are really extensive titles. In many cases it has been found necessary, for the convenient and accurate grouping of subjects, to subdivide these articles into subarticles, called subdivisions. The whole work is again divided into about 8,000 separate paragraphs, called sections. These sections form the units of grouping, of reference, and of indexing. The whole work is comprised in six volumes, of about 1,100 pages each.

The author finds his justification for the publication of so large a work upon a single title of the law in the vast, exuberant, and intertangled growth of uncoded and unsorted statutes and judicial decisions, the work of near 50 independent sovereignties and jurisdictions, which we in America call our law. He also finds it in the fact that upon no subject in that law has this growth been as rapid and as rank as upon the subject here under consideration. The statement of a single fact, made by Mr. Justice Field in his oration delivered at the centennial celebration of the supreme court of the United States, in the city of New York in 1890, that four-fifths of the wealth of the country is held by corporations, will give emphasis to what is here said. Since, under our mixed system of state and federal government, this law cannot be the work of one supreme national legislature, nor of one supreme national tribunal, it necessarily exists in some 50 collections or groups of statutory and case-made rules, which form what is called the law in each particular state of the Union. These collections or groups of rules

differ in many cases essentially from each other, and the rules established by the courts of the states differ in many instances from those established by the federal judicatories; and, in some cases, as has been pointed out, the federal judicatories have even declined to follow and apply the law as enacted by the legislature of the state in which the rights in controversy arose. Nevertheless, there is on the more important subjects a general uniformity, not only in the adjudged, but also in the statute, law. Such being the state of the law in the United States, an author who proposes to himself the ambitious task of collecting and stating the whole law upon a given subject must, if his work would have the semblance of completeness in any particular state, collect and state the law as it exists in that particular jurisdiction. This requires him to collect and state the law, however discordant, as it exists in all the different American jurisdictions, federal and state.

This work was commenced more than 16 years ago. It was designed and announced in 1883 to be in three volumes. It has grown to six, and it has required much condensation to bring the text within the limits of 6,000 pages. Its completion has been interrupted by other labors, and especially by a tour of 12 years of judicial service in the overburdened appellate court. Since its commencement great changes have taken place in the American law of private corporations. The American doctrine that the capital stock of a corporation, including its unpaid share subscriptions, is a trust fund for its creditors, has, during that period, been greatly modified, —so much so that it may now be doubted whether the capital of a corporation is a trust fund for its creditors in any different sense than the sense in which the property of a private person is a trust fund for his creditors. The doctrine formerly held by many of the state courts, and emphasized by a decision of the supreme court of the United States, and still firmly insisted upon in England, that the shares of a corporation can be sold and distributed only at their full value, either in money or in property, has been greatly shaken, if not overthrown, by recent decisions of the supreme court of the United States. The doctrine, established some 20 years ago by decisions of the supreme court of the United States, that it is not unconstitutional for the legislatures of the states, in the exercise of the police power, to limit the maximum charges of corporations, and even private persons, whose business is "clothed with a public interest," has been greatly shaken by a subsequent decision of the same court, and may be said to be now tottering in the balance. On the other hand, the protection of corporate rights under those clauses of the federal con-

stitution which prohibit the states from depriving any person of his property without due process of law, and from denying to any person the equal protection of the laws, has been undergoing a steady, though a generally conservative, progression. Again, during the period in which this work has been under preparation, corporations engaged in similar industries have, for the purpose of reducing competition among themselves, and of ingrossing the markets in respect of their products, formed themselves, under various schemes, into extensive combinations or partnerships, called "trusts." These, in turn, have been the subjects of severe repressive legislation, both federal and state, and the public opposition to them has called forth a totally new group of judicial decisions. These, and other topics in respect of which the law has undergone a recent development, have been, for obvious reasons, treated with more fullness of detail than those topics in respect of which the law has become settled.

It should be stated, moreover, that the plan upon which this work was originally projected, and to which the author has endeavored to adhere throughout, has been to treat every topic with such fullness of detail that the state of the law in respect of it could be learned from the pages of the work, and without the necessity of the reader searching the adjudged cases. To this end the author has endeavored to state not only what the courts have decided, but also the reasons which they have given for their decisions, and the applications which they have made of them to various states of fact. It may be that he has erred in the direction of too much detail; but he has continually wrought under the dread of reaching the opposite extreme, that of making a work which should be a mere collection of ultimate decided points, huddled together in some sort of grouping,—in short, a work which would deserve no better title than that of a mere index to the decisions of the courts.

The author can only say to his professional brethren, by way of apology for whatever defects may be found in this work, that he has tried hard to serve them, and that, in this effort, he has bestowed greatly more labor upon it than upon all his previous published works in the aggregate. It is the first of his works which he has ventured to dignify with the name of "Commentaries." He has felt justified in this by the character of treatment originally proposed, and in the main carried out,—that of analyzing and classifying a great and more or less conflicting mass of statute and case law, of drawing the conflicting decisions into comparison, and of making such comments upon their respective merits as a long study of the subject seemed to justify him in making. If these comments

have been at times severe, he can only say that they were such in each case as seemed proper to him at the time when the particular topic was under study; and that, notwithstanding the criticism which he has felt called upon to bestow upon some judicial decisions, he parts with his task with an increasing admiration for the general sense of justice which pervades the work of the English and American judges. In this expression of admiration he also includes a bar second to none in the world, without whose co-operation the judges never could have produced a mass of materials of jurisprudence such as that produced by the Anglo-American family,—an accumulated treasure possessed by no other people that has lived in the tide of time. Nor can the author suppress the confession that, during the long and weary years in which he has been engaged upon his task, the self-accusing doubt has often forced itself upon him whether he was indeed exercising the dignified office of a commentator, or the more humble office of a mere carpenter and joiner of other men's ideas.

It should be stated that two works previously published by the author on topics connected with the law of corporations, having done their work, such as it was, and had their day, have been suppressed in their original form, and their contents, so far as deemed worth preserving, have been, after suitable revision, retained in the present work. As these works are in all the public, and in most of the private, law libraries in the country, they have been cited a few times in the present work, where they have contained details which it has been thought not necessary to include herein,—the former as "Thomp. Stockh." and the latter as "Thomp. Off. Corp."

It affords the author great pleasure to state that, during the period in which this work has been under preparation, he has received, from time to time, some assistance from others which, while important in itself, and duly appreciated, has been inconsiderable in comparison with the whole work. Many years ago, Mr. Edwin G. Merriam, of the St. Louis bar, who was the author's associate in literary work of this kind, did a considerable amount of work of a high grade, which has found its way into three titles, that relating to directors, that relating to ministerial officers, and that relating to actions by and against corporations. If that capable lawyer shall have the curiosity to search in the following pages for these children of his brain, he will, no doubt, be disappointed at finding them almost buried under the subsequent accumulations of 15 years. The author also acknowledges valuable assistance from the late Judge William P. Wade, of California, author of several able treatises, from Prof.

Jas. A. Yantis, of the University of Missouri, and from William L. Murfree, Jr., Mr. Virgil Rule, and Mr. S. S. Merrill, all of the St. Louis bar. And if he has omitted to mention any others, it should be charitably ascribed to that forgetfulness which comes with the lapse of time. With these exceptions, the work is the personal work of the author, and is founded upon his personal examination of the cases and statutes therein cited.

I should deserve the accusation of ingratitude if I were to omit, in conclusion, to return public thanks to my publishers, the Bancroft-Whitney Company, who, during a long succession of delays and disappointments, have maintained their faith in my ultimate success, and have supported my efforts to an extent which deserves to be described as heroic. I also take this occasion to return to my professional brethren my sincere thanks for the generous indulgence which they have extended to the faults of my previous works. And to that good Being who has given me the strength to persevere to the end, through so many years of toil and discouragement, I tender my most grateful acknowledgments.

Seymour D. Thompson.

St. Louis, January 1, 1895.

AN ANALYSIS OF THE WHOLE WORK.

Title I.—Organization and Internal Government.

- Chap. 1. Nature and Kinds of Corporation.
- Chap. 2. Creation by Special Charters.
- Chap. 2. Acceptance of Special Charters.
- Chap. 4. Amendment of Charters.
- Chap. 5. Charters Granted by the Courts.
- Chap. 6. Organization under General Laws.
- Chap. 7. Reorganization.
- Chap. 8. Names of Corporations.
- Chap. 9. Consolidation.
- Chap. 10. Promoters.
- Chap. 11. Irregular and De Facto Corporations.
- Chap. 12. Constitutional Restraints upon the Creation of Corporations and the Granting of Corporate Privileges.
- Chap. 13. National Corporations.
- Chap. 14. Place of Holding Corporate Meetings and Doing Corporate Acts.
- Chap. 15. Corporate Elections.
- Chap. 16. Motion of Officers.
- Chap. 17. Expulsion of Members.
- Chap. 18. By-Laws.

Title II. Capital Stock and Subscription There-to.

- Chap. 19. Nature of Capital Stock and Shares in General.
- Chap. 20. Who May Become Shareholders in Corporations.
- Chap. 21. The Contract of Subscription.
- Chap. 22. Alteration of the Contract.
- Chap. 23. Conditional Stock Subscriptions.
- Chap. 24. Effect of Fraud on Stock Subscriptions.
- Chap. 25. The Surrender of Shares and Release of Shareholders.
- Chap. 26. Payment of Shares.
- Chap. 27. Assessments and Calls.

Title III. Remedies and Procedure to Enforce Share Subscriptions.

- Chap. 28. Forfeiture of Shares for Nonpayment of Assessments.

- Chap. 29. Actions by the Corporation against Shareholders for Assessments.
- Chap. 30. Evidence in Such Actions.
- Chap. 31. Defenses to Actions for Assessments.
- Chap. 32. Limitations of Actions against Stockholders.

Title IV. Shares Considered as Property.

- Chap. 33. Powers of the Corporation in Relation to its Own Shares.
- Chap. 34. Increasing and Decreasing Capital Stock.
- Chap. 35. Dividends.
- Chap. 36. Interest Bearing, Preferred, and Guaranteed Stock.
- Chap. 37. Transfer of Shares.
- Chap. 38. Bona Fide Purchasers of Shares.
- Chap. 39. Pledges and Mortgages of Shares.
- Chap. 40. Other Dealings in Shares.
- Chap. 41. Execution and Attachment against Shares.
- Chap. 42. Taxation of Shares and Dividends.

Title V.—Liability of Stockholders to Creditors.

- Chap. 43. Nature and Extent of this Liability at Common Law.
- Chap. 44. Liability in Equity on the Ground that the Capital is a Trust Fund for Creditors.
- Chap. 45. Liability before Organization Complete and Capital Paid in.
- Chap. 46. Constitutional Provisions Creating and Abolishing Individual Liability.
- Chap. 47. Construction of Statutes Making Stockholders Personally Liable for the Corporate Debts.
- Chap. 48. Constitutional Questions Arising under Such Statutes.
- Chap. 49. Extraterritorial Force of Such Statutes.
- Chap. 50. Statutes Creating a Joint and Several Liability as Partners.
- Chap. 51. Statutes Creating a Several Liability.
- Chap. 52. For What Debts these Statutes Make Stockholders Liable.
- Chap. 53. Liability for Interest, Fees, and Costs.
- Chap. 54. Statutes Making Stockholders Liable for Debts Due for Labor, Provisions, etc.
- Chap. 55. To What Class of Shareholders Liability Attaches: Present and Past Members.
- Chap. 56. Status and Liability of Legal and Equitable Owners of Shares.
- Chap. 57. Divestiture of Liability by Transferring Shares.
- Chap. 58. Liability of Executors, Administrators, Heirs, and Legatees.
- Chap. 59. Conditions Precedent to the Right to Proceed against Stockholders.
- Chap. 60. Effect of Judgment against the Corporation.
- Chap. 61. Remedies and Procedure.
- Chap. 62. Parties to Proceedings by Creditors against Stockholders.
- Chap. 63. Proceedings in Equity.
- Chap. 64. Right of Action in Receiver, Assignee, etc.
- Chap. 65. Proceedings by Garnishment.
- Chap. 66. Executions against Stockholders.
- Chap. 67. Questions of Procedure.
- Chap. 68. Defenses to Actions against Stockholders by or on Behalf of Creditors.
- Chap. 69. Limitation of Actions by or on Behalf of Creditors.
- Chap. 70. Set-Off.
- Chap. 71. Contribution among Stockholders.
- Chap. 72. Priorities among Creditors.

Title VI.—Directors.

- Chap. 73. Right to the Office.
- Chap. 74. Directors and Officers De Facto.
- Chap. 75. Quorum of Directors and Number That can Act.
- Chap. 76. Delegation of Their Power by Directors.

- Chap. 77. Powers of Directors.
 Chap. 78. Obligations of Directors as Fiduciaries.
 Chap. 79. General View of the Liability of Directors.
 Chap. 80. Liability of Directors for Negligence.
 Chap. 81. Remedies of the Corporation or its Representative against its Unfaithful Directors.
 Chap. 82. Liability of Directors to Strangers and Creditors of the Corporation Outside of Statute.
 Chap. 83. Statutory Liability of Directors and Officers to Creditors.
 Chap. 84. Contribution and Subrogation.
 Chap. 85. Compensation of Directors and Officers.

Title VII.—Rights and Remedies of Members and Shareholders.

- Chap. 86. Rights of Membership.
 Chap. 87. Right to Inspect Books and Papers.
 Chap. 88. Other Rights and Remedies.
 Chap. 89. Remedies of Shareholders in Equity.
 Chap. 90. Injunctions in Aid of Such Remedies.
 Chap. 91. When Such Remedies Extend to Winding Up and When Not.
 Chap. 92. Further as to the Form of Relief.
 Chap. 93. Parties to Such Actions.
 Chap. 94. Pleadings in Such Actions.
 Chap. 95. Various Matters of Practice in Such Actions.

Title VIII.—Ministerial Officers and Agents.

- Chap. 96. The President.
 Chap. 97. The Vice President.
 Chap. 98. The Secretary.
 Chap. 99. The Treasurer.
 Chap. 100. The Cashier of a Banking Corporation.
 Chap. 101. The Teller of a Bank.
 Chap. 102. The Managing Agent Other Than the President and Cashier.
 Chap. 103. Attorneys and Counselors.
 Chap. 104. Powers and Liabilities of Corporate Agents Generally.

Title IX.—Formal Execution of Corporate Contracts.

- Chap. 105. General Principles.
 Chap. 106. Sealed Instruments.
 Chap. 107. Negotiable Instruments.
 Chap. 108. Other Written Contracts.
 Chap. 109. Parol Contracts.
 Chap. 110. Implied Contracts.

Title X.—Notice, Estoppel, Ratification

- Chap. 111. Notice to Corporations.
 Chap. 112. Estoppels against Corporations and Their Members.
 Chap. 113. Ratification by Corporations.

Title XI.—Franchises, Privileges, and Exemptions.

- Chap. 114. Nature of Franchises in General.
 Chap. 115. Construction of Grants of Franchise.
 Chap. 116. Vendibility of Franchises.
 Chap. 117. Constitutional Protection of Franchises.
 Chap. 118. Exercise of the Police Power over Corporations.
 Chap. 119. Regulation of Tolls and Charges.
 Chap. 120. Taxation of Franchises.
 Chap. 121. Exemptions from Taxation.
 Chap. 122. The Delegated Power of Eminent Domain.

Title XII.—Corporate Powers and the Doctrine of Ultra Vires.

- Chap. 123. Corporate Powers in General.
 Chap. 124. Interpretation of Charters.

- Chap. 125. Financial Powers.
 Chap. 126. Powers Relating to Negotiable Paper.
 Chap. 127. Powers Relating to the Ownership and Transfer of Property.
 Chap. 128. Power to Do Various Acts.
 Chap. 129. Powers Ascribed and Denied to Particular Corporations.
 Chap. 130. Doctrine of Ultra Vires.

Title XIII.—Corporate Bonds and Mortgages.

- Chap. 131. Corporate Bonds and Coupons.
 Chap. 132. Power of Corporations to Mortgage their Property and Franchises.
 Chap. 133. Power of Directors and Officers to Execute Such Mortgages.
 Chap. 134. Various Incidents of Mortgages and Other Liens Created by Corporations.
 Chap. 135. Foreclosure of Corporate Mortgages.
 Chap. 136. Priorities among Creditors in Such Foreclosure Suits.

Title XIV.—Torts and Crimes of Corporations.

- Chap. 137. Civil Liability of Corporations for Torts.
 Chap. 138. Liability for Trespasses and Malicious Injuries.
 Chap. 139. Liability for Frauds.
 Chap. 140. Liability for Negligence.
 Chap. 141. Rules of Damage.
 Chap. 142. Unlawful "Trusts" for the Control of Corporations, and the Prevention of Competition among Them.
 Chap. 143. Indictment of Corporations.
 Chap. 144. Contempts by Corporations.

Title XV.—Insolvent Corporations.

- Chap. 145. Assignments for Creditors.
 Chap. 146. Preferring Creditors.
 Chap. 147. Fraudulent Conveyances by Corporations.
 Chap. 148. Selling Out to a New Corporation.
 Chap. 149. Creditors' Suits.

Title XVI.—Dissolution and Winding Up.

- Chap. 150. In What Manner Corporations Dissolved.
 Chap. 151. Doctrine that Forfeitures can only be Effected by the State.
 Chap. 152. Grounds of Forfeiting Charters.
 Chap. 153. Ipso Facto Forfeitures of Charters and De Facto Dissolutions.
 Chap. 154. Surrender of Franchises and Voluntary Dissolution.
 Chap. 155. Winding Up at the Suit of Stockholders.
 Chap. 156. Effect of Dissolution.
 Chap. 157. Quo Warranto.

Title XVII.—Receivers of Corporations.

- Chap. 158. Appointment, Qualification, and Removal.
 Chap. 159. Effect of Appointment.
 Chap. 160. Title and Possession of Receiver.
 Chap. 161. Whom the Receiver Represents.
 Chap. 162. Collecting the Assets.
 Chap. 163. Actions by the Receiver.
 Chap. 164. Incidental Powers and Duties in Administering the Trust.
 Chap. 165. Proving Claims against the Fund in the Hands of the Receiver.
 Chap. 166. Distribution of the Funds in the Hands of the Receiver.
 Chap. 167. Restoration of Trust Funds by the Receiver.
 Chap. 168. Preferred Claims in Railway Receiverships.
 Chap. 169. Actions against the Receiver.
 Chap. 170. Liability and Remedies for Torts of the Receiver.
 Chap. 171. Receivers' Certificates.
 Chap. 172. Removing and Discharging the Receiver.

Chap. 173. Receivers of Railroads.
 Chap. 174. Receivers of Insurance Companies.
 Chap. 175. Receivers of National Banks.
 Chap. 176. Foreign Receivers.
 Title XVIII.—Actions By and Against Corporations.
 Chap. 177. Power to Sue and Be Sued.
 Chap. 178. Jurisdiction as Depending upon Residence and Citizenship.
 Chap. 179. Jurisdiction as Depending upon Process and its Service.
 Chap. 180. Jurisdiction as Dependent upon Voluntary Appearance.
 Chap. 181. Parties to Such Actions.
 Chap. 182. Name in Which Actions Brought by Corporations.
 Chap. 183. Pleadings in Such Actions.
 Chap. 184. Questions Relating to Corporate Existence.
 Chap. 185. Evidence in Such Actions.
 Chap. 186. Various Matters of Practice in Such Actions.

Chap. 187. Injunctions in Such Actions.
 Chap. 188. Attachments against Corporations.
 Chap. 189. Garnishment of Corporations.
 Chap. 190. Mandamus against Corporations.
 Chap. 191. Limitation and Laches.
 Chap. 192. Executions against Corporations.
 Title XIX.—Foreign Corporations.
 Chap. 193. Status and Powers of in General.
 Chap. 194. Powers of Foreign Corporations Relating to Land.
 Chap. 195. State Laws Imposing Conditions upon Foreign Corporations.
 Chap. 196. Actions by Foreign Corporations.
 Chap. 197. Actions against Foreign Corporations.
 Chap. 198. Service of Process on Foreign Corporations.
 Chap. 199. Proceedings against Foreign Corporations by Attachment.
 Chap. 200. Proceedings against Foreign Corporations by Garnishment.
 Chap. 201. Taxation of Foreign Corporations.

REVIEWS OF NEW BOOKS.

Glenn's International Law.¹

Reviewed by Prof. W. W. Folwell, Professor of Political Science in the University of Minnesota.

[See contents and other descriptive matter on page 240 of this number.]

Knowledge multiplies and extends indefinitely; human life lengthens but little, if at all.

It is a capital problem of modern pedagogy how to select the essential elements of science, and to abridge their statements, as to save the time and strength of overloaded students. Since the material cannot be lessened in bulk, the tools for handling it must be improved. It is another problem, hardly less cardinal, how to analyze the subjects of instruction so that the elements may be arranged in a line of natural and logical filiation, giving the learner at every step a clue to what lies beyond him. Next to the service rendered by the investigator who discovers new truths may be reckoned that of the modest maker of handbooks to bring the new learning within reach of the student, and lighten the labor of the teacher. But for such manuals large portions of useful learning would be inaccessible not only to the common people, but to the educated class. Some of the best work of the kind is to be found in the printed material by which the lectures in our professional schools have been of late years supplemented.

The West Publishing House of St. Paul, Minn., long since known throughout the country, has planned and partly executed a scheme of so-called "Hornbooks" of legal

topics on excellent principles. The first of these principles is a clear analysis of the subject under a systematic and coherent set of heads and subheads. The next is the compact statement, usually in bold type, of the essential truth or doctrine under each heading. This is followed by commentary, illustration, citation of authorities, and notes at a length proportionate to the importance of the topic. The effect of these principles is to "rightly divide the word" and distinguish the essential from the less important statements.

No. 9 of the Hornbook Series is the Handbook of International Law by Captain Edwin F. Glenn, of the Army. It is to the credit of the author to have intelligently comprehended the plan of the series, and to have worked out his book upon its principles with fidelity. But the work is more than a mere creditable number in a series. Captain Glenn's training in the military academy, his service with troops, his marked success as instructor in military science in the University of Minnesota, his later legal education and service as judge advocate,—all these have fitted him for higher work than that of a mere compiler. His book bears the impress, not merely of diligence, but of hearty interest and patient thought. The great teachers of International Law are followed, as they ought to be, with respect, but without servility. By dint of patience and ingenuity a vast bulk of material has been boiled down into a usable compass. As was proper, illustrations are chiefly derived from our own history. While there may be room for difference of opinion in regard to the analysis and arrangement of topics, it must be admitted that the plan of the author is simple and is elastic enough to admit all necessary discussions without violence to logic. The lit-

¹ Handbook of International Law. By Capt. Edwin F. Glenn, Acting Judge Advocate United States Army. St. Paul, Minn.: West Publishing Co. 1895. [Hornbook Series.]

erary style is unaffected and generally vigorous. For the purpose of the book it was wise to print the half dozen appendices, in particular Dr. Lieber's "Old Hundred," the most humane and enlightened code of rules for the government of armies in the field ever published.

Glenn's International Law is intended primarily for the use of law students, but the work will serve equally well for the instruction of undergraduates in those colleges which are enterprising enough to offer the subject.

William M. Folwell,
Professor of Political Science in the University of Minnesota.
August 9, 1895.

Thompson on Corporations.¹

Reviewed by Hon. Simeon E. Baldwin,
Justice of the Connecticut
Supreme Court.

[See contents and other descriptive matter on page 241, and other opinions on page 248, of this number.]

The public expected thorough work from Judge Thompson, and they will not be disappointed. So far as one can judge a six-volume treatise by the first half of it and the general scheme laid out, he has considered the law of private corporations in all its bearings, and given patient attention to the examination of each topic.

The part with reference to directors is especially valuable; for here the law has been subjected to considerable changes in recent years. In fact, for most purposes, the directors have come to be the corporation. As the tendency of modern society is to minimize the power and place of the individual, so in the law of corporations the members have almost ceased to act, after the company has once been organized, unless in some great crisis or catastrophe.

Judge Thompson repeats (section 3980), what has been often said by text writers, that directors have no power to apply to the legislature for an enlargement of the company's powers. This is perhaps true in theory, but false in practice. It is seldom that a corporation at a stockholders' meeting votes to seek such authority. Application is made in its behalf by its directors or officers, as managing agents, and it may, by accepting the benefits of it, ratify their action, as in the case of any business agency. The amendment of the charter will then enlarge the

charter agreement, because the stockholders have given their assent, and it is just as efficacious as if it had been given in advance.

The author has thrown a good deal of himself into his book. He often gives us his opinion of men as well as of law, and is never afraid to range himself, without any "hedging," on one side or the other of a disputed point.

He makes a strong attack, in two different parts of his work, upon the ancient doctrine that penal laws are to be strictly construed. This "relic of a barbarous age" (section 4164), he says, may be well suited to England, where parliament is omnipotent, but is out of place in a country where not only are there written constitutions to restrain the legislature, but a recognition of "certain implied restraints" (section 3014), which courts, if need be, can sometimes enforce by declaring a statute void, as against natural right. Decisions, therefore, which depart from the plain sense of a charter provision as to stockholders' liabilities, because a penalty is imposed, evince (section 3014) "a total confusion of sense and justice." The doctrine of strict construction "involves a species of judicial dishonesty which is a reproach to any system of case-made law, and an imputation upon the judges who have made and who administer it. All statutes, including those which are called penal, are really remedial." The true rule, he argues (section 3017), is that where a statute is penal "courts will hesitate more about enlarging the meaning of doubtful terms than where it is remedial." This would seem to imply that courts stand always ready to enlarge doubtful terms in a statute, though they may proceed to the task with greater alacrity if it be to advance a remedy. We should think it safer, as well as more in accordance with precedent, to say that the object of the court is to discover, rather than to enlarge, the meaning of terms in any case.

The development of American jurisprudence has been greatly affected, as time has gone on, by changes in our commercial conditions, and perhaps in our national modes of thought. Judge Thompson calls attention to this in his discussion of the subject of interstate corporations, and to the fine-spun reasoning in *Ohio & Mississippi Railroad v. Wheeler*, 1 Black, 286. The theory of that case, he says (volume 1, § 47), "was suitable to the casuistry of one period of our legal development and history, but it was not suited to the practical needs of a great, homogeneous, commercial people."

The general substitution of practical for theoretical canons of decision may be said to have begun in this country in the last half of the century. Chief Justice Taney, whose mind, though less broad than Marshall's, was

¹ Commentaries on the Law of Private Corporations. By Seymour D. Thompson, LL. D. In six volumes. San Francisco: Bancroft-Whitney Co. 1895.

hardly less acute, led off in the case of the *Genesee Chief*, 12 How. 443, though the natural bent of his disposition, as the *Ohio & Mississippi Railroad Case* well shows, was in the opposite direction. This freer spirit, which has marked the course of American courts since 1850, has done much to differentiate our law of private corporations from that of England, and to make the English reports of continually decreasing value, as authorities, here. Thus, as the author points out, the practical necessities of the case have driven American courts to the extension to private business corporations of the chancery doctrine applicable to charitable corporations, that the managing officers or directors occupy the position of trustees. The English courts admit the trust relation as regards the stockholders, but deny it as respects the creditors of the concern. *Poole's Case*, L. R. 3 Ch. Div. 322. And, on the other hand, the fact, whether we like it or not, that, in a large proportion of modern American corporations formed for great or hazardous enterprises, stock is issued at less than par, has led many of our courts, of late years, to qualify the trust-fund doctrine; drawing a line between prior and subsequent creditors, or between a going concern and one which is in the hands of a court of insolvency or equity. Judge Thompson adds the weight of his opinion (section 1579), without reserve, to the position that stock can under no circumstances be issued below par without legislative authority, express or implied. We doubt if, upon this point, he has estimated at its real importance the series of decisions of the supreme court of the United States, which he describes (section 1665) as "new," "wild," and "extraordinary," beginning with those in volume 139 United States Reports, and which may be said to end with *Hollins v. Brierfield Coal & Iron Co.*, 150 U. S. 371. In substance, these questions belong to general commercial law; and, on all subjects of that description, the views of the highest court of the United States, representing as it does the people of every state in respect to their dealings with the people of every other, must ultimately prevail. The views now held by that tribunal may be modified, and Judge Thompson's vigorous protest will not be without effect in that direction; but, unless modified substantially, they are likely to be reflected in the reports of most of the states in the twentieth century.

The author indeed remarks (section 1369) that: "Fifty years ago American courts were much more affected in favor of the rights of corporations than they are now. Unconsciously, no doubt, they often did their reasoning entirely on the side of the corporation, and proceeded in obtuse forgetfulness of the rights of scattered individuals." The relaxa-

tion of the obligations of the stockholder, as respects unpaid stock, is one of the forms in which the remedies of the corporation, as against him, have been thus narrowed. We think less of the artificial being than of the men, women, and children who compose it,—less of its rights, and more of theirs.

Judge Thompson's definitions are full and clear, but they cannot always be said to be concise. A corporation, he says, at the outset of his work, is usually "a collection of natural persons, joined together by their voluntary action or by legal compulsion, by or under the authority of an act of the legislature, to accomplish some purpose, pecuniary, ideal, or governmental, authorized by the legislature, under a scheme of organization and by methods thereby prescribed or permitted; with the faculty of having a continuous succession during the period prescribed by the legislature for its existence, of having an individual name by which it may make and take contracts and sue and be sued, and of acting as a unit in respect of all matters within the scope of the purposes for which it was created." It would seem that the words "by their voluntary action or by legal compulsion" are unnecessary, since only in one or the other of these ways could such persons be joined together; that, in the next member of the sentence, the words "by or under the authority of an act of the legislature" mean no more than the briefer phrase "under legislative authority"; and that what follows next is merely saying in twelve words what could be stated in three,—“for specified purposes.” We are glad to see that he discards the antiquated and ambiguous term "perpetual succession" in favor of "continuous succession." The essence of corporate being is not to live forever, but, while it lives, to live uninterrupted by any changes in its membership.

The size of the work could have been much reduced had less been said in it of municipal corporations. This is particularly true of the articles devoted to the subjects of "Amotion of Officers" and "By-Laws." The publication of three volumes separately has entailed the ordinary inconvenience of an occasional error in cross-references. Thus section 265 in volume 1 refers to section 2841 in volume 3 for a consideration of the trust-fund doctrine, instead of section 2951, and the seeker for section 2841 does not find it at all, that being one of the three or four reserved numbers which are kept at the close of each article for use in the expansions which may be incident to future editions.

There can be no doubt that this work will have a decided influence in shaping the further development of the American law of corporations. A good text-book takes a place with regard to courts and lawyers much like

that occupied by the editor in chief of a metropolitan newspaper in making public opinion for the community by declaring that what he says is public opinion. A couple of sections in Morawetz on Private Corporations constituted one of the main foundations for the decision in *Handley v. Stutz*, 139 U. S. 417, 436, in which Judge Thompson complains that the supreme court let itself down;

but Mr. Morawetz would probably think that it lifted itself up. Galus came before Justilian. Private law must be worked over and worked out in legal treatises before it can take its final place of authority in the jurisprudence of any country.

Ammer & Gato Win

OTHER OPINIONS OF NEW BOOKS.

Thompson on Private Corporations.

[See contents and other descriptive matter on page 241, and review by Hon. Simeon E Baldwin on page 246, of this number.]

As to the manner in which the labor of Mr. Thompson has been performed it is enough to say that it is beyond any criticism, and that it is of a kind which is to be expected from one whose ability as a book writer has been demonstrated and established for years. In point of accuracy, diligence, originality of thought, and freedom to express an opinion, we have no law book writer who surpasses Mr. Thompson; and though, like the rest of human kind, his opinions may not be invariably correct, the student will always find something valuable in his views and discussions. There is one special merit in this work, to which we call attention as being different from most modern text-books, and that is the effort of the author to treat every topic with such fullness of detail that the state of the law in respect of it can be learned from the pages of the work and without the necessity of the reader searching the adjudged cases. To this end the author states, not only what the courts have decided, but also the reasons which they have given for their decisions.

—Central Law Journal.

It is impossible within our limited space to adequately notice this stupendous work of Judge Thompson, the first three volumes of which are now before us. The reputation of the distinguished author is so well established that anything from his pen is sure of a hearty welcome by the profession, and this, his great life work, will serve to add new lustre to his fame as a law writer. The work was commenced more than 16 years ago, and the subject is one of such enormous proportions that it has required much condensation to bring the text within the limit of 6,000 pages. Every topic, however, is treated with such fullness of detail that the state of the law in respect of it can be learned from the pages of the work, without the necessity of searching the adjudged cases.

In other words, it is a full and comprehensive statement of the whole law governing the law of private corporations, and as such is an invaluable working tool for the practitioner.

—Green Bag.

The arrangement of the work is excellent. While it is certainly voluminous, in a certain sense of the word, yet it is not bulky nor "padded." Though we have not the index volume, no trouble at all has been experienced in finding the author's exposition of any desired topic, so admirable is the complete analysis of the whole work given in volume 1, and so exhaustive and comprehensive the table of contents at the beginning of each volume. If the volumes yet to be issued cover the topics left for consideration as thoroughly as the present volumes cover what has been treated in them, the distinguished author may then be content to rest from his labors and leave this as the crowning work of his life.

—Michigan Law Journal.

The work of Judge Seymour D. Thompson on Private Corporations is an event of so much importance in our legal literature and history that I will ask you to give place to this short notice of it. A careful examination of the three volumes which have already appeared (the rest will soon follow) has impressed me with the conviction that this work is far beyond the ordinary range of legal authorship. It will take as of right possession of the field that it is designed to cover; and I predict, for reasons which I shall briefly give, that it will permanently hold it. It is national in its scope. It aims at nothing less than to state fully the law concerning private corporations as they exist to-day throughout the United States. When we consider that the scope of such an undertaking requires an examination into the legislation and adjudications of about 50 separate states, as well as of congress and the federal courts, we at once realize how laborious, how extensive, almost immeasurable, such an undertaking is. Diversity in details are infinite; but it is surprising, after all, to

see, in matters fundamental and basic, what a substantial uniformity is found to exist. It is the latter fact that has made the author's attempt to state the whole law relating to private corporations in this country practicable.

The execution of the scheme requires six volumes of about 1,100 pages each, in which the vast and various details are, for the purposes of methodical treatment and reference, arranged into sections, numbering in all about 8,000. And this statement of its bulk raises a most important question, namely, whether the treatise is constructed on the best plan, and, if so, whether in the execution of that plan the author has been unnecessarily diffuse. The plan on which what goes under the name of an elementary legal work ought to be constructed depends upon the subject which is to be dealt with. Undoubtedly, there are certain subjects which may largely be treated in what may be called an institutional manner, where the author's chief labor is to state ultimate principles, with their ground and reasons, without much detail or specific reference to cases. But there are other subjects as to which such a mode of treatment is not the best; and to this class belongs the subject of private corporations. In this country it is fundamental that all such corporations have a legislative origin; that all their powers are statutory; and, moreover, in the constitution of every state there are provisions limiting legislative power in respect of the creation of corporations and the powers that may be conferred upon them. These constitutional and legislative provisions are largely the basis of the judicial judgments relating to corporations and their powers, and make it necessary in many cases to give the text of the positive provisions in order accurately to understand and apply the doctrines of the courts as exemplified in the adjudged cases. The author has wisely recognized this necessity, and has, in our opinion, constructed his work on the right, and, indeed, on the only true, plan. It is not too large for the highest usefulness. It is a cyclopedia of corporate law. Inasmuch as the body of the profession throughout the country has not access to all of the statutes and decisions of the various localities, and, if they had, would find it very inconvenient

to refer to them in the daily work of the profession, the author's plan is one of the highest utility and practical value.

With this book before him the case will be exceptional where the inquirer will find it necessary to go beyond it in order to solve, or get the data to solve, any legal problem on the subject that may arise. I find that it is a work specially designed for the practitioner and the judge. My own experience illustrates this. On the day these volumes came into my hands, I was engaged in tracing the law concerning the transfer of shares, and the right, as against the corporation, of an assignee of shares whose assignment had not been registered on the books of the corporation. I found the subject so exhaustively considered that it saved me several days labor and made it needless to look further.

The author has the essential requisites for doing his work well. He is a man of unwearied diligence, and an active life has been exclusively devoted to the literature and the actual work of the law. He has codified statutes. He has edited for years leading law journals and reviews. He is not a mere doctrinaire. He was for a long period a master in chancery, daily dealing with the actual adjudication of disputes of wide and varied range. He served for 12 years on an appellate bench. He has written various works, civil and criminal, on legal topics, all of which display his learning and his capacity for original thought, and the formation of independent and fearless judgments. All this learning and extensive and ripe experience he has brought to the production of this masterpiece of legal work. Not the least of its merits is that it is not "manufactured," as so many modern law books are, by the aid of students and hired assistants, but has been wrought out by the personal labor of the author.

Because of these varied merits, I have ventured to predict that it will take the field, and will hold it; for it will be long before another will undertake such a stupendous work. It is 12 years since it was announced, and during all this time it has engaged the author's attention and labors. It is a monumental work.

—Judge Dillon, in the Albany Law Journal.

MINOR LAW BOOK NOTICES.

Bennett's Outlines of Trial Procedure.¹

This is a volume for which the experienced lawyer will find but little use; but it is an

excellent manual for students, and most beginners at the bar will find its suggestions and directions quite helpful until practice has made them familiar with the details of trial procedure.

¹ Outlines of Trial Procedure. By J. L. Bennett. Chicago: Donohue & Henneberry. 1895.

The author states that his original intention was to produce a work similar in scope

and arrangement to the standard manuals of parliamentary law; and he has followed that plan perhaps as closely as the nature and magnitude of the subject will allow. The volume contains 55 pages, the body-matter being divided into short and pointed paragraphs, consecutively numbered. The outline is based particularly on the procedure in jury trials in Illinois, but most of it is applicable to the procedure of any state, and to trials to the court as well as to a jury. All of the different steps in the routine of a jury trial, such as selecting the jury, making the opening statement, examining and cross-examining witnesses, impeachment, presenting instructions, making the argument, etc., are briefly considered under separate headings. Illustrations of the method of examining jurors and witnesses are given. Not the least valuable feature of the work, to the young lawyer, are the short paragraphs of advice scattered here and there throughout the volume. The following are examples:

Sec. 70. Be careful not to introduce incompetent evidence, which may open a door for your adversary. He may be watching for just such an opportunity.

Sec. 72. It is as bad to overtry a case as to undertry it. Keep closely to the facts. If you have a good case, this will be the only way to show it; if you have a bad case, it will be the best way to make the most of it.

Those paragraphs illustrate the author's style and, to a certain extent, the arrangement of the work. But few cases are cited. The volume is a handy pocket size, in flexible cloth binding, and neatly printed in small type.

Hall's Infringement Outline.¹

Mr. Hall has previously written two other works on patent law,—“Hall's Patent Estate,” an elementary work published in 1888, treating mainly of the right of property in patents; and “Hall's Patent Infringement,” published in 1893, which is practically a review of all the decisions of the supreme court of the United States in which points relative to patent infringement have been settled. These two works have been commended by nearly all of the different members of the United States supreme court, which is sufficient to settle the question of their merit.

Both the plan and the subject-matter of the little volume before us—Hall's “Outline of the Infringement of Patents”—are drawn from the two larger works named. It is intended to be but an outline of the doctrine of patent infringement as it has been settled by the only tribunal having power to establish the law in such cases,—the su-

preme court of the United States; and its statements are based solely on the decisions of that court.

In explanation of his division of the subject, the author says, in the introduction, that, “in considering a matter of possible infringement of a given patented invention,—by the making, using, or selling of given means within our country during the term of the patent,—one or more of four questions arise: The first question asks if the given means be unlicensed under the patent. The second question asks if the given means constitute a form of the given patented invention. Should both answers be affirmative, and thus show that an infringement is involved, then the third question arises, asking if the patent be valid for such infringed invention. Should this answer be affirmative, and thus show that the infringement is unlawful, then the fourth question arises, asking what sum may be recovered for such infringement.” From this reasoning he draws the four subject divisions of the treatise: (1) License under a Patent; (2) Identity of the Invention; (3) Validity of the Patent; and (4) Recovery for Infringement.

The text, covering the first 53 pages of the book, is free from notes and citations. A reference table follows, covering 21 pages, and citing, under the same subject-titles and subheadings as are used in the text, all the cases of the United States supreme court bearing on the infringement of patents down to April 20, 1895. This arrangement of the cases preserves the continuity of the text and enables the practitioner to find readily the authorities for any statement in the book. A cursory examination of the volume leads to the belief that it contains all which its title, scope and size suggest, and that practicing lawyers will find it both useful and reliable.

Hogg's Pleading and Forms.¹

The scope and purpose of this work are thus stated by the author in his preface:

The object of this work is to give to the practitioner, as well also as to the student of law, a concise yet comprehensive and practical treatise on the subject of pleading especially applicable to the state of West Virginia, but of general use in all those states where the system of common-law pleading may be said to obtain in contradistinction to the code system. It has been the earnest and faithful endeavor of the author to leave out all obsolete common-law rules and principles pertaining to this useful and interesting branch of the law; to note the positive changes therein, as well as to embrace

¹ Outline of the Infringement of Patents, not Designs. By Thos. B. Hall, of the Cleveland Bar. 1 vol. clo. 93 pp. \$1.00. New York and Albany: Banks & Brothers. 1895.

¹ Pleading and Forms. A practical treatise on the System of Common-Law Pleading, supplemented with Numerous Precedents of Declarations, Pleas, Replications, and Court Orders now in use in the State of West Virginia. By Charles E. Hogg. Cincinnati: Robert Clark & Co. 1895.

in the treatise those rules and principles created by and incident to legislative enactment. Indeed, the author's effort has been to so write the book that the busy practitioner may rely upon it to prepare his cases for trial and to uphold the pleadings thereof in the courts of the state, and that the student may use it in preparing himself for the bar touching the subject upon which it treats.

The volume consists of 27 chapters, the first 17 of which contain a clear and methodical statement of the law of pleading, the remaining 10 being devoted to forms. The work has evidently been carefully prepared. Its numerous notes and citations, together with the more than 230 practical forms of pleadings, will certainly render it a work of great value to lawyers and law students in West Virginia or in any state having a similar procedure.

James' Ohio Law of Opinion Evidence.¹

In the preface to this work, the author states that a careful examination of the 65 Ohio cases in which questions relative to the admission and effect of opinion evidence are discussed and decided led him "to believe that there were rules governing the admission of opinions in evidence peculiarly and distinctively Ohio law, and which, if classified and presented in a single volume, might be of assistance to Ohio lawyers." The result of his investigation on this subject is a little volume of 85 pages, printed in clear type, and divided into 7 titles or chapters, treating of (1) Opinions generally; (2) Experts, together with a brief statement of the classes of persons who have been adjudged experts by the Ohio courts, and the circumstances under which their testimony may be received; (3) Values; (4) Handwriting; (5) Nonexperts, and the conditions and circumstances under which the opinions of such witnesses have been received; (6) Opinions Excluded; and (7) Practice as to the Examination, Cross-examination, and Re-examination of witnesses.

The author's avowed aim has been to give, as far as possible, the exact language of the court in deciding the several points raised relative to expert evidence, in each of the 65 cases reviewed; but every topic is treated with commendable brevity and clearness. The book is not burdened with citations of cases from other states, nor padded with notes and annotations to make it bulky and pretentious; but the author has confined himself exclusively to the scope suggested by

the title and to the consideration of the 65 cases which, at the time the book was written, at least, formed the whole law of opinion evidence in Ohio; and he has produced a little volume in which the lawyers of his own state, or those of any state, who may wish to learn the status of any particular phase of opinion evidence under the law of Ohio, will not be disappointed.

Keigwin's Notes on the Rules of Practice in Public Land Cases.¹

Lawyers who may have occasion to deal with public land contests will find Keigwin's "Notes on the Rules of Practice" a helpful if not an indispensable work. Its purchaser will not find the title a misleading one. The book is in no sense a dissertation on the subject of practice before the land department, but only a collection of brief notes on cases in which the rules of practice prescribed by the department of the interior have been construed. The volume contains the full list of rules, arranged under appropriate headings, the author's notes, citations, etc., being given in small type below the rule to which they apply. Such an arrangement, even without the aid of the complete index at the end of the volume, enables the busy lawyer to find, without trouble or delay, the decisions bearing upon any particular rule.

Mr. Keigwin was for some time connected with the general land office, and began, at that time, the compilation of this collection of notes for his own convenience. He continued the task during several years' subsequent practice in the department of the interior. The resulting work is, therefore, the product of a practicing lawyer's workshop rather than of the author's study.

In his preface the author admits "that this collection of cases does not aspire to the dignity of a digest, but is intended only as a series of annotations upon the rules and upon points closely related to their subject-matter." References are made to all the cases in the official reports wherein the rules are cited, and to all cases bearing on the practice in the land department. Minor points closely related to general practice, such as confirmation, evidence, etc., are disposed of by notes on a few well-selected cases.

The book contains 148 pages, exclusive of a complete index, and all the body-matter except the rules themselves is set in small type, thus presenting a large amount of matter in a small volume.

¹ The Ohio Law of Opinion Evidence, Expert and Nonexpert. By Francis B. James, of the Cincinnati Bar. Cincinnati: W. H. Anderson & Co. 1889.

¹ Notes on the Rules of Practice Prescribed for Public Land Cases in the Department of the Interior. By Charles A. Keigwin. Washington: W. H. Lowdermilk & Co. 1894.

Rayner's Law of Interest in Michigan.¹

Another local work, designed to aid lawyers of a single state in dealing with a perplexing and daily recurring subject, is Rayner's "Law of Interest in Michigan." The author has sought to condense into a little more than a hundred pages all of the practical points relative to the law of interest that have been settled by the decisions of the state. The first chapter treats of the question as to when interest is chargeable, dealing with the inquiry as applied to accounts, notes, deposits in banks, money loaned or advanced, judgments, orders of municipal corporations, legacies, partnership settlements, money obtained by fraud, etc. The second chapter treats of the rate chargeable on different classes of contracts; and this, perhaps, is the most valuable chapter to the practitioner, because the question is most perplexing. The legal rate of interest in Michigan was fixed by How. St. § 1594, at 7 per

cent., with a maximum of 10 per cent. by contract. On September 28, 1887, the legal rate was changed to 6 per cent., leaving the maximum rate as previously fixed. On October 2, 1891, the maximum rate was reduced to 8 per cent., leaving the legal rate unchanged. Each of these changes specially stipulated that they should not affect existing contracts. Chapter 3 deals with the question as to when interest becomes due. Chapter 4 is intended to make clear the adjudication under How. St. § 1599, providing for interest on interest. The application of payments forms the subject of chapter 5. Chapter 6 deals with the subject of usury as it arises under different contracts and transactions, being so classified rather than under digest headings. Part 2 presents methods for the computation of interest under the law of Michigan, applicable to cases (1) where there is no written agreement for interest in installments and (2) where there is such agreement. The numerous annotations are arranged in the form of marginal notes, under appropriate headings. The volume is a handy one, not only for lawyers, but for all who have to do with business matters in the state named.

¹ The Law of Interest in the State of Michigan. With Rules for the Computation of Interest. By Tyrrell Rayner, Jr. Kalamazoo: Ihling Bros. & Everard. 1894.

BOOKS RECEIVED.

From Matthew Bender, Albany, N. Y.:
American Electrical Cases, volume 3.
From Thos. B. Hall, Cleveland, Ohio:
Hall's Infringement Outline.
From J. L. Bennett, Chicago, Ill.:
Bennett's Outlines of Trial Procedure.

From Bancroft-Whitney Co., San Francisco, Cal.:
Thompson's Commentaries on the Law of Corporations, volume 4.
From West Publishing Co., St. Paul, Minn.:
Glenn's International Law.

Leading Text Books Published in 1895.

Abbott's Select Cases on Evidence..	6 00 net	Glenn's International Law.....	3 50 net
Alderson on Judicial Writs and Process	6 00 net	Harlow on Sheriffs and Constables.	
Black's Constitutional Law.....	3 50 net	2d Ed.	6 00 net
Beach on Injunctions. 2 vols.....	12 00 net	Leavitt's Law of Negligence.....	6 50 del
Beach on Insurance. 2 vols.....	12 00 net	Oliver's American Precedents in	
Bishop's Criminal Procedure. Vol.		Personal and Real Actions. 5th	
1. 4th Ed.....	6 00 net	Ed.	6 00 net
Bishop on Insolvent Debtors. 3d		Pingrey on Real Property. 2 vols..	12 00 net
Ed.....	6 50 del	Smith on Evidence.....	5 00 net
Bradner's Rules of Evidence.....	5 00 net	Thompson on Private Corporations.	
Clark's Criminal Procedure.....	3 50 net	6 volsdel'd	36 00 net
Endlich on Building Associations.		Tiffany on Sales.....	3 50 net
2d Ed.....	6 00 net	Waples on Attachment. 2d Ed....	6 00 net
Fetter on Equity.....	3 50 net	Williams on Executors. 3 vols.	
		7th Am. Ed.....	18 00 net

DIGEST

Of Articles on Legal Subjects in Current Periodicals, Annotations in Reports, etc.

List of Abbreviations and Publications Digested.

Abbreviations.	Name.	Published.	Prices of Single Numbers.
Abb. N. C.	Abbott's New Cases, Dossy Law Book Co., N. Y. City	Monthly.....	\$4.50 per vol.
Alb. Law J.	Albany Law Journal, Albany, N. Y.	Weekly.....	25c.
Am. Acad. Pol. & Social Science	American Academy of Political and Social Science, Philadelphia, Pa.	Fortnightly.....	\$6.00 per year.
Am. Banker	American Banker, New York City	Weekly.....	10c.
Am. Law	American Lawyer, New York City	Monthly.....	10c.
Am. Law Reg. & Rev.	American Law Register and Review, Philadelphia	Monthly.....	50c.
Am. Law Rev.	American Law Review, St. Louis	Bi-Monthly.....	\$1.00.
Am. Prob. R.	American Probate Reports, Baker, Voorhis & Co., New York City	Irregular intervals.....	5.50 per vol.
Am. R. & Corp. R.	American Railroad and Corporation Reports, E. B. Myers & Co., Chicago	Irregular intervals.....	4.50 per vol.
Am. St. Rep.	American State Reports, Bancroft-Whitney Co., San Francisco	Bi-Monthly.....	Sold by subscription only.
Am. & Eng. Corp. Cas.	American and English Corporation Cases, Edward Thompson Co., Northport, Long Island, N. Y.		\$4.50 per vol.
Am. & Eng. R. Cas.	American and English Railroad Cases, Edward Thompson Co., Northport, Long Island, N. Y.		4.50 per vol.
Atlantic Monthly	Atlantic Monthly, Houghton, Mifflin & Co., 11 E. 17th St., New York City	Monthly.....	.35 per single number.
Aust. Law T.	Australian Law Times, Melbourne, Australia	Semi-Monthly.....	£3 8s. per yr.
Banking Law J.	Banking Law Journal, New York City	Monthly.....	30c.
Barrister	The Barrister, Toronto, Can.	Monthly.....	\$2.00 per year.
Brief	The Brief, London, Eng.	Monthly.....	Sixpence.
Can. Law J.	Canada Law Journal, Toronto, Can.	Semi-Monthly.....	25c.
Can. Law T.	Canadian Law Times, Toronto, Can.	Monthly.....	50c.
Cape Law J.	Cape Law Journal, Grahamstown, Cape of Good Hope	Quarterly.....	\$1.50.
C. C. A.	U. S. Circuit Courts of Appeals Reports, West Pub. Co., St. Paul, Minn.	Irregular intervals.....	\$3.35 per vol.
Cent. Law J.	Central Law Journal, St. Louis	Weekly.....	25c.
Chi. Law J.	Chicago Law Journal, Chicago	Monthly.....	25c.
Chi. Leg. N.	Chicago Legal News, Chicago	Weekly.....	10c.
Civil Proc. R.	New York Civil Procedure Reports, S. S. Peloubet, New York City	Monthly.....	10c.
Collector	The Collector and Commercial Lawyer, Detroit, Mich	Monthly.....	30c.
Contemporary Review	Contemporary Review, London	Bi-Monthly.....	\$1.00.
Counsellor	The Counsellor, New York City	Monthly.....	50c.
Cr. Law Mag.	Criminal Law Magazine, Jersey City, N. J.	Monthly.....	10c.
Green Bag	Green Bag, Boston	Monthly.....	35c.
Guide	The Guide, Kalamazoo, Mich.	Quarterly.....	65c.
Harv. Law Rev.	Harvard Law Review, Cambridge, Mass.	Monthly.....	25c.
Int. Jour. Eth.	International Journal of Ethics, Philadelphia, Pa.	Monthly.....	1 shilling.
Iowa Univ. Law Bul.	Law Bulletin of Iowa University, Iowa City, Iowa	Weekly.....	Sixpence.
Ir. Law T.	Irish Law Times & Solicitors' Journal, Dublin, Ire.	Quarterly.....	\$1.00 per year.
J. P.	Justice of the Peace, London, Eng.	Monthly.....	Sixpence.
Jurid. Rev.	Juridical Review, Edinburgh, Scotland	Bi-Weekly.....	10c.
Kan. Univ. Lawy.	Kansas University Lawyer, Lawrence, Kans.	Quarterly.....	5 shillings.
Law Notes	Law Notes, London, Eng.	Monthly.....	10c.
Law Quart. Rev.	Law Quarterly Review, London, Eng.	Monthly.....	Sixpence.
Law Student's Helper	Law Student's Helper, Detroit, Mich.	Quarterly.....	5 shillings.
Law Students' J.	Law Students' Journal, John Indermaur, Chancery Lane, London, Eng.	Monthly.....	10c.
Law T.	Law Times, London, Eng.	Monthly.....	Sixpence.
Lawy. Rep. Ann.	Lawyers' Reports Annotated, Lawyers' Co-operative Pub. Co., Rochester, N. Y.	Weekly.....	\$1.00
Leg. Int.	Legal Intelligencer, Philadelphia	Weekly.....	10c.
Madras Law J.	Madras Law Journal	Quarterly.....	\$2.00 per year.
Med. Leg. J.	Medico-Legal Journal, New York City	Monthly.....	\$2.50 per year.
Mich. Law J.	Michigan Law Journal, Detroit, Mich.	Monthly.....	1 shill. and sixpence
Minn. Law J.	Minnesota Law Journal, St. Paul, Minn.	Monthly.....	25c.
Mont. Leg. N.	Montreal Legal News, Montreal, Can.	Monthly.....	25c.
Morr. Min. R.	Morrison's Mining Reports, Callaghan & Co., Chicago	Irregular Int'vis.....	\$5 per vol.
Nat. Corp. Rep.	National Corporation Reporter, Chicago	Weekly.....	10c.
N. J. Law J.	New Jersey Law Journal, Plainfield, N. J.	Monthly.....	25c.
N. W. Law Rev.	Northwestern Law Review, Chicago	Monthly.....	25c.
N. Y. Cr. R.	New York Criminal Reports, S. S. Peloubet, N. Y. City	Monthly.....	25c.
N. Y. Law J.	New York Law Journal, New York City	Daily.....	05c.
N. Y. Law Rev.	New York Law Review, Ithaca, N. Y.	Monthly.....	25c.
Ohio Leg. N.	Ohio Legal News, The Laning Printing Co., Norwalk, Ohio	Weekly.....	\$3.00 per year.
Pittsb. Leg. J.	Pittsburgh Legal Journal, Pittsburgh, Pa.	Weekly.....	10c.
Political Science	Political Science, Boston, Mass.	Quarterly.....	25c.
Quart. Jour. Econ.	Quarterly Journal of Economics, Boston	Quarterly.....	\$2.00 per year.
Rev. of Rev.	Review of Reviews, New York City	Monthly.....	\$2.50 per year.
Scot. Law Rev.	Scottish Law Review, Glasgow, Scot.	Monthly.....	1 shill. and sixpence
Scot. Law T.	Scots' Law Times, Edinburgh, Scotland	Weekly.....	25c.
University Law Rev.	University Law Review, New York City	Monthly.....	25c.
Va. Law Reg.	Virginia Law Register, Lynchburg, Va.	Monthly.....	50c.
Wash. Law R.	Washington Law Reporter, Washington	Weekly.....	10c.
West. Res. L. J.	Western Reserve Law Journal, Cleveland, O.	Monthly.....	20c.
Westminster Review	Westminster Review, London	Weekly.....	25c.
Wkly. Law Bul.	Weekly Law Bulletin and Ohio Law Journal, Columbus, Ohio	Monthly.....	10c.
W. Va. Bar.	West Virginia Bar, Morgantown, W. Va.	Monthly.....	35c.
Yale Law J.	Yale Law Journal, New Haven, Conn.	Monthly.....	35c.

TOPICAL DIGEST.

N. B. The Classification of the American Digest is here used.

AMBASSADORS AND CONSULS.

A short article on consular jurisdiction in eastern countries.—99 Law T. 256.

Arrest.

— Illegal arrest, see "Homicide."

ATTORNEY AND CLIENT.

An article on professional misconduct of attorney with reference to the recent case of *State v. Mullins* (Mo. Sup.) 31 S. W. Rep. 744.—13 N. Y. Law J. 1076.

Common Law.

— See "Laws."

Confession.

— See "Criminal Law."

CONTRACTS.

A useful article on forms of mercantile contracts.—By H. D. Bateson. 11 Law Quart. Rev. 266.

CONVICTS.

An extensive note on the right to compel prisoners to labor.—27 L. R. A. 593.

CORPORATIONS.

— Ratification of agent's acts, see "Principal and Agent."

Liability of municipal corporations for torts.—13 N. Y. Law J. 906.

An interesting article on the franchise laws of the Transvaal.—12 Cape Law J. 87.

A valuable article on the rights of stockholders and creditors in the property of corporations.—By George W. Pepper. 34 Am. Law Reg. & Rev. 448.

COURTS.

An interesting article on the house of lords as a court of law.—7 Green Bag, 329.

An interesting article on the irresponsibility of the judiciary.—By Ardemus Stewart. 34 Am. Law Reg. & Rev. 383.

A short article on jurisdiction over foreign firms.—99 Law T. 231.

CRIMINAL LAW.

— Restraining criminal proceedings by injunction, see "Injunction."

An article on the effect of consent under the criminal law.—5 Madras Law J. 111.

An interesting article on the effect of confessions under the Indian evidence act.—5 Madras Law J. 123.

A series of interesting articles on the reformation of the criminal.—99 Law T. 233, 259, 280.

DIVORCE.

An interesting article on the high church doctrine as to marriage and divorce.—By George Serrell. Contemp. Rev. July.

EJECTMENT.

A short article on the action of ejectment in Virginia by Thomas J. Kirpatrick.—1 Va. Law Reg. 172.

ENTOMOLOGY.

An interesting article on the rights of ants, bees, and other insects under the law.—By R. Vashon Rogers. 7 Green Bag, 326.

EVIDENCE.

An article on expert medical testimony.—By R. S. Harnden. 4 Mich. Law J. 224.

Forgery.

— Payment of forged bill, see "Negotiable Instruments."

HOMICIDE.

An interesting article as to when the killing of an officer who is making an illegal arrest is justifiable, with reference to the recent case of *Miers v. State*, 29 S. W. 1074.—By C. Percy Wilcox. 34 Am. Law Reg. & Rev. 395.

HUSBAND AND WIFE.

A short article, with numerous citations, as to what constitutes a wife's paraphernalia.—12 Cape Law J. 95.

A valuable article on the law as relating to married women and their creditors.—99 Law T. 233.

Income Tax.

— See "Taxation."

INJUNCTION.

An interesting article on the use of injunction to restrain criminal proceedings.—By J. C. Wysor. 1 Va. Law R. 161.

JUDGES.

An interesting address on Virginia judges and jurists before the members of the new court of appeals of Virginia.—By John Randolph Tucker. 1 Supp. Va. Law R. No. 3.

Personal recollections of Chief Justice Chase.—By Eugene L. Didier. 17 Green Bag, 313.

Jurisdiction.

— Of consul, see "Ambassadors and Consuls."

JURY.

An interesting article on the wrongs of the jurymen.—By Harvey N. Shepherd. Atl. Month. August.

A valuable article on the origin and growth of trial by jury in England.—Westm. Rev. July.

A valuable study of the jury system.—By T. D. Crothers. Pub. Sci. Month. July.

LAW.

An interesting address on the vocation of the common law.—By Sir Frederick Pollock. 3 Am. Lawy. 301.

The relation of legal education to the people and the state; an article read before the Michigan Political Science Association.—By H. B. Hutchins. 3 Am. Lawy. 288.

LIBEL AND SLANDER.

An article on liability for false statements at elections, with reference to the recent case of Harwood v. Astley, 1 Bos. & P. (N. R.) 47.—29 Ir. Law T. 347.

LIMITATION OF ACTIONS.

An interesting note, with numerous authorities, on the operation of statutes of limitations, in case of ignorance or concealment of the cause of action.—34 Am. Law Reg. & Rev. 461.

MASTER AND SERVANT.

An article on scope of employment as affecting the liability of an employer for the torts of his servant.—14 Law Notes, 207.

An interesting article on state regulation of the payment of wages, with numerous citations by W. A. Coutts.—4 Mich. Law J. 217.

A review of the recent decision by the supreme court of Missouri in State v. Julow, 31 S. W. 781, holding the statute regulating the liberty of contract of employment unconstitutional.—13 N. Y. Law J. 1066.

A valuable article, with numerous authorities, on independent contractors and their

liability for negligence.—By G. W. Dulwalt. 41 Cent. Law J. 6.

MUNICIPAL CORPORATIONS.

An extensive note on statutes legalizing invalid municipal corporations.—27 L. R. A. 696.

NEGOTIABLE INSTRUMENTS.

An article, with numerous citations, on the payment of a forged bill of exchange by drawee.—By W. W. Thornton. 41 Cent. Law J. 31.

A note on the duty of the drawee to know the signature of the drawer, and his liability for negligence in making payment.—27 L. R. A. 635.

NEGOTIABLE NOTES.

A short article on the liability for transferring a negotiable note to a bona fide holder so as to cut off defenses.—27 L. R. A. 519.

PARTNERSHIP.

An extensive note, with numerous authorities, as to when real estate will be considered partnership property.—27 L. R. A. 449.

PERJURY.

An interesting article on petty perjury.—By M. D. Chalmers. 11 Law Quart. Rev. 217.

Physicians and Surgeons.

— As experts, see "Evidence."

PRINCIPAL AND AGENT.

An article, with numerous authorities, on the ratification by a corporation of the unauthorized acts of its agent.—By D. R. N. Blackburn. 41 Cent. Law J. 51.

PROPERTY.

A valuable article on property, things in action, and copyright.—By T. Cyprian Williams. 11 Law Quart. Rev. 223.

SALE.

An article on warranties of food and drugs.—Justice of the Peace, republished in 29 Ir. Law T. 325.

STATUTES.

A valuable article on proof of foreign law.—By Julius Hirschfeld. 11 Law Quart. Rev. 241.

Stockholders.

— Rights in property of corporation, see "Corporations."

TAXATION.

An article on political dangers of the income-tax decision.—By E. B. Whitney. The Forum, July.

A valuable article on the salutary results of the income-tax decision.—By G. E. Edmunds. The Forum, July.

An article on what is now an indirect tax.—By Louis D. Richardson. 34 Am. Law Reg. & Rev. 380.

An article on the power of a state to compel a bank to furnish a list of its depositors and amounts to their credit, for purposes of taxation.—12 Banking Law J. 309.

Torts.

— Of servant, see "Master and Servant."

Trial.

— By jury, see "Jury."

Wages.

— State regulation of, see "Master and Servant."

Warranty.

— Of food, see "Sale."

WITNESS.

A collection of authorities on the compensation of expert witnesses.—27 L. R. A. 669.

LAW BOOK NEWS.

A Monthly Review of Current Law Literature and Journal of Legal Bibliography.

Terms of Subscription: \$1 a Year; Single Copies, 10 Cents.

VOL. 2.

ST. PAUL, MINN., SEPTEMBER, 1895.

No. 9.

Legal Verbiage.

A BRIEF but interesting paper by the late Henry A. Chaney appears under the above title in the Michigan Law Journal. It tells how the Normandy-bred lawyers brought their rules of procedure and their patois into their Saxon practice, thus establishing the original "lawyer's dialect,"—"the grimgriber of Westminster Hall," as Jeremy Bentham called it with vicious emphasis,—and runs on into the fun which the novelists have had with it,—when it didn't have fun with them!

"Mr. Payn is not the only maker of fiction who has had his gibe at professional lingo; Mr. Reade represents the hero of 'Very Hard Cash' as remarking that deeds are written in an unknown tongue called 'Lawyerish,' where the sense is as one grain of wheat in two bushels of chaff; he says that the moment he saw what a senseless rigmorole the document in question was he insisted that the battological author should furnish him with an English translation, which he did; 'the crib occupies just twenty lines; the original, three folio pages.' And yet Mr. Reade had a soft side for lawyers and an appreciation of the law."

Mr. Chaney evidently sympathized with the plea for simplicity, though he justifies his legal training by finding excuses for some of the technical terms and phrases which help to lend impressiveness—and some additional folios—to legal papers.

The origin of "Lawyerish" was frankly explained by Prof. Walker in his Introduction to American Law:

But it shares this reproach with every science of ancient date. There has always been a disposition in the votaries of learning towards exclusiveness. They have sought to create a monopoly of their acquisitions by employing a language not generally understood nor easily acquired; and when a phraseology, however barbarous or inelegant, has been consecrated by time, it is very difficult to change it.

v.2L.B.N.no.9—17

There is something to be said, however, as to whether legal verbiage is rooted wholly in antiquity, or whether part of it is not due to an admixture of modern refinements. The author of *Scintillæ Juris* illustrates this development in the following way:

Whereas the question formerly was, "Do you think Gurth murdered Diggon?" it now takes the form, "Do you consider Smith knew what he was about when he stabbed Jones?" and whereas the answer used to be, "We think Gurth was in the right on't, for Diggon had broke his head with a quarterstaff," it now runs, "I state it to be my deliberate opinion that Smith was suffering from acute cerebral disturbance, such as recent contact between his skull and a brick would produce."

There is an analogy suggested between this kind of mystification and the ingenious methods of the cuttle-fish, when attacked by an enemy. He makes a cloud about him by discharging his ink-sacs in the water, and under cover of the darkness he slips away!

Sometimes the responsibility does not so much rest with the struggling inadequacies of the language as with the complicated facts which the language is trying to translate into mental images. For instance, the "verbiage" in the following appears to be as much in the incident as in the language:

"My good woman," said the learned judge, "you must give an answer in the fewest possible words of which you are capable, to the plain and simple question whether, when you were crossing the street with the baby on your arm, and the omnibus was coming down on the right side, and the cab on the left, and the brougham was trying to pass the omnibus, you saw the plaintiff between the brougham and the cab, or whether and when you saw him at all, and whether or not near the brougham, cab, or omnibus, or either, or any two, and which of them respectively, or how it was."

The following story indicates the advantage that may be derived from a skillful manipulation of "verbiage":

A lawyer, whose eloquence was of the spread-eagle sort, was addressing the jury at great length, and his legal opponent, growing weary, went outside to rest.

"Mr. B. is making a great speech," said a country-man to the bored counsel.

"O, yes, Mr. B. always makes a great speech. If you or I had occasion to announce that two

and two make four, we'd just be fools enough to blurt it right out. Not so Mr. B. He would say:

"If, by that particular arithmetical rule known as addition, we desired to arrive at the sum of two integers added to two integers, we should find—and I assert this boldly, sir, and without the fear of successful contradiction—we, I repeat, should find by the particular arithmetical formula before mentioned—and, sir, I hold myself perfectly responsible for the assertion I am about to make—that the sum of the two given integers added to the two other integers would be four!"

To Reduce Case-Law.

THE Chicago Times-Herald makes the following comment upon the attempt in Illinois to limit supreme court decisions:

The proposal by the Legislature to limit the output of judicial decisions in the Appellate and Supreme Courts, is a desirable reform. As now published, more than one-half of the Reports is mere padding, made up of the useless restatement of principles of law that have been published over and over again, which have become, in a great measure, elementary. If a way could also be found to check the excessive verbiage of the Opinions, it would be an added blessing, for too many of the Judges are given to the practice of drawing out the thread of their verbosity finer than the staple of their argument, like Don Adriano de Armado in "Love's Labor Lost."

The truth is, there is no more onerous tax inflicted on the Bar than the yearly increasing volumes of decisions rendered by the higher Courts, Federal and State. So long as they are published, every lawyer feels that he must at least have access to them, and this he obtains either through a law institute, such as we have in Chicago, or by purchasing them. A busy lawyer in full practice wants them at hand, and so purchases the most important of the Reports of the Federal Courts, and those of the larger states. But this is an enormous expense. Last year there were 474¹ law books published in this country, and while some of them were text books, the great mass of them were Reports of cases. Lawyers want to see these if they can, for they never know what sort of a "decision" may be rendered somewhere, which, suddenly sprung upon them by a wily adversary in the "current of a heady fight," may bring them to confusion, whereas a few hours of notice of such a case might give them time to arm themselves against it. So they are compelled to dig away in the vast mines of cases, and in some way bear the burden of their expense. Another thing that is encouraged by these numberless reports is the making of mere "case lawyers," which in turn reacts upon the Bench, and makes the Judges look for precedents rather than for principles.

¹ There were 619, and of these 347 were Reports. See vol. 2, p. 2, Law Book News. [Eds. L. B. N.]

This writing of long Opinions is an American custom almost entirely. The decisions of the great English Judges, upon which the Common and Commercial Law of this country is founded—Coke, Holt, Mansfield, Buller, Kenyon, Ellenborough, Parke and others—as a rule, cover but a page or two, and one does not get mired in a mass of truisms and inconsequent twaddle in searching for the point of the decision.

The inventor of the long written opinion was John Marshall, greatest of lawyers and judges, to whom we owe many debts in the law, but not for this. And yet if all judicial opinions were written by John Marshalls, it would indeed be a boon, but unhappily that kind of Judge appears only at intervals, and so the evil remains, the good having vanished. The law proposed by the Legislature is a good one, and will lead to good results. In New York, there is a similar law in regard to the decisions in the Court of Appeals, and it has been found satisfactory.

Anything that tends to lessen mere wind and words must, in the nature of things, be a blessing.

This point of view is coming to be taken more and more commonly by those who think before speaking upon the subject. The Canada Law Journal recently published some editorial comments upon present methods of promulgating and reporting decisions, from which we take the following:

We find cases reported at full length which merely follow previous decisions—would it not be sufficient to note such a case simply as having followed the prior case, if, indeed, it should be reported at all? What is the object of multiplying reports of decisions on the same point and agreeing with each other? A point arises on the construction of, say, a particular section of a statute, and Mr. Justice A. in the court of first instance construes it, and his decision is reported; what necessity is there, then, to go on and report half a dozen other cases in which other judges come to the same conclusion? Why should not the decision of Mr. Justice A. be the "authority" for that construction, until his decision has been overruled by some higher tribunal, or differed from by some other judge of equal authority? There would be a considerable reduction in the number of cases reported if some such principle as this were adopted; but then, the reports would contain a much larger proportion of meat, and much less sawdust.

"Pocket Precepts."

PROF. Jeremiah Smith contributes to the May number of the Harvard Law Review a learned essay on "The Use of Maxims in Jurisprudence." The respect which has always been paid to "pocket precepts" is a tribute to the power of language. So long as a principle floats about in the judicial atmosphere in a disembodied form, it is only to

be seized with some skill and labor. But once capture it, and fit it out with a skin-tight-suit of words, and it is forever after at your beck and call. You can set it to work like any spell-bound djinn, and, as Prof. Smith intimates, the work that has sometimes been required of these little servitors is very different from that which they were originally intended to perform. "There are phrases, solemn and imposing in form," he says, "which seldom or never render any real assistance in the solution of a legal puzzle; but, on the contrary, actually retard that solution. They are mere truisms; or mere identical propositions; or moral precepts; or principles of legislation; but not working rules of law. 'Such sentences are not a solution of a difficulty; they are stereotyped forms for gliding over a difficulty without explaining it.' And yet, being mistaken for solutions of the practical legal problem, their use has the effect of preventing a thorough investigation." He concludes, however, that Mr. Brown's book should not be burned by the common hangman, but should be used with discretion.

Mr. Darling, in his entertaining book, "Scintillæ Juris," has a chapter on maxims which is worth re-reading in this connection. We quote from it:

I shall conclude with a word or two on Maxims, which as centres have many doctrines revolving around them. It becomes them, therefore, to be fixed and certain; but, for my own part, I can think them of not much more use in law than the proverbs of country people are in husbandry. Like "index learning," they may "hold the eel of science by the tail," yet the eel will find such means to wriggle that it were almost as well not to restrain him in any way as to hold him by one end only.

It is magnificently declared by our law that *there is no wrong without a remedy*; but perhaps it were as just to remark that no remedy is given to him who has not a right to it. This manner of stating the rule is not, however, so attractive as that which the law adopts. It may often be imagined by litigants that they may get what they have no title to, because they read *ubi jus, ibi remedium*, as being a complete proposition which does not negative there being some *remedium* where there is no *jus*. And, indeed, it has often happened that where one has shown himself in want of some remedial treatment, which he cannot specify, the law has found that he has a right of some sort, and then it follows from the maxim that there must be given a *solutum* of one kind or another. It might be thought that if one could devise a new means of hurting another, it would be safe to

exercise it; but, as you will produce fruit by beating and bruising a walnut tree, so if you do harm you will cause rights to spring up where none before were to be found. Or, as Lord Holt beautifully has it, if men will multiply injuries, actions must be multiplied too, for every man that is injured ought to have his recompense.

The maxim which, though rarely quoted, most concerns all who go to law, is "*caveat viator*."

"*Actus legis*," it is written, "*nemini est damnosus*."—Yet such is the ignorance of some who come to be hanged that they see not it is for their own benefit.

"*Rex non potest peccare*!"—Ahem!

It is said that *he who comes into equity must come with clean hands*; and I suppose that the same rule must now apply in law. The utility of the maxim is that he who goes in clean will come out less dirty than he who is soiled from the first; but perhaps, having clean hands, it were better not to go into equity at all.

The maxim, "*Boni judicis est amplitudo juris-dictionem*," was probably invented to comfort the conscience when judges were paid fees on the cases brought before them. It is characteristic of a good general to extend the area of the country he can hold and plunder.

"*Debtores non præsumuntur donare*." Yet debtors do make gifts, and large ones; often giving away the whole of their estates. I have noticed that bankrupts are men of very tender affections where their relations are concerned; and they are so far unprejudiced that they often prefer a creditor.

It is a wise saying that "*socii mei socius, meus socius non est*." Persons of the sort here indicated are frequently to be found in our courts as co-respondents.

"*Dona clandestina sunt semper suspiciosa*." Generosity is sure of so much praise that it is considered that no one will give away in the dark what he may lawfully part with. I mean not to say that there is not much secret giving in charity, but these donations are by nature a sort of bribes, and lose something of their effect by being bestowed openly.

"*Summum jus, summa injuria*." This is a more candid statement concerning law than one might expect to find in a law book; but it is useful, should any one complain of the imperfection of our law, to be able to point out that in its integrity it is even more hurtful. If we find "*partial evil universal good*," then it is right to redress wrongs imperfectly.

The books contain the maxim, "*Via tria, via tuta*." I do not know that this has yet been alleged as a reason for not repairing a highway. But it would make as good a defense as many I have heard.

Much comment has ever been bestowed upon the legal maxims, and even now, perhaps, they are not all fully and clearly understood. I shall not here give further examples of them, as their elucidation is a matter of great nicety; and I do not feel sure that I rightly interpret one or two of the few I have already presented.

Equal to the Occasion.

THERE is something especially delightful in the dramatic effect of a story when the youthful minister or the curled dandy who may happen to be the hero suddenly meets and conquers the bully on his own ground. There is a sort of poetic justice in it, which has enough novelty to be surprising and enough equity to be satisfying.

Sometimes a judge who is not too much weighed down by the dignities and conventions of his office finds an opportunity to administer justice along this line. A case was reported a short time ago in which a "Christian Scientist," who had been arraigned for practicing without a license, defended himself by quoting Scripture as his authority for healing. The learned judge proved himself a Daniel come to judgment by pushing aside the statutes for such cases made and provided, and overwhelming the defendant with well-chosen texts from Holy Writ, which served the purpose of supporting the judgment of the court equally well.

In Charles J. Darling's clever book, "*Scintillae Juris*," we find the following account of a judgment delivered by a learned judge in *Thimblebrig v. Hookey*:

This action was brought to recover damages for having been called a villain—and the Plaintiff alleges, somewhat boldly as I think, that on that account his friends have deserted him. But I hope I may be allowed to say that, in my humble opinion, such of his acquaintance as I had the advantage of seeing, when they came as witnesses at the trial, would rather cease to associate with the Plaintiff if they thought he did not deserve the title the Defendant had bestowed upon him than if they believed he did; and besides, I think—I speak for myself—I think it can be no loss to any man, but rather a distinct gain, to be deprived of the consort of such friends as the Plaintiff appears to have been—ahem!—blessed with.

As to the term villain or villein—for it nowhere is shown which spelling the Defendant intended—let us consider whether, as applied to the Plaintiff, it is a defamatory word or not.

A villein, if I have not forgotten my Oxford learning, was one who did odd jobs—and so does the Plaintiff, very. A villein carried food to the pigs—but the Plaintiff is a tout, and supplies sporting intelligence. The villein was dependent on a lord, and was his 'man'—the Plaintiff hangs on to several noble peers, yet I hardly call him a man—'*Homo sum: humani nihil a me alienum puto*;' but as to what I think of the Plaintiff—well, I say nothing.

But, to put a, perhaps, somewhat extravagant hypothesis, even if the Plaintiff be not a vil-

lain, I cannot see evidence that the Defendant called him so of malice, for may he not well have been deceived by the Plaintiff's appearance?

I am far, very far, from being satisfied that the Defendant maliciously called the Plaintiff what he did eventually call him. His conduct was very probably the result of sincere belief, and,—if I may venture to use the words of a poet, whom I, perhaps, should not name—

And gentle wishes long subdued,
Subdued and cherished long!

I shall assuredly not disturb the finding of the jury; not, I would say, because I have more than a becoming respect for verdicts, but because, all things considered, I have even less for the Plaintiff.

It has been said at the bar that by this decision the Plaintiff will lose his character. Well, then, be it so. I can only say, in his own interest, that I sincerely hope he may; better were it to have no character than his present one.

It has also been pathetically observed that he will be made a beggar; but, when that time has arrived, no one will any longer have any right to say—nor do I say it now—that his property consists of money which he has dishonestly come by.

The Defendant must have judgment, with costs if he can get them.

In Clark's *Criminal Procedure*, recently published in the Hornbook Series, the following story is given as a note to the rule regarding the consent of the court to the entry of a *nolle prosequi* (page 136):

The following is related of Sir John Holt, chief justice of the king's bench in the reign of William and Anne:

There were some persons in London who pretended the power of foretelling future events, and who were called the "French prophets." Holt having, upon occasion, committed one of these to prison, a disciple of his came to the chief justice's house, and desired to see him. On being admitted, he said: "I come from the Lord, who bade me desire thee to grant a *nolle prosequi* for John Atkins, his servant, whom thou hast thrown into prison." "Thou art a false prophet and lying knave," returned the chief justice. "If the Lord had sent thee, it would have been to the attorney general; for the Lord knoweth it is not in my power to grant a *nolle prosequi*." 1 Hill (N. Y.) 405, from 1 Law & Lawy. (Phil. Ed.) 293.

The Author of "The Steamboat."

HENRY Bennett was a solicitor in the town of Cork in the early part of this century, who did not allow his devotion to the blind goddess to win him entirely away from his allegiance to the muses. "The Steamboat" is a poem in 4 cantos, each containing about 40 stanzas, in which he describes in a discursive manner

a voyage from Cork to Cove. In the third canto he details some of the difficulties which beset the path of the poetically inclined solicitor:

Yet 'midst the babel-jargon of the laws,
 Their dull, insipid phraseology,
 The cumbrous lumber of a chancery cause,
 Deeds, pleadings, proofs—one mass of vile
 tautology,
 The din of clients and the fear of flaws,
 How, O ye mighty masters of phrenology,
 Can fancy fix within the mind her dwelling,
 Where thus she meets with objects so repelling?
 First, an old lady wants to make her will—
 I'd wish she'd leave her agent some bequest;
 Next, an old landlord calls on me to fill
 A pair of leases; then I'm closely pressed
 By some dry client to curtail my bill
 Of costs. I hate this last unjust request.
 Then come ways, easements, and appurtenances,
 Which fright the muse, so off at once she dances.

* * * * *

But vain the effort to exclude the day,
 When even a pin-hole will admit the light;
 Thro' the deep darkness bursts the brilliant ray,
 As the red lightning in the pitchy night.
 So, thro' life's gloomy cares I break my way,
 And catch a transient moment to indite
 Not an indictment, or a deed, or bond,
 Or case, or lease, but something far beyond!

Oh! then, ye sage law, physic and divinity,
 Doom not to death the writer and his rhymes;
 When, of the life-long day there's scarce a minute
 he

Dare call his own, and tho' perhaps at times
 Chance yields an idle hour, how often in it he
 Finds inspiration will not yield her chimes;
 Such is frequently the fate of those
 Who aim at verse—it is not so with prose.

American Electrical Cases, Vol. III.

SINCE electricity first passed under man's dominion, it has been the wonder of the age; and scarcely less wonderful than the undefinable nature and limitless power of the electrical current itself has been the rapid growth in its application to the arts and industries of the country. Under the direction of American genius, electricity has already worked a revolution, and its possibilities still seem endless. It is not strange that the changes it has wrought in the business world should demand for it a separate and extended consideration in legal literature, or that cases growing out of the applications of electricity should continue to in-

crease rapidly both in number and importance.

The remarkable increase in this kind of litigation is strikingly illustrated by the series of American Electrical Cases, the third volume of which has just been published. As the telegraph has for years held, and still holds, its place as the most important application of electricity, it is but natural that we should find a majority of the cases reported in these volumes in some way involving the rights, liabilities, and duties of telegraph companies. But the rapid increase in the number of cases growing out of other uses of electricity is significant. Volume 2 of this series contains 130 cases, covering 875 pages; and, of that number, 61 cases, covering 455 pages, represent all the litigation in courts of last resort involving other applications of electricity than the telegraph. Volume 3 contains 108 cases, covering 914 pages. Of these, 66 cases, covering 569 pages, are other than telegraph cases. As illustrating the direction of this increase, it may be said that the subject of the interference of electrical currents, as between the powerful currents of electric light and power companies, and the weaker currents of the telephone companies, is represented in volume 1 by a single case; in volume 2, by two cases; and in volume 3, by ten. The rights of abutting owners as affected by the maintenance of wires, poles, etc., in highways, are discussed in six cases in volume 2; in volume 3, eighteen cases involve that subject.

This continual and rapidly increasing development of electricity as an independent subject in law has made room for such a publication as the series of American Electrical Cases. The convenience—or rather the absolute necessity—of having the cases on so important a subject brought together and properly classified for instant reference, instead of leaving them scattered through the different state and federal reports, many of them being thus rendered inaccessible to a majority of the profession, must be readily apparent to every lawyer. And an important fact in this connection is that the work of arranging, indexing, and annotation is in the hands of a man whose name is a guaranty of the accuracy of the work.

Announcements.

[Publishers and others are invited to send news regarding law writers and law books, and any items of interest to legal bibliography.]

The new text-book on Agency to be published in the Students' Series October 1st is by Prof. E. W. Huffcut, of Cornell University Law School.

Shaw & Sons will soon publish a new (second) edition of the "Law of Allotment," revised and brought down to date, by James Brooke Little.

Reeves & Turner (London) announce as nearly ready a treatise by R. M. Montgomery on the Licensing Laws so far as they relate to the sale of intoxicating liquors.

Matthew Bender announces in press for early publication Hall's Bank Laws, ready October 1st, and volume 4. American Electrical Cases, ready some time during November.

Wm. Hodge & Co., Glasgow, announce as in press a complete digest of the cases in the sheriffs' courts of Scotland, reported in the first 10 volumes of the Scottish Law Review.

A new (fourth) edition of Hanson's Probate, Legacy, and Succession Duties is now being prepared for the press by Lewis T. Dibbin and F. H. L. Errington, and will be published by Stevens & Haynes.

The West Publishing Company will issue this month Dembitz on Land Titles, Clark's Criminal Law Cases, a second Southwestern Reporter Digest (covering volumes 21 to 30), several volumes of the Reporters, and Book 17 Federal Cases.

Frederick D. Lun & Co. announce as in preparation an Index-Digest of the cases reported in the first 16 volumes of the Criminal Law Magazine and Reporter, prepared by Stewart Rapalje, the first editor of the magazine. The digest will be complete up to and including 1894.

Among the announcements of the West Publishing Company for October are the new edition of Dos Passos on the Collateral Inheritance Tax and several new volumes of the Hornbook Series. The American Digest Annual is expected to issue from their press about the end of the month.

The publishers of the Hornbook Series seem to be having the usual experience of not be-

ing able to live up to their expectations so far as dates of publication are concerned. Several volumes announced for publication early in the summer are not yet ready, and will probably not appear until October or possibly November.

A supplement to the Revised Statutes of Maine will be published, by Loring, Short & Harmon (Portland), near the first of October. This Supplement will give the present reading of all amended sections, with date of amendment, together with all new laws, arranged under proper subject headings. The fact that more than 900 public acts have been passed by the legislature of that state since the revision of 1883 certainly indicates that there is room for such a supplement.

Little, Brown & Co. will publish in October "The Law of Naturalization in the United States and Other Countries," by Prentiss Webster. Its scope embraces a discussion of all important questions which may arise as to the rights of the alien, the nation to which he belongs, or that in which he seeks citizenship. It will contain the naturalization laws of the United States and other nations, as well as the existing treaties on the subject, and a discussion of a large number of leading cases illustrating the settled principles of the law of naturalization.

A pleasing indication of the revival of commercial activities is found in the announcement of Little, Brown & Co. of nine new law books, to be published by them October 1st. These classify themselves symmetrically in three groups, of three titles each. They comprise three new text-books, Crosswell on Electricity, Webster on Naturalization, and Huffcut on Agency; three new editions of standard text-books, Walker's American Law (tenth edition), Schouler's Domestic Relations (fifth edition), and Browne's Statute of Frauds (fifth edition); and three small collections of cases for students, to accompany the Students' Series of Text-Books, i. e. Bigelow's Cases on Torts, Beale's Cases on Damages, and Chaplin's Criminal Law Cases (new edition).

The importance which electricity is assuming as a separate subject in law is again emphasized by the announcement of another new work, "The Law Relating to Electricity," by Simon Greenleaf Crosswell, to be published in October by Little, Brown & Co. The author was formerly connected with the law department of the Thomson-Houston and General Electric Companies, and has also acquired prominence as a legal writer by his "Law of Executors and Administrators" and

his "Collection of Patent Cases." The work will include the law of telegraphs, telephones, electric lighting, and electric railways; and the author's purpose is to treat of all the varied relations of such companies to the public, the state, and the owners of abutting property, as well as to their employes and to each other, and all questions arising in litigation growing out of such relations, except those relating to patents. The treatise will be complete in one volume.

Law Book Notes.

Tyser's "Law Relating to Losses under a Policy of Marine Insurance," by Charles Robert Tyser, has just been issued by Charles F. Maxwell, London.

A new (fourth) edition of Hall's Treatise on International Law, by William Edward Hall, was published in August by the Clarendon Press, Oxford.

A new English treatise on the "Law of Joint-Stock Companies," from the pen of C. E. H. Chadwick-Healey, has been published by Sweet & Maxwell.

A treatise on the "Principles and Practice of Criminal Law," prepared by H. W. Dinsey and Harold Gundry, has recently been published by Stevens & Sons.

The West Publishing Company issued in August Vol. 13 C. C. A. Reports, Vol. 67 Federal Reporter, Vol. 63 Northwestern Reporter, and Books 15 and 16 Federal Cases.

A new (third) edition of "Terrell's Law and Practice Relating to Letters Patent for Inventions," revised by W. P. Rylands, has just been published by Sweet & Maxwell.

A new work on the "Law of Copyright in Designs," prepared by Lewis Edmunds, assisted by T. M. Stevens and M. W. Slade, has just been published by Sweet & Maxwell.

A new (third) edition of Barber's "Guide for Notaries Public and Commissioners of Ohio," revised by the author, Mr. G. M. Barber, has recently been published by A. W. Barber, Cleveland.

T. & J. W. Johnson & Co. (Phila.) have just issued "The Complete Pennsylvania Form Book," a two-volume work, compiled, annotated, and arranged by Louis Richards, of the Reading bar.

The Criminal Code of Canada, 1892, and the Canada Evidence Act, 1893, in one volume, arranged and annotated by James Crankshaw, has been issued by Whiteford & Theoret, Montreal.

"Chitty's Criminal Acts," a collection of criminal statutes reprinted from Chitty's Statutes of Practical Utility (fifth edition), arranged by W. F. Crales, has been recently issued by Sweet & Maxwell.

A new edition of the Compiled Statutes of Nebraska has been issued by the Nebraska Legal News. It is the original compilation by Guy A. Brown, annotated, reindexed, and brought down to 1895, by H. H. Wheeler.

Banks & Bros. (Albany and New York) have recently issued a volume containing the Excise Law of the State of New York as enacted by the Legislature of 1892, together with the supplementary acts of 1894 and 1895, conveniently arranged and suitably indexed. The volume is published under the direction of the Secretary of State, which is a guaranty of the correctness of the text.

Cranston & Curtis have recently published a work entitled "The Religion of the Republic, and Law of Religious Corporations," prepared by Alpha J. Kynett. Of the 852 pages contained in this work, more than 700 pages are devoted to the laws of the several states governing religious corporations. The alphabetical arrangement of the states, together with a complete index, adapt the volume for ready reference.

Law Notes for August reviews the new edition of Theobald on Wills, under the head "The Book of the Month," and refers to it as being "more compendious than Jarman and more elaborate than Hawkins." Speaking of the merit of the work as proven by the three preceding editions, the reviewer says:

Month after month we are deluged with questions on the construction of wills. One of the books we turn to in order to enable us to help our correspondents is invariably Theobald, and it rarely fails us. If this has been so in the past, when the book was not up to date, it will be especially so now that it is quite up to date. For our own personal use and information we expect great things from the fourth edition of Theobald on Wills.

In the Juridical Review for July, Mr. A. T. Gregg, reviewing the second edition of "Beven's Negligence in Law," recently published by Stevens & Haynes, says:

The contents of the work are not so much statements of the law as statements of all the cases that have occurred, and a recital of all that has been said upon this branch of the law, along

with discussions and observations by the author himself. * * * * The faults of the first edition have not been excised, but have been amplified, while the excuses, which are pleadable in the case of a first edition, no longer exist. It is a pity that the industry exercised in the collection of this mass of authority should have been so badly regulated, as such cumbrous irrelevancies interfere with the usefulness of a book of reference, and deprive it of any higher value. The work is neither a digest of decisions nor a statement of principles, and can never have any authority.

L. R. Dempster & Co. (San Francisco) have just published volume 1 of Coffey's Probate Decisions, being the probate decisions of Judge J. V. Coffey, of the San Francisco Superior Court, beginning with 1883. The volume is said to contain a number of cases involving points in probate law and practice on which no decision has yet been rendered by the supreme court, and also many cases in which the probate court is, by effect of statute, a court of last resort. The work will doubtless prove an important one to the profession in California, and in such of the other Pacific Coast states as have a probate system modeled after that of California. The editorial work on the volume was done by Messrs. Lyons and Tauszky, of the San Francisco bar.

In a recent review, in the Virginia Law Register, Mr. A. R. Long deals rather critically with the second edition of Wambaugh's "Study of Cases," published last year by Little, Brown & Co. After pointing out several of the good features of the work, Mr. Long says:

It is unfortunate that the value of the book is impaired by its confused arrangement. In the chapter on "How to Find the Doctrine of a Case," which may be taken as an example, the doctrine of Precedent, though not relevant, is constantly referred to, and one of the four general divisions of the chapter is given to the principle that "the court must decide in accordance with a general doctrine." This principle applies in declaring, not in finding, the doctrine, and does not govern the student, but the court. In his treatment of it, the author finds a place under the general division for five subdivisions, most of which have no connection either with the principle itself, or with each other. * * * * In section 87 the author gives some very remarkable reasons in justification of the doctrine of Precedent. He says: "Though the old decision was wrong, to many people it seems that justice to the parties to the old case requires the new case to be decided as the old one was decided. Again, to depart from the old decision is to admit that the present judges, or their predecessors, committed a blunder. Again, to follow an accustomed line of thought, is easier than to strike out a new one."

In a review of Foa's *Landlord and Tenant*, a second edition of which was recently published by Stevens & Haynes (London), Law

Notes pays the following compliment to the author:

Of the many who put pen to paper to write or edit a law book, few, in our opinion, are fit for the task; but of Mr. Foa's fitness, first to write and then to edit a work on *Landlord and Tenant*, no one whose opinion is worth having will doubt. We should be glad to see other books on kindred subjects pass into the hands of Mr. Foa when new editions are called for, and publishers who are on the lookout for editors of established works, and who would keep up the reputation of those works, would do well to seek the services of such a skilled author as the one whose work we review. We hold no brief for Mr. Foa.—we have not, indeed, the pleasure of his acquaintance,—but we review so many books, we suffer such terrible disappointment from the way in which law books are edited, and we find so much erroneous matter allowed to appear, edition after edition, that we cannot refrain from singing very loudly the praises of an author who edits a work which withstands, as Mr. Foa's book on *Landlord and Tenant* does, all tests applied to it, and in which it is not possible to put one's finger on a single wrong statement, or even on a misleading one,—in which old cases are interwoven with modern ones, and the joint effect thereof stated so clearly, that even to a lay mind no difficulty in understanding the law can arise.

Miscellaneous Notes.

The *Detroit Legal News* for August 10th publishes as a supplement an eight-page digest of cases decided by the Michigan supreme court from April 2 to August 1, 1895.

The *Ohio Weekly Law Bulletin* for August 5th publishes an able paper on "Statutory Construction," read by Hon. F. S. Monnett before the State Association of Prosecuting Attorneys, July 10, 1895.

"Aspects of the Social Problem," a work by various writers on economics, edited by Edward Boanquet, and published by Macmillan & Co., is given a place by the *August Cosmopolitan* as one of the "Ten Books of the Month."

In the *Central Law Journal* for August 9th, Mr. George B. Stewart discusses, in an able annotated article, the question, "Does an alderman, duly elected and qualified, vacate his office by removal from the ward in which he was elected?"

The *Nickell Magazine* for September contains an excellent article on the "Supreme Court of the United States," by Paul Egremont. The article is supplemented by half-tone portraits and brief biographical sketches of the members of the court.

A long and well-written article by A. H. Marsh, treating, under the title "Visitors and

Their Jurisdiction," of the visitorial powers of the different officers under the English law, is the principal contribution to the July number of the *Canadian Law Times*.

In the *Law Students' Helper* for August, Hon. Daniel K. Tenney gives young lawyers and law students an interesting and suggestive sketch of his experience as a commercial lawyer, as well as some good advice to those who lean towards that branch of law as a specialty.

In the *Popular Science Monthly* for July, F. D. Crothers, M. D., presents a "Medical Study of the Jury System," in which he discusses the defects and unwholesome conditions of the system as viewed from a physician's standpoint. The article is well worthy of the consideration of lawyers.

At a meeting of the officers and the members of the executive committee of the Illinois State Bar Association, in Chicago, on August 8th, it was decided to hold the next meeting of the association at Springfield, on January 23 and 24, 1896. The program, though discussed, was not completed.

Mr. George Lawyer contributes to the *Central Law Journal* for August 2d an interesting article on the subject, "Photographs as Evidence." Mr. Lawyer treats of the admissibility of photographs in evidence to prove the identity of the person, the place, and the handwriting; citing numerous cases on each division of the subject.

The newspapers report a very successful meeting of the American Bar Association at Detroit the last week in August. There was a good attendance, and the occasion was made an eventful one by a number of very interesting addresses. It is not the province of *Law Book News* to report the meeting as a meeting, but, when these addresses are published in full, it will deal with them as literature.

In the *Virginia Law Register* for August, Mr. H. D. Minor considers the subject of "Garnishment by Foreign Attachment," and discusses a large number of prominent cases illustrating the views of the different courts on the point of conflict of exemption laws. In the same number, Mr. John B. Moon presents a reply to the "Deeds of Trust Puzzle,"—an article published in the May number of the magazine.

D. Appleton & Co. have begun the publication of an interesting series of works based

on the study of criminal tendencies from a scientific standpoint. The first number of this "Criminology Series" is the "Female Offender," by Prof. Lombroso. Other numbers in preparation are: "Our Juvenile Offenders," by Douglas Morrison; "Criminal Sociology," by Prof. Ferri; and "Crime a Social Study," by Prof. Joly.

Lord Thurlow had once a dispute with the Earl of Stanhope respecting a certain act of parliament. Upon investigation, it appeared that the chancellor was wrong. "Oh," he exclaimed in his gruff tones, "d— the act! I can manage well enough with the common law, but as to the acts of parliament the devil himself couldn't recollect them all." This was nearly a century ago. What would have been his exclamation now?

—Law Notes.

Abuse of corporate power is an evil which evidently is not restricted in its operation to the confines of Uncle Sam's domain. A citizen of London having secured an injunction against a nuisance-making corporation, the *Law Quarterly Review* says:

"Fiat justitia. These tyrannical corporations—

Do bestride the narrow world
Like a Colossus, and we petty men
Walk under their huge legs.

"Let them learn the law in all subjection."

We are indebted to Mr. Robt. M. Hughes, Chairman of the Committee on Library and Legal Literature of the Virginia State Bar Association, for a manuscript copy of his committee's report for the past year. It deals mainly with questions of law reporting. These are discussed in a very interesting manner, with many pertinent facts and illustrations. We shall be glad to give a careful examination and a full notice to this important contribution to the literature of a subject of such vital interest to the legal profession.

The *Law Book News* meets a bit of kind commendation now and then which justifies the belief that it is not living in vain. The following comes from the exchange columns of the *Medico-Legal Journal*,—a magazine too dignified for flattery: "*Law Book News*.—There is no more brainy and newsy legal publication than that which the West Publishing Company have introduced; and lawyers, law students and especially editors, can get nowhere else more meat of what is new in legal publications, than from this very interesting journal."

A scholarly article on the "Conflict of the Three Schools of Jurisprudence" opens the

July number of the *Juridical Review*, followed by an editorial on the "Position of Divorces in English Law." Mr. A. H. J. Greenidge writes of "The Conception of Treason in Roman Law." Mr. J. Taylor-Cameron treats of "Roman Law in the Early Middle Ages." An article on "Matrimonial Domicile in Jurisdiction for Divorce" is contributed by Mr. G. W. Burnet, and an interesting article on the "History of English Law" appears from the pen of Mr. T. Cyprian Williams. Current topics, reviews, and miscellaneous matter make up the remainder of the number.

The Central Law Journal, speaking of the few judges and the clear dockets of England as compared with the number of judges and arrears of business in this country, says:

"The American practice of writing long opinions in almost every case, a vice which few of our appellate courts are free from, is probably the chief reason for this condition of litigation, as well as for the fact that the reports of the appellate court in this country do not, as a rule, compare favorably with those of the higher courts of England. * * * The addition of new courts and new judges in many of the states has afforded some relief, but it will not be permanent unless the judges can be persuaded to desist from wasting so much time in writing uselessly long opinions. In this regard we commend the decisions of the supreme judicial court of Massachusetts, which are models of brevity and wisdom."

The introductory article in the July number of the *Michigan Law Journal* is by Charles Flowers, on the subject of "Progressive Conservatism." W. A. Coutts contributes a lengthy annotated article on "State Regulation of the Payment of Wages." A paper by R. Sayre Harnden, M. D., on the subject of "Medical Witnesses," read before the section of railway surgery of the Medico-Legal Society, New York, in November, 1894, is reprinted in this number from the *Medico-Legal Journal* for March. The paper is a reply to a prior one under the same title read before the society named by Hon. L. A. Emery of the supreme court of Maine. The number is rounded out by the usual amount of miscellaneous matter.

In the *Law Students' Helper*, Carl Ungar submits the following specimen of legal rules rhymed according to the mnemo-technic system in vogue at German schools:

"Old incorporeals are these:
Adwosons, tithes and dignities,
And pensions, so-called corrodies!
Franchises, offices and ways
And commons are of modern days!
Convenient hereditaments
Are fat annuities and rents!"

The device of reducing rules to rhyme in order to make it easier for the memory to carry them is a very old one, and the well-

authenticated stories of how whole books were preserved in this manner demonstrates how successful it was. Printing presses have spoiled our modern memory!

In the *Scottish Law Review* for July, "W. D. L." writes, vigorously and to the point, of the "Popular Abuse of Technical Terms." The writer criticises what he terms "the journalistic rubbish" which seeks to show that the verdict of "Not proven" in a criminal case in Scotland leaves the released prisoner under a cloud of suspicion which the English verdict of "Not guilty" would have entirely cleared away. Several other phrases peculiar to Scotland, which writers, through carelessness, or ignorance of their origin and real meaning, have debased, are freely discussed; and certain passages from "Bog Myrtle and Peat," a recent book not unknown to American readers of fiction, come in for their share of criticism.

The first twenty-eight pages of the July-August number of the *American Law Review* are given up to an able article by Edmund H. Bennett discussing the provision of the Statute of Frauds relative to agreements not to be performed within a year. Marshall B. Woodworth reviews the facts and the trial of the Railroad Strikers' Case in California. Hon. Seymour D. Thompson contributed an article of more than ordinary interest on "Mistakes on the Subject of Notice to Corporations." Other interesting articles are, "Neutrals and the Madagascar Expedition," by M. J. Farrelly; "The Income Tax Decision, and the Power of the Supreme Court to Nullify Acts of Congress," by Hon. Sylvester Pennoyer; and "Patents for Methods," by Walter Forwood Rogers.

The *Green Bag* for August opens with an interesting biographical sketch of Roger Brooke Taney, prefaced by a full-page portrait. The sketch is by Edward S. Taney, and reveals many interesting facts relative to the public life and personal character of the noted Chief Justice. Under the head of "Legal Reminiscences," Mr. L. E. Chittenden writes of the "Causes of the Decrease in the Volume of Legal Business." Mr. Chittenden sees, as the chief cause of the decrease in litigation, its enormous cost, resulting from the number of judges and court officials, their increased compensation, the needless waste of time in the trial of cases, and other expensive incidents of modern litigation, all tending to bankrupt the parties to the action, and deter others from seeking such costly aid to establish their rights. Mr. Frank B. Livingstone contributes an able article on "Moral Insanity as a Defense to Crimes." The History and Description of

the English Law Courts is continued, the present article treating of the Court of Appeal, and containing portraits and sketches of several of the members of that Court. The other contributions, selections, editorials, etc., are up to the usual high standard of the magazine.

At the latest Congress of the Medico-Legal Society, held in New York City on the 4th, 5th, and 6th of the present month, a number of papers were presented, which, by reason of their nature and the ability of the writers, should be of unusual interest to every lawyer. Among those directly dealing with important legal subjects, we note: "Necessity of Medical Supervision for Criminal Arrests," by Prof. Austin Abbott, of New York; "Hypnotism in the Courts of Law," by Clark Bell, editor of the Medico-Legal Journal, New York; "Suicide, and the Right to Commit It," by Gustave Boehm; "The Relation of Occult Medicine to Law," by Mary Weeks Burnett, of Chicago; "Hypnotism in Crime," by Prof. W. X. Sudduth, of the University of Minnesota, Minneapolis; and "Inebriety and the Opium Habit in Their Relation to Testamentary Capacity," by E. C. Mann, M. D., New York. We understand that these papers will be published in the bulletin of the Congress. Many excellent papers have emanated from the Medico-Legal Society which are worthy of preservation and serious study; and the line of investigation being pursued by its members is tending to elevate both the legal and the medical profession, and bring them into closer harmony, and more frequent and effective co-operation.

"Gems of Law from India's Coral Strand," is the title of an interesting article by R. V. Rogers, in the Canada Law Journal for July 15th. The "Gems" are selected from the ancient code of Gentoo laws, a translation of which was made by Nathaniel Brassey Halhed, and published in 1776. Whatever may be said of these ancient Brahmins in other particulars, they at least had, well developed, the faculty of "simplifying" things into bewildering complexity,—a faculty which, unfortunately, did not die with them. Speaking of their laws of descent and distribution of property, Mr. Rogers says:

We are told that if a man dies, or renounces the world, or for any offense is expelled from his tribe, his relations and kindred, or is desirous to give up his property, all his possessions, be they land, or money, or effects, or cattle, or birds, go to his son; if there be several sons, they all shall receive equal shares; if the son be dead, it goes to the grandson's son. Failing a descendant, the wife takes; if no wife, then the daughter or her descendant; failing all these, we are informed, clearly and distinctly, who of the collaterals is to take, until we find that, "if there

be no grandfather's grandfather's father's brother's grandson, the property goes to the grandfather's grandfather's grandfather's daughter's son; if there be but one grandfather's grandfather's grandfather's daughter's son, he shall obtain the whole; if there are several grandfather's grandfather's grandfather's daughter's sons, they shall all receive equal shares."

Compared with this, the rule in *Shelley's Case* becomes as simple as the rhymes of childhood. "What a comfort it must have been to a dying man," adds Mr. Rogers, "to know that all this was so clearly settled!" The specimens of criminal law given from the code are even more interesting.

The New York Law Institute, with the exception of the Bar Association of New York, has, perhaps, the largest law library in America. There are on its shelves 42,195 volumes. Among the members of the Institute are nearly all the great men in the profession. Its first president was Chancellor James Kent, its present president being Joseph H. Choate. Mr. Choate's predecessors have been Charles O'Connor, Smith Thompson, Samuel Jones, John Anthon, James T. Brady, Charles Tracy, and Stephen P. Nash. In a few words, the history of the Institute may be told as follows: The bar of New York, in 1825, was under the absolute control of what is known as a "barrister ring." This ring monopolized all the business that was worth having, and there were not over 15 lawyers in it. A movement was started by the younger members of the bar to break into the ring, but the courts were with the ring, and the movement was unsuccessful. Upon observing this, the young men concluded to form a new tribunal, with new judges, and out of this movement grew the "superior court." To help it along the Law Institute was formed. George Sullivan, a bustling young New Englander, who arrived in New York in 1826, broached the subject of forming a Law Association, which should found a law library and gain an influence and standing in the community for its members. Sullivan obtained the friendship of James W. Gerard, one of the most brilliant young lawyers of the day. In 1828 the legislature passed an act creating the superior court of the city of New York. Practitioners at once flocked to the new court. A new spirit seemed to be infused into the lawyers who had been so hampered in the supreme court by the influence of the ring. Sullivan's ideas were finally carried out, and on February 5, 1828, the first formal meeting was held at the American Hotel. James Kent was elected president. Since that time the Law Institute has steadily grown. First it was to have disciplinary powers and supervise the professional morals of the members of the bar. This idea was abandoned, and after a time the organization and the main-

tenance of a perfect library became the chief object. It is now estimated that during the busy season over a hundred visitors call for books every day. The library is only for the use of members and their clerks, the judiciary and out-of-town lawyers. The annual dues are \$20 a year, and this, with the interest on a fund of \$20,000 left by Charles O'Connor, support the institute.

—Collector and Commercial Lawyer.

Of Collateral Interest.

"Suggestions on 'Government'" is the title of a new work by S. E. Moffett, recently issued by Rand, McNally & Co.

A volume of lectures on the Principles of Political Obligation, by Prof. F. H. Greene, was recently issued by Longmans, Green & Co.

"A New Monetary System; or Labor and Capital," is the title of a pamphlet by Edward Kellogg, recently published by the United States Book Co., New York.

A pamphlet of more than usual interest, on the Industrial Services of the Railways, by Dr. Emory R. Johnson, of the University of Pennsylvania, comes to us from the American Academy, (Phila.).

Another recent addition to the growing mass of economic literature is entitled "Chapters in Workshop Reconstruction and Citizenship," by C. R. Ashbee, published by D. C. Heath & Co., Boston.

Ginn & Co. have issued a third edition of H. St. Clair Fielden's "Short Constitutional History of England," revised and partly rewritten by W. Gray Ethridge. The book is said to be a narrative history of the English Constitution, with no attempt at criticism.

Wm. Clowes & Sons have issued a new (fourth) edition of the "History of the English Parliament," by Doctor Rudolph Gneist, translated by A. H. Keane. This volume traces the growth and development of the English Parliament through more than a thousand years.

"Natural Taxation," by Thomas G. Shearman, published by G. P. Putnam's Sons, is a work in which lawyers with a liking for thoughtful discussions on economic subjects

will find interest. The work is a clear presentation of the objections to the old forms of taxation, and an exposition of the author's plan for establishing what he believes to be an ideal system.

McMillan & Co. have recently issued, under the title "The American Commercial Policy," the second edition of a volume containing three historical essays by Ugo Rabbeno, translated at the Translations Bureau, London. Public Opinion says of the work:

"It is high above and beyond the plane of American political strife. It is free from the suspicion of bias which attaches to all tariff discussion by American authors or statesmen. True, Prof. Rabbeno has his personal views; but, right or wrong, they were not developed in the American political atmosphere. He looks at the matter as a student and observer from without."

English readers, and Americans who are interested in English politics, will find much valuable information in the Pall Mall Gazette's handbook for 1895, recently published under the title, "The New Parliament." This work contains a series of political maps, for different years, of London, the English counties, the English boroughs, Ireland and Scotland; about five hundred portraits of members of the new House of Commons, together with tables showing the ages, professions, residences, etc., of all the members; results of the recent general elections; and much other similar matter.

In a volume entitled "Minutes of the Simcoe District Municipal Council from 1843 to 1847," recently published by S. Wesley (Barrie, Ont.), is collected much interesting information relative to this council which will be appreciated by Canadian readers who may be interested in the early history of the Province. The Canadian Law Journal, in giving a review of the book, sketches briefly the history of the council from 1843,—the date when Simcoe county was made a district with its own municipal council,—from which we quote:

"In those days justice was necessarily of a rough-and-ready sort, but not unsuited to the circumstances of those primitive times, and not without their amusing incidents. For example, in the midst of a solemn trial of a prisoner for some criminal offence at the Chairman's house, it was rumoured that one of his bonds had treed a bear. The court adjourned, loaded its rifle, and, assisted by prosecutor, prisoner, and witnesses, shot and skinned the bear, and then resumed the trial. We cannot record the verdict, but it may be imagined that, if found guilty, the prisoner was let off more easily than was Bruin."

"Too Much Legislation" is the somewhat timely topic discussed by Mr. Edward P.

Powell in a recent number of the American Magazine of Civics. Mr. Powell asserts that the daily average of new laws in the United States, including only those that in some way affect a large district or the traveling public, is not much less than one hundred. This estimate does not include the countless municipal ordinances which are daily added to the volume of local laws. As illustrative of the evil growing out of what he regards an undue energy in making and changing laws, the writer says:

"A tariff can be created in one session of congress affecting every branch of production and every line of commerce. It can be displaced by the next session. But this is not the whole of it, or the worst of it. The popular uncertainty as to what is to be the basis of buying and selling has kept our whole business world unsettled, and at last threatens a permanent social unrest. It begins to be felt by students of social economy that it is not the character of the tariff that most seriously affects our prosperity for good or evil, but the certainty that no tariff is sure of a permanent footing. It is not hasty legislating that we have to fear so much as superfluous legislating; the quantity is worse than the quality."

Another article of a similar nature, on "The Increase of Defective Legislation in Pennsylvania," appears in the Pennsylvania Law Series, over the initials "C. B. P."

Notes of Law Book Errata.

[We invite contributions to this department from all sources, but we have two suggestions to make to correspondents: First, that they report none but serious mistakes; second, that the character of each mistake be very briefly indicated.—Eds. Law Book News.]

The compensation of a receiver properly appointed is a charge upon the funds over which he has been appointed, but the case of *Hayes v. Ferguson*, 54 Am. Rep. 398, cited in 20 Am. & Eng. Enc. Law, p. 181, "has nothing to do with the case."

T. C. Ryan.

Wausau, Wis.

Editor Law Book News: While I do not want to go to the extent of calling the following matters "errors" in law books, I think they at least may be called peculiarities calculated to embarrass one who has not access to full libraries of reports.

Townshend on Slander & Libel, § 177, lays down the proposition that it is libelous per se to call a man a liar, in writing. The note cites *Brooks v. Bemiss*, 8 Johns. 350. *More v. Bennett*, 33 How. Pr. 180, King's Case, 4 Inst. 181, and *Harman v. Delany*, 2 Strange, 898. I have not access to King's Case, but an examination of the other three

shows that the first case assumes the point, and decides as to what evidence will sustain such a charge, under a justification. The second does not even remotely touch the point, and, worse still, is a case that was fully reversed (48 N. Y. 472); and the case in *Strange* does not touch the point, though it is possible that some other report of the same case would do so.

In the same book (section 372), to the proposition that a new cause of action may not be introduced by amendment, a case is cited, and the note adds: "Plaintiff permitted on the trial to add a new cause of action. *Miles v. Van Horn*, 17 Ind. 245." But the case itself held that the new cause of action could not so be introduced; at least it so appears in 79 Am. Dec. p. 481.

In 13 American & English Encyclopedia of Law, p. 314 (top of second column of note), one learns that a certain publication is libelous; while, on page 311 (foot of 1st column), one learns that precisely the same publication is not libelous. This would puzzle a novice who did not observe that the citation on page 314 is from a case in the New York supreme court, while the one on page 311 (*Purdy v. Rochester Printing Co.*, 96 N. Y. 372; s. c. 48 Am. Rep. 632) is from the court of appeals, reversing the other decision. But why cite reversed cases as authority?

I can hardly believe that there is anything libelous in the above, as we are all liable to some errors and eccentricities. In the second case from Townshend, the insertion of the word "not" would correct it, and I think history narrates a case where that word was omitted from the seventh commandment in an edition of the Bible.

Chas. E. Waldo.

Having noted the impartial way in which the American and English Encyclopedia of Law treated the decisions in case of *Purdy v. Rochester Printing Co.*, 26 Hun, 206, reversed 96 N. Y. 372, s. c. 48 Am. Rep. 632, I think that the treatment of the same case by another author deserves notice. Newell on Defamation, Slander and Libel, a book copyrighted in 1890, at pages 45-46, gives a pretty full report of the case from Hun, without a hint, that I have been able to find, of the reversal thereof, though 48 American Reports was issued in 1885 (say five years before) and 96 N. Y. must have been issued before that. And the title of the case does not appear at all in the table of cases in Mr. Newell's book.

Chas. E. Waldo.

Correspondence.

[Correspondence is invited on subjects pertinent to the purpose of Law Book News.]

NEW LAW BOOKS.

RECORD OF THE LATEST LAW BOOKS.

[We take pleasure in acknowledging our indebtedness to the Publishers' Weekly, of New York, and the Publishers' Circular, of London, which we use in completing this list.]

N. B. Bindings are in law sheep unless otherwise specified.

Treatises, Etc.

BOUWELL, George S. The constitution of the United States at the end of the first century. Boston: D. C. Heath & Co. 1895. 18+412 pages. \$3.50.

CLARK, Gilbert J. Life sketches, thoughts, facts, and facetiæ of eminent American, English, and Canadian lawyers. 2 vols. Kansas City: Lawyers' International Pub. Co. 1895. 800 pages. Cloth, \$6; half English calf, \$9.

CLARK, Wm. L., Jr. Selected cases on criminal law; annotated and arranged with reference to Clark's Handbook of Criminal Law. St. Paul: West Pub. Co. 1895. 401 pages. Price, \$5.

CLEMENS, G. C. A manual of the law of roads and highways in the state of Kansas, with forms and record entries. 4th Ed. Topeka: G. W. Crane & Co. 1895. 101 pages. Paper, 25c.

Constitution.

See "Boutwell's Constitution."

Criminal Law.

See "Clark's Cases on Criminal Law."

English Law.

See "Terrell's Law and Practice Relating to Letters Patent for Inventions."

Inventions.

See "Terrell's Law and Practice Relating to Letters Patent for Inventions (Eng.)."

Mining Rights.

See "Morrison's Mining Rights."

MORRISON, R. S. Mining rights in the Western states and territories. Lode and placer claims, possessory and patented; statutes, land office and surveyor general's rules; instructions to prospectors, locators, conveyancers, incorporators, and surveyors, with forms, decisions, etc. 8th Ed., revised and enlarged from 7th Ed. of "Mining Rights in Colorado." Denver: The Chain & Hardy Book Co. 1895. 457 pages. \$2.50; interleaved Ed., \$3.50.

Roads and Highways.

See "Clemen's Manual of the Law of Roads and Highways."

TERRELL'S law and practice relating to letters patent for inventions. 3d Ed., revised by W. P. Rylands. London: Sweet & Maxwell. 1895. 25s.

Reports.

AMERICAN AND ENGLISH RAILROAD CASES. V. 61; a collection of all the railroad cases in the courts of last resort in America and England. Edited by William M. McKinney. Northport and Long Island, N. Y.: Edward Thompson Co. 8+746 pages. \$4.50.

AMERICAN STATE REPORTS. V. 43; 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. By A. C. Freeman and the associate editors of the "American Decisions." San Francisco: Bancroft-Whitney Co. 1895. 1028 pages. \$4.

CALIFORNIA supreme court reports. V. 105. C. P. Pomeroy, reporter. San Francisco: Bancroft-Whitney Co. 1895. 31+767 pages. \$3.

FEDERAL CASES. Book 15; comprising cases argued and determined in the circuit and district courts of the United States. Lavinia-MacCready; Case No. 8,125-Case No. 8,734. St. Paul: West Pub. Co. 1895. 1390 pages. \$10.

FEDERAL CASES. Book 16; comprising cases argued and determined in the circuit and district courts of the United States. McCue-Mencken; Case No. 8,735-Case No. 9,417. St. Paul: West Pub. Co. 1895. 1390 pages. \$10.

FEDERAL REPORTER. V. 67; cases argued and determined in the circuit courts of appeals and circuit and district courts of the United States. Permanent Ed. May-July, 1895. St. Paul: West Pub. Co. 1895. 38+1063 pages. (National Reporter System.) Sold by subscription.

ILLINOIS supreme court reports. V. 155; containing cases in which opinions were filed

in January, March, and April, 1895, and some cases in which applications for rehearing were denied at the May and June terms, 1895. Isaac Newton Phillips, reporter. Springfield. 1895. 7+716 pages. \$2.50.

INDIANA appellate court reports. V. 10; containing cases decided at the November term, 1893, and not published in volume 9, and cases decided at the May term, 1894. Sidney R. Moon, Daniel W. Crockett, Lee W. Moon, reporters. Indianapolis: Carlton & Hollenbeck. 1895. 25+748 pages. \$3.50, net.

IOWA supreme court reports. V. 8; being V. 88 of the series, containing cases from May 11, 1893, to Oct. 3, 1893. Nathaniel B. Raymond, reporter. Columbia, Mo.: E. W. Stephens. 1895. 21+844 pages. \$3.

MISSOURI. St. Louis and Kansas City courts of appeals. V. 60; cases determined from Dec. 1, 1894, to Jan. 29, 1895. D. Goldsmith and Ben Eli Guthrie, reporters. Columbia: E. W. Stephens. 1895. 18+741+11 pages. \$3.

MISSOURI supreme court reports. V. 124. F. M. Brown, reporter. Columbia, Mo.: E. W. Stephens. 1895. 17+751+5 pages. \$3.

NEW YORK. Miscellaneous reports. V. 11; cases decided in the courts of record other than the court of appeals and the general terms of the supreme court, including the superior court in the city of New York, court of common pleas for the city and county of New York, superior court of Buffalo, city court of Brooklyn, city court of New York, surrogates' courts, etc. In pursuance of Laws 1892, c. 598. F. B. Delehanty, reporter. Albany: James B. Lyons. 1895. 14+772 pages. \$2.50.

NEW YORK supreme court reports. V. 91 (Hun, 84). Marcus T. Hun, reporter. New York and Albany: Banks & Bros. 1895. 28+697 pages. \$3.

NEW YORK supreme court reports. V. 92 (Hun, 85). Marcus T. Hun, reporter. New York and Albany, N. Y.: Banks & Bros. 1895. 11+695 pages. \$3.

NORTH CAROLINA supreme court reports. V. 115. Sept. term, 1894. Robert T. Gray, reporter. Raleigh: Josephus Daniels. 1895. 19+1005 pages. \$2.

NORTHWESTERN REPORTER. V. 63; containing all the decisions of the supreme courts of Minn., Wis., Iowa, Mich., Neb., N. D., and S. D. Permanent Ed. May 18–July 27, 1895. St. Paul: West Pub. Co. 1895. 16+1178 pages. (National Reporter System.) Sold by subscription.

NOVA SCOTIA supreme court reports. V. 26. Benjamin Russell and John M. Geldert, Jr., reporters. Toronto: The Carswell Co., Limited. 1895. 13+593 pages. \$6.

ONTARIO reports. V. 25; containing reports of cases decided in the queen's bench, chancery, and common pleas divisions of the high court of justice for Ontario. James F. Smith, editor. Toronto: Roswell & Hutchinson. 1895. 28+733 pages. \$5.

PENNSYLVANIA supreme court reports. V. 167; containing cases decided at Jan. term, 1895. Wilson C. Kress, reporter. New York and Albany: Banks & Bros. 1895. 22+701 pages. \$2.50.

QUEBEC. Rapports judiciaires révisés de la province de Québec, comprenant la révision complète et annotée de toutes les causes rapportées dans les différentes revues de droit de cette province, jusqu'au 1er Janvier, 1892, ainsi que des causes jugées par la cour suprême et le conseil privé sur appel de nos tribunaux, par l'Honorable M. Mathieu, juge de la cour supérieure de Montréal, docteur en droit, professeur à la faculté de droit de l'Université Laval à Montréal. Tome 13. Montréal: C. O. Beauchemin & Fils. 1895. 8+542 pages.

REVISED REPORTS. V. 19; being a republication of such cases in the English courts of common law and equity, from the year 1785, as are still of practical utility. Edited by Sir Frederick Pollock, assisted by R. Campbell and O. A. Saunders. 1817–1818. 6 Dow; 2 and 3 Swanston; 1 Barnewall & Alderson (from page 216); 8 Taunton (to page 327); 1 and 2 Moore; 5 Price; 2 Starkie (to page 305). London: Sweet & Maxwell, Limited. Boston: Little, Brown & Co. 1895. 17+758 pages. Half calf, \$6.

REVISED REPORTS. V. 20; being a republication of such cases in the English courts of common law and equity, from the year 1785, as are still of practical utility. Edited by Sir Frederick Pollock, assisted by R. Campbell and O. A. Saunders. 1818–1819. 1 Bligh; 1 Jacob & Walker (to page 162); 4 Maddock; 2 Barnewall & Alderson (to page 395); 8 Taunton (pages 327 to 642); 6 Price; 2 Starkie (from page 305). London: Sweet & Maxwell, Limited. Boston: Little, Brown & Co. 1895. 15+777 pages. Half calf, \$6.

SOUTHWESTERN REPORTER. V. 31; containing all the current decisions of the supreme courts of Mo., Ark., and Tenn., court of appeals of Ky., and supreme court, court of criminal appeals, and courts of civil appeals of Tex. Permanent Ed. June 10–July

29, 1895. St. Paul: West Pub. Co. 1895. 20+1164 pages. (National Reporter System.) Sold by subscription.

TENNESSEE reports. V. 94 (10 Pickle); for the Eastern division, Sept. term, 1894; for the Middle division, Dec. term, 1894; and for the Western division, April term, 1895. George W. Pickle, reporter. Nashville, Tenn.: Marshall & Bruce Co. 1895. 24+772 pages. \$3.

TEXAS civil appeals reports. V. 7; cases argued and decided during the months of April, May, and June, 1894. A. S. Walker, Sr., reporter. 1894. Published by the state of Texas. 1895. 22+748 pages. \$2.

TEXAS criminal appeals reports. V. 33; cases argued and adjudged during part of Tyler term, 1893, Dallas term, 1894, Austin term, 1894, and part of Tyler term, 1894. John R. White, reporter. Published by the state of Texas. 1895. 24+767 pages. \$2.

TEXAS supreme court reports. V. 87; cases adjudged from 1894, to April, 1895. A. S. Walker, Sr., reporter. Published by the state of Texas. 1895. 43+713 pages. \$2.

UNITED STATES circuit courts of appeals reports. Vols. 12 and 13; containing the cases determined in all the circuits from the organizations of the courts; fully reported, with annotations, by members of the editorial staff of the National Reporter System. St. Paul: West Pub. Co. 1895. 32+754 pages. \$3.35, del'd.

UNITED STATES circuit courts of appeals reports. V. 18; cases adjudged for the Seventh circuit at Oct. term, 1892, and Oct. term, 1893. Samuel A. Blatchford, reporter. New York and Albany: Banks & Bros. 1895. 25+796 pages. \$3.25.

UNITED STATES supreme court reports. V. 158; cases adjudged at Oct. term, 1894. J. C. Bancroft Davis, reporter. New York and Albany: Banks & Bros. 1895. 23+746 pages. \$2.

WASHINGTON supreme court reports. V. 10; containing decisions rendered from Nov. 6, 1894, to Jan. 14, 1895, inclusive. Eugene G. Kreider, reporter. San Francisco, Cal.: Bancroft-Whitney Co. 1895. 22+763 pages. \$2.50.

WISCONSIN supreme court reports. V. 89; cases determined from December 11, 1894, to March 5, 1895. Frederic K. Conover, reporter. Chicago: Callaghan & Co. 1895. 19+734 pages. \$2.25.

Statutes, Codes, and Laws.

COLORADO. Laws passed at the 10th session of the general assembly, convened at Denver on the 2d day of Jan., A. D. 1895. Published by authority. Denver: The Smith-Brooks Printing Co. 1895. 345 pages. Half sheep, \$1.

NEW YORK. The Code of Civil Procedure. The 23 chapters in full, the different amendments in their proper sections, as in force on Sept. 1, 1894, and all subsequent amendments and enactments affecting the same; together with a table showing the sections of the Revised Statutes repealed by the Acts of 1877 and 1880, and also those embodied in the Code of Civil Procedure, etc. New York and Albany: Banks & Bros. 1895. 148+55-62+734+193 pages. \$3.50.

NEW YORK. Code of Civil Procedure, amendments to July 1, 1895. 20th Ed. Albany: H. B. Parsons. 1895. (Parsons' Complete Annotated Pocket Code.) Imitation Morocco, \$3.50.

NEW YORK. The Code of Criminal Procedure, as amended, including 1893, 1894, and 1895; with notes of decisions, a table of sources, complete set of forms, and a full index. 14th Rev. Ed. New York and Albany: Banks & Bros. 1895. 25+551 pages. Cloth, \$3.50.

NEW YORK. The Code of Criminal Procedure and Penal Code as amended at the close of the 118th session of the legislature, 1895. Annotated by J. T. Cook. Albany: H. B. Parsons. 1895. 11+598+9+5+471 pages. \$5, net.

NEW YORK. The excise and hotel laws, as amended to the legislative session of 1896; containing the excise laws, the public officers' laws, etc. By Robert C. Cumming and Frank B. Gilbert. Albany: Matthew Bender. 1895. 7+253 pages. \$2.

NEW YORK. The military code of the state, enacted May 4, 1893; amended 1894 and 1895. With extracts from the Penal Code and the Code of Criminal Procedure; also rules and articles of war and kindred statutes, etc. New York and Albany: Banks & Bros. 1895. 154 pages. Cloth, \$1.50.

NEW YORK. The Penal Code, in force Dec. 1, 1882, as amended by Laws of 1882-1895, with notes and decisions to date. A table of sources and a full index. 14th Rev. Ed. New York and Albany: Banks & Bros. 1895. 13+312 pages. Cloth, \$1.50.

NEW YORK. Statutory revision of the laws affecting miscellaneous corporations, enacted in 1892, including the business corpo-

ration law, the general corporation law, and stock corporation law, complete as amended, the statutory construction law, general amendments to corporation and tax laws of 1892 and 1893, and Penal Code provisions, etc. Indexed, with amendments of 1895. Prepared by Andrew Hamilton. New York and Albany: Banks & Bros. 1895. 308 pages. Paper, \$1.50.

NEW YORK. Statutory revision of the laws affecting railroads, enacted in 1892, and amended in 1893, 1894, and 1895. Prepared by Andrew Hamilton. New York and Albany: Banks & Bros. 1895. 408 pages. Paper, \$1.50.

Digests.

CALIFORNIA supreme court. Digest of the reports, vols. 1 to 100, inclusive. By James H. Deering. In 3 vols. Vols. 1 and 2. San Francisco: Bancroft-Whitney Co. 1895. 4+1087; 1089-2182 pages. \$25 (for complete work).

ILLINOIS supreme and appellate courts. Digest of the decisions as embraced in vols. 111 to 150, both inclusive, Illinois supreme court reports, and vols. 15 to 55, both inclusive, appellate court reports. By J. Thompson Long. Chicago: E. B. Myers & Co. 1895. 17+1210 pages. \$7.50.

NEW YORK. The elector's handbook or digest of the election laws of the state, appli-

cable to the city of New York. Compiled by Jefferson M. Levy. New York: W. P. Mitchell. 1895. 76 pages. Paper, 20c.

SOUTHWESTERN REPORTER. Digest of decisions of the supreme courts of Mo., Ark., Tenn., Tex., court of appeals of Ky., and court of criminal appeals and court of civil appeals of Tex., reported in the Southwestern Reporter, vols. 21-30, and in the following volumes of state reports: Ark., 57-60; Ky., 92-97; Mo., 113-126; Tenn., 91-94; Tex. Sup. Ct., 85-87; Tex. Cr. App., 31-35; Tex. Civ. App., 1-12. Edited by members of the editorial staff of the National Reporter System. St. Paul: West Pub. Co. 1895. 1068 pages. Subscription price, \$4.

UNITED STATES treasury department. A digest of the tariff and customs laws, with a schedule of duties on imports, alphabetically arranged, giving the rate of duty on each article, etc., appendix on foreign moneys, weights and measures, reduced to U. S. standard. By S. T. Morgan, assisted by W. H. Masson and C. H. Morgan. 8th Ed., annotated 1895. Baltimore, Md.: S. T. Morgan & Co. 1895. 44+571 pages. Half leatherette, \$4.50.

WASHINGTON supreme court. Index-digest, embracing all the decisions found in the territorial reports and in the state reports from V. 1 to V. 9, inclusive. By J. E. Horan. Everett: The Everett News. 1895. 162 pages. \$3.

CONTENTS OF NEW BOOKS.

Bishop on Insolvent Debtors (Third Edition).

TITLE-PAGE. A Treatise on the Common and Statute Law of the State of New York Relating to Insolvent Debtors, Including Article First, Second and Third of Title 1, Chapter XVII. of the Code of Civil Procedure, and the Law of Voluntary Assignments For the Benefit of Creditors, Including the General Assignment Act of 1877, as amended; Together with a Chapter on Compositions and Composition Deeds, and an Appendix of Forms. By James L. Bishop, Author of "Code Practice in Civil Actions." Third Edition. New York: Baker, Voorhis & Co. 1895.

FROM THE PREFACE. Another edition of this book having been called for, the previous editions have been carefully revised, and such additions have been made as the

changes of the statutes and the progress of the decisions have rendered necessary.

CONTENTS.

Prefaces.

Table of Cases Cited.

Chapter I. Introductory. Insolvency and Insolvent Laws.

Part I. Discharge of an Insolvent from his Debts. "The Two-Thirds Act" (Article First, Title 1, Chap. XVII. of Code of Civil Procedure.)

Chapter II. Commencement of Proceedings; Petition; Schedule and Affidavits.

Chapter III. The Order to Show Cause; Notice and Hearing.

Chapter IV. Assignment, Discharge and Subsequent Proceedings.

Part II. Of Proceedings by and against Insolvent Debtors, Imprisoned or Liable to Arrest, in Civil Actions.

Chapter V. Exemption from Arrest or Discharge from Imprisonment of an Insolvent Debtor.

Chapter VI. Discharge of Imprisoned Judgment Debtor from Imprisonment.

Part III. General Assignments for the Benefit of Creditors.

- Chapter VII. Defined and Distinguished; The Assignment Laws.
- Chapter VIII. Parties to Assignments.
- Chapter IX. Making, Acknowledging and Recording the Assignment.
- Chapter X. The Assigned Property.
- Chapter XI. Preferences.
- Chapter XII. Appropriation of property in Assignments by Firms and their Members.
- Chapter XIII. Fraud on the Face of the Assignment.
- Chapter XIV. Fraud from Extrinsic Circumstances.
- Chapter XV. Proceedings of Creditors to Avoid the Assignment.
- Chapter XVI. Amendment, Reformation and Revocation of Assignment.
- Chapter XVII. Foreign and Domestic Assignments.

Part IV. The Administration of the Assigned Estate.

- Chapter XVIII. Jurisdiction of the County Court and Common Pleas under the General Assignment Act of 1877.
- Chapter XIX. The Inventory, Schedules and Bond.
- Chapter XX. Powers and Duties of Assignees in General.
- Chapter XXI. Taking Possession and Custody of the Assigned Property.
- Chapter XXII. Collecting in the Estate; Suits by Assignee.
- Chapter XXIII. Sale of the Assigned Property.
- Chapter XXIV. Liability of Assignees.
- Chapter XXV. Death, Removal, Resignation or Disability of Assignee.
- Chapter XXVI. Claims against the Assigned Estate; Notice to Creditors; Proof of Debt.
- Chapter XXVII. Accounting.
- Chapter XXVIII. Termination of the Trust; Discharge of the Assignee, and his Sureties; Distribution.

Part V. Compositions.

- Chapter XXIX. Compositions and Composition Deeds.

The General Assignment Act.
 Rules of the Ct. of Common Pleas relating to General Assignments.
 Forms.
 Index.

Eldridge's United States Internal Revenue Tax System.

TITLE PAGE. The United States Internal Revenue Tax System, Embracing All Internal Revenue Laws Now in Force, as Amended by the Latest Enactments, Including the Income Tax of 1894 and 1894, with Rulings and Regulations, the Whole Copiously Annotated, with References to the Decisions of the Courts and the Departments, and Cross-References, with an Introductory Historical Sketch of Internal Revenue Taxation in the United States, and an Appendix Containing Laws Relating to Internal Revenue Practice, with Forms. Edited by Charles Wesley Eldridge, Member of

the Bar of the Supreme Courts of Massachusetts and California, and for Twenty-Five Years in the Internal Revenue Service. Boston and New York: Houghton, Mifflin & Co. 1895.

FROM THE PREFACE. The editor of this volume, by appointment of the secretary of the treasury and in association with Hon. William H. Armstrong, made the Revision of the Internal Revenue Laws in 1873, on which the Internal Revenue Title of the Revised Statutes was based; and also, by direction of the commissioner of internal revenue, with the same associate, made a further revision of the same in 1879, for the use of the internal revenue service.

No book for the profession, on this subject, has been published for over twenty-one years, and such publications as were then issued are now obsolete. The Revised Statutes of the United States reproduced the law as it stood December 1, 1873, but, owing to the great number of amendments to the Internal Revenue Title of that volume made by congress since that date, it is now a very unsafe guide to existing law.

It was the original intention of the editor, when the income tax was enacted, to prepare a preliminary volume devoted to that subject, but when he considered how intimate the connection was between the income tax law and the other parts of the internal revenue system, and how comparatively useless a treatise on the income tax alone would be without giving the law relating to collections, procedures on distraint, abatement, and refunding of taxes, suits against the collectors for taxes improperly paid, and many other cognate provisions, he resolved to set aside his original design and present a revision of the whole Internal Revenue Tax System, at as early a period as possible.

TABLE OF CONTENTS.

A List of Public Acts of Congress Relating to Internal Revenue Enacted Since March 3, 1791.

Table Showing the Sections of the Revised Statutes in Which were Incorporated the Several Sections or Portions of Sections of the Original Internal Revenue Acts.

Introductory. Historical Sketch of Internal Revenue Taxation under the Government of the United States.

Chap. I. Officers of Internal Revenue.

Chap. II. Of Assessments and Collections.

Chap. III. Special Taxes.

Chap. IV. Distilled Spirits.

Chap. V. Fermented Liquors.

Chap. VI. Tobacco and Snuff.

Chap. VII. Cigars.

Chap. VIII. Banks and Bankers.

Chap. IX. Stamp Taxes on Specific Objects.

Chap. X. Legacies and Successions.

Chap. XI. Provisions Common to Several Objects of Taxation.

Chan. XII. Oleomargarine.
 Chan. XIII. Analysis of Foods and Drugs in
 the District of Columbia.
 Chap. XIV. Chinese Exclusion and Registra-
 tion.
 Chap. XV. Smoking Opium Manufactured in

the United States.
 Chan. XVI. Income Tax Law of 1894.
 Chap. XVII. Repealed Income Tax Laws.
 Appendix.
 Addenda.

REVIEWS OF NEW BOOKS.

Bishop on Insolvent Debtors (Third Edition).¹

**Reviewed by Hon. Charles E. Hughes,
 of Carter, Hughes & Kellogg, New
 York City, and Lecturer on the Law
 of Assignments in the New York
 Law School.**

[See contents and other descriptive matter on
 page 273 of this number.]

This is a thorough revision. The book remains the same in general arrangement and in division of chapters, and so far as the paragraphs correctly state and sufficiently illustrate the law of to-day, they are unaltered. But the obsolete statements and citations have been removed, and, in their appropriate place, have been added the important decisions of the courts of New York since the date of the second edition (1884), with adequate comment. In this way the book has been expanded (without padding) to the extent of 147 pages, and the additions have been made with such skill that the "joinings" are unnoticeable. We can give the new edition no higher praise than to say that we suppose it to be substantially what Mr. Bishop would make it, were the work now written for the first time.

Mr. Bishop does not like notes. There were, perhaps, a dozen notes in his second edition, and there are but a few more in the third. He states his proposition with extreme care and follows it (in the text) with appropriate citations. He then illustrates it by reference to the facts of carefully selected cases, and, where the question has not reached its final solution, we find a masterly analysis of such decisions as are available, with a suggestion of the author's opinion and of the reasoning pro and con. In short, the book is not an index or a digest, but a treatise. Lawyers have learned that confidence in Mr. Bishop is not misplaced. They may read in his work exactly what the law is, and their reference to authorities will be simply to become familiar with the route over which he has trav-

eled or to find additional illustrations of the application of the principles discussed.

As is well known, the book deals with "the common and statute law of the state of New York." But it has won its way in other jurisdictions, where it has been used to supply the deficiencies of the recent editions of "Burrill." And, in default of a satisfactory text-book of general scope, the value of a careful statement of the law of New York is obvious. For the common law of assignments (under which head we may fairly include the broad subject of fraudulent assignments) finds its most influential exposition in the decisions of the leading commercial state, and with regard to matters commonly regulated by statute the construction of the provisions of New York law (in many respects typical) may be studied elsewhere with profit. But whatever its loss in scope, the work, by its limitation, gains in clearness and brevity; and it may be questioned whether lawyers in other states would not be better qualified to deal with the subject by a careful preliminary study of "Bishop" than by the attempt to master the confusions of the modernized "Burrill."

While the process of revision has left no part of the book untouched, there are a few topics which have received marked attention in the new edition, because they, more than others, indicate the direction as well as the extent of what the author felicitously calls "the progress of the decisions." Five-sixths of the work is given to the subject of "General Assignments," and the remainder to the rarely invoked "Insolvent Law" of New York. Of the 147 new pages, 106 deal with the Law of Assignments apart from matters of Administration, 30 with the latter, 4 with "Compositions," and 7 with the "Insolvent Law." We find 32 new pages in the chapter on "Proceedings of Creditors to Avoid the Assignment," 18 in that on "Preferences," 17 in that on "Fraud from Extrinsic Circumstances," and 10 in that on "Foreign and Domestic Assignments." The chapters on "The Assigned Property," "Parties," "Appropriation of Property in Assignments by Firms and their Members," and "Taking Possession and Custody of the Assigned Property" show an expansion of 24 pages. In contrast with this growth, it is interesting to note that the long chapters on "Fraud on the Face of the Assignment" and on "Accounting" receive

¹ A Treatise on the Common and Statute Law of the State of New York Relating to Insolvent Debtors. By James L. Bishop. Third Edition. New York: Baker, Voorhis & Co. 1893.

but slight additions, as the law upon these subjects remains substantially what it was 10 years ago.

The most important addition relates to the "Proceedings of Attaching Creditors." In the exposition of this subject Mr. Bishop is at his best. His treatment is not only clear and adequate, but concise. To a careful discussion of the various methods of attack is added a much-needed statement of the law of "Priorities," which is followed by a review of the decisions showing the extent of the protection accorded to an assignee whose assignment is set aside. Varying his usual practice, Mr. Bishop appends a long note on the assignee's right to be allowed the expenses incident to the unsuccessful defense of his trust (pp. 353-356). This chapter, expanded from 16 to 48 pages, is virtually new, and is a most important contribution to the discussion of questions not only perplexing, but of paramount practical importance. The chapter on "Preferences" is also largely extended, to permit an analysis of the cases construing the recent New York statutes regarding preferences of wages and salaries and limiting other preferences to one-third of the net assets. The construction of the latter statute, particularly with regard to transfers, by way of preference, in contemplation of an assignment, has been attended with no little difficulty. The result of the decisions is given by Mr. Bishop with his usual care. There is also a helpful review of the legislation affecting assignments and preferences by corporations.

That part of the work which deals with "Conflict of Laws" is substantially new. Here we also find numerous citations from other jurisdictions. It would have been well if the author had qualified the general statement that debts have no situs and follow the person of the owner (section 305) by reference to the fact that local laws (e. g. those providing for attachment) may fix the situs of the debt at the domicile of the debtor, where it may be effectually reached as against the nonresident creditor. *Williams v. Ingersoll*, 89 N. Y. on p. 524; *Douglass v. Ins. Co.*, 138 N. Y. 219. And, where the assignment, valid in the place of its execution (where the assignor and owner of the debt resides), is opposed to the defined policy of the state where the debtor is domiciled, the debt will be treated as having its situs in the latter jurisdiction, so that a creditor entitled to invoke the law of the situs may, in a proper case, reach it; as, for example, where the assignment, because of coercive features in the statutory scheme under which it is executed, is regarded as wholly inoperative in New York, creditors trying to reach debts owing by citizens of New York to the foreign assignor will not be defeated by the plea

that they have no situs in New York. They are treated as property within the jurisdiction where, in fact, they may be reached by appropriate proceedings. *Barth v. Backus*, 140 N. Y. 230.

Among many other valuable additions to the work, we may notice the section on the admissibility of declarations of the assignor as evidence to impeach the assignment (section 244), on the proving of secured debts (section 427), on the effect of judgments recovered against the assignor after the assignment (section 428), and on set-off against the assignee (section 376).

Mr. Bishop, in the guise of a new edition, has given us a model text-book. It will be of service to lawyers throughout the country. To the New York lawyer it will be indispensable.

Charles E. Hughes

New York, July 6, 1895.

Eldridge's United States Internal Revenue Tax System.¹

Reviewed by Hon. Robert T. Hough, Solicitor Internal Revenue United States Treasury Department, Washington, D. C.

[See contents and other descriptive matter on page 273 of this number.]

Among the great number of new law books constantly issuing from the press, it is refreshing to find one upon a subject almost entirely new, as, "The United States Internal Revenue Tax System," by Charles Wesley Eldridge. No work upon this subject having been published for more than 20 years, and the laws relating to the subject having been almost completely changed during that period, this is practically a new book on a new subject. As a result of the very careful examination that I have given this work, I heartily commend it, and have no doubt that it will attract considerable attention.

The internal revenue laws of the United States are in some respects peculiar, receiving from the courts and those charged with their execution a construction and force different, in many particulars, from that given

¹ The United States Internal Revenue Tax System, Embracing all Internal Revenue Laws now in Force, as Amended by the Latest Enactments, Including the Income Tax of 1894 and 1894, with Rulings and Regulations. Edited by Charles Wesley Eldridge, Member of the Bar of the Supreme Courts of Massachusetts and California, and for 25 Years in the Internal Revenue Service. Boston and New York: Houghton, Mifflin & Co. 1895.

other statutory laws. Hence the value of a book which gives not only the statutes in force upon the various subjects, but also the rules of the department and the decisions of courts relating to the questions arising under the laws and rules.

In this work, Mr. Eldridge has treated the internal revenue laws of the United States as a system; and I incline to the opinion that, by so doing, a much more correct understanding of these laws can be obtained. One great advantage of the book is that it contains a carefully prepared index which enables a working lawyer, as well as the novice, to find at once the subject under consideration.

The question of revenue for the government is one that interests every citizen of the United States. In view of the fact that a large number of our people incline to the policy of low tariff, there seems to be no source to which we so naturally turn as to that of the internal revenue tax system, and the strong probability is that it will eventually embrace a much larger scope than at present,—which fact alone has a tendency to make any good work on the subject of more than ordinary interest.

It will be strange indeed if this work by Mr. Eldridge is not found in the library of every lawyer who has any considerable practice, and quite generally scattered among people interested in such subjects.

Robert T. Hough

Murray and Riordan's Students' Review of Law and Equity.¹

Reviewed by Thomas W. Hughes, Instructor in Law of the Michigan University Law School.

In their preface to this work, the authors state that their object in preparing it has been "to review the leading branches of Law and Equity in as brief form as is consistent with a systematic, accurate, and logical arrangement." Their purpose has certainly been a worthy one, and, if they have succeeded in accomplishing it, to the ex-

tent and in the manner indicated, the utility of the work cannot be questioned; for a book of this kind, suitable for the use of students who may wish to revive their knowledge of the leading topics of the law, and which presents those topics in a brief, systematic, accurate, and logical way, will doubtless be duly appreciated by those for whom the work is intended.

The text of the book consists of questions and answers. Perhaps it will be well to state briefly at the outset the comparative value of a work of this kind. That it has its disadvantages, as well as its advantages, is, I believe, generally conceded. If it be read by the student after pursuing thorough courses in the subjects themselves, it will serve the useful purpose of concentrating his mind upon certain leading principles of the law, and in this way be of great value to him by way of review. On the other hand, if it be read, not merely for review, but as a text-book, by which to acquire his first information of the subjects discussed, there is great danger that he will soon be committing the answers to memory without fully grasping their force and importance, owing to their lack of explanatory and illustrative matter. Another limitation upon the usefulness of a book of this kind is that it often contains questions and answers not on the general principles of the subjects themselves, but rather on specific text-books. The student may have acquired his knowledge of the subjects therein contained from certain other text-books, which treat those subjects from an entirely different standpoint; and, as the main object to be accomplished in reading a work on questions and answers is, or ought to be, a review of the subjects therein discussed, it becomes manifest at once that it may in a large measure fail to accomplish the object sought.

There is, I believe, no disputing the fact that the three leading essentials of a work on questions and answers are accuracy, clearness, and conciseness. To ask questions in a clear, accurate, concise, and logical way is by no means an easy task. Let us now examine the work assigned for review, and discover, if we can, to what extent the design of its authors has been achieved. To do this, let us begin with question 1, at page 5, and go through the book, picking out illustrations here and there. In doing so, let us keep in mind all the while the three important essentials of a work of this kind. The first question is, "What general division is there as to actions at law?" This, to say the least, is a loose and vague way of stating the question. Why not say, How are actions at law divided? To do so is certainly simpler, as well as clearer. Question 30, on page 53, reads: "What do you

¹ Students' Review of Law and Equity, Embracing Questions and Answers on Contracts, Torts, Criminal Law, Negotiable Instruments, Evidence, Domestic Relations, Common-Law Pleading, Equity Pleading and Practice, Equity and Real Property. By Lawrence O. Murray, LL. M., of the New York Bar, and Charles E. Riordan, LL. M., of the Bar of the District of Columbia. Washington, D. C.: W. H. Lowdermilk & Co. 1895.

have to prove in a suit for malicious prosecution?" This question is repeated in number 11, on page 246, where the full answer to it is given. The answer given to question 60, on page 53, is but one-fourth of the correct answer to the question as stated. The part given is doubtless that intended, as may be seen in reading the immediately preceding questions; but the question is wrongly stated, and this renders the answer misleading. In question 135, on page 64, there are two questions asked and but one answer given. The question which immediately follows this answer asks how a certain thing is to be determined, and the answer to it states by whom it is to be determined. Question 156, at the bottom of page 67, reads thus: "Suppose, in a criminal proceeding—say a person be indicted for forgery. It is necessary that there should be a forgery of somebody's name to the paper, and the uttering of that paper in such a way as to obtain something of value to the party. Suppose a person being indicted for forgery under those circumstances should acknowledge that he passed the paper alleged to have been forged, and got the money alleged to have been paid upon it; what would you say such an acknowledgment would be?" The imperfections of this question are too obvious to require further comment. Question 158 on the next page is more concise, but fully as vague. Next, let us notice the conglomeration of questions numbered 172, on page 70. This conglomeration reads thus: "How is the fact to be established? What can you offer in evidence? Is it the fact of the admission or the matter claimed to be admitted?" The answer given to these three questions is, "It is the fact that the admission was made." Question 400, on page 105, reads: "How as to opinions as to matters of law or of legal or moral obligations, etc.?" This is certainly a very inelegant and objectional way to state a question. Throughout the book there are very many illustrations of the same kind. Question 404, on page 106, is anything but concisely stated, and it savors also of considerable vagueness. Question 1, on page 118, reads: "What is equity?" This is simple enough, but notice the answer: "The correction of the law wherein [sic] it [what?] is defective by reason of its universality." It appears that the authors have attempted an improvement on the definition by Grotius, but in doing so they have certainly made a lamentable failure. The answer to question 5, at the bottom of page 118, is misleading. It reads: "That equity will not suffer a right to be without a remedy." It would be more explicit to say "Equity will not, by reason of a merely technical defect, allow a wrong to exist without a remedy." Question 10, on

the next page, is another illustration of inelegant expression. It reads: "How in regard to trusts executory?" The answer to question 14, on the same page, would lead one to believe that the plaintiff and the defendant had but one claim between them; but this, of course, is not what is intended. The answer to question 34, at the top of page 122, is to me incomprehensible. The question is: "What is mistake as remediable in equity?" The answer reads: "An act or omission which would not have occurred but from ignorance, forgetfulness, inadvertence, mental, incompetent, surprise, misplaced confidence, or imposition." Judge Story defines mistake as "some unintentional act, or omission, or error, arising from ignorance, surprise, imposition, or misplaced confidence." This definition has been criticised, but how much more intelligible it is than the former one! Nearly all the questions on page 122 are inelegantly stated, and so are questions 42 and 43, on the next page. Question 48, near the bottom of page 123, reads: "Is fraud ever presumed?" The answer given is: "Never." This, of course, is inaccurate. Lord Hardwicke, in a leading English case, divides fraud into four classes, the third of which is: "Fraud which is presumed from the circumstances and condition of the parties contracting. In this class of frauds, courts of equity go further than courts of law, for the latter require the fraud to be proved, while the former presume it exists in the absence of proof." Question 51 and its answer, on page 124, are not sufficiently explicit. The answer, as given, depends largely upon qualifications of the question, which are omitted. The definition of a fixture, as contained in the answer to question 57, on page 198, is certainly a very loose and imperfect one. Question 53, on page 208, reads: "Who may be an agent?" The answer given is: "Any one may be an agent whether or not he is in other respects capable of contractual capacity." This answer is obviously inaccurate. It is elementary that a person of unsound mind cannot so act, nor can a child of tender years (Mechem on Agency, § 57). At the bottom of the same page, the question reads: "Has an agent power to delegate his authority?" The answer given is: "No, he has not." This is also inaccurate; for an agent has implied power to delegate his authority in four general classes of cases, viz. (1) when his duties are merely ministerial, (2) when necessity requires it, (3) when it is the usage of the trade, and (4) when originally contemplated (Mechem on Agency, § 193). The second part of the answer to question 96, page 214, would be all right if the word "or" were substituted for the word "and"; but as it stands now it is simply absurd. Question

13, at page 247, reads: "Can malice be inferred from want of probable cause, or probable cause from proof of malice?" The answer given is, "No." The question is wrongly stated, and the answer is incorrect. The question should read: "Can malice be inferred from want of probable cause, or want of probable cause from proof of malice?" The answer to the first part of the question is, "Yes"; and to the second part is, "No." Question 23, on page 248, reads: "What defamation is actionable per se?" The answer to it embodies four classes of defamation. Why not state the question thus: "What classes of defamation are actionable per se?" Notice next the inelegancy of question 31, at the bottom of page 250. It reads thus: "Can a corporation commit a tort, and give an example?" The first part of the answer to question 21, on page 255, is not strictly correct, as the presumption relating to the capacity of infants under seven to commit a crime is conclusive. Question 27, on page 256, reads: "What does the law presume as to sanity?" The answer given is: "The law presumes sanity in every person, and it is for the accused to contradict this presumption." Why not say, "rebut it by proof"? Surely something more is required of him than merely to contradict it. Question 52, on page 260, is merely a repetition of question 37, page 257. Question 82, on page 264, reads: "What constitutes a sufficient entry in the law of burglary?" The answer given is: "A portion of the burglar's body must be introduced within the house." This answer is inaccurate and entirely misleading; for a person may be guilty of burglary without introducing any portion of his body within the house. If he should introduce a pole with a hook on it, to take out the goods, the entry would be sufficient. Question 13, on page 276, reads: "Will fraudulent representations * * * be ground for divorce?" The answer given is: "It will not." Why not say: "They will not," and have harmony between question and answer?

The foregoing illustrations to which I have called attention will suffice, I think, to show that the design of the authors, as indicated in their preface, has not been realized. It is true that many portions of the book are well written; but, in my opinion, its imperfections are too numerous to entitle it to rank as a book to be recommended. I have compared it with several others of its kind, some of which, in my opinion, it supersedes, while by others it in turn is superseded. Among the latter I might mention the three volumes by Walsh.

Thos. H. Hughes

Westlake's International Law.¹

Reviewed by Hon. Charles B. Elliott, Judge of the District Court of Minnesota. Professor of Corporation and International Law in the Minnesota University Law School.

[See contents in Vol. 1, Law Book News, page 379.]

It is to be feared that the benevolent purpose of the founder of the Whewell professorship of international law has not been materially advanced by the learned essays of Sir Henry Sumner Maine or the "Chapters" of Dr. Westlake. The theories accepted and applied by English statesmen are not such as tend toward the abolition of war. The elimination from the body of binding international law of rules sanctioned only by natural justice and morality, and the acceptance of such as have received the positive assent of Great Britain, would naturally lead to the construction of a system of decided value to that enterprising land. Smaller nations, whose statesmen are trained in the doctrines of *Le Droit International*, are liable to have different views, and to recognize the moral beauty of the proposed rules only when perceived through the refracting media formed by the smoke of British battle ships.

It is somewhat difficult to determine the exact position accorded to international law in England. By a large number of publicists and jurists it is denied the name of law and relegated to the position of a body of general principles which it is pious and advisable to observe when such observance would not materially conflict with the present interest of the empire. This is not true, however, of the leading writers. Thus, Phillimore says that the law of nations is founded upon "justice, equity, convenience, and the reason of things, formed by long usage." In practice, it is to be regretted that all of this foundation except "convenience" has been too often lost sight of. Lord Stowell, than whom no stouter champion of English interests ever lived, says that: "Some people have foolishly imagined that there is no other law of nations but that which is derived from positive compact or convention." This "foolishness" evidently affected the Lord Chief Justice Cockburn, who, in *R. v. Keyn*, said: "Writers on international law * * * cannot make the law. To be binding, the law must have received the assent of the nations who are to be bound by it." The same

¹ Chapters on the Principles of International Law. By John Westlake, Q. C., LL. D. Whewell Professor of International Law in the University of Cambridge. Member and Ex Vice President of the Institute of International Law. Etc. Macmillan & Co.: London and New York. 1894.

doctrine was contended for by the British counsel before the recent Bering Sea tribunal of arbitration. As stated by Mr. Justice Harlan, the counsel for the United States contended that, in determining what rights are recognized by the law of nations, effect must be given to those principles of right, reason, justice, humanity, and morality which have their foundations in the law of nature. This view was earnestly combated by the counsel for Great Britain, who argued that the rights of the two nations could not be made to depend, in any degree, upon abstract principles founded only on reason, justice, humanity, or morality, but must be determined upon grounds of positive law, resting in the affirmative assent of nations, independently of ethical considerations which the conscience of the world makes between what is morally right and morally wrong. This narrowing of the field of international law is the result in a measure of the acceptance by English statesmen and jurists of the Austinian theory of law. In the province of jurisprudence as determined by Austin there is no place for what is now called international law. His famous definition appealed with peculiar force to the English legal mind. A mind trained in the common law, with its respect for precedent and authority, could find little to admire in the somewhat cloudy discussions of the continental jurists about "*droit*," "*recht*," "*jus gentium*," and "*jus naturale*." The acceptance of Austin's theories soon became the test of legal orthodoxy. A few years ago, Frederick Harrison informed us that it was the foundation

of rational jurisprudence. But Sir Frederick Pollock, the present high priest of English legal thought, has recently said that Austin's theories "are already dead and buried for all students who have any sense of history." In the light of this tendency, the student will read the first chapters of Dr. Westlake's book with great interest.

The book is a collection of lectures upon subjects more or less connected,—such as the "Principles of International Law," the "Equality and Independence of States," "International Rights and Their Preservation," "Territorial Sovereignty, in Relation to Uncivilized Regions," and "War." These chapters are preceded by an essay upon the relation of international to municipal law. It contains a very interesting discussion of the theories which have prevailed from the earliest times to the Treaty of Westphalia, but leaves the reader somewhat in doubt as to views entertained by the writer.

It is unnecessary to say that Dr. Westlake has treated these subjects with the hand of a master, and, while all his readers may not agree with his conclusions, all will acknowledge the value of the book. He is already well and favorably known to American lawyers as the author of a very satisfactory work upon private international law, and as one of the most distinguished of living English writers upon public international law.

Chas. B. Elliott

OTHER OPINIONS OF NEW BOOKS.

Westlake's International Law.

[See contents on page 379, vol. 1, Law Book News, and a review by Hon. Chas. B. Elliott on page 279 of this number.]

"*Difficile est proprie communia dicere*," and the literature of international law is already so enormous that there is a certain presumption against the necessity of each new treatise on the subject. But the volume before us amply justifies its existence. It is the work of an accomplished lawyer, who has long been a close observer of political events, and an independent thinker upon the problems which they suggest. One may be far from following the author in his criticism of Austin, or from sharing his views as to the relation of public to private international law, but on these questions, as on many others which he has had occasion to discuss, there is room for legitimate differ-

ences of opinion. The instructed reader, whether or no he always agrees with Mr. Westlake's reasonings, must always admire the easy mastery of the subject, the unostentatious learning, and the freshness of treatment, which are conspicuous in every page of the book. Many of Mr. Westlake's remarks at once arrest attention. It is, for instance, true, and has not been sufficiently noticed, that the men of the Renaissance failed to realize the inadequacy of such a scheme of international law as they could deduce from the law of nature, and did not foresee the process of growth which is now, almost from year to year, so perceptible in the science. He appears, however, to overrate the extent to which the law of nations can be assimilated to municipal law. Although the former may be almost as well-defined and as certain in its operation as was English law in the time of Henry II.,

there is surely this difference between the two cases,—that the English law of Henry II. possessed the potentiality of being developed into the law of Victoria, while international law can never attain to a similar development without ceasing to be itself, and becoming the municipal law of a federal union of states. Bynkershoek gets an amount of notice to which his strong personality well entitles him, but which he too often fails to obtain. There is a very interesting inquiry into the nature of those rights, such as to extradition and to the navigation of international rivers, which admittedly presuppose for their exercise conventions by which their precise limits are demarcated. It is certainly true, though often forgotten, that "a personal union of states may grow into a real one by habit without any change of constitution," and the statement is supported by the change which took place in the relations of England and Scotland between the reigns of James I. and Queen Anne. The discussions on territorial sovereignty, on savage races, on Prof. Lueder's views of the conduct of warfare, on the capture of private property at sea, are one and all deserving of careful study; as are the reasons which have obliged the author to come to the conclusion that "pity, as an operative force in the mitigation of war, has nearly reached its limit."

—"T. E. H.," in the *Law Quarterly Review*.

It is not a treatise on international law, but a series of essays on its main topics. In the first, international law, described as the body of rules prevailing between states, is considered in its relation to law in general. In what sense is it law? Mr. Westlake bases all law upon society, "*Ubi societas ibi jus est*," defining it as the body of rules expressing the claims which in a given society are held to be enforceable, and are more or less regularly observed. In the society of states, their mutual relations are governed by rules so uniformly obeyed that instances of their disregard arise only when a particular rule is uncertain or a change of rule is strongly urged; so that it is more correct to say that international law is an imperfect body of rules than that, so far as it is perfect, it is not obeyed. And, in Mr. Westlake's view, the absence of international organization and of an executive are to be regretted less from the point of view of

the enforcement, than from that of the definition and development, of the rules of international law. The second essay, which contains an admirably lucid exposition of *jus gentium*, brings the subject down to the Renaissance; and the next two carry it on through an examination of the writings of Ayale, Gentilis, and Grotius to the peace of Westphalia, which Mr. Westlake regards as the starting point of international law proper. At and after that date (1648) the nations of Europe became conscious of their mutual duties, and that the rules defining those duties, in accordance with the law of nature and the custom of nations, had become indispensable to the existence of human intercourse, and could not be set at naught by any of them with impunity. A chapter on Bynkershoek, Wolff, and Vattel completes a historical summary which, although necessarily confined to the most important events and thinkers, will be read with interest and profit by every student. Chapter VI. is a summary in short paragraphs of what the author considers the general principles of his subject. It is the shortest chapter in the book, but will probably be the most likely to excite controversy, especially with those whose point of view is not, like the author's, that of law, but right. To this rapid and masterly sketch of the principles and historical development of the rules of international law succeed five monographs dealing with the equality and independence of states, their rights of self-preservation, the nature and acquisition of territorial sovereignty, our Indian Empire, and war. These are valuable and full of interest. Chapter IX., for example, on the acquisition of sovereignty in Africa, is especially so at the present time, while the attempt in Chapter X. to make the British position in India scientifically intelligible from the standpoint of international law possesses more than the mere interest of novelty for a large part of the British public. Both chapters are written from a fullness of knowledge that deserves attention, and with a clearness of diction that enforces it. Indeed, one may be permitted to note with satisfaction the absence from this book of that academic stiffness of style which it is generally acknowledged impairs the usefulness of Mr. Westlake's well-known work on private international law.

—G. Wardlaw Burnet, in the *Juridical Review*.

MINOR LAW BOOK NOTICES.

The Law of District and Parish Councils.¹

While this volume is of little value in this country save to libraries and to such readers as desire a knowledge of the decidedly complex system of English local government, it is certainly a very practical book for English practitioners. The work is, in effect, a commentary on the Local Government Act of 1894, which established parish councils as the final feature of the system of local government begun in 1888 by the formation of county councils. A single paragraph of the preface concisely states the plan of the volume: "The scheme of the present work is, first, to give a general outline of the election, powers, duties, and liabilities of the several councils,—County, Parish, and District,—so far as these are dealt with in the new Act; secondly, to set out the Act itself, with such notes and cross references at the end of each section as are necessary to explain the text."

The two divisions thus indicated occupy the first 200 pages of the volume. An appendix of nearly 240 pages follows, containing a number of important statutes prescribing the duties of the local authorities, including, among others, the Agricultural Gangs Act of 1867, the Agricultural Holdings Act of 1883, the Allotments Act of 1887, the Baths and Washhouses Act of 1846, the different Burial Acts from 1852 to 1885, the Public Health Act of 1875, and the Public Libraries Act of 1892. The orders and circulars of the local government board issued up to May 20, 1894, are also given. The book is supplied with a very complete index, and is substantially bound in cloth.

Wilson's Handy Books.

Under this general title, Effingham, Wilson & Co. have issued a series of little volumes on legal and related subjects, which combine the desirable qualities of completeness, convenience, and cheapness to a remarkable degree. Most of the series were evidently intended primarily for lay readers; and, of the purely legal treatises, most will be valuable chiefly to English lawyers and students. The list includes treatises on the law of Husband and Wife, Master and Servant, Joint-Stock Companies, Trading Partnerships, Trustees, Wills, Bankruptcy, Bills of Sale, Innkeepers, and a number of other legal works of a less general nature, and also a number which are classed as "useful" handbooks, and are in no sense legal publica-

tions. All of the books of the series, so far as we have examined, seem to be carefully prepared, reliable, and as complete as one might expect a handbook to be. The ones specifically described below may be taken as representatives of the series.

The Law of Wills.

This is a little volume of 155 pages (including index), prepared by C. E. Stewart, and designed for the use of testators, heirs and legatees. It gives an admirable summary of the law of distribution of property on intestacy, together with the Intestate's Act of 1890, the general principles of the law of wills, the powers and duties of executors and administrators, the new death duties under the Finance Act of 1894, and information necessary for personal applications for probate. Numerous forms are given and fully explained. The volume is certainly well adapted to the use for which it is intended, and may doubtless often be used with advantage by English lawyers.

How to Obtain a Divorce.

The avowed object of this work, as stated by the author in his preface, is to prove that obtaining a divorce in England is "a far easier thing than is popularly supposed." Just how laudable is the author's ambition we leave for individual opinion to declare. The volume is a very neat and concise compendium of the law of divorce, dealing with the recognized causes, and the procedure in divorce cases. Such sections of the Divorce Act as deal with divorce and judicial separation are given, as well as the current rules and regulations in divorce and matrimonial causes. Forms of all the necessary pleadings are given, and the pleadings in an imaginary suit are filled up to illustrate the practice more fully. The subjects of alimony, maintenance, custody of children, etc., are incidentally treated. The text is supported by numerous references to cases and acts of parliament.

Contracts in Restraint of Trade.

This is one of the smallest of the "Handy Books," containing but 56 pages, exclusive of the index, but it is, by reason of its subject, one of the most practical and useful. It has been the author's aim to summarize the law relating to the validity of this class of contracts, and present it in a form intelligible to the general public. The text is divided into five chapters, treating, respectively, of General and Partial Restraint, Consideration, Combinations in Restraint of Trade, Construction of Contracts in Restraint of Trade, and how and against whom such contracts may be enforced. These sufficiently

¹ The Law of District and Parish Councils. By John Lithiby, LL. B. London: Effingham, Wilson & Co. 1894.

indicate the scope of the volume. Numerous English cases are cited in the marginal references.

The Law Concerning Owner, Builder, and Architect.

This is a work of 95 pages, uniform in size and binding with the preceding volumes. It is written in a clear and concise style, which will be easily understood by one not familiar with legal phraseology. The first two divisions consist of plain and pointed advice to the owner and builder relative to the building contract. The next three divisions discuss the relations between the owner, builder, and architect, and the rights, duties, and liabilities of each, under the respective contracts. The sixth, seventh, and eighth divisions are given up to the consideration of questions that may arise in building. The two final divisions treat of the submission to arbitration of questions arising between the parties. An appendix is added, containing forms of building contracts, special clauses, etc. A cursory examination leads us to believe that this little work will be worth many times its cost to any one who expects to assume the relation of either owner, builder, or architect.

The Solicitor's Clerk—Companion to the Solicitor's Clerk.

Although these volumes belong to the "Handy Books" series, they are a departure in size and style of binding from those already noted. The Solicitor's Clerk is a volume of more than 250 pages, while the Companion contains 182 pages, both being bound in stiff cloth covers. The author assigns as one of the reasons for the existence of the first-named volume "the absence of any sort of guide to the duties of a solicitor's clerk, and the dismal aridness which, from lack of a little elementary knowledge, often induces despair in lads who enter what to them is, from this cause only, the gloomy portals of a solicitor's office." As its name indicates, the second volume supplements the first, and is intended as a guide for solicitors' clerks on magisterial work and criminal law generally. Both volumes are well prepared, being written in a plain, clear style, and supplied with numerous forms of legal documents, and in every way tend to make clear the subjects with which they deal. A careful study of these two volumes should fit any intelligent person for the duties he will meet as a solicitor's clerk.

BOOKS RECEIVED.

From Gladstone Pub. Co., Chicago:

Sutherland's Law Relating to the Production and Inspection of Books, Papers, and Documents.

From D. C. Heath & Co., Boston, Mass.:

Boutwell's Constitution of the United States.

From West Pub. Co., St. Paul, Minn.:

Clark's Cases on Criminal Law.

Leading Text Books Published in 1895.

Abbott's Select Cases on Evidence..	6 00 net	Harlow on Sheriffs and Constables.	
Alderson on Judicial Writs and Process	6 00 net	2d Ed.	6 00 net
Black's Constitutional Law.....	3 50 net	Leavitt's Law of Negligence.....	6 50 del
Beach on Injunctions. 2 vols.....	12 00 net	Oliver's American Precedents in Personal and Real Actions. 5th Ed.	6 00 net
Beach on Insurance. 2 vols.....	12 00 net	Pingrey on Real Property. 2 vols.	12 00 net
Bishop's Criminal Procedure. Vol. 1. 4th Ed.....	6 00 net	Smith on Evidence.....	5 00 net
Bishop on Insolvent Debtors. 3d Ed..	6 50 del	Thompson on Private Corporations. 6 vols	36 00 net
Bradner's Rules of Evidence.....	5 00 net	Tiffany on Sales.....	3 50 net
Clark's Criminal Procedure.....	3 50 net	Walker's American Law. 10th Ed..	6 00
Endlich on Building Associations. 2d Ed.....	6 00 net	Waples on Attachment. 2d Ed....	6 00 net
Fetter on Equity.....	3 50 net	Williams on Executors. 3 vols.	
Glenn's International Law.....	3 50 net	7th Am. Ed.....	18 00 net

DIGEST

Of Articles on Legal Subjects in Current Periodicals, Annotations in Reports, etc.

List of Abbreviations and Publications Digested.

Abbreviations.	Name.	Published.	Prices of Single Numbers.
Abb. N. C.	Abbott's New Cases, Diossy Law Book Co., N. Y. City	Monthly.....	\$4.50 per vol.
Alb. Law J.	Albany Law Journal, Albany, N. Y.	Weekly.....	25c.
Am. Acad. Pol. & Social Science	American Academy of Political and Social Science, Philadelphia, Pa.	Fortnightly.....	\$6.00 per year.
Am. Banker	American Banker, New York City	Weekly.....	10c.
Am. Lawy.	American Lawyer, New York City	Monthly.....	10c.
Am. Law Reg. & Rev.	American Law Register and Review, Philadelphia	Monthly.....	50c.
Am. Law Rev.	American Law Review, St. Louis	Bi-Monthly.....	\$1.00.
Am. Prob. R.	American Probate Reports, Baker, Voorhis & Co., New York City	Irregular intervals.....	5.50 per vol.
Am. R. & Corp. R.	American Railroad and Corporation Reports, E. B. Myers & Co., Chicago	Irregular intervals.....	4.50 per vol.
Am. St. Rep.	American State Reports, Bancroft-Whitney Co., San Francisco	Bi-Monthly.....	Sold by subscription only.
Am. & Eng. Corp. Cas.	American and English Corporation Cases, Edward Thompson Co., Northport, Long Island, N. Y.		\$4.50 per vol.
Am. & Eng. R. Cas.	American and English Railroad Cases, Edward Thompson Co., Northport, Long Island, N. Y.		4.50 per vol.
Atlantic Monthly	Atlantic Monthly, Houghton, Mifflin & Co., 11 E. 17th St., New York City	Monthly.....	.35 per single number.
Aust. Law T.	Australian Law Times, Melbourne, Australia	Semi-Monthly.....	\$3.3s. per yr.
Banking Law J.	Banking Law Journal, New York City	Monthly.....	30c.
Barrister	The Barrister, Toronto, Can.	Monthly.....	\$2.00 per year.
Brief	The Brief, London, Eng.	Monthly.....	Sixpence.
Can. Law J.	Canada Law Journal, Toronto, Can.	Semi-Monthly.....	25c.
Can. Law T.	Canadian Law Times, Toronto, Can.	Monthly.....	50c.
Cape Law J.	Cape Law Journal, Grahamstown, Cape of Good Hope	Quarterly.....	\$1.50.
C. C. A.	U. S. Circuit Courts of Appeals Reports, West Pub. Co., St. Paul, Minn.	Irregular intervals.....	\$3.35 per vol.
Cent. Law J.	Central Law Journal, St. Louis	Weekly.....	25c.
Chi. Law J.	Chicago Law Journal, Chicago	Monthly.....	25c.
Chi. Leg. N.	Chicago Legal News, Chicago	Weekly.....	10c.
Civil Proc. R.	New York Civil Procedure Reports, S. S. Peloubet, New York City	Monthly.....	
Collector	The Collector and Commercial Lawyer, Detroit, Mich.	Monthly.....	10c.
Contemporary Review	Contemporary Review, London	Monthly.....	30c.
Counsellor	The Counsellor, New York City	Bi-Monthly.....	\$1.00.
Cr. Law Mag.	Criminal Law Magazine, Jersey City, N. J.	Monthly.....	50c.
Green Bag	Green Bag, Boston	Monthly.....	10c.
Guide	The Guide, Kalamazoo, Mich.	Monthly.....	35c.
Harv. Law Rev.	Harvard Law Review, Cambridge, Mass.	Quarterly.....	65c.
Int. Jour. Eth.	International Journal of Ethics, Philadelphia, Pa.	Monthly.....	25c.
Iowa Univ. Law Bul.	Law Bulletin of Iowa University, Iowa City, Iowa	Weekly.....	1 shilling.
Ir. Law T.	Irish Law Times & Solicitors' Journal, Dublin, Ire.	Weekly.....	Sixpence.
J. P.	Justice of the Peace, London, Eng.	Quarterly.....	
Jurid. Rev.	Juridical Review, Edinboro, Scotland	Bi-Weekly.....	\$1.00 per year.
Kan. Univ. Lawy.	Kansas University Lawyer, Lawrence, Kans.	Monthly.....	Sixpence.
Law Notes	Law Notes, London, Eng.	Quarterly.....	5 shillings.
Law Quart. Rev.	Law Quarterly Review, London, Eng.	Monthly.....	10c.
Law Student's Helper	Law Student's Helper, Detroit, Mich.	Monthly.....	Sixpence.
Law Students' J.	Law Students' Journal, John Indermaur, Chancery Lane, London, Eng.	Weekly.....	
Law T.	Law Times, London, Eng.	Semi-Monthly.....	\$1.00
Lawy. Rep. Ann.	Lawyers' Reports Annotated, Lawyers' Co-operative Pub. Co., Rochester, N. Y.	Weekly.....	10c.
Leg. Int.	Legal Intelligencer, Philadelphia	Quarterly.....	25c.
Madras Law J.	Madras Law Journal	Monthly.....	25c.
Med. Leg. J.	Medico-Legal Journal, New York City	Monthly.....	25c.
Mich. Law J.	Michigan Law Journal, Detroit, Mich.	Monthly.....	25c.
Minn. Law J.	Minnesota Law Journal, St. Paul, Minn.	Monthly.....	25c.
Mont. Leg. N.	Montreal Legal News, Montreal, Can.	Monthly.....	25c.
Morr. Min. R.	Morrison's Mining Reports, Callaghan & Co., Chicago	Irregular Int'vis.....	\$5 per vol.
Nat. Corp. Rep.	National Corporation Reporter, Chicago	Weekly.....	10c.
N. J. Law J.	New Jersey Law Journal, Plainfield, N. J.	Monthly.....	25c.
N. W. Law Rev.	Northwestern Law Review, Chicago	Monthly.....	25c.
N. Y. Cr. R.	New York Criminal Reports, S. S. Peloubet, N. Y. City	Monthly.....	25c.
N. Y. Law J.	New York Law Journal, New York City	Daily.....	05c.
N. Y. Law Rev.	New York Law Review, Ithaca, N. Y.	Monthly.....	25c.
Ohio Leg. N.	Ohio Legal News, The Laning Printing Co., Norwalk, Ohio	Weekly.....	\$3.00 per year.
Pittsb. Leg. J.	Pittsburgh Legal Journal, Pittsburgh, Pa.	Weekly.....	10c.
Political Science	Political Science, Boston, Mass.	Quarterly.....	
Quart. Jour. Econ.	Quarterly Journal of Economics, Boston	Quarterly.....	\$2.00 per year.
Rev. of Rev.	Review of Reviews, New York City	Monthly.....	\$2.50 per year.
Scot. Law Rev.	Scottish Law Review, Glasgow, Scot.	Monthly.....	1 shil. and sixpence
Scot. Law T.	Scots' Law Times, Edinboro, Scotland	Weekly.....	
University Law Rev.	University Law Review, New York City	Monthly.....	25c.
Va. Law Reg.	Virginia Law Register, Lynchburg, Va.	Monthly.....	50c.
Wash. Law R.	Washington Law Reporter, Washington	Weekly.....	10c.
West. Res. L. J.	Western Reserve Law Journal, Cleveland, O.	Monthly.....	20c.
Westminster Review	Westminster Review, London	Weekly.....	25c.
Wkly. Law Bul.	Weekly Law Bulletin and Ohio Law Journal, Columbus, Ohio	Monthly.....	10c.
W. Va. Bar	West Virginia Bar, Morgantown, W. Va.	Monthly.....	35c.
Yale Law J.	Yale Law Journal, New Haven, Conn.	Monthly.....	

TOPICAL DIGEST.

N. B. The Classification of the American Digest is here used.

ACCOUNT STATED.

An extended note on account stated, and the rules governing actions therein.—27 Lawy. Rep. Ann. 811.

AMBASSADORS AND CONSULS.

An interesting article on consular jurisdiction in the East.—14 Law Notes, 238.

ANIMALS.

— Killed on track, see "Railroad Companies."

A valuable article on the rights and liabilities of dog owners.—3 Scot. Law T. 61, 65.

A short article on the liabilities of the owners of dogs.—59 J. P. 450.

Assignment for Benefit of Creditors.

— See "Conflict of Laws."

ATTORNEY AND CLIENT.

An interesting paper, read before the Pennsylvania Bar Association, on legal education and admission to the bar. By George W. Pepper.—52 Alb. Law J. 54.

BOYCOTTS.

An interesting article on the law relating to boycotts, with reference to the recent decision in the queen's bench division in Wright & Co. v. Hennessey.—52 Alb. Law J. 104.

CARRIERS.

A collection of authorities on the rights and liabilities of connecting lines.—61 Am. & Eng. R. Cas. 242.

A collection of authorities on actions against carriers.—61 Am. & Eng. R. Cas. 251.

A collection of authorities on the duties and liabilities of carriers of live stock.—61 Am. & Eng. R. Cas. 307.

A collection of authorities on the liability of carriers for the loss of goods in shipment, and for unreasonable delay.—61 Am. & Eng. R. Cas. 290.

A collection of authorities as to what constitutes discrimination, within the interstate commerce act.—61 Am. & Eng. R. Cas. 57.

A collection of authorities on the power of a state to regulate freight rates within its borders.—61 Am. & Eng. R. Cas. 104.

A collection of authorities as to the reasonableness of rates.—61 Am. & Eng. R. Cas. 125.

A collection of authorities as to the right of carriers to limit their liabilities.—61 Am. & Eng. R. Cas. 150.

A collection of authorities on the duties and liabilities of carriers.—61 Am. & Eng. R. Cas. 205.

A collection of authorities as to contracts for the transportation of live stock.—61 Am. & Eng. R. Cas. 330.

CONFLICT OF LAWS.

A valuable article on the operation of foreign general assignments, as affected by the conflict of laws.—By Edward L. Randall. 52 Alb. Law J. 90.

Constitutional Law.

— See "Courts"; "Monopolies."

CONVERSION.

Equitable conversion of the surplus proceeds of a mortgage sale of real estate into realty on foreclosure after the death of the mortgagor.—By William L. Murfree, Jr. 41 Cent. Law J. 70.

CORPORATIONS.

A short note on state legislation against foreign corporations, with numerous citations.—By W. D. Leeper. 41 Cent. Law J. 152.

A valuable article on the subject of notice to corporations.—By Seymour D. Thompson. 29 Am. Law Rev. 523.

An interesting article, with numerous authorities, on the rights of "tramp" corporations.—By A. R. Moore. 3 Minn. Law J. 147.

A valuable article on the debentures of limited companies.—By F. W. Green. 17 Law Students' J. 169.

COURTS.

An article on the power of the supreme court to nullify acts of congress, as shown by the income-tax decision.—By Sylvester Pennoyer. 29 Am. Law Rev. 550.

An article as to the extent of the civil authority over the persons and property at a military post and on a military reservation.—By J. S. Parke. 52 Alb. Law J. 135.

CRIMINAL LAW.

An article on moral insanity as a defense to crime.—By Frank B. Livingstone. 7 Green Bag, 308.

DEMURRAGE.

A short note as to what constitutes "customary quick dispatch."—14 C. C. A. 657.

DESCENT AND DISTRIBUTION.

An interesting article on the inheritance tax, and objections thereto.—By James P. Root. 27 Chl. Leg. News, 420.

DIVORCE.

An interesting article on the position of divorcees in English law.—By G. H. Knott. 7 Jurid. Rev. 219.

An article on matrimonial domicile in jurisdiction for divorce.—By G. W. Burnet. 7 Jurid. Rev. 251.

An article on the validity of a decree in divorce, where the hearing is not had in "open court," as provided by statute.—By William A. McNeill. 41 Cent. Law J. 130.

Dogs.

— Liability of owner, see "Animals."

Domicile.

— See "Divorce."

EXCEPTIONS, BILL OF.

A note, with numerous authorities, as to the exclusion of evidence from bill of exceptions.—By William L. Murfree, Jr. 14 C. C. A. 248.

Exemptions.

— Effect of foreign attachment, see "Garnishment."

Fires.

— Set by locomotive, see "Railroad Companies."

Foreign Corporations.

— See "Corporations."

FRAUDS, STATUTE OF.

A valuable article on agreements not to be performed within a year, with numerous citations.—By Edmund H. Bennett. 29 Am. Law Rev. 481.

GARNISHMENT.

An interesting article, with numerous authorities, on garnishment by foreign attachment, and its conflict with exemption laws.—By H. Dent Minor. 1 Va. Law Reg. 241.

GRAND JURY.

An extensive note on the organization, powers, and duties of the grand jury.—27 Lawy. Rep. Ann. 776.

INJUNCTION.

A short article on the right of injunction to stay proceedings.—5 Madras Law J. 159.

INNKEEPERS.

A short article on innkeepers' liens.—59 J. P. 481.

Insanity.

— As a defense to crime, see "Criminal Law."

INSURANCE.

A short note on the right of insurers who had settled with shippers to be subrogated to the rights of the carrier which had insured cotton in charge of the latter at the time of its destruction.—61 Am. & Eng. R. Cas. 288.

A short article, with citations of recent cases, as to the effect of transfer of property on fire policies.—Sol. J. Republished in 29 Ir. Law T. 392.

An interesting article, with numerous citations, on the effect of a mortgage clause in contracts of insurance.—By W. C. Rodgers. 34 Am. Law Reg. & Rev. 510.

INTERNATIONAL LAW.

A review on the rules of international law as to the duties of neutrals.—By M. J. Farrelly. 20 Am. Law Rev. 539.

Interstate Commerce.

— See "Carriers."

Jurisdiction.

— Of consuls, see "Ambassadors and Consuls."

JURISPRUDENCE.

A scholarly article on the three schools of jurisprudence.—By A. E. J. G. Mackay. 7 Jurid. Rev. 209.

LANDLORD AND TENANT.

A short article on the liability of a landlord, in a case of furnished lodgings, on an implied warranty that they shall remain in a sanitary condition during the letting.—59 J. P. 465.

LAW.

A scholarly article on law and sovereignty, being a partial introduction to the study of legal history.—By Wm. Draper Lewis. 34 Am. Law Reg. & Rev. 531.

A valuable article on the history of English law. By T. C. Williams. 7 Jurid. Rev. 260.

A scholarly and interesting article on the Roman law in the early Middle Ages.—By J. Taylor-Cameron. 7 Jurid. Rev. 241.

LIBEL AND SLANDER.

An interesting article on slander at elections, and privileged communications on a hearing for an application for a liquor license.—59 J. P. 435.

Liens.

— Of innkeeper, see "Innkeepers."

MASTER AND SERVANT.

— See "Boycotts."

A review of the railroad strikers' cases in California.—By Marshall B. Woodworth. 29 Am. Law Rev. 512.

Military Reservations.

— Jurisdiction of civil courts, see "Courts."

MONOPOLIES.

A valuable note, with numerous citations, on the nature of monopolies, and of the constitutional restrictions on their creation.—By H. Campbell Black. 14 C. C. A. 6.

MORTGAGES.

— Equitable conversion on foreclosure, see "Conversion."

— Mortgage clause in policy, see "Insurance."

— Of railroad companies, see "Railroad Companies."

An article on a note and mortgage as independent entities.—By C. A. Bucknam. 41 Cent. Law J. 172.

MUNICIPAL CORPORATIONS.

A collection of authorities on the question as to whether an alderman, duly elected and qualified, vacates his office by removal from the ward in which he was elected.—By G. B. Stewart. 41 Cent. Law J. 112.

A valuable note, with numerous authorities, on municipal liability for torts of public officers.—By H. Campbell Black. 14 C. C. A. 534.

A short note on the power of the legislature to annex territory to municipalities.—27 L. R. A. 737.

Negligence.

— See "Carriers"; "Railroad Companies."
— Of telegraph companies, see "Telegraph Companies."

Neutrals.

— See "International Law."

Notice.

— To corporations, see "Corporations."

NUISANCE.

A short article on the right to be protected from the nuisance created by our neighbors' noises.—J. P. Republished in 29 Ir. Law T. 393.

Office and Officer.

— Torts of public officers, see "Municipal Corporations."

PATENTS FOR INVENTIONS.

A review of the recent decision of the supreme court of the United States in the case of *Locomotive Works v. Medart*, 15 Sup. Ct. 745, as to the validity of patents for methods.—By Walter Forwood Rogers. 29 Am. Law Rev. 559.

Privileged Communications.

— See "Libel and Slander."

RAILROAD COMPANIES.

— See "Carriers."

A collection of authorities on the rights of innocent purchasers of negotiable bonds 61 Am. & Eng. R. Cas. 562.

A collection of authorities on the rights of innocent purchasers of negotiable bonds fraudulently pledged or sold by the president of a railroad company.—61 Am. & Eng. R. Cas. 675.

A collection of authorities on the procedure on foreclosure of a railroad mortgage, and the rights and duties of receivers on such foreclosure.—61 Am. & Eng. R. Cas. 701.

A collection of authorities as to the liability of railroad companies for damages incurred from right of way by combustible matter thereon.—61 Am. & Eng. R. Cas. 512.

A collection of authorities on the effect of contributory negligence on the liability of railroads for fires set by passing engines.—61 Am. & Eng. R. Cas. 460.

A collection of authorities on the duty of a railroad company to prevent escape of fire from engines.—61 Am. & Eng. R. Cas. 505.

A collection of authorities as to the liability of railroad companies for damages caused by fires set by locomotives.—61 Am. & Eng. R. Cas. 485.

A collection of authorities as to the duty of a railroad company to fence against animals.—61 Am. & Eng. R. Cas. 368.

A collection of authorities on the duties and liabilities of railroad companies and their servants as to animals on the track.—61 Am. & Eng. R. Cas. 424.

A collection of authorities as to practice and procedure in actions against railroad companies for killing or injuring stock.—61 Am. & Eng. R. Cas. 404.

A collection of authorities as to the procedure on presentation of claims against railroad companies for killing stock.—61 Am. & Eng. R. Cas. 390.

STARE DECISIS.

A review of recent decisions as to the application of the rule of stare decisis.—By Walter I. Hover. 52 Alb. Law J. 73.

STATUTES.

An interesting paper on statutory construction, read before the Ohio State Association.—By F. S. Monnett. 52 Alb. Law J. 120.

Strikes.

— See "Master and Servant."

Subrogation.

— See "Insurance."

Taxation.

— Inheritance tax, see "Descent and Distribution."

TELEGRAPH COMPANIES.

A short note on the liability of a telegraph company for failure to disclose that the line was not in working order.—14 C. C. A. 177.

Torts.

— Of public officers, see "Municipal Corporations."

TRADE-MARKS AND TRADE-NAMES.

A note, with numerous citations, on the construction of contracts relating to the use of trade-names.—14 C. C. A. 104.

TREASON.

An article on the conception of treason in the Roman law.—By A. H. J. Greenidge. 57 Jurid. Rev. 228.

WILLS.

A short article, with some authorities, on the validity of gifts by will to children.—Law J. Republished in 29 Ir. Law T. 379.

THE ONLY "NATURAL" SELECTION

That can be made from the current decisions must be made by each lawyer for himself, and from time to time as he needs "cases in point." The AMERICAN DIGEST will enable you to do this as to all the very latest decisions,—the most effective precedents. The NATIONAL SYSTEM will give you for a trifling fee a full report of ANY CASE so digested, or for a few cents a day will give you EVERY CASE IN FULL. Try it.

The American Annual for 1895 is now in the hands of the printers.

WEST PUBLISHING CO., St. Paul, Minn.

LAW BOOK NEWS.

A Monthly Review of Current Law Literature and Journal of Legal Bibliography.

Terms of Subscription: \$1 a Year; Single Copies, 10 Cents.

VOL. 2.

ST. PAUL, MINN., OCTOBER, 1895.

No. 10.

From Virginia.

THE committee on Library and Legal Literature has made its annual report to the Virginia State Bar Association, and, as usual, it is interesting reading. This association was one of the first, if not the very first, to appoint a permanent "committee on legal literature"; and the energy and enthusiasm which the committee has put into its reports show that the men who compose it have understood that they were put there to have opinions on the subject. The present report, like the last, deals largely with the question of law reporting, but in one particular there is a marked difference. In the last report, the committee seemed inclined to hold the publisher responsible for the excessive number of reports, and to see a day of deliverance for the profession only through the annihilation of the printing press. Law Book News took it upon itself to point out that the publisher was only the servant of the courts and the profession, and that in publishing the law of the land he was not only making it easy for the lawyer to do his work, but was helping to work out a solution of the very problem which he was charged with creating. It is naturally gratifying to find, from the present report, that the arguments adduced have been carefully considered, and that judgment is rendered favorably. The committee says:

"The parties most responsible for the excellence of an official report are, first of all the judges who write the opinions, and next the reporter who prepares them for publication. Perhaps it is unjust to blame the publishers for printing opinions which when filed are official records. They are not responsible for their bulkiness or crudity. We must go to the very source to purify the stream, and confine its volume within proper limits."

The report then proceeds to make practical suggestions along the lines indicated by the following extracts:

"Our first hint as to the preparation of opinions recalls the answer which the London Punch once gave when asked what advice it had to give to a young couple about to marry. Its answer was simply 'Don't.' Our reports teem with lengthy opinions where none were necessary. It subserves no useful purpose to prepare elaborate dissertations on mere questions of fact affecting only the litigants. This is specially noticeable in criminal or negligence cases, where page after page is devoted to excerpts verbatim from the testimony, making the opinion like a crazy-quilt.

"Another class where opinions are unnecessary is those numerous cases which merely reaffirm some previous decision without involving any new principle. In such cases a line stating that in the judgment of the court the previous decision is conclusive of the case is all that is necessary, and it is superfluous to discuss the question a second time. In both these classes a few words announcing the conclusion of the court answer every purpose; and so far as our own state is concerned, would satisfy the constitutional requirement that the court should give its reason in writing: for that has never yet been held to mean that the court should give its reasoning in writing."

"Another instance where opinions should not be written is where a court is equally divided. In such case an opinion on the prevailing side inevitably provokes a dissenting one; in consequence of which two tedious legal essays are hurled at the profession, neither of which is binding. In fact it is questionable whether dissenting opinions ought to be reported. A minority judge ought to be allowed to preserve his consistency by stating the fact of his dissent; but that is a very different thing from allowing him to weaken the force of an opinion which, whether sound or not, ought to be treated as the law just so soon as the majority of the court announces it as such. And, in addition, the exclusion of written dissents would enhance the dignity of courts by hiding from the public eye many judicial wrangles which should never be known beyond the doors of the conference room."

"In attaining brevity the main thing to bear in mind is, that the opinion should pass simply upon the question directly involved, and should not inflict upon the profession elaborate treatises upon collateral matters not necessary to the

conclusion. In the lexicon of law there should be no such words as dictum, quere or semble."

"If the art of opinion writing is reduced to some system, little remains to be said of the official reporter; for, when opinions are well and clearly written, the task of a reporter is an easy one. Perhaps his most important duty is the preparation of the headnote. This is vital, for it is the key to the decision."

"The next important duty of the reporter is to make a thorough index. This may be a tedious task but it is an essential one and should not be done perfunctorily. An unindexed or improperly indexed decision is like an undocketed judgment."

"We might add that the reporter should make no annotations of his own. However much in point that may be, however eminent a lawyer our reporter may be, an official report should contain nothing that is not official. A reporter is not a critic, and our judicial opinions are presumed to need no reinforcement. His duty is to report them, not to discuss them."

"This brings us to another class who may influence the preparation of a report. They are the practitioners, whose briefs largely sway the court and furnish material for their opinions."

"The rules which govern the preparation of an opinion enter largely into the preparation of a brief. It too should reason from step to step, from principle to principle, citing but one good authority for each and not breaking the flow of thought by padding with a mass of citations. The modern practice of cutting it up into numberless paragraphs, prefaced by headings of small capitals and loaded down with cases and quotations in bold-faced type, destroys all closeness of reasoning. It is not the judicial eye but the judicial mind which we want to impress. If our ideas do not impress the latter, our type will vainly appeal to the former. A return to briefs which are arguments and not digests will exert a powerful influence in the production of modern opinions."

This last point is as well taken as it is new. The profession has been inclined to blame any one but itself for the "evils" of case law, but the committee goes to the root of the matter in finding that the responsibility rests upon the system in which the bench and the bar are both concerned.

"What is the remedy? It is beyond the reach of legislation. It is nothing else than the gradual education of the bench and bar to the formation of a public opinion which will reduce the business of reporting to rules as definite as those which govern any other science. Only discussion and interchange of views can develop the proper system, and that interchange of views is being inaugurated. The suggestions which we make must therefore be considered as merely tentative. They are far from exhaustive, some may be incorrect, but we believe that many will enter into the preparation of the future model report."

Robert Desty.

THE death of Robert Desty, which occurred at St. Mary's Hospital, Rochester, N. Y., on September 27, closed the career of a man whose industry has made his name known to the entire legal profession of the country, and whose strong individuality marked him out for especial notice from those who met him personally. He was the last descendant of an old French family which in its day had been both wealthy and powerful, and though he discarded the more pretentious name of D'Estimanville for the abbreviation "Desty," he was proud of his ancestry, and loved to dwell upon the ancient glory which in his own person he rather affected to despise. To see him, rugged, unkempt pioneer that he was, strike a dramatic attitude and flourish a battered ancestral sword while he recited "*Le sabre de mon père*," was to see a picture of contrasts not easily forgotten. His life had not been such as to cultivate the graces for which his forefathers may have been famous. At the age of 22 he joined the rush of '49-ers who went to California in search for gold, and he found, as many of that band did, that, once there, it was necessary to use the skill he might already possess in any other direction to keep himself alive. He had already been admitted to the bar, and he was promptly elected "judge." After some years of a rough and tumble life, in which he tried both politics and soldiering, he settled down to the making of law books, and kept steadily at it for the rest of his life. His first works were published by Sumner Whitney & Co. of San Francisco, for whom he prepared books on Criminal Law, Federal Procedure, and Removal of Causes, in the "Practitioner's Series." In 1882 he accepted the invitation of the West Publishing Co. to come to St. Paul as editor of the Federal Reporter, and maintained his position there until 1885, his name appearing on the title-page of volumes 10 to 23 inclusive. During that period he also prepared his two-volume work on Taxation, published by the West Publishing Co. He was afterwards engaged as an editor by the Lawyers' Co-operative Publishing Co. He was engaged upon an ambitious treatise on "Contracts" at the time of his death.

While some of his books have had a large sale, he can certainly not be placed in the first rank of law writers. He seldom ex-

presses an opinion of his own on a disputed point, and does little more than to digest the law of the cases. Very often his work in that respect was neither thorough nor accurate. His books were pre-eminently "made" books, and he was capable of defending the theory of such manufacture with much energy. Yet he made some books which in their day were useful and serviceable.

Mr. Bacon's Views on Law Treatises.

MR. Frederick H. Bacon, who is one of the leaders of the St. Louis bar, and the author of a successful legal treatise on Benefit Societies which has recently gone into its second edition, has an article on "Modern Law Treatises: What they are and what they should be," in the September-October number of the American Law Review. It is interesting reading, not only because of the lively style in which the writer expresses his opinions, but because it is always interesting to learn a man's ideas and ideals concerning his own field of work.

Mr. Bacon divides modern law treatises into three classes,—the "classics," the "one-book authors," and all remaining books. It strikes us that the "one-book authors," among which he instances Benjamin on Sales and Drake on Attachment, do not differ materially from the classics, but the classification is of course only an arbitrary one. The third class includes "many that are like the little girl, very, very good when they are good and 'horrid' when they are bad." In this class he finds the books of "hack-writers," which are apt to have the faults of superficialness and inaccuracy; of "theorists," which leave the burden with the reader of distinguishing between "the theories of the author and the opinions of the court"; and also the efforts of the conscientious modern writer, who, while he may not produce the "ideal law treatise" for which Mr. Bacon says we are still looking, does his best to produce a work which shall benefit the profession,—the law book as it "should be."

"Such a work must, of all things, be accurate and thorough. It is absurd, as every practicing lawyer knows, for an author to suppose that any lawyer can omit any cases from his book as unimportant; nor can he fail to mention any principle laid down by any court as too trivial or unimportant. * * * The style of the treatise should be lucid, so that no doubt may arise as

to the exact meaning of the rule stated nor the exact reasons for the conclusions arrived at. There must be no suspicion of ambiguity or uncertainty.

"Such a law treatise requires a prodigious amount of labor. Before engaging in it, the author should be satisfied that he has a peculiar fitness for the work in hand, and must in fact be well adapted by temperament and habits, for impartial, thorough and exact investigation. Such a task requires a long period of preparation—even the studies of twenty years. The subject must be gone over time and time again, and, before any work is done in actual text-writing, the author should have carefully prepared a thorough analysis of the subject, in all its phases and in all its forms, following out all its ramifications. His work will be like the steel framework of a great structure, which stands massive, and strong, and complete, before the outside wall is built or the interior furnishings prepared. When the writer has thus prepared his analysis, saturated himself with the subject until he can think of nothing else; when he has on his mind a clear, though possibly general, idea of all that the question involves, he should begin the work of writing the text, being first perfectly clear in his own mind as to what he wants to say and how he proposes to say it."

Mr. Bacon admits that these are exacting requirements, but he very justly maintains that the requirements should be exacting. The books offered the profession should be the very best which a high standard held before both author and publisher will help to produce.

Criminal Procedure in Russia.

FEDOR Dostoyevsky is one of the leaders of the "realistic" school in Russia, and his novel, "Crime and Punishment," is regarded as one of the most accurate and vivid pictures of Russian life to be found in modern fiction. It may therefore be assumed that the legal processes described in the book are based on fact. If so, the judicial methods of Russia certainly differ from those of America, and not always, as a student of Kennan might assume, in the direction of barbarous severity.

Raskolnikoff, the hero, has murdered two old women,—for the purpose of robbing them, according to his final avowal, though really he appears rather to have acted from a desire to ascertain for himself whether the popular prejudice against taking human life is founded on anything more than superstition. He puts himself in the place of an original experimenter, in order to satisfy himself wheth-

er conscience really does reproach murderers, or whether the police cry of "Crime!" is as baseless as the boy's cry of "Wolf!" One of the old women had been a money lender, and Raskolnikoff had himself pledged several articles with her on previous occasions. Hearing that Porphyrius Petrovitch, "a magistrate in charge of the case," is examining the owners of the pledges which were found among the dead woman's effects, he goes boldly, in order to disarm suspicion, to claim his articles. The "magistrate" receives him hospitably, treats him to tea and cigarettes, and engages him in a metaphysical discussion on the subject "Does Crime Exist?" which must have occupied at least an hour of his official time. This seems a little unconventional, but it is only a preparation for the subsequent proceedings of the magistrate. He is himself satisfied of Raskolnikoff's guilt, and after some psychological detective work, which would not do discredit to Sherlock Holmes, he gets evidence sufficient to warrant the murderer's arrest. Instead of proceeding to do this, however, he calls upon Raskolnikoff in his garret, apologizes for having been forced to make himself unpleasant in the process of extracting evidence, and concludes by telling him that he knows he (Raskolnikoff) committed the crime, and by urging him, in the name of God and for the welfare of his soul, to give himself up, instead of waiting to be arrested. Raskolnikoff wants to know how much time he may have to decide, and Porphyrius says:

"I can yet give you one or two days' liberty. Think! Ask God to inspire you, friend! Believe me, the advice I am giving you is the very best for you to follow."

He adds that, if the fancy should come upon Raskolnikoff to put an end to his life during the next forty-eight hours, it would be "very considerate" if he would leave a line indicating where the stolen goods were hidden.

Apparently no watch is set over Raskolnikoff during the time which the detective-magistrate has allowed him; but in the end he justifies the latter's confidence, and makes confession.

The proceedings at his trial are quite as singular, from our point of legal view. The mitigating circumstances which are successfully urged in his favor are that the money lender was "a wicked old woman," having charged usurious rates on her loans; that Raskolnikoff, while a student at college, had

generously cared for a consumptive fellow student, and provided an asylum for his friend's aged father; and that on one occasion he had risked his life to save two children from a burning building. In consideration of all this, the sentence was eight years at hard labor. Truly, there seems to be a certain amount of humanity mixed in with Russian law.

The Good Old Ways.

THE pretty war now waging in the legal ranks between the "reformers," on the one side, and the conservative adherents to the ancient ways, on the other, needs no fanning. It is therefore in no spirit of partisanship, but simply with a desire to contribute an interesting bit of evidence as to what some of the ancient ways actually were, that the following account of two medieval trials is given. It is taken from Viktor Rydberg's "Magic of the Middle Ages."

In the year 1474, the may-bug committed great depredations in the neighborhood of Berne. When the authorities of the city had sought relief from the bishop of Lausanne, Benoit de Montferrand, against this scourge, he determined to issue a letter of excommunication, which was solemnly read by a priest in the churchyard of Berne. "Thou irrational imperfect creature, thou may-bug," thus the letter commenced, "thou whose kind was never enclosed in Noah's ark! in the name of my gracious lord the bishop of Lausanne, by the power of the glorified Trinity through the merits of Jesus Christ, and by the obedience you owe the Holy Church, I command you may-bugs, all in common and each one in particular, to depart from all places where nourishment for men and cattle germinates and grows." The letter ends with a summons to the insects, to present themselves on the sixth day thereafter, if they do not disappear before that time, at one o'clock, p. m., at Wivelsburg, and assume the responsibility before the court of the gracious lord of Lausanne. This letter was likewise read from the pulpit while the congregation, kneeling, repeated "three Paternosters and three Ave Marias." Arrangements were made for a legal trial with strict attention to all professional forms. Among these was of course that the accused should have a lawyer. But when no advocate in Berne would consent to appear in behalf of the insects, the bishop devised the plan of summoning from hell the shade of an infamous lawyer named Perrodet, who had died a few years previously, and of directing him to plead the cause of the may-bugs with the same diligence he had so often displayed in defense of vile clients. But in spite of many summons, neither Perrodet nor his clients deigned to appear. After the expiration of

the time fixed for beginning the defence, and when certain doubts concerning the proper form of procedure had been removed, the episcopal tribune finally gave its verdict, which was excommunication in the name of the Holy Trinity, "to you, accursed vermin, that are called may-bugs, and which cannot even be counted among the animals." The government ordered the authorities of the afflicted districts to report concerning the good effects of the excommunication; "but," a chronicle of the time complains, "no effect was observed, because of our sins."

Since any neglect of legal forms was thought to deprive a judgment of its magical as well as legal power, the most scrupulous care was exercised in the conduct of these frequently recurring processes against may-bugs, grass-hoppers, cabbage-worms, field-rats and other noxious vermin. There is yet extant a detailed and luminous document by the learned Bartholomeus Chassanaeus (born 1480), in which the question if, and how, such pests should be proceeded against in the courts is carefully considered: whether they should appear personally or by deputy; whether they are subject to a spiritual or a secular tribunal, and if the penalty of excommunication can be applied to them. He proves on many grounds that the jurisdiction to which they are accountable is the spiritual, and that they may properly be excommunicated. Still the question of jurisdiction remained unsettled, and a civil prosecution of the field-rats in Tyrol, 1519-20, proves among other things that a secular tribunal sometimes considered itself justified in deciding such suits. The peasant Simon Fliss appeared before William of Hasslingen, judge in Glurns and Mals (Ober-In-Valley), as plaintiff against the field-rats which were committing great depredations in his parish. The court then appointed Hans Grinebner, a citizen of Glurns, to be the advocate of the accused, and furnished him, before witnesses, with the requisite commission. Thereupon the plaintiff chose as his advocate Schwartz Minig, and obtained from the tribunal upon demand a warrant of authority for him likewise. On the day of trial, the Wednesday after St. Philip's and St. James's day, many witnesses were examined, establishing that the rats had caused great destruction. Schwartz Minig then made his final plea that the noxious animals should be charged to withdraw from mischief, as otherwise the people of Stilf could not pay the annual tithes to their high patron. Grinebner, counsel for the defence, could not and would not make exception to the testimony, but tried to convince the court that his clients "enjoyed a certain right of usufruct which could hardly be denied them." If the court were of another opinion and considered it best to eject them, he yet hoped they would first be granted another place where they could support themselves. Besides there should be given them at their departure a sufficient escort to protect them against their enemies, whether cat, dog, or other adversaries. The decision was rendered in the following terms: "After accusation and defence, after statement and contradiction, and after due consideration of all that pertains to justice, it is by

this sentence determined that these noxious animals which are called field-rats must, within two weeks after the promulgation of this judgment, depart and forever remain far aloof from the fields and the meadows of Stilf. But if one or several of the animals are unable on account of their youth to follow, then shall they enjoy during further two weeks safety and protection from every body, and after these two weeks depart."

Announcements.

[Publishers and others are invited to send news regarding law writers and law books, and any items of interest to legal bibliography.]

The second volume of the Northeastern Digest, covering Vols. 31 to 40 Northeastern Reporter, will be published in December.

The West Publishing Company will issue this month Book 17 Federal Cases, Vol. 40 Pacific Reporter, and the American Annual Digest, 1895.

A new edition of Anson's Principles of the English Law of Contracts, revised by the author, with notes by Prof. E. W. Huffcut, of Cornell University, is announced by Macmillan & Co.

Bancroft-Whitney Co. announce as ready, in October, Vol. 5 of Thompson on Corporations, Vol. 44 American State Reports, Cowdery's Forms and Precedents, and Church's Northwest Digest.

Hon. Chas. A. Ray, author of "Ray on Passenger Carriers," has prepared a companion volume on "Carriers of Freight," which is announced for publication this month by the Lawyers' Co-operative Publishing Co.

Dembitz on Land Titles in the United States, of which announcement has already been made, has been delayed in press, and will not appear until November. It is a two-volume work, and covers its special subject with great thoroughness.

Among the announcements of the West Publishing Company for November are Vol. 14 C. C. A. Reports; Book 18 Federal Cases; and Vol. 57 Minnesota Reports, the first of the three belated volumes yet to be brought out by the former reporter.

The publishers report that the work on the Century Digest is going forward very rapid-

ly in all the several departments of the editorial work of that great enterprise. They have no doubt of their ability to begin publication early in the autumn of 1896.

Jaggard on Torts, which was announced for publication in the Hornbook Series in October, will not be ready for delivery to the profession until November. It is considered a work of the first order of merit, and will be published in two volumes in the Hornbook Series.

Among the autumn announcements of Macmillan & Co. is a collection of "Cases from Roman Law," involving the principles of obligations ex contractu and quasi ex contractu, selected and translated by Munroe Smith, Professor of Roman Law and Comparative Jurisprudence in Columbia College.

G. P. Putnam's Sons announce for fall publication a work by Edward J. Carroll, Jr., entitled "The Principles and Practice of Finance: A Practical Guide for Bankers, Merchants, and Lawyers," containing also a summary of the national and state banking laws, legal rates of interest, and much other supplementary matter of a similar nature.

An announcement is made of the publication of a four-volume work on Contracts, by the late Robert Desty. Mr. Desty's death found his manuscript in an uncompleted condition, but it will be finished by other hands. The first volume is said to be now in the hands of the printer, and the whole work will be published by the Lawyers' Co-operative Pub. Co.

Callaghan & Co. announce for publication this month a second edition of the Lectures on Jurisprudence and Political Science delivered by Judge James Wilson in the Pennsylvania University Law College 1730-91; edited and annotated by James De Witt Andrews, Professor of Law in the Northwestern College of Law, Chicago. The work is to be issued in two volumes, and is intended as an introduction to the study of jurisprudence in law schools.

"Marine Collisions" is the subject of a work announced for publication this month by Callaghan & Co. It has been prepared by Herbert R. Spencer, who is a member of the Minnesota State Legislature as well as of the Duluth bar, and who bears an excellent reputation as a lawyer. The treatise bears upon the law governing the navigation of

vessels upon the high seas and inland waters, the rights and liabilities arising on account of collisions between vessels, and includes references to foreign as well as to American cases.

The Bowen-Merrill Co. announce for publication in October a two-volume work on "Former Adjudication," by John M. Van Fleet, author of "Collateral Attack on Judicial Proceedings." The work contains a discussion of the rules for determining when judgments at law and decrees in equity are final and conclusive adjudications, and an analysis of the precedents and principles concerning the effect of judicial decrees, judgments, orders, and sentences, upon the rights of parties, privies, and strangers in other judicial proceedings.

Dos Passos on the Law of Collateral and Direct Inheritance, Legacy, and Succession Taxes was promised for October, but will probably not be actually issued until November. The work is really a second and enlarged edition of the book published by the author in 1890. As the "direct tax"—i. e., the tax upon lineal heirs—has become a factor for consideration since that date, the new work gains greatly in importance by the additions made. An appendix gives the inheritance tax laws of New York, New Jersey, Pennsylvania, Massachusetts, Maine, Ohio, Connecticut, Maryland, California, and Illinois.

Houghton, Mifflin & Co. will publish during the autumn a treatise on the "Principles of Equity and Equity Pleading," by the late Elias Merwin, of the Law School of Boston University, edited by Henry C. Merwin. The work will be complete in one volume, designed mainly for the use of students. The publishers' announcement says:

"It presents the subject in a remarkably concise form; it contains elaborate and carefully written notes on new subjects, such as Injunctions in cases of Strikes, 'The Right to Privacy,' and recent Trade-Mark Cases; and the whole book is at once so accurate, clear, and readable that it cannot fail to prove a distinct addition to the catalogue of indispensable law books. It has the classic literary qualities of Benjamin on Sales."

The Martindale Mercantile Agency announces that Martindale's American Law Directory will hereafter be published every two years in June, as heretofore. The announcement sets forth several new features of that standard work, which they state is, strictly speaking, the only directory of the lawyers published, the others so called being simply selected lists. Among the new fea-

tures are the date of birth, date of admission, and credit standing of lawyers. Whether the lawyers will like this ransacking of their baptismal records remains to be seen. It is rather cruel of Mr. Martindale to inaugurate this feature in his book at a time when the lady lawyer is becoming a feature of the times. Perhaps he is of the unregenerate, and wishes to discourage her efforts. The "credit standing" is to be extended to at least a portion of the lawyers in the larger cities.

"American Negligence Cases" is the title of a new work announced by Remick, Schilling & Co. of New York. It is to be a comprehensive collection of all the cases decided in the state and federal courts of the United States upon the subject of Negligence, and it is expected to make about fifteen volumes. The first volume is announced as containing the subjects of Animals, Bailments, and Carrier of Persons; the second volume continues the subject of Carrier of Persons. The announcement received from the publishers does not indicate what arrangement will be made to furnish current cases, or whether it is the intention to keep the series down to date by supplementary volumes. The present collection is to go back to the beginning of American adjudications, and is to be enriched with notes of English cases and annotations. The advantage to a lawyer of having access to all the cases upon the subject he is investigating is obvious, and with some provision for the "recent cases" which are apt to demoralize any topical collection, the work will doubtless prove successful. It is under the editorship of T. F. Hamilton, of the New York bar.

Law Book Notes.

Schouler's Domestic Relations has just gone into a fifth edition.

A new edition of Howell's Surrogate Court Practice, by Alfred Howell, has been issued by the Carswell Co.

"The Outlines of Law" is the title of a new work by Edwin E. Bryant, published by the Wisconsin Democrat Printing Company, Madison, Wis.

Waterlow & Sons (London) have recently published an "Epitome of the Law Relating to Hire-Purchase Agreements," by William H. Russell.

Pollock's Digest of the Law of Partnership, published by Stevens & Sons (London), has reached a sixth edition.

Banks & Bros. (Albany and New York) have issued in pamphlet form the New York Fish and Game Law enacted by the legislature of 1895.

The Collector Publishing Company (Detroit) has recently added to its list of "Quiz Books" a set of four on the different volumes of Kent's Commentaries.

A "Guide for Administrators, Executors, and Guardians, in Iowa," has recently appeared from the press of Egbert, Fidler & Chambers, Davenport.

A volume of Citations to the Code of Virginia, prepared by Abram C. Eby, of the Richmond bar, is a recent publication of the J. W. Randolph Company.

The new (fifth) edition of Browne's Statute of Frauds, prepared by the author and James A. Bailey, Jr., contains some nineteen hundred citations not given in the earlier edition.

Harold B. Scrimgeour (Baltimore) has just published a treatise on the "Law of Attachment in Maryland," by William L. Hodge and Robert M. McLane, Jr., of the Baltimore bar.

William Hodge & Co. (Glasgow) have just published a treatise on the passage, scope, and effect of the Local Government Act (Scotland) of 1894, prepared by James Donaldson.

A collection of the laws relating to business corporations in the state of New York, with notes and forms by Dwight A. Jones, is a recent publication of Baker, Voorhis & Co. (New York).

"The Fire Agent's Law Book," a small handbook of insurance law, for the use of agents, prepared by C. C. Hine and W. S. Nichols, has just been published by C. C. Hine (New York).

The American Annual Digest, 1895, includes over 22,000 decisions. It was put through the press with the customary rapidity, and the first copies will be ready for delivery the latter part of this month.

The Australian Law Times has issued an Analytical Digest of the cases reported in volume 16 of that journal, covering the period from July, 1894, to June, 1895. The Digest was compiled by Mr. James C. Anderson.

A "Practical Guide to Police Magistrates and Justices of the Peace," with an alphabetical synopsis of the criminal law (Canada), prepared by James Crankshaw, is a recent publication of Whiteford & Theoret, Montreal.

Callaghan & Co. (Chicago) have recently issued a treatise on Special Statutory Proceedings in Wisconsin, prepared by Geo. Gary. Numerous forms are given, including those used in habeas corpus, certiorari, and voluntary assignments.

Croswell's Law relating to Electricity, announced in Law Book News last month, has been received, and will be more fully reviewed hereafter. It purports to be, and apparently is, the most extensive work upon the subject yet published.

King & Leonard's Citations and Conflicting Cases of the Northeastern Reporter are now ready. The book covers Vols. 1 to 39 of the Reporter, embracing some 50,000 citations, besides the skeleton tables of comparative references to the corresponding state reports.

One of the recent publications of Little, Brown & Co. (Boston) is a new (5th) edition of Browne's "Treatise on the Construction of the Statute of Frauds, as in force in England and the United States." The revision is by James A. Bailey, Jr., assisted by the author, Causten Browne.

E. B. Myers & Co. have published what they call the "Giant Digest" of Illinois Reports. It consists of the old Long Digest, bound in one volume, with a new supplement by Mr. Long, covering, in all, Vols. 1 to 153 Ill. Reports, and Vols. 1 to 55 Ill. App. Reports.

The West Publishing Company issued in September Clark's Criminal Cases; Vol. 15 Supreme Court Reporter (covering volumes 155, 156, 157, 158, and a part of 159 U. S. Reports); Vol. 17 Southern Reporter; Vol. 31 Southwestern Reporter; and Vol. 2 Southwestern Digest (covering Vols. 21 to 30 Southwestern Reporter).

The Carswell Co. (Toronto) have recently issued volume 1 of "Torrens Title Cases," edited by William Howard Hunter. This is a collection of cases on the Torrens System of Land Transfer, decided in the courts of England, Australia, and Canada, and is to be published in three volumes. The present volume contains, in addition to the cases presented, a summary of Torrens title legislation and a complete digest of the cases.

Prentiss Webster's Law of Naturalization in the United States and Other Countries, just published by Little, Brown & Co., is intended to serve as a guide through the stages of emigration and naturalization, whereby expatriation is effected, as between the United States and other countries. It contains the laws relating to the subject, and cites, not only the opinions of the courts, but also the opinions of the department of state and attorneys general of the United States.

Chamler's "Law Relating to Literary Copyright and the Authorship and Publication of Books," recently published by Eifflingham Wilson, of London, has reference to the various subjects of literature, art, music, and the drama. It contains thirteen chapters, and considers the nature of copyright, works that are proper subjects for copyright, registration, etc., transfer, infringement, property in titles, and in general the rights of authors and their assigns. A large number of cases are cited.

The Federal Cases have been issuing from the press of the West Publishing Company at the rate of about a volume a month. Book 17 is delivered this month, and book 18 will be ready early in November. From present appearances, the quantity of matter will overrun the original estimate of the publishers, and those early subscribers who secured a guaranty limit as to the maximum number of volumes to be paid for by them will probably be rewarded for their faith and for their support of the enterprise in advance, by receiving several volumes without charge at the end of the series.

Edward Thompson & Co. (Northport, N. Y.) announce a new series of both the American and English Railroad Cases, and the American and English Corporation Cases, to be edited by Frank C. Smith, sometime editor of the American Lawyer. The original series of these cases closed with volume 61 and volume 48, respectively. In addition to all decisions of the appellate courts of the United States and Canada bearing upon the business of railroads and corporations, the new series

will contain articles, annotations, and monographs by leading lawyers, on specially important cases reported therein. The volumes will be issued in monthly parts, three parts to the volume. Part 1 of the first volume in each series was announced to appear in September

The newspapers announce, as a piece of telegraphic news, that a digest of the laws and decisions relating to the appointment, salary, and compensation of the officers of the United States courts has just been published by authority of congress, under the editorial supervision of Robert M. Courar, of Tennessee, deputy auditor for the treasury department. The book is a complete digest of the laws, the decisions of the supreme court, the court of claims, the United States circuit and district courts, and of the comptroller of the treasury, relating to the above matters, and also contains the instructions of the attorney general, of the marshals, clerks, and commissioners. The digest will be furnished the officials of the United States courts on application to the department of justice.

Hon. George S. Boutwell, author of "The Constitution of the United States at the End of the First Century," just published by D. C. Heath & Co., Boston, states that it was not his object to especially adapt his work to any particular class of readers, but to present the constitution as it has been interpreted by the supreme court. He says: "At the end of a century, this result has been reached: The action of the general government is applied to all the external concerns of the nation, and to those internal concerns which affect the states generally, but not to those which are completely within a particular state, which do not affect other states, and with which it is not necessary to interfere for the purpose of executing some of the general powers of the national government."

Miscellaneous Notes.

The Wait Publishing Co., recently of Chicago, has removed its place of business to Albany, N. Y.

The August *Arena* contains a paper of more than usual interest, by Helen H. Gardener, reviewing the recent "age of consent" legislation in the United States.

A recent number of the *Albany Law Journal* contains the full text of a paper on "Legal Education," read by George Wharton

Pepper at the annual meeting of the Pennsylvania Bar Association.

The New York Law Review, which has been published by the Cornell Law Publishing Co., has been discontinued. Though short-lived, it maintained a very creditable position among law-school journals.

The Banking Law Journal for August publishes in full an interesting paper on "The Diversity of Commercial Laws, and the Remedies," read by Elbert C. Ferguson at the recent Commercial Lawyers' Convention at Detroit.

The New York Law Journal for September 30th contains a semiannual index to its editorials. It is a creditable list, showing the wide range of subjects touched upon in the editorial department of that excellent publication.

The address of Hon. William H. Taft on the "Recent Criticism of the Federal Judiciary," delivered at the annual meeting of the American Bar Association in August, appears in full in the September number of the American Law Register and Review.

The Collector and Commercial Lawyer begins, with its October issue, the publication of a series of full-page half-tone portraits of "America's Great Lawyers and Law Instructors." The portrait of Hon. James C. Carter, of New York, forms the first of the series.

An interesting article on the Constitution of the Empire of Japan, by Torazo Kikuchi, and another equally interesting, by George P. Wanty, entitled "Some Results of the Dartmouth College Case," fill the contributors' department of the Michigan Law Journal for August.

By reason of its subject-matter, the recent case of *Morton et al. v. City of Philadelphia*, involving the removal of the old Liberty Bell to the Atlanta Exposition, has a peculiar interest, not only to the legal profession, but to the public. The pleadings, arguments, and the opinion of the court, are given in full in the *Legal Intelligencer* for September 6th.

A St. Louis concern advertises in bold black letters "A Soft Snap for the Lazy Lawyer," which turns out to be the business of furnishing "pat" cases "on any point"! No doubt

the firm means well, but it may not be amiss to hint that the scheme which will help a lazy lawyer to professional success will do as much for a respectable dead man.

A New Jersey court has recently granted an injunction to restrain the use of a piano in a saloon after 9 o'clock at night, at the suit of an occupant of an adjoining building who preferred sleep to music. 30 Atl. 1101. Verily, here is a gleam of hope. It may not be necessary, after all, to spill the blood of the cornet fiend.

The August number of the Chicago Law Journal opens with an extended editorial review of the South Carolina case of *McCreery v. Davis* (22 S. E. 178), under the title, "Marriage a Contract, not a Status." The contributions to this number are "Assignments of Rights of Action ex Delicto," by Edward C. Higgins, and "Law and Money," by Albert G. Webber.

It is reported that Judge Mayes, late Chancellor of the University of Mississippi, has turned author, his production being an able biography of the late Justice L. Q. C. Lamar. The manuscript is almost ready for the printers, and will make a volume of about 600 pages. It is hinted that this work may soon be followed by a volume of Judge Lamar's speeches.

One of the best and most complete reports—and we were tempted to omit the first two words—of the proceedings of the American Bar Association which have found their way into the September magazines appears in the *Law Students' Helper*, carefully edited, and enlivened by a number of half-tone portraits of the leading lawyers who took part in the proceedings.

Along with the revival of interest in the study of criminology, comes the inevitable discussion of the various phases of the subject through the leading magazines. In the *North American Review* for August, Major Arthur Griffiths, Her Majesty's Inspector of Prisons, writes of "Female Criminals," giving the results of his extended observation relative to the most common types.

"The Effect of a Mortgage Clause in Contracts of Insurance," is the title of an interesting twenty-page article by W. C. Rodgers, in the August number of the *American Law Register and Review*. William Draper Lewis contributes to the same number "A Few Observations on Law and Sovereignty," an arti-

cle designed as an introduction to the study of legal history.

The following copy of a commitment has found its way into print, its source being covered by a simple credit to "exchange":

That Mrs. ——— is a vile and disorderly person she gets drunk on on the the twenty-fourth day of April did abuse one ——— in a shameful manner in the peace of the State and that she has threatened my life at divers times and that I live in fear of my life. (Signed) ———, Justice of Peace.

To paraphrase an expression of the lamented Josh Billings,—this justice may be a fool, but he is no lawyer.

The papers of the "Windy City" are not always guiltless of amusing blunders in the use of the Queen's English. A recent item in the *Chicago Evening Journal* reads thus:

Because he was found with a loaded revolver and several burglars' tools in his possession at Thirty-Third and Halsted streets yesterday afternoon, Justice Underwood this morning fined Mike Feeley \$20 and costs.

The *Chicago Legal News* quotes the item, and merely adds the pertinent question, "Who would have thought it of Justice Underwood?"

A Southern exchange unearths the following, alleged to be a verbatim copy of a constable's return on a legal process. It deserves a place in some forthcoming "Constable's Guide Book"—under the black-letter heading, "How not to Do It":

C. T. Estep vs. Jno. T. Moore.

Served the within by Posting a copy of the within on the mill Post of John T. Moore's Mill at his former Place of business, he not being found, and not haveing Time to go to his home to leave a copy with his wife this 19th day of March, 1885. F P ——— c. c. c.

The *American Law Review* is not published in Chicago; and we are led to believe that the Review wouldn't help it if it could. Commenting recently on the case of *People v. McKay*, 9 N. W. 486, it says:

"Aestheticism has not reached such a point in Michigan that a railway station-keeper may rightfully expel a passenger from the station house for spitting on the floor. It would seem, however, that such a person ought to be expelled, and ought then to be shipped over to Chicago, and put in one of Yerkes' moving hog pens, where the passengers are packed together like swine in a sty, and where they enjoy such treatment, because it is an evidence of the rapid growth of their great city."

The September and October numbers of the *Collector and Commercial Lawyer* are mainly given up to an interesting, detailed account

of the proceedings of the recent convention of commercial lawyers at Detroit, which resulted in the organization of the "Commercial Law League of America." A four-page supplement gives the constitution of the League, together with that of the Commercial Law League of New York. A complete stenographic report of the proceedings of the convention, embracing all the speeches, papers, toasts, discussions, etc., has been published in book form by the Collector Publishing Co., Detroit. The volume contains about 170 pages of reading matter.

Two interesting papers which were read before the Virginia State Bar Association at its latest meeting find places in the Virginia Law Register for September. The first is a paper on "Law Reporting," prepared by Robert M. Hughes, and read as the report of the committee on Library and Legal Literature. It contains a number of suggestions relative to the preparation and publication of opinions which are undeniably practical, and a few, at least, against which good reasons might be urged. The other is a paper on "Criminal Trials," prepared by R. Walton Moore. An article by John Scott, entitled "An Appeal to the Areopagus," together with the usual current reports and miscellaneous notes, complete this number of the magazine.

The introductory article in the Green Bag for September is a biographical sketch of the late John B. Minor, of the University of Virginia, by Thomas J. Michie. The sketch is preceded by a fine full-page portrait of Mr. Minor. William Holloway contributes an article on the London Police Courts. Benjamin F. Washer writes of the history and doctrine of Imprisonment for Debt. "The Ethics of the Law," an address delivered by Col. J. T. Holmes at a banquet of the Columbus, Ohio, bar in February, finds place in this number. The series of instructive sketches of the English Law Courts is continued by a description of the work of the Chancery Division, illustrated with portraits of a number of the Lords Chancellors. A few minor prose and poetical contributions appear.

The statistics fiend is loose again, this time with astounding figures to prove that the United States is a paradise for lawyers as compared with other nations. According to the New York Sun, he has figured out that, taking the statistics for the last ten years as a basis for the average, there are 1,250,000 lawsuits brought in England every year, 750,000 in France, 1,400,000 in Italy, 3,300,000 in Germany, while the United States stands smilingly at the head with a record of 5,500,-

000. It is estimated that the eleven district courts in the city of New York for the disposal of civil cases, only, have before them annually 75,000 cases. Taking the country over, the average number of cases per thousand population is put at 75 to 85. It would seem that Americans are a class who will "cavil on the ninth part of a hair" whenever a right is involved.

The Lloyds Company (New York and Chicago) has issued the first number of a new periodical publication, to be known as Lloyds Commercial Guide and Corporation Review. It is an ambitious enterprise in the interest of the commercial and collection lawyer, and the prospectus states that its general aim is to sum up, from month to month, the current events of commercial history, to present a brief review of the current news items of interest in the business world, to discuss methods and principles of modern business transactions, and to furnish extensive reference lists. It proposes to give, in the form of a "Blue Book and American Judicial Register," an annual publication which will compete with Martindale's Legal Directory, on the one hand, and Hubbell's Legal Directory, on the other. The first number contains four pages of abstracts of recent decisions from the Reporters, and 25 pages of miscellaneous matter, in addition to various lists.

The Annals of the American Academy for September contains a discussion of the "Amendments to the Italian Constitution," by Professor G. Arangio Ruiz, of the University of Naples; a paper on the "Sources of American Federalism," by Professor William C. Morey, of the University of Rochester; another on "Representation in New England Legislatures," by Professor G. H. Haynes, of the Worcester Polytechnic Institute; and one on the "Income Tax Decisions," by Professor C. G. Tiedman, of the New York University. Besides these, there are three shorter papers, "The Formulation of Gresham's Law," by Professor W. M. Daniels, of Princeton, "Summer Courses in Economics and Politics at Berlin," by Professor Gustav Schmoller, and "The London School of Economics and Political Science," by Professor E. J. James and Mr. W. A. S. Hewins. This number contains the usual departments of Personal Notes and Notes on Municipal Government.

The Publishers' Weekly gives the following curious facts regarding book burial:

"Many a book-lover has gone to his last sleep accompanied by a book. Charlemagne was buried with a copy of the four Gospels in gold characters on purple vellum in his hand.

The book was taken out when the tomb was broken open by Pope Otho III., and is at the present time in the library at Aix-la-Chapelle.

"An old book-lover of the days of George II., Sir William Browne, left instructions for putting in his coffin 'in its leathern case or coffin my pocket Elzevir Horace, "*comesvæ vitæque dulcis et utilis,*" worn out with and by me."

"A somewhat similar instance occurred in connection with the famous Laura. When her grave was opened by Francis I., King of France, there was found a small box containing a medal and a few verses written by Petrarch.

"It is well known that the poet Rossetti placed a MS. of his poems under his wife's head. After some years, however, the poet was prevailed upon by certain literary friends to obtain possession of it, and by permission of the home secretary it was recovered.

"Not only burial but cremation has fallen to the lot of some books. When Shelley's body was burned the volume of Keats which was found in the pocket of the drowned poet was placed in the funeral pyre."

We clip the following from the editorial page of a recent number of the Yale Law Journal. It needs no explanation, nor any further comment than the remark that Yale's example and the Journal's advice have been advantageously followed by both schools and lawyers in matters of even less moment:

Apropos of suggestions in general we wish to call the attention of the school to the fact that the advance sheets of the West Publishing Company's reporters are now available both in the school library and at the Journal room. Aside from the obvious advantages of this system in furnishing law emphatically "up to date," we offer an extremely practical hint in remarking on the extensive lists of second-hand law books, reports, etc., advertised in these reporters. Considering the proverbial "financial stringency" which is the young lawyer's first instructor after leaving the law school, and how incompatible therewith are the prices of the ordinary and necessary law books at first hand, it is surprising how few there are who know of this means of economy.

In a recent article on "Petty Perjury" in the Law Times (Lond.), Judge Chalmers offers the following suggestions to reformers:

"In connection with the subject of perjury, there is a further amendment of the law which I think would be beneficial. I refer to the abolition of the oath in civil proceedings. As far as I can judge, an oath has no longer any religious sanction for the masses. A county court witness swallows an oath as easily as an oyster, and the administration of the oath becomes an irreverent farce. A cynical friend of mine suggests that, though the religious instinct be dead among the people, the sporting instinct is happily very much alive, and might be utilized in the cause of truth. In county court cases he would substitute a shilling bet for the present oath. The witness, instead of being made to swear, would be made to bet a shilling that he would speak the truth. No doubt a much greater proportion of truthful evidence might be obtained in this way, and a great deal of useless profanity might be avoided; but the Anti-Gambling League, like the poor, are always with us, and my friend's plan is not feasible. For myself, I should like to see a simple

declaration substituted for the oath, with a reminder that the witness was liable to be punished for perjury if he did not speak the truth."

The London Law Students' Journal offered a prize for the best "story illustrating some principle of law," and has received the following fragment from an anonymous contributor, "which," it adds, "we suppose is part of the essay he intends to send in:"

"The beautiful girl saw that only one chance remained of saving from destruction the man she loved. She must appeal as a last resource to the compassion that might yet remain in the breast of the villain. Throwing herself at his feet, she exclaimed, 'I appeal to your conscience!'"

"A smile passed over the curves of his scornful lips. 'You appeal in vain,' he said, 'I have heard nothing of my conscience for more than 7 years and have no knowledge of its existence; therefore the common-law presumption of death must prevail, strengthened as it is by the statutes of 18 & 19 Car. II. and 6 Anne, c. 18. Besides, you are now too late even for an appeal from my final judgment in this case.' (See the Judicature Act 1894.) 'I made up my mind some four months ago!'"

"'You will repent,' exclaimed the maiden, 'when you come to pay the debt of nature!'"

"'I am not certain I shall ever pay that debt,' exclaimed the villain, 'and as Death has not for 20 years past attempted to enforce it even by the slightest illness, I consider it to be clearly statute-barred.'"

The consolation which comes from knowing just when to say nothing is worth a great deal more than the publicity which comes to one whose lack of that knowledge has made him the center of interest in a criminal trial. According to the Collector and Commercial Lawyer, Mr. H. H. Bryant, of Somerville, Mass., inspired, presumably, by the income-tax decision, sent on a postal card the following effusion, addressed to "The Prostitute Judges of the Supreme Bench of the United States, Washington, D. C.," for which act he, very properly, has been bound over to the grand jury:

After Judas had done his dirty job, he had enough manhood left to return his bribe, and then forever put himself beyond human right. His example is worthy of your serious attention. Private income from lands is unmixed injustice, as the same springs from public effort, and is beyond the reach of private endeavor. No doubt that millionaires needed to support their lordly establishments in various parts of the world, and their luxurious harems that float upon the seas. But millionaires have always been a curse to all people in all times—a deadly and far-reaching rot to the entire gamut of morals, both public and private. You illustrate one phase of that rot.

H. H. BRYANT, Somerville, Mass.

The following is not taken from the "Woman's Page" of a Sunday paper. It is from an account of the London L.L. B. examina-

tions, published in the London Law Students' Journal:

"And then, think of the splendour of the academic costume. The B. A. or B. Sc. is, perhaps, not much to boast of in the way of grandeur. A black stuff gown, something like a solicitor's gown, with a black silk hood, lined with russet or yellow silk, is not very smart, though its wearer may, perhaps, think no end of himself in it. The M. B.'s and LL. B.'s are somewhat smarter, as they are entitled to wear a gown of black silk. It is, however, the doctors in the different faculties who are entitled to array themselves in something really smart. It is the firm belief of some people that the prospect of appearing in the gorgeous costumes of the doctors induces many candidates to aspire to these degrees. All the doctors who are members of convocation are entitled to wear gowns of scarlet cloth faced with a different-coloured silk, with hoods also of scarlet cloth with a lining of the same-coloured silk as the gown is faced with. The colour of the silk depends on the degree. In the case of an M. D. it is violet silk, in that of a D. Sc. it is gold-coloured silk, and so on. A particularly gorgeous gown is that of the D. Mus. It is a blue silk gown, with a hood of blue silk, lined with white watered silk. What fair one could fail to be impressed with the greatness of her adorer, when he presents himself to her attired in such insignia."

Perhaps nothing else which the various bar association meetings of the present year have given to the literature of the profession contains so much sound common sense, or suggests so many practical reforms in the administration of the law, as the plain, straightforward speech of Justice Brewer, of the United States Supreme Court, at the recent meeting of the American Bar Association. Many whole long drawn out addresses contain less merit than he has condensed in the following single paragraph—which does not contain all the good things of the speech, by "a large majority":

The administration of justice would soon be considered a mockery if first impressions controlled every case. But greater expedition can be obtained without detracting from fullest examination and consideration. Shorten the time of process. Curtail the right of continuances. When once a case has been commenced deny to every other court the right to interfere, or take jurisdiction of any matter that can be brought by either party into the pending litigation. Limit the right of review. Terminate all review in one appellate court. Reverse the rule of decision in appellate courts, and instead of assuming that injury was done if error is shown, require the party complaining of a judgment or decree to show affirmatively not merely that some error was committed in the trial court, but also that if that error had not been committed the result must necessarily have been different. It may be said that this would make reversals very difficult to obtain. They should be difficult.

How long until a scientific legal treatise on the "Law of the Lash" will be in order? Or a "Digest of Whipping Post Cases," full grown, with advance sheets to match? Both are within the range of possibility, perhaps,

if the following, from the American Law Review, may be taken as indicating the direction of public sentiment:

A bill to re-establish flogging as a punishment for certain offenses has been introduced in the legislature of New York and defeated, though a respectable vote favored it. The New York Law Journal argues against it; but its arguments do not seem to us conclusive. We have passed into the age of drivel in government, in literature, and in many other respects; and one of the instances of that decadence was the abolition of the whipping post. There are certain criminals and certain crimes for which physical pain will afford the only adequate punishment and the only certain deterrent. The whipping post ought to be administered to a man that maltreats his wife or his child, or that inflicts wanton and cruel pain upon man or beast, or that is guilty of any degrading or loathsome offense. The whipping post should be applied to that class of prisoners to whom imprisonment is not a terror, but a coveted asylum. We have tried for some fifty years to get along without the whipping post, and public opinion has been steadily turning in favor of it in view of our experience of trying to do without it. The same is true in countries where capital punishment has been abolished. Besides, the whipping post has the advantage of public economy. It costs money to feed a criminal while he is in the county jail, and honest people have to bear the expense; but it costs very little to give such a wretch a good flogging and let him go.

Of Collateral Interest.

A "Handbook in the Ancient Courts of Probate and Depositories," by G. W. Marshall, was published in September by H. Cox.

A "Local Option Handbook," dealing with the subject of local option from a legal standpoint, by R. M. Lusk, has just appeared from the press of Evans & Evans (Bonham, Tex.).

"Double Taxation in the United States," by Prof. Francis Walker, begins volume 5 of the Columbia College studies in Economics and Public Law, to appear from the University Press during the autumn.

"The Cause of Hard Times," a new work by Uriel H. Crocker, has been published by Little, Brown & Co. If the author is equal to his subject, his book ought to be of at least "collateral interest" to several million people.

Commercial lawyers will be interested in the announcement of the publication of Martindale's American Law Directory, the next edition of which will appear on January 1st. The work is already in the hands of the printers.

A pamphlet by John Cummings, on the Poor-Laws of Massachusetts and New York, with appendices containing the United States Immigration and Contract-Labor Laws, was recently published by Macmillan & Co., for the American Economic Association.

"Punishment and Reformation" is the title of a work by Frederick Howard Wines, recently published by Thos. Y. Crowell & Co. (New York) as volume 6 of Crowell's "Library of Economics and Politics." The work is, in substance, an historical sketch of the rise of the penitentiary system.

Dr. Albert Shaw, author of a recent treatise on "Municipal Government in Great Britain," will soon issue a companion volume under the title, "Municipal Government in Continental Europe," dealing with the city government of Paris, Berlin, Budapest, Vienna, and a number of other important continental cities. The study of the government of Paris is said to be unusually full and complete.

Hon. William Pinckney Fishback, who sat with Lord Coleridge on the bench and was his intimate friend in private life, has prepared a volume of "Recollections of Lord Coleridge," which is published in America by the Bowen-Merrill Company. The table of contents indicates that it possesses matter of interest for the general reader as well as for the lawyer, but the latter will undoubtedly find in it the greatest charm.

The criminal lawyer may find something of interest in a volume entitled "The Female Offender," published in the "Criminology Series" of the Appletons. This work treats of the anatomical, physical, and psychological characteristics and peculiarities of the female criminal, pointing out the prominent traits of character in the born criminal, the occasional criminal, and the hysterical criminal. Statistical chapters are not wanting. The authors proceed upon the somewhat unusual theory that women are inferior to men, not only mentally, but also morally.

Macmillan & Co. announce the publication of a new quarterly review, to be devoted entirely to history, and to be known as the American Historical Review. It is to include original contributions on historical subjects, reprints of historical documents, reviews, bibliographies, etc. It is under the general editorial management of J. Franklin Jameson, Professor of History in Brown Uni-

versity, and the editorial board includes the names of the best known of American historical writers. It may be expected to at once take a high place among contemporary magazines.

"Reminiscences of Virginia's Judges and Jurists" is the subject of an able and interesting address by Hon. John Randolph Tucker, delivered at a recent banquet tendered by the bar association of Richmond, Va., to the new court of appeals. Mr. Tucker is one of Virginia's veteran lawyers, and was admitted to the bar in the city of Richmond just fifty years prior to the time of the delivery of this address. His wide acquaintance with the bench and bar of the state has peculiarly qualified him for the treatment of such a subject. The address is published in neat pamphlet form as a supplement to the July number of the Virginia Law Register.

In the long list of publications announced by the American Academy of Political and Social Science to appear at an early date are a number which are at least collaterally related to the literature of the law. Of these are: "The Sources of American Federalism," by Prof. W. C. Morey, of the Rochester University; "The Income Tax Decision as an Object Lesson in Constitutional Construction," by Prof. C. G. Tiedeman, of the University of the City of New York; "Representation in New England Legislatures," by Prof. Geo. H. Haynes, of Worcester Polytechnic Institute; and "Proportional Representation," by Prof. J. W. Jenks, of Cornell University.

Prof. Thomas N. Carver's paper on the "Ethical Basis of Distribution and Its Application to Taxation" has been recently issued by the American Academy of Political and Social Science (Philadelphia), and may be obtained in paper form for 25 cents. The author's purpose is to show: (1) That the true criterion of justice in the distribution of the burdens of taxation is the least evil to the least number; (2) that the evils of taxation are twofold,—the sacrifice to those who pay the taxes, and the repression of industry and enterprise which they occasion; (3) that the minimum of repression is secured by equality of sacrifice, and the minimum of total sacrifice by an extreme form of progressive taxation, resulting in great inequality of sacrifice; (4) that neither repression alone nor sacrifice alone, but both, are to be considered; and (5) that the probabilities are that a consideration of both forms of evil would lead to the adoption of a moderately progressive system of taxation.

Along with the spirited controversy in our Eastern metropolis over the enactment and enforcement of Sunday laws, comes a work which, though perhaps not inspired by that controversy, will doubtless stimulate it. The work is entitled "The Relation of Religion to Civil Government in the United States," by Isaac A. Cornellson. The first part of the volume treats of the relations between the church and the colonial governments prior to the Revolution. In the second part, the subject is traced through the United States Constitution, the Ordinance of 1787, the State Constitutions, the common law, the decisions of the United States Supreme Court, and other decisions and documents forming the groundwork of our system of government. In the third and final division of the work, the author discusses, among other similar matters, the questions bearing on Sunday laws, religious teaching in the schools, etc., outlining what he considers the duties of the state towards Christianity and Christian institutions. The general trend of the discussion may be inferred from the motto on the title page, "A State without a Church, but not without a Religion." G. P. Putnam's Sons are the publishers.

Personal.

Edmund H. Smith, who has been for some time clerk of the Second division of the New York Court of Appeals, has been appointed reporter of that court, to fill the vacancy caused by the death of Hiram E. Sickels.

Edgar B. Kinkead, author of Kinkead's Code Pleading, has been appointed instructor in code pleading in the Law School of the Ohio State University. Mr. Kinkead served for five years as deputy probate judge of his county, and for five years as assistant librarian of the supreme court law library, and is also well known to the bar of his state as the sometime editor of the Ohio Law Journal.

Mr. William L. Murfree, for several years editor of the Central Law Journal (St. Louis), and subsequently chief of the editorial force of the West Publishing Company, has recently been chosen dean and senior professor of law in the Colorado State University Law School. During the past few years, Mr. Murfree has been engaged in the practice of law in Upper Alton, Ill., but he is well known to the profession as a legal writer, and particularly as the author of "Murfree on Official

Bonds." His father, Judge Murfree, is also known as the author of "Murfree on Sheriffs," and his sister, Miss Mary Murfree, is the "Charles Egbert Craddock" of literature.

Correspondence.

[Correspondence is invited on subjects pertinent to the purpose of Law Book News.]

13 Old Square, Lincoln's Inn.

Sept. 18, 1895.

Dear Sir: With regard to a question raised in two notes in "Law Book News" for August, pp. 232-3, which I have only just seen, and apparently treated by you as still needing an answer, may I refer you to the Preface to vol. 6 of "The Reports," published in January? This contains such explanation as was thought proper and sufficient by the publishers of "The Reports" and myself.

Yours, sincerely, F. Pollock.

The Editor of "Law Book News."

In re "The Reports" and "The Law Reports."

[The question raised in the Law Book News notes referred to was as to the future of "The Reports," now that Sir Frederick Pollock has taken charge of "The Law Reports." We understood that Sir Frederick accepted the editorship of "The Reports" in the first instance because of the generally felt shortcomings of "The Law Reports." His acceptance of the editorship of the older series is an assurance that those shortcomings will now be as effectually remedied there as they were in the rival series under his efficient management. The question therefore remains, have "The Reports" any further reason for being, or are they going to continue to be, without any reason? The preface to which Sir Frederick refers us, says discreetly that

"Since the Law Reports must have rivals, it is best for the profession, and in the long run for the Law Reports themselves, that those rivals should be competent, strenuous and honourable. As Editor of the Law Reports, I see no cause to regret such efforts as I have made in the course of the past year to contribute towards making 'The Reports' worthy of such a description."

The assumption is that The Law Reports must have rivals. Perhaps law publishing has reached a point that renders that assumption justifiable, but it seems a little unfortunate. In this day of many necessary books, the publication of a rival series of reports should be warranted only by defects in the older series.—Editors Law Book News.]

NEW LAW BOOKS.

RECORD OF THE LATEST LAW BOOKS.

[We take pleasure in acknowledging our indebtedness to the Publishers' Weekly, of New York, and the Publishers' Circular, of London, which we use in completing this list.]

N. B. Bindings are in law sheep unless otherwise specified.

Treatises, Etc.

Attachment.

See "Hodge & McLane's Law of Attachment." (Md.)

Bills and Notes.

See "Norton's Bills and Notes."

COFFEY, J. V. Probate decisions (superior court, San Francisco). Vol. 1. Edited by Timothy J. Lyons and Edmund Tauszky. San Francisco: L. R. Dempster & Co. 1895. \$5.

Common-Law Pleading.

See "Shipman's Common-Law Pleading."

Corporations.

See "Jones' Business Corporations" (N. Y.).

CUMMINGS, J. Poor laws of Massachusetts and New York; with appendices containing the United States Immigration and contract-labor laws. New York: Macmillan & Co. 1895. 135 p. Paper, 75c.

Forms.

See "Richards' Book of Forms."

GARY, George. Special statutory proceedings before courts and judges in Wisconsin. Chicago: Callaghan & Co. 1895. 200 pages. \$3.

HALL, W. E. A treatise on international law. 4th Ed. Oxford: At the Clarendon Press (Eng.). 1895. 818 pages. 22s. 6d.

HODGE, W. L., and Robert M. McLane, Jr. The law of attachment in Maryland. Baltimore: Harold B. Scrimgeour. 1895. 18+292 pages. \$4.

International Law.

See "Hall's International Law" (Eng.).

JONES, Dwight Arven. The law and practice under the statutes concerning business corporations in New York state. 3d Ed. New York: Baker, Voorhis & Co. 1895. 130 pages. Paper, \$1. Cloth, \$1.50.

MARSHALL, G. W. A handbook on the ancient courts of probate and depositories of wills. London: H. Cox. 82 pages. 6s. 8d.

NORTON, Charles P. Handbook of the law of bills and notes. 2d Ed. With an ad-

ditional chapter on Checks, by Wm. L. Clark, Jr. St. Paul: West Publishing Co. 1895. 8+460 pages. \$3.75, del'd. (Hornbook Series.)

Poor Laws.

See "Cummings' Poor Laws of Massachusetts and New York."

Probate.

See "Coffey's Probate Decisions" (Cal.).

RICHARDS, Louis. A book of forms for use in Pennsylvania and other common-law states. 2 vols. Philadelphia: T. & J. W. Johnson & Co. 1895. \$12.

SHIPMAN, Benjamin J. Handbook of common-law pleading. 2d Ed. St. Paul: West Publishing Co. 1895. 15+601 pages. \$3.75, del'd. (Hornbook Series.)

Statutory Proceedings.

See "Gary's Statutory Proceedings" (Wis.).

Wills.

See "Marshall's Wills" (Eng.).

Reports.

AMERICAN AND ENGLISH CORPORATION CASES. V. 48; a collection of corporation cases, both private and municipal (excepting railway cases), decided in the courts of last resort in the United States, England and Canada. Edited by William M. McKinney. Northport and Long Island, N. Y.: Edward Thompson Co. 8+706 pages. \$4.50.

DELAWARE court of chancery. V. 6. Willard Saulsbury, reporter. 1886-92. Rochester, N. Y.: The Lawyers' Co-op. Pub. Co. 1895. 9+459 pages. \$8.

INDIANA supreme court reports. V. 138; containing cases decided at the November term, 1893, and May term, 1894. Sidney R. Moon, Daniel W. Crockett, and Lee W. Moon, reporters. Indianapolis: Carlton & Hollenbeck. 1895. 22+745 pages. \$3.25, net.

LAWYERS' reports, annotated. Book 27; annotated by Burdett A. Rich, editor, and H. P. Farnham, assistant editor. Rochester, N. Y.: The Lawyers' Co-op. Pub. Co. 1895. 907 pages. \$5.

MISSOURI supreme court reports. V. 125. F. M. Brown, reporter. Columbia: E. W. Stephens. 1895. 18+5744 pages. \$3.

NEBRASKA supreme court reports. V. 43; reports of cases, September term, 1894-January term, 1895. D. A. Campbell, reporter. Lincoln, Neb.: State Journal Company. 1895. 77+956 pages. \$3.

NEW YORK courts of record. V. 11; the miscellaneous reports, other than the court of appeals and the general terms of the supreme court, etc. F. B. Delehanty, reporter. January to March, 1895. Albany: Ja. B. Lyon. 1895. 65+772 pages. \$2.

NEW YORK state reporter. V. 63; containing all the current decisions of the courts of record of New York state, etc. Edited by C. H. Mills. With index and table of cases reported, cited, affirmed, and reversed in this volume. Albany: W. C. Little & Co. 1895. 7+35+928 pages. \$4.50.

NEW YORK state reporter. V. 64; containing all the current decisions of the courts of record of New York state. Edited by C. H. Mills. Albany: W. C. Little & Co. 1895. 10+36+928 pages. \$4.50.

SOUTHERN REPORTER. V. 17; containing all the decisions of the supreme courts of Alabama, Louisiana, Florida, and Mississippi. Permanent edition. April 10-August 14, 1895. St. Paul: West Publishing Co. 1895. xi+988 pages. Sold by subscription. (National Reporter System.)

SUPREME COURT REPORTER. V. 15; cases argued and determined in the United States supreme court. October term, 1894. November, 1894-August, 1895. St. Paul: West Publishing Co. 1895. 43+1076 pages. Sold by subscription. (National Reporter System.)

UNITED STATES courts of appeals reports. V. 18; cases adjudged for the Seventh circuit at October term, 1892, and October term, 1893. S. A. Blatchford, reporter. New York and Albany: Banks & Bros. 1895. 25+796 pages. \$3.25.

UNITED STATES courts of appeals reports. V. 20. Cases adjudged for the Second circuit at October term, 1892, and October term, 1893. Samuel A. Blatchford, reporter. New York and Albany: Banks & Bros. 1895. 25+764 pages. \$3.25.

Statutes, Codes, and Laws.

CALIFORNIA. Statutes of 1895. Los Angeles: Chas. W. Palm Co. 1895. \$3.

MAINE. Acts and resolves of the sixty-seventh legislature. 1895. Published by the secretary of state, agreeably to resolves of June 28, 1820, February 18, 1840, and March 16, 1842. Augusta: Burleigh & Flynt. 1895. 24+139+546 pages. \$2.

NORTH DAKOTA. Laws passed at the fourth session of the legislative assembly, begun and held at Bismarck, the capitol of said state, on Tuesday, the 8th day of January, A. D. 1895, and concluded March 8, A. D. 1895. Grand Forks: Herald, State Printers and Binders. 1895. 78+191 pages. \$2.25.

VERMONT. Acts and resolves passed by the general assembly at the thirteenth biennial session, 1894. Burlington: The Free Press Association, Printers and Binders. 1894. 413 pages.

MISSOURI. Laws passed at the thirty-eighth session of the general assembly, begun and held at the city of Jefferson, Wednesday, Jan. 2, 1895. Jefferson City, Mo.: Tribune Printing Co. 1895. 52+443+292 pages.

Digests.

GEORGIA. A digest of railroad laws. By Henry W. Thomas. Atlanta: Henry W. Thomas. 1895. \$7.

NEW YORK state reporter digest; covering vols. 41-62, inclusive, by W. H. Silvernail. V. 3. Albany: W. C. Little & Co. 1895. 41+630 pages. \$4.50.

CONTENTS OF NEW BOOKS.

Beach on Injunctions.

TITLE PAGE. Modern Equity. Commentaries on the Law of Injunctions as Determined by the Courts and Statutes of England and the United States. By Charles Fisk Beach, Jr., of the New York Bar. Author of "Modern Equity Jurisprudence," "Modern Equity Practice," "Receivers," "Private Corporations," "Public Corporations," "Modern

v.2L.B.N.no.10—20

Law of Railways," "Contributory Negligence," "Insurance," "Wills," etc., and sometime editor of "The Railway and Corporation Law Journal." In Two Volumes. Albany: H. B. Parsons, Law Publisher. 1895.

TABLE OF CONTENTS.

Volume I.

Chapter I. Definitions and Nature of Injunctions.
Chapter II. Jurisdiction.

Chapter III. Classification and Form.
 Chapter IV. The Granting of Injunctions—Application—Notice—Service.
 Chapter V. Injunction Bond and Actions on It.
 Chapter VI. Damages.
 Chapter VII. Liability of Sureties.
 Chapter VIII. Violations and Punishment of.
 Chapter IX. Dissolution.
 Chapter X. Parties.
 Chapter XI. Appeals.
 Chapter XII. Injunctions against Fraud.
 Chapter XIII. Relating to Contracts.
 Chapter XIV. Contracts in Restraint of Trade.
 Chapter XV. Relating to Restrictive Covenants.
 Chapter XVI. Relating to Bonds and Notes.
 Chapter XVII. Relating to Strikes, Boycotts and Monopolies.
 Chapter XVIII. Relating to Multiplicity of Suits.
 Chapter XIX. Staying Actions and Suits.
 Chapter XX. To Aid Other Remedies.
 Chapter XXI. Against Judgments—General Considerations.
 Chapter XXII. Against Judgments—Defenses at Law.

Volume II.

Chapter XXIII. Against Judgments Resulting from Fraud, Mistake, Accident.
 Chapter XXIV. Against Execution Sales of Realty.
 Chapter XXV. Against Execution Sales of Personality.
 Chapter XXVI. Against the Infringement of Trade-Marks.
 Chapter XXVII. Against Infringement of Patents.
 Chapter XXVIII. Against Infringement of Copyright.
 Chapter XXIX. To Protect Literary Property.
 Chapter XXX. Relating to Trusts and Confidential Communications.
 Chapter XXXI. Relating to Wills and Decedents' Estates.
 Chapter XXXII. Relating to Partners and Others Jointly Interested.
 Chapter XXXIII. Relating to Husband and Wife.
 Chapter XXXIV. Relating to Creditors and Debtors.
 Chapter XXXV. Relating to Principal and Surety and Agent.
 Chapter XXXVI. Relating to Realty.
 Chapter XXXVII. Relating to Easements.
 Chapter XXXVIII. Against Nuisance.
 Chapter XXXIX. Against Trespass.
 Chapter XL. Against Waste.
 Chapter XLI. Against Taxes.
 Chapter XLII. Relating to Landlord and Tenant.
 Chapter XLIII. Relating to Mortgages.
 Chapter XLIV. Relating to Municipal Corporations.
 Chapter XLV. Relating to Streets and Highways.
 Chapter XLVI. Relating to Private Corporations.
 Chapter XLVII. Relating to Railroad Corporations.
 Chapter XLVIII. Relating to Public Offices.
 Chapter XLIX. Relating to Elections.
 Chapter L. Pleading and Practice—Miscellaneous.

Endlich on Building Associations.

TITLE PAGE. The Law of Building Associations, being a Treatise Upon the Principles of Law Applicable to Mutual and Co-operative Building, Homestead, Saving, Accumulating, Loan and Fund Associations,

Benefit Building Societies, etc., in the United States. By G. A. Endlich, Judge Twenty-Third Jud. Dist. Pa., Author of "Interpretation of Statutes," etc. Second Edition. Jersey City: Frederick D. Linn & Co. 1895.

EXTRACT FROM PREFACE. A period of thirteen years, and that one of remarkable growth and activity as concerns building associations, has necessarily brought a large number of decisions upon points both new and old in building association law. Questions which, at the publication of the first edition, were unsettled have become settled. Others that were supposed to be settled are again open. Some of the doctrines then received have come to be rejected, and vice versa. The changes in the teachings of this book will be found to be comparatively few. Those that have been made, have been made upon full consideration, and no apology is offered for them. The revision to which the work has been subjected has been searching, and such, it is believed, as to bring it abreast with the existing state of the law, having regard to its agreements and to its disagreements. The only important alteration in the make up of the book is the excision of the second chapter of the first edition, containing the statutes of the several states, etc. That compilation had served its purpose, and if retained and perfected would have swelled the volume to an unwieldy bulk.

CONTENTS.

Table of Abbreviations of Reports Cited.
 Table of Cases Cited.
 Table of Defendants in Cases in which Building Associations are Plaintiffs.
 Errata et Addenda.
 Chap. I. Introductory.
 Chap. II. Definition and Varieties of Building Associations.
 Chap. III. Formation of Building Associations.
 Chap. IV. Membership in Building Associations.
 Chap. V. Duties of Members.
 Chap. VI. Rights of Members.
 Chap. VII. Rights of Members Who have Become Borrowers.
 Chap. VIII. Government of Building Associations.
 Chap. IX. Functions, Duties, and Liabilities of Officers.
 Chap. X. General Powers of Building Associations.
 Chap. XI. Legality and Effect of Certain Acts and Contracts of Building Associations.
 Chap. XII. Loans or Advancements to Members.
 Chap. XIII. Incidents to Loans or Advancements.
 Chap. XIV. Premium.
 Chap. XV. Fines.
 Chap. XVI. Mortgages.
 Chap. XVII. The Stock of Building Associations.
 Chap. XVIII. Dissolution and Effects of Dissolution.
 Chap. XIX. The Denial of Corporate Existence of Capacity.
 Chap. XX. Unincorporated Building Associations.

Fowler's History on the Law of Real Property.

TITLE PAGE. History of the Law of Real Property in New York. An Essay Introductory to the Study of the N. Y. Revised Statutes (with Appendices). By Robert Ludlow Fowler, Counsellor at Law. New York: Baker, Voorhis & Co. 1895.

EXTRACT FROM PREFACE. The casual reader of this volume may regard it as an undue emphasis of certain trite historical facts, of no great significance in the practical application of the law of our own day. A perusal of the recent case of *De Lancey v. Piepgras*, 138 N. Y. 26, will tend to dispel this impression, for that case shows how complete the nexus really is between the old law and the new. It is quite true that the old law was perhaps unnecessary to the actual solution of *De Lancey v. Piepgras*, but it nevertheless received consideration there, and for the first time a point of province law involved was determined in New York.

An attempt to trace the legal institutions of the England of the seventeenth century to their cis-Atlantic abode is followed by a more practical theme,—the Revised Statutes,—one of the most useful applications of the old common law to the institutions of America ever yet made. These celebrated statutes serve as the basis of the present law of real property, and their exposition by the great courts of this state contributes a body of law of infinite value to the particular jurisprudence of America.

CONTENTS.

Chapter I. European Laws in New York.
Chapter II. The Socage Tenure in New York.
Chapter III. Local Incidents.
Chapter IV. The Effects of Independence.
Chapter V. The Revised Statutes.
Chapter VI. Legal Estates under the Revised Statutes.
Chapter VII. Uses and Trusts under the Revised Statutes.
Chapter VIII. Powers under the Revised Statutes.
Chapter IX. Conveyancing under the Revised Statutes.
Appendix No. I. Patent to the Duke of York.
Appendix No. II. Aliens.
Appendix No. III. Indians.
Table of Cases.
Table of Statutes.

Gardner's Review in Law and Equity.

TITLE-PAGE. A Review in Law and Equity for Law Students, Together with a Summary of the Rules Regulating Admission to Practice Throughout the United States. A Handbook for Law Students. By George E. Gardner, of the Massachusetts Bar. New York: Baker, Voorhis & Co. 1895.

PREFACE. This book, as its title indicates, is designed for students who are making their final preparations for admission to the bar. Incidentally, it may be found useful throughout the period of study. It aims at a clear and concise statement of the leading principles of those branches of the law which are seriously taught in the law schools of the country, and which form the subjects of bar examinations. The book is short, and designedly so. The value of a work of this character, roughly speaking, varies inversely as its length. Brevity, clearness, and simplicity have been constantly in mind in its preparation.

CONTENTS.

Chap. I. Introduction.
Chap. II. General Outline.
Chap. III. The Feudal System—English Tenure.
Chap. IV. Real Property.
Chap. V. Freeholds of Inheritance.
Chap. VI. Freeholds not of Inheritance.
Chap. VII. Estates Less than Freehold.
Chap. VIII. Estates upon Condition.
Chap. IX. Remainders—Executory Devises—Reversions.
Chap. X. Severalty—Joint Tenancy, etc.
Chap. XI. Title by Descent.
Chap. XII. Title by Purchase.
Chap. XIII. Alienation by Deed.
Chap. XIV. Uses—Statute of—Conveyances under.
Chap. XV. Alienation by Matter of Record and Special Custom.
Chap. XVI. Devises—Legacies.
Chap. XVII. Personal Property.
Chap. XVIII. Contracts—General Principles—Parties.
Chap. XIX. Sales.
Chap. XX. Bailments.
Chap. XXI. Agency—Agents.
Chap. XXII. Bills and Notes.
Chap. XXIII. Partnership.
Chap. XXIV. Other Contracts—Matters of Defense.
Chap. XXV. Quasi Contracts.
Chap. XXVI. Torts.
Chap. XXVII. Equity.
Chap. XXVIII. Equitable Remedies.
Chap. XXIX. Pleading.
Chap. XXX. The Pleadings.
Chap. XXXI. Rules of Pleading.
Chap. XXXII. Pleading in Equity.
Chap. XXXIII. Evidence.
Chap. XXXIV. Criminal Law.
Chap. XXXV. Corporations.
Rules Regulating Admission to the Bar in All States and Territories of the United States.
Index.

Goodnow's Municipal Home Rule.

TITLE PAGE. Municipal Home Rule; a Study in Administration. By Frank J. Goodnow, A. M., LL. B., Professor of Administrative Law in Columbia College, Author of "Comparative Administrative Law." New York: Macmillan & Co. 1895.

EXTRACT FROM PREFACE. The unsatisfactory character of American municipal government has, within the past few years, drawn unusual attention to the prob-

lems which it presents, and which, on account of the recent extraordinary development of municipal life, are becoming at the same time more numerous and more important. But, as a result of the intimate connection of municipal with general government, all concrete attempts at municipal reform must of necessity depend upon an accurate delimitation of the sphere of action which can, with due regard to the interests of the state as a whole, be assigned to our municipal organizations. The attempt to delimit such a sphere of action is the purpose of this little work. The science of municipal government in this country is, however, in such an early stage of development, and, as a result, the theories with regard to municipal reform are so various, and indeed so conflicting, that it has been thought wise to leave the realm of theories, based on a priori reasoning, and to endeavor, in the delimitation of the sphere of municipal home rule which it has been attempted to make, to find out exactly what is, by the present American law, the sphere of action of municipal corporations which is recognized as local and quasi private, and in which, therefore, these bodies should move largely uncontrolled. The hope is entertained that this essay may be useful from both the legal and political points of view: from the legal point of view, because nowhere before has the attempt been made to collect and review either the cases decided by the courts relative to this matter, or the various constitutional provisions assuring to municipalities the right to manage their own affairs; from the political point of view, because any theory which the courts may have formulated upon the subject has presumptions in its favor, resulting from the fact that their conclusions have been reached through the following of inductive, rather than deductive, methods.

TABLE OF CONTENTS.

- Chapter I. Introduction.
- Chapter II. The Public Character of American Municipal Corporations, and the Failure of the Legislature to Set Aside a Sphere of Municipal Home Rule.
- Chapter III. The Effect of the American System of Protecting Private Rights upon the Attitude of the Legislature towards Municipal Corporations.
- Chapter IV. The Effects of the American Law as to Municipal Powers on the Attitude of the Legislature towards Municipal Corporations.
- Chapter V. The Constitutional Limitations of the Power of the Legislature over Municipal Affairs.
- Chapter VI. The Means of Delimiting the Sphere of Private Action of Municipal Corporations in the American Law.
- Chapter VII. What are Municipal Affairs from the Point of View of the Liability of Municipal Corporations for Torts.
- Chapter VIII. What are Municipal Affairs from the Point of View of the Liability of Municipal Corporations for their Management of Property.

Chapter IX. What Municipal Property is Protected by the Constitutional Provisions Protecting Private Property.

Chapter X. What Municipal Property is Subject to Alienation.

Chapter XI. What is the Sphere of Private Municipal Action Recognized by the American Law.

Chapter XII. European Methods of Distinguishing and Securing the Sphere of Municipal Home Rule.

Index.

Keigwin's Notes on the Rules of Practice.

TITLE PAGE. Notes on the Rules of Practice Prescribed for Public Land Cases in the Department of the Interior. By Charles A. Keigwin, of the Washington, D. C., Bar. Washington: Published by W. H. Lowdermilk & Co. 1894.

EXTRACT FROM PREFACE. The following work had its origin in a series of references to cases citing the rules of practice, begun by the compiler, for his own convenience, while connected with the general land office, and continued thereafter during several years' practice in the department of the interior. The editor's individual advantage derived from his rather desultory notes, and his frequent inconvenience caused by their incompleteness, suggested the hope that a more extensive and more thorough compilation of the cases would be acceptable to others of the same profession.

As suggested by the title, this collection of cases does not aspire to the dignity of a digest, but is intended only as a series of annotations upon the rules, and upon points closely related to the subject-matter of the rules. An effort has been made to include references to all cases in the official reports wherein the rules are cited, and to those bearing upon practice in the land department, while more liberty of selection has been exercised with reference to cases involving matter not falling under the head of practice, in the stricter sense of the term, such as confirmation, evidence, applications, and such matters more or less intimately connected with the practical conduct of litigation.

Leavitt on Negligence.

TITLE PAGE. The Law of Negligence in New York. Being all the Reported Cases in Negligence and Kindred Subjects in the Court of Last Resort of the State of New York (to Jan. 1, 1895). Condensed, Codified, Classified. By John Brooks Leavitt, of the New York Bar. New York: The Dlossy Law Book Company. 1895.

EXTRACTS FROM PREFACE. It is with the hope that the plan upon which this book is composed will commend itself as a

useful one, even though its execution be faulty, that it is put forth. It is the expansion of a trial brief of the author,—if without loss of modesty he may use so dignified a name in regard to a book which is little more than a compilation. He hopes that an arrangement of authorities, in a way which he has found enables him to thoroughly prepare for the trial of an "accident" suit at short notice, will be of assistance to others.

The Plan of the Book.—In part I. all the cases have been given chronologically. The purpose is threefold: To enable the advocate in court to have a ready means of ascertaining the exact points decided in any case which his adversary may cite; the brief-maker in his office to speedily verify the rulings adduced in support of the sections of the code, and find what cases are like his own in their facts; the student to trace the development of the law of negligence step by step. It is to be remembered that this branch of the law is virtually a growth of the last fifty years. New kinds of motive power, the spread of machinery, the code of practice which sanctioned contingent fees, all coming about the same time, concurred in producing a vast array of suits, more in number than in any other topic of the law. No systematic correlation of them has heretofore been made. When this book was started, ten years ago, the Court of Appeals Reports had not reached the hundredth volume. During this decade the negligence cases decided by it nearly equal in number those of the preceding seventy-five years.

In part II. the cases have been topically arranged, in order to afford a method of testing the accuracy of the sections of the Code, to supply its deficiencies, and to arrange the authorities so that he who consults them may know that he has seen all that bear on any given point.

In part III. the cases have been classified with the intent, more fully there explained, of enabling the busy practitioner to find analogous cases with ease and celerity.

In this way, the law of negligence, so far as it has been declared in this state, is brought under view. If the project has been properly carried out, a trial brief can quickly be made up in any case by referring to the sections, and rulings under them, by means of their numbers.

CONTENTS.

Table of Cases.
Part I. The Cases Condensed.
Part II. The Cases Codified.
Part III. The Cases Classified.

Part I.

List of Reports.
Special Index of Cases in Unofficial Volumes.
Cases Condensed.

Part II.

Remarks on Statutory Codification.
Code of Negligence (and Kindred Subjects).
Chap. I. General Principles.
Chap. II. Causative Negligence.
Chap. III. Contributory Negligence.
Chap. IV. Questions of Fact.
Chap. V. Defenses of Immaterial Matters.
Chap. VI. Damages.
Chap. VII. Evidence.
Chap. VIII. Causes.
Chap. IX. Parties, Pleading, Practice.
Chap. X. Miscellaneous Subjects.

Part III.

Class A. Plaintiffs.
Class B. Defendants.
Class C. Accidents—Mainly.
Class D. Under Contract Only.
Class E. Verdicts.
Class F. Statutes.
Index.

Lombroso and Ferrero's Female Offender.

TITLE PAGE. The Female Offender. By Prof. Caesar Lombroso and William Ferrero. With an Introduction by W. Douglas Morrison, Her Majesty's Prison, Wandsworth. Illustrated. New York: D. Appleton & Co. 1895.

TABLE OF CONTENTS.

Chapter I. The Skull of the Female Offender.
Chapter II. Pathological Anomalies of the Female Offender.
Chapter III. The Brains of Female Criminals.
Chapter IV. Anthropometry of Female Criminals.
Chapter V. Facial and Cephalic Anomalies of Female Criminals.
Chapter VI. Further Anomalies.
Chapter VII. Photographs of Criminals and Prostitutes.
Chapter VIII. The Criminal Type in Women, and Its Atavistic Origin.
Chapter IX. Tattooing.
Chapter X. Vitality and Other Characteristics of Female Criminals.
Chapter XI. Acuteness of Sense and Visual Area of Female Criminals.
Chapter XII. The Born Criminal.
Chapter XIII. Occasional Criminals.
Chapter XIV. Hysterical Offenders.
Chapter XV. Crimes of Passion.
Chapter XVI. Suicides.
Chapter XVII. Criminal Female Lunatics.
Chapter XVIII. Epileptic Delinquents and Moral Insanity.

McClain's Cases on Carriers.

TITLE PAGE. A Selection of Cases on the Law of Carriers of Goods and of Passengers. By Emlin McClain, Chancellor of the Law Department of the State University of Iowa. Iowa City: Published by the Author. 1894.

EXTRACT FROM PREFACE. The aim has been to print at least one case on each question which a teacher would feel called upon to present to his class in a course of instruction on the subject. Sometimes early cases are given which show the origin of the doctrine illustrated, sometimes late ones

which give the doctrine as developed. When there is a well-marked conflict in the authorities at least one case will be found on each side. The harmonizing of apparent conflicts, or the determination of the proper doctrine when the cases are irreconcilably in conflict, is left for the student and the teacher.

For the purpose of compelling the student to generalize for himself from concrete examples (under the ultimate guidance, of course, of the teacher), all headnotes and other indications outside the case itself, as to the conclusions reached, are omitted.

ANALYSIS.

I. Carriers of Goods.

1. Who are Public or Common Carriers.
2. Delivery to Carrier, and Acceptance.
3. Duty to Serve All.
4. Liability of Carrier for Damages.
5. Limitation of Carrier's Liability.
6. The Bill of Lading.
7. Delivery by Carrier.
8. Remedies as against the Carrier.
9. Carrier's Compensation.

II. Carriers of Passengers.

1. Who Deemed.
2. Public Calling.
3. Who Deemed Passengers.
4. Liability for Injury to Passengers.
5. Liability for Delay.
6. Limitation of Liability.
7. Tickets.
8. Regulations.
9. Burden of Proof.

Oliver's Precedents and Forms of Practice.

TITLE PAGE. Forms of Practice; or American Precedents, in Personal and Real Actions. By Benjamin L. Oliver. Fifth Edition, Revised and Enlarged by Bordman Hall, LL. B. Boston: Little, Brown & Co. 1895.

EXTRACT FROM PREFACE. It was desired that the more valuable precedents in the original should be carefully preserved, but at the same time it was thought advisable, while adding new matter, to omit much which was not thought essential to

the practitioner of to-day. Accordingly the lengthy introduction, the occasional "law summary," obsolete precedents, and many notes have been either omitted or rewritten. Another important change will be found in the arrangement of the precedents, and in indexing. The publishers informed the editor that a serious complaint was made against the book on account of the difficulty often experienced in finding a desired precedent,—a difficulty due to irregular classification, and imperfect index. It is hoped that in these matters improvement has been made. Many new precedents have been added in the hope that the practitioner consulting the volume will find some form which will assist him in preparing his pleadings in nearly every common-law action which he may desire to bring. In addition to the forms required by the New England pleader, there will be found a few precedents under the practice or codes of other states.

TABLE OF CONTENTS.

Description of Parties.
The Proper Naming of Pleas or Actions.
Statement of Title.
The Transmission or Deduction of Title.
Declarations in Contract.
 Account.
 General Assumpsit.
 Special Assumpsit.
 Contract or Tort Joined—Under Massachusetts Practice.
 Covenant.
 Debt.
Declarations in Tort.
 Trespass.
 Case.
 Trove.
 Replevin and Detinue.
Declarations in Real Actions.
 Writs of Right.
 Writs of Formedon.
 Writs of Entry.
 Actions of Dower.
 Ejectment, etc.
 Partition.
 Summons to Warrantors, Vouchers, etc.
Demurrers and Answers.
Miscellaneous.
Precedents in Bankruptcy.
Common-Law Pleas.
Index.

REVIEWS OF NEW BOOKS.

Endlich on Building Associations (Second Edition).¹

Reviewed by Hon. Chas. E. Otis, Judge of the Second Judicial District, Minnesota.

[For contents and other descriptive matter, see page 306 of this number.]

The general practitioner who has not given special attention to the subject of which

this book treats will prove an unsafe, or at least insufficient, counselor when called upon for advice touching this class of corporations. However well equipped he may be in the law relating to other corporations, and however safely he can guide them in the conduct of their business, such knowledge and ex-

cable to Mutual and Co-operative Building, Homestead, Saving, Accumulating, Loan, and Fund Associations, Benefit Building Societies, etc., in the United States. By G. A. Endlich. Second Edition. Jersey City: Frederick D. Linn & Co. 1895.

¹ The Law of Building Associations, Being a Treatise upon the Principles of Law Appli-

perience will not suffice when he attempts to apply them to these mutual loan societies. The skilled accountant, unlearned in legal lore, who, as secretary or other managing officer, has familiarized himself with all the details of their operations, will have acquired a larger and more accurate knowledge of the legal principles underlying such organizations than that acquired or possessed by even the learned lawyer who has not had special study and experience in this branch of the law. Building societies are a law unto themselves, and the rules governing them are as arbitrary and technical as those appertaining to insurance or real estate, and are to be understood and mastered only by special study and practical experience. Some thirteen years ago the original book, of which this volume is a second edition, revised and annotated to date, was specially prepared as an aid to such study, and quickly met with well-deserved favor, and has become standard authority. The period since its publication has been one of great activity with this class of mutual benefit societies, and this revised edition was necessary for an up to date statement of the law affecting them. The revision has been prepared with great care and thoroughness, and shows an intelligent and careful examination of all the adjudicated cases, the results of which are fully, fairly, and accurately set forth. The cases cited are in point, and exhaustive of the subject treated,—a feature sadly wanting in not a few of our legal text-books. In stating the law the author has confined himself for the most part to what has been judicially established, and is seldom without an apt citation. But the work is far from being a mere digest, without more. Here will be found a history of the origin, development, and present status of such societies, the purpose sought to be accomplished by them, and the departures made from such original purpose; showing how the building society feature has been practically eliminated, and how they have become mutual loan societies on a tontine plan, where the continuing members reap the benefits derived from large premiums given by borrowing members as bonuses, and lost to those who fall by the way, by stock forfeitures for nonpayment of dues. The method of bringing such societies into existence, the relative rights and obligations of the members and officers, the powers, duties, and liabilities of the corporate society, and all the details of its transactions and business from its inception to its final dissolution and distribution of its assets, are set forth with care and precision, so that the layman, not less than the lawyer, will find it a most serviceable and reliable guide in conducting the business of such a society.

It is not an easy matter to prepare a law text-book which shall be alike useful to the lawyer and the layman. Such a work is apt to be cumbered with unnecessary statements which the merest tyro in the law accepts as of course, or it will assume a knowledge on the part of the reader which only comes from considerable previous study of the elements of law. While the author has been reasonably successful in this respect, he is not wholly without fault. If it was at all necessary to tell us in section 181 that a number of directors less than a quorum cannot transact business, why add that a number greater than a quorum could, and again, in the next section, advise us that the whole body of directors, or any portion thereof not less than a quorum, is competent to act? Still, here as elsewhere, in stating the most obvious rules and maxims, authorities are cited to sustain the statement, and since courts have been compelled to solemnly declare such obvious propositions of law, the writer of an elementary text-book may be excused for noticing them.

In prescribing what should be covered by the constitution of such a society, not a few things are included which to my mind more properly belong to the by-laws, notably place of payment of dues, manner of obtaining loans, place of payment of same and interest thereon, remuneration of officers, and other like matters of detail. As the constitution is the fundamental law in accordance with which the powers of the society are exercised, and not easily amended, matters of policy and of detail, so far as possible, should be left to the managers, and subject to change as exigencies from time to time require. With these societies, as in other corporations, much trouble is occasioned because the constitution contains too much matter rather than too little.

In section 478 it is stated that a borrowing member has an absolute right, at his option, to have all stock payments made by him applied upon his mortgage debt, even when no such right is secured to him in his loan papers, nor in the charter or by-laws of the society, and cases are cited supporting this view. It seems to me such a rule cannot be universally true, and would work greater hardship than it is supposed to relieve against. A society is composed of borrowing and nonborrowing members, and its securities and assets may so depreciate in value, or its burdens, by misfortune or mismanagement, become so great, as to render its stock of very little value. If this rule were true, the borrower is secure in all payments he has made on his stock, while the nonborrower who has made like payments would take nothing. Such a rule should not have been accepted, without question or qual-

ification, as the law of the land, even though supported by authority. Taken as a whole, the book will prove safe and reliable, and almost indispensable to one having much to do with this special class of corporations.

Chas. E. Otis

Leavitt's Law of Negligence.¹

Reviewed by Wm. Hepburn Russell,
Esq., of Russell, Robinson & Win-
slow, New York City.

[For contents and other descriptive matter, see page 308 of this number; also, other opinions, on page 315.]

Leavitt on Negligence, by John Brooks Leavitt, a well known member of the New York bar, is a new type of law book, illustrative of the growing needs of the legal profession in a single State, and of the lines along which the ever increasing mass of case law is forcing the development of our State-National jurisprudence.

When Kent wrote his *Immortal Commentaries*, the common law, as stated therein, was practically the common law in all the States of this Union. To-day it is only theoretically so, and I do not hesitate to say that, while the principles which underlie the common law remain unchanged, the application of those principles in our different and differing States has been so widely variant that the practical result is to establish in each State a common law of its own, different from the common law of sister States and still more different from the common law of England. It is also true that in the Federal Courts, which are supposed to have no inherent common law jurisdiction in general, a system of "general law" is building up, with the common law, and the so-called "principles of general jurisprudence," as a basis to rest upon. A recent case, involving a question in the law of negligence, arising out of the relation of master and servant, illustrates the divergencies just stated, as well as the trend of the Federal Courts towards the establishment of a National common law in those Courts. Whether the establishment of such a system through judicial decisions of the National tribunals is wise or unwise, and

whether it is warranted by the letter or the spirit of the Federal Constitution, is not pertinent to this review, and will not be discussed; but the case to which reference has been made is pertinent as showing why a book stating the doctrines of the law of negligence as they prevail in the State of New York is a natural book,—a needed book,—and a book that will be helpful, not only to practicing lawyers in New York, but to all students of comparative jurisprudence as well.

In the case of *B. & O. Railroad Co. v. Baugh*, 149 U. S. 368, the question was: "Whether the engineer and fireman of a locomotive engine, running alone on a railroad, and without any train attached, are fellow-servants of the Company, so as to preclude the latter from recovering from the Company for injuries caused by the negligence of the former." It was strenuously contended for Baugh, the Plaintiff below, that this question must be determined by the common law, not of England, but of Ohio. That is, it was claimed that, because the cause of action arose in Ohio, therefore the decisions of the Supreme Court of Ohio were "laws" of that State, which, under the Federal Constitution, must control the decision in the Federal Courts, and that under those laws the engineer and the fireman, on the facts stated, were not, in Ohio, "fellow-servants." It was conceded on all hands that the question was one of common law, not dependent on any statute, and, after stating this, Mr. Justice Brewer, in his opinion, forcibly says:

"To-day the volume of interstate commerce far exceeds the anticipation of those who framed this [the Federal] constitution, and the main channels through which this interstate commerce passes are the railroads of the country. * * * The lines of this very plaintiff in error extend into half a dozen or more States, and its trains are largely employed in interstate commerce. As it passes from State to State, must the rights, obligations, and duties subsisting between it and its employes change at every State line? If, to a train running from Baltimore to Chicago, it should, within the limits of the State of Ohio, attach a car for a distance only within that State, ought the law controlling the relation of a brakeman on that car to the Company to be different from the subsisting between the brakeman on the through cars and the Company?"

The learned Justice might have carried the illustration a step further, and have asked whether, in the event of an injury upon the same trip to one brakeman in Maryland, another in Ohio, and another in Illinois, under circumstances exactly identical, the differing rulings as to the common law of negligence as it prevails in Maryland, in Ohio, and in Illinois with its doctrine of "comparative negligence," should be applied in the different cases, thereby producing different

¹ The Law of Negligence in New York; Being all the Reported Cases in Negligence and Kindred Subjects in the Court of Last Resort of the State of New York (to Jan. 1, 1895), Condensed, Codified, Classified. By John Brooks Leavitt, of the New York Bar. New York: The Diossy Law Book Company. 1895.

decisions and different statements of the common law, or whether, in the Federal Courts, at least, one general rule of law should be applied, uniform in the Federal tribunals throughout the Union, as the doctrine of equity are? The conclusion of the Supreme Court in this case was that the question was not one of local law, but one that "rests upon those considerations of right and justice which have been gathered into the great body of the rules and principles known as the "common law"; and so it was decided, as a matter of "general law," that in our Federal jurisprudence the fireman and engineer in the case in question were "fellow-servants," and that the injured servant had no right of action against the common employer. Whether that decision was right or wrong, it is the "common law" of the United States, as such, although they are said to have no common law, and it is just as clear, under numerous decisions of the Supreme Court of Ohio, that such is not the "common law" of Ohio.

In brief, we have in this country to-day as many systems of "common law" as there are separate States in the Union, plus the common law system which the Federal Courts have been and are slowly establishing upon an independent footing; and the sooner that "Professors of constitutional theories" come to recognize this as an institutional fact, the better it will be for the harmonious and natural development of a system of State and Inter-State "jurisprudences" which are destined to be the marvel of many succeeding generations of lawyers.

As I see the situation of our laws, this divergence of systems is not a matter to be seriously deplored, but is the natural outgrowth of our Federal Union of independent, local-self-governing, States, for which we should have a general common law in matters of inter-state concern and a local common law adapted to the wishes and the needs of the people of each State, just as the varying statutes of the various States are so adapted. Such unity in diversity and diversity in unity is the keystone of the arch of our Federal Union, and the perfect development of the local law of each state side by side with the perfect development of the general law of our National-State "is a consummation devoutly to be wished," however "unscientific" such a development may seem to certain "analytical jurists."

We practicing lawyers, who have practically to deal with and protect the interests of our clients in the Courts, find that we have quite enough to do to keep up with the law in one State, especially if it be a great State like New York, with its various and multiform questions and interests, or a new State like Washington, where nothing is yet

"settled law," as indeed it appears that it is not in our Federal jurisprudence,—witness the Income Tax case,—and therefore we cannot enthusiastically join in the vain, if not visionary, schemes for a "uniform system of State laws"; from which heaven defend us, unless it be upon questions of procedure!

It is in line—or seemingly in line—with these ideas, that Mr. Leavitt has prepared his book. It is not an ambitious "Commentary," such as some distinguished modern authors write, wherein an attempt is made to establish a legal Procrustean bed on which all the doctrines laid down by the different Courts of different States must be made to lie in harmony, and hacked and hewed to fit; and "damned with faint praise," or damned without the praise, perhaps, if not in conformity with the author's ideas of what the law ought to be, or with those of some other Court which he assumes all-wise.

Mr. Leavitt's book is not of these, and, for the benefit of a much abused and over "Commentaried" profession, I am glad that it is not.

On the other hand, it is a book which the lawyer needs, and "that will enable him to find the trail of 'a case in point.'" This is what Mr. Leavitt started to make his book, and such it is. To the New York lawyer who has to deal with a question involving the law of negligence, the book will prove an index, a digest, and a code of common law, all in one, and it will be the law of New York at that. It does not attempt to deal with the decisions in other States. It does clearly, and in orderly and logical sequence, review the decisions of the Courts of last resort in the State of New York upon the law of negligence, and having analyzed those decisions point by point, and stated them clearly and accurately, it then "codifies" the principles to be deduced from the cases, and states the law as it now is in the State of New York, leaving the wisdom of that law to be determined by those joint law makers—the Courts and the legislature.

The arrangement of the book is in three parts, namely: First. "Cases Condensed." Second. "Cases Codified." Third. "Cases Classified."

In the first part, in chronological order, will be found brief statements of all cases on the law of negligence heretofore decided in the Courts of last resort of New York, the facts being succinctly stated, and then the decision reached, with sometimes a paragraph quoting or stating a general principle laid down. This arrangement of the cases is useful, to say the least of it, and in practice it may be found more than useful. In the second part, the cases condensed in Part One are "Codified" by topics, so that all the New York cases bearing upon a given

branch of the law of negligence are briefly stated, and brought together under appropriate headings. Thus, under the heading "Respondeat Superior," all pertinent cases, or rather a digest of them, are grouped, and the "fellow-servant" cases, are found under the heading "Co-Servants"; and, if you wish to know what the New York rule is as to the "Master's Duties," you will find it under that heading, and so as to "Delegation of Master's Duties."

Part Third of the book is little more than an index, under alphabetical arrangement and sub-arrangement, with citations of the cases under the several subjects of the index; and, taking all the parts in combination, it will be a lazy and incompetent lawyer, who, having a negligence case in New York, cannot, with the aid of this book, run down all the pertinent cases, and ascertain the application of all pertinent principles, in much less than half the time he could have done before this book was published. Hence, it is a useful working tool for the busy lawyer, and the best system of "case instruction" for a student of which I have any knowledge.

It is a book which marks an epoch in the development of the legal system of New York, in this: that it deals with it as an isolated system of law, just as Mr. Fowler's admirable "History of the Law of Real Property in New York" deals with a very different topic in a different method, but still along the same lines, the two books together emphasizing the fact that New York is now "a law unto herself."

And, in conclusion, I express the opinion that it is only a question of time until every other State in the Union will be likewise, and the law of each State crystalized, if not codified, in statutes meeting the peculiar needs of each, and in a common law suited to each community, and stated in books of State-modesty and accuracy, like Leavitt on Negligence, rather than of inter-state-ambition and error, such as some other recent works that shall be nameless.

A complete and virtually independent system of law in each State and in the Nation-State is the next step in the evolution of our legal institutions, and books that shall help along this movement are desired and helpful. In time, perhaps, out of perfect heterogeneity perfect homogeneity may come. But that is a long time in the future now, and the first thing wanted is the perfect heterogeneity which no State has, but several States are rapidly approaching, of which New York is one.

Wm. Hepburn Russell

McClain's Cases on Carriers.¹

Reviewed by J. H. Beale, Jr., Assistant Professor of Law in the Law School of Harvard University.

[See contents and other descriptive matter on page 309 of this number.]

This book indicates in a striking way the widespread use of the inductive method in teaching law. It is a collection of cases prepared for use in the Law School of the Iowa State University; but it has already been adopted at Harvard, Columbia, and other schools. As it is designed as a book for students of law, it is to be judged chiefly as it meets their needs.

There is much difference between the principle of selection employed in making a collection of this sort, and that required for an old-fashioned collection of "leading cases," or a new-fashioned collection of "illustrative cases." The important quality of a case for use in inductive teaching is educative value. The well-chosen case may help teach either the history or the reason of a principle of law,—usually, of course, the latter; but it is useless if it teaches merely that a principle exists. A good case to cite to a court or to a student in support of a rule of law is therefore not necessarily a good case for study. The study of cases does not aim at making a "case-lawyer,"—that is, one who relies merely upon decided cases,—but at giving the ability to seize upon the important points in a complicated state of facts, and to anticipate the decision of a court. For this purpose the statement of facts should be full, and, if possible dramatic; the opposing arguments readily grasped; and the opinion rather a discussion of principles, or a weighing of authorities, than a mere collection of authorities in point, however full.

It is not enough to select decisions which represent the prevailing view of the law. That a student's faith in a legal principle may show the fruit of good works, it must be his own faith, deliberately chosen by him after a fair comparison of opposing views: not merely that it may become an integral part of his mental equipment, never to be lost, but also that he may be prepared to defend it against adverse attack. An occasional dissenting opinion is therefore as useful as the opinion of the court; and a carefully reasoned case, even if wrongly decided, is not to be rejected. And that the student's discovery of principle may be his own,—the result of his study and reflection,—it is ab-

¹ A Selection of Cases on the Law of Carriers of Goods and of Passengers. By Emlin McClain, Chancellor of the Law Department of the State University of Iowa. Published by the Author.

solutely necessary that all headnotes should be omitted.

In his collection of Cases on the Law of Carriers, Professor McClain has met all these requirements. Of the educative value of the cases the reviewer can speak from sufficient experience. In determining just what principles to discuss in teaching a certain topic of the law, no two teachers would exactly agree. There are cases in this collection which might have been left to the law of sales; such, for instance, as the effect upon title to goods in transit of a dealing with the bill of lading. One or two topics might have been added; thus, the duty of shipper to carrier might have been separately treated. But there is not a case in the book, an acquaintance with which will not be useful to a lawyer dealing with questions arising out of carriage. The important and largely unsettled doctrine of the duty of a common carrier to serve the public at large is discussed in several cases which might, with advantage, have been brought together into one place. The leading case of Covington Stock Yards Co. v. Keith is given in full; it might have been well to give one or two more cases on this timely subject,—the duty of the carrier to furnish reasonable facilities to the public. Thus, *State v. Railway*, 47 Ohio St. 130, upon the duty of the carrier to furnish tank cars, might have been added; and, for the purpose of making the distinction between rights of the public and rights of other carriers, the *Express Cases*, 117 U. S. 1, and *Atchison, etc., R. R. v. Denver, etc., R. R.*, 110 U. S. 687, would not have been a waste of space. The case of *Old Colony Railroad v. Tripp*, upon the right of hackmen or local expressmen to enter and remain in a railroad station, is given, but neither the dissenting opinion, nor one of the several cases opposed to it, is added. One could hardly discover from the book that the Tripp Case

is in a minority of one—or now perhaps of two. The interesting question of the nature and qualities of a ticket is not sufficiently covered by the cases given. On the other hand, the subjects oftenest litigated have been most excellently dealt with; the treatment of limitation of liability of right to freight, and of the ordinary duties towards passenger and shipper, leaves nothing to be desired. One sees, also, with pleasure and relief, that no attempt has been made to deal with the question, what in fact is negligence in a carrier; seldom, even in the broadest sense, a question of law, never a question of any branch of law except the law of torts, and a question impossible to treat in connection with the law of carriers, otherwise than inadequately and unreliably.

Such a collection as this, though designed for the student, is most useful to a lawyer in practice, and invaluable to one who has not ready access to a large library. It does not, to be sure, supply a full collection of authorities, but for such a purpose nothing can take the place of the digest and reports of one's own state. It is only when these do not determine a point that a lawyer needs other help; and then he wants, not merely a collection of cases said to be in point, but assistance first to form his own opinion, and then, if necessary, to persuade the court that he is right. His purpose is therefore the same as that of a student by the inductive method, and is best served by a collection of cases like this. He does not need headnotes; he only needs the guidance of a full index, like the one in this book.

A useful feature of this volume is the collection of several important federal statutes concerning carriers, including the interstate commerce act.

Joseph B. Beale, Jr.

OTHER OPINIONS OF NEW BOOKS.

Leavitt's Law of Negligence.

[See contents on page 308, and a review by Wm. Hepburn Russell, Esq., on page 312 of this number.]

This book, which is in a rather unusual form, is really a trial brief, embracing all the principles of law relating to negligence laid down by the court of errors and the court of appeals. It is to be regretted that the author has not found it possible to take in cases which have either not gone to the highest court, or in which that court has written no

opinion. For instance, one of the most important cases in the development of the law of negligence in this state is the much-discussed case of *Hartfield v. Roper*, 21 Wend. 615. Under the author's plan, this is omitted.

The book is divided into three parts.

Part 1 is composed of the cases, arranged chronologically. Of each case a syllabus of the points actually decided, and a brief but sufficient statement of the facts, are given. This is perhaps the most valuable part of the work, especially for the lawyer looking for

a case "on all fours" with his own. The facts are accurately stated, and as a rule the syllabi are accurate, although they are occasionally marred by a certain exuberance of style which is dangerous in a law book. For instance, the headnote to the well-known case of *Connelly v. N. Y. Cent., &c., R.R.*, 88 N. Y. 346, is given as: "He who would emulate the chicken in foolishly shooting from one side of the highway to the other, in front of a fast traveling vehicle, must, like the chicken, take the risk." In point of fact, Judge Andrews does not condemn the emulation of the chicken, nor have the erratic habits of that fowl anything whatever to do with the case. Nor does *Platz v. Cohoes*, 89 N. Y. 219, contain the proposition that the "rain falls on the just as well as the unjust." That is laid down in a much older and higher authority. Let the author take warning by the fate of Mr. John D. Lawson, who spoiled a very good volume of leading cases by an attempt to be humorous.

In part 2 the cases are arranged by topics under certain propositions, which the author entitles "A Code of Negligence and Kindred Subjects." These propositions, which, taken together, cover the subject of negligence, are

accurately and clearly stated. This part will be found useful, not only to that more or less mythical being, "the busy lawyer," but to any one preparing proposed requests to charge the jury in a negligence case. The only criticism we have to make on this part is again a verbal one,—that the propositions are laid down in language which might be much more terse and condensed.

Part 3 contains a reference to the cases under the form of a minutely subdivided topical index. This will be found more useful than would appear at first sight. A curious list of injuries, and the amounts awarded therefor, is given in this part.

Taken altogether, the book will be found a useful one, but in any future edition should be revised, so far as the headnotes in part one are concerned, not only as to style, but by a careful re-examination of the cases from which these headnotes are taken. The plan is a new and good one, and what imperfections we have noticed can be removed, and the value of the book, which is the result of considerable labor, much increased by a careful revision. The printing and binding are excellent.

—"T. C.," in *The New York Law Journal*.

BOOKS RECEIVED.

From Matthew Bender, Albany, N. Y.:
Cumming & Gilbert's Excise and Hotel Laws.
 (New York).
Jewett's Election Manual, 3d Ed.
 From Effingham Wilson, London, England:
Chamier's Law Relating to Literary Copyright and The Authorship and Publication of Books.

From Bowen-Merrill Co., Indianapolis, Ind.:
Van Fleet's Law of Former Adjudication.
 From Little, Brown & Co., Boston:
Webster's Law of Naturalization.
Croswell's Law Relating to Electricity.
Bigelow's Cases on Torts.
Schouler's Domestic Relations, Fifth Ed.
Browne's Statute of Frauds, Fifth Ed.

Leading Text Books Published in 1895.

Abbott's Select Cases on Evidence..	6 00 net	Leavitt's Law of Negligence.....	6 50 del
Alderson on Judicial Writs and Process.....	6 00 net	Norton on Bills and Notes. 2d Ed.....	3 50 net
Black's Constitutional Law.....	3 50 net	Oliver's American Precedents in Personal and Real Actions. 5th Ed.....	6 00 net
Beach on Injunctions. 2 vols.....	12 00 net	Pingrey on Real Property. 2 vols.	12 00 net
Beach on Insurance. 2 vols.....	12 00 net	Schouler on Domestic Relations. 5th Ed.....	6 00 del
Bishop's Criminal Procedure. Vol. 1. 4th Ed.....	6 00 net	Shipman' Common Law Pleading. 2d Ed.....	3 50 net
Bishop on Insolvent Debtors. 3d Ed..	6 50 del	Smith on Evidence.....	5 00 net
Bradner's Rules of Evidence.....	5 00 net	Thompson on Private Corporations. 6 vols.....	del'd 36 00 net
Browne on the Statute of Frauds. 5th Ed.....	6 00 net	Tiffany on Sales.....	3 50 net
Clark's Criminal Procedure.....	3 50 net	Walker's American Law. 10th Ed..	6 00
Croswell on Electricity.....	6 00 net	Waples on Attachment. 2d Ed....	6 00 net
Endlich on Building Associations. 2d Ed.....	6 00 net	Webster on Naturalization.....	4 00 net
Fetter on Equity.....	3 50 net	Williams on Executors. 3 vols.	
Glenn's International Law.....	3 50 net	7th Am. Ed.....	18 00 net
Harlow on Sheriffs and Constables. 2d Ed.....	6 00 net		

DIGEST.

Of Articles on Legal Subjects in Current Periodicals, Annotations in Reports, etc.

List of Abbreviations and Publications Digested.

Abbreviations.	Name.	Published.	Prices of Single Numbers.
Abb. N. C.....	Abbott's New Cases, Dossy Law Book Co., N. Y. City	Monthly.....	\$4.50 per vol.
Alb. Law J.....	Albany Law Journal, Albany, N. Y.....	Weekly.....	25c.
Am. Acad. Pol. & Social Science.....	American Academy of Political and Social Science, Philadelphia, Pa.....	Fortnightly.....	\$6.00 per year.
Am. Banker.....	American Banker, New York City.....	Weekly.....	10c.
Am. Lawy.....	American Lawyer, New York City.....	Monthly.....	10c.
Am. Law Reg. & Rev.....	American Law Register and Review, Philadelphia.....	Monthly.....	50c.
Am. Law Rev.....	American Law Review, St. Louis.....	Bi-Monthly.....	\$1.00.
Am. Prob. R.....	American Probate Reports, Baker, Voorhis & Co., New York City.....	Irregular intervals.....	5.50 per vol.
Am. R. & Corp. R.....	American Railroad and Corporation Reports, E. B. Myers & Co., Chicago.....	Irregular intervals.....	4.50 per vol.
Am. St. Rep.....	American State Reports, Bancroft-Whitney Co., San Francisco.....	Bi-Monthly.....	Sold by subscription only.
Am. & Eng. Corp. Cas.....	American and English Corporation Cases, Edward Thompson Co., Northport, Long Island, N. Y.....		\$4.50 per vol.
Am. & Eng. R. Cas.....	American and English Railroad Cases, Edward Thompson Co., Northport, Long Island, N. Y.....		4.50 per vol.
Atlantic Monthly.....	Atlantic Monthly, Houghton, Mifflin & Co., 11 E. 17th St., New York City.....		.35 per single number.
Aust. Law T.....	Australian Law Times, Melbourne, Australia.....	Monthly.....	£3 3s. per yr.
Banking Law J.....	Banking Law Journal, New York City.....	Monthly.....	30c.
Barrister.....	The Barrister, Toronto, Can.....	Monthly.....	\$2.00 per year.
Brief.....	The Brief, London, Eng.....	Monthly.....	Sixpence.
Can. Law J.....	Canada Law Journal, Toronto, Can.....	Semi-Monthly.....	25c.
Can. Law T.....	Canadian Law Times, Toronto, Can.....	Monthly.....	50c.
Cape Law J.....	Cape Law Journal, Grahamstown, Cape of Good Hope	Quarterly.....	\$1.50.
C. C. A.....	U. S. Circuit Courts of Appeals Reports, West Pub. Co., St. Paul, Minn.....	Irregular intervals.....	\$3.35 per vol.
Cent. Law J.....	Central Law Journal, St. Louis.....	Weekly.....	25c.
Chi. Law J.....	Chicago Law Journal, Chicago.....	Monthly.....	25c.
Chi. Leg. N.....	Chicago Legal News, Chicago.....	Weekly.....	10c.
Civil Proc. R.....	New York Civil Procedure Reports, S. S. Peloubet, New York City.....	Monthly.....	10c.
Collector.....	The Collector and Commercial Lawyer, Detroit, Mich	Monthly.....	30c.
Contemporary Review.....	Contemporary Review, London.....	Monthly.....	\$1.00.
Counselor.....	The Counselor, New York City.....	Monthly.....	50c.
Cr. Law Mag.....	Criminal Law Magazine, Jersey City, N. J.....	Bi-Monthly.....	50c.
Green Bag.....	Green Bag, Boston.....	Monthly.....	10c.
Guide.....	The Guide, Kalamazoo, Mich.....	Monthly.....	35c.
Harv. Law Rev.....	Harvard Law Review, Cambridge, Mass.....	Quarterly.....	65c.
Int. Jour. Eth.....	International Journal of Ethics, Philadelphia, Pa.....	Monthly.....	25c.
Iowa Univ. Law Bul.....	Law Bulletin of Iowa University, Iowa City, Iowa.....	Weekly.....	1 shilling.
Ir. Law T.....	Irish Law Times & Solicitors' Journal, Dublin, Ire.....	Weekly.....	Sixpence.
J. P.....	Justice of the Peace, London, Eng.....	Quarterly.....	\$1.00 per year.
Jurid. Rev.....	Juridical Review, Edinburgh, Scotland.....	Monthly.....	Sixpence.
Kan. Univ. Lawy.....	Kansas University Lawyer, Lawrence, Kans.....	Quarterly.....	5 shillings.
Law Notes.....	Law Notes, London, Eng.....	Monthly.....	10c.
Law Quart. Rev.....	Law Quarterly Review, London, Eng.....	Monthly.....	Sixpence.
Law Student's Helper.....	Law Student's Helper, Detroit, Mich.....	Monthly.....	10c.
Law Students' J.....	Law Students' Journal, John Indermaur, Chancery Lane, London, Eng.....	Monthly.....	Sixpence.
Law T.....	Law Times, London, Eng.....	Weekly.....	
Lawy. Rep. Ann.....	Lawyers' Reports Annotated, Lawyers' Co-operative Pub. Co., Rochester, N. Y.....	Semi-Monthly.....	\$1.00
Leg. Int.....	Legal Intelligencer, Philadelphia.....	Weekly.....	10c.
Madras Law J.....	Madras Law Journal.....	Quarterly.....	25c.
Med. Leg. J.....	Medico-Legal Journal, New York City.....	Monthly.....	25c.
Mich. Law J.....	Michigan Law Journal, Detroit, Mich.....	Monthly.....	25c.
Minn. Law J.....	Minnesota Law Journal, St. Paul, Minn.....	Monthly.....	25c.
Mont. Leg. N.....	Montreal Legal News, Montreal, Can.....	Monthly.....	\$5 per vol.
Morr. Min. R.....	Morrison's Mining Reports, Callaghan & Co., Chicago	Weekly.....	10c.
Nat. Corp. Rep.....	National Corporation Reporter, Chicago.....	Monthly.....	25c.
N. J. Law J.....	New Jersey Law Journal, Plainfield, N. J.....	Monthly.....	25c.
N. W. Law Rev.....	Northwestern Law Review, Chicago.....	Monthly.....	25c.
N. Y. Cr. R.....	New York Criminal Reports, S. S. Peloubet, N. Y. City	Monthly.....	25c.
N. Y. Law J.....	New York Law Journal, New York City.....	Daily.....	05c.
N. Y. Law Rev.....	New York Law Review, Ithaca, N. Y.....	Monthly.....	25c.
Ohio Leg. N.....	Ohio Legal News, The Laning Printing Co., Norwalk, Ohio.....	Weekly.....	\$3.00 per year.
Pittsb. Leg. J.....	Pittsburgh Legal Journal, Pittsburgh, Pa.....	Quarterly.....	10c.
Political Science.....	Political Science, Boston, Mass.....	Quarterly.....	\$2.00 per year.
Quart. Jour. Econ.....	Quarterly Journal of Economics, Boston.....	Monthly.....	\$2.50 per year.
Rev. of Rev.....	Review of Reviews, New York City.....	Monthly.....	1 shill. and sixpence
Scot. Law Rev.....	Scottish Law Review, Glasgow, Scot.....	Weekly.....	25c.
Scot. Law T.....	Scots' Law Times, Edinburgh, Scotland.....	Monthly.....	50c.
University Law Rev.....	University Law Review, New York City.....	Weekly.....	10c.
Va. Law Reg.....	Virginia Law Register, Lynchburg, Va.....	Monthly.....	20c.
Wash. Law R.....	Washington Law Reporter, Washington.....	Weekly.....	
West. Res. L. J.....	Western Reserve Law Journal, Cleveland, O.....	Monthly.....	
Westminster Review.....	Westminster Review, London.....	Weekly.....	25c.
Wkly. Law Bul.....	Weekly Law Bulletin and Ohio Law Journal, Columbus, Ohio.....	Monthly.....	10c.
W. Va. Bar.....	West Virginia Bar, Morgantown, W. Va.....	Monthly.....	35c.
Yale Law J.....	Yale Law Journal, New Haven, Conn.....	Monthly.....	

TOPICAL DIGEST.

N. B. The Classification of the American Digest is here used.

Action.

— By stockholders, see "Corporations."

Assignment.

— Of lease, see "Landlord and Tenant."

ATTORNEY AND CLIENT.

A collection of authorities on the measure of compensation of attorneys for legal services.—By T. A. Polleys. 41 Cent. Law J. 187.

Clubs.

— Sales of liquors in clubs, see "Intoxicating Liquors."

CONSTITUTIONAL LAW.

— Decisions on the anti-truck laws, see "Master and Servant."
— Validity of statutes as regulating payment of wages, see "Master and Servant."

An interesting article on some of the results of the Dartmouth College Case.—By George P. Wanty. 4 Mich. Law J. 251.

CORPORATIONS.

— Liability to taxation, see "Taxation."

A collection of authorities on the personal liability of officers of a corporation for its torts or negligence.—28 Lawy. Rep. Ann. 421.

A collection of authorities on the increase of capital stock, and the rights and liabilities of stockholders thereafter.—48 Am. & Eng. Corp. Cas. 522.

A collection of authorities on the liability of stockholders for unpaid subscriptions.—48 Am. & Eng. Corp. Cas. 441, 453, 471, 482.

A collection of authorities on the right of action by stockholders for wrongs to the corporation.—48 Am. & Eng. Corp. Cas. 623.

A collection of authorities on the rights of stockholders, and their enforcement.—48 Am. & Eng. Corp. Cas. 605.

A collection of authorities on the transfer and pledge of stock.—48 Am. & Eng. Corp. Cas. 532.

A collection of authorities on the rights of foreign corporations.—48 Am. & Eng. Corp. Cas. 13.

A valuable article on state legislation against foreign corporations.—By W. D. Leeper. 11 Nat. Corp. Rep. 63.

COURTS.

An interesting article on London police courts.—By William Holloway. 7 Green Bag, 405.

An interesting article on the chancery division of the English law courts.—7 Green Bag, 416.

A collection of authorities on the question of the right of a plaintiff to voluntarily remit a part of his claim to bring it within the jurisdiction of the court.—28 Lawy. Rep. Ann. 221.

Covenants.

— In a lease, see "Landlord and Tenant."

CRIMINAL LAW.

An interesting paper, read before the Virginia State Bar Association, on criminal trials.—By R. Walton Moore. 1 Va. Law Reg. 327.

An interesting review of the article in the Harvard Law Review, February, 1895, by J. H. Beal, Jr., on the subject of consent in the criminal law.—Madras Law J. Republished in 29 Ir. Law T. 427.

DESCENT AND DISTRIBUTION.

A review of recent decisions as to a right of a murdered to inherit from his victim, with a reference to the recent decision in *Re Carpenter's Estate* (Pa. Sup.) 32 Atl. 637.—13 N. Y. Law J. 1454.

Directors.

— Of corporations, liability for negligence, see "Corporations."

Electric Lights.

— Power of municipality to maintain, see "Municipal Corporations."

Exemptions.

— From taxation, see "Taxation."

EXTRADITION.

A short collection of authorities as to who are fugitives subject to extradition.—28 Lawy. Rep. Ann. 289.

FIXTURES.

A review of recent cases affixing the right to remove tenant's fixtures after the expiration of the lease.—99 Law T. 446.

A short review of recent cases dealing with the right to fixtures under the bill of sale acts.—99 Law T. 429.

Foreign Corporations.

— Rights and Liabilities, see "Corporations."

GRAND JURY.

A collection of authorities on the qualifications of grand jurors.—28 Lawy. Rep. Ann. 195.

A collection of authorities on the sufficiency of evidence before the grand jury to sustain an indictment.—28 Lawy. Rep. Ann. 324.

A full collection of authorities on the competency of evidence before the grand jury.—28 Lawy. Rep. Ann. 318.

Homicide.

— Right of murderer to inherit from victim, see "Descent and Distribution."

Indictment and Information.

— Sufficiency of evidence to sustain, see "Grand Jury."

INSURANCE.

A collection of authorities on the effect of a mortgage clause in contracts of insurance.—By W. C. Rodgers. 34 Am. Law Reg. & Rev. 510.

INTERNATIONAL LAW.

An interesting article on international law in the war between Japan and China.—By T. E. Holland. 3 Am. Lawy. 387.

INTOXICATING LIQUORS.

A review of recent English decisions on the sales of liquors at clubs.—59 J. P. 529.

Jurisdiction.

— See "Courts."

LANDLORD AND TENANT.

— Right to remove fixtures, see "Fixtures."

A short article on the implied covenants in a lease.—Sol. J. Republished in 29 Ir. Law T. 444.

A short article on the rights and liabilities arising on the assignment of a lease.—29 Ir. Law T. 437.

LARCENY.

A review of the law relating to theft, with special reference to the doctrine of possession.—By Arthur Rickett. 17 Law Student's J. 189.

LAW.

An interesting article on Roman jurisprudence.—By Boyd Winchester. 52 Alb. Law J. 171.

A valuable article on law and sovereignty; being a partial introduction to the study of

legal history.—By William D. Lewis. 34 Am. Law Reg. & Rev. 531.

MASTER AND SERVANT.

A collection of authorities on the validity and effect of statutes requiring wages to be paid in lawful money.—28 Lawy. Rep. Ann. 273.

A short collection of authorities on the validity and effect of statutes regulating time and payment of wages.—28 Lawy. Rep. Ann. 344.

A collection of authorities on contracts of service terminable by notice.—By Samuel C. Williams. 41 Cent. Law J. 230.

A collection of recent authorities on the liability of trade unions for procuring a discharge of employes.—34 Am. Law Reg. & Rev. 505.

An article on the development and growth of interference by the federal courts in controversies between master and servant.—By J. E. Newberger. 11 Nat. Corp. Rep. 11, 35, 61.

A review of recent decisions on the anti-truck laws.—By Darius H. Pingree. 3 Am. Lawy. 386.

MUNICIPAL CORPORATIONS.

A collection of authorities on the liability of a railroad right of way to assessment for local improvements.—28 Lawy. Rep. Ann. 249.

A collection of authorities on the power of municipalities to acquire and maintain electric light plants.—48 Am. & Eng. Corp. Cas. 189.

A collection of authorities on the power of municipalities to contract for water supplies.—48 Am. & Eng. Corp. Cas. 59.

National Banks.

— Taxation of stock, see "Taxation."

NEGLIGENCE.

— Of corporations, see "Corporations."

— Of telegraph companies, see "Telegraph Companies."

A review of the recent case of Ryder v. Kinsey (Minn.) 64 N. W. 94, determining the liability of an owner of a building for injuries suffered through the falling of a wall.—13 N. Y. Law J. 1488.

NEGOTIABLE INSTRUMENTS.

A short article on the consideration of bills, notes, and checks.—By E. Bowen-Rowlands. 99 Law T. 448.

PARENT AND CHILD.

An article on the rights of a mother with respect to her children.—99 Law T. 411, 447.

PARTNERSHIP.

A collection of authorities on the rights of creditors, purchasers, and other third parties in partnership real estate.—28 Lawy. Rep. Ann. 161.

Railroad Companies.

— Assessment of right of way for local improvements, see "Municipal Corporations."

Stock.

— Of corporations, see "Corporations."

Stockholders.

— Rights and liabilities, see "Corporations."

Subscription.

— To corporate stock, see "Corporations."

TAXATION.

A collection of authorities on exemption of manufacturing corporations from taxation.—48 Am. & Eng. Corp. Cas. 302.

A collection of authorities on the levy of assessments on corporations.—48 Am. & Eng. Corp. Cas. 237.

A collection of authorities on the power to tax telegraph companies.—48 Am. & Eng. Corp. Cas. 426.

A collection of authorities on the question

of the right to tax stock of national banking associations.—48 Am. & Eng. Corp. Cas. 275.

TELEGRAPH COMPANIES.

— Power to tax, see "Taxation."

A collection of authorities on the effect of stipulations exempting telegraph companies from liability for failure to present claim for damages within prescribed time.—48 Am. & Eng. Corp. Cas. 365.

A collection of authorities on the liability of telegraph companies for negligence in the transmission and delivery of telegrams.—48 Am. & Eng. Corp. Cas. 386, 404.

A collection of authorities on the rights and liabilities of telegraph companies in the construction of their lines.—48 Am. & Eng. Corp. Cas. 322.

Trade Unions.

— Rights and liabilities, see "Master and Servant."

TRUSTS.

An interesting article on trusts to procure legislation to render valid an invalid trust.—15 Can. Law T. 231.

VENDOR AND PURCHASER.

A collection of authorities on the equities of a holder of an option to purchase real estate on destruction of the premises.—By William L. Murfree. 41 Cent. Law J. 209.

WATER COMPANIES.

A collection of authorities on the rights and liabilities of water companies.—48 Am. & Eng. Corp. Cas. 101

THE . . . CENTURY EDITION

OF THE AMERICAN DIGEST

1754
TO
1894

A New and Complete Digest of all American Reports from the earliest times down to 1894, under a single topical arrangement; to be continued by the American Digest Annuals under the same classification.

For terms of subscription, address the publishers,

WEST PUBLISHING CO., St. Paul, Minn.

LAW BOOK NEWS.

A Monthly Review of Current Law Literature and Journal of Legal Bibliography.

Terms of Subscription: \$1 a Year; Single Copies, 10 Cents.

VOL. 2.

ST. PAUL, MINN., NOVEMBER, 1895.

No. 11.

A New Theory in Law-Book Making.

THE importance of providing the right kind of books for the delectation of the legal profession is very frequently brought home to legal publishers and legal writers. It is very easy to criticise, and sometimes it occurs to those who are doing the work that the critics have the easiest part of the joint business; yet the carefully considered views of conscientious critics are certainly wanted and are of the greatest value. There are few things more exasperating to an author or publisher than the inane and colorless book notices which are generally given by legal periodicals. Like Emerson, he longs for an honest and manly furtherance or else an honest and manly opposition, but prays to be delivered from the "mush of concessions" which often passes current for friendship. Of the kind to be desired is the criticism given in the American Law Review by Prof. John H. Wigmore of the Northwestern University Law School. Speaking of two works which he was unable to commend, he says:

"But one cannot look with encouragement on treatises like the two in hand. One can account for them, perhaps, by the current low standard of legal training in the profession, by its failure sufficiently to appreciate the permanence and the vastness of the mass of inherited legal principles in their modern development, by its commercial attitude toward legal science as a matter of practical experience soon picked up, and by its readiness to accept anything in printed form that professes to cite the latest case. With the profession in such an attitude and offering such a market, one cannot wonder that books are prepared to meet this market. If little is exacted, little will be furnished. But it is distinctly an unworthy market, and the hope of legal science lies in those who are unwilling to cater to it. No one can foresee the exact form which the future is destined to give our jurisprudence. But one can at least prophesy that one of the few means of preserving our law from becoming an ill-considered jargon of technicalities, a hodgepodge of inconsistent formal rules, is the careful, original, trained study of the past and present sources of

the law by those who are given in print the power to impress their notions of law upon the profession."

Such criticism is helpful. If there were more of it, there would be a higher standard of achievement.

It must of course be borne in mind that there are divergent theories of law-book construction, and that criticism may be very unjust by applying one standard to books which have been avowedly constructed upon another.

The best example of one theory is the "working tool" which approaches closely to the plan of a well-prepared brief. The best example of another would be the "classic," as it is somewhat vaguely termed. There is still a third, and one which has come into sudden prominence through the books of the Hornbook Series. The fact that there are ten books already issued in this series, five more announced as nearly ready, and some twenty others looming up in the prospectus, gives the series a weight which warrants a serious consideration of its distinctive features, and in this connection the comments of a writer in the Yale Law Journal upon the difficulties attending the study of the law are not only interesting but in point. He says:

"It is well to recognize the fact that one of the chief difficulties in the study of law is that of gaining and retaining a clear and serviceable knowledge of general outlines. After reading a mass of details, rules and exceptions, after going through the cases in point, the really essential thing still remains to be done, namely, to reduce this mass of raw material to its proper proportions in the form of general principles. This process of mental digestion is the hardest part of the work, and, owing to the unfortunate fact that there are but twenty-four hours in the day, is seldom well attended to. The difficulty is perhaps more marked in the 'case' system than in the text-book system, but it is sufficiently bad in either. The average text-book is so crammed with 'points' that mental dyspepsia is almost sure to result from continuous reading of it. What is needed is not so much rules as the reasons for the rules. The only way to

fix in the memory so many details, and to maintain them in their proper proportions, is to keep constantly prominent before the mind the reasons of common sense and justice upon which they are based. Accordingly there is a growing need, particularly in those branches of the law where the reasons for the rule are less obvious, for a condensed 'practical philosophy' for each branch; and, as decisions multiply and details accumulate, this need will become more imperative, until it is met by independent books dealing with the respective subjects from this point of view."

This was not written, so far as in any way appears, with reference to the Hornbooks, yet it might well have been formulated as an expression of the very reasons which led to the development of the theory upon which these books are founded. The necessity of "reducing the mass of raw material to its proper proportions, in the form of general principles," confronts every lawyer. It is the work which he must do for himself when it is not done for him by the text-book writers. But it can be done by the text-book writers, if they are willing to lay aside the idea of being original. This is rather a flattering idea, and one that writers do not often like to relinquish; yet, in legal matters especially, it is largely a delusive one. A clear arrangement and presentation of what has already been formulated in the legal field is really much more useful to the workers in that field than any new views would be. The chances are that the writer who undertakes to do original thinking in this line will find, when his work is done (or others will find it out for him), that he has practically done nothing but go over the same old ground, without even adding clearness. It is this failure of books projected upon the plan of "classics" which has led directly to the other extreme,—the "working tool" books. On the other hand, if the object had been, not originality, but clarification, the chances are that success instead of failure might have crowned the work. Clarification of the law,—the reducing of this mass of raw material to its proper proportions, in the form of general principles,—is by no means a contemptible piece of work. Indeed, in this day of crowding and consequent confusion, when "Hurry is king and Superficiality queen," as Mr. Leavitt puts it in the preface to his "Negligence," it may take rank as very high work to re-state and re-emphasize the principles which remain unchanged beneath the surface tumult. The need of the world

differs at different ages. There are times when daring originality is the only thing that will save the race from the destruction of the commonplace, and there are times when, originality having run wild, a reaffirmance of principles is equally necessary for the preservation of racial sanity.

The Hornbooks were projected with special view to this state of things. Their plan is to present the established principles of the different elementary branches of the law, generally in the phrasing which has best stood the test of criticism in the past, and so arranged typographically, as to present, as it were, a map of the subject, from which the practitioner or student can gain most readily a view of the general outlines and of the interrelation of its different parts. This gives the student that most essential thing at the beginning of study, a correct grasp of the true proportions of the subject. To the practitioner, who presumably knows the law, this map of the governing principles serves the very important purpose of enabling him to review the subject rapidly, and so escape the danger, constant to an advocate, of losing sight of the real issue in the swarm of details. "Many a good case has been lost," says the *American Law Register and Review*, "through the failure of the attorney to perceive the principles that underlie it. With this book in hand [Clark's Criminal Law, in the Hornbook Series], even the most slothful practitioner can hardly excuse himself on this score in the future."

In the Hornbooks, the text proper is made up of the commentary of the author, elucidating and amplifying the more concise formulation of the principles described above. This is printed in a distinctive type, and is similarly distinguished from the notes, which contain the citations that the practitioner must have to supplement the principles on which he depends.

The result is a book which is something less than a classic and something more than a "working tool." It is made upon a theory which recognizes the special needs of the practitioner of to-day, who wants the best help he can get in presenting his cases, without at the same time lessening the dignity of his profession. The instant popularity of the series proves that it has "met a need" of the profession, and that, with all due respect to the critics, is a test that cannot be ignored. There always will be divergent theories in regard to

the kind of law books that the public ought to like, and there always will be critics so enamored of their own ideals that they can see no virtue in any others. But there is no supreme tribunal to declare one style of writing more authoritative or abstractly more worthy of admiration than the others. Public judgment, take it as a whole, and over a sufficient period of time, is fairly wholesome and fairly true. It is not long deluded; and, even in the matter of law books, it is becoming educated.

"Lawyerish."

IT is sometimes assumed by the lay public that the wonderful and mysterious verbiage with which lawyers are wont to "obscure the point of law" under consideration, as one judge put it, is evolved with a wicked desire to make the processes of procuring the court brand of justice unintelligible to common people, thus rendering the services of lawyers indispensable. Even lawyers sometimes admit that there are only traditionary reasons for adhering to it. Some professional expressions of these views were referred to in a recent editorial on "Legal Verbiage," and our attention is now called to some comments of the New York Law Journal upon the same subject, with special reference to the extension of "Lawyerish," as Charles Reade called it, into such informal documents as letters:

"The business letters of lawyers used to constitute a laughing-stock for the lay world. The stilted and verbose epistolary style in vogue was so marked as to be easy to imitate and caricature. An indifferent novelist could always frame a typical letter to the hero from his solicitor. The general growth of simplicity in manners and style has largely corrected such absurd affectation. But still further improvement is desirable, especially among younger members of the profession, who use good, every-day English in writing to their friends, but a ceremonious parody thereof on office letter-heads."

The Beginning of American Legal Literature.

Several of our magazines, notably the Review of Reviews and Life, have been giving the portraits of our eminent men as they appeared in the days when they were only preparing to be eminent, and it is an interesting study in physiognomy to trace the gradual development of the characteristics so well known in the men of to-day. There is a similar interest

in studying the infantile features of our legal literature, which to-day has grown to such giant stature. The following communication, which we reprint from the American Law Review, has this value:

To the Editors of the American Law Review: During a visit to Washington the writer found in the Supreme Court Law Library a copy of the first American edition of Blackstone's Commentaries, printed, as the title page announces, "for the subscribers" by Robert Bell at Philadelphia in the year 1771. The first volume contains the following quaint announcement:—

A List of the Encourager's NAMES will be published in the fourth Volume of this WORK; and all GENTLEMEN that now choofe to become SUBSCRIBERS, may be supplied with the FIRST Volume at the moderate Price of TWO DOLLARS.

SUBSCRIPTIONS ARE RECEIVED BY

ROBERT BELL, BOOKSELLER.

(At the late Union LIBRARY in Third Street, PHILADELPHIA.)

And by all the PRINTERS and BOOKSELLERS in AMERICA.

The SECOND, THIRD, and FOURTH Volumes will be forwarded as expeditiously as possible, and delivered to the SUBSCRIBERS at the Price of TWO DOLLARS each.

Memorandum. This Volume can only be Sold to those GENTLEMEN who are willing to Subscribe for the whole of those celebrated COMMENTARIES, by giving in their Names as ENCOURAGERS.

and
•• ALL Independent Gentlemen Scholars, as well as every Magistrate, civil officer and Lawyer, ought to possess this SPLENDID and USEFUL WORK:

Therefore the EDITOR hopeth, *Patriotism* to encourage native FABRICATIONS, with the Advantage of Saving Seven Pounds in the Purchase of ten Pounds Worth,—*The British Edition* being Sold at Ten Pounds Pennsylvania Currency, together with that innate Thirst for Knowledge, which is so admirably ingrafted in the contexture of the human mind :—will nobly animate all, whose Ideas are expanded in Search of Knowledge, to encourage

this AMERICA EDITION.

Content of Spirit must from Science flow,
For 'tis a Godlike attribute to know.

PRIOR.

With the exception of colonial statutes, the only law books written and published in America prior to the Revolution were, Geo. Webb's Justice of the Peace, published at Williamsburg, Va., 1736—The Massachusetts County and Town Officer, "by a gentleman," Boston, 1768, and Richard Burns' Justice of the Peace, Boston, 1773. We now have reports of cases decided in four of the provinces prior to the Revolution, viz.: Maryland, Virginia, Pennsylvania and Massachusetts, but they were not published until a considerable time after the Revolution. These are: 1. Harris and McHenry's reports, containing scattering decisions of the provincial courts of Maryland from 1658 to 1774, not pub-

lished until 1809; Thomas Jefferson's Reports of Cases determined in the General Court of Virginia from 1730 to 1740 and from 1768 to 1772, not published until 1829; Josiah Quincy's Reports of Cases argued and adjudged in the Supreme Court of Judicature of the Province of Massachusetts Bay, between 1761 and 1772, not published until 1865; and 1 Dallas, which contains cases argued in the courts of Pennsylvania from 1754 to 1787, published in 1790.

The colonial lawyer had but few books to refer to, and these were English. Text books, in the Modern sense, that is treatises on special topics, were rare. It was the period of abridgments such as Bacon's, Viner's and Rolle's, and of commentaries such as Coke, Wood, Plowden and Bracton. Of reports, Coke, Salkeld, Strange, Lord Raymond and Modern, were most frequently cited.

The first American text book of which the writer has found any mention is George Caine's *Lex Mercatoria Americana*—"An Inquiry into the Law Merchant of the United States on Several Heads of Commercial Importance." Published in New York, 1802. In 1811 appeared a treatise on Principal and Agent by Samuel Livermore, and in 1816 Reeve's *Law of Baron and Feme*. Kent's *Commentaries* appeared in 1826. It is noticeable that in the review of legal publications, given as advice to students, in the 22d lecture of the first volume of Kent's *Commentaries*, not a single American book is mentioned. Joseph Story's first book was "A Selection of Pleadings in Civil Actions," published in Salem, Massachusetts, in 1805. His better known series of books appeared in the years 1830-1845. The first American work on corporations was that of Angell and Ames, 1832. After this time American law books became plentiful, but the deluge of reports and text-books did not set in until after the close of the late war.

St. Louis, Dec. 12, 1894.

G. A. F.

"The American Digest v. Reports."

UNDER the above caption the Legal Intelligencer of November 1st prints the following spirited reply to a letter which raised a cry against the "Insatiable press" for printing so many Law Reports,—the cry so often raised, and answered so often and so futilely. The Intelligencer says:

"We print below the wail of an anxious Martha, touching the necessity of reading the annual out-put of the American Reporter.

"We have searched diligently through the Pamphlet Laws from 1 Smith to P. L. 1895, and can find no Act of Assembly which requires the American lawyer to read all the American decisions. Moreover, there is nothing in the common law which requires it. The American lawyer is not a fool; hence, he will not attempt it. It follows, therefore, that the lightning calculation of our correspondent is waste pow-

der. *The American Digest for 1895, published by the West Publishing Company, containing, in 5447 pages, a Digest of all the Decisions of all the United States Courts, the Courts of Last Resort of all the States and Territories, and the Intermediate Courts of divers States, including New York and Pennsylvania among others, admirably arranged with every labor-saving device and illuminated by sign boards, so that a wayfaring man, though a fool, need not err, in great measure relieves the anxious brother from the theoretical task which he places before the profession, and which, practically, no one thinks of performing.*

* * * * *

"The digest maker has his own troubles with the mass of decisions, but we do not know and have not heard of any practicing lawyer who felt himself swamped, if we may mix the metaphor.

"The profession is always a debtor for a good digest, and a good one is the *American Digest*. Equipped with that, the 'lighting calculator' and 'anxious Martha' may look with complacency on the ceaseless out-put of 'the judicial law factories,' and devote themselves to the much more profitable occupation of studying the decisions of the courts of last resort of Pennsylvania."

There is sound sense in that, as there generally is in the Intelligencer's editorial remarks. The "press" does not originate the opinions,—it only publishes them; the thing which it does originate is the Digest.

The Art of Reviewing.

IF it wasn't Holmes it was someone else who once said that next to reading a good book he enjoyed reading a good review of a good book. There are many who will agree with him, and yet it is a notable fact that the majority of reviews are not worth reading. They are written hurriedly and carelessly, by men who form a hasty opinion from external evidences and condemn or applaud the book from a priori reasoning entirely. Sometimes the result is merely one of the colorless notices which do no one either good or harm. Sometimes much injustice is done the author.

A friendly reader of Law Book News has written the following skit to illustrate the tone and temper manifested in some of these ex parte reviews. He admits that it may possibly show some slight trace of exaggeration, but insists that artistically it is entirely truthful:

"We turn from the exacting demands of our large and growing practice to review Brown on *Obiter Dicta*. Our suspicions are immediately

excited by the position of the red label on the second volume. We are convinced that this very necessary feature of the book has not been put on squarely and this conviction has been more than confirmed by the opinion of our office boy. This defect may not perhaps extend through the whole edition but we are left to our inferences in the absence of any proof on the subject. We understand that Mr. Brown is an industrious and painstaking student and under the circumstances are somewhat surprised that he has allowed himself to slip up so lamentably in a matter which any tyro should be careful to avoid. The unfortunate presumption created by the label is more than strengthened by the binding. The material is unquestionably skiver. We know whereof we speak. Our maternal grandfather was a tanner and the environment of our childhood taught us many things. Were it sheep it would be far from satisfactory. Hog is the only fit dress for a legal treatise. The fact that hog is never used does not in the least detract from the merits of this criticism. It is obvious that a book bound with this material could not consistently fail to be replete with matter and fairly bristle with authorities. On turning to the printed page we experience a great disappointment. We observe that these publishers still cling to the obsolete 'nick' in their form of type and continue to ignore those nonpariel effects which so significantly characterize our late work on 'Smash-Ups and Signal Stations.' In this matter we feel that our foot is on firm ground, for our revered father was a tramp printer for many years and was wont upon the occasions of his infrequent visits to the tannery to impart to our youthful understanding the results of his laborious experience.

"Concerning the text of this book we have but little to say. We confess that we are not encouraged to go farther. Brown's performance with the types has disappointed us and his adoption of skiver shows a painful lack of editorial discrimination. The book may be of use to one who can look beyond the type to the matter but we confess that we ourselves shall have no occasion during the whole period of our professional career to refer to it in our practice.

"We would state in conclusion however that we fail to note in the table of cases cited the leading authority of *Kicker v. Balker*, 1 Common Pleas Advocate, 40. This case the profession will remember was one of great local interest, being maintained on both sides by eminent patrons of the bar and men of great wealth and pronounced individuality. In our argument for *Kicker* it will be recalled that we exhausted all the authorities, in conjunction with the patience of the court and the resources of our client. It is true that this case on appeal was awarded, with a brief per curiam, in favor of *Balker*, but this fact should not blind the perceptions of the true student of the law to the grave principles that were at stake in that protracted controversy. A very full discussion of this case will be found in our comprehensive work on 'Smash-Ups.'

"We commend the courage of the publishers in producing a work at this late date which ignores the manifest advantages of hog binding and fails to cite a case which has become a part of the local annals of our community. We trust that with wider experience these new aspirants for professional support will in time learn to turn their energies to a more useful and profitable account.

"We would also note in passing that certain cases are cited which are not as yet to be found in the latest volumes of the State Reports. This feature is certainly of questionable value and tends to pad a book which would seem at first glance to have already outgrown the physical limits of its subject. We certainly prefer not to know of such cases unless accidentally advised of them by some brother practitioner, and in such an instance it is much more satisfactory, despite the expense, to procure the opinion in manuscript under the certificate of the clerk of the court. Etc., etc., etc."

Healthy Optimism.

THE New York Law Journal shows as much discrimination in its appreciation of poetry as in its views of matters more technically legal. For the sake of both, we are glad to quote the following paragraphs, written to offset the dolorous forebodings of those who are always morally certain, whenever an occasion for criticism arises in the administration of the world's affairs, that, this time, at any rate, the crazy old planet is going to smash on a down grade. They don't seem to realize that, if it should go, they and their pessimism would have much to answer for:

"We have enumerated some of the more prominent incidents which tend to make the prospect for the administration of justice under the law seem discouraging. But, being optimistic as to this, as on most subjects where human progress is concerned, it may not be out of place to quote a few lines by Arthur Hugh Clough, which are appropriate for moments of despondency:

"'Say not, the struggle nought availeth,
The labor and the wounds are vain;
The enemy faints not, nor faileth,
And as things have been they remain.

"'If hopes were dupes, fears may be liars;
It may be, in yon smoke concealed,
Your comrades chase e'en now the fliers,
And, but for you, possess the field.

"'For while the tired waves, vainly breaking,
Seem here no painful inch to gain,
Far back, through creeks and inlets making,
Comes silent, flooding in, the main.'

"From the outlook of the immediate present the utility, for purposes of substantial justice, of the organized institutions of the law may be at ebb tide. But we have faith to believe that the existing condition is merely an illustration of the phenomenon of action and reac-

tion which seems to characterize all social as well as physical development. One who reads many hundred cases in different States in the course of a year realizes that, as a prevailing rule and on a stupendous scale, justice is done through the direct agency of the Courts, and by their authority in controversies that never reach them, and that great established principles and the settled legal habits of the people are no more disturbed by a series of failures of justice in particular cases, than the depths of the sea are stirred by squalls at its surface."

A Law Student's View.

RICHARD F. Beausay, writing in the *Students' Helper* of matters pertaining to law students, in which class he enrolls himself, says, concerning books:

"The law publishers all prepare well arranged and well digested catalogues of their own and other books, and the student can supply himself with these gratis. Some of these catalogues are quite elaborate, and contain many things of immense value both to the student and the practicing lawyer. When the student is once admitted and his practice begins to grow, I understand that one of his greatest difficulties to overcome is not so much to know what the law is as to know where it is. This simple system of bibliography which the student may follow in the law catalogues will give him an acquaintance with the old and new authors, will make him familiar with the text-books on all the subjects in the ancient and the modern law, and will help to relieve much of the pressure that comes on him in the rush of active practice. It has been said that books are the lawyer's tools. This is evident. It is also true that it is the library that molds the character of the man as a lawyer. The student who is ambitious to be great in his profession must have, for one thing at least to make him so, either a great library of books or a library of great books. The student, as he reads and progresses, should collect a library the qualities of which are as excellent as his ambition is broad."

Announcements.

[Publishers and others are invited to send news regarding law writers and law books, and any items of interest to legal bibliography.]

A new (eighth) edition of Shaw's *Parish Law*, revised by J. Theodore Dodd, will soon appear from the press of Shaw & Sons, London.

The final volume of Judge Thompson's great work on *Private Corporations* will be issued during the present month by the Bancroft-Whitney Company.

A new (tenth) edition of *Wharton's Criminal Law*, in two volumes, revised by William Draper Lewis, will soon be published by Kay & Bro., Philadelphia.

William Hodge & Co. (Glasgow) have in press a *Digest of Cases* decided in the sheriff courts of Scotland prior to December 31, 1894, compiled by George Guthrie.

Volume 9 of the series of *American Criminal Reports*, by Judge John Gibbons, of the circuit court of Illinois, will soon appear from the press of Callaghan & Co.

Mr. Edward F. Pugh, one of the editors of the fifth edition of *Dunlap's Book of Forms* (Pa.), is now preparing a new (sixth) edition of that work, which will soon be published by Kay & Bro., Philadelphia.

The F. H. Thomas Law Book Company announces for publication in November, "*Ballments*," by John D. Lawson, a companion to the author's work on *Contracts*.

Callaghan & Co. (Chicago) have in press a two volume treatise on "*The Law of Divorce, Separation, and Annulment of Marriage*," by William T. Nelson, of the Omaha bar.

The second volume of the *Northeastern Digest*, covering Vols. 31 to 40, *Northeastern Reporter*, and giving references to the *State Reports* as far as published, will be issued early in December.

The Carswell Company (Toronto) announce, as in press, the "*Ontario Law Index*," embracing all the legislation of the province down to and including 1895, prepared by Harris H. Bligh, librarian of the supreme court of Canada.

Remick, Schilling & Co. (New York) have in press volume 2 of their series of *American Negligence Cases*, prepared and edited by T. F. Hamilton, of the New York bar. This volume is devoted to cases under the law governing carriers of persons.

Kay & Bro. (Philadelphia) have in press volume 4 of *Brightly's Digest of Pennsylvania Decisions*, prepared by Frank F. Brightly. This volume will comprise all of the decisions of the supreme court and county courts of Pennsylvania during the period covered

by volume 124 to 170 of the Pennsylvania State Reports.

W. H. Anderson & Co. announce a new Ohio Digest in two volumes, covering the supreme and lower court decisions of Ohio, as reported, from the earliest times down to July 1, 1895. It has been prepared by Judge Clement Bates, of the Cincinnati bar. One of the features mentioned is the consolidation of decisions covering the same point.

The theory of the Australian land transfer system will be made more comprehensible by the publication of "The Transfer of Land Act 1890, with notes thereon, and a comparative table of the whole Australian land transfer acts," announced to be issued from the press of Charles F. Maxwell (Melbourne) in October. The work has been prepared by F. G. Duffy and J. G. Eagleson, both of whom are known already as legal writers. It is not only a text-book, but a book of reference to the Australian cases on the subject (some 400), which have been digested and placed as notes under the appropriate sections. There is a chapter dealing with the origin, history, objects, and benefits of the Australian land transfer system, and containing a comparison of that system with those which it superseded. As there is much interest in the Torrens system in this country,—as shown by its recent adoption in Illinois,—the work will probably prove a valuable one in the United States.

The second edition of Dos Passos on Direct and Collateral Inheritance, Legacy, and Succession Taxes, which is announced for publication by the West Publishing Co. by the end of November, will be of especial interest to lawyers in the states where statutes on the subject have already been passed, (as New York, New Jersey, Pennsylvania, Massachusetts, Maine, Ohio, Connecticut, Maryland, California, and Illinois), and also in the states where the subject of general taxation for state and government purposes is a live question. It is constantly becoming more generally such a question, and some system of inheritance tax is frequently adopted as the answer. The new edition of the work has been prepared by the author, and indicates the changes in existing laws and the extension of the subject since the publication of the first edition in 1890. It gives a history of inheritance taxes, discusses the nature of a tax, exemptions, various kinds of estates, the duties and liabilities of the various public officers connected with the matter of taxation, remedy and practice, and closes with an appendix of statutes and another of forms.

Law Book Notes.

Kay & Bro. (Philadelphia) have just published, in pamphlet form, the Rules of the Superior Court of Pennsylvania.

The "Quizzer" series of the Collector Publishing Company (Detroit) has been increased by the recent publication of a "Quizzer on Evidence."

A supplement to the twelfth edition of Brightly's Purdon's Digest for 1895, by Frank F. Brightly, of the Philadelphia bar, has just been issued by Kay & Bro. (Philadelphia).

Sweet & Maxwell (London) have just published the second edition of Sir Robert Phillimore's Ecclesiastical Law of the Church of England, by his son, Sir Walter Phillimore.

A second edition of Gillett's Criminal Law, revised and enlarged by the author, Judge John H. Gillett, of the circuit court of Indiana, has recently been published by Callaghan & Co.

Stevens & Sons (London) have recently published a new (sixth) edition of "Palmer's Company Precedents," by F. B. Palmer, assisted by Charles Macnaughton and Arthur John Chitty.

T. & J. W. Johnson & Co. (Philadelphia) have recently published a Digest of volumes 1 to 15 of the County Court Reports (Pa.), representing about 3,750 cases, properly classified, with cross references, etc.

The Lawyers' Co-operative Publishing Company (Rochester, N. Y.) has just added to its series of works on Negligence of Imposed Duties a volume of 1,200 pages on "Carriers of Freight," by Charles A. Ray.

Tyser's "Law Relating to Losses under a Policy of Marine Insurance" is published by Stevens & Sons (London), and not by Chas. F. Maxwell, as was erroneously stated in the September Law Book News.

Frederick D. Linn & Co. (Jersey City) published, on October 1st, an Index-Digest of the first 16 volumes of the Criminal Law Magazine and Reporter, covering the period from 1880 to 1894, edited by Stewart Rapalje.

The Boston Book Company has recently issued a new (second) edition of "Restraints on the Alienation of Property," revised and enlarged by the author, John Chipman Gray.

The work is said to contain 50 per cent. more matter than the first edition, which appeared in 1883.

A new edition of the Rules and Forms of the Orphans' Court (Philadelphia), compiled by A. J. Fortin, first assistant clerk of the court, and annotated by Luther E. Hewitt, has recently been published, under the authority of the court, by the Legal Intelligencer, Philadelphia.

"The Law of Marine Collisions," a treatise on the law governing the navigation of vessels upon the high seas and inland waters, and the rights and liabilities arising on account of collisions between vessels, by Herbert R. Spencer, of the Duluth bar, has just been published by Callaghan & Co., Chicago.

The West Publishing Co. has just published Fisher's Criminal Cases, which is a collection of cases following the subject arrangement of Clark's Criminal Law. It contains practically the same cases that make up Clark's Criminal Cases, but they are here published without the annotations which make an important part of the larger and more expensive volume.

Baker, Voorhis & Co. (New York) have recently published a new (second) edition of Russell's "Outline Study of Law," by Prof. Isaac Franklin Russell, of the University of the City of New York. This work is designed as a first book of law for students. The first edition was published in 1894, and was noticed in Law Book News vol. 1, page 307, and vol. 2, page 119.

Among the books issued by West Publishing Co. in November are Dembitz on Land Titles, 34 New York Supplement, 57 Minnesota Reports, Jaggard on Torts (in the Hornbook Series), Fisher's Criminal Cases, Mechem's Cases on the Law of Damages, Mechem's Cases on the Law of Succession, Hutchins' Cases on Equity Jurisprudence, Vol. 68 Federal Reporter, Vol. 14 C. C. A. Reports, Book 18 Federal Cases, Vol. 22 Southeastern Reporter.

The Carswell Co. (Toronto) has just published a "Ready Reference Guide to the Statutes of Canada," compiled by F. K. Blatch. The work begins with the Revised Statutes of 1887, and includes all subsequent acts, whether new, amending, or repealing; and it is intended to be made perpetual by the publication of annual slips containing the acts of each successive session, to be pasted in the original volume.

A treatise on the "Law of Roads and Streets in Pennsylvania," by Prof. Trickett, of the Dickinson Law School, was announced for October publication, by T. & J. W. Johnson & Co. This work undertakes to give the law of the state relative to all classes of roads, streets, and bridges, as it has been established by the legislature and the courts, and also a complete collection of forms used in proceedings relative to roads, streets, and bridges.

One of the queerest examples of enterprise in law-book publishing which has come to our notice is the announcement, by the Edward Thompson Company, that they will issue a new edition of their "American and English Encyclopædia of Law," before the first is finished! They propose to give a new volume for the corresponding old one and five dollars! This is certainly an unprecedented attraction, and can be repeated indefinitely.—Green Bag.

The list of books of illustrative cases published by the West Publishing Co. has been increased not only by Fisher's Criminal Cases, referred to elsewhere, but by "Illustrative Cases in Equity Jurisprudence," selected by Prof. H. B. Hutchins, of the Law Department of the University of Michigan; and by "Cases on the Law of Damages," and "Cases on the Law of Succession" (the latter chiefly selected from Reeves' Cases on Wills and Abbott's Cases on Descent), both especially selected for use in connection with Prof. Mechem's lectures at Ann Arbor.

Remick, Schilling & Co. (New York) have recently begun the publication of a series of "American Negligence Cases," which is designed to cover, in about 15 volumes, the entire case law of negligence. The editorial work is in the hands of T. F. Hamilton, of the New York bar. A topical arrangement will be followed. Volume 1 of the series, containing cases under the law of negligence as to animals, bailments, and carriers of persons, is now ready for delivery. Volume 2, completing the topic of carriers of persons, is in press.

"Morgan's Digest of the U. S. Tariff and Customs Laws," compiled and edited by Charles H. Morgan, of the Baltimore bar, and Messrs. Samuel T. Morgan and William H. Masson, customhouse brokers, has recently appeared from the press of the Daily Record, Baltimore. The preparation of the notes for this work involved the examination of more than 12,000 decisions of the treasury

department, covering a period of 34 years, and over 3,000 decisions of the board of general appraisers, together with numerous decisions of the United States courts.

W. H. Anderson & Co. have just published the work already announced on Administration and Settlement of Estates in Indiana, by W. W. Thornton and Frank H. Blackledge. Mr. Thornton is already known as the author of works on Wills, Gifts, Railroad Fences, Municipal Law, Annotated Practice Forms, etc. The present work is prepared with special reference to the law and practice in the courts of Indiana; and it purports to cite, discuss, and apply every statute and decision of that state bearing on any branch of the subject. Special attention is given to the subjects of the administration of insolvent estates, voluntary assignments in trust for creditors, guardianship and infancy, etc. A large number of forms are presented.

Mr. Irving Browne in his "Easy Chair" Department of the Green Bag, says, apropos of "the announcement of the West Publishing Company of 'The Century Digest,' containing an abstract of all the American decisions for the century, taken from forty-six hundred volumes, and numbering half a million!" "Brethren, there is time to fly! The ferry facilities from Buffalo to Canada are ample. Let us escape from this hellno librorum!" But the reports and the cases are here already. Won't the Easy Chair be more comfortable in Buffalo, after the Century Digest is on the book-holder beside it, than now, when its occupant has to get up and wrestle with the forty-six hundred volumes and the half million cases in all their "bulky" horror?

"Cowdery's Forms and Precedents," compiled by J. F. Cowdery, has just been issued by the Bancroft-Whitney Company, San Francisco. This work contains more than 1,100 legal forms, together with notes, citations, etc., showing their application to the codes and statutes of Arizona, California, Colorado, Idaho, Montana, Nevada, North Dakota, Oregon, South Dakota, Utah, Washington, and Wyoming. The forms are classified as (1) miscellaneous forms, including such as affidavits, bonds, deeds, leases, wills, etc.; and (2) court forms, of which nearly 900 are given, covering every kind of court proceeding, civil or criminal. The forms are complete, fictitious names and facts being used, instead of leaving blank spaces, as in skeleton forms.

There are several points in connection with Judge Van Fleet's Former Adjudication, re-

cently published, which deserve especial commendation. The title is one of them. "The Law of Former Adjudication" is a vast improvement upon the more pedantic but common title, "Res Judicata." The table of "reports cited" is another. It shows just what volumes have been covered by the author in his investigations, and so enables the reader to tell at a glance where he must begin his hunt for the "late cases" which always haunt the path of a text-book. We notice in this table a number of Indian Reports. The way to these was doubtless opened—as indeed is indicated in the preface—by Rai Hukm Chand's Res Judicata, published last year, and noticed in Law Book News for August and October, 1894. The incorporation of these references in the latest American work on the subject is another evidence of the growth of cosmopolitan law.

A very strong feature of Judge Van Fleet's work is the parallel citation of the Reporters and the Reports. In this he follows the approved plan of most modern law writers. The Reporters are commonly used throughout the country, and in one sense the value of a cited authority is doubled when the difficulty of looking it up is halved.

Miscellaneous Notes.

The Central Law Journal for October 25th contains a valuable annotated article on "Abstracts of Title," by Percy Edwards.

Hon. Seymour D. Thompson contributes to the Central Law Journal for October 18th an important annotated article on the "Liability of Corporations for Exemplary Damages."

The Albany Law Journal for October 5th publishes a paper by W. P. Prentice on "The New Constitution of New York in Relation to Prison Labor," read before the American Social Science Association at Saratoga September 3.

The First Annual Report of the Pennsylvania Bar Association, a substantially bound volume of nearly 450 pages, has just been issued from the office of the Legal Intelligencer (Philadelphia). The report contains a number of important papers by prominent members of the Eastern bar.

A report of the proceedings of the twelfth annual meeting of the Minnesota State Bar

Association, held at St. Paul, in September, together with a few of the leading addresses, and half-tone portraits of the officers of the association, appear in the Minnesota Law Journal for September.

"The Assignability of Actions for Tort," by L. M. Ackley; "Citizenship—Its Evolution," by Boyd Winchester; and an interesting description of Gray's Inn, under the general heading "Inns of Court," by Elliott Anthony, fill the contributor's department of the Chicago Law Journal for September.

The Kansas City Bar Monthly presents a very persuasive letter of introduction to the world in the appearance of its first number. It is most attractively printed, and the contents are deserving of the dress. It is published as the official paper of the Kansas City Bar Association, and will give to the public the papers read before that association each month.

The Law Students' Helper for October contains portraits of three legal authors of considerable note,—Thomas M. Cooley, James Burrill Angell, and Emlyn McClain,—together with biographical sketches of the two last named. The portrait of Judge Cooley was taken from a photograph of the bust recently presented to the Law Department of the University of Michigan by the Law Class of '95.

According to the Collector and Commercial Lawyer, the following comes from a recent college address by Hon. John J. Ingalls:

The three main avenues to that which the ambitious and aspiring regard as success in this age—money, fame, influence and power—are law, journalism and railroad management. The leader of the bar in the metropolis, the proprietor of a great independent daily newspaper, the management of a solvent trunk line railroad system, have at their command the richest prizes and rewards, from a material and practical worldly point of view, that the nineteenth century affords.

Even in South Africa, matrimony, law, and human perversity seem to play the same three-handed game as elsewhere. In a recent number of the Cape Law Journal, the standard legal magazine of the South African states, we find a long and earnest discussion of the question, "Can a Deserted Spouse, Without having Obtained a Divorce, Apply to the Court for Leave to Re-Marry?" Had South Africa a few of our improved American facilities for manufacturing divorces, perhaps this question would soon lose most of its vitality.

The Green Bag for October contains an interesting biography of "The Great Commoner," written by Henry Coyle, and introduced by a full-page portrait of Mr. Clay; an historical sketch of the supreme court of Maine, by Charles Hamlin, with full-page portraits of Prentiss Mellen, Nathan Weston, and Ezekiel Whitman, the first three chief justices of that court; "The Malta War in Court," an article by George J. Varney dealing with an event in the early judicial history of Maine; together with other contributed and selected matter, notes of cases, etc.

"Suggestions for a Practical Law Digest" is the title of a paper read by Benjamin Trapnell before the West Virginia State Bar Association last February, and since published as a little pamphlet. The writer had especially in view a digest of the West Virginia Reports, but the principles which he enunciates are essential in all good digest-making. As Mr. Trapnell gained his technical knowledge upon the staff of the American Digest, he is able to present, with the force born of knowledge and conviction, the theories which govern that Digest, as distinguished from others.

The November Harvard Law Review publishes in full an interesting paper by James Bradley Thayer on "The Teaching of English Law at Universities," read before the American Bar Association at Detroit on August 27th. In the same number, Mr. J. Lowell discusses the law of General Average, as presented in the recent decision of the United States supreme court in the case of *Ralli v. Troup*, 15 Sup. Ct. 657; and Mr. Francis R. Jones reviews, in an annotated article, some of the features of *Pollock v. Farmers' Loan & Trust Company*,—the immortal "Income Tax Case,"—15 Sup. Ct. 673, 912.

Mr. F. J. Stimson has written a "Handbook to the Labor Law of the United States," which is published by Charles Scribner's Sons. It is less a law text-book than a popular handbook to the law of labor, employers' contracts, strikes, boycotts, and the relation of wage earners both to ordinary employers and to railway and other corporations and trusts, as it exists in the several states of the Union to-day. The author is one of the Board of Commissioners appointed to consider means to establish uniformity of statute law, the work of which was referred to in Law Book News for March. He is well known to the legal profession as the industrious compiler of "American Statute Law," and is also the "J. S. of Dale" of general literature.

The St. Paul Dispatch reports that the plaintiff in a land-contest case at St. Cloud, Minn., recently filed with the clerk of the United States land office in that city an affidavit of the death of the defendant, alleging, among other things, that he does not know "her present post-office address or whereabouts!" A local physician then sets at rest all possible doubt of the death of the party, by the following affidavit:

This is to certify that Sarah Langen, supposed to be single, died on Feb. 8, 1895. I have no memorandum stating just the cause of death, and I have had more to think about in caring for the living than thinking about the dead. However, I am quite certain that she is dead, and have certified to that fact at least once before. She was a patient of mine, and that ought to at least give me authority to know whereof I speak, and possibly that ought to be sufficient guarantee that she is dead.

Canada has a few remarkable things left. One of them is a thirst for professional honors, which has given at least one of her large cities three times as many lawyers, according to population, as can be found in Chicago. Another is a state of affairs in the metropolis of the dominion which permits an advertisement like this to find way into one of its evening papers: "Wanted, a lawyer who can, without prejudice, conduct a lawsuit on its merits against the O. E. Ry. Co. G. McNeill, 61 Sussex street." Perhaps our Canadian brethren do not lack enterprise; but down here, in the jurisdiction of the American eagle, where professional enthusiasm runs so high and competition is so active that—it is said—a lawyer sometimes beats the doctor to the scene of a street-car accident, we can only gape with wonder at a city where clients must advertise for lawyers!

A Worcestershire correspondent writes us:—It is an old, old question, "What is the cause of the sometimes reckless, sometimes deliberate untruthfulness of witnesses—especially the practised witnesses, the people who are used to the touch of the Court testament, polished, hygienically, by contact with all kinds of lips, and, morally, by association with every variety of lie?" His Honour Judge Chalmers has recently contributed an article to the *Law Quarterly Review*, which outlines sundry answers to the question; but I happened upon one a few days ago which appears even more to the point than any of the learned judge's suggestions. I had occasion to swear an affidavit in the Kidderminster County Court office, and, with a view of carrying away as few microbes as possible, I unfastened the brass clasps of the oft-osculated little testament, in order to kiss one of the pages rather than the cover. Upon the page at

which I opened it, some official (probably a whilom clerk in a public library—they always do it) had impressed the seal of the Court. Was it chance, or design, that had directed his hand? No; it must have been inspiration—none greater in the volume. For underneath the seal was the 25th verse of the tenth chapter of St. Luke, "And behold, a certain lawyer stood up, and tempted him."

—Law Notes.

The address of the Hon. L. G. Kinne, one of the judges of the Supreme Court of Iowa, before the Iowa State Bar Association, has been published in pamphlet form. Judge Kinne tells "How the Supreme Court Disposes of Cases," and discusses "Expert Testimony." He sums up his views in the following practical suggestions:

"First. I would prohibit the use of experts as to handwriting, except where the testimony relates to a science, such as ascertaining by a chemical analysis the age of the writing, or quality or kind of ink in which a signature is written. In other words, I would do away entirely with the so-called experts who testify to the genuineness of a signature by a comparison of handwritings, only. Our court has said, in substance, and repeatedly, that this sort of evidence is the weakest possible testimony, and such is the universal opinion. Every lawyer knows from observation and experience that such evidence is the merest sort of guesswork; it does not deserve to be classed as evidence at all, and should be rejected.

"Second. Provide that in any case where it is proper to call an expert that he or they shall be selected by the court without any previous notice to the proposed witness, the parties, or attorneys.

"Third. The examination in chief of all experts to be conducted by the court, the parties having the right, under proper rules, to cross-examine.

"Fourth. The number of such witnesses to be limited by statute.

"Fifth. All hypothetical questions upon which experts are to be asked to give an opinion, when they are lengthy and embrace many facts, to be submitted to the court, jury, and witnesses in print, or in typewritten form, and the jury to be permitted to retain and take copies of same to their jury room when they retire for deliberation.

"Sixth. Provide by statute that all wills ninety days or more old, and which have been published in a newspaper of general circulation for two weeks, the last publication to be made so as to allow of sixty days time thereafter in which to commence proceedings to contest the same, shall, after the expiration of said time, and in the absence of proceedings begun within the time provided to contest them, be in all cases, and as to all persons, indisputable upon the ground of fraud and undue influence, if executed in conformity to law."

Much has recently appeared in law journals relative to the propriety and the best method of criticising the judiciary; all of which has grown out of two questions on these topics recently addressed by the editor of the *National Corporation Reporter* to a number

of supreme judges. That it would not take the American daily newspapers long to settle the whole matter may be reasonably inferred from the following quotation from the San Francisco Examiner, which we reprint from the American Law Review:

The supreme court of California may justly fear for its laurels. The reputation it has laboriously built up by its startling methods of interpreting whole clauses out of the written statutes and reversing the principles settled by a long line of precedents is in danger. It is to be admitted in behalf of our supreme court that such masterly exploits as the decision in *Hunt v. Ward*, the two contradictory decisions in the *Sharon Case*, the somersault in the *Wallace Grand Jury Case*, and others that might be mentioned, cannot well be surpassed. Yet the latest ruling of the Wisconsin supreme court is one that may well put our judges on their mettle. The brief summary of the case telegraphed to the press may not cover the points with legal accuracy, but the facts are substantially as follows: A. was convicted for murder, and sentenced to imprisonment for life. B. thereupon married A.'s wife, conviction of felony with life imprisonment divorcing the parties to a marriage under the Wisconsin law. A. appealed to the supreme court, which granted a new trial, and set aside the judgment of conviction. A. thereupon had B. arrested for adultery, of which he was convicted. The supreme court now reverses this conviction also, on the ground that A.'s conviction granted an absolute divorce, and that B.'s marriage was therefore legal. The court has thus declared (1) that A. was not convicted,—the law being violated in the trial no conviction could be had,—and the verdict was set aside; and (2) that A. was convicted, for only a lawful conviction could work a divorce under the statute. It will be agreed that this sets a mark in the way of extraordinary decisions that it is difficult to pass. Yet every loyal Californian will stake his money on our own supreme court. We cannot doubt that it has the ability to make a showing that will put the puny jurists of the Badger state in the position of mere tyros in the art of making the law a jest for the groundings.

Of Collateral Interest.

A new book suitable for the lawyer's general library is a volume of "Recollections of Lord Coleridge," by W. P. Fishback, of the Indianapolis bar, just published by the Bowen-Merrill Company.

The Century Company will publish in November a treatise by Dr. Albert Shaw on "Municipal Government in Continental Europe,"—a work which lawyers interested in municipal reform will doubtless find of more than passing interest.

The Werner Company (Chicago and New York) have published a Guide to Systematic Readings in the Encyclopædia Britannica which must prove valuable both in helping readers to get at the matter in the encyclo-

pædia and in helping the encyclopædia to get to readers. It sketches outlines of courses of reading in history, biography, science, and pastimes, for young people; special courses in astronomy, botany, philosophy, etc., for students and specialists; and further courses for "the busy world," in which the lawyer is given eleven pages. These pages contain classified references to the various articles in the encyclopædia upon matters connected with the history of law, biographical notices of lawyers, accounts of courts and court officers, and articles on special legal subjects. This is perhaps the sort of information that a law student or a well-informed layman wants more than the lawyer does, but at any rate it helps the seeker, whoever he may be, to get at so much legal lore as the encyclopædia may hold. The work has been prepared by Prof. James Baldwin, author of "The Book Lover," and, so far as can be determined from the book itself, it has been skillfully done. It is enough to make the man who does not own the encyclopædia determine to invest in a set at once.

"The Income Tax Decisions as an Object Lesson in Constitutional Construction," is the subject of a paper by Prof. C. G. Tiedeman, of the New York University, recently published by the American Academy of Political and Social Science. The trend of the argument is shown in the following paragraph:

"The learned judges, who have declared the income tax law to be altogether unconstitutional, were impelled to this conclusion, not so much because they believed that an income tax was a direct tax, which was required by the United States Constitution to be apportioned according to the population of the States, but because they were not impressed with the soundness of Mr. Carter's able arguments in favor of the economic value and justice of the income tax law. The required obedience to the written word of the Constitution necessitated the assignment of this strictly legal reason for their departure from the line of decisions to the contrary, and for ignoring the force of *stare decisis*; but the real explanation of their judicial attitude is their profound disbelief in the economic merits of the income tax law."

Other recent additions to the publications of the society are "Sources of American Federation," by Prof. Wm. C. Morey, of the University of Rochester; "The 'Minimum' Principle in the Tariff of 1828 and Its Recent Revival," by S. B. Harding; "The Ethical Basis of Distribution and Its Application to Taxation," by Prof. T. N. Carver; and "The Development of the Present Constitution of France," by R. Saleilles, of the University of Dijon. The pamphlets may be obtained of the American Academy of Political and Social Science, the price being 25 cents a number for all except the last named, which is a double number, 50 cents.

NEW LAW BOOKS.

RECORD OF THE LATEST LAW BOOKS.

[We take pleasure in acknowledging our indebtedness to the Publishers' Weekly, of New York, and the Publishers' Circular, of London, which we use in completing this list.]

N. B. Bindings are in law sheep unless otherwise specified.

Treatises, Etc.

Adjudication.

See "Van Fleet's Law of Former Adjudication."

Administration.

See "Thornton and Blackledge's Administration and Settlement."

Administrators.

See "Iowa Guide for Administrators, Executors, and Guardians."

Allotments.

See "Little's Law of Allotments" (Eng.).

ANSON, Sir W. R. Principles of the English law of contract and of agency in its relation to contract. 8th Ed.; 1st Am. copyright Ed. (Ed. with Am. notes, by Ernest W. Huffcut). New York: Macmillan & Co. 1895. 155 pages. Paper, \$3.50.

ATTORNEYS and Agencies' Association legal directory. V. 5 (Sept., 1895, rev. to Sept. 1, 1895); containing a list of the members and associate attorneys of the association, together with the names of 5,000 other reliable attorneys in the towns and cities of U. S. and Canada, etc. Published semiannually in March and Sept. New York: The Attorneys and Agencies' Association. 1895. 342+120 pages. \$2.50.

BIGELOW, Melville M. Cases on torts, to accompany the editor's work on that subject. Boston: Little, Brown & Co. 1895. 9+602 pages. \$3, net.

Bills of Sale.

See "McHugh's Bills of Sale" (Eng.).

BROWNE, Causten. A treatise on the construction of the statutes of frauds, as in force in England and the United States. 5th Ed., by James A. Bailey, Jr. Boston: Little, Brown & Co. 1895. 125+687 pages. \$6, net.

BRYANT, Edwin E. The outlines of law. Madison: Democrat Printing Co. 1895. 6+415 pages. Boards, \$2.

Canadian Law.

See "Hunter's Torrens Title Cases."

CARROLL, E., Jr. Principles and practice of finance. New York: G. P. Putnam's Sons. 1895. 7+311 pages. Cloth, \$1.75.

CHAMIER, Daniel. Law relating to literary copyright and the authorship and publication of books. London: Effingham Wilson. 1895. 16+159 pages. 5s, net.

Collisions.

See "Spencer's Law of Marine Collisions."

Contract.

See "Anson's Principles of the English Law of Contract."

Copyright.

See "Chamier's Literary Copyright" (Eng.).

COWDREY, Jabez F. Forms and precedents. San Francisco: Bancroft-Whitney Co. 1895. \$6.

Criminal Law.

See "Fisher's Selected Cases."

CROSWELL, Simon G. A treatise on the law relating to electricity. Boston: Little, Brown & Co. 1895. 85+765 pages. \$6, net.

DEMBITZ, Lewis N. A treatise on land titles in the United States. 2 vols. St. Paul: West Pub. Co. 1895. 15+787, 5+868 pages. \$12.00 net, del'd.

Domestic Relations.

See "Schouler's Domestic Relations."

DUFFY, F. G., and J. G. Eagleson. Transfer of land act of 1890. Melbourne: Chas. F. Maxwell. 1895. £1. 11s. 6d.

Ecclesiastical Law.

See "Phillimore's Ecclesiastical Law" (Eng.).

Electricity.

See "Croswell's Law Relating to Electricity."

English Law.

See "Anson's Principles of the English Law of Contracts"; "Chamier's Law Relating to Literary Copyright"; "Glen and Bethune's Streets and Buildings"; "Little's Law of Allotments"; "McHugh's Bills of Sale"; "Palmer's Company Precedents"; "Phillimore's Ecclesiastical Law"; "Taylor's Law of Evi-

dence"; "Scrutton's Merchants' Shipping Act"; "Duffy and Eagleson's Transfer of Land Act."

ERSKINE'S Principles of the Law of Scotland. 19th Ed. By Professor Rankine. Edinburgh: Bell & Bradfute. 1895. 21s.

Evidence.

See "Taylor's Law of Evidence" (Eng.).

Female Offender.

See "Lombroso and Ferrero's Female Offender."

Finance.

See "Carroll's Principles of Finance."

FISHER, S. B. Quiz on international law. St. Paul: West Pub. Co. 1895. 23 pages. Paper, 50c.

FISHER'S Selected Cases on Criminal Law, arranged with reference to Clark's Handbook of Criminal Law. St. Paul: West Pub. Co. 1895. 8+344 pages.

Forms.

See "Cowdrey's Forms and Precedents"; "Pennsylvania Form Book."

Frauds.

See "Browne's Construction of the Statute of Frauds."

GLEN, R. C., and A. A. Bethune. The law regulating streets and buildings in the metropolis, under the London building act, 1894. London: Knight. 1895. 25s.

GNEIST, R. von. History of the English parliament. 4th Ed. London: Wm. Clowes & Sons. 1895. 7s. 6d.

Guardians.

See "Iowa Guide for Administrators, Executors, and Guardians."

HUNTER, William Howard. Torrens title cases, to which is prefixed a summary of Torrens title legislation, by J. Howard Hunter. Toronto: The Carswell Co., Limited. 1895. \$10.

International Law.

See "Fisher's Quiz on International Law."

Intoxicating Liquors.

See "Lush's Local Option Handbook" (Tex.).

IOWA. Guide for administrators, executors, and guardians in Iowa. Davenport: Egbert, Fidler & Chambers. 1895. 33+4 pages. Paper, 25c.

JAGGARD, Edwin A. Handbook of the law of torts. 2 vols. St. Paul: West Pub. Co. 1895. 16+652, 5+655 pages. \$7.50 del'd. (Hornbook Series.)

Justices.

See "Bryant's Wisconsin Justice."

Land Act.

See "Duffy and Eagleson's Transfer of Land Act."

Land Titles.

See "Dembitz's Land Titles;" "Hunter's Torrens' Titles" (Can.).

Law.

See "Bryant's Outlines of Law."

LITTLE, J. B. The law of allotments for the poor and laboring population. 2d Ed. London: Shaw & Sons. 1895. 10s. 6d.

LOMBROSO, Caesar, and William Ferrero. The female offender. With an introduction by W. Douglas Morrison. New York: D. Appleton & Co. 1895. \$1.50.

LUSK, R. M. Local option handbook, treated from a legal standpoint. Bonham, Tex.: Evans & Evans. 1895. 35 pages. Paper, 25c.

M'HUGH, Alfred. Bills of Sale. London: Sweet & Maxwell. 1895. 15s. net.

MOSES, Jacob M. The law applicable to strikes. Baltimore: King Bros. 1895. 62 pages. Cloth, 75c.

Naturalization.

See "Webster's Law of Naturalization."

PALMER, F. B. Company precedents. 6th Ed. Assisted by Charles Macnaughton and Arthur John Chitty. London: Stevens & Sons. 1895. 36s.

PENNSYLVANIA form book; compiled, annotated, and arranged by Louis Richards. 2 vols. Philadelphia: T. & J. W. Johnson & Co. 1895. 6+671+671-1342 pages. Sheep, \$12.

PHILLIMORE, Sir Robert. Ecclesiastical law of the Church of England. 2d Ed. 2 vols. By Walter Phillimore. London: Sweet & Maxwell. 1895. Cloth, £3. 3s.

Practice.

See "Troubat and Haly's Practice."

Precedents.

See "Cowdrey's Forms and Precedents"; "Palmer's Company Precedents."

Probate Law.

See "Scott's Commentary."

RUSSELL, W. H. The hire purchase system. An epitome of the law relating to hire purchase agreements. London: Waterlow & Sons. 1895. 2s. 6d. net.

SCHOULER, James. A treatise on the law of the domestic relations. 5th Ed. Boston: Little, Brown & Co. 1895. 79+829 pages. \$6.

Scott's Law.

See "Erskine's Principles of the Law."

SCOTT, Eben Greenough. A commentary upon the intestate system of Pa., and the power and jurisdiction of the orphans' court. 2d Ed. Philadelphia: Kay & Bro. \$6.50.

SCRUTTON, T. E. The merchant shipping act, 1894. 2d Ed. London: Wm. Clowes & Sons. 1895. 30s.

Shipping Act.

See "Scrutton's Merchant Shipping Act" (Eng.).

SPENCER, Herbert R. The law of marine collisions. A treatise upon the law governing the navigation of vessels upon the high seas and inland waters, and the rights and liabilities arising on account of collisions between vessels. Chicago: Callaghan & Co. 1895. \$7.50.

Streets.

See "Glen and Bethune's Streets and Buildings" (Eng.).

Strikes.

See "Moses' Law of Strikes."

TAYLOR, P. Law of evidence. 9th Ed. By G. Pitt-Lewis. 2 vols. London: Sweet & Maxwell. 1895. 63s.

THORNTON, W. W., and Frank H. Blackledge. Administration and settlement of estates in Indiana. 2 vols. Cincinnati: W. H. Anderson. 1895. \$12, del'd.

Torts.

See "Bigelow's Cases on Torts;" "Jaggard's Law of Torts."

TROUBAT and Haly's Practice; being the practice in civil actions and proceedings in the supreme court of Pennsylvania, in the court of common pleas for the city and county of Philadelphia, and in the courts of the United States. 5th Ed., by Frederick C. Brightly. 2 vols. Philadelphia: Kay & Bro. 1895. \$7.50.

VAN FLEET, John M. A treatise on the law of former adjudication. 2 vols. Indianapolis: Bowen-Merrill Co. 1895. 122+624 pages and 18+859 pages. \$12.

WEBSTER, Prentiss. Law of naturalization in the United States of America and of other countries. Boston: Little, Brown & Co. 1895. 20+403 pages. \$4, net.

BRYANT, Edwin E. A treatise on the civil and criminal jurisdiction of justices of the peace, and the powers and duties of constables in executing process, in the state of Wisconsin. 5th Ed., adapted to the legislature of 1895. Chicago: Callaghan & Co. 1895. 11+1049 pages. \$6.50, net.

Reports.

ALABAMA supreme court reports. V. 102; containing cases argued and determined during the Nov. term, 1893. Phares Coleman, reporter. Montgomery: Roemer Printing Co. 1895. 18+806 pages. \$2.50.

AMERICAN NEGLIGENCE CASES. V. 1; containing "Animals," "Bailments," "Carriers of Persons." New York: Remick, Schilling & Co. 1895. \$6.50, del'd.

CALIFORNIA supreme court reports. V. 106. C. P. Pomeroy, reporter. San Francisco: Bancroft-Whitney Co. 1895. 31+772 pages. \$3.

COLORADO supreme court reports. V. 20. April and Sept. terms, 1894, and Jan. term, 1895. T. M. Robinson, reporter. New York and Albany: Banks & Bros. 1895. 20+623 pages. \$5.

DISTRICT OF COLUMBIA court of appeals. V. 3. March 9-June 15, 1894. Charles Cowles Tucker, reporter. Baltimore: M. Curlander. 1895. 15+598 pages. \$6.50.

ENGLISH RULING CASES. V. 5; arranged, annotated, and edited by Robert Campbell. American notes by Irving Browne. "Bill of Sale"—"Conflict of Laws." London: Stevens & Sons. Boston: The Boston Book Co. 31+975 pages. \$5.50.

FEDERAL CASES. Book 17; comprising cases argued and determined in the circuit and district courts of the United States. Mendell-Neptune. Case No. 9,418—Case No. 10,120. St. Paul: West Pub. Co. 1895. 1390 pages. \$10, by subscription.

FEDERAL CASES. Book 18; comprising cases argued and determined in the circuit and district courts of the United States. Nereus-Paulina. Case No. 10,121—Case No. 10,847. St. Paul: West Pub. Co. 1895. \$10, by subscription.

FEDERAL REPORTER. Vol. 68; containing cases argued and determined in the circuit courts of appeals and circuit and district courts of the United States. Permanent edition. July-September, 1895. St. Paul: West Pub. Co. 1895. 29+1062 pages. (National Reporter System.) Sold by subscription.

GEORGIA supreme court reports. V. 94; cases decided at the March and Oct. terms, 1894. Peeples & Stevens, reporters. Atlanta: Franklin Printing & Pub. Co. 1895. 16+900 pages. \$3.

ILLINOIS appellate courts reports. V. 58; containing cases submitted at the Aug. term, 1894, of the Fourth district, and the Oct. term,

1894, and the March term, 1895, of the First district. Martin L. Newell, reporter. Chicago: Callaghan & Co. 1895. 707 pages. \$3.50.

MARYLAND court of appeals. V. 78; containing cases in April and Oct. terms, 1893, and in Jan. term, 1894. J. Schaaff Stockett, reporter. Baltimore: William K. Boyle & Son. 1895. 23+665 pages. \$4.

MARYLAND court of appeals. V. 79; containing cases in Jan. and April terms, 1894. J. Schaaff Stockett, reporter. Baltimore: The Friedenwald Company. 1895. 23+600 pages. \$4.

MARYLAND court of appeals. V. 80; containing cases in Oct. term, 1894, and in Jan. term, 1895. William T. Brantly, reporter. Frederick: Baughman Bros. 1895. 26+678 pages. \$4.

NEBRASKA supreme court reports. V. 42. Sept. term, 1894. D. A. Campbell, reporter. Lincoln: State Journal Co. 1895. 53+958 pages. \$3.

NEW YORK state reporter. V. 66, containing all the current decisions of the courts of record of New York state. C. H. Mills, reporter. Albany: W. C. Little & Co. 1895. 12+31+921 pages. \$4.50.

NEW YORK supreme court reports. Vols. 93 and 94 (86 and 87 Hun). Marcus T. Hun, reporter. New York and Albany: Banks & Bros. 1895. 32+703 pages; 26+707 pages. Each \$3.

NORTH CAROLINA supreme court reports. V. 116 (5 Gray); Feb. term, 1895. Robert T. Gray, reporter. Winston: M. I. & J. C. Stewart. 1895. 28+1247 pages. \$2.

NORTH DAKOTA supreme court reports. V. 4; cases from March 3, 1894, to March 20, 1895. J. M. Cochrane, reporter. Grand Forks: Herald. 1895. 8+642 pages. \$3.25.

OHIO supreme court reports. V. 51. Levi J. Burgess, reporter. Norwalk: The Laning Printing Co. 1895. 24+666 pages. \$2.50.

OREGON supreme court reports. V. 26; containing cases between June 26, 1894, and Feb. 11, 1895. Robert G. Morrow, reporter. Salem: W. H. Leeds. 1895. 17+673 pages. \$4.

PACIFIC REPORTER. Vol. 40; containing all the decisions of the supreme courts of Cal., Kan., Or., Wash., Colo., Mont., Ariz., Nev., Idaho, Wyo., Utah, N. M., Okla., and courts of appeals of Colo. and Kan. Permanent edition. May 9–August 29, 1895. St. Paul: West Pub. Co. 1895. 23+1155 pages. (National Reporter System.) Sold by subscription.

SOUTH CAROLINA supreme court reports. V. 42; containing cases of Nov. term, 1893, and April term, 1894. Robert W. Shand, reporter. Columbia: R. L. Bryan & Co. 1895. 8+583 pages. \$6.

SOUTH DAKOTA supreme court reports. Cases decided from the decisions of April 4, 1893, to and including the decisions of Jan. 10, 1894. Robert W. Stewart, reporter. Pierre: Carter Publishing Co. 1895. 22+716 pages. \$2.75.

TENNESSEE supreme court reports. V. 9. Cases for the Western division, Apr. terms, 1893 and 1894; for the Eastern division, Sept. terms, 1893 and 1894; and for the Middle division, Dec. term, 1893. G. W. Pickle, reporter. Nashville: Marshall & Bruce Co. 1895. 24+758 pages. \$3.

TENNESSEE supreme court reports. V. 10. Cases for the Eastern division, Sept. term, 1894; for the Middle division, Dec. term, 1894; and for the Western division, April term, 1895. G. W. Pickle, reporter. Nashville: Marshall & Bruce Co. 1895. 24+772 pages. \$3.

UNITED STATES circuit courts of appeals reports. Vol. 14; containing the cases determined in all the circuits from the organization of the courts. St. Paul: West Pub. Co. 1895. \$3.35 del'd.

UTAH supreme court reports. Vol. 10; cases determined from Jan. term, 1894, to Jan. term, 1895. James A. Williams, reporter. Chicago: Callaghan & Co. 1895. 37+568 pages. \$6.

Statutes, Codes, and Laws.

FRANCE. French civil code, with the various amendments thereto as in force on March 15, 1895. By Henry Cachard. New York and Albany: Banks & Bros. 1895.

ILLINOIS. All the laws of the state passed by the 39th general assembly, convened Jan. 9, 1895, adjourned sine die June 14, 1895. With headnotes and references to the Revised Statutes of 1893. By Ja. B. Bradwell. Chicago: Chicago Legal News Co. 1895. 257 pages. \$2.

MICHIGAN. The school law. By Jason E. Hammond. Lansing: Robert Smith. 1895. 126 pages. Cloth, 25c.

MONTANA. The codes and statutes of Montana in force July 1, 1895, including the Political Code, Civil Code, Code of Civil Procedure, and Penal Code, reported by D. S. Wade, F. W. Cole, and B. P. Carpenter, code commission, as amended and adopted by the

Fourth legislative assembly, together with other laws continued in force. Compiled by D. S. Wade, commissioner. Annotated by Fletcher Maddox. Anaconda: Standard Pub. Co. 1895. 142+1476+62+54; 1188+41+61+262 pages. 4 vols., \$15; 4 vols. in 2, \$13.

NEW YORK. The excise and hotel laws of the state, consisting of the general excise law, statutes relating to excise matters, sections of the town law, the county law, the public officer's law, the statutory construction law, the public health law, the Code of Civil Procedure, the Code of Criminal Procedure and Penal Code relating to excise. By Frank S. Becker and Edwin D. Howe. Rochester: Williamson Law Book Co. 1895. 8+159+26 pages. Old sheep, \$2; paper, \$1.50.

NEW YORK. The fish and game law, providing for the protection, preservation, and propagation of birds, fish, and wild animals, as revised and enacted by the legislature of 1895. Albany: Banks & Bros. 1895. 101 pages. Paper, 50c.

NEW YORK. The general municipal code, as presented by the revision commissioners and passed by the legislature of the state of New York, with amendments, with complete sets of forms and full index following each law. Prepared by W. H. Silvernail. New York and Albany: Banks & Bros. 1895. 922 pages. \$3.50.

PENNSYLVANIA. Rules of the superior court. Philadelphia: Kay & Bro. 1895. 10c.

PENNSYLVANIA. Supplement to the twelfth edition of Brightly's Purdon's Digest, bringing it down to present time. Philadelphia: Kay & Bro. 1895. \$1.

Digests.

AMERICAN Digest. Annual 1895. A digest of all the decisions of all the United States courts, the courts of last resort of all the states and territories, and the intermediate courts of New York state, Pa., Ohio, Ill., Kan., Mo., Tex., and Colo., U. S. court of claims, court of appeals and supreme court of the District of Columbia, etc., as reported in the National Reporter System and elsewhere from September 1, 1894, to August 31, 1895. Prepared and edited by the editorial staff of the National Reporter System. St. Paul: West Pub. Co. 1895. 11+5447 pages. \$8.

OHIO. Digest of every reported Ohio decision of both the supreme and lower courts, from the earliest period to the present time. 2 vols. By Clement Bates. Cincinnati: W. H. Anderson. 1895. \$13.

RAPALJE, Stewart. An index digest of all matter contained in vols. 1-16 Criminal Law Magazine and Reporter (1880-1894). Jersey City: Frederick D. Linn & Co. 1895. 300 pages. \$4.

RAPALJE, Stewart, and Mack, W. Digest of railway decisions. V. 3. "Citizenship" to "Debentures." Northport: E. Thompson Co. 1895. 962 pages. \$7.50.

CONTENTS OF NEW BOOKS.

Ballinger on Community Property.

TITLE PAGE. A Treatise on the Property Rights of Husband and Wife under the Community or Ganancial System. Adapted to the Statutes and Decisions of Louisiana, Texas, California, Nevada, Washington, Idaho, Arizona, and New Mexico. By Richard A. Ballinger, A. B., Judge of the Superior Court, State of Washington. Bancroft-Whitney Co., Law Publishers and Law Booksellers, Seattle and San Francisco. 1895.

EXTRACT FROM PREFACE. The subject considered in this work has never been treated with any view to a thorough and exhaustive presentation of the principles upon which it is founded, or the enunciation of the courts thereon. The system, being an outgrowth of customs and laws entirely foreign, and to some extent antagonistic, to com-

mon-law principles, necessarily fills the mind of one cultured under English jurisprudence with many doubts and perplexities. The community system of property rights, as existing in the states of the Union, has seemed to me to be of sufficient importance to merit a separate treatise thereon. The present work, therefore, has been undertaken with a view of removing, so far as is in my power, such uncertainties as shroud the primitive principles underlying this system, and with the further purpose of giving to the profession a harmonious and succinct statement of the doctrine applicable to the community system existing in the several states. There has, also, been present throughout its preparation a desire to make this work a safe and intelligent guide to lead the practitioner and the courts into a clear and full understanding of the real import of this system of property rights, to the ultimate end that its prin-

ciples may be crystallized into a perfect and clearly-defined branch of our jurisprudence.

TABLE OF CONTENTS.

- Chapter I. Historical Sketch of Community Property, Foreign and Domestic.
- Chapter II. What Property is in Community—Definitions and Characteristics.
- Chapter III. Separate Property of the Members of the Community.
- Chapter IV. Rights, Interests, and Powers of the Spouses in Community.
- Chapter V. Rights of Creditors and Liabilities of the Community.
- Chapter VI. Rules of Evidence and Practice Relative to Community Property.
- Chapter VII. Dissolution and Distribution of Community Property on Divorce and Legal Separation.
- Chapter VIII. Descent and Distribution.
- Chapter IX. Construction of Community Statutes.

Appendix.

Community Property Laws of Louisiana, Texas, California, Nevada, Washington, Idaho, Arizona, Spain and Mexico.
Table of Cases.
Index.

Croswell's Law Relating to Electricity.

TITLE PAGE. A Treatise on the Law Relating to Electricity, by Simon G. Croswell, Formerly of the Law Department of the Thomson-Houston Electric Company and General Electric Company; author of "A Treatise on the Law Relating to Executors and Administrators," and "A Collection of Patent Cases." Boston: Little, Brown & Co. 1895.

FROM THE PREFACE. The rapid application of electricity to various commercial uses has produced a corresponding growth of statutes and adjudged cases, until there has been formed a considerable branch of the law devoted wholly to these subjects.

The aim of this book is to set forth this body of law in its present development.

No previous book contains all the topics discussed in this work, and several important subjects herein contained have never before been discussed in any book.

The idea of this work was suggested to the author by his experience of the need of such a book while one of the law department of the General Electric Company, and this volume has grown from that experience, and is now offered to the profession in the hope that it may relieve at least in some degree their arduous labors in the matters of which it treats.

TABLE OF CONTENTS.

Book I. Incorporation and Franchise.

- Chap. I. Introductory.
- Chap. II. Incorporation.
- Chap. III. Federal Franchise of Telegraph Companies.
- Chap. IV. Franchises or Rights of Way—State Statutes.
- Chap. V. Eminent Domain.

- Chap. VI. Grant of Franchise by Municipal Authorities.
- Chap. VII. Municipal Ownership of Electric Light Plants.

Book II. Construction and Maintenance.

- Chap. VIII. Construction as Affected by Franchise.
- Chap. IX. Construction and Maintenance of Lines.
- Chap. X. Liability of Electric Company to Employes for Defective Construction and Maintenance.
- Chap. XI. Submarine Telegraph Lines.
- Chap. XII. Construction Liens.

Book III. Operation.

- Chap. XIII. Operation of Electric Companies.
- Chap. XIV. Prohibition of Discrimination.
- Chap. XV. Operation of Telegraph Lines—Statutes.
- Chap. XVI. Duty of Acceptance of Message.
- Chap. XVII. Obligation of Telegraph Company to Use Reasonable Care.
- Chap. XVIII. Limits of Duty of Telegraph Company.
- Chap. XIX. Duties of Telegraph Company as to Transmission and Delivery.
- Chap. XX. Contributory Negligence.
- Chap. XXI. Duty of Secrecy as to Telegrams and Other Matters.
- Chap. XXII. Duty as to Connecting Lines.
- Chap. XXIII. Nature of the Liability of the Telegraph Company for Negligence.
- Chap. XXIV. Penal Statutes as to Telegrams.
- Chap. XXV. Special Contracts for Transmission of Telegrams.
- Chap. XXVI. Exemption from Negligence by Special Agreement.
- Chap. XXVII. Limitation of Time for the Presentation of Claims.
- Chap. XXVIII. Measure of Damages.
- Chap. XXIX. Telegrams and Telephonic Communications as Evidence.
- Chap. XXX. Contract by Telegram, and Other Matters.
- Chap. XXXI. Telephone and Electric Light Operation.
- Chap. XXXII. Electric Railway Operation.
- Chap. XXXIII. Taxation.

Dembitz on Land Titles.

TITLE PAGE. A Treatise on Land Titles in the United States. By Lewis N. Dembitz, of the Louisville Bar. Author of a Treatise on Kentucky Jurisprudence. In two volumes. St. Paul: West Publishing Co. 1895.

FROM THE PREFACE. The American law of real estate is, in all its practical workings, the creature of statute:—little else but names and underlying ideas is "common law," and not much more is traditional equity. The American statutes have, indeed, a great family resemblance. But the lawyer, in opening a text-book, does not look for the broad outlines. They are common to the whole country. He looks for those details that will fit the case which he has then in hand, and the state in which the case is to be tried. The law writer must therefore seek to make himself fully acquainted with the statutes of each state, in all their details; in the points, great and small, in which they diverge from each other; and with the de-

cisions in each state which bear upon and interpret these statutes. Among the forty-odd states, several must, of necessity, agree on almost every question, as it cannot be answered either by their legislatures or by their courts in as many different ways as there are states; and, fortunately, there has been much borrowing among law makers and law construers. Yet the variety between state and state seems interminable, and is much aggravated by frequent changes,—statutes amended and repealed, decisions overruled or ignored. The work of arrangement is overwhelming.

But the mass of judge-made law, in its yearly growth, is even more appalling than that of new statutes. The old decisions are never repealed. They are as often ignored as they are expressly overruled, and, even after a decision of the supreme court in any one state has been expressly overruled and thrown aside by the tribunal which first pronounced it, that same decision may be blindly followed by the courts of other states. The raw material of precedents not only grows, but it grows at an ever-accelerated pace.

TABLE OF CONTENTS.

Vol. I.

- Chap. I. Introduction.
- Chap. II. Description and Boundary.
- Chap. III. Estates.
- Chap. IV. Title by Descent.
- Chap. V. Title by Grant.
- Chap. VI. Title Out of the Sovereign.
- Chap. VII. Title by Devise.
- Chap. VIII. Incumbrances.

Vol. II.

- Chap. IX. Title by Marriage.
- Chap. X. Powers.
- Chap. XI. The Registry Laws.
- Chap. XII. Estoppel and Election.
- Chap. XIII. Judgments Affecting Land.
- Chap. XIV. Title by Judicial Process.
- Chap. XV. Title by Prescription.

Jaggard on Torts.

TITLE PAGE. Hand-Book of the Law of Torts, by Edwin A. Jaggard, A. M., LL. B., Professor of the Law of Torts in the Law School of the University of Minnesota. In Two Volumes. St. Paul, Minn.: West Publishing Co. 1895.

FROM THE PREFACE. One purpose of this book is to use and apply such portions of what is known as "Jurisprudence" as are especially relevant to the subject of Torts. The enormous quantity of matter daily ground out by the mills of the law is making it necessary that the practitioner, as well as the student, should again resort to the first principles. The multitude of current authorities increases the necessity of a corrected analysis, and demands a better classification of the law. There is little hope of progression in this di-

rection from its discussion under heads of concrete objects, as dogs, horses, bicycles, ice, beer, shillalahs, or the like.

Another purpose of this book has been to develop the general law of Torts as distinguished from the law of specific or isolated wrongs, and to then apply the general principles thus evolved to torts with conventional names. Specific torts were among the earliest subjects of judicial cognizance. Trespass to lands and persons, libel and slander, conspiracy, and nuisance, are among the oldest heads of the common law. But only within very recent times has the process of generalization been applied to them. Indeed, as Mr. Bishop's personal experience shows, the idea of a book on Torts, as a distinct subject, was a few years ago a matter of ridicule. His criticism on an unnamed American book, that it treated of Torts, not even as a subject, but as a collection of disconnected cases, might be justly extended to many others. The development of the general law of Torts owes its greatest debt to Sir Frederick Pollock. In his treatise on Torts (happily called by Judge Caldwell a "legal classic") he says: "The purpose of this book is to show that there is really a law of Torts, not merely a number of rules about various kinds of torts,—that there is a true, living branch of the common law, and not a collection of heterogenous instances." He accordingly divided his discussion into two parts: (1) The general part, containing principles common to all or most torts; and (2) specific wrongs.

This plan is adopted here, and an attempt is made to extend it by making the discussion of specific wrongs more an illustration and development of the principles stated in the general text than a mere isolated exposition of rulings as to specific wrongs.

Another purpose of this book is to collate and weld together the best of the numerous and diverse contributions to the law of Torts, and to bring the subject down to date.

The recent work of English authors along this line is important and valuable. The contributions of Fraser, Pigott, Innes, Clerk & Lindsell, Ball and Shearwood, and others have most materially advanced the study of Torts as a subject; especially with regard to the evolution of the general law, and the simplification of classification. Much legal learning is to be found in books of leading cases. Also, scattered throughout a score or more of legal publications, are articles of the greatest value. The writer has been impressed with the truth of the proposition that many of the most learned, penetrating, and satisfactory discussions of debatable questions, in the law of Torts at least, are to be found in these comparatively short essays. Some of them have been written by specialists on particular topics, who have investigated their subject with a thor-

oughness impossible to the writer of a general text. Others come as the finished product of trials in court by the most eminent members of the bar, or as the result of dissection by learned teachers in the class room. Finally, the law of Torts has been materially advanced by writers on specific wrongs and collateral subjects. All these authorities and many others have been unsparingly used in the present treatise.

TABLE OF CONTENTS.

Vol. I.

Part I. In General.

- Chap. I. General Nature of Torts.
- Chap. II. Variations in the Normal Right to Sue.
- Chap. III. Liability for Torts Committed by or with Others.
- Chap. IV. Discharge and Limitation of Liability for Torts.
- Chap. V. Remedies.

Part II. Specific Wrongs.

- Chap. VI. Wrongs Affecting Safety and Freedom of Person.
- Chap. VII. Injuries in Family Relations.
- Chap. VIII. Wrongs Affecting Reputation.
- Chap. IX. Malicious Wrongs.

Vol. II.

- Chap. X. Wrongs to Possession and Property.
- Chap. XI. Nuisance.
- Chap. XII. Negligence.
- Chap. XIII. Master and Servant.
- Chap. XIV. Common Carriers.

Webster's Law of Naturalization.

TITLE PAGE. Law of Naturalization in the United States of America and of Other Countries. By Prentiss Webster, A. M., Author of "The Law of Citizenship in the United States." Boston: Little, Brown & Co. 1895.

FROM THE PREFACE. The importance of the question of naturalization—its application and effect on the institutions of the country—must not be underestimated.

The inducements held out to aliens to come to the United States "in order to form a more perfect union, establish justice, insure do-

mestic tranquility, provide for the common defense, promote the general welfare, and secure the blessings of liberty" to themselves and their posterity with "ourselves and our posterity;" the restrictions upon the different races, excluding all but Caucasians and Africans; the statutory rules which guide through the probationary stages to citizenship on the side of the alien, and the duties which devolve on the courts to be satisfied that the requirements have been fulfilled by the alien; the rights and privileges to which the alien accedes when the naturalization is complete, and the protection abroad for which he can make demand,—severally merit careful attention.

Our statutory and other rules have no extra-territorial effect, and are in no wise dependent on any rule which may govern in the country of origin from whence the alien may come; and yet in the practice where the laws of the alien's country do not recognize the right of expatriation, or where there are prescriptions as to the manner in which the alien shall depart, or where certain fixed obligations must be performed, the former alien, although a naturalized citizen, is liable to punishment upon return for violations thereof.

Therefore the observation would seem correct that complete naturalization, in an international sense, exists only, then, when in absolute good faith all the rules which govern emigration from the country of origin and all the rules which govern naturalization in the country to which the alien transfers his allegiance have alike been complied with.

It is not the purpose in the following pages to enter into a discussion of the laws which govern expatriation in this country, nor of the laws of foreign countries which are herewith submitted (received through the Department of State in Washington and from other authentic sources), but to leave the reader by comparisons to draw his own conclusions concerning the present condition of things, and suggest the remedies, if any, which should be applied.

REVIEWS OF NEW BOOKS.

Black's Constitutional Law.¹

**Reviewed by Prof. Henry H. Ingersoll,
Dean of the Law Department of
the University of Tennessee.**

[For contents and other descriptive matter, see page 50, vol. 2, Law Book News; also, other opinions on page 346 of this number.]

As a tribute of respect to a distinguished lawyer of the last generation, whose memory is still cherished by the bar of his state, the Supreme Court Reporter placed a footnote to the last opinion delivered by him as Special Judge, and published post mortem, setting forth appropriately his merits as a lawyer and virtues as a patriot, with the following remarkable peroration: "He had but few equals and no peers." Rising from a perusal of the handbook of American Constitutional Law by Henry Campbell Black, one is tempted to apply to it this original tribute of praise.

Intended primarily as a text-book for the use of instructors and students of law, and prepared to serve that purpose better than any of its American predecessors, this book, in its compass of 550 pages, presents such an excellent review of the leading principles and settled doctrines of American Constitutional Law, so admirably arranged and concisely stated, so pertinently illustrated and well supported by recognized authority, as to make it equally useful also to the practicing lawyer and the general student.

The author has reduced these principles to fundamental propositions—201 in number—printed in bold-face type throughout the book, and explained in a subsidiary text citing the leading text-books and principal cases of the Supreme Courts of the Union and of the various states. Where the proposition is long, involved, of special importance, this subsidiary text is divided into paragraphs, with catchwords, or subheads, in italics, denoting the subject of the paragraph, while the topic of each section is shown in large capitals placed over each rule.

Prefix to the text is a sectional table of contents by chapters, from which one, after slight study, may find the topic sought as readily as from the excellent alphabetical index at the close of the book. At the head of each chapter, also, the sectional index thereof is repeated, so that a casual glance suffices to guide the inquirer in his topical researches. Instead of the long table of cases usually placed obtrusively in limine, the author has appropriately placed the Constitution of the United States of America, and relegated the table of cases cited to the rear.

¹ Handbook of Constitutional Law. (In the Hornbook Series.) By Henry Campbell Black, Author of "Judgments"; "Black's Law Dictionary," etc. St. Paul: West Publishing Co. 1895.

The book is one of the Hornbook Series of the West Publishing Company, and in typographical execution contains the special features which have served to give this series prominence with teachers and students, and to make them deservedly popular with the profession. The paper, too, is of that substantial character, rare in modern law books, and yet welcome to every book-lover whose sense of fitness is in these times so often shocked by the printing of Bibles, Constitutions, histories and epics upon thin sheets, unworthy of an evening newspaper.

The different degrees of importance attached to the study of Constitutional Law in the various law schools of the Union have naturally made it difficult to provide a book that would suffice for all. In Virginia, for example, the course of Constitutional Law extends through the whole of the first year; while in Tennessee and other states, only two or three months are given to this branch. Such diverse views of the practical importance of Constitutional Law in the schools have necessarily required, for successful instruction, text-books widely differing in size or character, and lecture-courses of unequal length. While no author can hope to prepare a book of such elastic properties as to suit all these differing views, it is doubtful if any other method would have approached success so nearly as that employed by Mr. Black. If a very short course only is given, the black-letter type will furnish to the student and instructor a framework as complete and satisfactory in style as Robinson's Elements of the Law. If a longer course is preferred, a subsidiary text added to these general propositions will give the ordinary student abundant learning upon the fundamental law. If Constitutional Law is regarded as of prime importance to the law student and time to be given to it accordingly, then the leading cases occasionally mentioned in the text, and cited always under the appropriate topic, will give opportunity for that exhaustive study which alone will make one master of this branch of the law.

Hitherto instructors in Constitutional Law in America have generally preferred either Story or Cooley as Commentators; and these great authors have left upon the lawyers of the present generation ineradicable impressions as to Constitutional principles and limitations; but the instructor will find in Black's handbook something preferable to the works of either Story or Cooley on Constitutional Law; for it excels Story in conciseness of statement and general accuracy of definition, and is superior to Cooley in arrangement and presentation of the topics and formulation of fundamental rules.

The same features of excellence will com-

mend this book likewise to practitioners investigating and applying this branch of the law; they will find here no discursive treatment of the subject to be considered, nor any elaborate statement of the reasons which have controlled the Courts in the decision of mooted points; but there is in lieu, what, in these bustling times will be greater practical use to them—an accurate statement of the fundamental principles, which the experienced lawyer will readily apply to the case at hand. If he wishes to follow out the process of reasoning by which the result is reached, the leading cases have been so appropriately cited under the topics of the chapter that the text-book would almost suffice for a digest of Constitutional Law.

The general student of Constitutional Law will also find in this handbook something entirely reliable as a guide to systematic study and useful for ready reference upon a mooted point. And, as Blackstone has well said, "those on whom nature and fortune have bestowed abilities and leisure cannot be so easily excused" from a knowledge of fundamental law, when it can be so readily and satisfactorily obtained within the pages of a single book like this.

Written within the limits of the Federal capital, this book has a decidedly Federal flavor, and will provoke active antagonism in the followers of Thomas Jefferson. Illustrations of this are found on pages 15, 26 and 27, where the author, with evident premeditation, has stated his fundamental propositions in the following language: "The United States of America is a nation; the United States is a republic; the United States is an indissoluble union,"—thus turning aside not only from the old Jeffersonian doctrine, but also from the modern phraseology of our Federal Supreme Court, which has judicially declared that, grammatically and politically, the United States are entitled to a plural verb. Nor has Mr. Black added to the accuracy of his statement or aptness of his vocabulary by discarding the recognized, familiar, and established word "appropriation" and substituting a jabberwock in the phrase "guaranties against unrecompensed expropriation of private property;" and upon this subject of Eminent Domain, one cannot help regretting that, in making his citations, Mr. Black allowed the able, exhaustive and satisfactory opinion of Judge Caruthers, delivered in 1852 in the case of *Woodfolk vs. R. R. Co.*, and reported in 2 Swan (Tenn.), to escape his attention. Other minor matters also invite criticism in this book; but they may well pass unnoticed in reviewing a book which has "few equals and no peers."

Henry A. Jewell

Stevens' Sources of the Constitution.¹

Reviewed by President Henry Wade Rogers of the Northwestern University.

[See contents and other descriptive matter, on page 338, vol. 1, Law Book News.]

There has been a more or less prevalent idea that the Constitution of the United States was a new invention in political science, an original creation of the convention of 1787. This work of Mr. Stevens, while conceding that the constitution possesses some elements altogether peculiar and characteristic, has nevertheless been written to show that it was not after all the new creation it has been supposed popularly to have been. His purpose is not only to show that it was not wholly a new creation, but that its antecedents are traceable almost exclusively through colonial and English channels. To quote the author's language, his "aim has been to place in the hands of scholars and the general public, a clear and concise survey of the salient features of our constitutional evolution.

It is the first book to be devoted to this theme, although occasional articles on the subject have appeared in the periodicals, while now and then the matter has been alluded to in books. The author seems to fear that possibly the idea which he seeks to inculcate will not be received with favor by the American public. He tells us: "There may still be persons in America who are unprepared to regard with favour such a study, and who look unwillingly to England or other countries for the origin of institutions they have long been accustomed to consider characteristically modern and American." Of course it is impossible to say that there are no persons in this country who feel in that way, but Mr. Stevens may rest assured that American scholars and the American people as a whole are too liberal minded to be influenced by any such prejudices. If he doubts the ability of American scholars to consider fairly such questions as he discusses let him read the first number of the *American Historical Review* which made its appearance, in October, and let us know what he thinks of the article on the *Loyalists* written by Professor Moses Coit Tyler of Cornell University, and of the manner in which that article has been received by the press of the United States.

Whatever ideas may have prevailed as to the character and origin of our Constitution, Americans have long been accustomed to the idea that the United States are a sort of transplanted England. It was to controvert that

¹ Sources of the Constitution of the United States, Considered in Relation to Colonial and English History. By C. Ellis Stevens. New York: Macmillan & Co. 1894.

idea that two years ago Douglas Campbell published his work entitled "The Puritan in Holland, England and America." Mr. Campbell undertook to make out a Dutch origin for American institutions. Mr. Stevens concedes his very able treatment of his theme, but regrets his bias in favor of the Dutch and his underestimation of English influence. Mr. Campbell's work treats of American institutions in general, and has but little to say concerning the Constitution, while Mr. Stevens confines his attention wholly to the Constitution.

Mr. Campbell shows that when the colonies asserted their independence they took the Declaration of Independence of the Netherland Republic as their model. He asserts that the equality of the States in the Congress under the Articles of Confederation existed also in the States-General of Holland, where each State, no matter what the number of its representatives, had but a single vote. Neither in the Dutch Republic nor under our Articles of Confederation was there any executive officer. In Holland and in this country under the Articles of Confederation the legislative body made war and peace, appointed all officers, civil and military, and exercised all the functions of government, except those purely judicial. The principle of the equality of states in the senate was retained by us under the Constitution, a principle he refers to as "the old Netherland principle." The principle of having only one-third of the senators go out of office at a time was, according to Mr. Campbell, borrowed from Pennsylvania, which state obtained it from the Netherland cities. The age qualification for membership in congress, he asserts, was unknown in England, but "familiar in the Netherlands as a legacy from Rome." He also asserts that the principle of executive appointment subject to confirmation by the senate was borrowed from the Republic of the Netherlands. From the same source he derives the restriction on the power of the Executive in making war and peace.

Mr. Stevens' work, so he tells us, was written before the publication of Mr. Campbell's work, although published after that work made its appearance. In numerous footnotes Mr. Stevens refers to Mr. Campbell's work, with many of whose assertions he has very little patience. I do not find, however, that he controverts anywhere the statements above quoted for Mr. Campbell's work. He very properly, however, denominates as an "astonishing assertion" Mr. Campbell's statement that "instead of those (governmental institutions) of the United States being derived from England, it is a curious fact, that while we have in the main English social customs and traits of character, we have scarcely a legal or political institution of importance which is of English origin, and but few which have come to us by the way of England." In another

place he refers to Mr. Campbell's statement that "we find in the senate of the United States a body which derives most of the peculiarities of its organization from the Netherland republic, and not from the House of Lords," and says of it that it "is so wide of truth as to need no comment here."

Mr. Stevens, in the chapter on Legislative Organism, derives the Senate from the English House of Lords and the Privy Council. He evolves the House of Representatives from the House of Commons, through the lower colonial house, and the lower house of the state legislature. In his chapter on the American Executive he derives the presidency from the old kingship, and tells us, what cannot be denied, that "though the President lacks the distinguishing heredity and pageantry of royalty, yet the characteristic powers he holds were held before him by the executive of the colonies, and of the home land." His chapter on the Judiciary is one of the most interesting in the book. He not only derives our judiciary system from that of England, but declares that "even the co-ordinate and independent place accorded to it in the threefold division of government, and so often thought a novelty, is taken from English and colonial antecedents." While he concedes the influence of the *Esprit des Lois* in promoting the independent relation of the judiciary in the United States, yet he claims that the Constitutional Convention had before its eyes the colonial adaptation of English usage then existing in the states. The state courts are the successors of the colonial courts, while the Supreme Court of the United States is the successor to the judicial powers of the Privy Council. The Privy Council, in the capacity of a supreme court for the colonies, decided conflicts of laws. "The colonial judiciary did not hesitate to adjudge a local statute invalid, if its enactment could be shown to have exceeded powers conferred by charter,—and the Privy Council, in the capacity of a supreme court for the colonies, decided in like manner conflicts between laws. The national government, with a constitution of its own, created an element of superior law, in conflict with which not only state but national enactments of lesser authority are nullified. All that the judiciary does in England, and all that it does in the states, and in the courts of the United States, is to uphold the authority of what it decides to be the higher law, as against all lesser laws or judicial decisions. What therefore has been supposed to be the most unique feature of the American Supreme Court is really only another adaptation from the past, and rests upon colonial and English precedents." The jurisdiction of national courts over controversies between states, had its origin in the colonial custom by which disputes between one colony and another were adjudicated by the Privy Council. Our written constitution Mr. Stevens de-

rives from the English charters granted by English sovereigns to English subjects—these charters being the constitutions of colonial days.

The book is an interesting one and will be read with pleasure by lawyers and all students of our political system. There is very little in the work to criticise, and the author's claim that the sources of our constitution are in the main English is certainly well established.

Henry Wade Rogers.

Tiffany on Sales.

Reviewed by Prof. E. W. Huffcut, of the Cornell University School of Law

[See contents and other descriptive matter on page 210, vol. 2, Law Book News; also, other opinions on page 347 of this number.]

The author of this handbook sets an admirable example to writers of handbooks in general by frankly giving credit in his preface to those to whom credit is due. He says:

"The arrangement is in the main that of Benjamin. The statement of rules and principles in the black-letter text has to a considerable extent, though with many modifications, necessitated by the differences between the American and English law, or by other reasons, been taken from the English Sale of Goods Bill, as drafted by his Honor Judge Chalmers, and published together with his invaluable notes under the title of 'The Sale of Goods.' This bill, which was purely a codifying measure, has since been substantially enacted as 'An act for codifying the law relating to the sale of goods' (56 & 57 Vict. c. 71; February 20, 1894). The writer has made frequent use both of the notes of Judge Chalmers and the text of Benjamin on Sales."

Without doubt Benjamin's work on Sales is a great book, great for its day, great for any day. Blackstone's Commentaries is a great book. Yet the writer of a new work on Sales or on the Laws of England may well consider whether Benjamin or Blackstone has reached a finality in the matter of arrangement and proportion. In the law of Sales there are certain characteristics which serve to distinguish the subject from other branches of the law and make it worth while to devote to it special treatises. If it were merely a matter of contract in the ordinary sense, it could claim no right to a separate hearing. Agreement, capacity of parties, consideration, mistake, fraud, illegality, and so on, have all been disposed of, or should be disposed of, in a general course on contract. It is vain repetition to rediscuss them in works devoted to

particular kinds of contracts save so far as they specially characterize those contracts. So far as it is necessary to treat of sales, insurance, bailment, partnership, suretyship, and the like, the treatment should revolve around those matters which serve to differentiate the special contract from the genus contract. It may always be presumed that the student does not come to his study of Sales without a knowledge of contracts generally. It may equally be presumed that the lawyer will not turn to a work on Sales for the learning on matters of contract equally applicable to other contractual relations.

From this point of view the Sale of Goods Act is a better model than Benjamin. From this point of view chapters I., V., and VI. of Mr. Tiffany's handbook, occupying 86 pages out of 250 pages of text, might well have been omitted or compressed into a dozen pages of bare reference to familiar doctrines of contract. On the other hand, chapters III. and IV., on the "Passing of Title," which occupy but 27 pages of text, might profitably have been expanded so as to occupy the space thus reclaimed, while chapter VII., on "Conditions and Warranties," occupying but 28 pages, might profitably have been expanded to 75 without marring the just proportions of the book. In fact these two topics, together with the special remedies of a seller against the goods (occupying 27 pages of Mr. Tiffany's text), constitute the major part of what is peculiar to the law of sales. To these three topics Mr. Tiffany gives 82 pages out of a total of 250, fewer in fact than he gives to those topics which are not at all characteristic of the law of sales.

It is not an unfair criticism, therefore, that the handbook lacks in proportion and perspective, that it overemphasizes those matters which are not peculiar to the subject and underemphasizes those matters which are peculiar to it.

As to the execution of the work, much less in the way of criticism can justly be said. There is a little confusion (as on page 35) in the use of "executed contract of sale" and "executed sale." The Statute of Frauds does not apply to executed contracts, as would be inferred from the black-letter statement (page 35); for if the contract is executed the goods are delivered and the price paid, thus fully satisfying the statute,—even if, aside from such satisfaction, it could be construed to cover a case in which no promise remained outstanding (Brown v. Farmers', etc., Co., 117 N. Y. 266). The author evidently means that the statute applies to executory as well as to executed sales, which is quite another matter, and which he correctly states in more modest type on page 37. So also there is some confusion (excusable, perhaps, in view of the state of the authorities) in the use of the terms "condition" and "warranty." Thus he

¹ Handbook of the Law of Sales. (In the Hornbook Series.) By Francis B. Tiffany, Author of "Tiffany on Death by Wrongful Act." St. Paul: West Publishing Co. 1895.

treats a sale by description as a sale upon condition because the buyer may reject the goods if they do not answer the description, while he treats a sale by sample as a sale with an implied warranty, although equally the buyer may reject the goods if they do not correspond with the sample. This distinction might be valid in a jurisdiction where the buyer must reject goods not answering the description or lose his right to complain of a breach of contract; but may reject them or accept them and sue as upon a warranty in case of goods sold by sample; but it is misleading as a general and unqualified proposition.

In the main, however, the author states clearly and concisely the propositions of law involved, and fortifies his text with abundant citation of authorities. While these citations are perhaps more numerous than the necessities of the case require, they are few indeed compared with the monotonous array of sentinels that guard the elementary and even axiomatic statements of many similar handbooks. Mr. Tiffany is too conscientious and practiced a writer to turn a credulous ear to the clamor of the digests. His cases, so far

as occasional tests indicate, are carefully selected, and serve to illustrate or elaborate the doctrines of his text. It is a refreshing merit to find a modern text-book in which the cases cited are more than a perfunctory afterthought. It is a slow process to make a law book in which the text springs from the cases. It is a mechanically rapid process to make one in which the text is a reaction of a prior one—or possibly two—and the citations the product of deft scissoring among digests and other people's footnotes.

On the whole Mr. Tiffany has produced a useful book. A second edition—which the enterprise of his publishers warrants us in expecting at any time—will be a better book if he will compress non-essential matters into smaller bulk and expand essential matter into larger bulk, preserving meantime the clearness, conciseness and directness of treatment which may justly be said to raise his work far above the average of similar undertakings.

E. B. Huffcut

OTHER OPINIONS OF NEW BOOKS.

The American Digest (Annual, 1895).¹

We have several times commented on the marvelous promptness with which the West Company issue their Annual Digest, and the present volume, like the one of last year, has taken exactly one month and twenty-four days to pass from the condition of manuscript to that of a volume of 2,774 pages, printed, bound, and delivered in this city.

This remarkable speed has not been attained by the sacrifice of accuracy; for while, like all works of this magnitude, there may be some minor defects, we have found practically none which result from the promptness of its publication.

The present volume is as satisfactory as its predecessors, and is on the same plan as the Digest for 1894. As in that volume,

there is a most minute and useful system of cross-references.

In connection with their Annual Digests the same publishers announce a complete digest, under one alphabet, of all decisions from 1754 to 1894.

The thanks of the profession, groaning under the multitude of the volumes under different alphabets of the United States Digest, are due to the West Company for their enterprise, which may give us, what we have never had, a good digest of all the case law in our reports.

The value of the work will depend, of course, very largely upon the method of its execution, and it is to be hoped that the United States Digest will not only be recast and expanded into an intelligible form, but that the numerous omissions of that work may be supplied by a careful examination of the reports themselves.

A mere revision of the work upon a different system will be of little use. To make the new digest of value, the United States Digest must be used in its preparation merely as an index, or only as a means of finding the decisions.

If the publishers carry out their promises, they will give the profession the most useful law book of the present generation.

—"T. C.," in the New York Law Journal, Oct. 29, 1895.

¹ The American Digest (Annual, 1895). A Digest of all the Decisions of all the United States Courts, the Courts of Last Resort of all the States and Territories, and the Intermediate Courts of New York State, Pennsylvania, Ohio, Illinois, Kansas, Missouri, Texas and Colorado, U. S. Court of Claims, Court of Appeals and Supreme Court of the District of Columbia, &c., as Reported in the National Reporter System, and Elsewhere, from September 1, 1894, to August 31, 1895. Published by the West Publishing Company. St. Paul, Minn. 1895.

Ballinger on Community Property.¹

[See contents and other descriptive matter on page 337 of this number.]

How far the rights of a wife extend to the ownership of property acquired during married life, is a subject whose interest extends beyond the legal profession in the state of Washington. Our laws have gone, in some respects, beyond those of any modern community, and in practice beyond those of any other known system of jurisprudence. The announcement, therefore, of a compilation of the authorities on the subject will be welcomed not alone by lawyers but by all persons interested either in the disposition of their own property or in the management of that of others. The task has been undertaken by Judge Richard A. Ballinger, of the superior court of the state of Washington.

The community or ganancial system is not new, since, in various forms, it is found in the earliest systems of jurisprudence, but so vague and so spasmodic in its appearance that it cannot be accorded a standing in the written law until it made its appearance in ancient Spain in the *Fuero Juzgo*. There the doctrine is held that the industry and care of the wife contributed equally with the husband to the production of gains, and a marital partnership was recognized in the acquisitions accruing during coverture.

The chivalry of that nation extended to its laws, whose influence was later made manifest wherever the Spanish arms found conquest. Through Mexico, Texas, California, and later by more peaceable means, the ganancial system reached Washington, its feeble efforts to enter into the common law states being sternly repelled. While it is gradually making its way, at each step it is met by traditional prejudices, and to the conflict between the civil law and the common law may be directly ascribed the clumsiness of efforts to give it symmetrical form.

Whether the wife has a merely equitable interest or a vested legal interest in community property is the dividing question. The civil law goes directly toward declaration of equal rights, the common law jealously yields its waning power before the encroachment of statutory declarations of an absolute legal right.

Our Code exhibits yet remnants of laws with which attorneys wrestle, trusting more to ingenuity of argument than to cogency of logic. A work, therefore, such as Judge Ballinger has presented, comes as a boon, whose value is heightened by the courage and perspicacity with which he has caught up ravelings and

wrought them into at least a semblance of design. There will, probably, be no recession in our system, and it has merits which, when it is more firmly knit, will become an authority for advancing thought throughout the United States.

—Seattle Post-Intelligencer.

Black on American Constitutional Law. (In the Hornbook Series.)

[See contents on page 50, vol. 2, Law Book News, and a review by Prof. Henry H. Ingersoll on page 341 of this number.]

We consider this a very good book to put into the hands of a law student early in the beginning of his reading. One of the first things that he ought to know is what our Constitution is, how it was adopted, how it has been and may be changed, how it operates, etc. We are glad to see this book and it would be well for the profession if it were read by every student at the outset of his studies, and read again later on. It would give him a broader and truer view of his subsequent studies. It contains a condensed review of all the leading principles and settled doctrines of American constitutional law. They are stated in the form of rules, which in turn are explained in the text, and supported by authorities. The volume contains 22 chapters, and the method adopted in treating the various topics is clear and sufficiently detailed to equip the student with an accurate knowledge of the subject.

—N. J. Law Journal, Sept., '95.

Murray & Riordan's Student's Review of Law and Equity.

[The publishers have sent us a review of this book, written by James McIlvann Gray, of the Washington bar, which gives special consideration to certain criticisms expressed by Mr. Hughes in his review in the September number. We are able to give space only to a portion of it, as follows:]

The book is a series of questions and answers the perusal of which is designed to revive recollection of elementary principles, and as each principle of law is intimately connected with some other principle, it is evident that each question in the book must necessarily be based upon the principles developed in those questions, on the same topic, by which it is immediately preceded. The true criterion of the value of such a book, then, is—not whether each answer, standing alone, is a complete discussion of the legal principle one phase of which it is designed to emphasize—but whether the questions and answers on each topic are so prepared, in

¹A treatise on the Property Rights of Husband and Wife under the Community or Ganancial System. By Richard A. Ballinger. San Francisco: Bancroft-Whitney Co. 1895. \$6.

logical and orderly sequence, that their perusal will lead the mind of the student in careful and correct review over those legal principles with which his studies have already made him familiar. If this end has been achieved the book is good, if this end has not been attained, the book is bad,—this is the only true test to be applied by the criticism of impartial judgment.

The first 44 pages contain 321 questions and answers on pleading. From these Mr. Hughes has selected one question as an "illustration." The question is: "What general division is there as to actions at law?" and Mr. Hughes says that the question is vague. Now vague means unsettled, indefinite or ambiguous, and this question is neither indefinite nor ambiguous, for no one who has ever studied pleading could possibly fail to understand its exact meaning.

And from 321 questions and answers on pleading, presenting an accurate and exhaustive review of the whole topic, this one question is selected and made the subject of this trivial, false and hypercritical comment. Of the nature of the other 320 questions, of the character of the 321 answers not a word is said, no error of law is noted, no fault of statement corrected.

Out of 474 questions and answers on evidence Mr. Hughes finds 8 "illustrations" none of which are claimed to contain errors of law, one of which is merely a repetition, 2 of which "savor of considerable vagueness," the balance being "inelegant." No mention is made of the other 466 questions, nothing is said of the arrangement, of the thoroughness, of the accuracy of the work.

In his nine illustrations drawn from equity Mr. Hughes finds four errors of law; two of these alleged errors are verbatim quotations from a standard work of which fourteen English and American editions have been published, one is a printer's mistake and one is found to be correct when taken in connection with the context of the work.

In the remaining 192 pages, embracing miscellaneous questions on real property, contracts, criminal law and negotiable instruments, 12 "illustrations" are found. The fault charged against most of these is that they are inelegant or are repetitions. Three alleged errors are found in the questions on contracts and one in those devoted to criminal law—an examination shows these errors to be trivial and to be fully corrected by the context. Of the charges of inelegance and repetition a great deal need not be said.

For my own part, I believe the book to be well written and accurate, admirably adapted to purposes of review, those sections devoted to negotiable instruments, pleading and evidence, being especially worthy of favorable notice.

Tiffany on Sales. (In the Hornbook Series.)

[See contents on page 210, vol. 2, Law Book News, and a review by Prof. E. W. Huffcut on page 344.]

This volume of only two hundred and fifty pages contains the essence of the law of sales. It is legal nourishment in its most concentrated form, the boiling-down process having been carried to its utmost limit.

Mr. Tiffany has followed as his recipe the excellent plan of analysis and arrangement adopted in the Hornbook Series. This, it will be remembered, consists in the separation and distribution of material into general principles, printed in heavy type; short commentaries upon the principles, divided into paragraphs and printed in a lighter type—these commentaries forming the body of the book; and, lastly, notes, in which alone are collected the authorities. While the tendency of such a handbook is unpleasantly in the direction of a digest, Mr. Tiffany's grasp of subject and fluency of style have produced a different result and preserved for his work all the continuity and interest of a treatise.

He draws in outline, as it were, the entire law of sales, following, as he tells us in his preface, more or less closely upon Mr. Benjamin's synopsis. He starts with the principles lying at the basis of the contract, and, then, in one well written chapter after another, unfolds the law governing the sale of a specific chattel; the sale of a chattel not specific; the effects of mistake, fraud, and the failure of consideration; illegality; conditions, warranties, the execution of the contract; and, finally, the rights of action of either party arising on a breach. In the text, as we have suggested, there is nothing but the bare outline of his subject. In the notes, however, will be found all the necessary drapery and details, in the form of references to some twenty-seven hundred precedents.

Notwithstanding the extreme degree of concentration required by his publishers, we are not aware of a single sentence in which Mr. Tiffany has failed to set forth his meaning clearly. He has succeeded very wonderfully in combining brevity and clearness. Every now and then by a mere passing reference to the reasons for preferring one line of authorities to another, he shows his breadth of view and proves that, if space permitted, he could do much more than "indicate the law." The unique and unreasonable attitude of the Supreme Court of Pennsylvania on the question of the right to rescind, where the purchaser on credit not only was insolvent at the time he purchased but knew himself to be insolvent, does not escape the author. And yet he contents himself with but a few sentences of explanation in the text, and a

reference to the cases in a note. In his few sentences of explanation he has shown us what he conceives to be the better line of reasoning.

It will certainly not be long before the profession realizes the debt they owe to Mr. Tiffany for the production of this handbook. The rare, good judgment and ability displayed by him on every page will certainly secure for the volume the success which it deserves.

—"F. F. Kane," in *American Law Register & Review*.

The purpose of the book, to quote the preface, "Is to present concisely the general principles of the law of the sale of personal property." In this the author has succeeded, and his book may be classed among the best of the Hornbook Series. His style is well condensed, clear, and readable; his statements, with few noted exceptions, accurate;

and a sense of nice discrimination, commendable in a work of so small a compass, pervades the book. An excellent example of this quality is his treatment of acceptance and receipt under the Statute of Frauds.

—"E. R. C.," in *Harvard Law Review*.

The book presents in due order and proper form the results of discussions which have been going on for many years on this important subject. For one familiar with the long discussions it is a pleasure to read these definite rules and clear explanations of their meaning and effect. For students the book will serve to show the whole region to those who will as well as those who will not explore it for themselves, and to busy practitioners it will furnish the definite and particular information which they need, with a reference to the leading cases and the latest good authorities.

—*New Jersey Law Journal*.

BOOKS RECEIVED.

From Little, Brown & Co., Boston Mass.:

Walker's American Law.

From Matthew Bender, Albany, N. Y.:

Hall's Banking Laws.

From Banks & Bros., Albany, N. Y.:

French Civil Code.

From Bancroft, Whitney Co., San Francisco, Cal.:

Thompson on Corporations, Vol. 5.

From West Publishing Co., St. Paul, Minn.:

Jaggard on Torts.

Dembitz on Land Titles.

Fisher's Cases on Criminal Law.

American Digest, Annual 1895.

From Ballard Publishing Co., Crawfordsville, Ind.:

Ballard's Real Property Annual. Vol. 3.

Leading Text Books Published in 1895.

Abbott's Select Cases on Code Pleading	5 50 net	Jaggard on Torts. 2 vols.	7 00 net
Abbott's Select Cases on Evidence ..	6 00 net	Leavitt's Law of Negligence.	6 50 del
Alderson on Judicial Writs and Process	6 00 net	Norton on Bills and Notes. 2d Ed.	3 50 net
Black's Constitutional Law.	3 50 net	Oliver's American Precedents in Personal and Real Actions. 5th Ed.	6 00 net
Beach on Injunctions. 2 vols.	12 00 net	Pingrey on Real Property. 2 vols.	12 00 net
Beach on Insurance. 2 vols.	12 00 net	Schouler on Domestic Relations. 5th Ed.	6 00 del
Bishop's Criminal Procedure. Vol. 1. 4th Ed.	6 00 net	Shipman's Common Law Pleading. 2d Ed.	3 50 net
Bishop on Insolvent Debtors. 3d Ed..	6 50 del	Smith on Evidence.	5 00 net
Bradner's Rules of Evidence.	5 00 net	Thompson on Private Corporations. 6 vols. del'd	36 00 net
Browne on the Statute of Frauds. 5th Ed.	6 00 net	Tiffany on Sales.	3 50 net
Clark's Criminal Procedure.	3 50 net	Van Fleet's Former Adjudication. 2 vols.	12 00 net
Cowdery's Forms and Precedents..	6 00 net	Walker's American Law. 10th Ed..	6 00
Croswell on Electricity.	6 00 net	Waples on Attachment. 2d Ed.	6 00 net
Dembitz on Land Titles. 2 vols. del'd	12 00 net	Webster on Naturalization.	4 00 net
Endlich on Building Associations. 2d Ed.	6 00 net	Williams on Executors. 3 vols. 7th Am. Ed.	18 00 net
Fetter on Equity.	3 50 net		
Glenn's International Law.	3 50 net		
Harlow on Sheriffs and Constables. 2d Ed.	6 00 net		

DIGEST.

Of Articles on Legal Subjects in Current Periodicals, Annotations in Reports, etc.

List of Abbreviations and Publications Digested.

Abbreviations.	Name.	Published.	Prices of Single Numbers.
Abb. N. C.....	Abbott's New Cases, Dossy Law Book Co., N. Y. City	Monthly.....	\$4.50 per vol.
Alb. Law J.....	Albany Law Journal, Albany, N. Y.....	Weekly.....	25c.
Am. Acad. Pol. & Social Science.....	American Academy of Political and Social Science, Philadelphia, Pa.....	Fortnightly.....	\$6.00 per year.
Am. Banker.....	American Banker, New York City.....	Weekly.....	10c.
Am. Law.....	American Lawyer, New York City.....	Monthly.....	10c.
Am. Law Reg. & Rev.....	American Law Register and Review, Philadelphia.....	Monthly.....	50c.
Am. Law Rev.....	American Law Review, St. Louis.....	Bi-Monthly.....	\$1.00.
Am. Prob. R.....	American Probate Reports, Baker, Voorhis & Co., New York City.....	Irregular intervals.....	5.50 per vol.
Am. R. & Corp R.....	American Railroad and Corporation Reports, E. B. Myers & Co., Chicago.....	Irregular intervals.....	4.50 per vol.
Am. St. Rep.....	American State Reports, Bancroft-Whitney Co., San Francisco.....	Bi-Monthly.....	Sold by subscription only.
Am. & Eng. Corp. Cas.....	American and English Corporation Cases, Edward Thompson Co., Northport, Long Island, N. Y.....		\$4.50 per vol.
Am. & Eng. R. Cas.....	American and English Railroad Cases, Edward Thompson Co., Northport, Long Island, N. Y.....		4.50 per vol.
Atlantic Monthly.....	Atlantic Monthly, Houghton, Mifflin & Co., 11 E. 17th St., New York City.....	Monthly.....	35c. per single number.
Aust. Law T.....	Australian Law Times, Melbourne, Australia.....	Semi-Monthly.....	£3 3s. per yr.
Banking Law J.....	Banking Law Journal, New York City.....	Monthly.....	30c.
Barrister.....	The Barrister, Toronto, Can.....	Monthly.....	\$2.00 per year.
Brief.....	The Brief, London, Eng.....	Monthly.....	Sixpence.
Can. Law J.....	Canada Law Journal, Toronto, Can.....	Semi-Monthly.....	25c.
Can. Law T.....	Canadian Law Times, Toronto, Can.....	Monthly.....	50c.
Cape Law J.....	Cape Law Journal, Grahamstown, Cape of Good Hope	Quarterly.....	\$1.50.
C. C. A.....	U. S. Circuit Courts of Appeals Reports, West Pub. Co., St. Paul, Minn.....	Irregular intervals.....	\$3.35 per vol.
Cent. Law J.....	Central Law Journal, St. Louis.....	Weekly.....	25c.
Chi. Law J.....	Chicago Law Journal, Chicago.....	Monthly.....	25c.
Chi. Leg. N.....	Chicago Legal News, Chicago.....	Weekly.....	10c.
Civil Proc. R.....	New York Civil Procedure Reports, S. S. Peloubet, New York City.....	Monthly.....	10c.
Collector.....	The Collector and Commercial Lawyer, Detroit, Mich	Monthly.....	30c.
Counsellor.....	The Counsellor, New York City.....	Bi-Monthly.....	\$1.00.
Cr. Law Mag.....	Criminal Law Magazine, Jersey City, N. J.....	Monthly.....	50c.
Green Bag.....	Green Bag, Boston.....	Monthly.....	10c.
Guide.....	The Guide, Kalamazoo, Mich.....	Monthly.....	35c.
Harv. Law Rev.....	Harvard Law Review, Cambridge, Mass.....	Quarterly.....	65c.
Int. Jour. Eth.....	International Journal of Ethics, Philadelphia, Pa.	Monthly.....	25c.
Iowa Univ. Law Bul.....	Law Bulletin of Iowa University, Iowa City, Iowa.....	Weekly.....	1 shilling.
Jr. Law T.....	Irish Law Times & Solicitors' Journal, Dublin, Ire.	Weekly.....	Sixpence.
J. P.....	Justice of the Peace, London, Eng.....	Quarterly.....	\$1.00 per year.
Jurid. Rev.....	Juridical Review, Edinburgh, Scotland.....	Monthly.....	Sixpence.
Kan. Univ. Law.....	Kansas University Lawyer, Lawrence, Kans.....	Quarterly.....	5 shillings.
Law Notes.....	Law Notes, London, Eng.....	Monthly.....	10c.
Law Quart. Rev.....	Law Quarterly Review, London, Eng.....	Monthly.....	Sixpence.
Law Student's Helper.....	Law Student's Helper, Detroit, Mich.....	Monthly.....	10c.
Law Students' J.....	Law Students' Journal, John Indermaur, Chancery Lane, London, Eng.....	Monthly.....	10c.
Law T.....	Law Times, London, Eng.....	Monthly.....	10c.
Lawyer. Rep. Ann.....	Lawyers' Reports Annotated, Lawyers' Co-operative Pub. Co., Rochester, N. Y.....	Monthly.....	10c.
Leg. Int.....	Legal Intelligencer, Philadelphia.....	Monthly.....	10c.
Madras Law J.....	Madras Law Journal.....	Monthly.....	10c.
Med. Leg. J.....	Medico-Legal Journal, New York City.....	Monthly.....	10c.
Mich. Law J.....	Michigan Law Journal, Detroit, Mich.....	Monthly.....	25c.
Minn. Law J.....	Minnesota Law Journal, St. Paul, Minn.....	Monthly.....	25c.
Mont. Leg. N.....	Montreal Legal News, Montreal, Can.....	Monthly.....	25c.
Morr. Min. R.....	Morrison's Mining Reports, Callaghan & Co., Chicago	Irregular Int'vals.....	\$5 per vol.
Nat. Corp. Rep.....	National Corporation Reporter, Chicago.....	Weekly.....	10c.
N. J. Law J.....	New Jersey Law Journal, Plainfield, N. J.....	Monthly.....	25c.
N. W. Law Rev.....	Northwestern Law Review, Chicago.....	Monthly.....	25c.
N. Y. Cr. R.....	New York Criminal Reports, S. S. Peloubet, N. Y. City	Monthly.....	25c.
N. Y. Law J.....	New York Law Journal, New York City.....	Daily.....	05c.
N. Y. Law Rev.....	New York Law Review, Ithaca, N. Y.....	Monthly.....	25c.
Ohio Leg. N.....	Ohio Legal News, The Laning Printing Co., Norwalk, Ohio.....	Weekly.....	\$3.00 per year.
Pittsb. Leg. J.....	Pittsburgh Legal Journal, Pittsburgh, Pa.....	Weekly.....	10c.
Political Science.....	Political Science, Boston.....	Quarterly.....	\$2.00 per year.
Quart. Jour. Econ.....	Quarterly Journal of Economics, Boston.....	Quarterly.....	\$2.50 per year.
Rev. of Rev.....	Review of Reviews, New York City.....	Monthly.....	10c.
Revue Legale.....	Revue Legale, 11 et 13, Rue St. Jacques, Montreal, Can.....	Monthly.....	10c.
Scot. Law Rev.....	Scottish Law Review, Glasgow, Scot.....	Monthly.....	1 shill. and sixpence
Scot. Law T.....	Scots' Law Times, Edinburgh, Scotland.....	Weekly.....	25c.
University Law Rev.....	University Law Review, New York City.....	Monthly.....	50c.
Va. Law Reg.....	Virginia Law Register, Lynchburg, Va.....	Monthly.....	10c.
Wash. Law R.....	Washington Law Reporter, Washington.....	Weekly.....	20c.
West. Res. L. J.....	Western Reserve Law Journal, Cleveland, O.....	Monthly.....	20c.
Westminster Review.....	Westminster Review, London.....	Weekly.....	25c.
Wkly. Law Bul.....	Weekly Law Bulletin and Ohio Law Journal, Columbus, Ohio.....	Monthly.....	10c.
W. Va. Bar.....	West Virginia Bar, Morgantown, W. Va.....	Monthly.....	35c.
Yale Law J.....	Yale Law Journal, New Haven, Conn.....	Monthly.....	35c.

TOPICAL DIGEST.

N. B. The Classification of the American Digest is here used.

ABSTRACTS OF TITLE.

A short article on the requirements of an abstract of title.—By Percy Edwards. 41 Cent. Law J. 322.

ANIMALS.

A review of the recent case of Loesch v. Koehler (Ind. Sup.) 41 N. E. 326,—an action against officers of a humane society for destroying superannuated animals.—14 N. Y. Law J. 190.

A valuable article, with numerous authorities, on the rights and liabilities of dog owners.—3 Scot. Law T. 65, 81, 94.

ASSIGNMENT.

A short article on the assignability of actions for tort.—By L. M. Ackley. 6 Chi. Law J. 597.

ATTORNEY AND CLIENT.

An interesting historical article on the costume of lawyers.—By J. J. Beauchamp. 1 La Revue Legale, 391.

An article on the right of an attorney, as against his own client, to enter into a consent decree fixing his own fees, with reference to the case of Schmidt v. Mining Co. (Or.) 40 Pac. 406.—By B. F. Buchner. 29 Am. Law Rev. 771.

Baggage.

— Liability of carriers, see "Carriers."

BOYCOTTS.

An interesting article on boycotts by employers.—14 N. Y. Law J. 208.

CARRIERS.

A collection of authorities on the right of a passenger to stop over.—28 Lawy. Rep. Ann. 773.

A short article, with citations to recent English decisions, on the liability of carriers for the baggage of their passengers.—59 J. P. 609.

COMMON LAW.

A valuable article, with numerous authorities, on the question whether there is a federal common law.—By William H. Russell. 52 Alb. Law J. 247.

Compromise.

— Authority of next friend to compromise suit, see "Next Friend."

CONSTITUTIONAL LAW.

An article on the right of the police to disperse an assemblage gathered to advocate obnoxious measures with incendiary speeches.—By E. M. Winston. 29 Am. Law Rev. 681.

An interesting article on the origin of the supreme judicial power in the federal constitution.—By Robert L. Fowler. 29 Am. Law Rev. 711.

A review of the recent decision in Wallace v. Railway Co. (Ga.) 22 S. E. 579, holding certain labor legislation unconstitutional.—14 N. Y. Law J. 22.

CONVICTS.

An interesting article on the relation of the new constitution of New York to prison labor.—By W. P. Prentice. 52 Alb. Law J. 216.

CORPORATIONS.

A collection of authorities on the jurisdiction of a state court over a foreign corporation, and the effect of a judgment rendered against such a corporation by default.—By F. E. Loughran. 41 Cent. Law J. 247.

An address to the State Bar Association of Ohio on private corporations.—By Warner M. Bateman. 52 Alb. Law J. 231.

A valuable collection of authorities as to the liability of corporations for exemplary damages.—By Seymour D. Thompson. 41 Cent. Law J. 308.

COURTS.

— Jurisdiction over foreign corporations, see "Corporations."

— Origin of the supreme judicial power, see "Constitutional Law."

An address at the annual meeting of the American Bar Association on recent criticisms of the federal judiciary.—By Wm. H. Taft. 34 Am. Law Reg. & Rev. 576.

An interesting article, with numerous illustrations, on the supreme court of Maine.—7 Green Bag, 476.

CRIMINAL LAW.

A collection of authorities on the right to compel the accused to exhibit himself for identification.—28 Lawy. Rep. Ann. 699.

A continuation of a series of articles on the administration of the criminal law in England.—By Ernest B. Rowland. 99 Law T. 500.

The use of private detectives in criminal cases.—By John F. Miller. 17 Cr. Law Mag. 529.

DAMAGES.

— Exemplary damages against corporations, see "Corporations."

A collection of authorities as to the compulsory examination of plaintiff in an action for damages.—By James Baird. 1 Barrister, 384.

Deceit.

— Of physician, see "Physicians and Surgeons."

Detectives.

— See "Criminal Law."

Dogs.

— Liabilities of dog owners, see "Animals."

EXECUTION.

A valuable article on the issue of execution and levy of the same under the laws of Iowa, with numerous citations.—By Samuel Hayes. 16 Iowa Univ. Law Bul. 8.

EXTRADITION.

A collection of authorities on the papers necessary to obtain surrender of fugitives from another state.—28 Lawy. Rep. Ann. 801.

FIRES.

An article on the liability of one on whose property a fire originates for injuries to adjoining owners.—By Junius Parker. 52 Alb. Law J. 202.

FIXTURES.

A short article, with a few authorities, on the law of fixtures.—By J. C. Forkner. 2 Kan. Univ. Lawy. 6.

Freedom of Speech.

— See "Criminal Law."

Gambling Contracts.

— See "Gaming."

GAMING.

An interesting article on gambling contracts with reference to recent English decisions.—59 J. P. 577.

General Average.

— See "Marine Insurance."

INJUNCTION.

— Against strikes, see "Master and Servant."

— Communication of confidential matters, see "Master and Servant."

A collection of authorities on the power to enjoin the negotiation of a note.—28 Lawy. Rep. Ann. 577.

INSURANCE.

An extended article, with numerous authorities, on the effect of the suicide clause in the life policy.—By Ward B. Coe. 41 Cent. Law J. 267.

INTERNAL REVENUE.

A review of the decision in the so-called "Income-tax Case."—By Francis R. Jones. 9 Harv. Law Rev. 198.

INTOXICATING LIQUORS.

A review of the decisions in Pennsylvania on the statutes of 1887 and 1891, regulating the liquor traffic, with numerous citations.—By G. V. P. Jones. 34 Am. Law Reg. & Rev. 610.

JUDGMENT.

A collection of authorities as to the necessity and sufficiency of an entry of judgment.—28 Lawy. Rep. Ann. 621.

Labor.

— Prison labor, see "Convicts."

LANDLORD AND TENANT.

A review of change in the relations of landlord and tenant, under the recent legislation of Ontario.—15 Can. Law T. 245.

LAW.

An interesting article on the teaching of English Law at universities.—By James B. Thayer. 9 Harv. Law Rev. 169.

An interesting article on uniformity of legislation in the several states.—By William E. Cushing. 1 West. Res. Law J. 132.

LIBEL AND SLANDER.

A collection of authorities as to libel or slander by expressing opinions or making comments without misstating facts.—28 Lawy. Rep. Ann. 667.

A collection of authorities on mutual vituperation or defamation, as affecting the remedy for libel or slander.—28 Lawy. Rep. Ann. 721.

LOTTERIES.

A short article on the legality of "chromos" with every purchase.—14 N. Y. Law J. 4.

MARINE INSURANCE.

A valuable article on general average, with special reference to the recent case of *Ralli*

v. Troup, 157 U. S. 386, 15 Sup. Ct. 657, and the case of Wamsutta Mills v. Old Colony Steamboat Co., 137 Mass. 471.—By J. Lowell. 9 Harv. Law Rev. 185.

MARRIAGE.

An interesting article on the right of a deserted spouse, without having obtained a divorce, to apply to the court for leave to remarry.—12 Cape Law J. 165.

MASTER AND SERVANT.

- See "Boycotts."
- Labor legislation, see "Constitutional Law."

A collection of authorities as to the liability of an agent or servant to third persons for his own negligence or nonfeasance.—28 Lawy. Rep. Ann. 433.

A collection of authorities on the duty of a master to furnish medical aid to a servant.—28 Lawy. Rep. Ann. 546.

A valuable article on the right of a master to enjoin a servant from the communication of matters learned in a confidential relation.—34 Am. Law. Reg. & Rev. 622.

A valuable note, with numerous authorities, as to the injunctions against strikes.—28 Lawy. Rep. Ann. 464.

MOBS.

- Liability of municipalities for damages, see "Municipal Corporations."

MUNICIPAL CORPORATIONS.

A collection of authorities on the power of a city to require the owner of abutting property to grade it for sidewalks.—28 Lawy. Rep. Ann. 496.

A valuable article, with numerous authorities, on municipal liability for mob damages.—By Frank White. 4 N. W. Law Rev. 1.

NEGLIGENCE.

- See "Fires."
- As applied to negotiable instruments, see "Negotiable Instruments."

A few authorities as to the right of a wrongdoer to take advantage of a general statutory imposition of damages for negligent injuries.—28 Lawy. Rep. Ann. 749.

NEGOTIABLE INSTRUMENTS.

- Enjoining negotiation of note, see "Injunction."

A valuable article on the doctrine of negligence as applied to negotiable instruments.—Sol. J. Republished in 28 Chl. Leg. N. 42.

NEXT FRIEND.

An article, with numerous authorities, as to the power of a next friend to compromise suit.—By Cyrus J. Wood. 41 Cent. Law J. 342.

Passengers.

- Rights and liabilities, see "Carriers."

PHYSICIANS AND SURGEONS.

A review of the recent case of Hedin v. Institute (Minn.) 64 N. W. 158, holding physicians liable for false representations to their patients.—14 N. Y. Law J. 102.

Principal and Agent.

- Liability of agent to third persons, see "Master and Servant."

SEAL.

A short collection of authorities as to the origin and use of the common seal.—41 Cent. Law J. 289.

Statutes.

- Uniformity of legislation, see "Law."

Strikes.

- See "Master and Servant."

Suicide.

- Effect on life policy, see "Insurance."

TENANCY IN COMMON.

A collection of authorities on the liability of cotenants to account for use and occupation and rents and profits.—28 Lawy. Rep. Ann. 829.

Torts.

- Assignability of action for torts, see "Assignment."

TRUSTS.

A valuable article on investments of trust funds.—14 N. Y. Law J. 264.

LAW BOOK NEWS.

A Monthly Review of Current Law Literature and Journal of Legal Bibliography.

Terms of Subscription: \$1 a Year; Single Copies, 10 Cents.

VOL. 2.

ST. PAUL, MINN., DECEMBER, 1895.

No. 12.

Discontinuance of Law Book News.

IT is with sincere regret that we announce that the present number of Law Book News is the last to be issued,—at least in the present form of a subscription periodical. Two years ago this publication entered a field of legal journalism which was practically unoccupied in this country and Great Britain. There were several journals of legal bibliography on the continent, but that department of professional activity had no organ amongst English-speaking people. It was only represented incidentally in the numerous general law journals and magazines. To fill the need and meet the demand for such a journal Law Book News was started, modeled in a general way on the successful bibliographical journals of general literature. That there was such a need seems to have been amply shown in the 800 large octavo pages in the 24 numbers of the News which have been issued. That there was not a corresponding demand seems also to be demonstrated. Law Book News has failed for lack of support. Certainly the profession cannot plead ignorance of the existence of the News, since the publishers have made liberal use of their remarkable facilities for bringing it to the attention of the members of the Bar in all parts of the country. We are forced to conclude that there are not enough lawyers in the United States sufficiently interested in the information which Law Book News has given to pay a dollar a year for it to support it. Of course, it may be argued that this is due to defects in the plan of the periodical, or to the imperfect manner in which that plan has been carried out, and that the failure of this particular undertaking does not prove that there is no field for a journal of legal bibliography properly conducted. This would be a delicate subject for the editors to discuss, and we leave it to our friends,—and our enemies, if we have any.

But the unstinted praise of many subscrib-

ers, whose judgment we prize most highly, gives assurance that we have in fair measure achieved what we set out to accomplish. For example, the librarian of one of the largest law libraries in the country wrote us recently: "I am not given to flattery, but permit me to say that the Law Book News is in many respects the most useful publication to me as a librarian of any that has come to my knowledge during the 28 years of my service in this library." Again, a valued contributor, expressing his sorrow at the stoppage of the News, fixes the responsibility for it in the following epigrammatic terms: "I shall miss it, and shall always regret that professional indifference to the best interests of the profession forced its discontinuance." Such testimonies as to the intrinsic value of the News intensify our regret at its failure to secure a permanent place in the periodical literature of the legal profession.

We may, perhaps, be pardoned if, in this connection, we indulge in a brief retrospect of the work which has been done by the News during the two years of its existence: The 24 numbers, January, 1894, to December, 1895, contain 282 large pages Editorial Matter, Law Book Notes, Announcements, etc.; 52 Reviews, and Descriptive Matter and Reprinted Notices of 89 New Books; Record of 763 New Law Books; 46 pages of Digest of Current Legal Periodicals, etc. Whatever may be said in criticism, we are at least comfortably sure that we have given our subscribers their money's worth.

It has been our ambition to round out creditably and honorably the short life of our periodical, and we have therefore, in this final number, gathered together notices of all the remaining books which have been sent us. We regret that it has been impracticable to secure reviews of them all from the experts to whom they have been assigned for that purpose.

In conclusion we wish to renew our very

heartly thanks to the many eminent judges, law-school professors, authors, and practitioners who have so cordially co-operated with us by reviews of new books and other contributions; also to those publishers (and we must regret that their number has not been larger) who have furnished us with matter for our Law Book Notes and Announcements, as well as to those who have given generous recognition of the value of the periodical as an advertising medium. And to those readers who have in divers ways shown their appreciation of our efforts to serve them we proffer our "thanks and farewell."

Law Books of 1895.

LAST January, in an article on "Law Books of 1894," we classified the material which Law Book News had been recording in its "Record of the Latest Law Books" from month to month during 1894, with the following result:

	American.	English and Provincial.	Total.
New Treatises.....	202	68	270
New Editions.....	52	39	91
State Reports.....	274	24	298
Reporters.....			
Other Series.....			
Statutes.....	78	7	80
Digests.....	18	4	22
	619	142	761

It is interesting to place against this the record of the last 12 months, as shown in Law Book News for 1895:

	American.	English and Provincial.	Total.
New Treatises.....	158	99	257
New Editions.....	45	77	122
State Reports.....	248	16	264
Reporters.....			
Other Series.....			
Statutes.....	75	7	82
Digests.....	39	7	46
	560	206	766

A comparison shows that though as before the new American treatises greatly outnumber those coming from the mother country and her more dutiful colonies, yet the increase has been proportionately greater in the English list than in the American. American authors have given the world 153 new legal treatises as against 99 English, but it is 153 compared with 202 last year, and 99 compared with 68. Whether Eng-

land is ambitious of reaching our statistical level we cannot say, but if she is, last year's work is a good beginning. In the matter of new editions of text-books, she shows still more activity, bringing forward 77 as against 45 American, and leaving her own record of 39 last year far out of sight. In the matter of reports and statutes, however, we still lead, and in this direction a country with but one jurisdiction can hardly hope to compete with a nation which boasts of as many independent fields of legal sovereignty (?) as these (or this) United States of ours. But the anxious ones may find comfort in the fact that whereas last year we had 274 volumes of various kinds of reports to dispose of, this year the number has been cut down to 248.

Among the important new books of the year are Alderson's Judicial Writs, Beach on Injunction and on Insurance, Croswell on Electricity, Dembitz on Land Titles, Dos Passos on Inheritance Tax Law, Leavitt on Negligence, Pingrey on Real Property, Smith on Evidence, Van Fleet's Former Adjudications, and Webster on Naturalization. In the Hornbook Series have appeared Black's Constitutional Law, Fetter's Equity Jurisprudence, Clark's Criminal Procedure (a companion work to the author's Criminal Law), Tiffany on Sales, Glenn on International Law, and Jaggard on Torts. It will thus be seen that the series is rapidly going on with the work undertaken of furnishing a handbook for each of the chief branches of the law, and the universal favor which the series has met shows that it has, in the common phrase, supplied a want. The great text-book of the year is Thompson on Corporations, in six volumes, five of which have now appeared.

In reports, the progress made by the Federal Cases is to be noted. Two-thirds of the entire series are now on the shelves of subscribers. A new reporting enterprise is that of the American Negligence Cases, only one volume of which is yet out. A new edition of the American and English Encyclopedia of Law has been announced as the first edition is drawing to a completion. And if announcements of forthcoming matters may be admitted into a résumé of what has been done in the law-book world, the prospectus of the Century Digest must have a word. This complete digest of all American case

law from 1754 to 1894, inclusive, will to a large extent settle the "case-law problem" so far as back reports are concerned. With this exhaustive and standard Digest covering the whole ground up to 1895, it will be a comparatively easy matter to obtain practical mastery of the elusive "precedent" which has heretofore taken special delight in lurking in inaccessible corners or that particular field which had not been explored.

Cases Reported by Subjects.

SCHMES of selected cases by topics have been offered from time to time as one of the solutions of the "case-law problem"; and though the method has never been worked out in an absolutely satisfactory manner, it has been found moderately acceptable to the profession, as shown by the extent to which enterprises based on that theory have been supported. In England it has been carried out more extensively than here, as is indicated by the classification of Reports in an English catalogue, such as that published by Sweet & Maxwell. Here we find a number of different series of selected cases upon each of a number of subjects, as Admiralty, Bankruptcy, Railway and Canal Cases, Mercantile Cases, Election Cases, Registration Cases, Patent Cases, Settlement Cases, Poor Law Cases, Tithe Cases, etc.

In this country there are two kinds of selected cases,—those published in series, and those published as collections. Railway, patent and bankruptcy cases naturally lend themselves to the former plan of treatment. We now have the American Probate Reports, American and English Railroad Cases, American and English Corporation Cases, American Corporation Cases, American Criminal Reports, Morrison's Mining Reports, Hine's Insurance Law Journal, and others. This list has been more recently recruited by Ballard's Real Property Annual, which is made up of the leading cases of the year, reported in full, with abstracts or digest paragraphs of all the rest. The 1895 Annual, recently published and elsewhere noticed in this number, seems to give ample assurance that the enterprise is sufficiently supported to ensure its permanency.

A recent ambitious enterprise in this line is the series known as "American Negligence Cases," of which volume 1 has just been pub-

lished by Remick, Schilling & Co., New York. This initial volume contains 1006 pages, and gives reports, either in full or abridged, of cases involving questions of negligence, classified under Animals, Bailor and Bailee, and Carrier of Persons. It is edited by Mr. T. F. Hamilton, of the New York bar, and contains, with the other customary tables, a table of cases classified according to the cause of action. The publishers propose to issue at intervals recompiled tables for the use of subscribers. They emphasize, as important features of the work, the arrangement by topics, with sub-groups, which bring cases involving similar facts together; the fullness of the index, dispensing with cross-references; the tables of cases, etc.

Another new series of this sort is announced by Mr. Murphy (Philadelphia), as American and English Decisions in Equity. It is to be edited by Henry Budd, Esq., of the Philadelphia bar, and is to present annually a selection of the best cases in equity decided in the courts of the United States and Great Britain during the year.

This plan of selecting cases by subjects is to a certain extent an offset to the theory of publishing selected cases in place of complete reports of the courts. These series are not used as substitutes for the Reports and do not claim exhaustiveness. They are offered in this form as a matter of convenience in reference, and the profession seems glad to have this rough classification done for it.

Alphabetical Arrangement as Applied to Treatises.

THIS is said to be a mechanical age, and mechanical questions play an important part in matters literary as well as in matters commercial. Not long ago a prominent dramatic critic declared it his solemn conviction that the coming dramatist would be an architect, because as an architect he would have mastered the art of fitting things neatly together. Some of the present-day dramatists seem to be beginning even more humbly as carpenters, to judge by the wooden character of their productions.

A recent law book—Former Adjudications, by Hon. J. M. Van Fleet—shows a new mechanical feature in its arrangement, which indicates that even the legal author is be-

gining to feel the necessity of living up to the demands of this finishing decade. This is in the alphabetical arrangement of the entire text under the different titles. To effect this, the matter is divided up into paragraphs which are fitted to more or less arbitrarily selected headings. An examination of the work makes us rather doubtful of the practical utility of this plan, from which the publishers seem to expect much. In the first place, it breaks up the continuity of discussion, which, rightly or wrongly, we look for in a treatise as distinguished from a digest; and the necessarily arbitrary character of the headings would seem to make it quite as difficult for a lawyer to turn to what he wants under this scheme, even though it be an alphabetical one, as it would be to find it under the old plan of sequential arrangement. To illustrate this latter point, let us turn to the subject of the doctrine of *Lis Pendens*. The table of contents runs as follows:

<i>Lis pendens:</i>	(Principle Involved.)
" "	(Adverse or Paramount Claims.)
" "	(Appeal, Review or Writ of Error, Purchase Pending.)
" "	Ceases, When.
" "	Commences, When. (Common Law—Dating Back of Service—Publication—Statutes.)
" "	(County, Land Lies in Another—Cross-Bill.)

—And so forth, through Deed of Trust, Description of Property, Divorce and Alimony, Laches in Prosecution, Pleadings Defective, etc. Now, how could a man know, without reading the whole, that the author would speak of the commencement of a *Lis Pendens*, and so would be obliged to discuss this after treating of its ceasing, when he might have given the discussion its chronological as well as alphabetical place by heading it "Begins, When," instead of "Commences, When." And is there any special reason for making the next heading "County, Land Lies in Another," instead of "Land Lies in Another County," or, indeed, "Another County, Land Lies in"? It would be a vital question with the man to whom the alphabetical arrangement meant anything. But as a matter of fact we doubt that it will mean anything to the lawyer using the book. There are certain well-known and recognized "digest headings" to which a lawyer becomes accustomed, especially if he uses one series (as the American) when the same system is consistently

followed throughout. But there is nothing which would enable him to determine whether an author would be apt to head his paragraph on "Pleadings Defective, or New Matter Added" under "P.," "D.," or "N." On the other hand, the attempt to arrange the matter in this form destroys the logical sequence with which the reader would probably have some familiarity. Thus in the subject of "Splitting Civil Causes," we find that the effect of such splitting in "Actions of Accounts," "Arbitration," "Breach of Contract," and other titles which chance to come near the beginning of the alphabet is treated before the basic question of "Cause of Action, What Constitutes," comes up.

The theory is not original with Judge Van Fleet, but he has given it a new importance by carrying it beyond the index (where it usually has been confined) to the body of the work itself, and by dwelling upon it as possessing peculiar and special advantages. The theory of an alphabetical arrangement is on its face a plausible one, and not a few indexes have fallen before its wiles. Since the main heads of an index can and must be arranged alphabetically, they argue, why not carry it further? And so they fall into the pit exemplified by Church's *Habeas Corpus*, where three pages of index under "Return" are filled with alphabetically arranged phrases of which the following are samples:

RETURN,

as to custody of child, is sufficient, when.
at common law, courts were bound, etc.
bad, a few instances of a.
by special command of the king, sufficiency of.
doctrines as to, at common law.
how made under federal statutes.
if evasive, false or insufficient, is a contempt.
is considered as filed, when.
may be fortified by affidavit.
must remain in court.
of substituted warrant,
etc., etc.

It is apparent that the three pages of close-type must be read through to find the particular point in the searcher's mind, for it requires more than a merely legal training to guess the word under which the indexer may have placed it. Such an index is but little better than none. The logical arrangement of topics is lost, and nothing is gained in place thereof.

The theory, in short, is not applicable to a treatise, because a treatise is, or should be, something different from a digest. The ex-

periment has never proved very successful, and from the nature of the case it could hardly do so. It is unfortunate that so good a book as this new treatise by Judge Van Fleet should have been taken for the demonstration of this fact.

The Barren Law.

CHARLES Morse, under the head of "Causerie," in the *Canada Law Journal* for December, makes the following pointed remarks on legal style, anent Beven's *Negligence*. It is a little hard on Mr. Beven, but it is very good reading for the rest:

Having had occasion, a day or two ago, to examine with some care the second edition of Mr. Beven's "Principles of the Law of Negligence," I found myself wondering if the fin de siècle degeneracy in Art and Letters, against which Dr. Max Nordau has recently preferred so vehement and prolix an indictment, had not penetrated even the sober and conservative domain of legal literature. The profession in all English-speaking countries has been accustomed to a standard of style on the part of leading text-writers at once so exact and judicial in its tone that a departure from the beaten track immediately invites criticism. Take Sir William Blackstone, the father of the modern law book, for instance; where is there any writer on English law possessing a greater store of erudition? And yet he is never to be found airing his scholarship at the expense of the purpose in hand. With him, to expound the system of laws he had made the subject of profound research was the prime object; to dazzle his readers by his extraordinary learning and splendid literary gifts was no part of his purpose. Much the same may be said of Kent, Story, Greenleaf, Addison, Parsons, Benjamin, Anson, and Pollock, as well as other eminent text-writers, both English and American. To them unswerving relevancy to the subject in hand, and clear exposition of the legal doctrine involved in it, mean everything; whilst padding and pedantic discursiveness are things to be abhorred.

Having premised so much as to the recognized canons of method in the making of law-books, let me briefly mention some of the instances in which I conceive Mr. Beven to be guilty of heretical practices in relation thereto.

In the first place, he materially and frequently lessens the utility of his book by paying too much attention to principles of law which are sometimes not at all cognate to his subject, and at other times but remotely connected with it. Many instances of errantry of this sort might be given would space permit, but I must pass on to demonstrate another feature of discursiveness in the book even more unpardonable than the one I have already indicated. Indeed, the work is plethoric with examples of

the sort of divagation I am about to mention, but I must content myself with noticing one or two of the more notable instances of it. In chapter II. (volume I., p. 28) our author launches out into a most pedantic dissertation, which fairly bristles with irrelevant matter, in discussing the rule of "*diligentia diligentissimi*," as applicable to the due performance of a contract. One of the footnotes to the above-mentioned page is so pre-eminently characteristic of the author's style, that I cannot forbear quoting it in extenso: "This" (the inexpediency of the rule in question) "may be illustrated by a passage from Lady Holland's 'Life of the Rev. Sydney Smith': 'It requires long apprenticeship to speak well in the House of Commons. It is the most formidable ordeal in the world. Few men have succeeded who entered it late in life; Jeffrey is perhaps the best exception. Bobus used to say that there was more sense and good taste in the whole House than in any one individual of which it was composed.' (Vol. I., p. 347.) So, too, the taste in Literature or Art of a class may be more correct than that of any writer or performer, e. g., the taste in architecture, at the present day formed on the models of bygone times. What incongruity, then, in fixing a standard of conduct in certain emergencies higher than the habitual practice of the individual! For a development of the same idea see chapter VII., 'On the Moral Perfection of Jesus in Phases of Faith,' by F. W. Newman, at once a scholar, a man of powerful and original mind, and (the italics are our author's) a logician"(!) Again, on page 1369, chapter III. (Volume II.), the professional reader must curb his impatience to add matter to his brief, and listen whilst the erudite and versatile Mr. Beven descants on the personal history and artistic merits of the Italian painter, Luca Giordano; and, peradventure, lest any learned counsel interested in the law of negligence might be so much of a Philistine as not to know what constitutes a sculptor, he is regaled with Ruskin's views on that subject, supplemented by a reference to "Rusk. Lect. on Archit.," add. to sect. 11, p. 108 of Ed. 1891! Verily, in the language of the immortal Mr. Squeers, "here's richness!" What an encyclopædic store of information is thus thrust upon the busy lawyer in his hours of toil! Hereafter he is not to take his law of negligence neat; willy-nilly, he must imbibe it in a rapid solution of pedantic balderdash.

The Judicial "We."

M. S. Saunders, in the *Minnesota Law Journal* for November, has an article on "Writing Opinions," which contains the following very pertinent observations on the personal pronoun in judicial utterances:

Picking up at random any number of the *National Reporter System*, and glancing over the decisions therein reported, one may find these expressions, "We are of the opinion

that," or "We are convinced that," or "It is evident that," or "It is certain that." These words are utterly superfluous, and weaken rather than strengthen the point decided, or commented upon. A supreme court is of last resort. Its decisions are ultimate. It is impersonal. Therefore, what is said in a decision should come, so to speak, *ex cathedra*. Personal pronouns should be avoided, and instead of a sentence reading, "We are of the opinion that the findings of the trial court are supported by the evidence," how much better and forcible to read, "The findings of the court below are supported by the evidence." Instead of "We are convinced that so radical a change," etc., how much stronger and authoritative "Such a radical change," etc., would sound.

In dissenting or concurring opinions, which are at best unnecessary and somewhat egotistical, and conducive to uncertainty and disrespect of the court, the use of the personal pronoun is correct. They are the personal opinion or one or two judges. But the majority opinion, being the law decided upon, should read impersonally and with the force of unalterable and ultimate authority.

Careful perusal of the reports of the English appellate decisions, will show that the judges there clearly and forcibly write and speak along these lines. Their decisions aptly illustrate these two points, i. e., the correct use of the words "judge" and "court," and the authoritative and forceful use of decisive words without circumlocution and weakening adverbs or adjectives.

Literary Judges.

THE Canada Law Journal gives the following lively discussion of the effect of devotion to the law upon the nobler faculties of the lawyer, from the pen of Charles Morse:

Apropos of the literary propensity in judges, how little of it has been manifested in Canada! Nova Scotia has, indeed, produced one *littérateur* of the Bench who enjoyed a considerable reputation in England and America—Judge Haliburton, better known as "Sam Slick"—but he has had no compeers in all the brilliant galaxy of men who have worn the ermine in the Provincial and Federal courts. One would think that such leisure as the occupancy of the Bench affords (and I believe it to be true that all our judges are not perennially busy!) would naturally invite men of literary tastes and acquirements to honour themselves and delight their country with the product of their pens. No doubt in some minds the necessarily narrowing influences of forensic life work to the undoing of the literary faculty, but that such a result is inevitable is refuted by the splendid array of writers produced by the Bench in England and the United States. The impression

is, however, undeniably extant that the average man of the law is very much a Philistine. Philip Gilbert Hamerton, the artist and essayist, tells the following anecdote in support of his view that the intellectual habitat of the lawyer is a howling wilderness of sterility. He says: "I remember asking a very clever lawyer who lived in London whether he had ever visited an exhibition of pictures, and he answered me by the counter-inquiry, whether I had read Chitty on Contracts, Collier on Partnership, Taylor on Evidence, Cruise's Digest, or Smith's Mercantile Law. This seemed to me at the time a good instance of the way a professional habit may narrow one's views of things, for these law books were written for lawyers alone, whilst the picture exhibitions were intended for the public generally. My friend's answer would have been more to the point if I had inquired whether he had read Linton on Colours, and Burnet on Chiaroscuro."

In my humble opinion, the layman had the better of the lawyer here; and the incident cautions us that man cannot hope to live by one sort of intellectual bread alone.

I was discussing this very question with an American literary man the other day, and he told me the following story as illustrative, in some measure, of his theory that the practice of the law has so fatal a tendency to develop the sordid traits in a man's character that, unless he is endowed with a singularly elevated soul, his nobler faculties, among them being those which would incline him to the pursuit of Literature and Art, must languish and die of sheer inanition. I give the story principally because I think it is a good one, leaving my readers to judge of its appositeness to the purpose for which it was related:

An attorney in Boston, of Jewish origin and faith, had occasion to retain a certain eminent counsel (who, in the words of the Anglican prayer book, "professed and called himself a Christian") in a case of no great moment. They won the case, because they couldn't help it—the law being clearly with them. At its conclusion the eminent counsel said to his confrère: "Well, we've beaten 'em, sure enough, and we'll get a fairish bill of costs out of 'em. But what will we charge our client?" "Oh," said the son of Abraham, with the bland smile and reassuring hand-rubbing characteristic of his race, "it would be leetle enough to say \$700—\$350 apiece." "What," cried the E. C., "\$700 for four mortal hours of our valuable time, and yet you are proud to call yourself a Jew? You are recreant to the first instincts of the race!" So the E. C. left him, but called at his office later in the day and handed him the client's cheque for \$700, being one-half of their joint fee as exploited by the astute E. C. "Now," said the latter, triumphantly, "what do you think of that?" "Mine friend," said the Jew, admiringly, "almost thou persuadest me to be a Christian!"

Announcements.

Callaghan & Co. announce for publication in November, Nelson on the Law of Divorce, Separation and Annulment of Marriage, in two volumes.

Callaghan & Co. have in press a treatise on the Principles of Code Pleading, by George L. Phillips, late judge of the court of common pleas of Ohio.

Shaw & Sons (London) have in press the Summary Jurisdiction (Married Women) Act, 1895, with introduction, table of cases, notes, etc., compiled by Guy and S. G. Lushington.

The F. H. Thomas Law Book Co. (St. Louis) announce as in press the "American Law of Bailments," by John D. Lawson, of the law department of the University of Missouri.

Shaw & Sons (London) will soon publish a new (sixth) edition of the Factory Acts, including the act of 1895, by the late Alexander Redgrave; revised by Jasper A. Redgrave and H. S. Scrivener.

W. W. Brewer & Co. (St. Louis) announce a compilation of the laws regulating the "Jurisdiction of the Federal Courts," with reference to the leading decisions, prepared by Hon. Amos M. Thayer for the use, especially, of the St. Louis Law School.

The Hornbook on Elementary Law by Prof. Walter Denton Smith, of the Michigan University Law School, has been announced as "nearly ready" for nearly a year and a half. The publishers state that the work is now nearly through the press, and they expect to publish it early in 1896.

The West Publishing Company announces, for publication early in 1896, a comprehensive book on Garnishment, prepared on an original plan by Mr. John R. Rood, of Marquette, Mich. Mr. Rood has been engaged on this work for several years, and his manuscript is very highly commended by the critics to whom it has been submitted.

Mills' Annotated Code of Colorado is announced as nearly ready by the Mills Publishing Co., Denver. The text is the Colorado Code of Civil Procedure of 1887, with all changes and amendments to date. It is the publishers' intention that this one book shall show, as in a panorama, all the Code legislation and judicial interpretation thereof of the state.

The Chicago Legal News Company will publish, near the last of December, the Revised Statutes of Illinois for 1895, edited by Hon. Harvey B. Hurd, the official reviser of the edition of 1874 and the editor of subsequent editions. The work will appear in one volume of nearly 1800 pages, and will contain only the statutes actually in force in the state on December 1, 1895.

M. Murphy (Philadelphia) announces a new series of selected cases to be called "American and English Decisions in Equity." It is to be edited with notes by Henry Budd, of the Philadelphia bar. The publisher's announcement states that the volumes will be issued annually, each to contain the best equity decisions of the year, and also that the series will be completed in about ten volumes.

The Boston Book Company will soon place on sale a treatise on the Conflict of Laws, by Albert V. Dicey, Vinerian Professor of Law at Oxford. The American notes, designed to apply the text to state and federal laws and decisions, are by J. B. Moore, professor of International Law and Diplomacy at Columbia College. The same house announces as in press a ninth edition of Taylor on Evidence, with American notes by C. F. Chamberlayne.

Little, Brown & Co. announce the following law books to be published early in 1896: "Elements of the Law of Damages," by Arthur G. Sedgwick; "A Treatise on Military Law and Practice," by William Winthrop, late Assistant Judge Advocate General, U. S. A., second edition, revised and enlarged; a new edition of the late P. Emory Aldrich's "Equity Pleadings and Practice in the Courts of Massachusetts;" "Cases on the Law of Agency," by Prof. Ernest W. Huffcut; and a new edition (the sixth) of Russell's eminent work on "Crimes and Misdemeanors."

The next volume of the Hornbook Series will be on the Construction and Interpretation of Laws, by Henry Campbell Black. It will include not only the construction of constitutions and statutes, and interpretation with reference to common-law pleading, but also the rule of Stare Decisis and the interpretation of judicial decisions and the doctrine of precedents. Mr. Black's other books have given him a national reputation and a standing in the foremost rank of law text writers, and the profession will undoubtedly give a cordial welcome to the latest product of his pen. It will be published in January.

Among the announcements of the West Publishing Company for the coming season are

Black on the Construction and Interpretation of Laws, Smith's Elementary Law, McKelvey on Evidence, and about a dozen other volumes of the Hornbook Series, besides a number of important general text-books. They will issue early in the year the much-needed digest of the New York Supplement, covering volumes 1 to 35 of that valuable series. They expect to finish the Federal Cases, about two-thirds of which has already been issued. Most important of all, they promise to begin the publication of the great Century Edition of the American Digest, the monumental compilation of the entire case law of the country "from the earliest times to the year 1894," to be continued and kept up to date by the American Digest Annuals and Monthlies.

The Boston Book Company announces as nearly ready Foster on the Constitution, being commentaries on the Constitution of the United States, historical and judicial, with observations on the ordinary provisions of the state constitutions, and a comparison with the constitutions of foreign countries. It is to be complete in three volumes, the first of which, terminating with the subject of Impeachments, is to issue in December. The publisher's announcement states that this volume contains "the first exhaustive historical and analytical argument against the legality of secession, the first constitutional history of the Confederate states, the first history of Reconstruction from a legal as well as an historical point of view, and the first history of impeachments in the different states. The last includes a large number of curious facts known hitherto only to a few special students, such as the conviction and removal of a governor for following Lincoln's example in suspending the writ of habeas corpus without authority from the legislature, and the removal of a judge for obeying a decision of the supreme court of the United States, overruling decisions of the state courts that were supported by the wishes of a majority of the state electorate." The author, Roger Foster, Esq., has had the advantage of writing with much new material before him, and in the new light which subsequent history has thrown upon the constitution.

Law Book Notes.

A new (third) edition of Walker on Patents has been issued by Baker, Voorhis & Co.

Ballard's Real Property Annual, volume 3, is out, and will be found as useful and thorough a work as the earlier volumes.

An eighth edition of Anson on the Law of Contracts, by Sir W. R. Anson, was brought out in October by the Clarendon Press.

Callaghan & Co. have issued a student's edition of Cooley's Elements of Torts, and a second edition of Gillett's Criminal Law.

Banks & Bros. published, in November, "The Electrical Law of the State of New York," by Wendell Van Rensselaer Barnard.

Butterworth & Co. (London) have issued a new (fourth) edition of Dowell's Income Tax Acts, revised by the author, Stephen Dowell.

The Central Law Journal Company (St. Louis) has published a revised and enlarged (second) edition of Martindale on Abstracts of Title.

The typographical appearance of volume 1 American Negligence Cases is worthy of special commendation. The book shows good workmanship.

Sweet & Maxwell have recently issued a "New Guide for Articled Clerks," with forms, questions and answers, legal maxims, etc., prepared by H. W. Stiff.

The Interstate Commerce Commission Reports have been transferred by the former publishers, Baker, Voorhis & Co., to the Lawyers' Co-operative Publishing Co.

The White Law-Book Company, Albany, has published a second edition of White on Corporations, a supplement to the first edition, and White's Manual for Business Corporations.

Wm. Clowes & Sons (London) have published a "Manual of the Law Specially Affecting Catholics," prepared by W. S. Lilly, Secretary to the Catholic Union of Great Britain, assisted by J. P. Wallis.

A new (second) edition of Hardcastle's "Treatise on the Rules Which Govern the Construction and Effect of Statute Law," revised by W. F. Crails, has been issued by Stevens & Haynes, London.

Volume 11 of the American Railroad and Corporation Reports, edited and annotated by John Lewis, of the Chicago bar, has recently been issued by E. B. Myers & Co. This volume presents about 140 cases.

A new (seventh) edition of Indermaur's "Principles of the Common Law," by John Indermaur, was published, near the last of October, by Stevens & Haynes, London. The first edition of this work appeared in 1876.

A students' "Test Book of Law and Practice, and Hints on Legal Study," prepared by Chas. T. Boone, has been issued by Reuben's Old Law Book House, of San Francisco. It is in the form of questions and answers.

"The Law of Property," by J. A. Strahan, assisted by J. Sinclair Baxter, has recently appeared from the press of Stevens & Sons. This work is designed as a general presentation of the law of property, for the use of students.

A new (fifth) edition of Comyns' "Exercises on Abstracts of Title," arranged for the use of students, has recently been published by Reeves & Turner. The revision contains an introductory essay on "Assurances," by H. W. Challis.

Sweet & Maxwell (London) have recently published a new (ninth) edition of the late Judge Pitt-Taylor's "Treatise on the Law of Evidence, as administered in the courts of England and Ireland." The revision is by G. Pitt-Lewis, Q. C.

Volume 9 of the Hawaiian Reports, containing decisions for the years 1893-94, together with the rules of the circuit courts and of the supreme court, and the constitution of the republic of Hawaii, has been published by Robert Grieve, Honolulu.

W. H. Lowdermilk & Co. have just published "Laws of Business in Commerce, Real Estate, Mortgages, Trust Deeds, and Property Rights of Married Women," by Arthur MacArthur, LL. D., late Judge of the Supreme Court of the District of Columbia.

William Green & Sons (Edinburgh) published, near the last of October, a "Manual of the Law and Practice of the Dean of Guild Court," prepared by James Campbell-Irons. The work also contains a synopsis of the law of Building Restrictions, Servitudes, etc.

Little, Brown & Co. have issued a supplementary volume to the Massachusetts Digest, giving the cases from 1879 to 1895, thus bringing their digest down to date. It has been prepared by Charles N. Harris, author of the Massachusetts Statutory Citations.

Banks & Bros. have recently published a second edition of the "Laws Relating to the Department of Buildings of the City of New York," as in force Jan. 1, 1896, collated for the use of the department by John Vinton Dahlgren, assistant attorney to the department.

Among the works recently published by Bell & Bradfute, Edinburgh, is a new (second) edition of the "Law of Leases in Scotland," by John Rankine, of the University of Edinburgh. A third edition of a "Treatise on the Rights and Burdens Incident to the Ownership of Lands and Other Heritages in Scotland," by the same author, has also appeared quite recently.

Volume 5 of Judge Thompson's Commentaries on Corporations has been issued by Bancroft-Whitney Co. It covers titles 12 to 17 of the work, treating of the following subjects: Corporate Powers and the Doctrine of Ultra Vires; Corporate Bonds and Mortgages; Torts and Crimes of Corporations; Insolvent Corporations; Dissolution and Winding up; Receivers of Corporations.

The establishment of a commercial court in London has given birth to a new series of English reports under the title, "Reports of Commercial Cases," edited by Theobald Matthew. About six parts will be issued during 1895-96. Part 1, with an introduction explaining the procedure adopted in chambers and at trial, has just been issued. Butterworth & Co. (London) are the publishers.

D. C. Heath & Co. have announced for immediate publication a treatise on the "Principles of International Law," by Dr. Thomas J. Lawrence, formerly of Cambridge (Eng.) University, and at a more recent date connected with the Chicago University. The work presents the subject under four main divisions: (1) The Nature and History of International Law; (2) The Law of Peace; (3) The Law of War; and (4) The Law of Neutrality.

The series of collections of illustrative cases for law schools published by the West Publishing Company was increased in December by a volume on Personal Property, selected by Prof. Levi T. Griffin, Fletcher Professor of Law in the University of Michigan, with the assistance of Walter Denton Smith, Instructor in Law; and a volume on Equity Jurisprudence, compiled by Hon. Seth Shepard, Lecturer before the School of Law in the Georgetown University, D. C.

The West Publishing Company issued, in December, the new Digest of the Northeast-

ern Reporter, covering Vols. 31 to 40, the second edition of Dos Passos on Inheritance Tax Law, Shepard's Illustrative Cases on Equity Jurisprudence, Griffin's Illustrative Cases on Personal Property, Vol. 41 Federal Reporter, Vol. 32 Atlantic Reporter, Vol. 69 Federal Reporter, Vol. 15 C. C. A. Reports, Book 20 Federal Cases, Vol. 64 Northwestern Reporter, and Vol. 58 Minnesota Reports.

James Skinner & Co. (Edinburgh) have recently issued an 1895-96 edition of the "Court of Sessions and Sheriff Court Annual," containing the usual digests of procedure, acts of parliament and sederunt required by practitioners before the supreme and inferior courts, for conveyancing, companies, trusts, etc.; the different acts governing conveyancing, with annotations; the rules of procedure on appeals to the house of lords; lists of stamp, probate, legacy, and succession duties, with official instructions; and much other similar matter relevant to a hand-book of its character.

The bar association of the District of Columbia has requested Mr. Justice Cox, of the supreme court, to undertake the work of codifying the laws of this District, and he has consented to do so. The importance and desirability of such a work could hardly be overestimated, and it is safe to say that it could not be entrusted to a more competent person. The work will not be immediately commenced, —perhaps not before the retirement of Mr. Justice Cox from the bench, about a year hence,—when he will devote his time very largely to the performance of the work requested. The work will be done without compensation, but it is understood that the bar association will provide him with clerical assistance. —Washington Law Reporter.

The Harvard Law Review for December gives the following brief review of "The Mirror of Justices," recently published by the Selden Society, London:

The chief value of this publication is the proof it gives that the "Mirror" is valueless. This book had been freely cited by Coke and other lawyers of the sixteenth and seventeenth centuries; and Judge Gray not long ago considered at length an extract from it in the very important case of *Briggs v. Light Boats*, 11 All. 157. It is therefore well worth while to have its unreliability established; and that this is done will appear from the following statements in the introduction: "Our author's hand is free, and he is quite able to do his lying for himself, without any aid from Geoffrey of Monmouth or any other liar. He will not merely invent laws, but he will invent legislators also; for who else has told us of the statutes of Thurmod and Leuthfred? The right to lie he exercises unblushingly. * * * Religion, morality, law, these are for him all one; they are for him law. * * * That he deliberately stated as law what he knew was not law, if by law we mean the settled doctrines of the King's court, will be sufficiently

obvious to any one who knows anything of the plea rolls of the thirteenth century. * * * One word is wanted to make this true: the word 'not.' Our author knows that as well as we know it." All this is as true as it is vigorous, and it is evident that a book of which such things can be said is not one to be rashly used as authority.

A book, which is not technically a law book, and yet which will be of great interest to lawyers, has been recently published by Swan, Sonnenschein & Co., London (Macmillan & Co., New York). It is called "The King's Peace," and is an historical sketch of the English law courts, by F. A. Inderwick, Q. C., author of "Side-Lights on the Stuarts," "The Interregnum," etc. The work begins with the Dooms of Alfred, and the first chapters are devoted to the developments in the judicial system during the Anglo-Saxon period. This is followed by chapters on the "Curia Regis," "From the Accession of Edward I. to the Death of Richard III.," "The Courts of the Forest," "From the Accession of Henry VII. to the Restoration of the Monarchy," "From the Restoration to the Erection of the Supreme Court of Judicature." The author presents, in a very readable style, a great deal of information which could otherwise be obtained only by a more extended research than the ordinary lawyer can afford to give to any subject not involved in a case. The book is enlivened by illustrations, and altogether is fitted to easily beguile a dollar and a half from the lawyer who has any professional or literary interest in the curious early laws of England and the way in which they grew into the elaborate system of to-day.

Miscellaneous Notes.

Mr. D. M. Mickey contributes to the Central Law Journal for November 8th an able article on "Proof of Handwriting," with numerous citations.

The Contemporary Review (London) for October contains an interesting article on Sir James Fitzjames Stephen, from the pen of Julia Wedgwood.

A lawyer recently made a happy combination of two popular law books, Black on Intoxicating Liquors and Jaggard on Torts. He ordered "Jag. on Intoxicating Liquors!"

The last number of the Madras Law Journal contains a report of the case of *Rajah Papamma Row v. somebody or something*. It somehow suggests a family jar. We suppose it would be digested under "Domestic Relations."

The Chicago Law Journal for November publishes a second installment of an address on "Expert Testimony," by Hon. L. G. Kinne, of the Iowa supreme court, delivered at the annual meeting of the Iowa State Bar Association in June, 1895.

The address of Hon. James C. Carter, president of the American Bar Association, delivered at the recent meeting of that body in Detroit, has been published in full in the Albany Law Journal, beginning with the number for November 16th.

Prof. Cesare Lombroso, whose prominence as a student of criminal tendencies has been emphasized by the recent publication of his treatise on the "Female Offender," contributes to the Monist for October an able article on "Criminal Anthropology Applied to Pedagogy."

The firm of Remick, Schilling & Co., whose name appears on the title page of American Negligence Cases, vol. 1, is made up of John C. Remick, well known throughout the country as a popular and successful law-book salesman, and Jos. M. Schilling, for many years with Dossy & Co.

With its November number, the Popular Science Monthly begins the publication of a series of articles on Taxation, by Hon. David A. Wells. In this number, also, Mr. Herbert Spencer continues his series of articles on "Professional Institutions" with an interesting article on "Judge and Lawyer."

"The Rights to Take Water from Streams and Lakes for Public Water Supply," a paper presenting the established principles of law on this subject, read before the last convention of the American Water Works Association by R. G. Brown, of the Minneapolis bar, has been published in pamphlet form by F. W. Shepherd, New York.

It was before Sir Henry Hawkins that a Hebrew barrister made this appeal for clemency for his client convicted of perjury: "He is the best man in the kingdom for de trut! He always spoke de trut, and indeed he was so fond of it that he would tell more than de trut."

—Green Bag.

A new (eleventh) edition of "Lumley's Union Assessment Committee Acts," revised by Walter C. Ryde, has recently appeared from the press of Shaw & Sons, London.

This edition contains the Parochial Assessment Act of 1836, together with an introduction relating to the making of valuation lists and the practice governing appeals against, and recovery of, poor rates.

In the Northwestern Law Review for November, Hon. Harvey B. Hurd gives an outline of the Torrens Land-Title System which will be read with interest by the legal profession. In the same number appears an able article by S. S. Gregory on "Constitutional Limitations of the Police Power," and another by D. A. Bechtel entitled "A Study of the Roman Law of Adoption."

According to an eastern exchange the following statute exists in Oregon:

"All traction engines and bicycles must carry two planks, each 12 feet by 12 inches by 3 inches, upon which to cross the bridges, and must come to a stop within at least 100 feet of any horse-drawn vehicle approaching from either direction."

Perhaps this is all right so far as traction engines are concerned, but isn't it a little hard on the bicyclist?

The Virginia Law Register for November presents, from the pen of Judge James C. Lamb, an interesting biographical sketch of the late John B. Minor. An excellent full-page portrait of Prof. Minor was prepared to accompany this sketch, but by some mistake it was left out by the binder,—an error which the publishers have cured, so far as possible, by sending the portrait, with an explanation of the matter, to subscribers, at a later date.

The Yale Law Journal for October publishes the address delivered by Justice Brewer at the recent meeting of the American Bar Association on the subject, "A Better Legal Education the Great Need of the Profession." In the same number, John E. Keeler discusses the "Survival of the Theory of Natural Rights in Judicial Decisions." The Townsend prize oration, by Herbert Knox Smith, on the subject, "The Failure of Municipal Government," is also published in full.

The Chicago Law Journal for November contains an important and interesting editorial on "Mandamus to the Governor," discussing at considerable length the question: "Will mandamus lie against the executive officer of a state to coerce the performance of a particular duty arising either out of his official position or imposed upon him by law, in the execution of which an indi-

vidual has a direct pecuniary or vested interest, and there is no other plain, speedy, and adequate remedy?"

November added to legal literature another western periodical, the *Kansas City Bar Monthly*, a bright 26-page magazine, published as the official organ of the Kansas City Bar Association. The initial number is made up mainly of papers presented at the meeting of the Association held on September 7th, and the December number contains several interesting papers read at the meeting on November 9th. The new-comer seems to be very much alive and glad of it. May it long remain so.

The *Green Bag* for December contains an interesting sketch, by A. Oakley Hall, of Alexander Hamilton as a lawyer, accompanied by a full-page portrait of Mr. Hamilton. Mr. L. E. Chittenden contributes another chapter of "Legal Reminiscences." A third paper on "The Supreme Court of Maine," by Charles Hamlin, is given, with portraits of four of the associate justices of that court. A number of other interesting articles appear, together with the usual amount of editorial and miscellaneous matter.

The *Scottish Law Review* for November contains an address by James Wilson, president of the Association of Burgh Officials in Scotland, delivered at a meeting of the Association held in Dundee on October 25, 1895; an interesting article by Henry B. Brown on the "Antecedents of the Accused," considering the limits of evidence in criminal cases to show the previous character and history of the defendant; a discussion of the "Obligations of a Vassal to his Superior," by "N. F. C."; together with the usual editorial matter, correspondence, reports, etc.

The *Albany Law Journal* for October 26th publishes in full the address delivered by Hon. J. Wreford Budd, president of the Incorporated Law Society, at the recent annual meeting of that body in Liverpool, England. In a later number (November 2d) appears an interesting paper read at the same meeting by Mr. C. H. Pickstone, on the significant subject, "One Law for the Rich and Another for the Poor," the paper being a discussion of the causes that have led to the belief by a large proportion of the public that the law discriminates between the two classes in protecting rights and applying remedies.

We are inclined to believe that the boy who plays the part of "devil" in the office of

the *Nebraska Legal News* tampered with its advertising forms while practicing for Halloween. For several weeks that paper has presented a double-column advertisement of the *Compiled Statutes of Nebraska for 1895*, set in an emphatic, bold-faced type, the middle paragraph of which exhibits the following eloquent imitation of the jargon of a union depot train caller:

This is thebrislounly
mpliassa- of the Nko eoto
Statutes for the year
1895.

As that statement stands we see no reason why any one should dispute it!

Among the pamphlets published by the American Academy of Political and Social Science which have reached us during the month are: "Amendments to the Italian Constitution," by G. A. Ruiz, of the University of Naples; "Recent Political Experiments in the Swiss Democracy," by Louis Waurin, of the University of Geneva; "The Problem of Sociology," by George Simmel, of the University of Berlin; "Railway Departments for the Relief and Insurance of Employés," by Emory R. Johnson, of the University of Pennsylvania; "The Social Basis of Proportional Representation," by J. W. Jenks of Cornell University; "Representation in New England Legislatures," by Geo. H. Haynes, of the Worcester Polytechnic Institute; and "The Custody of State Funds," by E. R. Buckley, of the University of Wisconsin.

A portrait of Judge Thomas Chandler Halliburton, author of the popular "Sam Slick" papers, forms the frontispiece to the November *Green Bag*, followed by an interesting biographical sketch by J. A. Chisholm. This number also contains an article by "M. J. F." on the "Imprisonment of Dr. Cornelius Herz," who was arrested 2½ years ago, at the instance of the French government, for alleged complicity in frauds connected with the Panama canal enterprise; "Appeals to the Highest Court," an interesting sketch by Geo. H. Westley, of the ancient and mediæval methods of trial by ordeal and the appeal to the court of Heaven; the second installment of the historical sketches of the supreme court of Maine, begun in October, illustrated with portraits of several of the chief justices of that court; and much interesting miscellaneous matter.

We take a certain melancholy pleasure in sharing with the readers who have followed us to this last number the following eulogy—or elegy:

The "Law Book News."—Lawyers who desire to keep up with, or out of the way of, the ava-

lanche of law books now being issued from the press, cannot do better than read this very excellent journal, issued monthly by the West Publishing Company of St. Paul. We have learned to look forward with pleasurable anticipations to its coming, and always find in it much that is interesting and valuable. In each number are published signed reviews by leading lawyers, of new law books, announcements of books to be published, law book errata, personal and miscellaneous notes of interest to the profession, editorial matter, and, not the least valuable of its features, a topical index of articles in current periodicals on legal subjects, giving the name of the periodical, place of publication and price of single numbers. We commend it to our professional brethren as well worth the subscription price of one dollar.

—Virginia Law Register, Nov., 1895.

A correspondent of the Green Bag has found a city attorney in Kansas who believes in doing all things with "due form and solemnity," no matter how much ridiculous surplusage it may cost. In defending a case against his city, he filed the following demurrer:

Plaintiff

vs.

The City of ——— In the District Court of
County, Kansas.
Defendant.

And now comes said defendant and demurs to the petition of plaintiff, herein filed, on the ground that said petition does not set forth facts sufficient to constitute a cause of action.

City Attorney for Defendant, the City of ———.
State of Kansas,
County of ——— SS.

The City of ——— by ——— its attorney being duly sworn, says that the statements made in the foregoing demurrer are true as he verily believes.

City Attorney for Defendant, the City of ———.
Sworn and subscribed, etc.

Mr. Irving Browne, in the "Easy Chair" of the Green Bag, takes us to task as follows:

"Law Book News speaks of Mr. Charles F. Beach, Jr., as 'author,' or at least god-father, of many legal treatises.' This is not strictly accurate. He is their father-in-law. The slur on Mr. Beach is undeserved. His books are good, whether he did all the work himself or not."

What we wished to indicate was that Mr. Beach's numerous putative literary progeny were not all his lineal descendants, or even his "blood kin." Inasmuch as Mr. Browne sets up as an authority on Domestic Relations, as well as Words and Phrases, we are willing to accept his dictum as to the exact phrase to express the relation which Mr. Beach bears to the books published under his name. Besides, "father-in-law" sounds more professional than "god-father" (though it is not so). But why is our remark an "undeserved slur" on Mr. Beach? If, as Mr. Browne declares, the books are "good," isn't it an honor to be even remotely connected with them, whether as god-father-in-law, Dutch un-

cle, or cousin-german twice removed (say from Louisville to New York, and from New York to Chicago)?

Commenting on the steps taken towards the revision of the New York Code, the Harvard Law Review says:

The troublesome experience of New York with the existing Code of Civil Procedure should have been sufficient warning against ill considered methods of change; but the present course of revision in that state is more likely, one would think, to lead to further confusion, than to any reform of the inconsistencies and ambiguities that now characterize the Code. After long agitation the state bar association secured the passage of an act which empowered the governor to appoint a commission of three to examine Codes of Procedure and Practice Acts of other states and countries, and prepare a Revised New York Code. So far, all well and good! The governor at this stage appointed the three commissioners of statutory revision to constitute the commission for revising the Code. These commissioners—competent men in their department—are not shown to have any peculiar fitness for this additional task. The advantages of codification are debatable; but once the policy is adopted, no one can question that the preparation of a Code should be intrusted, as a prerequisite for its satisfactory accomplishment, to those who have a thorough familiarity with the principles and theory of the particular branch of the common law to be codified, and a specialist's knowledge of its details. Incidentally, but not so imperatively, an acquaintance with the defects and merits of existing Codes is desirable. In the present case, to throw the burden of drafting a Revised Code of Procedure on the shoulders of the commissioners—confessedly not specialists in the Law of Civil Procedure, and already behindhand in their work of revising the statutes—is probably to repeat the history of 1877, when a similar commission of statutory revision was required to revise the Procedure Code. The result was that the revision of the statutes was never completed; while the Procedure Code is so defective and ill drawn that, rather than practise longer under it, the bar of the state now welcome the uncertainties of a new revision. It is only fair to add that the report, which the commissioners must submit December next, of the results of their examination of other codes and rules of procedure may reveal unexpected and uphoped for qualifications for the task assigned them.

New York state has been fortunate, not only in having one of the largest and most complete law libraries in the world, but in having the services of a librarian who is competent in every way to administer such a library. Mr. Stephen B. Griswold has long been known beyond the limits of his own state as one of the librarians of the country who dignify the office by developing its often-unused possibilities. In 1882 he compiled a subject index including the 24,000 volumes then in the law library, exclusive of 10,000 volumes of statute law and state papers, and he has now added a supplement under the same classification, covering the 12,000 volumes and 600 pamphlets added from January 1, 1883, to December

31, 1893. Subjects are arranged alphabetically, and under each are entered the books bearing on that subject and references to leading articles. Cross references lead the searcher to subordinate and co-ordinate topics. While the index is especially intended for the use of those who consult the New York State Library, it is also very valuable to any one who wishes to find what books or articles may be consulted upon a given subject. Mr. Griswold quotes with feeling, in his preface, the words of Anthony & Wood: "A painfull work it is, I'll assure you, and more than difficult; wherein what toyle hath been taken, as no man thinketh, so no man believeth, but he that hath made the triall." But while that may indeed be true, every man who uses the index will certainly give Mr. Griswold credit for industry and ability as well as for a keen interest in his subject, and will, moreover, be impressed with the fact that New York has a law library to be proud of. Since writing our notice of "Law Libraries in the United States" (volume 1, p. 97, Law Book News), we have learned that a very large proportion of most of the English bar libraries is made up of miscellaneous works, not law books; so probably the New York State Library has the largest law library in the world, with the exception of the Congressional Library at Washington.

Of Collateral Interest.

Macmillan & Co. have just issued a volume of "Essays in Taxation," by Prof. Edwin R. A. Seligman, of Columbia Collge.

A new edition of "The Inns of Court and Chancery," by W. J. Loftie, appropriately illustrated by Herbert Rallton, has recently appeared from the press of Macmillan & Co., New York.

Merthelmer, Lea & Co. (London) have recently published a revised and enlarged (second) edition of Tallack's "Penological and Preventive Principles," by William Tallack, secretary of the Howard Association, London.

The American Law Review is authority for the statement that Col. George H. Smith, of Los Angeles, Cal., who was this year awarded the prize of the American Philosophical Society for what is known as the "Crowned Essay," is now engaged in developing the subject of the essay into a book on the "Theory of the State."

G. P. Putnam's Sons are publishing, in a series of volumes, the Writings of Thomas

Jefferson, edited by Paul Leicester Ford. The sixth volume of the series, which has but recently appeared, is made up mainly of Mr. Jefferson's letters during 1792-4, at which time he was serving as secretary of state in Washington's cabinet.

G. I. Jones (Chicago) has issued a new edition of "The Dartmouth College Causes and the U. S. Supreme Court," by John M. Shirley. This work is, in substance, a history of these great causes, and of the times in which they originated and were tried, and is inspired by a belief on the part of the author that the decision was a political one, wrong in principle, and not warranted by the facts and legal arguments on which it was based.

The American Academy of Political and Social Science shows much interest in the direction of municipal political reform. Its thirty-first scientific session, held December 18th, was given up to papers on the "Modern City" and related subjects. Dr. Edmund J. James has resigned his editorship of the *Annals*, owing to his removal to Chicago, and the office has been accepted by Roland P. Falkner, with Edmund J. James and Emory R. Johnson as associates.

The following pointed review of a little work published by the American Economic Association comes from the Critic (N. Y.):

A pamphlet on the "Poor Laws of Massachusetts and New York," by John Cummings, opens with a notice of the disputes that have arisen between the two states in regard to paupers whose place of residence was uncertain, each state trying to get rid of as many as possible, and not always being sufficiently careful of the rights of its neighbors. After reading such a preface, we naturally turned to the body of the work with the expectation of finding some solution of the difficulty thus signalized, or at least some hints toward a solution, but the author simply gives us a dry history of the poor laws of the two states in times past, without suggesting any better system for the future. Students of history will doubtless make some use of the work, but it will be of no service to those who are seeking a solution of the problem of poverty and pauperism as it presents itself to-day.

The Arts and Lettres Co., of New York, has published a volume of "Fables and Essays" by John Bryan, of Ohio. The author declares in his preface that he publishes the book for his own relief, and that it is not intended to be sold for profit,—instancing the Sermon on the Mount as his example in this direction. The "Fables" are intended to point some moral for politicians, religionists, women, or for humanity in general. It would be easy for a cynical critic to be witty over the work, for the "morals" are generally of

the most obvious sort and the form of expression most commonplace; but such wit would probably be unfair to the writer's intent, at least. Holmes once said that many young poets mistook the common processes of thinking and feeling for divine inspiration, just as they might come to consider the action of their lungs an hourly miracle if they suddenly turned their attention to it and did not realize that other people breathed in exactly the same way. The "Fables" would not be bad in the corner of a newspaper; but that they deserve fair type, wide margins and buckram binding is not so evident.

Notes of Law Book Errata.

IN VAN FLEET'S COLLATERAL ATTACK ON JUDICIAL PROCEEDINGS, § 200, at page 198, the author lays down the general rule governing collateral attack, thus: "In any cause, civil or criminal, the question always is this: Do the allegations, express and implied, constitute a cause of action within the law?" And further on he says: "On principle, the same rule must be applied to both civil and criminal proceedings—namely: If the question is debatable or colorable, the judgment is not void," etc. He also says: "The best considered decisions dealing collaterally with criminal cases accord with this view," etc.

The author's text would be much more satisfactory had he either stated good reasons for reaching such a conclusion, or had he cited his "best-considered decisions"; and if there were not so many eminent authorities to the contrary. What the author means by "If the question is debatable or colorable," is quite uncertain. If he uses the expression in the ordinary acceptance of the language used, he is clearly wrong, for almost every question raised in a case is argumentative. Some of the closest and nicest questions decided by our courts, are as to whether a judgment is void, or merely voidable. Only those who can "distinguish and divide, a hair 'twixt south and southwest side," are able to decide them. The rule laid down by the best-considered cases, and, I may safely say, all well considered criminal cases, is this: If the trial court in any manner violated or infringed any constitutional right secured to the prisoner, it has no power to condemn and sentence him, and if it does, its judgment and sentence is void, and subject to collateral attack. The following are only a part of the well-considered cases that so hold: *Hans Neilson*, Petitioner, 131 U. S. 182; *Ex parte Bain*, 121 U. S. 2; *In re Snow*, 120 U. S. 274; *Ex parte Lange*, 18 Wall. 163; *Ex parte Milligan*, 4 Wall. 119; *Ex parte Siebold*, 100 U. S. 371; *Ex parte Rowland*, 104 U. S. 604; *Ex parte*

Virginia, 100 U. S. 339; *Ex parte Wilson*, 114 U. S. 417; *Ex parte Parks*, 93 U. S. 18; *In re Coy*, 127 U. S. 731; *Ex parte Garvey*, 7 Colo. 384; *Territory v. Ah Neb et al.*, 4 Montana Ty. 149; *In re Garvey*, 4 West Coast Rep. 247; s. c., 23 Am. Law Reg. 733; *In re Millington*, 24 Kan. 220; *State v. Nutt*, 28 Vt. 698; *Cancemi v. People*, 18 N. Y. 129; *State v. Lindley*, 14 Ind. 430; *Eggesht v. State*, 41 Iowa, 574; *State v. Carman*, 63 Iowa, 131; *State v. Maine*, 27 Conn. 281; *Hill v. People*, 16 Mich. 351; *Smith v. People*, 9 Mich. 193; *State v. Lockwood*, 43 Wis. 404; *Bond v. State*, 17 Ark. 290; *League v. State*, 36 Md. 257; *Williams v. State*, 12 Ohio St. 622; *Holman v. Mayor*, 34 Tex. 668; *State v. Commissioners*, 2 Murph. (N. C.) 371; *Washburn v. McIntyre*, 7 Johns. 134; *Mayor v. Ordman*, 12 Johns. 122; and *Tiffany v. Driggs*, 13 Johns. 253.

Nothing could be clearer than the rule expounded in the first eleven cases I have cited, from the highest court in the land. What affects the jurisdiction of a court in a criminal case is quite different from a civil one. A person may waive constitutional rights in a civil case, but not in a criminal one, if a felony. "A person may not barter away his life, his liberty, or his substantial rights." 20 Wall. 445; 121 U. S. 186. Personal liberty is not weighed in the same balance with cents and dollars. There are many constitutional rights in criminal cases that do not exist in civil cases, and they all go to the jurisdiction of the court. 131 U. S. 182. In this case among other things the court says: "It is difficult to see why a conviction and punishment under an unconstitutional law is more violative of a person's constitutional rights than an unconstitutional conviction under a valid law." In either case the judgment and sentence are void for want of jurisdiction. This is certainly not the rule in civil cases. In *Snow's Case*, and *Bain's Case*, and *Neilson's Case* the court expressly held that, if the court below did expressly adjudicate the point in question, it was still open to collateral attack.

In view of these authorities I believe the author's text is radically erroneous, and, inasmuch as it would have a tendency not only to mislead the novice in the law, but the busy practitioner as well, I consider it perfectly proper to make this correction.

H. P. McKnight.

Columbus, Ohio.

Personal.

At a recent convention of the judges forming the appellate division of the New York Supreme Court, Hon. Marcus T. Hun was reappointed as the official state reporter of that court.

It is reported by the Chicago Law Journal that Dr. Henry M. Field will spend the winter in Washington in the preparation of a biography of his brother, the late David Dudley Field. He will be assisted, incidentally at least, by his brother, Justice Field of the United States supreme court.

District Attorney J. R. Fellows of New York has resolved to donate his law library of 2,000 volumes to the new library of the court of general session, which owes its existence to the efforts of Judges Fitzgerald and Cowing and Recorder Goff. With the 2,000 volumes donated by Colonel Fellows and the sum of \$5,000 which was set aside some years ago for this purpose it is expected that an excellent beginning can be made for a valuable collection of books treating of criminal law.

—Chicago Law Journal.

The name of Sir James Fitzjames Stephen is a familiar one to the legal profession of two continents. A biography of Mr. Stephen, written by his brother, Leslie Stephen, and recently published by G. B. Putnam's Sons, reveals much of the early life of the distinguished judge and author which renders easier the study of his character and his later work. While said to have been not a pronounced success as a practicing lawyer, his learning and ability as a judge and his work as a journalist and a legal author have given him in both law and literature an enviable and enduring prominence.

Dr. John Bigelow, the lifetime friend and associate of Samuel J. Tilden, has written a two-volume biography of the distinguished lawyer and statesman, which is published by Harper & Bros. It is said that when Mr. Tilden retired from political life, on account of age and feeble health, all his public papers and private correspondence were placed at Dr. Bigelow's disposal for use in the preparation of this work. Mr. Tilden's standing as one of the really great lawyers of his time, the force of his influence as a political leader, and the character and extent of his public service combine to make his biography of unusual interest to students of American history, and to lawyers who care to study the illustrious characters that have honored and dignified their profession.

In a recent number of Lippincott's, M. Crofton thus writes of the new secretary of state:

Mr. Olney is a sturdily built, short-necked, beetle-browed man, of middling height, with a broad, high forehead, a square-jawed, forceful

face adorned by a drooping iron gray mustache, and is dignified, rather than suave, in manner. He is eight and fifty and comes of a "fighting" Baptist family. He is not, and never pretended to be, an orator, but he speaks with great force and deliberation, and as a lawyer ranks with the best at the Boston bar. He is particularly strong in corporation law, and has pocketed many fat fees in his time for legal services rendered to railroad companies. It is said that when appointed attorney general his practice was quite worth \$50,000 a year. It will be seen, therefore, that he did not enter the cabinet without making a considerable pecuniary sacrifice. Socially, he is a most charming companion. He devoutly believes in the truth of Carlyle's favorite proposition, that "silence is golden." He is a somewhat taciturn, quiet-going man, of studious tendencies, and has always eschewed publicity. He enjoys the distinction of having twice refused a seat on the supreme court bench of his native Bay state.

Correspondence.

An "Official" Error.

Ed. Law Book News: In *Weader v. First Nat. Bank*, 25 N. E. 887, this language is used: "The contract was but an executory contract for the purchase and sale of the note. Had West, after making the contract, brought suit against Mrs. Reiffel on the note, she could [not] have made a successful defense to the action on the ground that he was not the party in interest." In the official report of this case, in 126 Ind. 111, the word "not," which I have put in brackets in the foregoing quotation, is omitted. An examination of the original opinion on file in the office of the clerk of the supreme court discloses that the reading of the *Northeastern Reporter* is right, and the official *State Report* is wrong.

Yours, truly,

B. C. Moon.

Kokomo, Ind.

An Old Scheme in a New Form.

Editor Law Book News: After a careful study of the new scheme for a revolving edition of the American and English Encyclopedia of Law, I am convinced that the publishers of that great work have made a new attempt to accomplish and combine two much-desired inventions,—perpetual motion and the philosopher's stone. The world has been looking for these a good many centuries, and many promising plans have been offered, which looked very plausible theoretically, but they have always developed some radical defect in practice. If the effort of the Northport publishers is successful, they are smarter people than the portion of the human race that has gone before them.

A Long-Suffering Bookbuyer.

NEW LAW BOOKS.

RECORD OF THE LATEST LAW BOOKS.

[We take pleasure in acknowledging our indebtedness to the Publishers' Weekly, of New York, and the Publishers' Circular, of London, which we use in completing this list.]

N. B. Bindings are in law sheep unless otherwise specified.

Treatises, Etc.

ABBOTT, Austin. Select cases on code pleading. 2d Ed. New York: The Drossy Law Book Co. 1895. 23+714 pages. \$5.50.

Agency.

See "Huffcut's Law of Agency."

American Law.

See "Walker's American Law."

AUSTIN, E. The law relating to factories and workshops, including laundries, docks, etc. 8vo. London: Knight & Co. 1895. 6s. 6d.

AUSTIN, H. American game and fish laws, containing a digest of the laws in each state. New Ed. Boston: H. Austin. 1895. 127 pages. Paper, 25c.

Bailments.

See "Lawson's American Law of Bailments."

Banks and Banking Law.

See "Hall's Bank Laws" (N. Y.).

BEALE, Jos. H., Jr. A collection of cases on the measure of damages. Boston: Little, Brown & Co. 1895. 13+538 pages. Cloth, \$3.

BOONE, Charles T. Students' test-book of law and practice and hints on legal study. San Francisco: Reuben's Old Law Book House. 1895. \$3, del'd.

BREWSTER, F. Carroll. A treatise on equity practice in Pennsylvania. Philadelphia: G. T. Bisel. 1895. 2 vols. (Brewster's Practice; vols. 5, 6, Equity.) 196+406; 407-1075 pages. \$10.

BUCKLER, W. H. The origin and history of contract in Roman law down to the end of the republican period. New York: Macmillan & Co. 1895. Cloth, \$1.10, net.

Building.

See "Emden's Law Relating to Building" (Eng.); "Hudson's Law of Building."

Business Law.

See "MacArthur's Laws of Business."

Code Pleading.

See "Abbott's Select Cases."

Commentaries.

See "Snyder's Quizzier E."

v.2L.B.N.no.12—24

Common Law.

See "Indermaur's Principles of Common Law" (Eng.).

COOLEY, T. M. Elements of torts. Students' Ed. Chicago: Callaghan & Co. 1895. \$3.50, net.

Corporations.

See "White's Business Corporations."

COURT of Session and Sheriff Court Annual. 1895 to 1896. Edinburgh: Skinner & Co. 1895. 6s.

Criminal Law.

See "Gillett's Criminal Law."

Damages.

See "Beale's Cases on Damages."

Divorce.

See "Nelson's Law of Divorce."

DOS PASSOS, Benjamin F. The law of collateral and direct inheritance, legacy and succession taxes, embracing all American and many English decisions with forms for New York State, and an appendix giving the statutes of N. Y., N. J., Pa., Mass., Me., Ohio, Conn., Md., Cal., Ill. Second Ed. St. Paul: West Publishing Co. 1895. 22+654 pages. \$6, del'd.

DOWELL, S. The acts relating to income tax, with references to the decisions on the subject. 4th Ed. London: Butterworth & Co. 1895. 12s. 6d.

ELLIS, Griffith Ogden. Quizzier No. 15; being questions and answers on evidence. Detroit: The Collector Pub. Co. 1895. 83 pages, blank interleaved. (The Quizzier Series.) Paper, 50c.

EMDEN, Judge, and H. Johnston. The law relating to building. 3d Ed. London: Knight & Co. 1895. 18s.

ENCYCLOPAEDIA of pleading and practice, under the codes and practice acts at common law, in equity and in criminal cases. Compiled under the editorial supervision of W. M. McKinney. V. 3. Attachment to Certified Cases. Northport: Edward Thompson Co. 1895. 1108 pages. \$6.

English Law.

See "Austin's Law relating to Factories"; "Dowell's Income Tax"; "Emden's Law relating to Building"; "Hudson's Law of Building"; "Indermaur's Common Law"; "Strahan & Baxter's Law of Property."

Equity.

See "Merwin's Equity & Equity Pleading."

Equity Practice.

See "Brewster's Equity Practice" (Penn.).

Evidence.

See "Ellis' Quizzer No. 15."

Factories.

See "Austin's Law relating to Factories" (Eng.).

Fees.

See "Michigan Guide to Lawful Fees."

Game and Fish Laws.

See "Austin's American Game and Fish Laws."

GILLETT, John H. A treatise on criminal law. 2d Ed. Chicago: Callaghan & Co. 1895. \$6.25, del'd.

HALL, Charles Roswell. A treatise relating to banks and banking laws of New York state. Albany: Matthew Bender. 1895. \$5.50, net.

HUDSON, A. A. The law of building, engineering, and ship-building contracts. 2 vols. 2d Ed. London: Waterlow & Sons. 1895. 50s.

HUFFCUT, Ernest W. Elements of the law of agency. Boston: Little, Brown & Co. 1895. 48+249 pages. Cloth, \$2.50; sheep, \$3.

Income Tax.

See "Dowell's Income Tax" (Eng.).

INDERMAUR, J. Principles of the common law. 7th Ed. London: Stevens & Haynes. 1895. 612 pages. 20s.

INDERWICK, F. A. The King's Peace: an historical sketch of the English law courts. Edited by Kenelm D. Cotes. With 15 illustrations and a map. London: Sonnenschein. 1895. 4s. 6d.

Inheritance Tax.

See "Dos Passos on Inheritance Tax."

KERR, Ja. M. A treatise on the law of real property. New York and Albany: Banks & Bros. 1895. 3 vols. 234+703; 704-1572; 1573-2531 pages. \$16.

Law and Practice.

See "Boone's Students' Book of Law and Practice."

LAWSON, John D. The American law of bailments. St. Louis: The F. H. Thomas Law Book Co. 1895. \$5.

LELY, J. M. Statutes of practical utility passed in 1895. Arranged in alphabetical and chronological order, with a selection of statutory rules made during the same period. With notes. London: Sweet & Maxwell. 1895. 5s.

MACARTHUR, Arthur. Laws of business in commerce, real estate, mortgages, trust deeds, and property rights of married women. Washington: W. H. Lowdermilk & Co. 1895. \$2.

MANSEN, E. The builders of our law during the reign of Queen Victoria. Sketches of "law lords" and judges, reprinted from the "Law Times," with some old prints and other illustrations. London: Cox. 1895. 7s. 6d.

MERWIN, Elias. The principles of equity and equity pleading. Boston and New York: Houghton, Mifflin & Co. 1895. \$6, net.

MICHIGAN. Guide to lawful fees and compensations for Michigan. New Ed. Detroit: Richmond & Backus Co. 1895. \$1, del'd.

Negligence.

See "Ray's Negligence of Carriers of Freight."

NELSON, William T. The law of divorce, separation, and annulment of marriage. 2 vols. Chicago: Callaghan & Co. 1895. \$11, net.

Patents.

See "Walker's Patents."

Property.

See "Strahan & Baxter's Law of Property" (Eng.).

RAY, C. A. Negligence of imposed duties, carriers of freight. Rochester, N. Y.: The Lawyers' Co-op. Pub. Co. 1895. 81+1195 pages. \$6.50.

Real Property.

See "Kerr's Real Property."

Roman Law.

See "Buckler's Roman Law."

SELIGMAN, Edwin R. A. Essays in taxation. New York: Macmillan & Co. 1895. Cloth, \$3, net.

SNOW, T., C. Burney, and F. Stringer. The annual practice, 1895, being a collection of the statutes, orders, and rules relating to the general practice, procedure, and jurisdiction of the supreme courts. 2 vols. London: Sweet & Maxwell. 1895. 25s.

SNYDER, Emil W. Kent's commentaries. quizzer E; being questions and answers on

book 1 of Kent's commentaries for students. Detroit, Mich.: The Collector Pub. Co. 1895. 75 pages, blank interleaved. (The Quizzer series.) Paper, 50c.

STRAHAN, J. A., and J. S. Baxter. A general view of the law of property (intended as a first book for students). London: Stevens & Sons. 1895. 12s. 6d.

Taxation.

See "Seligman's Essays in Taxation."

Torts.

See "Cooley's Elements of Torts."

WALKER, Albert H. A treatise on patents. 3d Ed. New York: Baker, Voorhis & Co. 1895. \$6.50, net.

WALKER, Timothy. Introduction to American law. 10th Ed. By Clement Bates. Boston: Little, Brown & Co. 1895. 26+867 pages. \$6.

WHITE, A. M. Outlines of legal history. London: Swan, Sonnenschein & Co. 1895. 7s. 6d.

WHITE, Frank. White's manual for business corporations. Albany: White Law-Book Co. 1895. 8+306 pages. Paper, \$1.

WHITE, Frank. Supplement to the 1st Ed. of White on Corporations. Albany: White Law-Book Co. 1895. 8+101 pages. Paper, \$1; sheep, \$1.50.

Reports.

ATLANTIC REPORTER. V. 32; containing all the decisions of the supreme courts of Me., N. H., Vt., R. I., Conn., and Penn.; court of errors and appeals, court of chancery, and supreme and prerogative courts of N. J.; court of errors and appeals and court of chancery of Del.; and court of appeals of Md. Permanent Ed. June 19—Nov. 6, 1895. St. Paul: West Publishing Co. 1895. 14+1192 pages. (National Reporter System.) Sold by subscription.

AMERICAN STATE REPORTS. V. 44; containing the cases of general value and authority subsequently to those contained in the "American Decisions" and the "American Reports," decided in the courts of last resort of the several states. By A. C. Freeman. San Francisco: Bancroft-Whitney Co. 1895. \$4.

ENGLISH. The revised reports, being a republication of such cases in the English courts of common law and equity, from the year 1785, as are still of practical utility. Edited by Sir Frederick Pollock, R. Campbell, and O. A. Saunders. V. 21. 1819-1820. 2 Bliq; 1 Jacob & Walker (from page 162);

5 Maddock; 2 Barnewall & Alderson (from 395); 8 Taunton (from page 642); 1 Broderip & Bingham (to page 602); 3 and 4 Moore; 7 Price; Gow, N. P. London: Sweet & Maxwell, Limited. Boston: Little, Brown & Co. 1895. 15+860 pages. \$6, net.

ILLINOIS appellate court reports. V. 59; containing cases submitted at the Dec. term, 1894, of the 2d district; the Feb. term, 1895, of the 4th district; and the March term, 1895, of the 1st district. Martin L. Newell, reporter. Chicago: Callaghan & Co. 1895. 706 pages. \$3.50.

ILLINOIS supreme court reports. V. 156; containing cases in which opinions were filed in Jan., April, May, and June, 1895, and some cases in which applications for rehearing were denied at the June term, 1895. Isaac Newton Phillips, reporter. Springfield: 1895. 13+697 pages. \$2.50.

INDIANA supreme court reports. V. 139; containing cases decided at the Nov. term, 1894. Sidney R. Moon, Daniel W. Crockett, and Lee W. Moon, reporters. Indianapolis: Carlon & Hollenbeck. 1895. 22+750 pages. \$3.25.

IOWA supreme court reports. V. 89; containing cases determined Oct. 4, 1893-Jan. 22, 1894. Columbia: E. W. Stephens. 1895. 32+841 pages. \$3.

LAWYERS' reports annotated. Book 28. All current cases of general value and importance decided in the U. S., state, and territorial courts. Burdett A. Rich and H. P. Farnham, editors. Rochester: The Lawyers' Co-op. Pub. Co. 1895. 909 pages. \$5.

MAINE supreme judicial court reports. V. 87. Charles Hamlin, reporter. Portland: Loring, Short & Harmon. 1895. 645 pages. \$3.50, net.

MASSACHUSETTS supreme judicial court reports. V. 163; cases argued and determined from Jan., 1895-June, 1895. George F. Tucker, reporter. Boston: Little, Brown & Co. 1895. 22+700 pages. \$2, net.

MICHIGAN supreme court reports. V. 102; cases decided from Sept. 25 to Dec. 7, 1894. William D. Fuller, reporter. Chicago: Callaghan & Co. 1895. 26+736 pages. \$3.

MINNESOTA reports. V. 57; cases argued and determined in the supreme court of Minn., Feb., 1894-June, 1894. Charles C. Willson, reporter. St. Paul: West Publishing Co. 1895. \$2.

MISSOURI. St. Louis and Kansas City courts of appeals. V. 62; cases determined from April 1, 1895, to May 21, 1895. David

Goldsmith and Ben Eli Guthrie, reporters. Columbia; E. W. Stephens. 1895. 19+11+739 pages. \$3.

MISSOURI supreme court reports. V. 126. Columbia; E. W. Stephens. 1895. 20+5+758 pages. \$3.

NEW YORK courts of record. V. 12. The miscellaneous reports, other than the court of appeals and the general terms of the supreme court, April-June, 1895. F. B. Delehanty, reporter. Albany: James B. Lyon. 1895. 37+694 pages. \$2.50.

NEW YORK SUPPLEMENT. V. 34; containing the decisions of the supreme, superior, and lower courts of record of New York state. Permanent Ed. July 4-Sept. 12, 1895. St. Paul: West Publishing Co. 1895. 18+1206 pages. (National Reporter System.) Sold by subscription.

PACIFIC REPORTER. V. 41; containing all the decisions of the supreme courts of Cal., Kan., Or., Wash., Colo., Mont., Ariz., Nev., Idaho, Wyo., Utah, N. M., Okl., and courts of appeals of Colo. and Kan. Permanent Ed. Sept. 5-Nov. 7, 1895. St. Paul: West Publishing Co. 1895. 14+1176 pages. (National Reporter System.) Sold by subscription.

PENNSYLVANIA. Weekly notes of cases argued and determined in the supreme court of Pennsylvania, the county courts of Philadelphia, and the United States district and circuit courts for the Eastern district of Pennsylvania, by members of the bar. V. 36. Feb., 1895-Sept., 1895. Philadelphia: Kay & Bro. 1895. 12+615 pages. \$6.

SOUTHEASTERN REPORTER. V. 22; containing all the decisions of the supreme courts of appeals of Va. and W. Va., and supreme courts of N. C., S. C., and Ga. Permanent Ed. June 18-Oct. 22, 1895. St. Paul: West Publishing Co. 1895. 24+1057 pages. (National Reporter System.) Sold by subscription.

UNITED STATES courts of appeals reports. V. 17; cases adjudged for the 3d circuit at March and Sept. terms, 1893, and March term, 1894. S. A. Blatchford, reporter. New York and Albany: Banks & Bros. 1895. 19+712 pages. \$3.25.

UNITED STATES courts of appeals reports. V. 19; cases adjudged for the 8th circuit at May and Dec. terms, 1893, and May term, 1894. S. A. Blatchford, reporter. New York and Albany: Banks & Bros. 1895. 43+827 pages. \$3.25.

UNITED STATES supreme court reports. Book 39; from beginning of V. 155 to end of V. 158. Oct. term, 1894. By Stephen K. Wil-

liams. Rochester: The Lawyers' Co-op. Pub. Co. 1895. 1192 pages. \$5.

VERMONT supreme court reports. V. 67 (new series, V. 7). Montpelier: Argus & Patriot Printing House. 1895. 15+770 pages. \$3.50.

Statutes, Codes, and Laws.

ILLINOIS. Revised Statutes. 8th Ed. By George W. Cothran. Chicago: E. B. Myers & Co. 1895. 2492 pages. \$5.

ILLINOIS. A compilation of the laws relating to township organization and management of county affairs, with an appendix. By Elijah M. Haines. 20th Ed. Revised, etc., by Andre Matteson. Chicago: The Legal Adviser Pub. Co. 1895. 11-18+33-622 pages. Sheep, \$3.50; paper, \$2.50.

INDIANA. Laws passed at the 59th regular session of the general assembly, begun on the 10th day of January, 1895. By authority. William D. Owen, Secretary of State. Indianapolis: Wm. B. Burford. 1895. 516 pages.

MARYLAND. Index to the general laws passed since the adoption of the code of 1888. By Jos. T. Goldsmith. Baltimore: Harold B. Scrlinger. 1895. 32 pages. Paper, \$2.

MICHIGAN. Public acts passed at the regular session of 1895, with an appendix containing joint and concurrent resolutions, and the state treasurer's report for 1894-5. Lansing: Robert Smith & Co. 1895. 42+836 pages.

NEW YORK. Electrical law of the state, with notes by Wendell V. R. Barnard. New York and Albany: Banks & Bros. 1895. 26+172 pages. Cloth, \$1.50.

NEW YORK. Hall's bank laws, containing the banking law of New York state. By C. Roswell Hall. Albany: Matthew Bender. 1895. 23+631 pages. \$6.

NEW YORK. The law of supervisors as embodied in the statutes and judicial determinations of the courts of the state; being a compendium of the laws defining the duties and liabilities of supervisors, individually and in connection with other town officers, and of the board of supervisors; with useful forms, and appendix, bringing down the laws to date, 1895. By G. W. Cothran. New York and Albany: Banks & Bros. 1895. 1001+73+78a-78kk+79-218 pages. \$4.50.

PENNSYLVANIA. The law of roads and streets. By W. Trickett. Philadelphia: T. & J. W. Johnson & Co. 1895. 18+868 pages. \$6, net.

VERMONT. The statutes, 1894, including the public acts of 1894, with the declaration of independence, the articles of confederation, and the constitutions of the United States and the state of Vermont. Rutland: The Tuttle Co. 1895. 17+1313 pages. \$6.

Digests.

ADDISON, G. C. Digest of the criminal and magistrate's cases decided in New South Wales, from 1840 to 1894, with notes, etc. London: Sweet & Maxwell. 1895. 42s.

AMERICAN STATE REPORTS. A brief digest to vols. 37 to 42 of American State Reports, together with an index to the notes and a table of cases reported, by Edwin D. Smith. San Francisco: Bancroft-Whitney Co. 1895. 161 pages. Paper, gratis to patrons of the series.

CALIFORNIA supreme court digest of the reports, vols. 1 to 100 inclusive. By Ja. H. Deering. In 3 vols. Vol. 3. Partnership-Yuba Co. San Francisco: Bancroft-Whitney Co.

1895. 2183-3254 pages. \$25 (for complete work).

CHURCH, W. S. Church's northwest digest. A digest of Montana reports, 15 vols.; Oregon reports, 26 vols.; and Washington reports, 13 vols. San Francisco: Bancroft-Whitney Co. 1895. 1165 pages. \$11.

GUTHRIE, Geo. A digest of cases decided in the sheriff courts of Scotland prior to 31st December, 1894, and reported in the Sheriff Court Reports 1885-94 (Vols. 1 to 10), and Guthrie's Select Sheriff Court cases (Vols. 1 and 2). Glasgow: W. Hodge & Co. 1895. Half calf, 20s., net; cloth, 18s., net.

PENNSYLVANIA. Brightly's Purdon's digest. A digest of the laws, for the session of 1895. Supplementary to the 12th ed. of Brightly's Purdon's digest, and completing it to the present time, by Frank F. Brightly. Philadelphia: Kay & Bro. 1895. 2507-2748 pages. Half sheep, \$1.25.

WISCONSIN supreme court index-digest of the decisions from Nov. 1, 1893, to March 1, 1895, as published in vols. 57 to 61 Northwestern Reporter. Milwaukee: C. N. Caspar. 1895. 2 pages, folio. \$1.50, net.

CONTENTS OF NEW BOOKS.

Abbott's Select Cases on Code Pleading, (Second Edition.)

TITLE-PAGE. Select Cases on Code Pleading, with Notes. By Austin Abbott, LL.D., Dean of the New York Law School, Author of "Trial Evidence," "New York Digest," &c. Second Edition. Enlarged and Improved, with Collation of the Most Recent Cases. New York: The Dossy Law Book Company. 1895.

FROM THE PREFACE. In this volume I have selected the best authorities on the New Procedure in Pleading as it is adopted and practically applied in the State of New York. Such parts of a case as had no relation to the question of pleading have been omitted; the omission and its reason being always indicated. An examination of the original records of each case as presented in court has enabled me to prefix to the opinion the actual pleading on which the question arose, and any details of procedure, necessary to show how the question came before the court.

The headnotes are prepared especially for this work, and the cases are arranged in a logical order, calculated to develop the reader's view of the rules of pleading as a systematic body of consistent principles growing

out of the litigation over concrete facts; and I have appended to the cases on some of the more important and frequently occurring classes, notes to aid the application of the same principles to varying states of fact. The classification shows how the application of such principles distributes litigated causes into distinguishable classes, indicated over the top of the pages; and after the general principles have been elucidated in the cases forming the first half of the volume, the technical rules are given which have grown up under judicial experience in the convenient and orderly presentation of facts to the courts by means of pleading.

American Negligence Cases.

TITLE-PAGE. American Negligence Cases (cited Am. Neg. Cas.). A Complete Collection of All Reported Negligence Cases Decided in the United States Supreme Court, the United States Circuit Courts of Appeals, all the United States Circuit and District Courts, and the Courts of Last Resort of All the States and Territories from the Earliest Times, with Selections from the Intermediate Courts. Topically Arranged, with Notes of English Cases and Annotations. Prepared and Edited by T. F. Ham-

Ilton of the New York Bar. Vol. 1. New York: Remick, Schilling & Co. 1895.

TABLE OF CONTENTS.

Animals.	Pages.
Injuries by Bulls, Cows, Heifers, Steers, etc.	1- 42
Cattle Communicating Disease.....	43- 58
Injuries by Dogs.....	58-262
Injuries by Horses, Mules, Hogs, etc.	262-349
Miscellaneous (Bears, Bees, Cats, Deer, Elephant, Rams, Wolf).....	349-406
Damage by Trespassing Cattle.....	406-436
Bailor and Bailee.	
Actions against Agistors of Cattle.....	437-477
Deposits of Bonds, Coins, etc., in Banks	477-608
Hire of Horses and Teams, Vehicles, etc.	608-745
Gratuitous Bailees (Loss of Deposits, etc.)	745-857
Storekeepers, Restaurant Keepers, etc.	858-877
Miscellaneous Bailments	878-948
Coggs v. Bernard (English Case).....	948-957
Carrier of Persons.	
Aliighting from Moving Train.....	958-977

Anson on the Law of Contract, (First American Edition.)

TITLE-PAGE. Principles of the English Law of Contract and of Agency in its Relation to Contract, by Sir William R. Anson, Bart., D. C. L., of the Inner Temple, Barrister at Law, Warden of All Souls College, Oxford. Eighth Edition. First American Copyright Edition, edited with American Notes by Ernest W. Huffcut, Professor of Law in the Cornell University School of Law. New York and London: Macmillan & Co. 1895.

NOTE TO THE AMERICAN EDITION. The object of this authorized American edition of Sir William Anson's well-known treatise, is to give parallel references to selected American authorities where the American law corresponds with the English law as stated by the author, and to indicate clearly the points at which the American authorities either disagree wholly with the English law, or are strongly divided among themselves. No attempt at exhaustive citation has been made. The simplicity and conciseness of the author's treatment would be marred by a large citation of cases, and the book would be to that extent less useful to the student. If the editor's citations exceed in amount those of the author, it is only because the American law is the law of upwards of fifty jurisdictions, while the English law is the law of but one.

TABLE OF CONTENTS.

Part I. Place of Contract in Jurisprudence.
Part II. Formation of Contract.
Chap. I. Offer and Acceptance.
Chap. II. Form and Consideration.
Chap. III. Capacity of Parties.
Chap. IV. Reality of Consent.
Chap. V. Legality of Object.

Part III. The Operation of Contract.

Chap. I. The Limits of the Contractual Obligation.

Chap. II. The Assignment of Contract.

Part IV. The Interpretation of Contract.

Chap. I. Rules Relating to Evidence.

Chap. II. Rules Relating to Construction.

Part V. Discharge of Contract.

Chap. I. Discharge of Contract by Agreement.

Chap. II. Discharge of Contract by Performance.

Chap. III. Discharge of Contract by Breach.

Chap. IV. Discharge of Contract by Impossibility of Performance.

Chap. V. Discharge of Contract by Operation of Law.

Part VI. Agency.

Chap. I. Mode in which the Relation of Principal and Agent is Created.

Chap. II. Effect of Relation of Principal and Agent.

Chap. III. Determination of Agent's Authority.

Ballard's Equity in Pennsylvania.

TITLE PAGE. Equity in Pennsylvania. By Ellis Ames Ballard, of the Philadelphia Bar. Philadelphia: Rees, Welsh & Co., Law Booksellers and Publishers, No. 19 South Ninth Street. 1895.

EXTRACT FROM PREFACE. In classifying and arranging, under appropriate headings, the decisions of the courts of Pennsylvania upon questions involving equity and equitable principles, from the earliest days up to the present, it is hoped that this work will prove of value to the profession, in the way of saving time and labor otherwise necessitated in the search for authorities and decisions applicable to cases in charge of the practitioner. These headings, which are set out in the table of contents, will be found to embrace every division and subdivision of the subject of Equity. The decisions include those involving equitable principles as having been applied in actions at law, and discoverable only upon careful consideration of the different cases. As equity is very largely administered in Pennsylvania through common-law remedies and forms, it must be admitted that a complete knowledge of equity, equitable principles, and equity jurisdiction is essential to thoroughness in the profession. As was aptly said by Tod, J., in *Bisler v. Kunkle*, 17 S. & R. 307: "It seems to me that the rules of equity have, by immemorial usage, become rules of property in our state, and cannot, I apprehend, be now departed from without legislative authority. Cases need not be cited to show how rights purely equitable have been sued for with success in the forms of action known only to the common law, and how relief has invariably been granted whenever it could be granted in any way consistent with those forms; generally, by the courts with the aid of a jury,—often, without."

It has not been the policy of Pennsylvania to create distinct courts of chancery, or to invest the common-law courts with general chancery powers. Equity jurisdiction has been conferred upon the courts at intervals of time, but has been limited to certain specified objects. It was not until 1836 that an act was passed (16 June, sec. 13) granting to the supreme court and the courts of common pleas unlimited jurisdiction over matters relative to the supervision and control of corporations, unincorporated associations, and partnerships. This act is the main foundation of our present chancery jurisdiction, and, by the section named, these courts were given in such cases all the powers and jurisdiction of a court of chancery, to be exercised in the ordinary mode, whether by bill, injunction, or otherwise, as the equity of each case required. Since this act, others have from time to time been placed upon the statute book, vesting equity powers upon the courts in certain other specified cases. A list of these acts, chronologically arranged, with memoranda of the subjects over which equitable jurisdiction has been conferred and extended, will be found on pages v., x., xv.

The decisions of our courts being so largely governed by equity and equity principles in actions at law, it is hoped that the gathering together of the decisions contained in this work will prove of service as an assistant in the search for authorities, and as an incentive to a complete and thorough study of equity in all its forms.

Bigelow's Cases on Torts.

TITLE-PAGE. Cases on Torts to Accompany the Editor's Work on That Subject. Edited by Melville M. Bigelow. Boston: Little, Brown & Co. 1895.

NOTE. The cases contained in this volume are selected to accompany the editor's work on the Law of Torts, of the Students' Series; and they follow the order of the text of that book.

The editor has generally rewritten the headnotes of the cases, putting them of set purpose in the form of briefly-stated rules of law. The headnotes thus furnish a text for what follows, and help to make the report of the case complete after the manner of original law reports. They cannot tempt the student to cut short his work and take them as a substitute for what follows, or even as an epitome of it, for the deduction of rules is no more than an incident of the study of cases.

Statements of fact, too, when not contained in the opinion, have often been rewritten, especially when clearness and space could be gained. Matter foreign to

the subject in hand has been omitted, as well from the opinion as from the statement preceding, where, and only where, the omission could not effect the completeness of what was left.

Boutwell's Constitution of the United States at the End of the First Century.

TITLE-PAGE. The Constitution of the United States at the End of the First Century, by George S. Boutwell. Boston, U. S. A.: D. C. Heath & Co.

FROM THE PREFACE. It has been my purpose, in the preparation of this volume, to set forth in a concise form the substance of the leading decisions of the supreme court, in which the several articles, sections, and clauses of the Constitution of the United States have been examined, explained and interpreted.

The inquiry covers the full period of a hundred years. In that time the more important provisions of that instrument have been discussed at the bar, and the questions arising from business transactions, from the relations of the states to each other, from the relations of states to the national government, and questions growing out of our treaties with Indian tribes and with foreign nations, have been adjudicated by the court.

An examination of the authorities so created justifies and renders unavoidable the conclusion that the Constitution of the United States, in its principles and in its main features, is no longer the subject of controversy, of debate, or of doubt.

Browne's Statute of Frauds, (Fifth Edition.)

TITLE-PAGE. A Treatise on the Construction of the Statute of Frauds, as in Force in England and the United States. By Causten Browne. Fifth Edition. By James A. Bailey, Jr., Counsellor at Law. With the Co-operation of the Author. Boston: Little, Brown & Co. 1895.

FROM THE PREFACE. In this edition, about nineteen hundred cases, decided since the publication of the last edition, have been added, and the whole text has been carefully revised. In order to make room for the new matter without materially increasing the size of the volume, the American statutes have been omitted from the appendix. It is believed that no serious inconvenience will result from this omission, as each practitioner may be supposed to have ready access to the statutes of his own state.

Chamier's Literary Copyright.

TITLE-PAGE. Law Relating to Literary Copyright and the Authorship and Publication of Books. By Daniel Chamier, of the Inner Temple, Barrister at Law, author of "A Manual of Roman Law," "Law of Lunacy in relation to Custody of the Person." London: Effingham Wilson, 11 Royal Exchange, E. C. 1895.

FROM THE PREFACE. The Law of Copyright has reference to the various subjects of Literature, Art, Music and the Drama. It was assumed, when deciding upon the scope of the present work, that of the branches referred to the greater number of questions or matters that come before either the courts or the profession relate to Copyright in Literature.

It was thought, moreover, that other subjects, being closely allied to it (inasmuch as they relate generally to the authorship and publication of books), might conveniently be treated in conjunction with the subject of Literary Copyright.

The primary object of this volume has therefore been to collect the law generally relating to the authorship and publication of books, Literary Copyright being treated fully (to the exclusion of other branches of copyright law), but at the same time rather as a portion of the wider general subject than as a main and particular theme.

TABLE OF CONTENTS.

Table of Cases.

- Chap. I. Authorship.
- Chap. II. Nature of Copyright.
- Chap. III. Publication.
- Chap. IV. Works that are Proper Subjects for Copyright.
- Chap. V. Registration at Stationers' Hall.
- Chap. VI. Agreements and Transactions relating to Literary Works, Whether Published or Unpublished.
- Chap. VII. The Relations of Parties Arising out of the Publication of Books.
- Chap. VIII. Transfer, by Act of Parties, of Unpublished Writings, and of Published Works Whose Term of Statutory Protection has not Expired.
- Chap. IX. Devolution by Operation of Law of Unpublished Writings, and of Published Works Whose Term of Statutory Protection has not Expired.
- Chap. X. Infringement of Copyright.
- Chap. XI. Fair Use of Other Works in Which the Statutory Term of Protection has not Expired.
- Chap. XII. Property in Titles.
- Chap. XIII. The Rights of Authors and Their Assigns over Their Published Works in Nations Other than the Country of Origin.
- Index.

Cachard's French Civil Code.

TITLE PAGE. The French Civil Code, with the Various Amendments Thereto as in Force on March 15, 1895. By Henry Cachard, B. A., and Counsellor at Law of the New York

Bar, Licencié en Droit de la Faculté de Paris. New York and Albany: Banks & Bros. 1895.

An accurate translation of the Civil Code of France is something that has been wanted not only by students of international jurisdiction but by foreign courts which are called upon to decide questions of French law and also by the bench and bar of Louisiana. Such a translation has now been prepared by Henry Cachard, counsellor at law of the New York bar, and licencié en droit de la faculté de Paris. In evidence of his qualifications for the work, the translator prefixes the following affidavit to his work:

Affidavit.

Republic of France, } ss.
City of Paris.

Henry Cachard, Counsellor at Law of the Federal Courts of the United States of America and of the Supreme Court of the State of New York, and a Commissioner of Deeds for the State of New York, being duly sworn, says,—

I am familiar with the French and English languages, and accustomed to translate the same. I have made the annexed translation of the Civil Code of France, as amended and completed since its enactment, and have compared said translation with the originals of said Code and of the amendments thereto deposited and filed at the Department of Justice, Paris, France, and the same is a full, true, and exact translation of said Code and amendments, and of the whole thereof. Henry Cachard.

Sworn to before me this 15th day of March, 1895.

(Seal) Henry Vignaud, Charge d'Affaires, Embassy of the United States of America, Paris.

Sworn before me at Paris, in the Republic of France, this 15th day of March, 1895.

(Seal) A. P. Inglis, Consul.

British Consulate, Paris.

The following letters are also given as evidence of the successful accomplishment of the task:

Letter from the Right Honourable Lord Russell of Killowen, Chief Justice of England.

On Circuit.
Newsham House, Liverpool.
18th March, 1895.

Henry Cachard, Esq.,
Dear Sir,

I have not been able to do more than look hastily through the proof sheets you have sent me of your English translation of the French Civil Code. I must, therefore, content myself with saying that the work seems to be carefully done, and such translation will. I cannot doubt, be found most useful on both sides of the Atlantic.

I am, faithfully,
(Signed) Russell of Killowen.

Letter from Baron De Courcel, French Ambassador at London, and Former President of the Tribunal of Arbitration of the Behring Sea Seal Fisheries.

French Embassy, London.
18th February, 1895.

Dear Sir:

You submitted to me, during a recent stay in Paris, the proof sheets of an English translation made by you of the Civil Code of France. These sheets did not remain long enough in my hands to allow me to express an opinion as to your translation. The articles which I exam-

ined appear to me to be very correctly reproduced, notwithstanding the great difficulty of finding in the English language the exact equivalent for many expressions of French law. But I congratulate you sincerely upon the task which you have undertaken, to place at the disposal of English-speaking people, in all parts of the world, the Code Napoleon, which is not only a succinct and exact work of codification, worthy on that account of being studied by the jurists of all nations, but, from a still more practical point of view, is the basis of the legislation established in France and a great number of other countries. The multiplicity of international relations now-a-days, and the complexity of business matters and interests which spring up between members of different political communities, create a more and more pressing necessity for a knowledge of the laws governing such relations. These different legislations, when better understood, after a more careful and frequent study will be brought closer together, and will tend to become more simple, to the common benefit of mankind.

You are contributing to this useful object, and it is in my eyes the strongest commendation of your work.

Accept the assurance of my distinguished consideration.

Alph. De Courcel.

Dos Passos on Inheritance Tax Law.

TITLE-PAGE. The Law of Collateral and Direct Inheritance, Legacy and Succession Taxes, Embracing All American and Many English Decisions, with Forms for New York State, and an Appendix Giving the Statutes of New York, New Jersey, Pennsylvania, Massachusetts, Maine, Ohio, Connecticut, Maryland, California, Illinois. Second Edition. By Benj. F. Dos Passos, Late Assistant District Attorney New York County, N. Y. St. Paul, Minn.: West Publishing Co. 1895.

FROM THE PREFACE TO SECOND EDITION. Since the publication of the first edition of this work, in September, 1890, the views which I then expressed in the preface and body of the book as to the efficacy of the inheritance tax have been most strongly confirmed.

The apparently direct effect of the publication of the statutes and decisions upon this subject has been to introduce this system of taxation, for the first time, in the states of Maine, Massachusetts, Ohio, Illinois, California, Connecticut, and New Jersey; and the system has also recently been inaugurated in some of the Canadian provinces and in the Australian colonies. In addition to the states, just referred to, today there are in force, in the following states, statutes directing and enforcing the collection of the collateral or direct inheritance tax, viz.: New York, Pennsylvania, Maryland, Virginia, West Virginia, North Carolina, Delaware, and Tennessee. In Minnesota, so anxious were the people to have

this system that, when the law enacted by the legislature was declared unconstitutional, the constitution was immediately amended by a provision providing for the passage of a proper law on the subject. It requires nothing more than ordinary perception to foretell the near adoption of these laws in all those states of the Union where they do not now exist.

If we cross the main to Great Britain, we find that the system there is one of the most important in the kingdom. It is also a tax of importance among the other nations of Europe. A large proportion of English revenue is collected from what are commonly called "death duties," consisting of taxes on probates, legacies, successions, and estate duties; and by the "finance act," the latter being a new tax, enacted in 1894, a further duty of one per cent. has been imposed upon real estate and personal property of the value of £10,000 and upwards. This revenue has always been large. It is now said to amount to over £11,000,000 annually. But the tax is evidently a great burden, as it falls principally upon land; whereas, under the American statutes, with some exceptions, the tax generally falls upon personalty, which as a rule escapes general taxation. Protest against the English system has recently been made by many prominent Englishmen, notably by the Earl of Winchelsea and Nottingham.

One great fault with the law in New York and some other states is that too many so-called charitable institutions, including religious corporations and many others, are exempted from this tax, especially in New York under an act passed in 1890. By a brief examination of this statute and of the text under the chapter on "Exemptions," this fact will be readily ascertained. These exemptions should be limited to well-defined public charities, and the revenue of the state would largely increase.

TABLE OF CONTENTS.

Addenda et Corrigenda.

List of Authors and Articles.

Chap. I. History of Collateral and Direct Inheritance, Legacy, and Succession Taxes.

Chap. II. Nature of Tax and Its Constitutionality.

Chap. III. Exemptions.

Chap. IV. Estates of Resident and Nonresident Decedents.

Chap. V. Appraiser and Appraisement.

Chap. VI. Vested and Contingent Estates—Transfers Inter Vivos and Causa Mortis—Powers and Legacies.

Chap. VII. Surrogates, District Attorneys, County Treasurers, Registers, Executors, and Other Officers.

Chap. VIII. Remedy and Practice.

Appendix of Statutes.

Appendix of Forms Used under New York Statute.

Table of Cases Cited.
Index.

Huffcut on Agency.

TITLE-PAGE. *Elements of the Law of Agency* by Ernest W. Huffcut, Professor of Law in Cornell University School of Law. Boston: Little, Brown & Co. 1895.

FROM THE PREFACE. The primary purpose of this volume is to set forth the manner in which obligations are incurred through the acts of an agent, and to do this as a natural sequence to a study of the manner in which like obligations are incurred by one's own acts. The obligations here dealt with are mainly contract obligations, or tort obligations springing from contract. The tort obligations of a master for the acts of his servant are discussed only so far as the two fields overlap. Parts I. and II. will serve, however, as an introduction to the latter subject, since they are mainly concerned with the contract of employment.

A volume of selected cases to accompany the text is in preparation, and will shortly appear.

TABLE OF CONTENTS.

- Chap. I. Preliminary Topics.
- Part I. Formation of the Relation of Principal and Agent.
- Chap. II. Formation of the Relation by Agreement.
- Chap. III. Formation of the Relation by Ratification.
- Chap. IV. Formation of the Relation by Estoppel.
- Chap. V. Formation of the Relation by Necessity.
- Chap. VI. Termination of the Relation.
- Part II. Legal Effect of the Relation as between Principal and Agent.
- Chap. VII. Obligations of Principal to Agent.
- Chap. VIII. Obligations of Agent to Principal.
- Part III. Legal Effect of the Relation as between the Principal and Third Parties.
- Chap. IX. Contract of Agent in Behalf of a Disclosed Principal.
- Chap. X. Contract of Agent in Behalf of Undisclosed Principal.
- Chap. XI. Admissions and Declarations of Agent.
- Chap. XII. Notice to Agent.
- Chap. XIII. Liability of Principal for Torts of Agent.
- Chap. XIV. Liability of Third Person to Principal.
- Part IV. Legal Effect of the Relation as between the Agent and Third Parties.
- Chap. XV. Contract Relations between Agent and Third Party.
- Chap. XVI. Torts between Agent and Third Party.

Merwin on Equity and Equity Pleading.

TITLE-PAGE. *The Principles of Equity and Equity Pleading*, by Elias Merwin, Late of the Boston Bar and Professor in the Law School of Boston University. Edited by H. C. Merwin. Boston and New York: Houghton, Mifflin & Co. 1895.

FROM THE PREFACE. The lectures which compose this book were delivered by Mr. Merwin at the Law School of Boston University. They were written out in his own hand, and revised by him from year to year, and I have made in them only such slight verbal changes as he would have made with a view to publication; but much new matter has been added in the form of notes. The author drew his illustrations chiefly, though by no means exclusively, from the English courts, from the federal courts, and from the supreme court of Massachusetts. By way of making the book more convenient and valuable for use in all parts of the country, other authorities, taken from the various state courts are cited; and, where the subject seemed to require it, the text has been amplified and illustrated in the notes.

CONTENTS.

- Chap. I. Introductory.
- Chap. II. Scope of Equity.
- Chap. III. Concurrent Jurisdiction.
- Chap. IV. Concurrent Jurisdiction (continued).
- Chap. V. Concurrent Jurisdiction (concluded).
- Chap. VI. Maxims.
- Chap. VII. Trusts.
- Chap. VIII. Precatory Words.
- Chap. IX. Gifts and Voluntary Settlements.
- Chap. X. Resulting Trusts.
- Chap. XI. Constructive Trusts.
- Chap. XII. Trust Estates.
- Chap. XIII. Trustees and Cestuis que Trustent.
- Chap. XIV. Charities.
- Chap. XV. Accident.
- Chap. XVI. Mistake.
- Chap. XVII. Mistake (continued).
- Chap. XVIII. Actual Fraud.
- Chap. XIX. Constructive Fraud.
- Chap. XX. Constructive Fraud (continued).
- Chap. XXI. Account.
- Chap. XXII. Contribution and Subrogation.
- Chap. XXIII. Mortgages.
- Chap. XXIV. Mortgages (continued).
- Chap. XXV. Mortgages (continued).
- Chap. XXVI. Liens and Creditors' Bills.
- Chap. XXVII. Specific Performance of Contracts.
- Chap. XXVIII. Injunction.
- Chap. XXIX. Injunction (continued).
- Chap. XXX. Bills of Discovery.
- Chap. XXXI. Equitable Parties.
- Chap. XXXII. Pleading.
- Chap. XXXIII. Necessary Parties.
- Chap. XXXIV. Defences to Bills.
- Chap. XXXV. Supplementary Proceedings.
- Chap. XXXVI. Receivers—Practice.

Schouler's Domestic Relations (Fifth Edition).

TITLE PAGE. *A Treatise on the Law of Domestic Relations; Embracing Husband and Wife, Parent and Child, Guardian and Ward, Infancy, and Master and Servant.* By James Schouler, LL.D., Professor in the Boston University Law School, and Author of Treatises on the "Law of Personal Property," "Bailments, Including Carriers," "Wills," etc. Fifth Edition. Boston: Little, Brown & Co. 1895.

FROM THE PREFACE. The present edition of this work has been prepared by the author, and in it are embodied the latest English and American decisions, brought down as nearly as possible to the date of going to press. Miss Mary A. Greene, of the Boston bar, has assisted in collecting the cases.

Our law of Husband and Wife is still changing, and is even more chaotic than when this book was first published, twenty-five years ago. Under such circumstances the author has felt himself justified in discriminating somewhat among the added cases, where so many are of purely local or temporary application; others, again, being cited merely by book and page. Nothing, however, of importance in the general treatment of this branch of the law has been overlooked, and the whole work is still kept within the compass of a single volume for the reader's convenience.

Van Fleet's Former Adjudication.

TITLE PAGE. *Res Judicata; a Treatise on the Law of Former Adjudication, Containing a Complete Analysis of All the Precedents and Principles Concerning the Effect of Judicial Decrees, Judgments, Orders, and Sentences upon the Rights of Parties, Privies and Strangers, in Other Judicial Proceedings, either Civil, Criminal, or Ecclesiastical, Including a Discussion of the Rules for Determining When Judgments at Law and Decrees in Equity are Final and Conclusive Adjudications.* By John M. Van Fleet, Author of "Collateral Attack on Judicial Proceedings." In Two Volumes. Indianapolis and Kansas City: The Bowen-Merrill Company. 1895.

FROM THE PREFACE. These volumes consider all of that important branch of the law which determines when judgments of courts of law and decrees of courts of equity are conclusive and final adjudications, together with the force and effect of a former adjudication as evidence to establish, in another suit, a cause of action, or of defense, or some issue therein, as against parties, privies, or strangers.

As stated in the preface of my "Collateral Attack on Judicial Proceedings," my original design was to prepare a treatise on the Law of Judgments. That task, assumed more than ten years ago, soon disclosed the vast range of the subject, the hopeless confusion which prevails in regard to its doctrines, and the serious conflict which exists in the judicial decisions. This convinced me that the most practicable method of considering the subject would be found in special treat-

ises upon its most important branches. My "Collateral Attack" was the first result of the work upon those lines. These volumes are a further result of the same scheme and the same effort.

In the preparation of this work, the reports of all the courts, whether nisi prius, intermediate, or last resort, have been examined with diligence and care, not only those of the United States, but also of Great Britain, Canada, Australia, New Zealand, and the Hawaiian Islands.

TABLE OF CONTENTS.

Analysis of the Work.

Title I.

Principles, Analogies, Comparisons, Definitions, and Final Judgments.

Chapter I. General Matters.

Chapter II. Special Matters.

Chapter III. Final Judgments.

Title II.

The Merits in Civil Causes.

Scope of, and Principle Involved in, Title II.

Chapter IV. Abatements, Nonsuits, etc.

Chapter V. Cause Entire or Divisible, or the Doctrine of Splitting Civil Causes.

Chapter VI. Defenses Omitted—What is or is not a Defense.

Chapter VII. Estoppels.

Chapter VIII. The Issues—Contested or not Contested.

Chapter IX. The Issues—Immaterial, Effect of Adjudication upon.

Chapter X. The Issues—Plaintiffs, Issues and Adjudications between Each Other.

Chapter XI. The Issues—Defendants, Issues and Adjudications between Each Other.

Chapter XII. The Same Issue—Determined by the Record—Principles and General Matters.

Chapter XIII. The Same Issue—Determined by the Record—Special Matters Alphabetically Arranged.

Chapter XIV. The Same Issue—Determined by Extrinsic or Parol Evidence.

Chapter XV. Remedy, Election of.

Chapter XVI. Remedy, Wrong.

Title III.

Parties, Privies, and Strangers.

Chapter XVII. Parties, Privies, and Strangers.

Title IV.

Crimes and Criminal Proceedings.

Principle Involved in Title IV.

Chapter XVIII. Cause Entire or Divisible, or the Doctrine of Splitting Criminal Causes.

Chapter XIX. Issues Determined in Criminal Causes—Force and Effect of.

Chapter XX. Jeopardy in Criminal Causes—What does or does not Constitute, and Its Force and Effect.

Chapter XXI. Pleading, Practice, and Evidence in Criminal Causes.

Title V.

Second Appeals—Pleading in Civil Causes.

Chapter XXII. Second Appeal, Effect of Decision on First Appeal in.

Chapter XXIII. Pleadings in Civil Causes.

Walker's American Law, (Tenth Edition.)

TITLE-PAGE. Introduction to American Law. Designed as a First Book for Students. By Timothy Walker, LL. D., Late Professor of Law in the Cincinnati College. Tenth Edition. Revised by Clement Bates, of the Cincinnati Bar. Boston: Little, Brown & Co. 1895.

FROM THE PREFACE TO THE TENTH EDITION. In this edition a few new sections have been added to the text, and minor alteration and additions have also been made. To make room for the very considerable additions in the notes, without a corresponding increase in the size of the volume, the former notes have been re-arranged, with the text, so as to save duplicate statements;

the note having gradually assumed somewhat the shape of an additional and parallel treatise largely repeating the statements of the original work. Apart from this condensation, however, the labors of former editors have not been curtailed. The new notes, except when later citations have been merely added to a proposition already stated by others, have been carefully confined to general principles and fundamental considerations, with such brief notice of any new or striking applications or theories of the last few years that did not savor of particularizing or digesting.

CONTENTS.

Part First. Preliminary Considerations.
Part Second. Constitutional Law.
Part Third. The Law of Persons.
Part Fourth. The Law of Property.
Part Fifth. The Law of Crimes.
Part Sixth. The Law of Procedure.
Part Seventh. International Law.

REVIEWS OF NEW BOOKS.

Boutwell on the Constitution.¹

**Reviewed by H. Campbell Black, Esq.,
Author of Black's Constitutional Law, etc.**

[See descriptive matter on page 375 of this number.]

In this small but compact volume, Hon. George S. Boutwell, for some years a member of congress and an experienced legal practitioner, has given us a compilation of the organic laws of the United States, together with a rapid synoptical review of the most important of the decisions of the supreme court construing the constitution, from Hayburn's Case, in the second of Dallas, to the decision in the income tax cases rendered last summer. The book begins with an authenticated copy of the declaration of independence, the articles of confederation, the ordinance for the government of the Northwest Territory, and an annotated copy of the constitution. To the last is appended an analytical index, which, from its remarkable fullness and length (for it occupies no less than sixty pages), may serve not only as an illustration of the extent to which exhaustiveness in index-making can be carried, but also as a proof of the exceedingly concise nature of our constitution and the wide range of subjects which it covers. This

index is a copy of that found in a government publication called the "Constitutional Manual and Digest," compiled by H. H. Smith, sometime journal clerk of the house of representatives.

After this preliminary matter, we reach the main body of the text, which is divided into sixty-nine chapters. The first three are historical in character, and are probably the most valuable in the book. They deal respectively with the origin and progress of American independence, the confederation, and the frame of government devised for the Northwest Territory. In the first chapter, the author undertakes to show that the declaration of independence had a legal basis in the charters of the colonies, and, through them, in the feudal system of England and the principles settled by Magna Charta. The remaining chapters deal with the specific sections and clauses of the constitution, in their order, from the preamble to the fifteenth amendment. This commentary is founded upon, and limited to, a concise exposition of the points decided by some 340 of the more important of the cases in the supreme court which have involved the interpretation of the organic law and the settlement of the extent of the rights and powers of the national government. Necessarily, where a principle of selection is thus exercised, the question must arise as to whether the choice of authorities is in all respects the best that could have been made. But we are satisfied that the learned au-

¹ The Constitution of the United States at the End of the First Century. By George S. Boutwell. Boston: D. C. Heath & Co. 1895.

thor has not failed to include very nearly all of the leading cases, and that, with but few exceptions, those not mentioned by him were unessential to the scope and purposes of his book. Of course only a small proportion of the rulings of the supreme court on the great topics of constitutional law, such as the commerce clause and the prohibition against the impairment of contracts, could be discussed, but the fundamental cases, and especially the pioneer decisions under each clause, have not escaped the diligent research of Mr. Boutwell. He has usually been satisfied with a brief statement of the points involved and the rulings of the court. But in some few instances of special importance, he has reviewed the decision at greater length. In this connection, we should call attention to his very interesting and just appreciation of the great case of *Gibbons v. Ogden*, on pp. 190-193, and also his notice of the *Passenger Cases*, 7 How. 283, which he regards as "the crucial and most important case,—the case which recognized and established the supremacy of the national government," and which, as he points out, "was decided in a divided court, upon the opinion of judges a majority of whom were from the section of the Union where the extreme doctrine of state rights was accepted generally." Our author's general conclusion as to the result of the cases, as stated in the preface, is that "an examination of the authorities so created justifies and renders unavoidable the conclusion that the constitution of the United States, in its principles and in its main features, is no longer the subject of controversy, of debate, or of doubt."

It is hard to say to just what class of readers this book will prove specially valuable. It is much too technical for popular reading or elementary instruction; and on the other hand, it is far too superficial, or, rather, too incomplete in its citation of authorities, for practical use by lawyers as a treatise on constitutional law. Apparently the author has not designed his work for the peculiar use of either the one class or the other. He observes in the preface: "I have not sought to adapt this work to any class of readers, either student or professional, but to present the constitution of the United States to whatever public I may be able to reach, and as it has been interpreted by the supreme court."

We regret to be obliged to add that we have noticed many instances of inexcusable carelessness in the proof-reading, which give rise to annoying and sometimes misleading errors.

J. G. Campbell Black.

Browne on the Statute of Frauds, (Fifth Edition.)¹

**Reviewed by Francis B. Tiffany, Esq.,
Author of *Tiffany on Sales*, etc.**

[See contents and other descriptive matter on page 375 of this number.]

The reasons why this book has for nearly forty years maintained its position as the best treatise on the Statute of Frauds are not far to seek. No one can read a chapter of it without being struck by the writer's clearness of style and of thought. The method is natural and orderly, and combines lucid statement and development of principles with a sufficiently full examination of cases. Mr. Browne is particularly happy in his discussion of those questions involving a conflict of authorities, in which this crabbed subject abounds. On such questions, where to reach a conclusion is often but to make a choice of evils in a vain attempt to ascertain the meaning of an imperfectly expressed statute, one may not invariably agree with Mr. Browne, but the writer places the authorities fairly before the reader, and never seeks to lead him to a conclusion without furnishing him with the materials for dissent where any exist.

Whatever defects this book possesses spring mainly from its being an old book which has been added to by successive editions. Not that the work of the present editors has not been carefully and well done. Much new matter has been added, some 1,900 cases decided since the fourth edition have been cited, and the book appears, to judge by such tests as have been applied, to have been thoroughly brought down to date. Nevertheless instances necessarily occur where, had the chapter been written as a whole, and not piecemeal, a better arrangement might have been secured. An example of this is found in the chapter on "Acceptance and Receipt," in which the additions that have been made from time to time obstruct the orderly development of the theme. Nor, perhaps, would it be venturing too much to say that, had the book been first approached in the light of all the existing authorities, a different conclusion might occasionally have been reached. Thus, on the vexed question whether the seventeenth section of the statute applies to the sale of a chattel to be manufactured by the seller, Mr. Browne disapproves of the later English rule, established by *Lee v. Griffin*, 1 Best & S. 272, and so completely justified by Benjamin,—a rule

¹ A Treatise on the Construction of the Statute of Frauds as in Force in England and the United States. By Causten Browne. Fifth Edition. By Jas. A. Bailey, Jr. Boston: Little, Brown & Co. 1895.

at once logical and practical,—and prefers the so-called Massachusetts rule, with its peculiar and illogical limitation that the statute does not apply if the goods are to be manufactured for the buyer at his order, and are not such as the seller ordinarily manufactures for the general market. It is noticeable that *Lee v. Griffin*, though decided as early as 1861, was four years later than the first edition of this book, in which the author had apparently already committed himself to the Massachusetts doctrine. Another mark of an older text-book is the absence of a table of contents, presenting somewhat in detail the analysis of the subject. The table of contents here includes merely the titles of the twenty chapters into which the volume is divided. This lack is especially vexatious in a book which does not contain the headings to sections which are customary to-day, and is by no means cured by the presence of a full index.

In spite, however, of minor criticisms, the sterling merits of the treatise are too great to permit it to be supplanted by any mere recent digest, however much it may bristle with typographical aids to ready reference. Scholarly thoroughness, clear thought, and good English are not so common as to fail to entitle this work, which combines them in such a marked degree, to a life of long-continued usefulness.

Francis B. Tiffany

Clark's Life Sketches, Thoughts, Facts, and Facetiæ of Eminent Lawyers.¹

Reviewed by Hon. H. C. McDougal of Kansas City, Mo., City Counselor of Kansas City and President of the Missouri Bar Association.

It has not been my good fortune for many a year to read a book compressed into so little space, which gives so much that is useful and entertaining in legal lore, and at the same time draws such delightful pictures of members of the bar in this and the Mother Country, as the book that is before me.

The salient features of each one of the dignified body are clearly caught and illustrated by a characteristic saying, story or bon mot.

Mr. Clark has in these two volumes shown

himself not only an author of great research and industry, but he has displayed rare tact and judgment in his plan and his selections, and withal individuality and a deep acquaintance with his subject. The sketches proper, while the combined work of more than fifty judges and lawyers throughout the land, everywhere manifest the pruning and guiding hand of the author. The chief merit of these vivid sketches is the vast amount of information in such small space and the entertaining manner in which they are written,—especially is this true of the sketches of Bleckley, Butler, Calhoun, Carpenter, Carter, Choate, Clay, Curran, Curtis, Douglas, Eldon, Ellenborough, Gibson, Hale, Holt, Lincoln, McSweeney, Mansfield, Marshall, Martin, Mason, Pinkney, Prentiss, Webster, and Wirt. Here are twenty-five literary gems, some of which are masterly delineations of character.

Perhaps the most valuable and unique feature of the work is the "Thoughts, Facts and Facetiæ," which are the author's notes and observations from reading, travel, and conversation. And here good common sense, which Wirt says is more rare than genius, is displayed. In no better way could the reader be given an insight into the character of each personage described than by the author's giving what they have said upon thousands of questions and by relating witty and characteristic episodes concerning many of them which show more of the man than libraries of biography. It instructs us to know what Webster thought of "Justice," "the Union," "the British Empire," "Charity," "Law," "Politics," "Speaking," "Public Sentiment," "Conversation," "Use of Words," "his own speeches," "the Constitution," "his own contemporaries," "trees," "profanity," "vulgarity," "fishing," "shooting," "money matters," "early rising," "immortality," "the Sabbath," "scholars," "his early poverty," "Dartmouth College," "the non-essentials in a lawsuit," "a lying witness," "Extravagance," "a lawyer's life," etc., and at the same time gives us a wonderful insight into the Great Commoner's mind.

In the "Facetiæ" the author has well verified the statement quoted in his preface from Dr. Channing that "an anecdote is worth whole pages of biography." What, for instance, could better illustrate the character of Chief Justice Gibson than his telling the hotel bell-boy to "bring his coffee hotter than hell and stronger than the wrath of God," or what could better illustrate that of Judge Ryan than his paying an inquisitive office-boy ten dollars and sending him thirty miles away to rid himself of the little pest for half a day? Much of the nature of Justice Bradley is shown in the story of his cutting up his pantaloons because they caused him to miss his train; and how could one get a better glimpse of Charles O'Connor than through his reply to

¹ Short Biographical Sketches to Which are Added Extracts from Speeches, Arguments, Opinions and Writings of the 146 American, English and Canadian Lawyers and Judges Sketched, Covering Nearly Five Hundred Years of Time. By Gilbert J. Clark, Esq., of the Kansas City Bar, Kansas City Mo.: The Lawyers' International Pub. Co. 1895.

the talkative barber to whom, when asked how he would be shaved, he responded, "In silence"? What better illustrates Curran's wit and sarcasm than his retort to Lord Clare when told by the judge to go on with his argument, which he had stopped, being annoyed because "his honor" was fondling a dog, "Oh, I thought your lordship was in consultation"?

The book is a pioneer in the field which it so well covers, and not only the professional man but the layman is certain to be broadened in mind by a perusal of its pages. Paraphrasing the language of another, many of the noblest productions within the covers of these two books are like the Corinthian pillar in which we lose sight of the strength of the column in the symmetry of its proportions and the beauty of its decorations.

A. C. McDougal

Croswell's Law Relating to Electricity.¹

Reviewed by Wm. W. Morrill, Esq.,
Editor of the American Elec-
trical Cases.

[For contents and other descriptive matter, see page 338, vol. 2, Law Book News.]

The rapid advance of electricity within very recent years as a factor in commercial and economic affairs has given rise, first, to a considerable body of statute law, and, second, to many judicial decisions, the latter involving to no great extent the creation of new legal rules, but concerned chiefly with the application of well-established principles to new conditions of fact and circumstance. And this new field has naturally proven attractive to law-book makers; as witness the fact that within the last five years not less than four text-books have appeared having for their object the exposition of the law of electricity.

The latest general work upon this subject (one local to the state of New York is still more recent) is Croswell's "The Law Relating to Electricity." It is a handsome volume of nearly seven hundred pages, in addition to full tables and an admirable index,—the latter a virtue lacking which many valuable books have been condemned without their day in court, unread. Another most valuable feature of the volume is its collections of statute law enacted for the purpose of fixing the rights and liabilities of electrical corpo-

rations of various kinds. These alone are "well worth the price of the book."

In estimating the value of a book upon this subject, so far as case-law is concerned, it may be convenient to divide all the decisions into two classes, one of which shall embrace only cases relating to the duties of telegraph companies as carriers of messages and their liabilities for negligence in transmission or delivery. The body of law relating to this class of cases has been nearly fifty years accumulating, and has become to a great extent settled; the litigation being now mostly confined to three or four states, of which Texas is far in the lead, and to a few questions, that of damages where the injury complained of is mental distress of sender or addressee being prominent. As a result, a treatise upon this branch of electrical case-law can reasonably be expected to be of permanent value, provided the work be done carefully and systematically. Nearly one-half of Mr. Croswell's volume is devoted to this class of cases; and the work is done so thoroughly and well that there would seem to be no excuse for another text-book upon this kind of electrical law for many years to come.

A quite different problem is presented to the text-writer with reference to the other class of electrical decisions,—that which embraces, among others, to quote from Mr. Croswell's preface, "the nature and qualities of the various franchises necessary for electrical lines and the mode of acquiring them;" "the liability of electrical companies for negligence in the construction and maintenance of their lines and machinery;" "the conflicting rights of electric railways and telephones in the same highways;" the "taxation of electrical companies;" and "electric railway accidents." Here the law is mostly new, and in a formative state; there has not been sufficient time for it to crystallize; and the work of the text-writer can at best be of but temporary value. The excellent work of Thompson, published in 1891, and of Keasbey, in 1892, are already to a considerable degree antiquated; and each year brings, and must bring, additions and changes. Under such conditions, the value of a text-book would seem to depend largely upon two considerations, of approximately equal importance; first, the diligent collection and citation of all the important decisions up to a date as near as possible to that of publication, and, second, extracting therefrom the principles decided, and presenting them skillfully classified and arranged. In the latter respect Mr. Croswell's book stands the test excellently; in the former, if anywhere, his work is subject to criticism. For instance, if the illustration may be pardoned, of about one hundred and eighty cases of the class under consideration, decided between the be-

¹ A Treatise on the Law Relating to Electricity, by Simon G. Croswell, formerly of the Law Department of the Thomson-Houston Electric Company, etc. Boston: Little, Brown & Co. 1895.

ginning of the year 1889 and April 1, 1894, which have seemed of sufficient importance to reprint in full in the "American Electrical Cases," sixty cases, or fully one-third, are in no way referred to by Mr. Croswell.

Aside from this, criticism would be largely hypercritical; though it might seem to some that the division of the subject into books is not quite natural and is quite unnecessary; that the chapter on incorporation of electrical companies belongs purely to the law of corporations; that it is far-fetched to treat "contracts by telegraph" as a branch of electrical law; that capital punishment by electricity is forced into the chapter on "Telephone and Electric Light Operation."

Upon the whole, the work is an excellent one, and will prove of as nearly permanent value as the changing conditions of electrical law will permit to a text-book upon that subject.



Lombroso & Ferrero's Female Offender.¹

Reviewed by Prof. Marshall D. Ewell,
President of the Kent College
of Law.

[For contents and other descriptive matter, see page 309, vol. 2, Law Book News; also, other opinions on page 392 of this number.]

The learned authors begin their introduction to this work with the following statement: "It is generally recognized that the supreme if not the exclusive object of criminal law and penal administration is the protection of society. Unfortunately, it cannot be said at the present time that either criminal law or penal administration is fulfilling this object." The truth of the above statement, as it seems to us, is only too apparent to the careful observer. This book, therefore, of which the names of the distinguished authors are a sufficient indorsement, cannot but prove a valuable addition to the literature on this subject. It is divided into eighteen chapters, and discusses the subject not only from an anatomical and pathological standpoint, but from a statistical one as well. It contains a great mass of valuable and interesting facts and statistics and is profusely illustrated. Chapter 12 concerning "The Born Criminal"; chapter 13, "Occasional Criminals"; 14, "Hysterical Offenders"; 15, "Crimes of Passion"; and chapter 18, on "Epileptic

¹ The Female Offender, by Prof. Cæsar Lombroso and William Ferrero. With an introduction by W. Douglas Morrison, Her Majesty's Prison, Wandsworth. Illustrated. New York: D. Appleton & Co. 1895.

Delinquents and Moral Insanity," will be found particularly interesting to the student of criminal law. It would be well for the administration of Justice if those engaged in the administration of criminal law and those interested in reformatory institutions would make themselves familiar with its contents. We cannot, with the limited space at our disposal, give anything like a fair analysis of the contents of this remarkable book, but we are sure that we make no mistake in recommending it to the attention of the legal and medical professions.



Oliver's Precedents and Forms of Practice, (Fifth Edition.)¹

Reviewed by Prof. W. M. Lile, of the
University of Virginia Law School,
Associate Editor of the Vir-
ginia Law Register.

[For contents and other descriptive matter, see page 310, vol. 2, Law Book News.]

Of the matter contained in the body of this most excellent work, little needs to be said. The book has been before the profession for more than fifty years, is now in its fifth edition, and we may assume that the large class of practitioners who draw their pleadings with the aid of form books are familiar with some previous edition.

Mr. Hall, the editor, has added many new and valuable precedents, and purchasers will find in it a precedent for almost every conceivable form of pleading.

In increasing the number of forms under the code and other modified systems of practice, we are glad to find the common-law forms retained; for aside from the technical distinction between the different forms of action, and the more antiquated requirements of formal commencements and conclusions, the common-law rules with respect to stating a cause of action can scarcely be improved upon by the code-makers. Certainly, these rules, founded upon the great principle that the pleading must state facts legally sufficient to

¹ Forms of Practice; or American Precedents in Personal and Real Actions. By Benjamin L. Oliver. Fifth Edition, Revised and Enlarged by Bordman Hall, LL. B. Boston: Little, Brown & Co. 1895.

constitute a cause of action or of defense, and not the evidence of facts or mere inferences of law, form the basis of all enlightened systems of pleading.

That these cardinal principles obtain under the code practice was asserted with emphasis in *Pope v. Anderson*, 90 N. C. 401, where counsel pleaded simply that "the plaintiff's alleged cause of action is barred by the statute of limitations." Such a slip could hardly have been made by one familiar with the common-law system. A similar plea is annulled upon by the same court in *Lassiter v. Roper*, 18 S. E. 946, where Shepherd, C. J., took occasion to reiterate that this fundamental principle of the common-law pleading had not been abolished by the code system. Our North Carolina pleader, however, would not have found a common-law form of the plea of the statute of limitations in the volume before us—though the form under the Massachusetts practice given, is sufficient for practical purposes.

It is suggested that, in future editions, the subordinate headings of different counts for the same cause of action be set up in smaller type, to prevent confusion with the general titles. For example, we select at random page 18, where there is a single precedent in assumpsit by husband and wife, the leading title of which, in large capitals, is "Husband and Wife;" a subtitle to the first count is "Indebitatus Assumpsit;" to the second count, "Quantum Meruit;" to the third, "Money Had and Received;" and then follows a fourth subtitle, "Conclusion,"—all four of the subtitles being in the same large capitals as the original heading.

In a book of such merit, and especially in a form book, necessarily full of unrelated matter, a good index, with numerous cross-references and with minute titles, is peculiarly desirable. Both the editor and the publishers invite our especial attention to this feature of the present volume. The index is a great improvement over that in previous editions, but is still imperfect. The first use made of it in beginning this review was to search for a form of the common-law plea in abatement. Under the head of "Abatement" there appeared several page citations, upon reference to which forms in abatement under the Massachusetts practice were found, but not the common-law form. The natural conclusion was that there was no such form in the volume. By accident the desired form was afterwards unearthed, under the title of "Pleas." If there had been no such title as the former, the latter would have been looked to, and there would have been no difficulty. This example illustrates a defect of which several similar instances were found. The searcher is led to rely upon a title under which the desired form would naturally be,—a title supposed to be complete in itself,—when in fact

all kindred titles must be searched before there is certainty of having exhausted the resources of the volume. Another example is found on page 402, which contains two forms for negligent injuries,—one by letting a stone fall, and the other in starting a car too suddenly. Only the first appears under "Negligence." Under the title "Collision" appears a form for injury to plaintiff's person (p. 383), but the form for collision with his team, on the same page, is found only under the unexpected head of "Common Carriers,"—the latter so placed because the defendant is a street-railway company! This is not the only instance in which the title "Common Carriers" has been misused. Under it appear a large number of forms in proceedings against railroad companies, whether for breach of duty as common carriers or not. Complaints against or defenses by railroad companies for injuries to employes or strangers, for obstructing highways, and for nonpayment of debts, are all indexed under "Common Carriers," where they do not belong, and where no practitioner would expect to find them. Nor is there any such title in the index as "Railroad or Railway" notwithstanding the cross-reference thereto under "Street Railway."

But we cannot undertake to give a detailed list of such errors and omissions. Enough has been said to encourage those who may be fortunate possessors of this new edition, not to despair of finding a desired form merely because it is not under its proper title in the index.



University of Virginia.

Van Fleet's Former Adjudication.¹

Reviewed by H. Campbell Black, Esq.,
Author of *Black on Judgments*, etc.

[See contents and other descriptive matter on page 379 of this number.]

Under this rather infelicitous title, the author of a recent but already well-known work on "Collateral Attack on Judicial Proceedings" has put forth a treatise in two bulky volumes, dealing with the effect of judgments and decrees as evidence in subsequent proceedings and as a bar to subsequent suits, or the doctrine which is more familiarly known under the name of "res judicata." The in-

¹ A Treatise on the Law of Former Adjudication. By John M. Van Fleet, Author of "Collateral Attack on Judicial Proceedings." In two volumes. The Bowen-Merrill Co., Indianapolis and Kansas City. 1895.

herent difficulty of the subject, and the very important part it plays in the every-day work of the courts, bespeak a respectful hearing for any author who professes to treat it in a systematic and exhaustive manner. But the book before us, though in some respects excellent, cannot be said to be an ideally satisfactory treatise. While it possesses some admirable characteristics, and contains the results of much painstaking labor and vigorous thought, it is also marred by certain blemishes which are far too serious to admit of unstinted praise being given to the work as a whole. In the first place, it is too voluminous. The doctrine of *res judicata* is, after all, only a subdivision of the subject of judgments, or, in another aspect, of that of estoppel, or of evidence. Yet these two volumes embrace no less than 1,600 pages, and still are not exhaustive of the subject-matter or the cases. For one thing, the size of the book has been materially increased by numerous and lengthy quotations from the learned work of Judge Chaud on *Res Judicata*, which was reviewed in an earlier number of *Law Book News* (vol. 1, p. 307). This volume, so Mr. Van Fleet states in his preface, came to his hands "when the manuscript of the present work was about completed," and he was so impressed with its excellence as to incorporate in his text very liberal extracts from the work of the Hindu jurist, relating principally to the decisions of the Anglo-Indian courts, and frequently extending to the length of ten or twenty pages, always accompanied, of course, with a proper credit. Interesting as these statements of the law administered in British India must be to students of comparative jurisprudence, it is much to be doubted whether they add proportionately to the practical value of the work under review. But a much more serious cause of prolixity is the method which our author has adopted in his treatment of the cases cited. He says: "It has been my aim to make the consideration of the decisions so exhaustive that there would be no occasion to read the cases themselves." But this, we think, is a misconception of the office of a legal treatise. It never can be made to take the place of the original sources, the reports. Lawyers who are deprived of access to libraries may be glad to find in their text-books a reasonably detailed account of the decided cases; but if it is designed that the researches of the brief-maker need extend no further than the pages of the commentary, it is a delusive hope. Few books have been written on this principle, and those which have succeeded have done so not because of, but in spite of, the method of treatment. A text-book should be neither a digest nor a collection of cases. To attempt to make it either the one or the other swells its bulk, but does not increase its utility. Another feature of Mr. Van Fleet's work which

helps to magnify its proportions is an attempt at an alphabetical arrangement of the topics and points in each chapter and section. This tends to undue diffuseness by necessitating a too minute subdivision, needless elaboration of unimportant differences, and the consequent repetition of the same rules and principles under slightly varying aspects. Moreover, such a system is in the last degree illogical and arbitrary. The different states of fact, or kinds of cases, to which a principle of the law may be applied may serve as so many illustrations of the working of the principle in practice; but there is no more reason for arranging them alphabetically than for classifying them according to the number of decisions reported on each, or according to the respective ages of the judges who first applied the rule in each particular instance. Such a mode of division is also misleading. It tends to confuse the mind of the reader by suggesting that the same rule of law may vary in its substance according to the varying nature of the subject-matter of the action or the issue involved, whereas, in the case of the doctrine of *res judicata*, the widest latitude of expression will permit us to say no more than that, in some exceptional cases, special variations of the rule have been devised to meet special exigencies. Again, this alphabetical arrangement, combining with an inartistic system of classification, by separating the naturally related parts of the same topic, often produces confusion. For instance, what the author has to say concerning the conclusiveness of a judgment in ejectment is scattered through thirteen different parts of the book. And further, by thus separating the decisions according to an unnatural plan, the author has often deprived himself of the opportunity of elucidating his subject by a discussion of the relation and mutual influence of the authorities, of combining and comparing them, and of deducing important rules and principles from the convergence of many cases, all dealing with varying facts, to the same general end. In fact, the cases are mostly treated as units; and we miss that comprehensive grasp and skill in grouping and combining authorities which are characteristic of the highest grade of legal work.

We have said that the book is not exhaustive of the subject-matter. It is probably intended to be read in connection with the author's work on "*Collateral Attack*," wherein many of the subjects intimately connected with the doctrine of *res judicata* have been discussed. But this division of the general subject leaves the present work incomplete. For example, we find nothing here concerning the conclusiveness and effect of foreign judgments, or judgments from the courts of another state, except what may be comprised within eleven lines (p.

90). So the subject of the effect of a former adjudication as depending upon the character and organization of the court rendering it, and the nullity of the acts of unconstitutional or illegally organized tribunals, is not referred to. And even within the narrower limits of a discussion of res judicata which excludes all such matters as might be supposed to belong more properly to the subject of "Collateral Attack," the present work, while singularly elaborate in some particulars, is equally deficient in others. The title page promises us a "complete analysis of all the precedents and principles" concerning the effect of judgments and decrees in subsequent judicial proceedings "either civil, criminal, or ecclesiastical." But the body of the book contains nothing whatever on the effect of decrees or sentences of the ecclesiastical courts, so far as we have been able to discover, unless it may be as to the effect of probate proceedings. The word "ecclesiastical" is not even mentioned in the index. No reference is made to the small but very important group of cases dealing with the effect of the determinations of church judicatories as evidence in the civil courts. Again, the important topic of judgments in rem is treated in less than thirty pages,—much less space than we should suppose would be devoted to it in a work so diffuse. Nor is there any mention made of the important distinction between judgments in rem and judgments which are only quasi in rem, a distinction which was insisted upon and clearly explained in *Freeman v. Alderson*, 119 U. S. 187, a case not cited by Mr. Van Fleet. So, in regard to the effect on the conclusiveness of a judgment of the pendency of an appeal therefrom, our author cites decisions from Pennsylvania, Alabama, Arkansas, Illinois, Indiana, Iowa, Texas, Wisconsin, California, and Missouri. But he makes no mention of those from Michigan, New Hampshire, Louisiana, Colorado, Nevada, Vermont, New York, Georgia, and Rhode Island, in all of which states this point has been expressly passed upon; so that the result is to give an incomplete and one-sided view of the question. In regard to the conclusiveness of the awards of arbitrators, he cites only four cases, where he might easily have found fifty; and there is no development or application of the rule. As to the determinations of courts-martial, it is indeed said that "an acquittal by a court martial does not bar a criminal prosecution;" but there is no further discussion of this point or of the other cases in which the binding effect of a judgment of such a court may come in question, and no mention is made of the important cases of *Dynes v. Hoover*, 20 How. 65, and *Hefferman v. Porter*, 6 Coldw. 391. These illustrations will

suffice to indicate the unexpected deficiencies of the work; they are not meant as an exhaustive analysis of its shortcomings.

The great importance of the subject treated of, and the immense proportions to which its case-law has grown since the decision in the *Duchess of Kingston's Case*, are shown by the fact that our author has found upwards of 5,000 cases available to be cited in his pages. His researches, we must add, appear also to have taken a prodigious range; for the authorities referred to are drawn not only from the decisions of the American and English courts, but also from those of Canada, Australia, New Zealand, Hawaii, and British India. And yet, partly because of the omission of those subjects which were discussed in the work on "Collateral Attack," and partly by reason of the scattering of the authorities in the plan of alphabetical arrangement, the book fails to give one the impression of being exhaustive of the case-law. We note a disposition to prefer the later authorities for purposes of citation. While this is unquestionably the better plan if all the pertinent decisions cannot be referred to, yet it will sometimes result in disappointment to the reader who looks for the juridical foundations of a doctrine or branch of the rule. Many of the early leading cases are not to be found in these pages, and we cannot think their omission was either necessary or judicious.

It should also be mentioned that the chapter and section headings and the titles in the index, which serve as the key to unlock the resources of the whole work, are not always well devised. Too frequently our author has discarded the usual names and catchwords made familiar to the profession by long usage, and has substituted strange and even uncouth expressions, apparently of his own invention, and which yield up their meaning only upon close study or an extended reading of the text. For example, the sixteenth chapter is headed "Remedy, Wrong." Under this enigmatic caption, our author treats of the rule that where a suit is dismissed because the plaintiff has chosen a wrong form of action or mistaken the remedy which he should pursue, the decision is not a bar to a further prosecution of the same demand, because not "on the merits."

Having said this much, it is a pleasure to be able to add that the work, with all its faults and eccentricities, is the product of independent, patient, and conscientious labor bestowed upon a perplexing subject by an able and intelligent legal thinker. There can be no possible question of the originality of the work. It is evident on every page that the author has been content to take nothing at second hand, but has conducted his own researches and done his own rea-

soning upon the problems presented to him by the confused and conflicting cases. No one can fail to perceive that the book was made neither by a machine nor by a syndicate, but by the personal toil of a single mind. And it is safe to add that the conclusions reached by the author can generally be depended on as an accurate statement of the result of the cases. Not less worthy of commendation is his very candid attitude towards the decisions which he believes to be erroneous. His frank and trenchant comments on such decisions may serve as a model to text-writers who aspire to fulfill their whole duty towards their readers. It is evident also that Mr. Van Fleet has expended a vast amount of labor upon this work. Not only is this apparent from the manner in which the huge mass of cases has been treated, but also from such indications as the very elaborate character of the index, the presence throughout the work of a duplicate system of citations, and the noting, in the table of cases, of the volume and

page of each case referred to, the last being a work of supererogation which very few writers are willing either to perform in person or to pay for.

In short, the subject-matter being obscure and difficult, and the authorities being often so far in conflict as to be almost irreconcilable, the expenditure of such an amount of thought and labor by an author of Mr. Van Fleet's ability might have been expected to do admirable service in aiding to promote the reign of clear and just ideas. But the book is lacking in simplicity, clearness, and directness. For this reason, and because of the defects of method which we have already pointed out, the treasures of learning which it undoubtedly contains are, to an unfortunate degree, rendered inaccessible. The volumes are handsomely printed and well bound and are noticeably free from typographical errors.

J. B. Campbell Black.

OTHER OPINIONS OF NEW BOOKS.

Alderson on Judicial Writs.¹

[See contents on page 208, vol. 2, Law Book News.]

This most interesting volume is, we believe, the first complete survey that has been made of the law of process. Other writers have entered the field from one or more directions, but Mr. Alderson has traversed the entire territory, and, as the result of his investigations, has given us a philosophical treatise covering all that is included in his subject.

* * * Like a skilful draughtsman, he is seldom mistaken in his outline; he sees clearly the principle that underlies a given precedent, and, as in his mind's eye he strips the case of unnecessary clothing, he is able to present it with boldness and precision.

We cannot too much commend the rigid separation which he always observes between the results of the cases and his own opinions. Whenever he approaches a subject as to which there is a conflict of authorities, he is careful to lay both sides before the reader, first one side and then the other, and then in a paragraph headed "Same Subject—Author's Views," he restates the problem boldly and gives his own conclusions. We can say truthfully, and without fear of contradiction, that in these paragraphs headed "Author's Views"

is to be found the most valuable portion of his work. * * * Such a theoretical knowledge of the law of process is apparent on every leaf of this most valuable treatise. We should not, however, do the author justice, did we not equally extol the practical aspect of his work. The every-day importance of the subject and the practical handling which it has received, will, we believe, secure to the book a place in the library of every active lawyer.

—Francis Fisher Kane, in *Am. Law Register and Review*.

In a great system of law, it is useless to try to memorize much, when one has but to peep into a few good books to find what is needed; but there are some rules that every lawyer must in practice have at his finger-tips, and the law of judicial writs and process includes an unusually large number of such points. As this most important branch has never, hitherto, been at all fully or adequately treated, the profession will welcome in Mr. Alderson's book a work conscientious in its thoroughness, and sincere in its attempt to discuss aggressively and carefully each and every doctrine of that law. Far more authorities on this subject are gathered here than can, probably, be found anywhere else; and although this collection is hardly exhaustive (important authorities treating of this topic in 1 Ames and Smith on Torts are not, for example, referred to), yet it shows throughout a vast amount of diligence and labor.

—*Harvard Law Review*.

¹A Practical Treatise upon the Law of Judicial Writs and Process in Civil and Criminal Cases. By William A. Alderson, of the New York Bar. New York: Baker, Voorhis & Co. 1895.

Ballard's Equity in Pennsylvania.¹

[See notice on page 394 of this number.]

In the long interval that has elapsed since an adequate digest of Pennsylvania decisions was promised, several special subjects have obtained, at the hands of competent students, sufficient attention to make them thoroughly accessible, in all details, to the practitioner. The volume before us has done this work for "Equity," as this subject increased and multiplied its innumerable aspects prior to 1888. It is unlikely that any coming digest, however good and complete it may be, can ever cover the ground of that period with anything like the thoroughness of this volume. Mr. Ballard's analysis is close, the titles catching and descriptive, and the methods by which the book was built up are just what an active lawyer looks for in a time-saving collation of briefs, for this is what a really valuable digest must, before all other things, be. Equity has, in the last twenty years, grown more rapidly and in more directions than any other branch of Pennsylvania jurisprudence. This volume is therefore an especially timely contribution. We recommend it to the profession.

—Luzerne Legal Register.

Beach on Injunctions.²

[See contents and other descriptive matter on page 305, vol. 2, Law Book News.]

This freshest work of the prolific pen of Mr. Beach is constructed upon the same lines and is characterized by the marked thoroughness of treatment that have given his other volumes their deserved respect in the opinion of the bar. The author confines himself very closely to the decisions of the courts and the text of statutes in his presentation of the principles underlying his subject, and in view of the fact that he has prepared the work primarily for practicing lawyers and judges, and not as a text-book for students, we commend his course. This plan makes the work a ready and efficient instrument in the hands of those who have to deal with the application of law to the affairs of men. Throughout its fifty chapters, wherein, in logical order, the subject is presented in language unincumbered with philosophic discussion or criticism, its modern phases are emphasized and brought into clear view. This will enable the profession to understand the present

state of the law upon a subject that has given the courts more trouble than any other single topic in recent times, and around which grave judicial and social questions are sure to gather in the future.

—The American Lawyer.

Dembitz on Land Titles.¹

[See contents and other descriptive matter on page 338, vol. 2, Law Book News.]

We realize the task which the author of this work had before him, when he began to compile the work, for the American law of real estate is indeed, in its practical workings, the creature of statute. Under these circumstances, and appreciating the difficulty of Kent when he dealt with this subject, there then being fewer states, it can easily be realized how difficult was the undertaking of Mr. Dembitz. Even a glance at the list of statutes referred to reveals the enormity of the task.

The work itself is a thorough collation of the statute law on the subject of land titles in the United States. Its value as a means of readily ascertaining the law of another state will be acknowledged by all members of the legal fraternity, as it is a work both practical and easy of access.

—Albany Law Journal.

The present work is the result of three years' constant industry on the part of the author; and the result justifies the labor. It would, however, be more accurately styled a "digest" than a "treatise." So far as can be judged by a rapid examination, the author has striven to state clearly and with precision the principles for which the multitude of cases on the subject of Land Titles stand, but has with equal care kept his own individuality in the background. Rarely does he defend or attack a particular doctrine, or give us a clue to his own preference. As a digest it is hard to take exception to the two volumes the author has given us; and he may well be content to let it stand as he describes it in his Preface, "his last work." We cannot but admire the painstaking thoroughness which the author displays, and which has enabled him to collect the decisions and statutes of over forty states on so comprehensive a subject, and present them in well-classified arrangement.

It is essential to the helpfulness of the work that its scope be fully understood. In the first place, it is a digest of the American law only of Land Titles, and but few English

¹ Equity in Pennsylvania. Vol. I. By Ellis Ames Ballard, of the Philadelphia Bar: Rees Welsh & Co. 1895.

² Commentaries on the Law of Injunctions as determined by the Courts and Statutes of England and the United States. By Charles Fisk Beach, Jr. 2 vols. Albany: H. B. Parsons. 1895.

¹ A Treatise on Land Titles in the United States. By Lewis N. Dembitz, of the Louisville Bar, author of a Treatise on Kentucky Jurisprudence. St. Paul: West Publishing Co.

cases are included. It therefore contains next to nothing of mediæval and obsolete law of real property, but deals with the law in its modern shape with little attempt to trace its development. Topics too not directly bound up with the subject of title to land are excluded. Under this head fall the law of easements and of fixtures, and the discussion of remedies by which possession of land is regained. Trusts of land is another topic dealt with only in a summary manner; and the reader is referred to other authorities for a fuller discussion. On the other hand, "Title Out of the Sovereign," "The Registry Laws," "Judgments Affecting Land," and "Title by Judicial Process," receive in as many different chapters a fuller treatment than is accorded them elsewhere. "Title by Prescription" is excellently treated at length.

—Harvard Law Journal.

Mr. Lewis N. Dembitz's two-volume *Treatise on Land Titles in the United States* is likely to prove of considerable value to the profession. It cites some 6,000 cases, and, considering that the subject of Eminent Domain is barely alluded to, this fact of itself shows much research. The author excuses certain blemishes (which would, but for his admission, have hardly been detected) by saying that at the end of his three years' labors he was "worn out," and we can well believe it. There is a popular impression that, owing to the system of recording deeds, land titles in the United States are extremely simple, but, for a variety of reasons, which we have no space to go into here, this country is really the paradise of land litigation. In the more unsettled parts of it, adverse possession alone produces every year a crop of lawsuits which, in a community where boundaries and titles have long been established and notorious, would be out of the question. The subjects examined by Mr. Dembitz are Description and Boundary, Estates; Title by Descent, by Grant, by Devise, Derived from the Sovereign, by Marriage, by Judicial Process, and by Prescription; Incumbrances, Powers, the Registry Laws, Estoppel and Election, and Judgments Affecting Land.

—The Nation.

Fowler's History of the Law of Real Property in New York.¹

[See contents and other descriptive matter on page 307, vol. 2, Law Book News.]

Among the many grievous sins of omission of the New York bar must be counted its

¹ History of the Law of Real Property in New York. An Essay Introductory to the Study of the New York Revised Statutes. By Robert Ludlow Fowler. New York: Baker, Voorhis & Co. 1895.

indifference to the legal history of this state. And yet it is not only an inviting subject in itself, but there is a mass of rich material, both printed and manuscript, within reach of the historian. If the historical interest of the subject is not sufficient, then it may be added that many questions of the older laws are to-day of present importance. No apology is therefore necessary for the appearance of this interesting book written by one who is peculiarly fitted to deal with the subject. The only fault to be found is that Mr. Fowler has not further extended his field of labor. The scope of the book is sufficiently set forth by the titles of its chapters, which are as follows: "European Laws in New York;" "The Socage Tenure in New York;" "Local Incidents;" "The Effects of Independence;" "The Revised Statutes;" "Legal Estates under the Revised Statutes;" "Uses and Trusts under the Revised Statutes;" "Powers under the Revised Statutes;" "Conveyancing under the Revised Statutes." Surely these subjects are important and interesting enough to warrant a careful consideration by even "the busy lawyer." Time and space will not permit an extended examination of the questions raised by Mr. Fowler; but it may be said that the profession is under a debt to him for a book which, from the amount of labor necessary to its preparation, can never bring an adequate return in money, but which is not only interesting but useful. And while it has a practical use, the book has the great merit of taking us out of the daily rut,—from the cares and worries of what is truly called the "business" of the law to that higher plane where we may look around us and see that there is a science as well as a business.

—"T. C.," in the New York Law Journal.

Gardner's Review in Law and Equity.¹

[See contents and other descriptive matter on page 307, vol. 2, Law Book News.]

As would naturally be supposed, this book is one designed especially for students, and particularly those making their final preparations for admission to the bar. Strange as it may seem, this small volume covers in quite a comprehensive manner the whole field of law and equity. A mastery of it will possess the student of almost all the requirements for admission to the bar. It is beyond question the best work of the kind we have ever seen. In no other is the whole field so thoroughly covered. In no other can there

¹ A Review in Law and Equity for Law Students, together with a Summary of the Rules Regulating Admission to Practice throughout the United States. A Hand-Book for Law Students. By George E. Gardner, of the Massachusetts Bar. New York: Baker, Voorhis & Co.

be found such a perfect combination of clearness and brevity. The summary of the rules regulating admission to practice throughout the United States is a valuable feature. It is the only compilation of the kind, we believe, in existence. It would not, of course, be advisable for a student to begin his studies with this book; but, having pursued his studies for a sufficient period, a thorough study of this work, and a mastery of its contents, will fix in his mind the necessary fundamental principles, and make him exceedingly well equipped.

—Michigan Law Journal.

This book will be welcomed by that large class of students who have acquired their legal knowledge from a study of elaborate and exhaustive treatises on the principal subjects of law and who, as they approach their bar examination, desire a hasty review of the various subjects for the purpose of crystallizing their diffuse and oftentimes hazy ideas. The author has reviewed clearly and briefly the entire field of law and equity, and his book, containing a concise statement of the leading principles of each, is an epitome of the best text-books in use in our various law schools.

—Yale Law Journal.

Goodnow's Municipal Home Rule.¹

[See contents and other descriptive matter on page 307, vol. 2, Law Book News.]

The only objectionable thing about this book is its title, which gives no adequate idea of the nature or value of the contents. The author has given the reader not only a thoughtful treatise on the proper sphere of municipal action, but also an admirable summary of the present state of the law. There is no other book which contains so valuable a statement, in so small a space, of the law on certain elementary points relative to municipal corporations. Chapters VI. to XI. (both inclusive) fully justify the hope modestly expressed in the preface, that the book may be useful from the legal as well as from the political point of view. These chapters discuss the liability of municipal corporations for torts, and the degree of protection afforded to municipal property by the constitutional provisions respecting private property. This part of the book forms an admirable introduction to what Professor Goodnow aptly

¹ Municipal Home Rule. A Study in Administration. By Frank J. Goodnow. A. M., LL. B., Professor of Administrative Law in Columbia College. New York and London: Macmillan & Co. 1895.

terms the "great work" of Judge Dillon. The conspicuous merit of what may be called "the legal chapters" consists in their clear statement of the various and conflicting theories heretofore acted upon by different courts. The present state of the legal controversy as to these important open questions is depicted here in vivid colors and with a due sense of proportion. While the author does not conceal his individual views, he also gives a fair statement of all the prominent theories, and a reference to a sufficient number of illustrative cases. The work cannot fail to be of great service to the legal profession.

—"J. S.," in Harvard Law Review.

Hutchins' Williams on Real Property.¹

[See contents on page 377, vol 1, Law Book News.]

Of the many excellent treatises on real property which have appeared during recent years, none has for its special object excelled the late Mr. Williams' book. Accurate and concise in expression, and clear and masterly in enunciation of principles, it gives to students an admirable knowledge of real property law, while the practicing lawyer will find it almost invaluable to him as a book of reference. The present edition has been largely recast and remodeled by the author's son, in view of the modern changes in law, but he has endeavored to carry out his father's ideas, and has presented just such a clear and practical work as would have been written by the late Mr. Williams, if now alive. The American notes have been prepared by Prof. H. B. Hutchins, who has had a varied experience in lecturing on real property, first at Michigan University, and afterwards at Cornell. Long familiarity with the needs and perplexities of the students has enabled him to prepare such practical notes as will smooth away the difficulties of the text, and fix the principles of the law in the student's mind. His plan of placing these notes at the end of each chapter, thus presenting the American law in a compact form, will commend itself to every reader.

—The Green Bag.

¹ Principles of the Law of Real Property, intended as a First Book for the Use of Students in Conveyancing, by the Late Joshua Williams. The Seventeenth Edition, Rearranged and Partly Rewritten by his son, T. Cyprian Williams, with American Notes by Harry B. Hutchins, Professor of Law in Cornell University. International Copyright Edition. Publishers, The Boston Book Company, Boston; Sweet & Maxwell, London. 1894.

Jaggard on Torts.¹

[See contents and other descriptive matter on page 339, vol. 2, Law Book News.]

The first principle of this work, which is published in two volumes, is to establish and apply such portions of what is known as jurisprudence as are especially relevant to the subject of torts. It also has for its primary cause the statement of the primary principles of law, broad and general in their scope, yet qualified and distinguished by the citations which appear in great number at the foot of each page. The tremendous number of decisions which are ground out by courts of justice make it necessary for an active practitioner to have a general work from which he may start with a general principle, and then refine the knowledge he has obtained to meet the facts of the case under deliberation. The development of the law has naturally made many qualifications and refinements, and the text-book that deals with general principles and contains such a large number of references and decisions of the various states must find an appreciative welcome from members of the bar. This work also stands as a means of comparing the decisions on the subject of torts, and is useful on that account.

—Albany Law Journal.

In view of the quantity and diversity of accumulated decisions, this work ably answers the demand for a corrected classification of the law.

—Yale Law Journal.

After making all deductions for defect of plan and rapidity of execution, the book is a good one. The writer has ideas of his own, and is also familiar with the best ideas of other people, notably the recent English authors who have done so much to elucidate the law of torts, and who are as yet so little known on this side of the Atlantic. Undoubtedly, Sir Frederick Pollock's book, which Professor Jaggard justly places at the head, has been largely used in the United States; but it is probable that comparatively few American lawyers have even heard the names of Clerk and Lindsell, Pigott, or Innes. Professor Jaggard has not made up his book by copying bodily from these authors; but he has made an entirely justifiable use of their works by giving from time to time judicious selections, with proper acknowledgment. Moreover, he has grasped the lead-

ing modern conceptions in the law of torts, and has given proof that he is himself an original thinker.

The book fulfills the statement of the preface that it "is brought thoroughly down to date." The more important recent cases are generally given; and although, as has been said, fullness of citation may diminish the usefulness of the work to students, yet its value to the practicing lawyer is thereby materially enhanced. (See, for instance, note 3 on page 474, containing a full collection of authorities, and able comments on the interesting question so recently raised in *Hanson v. Globe Newspaper Co.*, 159 Mass. 293.)

As to the topics which should be dealt with in a treatise on "Torts," there is likely to be some difference of opinion. The writer of this notice thinks that some subjects usually discussed in books on "Torts" should be left to works on "Property," while others (and this includes a large class) should be left to "The Law of Persons." But Professor Jaggard, in including such topics in the present book, is simply following the example of able predecessors.

—Harvard Law Review.

In general, he has endeavored to follow and elucidate the principles of decision, rather than to overrule the courts. As a result, he has succeeded in stating the law of torts in some three hundred rules. So far as we have examined them, they seem generally to be well stated and copiously illustrated by cases, of which there are between 14,000 and 15,000. Considering that there are only 1,004 pages of text, this is a very great number, and of itself indicates how useful the book is likely to be.

—The Nation.

Lombroso & Ferrero's Female Offender.

[See contents on page 309, vol. 2, Law Book News, and a review by Prof. M. D. Ewell on page 384 of this number.]

This book has for its aim the notation and classification of the criminal, and particularly the female offender. It belongs to a school which is predominant at present in Italy; and if it does not go very far in the way of assistance to the actual or possible work of Criminal Courts, it is to be received with at least good humour. There is not much edification in the first eleven chapters, beginning with the skull of the female offender, and ending with the acuteness of sense and visual area of female criminals. But there are, here and there, some just observations in chapters twelve to eighteen on the born criminal, occasional criminals, hysterical offender, crimes of passion, suicides, criminal female lunatics,

¹ The Law of Torts. (In the Hornbook Series.) By Edwin A. Jaggard, A. M., LL. B., Professor of the Law of Torts in the Law School of the University of Minnesota. St. Paul: West Publishing Co.

epileptic delinquents, and moral insanity. That "Women are very rarely criminal when compared with men, but when criminal they are infinitely worse" is possibly true but not particularly new. This is expanded in another passage—"The majority of female delinquents are led into crime either by suggestion of a third person, or by irresistible temptations, and are not entirely deficient in the moral sense;" but there is "a small proportion whose criminal propensities are more intense and more perverse than those of their male prototypes." * * * The most alarming, however, of the authors' observations is that "criminality increases among women with the march of civilisation." "The inferior psychological activity of women" is not inconsistent with their telling lies "with greater coherence and audacity" than men. The opportunities now offered for the higher education of women turn to their destruction. "The occasions which present themselves to draw the naturally moral woman into crime are multiplied now by the higher education conceded to females, but of which they can make no use by earning their bread in offices or professions." * * * It is not to be thought that such conceptions will be accepted generally. It must, however, be noted that, while according to the authors there are fewer born criminals among women than among men, these few are often much more ferocious and more deliberate; as the female libellers, poisoners, and murderers generally. One particular feature of hysterical female offenders is their mania for calumny, and the success with which they apply it. Woman, as here presented, is a weak creature, occasionally impelled by evil passions, or domestic avarice, into crime. * * * The book is not worth much, but it may have its value in developing among men, worthy to be so

called, a chivalrous tenderness towards woman's weakness and a horror of her being unsexed by certain modern influences and tendencies.

—"R. V. C.," in *The Juridical Review*.

Tiffany on Sales.¹

Tiffany on Sales brings fresh illustration of the convenient typographical features which have popularized the Hornbook Series. Putting leading principles in black-letter type was a happy conception, both in aid of the learner's description and in economizing the practitioner's time. If the excellence of Mr. Tiffany's former work did not insure his intelligent treatment of this subject, an examination of the book itself would afford it ample vindication. As the author says, the black-letter text is an American adaptation of the famous English sale of goods act of 1894. It is thus no hurried attempt to reduce the law of sales to exact statement, but a careful revision of what was before a laboriously accurate codification. The arrangement is mainly that of Benjamin, which could hardly have been improved, aside from the merit of its familiarity. The citation of cases is almost prodigal in view of the size of the book, hence it escapes the realm of mere elementary treatises.

—*Western Reserve Law Journal*.

The style is lucid and concise, and, so far as we have tested the work, we have found it accurate.

—*The Nation*.

¹ *Handbook of the Law of Sales*. (In the Hornbook Series.) By Francis B. Tiffany, author of "Death by Wrongful Act." St. Paul: West Publishing Co. 1895.

MINOR LAW BOOK NOTICES.

Ballard's Annual on the Law of Real Property.¹

This third volume of Ballard's Annual is a handsome volume, and contains internal evidence of a prosperity which is a good guaranty for future volumes. It follows the gen-

¹ The Annual on the Law of Real Property, being a Complete Compendium of Real-Estate Law, embracing all current case-law, carefully selected, thoroughly annotated, and accurately epitomized, comparative statutory construction of the laws of the several states; and exhaustive treatises upon the most important branches of the law of real property. Edited by Tilghman E. Ballard and Emerson E. Ballard, authors of Ballard's Real-Estate Statutes of Indiana and of Kentucky, etc. Vol. 3. 1894. Crawfordsville, Ind.: The Ballard Publishing Co.

eral plan established in the earlier volumes, sixteen cases being reported in full and the others epitomized. The only material change is that the editors, in order to bring their work down to date, have followed the popular system of working in those cases which, though published in the National Reporter System, have not yet appeared in the State Reports. In this way the work is brought much further down than would otherwise be possible. But if the publishers hope that their subscribers will ever fill in the little blank spots on the page which they have left for the to-be-expected Reports citation, we fear they will be grievously disappointed when they go about in years to come and look at the books on the desks of busy lawyers. However, they will

have the satisfaction of knowing that they have done their best by affording the opportunity, even at the cost of a certain slightness in the printed page, and, if lawyers won't do the rest, it must be due to the defects of a legal training. The index is made to include the two preceding volumes as well as this one.

The publishers' explanatory announcement says:

"In each volume, covering a whole year's work of the courts, the subjects are placed in their alphabetical order, the annotated case or statutory article, if any, appearing at the beginning of each division, followed by the epitome of legal principles contained in all the other cases, arranged under proper section heads, in the logical order of the subdivisions of each subject. Always at the close of the last volume will be found a perfect index to every legal principle contained in the entire series. The lawyer or judge need never consult but the one index. As each succeeding volume appears, the preceding ones do not lose their value but become treasures of valuable authority always accessible. Its serial and treatise features are so happily combined that its symmetry and completeness is continually maintained, without any repetition, and its every volume will always be an integral part of an exhaustive treatise on the Law of Real Property, which will never need a new edition and which renders any future new editions of more than 100 text books wholly unnecessary. There is nothing contingent or uncertain as to the character, quantity and cost of this publication. The publishers know what they intend to do and frankly tell their patrons. Each issue of the *Annual on the Law of Real Property* will be a large, well printed, securely and handsomely bound volume of not less than 800 pages. There will be one volume each year and no more, and it will cost \$6.50 delivered, neither more nor less."

Chamier's Literary Copyright.¹

[See contents, on page 376 of this number.]

This little volume is not a mere compilation of statutes, but is a very readable treatise on the requirements, principles, and construction of the English law of literary copyright. Its scope may be determined from the table of contents, extracts from the preface, etc., published elsewhere in this number. The many similarities between the English law of copyright and that of the United States, together with the chapter on International Copyright, should make the work of more than passing interest here; and it is certainly a work which English lawyers, authors, and publishers will

find worth having. It is a neat, cloth-bound volume, of 150 pages, exclusive of index, and is divided into thirteen chapters. What may be termed the general principles of the law of copyright are brought out mainly by the first four chapters, treating of the nature of authorship, of copyright, what constitutes publication, and its effect, and what works are properly entitled to the protection of copyright. Chapter 5 treats of the requirement and method of registration at Stationers' Hall,—corresponding to our registration with the librarian of congress. The subsequent chapters deal mainly with the relations of parties arising from the use, transfer, infringement, etc., of copyright, contracts relative to published and unpublished books, property in titles, and the provisions of the international copyright law. The text is supported by the citation of nearly three hundred English cases, together with numerous explanatory notes.

Ballard's Equity in Pennsylvania.¹

[See other opinions, on page 389 of this number.]

Under this title, Mr. Ballard has given the profession in his state a very serviceable digest of all the decisions of the supreme and lower courts of Pennsylvania relating to equity principles and practice. The work is intended to be complete in two volumes, the second of which is yet to be published. The first volume reaches from the earliest history of the state down to 1888, about five thousand cases being cited. The subject headings embrace every division and subdivision of the subject of equity; and the minor divisions under each sub-heading are arranged alphabetically, which is certainly a good feature. The title of the case cited is placed at the beginning instead of the end of the digest paragraph,—an arrangement the merit of which is not apparent. An introductory chapter gives a digest of the acts of assembly relating to equity and equity jurisprudence between 1864 and 1893. The author's work appears to have been well and carefully done, and the publication, when completed, will certainly prove a convenient one for lawyers having to deal with the equity jurisprudence of the state.

¹ Law Relating to Literary Copyright and the Authorship and Publication of Books. By Daniel Chamier, of the Inner Temple, Barrister at Law. London: Effingham Wilson. 1895.

¹ Equity in Pennsylvania. By Ellis Ames Ballard. Vol. 1. Philadelphia: Rees, Welsh & Co. 1895.

Hall's Bank Laws, (New York).¹

This is another work of local interest, the chief merit of which will be found in the fact that it presents in one volume, methodically arranged, all the state and federal laws regulating financial institutions of every kind transacting business in the state. But little need be said of the contents, further than given in the footnote. The author's work has consisted mainly in arrangement and annotation, the text being but a compilation of the various laws relative to banks and banking as changed by the latest amendments. Numerous notes, citations of state and federal cases, the text of the statutory construction law, and a digest of nearly 120 pages, place the construction of every important paragraph of the banking law before the reader, or within his reach. A chapter containing instructions and suggestions relative to the organization and management of national banks, as issued by the comptroller of currency, and another devoted to official forms for the organization of moneyed corporations under the New York banking law, complete the text. The state laws and the national bank act are separately indexed. The work, as a whole, is one which lawyers, bank officers, and others having to do with the financial institutions of the state will find convenient and reliable.

Jewett's Election Manual.²

The scope of this work is quite fully shown by the footnote. The present (third) edition has been thoroughly revised to present the numerous changes in the election laws of the state since the edition of 1894

was published. The work, as revised, has the merit of completeness,—a quality not generally found in books which add "Manual" to their title. In its nineteen chapters will be found, systematically arranged, perhaps every provision of law in force in the state relative to the qualifications, powers and duties of the different election officers and boards; the registration, qualifications, privileges, and disabilities of voters; the holding of primaries, conventions, and elections, together with all their preliminary and subsequent details; the qualifications of the several state and county elective officers; the laws of citizenship and naturalization; and the special laws applicable only to elections in the cities of New York and Brooklyn. Blank forms, with instructions for filling out, follow the sections to which they are applicable. A complete index, together with index words at the margin of each paragraph, specially adapt the work to the needs of election officers.

Students' Test Book of Law and Practice.¹

This new addition to the "quiz book" department of legal literature is a volume of 275 pages, including index, and is divided into fourteen chapters. It opens with a chapter of "Hints on Legal Study," which contains many valuable suggestions to present and prospective law students. The remaining thirteen chapters consist of questions and answers on the leading principles of elementary law and practice. These questions were selected from those propounded by the supreme court of California to applicants for admission to the bar during the past ten years, and the answers have evidently been prepared with great care. The questions are arranged systematically under the different subjects, each question being immediately followed by its answer, and each answer by a reference to one or more standard text-books or to decided cases. As may be seen by the table of contents given elsewhere in this number, the range of topics treated covers the whole field of elementary law and procedure; and of course only the main principles are called out. The work will not suffer by comparison with other books of its nature, but it is not without its faults; chiefest of which, perhaps, is the fact that, in many of the answers, clearness has been sacrificed to brevity.

¹ Hall's Bank Laws. Containing the Banking Law of New York State, relating to Banks, Individual Bankers, Savings Banks, Trust Companies, Co-operative Savings and Loan Associations, Mortgage, Loan or Investment, and Safe-Deposit Corporations; together with the National Bank Act, the Statutory Construction Law, and General and Stock Corporation Laws of the State of New York, and such other constitutional or legislative provisions of the United States or of New York State as are supplemental, additional to, or explanatory of the main acts. By Charles Roswell Hall, of the State Banking Department. Albany, N. Y.: Matthew Bender. 1895.

² Jewett's Manual for Election Officers and Voters in the State of New York. Containing the General Election Law and Additional Laws Regulating the Conduct of Elections in the Cities of New York and Brooklyn. Also provisions of the Penal Code, General Laws, and Constitution of the State of New York relating to Elections and Elective Officers. With Notes, Forms, and Instructions. By F. G. Jewett, Clerk to the Secretary of State. Albany, N. Y.: Matthew Bender. 1895.

¹ Test Book of Law and Practice; or Hints and Helps for Students and Young Practitioners at Law. In Form of Questions and Answers. By Charles T. Boone, LL. B. San Francisco: Reuben's Old Law Book House. 1895.

The Excise and Hotel Laws of New York.¹

This work is intended, not as a discussion or criticism of the system of laws embraced within its title, but as a plain compilation of such laws as they now exist, together with notes, references to decided cases, etc., tending to a clear understanding of their meaning. As the excise laws are purely statutory, the volume appropriately opens with a chapter on the statutory construc-

¹ The Excise and Hotel Laws of the State of New York, as Amended to the Legislative Session of 1896. With Complete Annotations and Forms. By Robert C. Cumming and Frank B. Gilbert. Albany, N. Y.: Matthew Bender, 1896.

tion law of the state. In subsequent chapters are given the excise laws; the public officers law; provisions of the Penal and Civil Codes relative to violations of the excise laws; local acts relating to excise in New York City, Brooklyn, and Buffalo; United States statutes and regulations relating to the payment of taxes by liquor dealers; and statutes relating to the rights, liabilities, and duties of hotel keepers. The final chapter is devoted to the various legal forms, such as bonds, certificates, applications for license, etc., each form being accompanied by a reference to the section of the law to which it is applicable. The volume contains 253 pages, including a complete index.

BOOKS RECEIVED.

From Little, Brown & Co., Boston, Mass.:
Huffcut on Agency.

From Macmillan & Co., New York, N. Y.:
Anson's Law of Contract. Eighth Edition, by Ernest W. Huffcut.

From the Diossy Law Book Co., New York:
Abbott Select Cases on Code Pleading.

From Houghton, Mifflin & Co., Boston:
Merwin's Principles of Equity and Equity Pleading.

Leading Text Books Published in 1895.

Abbott's Select Cases on Code Pleading	5 50 net	Kerr on Real Property. 3 vols.....	16 00 net
Abbott's Select Cases on Evidence..	6 00 net	Leavitt's Law of Negligence.....	6 50 del
Alderson on Judicial Writs and Process	6 00 net	Norton on Bills and Notes. 2d Ed.	3 50 net
Black's Constitutional Law.....	3 50 net	Oliver's American Precedents in Personal and Real Actions. 5th Ed.	6 00 net
Bench on Injunctions. 2 vols.....	12 00 net	Pingrey on Real Property. 2 vols.	12 00 net
Bench on Insurance. 2 vols.....	12 00 net	Schouler on Domestic Relations. 5th Ed.	6 00 del
Bishop's Criminal Procedure. Vol. 1. 4th Ed.....	6 00 net	Shipman's Common Law Pleading. 2d Ed.	3 50 net
Bishop on Insolvent Debtors. 3d Ed..	6 50 del	Smith on Evidence.....	5 00 net
Bradner's Rules of Evidence.....	5 00 net	Spencer on Marine Collisions.....	7 50 net
Browne on the Statute of Frauds. 5th Ed.	6 00 net	Thompson on Private Corporations. 6 vols	36 00 net
Clark's Criminal Procedure.....	3 50 net	Tiffany on Sales.....	3 50 net
Cowdery's Forms and Precedents..	6 00 net	Van Fleet's Former Adjudication. 2 vols.	12 00 net
Croswell on Electricity.....	6 00 net	Walker's American Law. 10th Ed..	6 00
Dembitz on Land Titles. 2 vols. del'd	12 00 net	Walker on Patents. 3d Ed.....	6 50 net
Endlich on Building Associations. 2d Ed.....	6 00 net	Waples on Attachment. 2d Ed....	6 00 net
Fetter on Equity.....	3 50 net	Webster on Naturalization.....	4 00 net
Glenn's International Law.....	3 50 net	Williams on Executors. 8 vols.	18 00 net
Harlow on Sheriffs and Constables. 2d Ed.....	6 00 net		
Jaggard on Torts. 2 vols.....	7 00 net		

DIGEST.

Of Articles on Legal Subjects in Current Periodicals, Annotations in Reports, etc.

List of Abbreviations and Publications Digested.

Abbreviations.	Name.	Published.	Prices of Single Numbers.
Abb. N. C.	Abbott's New Cases, Dossy Law Book Co., N. Y. City	Monthly.....	\$4.50 per vol.
Alb. Law J.	Albany Law Journal, Albany, N. Y.	Weekly.....	25c.
Am. Acad. Pol. & Social Science	American Academy of Political and Social Science, Philadelphia, Pa.	Fortnightly.....	\$5.00 per year.
Am. Banker.	American Banker, New York City.....	Weekly.....	10c.
Am. Lawyer.	American Lawyer, New York City.....	Monthly.....	10c.
Am. Law Reg. & Rev.	American Law Register and Review, Philadelphia.....	Monthly.....	50c.
Am. Law Rev.	American Law Review, St. Louis.....	Bi-Monthly.....	\$1.00.
Am. Prob. R.	American Probate Reports, Baker, Voorhis & Co., New York City.....	Irregular Intervals.....	5.50 per vol.
Am. R. & Corp. R.	American Railroad and Corporation Reports, E. B. Myers & Co., Chicago.....	Irregular Intervals.....	4.50 per vol.
Am. St. Rep.	American State Reports, Bancroft-Whitney Co., San Francisco.....	Bi-Monthly.....	Sold by subscription only.
Am. & Eng. Corp. Cas.	American and English Corporation Cases, Edward Thompson Co., Northport, Long Island, N. Y.		\$4.50 per vol.
Am. & Eng. R. Cas.	American and English Railroad Cases, Edward Thompson Co., Northport, Long Island, N. Y.		4.50 per vol.
Atlantic Monthly.	Atlantic Monthly, Houghton, Mifflin & Co., 11 E. 17th St., New York City.....	Monthly.....	85c. per single number.
Aust. Law T.	Australian Law Times, Melbourne, Australia.....	Semi-Monthly.....	£3 3s. per yr.
Banking Law J.	Banking Law Journal, New York City.....	Monthly.....	30c.
Barriester	The Barrister, Toronto, Can.....	Monthly.....	\$2.00 per year.
Brief.	The Brief, London, Eng.....	Monthly.....	Sixpence.
Can. Law J.	Canada Law Journal, Toronto, Can.....	Semi-Monthly.....	25c.
Can. Law T.	Canadian Law Times, Toronto, Can.....	Monthly.....	50c.
Cape Law J.	Cape Law Journal, Grahamstown, Cape of Good Hope	Quarterly.....	\$1.50.
C. C. A.	U. S. Circuit Courts of Appeals Reports, West Pub. Co., St. Paul, Minn.....	Irregular Intervals.....	\$3.35 per vol.
Cent. Law J.	Central Law Journal, St. Louis.....	Weekly.....	25c.
Chi. Law J.	Chicago Law Journal, Chicago.....	Monthly.....	25c.
Chi. Leg. N.	Chicago Legal News, Chicago.....	Weekly.....	10c.
Civil Proc. R.	New York Civil Procedure Reports, S. S. Peloubet, New York City.....	Monthly.....	10c.
Collector	The Collector and Commercial Lawyer, Detroit, Mich	Monthly.....	30c.
Counselor	The Counselor, New York City.....	Monthly.....	\$1.00.
Cr. Law Mag.	Criminal Law Magazine, Jersey City, N. J.....	Bi-Monthly.....	50c.
Green Bag.	Green Bag, Boston.....	Monthly.....	1c.
Guide.	The Guide, Kalamazoo, Mich.....	Monthly.....	35c.
Harv. Law Rev.	Harvard Law Review, Cambridge, Mass.....	Quarterly.....	65c.
Int. Jour. Eth.	International Journal of Ethics, Philadelphia, Pa.	Monthly.....	25c.
Iowa Univ. Law Bul.	Law Bulletin of Iowa University, Iowa City, Iowa.....	Weekly.....	1 shilling.
Jr. Law T.	Irish Law Times & Solicitors' Journal, Dublin, Ire.	Weekly.....	Sixpence.
J. P.	Justice of the Peace, London, Eng.....	Quarterly.....	\$1.00 per year.
Jurid. Rev.	Juridical Review, Edinburgh, Scotland.....	Bi-Weekly.....	Sixpence.
Kan. Univ. Lawy.	Kansas University Lawyer, Lawrence, Kans.....	Monthly.....	5 shillings.
Law Notes.	Law Notes, London, Eng.....	Quarterly.....	10c.
Law Quart. Rev.	Law Quarterly Review, London, Eng.....	Monthly.....	Sixpence.
Law Student's Helper.	Law Student's Helper, Detroit, Mich.....	Quarterly.....	5 shillings.
Law Students' J.	Law Students' Journal, John Indermann, Chancery Lane, London, Eng.....	Monthly.....	10c.
Law T.	Law Times, London, Eng.....	Weekly.....	Sixpence.
Lawy. Rep. Ann.	Lawyers' Reports Annotated, Lawyers' Co-operative Pub. Co., Rochester, N. Y.....	Semi-Monthly.....	\$1.00
Leg. Int.	Legal Intelligence, Philadelphia.....	Weekly.....	10c.
Madras Law J.	Madras Law Journal.....	Quarterly.....	
Med. Leg. J.	Medico-Legal Journal, New York City.....	Monthly.....	25c.
Mich. Law J.	Michigan Law Journal, Detroit, Mich.....	Monthly.....	25c.
Minn. Law J.	Minnesota Law Journal, St. Paul, Minn.....	Monthly.....	
Mont. Leg. N.	Montreal Legal News, Montreal, Can.....	Monthly.....	
Morr. Min. R.	Morrison's Mining Reports, Callaghan & Co., Chicago	Irregular Int'vals.....	\$5 per vol.
Nat. Corp. Rep.	National Corporation Reporter, Chicago.....	Weekly.....	10c.
N. J. Law J.	New Jersey Law Journal, Plainfield, N. J.....	Monthly.....	25c.
N. W. Law Rev.	Northwestern Law Review, Chicago.....	Monthly.....	25c.
N. Y. Cr. R.	New York Criminal Reports, S. S. Peloubet, N. Y. City	Monthly.....	
N. Y. Law J.	New York Law Journal, New York City.....	Daily.....	05c.
N. Y. Law Rev.	New York Law Review, Ithaca, N. Y.....	Monthly.....	25c.
Ohio Leg. N.	Ohio Legal News, The Lanning Printing Co., Norwalk, Ohio.....	Weekly.....	\$3.00 per year.
Pittsb. Leg. J.	Pittsburgh Legal Journal, Pittsburgh, Pa.....	Weekly.....	10c.
Political Science	Political Science, Boston, Mass.....	Quarterly.....	
Quart. Jour. Econ.	Quarterly Journal of Economics, Boston.....	Quarterly.....	\$2.00 per year.
Rev. of Rev.	Review of Reviews, New York City.....	Monthly.....	\$2.50 per year.
Revue Legale.	Revue Legale, 11 et 13, Rue St. Jacques, Montreal, Can.....	Monthly.....	10c.
Scot. Law Rev.	Scottish Law Review, Glasgow, Scot.....	Monthly.....	1 shil. and sixpence
Scot. Law T.	Scots' Law Times, Edinburgh, Scotland.....	Weekly.....	
University Law Rev.	University Law Review, New York City.....	Monthly.....	25c.
Va. Law Reg.	Virginia Law Register, Lynchburg, Va.....	Monthly.....	50c.
Wash. Law R.	Washington Law Reporter, Washington.....	Weekly.....	10c.
West. Res. L. J.	Western Reserve Law Journal, Cleveland, O.....	Monthly.....	20c.
Westminster Review	Westminster Review, London.....		
Wkly. Law Bul.	Weekly Law Bulletin and Ohio Law Journal, Columbus, Ohio.....	Weekly.....	25c.
W. Va. Bar.	West Virginia Bar, Morgantown, W. Va.....	Monthly.....	10c.
Yale Law J.	Yale Law Journal, New Haven, Conn.....	Monthly.....	35c.

TOPICAL DIGEST.

N. B. The Classification of the American Digest is here used.

ADOPTION.

A brief study of the Roman law of adoption.—By F. A. Bechtel. 4 N. W. Law Rev. 73.

ASSIGNMENT.

A valuable article on the equities existing between different assignees of an equitable interest in trust funds.—By Ernest C. C. Firth. 11 Law Quart. Rev. 337.

ATTORNEY AND CLIENT.

An interesting article on the etiquette of the bar.—100 Law T. 107.

An interesting article on the great need of a better education of the profession.—By David J. Brewer. 5 Yale Law J. 1.

BAILMENT.

An extensive note on the liability of a bailee for wrongful appropriation by his servant of the thing bailed.—29 Lawy. Rep. Ann. 92.

Bankruptcy.

— International codification, see "International Law."

BANKS AND BANKING.

A valuable note, with numerous authorities, on liabilities of shareholders in national banks.—By William L. Clark, Jr. 15 C. C. A. 130.

BUILDING AND LOAN ASSOCIATIONS.

A collection of authorities on the liability of advanced members of building and loan associations to assessments for losses.—29 Lawy. Rep. Ann. 177.

A collection of authorities on the right to apply payments made on stock in a building and loan association upon a mortgage given for a loan by the same member.—29 Lawy. Rep. Ann. 120.

CARRIERS.

A valuable essay on the right of a common carrier to limit its responsibility by special agreement.—By Romaine H. Crosby. 5 Counsellor, 10.

CHARITIES.

An article on the necessary ingredients of a valid legal charity.—100 Law T. 55.

COMMON LAW.

A valuable address delivered at the commemoration meeting of the Harvard Law School Association on the vocation of the common law.—By Frederick Pollock. 11 Law Quart. Rev. 323.

CONSTITUTIONAL LAW.

An article on the survival of the theory of natural rights in judicial decisions.—By John E. Keeler. 5 Yale Law J. 14.

An interesting article on the constitutional limitations on the police power.—By S. S. Gregory. 4 N. W. Law Rev. 49.

CONTRACTS.

An extensive collection of authorities on mutuality in contracts.—By Wm. L. Clark, Jr. 15 C. C. A. 543.

A short article, with numerous authorities, on the construction of written instruments.—By William L. Murfree, Jr. 41 Cent. Law J. 383.

A valuable article on considerations moving from third persons.—By Edmund H. Bennett. 9 Harv. Law Rev. 233.

A valuable essay on the extent that prospective profits are recoverable as damages in an action upon a contract.—By Frederick Hulse. 5 Counsellor, 1.

CORPORATIONS.

An article on the necessity of reform in the law relating to corporations.—By Edward Manon. 11 Law Quart. Rev. 346.

An interesting paper on evils of private corporations, read before the Kansas City Bar Association.—By T. B. Buckner. 1 Kan. City Bar Month. 9.

A valuable article on the unauthorized or prohibited exercise of corporate power.—By Geo. W. Pepper. 9 Harv. Law Rev. 255.

COURTS.

A continuation of an interesting series of articles on the supreme court of Maine.—7 Green Bag. 504.

An exhaustive note on the jurisdiction of courts as affected by possession of the subject-matter of controversy.—By Charles H. Payne. 15 C. C. A. 6.

CRIMINAL LAW.

An interesting article on hypnotism in the law, with numerous authorities.—By J. C. Rosenberger. 1 Kan. City Bar Month. 17.

An interesting article on the power of courts of summary criminal jurisdiction to inquire into the antecedents of the accused.—By Henry H. Brown. 11 Scot. Law Rev. 287.

Damages.

- In actions against telegraph companies, see "Telegraph Companies."
- In an action on contract, see "Contracts."

DEED.

A collection of authorities on the effect of a quitclaim deed in an otherwise perfect record title.—29 Lawy. Rep. Ann. 33.

EASEMENTS.

A valuable article, with numerous recent English authorities, on the creation of rights of way.—15 Can. Law T. 269.

EVIDENCE.

A collection of authorities on the method of proving handwriting.—By D. M. Mickey. 41 Cent. Law J. 362.

Fellow Servant.

- See "Master and Servant."

Handwriting.

- Method of proof, see "Evidence."

HIGHWAYS.

A collection of recent authorities on the right to recover damages for injuries resulting from nonrepair of highways.—59 J. P. 657.

Hypnotism.

- See "Criminal Law."

INSOLVENCY.

A collection of authorities on the priority of states or of the United States in payments from assets of a debtor.—29 Lawy. Rep. Ann. 226.

INTERNATIONAL LAW.

An interesting article on the duty of neutral nations.—5 Chf. Law J. 681.

A valuable article on international bankruptcy codification.—By Josephus Jitta. 7 Jurid. Rev. 305.

LAW.

An interesting address before the incorporated Law Society of Liverpool, England,

on one law for the rich and another for the poor.—By C. H. Pickstone. 52 Alb. Law J. 281.

Some valuable suggestions as to the study of law.—By George Chase. 5 Counsellor, 43.

Liens.

- See "Maritime Liens."
- Of taxes, see "Taxation."

MALICIOUS PROSECUTION.

A collection of authorities on the right of action for the malicious prosecution of an ordinary civil action.—By Spencer Haven. 41 Cent. Law J. 449.

MARITIME LIENS.

A collection of authorities on the right to a lien for supplies and services.—15 C. C. A. 679.

MARRIAGE.

An examination of some of the questions raised by the marriage of a European woman in a monogamous European country to a domiciled Asiatic under a personal law which admits polygamy.—By M. L. Agarwala. 11 Law Quart. Rev. 373.

MASTER AND SERVANT.

- Liability of master for tort of servant, see "Bailment."

An interesting article on the judicial and political history of the fellow-servant question.—By Edward D. Ellison. 1 Kan. City Bar Month. 35.

MASTERS IN CHANCERY.

An article on the rise and fall of the commissioner in chancery, with a special reference to the case of Shipman v. Fletcher (Va.) 22 S. E. 458.—By R. T. Barton. 1 Va. Law Reg. 485.

MUNICIPAL CORPORATIONS.

A short article on the borrowing powers of municipalities.—59 J. P. 673.

NEGLIGENCE.

- See "Highways."

A collection of authorities as to the rule affecting electric companies in regard to the use of highways by electric wires.—41 Cent. Law J. 367.

Police Power.

- See "Constitutional Law."

Privileged Communications.

— See "Witness."

REAL PROPERTY.

An interesting outline of the working of the Torrens system as contained in the act that has recently taken effect in Illinois.—By Harvey B. Hurd. 4 N. W. Law Rev. 66.

SHIPPING.

An extensive note, with numerous authorities, on the implied warranty of seaworthiness.—By Wm. L. Clark, Jr. 15 C. C. A. 388.

Stockholders.

— Liabilities of, see "Banks and Banking."

Street Railways.

— See "Negligence."

TAXATION.

▲ collection of authorities on jurisdiction as to taxation of a bridge over a river forming the boundary of the state or its divisions.—29 Lawy. Rep. Ann. 69.

▲ collection of authorities on the priority of claims for taxes against the assets of a debtor.—29 Lawy. Rep. Ann. 278.

TELEGRAPH COMPANIES.

A review of the telegraph law in New York, the liabilities of the company, and the rule for damages.—By Theodore F. Humphrey. 5 Counsellor, 18.

A valuable note, with numerous authorities, on the measure of damages in actions

against telegraph companies.—By William L. Clark, Jr. 15 C. C. A. 235.

TRADE-MARKS AND TRADE-NAMES.

An article, with numerous authorities, on individuality in trade devices.—By C. A. Bucknam. 41 Cent. Law J. 429.

A short collection of authorities on the protection of trade-union labels or trade-marks.—29 Lawy. Rep. Ann. 200.

TRESPASS.

A collection of authorities on the liability incurred by killing or injuring trespassers by means of spring guns or other dangerous instruments.—29 Lawy. Rep. Ann. 154.

Warranty.

— Of seaworthiness, see "Shipping."

WILLS.

An article on the necessity of care in framing a bequest of stocks or shares.—100 Law T. 80.

A review of the recent decision of the supreme court of New Hampshire in *Edgerly v. Barker*, 31 Atl. 900, on the question of general and particular intent in connection with the rule against perpetuities.—By John C. Gray. 9 Harv. Law Rev. 242.

A short article on settlement by will of daughters' shares.—100 Law T. 79.

WITNESS.

An interesting article on privileged communications.—17 Aust. Law T. 60.

U of Chicago

* REQUEST *

Patron Name

g2

Transaction Number

3264525

Patron Number

Item Number

57391345

Title

Law book news; a monthly review of cu

Pickup Location

KA1
.L305

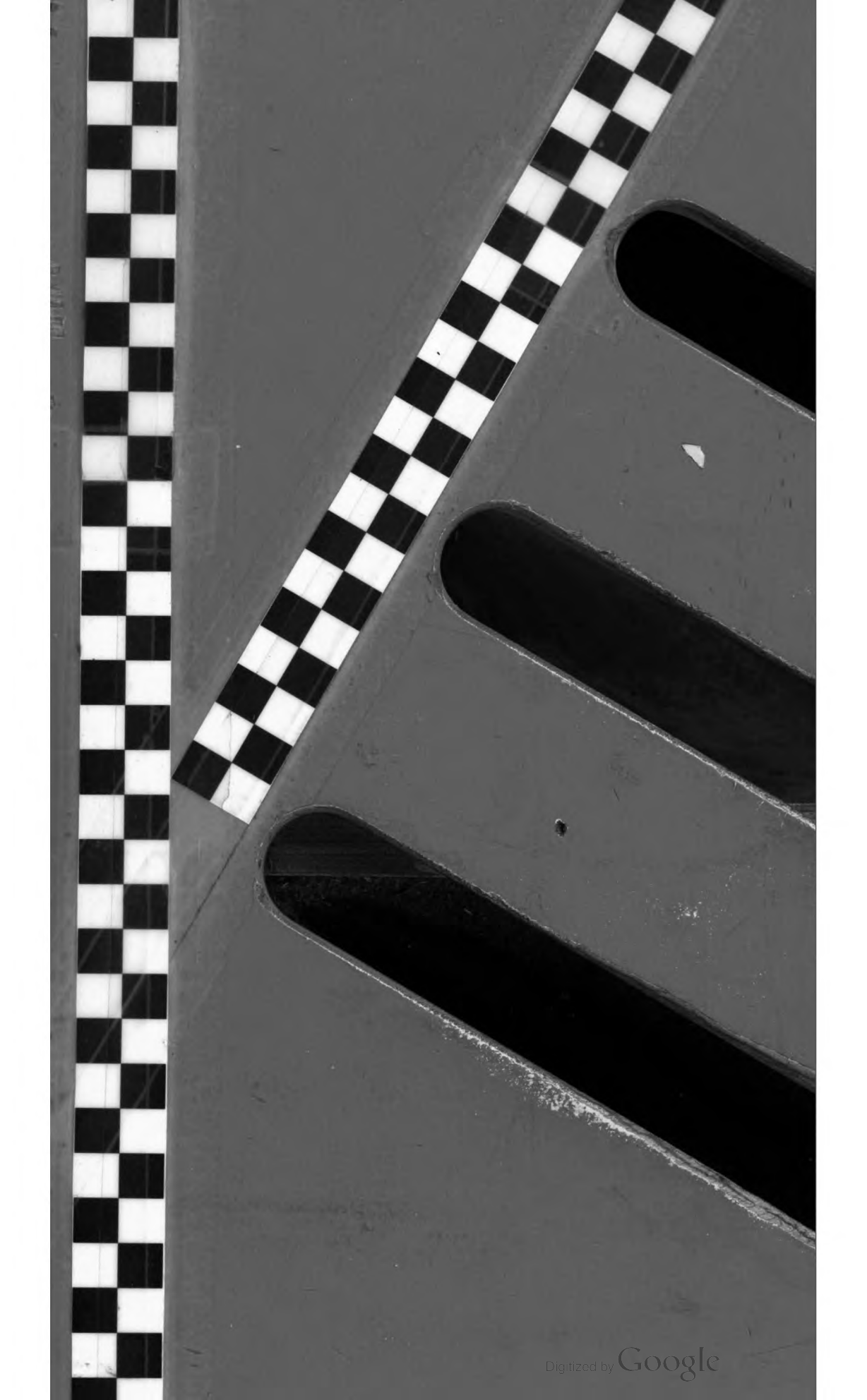
v. 2

v. 2

KA1
.L305

296559





UNIVERSITY OF CHICAGO



57 391 345