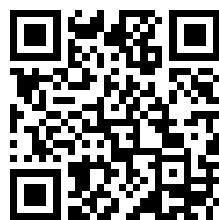

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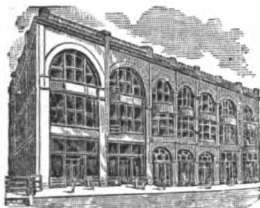
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LAW BOOK NEWS

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TO OUR READERS.

IN these times of overproduction of printed matter of all descriptions, an explanation, if not an apology, is due to the lawyers from any new claimant on their attention. But it is in the very multiplicity and excess of law book publications that "Law Book News" finds its excuse and reason for being.

The new periodical is modest and unassuming in its appearance, as any one may see, but there is nothing small about its purpose. This is nothing less than to increase the usefulness of all other current law publications by making them available and accessible. Its primary function will be to furnish a thorough and practicable index to all that is of practical value in legal periodicals and new law books, and to whatever is of special interest to the legal profession

in the miscellaneous literary reviews and periodicals.

With the great increase in periodical literature, many useful organs have been evolved to help the general reader to select what he wants from the mass. Besides Mr. Poole's invaluable indexes to periodical literature, (published in bound volumes,) there are now several current publications which have for their object to give their readers the extract and essence of all current literature; such are the "Review of Reviews," which runs its drag net through all lands, "The Literary Digest," "Current Literature," "Public Opinion," "Literary World," "Book News," "Book Buyer," etc. The need of the lawyers for a technical aid of this character in connection with the literature of their profession has been often recognized; but the only adequate attempt to meet it which has thus far been made is in Mr. Leonard A. Jones' "Index to Legal Periodical Literature,"* a work which is, we venture to say, too little known and used. This covers the field down to the year 1887. The following extract from Mr. Jones' preface will show his estimate of the value of the fugitive material which he has gathered into the lawyers' storehouse:

"I commenced this work with the conviction that a great store of papers and articles was hidden and neglected in the legal journals and reviews which could be made valuable to lawyers and legislators by an in-

*"An Index to Legal Periodical Literature. By Leonard A. Jones, Boston. 1888. Half morocco, \$10."

dex. Now, at the completion of the work, after a hasty examination of the whole mass of this literature, I am more impressed with its practical usefulness. Many minor topics of the law which are wholly neglected, or only briefly treated in the text-books, are often fully and exhaustively treated in the legal journals by able lawyers. The list of authors of articles shows that the great mass of the contributions to these periodicals has been made by lawyers and judges who are not authors of text-books, and who have not published their articles in any other form."

"Law Book News" will continue this service from month to month, aiming to note everything that is of professional interest to the lawyers in the periodicals of the civilized world.

Another function no less important is the recording and reviewing of new law books. This work is done in a desultory and fragmentary way by many law journals and magazines, but their reviews are too often valueless to the reader. Moreover, no publication attempts to cover the field exhaustively, as is the purpose of "Law Book News."

With the literature of the law the problem of indexing takes an eminently practical turn. The substantive law in the statutes and cases is the material in which the legal profession works. The literature of the law, the treatises, monographs, and notes, as well as the more formal indexes and digests, are valuable solely as they afford the means of access to the law itself; and as the lawyer's interests at any given time are fixed on some single point of the law, everything should be bent to serve him in his search for whatever may bear on that point. The lawyer therefore approaches the literature of his profession in a different frame of mind from that of the general student or miscellaneous reader. His need is definite and practical, and it is to that need that the law publishers chiefly seek to minister. For that reason our indexes of current legal literature and our record of new books will bear the semblance of digests of cases, and should serve the same general purpose of aiding the practitioner to find whatever there is in print on any particular question in which he may be interested. We shall use the familiar classification and topical headings of the American Digest, to which exhaustive compendium of the case law "Law Book News" is the companion and complement.

For the rest we will let this and the follow-

ing numbers of "Law Book News" speak for themselves.

The Revolution in Law Reports.

IT said to be best exemplified by the National Reporter System in one of the big Danner revolving book cases,—one quarter of all the American case law, with digests to match, going round and round in four square feet of floor space! The remark is frivolous in form, but it contains a beneficent truth of great significance to the tolling seeker for truth—and "authorities."

Equitable Oyster Stews.

IT would appear from an article in the "Northwestern Law Review," under the above title, that there is in Chicago a receivership which is taking on the attributes of a reception. This combination of social and legal functions can hardly fail to lead to important developments in the law of receivers. If, for example, chicken salad should be added to the oysters, it is evident what obscure and complex questions of law and fact, as well as of practice and procedure, must arise. The learned and witty contributor to the Northwestern Law Review is apparently so full of his subject, and has so thoroughly digested it, that we shall hope for a complete treatise on all the culinary branches of receiver law. Hear what he says of the "Equitable Oysters." Our readers will be glad to have the article warmed over for them:

Not long ago a certain Chicago corporation engaged in the dry goods trade became insolvent, and was placed in charge of a receiver. The receiver was empowered to continue the business of the corporation, and proceeded to do so. Attached to the retail store of the insolvent corporation is a restaurant to which the fair bargain-hunters resort for rest and refreshment after their arduous exertions in shopping. Inasmuch as such a restaurant is a necessary appurtenance to a modern dry goods house, it became necessary for the receiver to continue the restaurant. Accordingly there appeared in the daily papers an immense advertisement of the receiver's sale. After describing the wonderful bargains in haberdashery to be obtained at this sale, the receiver set forth the advantages of the aforesaid restaurant, and among other delicacies announced: "Oyster Stews, only 20 cents." Shades of Hardwicke and Eldon! Has it come to this, that the chancellor, once the keeper of the king's conscience and of the great seal, should now be engaged in making ten-penny

oyster stews? Little did old John Waltham suspect when he devised that *bête noire* of the old common-law judges, the *subpœna*, that the result of his ingenuity would be to give the court of chancery jurisdiction over oyster stews made five centuries later. Nor could the judges who laid down the well-known rule in the ancient case of Shelley have foreseen that that rule would be of no aid to the court of to-day in an oyster-shelly case.

Since the tendency of modern times is toward the codification of the law, the following *code de cuisine* is suggested, with the hope that the Commissioners on Uniform State Legislation may be able to secure its universal adoption:

1. Courts of equity shall have concurrent jurisdiction with the admiralty courts over all navigable oyster-beds.

2. Either party to the action may have a decree for the discovery of the location of such oyster beds.

3. The rule of evidence forbidding "fishing expeditions" shall not apply when discovery of said oyster-beds is sought.

4. Only adult oysters of sound mind shall be used for culinary purposes, those insane or under age being under the especial protection of the court.

5. The oysters may be gathered either in a hanaper or a pettybag, but must be transmitted to the court kitchen without laches. *Aquitas vigilantibus non dormientibus subvenit.*

6. Proferet of the oysters may be demanded by the defendant.

7. The oysters must be opened in season. If not opened in season the party prejudiced by such failure to open them in season may demand a continuance and fresh oysters.

8. Title to the oysters may be acquired by twenty years' adverse possession, but such possession must be *nec vi nec clam*.

9. The oysters will be served *rari nantes in gurgite vasto*, in order to prevent excessive court costs.

10. Crackers will be added to the stew as *tabula in naufragio* for the oysters. Any party desiring bread in addition must apply to the Master of the Rolls.

11. He who comes into equity must do so with clean hands and a white apron. (This refers to the cooks and waiters only).

12. The fee (to the waiter) may be kept in suspense, any rule of the common law to the contrary notwithstanding; but no waiter shall receive a fee upon a fee.

13. Any person finding fault with any stew made under the direction of the court shall be guilty of constructive contempt, but shall be allowed to purge himself by any lawful means.

14. The contingent remainders of all stews will be kept *in gremio legis*.

Federal Cases.

A PUBLISHING work of great magnitude, and of much importance to lawyers practicing in the United States courts, is, at last, fairly under way. This is an exhaustive collection of the decisions of the United States circuit and district courts be-

fore 1880,—the point where the Federal Reporter began its work of current publication for all these courts. The West Publishing Company will now supplement its later Reports with a new series called "Federal Cases," in which will be contained all the cases in the old Circuit and District Court Reports.

These early cases—many of them learned and luminous expositions of important legal subjects by jurists of the highest standing—have been practically inaccessible to the bar. The "regular" reports are mostly out of print and some very scarce; many of the cases were published only in ephemeral periodicals; and although often cited in digests and text-books, the opinions themselves are only available through the largest law libraries. This "dark continent of American Jurisprudence" (as it has been aptly characterized by Judge Hammond) is now to be opened up to civilization, accurately mapped, made accessible, cultivated, and brought into the service of the bar of the whole country through the "Federal Cases."

The magnitude of this undertaking will appear when it is known that the series will include nearly 20,000 cases,—or some 20 per cent. more than are found in the 100 volumes of American Decisions. The collection of these cases, scattered through a great number of reports, fugitive periodicals, and old files of the courts, imposed great labor on the publishers. Then a large editorial corps was kept busy preparing the opinions for their places in this final edition, completing the reports and adding valuable annotations to show their relation to more recent decisions. No wonder that it is not until five years after the inception of the enterprise that publication has been reached. It is announced that Book 1 will be ready for subscribers within the next 30 days. The first estimate that the series would be included in 25 large books proves to be too low. Sufficient allowance was not made for the elaborate reporting, the space taken up by annotations, and the additional cases not reported in old reports. The publishers will, however, give new subscribers, for a short time, the guaranty that the cost shall not exceed the estimate based on 25 books.

The publishers will on request send full particulars, prospectus, etc.

Announcements.

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

Book I. of the Federal Cases will be issued next month.

A new and enlarged edition of Cook on Stocks and Stockholders is to be published this month by Callaghan & Co.

A new edition of Burrill on Assignments is announced for publication this month; "revised, annotated, and largely rewritten by James L. Bishop."

L. K. Strouse & Co. announce for early publication the third edition of Paine's Banking Laws, and a Supplement to Simonds' Digest of Patents.

A new work on the Principles of Code Pleading, for the use of students, by Edwin E. Bryant, is announced by Little, Brown & Co. as in preparation.

Houghton, Mifflin & Co. announce new editions, revised and enlarged, of Jones on Mortgages, Jones on Liens, and Lloyd on Building and Buildings.

A new and enlarged edition of Wood on Railway Law, edited by H. Bent Minor, of the Memphis Bar, is to be published at once by the Boston Book Company.

A much-needed compilation of Minnesota Statutes is now under way in competent hands for publication next summer. It will include all the general laws down to date, arranged on the plan of the Official Revision of 1866 and Judge Young's admirable Compilation of 1878.

Vol. 5, C. C. A., is in press for immediate publication. This popular series of reports of the new United States courts is well annotated and well arranged. Cases from all the circuits are included in each volume. As a prominent Federal practitioner observed, "What we want is the decisions, not the circuits."

The publishers of the Criminal Law Magazine and Reporter announce that this publication will hereafter be issued in bound volumes only, and that these volumes will appear at no fixed date, but when sufficient matter, worthy of presentation, has been accumulated to fill a volume. Subscribers will miss the welcome bimonthly visits of this

able magazine, which has now completed its twenty-fifth volume.

Publication of the new annotated edition of the New York Court of Appeals Reports, which had been interrupted by the vicissitudes of the old house of Weed, Parsons & Co., has now been resumed, to the great advantage of the profession. It is far and away the best edition of these important Reports, and the set, when completed, will come down to connect with the Northeastern Reporter. Book 19 is in press, to be issued shortly; and book 20, completing the set to Vol. 100 N. Y., will follow before long.

Among the new books announced by Little, Brown & Co. as in preparation are the following:

The History of English Law, in two volumes, by Sir Frederic Pollock and Frederic William Maitland.

Principles and Pleadings in Personal Actions in the Courts of Massachusetts, by Henry F. Buswell.

A Table of the Statutes of the Commonwealth of Massachusetts and the Province of Massachusetts Bay, and the Colonial Ordinances, together with the Statutes of the United States and England, cited, expounded, and construed by the supreme judicial court from Quincy to Vol. 153 Mass., inclusive.

Among the interesting new books announced by Little, Brown & Co. is one by Hon. John F. Dillon, entitled "Yale Lectures Concerning the Law and Jurisprudence of England and America." It consists of a series of 12 lectures, delivered by Judge Dillon at Yale University, in 1892, upon "Our Law in its Old Home, England, and in its New Home, the United States." The book deals with such questions as legal education, trial by jury, judicial tenure, the origin, development, and characteristics of the common law, written constitutions, legislation, case law, the law reports, judicial precedents, codification, and legal reform. These subjects are presented in a popular way, but with a serious purpose, and the discussions give the matured opinions of the learned author.

A book which promises to be of unusual value is "The Constitution of the United States at the End of the First Century," by Hon. George S. Boutwell, announced by D. C. Heath & Co. Mr. Boutwell's experience has peculiarly fitted him for this work. Since 1842 he has been almost continuously in the service of his state and the nation in capacities which have given him well employed opportunities to study the organic laws of the United States. His object in this work is to present the constitution as interpreted

by the courts, and to do this he gives, under each paragraph and clause, citations to the decisions of the United States supreme court which throw light upon the text, together with an analysis of the doctrines of the leading cases. The book also contains a historical chapter upon the steps which led to the Declaration of Independence, and separate chapters on the Articles of Confederation, the Ordinance for the Government of the Territory Northwest of the Ohio, and the Preamble to the Constitution. The ground has never before been exactly covered, and Mr. Boutwell is qualified to cover it in a thorough, authoritative, and definitive manner.

Law Book Notes.

H. W. Webber, a member of the senior class of the University of Michigan Law School, contributed an article to the October number of the "Inlander" on the "Foreign Element of New York City."

The new (third) edition of Pomeroy's Code Remedies has been prepared by the author's son, John Norton Pomeroy, Jr., A. M. In revising the matter inserted in the second edition, the editor has been able to make use of the author's manuscript notes.

The Weekly Law Bulletin, of Ohio, begins its thirty-first volume with the issue of January 1st. It announces that hereafter, owing to the great delay in the official publication of the laws passed during the sessions of the legislature, and will make a special point of keeping its readers posted as to such new laws.

Sebastian Brown, Esq., of the Baltimore bar, is the author of a book entitled "John Smith: A Journey along the Highways and Byways of Life." It is cast in the form of a story, and embodies the author's views on many questions of current interest, ranging from religion to life insurance and from social problems to missions abroad.

"Abnormal Man" is the title of an interesting and valuable book by Dr. MacDonald, who, as a specialist in the Bureau of Education, has been engaged in investigating the subject of education as a means of preventing crime and pauperism. It includes digests of the foreign literature on the subject, and a bibliography of more than 200 pages.

The Legal Intelligencer, "the Oldest Law Journal in the United States," as its heading

declares, has just completed its first fifty years of service, having been established in 1843. Its issue of December 22d publishes a page of complimentary letters from eminent members of the bench and bar of Pennsylvania, which indicate the high appreciation in which the publication is held by the legal fraternity of that state.

"The Gentleman of France," the striking novel recently issued by the Longmans, is the work of an English barrister at law, Mr. Stanley J. Weyman, who is but little more than 30 years of age. The London Literary World says of this book: "If not the best historical novel since Scott published his masterpieces, it is a wonderful piece of book construction. A better written story could hardly be conceived."

A book which the lawyer would classify among the "light literature" of his profession is "The Bench and Bar of New Hampshire," newly issued by Houghton, Mifflin & Co. The author is Hon. Chas. H. Bell, formerly governor of New Hampshire, and he brings to the work the special advantage of a personal acquaintance with many of the men of whom he writes. Brief biographical sketches are given of judges and lawyers, among whom are many whose reputation is by no means confined to the borders of their own state.

The "Essay on Judicial Power and Constitutional Legislation," by Brinton Coxe, of the Philadelphia bar, which was left uncompleted on the death of the author, has now been published by Kay & Bro. It is a commentary on certain parts of the constitution of the United States, and is divided into four parts, as follows: Part I. Investigation of foreign laws on the judiciary's relation to unconstitutional legislation. Part II. Investigation of the laws of certain states on the relation of judicial power to unconstitutional legislation before and during the confederation. Part III. The historical antecedents of the constitutional text concerned. Part IV. The intention of the framers on the relation of judicial power to unconstitutional legislation.

Book 1 of "Federal Cases" will contain, in addition to the first installment of these important annotated reports, the following valuable general matter: A chronological table of the circuits and districts, showing their growth from the first judiciary act of 1789 to 1880; a very complete list of all the circuit and district court judges, compiled from the lists contained in the reports, and from the

records at the department of justice at Washington; a table of the original circuit and district court reports and other reports containing the early federal cases; and a list of over 300 reports, periodicals, digests, and text-books examined for reports and citations of federal cases. The publishers propose to give at the end of the series a large quantity of bibliographical and biographical matter relating to the judges and the reports collected during the publication of the series.

Prof. James B. Thayer, Weld professor of law at Harvard University, read at the congress on jurisprudence and law reform, at Chicago, in August last, a paper on the "Origin and Scope of American Doctrine of Constitutional Law," which attracted much attention; and one of the most critical lawyers in attendance at the congress said of it:

"In its examination of the grounds upon which the power of the judiciary rests, and of the limits of that power, and in its scrutiny of the early cases, it is believed that this pamphlet is an important contribution to a subject of the highest interest. Between the disposition, on the one hand, to press the judicial power far, and the effort, on the other hand, to secure greater direct control, through a referendum, for the unorganized masses of 'the people,' the times require that thoughtful persons should have a clear knowledge and definite and defensible opinions upon the fundamental questions involved in such discussions."

It has just been issued in an octavo pamphlet of 27 pages, by Little, Brown & Co., of Boston, who will mail copies at 25 cents each.

The first number of a new law journal, the "University Law Review," appeared in November. It is conducted at the University of the City of New York, under the editorial supervision of Austin Abbott, dean of the law school, and announces itself as a journal of actual law, and its relations to science and public welfare. It bears the following thoughtful and significant motto: "If the law were not progressive, civilization would be stationary. We review its past to ascertain its course and measure its advances, to learn precisely what it is to-day, and prepare for its fresh and truer expression to-morrow." In its introductory address this same point of view is maintained. It states that its object is to promote the scientific study of actual law, by which is meant the law in force to-day, applicable to transactions and controlling procedure. It regards historic law, apart from its value in leading to a better understanding of the law of to-day, as possessing little more than an intellectual interest, and

believes that any statement of the law to-day should take into consideration its relation to other sciences and to the welfare of the community. It contains thoughtful and characteristic notes of recent cases, together with articles by well-known legal writers, which will possess interest, not for law students only, but for the legal fraternity at large.

Correspondence.

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

Mobile, Ala., January 2nd, 1894.

The West Publishing Co.—Gentlemen: Will you kindly let us know whether the prospects are good for the youngest and most vigorous member of our firm living to see the completion of your sets of early Federal Reports? We are growing old, and we fear greatly that we will be sainted members merely before we have the pleasure of turning all the crisp leaves of the first volume of that issue. As this period of the new year commenced is deemed a proper one for commencing good deeds, would it not be just as well for you to issue a friendly circular to your confiding subscribers, telling them what to expect and when their executors are to expect it.

With much respect and the compliments of the season we are,

Very truly yours, P., T. & H.

St. Paul, Minn., Jan. 6, '94.

Messrs. P., T. & H., Mobile, Ala.—Gentlemen: Your favor of the 2nd is at hand making inquiry regarding "Federal Cases." Your genial severity would make us uncomfortable but for two facts:

First. We are sustained by conscious rectitude, since we have done everything in our power to expedite the publication of this series, and there will be compensation for the many delays in the form of added excellence to the work. We would have gotten out Book 1 last summer, but the season was most unpropitious for the launching of a great enterprise, as even the most caustic critic among our subscribers must admit.

Second. We are glad to assure you that Book 1 is complete in type, awaiting only the return of final proofs from the editors to go to the pressroom. We hope to put a copy of this book in the waiting hands of your senior member within 30 days, and certainly, unless some cataclysm intervenes, within 60 days, and we trust long before he is in position to receive his much merited canonization.

We are, with good wishes for the New Year,

Very truly yours, West Publishing Co.

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.

ADAMS' Illustrative Cases on the Law of Sales. Selected by professors of leading law schools. With index. St. Paul: West Pub. Co. 1893. 9+927 pages. \$5.

ADDISON, C. G. A treatise on the law of torts or wrongs and their remedies. 7th Ed., edited by Horace Smith. London: Stevens & Sons, Limited. 1893. Boston: Little, Brown & Co., Importers. 89+893 pages. \$9.

ADMINISTRATIVE LAW. See "Goodnow on Comparative Administrative Law."

ADMINISTRATORS. See "Williams on Executors and Administrators." 9th Ed., (English.)

ADVANCEMENTS. See "Thornton on Gifts and Advancements."

AGENCY. See "Mechem's Cases on Agency."

AMES, Ja. Barr, and Smith, Jeremiah. A selection of cases on the law of torts. In 2 v. V. 2 by Jeremiah Smith. Cambridge: Printed by J. Wilson & Son. 1893. 11+767 pages. For complete work, \$10.

BEACH, Charles Fiske, Jr. Commentaries on the law of public corporations; including municipal corporations and political or governmental corporations of every class. Indianapolis: The Bowen-Merrill Co. 1893. 2 v. 258+788 pages; 24+1692 pages. \$12.

BEALE, Jos. H. A selection of cases and other authorities upon criminal law. Pt. 1. Cambridge, Mass.: Printed by J. Wilson & Son. 1893. 417 pages. Limp cloth, \$3.

BELL, C. H. The bench and bar of New Hampshire. Boston: Houghton, Mifflin & Co. 1893. Cloth, net, \$6.

BENDER'S Lawyers' Diary, and Directory for the State of New York. From Jan. 1, 1894, to Feb. 1, 1895. Arranged by Irving Boardman. Albany: Matthew Bender. 1894. 34+52 pages. \$1.50.

BEST, W. M. The principles of the law of evidence; with elementary rules for conducting the examination and cross-examination of witnesses. 8th Ed., with a collection

of leading propositions by J. M. Lely; with notes to American and Canadian cases, by C. F. Chamberlayne. Boston: The Boston Book Co. 1893. 60+703 pages. \$5.

BIDDLE, Arthur. A treatise on the law of insurance; including fire, life, accident, guaranty, and other nonmarine risks, with reference to the decisions in the United States, England, Ireland, Scotland, Canada and the other British provinces. Philadelphia: Kay & Bro. 1893. 2 v. 104+649 pages.; 764 pages. Sheep, \$10.

BIGELOW, Melville M. Elements of the law of bills, notes, and checks, and the English bills of exchange act, for students. Boston: Little, Brown & Co. 1893. 19+325 pages. Cloth, \$2.50; sheep, \$3.

BILLS AND NOTES. See "Bigelow on Bills and Notes;" "Norton on Bills and Notes."

BISHOP, James L. An elementary treatise upon the practice in a civil action, as governed by the provisions of the New York Code of Civil Procedure. New York: Baker, Voorhis & Co. 1893. 23+567 pages. \$5.25, net.

BROWNE, Irving. A treatise on the admissibility of parol evidence in respect to written instruments. New York: L. K. Strouse & Co. 1893. 48+510 pages. \$5.

BROWNING, Arthur. A treatise on the laws relating to pensions, patents, bounties, and other applications before the executive department. A guide to those having business before the pension and patent offices, etc. Washington, D. C.: Arthur Browning, P. O. Box 145. 1893. 134 pages. Cloth, \$1.

BOROUGHES. See "Savidge on Boroughs."

BURKS, M. P. Notes on the property rights of married women in Virginia. Lynchburgh, Va.: J. P. Bell Co. 1893. 8+87 pages. Sheep, \$1.50; boards, \$1.25; paper, \$1.

BUSINESS LAWS. See "Parsons' Laws of Business, New Ed."

CARRIERS. See "McClain's Cases on Carriers."

CARSON, Hampton L. The supreme court of the United States; its history and its centennial celebration, Feb. 4, 1890. Prepared under the direction of the judiciary centennial committee. Philadelphia: A. R. Keller Co. 1892. 2 v. Cloth, \$12.

CASSODAY, John B. The law of wills; being a series of lectures on the subject of wills, delivered before the College of Law of the University of Wisconsin. St. Paul: West Pub. Co. 1893. 9+310 pages. \$3.50.

CHURCH, Wm. S. A treatise on the writ of habeas corpus, including jurisdiction, false imprisonment, writ of error, extradition, mandamus, certiorari, judgments, etc., with practice and forms. 2d Ed., revised and enlarged. San Francisco: Bancroft-Whitney Co. 1893. 28+1025 pages. \$7.50.

CODE PRACTICE. See "Bishop on Practice in Civil Actions. N. Y."

COLLATERAL ATTACK. See "Vanfleet."

COLORADO PROCEDURE. See "Fitnam on Practice in Courts of Review."

CONTRACTS. See "Keener on Quasi Contracts;" "Parsons on Contracts, 8th Ed."

CRIMINAL LAW. See "Beale's Cases on Criminal Law."

DIARY. See "Bender's Lawyers' Diary."

EQUITY. See "Pattee's Illustrative Cases in Equity."

EVIDENCE. See "Best on Evidence. 8th Ed."

EXECUTORS. See "Williams on Executors and Administrators. 9th Ed., (English)."

EXEMPTIONS. See "Waples on Homesteads and Exemptions."

FACTORS AND BROKERS. See "Rappalje on Real-Estate Brokers."

FITNAM, John C. Practice in courts of review that substantially follow the Colorado Procedure. Chicago: E. B. Myers & Co. 1893. \$5.

FOOTE, Allen Ripley, and Everett, Chas. E. The law of incorporated companies operating under municipal franchises. Cincinnati: Robt. Clarke & Co. 1893. 3 v. 78+1288 pages; 2460 pages; 470 pages. \$15, net.

FOREIGN CORPORATIONS. See "Murfree on Law of Foreign Corporations."

GIFTS. See "Thornton on Gifts and Advancements."

GOODNOW, Frank J. Comparative administrative law. An analysis of the administrative systems, national and local, of the United States, England, France, and Germany. V. 1, "Organization." V. 2, "Legal

Relations." New York: G. P. Putnam's Sons. 1893.

HABEAS CORPUS. See "Church on Habeas Corpus."

HALL, Thomas B. The infringement of patents for inventions, not designs,—with sole reference to the opinion of the supreme court of the United States. Cincinnati: Robert Clarke & Co. 1893. \$5.

HOMESTEADS. See "Waples on Homesteads and Exemptions."

HUSBAND AND WIFE. See "Burke on the Property Rights of Married Women."

INCORPORATED COMPANIES. See "Foote and Everett on the Law of Incorporated Companies."

INFRINGEMENT. See "Hall on Infringement of Patents."

INSANITY. See "Mann's Medical Jurisprudence."

INSURANCE. See "Biddle on Insurance."

INTEREST. See "Perley's Law of Interest."

INTERNATIONAL LAW. See "Snow's Leading Cases on International Law;" "Walker on The Science of International Law."

INVENTIONS. See "Renwick's Patentable Inventions."

JARMAN, Thomas. A treatise on wills. 6th Amer. Ed., by Melville M. Bigelow. Boston: Little, Brown & Co. 1893. 2 v. 194+851 pages; 13+958 pages. \$12 net.

JOINT-STOCK COMPANIES. See "Smith Law of Joint-Stock Companies, (English)."

JUSTICES OF THE PEACE. See "Swan's Treatise, Ohio, 15th Ed.;" "Throop's Justices' Manual, N. Y., 14th Ed."

KEENER, W. Albert. A treatise on the law of quasi contracts. N. Y.: Baker, Voorhis & Co. 1893. 32+470 pages. \$5.25.

KNIGHT, George H. Patent-office manual, including the law and practice of cases in the United States patent office, and the courts holding a revisory relation thereto. Also an appendix of copyright decisions. Boston: Little, Brown & Co. 1893. \$5.

LAW. See "Russell's Lectures on Law for Women."

LEA, Henry Charles. Superstition and force. Essays on the wager of law, the wager of battle, the ordeal, torture. 4th Ed. revised. Philadelphia: Lea Bros. & Co. 1892. Cloth, \$2.75.

LIMITATIONS. See "Wood on Limitations."

LINCOLN. See "Whitney's Life on the Circuit with Lincoln."

MANDAMUS. See "Merrill on Mandamus."

MANN, Edward C., M. D. A treatise on the medical jurisprudence of insanity; devoted to a consideration of the legal relations of the insane. Albany: Matthew Bender. 1893. 7+420 pages. \$4, net.

MARRIED WOMEN. See "Burks on the Property Rights of Married Women, Va."

MCCLAIN, Emlin. A selection of cases on the law of carriers. Iowa City: Published by the author, Emlin McClain. 1893. 15+804 pages. \$6.

MECHANICS' LIENS. See "Phillips' Mechanics' Liens;" "Snyder on Mechanics' Liens, N. Y."

MECHEM, Floyd R. Cases on the law of agency. Chicago: Callaghan & Co. 1893. 30+748 pages. \$4.

MEDICAL JURISPRUDENCE. See "Mann's Medical Jurisprudence."

MERRILL, S. S. Law of mandamus. Chicago: T. H. Flood & Co. 1892. 69+473 pages. \$5, net.

MONOPOLIES. See "Spelling on Trusts and Monopolies."

MORTGAGES. See "Pingrey on Mortgages."

MUNICIPAL FRANCHISES. See "Foote and Everett on the Law of Incorporated Companies."

MURFREE, Wm. L. Law of foreign corporations. A discussion of the principles of private international law and of local statutory regulations, applicable to transactions of foreign companies. St. Louis: Central Law Journal Co. 1893. \$4, net.

NEGOTIABLE INSTRUMENTS. See "Norton on Bills and Notes."

NEW HAMPSHIRE. See "Bell on N. H. Bench and Bar."

NEW YORK. The mechanics' lien law of the state, (passed May 27, 1885,) revised and corrected, with all the amendments, and applicable to the entire state; also the lien laws as to municipal property in incorporated cities, railroads, oil wells, etc., with notes of judicial decisions, and a full collection of forms, by W. L. Snyder. 2d Ed. N. Y.: Baker, Voorhis & Co. 1893. 229 pages. Half sheep, \$2.50.

NORTON, C. P. Handbook of the law of bills and notes; designed especially for the use of instructors and students in law schools. St. Paul, Minn.: West Pub. Co. 1893. 11+376 pages. \$3.50.

OKLAHOMA FORMS. See "Dassler's Forms and Conveyancer's Manual."

PATENT OFFICE. See "Knight's Patent Office Manual."

PAROL EVIDENCE. See "Browne on Admissibility of Parol Evidence."

PARSONS, Theophilus. Laws of business for all the states and territories of the Union and the dominion of Canada, with forms and directions for all transactions, and abstracts of the laws of all the states and territories on various topics. New Rev. Ed. Hartford, Conn.: S. S. Scranton & Co. 1893. 864 pages. \$4.50.

PARSONS, Theophilus. The law of contracts, 8th Ed., by T. Williston. Boston: Little, Brown & Co. 1893. 3 v. 263+632 pages; 20+929 pages; 9+718 pages. \$18.

PARSONS, Theophilus. Treatise on the law of partnership. 4th Ed., revised and enlarged by J. H. Beale, Jr. Boston: Little, Brown & Co. 1893. 652 pages. \$6.

PARTNERSHIP. See "Parsons on Partnership, 4th Ed."

PATENTS. See "Hall on Infringement of Patents."

PATTEE, William S. Illustrative cases in equity. 2d Ed. St. Paul: West Pub. Co. 1893. 8+110 pages. Brochure, \$2.

PENSIONS. See "Browning on Pensions, Patents, Bounties, etc."

PERLEY, Sidney. Principles of the law of interest, as applied by courts of law and equity in the United States and Great Britain; and the text of the general interest statutes in force in the United States, Great Britain, and the dominion of Canada. Boston: Geo. B. Reed. 1893. 4+433 pages. \$5.

PHILLIPS, Samuel L. A treatise on the law of mechanics' liens on real and personal property. 3d Ed., by Frank Parsons. Boston: Little, Brown & Co. 1893. 45+913 pages. \$6.

PINGREY, Darius H. A treatise on the law of mortgages of real property. Philadelphia: T. & J. W. Johnson & Co. 1893. 2 v. 14+1162 pages; 2308 pages. \$12, net.

PUBLIC CORPORATIONS. See "Beach on Public Corporations."

QUASI CONTRACTS. See "Keener on Quasi Contracts."

RAILROAD LAW. See "Welmer's Railroad Law, Pa."

RAPALJE, Stewart. The law relating to real-estate brokers, as decided by the American courts. N. Y.: L. K. Strouse & Co. 1893. 21+283 pages. Cloth, \$2; sheep, \$2.50.

REEVES, Alfred G. Leading cases upon the law of wills. St. Paul: West Pub. Co. 1892. 10+92 pages. Brochure, \$1; sheep, \$1.50.

RENWICK, Edw. S. Patentable inventions. Rochester, N. Y.: The Lawyers' Co-operative Pub. Co. 1893. \$2.

RUSSELL, I. Franklin. Lectures on law for women. 2d Ed. N. Y.: L. K. Strouse & Co. 1893. 79 pages. Paper, \$1.

SALES. See "Adams' Illustrative Cases on Sales."

SAVIDGE, Frank Raymond. The law of boroughs in Pennsylvania. A treatise upon the incorporation and government of boroughs, the powers and duties thereof, and of borough officials, comprising the full text of the acts of assembly in relation thereto, with chronological table of statutes. Philadelphia: Kay & Bro. 1893. 16+315 pages. \$2.

SEAVEY, W. M. The powers, duties, and liabilities of towns and town officers in Massachusetts. Boston: Little, Brown & Co. 1893. 16+516 pages. \$4.

SMITH, Jeremiah. See "Ames' Cases on Torts."

SMITH, J. W. The handy books of the law of joint-stock companies, under the companies' acts; with directions for forming a company. New and revised Ed. 200 pages. 1s. 6d. Wilson's Legal Handy Books. London: E. Wilson.

SNOW, Freeman. Cases and opinions on international law, with notes and a syllabus. Boston: The Boston Book Co. 1893. 40+586 pages. Cloth, \$3.50.

SNYDER, Wm. L. The mechanics' lien law of the state of New York. Also the lien laws as to municipal property in incorporated cities, etc., with notes of judicial decisions, and a full collection of forms. 2d Ed. New York: Baker, Voorhis & Co. 1893.

SPELLING, T. C. A treatise on trusts and monopolies; containing an exposition of the rule of public policy against contracts and combinations in restraint of trade, and a review of cases, ancient and modern. Boston: Little, Brown & Co. 1893. 27+274 pages. \$3.50, net.

STREET RAILWAYS. See "Weimer's Railroad Law, Pa."

STUDENTS' QUIZ BOOKS. See "Walsh."

SUPERSTITION AND FORCE. See "Lea."

SWAN, Jos. R. A treatise on the laws of Ohio pertaining to the powers and duties of, and practice and procedure before, justices of the peace; also as to the powers and duties of mayors, marshals, constables, coroners, trustees of townships, etc.; revised to conform to judicial decisions and all legislation to June 1, 1893. 15th Ed., revised by Jos. R. Swan, Jr. Cincinnati: Robert Clarke & Co. 1893. 28+976 pages. \$6.

THORNTON, W. W. A treatise on the law relating to gifts and advancements. Philadelphia: T. & J. W. Johnson & Co. 1893. 22+710 pages. \$6, net.

THROOP, Montgomery H. New York justices' manual; containing all the laws of the state relating to the official tenure and duties of a justice of the peace, and the proceedings in civil cases before him, in force on the 1st of September, 1893, with explanatory notes and an appendix of forms by Montgomery H. Throop. 14th Ed., ed. by W. Lansing. Albany: H. B. Parsons. 1893. 15+600 pages. \$4.

TORTS. See "Addison on Torts, 7th Ed.," "Ames and Smith Leading Cases on Torts."

TOWNS. See "Savidge on the Law of Boroughs and Town Officers, Pa.;" "Swan's Treatise, Ohio, 15th Ed.;" Seavey on Powers, Duties, and Liabilities of Towns and Town Officers, Mass."

TRUSTS. See "Spelling on Trusts and Monopolies."

UNITED STATES SUPREME COURT. See "Carson's The Supreme Court."

VANFLEET, John M. The law of collateral attack on judicial proceedings. Chicago: Callaghan & Co. 1893. 94+1016 pages. \$0.50.

WALKER, Thos. Alfred. The science of international law. New York: Macmillan & Co. 1893. Cloth, \$4.50.

WALSH, C. C. The students' quiz books. V. 1, Anson on Contracts, and Blackstone. V. 2, common law pleading and practice, equity pleading and practice, agency and partnership. V. 3, bailments and carriers, personal property, torts and domestic relations. Chicago: Callaghan & Co. 22+406 pages; 25+403 pages; 38+489 pages. \$8, net.

WAPLES, RUFUS. A treatise on home-steads and exemptions. Chicago: T. H. Flood & Co. 1893. 101+1027 pages. \$6, net.

WEIMER'S railroad law. The law of railroads in Pennsylvania, including the law relating to street railways; by Albert B. Weimer, of the Philadelphia bar. Philadelphia: T. & J. W. Johnson & Co. 1893. 2 v. \$12.

WEST, B. B. Wills, and how not to make them; with a selection of leading cases. New York: Longmans, Green & Co. 1894. 4+186 pages. Cloth, \$1.

WHITNEY, Henry C. Life on the circuit with Lincoln, with sketches of Generals Grant, Sherman, and McClellan, Judges Davis, Leonard, Swett, and other contemporaries. Illustrated. Boston: Estes & Lauriat. Cloth, \$3.50.

WILLIAMS, Sir E. V. A treatise on the law of executors and administrators. 9th Ed., by Hon. Sir R. L. V. Williams, Kt. London: Stevens & S. 2 v. 76s.

WILLS. See "Jarman on Wills;" "Reeves' Cases on Wills;" "Cassoday's Law of Wills;" "West on Wills, with Leading Cases, (English.)"

WOOD, H. G. A treatise on the limitations of actions at law and in equity, with an appendix containing the American and English statutes of limitations. 2d Ed. Boston: The Boston Book Company. 1893. 2 v. 89+472 pages; 7+568 pages. \$11, net.

Reports.

AMERICAN RAILROAD AND CORPORATION REPORTS; 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 corporations, including the law of insurance, banking, carriers, telegraph and telephone companies, building and loan associations, etc. Edited and annotated by J. Lewis. V. 7. Chicago. E. B. Myers & Co. 1893. 5+800 pages. \$5.

ATLANTIC REPORTER, v. 26; containing all the decisions of the supreme courts of Me., N. H., Vt., R. I., Conn., Va.; 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. March 22—Sept. 13, 1893. St. Paul: West Pub. Co. 1893. 30+1235 pages. (National Reporter System.) \$5.

CALIFORNIA supreme court. Reports of cases. O. P. Pomeroy, reporter. V. 98. 1893. San Francisco: Bancroft-Whitney Co. 1893. 33+766 pages. \$4.

COLORADO supreme court. Reports at the Sept. term, 1892, Jan. and April terms, 1893. T. M. Robinson, reporter. V. 18. N. Y. and Albany: Banks & Bros. 1893. 22+679 pages. \$5.

FEDERAL REPORTER, v. 56. Cases argued and determined in the circuit courts of appeals and circuit and district courts of the United States. Permanent Ed. July—Oct., 1893. St. Paul: West Pub. Co. 1893. 38+1096 pages. (National Reporter System.) \$3.50.

GEORGIA supreme court. Reports of cases at the March and Oct. terms, 1892. V. 90. Peebles and Stevens, reporters. Atlanta: Ja. P. Harrison Co., state printers. 1893. 14+887 pages.

ILLINOIS supreme court. Reports of cases. Norman L. Freeman, reporter. V. 143, containing cases in which opinions were filed in May, 1891, Jan., 1892, Oct., 1892, and Nov., 1892. Springfield: Norman L. Freeman, printer for the reporter. 1893. 775 pages. \$2.25.

ILLINOIS supreme court. Reports of cases. Norman L. Freeman, reporter. V. 144, containing cases in which opinions were filed in Oct. and Nov., 1891, Oct. and Nov., 1892, and Jan. and March, 1893. Springfield: Printer for the reporter, Norman L. Freeman. 1893. 777 pages. \$2.25.

INTERSTATE COMMERCE COMMISSION REPORTS. V. 5. Reports and decisions of the interstate commerce commission of the United States, July 1, 1891, to Sept. 1, 1893; reported by the commission. N. Y.: L. K. Strouse & Co. 1893. 24+727 pages. \$4.25.

IOWA supreme court. Reports of cases. Oct. 27, 1891—Feb. 10, 1892. By Nathaniel B. Raymond. V. 4, being V. 84 of the series. Columbia, Mo.: E. W. Stephens. 1893. 19+848 pages. \$3.

KENTUCKY court of appeals. Reports of civil and criminal cases. V. 89, E. W. Hines, reporter. V. 90, Ky. Reports; containing cases decided from March, 1889, to Sept. 1, 1891. Frankfort: E. Polk Johnson, public printer. 1893. \$5.

LAWYERS' REPORTS, ANNOTATED. Book 20. Rochester, N. Y.: The Lawyers' Co-operative Pub. Co. 1893. 907 pages. \$5, net.

MAINE supreme court. Reports in law and equity determined by the supreme judicial court. V. 85, by C. Hamlin. Portland, Me.: Loring, Short & Harmon. 1893. 628 pages. \$4.

MARYLAND court of appeals. Reports of cases. J. Shaaff Stockett, state reporter. V. 76, containing cases in April and Oct. terms, 1892, and Jan. term, 1893. Baltimore: Printed by W. K. Boyle & Son. 1893. 39+688 pages. \$5.

MASSACHUSETTS supreme judicial court reports. V. 158. Jan., 1893—April, 1893. G. F. Tucker, reporter. Boston: Little, Brown & Co. 1893. 20+693 pages. \$3.50.

MICHIGAN supreme court. Cases decided from March 10 to June 1, 1893. W. D. Fuller, state reporter. V. 95. Chicago: Callaghan & Co. 1893. 55+705 pages. \$3.50.

MINNESOTA REPORTS. V. 50. Cases argued and determined in the supreme court of Minnesota; May—July, 1892. Charles C. Willson, reporter. St. Paul: West Pub. Co. 1893. 19+595 pages. \$2.

MISSOURI supreme court. Reports of cases. F. M. Brown, official reporter. V. 113. 1892. Columbia: E. W. Stephens. 1893. 18+748+5 pages. \$4.

MISSOURI. St. Louis and the Kansas City courts of appeals. Cases determined from Jan. 31, 1893, to April 18, 1893; reported by David Goldsmith and Ben Ell Guthrie. V. 53. Columbia: E. W. Stephens. 1893. 20+723+11 pages. \$5.

NEW YORK miscellaneous. The miscellaneous reports, other than the court of appeals and the general terms of the supreme court, etc., in pursuance of Laws of 1892, c. 598. F. B. Delehanty, reporter. V. 3, 4. Albany: Ja. B. Lyon. 1893. 46+687 pages; 36+671 pages. Each, \$2.

NEW YORK CITY superior courts. Reports of cases. S. Jones and Ja. C. Spencer, reporters. N. Y. Superior Court Reports, V. 61; Jones and Spencer's Reports, V. 29. N. Y. and Albany: Banks & Bros. 1893. 37+525 pages. \$6.50.

NEW YORK STATE REPORTER; containing all the current decisions of the courts of record of New York state, etc. Edited by W. S. Gibbons. V. 53, with index and table of cases reported, cited, affirmed, and reversed in this v. Albany: W. O. Little & Co. 1893. 18+36+1019 pages. \$3.50.

NEW YORK SUPPLEMENT, v. 24; containing the decisions of the supreme, superior, and lower courts of record of New York state. Permanent Ed. Aug. 3—Oct. 19, 1893. St. Paul: West Pub. Co. 1893. 15+1228 pages. (National Reporter System.) \$5.

NORTHEASTERN REPORTER, v. 33; containing all the current decisions of the supreme courts of Mass., Ohio, Ill., Ind., appellate court of Ind., and the court of appeals of N. Y. Permanent Ed. Feb. 24—June 2, 1893. St. Paul: West Pub. Co. 20+1259 pages. (National Reporter System.) \$5.

NORTHWESTERN REPORTER, v. 55; containing all the decisions of the supreme courts of Minn., Wis., Iowa, Mich., Neb., N. D., S. D. Permanent Ed. May 27—Sept. 2, 1893. St. Paul: West Pub. Co. 1893. 14+1252 pages. (National Reporter System.) \$5.

OKLAHOMA Territory supreme court. Reports of cases from the organization of the court to the June term, 1893. By E. B. Green, C. J. V. 1. Guthrie: State Capital Pr. Co. 1893. 14+501 pages. \$6.

PACIFIC REPORTER, v. 33; 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.

June 8—Oct. 12, 1893. St. Paul: West Pub. Co. 1893. 20+1252 pages. (National Reporter System.) \$5.

PENNSYLVANIA district reports, v. 2; being cases decided in all the judicial districts of the state of Pa., from v. 50 of the Legal Intelligencer. Philadelphia: Geo. T. Bisel. 1893. \$5.

PENNSYLVANIA supreme court. Reports. V. 153, by Ja. Monaghan, state reporter, containing cases decided at Jan. and May terms, 1893. N. Y. and Albany: Banks & Bros. 1893. 22+704 pages. \$3.50.

SOUTH CAROLINA supreme court. Reports of cases. V. 37; containing cases of Nov. term, 1891, and April term, 1892; by Robert W. Shand, state reporter. Columbia, S. C.: R. L. Bryan & Co. 1893. 7+642 pages. \$5.75.

SOUTHEASTERN REPORTER, v. 17; containing all the decisions of the supreme courts of appeal of Va. and W. Va., and supreme courts of N. C., S. C., and Ga. Permanent Ed. April 4—Oct. 10, 1893. St. Paul: West Pub. Co. 1893. 12+1141 pages. (National Reporter System.) \$5.

SOUTHWESTERN REPORTER, v. 22; 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 Ed. May 1—Aug. 23, 1893. St. Paul: West Pub. Co. 1893. 16+1248 pages. (National Reporter System.) \$5.

SUPREME COURT REPORTER, v. 13; containing the cases argued and determined in the United States supreme court, Oct. Term, 1892. Permanent Ed. Dec., 1892—July, 1893. St. Paul: West Pub. Co. 1893. 56+1124 pages. (National Reporter System.) \$5.

UNITED STATES circuit courts of appeals. Reports; containing the cases determined in all the circuits from the organization of the courts; fully reported with annotations. V. 4. St. Paul: West Pub. Co. 1893. 32+762 pages. \$3, net.

UNITED STATES courts of appeals. Reports. V. 4, cases adjudged for the eighth circuit, v. 1; S. A. Blatchford, reporter. V. 10, cases adjudged for the eighth circuit, v. 2; S. A. Blatchford, reporter. New York and Albany: Banks & Bros. 1893. 2 v. Each, \$3.25.

UTAH supreme court. Reports of cases, from the Jan. term, 1892, to the June term, 1893. J. M. Zane, reporter. V. 8. Chicago: Callaghan & Co. 1893. 23+545 pages. \$6.

Statutes, Codes, and Laws.

ILLINOIS. The Revised Statutes of the state, 1893, comprising the "Revised Statutes of 1894," and all amendments thereto, together with the general acts of 1875, 1877, 1879, 1881, 1882, 1883, 1885, 1887, 1889, 1891, and 1893; compiled and edited by Harvey B. Hurd. Chicago: Chicago Legal News Co. 1893. 15+1660 pages. \$3, net.

NEW YORK. The Penal Code and Code of Criminal Procedure, with all the amendments to and including the year 1893. A complete index, copious forms, and full annotations of all the decisions relating thereto to Sept. 1, 1893. By W. H. Silvernail. Albany: W. C. Little & Co. 1893. 4+322+76+6+346+149+72 pages. \$5.

NEW YORK. The Code of Criminal Procedure, as amended, including 1893, with notes of decisions, a table of sources, complete set of forms, and a full index. 12th Rev. Ed. New York and Albany: Banks & Bros. 1893. 25+551 pages. \$2.

NEW YORK. The insurance statutes; being chapter 690, Laws of 1892, as amended to date, together with the general corporation law, the stock corporation law, etc. Edited and annotated by Morris Cooper. N. Y.: The Dossy Law-Book Co. 1893. 289 pages. Half sheep, \$2.50.

WASHINGTON. The Code of Procedure and Penal Code of the state, including also the lien and mortgage laws, the law of wills and of descent and distribution of property, with citations of cases from the supreme court of Wash., and annotations by Herbert

B. Huntley, compiler. Seattle: The Sunset Pub. Co., 214 Cherry St. 1893. 26+599 pages. \$4, net.

Digests.

AMERICAN DIGEST, (annual, 1893,) being v. 7 of the United States Digest, third series annuals; also the complete digest for 1893. A digest of all the decisions of the U. S. supreme court, all the U. S. circuit and district courts, the courts of last resort of all the states and territories, and the intermediate courts of N. Y., Pa., Ohio, Ill., Ind., Mo., and Colo., U. S. court of claims, supreme court of D. C., etc. Sept. 1, 1892, to Aug. 31, 1893. Prepared and edited by the editorial staff of the National Reporter System. St. Paul: West Pub. Co. 1893. 12 pages+5716 columns, (two on each page.) (National Reporter System Digests, Annual Ser., v. 7.) \$8.

GENERAL DIGEST of the decisions of the principal courts in the United States, England, and Canada. Annual, being v. 8 of the series. Rochester, N. Y.: Lawyers' Co-operative Pub. Co. 1893. \$6.

NEW YORK. Brightly, Frank F. A digest of the decisions of all the courts of the state of New York, from the earliest period to the year 1892. V. 1, Abandonment to Costs. V. 2, Counterclaim to Inspection. V. 3, Insurance to Railroads. V. 4, Rape to Yonkers. 1794-1892. New York and Albany: Banks & Bros. 1893. 4 v. 15+1005+1007+1972+35+1973+3219+23+3221+4400 pages. \$36.

CONTENTS OF NEW BOOKS.

Cassoday on Wills.

[See Review of this work on page 20.]

TITLE-PAGE. The Law of Wills. By John B. Cassoday, LL. D., Professor of Constitutional Law in the University of Wisconsin, and a Justice of the Supreme Court of Wisconsin. Being a series of Lectures on the subject of "Wills," delivered before the College of Law of the University of Wisconsin. St. Paul, Minn.: West Pub. Co. 1893.

FROM THE PREFACE. These lectures are based upon the old English statutes which were in force as a part of the common law in the 13 American colonies, and which have since, with some slight modifications, become the law of wills in the several states. The departures from these old Eng-

lish statutes in some of the states and in Great Britain by the statute of 1 Vict. have been pointed out. The material parts of these old English statutes and the statute of 1 Vict. are printed herewith as an appendix. The Wisconsin statutes on the subject, being substantially the same as these old English statutes, with the very slight modifications pointed out, and being readily accessible to all students attending the law school, may at first seem to have an undue pre-eminence, but it is only a particular application of the common-law rule slightly modified, and hence is equally applicable in most of the states.

The making of the index, the notes, the tables of cases, and contents has necessarily been intrusted entirely to the publishers.

CONTENTS OF BOOK.

Cassoday on Wills treats in a clear, succinct and logical manner of the following topics:

Under "Introduction," a will and codicil are defined, the difference between a will and a gift and the character of nuncupative and written wills are discussed, and there is a brief history of wills.

Under "Execution of Written Wills," the author treats of the special laws applicable to wills, the signing by the testator or by some person for the testator, and the subscribing and attesting by witnesses.

Under "The Witnesses," the competency and credibility of witnesses is carefully considered, and emphasis is laid on the forms of attestation with which compliance is necessary.

Under "Revocation of Wills," implied, intended, and actual revocation are discussed, as well as the modifications of a will by statute.

Under "Right and Capacity to Make Will," is discussed the legal right possessed by different classes of persons, and the requisite mental force to make a will valid; also fraud and undue influence, and dealings between trustee and cestui que trust.

Under "Probate Jurisdiction," the origin of the procedure and the scope of probate jurisdiction in the United States are stated, and the pleadings and practice in probate courts indicated.

Under "General Principles of Construction," the author takes up in turn consideration of the rule in Shelley's case, restraints upon alienation, limitations upon the accumulation of rents, etc., devises and bequests on condition, residuary bequests, and contradictory clauses.

Citations are given under each section to text-books and leading cases.

Keener on Quasi Contracts.

[See Review of this work by Mr. H. Campbell Black on page 17.]

TITLE-PAGE. A treatise on the Law of Quasi Contracts, by William A. Keener, Kent Professor of Law and Dean of the Faculty of Law in Columbia College. New York: Baker, Voorhis & Co. 1893.

PREFATORY NOTE. The reason for the publication of this work is the fact that no attempt has hitherto been made to treat exhaustively the topics here considered. The ground covered is indicated sufficiently in the first chapter, dealing with the nature and scope of quasi contracts. In substituting the term "quasi contract" for the term "contract implied in law," the writer has only followed the lead of Sir Frederick Pollock and Sir William Anson. While under such leadership the propriety of the substitution does not admit of question, the necessity thereof will soon become apparent to the reader.

CONTENTS.

Chap. I. Nature and Scope of the Obligation. (Pages 3-25.)

Chap. II. Recovery of Money Paid under Mistake. (Pages 26-158.)

Chap. III. Waiver of tort. (Pages 159-213.)

Chap. IV. Rights of a Plaintiff in Default under a Contract. (Pages 214-266.)

CONTENTS—Cont'd.

Chap. V. Obligation of a Defendant in Default under a Contract. (Pages 267-314.)

Chap. VI. Recovery for Benefits conferred at Request, but in the Absence of Contract. (Pages 315-340.)

Chap. VII. Recovery for Benefits Intentionally Conferred without Request. (Pages 341-362.)

Chap. VIII. Recovery for Improvements Made upon the Land of Another without Request. (Pages 363-387.)

Chap. IX. Recovery of Money Paid to the Use of the Defendant. (Pages 388-410.)

Chap. X. Recovery of Money Paid under Compulsion of Law. (Pages 411-425.)

Chap. XI. Recovery of Money Paid to the Defendant under Duress, Legal or Equitable. (Pages 426-443.)

Norton on Bills and Notes.

TITLE PAGE. Hand-Book of the Law of Bills and Notes, designed especially for the use of instructors and students in law schools. By Charles P. Norton, Lecturer on Bills and Notes in the Buffalo Law School. St. Paul: West Publishing Co. 1893.

PUBLISHERS' ANNOUNCEMENT. This work has been prepared by an experienced lecturer on the subject, with a view to furnishing a manual sufficiently condensed to give all the principles in a form easily grasped or reviewed, yet sufficiently full to serve as an exhaustive text-book for students. These objects have been very successfully met by the arrangement of the book, which embodies the following features:

1. A brief analytical presentation of the principles and rules of the subject. This part is distinguished typographically by being printed in large black type, and these black-letter paragraphs, running through the book, constitute a complete, though concise, synopsis of the law of bills and notes. This can be used as the framework for a course of study upon the subject for students in law offices, and will be found useful by the lawyer who wishes to refresh his memory of the outlines of this branch of the law.

2. A commentary, being a more extended presentation of the topics in the leading analysis, distinguished by being set in different type. The typographical separation of these two parts enables the student to obtain, in the first place, a general, comprehensive grasp of the subject as a whole, and of the relation of one part to another, and, by rereading in connection with the more extended commentary, to fix the details clearly in mind.

3. Problems, in the form of hypothetical cases, grouped at the end of each chapter, illustrative of the principles discussed and the explanations given in the chapter itself. This feature will be found of especial value

by students, and will afford interesting illustrations of the application of principles to the lawyer.

TABLE OF CONTENTS.

- Chap. I. Of Negotiability so far as it Relates to Bills and Notes. (§§ 1-9.)
 Chap. II. Of Negotiable Bills and Notes and their Formal and Essential Requisites. (§§ 10-54.)
 Chap. III. Acceptance of Bills of Exchange. (§§ 55-72.)
 Chap. IV. Indorsement. (§§ 73-93.)
 Chap. V. Of the Nature of the Liabilities of the Parties. (§§ 94-117.)
 Chap. VI. Transfer. (§§ 118-128.)
 Chap. VII. Defenses Commonly Interposed against a Purchaser for Value without Notice. (§§ 129-147.)
 Chap. VIII. The Purchaser for Value without Notice. (§§ 148-171.)
 Chap. IX. Of Presentment and Notice of Dishonor. (§§ 172-208.)

Phillips on Mechanics' Liens.

[See Review of this work on page 21.]

TITLE-PAGE. A Treatise on the Law of Mechanics' Liens on Real and Personal Property. By Samuel L. Phillips, Washington City, D. C. Third Edition. By Frank Parsons. Boston: Little, Brown & Co. 1893.

FROM THE PREFACE TO THE THIRD EDITION. Eleven hundred and fifty new cases have been added in this edition. The propositions to which they are cited have been incorporated in the text, but can be easily distinguished, for all new cases are bracketed in the notes. Judge Phillips began the study of the cases for this edition, but delicate health compelled him to yield the labor to other hands. The editor has endeavored to follow the method pursued by the author in former editions. A large number of approval references has been added. Sometimes the case approving the text has been cited to the section as a whole; sometimes to the point in the section specially involved in the said approving decision. The editor personally examined all cases cited by him.

TABLE OF CONTENTS.

Part I.

- Historical View of Mechanics' Lien Laws** (Pages 3-14.)
 Nature of the Lien. (Pages 15-22.)
 Construction of Lien Laws. (Pages 23-41.)
 Legislative Power over Lien. (Pages 42-54.)
 Persons Entitled to Lien. (Pages 55-84.)
 Assignment. (Pages 85-91.)
 Relation of Owner to Sub-Contractor and Others. (Pages 92-121.)
 Persons Entitled to Subject Property to Lien. (Pages 122-154.)
 Lessees. (Pages 155-173.)
 Married Women. (Pages 174-198.)
 Minors and Others. (Pages 199-202.)
 Contract. (Pages 203-234.)
 Performance of Contract. (Pages 235-264.)
 Work and Materials for which Lien is Given. (Pages 265-307.)

TABLE OF CONTENTS—Cont'd.

- Buildings, etc., subject to Lien. (Pages 308-328.)
 Estates Subject to Lien. (Pages 329-348.)
 Area of Land Subject to Lien. (Pages 349-359.)
 Amount Secured by Lien. (Pages 360-380.)
 When Lien is Acquired. (Pages 381-395.)
 Priorities between Lienholders and Purchasers, Mortgagees and Others. (Pages 396-447.)
 Lienholders, Inter se. (Pages 448-454.)
 Marshaling, Subrogation, and Apportionment. (Pages 455-466.)
 Continuance of Lien. (Pages 467-472.)
 Waiver of Lien. (Pages 473-501.)
 Payments. (Pages 502-510.)
 Discharge or Prevention of Lien. (Pages 511-531.)
 Nature of Proceedings. (Pages 532-544.)
 Jurisdiction. (Pages 545-553.)
 Time within which Lien must be Prosecuted. (Pages 554-591.)
 Notice and Claim. (Pages 592-646.)
 Joint and Several Claims. (Pages 647-664.)
 Description. (Pages 665-683.)
 Parties. (Pages 684-701.)
 Complaint and Petition. (Pages 702-716.)
 Scire Facias. (Pages 717-720.)
 Demurrers. (Pages 721-723.)
 Pleadings. (Pages 724-733.)
 Amendments. (Pages 734-742.)
 Witnesses. (Pages 743-746.)
 Evidence. (Pages 747-756.)
 Judgment and Decree. (Pages 757-774.)
 Executions and Sales. (Pages 775-782.)
 Variances. (Pages 783, 784.)
 Appeals. (Pages 785-788.)
 Costs. (Pages 789-792.)

Part II.

- Nature of the Lien. (Pages 795-813.)
 When Lien Exists. (Pages 814-823.)
 Waiver of Lien. (Pages 824-832.)
 Some Special Liens. (Pages 833-839.)
 Forms. (Pages 843-851.)
 Index. (Pages 853-913.)

Reeves' Leading Cases on Wills.

TITLE-PAGE. Leading Cases upon the Law of Wills, Selected by Alfred G. Reeves, LL. B., Professor of Law in the New York Law School, New York City. Editor in Chief, George Chase, LL. B., Dean of the New York Law School. St. Paul, Minn.: West Pub. Co.

TABLE OF CONTENTS.

- Mental Capacity to Make a Will.
 Undue Influence.
 Errors in Wills.
 What Constitutes a Will.
 Nuncupative or Oral Wills.
 Execution of Wills.
 Revocation, Republication, and Revival of Wills.
 Mutual Wills—Joint Wills—Valuable Consideration for a Will.
 Legacies.

Spelling on Trusts and Monopolies.

[See Review of this work on page 22.]

TITLE-PAGE. A Treatise on Trusts and Monopolies, containing an Exposition of the Rule of Public Policy against Contracts and

Combinations in Restraint of Trade, and a Review of Cases, Ancient and Modern, by Thomas Carl Spelling, of the San Francisco Bar; Author of "The Law of Private Corporations," "Extraordinary Relief," etc. Boston: Little, Brown & Co. 1893.

PREFACE. The author offers as a justification for this work the importance of the subject, the increasing number of cases on the rule of public policy involved, and the absence of a previous separate treatise devoted exclusively to it. Great interest centers in public phases of the question, and it is hoped that the following pages will prove of interest and value to many outside the legal profession, and of special use to the latter.

CONTENTS.

- Chap. I. Historical Development of Principle.
- Chap. II. Agreements not to Practice Profession or Follow Trade.
- Chap. III. Agreements not to Engage in Business.
- Chap. IV. Agreements not to Accept Employment.
- Chap. V. Monopolies or Combinations to Suppress Competition.
- Chap. VI. Combinations Among Artisans and Workingmen.
- Chap. VII. Combinations Among Bidders.
- Chap. VIII. Application of Rule to Suppression of Competition in Public Service.
- Chap. IX. Application of Rule to Municipal Grants and Contracts.
- Chap. X. Application of Principle to Private Corporations.
- Chap. XI. Where Creation of Monopoly and Restraint the Policy of the Law.
- Chap. XII. Monopolies in the Form of "Trusts."
- Chap. XIII. Anti-Monopoly Legislation.
- Chap. XIV. Actions and Defences.

Thornton on Gifts and Advancements.

[See Review of this work on page 23.]

TITLE-PAGE. A Treatise on the Law Relating to Gifts and Advancements, by W. W. Thornton, of the Indianapolis Bar, Author of "Railroad Fences and Private Crossings," "Lost Wills," etc. Philadelphia: T. & J. W. Johnson & Co. 1893.

EXTRACT FROM PREFACE. It is difficult to confine the subject of "gifts" within reasonable limits. It is almost as broad as that of "contracts." The leading features of a gift are not so numerous, but the difficulty lies in their application. The complex affairs of modern civilization every day render this more difficult, and call for a modification of the stern rigor of the common law.

So closely are the subjects of "gifts" and "advancements" connected that the work would be incomplete were treatment of the latter omitted. On this subject the book may be said to be a pioneer.

TABLE OF CONTENTS.

- Chap. I. Donatio Inter Vivos.
- Chap. II. Donatio Mortis Causa.
- Chap. III. Donor and Donee.
- Chap. IV. Intention and Promise.
- Chap. V. Acceptance.
- Chap. VI. Conditional Gift.
- Chap. VII. Changing Gift to Contract.
- Chap. VIII. Revocation.
- Chap. IX. Delivery.
- Chap. X. Establishment of Gift.
- Chap. XI. Notes and Choses in Action.
- Chap. XII. Bank Checks and Deposits.
- Chap. XIII. Gift of Stock.
- Chap. XIV. Gift of Real Estate.
- Chap. XV. Voluntary Trusts.
- Chap. XVI. Fraud and Undue Influence.
- Chap. XVII. Fraudulent Conveyances.
- Chap. XVIII. Gifts in Fraud of Marital Rights.
- Chap. XIX. Origin and Essentials of Advancements.
- Chap. XX. Presumption—Trusts.
- Chap. XXI. Evidence—Rebutting Presumption.
- Chap. XXII. Hotchpot.
- Appendix. Statute of Distributions.

Vanfleet's Collateral Attack on Judicial Proceedings.

TITLE-PAGE. The Law of Collateral Attack on Judicial Proceedings, by John M. Vanfleet, Judge of the Thirty-Fourth Judicial Circuit of Indiana. Chicago: Callaghan & Co. 1892.

EXTRACT FROM PREFACE. The subject discussed involves titles worth hundreds of millions, besides personal rights that cannot be estimated in money, and it is to be regretted that some master mind has not taken hold of it. But for the last seven years, with such ability as has been vouchsafed me, it has been wrought upon with unflagging industry, and with great zeal and delight. During that time no vacations have been taken, and it is safe to say that, on an average, six hours per day have been spent upon it. If any one thing has been learned more thoroughly than another, it is that dogmatic assertions and arrogant opinions have no proper place in the law. To find judges of eminence differing upon nearly every question considered is enough to shake one's confidence in his own infallibility. And, although the principles which seem to me to govern this important and complicated branch of the law have been wrought out with much labor and thought, yet that my conclusions are invariably correct is too much to expect. But, whenever they are wrong, the work itself furnishes the means for correction, as it gives the views and reasons of all the courts upon each matter considered.

ABRIDGED TABLE OF CONTENTS.

- Chap. I. Principles, Analogies, Comparisons, and Definitions. (§§ 1-17.)
- Chap. II. The Tribunal—Constitutional Infirmities in its Organization. (§§ 18-25.)

ABRIDGED TABLE OF CONTENTS—
Cont'd.

- Chap. III. The Tribunal—Statutory and Common Law Infirmities in its Organization. (§§ 26-57.)
- Chap. IV. Jurisdiction Defined—How Given—How Adjudicated—Mistakes of Law or Fact. (§§ 58-67.)
- Chap. V. Jurisdiction Taken by Reason of a Mistake of Law in Construing the Constitution. (§§ 68-88.)
- Chap. VI. Jurisdiction Taken by Reason of a Mistake of Law in Construing a Statute or the Common Law. (§§ 89-212.)
- Chap. VII. Jurisdiction Taken by Reason of Overlooking Undisputed Law. (§§ 213-224.)
- Chap. VIII. Jurisdiction Taken by Virtue of Defective Pleadings, Bonds, or Preliminary Matters, or in their Absence, or by Virtue of Wrongful Procedure. (§§ 225-328.)
- Chap. IX. Jurisdiction Taken over the Person by Virtue of Defective Process, Service or Proof of Service, or in their Absence, or by Virtue of an Unauthorized Appearance. (§§ 329-500.)
- Chap. X. Jurisdiction exercised by Virtue of a Law Repealed by Implication. (§§ 501-513.)

ABRIDGED TABLE OF CONTENTS
Cont'd.

- Chap. XI. Jurisdiction Exercised over the Subject-Matter without Color of Authority. (§§ 514-525.)
- Chap. XII. Jurisdiction Taken over the Subject-Matter by Reason of a Mistake of Fact, or the Right to Contradict the Record on that Point. (§§ 526-586.)
- Chap. XIII. Jurisdiction Taken over the Party or Person (after Due Appearance or Service) by Reason of a Mistake of Law or Fact. (§§ 587-659.)
- Chap. XIV. Jurisdiction Lost by Reason of a Mistake of Law or Fact. (§§ 660-791.)
- Chap. XV. Statutes Declaring the Effect of Judicial Proceedings.—Collateral Effect of, Considered. (§§ 793-798.)
- Chap. XVI. Judicial Action. (§§ 799-804.)
- Chap. XVII. Presumptions. (§§ 805-847.)
- Chap. XVIII. Foreign Judgments. (§§ 848-851.)
- Chap. XIX. Judicial Officers, Liability of. (§§ 852-854.)
- Chap. XX. Pleading, Practice, and Evidence. (§§ 855-859.)
- Chap. XXI. Estoppel against Contesting Void Proceeding. (§§ 860-867.)

REVIEWS OF NEW BOOKS.

[We have received copies of the following books for notice in "Law Book News," and reviews of them will be given in early numbers:

Vanfleet on Collateral Attack of Judgments.
Spelling on Trusts and Monopolies.
Merrill on Mandamus.
Waples on Homesteads and Exemptions.
Thornton on Gifts and Advancements.
Pingrey on Mortgages.
Mann on Medical Jurisprudence of Insanity.
Ballard's Real Property Annual.]

Keener on Quasi-Contracts.

[See Contents and other descriptive matter on page 14.]

It would be difficult to overestimate the importance, in law, of a logical and accurate classification of rights and obligations. In default of this we can expect little else than muddy thinking and misleading argumentation. In the great department of the law of contracts, the deficiency of the common law, in this respect, has more than once been made conspicuous. Thus the attempt to classify as "contracts implied in law" a large class of obligations which are so far from being contracts that they lack the very essence of an agreement, and to range judgments among the "contracts of record," has resulted not only in the introduction of a clumsy and unnecessary fiction but also in many confused, misleading, and contradictory rulings of the courts. The Roman jurists were much more logical in regard to this point. They saw very clearly that there

were obligations, enforceable in law, which were certainly not contracts and emphatically not torts, but which yet bore such a strong superficial analogy or resemblance to the former kind of obligations that they might properly be classed, not indeed as contracts, but as assimilated or analogous to contracts. These they called *obligationes quasi ex contractu*, or, as we may say "quasi-contractual obligations," or more briefly, "quasi-contracts." The modern revival of interest in the scientific study of the law, and of comparative jurisprudence, has induced the clearest thinkers to lay stress upon the importance and value of this distinction, and it cannot be doubted that when it is once fully apprehended and admitted as a part of our juristic scheme it will amply justify its claim to recognition. Professor Keener is not the first to use the term quasi-contract. In this he but follows the lead of such authors as Holland, Maine, Pollock, and Anson. But he is the first writer who has discussed the subject exhaustively and in a separate treatise. To him therefore belongs the credit of the pioneer in this field, and it is safe to predict that his elucidation of it will be instrumental in bringing about a much clearer and more logical apprehension of this important subject on the part of both bench and bar. The subject is not merely one of theoretical or abstract interest, but is of very considerable practical importance, as will fully appear when we reflect that it embraces such topics as the recovery of money paid under mistake, or under compulsion of law or duress, the doctrine of waiver of tort, the right to recover

er for services rendered independently of contract, the right to recover for benefits conferred under an unenforceable contract, or for improvements made upon the land of another without request.

Whatever else we may expect from Professor Keener, we can always confidently count upon his doing his own thinking. This is conspicuously apparent in the work before us. Even the most cursory examination would suffice to show that the learned author has not been content to take anything at second hand, but has faithfully and conscientiously studied his subject from its broadest divisions to its smallest details, has conducted his own researches, and has passed all the authorities examined through the alembic of his own mind. The book bears the stamp of originality. Moreover it is accurate and soundly reasoned. And it displays a grasp of the subject, and a vigor of treatment which, in these latter days, are most refreshing.

The method pursued is in the main that of a careful and detailed review of the leading cases, arranged in logical order. This is the method exemplified in Benjamin on Sales, Jarman on Wills, Bigelow on Estoppel, and some others of the standard treatises, but it has not been generally popular with legal authors. This exhaustive investigation of the precedents gives opportunity for a leisurely criticism of their value and the correctness of the various rulings. The reader will find that Professor Keener has not held back from such criticisms, but will be compelled to admit that his remarks, if unflinching, are also perfectly candid and just. But this method of treatment has the disadvantage

that it does not readily admit of that exhaustive discussion of details and differentiae to which modern lawyers are accustomed. We expect of the modern text-book that it shall be in some sense both a treatise and a digest; we expect it to put us on the track of all the available case-law. Now the work under consideration cites less than one thousand reported cases, and we cannot think that this is nearly exhaustive of the wealth of authorities dealing with its subject-matter. If the brief-maker turns to it for a lucid and scholarly exposition of the somewhat complicated principles involved and a valuable review of the leading cases, he will find what he seeks. If he is only looking for a case "on all fours" with his own, he will probably be disappointed. But while a reader of the latter class should rather consult a digest pure and simple, those of the former class have also, we think, a right to expect something more of elaboration in the treatment and a richer harvesting of the pertinent case-law. In this connection it is proper to add that the index to the work might have been amplified and made more detailed without any detriment to its value. Indices to legal text-books have to be constructed for the use of the man who may not know precisely where he logically ought to look. It remains to remark that our learned author has exhibited an irreproachable style in his literary composition. It is at once clear, simple, and refined. The book is handsomely printed and well bound.

J. B. Campbell Black.

OTHER OPINIONS OF NEW BOOKS.

Addison on Torts, (Seventh Edition.)

This work is an English classic in the law. The first edition was published in 1800, and it has ever since been the leading work upon the subject. The seventh edition is edited by Horace Smith, Esq., who is himself well known for his labors in legal literature. The number of cases cited is a little less than six thousand. It is hardly necessary to say anything of the great value of the original work. It is well known to the profession in America. The present edition by reason of the additions and revisions is superior to any of its predecessors. Accuracy in the legal principles stated and accuracy in the statement of them, in other words, accuracy of law and accuracy in its expression, mark every page of the work. It is unnecessary to say that the book is beautifully printed. —American Law Review.

The American Digest, (Annual for 1893.)

This Digest, probably the best of its kind, appears with marvelous promptitude. The size is about the same as last year, and there are few, if any, changes in the admirable facilities for reference and cross reference.

—"R. W. H.," in Harvard Law Review.

The annual race of the tea ships from China is as nothing compared to the race between the two rival annual digests; and, as the first ship to arrive does not necessarily carry the best tea, so the first digest published is not for that reason alone the better. But in both cases the maxim of "vigilantibus non dormientibus" receives a practical application, which much redounds to the financial advantage of the publishing house which is able to first place its book

in the hands of the profession. That such a volume as the present one should be complete in the hands of lawyers all over the country within two months of the publication of the latest cases contained therein is indeed an almost incredible feat, but the greater marvel is that the volume shows little trace of the great speed with which it has been prepared. The Annual Digests are of a high order of merit; and, while the bulk is great, they are absolutely necessary to the practicing lawyer, who must now keep track, not only of the numerous decisions of his own state, but also of those of the United States courts and the courts of last resort of all the states. Putting aside the great number of cases which are merely a rethreshing of the same old straw, there are continually decisions furnishing important and novel applications of old principles, or even what are almost new principles, adapted to the complicated conditions of our modern life. That cases are multiplied unnecessarily on perfectly settled questions does not relieve us from the burden of "keeping up with the decisions." The Digest for the present year (which, while it is of the usual portentous size, is about 150 pages less than the volume for 1892) is as good as its predecessors, and is on the same plan. The only differences we can find are that there are in this volume some slight typographical improvements, and an increase in the number of subdivisions and cross references. The number of references to the cases of former years has also been much increased. The volume contains 2,858 pages.

—"T. C.," in *The New York Law Journal*.

Biddle on Insurance.

The *Law of Insurance*, by Arthur Biddle, is an exhaustive and valuable treatise upon all branches of insurance law not marine. The different forms of risks are not treated separately, but the arrangement of the book is based upon the contract of insurance in its successive stages, and deals in order with its formation; the rights of the parties before the occurrence of the contingency insured against; the avoidance and performance of the contract; its breach; and the measure of damages—an arrangement which more than compensates, by its opportunity for scientific treatment, for an occasional lack in convenience. Mr. Biddle's method is careful and thorough, and the book gives every evidence of painstaking labor. The number of cases cited is very large, and while the text never departs far from a treatment of the actual authorities into the realm of original discussion, it is nevertheless far more than a mere digest. On the contrary, much is done throughout to reconcile and

explain the cases and to simplify and systematize the general principles of insurance law; and there can be no doubt that the book is an important addition to the literature of the subject. Among other interesting things are the discussion of the difference between life and fire insurance, good chapters on the difficult subjects of fraud and estoppel, and an excellent statement of the true nature of the so-called "parol evidence rule."

—*The Nation*.

Bishop's Code Practice (N. Y.)

The work before us is the outcome of a special course of lectures delivered by the author to the students of the Columbia College Law School a year or two ago. The special aim of the book is to explain and analyze the New York Code; and the citations of cases are all of New York courts. In confining the book exclusively to the New York practice, we think the author has made a mistake, especially if it is the intention to place the book in the hands of students outside of New York. True it is that the codes of the other States follow that of New York in its essential particulars; but the constructions placed upon the various sections differ materially in the several States; and it would seem a positive injury to a student in Missouri or California to indoctrinate the diverse laws and constructions of other States as those of his own. The successful practitioner is he who is thoroughly acquainted with the decisions and statutes followed by those courts wherein his labors are; and, when these fall him, he should look beyond. We have no hesitancy in pronouncing this work to be a very able presentation of the decisions of the New York Code, and the best that could be placed in the hands of students and lawyers who intend to practice in that State.

"Code Practice" contains 519 pages of text, with a very exhaustive index of 45 pages. The paper and printing average better than the ordinary run of recent law books. In the next edition we would recommend that the author cite outside authorities bearing upon his text, as this would greatly increase the general value of his work.

—"W. D. T." in *American Law Review*.

Browne on Parol Evidence.

Mr. Browne is one of the few legal writers who has the power to state clearly and succinctly principles of law in the fewest possible words. One may be sure, in his work, to find the wheat thoroughly sifted from the chaff. In the present volume, which is intended both as a book for busy prac-

tioners, and as a text-book for scholars and teachers, the author gives a distinct, thorough, and comprehensive treatment of this important branch of the law of evidence, which, by the way, has never been fully treated by other writers. To the active practitioner the work cannot fail to prove of exceeding value, while the student will find it of the greatest aid and assistance. That it will receive a cordial welcome there can be no doubt, and we sincerely trust that Mr. Browne will follow this treatise up with similar works on other subordinate branches of the law of evidence.

—The Green Bag.

Cassoday on Wills.

[See Contents and other descriptive matter on pages 13-14.]

This work is a series of lectures upon the law of wills, delivered before the students of the College of Law of the University of Wisconsin. The writer is a justice of the supreme court of Wisconsin, as well as a lecturer. The lectures were placed in book form in response to a generally expressed desire of the alumni of the college of law of the university, and the work is appropriately dedicated to the alumni.

Justice Cassoday manifested his confidence in the ability of the editorial force of the West Publishing Company in intrusting entirely to that company the work of compiling the index, notes, and tables of cases and contents, and the thoroughness and accuracy of this work demonstrates that his confidence was not misplaced. The editorial staff of the West Publishing Company is trained in just that kind of work. The preparation of tables of contents and indexes of all law text-books would be more serviceable if left to the skilled direction of publishing companies as well equipped as the one at St. Paul. The main criticism of Justice Cassoday's work is that too frequent reference is made to the Wisconsin statutes; but, after all, this objection is not a very serious one, inasmuch as the law of wills is practically the same in all the states, and the statutes vary only in slight and unimportant particulars.

The principal virtue of the book is the simplicity of its arrangement. It is, of course, intended chiefly for the instruction of students, but it is on that account none the less valuable to general practitioners. For specialists in probate law, the larger and more complete works are more serviceable, but Justice Cassoday's book occupies a field of its own, and supplies a want which has heretofore remained unsatisfied. The most admirable chapter in the work, or rather the one of greatest practical value, is that upon

"Probate Jurisdiction." The appendix presents the English statutes which serve as a basis of the law of wills in the United States, including the statutes of Victoria. This is one of the admirable features of the work.

—Michigan Law Journal.

The text is well prepared, and citation of authorities abundant. The work is essentially a practical one, and of good value to the lawyer who does not care to wade through a mass of theory to get at substantial results. Though not a large work,—but little over three hundred pages,—it contains the meat and substance of the subject, clearly stated and amply illustrated by authorities.

—Central Law Journal.

Church on Habeas Corpus, (Second Edition.)

The first edition of this work appeared in 1884. Prior to that time there had been but one American work on the subject of the writ of Habeas Corpus, that of Hurd, originally published in 1858, and revised in 1876. Although the text of that work was well written, it fell very far short of making a full examination of the judicial authorities; and another work of the same kind was much needed when this work was first published. It proved to be a very useful and satisfactory work, and enabled the lawyers and judges to get access to the judicial decisions on questions presenting unusual difficulty, because, in many cases, involving conflicts of jurisdiction among different courts, and between the national and State courts. The author has added to the present work about twelve hundred cases; so that the number now cited is nearly three thousand, including a good many Canadian cases. He has added two new chapters,—one on the nature of the writ of habeas corpus, and the other on appellate procedure connected with the use of the writ. The work, as now presented, embraces 1055 printed pages; and the pages are large, and the foot notes are in rather small type,—so that the matter presented in this volume is greater than that presented in ordinary law volumes. The index, in rather small type, but so led as to be conveniently read, attests the comprehensiveness of the work and the great variety of topics included in it. The typographical appearance of the work is only fair. The outlines of the letters are not clear,—indicating either that the type used is too much worn, or that an indifferent quality of ink had been employed in printing it.

—American Law Review.

Foot & Everett on Incorporated Companies.

The Law of Incorporated Companies Operating under Municipal Franchises, by Allen Ripley Foot and Charles E. Everett, is a work which, so far as our experience goes, entirely justifies the claim made by the authors to novelty of conception and plan. A doubt which arises at first sight as to the object of the book is not altogether removed by the statement of the preface that the aim has been "to elucidate principles and clearly to define strategic points, in order to measure by fundamental rules the progress made by the several States in aligning legislation with the requirements of such rules." In substance the compilation seems not to be a law book in the ordinary sense, but rather a comparison of the legislation of the various States and Territories upon the subject of corporations exercising franchises of various kinds in the highways and other public places of municipalities. The laws of each jurisdiction upon this head are treated separately, after a preliminary "Discussion of the Economic Principles Involved"—a singular compound of ethics, philosophy, political and economic science, and other things—which sets forth the authors' plan for a system of industrial corporations operating under State control. There is also a statement of the general principles of law applicable to such corporations.

—The Nation.

Knight's Patent Office Manual.

This book presents a summary of procedure in the patent office. It treats particularly of the application for a patent, the preparation of the claim and the prosecution of it till it eventuates in a patent. It does not deal largely with the law of the subject as declared in adjudicated cases, but quite fully with matters of practice in the bureau of the patent office, and refers to a large number of decisions of the commissioners of patents. There is a short chapter upon the patent franchise which is partly historical. The remainder of the book is in the form of a digest, the greater part of it being devoted to decisions relating to patents for inventions, the other parts being decisions relating to patents for designs, and decisions relating to trade-marks and labels. There is an appendix treating of copyrights, which is too short and incomplete to be of much use. The work is a valuable one to patent solicitors.

—American Law Review.

Norton on Bills and Notes.

[See Contents and other descriptive matter on pages 14-15.]

The author of this book announces in his preface that it is intended, "not for the practitioner, but only for students in law schools and law offices. Its aim is to lay before the students those principles of negotiable bills and notes which will in the future most frequently come before him in his practice." With this object in view, the mode of statement of principles has purposely been made elementary in form, and the reasons that have led to the adoption of the various rules in regard to negotiable paper are clearly, but briefly, set forth. To impress the rules upon each topic as vividly as possible upon the memory, a summary of them is given in bold-faced type, as each special topic is reached. These summaries are drafted with great care and clearness of expression, and will naturally arrest the student's attention, and easily fasten themselves upon his recollection.

The book is admirably adapted for its purpose, and students will be apt to gain much clearer conceptions of the law upon this subject from its pages than if they devoted their attention to the larger and more abstruse treatises. A student naturally asks, not merely, "Is a thing so," but "Why is it so?" Text-books too often fail to explain the reasons upon which legal rules and doctrines are based, and so the student's mind is burdened with a mass of rules which he finds it very difficult to retain in recollection, because he does not understand them. Prof. Norton has therefore done wisely, we think, in stating the reasons of the law. A student will rise from the perusal of this book with the feeling that it has given him a clear and sure understanding of the leading principles in the branch of law of which it treats.

—The Counsellor.

Phillips on Mechanic's Lien.

[See Contents and other descriptive matter on page 15.]

The profession will undoubtedly welcome this volume. Since the publication of its second edition—the present being the third—the subject of mechanic's liens has developed amazingly and the number of cases increased in as great a proportion. We have long thought it time for a new treatise on the subject and we know of no one better fitted, at least in point of experience, to give it to us than the author of this, Judge Phillips. In point of ability of treatment, style of the text, and exhaustiveness of the citations the work is in every way worthy of praise. There seems to be nothing in its pages suggestive of criticism. It will prob-

ably be regarded by the profession, as it certainly is by us, as the standard work on mechanics' liens. —Central Law Journal.

Spelling on Trusts and Monopolies.

[See Contents and other descriptive matter on pages 15-16.]

The questions treated in this work are of the greatest importance, not only to the members of the legal profession, but to the entire business community. After a somewhat critical examination of the work of Mr. Spelling we are of the opinion that he has been careful in its preparation, and thorough and accurate, as far as his treatment of the questions extend. The volume contains only three hundred pages. We think the author might have increased its size without exhausting the questions of law relating to public policy.

—Chicago Legal News.

Spelling on Extraordinary Relief.

Thomas Carl Spelling's "Treatise on Extraordinary Relief in Equity and at Law" deals fully with the law of injunction (to which the largest part of the book is given,) habeas corpus, mandamus, prohibition, quo warranto, and certiorari. It is likely to prove a useful text-book on all these heads, some of which have never, to our knowledge, been so thoroughly and systematically treated.

—The Nation.

Thornton on Gifts and Advancements.

[See Contents and other descriptive matter on page 16.]

The perfect avalanche of decisions which yearly descends from the appellate courts of the various States, scarcely leaves a nook

or cranny of the many ramifications of our jurisprudence unswept by the torrent. Almost every conceivable legal question is subjected to judicial investigation, and the spectacle is quite familiar of no two judicial conclusions in different jurisdictions being in harmony upon the same topic. The annually increasing bulk of the West Publishing Company's Digest, shows that the limits of rational classification will soon be reached, and useful digesting hopeless. Text-writers then rush to the rescue of the practitioner, collecting and classifying the cases upon some by-way or alley of a grand division of law, which will supply the purposes of a digest and give a handful of legal principles interspersed with some slight historic treatment. It is, therefore, with no surprise that we pick up Thornton on Gifts and Advancements, and notice the disproportion between the thickness of the volume and the narrowness of the topic treated in it.

The natural inquiry of why advancements are treated in conjunction with gifts, is answered by the author in his preface, to be on account of the great similarity between them. But then adoptions are very like advancements in their legal constitution, and so adoptions are like many other things in the law of decedents' estates. The author appreciates this, and devotes ten pages to an introduction which would lead the reader to believe that for a time he was consulting Williams on Executors and Administrators. We doubt the wisdom of the author's scheme, but the thoroughness of his work—the care in the arrangement and the general accuracy of his treatment—make us feel that we should be thankful, regardless of the variety in the repast he has given us.

—American Law Register and Review.

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 Jurisprudence. 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 edition	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
Mechem's Cases on Agency.....	4 00 net	Wood on Limitations. 2d edition. 2 vols.....	11 00 net
Murfree on Foreign Corporations..	4 00 net	Warvell on Abstracts. 2d edition..	6 00 net
Norton on Bills and Notes.....	3 50 net	Wood on Nuisances. 2 vols.....	12 00
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.

Abb. N. C.....	Abbott's New Cases, Mow- v Law Book Co., New York City.	Lack. Jur.....	Lackawanna Jurist, Scranton, Pa.
Alb. Law J.....	Albany Law Journal, Albany, N. Y.	Lanc. Law Rev.....	Lancaster Law Review, Lan- caster, Pa.
Amer. Law J.....	American Law Journal, Phila- delphia.	Law J.....	Law Journal, London, Eng.
Amer. Lawy.....	American Lawyer, New York City.	Law Mag.....	Law Magazine, London, Eng.
Amer. Law Reg. & Rev.....	American Law Register and Review, Philadelphia.	Law Notes.....	Law Notes, London, Eng.
Amer. Prob. R.....	American Probate Reports, Baker, Voorhis & Co., New York City.	Law Quart. Rev.....	Law Quarterly Review, Lon- don, Eng.
Amer. R. & Corp. R.....	American Railroad and Cor- poration Reports, E. B. My- ers & Co., Chicago.	Law Student's Helper.....	Law Student's Helper, Detroit, Mich.
Amer. St. Rep.....	American State Reports, Ban- croft-Whitney Co., San Fran- cisco.	Law T.....	Law Times, London, Eng.
Amer. & Eng. Corp. Cas.....	American and English Corpo- ration Cases, Edward Thomp- son Co., Northport, Long Is- land, N. Y.	Lawy. Rep. Ann.....	Lawyers' Reports Annotated, Lawyers' Co-operative Pub. Co., Rochester, N. Y.
Amer. & Eng. R. Cas.....	American and English Rail- road Cases, Edward Thomp- son Co., Northport, Long Is- land, N. Y.	L. C. Jur.....	Lower Canada Jurist, Mon- treal, Can.
Atl. Mo.....	Atlantic Monthly, Boston.	Leg. Int.....	Legal Intelligencer, Philadel- phia.
Banker & Tradesman.....	Banker & Tradesman, Boston.	Mich. Law J.....	Michigan Law Journal, Grand Rapids, Mich.
Banking Law J.....	Banking Law Journal, New York City.	Minn. Law J.....	Minnesota Law Journal, Min- neapolis, Minn.
Bank. Mag.....	Bankers' Magazine, London, Eng.	Med. Leg. J.....	Medico-Legal Journal, New York City.
Blackwood's Mag.....	Blackwood's Magazine, Lon- don, Eng.	Mont. Leg. N.....	Montreal Legal News, Mon- treal, Can.
Can. Law J.....	Canada Law Journal, Toron- to, Can.	Morr. Min. R.....	Morrison's Mining Reports, Callaghan & Co., Chicago.
Can. Law T.....	Canadian Law Times, Toron- to, Can.	Nat. Corp. Rep.....	National Corporation Report- er, Chicago.
C. C. A.....	United States Circuit Court of Appeals Reports, West Pub. Co., St. Paul, Minn.	Nation.....	The Nation, New York City.
Cent. Law J.....	Central Law Journal, St. Louis.	Neb. Leg. N.....	Nebraska Legal News, Lin- coln, Neb.
Cent. Mag.....	Century Magazine, New York City.	N. J. Law J.....	New Jersey Law Journal, Plainfield, N. J.
Chi. Leg. N.....	Chicago Legal News, Chicago.	North Amer. Rev.....	North American Review, New York City.
Civil Proc. R.....	New York Civil Procedure Re- ports, S. S. Peloubet, New York City.	N. W. Law Rev.....	Northwestern Law Review, Chicago.
Collector.....	The Collector, Detroit, Mich.	N. Y. Crim. R.....	New York Criminal Reports, S. S. Peloubet, New York City.
Columbia Law T.....	Columbia Law Times, New York City.	N. Y. Law J.....	New York Law Journal, New York City.
Counsellor.....	The Counsellor, New York City.	Ohio Law J.....	Ohio Law Journal, Columbus, Ohio.
Crim. Law Mag.....	Criminal Law Magazine, Jer- sey City, N. J.	Pall Mall Mag.....	Pall Mall Magazine, London, Eng.
Daily Balt. Rec.....	Daily Baltimore Record, Bal- timore, Md.	Pittsb. Leg. J.....	Pittsburgh Legal Journal, Pittsburgh, Pa.
Dublin Rev.....	Dublin Review, Dublin, Ire.	Rough Notes.....	Rough Notes, Indianapolis, Ind.
Edinburgh Rev.....	Edinburgh Review, Edinburgh, Scot.	Ry. & Canal Traffic Cas.....	Railway & Canal Traffic Cases, Sweet & Maxwell, London, Eng.
Forum.....	The Forum, New York City.	Ry. & Corp. Law J.....	Railway and Corporation Law Journal, New York City.
Green Bag.....	Green Bag, Boston.	Scot. Law Rev.....	Scottish Law Review, Glas- gow, Scot.
Guide.....	The Guide, Kalamazoo, Mich.	Scrib. Mo.....	Scribner's Monthly, New York City.
Harp. Mag.....	Harper's Magazine, New York City.	State Affairs.....	State Affairs, Lansing, Mich.
Harv. Law Rev.....	Harvard Law Review, Cam- bridge, Mass.	University Law Rev.....	University Law Review, New York City.
Ins. Law J.....	Insurance Law Journal, New York City.	Va. Law J.....	Virginia Law Journal, Rich- mond, Va.
Iowa Univ. Law Bul.....	Law Bulletin of Iowa Univer- sity, Iowa City, Iowa.	Wash. Law R.....	Washington Law Reporter, Washington.
Ir. Law T.....	Irish Law Times, Dublin, Ire.	Wkly. Law Bul.....	Weekly Law Bulletin, Colum- bus, Ohio.
J. P.....	Justice of the Peace, London, Eng.	Wkly. Rep.....	Weekly Reporter, London, Eng.
Jurid. Rev.....	Juridical Review, London, Eng.	W. N. C.....	Weekly Notes Cases, Kay & Brother, Philadelphia.
		Yale Law J.....	Yale Law Journal, New Haven, Conn.

TOPICAL DIGEST.

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

Accident Insurance.

— See "Insurance."

Accommodation Paper.

— See "Negotiable Instruments."

ACTIONS.

An interesting description of actions at law in the reign of Edward III. The report and record. By L. Owen Pike.—7 Harv. Law Rev. 266.

ADMIRALTY.

Note with citations on the nature of the hearing and proofs admitted on appeal in admiralty.—3 C. C. A. 322.

Agents.

— Rights, duties, and liabilities of insurance agents, see "Insurance."

Agistment.

— Priority of lien of chattel mortgage over agister's lien, see "Chattel Mortgages."

Appeal.

— In admiralty, see "Admiralty."
— Review of order granting or refusing injunction in patent case, see "Patents for Inventions."

Appearance.

— Effect of unauthorized appearance of attorney, see "Attorney and Client."

ASSIGNMENT FOR BENEFIT OF CREDITORS.

A short essay on the laws of the several states, with especial reference to the questions of constitutional law and private international law, involving a consideration of the state rights as compared with the national rights of the citizens of the several states. By Hollis R. Bailey.—7 Harv. Law Rev. 281.

ATTORNEY AND CLIENT.

— Meeting of bar associations, see "Bar Associations."

An address on the duty of the legal profession in regard to needed changes in legislation, before the Virginia State Bar Association. By J. Allen Watts.—1 Amer. Lawy. No. 9, p. 50.

An interesting discussion of the effect of an unauthorized appearance of an attorney, and its power to bind the person for whom he appears, with especial reference to the law in New York that such an appearance is binding in the absence of fraud, or collusion, though the person for whom he appears gave him no authority to do so and may even have been ignorant of the suit. By Edward L. Randall.—48 Alb. Law J. 364.

Auctioneer.

— Warranty of title, see "Warranty."

Baggage.

— Of passengers, see "Carriers."

Bailment.

— Liability of bailee for larceny, see "Larceny."

BAR ASSOCIATIONS.

Official report of the thirteenth annual meeting of the Missouri State Bar Association.—1 Amer. Lawy. No. 8, p. 31.

Report of the meeting of the Virginia State Bar Association.—1 Amer. Lawy. No. 9, p. 30.

Report of the sixteenth annual meeting of the American Bar Association.—1 Amer. Lawy. No. 11, p. 30.

Bering Sea Arbitration.

— See "International Law."

CARRIERS.

An extensive collection of recent authorities on the duty of a carrier to protect its passengers from dangerous or violent fellow passengers, and the right of a carrier to refuse to admit improper persons on trains, to restrain them when admitted, or to expel them when necessary. By H. Campbell Black.—4 C. C. A. 231.

A collection of American and English authorities on the questions as to what constitutes the baggage of a passenger, and the duties and liabilities of carriers in relation thereto. By P. L. Edwards.—Can. Law T. Republished in 48 Alb. Law J. 351.

A collection of authorities on the duties and liabilities of sleeping-car companies to their passengers.—21 Lawy. Rep. Ann. 280.

An extensive citation of authorities on the liability of railroad companies to passengers in getting on or off train.—21 Lawy. Rep. Ann. 354.

An extremely valuable note on the power of a carrier to limit his liability for loss and damages to freight, and compilation of the decisions of the various states and England.—7 Amer. R. & Corp. R. 281.

CHATTEL MORTGAGES.

Collection of conflicting authorities from the different states as to the priority of a mortgage lien over an agister's lien. By D. H. Pingrey.—37 Cent. Law J. 375.

CHOSE IN ACTION.

A valuable definition of the meaning of the phrase "chose in action" as at present obtaining. By Howard W. Elphinstone.—9 Quart. Law Rev. 311

Cities.

— See "Municipal Corporations."

COLLEGES AND UNIVERSITIES.

Address of Mr. Kennedy at a reception in the library of University College, Liverpool, on legal education and the universities.—48 Alb. Law J. 494.

CONSTITUTIONAL LAW.

— See "Assignment for Benefit of Creditors."

— Conviction for second offense, see "Criminal Law."

"Studies on the Constitution of Michigan." A series of essays on each subdivision thereof. By Lewis M. Miller.—1 State Affairs, Nos. 11, 12, p. 5.

CONTEMPT.

An able essay on the power of courts to punish for contempt, with numerous citations. By George C. Worth.—37 Cent. Law J. 273, 294.

An interesting article on the constitutional regulation of contempt of court, with a special reference to the opinion of the supreme court of California, *In re Shortridge*, 34 Pac. 227, which discusses the right of legislature to limit the power of a court of general jurisdiction to punish for contempt.—10 N. Y. Law J. No. 72.

CONTRACTS.

— With infant, see "Infancy."

A short essay on completion of a contract by the dispatch of a letter of acceptance.—9 Quart. Law Rev. 316.

An essay on contracts void as against public policy. No authorities cited. By A. L. Sinclair.—48 Alb. Law J. 506.

Citation of authorities as to the liability of a third person in damages for inducing a party to a contract to break the same.—21 Lawy. Rep. Ann. 233.

Collection of authorities as to the rights conferred by an "option" or refusal.—21 Lawy. Rep. Ann. 127.

CONVERSION.

A short note on the effect of a devise to convert realty into personalty so as to avoid a judgment lien.—7 Amer. Prob. R. 484.

CORONERS.

A collection of authorities on the necessity and propriety of a coroner's inquest.—21 Lawy. Rep. Ann. 394.

CORPORATIONS.

— Appointment of receivers for insolvent corporations, see "Receivers."

— Judicial sale of corporate franchises, see "Judicial Sales."

— Taxation of corporations, see "Corporations."

A collection of authorities on the effect of one person becoming owner of the entire stock, and his rights and powers under such circumstances.—7 Amer. R. & Corp. R. 576.

A few citations as to the construction and effect of preliminary agreements to take stock in corporations, and the liability on subscriptions thereto.—7 Amer. R. & Corp. R. 615.

A valuable and comprehensive collection of authorities as to the rights and remedies of preferred stock holders. By Seymour D. Thompson.—37 Cent. Law J. 433.

A collection of authorities on the right of foreign corporations to do business in the state, and the validity of contracts made by them before complying with state law.—7 Amer. R. & Corp. R. 403.

Collection of authorities as to the estoppel of corporations to set up plea of ultra vires to actions on contracts.—20 Lawy. Rep. Ann. 765.

COURTS.

— The federal judiciary, see "Judges."

An extremely useful collection of authorities as to the effect of United States law, providing for the conformity of practice in common-law actions in the federal courts to the practice of state courts. These authorities refer to the whole course of procedure, from the question of jurisdiction to the collection of the execution by supplementary proceedings, and the note is of great value to the practitioner in the federal courts. By John A. Mallory.—5 C. C. A. 594.

CRIMINAL LAW.

- Enjoining criminal prosecution, see "Injunction."
- Insanity as a defense to crime, see "Insanity."
- Use of photographs for detection of crime, see "Photographs."

A comprehensive collection of citations as to the law in regard to the presumptions as to character of the accused and his accomplices, and the evidence admissible for the purpose of attacking the same.—20 Lawy. Rep. Ann. 609.

Former offense. Essay on the constitutionality and construction of the statutes providing for a severer punishment on the conviction of a second or other offense, with numerous citations. By W. W. Thornton, Esq.—15 Crim. Law Mag. 647.

An able article from a southern standpoint touching the lynching of negroes, and the outrages which have occasioned it. The keynote of the article is contained in the proposition that "for members of society to set up and act upon rules of so-called right, in opposition to the binding laws of society, is wrong, always has been wrong, and always will be." By L. K. Bleckley, Chief Justice of Georgia.—16 Forum, 300.

An article on the crime of lynching as prevalent in the southern states, with some suggestions as to the remedies therefor. By W. H. Page.—16 Forum, 303.

An address on the punishment of crime before the Virginia State Bar Association. An able review of the origin and history of criminal law. By R. T. Barton.—1 Amer. Lawy. No. 9, p. 30.

DAMAGES.

A collection of recent decisions on mental suffering as an element or agency in an action for damages.—30 Abb. N. C. 371.

An interesting article on the subject of liability for physical injuries ensuing upon nervous shock or fright caused by negligence, based upon the case of Mitchell v. Rochester St. Ry. Co., 25 N. Y. Supp. 744.—7 Harv. Law Rev. 304.

DEATH BY WRONGFUL ACT.

A brief collection of authorities as to the measure of damages.—54 Amer. & Eng. R. Cas. 108.

Citation of conflicting authorities as to the remedy for a tort causing death on the high seas or other navigable waters. By W. B. Gillmore.—16 N. J. Law J. 326.

DEDICATION.

A valuable note with numerous citations as to the manner of dedicating streets.—41 Amer. & Eng. Corp. Cas. 142.

DESCENT AND DISTRIBUTION.

A short note on the effect of the murder of testator or ancestor by beneficiary under will or heir.—7 Amer. Prob. R. 341. [See, also, the interesting case of Sheldenberger v. Ransom, (Neb.) 47 N. W. 700, not cited in the above note, on the effect of the murder of a child by his father for the purpose of acquiring his estate. Ed. L. B. N.]

DOWER.

A citation of authorities as to the right of a dowress to mesne profits or damages for detention of dower as determined by decisions or statutes of the different states.—21 Lawy. Rep. Ann. 180.

A comprehensive citation of authorities on the divestiture of the inchoate right of dower by legislative action.—4 C. C. A. 295.

A valuable note on the general requisites of dower and what estates are subject thereto, and the nature and extinguishment of the inchoate right.—3 C. C. A. 316.

DRUNKENNESS.

A short article on the legality or illegality of "that ancient and popular institution known as 'drunkenness.'"—27 Ir. Law T. 329.

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Citation of authorities as to their creation by exceptions and reservations in deed.—20 Lawy. Rep. Ann. 631.

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A collection of authorities on the rights of abutting owners for injuries received by the building of a railroad in a street, with a criticism of the decision of the supreme court of Missouri in Henry Gauss & Sons Manuf'g Co. v. St. Louis, K. & U. W. R. Co., 20 S. W. 658.—7 Amer. R. & Corp. R. 241.

A comprehensive citation of authorities as to the rights of tenants and reversioners of property taken under condemnation proceedings.—21 Lawy. Rep. Ann. 212.

Citation of numerous causes on the right to discontinue proceedings, and the resulting right to recover damages occasioned by the pendency of the proceedings.—7 Amer. R. & Corp. R. 28.

A valuable note, with numerous citations, on the private rights of an abutting owner on a street, highway, or other public place, as affected by various new public uses, including horse-car lines, steam-service lines, elevated roads, telegraph and electric poles and wires, etc.—30 Abb. N. C. 310.

EVIDENCE.

— On appeal in admiralty, see "Admiralty."

An able essay on the antiquities of the law of evidence,—compurgation. By H. Campbell Black.—27 *Amer. Law Rev.* 498.

A valuable collection of authorities, both American and English, upon the doctrine of expert and opinion evidence. From a paper read by Clark Bell before the International Medico-Legal Congress at Chicago.—48 *Alb. Law J.* 404.

A valuable essay with copious citations on the theory of *res gestae* as a rule of evidence. A careful review of the definiteness of text writers, with numerous citations. By Alfred J. Schriver.—*Daily Balt. Rec.* Oct. 25, 1893. Reprinted 30 *Wkly. Law Bul.* 309.

An interesting essay on the necessity of reform in criminal procedure, with a plea for the abolition of the grand jury, and suggestions as to the need of more speedy trials and the simplification of pleadings. By Herman W. Chaplin.—7 *Harv. Law Rev.* 189.

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— Sales under execution, see "Judicial Sales."

EXECUTORS AND ADMINISTRATORS.

A comprehensive citation of authorities as to the validity of the acts of executors and administrators under letters testamentary or of administration which are afterwards revoked or held invalid.—21 *Lawy. Rep. Ann.* 146.

An interesting article on the right of an executor to prefer himself when he occupies the twofold character of executor and creditor.—*Law Notes.* Republished in 27 *Ir. Law T.* 595.

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— See "Evidence."

EXTRADITION.

"Extradition of Political Criminals." By K. Von Bruch.—*Konservative Monatsschrift*, Leipzig, September.

FACTORS AND BROKERS.

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Fire Insurance Companies.

— See "Insurance."

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An essay on the legal effect of forcible entry upon land made by a person who has a right to enter, with numerous citations from English authorities.—*Eng. Sol. J.* Republished in 48 *Alb. Law J.* 431.

Foreign Corporations.

— See "Corporations."

Former Offense.

— See "Criminal Law."

FRAUDS, STATUTE OF.

A criticism on that clause in the statute which prohibits one party to a contract in writing from suing the other party thereto, because the original contract was altered by parol, on the ground that the original contract had been altered in a material term, and the new contract was invalid because not in writing, with citation of numerous authorities. By Ernest C. C. Firth.—36 *Quart. Law Rev.* 366.

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A short article, with numerous citations on the distinction to be observed between the natural growth of the soil and the fruits which are the result of the annual labor of man in sowing, reaping, planting, and gathering, with numerous citations. By James E. Kerr.—37 *Cent. Law J.* 454.

Highways.

— What constitutes dedication, see "Dedication."

HORSE AND STREET RAILROADS.

Citation of authorities as to the liabilities of a street railroad for injuries to passenger.—7 *Amer. R. & Corp. R.* 61.

HUSBAND AND WIFE.

A short article on the liability of a husband to support his deserted wife.—96 *Law T.* 76.

Ice.

— Property in ice, see "Property."

Impeachment.

— Of witness, see "Witness."

INDIANS.

Citation of authorities on the power to punish crimes by or against Indians.—21 Lawy. Rep. Ann. 169.

INFANCY.

An interesting article on the transfer of property under contracts of sale with an infant.—Law Mag. & Rev. Republished in 27 Ir. Law T. 577.

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A short collection of authorities on the power of a court of equity to enjoin a criminal prosecution.—21 Lawy. Rep. Ann. 84.

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Citation of authorities as to character and enforcement of innkeepers' liens.—21 Lawy. Rep. Ann. 229.

Inquest.

— Necessity of coroner's inquest, see "Coroners."

INSANITY.

As a defense to crime. A studious and instructive essay on legal dogmatism upon the subject of insanity, with especial reference to the English rule in the case of McNaughten, tried for the killing of Mr. Edward Drummond, private secretary to Sir Robert Peel, which rule has, as interpreted by the courts, been practically embodied in the Penal Code of New York. By J. Hampden Dougherty.—3 The Counsellor, 35.

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A review of the influence of the United States on international law, and its effect on the questions of extradition and naturalization, with caustic references to seeming inconsistencies in its attitude on several historic occasions, with commentaries on the result of the Berling sea arbitration.—154 Blackwood's Mag. 479.

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A copious citation of authorities as to what liquors are within the statutory restrictions as to sale of spirituous, vinous, fermented, and other intoxicating liquors.—20 Lawy. Rep. Ann. 645.

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An able historical address before the Missouri Bar Association on the federal judiciary. By John F. Phillips.—1 Amer. Lawy. No. 8, p. 46.

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An essay on the general rules and principles applicable in testing the validity of foreign judgments, when collaterally attacked, with citations. By H. G. Day.—3 Yale Law J. 56.

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A brief article on the liability of bailee at common law for larceny.—96 Law T. 32.

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fication in the United States, and observations on the problem how to get the best judges, and render them safe from temptation. By David Dudley Field.—27 Amer. Law Rev. 641.

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"Can the common law be codified?" A hopeless attempt by an admirer of the common law to answer his interrogatory in the negative. By W. W. Hyde.—2 Mich. Law J. 397.

An essay on the difficulty attending the introduction of a code of civil procedure, with a special reference to the practice in the state of Michigan. By George W. Moore.—2 Mich. Law J. 435.

An address on the inevitable readjustment of law as caused by the triumphant establishment of the "National Idea," by the war between the states, delivered before the Virginia State Bar Association. By Alfred P. Thom.—1 Amer. Lawy. 56.

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Lien.

— Of chattel mortgage, see "Chattel Mortgages."

— Of innkeepers, see "Innkeepers."

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A few citations on the application of the statute to the cestui que trust when the statute has run against the trustee.—7 Amer. Prob. R. 89.

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Liability of master for hiring out a negligent servant, with a special reference to the case of *Johnson v. Lindsey*, [1891] App. Cas. 371.—27 Ir. Law T. 400.

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A compilation of the Ohio decisions relating to mines and their operation.—30 Wkly. Law Bul. 229.

A thorough dissertation on the origin, development, and establishment of American mining law, with numerous citations and a carefully prepared index. An essay of great interest and value. By A. H. Ricketts.—11th Report of the State Mineralogist of California.

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A collection of authorities on special relief in suits for foreclosure.—30 Abb. N. C. 344.

A short annotation on the matter of special relief in foreclosure proceedings; the citations being confined to decisions by the New York court.—30 Abb. N. C. 345.

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A short article on the rule adopted in New Jersey forbidding a set-off in foreclosure between mortgagor and mortgagee.—16 N. J. Law J. 358.

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MUNICIPAL CORPORATIONS.

An extensive collection of authorities as to their liability for ice on streets or sidewalks.—21 Lawy. Rep. Ann. 263.

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A collection of a few and more recent authorities on the rights of abutting owners to recover for injuries by change of street grade.—7 Amer. R. & Corp. R. 72.

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A citation of the more important cases as to the validity of ordinances regulating or forbidding parades in streets, public speaking in parks, or public selling in the streets, without permit.—41 Amer. & Eng. Corp. Cas. 389.

A collection of authorities on the power of cities to prohibit the use of bicycles and the like upon roads, bridges, sidewalks, and public places.—7 Amer. R. & Corp. R. 616.

A valuable note on the liability of cities generally for injuries caused by defective streets and sidewalks.—7 Amer. R. & Corp. R. 132.

Citation of authorities as to the validity of an ordinance making the right to carry on a lawful business dependent upon the consent of neighbors.—7 Amer. R. & Corp. R. 768.

Numerous citations on the validity of ordinances prohibiting certain acts, without a permit, and leaving a permit to be arbitrarily granted or withheld.—7 Amer. R. & Corp. R. 713.

Murder.

— Of ancestor by heir, effect on descent of property, see "Descent and Distribution."

Mutual Benefit Associations.

— See "Insurance."

NEGLIGENCE.

— Of carrier, see "Carriers."
— Of cities, defective streets and sidewalks, see "Municipal Corporations."
— Of master, see "Master and Servant."

A compilation of the decisions of the various states as to the effect of the contributory negligence of the parent or custodian of a minor on the right of the minor to recover for injuries caused by negligence.—21 Lawy. Rep. Ann. 76.

Citation of authorities as to the liabilities of persons for setting fires which spread to the property of others.—21 Lawy. Rep. Ann. 255.

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A comprehensive collection of authorities on the law of accommodation paper.—Bank. Mag. Republished in 48 Alb. Law J. 347.

Admissibility of parol evidence to show who is liable as the maker of a note.—20 Lawy. Rep. Ann. 705.

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— Rights and liabilities, see "Carriers."
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A collection of the rulings of the circuit court of appeals on the effect of previous adjudications as to the validity and construction of patents.—3 C. C. A. 565.

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Interesting article on the use of photographs for the detection of crime.—Chamb. J. Republished in 27 Alb. Law J. 529.

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— Conformity of practice in federal courts to state practice, see "Courts."
— In actions by and against corporations, see "Corporations."

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Privileged Communications.

— See "Wills."

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"The Distribution of Property." Annual address before the American Bar Association

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An able article on the propriety of court management of railroads by appointment of receivers, and a review of the capacity displayed in such management.—27 Amer. Law J. 481.

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An interesting series of articles on the simplification of titles to real estate, with a special reference to the American system of registration of titles.—96 Law T. 103, 125, 152.

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Short article on the power of foreign receivers to sue, with numerous citations. By W. L. Murfree, Jr.—37 Cent. Law J. 315.

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Collection of authorities on the right of the public to inspect and examine public records. By Ardemas Stewart.—37 Cent. Law J. 395.

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Collection of decisions of the circuit court of appeals on the right to file bill of review, after decision on appeal, without leave of court.—4 C. C. A. 72.

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— Rights and liabilities, see "Carriers."

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Stockholders.

— In corporations, see "Corporations."

Strikes.

— See "Master and Servant."

TAXATION.

— Of foreign corporations, see "Corporations."

— Of railroad companies, see "Railroads."

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An essay on the power of congress to abrogate a treaty, with especial reference to the decision of the United States supreme court as to the constitutionality of the Chinese deportation act of 1893, and sustaining the views of the minority decision. By J. C. Clayton.—16 N. J. Law J. 292.

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An essay on the right of a beneficiary to follow trust funds, with especial reference to the new doctrine that, though a trust fund cannot be clearly traced into any particular asset of the insolvent estate of the trustee, yet it is sufficient to charge the estate in behalf of the beneficiary, in preference to the general creditors, to show that it had gone into and been used for the bene-

fit of his estate, with numerous citations. By Joseph H. Taulane.—48 Alb. Law J. 384.

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— Implied warranty, see "Sale."

WILLS.

— Charitable bequests, see "Charities."

A brief note on the construction of a will made with intent to disinherit the heir.—7 Amer. Prob. R. 390.

A few citations as to the validity and construction of nuncupative wills.—7 Amer. Prob. R. 589.

An instructive article on the Tilden trust, and why it failed. By James L. High.—Atlantic, October.

A short note on attestation by mark.—7 Amer. Prob. R. 38.

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A very brief note, with a few authorities, as to the test of testamentary capacity.—7 Amer. Prob. R. 563.

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An article, with a few citations, as to the admissibility of privileged communications in evidence.—37 Cent. Law J. 493.

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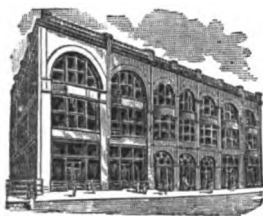
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Law Text-Book Writers.

"**N**O class of literature is more evanescent than the legal text-book. The courts and the legislature are always at work upon its material, and by the time it is appreciated it has ceased to be authoritative. The text-book writer would seem to have inscribed his name upon the sands." So says the "Law Quarterly Review."

But sometimes those sands set into monumental sandstone, and keep the names for many future generations. There is a great roll of text writers whose names are quite as familiar to lawyers as those of the greatest judges; and, indeed, many of the great judges are better known by their commentaries and treatises than through their decisions and opinions.

There are, indeed, a breed of law writers and a brand of text-books born and made for speedy oblivion. Their titles swell the

bulk of the publishers' trade lists, and go to make up the awful total of new law books. Their newness is generally their chief merit. They serve a useful purpose as temporary indexes and digests of the law of their respective subjects for the time being, but they seldom pass beyond the first or second edition, and in a few years they become obsolete, appearing only in the lists of second-hand law books as "space fillers." Writers of text-books in this class cannot hope for a much larger meed of temporal immortality than is enjoyed by their less ambitious brethren at the bar or on the bench.

But there is another class of text writers whose works cannot fairly be called "evanescent," and whose names are inseparably connected with the subjects they have treated. The "Law Quarterly" would surely except from its dictum such names as Addison, Stephens, Starkie, Lindley, Pollock, Jarman; and such American names as Greenleaf, Kent, Story, Parsons, and Washburn. The text-books by these men are being handed along from generation to generation, through new editions, and they must be considered quite as permanent as any class of legal literature. It would be invidious to name living law writers who belong to this class, and "Law Book News" will not undertake the sophomoric task of fixing their place in literature." But every reader will call to mind many contemporary authors, and even some among the younger generation, whose treatises cannot be counted among the ephemeral and evanescent law

books. But it must be freely admitted that there are enough examples of that class at hand to justify, in a general way, the moralizing of the "Law Quarterly."

Attempts to Suppress Judicial Opinions.

LAWYERS who think they think that the "multiplicity of reports" is an evil should stop to consider what the state of the practice would be if they were taken at their word, and the decisions of their courts were allowed to go unreported. This plan was tried (we are informed by Hon. David McAdam in the December "Counsellor") from January, 1830, to October, 1847, with respect to the decisions of the superior court of the city of New York. In March, 1843, the bar awoke to a realizing sense of the situation, and a memorial was presented to the court, from which we extract the following still pertinent comments:

"We exceedingly regret the great loss to the bar and to the community at large from the silence of the bench for the last ten years. A vast amount of learning has been lost to the profession, and the community has great reason for the complaint that the important adjudications of this tribunal are matters of uncertain tradition; and consequently, when similar cases occur, being without precise knowledge of the rule of action established by the court, and unable to learn it even from the bar, they are constrained to encounter the same expense and delay as if the matter had never been settled. * * * We think it quite impossible that any tribunal can sustain itself with dignity without a proper report of its proceedings."

The publication of the opinions was accordingly resumed in 1847 in Sandford's Reports, and was continued without interruption. Such has, in general, been the outcome of attempts to limit the reporting of cases. So long as the opinions are filed by the courts, the bar will demand their publication; and that is the basis of all reporting enterprises.

Law Reporting in England.

SOME people would have us believe that the system of law reporting in England is quite idyllic in its perfection, but the following, from a late number of "Law Notes," betrays the difficulties under which our British brethren are still struggling:

Messrs. Sweet and Maxwell are making a bold bid. They are issuing a new series of reports to be called "The Reports." Now, indeed,

in the matter of reports we are overdone. Already we have "The Law Reports," "The Law Journal Reports," "The Law Times Reports," "The Times Law Reports," the "Weekly Notes," and the "Weekly Reporter." In addition we are now to have "The Reports." With the limited circulation that exists for reports, we decline to believe that they can all pay; it is simply impossible. However, we are all in favor of individual enterprise as opposed to officialism. The public are best served by competition. We wish Messrs. Sweet and Maxwell all success. We, however, doubt if there is room for any new reports. True, the editor's announcement points out clearly the defects of the present reports. "Unreportable" cases (those which add nothing to our legal knowledge) are often reported,—e. g. those turning on the construction of a special form of document, those that follow prior decisions of courts of co-ordinate or superior jurisdiction, those that turn solely on the exercise of a judicial discretion, and those that turn entirely on questions of fact. These are, indeed, defects. The editor, Mr. John Mews, proposes the following remedies:

"Endeavors will be made to eliminate from the statements of fact everything that is immaterial; documents will not be set out in full unless the case turns on the actual wording, in which case the important words will be found in inverted commas; the arguments of counsel will be curtailed without restricting the number of the cases cited, (unless they are immaterial;) the headnotes, on the one hand, will be carefully revised, and rendered as concise as possible by retaining only the material facts and by expressing the result of the particular case as a proposition of law whenever such a course is practicable; whilst, on the other hand, an endeavor will be made to prevent general statements of law from being wider than the case itself warrants."

All very laudable efforts. Whether "The Reports" succeed or not, the result will be all gain to the profession, for the other reporters, frightened by the threatened competition, will read the editor's announcement, and, let us hope, act on it, and look to their own reports to see if these defects exist.

The lack of originality in the titles of the various series of law reports reminds us of the New England fashion of boxing the compass with town names. In Massachusetts the stranger is bewildered to find Newton Upper Falls, Newton Lower Falls, Newton Highlands, West Newton, Newton Center, Newtonville, and—Newton. So the English lawyers are to have, in addition to all the other reports, "The Reports."

All that is said in "Law Notes," as to the benefits to the public of "competition" and "individual enterprise as opposed to officialism" is fully borne out by the experience of the bar in the United States. Whatever may be thought of the comparative merits of the National Reporter System and the official reports, no one can question the influence which the Reporters have exerted on the state reports in respect to promptness of publication and prices.

Bernard Callaghan.

BERNARD Callaghan, founder of the great law publishing house which bears his name, died at his home in Chicago, January 29th, in consequence, it is said, of a nervous shock resulting from an attack made upon him last spring by footpads. Mr. Callaghan's life is a fine example of large success achieved from humble beginnings through adherence to right business principles. He was born in Ireland in 1822, and came to America as a poor young man in 1844. He first engaged in the lumber business in Nova Scotia and New Brunswick, and in 1848 went to Boston, where for four years he worked in various lines of business as porter, night watchman, etc. In 1852 he had the good fortune to enter the service of Little, Brown & Co., where he served his apprenticeship at the law book business, and for twelve years had the advantage of studying it under the most favorable circumstances. In 1864 he went to Chicago in company with a fellow clerk, and opened a small law book store under the firm name of Callaghan & Cutler. Later the firm became Callaghan & Cockroft, and finally Callaghan & Co. Mr. Callaghan soon caught the spirit of western enterprise, and, adding it to the sound training and detailed knowledge of the law book business which he had brought with him from the east, he entered the field of law publishing. The concern was advancing fast on the high road to prosperity when the great fire came, and destroyed everything they owned. With the characteristic Chicago pluck and determination Mr. Callaghan and his associates started in at once to retrieve their fortunes. They published many reports, and rapidly acquired a large list of text-books of a high order of merit; and it is not too much to say that they have moved the center of law publishing interests several degrees to the westward. Mr. Callaghan retired from active business life about two years ago, leaving his firm in the hands of younger men, who are amply competent to keep it up to the high traditions which he has left for them. He was a man of fine presence and admirable character, much beloved by those who were nearest to him, and honored and respected in the community and by all who had business relations with him.

A Little Library of Legal Bibliography.

THE following books, all of which when placed side by side will not occupy much more than a foot of space on the library shelf, are almost a complete working library of legal bibliography. They are not by any means all the books on the subject, as any one who has had the good fortune to see Mr. Soule's collection in his unique office in Freeman Place Chapel will remember; and yet very few of our law libraries have all of them. For this reason, and as a basis for future comment which from time to time we hope to make, and to save repetition, the titles are given substantially in full.

WORRALL. *Bibliotheca Legum Angliæ.* Part I. Or, a Catalogue of the Common and Statute Law Books of this Realm, and some others relating thereto; Giving an Account of their Several Editions, Ancient Printers, Dates and Prices, and wherein they differ. Compiled by John Worrall. London: 1788. 12mo.

BROOKE. *Bibliotheca Legum Angliæ.* Part II. Containing a General Account of the Laws and Law Writers of England, from the Earliest Times to the Reign of Edw. III. As also of the Public Records, and other authentic Law MSS. The Statutes and the several Collections and Editions thereof; the Reports, or Collections of Adjudged Cases in the Courts of Law and Equity. Together with an Account of the Principal Works upon the Law and Constitution, published during the present Reign. Compiled by Edward Brooke. London: 1788. Pages viii.-255. 12mo.

BRIDGMAN. *A short view of Legal Bibliography, containing some Critical Observations on the Authority of the Reporters and other Law Writers.* By Richard Whalley Bridgman, Esq. London: 1807. Pages xviii.-427. 8vo.

CLARKE. *Clarke's Bibliotheca Legum, or Complete Catalogue of the Common and Statute Law-Books of the United Kingdom, with an account of their Dates and Prices, arranged in a new manner. Interspersed with Observations, from the best Authorities, on the principal Works.* By John Clarke, Law Bookseller. London: 1817. Pages xx.-426, and index. 12mo.

RAM. *The Science of Legal Judgment.* By James Ram. London: 1834. Pages vi.-245. 8vo. Later Editions in America are of Philadelphia, 1835, being vol. 9 of the Law Library, and again in a separate edition in 1871.

[While Ram on Judgments is not strictly a work on Legal Bibliography, it has several chapters of acknowledged value on the subject.]

WALLACE. *The Reporters, Chronologically arranged, with occasional remarks upon their respective merits.* By John William Wallace. Philadelphia.

[The writer has not been able to ascertain the date of the first edition. 2d Edn. Phil. 1845; 3d Edn. Phil. 1855; 4th Edn. Boston. Edited by Franklin Foster Heard, 1882.]

MARVIN. *Legal Bibliography, or a Thesaurus of American, English, Irish, and Scotch Law Books. Together with some Continental Treatises. Interspersed with Critical Observa-*

tions upon their various editions and authority. By T. G. Marvin. Philadelphia: 1847. 8vo. Pages vii.-800.

BISHOP. The First Book of the Law; explaining the Nature, Sources, Books, and Practical Application of Legal Science, and Methods of Study and Practice. By Joel Prentiss Bishop. Boston: 1868. 8vo. Pages xi.-460.
[As in Ram on Judgments, there are several excellent chapters on Legal Bibliography in this book.]

SOULE. The Lawyers' Reference Manual of Law Books and Citations. By Charles C. Soule. Boston: 1883. 8vo. Pages x.-497.

DANIEL. The History and Origin of the law Reports. By W. T. S. Daniel. Q. C. London: 1884. Large 8vo. Pages 359.

BRUNNER. The Sources of the Law of England. An Historical Introduction to the Study of English Law. By Dr. H. Brunner. Translated by W. Hastie, M. A. Edinburgh: 1888. 8vo. Pages viii.-63.

To this list might be added several articles in Law Magazines, also Jones' Index to Legal Periodical Literature (Boston: 1888) and the Catalogues of the several Law Libraries in England and America, notably that of the Library of the Association of the Bar of the City of New York, (New York: 1892.)

The Legal Bibliophile.

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 edition (the fifth) of "Redfield's Surrogates' Practice" is announced by Baker, Voorhis & Co. to be published February 15th.

The new "Digest of the Northeastern Reporter" is in press, and will probably be published some time in May.

A new edition of the "National Reporter System Blue Book" is in press, giving the tables of citations of state reports for cases included in the Reporters.

All readers of Mr. James Schouler's "History of the United States under the Constitution," will be delighted to learn that the author has reconsidered his determination expressed in the fifth volume, and has concluded to add another volume, the sixth, covering the period of the Civil War and Lincoln's administration.

W. H. Anderson & Co. announce a new work by that most prolific of modern law writers, Mr. Charles Flisk Beach, Jr., to issue from their press about the 1st of March. This time Mr. Beach's work is upon "Modern Equity Practice and Procedure in all Federal Courts and all State Courts of Equity." It is to contain "numerous forms and precedents," and will be published in two large volumes.

Clark's "Handbook of Criminal Law," announced for publication by the West Publishing Company in April, is similar in plan to "Norton's Handbook of Bills and Notes," which has been pronounced by several experienced law school men "the best students' book ever published." It embodies the same general features,—an analytical presentation of the subject in black letter, followed by an extended commentary, and completed by problems. It will be used in a number of law schools this spring.

H. Gregory, of Providence, R. I., has in preparation a fac simile reprint of the "Acts and Laws | of | The English Colony | of | Rhode Island | and | Providence Plantations | In New England | In America | Made and passed since the | Revision in 1767 | New-Port: | Printed and Sold by Solomon Southwick | MDCCLXXII." It will contain 41 pages, folio, and will be limited to 50 copies, the plates being destroyed after printing. The work will be printed on antique paper, and bound in half law sheep.

The Century Company announces the "Complete Works of Abraham Lincoln" in two royal octavo volumes, uniform in style with the Century "Life of Lincoln." The work is to be edited, as was that, by Nicolay and Hay, and will comprise his speeches, letters, State papers, and miscellaneous writings. A notable feature will be a complete report of the Lincoln-Douglas debate; the speeches of Douglas, as well as Lincoln, being reported in full. These have been hitherto inaccessible, except in an out-of-print, cheap little volume of great rarity.

Law Book Notes.

A supplemental volume, bringing "Connelly's New York Citations" down to date, has been prepared by Wayland E. Benjamin, of the New York bar, and published by W. C. Little & Co. The work, as now completed, gives an account of all New York cases cited or in any way passed upon by the New York courts from 1794 to 1893.

Chicago Law Library
The University of Chicago
Chicago Law Library
Chicago Law Library

C. C. McCain of Washington, D. C., has published a "Compendium of Transportation Theories," containing 35 articles "relating to the various phases of the railway problem," with special regard to the questions involved in the interstate commerce law. Among the contributors are Judge Cooley, Augustus Schoonmaker, Chas. Francis Adams, Senator Cullom, and other well-known authorities on the subjects discussed.

A second edition of the congressional directory for the first session of the fifty-third congress, corrected to October 10, 1893, has been compiled by Francis M. Cox. This edition gives the house committees in full, and the descriptive paragraphs and illustrated diagrams relating to congressional districts are here corrected. It also indicates the new distribution of duties among the assistant secretaries of the treasury, etc.

Quizzer No. 1 of the "Quizzer Series" has been issued by the Collector Publishing Company of Detroit. It is divided into two parts,—the first consisting of 360 questions on the subject of domestic relations, arranged for students preparing for examination for admission to the bar; and the second part containing the answers. The first part is bound with blank interleaving pages. This is the first issue of a series announced to appear fortnightly, of which other numbers will take up, in similar fashion, criminal law, torts, real property, constitutional law, contracts, etc.

Subscribers for the "Federal Cases" received along with book 1 a bulky pamphlet of nearly 400 pages, bound in stout manilla, containing Tables of Cases for the series, including a "Numerical Table, showing where any case cited by its number may be found in advance of its publication in the 'Federal Cases,'" and a "Table of Citations, giving the case number of any case cited from a circuit or district court report." The advantages of the novel and ingenious arrangement of the cases in these reports are shown in these tables, which are furnished to subscribers without charge.

A claim recently put forth by Little, Brown & Co. in their "Law Book Bulletin" will startle those who have not kept up with the development of the Bacon-Shakespeare-Donnelly cryptogram business:

"It is held by a certain number of students that Lord Bacon must have been the author of some, at least, of the plays that we know only as Shakespeare's. And now comes a 'literary feller,' who throws doubt on the authenticity of

Kent's Commentaries, and quotes Shakespeare (or Lord Bacon) as his authority. And truly, if the skeptical investigator will turn to his copy of King Richard VI., part II., (Act 4, scene 7,) he will there read: 'Kent, in his Commentaries by Caesar writ,' etc."

"The Trial of Sir John Falstaff," by A. M. F. Randolph, is published by G. P. Putnam's Sons, of New York. Some readers will be apt to resent a book such as this, which seeks to tell of a well-known character in literature more than its creator ever intended. Sir John Falstaff has been treated before thus, notably by a friend of Charles Lamb's, who published a volume of "Falstaff's Letters," a venture which was not attended with success, and somehow one does not regret its failure. In this book Mr. Randolph, while adding much new matter of his own invention, uses in his dialogue on fitting occasions the very words from Shakespeare's plays, spoken by Falstaff and his companions. The "Trial" is well written, and deserves to find many readers.

This is a notable month for ambitious law book enterprises. It sees the publication of the first book of "Federal Cases," an undertaking of the first magnitude, embracing an annotated reprint of all the early decisions of the U. S. Circuit and District Courts down to the year 1880, some 20,000 in number, to make about 33 large books. Now comes the prospectus of a big series of "English Ruling Cases, with American Notes," to be published simultaneously in England and America under the International Copyright Law. The English editorial work is to be done by Robert Campbell and the American Notes by Irving Browne. There are to be "about 25 volumes" in the set, issued 3 or 4 volumes annually," so that it is likely to "see the century out." Meanwhile "The Revised Reports," (English,) to make "about 50 volumes," have ground their way along as far as volume 7.

"Diossy's New York Code of Civil Procedure for 1893," a handy pocket edition of the New York Code, appears for the third time, containing all the amendments to January 1, 1894. The publishers' announcement says: "So many changes were made by the legislature of 1893 that it is almost impossible to paste the amendments in the Code. We have therefore issued this new edition, with all the amendments in their proper places." The table of sections amended or changed by the Laws of 1893, which faces the title-page, shows about 120 sections affected by this new legislation. The numerous marginal annotations of references to decisions construe-

ing Code sections give citations to the standard New York Reports. The print is legible, but fine, as is necessary for the purpose of compactness. The book is neatly bound in flexible covers, and at the low price (\$3.50) should be very popular with all who have occasion to make frequent use of this Code.

"Bender's Lawyers' Diary and Directory for 1894" is a small octavo, printed on good paper, two days to the page. The general and special term court appointments, with the justices to hold same, are noted on the proper days; and also last days to serve notice by mail, personal notice, and for filing notes of issue. The preliminary pages include lists of New York state and county officials, general and special term court appointments with assignments in tabular form, outside of New York city and Brooklyn, and several convenient miscellaneous tables. A directory of New York lawyers outside of New York city and Brooklyn is also appended. It is neatly bound in half leather. The publishers state that a limited edition has been printed, half of which has been sold by subscription in advance, and, as there are no more plates, orders should be sent at once to secure copies. The price is \$1.50. Its value would be enhanced if it gave the assignments for county courts, surrogate courts, and courts of sessions, but as it is it will be very serviceable to New York practitioners.

A striking instance of the methods that obtain at this end of the nineteenth century is the shipment by freight of the "American Annual Digest" to all parts of the country, described in detail by the publishers in the advertising pages of "Law Book News" No. 1. That the country should have an organized judiciary grinding out opinions at the rate of 20,000 a year; that these should be gathered up, printed, and made public almost as soon as filed; that the gist of these opinions should be made accessible in one elaborate volume within six weeks after the close of the year; and that it should be necessary to engage the railroad system of the country, in addition to the express companies and the postal service, in order to meet the demand of the legal public for this "Digest,"—all are facts pointing to the momentum which civilization has attained (and in the legal branch only) up to date. Things were very different a generation ago. If the rush increases proportionately, what will our children do about it? However, the spirit of man has been found equal, so far, to all demands made upon it, and in that fact lies encouragement. The "American Digest" is the type of a large number of

special "organs" evolved during the present generation to meet the needs of the lawyers for precise and exhaustive knowledge of the multitudinous judicial decisions; and it may fairly reassure us as to the ingenuity and enterprise of the law book publishers, which will surely be equal to such new conditions as may arise in the future.

Personal.

Augustine Birrell, who is chiefly known, in this country at least, as the author of "Obiter Dicta" and "Res Judicata," (essays which, in defiance of the titles, do not relate to legal matters,) is also successful in his chosen profession of the law. Word comes over sea that he has recently "taken silk."

Mr. James A. Walsh, of the prominent law firm of Walsh & Newman, Helena, Montana, is the author and publisher of "Walsh's Perpetual Calendar and Almanac, covering each year of every century, past, present, and future, with sun, moon, and eclipse tables and chronological data." It is said to give "both new and old style calendars for 12,000 years, requiring no computation," but it is admitted on the title page that after that time a slight computation will be necessary. This apology is not called for by the statute of limitations, as the calendar in its most convenient form will serve the ordinary purposes of ordinary mortality.

Myra Bradwell, best known as the editor and publisher of the Chicago Legal News, died at her home in Chicago, February 14th. She was born in Vermont in 1831, and in 1852 married James B. Bradwell, afterwards a Judge, and the Reporter of the first 20 volumes of Illinois Appellate Reports. Desiring to assist her husband in his professional labors, she studied law with him and applied for admission to the bar; being, it is said, the first woman in the United States to make such application. Although she passed a creditable examination the court refused to admit her because she was a woman. She sued out a writ of error against the state of Illinois in the supreme court of the United States, where her case was argued in 1871 by Matt Carpenter. The judgment of the Illinois court was affirmed, but though Mrs. Bradwell never renewed her application, she was much surprised to receive a certificate of admission upon the original application and record years afterwards, when the world had moved forward to where she was, carrying the supreme court of Illinois with it. In 1868 Mrs. Bradwell founded the

Chicago Legal News, the first weekly law paper published in the Western states, and she remained its manager and editor to the time of her death. This enterprise was eminently successful, and the paper has long given evidence of great prosperity. She secured from the legislature a special charter for the "Legal News" and acts making its publication of the Illinois Laws and Supreme Court Opinions evidence in the courts, and making it a valid medium for the publication of legal notices. She was given her own earnings by special act of the legislature, and afterwards drew a general law giving married women their own earnings, and secured its adoption in 1869. The same year she began to edit and publish the Illinois Session Laws, and then, and always thereafter, succeeded in getting her edition out long before any other edition appeared. She always took the printed copy to Springfield and compared it with the enrolled laws in the office of the secretary of state before publication. Beginning with the year 1887, she published every two years a new edition of the Revised Statutes of Illinois, including the laws of the latest session. She prepared and published four volumes of the questions and answers of law students in examinations before the supreme and appellate courts.

Mrs. Bradwell was of course interested in the woman suffrage movement, and in all efforts to extend and secure the rights and privileges of her sex. She filled a large place in the life of the community in which she lived, was widely known and respected, and her death will be deeply regretted by a host of warm personal friends.

Correspondence.

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

The New (Annotated) Edition of New York Reports.

San Francisco, November 16, 1893.

West Publishing Co., St. Paul, Minnesota—Gentlemen: We are in receipt of the first 18 volumes of what is commonly called the Weed-Parsons annotated edition of the New York Court of Appeals Reports, and, in response to your inquiry of what we think of them, would say that for a number of reasons the decisions of that court are very frequently appealed to here, and hence any method by which we can quickly and surely inform ourselves of those facts which will enable us to deal in the most effective manner with the question of the weight of authority to be given to a decision of that court, when cited either for or against us,

is of great value. We have heretofore been dependent upon "Wait's Table of Cases," 1794 to 1880, Connolly's "Citations," 1794-1882, Table of citations in Vol. 2 of Danforth & Wick's Digest, The Shepard Annotations, and, as to the nisi prius reports in addition, Table in Rapalje's Digest.

These annotations and tables have been of very great value to us, but are, of course, limited in their arrangement; some of them old, and do not show citations made in the last ten to twenty years, and most of them leave the actual work of ascertaining the effect of subsequent decisions to be done by the user, and all of them require the use of several volumes instead of having the result at once before the eye. Such considerations induced us to dispose of our official reports of decisions of the court of appeals, and purchase this annotated edition, and we are well satisfied with the results.

It may be of interest to you for us to state more particularly the points in which we find this annotated edition especially useful, and they are as follows:

1. Compactness and direct information down to a late date, without material hindrance in using references to or from the official reports.

2. Concise information as to important changes effected in the law by constitutional and statutory enactments made since the decision in a given case was rendered.

3. Modifications produced by subsequent decisions of the court itself; also information as to the cases overruled, followed, distinguished, limited or criticised,—not only by later cases in the same court, but in inferior courts of the same state, where important light is often thrown on the facts or principles involved, especially valuable as assistance when it becomes necessary to avoid or insist upon the application of the principal authority cited to the facts involved in the case at bar. It is rare that two cases are exactly alike in the precise effect presented, and the most important work of the lawyer in citing or combating authorities is done in trying to show that the different facts involve or do not involve the same principle applied by the court in the leading or a powerful decision.

4. Reports of preceding or following trials of the same case. These are often especially useful where a case is cited against us, for, by examining such reports, distinctions are often suggested, and often there are authorities noted and sometimes facts set forth which readily enable one to neutralize or distinguish the authority.

5. Citations of the case by courts of other states, where it is fully distinguished, wholly or partially adopted or denied.

Yours, etc.,

Fox, Kellogg & Gray.

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 AND ENGLISH ENCYCLOPAEDIA OF LAW. Compiled under the editorial supervision of Charles F. Williams, assisted by Thomas J. Michie. V. 23. Northport, Long Island, N. Y.: Edward Thompson Co. 1893. 7+1148 pages. \$6.

Assignment for Benefit of Creditors.

III. See "Taber."

BALLARD, T. E. and Emerson E. Annotated real-estate statutes of Kentucky; the law of real property; being a complete and logical compilation of all the statutes appertaining to real estate law, with exhaustive annotations, etc. Cincinnati: W. H. Anderson & Co. 1891 [1894.] 15+794 pages. \$6.50.

BALLARD, Tilghman E. and Emerson E. The annual of the law of real property; being a complete compendium of real-estate law, embracing current case law, comparative statutory construction of the laws of the several states, and exhaustive treatises upon the most important branches of the law of real property. V. 2. 1873. Crawfordsville, Ind.: Ballard Pub. Co. 851 pages. \$6.50.

BEST, W. M. The principles of the law of evidence. By J. M. Lely. 8th Ed. 30s. International Copyright Ed. London: Sweet.

BOYER, Jos. A. Boyer's legal directory of the United States and Canada; containing a carefully prepared digest of collection laws of each state and territory, Ontario and Quebec, etc. Jan., 1894. Philadelphia: Jos. A. Boyer. 1894. 4+394 pages. \$3, net.

BRISTOWE, L. S. A legal handbook for the use of hospital authorities. London: Reeves & T. Cr. 8vo. 3s. 6d.

BRYCE, Jas. Legal studies in the university of Oxford. A valedictory lecture delivered before the university, June 10, 1893. New York: Macmillan & Co. 1893 [1894.] 35 pages 8 vo., paper, 30c., net.

BURRILL, Alexander M. A treatise on the law and practice of voluntary assign-

ments for the benefit of creditors, adapted to the laws of the various states, with an appendix of forms. Revised and enlarged by Jas. L. Bishop. Sixth edition, revised and enlarged, and an appendix of state statutes added, by James Avery Webb. New York: Baker, Voorhis & Co. 1894. 63+755 pages. \$6, net.

Business Laws.

See "Payne's Law at a Glance."

CARTMELL'S TRADE-MARK CASES. Abstract of reported cases relating to trademarks, (between the years 1876 and 1892 inclusive,) with the statutes and rules. By James Austen-Cartmell, M. A., of Lincoln's Inn, barrister-at-law. London: Sweet & Maxwell, Limited. 1893. 18+417 pages. \$6 net.

CHAPLIN, Stewart. Lecture notes on the New York law of wills, for use in connection with Chaplin on wills. New York: Baker, Voorhis & Co. 1894. 64 pages. Paper, \$1.

Code Pleadings.

See "Pomeroy on Code Remedies. 3d Ed."

COGLEY, Thomas S. The law of strikes, lockouts, and labor organizations. Washington, D. C.: W. H. Lowdermilk & Co. 1894. 15+377 pages. \$4.

COLBURN, R. T. Taxation of large estates. Philadelphia. American Academy of Political and Social Science. 1893. 3+12 pages. Publications of the society, No. 97. Paper, 15c.

The writer suggests an act for a succession tax, which seems to do away with the many objections hitherto made to such a law. The money so collected he advises shall be made a special fund in the hands of a "Council of Betterments," to be used in the helping and educating of individuals, or in the establishment of schools, societies, etc., for the improvement of mankind. (Publishers' Weekly.)

Constitutional Law.

See "Morey on the First State Constitutions."

COOK, W. W. A treatise on stock and stockholders, bonds, mortgages, and general corporation law, as applicable to railroad,

banking, insurance, manufacturing, etc., and other private corporations. 3d ed. Chicago: Callaghan & Co. 1894. 2 vols. 207+894; 5+895-2068 pages. \$12.00 net.

Corporations.

See "Cook on Stock and Stockholders."

Courts.

See "Moriarty on Paris Law Courts."

DASSLER, C. F. W. Book of forms and conveyancer's manual. For the use of lawyers, real-estate agents, etc., in Kansas. Also applicable to Oklahoma. Topeka, Kan.: Crane & Co. 1893. 442 pages. Cloth, \$4; sheep, \$5.

English Landed Interest.

See "Garnier's History."

Executors.

See "Giauque on the Settlement of Estates of Deceased Persons. (O.)"

Expert Evidence.

See "James on the Ohio Law of Opinion Evidence."

Forest Laws.

See "Rawle's Annals of the Ancient Royal Forest of Exmoor. (Eng.)"

GARNIER, Russell M. History of the English landed interest, its customs, laws, and agriculture, (modern period.) V. 2. New York: Macmillan & Co. 1894. 564 pages 8 vo., cloth, \$3.50.

GIAUQUE, Florian. The settlement of estates of deceased persons, including the subjects of wills, executors, administrators, testamentary trustees, dower, and partition, and other matters connected with such estates in Ohio, etc. Cincinnati: Robert Clarke & Co. 1893. 15+866 pages. \$6, net.

Hospital Law.

See "Bristowe's Legal Handbook for the Use of Hospital Authorities. (Eng.)"

HUBBELL, J. H., ed. and comp. Hubbell's legal directory for lawyers and business men, etc., a synopsis of the collection laws of each state, etc. 1894, (rev. to Oct. 1, 1893.) New York: The Hubbell Legal Directory Co. 1894. 1230+272 pages. \$5.

Indiana.

See "Thornton's Municipal Law of Indiana."

JAMES, Francis B. The Ohio Law of opinion evidence, expert and nonexpert. Cincinnati: W. H. Anderson & Co. 1889, [1894.] 11+85 pages. \$1.

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Mortgages.

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New York.

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See "Cook on Stock and Stockholders."

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See "Chaplin's Lecture Notes on the New York Law of Wills;" "Glaucque on the Settlement of Estates of Deceased Persons, (O.)."

Reports.

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AMERICAN STATE REPORTS; containing the cases of general value and authority subsequent to those contained in the American Decisions and the American Reports, decided in the courts of last resort of the several states; selected, reported, and annotated by A. C. Freeman. V. 32. San Francisco: Bancroft-Whitney Co. 1893. 5+999 pages. \$4.

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ported, and annotated by A. C. Freeman et al. Taken from the first 32 volumes of Amer. State Reports to illustrate the salient characteristics of that series. San Francisco: Bancroft-Whitney Co. 1894. 22 pages, (the rest has original page of volume from which cases are selected.) Half sheep, gratis.

AMERICAN STATE REPORTS. V. 33; 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. 1893. 1044 pages. \$4.

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of appeals and circuit and district courts of the United States. Permanent ed. Oct.—Dec., 1893. St. Paul: West Pub. Co. 1894. 32+1105 pages. (National Reporter System.) \$5.

ILLINOIS. Reports of cases decided in the appellate courts of the state of Illinois. V. 46. Containing cases in which opinions were filed in the first district in Oct., Nov., and Dec., 1892, and in Jan., 1893; and in the third district in April, May, and July, 1892. Reported by Edwin Burritt Smith, of the Chicago bar. Chicago: Callaghan & Co. 1893. 712 pages. \$3.50.

ILLINOIS supreme court. Reports of cases. Norman L. Freeman, reporter. V. 145, containing cases in which opinions were filed in Oct. and Nov., 1892, and in Jan., March, April, May, and June, 1893. Springfield: Printed for the reporter. 1893. 783 pages. \$2.25.

ILLINOIS supreme court. Reports of cases at law and in chancery. Norman L. Freeman, reporter. V. 146. Containing cases in which opinions were filed in Oct., 1892, March, April, May, June, and Oct., 1893. Printed for the Reporter. Springfield. 1893. 7+783 pages. \$2.25.

INDIANA. Reports of cases argued and determined in the appellate court of the state of Indiana, with tables of the cases reported and cases cited, and an index. V. 5. By John L. Griffiths, official reporter. Containing cases decided at the May term, 1892, not published in volume 4, and cases decided at the Nov. term, 1892. Indianapolis: The Bowen-Merrill Co. 1893. 19+648 pages. \$3.50.

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MICHIGAN supreme court. Reports from June 1, to July 26, 1893. W. D. Fuller, state reporter. V. 96. Chicago: Callaghan & Co. 1894. 55+707 pages. \$3.

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MISSOURI supreme court. Reports of cases. F. M. Brown, official reporter. V. 114. 1892. Columbia: E. W. Stephens. 1893. 18+736+5 pages. \$3.00.

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SOUTH DAKOTA. Reports of cases decided in the supreme court of the state of South Dakota, from the admission of South Dakota to and including the decision of March 19, 1891, with notes, references, and index. By Robert W. Stewart, state reporter. V. 1. Pierre: Carter Publishing Co. 1893. 19+688 pages. \$2.75.

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TEXAS civil appeals reports. Cases argued and decided in the courts of civil appeals of the state of Texas, during the months of April, May, and June, 1893, in the first and second districts, and the months of March, April, May, and June, 1893, in the third district. A. S. Walker, Sr., reporter Texas supreme court. V. 3. Published by the state of Texas. 1893. 25+760 pages. \$2.30.

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Statutes, Codes, and Laws.

MINNESOTA. Probate Code of the state of Minnesota. To take effect Oct. 1, 1889. As amended by the General Laws of 1891 and 1893, together with annotations of decisions rendered thereon since its passage. Compiled by W. H. Williams, Esq. St. Paul:

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NEBRASKA. Laws, joint resolutions, and memorials, passed by the legislative assembly of the state of Nebraska, at the twenty-third session, begun and held at the city of Lincoln, Jan. 3, 1893. Published by authority. Lincoln, Neb.: State Journal Co. 1893. 22+502 pages. \$1.50.

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OHIO. Combined supplement to Glauque's edition of the Revised Statutes, showing all changes therein to Jan. 1, 1894, including those shown in former supplements. Cincinnati: Robt. Clarke & Co. 1893. 47 pages. Cloth.

PENNSYLVANIA. Laws of the general assembly of the commonwealth of Pennsylvania, passed at the session of 1893, in the one hundred and seventeenth year of independence, together with a proclamation by the governor, declaring that he has filed certain bills in the office of the secretary of the commonwealth, with his objections thereto, and a list of charters of corporations organized under the corporation act of one thousand eight hundred and seventy-four, and the supplements thereto. By authority. Harrisburg: Edwin K. Meyers. 1893. 510+301 pages.

Digests.

FINCH, John A. Digest of insurance cases, embracing the decisions of the supreme and circuit courts of the United States, of the supreme and appellate courts of the various states and foreign countries, upon disputed points in fire, life, marine, accident, and assessment insurance, and affecting fraternal benefit orders. Reference to annotated insurance cases in editorials in law journals on insurance cases. For the year ending Oct. 31, 1893. Indianapolis: The Rough Notes Co., Publishers. 1893. 15+208 pages. \$2.

CONTENTS OF NEW BOOKS.

Adams' Cases on the Law of Sales.

TITLE-PAGE. Adams' Illustrative Cases on the Law of Sales. Selected by Professors of leading law schools. St. Paul, Minn.: West Pub. Co. 1893.

FROM THE PREFACE. Adams' Illustrative Cases on Sales is one of a series of "Selected Cases" issued by the publishers for the use, more especially, of law students. The name "Adams," given to this volume, is not the name of editor or compiler; but since every book, like every person, must have a

name for identification, this title has been arbitrarily chosen for that purpose, and for advantages in cataloguing. The cases are not the selection of one person, but of leading law-school professors. They are published without headnotes, but a table of contents by subject and an index are given. The cases named by different instructors as most desirable for illustrating any one branch of the law naturally differ, and, in order that this collection may be most useful to different classes, it has been made very comprehensive. As a natural consequence, it will be found to contain more cases than will probably be required by any one school. But the cases not used by one school may be the very ones most wanted in another, and it is hoped that many teachers will thus find among the cases here given all that they would have selected. The matter has been so arranged typographically that each case begins at the top of a new page, and is fronted by a blank page or two, to be used for annotations in the class room. This makes a note book in conjunction with a volume of selected cases, and it is believed that this feature will be found peculiarly valuable by the careful student.

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The Contract.

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- II. Under the Statute of Frauds. (38 cases.)
- III. When Title Passes. (78 cases.)
- IV. Inspection and Acceptance. (28 cases.)

Avoidance of Contract.

- I. By Seller. (28 cases.)
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Warranty.

- I. Express Warranty. (8 cases.)
- II. Implied Warranty. (20 cases.)

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- I. Of Seller against Buyer. (25 cases.)
- II. Of Seller against Goods. (27 cases.)
- III. Of Seller against Third Persons. (12 cases.)
- IV. Of Buyer before Obtaining Possession of Goods. (5 cases.)
- V. Of Buyer when Title to Goods has Passed. (19 cases.)

Bona Fide Purchasers.

- I. Who are. (5 cases.)
- II. Rights of. (15 cases.)

Conditional Sales.

- I. Title in Property. (7 cases.)
- II. Performance of Conditions. (3 cases.)

Gifts.

- I. Inter Vivos. (10 cases.)
- II. Donatio Causa Mortis. (6 cases.)

Ballard's Real Property Annual.

TITLE-PAGE. 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, Emerson E. Ballard, authors of "Ballard's Real-Estate Statutes of Indiana," "Ballard's Real-Estate Statutes of Kentucky," "The Ohio Law of Real Property," and editors, with Mr. Thornton, of "Thornton & Ballard's Annotated Indiana Practice Code." Crawfordsville, Ind.: The Ballard Publishing Co. 1893.

EXTRACT FROM PREFACE. We have arranged the general topics alphabetically, and the subdivision of these topics, under each general topic, logically; and, in making the index, we have placed all of the matter in both volumes under one alphabetical arrangement, and this plan will be pursued in subsequent volumes, so that the lawyer or judge who is in a hurry to find authority on a given point need consult but one index. We have endeavored to make this index so exhaustive that any principle of law pertaining to any phase of the law of real property which has been enunciated by any court of last resort in the United States since work on this series began, or which is contained in either of these volumes, can be found in a moment's time.

SYNOPSIS OF CONTENTS.

Abstracts and Abstracters; Abutting Owners; Acknowledgments; Adverse Possession; Aliens; Appeals; Bona Fide Purchaser; Boundaries; Cemeteries; Charitable Uses; Contracts; Conveyances; Corporations; Covenants; Crops and Emblements; Curtesy and Dower; Dangerous Premises; Dedication; Deeds; Descent; Description of Real Property; Easements; Ejectment; Eminent Domain; Estates; Estoppel; Execution Sales; Executors and Administrators; Fences; Fixtures; Forceful Entry and Detainer; Fraudulent Conveyances; Homestead; Husband and Wife; Infants and Insane Persons; Insurance; Judicial Sales; Jurisdiction; Landlord and Tenant; Leases; Liens; Married Women; Mechanics' Liens; Mines; Mortgages; Notice; Nuisance; Occupying Claimants; Partition; Partnership; Real Estate; Plats and Surveys; Possession; Power of Attorney; Public Lands; Quieting Title; Real Actions; Real-Estate Agent; Record of Deeds, etc.; Redemption; Resulting Trusts; Right of Way; Riparian Owners; Specific Performance; Stare Decisis; Statute of Frauds; Statute of Limitation; Taxes and Tax Titles; Tenants in Common; Trespass; Trusts; Vendor and Vendee; Waste; Water and Water Courses; Wills.

Burrill on Assignments.

TITLE-PAGE. A Treatise on the Law and Practice of Voluntary Assignments for the Benefit of Creditors, Adapted to the Laws of the Various States, with an Appendix of Forms. By Alexander M. Burrill, Author of a Law Dictionary and Glossary, a Treatise on Circumstantial Evidence, a Treatise on Practice, etc. Revised and Enlarged

by James L. Bishop. Sixth Edition. Revised and Enlarged, and an Appendix of State Statutes Added, by James Avery Webb, of the Memphis, Tenn., Bar. New York: Baker, Voorhis & Co. 1894.

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Chap. III. Voluntary Assignments Considered in Connection with the Bankrupt Law.

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PREFACE TO THE SIXTH (REVISED) EDITION. In the preparation of the sixth edition of this book, I have endeavored to better adapt it to the use of lawyers by some material changes which I have made in both its composition and arrangement. I have eliminated from the text all quotations from or references to state statutes, except where their retention, either as illustrations or as the leading point in decisions of importance, was deemed advisable, and have prepared, instead, a synopsis of the statutes of the several states and territories regulating voluntary assignments for the benefit of creditors, which is added to the text as Appendix I. The increased number and importance of such statutes in many of the states, and the fact that frequent calls are made upon counsel relative to the assignment laws of foreign states, suggested this change, which, with the balance of the work, I have undertaken to perform as best I could amid the usual interruptions of the practitioner. I have revised the forms, and eliminated all the repealed statutes, the cases construing them, and overruled cases. I have examined and cited practically all the American and English cases decided since 1877, adding nearly one thousand in number to those cited in the fifth edition. This frequently necessitated the rewriting of the text, to make it include and conform to the law as announced in the late cases, and a revision of the notes. The section names or paragraph headlines have been increased in number, and so arranged that the contents of each section or paragraph is indicated by its headline, and the contents of each chapter by a table at its beginning.

Cogley on Strikes and Lockouts.

TITLE-PAGE. The Law of Strikes, Lockouts, and Labor Organizations. By Thomas C. Cogley, a Member of the Bar of the District of Columbia, and Author of Cogley's Digest. Washington, D. C.: W. H. Lowdermilk & Co. 1894.

EXTRACT FROM PREFACE. This is the only law book in the world specially devoted

to the subject of which it treats. Only fragmentary references are to be found in other works. * * *

The subject is a peculiar one in every way. Although as old as the human race, yet there are few adjudicated cases, compared with the frequency of strikes; and they are ambushed in obscure subjects, where a person in a hurry would not think of looking for them, and are stumbled on accidentally. Not a single case has been found indexed or digested under the head of "Strikes."

There is some conflict in the cases, which has given judges considerable trouble, and which has made it difficult to decide on the best way of presenting the subject. Naturally, it is to be considered from two standpoints: First, criminal liability; second, civil. Criminally the offense of strikes, and their ramifications, boycotts, picketing, blacklisting, etc., take the form of conspiracies; while civilly the matter is easily disposed of, the parties concerned being liable in tort for damages. These two points being settled, the next logical method of treatment appears to be historically. This leads to a consideration of conspiracies at common law and under statutes. The common-law doctrine has been gone into very fully in the first chapter, the purpose being to trace the common-law definition of conspiracy from the first reported case. In doing so, the cases have been given in full, so the reader can judge for himself. The legal war growing out of this one subject has been fierce, and it is important that all the obtainable data to enable one to arrive at a satisfactory conclusion should be placed at the disposal of the reader.

In 1824 and 1825 parliament enacted some important laws on the subject of conspiracy relating to strikes, repealing the common-law rule. That date has been fixed upon as the dividing line between the old and the new law. Those statutes and the decisions under them constitute what has been denominated for convenience, in chapter two, "Modern Doctrine." But it must not be assumed from this arrangement that the law detailed in chapter 1 is wholly obsolete. All the cases cited in that chapter, particularly those relating to intimidation, etc., contain sound law, except so far as changes have been made by statute, or earlier cases overruled.

The comparatively small number of cases has made it possible to carry out the plan of giving very full extracts from them, and in some instances giving them in full. That, it is thought, will give the work a value as a handbook of authorities. Many of the cases are out of print, and cannot be procured, and most of those in England are difficult of access to a very large majority of the lawyers in this country.

TABLE OF CONTENTS.

Chap. I. Strikes as Conspiracies—Early Doctrine.
Chap. II. Strikes as Conspiracies—Modern Doctrine.
Chap. III. Strikes as Conspiracies—Boycotts—Picketing—Blacklisting.
Chap. IV. Strikes as Conspiracies—Lockouts or Rights and Liabilities of Employers.
Chap. V. & VI. Strikes as Conspiracies—In Restraint of Trade and Commerce.
Chap. VII. Labor Organizations.
Chap. VIII. Civil Remedies—At Law.
Chap. IX. Civil Remedies—In Equity.
Chap. X. Delays—Transportation—Building—Sheriff's Expenses.

Cook on Stock and Stockholders and Corporation Law.

[See Review of this work by Hon. Simeon E. Baldwin, on page 53.]

TITLE—PAGE. A Treatise on Stock and Stockholders, Bonds, Mortgages, and General Corporation Law, as applicable to railroad, banking, insurance, manufacturing, mining, telegraph, telephone, express, gas, water-works, commercial, turnpike, bridge, canal, steamship, and other private corporations. By William W. Cook, of the New York Bar. Third Edition. Chicago: Callaghan & Co. 1894.

EXTRACT FROM PREFACE TO SECOND EDITION. The remarkably rapid growth of corporations during the past twenty-five years has created a body of law which is fast becoming a system of jurisprudence in itself. In the days of Angell and Ames, corporation law was just arising, and in their great work it was impossible to give the infinite detail and subdivision of principle which now exist. In these latter days, however, a textbook on corporation law must give more than general principles and undigested citations of cases. It must explain the applications of the general principles; subdivide the topics; evolve rules from frequently recurring facts; point out the difficulties, rights, and remedies in the separate cases, as they have arisen; and give the gist of the decisions themselves.

The writer has sought to make a clear, practical, and complete presentation of the subject for the everyday use of the bench and bar. The subdivisions, the chapter subjects, and the section headings are made so as to aid in finding, without delay, the point of law in which any one may be interested. These divisions and headings have been built up from the cases themselves, and from a study of the subjects which arise most frequently in the courts and in business transactions. The writer has carefully avoided all theories, long discussions, and, as far as possible, the use of technical language. He has not hesitated to express his opinion when the occasion seemed to warrant it, but his sole

object has been to give a complete and concise statement of the law governing the subject.

EXTRACT FROM PREFACE TO THIRD EDITION. This edition contains double the amount of material found in the second edition, and has increased the size of the work to two volumes. The subjects covered by the additional material are important and extensive. Several chapters of the second edition have been rewritten, notably the chapters on corporate meetings, corporate elections, dividends, preferred stock, and "watered" stock. Moreover, the numerous cases and new principles of law that have arisen on the subject of corporations during the past four years have been embodied in the third edition.

ARRANGEMENT AND SUBJECTS OF CHAPTERS.

- Chap. 1. Definitions and Scope of Work.
- Chap. 2. Issue of Stock.
- Chap. 3. Payment for Stock—Watered Stock.
- Chap. 4. Subscriptions.
- Chap. 5. Conditional Subscriptions.
- Chap. 6. Municipal Subscriptions.
- Chap. 7. Calls.
- Chap. 8. Forfeiture of Shares for Nonpayment.
- Chap. 9. Defenses to Subscription Contracts.
- Chap. 10. Miscellaneous Defenses to Subscriptions.
- Chap. 11. Stockholders' Liability on Unpaid Subscriptions.
- Chap. 12. Statutory Liability of Stockholders.
- Chap. 13. Stockholders' Liability beyond Par Value.
- Chap. 14. Liability of Pledgeses, Trustees, Executors, etc.
- Chap. 15. Liability Affected by Transfer.
- Chap. 16. Preferred and Guaranteed Stock.
- Chap. 17. Increase, Reduction, and Overissue.
- Chap. 18. Legacies and Gifts of Stock.
- Chap. 19. Who may Buy and Sell Stock.
- Chap. 20. Sales of Stock—Gambling Sales.
- Chap. 21. Sales of Stock While Suits Pending—Lost and Stolen.
- Chap. 22. Mode of Transferring Certificates.
- Chap. 23. Rules as to Registers or Transfer.
- Chap. 24. Negotiability of Certificates of Stock.
- Chap. 25. Stockholders' Contracts.
- Chap. 26. Pledges and Mortgages of Stock.
- Chap. 27. Attachment and Execution against Stock.
- Chap. 28. Amendment to Charter.
- Chap. 29. Trusts and Unincorporated Joint-Stock Association.
- Chap. 30. Stockholders' Right to Inspect Books.
- Chap. 31. Liens for Stockholders' Debts.
- Chap. 32. Dividends on Stock.
- Chap. 33. Real Estate and Remainders.
- Chap. 34. Taxations of Shares, and of Corporations.
- Chap. 35. Action for Damages by Stockholders.
- Chap. 36. Stockholders' and Directors' Meeting.
- Chap. 37. Corporate Meetings—Elections.
- Chap. 38. Dissolution and Forfeiture.
- Chap. 39. Fraud of Directors—Rights of Stockholders and Creditors.
- Chap. 40. Ultra Vires Acts.
- Chap. 41. Intra Vires Acts.
- Chap. 42. Liability of Directors for Negligence.
- Chap. 43. Authority of Officers and Agents and Mode of Execution.

- Chap. 44. Ratification, Acquiescence, and Laches of Stockholders.
- Chap. 45. Suits of Stockholders in Behalf of Corporation.
- Chap. 46. Bonds, Notes, and Corporate Securities.
- Chap. 47. Mortgages.
- Chap. 48. Trustees and Bondholders.
- Chap. 49. Foreclosure of Mortgages.
- Chap. 50. Priority of Mortgage Lien.
- Chap. 51. Receivers.
- Chap. 52. Purchasers and Reorganization.
- Chap. 53. Railroads.
- Chap. 54. Street Railroads.
- Chap. 55. Telegraph, Telephone, Gas, Electric Light, and Other Quasi Public Corporations.
- Chap. 56. Statutory and Constitutional Provisions of all the States.
- Chap. 57. Territorial Statutory Provisions.
- Chap. 58. Federal Constitutional and Statutory Provisions.

Federal Cases.

TITLE-PAGE. The Federal Cases. 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. Book I. Aalesund-Arthur. Case No. 1—Case No. 564. St. Paul: West Publishing Co.

FROM THE PUBLISHERS' ANNOUNCEMENT. These valuable authorities have heretofore been practically inaccessible to a majority of the profession. Many were never reported at all, and of those reported many have become out of print. The publishers have aimed in this series to make a collection which shall be: Accessible, because furnished at a price that puts it within the reach of every federal practitioner. Modernized, each case being fully reported, with the addition of annotations to show its present value as an authority. Final, because so thoroughly well done that no improvement can hereafter be suggested.

It is believed that the work will be found remarkable for its thoroughness and care. Every page bears witness to the learning, labor, and painstaking accuracy of the editors.

Extensive inquiry has been made for new cases not cited and not reported in the various districts of the United States, and our search has developed a large number of important cases of this class. The most of them are in the eastern circuits, and have an important bearing upon some of the main topics of the federal jurisdiction. These will be published in the Federal Reprint for the first time.

The importance of supplementing the work of the Federal Reporter by the work now undertaken by the Federal Cases has been warmly recognized by the profession, and the publishers have received many letters expressing an interest and sympathy which they deeply appreciate. The reprint is more

than a mere commercial enterprise. The federal adjudications of the entire country will be made available in one continuous series of uniform Reports, and thus a most important chapter added to the judicial history of the nation.

Mann's Medical Jurisprudence of Insanity.

TITLE-PAGE. Mann on the Law of Medical Jurisprudence of Insanity. Devoted to a Consideration of the Legal Relations of the Insane. By Edward C. Mann, M. D., Author of "A Manual of Psychological Medicine." Albany, N. Y.: Matthew Bender. 1893.

FROM THE PUBLISHER'S ANNOUNCEMENT. Treating of the legal enactments in reference to the insane, of insanity in general, of the various forms of insanity, and of the diagnosis of insanity in relation to civil and criminal acts. The phenomena of insanity in its various forms, the effect of mental disease on the power of the mind, the psychological relations of mental disease, are all set forth with clearness. The capacity and incapacity for the management of affairs is clearly and strongly dwelt upon.

The duties of medical witnesses, the legal relations of inebriates, and the citation of cases are all carefully considered.

The frequency with which insanity is pleaded in defense of crime, the magnitude of its consequences to the parties concerned, and the perplexity in which the discussions it occasions involves the minds of judges and jurors are sufficient reasons why this work should be in the library of every lawyer, and also of every physician, who may at any time be called upon to testify in cases of insanity or doubtful mental condition.

CONTENTS.

- Chap. 1. General Considerations on Medical Jurisprudence of Insanity.
- Chap. 2. Morbid Sexual Perversions as Related to Insanity.
- Chap. 3. The Amount of Evidence Necessary for an Acquittal Where Mental Disease is the Defense.
- Chap. 4. Judicial Opinions in Cases of Note, Where Insanity was the Defense, etc.
- Chap. 5. Legal Relations of Idiocy and Imbecility—Dementia—Delusional Insanity—Melancholia—Moral or Emotional Insanity, etc.
- Chap. 6. Aid to the Lawyer in Arriving at a Judgment as to Sanity or Insanity in Cases Where Insanity is Alleged as a Defense, etc.
- Chap. 7. Expert Testimony and the Functions of Experts in Insanity, etc.
- Chap. 8. Mental Responsibility in Criminal Cases, etc.
- Chap. 9. The Legal Relations of States of Unconsciousness — Somnambulism—Catalepsy—Epilepsy—Hypnotism.
- Chap. 10. The Medico-Legal Relations of Inebriates, or Medical Jurisprudence of the Disease of Inebriety.
- Chap. 11. An Attempt to Codify the Common Law Relating to the Disease of Inebriety,

from a Clinical, Scientific, and Forensic Standpoint.

Chap. 12. The Medico-Legal Relations and Significance of Spinal Concussion and Injury—Railway Injuries.

Chap. 13. The Psychology of Crime.

Chap. 14. The Psychological Aspects of the Trial of Edward Newton Rowell, at Batavia, N. Y.

Chap. 15. The Psychological Aspect of the Case of Lucille Yaeult Dudley.

Chap. 16. Psychological Aspects of Three Cases of Infanticide, Considered in Their Relations to Forensic Medicine.

Chap. 17. A Psychological View of the Case of Charles Guiteau.

Chap. 18. Personal Identity in Murder Cases.

Chap. 19. Imbibition of Poisons.

Chap. 20. Circumstantial Evidence in Poisoning Cases.

Chap. 21. The Psychological Aspect of the Case of Prendergast, who Assassinated Mayor Harrison, of Chicago.

Merrill on Mandamus.

TITLE-PAGE. Law of Mandamus. By S. S. Merrill, of the St. Louis Bar. Chicago: T. H. Flood & Co. 1892.

EXTRACT FROM PREFACE. The law of mandamus has gradually grown up under the guidance of judicial discretion, which has produced such varying decisions from the numerous courts of last resort that it is expedient from time to time to collect the law on this subject, both to assist the practicing attorney relative to the application of the writ in new questions presenting themselves from time to time, and to aid the courts in harmonizing their views of judicial discretion.

In preparing this volume, the author has himself carefully examined every decision therein cited, and his readers may safely rely on the correctness of such citations.

TABLE OF CONTENTS.

- Definition of the Writ of Mandamus. (§§ 1-9.)
- Necessity the Origin of the Writ. (§§ 10-12.)
- Scope of the Writ of Mandamus. (§§ 13-20.)
- How far the Writ is Confined to Public Rights and Against Public Offices. (§§ 21-28.)
- General Principles Governing the Issue of the Writ of Mandamus. (§§ 29-61.)
- Discretion of Court in Issuing the Writ. (§§ 62-83.)
- Mandamus Against the State. (§§ 89-106.)
- Mandamus to the Legislative Department. (§ 107.)
- Mandamus to Public Officers and Public Corporations. (§§ 108-136.)
- The Use of Mandamus, When the Right to a Public Office or to Membership, or to an Office, in a Public Corporation, is Concerned. (§§ 137-156.)
- Mandamus to Private Corporations. (§§ 157-177.)
- Mandamus to Canvassers of Elections. (§ 178-185.)
- Mandamus to Courts. (§§ 186-212.)
- What Courts Issue the Writs of Mandamus. (§§ 213-218.)
- Relations between Federal and State Courts and Officers Relative to the Use of the Writ of Mandamus. (§§ 219-220.)

Application to Officer to Perform his Duty. (§§ 221-227.)
 Parties to Mandamus Proceedings. (§§ 228-244.)
 Pleadings and Practice in Mandamus Proceedings. (§§ 245-310.)
 Miscellaneous Principles. (§§ 311-315.)
 Forms in Mandamus Proceedings. (§§ 316-322.)

Pattee's Illustrative Cases in Equity.

TITLE-PAGE. Illustrative Cases in Equity. Selected by William S. Pattee, LL. D., Dean of the College of Law of the University of Minnesota. Second Edition. St. Paul, Minn.: West Pub. Co. 1893.

FROM THE PREFACE. These cases have been collected for use in the class room. They are not selected as "leading," but rather as "illustrative" cases, in that part of equity jurisprudence which deals with the "first principles" and the "doctrines" of equity. I have not been anxious to select those cases only wherein the decision has turned upon the principle under consideration, but I have to some extent selected those which illustrate the use that courts make of equitable principles in their arguments regarding equitable interests and estates, even though the ultimate decision may have turned upon some other point.

TABLE OF CONTENTS.

Equity Jurisprudence — Introduction—Equity—Its Origin, Jurisdiction, and First Principles.
 Part I. The Character and Extent of Equity Jurisdiction.
 Part II. The First Principles of Equity, Generally Called "Maxims."
 Part III. Equitable Property.
 Part IV. The Doctrines of Equity.
 Part V. Grounds for Equitable Relief.

Perley's Law of Interest.

TITLE-PAGE. Principles of the Law of Interest as applied by courts of law and equity in the United States and Great Britain; and the text of the General Interest Statutes in force in the United States, Great Britain, and the Dominion of Canada. By Sidney Perley, of the Massachusetts Bar. Boston: George B. Reed, Law Publisher. 1893.

FROM THE PREFACE. The need of a general knowledge of the law of interest was so apparent that for several years past the [the writer] has continued his examination of the cases bearing upon the whole subject. There are nearly 7,000 decisions cited, and these comprise all the cases of value that have been decided to the time of the examination of the proof-sheets.

On many questions in the law of interest there is such a diversity of opinion that it is impossible to harmonize the decisions. To

settle these points, statutes should be passed. And, when the great dissimilarity of the statutory laws that already exist is considered, the passage of general statutes seems imperative. Because the interest statutes of the different states are so unlike, it is deemed necessary to insert the text of those that are more general.

CONTENTS.

Chap. I. Definition and History of Interest. (Pages 1-4.)
 Chap. II. Contractual Interest. (Pages 5-21.)
 Chap. III. Interest Allowed as Damages. (Pages 22-136.)
 Chap. IV. How Interest is Barred. (Pages 137-146.)
 Chap. V. Rate of Interest. (Pages 147-156.)
 Chap. VI. Compound Interest. (Pages 157-164.)
 Chap. VII. Partial Payments. (Pages 165-171.)
 Chap. VIII. Pleading and Practice. (Pages 172-186.)
 Chap. IX. Conflict of Laws. (Pages 187-196.)
 Chap. X. Usury. (Pages 197-300.)
 Chap. XI. Interest in Equity. (Pages 301-302.)
 Chap. XII. Effect of Statute of Limitations on Interest. (Pages 303-305.)
 Chap. XIII. Interest Statutes. (Pages 306-410.)

Pingrey on Mortgages.

TITLE-PAGE. A Treatise on the Law of Mortgages of Real Property. By Darius H. Pingrey, of the Illinois Bar, Author of "A Treatise on Chattel Mortgages," etc. In two volumes. Philadelphia: T. & J. W. Johnson & Co. 1893.

EXTRACT FROM PREFACE. The design of this work is to present the law of real-estate mortgages as it is, supported by the leading and latest decisions of the courts. Therefore the author has refrained from unnecessarily obtruding his own theory. The bench and the bar want the law as it is, and use text-books as the polestar to guide them to the source,—the Reports. Every treatise derives its authority from the cases cited.

While the author acknowledges that precedents carry more weight than argument, yet he has not neglected to discuss the fundamental principles that form the basis of the law of real-estate mortgages.

The decisions of the new courts have been given due prominence. The fifteen thousand cases cited have been carefully studied, without regard to syllabi, and the author has attempted to present the principles as deduced by the courts.

TABLE OF CONTENTS.

Part I.—The Nature and Requisites of the Contract.
 Chap. 1. Definition and Development. (§§ 1-60.)
 Chap. 2. Conditional Sales, Assignments, and Chattel Mortgages Distinguished. (§§ 61-78.)
 Chap. 3. Absolute Sale Distinguished. (§§ 79-106.)

Chap. 4. Evidence to Establish the Character of the Conveyance. (§§ 107-125.)

Chap. 5. Basis for the Introduction of Parol Evidence. (§§ 126-180.)

Chap. 6. Requisites and Validity. (§§ 181-226.)

Chap. 7. Correction and Reformation. (§§ 227-270.)

Chap. 8. Equitable Mortgages. (§§ 271-306.)

Chap. 9. Vendor's Lien. (§§ 307-347.)

Chap. 10. The Parties to the Mortgage. (§§ 348-382.)

Chap. 11. Mortgagable Interests. (§§ 383-426.)

Chap. 12. After-Acquired Property. (§§ 427-462.)

Chap. 13. The Debt Secured. (§§ 463-517.)

Chap. 14. The Consideration. (§§ 518-549.)

Part II.—Relative Rights of the Parties to Insurance.

Chap. 15. Insurable Interests. (§§ 550-588.)

Part III.—Registration of the Instrument.

Chap. 16. Registration. (§§ 589-662.)

Chap. 17. The Lien. (§§ 663-716.)

Chap. 18. Construction of Registration Laws. (§§ 717-763.)

Part IV.—Contracts in Violation of Law.

Chap. 19. Usurious Mortgages. (§§ 769-799.)

Chap. 20. Fraudulent Mortgages. (§§ 800-822.)

Part V.—Rights of Parties before Default.

Chap. 21. The Rights of the Mortgagor. (§§ 823-885.)

Chap. 22. The Rights of the Mortgagee. (§§ 886-948.)

Chap. 23. Assignment of Mortgage and Debt. (§§ 949-1006.)

Chap. 24. Transfer of the Mortgaged Property. (§§ 1007-1052.)

Chap. 25. Merger. (§§ 1053-1083.)

Chap. 26. Subrogation. (§§ 1084-1119.)

Chap. 27. Payment of the Debt. (§§ 1120-1218.)

Chap. 28. Discharge and Release. (§§ 1219-1312.)

Part VI.—Rights of Parties after Default.

Chap. 29. Foreclosure of Power of Sale Mortgages and Trust Deeds. (§§ 1313-1474.)

Chap. 30. Power of Sale Mortgages and Trust Deeds—Statutory Provisions. (§§ 1475-1527.)

Chap. 31. The Right to Foreclose. (§§ 1528-1575.)

Chap. 32. Foreclosure by Taking Possession. (§§ 1576-1623.)

Chap. 33. Foreclosure by Writ of Entry. (§§ 1624-1664.)

Chap. 34. Parties to an Equitable Foreclosure. (§§ 1665-1735.)

Chap. 35. Foreclosure in Equity. (§§ 1736-1790.)

Chap. 36. The Appointment of a Receiver. (§§ 1791-1816.)

Chap. 37. Strict Foreclosure. (§§ 1817-1855.)

Chap. 38. The Decree. (§§ 1856-1904.)

Chap. 39. The Sale. (§§ 1905-1998.)

Chap. 40. Application of Proceeds. (§§ 1999-2026.)

Chap. 41. The Deficiency. (§§ 2027-2054.)

Chap. 42. Statutory Foreclosure and Redemption. (§§ 2055-2103.)

Chap. 43. Accounting. (§§ 2104-2136.)

Chap. 44. Redemption. (§§ 2137-2227.)

Chap. 45. Redemption Barred. (§§ 2228-2251.)

Rapalje on Real Estate Brokers.

TITLE-PAGE. The Law Relating to Real Estate Brokers, as Decided by the Ameri-

can Courts. New York: L. K. Strouse & Co. 1893.

FROM THE PUBLISHERS' ANNOUNCEMENT. The business of real estate brokers within the last few years has grown to extensive proportions. Many hundreds of decisions, involving the relation of principal and broker with respect to real estate transactions, have been reported in the various jurisdictions, so widely scattered and inaccessible as to create the necessity for a book on the subject.

CONTENTS.

Part I.—Powers, Duties, and Liabilities.

Chap. 1. Appointment and Relation with Principal.

Chap. 2. The Broker's Authority and Duty.

Chap. 3. Acting for Both Parties.

Chap. 4. Broker Acting for Himself.

Chap. 5. Execution of Contract by Broker.

Chap. 6. Power to Bind Principal.

Chap. 7. Liability to Principal.

Chap. 8. Liability to Purchaser.

Chap. 9. Ratification.

Chap. 10. Revocation.

Part II.—Compensation.

Chap. 11. Right to Commissions Generally.

Chap. 12. The Contract to Pay Commissions.

Chap. 13. Commission, When Earned.

Chap. 14. Who Liable for Commissions, and to What Amount.

Chap. 15. Commissions from Both Parties.

Chap. 16. Acts of Principal Intended to Deprive Broker of Commissions.

Chap. 17. Sale through Another Broker.

Chap. 18. Transactions Closed Directly with Principal.

Chap. 19. Failure of Purchaser to Perform.

Chap. 20. Objections to the Title.

Chap. 21. Procedure in Suits for Commissions.

FROM THE PUBLISHERS' ANNOUNCEMENT. This work treats of the validity of personal rights and titles to property derived through defective judicial proceedings. As the bulk—one might say, by average, all—of the property of the country passes through the probate courts alone each thirty years, on records and proceedings more or less defective, the importance of the work is at once seen. All lawyers examining it are astonished at the magnitude and complication of the subject, and at the conflicting opinions of the courts of final appeal, and at the vast research of the author. The conflict of authorities forced the author to criticise the courts and their decisions in many cases, and the impartiality and discernment of the subject here shown by Judge Vanfleet have won for him and his work very high approval. More than 1,700 decisions in the English courts and those of the United States are criticised and condemned on principle and authority.

Sections of special note in the work are: § 1. Concerning the principle which governs in a collateral attack.

§§ 2, 3. Defining and illustrating the difference between direct and collateral attack.

§ 17. Distinguishing and illustrating the difference between *res judicata* and collateral attack. On this point every court in the Union has at some time gone astray, sacrificing millions of property.

§§ 58-67. Showing what gives jurisdiction, and how and where it is adjudicated.

Waples on Homestead and Exemption.

TITLE-PAGE. A Treatise on Homestead and Exemption. By Rufus Waples, LL. D., Author of "A Treatise on Attachment and Garnishment," "A Treatise on Proceedings in Rem," "A Manual on Parliamentary Practice," etc. Chicago: T. H. Flood & Co. 1893.

EXTRACT FROM PREFACE. In following the plan of the principal topic, as shown in the accompanying diagram, I have treated settled questions with brevity by stating the points and citing the authorities; but in dealing with the numerous new questions arising in the last fifteen years, especially those out of the ordinary, I have found it necessary, to present positions more elaborately, to give the statutes with the constructive decisions, and sometimes to follow them with a running commentary. The purpose has been to reduce this very statutory subject to a degree of system, so far as the several state statutes approach uniformity.

TABLE OF CONTENTS.

- Chap. 1. Leading Principles. (Pages 1-21.)
Chap. 2. Construction. (Pages 24-52.)

- Chap. 3. Family Headship. (Pages 57-98.)
Chap. 4. Ownership. (Pages 102-143.)
Chap. 5. Dedication. (Pages 146-169.)
Chap. 6. Occupancy. (Pages 175-205.)
Chap. 7. Limitations of the Value and Quantity of Realty. (Pages 208-231.)
Chap. 8. Exempt Business Places. (Pages 232-254.)
Chap. 9. Quasi Estate of Homestead. (Pages 256-272.)
Chap. 10. Liabilities. (Pages 276-327.)
Chap. 11. Liability for Purchase Money and Improvements. (Pages 331-361.)
Chap. 12. Restraint of Alienation. (Pages 370-403.)
Chap. 13. Restraint of Alienation — Cont'd. (Pages 405-443.)
Chap. 14. Restraint of Testamentary Disposition. (Pages 446-465.)
Chap. 15. Sale, with Homestead Use Reserved. (Pages 469-496.)
Chap. 16. Fraud. (Pages 499-536.)
Chap. 17. Waiver. (Pages 539-556.)
Chap. 18. Abandonment. (Pages 558-584.)
Chap. 19. Rights of the Surviving Spouse. (Pages 589-608.)
Chap. 20. The Widow's Homestead. (Pages 611-636.)
Chap. 21. The Children's Homestead. (Pages 643-655.)
Chap. 22. Allotment to the Debtor. (Pages 661-677.)
Chap. 23. Pleading and Practice. (Pages 681-758.)
Chap. 24. Exemption of Personality. (Pages 763-787.)
Chap. 25. Things Exempt. (Pages 791-818.)
Chap. 26. Incorporeal Things and Money. (Pages 822-842.)
Chap. 27. Exemption Enforced. (Pages 847-872.)
Chap. 28. Exempting Attached Chattels. (Pages 876-900.)
Chap. 29. Exemption Denied in Certain Suits, etc. (Pages 903-921.)
Chap. 30. Federal Homesteads. (Pages 924-952.)

REVIEWS OF NEW BOOKS.

[We have received copies of the following books for notice in "Law Book News," and reviews of them will be given in early numbers:

Cogley on Strikes and Lockouts.
Lloyd on Building and Buildings.
Jones on Liens.
Jones on Chattel Mortgages.
Jones' Forms of Conveyancing.
Lea's Superstition and Force.]

Cook on Stock and Stockholders.¹

[See table of contents and other descriptive matter on page 48.]

The third edition of this work has expanded it into two portly volumes of over a thousand pages each. The book in its original shape found its way at once to general fa-

vor, and it seems to be the fate of every good law book to pass before long from one volume into two. For the general practitioner there is much of the new matter which adds little of value. This is particularly true of the 350 pages given to a statement of the constitutional and statutory provisions of each of our states relating to corporations. To a corporation lawyer or promoter, who wants to organize a new concern wherever the laws are most favorable, this information will be valuable for a year or two, and it can be found nowhere else in so compact and well-digested a form; but half the statutes of any state that are thus set out may be repealed at the next session of its legislature, and no one is ever safe in organizing a corporation without the full text of the laws that govern it at hand, including all the session laws passed after the latest revision.

The great merit of Mr. Cook's achievements

¹ Cook on Stock and Stockholders and Corporation Law. Third Edition. 2 vols. 2,068 pages. Chicago: Callaghan & Co., 1894.

In the field of corporation law is that he has approached it from the right side. The old law books took up the subject from the standpoint of an outsider, who was bent only on ascertaining the extent and limitations of corporate powers. Mr. Cook begins from the standpoint of an owner, who is or desires to be directly interested in the organization, and to whom methods of incorporation and internal action are of the first importance. The law of noncommercial corporations has not been developed very far beyond what it was in the time of Blackstone. The principles of the law of charities are as undying as the charities themselves. It is the modern business corporation, formed to make money out of it, or out of somebody else, that now absorbs most of the attention of the lawyer in extensive practice in any large commercial community.

Mr. Cook is himself a member of a leading firm of corporation lawyers in New York, and has brought to the service of each successive edition of his work a greater and greater stock of experience gathered in the actual work of the profession. There are legal topics which can be handled satisfactorily by a law professor who retired from the bar 20 years ago, or by a young lawyer, of good abilities and education, whose practice is still among the things not seen but hoped for. Of these topics, corporation law is not one. Like the plans of Providence, it is "unfolding every hour." A man must be in it, to know it. A hundred years ago there were hardly a hundred business corporations in the whole country. A hundred cannot spread and multiply into a hundred thousand without necessarily creating a new body of law and practice.

The most valuable part of Mr. Cook's work is still that which fell within the compass of the single volume of his first edition. The general field of private corporations, considered without special reference to stock interests, was adequately covered by Morawetz. As compared with the work of the latter, we find in the volumes under review less of the personality of the author. Mr. Cook is seldom anxious to reform the law, or to make it symmetrical, by throwing the weight of his authority against any position taken by the courts, while Mr. Morawetz is

often at pains to dissent from judicial conclusions, even if generally accepted, if he deems them at variance with the true, controlling principle. On the other hand, Mr. Cook fortifies his positions with much more in the way of citation of authorities, and his notes are fast coming to bear the same relation to the text that Coke's commentaries stand in as to Littleton on Tenures. He is stronger in dealing with new questions than in reviewing the precedents and institutions of the past. A remark of Chancellor Bland, in his old Maryland chancery reports, for instance, is relied on as authority for the statement that before the Revolution there was not such a thing in America as a private corporation formed for business purposes; but as early as 1731, the colony of Connecticut incorporated the "New London Society for Trade and Commerce United," with a capital stock, the owners of which were to vote at corporate meetings in proportion to their interest, and with powers so broad that its directors soon ventured on the issue of circulating bills as currency.

Among the most valuable parts of Mr. Cook's work are those treating of trusts and combinations, voting trusts, street railways, reorganizations, and the removal of officers, —all presenting obscure questions which the judicial history of the last few years has done much towards clearing up, and something towards solving. Frauds of directors and promoters are also discussed with fullness and precision. In considering subjects of this sort, which have been the theme of general investigation by the public, the author has done his readers a service by frequent references to special monographs in reviews and legal periodicals, which would otherwise soon pass from the memory of a busy lawyer, if indeed he ever heard of them at all.

The work is marred by a few errors of proof reading, as where, in section 704, we are told that "a corporation may enter into any contract which is within its express or implied powers, and which is not *malà in se*."

Hartford, Conn., February, 1894.

Amos E. Bates

OTHER OPINIONS OF NEW BOOKS.

American Digest (Annual for 1893.)

[See other notices of this work on page 18, No. 1, Law Book News.]

The "American Digest" for 1893 is a remarkable volume. Its more than 2,800 pages

of closely-printed matter is sufficient evidence of the appalling rapidity with which the accumulation of case law is going on; but while this continues, and while all efforts to emancipate the legal profession from their dependence upon the cases are so far from success, there can be no doubt of the

service which the West Publishing Company is doing by its National Reporter System and this annual index to its publications. The assistance thus given in finding the latest decisions on any subject is partly indicated by the fact that this one volume, prepared with much attention to detail and arrangement, and with every mechanical aid, contains references to every decision for a year past of the highest court in any state or territory, and of many other courts besides.

—The Nation.

This publication, which appeared about the middle of October, is indispensable to the lawyer who desires to keep up with the whole current case law. It is one of a series, prepared and published annually by the West Publishing Company, which forms a complete digest of American law. The arrangement of the large volume which the summary of all the decisions of the United States courts, all the courts of last resort and the intermediate courts of several states makes, facilitates its use. The subjects are arranged alphabetically, and the Denison Index enables one to turn immediately to the topic he wishes to examine. The classification and subdivisions, together with cross references and the tables of the cases digested, overruled, and affirmed, render it very convenient.

—Yale Law Journal.

Fitnam's Colorado Practice.

The citations are almost exclusively of Colorado cases, which have no positive and binding force outside of that State, excepting the chapter on Writs of Error, which contains a few citations of Illinois cases. The fact that the practice of most of the States was settled before Colorado became admitted does not add to the value of the decisions of her courts to practitioners of outside States. Nevertheless the work is very well written and neatly gotten up. It is a thorough and exhaustive review of the decisions of the Colorado Court; and while we could not undertake to recommend it to practitioners outside of that State, we judge, from its general character and style, that it will prove indispensable to the lawyers of Colorado.

—American Law Review.

This work is intended as a guide to a correct practice in Courts of Review; and the author's aim has been to point out "what to do, and how to do it." Although based chiefly on the Colorado law and decisions, the work will apply in a great measure to

the procedure in Courts of Review in other States. To Colorado lawyers this book will be invaluable, and those in other States where the practice is similar will find it of much assistance.

—The Green Bag.

Murfree on Foreign Corporations.

The author modestly calls his treatise, "this little book;" but it contains 345 pages of text, and cites about 1,400 cases, besides many applicatory statutes. The subject is one which abounds in difficulties and complications, growing out of the peculiarities of our American system of government. * * *

Mr. Murfree refers, of course, to the tendency of the Federal courts to enlarge their jurisdiction,¹ but with that cautious habit which characterizes his writings. He declines "to go into the merits of this controversy;" and it is of course, the privilege of a writer, who is merely seeking to state what the law is, as it rests in the judicial decisions, to avoid the discussion of controverted questions; and perhaps it is wiser to do so. It should be said that the author is eminently honest in an intellectual sense; that his methods of work are slow, plodding and painstaking; that he digs into every case, and examines it with patient care, and presents its doctrines in clear language. His powers of analysis are of the very best, and his statements of legal doctrine are lawyer-like and absolutely clear. But, as before said, he offers his own opinions with great caution, perhaps with timidity. * * *

We have, here, then, a well-printed book, written by a very competent lawyer, examining about 1,400 cases, covering one of the most complicated and interesting topics in our law. The mere suggestion of this fact is enough to indicate that every lawyer, who deals much with the subject of corporations, will regard his library as incomplete without it. We note an especially good index, but feel obliged to add that the publisher has not bound the book in as good a leather as he should have used.

—American Law Review.

The method of classification and division may be said to be a reasonably good one, when the complexity of the subject is taken into consideration. The author is especially to be commended for not yielding to the temptation of incorporating into his work discussions upon general questions of cor-

¹ Section 325.

poration law which have no peculiar applicability to foreign corporations. He has, in other words, avoided the error into which almost all of those who have written upon this subject before him have fallen.

In addition to this negative commendation it may be said that the author has succeeded in placing before his readers a succinct and accurate statement of the many important legal principles which underlie this branch of the law. The summary statements of judicial decisions with which the text abounds are comprehensive and clear, and, in general, satisfactory. It is, of course, true that the aim of the work is to represent the condition of the law to-day without reference to the stages of development which have gone before, and with little regard for the tendencies which may mould the development of the law in the future. It is but natural, therefore, that the work should lack perspective and that it should have but little intellectual interest for students. It is, however, "practical" and "useful," and it will, therefore, doubtless find a ready market. —"G. W. P." in *American Law Register and Review*.

Norton on Bills and Notes.

[See Contents and other descriptive matter on page 21, No. 1, *Law Book News*.]

Very often, nowadays, we see enumerated, as one of the first merits of a book, that it is "adapted both to the needs of the student and the requirements of the profession." Sometimes the author is fairly successful in serving his two masters; but too often the attempt to carry out this dual purpose lessens the value of the work to both classes for which it was designed. It may be safely said that, as a rule, the author who contents himself with carrying out one purpose or the other will be the more successful. Professor Norton has gone upon this theory in preparing this work. He has prepared a work expressly for students of law, wherever they may be found, either in the law office or in the law schools, and has eliminated everything not essential to the student. The necessity of a most thorough knowledge of the fundamental principles relating to this important branch of the law is too well known to require comment.

Both the author and the publisher have kept the needs of the student constantly in view. The mechanical and typographical arrangement is most excellent. In this the plan of Professor Knowlton's "Anson on Contracts" is quite closely followed. Black letter paragraphs running through the book, giving a brief and analytical presentation of the principles and rules of the subject, con-

stitute a complete, but concise, synopsis. After reading the commentary which follows, a recurrence to these analytical paragraphs will fix the principles firmly in mind. At the end of each chapter are given several problems in the form of hypothetical cases, almost any of which may be any day met with in actual practice. For the purpose for which it is designed, the work is certainly most admirably adapted. It will, without doubt, be adopted as a text-book in many law schools.

—Michigan Law Journal.

In this work Mr. Norton has collected from the pages of text writers and from the opinions of judges apt statements of the principles underlying the law of bills and notes. The plan which the author has followed in constructing the book involves the statement of a general principle in heavy type, followed by a discussion of the statement in a style both terse and clear, with references to the text-books and judicial decisions which bear upon the subject under investigation. The chapter, in most instances, ends with a numbered list of "problems," somewhat after the fashion familiar to us in the case of treatises upon arithmetic and algebra.

Chapter I. treats of negotiability so far as it relates to bills and notes. Chapter II. deals with negotiable bills and notes, and their formal and essential requisites; chapter III., with acceptance of bills of exchange; and chapter IV., with indorsement. In chapter V. the author discusses the nature of the liabilities of the parties, and in chapter VI. the subject of transfer. Chapter VII. is occupied with a discussion of defenses commonly interposed against a purchaser for value without notice. Chapter VIII. treats of the purchaser for value without notice. The subject of chapter IX., the concluding chapter, is "Presentment and Notice of Dishonor."

As a concise statement of the law upon this important subject, the book deserves high commendation. The classification is in the main excellent, the author having, in respect to the position of the purchaser for value without notice, exercised a sound discretion in adopting Prof. Ames' division of the subject. The author is happy in the possession of a faculty for clear statement which has resulted in making plain many points with respect to which the utterances of most text writers are involved in an almost impenetrable obscurity. The problems are well stated, and they form, upon the whole, an admirable basis for quiz work.

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—American Law Register and Review.

Smith on Personal Property.

This work contains 450 pages. The table of cases occupies 78 pages. The volume is divided into 15 chapters. The arrangement is good. The subjects of the various chapters are concisely stated and the volume is devoid of surplusage. The author says the plan and object of the work is to bring the leading essential principles of the law of personal property within a narrow compass, and in such a manner as to serve the following purposes: First, to furnish the student with the means of acquiring an adequate and discriminating knowledge of the subject, without unnecessary and confusing discussion; second, the practitioner with a ready and reliable solution of questions arising in the exigencies of his professional business, when time is wanted for extended research; and third, to meet the want of those outside the legal profession who may desire to obtain a knowledge of the general principles of the subject as a qualification for business, or an essential to a liberal education, but are unable to devote much time to the study. We can not better express it than to say that Dr. Smith administers the law of personal property in scientific homeopathic doses.

—Chicago Legal News.

Snyder's Mechanics' Lien Law (N. Y.)

A new edition of an annotated edition of the Mechanics' Lien Laws would not be justified by the amendments which have been made to those laws in the last three years, but there is an ever increasing number of decisions, of which a number have appeared since the publication of the first edition of this book. No very extended commentary on it is necessary as it has proved its usefulness, being practically the only book on the subject much used in this State. An examination of this new edition shows that its annotations are complete as far as the decisions of our own Courts are concerned.

As to decisions in other States, its scope might well be extended. There are also some matters which might well be omitted as not belonging in such a work; for instance, the Married Woman's Act of 1884; the information that the Legislature has this year defined a seal; that eight hours is a legal day's work, and the liens of livery stable keepers and boarding house keepers certainly cannot be called mechanics' liens. The forms are excellent and can be safely used.

—"T. C." in N. Y. Law Journal.

Leading Text Books Published this Year.

Benedict's Admiralty. 3d edition..	6 00 net	Jones' Forms of Conveyancing. 4th edition	6 00 net
Cogley on Strikes & Lockouts.....	4 00 net	Lloyd's Law of Buildings. 2d edition. Cloth, \$4.50. Sheep.....	5 00 net
Cook on Stocks. 2 vols. 3d edition	12 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		

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 Jurisprudence. 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 edition	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
Mechem's Cases on Agency.....	4 00 net	Wood on Limitations. 2d edition. 2 vols.....	11 00 net
Murfree on Foreign Corporations..	4 00 net	Warvell on Abstracts. 2d edition..	6 00 net
Norton on Bills and Notes.....	3 50 net	Wood on Nuisances. 2 vols.....	12 00
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.

Abb. N. C.....	Abbott's New Cases, Dossy Law Book Co., New York City.	J. P.....	Justice of the Peace, London, Eng.
Alb. Law J.....	Albany Law Journal, Albany, N. Y.	Jurid. Rev.....	Juridical Review, London, Eng.
Amer. Banker.....	American Banker, New York City.	Lack. Jur.....	Lackawanna Jurist, Scranton, Pa.
Amer. Law J.....	American Law Journal, Philadelphia.	Lanc. Law Rev.....	Lancaster Law Review, Lancaster, Pa.
Amer. Lawy.....	American Lawyer, New York City.	Law Ex. J.....	Law Examination Journal and Law Student's Magazine, London, Eng.
Amer. Law Reg. & Rev.....	American Law Register and Review, Philadelphia.	Law J.....	Law Journal, London, Eng.
Amer. Prob. R.....	American Probate Reports, Baker, Voorhis & Co., New York City.	Law Mag.....	Law Magazine, London, Eng.
Amer. R. & Corp. R.....	American Railroad and Corporation Reports, E. B. Myers & Co., Chicago.	Law Notes.....	Law Notes, London, Eng.
Amer. St. Rep.....	American State Reports, Bancroft-Whitney Co., San Francisco.	Law Quart. Rev.....	Law Quarterly Review, London, Eng.
Amer. & Eng. Corp. Cas.....	American and English Corporation Cases, Edward Thompson Co., Northport, Long Island, N. Y.	Law Student's Helper.....	Law Student's Helper, Detroit, Mich.
Amer. & Eng. R. Cas.....	American and English Railroad Cases, Edward Thompson Co., Northport, Long Island, N. Y.	Law T.....	Law Times, London, Eng.
Atl. Mo.....	Atlantic Monthly, Boston.	Lawy. Rep. Ann.....	Lawyers' Reports Annotated, Lawyers' Co-operative Pub. Co., Rochester, N. Y.
Aust. Law T.....	Australian Law Times, Melbourne, Australia.	L. C. Jur.....	Lower Canada Jurist, Montreal, Can.
Banker & Tradesman.....	Banker & Tradesman, Boston.	Leg. Int.....	Legal Intelligencer, Philadelphia.
Banking Law J.....	Banking Law Journal, New York City.	Mich. Law J.....	Michigan Law Journal, Grand Rapids, Mich.
Bank Mag.....	Bankers' Magazine, London, Eng.	Minn. Law J.....	Minnesota Law Journal, St. Paul, Minn.
Blackwood's Mag.....	Blackwood's Magazine, London, Eng.	Med. Leg. J.....	Medico-Legal Journal, New York City.
Brief.....	The Brief, London, Eng.	Mont. Leg. N.....	Montreal Legal News, Montreal, Can.
Can. Law J.....	Canada Law Journal, Toronto, Can.	Morr. Min. R.....	Morrison's Mining Reports, Callaghan & Co., Chicago.
Can. Law T.....	Canadian Law Times, Toronto, Can.	Nat. Corp. Rep.....	National Corporation Reporter, Chicago.
C. C. A.....	United States Circuit Court of Appeals Reports, West Pub. Co., St. Paul, Minn.	Nation.....	The Nation, New York City.
Cent. Law J.....	Central Law Journal, St. Louis.	Neb. Leg. N.....	Nebraska Legal News, Lincoln, Neb.
Cent. Mag.....	Century Magazine, New York City.	N. J. Law J.....	New Jersey Law Journal, Plainfield, N. J.
Chi. Leg. N.....	Chicago Legal News, Chicago.	North Amer. Rev.....	North American Review, New York City.
Civil Proc. R.....	New York Civil Procedure Reports, S. S. Peloubet, New York City.	N. W. Law Rev.....	Northwestern Law Review, Chicago.
Collector.....	The Collector and Commercial Lawyer, Detroit, Mich.	N. Y. Crim. R.....	New York Criminal Reports, S. S. Peloubet, New York City.
Columbia Law T.....	Columbia Law Times, New York City.	N. Y. Law J.....	New York Law Journal, New York City.
Counsellor.....	The Counsellor, New York City.	Pall Mall Mag.....	Pall Mall Magazine, London, Eng.
Crim. Law Mag.....	Criminal Law Magazine, Jersey City, N. J.	Pittsb. Leg. J.....	Pittsburgh Legal Journal, Pittsburgh, Pa.
Daily Balt. Rec.....	Daily Baltimore Record, Baltimore, Md.	Rough Notes.....	Rough Notes, Indianapolis, Ind.
Dublin Rev.....	Dublin Review, Dublin, Ire.	Ry. & Canal Traffic Cas.....	Railway & Canal Traffic Cases, Sweet & Maxwell, London, Eng.
Edinburgh Rev.....	Edinburgh Review, Edinburgh, Scot.	Ry. & Corp. Law J.....	Railway and Corporation Law Journal, New York City.
Forum.....	The Forum, New York City.	Scot. Law Rev.....	Scottish Law Review, Glasgow, Scot.
Green Bag.....	Green Bag, Boston.	Scrib. Mo.....	Scribner's Monthly, New York City.
Guide.....	The Guide, Kalamazoo, Mich.	State Affairs.....	State Affairs, Lansing, Mich.
Harp. Mag.....	Harper's Magazine, New York City.	University Law Rev.....	University Law Review, New York City.
Harv. Law Rev.....	Harvard Law Review, Cambridge, Mass.	Wash. Law R.....	Washington Law Reporter, Washington.
Ins. Law J.....	Insurance Law Journal, New York City.	Wkly. Law Bul.....	Weekly Law Bulletin and Ohio Law Journal, Columbus, Ohio.
Iowa Univ. Law Bul.....	Law Bulletin of Iowa University, Iowa City, Iowa.	Wkly. Rep.....	Weekly Reporter, London, Eng.
Ir. Law T.....	Irish Law Times, Dublin, Ire.	W. N. C.....	Weekly Notes Cases, Kay & Brother, Philadelphia.
		Yale Law J.....	Yale Law Journal, New Haven, Conn.

TOPICAL DIGEST.

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

ACCORD AND SATISFACTION.

Collection of authorities as to the effect of part payment as accord and satisfaction.—20 Lawy. Rep. Ann. 785.

ADJOINING LANDOWNERS.

A long and valuable note with numerous citations as to the right to adjacent support.—33 Amer. St. Rep. 446.

Alimony.

— See "Divorce."

ASSIGNMENT FOR BENEFIT OF CREDITORS.

— Power of corporation to make, see "Corporations."

A short note upon the duty of an assignee for the benefit of creditors when the assignor is sued on a doubtful claim.—1 University Law Rev. 8.

ATTACHMENT.

A short article on the right to attach the property of a foreign insolvent assignor under the decisions of the state of New York.—10 N. Y. Law J. 1006.

ATTORNEY AND CLIENT.

— License of attorney in argument, see "Trial."

Report of a committee of the New York State Bar Association on the necessity of legislation on admission to the bar.—49 Alb. Law J. 23.

A collection of authorities as to the right of women to practice law, with a citation of the statutes of various states.—21 Lawy. Rep. Ann. 701.

Baggage.

— Of passengers, see "Carriers."

BAR ASSOCIATIONS.

Addresses delivered before the New York State Bar Association.—49 Alb. Law J. 37.

Bills and Notes.

— See "Negotiable Instruments."

CARRIERS.

A note with numerous citations as to what constitutes the baggage of a passenger.—By John D. Lawson. 38 Cent. Law J. 5.

An extended note on the liability of a carrier for injury or improper treatment received by a passenger from the violence of a fellow passenger, when such treatment is due to the negligence or willful misconduct of the carrier or its servants.—32 Amer. St. Rep. 90.

A criticism of the decision in the case of Attorney General v. Old Colony R. Co., 35 N. E. 252, holding unconstitutional the law providing for the issue by each Massachusetts railroad of mileage tickets to be received upon every railroad in the state.—By J. H. Beale, Jr. Harv. Law Rev. 356.

CHARITIES.

A valuable note on the proper application of the rule against perpetuities to charitable devises and bequests. An annotation of Lennig's Estate, 25 Atl. 1049.—By W. H. Loyd, Jr. 33 Amer. Law Reg. & Rev. 63.

A few citations on the validity of charitable devises and bequests.—7 Amer. Prob. R. 372.

Collateral Security.

— See "Pledge."

CONSTITUTIONAL LAW.

— Issue of interchangeable mileage tickets, see "Carriers."

A valuable and interesting article on the origin and scope of the American doctrine of constitutional law, read at Chicago, August 9, 1893, before the Congress on Jurisprudence and Law Reform.—By James B. Thayer. 7 Harv. Law Rev. 129.

CONTRACTS.

— To make a will, see "Wills."

A short article on the question of extras in building contracts, with relation to the difficulty of determining what is an extra, and whether it was duly authorized.—Justice of the Peace. Reprinted in 28 Ir. Law T. 7.

A short article on contracts of machine companies, with a few citations.—5 Collector, 114.

An interesting note as to the doctrine that malicious procurement of a breach of contract is an actionable tort.—7 Harv. Law Rev. 180.

CONVERSION.

A long note, with many citations, on the nature of equitable conversion by terms of will, being an annotation of the case of

Hite v. Hite, 20 S. W. 778.—By J. H. Rhoades. 33 Amer. Law Reg. & Rev. 49.

COPYRIGHT.

A short essay on the result of the copyright law.—By George H. Putnam. Forum, January.

CORPORATIONS.

— Service of writ on nonresident corporations, see "Writs."

— Taxation of foreign corporations and corporate franchises, see "Taxation."

Validity of organization of corporations, with numerous citations.—33 Amer. St. Rep. 176.

A short note on the liability of directors, and how far they are subject to rules applying to ordinary trustees.—96 Law T. 208.

A valuable article on the duty of directors as to declaring the dividend where a company's assets have become from whatever cause temporarily or permanently depreciated in value.—Jurid. Rev. Republished in 28 Ir. Law T. 8.

A short note on the liability of officers of a corporation as makers of negotiable paper which they intended to execute as the paper of a corporation.—7 Nat. Corp. Rep. 348.

A collection of authorities on proceedings against persons using corporate franchises with reference to the remedy and nature of the procedure.—42 Amer. & Eng. Corp. Cas. 310.

A valuable note, with numerous citations, on the power of a corporation to purchase its own capital stock, and to make an assignment.—33 Amer. St. Rep. 338.

A collection of authorities as to the practice in actions by and against corporations.—41 Amer. & Eng. Corp. Cas. 3.

A few authorities as to the duty of a foreign corporation to appoint a resident agent and maintain a place of business.—42 Amer. & Eng. Corp. Cas. 399.

A limited collection of authorities as to what constitutes a quorum for a meeting of stockholders.—21 Lawy. Rep. Ann. 174.

COURTS.

— Power to punish for contempt, see "Contempt."

A history of the supreme court of Vermont.—By Russell S. Taft. 5 Green Bag, 553; 6 Green Bag, 16.

CRIMINAL LAW.

— See, also, "Homicide."

— Responsibility of married woman, see "Husband and Wife."

An interesting essay on the history and character of the German Code of Criminal Procedure.—By H. A. D. Phillips. 10 Law Quart. Rev. 16.

DAMAGES.

A valuable collection of authorities in cases decided between January, 1888, and September 1, 1893, as to the pecuniary value of life and limb.—1 University Law Rev. 55.

A collection of authorities on the right of a person physically injured by the mental shock, and not by the impact, to recover damages therefor.—1 University Law Rev. 10.

DEATH BY WRONGFUL ACT.

An interesting essay on the right to recover for death by negligence.—By Gustavus Hay, Jr. 7 Harv. Law Rev. 170.

DEBTOR AND CREDITOR.

A note on the rights of creditors to subject the earnings of a debtor not yet due.—21 Lawy. Rep. Ann. 623.

DESCENT AND DISTRIBUTION.

A valuable article as to the distribution of one's property and rights at death.—1 University Law Rev. 62.

Directors.

— Liabilities, see "Corporations."

DIVORCE.

An interesting essay on the duties of judges in ex parte divorce cases.—By J. B. McMahon. 3 Mich. Law J. 1.

A collection of authorities on the right to maintain a bill for alimony after a decree of divorce.—21 Lawy. Rep. Ann. 677.

Dying Declarations.

— See "Homicide."

ELECTIONS AND VOTERS.

A short annotation on the right of women to vote.—21 Lawy. Rep. Ann. 662.

EQUITY.

Extensive note on the doctrine of election in equity, with its incidents and effect, with numerous citations.—By Isidor Loeb. 38 Cent. Law J. 24.

EVIDENCE.

A lecture on the principles of evidence considered in their relation to the nature of the tribunal.—By Austin Abbott. 1 University Law Rev. 25.

EXECUTION.

A short collection of authorities on execution or judicial sale of corporate franchises, or property necessary to their enjoyment.—20 Lawy. Rep. Ann. 737.

EXECUTORS AND ADMINISTRATORS.

Citation of authorities as to the right of the widow of a nonresident to statutory allowance.—21 Lawy. Rep. Ann. 241.

FRAUDS, STATUTE OF.

A collection of authorities as to what promises to pay the debt of another are within the statute of frauds, with a special reference to the case of *Casey v. Miller*, (Idaho) 32 Pac. 195.—By O. B. Judson. 33 Amer. Law Reg. & Rev. 20.

A short note as to what constitutes an acceptance and delivery of goods sold within the statute.—1 University Law Rev. 12.

A short collection of authorities on the necessity of pleading the statute of frauds in an action on a contract not for real property.—1 University Law Rev. 21.

GIFTS.

A note with copious citations on the necessity of delivery in *donatio causa mortis*.—38 Cent. Law J. 47.

A valuable collection of authorities on the necessity and effect of delivery in *donatio causa mortis*.—By James M. Kerr. 38 Cent. Law J. 72.

A collection of authorities as to the effect of the delivery of a writing expressing a gift without the actual delivery of the thing given.—21 Lawy. Rep. Ann. 693.

HOMICIDE.

An article on the admissibility of alleged dying declarations on a trial for manslaughter, with especial reference to the recent case of *State v. Johnson*, 24 S. W. 229.—10 N. Y. Law J. 1068.

HUSBAND AND WIFE.

An extensive note, with numerous citations, as to liability of a married woman for crime committed in her husband's presence.—33 Amer. St. Rep. 89.

Impeachment.

— Of one's own witness, see "Witness."

Insolvency.

— Right to attach property of foreign insolvent assignor, see "Attachment."

INSURANCE.

A valuable article on the law applicable to the insurance of what are known as "limited interests," such as where the right of property of the owner is qualified by a mortgage, lease, or subsidiary right arising out of a contract of sale, carriage, or bailment, with numerous English and American authorities.—By William Harvey. 10 Law Quart. Rev. 48.

An interesting note on the rights, duties, and liabilities of an insurance broker as agent.—By John A. Finch. 16 Rough Notes, 109.

A few authorities as to the right of persons whose money has been embezzled and paid out for premiums on the life of the defaulter to claim the whole of the money resulting therefrom.—1 University Law Rev. 14.

A short note on the proximate cause of a loss by fire.—1 University Law Rev. 48.

INTERSTATE COMMERCE.

A short note on question of what constitutes an original package.—1 University Law Rev. 17.

INTOXICATING LIQUORS.

Citation of authorities on the extent of the discretion allowed in the granting of licenses for the sale of intoxicating liquors, with the methods of controlling such discretion.—21 Lawy. Rep. Ann. 580.

Judge.

— Misconduct of judge as ground for new trial, see "Trial."

JUDGMENT.

A brief synopsis of the present authorities on whether a judgment against an assignor recovered after an assignment is evidence against the assignee and other creditors.—By James L. Bishop. 1 University Law Rev. 74.

LANDLORD AND TENANT.

A short note on the liability of a landlord for defects in the premises leased, with a special reference to the case of *Hamilton v. Feary*, 35 N. E. 481.—7 Nat. Corp. Rep. 348.

LAWS.

Report by the committee of the New York State Bar Association on law reform.—49 Alb. Law J. 21.

LAW SCHOOLS.

An interesting article in relation to the change in the character of education for the

practice of law, with reference to the peculiar advantages which American law schools present from their close connection with universities.—96 Law T. 165.

License.

— To sell liquors, see "Intoxicating Liquors."

LOTTERIES.

An article upon the question whether the new plan for the investment of money, known as the "Bond Investment Companies," providing for the sale of bonds upon the installment plan, and the maturing and payment of such bonds by a system in which the actual time of payment is more or less uncertain, is a lottery, and therefore within the law applicable to such.—By Lyne S. Metcalfe, Jr. 37 Cent. Law J. 472.

MALPRACTICE.

A review of two recent decisions, *Force v. Gregory*, 27 Atl. 1116, and *Young v. Mason*, 35 N. E. 521, as to the responsibility of a patient in the matter of procuring and submitting to medical treatment.—10 N. Y. Law J. 1023.

MASTER AND SERVANT.

A note, with several citations, as to the right of a servant to recover for a breach of contract of service, with a special reference to *Olmstead v. Bach*, (Md.) 27 Atl. 501.—1 University Law Rev. 52.

MECHANICS' LIENS.

A brief note on the necessity that the mechanic or material man should inquire and assure himself that the person for whom he proposes to furnish such labor or material has, in fact, such an estate in the land as will support a lien.—1 University Law Rev. 50.

A collection of authorities on the question as to the liability of an owner of land for liens on buildings or improvements erected by another person without his consent, with a special reference to the case of *Spruck v. McRoberts*, 34 N. E. 896.—37 Cent. Law J. 477.

MONOPOLIES.

A valuable article on the present legal status of trusts, embracing the peculiar form of business associations effected by stockholders of different corporations transferring their stock to trustees.—By S. C. T. Dodd. 7 Harv. Law Rev. 157.

A valuable article on interpretation of the "National Anti-Trust Act," with references to the recent cases bearing upon this sub-

ject.—By William F. Dana. 7 Harv. Law Rev. 338.

MORTGAGES.

A few authorities as to the lien of mortgages on buildings on leased premises.—21 Lawy. Rep. Ann. 347.

MUNICIPAL CORPORATIONS.

A collection of a few recent authorities on the liability of a city for injuries caused by defects in a sidewalk.—42 Amer. & Eng. Corp. Cas. 146.

A few authorities on contributory negligence in the use of defective streets and sidewalks.—42 Amer. & Eng. Corp. Cas. 91.

NEGOTIABLE INSTRUMENTS.

A short note on the liability of lawyers and doctors as members of partnership firms.—By David McAdam. Counsellor, 73.

A short note on the effect of the adoption as his own of a signature of a person forged to a note or check.—1 University Law Rev. 14.

An interesting review of the question under what circumstances the payee of a bill of exchange is deemed to be a "fictitious or nonexisting person," so that the bill may be treated as payable to bearer, with especial reference to the case of *Bank of England v. Vagliano*, [1891] App. Cas. 107.—By Arthur R. Butterworth. 10 Law Quart. Rev. 40.

Original Packages.

— See "Interstate Commerce."

PARTITION.

A collection of authorities on the right of partition of an estate held in remainder or in reversion.—32 Amer. St. Rep. 778.

PARTNERSHIP.

— Liabilities on notes, see "Negotiable Instruments."

A short essay on the contract of partnership, with no citations.—Guide, 222.

Passengers.

— Rights and liabilities, see "Carriers."

PEWS.

A short note on the rights of property in church pews, with reference to the case of *Aylward v. O'Brien*, 35 N. E. 313.—10 N. Y. Law J. 818.

Physicians and Surgeons.

— See "Malpractice."

Pleading.

— The statute of frauds, see "Frauds, Statute of."

PLEDGE.

A valuable note, with numerous citations, on the rights and duties of the parties on pledge of collateral security.—32 Amer. St. Rep. 711.

RAILROAD COMPANIES.

A collection of a few authorities as to the liability for injuries to trespassers on the track.—54 Amer. & Eng. R. Cas. 155.

REAL ESTATE.

An interesting article read before the Real Estate Congress of the World's Congress, in Chicago, on the subject of land transfers, with a special reference to the Torrens system.—By A. M. Pence. 26 Chi. Leg. N. 160.

The continuation of a series of articles on the simplification of titles to real estate, with an especial reference to the American system of registration of titles.—96 Law T. 174, 191, 228.

RELEASE AND DISCHARGE.

A citation of authorities on the conclusiveness of a release between the parties.—32 Amer. St. Rep. 384.

Religious Societies.

— See "Pews."

Res Judicata.

— See "Judgment."

SALE.

— What constitutes acceptance and delivery, see "Frauds, Statute of."

A discussion on the rights of a seller of merchandise to rescind the sale on account of falsity of representations of the purchaser for the purpose of obtaining credit, with a few citations. By Percy Edwards.—37 Cent. Law J. 414.

A collection of authorities on the validity of a sale where the purchaser has in view a subsequent violation of a foreign or domestic law.—32 Amer. St. Rep. 450.

Service.

— Of summons on nonresident corporation, see "Writs."

Stockholders.

— What constitutes quorum at meeting, see "Corporations."

SUNDAY.

A short article on the constitutionality of a statute absolutely prohibiting fishing on Sunday, with a special reference to the decision of *People v. Moses*, 35 N. E. 498.—10 N. Y. Law J. 934.

SURFACE WATER.

A collection of authorities as to the flow of surface water, and the diversion and obstruction of the same.—21 Lawy. Rep. Ann. 593.

TAXATION.

Report of the tax commissioner appointed by the government of the state of Ohio as to the powers of the legislature under the constitution in the matter of taxation.—31 Wkly. Law Bul. 17.

A citation of authorities on the power of state to tax or impose conditions on foreign corporations engaged in interstate commerce.—7 Amer. R. & Corp. R. 742.

A short article on the right of a state to tax a corporate franchise, with especial reference to the important decision in *New Jersey in Lumberville Delaware Bridge Co. v. State Board of Assessors*, 26 Atl. 711, where the right is thoroughly discussed, with a collection of the conflicting authorities on this question.—1 Amer. Lawy. No. 8, p. 5.

TORTS.

— Malicious procurement of breach of contract, see "Contracts."

A scholarly essay on the law as to responsibility for tortious acts.—By John H. Wigmore. 7 Harv. Law Rev. 315.

TREATIES.

An essay on the treaty-making power in the United States.—By Henry W. Rogers. 2 N. W. Law Rev. 3.

TRIAL.

A collection of notes on the license of counsel in argument.—By Irving Browne. 5 Green Bag, 516, 539.

A short note on the misconduct of a judge as a ground for new trial, with reference to the decision in *Thompson v. People*, 32 N. E. 968.—By W. S. Furst. 33 Amer. Law Reg. & Rev. 41.

TRUSTS.

— See, also, "Monopolies."

A short note on the abrogation of continuing trusts.—7 Amer. Prob. R. 155.

A short article on the doctrine of precatory trusts.—27 Ir. Law T. 367.

An extensive citation of authorities on the right of a beneficiary to pursue and recover trust funds wrongfully diverted.—32 Amer. St. Rep. 125.

WATERS AND WATER COURSES.

A valuable essay, with numerous citations, upon the right of a riparian owner to pollute the water in a stream so as to seriously affect its natural flow and its usefulness, with a special reference to the pollution of streams through mining operations.—By J. Marshall Gest. 33 Amer. Law Reg. & Rev. 1.

Widows.

— Right to statutory allowance, see "Executors and Administrators."

WILLS.

An essay on the validity and effect of a contract to dispose of property in a certain manner by will, with numerous citations, with a special reference to *In re King's Estate*, 24 Atl. 661; *Gast's Appeal*, Id.—By

Charles W. Courad. 33 Amer. Law Reg. & Rev. 32.

A note on the conclusiveness of probate of a will in the same state.—21 Lawy. Rep. Ann. 680.

A short note on the presumption of undue influence in testamentary cases.—10 N. Y. Law J. 966.

WITNESS.

A short collection of authorities as to the right of a party to contradict a witness called by himself, with a special reference to the recent case of *Selover v. Bryant*, (Minn.) 56 N. W. 58.—1 University Law Rev. 80.

Women.

— Right to practice law, see "Attorney and Client."

— Right to vote, see "Elections and Voters."

WRITS.

A short note on the jurisdiction over foreign corporation having no property in the state by personal service outside of the state.—7 Nat. Corp. Rep. 408.

THE AMERICAN ANNUAL DIGEST, 1893

A DIGEST OF ALL THE DECISIONS OF THE

U. S. Supreme Court, U. S. Circuit and District Courts, Courts of Last Resort of all the States and Territories, and of the Intermediate Courts of New York State, Pennsylvania, Ohio, Illinois, Indiana, Missouri, Texas and Colorado, U. S. Court of Claims, Supreme Court of the District of Columbia, etc., as reported in the National Reporter System and elsewhere, from

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Vol. 1. St. Paul, Minn., March, 1894. No. 3.

Law Publishing in 1893.

THE "Annual Summary Number" of the Publishers' Weekly contains an elaborate review of the work done by publishers during the year 1893. It includes statistical tables, from which it appears that out of a total of 5,184 books published in the United States last year 430 were law books. This shows an increase over the previous year, when there were 374 law books published out of a total of 4,862 of all classes. Of the 430 published in 1893 but 30 were new editions, the other 400 being classed as new books; and but 4 were "books by English authors, imported in sheets into the U. S." It is probable that nearly, if not quite, half of these 400 law books, were reports, (including reprints, selected cases, etc.) and perhaps a quarter were session laws, statutes, digests, and minor local books.

It is interesting to compare this with the table from the Publishers' Circular of London, showing the output of the publishing

business in England during 1893. Out of a total of 6,382 books but 50 were law books, and 23 of these were new editions. In 1892, 65 law books were published in England, out of a total of 6,254. But four per cent. of the new books published in England last year were law books, as against ten per cent. in the United States.

Again, the same number of the Publishers' Weekly has an article on book publishing in America in the early part of this century, in which we find that in the year 1833 there were but 12 law works (making 15 volumes) published by American authors; and in the first half of 1834, 7 law books by American authors, and 2 of English and other foreign reprints. From this it would appear that the law-publishing activities of the United States have been multiplied about forty fold during the last sixty years.

Such statistics as these show in a very striking way the need for such a publication as "Law Book News." From six to ten law books of various kinds issue from the press every week. Some of them are of great practical value, and it is important to the practitioner to know of their existence and their character. In our "Record" we endeavor to give an exhaustive list of all the new law books as they are published.

The lawyer will naturally wish to know more of the new text-books and treatises than is shown in a mere bibliographical list, and it is the purpose of "Law Book News" to give such detailed information regarding this class of legal publications as will enable the reader to determine how far they are severally available for his use. In the "New

Book" department of the "News," we give, as descriptive matter, the tables of contents and extracts from prefaces and publishers' announcements, to show what the books undertake to be and are supposed by their creators to be. Then, in our own reviews and reprinted notices from other legal periodicals, we try to give "an all 'round idea" of the way in which new books are regarded by the critics.

Altogether, we are constrained to agree with the many subscribers who write us that they do not see how any intelligent lawyer can get along without the "Law Book News."

Our Reviewers.

IT is the intention of the editors of "Law Book News" to assign new law books for review to lawyers who are especially qualified to speak with authority as to their merits. The original reviews which have already appeared in our pages give ample evidence of the high standard which we have adopted in this respect.

Mr. Henry Campbell Black, who reviewed Keener on Quasi-Contracts, in No. 1 of the News, is well known to the legal profession as the author of works on the Law of Judgments, Intoxicating Liquors, Tax Titles, Constitutional Prohibitions, and an admirable Law Dictionary. Mr. Black is recognized as a scholar of large attainments and a law writer of exceptional ability, and his judgment of a new text-book cannot fail to carry great weight.

Hon. Simeon E. Baldwin, who reviewed Cook on Stocks and Stockholders, in No. 2 of the News, is a judge of the supreme court of Connecticut and professor in the law department of Yale College. Judge Baldwin is well known in law literature outside the Reports. He is the author of Baldwin's Connecticut Digest, and is a recognized authority in the law of corporations and several other departments of jurisprudence.

Nathan Abbott, who reviews Norton on Bills and Notes in the present number, is secretary of the Northwestern University Law School and professor of elementary law, equity, commercial paper, partnership, wills, and domestic relations. Mr. Abbott is a Yale graduate, (A. B. and LL. B.,) a student, and a literary man, besides being a very successful teacher of law. We believe he is to take charge of the Law Department of the

Ieland Stanford, Jr., University in California.

Prof. Marshall D. Ewell, who gives a brief review of a medical work in the present number, has won great distinction in several departments of the profession. For many years he was professor of common law at the Union College of Law in Chicago. Three years ago he organized the Kent Law School, of which he is at present dean, professor of common law and medical jurisprudence, and principal of the school of practice. Prof. Ewell is a doctor of medicine, and one of the leading authorities on medical jurisprudence. He has always given much attention to microscopy and handwriting, and his services as an expert are frequently required in court. In law literature, also, Prof. Ewell has had extensive experience; in connection with the Illinois and Michigan Reports, and as one of the compilers of a Minnesota Index-Digest, as the author of works on Fixtures, Medical Jurisprudence, Domestic Relations, and the abridgment of Blackstone and other elementary works, published under the title Ewell's Essentials of the Law, and editor of Evans on Agency, Lindley on Partnership, Blackwell on Tax Titles, Washburn's Criminal Law, etc.

Prof. Russell H. Curtis, who reviews Ballard's Real Property Annual in this number, is also professor in the Kent Law School, where he teaches the law of real property, wills and administrations, equity, and corporations. Prof. Curtis is one of the joint editors of Starr & Curtis' Annotated Statutes of Illinois, published in 1885, and has lately edited a work on the judiciary act of 1891, creating the United States courts of appeals.

Hon. H. L. Child, who reviews Merrill on Mandamus for us, is attorney general of the state of Minnesota, and one of the most efficient and capable lawyers who has held that office. He was assistant attorney general during the term of his predecessor.

Mr. Edwin A. Jaggard, who reviews Mann on Medical Jurisprudence, is a prominent practitioner among the younger generation of Minnesota lawyers. Mr. Jaggard is an M. A. and LL. B. of the University of Pennsylvania. He lectured on medical jurisprudence at the St. Paul Medical College, and is now lecturer on torts and taxation at the Law School of the University of Minnesota. He is a careful student, and is likely to achieve distinction if he turns his attention to law writing.

Sir James Stephen.

SIR James Stephen, probably the most famous English lawyer of our time, died in England, March 11th, in the sixty-fifth year of his age. We take the following from an interesting notice in the Albany Law Journal:

The Hon. Sir James Fitzjames Stephen, one of the greatest authorities on criminal law in the world, died at Ipswich, England, on the 11th instant, in the sixty-fifth year of his age. He was born in London in 1829, and was educated at Trinity College, Cambridge, where he graduated in 1852. Two years later he was called to the bar at the inner temple. He served as recorder of Newark-on-Trent from 1859 to 1868.

During the famous trial of the Rev. Roland Williams, who was charged with heresy by the Bishop of Salisbury, he was counsel for the defense. He was unsuccessful in a parliamentary contest at Harwich in 1865, and he also failed in his candidacy for the post of recorder of London. Four years later he was appointed legal member of the council of the governor general of India. During the three years which he spent in India he devoted most of his time to codifying Indian law.

"Macaulay's essay on Warren Hastings," he once said, "filled me with the same feeling towards India which a boy has after reading Marryat's novels for the sea."

While in India, Sir James examined diligently and minutely the official documents relating to Warren Hastings and the men of that day. The result of his investigations was a considerable diminution of his faith in Lord Macaulay's judgment of character. Upon his return to London he wrote several essays and books upon this subject, and was a candidate for member of parliament from Dundee, but was not elected. In 1875 he was appointed by the inns of court to be professor of common law and a member of the councils of legal education and law reporting. He was made a knight commander of the Order of the Star of India in 1877, and the following year he was appointed a member of the royal commission upon the code of indictable offenses.

In 1879, Lord Cairns nominated him justice of the exchequer division of the high court of justice, to succeed the late Baron Cleasby. For the next twelve years Sir James's time was devoted almost equally to literature and to law. It was said of him that he was a lawyer among literary men, and a literary man among lawyers. His speeches and his legal decisions ran in a style that reminded one of Macaulay, whom he had evidently taken for his literary model. His literary sketches bear the stamp of a sound mind and good judgment. His first production was a series entitled "Essays by a Barrister," which appeared in the Saturday Review, and secured for him a foothold in the literary world. While on the bench many of his decisions and utterances were severely criticised.

The last great trial over which he presided was that of Mrs. Florence Maybrick, an American, who was convicted in August, 1889, of causing the death of her husband by the use of arsenic, and who is now in Woking Prison, her sentence of death having been commuted to imprisonment for life.

On April 7, 1891, owing to ill health, he retired from the bench. Upon the day of his retirement there was a brilliant gathering of the bench and bar, before whom he delivered his farewell speech. His voice was low and

broken. His health had broken down, he said. His mind was no longer strong. He feared that his active life had come to an end, and that he had seen his day. Upon his retirement the London Law Journal said of him: "He was the greatest authority on criminal law that the bar has ever produced, being familiar not only with the history of the criminal procedure of his own country, but with that of many other lands. He has treated punishment in a scientific fashion, and as a means to an end; and, although some individuals may have cause to complain of his severity, the community has every reason to acknowledge his wisdom."

Among the best known writings of Sir James Stephen are his "General View of the Criminal Law of England," "Liberty, Equality, and Fraternity," "A Digest of the Law of Evidence," "A Digest of Criminal Law," and "A History of the Criminal Law of England."

Medical Jurisprudence.

THE medical publishers have entered the neutral ground between the medical and legal professions, and are doing their best to annex it to their domain. We have received from the W. T. Keener Company the prospectus of a work bearing the somewhat ambitious title of "A System of Legal Medicine," "By Allan McLane Hamilton, M. D., and Lawrence Godkin, Esq., of the New York Bar, and Other Collaborators." The list of subjects includes some 30 headings, each to be treated by a separate author. Nineteen of the subjects named are to be treated by physicians well known in their several specialties. The legal branches of the various subjects are assigned to eminent lawyers, the list making a brilliant roster: R. C. McMurtrie, Esq., of Philadelphia, is to write on the "Obligation of the Insured and the Insurer." Francis M. Wellman, Esq., assistant district attorney of the city of New York, takes up the "Legal Aspects of Accident Cases." John E. Parsons, Esq., of the New York city bar, will treat of the "Legal Distress of Feelings as an Element in Awarding Damages." Judge Calvin S. Pratt, of the New York supreme court, will treat of "Mental Responsibility of the Insane in Civil Cases." William B. Hornblower, who recently came so near to the supreme court gown, will write on the "Duties and Obligations of Medical Experts." And Hon. Simeon E. Baldwin, judge of the Connecticut supreme court, and professor in the Yale Law School, will write on the "Medical Legal Questions in Marriage and Divorce."

It will be seen from the above plan that this work is to be a sort of encyclopedia of

the subjects. Probably it is more particularly aimed to hit the needs of the medical expert than those of the practitioner, though it is evidently a double-barreled undertaking, loaded by the publishers for both professions. It seems likely to display all the advantages and disadvantages of the "syndicate" method. Certainly it is doubtful if anything like a "system" can be evolved from such heterogeneous sources, or presented in a set of separate monographs by separate authors. However, there cannot fail to be much valuable matter in articles from the pens of the distinguished authors who are to collaborate under the able supervision of Dr. Hamilton and Mr. Godkin. The work will be published in two volumes, and sold by subscription. Volume 1 is to appear in May, and volume 2 shortly thereafter.

Meantime a similar enterprise is under way in the shape of a work on "Medical Jurisprudence," published by Wm. Wood & Co., and edited by Dr. R. A. Whitthaus, professor in the New York City University, and Tracey C. Becker, professor of criminal law and medical jurisprudence in the University of Buffalo, "with the collaboration of 18 other writers of acknowledged ability."

Text-Books of the Future.

THE Canada Law Journal is moved to exclaim at the publication of "A Treatise on the Rise and Growth of Elevated Railway Law," and to ask: "What next? How long before we shall have a learned essay on the law affecting the rise and fall of balloons, etc.? Coke and Blackstone, if they could come back to earth, would gaze with every hair on end at the wonder of legal literature in these days."

If those old worthies could revisit the earth at this period, they would find a good many things besides the modern law books to astonish and disconcert them. Every modern invention is bound to turn up sooner or later in the law reports, and, as soon as it is domesticated and comes into general use, the adjudication regarding it increases, until it acquires the dignity of a legal topic, and appears as a "digest head," or at least a "cross reference." Just as soon as flying machines have come into general use, the new conditions will undoubtedly raise some novel legal questions, followed by decisions of the courts, followed by monographs and

notes on "aerial navigation laws," and ultimately by text-books on the same subject. Whether the air ships will come under the existing admiralty laws, or will rise superior to them, is a question for the future; but there will undoubtedly be some interesting developments when the veritable "air lines" begin to run regularly. For instance, the race between the release agent and the enterprising personal injury practitioner will force them to send out messengers on air bicycles to meet the unfortunate victims of an air-railway accident, and get their "business," or take their ante-mortem statements on the way down.

At this point our spring poet refuses to be held down, and demands space for the following:

Far through the reaches of the dark-blue sky
We shall be navigating by and by,
Make naval demonstrations against Mars,
And hitch our vehicles to many stars.
Thou, Themis, then, as now, wilt reign, and
still

Expound in air the legislative will.
Law maritime shall then take wings and fly,
And common law and civil loom on high.
(How near the sun may soar the eagle pinion
Whose nest was in the bosom of Justinian?
How large celestial easements can be tacked on
The feudal institutes of Coke and Bracton?)
Or must we in some coming year of grace
Have special codes for interastral space?
Methinks already I their laws survey.
Already hear the novel things they say
Of lights and signals and the right of way,
Of piers and barges, hawser lines and tugs,
Of whistles in a fog of lightning bugs,
Of aching voids for anchorage and seaway,
And all creation on your beam for leeway.
For it must needs be that collisions come,
But woe unto that ship, for things will hum!
The aeronautic fleet I cannot see,
Because it is not yet in sight. Ah me!
What interest shall we charge on bottomry?
How shall we settle our demurrage rights
For dalliance in your beams, immortal lights?
And oh! Flammarion, shall the clear, clean sky
List the longshoreman's linked blasphemy,
When ropes that sunder, and when blocks that
break,
His scanty earnings from the stevedore take?
And must we drag to the whither from the
whence
Our over lumbered law of negligence?
Then, as to carriers,—shall comets be
Vis major or the public enemy?
Perils of air,—shall they be meat for us,
Eurus and Notus, Boreas, Africus,
Blows from the west, and blizzards from the
north,
And clouds from cloud-compelling Dyrenforth?
Will they attempt to classify at Lloyd's—
With asterisks—the risks from asteroids?

And shall the weather bureau suffer blames
For its "misstatements," from the court of
claims?

And, as for derelicts,—can congress ask it,
That some old woman (admiral) in a basket,
Shall with a broom sweep cobwebs off the sky,
And straighten out lighthouses blown awry?

Away! these visions are too much for me!
I will go down unto the old wet sea,
Watch Venus rise, with creed and clothes out-
worn,
And hear old Triton toot his crumpled horn!

A. M.

Announcements.

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

Abbott's (New York) Annual Digest for '93
is announced for publication March 20th.

The Richmond & Backus Company, of De-
troit, announce for publication on the 15th
of this month a new edition of Tiffany's
(Michigan) Justice's Guide, revised and en-
larged, by Andrew Howell.

The Boston Book Company announces for
publication March 10th an elementary work
on the Law of Sales, by Irving Browne; and
for publication April 2d, volume 1 of English
Ruling Cases, with American notes, by Ir-
ving Browne.

W. C. Little & Co. are to publish this
spring a New York book, by W. H. Silver-
nail, on "Appeals from Courts of Inferior Ju-
risdiction." It is to contain "numerous prac-
tical forms adapted to meet the exigency of
every class of appeals."

The J. L. Hill Printing Company, of Rich-
mond, Va., has issued a circular offering to
publish, in the form of annotation pasters,
the amendments to the Virginia Code of
1887, provided a sufficient number of sub-
scriptions at one dollar each can be secured.

The West Publishing Company will pub-
lish, during the next 30 days: Book 2 of the
Federal Cases; Clark's Manual of Criminal
Law; Vol. 6 of the C. C. A. Reports; Vol.
58 Federal Reporter; Vol. 26 New York Sup-
plement; Vol. 35 Northeastern Reporter; Vol.
24 Southwestern Reporter; Vol. 57 North-
western Reporter; and Vol. 52 Minnesota Re-
ports.

Little, Brown & Co. announce for publica-
tion in April a new volume of the Students'
Series on the Principles of Code Pleading, by
E. E. Bryant; a new (fifth) edition of Smith's
Probate Practice, revised and greatly en-
larged, by Arthur Lord; a volume of Massa-
chusetts Statutory Citations, by C. M. Har-
ris; and Vol. 159 of the Massachusetts Re-
ports.

The Carswell Company of Toronto, which
has nearly a monopoly of law publishing and
law book selling in Canada, announces the
following books for early publication: Ar-
mour on Titles to Real Estate in Ontario;
Hunter's Real Property Estates in Ontario;
Master's Record of Canadian Appeal Cases;
and a Canadian Manual of the Procedure of
Public Meetings, by J. G. Bourinot, Clerk of
the House of Commons of the Dominion.

J. B. Martindale announces for publication
this month a new edition of his Mercantile
Agency Guide, containing the usual abstracts
of commercial and collection laws, and for
publication in June the new (biennial) edition
of his well-known directory of the lawyers
of the United States and Canada. The lat-
ter is the only approximately exhaustive di-
rectory of lawyers which is published. It
gives professional and financial ratings, which
we have found helpful and in the main reliable.

The West Publishing Company has begun
the publication of an extensive series of ele-
mentary treatises to cover all the principal
subjects of the law, under the general title
"The Hornbook Series." These legal prim-
ers will be adapted alike for the use of the
student and instructor, and for the prac-
titioner who wishes a handy manual of
fundamental principles, which will enable
him to review rapidly any particular topic in
all its general aspects. The method which
will be followed in this series is partially
illustrated by Norton on Notes and Bills, and
will be further exemplified in Clark on Crimi-
nal Law, which is to be ready about the end
of this month. Further announcements re-
garding the series will be made shortly.

Law Book Notes.

The price of Black's Law Dictionary has
been reduced from \$8 to \$6 net, or \$6.50 de-
livered.

Moses Reuben has published in handy form
the Mechanic's Lien Law of California, an-
notated with forms, notes, and references.

L. K. Strouse & Co. have published a new (fourth) edition of Paine's Banking Laws of the State of New York. It is arranged for the use of laymen, as well as lawyers.

A correspondent calls attention to an error in an item in the last number of the News. We spoke of the new series of "Revised Reports" (English) as having reached the seventh volume. In fact, vol. 13 has just been issued.

We have received Nos. 2, 3, and 6 of the extensive "Quizzer Series," now publishing under the auspices of the Sprague Correspondence School of Law. These numbers include questions and answers on criminal law, torts, and contracts. They are pamphlets, sold at 50 cents each.

The Bowen-Merrill Company have published a new compilation of the Indiana Statutes in three volumes, embracing the revision of 1881, with all subsequent amendments to January 1, 1894, with many annotations. The compilation is by Harrison Burns, author of the Indiana Index Digest.

Little, Brown & Co. have recently published Williston's Leading Cases on the Law of Contracts, a supplement to Langdell's Cases on Contracts, and a small volume of Leading Cases on the Law of Bills, Notes, and Checks, by Mr. Bigelow; also a third edition of Buswell & Walcott's Massachusetts Practice, and a Manual for Notaries and Justices, by W. M. Seavey.

Book 1 of the Federal Cases has been received with great enthusiasm by the subscribers, and has evoked almost extravagant praise for the enterprise. The publishers have received many letters which show that the years of preliminary labor which were spent in preparing this great work for publication have been fruitful in making the series of reports of great practical usefulness and convenience. Book 2 will be ready for delivery early in April.

An "International Law Directory" is issued by Philip Grayburn Kime, of London, England, containing a list of legal practitioners in most of the important towns throughout the civilized world. The contents embrace a list of legal practitioners in Africa, Central, North, and South America, Asia, Australia, Europe, and a list of international commissioners for oaths, professional cards of law-

yers, a legal telegraphic code and telegraphic addresses, and information on the following matters: Before whom to take affidavits for use in England, appeals to the privy council, authorities and powers of attorney to persons in England to act for those abroad, epitome of the patent laws relating to British, French, and Colonial patents, and several other matters.

Judge Dillon's Yale Lectures on Jurisprudence, published last month by Little, Brown & Co., and noticed in our "Record" in this number, make the most interesting law book which has been published for many a day. Their distinguished author has achieved eminence in nearly every branch of the profession, as a judge of the United States court, a law writer, and as a leader at the bar, and now, as a lecturer at the Yale Law School, he gives the ripe fruit of his long and varied experience. Certainly Judge Dillon has not only paid that debt to the profession to which Lord Bacon refers, but has already left a large balance to his credit on the other side of the ledger. May he long remain to increase it. The publishers have issued these lectures in a form befitting their dignity and importance. The sumptuous elegance of the volume suggests the best English models of typography. The work will be reviewed in an early number of the News. Meanwhile we cordially recommend our readers to buy it if they are interested in the larger questions and aspects of the law.

Miscellaneous Notes.

O. N. Caspar, of the Milwaukee "Book Emporium," has issued a fourth edition of his "Practical Law Catalogue, Arranged by Subjects." The plan of the catalogue is excellent, but we have not found it as accurate as Mr. Caspar's reputation would lead us to expect.

The State Bar Association of West Virginia sets an example of enterprise to similar organizations by establishing an "organ" in the shape of a monthly law magazine, entitled "The West Virginia Bar," "Under the Editorial Charge of the Executive Council." It will give full reports of the bar meetings, headnotes of the supreme court decisions, and, in general, local and general professional news. The first number is that for February, 1894. The publication office is at Morgantown.

One of the recent additions to the list of publications of the American Economic Association (Ithaca, N. Y.) is a monograph by

Emily Greene Balch, A. B., on the "Public Assistance of the Poor in France." It gives an historical view of the methods of public assistance in the middle ages, and to and through the Revolution; and also a careful exposition of the methods now in vogue, for which material was gathered during a stay in Paris. As the question of wisely caring for the poor is now attracting both national and individual attention, this addition to the thoughtful literature of the subject is timely.

The Virginia Law Journal seems to have passed away peacefully and quietly. The last number, dated September 7th, and published about the middle of October, contains no valedictory or notice of discontinuance, but the absence of any further "sign" makes it fair to presume that an obituary is in order. The publication was founded in 1877, and ranked well among American law journals for many years, but it gradually "went to seed." For a long time past it has contained very little besides current opinions of the Virginia supreme court, and, as it rested its main claim for support on its reporting service, it suffered seriously from the competition of the National Reporter System; and so ended its honorable career somewhat ignominiously.

The Michigan Law Journal calls attention to the fact that volume 98 of the Michigan Reports, now about ready, is the fortieth volume compiled by the present reporter, Mr. Fuller; volume 59, published in November, 1887, being his first. Mr. Fuller has undoubtedly done very well, considering the length of time he has been in office, and we doubt if any other state reporter has edited more than 40 volumes in the last 7 years. But in regard to the total number of reports bearing his name Mr. Fuller is still distant from the head of the "procession." Mr. Sickels, of the New York court of appeals, is just publishing the ninety-fifth volume of his reports; and Mr. Freeman, of the Illinois supreme court, is publishing his one hundred and sixteenth volume, far surpassing all other previous records.

The American Lawyer is a bright, wide-awake monthly, full of good things. It contains an extraordinary quantity of the "news" of the profession, including many pages of personal items, notices of bar meetings, etc. The transactions of State and National Bar Associations are reported in full, including the valuable papers which are read at such meetings. The March number of the Lawyer contains an editorial on the "Evolution of the Law Office," which is of more than common interest. It gives de-

scriptions and diagrams showing the arrangements of the offices of Daniel Webster and Rufus Choate, as types of the offices of the past, and follows them with similar accounts of the great suites of offices of the firms of Carter, Hughes & Kellogg and Hoadly, Lauterbach & Johnson, as illustrative of the modern methods.

Mr. Chas. Noble Gregory, of the (Madison) Wisconsin bar, is the author of a timely monograph, published in pamphlet form, on the "Corrupt Use of Money in Politics and Laws for its Prevention." He reviews briefly, in a readable way, the course of legislation in England against bribery and electoral corruption, from the first act, (chap. 102, 17 & 18 Victoria, 1854,) down to the "Corrupt Practices Act," (chap. 51, 46 & 47 Victoria, 1883,) which he says "marks the high-water mark of legislation against electoral corruption." He gives a résumé of that statute which is the present law in force in England. He characterizes briefly the subsequent legislation in Canada, New York, Colorado, Michigan, and Massachusetts; and finally gives, in an appendix, the full text of the "excellent Massachusetts law." Lawyers who are also good citizens cannot fail to be interested in the important reform taken up by Mr. Gregory. His pamphlet was printed by the Historical and Political Science Association of the University of Wisconsin, and is sold for 25 cents.

The Scottish Law Review for March contains the following pleasant notice of Law Book News: "We sometimes hear rather disparaging comments on the extent to which law reporting and law writing are carried nowadays with us, and the difficulty a lawyer has in keeping himself abreast of the current of legal literature, but we are nowhere in this respect when compared with our professional brethren on the other side of the Atlantic. In Scotland we have two sets of reports of cases in the supreme courts, which are found to be sufficient for all practical purposes, while our own modest efforts in the way of reporting sheriff court decisions are considered to meet all reasonable wants in that direction. On the other side of the water, the multiplication of reports, digests, and other legal publications is, to our simple minds, something truly appalling. The 'Book News,' the first number of which has just reached us, mentions one set of reports, just about to appear, the 'Federal Cases,' which will include nearly 20,000 cases, to be contained in twenty-five large books! And this is irrespective of the supreme court decisions and state reports, some of which extend to over one hundred vol-

umes for a single state. But the lawyers of the states would seem to require all these aids to practice, if we are to judge by the labor and money expended in producing them. The palatial building of the West Publishing Company at St. Paul, as represented in the photograph accompanying the 'News,' has, so far as we know, no equal among law-printing offices on this side of the water; while the internal mechanical arrangements have a thoroughness and suitability for their work which are truly American. To English readers who desire to make acquaintance with what is doing in American law literature, the 'Book News' will be of much service."

Personal.

The same number of the Banking Law Journal contains an article maintaining that "The Government should not undertake to be a Bank," by Robert B. Roosevelt. Although Mr. Roosevelt's name has for years been chiefly associated with financial enterprises and matters of political or public interest, he was educated to the bar, and practiced as a lawyer for about twenty years.

William G. Peckham, head of the law firm of Peckham, Warner & Perkins, of New York city, contributes a forceful article on "Panics the Result of Reckless Speculation" to the Banking Law Journal of February 15th. Mr. Peckham is known in the literary world as a writer of verse, and in the political world as a colleague of George W. Curtis and Carl Shurz on the committee that managed the independent part of the Cleveland campaign of 1884.

Martin L. Newell, the new reporter of the Illinois Appellate Courts, has had extended experience as a legislator, lawyer, and legal writtr. He was for years a member of the Illinois senate, and is assistant attorney general of the state. He is the author of works on Ejectment, Libel and Slander, and Malicious Prosecution, and the editor of the second edition of Sackett's Instructions to Juries. Mr. Newell's first volume of the Appellate Reports is now ready, being volume 48 of the series.

"German Jurists and Poets" is the subject of an interesting paper by Arthur Hermann, which appears in the January and February numbers of the Green Bag. The members of the legal profession in Germany find more time for outside work than do our American lawyers and judges, and the practical temperament of the nation evidently prompts the

devotion of this leisure to the service of the muses. Mr. Hermann's article gives brief biographical sketches of Goethe, Heine, Uhland, Rueckert, Carl von Holtel, Fritz Reuter, Immermann, Buerger, Victor von Scheffel, and Joseph Freiherr von Eichendorff; and, among living poets, Albert Traeger, Ernst Wickert, Felix Dahn, and Ernst von Wildenbruch.

Correspondence.

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

Wausau, Wis., Feby. 22, 1894.

West Pub. Co.—Dear Sirs: Enclosed find our order for "Law Book News." Page 4 contains an invitation to the legal fraternity which I heartily wish lawyers would respond to. Permit me to suggest one thing which lawyers might do for you and for the profession at large. If every practicing lawyer would keep a small vest-pocket memorandum book, and enter therein a brief note of every error in citation found by him in text-books, and send the memoranda to you for publication, it would surely have some tendency to make modern text-book writers ashamed of their careless work, and to cause them to take some pains in the future. I began to keep such memoranda on the 1st of January, 1894. I often forget to make a memorandum of such errors, but I think the right habit will be formed before long. It was at first my idea that the American Bar Association might appoint a committee to whom such matter could be sent for publication in the annual reports of the association; but it now occurs to me that perhaps more good might be done in the way above suggested. The labor is trifling, and it pays. My plan is this: Upon the first fly leaf of every text-book in which I find a reference to a case which does not support the text, I enter merely the number of the page; upon the page thus referred to, I simply underscore the citation. When I see a citation underscored, I know that it is no use to look at that case, and when, in connection with that citation, I see others not underscored, I know that they have been examined, and found to be right. What do you think of my suggestion?

Yours, truly,

T. C. Ryan.

[If our subscribers wish to adopt Mr. Ryan's suggestion, we will open a department of the News for the publication of such erroneous citations as may be thus discovered. But if (as we fear) the lists should become too voluminous, we might be compelled to discontinue it, to make room for the regular matter.—Eds. 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.

Admiralty.

See "Benedict's American Admiralty."

AMERICAN BAR ASSOCIATION. Sixteenth annual meeting, held at Milwaukee, Wis., Aug. 30, 31, and Sept. 1, 1893. Philadelphia: Dando Printing & Publishing Co. 1893. 476 pages.

Appropriation.

See "Huston on the Right of Appropriation and the Colorado System."

BENEDICT, Erastus C. The American admiralty, its jurisdiction and practice, with practical forms and directions. 3d Ed., revised by Robert D. Benedict. New York and Albany: Banks & Bros. 1894. 27+739 pages. \$6, net.

BOLLES, Albert S., editor. The banker's almanac and register and legal directory for 1894. 44th year. N. Y.: Homans Pub. Co. 1894. 12mo. Cloth, \$3; sheep, \$3.50.

BREWSTER, F. Carroll. A treatise on practice in the orphans' courts of Pa. 2 vols. Philadelphia: Geo. T. Bisel. 1894. \$10.

Bribery.

See "Richards on the Corrupt and Illegal Practices Prevention Act."

Building.

See "Lloyd's Law of Building and Buildings."

CARR, W. Wilkins. The judicial interpretation by the U. S. courts of the acts of congress relating to the tariff. Philadelphia: T. & J. W. Johnson & Co. 1894. 7+631 pages. \$5.50.

CASPAR, C. N. Caspar's practical catalogue of law books arranged by subjects, with a complete index to authors, embracing the latest editions of all text-books, treatises, reports, digests, decisions, statutes, law periodicals, etc., which are at present in vogue. 4th, greatly enlarged, Ed., revised to date. Milwaukee, Wis.: C. N. Caspar. 1894. 100 pages. D. paper, 25c.; the same, with "key" to publishers, interleaved, flex. mor., \$5, net.

Colorado.

See "Huston on the Right of Appropriation."

Commercial Precedents.

See "Stone's Commercial Precedents."

Common-Law Pleading.

See "McKelvey's Principles of Common-Law Pleading."

Constitutional Law.

See "Coxe on Judicial Power and Unconstitutional Legislation."

Contracts.

See "Pattee's Illustrative Cases."

COXE, Brinton. An essay on judicial power and unconstitutional legislation, being a commentary on parts of the constitution of the U. S. Philadelphia: Kay & Bro., 1893. [1894.] 16+415 pages. Cloth, \$3.

Crimes.

See "Curtis on Capital Crimes, and the Punishments Prescribed Therefor."

CROCKER'S guide for election officers. A compilation of the laws governing presidential, state, county, municipal, district, and primary elections. San Francisco: H. S. Crocker Co. 1893. [1894.] 15+177 pages. Paper, 25c.

CURTIS, Newton Martin. Capital crimes, and the punishments prescribed therefor by the federal and state laws and those of foreign countries, with statistics relating to the same. Also a bibliography of crimes and punishments. Washington, D. C.: W. H. Lowdermilk & Co. 1894. 36 pages. Paper, 50c.

These statistics, the abridgment of criminal laws, [etc.,] are advance sheets of a work on "Criminal Law and Civilization," now in course of preparation.—Introduction.

DEMAREST, Theodore F. C. The rise and growth of the elevated railroad law. New York: Baker, Voorhis & Co. 1894. 11+278 pages. \$3.50.

Diary.

See "Stanton's United States Lawyers' Diary and Rule Book, (Mich. and Wis.)"

DILLON, John F. The laws and jurisprudence of England and America; being a series of lectures delivered before Yale University. Boston: Little, Brown & Co. 1894. 16+431 pages. Cloth, \$4, net.

Elections.

See "Crocker's Guide for Election Officers."

Elections and Voters.

See "Richards on the Corrupt and Illegal Practices Prevention Act."

Elevated Railroad Law.

See "Demarest on the Rise and Growth of Elevated Railroad Law."

English Law.

See "Dillon on the Laws and Jurisprudence of England and America;" "Indermaur's Manual of the Practice of the Supreme Court of Judicature."

Expert Testimony.

See "Lewis on the Law of Expert Testimony."

Foreign Corporations.

See "White's Manual for Foreign Corporations, (N. Y.)"

Forms.

See "Jones' Forms in Conveyancing;" "Lloyd's Law of Building and Buildings."

HEKTOEN, Ludvig. The technique of post-mortem examination, with 41 illustrations. Chicago: The W. T. Keener Co. 1894. 8+172 pages. Cloth, \$1.75.

HUSTON, Harvey. The right of appropriation, and the Colorado system of laws in relation to irrigation. Denver: The Chain & Hardy Book, Stationery & Art Co. 1894. \$2.50.

INDERMAUR, J. A manual of the practice of the supreme court of judicature in the queen's bench and chancery divisions. 6th Ed. London: Stevens & H. 14s.

Irrigation.

See "Huston on the Right of Appropriation and the Colorado System;" "Kinney's Law of Irrigation."

JOHNSON, J. and J. H. Epitome of the law and practice connected with patents and inventions. 2d Ed. London: Longmans. Cr. 8vo. 2s. 6d., net.

JONES, Leonard A. Forms in conveyancing and general legal forms, comprising precedents for ordinary use, and clauses adapted to special and unusual cases, with practical notes. 4th Ed., revised, with an appendix containing recent statutory changes. Boston: Houghton, Mifflin & Co. 1894. 7+962 pages. \$6, net.

JONES, Leonard A. A treatise on the law of liens, common law, statutory, equitable, and maritime. 2d Ed., revised and enlarged. Boston: Houghton, Mifflin & Co., 1894. 2 vols. 99+703 pages; 6+770 pages. \$12, net.

KINNEY, Clesson S. A treatise on the law of irrigation, giving all the case and statutory law in the U. S. Washington, D. C.: W. H. Lowdermilk & Co. 1894. \$6.50, net.

Law-Book Catalogue.

See "Caspar's Practical Catalogue."

Legal Dictionary.

See "Bolles' Banker's Almanac;" "Story's Legal Digest and Directory."

LEWIS, Evan B. The law of expert testimony. Philadelphia: Rees, Welsh & Co. 1894. 6+56 pages. Cloth, \$1.

Liens.

See "Jones on the Law of Liens," "Lloyd's Law of Building and Buildings."

LLOYD, A. Parlett. A treatise on the law of building and buildings; especially referring to building contracts, leases, easements, and liens, containing also various forms useful in building operations, a glossary of words and terms commonly used by builders and artisans, and a digest of the leading decisions on building contracts and leases in the U. S. 2d Ed., revised and enlarged. Boston: Houghton, Mifflin & Co. 1894. 50+537 pages. \$5.

McADAM, David. Individual, corporate, and firm names; containing the different provisions of law as to changing names, continuing the use of names after death or dissolution of a firm, etc., with the forms, etc. New York: Dlosy Law-Book Co. 1894. 84 pages. Paper, \$—.

McKELVEY, John J. Principles of common-law pleading. A brief explanation of the different forms of common-law actions, and a summary of the most important principles of pleading therein, with illustrations taken from the cases. New York: Baker, Voorhis & Co. 1894. 216 pages. \$2.

Massachusetts.

See "Perley's Supplement to Buswell & Walcott's Massachusetts Practice;" "Seavey's Powers and Duties of Notaries Public and Justices of the Peace."

Michigan.

See "Stanton's Diary and Rule Book for Michigan."

Names.

See "McAdam on Individual, Corporate, and Firm Names."

New York.

See "Redfield's Law and Practice of Surrogates' Courts," "White's Manual for Foreign Corporations."

Notaries.

See "Seavey's Powers and Duties of Notaries Public and Justices of the Peace, (Mass.)"

Orphans' Courts.

See "Brewster's Practice, (Pa.)"

PALGRAVE, R. H. Inglis, editor. Dictionary of political economy, containing articles on the main subjects usually dealt with by economic writers, with explanations of legal and business terms, which may be found in their works, and short notices of deceased English, American, and foreign economists, and their chief contributions to economic literature. Pt. 6, Drengage-Eyton. N. Y.: Macmillan & Co. 1894. 641-800 pages. 8vo. Cloth, \$1, net.

Patents.

See "Johnson's Epitome of the Law and Practice Connected with Patents and Inventions, (Eng.)"

PATTEE, W. S. Illustrative cases in contracts. Philadelphia: T. & J. W. Johnson & Co. 1894. 10+532 pages. O. flex. cloth, \$4, net.

PATTEE, W. S. Illustrative cases in realty. Philadelphia: T. & J. W. Johnson & Co. 1894. 6+177 pages. O. flex. cloth, \$2, net.

PATTEE, W. S. Illustrative cases in personalty. Pt. 1. Philadelphia: T. & J. W. Johnson & Co. 1893. 10+196 pages. O. flex. cloth, \$2, net.

Pennsylvania.

See "Brewster's Practice."

PERLEY, Sidney. Supplement to 2d Ed. of Buswell & Walcott's Massachusetts practice, including the legislation from 1883 to 1894, and cases in the Massachusetts reports from V. 133 to V. 159. Boston: G. B. Reed, 4 Park St. 1894. 16+153 pages. \$2.

Personalty.

See "Pattee's Illustrative Cases."

Political Economy.

See "Palgrave's Dictionary of Political Economy."

Railroad Laws.

See "Demarest on the Rise and Growth of Elevated Railroad Law."

Realty.

See "Pattee's Illustrative Cases."

REDFIELD, Amasa A. The law and practice of surrogates' courts in the state of New York. New York: Baker, Voorhis & Co. 1894. 1201 pages. \$8, net.

RICHARDS, H. C. The corrupt and illegal practices prevention act, 1883, annotated and explained; with notes of judicial decisions on cases of bribery, treating, undue influence, personation, etc., and a copious index. [English.] London: Jordan. 128 pages. Post 8vo. 2s. 6d.

SEAVEY, W. M. The powers and duties of notaries public and justices of the peace in Mass. Boston: Little, Brown & Co. 1894. 14+158 pages. D. cloth, \$1.25, net.

STANTON, Elmer E. Stanton's U. S. lawyers' diary and rule book for Mich.; rules of practice, state courts, U. S. court, lawyers' directory, etc. Grand Rapids: E. E. Stanton. 1894. 39+106 pages diary. F. hf. imit. rus., \$2.50.

STANTON, Elmer E. Stanton's U. S. lawyers' diary and rule book for Wis. 1894; rules of practice, state courts, U. S. court, lawyers' directory, etc. Eau Claire: E. E. Stanton. 1894. 58+314 pages diary. Sq. D. hf. imit. rus., \$2.50.

STONE, D. M. Commercial precedents. New Ed. Hartford, Conn.: American Pub. Co. 1894. 588 pages. 8vo. Cloth, subs., \$3; leather, \$4; hf. mor., \$5.

STORY'S legal digest and directory of lawyers; containing compilations of the laws of the several states and territories of the United States and of the provinces of Canada, relating to civil rights and liabilities, the enforcement and collection of claims, the taking of depositions, etc. 9th annual issue. 1894. New York: Mutual Pub. Co. 1894. 1207+106 pages. \$6.

Surrogates' Courts.

See "Redfield's Law and Practice of Surrogates' Courts, (N. Y.)"

Tariff.

See "Carr's Judicial Interpretation of the Acts of Congress Relating to the Tariff."

WHITE, Frank. Manual for foreign corporations in the state; containing the statute regulating such corporations, with annotations, forms, and instructions. Albany: White Law-Book Co. 1893. [1894.] 60 pages. O. paper, \$1.

Wisconsin.

See "Stanton's Diary and Rule Book for Wisconsin."

Yale Lectures.

See "Dillon on the Laws and Jurisprudence of England and America."

Reports.

AMERICAN AND ENGLISH RAILROAD CASES. A collection of all the railroad cases in the courts of last resort in America and England. Edited by W. M. McKinney. V. 55. Northport, N. Y.: E. Thompson Co. 1894. 7+726 pages. \$4.50.

AMERICAN STATE REPORTS; containing the cases of general value and authority subsequent to those contained in the American Decisions and the American Reports, decided in the courts of last resort of the several states; selected, reported and annotated by A. C. Freeman. V. 34. San Francisco: Bancroft-Whitney Co. 1894. 6+994 pages. \$4. [Sold by subscription only.]

ATLANTIC REPORTER. V. 27; containing all the decisions of the supreme courts of Me., N. H., Vt., R. I., Conn., and Pa.; 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. Sept. 20, 1893-Jan. 10, 1894. St. Paul: West Pub. Co. 1894. 13+1213 pages. (National Reporter System.) \$5.

COURT OF CLAIMS REPORTS. Cases decided in the court of claims at the term of 1892-93, with abstracts of decisions of the supreme court in appealed cases from Oct., 1892, to May, 1893. Reported by Charles C. Nott and Archibald Hopkins. V. 28. Washington: Government Printing Office. 1894. 24+596 pages. \$3.

FLORIDA supreme court. Cases argued and adjudged at the June term, A. D. 1893. Reported by William B. Lamar, Attorney General. V. 32. Tallahassee, Fla.: Printed at the Tallahassee Book & Job Office. 1894. 10+635 pages. \$4.50.

ILLINOIS. Reports of cases, decided in the appellate courts. V. 47; containing cases in which opinions were filed in the first district in Jan., 1893; in the second district in May and June, 1893; and in the fourth district in March and June, 1893. Edwin Burritt Smith, reporter. Chicago: Callaghan & Co. 1894. 716 pages. \$3.50.

MICHIGAN. Cases decided in the supreme court from July 26 to Dec. 4, 1893. V. 97. William D. Fuller, state reporter. Chicago: Callaghan & Co. 52+715 pages. \$3.

MINNESOTA. Cases argued and determined in the supreme court July-Nov., 1892. Charles C. Willson, reporter. V. 51. St. Paul: West Pub. Co. 1894. 19+599 pages. \$2, net.

MISSOURI supreme court. The annotations of the Reports vols. 1-112, inclusive, embrac-

ing Mo. Appeal Reports, vols. 1-53, inclusive, and U. S. supreme court to date. Compiled by J. Love. Columbia: J. Love. 1893. 226+108 pages. \$10.

NEBRASKA. Reports of cases in the supreme court, Jan. term, 1893. D. A. Campbell, reporter. Lincoln, Neb.: State Journal Co. 1894. 47+989 pages. \$2.50.

NEW YORK, (ABBOTT'S NEW CASES.) New cases selected chiefly from decisions of the courts of the state of N. Y. With notes by Austin Abbott. With an analytical index to all points of law and practice, and all Code citations contained in the standard Reports of N. Y. issued during the period covered by this volume. V. 30. New York: The Drossy Law Book Co., Publishers. 1894. 8+45+561 pages. \$4.50.

NEW YORK supreme court. Reports of cases. Marcus T. Hun, reporter. V. 79. 1893. Hun, 72. New York and Albany: Banks & Bros. 1894. 27+726 pages. \$3.

NEW YORK cases reported or cited, 1887-1893. A complete table of reported cases, showing every appeal, and whether affirmed, reversed, or modified, of cited cases, showing whether overruled, limited, distinguished, criticised, etc., with duplicate references to all current reports, (supplementing cases cited in previous works of Abbott, Connolly, and Haviland.) By Wayland E. Benjamin. N. Y.: The Drossy Law-Book Co., 1893. [1894.] 4+993 pages. \$8.50.

NORTHWESTERN REPORTER. V. 56. containing all the decisions of the supreme courts of Minn., Wis., Iowa, Mich., Neb., N. D., and S. D. Permanent Ed. Sept. 9-Dec. 30, 1893. St. Paul: West Pub. Co. 1894. 15+1232 pages. (National Reporter System.) \$5.

NOVA SCOTIA REPORTS. V. 24; containing reports of cases argued and determined in the supreme court of Nova Scotia, with a table of the names of cases argued, a table of the cases cited, and a digest of the principal matters. Reported by Benjamin Russell, M. A. Q. C., and John M. Geldert, Jr., LL. B., Barristers at Law. Toronto: The Carswell Co, Ltd. 1894. 11+592 pages.

PENNSYLVANIA supreme court. Reports. V. 157. By Jas. Monaghan, state reporter. Containing cases decided at Oct. term, 1893. New York and Albany: Banks & Bros. 1894. 21+690 pages. \$2.50.

SOUTH CAROLINA. Reports of cases heard and determined by the supreme court. V. 37. Containing cases of Nov. term, 1891, and April term, 1892. Robt. W. Shand, state reporter. Columbia, S. C.: R. L. Bryan & Co. 1893. 7+642 pages. \$6.

UNITED STATES supreme court. Reports. V. 150. Oct. term, 1893. J. C. Bancroft Davis, reporter. New York and Albany: Banks & Bros. 1894. 20+753 pages. \$2

Statutes, Codes, and Laws.

CANADA. The Criminal Code of Canada, and the Canada evidence act, 1893, with an extra appendix containing the extradition act, etc. By James Crankshaw. Montreal: Whiteford & Theoret. 1894.

GEORGIA. Acts and resolutions of the general assembly of the state of Georgia. 1893. Compiled and published by authority. Atlanta, Ga.: Geo. W. Harrison, State Printer. (Franklin Publishing House.) 1894. 540 pages. Half sheep.

NEW YORK. The general municipal code, etc., as presented by the revision commissioners and passed by the legislature of the state of N. Y., with amendments, etc. Prepared by W. H. Silvernail. New York and Albany: Banks & Bros., 1893. [1894.] 31+854 pages. \$3.50.

CONTENTS OF NEW BOOKS.

Demarest's Rise and Growth of Elevated Railroad Law.

FROM THE PUBLISHERS' ANNOUNCEMENT. In this work the author gives a history of the growth and an exposition of what may be termed the "Elevated Railroad Code of the State of New York." The novel legal questions peculiar to semi-aerial locomotion, and others which, though not strictly sustaining such a relation, have acquired emphasis in these modern litigations, and merit notice from the student of the essentially incessant evolution of the Anglican law, have been carefully considered. The rise and growth of the law of judicial decisions in the controversies between the elevated railroad companies, mainly in New York city, and the landowners and occupants whose "property," it has been established, has been taken from them without compensation, are fully given in the work.

The following are the chapter headings:

- Chap. 1. Origin of the Companies, and Construction of Roads in New York City.
- Chap. 2. Adjudged Foundation of the Property Owner's Demands against the Elevated Railroad Companies.
- Chap. 3. Enumeration of the Different Kinds of Actions Brought against the Elevated Railroad Companies, and Statement of Their Nature.
- Chap. 4. Action for "Past Damages."
- Chap. 5. Action for an Injunction.
- Chap. 6. Anomalous Actions.
- Chap. 7. Vendor and Vendee—Landlord and Tenant.
- Chap. 8. Theory and Conduct of the Trials of the Actions.
- Chap. 9. Benefits.
- Chap. 10. Condemnation.
- Chap. 11. Jury Trials and References.
- Chap. 12. Characteristics of the New Street Easements—The Situation in Illinois.

Dillon on the Laws and Jurisprudence of England and America.

TITLE-PAGE. The Laws and Jurisprudence of England and America, being a series of lectures delivered before Yale University,

by John F. Dillon, LL. D., Storrs Professor, Yale University, 1891-1892; Author of Commentaries on the Law of Municipal Corporations; 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 the State of Iowa. Boston: Little, Brown & Co. 1894.

EXTRACTS FROM THE PREFACE. They [these lectures] are just what they are, and just what they purport to be, and nothing more; namely, discourses to a class of law students, given largely to inspire a patriotic and just regard for the laws and institutions of our country, to incite enthusiasm in the study of the law rather than to impart technical instruction, to awaken inquiry rather than to satisfy it upon subjects of vital moment to the profession, lying somewhat outside of the ordinary legal curriculum. It is due to me and to the reader that the book be judged from this point of view, and no other. While it, therefore, disclaims any pretension to profound research or exhaustive treatment, as inconsistent with its main purpose, it deals, nevertheless, with the interesting subjects of legal education, trial by jury, the origin, development, and characteristics of the common law, written constitutions, legislation, case law, the law reports, the doctrine of judicial precedent, codification, and law reform.

There is one purpose which runs through all the lectures, in virtue of which only can the book make any claim to unity of design. That purpose is to delineate the characteristics and to exhibit the excellences of our legal system as it now exists, with a view to show that for the people subject to its rule it is, with all its faults, better than the Roman or any other alien system. It is an argument intended to be so earnestly and strongly put as to amount to a protest against the "Continentalization" of our law. I have a pro-

found conviction of the superiority of our system of law, at least for our people; but I know that this estimate is not so fully and firmly held by the body of lawyers and law teachers as I think it ought to be. I have therefore thought it a fitting, if not needful, aim, to inspire on the part of the profession a more thorough appreciation of it. But, while I confess to a desire to set forth its excellences, I am not conscious of any inclination to veil its imperfections.

As the result of studies, reflections, and experience, I have formed upon many of the topics discussed decided opinions, which I have freely expressed. They represent my matured views and convictions. The legal system of England and America is substantially developed,—as fully, I mean, as it is practicable to develop a system which must necessarily expand with the life and growth of the active communities which it governs and regulates. The pressing want of our substantive law is an authoritative, scientific, and comprehensive arrangement of its vast and scattered materials,—a work which is yet in its formative stages. What has thus far been projected has made but little real advance, and has not always proceeded on the right plan or principles. My judgment is that, for this purpose, our law must be treated as substantially unique and distinctive, and arranged according to its real character,—arranged, so to speak, from within, and not from without.

Hektoen's Post-Mortem Technique.

[See Review of this book by Prof. Marshall D. Ewell, on page 81.]

TITLE-PAGE. The Technique of Post-Mortem Examination. By Ludwig Hektoen, M. D., Pathologist to the Cook County Hospital, Chicago, Professor Pathologic Anatomy in the College of Physicians and Surgeons of Chicago. With forty-one illustrations. Chicago: The W. T. Keener Company. 1894.

EXTRACT FROM PREFACE. The systematic and minute consideration of the various appearances, and the diagnosis of pathologic changes, in the fresh organs, has been purposely avoided, and only such general and comprehensive statements have been made in this direction as were necessary to emphasize the value of the various practical details.

The little book has been prepared particularly for the guidance of the medical students who frequent the demonstrations in pathologic anatomy given by the author at the Cook County Hospital in Chicago; it is also thought that the total absence in this country of statutory regulations to guide and direct the practitioner in medico-legal cases

will serve to extend its usefulness, especially as the subject will be considered somewhat more in detail than is the case in the comprehensive text-books of pathologic anatomy and medical jurisprudence.

THE CONTENTS include the following headings: General considerations, (including statistical tables, and sample of report of post-mortem examination to the coroner, etc.) examination of the body; examination in cases of suspected poisoning; examination of new-born children; restoration of the body.

Jones' Forms in Conveyancing, (Fourth Edition.)

TITLE-PAGE. Forms in 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, Author of Treatises on "Mortgages of Real Property," "Chattel Mortgages," "Railroad Securities," "Pledges and Collateral Securities," etc. Fourth Edition. Revised, with an appendix containing recent statutory changes. Boston and New York: Houghton, Mifflin & Co. The Riverside Press, Cambridge. 1894.

FROM PREFATORY NOTE. The chief use of general forms, as distinguished from common local forms, is to suggest to the draughtsman the different provisions that should be considered in drafting the instrument in hand. It is not often that a form can be an exact model of the instrument to be drawn. The present edition contains more than fourteen hundred forms, of which a little less than half are full precedents, and the remainder general clauses not contained in the precedents. Over two hundred forms have been added in this edition. Some common forms of deeds and mortgages given in the former edition have been omitted in this. In cases where forms only slightly differing from each other are in use in several states, one form has been given for all such states. By such omissions the additions now made have increased the book in size by only a little more than a hundred pages. In the notes referring to statutes, accuracy has been made of the first consideration, and the latest statutes have been examined and referred to.

Jones on Chattel Mortgages, (Fourth Edition.)

TITLE-PAGE. A Treatise on the Law of Mortgages on Personal Property. By Leonard A. Jones, Author of Treatises on "Mortgages," "Railroad Securities," "Pledges," and "Liens." Fourth Edition. Revised and Enlarged. Boston: Houghton, Mifflin & Co. 1894.

NOTE TO THE FOURTH EDITION. In this revision are incorporated the new cases, more than eight hundred in number, and the changes in the statutes, published since the preparation of the previous edition. In addition to the usual references to cases in the official Reports, additional references have been made to all cases, both those now added and those cited in previous editions, which are reported in the Reporters of the National Reporter System, and to all cases reprinted in the American Decisions, American Reports, and American State Reports; thus, in many instances, giving references to two or three Reports for the same case. The present edition, as compared with the original edition, contains citations of some two thousand additional cases, and the work has been enlarged by the addition of some two hundred pages of new matter. The increase in the number of citations and in the number of pages does not, however, fully show the labor that has been given to the preparation of the new editions; for in each new edition much care has been taken to condense and improve the statement of the law previously made.

Jones on Liens, (Second Edition.)

TITLE-PAGE. A Treatise on the Law of Liens, Common Law, Statutory, Equitable, and Maritime. By Leonard A. Jones. Second Edition. Revised and Enlarged. In two volumes. Boston and New York: Houghton, Mifflin & Co. The Riverside Press, Cambridge. 1894.

NOTE TO SECOND EDITION. The cases coming within the province of this treatise decided within the last five years have been incorporated into the text and notes of this edition. Much new matter has thus been added; but by changes in type and size of the pages, by omitting spaces between the sections, and by substituting in some instances references to statutes in place of statements of their substance, the size of the volumes has not been materially increased. Important changes and additions have been made in that part of the work relating to "Mechanics' Liens." In this part alone, there are about a hundred pages of new matter, and the number of citations added is more than twelve hundred. In addition to the usual references to the official Reports, references have been made to the Reporters of the National Reporter System, and to the American Decisions, American Reports, and American State Reports, for cases also found in these Reports; thus, in many instances, giving references to two or three Reports for the same case. Many cases in the Reporters are also referred to which have not yet appeared in the official Reports.

Lloyd's Law of Building and Buildings, (Second Edition.)

TITLE-PAGE. A Treatise on the Law of Building and Buildings, especially referring to building contracts, leases, easements, and liens, containing also various forms useful in building operations, a glossary of words and terms commonly used by builders and artisans, and a digest of the leading decisions on building contracts and leases in the United States. By A. Parlett Lloyd, of the Baltimore Bar, Author of "A Treatise on the Law of Divorce." Second Edition. Revised and Enlarged. Boston and New York: Houghton, Mifflin & Co. The Riverside Press, Cambridge. 1894.

FROM THE PREFACE TO THE FIRST EDITION. Possibly the most remarkable omission in the literature of law in this country is the absence of any work upon buildings, building contracts, and leases. The subject is one of great importance, not only to the legal profession, but to fully three-fourths of the general population who are interested in building operations, whether as purchasers, architects, artificers, or contractors. Numerous books have appeared from time to time containing theoretical, historical, and artistic views of architecture, and the art of building, but no American writer has yet compiled the building laws of our country to any practical extent. The object of this treatise is to fill this long-felt want.

The Students' Quiz Books: Questions Answered.

VOLUME 1. The Students' Quiz Book, containing question, answers, and a history of the leading cases in Anson on Contracts and Blackstone, as taught by the professors in the Michigan Law School.

VOLUME 2. The Students' Quiz Book, containing questions, answers, and a history of leading cases in common-law pleading and practice, equity pleading and practice, agency and partnership, as taught by the professors in the Michigan Law School.

VOLUME 3. The Students' Quiz Book, containing questions, answers, and a history of leading cases in bailment and carriers, personal property, torts, and domestic relations, as taught by the professors in the Michigan Law School. All by C. C. Walsh, LL. B., University of Michigan. Chicago: Callaghan & Co.

FROM THE PREFACE. The system of instruction in the Michigan Law School—the most largely attended legal institution in America—is conducted, in many of the most important subjects in its curriculum, on the

popular "lecture plan." In these lectures, only the general principles of law are laid down by the faculty, and for a detailed discussion of them the student is referred to some recommended text-book or adjudicated cases. While following the general plan pursued in the lectures, the writer has endeavored to systematize and subordinate the various subjects, until the entire work shall stand out in logical simplicity, thus enabling the student, without waste of time, to comprehend more readily the whole. By forming a substantial combination of the lectures

delivered by the faculty, and making text-books of acknowledged excellence the basis of these outlines, a permanence will be given to them which will be unaffected by any change in the manner of the presentation of the lectures. Such a work as the one herein presented is not designed to supersede either the lecture or the text-books upon which it is based, but simply as a preface to accompany them, and serve as a manual to guide the reader to the most salient principles of law expounded in the more exhaustive commentaries.

REVIEWS OF NEW BOOKS.

[We have received copies of the following books for notice in "Law Book News," and reviews of them will be given in early numbers:

American Corporation Legal Manual.
Dillon on Law and Jurisprudence.
McKelvey on Common Law Pleading.
Demarest's Elevated Railway Law.
Wood's Political Economy of Natural Law.]

Ballard's Real Property Annual for 1893, (Volume 2).¹

Reviewed by Prof. Russell H. Curtis, of Kent Law School.

[See Contents and other descriptive matter on page 46, No. 2, Law Book News.]

This book is essentially, according to the announcements on its title-page and in its prefatory matter, a digest of decisions which relate to real-estate law, which were rendered by the supreme courts of the several states and by the United States supreme court, and which were published officially since volume 1 of the series was compiled, and prior to some date, not stated, in 1893. The utility of such a book depends chiefly upon the completeness and accuracy with which the decided points are stated, and upon the adoption of a good arrangement of matter by which the law on a particular topic may be easily found.

There is at the beginning of the book a list of the volumes of Reports digested. This is a good feature, and evinces honesty in the editors. The last volume of United States Supreme Court Reports included in this list is volume 144. Volumes 145 to 149 of that series were published during the year 1893, or prior thereto. The last volume of Reports of the Illinois supreme court included in the list is volume 136. Volumes 137 to 145

of that series were published during or prior to 1893. Examination shows that other series of Reports represented in the list of digested Reports are not brought down so as to include all the volumes of the series published in 1893, and doubtless all the series represented omit some decisions published during the year 1893, as the copyright was taken out before the year expired. Six states are not mentioned in the list, namely, Delaware, Idaho, Nevada, Rhode Island, South Dakota, and Wyoming. During 1893, Rhode Island published volume No. 17 of Reports of decisions of its supreme court. South Dakota published volume No. 1 of its Reports. Wyoming published one volume of its State Reports, entitled "Wyoming, No. 3;" and Idaho published at least one volume of Reports, although possibly not officially. Why these Reports are not included in the digest under review does not appear. The absence of Reports from Delaware and Nevada may be accounted for on the ground that no volumes of Reports of the decisions of the supreme courts of those states were published during the year. It would have been well to have included in the digest the decisions of the United States circuit courts of appeals. Volume 10 of the official series of these decisions was published during 1893. It would have been well, too, to have included in the digest notes of statutes which relate to real-estate law, and which were enacted by the several state legislatures and by congress during the year 1893. If the digest had included decisions which relate to real-estate law, and which were published during the year in the unofficial Reports, although not included in the official Reports issued during the same period, its utility would have been vastly increased. When a lawyer consults an annual digest of decisions devoted to some one great head of the law, he wants to find in it, at least, all decisions of courts of last resort which relate to the subject, and which were published during the period which the Digest purports to cover, whether they were

¹ The Annual of the Law of Real Property. By Tilgman E. and Emerson E. Ballard. Vol. 2. 1893. Crawfordsville, Ind.: Ballard Pub. Co.

officially or unofficially reported. It is well known that the official Reports often lag many months behind the unofficial ones.

The notes of decided cases appear to be accurate. The book is printed in clear, rather small type, on good paper. Its general style and binding are satisfactory.

The principal topics of the digest under review are arranged alphabetically, "and the subdivision of these topics, under each general topic, logically." This is probably the best plan which could be adopted for a book of this kind, where ease of reference to the law upon a particular topic is the chief desideratum. The alphabetical heads are generally well chosen. Several important topics are omitted, for example, Accretion, Conditions Precedent and Subsequent, Injunctions, Life Estates, Remainders, Reversions. It cannot be that our courts of last resort have not rendered a single officially reported decision during the year relating to injunctions affecting ownership of land. This book itself contains at least one such decision. See page 70.

The book under review has been commented upon as a digest. It is more than that. It contains 41 selected decisions, which are reported verbatim, and which are arranged under the alphabetical heads of the digest. This is the plan followed in Myers' Federal Decisions. The plan is faulty. A judicial decision is a unit. One part limits other parts. You must know the whole of the decision before you are sure that you understand it, and before you can determine its weight as authority. It cannot therefore be reported with advantage in fragments. Neither can it be conveniently reported in general in a digest entire, because it frequently relates to half a dozen distinct topics. The conclusion would seem to be that extended verbatim reports of decisions should not be included in a digest. The practice observed of dividing judicial opinions into sections, numbered consecutively throughout the book, and preceded by heavy-faced catchwords, is confusing. It is difficult to determine where a decision ends and editorial notes begin.

This book contains an index arranged by states to sections of statutes and constitutions construed by the courts during the year. Under each statutory section construed is a reference to the page and section of the digest where a note of the point decided is to be found. This index is probably the most valuable part of the book, as similar indexes in other digests do not duplicate it, at least as to its condensed arrangement. It would be more valuable if the volumes of Reports digested were all the volumes of Reports published during the period supposed to be covered.

This book shows that much intelligent labor has been bestowed upon it. It cannot fail

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to be of use to real-estate lawyers. It would be of more use to them if it were more thoroughly made, and brought down more nearly to date.

Russell H. Curtis

Kent Law School, Chicago.

Hektoen's Post-Mortem Technique.¹

**Reviewed by Prof. Marshall D. Ewell,
M. D., LL. D., Dean of the Kent
Law School, Chicago.**

[For Contents and other descriptive matter, see page 78 of this number.]

We have read the above-entitled work with much interest, both on account of the importance of the subject and the learning and experience of the author, and can cordially commend it, not only to medical practitioners, but to states' attorneys and practitioners of criminal law. We do not understand how any one engaged in the practice of the criminal law can do without a book of this sort; and, in our opinion, this is clearly the best work of its kind in the English language.

Marshall D. Ewell

Mann's Medical Jurisprudence of Insanity.²

**Reviewed by Edwin A. Jaggard, Esq.,
Sometime Lecturer on Medical Jurisprudence in the St. Paul
Medical School.**

[See Contents and other descriptive matter on page 50, No. 2, Law Book News.]

This book is evidently a record of the general impressions and experiences of its author. It treats of the medical jurisprudence of insanity largely, but by no means exclusively. The old-fashioned division of medical jurisprudence, as it will be found, for example, in the unsupplanted labors of Wharton and Stille, has been ignored. If, however, Dr. Mann has any new classification, it does not appear. The book contains some theories as to the psychophysical aspect of insanity, a collection of legal authorities on insanity, some learning as to imbibition of poisons and as to circumstantial evidence in poisoning cases, a discussion of personal identity in murder cases, the testimony of the

¹ The Technique of Post-Mortem Examination. By Ludwig Hektoen, M. D., Chicago: The W. T. Keener Co. 1894.

² The Medical Jurisprudence of Insanity. By Edward C. Mann, M. D. Albany: Mathew Bender. 1893.

author as an expert especially on insanity, and his views on the Guiteau and Prendergast Cases.

The theories of insanity are essentially orthodox, commonplace, and sound. It is not always easy to find out what they are. Without reading the whole book, it would not be easy to find out where they are. The spirit of Alexander Bain, if it should look over the book, would be gratified to note the effect of the great Scotchman's intellect on this development of modern thought on the relationship of "Mind and Body." The chapter on "Medico-Legal Relations and Significance of Spinal Concussion and Injury—Railway Injuries" is calculated to excite surprise by its entire failure to notice the contributions on that branch of medico-legal science made by John Eric Erichsen. That ex-president of the Royal College of English Surgeons is supposed to be almost isolated in his eminence as an authority on this subject. The practicing attorney naturally, but vainly, looks for a discussion of the somewhat peculiar views of this distinguished scientist.

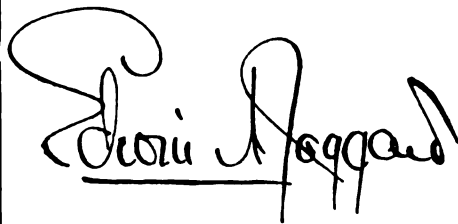
The collection of legal authorities is above the average production of legal digests by members of the medical fraternity. On this point the book does not rise to the level of a treatise. The absence of a table of cases subtracts from the value it possesses. A chapter of more than a score of pages has this eloquent and capitalized title, "An Attempt to Codify the Common Law Relating to the Disease of Inebriety, from a Clinical, Scientific, and Forensic Standpoint." It consists of a combination of a temperance lecture, a metaphysical discussion, and a charge to the jury. One thing, at least, is clear: this doctor does not know a code from a handsaw.

The pages devoted to poisons occasion regret that the title of the book and the book itself had not been changed so as to logically include a more extended presentation of this subject. The matter on this point is distinctly good. The discussion of personal identity satisfies the reader that the author's mind was not a complete blank as to sense of relevancy. He must have felt the pleasing consciousness of rectitude when he resisted the temptation of a digression into metempsychosis.

It is, however, in the medical cases, supposedly on insanity, that perhaps the greatest interest will be found to center. These cases are eccentric. More than a score of pages are devoted to one case in which insanity was raised as a defense, and in which the accused was acquitted on the ground of self-defense. In another case a masseur married his employer's daughter. The author advised the manipulator's attorney that he had no case because the girl was weak-minded; thereupon the man of law consented to an annul-

ment of marriage. Surely, this medical man has no conception of the character and extent of legal literature.

We are fully informed as to the author. He is a professional expert witness. He lets us know that the audiences in court rooms interrupt the solemnity of judicial proceedings to applaud his testimony. He discourages unjustifiable litigation. He conducts a private hospital. He appreciates, and in this work generously praises, counsel for whom he has "experted." The book may lack science for doctors and system for lawyers, but, as a portrayal of the kindly, learned, genial, and somewhat whimsical personality of the good doctor, it is a distinct success. It is respectfully suggested to his publishers that subsequent editions be entitled "A Treatise on Maun."



St. Paul, Minn.

Merrill on Mandamus.¹

Reviewed by Hon. H. W. Child, Attorney General of Minnesota.

[For contents and other descriptive matter see page 50, No. 2, Law Book News.]

The writ of mandamus was, as originally employed, a royal mandate commanding the performance of some specific act. Its transition from that office to a judicial remedy in the enforcement of a right is an interesting, if not a necessary, study to one who desires to clearly appreciate its present scope. It is not the purpose of this article to attempt to trace the gradual growth of this important remedy, but attention is called to the fact that now, as ever from its earliest uses as a judicial writ, it is invoked only in the enforcement of a clear, legal right, and in cases where no other adequate remedy is afforded. Infrequently resorted to as a royal writ, and for a long time comparatively little employed by either the chancery or common-law courts of England, it remained for the present commercial age to demonstrate its value and multiply its uses. The favor into which it has grown both with the lawyer and the judge is evidenced by the great mass of judicial decisions which have been reported by the courts of this country during the past fifty years. The growing tendency to enlarge its scope has at times resulted in decl-

¹ The Law of Mandamus. By S. S. Merrill. Chicago: T. H. Flood & Co. 1892.

sions which cannot be harmonized with well-settled principles of law, and which tend to confusion in the administration of justice. Not only has the subject in recent years offered a tempting field to the law writer, but it has likewise presented an urgent necessity for a scientific classification of authorities, the deduction of correct principles therefrom, and the weeding out of vicious tendencies, by some one prepared for such work by natural endowments and careful training.

A number of writers have essayed this difficult task, as a result of which the subject has been enriched by such valuable works as High on Extraordinary Legal Remedies, Heard's Shortt on Extraordinary Remedies, Merrill on Mandamus, and last, but not least, Spelling's Extraordinary Relief.

Mr. Merrill has attempted in a book of some four hundred pages to express, under proper classification, the substance of the fifteen hundred cases, more or less, which he cites, illustrative of the law of mandamus. It needs no very thorough examination of his work to demonstrate that he has by no means exhausted the subject, nor cited all of the authorities bearing upon it. He has, however, been an industrious worker, and has evidently sought to harmonize and methodically arrange a large mass of case law. While it cannot be claimed for him that he has completely covered the field, it must be conceded that he has produced a book of so much value as to insure a fair degree of favor for it with the legal profession of this country. We know nothing of the author outside of his book, but are encouraged by his prefatory remark that he has himself "carefully examined every decision" which he has cited,—a statement which, we fear, could not be truthfully made by many of the numerous writers whose books have in late years invaded, with equal effrontery and misfortune, both private and public libraries.

But, in spite of this assuring remark of the author, we have subjected his work to sufficient tests to satisfy us that his citations are almost always accurate. A law writer has accomplished much who gains the confidence in this respect of his professional brethren. No busy lawyer will long tolerate an author who repeatedly leads him astray in the citation of authorities.

There was no pressing need for Mr. Merrill's book. It is not superior to, if indeed it is the equal of, at least two of the writers above named. Both Mr. High and Mr. Heard had, in their respective works, exhaustively and philosophically treated the subject of mandamus. Evidently, our author was not quite certain as to the propriety of his self-imposed task, for, with pleasant humor, he adverts in his preface to the wish of Job that his enemy might write a book. But we are bound to say that he has accomplish-

ed what Job believed beyond the reach of his enemies,—the writing of a good book.

The general character of the work will be best seen by a glance at some of the topics therein treated. The first few chapters are devoted to a discussion of the definition, origin, and scope of the writ of mandamus. Then follows an investigation of the question as to how far the writ is confined to public rights and against public officers, together with a discussion of the general principles by which the issuance of the writ is governed. The subject of judicial discretion receives appropriate consideration. We find several chapters upon the subjects of public officers and public bodies, public and private corporations, and courts. Such subjects as procedure, parties, pleadings, and practice come in for their share of attention; and the book closes with a chapter upon forms appropriate to proceedings by mandamus.

By a judicious arrangement of subject-matter and a liberal use of headnotes, to say nothing of a fairly good index, the reader is enabled to turn with facility to any of the subjects treated by the author. As a handy volume devoted exclusively to the subject of mandamus, Mr. Merrill's book is worth the buying.

H. W. Chiles

Norton on Bills and Notes.¹

Reviewed by Prof. Nathan Abbott, A. B., LL. D., Secretary of the Northwestern University Law School.

[See Contents and other descriptive matter on pages 14 and 15, and other opinions on page 21, of No. 1 Law Book News.]

The author of this book is a lawyer of Buffalo, New York, and teaches the subject of negotiable instruments in the Buffalo Law School. In making his book, Mr. Norton has had the special advantage that practice of the law gives, and the general knowledge of his subject necessarily resulting from teaching it. This is not all, as Mr. Norton, having previously published a smaller book on this subject, has the further and perhaps greater advantage of having formulated his ideas in print, and of having an opportunity to correct and modify them so far as his experience with his first book may have suggested was desirable. It would thus seem the conditions exist for an excellent book, and it is within bounds to say that the result of Mr. Norton's work is of a high order of excellence.

The plan of the book is to give, at the head of each chapter and department of his subject, several brief and rather axiomatic

¹ Handbook of the Law of Bills and Notes. By Chas. P. Norton. St. Paul: West Pub. Co., 1893.

statements of the law. This is a feature that required care and accuracy, and is well done. It is doubtful if it could have been as well done if it were not for the similar work in Chalmers; but Mr. Norton has had the good sense to stick very closely to the statements in Chalmers, and, where he has modified or enlarged them, he has the authority of Ross or of Prof. Ames to support him. These brief statements are printed in bold type, and are followed by a discussion of them, and of the leading cases. This is fresh and vigorous in style, and in this part of the book the author has done his best work, notably in the discussion of the doctrines of Swift and Tyson and Bay and Coddington. In the shorter and preliminary work, which was intended for use in a New York Law School, emphasis was laid on the New York cases in the discussion of leading cases. This might have been a serious matter in a book intended for use in other states, and we think is corrected in this book.

At the close of each chapter is a collection of problems, such as the following:

"Pay C, or order, \$100, on demand, or in three years, with interest during said term, or for such further time as said principal, or any part thereof, shall remain unpaid." Can such a condition be put in a negotiable instrument? Problem No. 17, c. 2, p. 65.

C, the holder of a bill payable to his order, transfers it to D for value, but without indorsing it. C has obtained this bill by fraud from the maker, but D has no notice of this. Can D recover of the maker? Problem No. 5, c. 8, p. 246.

These problems, in the main, seem to be taken from cases in the reports, and are well chosen with reference to the text. They are intended to give concrete illustrations for the application of the principles that precede them, and to be used as a basis for discussion in the class room. It is a question whether it would not have been better to refer the student by a note to the case or cases in which the problems would be found, or that might be consulted in preparing for their discussion or solution; for, excellent as is the text that precedes them, it is doubtful if sufficient is given in the text alone to enable a student, unaided, to answer many of them, and the result of studying without the aid of an instructor might be to unsettle, instead of fix, the principles of the text.

Whether a book is suited for use in the class room can be determined only by actual experiment, but it seems as if Mr. Norton's book is well adapted to this purpose.

Nathan Abbott.

OTHER OPINIONS OF NEW BOOKS.

Cook on Stock and Stockholders and Corporation Law.

[See Contents and other descriptive matter on page 48, and Review by Hon. Simeon E. Baldwin on page 53, No. 2, Law Book News.]

As business in this country tends more and more to take a corporate form, so it becomes more and more apparent that the highest pecuniary rewards of the legal profession are to be found in the transaction of the business of corporations. A knowledge, therefore, of corporation law, not only becomes more and more necessary to the young lawyer, (a fact not sufficiently recognized by the law schools,) but even the more experienced members of the profession must keep themselves informed as to the latest decisions on questions which are constantly shifting, developing, and expanding. We are all familiar, for instance, with the history of trusts, an ingenious invention, which brought fortunes to several well-known members of the bar. Fees of a quarter of a million dollars are certainly unusual, but then, the services rendered were of a most unusual character and value. No one who has had occasion to examine these extraordinary combinations with any attention can have failed to be struck with the ability with which a

few simple principles were combined, so as to give to the persons interested in the trust the maximum of rights with the minimum of burdens. And yet the history of the trust is the history of Jonah's gourd, and, under the attacks of the courts, they are practically things of the past. And in many other directions corporate law has made great strides which leave the ancient landmarks far behind, and nowhere is this progress so well shown as in this book of Mr. Cook, now in its third edition.

The work is so well known that any extended review of it would be out of place. We have used it constantly since the appearance of the first edition, and, besides its many other merits, have been much impressed with the fact that the author has actually read and considered the cases cited in his notes. This may seem faint praise, but any one who has had occasion to verify the cases cited in many of our recent law books has become soon convinced that, in the desire to cite "all the cases," the author has acquired a considerable amount of his knowledge at second or third hand. One book has recently been withdrawn from the market for having too literally followed the maxim that "imitation is the sincerest flattery;" and other instances familiar to law-book publish-

ers show to what an extent piracy has gone. But, of course, these are glaring examples. The second-hand material is, as a rule, taken from digests, with the result that the product of the "author's" learned labors is a digest of a digest. It is the originality and honesty of Mr. Cook's work which distinguish it from these copyists, and the present edition of his book is in some respects (from the practical rather than the theoretical side) the best and most complete book on corporation law which we have.

And yet we think that this book, as reliable and valuable as it is, presents an example of a good book written on an erroneous theory. The work is said by the author to be "a treatise on the law of stock corporations, approached from the standpoint of stock and stockholders." But why should a corporation be approached from this standpoint? The part is never greater than the whole, or even as great, and why take as a standpoint the stock of a corporation, and not the corporation itself? In discussing such a complex structure there is only one correct method of treating it,—to take the idea of the corporation, and to deduce from this central idea all the various rights, liabilities, and duties which make up the corporation in its entirety. In other words, it is the deductive, and not the inductive, methods which must be employed. And the stockholder has widely varying rights and liabilities. At the one extreme of his position of stockholder, he is merely a person entitled to share in the profits, and to take part in the election of corporate officers. On the other hand, he sometimes becomes, to all practical purposes, the corporation itself, (*People v. North River Sugar Refining Co.*, 121 N. Y. 582; *State v. Standard Oil Co.*, 49 Ohio St. 137;) and for his sins the corporation suffers, in the language of Judge Finch, "judgment of corporate death." Of course, the peculiar standpoint of Mr. Cook arises from the fact that the book originally dealt more with the rights of stockholders than those of corporations. But now that it takes in practically all corporate law, it should frankly state the fact, and entitle itself "A Treatise on Corporations Having Capital Stock."

One of the most valuable parts of the book will be found to be the compendium of the constitutional and statutory provisions of all the states in regard to corporations, (chapter lvi.)

—"T. C." in New York Law Journal.

The well-known remarkable success of this work can in a measure be accounted for when so eminent an authority upon the subject as David Dudley Field says of it: "It is

a better book than any I know treating these subjects." This is a broad and sweeping assertion, but we have not the slightest doubt the venerable jurist meant every word of it. Among the law books that have attained success upon grounds of merit only, this work will unquestionably hold a prominent place. Considering the rapid growth of corporate enterprises, and the increase of litigation which would naturally be expected, it is not at all surprising that this edition is in two volumes. There are "padded" law books, which, if there is any excuse for their existence at all, do not deserve the two volume space they fill. This will never be justly said of Mr. Cook's work. He says in his preface that this edition contains double the amount of material found in the second edition. After carefully comparing the two editions, no one would doubt the truth of the assertion. It is interesting to contemplate the possibilities for future editions, however, when four years affords such an increase of the volume of the law upon one branch. The author is quoted by the publishers as saying: "I do not see how any subject can arise concerning corporations not treated in some form in this third edition." Quite a careful study of the work has convinced us that this assurance is perfectly warranted.

The new material added is so extensive, covering so many new and important subjects, that it seems more like a new work than a new edition of an old one. There have been added entirely new chapters, treating thoroughly the laws peculiar to gas, electric light, telegraph, telephone, street railway, railroad, plank-road, and other corporations owing a duty to the public, or "quasi public" corporations. To the chapters on reorganization, receivers, bonds, mortgages, and foreclosures, important new matter has also been added. The chapter upon "watered" stock, which the author gives quite exhaustive treatment, has been rewritten into an interesting chapter of 47 pages. This will be of particular interest just now, when the promoters of so many corporations are called upon to defend themselves from the charge of resorting to that practice; a prominent example being the American Bell Telephone Company, whose application to increase the capital stock from \$30,000,000 to \$50,000,000, its enemies allege, has been made for that very purpose. The chapters upon corporate meetings and elections have been rewritten, as have also those upon dividends and preferred stock. Another new feature of this edition, which must not be unnoticed, is a comprehensive synopsis, occupying 350 pages of closely-printed matter, of the constitutional and statutory provisions of the various states so far as they affect corporations. Last, but not least in importance, by

any means, is the well-constructed index of 117 pages. On the whole, one cannot but be very much pleased with the work. In manner of arrangement and typographical appearance it is a perfect modern law book.

—Michigan Law Journal.

Keener on Quasi-Contracts.

[See Contents and other descriptive matter on page 14, and Review by H. Campbell Black on page 15, of No. 1, Law Book News.]

By preparing this treatise, Professor Keener has rendered a great service to the profession. The work is thoroughly scientific, and is distinguished throughout by accuracy of definition and keenness of analysis. A careful perusal of the book clears away whatever misconceptions one may have entertained in regard to the nature of those legal rights which rest neither in contract nor in tort, but in statutes or in general principles of truth and justice. Confusion of ideas is avoided by exactness in the use of legal terminology. He traces the fallacious classification of quasi-contracts as contracts of record and implied simple contracts to its origin in the law of remedies, while, with extraordinary perspicuity, he shows the essential difference. His treatment of the several topics constituting this branch of the law—e. g. recovery of money paid under duress, mistake, or compulsion of law, waiver of tort, liability of infants and non compos mentis for purchased necessities, etc. is eminently satisfactory. Without approaching diffuseness, the author is exhaustive. We may commend the book as a masterpiece of legal style and learning.

—Yale Law Journal.

If all legal treatises were written with the method and spirit of this one, the task of the judge would be easier, and the progress of legal science smoother and more rapid, than we can as yet hope for. The publishers of the Annual Digests may well say that their Digests are in truth universal text-books up to date; yet this is not praising Digests more, but text-books less. The average treatise of to-day is, and is taken as nothing more than, a digest. The evil is that the reader is induced to accept the summaries-up of the authors as correctly representing the gist of his citations, and this reliance is too often misplaced. Treatise-making is now so easy that the making of them tends steadily to degenerate. Mr. Beach, in the preface to his book on Corporations, has shown us the recipe: Several copies of the Digests, as many gum bottles and pairs of shears, a smart young law graduate for each piece of apparatus, and an eminent lawyer

to correct the proof and put his name on the title-page. In a review of the work mentioned, in a late number of this Review, we have shown what errors this style of book-making is sure to lead to; and a similar lesson could be very prettily given from another work on Equity Jurisprudence, made in the same way. We do not here declare this sort of book worthless, provided it is founded on correct citations, (which is unlikely;) but we do say that there is absolutely no hope for the improvement of our law if the profession does not give such works the rank they deserve, and if it does not encourage and salute with praise the saving efforts of those courageous writers who are determined to treat legal topics in a scientific fashion, to discuss principles, and not merely cite cases, to furnish a statement of the law valuable because of the personality of the author, and not merely as a collection of cases. The books are few and far between which exhibit such a treatment. Not to be invidious, one may name Sedgwick on Damages, Pollock on Torts, Bigelow on Fraud, Gray on Perpetuities, Drone on Copyrights, Thompson on Trials, as illustrations of the qualities that make a treatise worthy to found a reputation on. Of this sort is Keener on Quasi-Contracts. May the courage of such authors inspire the imitation of others, and the respect and patronage of the profession.

But as to the meat of this particular treatise, the peculiarity is that it has never before in our language been made the subject of a treatise of its own. To put it briefly, the class of claims here treated is that class which involves neither a tort, (a breach of the universal compulsory obligations as to property, person, and social relations,) nor a contract, (i. e. a voluntary undertaking between particular persons.) This class covers, according to the author, (1) claims based on the duty of public officers, on statutory duties, and the duty, e. g. of a carrier to receive goods; (2) claims based on judgments; (3) claims based on undue enrichment of the defendant at the expense of the plaintiff. That the first and second classes belong under this title may be questioned; but this is here unimportant, as the author's treatment is confined to the third class. This covers a multitude of topics hitherto treated in a precarious fashion in scattered treatises, the following being the most important: Claims against a lunatic or infant for necessities, or against a husband for necessities supplied to his wife; claims to recover money paid by mistake; claims for the proceeds of a tort; claims for benefit conferred under an agreement void or rescinded; claims for money paid under compulsion; and claims for contribution or indemnity to cover losses which the defendant has been spared by the plain-

tiff's sacrifice. The thing to be noted about the present treatment of these by no means novel topics is that, once for all, the veil of fiction is torn away, and the plain truth is insisted on that the "implied contract" is no contract; that there is no consent of the defendant, and no shadow of an undertaking by him to be liable; that, in short, the obligation is imposed by law because the defendant has been unduly enriched at the plaintiff's expense. Viewed in the light of undue enrichment as the guiding principle, a just foundation for the rule is found, and a fair canon for future extension of the principle. And no one who reads the utterances of a series of judges from Mansfield down to Field and Lindley can doubt that the principle thus expounded has received a thorough sanction in the reasoning of our courts.

As we lay down the book, we cannot help repeating the thought which has accompanied us throughout its reading,—that the work is a standing reproach to those treatise writers who, in this hour of greatest peril to legal science, are content to see merely the pecuniary side of bookmaking, and do their little best to degrade, distort, and disfigure legal principle, instead of rendering it the tribute of earnest study and courageous exposition. May the profession learn to give honor to whom honor is due.

—"J. H. W.," in *American Law Review*.

Prof. Keener, in the first chapter of the book, clearly defines what are quasi-contracts, and what are real contracts implied in fact. This discussion, and, indeed, the whole book, may be recommended as a very lucid exposition of the law upon subjects which are more difficult than appears at first sight. The questions considered are of great importance, and the work will be found one of the ablest of recent law books.

—"T. C.," in *New York Law Journal*.

Prof. Keener has made a contribution of high importance to legal literature in his "Treatise on the Law of Quasi-Contracts." It is a pleasure, in the multitude of commonplace and hasty publications which pass for legal treatises, to observe this product of careful labor and genuine scholarship. The book has a peculiar value in the novelty of its subject. Acute writers in the past, like Mr. Justice Metcalf, Sir Henry Maine, and Sir Frederick Pollock, have perceived the confusion hidden under the name "implied contract," and pointed out that "contracts implied in law" are really not contracts at all. But it was left for Prof. Keener to lift the subject bodily out of the region of contract,

and to systematize and classify these duties imposed by positive law, which, chiefly for reasons of procedure, have so long masqueraded as consensual obligations. The terminology of "quasi-contract" and "unjust enrichment," borrowed from the civil law and continental systems, will seem still somewhat strange to English-speaking lawyers, although not unknown to modern writers. The value of the former term, however, for purposes of precise legal thinking, is beyond question; and we venture the prediction that few lawyers, not familiar with Prof. Keener's previous work, will fail to be surprised at the body of law which he has collected to substantiate his theory of unjust enrichment as a cause of action in our law. His authorities include an instance of the use by an English judge of the seventeenth century, dealing with a typical quasi-contract, of the maxim, "*Nemo debet locupletari ex alterius incommodo*." Much ingenuity and logical acuteness are shown in handling the cases and so explaining and distinguishing them as to support the author's views. This is noticeable in the interesting chapter on "Waiver of Tort," in which, however, there may be some slighting of the historical development of the doctrine. It is to be regretted that, in a subject containing so little that is technical, and resting so peculiarly on broad principles of justice and convenience, the scope of the book has not permitted some comparison with the Roman law and with other systems of jurisprudence.

—The Nation.

In speaking of this learned treatise, it is not easy to exaggerate its value and importance to those for whom it is intended. It is no mere digest of authorities, no rehash of older and better treatises, brought down to date, like so many of the text-books which cumber the lawyer's shelves, but is a distinct contribution to the literature of the law. That the work is the fruit of extensive reading and wide research is very evident, but not less plain are the evidences of profound and original thought. The special value of the treatise consists mainly in this: that Prof. Keener has for the first time brought into the clear light of day and given permanent expression to a fact which has from time immemorial been concealed within the triple folds of preposterous legal fiction. The courts of common law have for centuries, in the exercise of their ordinary jurisdiction, been accustomed to deal directly with certain obligations of a purely equitable character, and to enforce them according to their own rules and by their own processes. The legal fiction referred to is the calling of these equitable obligations "contracts," and the en-

forcement of them by the remedies appropriate to the enforcement of contract obligations proper. The confusion resulting therefrom has been incalculable. To call the obligation which the law imposes on the man to whom money has been paid by mistake to restore the same a "contract" is to juggle with words. To call it an "implied contract" is to make confusion worse confounded, because there are real implied contracts, which have no affinity or likeness to the obligation referred to. To call it a "contract implied," not in fact, but in law, is to confess the futility of the legal fiction, and yet cling to it. The distinctive merit of the book before us is that it wrests this equitable obligation from its common-law setting, and shows it to us as it is. The contract implied in law is as far from being a contract as it is from being a crime. Prof. Keener does not claim to be the original discoverer of this fact, but to him belongs the credit of having brought it out of obscurity, and of having put it so clearly before us that no one will dare hereafter to be ignorant of it. Henceforth "quasi-con-

tracts" will be a distinct branch of legal learning; not a part of the law of contracts, but with a place to itself, between equity and the older common-law branches. "Quasi-contract" is not a name to conjure with. It has neither beauty nor appropriateness to recommend it; only a certain utility and convenience, derived from its history. At any rate, it is the only available term for the class of obligations which it groups and (however awkwardly) describes.

It should be added that the book is learned without being tedious, positive without being either dogmatic or argumentative, and that it is full of reason and illustration, and yet keeps within four hundred and fifty pages of text. This last point will be appreciated by busy lawyers, to whom the book will commend itself even more by its practical dealing with the actual problems and difficulties of the subject. The work of the publisher has been as well done as that of the author. The volume is in every respect an admirable specimen of the bookmaker's art.

—The Albany Law Journal.

Leading Text Books Published this Year.

Benedict's Admiralty. 3d edition..	6 00 net	Dillon's Laws and Jurisprudence of	
Burrill on Assignments. 6th edition	6 00 net	England and America. Cloth....	4 00 net
Carr's Judicial Interpretation of the		Jones on Chattel Mortgages. 4th	
U. S. Tariff Act.....	5 50 net	edition	6 00 net
Cogley on Strikes & Lockouts.....	4 00 net	Jones on Liens. 2 vols. 2d edition	12 00 net
Cook on Stocks. 2 vols. 3d edition	12 00 net	Jones' Forms of Conveyancing. 4th	
Coxe on Judicial Power and Un-		edition	6 00 net
Constitutional Legislation.....	3 00 net	Lloyd's Law of Buildings. 2d edi-	
Demarest on Elevated Railroad		tion. Cloth, \$4.50. Sheep.....	5 00 net
Law	3 50 net	Wood on Railways. 3 vols. 2d edi-	
		tion	18 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		Phillips on Mechanics' Liens. 3d	
vols.	12 00 net	edition	6 00 net
Beach on Modern Equity Jurispru-		Pingrey on Mortgages. 2 vols.....	12 00 net
dence. 2 vols.....	12 00 net	Pomeroy on Code Remedies. 3d	
Best on Evidence. (Chamberlayne.)		edition	6 00 net
8th edition.....	5 00 net	Robinson's Forensic Oratory. Cloth,	
Biddle on Fire Insurance. 2 vols..	10 00 net	\$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	
Black on Tax Titles. 2d edition...	6 00 net	vols.	11 00 net
Buswell on Law of Personal Injuries	5 50 net	Sheldon on Subrogation. 2d edition	5 00 net
Cassoday on Wills.....	3 50 net	Smith on Personal Property.....	3 50 net
Church on Habeas Corpus. 2d Ed.	7 50 net	Sutherland on Damages. 2d edition.	
Clements' Digest of Fire Insurance	6 50 net	3 vols	18 00 net
Cobbey on Chattel Mortgages. 2 vols.	10 00 net	Thornton on Gifts and Advances..	6 00 net
Keener on Quasi Contracts.....	5 00 net	Tiffany on Death by Wrongful Act	4 50 net
Lawson on Contracts.....	5 00 net	Van Fleet on Collateral Attack....	6 50 net
Mechem's Cases on Agency.....	4 00 net	Walsh's Quiz Books. 3 volumes..	8 00 net
Murfree on Foreign Corporations..	4 00 net	Wood on Limitations. 2d edition.	
Norton on Bills and Notes.....	3 50 net	2 vols.....	11 00 net
Parsons on Partnership. 4th edition.	6 00 net	Warvell on Abstracts. 2d edition..	6 00 net
Parsons on Contracts. 8th edition.		Wood on Nuisances. 2 vols.....	12 00
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.

Abb. N. C.....	Abbott's New Cases, Mossy Law Book Co., New York City.	Ir. Law T.....	Irish Law Times, Dublin, Ire.
Alb. Law J.....	Albany Law Journal, Albany, N. Y.	J. P.....	Justice of the Peace, London, Eng.
Am. Banker.....	American Banker, New York City.	Jurid. Rev.....	Juridical Review, London, Eng.
Am. Lawy.....	American Lawyer, New York City.	Lack. Jur.....	Lackawanna Jurist, Scranton, Pa.
Am. Law Reg. & Rev.....	American Law Register and Review, Philadelphia.	Lanc. Law Rev.....	Lancaster Law Review, Lancaster, Pa.
Am. Law Rev.....	American Law Review, St. Louis.	Law Ex. J.....	Law Examination Journal and Law Student's Magazine, London, Eng.
Am. Prob. R.....	American Probate Reports, Baker, Voorhis & Co., New York City.	Law J.....	Law Journal, London, Eng.
Am. R. & Corp. R.....	American Railroad and Corporation Reports, E. B. Myers & Co., Chicago.	Law Mag.....	Law Magazine, London, Eng.
Am. St. Rep.....	American State Reports, Bancroft-Whitney Co., San Francisco.	Law Notes.....	Law Notes, London, Eng.
Am. & Eng. Corp. Cas.....	American and English Corporation Cases, Edward Thompson Co., Northport, Long Island, N. Y.	Law Quart. Rev.....	Law Quarterly Review, London, Eng.
Am. & Eng. R. Cas.....	American and English Railroad Cases, Edward Thompson Co., Northport, Long Island, N. Y.	Law Student's Helper.....	Law Student's Helper, Detroit, Mich.
Atl. Mo.....	Atlantic Monthly, Boston.	Law T.....	Law Times, London, Eng.
Aust. Law T.....	Australian Law Times, Melbourne, Australia.	Lawy. Rep. Ann.....	Lawyers' Reports Annotated, Lawyers' Co-operative Pub. Co., Rochester, N. Y.
Banker & Tradesman.....	Banker & Tradesman, Boston.	Leg. Int.....	Legal Intelligencer, Philadelphia.
Banking Law J.....	Banking Law Journal, New York City.	Leg. N.....	Legal News, Montreal, Can.
Bank. Mag.....	Bankers' Magazine, London, Eng.	Med. Leg. J.....	Medico-Legal Journal, New York City.
Blackwood's Mag.....	Blackwood's Magazine, London, Eng.	Mich. Law J.....	Michigan Law Journal, Grand Rapids, Mich.
Brief.....	The Brief, London, Eng.	Minn. Law J.....	Minnesota Law Journal, St. Paul, Minn.
Can. Law J.....	Canada Law Journal, Toronto, Can.	Mont. Leg. N.....	Montreal Legal News, Montreal, Can.
Can. Law T.....	Canadian Law Times, Toronto, Can.	Morr. Min. R.....	Morrison's Mining Reports, Callaghan & Co., Chicago.
C. C. A.....	United States Circuit Court of Appeals Reports, West Pub. Co., St. Paul, Minn.	Nat. Corp. Rep.....	National Corporation Reporter, Chicago.
Cent. Law J.....	Central Law Journal, St. Louis.	Nation.....	The Nation, New York City.
Cent. Mag.....	Century Magazine, New York City.	Neb. Leg. N.....	Nebraska Legal News, Lincoln, Neb.
Chi. Leg. N.....	Chicago Legal News, Chicago.	N. J. Law J.....	New Jersey Law Journal, Plainfield, N. J.
Civil Proc. R.....	New York Civil Procedure Reports, S. S. Peloubet, New York City.	North Am. Rev.....	North American Review, New York City.
Collector.....	The Collector and Commercial Lawyer, Detroit, Mich.	N. W. Law Rev.....	Northwestern Law Review, Chicago.
Columbia Law T.....	Columbia Law Times, New York City.	N. Y. Cr. R.....	New York Criminal Reports, S. S. Peloubet, New York City.
Counsellor.....	The Counsellor, New York City.	N. Y. Law J.....	New York Law Journal, New York City.
Cr. Law Mag.....	Criminal Law Magazine, Jersey City, N. J.	Pall Mall Mag.....	Pall Mall Magazine, London, Eng.
Daily Balt. Rec.....	Daily Baltimore Record, Baltimore, Md.	Pittsb. Leg. J.....	Pittsburgh Legal Journal, Pittsburgh, Pa.
Dublin Rev.....	Dublin Review, Dublin, Ire.	Rough Notes.....	Rough Notes, Indianapolis, Ind.
Edinburgh Rev.....	Edinburgh Review, Edinburgh, Scot.	Ry. & Canal Traffic Cas.....	Railway & Canal Traffic Cases, Sweet & Maxwell, London, Eng.
Forum.....	The Forum, New York City.	Ry. & Corp. Law J.....	Railway and Corporation Law Journal, New York City.
Green Bag.....	Green Bag, Boston.	Scot. Law Rev.....	Scottish Law Review, Glasgow, Scot.
Guide.....	The Guide, Kalamazoo, Mich.	Scrib. Mo.....	Scribner's Monthly, New York City.
Harp. Mag.....	Harper's Magazine, New York City.	State Affairs.....	State Affairs, Lansing, Mich.
Harv. Law Rev.....	Harvard Law Review, Cambridge, Mass.	University Law Rev.....	University Law Review, New York City.
Ins. Law J.....	Insurance Law Journal, New York City.	Wash. Law R.....	Washington Law Reporter, Washington.
Iowa Univ. Law Bul.....	Law Bulletin of Iowa University, Iowa City, Iowa.	Wkly. Law Bul.....	Weekly Law Bulletin and Ohio Law Journal, Columbus, Ohio.
		Wkly. Rep.....	Weekly Reporter, London, Eng.
		W. N. C.....	Weekly Notes Cases, Kay & Brother, Philadelphia.
		Yale Law J.....	Yale Law Journal, New Haven, Conn.

TOPICAL DIGEST.

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

ABDUCTION.

An article on the nature of the crime, with statutory provisions in relation thereto, and the evidence necessary in such cases, with numerous citations.—By Lewis Hochheimer, 38 Cent. Law J. 184.

ADVERSE POSSESSION.

A collection of authorities on the effect of adverse possession due to ignorance or mistake as to the true boundary.—21 Lawy. Rep. Ann. 829.

ANIMALS.

A summary of the statutes of the various states and of England on the question of cruelty to animals, with numerous citations; the conclusion arrived at being that cruelty to animals is illegal, not because of its effect upon the animals, but because of its effect on men.—By Oscar L. Quinlan. 38 Cent. Law J. 160.

Assessment.

— For public improvements, see "Municipal Corporations."

ASSIGNMENT FOR BENEFIT OF CREDITORS.

A collection of authorities as to the right of a debtor to prefer one or more of his creditors in the assignment.—34 Am. St. Rep. 856.

An interesting article on the necessity of some statutory provision regulating the powers of foreign corporations to make preferential general assignments.—10 N. Y. Law J. 1290.

ATTORNEY AND CLIENT.

A report of the addresses on "Uniformity in Bar Examinations" before the State Bar Association of New York.—49 Alb. Law J. 84.

A lecture on the law and lawyers of Charles Dickens.—By F. Lockwood, Q. C., M. P. Law Gazette. Republished in 28 Ir. Law T. 36.

An interesting article on lawyers in England, as viewed from a French standpoint.—By Max Leclerc. *Revue Bleue*, Jan. 27, 1894.

BANKRUPTCY.

A short article on the history of bankruptcy legislation.—By Edwin S. Mack. 28 Am. Law Rev. 1.

BAR ASSOCIATIONS.

Report of the secretary of the New York State Bar Association.—49 Alb. Law J. 141.

Report of the meeting of the Illinois State Bar Association.—26 Chi. Leg. News, 176.

A report of the proceedings of the eighth annual meeting of the West Virginia Bar Association.—1 W. Va. Bar, 11.

Bonds.

— Estoppel to deny validity, see "Municipal Corporations."

BREACH OF MARRIAGE PROMISE.

An article on the propriety of the abolition of the action of breach of promise of marriage.—10 N. Y. Law J. 1126.

CARRIERS.

A valuable note on the extension of the power of a railway company to make restricted contracts in the transportation of live stock, with numerous citations.—By Percy Edwards. 38 Cent. Law J. 94.

A collection of authorities as to the duty and liability of a carrier when adverse claim is set up to property received for transportation.—34 Am. St. Rep. 731.

An article on the statutes of the different states prohibiting unjust discrimination by common carriers, with reference to the case of *Hoover v. Pennsylvania R. Co.*, 27 Atl. 282, wherein it was held that where a railroad company, by agreement with a manufacturing concern, made previous to the latter's organization, which agreement was an inducement to its organization, charges it less per ton for the transportation from a certain point of coal to be used for manufacturing purposes than it charges a dealer in coal for like transportation, it does not constitute an "undue or unreasonable discrimination," within the meaning of Act June 4, 1883, prohibiting such discrimination; since the charges are not "for a like service from the same place, upon like conditions, and under similar circumstances."—28 Am. Law Rev. 139.

CHARITIES.

An essay on the true object of the rule against perpetuities, as applied to charitable bequests.—By John C. Gray. 7 Harv. Law Rev. 406.

CODIFICATION.

An address before the New York State Bar Association advocating a revision of existing law by its rearrangement, without doing more than is necessary in cutting out what-

ever is obsolete. The codification of all existing law is not advocated, but only such as appears necessary from time to time, as at the present time the law of bills and notes.—By J. Newton Fiero. 49 Alb. Law J. 61.

An able article on the necessity of a statutory revision or codification, with a history of previous attempts in the state of New York since the year 1786.—By Charles A. Collin. 49 Alb. Law J. 72.

An article on the necessity of a codification of the English law.—Scot. Law Rev. Republished in 28 Ir. Law T. 45.

CONSTITUTIONAL LAW.

A continuation of a series of articles on the constitution of Michigan; the articles considered in these papers being as to the powers and privileges of each house of the legislature.—2 State Affairs, Nos. 3, 4.

A history of the earliest constitutional case in Massachusetts, being an account of the case referred to in the appendix to Bancroft's History of the Constitution of the United States, in which he refers to the earliest instance in Massachusetts of a judicial declaration that a law was unconstitutional.—By A. C. Goodell, Jr. 7 Harv. Law Rev. 415.

A review of the decision by Judge Mitchell in *Rippe v. Becker*, 57 N. W. 331, as to the constitutionality of an act authorizing the state to erect an elevator, and, in the language of the court, go "into the grain elevator business."—10 N. Y. Law J. 1172.

An extensive note on the constitutionality of statutes restricting contracts and business.—21 L. R. A. 789.

CONTEMPT.

A short article, with a few citations, on the power of a notary to punish for contempt for refusal of a witness to answer questions which the notary holds to be proper and competent in the taking of a deposition before him.—38 Cent. Law J. 188.

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A valuable collection of authorities as to the validity of lobbying contracts, not only those entered into to influence legislation, but also contracts having for their object the influencing or procuring of action by any of the departments of government; such as the allowance of claims against the government, the securing of pensions or government contracts.—By Ardemus Stewart. 38 Cent. Law J. 123.

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A short article showing the necessity of express contract before corporation officers,

being directors and stockholders, can claim compensation for services.—7 Nat. Corp. Rep. 490.

An article on the lack of power of a limited company, founded under the English companies acts, to issue shares at a discount.—By W. H. Hunter. 14 Can. Law T. 25.

An article on the power of a majority of debenture holders to bind the minority by a resolution modifying or compromising their rights against the debtor company, with reference to recent English decisions supporting the power where, but for the compromise, the debenture holders might have lost their security.—96 Law T. 358.

COURTS.

An address by Atty. Gen. Casgrain, in the legislative assembly of Quebec, on the reorganization of the courts in that province.—17 Leg. N. 10.

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CRIMINAL LAW.

— Drunkenness as a defense to crime, see "Drunkenness."

An interesting review of the Criminal Code of Austria and Hungary, published in 1769 under the imperial edict of Maria Theresa, in which is contained the law of torture as a lawful means of compulsion to bring to confession a denying malefactor, with a list of some 30 crimes in which its use is permissible. This valuable work is contained in the Congressional Library.—45 Popular Science Monthly, 648.

A short article on the criminal jurisdiction of the federal courts over the waters connected with the Great Lakes, with a special reference to the case of *U. S. v. Rodgers*, 14 Sup. Ct. 109, which holds that the open waters of the Great Lakes are "high seas" within the meaning of a statute giving the federal courts jurisdiction as to crimes com-

mitted on such waters.—2 N. W. Law Rev. 49.

Cruelty to Animals.

— See "Animals."

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A note with citations of recent cases relating to mental suffering as an element or agency in damages.—30 Abb. N. C. 371.

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An interesting article on liability for false representations where no intention to deceive was shown, but where negligence only on the part of the person making them was proven.—Justice of the Peace. Republished in 28 Ir. Law T. 33.

Deposition.

— Contempt in refusing to answer interrogatories, see "Contempt."

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The concluding paper in the series as to the descent of real property, and the modifications introduced by such personal relations as marriage and partnership, with numerous citations. The articles of which this is the concluding paper are most scholarly and valuable to the profession.—By Austin Abbott. 1 University Law Rev. 142.

DIVORCE.

A valuable article on the effect of divorce or property rights.—By William C. Smith. Jurid. Rev. Jan. 1894.

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A note as to the right of election of one who has been held liable for the tort or breach of contract of another, between an action founded on an express promise of indemnity, if such there be, or on the implied assumpsit raised by the payment of the obligation of the other, or upon the theory of subrogation.—30 Abb. N. C. 173.

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A short note on the legality of a waiver of exemption.—34 Am. St. Rep. 133.

Expert Evidence.

— See "Evidence."

EXTRADITION.

An interesting history of the Balfour Extradition Case, the question in the case arising in the matter of the application for the extradition of Jabez S. Balfour, who fled from England, and took refuge in the Argentine Republic, between which country and Great Britain there was at the time no treaty of extradition. An extradition treaty, however, was ratified after arrival of Balfour in that country, under the terms of which treaty he was given up.—49 Alb. Law J. 137.

A review of the Balfour Extradition Case.—96 Law T. 278.

Federal Courts.

— Criminal Jurisdiction, see "Courts."

Findings.

— See "Trial."

FISHERIES.

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Food.

— Liability for sale of unwholesome food, see "Health."

FRAUDS, STATUTE OF.

A note on the proper mode of pleading the statute of frauds in an answer under the new procedure.—30 Abb. N. C. 429.

FRAUDULENT CONVEYANCES.

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An article on the liability of a vendor of unwholesome food, with reference to the remedy given under the common law.—96 Law T. 359.

High Seas.

— Criminal jurisdiction of federal courts, see "Criminal Law."

Homestead.

— Effect of judgment lien, see "Judgment."

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A brief note on the power of married women to become partners.—34 Am. St. Rep. 339.

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— Restraining exhibition of phonograph, see "Phonographs."

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An article, with numerous citations, on the rights, duties, and liabilities of an insurance agent.—16 Rough Notes, 159.

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— See "Drunkenness."

A history of the statutes for the prohibition of the sale of liquors, with a plea for their

abolition.—By Appleton Morgan. 45 Popular Science Monthly, 577.

JUDGMENT.

A collection of authorities as to the effect of a judgment obtained on an unauthorized appearance by an attorney.—21 L. R. A. 848.

A collection of authorities on the effect of a judgment lien on homestead.—34 Am. St. Rep. 496.

JUDICIAL SALES.

An article on the necessity of a moderate and reasonable provision for notice to owners of an intended judicial sale.—By R. C. McMurtrie. 50 Leg. Int. 476.

JURY.

Sir Richard Phillips' "Golden Rule for Jurymen," published in the London Law Journal, and republished in 28 Am. Law Rev. 98.

LANDLORD AND TENANT.

A collection of brief notes on yearly tenancies, with reference to recent decisions.—Law Gazette Reprinted in 28 Ir. Law T. 32.

LAW.

— See "Codification."

A short article on the follies and technicalities of the common law as shown by the practice in the common-law states of the American Union, and especially in the state of Illinois.—By Louis J. Pierson. 5 Chl. Law J. 1.

An able and instructive essay on the essential nature and ethical foundations and relations of the law of the land as it actually exists, in distinction from what, in the view of the law reformer, the legislature, or the jurist, it is conceived or believed it ought to be.—By John F. Dillon. 3 The Counsellor, 99.

A brief survey of the remnants of the 12 tables, the common law of Rome.—By E. G. Sihler. 1 University Law Rev. 158.

LIMITATION OF ACTIONS.

A short article, with a few citations, on the effect of a fraudulent concealment of cause of action on the statute.—34 Am. St. Rep. 85.

Live Stock Shipments.

— Restriction in contracts, see "Carriers."

Lobbying Contracts.

See "Contracts."

LOTTERIES.

A review of a recent decision in the district court of the United States in Idaho in the case of *U. S. v. Wallis*, 58 Fed. 942, holding that a scheme for the increase of circulation of a newspaper by the means of prizes to be determined by tickets drawn from a box was a lottery.—10 N. Y. Law J. 1258.

MASTER AND SERVANT.

— Combination of employes, see "Monopolies."

A short article on "Truck-Store" legislation, with an extract from a dissertation on two English statutes upon the subject from the *Law Gazette* for October, 1893.—By M. R. Wilson. 28 Am. Law Rev. 72.

An interesting article on the new employer's liability bill.—By Vaughan Nash. *Fortnightly Review*, February.

An interesting article, with numerous citations, on the wrongful interference by third persons with the rights of employers and employed.—By William L. Hodge. 28 Am. Law Rev. 47.

A short article on the right of action for persuading a servant to break his contract of employment.—28 Am. Law Rev. 80.

MONEY HAD AND RECEIVED.

An interesting history of this ancient writ, with some suggestions as to its usefulness and scope.—38 Cent. Law J. 142.

MONOPOLIES.

A review of the decisions as to legality of combinations of employers, with a special reference to the recent case in Pennsylvania of *Cote v. Murphy*, 28 Atl. 190, in which it was decided that where employes enter into a lawful combination to control, by artificial means, the supply of labor, preparatory to a demand for an advance in wages, a combination of employers to resist such artificial advance is lawful, since it is not made to lower the price of labor, as regulated by supply and demand, and the case in Minnesota of *Bohn Manuf'g Co. v. Hollis*, 55 N. W. 1119, which decided that any man (unless under contract obligation, or unless his employment charges him with some public duty) has a right to refuse to work for, or deal with, any man, or class of men, he sees fit; and this right, which one man may exercise singly, any number of men may agree to exercise jointly.—10 N. Y. Law J. 1216.

MORTGAGES.

Notes of recent cases in New York on special relief in suits for foreclosure.—30 Abb. N. C. 344.

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An article on the estoppel of a municipality by the recitals in bonds issued by it to allege or prove that no tax had been levied, as required by law, to provide for their payment.—5 Am. Invest. 53.

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An article on the American system of assessment for local improvements, with reference to the recent attempt on the part of the London county council to introduce such a system of taxation in connection with the Strand improvement scheme; a system which has never hitherto obtained in England.—By Richard L. Sweezy. 1 University Law Rev. 137.

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A collection of authorities as to the question of liability for negligence in failing to take statutory precautions where they would have been insufficient to prevent the injury.—21 L. R. A. 723.

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A short note, with a few citations, on the liability of the grantee or lessee of premises for nuisance on the same.—34 Am. St. Rep. 267.

An article on the right to protection where a neighbor does something on his premises which causes crowds to assemble, and so incommodes or frightens the inhabitants, with a citation of recent cases.—Justice of the Peace. Republished in 28 Ir. Law T. 63.

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A collection of authorities as to suits on official bonds for trespasses, or unauthorized acts of officers done colore officii.—21 L. R. A. 738.

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An interesting sketch of the nature and history of the pardoning power in England and the United States, with some statistics as to the exercise of this power by the various federal and state executives.—By Charles R. Webster. 2 N. W. Law Rev. 35.

Partnership.

— Power of married woman to become partner, see "Husband and Wife."

PERJURY.

A paper read at the convention of judges in Lansing, Mich., on the measures necessary for the prevention of perjury.—By Peter F. Dodds. 3 Mich. Law J. 38.

Perpetuities.

— In charitable bequests, see "Charities."

PHOTOGRAPHS.

An interesting article on the right of a person to enjoin an unauthorized representation of his face and figure.—Republished from the Law Journal, (London.) 17 Leg. N. 51.

Physicians and Surgeons.

— Duties when testifying as experts, see "Evidence."

Pleading.

— See "Frauds, Statute of."

PRACTICE IN CIVIL CASES.

A collection of notes on the New York Code, used in the delivery of lectures on that subject.—By George Chase. 3 The Counsellor, 110.

Preferences.

— In assignments, see "Assignment for Benefit of Creditors."

PRINCIPAL AND AGENT.

An interesting article, with numerous citations, on the identity at law of the agent and servant.—By Charles C. Allen. 28 Am. Law Rev. 9.

Promissory Notes.

— See "Negotiable Instruments."

PROPERTY.

A collection of authorities on the question of property rights in trees on boundary line.—21 L. R. A. 729.

Public Policy.

— See "Contracts."

Railroad Companies.

— See "Carriers."

REAL ESTATE.

A continuation of a series of articles on the simplification of titles to real estate, with an account of the methods of conveyancing in Prussia, Austria-Hungary, Switzerland, and South Australia.—96 Law T. 255, 280, 329.

RIPARIAN RIGHTS.

A collection of authorities as to the division of a water front alluvion and flats between adjoining riparian owners.—21 L. R. A. 776.

Sale.

— Of unwholesome food, liability of vendor, see "Health."

SPECIFIC PERFORMANCE.

A short note on the sufficiency of the description of land in a contract of sale, and the admissibility of extrinsic evidence in aid.—34 Am. St. Rep. 141.

A few citations as to the discretion of the court in the matter of granting a decree for performance of contract.—34 Am. St. Rep. 677.

STATE LEGISLATURE.

— Powers and privileges of members, see "Constitutional Law."

An article as to the exemption of members of the legislature from service of civil process, with a special reference to the recent case of Rhodes v. Walsh, 57 N. W. 212, in which it was held that under article 4 of section 8 of the constitution of the state of Minnesota, providing as follows: "The members of each house shall, in all cases except treason, felony, and breach of the peace, be privileged from arrest during the session of their respective houses, and in going to and returning from the same,"—a member of the legislature is not privileged from the service upon him of a summons in a civil action during a session of said legislature.—10 N. Y. Law J. 1106.

Statute of Fraud.

— See "Frauds, Statute of."

Statutes.

— See "Codification."

Stockholders.

— Rights of majority and minority stockholders, see "Corporations."

Surveys.

— As evidence, see "Evidence."

TORTS.

A valuable collection of notes on Cooley on Torts, used in a course of lectures thereon.—By George Chase. 3 The Counsellor, 121.

A continuation of the valuable article on responsibility for tortious acts, with a special reference to those done by servants and agents.—By John H. Wigmore. 7 Harv. Law Rev. 383.

Trees.

— Property rights in, see "Property."

TRIAL.

Notes of recent cases in New York on the necessity, form, and effect of requests to find, and findings of fact and of law.—30 Abb. N. C. 325.

"Truck-Store" Legislation.

— See "Master and Servant."

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A valuable note on the doctrine of voluntary trusts arising from a declaration of the trustor.—34 Am. St. Rep. 189.

An article on the advisability of a definite Code to show trustees what income a tenant for life of the residuary estate of a testator is entitled to, and what must be capitalized for the benefit of the remaindermen, or employed in payment of the debts of the testator.—96 Law T. 279.

USURY.

A sketch of the ecclesiastical treatment of usury.—By Henry C. Lea. Yale Rev., February.

WILLS.

— See "Charities."

A synopsis of the cases, showing the course of the decisions in New York, in applying the doctrine of ademption in the cases of gifts of particular securities, as distinguished from demonstrative legacies payable from a particular fund.—30 Abb. N. C. 237.

WITNESS.

A note on the effect of the act of July 1, 1893, (Laws N. Y. 1893, c. 295,) relating to the examination of a physician or surgeon in an action for personal injuries.—30 Abb. N. C. 84.

An interesting essay, with numerous citations, on the question of the remuneration of medical experts in courts of law.—11 Med. Leg. J. 293.

WRITS.

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A collection of authorities as to the privilege of a witness and a party to a suit to exemption from service of process, with citations from New York decisions.—30 Abb. N. C. 58-65.

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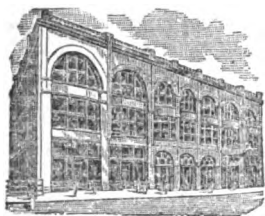
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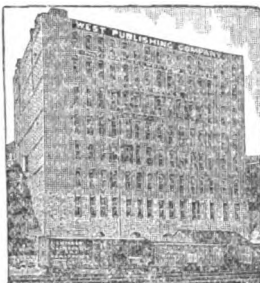
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Law Libraries in the United States.

A RECENT Government publication (Bureau of Education Circular of Information No 7) gives some interesting statistics of public libraries in the United States and Canada, collected by Weston Flint, statistician of the Bureau. From this circular we derive some figures regarding law libraries.

There is no indication as to how many of the 659,843 books and 210,000 pamphlets in the Library of Congress are law books, but we believe there are between 50,000 and 60,000. The largest distinctively law library in the list is that of New York state, at Albany, credited with 45,982 books and 22,761 pamphlets; next come the two large libraries of the Law Institute and the Bar Association in New York City, each containing over 40,000 volumes. There are no others mentioned as having over 30,000 volumes, except the San Francisco Law Library, with 31,000 volumes. Next in order come the Li-

brary of the Harvard Law School, with 28,157 volumes; the Social Law Library of Boston and the Philadelphia Law Association Library, with 25,000 volumes each; the Chicago Law Institute, with 24,618; the Department of Justice at Washington, with 21,000; and the Minnesota State Law Library at St. Paul, with 20,679. Doubtless some of the other State Libraries belong in this class, although no special record is made in the table of the number of law books contained in them. Thus, the Georgia Supreme Court Library has, we believe, about 25,000 volumes of law books; the Wisconsin State Library, 23,000; and probably Pennsylvania, California, Michigan, Maryland, and Louisiana have each upwards of 20,000. The Law Library of Columbia College contains about 25,000 volumes, and that of Cornell University about 23,000. The latter was recently brought up to the front rank by the generous gift of the widow and daughter of the late Judge Boardman, who purchased the famous library of the late Nathaniel C. Moak, probably the most complete private law library in the country.

About 20 libraries are given as containing between 10,000 and 20,000 volumes, being, in the order of their size, the St. Louis Bar Library, Alabama State Library, Indiana State Library, Cincinnati Law Library, Allegheny County (Pa.) Law Library, Ohio State Library, Brooklyn and Syracuse Judicial Libraries, Equitable Life Insurance Building, New York City, Rochester Judicial Library, Rhode Island State Library, Memphis Bar Library, Illinois Supreme Court Library at

Mount Vernon, San Francisco Law Library, Cleveland Bar Library, Texas Supreme Court Library, Southern Pacific Law Library at San Francisco, Virginia State Library, North Carolina State Library. To this list, again, should be added the Ohio State Library, with 15,000 volumes, and probably also the State Libraries of Kansas, Nebraska, Vermont, Kentucky, New Jersey, Tennessee, New Hampshire, and Nevada; also the Library of the Michigan University Law School, containing about 11,000 volumes.

Most of the public law libraries in the list containing under 10,000 volumes fall far short of that number, i. e. there are comparatively few having between five and ten thousand volumes; but there are many libraries belonging to law schools, bar associations, courts, office buildings, etc., not scheduled in the government circular, which contain from three to six thousand each, and, of course, there are a large number of private libraries in that class. Wealthy corporations, managed by enlightened men, appreciate the need of a thorough equipment for their general counsel, and they show an increasing disposition to establish corporation law libraries for their use. Again, there are many prosperous lawyers in all parts of the country who count their law books by thousands of volumes. The tendency of all such cases is towards completeness, and we can count up a great many practitioners who cherish the expensive ambition of owning complete sets of the Reports of all the states. There are hundreds of practitioners who already own the entire Reporter System, containing the last quarter of reported American cases, and who, as opportunity offers, buy set after set of State Reports down to the beginning of the System.

In a note in his volume of Yale lectures on Jurisprudence, Judge Dillon gives some interesting statistics regarding the English Bar Libraries. He says that in 1881 there were 43,000 volumes in the Library of Lincoln's Inn, 38,000 in the Library of the Inner Temple, 28,000 in the Middle Temple, and 13,000 in Gray's Inn. Probably the additions of the last 10 years have brought the Lincoln's Inn Library up beyond the total of the largest American Law Library, outside of Washington, but in general our bar libraries compare very well as to fullness and completeness with those of the venerable institutions of the English bar.

"Other Opinions."

IT is our purpose to give under the above heading in our New Book department carefully selected reviews and criticisms of new text-books from other legal periodicals. We desire to place before our subscribers the estimates, favorable and unfavorable, which are placed upon new treatises by those who assume to know about them, and we shall do this without fear or favor, with the hope of giving our subscribers "a good all 'round idea" of the merits of the work under discussion. In selecting these outside notices we shall give a preference to such as do not agree with the majority; and, if we can place a caustic criticism of a new book beside an enthusiastic eulogy, we shall consider it our duty to do so. The present number of the News contains an interesting example of such differences of opinion in the notices of the new edition of Parsons on Contracts. Two reviewers have nothing but praise for the work of the editor, while the third is not only severe in his strictures on the work of recent editors, but actually has the temerity to attack the original work thus:

We seriously question whether it is any longer a proper text-book from which to teach the modern law of contracts. It never was logical, and only in places was it ever clear. It is now neither logical, clear, nor modern; and for both instructors and students, while it is exhaustive, it is also exhausting.

Such language regarding a book which has long been held among the American legal classics will be regarded by some readers as almost sacrilegious.

Our Reviewers.

THERE is no more distinguished name in the list of living American law writers than that of Mr. Austin Abbott. There are few lawyers in active practice who are not indebted to him for practical help from some of his admirable books. Mr. Abbott is the dean of the New York University Law School, and the editor of the University Law Review; yet, with these and all his other literary activities, he has found time to contribute to this number of Law Book News a notice of Judge Dillon's Lectures on Jurisprudence.

Edgar W. Camp, who reviews briefly in this number the new edition of Jones on Forms in Conveyancing, has long been recognized as one of the leaders of the bar

of North Dakota, although he is still a young man. Mr. Camp was born in 1860, was graduated from Beloit College in Wisconsin, 1880, and admitted to the bar in Milwaukee in 1883, at the age of 23. He settled in North Dakota, where he was at once made District Attorney for Foster county. He was a member of the Constitutional Convention in 1889, and became the first Reporter of the Supreme Court of the new state in 1890. He was appointed in 1891 U. S. District Attorney for North Dakota, which office he resigned on the first of this month.

John J. Jenkins, who reviews the new edition of Jones on Liens, is a member of the firm of Jenkins & Jenkins, of Eau Claire, Wis. He is one of the most prominent and successful lawyers at the bar in that state.

Charles E. Hughes, whose discriminating review of Burrill on Assignments appears on another page, is one of the foremost young lawyers at the New York City bar. Mr. Hughes is a graduate of Brown University and of the Columbia Law School, where he was for three years a prize tutor. He was admitted to the firm of Carter, Hornblower & Byrne in 1886, which became Carter, Hughes & Cravath in 1888. In 1891 (but 10 years after his graduation from college) he withdrew from the practice, to accept a professorship of law at the Cornell University Law School. After two years he returned to New York, and re-entered his old firm, which is now styled Carter, Hughes & Kellogg. In spite of his activities at the bar, Mr. Hughes retains his connection with law-school work. He has been for the past year the lecturer on "Voluntary General Assignments" at the New York Law School, and has accepted a similar appointment for the coming year at Cornell.

Prof. John H. Wigmore gives our readers in this number a scholarly review of a scholarly book, the fourth edition of Lea's Superstition and Force. Prof. Wigmore is a native of California, an A. M. and LL. B. of Harvard, and was for two years a member of the Boston bar. In 1889 he accepted the professorship of a law school in Japan, where he remained three years. Since 1892 he has been a professor in the Northwestern University Law School, and recently succeeded Prof. Nathan Abbott as secretary. Mr. Wigmore has already produced a good deal of literary matter, in which there is the promise of more. His best-known work is that on

the "Australian Ballot System," which has already passed through two editions.

David Dudley Field.

DAVID Dudley Field, well styled the "Nestor of American Jurisprudence," died suddenly at his home in New York, on the 13th of this month, in his ninetieth year. He kept up his activities to the last, his final illness, pneumonia, lasting but 48 hours.

We copy the following notice from a recent article in Harper's Weekly:

It is of few families that the same can be written that may be of the Field family. David Dudley Field has been a jurist with no superior at the American bar. Cyrus W. Field was the projector of the Atlantic cable, and a great financier. Stephen J. Field is a judge on the supreme bench, and his nephew, Judge Brewer, sits upon the same bench with him. The remaining brother, Henry M. Field, is a leading clergyman, and the editor of the Evangelist.

But it is as a lawyer that David Dudley Field will be remembered. It is given to few men to spend sixty years of active life at the bar, and still fewer, indeed, would there be of that small number who could devote fifty years to the codification of our laws,—a task, when completed, which brought him much undeserved obloquy on account of some of the provisions of what is called the "Penal Code." Mr. Field's first essay on codification was written in 1839. He addressed a "Letter on the Reform of the Judiciary System" to the people, and afterwards spoke to a committee of the New York legislature on the subject. In 1841 he prepared three bills, which were introduced, but the judiciary committee, to whom they were referred, failed to take any action on them. In 1846 he wrote a series of articles on the "Reorganization of the Judiciary," which were widely distributed in pamphlet form. His influence was felt in the constitutional convention of 1846, which determined to call for a general code and the "Reform of Practice." Before the legislature met in January, 1847, he published "What shall be Done with the Practice of the Courts? Shall it be Wholly Reformed? Questions Addressed to Lawyers." In September, 1847, he was appointed commissioner on practice and pleadings, and as such took part in the preparation of the Code of Procedure. The commission reported the first installment to the legislature in February, and it was enacted in April, 1848. The remainder was reported in four sections at different times, until January, 1850, when the completed "Codes of Civil and Criminal Procedure" were submitted to the legislature. Both these Codes have been enacted into law.

This system has been adopted in twenty-four states and territories, and is the basis of the legal reform established by the new judicature act in England, and of the practice in several of the English colonies, including India. Eighteen of the states and territories have adopted his Code of Criminal Procedure. For some years following the enactment of these laws, he continued to publish numerous pamphlets, including the "Law-Reform Tracts," also frequent articles in the journals, and drafted bills that were introduced into the legislature for the purpose of effecting the completion of codification. In 1857 Mr. Field was appointed, by the state of New York, head of a commission to prepare a Political Code and a Civil

Code. These, with the two Codes of Procedure previously made, were designed to supersede the unwritten or common law. They were completed in 1865, and covered the entire province of the American law, and presented to the people in compact form the whole law by which they were governed. The state of New York has as yet adopted only the Penal Code, although other states have drawn largely from the Civil Code in their legislation, and California and Dakota have adopted them in full. In 1866 he brought before the British Association for the Promotion of Social Science, at its meeting in Manchester, England, a proposal for a general revision and reform of the law of nations, similar to that which he had before undertaken of the civil and criminal law. He procured the appointment of a committee, consisting of eminent jurists of different countries, charged with preparing and reporting to the association the outlines of an international code, to be first submitted to their careful revision and amendment, and, when made as complete as possible, to be presented to the attention of the different governments, in the hope of receiving at some time their approval and adoption as the recognized law of nations. The distinguished jurists composing this committee resided in different countries, and hence it was difficult for them to act in concert. In consequence, Mr. Field took the whole matter upon himself, and in 1873, after the lapse of seven years, presented to the Social Science Congress his "Outlines of an International Code," which attracted the attention of all the jurists, and has been translated into French, Italian, and Chinese. It resulted in the formation of an association for the reform and codification of the law of nations, having for an especial object the substitution of arbitration for war in the settlement of disputes between countries. The membership includes jurists, economists, legislators, and politicians; and of this organization Mr. Field was elected first president.

Mr. Field's confidence in the triumph of his system was shown in the characteristic remark which he is reported to have made two days before his death:

"My one great ambition is to have my Codes adopted all over the world. It is only a question of time when they will be adopted."

McAdam on Names.

THE Hon. David McAdam, judge of the superior court of New York City, is the author of an interesting and useful monograph on "Individual, Corporate, and Firm Names." It is printed in an octavo pamphlet, making 70 pages of text, besides the index, etc.

Under the five chapter headings it gives a serious presentation, with illustrations, forms, etc., of the legal aspects of the following subjects: Chapter 1, Individual Names. Chapter 2, Continuing Individual Name after Death. Chapter 3, Changing Names of Individuals. Chapter 4, Corporate Names. Chapter 5, Firm Names. The little treatise will be found very useful by lawyers desiring information and authorities on these legal questions.

Judge McAdam has added a feature un-

usual in legal treatises, and has enlivened his pages with apt and witty quotations drawn from a great variety of sources ranging from Genesis to Ovid, from Addison to Josh Billings, and from Shakespeare to the unknown sage who first declared that "experience comes high, but we must have it." Some of these quotations are exceedingly appropriate and suggestive. Thus, under the heading "Middle Name Unimportant," it is remarked, "There is no disputing about tastes;" under the heading "Spelling of Names,—Idem Sonans," it is observed, "To err is human;" and, under the heading "Effect of Marriage and Divorce," it is stated, "We must adapt ourselves to circumstances."

This fashion of introducing legal topics with the help of the lay wisdom of all ages gives the pages something the appearance of a literary banquet programme. We excerpt the heading of chapter 3 as an inspiration and model to the toiling law writer, who may wish to make his dissertations attractive and entertaining as well as useful:

CHAPTER III.

CHANGING NAME OF INDIVIDUALS.

SECTION 18. Common law rule.

" 19. Effect of marriage and divorce.

" 20. The code provisions.

THE NAME FIRST CHANGED.

"Neither shall thy name any more be called Abram, but thy name shall be Abraham; for a father of many nations have I made thee."—*Genesis*, ch. 17.

"Thy name shall be called no more Jacob, but Israel: for as a prince hast thou power with God and with men, and hast prevailed."—*Genesis*, ch. 32.

Every name should be Anglicized so as to be pronounced and written.

"And last of all an admiral came,

A terrible man with a terrible name,—

A name which you all know by sight very well;

But which no one can speak, and no one can spell. —*Southey*.

"I can't tell what the dickens his name is."

—*Merry Wives*. *Shakespeare*.

"Times change and we must change with them."

COMMON LAW RULE.

SECTION 18. Any person may legally change his name, or acquire one by reputation, general usage or habit (*In re Snook*, 2 *Hill*. 566; *England v. Gun Co.* 8 *Daly*, 375; *City v. King*, 4 *McCord*, 487; *Isaacs v. Mintz*, 34 *St. R.* 758; *s. c.*, 12 *Suppl.* 276; *aff'g* 33 *St. R.* 423; *s. c.*, 11 *Suppl.* 423).

Announcements.

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

W. H. Anderson & Co. will publish Beach's *Modern Equity Pleading and Procedure* about the end of this month.

Banks & Bros. have published a work bearing the interesting title "Police Powers Arising under the Law of Overruling Necessity," by W. P. Prentice.

The West Publishing Company has in press for early publication, "A Treatise on Code Procedure," for all code states, by John O. Fitnam, of Colorado.

The new Digest of the Northeastern Reporter will be ready for delivery next month. It will be followed by Digests of the Southwestern Reporter and of the Southeastern Reporter.

The Gilbert Book Company announces for publication, April 25th, a new edition of Sayles' *Justice Treatise for Texas*, "enlarged and brought down to date, containing now about 1,000 pages."

The West Publishing Company issues the following new books this month: *Clark's Handbook of Criminal Law*; *National Reporter System Blue-Label Book* (2d Ed.); *Vol. 6, C. C. A. Reports*; *Book 2 of the Federal Cases*; *Vol. 57, Northwestern Reporter*; *Vol. 18, Southeastern Reporter*; and *Vol. 52, Minnesota Reports*.

Callaghan & Co. announce for publication next month a volume of "Precedents and Forms in Federal Cases, both Criminal and Civil," by Oliver E. Hagen, Assistant U. S. District Attorney at Chicago. It contains precedents of indictments, informations, pleas, etc., "and a large number of forms suitable to the conduct of business in federal matters."

Banks & Bros. announce, as in press, a new edition of the "Law and Practice of the District Courts of New York City," by Langbein Brothers, containing "the consolidation act, as amended, the unrepealed portions of the act of 1857, the Revised Statutes and Session Laws governing these courts, together with copious notes and references to the latest decisions and forms."

Banks & Bros. announce for publication, April 30th, "A Treatise on Disputed Handwriting, and the Determination of Genuine

from Forged Signatures; the Character and Composition of Inks, and Their Determination by Chemical Tests; the Effect of Age as Manifested in the Appearance of Written Instruments and Documents. By William E. Hagan, Expert in Handwriting."

The West Publishing Company announces for immediate publication a "Treatise on the Law of Master's Liability," by Hon. W. F. Bailey, of the circuit court of Wisconsin. The work is the fruit of long experience at the bar and on the bench, and of some years of careful study. Judge Bailey has long been recognized as an authority on this subject, and his book will be an important addition to the literature of "Personal Injury Law."

It has long been an open secret that Mr. Leonard A. Jones was engaged in the preparation of a work on the "Law of Real Property," with special reference to modern forms of conveyancing. We understand that this work will be published next fall. It will undoubtedly meet with a warm welcome from the legal profession, which has become familiar with Mr. Jones' great abilities as a law writer from his cycle of works on liens.

W. H. Anderson & Co. will publish, early in May, a volume of "Forms of Federal Procedure," by Frank O. Loveland, of Cincinnati. The book will contain "nothing but forms, the aim of the author being to furnish forms for any conceivable step for any case that could be brought in any of our federal courts. Each form is thoroughly annotated by references to the federal decisions and statutes, and to the different text-books on federal practice."

About two years ago Prof. George M. Cumming, of the Columbia Law School, published a collection of cases on "Private Corporations," arranged for use as a text-book, after the so-called "Harvard Method" of instruction, using in his selection the lists of Prof. Jeremiah Smith and Prof. James Barr Ames, of the Harvard Law School. The West Publishing Company has bought the plates of this volume, and will publish it hereafter. Prof. Cumming is preparing a supplement, which will be published in the fall, in time for use in the schools.

The West Publishing Company will issue, in May or June, Browne's *Kent's Commentaries*,—an abridgment and arrangement of that fundamental law book on the plan of Browne's *Blackstone*. The editor, William Hardcastle Browne, A. M., of the Philadelphia bar, has shown peculiar qualifications for this class of work. His edition of *Blackstone* has received the highest praise from

the professors of all the leading law schools of the United States. George Tucker Bisham says of it: "The condensation is so accurate that nothing of value is lost." Prof. Alfred G. Reeves says: "It contains all that the American student can need or desire in Blackstone;" and in this statement Prof. Emlyn McClain, of the Iowa University, Prof. S. E. Baldwin, of Yale, Prof. Jacob B. Cox, of Cincinnati, Prof. Graves, of Washington and Lee, Prof. Isaac F. Russell, of the New York University, and many others, agree.

Law Book Notes.

Henry N. Copp has issued a new edition (the nineteenth) of his *American Settler's Guide*. It is said that more than 200,000 copies of this useful pamphlet have been sold.

C. C. Hine, of the *Insurance Monitor*, has published a *Digest Index* covering the first 20 volumes of the *Insurance Law Journal*, *Bennett's Fire Cases*, and *Bigelow's Life Cases*.

The *New Jersey Law Journal Publishing Company* has issued in a small volume the chancery acts of the New Jersey courts of May, 1893, arranged topically and annotated, together with an *Index Digest* of New Jersey laws relating to equity practice.

The *West Publishing Company* issued the following books during the month of February: Vol. 5 *C. C. A. Reports*; Vol. 51 *Minnesota Reports*; Book 1 *Federal Cases*; Vol. 56 *Northwestern Reporter*; and Vol. 23 *Southwestern Reporter*. During the month of March the same company published Vol. 34 *Pacific Reporter*; Vol. 35 *Northeastern Reporter*; Vol. 27 *Atlantic Reporter*; Vol. 58 *Federal Reporter*; and Vol. 26 *New York Supplement*.

The *West Publishing Company* has purchased from L. K. Strouse & Co., and transferred to its list, *Browne's Blackstone's Commentaries*. This admirable edition of Blackstone, condensed for the use of American students, by William Hardcastle Browne, A. M., of the Philadelphia bar, has met with large favor, and is unreservedly commended by the professors of nearly all the law schools of the United States. The retail price will be kept by the St. Paul publishers at \$5, as heretofore.

Judge Huston's work on the *Right of Appropriation* and the *Colorado System of Laws in Relation to Irrigation* has been recently issued by the *Chain & Hardy Book, Stationery & Art Co.* As far as the statute law is

concerned, it is confined to Colorado; but its treatment of what may be called the "common-law principles of irrigation" is of equal application in all the states which have adopted and follow the "Colorado System." It is uniform in binding, etc., with "Morrison's Mining Rights."

We have been asked to call attention to the fact that in *Huntley's Annotated Washington Code*, published by the *Sunset Publishing Company*, of Seattle, references are given to the *Pacific Reporter* as well as to the *Washington Reports*. The practice of citing the *Reporters* is coming into vogue very generally with authors and publishers in all parts of the country. Nowhere will it be more highly appreciated than in the state of Washington, where the *Reporters* are in almost universal use.

A well-known name has disappeared from the list of law-book houses through the purchase by Baker, Voorhis & Co. of the business of L. K. Strouse & Co. The list of publications transferred includes the *Official Interstate Commerce Reports*, *Banning & Arden's Patent Cases*, *Beach on Receivers*, *Browne on Parol Evidence*, *Spelling on Private Corporations*, *Walker on Patents*, and a number of local New York books and minor works. The firm of Baker, Voorhis & Co. should profit largely by this addition, the more especially as it includes Mr. Strouse himself, who now becomes one of the executive officers of that old and universally respected law-book concern.

Messrs. Gherardi Davis and G. Morgan Browne, Jr. (44 Pine street, New York City), have prepared and printed an interesting pamphlet on *Car Trusts in the United States*. They state that the preparation of the brochure was suggested by the difficulties which presented themselves in several cases in which the question of the validity of certain car trusts was raised. As there has been nothing published on this specific subject since the address made by Mr. Rawle, of Philadelphia, before the *American Bar Association* in 1885, this concise exposition will be found valuable, as well as interesting. An appendix gives forms of agreement, etc., and a table of statutes relating specifically to conditional sales of rolling stock.

Messrs. King & Leonard, attorneys, of Dublin, Tex., seem to be going somewhat extensively into the business of publishing "citations" for *Reports*, the field which has been so long and largely occupied by Frank Shepard, of Chicago. Instead of publishing their citations in the form of annotation pasters, they put them in neat little books,

in flexible binding. Beginning with citations of the Texas Reports, they have published books for Arkansas, Kansas, and Colorado, and announce for publication this month a book of Nebraska citations. We have had no occasion to test their accuracy, but the arrangement seems to be good and the plan intelligent. The citations are designed to show the exact points of law or subjects under which the cases have been cited, and also the rating which the court has given to each case; i. e. whether approved and followed, or limited and overruled, etc. Blank spaces are left in the books for additions from the later volumes, for which supplements are promised from time to time. The enterprise is directed commercially by the National Citation Company.

The American Law Register and Review, in a recent notice of the Lawyers' Reports Annotated, lets fall the following discriminating remarks concerning "Selected Cases:" "Whether or not there is a real need for a periodical which, like the L. R. A., publishes not only annotations and a synopsis of the briefs of counsel, but also the full text of the decisions of the courts, is a question about which lawyers differ. In view of the admirable system of Reports of the West Publishing Company, it should seem that the L. R. A. would be more acceptable to the profession if the cases and opinions were summarized or digested, instead of being reported at length, and the periodical were to confine itself to the publication of briefs and annotations. Under present conditions no publication of selected cases can ever be what the L. R. A. claims to be, namely: 'A complete working library of text-work and reports.' A lawyer, with an important brief to write, will look up the cases which he is citing, and read the opinions, not resting satisfied with the summary statement of the decision as contained in an annotation or digest. He is accordingly saved but little trouble by the circumstance that one case out of, say, fifty cited, is reported in full in the L. R. A."

Miscellaneous Notes.

The proceedings of the Territorial Bar Association of Utah, at the meetings held January 8, 11, and 18, and February 16, 1894, have been published in pamphlet form. Copies may be obtained from the secretary, Richard B. Shepard, Salt Lake City, Utah.

Prof. Russell H. Curtis, of the Kent Law School, Chicago, one of our Law Book News reviewers, publishes in the March Annals of the American Academy of Political and So-

cial Science a paper on the "Classification of Law," which will be of great interest to theoretical students, as well as to those engaged in the practical work of digesting, indexing, etc.

The March issue of the Political Science Quarterly contains, among other articles, one by John Uhle, formerly editor of the American Law Register, on "Constitutional Revision," an essay by Prof. John Dewey on "Austin's Theory of Sovereignty," a discussion by Chas. M. Platt, Esq., on "Positive Law and Other Laws," and a paper by Edward Porritt on the "Revolt against Feudalism in England."

Columbia College, through the president, has received from a gentleman who wishes to remain unknown a gift of twenty thousand dollars, which is to be applied for the purchase of books for the library. Of this sum ten thousand dollars has been set apart to be devoted as the first great installment towards the creation in Columbia College of a great library of jurisprudence. It is understood that this sum is but the first installment towards the realization of the plan of a great juristic library, which shall be filled up by other later amounts. The proposed plan not only includes English and American private law, but foreign law, including Roman law, all branches of public law, legislation, legislative and diplomatic history.

—The University Law Review.

Hon. Thomas B. Reed, ex-speaker of the house of representatives, has prepared a manual of general parliamentary law, which has been recently published by Rand, McNally & Co. The Nation says of it: "It will be very useful to the student who desires to understand the proceedings in the lower branch of congress. For general use, it is no improvement on our old trustworthy Cushing. Of course, Mr. Reed lays full emphasis on his famous method of counting a quorum, and states, on page 23: 'Those who sit silent are regarded as consenting to the result. * * *' As we have said, this manual is a very full account of congressional law; but the difficulties which arise in the house will not occur in general assemblies. There seems to be a mystery involved in the fact that legislatures as large as our national house can meet and transact business, while the supreme council cannot. Undoubtedly the constitutional provision for a roll call is one great impediment; but an equally great trouble lies in the custom of interrupting the member who has the floor. It is a national disgrace, fully justifying the reproach of national churlishness, that this method of shouting

out remarks should be continued for a single day. Joined to other offensive customs of the eminent body, it degrades the house below a mass meeting in the rudest districts. Hence Mr. Reed's Manual will hardly be found useful in any meeting of self-respecting citizens."

Notes of Text-Book Errata.

[At the request of a subscriber (see letter on page 72, No. 3, Law Book News), we have opened a department of the News for the publication of errata noted in standard law books. The first contribution comes appropriately from the gentleman who suggested the department, Mr. T. C. Ryan, of the Wisconsin bar. Mr. Ryan remarks in another letter: "I trust that many of your readers will take up this work. It takes very little time. It pays for itself. If fifty lawyers in different places would each send you one case per month out of the dozens which they find each month, it will make a very interesting department in the Law Book News, and I think it is not unreasonable to hope it may bring about some better results in the much abused art of making law books."

[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, PRIV. CORP. Vol. 1, p. 358. The text states that the president and directors of a corporation may recover on a quantum meruit for services beyond their regular employment. The text is misleading in two respects: (1) It confines the stated rule to the president and directors, whereas it applies to all corporate officers; (2) the words "beyond their regular employment" should be changed to "beyond the scope of their official duty." As thus changed, the text would state a rule which is undoubtedly sustained by the weight of authority, but which is not at all supported or touched by the case of *New Orleans Packet Co. v. Brown*, cited in note 2.

BISH. CONT. § 219, states the rule as to implied assumpsit for services knowingly received and accepted; but the case of *St. Patrick's Church v. Abst*, 76 Ill. 252, cited to support that rule, in note 1, on page 82, was a case of express hiring, and was evidently so regarded by the court.

AM. & ENG. ENC. LAW, Vol. 4, p. 635. says: "Subsequent evidence of the conspiracy cures any defect in the admission of statements of a confederate." I have these criticisms to make upon note 10, containing the two cases cited in support of the text: (1) There are several cases that support the text, all easily found, and which are not cited in the note. (2) The case of *Dole v. Wooldredge*, 135

Mass. 140, cited in the note, has not the remotest application to the rule stated in the text. (3) The case of *State v. Ward*, cited in the note, a Nevada case, was not decided in 1887, as stated in the note, but in 1886. It is cited in the note without any reference to book or page. It was published in Vol. 10 of the *Pacific Reporter* two years before Vol. 4 of the *Encyclopedia of Law* was published; and it was very slovenly work, to say the least, not to cite it by book and page.

AM. & ENG. ENC. LAW, Vol. 17, p. 167. Rule stated in text that a corporation is liable upon an implied assumpsit to pay for services rendered to it with the knowledge of its directors, where the benefits of the service are received without objection. The text meagerly states a rule which applies, not only to corporations, but to everybody. The case of *Stewart v. Railroad Co.*, 41 Fed. Rep. 736, cited to support the text, is a case where there was an express promise to pay for the services, and is therefore not in point.

AM. & ENG. ENC. LAW, Vol. 679. The article is a treatise upon the statute of frauds, by William Cushing Waite, of the Boston bar. The question discussed in the text is whether a promise to answer for the debt, default, or miscarriage of another is original or collateral. The case of *Ex parte Williams*, 4 Yerg. 579, cited in the note, is a case involving the single question whether, under the statute of Tennessee, the court obtained jurisdiction upon change of venue of a petition to lay out a highway. This case, and the one preceding and following it in the note above referred to, comprise the whole of note 2, p. 198, of the obsolete 1st edition of *Brown on Frauds*. Of course, Mr. William Cushing Waite, of the Boston bar, is not to be suspected of doing what this singular coincidence might, if it were not a mere coincidence, imply.

—T. C. Ryan.

Wausau, Wis.

Personal.

George W. Stone, Chief Justice of Alabama, who died recently, in his eighty-third year, was for more than fifty years a judge on the bench. He was conspicuous for his ability, and his numerous opinions in the *Alabama Reports* extended his influence far beyond the bounds of his own state.

George Ticknor Curtis, the venerable lawyer, died on March 28th from heart failure, following an attack of acute pneumonia. Mr. Curtis was born in Watertown, Mass., in 1812, and was the nephew of the once renowned professor of languages in Harvard College. He was long prominent in public life, at the bar, and in politics. In literature he is perhaps best known as the biographer of Daniel Webster and the editor of his collected works. He was also the author of a standard text-book of "*Curtis on Patents*," "*History of the Constitution of the United States*," a treatise on "*Copyright*," a book on "*Admiralty Law*," one on "*Equity and Precedents*," a biography of President James Buchanan; "*Creation or Evolution*;" and a novel entitled "*John Charaxes*."

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.

BALCH, Lewis. A manual for board of health and health officers. Albany, N. Y.: Banks & Bros. 1893. 242 pages. 12 mo. Cloth, \$1.50, del'd.

Banks.

See "Paine's Laws Relating to Banks, Banking, Trust Companies, etc. (N. Y.)"

BEACH, Charles Fisk, Jr. Modern equity practice in all the federal courts and in all the state courts of equity, with numerous forms and precedents. Cincinnati: W. H. Anderson & Co. 1894. 2 vols. 1,700 pages. \$12, net.

BIGELOW, Melville M. Cases on the law of bills, notes, and cheques, to accompany the editor's work on that subject. Boston: Little, Brown & Co. 1894. 8+396 pages. 8vo. Cloth, \$3, net.

Bills and Notes.

See "Bigelow's Cases;" "Smith's Handy Book on the Law of Bills, Cheques, Notes, and I. O. U.'s. (Eng.)"

BONGARTZ, J. Harry. Check list of laws; containing a complete list of the public laws and acts and resolves of the state of R. I. to date, with notes and pagings. Providence, R. I.: J. Harry Bongartz, State of R. I. Law Library. 1893. 7 pages. Old paper, \$1.

Business Law.

See "Commercial Law;" "Koon's Everybody's Law Book;" "My Lawyer (Eng.);" "Legal Directory."

BUSWELL, H. F., and WALCOTT, C. H. Practice and pleading in personal actions in the courts of Massachusetts. 3d Ed., revised and enlarged. Boston: Little, Brown & Co. 1894. 36+650 pages. \$6, net.

California.

See "Finlayson's Street-Work Laws."

California.

See "Mechanic's Lien Law of California."

Car Trusts.

See "Davis & Browne's Car Trusts in the United States."

CLARK, Wm. L., Jr. Handbook of criminal law. St. Paul: West Pub. Co. 1894. 11+450 pages. \$3.75, del'd.

COMMERCIAL LAW. A practical text-book for schools, and a valuable book for reference. Cleveland, Ohio: The Practical Text-Book Co. 1894. 191 pages. D. cloth, \$1.25.

Connecticut.

See "Thresher's Laws Relating to Intoxicating Liquors, Gambling, Duties of Officials," etc.

Contracts.

See "Ellis' Quizzer, No. 6;" "Williston's Cases."

CONVERS, D. Marriage and divorce in the United States, as they are and as they ought to be. Philadelphia: The J. B. Lippincott Co. 1894. 12mo. Cloth, \$1.50.

COTHRAN, G. W. 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, 1893. New York and Albany: Banks & Bros. 1894. 7+1001+192 pages. \$4.50.

Criminal Law.

See "Clark's Handbook;" "Ellis' Quizzer, No. 2."

CUNNINGHAM, Seymour. Decisions on some important topics of evidence; a digest of the Ohio decisions included in 1 to 20 Ohio, 1 to 49 Ohio State, 1 to 6 Circuit Court Reports, and 1 to 28 Bull., Wright's Reports, Tappan's Reports, Disney's Reports, Handy's Reports, and the Cincinnati Superior Court Reports. Chillicothe: Seymour Cunningham, of Van Meter & Cunningham. 1894. 268 pages. D. sheep, \$2.

DAVIS, Gherardi, and G. Morgan Browne, Jr. Car trusts in the United States. A brief statement of the law of contracts of conditional sale of rolling stock to railroads.

Printed for the authors. New York: 1894. 49 pages. Paper.

DAY, M. B. R. Official manual for the use of the courts, state officials, and general assembly. Louisville, Ky.: J. P. Morton & Co. 1894. 12+211 pages. S. cloth, \$1, net.

Domestic Relations.

See "Paige's Illustrated Cases;" "Convers on Marriage and Divorce."

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See "Smith's Elements."

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See "Beach's Modern Equity Practice;" "Phelps' Juridical Equity."

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See "Cunningham's Decisions on Some Important Topics in Evidence. (Ohio)."

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See "Reardon & Dugan's Forms of Deeds, Mortgages, Wills," etc.

FERGUSON, James. Five Years' Railway Cases, 1889-1893, with acts of parliament and of sederunt, and the railway and canal commission rules; being a supplement to "Railway Rights and Duties. (Scot.);" Edinburgh: William Green & Sons. 1894. 5 shillings, net.

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FINLAYSON, Frank G. Street-work laws of the state, annotated. Los Angeles: C. W. Palm Co. 1893. 54+312+114 pages. \$5.

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Health Officers' Manual.

See "Balch's Manual for Boards of Health."

Illinois.

See "Haines' Laws Relating to Cities and Villages."

Justice Guide.

See "Tiffany's Justice Guide (Mich.)."

Kentucky.

See "Day's Official Manual for the Use of the Courts, State Officials, and General Assembly."

KOONES, J. Alexander. Everybody's law book; legal rights and legal remedies; with useful business forms and valuable information. A clear description of American law applied to every state in the Union, to which is added some state statutes and miscellaneous useful information, and a dictionary of legal terms and phrases. New York: Kittredge Company. 1894. 768 pages. Sheep, \$2.50; cloth, \$2.

LEGAL DIRECTORY. A list of the members and a compendium of the laws of the different states upon business subjects. Chicago: The National Legal Bureau. 1894. 205 pages. Q. cloth, \$1.50.

Marriage and Divorce.

See "Convers on Marriage and Divorce in the United States."

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See "Buswell & Walcott's Practice and Pleading in Personal Actions in the Courts of Massachusetts."

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McMURRICH, Wm. Barclay, and Henry Newbolt Roberts. The school law of Ontario, comprising the education department act, 1891; the public schools act, 1891; the act respecting truancy and compulsory school attendance; the high schools act, 1891; and the amending acts of 1892 and 1893; with notes of cases, regulations, forms, etc. Toronto: The Goodwin Law Book & Pub. Co. 1894.

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Annotated with forms, notes, and references. San Francisco: Reuben's Old Law-Book House. 1894. 12+52 pages. Cloth, \$1, del'd.

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See "Taylor's Principles and Practice of Medical Jurisprudence;" "Witthaus & Becker's Medical Jurisprudence, Forensic Medicine, and Toxicology."

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See "Stevenson's Index Supplement to the General Statutes."

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See "Finkelnburg's Practice in Appellate Proceedings."

Municipal Corporations.

See "Tiedeman's Municipal Corporations."

MY LAWYER, or the People's Legal Adviser. By a barrister. (Eng.) New and cheaper edition. London: Paul. Post 8vo. 3s. 6d.

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See "Cochran's Law of Supervisors."

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See "Paine's Laws Relating to Banks, Banking, Trust Companies," etc.

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See "Cunningham's Decisions on Some Important Topics in Evidence."

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PAINE, Willis S. The laws of the state of New York relating to banks, banking, trust companies, loan, mortgage, and safe-deposit companies and safe-deposit corporations, together with the acts affecting moneyed corporations, generally, including the statutory construction law, the general corporation law, and the stock corporation law, also the national bank act and cognate U. S. statutes, with annotations. New York: L. K. Stronge & Co. 1894. 816 pages. \$6, net.

Parliamentary Law.

See "Reed's Rules."

Partnership.

See "Paige's Cases."

PATTEE, W. S. Illustrative cases in personality. Part II. Sales. Philadelphia: T. & J. W. Johnson & Co. 1894. 4+215 pages (197 to 412). Cloth, \$2, net.

Pennsylvania.

See "Price's Index to Local Legislation;" "Trickett's Law of Boroughs."

Personalty.

See "Pattee's Cases."

PHELPS, Charles E. Juridical equity, abridged for the use of students. Baltimore: M. Curlander. 450 pages. Cloth, \$4, net; sheep, \$4.50, net.

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See "Odgers' Principles of Pleading in Civil Actions, 2d Ed. (Eng.)."

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See "Prentice's Police Powers Arising under the Law of Overruling Necessity."

Practice and Pleading.

See "Buswell & Walcott's Practice and Pleading in Personal Actions in the Courts of Massachusetts."

PRENTICE, W. P. Police powers arising under the law of overruling necessity. Albany, N. Y.: Banks & Bros. 1894. 620 pages. \$5, net.

PRICE, Giles D. Index to local legislation in Pennsylvania from 1700 to 1892, together with an index to the titles of corporations organized by special acts and to all laws relating thereto. Philadelphia: T. & J. W. Johnson & Co. 1894. 7+1032 pages. \$8, net.

Quizzer.

See "Ellis' Quizzer, Nos. 2 and 6;" "Sprague's Quizzer, No. 3."

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See "Ferguson's Five Years' Railway Cases (Scot.);" "Wood's Law of Railroads."

REARDON, George Evett, and Ferdinand C. Dugan. Forms of deeds, mortgages, etc., and wills, with attestation clause used in the several states and territories; acknowledgment, oath, etc. Baltimore: Reardon & Dugan, Publishers. 1894. 406 pages. \$3.

REED, T. B. Reed's rules; a manual of general parliamentary law, with notes of changes made by the house of representatives, and suggestions for special rules. New York and Chicago: Rand, McNally & Co. 1894. 221 pages. 12mo. Cloth, 75c.

Rhode Island.

See "Bongartz's Check List of Laws."

RINGWOOD, R. Outlines of the law of torts. (Eng.) 2d Ed. London: Stevens & H. 10s. 6d.

Rolling Stock.

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See "McMurrich & Roberts' School Law of Ontario;" "Sellar's Manual (Scot.)."

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STEVENSON, W. J. An index supplement to the Minnesota General Statutes of 1878 in force January 1, 1895. St. Paul: Frank P. Dufresne, Pioneer Press.

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THRASHER, S. P. Laws relating to intoxicating liquors, gambling, duties of officials, etc., issued by the Citizens' Law & Order League of Ct. New Haven: Press of The E. B. Sheldon Co. 1894. 95 pages. D. cloth, \$1.

TIEDEMAN, Christopher G. A treatise on the law of municipal corporations in the United States. New York and Albany: Banks & Bros. 1894. 1108 pages. \$6, net.

TIFFANY'S Justice Guide. A guide to the practice of the justices in justices' courts and in the circuit courts of the state of Michigan. Revised and enlarged and brought down to date by Andrew Howell and Charles Arthur Howell. Detroit, Mich.: The Richmond & Backus Co. 1894. \$6.50, net.

Torts.

See "Ringwood's Outline of the Law of Torts (Eng.);" "Sprague's Quizzes, No. 3."

Towns.

See "Cothran's Law of Supervisors (N. Y.);" "Haines' Laws Relating to Cities and Villages (Ill.);" "Matteson's Principles of Self-Government Applied to Townships, Cities, and Villages;" "Tiedeman's Municipal Corporations;" "Trickett's Law of Boroughs (Pa.)."

TRICKETT, William. The law of boroughs in Pennsylvania, including the rights and duties of borough officers. Philadelphia: T. &

J. W. Johnson & Co. 1893. 17+870 pages. \$8, net.

WILLISTON, Samuel. A selection of cases on the law of contracts. Prepared for use as a text-book in Harvard Law School. Vol. II. Boston: Little, Brown & Co. 1894. 14+618 pages. 5, net.

WITTHAUS, R. A., and Tracy C. Becker, with the collaboration of August Becker and seventeen others, counselors at law and physicians. Medical jurisprudence, forensic medicine, and toxicology. Vol. 1. New York: Wm. Wood & Co. 1894. 19+845 pages.

WOOD, H. G. A treatise on the law of railroads. 2d Ed. By H. D. Minor. Boston: The Boston Book Co. 1894. 3 vols. 8+808 pages. \$18.

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ARKANSAS REPORTS. Vol. 57. Cases determined in the supreme court, Dec., 1892-May, 1893. T. D. Crawford, reporter. Little Rock: Press of Arkansas Lithograph & Printing Co. 1894. 18+667 pages. \$3.

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COLORADO court of appeals. Cases determined at the Sept. term, 1892, and the Jan., April, and Sept. terms, 1893. T. M. Robinson, reporter. Vol. 3. New York and Albany: Banks & Bros. 1894. 18+633 pages. \$5, net.

ENGLISH REPORTS. Queen's bench division and on appeal therefrom in the court of appeal. Decisions on crown cases reserved, and decisions of the railway and canal commission. V. 2. London: Printed and published for the council of law reporting, by William Clowes & Sons, Limited. 24+558 pages.

ENGLISH REPORTS. Supreme court of judicature. Cases determined in the chancery division and in lunacy, and on appeal therefrom in the court of appeal. V. 3. London: Printed and published for the council of law reporting, by William Clowes & Sons, Limited. 11+565 pages.

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and on appeal therefrom in the court of appeal; also decisions in the ecclesiastical courts. London: Printed and published for the council of law reporting, by William Clowes & Sons, Limited. 18+360 pages.

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ILLINOIS appellate courts. V. 48; containing the remaining cases submitted at the Nov. terms, 1890 and 1891, and a portion of the cases submitted at the May and Nov. terms, 1892, of the third district. Reported by Martin L. Newell. Chicago: Callaghan & Co. 1894. 726 pages. \$3.50.

ILLINOIS supreme court reports. V. 147. Norman L. Freeman, reporter. Containing cases in which opinions were filed in Oct., 1893. Printed for the reporter. Springfield: 1894. 7+775 pages. \$2.50.

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MASSACHUSETTS supreme judicial court reports. V. 159. April, 1893-Oct., 1893. George F. Tucker, reporter. Boston: Little, Brown & Co. 1894. 24+702 pages. \$2.

MISSOURI. St. Louis and the Kansas City courts of appeals. V. 54. Cases determined from April 18, 1893-Nov. 7, 1893. Reported by D. Goldsmith and Ben Eli Guthrie. Columbia: E. W. Stephens. 1894. 20+731+11 pages. \$3.

NEVADA supreme court reports. V. 21. Cases argued and determined in the supreme court during 1890, 1891, 1892, and 1893. Reported by Joe Josephs and Sardis Summerfield. Carson City, Nev.: State Printing Office. 1893. 35+564 pages. \$3.

NEW YORK court of appeals. V. 140. Cases decided from Nov. 28, 1893-Jan. 16, 1894. H. E. Sickles, state reporter. Albany: Jas. B. Lyon. 1894. 19+761 pages. \$1.50.

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NEW YORK STATE REPORTER; containing all the current decisions of the courts of record of N. Y. state. Edited by W. S. Gibbons. V. 55. Albany: W. C. Little & Co. 1894. 8+32+999 pages. \$3.50.

NEW YORK SUPPLEMENT. V. 26; containing the decisions of the supreme, superior, and lower courts of record of New York state. Permanent Ed. Dec. 28, 1893-Feb. 8, 1894. St. Paul: West Pub. Co. 1894. 18+1170 pages. (National Reporter System.) \$5.

NEW YORK supreme court reports. V. 80. Marcus T. Hun, reporter. (Hun, 73.) New York and Albany: Banks & Bros. 1894. 29+696 pages. Sheep, \$3.

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NORTH CAROLINA REPORTS. V. 113. Cases argued and determined in the supreme court, Sept. term, 1893. Reported by Robert T. Gray (V. 2). Raleigh, N. C.: Josephus Daniels. 1894. 27+877 pages. \$2.

NORTHEASTERN REPORTER. V. 35; containing all the current decisions of the supreme courts of Mass., Ohio, Ill., Ind., appellate court of Ind., and the court of appeals of N. Y. Permanent Ed. Nov. 24, 1893-Feb. 9, 1894. St. Paul: West Pub. Co. 1894. (National Reporter System.) \$5.

PACIFIC REPORTER. V. 34; 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 Ed. Oct. 19, 1893-Jan. 18, 1894. St. Paul: West Pub. Co. 1894. 14+1226 pages. (National Reporter System.) \$5.

QUEBEC. Rapports judiciaires révisées de la province de Quebec. Comprenant la revision 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. V. 8. Montreal: O. O. Beauchemin & Fils. 7+521 pages.

SOUTH CAROLINA supreme court reports. V. 38, containing cases of April and Nov. terms, 1892. By Robert W. Shand, state reporter. Columbia: R. L. Bryan & Co. 1894. 7+597 pages. \$6.

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TENNESSEE supreme court. V. 92. Reports of cases, for the eastern division, Sept. term, 1892; for the middle division, Dec. term, 1892; and for the western division, April term, 1893. G. W. Pickle, attorney general and reporter. V. 8. Nashville: Marshall & Bruce Co. 1893. 27+791 pages. \$3.75.

TEXAS civil appeals reports. V. 4. Cases argued and decided during the months of Sept. and Oct., 1893, in all the five courts, and of Nov., 1893, in the first district. A. S. Walker, Sr., reporter. Published by the state of Texas. 1894. 23+771 pages. \$2.30, del'd.

UNITED STATES supreme court reports. Bk. 37, from beginning of V. 147 to end of V. 150. Oct. terms, 1892, 1893. Rochester, N. Y.: The Lawyers' Co-Op. Pub. Co. 1894. 1290 pages. \$5.

Statutes, Codes, and Laws.

INDIANA. Annotated Indiana statutes, showing the general statutes in force January

1, 1894; containing the last official codification (1881), and all amendments and additions thereto, with a digest under each section of the judicial decisions relating thereto. By Harrison Burns. Indianapolis: The Bowen-Merrill Co. 1894. 3 vols. \$18, net.

SOUTH AUSTRALIA. Acts of the parliament, 1893. Adelaide: C. E. Bristow, Government Printer, North-Terrace. 1894. By authority. 252 pages.

TENNESSEE. Code supplement, embracing public and permanent statutes from 1885 to 1893, inclusive, properly and consecutively arranged, with references to the sections of the Code of 1884 (Milliken & Vertrees), whether amending, repealing, or enacting wholly new law. Compiled and edited by R. T. Shannon. Nashville: Marshall & Bruce Co. 1893. 340 pages. \$3.

TEXAS. Annotated Civil Statutes, containing the general civil statutes of the 20th legislature (special session) and of the 21st, 22d, and 23d legislatures (general and special), with notes to decisions of courts of last resort, including V. 85 supreme court and V. 1 appeals. Supplement for 1888-93. By J. Sayles. St. Louis, Mo.: The Gilbert Book Co. 1894. 8+981 pages. \$8.

Digests.

ENGLISH. Complete annual digest of every reported case for the year 1893. London: William Clowes & Sons, Limited. 1894. 15s.

MICHIGAN. A digest of the decisions of the supreme court of Mich., from 1838 to 1893, with references to earlier cases, and containing decisions of the supreme court of the United States so far as they relate to Mich. law. V. 3. (Poole & Chaney's Digest.) By Arthur Poole Jacobs. Chicago: Callaghan & Co. 1894. 5+894 pages. \$6.50.

CONTENTS OF NEW BOOKS.

The 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,) England, France, Germany, The Netherlands, Italy, Russia, and Spain. Also a synopsis of the patent, trade-mark, and copyright laws of the world. Prepared expressly for this work

by members of the bar in the different localities. For the use of attorneys, officers of corporations, investors, and business men. (To January 1, 1894.) Edited by Charles L. Borgmeyer, member of the New Jersey Bar, Newark, N. J. Plainfield, N. J.: Honeyman & Co. 1894.

FROM THE PREFACE. During the year which has elapsed since the publication of the first volume of this Manual, the legislatures of various states and territories have made numerous and important changes in

the laws regulating the formation, organization, management, and dissolution of the principal kinds of business corporations. The decisions relating to these and kindred subjects have been numerous, and the growth and changes in the law render it necessary to make continued alterations and important additions.

CONTENTS.

It contains a careful synopsis of the statutory laws of each state and territory in the United States, and also a more condensed synopsis of the laws of each country in North, Central, and South America, and of each of the important European countries, embracing in most instances the following topics:

1. A brief statement of the general corporation statutes.
2. A brief statement of the special corporation statutes.
3. How the formation of a company is effected.
4. Form of certificate, articles, or petition of incorporation.
5. State, county, and other sundry fees required to be paid by corporations.
6. The general powers of a corporation as regulated by statute.
7. When a corporation may begin business.
8. The period of the existence of a corporation, and its extension.
9. The name or designation of a corporation—the use of specially designated terms or words; the change or alteration thereof; the principal office, books, papers, etc.
10. Incorporators, stockholders, directors, and officers; their duties, powers, liabilities, classifications, etc.
11. Meetings and elections; the manner and place of holding same; necessary notices required, etc.
12. Stock; the issue thereof; its various classifications; dividends thereon.
13. Preferred and other classes of stock.
14. Stock owned by corporations; treasury stock, etc.; rights, powers, and privileges resulting from such ownership, etc.
15. Guarantee of dividends; how made and paid; rights of holders of stock upon which such dividends are guaranteed.
16. Delinquent owners of stock; their liabilities and rights.
17. Increase and decrease of capital stock.
18. Amendment of certificate articles, or charter of incorporation.
19. Debts; powers to incur; liability of stockholders, directors, and officers.
20. Liability of directors and officers in numerous other cases.
21. Duties, powers, and rights of secretary and treasurer.
22. Assignments by corporations.
23. Preferred creditors.
24. Chattel mortgages given by corporations.
25. Conditional sales by corporations.
26. Lien of workmen in case of insolvency.
27. Wages; statutory provisions as to the payment thereof.
28. Damages resulting from death or other injuries.
29. Judgments and executions against corporations.
30. Attachments; how issued and prosecuted, etc.
31. Real and personal estate; what may be owned by corporations.
32. Aliens; their rights.
33. Annual or other publication of debts.
34. Bonds; issue thereof; rights of holders, etc.

35. Combinations or trusts.
36. Consolidation of various corporations.
37. Annual or other statements which must be filed with various departments, and when.
38. Cash required to begin business.
39. State, local, and other taxes.
40. Suits.
41. Dissolution; generally including manner of obtaining the appointment of a receiver.
42. Joint-stock companies.
43. Execution and proof of deeds; persons before whom proofs may be taken.
44. Trust deeds.
45. Trust and loan companies.

Also forms of corporate record book, subscriptions for stock, election of directors, by-laws, share certificates, minutes of meeting of stockholders and directors, etc.; a select list of counsel recommended for corporations; statutory regulations as to the conduct of business by foreign corporations within any other state; a synopsis of the patent, trade-mark, and copyright laws of every country in the world.

Carr's Judicial Interpretations of Tariff Acts.

TITLE—PAGE. The Judicial Interpretation by the United States Courts of the Acts of Congress Relating to the Tariff. By Wm. Wilkins Carr, of the Philadelphia Bar. Philadelphia: T. & J. W. Johnson & Co. 1894.

PREFACE. The reported decisions of American courts upon the various tariff acts are collected in the following pages. They are illustrations of the legal principles adopted by courts when interpreting acts of congress relating to customs revenue. For the rates of duties upon specific articles, and the practice and procedure upon importation, the statutes in force at the date of importation and the treasury regulations and decisions should be consulted. The decision of a court upon a tariff act does not cease to be of value after a modifying act has been enacted, and the terms of the earlier legislation and judicial decisions thereon must be considered in order to determine the congressional intent of a later act. A specific classification or the customs revenue administration may be changed by subsequent legislation, but, as the cases here arranged illustrate legal principles, they are useful, although the acts under which they arose have been repealed or modified. The date of each case has been inserted to assist in referring to the terms of the statute directly affected by the decision of the court.

Chamberlayne's Best on Evidence, (International Edition, 1893-94.)

TITLE—PAGE. International Copyright Edition. The Principles of the Law of Evidence, with elementary rules for conducting the examination and cross-examination of witnesses. By W. M. Best, A. M., LL. B. Eighth Edition, with a collection of leading propositions by J. M. Lely, Esq., Barrister

at Law, Editor of "Woodfall's Law of Landlord and Tenant," etc. With notes to American and Canadian cases by Charles F. Chamberlayne, Esq., of the Boston Bar. London: Sweet & Maxwell, Limited. Boston: The Boston Book Co. 1893.

PREFACE TO THE INTERNATIONAL EDITION. Another edition of "Best's Principles of Evidence" is submitted to the profession, with the earnest hope that it may be found of value. No branch of the law probably so loudly calls for simplification as the law of evidence. The fine and thoughtful lines of its fundamental structure have been so obscured by hurried or careless thinking, by inapt expressions, sufficient for immediate purposes, by bodily importations from other branches of law, and by the conflicting statutory or judicial legislation of various independent tribunals, that they are frequently difficult to trace. The plan of Mr. Best's original work lends itself readily to an attempt to remove part of such confusion. The attempt has involved no small amount of effort, even with the free use which has been made of the work of others. It has not, it is hoped, been forgotten that an active practitioner, in actual preparation for trial, desires without delay an accurate statement of all decisions bearing on his question, as well as to be able to recognize the principle on which these decisions are, or should be, founded. In endeavoring to reconcile these ends, to present a book useful both to the practitioner and the student, the lines of the former American edition have in main been followed. The principle is first stated; and then follow such exceptions, illustrations, and decisions as, it is hoped, include every important case, not only in England, but in most of the states of the Union. The range of citations has been brought down to date, and the Canadian, New Brunswick, and Nova Scotia cases added. Boston: Charles F. Chamberlayne. September 12, 1893.

Coxe on Judicial Power.

TITLE-PAGE. An Essay on Judicial Power and Unconstitutional Legislation, being a commentary on parts of the constitution of the United States. By Brinton Coxe, of the Bar of Philadelphia. Philadelphia: Kay & Bro. 1893.

EXTRACT FROM PREFATORY NOTE BY WILLIAM M. MEIGS. During his last illness, Mr. Coxe expressed a wish that I should see this book through the press. When it reached my hands, all the first part of the work, including the 37th chapter, was not only set up in type, but electrotyped, and is, of course, now published in the same condition in which its author left it. The remaining portion of the work was still in man-

uscript, and unfortunately not sufficiently completed to justify its publication. * * * In regard to the second part of the book (the Textual Commentary) unfinished though it is, the outline of the author's purpose is clear,—he intended in it to treat of the two clauses of the constitution (2 VI. and part of 2 III.) which read: "This constitution, and the laws of the United States which shall be made in pursuance thereof, and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land; and the judges in every state shall be bound thereby, anything in the constitution or laws of any state to the contrary notwithstanding." "The judicial power shall extend to all cases, in law and equity, arising under this constitution, the laws of the United States, and treaties made, or which shall be made, under their authority. * * *"

These two clauses Mr. Coxe intended to examine critically from the standpoint of historical jurisprudence; and it was evidently upon these "twin texts," and upon the reading of them together, that he relied to establish the subject-matter of that part of his work,—"that the constitution contains express texts providing for judicial competency to decide questioned legislation to be constitutional or unconstitutional, and to hold it valid or void accordingly."

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Part II. Investigation of the laws of certain states on the relation of judicial power to unconstitutional legislation before and during the confederation.

Part III. The historical antecedents of the constitutional texts concerned.

Part IV. The intention of the framers on the relation of judicial power to unconstitutional legislation.

Appendices.

McKelvey's Common-Law Pleading.

TITLE-PAGE. Principles of Common-Law Pleading. A brief explanation of the different forms of common-law actions, and a summary of the most important principles of pleading therein, with illustrations taken from the cases. By John Jay McKelvey, of the New York Bar.

FROM THE PUBLISHERS' ANNOUNCEMENT. This work is designed to meet the needs of the American law student for a text-book on common-law pleading. It is put forth as a guide to the main principles of the subject of civil pleading, and a help to the understanding of the cases which illustrate

those principles, and in no sense as a complete treatise on the subject.

The subject of common-law pleading has been treated fully and in great detail by Chitty. It has been treated less fully, but more clearly, by Stephen and other text writers. None of these books, however, have seemed exactly suited to the needs of the American law student, for the reason that they are too comprehensive. What is required seems to be a summary of the main principles of pleading at common law,—the principles whose influence is still felt in the various systems of pleading which prevail in the different states, without the mass of technical and local rules which incumbered the old English system.

Reardon & Dugan's Form Book.

TITLE-PAGE. Forms of Deeds, Mortgages, etc., and Wills, with Attestation Clause, Used in the Several States and Territories. Also, acknowledgments for all legal instruments and judicial oaths, and before whom taken in the United States, territories, and foreign countries. George Evett Reardon, and Ferdinand C. Dugan, of the Baltimore Bar, Compilers and Publishers, Baltimore, Md., U. S. A. Baltimore: King Bros., Printers. 1894.

PREFACE. This work is presented to the legal profession and the public as a reliable

guide for the preparation of all deeds, mortgages, releases, and wills, with their proper attestation and number of witnesses necessary thereto, to be used in any of the states and territories of the United States; containing also an accurate list of officers before whom acknowledgments may be taken in the state, out of the state, and within the United States, and in foreign countries, the number of witnesses, and the kind of seals required by the law of each state and territory.

This compilation is particularly adapted to lawyers, conveyancers, commissioners of deeds, and notaries public in preparing legal papers for states other than their own. In the states where there are no statutory forms of conveyancing we have given those recognized as the best and in most general use.

We have spared no effort to obtain and present in this volume forms which the practitioner in any state can use with safety when called upon to draft papers or determine their legality according to the laws of the various states. In the synopsis of the laws of the various states and territories in relation to wills, we have purposely avoided making any mention of nuncupative or holographic wills, for the reason that this book of forms is intended as a guide for the profession in preparing and executing wills or other legal instruments for clients.

REVIEWS OF NEW BOOKS.

Burrill on Assignments (Sixth Edition).¹

Reviewed by Chas. E. Hughes, Esq., of Carter, Hughes & Kellogg, of New York City, and Lecturer on the Law of Assignments in the New York Law School.

[See Contents and other descriptive matter on pages 46 and 47, No. 2, Law Book News.]

Burrill's work has been before the profession for forty years, and so well has it served its purpose that it is still the only comprehensive treatise on this important subject. The merit and success of "Bishop on Insolvent Debtors" suggest the fate of "Burrill" had Mr. Bishop written a general work, instead of one designed to deal especially with the local law of New York. But what Mr. Bishop failed to do as author he did, in part, as editor, and to him we owe the thorough

revision of "Burrill," in the third edition (1877). Since then little has been done save to bring the book "down to date" by added citations. The sixth edition is announced as another "revision," and, as the quality of the original treatise is well known, it is the work of the editor alone that calls for review.

In many respects the new edition is an improvement. Typographically, it is all that can be desired. We have 755 pages (against 805 pages in the fifth edition) of good paper, clearly printed, and relieved by Doric section headings. Several forms relating to the assignee's accounting have been added. Notes have been expanded, many additional cases cited, and here and there a remark or a paragraph has been interpolated in the text. But the most striking change, and one of obvious advantage, is the elimination from the body of the work of the greater number of references to statutes, and the substitution of an appendix, containing a fair abstract of the statutes of all the states and territories.

On the other hand, there are many evidences of want of care and of undue haste in preparation. The index is not only inadequate, but sometimes misleading. Its references to the

¹ Burrill on Voluntary Assignments for the Benefit of Creditors. Sixth Edition. Revised and Enlarged by James Avery Webb. New York: Baker, Voorhis & Co. 1894.

statutes digested in the appendix purport to give under appropriate headings all the states having statutory provisions upon the subjects indicated. But while, under "Accounting," we find mention of statutes in several states, those of Maryland, Kansas, New Jersey, Ohio, Minnesota, and Vermont are omitted. Under "Bond" we find no reference to the statutes of Indiana, Iowa, New Hampshire, Ohio, Oregon, Rhode Island, Texas, or Wisconsin. Similarly, under "Compensation of Assignee," California and New Jersey are omitted; and, in giving the list of states having statutes against preferences (under the heading "Preferences"), Connecticut, Florida, Illinois, Iowa, Kansas, North Dakota, Oregon, Texas, and West Virginia are not included.

We regret that these slips in indexing are not the only marks of carelessness. But, in the course of a casual examination, one detects errors and omissions which tend to destroy confidence in the work of the editor. For example, the preface informs us that repealed statutes and cases construing them have been eliminated, and that existing statutes, for the most part, have been relegated to the appendix. Upon this principle, we suppose, the editor has omitted from section 138 (corresponding to section 174, fifth edition) the references to the statutes of Ohio, Louisiana, and Connecticut. But, as "revised," the section consists wholly of a reference to a New Jersey statute long since repealed, and misstates the present law of New Jersey as to the right of corporations to give preferences. The important case of *Wilkinson v. Bauerle*, 41 N. J. Eq. 635, is not cited.

In the synopsis of the New York statute (page 660), under "Preferences," it is left to inference, and is not distinctly stated, that wages and salaries are preferred by law, and *Richardson v. Thurber*, 104 N. Y. 606, which upheld and construed the statute creating this preference, is loosely cited at the end of a note referring to other matters, with the remark, "This act held constitutional." What "act" does not clearly appear, but the reader would naturally infer that the editor had reference to the statute limiting other preferences to one-third of the net assets. Again, in section 136, in quoting the New York statute prohibiting certain transfers by insolvent corporations, the reference is to the seventh edition of the New York Revised Statutes (although the eighth edition has been long in use), and no mention is made of the recent revision, which contains the corresponding statute (with some changes in phraseology) now in force (Gen. Laws N. Y. c. 36, § 48; 6 Rev. St. Supp., 8th Ed., p. 4102).

We are informed that nearly one thousand cases have been added to those cited in the fifth edition. Notwithstanding this, many of the most important cases decided since 1887

are omitted. For example, *Berger v. Varrelman*, 127 N. Y. 281, and *Manning v. Beck*, 129 N. Y. 1, the leading authorities in New York upon the validity of transfers made in contemplation of an assignment, are not cited, although the overruled decision of the lower court in the latter case is given on page 660. *Lake Shore Co. v. Fuller*, 110 Pa. St. 156, *Home Bank v. Sanchez*, 131 Ill. 330, and *Cross v. Carstens* (Ohio) 31 N. E. Rep. 506, upon the same question, are likewise omitted. And upon this point (chapter 26) *Farwell v. Nelson*, 133 Ill. 45, and *Carnahan v. Schwab*, 127 Ind. 507, should have been cited, and not merely grouped with numbers of authorities for an elementary proposition on page 164. In connection with the perplexing questions arising out of foreign assignments, we find no mention of *Birdseye v. Underhill*, 82 Ga. 142; *Barnett v. Kinney*, 147 U. S. 476; *Keller v. Paine*, 107 N. Y. 83; or *Frank v. Bobbitt*, 155 Mass. 112. Under section 180, in reference to the equities of firm creditors, *Howe v. Lawrence*, 9 Cush. 553, *Stanton v. Westover*, 101 N. Y. 265, and *Citizens' Bank v. Williams*, 128 N. Y. 77, should have found a place. And, in this connection, *Crook v. Rindskopf*, 105 N. Y. 476, should have been cited, instead of the reversed decision of the court below (page 240, note 2).

With regard to the right of secured creditors to prove for the whole amount of their claim, reference should have been made to the leading case of *Allen v. Danielson*, 15 R. I. 480 (section 393). And *Mills v. Parkhurst*, 128 N. Y. 89, should have been cited for the important point actually decided under section 426, and not simply under section 256.

The treatment of *White v. Cotzhausen*, 129 U. S. 329, on page 134, is wholly inadequate, and in the context mention should have been made of *Weber v. Mick*, 131 Ill. 520, and *May v. Tenney*, 147 U. S. 60.

Enough has been said to show that while the new edition will be serviceable, and is an improvement upon its predecessor, the careful lawyer, wisely distrustful of his textbook, will be compelled in this case, as in so many others, to do much of the work which the editor might have done for him. There is lacking that care in the arrangement of new material and that absolute accuracy of reference which is needed to bring the recent development of the subject within the immediate reach of the practitioner.

Charles E. Hughes

New York, April 7, 1894.

Dillon's Lectures on Jurisprudence.¹

Reviewed by Prof. Austin Abbott, Dean
of the New York University
Law School.

[See Contents and other descriptive matter on page 77, No. 3, Law Book News.]

This volume is well calculated to enlist the interest of the American bench and bar in those broader views of the law which our busy profession so much needs, and which have been rarely put forth in a form at once so attractive and so instructive. American lawyers are unfortunately too indifferent to jurisprudence, many entertaining the same kind of aversion to those strengthening studies that a poor mechanic shows against adapting himself to an improved implement or learning an improved process. This book will need no commendation to those who already have found the interest and value, and the compensation, even to the busiest practitioner, of liberal studies in the law. To any one who is in doubt whether he cares to read it or not let me suggest that he read what the author says on the effect of distance and space on American law (pages 219-224) and on Trial by Jury (page 121); also what he says on the degenerating tendencies of judicial haste (page 189), and his account of Bentham (page 317); after this we may trust him to read at large without fear that he will lay aside the volume with indifference. Perhaps there is no man in our country more fully equipped by long and varied experience at the bar, in consultation, and on the bench, and in the law-school lecture room, and in professional service, in various states and under different systems of procedure, than Ex-Judge Dillon. We believe the readers of the volume will share with us a sense of obligation to him for the labor of love by which he has here set forth what it is important for the American lawyer to know of the general position of the profession, the sources and form of our law, and the relation of our work to the welfare of the community; and we are as truly indebted to Yale University, at whose invitation the author undertook and accomplished this task. The attractive form in which the publishers have put the work fits it for the choicest companionship in the library.

Austin Abbott

New York, University Law School, Apr. 7, 1894.

¹ The Laws and Jurisprudence of England and America, being a series of lectures delivered before Yale University. By John F. Dillon, LL.D., Storrs Professor, Yale University, 1891-92. One volume. Boston: Little, Brown & Co. 1894.

Jones' Forms in Conveyancing (Fourth Edition).¹

Reviewed by Edgar W. Camp, Esq.,
United States District Attorney
for North Dakota.

[See Contents and other descriptive matter on page 78, No. 3, Law Book News; also, Other Opinions, page 118 of this number.]

Few men can or do memorize many precedents in conveyancing; no man can remember the forms required by statute in the forty-four states; so that every lawyer who has to do with conveyancing needs a form book. It is a labor saver; it is other men's brains and experience in print; it is knowledge prepared for immediate consumption.—provided, always, that the book is compiled and edited with extraordinary care by a man of intelligence and large experience, for a book of bad precedents is worse than the gun supposed to be empty.

Leonard A. Jones has been favorably known to the profession for several years as the author of works on Mortgages and on Liens. The fact that his Forms in Conveyancing has now reached the fourth edition proves that lawyers have found it useful. The fourth edition is thoroughly up to date. The latest changes made by statutes or decisions have been noted. The arrangement is convenient; the index good. The typography is Houghton, Mifflin & Co.'s best. A number of precedents are given for contracts such as the average lawyer is called on to draw but seldom, and in drafting which he therefore needs special assistance. The book is peculiarly valuable to the western practitioners, who have often to prepare or to pass upon instruments which are to be used and recorded in distant states.

Edgar W. Camp

Jones on Liens (Second Edition).²

Reviewed by John J. Jenkins, Esq., of
the Wisconsin Bar.

[See Contents and other descriptive matter on page 79, No. 3, Law Book News.]

Jones on Liens, second edition, is a very valuable acquisition to any lawyer's library. It is an improvement upon the first edition

¹ Forms in Conveyancing and General Legal Forms. By Leonard A. Jones. Fourth Edition. Boston and New York. Houghton, Mifflin & Co. 1894.

² A Treatise on the Law of Liens, Common Law, Statutory, Equitable, and Maritime. By Leonard A. Jones. Second Edition. Two volumes. Boston and New York: Houghton, Mifflin & Co. 1894.

to the extent mentioned by the learned author in his note to this edition, saying that he has incorporated into the text and notes of this edition the cases coming within the province of this treatise decided within the last five years; and, while adding much new matter, the size of the volume has not been materially increased, on account of changes made in type and size of pages, by omitting spaces between the sections, and substituting in some instances references to statutes in place of statements of their substance, including important changes and additions in that part of the work relating to mechanics' liens. This correctly describes the second edition as compared with the first.

Lawyers whose practice requires them to be familiar with the details of laws relating to liens will find great assistance in this work. All of Mr. Jones' books show great familiarity with the subjects he writes about, and each book shows careful preparation with reference to the special subject presented, and in this work it seems as though every question that might be anticipated under the law of liens is provided for. No valuable case bearing on the question of liens seems to be omitted, and every important question is fully treated, evidencing much thought and the consumption of much time. Lawyers can place great reliance upon books prepared as these were, and with this work in their office they can feel that they have everything bearing upon the question of liens.

It is useless to single out any particular subject, but the work is made valuable by the treatment of so many matters that might not be thought of under the head of liens; for instance, the seller's right of stoppage in transitu, and liens of corporations on corporate stock. A thorough examination discloses that the references are not only full, but very accurate. There are no typographical errors worth mentioning. The presence of this work in an office renders any other unnecessary for any and every question arising under the law of liens.

Mont. Jenkins.

Lea on Superstition and Force.¹

Reviewed by John H. Wigmore, Secretary of the Northwestern University Law School.

The history of superstition is the history of men and of nations everywhere. The belief

to-day of the individual and of the community becomes to-morrow the rejected superstition,—the belief of the few, and the contempt of the many. It does us good to study the history of superstition, because it leads us to treat with tolerance the dogmas of a past epoch, and to look with suspicion on the dogmas of to-day. Mr. Lea's book has reached a fourth edition, because, first, it is the only work in English (except such general treatises as Prof. Gummere's "Germanic Origins," and one or two others) which treats these topics nonprofessionally from a modern point of view; and, next, because in a calm and tolerant spirit he demonstrates for every intelligent man the inhumanity of bigotry in every age, the folly of invoking force in aid of superstition, the evanescence of the most cherished dogmas, and the futility of attempting to maintain superstition against the unvarying and eternal progress of the human mind. The accounts on pages 368, 396, and 589, of corpse-touching in Illinois, New York, Pennsylvania, and Virginia, and of torture in Texas (the accounts might be added to), show that crude superstition still reigns over large classes in our own communities, and teach us to beware of our glass houses.

The lawyer will read this book because it pictures for him accurately, yet vividly, the procedure and the law-enforcing methods of a thousand years ago in Europe,—the incipient stage of our own law. Scholars are beginning of late to find that the continuity between the Germanic—that is, the barbarian, non-Roman—law of 400–1000 A. D. and the English common law cannot be ignored. The future historian of our law will trace its ideas in connection from the time of Charles Martel to the time of Queen Victoria and of Washington. As a part preparation for the legal enlightenment which we shall receive in this way in the next two decades the young lawyer may well take up this volume of Mr. Lea's.

The work rests, as few others do, on the author's original investigations, and therefore his statements on certain points, which seem to others to be incorrect, may perhaps be the deliberate conclusions of mature investigation. But one or two passages seem hardly thus explainable. That compurgation "was only an expedient resorted to in doubtful matters" (page 53) cannot be accepted. The regular method of clearing one's self was compurgation. Other methods were rather the exception. That in England "so general was its use [compurgation] that it obtained the name of 'law,' as the legal method par excellence" (page 57), is misleading. "Lex" was a general Germanic term for any mode of proof, and was also applied to the wager of battle and to ordeals. In later times the term came to be confined to the compurga-

¹ Superstition and Force. Essays on the Wager of Law, the Wager of Battle, the Ordeal, and Torture. By Henry Charles Lea, LL.D. Fourth Edition, revised. Philadelphia: Lea Bros. & Co., 1892.

tion oath. The passage (pages 84-86) on the disappearance of compurgation should be read in the light of Professor Thayer's essays on the Origin of Jury Trial, in the Harvard Law Review. It is correctly stated (pages 115, 594) that the trial by battle was unknown to the Anglo-Saxons, but it cannot be accepted, though the author asserts it, that the Anglo-Saxons had the ordeal. It seems that they did not, at least until near the 900s, when they got it from the Franks. Finally, to make an end of fault-finding, there are very few scholars who, in statements about comparative law, learn to employ always the most reliable sources in matters outside Europe; and this book illustrates the general tendency in that respect. The statement that torture "in Japan still retains its place in the criminal codes" (page 432), is a false indictment against a nation which no author should allow to remain in a fourth edition. Torture was there abolished just before the first edition (1878) appeared; and the Code of 1881 (French translation) showed this. Later sources had better be consulted, also, in what is said of China.

Mr. Lea's book, it may be added, has attained the distinction of being one of the five or six English works cited among perhaps a thousand in various languages in the lists of authorities in Brunner's "Deutsche Rechtsgeschichte."



Pingrey on Mortgages.¹

Reviewed by Henry Campbell Black,
Esq., of Washington, D. C.

[See Contents and other descriptive matter on page 51, No. 2, Law Book News.]

The law of real-estate mortgages—undoubtedly one of the most important of modern subjects, and already enriched by many thousand decisions of the courts—offers a most inviting field for the study and enterprise of the law writer. A new book on the subject need not be put forward with the idea that it must either supersede the existing works (of which at least one is recognized as an able and meritorious treatise) or else fail utterly. Lawyers have ample room for two good text-books on mortgages. But the new book, to win favor, or even to justify its production, must be fresh and vigorous in the conception and first rate in the execution.

It cannot be said that Mr. Pingrey has adequately improved the opportunity offered

him by this great subject with its splendid wealth of material. A perusal of his pages strikes the observer with a painful sense that the author has been overburdened with the weight and complexity of his task. Instead of surveying the broad domain upon which he has chosen to enter with a comprehensive glance, and laying out its separate, yet related, parts with a due and orderly arrangement, he gropes his way with hesitation among its labyrinthine complexities. The table of contents may show an intelligent classification of the subject. But in the detail we miss that firmness of grasp, that nice sense of relation, and that discriminating insight which are characteristic of the best legal authors. Instead of extracting the principles of law from the data afforded by the multitude of reported cases, and exhibiting them in their various and modifying relations, our author too often slips into the easy fault of stringing together one syllabus-like paragraph after another, with no other necessary connection between them than that they all belong to the same general topic. Thus, in place of a vigorous, well-ordered, well-articulated treatise, we have a result which the disappointed reader might possibly be moved to describe as a sort of patchwork. A book of this kind, while it may serve in a measure as a clue to the case law, can neither help to advance the learning of the subject, clear up its dark places, nor reconcile the differences of the courts.

Indeed, there seems to be little or no attempt to enter into any original discussion of the many vexed questions in the law of mortgages, or even to exhibit the leading cases, arrayed on the two sides of such questions, in a light proportioned to their relative value and cogency of reasoning. The author says in his preface that he "has refrained from unnecessarily obtruding his own theory. The bench and the bar want the law as it is, and use text-books as the polestar to guide them to the source,—the reports. Every treatise derives its authority from the cases cited." But this is a dangerous half-truth. The decisions of the courts are the best evidence (aside from statutes) of what the law is. That will be granted. The opinion of the text writer has not the technical force of a precedent. That also may be conceded. But the writer who contents himself with spreading out the mass of this evidence, often confused and contradictory, without attempting to deduce the true state of the law from his special familiarity with the subject, and to support his views with his own reasoning, does only half his work. And we may add that he would be more candid if he called his book a "digest of the reports." If it were true that lawyers cared nothing for the opinions or

¹A Treatise on the Law of Mortgages of Real Property. By Darius H. Pingree. In two volumes. Philadelphia: T. & J. W. Johnson & Co. 1893.

arguments of the writer, it would inevitably follow that any youth fresh from the law school, if he had but the requisite patience, could produce as acceptable books as, let us say, Bishop on Marriage and Divorce or Daniel on Negotiable Instruments or Story or Pomeroy on Equity. The author who refrains from argument or the expression of individual opinion, where either would be appropriate, either has no confidence in his conclusions or else has misconceived his office.

Nor can we find that Mr. Pingrey has taken upon him to criticise the numerous ill-considered decisions which he has necessarily encountered in his researches, any more than he has been willing to point out this, that, or the other authority as specially important or specially esteemed. On the face of it he seems to consider all alike. Whatever a court has ruled is apparently to him "the law." And, if some other court has ruled directly the reverse, it is perhaps a matter of regretful surprise to him, but is not accompanied by any suspicion that the divergence of opinion casts a duty upon him.

The subject of real-estate mortgages has grown so great that it can now with difficulty be compressed into two volumes. That can be accomplished, we should say, only by the most severe condensation and the most searching pruning away of all verbiage. Now, the work before us is in two bulky volumes, and covers a portentous number of pages. But the loose and often pleonastic style of writing raises a serious distrust as to the adequacy of the treatment. It may

be worth while to cite a single illustration of what is here meant. In sections 550 and 551 we find the same proposition of law repeated not less than four times, and each time as a substantive part of the text, and with one or more cases cited in its support. The several readings of this same rule are as follows: "The mortgagor has an insurable interest in the mortgaged property so long as he has any right to redeem the property." "So long as the mortgagor has any interest in the property, he has also an insurable interest." "The mortgagor has an insurable interest so long as his redemption is not extinguished." "Until the mortgagor's equity of redemption is extinguished, he has an insurable interest."

Although the work appears to be generally free from misprints, we have noticed some few typographical errors which should not have escaped the author's revision. For example, on page 584, in note 5, there is a reference to "24 Pick. (Mich.)" The author states that he has cited 15,000 cases. Hence the work may be expected to include some reference to nearly all the pertinent authorities. We should add that the historical matter contained in the first chapter shows no little research, and is of considerable theoretical interest, though it can possess but small practical value. On the whole, it does not seem that this work is calculated either to advance the author's reputation or to be of any special service to the profession.

J. G. Campbell Black.

OTHER OPINIONS OF NEW BOOKS.

Jones' Forms in Conveyancing (Fourth Edition).

[See Contents and other descriptive matter on page 78, No. 3, Law Book News; and a review by Edgar W. Camp, Esq., in this number, on page 115.]

A book of legal forms is perhaps not essential to the library of an old practitioner, but to any law library it is a convenient addition, and to a young and inexperienced member of the profession an invaluable aid, for it saves him much time, and may save him many mistakes. Of course, it is upon its being practical and absolutely accurate that the value of any book of forms depends. It must contain models of all documents included in its subject that a lawyer finds himself called upon to draft. The field of conveyancing is a broad one, extending, as it does, from the simplest deed or argument to the most involved will or complicated mortgage.

Mr. Jones' work fulfills its mission. It

gives us the forms of conveyance of every kind which the various states prescribe, or their courts sanction. These are well suited to the practitioner's needs. The precedents are skillfully and carefully prepared.

The general arrangement is admirable. Footnotes call attention to variations in the different states from the forms given, with references to the state laws.

—"W. S. E." in American Law Register and Review.

Mann's Medical Jurisprudence of Insanity.

[See contents and other descriptive matter in No. 2, Law Book News, page 50; also review by Edwin A. Jaggard, Esq., in No. 3, page 81.]

The first thing that impressed us in opening this book was the peculiarity of its title, for we find in it chapters on "Personal Identity in Murder Cases," "Inhalation of Poisons," etc., the relation of which to the jurisprudence of insanity is somewhat difficult to

see. The book, in our opinion, shows evidence of insufficient study of the subjects discussed, and is full of inaccuracies and loose statements.

To the lawyer we regard it as absolutely worthless, and the physician who relies upon its statements of alleged legal principles will have reason to regret it. It has no table of cases, which, perhaps, is unnecessary; for, being struck by the worthlessness of the legal (?) principles stated, we consulted some of the authorities cited, and found, as we supposed, they did not support the text.

But, not to consume more valuable space, we may say, in conclusion, that the author evidently has no conception of legal principles, and his work is a mere hotchpot, to read which would, in this short life, be a waste of valuable time.

This book should not be confounded with the *Treatise on Forensic Medicine* by J. Dixon Mann, of Worcester, England, which has only recently appeared, and which appears to be a very creditable performance.

The Kent Law School, Chicago.
—Marshall D. Ewell, M. D., in *American Law Register and Review*.

In these days when a plea of insanity is the city of refuge for most of those who fall within the clutches of the law, the question of mental responsibility becomes one of the most important with which the legal profession has to deal. In this volume Dr. Mann discusses the phenomena of insanity in its various forms, and sets forth with clearness the effect of mental disease on the power of the mind. The capacity and incapacity for the management of affairs is strongly dwelt upon, and the duties of medical witnesses are carefully considered. The treatise is a valuable addition to medico-legal literature, and should be of great use and assistance to both the bench and bar.

—The Green Bag.

Parsons on Contracts, (Eighth Edition.)

Professor Parsons' already valuable work is rendered additionally valuable by the copious, accurate, and clear notes added to this edition by Mr. Williston, of Harvard. It is singularly appropriate that the work of the man who did so much to establish the reputation of the Harvard Law School should be edited by a member of the present faculty of that school. Mr. Williston has left the text practically untouched, save for certain slight omissions, rendered necessary by recent changes and developments of the law of contracts. He has also retained the greater part of the author's original notes, omitting only certain extracts from the opinions in various cases which have ceased to be of authority. He has, however, discarded the notes of all previous ed-

itors, with the exception of a few by Mr. Kellen, editor of the seventh edition, to which, in every instance, his initial is attached. The author's notes are printed in parallel columns, while the notes of the editor extend across the page, so that it is at once apparent to whose authority each note owes its weight. While Mr. Williston's notes are throughout clear, accurate, and learned, they are especially full in the first part of the work, that devoted to consideration of the obligation assumed by the parties; the notes upon Agency, Bills and Notes, and Consideration being more especially copious, valuable, and scholarly. He has carefully avoided the common temptation of annotators to indulge in controversial writing, and while in every case where the text is ambiguous, or through a change in the law has become misleading, the doubt is cleared away or the error corrected, the notes remain notes upon the original work, and not a series of controversial essays. The modern cases have been exhaustively examined, and their effect clearly stated. In short, the whole work shows care, learning, and respect and reverence for the author's work, and is a very useful and able exposition of the result of modern cases upon the subject-matter.

—“F. H. B.,” in *American Law Register and Review*.

It is just forty years since the publication of the first edition of Professor Parsons' great work on Contracts, and for all this time it has held the place of the leading and most complete American text-book on this subject. Through these many years, and through these eight editions, this work has constantly been improved. Any law treatise that has been thoroughly revised in several editions is a far more complete and perfect piece of work than the original work could possibly be. The labor in several times revising such a work, adding the new law, and correcting and pruning the old, may exceed that in writing the original work. It is probable that Professor Parsons and his editors have spent more time in revising this work than the author spent in writing the original; very likely two or three times as much. The labor may be of a different kind, and not all of it of so high an order as that which went into the original planning and building of the book. We think lawyers have little appreciation of the labor acquired for a thorough revision of a treatise upon a comprehensive topic of the law, and little appreciation how greatly increased is the value of work several times revised over an early edition. Mr. Williston, the present editor, has performed his work with great care and good judgment. The whole number of cases cited in this edition is about thirty thousand. In the statements of statutory law, we notice that some-

times the latest statutes and the latest revisions of statutes have not been referred to. Of the merits of Professor Parsons' work the members of the profession need not be told at this late day. We have always admired the style of the distinguished author's text. He had the rare gift of a clear, flowing, and accurate style. Let any one compare his text with the slipshod, bungling writing of many who call themselves authors, and he cannot fail to appreciate the contrast.

—American Law Review.

Professor Parsons' work on contracts has long been a favorite one with the profession by reason of its comprehensiveness, and with instructors and students for the same reason; for it has always in the past answered admirably as a repository of decisions, covering all sides of a legal point, though sometimes without announcing definitely what the law might be upon that point. With students and instructors, it has been a difficult book to use satisfactorily, because of its very indefiniteness. However, the fact that so many subjects are embraced within the three volumes has more than counteracted the less desirable qualities of the book. Parson on Contracts has needed, for a long time, a thorough revision, not only of the text, but also of the accompanying notes; in other words, it has needed a revision which would make it a text-book of modern law, rather than of the law of 1853. Mr. William B. Kellen, who edited the seventh edition, did not accomplish this result, and we are much disappointed to find that Professor Williston has failed even more signally than did his predecessor. He seems to have regarded the text, as it fell from the pen of Professor Parsons, as something too sacred to be either altered, amended, or repealed. He has not inserted, in the body of the text, even upon his own authority, anything which would show that the law has developed in any degree since 1853. Professor Williston seems to have been content to allow the text to stand exactly as it was, and the notes substantially as they were. It is amusing, to say the least, to find what purports to be a modern text-book saying, as does Parsons, (Vol. II. *p. 172,) "Railroad companies have carried goods but for a short period;" and again, on *p. 173, "Still more recently, telegraph companies have been established;" and again, on *p. 253, "Horse railroads have recently been introduced in our large cities, and are now common." But this flavor of antiquity might be forgiven, were it not that in other respects the law had been and still is incorrectly stated, and former glaring errors have been left uncorrected. For instance, in Vol. III. *p. 190, note 2, there was a most palpable error in the seventh edition;

the statement' of facts following the citation of *Burritt v. Belfy*, 47 Conn. 323, referring to some case entirely unlike *Burritt v. Belfy*. In the eighth edition this error still remains, though Professor Williston professes to have revised the same. Again, in Vol. II. *p. 233, the rule of comparative negligence is allowed to remain as stated by Professor Parsons, save for a short note at the bottom of the page, when the fact is that, outside of Illinois, and to a limited extent in Georgia and Tennessee, the doctrine has no force whatever, except in cases of maritime collisions. And, on *p. 232 of the same volume, *Pennsylvania R. Co. v. Kerr* is cited as authority for the statement, "If sparks from an engine set fire to a house, and, from this, fire is communicated to another house, and destroys it, the company is not liable for this last house, the rule 'causa proxima non remota' applying," when it is well known that this doctrine has long ago been denied in every other state in the Union where the question has arisen, excepting New York, and that both there and in Pennsylvania it has been very much modified. We pass over the antique discussion of "Bank Notes," in the subdivision of "Tender," under the subject of "Defenses," though this portion of the text is practically useless since the abolition of state banks and the creation of national banks; but we note, with regret, that Professor Williston has failed to correct the misstatement of Professor Parsons with reference to the Massachusetts rule of "Partial Payments," as contained in *Dean v. Williams*, 17 Mass. 417, and cited in Vol. II. *p. 636. We have noticed but a few of the many errors which are in this work, and have expressed but few of the criticisms which might be applied to it. There is a possibility of modernizing Parsons, and making it the valuable text-book which its author intended it to be. It is therefore with great disappointment that we find an alleged revision which substantially does not improve the work at all. We seriously question whether it is any longer a proper text-book from which to teach the modern law of contracts. It never was logical, and only in places was it ever clear. It is now neither logical, clear, nor modern, and for both instructor and student, while it is exhaustive, it is also exhausting.

—Yale Law Journal.

Spelling on Trusts and Monopolies.

[See contents and other descriptive matter on page 15, and review on page 21, No. 1, Law Book News.]

This book is a compact treatise of 274 pages, which comes forth boldly to clear a way through forests of perplexing decisions. We do not recollect a work which gives to

the legal profession a more masterly, concise, and satisfactory treatment of the whole subject of trusts and monopolies than that of Mr. Spelling. The author seems to be thoroughly competent to discuss the intricate problems which abound in this branch of the law, and to deal intelligently with broad questions of public policy.

This book is of great practical value, for the author has not yielded to the temptation (which, in the discussion of such a theme, must have continually assailed him) of indulging in abstract theories or intellectual vagaries upon problems yet unsolved. In a work of this sort it is, of course, necessary to expand the fundamental principles by the narration of facts of particular cases, and we feel justified in admiring the succinct and clear manner in which the cases have been placed before us. Chapter I. contains an interesting historical condensation of the principles governing the subject, and, as an introduction to the real theme of the book, the author devotes three chapters to the discussion of the kindred doctrines of the legality of agreements not to practice professions or trades, engage in business, or accept employment.

It is from the beginning of chapter V. that Mr. Spelling treads an almost unbeaten path, applying in that chapter, in an original manner, an old principle to the modern methods of suppressing competition, known as "cornering markets" and "tying up stocks."

Chapter VI. treats of combinations among artisans and workmen,—a timely discussion only, though a brief one.

Chapter VIII. gives the application of the rule of public policy to contracts for the suppression of competition in public service,—agreements, says the author, fraught with serious import to the community.

This is aptly followed up in the next chapter by a discussion upon municipal grants and privileges, until, in chapter XII., monopolies in the form of "trusts" are dealt with, succeeded by a history of anti-monopoly legislation in the United States,—a species of law-making which the author laments as a futile and almost abortive attempt to curb the power of such combinations.

As a work of more than ordinary merit, Mr. Spelling's book deserves a place upon the desk of every progressive lawyer.

—"A. D. L." in American Law Register and Review.

Leading Text Books Published this Year.

Benedict's Admiralty. 3d edition..	6 00 net	Jones on Chattel Mortgages. 4th edition	6 00 net
Burrill on Assignments. 6th edition	6 00 net	Jones on Liens. 2 vols. 2d edition	12 00 net
Carr's Judicial Interpretation of the U. S. Tariff Act.	5 50 net	Jones' Forms of Conveyancing. 4th edition	6 00 net
Clark's Criminal Law	3 50 net	Lloyd's Law of Buildings. 2d edition. Cloth, \$1.50. Sheep.....	5 00 net
Cogley on Strikes & Lockouts.....	4 00 net	Tiedeman on Municipal Corporations	6 00 net
Cook on Stocks. 2 vols. 3d edition	12 00 net	Wood on Railways. 3 vols. 2d edition	18 00 net
Coxe on Judicial Power and Un-constitutional Legislation.....	3 00 net		
Demarest on Elevated Railroad Law	8 50 net		
Dillon's Laws and Jurisprudence of England and America. Cloth....	4 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 Jurisprudence. 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.

Abb. N. C.....	Abbott's New Cases, Dossy Law Book Co., New York City.	Ir. Law T.....	Irish Law Times, Dublin, Ire.
Alb. Law J.....	Albany Law Journal, Albany, N. Y.	J. P.....	Justice of the Peace, London, Eng.
Am. Banker.....	American Banker, New York City.	Jurid. Rev.....	Juridical Review, London, Eng.
Am. Lawy.....	American Lawyer, New York City.	Lack. Jur.....	Lackawanna Jurist, Scranton, Pa.
Am. Law Reg. & Rev.....	American Law Register and Review, Philadelphia.	Law Ex. J.....	Law Examination Journal and Law Student's Magazine, London, Eng.
Am. Law Rev.....	American Law Review, St. Louis.	Law Gaz.....	Law Gazette, London, Eng.
Am. Prob. R.....	American Probate Reports, Baker, Voorhis & Co., New York City.	Law J.....	Law Journal, London, Eng.
Am. R. & Corp. R.....	American Railroad and Corporation Reports, E. B. Myers & Co., Chicago.	Law Mag.....	Law Magazine, London, Eng.
Am. St. Rep.....	American State Reports, Bancroft-Whitney Co., San Francisco.	Law Notes.....	Law Notes, London, Eng.
Am. & Eng. Corp. Cas.....	American and English Corporation Cases, Edward Thompson Co., Northport, Long Island, N. Y.	Law Quart. Rev.....	Law Quarterly Review, London, Eng.
Am. & Eng. R. Cas.....	American and English Railroad Cases, Edward Thompson Co., Northport, Long Island, N. Y.	Law Student's Helper.....	Law Student's Helper, Detroit, Mich.
Atl. Mo.....	Atlantic Monthly, Boston.	Law T.....	Law Times, London, Eng.
Aust. Law T.....	Australian Law Times, Melbourne, Australia.	Lawy. Rep. Ann.....	Lawyers' Reports Annotated, Lawyers' Co-operative Pub. Co., Rochester, N. Y.
Banker & Tradesman.....	Banker & Tradesman, Boston.	Leg. Int.....	Legal Intelligencer, Philadelphia.
Banking Law J.....	Banking Law Journal, New York City.	Leg. N.....	Legal News, Montreal, Can.
Bank. Mag.....	Bankers' Magazine, London, Eng.	Med. Leg. J.....	Medico-Legal Journal, New York City.
Blackwood's Mag.....	Blackwood's Magazine, London, Eng.	Mich. Law J.....	Michigan Law Journal, Grand Rapids, Mich.
Brief.....	The Brief, London, Eng.	Minn. Law J.....	Minnesota Law Journal, St. Paul, Minn.
Can. Law J.....	Canada Law Journal, Toronto, Can.	Mont. Leg. N.....	Montreal Legal News, Montreal, Can.
Can. Law T.....	Canadian Law Times, Toronto, Can.	Morr. Min. R.....	Morrison's Mining Reports, Callaghan & Co., Chicago.
C. C. A.....	United States Circuit Court of Appeals Reports, West Pub. Co., St. Paul, Minn.	Nat. Corp. Rep.....	National Corporation Reporter, Chicago.
Cent. Law J.....	Central Law Journal, St. Louis.	Nation.....	The Nation, New York City.
Cent. Mag.....	Century Magazine, New York City.	Neb. Leg. N.....	Nebraska Legal News, Lincoln, Neb.
Chi. Law J.....	Chicago Law Journal, Chicago, Ill.	N. J. Law J.....	New Jersey Law Journal, Plainfield, N. J.
Chi. Leg. N.....	Chicago Legal News, Chicago.	North Am. Rev.....	North American Review, New York City.
Civil Proc. R.....	New York Civil Procedure Reports, S. S. Peloubet, New York City.	N. W. Law Rev.....	Northwestern Law Review, Chicago.
Collector.....	The Collector and Commercial Lawyer, Detroit, Mich.	N. Y. Cr. R.....	New York Criminal Reports, S. S. Peloubet, New York City.
Columbia Law T.....	Columbia Law Times, New York City.	N. Y. Law J.....	New York Law Journal, New York City.
Counsellor.....	The Counsellor, New York City.	Pall Mall Mag.....	Pall Mall Magazine, London, Eng.
Cr. Law Mag.....	Criminal Law Magazine, Jersey City, N. J.	Pittsb. Leg. J.....	Pittsburgh Legal Journal, Pittsburgh, Pa.
Daily Balt. Rec.....	Daily Baltimore Record, Baltimore, Md.	Rough Notes.....	Rough Notes, Indianapolis, Ind.
Edinburgh Rev.....	Edinburgh Review, Edinburgh, Scot.	Ry. & Canal Traffic Cas.....	Railway & Canal Traffic Cases, Sweet & Maxwell, London, Eng.
Green Bag.....	Green Bag, Boston.	Ry. & Corp. Law J.....	Railway and Corporation Law Journal, New York City.
Guide.....	The Guide, Kalamazoo, Mich.	Scot. Law Rev.....	Scottish Law Review, Glasgow, Scot.
Harp. Mag.....	Harper's Magazine, New York City.	Scrib. Mo.....	Scribner's Monthly, New York City.
Harv. Law Rev.....	Harvard Law Review, Cambridge, Mass.	State Affairs.....	State Affairs, Lansing, Mich.
Ins. Law J.....	Insurance Law Journal, New York City.	University Law Rev.....	University Law Review, New York City.
Int. Jour. Eth.....	International Journal of Ethics, Philadelphia, Pa.	Wash. Law R.....	Washington Law Reporter, Washington.
Iowa Univ. Law Bul.....	Law Bulletin of Iowa University, Iowa City, Iowa.	Wkly. Law Bul.....	Weekly Law Bulletin and Ohio Law Journal, Columbus, Ohio.
		Wkly. Rep.....	Weekly Reporter, London, Eng.
		W. N. C.....	Weekly Notes Cases, Kay & Brother, Philadelphia.
		Yale Law J.....	Yale Law Journal, New Haven, Conn.

TOPICAL DIGEST.

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

ALIENS.

— Citizenship under federal and state laws, see "Citizenship."

AMBASSADORS AND CONSULS.

An article on the authority, under the constitution, of the president, to appoint special diplomatic agents, without the advice and consent of the senate, with numerous historical precedents.—By Henry Flanders. 33 Am. Law Reg. 178.

Animals.

— Live-stock shipments, see "Carriers."

ARBITRATION AND AWARD.

An article on the legal effect of a clause in a mercantile contract, to the effect that all disputes and differences arising between the parties shall be referred to an arbitration, whose decision thereon shall be final; the conclusion arrived at being that the parties may, by making the award of an arbitration either on the amount of damages or a question of liability a question precedent to any right of action, effectually oust the jurisdiction of the courts; with numerous citations.—96 Law T. 387.

Baggage.

— Liability of carriers, see "Carriers."

BREACH OF MARRIAGE PROMISE.

An article on the morality of actions for breach of the marriage contract; the conclusion arrived at being that the maintenance of such actions belittles and degrades the relation itself, and the rule permitting them is a menace to good morals, and should be amended or repealed.—By George Lawyer. 38 Cent. Law J. 272.

CARRIERS.

A few authorities on the liability of a passenger carrier for baggage over which the passenger exercises some personal custody or control.—Law Bul. No. 11, Feb. 1894, p. 23.

A collection of authorities on the liability of connecting lines for injuries to freight, or for delay in delivery.—55 Am. & Eng. R. Cas. 450.

A collection of authorities on the duty of a carrier to furnish proper transportation

facilities for carrying live stock, and the effect of acceptance by shipper of defective car.—55 Am. & Eng. R. Cas. 395.

A collection of authorities as to breach of contract for carriage of live stock, relating both to the duty of the shipper and of the carrier, and also the right of the carrier to limit its liability for negligence.—55 Am. & Eng. R. Cas. 336, 353.

A collection of authorities as to the negligence of carriers of live stock.—55 Am. & Eng. R. Cas. 323.

A collection of authorities as to the party liable for freight rates.—55 Am. & Eng. R. Cas. 700.

A collection of authorities on the joint liability of carriers of freight.—55 Am. & Eng. R. Cas. 599, 605.

A few authorities on the liability of a carrier for conversion of the goods.—55 Am. & Eng. R. Cas. 674.

A few authorities on the liability of a carrier as warehouseman.—55 Am. & Eng. R. Cas. 636.

CITIZENSHIP.

— Of corporations as affecting federal jurisdiction, see "Corporations."

An exhaustive note on citizenship and alienage under federal and state laws, with numerous citations.—By H. Campbell Black. 6 C. C. A. 37.

CODIFICATION.

An article on the necessity of codification of the law of New York.—N. Y. Sun. Republished in 49 Alb. Law J. 180.

CONSTITUTIONAL LAW.

A continuation of studies on the constitution of Michigan.—2 State Affairs, Nos. 5, 6.

CONTEMPT.

An article on the contempt of court as applied to the newspaper press.—Law J. Republished in 28 Ir. Law T. 112.

CONTRACTS.

— See "Sales."

— Enforcement in equity, see "Specific Performance."

— Of corporations and directors thereof, see "Corporations."

— Of insane persons, see "Insanity."

A few authorities tending to establish the doctrine that, where a third person has

planned and carried out the breach of a contract by fraud and maliciously, he should not be allowed to say, when the injured party seeks redress, that he could only look to the contracting party and his rights, under the contract with reference to the recent case of *Angle v. Railway Co.*, 14 Sup. Ct. 240.—1 University Law Rev. 170.

A short note on the right of defendant to take advantage of the illegality of a contract sued on, which is disclosed by the plaintiff on cross-examination, though it was not specially pleaded.—1 University Law Rev. 168.

A valuable article on the law of contracts in early English law.—By Frederick Pollock. 28 Ir. Law T. 125, 139.

COPYRIGHT.

A review of the decision in *Haustengl v. Emplre Palace*, delivered by Mr. Justice Charles in the chancery division on the 16th of February, 1894, declaring that the owner of a painting has no copyright in any other copies of his art than those of a "painting character;" that is to say, the original painting may, with impunity, be copied by stage representations, by tableaux vivants, in wax works, in Berlin wool, and sculpture.—96 Law T. 433.

CORPORATIONS.

A review of the case of *Hanover Nat. Bank v. American Dock & Trust Co.*, 26 N. Y. Supp. 1055, extending the rule requiring one who deals with an officer of a corporation, in a matter in which the officer has a personal interest differing from that of his company, to inquire as to the authority of the officer, by a further limitation that if such facts existed as would have authorized a person to rely on the authority of the officer, had inquiry been made, the same facts may be permitted to presumptively establish such authority, though no inquiry was had before the transaction was concluded, and the credit given.—10 N. Y. Law J. 1150.

An article on a topic which has occasioned much discussion in the courts during the last few years, namely: What redress is open to a corporation dissatisfied with a contract entered into with it by a director, and what are the principles which underly such remedy?—By A. H. Fenn. 3 Yale Law J. 111.

A review of the doctrine of ultra vires as applied to corporations, the conclusion arrived at being that the tendency, not only in the statutes, but in the implied doctrine recently laid down by the courts, is towards the extinction of the doctrine.—By Frederick Cooke. 28 Am. Law Rev. 222.

A citation of the statutes passed by the different states during the year 1893 in relation to corporations.—17 N. J. Law J. 69.

An interesting article on the right of an insolvent corporation to prefer one of its creditors to another, with numerous citations on that subject, showing that the tendency of modern cases is to uphold the doctrine that an insolvent corporation, known to be insolvent at the time, cannot prefer one creditor to the damage of another; that, when a corporation is in such condition, all the creditors must be treated alike; and that the corporate assets are a fund for the corporation's debts, in which all creditors have an interest.—By W. W. Thornton. 38 Cent. Law J. 240.

A short article on the right of business corporations, who are unable to pay their debts, to make preferences among their creditors.—8 Nat. Corp. Rep. 65.

A valuable article on personal liability of liquidator of a company as a trustee or agent.—96 Law T. 386.

A valuable article on citizenship of corporations for purposes of federal jurisdiction, with numerous authorities as applying to corporations chartered by several states, and consolidated corporations.—By H. Campbell Black. 6 C. C. A. 174.

COURTS.

— Jurisdiction of federal courts over corporations, see "Corporations."

The methods of business and personal peculiarities of the justices of the United States supreme court.—Wash. Star. Republished in 49 Alb. Law J. 178.

A continuation of the interesting article on the supreme court of Vermont.—By Russell S. Taft. 6 Green Bag, 122.

The first of an interesting series of articles on the history and character of the court of the star chamber, showing that the popular idea that it was a secret tribunal, yielding unlimited power, and practicing monstrous oppression, is erroneous, and that it was for ages looked upon by the English people, especially those of the middle and lower classes, as a court where the wrongs perpetrated by the powerful lords and the rich landowners could be redressed.—By John D. Lindsay. 6 Green Bag, 114.

CRIMINAL LAW.

A few authorities showing the conflict of opinion as to whether defendant is bound to prove his alibi beyond a reasonable doubt.—1 University Law Rev. 169.

DAMAGES.

— In replevin, see "Replevin."

— In trespass, see "Trespass."

A collection of the recent conflicting authorities as to the right to damages for mental sufferings, not only in actions for injuries

to character, but also in cases against carriers and telegraph companies, where mental suffering is the only damage alleged. Law Bul. No. 11, Feb. 1894, p. 20.

DRUNKENNESS.

An interesting article on the problem presented in dealing with the habitual drunkard, and the person who commits a crime under the influence of drink.—J. P. Republished in 28 Ir. Law T. 96.

EXECUTORS AND ADMINISTRATORS.

A few authorities on the power of executors and trustees to sell land.—8 Law Gaz. 191.

FEEES.

A plea for the abolition of the fee system in connection with the administration of justice, municipal or otherwise.—30 Can. Law J. 146.

Findings.

— Requests to find, see "Trial."

FRAUDS, STATUTE OF.

An essay on the question as to whether, before the statute of frauds, an agreement to stand seised must have been in writing, the conclusion arrived at being that it has never been decided that, under the statute of uses and the law of uses, every agreement to stand seised must of necessity be by deed.—By Frank Goodwin. 7 Harv. Law Rev. 464.

Freight.

— Liabilities of carriers, see "Carriers."

GIFTS.

— To husband and wife, see "Husband and Wife."

A valuable article on the subject of undue influence, as rendering invalid gifts to relatives, medical men, and spiritual advisers.—J. P. Republished in 28 Ir. Law T. 142.

GOOD WILL.

A citation of authorities on the nature and incidents of good will as partnership property.—33 Am. Law Reg. 216.

HERITORS.

An interesting article on the rights and duties of the heritor's clerk.—10 Scot. Law Rev. 52.

HUSBAND AND WIFE.

A review of a few cases as to the share in the gift of property to the husband and wife, and a third person, taken by the husband and wife.—Law T. Republished in 28 Ir. Law T. 113.

An article on the question whether one person may lawfully have two wives or two husbands at once, where the second marriage is contracted under the mistaken belief that the former spouse of one of the contracting parties, who had been absent and unheard of for more than five years, is dead; which has been recently passed upon in the case of Safford v. Safford, 28 N. Y. Supp. 640 (permanent edition), in the superior court of New York.—1 University Law Rev. 183.

An article on the right of a married woman to be considered as a feme sole, with reference to the English Married Women's Act.—Law T. Republished in 28 Ir. Law T. 109.

INDICTMENT AND INFORMATION.

A collection of authorities as to the sufficiency of the description of an offense merely in the language of the statute.—By C. Percy Willcox and E. C. Rhoads. 33 Am. Law Reg. 206.

INFANCY.

An article on the right of infant of 15 years to make a binding conveyance of his gravel-kind lands by feoffment.—13 Law Notes, 83.

INSANITY.

An article, with a few citations, as to when and under what circumstances an insane person may be held on his contracts.—By A. K. Gardner. 38 Cent. Law J. 224.

Insolvency.

— Right of insolvent corporations to prefer creditors, see "Corporations."

INTERNATIONAL LAW.

A review of the interesting article by Professor Theodore S. Woolsey on the probability of the accession of the United States to the Declaration of Paris that "privateering is and remains abolished," the conclusion being that this cannot be done without an amendment to the constitution.—By W. Winthrop. 3 Yale Law J., 116.

INTERSTATE COMMERCE.

A review of the case of Swift v. Railway Co., 58 Fed. 858, which holds that, though the

general rule of the common law forbids a common carrier to exact unreasonable charges, yet this rule can have no application to interstate law, that being a matter for the exclusive regulation of congress.—7 Harv. Law Rev. 498.

JUDGMENT.

— Enforcement against municipalities, see "Municipal Corporations."

An interesting article on the use of conditions by courts on making any decision resting in discretion, with especial reference to conditional injunctions and conditional verdicts.—By Frederick E. Perham and Edwin L. Mattern. 1 University Law Rev. 186.

Jurisdiction.

— Of federal courts over corporations, see "Corporations."

— Of federal courts over the Great Lakes, see "Navigable Waters."

JURY.

An appeal for the retention of the jury system.—By Fred H. Aldrich. 3 Mich. Law J. 63.

LANDLORD AND TENANT.

A review of the questions not infrequently arising as to landlord's rights in the administration of assets under assignments for the benefit of creditors, conveniently considered under three heads,—the landlord's right of forfeiture; the landlord's right to payment; and the assignee's personal liability.—By R. S. Cassels. 14 Can. Law T. 78.

LAW.

— Codification of statutes, see "Codification."

A brief review of English legislation in 1893.—By G. Rowland Alston. 7 Harv. Law Rev. 478.

A scholarly article defining the proper spheres of the two sciences of ethics and jurisprudence, showing that the genesis of law discloses natural limitations of sovereign power, which are ethical in their character; indicating the impalpable influence of existing ethical sentiments in creating and reforming law, and examining several contributions to the solution of its problem from the sphere of international law.—By John G. Hibben. 4 Int. Jour. Eth. 133.

LIBEL AND SLANDER.

A useful article on privileged communications of a private nature, of a public and political character, and of a mercantile character, from which the general rule is de-

duced that those communications which are dictated and controlled by a public necessity, or an individual duty or interest, and when the element of malice is lacking, are privileged, and may not be actionable.—By Percy Edwards. 38 Cent. Law J. 200.

LIMITATION OF ACTIONS.

A collection of authorities on the right of a foreign corporation which does business in the state in such a way that service of process can be had on it to plead the statute of limitations.—By W. L. Murfree, 38 Cent. Law J. 277.

An article on the retrospective construction of statutes of limitations, with a collection of authorities from the courts of the different states, and the supreme court of the United States, showing the conflict of opinion existing in relation thereto.—By Hugh O'Neill. 5 Chl. Law J. 73.

LOBBYING.

An article on the necessity of the suppression of lobbying.—By Samuel Maxwell. 28 Am. Law Rev. 210.

LOTTERIES.

A review of the conviction of wholesale confectioner who inserted money in certain of his sweets in such a way that the presence of the coin could not be detected till the sweet was broken.—Law J. Reprinted in 28 Ir. Law T. 123.

MASTER AND SERVANT.

— Enforcement of contract between master and servant, see "Specific Performance."

An article on the liability of a master who provides his employes with certain safeguards which would prevent any chance of injury, but does not compel the employes to use the safeguard; with reference to the case of Crocker v. Banks, 4 Law T. 324, which decides that in such a case the master is liable for injuries received.—Law Gaz. Republished in 28 Ir. Law T. 95.

An historical and social study of the relative positions of the collier and his master in England, now and one hundred years ago. At that time the statutes and decisions showed that the condition of a collier was that of a bondsman, but not that of an absolute slave. From this bondage he was not entirely relieved until 1813, by 53 Geo. c. 40.—10 Scot. Law Rev. 47.

MORTGAGES.

A valuable and timely article, with numerous English and American citations, on the

effect of an assignment of the equity of redemption on the personal covenant of the mortgagor for repayment of the mortgage moneys.—By Frank A. Anglin. 14 Can. Law T. 57.

A short article, with a few citations from English cases, as to the necessity of making the wife of a mortgagor a party in an action for foreclosure of a mortgage.—30 Can. Law J. 113.

MUNICIPAL CORPORATIONS.

An interesting historical article on the method employed in the New England states of enforcing judgments against quasi corporations by levying on the estate of any inhabitant of a county, town, territorial parish, or school district on execution against the corporation.—By W. A. Hamilton. 3 Yale Law J. 119.

NAVIGABLE WATERS.

A review of the late decision of the supreme court of the United States establishing in the federal courts complete criminal, as well as civil, jurisdiction over the Great Lakes.—By Alfred Russell. 3 Mich. Law J. 57.

NEGLIGENCE.

- Of master, see "Master and Servant."
- Of railroad companies at crossings, see "Railroad Companies."

A collection of cases on the liability of railroad companies to travelers injured by a defective railroad crossing.—55 Am. & Eng. R. Cas. 105.

A collection of cases on the liability of a railroad company for injuries caused by frightening horses by noises or obstructions at railroad crossing.—55 Am. & Eng. R. Cas. 134, 144.

Paintings.

- The law of copyright as applied to paintings, see "Copyright."

PATENTS FOR INVENTIONS.

An essay on the question as to what constitutes a patentable subject-matter. An address delivered before the congress of patents and trade-marks of the World's Columbian Exposition.—By Benjamin F. Lee. 3 Counsellor, 159.

Privileged Communications.

- See "Libel and Slander."

PROPERTY.

A collection of authorities as to the right of property in the manure of a farm in the ordinary course of husbandry, the general rule being that it is so attached and connect-

ed with the realty as to be a part of it, and, in the absence of an express stipulation to the contrary, passes with the conveyance. This rule does not prevail in New Jersey and North Carolina, but there it is regarded as personal property, and, on the sale of the land, does not pass as an incident thereto.—By James A. Kerr. 17 N. J. Law J. 77.

RAILROAD COMPANIES.

- Injuries caused by negligence, see "Negligence."

A collection of a few of the more recent cases on railroad leases.—By Albert B. Welmer. 33 Am. Law Reg. 237.

RAILROAD CROSSING.

A collection of authorities as to what facts constitute contributory negligence of travelers at railroad crossing.—55 Am. & Eng. R. Cas. 293.

A collection of authorities on the liability of railroad companies for injuries at crossing, through failure to furnish gates and flagman, or to give proper signals.—55 Am. & Eng. R. Cas. 180-190.

Liability of a railroad company for injuries at a railroad crossing, caused by the imputed negligence of a third person.—55 Am. & Eng. R. Cas. 221.

Liability of a railroad for injuries at a highway crossing, caused by its negligence.—55 Am. & Eng. R. Cas. 265.

REAL ESTATE.

A thoughtful article on the necessity of a reform of the present method of transferring title to real estate, on account of the uncertainty, expense, and delay connected therewith. From the address of Charles F. Libby, president of the Maine State Bar Association.—28 Am. Law Rev. 196.

An article on the method of conveyancing in Scotland.—96 Law T. 457.

An article on the method of registration of title in Canada.—96 Law T. 433.

An account of the details of the Torrens system of registration of title.—96 Law T. 384, 408.

RECEIVERS.

Citations of judicial holdings as to status of foreign receivers, and the full faith and credit given to the jurisdictional proceedings appointing him to his office, when he crosses the boundaries of the state which appointed him.—By Seymour D. Thompson. 6 Green Bag, 118.

REPLEVIN.

A review of the decision in *Gibbs v. Cruikshank*, 42 Law J. C. P. 273, that, in an action of replevin, damages are to be assessed as in an action of trespass, so as to make not only

special but vindictive damages recoverable.—Law J. Republished in 28 Ir. Law T. 138.

REWARD.

A collection of authorities as to the formation of the contract, the performance of the conditions, and the parties entitled to the reward.—33 Am. Law Reg. 223.

RIOT.

A timely article on the rights of local authorities in the prevention of riots to call in the military to assist them.—Law J. Republished in 28 Ir. Law T. 98.

SALE.

A short article on the right of a buyer of corporate stock to rescind the contract for fraud when the rights of creditors are concerned.—8 Nat. Corp. Rep. 3.

SPECIFIC PERFORMANCE.

A valuable article composed of extracts from lectures on specific performance, delivered before the students of the law school at Osgoode Hall, Toronto, with reference to the jurisdiction of the court of chancery to order the specific performance of contracts for the maintenance of a continuous personal relation; such, for example, as the relationship between a master and his employee.—By A. H. Marsh. 14 Can. Law T. 1.

SPENDTHRIFT.

An historical article on the origin and growth of the idea of guardianship of prodigals, showing the ground of this interference with private property and its effect, with numerous citations.—By H. Campbell Black. 28 Amer. Law Rev. 230.

TAXATION.

A short review of the recent tax laws of the state of Michigan.—By A. C. Maxwell. 3 Mich. Law J. 74.

TELEGRAPH COMPANIES.

A collection of authorities on the question whether or not a sender of a message is bound by the reasonable regulations of the company, in the absence of notice thereof.—8 Nat. Corp. Rep. 45.

TORTS.

A collection of notes on Cooley on Torts.—By George Chase. 3 Counsellor, 181.

A continuation of the valuable articles on the responsibility for tortious acts, with nu-

merous citations.—By John H. Wigmore. 7 Harv. Law Rev. 441.

TRESPASS.

A valuable article on the measure of damages for removing or injuring the products of the earth, showing the growing tendency on the part of the courts to discriminate between the two elements of damage: First, to the tree or crop; and, second, to the freehold.—1 University Law Rev. 178.

TRIAL.

A collection of opinions of prominent members of the bar as to the advisability of an amendment to the law requiring requests to find. The conclusion seems to be that there is some virtue in requests to find, but none in requiring them to be passed upon, and that the requests, if the practice is retained, ought to be confined by statute to allegations contained in the pleadings.—1 University Law Rev. 193.

TRUSTS.

A short article on the creation of precatory trusts.—96 Law T. 481.

An article on the development of the rule of following trust funds through various changes, and seizing them or their product whenever identified, and appropriating them to the trust.—By John A. Larimore. 2 Minn. Law J. 27.

An article on the execution of a discretionary trust by the court on the failure of the executor to carry it out, with reference to the case of *Monson v. Trust Co.*, 35 N. E. 945.—7 Harv. Law Rev. 490.

Undue Influence.

— See "Gifts."

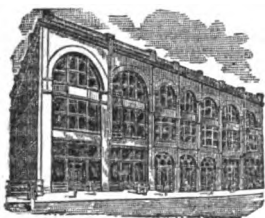
Warehousemen.

— Liability of carrier as warehouseman, see "Carriers."

WILLS.

A criticism of the decision of the supreme court of Pennsylvania in the case of *MacConnell v. Wright*, 24 Atl. 517, holding that in the construction of a devise to a married woman, where the language was such as to create a separate use, the question of intent to be ascertained from the four corners of a will, and the circumstances surrounding the testator, and the condition of his estate and family must govern, and the court be constrained to say that the testatrix did not intend to create the separate use.—By R. C. McMurtrie. 33 Am. Law Reg. 189.

A collection of senior notes to Schouler on Wills.—By Alfred G. Reeves. 3 Counsellor, 176.



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The New English Law Reports.

IN the "London Notes" of the Scottish Law Review we find some interesting comments on the new English reporting scheme, noticed in a recent number of Law Book News:

The council of legal reporting are also threatened with a rival. Men of "light and leading" have been complaining a long time about the unsatisfactory character of the law reporting; the expense, the diffusiveness, delay, and bad selection of cases being the chief points in the complaint. There are many different series of a monthly and a weekly kind, but the Law Reports have long held the most distinguished position, and their men are paid at rates unknown to the others. To be on their staff is a prize for any but those who are doing very well at the bar, and, when a man once gets there, he is apt to become easy-going, and somnolent, and thoroughly to enjoy the position. Rival publishers are now ready to start a competing publication, and it seems to have fluttered the old-established doves. As is to be expected, we are promised all the merits, and none of the defects, of the Law Reports. These latter pay immensely, and they are not going to have their position encroached on without a struggle, and we hear of arrangements intended to

strengthen the weak points which have been seized upon for attack. They have an immense advantage in their established position and prestige; for, though they are not "authorized reports," as they are sometimes called, they are the most quoted and used. Law reporting has always been free to any one who chose to do it, and the only principle the bench has acted upon is that the reporter shall be a barrister. But the old school of reporting by individual men, such, for instance, as Lord Campbell, has, of course, gone out long ago, and the reports are always furnished for all the courts en bloc by an organized staff. Apropos of "Jock Cawmell," it may not be so well known in Scotland as in England that this pawky Scot was the first reporter who had the nous to mention the names of the solicitors in the cases he reported. It was by such strokes of common sense, amounting to genius, that plain Jock managed to reach the woollack.

It will startle some of our conservative American lawyers to learn that in England "syndicate work" is supplanting the old-fashioned method of individual reporting; yet the advantages of having such work done systematically, by an organized corps of experienced editors, educated in the profession of reporting and digesting, and trained to uniform methods, have been thoroughly demonstrated, and are familiarly enjoyed by thousands of lawyers and judges, who still cherish a prejudice in favor of an individual official reporter.

Sir James Hannen.

WITHIN the compass of a month, England has lost three of her most learned lawyers and most famous judges. The death of Sir James Stephens, on March 11th, has been followed by that of Sir James Hannen, on March 26th, and of Sir Charles

S. C. Bowen, on April 10th We take the following notice of Lord Hannen from the Legal News of Montreal:

It was while he was in Paris, as one of the British arbitrators in the Bering sea inquiry, that the fatal illness first began. For a time the proceedings of the commission were adjourned on account of his indisposition; and although he enabled the inquiry to be resumed at the earliest possible moment, and played a leading part in bringing about the result of the investigation, his health gradually grew weaker, until he felt compelled to resign the office of lord of appeal. Not long before his death his condition appeared to improve, and hopes were again entertained of his recovery, but they were quickly followed by a relapse, from which he never recovered. For a judge Lord Hannen died at a comparatively early age, several occupants of the bench being more advanced in years. He was born in 1821, his father being a London merchant, who lived at Kingswood, in Surrey. He was educated at St. Paul's school, and completed his studies at the University of Heidelberg, where he acquired his love of German literature and philosophy. His success in the legal world was due entirely to his own exertions, for his rise at the bar—to which he was called at the middle temple in 1848—was not the result of family influence. For a time he encountered the vicissitudes of the briefless barrister, and occupied his leisure in writing for the press. It was his solid learning as a commercial lawyer which obtained for him a leading position as a junior on the home circuit in Westminster Hall. His style of speech was not adapted to what are known as "sensational cases," though in the course of his career he appeared in the Shrewsbury Peerage Case, and was one of the prosecuting counsel in the trial of the Fenian prisoners at Manchester. As an advocate, all that he aimed at was lucidity, and this quality his speeches preserved in a remarkable manner. While on the bench he cultivated with success a more ornate style of speech. His judgments and summings-up were frequently models of pure and graceful English, and were notable for the number of apt illustrations they contained, and in the felicity of his phrases could be recognized the scholar as well as the judge. For five years Mr. Hannen was junior counsel to the treasury. He was raised to the bench in 1868, exactly twenty years after his first appearance in wig and gown. He did not go straight to the court with which his name is chiefly associated. For four years he sat in the queen's bench, where he distinguished himself by the versatility of his learning and the independence of his judgment. It was in 1872 that he became judge of the probate and divorce court. Three years later he was appointed president of the probate, divorce, and admiralty division. During the sixteen years he held this office he proved himself to be almost the ideal judge for such a tribunal. His knowledge of the law relating to the various sections of the division, his firm grasp of facts, his keen sense of the value of evidence, his painstaking industry and absolute impartiality, his courtesy and dignity, these qualities obtained for him the full confidence of the public and the high esteem of the profession. Perhaps no tribunal is more difficult to preside over than the divorce court. The character of many of the cases is such that the dignity of the court is not always easy to maintain; but not once did Sir James Hannen allow it to suffer in his hands. Any attempt at levity on the part of counsel or of witness immediately caused him to assume a severity of counte-

nance which effectually nipped the flippant effort in the bud. It will, however, be his extrajudicial labors which will keep his memory alive longest. The laborious task he began in 1888, as president of the Parnell commission, and which he performed in a manner in every way worthy of the "great occasion," will give his name an enduring place in the records of our time. Throughout the one hundred and twenty-nine days covered by the inquiry, the judgment and bearing of Sir James Hannen were never disputed by the keenest partisan, while the industry and care with which he penned the greater part of the report received a universal tribute of praise. Not less valuable was the service he rendered the country on the Bering sea fisheries commission, the satisfactory settlement of the difficult questions being largely due to his skill in tactics and charming manner. It is a somewhat remarkable coincidence that on the day on which Lord Hannen died Sir Charles Russell moved the first reading of the Bering sea bill in the house of commons, and that within a few hours of his decease Major Le Caron, who played so prominent a part as a witness in the Parnell inquiry, died. He was appointed a lord of appeal in 1891, and retired in the long vacation of last year. His experience and learning eminently fitted him to sit in the final court of appeal, and one or two of the judgments he delivered displayed his great powers of keen reasoning and lucid exposition, but his opportunities were not numerous enough to enable him to show the full extent of his attainments. A man of simple pleasures, Lord Hannen was fonder of rural than of social life. Most of his holidays were spent at a charming retreat, where he was extremely popular among the humblest of his neighbors. Some thirty years ago Lord Hannen was regarded as an advanced Liberal. He stood for Shoreham in 1865, but his only effort to obtain a seat in the house of commons was not successful, and probably the result was a fortunate one, because three years later he was raised to the bench, by Lord Beaconsfield, who might not have chosen him had he been sitting in the house of commons as the representative of a Liberal constituency.

Sir Charles S. C. Bowen.

THE world of letters shares the loss of the legal world in the death of Lord Bowen. He was not only eminent as a judge, but was recognized, outside the sphere of his profession, as a finished and versatile man of letters. The London Law Journal gives an interesting sketch of the late judge, from which we clip the following:

It is with deep regret that we record the death of Lord Bowen, which took place early on Tuesday morning, April 10th, at Albert Hall Mansions. The event is accentuated by the fact that he has passed away within a few days of the death of Lord Hannen, whom he succeeded as lord of appeal about seven months ago. He fell a victim to an internal disease, the growth of which caused him frequently to be absent from the court of appeal, but the terrible pain of which never caused him, even up to the last hour of his suffering, to lose that serenity of temper which was not the least of the many gifts he displayed. He knew that death was near several days before it came,

but "resignation gently sloped the way," and he passed away most peacefully. It was a close to a very laborious but singularly calm life, for whatever task he undertook was discharged with the ease and deliberation of the scholar, with a professional dignity which banished all idea of anxiety and haste. Charles Synge Christopher Bowen was born in 1836, being the eldest son of the Rev. Christopher Bowen, of Freshwater, in the Isle of Wight. He has died, therefore, when most judges are fresh to judicial life; but so rapid was his progress in the profession that had he lived until June he would have completed fifteen years of service on the bench. His professional success had a fitting prelude in his scholastic accomplishments. He distinguished himself at Rugby in play as well as work. He was in the first eleven, was noted among his school fellows as a sprinter and hurdle racer, and became a member of the football team. He was elected captain of the school. The promise of his Rugby days was more than fulfilled by his university achievements, both as a scholar and an athlete. Oxford can claim few more brilliant sons. He carried off the Hertford and Ireland scholarships, and among several other prizes he won the Arnold with an essay on Delphi. In 1858 he took a first class in classical honors, and shortly afterwards became a Fellow of Balliol. He maintained a close connection with his college throughout the remainder of his life. He held the post of visitor, and was on intimate terms of friendship with Dr. Jowett, whose funeral he attended as a pall bearer. Called to the bar at Lincoln's Inn in 1861, he chose the western circuit, on which Lord Coleridge's friends secured for him an early start in the profession. The construction of his mind was far too subtle, however, to enable him to obtain any striking measure of success in ordinary circuit cases. His real powers were not recognized until, at the instance of Lord Coleridge, then attorney general, he was appointed junior counsel to the treasury in 1870. During the nine following years he lived a most laborious life, his official business and large private practice often compelling him to work almost day and night. Among the cases in which he appeared was the Tichborne trial. With Mr. Chapman Barber he settled the indictment for perjury, and he played a very active part in preparing the materials for the cross-examination of the claimant's witnesses. His style of speech was too academic to make him an effective advocate in jury cases, but he was recognized as a lawyer of deep and versatile learning; and when he was appointed a judge of the queen's bench division in 1879, passing straight from the junior bar to the bench at the early age of forty-three years, his qualifications for the honor were universally acknowledged. His success at *nisi prius*, however, was not great. The trivial facts of ordinary disputes were not worthy of his intellectual strength, and his summings-up were frequently above the heads of the jury. But, whenever he allowed free play to his powers of irony, his addresses to the jury were most entertaining. While on circuit, he tried a burglar who had entered the house from the roof, and left his boots on the tiles, and who alleged, by way of defense, that he was accustomed to take midnight strolls on the roofs of dwellings, and that he had simply been led by a feeling of curiosity to descend into one of the houses. "If, gentlemen," said Lord Bowen to the jury, "you think it probable that the prisoner considered the roofs of houses a salubrious place for an evening walk,—if you suppose that the temptation to inspect the interior of the houses beneath him was the outcome of a natural and pardonable curiosity,

—in that case of course you will acquit him, and regard him as a thoughtful and considerate man, who would naturally remove his boots before entering the house, and take every precaution not to disturb his neighbors."

He found his true sphere in 1882, when he was promoted to the court of appeal, in succession to Lord Justice Holker. During the eleven years he sat as a lord justice he delivered a series of judgments remarkable for the accuracy of their law and the elegance of their diction. No judge has delivered so many brilliant judgments at so early an age. To read them is to learn how closely it is possible to join legal erudition and literary grace. He was equally at ease in hearing common-law appeals with Lord Esher, and determining chancery appeals with Lord Justice Lindley. In whichever branch of the court of appeal he sat, his judgments were marked by the same depth of learning, the same knowledge of the evolution of the law, the same lucidity and felicity of phrase. He possessed, too, a firm independence of judgment, which not infrequently caused him to disagree with the conclusions of his learned brethren * * * His wit was certainly not the least attractive of his gifts. Within the last few days many stories have been told of his humor, and, although all the caustic sayings attributed to him were not uttered by him, they give some idea of his power of irony, though those who did not hear the gentle voice or observe the modest manner in which they were delivered can have no true notion of their charm. To many it was a matter of regret that one so gifted with literary power should have contributed so little to the literature of the country. His contributions consist of "Virgil in English Verse," a graceful and scholarly translation; his college essay on "Delphi," a powerfully written pamphlet on "The Alabama Claims," in which he dealt with the contentions of "Historicus," of whom he wrote: "He borrows legal codes from municipal law, and projects them into space;" and the essay on "Law" he contributed to Mr. Humphry Ward's collection of essays on the Victorian era. His literary labors would no doubt have been more numerous if his health had been more robust. For several years he was engaged in a translation of Virgil's "Georgics," now left unfinished. The qualities which won for him the esteem of the bar obtained for him the affectionate regard of a large circle of friends. How highly his genial nature and conversational powers were valued in private life was shown by the warm tributes paid to his memory by the master of the rolls and Mr. Justice Wright. Among his greatest friends and admirers was Mr. Gladstone, who delighted in his classical learning, and who not very long ago lunched with Lord Bowen in his room at the royal courts of justice. The confidence he inspired in official and political circles was shown by his appointment as chairman of the Featherstone commission. He was an excellent after-dinner speaker, the speech he made in proposing the health of Sir Frederick Leighton at the Academy banquet of 1891 being among the most successful of its kind ever delivered in Burlington House. The famous Jackson Case, in which the law relating to husbands and wives was dealt with, had first been decided by the court of appeal, and this is how Lord Bowen contrived to associate the case with the chief picture of the year: "I see before me, as I address you, a great picture of your own which appeals especially to myself as a lawyer. It represents Persephone, queen of heaven, returning from her husband's to her mother's embraces, released from an unwelcome honeymoon by the special order of the court of appeal, to which I have the honor

to belong. I am informed on credible authority—but my sight is too indistinct to admit of my verifying the statement—that in the background, although at an extreme distance, may be seen my learned friends, the lord chancellor and the master of the rolls, looking with pleasure at the liberated captive."

Lady Bowen, whom the late judge married in 1862, is a daughter of the late Mr. James Medows Rendel, and a niece of the newly-created baron of that name, through whom Lord Bowen became intimate with the premier. The legal profession has lost one of the most accomplished and popular men that ever belonged to it; the country has been deprived of the services of a judge who possessed in a rare degree the high qualities most needed on the bench.

Lawyers' English.

Counsel: Do you know Mr. A.?

Witness: Oh, yes; I've known him many years.

Counsel: And do you know his standing in the community, what his character is,—in the speech of the people, I mean?

Witness: Yes, sir; very well.

Counsel: Well, now, what, in your knowledge, is his character for truth and veracity?

Amicus Curia: It is respectfully represented to the court that the question is incompetent. "Character" and "reputation" are not synonymous terms. A man's character is what the man is; his reputation is what people think of him. It is possible for a man to have a good character, and yet labor under the disadvantage of a bad reputation. On the other hand, there are many men of good or unquestioned reputation who nevertheless are men of bad character. Character is subjective, while reputation is objective. No one can know what a man's character really is, except, perhaps, the man himself. Character may be guessed at, as the evidences of it appear in the man's life and conduct. But, if any one attempts to speak to the character of another, he can do no more than give his own opinion as to the secret and hidden motives and principles of the person in question, stating that opinion as the result of his observations. But, per contra, reputation can be ascertained and stated as a matter of fact. The estimation which is placed upon a man by his neighbors is itself an opinion; but the existence of such an opinion, and whether it is good or bad, is a fact. This fact may be testified to by any one who has sufficient knowledge of the talk and speculation of the community. But it is an abuse of language to ask a witness,

"What is A.'s character for truth and veracity?" for the answer of the witness could at best be no more than a generalization from the results of his own observation. But if the witness is asked, "What is his reputation?" he is asked to state a fact. Of this fact he may or he may not have adequate knowledge, but in any case, if he assumes to answer at all, he is testifying to a fact, and not an opinion.

In the next place, your honor, the question last propounded to the witness on the stand includes a second, though less important, inaccuracy. "Truth" and "veracity," in the sense in which they are here used, are convertible terms. Hence the expression objected to is pleonastic. A man's reputation for "truth" is his reputation for telling the truth. Veracity is no more or less than truthfulness. Hence we might just as well ask, "What is his reputation for truth and truthfulness?" or "What is his reputation for veracity and veraciousness?" The law has not hitherto brought any reproach upon itself for parsimony in the use of words, and any reduplications which, so far from adding anything to the meaning, are positively superfluous and absurd, may just as well be omitted by all who care to save their own time, and are much better omitted by any who care to use the noble English language in its purity and strength. Our lawyers' jargon is full enough, to the mind of the layman, of unnecessary verbiage. We of the craft know why so much of it is retained, for the usefulness of "abundant caution" is ever before our eyes. But here is a case where every good and useful purpose is subserved by rejecting the intrusive term which merely detracts from the plain and simple force of the question.

The Court: On that view it is plain that the question should not be admitted.

Counsel: Well, well, I'll withdraw it, then, and ask another. What is A.'s reputation for truthfulness?

Witness: Well, I wouldn't believe him under oath.

Competition in Law Reporting.

THE relations of cause and effect are seldom more clearly and amusingly manifested than in the following documents:

First, the following open letter appears in the New Orleans Times-Democrat:

New Orleans, Feb. 21, 1894.

I do not think it possible for any work to be more slovenly and more unsatisfactorily done than the reporting of the decisions of the Louisiana supreme court. In the first place, the publication of the monthly parts is kept so far behind current decisions that whenever a previous opinion is overruled, and the interpretation of the law, therefore, in a given case, changed, or whenever a new question is decided, it is months before either appears in the official report. Thus, our system of reporting certainly does not give anything like "the last adjudged case" on either an old or a new question.

The latest official report contains most of the opinions delivered in May, 1893, nothing later. The West Publishing Company, of St. Paul, in the Southern Reporter, comes down to Jan. 15, 1894. Why should our own publication be so far behind? After so long a period of incubation, it should seem that it might hatch out something like accuracy; yet such is not the case. The text bristles with errors, false references (a very vexation of soul), grotesque Latin, queer French, bad grammar,—all doubtless due to careless proof reading, or no proof reading at all. I have not gone over the text critically, and have scarcely read over the points made by counsel in the several cases, and yet, between pages 58 and 572 of the Forty-Fifth Annual I find fifty-one mistakes. Some of these are serious, and the correct reading to be found only after laborious investigation, and sometimes not even then.

This method of reporting has been the vogue for some years past. These are no new grounds of complaint,—great delay in publication, and abominable typographical work. Really, this absurd way of "not doing it" ought to be changed at once.

Very respectfully,

Robt. H. Marr.

A few weeks later the first number of the advance sheets of the Louisiana Annual Reports for 1894 appears, somewhat out of order, but with the following "Announcement" by the publishers:

ANNOUNCEMENT.

We respectfully announce to the legal profession in Louisiana that in future the decisions of the supreme court of this state will be furnished to subscribers with all possible promptness, and they will be accurately printed, and will come with full authority of the court. We hope to remove all cause for complaint on the ground of tardiness, and as an earnest of our effort to serve the profession, and in evidence of the promptness with which we do this, we herewith mail the first number of Vol. 46.

F. F. Hansell & Bro.

Later still comes one of last year's numbers, containing opinions filed last May, June, and July; but, when these arrears are made up, the Louisiana Reports will doubtless be kept, for a time at least, within hailing distance of the Southern Reporter.

It is not the least of the services of the National Reporter System to the profession that it has all through the country stimulated reforms in the official reporting like those promised by the publishers of the Louisiana Annuals. Probably the Official Reports are

on an average issued a full year nearer to the dates of filing than they were six or seven years ago, when the Reporter System first brought serious pressure on them as a competitor; and yet there is, in most states, an ample margin for improvement.

Our Reviewers.

HON. Wm. H. Taft, who contributes to this number of Law Book News a review of Cogley on Strikes and Lockouts, hardly needs an introduction to our readers. He was born in Cincinnati in 1857. His father was Judge Alfonso Taft, himself an eminent jurist, who held the positions of attorney general and secretary of war under President Grant, and who was appointed minister to Austria in 1882 and minister to Russia in 1885. Wm. H. Taft was graduated from Yale College in 1878, and two years later from the Cincinnati Law College. Upon his admission to the bar he at once took high rank as a lawyer. He was appointed assistant prosecuting attorney of Hamilton county, and served as such from January, 1881, to March, 1882, when he resigned to accept the appointment of collector of internal revenue for the first Ohio district. This he held until March, 1883, when he resigned to continue the practice of his profession. He served as assistant city solicitor from January, 1885, to March, 1887, and then resigned to accept the governor's appointment as superior court judge. The following year he was elected to the same office for a term of five years, and maintained the reputation of being one of the most industrious, accurate, and painstaking judges on the local bench. In February, 1890, he resigned to accept the office of solicitor general of the United States, in which office he served until March 17, 1892, when he resigned to qualify as United States circuit judge of the sixth judicial circuit of the United States. Since coming to the federal bench he has fully met the promise of his early years, and is looked upon as one of the strong and reliable men of that tribunal.

Wm. G. Peckham, whose review of Demarest's Elevated Railroad Law appears in this number, is a distinguished member of the New York bar. He was graduated from Harvard College, in the class of 1867, at the age of eighteen, and continued his studies at

Heidelberg University, Germany, in 1868 and 1869. His legal training was gained in the law offices of William M. Evarts and Joseph H. Choate, and in the Law School of the University of New York, from which he received his degree in 1870. Mr. Peckham has made a specialty of corporation law, and has appeared as leading counsel in a number of important suits against the New York Elevated Railroad. His familiarity with litigation of this class makes his review of Mr. Demarest's book particularly interesting.

Legal Meditations.

What use to me is "Byles on Bills?"
For "Jarman on the Law of Wills"
I wouldn't give a jackstone.
Nor would I give another for
"Juries and Jury Trials," nor more
For "Coke on Littleton,"—yes, or
For Chitty, Kent, or Blackstone.

Will Byles help me to pay the bill
I owe for flowers? Can her will
Be changed by reading Jarman?
What use are "Jury Trials" to me?
Or Kent, or Chitty? Blackstone,—he
Is drier than Theosophy,
Yes, worse than any Brahmin.

And "Kneeland on Attachments," too,
Has nothing in it that will do,—
The title is misleading.
And though through dusty books I read,
Alas, I ne'er can learn to plead
In Cupid's court, so she will heed,
From "Stephen's Rules of Pleading."

"Collyer on Partnership" I've read
(An ancient work); "Contracts to Wed,"
By some one named Fitzsimmon.
Nor does it seem to help me on
That "Marriage Settlements" I con,
Or Schouler's learned book upon
"The Law of Married Women."

There is no statute I can find
Will make a maiden change her mind.
Nor know I where the place is
To find a law will help me win
A suit like mine, or I'd begin
To search it out. It isn't in
My set of "Lending Cases."

But "Baylies on Appeals!" Ah, there
Is just the answer to my prayer.
I know now how to do it.
From her decision—by the seal
Of all the courts!—I will appeal,
And that will make the verdict nil,
Until I can review it.

—Jas. G. Burnett, in New England Magazine.

A Contemporary View.

LAW-book publishers, says the New York Tribune, are as a rule fairly prosperous, but it is difficult to believe that their profits can be as large now as in the earlier days of legal literature. Law books are published on the smallest subdivisions of legal principles. A two-volume work on chattel mortgages, and one of equal size on extraordinary reliefs, a \$6 book on tax titles, and others almost equally expensive on water rights, quasi contracts, subrogation, and collateral attacks, were among the works issued last year. A large volume has already appeared this year on "Judicial Interpretation of the United States Tariff Tax," and new editions of a well-known author on chattel mortgages and liens cover three volumes. A new volume on intoxicating liquors is not intended for the bartender, but for the legal practitioner. A new and large series of elementary treatises is promised from one of the large law publishing houses of the west. Few lawyers now attempt to purchase any considerable portion of the new books published, and it seems a question whether competition will not cause the financial ruin of some of the most prolific publishers. The magazines and the books on the lighter phases of the law seem to be among the more successful publications.

Announcements.

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

Messrs. John Murphy & Co., of Baltimore, announce the *Laws of Maryland for 1894* as nearly ready.

The Boston Book Company announces that volume 1 *English Ruling Cases* will be ready in May.

W. C. Little & Co. announce Silvernall's *Appeals from Courts of Inferior Jurisdiction*, for use in New York.

J. W. Randolph & Co., of Richmond, announce as in press *Citations to the Code of Virginia*, by Abram C. Eby, of the Richmond bar.

Banks & Bros. announce a new book by Henry Hardwicke, of the New York bar, entitled "The Art of Winning Cases, or Modern Advocacy."

A work on New Roads and Road Laws in the United States has been prepared by Gen. Roy Stone, and is to be issued shortly by the D. Van Nostrand Company.

The West Publishing Company announce for early publication a handbook on Common-Law Pleading, by Benjamin J. Shipman. This will be the third volume in their "Handbook Series."

The West Publishing Company issues the following new books this month: North-eastern Reporter Digest; Vol. 35 Pacific Reporter; Vol. 59 Federal Reporter; Vol. 7 C. C. A. Reports; Vol. 27 New York Supplement; Vol. 14 Southern Reporter.

The West Publishing Company will publish shortly a treatise on Code Procedure by John C. Fitnam, the author of a recently published work on "Practice in Courts of Review that Substantially Follow the Colorado Procedure." This new work is adapted for use in all the Code states.

Banks & Brothers announce a new (third) edition of Langbein's Law and Practice of the District Courts of the City of New York. This edition is to contain the consolidation act, as amended, the un repealed portions of the act of 1857, the Revised Statutes, and the Session Laws governing these courts.

The Albany Law Journal Company has arranged to publish the official edition of the constitutions of the world, the preparation of which has been directed by the state of New York for the coming constitutional convention. The series will be in four volumes. The American constitutions, including the constitution of the United States, the Articles of Confederation, the Declaration of Independence, and the constitutions of the forty-four states, will fill two volumes. The third volume will present foreign constitutions, which will include the constitutions of Mexico, Brazil, France, Switzerland, and the other countries which have written constitutions. The fourth volume will give the annotated constitution of New York, a chapter being devoted to each section.

Law Book Notes.

Messrs. Stevens & Sons, London, have issued the sixth edition of Holland's Elements of Jurisprudence.

Ellis' Guide to the Income Tax Acts, for the Use of the English Income Tax Payer, has reached a third edition.

The new edition of Rorer's Interstate Law, just published by Messrs. Callaghan & Co., has been edited by Hon. C. E. Estabrook, of Wisconsin.

The English law relating to covenants in restraint of trade is discussed in a small, yet exhaustive, work by Joseph Budge Mathews, published by Sweet & Maxwell.

We have been advised by Geo. W. Smith, secretary of state, Austin, Tex., that vols. 59, 62, 64, 65, 70, and 72 to 82, inclusive, of the Texas Supreme Court Reports, are out of print, and cannot be supplied.

The system of practice and procedure established in the colony of the Cape of Good Hope and of South Africa generally is set forth in a text-book (the first upon the subject) by C. H. Van Zyl, published by J. C. Juta & Co.

The West Publishing Company issued the following books in April: Clark's Handbook of Criminal Law; National Reporter System Blue-Label Book (2d Ed.); Vol. 6 C. C. A. Reports; Book 2 of the Federal Cases; Vol. 57 Northwestern Reporter; Vol. 18 South-eastern Reporter, and Vol. 52 Minnesota Reports.

The law of estoppel in British India is ably discussed in a two-volume work by Arthur Caspersz, published by W. Thacker & Co., of London. While the groundwork of the law of estoppel is in the main the same in India as in England, there are peculiar features in many of the Indian cases which make such a work as this very useful to the student.

Company law, as operative in England, is made the subject of a one-volume work published by Stevens & Sons, London. The book gives an abridgment of the law contained in the statutes and decisions, and is divided into three parts: "The Formation of Companies," "The Company as a Growing

Concern," and "Winding up and Reconstruction." A table of cases and an exhaustive index are given.

Wm. T. Hughes, of the Colorado bar, has prepared a work which he calls "The Technology of Law." It includes a "Technological Table," which consists of a list of the names of leading cases, and legal maxims, with the principal subheadings of the subject to which they relate, and the names of relevant cases grouped under them. The object of the book is to enable a lawyer to get quickly upon the scent of the authorities he wants.

The new Northeastern Digest just issued by the West Publishing Co. covers Vols. 1 to 30 of the Northeastern Reporter. This set of 30 volumes covers 117 volumes of State Reports (Massachusetts, Ohio, Illinois, Indiana, and New York Court of Appeals), and the Digest gives the State Report citations as well as the Northeastern. A vast number of notes are appended to the paragraphs in the body of the work, indicating the later decisions in the Northeastern Reporter in which the supreme courts have referred to cases and points digested, thus showing their present value as authority, so far as reported cases can determine it.

Miscellaneous Notes.

Macmillan & Co. have just published the thirty-first annual number of the Statesman's Year Book. It is a book of over a thousand pages, giving important statistical reports concerning the history, constitution, government, productions, and commerce of the various countries of the world.

We learn from the Publishers' Circular of London that "The Law and Lawyers of Pickwick," being the (revised) lecture on the subject recently delivered by Mr. Frank Lockwood, Q.C., M.P., is in preparation, and will shortly be issued by the Roxburghe Press. Mr. Lockwood has sketched an original "Buzfuz" for the frontispiece.

In a recent number of the Yale Law Journal, Hon. Daniel H. Chamberlain publishes a paper on "State Sovereignty before 1789," in which he vigorously assails the position taken by Prof. John Norton Pomeroy in his work on Constitutional Law. Prof. Pomeroy claimed that the states which originally formed the Union were never sovereign political powers or governments. Mr. Chamberlain discusses the subject in detail, and makes out a strong case for state sovereignty before the Union.

"Life on the Circuit with Lincoln" is the interesting title of a book recently published by Estes & Lauriat, of Boston. The author, Henry C. Whitney, had the advantage of a personal acquaintance with Lincoln during his career as a lawyer, and is therefore able to give many facts and reminiscences concerning that portion of the great leader's life which is of peculiar interest to members of the legal profession. The work is illustrated.

Mr. Russell M. Garnier has continued the work begun in an earlier volume by his recent book entitled "History of the English Landed Interest, Its Customs, Laws, and Agriculture." The period covered is the eighteenth century and the first half of the nineteenth. The book as a whole is well worth reading, and that part of it which relates to the laws affecting the English landed interests will doubtless be found especially interesting to lawyers. The work is published by Macmillan & Co.

Another contribution to the growing literature relating to our constitution is the work of C. Ellis Stevens, LL.D., D.C.L., on Sources of the Constitution of the United States, Considered in Relation to Colonial and English History. After two introductory chapters on the organization of the Anglo-American colonies and the formation of the constitution, Mr. Stevens takes up in order the legislative organism, the executive, the judiciary, and closes with a chapter on the "Bill of Rights." The work is published by Macmillan & Co.

The Publishers' Weekly makes the interesting announcement that Sidney S. Rider, of Providence, R. I., is about to prepare a facsimile reprint of the very rare Digest of Rhode Island of 1719, the full title of which reads as follows: "Acts and Resolves of His Majesty's Colony of Rhode Island and Providence Plantations in America, Boston, in New England, 1719." An historical introduction by Mr. Rider will be prefixed to the work. As the edition is to be strictly limited to fifty copies, the book may still be counted as a "rare" volume.

The "Proceedings" of the Illinois State Bar Association at its seventeenth annual meeting, held at the city of Peoria, January 24 and 25, 1894, have been printed. The report includes the constitution, officers, standing committees, and roll of members for the year 1894, and the addresses delivered by President Samuel P. Wheeler, Prof. Merritt Starr, Judge Oliver C. Harker, Geo. E. Dawson, Esq., Hon. Edelbert Callahan, Judge David McCulloch, Robert E. Jenkins, Esq.,

Thos. Cratty, Esq., Ex-Gov. Richard J. Oglesby, and Isaac Miller Hamilton, Esq.

A collection of the speeches and addresses of William B. Russell, ex-governor of Massachusetts, has been published by Messrs. Little, Brown & Co. The addresses, which touch upon a great variety of topics, are marked by the vigor, thoughtfulness, and sincerity which are characteristic of the author, and which have won the respect and admiration of political foes and friends alike throughout his notable career. The selection has been made by Charles Theodore Russell, Jr., and the book contains an introduction by Thomas Wentworth Higginson.

"Forensic Eloquence" is the title of a little book of 260 pages, by John Goss, of Santa Rosa, Cal., recently published by the S. Carson Company, of San Francisco. The author's purpose has been to give helpful hints to would-be orators, and his plan is to take up in turn the different elements of an eloquent speech, discuss them, and give illustrations from the famous periods of world-known orators. The power that sways multitudes is not one that can be easily learned from a manual; yet a book like this will undoubtedly prove instructive, as well as interesting, to the young orator.

In "Primary Elections," Daniel S. Remsen presents a study of methods for improving the basis of party organization. Very properly, he begins by describing the existing methods of party organization and management. It requires merely a statement of these to suggest the desirability of "improved methods," and Mr. Remsen follows this up by suggesting plans for proposing candidates, for a blanket ballot, for secret voting, for proportional representation, etc. The discussion is not only interesting, but valuable. The author is a member of the New York bar, and the book is published by G. P. Putnam's Sons.

The March number of the *Annals of the American Academy of Political and Social Science* contains the translation of an article on "The Idea of Justice in Political Economy," by Gustav Schmoller, of Berlin, who is recognized as the leader of the historical school in Germany. The same number contains an article on the "Classification of Law," by Russell H. Curtis, which is an amplification of a sketch heretofore published by the same writer. Other articles are "American Life Insurance Methods," by Miles M. Dawson; "Relation of Taxation to Monopolies," by Emory R. Johnson; "The Farmers' Movement," by C. S. Walker;

"The Grange," by F. J. Foster; and "The Pennsylvania Tax Conference," by H. R. Seager.

The April number of the *International Journal of Ethics* contains two articles which will be especially interesting to the legal profession. The first is "Some Remarks on Punishment," by F. H. Bradley (Oxford), in which the writer makes a plea for "ethical surgery" in dealing with the "unfit" members of the human race. Society, as at present organized, he says, "secures artificially the maintenance and propagation of the unfit, while the fit are even injured in order to contribute to this general injury. And against such ruinous perversity Darwinism protests. It insists on the necessity of social amputation. The wholesale confinement, or, again, the mutilation of worse specimens, is not a satisfactory substitute. It seems wrong to load the community with the useless burden of these lives, and to maintain in existence a creature, while depriving that creature of the conditions of happiness is surely to inflict on it the direst suffering. To remove from the social organism, as it were, by ligature, a member sentient and miserably conscious through life of its own protracted dying, seems a most barbarous device, and, by comparison, clearly there is more kindness and mercy in the knife." The next article in the same number is a study by Henry Charles Lea, of Philadelphia, of the process known to moral theologians as "Occult Compensation," by which it was held that, when a man has a valid claim which he is unable or unwilling to substantiate by legal process, he can without sin compensate himself by stealing an equivalent from the debtor.

Judge Phelps lectured Thursday night at the Peabody on "Shakespeare's Law School." His first lecture was on "Falstaff and Equity," in which, among other things, was given the lecturer's interpretation of that expression of Falstaff's in act 2, scene 2, of Henry IV., "There's No Equity Stirring." The expression as interpreted in the light of the then existing circumstances was shown to be a "hit" at the war then waging between the law and the equity courts, and in proof of this the lecturer cited contemporaneous reported cases. The expression is also supposed to allude to a scene enacted in Westminster Hall as the play was about to be produced, wherein the chancellor ordered the punishment of a scrivener for an inordinately long and tedious replication. The scrivener's head was put through a hole in the parchment upon which the replication was written, and he was then paraded before all the courts while in session. This, of course, caused much amusement and comment at the

time, and gave point and flavor to the allusion to equity as "stirring."

The fact that a suit in which Shakespeare's parents were parties was at that time pending in a court of equity is adduced as a further explanation of the expression. In his lecture on "Shakespeare's Law School", the judge presents new facts relative to Shakespeare's opportunities for acquiring a familiarity with the law and its technicalities. He shows that the dramatist's father was a judge of the Stratford court, from whom, no doubt, the son acquired much of his knowledge of the law and its terms.

The lecturer also shows Shakespeare to have been somewhat of a lawyer himself, for he is said to have prepared the lease and mortgage of his mother's property, and managed the lawsuits of Shakespeare vs. Lambert that grew out of these foreclosure proceedings upon the mortgage, including a case in court of queen's bench and two chancery cases. This practical initiation into the forms of procedure and conveyancing is styled by the lecturer "Shakespeare's Law School," and accounts for the frequent and accurate use of law terms and technicalities in Shakespeare's plays.

—Baltimore Daily Record, Jan. 6, 1894.

Notes of Text-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.]

PARS. BILLS & N. Vol. 2, p. 546, on the subject of "Material Alterations," says: "Writing upon the note or bill an especial place of payment, in such a way as to make this a part of the note or bill, or of the acceptance, is a material alteration." The case of Redlick v. Dod, 54 N. Y. 234, decides: "Where one makes and delivers to another his promissory note, perfect in form, except that a blank is left after the word 'at,' for the place of payment, it carries with it implied authority for any bona fide holder to fill the blank, and the insertion of a place of payment, and negotiation of the note contrary to the agreement of the original parties, does not avoid it in the hands of a bona fide holder for value. The rule is the same, although the note be delivered not to be used or filled up in any way."

—Daniel Holmes, Brockport, N. Y.

In DILL. MUN. CORP. (3d Ed.) Vol. 1, § 68 et seq., and notes, the sometime improvidently attempted and now almost obsolete distinction between the power of the legislature over the property of a municipal corporation held for public uses and that held for private uses is discussed in a rather gingerly manner. Between the time of the writing of the text and the notes the case of Milwaukee v. Milwaukee, 12 Wis. 93, was decided. The opinion was written by Chief Justice Dixon, and contains, I believe, the most masterly discussion of the question to be found anywhere in the reports or text-books. Judge Dillon cites this case in

his book (volume 1, p. 27) to another point. Why did he not cite it to the point discussed in section 68? If he had read the opinion, it could hardly have failed to remove the doubts expressed in his text, and to have convinced him that the property of a municipal corporation is as much within the protection and security of the constitution as that of private individuals, and that the legislative power over it is solely based upon the broad ground that the municipality holds its property as a trustee, and may be compelled by legislative enactment to perform its duties as such trustee. Not to have cited that case at all would have been a most serious blunder; but to cite it, and fail utterly to notice its chief import, shows inexcusable want of care. A lawyer writing a text-book should use as much pains as if he were preparing a brief.

—T. C. Ryan.

Wausau, Wis.

Personal.

Hon. Wm. W. Farwell, who has been for fourteen years professor of equity jurisprudence, pleading, and practice in the Union College of Law, died on April 30th, at his home in Chicago.

Nelson Jarvis Waterbury, of the New York bar, is dead. Mr. Waterbury was the law partner of Samuel J. Tilden from 1842 to 1845, and during the greater part of his subsequent life he was prominent in local politics. He was one of a commission appointed by Gov. Hoffman in 1868 to revise the state statutes, and was one of the compilers of the Code of Civil Procedure which is still in use in New York.

It is reported that the lectures on constitutional law delivered by Ex-President Benjamin Harrison before the students of Stanford University crowded the chapel where they were given. President Jordan, in introducing the ex-president as a professor of law, said: "It is, I think, one of the things of which the public has a right to be proud, that one who has received the highest honors of the republic is not above the further ambition of wishing to be a good teacher." The lectures were extensively noticed in the San Francisco papers.

Major Joseph Kirkland, the author of "Zury," "The McVeys," "The Captain of Company K," and other works, died at Chicago on April 20th. Major Kirkland won his title by active service under Generals McClellan and Porter. From 1880 to 1890 he was a practicing member of the Illinois bar, but of late years he has devoted himself to literary work. He was for three years the literary editor of the Chicago Tribune, and, as a member of the Chicago Literary Club and other similar organizations, he did much to advance Chicago's claims as an "intellectual center."

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. A digest of New York statutes and reports from Jan. 1, 1893, to Jan. 1, 1894, with tables of statutes, constitutional provisions, rules of court, and cases cited. New York: Dlossy Law-Book Co. 1894. 28+524 pages. \$5.

Anglo-Muhammadan Law.

See "Wilson's Introduction."

ATTORNEYS' and Agencies' Association Legal Directory. V. 2, March, 1894, revised to March 1, 1894; 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 the U. S. and Canada, etc. Published semiannually in March and Sept. New York: Gilbert Elliott Law Co. 1894. 244+96 pages. \$2.50.

Bankruptcy.

See "Hansell's Law and Practice of Bankruptcy." (Eng.)"

BANKS, George. A treatise on the law of support for land, buildings and public works. (Eng.) London: Sweet & Maxwell, Limited.

BEALE, Joseph H. A short selection of illustrative criminal cases. Cambridge: Harvard Law Review Pub. Ass'n. 1894. 197 pages. \$1.50.

BLUE-LABEL BOOK. Tables of Cases from the Reporters, now published in the various official and other series of Reports, so arranged as to show where any case cited from other Reports is to be found in the National Reporter System. 2d Ed., covering the Reports as published to Nov. 17, 1893. St. Paul: West Publishing Co. 1894.

BOURINOT, J. G. A Canadian manual of procedure at meetings of municipal councils, shareholders, and directors of companies, synod conventions, societies, and public bodies generally. 124 pages. \$2. Toronto: Carswell & Co. 1894.

BREWSTER, Hon. F. Carroll. Brewster's Practice. Vols. 3 & 4. Relating exclusively to orphans' court practice in Pennsylvania. Philadelphia: Geo. T. Bisel. \$10.

CONKLING, L. M. The annotated Kansas Codes of Civil and Criminal Procedure, being chapters 80 and 82 of the Laws of 1868 and all amendments thereto, according to the standard text and authenticated copy deposited in the office of the secretary of state, with notes and references to the decisions of the supreme court relating to and bearing on each section thereof. Wichita: Press of the Wichita Eagle. 1894. 403 pages. \$3.

Constitutional Law.

See "Prothero's Select Statutes, etc. (Eng.);" "Thayer's Cases."

Criminal Cases.

See "Beale's Selection of Illustrative Criminal Cases."

Criminal Law.

See "Taschereau's Criminal Code of Canada."

Disputed Handwriting.

See "Hagan on Disputed Handwriting and Forged Signatures."

ELLIS, A. L. The trustee act, 1893. 5th Ed. (Eng.) London: Stevens & S. Cr. 8vo. 6s.

Federal Procedure.

See "Loveland's Forms;" "Pagin's Precedents and Forms."

FINELITE, Alex. The law and practice of the district courts in the city of New York (including summary proceedings); with notes and references to the decisions in these courts, and on appeals to the court of common pleas. Annotated and revised, with forms. New York: Dlossy Law-Book Co. 1894. 8+471+62+4+6 pages. \$5.

Forged Signatures.

See "Hagan on Disputed Handwriting."

HAGAN, William E. A treatise on disputed handwriting and the determination of genuine from forged signatures. The character and composition of inks, and their determination by chemical tests. The effect of age as manifested in the appearance of written instruments and documents. New York: Banks & Bro. 1894.

HANSELL, Edward William. The law and practice of bankruptcy, comprising the bankruptcy acts, 1883 to 1890; the bankruptcy rules and forms, 1886, 1890; the debtors' acts, 1869, 1878; the bankruptcy (discharge and closure) act, 1887; the deeds of arrangement act, 1887; and the rules and forms thereunder. (Eng.) By the Hon. Sir Roland L. Vaughan Williams. 6th Ed. London: Sweet & Maxwell.

HARRIS, C. N. Massachusetts statutory citations. A table of the statutes cited, expounded, and construed by the supreme judicial courts of Massachusetts from Quincy to 159 Massachusetts Reports, inclusive. Boston: Little, Brown & Co. 1894. 6+504 pages. Net, \$6.

HIGGINS, Thomas Milton. An analysis of Leake on Contract (3d Ed., 1892) and Benjamin on Sales (3d Am. Ed., 1888), with notes and complete reference to the Revised Statutes of Ontario. Toronto: Carswell & Co. 1893. 124 pages. \$2.

HUBBELL, J. H., Ed. Hubbell's merchants' edition of the 24th annual volume of Hubbell's Legal Directory, containing the names of able and reliable lawyers throughout the U. S. and Canada. 1894. New York: Hubbell Legal Directory Co. 118 pages. \$1.

JONES, Leonard A. A treatise on the law of mortgages of real property. 5th Ed. 2 vols. Boston: Houghton, Mifflin & Co. 1894. 15+967 pages. \$12.

Kansas.

See "Conkling's Annotated Codes."

KEY, J. The law relating to shipmasters and seamen. 2d Ed. By J. W. Mansfield and G. W. Duncan. (Eng.) London: Stevens & H. 36s.

Law Courts.

See "Lester's Lessons in Our Laws. (Eng.)"

Legal Directories.

See "Attorneys' and Agencies' Association;" "Hubbell's Legal Directory."

LESTER, H. F. Lessons in Our Laws, or Talks at Broadacre Farm. Pt. 2: Law Courts and Local Rule, etc. (Eng.) London: Cassell. 196 pages. 1s. 6d.

LOVELAND, Frank O. Forms of Federal Procedure. Cincinnati: W. H. Anderson & Co. 1894.

Massachusetts.

See "Harris' Statutory Citations."

Mortgages.

See "Jones on Mortgages of Real Property."

Municipal Taxation.

See "O'Meara on Municipal Taxation at Home and Abroad. (Eng.)"

National Reporter System—Citations.

See "Blue-Label Book."

New York.

See "Abbott's Digest of New York Statutes."

New York.

See "Finelite's Law and Practice of the District Courts in the City of New York."

O'MEARA, J. J. Municipal taxation at home and abroad, local government indebtedness and valuation, with statistics relating to the principal municipalities of the world. (Eng.) London: Cassell. 322 pages. 7s. 6d.

PAGIN, Oliver E. Precedents and forms in federal cases, both criminal and civil. Chicago: Callaghan & Co. \$6.

Pennsylvania.

See "Brewster's Practice."

Practice and Procedure.

See "Brewster's Practice (Pa.);" "Finelite's Law and Practice of the District Courts in the City of New York."

PROTHERO, G. W., Ed. Select statutes and other constitutional documents illustrative of the reigns of Elizabeth and James I. New York: Macmillan & Co. 1894. 464 pages. Net, \$2.60.

RUSSELL, Isaac Franklin. Outline study of law. New York: L. K. Strouse & Co. 1894. 14+280 pages. \$2.

Shipmasters and Seamen.

See "Kay on Law Relating to Shipmasters and Seamen. (Eng.)"

Support for Land, Buildings, and Public Works.

See "Banks. (Eng.)"

TASCHEREAU, Henri El Yéar. The Criminal Code of the Dominion of Canada, as amended in 1893, with commentaries, annotations, precedents of indictments, etc. Being a third edition of the author's work on the criminal statute law of the dominion of Canada. 1080 pages. \$10. Toronto: Carswell & Co. 1893.

THAYER, James Bradley. Cases on constitutional law, with notes. Pt. 1. Cambridge: Charles W. Sever. 1894.

Torts.

See "Underhill & Moore's Summary of the Law of Torts. (Eng.)"

Towns.

See "Bourinot's Manual of Procedure at Meetings of Municipal Councils. (Can.)"

Trustee Act.

See "Ellis' Trustee Act. (Eng.)"

UNDERHILL, A., and Moore, H. S. A summary of the law of torts or wrongs, independent of contract. 6th Ed. (Eng.) London: Butterworth. 420 pages. 10s. 6d.

WILSON, R. K. An introduction to the study of Anglo-Muhammadan law. London: Thacker. 7s. 6d.

Reports.

ALABAMA supreme court reports. V. 96. Cases argued and determined during the Nov. term, 1891, and Nov. term, 1892. R. W. Walker, reporter. Montgomery, Ala.: Brown Printing Co. 1894. 23+729 pages. \$2.50.

AMERICAN AND ENGLISH CORPORATION CASES. A collection of corporation cases, both private and municipal (excepting railway cases), decided in the courts of last resort in the U. S., Eng., and Can. Edited by W. H. McKinney. V. 43. Northport, N. Y.: E. Thompson Co. 1894. 8+743 pages. \$4.50.

AMERICAN AND ENGLISH RAILROAD CASES. A collection of all the railroad cases in the courts of last resort in America and England. Edited by William M. McKinney. V. 56. Northport, Long Island, N. Y.: Edward Thompson Co. 7+735 pages. \$4.50.

AMERICAN STATE REPORTS, containing the cases of general value and authority subsequent to those contained in the "American Decisions" and the "American Reports," decided in the courts of last resort of the several states. Selected, reported, and annotated by A. C. Freeman. V. 35. San Francisco: Bancroft-Whitney Co. 1894. 1013 pages. \$4.

ATLANTIC REPORTER. V. 27; containing all the current decisions of the supreme courts of Me., N. H., Vt., R. I., Conn., and Pa.; 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. Sept. 20, 1893-Jan. 10, 1894. St. Paul: West Pub. Co. 1894. 13+1213 pages. (National Reporter System.) \$5.

ENGLISH REPORTS. The Reports. V. 1. Decisions of the house of lords, privy council, probate, divorce, and admiralty division and court of appeal therefrom. Edited by John Mews, barrister at law, with an

introductory notice by Sir Frederick Pollock, Bart. London: Published for "The Reports" Company, by Sweet & Maxwell, Limited.

ENGLISH REPORTS. The Reports. V. 2. Decisions of the court of appeal or appeal from the chancery division and cases in lunacy. Edited by John Mews, barrister at law. London: Published for "The Reports" Company, by Sweet & Maxwell, Limited. 29+659 pages.

ENGLISH REPORTS. The Reports. V. 3. Decisions of the chancery division. Edited by John Mews, barrister at law. London: Published for "The Reports" Company, by Sweet & Maxwell, Limited. 47+767 pages.

ENGLISH REPORTS. The Reports. V. 4. Decisions of the court of appeal on appeal from the queen's bench division. Edited by John Mews, barrister at law. London: Published for "The Reports" Company, by Sweet & Maxwell, Limited. 33+655 pages.

ENGLISH REPORTS. The Reports. V. 5. 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, by Sweet & Maxwell, Limited. 34+615 pages.

FEDERAL CASES; 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. Bk. 2: Arthur-Brataugh. Case No. 565-Case No. 1,194. St. Paul: West Pub. Co. 1894. 1231 pages. \$10.

INDIANA appellate reports. V. 6; containing cases decided at the November term, 1892, not published in volume 5, and cases decided at the May term, 1893. Sidney R. Moon, reporter. Indianapolis: W. B. Burford. 1893. 22+757 pages. \$3.50.

MISSOURI supreme court reports. V. 116. F. M. Brown, reporter. Columbia: E. W. Stephens. 1894. 22+733+5 pages. \$3.

NEW YORK courts of record. The miscellaneous reports, other than the court of appeals and the general terms of the supreme court, etc. F. B. Delehanty, reporter. V. 6. Nov., 1893-Feb., 1894. Albany: Jas. B. Lyon. 1894. 38+686 pages. \$2.

NEW YORK supreme court. Reports of cases. V. 81. Marcus T. Hun, reporter. (Hun 74.) New York and Albany: Banks & Bros. 1894. 28+724 pages. \$3.

NORTHWESTERN REPORTER. V. 57; containing all the current decisions of Minn.,

Wis., Iowa, Mich., Neb., N. D., S. D. Permanent Ed. Jan. 6-March 10, 1894. St. Paul: West Pub. Co. 1894. 14+1185 pages. (National Reporter System.) \$5.

OREGON supreme court. V. 23. Reports of cases between Oct. 5, 1892, and April 4, 1893. Robert G. Morrow, reporter. Salem: Frank C. Baker. 1894. 18+668 pages. \$5.

PENNSYLVANIA supreme court reports. V. 158. By Jas. Monaghan, reporter. Containing cases decided at October term, 1893. New York and Albany: Banks & Bros. 1894. 23+711 pages. \$2.50.

SOUTHEASTERN REPORTER. V. 18; containing all the decisions of the supreme courts of appeals of Va. and W. Va., and supreme courts of N. C., S. C., Ga., Oct. 17, 1893-March 20, 1894. Permanent Ed. St. Paul: West Pub. Co. 1894. 12+1083 pages. (National Reporter System.) \$5.

TEXAS criminal reports. V. 32. Cases argued and adjudged in the court of criminal appeals of the state of Texas during the Austin term, 1893; the Tyler term, 1893; and part of the Dallas term, 1894. Reported by John P. White. Published by the state of Texas. 1894. 17+779 pages. \$2.30.

UNITED STATES circuit court of appeals reports. V. 6; containing the cases determined in all the circuits from the organization of the courts; fully reported, with annotations. St. Paul: West Pub. Co. 1894. 29+762 pages. \$3, net.

UNITED STATES courts of appeals reports. V. 7. Cases adjudged for the ninth circuit at Oct. term, 1891, and Oct. term, 1892. Samuel A. Blatchford, reporter. New York and Albany: Banks & Bros. 1894. 30+808 pages. \$3.

UNITED STATES supreme court reports. V. 151. Cases adjudged in the supreme court at October term, 1893. J. C. Bancroft Davis, Reporter. New York and Albany: Banks & Bros. 1894. 23+746 pages. \$2.

UTAH supreme court reports. V. 9. Cases decided from the June term, 1893, to the June term, 1894. John M. Zane, reporter. Chicago: Callaghan & Co. 1894. 10+569 pages. \$6.

WASHINGTON supreme court reports. V. 7; containing decisions rendered from July 12, 1893, to Jan. 6, 1894, inclusive, and certain cases heretofore withheld from publication pending rehearing. Eugene G. Krellder, reporter. Olympia, Wash.: O. C. White, 1894. 24+720 pages. \$3.

WEST VIRGINIA reports. V. 38. Cases argued and determined in the supreme court

of appeals at the spring special, June, Sept., and fall special terms, 1893, and the Jan. term, 1894. Thomas S. Riley, reporter. Charleston: Butler Printing Co. 54+757+40 pages. \$6.

WISCONSIN reports. V. 85. Cases argued and determined from April 11 to Sept. 26, 1893. Frederic K. Conover, reporter. Chicago: Callaghan & Co. 1894. 27+729 pages. \$2.25.

Statutes, Codes, and Laws.

COLORADO. Laws passed at an extra session of the ninth general assembly convened at Denver, on the 10th day of Jan., A. D. 1894. Published by authority, 1894. Denver, Colo.: Office of the Secretary of State, Nelson O. McClees. 1894. 101 pages. 40c.

MICHIGAN. Local acts of the legislature of the state of Michigan passed at the regular session of 1893, with an appendix. By authority. Lansing: Robert Smith & Co. 1893. 24+1442 pages.

PROVINCE OF QUEBEC. Statutes passed in the fifty-seventh year of the reign of her majesty Queen Victoria, and in the third session of the eighth legislature, begun and holden at Quebec, on the 9th day of November, in the year of our Lord 1893, and closed by prorogation on the 8th day of January, in the year of our Lord 1894. His honour, the Honourable Joseph Adolphe Chapleau, lieutenant governor. Quebec: Printed by Charles Francois Langlois. 1894. 440 pages.

RHODE ISLAND AND PROVIDENCE PLANTATIONS. Acts and resolves passed by the general assembly. Pt. I.: May Sess., 1892. Acts and resolves and proceedings in grand committee. 1-172 pages. Pt. II.: Oct. (special) Sess. 1892. Acts and resolves. 173-200 pages. Pt. III.: Jan. Sess. 1893. Acts and resolves and proceedings in grand committee. 201-683 pages. Providence: E. L. Freeman & Son. 1893. 16+4+40+683 pages.

Digests.

DIGEST OF THE LAWYERS' REPORTS. Annotated. Vols. 1-20, inclusive. Rochester, N. Y.: Lawyers' Co-Operative Pub. Co. 1894. 77+863 pages. \$5.

NORTHEASTERN REPORTER DIGEST. being a digest of decisions of the supreme courts of Ill., Mass., Ohio, Ind., appellate court of Ind., and the court of appeals of N. Y., reported in the Northeastern Reporter, vols. 1-30, and in the following volumes of State Reports: Ill., vols. 113-141; Ind. (Sup. Ct.) vols. 101-131; Ind. (App. Ct.) vols. 1-4;

Massachusetts, vols. 139-156; New York, vols. 99-133; Ohio, vols. 43-49. With citations under the several paragraphs showing where they have been affirmed, cited, etc.;

also, a table of cases digested. Edited by members of the editorial staff of the National Reporter System. St. Paul: West Pub. Co. 1894. 4279 pages. \$10.

CONTENTS OF NEW BOOKS.

Clark's Criminal Law.

TITLE-PAGE. Handbook of Criminal Law. By Wm. L. Clark, Jr. St. Paul, Minn: West Pub. Co. 1894.

FROM THE PREFACE. This book is intended to contain a concise, but full, statement of the general principles of the criminal law. It is more particularly a statement of the common law, and the text is to be so taken unless the contrary appears. The statutes of the different states vary so much that it would be impossible in a book of this size to go to any extent into statutory crimes, or to show how far the common law is modified or abrogated by statute in each particular state. Attention, however, has been called to important variations; and such general statutory crimes as the obtaining of goods by false pretenses, embezzlement, seduction, and the like, have been fully defined and explained. The book has been arranged very much after the plan of Professor Norton's Handbook on Bills and Notes. The definitions and general principles have been stated in the principal or black-letter text. These principles have been discussed and illustrated in the subsidiary text, and the cases and further illustrations have been given in the notes. I had intended to include procedure, but found that it could not be done in a "handbook" without omitting much important matter. It will therefore be published in a separate volume. A great many cases have been cited, including all the cases generally cited as leading cases, and all the late cases of importance. I have taken the time and the pains to examine the cases personally, and have cited them directly to the point, so that there will be no danger of annoyance from looking up a case and finding that it does not apply. I have tried not to make a book of the criminal law of any particular state, or of any two or three states, but have endeavored as far as possible to make a book for all of the states, and I have cited cases from all of the states, as a glance at the notes will show. I believe that this feature will be appreciated, for either the student or the practitioner would prefer a good decision by the court of his own state, if there is one.

In studying the criminal law one will derive much more benefit from his reading, and much more clearly understand the some-

times very fine distinctions between the different crimes, by reading them in proper order. Thus it will be better to read larceny, embezzlement, cheating, false pretenses, robbery, and malicious mischief together than to take cheating first, then conspiracy, then embezzlement, then homicide, and then larceny, etc. For this reason I have endeavored to classify the crimes according to their nature, and to treat kindred crimes together, instead of treating them in alphabetical order.

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- Chap. I. Definition, Nature, and Punishment of Crime.
- Chap. II. The Criminal Law—How Prescribed.
- Chap. III. Classification of Crimes.
- Chap. IV. The Mental Element in Crime.
- Chap. V. Persons Capable of Committing Crime, and Exemptions from Responsibility.
- Chap. VI. Parties Concerned in the Commission of Crimes.
- Chap. VII. The Overt Act—Attempts, Solicitations, and Conspiracies.
- Chap. VIII. Offenses Against the Person.
- Chap. IX. Offenses Against the Person (Continued).
- Chap. X. Offenses Against the Habitation.
- Chap. XI. Offenses Against Property.
- Chap. XII. Offenses Against the Public Health, Safety, Comfort, and Morals.
- Chap. XIII. Offenses Against Public Justice and Authority.
- Chap. XIV. Offenses Against the Public Peace.
- Chap. XV. Offenses Against the Government.
- Chap. XVI. Offenses Against the Law of Nations.
- Chap. XVII. Jurisdiction.
- Chap. XVIII. Former Jeopardy.

Jones on Mortgages.

TITLE-PAGE. A Treatise on the Law of Mortgages of Real Property. By Leonard A. Jones, Author also of Treatises on "Railroad Securities," "Chattel Mortgages," "Liens," etc. In two volumes. Fifth Edition. Boston: Houghton, Mifflin & Co. New York: 11 East Seventeenth Street. The Riverside Press, Cambridge. 1894.

NOTE TO THE FIFTH EDITION. During the five years since the last revision of this work, a great number of decisions coming within the province of this treatise have been published, and these, numbering about four thousand, have been incorporated in the present revision. Aside from the additions to the text and notes, the other material changes in this edition are the omission of all sections treating of vendors' liens, whether implied or reserved, as this subject is now

fully covered by the author's treatise upon Liens; the omission of detailed statements of the statutory provisions relating to the recording of mortgages, the statutes being only briefly referred to; and the insertion of a quite full statement of the general law governing registration and notice. The section numbers used in previous editions remain unchanged, except in the two chapters relating to registration and notice. The sections in these chapters, on account of large omissions and additions, are numbered anew. The present edition contains citations of more than twice the number of cases contained in the original work, the text of which has also been enlarged by several hundred pages of new matter. But this increase in the number of cases cited, and in the number of pages, very imperfectly shows the labor that has gone into the preparation of the several revised editions that have appeared. More time and labor have been given to these revisions than to the original work. Changes in type and in the size of the pages have been made in order not to make the volumes too large. In addition to the usual references to the official reports, references have been made to the Reporters of the National Reporter System, and to the American Decisions, American Reports, and American State Reports, for cases also found in these reports; thus in many instances giving references to two or three reports for the same case. Many cases in the Reporters are also referred to which have not yet appeared in the official reports.

Loveland's Forms of Federal Procedure.

TITLE-PAGE. Forms of Federal Procedure. By Frank O. Loveland, of the Cincinnati Bar. Cincinnati: W. H. Anderson & Co. 1894.

FROM THE PUBLISHERS' ANNOUNCEMENT. This book has been prepared to supply the constant and increasing demand for a thorough and practical book of forms for use in the different federal courts. It contains nothing but forms, the aim of the author being to furnish a form for every conceivable step to be taken in any case that could be brought in any of our federal courts. Each form is thoroughly annotated, by reference to the federal decisions and statutes, and also to the different text-books on federal practice. The most careful research and painstaking study has been given every form herein presented. They are arranged under the following headings:

1. Forms in Suits at Law.
2. Forms in Equity Cases.
3. Forms of Writs.
4. Forms in Injunction Proceedings.
5. Forms in Proceedings Relating to Receivers.

6. Forms in Ancillary Proceedings.
7. Forms in Patent Cases.
8. Forms in Copyright and Trade-Mark Cases.
9. Forms in Removal of Cases from State Courts.
10. Forms in Admiralty Cases.
11. Forms in Criminal Procedure.
12. Forms in Habeas Corpus Proceedings.
13. Forms in Appellate Proceedings.
14. Forms in United States Supreme Court Practice.
15. Forms for Clerks, Marshals, and Other Court Officers.
16. Forms of Decrees, Judgments, etc.

The forms given are those that will aid the attorney in setting in motion the legal machinery of any of the many divisions of our federal courts in almost every conceivable cause of action that can be brought in a federal court, and assist him in putting into proper shape the results produced. The work is of value, not only to the attorney who does or who may practice in the federal courts, but also to clerks of courts, and, indeed, to all federal court officers. After each form follows an annotation, often showing where that form has been a precedent, so that the authority for almost every form may be found. This volume contains the largest number of forms ever prepared for practice in our federal courts, every subject of litigation in our federal courts being carefully considered, and particular attention has been given forms used in circuit courts of appeal.

Pagin's Precedents and Forms.

TITLE-PAGE. Precedents and Forms in Federal Cases, both Criminal and Civil. By Oliver E. Pagin, Assistant United States Attorney for the Northern District of Illinois. Chicago: Callaghan & Co. 1894.

FROM THE PUBLISHERS' ANNOUNCEMENT. Being precedents of indictments, complaints, and criminal informations in cases arising under statutes of the United States; of writs, orders of court, warrants, recognizances, pleas, and other matters pertaining to United States criminal cases; with citations to the cases and authorities. Also forms pertaining to United States civil cases; e. g. informations in rem on seizure under customs, internal revenue, and navigation laws, and informations and declarations in suits on behalf of the United States to recover penalties and money demands, under those laws and the postal laws; as well as bills in chancery on behalf of the United States, and writs, notices, bonds, answers, pleas, demurrers, orders of court, stipulations, bills of exceptions, etc., in such suits; with citations to cases, rules of court, and authorities generally. Together with complete forms for fee accounts of United States attorneys and commissioners, orders of court and certificates pertaining to the same, with

digests of decisions of the courts and instructions of the accounting officers of the treasury relative to such fees and accounts. Most of these forms have been used, tested, and approved in the federal courts. The book will be valuable to attorneys for defendants in United States criminal cases, and attorneys for importers, national banks, vessel owners, distilling and brewing companies, cigar manufacturers, liquor dealers, and all persons having dealings with the government; and a *vade mecum* for United States attorneys, commissioners, marshals, and clerks, and customs, post office, and internal revenue officers.

Prentice's Police Powers.

TITLE-PAGE. Police Powers Arising under the Law of Overruling Necessity. By W. P. Prentice. Albany: Banks & Bros. 1894.

PREFACE. Police powers arising under the law of overruling necessity are no new topic in any practical administration of sovereign authority. "For the commonwealth a man shall suffer damage as for the saving of a city or town," as an old case has it; and, when we raise "bulwarks for the defense of the realm, every subject hath a benefit by it." Such bulwarks are raised by the police laws, but often the defenses are met before the subject is aware of the lines upon which they are drawn, or the opposition which is to be faced. Special instances appear on many sides, and within the last few years they have had an extraordinary growth in frequency and number; they have been set out in many new laws, illustrated by numerous decisions, and have become increasingly difficult to group and to follow, except as we have the aid of some connected study of them, and an inquiry through the adjudications which distinguish their sources, connections, and principles, and afford rules for guidance and observation. Such is the object proposed in this work,—to

examine and report the facts as we have them at the present day, and to present them in a useful and serviceable form, in the hope that it may be of some benefit to others engaged in like research, and at least lighten the labor of searching through many reports for isolated precedents of cases, new only in the form or manner of occurrence, to any one interested in them.

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REVIEWS OF NEW BOOKS.

Cogley on Strikes and Lockouts.¹

Reviewed by Hon. Wm. H. Taft, Circuit Judge of the U. S. Circuit Court, Sixth Circuit.

[For Contents and other descriptive matter, see page 47, No. 2, Law Book News.]

I have read the treatise of Mr. Cogley, of the bar of the District of Columbia, on the

¹The Law of Strikes, Lockouts and Labor Organizations. By Thos. S. Cogley. Washington, D. C.; W. H. Lowdermilk & Co.

law of strikes, lockouts, and labor organizations, with great interest. Having had occasion several times to investigate the legality of strikes, and to search the precedents in early English law and early American law, and to study the development of the principles which are now enforced by the courts in this branch of jurisprudence, I am able to speak with some confidence as to the usefulness of Mr. Cogley's work. As the author says, the early cases on the subject are comparatively few, and are so scattered as to render an investigation of them

difficult. They are only reported in pamphlets or rare reports, not within the reach of the hurried practitioner. Mr. Cogley has collected them all, and has given a very full statement of the facts in each case, and full quotations from the rulings of the courts. The cases are arranged in chronological order, so as to bring out in a most instructive way the growth of the law.

Within recent years nearly all labor has become organized into unions and associations. Unquestionably, the effect of organization has been to raise the rate of wages. Workingmen can much more quickly share the increasing profits of their employer when acting as a unit than by waiting singly for the slow adjustment by the law of supply and demand. It is reasonable to suppose, therefore, that trade organizations will continue to be permanent and prominent features of modern society. If so, the courts will necessarily have frequent occasion to hear and decide cases involving the legality of strikes.

As in the past, so in the future, trades unions will at times employ methods just on the border line between the lawful and the unlawful, and continue to present for decision to the courts many perplexing questions. For this reason we may welcome a work like that of Mr. Cogley, which is a complete compendium of the older and more recent authorities. The judgments of the English judges, from which Mr. Cogley quotes largely in his book, are a useful exposition of the proper distinctions to be taken between lawful and unlawful organized action, though the English statutes often make their application to American cases somewhat remote. The much-mooted question whether a combination to raise wages was an unlawful conspiracy at common law, punishable as a crime, is dealt with fully by Mr. Cogley, and he is inclined strongly to think that it was. He bases his conclusion on the case of *The King v. The Journeymen Tailors of Cambridge*, reported in the 8th Modern Reports. The report in which the case appears has been much criticised, and has been referred to by some English judges as poor authority. But Mr. Cogley is of the opinion that the report of the case has internal evidence of its authenticity, and that the ruling in the case clearly supports his view that at common law a combination to raise wages was a conspiracy. With submission to the greater knowledge of Mr. Cogley on the subject, I venture to doubt the correctness of this view. In the case cited, the defendants, journeymen tailors, were indicted for the conspiracy among themselves to raise their wages. The indictments set forth that the defendants refused to work under a certain rate of wages, which was more than that at which

the statute required them to work. A conspiracy is a combination to attain an unlawful end, or a lawful end by unlawful means. Now, it was clearly unlawful, under the labor statutes, as they existed at the time of this case, for employers to pay more wages, or for employes to receive more wages, than the statute enjoined. A combination among laborers, therefore, to raise their wages above the statutory limit, was necessarily a combination to attain an unlawful end. But would it have been so without the statute? The language of the court in its ruling may indicate that it would, but the case did not present the question. The unlawfulness of the end was created by the statute, but the combination was a conspiracy, not within the terms of the statute, but at common law. It was entirely right, therefore, in that case, that the court should hold, as it did, that the indictment need not conclude, as all indictments under the statute were required to conclude, with the formula "*contra formam statuti*." But the case would hardly establish that, in the absence of any labor statute fixing the legal price of wages, it was an unlawful conspiracy for men to combine to refuse to work in order to raise their wages. Mr. Justice Stevens, as Mr. Cogley says, is of the opinion that such a combination was not an unlawful conspiracy at common law. There are other English judges who entertain a different opinion. It is perhaps now only a matter of historical interest, because it certainly is not a conspiracy by the common law of any of the states of America for workingmen to combine to raise wages, provided they use no unlawful methods in effecting the object of such combination. And in England the statute expressly declares such combinations to be lawful.

I think that Mr. Cogley's mode of treating the subject is well adapted to it. Most branches of the law, as important as this, have so many cases that it is impossible in a text-book to present them all fully to the reader. Mr. Cogley has recognized that it is quite possible, in treating of strikes and labor organizations, to embody in a short work quite an elaborate review of all the cases which form precedents. His presentation of his views of the law is forcibly and well sustained, though there is room for a difference of opinion as to some of his conclusions. He gives a useful résumé of the statutes of England, and of the various statutes which have been passed to define the rights of employer and employe. He deals first with the criminal aspect of unlawful strikes, and finds much more material for examination and comment in criminal prosecutions than in suits at law or in equity. He has, however, chapters on the civil remedies of private individuals injured by unlawful

strikes, both at law and in equity. The use of the injunction to prevent such injuries, which are certainly most inadequately remedied by suits at common law, is modern, and it is probable that, in future editions of his work, Mr. Cogley will have to enlarge his chapter on this branch of his subject by a fuller discussion.

When physical intimidation is present as a means by which a combination of workmen or others is to effect its purpose, there is no difficulty in pointing out the illegality of the method. The perplexing question arises when every act done or threatened by the combination is one which, if done by an individual, would be lawful, and yet severe pecuniary loss is intentionally inflicted by the combination upon a third person. The prevailing mode of stating the law is that such combinations are unlawful or not, and the loss occasioned thereby is remediable or not, as the intent to injure is malicious or not, and that malice means "without lawful excuse." It must be admitted that such a statement of the doctrine, which may be found in the judgment of Lord Justice Brown in the case of *McGregor v. The Mogul Steamship Co.*, does not seem to bring one any nearer to the solution of the question, because one still has to determine under this rule whether the injury sought to be inflicted was with or without lawful excuse.

Mr. Justice Oliver Wendell Holmes, in an article in the *Harvard Law Review* for May of this year, makes a most admirable presentation of the difficulties in dealing with the subject. He suggests that the courts, in settling whether there is a lawful excuse for the inflicting of such a loss, which is remediable or not, according to the intent of the members of the combination, must exercise to some extent legislative functions; that the question is not, in its nature, susceptible of logical solution; and that the conclusion reached is apt to depend more or less on the predilections of the judges on economic and other subjects. The difficulty of reconciling the *Mogul Steamship Company Case* with that of *Temperton v. Russell*, decided by the same court (the English court of appeal), lends support to this view. Except that the combination in the former case was among steamship companies, and in the latter was among workmen, the distinction between the two is shadowy, and yet the former was pronounced lawful, and the latter unlawful. With the personal equation present in each judgment, it may be difficult to evolve from the authorities satisfactory limitations for guidance in future cases, and yet the courts must establish a common path. It seems to me that Mr. Cogley has not fully recognized the difficulties presented by this class of cases, and that he might add much to the value of his

book by a critical examination of the late authorities with a view to their correct solution. On the whole, however, one can say without hesitation that Mr. Cogley's book is one from which any lawyer engaged in litigation, concerning strikes, boycotts, or alleged illegal combinations may get a full understanding of the law on the subject. It is but 357 pages, and is of so much interest that one can read the whole volume in less than two days, and in doing so one will have covered substantially all the authorities available in the most extensive library.



Demarest on Elevated Railroad Law.¹

Reviewed by W. G. Peckham, Esq., of
Peckham, Warner & Perkins, of
New York City.

Mr. Demarest's work is so valuable to his opponents, as well as to his colleagues, that he gives a new and more comfortable meaning to Job's saying, "O that mine adversary had writ a book." The book before us is indispensable to the specialist. It is among the very best of the many productions of specialists which constitute the most desirable purchases for working lawyers. Such works must, as a rule, of necessity be written by a partisan. Such defects as come from the work of an advocate may be seen occasionally in the book before us, and no doubt will be visible in this critique. The author of the book has an unusually free and admirable comprehension of the position of his opponents as well as of his clients. He discusses candidly the action of the courts wherein he declares that the courts have for the benefit of his clients repealed the provisions of those statutes which enact that no benefit shall be allowed to the railroads in the computation of damages. He fails to realize, on the other hand, that the courts necessarily intervened, when the aldermen and the legislature on occasion failed to serve as any bulwark whatsoever between the elevated railroads and the property owners. While the author of the book notes the lack of consistency in the disallowance of noise as a basis of fee damage, he does not remark upon the favor to his clients shown by the fact that no injunction ever actually runs against them, although

¹ *The Rise and Growth of Elevated Railroad Law.* By Theodore F. C. Demarest. New York: Baker, Voorhis & Co. 1894.

sixteen years have passed in some cases and twenty-seven years in other cases since his clients were bound to condemn their right of way and pay for it, and his clients all these years have operated their trains and maintained their structure as wrongdoers without condemning the right of way. The damage is real, says the author very candidly. The damage is so real, say his opponents, that it is strange that any just or sensible man should ever have doubted that it was a real and a large damage to build a steam railroad through forty miles of New York City, on the best avenues, and in front of valuable dwellings and other edifices abutting upon lots which have paid the great assessments, by virtue of which they obtained their valuable easements in the valuable streets. Never was the trained mind of an equity court more needed than in the abstruse calculations mooted on behalf of the elevated roads by the distinguished counsel of Messrs. Gould & Sage. We cannot agree with Mr. Demarest that a New York City jury should assume all the functions of a chancellor in equity. At last the elevated road is claiming the right of transporting freight as well as passengers. As an open question, public sentiment would value such a right to any new applicant as

worth, say, fifty millions of dollars at least, for a franchise over forty to fifty miles of New York City's streets and avenues.

Another point that is more visible to his opponents than to Mr. Demarest, perhaps, is connected with the fact that some twenty years ago his clients made an actual appropriation in what were called "property owners' bonds" to pay the land damages for the right of way, thus apparently manifesting a most intelligent understanding of their duty to condemn and pay for their easements. These bonds were used for other purposes. All this has a bearing in connection with the chapters in the book upon elevated railroad law in Illinois and in Pennsylvania, where the litigation is still undeveloped. Let us hope that in these states there may be an early understanding of the rights of the property owners and a systematic procedure from the beginning. In New York the procedure is now comparatively well settled, and there was no need of the chapter upon "Anomalous Actions." The reader may omit that chapter. Another defect in the otherwise excellent work of the book lies in the incompleteness of the index.

W. P. C. H. H.

OTHER OPINIONS OF NEW BOOKS.

Clark's Criminal Law.

[See Contents and other descriptive matter on page 143 of this number.]

We had several misgivings when we first picked this book up for examination. It hardly seemed possible that a work of so few pages upon so large a subject could be of any particular value. There are only 377 pages of text, the balance being occupied by table of contents, cases cited, and index. These 377 pages contained much more than it would appear at first glance. The text contains only a brief statement of fundamental principles, while nearly, if not quite, one-third of each page is, on an average, devoted to closely printed notes, in which are cited a large number of very important cases, each illustrating and further explaining the statement in the text to which it is cited. By this plan the bulk of the work is largely decreased, and makes it just what it purports to be, viz. a "handbook" of criminal law. No attempt has been made to make it a work upon criminal procedure, and all reference to that branch of the subject has been omitted. Because of the great variance in statutes, only the general statutory

crimes are treated to any extent. Kindred crimes are treated together, instead of in alphabetical order. These features also tend to reduce the bulk of the work. The arrangement is like that of Professor Norton's work on "Bills and Notes," which admirably adapts it to the needs of the student. While the work was no doubt prepared with reference to the special needs of the student of criminal law, nevertheless, as an exhaustive index to the latest and most important decisions upon the subject, it will fill an important place in the law office, and be just as satisfactory, in many instances, as a more voluminous work.

—Michigan Law Journal.

Cogley on Strikes and Lockouts.

[See Contents and other descriptive matter on page 47, No. 2, Law Book News; and a review by Hon. Wm. H. Taft, in this number, on page 145.]

This volume comes at an opportune time, and will be found of considerable value in the settlement and determination of many vexed questions arising out of the contention between labor and capital. It treats of strikes, boycotts, blacklisting, lockouts, con-

spiracies in restraint of trade and commerce, and the rights, liabilities, and remedies of employers and labor organizations. The book is well prepared, and cites all the authorities on the subject, though, as yet, their number is not very large.

—Central Law Journal.

Demarest's Elevated Railroad Law.

[See Contents and other descriptive matter on page 77, No. 3, Law Book News; and a review by Wm. G. Peckham, Esq., in this number, page 147.]

The first chapter contains a most interesting account of the origin of the companies and the construction of roads in New York City, beginning with the act of 1866, which permitted ten or more parties to incorporate for the purpose of constructing, maintaining, and operating a railway for public use. The work shows the foundation of the rights of the property owners against the railway companies, and proceeds to discuss the different actions of "Past Damages," "For Injunction," and "Anomalous Actions," "Vendor and Vendee," "Landlord and Tenant," etc. The work is based on the decisions made by the various courts, and the distinctions drawn by the different tribunals are clearly and distinctly put into words. The book is printed in excellent type, and is of special value to lawyers who have elevated railway cases, and will prove a welcome addition to legal literature.

—Albany Law Journal.

This book is just what its title indicates. The origin and development of the rights and remedies of abutters upon streets taken for the construction and use of elevated railroads form a very interesting chapter in the growth of the law from the time when the occasion arose for the application of settled principles of law to circumstances wholly novel. * * * The author cites some two hundred cases, mostly from the New York Reports, bearing directly upon the subject. All the most important of these cases he examines in detail. His book presents a full and careful account of the litigation from the beginning down to the present time. This litigation has involved great pecuniary interests, and the legal and constitutional rights determined in it have been of the gravest importance.

—American Law Review.

It is doubtless true that elevated railroad litigation has passed its greatest volume, and

that it is now on the decline. It may seem, therefore, a little late for the appearance of such a work, but, in point of fact, the law has only been recently settled on a variety of important points, and an earlier publication would have been premature. And the work also has a use very much larger than merely in the elevated railroad litigation, as it throws light on many questions having nothing to do with the elevated cases; as, for instance, in many kinds of condemnation proceedings. Many interesting questions of evidence are also considered; among others, those raised in the line of cases of which the McGean Case is the leading one. The book can be strongly recommended to almost all practicing lawyers, as it is the only place where this interesting class of cases can be found in a readily accessible form. The only fault that can be found with the book is the inadequacy of the history of the elevated roads, although it may be said that from the author's standpoint a mere outline is all that is necessary. A certain exuberance of style might be found fault with by the hypercritical, but it is pleasant to find an author who has gone through the difficult and laborious work of head-noting surrogates' decisions capable of exuberance of any kind.

—"T. C." in New York Law Journal.

Dillon's Lectures on Jurisprudence.

[See Contents and other descriptive matter on page 77, No. 3, Law Book News; and review by Prof. Austin Abbott on page 115, No. 4, Law Book News.]

This is one of the most delightful (we might say with truth the most delightful) legal work which it has been our good fortune to read. Judge Dillon is always an interesting writer, but he has invested this history of the progress of English and American law with an unusual charm. Judge Dillon has very decided opinions upon many of the topics discussed, which he freely expresses, and, as the matured views of one of our greatest lawyers, they will be read with unusual interest. The work is unique in design, and is a most valuable addition to our legal literature.

—The Green Bag, March, 1894.

This book is a very readable collection of lectures, and, although hardly of any practical business value to a lawyer, it will undoubtedly find a ready sale among those lawyers who are ambitious to thoroughly ground themselves in the history and development of our jurisprudence. The book will not find a large sale, probably, because there are not

many thorough lawyers in the country. Most alleged attorneys, it seems, content themselves with a smattering of the common law and a familiarity with the index to their state statutes; and, instead of spending their time "between clients" in profitable reading of standard text-books, or of some treatise like this of Judge Dillon's, they count their legal education completed, and spend their time at the corner grocery, "chatting with a friend," or at the baseball game, or anywhere but in their offices. There is too little loftiness of purpose in the latter-day practice of the law; and if the spirit of veneration and respect for the traditions of the law which Judge Dillon endeavors to breathe into his pupils, through the medium of his lectures, can be imparted in the least degree to the profession at large by means of the publication of this collection of his lectures, the book will have performed its mission well, and have done more to advance the science of jurisprudence than a score of strictly technical treatises.

—Michigan Law Journal.

It is refreshing to get a law book that is not a digest; just as it is a supreme satisfaction to meet one of those old-fashioned lawyers who are profound in legal principles, to whom cases are rubbish and a snare, and to whom a precedent is worth nothing beyond the good reason in it. This book, consisting of thirteen lectures before Yale University, brings us back to first principles, traces our law to its old home, seeks to understand its ethical nature and its real foundation, and describes its growth and development there; then follows it to America, its new home, and treats of its expansion, development, and characteristics here. The citations are few, more to elucidate the principles more clearly and more broadly by quoting the views of eminent leaders of legal thought who have considered the same topic rather than to bolster an opinion by a multitude of cases, each individual of little significance.

In modern practice the case lawyer is a necessity and a nuisance. How can he be dispensed with and be abated? Judge Dillon, as many another writer, is appalled at the immense mass of the judicial reports. In 1881 they numbered in England (our law's old home) 2,944 volumes, the product of six centuries; while in America, in 1886, we had 3,798 volumes, not counting 1,277 volumes of American law periodicals,—all the product essentially of one century, and still increasing in the United States alone at the rate of over 100 volumes a year. It is manifest that soon, unless there is devised a short cut to fundamental principles, the successful practitioner

will need industry rather than brains,—his duty is done when he finds "a case on all fours." This defect and disability are discussed with earnestness and thoroughness in the volume before us, and while he has not solved, nor has the author assumed to solve, the problem, his suggestions, it is hoped, will lead to salutary results. For ourselves, we heartily wish that our eminent judiciary would content themselves with a statement of the principles involved, in ten lines, as did the old-time judges, rather than cover them up in the amplitude of a treatise, and that our law reporters would sift out and our publishers would publish only the "leading" cases, or those which shall for the first time adapt an old principle to a new legal emergency, edited down to the briefest possible space.

The author discusses at considerable length "judge-made law." He says: "It was long a favorite fiction that the judges did not make, but only declared, the law." Inevitably they "are actually, though indirectly, engaged in legislating, since they formulate, or at least authenticate, the rules which they apply to the transactions in hand; and these rules constitute the grounds of the judgment they pronounce." How can this "judicial legislation" be limited, codified, and digested? It is as varied as is the mind of man, and as multiple as the vicissitudes of human life. In the consideration of this line of legislation, too little account, in our opinion, is taken of the personality of the judge and the lawyer who stands in his presence. Aaron Burr was once asked, "What is law?" "Law," he replied, in that taunting voice he could so well assume, "law is whatever is boldly asserted and plausibly maintained." All these matters are so well and so ably discussed that we are doing the profession a favor by commending the book to their attention.

—Public Opinion.

In these lectures the learned author gives his views fully and freely upon many of the living questions connected with our laws and jurisprudence, such as legal education, trial by jury, judicial tenure, the origin, development, and characteristics of the common law, written constitutions, legislation, case law, the law reports, judicial precedents, codification, and law reform. The discussions were not intended alone for law students, but for the members of the bench and bar as well. The book was designed as a vehicle in which to give the author's matured opinions, formed as the result of his studies and reflections, and of his experience of forty years at the bar and upon the bench, state

and federal. Judge Dillon is not among the legal reformers who believe that the Roman law should be taken as a model. He is of the opinion that our laws and jurisprudence must be analyzed and resolved into their constituent principles, and that these must be arranged according to their own nature and historical development; that our laws cannot, except to a limited extent, be recast in molds furnished by the civil or continental law, any more than a Roman basilica can be transformed into a Gothic cathedral.

—Chicago Legal News.

In giving a historical sketch of the most salient features in the growth of the English law, the author has written a most interesting chapter on the inns of court. Certainly, to readers whose knowledge of these institutions, so important in English history, is confined, as is the case with most, to dim ideas gathered from "Pendennis," these pages will prove valuable. The strongest impression one gets from them is the great stimulus an English student must derive from life in the inns of court, in the midst of the greatest lawyers of the kingdom. However thorough a legal education we in America may have, it is marred by the lack of intercourse with older men of our profession, and narrowed by a life passed simply with young men of our own age and occupations.

Judge Dillon makes the usual complaint about the rapid accumulation of law reports. He does not give Chief Justice Popham's reason for the trouble:

"Quæritur, ut crescant, tot magna volumina legis?
In promptu causa est, crescit in orbe dolus."

But he says this tremendous multiplication of reports is inevitable under a system of purely judge-made law, and he advocates codification as a solution of the difficulty. And by codification is not meant an attempt to cover all imaginable transactions by statutory rules. He would favor: (1) Codification of portions of the law involving the more important and customary business relations, such codification as is seen in the English "Bills of Exchange Act;" (2) statutory interference where the law is in great confusion, as in the law of partnership; (3) remedial statutes for the many useless distinctions, survivals from the feudal system, between the law of real and personal property. Whether or not Judge Dillon is sound in his views, he gives plausible reasons for what is undoubtedly the present tendency of the law, and deprives the word "codification" of some of the horror it has for many minds.

The book does not contain much original matter. Some of the general philosophizing in it is very conventional, and the style is at times unfortunately florid. It is, however, an interesting and suggestive book to any one who wishes to know the characteristics and needs of our law. Moreover, when Judge Dillon speaks about matters within his personal knowledge, like the jury system, codification, or methods of legal instruction, one feels that respect for his words due to a strong man of long professional experience.

—"A. N. H." in Harvard Law Review.

We cannot, in the first place, thank Mr. Dillon sufficiently for choosing the subject of this work, and we cannot express our appreciation of his giving the legal profession the privilege of reading his lectures, which he has done by allowing the book to be published. The work combines not only interesting matter, clearly and delightfully expressed in the author's well-known style, and showing his recognized ability, but also is a text-book of value, because of its excellent index and authorities cited. It certainly is, as far as its publication is concerned, the best work of the year, and the publishers have a right to be proud of the work they have given the public.

—Albany Law Journal.

The Federal Cases (Book I.).

[See other descriptive matter on page 49, No. 2, Law Book News.]

This, as the first volume, contains complete tables of the circuits under different statutes, of judges, and of reports and reporters, which are very valuable, and not to be found elsewhere. The case law of the United States circuit and district courts prior to the date of the establishment of the Federal Reporter is at present nowhere to be found in a state fit for ready use, and the exigencies of such reporting as has been done have confined both reports and their use to the several districts and circuits, or to the publications of particular branches of the law, such as bankruptcy and patent rights; and, as a result of this, the circuit and district judges and the practitioners in their several courts have not had the great benefit which should come from a knowledge of what is going on within co-ordinate jurisdictions. The Federal Reporter has done away with difficulties for the future, and the Federal Cases now seek to put the past in a form really accessible and ready for reference. In this, to judge from the

part of the work so far published, the success has been most gratifying. The deficiencies of the publishers have been avoided, and all of their merits have told heavily. Thorough preparation, successful search for new cases not reported in ordinary form, and careful and well-considered arrangement of the matter originally reported by such men as Story and Blatchford, have all contributed to a work which will surely be popular and often be necessary.

—Harvard Law Review.

Lea's Superstition and Force (Fourth Edition).

[See a review by Prof. John H. Wigmore on page 116, No. 4, Law Book News.]

This work of Mr. Lea's is of absorbing interest and of great historical value. As the author says: "The history of jurisprudence is the history of civilization. The labors of the lawgiver embody not only the manners and customs of his time, but also its innermost thoughts and beliefs, laid bare for our examination with a frankness that admits of no concealment." It is with a feeling of genuine relief that our lot is cast in more enlightened times that one reads the fearful tale, as herein set forth, of the origin, growth, and decline of the spirit of superstition which has played so important a part in the jurisprudence of the past, and traces of which yet linger, to a certain extent, at the present day. Many important additions have been made by Mr. Lea in this last edition, and in its present form the work fully and exhaustively covers the subjects upon which it treats. We heartily commend it to the profession, who will be more than fully repaid by a careful perusal of the book.

—The Green Bag.

Lloyd on Building and Buildings (Second Edition).

[See other descriptive matter, page 79, No. 3, Law Book News.]

This is the second edition of a meritorious work which first appeared in 1883. Within the main subject is discussed the law of building contracts, leases, easements, and liens. It contains also various forms useful in building operations, a glossary of words and terms commonly used by builders and artisans, and a digest of the leading decisions on building contracts and leases in the United States. The text is admirably written, and the notes are exhaustive. We commend the work to those who have interest

in its subject. It is a volume of nearly five hundred pages, with an excellent index.

—Central Law Journal.

The second edition of this work is a great improvement over the first. It is evident that much time has been given to the work of revising this book, and, what is more, that much legal skill and good judgment have directed the work. Much new law has been added, and many errors have been corrected. The text runs smoothly, and the citations support the text. The new citations are from both the English and American reports. Notwithstanding omissions, the number of cases in the present edition exceeds the number in the first edition by about five hundred. In its present form this book is an excellent one, and its use in the profession and out of the profession will be much greater than it has been. * * * The part relating to mechanics' liens does not profess to be a complete statement of the law, and is in fact the least valuable part of the work. In reviewing the first edition of this work, published five years ago, we said: "Lawyers who have occasion to advise about the law relating to building will find Mr. Lloyd's book a great convenience, and a safe guide to the law, which, except for this treatise, would be sought for in many books, and perhaps not found after much time and trouble given to the search." What we then said applies more strongly to the present edition.

—American Law Review.

The first edition of this book seems to have met with success, and the second now appears, brought down to date. While there is, of course, no law of buildings in the sense in which there is a law of torts or of partnership, there is a great body of law here collected, so that one who has to do with buildings or their construction can turn readily to the authorities upon all the points which would naturally be raised in the course of such business. Mr. Lloyd has shown successful industry in bringing this law into a shape convenient for ready reference, and this edition should prove to be a good tool to work with. On the settled points of law, it would seem that the statements contained in it may safely be relied upon, while an examination of the author's statements of disputed points, such as the law of Fletcher v. Rylands, covenants (such as party-wall agreements) running with the fee, and others, indicates that a slight overconfidence in the unanimity of the courts of different states has led to an attempt to

consolidate jarring decisions, and so to obsecure. Either a bad instance of this, or an exception to the general accuracy, is the statement of the law of fixtures, which is bad to the core. This, while not vital in a book which deals principally with construction, mechanics' liens, and the like, might well be corrected in future editions. But these places are few, and, in the body of the book, plain and accurate statements are the rule.

—Harvard Law Review.

In determining the rights of parties to building contracts, a full discussion of the law of fixtures becomes valuable. The author's treatment of this complicated subject is clear and satisfactory. He also discusses with particularity the easements with which builders are chiefly concerned, party walls, lateral and subjacent support, light and air, etc. The subject of building leases is treated at length, as is also that of mechanics'

liens. These topics have been ably expounded in general treatises on the law of real property and in Mr. Jones' exhaustive work on Liens. But in this book we have the advantage of having them treated from a particular standpoint,—that of the person who proposes to build. Furthermore, it is a convenience to have the whole body of law upon a single branch of industry collected into one volume. But the greatest service rendered by Mr. Lloyd in the preparation of this volume is the collection of valuable material relating specially to contracts of building, the relation between employer, architect, and builder, plans, specifications, certificates of approval, extras, and other subjects for a discussion of which we should otherwise seek in vain outside of the reported cases. When we consider the increasing importance of this branch of law, we will readily concede that there is a place for this volume in the library of every general practitioner.

—Yale Law Journal.

Leading Text Books Published this Year.

Benedict's Admiralty. 3d edition..	6 00 net	Jones on Chattel Mortgages. 4th edition	6 00 net
Burrill on Assignments. 6th edition	6 00 net	Jones on Liens. 2 vols. 2d edition	12 00 net
Carr's Judicial Interpretation of the U. S. Tariff Act	5 50 net	Jones on Mortgages. 2 vols. 5th edition	12 00 net
Clark's Criminal Law.....	3 50 net	Jones' Forms of Conveyancing. 4th edition	6 00 net
Cogley on Strikes & Lockouts.....	4 00 net	Lloyd's Law of Buildings. 2d edition. Cloth, \$4.50. Sheep.....	5 00 net
Cook on Stocks. 2 vols. 3d edition	12 00 net	Tiedeman on Municipal Corporations	6 00 net
Coxe on Judicial Power and Un-constitutional Legislation.....	3 00 net	Wood on Railways. 3 vols. 2d edition	18 00 net
Demarest on Elevated Railroad Law	3 50 net		
Dillon's Laws and Jurisprudence of England and America. Cloth....	4 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 Jurisprudence. 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.

Abb. N. C.	Abbott's New Cases, Drossy Law Book Co., New York City.	J. P.	Justice of the Peace, London, Eng.
Alb. Law J.	Albany Law Journal, Albany, N. Y.	Jurid. Rev.	Juridical Review, London, Eng.
Am. Banker	American Banker, New York City.	Lack. Jur.	Lackawanna Jurist, Scranton, Pa.
Am. Lawyer	American Lawyer, New York City.	Law Ex. J.	Law Examination Journal and Law Student's Magazine, London, Eng.
Am. Law Reg. & Rev.	American Law Register and Review, Philadelphia.	Law Gas.	Law Gazette, London, Eng.
Am. Law Rev.	American Law Review, St. Louis.	Law J.	Law Journal, London, Eng.
Am. Prob. R.	American Probate Reports, Baker, Voorhis & Co., New York City.	Law Mag.	Law Magazine, London, Eng.
Am. R. & Corp. R.	American Railroad and Corporation Reports, E. B. Myers & Co., Chicago.	Law Notes	Law Notes, London, Eng.
Am. St. Rep.	American State Reports, Bancroft-Whitney Co., San Francisco.	Law Quart. Rev.	Law Quarterly Review, London, Eng.
Am. & Eng. Corp. Cas.	American and English Corporation Cases, Edward Thompson Co., Northport, Long Island, N. Y.	Law Student's Helper	Law Student's Helper, Detroit, Mich.
Am. & Eng. R. Cas.	American and English Railroad Cases, Edward Thompson Co., Northport, Long Island, N. Y.	Law T.	Law Times, London, Eng.
Arena	The Arena, Boston, Mass.	Lawy. Rep. Ann.	Lawyers' Reports Annotated, Lawyers' Co-operative Pub. Co., Rochester, N. Y.
Atl. Mo.	Atlantic Monthly, Boston.	Leg. Int.	Legal Intelligencer, Philadelphia.
Aust. Law T.	Australian Law Times, Melbourne, Australia.	Leg. N.	Legal News, Montreal, Can.
Banker & Tradesman	Banker & Tradesman, Boston.	Ludg. Illust. Mag.	Ludgate Illustrated Magazine, London, Eng.
Banking Law J.	Banking Law Journal, New York City.	Med. Leg. J.	Medico-Legal Journal, New York City.
Bank. Mag.	Bankers' Magazine, London, Eng.	Mercantile Adj.	Mercantile Adjuster, New York City.
Blackwood's Mag.	Blackwood's Magazine, London, Eng.	Mich. Law J.	Michigan Law Journal, Grand Rapids, Mich.
Brief	The Brief, London, Eng.	Minn. Law J.	Minnesota Law Journal, St. Paul, Minn.
Can. Law J.	Canada Law Journal, Toronto, Can.	Mont. Leg. N.	Montreal Legal News, Montreal, Can.
Can. Law T.	Canadian Law Times, Toronto, Can.	Morr. Min. R.	Morrison's Mining Reports, Callaghan & Co., Chicago.
C. C. A.	United States Circuit Court of Appeals Reports, West Pub. Co., St. Paul, Minn.	Nat. Corp. Rep.	National Corporation Reporter, Chicago.
Cent. Law J.	Central Law Journal, St. Louis.	Nation	The Nation, New York City.
Cent. Mag.	Century Magazine, New York City.	Neb. Leg. N.	Nebraska Legal News, Lincoln, Neb.
Chi. Law J.	Chicago Law Journal, Chicago, Ill.	N. J. Law J.	New Jersey Law Journal, Plainfield, N. J.
Chi. Leg. N.	Chicago Legal News, Chicago.	North Am. Rev.	North American Review, New York City.
Civil Proc. R.	New York Civil Procedure Reports, S. S. Peloubet, New York City.	N. W. Law Rev.	Northwestern Law Review, Chicago.
Collector	The Collector and Commercial Lawyer, Detroit, Mich.	N. Y. Cr. R.	New York Criminal Reports, S. S. Peloubet, New York City.
Columbia Law T.	Columbia Law Times, New York City.	N. Y. Law J.	New York Law Journal, New York City.
Counsellor	The Counsellor, New York City.	Pall Mall Mag.	Pall Mall Magazine, London, Eng.
Cr. Law Mag.	Criminal Law Magazine, Jersey City, N. J.	Pittsb. Leg. J.	Pittsburgh Legal Journal, Pittsburgh, Pa.
Daily Balt. Rec.	Daily Baltimore Record, Baltimore, Md.	Rough Notes	Rough Notes, Indianapolis, Ind.
Edinburgh Rev.	Edinburgh Review, Edinburgh, Scot.	Ry. & Canal Traffic Cas.	Railway & Canal Traffic Cases, Sweet & Maxwell, London, Eng.
Green Bag	Green Bag, Boston.	Ry. & Corp. Law J.	Railway and Corporation Law Journal, New York City.
Guide	The Guide, Kalamazoo, Mich.	Scot. Law Rev.	Scottish Law Review, Glasgow, Scot.
Harp. Mag.	Harper's Magazine, New York City.	Scrib. Mo.	Scribner's Monthly, New York City.
Harv. Law Rev.	Harvard Law Review, Cambridge, Mass.	State Affairs	State Affairs, Lansing, Mich.
Ins. Law J.	Insurance Law Journal, New York City.	University Law Rev.	University Law Review, New York City.
Int. Jour. Eth.	International Journal of Ethics, Philadelphia, Pa.	University Mag.	University Magazine, New York City.
Iowa Univ. Law Bul.	Law Bulletin of Iowa University, Iowa City, Iowa.	Wash. Law R.	Washington Law Reporter, Washington.
Ir. Law T.	Irish Law Times, Dublin, Ire.	Wkly. Law Bul.	Weekly Law Bulletin and Ohio Law Journal, Columbus, Ohio.
		Wkly. Rep.	Weekly Reporter, London, Eng.
		W. N. C.	Weekly Notes Cases, Kay & Brother, Philadelphia.
		Yale Law J.	Yale Law Journal, New Haven, Conn.

TOPICAL DIGEST.

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

ACCORD AND SATISFACTION.

A criticism of the decision of the supreme court of Michigan in *Leeson v. Anderson*, 58 N. W. 72, holding that the acceptance by the holder of a past-due note of a less sum than the face of the note, with an agreement to discharge the debt, does not operate to fully release the debtor.—11 N. Y. Law J. 26.

ACTION.

An article on the question as to what are the precise tests of a criminal cause or matter, as distinguished from a civil matter, which apparently, up to the present time, the courts have not discovered any easy way of determining.—Justice of the Peace. Republished in 28 Ir. Law T. 153.

ADMIRALTY.

An article on jurisdiction in admiralty, with special reference to the decision of the house of lords in *Mersey Docks & Harbour Board v. Turner (The Zeta)* 93 App. Cas. 468.—By R. G. Marsden, 10 Law Quart. Rev. 113.

Animals.

— Killed by trains, see "Railroad Companies."

APPEAL.

An article on the tendency of appealing on general principles, caused by the practice of courts to do equity on some theory deduced from the occasion.—11 N. Y. Law J. 92.

Assessments.

— For public improvements, see "Municipal Corporations."

ATTORNEY AND CLIENT.

A review of the recent decision in the case of *Midgley v. Midgley*, with reference to the question as to when it is a good defense for a solicitor, in an action by his client against him, to plead that he has acted by advice of counsel.—28 Ir. Law T. 149.

An interesting article on the law courts of London.—By Frederick Dolman. *Ludg. Illust. Mag.* London, April.

BANKRUPTCY.

An interesting criticism of the decision of the judicial committee of the privy council on the question of the jurisdiction of the legislature of Ontario to enact an act respecting assignments and preferences by in-

solvent persons.—By A. H. F. Lefroy. 30 Can. Law J. 182.

Banks.

— Taxation of, see "Taxation."

BAR ASSOCIATION.

A report of the annual meeting of the bar of England in Lincoln's Inn Hall.—96 Law T. 563.

Betterments.

— See "Municipal Corporations."

BREACH OF MARRIAGE PROMISE.

An historical article on the origin of the action in England and Scotland, with a review of its present position, and a suggestion as to practical reforms necessary.—By J. D. White. 10 Law Quart. Rev. 135.

CARRIERS.

A few citations on the right of railroad companies to impose demurrage charges for detention of cars.—56 Am. & Eng. R. Cas. 335.

Cities.

— See "Municipal Corporations."

CONSTITUTIONAL LAW.

A continuation of a series of articles on the constitution of Michigan.—1 State Affairs, Nos. 7, 8, p. 5.

CONTRACTS.

— Measure of damages for breach, see "Damages."

An article as to the possibility of the same promise or performance serving as consideration for successive promises made by the same party, or made by different parties.—By Samuel Williston. 8 Harv. Law Rev. 27.

CORPORATIONS.

— Exemption from taxation, see "Taxation."

A collection of authorities as to the power of a corporation to alienate its franchise.—43 Am. & Eng. Corp. Cas. 467.

A valuable article, with numerous authorities, as to the right of a foreign corporation to recover on a contract made in one of the territories before complying with its laws

prohibiting the transaction of business therein until a copy of its articles of charter is filed, and a resident agent appointed on whom process may be served, etc.; the conclusion being that, while such laws may be invalid in the states of the union, they are constitutional in the territories.—By Boynton & Smith of Oklahoma. 8 Mercantile Adj. 12.

An essay on the consequences of illegal or ultra vires acquisition of real estate by a corporation, with numerous citations.—By Arthur M. Alger. 8 Harv. Law Rev. 15.

An article on the right of action by a claimant of stock to establish his title, or to recover possession of the certificate.—1 University Law Rev. 218.

A review of the recent decision in the case of Verner v. General & Commercial Investment Trust Co., 10 Law T. 393, the rule established seeming to be that any user of capital assets of any company, outside its specific objects, gives the creditor a right to complain only if such user lessens the debtor's capital.—96 Law T. 577.

COURTS.

A continuation of the valuable historical article on the court of the star chamber.—By John D. Lindsay. 6 Green Bag, 163.

An interesting historical article on the opening of the first trial term of the court of chancery of New York, at Albany, on July 25, 1786.—By L. B. Proctor. 49 Alb. Law J. 236.

The conclusion of the interesting historical articles on the supreme court of Vermont.—By Russell S. Taft. 6 Green Bag, 176.

The first of a series of articles on the jurisdiction of county courts.—30 Can. Law J. 224.

An article on the privy council as the colonial court of appeals.—By A. H. Marsh. 14 Can. Law T. 89.

CRIMINAL LAW.

— Insanity as a defense to crime, see "Criminal Law;" "Forgery."

An article on criminal anthropology.—By Frederick Bateman. 11 Med. Leg. J. 423.

A collection of some recent decisions concerning "attempt" and "Intent."—By Showell Rogers. 10 Law Quart. Rev. 164.

An article on the status of criminals, and of persons charged with crime in the courts. Read before the International Medico-Legal Congress August, 1893.—By William H. Francis. 11 Med. Leg. J. 389.

DAMAGES.

A short article, with a collection of authorities, on the right of physical examina-

tion of plaintiffs in accident cases.—8 Nat. Corp. Rep. 125.

An article as to what extent the profits that would have been realized under a contract can be recovered in a suit for a breach of it; the general rule in this country and in England being that anticipated profits prevented by the breach of contract are not recoverable.—1 University Law Rev. 221.

Default.

— See "Judgment."

DOWER.

A short article on the advisability of abrogating the inchoate right of dower.—11 N. Y. Law J. 278.

ELECTRICITY.

— Right to use as motive power, see "Horse and Street Railroads."

A valuable discussion on the right to relief from electrical interference, with a citation of all the recent authorities on this most important question, with a special reference to the right of telephone companies to injunctions as against electric motor railways; the result of the investigation being that it seems to be well settled both in England and in America that electrical interference is a statutory nuisance for which there is no remedy.—By A. M. Belfield. 2 N. W. Law Rev. 99.

A few authorities on the respective rights of trolley and telephone companies in the public streets.—56 Am. & Eng. R. Cas. 478.

EMINENT DOMAIN.

— See "Water Companies."

A collection of authorities on the rights of abutting owners where a railroad company operates its road in a street or highway.—56 Am. & Eng. R. Cas. 682, 693, 703.

A few authorities on the rights of abutting owners where the street is used for a street railway.—56 Am. & Eng. R. Cas. 523.

EVIDENCE.

A most interesting paper, read at the fifth annual meeting of the Virginia Bar Association by Charles A. Graves, as to extrinsic evidence in respect to written instruments.—2 Am. Lawy. 156.

EXECUTORS AND ADMINISTRATORS.

An article on the power of an executor, when his testator owes him money, and there is a deficiency in the assets, to give a

preference to his own debt, and therefore disappoint other creditors, with perhaps equal credit.—Justice of the Peace. Reprinted in 28 Ir. Law T. 206.

Exemption.

— From taxation, see "Taxation."

EXTRADITION.

An article suggesting amendments in the laws of the states authorizing the arrest and detention of fugitives of justice in anticipation of the executive demand.—By Charles E. Monroe. 38 Cent. Law J. 358.

Fires.

— Set by locomotives, see "Railroad Companies."

FORGERY.

An interesting article on forgery as a profession.—By Robert A. Pinkerton. North Am. Rev. April.

Franchise.

— Alienation by corporation, see "Corporations."

GIFTS.

A review of the case of Wiegel's Estate (In re Farian) 28 N. Y. Supp. 95, on the effect of the alleged delivery of a bank book, with appropriate words of gift as constituting a gift causa mortis.—11 N. Y. Law J. 116.

HORSE AND STREET RAILROADS.

— Interference of electric motors with telephone companies, see "Electricity."

A collection of authorities on the extent of the municipal control of street railways.—56 Am. & Eng. R. Cas. 412.

A few authorities on the right to use electricity as a motive power, and the reasonableness of city ordinances regulating speed of trams on streets.—56 Am. & Eng. R. Cas. 502.

A collection of authorities on the liability of street railway for personal injuries to persons in a street.—56 Am. & Eng. R. Cas. 597.

A collection of authorities on the respective rights of cars and other vehicles in the public streets, and the liability for collisions with street cars.—56 Am. & Eng. R. Cas. 608.

HUSBAND AND WIFE.

An article, with numerous citations, on the right of a married woman to engage in general trade or business, especially with her

husband as managing agent.—Thomas A. Polleys. 38 Cent. Law J. 287.

Impeachment.

— Of witness, see "Witness."

INSANITY.

A timely article on the rule to be adopted in the cases of persons who commit crimes under a form of mania known as "Impulsive Insanity."—By Charles F. McLean. 2 N. W. Law Rev. 149.

A valuable series of articles on criminal responsibility in mental disease.—96 Law T. 395, 442, 511.

An interesting article on the gradations of responsibility in insanity, read before the International Medico-Legal Society, August, 1893.—By R. M. Phelps. 11 Med. Leg. J. 406.

An article on the history of legislation in regard to the care and treatment of the insane, and the working of the lunacy law of Pennsylvania.—By Thomas G. Morton. 11 Med. Leg. J. 413.

INSURANCE.

A continuation of an article on the insurance agent, his rights, duties, and liabilities, with numerous citations both of statutory law and decisions of various courts.—By John A. Finch. 16 Rough Notes, 321.

INTERSTATE COMMERCE.

A valuable article on the benefits derived from the interstate commerce law.—By A. F. Walker. Forum, April.

INTOXICATING LIQUORS.

An interesting article on the bias in licensing justices, as in the case of a magistrate of avowed teetotal principles elected to the council on a pledge to reduce license; the conclusion being that, where a magistrate takes such an interest in the subject-matter of the litigation as to make a real bias reasonable and probable, he is disqualified from sitting as a magistrate.—By James Crabb Watt. 10 Scot. Law Rev. 75.

JUDGES.

An article on the advantages of rotation of judges. A paper read before the last convention of the association of judges of Michigan.—Sherman B. Daboll. 3 Mich. Law J. 87.

JUDGMENT.

An article on the conclusiveness of a judgment against a party in his official and rep-

representative capacity, against him also in his personal capacity, with numerous citations; the conclusion arrived at being that it is not conclusive whether defendant is summoned without any particular mention of the interest he claims in the subject-matter of the suit, or whether he is summoned in his official or representative capacity only.—By F. V. W. Tibbits. 38 Cent. Law J. 378.

A short note, with a few citations, as to what a defendant in default can go into in an inquest of damages, with reference to the decision in *Gardner v. City of New London*, 28 N. E. 42.—1 University Law Rev. 210.

Jurisdiction.

— In admiralty, see "Admiralty."

JURY.

A sketch of the jury system in England and in the United States, its origin and history, with some comments thereon.—2 State Affairs No. 8, p. 1.

A pleading for the abolition of trial by jury in civil cases, on the ground that the evil resulting from the system fairly outweighs the good.—W. C. H. Keough. 3 Mich Law J. 92.

A short article, in reference to some recent cases, as to what constitutes disqualification of a juror in a civil case by reason of previous opinions and impressions.—11 N. Y. Law J. 242.

LAW SCHOOLS.

A history of the rise and progress of the Cornell Law School.—By W. G. Elliot. University Mag. March.

LIBEL AND SLANDER.

A review of the decision of the court of appeal in *De Bernales v. New York Herald*, 68 Law T. (N. S.) 658, which determines that the proprietor of a foreign newspaper, who has an office in London, receives payments there for advertisements, and sells copies of the newspaper at his London office, cannot, because he resides in Paris, be sued in London for libels published in England.—Law Times. Republished in 28 Ir. Law T. 165.

An article on the history of the law of libel, with reference to the distinction between a spoken and a written scandal, as existing from the necessity of regarding "libel" as an injury of a "greater and more aggravating nature than a slander," and therefore a cause of action, independent of damage.—By Joseph R. Fisher. 10 Law Quart. Rev. 158.

Marriage.

— See "Breach of Marriage Promise;" "Husband and Wife."

Married Woman.

— See "Husband and Wife."

MECHANICS' LIENS.

An article on the mechanic's lien folly, the result arrived at being that the lien law in its operation and effect is but a mischievous interference between classes of capital and between interests which, without such meddling, would be, as they should be, upon substantially equal terms.—Daniel Fish. 2 Minn. Law J. 61.

MONOPOLIES.

An interesting article on "The Trust and Economic Evolution," the conclusion arrived at being that trusts are both necessary and useful, and that the true attitude of the public towards these combinations should be one, not of hostility, but rather with a view to regulating and controlling them, as corporations have been regulated and controlled, for the public interest.—By Charles F. Beach, Jr. 2 N. W. Law Rev. 131.

MORTGAGES.

An article on the relation of the mortgagor, the mortgagee, and the assignee of the equity of redemption, with numerous citations from English and American courts.—By Frank A. Anglin. 14 Can. Law T. 98.

MUNICIPAL CORPORATIONS.

— Power to construct waterworks, see "Water Companies."

A collection of authorities on the levy of assessments for municipal improvements, and the notice required.—43 Am. & Eng. Corp. Cas. 97.

A collection of authorities as to the nature, extent, and enforcement of liens for assessments for local improvements.—43 Am. & Eng. Corp. Cas. 164.

A collection of authorities on the power of a city to make assessments for local improvements, and the manner of its exercise.—43 Am. & Eng. Corp. Cas. 187.

A collection of authorities on the proper rule for the apportionment of a benefit on making local improvements.—43 Am. & Eng. Corp. Cas. 218.

A collection of authorities on the power and manner of extending city boundaries.—43 Am. & Eng. Corp. Cas. 263.

A valuable article on the law of betterments, with reference to cases where the property of certain individuals derives a special enhancement in value from the improvement made for the public benefit and at public expense, with numerous English

and American citations.—Philip Vernon Smith, 10 Law Quart. Rev. 117.

A review of the recent decision of the appellate court of Illinois on the right of property owners to sell their signatures to the petition of the owners of a majority of the frontage of a street before a railway can be laid therein.—8 Nat. Corp. Rep. 105.

NEGLIGENCE.

— Of street railways, see "Horse and Street Railroads;" "Railroad Companies."

A short note on the liability of an owner of dangerous premises for injuries received by a person on such premises, and by reason of their dangerous conditions, with reference to the able decision of Mr. Justice Harlan in *Union Pac. Ry. Co. v. MacDonald*, 14 Sup. Ct. 619.—1 University Law Rev. 213.

PARTNERSHIP.

A review of the able discussion by Judge Williams in *Re Gibbs' Estate*, 27 Atl. 383, as to the distinction between a corporation and an association, and the question whether participation in profits necessarily creates a partnership.—1 University Law Rev. 211.

A brief sketch of a suit brought October 30, 1725, at the instance of a highwayman against his partner in business, to recover a share of the profits.—Republished from the *Scottish Law Review*. 49 Alb. Law J. 204.

Physical Examination.

— Of plaintiff in personal injury suit, see "Damages."

PLEADING.

An article on the theory of the modern English system of pleading.—Red Tape. Republished in 28 Ir. Law T. 194.

PRINCIPAL AND AGENT.

A short essay, with a few authorities, on the rule of law that a principal by ratifying, within a reasonable time, the acts of his agent, may, unless the other party has revoked the contract, bind that other party without his subsequent assent.—3 Mich. Law J. 97.

Public Improvements.

— See "Municipal Corporations."

RAILROAD COMPANIES.

— See, also, "Carriers;" "Eminent Domain."

A collection of authorities as to the validity of contracts by railroad companies for

location of stations, and the right to remove and abandon stations.—56 Am. & Eng. R. Cas. 315.

A collection of authorities on the liability of railroad companies for stock killed on track.—56 Am. & Eng. R. Cas. 142, 185, 221, 228.

A collection of authorities on the liabilities of railroads for fire set by locomotives.—56 Am. & Eng. R. Cas. 85, 91, 131.

REAL ESTATE.

An article on the great necessity of reform in the method of conveyancing.—10 Scot. Law Rev. 71.

RECEIVERS.

A continuation of the valuable article on foreign receivers and judicial assignees.—By Seymour D. Thompson. 6 Green Bag, 170.

Res Judicata.

— See "Judgment."

RIPARIAN RIGHTS.

An article on the liability of a riparian owner to recover against one of several persons who have polluted the stream above him, if the pollution caused alone by the person sued would not have been sufficient to injure plaintiff.—96 Law T. 503.

SALE.

A review of the decision of the supreme court of Michigan in *McCray Refrigerator Co. v. Woods*, 58 N. W. 320, holding that, in an action to recover the price of goods sold under a written contract of sale containing no warranty, parol evidence is inadmissible to prove an express warranty, or to authorize the submission to the jury of the question of an implied warranty.—11 N. Y. Law J. 186.

TAXATION.

A collection of authorities on the rule of assessments of shares in banks, both state and national.—43 Am. & Eng. Corp. Cas. 632.

A collection of authorities as to the extent of an exemption of manufacturing corporations from taxation.—43 Am. & Eng. Corp. Cas. 637.

A note, with numerous citations, as to the taxation of foreign corporations.—43 Am. & Eng. Corp. Cas. 686.

Telephone Companies.

— Relief against electrical interference, see "Electricity."

TORTS.

A discussion of the question as to whether a right of action in tort is a chose in action, with English and American citations.—10 Law Quart. Rev. 143.

A valuable article on the right of a responsible defendant to escape from liability for the act which he had notice was likely to cause temporal damage to another, and which has in fact caused such damage, by showing justification under a claim of privilege.—By Oliver Wendell Holmes. 8 Harv. Law Rev. 1.

TRIAL.

A short article on the rights of judges to direct verdicts.—11 N. Y. Law J. 254.

Trusts.

— See "Monopolies."

VAGRANCY.

An article discussing the origin of the various vagrancy laws of the states, with a defense of the manifesto issued by Governor Lewelling of Kansas for the protection of tramps against arrest and detention.—By Elbert Hubbard. Arena, April.

Verdicts.

— Directing verdict, see "Trial."

Warranty.

— See "Sale."

WATER COMPANIES.

A few citations as to the method of condemning land for water supply.—43 Am. & Eng. Corp. Cas. 450.

A note on a power of cities to grant exclusive privileges to water companies, and the right of a city to construct water works.—43 Am. & Eng. Corp. Cas. 554.

WILLS.

A review of the decision of the court of appeal in *Re Palmer*, which determines that where a share of the residue is prima facie undisposed of, but there is a direction that it shall itself fall into the residue, the share passes under the residuary gift to the other residuary legatees.—Law Gazette. Republished in 28 Ir. Law T. 154.

WITNESS.

A short article, with a few citations, as to the right, where a party has sought to impeach a testimony of a witness by attacking his character for truth and veracity, of the party introducing him to sustain his evidence by testimony in rebuttal that his character for truth and veracity is good.—By William L. Murfree, Jr. 38 Cent. Law J. 321.

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The Alleged Evils of Case Law Re- porting.

A FEW years ago an address was delivered before the Alleghany County Bar Association on the "Evils of Case Law," in which the speaker severely rated the bar, the bench, and the publisher, but chiefly the publisher, for what he considered a most menacing feature of modern law practice; namely, the multiplication of Reports. He concluded with the following significant words: "I know of no way to checkmate and suppress publishers and compilers except by the shotgun remedy, which, however, as a remedy for this particular evil, has not as yet received the sanction of either statute law or case law. When it does, I have no doubt there will be willing hands to use it; and for this purpose, when the time comes,—if it ever does,—I have a shotgun to lend; and may God speed the day." The devoutness of the speaker is worthy of all admiration.

v.l.L.B.N.no.6—11

whatever may be said of his suggestion from the legal or the humanitarian standpoint. His sentiment has been echoed in a more or less devout form by other speakers and writers, and indeed is a favorite with all self-constituted "law reformers." One of the latest echoes comes from the Virginia State Bar Association. At its last meeting a report was made by its committee on libraries and literature, in which the following language was used: "The usual deluge of Reports shows no signs of abatement. St. Paul still dispenses its drab and purple pestilences, while ten federal appellate courts, about sixty district judges, and twenty circuit judges, and fifty state and territorial courts conspire to swell the volume which threatens to engulf us. A publishing house lately boasted of having sent out an entire car load of law books, while the profession stood aghast at the thought."

Jerome K. Jerome says that no class in the community has so high an appreciation of morals as an Adelphi gallery. The noble hero of the play may be sure that his lofty sentiments will win a shriek of delighted applause from the gallery boys, and the wicked villain is sure to be hooted at sight, as from his crimes he richly deserves. Perhaps the publisher of law books should accept his enforced role of wicked villain as a means of grace, while the reformers who denounce the publication of law reports strike heroic attitudes and carry off the applause; but sometimes a weak and vain desire awakes in his bosom to explain, in answer to the hoots, that the gallery has misapprehended the

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drift of the play, and that, though he may not pose as a disguised philanthropist, he is yet no villain, but a faithful and hard-working member of "His Majesty's Servants," without whose aid the play could not go on.

The misapprehension of facts on which this popular fallacy is based is indeed a curious one to be made by a profession accustomed to nice distinctions. It is the confounding of two questions,—the question of whether our system of trying cases is satisfactory, with the question of whether the publication of the results of such trials is desirable. If it is the multiplication of cases which these complainants object to, that certainly is a matter for which the publisher cannot be held responsible. The multiplication of cases is due to the extension of litigation, and it is at least doubtful whether the most ardent reformer would be willing, for the sake of reform, to have any of his own cases wiped off the docket. He would probably prefer to have "the other fellows" begin any action for reducing the "deluge." However, there is something to be said even in favor of the multiplication of cases, and Law Book News may give this question editorial consideration another time. But it is an entirely distinct question whether our case law should be reported or not, and this is the ostensible object of the law reformer's attack. His anathemas do not fall so much upon the system of hearing cases and rendering decisions as upon the custom of publishing those decisions,—in volumes which he is at liberty to purchase or not, as he finds his own interest demands. His position seems to be that clients and courts and decisions and appeals have all a proper place in the public economy, and may be looked upon by the lawyer with benign favor, but that the publisher who prints these decisions, which from the time they are rendered become a part of the law of the land, and concerning which it is legally assumed that every citizen has full knowledge, should be removed by death or otherwise. Reformers seldom have much imagination, but it is fair to ask the reformer who proposes the abolition of the law-book publisher at the end of the shotgun what the condition of the legal world would be if he should be taken at his word. If the race of publishers was not entirely exterminated, the survivors would probably seek

some other occupation. Perhaps, in the course of time, some of them might become prosperous enough to indulge in the luxury of securing justice at the bar of their country, and perhaps, in such case, they might, in a retaliatory spirit, engage the legal services of the whilom reformer. Then, indeed, would the meaning of retribution dawn upon him! As clients they would have a right to demand that their case should be handled with knowledge and skill, and, if the provisions of the law made it possible, carried to a successful termination; yet he would be obliged to go before a court whose past adjudications were a matter of uncertain tradition, to which the adjudications of other tribunals in similar cases were unknown, and, ignorant of some recent holding which in the olden days would have meant victory for him, he might perchance fall before some antagonist who would carry off the decision on the strength of some manuscript opinion of which the whilom reformer had never heard before, and which neither he nor his antagonist nor the court could know had been subsequently overruled. Then, in the bitterness of defeat, how would he not sigh for the good old days of "digests down to date"!

So long as the adjudications of the courts are a part of the law of the commonwealth, they must be made accessible to the administrators of the law. To suppress them does not do away with their force. It simply removes them from the light, where they can be studied, mastered, and used, to the shadowy realm of uncertainties, where they become dangerous in proportion as they become unknown. The time has passed when men can believe that safety lies in ignorance. Safety lies in knowledge, and with every advance of the race the demand is made that knowledge shall become more accurate and be used more comprehensively. Neither accurate nor comprehensive knowledge of the law would be possible without law reports. This fact was clearly apprehended and tersely expressed by Lord Bacon in his "Advancement of Learning" (book 8, c. 3): "Above all, let the judgments of the supreme and the principal courts be diligently and faithfully recorded; * * * for judgments are the anchors of the laws, as laws are the anchors of the state."

"The Reports" (English).

THE following discriminating notice of the new series of English reports, to be cited significantly as "The Reports," will serve to make the scope and character of this series clear to the uninformed. We take it from the Canada Law Journal:

Sir Frederick Pollock must be credited with a new departure in law reporting. It will be expected that one so eminent in the field of legal literature will do well and thoroughly whatever he undertakes to do, and there seems to be no reason, judging from the material before us, for apprehending any disappointment in this respect in relation to the series of reports just launched. They are called "The Reports," and, as he says, are "sent into the world without any adjective at all." They will be cited as "R."

There were great expectations in the minds of the profession when the Incorporated Council of Law Reporting inaugurated the new system of reporting which resulted in the "Law Reports." It is claimed, however, by the learned editor of the Law Quarterly Review and the eminent writers in that publication, that these expectations have not, in all respects, yet been realized. * * * The same writer also states, in the same article, that "the multiplicity of law reports is a great evil." Sir Frederick Pollock confesses and avoids the charge of multiplying Reports, and admits that the burden of proof is on the new series to justify their existence. He has set himself a hard task, but he sets out with a clear idea of what is needed, with the failure of others before him, and with full confidence that what ought to be done in this regard can be done, and is determined to do his best to succeed.

The council of supervision for the year 1894 is as follows: Sir Frederick Pollock, Bart., President; A. V. Dicey, Q. C., Vinerian Professor, Oxford; C. M. Warrington, Q. C., M. P.; Sir W. R. Anson, Bart., Warden of All Souls, Oxford; H. Tindal Atkinson, T. Willes Chitty, F. W. Maitland, Downing Professor of Law, Cambridge; Thomas Snow, Barristers at Law; and G. M. Clements and W. Showell Rogers, Solicitors. This is a list of names that will command confidence; but, as the proof of the pudding is in the eating of it, the profession will have to judge of this series of Reports on its merits. * * * We are glad to know that the learned president of the council states that especial attention will be paid to the elimination of irrelevant matter and the framing of the headnotes. The endeavor will be "to make the headnote a real note of the points of substance dealt with, not a huddled abridgment of the facts, followed by a bald statement of their result in that particular case;" and on this point the council claims the special and critical attention of lawyers. The headnotes of the "Law Reports" have been entirely too diffuse, and seemed to us too often to be the hasty compilation of a lawyer's clerk, rather than the studied result of the work of a barrister. * * * One great difficulty in reporting has been to give judgments promptly, and at the same time to give those only which are worthy of final preservation. To get over the difficulty, the plan of weekly notes has been tried, but has not been entirely successful. An entirely novel method has been applied in the present series, and it is thus stated in the introductory notice. "The monthly parts, as issued, contain full reports, but remain subject to revision. The type is kept standing, and at the year's end the final revision takes place.

As soon as practicable, but without undue haste, the volumes will be reissued in their definite form, superseding the monthly parts, which will have done their work." It will be seen that this plan, which is very comprehensive and full, will necessitate much labor and expense. Judging, however, from the price at which the reports are issued, it will not be a burden to subscribers.

It is the intention of the editors, in reporting, to give a citation of every known report of a case. Whilst this will necessarily extend the references to some length, it will be a great convenience to the profession; but it is stated that it will make it impossible to repeat more than the reference note when a citation is repeated in the course of the same case. This will, perhaps, be found a little awkward at first, but the reader will soon get accustomed to it.

We notice that in the volumes now issued the cases in appeal appear in a separate volume. How this will be in the future we cannot say, but it occurs to us to suggest that it would be a great convenience, and a plan which would save space, to let the report of a case in appeal, whenever possible, follow the judgment in the court below. This could not be done in the monthly parts, but might be generally adopted when the final revision of cases is made.

Whether this new venture will be a success remains to be seen. We venture to think that it will. The work in the volumes before us is excellently well done, and is worthy of all praise, and these Reports have so far, been most favourably received. There is evidence of energy, intelligence, and skill in the work so far, supplemented by a desire to meet the wishes of the profession in all matters of detail, and the scheme is under the supervision of one eminently qualified to make it a success.

The "Fin de Siecle" Lawyer.

WHEN the last decade of the nineteenth century dawned, a Parisian restaurant keeper, with the swift appreciation that characterizes his race, adopted the sign "Fin de Siecle Cafe." He struck a popular note, and within a few months "fin de siecle" was on every one's lips as the term best expressive of the peculiar characteristics that mark the closing years of the century. We had "fin de siecle novels" and "fin de siecle girls" and fin de siecle theories of all sorts to express the restlessness and dissatisfaction with things as they are which characterize the time. The general cry is that we are overburdened and oppressed with the conditions of life amid which we find ourselves, and the general question echoed on all sides is what is coming of it all.

The legal profession has not escaped the influence of these decadent questionings. The law journals are almost as full of pessimism as the sociological journals. Young lawyers' chances are pictured as most desperate, and success is only to be dimly dis-

cerned at the vanishing point. The means and the methods of modern law practice are found most discouraging, and nervous fears are expressed as to what our state will be if reports go on increasing, and if the good old times of forensic oratory come back no more, and if litigation gives way to compromise, and if lawyers go on increasing in number, while fees go on decreasing in amount. The answer to all these timorous fears is simply a manly courage. The great men of the great days of the past, to which our *fin de siècle* sentimentalists are fond of referring, did not win their greatness by letting nervous apprehensions concerning their "tempora" and "mores" paralyze their energies. It is not by any means certain that their struggle was an easier one than that set before the lawyer of to-day. Greatness was never won in an easy battle. The men of old who have left great names made them great by meeting conditions which for them were every whit as hard as the hardest conditions of to-day can present to the lawyer of to-day. To win success in their profession meant hard work and courage, and a mind equal to the occasion, whatever that occasion might be. The lawyer of to-day has more complicated conditions to deal with, but he begins the struggle with a better equipment, since the genius of the race has kept constant pace with the conditions it has had to meet. If he will rid himself of the *fin de siècle* habit of deploring his lot, and nervously forecasting his future, there is as good a chance to-day as ever to win a full measure of success.

A Portrait Gallery of Legal luminaries.

GILBERT J. Clark, Esq., of the Kansas City bar, is to be credited with the conception and execution of a unique design in the direction of legal portraiture. He has collected the portraits and autographs of 144 eminent American, English, and Canadian lawyers and judges, living and dead, and has had them reproduced by the photogravure process in two large plates, suitable for framing. As the original collection comprised photographs, lithographs, steel engravings, paintings, etchings, etc., the pictures were all reduced, in the first place, to the uniform size and style of the ordinary card photo-

graph. These cards are arranged against an India tint background, 72 on each sheet, and printed on heavy plate paper. The mechanical work has been admirably done, and the result is a collection of portraits which will be an ornament to any office.

The alphabetical arrangement of the portraits brings about some queer companionships, as where we find the great ruff and pointed beard of Sir Edward Coke between the very modern countenances of Nathan Clifford, of Maine, and Richard Coke, of Texas; or Lord Mansfield, with his eighteenth century wig and sleepy eyes, set off by the alert expression of Wayne MacVeagh, on one side, and the sturdy John Marshall, of Virginia, on the other.

Since the number of portraits was limited, there are, of course, some notable omissions. Thus, we do not find President Cleveland in the list, although two of his secretaries, Walter Q. Gresham and John G. Carlisle, are given, and also Ex-President Harrison. There are, however, representatives from nearly every state. All the members of the supreme court of the United States, as now constituted, are given, and all the ex chief justices of that tribunal. Among the historic names are Clay, Calhoun, Webster, and Kent of our own country; Blackstone, Coke, Eldon, and Mansfield of England. Peculiar interest will be felt in the portraits of David Dudley Field, Sir James Hannen, and Sir Charles Bowen, beneath which the fatal "1894" had not been written when these plates were engraved. Here, too, we find Sir Charles Russell, so long recognized as a leader at the bar, and now one of the lords of appeal; and Sir Henry Hawkins, whose uncompromising features explain the sobriquet of "'Anging 'Arry," by which he is known to the criminal classes of England.

The compiler has in preparation a small book, giving 250-word sketches of the subjects of the portraits, which will be sent as soon as published to each subscriber to the Gallery. The work, as a whole, has been done with a skill and care that make the result in every way creditable to the publishers and satisfactory to the subscribers.

Literary Lawyers.

THE professions of law and literature have always been closely allied, and many of the names which are now known to

the world because of their connection with literature, pure and simple, were originally entered in the list of those who hoped to disport themselves in the "gladsome light of jurisprudence." Francis Bacon's relations with the law were too significant to be lost sight of even among his numerous other claims to remembrance; but it is not so commonly remembered that Thomas Sackville, Walter Raleigh, and Phillip Sidney were Inns of court men before they discovered their proper vocations. Charles Reade, Charles Dickens, and Benjamin Disraeli all spent some of their early years in solicitors' offices. Perhaps in the law reports which they enforcedly read they learned the elements of plot and counterplot which they afterwards turned to so good account in their romances. Tom Taylor had the same opportunity for learning how the mazes of the law may help out a sluggish plot, and undoubtedly the world has got more enjoyment out of his plays than it ever would from his briefs. Lawrence Oliphant, the mystic, also studied law at one time; but it is hard to imagine much sympathy between such a mind as his and the requirements of the science of which forms and precedents constitute so large a part.

Coming to our own day, the list grows so large that it would be a difficult matter to make it complete. "J. S. of Dale" is known to many who have no personal interest in Mr. Frederic J. Stimson. Mr. Robert Grant found an opportunity, in his "Reflections of a Married Man" and "Opinions of a Philosopher," to express views which "paper books" unfortunately make no provision for, and which it would have been a pity to condemn to silence. The Green Bag adds the following notes to this subject:

Mr. John C. Ropes, after having published an excellent review of Napoleon's career under the title "The First Napoleon," has recently given out a very admirable review of the Waterloo campaign, — decidedly the most comprehensible, candid, and readable of the multitude of works on this vexed topic. Then, in England, there is Mr. William O'Connor Morris, a barrister, as he discloses, who has recently written the fairest and most interesting short life of the great Napoleon, a book which is a number of the "Hero Series" of Messrs. Putnam's Sons of New York. To the lawyers who admire this greatest soldier and administrator since Caesar — and they are legion — we commend these books by Mr. Ropes and Mr. Morris. It is not a little extraordinary that this most candid and unpartisan estimate of Napoleon, by Mr. Morris, should come from the pen of an Englishman.

Then, to come to another great soldier, portrayed by a lawyer, we have "The Trial of Sir

John Falstaff," by Mr. A. M. F. Randolph, reporter of the Kansas supreme court. This is very ingenious and entertaining, — "an admirable piece of work." One would think that the reporter had been sitting up o' nights with the redoubtable and inimitable Jack, so deep has he dived into his soul and so thoroughly comprehended his "antic disposition." In great part the book is made up out of the Shakespearian elements and language, and, where it is not, the reporter has expressed himself as Jack and his comrades assuredly would have done.

It is probably known to very few that James Russell Lowell set out to be a lawyer in his youth. His letters, just published, show an amusing fickleness on the subject. He changed his mind every few weeks, but finally forsook the law, fortunately, for literature. It seems, however, that he retained a taste for law reading; for he says, when nearly fifty years old: "I have been reading state trials, as I always do when cast away. There is more nature in them than in all the novels," — meaning human nature, probably.

One of the most successful of the younger generation of novelists is Stanley J. Weyman, whose "Gentlemen of France" has made his name familiar to the novel readers of two continents. Mr. Weyman is a barrister, and, though he has now forsaken the law for literature, his nine years' allegiance to his first mistress entitles him to the professional recognition of the legal brotherhood. One of the few men who manage to keep in favor with the new love without putting off the old is Mr. Augustine Birrell, whose legal advancement seems in no way impeded by the pleasant lectures and essays on literary subjects which he takes time to favor the reading world with.

McAdam on The Legal and Medical Aspect of Drunkenness.

THE New York State Society of Medical Jurisprudence has published in pamphlet form two papers on "The Legal and Medical Aspect of Drunkenness," read before the Society by Hon. David McAdam. Judge McAdam, who is the author of a recently published monograph on "Individual, Corporate, and Firm Names," shows in these papers the same combination of legal learning and lay wisdom which made his discussion of the subject of "Names" so interesting. His first paper begins in the following characteristic manner:

"Thirst teaches all animals to drink, but drunkenness belongs only to man." — Fielding. "Oh, that men should put an enemy in their mouths to steal away their brains!" — Shakespeare.

"If the headache should come before drunkenness, we should have care of drinking too

much. But pleasure, to deceive us, marches before, and conceals her brain."—Montaigne.

"Drunkness is a vice of a good constitution or of a bad memory,—of a constitution so treacherously good that it never bends until it breaks; of a memory that recollects the pleasure of getting intoxicated, but forgets the pains of getting sober."—Colton.

"O wad some power the giftie gie us
To see oursel as ithers see us!
It wad frae mony a blunder free us,
And foolish notion."

—Burns.

Drunkness.

"All philosophy lies in two words,—'sustain' and 'abstain.'"—Epictetus.

Drunkness is a disorder of the faculties caused by some intoxicant. Every one knows what it is and how it commences, but no philosopher, however learned, can tell where or how it will end, or what it may lead to. It brings patients to the doctor, clients to the lawyer, and litigants to the courts. It is a subject that has furnished material for sermons and orations, has baffled reformers, agitated legislative bodies, perplexed governors, affected local and state elections, made and unmade officials, worried families, impoverished some, enriched others, taxed medical science, and called forth the best skill of experienced lawyers, as well as the closest research, profoundest thought, and best judgment of learned jurists. It is and is not a crime, an excuse and not an excuse for wrongs committed, according to the varying peculiarities of each case, no two being alike in their characteristics. No kaleidoscope varies more than the complications arising from drunkenness. Every turn presents new peculiarities, and suggests novel reflections. Rules have been formulated, but it is difficult to fit them to the case at hand. I will not treat of the moral phase of the subject, but its medico-legal aspect, and this will be divided into appropriate subdivisions, to prevent confusion.

Early English Law and its Records.

WHEN Caesar invaded England, 55 years B. C., he found the early Britons living in a state of barbarism. If they had any laws, no record was made of them. During the Roman domination, which lasted more than three centuries, the Roman judicial institutions and the Roman ideas of government were so firmly established in the island that, when the Romans withdrew, the people continued to live under the form of government to which they had become accustomed. The first written record of these laws, so far as known, was the compilation made by Howell Dhu, in 940, in Wales, to which point the Britons who still maintained their independence, had been forced after the Saxon conquest. The first laws formulated by the Saxon conquerors of the Britons, so far as we have any record, were those established by Ethelbert, king of Kent, about 597, and these have the distinction of being the oldest known laws in northern Europe. Other

kings of Kent and of the West Saxons followed his example in reducing their laws to writing: and, after the several Saxon kingdoms were united, the laws of the succeeding kings were duly recorded, as in the *domboe* of Alfred and the compilation of Edward the Confessor.

These laws, all of which are written in the Saxon language, show that the Saxons had adopted the institutions which they found in England, though modifying them in some instances (as in the administration of the criminal law), by the unwritten law which they had carried from their Teutonic homes. Thus William the Norman, who claimed the kingdom under the will of Edward the Confessor, found the jurisprudence of the island based upon the civil or Roman laws, modified by Saxon rule, and the law of the land called the "Saxon Law." These "good and ancient laws of the kingdom" he swore to observe, though, of course, the royal prerogative to make alterations and additions soon led to some important modifications.

The first book written upon English law is a treatise on the laws and customs of the kingdom of England, by Randolph De Glanville. His work was probably composed about 1189, by the commands of King Henry the Second, under whom he held the office of chief justiciar. It treats mainly of the proceedings in the *Aula Regis*, the great court of the kingdom, established by William the Norman.

Henry De Bracton held the office of chief justiciar in the reign of Henry III., and his great work "of the Laws and Customs of England" was probably written between 1262 and 1268. Bracton is called "one of the greatest jurists who ever lived in any age or any country, and rivaled by no English judicial writer till Blackstone arose, five centuries afterwards." His work gives a systematic view of the law as it was at that time, and its clearness, completeness, and admirable arrangement made it long the principal authority of English law.

Following Bracton came two works, both of which were undoubtedly quarried from his mine. The first, called "*Fleta*," written in Latin, gains interest from the fact, stated in the preface, that it was written in Fleet prison. It has been attributed to one of the judges who were fined and imprisoned for corrupt practices in the year 1288. The oth-

er and still shorted compendium, which passed under the name of "Britton," appeared immediately after the "Fleta," and was the first law treatise written in the vernacular French.

The "Mirroure of Justices" was probably written about 1324 by Andrew Horne, an official in the reign of Edward II. It is both curious and valuable, especially as to the light it throws on the Saxon institutions and the changes made by the Norman rule. Something more than a century later another volume was added to the store of English law books by Sir John Fortescue; and before 1481 Sir Thomas Littleton contributed his famous work on Tenures.

The problem of disseminating legal information was simplified by the application to it of the device of printing, towards the latter part of the fifteenth century. The first legal work so popularized was an abridgment of the ancient law in Norman French, by Nicholas Statham, baron of the exchequer, which was printed without date, title-page, paging, or author's name, between 1470 and 1490. As was inevitable, the following century saw a comparatively rapid increase in the number of the "books of the law."

The above is epitomized from an address delivered by Hon. Russell S. Taft, of the supreme court of Vermont, before the Vermont Bar Association, in 1885.

Law as It is Written.

THE following is clipped by London Truth from Croake James' "Curiosities of Law and Lawyers":

If a man were to give to another an orange, he would merely say, "I give you this orange;" but when the transaction is intrusted to the hands of a lawyer, to put it in writing, he adopts this form: "I hereby give, grant, and convey to you all and singular my estate and interest, right, title, claim, and advantage of and in the said orange, together with all its rind, pulp, and pips, and all right and advantage therein, with full power to bite, cut, suck, and otherwise eat the same, or give the same away, as fully and effectually as I, the said A B C, am now entitled to bite, cut, suck, or otherwise eat the same orange, or give the same away, with or without its rind, skin, juice, pulp, and pips, anything hereinbefore or hereinafter, or in any other deed or deeds, instrument or instruments, of what nature or kind soever, to the contrary in anywise notwithstanding."

A layman's endeavor to apply the expressive legal style of phraseology is shown in the Trade-Mark Record's definition of the tariff as—

"A humbug, a nuisance, a vexation, a chimera, an ignis fatuus, a Scylla, a Charybdis, a Charon, a Cerberus, a scarlet woman, an Utopia unlimited, a wrecker of political parties, a nightmare, a case of appendicitis, a snare and delusion, and a case of national dyspepsia."

A Curious Document.

WE are indebted to F. M. Porter, Esq., of Los Angeles, for the following copy of a metrical will, which was recently offered for probate in Los Angeles county, Cal.:

1.
The last Will and Testament 9/11'92
Concerning things God has lent.
Made by Gustavus Adolphus
Onderdonk who now wills it thus—

2.
Take this Will O Lord as Thine,
Will and Testament of mine—
All things deemed mine are ever Thine
Take them then, as Thine own— Amen.

3.
If the Lord for me intends 8/10'93
I may work till my work ends—
My manuscripts are as He wills,
Then thus, His purpose He fulfils—

4.
When my working time has past— 8/13'93
When volume first ends at last,
The Author takes it to revise
His new edition for the skies—

5.
Work I do not some may do 10/1'93
Work not done others may do 8/13'93
Each, or all, some parts pursue—
Head, heart, eye, ear, hand, foot, and all—
Each member's work the great and small.
1 Co 12,12 &c

6.
Twenty dollars seems to me, 9/11'93.
Equals undertaker's fee—
After the same shall have been paid—
Of what remains let count be made.

7.
For ever thence as a rule
Let First M. E. Sunday School,
Choose and elect, Five faithful friends,
One for a year, until that ends,

8.
One for Two years— one for Three.
One for Four, the Fifth to be
For Five. Then fill each vacancy
And end each term, with Five you see.

9.
My Executors are these, 9/29'93.
Lord willing, and if they please—
The Lord gives wisdom to direct, 9/30,93.
Those who ask Him, may expect.

10.

For the books printed and sold 8/10'93.
Let the silver and the gold
Be invested so they bring
Compound interest for our King.

11.

In Twenty years, less, or plus,
Use one fourth the income thus—
Buy Bibles for the poor and ill
Aid Foreign (calls) work, as God did will.

12.

Aid Sabbath Schools as they need, 8/13'93.
Feed the Lambs with milk and creed,
Prepare to meet those gone before,
Lay up in Heav'n an endless store 10/1'93.
And be with Christ for Ever more.

13.

To enjoy Eternal rest,
With the holy and the blest,
Where is no death, sorrow, or pain,
Where the blest meet, and Live again.

OFFICERS OF FIRST M. E. CHURCH,
BROADWAY, LOS ANGELES,
CALIFORNIA.

To be filed with your Archives,
Till the proper time arrives.
GUSTAVUS ADOLPHUS
ONDERDONK.

Each one for himself do certify that they
seen the above signed by his own Free will &
Knowledge.

(SEAL) THOMAS S. COLLINS

(SEAL) WILLIAM L. MARSH

Florence, California, October 25th, 1893.

Announcements.

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

Vol. 3 North Dakota Reports is announced
as nearly ready.

The West Publishing Company will issue
shortly a supplemental volume of "Cases on
Corporations," by Prof. G. M. Cummings.

Banks & Bros. announce as nearly ready
a new edition of Langbein Brothers' Law
and Practice of the District Courts of the
City of New York.

C. F. Maxwell, of Melbourne, announces
as in press "The Health Act, with By-Laws,
Regulations, Notes of English and Victorian
Cases, and Index," by H. S. Cole and Thos.
Morris.

Little, Brown & Co. announce as in prepara-
tion a new and revised edition of Daniell's
Chancery Practice. It is to be edited by
John M. Gould, author of "The Law of
Waters."

Baker, Voorhis & Co. announce for pub-
lication next fall a new and completely re-
vised edition of Bliss' Annotated Code of Civil
Procedure. All amendments down to the
date of publication will be incorporated in
the text.

The West Publishing Company will pub-
lish during June: Bailey on Master's Lia-
bility for Injuries to Servant; Vol. 25 South-
western Reporter; Book 3 Federal Cases;
Vol. 53 Minnesota Reports; Vol. 28 Atlantic
Reporter; Vol. 36 Northeastern Reporter;
Vol. 60 Federal Reporter.

The West Publishing Company has in
press a work by Hon. W. F. Bailey, of Wis-
consin, on the Law of Master's Liability for
Injuries to Servant. The subject is one of
peculiar complexity, owing to the varying
constructions given by different courts to the
general rules. Judge Bailey's experience
both at the bar and on the bench has pecu-
liarly fitted him to speak with authority
upon the subject.

The Boston Book Co. announces for im-
mediate publication a book on "Treaties and
Topics in American Diplomacy," by Free-
man Snow, Ph. D., LL. B. Its contents in-
clude: I. Extracts from European Treaties
Relating to American History. II. Treaties
and Conventions with European States. III.
With Asiatic and African States. IV. With
Latin-American States. V. Consular Con-
ventions. VI. Conventions for the Extradit-
tion of Criminals. VII. Naturalization Tre-
aties. VIII. Droit d'Aubaine; Trade-Marks;
Industrial Property; Submarine Cables.
Part II. The Monroe Doctrine (from Its Ori-
gin down to San Domingo, Samoa, and the
Hawaiian Islands); The Fisheries Question;
The Behring Sea Arbitration.

Law Book Notes.

Vol. 16 of Morrison's Mining Reports, just
issued, contains an index-digest of the series.

Stevens & Haynes, London, have issued a
fifth edition of Mayne's Treatise on Dam-
ages.

Little, Brown & Co. have just issued, in their Students' Series, Bryant's Principles of Code Pleading.

The Australian Insolvency Act of 1890 has been published, with rules and notes, by C. F. Maxwell, Melbourne.

Mew's Annual Digest for 1893 (English) is just out. It contains references to all the statutes of the parliamentary year.

A Compendium of the Imperial Law and Statutes in Force in the Colony of Victoria is published by G. Partridge & Co., Melbourne.

Jas. B. Lyon, of Albany, has published the first issue of Gibbons' Quarterly Digest of Cases Decided in the Courts of the State of New York, and the Session Laws.

Law Notes, a London legal publication, gives an extended notice of the new (fourth) edition of Underhill's Manual of the Law Relating to Trusts and Trustees, as "the book of the month."

A fourth edition of Paine's Banking Laws has been issued by Baker, Voorhis & Co. The work is now arranged with reference to the codification of the banking laws by the statutory revision committee.

The West Publishing Company issued the following books in May: Northeastern Reporter Digest; Vol. 35 Pacific Reporter; Vol. 59 Federal Reporter; Vol. 27 New York Supplement; Vol. 14 Southern Reporter; Vol. 7 C. C. A. Reports.

A third edition of Indermaur's Manual of the Principles of Equity has been issued by the London publisher, Mr. George Barber. The work, which is intended for students, has been revised and brought down to date by the author.

Baker, Voorhis & Co. publish, under the title of "Outline Study of Law," a series of lectures delivered by Isaac Franklin Russell, Professor in the University of the City of New York. It is intended to serve as a textbook on elementary law.

"The law Relating to Shipmasters and Seamen" is the title of an English work by Hon. John William Mansfield and George William

Duncan, recently published by Stevens & Haynes. It is confined to the branch of the law of shipping indicated by the title.

A rare instance of law intended for lawyers' own consumption is given in a book recently published by Sweet & Maxwell (London), entitled "Solicitors' Partnerships." It gives all needful information for solicitors proposing to enter into the estate of partnership.

The English "Sale of Goods Act," passed last year, made some important alterations in the law of the subject, and several books have been written upon it. The latest is issued by Sweet & Maxwell, being the act itself, with annotations by J. M. Lely and W. F. Crales, barristers at law.

The F. H. Thomas Law Book Company announces an enlarged American edition of Pollock on Torts, by James Avery Webb, to be ready in June. This edition has been prepared with special reference to the latest American cases, and includes some 7,000 citations not in the original work. Mr. Webb edited the latest edition of Burrill on Assignments.

Honeyman & Co. (Plainfield, N. J.) have issued the 1894 volume of the American Corporation Legal Manual. It contains a compilation of the essential features of the statutory law regulating the formation, management, and dissolution of general business corporations, together with numerous forms, and a synopsis of the patent, trade-mark, and copyright laws of the world.

T. H. Flood & Co. have secured "The Law of Public Officers," by Hon. Montgomery H. Throop, formerly published by J. Y. Johnson & Co., of New York. The work was favorably noticed when first published. It covers the entire body of law relating to public officers, including incompatible offices, bargains for official action, qualifications, appointment, election, official oaths, official bonds, resignation, removal, duties, injunction, criminal proceedings, etc.

Harris' Massachusetts Citations, recently published by Little, Brown & Co., covers its ground very exhaustively. It gives every reference made by the supreme judicial court of Massachusetts, from Quincy to 159 Mass., inclusive, to any section of the following statutes: (1) The Constitution of the United States; (2) the Constitution of Massachusetts; (3) the English Statutes, from Code

of Henry I. to 51 Vict.; (4) the Statutes of the United States from 1789 to 1893; (5) the Revised Statutes of the United States; (6) Colonial Laws & Ordinances of Massachusetts; (7) Provincial Statutes, 1686 to 1780; (8) Statutes of the Commonwealth, 1780 to 1893; (9) the Revised Statutes of 1836; (10) the General Statutes of 1860; (11) the Public Statutes of 1882.

The English policeman has an advantage over his American brother in having a legal text-book, pocket-edition size, to which he may turn for guidance when in doubt. The Constable's Pocket Book, by T. O. Hastings Lees (published by Shaw & Sons, London), has reached its eighth edition, and, as evidence of the avidity with which the English constable seeks knowledge, we are informed that the seventh edition was exhausted in less than nine months. The book contains chapters on "Crime and Criminal Investigation," "Arrests," "Prisoners," "Warrants and Summonses," "Police Superannuation," "The Police Acts," and similar subjects, and has a department of legal definitions, and a set of questions which might occur to the perplexed emissary of justice, with references to the pages where the proper answers may be found.

The Canada Law Journal says of Crankshaw's new work on the Criminal Code of Canada: "There are some features of the annotations which make it especially useful. The introduction points out the changes which have been effected in the law, the offenses which have been abolished, the new offenses created, and the alterations and amendments made in relation thereto. In addition to the usual references to the English, Canadian, and American authors in his report, Mr. Crankshaw gives copious illustrations of cases coming within the scope of the various cases. A very useful table, giving all offenses indictable and nonindictable, states the number of the section, the nature of the offense, the extent of punishment, and the tribunal; while lists of the limitation of time for prosecuting offenses appear at the end of each title of the Code. Another very useful table gives a list of offenses triable summarily, showing the offenses, the punishment, before whom triable, and the limitation of time for prosecuting the offense."

Miscellaneous Notes.

Vol. 100 of the famous Temple Bar Magazine consists of an alphabetical list of the titles of all articles appearing in the previous 99 volumes.

The Australian Law Times is a paper published fortnightly at Melbourne, by G. Partidge & Co. It gives reports of decisions and law notes in general.

Mr. Donald Macmaster, Q. C., of Canada, has prepared an account of "The Seal Arbitration (1893)," which is published in the form of a pamphlet of some 60 pages, by Wm. Foster, Brown & Co., Montreal.

Sullivan's Chicago Law Directory for 1894 is out. In addition to a list of the members of the bar, it gives useful information about the courts, justices of the peace, city and county legal officials, and the different law schools of Chicago.

The Groller Club, New York, has published a facsimile of the laws and acts of the general assembly for their majesties' province of New York, etc., as printed and sold at New York, by William Bradford, printer to their majesties King William and Queen Mary, 1694; together with a historical introduction, notes on the laws, and appendixes by Robert Ludlow Fowler. The work is bound in parchment, and is listed at \$15.

The following letter explains itself, and shows that the writer understands his business as a legal author: "West Publishing Co., St. Paul, Minn.—Gentlemen: In my contract with X. & Co. for the publication of my book on the law of —, it is expressly stipulated as a part of the consideration for letting them have the copyright that they should advertise it in the National Reporter System. If they do not do so within a reasonable time, please let me know, and I will compel them to. Yours truly, A. B. C."

A new work published by the Clarendon Press, Oxford, is a Treatise on the Foreign Powers and Jurisdiction of the British Crown, by Wm. Edward Hall. The ground covered, as shown by the table of contents, embraces Foreign Powers and Jurisdiction in their International and Constitutional Aspects, Powers and Jurisdiction of the Crown in States of European Civilization and in Eastern States, Protectorates, and Barbarous Countries, the Status of British Subjects, the Consular Service, Protectorates and Spheres of Influence, Jurisdiction on the High Seas, and Quarantine Jurisdiction, etc.

The Medico-Legal Society, of New York, has submitted a memorial to the state legis-

lature urging the expediency of the abolition of the office of coroner as at present constituted, and the creation instead of a new office, to be filled by a "medical examiner," as in Massachusetts and Connecticut, or a "county physician," as in New Jersey, and to which only physicians of at least five years' practice shall be eligible. The work of this officer shall be supplemented by that of a "coroner," who shall have charge judicially of all legal questions, and to this office only persons learned in the law shall be eligible.

The American Lawyer for June and July gives a report in full of the proceedings of the Illinois State Bar Association, including addresses and papers as follows: Annual Address,—Samuel P. Wheeler; Chicago Lake Trout Case,—Merritt Starr; Selecting Jurors,—Oliver C. Harker; Consideration by the Court of Competent Evidence Only, in Causes in Equity,—Geo. E. Dawson; Statutory Revision,—Ethelbert Callahan; Assignment for the Benefit of Creditors,—David McCulloch; National Bankrupt Law,—Robert E. Jenkins; Error Coram Nobis,—Thos. Cratty; Memorial of Milton Hay,—Richard J. Oglesby; Monstrosities of the Law,—Isaac Miller Hamilton.

The Medico-Legal Journal, of New York, is issuing, as an appendix or supplement, a series of sketches of the supreme courts of the different states and provinces of North America, including Canada. Two numbers, the first embracing the states of Texas and Kansas, and the second embracing New Jersey and Oregon, have already been published. These papers have been prepared, respectively, by Ex-Judge A. S. Walker, of the Texas bench, Hon. Albert H. Horton, chief justice of Kansas, Francis B. Lee, Esq., and Meredith Dickinson, Esq., both of the Trenton bar, and Judge C. H. Carey, of Portland. The papers are illustrated with portraits of past and present members of the courts. It is announced that sketches of other courts are now preparing by distinguished members of the bench and bar in the different states, and that the series will be reissued in bound form at \$5 a volume, but the number of volumes to be expected is not indicated. The work is edited by Clark Bell, Esq., of the New York City bar. Subscriptions will be received by the Medico-Legal Journal.

Of Collateral Interest.

The address on "The Trust, an Economic Evolution," delivered by Charles F. Beach, Jr., at the Union League Club, Chicago,

March 30, 1894, has been printed, and is issued as a neat pamphlet.

Recent additions to the publications of the American Academy of Political and Social Science are "Indian Currency," by Sir Gullford L. Molesworth; "The Adaptation of Society to its Environment," by Wm. Draper Lewis, of Haverford College; and "Federal Revenues and the Income Tax," by Frederic C. Howe.

An "Illustrated Dictionary of Medicine," by Dr. George M. Gould, has just been issued by Little, Brown & Co. A small dictionary by Dr. Gould has already become widely known and generally used by the medical profession, and the publishers have endeavored to make this more elaborate work so complete that it will bear the same relation to medicine that "The Century Dictionary" and "Webster's Unabridged" do to general literature. The definitions, of course, include the terms used in medical jurisprudence.

The American people have owed much to the anxiety of contemporary critics that we should not lack an opportunity "to see ourselves as others see us." A noteworthy addition to this literature is Cartier's "La Republique Americaine," in four volumes. The work includes a historical sketch of the colonies and of the formation of the United States, a discussion of the nature of the federal government and the working of its different branches, the judicial system, and the condition of the Indians, and gives in a chart a view of the political and territorial formation of the country.

Mr. Edwin R. A. Seligman, professor of political economy and finance in Columbia College, has published, under the auspices of the American Economic Association, a very valuable work on the subject of "Progressive Taxation in Theory and Practice." It contains a very interesting history of progressive taxation, the earliest example of which we have any knowledge being found in Athens, where, in the time of Solon (B. C. 596), the tax was on property chiefly in the form of land, and was levied on the basis of produce. The history of taxation tends to show that the drift is towards progressive taxation in almost every direction, and it is in the most democratic countries, like Australia and Switzerland, that the movement is the strongest in its favor. In England, as Hon. James Bryce writes, "Progressive inheritance and income taxes are likely to figure largely in time to come in Euro-

pean politics." The general result arrived at by Mr. Seligman is that, if we base our doctrine of the equities of taxation on the theory of faculty, both the production and the consumption side of the theory seem to point to the progressive taxation as, at all events, neither more illogical nor more unjust than proportional taxation.

"The Austrian Theory of Value" is the title of Prof. S. M. Macvane's latest contribution to economics. It is published by the American Academy of Political and Social Science, and is in the nature of a reply to Prof. F. von Wieser's "Theory of Value," also published by the Academy, being a review of the points at issue between the Austrian and the classical theories. Other recent issues of the Academy are "Subjective and Objective View of Distribution," by Prof. John A. Hobson, of London; "Total Utility Standard of Deferred Payments," by Prof. Edward Alsworth Ross, of Leland Stanford, Jr., University; and a second paper on "Congress and the Cabinet," by Gamaliel Bradford, of Boston. A former essay on this subject by the same author advocated giving the cabinet officers seats in congress, for the purpose of giving advice in debate and answering such questions as congressmen may ask. The present paper meets certain objections which have been urged, and continues the discussion of the subject. Mr. Bradford believes that our present system is leading us straight, with only a question of time, to civil war, and that the only effective and available way of escape is to make the executive power, backed by the nation, strong enough to hold its own against the encroachments of the legislative power.

The Municipal League of Philadelphia has published the "Proceedings of the National Conference for Good City Government Held at Philadelphia, January 25 and 26, 1894," with a bibliography of municipal government and reform, and a brief statement concerning the objects and methods of municipal reform organizations in the United States. Some of the speeches, as stated by the Publishers' Weekly, are: Municipal Government of Boston, by Moorfield Storey; Municipal Government of Brooklyn, by W. G. Low; Municipal Government of Chicago, by Franklin MacVeagh; Municipal Government of Baltimore, by Charles J. Bonapart; Municipal Government of New York, by Edmond Kelly; Municipal Government as it should Be and may Become, by Leo S. Rowe; the Relations of Civil Service Reform to Municipal Reform, by Carl Schurz; the Relations of Women to Municipal Reform, by Mrs.

Mary E. Mumford; the Separation of Municipal from Other Elections, by W. Harris Roome; Influence upon Officials in Office, by Rev. Washington Gladden; How to Arouse Public Sentiment in Favor of Good City Government, by Edwin D. Mead and Rev. J. H. Ecob; How to Bring Public Sentiment to Bear upon the Choice of Good Public Officials, by Alfred Bishop Mason and Samuel B. Capen. The bibliography covers thirty-nine pages, and is in two alphabets; one by subject, the other by authors.

Notes of Text-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 BOOTH, ST. RYS. § 271, p. 365, the author cites, in support of the proposition that the viaducts and bridges constructed by a railway company over its track are alterations and changes in the streets, and not real estate for the purposes of taxation, under the statute of New York, the case of *People ex rel. v. Commissioners of Taxes*, 23 Hun, 687. This case was upon appeal reversed (101 N. Y. 322), the court of last resort of that state determining that structures of the kind named were real estate for the purposes of taxation, within the meaning of the statute.

—Charles E. Estabrook.

Milwaukee, Wis.

REDF. LAW & PR. SUR. CTS. (5th Ed.) p. 773, says: "There is no requirement of statute making the filing of an account by a representative for judicial settlement a prerequisite to issuing a citation; it is sufficient if he file it on or before the return day, or on the day to which the hearing upon the citation is adjourned." This is incorrect. By an amendment of section 2729 of the Code in 1893 (see, also, section 2728 of Amendments of 1894), which went into effect September 1, 1893, the account must be filed on presenting the petition. The fifth edition was published after this went into effect, the preface being dated February, 1894.

—Daniel Holmes.

Brockport, N. Y.

TABLE OF CASES AM. DEC. & REP. 44. The case of *Conkling v. Ridgely & Co.*, fourth case from bottom of second column, is found in 112 Ill. at page 36, instead of at page 336, as is there indicated.

AM. & ENG. ENC. LAW, Vol. 1, p. 833. The case of *Gardner v. Adams*, 12 Wend. 297, was overruled as to the point to which

It is cited in note 1 on the above indicated page, nearly 40 years before the publication of the first volume of the Encyclopedia. See *Robinson v. Weeks*, 6 How. Pr. 161; *Hall v. Robinson*, 2 N. Y. 293.

FED. CAS. Vol. 2, p. 319, Case No. 146. Near the bottom of the first column the case of *Watkins v. Abrahams* is quoted from. The reference given is 24 N. Y. 76. The case ends on page 74, and the quotation given is from page 73.

TABLE OF CASES AM. DEC. & REP. 104. The case of *Kinnler v. Kinnler*, in the first column, is to be found in 45 N. Y., at page 535, instead of in 55 N. Y.

—Lewis R. Works.

San Diego, Cal.

Personal.

Sir Charles Russell, whose fame as an advocate has made his name familiar to the whole legal world, has been made one of the lord justices of appeal, to fill the vacancy recently created by the death of Lord Bowen.

The death is announced of John Ridley, of the New Jersey bar. Mr. Ridley annotated the chancery acts of his state published last year, and prepared the elaborate index to Dickinson's *Precedents* which was recently published.

Gen. M. M. Trumbull, associate editor of the *Open Court*, died at Chicago on May 9th. He was the author of "Free Trade in England," and a well-known contributor to current periodicals on sociological and philosophic subjects. For some years, both before and after the war, he practiced law in Iowa.

Correspondence.

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

St. Paul, Minn., June 7, 1894.

West Publishing Company—Gentlemen: Will you kindly allow me space for a reply to certain criticisms upon my *Hand-Book of Criminal Law*, which appear in a review published in the May number of the *Harvard Law Review*, and signed "J. H. B."¹

No author has any right to object to a fair review of his book, and any criticism of a

review should be made with as much consideration of fairness as a review itself; but J. H. B., probably through ignorance rather than intention misrepresents my book by conveying a wrong impression of its purpose; and since the question is one of fact, rather than of opinion, I may be permitted, without an appearance of partisanship, to restate certain significant facts.

The reviewer begins by deploring the fact that many lawyers or law students should be satisfied with a "hand-book" on so important a branch of the law, yet admits that such a book might be read as a preparation for the study of the law of crime, or, if found accurate, it might be handy for review. If the book is found useful for preparatory work and for review, why should it be a "pity" that lawyers and law students should desire it for those purposes? J. H. B.'s fear seems to be that some one may be misled into buying it with the expectation of securing for \$3.75, in a book of 450 pages, a work which shall exhaust the subject of Criminal Law in all its ramifications and modifications, and cite all cases, whether important or unimportant, relating to the subject. It would, indeed, be a pity if any purchaser of the book should find his expectations thus disappointed; but perhaps with the help of the title of the book, which expressly declares it to be a "hand-book," and with the help of the preface, which explains with some detail the theory of the book, and with the help of the publishers' announcements, which I notice make the theory on which the book is constructed a matter of public advisement, and, finally, with the help of candid reviewers, like J. H. B., the danger may be averted. J. H. B. has himself admirably stated the field to be covered. The book is intended "as a preparation for study of the law of crime," and "for review." It is not expected that any one should "commit bodily to memory the concise formulae of its black-letter text;" and in fact any student attempting to use it in that way would speedily find that the problems which are furnished in connection with the book demand a comprehension of principles, rather than a memorizing of formulae.

J. H. B. gives the author credit for "formulating rules clearly and concisely," but adds that, "as might be expected," he slips easily over the difficulties of the subject. As might be expected from what? From the character of the author? The author submits with due humility that J. H. B. has so far adduced no conclusive evidence of any tendency on his part to slip over difficulties which should be faced. If, however, he means that this might be expected from the character of the work, his statement in-

¹ See review referred to, on page 182 of this number of *Law Book News*.—Editors L. B. N.

dicates a growing appreciation of the theory of the book, which is not discernible in the first paragraph of the review, and which is evidence of most gratifying development of the power of comprehension in a short space of time. It is perfectly true that a work intended for preparative study and for review may be expected to devote its space chiefly to general principles, instead of going into all the intricacies of their specific application.

One necessary element in the successful review of a book where specific errors are to be pointed out is that the book be carefully read. If J. H. B. had been induced to follow this elementary principle, he would have discovered that the case of *Reg. v. Tolson*, 23 Q. B. Div. 168, the absence of which he deeply regrets, could be found cited on page 311, to show the effect of intent in the matter of the statutory crime of bigamy.

J. H. B. next attacks the proposition that the territorial limits of a county extend outward into the ocean for a marine league, "though the majority of judges in *Reg. v. Keyn*, 2 Exch. Div. 63, think otherwise." If our reviewer had read the text of this case, he would not have quoted it for this purpose. The supreme court of Massachusetts, in *Com. v. Manchester*, 152 Mass. 230, 25 N. E. 113, in speaking of this decision, said: "The court did not attempt to define the extent of the dominion of Great Britain over the open sea adjacent to the coast, but only the extent of the existing admiralty jurisdiction over offenses committed on the open sea." After this decision, and to remedy this defect in the jurisdiction of the admiral, a statute (41 & 42 Vict. c. 73) was passed giving the admiral jurisdiction over any part of the open sea within one marine league of the coast. The court also said that "we regard it as established that as between nations the minimum limit of the territorial jurisdiction of the nation over tide waters is a marine league from its coast." This case was taken to the supreme court of the United States, where the court discussed the decision in *Reg. v. Keyn*, and said that "it must be regarded as established that as between nations the minimum limit of the territorial jurisdiction of a nation over its tide waters is a marine league from its coast." 11 Sup. Ct. Rep. 559.

Another principle of honest reviewing is that extracts and quotations shall be fairly and fully made. With this rule in view, objection to the definitions of "possession" and "property" would be dissipated. Unwittingly, of course, our reviewer fails to state the whole of the definition of the word "possession,"

or to state the definition of "custody," as he should have done, in view of the fact that, in defining "possession," "property," and "custody," the object was to show the difference between the meaning of the terms, and each definition was intended to be read in connection with the other. In support of the proposition that where possession of property is obtained by trick or fraud, with intent to appropriate the property, the fraud vitiates the owner's consent to the original taking, and makes it a trespass, it is sufficient, in addition to the cases cited, to refer to *State v. Coombs*, 55 Me. 477; *Wolfstein v. People*, 6 Hun (N. Y.) 121; *Rex v. Pear*, 2 East, P. C. 685, cited in Beale's *Selected Cases on Criminal Law*. The statement in the discussion of receiving stolen goods that "the fact that goods were stolen in another state is immaterial" is strictly true in almost all, if not in all, the states, either on the reasoning of the doctrine of *Com. v. Andrews*, 2 Mass. 13, or by statute.

The writer may be pardoned for some curiosity as to the identity of his critic. J. H. B. are the initials of an assistant professor in the Harvard Law School, who teaches Criminal Law, and who is himself the editor of a students' book on Criminal Law, and of two volumes of *Selected Criminal Cases*. This, however, is probably only a coincidence, as the mere fact that Prof. Beale is interested professionally and peculiarly in books with which the "Hand-Book of Criminal Law" will necessarily come more or less in competition would of itself make him more scrupulously careful to treat the rival publication with strict fairness. Furthermore, J. H. B. shows an entire misconception of the theory upon which the series of hand-books, of which the one in question is the second, is constructed, whereas Prof. Beale, as I am informed, was advised of the theory by the publishers of the Hornbook Series before the appearance of this work. This theory is somewhat at divergence, it is true, with the theory of instruction adopted at the Harvard Law School; but it is impossible to believe that a man of Prof. Beale's character, selected to hold so important a position in so important a school, would be incapable of appreciating the good points of a plan of instruction differing from that, with which he is officially connected,—at any rate to the point of discussing it fairly. The identity of J. H. B. must therefore be left, like the identity of the Man in the Iron Mask, an unsolved mystery.

Yours, very truly,

W. L. Clark, Jr.

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 AND ENGLISH ENCYCLOPAEDIA OF LAW. Compiled under the editorial supervision of C. F. Williams, assisted by T. J. Michle. V. 24. "Streets" to "Tacking." Northport, N. Y.: E. Thompson Co. 1894. 8+1047 pages. \$6.

Attorney and Client.

See "Hardwicke's Art of Winning Cases."

BETHEL, Mrs. Lillian Cole. A compendium and question book of parliamentary law, systematically arranged for ready reference in W. C. T. U. and W. R. C. organizations, women's clubs, normal classes, literary circles, missionary societies, and all deliberative bodies. 3d Ed. Columbus, Ohio: Published by the author, Lillian Cole Bethel, 733 E. Long St. 54 pages. T. im. leath., 25 c.; full leath., 40 c.

BORGMEYER, Charles Louis. The 1894 volume of the American Corporation Legal Manual. New Jersey: Honeyman & Co. 840 pages. \$4.50.

BROWNE, Irving. Elements of the American law of sales of personal property. Boston: The Boston Book Co. 1894. Sheep, \$2.50, net; leatherette, \$2, net.

BRYANT, Edwin E. The Law of Pleading under the Codes of Civil Procedure. With an introduction briefly explaining the common-law and equity systems of pleading, and an analytical index, in which are given the Code provisions as to pleading in each of the states which have adopted the reformed procedure. Boston: Little, Brown & Co. 1894. xxiv+398 pages. Sheep, \$3, net; cloth, \$2.50, net.

Code Pleading.

See "Bryant on Pleading under the Codes of Civil Procedure."

COLEMAN, J. A. A treatise on the mechanic's lien law of the state of Illinois, as in force March 1, 1894, so far as the same relates to real estate. Chicago: The Wait Pub. Co. 1894. 28+281 pages. \$4.

Corporation Law.

See "Borgmeyer's Manual (1894)."

Damages.

See "Mayne and Lumley on Damages. (Eng.)"

DEWAR, David. The liquor laws for Scotland, including the licensing and excise enactments presently in force, with ruling decisions of the superior courts from 1854 to 1894, explanatory notes, indices, and schedule of license duties. 2d Ed. Edinburgh: William Green & Son. (Scot.) 1894. 10s. 6d., net.

DISTRICT OF COLUMBIA supreme court rules adopted at the Jan. term, 1894. Washington, D. C.: Government Printing Office. 1894. 104 pages. \$1.

English Law.

See "Fowke & Henderson's Solicitors' Partnership;" "Hall's Treatise on the Foreign Powers and Jurisdiction of the British Crown;" "Indermaur's Manual of Equity;" "Indermaur's Students' Guide to Procedure;" "Jenken's Parish Councils;" "Lees' Constables' Pocket Book;" "Lely's Sale of Goods Act;" "Mayne & Lumley on Damages."

Equity.

See "Indermaur's Manual. (Eng.)"

FOWKE, V. De S., and E. B. Henderson. Solicitors' Partnerships, with an appendix on solicitors' accounts, by James Fitzpatrick. London: Sweet & Maxwell. 6s.

Great Britain.

See "Hall's Treatise on the Foreign Powers and Jurisdiction of the British Crown."

INDERMAUR, John. A manual of the principles of equity. A concise and explanatory treatise, intended for the use of students and the profession. 3d Ed. London: George Barber.

HALL, Wm Edward. A treatise on the foreign powers and jurisdiction of the British crown. Oxford: At the Clarendon Press. (Eng.) 1894. 10s. 6d.

HARDWICKE, Henry. The art of winning cases, or modern advocacy. New York: Banks & Bros. 700 pages. \$5, net.

Illinois.

See "Coleman's Mechanic's Lien Law."

INDERMAUR, Jno., and Charles Thwaites. The students' guide to procedure in the queen's bench division of the high court, and the law of evidence. London: George Barber.

JENKEN, A. F. Law relating to parish councils; being the local government act (1894), together with an introduction and statutes relating to parish and district councils, circulars, and orders of the local government board, notes, index, etc. London: Knight. 8vo. 544 pages. 10s.

Kansas.

See "King & Leonard's Supreme Court Citations."

KING & LEONARD, compilers. Supreme court citations, vols. 1 to 50 Kansas Reports. Dublin, Tex.; National Citation Co. 1894. Unpagged. \$5.

Law.

See "Renner & Miller's Elements of Law for Law Students."

LEES, T. O. Hastings. "The Constables' Pocket Book." 8th Ed. London: Shaw & Sons.

LELY, J. M., and W. F. Craies. "The Annotated Acts." The sale of goods act (1893), with introduction, notes, and index. London: Sweet & Maxwell, Limited, and Stevens & Sons, Limited. 1s.

Liquor Laws.

See "Dewar's Liquor Laws for Scotland."

LORIMER, James. A handbook of the law of Scotland. 6th Ed. By Russell Bell. Edinburgh: T. & T. Clark. (Scot.) 1894. 10s.

MAYNE, John D., and Lumley Smith. Mayne's Treatise on Damages. 5th Ed. London: Stevens & Haynes. 1894.

Mechanics' Liens.

See "Coleman's Mechanic's Lien Law of the State of Illinois."

Mining Law.

See "Morrison's Mining Reports."

Parish Councils.

See "Jenken's Law Relating to Parish Councils. (Eng.)"

Parliamentary Law.

See "Bethel's (Mrs.) Compendium, and Question Book."

Partnership.

See "Fowke & Henderson's Solicitors' Partnership. (Eng.)"

Police Powers.

See "Lees' Constables' Pocket Book. (Eng.)"

Practice and Procedure.

See "District of Columbia Supreme Court Rules;" "Indermaur's Students' Guide to Procedure in the Queen's Bench Division."

RENNER, O. J., and Miller, C. M., editors and compilers. Elements of law for the law student. Answers (with authorities) to all the questions submitted to the members of the graduating classes of the law school of the Cincinnati College, 1879-1893. Cincinnati, Ohio: Miller & Renner. 1894. 300 pages. \$3.50; paper, \$2.

Sales.

See "Browne's Sales of Personal Property;" "Lely's Sale of Goods Act. (Eng.)"

SAYLES, J. A treatise on the civil jurisdiction of justices of the peace in the state of Texas, including forms of process. 4th Ed. St. Louis: The Gilbert Book Co. 1894. 71-741 pages. \$6.50.

Scotch Law.

See "Dewar's Liquor Laws;" "Lorimer's Handbook of Scotland."

Texas.

See "Sayles' Treatise on the Civil Jurisdiction of Justices of the Peace. (Tex.)"

Trusts.

See "Underhill on Trusts and Trustees."

UNDERHILL, Arthur. A practical and concise manual of the law relating to trusts and trustees. 4th Ed., enlarged and revised. London: Messrs. Butterworth.

Reports.

ALABAMA supreme court reports. V. 96. Cases argued and determined during the Nov. term, 1892. Wm. R. Houghton, special reporter. Montgomery, Ala.: Brown Printing Co. 1894. 22+797 pages. \$2.50.

CONNECTICUT supreme court of errors reports. March-Dec., 1893. V. 63. By J. P. Andrews. New York: Banks & Bros. 1894. 11+679 pages. \$3.50.

ILLINOIS appellate court reports. V. 49. Reported by Martin L. Newell, of the Springfield bar. Chicago: Callaghan & Co. 738 pages. 1894. \$3.50.

KENTUCKY court of appeals. Reports of civil and criminal cases (V. 10, E. W. Hines, reporter). V. 92 Ky. Reports; containing cases decided from Sept. 1, 1891-March 8, 1892. Frankfort: E. Polk Johnson. 1893. [1894.] 15+737 pages. \$4.

MISSOURI supreme court reports. V. 117. F. M. Brown, reporter. Columbia: E. W. Stephens. 1894. 18+743+5 pages. \$3.

MORRISON'S mining reports and leading irrigation cases. Vol. 16. R. S. Morrison. Chicago: Callaghan & Co. \$5.

NEBRASKA. Reports of cases in the supreme court. Jan. and Sept. terms, 1893. V. 37. D. A. Campbell, official reporter. Lincoln, Neb.: State Journal Co. 1894. 51+974 pages. \$2.50.

NEW YORK court of appeals reports. Revised Ed., with notes. Edited by Irving Browne and J. T. Cook. Book 20, comprising vols. 96-100, inclusive, of the original series, viz. Sickels' reports, vols. 51-55. Albany: H. B. Parsons. 1894. 38+1065 pages. Old sheep, \$5.

NEW YORK court of appeals reports. V. 141. Cases from and including decisions of Jan. 16 to decisions of April 10, 1894, with notes, references, and index. By H. E. Sickels, reporter. Albany: James B. Lyon. 1894. 20+697 pages. \$1.50.

NEW YORK state reporter. V. 56; containing all the current decisions of the courts of record of New York state. Edited by W. H. Silvernail. With index and table of cases reported, cited, affirmed, and reversed in this volume. Albany: W. C. Little & Co. 1894. 8+32+973 pages. \$4.

NEW YORK SUPPLEMENT. V. 27; containing the decisions of the supreme, superior, and lower courts of record of New York state. Permanent Ed. Feb. 15-April 12, 1894. St. Paul West Pub. Co. 1894. 28+1178 pages. (National Reporter System.) \$5.

NEW YORK supreme court. V. 82 (Hun, 75). Marcus T. Hun, Reporter. New York and Albany: Banks & Bros. 32+697 pages. 1894. \$3.

PACIFIC REPORTER. V. 35; 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. Jan. 25-April 5, 1894. St. Paul: West Pub. Co. 17+1164 pages. (National Reporter System.) \$5.

QUEBEC. Rapports judiciaires révisés de la province de Quebec, 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.

v.L.B.N.no.6—12

Mathieu, juge de la cour supérieure de Montreal. Tome 9. Montreal: C. O. Beauchemin & Fils. 1894. 7+512 pages. Half sheep.

SOUTHERN REPORTER. V. 13; containing all the decisions of the supreme courts of Ala., La., Fla., and Miss. Permanent Ed. Dec. 27, 1893-April 18, 1894. St. Paul. West Pub. Co. 1894. 11+966 pages. (National Reporter System.) \$5.

* SOUTHWESTERN REPORTER. V. 25; 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 court of civil appeals of Texas. Permanent Ed. March 5-May 7, 1894. St. Paul: West Pub. Co. 1894. 15+1194 pages. (National Reporter System.) \$5.

TEXAS civil appeals reports. Cases argued and decided during the month of Nov., 1893, in the second, third, fourth, and fifth districts, and the month of Dec., 1893, in all the courts. A. S. Walker, reporter. V. 5. Published by the state of Texas. 1894. 26+789 pages. \$2.30.

UNITED STATES courts of appeals reports. V. 11. Cases adjudged in the United States circuit court of appeals for the second circuit at Oct. term, 1891, and Oct. term, 1892. Samuel A. Blatchford, reporter. New York and Albany: Banks & Bros. 1894. 21+814 pages. \$3.25.

UNITED STATES courts of appeals reports. V. 7. Cases adjudged for the ninth circuit at Oct. term, 1891, and Oct. term, 1892. S. A. Blatchford, reporter. New York & Albany: Banks & Bros. 1894. 30+808 pages. \$3.25.

VIRGINIA supreme court of appeals. Reports of cases. By G. W. Hansbrough. Vols. 87-89, from Nov. 5, 1890, to April 21, 1893. Richmond: J. H. O'Bannon. 1891-93. Each, \$2.50.

WASHINGTON supreme court. Reports of cases, containing decisions rendered from July 12, 1893, to Jan. 6, 1894, inclusive, and certain cases heretofore withheld from publication pending rehearing. Eugene G. Kreider, reporter. V. 7. Olympia: O. C. White. 1894. 24+720 pages. \$3.50.

Statutes, Codes, and Laws.

CONNECTICUT. An index to the General Statutes of the State and to the Public Acts of 1889 to 1893, both inclusive. Published by authority of the general assembly, under di-

rection of the secretary. Hartford: Lockwood & Brainard Co. 1894. 413 pages.

GREAT BRITAIN. Public General Acts, passed in the 56th and 57th years of the reign of her majesty Queen Victoria. London: Eyre & S. 3s.

IOWA. Acts and resolutions passed at the regular session of the 24th general assembly begun Jan. 11, and ended March 30, 1892. Published under the authority of the state: Des Moines: G. H. Ragsdale, state printer. 216 pages.

MAINE. Acts and resolves of the 66th legislature, 1893. Published by the secretary of state, etc. Augusta: Burleigh & Flynt, printers to the state. Portland, Me.: Loring, Short & Harmon. 1893. 23+165+385+577+1057+131+251 pages. \$2, net.

MISSISSIPPI. Laws of the state of Mississippi passed at a special session of the Mississippi legislature, held in the city of Jackson, commencing Jan. 2, 1894, and end-

ing Feb. 10, 1894. Printed by authority. Jackson, Miss.: The Clarion-Ledger Pub. Co. 1894. 7+163 pages.

WEST VIRGINIA. Acts of the legislature of West Virginia, at its 21st regular and extra sessions, commencing Jan. 11, and Feb. 25, 1893. Charleston: Moses W. Donnelly, Public Printer. 1893. 584 pages.

Digests.

MEWS' ANNUAL DIGEST, 1893. [Eng.] 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 1893. By John Mews, barrister at law. London: Sweet & Maxwell, Limited, and Stevens & Sons, Limited. 1894. 35+377 pages.

CONTENTS OF NEW BOOKS.

Browne on Sales.

TITLE-PAGE. The Elements of the American Law of Sales of Personal Property. By Irving Browne, Author of "Domestic Relations," "Criminal Law," "Parol Evidence," etc. Boston: The Boston Book Company. 1894.

EXTRACT FROM PREFACE. The chief purpose of this manual is to furnish a concise treatise for the use of law students and their instructors, of a character similar to that of the author's manuals of "Domestic Relations" and "Criminal Law." Direct reference to English authorities has generally been omitted, because the American law on the subject is independent and well developed, and the English cases are amply considered in the American decisions cited, and also form the basis of Mr. Benjamin's well-known and popular treatise.

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- Chap. III. Same—Lien.
- Chap. IV. Same—Stoppage in Transitu.
- Chap. V. Remedies of the Buyer.

Goodnow's Comparative Administrative Law.

TITLE-PAGE. Comparative Administrative Law. An analysis of the administrative systems, national and local, of the United

States, England, France, and Germany. By Frank J. Goodnow, A. M., LL. B., Professor of Administrative Law in the University Faculty of Political Science, Columbia College, in the City of New York. Vol. I. Organization. Vol. II. Legal Relations. New York, 27 West Twenty-Third Street: G. P. Putnam's Sons. London, 24 Bedford Street, Strand: The Knickerbocker Press. 1893.

FROM THE PREFACE. The great problems of modern public law are almost exclusively administrative in character. While the age that has passed was one of constitutional, the present age is one of administrative, reform. Our modern complex social conditions are making enormous demands of the administrative side of the government,—demands which will not be satisfied at all, or which will be inadequately met, unless a greater knowledge of administrative law and science is possessed by our legislators and molders of opinion. This knowledge can be obtained only by study, and by comparison of our own with foreign administrative methods. It is in the hope of pointing out the way to future students of this subject that the following pages have been written. * * * It is only fair to add, also, that the work was begun by first studying with considerable care books on foreign administrative law. This was necessary, owing to the complete lack of any work in the English language on administrative law as a whole, and was possible and profitable owing to the richness of the literature of foreign administrative law. After a method of treatment had thus been obtained, the attempt was made to apply it to American law. American conditions necessitated numerous and important modifications of this method of treatment, but the author is conscious of the fact that a foreign point of view will often be noticed,—a fact for which, however, he does not consider an apology necessary, for in the present stage of the study it is to foreign writers that we must look for all scientific presentations of the subject.

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Bk. III. Local Administration.

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- Chap. I. Distinction of the Methods from the Directions of Administrative Action.
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- Chap. IV. The Socialistic Action of the Administration.

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Hardwicke's Art of Winning Cases.

TITLE-PAGE. The Art of Winning Cases, or Modern Advocacy. A practical treatise on preparation for trial, and the conduct of cases in court. By Henry Hardwicke, member of the New York Bar. New York and Albany: Banks & Bros., Law Publishers. 1894.

FROM THE PREFACE. The qualities of a good advocate are now what they have ever been in past ages. A writer of the eleventh century understood what qualifications an advocate should have better than some of our writers upon the same subject of the nineteenth century. According to this old writer, "a good pleader ought to have good sense, a sound understanding, and a subtle genius. He should be free from the faults of indecision, timidity, false shame, haste, and nonchalance. While he pleads, he should keep his attention from wandering to any other subject, and should also take care to avoid undue heat and asperity." Although there are treatises without num-

ber upon the subject of advocacy, an English writer, in a treatise upon the subject, written in the last quarter of the present century, claims to be the first pioneer in this field. It has been the aim of the author to write a practical treatise upon the subject of advocacy. He has endeavored to lay down clearly and succinctly the rules which should guide the advocate in the preparation of cases, in the examination of witnesses, and in the argument of questions of fact and of law; and, in obedience to the maxim that "history is philosophy teaching by example," he has endeavored to illustrate the precepts which he has given, by showing how they have been put into actual practice by the greatest advocates of modern times.

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REVIEWS OF NEW BOOKS.

Clark's Hand-Book of Criminal Law.¹

Reviewed by Prof. Emlin McClain, Chancellor of the Law Department of the State University of Iowa.

[For Contents and other descriptive matter, see pages 143 and 148, No. 5, Law Book News.]

The increased attention which is being paid to legal education indicated by the great growth of law schools is tending to stimulate, perhaps to overstimulate, the production of law books intended specially for the use of students; so that while the complaint among law teachers a few years ago was that law books were being made entirely for lawyers, and were unsuitable for educational purposes, the complaint may now possibly be heard on the part of lawyers that such books are being made up almost entirely on the theory of presenting the elementary principles, which are already familiar to them, and that not enough attention is given to practical details.

There can be no doubt, however, that books prepared especially for the use of students have been greatly needed, and that some commendable results are following from the attention which has been called to that mat-

ter; and yet it seems a question of great doubt what the nature of a book for law students should be, and the question is not likely to be very definitely settled so long as instructors in the law differ so widely in their notions as to the best methods of instruction. There will probably never be an entire agreement; yet perhaps the advantages of some typical forms of instruction may be so generally recognized that the diversity which now exists will be lessened.

The book now under review is made with the purpose of giving a theoretical knowledge of the subject by definitions (in black-faced type), followed with concise statements of recognized theoretical doctrines, with the citation of such cases as may profitably be read in illustration or further explanation of the principles stated. The difficulty of estimating the value of such a book is in determining to what extent generalizations and abstract principles may be used in teaching the law. There is no doubt that the criminal law lends itself to this form of treatment rather better than perhaps any other legal subject. There is a definiteness in the rule announced by the courts in defining crimes which is not to be found elsewhere; and yet, even in the criminal law, the difficulty for the student, as well as for the practitioner, lies not so much in the abstract principles as in their practical application. It is true that in the book for

¹A Hand-Book of Criminal Law. (The Horn-Book Series.) By Wm. L. Clark, Jr. St. Paul, Minn.: West Pub. Co.

students the abstract principle should be given greater relative prominence than in the book for the lawyer, but it is also true that the student who does not acquire an intelligent understanding of the method by which the abstract principle is applied in actual experience has made little headway in the mastery of even the theory of the law. As between the mere skeleton, which contains only definitions and answers to quiz questions, and the lawyer's treatise, full of complicated details and statements of particular decisions, there is not much for the student to choose, though it is probable that, eventually, and because the exercise will be an exercise in the right direction, that of working out the reasons for distinctions, rather than in the wrong direction, that of mere memorizing, the latter will be found to give the best results; but there is doubtless a middle ground, and the difficulty for the author, as well as for the reviewer, is to determine just how far the ideal point is from each of the two extremes.

The author's definitions are carefully drawn, and seem accurate, and the explanations cover the principal doctrines of the subject. A considerable space is properly given to the discussion of the general principles of criminal law, and the more important common-law and statutory crimes are then described and discussed. The number of cases cited is amply sufficient for reading. Indeed, more cases are given than will be read with profit. The consecutive and careful reading of a much smaller number of cases would give better results than the attempt to read all the cases which are referred to. Probably, however, the number of cases is intentionally made large in order that the student who has not access to all the cases may be able to find some which he may read. This matter of the citation of cases is referred to here as important, because in students' books the purpose of citing cases seems to be often seriously misconceived. The object must be very different from that with which cases are cited for a practicing lawyer, and any accumulation on the principle pursued in lawyers' treatises must be the result of a serious misapprehension of what students' cases are cited for.

In conclusion, it would not be improper or misleading to strongly commend this book for students' use, with the caution that, if it is made the basis of mere memorizing, it

will not give that knowledge of, and exercise in, legal reasoning which the student ought to have in criminal law, as well as in other branches of the subject; and that, if the student is to supplement its study by the reading of cases, he ought to have rather more definite information in regard to what cases he should read than the notes will convey. But as a résumé to classify and solidify the information acquired from the study of leading cases, or from listening to a course of lectures, or from the study of more extended text-books, it will be found, it is believed, to serve an excellent purpose.

Emilia McClain

Reardon & Dugan's Form Book.¹

**Reviewed by Harris Richardson, Esq.,
of the St. Paul Bar.**

[For descriptive matter, see page 113, No. 4, Law Book News.]

The book of Forms of Deeds, Mortgages, etc., and Wills, Compiled and Published by George Evett Reardon and Ferdinand C. Dugan, of the Baltimore bar, has an awkward sounding title, but is well adopted to the needs of lawyers who have occasion to draw or examine conveyances, mortgages, wills, etc., relating to lands situated in states other than their own. It is often embarrassing to the practitioner to be called upon suddenly to prepare such instruments without opportunity for the examination of statutes and authorities. From this work one may learn at a glance whether or not a seal is required, how many witnesses are necessary, what the language of the acknowledgment must be, and before what officers it may be taken. As reliability is always the requirement in such books, the compilers would have better satisfied the profession had they referred by footnotes to the statutes and authorities from which they gained their information.

H. Richardson

¹ Forms of Deeds, Mortgages, etc., and Wills, with Attestation Clause Used in the Several States and Territories. Baltimore: Reardon & Dugan, Compilers and Publishers. 1894.

OTHER OPINIONS OF NEW BOOKS.

Burrill on Assignments.

This work has been in existence for forty years. It was first issued in 1853. There

was a third and revised edition, by James L. Bishop, Esq., in 1877; a fourth edition, by G. L. Sterling, Esq., in 1882; and a fifth edition, in 1887, by the same author. The present

and sixth edition has been edited by J. A. Webb, Esq., of the bar of Memphis, Tennessee. Mr. Webb states in his preface that he has endeavored better to adapt the work to the use of lawyers, by some material changes both in its composition and arrangement. He has eliminated from the text all quotations from or reference to state statutes, except where their retention, either as illustrations or as leading points in decisions of importance, was deemed advisable; and has prepared instead a synopsis of the statutes of the several states and territories regulating voluntary assignments for the benefit of creditors, which is added to the text as Appendix I. This change was suggested by the increased number and importance of such statutes in many of the states, and by the fact that frequent calls are made upon counsel for advice concerning the assignment laws of foreign states. He has revised the forms and eliminated all the repealed statutes and the cases construing them, and also all the overruled cases. He has examined and cited practically all the American and English cases decided since 1877, adding nearly one thousand in number to those cited in the fifth edition. This has frequently necessitated the rewriting of the text so as to make it include and conform to the law as announced in the late cases, and also a revision of the notes. The section names or paragraph headlines have been increased in number, and so arranged that the contents of each paragraph or section are indicated by its headline, and the contents of each chapter by a title at the beginning.

It is thus seen that the work has been so radically recast by the present editor that he will have to assume the responsibility for its present condition; since the profession cannot know, by any marks which it contains, what work is his, or what has been done by the original author and the previous editors. The subject with which this work deals is a great and growing one, and this work, as brought down to the present time, deals with it very imperfectly. Not more than 4,300 cases are cited. This is a very small portion of the applicatory case law on the subject of assignments of property in trust for the benefit of creditors. The learned editor, in supposing that, in adding nearly one thousand cases which have been decided since 1877, he has "cited practically all the American and English cases decided since that year," is very seriously mistaken. Some of the most important topics are treated so imperfectly that the treatment is liable to mislead.

We are of the impression that the present like previous editions of this work, will be found useful to the profession; but that, if the lawyer or judge relies upon it as a thorough compilation or index of the American

case law on the subject, he will be frequently misled.

—American Law Review.

Clark's Hand-Book of Criminal Law.

[See contents and descriptive matter on page 143, No. 5, Law Book News; and a review by Prof. Emlin McClain, in this number, on p. 180.]

It seems a pity that many lawyers or law students should be satisfied with a "hand-book" on so important a branch of the law; but the enterprising publishers of this manual have no doubt assured themselves in advance of a sale. Such a book might be read as a preparation for study of the law of crime; and, if its statements were as accurate as they are broad, it might be handy for review. That any one, even by committing bodily to memory the concise formulae of its "black-letter text," should get to know much about criminal law, is as unlikely as that one who has the formulae of the differential calculus carefully drawn off in his memorandum book should thereby become master of that branch of mathematics.

The author shows facility at formulating rules clearly and concisely, and wisely gives considerable space to general principles. As might be expected, he slips easily over the difficulties of the subject. Thus, the important question of the intent required in statutory crimes is dismissed in a few sentences, and contradictory decisions are cited side by side, without a hint of the fundamentally conflicting theories. (Page 70.) The anomalous doctrine of the Massachusetts court is stated without comment, as if it were everywhere acquiesced in; and *Regina v. Tolson* (23 Q. B. Div. 168) is not even referred to in this connection. Nor does Mr. Clark hesitate to state (page 358) that the territorial limits of a country extend outward into the ocean a marine league, though a majority of the judges in *Regina v. Keyn* (2 Exch. Div. 63) thought otherwise, after one of the most elaborate discussions to be found in the books. Mr. Clark does not cite the case. The subject of Larceny tests the extent of one's knowledge of the law of crime; and here the author shows some lack of familiarity with his material. One cannot be expected to reach accurate results who starts with the following definitions (page 249): "Possession is the present right and power to control a thing." "Property in a thing is the right to possession, coupled with an ability to exercise that right." With such notions he may well believe that fraud vitiates the owner's consent to the original taking, and makes it a trespass. (Page 250.) But this misconception will hardly excuse the statement, in the discussion of "Receiving Stolen Goods,"

that "the fact that the goods were stolen in another state is immaterial" (page 289), citing in support of it a case which assumes the contrary to be true.

—"J. H. B." in *Harvard Law Review*.

This book, as the author advises us, is intended to contain a concise but full statement of the general principles of the criminal law. The statutes of the different states vary so much that it would be impossible in a book of this size (450 pages) to go to any extent into statutory crimes, or to show how far the common law is modified or abrogated by statute in each particular state. We are very much impressed with the manner in which the volume seems to have been prepared. The general principles, divisions, and definitions of the main subjects of the chapters in bold type are followed by more detailed treatment, in which the cases are exhaustively cited and intelligently discussed. In this way the practitioner may the more readily grasp the general theory of the subjects, and have before him, as a map, an outline of the main points. We have no doubt the work will be a popular one, and of great value to the criminal practitioner.

—Central Law Journal.

The book gives evidence of careful and thorough work in its preparation. Crimes have been classified according to their nature, and kindred crimes have been treated together, instead of in alphabetical order, and thus the fine distinctions which sometimes appear between different crimes have become more apparent.

—New Jersey Law Journal.

The value of such a work lies in the information which may be derived from it of the general principles of criminal law outside of and apart from the statutory enactments which prevail at the present time to so great an extent in almost every state in the Union. The hand-book is well arranged and well printed, with citations at the foot of each page, and is a valuable addition to the works on criminal law, not only in states where the common law prevails, but also where, as in New York state, statutes have been enacted which cover almost every criminal case.

—The Albany Law Journal.

This is an excellent book. Its value will be speedily recognized, as well by the law student as by the busy practitioner in his office and at the trial table, for its value lies in its convenient usefulness and its rare accuracy. Its method of arrangement is admirable. It is not an exhaustive treatise or labored commentary, but it states the general

principles of the criminal law in a certain logical connection, by which the reader is carried naturally and easily from the general through the particular aspects of each of the subjects treated, and from one subject to another,—not by any mere alphabetical or other meaningless order, but in strict accordance with their topical relation.

—Richmond (Va.) Times.

Jones on Chattel Mortgages.

This is the fourth edition of a work of decided merit. The author, Mr. Leonard A. Jones, is a recognized authority on subjects of this character, his treatises on Mortgages of Real Property, Corporate Bonds, Pledges and Liens, being regarded by the profession as of great practical value. The present edition, as compared with the original edition, contains citations of some two thousand additional cases, and the work has been enlarged by the addition of some two hundred pages of new matter. In admirable style are discussed, in successive chapters, the nature of mortgages of personal property, requisites in form and execution, subject-matter of chattel mortgages, mortgages of future personal property, recording, filing, and refiling, fraudulent mortgages, mortgages of merchandise with power of sale in the mortgagor, the rights of the parties before forfeiture, removal, concealment, and sale of mortgaged property, payment and discharge, redemption, rights, and remedies after forfeiture, foreclosure in equity and sales under powers. It is a volume of nearly nine hundred pages, beautifully printed and bound.

—Central Law Journal.

An examination of this work, from the standpoint of interest of the practical banker and bank attorney, discloses a very useful volume. Chattel mortgages, as a species of property security, are largely taken by bankers in many states, and there are numerous instances in which bankers figure as creditors of persons or firms who attempt to place their goods beyond the reach of seizure by means of chattel mortgages. In the practice of banking in various states questions frequently arise between the bank and third parties involving the whole range of chattel mortgage law. Mr. Jones' work contains a complete and detailed exposition of the entire subject.

—Banking Law Journal.

Jones on Liens (Second Edition).

[See Contents and other descriptive matter on page 79, No. 3, Law Book News; and review by John J. Jenkins, Esq., on page 115, No. 4, Law Book News.]

Five years ago, upon the appearance of the first edition of this work, we recommended

it to the profession as worthy of their patronage, and the favor with which it has been received has more than confirmed what we then said of it. The present edition contains 1,586 pages. Considerable new matter has been added, but by changing the type and size of the pages, and by substituting, in some instances, references to statutes in place of statements of their substance, the size of the volumes has not been materially increased. Important changes and additions have been made in that part of the work relating to mechanics' liens. In this part alone there are about a hundred pages of new matter, and the number of citations added exceeds twelve hundred. This edition deserves a place among the working tools of every active lawyer in general practice.

—Chicago Legal News.

Prior to the first edition of this work, it is a question whether any other branch of the law could lay claim to an equal lack of clear comprehension. A "lien" has always represented to the mind of the average man (and to only too many lawyers) the idea of a charge upon property, of any and all kinds and descriptions, even as to the newspaper omniscient "defalcation" is a dignified species of embezzlement. Accordingly, side by side with the liens of attorneys, etc., we hear men speak of the lien of a mortgage, an assignment, a judgment, etc. Even in that great fountain of law, the acts of assembly, such confusion of terms is the invariable rule. It would be difficult to find a statute that speaks of the "incumbrance" of a mortgage, or of a judgment. And yet, as Mr. Jones clearly shows, this general, popular nomenclature is, as it is very apt to be, wholly in the wrong. The so-called "liens" of this kind find, therefore, no place in this work; and the unsuspecting lawyer who turns to it for information on those subjects will be disappointed, even though his mental horizon may be enlightened in another direction.

What, then, is a "lien," within the scope of this work? It must be confessed that, though the several species of liens are defined with great clearness, the broad line of distinction between a lien in general and a charge on property is left in a hazy state. But probably this was inevitable. It is hard to find a definition which will include common-law, statutory, and equitable, to say nothing of maritime, liens. "A lien at law," says the author, "is an implied obligation whereby property is bound for the discharge of some debt or engagement. It is not the result of an express contract; it is given by implication of law." Now, it is clear that this definition cannot be applied to a statutory lien, which is given by the express words of a statute, unless we regard the statute as implied

in the agreement between the parties. So, too, an equitable lien, which arises from express words in a contract, cannot be classed under this definition. An example will make this clearer. At common law an innkeeper has a lien on the goods of his guest until his charges are paid. The guest may contract with him that he shall retain a special part of his baggage. This discharges the lien on the rest, and creates an equitable lien on the part so retained. Again, a lien on the property of a guest may be declared by statute, which will supersede the common-law lien. In each case the result is the same, but the three liens are totally different in their origin.

The most general definition of a lien that Mr. Jones gives is that it is a right of detainer. This, however, only applies to personal property, and not to a mechanic's or other lien on real estate. A lien on personal property can, in general, only attach to property in the possession of the lien holder, and which he can detain; but the mechanic is not in possession of the real estate to which his claim attaches.

Without going into the subject further, it may suffice to say that the most satisfactory definition of a "lien," in the strict sense, is that it is a fixed charge upon specific property, not coupled with an interest. This Mr. Jones clearly implies, though he does not state it in so many words.

There is very little that has escaped the author's research; and he has fortunately not felt himself tied down to a bare statement of the express decisions on any subject, but has gone in most cases into a more or less detailed discussion of collateral points, tending to elucidate questions not yet decided, but which may arise. "Lost Goods" is a clear illustration of this. After stating that at common law the finder has no lien, he does not merely add that, if a reward has been offered, the finder has a lien for the reward, but goes on to discuss the incidents of the offer, when it becomes a contract, what constitutes a performance of its terms, when the offer may be withdrawn, etc., until he has covered almost every conceivable question that can be raised.

And yet there are some matters which Mr. Jones has either failed to notice, or considered as beneath his notice. It is rather depressing to local pride to find no mention of *Cadwalader v. Dilworth*, 28 W. N. C. 32, the sole case in which a court has decided that an agistor has a lien at common law upon a horse which he has taken to board. However, opposed as that case is to an overwhelming array of authorities, its citation would have served no good purpose, except as showing the presumable opinion on that subject in Pennsylvania.

There are some slight inaccuracies and deficiencies of statement to be found here and there. In discussing lumbermen's liens the author states (section 722) that "the contractor is not, in general, an agent of the owner to employ men, and bind the owner or his property." But he omits to state that this rule depends wholly on the nature and terms of the contract; in other words, whether or not the contractor is to be regarded as independent. If he is not independent, but under the control of the owner, authority to employ men on behalf of the latter will, in the absence of express restrictions, be inferred from the contract. It is clear, therefore, that no general rule can be predicated where it depends on the circumstances of the particular case.

So, he states in section 1033 that the lien holder who sells the property subject to the lien may set up the lien as a defense to any action which the owner may bring against him for a conversion. But this, as shown by sections 523 and 525, is only partially true. In any case the lien could only serve as a defense pro tanto; that is, as a set-off. And he does not state the fact, decided in one of the very cases he cites, that the purchaser of the property may set up the lien as a defense to an action of replevin brought by the owner, he being in this regard substituted to the rights of the lien holder.

Again, in discussing the vendor's lien upon real estate for unpaid purchase money, while rightly omitting Pennsylvania from the list of states in which that lien is recognized, the author also omits to state that it was nevertheless decided in *Stokely v. Trout*, 3 Watts, 163; that whenever the agreement between the vendor and vendee contemplates another deed, though in the words of a present conveyance, the vendor has a lien for the unpaid purchase money.

And, again, in treating of the effect which an agreement by the principal contractor not to file a mechanic's lien has upon the right of a subcontractor, though correctly stating the law to be that a covenant to that effect by the contractor will bind the subcontractor, he overlooks the decision in *Evans v. Grogan*, 153 Pa. St. 121, that, to have that effect, it must be a covenant in the strict sense, not a mere promise that liens shall not be filed.

All these errors, however, are but of minor importance compared with the value of the work as a whole, and are such only as are inevitable in any human performance. No other work on the subject can compare with this in logical arrangement, clear style, or accurate statement. The chapters on mechanics' liens, which form over two-thirds of the text of the second volume, contain a presentment of the law on that vexed subject

that is without a rival. After their perusal, one can say with confidence that he knows something about the subject,—a statement which would have been rash, indeed, before Mr. Jones gave us the fruit of his labors. The same might be said of other portions of the work.

A very valuable feature is the abundant presentment of statute law, a feature which was really rendered essential by the nature of the subjects treated; but it is matter for regret that the references are too often made to compilations only, and not to the annual volumes of laws. An index of statutory law, though involving much additional labor, would have been an important adjunct to the work.

The index, too, might have been fuller. As it is, it savors too much of the logical arrangement of the work, and not enough of the alphabetical nature of an index proper. You will find the titles "Contractor" and "Subcontractor" safe and sound under the shelter of "Mechanics' Liens," but will look for them in vain in their alphabetical place. So with many other subjects.

It is also disappointing to find the subject of municipal liens dismissed with a cursory reference to the liens of taxes and water rents. These are certainly matters of great importance, and fall as legitimately within the scope of the work as do mechanics' liens. It may be, however, that the author felt himself restrained within the bounds of the property relations between private individuals, in which case the liens of the public would not strictly belong to the subject in hand. Yet, treated as mechanics' liens have been, it would have greatly enhanced the value of the work; and we may be permitted to express the hope that in the future the author may turn his hand to this subject also. —"R. D. S." in *American Law Register and Review*.

McKelvey on Common-Law Pleading.

This is a work of nearly two hundred pages, bound in cloth, prepared by a member of the New York bar. It is, to state concisely, a brief explanation of the different forms of common-law actions and a summary of the most important principles of pleading therein, with illustrations taken from the cases. It is well written, and the author evidently is a master of the subject he has undertaken to elucidate. Practitioners will find it a valuable aid in the solution of knotty problems relating to pleading.

—Central Law Journal.

Mr. McKelvey has given the main principles of pleading at common law, whose in-

fluence is still felt in the various systems of pleading which prevail in the different states. The cases which are used to illustrate these principles have been judiciously selected, and are a great aid to the proper understanding of the subject. The book is divided into two parts, the first giving the forms of actions and declarations, the second the pleadings subsequent to the declaration. The book is eminently adapted for preliminary study by those who expect to practice in states where code pleading prevails, whether the subject be pursued in an office or in a law school.

—Yale Law Journal.

The two standard works on pleading are both excellent and satisfactory for their purposes,—Chitty as a well-arranged collection of authorities for the practitioner, and Stephen as a clear and adequate statement for lawyers and for more advanced students. There is, however, a demand for a third kind of text-book, one which shall state clearly for the beginner, in terms adapted to his slight knowledge of the law, the elementary principles which at least every well-educated lawyer must know in order to understand the history of the law and the decisions made during the long period when common-law pleading ruled the forms and affected the substance of the decided cases. This demand Mr. McKelvey has attempted here to supply. In Part I., some sixty-seven pages, he gives a clear statement of the essential principles of the different forms of actions, intended to make plain to the beginner the divisions into which the old remedies of this system of pleading naturally cast the substantive rights of action. In Part II., which occupies the rest of the book, he has followed the arrangement of Ames' Cases on Pleading in treating of the steps subsequent to the declarations in the respective actions. The net result is a plain and easily understood summary of the law of pleading.

—“R. W. H.” in Harvard Law Review.

Paine's Banking Laws.

By reason of the enactment by the legislature of the recent revision of the statutes of the state of New York, by the commissioners appointed to compile and revise the laws, a new edition of this standard work has become necessary. This book when first published became the leading, and, indeed, the only recognized, authority upon the banking laws of this state. The Hon. Willis Paine, a lawyer by profession, together with the president of the Bank of North America of the city of New York, were appointed in the year 1880, by Governor Cor-

nell, commissioners to compile and revise the laws of the state of New York affecting banks, banking and trust companies. The legislature of 1882, in adopting the revision, tendered to these commissioners a vote of thanks for this exceedingly valuable service. At the request of a large portion of the New York banking interests, Governor Cleveland appointed Mr. Paine to the responsible position of superintendent of the banking department of the state of New York, thus giving him supervisory power over the financial institutions of the state. He held this place for nearly seven years, and resigned to take the presidency of a well-known trust company of the city of New York. An inspection of this new work will show to the members of the bar having relations with financial institutions, as well as to all bankers, that it is an indispensable ready reference manual. It will be found to be a complete and reliable encyclopedia of statutes, judicial decisions, and opinions of the attorney general of the state of New York, together with the national bank act and the opinions of the courts interpreting the same. All the recent amendments of that act adopted by congress are appended. The work embraces the laws relating to banks, banking, trust companies, loan, mortgage, and safe-deposit corporations, together with the acts affecting moneyed corporations generally, including the statutory construction law, the general corporation law, and the stock corporation law; also the national bank act and cognate United States statutes, with annotations.

—The Banking Law Journal.

Prentice on Police Powers.

* * * Mr. Prentice, for many years the counsel to the New York board of health, brings to the study of this subject an experience at once unusual and varied. He has avoided successfully the temptation to make a theoretical treatise, and has produced a working law book in a new and expanding field. “Police powers” the courts have persistently refused to define, leaving their scope always open to enlargement. Blackstone speaks of “offenses against the public health and the public police or economy, which we distribute more accurately under the head of ‘Police Powers;’” and Kent mentions the familiar instance of a house razed to the ground to prevent a general conflagration, where private property is taken, not under the law of eminent domain, upon due compensation, but summarily and without payment, under the law of overruling necessity. And it is this basis of overruling necessity upon which all police powers rest, and upon this foundation has been built up a superstructure of whose dimensions few, perhaps,

who have not examined a comprehensive treatise like Mr. Prentice's book, will have any adequate conception. * * * The American decisions are vastly more interesting than the English, for the reason that here every attempted exercise of police powers is subjected to the test of two written constitutions,—that of the state and that of the nation,—and this dual test has given rise to many novel questions, many of which are collected for the first time in this connection in Mr. Prentice's book. The United States supreme court, while not hesitating to uphold the supreme law, as in the Chinese cases, has, in the main, conserved the powers of the states (whenever exercised in a reasonable manner) to deal with all questions affecting the health, peace, and comfort of the public, and has repeatedly declared these to be among the police powers reserved to the several states by the federal constitution. Quite

recently, however, the national quarantine laws have been passed, and the federal government seems about entering upon the exercise of a police power of its own, which must find its justification in some express or implied grant in the constitution, such as the regulation of commerce, or the power to restrict or restrain immigration; and the length to which such national legislation may go may be the subject of interesting discussion in the courts hereafter. So far most of the questions have arisen out of state legislation, and these have been collected and put in practicable and convenient shape by Mr. Prentice. These decisions have frequently involved large interests, and are among the most important in recent reports. Mr. Prentice annexes to his book the usual table of cases cited, and an excellent working index—a valuable adjunct to any law book.

—New York Law Journal.

Leading Text Books Published this Year.

Beach on Modern Equity Practice. 2 vols	12 00 net	Jones on Liens. 2 vols. 2d edition	12 00 net
Benedict's Admiralty. 3d edition..	6 00 net	Jones on Mortgages. 2 vols. 5th edition	12 00 net
Burrill on Assignments. 6th edition	6 00 net	Jones' Forms of Conveyancing. 4th edition	6 00 net
Carr's Judicial Interpretation of the U. S. Tariff Act.	5 50 net	Lloyd's Law of Buildings. 2d edition. Cloth, \$4.50. Sheep.....	5 00 net
Clark's Criminal Law.	3 50 net	Loveland's Forms of Federal Procedure	6 00
Cogley on Strikes & Lockouts.	4 00 net	Pagan's Precedents and Forms in Federal Cases	6 00 del
Cook on Stocks. 2 vols. 3d edition	12 00 net	Tiedeman on Municipal Corporations	6 00 net
Coxe on Judicial Power and Un-constitutional Legislation.....	3 00 net	Wood on Railways. 3 vols. 2d edition	18 00 net
Demarest on Elevated Railroad Law	3 50 net		
Dillon's Laws and Jurisprudence of England and America. Cloth....	4 00 net		
Jones on Chattel Mortgages. 4th edition	6 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 Jurisprudence. 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.	6 50 net	Thornton on Gifts and Advances..	6 00 net
Clements' Digest of Fire Insurance	10 00 net	Tiffany on Death by Wrongful Act	4 50 net
Cobbey on Chattel Mortgages. 2 vols.	5 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.	Terms
Abb. N. C.	Abbott's New Cases, Diney Law Book Co., New York City.	Monthly.	
Alb. Law J.	Albany Law Journal, Albany, N. Y.	Weekly.	25c.
Am. Banker.	American Banker, New York City.	Weekly.	\$4.00 per yr.
Am. Lawy.	American Lawyer, New York City.	Monthly.	1.00 per yr.
Am. Law Reg. & Rev.	American Law Register and Review, Philadelphia.	Monthly.	5.00 per yr.
Am. Law Rev.	American Law Review, St. Louis.	Bi-Monthly.	1.00 single copy.
Am. Prob. R.	American Probate Reports, Baker, Voorhis & Co., New York City.		
Am. R. & Corp. R.	American Railroad and Corporation Reports, E. B. Myers & Co., Chicago.		
Am. St. Rep.	American State Reports, Bancroft-Whitney Co., San Francisco.		4.00 single copy.
Am. & Eng. Corp. Cas.	American and English Corporation Cases, Edward Thompson Co., Northport, Long Island, N. Y.		4.50 single copy.
Am. & Eng. R. Cas.	American and English Railroad Cases, Edward Thompson Co., Northport, Long Island, N. Y.		4.50 single copy.
Aust. Law T.	Australasian Law Times, Melbourne, Australia.	Semi-Monthly.	\$3 3s. per yr.
Banking Law J.	Banking Law Journal, New York City.	Monthly.	30c. single copy.
Bank. Mag.	Bankers' Magazine, London, Eng.		
Brief.	The Brief, London, Eng.		
Can. Law J.	Canada Law Journal, Toronto, Can.	Semi-Monthly.	5.00 per yr.
Can. Law T.	Canadian Law Times, Toronto, Can.	Monthly.	50c.
C. C. A.	U. S. Circuit Courts of Appeals Reports, West Pub. Co., St. Paul, Minn.		5.00 single copy.
Cent. Law J.	Central Law Journal, St. Louis.	Weekly.	25c.
Chi. Law J.	Chicago Law Journal, Chicago.		3.00 per yr.
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.	1.00 per yr.
Columbia Law T.	Columbia Law Times, New York City.	Monthly.	
Counsellor.	The Counsellor, New York City.	Monthly.	80c.
Cr. Law Mag.	Criminal Law Magazine, Jersey City, N. J.	Bi-Monthly.	
Daily Balt. Rec.	Daily Baltimore Record, Baltimore, Md.	Daily.	02c.
Green Bag.	Green Bag, Boston.	Monthly.	50c.
Guide.	The Guide, Kalamazoo, Mich.	Monthly.	1.00.
Harv. Law Rev.	Harvard Law Review, Cambridge, Mass.	Monthly.	35c.
Int. Jour. Eth.	International Journal of Ethics, Philadelphia, Pa.	Quarterly.	85c.
Iowa Univ. Law Bul.	Law Bulletin of Iowa University, Iowa City, Iowa.	Monthly.	
Ir. Law T.	Irish Law Times, Dublin, Ire.	Weekly.	£1 10s. yearly.
J. P.	Justice of the Peace, London, Eng.	Weekly.	
Jurid. Rev.	Juridical Review, London, Eng.		
Law Ex. J.	Law Examination Journal and Law Student's Magazine, London, Eng.		
Law Gaz.	Law Gazette, London, Eng.		
Law J.	Law Journal, London, Eng.	Weekly.	
Law Mag.	Law Magazine, London, Eng.	Quarterly.	
Law Notes.	Law Notes, London, Eng.		
Law Quart. Rev.	Law Quarterly Review, London, Eng.	Quarterly.	5 shillings.
Law Student's Helper.	Law Student's Helper, Detroit, Mich.	Weekly.	10c.
Law T.	Law Times, London, Eng.		
Lawy. Rep. Ann.	Lawyers' Reports Annotated, Lawyers' Co-operative Pub. Co., Rochester, N. Y.	Semi-Monthly.	75c.
Leg. Int.	Legal Intelligence, Philadelphia.	Weekly.	10c.
Med. Leg. J.	Medico-Legal Journal, New York City.	Quarterly.	
Mich. Law J.	Michigan Law Journal, Grand Rapids, Mich.	Monthly.	85c.
Minn. Law J.	Minnesota Law Journal, St. Paul, Minn.	Monthly.	2.00 per yr.
Mont. Leg. N.	Montreal Legal News, Montreal, Can.		
Morr. Min. R.	Morrison's Mining Reports, Callaghan & Co., Chicago.		
Nat. Corp. Rep.	National Corporation Reporter, Chicago.	Weekly.	5.00 per yr.
Nation.	The Nation, New York City.	Weekly.	1.50 per yr.
Neb. Leg. N.	Nebraska Legal News, Lincoln, Neb.		
N. J. Law J.	New Jersey Law Journal, Plainfield, N. J.	Monthly.	25c.
N. W. Law Rev.	Northwestern Law Review, Chicago.	Monthly.	
N. Y. Cr. R.	New York Criminal Reports, S. S. Peloubet, New York City.		
N. Y. Law J.	New York Law Journal, New York City.	Monthly.	
Pittsb. Leg. J.	Pittsburgh Legal Journal, Pittsburgh, Pa.	Daily.	05c.
Ry. & Canal Traffic Cas.	Railway & Canal Traffic Cases, Sweet & Maxwell, London, Eng.	Weekly.	10c.
Ry. & Corp. Law J.	Railway and Corporation Law Journal, New York City.		
Scot. Law Rev.	Scottish Law Review, Glasgow, Scot.	Weekly.	25c.
So. Law Rev.	Southern Law Review, Atlanta, Ga.	Monthly.	1 shill. and sixpence
State Affairs.	State Affairs, Lansing, Mich.		
University Law Rev.	University Law Review, New York City.	Semi-Monthly.	05c.
Wash. Law R.	Washington Law Reporter, Washington.	Monthly.	25c.
Wkly. Law Bul.	Weekly Law Bulletin and Ohio Law Journal, Columbus, Ohio.	Weekly.	10c.
Wkly. Rep.	Weekly Reporter, London, Eng.		25c.
W. Va. Bar.	West Virginia Bar, Morgantown, W. Va.		
Yale Law J.	Yale Law Journal, New Haven, Conn.	Monthly.	1.00 per yr.
		Monthly.	85c.

TOPICAL DIGEST.

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

ASSIGNMENT FOR BENEFIT OF CREDITORS.

A criticism of the recent opinion of the supreme court of North Dakota in *Re Enderslin State Bank*, 58 N. W. 514, holding the property assigned, though the deed of assignment is regular on its face, and all the requisite steps are taken, is not in the custody of the law, if the assignment is made with intent to defraud creditors.—5 *Chi. Law J.* 218.

An extensive collection of authorities on the effect of the transfer of property out of the state by bankruptcy or insolvency proceedings, or assignment for benefit of creditors.—23 *L. R. A.* 33.

ATTORNEY AND CLIENT.

A brief review of the life and work of David Dudley Field.—5 *Chi. Law J.* 203.

BANKS AND BANKING.

A report of the convention of the Tennessee Bankers' Association.—59 *Am. Banker*, No. 22, p. 12.

A report of the proceedings of the tenth annual convention of the Texas Bankers' Association.—59 *Am. Banker*, No. 21, p. 2.

A short article on the lien of banks on shares held by trustees for debts due by the trustees.—15 *Aust. Law T.* 139.

A valuable article on the important question of the relation of the clearing house bank depositors with reference to the recent decision of the supreme court of New York in *People v. St. Nicholas Bank*, 28 N. Y. Supp. 407.—By Frederic E. Perham. 1 *University Law Rev.* 256.

BOYCOTT.

A history and definition of the word, with numerous authorities, as to the rights of employers and employees, and the civil liability of those establishing a boycott.—By D. H. Pingrey. 38 *Cent. Law J.* 427.

CHARITIES.

A scholarly article on the origin of cy pres.—By Joseph Willard. 8 *Harv. Law Rev.* 69.

CONFLICT OF LAWS.

An interesting article on the right to entertain jurisdiction for trespass to lands situated abroad, with numerous English and

American citations, namely, conclusions in each that jurisdiction for that purpose does not lie in the English courts.—*Law Rev. & Mag.* Republished in 28 *Ir. Law T.* 278.

CONSTITUTIONAL LAW.

A continuation of a series of studies on the constitution of Michigan, with reference to the powers, privileges, and duties of the legislature.—2 *State Affairs*, Nos. 9, 10, p. 5.

A collection of authorities on the power of the legislature to make a statute contingent on approval by vote of the people.—23 *L. R. A.* 113.

CONTRACTS.

— Of corporations, see "Corporations."

An article on the right of a third person to sue on a contract made for his benefit; the result arrived at being that it is the established law in England to-day, also in many of the American states, that such third person cannot maintain such an action.—By Edward Q. Keasbey. 8 *Harv. Law Rev.* 93.

CORPORATIONS.

A valuable article, with numerous citations, on the doctrine of ultra vires in relation to the contracts of private corporations.—By Seymour D. Thompson. 28 *Am. Law Rev.* 376.

An answer to the criticism in the American Law Review of the doctrine that an insolvent corporation can prefer its creditors.—By Edward Avery Harriman. 2 *N. W. Law Rev.* 167.

A review of the question whether a limited company, which has lost part of its capital, can lawfully declare or pay a dividend without first making good the capital which it has lost.—13 *Law Notes*, 151.

A review of the growth of corporations in Michigan, with some suggestions of changes necessary in legislation on that subject, being an address before the Michigan Political Science Association.—By Alfred Russell. 3 *Mich. Law J.* 117.

COURTS.

A history of the origin and jurisdiction of the courts of New Jersey.—By Edward Q. Keasbey. 17 *N. J. Law J.* 131.

A history of the court of appeals of Maryland.—By Eugene L. Didier. 6 *Green Bag*, 225.

A continuation of a series of articles on

the jurisdiction of county courts in the dominion.—30 Can. Law J. 253.

A continuation of the interesting article on the court of star chamber.—By John D. Lindsay. 6 Green Bag, 215.

COVENANTS.

An article, with numerous citations, on the covenant of warranty, its distinctive characteristics, its breach, and the result thereof.—By George Urquhart. 38 Cent. Law J. 406.

CRIMINAL LAW.

A short article on the social factor in crime.—By James H. Pershing. 28 Am. Law Rev. 368.

An article on the competency of a prosecution to produce evidence tending to show that accused has been guilty of criminal acts other than those covered by the indictment.—J. P. Republished in 28 Ir. Law T. 217.

A short article on the admissibility of evidence of expressions uttered during sleep, with a citation of the few cases in which it has been permitted.—Scot. Law T. Republished in 28 Ir. Law T. 252.

Cy Pres.

— See "Charities."

DAMAGES.

An article on the statute empowering courts in New York to order a physical examination of the plaintiff, in an action for personal injuries, before trial, with forms necessary in obtaining such an order.—1 University Law Rev. 265.

EMINENT DOMAIN.

A valuable essay on the growth and limitations of the doctrine of eminent domain; the conclusions arrived at being that some drastic remedy must be applied to control what is considered to be a growing evil.—By Thomas E. Barkworth. 3 Mich. Law J. 126.

ESTOPPEL.

A valuable article on title by estoppel, with numerous citations of English and Canadian authorities.—By A. C. Galt. 14 Can. Law T. 121.

EVIDENCE.

A valuable paper, with numerous notes and citations, read before the Virginia State Bar Association, on extrinsic evidence in respect to written instruments.—By Charles A. Graves. 28 Am. Law Rev. 321.

A short article on the great desirability of preserving, in its substantial integrity, the rule that parol evidence is incompetent to contradict or vary a written instrument.—11 N. Y. Law J. 616.

A short note on the element of time in determining the admissibility of evidence as part of the *res gestae*.—1 University Law Rev. 250.

An interesting article on the admissibility of photographs in evidence for the purposes of identifying persons, or identifying things or places, and to prove handwriting.—2 Minn. Law J. 91.

FIXTURES.

A short article on the difficulty in determining the effect of a renewed lease on the lessee's rights as regarding fixtures.—97 Law T. 72.

INSURANCE.

A continuation of a series of articles on the insurance agent, with especial reference to the companies' liability to him.—16 Rough Notes, 367.

INTOXICATING LIQUORS.

An article on recent legislation in South Carolina.—By John H. Ingham. 1 Am. Law Reg & Rev. 352.

A short article on the South Carolina dispensary law.—By C. G. Tiedeman. 1 University Law Rev. 261.

A review of the decision of the supreme court of South Carolina in the so-called "Dispensary Act" in the case of *McCullough v. Brown*, 19 S. E. 458, with especial reference to the article by Prof. Christopher Tiedeman in the University Law Review for May, 1894, criticising the decision, and taking the ground that the law should have been held constitutional.—11 N. Y. Law J. 640.

Jurisdiction.

— In trespass to land situated abroad, see "Conflict of Laws."

JURY.

A conclusion of the interesting article on the jury system in the United States.—By George E. Pardee. 2 State Affairs, No. 9, p. 1.

LANDLORD AND TENANT.

— Rights in fixtures, see "Fixtures."

A collection of authorities as to the liability of a landlord for the condition of a part of

the premises not controlled by the tenant.—23 L. R. A. 155.

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An article on the power of the courts to issue mandamus to the speaker of the legislative assembly.—By Percy L. Edwards. 38 Cent. Law J. 467.

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— See "Boycott."

A short note, with a few authorities, on some of the phases of the master liable for assaults committed by his servant.—By W. L. Murfree. 38 Cent. Law J. 447.

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— Admissibility as evidence, see "Evidence."

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— Physical examination of plaintiff, see "Damages."

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SHERIFFS AND CONSTABLES.

An interesting article, with numerous citations, as to the rights of a bailiff to commit trespasses for the purpose of serving a distress warrant.—J. P. Republished in 28 Ir. Law T. 241.

State Legislature.

- Mandamus to speaker, see "Mandamus."
- Powers, see "Constitutional Law."

SUBROGATION.

A collection of authorities on the right of subrogation.—23 L. R. A. 124.

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- Of servant, liability of master, see "Master and Servant."

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- Of bailiff in service of distress warrant, see "Sheriffs and Constables."
- To land in foreign jurisdiction, see "Conflict of Laws."

An interesting article on the right to protect one's grounds against trespass by means of spring guns and mantraps.—J. P. Republished in 28 Ir. Law T. 277.

TRUSTS.

- Lien of bank on shares held in trust for debt of trustee, see "Bank and Banking."

A review of the doctrine of spendthrift trusts, with reference to the leading case of *Nichols v. Eaton*, 91 U. S. 716.—By Mary M. Bartelme. 2 N. W. Law Rev. 177.

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Water Companies.

- Liability for defective water supply, see "Negligence."

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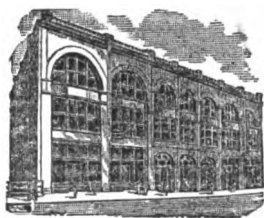
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Codification—or Unification?

MANY of the lawyers who deplore the multiplication of Reports and the common dependence on case law see in codification the only escape from the City of Dreadful Night into which they see themselves descending. It is not for us to pronounce the final decision between the eminent and learned advocates of codification and those other eminent and learned members of the profession who find it impossible to accept that device as a solution of legal difficulties. It may, however, be pertinently pointed out that there is another direction from which relief may come, and that, indeed, some diffused glimmer of light has already come from this quarter to temper the shadows. This hope lies in the unification of judicial opinions.

The desire of the codifiers is that the proverbial uncertainty of the law may be re-

duced, not to absolute certainty, but some degrees nearer that than it is at present. It is recognized that this element of uncertainty is due largely to the conflicting opinions which have emanated from the bench in the past. Under our juridic system, the utterances of the courts have a weight as "authority" which leads a practitioner to rest his case, when possible, upon the fact that a similar case has at some time been decided as he wishes this to be. So long as our courts accept the judicial decisions of the past as binding upon them, it is useless to protest against the citation of such decisions on the part of the bar. Lawyers come into court to win their cases, and not for the purpose of showing how they should, theoretically, be handled, regardless of the result. It is, moreover, difficult to see what objection could well be urged against the fact that the present case is decided by an established rule. That, indeed, is the method proposed by the codifiers, substituting only a legislative for a judicial rule. But the evil feature of the system arises from the fact that different courts have pronounced different rules. The present court, confronted with two opposing "authorities," must make an elaborate justification of its decision, unless, indeed, it "distinguishes" the case before it, and pronounces still a third rule.

It must be apparent, therefore, that the multiplicity of cases brought into the courts to-day, from which result the multiplicity of decisions and multiplicity of Reports com-

plained of, is due in large part to the conflicting decisions of the past.

This conflict of decisions was, in turn, largely due to the fact that the adjudications of one court were not known to other courts. When an opinion, once rendered, was buried in the manuscript files of the court until resurrected some years later in bound volumes, or accidentally discovered by some lawyer groping for an authority, mind reading would have been the only means by which one court might learn the point of view taken by a neighboring court; and mind reading has never been considered an absolutely necessary qualification for elevation to the bench. It would seem that the remedy was obvious, yet, as a matter of fact, the plan of systematically publishing the decisions of the entire country as rendered was not put into operation until so recently that its effects, although demonstrated, have hardly yet had time to be recognized by the country at large. They have been recognized, as might naturally be expected, by the judges themselves who had felt the need of information as to the previous course of judicial reasoning on doubtful and difficult legal questions. And they have been recognized by other thoughtful observers of the changed conditions of to-day. The Washington Law Reporter wrote: "If the present system of reporting, publishing, and circulating throughout the whole country all the decisions of the many courts of last resort had existed with the foundation of the Union, and had continued to the present time, there can be no doubt that there would be to-day far less of conflict between the commercial laws of the states. The evil which national and state bar associations are now seemingly vainly endeavoring to cure, would to a large extent have no existence."

The prompt publication of all the current decisions brings the whole contemporaneous field of adjudications before all the courts simultaneously. The questions which have been presented, and the decisions reached, are known from one end of the country to the other almost immediately after the opinions are recorded. The bench of the entire country sits as a court of review upon the adjudications of each individual court. The result is, and must inevitably be, that similar cases will, more frequently than ever be-

fore, secure similar decisions, and when a question has been so frequently passed upon without diversity of result that no lawyer can advise his client to again bring it into court, cases of that class will be dropped from the border region of uncertainty over which the courts preside.

It is therefore no paradox, but a sober statement of fact, to say that the full and immediate publication of cases will tend to decrease the number of Reports, as well as to wipe out the reproach of uncertainty and conflict against which the efforts of the advocates of codification are directed.

The Real Remedy.

THE unification of judicial opinions, which has already begun to manifest itself under the system of prompt reporting, points the direction in which we must look for the only radical remedy for overvoluminous reports. The matter is in the hands of the courts. That is the simple fact,—and, as all lawyers know, a single fact is a safer foundation for an argument than the prettiest theory ever invented.

There is no use for reporters or publishers to try to suppress the opinions. That has been demonstrated over and over again. An opinion once filed is law, and it remains law until it is overruled. It is just as much law while lying in the manuscript files of the court as when it appears in an "official" report, which all men may buy; and, what is equally to the purpose, it will be cited. The idea that the inconvenience of having many decisions to examine can be obviated by putting some of them away in drawers, where they will gather dust, and be unpleasant to handle, is on a par with the idea of the famous bird who thinks to save his head by burying it in the sand. The head still remains a vital part of his anatomy, and there are obvious ways of locating it, if one sets out with that object in view, and doesn't mind a little digging. The experiment of keeping cases out of the published reports has been amply tried. The court reporters have undertaken to publish only "important" cases, the courts themselves have been requested to designate which of their own opinions they considered unworthy of preservation, and legislative action, even, has

been called in to effect the same end of reducing the volume of reported cases. The attempt has failed in each instance, and for the same reason. The unreported cases were still official utterances of the courts, and they could be and were still cited. They possessed as much vitality as ever, and suppressing their publication only succeeded in turning them into snares in which even the wary might be tripped. It is in fact so evident that the judicial utterances, which, under our system, constitute our legal authorities, must be made easy of access instead of difficult, that argument on the subject is almost an affront to the listener's understanding.

If, then, under our system, the opinions of the courts must be published whether or no, evidently the only relief from a "deluge" of reports is either in a change of the system or in a reduction of the number of opinions rendered. The first alternative is urged by the advocates of that extreme form of codification which would forbid all further reference to the common law, and leave the courts with authority to declare whether the provisions of the Code covered the case before them or not, but no authority to render a decision in a case for which the Code had failed to provide. This would be so radical, and fraught with so many hazards, that the position is generally stated only to be disclaimed. The second alternative—to reduce the number and length of the opinions rendered—recommends itself to those who prefer to help in an evolution, rather than a revolution, of the law. The full and systematic reporting of all cases makes the way for this easy. A court can now say, "This judgment is overruled, following and on the grounds of *Brown v. Smith*, 100 —, 39," and rest assured that, as *Brown v. Smith* is accessible to all the world, it has shirked no duty in refraining from again stating at length the reasons which were given in full in the decision in the earlier case.

If the courts write opinions, they must be published, whether long or short. Neither the bar nor the publishers are in position to overrule the judgments of the bench by ignoring or "suppressing" them. But, if the courts find that they can serve the ends of justice even more effectively by reserving their extended opinions for cases which have not been paralleled again and again

in the past, and disposing of others by a decree, with a reference to the case where the grounds on which the decision is based are fully stated, why, then, the thing is done. The judges will escape the burden of delayed cases which now presses heavily on nearly every court, the volume of current reports will be lessened by the repetitions which it now contains, and the lawyer will be happy!

This course, which approximates in its effects the results sought by the conservative branch of Code advocates, has never been possible in the past. It has been made possible by the system in vogue to-day of prompt, accurate, and comprehensive reporting, and immediate and universal publication.

Lord Chief Justice Coleridge.

THE lord chief justice of England, whose hold upon the chief justiceship has been regarded somewhat grudgingly of late years, died last month at the age of 73. He was a grandnephew of Samuel Taylor Coleridge, and he leaves a son, Bernard Coleridge, who now becomes a peer of the realm, and in spite of his own wish to hold his seat in the House of Commons a member of the House of Lords. The following account of some of the characteristics of the late chief justice is taken from an article written by an English barrister, which appeared in the *Green Bag* in 1891:

"He has added nothing of permanent value to the law reports; much less is his name associated with the creation or rapid development of any branch of law. Nor did Lord Coleridge—the grandnephew of the poet and philosopher, and himself the son of a distinguished judge—ever come into intimate personal contact with the seamy side of life at the bar, or know what it was to make up by intense effort for the want of money and friends. The external facts in his career are therefore of little interest, and shall here be lightly touched upon. The life of Lord Coleridge deserves study, not on account of anything he has accomplished, but as an example of what may be accomplished in a man. He is the personification of culture; and the incidents and characteristics which the present paper is designed to record are more truly a narrative of the life of the lord chief justice than any recital, however accurate or detailed, of his academic distinctions, his professional contests, his parliamentary achievements, or the other minutiae in which legal biography ordinarily delights. It may, however, be stated once for all that Lord Coleridge was carefully educated at Eton and Oxford, where he gained even more than the usual honors, was duly admitted to the Middle Temple, went through the long course of dinners which was then supposed to be the

best qualification for forensic success, in the fullness of time was called to the bar, rose steadily into lucrative practice, became the Liberal solicitor and attorney general, was appointed chief justice of the common pleas, and upon the death of Sir A. E. Cockburn attained to his present position of lord chief justice of England. * * * Lord Coleridge's judicial reputation is of quite a different order from Lord Cockburn's. There is no department of law of which one can truthfully say 'the work of his hands is there.' But he is not without a judicial eminence of his own. In the first place, he brings to the discharge of his duty not only metaphysical insight, and a sound knowledge of law, but the power of taking a broad philosophic view of the very varied subjects which come before him. * * * His judgments abound with terse, accurate, and elegant statements of law, which Sir James Stephen and his disciples might transplant into their works unaltered. This is no mean judicial gift. It subserves the useful purpose of popularizing the law, and makes the work of future codification easy. The lord chief justice is also a model of judicial deportment. His elaborate courtesy shines upon all who enter his court and come within his official cognizance, upon the rich and poor, upon the learned and unlearned, upon the just and unjust. To the nervous junior who has lost the faculty of articulation, and can scarcely see the writing upon his brief, he is peculiarly gentle; and many an unknown man, who had fared badly in the struggle at the bar, has been surprised to find that the chief justice had unostentatiously discovered his name, and has gone away with the sunlight in his heart. It is easy enough to laugh at Lord Coleridge's 'sentiment,' and to harp upon his weaknesses; but, after all has been said, he is still one of the most striking figures in the high court of justice. The English bench can boast of some judges who are better lawyers than Lord Coleridge, but none of its living members is at once so good a lawyer and so great an administrator; none has attained such high distinction at once in the world of letters, the world of politics, and the schools of law; none is so well fitted to fill the office of those great justiciars who ruled England before the functions of the *curia regis* had been distributed, or the distinction—now so familiar to us all—between legislation, jurisdiction, and execution had entered into the minds of men."

Traditions of Libel Law.¹

(Mr. Williamson, a journalist, endeavoring, without much practice, to perform a charitable action, has published as an advertisement a letter which Fiberta Reynolds addressed to him in answer to his advertisement for a copyist. Miss Reynolds brings a libel suit for \$50,000 damages.)

Williamson looks up, and extends a hand to Mr. Hickox, his attorney, who enters.

Hickox: "What is the trouble?"

Williamson: "How do you know that I am in trouble?"

Hickox: "Oh, easily enough. Business

men complain of lawyers, and abuse them roundly, but as soon as they get into trouble they are always anxious to see them. Partly that, but more because of your appearance; you look ten years older than you did yesterday."

Williamson, hands him the document: "Please read that."

Hickox reads: "'Fiberta Reynolds, plaintiff,—'" Looks over at Williamson inquiringly: "Who is this Fiberta Reynolds?"

Williamson: "A young woman whom I have tried to assist."

Hickox: "And she objects to your helping her?"

Williamson: "It would seem so."

Hickox: "I don't understand it, but no matter." Continues reading: "'Fiberta Reynolds, plaintiff, complains of the Evening Gleaner and B. H. Williamson, defendants. Whereas, the plaintiff, before and at the time of the committing of said grievance by the said defendants, to wit, as hereinafter set forth, was a person of good name and reputation, and deservedly enjoyed the esteem and good opinion of her neighbors and other worthy citizens of this state: Yet, the defendants, well knowing the premises, but greatly envying the happy state and condition of the said plaintiff—'"

Williamson: "I didn't 'envy' her happy state. I know nothing about her."

Hickox: "This is only the usual form in which 'declarations' are drawn."

Williamson: "The usual form? Are they all alike, without reference to the difference in all alleged offenses?"

Hickox: "Yes, substantially." Continues reading: "'But greatly envying the happy state and condition of the said plaintiff, and contriving and wickedly and maliciously, with deliberate aforethought, intending to injure the plaintiff in her said good name and fame—'"

Williamson: "But there *was* no malice, or deliberate forethought with intent to injure."

Hickox: "This is a mere form, as I told you before."

Williamson: "A mere form?"

Hickox: "Yes. The usual form. That is all."

Williamson: "Why, then, put *into* the case that which never existed and which is absolutely false and misleading?"

Hickox: "There is no special reason, ex-

¹ From the story, "Wanted, a Copyist," by Wm. H. Brearly; copyrighted and published by Cassell Publishing Co.

cept that this is the usual legal form, a mere form of course; but you interrupt me." Reads: "'And to bring her into public scandal, injury, and disgrace with and among all her neighbors, and other good and worthy citizens of this state, and to cause her to be suspected by said neighbors and citizens, and to vex, harass, oppress, impoverish, and wholly ruin the said plaintiff—'"

Williamson: "What utter nonsense!"

Hickox: "I know it is, but this is the usual form." Continues: "'And to bring her into public scandal, infamy, and disgrace, did wickedly and maliciously publish and cause to be published of and concerning said plaintiff the following false, scandalous, malicious, and defamatory words, that is to say:

" 'I [meaning said plaintiff] desire a position as copyist. I am willing to work very cheap if I can do the work at home.

" 'Fiberta Reynolds,

" '148 Sycamore Street.'"

—"thereby meaning and intending to have it understood by those reading said article that said plaintiff was then and there without position or standing, social, financial, or otherwise; that said plaintiff was deficient in mental caliber, with no originality of thought, and capable only of copying after and aping other people—"

Williamson: "There was nothing in the advertisement about imitating other people."

Hickox: "You will admit, I presume, that the word 'copyist' is capable of containing that meaning?"

Williamson: "Yes, but will that be the issue?"

Hickox, smiles: "Of course not. It is simply one of the usual innuendoes. It is allowable to add an innuendo for each shade of meaning of each word." Williamson groans.

Hickox, reads: "'That said plaintiff was in great destitution and would therefore engage in any form of copying or buffoonery for a mere pittance, and that she was so poorly clad that she was not able to leave home.'"

Williamson: "Is there anything more?"

Hickox: "Only a little." Reads: "'And on account of the committing of the said grievance by said defendants, said neighbors and worthy citizens wholly refuse and still do refuse to have any acquaintance or intercourse with the said plaintiff.'"

Williamson: "Is that also a mere form?"

Hickox: "Certainly. She probably has not been out of her room."

Williamson: "And the whole story about her having her acquaintance cut by her neighbors, is, therefore, absolutely false, and without the slightest foundation?"

Hickox: "If you choose to call it so, yes, but lawyers describe it as 'legal fiction.' I have nearly finished." Continues: "'And by reason of the premises the said plaintiff has been greatly vexed, harassed, and impoverished and is otherwise much injured and damaged therein, to her damage of \$50,000; and therefore she brings suit.'"

Williamson: "Why are all those purely imaginary innuendoes expressed in this declaration?"

Hickox: "I told you several times."

Williamson: "A mere form?"

Hickox: "Yes."

Williamson: "But there must be some intent or purpose to be served. The jury will hear them read, I suppose?"

Hickox: "Certainly."

Williamson: "I thought so; and be influenced by them?"

Hickox: "Possibly."

Williamson: "But will not these things be sure to exert an influence?"

Hickox: "I presume they will, more or less."

Williamson: "Then why are they allowed, since they are false?"

Hickox: "This comes under the heading of 'attorney's privilege.'"

Williamson: "Has an attorney a legal privilege to utter a libel while complaining of an alleged libel?"

Hickox: "Certainly."

Williamson: "And without being held to an account for it?"

Hickox: "If attorneys were subject to being held accountable they could not be fearless in performing their duties."

Williamson: "But how about the press? Have lawyers higher duties to society than the press?"

Hickox: "I do not say they have, but these forms of procedure in libel cases and the whole question of attorney's privilege have remained substantially unchanged for centuries."

Williamson: "How long? Three hundred years?"

Hickox: "Much more than that. It has

come down to us from the old English practice, which antedates the discovery of America."

Williamson: "Do you mean to say that modern daily newspapers, with their telegraph facilities, perfecting presses, and the exacting service required by the public, who will not read or support any paper that lacks in enterprise or fearlessness—do you mean to say that this giant creation of the present century, I might almost say of the present generation, this greatest existing factor in the civilization of this age of wonders, is held to strict accountability to laws enacted before the discovery of printing?"

Hickox: "You do not understand the spirit of the law. We face the past and draw our inspiration from precedents and decisions. We owe this honored ancestry of thought our regard and respect. It should therefore be a matter of utmost pride that the present legal libel forms are nearly the same as the ancient Roman, from which they are derived. They have, therefore, as you can see, the advantage and dignity of age."

Williamson: "But allow me to say that you do not understand the spirit of the press, for we, in contrast, face the future, and draw our inspiration from the living emergencies and necessities incident to existing demands for the liberation of thought from the tyranny of precedent. The man who thinks is king, and the people, voiced by the press, prefer nowadays to do their own thinking. But have there been no modifications in libel procedure?"

Hickox: "There must have been some change, of course. I remember one thing, which is now but seldom used and has become nearly obsolete."

Williamson: "Thank Heaven for the one. What is it?"

Hickox: "Declarations in libel suits formerly charged the defendant with having been 'instigated and moved thereto by the devil,' but this wording is now seldom employed."

Williamson: "Why is it omitted?"

Hickox: "It was thought to bring the pleadings into ridicule, and so weaken the case."

Williamson: "I don't see that it is much more absurd than other expressions which are retained. But have there been no other changes?"

Hickox: "Yes. The emperor Augustus se-

cured the abolition of capital punishment as the penalty for libel."

Williamson: "Caesar Augustus! I would revere his memory, but that I fear his motive may not have been entirely in the interests of free speech. Some old Roman lawyers must have called his attention to the obvious fact that putting publishers to death was injuring the legal profession. 'Preserve the law unchanged,' they said, of course, 'for it was compiled by us, and largely for our benefit, but do not kill off prematurely our most profitable victims.'"

Legislation in 1893.

THE university of the state of New York has issued, in a pamphlet of 450 pages, a Comparative Summary and Index of State Legislation in 1893, which gives an interesting and instructive view of the field covered by the legislators of 39 states and 1 territory in a year. The laws are classified under general heads, and, in most cases, briefly summarized; the aim being to present clearly and concisely material for a comparative study of the most recent phases of state legislation on all subjects of general interest. New legislation only is included; and, when this is in the form of amendments, only those clauses which add to or materially change old enactments are cited. Private or local acts, and those adapted only to peculiar state institutions or conditions, are omitted. The following table shows the relative number of enactments on the different subjects:

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Total	2,977

The subdivisions under "Administration of Justice" are as follows:

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Total 326

As a price (20 cents) is named for the pamphlet, we suppose copies can be obtained at this rate from the regents of the university at Albany. It must certainly be of much practical value to legislators and state officers, while for the legal profession it will serve the very useful purpose of bringing the statutes "down to date."

Summer Reading for Lawyers.

THAT student is wise who remembers that the bow which is never unstrung loses its elasticity. It is possible, however, to make one's recreations contribute even more directly to furthering the object of one's labors, if they approach it from a different side. Lawyers, as well as law students, will find valuable hints for vacation reading in the following article by Eugene Wambaugh, which we take from the Iowa Law Bulletin:

Law students in search of light reading can find a great mass of interesting matter connected more or less directly with law. There are many novels that have plots turning upon law points; and others describe trials or other scenes interesting to lawyers. Then, again, there are biographies of lawyers and collections of their speeches, collections of anecdotes regarding lawyers, books stating law in a humorous way, books treating history and statesmanship from the lawyer's point of view, and books intended to be interesting introductions to the study of the law. Besides books, there are many pertinent magazine articles, especially in the professional periodicals.

To attempt to give a complete collection of the light reading peculiarly interesting to law students is quite beyond the present purpose, which is simply to call attention to the subject, and to give a few of the most obvious items that would have a conspicuous place in a complete enumeration.

Novels peculiarly interesting to lawyers are Warren's *Ten Thousand a Year*, Dickens' *Pickwick*, Dickens' *Bleak House*, George Eliot's *Felix Holt*, Bulwer's *Eugene Aram*, Bulwer's *Paul Clifford*, Scott's *Heart of Midlothian*, Trollope's *Orley Farm*, Reade's *Griffith Gaunt*, Reade's *Hard Cash*, Reade's *A Terrible Temptation*, Haggard's *Mr. Meeson's Will*, Howells' *A Modern Instance*, Eggleston's *The Graysons*, Grant Allen's *What's Bred in the Bone*, Miss Edgeworth's *Patronage*, Miss Green's (*Mrs. Rohlf's*) *Leavenworth Case*, Mrs. Annie Edwards' *Archie Lovell*.

Biographies of lawyers are Forsyth's *Cicero*, Campbell's *Lives of the Chancellors*, Campbell's *Lives of the Chief Justices*, Van Santvoord's *Chief Justices of the United States*, Wirt's *Patrick Henry*, Morse's *Jefferson*, Magruder's *Marshall*, Lodge's *Webster*, Harvey's *Webster*, Brown's *Choate*, Neilson's *Choate*, Curtis' B.

R. Curtis. There are collections of the speeches of Erskine, Curran, Webster, and Choate. Other collections of speeches are Goodrich's *British Eloquence* and Snyder's *Great Speeches by Great Lawyers*.

Many books other than novels contain matter that is interesting to lawyers, and that is so far removed from the ordinary contents of law books as to be properly called light reading. Some books of this description are: Besant's *Fifty Years Ago* (chapter 18), Von Ihering's *Struggle for Law*, Ballantine's *Experiences of a Barrister*, Brown's *The Forum*, Foss' *Memories of Westminster Hall*, Polson's *Law and Lawyers*, Bigelow's *Bench and Bar*, Baldwin's *Flush Times in Alabama*, Rogers' *Law of Drink and Drinkers*, Rogers' *Law of the Road*, Rogers' *Law of Hotel Life*, Proffatt's *Curiosities of Wills*, Valmaer's *Legal Ethics*, Paget's *Judicial Puzzles*, Croke's *Lyrics of the Law*, Croke's *Poems of the Law*, Browne's *Humorous Phases of the Law*, Browne's *Judicial Interpretations*, Browne's *Law and Lawyers in Literature*, Browne's *Short Studies of Great Lawyers*, Davis' *Law in Shakespeare*, Heard's *Curiosities of the Law Reporters*, A'Becket's *Comic Blackstone*, Donovan's *Tact in Court*, Donovan's *Modern Jury Trials*, Harris' *Hints on Advocacy*, Harris' *Illustrations in Advocacy*, Harris' *Before and at Trial*, Forsyth's *Hortensius or the History of Lawyers*, Snyder's *Great Opinions by Great Judges*. Law books that contain passages as interesting as any in the books just now enumerated are Washburn's *Study of Law*, Warren's *Introduction to Law Studies*, Reed's *American Law Studies*, Elliott's *Work of the Advocate*, Wallace's *Reporters*, Ram on *Facts*, Ram's *Science of Legal Judgment*, Austin's *Jurisprudence* (*Mrs. Austin's preface*), and Wilson's *History of Modern English Law*.

It would be impracticable to enumerate the books on history and statesmanship. A few that are extremely interesting are Bryce's *American Commonwealth*, De Tocqueville's *Democracy in America*, Fiske's *Civil Government*, Bancroft's *History of the Constitution*, Curtis' *History of the Constitution*, Von Holst's *History of the Constitution*, Burgess' *Political Science*, Montesquieu's *Spirit of Laws*, Hearn's *Aryan Household* (chapters 17-20), Maine's *Ancient Law*, Maine's *Early Institutions*, Maine's *Village Communities*.

Magazine articles treating directly or indirectly of law are *Law in Romance*, 1 *Am. Law Rev.* 477, *A Book about Lawyers*, 2 *id.* 72, *Lord Plunket*, 2 *id.* 369, *Lord Brougham*, 3 *id.* 1, *The Erie R. R. Row*, 3 *id.* 41, *The Erie Railway and the English Stock*, 6 *id.* 230, *Confinement of the Insane*, 3 *id.* 193, *James Otis*, 3 *id.* 641, *Lyndhurst and Brougham*, 4 *id.* 253, *The Howland Will Case*, 4 *id.* 625, *Trials of Troppmann and Prince Bonaparte*, 5 *id.* 14, *The Machinery of Politics*, 6 *id.* 255, *The Wharton Trial*, 6 *id.* 647, *The Dartmouth College Case*, 8 *id.* 189, *The Tichborne Claimant*, 8 *id.* 381, *Trial of Underzook*, 9 *id.* 18, *Lobbying at Washington*, 9 *id.* 684, *The Ring Suits*, 10 *id.* 39, *Joel Parker*, 10 *id.* 235, *The Greville Memoirs*, 10 *id.* 39, *Reform in Legal Education*, 10 *id.* 626, *Leading Cases Done into English*, 10 *id.* 665, and 11 *id.* 331, and 24 *id.* 305, *Rufus Choate*, 11 *id.* 1, *The Molly Maguire Trials*, 11 *id.* 233, *The Washington Safe Burglary Conspiracy*, 11 *id.* 401, *Presidential Elections*, 12 *id.* 1, *The Court of Star Chamber*, 12 *id.* 21, *Lord Abinger*, 12 *id.* 39, *Jeremiah Mason*, 12 *id.* 229, *The Turf Frauds*, 12 *id.* 430, *Charles Sumner*, 13 *id.* 405, *Case of the Diamond Necklace*, 13 *id.* 463, *D'Auclade's Case*, 1 *West. L. J.* 241, *Circumstantial Evidence*, 1 *id.* 558, *What are Lawyers For?* 1 *Columbia Law Times*, 1, *Hints on Advocacy*, 1 *id.* 141, 2 *id.* 135, *The Effect of the Norman Conquest on English Law*, 1 *id.* 232

and 257. Address by Professor Dwight, 2 id. 1, Legal Education at Cambridge, 2 id. 94, Contract and Consideration in Roman Law, 2 id. 167, Shylock v. Antonio, 5 Alb. L. J. 193, The Deadly Yew, 41 id. 399, The Case of John Van Arsdale, 39 Century Magazine, 116, The Circuiteers, 1 Law Quarterly Review, 232, Litchfield Hill, 54 Harper's Magazine, 514, and numerous articles in the Green Bag.

These lists can be extended indefinitely. As given, they are long enough to demonstrate that the law student can make the thoughts of even his leisure hours bend in the direction of his profession. Whether it is wise to do this extensively is a question that each student must answer for himself. Certainly the student should read sooner or later a few of the books and articles enumerated, for no educated lawyer can be content to be wholly ignorant of the light literature of the profession.

¹ For other articles see Jones' Index to Legal Periodicals. See also Poole's Index to Periodical Literature (Ed. 1882), 650, 699, 700, 720-722, 729, 730, titles "International Law," "Jurisprudence," "Jury," "Justice," "Land," "Law," etc.; First Supplement to Poole's Index (Ed. 1888), 223, 240, 247, 248, 250, 251; Co-operative Index to Periodicals for 1890, 49, 51; Index to Harper's Magazine (Ed. 1886), 339, title "Law and Lawyers;" Index to North American Review (Ed. 1878), 58, 61, 62, titles "Judicial," "Jurisprudence," "Justinian," "Law," "Lawyer."

Civil Law in Criminal Cases.

A recent Alabama case of assault developed, in the defendant's request for instructions, such a novel and romantic argument on the subject of unlawful kissing, that the supreme court, in sustaining the conviction, was well-nigh moved to tears, and our versiculator was so far carried away as to report the case as follows:

ARGUMENT FOR THE DEFENDANT.

He who loves a rosy cheek,
And a coral lip admires,
Human nature being weak,
May not always quench his fires;
But such ordinary care
As a prudent man would use
Let him take, and not despair,
Though the lady once refuse.
And if, honestly believing
That she really would not mind it,
His strong arms about her weaving,
He should seek her mouth and find it;—
Honesty, prudence, love, should sure avail
To quit him clear of penalty or jail.

He who doth not rudely speak,
Who restraineth his desires,
Seeketh mounts of duty bleak,
Not "Despond's" entangling mires;
He can claim presumption fair
That he would not thus abuse
Reputation's decent air,
By a roguery or ruse.
While a maiden, once deceiving,
Might once more her profit find it

First to love, then have him grieving;
Who shall say what fraud's behind it?
But honor, equity, should hardly fail
To quit him clear of penalty or jail.

ARGUMENT FOR THE STATE.

Shall the penal code utterly fail,
Though its language be brief,
To land in state's prison or jail
This peace-breaker and thief?
Shall a penalty justly incurred,
On some negligence rot,
Or a self-defense plea be demurred?
I trow not.¹

No prudence of man may avail,
Nor his honest belief,
To keep him that will maidens assail
From a coming to grief;
No baby excuse may be heard,
Nor a tittle nor jot
Abated from statute's stern word:
"Thou shalt not."

THE COURT'S RULING.

I will here say to the counsel and the jury that
I quite am
Convinced of the unlawfulness of a hugging *in invitam*.
The courts have always held, when such a question was before 'em,
To the good old maxim of "*It osculatio per favorem*."

VERDICT.

Mr. D. unlawfully
Kissed a girl, and made her cry.
We, then, on our oath do say,
Mr. D. was much too gay.

THE DEFENDANT'S REFLECTION.

I kissed Jenny when we met,
Thinking I might safely do it,
Using common prudence, yet
In a dungeon cell I rue it.
Cannot reasonable care—
Honest trust—avail one any?
Cursed be the venue where
I kissed Jenny!

—A. M.

¹ What he really said was "I guess not."

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 will publish during July: Browne's Kent's Commentaries; Vol. 60 Federal Reporter; Vol. 53 Northwestern Reporter; Southwestern Reporter Digest; Vol. 28 New York Supplement.

The Carswell Company, of Toronto, announce as nearly ready, *Real Property Statutes of Ontario*, with commentary and cases, by Alfred Taylour Hunter.

The West Publishing Company announce as nearly ready, *Browne's Kent's Commentaries*. The author is Wm. Hardcastle Browne, of Philadelphia, and the work is similar in plan and execution to the same author's *Blackstone*, which is already accepted as the best edition for American students.

The Boston Book Company announce a series of *English Ruling Cases* in 25 volumes. It covers the period from 1600 to 1893, and the arrangement of cases is by topics. English and American notes, by Robert Campbell and Irving Browne, respectively, show the application or reversal of the rules in other cases.

A work on "The Law Relating to Solicitors," by Archer M. White, has been announced by Swan, Sonnenschein & Co., London. It is divided into four parts, which take up, respectively: (1) The constitution and government of solicitors; (2) their rights and duties, privileged communications, gifts, etc.; (3) criminal liability; (4) American law.

Law Book Notes.

The Laws of Maryland for 1894, passed at the late session of the general assembly, are now in press, and may be ordered of John Murphy & Co.

A new work on the law of Principal and Agent has been prepared by Eric Blackwood Wright, and published by Stevens & Sons (London). It is noticed favorably by the reviewers.

H. B. Parsons has published the 1894 edition of the *Pocket Code of Civil Procedure for New York*. It includes the amending act, repealing acts, and statutory construction law.

R. Pledelleve is the author of a new work on *International Law*. The first volume, dealing with the inter-relations of states in times of peace, has been issued by F. Pichon (Paris).

Little, Brown & Co. have issued, in their Students' Series, the *Law of Pleading under the Codes of Civil Procedure*, by Edwin E. Bryant, Dean of the Law Faculty of the University of Wisconsin.

The West Publishing Company issued the following books in June: *Bailey on Master's Liability for Injuries to Servant*; Vol. 25 *Southwestern Reporter*; Book 3 *Federal Cases*; Vol. 36 *Northeastern Reporter*; Vol. 28 *Atlantic Reporter*; Vol. 53 *Minnesota Reports*.

The *Corrupt and Illegal Practices Prevention Act, 1883* (46 & 47 Vict. c. 51), has been annotated and issued by Sweet & Maxwell (London), with an introduction by Ernest A. Jelf. The book will be interesting to those who have taken up the subject of this reform in America.

T. H. Flood & Co. have published a new form book, "*Procedure in the Courts of Law and Equity*," by W. P. Willey, Professor of Law in the West Virginia University. The forms are so arranged as to illustrate the procedure in the common-law actions, in suits in equity, and in extraordinary remedies.

Students of the Roman Law will be interested in an elaborate work upon the "*Exceptio*," by Von J. von Koschembahr-Lyskowski, the first part of which has issued from the press of J. Guttentag (Berlin). It is characterized by the erudition, thoroughness, and originality that mark German research.

"Boone's 1,000 Questions for the Use of Law Students" is the title of a book issued by Reuben's Old Law Book House, San Francisco. The questions given are those that have formed the basis of examination during recent years for admission to practice before the supreme court of California, and have been arranged by Charles T. Boone, author of "*Corporations*," etc.

New editions of the following English law books have recently appeared: *Ringwood's Outlines of the Law of Torts* (second); *Williams' Institutes of Justinian Illustrated by English Law* (second); *Rattigan's Digest of Civil Law for the Punjab* (fourth); *Williams on Bankruptcy* (sixth); *Robson on Bankruptcy* (seventh); *Odger's Principles of*

Pleading in Civil Actions under the Judicature Acts (second).

Kay & Bro. have just published a small book by Charles Chauncey Binney of the Philadelphia bar on Restraints upon Local and Special Legislation in State Constitutions. The several chapters take up the treatment of local and special legislation in England and the United States; the distinction between general, local, and special legislation; classification; local option as affected by the restrictions; legislative discretion as controlled by the restrictions; restrictions actually in force in the several states. The work is meant as an aid in the study of the general subject. So far the restrictions by which it has been sought to regulate legislative action seem, for the most part, to have been adopted without any particular method or system.

The following, which appeared in the London Law Journal, 23d December, 1893, gives the English idea of useful law books:

To the Editor of the Law Journal—Sir: Below is a list of useful books. The man who knows the contents of the first twenty-two will not often have to ask advice: Williams on Executors, Smith's Leading Cases, White and Tudor's Leading Cases, Chitty on Contracts, Addison on Torts, Roscoe's Nisi Prius Evidence, Roscoe's Criminal Evidence, Chitty on Queen's Bench Practice, Chitty on Queen's Bench Forms, Daniell's Chancery Practice, Daniell's Chancery Forms, Stone's Justice's Manual, Annual County Court Practice, Dart's Vendor and Purchaser, Buckley on Companies Acts, Woodfall's Landlord and Tenant, Fisher on Mortgage, Lewin on Trusts, Jarman on Wills, Lindley on Partnership, Robson's Bankruptcy, Pridaux's Conveyancing Precedents, Russell on Crimes, Amos' Fixtures, Goddard on Easements, Mayne on Damages, Bainbridge on Mines, Benjamin's Sale of Personal Property, Browne on Divorce, Browne on Probate, Chalmers' Bills of Exchange, Maxwell on Statutes, Farwell on Powers, Fry's Specific Performance, Seton's Decrees, Morgan's Chancery Orders, Shaw's Parish Law, Smith's Principles of Equity, Smith's Mercantile Law, Smith's Real and Personal Property, Eversley's Domestic Relations.

Truro, Dec. 16th, 1893.

G. H. C.

John W. Pratt, of the Seattle bar, has compiled the revised ordinances of the city of Seattle, together with the freeholders' charter, and provisions of the state constitution and state law relating to cities of the first class. The arrangement of the material in this book is such as will commend itself to all persons interested in the compilation of city ordinances. The table of contents and the index are most thorough and complete. The book contains first a list of the city officials, then the constitutional

provisions as to cities of the first class, followed by extracts from the General Statutes of the state in relation to such cities. These are followed by the city charter, which is succeeded by ordinances of a general character. These are grouped in such a way as to afford the readiest reference. The special ordinances of a permanent nature, including franchises, which will be subjects of reference for many years, are then grouped together. A novel and useful feature of the book is a calendar and memorandum of the principal terms, intervals, and notices required by the charter and ordinances, which, if as thoroughly done as it appears to be, must be of great service to those having occasion to use the book.

Miscellaneous Notes.

The London Law Quarterly Review for July (Sir Frederick Pollock, editor) has an appreciative review of Judge Dillon's Jurisprudence. Being particularly interesting as giving the English view of a book which has excited only favorable comment in this country, we give it on page 215.

We have received a curious pamphlet, containing the "Constitution and By-Laws" adopted October 18, 1893, by a number of Brighams who had met at Chicago, and who there formed a "Brigham Family Association." The association includes 111 members,—truly a large "family gathering."

The Michigan Law Journal for June gives a condensed report of the proceedings of the fifth annual meeting of the Michigan State Bar Association. Papers were read as follows: "Some Practical Suggestions for the Amendment of Michigan Circuit Court Practice," by C. L. Collins; "Unjust Criticism of Courts and Juries," by E. E. Osborn; "Grand Juries," by O'Brien J. Atkinson.

The following letter, received from the president of the village council in a district "near to nature's heart," is a quaint commentary on the rural view of the lawyer's trade: "Gentlemen: The village recorder notifies the council that you sent the Digests and Statutes on approval. The Digests are fine for a lawyer's library, but we dare not let the justices of the peace have access to them. We would have too much law and no justice. Every case would be decided upon their opinion of the supreme court's actions. Hence we don't want them."

The Kelly Law Book Company of London issues a catalogue of engraved portraits of eminent lawyers and views of the buildings at Westminster and the various inns of court. Many of the portraits are after famous paintings. One curious set of four includes "Lord Edouard Clarendon, Edouard Coke, Edouard Zittleton, and Lord Phillippe Hardevike." These portraits were engraved and printed in Paris some time in the 18th century, and are hand-colored. The set, framed and mounted, is listed at £6. The same company issues a priced catalogue of secondhand law books, including English and Irish Reports and textbooks.

The Law Quarterly Review (London) for April contains an instructive article on "Betterment in its Legal Aspect," by Philip Vernon Smith. The term "betterment" is applied in America to cases where the property of one man is improved at the expense of another man, but in England it is used in a technical sense in cases where the property of certain individuals derives a special enhancement in value from an improvement made for the public benefit and at the public expense. The writer holds that the plan is based on a sound legal principle, but that the extent and manner of its application ought to be strictly defined, and indicates the conditions which he thinks should limit it.

The first issue of the Cornell Law Journal does credit to its managing editor and the university. It is an octavo of 112 pages, handsomely printed, and giving promise of the maintenance of a high typographical and editorial standard. The frontispiece is a remarkably good engraving of the Hon. Douglass Boardman, and the number is further enriched by cuts of Hon. Alfred C. Coxe, Hon. Francis M. Finch, Nathaniel C. Moak, and the home establishment of the National Reporter System. The letter-press includes an article on the Leading Limitations upon the Exercise of the Right of Eminent Domain, by Charles Courter Dickinson, formerly with the New York Statutory Revision Commission; the Law's Delay, by Judge Alfred C. Coxe; a discussion of the "Dwight Method" of Legal Instruction, by Prof. George Chase; a report of the case of *Starch v. Blackburn* (4 C. & P. 297), done into verse by John A. Hamilton; biographical sketches of Hon. Douglass Boardman, by Judge Francis M. Finch; of Hon. Alfred C. Coxe, by P. C. J. De Angellis; of Hon. Francis M. Finch, by Charles H. Werner; and of Nathaniel C. Moak, by Chas. J. Buchanan. There is further an account of the secret societies of the Cornell school of law, and a de-

scription of the publication of the National Reporter System, while book notices and alumni notes complete the number. It certainly deserves to rank well among law-school journals.

The new English law journal, *The Brief*, is very cleverly edited. While, perhaps, it hardly carries out the idea suggested by its subtitle, "A Legal Review of Reviews," since it is a review of legal events, rather than of legal literature, it is interesting even to an American lawyer, and must be very piquant to the British barrister, for whom the topics touched upon are live questions. It is responsible for the following story:

"It is still a matter of doubt whether it was Terry or Charles Mathews, the actor, who was Theodore Hook's accomplice in the perpetration of a famous hoax. The great joker and his companion were on the river near Richmond, and, seeing on a pleasant lawn a notice that no one was permitted to land there, Hook at once headed for the shore. With the boat painter and a walking stick, which was remorselessly stuck here and there into the well-kept lawn, the two trespassers proceeded to take measurements for an imaginary canal company. Out comes the aldermanic proprietor, to know what this outrage may mean. He is received with cool indifference. The two officials express their regret, but they have a duty to perform, etc., etc. The canal, it is explained, is coming right across the grounds, and the preliminary measurements are indispensable. The alderman, fairly alarmed, asks them in to talk the matter over. 'Really, gentlemen, this business must be reconsidered.' He presses them to dine. They do dine, and fare sumptuously. At the end of the feast, if tradition be true, Hook trolls forth the extemporized lines:

"And we greatly approve of your fare,
Your cellar's as prime as your cook;
And this here is Mathews, the player,
And I'm Mr. Theodore Hook."

We find the following statement of an interesting copyright question in the Publishers' Circular (London):

"This was an action brought by Mr. Ruskin against Messrs. Cope Brothers & Co., Limited, tobacco manufacturers. The subject of the application, as Mr. Buckley, counsel for Mr. Ruskin, explained, was an advertisement issued by the defendants in reference to their goods. This he described as a barefaced and impudent republication of a large portion of 'Fors Clavigera,' and said it was issued in the form of a booklet. On the outside there was a representation of a horseman, supposed to be Mr. Ruskin, who was impaling with his spear a figure bearing a golden book labelled 'The Wealth of Nations,' indicating, it was believed, Mr. Ruskin's antipathy to the principles of

political economy. Two pictures also appeared in the volume. In the first a professor was addressing a group of birds, and it had underneath the words, 'A few cursory remarks on birdseye.' The other was a picture of a dog sitting in a chair, with a hat cocked on one side of his head, and with the words, 'A good dog and a good smoke.' The booklet was entitled 'John Ruskin, No. 13,' and formed one of a series issued by the defendants. It also contained a portrait of Mr. Ruskin and a representation of his house with Mr. Ruskin sitting on the lawn. After a short introduction the whole body of the work—viz. from pages 9 to 57—consisted simply of a verbatim reprint of the most prominent passages from 'Fors Clavigera.' This was as gross and excessive an infringement of an author's rights as could well be conceived. The publication of the booklet was brought to the notice of Mr. Ruskin's secretary, and an action was instituted, and as soon as the writ was issued the defendants undertook to stop further publication, and to call in and destroy any copies that could be obtained. They also stated that the 'Ruskin Smoke-Room Book' was one of a series of celebrated writers which they sent to customers, to smoke-rooms, and to some periodicals. They further added that, as 'Fors Clavigera' was addressed to labourers and workmen, they considered it would be an advantage to the author to issue in a condensed form extracts showing what his opinions were, and so induce the public to buy the larger work. Mr. Ruskin, of course, objected to this use of his work, and he now asked for a perpetual injunction to restrain the defendants from publishing extracts from or parts of the work or infringing his copyright.

"Mr. Hastings, Q. C., on behalf of the defendants, said, as soon as his clients became aware of the objection to the booklet, they sent round to every customer, stating that they had stopped the issue, and asking them to return any copies they had, that they might be destroyed. The defendants, he added, were willing to agree to an order on the same terms as in the 'Little Lord Fauntleroy' case.

"Mr. Buckley suggested that the whole matter might be terminated by treating the motion as the trial of the action. He did not ask for an account of profits or for damages, but for a perpetual injunction against the piracy of Mr. Ruskin's works and the infringement of his copyright therein, with the costs of the action.

"Mr. Hastings said the defendants would submit to such an order. An order to the effect stated was accordingly made."

Of Collateral Interest.

Lord Brougham's definition of a lawyer was: "A gentleman who rescues your estate from your enemies, and keeps it for himself."

G. P. Putnam's Sons have published "The Natural Law of Money," by William Brough. It traces the history of money, its different forms and systems, and the effect of legislation upon it.

Dean Knowlton, of the law department of the university of Michigan, has been deliv-

ering a series of lectures on "Jewish Institutions in the Time of Christ," which is to be published shortly.

Prof. Gustav Schmoller's paper on "The Idea of Justice in Political Economy," already noticed in Law Book News, has been issued in pamphlet form by the American Academy of Political and Social Science (Philadelphia), and can be obtained for 35 cents.

From a stenographer not yet very familiar with law terms, a proposition dictated in reference to a defense of unavoidable accident, or "act of God," came back with the neatly typewritten statement that "It was occasioned by the active God, which no human agency could have foreseen or prevented."

The story of Abraham Lincoln's life is told in his own words in the speeches, letters, state papers, and miscellaneous writings comprised in the "Complete Works," published in two volumes by Robert Clark & Co. Some of the documents included have never been published before. The preparation of the work for the press has been done by Nicolay and Hay.

An Old Anti-Railway Law. Belgium once had upon its statute books a law forbidding the construction of railways, and alleging as causes for such prohibition that such speed as 25 miles per hour was unholy and unnatural, and that a train passing at such a rapid rate would cause injury to passengers, and terror, fits, and serious disorders to human beings and cattle beholding it.—Ex.

The following story is told of Baron Alderson. A prisoner at the bar before him, who had been proven guilty beyond question by the evidence, persisted in declaring his innocence. When the customary question whether he had anything to say why sentence should not be passed upon him was put, he startled the court by the melodramatic invocation: "May God strike me dead, now at this moment, and here where I stand, if I am not innocent!" There was a moment of painful silence, and then the judge said, in a cold, matter-of-fact voice: "Prisoner at the bar, as Providence has not interposed in the behalf of society, the sentence of the court is that you be transported for twenty years."

Henry Wood's latest work, "The Political Economy of Natural Law," will probably suffer somewhat from its title, which is unfortunate, because the book is a good one of its kind. It is not a treatise on political economy, as that term is ordinarily understood, and the student who comes from the close reasoning and strict use of terms which mark the work of Adam Smith and his fellows will almost certainly be prejudiced against this book by the author's glib use of the terms of an easy latter-day philosophy, a certain looseness of style, and a certain vagueness about that "natural law" whereof he speaks. But he disarms this criticism by declaring in his preface that his work, "while independent of professional methods, aims to be usefully suggestive to the popular mind." There is reasonable ground for expecting that this object will be fulfilled. The book is, indeed, a series of informal talks on subjects of popular interest, such as supply and demand, competition, co-operation, labor and production, combinations, socialism, wealth, panics, corporations, etc., and to the consideration of these subjects the author brings a mind alive to bearings that go beyond what he would call the "material plane;" and a serious desire, more characteristic of the evangelist than of the economist, to so shape the tendencies of the present that the conditions of the future will conduce to higher human evolution. His ultimate authority for his statements regarding the workings of the "natural law" is probably chiefly "intuitional," to use another of his words; that is, they rest primarily on his idea of what ought to be in a world which he assumes to be beneficently governed. Yet his views are far from being fantastic. They are marked by common sense, reasonableness, and a perception of cause, effect, and influence that is proof against the specious arguments of the short-sighted socialist. The easy and popular style in which the book is written ought to make it welcome to the man who has not time for more exhaustive study of the subjects considered, yet wishes to keep his mind clear to the fact that outside of our codes and statute books there is an unwritten law which the human race is patiently trying to work out.

Notes of Text-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.]

Judge Cooley, in his work on Taxation, page 379, says: "It is also decided that,

when the land is unoccupied, the holder of the tax title has constructive possession." The only authorities cited by the author are the following Wisconsin decisions: *Gunnison v. Hoehne*, 18 Wis. 268; *Lawrence v. Kenney*, 32 Wis. 281; *Hill v. Kricke*, 11 Wis. 442; *Dean v. Earley*, 15 Wis. 100. It will at once be seen, upon reading the decisions referred to by Judge Cooley, that the Wisconsin court does not decide that the "holder" of the tax deed has constructive possession of vacant lands. What the court decides in those cases is that the recording of a tax deed gives constructive possession to the grantee therein; and the fact that it is the recording of the deed, and not the deed itself, which gives such constructive possession, is not left to inference by the Wisconsin court in the cases above cited, but is clearly and definitely stated. The Wisconsin court has decided that the mere "holder" of a tax deed, unrecorded, has a title not essentially different from that conveyed by the tax certificate upon which the deed was obtained. *Hewit v. Week*, 59 Wis. 444; *Smith v. Ludington*, 17 Wis. 334; *Eaton v. Supervisors*, 44 Wis. 489. Indeed, the Wisconsin court could not hold otherwise, inasmuch that the Wisconsin Statutes permits redemption from a tax sale at any time before the recording of the tax deed issued upon such sale.

—T. C. Ryan.

Wausau, Wis.

Personal.

It is stated that the author of "A Prisoner of Zenda," who signs himself "Anthony Hope," is a barrister. It can hardly be said, however, that he "followed precedent" in his exceedingly original plot.

Sir Francis Godschall Johnson, chief justice of the superior court of Quebec, died on May 27th, at Montreal. He had been for nearly 60 years a conspicuous figure in legal circles in Canada, and personally as well as professionally had won the esteem of the bar.

Henry A. Chaney, of the Detroit bar, died suddenly of apoplexy on June 14th. He was for a number of years reporter of the supreme court of Michigan, and his name appears on the title page of volumes 38 to 58, inclusive, of Michigan Reports. In conjunction with A. P. Jacob, he prepared the Michigan Digest, which is still the standard digest in the state. His unlooked-for death will come as a shock to his friends and legal associates.

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.

Affiliation Proceedings.

See "Bott's Law and Practice."

ALLEN, W. G. Adhesive annotations of the Sanborn and Berryman's Wis. statutes, 1889, May 1, 1894. Milwaukee: C. N. Caspar. 1894. Cloth, \$1.50; paper, \$1.

BINNEY, Charles Chauncey. Restrictions upon local and special legislation in state constitutions. Philadelphia: Kay & Bro. Price, \$1.50.

BOONE, Charles T. 1,000 examination questions for the use of law students. San Francisco: Reuben's Old Law Book House.

BOTT, W. H. A manual of the law and practice of affiliation proceedings, with statutes, etc. London: Stevens & S.

Constitutional Law.

See "Binney's Restrictions on Local and Special Legislation."

English Law.

See "Lithiby's Law of District and Parish Councils;" "Kerly on Trade-Marks;" "Macmorran's Local Government Act;" "Hadden's Handbook."

HADDEN'S handbook on the local government act, 1894; being a complete and practical guide to the above act and its incorporated enactments. London: Hadden, 472 pages. 7s. 6d.

KERLY, D. M. The law of trade-marks, trade-names, and merchandise marks; with chapters on trade secrets and trade libel. London: Sweet & M. 25s.

LITHIBY, J. The law of district and parish councils; being the local government act, 1894, including the agricultural gangs act, 1867; the agricultural holdings act, 1883; the allotments acts, 1887 and 1890; baths and washhouses acts, 1846 and 1882; burial acts, 1852 to 1885; fairs acts, 1871 and 1873; infant life protection act, 1872; knackers' acts; lighting and watching act, 1833; pe-

troleum acts; public improvements act, 1860; public libraries acts, 1892 and 1893; and numerous extracts from other statutes; also the circulars and orders of the local government board, an explanatory introduction, numerous notes, and a full index. London: E. Wilson. 526 pages. 12s. 6d.

MACMORRAN, A., and DILL, T. R. C. The local government act, 1894; with an introduction, appendix, and index; forming an epitome of the law relating to parish councils, and showing the alteration in the law relating to district councils and boards of guardians. London: Shaw & S. 436 pages. 10s. 6d.

Michigan.

See "Root's Legal Condition of Girls and Women."

New York.

See "Silvernail's Appeals from Inferior Courts."

Parish Councils.

See "Lithiby's District and Parish Councils (Eng.);" "Macmorran's Local Government Act (Eng.);" "Hadden's Handbook (Eng.)"

Quizzers.

See "Sprague's Quizzer No. 4."

Real Property.

See "Sprague's Quizzer No. 4."

ROOT, Melvin A. The legal condition of girls and women in Michigan. Lansing: H. D. Reprogle & Co. 1894. 60 pages. T. (Am. Ser. No. 12.) Paper, 10c.

SILVERNAIL, W. H. Appeals from inferior courts of civil jurisdiction, containing the law and practice on appeals from such courts to the county courts and courts of common pleas, with full and abundant forms, etc. Albany: W. C. Little & Co. 1894. [N. Y.] 26+542 pages. \$5.25.

SPRAGUE, W. C., and ELLIS, Griffith Ogden. Quizzer No. 4, being questions and answers on real property for students. Detroit, Mich.: The Collector Pub. Co. 1894. 61 pages,

blank interleaved. (The Quizzer Ser.) Paper, 50c.

Students' Books.

See "Sprague's Quizzer No. 4;" "Boone's 1,000 Examination Questions."

Trade-Marks.

See "Kerly on Trade-Marks (Eng.)."

Wisconsin.

See "Allen's Annotations of the Wisconsin Statutes."

Women.

See "Root's Legal Condition of Girls and Women in Michigan."

Reports.

AMERICAN railroad and corporation reports, V. 8. 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 corporations, including the law of insurance, banking, carriers, telegraph and telephone companies, building and loan associations, etc. Edited and annotated by John Lewis. Chicago: E. B. Myers & Co. 1894. 7+805 pages. \$4.50.

AMERICAN state reports, V. 36; 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. San Francisco: Bancroft-Whitney Co. 1894. 1058 pages. \$4.

ATLANTIC REPORTER, V. 28; containing all the current decisions of the supreme courts of Me., N. H., Vt., R. I., Conn., and Pa.; 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. Jan. 17-May 16, 1894. St. Paul: West Pub. Co. 18+1162 pages. (National Reporter System.) \$5.

CALIFORNIA supreme court reports, V. 100. C. P. Pomeroy, reporter. San Francisco: Bancroft-Whitney Co. 1894. 33+753 pages. \$3 net.

CANADA. Reports of cases decided in the court of appeal during the year 1893. V. 20. Reported under the authority of the Law Society of Upper Canada. Toronto: Rowsell & Hutchison. 1893. 24+10+730 pages.

FEDERAL REPORTER, V. 60. Cases argued and determined in the circuit courts of

appeals and circuit and district courts of the U. S. Permanent Ed. April-May, 1894. St. Paul: West Pub. Co. 1894. 31+1045 pages. (National Reporter System.) \$5.

GEORGIA supreme court reports, V. 92. Reports of cases at the October term, 1892, and March term, 1893. Peeples and Stevens, reporters. Atlanta: George W. Harrison, state printer. 1894. 15+916 pages. \$3 net.

ILLINOIS court of appeals, V. 50. Reports of cases decided at October, 1892, and March and October, 1893, terms of the first district, and at May and December, 1892, and May, 1893, terms of the second district. Reported by Martin L. Newell. Chicago: Callaghan & Co. 1894. 713 pages. \$3.50 net.

ILLINOIS supreme court reports, V. 148. Cases filed in October and November, 1893, and January, 1894. Norman L. Freeman, reporter. Springfield: Printed for the reporter. 1894. 801 pages. \$2.50 net.

INDIANA supreme court reports, V. 134; containing cases decided at the November term, 1892, not published in volume 133, and cases decided at the May term, 1893. Sidney R. Moon, reporter. Indianapolis: Carlton & Hollenbeck. 1894. 22+755 pages. \$3.50 net.

IOWA supreme court reports, V. 85. Cases determined by the supreme court. May 10 to May 27, 1892. By Nathaniel B. Raymond. Columbia: E. W. Stephens. 1894. 21+855 pages. \$3 net.

KANSAS supreme court reports, V. 52; containing cases decided at the July term, 1893, and the January term, 1894. A. M. F. Randolph, reporter. Topeka: The Hamilton Printing Co. 1894. 10+907 pages. \$3.

LAWYERS' REPORTS, ANNOTATED. Bk. 22. Burdett A. Rich, editor, and Henry P. Farnham, assistant editor. Rochester, N. Y.: The Lawyers' Co-operative Pub. Co. 1894. 910 pages. \$5 net.

MARYLAND court of appeals reports, V. 77; containing cases in January and April terms, 1893. J. Shaaf Stockett, reporter. Baltimore: Wm. K. Boyle & Son. 1894. 46+682 pages. \$4.

MICHIGAN supreme court reports, V. 98. Cases decided from December 4, 1893, to February 12, 1894. William D. Fuller, reporter. Chicago: Callaghan & Co. 1894. 31+763 pages. \$3.

MINNESOTA REPORTS, V. 53. Cases argued and determined in the supreme court of Minnesota, April-June, 1893. Charles C.

Willson, reporter. St. Paul: West Publishing Co. 1894. 16+600 pages. \$2 net.

MISSOURI. St. Louis and Kansas City courts of appeals. V. 55. Cases determined from November 7, 1893, to January 8, 1894. Reported by David Goldsmith, of the St. Louis bar, and Ben Eli Guthrie. Columbia: E. W. Stephens. 1894. 18+11+728 pages. \$3.

NEW YORK STATE REPORTER. V. 57; 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. 12+35+931 pages. \$4.

NORTHEASTERN REPORTER. V. 36; containing all the current decisions of the supreme courts of Mass., Ohio, Ill., Ind., appellate court of Ind., and the court of appeals of N. Y. Permanent Ed. Feb. 16-May 11, 1894. St. Paul: West Pub. Co. 1894. 16+1171 pages. (National Reporter System.) \$5.

ONTARIO REPORTS. V. 23. Reports of cases decided in the queen's bench, chancery, and common pleas divisions of the high court of justice for Ontario. Editor: F. Smith, Q. C. Toronto: Rowsell & Hutchison. 1893. 28+737 pages.

PENNSYLVANIA supreme court reports. V. 159. James Monaghan, reporter. Cases decided at January term, 1894. Albany: Banks & Bros. 1894. 29+705 pages. \$2.50.

SOUTHERN REPORTER. V. 14; containing all the decisions of the supreme courts of Ala., La., Fla., and Miss. Permanent Ed. Dec. 27, 1893-April 18, 1894. St. Paul: West Pub. Co. 1894. 11+966 pages. (National Reporter System.) \$5.

UNITED STATES supreme court reports. V. 152. Oct. term, 1893. J. C. Bancroft Da-

vis, reporter. New York and Albany: Banks & Bros. 1894. 25+738 pages. \$2 net.

WISCONSIN supreme court reports. V. 86. Cases argued and determined. Frederic K. Conover, official reporter. Sept. 26, 1893-Jan. 30, 1894. Chicago: Callaghan & Co. 1894. 38+725 pages. \$2.25 net.

Statutes, Codes, and Laws.

ENGLISH ANNOTATED ACTS. An edition of the leading statutes of the year. With explanatory introduction, notes, and full index to each act. No. 1: the local government act, 1894, roy. 8vo. 1s. 6d. net. No. 2: the sale of goods act, 1893, roy. 8vo. 1s. net. London: Sweet & M.

MONTANA. Laws, resolutions, and memorials passed at the third regular session of the legislative assembly, held at Helena, commencing January 2, 1893, and ending March 2, 1893. Butte City, Montana: Inter Mountain Publishing Company. 1893. 15+247 pages.

SOUTH CAROLINA. Acts and joint resolutions of the general assembly, passed at the regular session of 1893. Columbia: Charles A. Calvo, Jr. 1893. Pages 28+31+712.

UTAH. Laws of the territory passed by the legislative assembly at its thirty-first session, held at Salt Lake City, commencing January 8, 1894, and ending March 8, 1894. Salt Lake City: Star Printing Co. 1894. 8+205 pages.

VIRGINIA. Acts and joint resolutions passed by the general assembly during the session of 1893-94. Richmond: J. H. O'Bannon. 1894. 1051 pages.

CONTENTS OF NEW BOOKS.

Binney's Restrictions upon Local and Special Legislation.

TITLE-PAGE. Restrictions upon Local and Special Legislation in State Constitutions. By Charles Chauncey Binney, of the Philadelphia bar, Assistant Attorney, Department of Justice of the United States. Philadelphia: Kay & Bro., Publishers. 1894.

PREFACE. The branch of constitutional law treated of in the following pages (which

recently appeared as a series of articles in the American Law Register and Review) is unique in owing its origin to a widespread lack of confidence on the part of the people of the several states of the Union in their own representatives in the state legislatures; while another peculiarity is that the restrictions by which it has been sought to regulate legislative action seem, for the most part, to have been adopted without any particular method or system. It follows that the

cases here reviewed do not involve fundamental legal principles, but merely the operation of an interesting experiment, viz. that of forbidding all legislation upon nearly every subject unless it be enacted without reference to individual cases. That this experiment has not worked perfectly as to certain matters, can hardly now be denied, and it is to be hoped that recourse will eventually be had to some better method of dealing with such important subjects of legislation as corporations and local government, for instance, than simply requiring the enactment of theoretically general laws. If any change is to come, however, either in the use of these restrictions in our constitutions, in the character of the laws passed in accordance with them, or in the views taken of them by the courts, such change can only be beneficial if made in pursuance of a thorough study of the whole subject. It is in the hope of aiding such study that a general review of the field covered by the restrictions, with a special consideration of certain lines of legislation that have developed under them, or been affected by them, and a résumé of the decisions as to every point on which the courts have passed, are here presented.

CONTENTS.

- Chap. I. The treatment of local and special legislation in England and the United States.
 Chap. II. The distinctions between general, local and special legislation.
 Chap. III. Classification.
 Chap. IV. Local option as affected by the restrictions.
 Chap. V. Legislative discretion as controlled by the restrictions.
 Chap. VI. The restrictions actually in force in the several states.

Hagan's Disputed Handwriting.

TITLE-PAGE. A treatise on Disputed Handwriting, and the Determination of Genuine from Forged Signatures. The Character and Composition of Inks, and their Determination by Chemical Tests. The Effect of Age as Manifested in the Appearance of Written Instruments and Documents. By William E. Hagan, Expert in Handwriting. Banks & Bros., New York. Albany, N. Y. 1894.

CONTENTS.

- Chap. I. Introductory.
 Chap. II. Forgeries, and the modern facilities for producing them, etc.
 Chap. III. Why persons write differently, etc.
 Chap. IV. How individual habit becomes manifested in writing, etc.
 Chap. V. The difference between what constitutes typical parallelisms of the same writer, and their simulation by another person, etc.
 Chap. VI. Signatures compared with the ordinary writing of the same person, etc.
 Chap. VII. Lead-pencil writing, and its comparison with pen and ink writing of the same person, etc.

v.L.B.N.no.7—14

Chap. VIII. Inks and the circumstances under which a knowledge of their composition becomes important, etc.

Chap. IX. When and how the chemical testing of inks becomes important, etc.

FROM THE PREFACE. To the lawyer having on trial a case in which the charge of forgery forms a feature, a knowledge of the facts relating to forged writings, and their production, becomes very important. One understanding the causes conditioning the appearance of genuine, as contrasted with those of simulated, writing, is better enabled to try a case of this kind intelligently than another, who has not a knowledge of these facts at his disposal. While it is not necessary that counsel or attorneys should become experts in handwriting to properly conduct trials of this kind, such of them as are acquainted with the authoritative experiences of those who have made such matters a subject of study are better fitted to examine witnesses in a manner to make their evidence more clearly understood than others who have not this qualification. It has often occurred in the experience of the author, when a witness at the trial of cases of this kind, that persons conducting the examination would put their interrogatories in such shape that they could not be fairly answered within the scope of the question, and at the same time convey a clear idea of the matter inquired about, from the fact that the interrogator did not have a proper understanding of it. While it may take a great deal of study to make a man an educated expert in handwriting, it does not follow that a person cannot understand the methods employed to reach conclusions in such investigations without being able to practically apply the process steps herein suggested, and a lawyer, by understanding the methods, can easily distinguish opinions founded upon a scientific basis from those which are empirical, and by cross-examination make the difference apparent.

Wiley's Procedure.

TITLE-PAGE. Procedure in the Courts of Law and Equity. By W. P. Wiley, professor of law in the West Virginia University. Chicago: T. H. Flood & Co. 1894.

FROM THE PUBLISHERS' ANNOUNCEMENT. This is emphatically a modern and practical work,—a book of forms so arranged as to illustrate the procedure in all the common-law actions, in suits in equity, and in the extraordinary remedies. It furnishes what the books have heretofore failed to furnish regarding the practical development of a case in the courts. It furnishes that which, it is often said, can only be obtained by prac-

tical experience in the courts. It furnishes this, too, not by abstract discussion of the rules of procedure, but by the actual development of the cases. Every common-law action is developed from the praecipe to the judgment, and then carried to the court of appeals. Thus the lawyer has a handy book of forms which, at the same time, are made to illustrate the procedure in the different actions. He finds every form of pleading in its proper place and practically applied. There is no form for which a precedent is not furnished, and which, under the unique arrangement of the book, is not readily found. Even the forms of the clerk's entries for almost every conceivable order are provided. The book will be especially useful in furnishing the procedure and forms under the extraordinary remedies of habeas corpus, mandamus, certiorari, and injunction.

TABLE OF CONTENTS.

- Chap. I. Procedure in the Action of Debt.
- Chap. II. Procedure in the Action of Assumpsit.
- Chap. III. Procedure in the Action of Covenant.
- Chap. IV. Procedure in the Action of Trespass Vi et Armis.
- Chap. V. Procedure in the Action of Trespass on the Case.
- Chap. VI. Procedure in the Action of Detinue.
- Chap. VII. Procedure in the Action of Ejectment.
- Chap. VIII. Forms of Pleas in Actions at Law.
- Chap. IX. Forms of Replications at Law.
- Chap. X. Forms of Clerk's Entries in Court and at Rules.
- Chap. XI. Procedure for the Writ of Habeas Corpus.
- Chap. XII. Procedure for the Writ of Mandamus.
- Chap. XIII. Procedure for the Writ of Certiorari.
- Chap. XIV. Procedure for the Writ of Injunction.
- Chap. XV. Procedure in Suits in Equity.
- Chap. XVI. Forms of Bills in Equity.
- Chap. XVII. Procedure in Taking Depositions.

REVIEWS OF NEW BOOKS.

**Carr's Judicial Interpretation of
Tariff Acts.¹**

Reviewed by Edward C. Stringer, Esq.,
United States Attorney for the
District of Minnesota.

[For descriptive matter, see page 111, No. 4,
Law Book News.]

I have carefully examined "Judicial Interpretation of the Tariff Acts," by Wm. W. Carr, and take pleasure in saying that the book cannot fail to be of value to all persons interested in that branch of the law. To the general practitioner the work is not of so great worth. It cannot be said to be a treatise on tariff law, but is, more strictly speaking, and as its title indicates, an amplified digest of decisions of the federal courts on the various acts of congress relating to the tariff. The work is admirably arranged, and evinces laborious research, and a careful consideration of all important decisions on tariff enactments. I would think it of value to customs officials, and all others interested in the judicial interpretation of past and present tariff laws, either as lawyers or importers. It is carefully indexed, and will be a decided help to all who are making research in this branch of the law.

Edward C. Stringer
St Paul, Minn.

¹ The Judicial Interpretation by the United States Courts of the Acts of Congress relating to the Tariff. By Wm. Wilkins Carr. Philadelphia: T. & J. W. Johnson & Co. 1894.

Gould's Dictionary of Medicine.¹

Reviewed by Prof. Marshall D. Ewell,
M. D., LL. D., Dean of the Kent
Law School, Chicago.

We have examined the above entitled work, consisting of 1,633 large octavo pages, with much interest. Having been required in the course of our professional duties to read a very considerable amount of medical literature, we have occasion frequently to consult a Medical Dictionary, and till the above work came to hand we have not been able to find in the works accessible many of the terms used in current literature.

So far, however, as we have examined this work, we have yet to find a medical term that it does not contain. The scope of the work is very large, and is well described in the title. At the present time the general practitioner of law may at any time be called upon to investigate a question involving a more or less intimate acquaintance with medical science. He is frequently called upon to examine not only questions in medicine and surgery proper, but also chemistry, pharmacy, biology, microscopy, bacteriology and legal medicine generally, and in such investigations, unless he has received a medical education, he will be comparatively

¹ An Illustrated Dictionary of Medicine, Biology, and Allied Sciences, By George M. Gould, A. M., M. D., including Pronunciation, Accentuation, Derivation, and Definition of the terms used in Medicine, Surgery, Anatomy, Physiology, Legal Medicine, etc., and the various sciences closely related to medicine. Based upon recent scientific literature. Boston: Little, Brown & Co. 1894.

helpless without the aid of a book like the present.

To give the work anything like the treatment it deserves would occupy more space than is at our disposal, but we can conscientiously recommend it as a very valuable, if not indispensable, book for the general practitioner.

We are glad to notice that the well-known and reliable firm of Little, Brown & Co. have made a new departure in putting such a medical work on their list of publications. It would be well for the profession of law if more standard medical works were handled by law book publishers.



The Kent Law School of Chicago.

Prentice on Police Powers.¹

Reviewed by Henry Campbell Black,
Esq., of Washington, D. C.

[For contents and other descriptive matter, see page 145, No. 5, Law Book News.]

In assuming that there are several different governmental powers, to be exercised in matters of police, called, collectively, "police powers," Mr. Prentice follows a bad example inadvertently set by certain judges and text writers, but which is opposed to the best professional usage, and is indefensible in principle. It has always been the general understanding, both of legal authors and courts, that there is one general power, inherent in every sovereignty, to make all such regulations as may be necessary and proper for preserving the public peace and safety and promoting the public health, morality, and general welfare, and that this power is called "*the police power*." It will not do to divide this power according to the subjects over which it extends. It would be erroneous to hold that there is one power to establish a criminal code, and another power to make sanitary regulations, and another power to suppress lotteries. Neither would it be correct to divide the power according to its apportionment between different governments. The United States possesses it; each state possesses it. But it is one and the same power. The only distribution is that of the subjects of its exercise. It appears,

however, that Mr. Prentice intends to lay aside from his consideration all those parts of the general subject which relate to the ordinary criminal law and criminal administration, and treat only of those departments which, as he says, may almost be said to belong to the equity side of government. These departments he seems to consider as so many distinct powers, and defines them as "arising under the law of overruling necessity." Such a division of the subject-matter is permissible, but the principle of classification is vicious. It is, indeed, very true that the police power arises under the law of overruling necessity, but this is not less true of any one manifestation of the power than it is of any other. Overruling necessity (or, as the author elsewhere calls it, the right of self-defense inherent in the state) is just as much the justification of a law defining and punishing treason as of a law prohibiting the sale of oleomargarine. The book under review is therefore injudiciously named.

Accepting the limited field chosen by Mr. Prentice, it is not possible to commend his arrangement and classification of the topics discussed. It seems to proceed upon no clear system, but is arbitrary and capricious to the last degree. Why, for instance, should the subject of slaughterhouses be discussed under the head of "Mandatory and Restraining Laws," when there is a chapter on "Offensive Trades and Nuisances"? Or why should the last-named chapter include a discussion of the inalienability of the police power? But these defects of arrangement would not be of serious moment if the book were equipped with a first-rate index. Unfortunately, the index in this case is very inadequate. It would be no great hyperbole to say that the index is the most important part of a legal text-book. It is certainly the most critical. But it is here, more than anywhere else, that the hand of inexperience discloses itself. What shall be said of a writer who indexes an important topic under the beginning word "The"? In this index we also find many singular or mysterious entries, including the following choice specimens: "Abstract Opinions," "Albany," "Brighton," "Cases" (under this head is an alphabetical list of the topics discussed in the book), "Castleton, sewer in," "Conductor Pipe," "Constancy of Principles of Law," "Corner Lot," "Fair Trader," "Prime Slip," "Sinister Means or Interest in Contract," and, most remarkable of all, "Tort, Town, Malice, etc."

An examination of the table of cases does not reassure one as to the exhaustiveness of the citations. There are only about 1,500 cases included, which, as any one knows who is at all familiar with the literature of the

¹ Police Powers Arising under the Law of Overruling Necessity. By W. P. Prentice, Counselor at Law. Banks & Bros., New York and Albany, 1894.

subject, constitute not much more than half the applicable case law. Closer inspection shows that our author has referred to nearly all the important rulings of the United States supreme court on the general subject, but has not given equal attention to the leading decisions of the state courts, except those of New York. There are 460 cases cited from the various courts of New York, as against 590 from all the other states combined. We notice also some few Canadian cases, and a large proportion of English authorities. The latter will doubtless be of some value, although it has not been usual to seek for authorities on the police power outside of the United States, since questions relating to its exercise are almost invariably questions of constitutional law, and depend for their solution upon the terms of our written constitutions. It should be added that the author has shown a commendable diligence in incorporating in his book the latest adjudications of the courts, even down to the time of its going to press.

It is much to be regretted that not every writer of legal text-books is gifted with a clear and perspicuous style. Nothing contributes more to the comfort which the hard-worked lawyer enjoys in the use of a good book, or more forcibly inclines him to hold it in high respect. Mr. Prentice is embarrassed in the expression of his well-founded opinions by an obscure and crabbed style, which always requires the closest attention, and sometimes more than one reading. Moreover, we have to complain of a certain haziness of thought, which interferes with the connected development of the subject, and involves the writer in vexatious repetitions and illogical deviations from the path of his discourse.

But, notwithstanding these serious drawbacks (upon which the reviewer's duty has constrained him to lay some stress), the book in question possesses some very substantial merits, and is likely to prove both useful and instructive to the profession at large.

For one thing, the work is obviously the result of original investigation, and independent study of the authorities. Faithful individual labor, in the making of a text-book, ought to be a matter of course, rather than a subject of special notice and commendation. But it is only too notorious, at the present day, that many books on the law are manufactured in the closet. And any writer who studies the original sources, and offers to the public the honest result of his own research and thinking, is entitled, for that reason alone, to a kindly reception and a respectful hearing, such as we bespeak for Mr. Prentice.

Again, our author takes a very sound view of the basis of the police power. While the maxim, "*Sic utere tuo ut alienum non laedas*," will in many cases furnish a convenient rule

for the application of the power, there has been too much of a tendency to consider this maxim as at once defining and limiting the power itself. This view goes hand in hand with the fallacious conception of the state as no more than a policeman interfering between two quarrelling neighbors. In truth, if any maxim must be appealed to as sustaining the police power, it is the rule of "*salus populi suprema lex*." The power, as Mr. Prentice very clearly shows, arises under the law of overruling necessity. It is the power of self-protection and self-defense inherent in every sovereignty. The "necessity" is the right and duty of the state to defend and perpetuate its own existence, and the unhindered discharge of all its constitutional functions, and to fulfill the object of its being, by securing to all citizens the equal enjoyment of their rights, and the maintenance of public peace, safety, health, morality, and comfort. It will easily be seen how far the whole course of a work on the police power will be colored by the fundamental conception of the power, and how accurate thinking, in specific instances, will be promoted by a right understanding of the basic principle.

Another valuable feature of the work of Mr. Prentice is his development of the truth that the police power is not confined exclusively to the individual states, but is also possessed by the general government. In this connection, particular attention is paid to such recent acts of congress as the national quarantine law, the "assisted immigration" and "alien contract labor" laws, the Geary act, and the statute excluding lottery matter from the mails. It has not been denied that congress, in legislating upon those subjects which are committed to the exclusive jurisdiction of the United States, may pass laws confessedly in the nature of police regulations. But within the past generation we have come more clearly to recognize the fact that the United States is a sovereign and independent nation, entitled to legislate for the preservation of national existence, the protection of national integrity, and the supremacy of national law, and possessing powers, of police and otherwise, quite adequate to these purposes. Very significant is the statement of Mr. Justice Miller in the *Neagle Case*, 135 U. S. 1, that "there is a peace of the United States" which it is the duty of federal officers to enforce and maintain. And the importance of the power of the United States, in these matters, is rapidly increasing, as it becomes more and more apparent that the long arm, and the strong arm, and the efficient arm, in this country, is the arm of the United States government.

The many nice distinctions to be found in that debatable border land which lies between the police power of the states and certain powers of the general government, par-

ticularly that which concerns the regulation of commerce, are fully examined by the author, and the results of the decisions accurately stated, although we are compelled to look in several different parts of the book for the doctrines and authorities, and are embarrassed by a style that is neither clear nor connected. But, in this connection, the chapter on "Administration, General and Local," may be commended to the attentive perusal of the reader.

The fourteenth chapter contains an interesting discussion of the legal aspects of trusts, monopolies, pooling contracts, combinations in restraint of trade, strikes, boycotts, and other forms of industrial disturbance, which have come into an evil prominence of late years. The author devotes considerable space to an examination of the power of the states to regulate or prevent such anomalous conditions, and of the jurisdiction of the courts to interfere, by means of their writs of mandamus and injunction, due prominence being given to the recent important decisions of both state and federal courts on these subjects. The judicial tribunals have here a new and almost unexplored territory within which to exercise their powers, and the development of the best possibilities of the judicial authority, in these fields, would be much furthered by intelligent and well-founded discussion on the part of text writers. Herein our author has rendered a not inconsiderable service. The next chapter includes a useful discussion of the extent and tests of the responsibility of officers and municipalities for acts done in the exercise of the police power, or in the enforcement of laws and ordinances enacted thereunder. In the nineteenth chapter we find an interesting review of the South Carolina Dispensary Act, with a synopsis of the opinion of Judge Simonton in the case of *Cantini v. Tillman*. But the book went to press before the decision of the supreme court of that state, pronouncing against the constitutionality of the law.

It may be questioned, however, whether Mr. Prentice, in the work before us, devotes sufficient attention to the limitations of the police power. It is true, there is a somewhat extended consideration of such positive limitations as grow out of the relation of the federal and state governments and the constitutional guaranties of due process of law, the inviolability of contracts, etc. But there are two particulars in which greater emphasis might have been laid upon the limited nature of the power in question. One concerns the danger of ascribing to the police power everything which a legislature may choose to enact, provided only it is not unconstitutional. There are many laws which invade the liberty of the individual and also have some relation to the community, but have

nothing to do with either the public safety, the public morals, or the public health. If such statutes come within the general sphere of legislative action, and are not open to objection on the ground of infringing some positive constitutional prohibition, their validity is sufficiently established without referring them to the police power. And it is much better not to stretch the term to these wide limits. For the police power, properly so called, is so far-reaching in its importance, and so paramount in its sway, that its enlargement, by continual loose applications of the term to cases where it is neither needed nor appropriate, is dangerous to the safeguards of freedom.

The other particular in which our author appears to have inadequately marked out the boundaries of this power concerns the right and duty of the courts to see to it that no burdens or restrictions are laid upon individuals, unless the object to be attained has some actual and proper relation to the purposes for which the police power may be exercised. "Under the mere guise of police regulations, personal rights and private property cannot be arbitrarily invaded, and the determination of the legislature is not final or conclusive." *Matter of Jacobs*, 98 N. Y. 98. This rule was amusingly illustrated in a recent California decision (*Ex parte Hodges*, 87 Cal. 162), not cited by our author. The question was upon the validity of an act which required all owners and occupants of land in a certain county, within ninety days, "to exterminate and destroy the ground squirrels on their respective lands," and made any violation of it a misdemeanor. The court said: "We regret exceedingly that we cannot see our way clear to uphold and enforce such an important and original piece of legislation. Indeed, it would give us great pleasure to see the power here assumed applied to snakes, tarantulas, ants, flies, fleas, and other reptiles, insects, and pests, which tend to make man's life a burden, and to have it exercised and enforced in every county in the state. But we are unable to see by what right or authority of law a board of supervisors can impose upon a landowner the burden and expense of exterminating animals *ferae naturae* on his own land or elsewhere."

The extant literature of the subject is not so exhaustive as to leave no room for a new work. And the practitioner who has to assail or defend a statute or ordinance, asserted to be an exercise of the police power, or who wishes to inform himself thoroughly on the general subject, will do well to add Mr. Prentice's book to his library.

J. G. Campbell Black.

OTHER OPINIONS OF NEW BOOKS.

Burrill on Assignments (Sixth Edition).

[See Contents and other descriptive matter on page 46, No. 2 Law Book News; and review by Chas. E. Hughes, Esq., on page 113. No. 4, Law Book News.]

It is certainly needless to devote any extended notice to a work so well known as *Burrill on Assignments*.

It has had a practical monopoly for many years of the subject; for, although there have been at various times local books of merit, Mr. Burrill's work has been the only one in which the subject of assignments under the various systems of law of the different states has been satisfactorily treated.

An examination of the volume shows that the revision is, generally speaking, thorough, and that the additions of the present editor are of importance and value.

In using the forms attached to the work, the caution contained in the preface to the first edition that they should not be used without an examination of the law as laid down in the body of the book, and are always to be taken subject to modification by local law, is still of importance.

A few little mistakes may be found, due mostly to the inanimate depravity of type.

One of these is rather peculiar. The well-known case of *White v. Cotzhausen* is (at page 134) credited to 64 Hun, 615, while *Central Nat. Bank v. Seligman* is given as being in 129 U. S. 329. The reverse is, of course, the case. And the court of appeals has since reversed, in 138 N. Y. 435, *Central Nat. Bank v. Seligman*. On the same page there is also a reference to a "late case" which was decided fifty years ago. These, and others like them, are, however, of so little importance as to be hardly worth notice, and do not impair the value of the work.

—"T. C." in *New York Law Journal*.

A new edition of this standard work is opportunely timed to supply a demand for information on a subject which at present must necessarily occupy the thought and attention of many attorneys. Mr. Burrill's work, originally published in 1853, has, in the course of its six editions, been through the hands of several editors, and in its present shape is a practical and satisfactory statement of the law on a subject which is necessarily complicated by the variety of statutes upon which it is based. The present editor, Mr. Webb, has removed from the text all quotations from state statutes, and has added as

an appendix a synopsis of the statutes of the several states and territories relating to assignments for the benefit of creditors. While an attempt to paraphrase a statute is always to be deprecated, it may perhaps be justified in a text book on a subject involving a large amount of statutory law.

One of the most interesting chapters of the book relates to the subject of Preferences. The rule at common law was well established that a debtor in failing circumstances has a right in an assignment to prefer one creditor to another. The tendency of recent legislation, however, has been to restrict this privilege. Many of the older states have, in recent years, passed laws restricting it, and the new states, such as Oklahoma, North Dakota, South Dakota, and others, have forbidden it. The subject of preference has given rise to litigation in many cases where there has been a conflict between the laws of a state permitting preferences, and one which forbids them. A large portion of the chapter headed "The *lex loci* in its application to assignments" is given up to a discussion of this subject.

The general powers of the assignee are fully and clearly treated, but somewhat more might have been said on the question of the extent to which the assignee may conduct the business of the assignor.

While much new matter has been added to this edition, the size of the book has been decreased by using smaller type, and by increasing the size of the type page. It cannot be said, however, that the appearance of the page has been improved by the process.

—Albert B. Weimer, in *American Law Register and Review*.

Carr on Judicial Interpretation of Acts Relating to the Tariff.

[See review by U. S. Attorney Stringer on page 210 of this number, and descriptive matter on page 111, No. 4, Law Book News.]

In this volume the reported decisions of American courts upon the various tariff acts are collected. The numerous and complex questions arising under the tariff laws are dealt with clearly and concisely, and the very extensive subject is brought within the convenient and moderate limit of about 600 pages. This work will be invaluable, not only to attorneys, but to importers and customs officials. It will have a permanent value, notwithstanding possible future modifying tariff legislation, because the decision of a court upon a tariff act does not cease to be of value after a modifying act has been enacted, and the terms of the earlier legislation and judicial decisions thereon must be considered

in order to determine the congressional intent of a later act. A specific classification, or the customs revenue administration, may be changed by subsequent legislation, but, as the cases here arranged illustrate legal principles, they are useful, although the acts under which they arose have been repealed or modified. Among the subjects treated may be mentioned the power of congress, and the general principles for the construction of tariff acts, importation, port of entry, bonded and private warehouses, appraisements and the board of general appraisers, appeals and protests, suits against collectors, fines, penalties, and forfeitures, and the duties, liabilities, fees, and salaries of customs officials. The utility of a work of this kind depends greatly on the character of the index, and in this volume the index, in its exhaustive and thorough character, is all that could be desired. The table of cases covers 18 pages. Mr. Carr's experience as assistant U. S. district attorney in Philadelphia has greatly aided him in the preparation of this admirable work, and has given his treatment of a very complex subject a practical character, which adds greatly to the value of the volume.

—Legal Intelligencer.

Cassoday on Wills.

[See Contents and other descriptive matter on pages 13 and 14, No. 1, Law Book News; and other notices on page 20.]

The contents of this volume are taken from a series of lectures delivered to the senior classes of the College of Law of the University of Wisconsin. The lectures, as the author states, are based upon the old English statutes which were in force as a part of the common law in the thirteen American colonies, and which have since, with some slight modifications, become the law of wills in the several states. The author is professor of constitutional law in the University of Wisconsin and a justice of the supreme court of Wisconsin. There are five chapters treating, in detail, of the nature, origin, and history of wills, their execution, witnesses, and the attesting clause, revocation of wills, the right and capacity to make wills, probate jurisdiction, and the general principles of the construction of wills. The text is well prepared, and citation of authorities abundant. The work is essentially a practical one, and of good value to the lawyer who does not care to wade through a mass of theory to get at substantial results. Though not a large work,—but little over three hundred pages,—it contains the meat and substance of the subject, clearly stated and amply illustrated by authorities.

—Central Law Journal.

Davis and Brown on Car Trusts in the United States.

One of the most interesting things in the common law is the way in which men, under the exigencies of new forms of business, will sometimes seize hold upon a little-used branch of the law, adapt it to their purposes, and develop it almost into a subject by itself. This very good treatment of the law of "car trusts" shows how the desire of railway companies to get rolling stock which they cannot pay for, and the desire of other people to secure payment in the future by a right against the rolling stock itself, have caused a use of the law of conditional sale of which the courts of a few decades ago would never have dreamed. The authors recommend the careful investigation and consideration of the terms of each contract, and the refinements of words upon which some courts have gone far in basing distinctions show that the recommendation is a good one. The supreme court of the United States, for instance, has decided a case in favor of an unregistered conditional sale where registry of mortgages was required by law, upon the express distinction that the words of the parties provided that "title, ownership, and possession" were not to pass, not caring that the first thing the parties did was to pass possession. 118 U. S. 663; and cf. 136 U. S. 268. One wonders how they would deal with an instrument which provided that compliance with the statutory requirements of registration should be a condition precedent of any right in the vendee; and one does not wonder that an ingenious bridge company thought it could keep its lien on a bridge sold, to be affixed to the realty, as against a prior known mortgage covering the whole roadbed. Apart from these vagaries of refinement, the ordinary ironclad car trust, well-considered forms for which are given in the appendix, seems to the authors to furnish a sufficient protection to the holders of car-trust certificates.

—"R. W. H." in Harvard Law Review.

Dillon's Lectures on Jurisprudence.

[See review by Prof. Austin Abbott on page 115, No. 4, and other opinions at page 149, No. 5, Law Book News.]

Judge Dillon writes in a generous and welcome spirit of piety towards the common law and the legal antiquities of the mother country, and is abundantly courteous in acknowledgment and citation of English lawyers' work. Besides this, he wins the sympathy of the present reviewer, at all events, by relegating to a very subordinate place the bare and bald analysis with which the name

of jurisprudence has been too much bound up in England for the last generation or more. He rightly vindicates as the field of jurisprudence the whole scientific treatment of law, —nothing more, therefore not speculative ethics or politics; but also nothing less. We should think well of such a book as a whole, even if we thought less well of it in detail. Let us hasten at once to say that Judge Dillon is anything but an unpractical jurist. He has administered both federal and state laws, and is the author of a well-known treatise on Municipal Corporations.

This book is intended, in the first place, to give American students a taste for the history of our system, "our law in its old home," as well as to introduce them to the general lines of its American development. So far as we can judge, it is excellent for those purposes. It does not profess to be, as it could not be, specially adapted for English purposes; but English students may consult many parts of it with advantage, and matured English lawyers, who wish to revive their antiquarian memory, or to put themselves at the point of view of a thoughtful modern American, will find it pleasant and profitable reading. Our judicial system and the inns of court are treated with a light hand, but with adequate knowledge of things both new and old; and the remarks on such practical topics as trial by jury and the possibilities of codification carry a greater weight of well-considered experience than will be found in them, perhaps, at first sight, by unprofessional readers, or even by lawyers who have never tried their own hand at this kind of exposition.

The learned author believes in trial by jury, but regrets the extreme narrowing of the functions of the court which has been introduced by the statutes and constitutions of some American states. Few English lawyers will differ with him on this point. He is also an advocate for progressive and cautious codification, a subject on which American opinion is still much divided. The premature and overambitious New York Codes have, in our opinion, done much to perplex it with irrelevant matter. Judge Dillon complains that the habit of submitting to the courts printed briefs which are really elaborate arguments is causing oral arguments to degenerate. This is an evil of which we have not much experience here. If, with us, anything tends to leave no room for the arguments of the bar, it is the oratory of aggrieved plaintiffs in person. St. Paul cannot have been acquainted with the female plaintiff in person; otherwise he would perhaps not have limited his censure to speaking in the church. There are some good illustrations of the scale on which

American business has to be done. Men often go a thousand miles to argue a case; and Judge Dillon mentions one case in his own experience where opposing counsel from the extreme east and the extreme west met by special trains at Santa Fe in New Mexico, the full text of the pleadings having been sent on by telegraph.

It may be well to point out a few small slips. The common law cannot be said to supply the rule of action "in all the British colonies and possessions." One notable exception, the province of Quebec, is not so very far from Yale. It is true that English criminal law prevails almost everywhere, even where some other system of civil redress wholly or partly holds the ground, and that English judicial methods and the authority of decided cases have prevailed (we believe) without exception. It is not strictly correct to say that Bacon's scheme for restoring official reports "bore no fruit." The fruit, such as it was, was *Hetley's Reports*. (See Wallace on the Reporters, Ed. Heard, page 270.) On page 214, Judean is misprinted for Indian in a familiar quotation. —"F. P." in *The Law Quarterly Review* (London).

Gould's Dictionary of Medicine.

[See review by Prof. Marshall D. Ewell on page 210 of this number.]

Although, in the strict sense of the word, a medical work, this dictionary will prove of equal value to both the lawyer and the doctor. An intimate acquaintance with medical technical terms is indispensable to the legal practitioner who is constantly called upon to discuss difficult questions in medicine, chemistry, pharmacy, biology, microscopy, bacteriology, etc.; and, as a human life often depends upon the knowledge displayed by him, it is important that he should be thoroughly acquainted with the matter in hand. In cross-examination of medical experts, errors in the use of technical terms are not infrequent, and may lead to grave results to clients.

This book explains countless terms relating to insanity, nervous affection, medical malpractice, rape, poisoning, blood stains, etc. It gives numbers of illustrations of human anatomy; pictures the various bacteria, animal parasites, common tumors, etc.; and contains many tables, such as poisons and their antidotes, electrical batteries, surgical operations, composition of foods, and other special matters, that at a glance enable the reader to grasp any subject under discussion. As a work of reference it is invaluable, and all lawyers who can afford it should procure the volume.

—The Green Bag.

Parsons on Contracts (Eighth Edition).

[See p. 119, No. 4, Law Book News, for other opinions.]

The chief reason for the present use and value of this much-edited text-book is, apparently, the magnificent comprehensiveness of its scope. Surely one could nowhere else find in the same book treatises on fire insurance and sales, damages, and statutes impairing the obligation of contracts; and surely it must often be most convenient to the lawyer to be able to handle the whole of a case about contract without going to the separate treatises on the various subdivisions of the law. Such being the nature of the book, which reached a sixth edition under the supervision of the author himself, the duties of the editor of this edition, Professor Williston, whose work is really the only portion of the book now properly the subject of review, have naturally confined themselves to the addition of good new cases, the excision of obsolete or unnecessary old ones, and the supplementing of the text upon certain points of law not therein treated to an extent sufficient for the present needs of the profession.

The first two pieces of the work have been most satisfactorily done. Avoiding, on the one hand, the useless collection of "all the cases," and, on the other hand, any too great brevity of citation, Professor Williston has succeeded, as a test of the book will show, in giving a ready and sufficient key to the case law; and, further, by shutting out quotations from authorities now somewhat stale, in doing this without materially increasing the size of the book.

The third part of the editor's work, the revision of the text-book itself, has been very conservatively done. Recognizing the difficulties in the way of altering the text of a much-cited book, he has practically confined his work to supplementary notes, carefully distinguished from those of Professor Parsons by the arrangement of the type. Some of these—for instance, those upon subscription papers, divisible contracts, and the completion of contracts by mail—are excellent expositions of difficult points of law. Others appear to be too conservative. What there is of them is good; but the text seems constantly to need more supplementing, more explanation, and especially more contradiction, than the editor has supplied. This, however, is cause for regret rather than for complaint, and in such cases the profession doubtless prefer not to see an old text edited out of sight.

—"R. W. H." in *Harvard Law Review*.

Wood on the Law of Railroads (Second Edition).

This is the second edition of a work which first made its appearance in 1885, and which

through positive merit has a place in the libraries of most of those whose practice deals with its subject. It is in three large volumes, and treats of what are railroads, how created, capital stock, stockholders, preferred stock, transfer of shares, municipal subscriptions, corporate meetings and directors, officers and agents, corporate powers, acquisition of right of way, railroads in streets and highways, eminent domain, location and construction, mechanic's lien, railroads as carriers of passengers, negligence, injuries by fire, tickets, expulsion of passengers, sleeping and parlor cars, liability to employees, fellow servants, baggage, injuries resulting in death, injuries to live stock, carriers of things, mortgages, bonds, etc., receivers, consolidation, legislative control and forfeiture of charter. It will be seen from the above that the subject is exhaustively considered. The text is admirably prepared, and the notes are full and exhaustive of the authorities. The mechanical preparation of the volumes is also to be highly commended, the typographical appearance and binding being especially noteworthy.

—Central Law Journal.

The arrangement of the original edition has been preserved as far as possible in this. All of the chapter headings, with one exception, and most of the section headings, have been retained. Mr. Minor says they were sufficiently comprehensive to allow the addition of the new matter. One new chapter, treating of the subject of railroads in streets and highways, and a considerable number of new sections in the old chapters, have been added.

The present editor says he has endeavored to bring the work down to date in every respect. To this end a very large number of the more recent cases have been examined, and the most important of them reviewed. About 300 pages have been added to the entire work, and much contained in the old edition has been taken out and new matter put in its place.

The new chapter on railroads in streets and highways will be found exceedingly valuable. A knowledge of its contents would have saved much labor in a number of cases that have been tried recently in the courts of this city. What the profession want to know when the second edition of a work appears is whether it is sufficiently revised and brought down to justify the expense of purchasing the new to replace the old edition. In this instance we should advise every person engaged in practicing law to obtain the new edition.

—Chicago Legal News.

Leading Text Books Published this Year.

Bailey's Master's Liability for Injuries to Servants.....	6 00 net	Jones on Chattel Mortgages. 4th edition	6 00 net
Beach on Modern Equity Practice. 2 vols	12 00 net	Jones on Liens. 2 vols. 2d edition	12 00 net
Benedict's Admiralty. 3d edition..	6 00 net	Jones on Mortgages. 2 vols. 5th edition	12 00 net
Burrill on Assignments. 6th edition	6 00 net	Jones' Forms of Conveyancing. 4th edition	6 00 net
Carr's Judicial Interpretation of the U. S. Tariff Act.....	5 50 net	Kinney on Irrigation.....	7 00 net
Clark's Criminal Law.....	3 50 net	Lloyd's Law of Buildings. 2d edition. Cloth, \$4.50. Sheep.....	5 00 net
Cogley on Strikes & Lockouts.....	4 00 net	Loveland's Forms of Federal Procedure	6 00
Cook on Stocks. 2 vols. 3d edition	12 00 net	Pagan's Precedents and Forms in Federal Cases	6 00 del
Coxe on Judicial Power and Unconstitutional Legislation.....	3 00 net	Tiedeman on Municipal Corporations	6 00 net
Demarest on Elevated Railroad Law	3 50 net	Wood on Railways. 3 vols. 2d edition	18 00 net
Dillon's Laws and Jurisprudence of England and America. Cloth....	4 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 Jurisprudence. 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
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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		

In re CLARK'S HANDBOOK OF CRIMINAL LAW.

"The plan of the book cannot be too heartily commended. Systematic tabulation is most excellent for both exhaustive treatise and handbook, but particularly for the latter, which should be framed to catch the eye as much as the understanding. The author has wisely given his citations from all courts, thus obviating the objection that the book has a local character. The modern method of treating specific crimes in groups of kindred crimes, instead of alphabetically, is followed. This, I think, is generally as much appreciated by the student as the practitioner."—PROF. HENRY A. WYMAN, of the Boston University Law School.

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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., New York City.....	Monthly.....	
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.....		5.50 per vol.
Am. R. & Corp. R.....	American Railroad and Corporation Reports, E. B. Myers & Co., Chicago.....		4.50 per vol.
Am. St. Rep.....	American State Reports, Bancroft-Whitney Co., San Francisco.....		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.
Brief.....	The Brief, London, Eng.....		
Can. Law J.....	Canada Law Journal, Toronto, Can.....	Semi-Monthly.....	25c.
Can. Law T.....	Canadian Law Times, Toronto, Can.....	Monthly.....	50c.
C. C. A.....	U. S. Circuit Courts of Appeals Reports, West Pub. Co., St. Paul, Minn.....		\$3.35 per vol.
Cent. Law J.....	Central Law Journal, St. Louis.....	Weekly.....	25c.
Chi. Law J.....	Chicago Law Journal, Chicago.....	Weekly.....	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.
Columbia Law T.....	Columbia Law Times, New York City.....	Monthly.....	35c.
Cornell Law J.....	Cornell Law Journal, Ithaca, N. Y.....	Monthly.....	30c.
Counsellor.....	The Counsellor, New York City.....	Bi-Monthly.....	25c.
Cr. Law Mag.....	Criminal Law Magazine, Jersey City, N. J.....	Daily.....	62c.
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.....	
Iowa Univ. Law Bul.....	Iowa Bulletin of Iowa University, Iowa City, Iowa.....	Weekly.....	1 shilling.
Ir. Law T.....	Irish Law Times, Dublin, Ire.....	Weekly.....	
J. P.....	Justice of the Peace, London, Eng.....	Quarterly.....	
Jurid. Rev.....	Juridical Review, Edinboro, Scotland.....		
Law Ex. J.....	Law Examination Journal and Law Student's Magazine, London, Eng.....	Weekly.....	
Law J.....	Law Journal, London, Eng.....		
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.....		Sixpence.
Law Students' J.....	Law Students' Journal, John Indermaur, Chancery Lane, London, Eng.....	Weekly.....	
Law T.....	Law Times, London, Eng.....		
Lawy. Rep. Ann.....	Lawyers' Reports Annotated, Lawyers' Co-operative Pub. Co., Rochester, N. Y.....	Semi-Monthly.....	75c.
Leg. Int.....	Legal Intelligencer, Philadelphia.....	Weekly.....	10c.
Med. Leg. J.....	Medico-Legal Journal, New York City.....	Quarterly.....	
Mich. Law J.....	Michigan Law Journal, Grand Rapids, Mich.....	Monthly.....	35c.
Minn. Law J.....	Minnesota Law Journal, St. Paul, Minn.....	Monthly.....	25c.
Mont. Leg. N.....	Montreal Legal News, Montreal, Can.....		
Morr. Min. R.....	Morrison's Mining Reports, Callaghan & Co., Chicago.....	Weekly.....	10c.
Nat. Corp. Rep.....	National Corporation Reporter, Chicago.....	Weekly.....	10c.
Nation.....	The Nation, New York City.....		
Neb. Leg. N.....	Nebraska Legal News, Lincoln, Neb.....	Monthly.....	25c.
N. J. Law J.....	New Jersey Law Journal, Plainfield, N. J.....	Monthly.....	
N. W. Law Rev.....	Northwestern Law Review, Chicago.....		
N. Y. Cr. R.....	New York Criminal Reports, S. S. Peloubet, New York City.....	Monthly.....	
N. Y. Law J.....	New York Law Journal, New York City.....	Daily.....	65c.
Pittsb. Leg. J.....	Pittsburgh Legal Journal, Pittsburgh, Pa.....	Weekly.....	10c.
Ry. & Canal Traffic Cas.....	Railway & Canal Traffic Cases, Sweet & Maxwell, London, Eng.....	Monthly.....	1 shill. and sixpence
Scot. Law Rev.....	Scottish Law Review, Glasgow, Scot.....		
Scot. Law T.....	Scots' Law Times, Edinboro, Scotland.....		
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TOPICAL DIGEST.

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

Aliens.

— Location of mining claim, see "Mines and Mining."

ATTORNEY AND CLIENT.

A few authorities on the validity of transactions and contracts between the attorney and his client.—36 Am. St. Rep. 415.

A defense of the Dwight method of legal instruction.—By George Chase. 1 Cornell Law J. 74.

Bailment.

— Larceny by bailee, see "Larceny."

BANKS AND BANKING.

A collection of authorities on the question as to what amounts to acceptance of a check by a bank, and the effect thereof.—8 Am. R. & Corp. R. 146.

A short note on the effect of a check as an assignment of the fund, and the right of the check holder to sue the bank.—8 Am. R. & Corp. R. 146.

BAR ASSOCIATION.

Report of the proceedings of the fifth annual meeting of the Michigan State Bar Association.—3 Mich. Law J. 159.

Bicycles.

— Law of the road, see "Highways."

Boycott.

— Injunction as a remedy, see "Injunction."

CARRIERS.

A review of the effect of discrimination by a carrier at common law, with the decisions of the various states and of the federal courts.—8 Am. R. & Corp. R. 700.

A collection of authorities on the liability of carriers for injuries to persons on trains, either as trespassers or by the unauthorized invitation of the conductors.—8 Am. R. & Corp. R. 114.

A lengthy collection of authorities on the effect of the limitation of liability to a specified amount, with a review of the decisions of the courts of the several states.—8 Am. R. & Corp. R. 452.

A collection of authorities as to the validity of stipulations requiring notice of claim for damages.—8 Am. R. & Corp. R. 401.

Checks.

— See "Banks and Banking."

COMMON LAW.

An interesting review of the recent decision of Judge Grosscup in the case of *Swift v. Philadelphia & R. R. Co.*, 58 Fed. 858, as to the rules of decision in the federal courts on fundamental questions regarding the law of interstate commerce, particularly with a view to determine the question as to whether there is a federal common law.—By Blewett Lee. 2 N. W. Law Rev. 200.

CONSTITUTIONAL LAW.

A continuation of a series of articles on the powers, privileges, and duties of the legislature.—By Lewis M. Miller. 2 State Affairs, Nos. 11, 12, p. 543.

A scholarly article on the fundamentals of American liberty.—By Thomas M. Cooley. 3 Mich. Law J. 149.

A short note as to what are to be considered regulations of interstate commerce.—36 Am. St. Rep. 43.

A review of the decision of the supreme court of the United States in *Brass v. State of North Dakota*, 14 Sup. Ct. 857, as to the constitutionality of Laws N. D. 1891, c. 123, declaring elevators or warehouses for the purpose of buying, selling, storing, or shipping grain public warehouses, and prescribing rates of charges therefor.—11 N. Y. Law J. 732.

CONTRACTS.

— Between attorney and client, see "Attorney and Client."

— By foreign corporation, see "Corporations."

— Legality of "future" contracts, see "Gaming."

A collection of authorities on the validity and effect of an agreement of forbearance to sue.—36 Am. St. Rep. 145.

A few citations as to what constitutes an illegal contract, and the possibility of enforcement.—36 Am. St. Rep. 467.

COPYRIGHT.

An article on the history of the law of copyright in England, from the incorporation of the Stationers' Company, in 1556, to the present time.—By H. A. Cadman. 16 Law Student's J. 122.

CORPORATIONS.

A collection of authorities on the rights and duties of officers and stockholders in corporations.—16 Morr. Min. R. 72.

A collection of authorities as to the express and implied powers of the treasurer by virtue of his office, particularly in regard to borrowing money, and binding the corporation by making or accepting commercial paper.—8 Am. R. & Corp. R. 779.

An extended note, with numerous citations, as to the liability of corporations with respect to forged, fraudulent, void, and irregular certificates of stock.—8 Am. R. & Corp. R. 12.

A valuable collection of authorities as to the question of the good faith of one taking fraudulent and irregular stock certificates for value, and his liabilities and rights.—8 Am. R. & Corp. R. 48.

A short article on the duty of a corporation in transferring certificates of stock indorsed by an attorney in fact.—8 Nat. Corp. Rep. 309.

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A valuable note, with numerous citations, on the right of one corporation to acquire stock in another by subscription or purchase.—36 Am. St. Rep. 134.

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An extensive citation of authorities on the right of a member or stockholder to inspect the books and records of the corporation, and the method of enforcing such right.—8 Am. R. & Corp. R. 296.

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CRIMINAL LAW.

A few authorities as to the admissibility of evidence of other crimes.—36 Am. St. Rep. 800.

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CRUELTY TO ANIMALS.

A series of articles on the law of cruelty to animals.—Law Gaz. Republished in 28 Ir. Law T. 289-301, 310.

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A short note on the effect of a conveyance in fraud of dower.—36 Am. St. Rep. 22.

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A short collection of authorities on the admissibility of parol evidence to qualify indorsement.—36 Am. St. Rep. 103.

A collection of authorities as to the validity of statutes creating presumptions.—36 Am. St. Rep. 682.

EXTRADITION.

A review of the decision of the supreme court of California in *Ex parte Foss*, 36 Pac. 669, holding that the existence of an extradition treaty does not prevent the surrender by his government of a person charged with a crime not enumerated in the treaty.—11 N. Y. Law J. 756.

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A short note on the validity of the appointment by parol of an agent to sell land.—36 Am. St. Rep. 418.

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A few citations on the necessity of pleading the statute.—36 Am. St. Rep. 477.

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An article, with numerous citations, on the legality of "future" contracts.—33 Am. Law Reg. 436

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A timely article on the injunction as a remedy for the boycott.—By Herbert S. Bullard. 3 Yale Law J. 211.

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— Combination of companies to control rates, see "Monopolies."

Interstate Commerce.

— See "Constitutional Law."

JURY.

An interesting article on the jury system in the state of New York, with some suggestions as to the reforms necessary, without which it cannot be truly said that proper or entire justice can be done.—By George M. Curtis. 3 Yale Law J. 191.

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LIBEL AND SLANDER.

A valuable article on civil liability for libel in the state of Illinois.—5 Chi. Law J. 259.

A review of the plea of privilege in actions for libel and slander, with numerous citations.—28 Ir. Law T. 307-318.

MASTER AND SERVANT.

— When assumpsit lies for services rendered, see "Assumpsit."

A collection of authorities as to the liability of a railroad company for an accident to an employe, caused by the criminal act of a discharged employe.—8 Am. R. & Corp. R. 678.

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An article on the tendency of modern law to do away with the doctrine of common law, whereby a master was protected against action for compensation, at the instance of a servant, for injury caused by the negligence of a fellow servant.—J. P. Republished in 28 Ir. Law T. 311.

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A collection of authorities on the liability of a master for injuries to an employe.—16 Marr. Min. R. 177.

A collection of authorities on the law respecting the liability of a master for an assault and battery committed by his servant.—By Patrick C. B. O'Donovan. 33 Am. Law Reg. 443.

A collection of authorities on the question of the relation existing between a master and a volunteer servant, and the liabilities of the master towards the servant and third persons arising from such relation.—By Samuel C. Williams. 38 Cent. Law J. 487.

An article on the liability of a master being an ordinary bailee, whether gratuitous or not, where the injury is caused by the felony of the servant.—J. P. Republished in 28 Ir. Law T. 299.

MECHANICS' LIENS.

A short note on the right of a subcontractor to a lien. 36 Am. St. Rep. 31.

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A collection of authorities on the validity and effect of a mining patent.—16 Morr. Min. R. 213.

A collection of authorities on the location of mining claims.—16 Morr. Min. R. 134, 144.

A collection of authorities on the validity of a mining location by an alien.—16 Morr. Min. R. 32.

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A collection of authorities on the validity and effect of trust, trade, and labor organizations.—8 Am. R. & Corp. R. 521.

A collection of authorities on the validity of a combination of insurance companies to control rates and commissions.—8 Am. R. & Corp. R. 513.

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A few citations as to the liability of a city for torts.—36 Am. St. Rep. 667.

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— Injury to employe, see "Master and Servant."

A review of the conflicting cases on the question whether the effect upon others of the defect causing the injury is admissible, either in proof of the dangerous character of the cause or in proof of knowledge of its existence.—By E. F. Hilton. 38 Cent. Law J. 535.

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Negotiable Instruments.

— Parol evidence to qualify indorsement, see "Evidence."

Parol Evidence.

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An article on the law's delay, with some suggestions as to the remedy.—By Alfred C. Cox. 1 Cornell Law J. 62.

RAILROAD COMPANIES.

An article on the power of one railroad company to purchase stock of another, with numerous citations.—By Maurice G. Belknap. 33 Am. Law Reg. 457.

A collection of authorities on the duties of railroad companies in establishing, maintaining, and abolishing stations.—8 Am. R. & Corp. R. 4-105.

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Numerous citations of recent cases in relation to liability of railroad companies for setting fires, and the measure of damages for injuries caused thereby.—8 Am. R. & Corp. R. 167.

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— Right to inspect corporation books, see "Corporations."

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A few authorities as to the validity of tax sales.—36 Am. St. Rep. 961.

A collection of authorities as to whether water and gas pipes and electric wires are to be considered as real estate or personal property for purposes of taxation.—8 Am. R. & Corp. R. 86.

A valuable article, with numerous English and American citations, on the question of taxation of gas mains.—By Edward Furlong. 30 Can. Law J. 374.

TELEGRAPH COMPANIES.

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TENANCY IN COMMON.

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THEATERS AND SHOWS.

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Torts.

— Liability for tort of servant, see "Master and Servant."

TRUSTS.

An article on the duty of a savings bank to recognize and protect the equitable rights of a beneficiary of a fund deposited in the bank.—By William H. Arnoux. 1 University Law Rev. 291.

Warehousemen.

— Regulation of charges, see "Constitutional Law."

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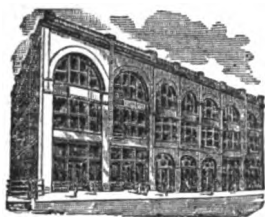
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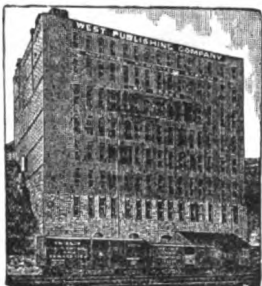
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Law School Journals.

THE American law school is an institution peculiar to the country, and one of which Americans may be proud with less obnoxiousness than ordinarily happens. Sir Frederick Pollock once said that if the new and severer methods now governing legal instruction in England were enforced for a few years, they might hope to turn out as good lawyers there as a second or third rate American law school; but perhaps he meant that for the benefit of the English students, and did not count on being overheard in America. In any event, however, there is good reason for satisfaction with the spirit that animates the schools from which our legal profession is to be recruited. It is marked by an enthusiasm and earnestness that hold most hopeful promises.

One of the evidences of this attitude is found in the law school journals, which in most cases are published by the students themselves. Nearly every law school has

one, and, as a series of class publications, they deserve high rank among those produced by professional publishers. They represent hard and good work, and a good deal of self-devotion. Mechanically, nearly all are above the average of legal journals, and in fact may be said to rank with the best. Being published as a labor of love the question of salaries does not come into the problem, and the readers get the benefit in super-fine paper.

The Harvard Law Review began in 1887, and is now, consequently, in its eighth volume. It may be taken as a typical representative of the entire class. Its object, as announced on the editorial page of the first number, is to set forth the work done in the Harvard Law School, to furnish news of interest to alumni and students, and to give the public some idea of the work done under the Harvard method of instruction. It is edited by a board of students, and each number, consisting of from 50 to 70 pages, contains three or four signed articles on subjects of general legal interest, contributed by members of the faculty, alumni, and members of the profession whose interest has been secured. In addition there are notes of recent cases, law school notes, book reviews, correspondence, etc. The whole makes up a journal which will be especially interesting to all who are or have been connected with the school, and which possesses intrinsic interest even to the casual reader.

The Yale Law School came into line in October, 1891, with the Yale Law Journal, and the new publication has continued with the pluck and devotion to its alma mater

which seem to characterize all the efforts of the men who wear the Yale blue.

In October, 1891, The Counsellor introduced itself to the world with the somewhat original statement that it made no claim to filling a long-felt want. If the want had been unknown before, we may infer that the first number was enough to make it patent, since the journal has maintained a growing prosperity for over three years. It is edited by a committee of students from the New York Law School, which is changed from year to year, and its editorial pages are a fair and very favorable reflex of the spirit of the school. It includes among its contributors not only the professors of the school, but many well-known legal writers and members of the New York bar, who seemingly feel a special interest in this organ of the young and vigorous school which sprang at once into such prominence and favor.

The Columbia Law Times dates back to 1887, but for the first four years its chief function was to record the notes of the professors. In 1891 a committee of students took hold of it, and energetically lifted it to a prominent rank among law-school magazines. It included signed articles of general legal interest, and the other customary departments, all up to the general average. But apparently the effort has not been sustained, for during the last year inquiries for the Times have been vain. It may be that it is still in existence, but, if so, it has learned not to heed the voice of the charmer, charm he never so wisely by means of postal cards.

The Michigan Law Journal is generally associated with the University of Michigan, but it is less of a school organ than most of the others. The editor who wrote its salutatory in February, 1892, has continued in charge, and has been able to give the Journal the impress of personality which is often lost between shifting editorial boards. The state limits hinted by the title have also given it a more distinct field. It contains many articles which must make it peculiarly valuable to the profession throughout the state; yet it has always been sympathetically connected with the university, and it contains a department of "Law School Notes."

In November, 1893, the first number of the University Law Review, succeeding the Inter-Collegiate Law Journal, made its appearance. It is identified with the University of

New York, and is issued under the editorial supervision of Prof. Austin Abbott. This latter fact probably accounts for the breadth of view and trained experience evidenced in the "Notes of Recent Cases," which make one of its most striking features. It has a department of "Legal Education," to which instructors in other schools contribute, and in other ways is kept primarily a students' magazine; but it has less of the personal element of student life than those journals which are more directly under the control of the students themselves.

The Law Bulletin of the State University of Iowa is, in some respects, unique. It is edited by the faculty of the law department, and its chief feature is a series of hypothetical cases and questions on various branches of the law prepared by the professors. Its articles are in the nature of lectures and its department of miscellany is almost wholly concerned with such of the new books or current questions as the students would be particularly interested in. It is thus an extension of the teacher's field, and affords the professors an opportunity to place before their students in printed form the problems and special points which they wish to present for special study in connection with the course of instruction.

It might be expected that Chicago would not fail to take advantage of any offered opportunity. The establishment of the Northwestern University Law School in that city was followed by the appearance of the Northwestern Law Review. The student-editors, in the first number, asked readers to offset against their inexperience the fact that the Review was to be published in Chicago, and would therefore necessarily possess special advantages. It has not needed any special plea, however, for the work on it has been fully up to the average. It gives the usual law school departments, and secures leading articles from outside contributors.

The youngest of the list is the Cornell Law Journal, the initial number of which made its appearance in June of this year. It is a peculiarly stately infant, and, if its present dignity is maintained, it must soon be recognized as leading its elders. The first number has more the appearance of a souvenir number, or of an annual, than of a monthly law journal, including, as it does, several fine portraits and a number of im-

portant articles from the pens of prominent legal writers. It contains 112 pages, the last six of which are given up to Alumni notes.

There can be no doubt that a journal of their own contributes to an esprit de corps among students, and the training which its editors receive must be of the greatest practical value to them personally. The alumni will follow its course with an interest not untouched with sentiment; and, though the general public may not read its pages as carefully as they deserve, it will at least have no chance to forget that the Law School is there,—a vital factor in the evolution of the legal profession in America.

The Hornbook Series.

NOW that two volumes of this series have been subject for several months to the practical tests of use and criticism, and advance sheets of two or three others are submitted by the publishers for examination, the plan of the series as a whole is becoming clear, and its peculiar features may be discussed.

To gain a foothold to-day in the ranks of legal literature, a book, or series of books, must possess distinctive merits. The profession is too well educated in the matter of law books to accept a poor book if anything better is within reach. The burden, therefore, rests upon a new work of demonstrating that it possesses qualifications which were lacking in the books which have before held the field, or that it is better adapted to the needs of certain classes of users.

This series begins by presenting something new,—not, indeed, in the subject-matter, for law is old, and the object of the writers does not seem to have been even to formulate original statements of the law so much as to present, under the best arrangement, the definitions and formulations which have stood the test of criticism in the past. But the plan of presenting and arranging the matter has some elements of novelty. The name of the series is in itself explanatory. "Hornbook law" means, in the mouth of a lawyer, those fundamental principles on which the whole legal structure rests, and with which every good lawyer is supposed to be familiar. The reference is to those books from which the village school master taught the letters of the alphabet to the urchins who afterwards grew up to be our great-great-grandfathers. As

printed paper cost something more in those days than it does now, and small fingers had then the destructive instincts which have successfully resisted the trend of higher evolution even to the present day, the valuable page was covered with a sheet of horn, scraped thin enough to be transparent. From these hornbooks was often derived the fundamental part of that old erudition which makes the collegian of to-day sigh wearily.

The series of handbooks on the different subjects of the law to which this name has now been given lays the emphasis, as is shown upon a merely cursory examination, upon the leading principles of the law and the arrangement of same. These are printed in black letter, which thus brings them prominently and in proper order before the reader. The books are not meant to take the place of exhaustive treatises or digests for lawyers, but to enable one quickly to clarify and bring back his knowledge of the essentials of the particular branch of the law which he has occasion to apply. One of the most prominent and successful practitioners in the east said, speaking of this kind of a book: "I have studied much law, I know some law, but, whenever I have a question presented, I want to review the subject of law involved, as a whole, and as to the relation of its parts to each other; and these little books are just the thing for my purpose. After that I hunt in the digests for special cases." Following the black-letter formulations is the author's comment, in which the condensed leading statement is amplified and discussed. A large number of cases are cited, and it is understood that practically all the leading cases are included. This uniform plan, with variations in detail as demanded by the treatment of the different subjects, characterizes the whole series.

Another feature which is peculiar is the set of problems designed especially for students, in connection with the use of the handbooks. In the first volume—Norton on Bills and Notes—these problems follow each chapter. In the later volumes they are printed separately, so that practitioners who require in a handbook simply the principles of law, in the most succinct form and logical arrangement, may have the book without the problems; while the student, to whom this feature is a most valuable one, will secure it without added cost.

The initial volume—Norton on Bills and

Notes—was published in the fall of 1893, and has been adopted by the law schools at Buffalo, Yale, University of Michigan, Detroit, Kent Law School, etc. Prof. Austin Abbott, in an official notice to the students of the New York University Law School, recommended it as far preferable for review to any abridgment or quiz book. It is reviewed by Prof. Nathan Abbott, on page 84, No. 3, Law Book News. Clark's Criminal Law, which was published in May, 1894, has already been adopted in several of the law schools for use during the coming year. A review of this work by Prof. Emlin McClain will be found on page 180, No. 6, Law Book News. Additional volumes announced by the publishers as now in press are Shipman's Common-Law Pleading, Smith's Elementary Law, and Clark on Contracts, and these will be followed by similar volumes on Torts, Equity, Partnership, Equity Pleading, Criminal Procedure, Domestic Relations, Sales, Corporations, Evidence, and Constitutional Law.

This is an extensive series. Its very extensiveness will, however, be in its favor, if the underlying theory is approved of, for the student or busy lawyer who has familiarized himself with the plan of arrangement in one handbook will find the uniformity in the treatment of other subjects an advantage. The crying need to-day in law books is for simplicity, clearness, and accuracy. So far as the form goes, the plan adopted for the Hornbook Series promises well; and, as for the matter, from the care exercised in selecting the authors and the reception accorded the volumes already issued, there seems to be little cause for anxiety.

A Cosmopolitan Jurist in India.

WE are indebted to Rai Hukm Chand M. A., Chief Judge of the City Court of Hyderabad, India, for a copy of his Treatise on the Law of Res Judicata, recently published at Bombay. This book is of more than ordinary interest, not merely because it is an exotic, but because of the extraordinary breadth of learning shown by the author. In an interesting personal letter, Judge Chand writes regarding this book:

In preparing the work, I have, as you will observe, drawn for help largely on the decisions of the courts of your country, on the one hand, and on the writings of continental jurists, on the other; one of the main objects of the

work being to show practically the great advantage to the administration of justice of the knowledge of contemporary laws and decisions in other countries. I am not presumptuous enough to think that I can have been quite successful in so great an undertaking; but I have long felt that, if practical lawyers will widen the area of their own country, they will give even to the particular law of that country a richness and perfection which must greatly enhance its efficiency as an instrument for the administration of justice.

The volume indeed shows a wide range of study and research. Besides the familiarity which is to be expected with the Indian, British, and Colonial Reports, the learned author displays a knowledge of continental jurisprudence and American case law that would put English lawyers and law writers to the blush, if they considered ignorance of American law a thing to blush for. His pages fairly bristle with citations and quotations of American cases, including recent decisions from the publications of the National Reporter System. He seems to have followed a truly scientific method in the treatment of his subject, and to have made use of material drawn from the entire field of international jurisprudence. Thus, to use his own language:

In the discussion and elucidation of abstract principles, help has been taken from the labors of Roman and French jurists, among whom special mention may be made of Heraldus, Tiraquellus, Strycknis, Griolet, Pothier, Lacombe, Moreau, and Constant, many extracts being given from the published works of the last four, as the latest works available at the time of the preparation of the work for press. To illustrate the practical application of the principles, as well as to furnish a safe guide in cases not provided for by the rule of *res judicata* or the Indian case law bearing on it, the principal decisions of the American federal and state courts have also been referred to, the citation being made chiefly from the publications of the National Reporter System and the excellent series which the legal public owes to the labors of Mr. Freeman and his associates.

This work will be reviewed at some length in an early number of Law Book News; but meantime the following extract from the preface will be of great interest to our readers:

I have for a long time noticed that the courts, and, to some extent, even the legislature, of one country, do not derive that assistance from the deliberations and declarations of eminent jurists and judges in other countries to which their high judicial value entitles them; and lawyers in every country often devote their time and energies to the discussion and determination of questions that have been already most fully debated and elucidated in others. Enactments are thus sometimes made and cases frequently disposed of in one country in accordance with principles which are there regarded as indisputable, but which are not only in direct conflict with those recognized and acted upon elsewhere, but

have themselves. in some instances, after a long trial, been found inconsistent with the proper administration of justice, and deliberately abrogated, or tacitly relinquished as unsound. Decisions of English courts are, no doubt, often relied upon in this country, and sometimes cited even in British colonies and the United States, but the decisions in the latter are seldom referred to in the English courts, and are hardly known in this country. Again, decisions of even the highest Indian courts appear to be unknown in England, and are absolutely so in the United States, although the Indian Law is now composed, to a great extent, of Codes that are mostly based on the case law of England, and not seldom derive their inspiration even from the Codes of Louisiana or other states in America. Even the nonstatutory law of India is, in the name of the principles of justice, equity, and good conscience, taken almost entirely from general principles declared and established by English courts; the analogies of the English law affording the most accessible and convenient, if not, in every case, the safest and best, guide to the courts in this country. The British Indian system of jurisprudence has now, no doubt, acquired a consistency sufficient to be able to stand alone, and is not under an absolute necessity of borrowing from English or American precedents; but some of its departments—for example, that of torts—are still very meager, and may, with advantage, enrich themselves with principles and illustrations from foreign sources. Besides, on account of the common origin of the Indian, the American, and the modern English systems of jurisprudence, one always readily lends itself to the illustration of the others upon any legal topic, and no system can be so complete as not to be all the better for some help from other systems of independence and similar growth. A more frequent reference to and the use of the labors of those engaged in the same work is always conducive to the better accomplishment of that work; and this is especially so in regard to sciences that are naturally based on a generalization, not only of facts, but of general rules and principles. Differences of religion, manners, habits, and customs, whether due to physical, climatic, or other less permanent causes, after all, cover only a very limited area of man's nature and life, which in most respects are everywhere the same, subject to same impulses, same springs of thought and action, and with same tendencies for forbearance and inaction, and on which all science relating to man as a social being must be based, and all jurisprudence and legislation must finally rest. A better knowledge of the laws and judicial principles of different countries cannot therefore fail to conduce materially to the advancement of the science of true jurisprudence and the simplification and assimilation of legislation in civilized countries,—an object that has acquired particular importance for the proper administration of justice in the modern days of increasing mutual intercourse of foreigners, and is engaging the attention of jurists and practical statesmen, as well as of incessant international conferences and congresses, both in Europe and America. Nor is a knowledge of the laws of other countries of less importance for ordinary domestic administration of justice. Where, and so far as, law has not been codified, the value of such knowledge for that purpose cannot be overestimated; and, in these days of physical and social progress, what country has or can have a complete code providing for all the exigencies and possible requirements of all its people? But, even where law is codified, a knowledge of the general principles followed, and of interpretation and construction of similar enactments adopted, in other countries, is

of considerable use in helping and relieving the labors of judges and lawyers, especially where the language of any enactment is indistinct or ambiguous, or a decision has to be given in regard to cases which do not clearly fall within it.

Arks, Ancient and Modern.

THE Virginia State Bar Association some time ago spoke of the country as being "deluged" with the reports of legal cases, and many who had not known just where to direct a certain discontent with the conditions of the day found the phrase an apt and easy one, and have echoed it triumphantly. "I thank thee, Jew, for teaching me that word." The publishers of a series of selected cases have even been inspired to proffer themselves as the Noahs of the threatening deluge, and from their advertisements we learn that one can secure a berth in their ark for \$25 a year. The price is certainly not extortionate, and, if the deluge is really going to be as bad as the weather prophets predict, it may be well to consider the advisability of taking refuge in the ark,—unless, indeed, some better principle of boat building, applicable to deluges, has been discovered since Noah made his famous experiment.

The exigencies of that occasion admitted of little time for studying different "constructions," the case presented a novel combination of facts, Noah had no precedent to follow, and, as time was of the essence of the contract, he was forced to act without unreasonable delay. All things considered, that ark was a good deal better than nothing, and served the temporary purposes for which it was intended very well. But the fashions that were have passed away, and, if a similar emergency should overtake the children of the nineteenth century, it is possible that they would be more exacting in their requirements. They might possibly ask for more than one window, and they might object to the "mechanical execution" which was satisfied with a coating of pitch within and without; but certainly and beyond question they would object to having the size of the ark limited, even to 300 cubits by 50. Those dimensions might seem sufficient to a primitive people, but the researches of geologists indicate that breathing space in the cabin must have been at a premium, and that in all probability some worthy animals were omitted altogether.

Of course an ark was only intended at best to serve as a temporary makeshift; so certain inconveniences might be supported. But if it is now proposed that the legal profession should take up its abiding place in one, not for 40 days, but permanently, it behooves the new Noah to show that his structure is adapted to that purpose, and particularly that he has devised some systematic and sanitary method for housing all the animals. We cannot have our feelings harrowed up by discovering some of them, later on, just outside the ark. It would not help matters to have Noah's solemn assurance that, as they had been left out of his selection, they must be considered as good as dead, if the creatures refused to drown, and insisted upon disporting themselves in the neighboring waters, and putting themselves continually "in evidence." Under good management it would not be necessary, fortunately, to live with all the animals at one time. It would be enough to know that the system by which they were classified was so scientific and exhaustive that any specimen could be found, properly indexed, when wanted.

The further suggestion might be ventured that a still better plan would be to have "the raining powers" so arrange that, instead of coming in a deluge, justice, like mercy, should drop only "as the gentle dew from Heaven."

The Law Books of the Year.

AT the last meeting of the Virginia State Bar Association, the committee on libraries and legal literature submitted its usual report, which, as usual, is interesting and vigorous. It will be given in full in the published report of the proceedings of the meeting, but in the meantime we are permitted to make the following extract, touching the legal publications of the past year, from a manuscript copy:

In general legal literature the year has witnessed an abundant crop both of text-books and reports. They are far too numerous to permit detailed review in the limited space at our disposal. We may cite as specially worthy of mention the new edition of Wood's *Railway Law*, by which the usefulness of a book already so indispensable as to have become the railway lawyer's Bible, is greatly enhanced; and an interesting and powerful treatise on the law of Trusts and Monopolies by Spelling, who handles this fresh subject as a philosopher and not as a digester; a new edition of Best on Evidence, which, while not so useful a text-book as Green-

leaf, is a much more logical treatise; and a strong series of lectures on English and American Jurisprudence from the well-known pen of Judge Dillon.

A book of much practical service is the little treatise on *Forensic Oratory* written by Professor Robinson of Yale. Though quite elementary and perhaps too didactic in its first part, it will be extremely useful to the beginner, and can be read with profit by the established practitioner. It was with most of us at one time a distressing experience, and is still a matter of frequent observation, that the neophytes of our profession, however well the law schools may ground them in legal knowledge, are strikingly deficient in that training for which they have the earliest and most pressing need,—the ability to think while upon their feet, to express their ideas in attractive form, and to wield the pen gracefully in those compositions which are a daily part of our profession. This ability to write and speak, so essential to legal eminence, is cultivated little or not at all even in our best schools. We receive abundant training in foreign tongues; we are taught to express in the choicest Latin how Alexander approached the Granicus, and how deep the river was, and how the enemy tried to prevent him, "in order that thereby the less" he might not cross; but, if he wish to practice the art of composition in our mother tongue, we must seek it outside the class room. To drill ourselves in this, or in oratory, its nearly related subject, we must resort to the literary societies, which exist rather by the sufferance than encouragement of the college authorities, and which in some of our best institutions are notoriously inefficient. Our professors, sequestered from the active life of a practitioner in their academic groves, are prone to look upon efforts in the literary societies as so much time wasted, and to impress upon their pupils that the acme of college success is to memorize their lectures. The error of this is a bitter experience to every young practitioner. The beginner who has trained himself to speak readily, and to compose his briefs or written opinions with some regard to the rules of rhetoric, will possess an immense advantage over his cotemporaries, and in the latter respect over many of his seniors; for it is not uncommon to see briefs of eminent and experienced lawyers of which you can only say that they contain no misspelled words. It is not enough to be a learned and able lawyer; it should also be a matter of ambition to become an accomplished one. This work of Professor Robinson contains in a compact and attractive form the information necessary to give us this training, as well as a great deal more relating to the handling of witnesses and the conduct of cases in court, and is a pioneer in its line.

In the matter of reports, the past year has witnessed the commencement or development of three series which are destined to become well and widely known. One of these is an American enterprise; the other two are English. The American is the series of *Federal Cases* now being issued by the West Publishing Company. It is a reprint of all the federal decisions of the circuit and district courts prior to 1890,—the commencement of the *Federal Reporter*,—and comprises not only all contained in the rare and expensive reports which have heretofore appeared, but many which were published only in newspapers or found in manuscript among the records. The cases are arranged alphabetically, in volumes about as long and somewhat thicker than a volume of the *Southeastern Reporter*, and judiciously annotated, just enough to show their subsequent history, and are indexed in the thorough way characteristic of the publications of this house. They are a good illustration of the completeness which is the basis of

the Reports issued by the Wests. But, while we must concede that it is a boon to have in convenient and inexpensive form the nisi prius decisions of men like Marshall and Taney and Story, we are not always equally anxious for the lucubrations of an Underwood. It is remarkable what magic there is in printer's ink. We may laugh to scorn the opinions of a certain man, and yet let that man by some accident become a judge, and reduce his thoughts to writing, and print them, and we will immediately with gravest face cite that opinion in court, if it happens to be on our side, and commend it as learned and well considered. This series will doubtless resurrect much that it had been best to leave in oblivion, and yet, notwithstanding this objection, for which the publishers are not to blame, but which is unavoidable as long as no general council of selection is created either by legislation or the consensus of the bar, it will be invaluable in placing within reach of every one much-cited opinions, which heretofore have been accessible only in the largest public libraries, in reports mostly out of print, and costing a small fortune. The editorial and press work is of the highest order of merit, and the series will become as well known as its companion and supplement, the Federal Reporter, on which it is in many respects an improvement.

Announcements.

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

A supplemental volume to Cumming's Cases on Corporations is in press. It will be issued by the West Publishing Company during August.

Little, Brown & Co. announce a new and revised edition of Daniell's Chancery Practice, edited by John M. Gould, author of Gould on Waters

The Australian Law Times announces as in preparation a work on those sections of the "Instruments Act, 1890," dealing with bills of sale, stock mortgages, liens on wool and crops, etc.

A new edition of Bliss on Code Pleading, the standard work for students upon this subject, is announced by the West Publishing Company. It is edited by Prof. E. F. Johnson, of Ann Arbor.

The Carswell Company of Toronto announce as nearly ready "Real-Property Statutes of Ontario," selected by Alfred Tylour Hunter, author of "Power of Sale under Mortgages of Realty."

The West Publishing Company will issue during August: Abbott on Wills; Shipman's

Common-Law Pleading; Vol. 2 Cumming's Cases on Private Corporations; Vol. 26 Southwestern Reporter; Vol. 36 Pacific Reporter; Vol. 8 C. C. A. Reports; Book 4 Federal Cases; and Vol. 54 Minnesota Reports.

The National Citation Company, of Dublin, Tex., announces that supplements to King & Leonard's California Citations will be prepared promptly as new volumes of the California Reports are issued. The volume just published (see Record of New Books in this number) covers the first 100 volumes.

Two new editions of Purdon's Digest are announced by Philadelphia publishers. One is edited by Frank F. Brightly, and to be issued by Kay & Brother. The other is edited by Pepper & Lewis, and to be issued by T. & J. W. Johnson & Co. The digest covers the statute laws for 1700 to 1894, inclusive.

The next volume in the Hornbook Series, published by the West Publishing Company, is to be Shipman's Common-Law Pleading. It follows the plan of arrangement which characterized the earlier volumes of the series, Norton on Bills and Notes and Clark on Criminal Law. Two additional volumes, Smith on Elementary Law and Clark on Contracts, will be ready within a few weeks.

A new book announced by the West Publishing Company is Abbott on Descent, Wills, and Administration. The author is Prof. Nathan Abbott, formerly secretary of the Northwestern University Law School, but now Dean at Leland Stanford, Jr., University. The book will consist of text, selected illustrative cases, and statutes, making up about 800 pages. It is intended primarily as a book for students.

Law Book Notes.

A third edition of Macdonald's Criminal Law of Scotland has been issued by Wm. Green & Sons. This is the standard work upon the subject.

Wm. French C. Kelly is the author of a work upon The Grounds of Divorce in the Colony of Victoria, which has been published in pamphlet form at Melbourne.

E. B. Myers & Co. have just published a collection of general "Legal Forms and Precedents," by Jones & Binmore, and a second edition of Binmore's City and Village Laws.

Vol. 16 Morrison's Mining Reports contains an index digest of all the cases in the entire series from Vols. 1 to 16, inclusive, filling, with the table of cases, about 400 out of the 700 pages of the book.

The following books were issued from the press of the West Publishing Company in July: Browne's Kent's Commentaries; Vol. 60 Federal Reporter; Vol. 58 Northwestern Reporter; Southwestern Reporter Digest; Vol. 28 New York Supplement.

McCarron, Bird & Co., of Melbourne, have just published *The Law and Practice as to Summary Judgment in the Supreme and County Courts*, by G. B. Vasey. Part I. treats of specially-indorsed writs; part II. of the procedure on application for judgment; and part III. of the provisions relating to judgment on default. The important and recent English and Victorian cases are cited.

John C. Fitnam, of the Denver bar, author of a work on Colorado Practice, has prepared a work on *Procedure in Civil Actions and Proceedings in Trial Courts of Record under the Civil Codes of all the States and Territories*. The author has been engaged upon this work for a number of years, and states that his object has been to prepare a work which would show the inexperienced practitioners what to do in an action or proceeding from the initiatory step through its various stages, how to do it correctly, and also what not to do. It will be published in the near future by the West Publishing Company.

C. F. Maxwell, Law-Book Publisher, of Melbourne, has just brought out in one volume the health act of 1890, the infant life protective act of 1890, the margarine act of 1893, and regulations made thereunder, together with notes, by H. S. Cole and Thos. Morris, of the English and Victorian cases decided on the various sections of these and corresponding acts. The regulations relate to dairies, plumbing, contagious diseases, private hospitals, vaccination, construction and use of public buildings, infant life protection, etc. The Australian Law Times speaks of it as one of the most complete works ever published in the colony.

The Torrens Press, of Chicago, has just issued a book explaining the principles and methods of the Torrens System of Registration and Transfer of the Title to Real Estate. The book includes the report of Hon. Harvey B. Hurd, who was chairman of the committee appointed by the governor of Illinois to investigate the system at the time when the

subject was first brought before the Illinois legislature. The report recommended the system, with certain modifications, but the bill which was presented failed to pass, and the subject has since been the occasion of continued debate. The Chicago Legal News calls this book "the plaintiff's argument," as it gives one side only. It is edited by M. M. Yeakle.

Wm. Hardcastle Browne, M. A., of the Philadelphia bar, whose edition of Blackstone's Commentaries has been widely used in American law schools, has just prepared an edition of Kent's Commentaries on the same plan as his former work. The editor's object has been to retain all of the original which has any bearing upon the present law, whether it be the law itself as now operative or the grand principles which underlie it; and also all matters of historic interest contained in the commentaries which may prove valuable or interesting reading. It is thus especially adapted for the use of the students of to-day, saving, as it will, the necessity of eliminating in the reading the obsolete and inapplicable portions of the original. It is published by the West Publishing Company.

"The Historical Development of the Jury System" is the title of a new book by M. A. Lesser, of the New York bar, published by the Lawyers' Co-operative Publishing Company, of Rochester, N. Y. The scope of the work is indicated by the table of contents, which includes the general characteristics of the jury, the *Dikasts* of Greece, the *Judices* of Rome, the *Tribunals* of the ancient Germans, the institutions of the Britons, the system of the Anglo-Saxons, forms of trial and tribunal among the Saxons, the institutions of the Normans, the assize of Henry II. and the civil jury, the growth of the criminal jury, the meaning of *Judicium Parium*, and the present aspect of the jury. An appendix includes the provisions in the United States and state constitutions. The field is an interesting and suggestive one, and the book should prove valuable.

Miscellaneous Notes.

Books imported into the Dominion of Canada for law libraries are now admitted free of duty.

The Lower Canada Jurist has discontinued publication. It has just completed its thirty-fifth volume.

"THE STUDENT'S GUIDE TO BANKRUPTCY" is the startling headline of an advertisement in an English law journal. It

is not, however, as might perhaps be supposed, a treatise on the theory and practice of insolvency, but a "complete digest of the law of bankruptcy."

The July number of the West Virginia Bar contains a reprint of the paper on "Lawyers' English," which appeared in Law Book News for May, but fails to give the customary credit. Our exchanges need not hesitate to take for granted that any article published in Law Book News is original, unless otherwise stated, and that it will be perfectly safe to give credit accordingly, when reprinting.

The capability of the English language to take on a local coloring is shown by the following sentences, with which the Scottish Law Review begins a notice of a book for the use of law students: "The circle of a lawyer's knowledge of law has three sectors,—a modicum of commonplaces, carried in the head; a library; and the wit to use these. Examiners are appointed to see that entrants to the profession have an irreducible minimum of the first."

The proceedings of the seventeenth annual meeting of the New York State Bar Association have been published. The report includes the address of the president, Mr. J. Newton Fiero, on "A Practical View of Law Reform in New York;" an address by Vice President Stephenson on "The Lawyer;" a paper by Prof. Chas. A. Collin, of Cornell University, on "Statutory Revision in New York;" and papers and addresses by Walter S. Logan, Esq., Hon. William H. Robertson, Hon. Augustus Schoonmaker, Louis Marshall, Esq., and others.

The New York Law Journal uses the occasion of a fire in the building containing its composing room to gracefully celebrate the "wise and merciful discrimination sometimes manifested by the elements." While every other business plant in the building was seriously injured, the Journal presses escaped with little damage. We congratulate the Journal, and also the New York bar, which would lose more than the proprietors if the daily issue of this important legal paper were suspended. The New York Tribune, commenting upon the fact that the daily issue, though a few hours late, was not interrupted, says: "Serious complications would have resulted if a single number of the Journal had not been issued. Most of the advertisements must, by law or the orders of courts, be published at stated intervals. The failure to publish an ad-

vertisement at the appointed time would usually make it necessary to begin the whole series of publication again, and loss of time and other inconveniences would follow. The Law Journal, as now conducted, has the favor of the members of the profession, and any interruption of its usual work would be a misfortune."

The session of the section on legal education in connection with the seventeenth annual meeting of the American Bar Association will be held at Saratoga Springs, N. Y., on Wednesday, Thursday, and Friday, August 22, 23, and 24, 1894, at Convention Hall, at 3 o'clock in the afternoon. On Wednesday afternoon, at 3 o'clock, the chairman's address by Henry Wade Rogers, president of the Northwestern University, Evanston, Ill., will be delivered. A paper by John F. Dillon, of New York, on "The True Professional Ideal," will be read; and likewise a paper by John D. Lawton, of the University of Missouri, St. Louis, on "The Standards of Legal Education in the West." On Thursday afternoon, at 3 o'clock, a paper by Simeon E. Baldwin, of Yale University, New Haven, Conn., on "Law School Libraries and How to Use Them," will be read; also a paper by Woodrow Wilson, of Princeton College, Princeton, N. J., on "Legal Training for Undergraduates." Mr. John Henry Wigmore, of the Northwestern University, Evanston, Ill., will read a paper on "Orthodox Legal Training." Friday afternoon, at 3 o'clock, a paper will be read by Edmund Wetmore, of New York, on "Some of the Limitations and Requirements of Legal Education in the United States;" also a paper will be read by William A. Keener, of Columbia College, New York, on "The Inductive Method in Legal Education." It is proposed to hold a conference of members of the association on the subject of "Patent Law" at the same place on Thursday and Friday afternoons, August 23d and 24th, at 3 o'clock.

F. P. Walton, in the Juridical Review (Vol. 6, p. 223), gives a delightful account of the humors, quaintnesses, and eccentricities running through the volumes of the old reports by Hailes. Promoted to the bench in 1766, Hailes savored so much of pedantry that he is thus noticed by Boswell (Johnson's Boswell) in the "Court of Session Garland:"

Almore the judgment as illegal blames,
"Tis equity, you bitch," replies Lord Kames;
"This cause," cries Hailes, "to judge I can't pretend,

"For justice, I perceive, wants an *e* at the end."

It was a time of much looseness in the law. Thus, Gardenston says of precedents: "One decision is nothing. This puts me in mind of what Gulliver reports as to the law of

England,—that, if judges once go wrong, they make it a rule never to come right." The simony in the old English law found little favor. Monboddio said: "In England, a rich bishop, or a fat prebendary, may be saddled, but that will not do with our poor beneficiaries." And, in another case, Hailes made a good hit at counsel: "The counsel whose province it was to show that the contract is not simoniacal has spoken with much pleantry of the canon law, and particularly of that chapter 'Hinc Etenim' in the forty-ninth distinction of Gratian's 'Decretal.' Unluckily, that chapter is a transcript from the law of Moses. Leviticus, c. xxi." In deciding that no action would lie for breach of a contract to smuggle, Braxfield says: "There is no question here as to point of honor or honesty. The great hurt to honest men is when rogues are true to each other." Despite the pedantry of Hailes, his ability was by every one conceded. He was remarkable also for his literary efforts, for his replies to Gibbon in defense of the faith, etc., and especially for his *Annals of Scotland*.

Of Collateral Interest.

Judge Grosscup's oration on "The Sovereignty of the Individual," delivered on the Fourth of July last, is reported in the *National Corporation Reporter* of August 4th, with appreciative editorial comment. The judge takes the view that the socialism which "would level out, with heavy roll, all individuality and personal manhood, and crush all brains, arms, and hearts into the sodden mass called 'collective humanity,'" would result in making man "a spiritless slave in a gang of slaves." He sees the germ of a national crisis in the organizations which would deprive individuals of their right "to work and to accumulate, and to keep personal control of their labor and accumulations." The oration is an example of forcible and clear thinking on a topic of national importance.

Mr. Spray, Honorable Treasurer of the United Law Clerks' Society, says the *Daily News*, has made diligent search in the novels of Scott and Thackeray, but has not found, among all their personages, a single example of a lawyer's clerk; and he has been led to doubt whether any writer of note before Dickens has repaired the omission. Dickens, however, has made ample amends. He knew lawyers' clerks well, and has presented us, so Mr. Spray finds, with no fewer than sixteen of them, all with different characteristics, not to speak of others casually alluded to. Mr. Swiveller, who does not remember? And John Wemmick and Lowten and Mr. Guppy and Uriah Heep? In one

respect, Mr. Spray is afraid that lawyers' clerks have made no progress since Charles Dickens' days; that is, in the matter of remuneration.

—Legal News (Montreal).

"State Affairs," a bimonthly sheet, which was started a year ago at Lansing, Mich., has been discontinued. Its editor, Lewis M. Miller, a member of the Michigan bar, closes his series of vigorous editorials with the following explanation: "When we launched *State Affairs* upon the uncertain sea of journalism, we thought the people might be persuaded to stop and study a little the institutions which we now have, instead of running wild after new experiments. Had *State Affairs* been established to advocate some revolution in government, to champion some harebrained scheme of rearrangement, or even to foment discontent among the people and dissatisfaction with present systems, it would have been hailed as a new prophet in Israel, a greater than Moses. But we have too much love for the institutions set up by the Moses who led the American people up out of English bondage, and too much confidence in them, to go into the shattering business. The trouble to-day is not with our institutions, but with the people themselves." There is much in that worth considering.

The American Academy of Political and Social Science has recently published a translation of a paper by Paul de Rousiers, on the French School of Social Science. It shows the methods pursued by Le Play and M. de Tourville in recording and classifying the facts of existence from which the deductions of the schoolmen are drawn. Another very interesting number of the academy's publications is a paper by Lester F. Ward, of Washington, on the Political Ethics of Herbert Spencer. Mr. Ward bases his criticism of Mr. Spencer's Political Ethics on the ground that these take no account of "the influence of both feeling and thought in rendering human conduct and social life a field distinct from that in which the irrational animal acts and lives." The course of his argument appears further from the following sentences: "Adhering to the biological point of view, he can perceive no other social force than the struggle for existence; that is, the mere life force. The true social forces are psychic, and therefore ignored [by Mr. Spencer]. He mistakes the normal operations of the law of mind, antagonizing the law of life, for an abnormal element intruding upon the domain of natural law. If he could rise to a position from which he could see the whole field of both life and mind, he would see that society is itself a product of the

latter, and could not result from the former." The paper is thoughtful and suggestive, and will be welcomed by students, whatever their personal bias as regards Mr. Spencer's position.

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 *BIDDLE ON INSURANCE*, Vol. 2, § 1066, the text is as follows: "It was said in the case of *Fletcher v. New York Life Ins. Co.* (14 Fed. Rep. 846) that if the applicant, before the policy is issued or the first premium is paid, discovers that the company's agent has obtained his signature to an application containing false answers, it is his duty to go no further in the transaction; and that, if he do not make the discovery until after the policy has been issued and the first premium paid, he is not bound to take any steps to have the policy canceled." That case was reversed by the United States supreme court in 117 U. S. 934, where it was held that, if the application was avoided by fraud of the agent in writing false answers, the policy also was avoided, and that a retention by the assured of the policy containing a copy of the application was an approval by the assured of the application. *Fletcher v. New York Life Ins. Co.* is also erroneously cited as authority in 1 Biddle, § 462.

—E. W. McGraw.

San Francisco, Cal.

FED. CAS. Vol. 1, Case No. 217, p. 456. In the first column the case of "The George" is cited as at page 287, 2 Wheat. "The George" ends on that page, and does not decide the point to which it is cited. However, the case of "The Argo," which begins on that page, does decide the point, and should have been the case cited. Also, in same case, (page 458, second column), an error exactly similar to the one last above noted occurred. The case cited is *U. S. v. McLemore*. The proper citation is *Zeller's Lessee v. Eckert*, which case immediately follows the one of *U. S. v. McLemore*, and begins on the same page at which the latter ends.

FED. CAS. Vol. 1. Case No. 563, p. 1188. Near the bottom of the first column is the following citation: *Garrett v. Wiggins*, 1 Scam. 343. The proper page is 335. In same case, p. 1190, second column, the same error again occurs.

—Lewis R. Works.

San Diego, Cal.

[The following communication, being rather in the nature of a criticism than the correction of an erratum, technically speaking, does not strictly fall within the scope of this department; but, as it appears important, we take pleasure in giving it space.—Editors L. B. N.]

In *HARRIS ON CERTIORARI*, p. 169, § 236, is given a statement of the case of *State v. Thayer*, 74 Wis. 48, which omits an important part of the case, and is misleading. For the last sentence of the text, substitute: "From the decision of the school board, an appeal was taken to the state superintendent of public instruction,

under the provisions of the statute. That official reversed the order of the school board. Upon certiorari from the supreme court, the action of the state superintendent was reviewed, and the judgment of that officer was affirmed;" so that, in fact, as finally determined, the action of the school board was reversed, instead of affirmed, as stated in the text. In section 15, p. 15, the text reads: "It was held in Wisconsin that certiorari would not lie against the governor of the state, for reasons set forth in the opinion of the court;" citing *State v. Rusk*, 55 Wis. 465. While this statement may be strictly true, one might reasonably draw the inference that in this state the writ of certiorari would in no case lie against the governor of the state. The point decided, however, is that the statute under which the governor was acting conferred discretionary powers on that officer, and that in the case under consideration he had correctly interpreted his duties under such law; hence the motion for judgment was denied. The question of jurisdiction of the court in such cases was "left undetermined."

—C. E. Estabrook.

Milwaukee, Wis.

Personal.

Prof. E. F. Johnson, of the Michigan University, has edited the new edition of *Bliss on Code Pleading*, announced by the West Publishing Company.

Alfred University, New York, has conferred the degree of LL. D. on Darius H. Pingrey, author of *Pingrey on Mortgages*, in recognition of his ability as a legal author.

Ambrose Tighe, of the St. Paul, Minn., bar, has written the article on *Water Companies* for the forthcoming volume of the *American and English Encyclopaedia of Law*. It treats this important subject at length from every standpoint, and is said to be the first treatise exclusively devoted to the topic which has ever been written.

As was expected, Lord Russell has been appointed to succeed the late Lord Coleridge as Chief Justice of England. There has been considerable comment upon the fact that the new chief justice is not only an Irishman, but a Roman Catholic, being the first man of that faith to hold the office since the days of the English Reformation. The bill which was introduced in parliament some years ago to remove religious disability in this connection was known familiarly as the "Sir Charles Russell Relief Bill," it being recognized that the man who had made himself the leader of the bar would probably be the first to avail himself of the new door to the chief justiceship.

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.

BAILEY, W. F. The law of the master's liability for injuries to servants. St. Paul: West Pub. Co. 1894. IX.+647 pages. \$6.30, del'd.

Banking Laws.

See "Wallace & McNeill's Banking Laws of Scotland."

California.

See "King & Leonard's Citations."

CARTER, C. W. Handbook for the use of probate courts, attorneys, executors, administrators, trustees, guardians, and conservators within the state of Conn. Norwich, printed for the author, C. W. Carter. 1894. 393 pages. \$2.50.

CHAND, Hukm. A treatise on the law of res judicata, including the doctrines of jurisdiction, bar by suit, and lis pendens. Printed at the Education Society's Steam Press, Byculla, Bombay. London: William Clowes & Son. Edinburgh: Wm. Green & Sons. 1894. 81+764 pages.

Connecticut.

See "Carter's Handbook for the Use of Probate Courts," etc.

Constitutional Law.

See "Thayer's Cases."

CUNYNGHAME, Henry. English patent practice, with acts, rules, forms, and precedents. London: William Clowes & Sons, Limited. 1894. 25s.

Disputed Handwriting.

See "Frazer on the Study of Documents."

English Law.

See "Cunynghame's Patent Practice;" "Goudy's Fate of the Roman Law;" "Hedderwick's Sale of Foods and Drugs."

Executors and Administrators.

See "Carter's Handbook (Conn);" "Pritchard's Treatise on Wills and Administration (Tenn)."

Forgery.

See "Frazer on the Study of Documents."

Form Book.

See "Jones & Binmore's General Legal Forms."

FRAZER, Persifor. A manual of the study of documents to establish the individual character of handwriting, and to detect fraud and forgery, including several new methods of research. Philadelphia: J. B. Lippincott & Co. 1894. 5+218 pages. \$2.

GOUDY, Henry. An inaugural lecture on the fate of the Roman law north and south of the Tweed. London: Henry Frowde. 1894.

GRAVES, C. A. Summary of the law of real property, for the use of students in connection with the second book of Blackstone's Commentaries. Lexington: Press of Rockbridge County News. 1894. 11+234 pages. \$2.50.

HEDDERWICK, T. C. H. The sale of foods and drugs. The acts of 1875 and 1879, with notes. London: Eyre & Spottiswoode. 1894. 5s.

Indian Law.

See "Chand's Res Judicata."

JONES & BINMORE. General legal forms and precedents, with the mode of procedure in the appellate courts and courts of original jurisdiction, and of justices of the peace; also forms for ordinary use, and with explanatory clauses adapted to special cases. Chicago: E. B. Myers & Co. 1894. \$6.30, del'd.

Juries.

See "Lesser's Historical Development of the Jury System."

KENT'S Commentaries on American Law. Edited by William Hardcastle Browne. St. Paul: West Pub. Co. 1894. XI.+926 pages. \$5.30, del'd.

KING & LEONARD, Compilers. California citations and conflicting cases, covering 100 volumes of the California Reports. Dublin, Tex.: National Citation Co. 1894. \$7.50, del'd.

KING & LEONARD, compilers. Nebraska citations of supreme court reports, Vols. 1-36. Dublin, Tex.: National Citation Co. 1894. \$5.

KINKEAD, Edgar B., and Black, S. L. Self-preparation for final examination. The Ohio supreme court examination questions for admission to the bar, and annotated answers; being the questions propounded to applicants by the commission appointed by the court to conduct the examinations. 2d Ed., revised and enlarged. Cincinnati: W. H. Anderson & Co. 1894. 11+641 pages. \$3.50, net.

Law.

See "Kent's Commentaries (Browne's Ed.)"

Legal Directories.

See "Martindale's American Law Directory."

LESSER, M. A. The historical development of the jury system. Rochester: The Lawyers' Co-Op. Pub. Co. \$2.50.

MARTINDALE'S American law directory (biennial) 1894-95. A complete directory of the lawyers of the United States and Canada, with ratings, except in large cities, etc. Chicago: J. B. Martindale. 1894. 929+43 pages. \$10.

Master and Servant.

See "Bailey's Masters' Liability for Injuries to Servant."

Nebraska.

See "King & Leonard's Citations."

Patents.

See "Cunynghame's Patent Practice (Eng)."

PATTERSON, Christopher Stuart. The principles of the law of real property. Pt. 1. The estates at law and in equity. An outline of the first year's course in the law of real property in the law school of the University of Pennsylvania. Philadelphia: Allen, Lane & Scott. 1894. 83 pages. \$2.

Personal Injuries.

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

POLLOCK, Sir F. A treatise on the law of torts in obligations, arising from civil wrongs in the common law. New Am. from 3d Eng. Ed., elaborated with notes and references to American cases, by James Avery Webb. St. Louis: T. H. Thomas Law-Book Co. 1894. 26+803 pages. \$5.

PRITCHARD, Robert. A treatise on the law of wills and administration, with practical forms, with special reference to the Tennessee statutes and decisions. Chattanooga: Pritchard &Sizer. 1894. 8+1012 pages. \$6.50.

Real Property.

See "Graves' Summary of the Law of Real Property for the Use of Students;" "Patter-

son's Principles of the Law of Real Property (Pa. Law School)."

Res Judicata.

See "Chand's Res Judicata (Indian)."

Road Laws.

See "Stone's New Roads and Road Laws."

Roman Law.

See "Goudy's Fate of the Roman Law (Eng)."

Scottish Law.

See "Wallace & McNeill's Banking Laws."

STONE, Roy. New roads and road laws in the United States. New York: D. Van Nostrand Co. 1894. 7+166 pages. \$1.50.

Students' Books.

See "Graves' Summary of the Law of Real Property;" "Kent's Commentaries (Browne's Ed.);" "Kinkead & Black's Self-Preparation for Final Examination (Ohio);" "Patterson's Principles of the Law of Real Property (Pa. Law School);" "Thayer's Cases on Constitutional Law."

Tennessee.

See "Pritchard's Wills and Administration."

THAYER, James Bradley. Cases on constitutional law, with notes. Vol. 1. (Pts. 1 and 2.) Cambridge: C. W. Sever. 1894. 11+448 pages. Pt. 1, \$3; Pt. 2, \$2.

Torts.

See "Pollock on Torts (Webb Ed.)."

WALLACE, William, and Allan McNeill. Banking law of Scotland, with forms. Edinburgh: W. Green & Sons. 1894. 12s.

Reports.

ALABAMA supreme court reports. V. 98. Cases argued and determined during the Nov. term, 1892. E. P. Morrisett, reporter. Montgomery: The Brown Printing Co. 1894. 19+711 pages. \$2.75, del'd.

AMERICAN AND ENGLISH CORPORATION CASES. V. 44. A collection of corporation cases, both private and municipal (excepting railway cases), decided in the courts of last resort in U. S., Eng., and Can. Edited by W. M. McKinney. Northport, N. Y.: E. Thompson Co. 1894. 7+720 pages. \$4.50.

AMERICAN AND ENGLISH RAILROAD CASES. V. 57. 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. 7+745 pages. \$4.50.

DELAWARE. Cases decided in the superior court and the court of errors and appeals of the state of Delaware. V. 7. Reported by John U. Houston. Edited by Robert G. Houston and Robert H. Van Dyke, under authority of the general assembly. Dover, Del.: Published by the Editors. 1894. 5+536 pages. \$10.25, del'd.

DISTRICT OF COLUMBIA court of appeals. Reports of cases, from June 6, 1893, to Dec. 4, 1893. Published by authority of the court. Reported by C. Cowles Tucker. V. 1 (to be cited as "1 App. D. C."). Baltimore: M. Curlander. 1894. 40+581 pages. \$6.50.

FEDERAL CASES, 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. Book 3, Beattie-Bragdon, Cases No. 1,195-1,798. St. Paul: West Pub. Co. 1894. 1,232 pages. \$10. (Subscriptions taken only to set.)

INDIANA appellate court reports. V. 7; containing cases decided at the May term, 1893, not published in V. 6. Sidney R. Moon, reporter. Indianapolis: Carlton & Hollenbeck. 1894. 23+749 pages. \$3.75, del'd.

MASSACHUSETTS supreme judicial court. V. 160. Oct. 1893-March, 1894. George F. Tucker, reporter. Boston: Little, Brown & Co. 1894. 20+690 pages. \$2.25, del'd.

NEW YORK Civil Procedure Reports. V. 23; containing cases under the Code of Civil Procedure and the general civil practice of the state of New York. Reported, with notes, by H. Huffman Browne. New York: S. S. Peloubet. 1894. 50+464 pages. \$4.

NEW YORK courts of record. The miscellaneous reports, other than the court of appeals and the general terms of the supreme court, etc. F. B. Delehanty, reporter. V. 7. Albany: James B. Lyon. 1894. 43+801 pages. \$2.

NEW YORK SUPPLEMENT. V. 28; containing the decisions of the supreme, superior, and lower courts of record of New York state. (Permanent Ed.) April 19-June 21, 1894. St. Paul: West Pub. Co. 1894. xviii+1186 pages. (National Reporter System.) \$5.

NEW YORK supreme court reports. V. 83. Marcus T. Hun, reporter. (76 Hun.) Albany, N. Y.: Banks & Bros. 1894. 27+696 pages. \$3.

NORTHWESTERN REPORTER. V. 58; containing all the decisions of the supreme courts of Minn., Wis., Iowa, Mich., Neb., N. D., S. D. (Permanent Ed.) March 17-June 9, 1894. St. Paul: West Pub. Co. 1894. xxi+1188 pages. (National Reporter System.) \$5.

SOUTH CAROLINA supreme court reports. V. 39; containing cases of Nov. Term, 1892, and April Term, 1893. Robert W. Shand, state reporter. Columbia: R. L. Bryan & Co. 1894. 7+592 pages. \$6.

TEXAS supreme court reports.. V. 86. Cases adjudged in the supreme court from June, 1893-May, 1894. Reported by A. S. Walker, Sr. Published by the state of Texas. 1894. 26+792 pages. \$2.30, del'd.

WASHINGTON supreme court reports. V. 8; containing decisions rendered from Jan. 8-May 19, 1894. Eugene G. Kreider, reporter. Olympia, Wash.: O. C. White. 1894. 28+769 pages. \$2.75, del'd.

Statutes, Codes, and Laws.

NEW YORK. Code of Civil Procedure, in 1 vol.; containing all amendments to and including the session of 1894, with annotations and references to the N. Y. consolidation act. By Morris Cooper. 4th Ed. New York: The Dossy Law-Book Co. 1894. 7+303+498+94 pages. \$3.50.

NEW YORK. The Code of Criminal Procedure and Penal Code, as amended at the close of the 170th session of the legislature, 1894. Annotated by J. T. Cook. Albany: H. B. Parsons. 1894. 11+598+9+5+471 pages. \$5.

Digests.

AMERICAN AND ENGLISH CORPORATION CASES. Digest and index to the notes of vols. 1-40, with table of cases reported. By William M. McKinney. Northport: Edward Thompson Co. 1,071 pages. \$6 net.

CALIFORNIA. Index to the Laws of California, 1850 to 1893. San Francisco: Bancroft-Whitney Co. \$6.

DELAWARE. General Digest of the Delaware Reports, comprising all the law, equity, and criminal reports of the state of Delaware published to date, April 1, 1894, and including vols. 1-5 of Harrington, vols. 1-5 of Delaware Chancery, vols. 1-6 of Houston, and vol. 1, Houston's Criminal Cases. By Henry Ridgely, Jr. Published by the Editor. Dover, Del. 1894. 605 pages.

SOUTHWESTERN REPORTER DIGEST; being a digest of decisions of the supreme courts of Mo., Ark., Tenn., Tex., court of appeals of Ky., and court of criminal appeals and courts of civil appeals of Tex., reported in the Southwestern Reporter, vols. 1-20, and in the following vols. of State Reports: Ark.,

vols. 47-56; Ky., vols. 84-92; Mo., vols. 89-113; Tenn. (Lea), vol. 16; Tenn., vols. 85-91; Tex. (Sup. Ct.), vols. 60-85; Tex. App., vols. 21-30; Tex. (Cr. App.), vol. 31; Tex. (Civ. App.), vol. 1. St. Paul: West Pub. Co. 1894. 3,791 pages. (National Reporter System.) \$8, del'd.

CONTENTS OF NEW BOOKS.

Bailey's Law of the Master's Liability for Injuries to Servant.

TITLE-PAGE. 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, Minn.: West Pub. Co. 1894.

FROM THE PREFACE. There is no branch of the law so fraught with perplexities to the practitioner as that which has been made the subject of this treatise. The difficulties are twofold: One, to ascertain what the law is; the other, where to find it. The law is largely what may not be inaptly termed "Judge-made law." It had its origin in the expressions of a learned judge. Those expressions were adopted as rules. They have been made the subject of discussion and construction by courts everywhere. Courts of the several jurisdictions have arbitrarily adopted constructions peculiarly their own, resulting in widest, and it might be said most unpardonable, differences and distinctions. Such want of uniformity has produced confusion, uncertainty, and probably injustice. The statement of the general rule, in most respects, is but a meaningless expression; certainly, an incomplete one. It conveys but little, if any, knowledge of the law in particular courts or states. The practitioner is forced to examine and review the decisions of a particular jurisdiction, if he would learn the law of that jurisdiction, and, if able to find it, he too often finds it is valueless for use in another. To add to his confusion, he will find the same courts, in their efforts to apply the general rule, have not always been consistent. Largely, this is a result of the influence of decisions of other courts; to some extent the result of sentiment; and also, in some measure, the result of a lack of a thorough understanding of the exact principles upon which other decisions were predicated.

The writer has attempted in this work to save courts and practitioners much of the labor that otherwise they would encounter, and relieve them, to some degree, from the difficulties of which he has spoken. He has reviewed the decisions of the different states, and sought to deduce therefrom the princi-

ples which they applied. The reasoning of the courts had to be consulted, and in many instances is placed before the reader; apparent inconsistencies have been noticed, and distinctions made plain; comparisons have been made, and results stated. The subject has been classified under appropriate heads. The implied duties and obligations growing out of the contract of service have been taken as the central and predominating feature. Prominence has been given to those decisions which declare that the relation between master and servant rests in contract, as stating rules more certain in their application, and most just in their results. The doctrine of fellow servant has been classified by states, as the only method by which an intelligent and concise statement of this branch of the law can be presented. In the text the reasoning of the courts is given; in some cases at considerable length. In the index conclusions are concisely stated, making it a most valuable part of the work. The exact rule declared by the court of any state can be ascertained in a moment. In fact, the index is to a great extent an analysis of the subjects treated throughout the work. The work is designed to be practical, rather than theoretical; to present concisely the conclusions of the courts, and in such a manner that they can readily be found, and, when found, understood. Yet the writer has indulged in criticism. This was made necessary by inconsiderate expressions used by judges, as well as departures made by courts in some cases from doctrines otherwise well defined and declared. The purpose was not simply to criticize, but to call to the attention of the reader, and impress upon his mind, the fact that the language of the cases, at least, was exceptional. It is not to be understood that the efforts of courts have produced certainty of rule in their respective jurisdictions, applicable to all conditions and circumstances. In fact, it may be said the rules declared by them are quite flexible; that there remains much of doubt and uncertainty. It is cause for regret that more certainty and greater uniformity have not been obtained. This want of uniformity ought to be suggestive of a uniform code of laws upon the subject.

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 Chap. V. Master's Duty (Continued)—To Promulgate Rules.
 Chap. VI. Master's Duty (Continued)—Inspection.
 Chap. VII. Master's Duty (Continued)—To Inform Servant of Defects and Risks.
 Chap. VIII. Master's Duty (Continued)—Delegation of.
 Chap. IX. Assumed Risks—Master's Duties and Methods.
 Chap. X. Assumed Risks (Continued)—Knowledge of Defect—Appreciation of Danger.
 Chap. XI. Promise to Repair.
 Chaps. XII.—XVIII. Fellow Servants.
 Chaps. XIX.—XXI. Contributory Negligence.
 Chap. XXII. Independent Contractors.
 Chap. XXIII. Contracts Limiting Liability.
 Chap. XXIV. Contracts Releasing Claims.
 Chap. XXV. Law Governing Rights and Remedy.
 Chaps. XXVI.—XXVII. Character and Sufficiency of Proof.
 Append. Master's Duty—Premises—Appliances.

Browne's Kent's Commentaries.

TITLE—PAGE. 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, also of a Commentary on the Law of Divorce and Alimony, Etc. St. Paul, Minn.: West Pub. Co. 1894.

PREFACE. No legal publication in this country has attained equal popularity with the commentaries on American law, written by Chancellor Kent nearly seventy years ago, and embraced in a course of lectures delivered before the students of Columbia College.

The thorough compilations of law made by Blackstone and Kent are the first legal works purchased by the student as the nucleus of a library, and in after years usually occupy a prominent place on the well-filled shelves of the successful practitioner.

The present age is prolific in the production of law books; hence the busy lawyer seeks for brevity as well as accuracy in the pages of the volumes he is about to examine. Professors of law in our colleges frequently confine their lectures to the text of the elementary works studied, adding their own notes and suggestions, in lieu of the notes of the author or editor.

Impressed with a belief that the presence of copious notes to these commentaries confuse the student and general reader, and tend to divert and lessen their interest in the subject, the present editor has almost entirely refrained from annotations, and has

confined his table of cases to the decisions of American tribunals as cited by Chancellor Kent himself.

He is sustained as to the advisability of such a course by the receipt of numerous letters from professors in a majority of the law schools of the country, commending his edition of Blackstone's Commentaries, and his efforts to condense in one volume all the material in those compilations of present value, or of historical interest, as well as omitting the aggregated notes of previous editions.

The system of prefatory catch words to each paragraph in the entire work has been adopted by the editor from his previous legal publications, and has met with the approval of members of the profession, as tending to disclose at a glance the subject-matter of each sentence.

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 VII. Restrictions on Neutral Trade.
 VIII. Truces, Passports, Treaties.
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- LIV. Estates in Fee.
- LV. Estates for Life.
- LVI. Estates for Years, at Will, and at Sufferance.
- LVII. Estates upon Condition.
- LVIII. Mortgages.
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- LX. Executory Devises.
- LXI. Uses and Trusts.
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- LXIV. Joint Interest in Estates.
- LXV. Title by Descent.
- LXVI. Title by Escheat, Forfeiture, and by Execution.
- LXVII. Title by Deed.
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Chand's Res Judicata.

TITLE-PAGE. A Treatise on the Law of Res Judicata, Including the Doctrines of Jurisdiction, Bar by Suit, and Lis Pendens. By Hukm Chand, M. A. Publishers: William Clowes & Sons, London. William Green & Sons, Edinburgh. 1894.

EXTRACT FROM THE PREFACE. An important object of this work is to practically illustrate the great advantage accruing to the municipal law of every country, both in regard to its development and practical application, by a familiar acquaintance on the part of those concerned in its administration with the corresponding principles recognized and acted upon in other countries,—an advantage not restricted to any particular branch of law, and extending even to the codified branches of it. The doctrine of res judicata in its application to civil proceedings has been selected to form the subject of this work on account of its practical importance and unusual difficulty. It has been formally enacted in British India, but the enactment is incomplete, and not free from obscurity; and, as observed by Sir Whitley Stokes, to whom it owes a great deal of its present form, the doctrine of res judicata "is a subject of which the importance in a country inhabited by a litigious population is only equalled by the difficulty of dealing with it clearly, concisely, and accurately in a legislative enactment."

This work, to a great extent, presents the law by "way of a review of the cases upon a statement of their facts," the principal decisions on the various points in India and England being grouped under the respective clauses of the Indian rule of res judicata bearing on those points. In the discussion and elucidation of abstract general principles, help has been taken from the labors of Roman and French jurists, among whom special mention may be made of Heraldis, Tiraquellus, Strycknis, Griollet, Pothier, Lacombe, Moreau, and Constant, many extracts

being given from the published works of the last four, as the latest works available at the time of the preparation of the work for press. To illustrate the practical application of the principles, as well as to furnish a safe guide in cases not provided for by the rule of res judicata or the Indian case law bearing on it, the principal decisions of the American and federal and state courts have also been referred to, the citation being made chiefly from the publications of the National Reporter System, and from the excellent series which the legal public owes to the labors of Mr. Freeman and his associates.

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- Chap. VI. Local and Personal Jurisdiction.
- Chap. VII. Existence of Jurisdiction.
- Chap. VIII. Judgments in Rem.
- Chap. IX. Foreign Judgments.
- Chap. X. Bar by Suit.
- Chap. XI. Lis Pendens.
- Chap. XII. Bar for Jointness.

Kinney on Irrigation.

TITLE-PAGE. A Treatise on the Law of Irrigation, Including the Law of Water Rights and the Doctrine of Appropriation of Waters, as the same are construed and applied in the states and territories of the arid and semihumid regions of the United States; and also including the statutes of the respective states and territories, and decisions of the supreme courts relating to those subjects. By Clesson S. Kinney, of the Salt Lake City Bar. Washington, D. C.: W. H. Lowdermilk & Co., Law Publishers and Booksellers. 1894.

PREFACE. The present work has been written with the hope that it may prove serviceable to the profession in their investigation of a subject comparatively new in the history of American jurisprudence. Irrigation was born from the absolute necessities of the settlers in an arid region. Although practiced in the United States by an English-speaking people but about fifty years, it has been the principal means of the settlement and development of that portion of our country west of the 100th meridian, until to-day it has become a subject of paramount importance to the whole country.

Involving, as it does, the use of water based upon the principle of priority of appropriation,—which doctrine was not recognized by the common law,—irrigation has caused numberless controversies concerning water rights. As the result of these contentions, a mass of court decisions and statutory law upon the subject has been evolved which governs the subject of waters in the arid region.

Part one of this volume is devoted to a gen-

eral discussion of the nature and history of irrigation and the general laws that govern the subject in the arid region.

As the character of irrigation law depends largely upon the physical and topographical conditions of the state or territory wherein the same has been evolved and is in force, in order to understand its development the author has very briefly described the general condition of the various states and territories in part two. This part also contains an abstract of the statutory laws and construction of those laws by the courts.

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- Chap. I. Irrigation, Past and Present.
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- Chap. V. Acquisition, Ownership, Disposal, and Jurisdiction of and over Lands and Waters by the United States.
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Chap. XXV. New Mexico.

Chap. XXVI. Montana.

Chap. XXVII. Colorado.

REVIEWS OF NEW BOOKS.

Coxe on Judicial Power.¹

Reviewed by Hon. John B. Cassoday,
Judge of the Supreme Court
of Wisconsin.

[See contents and other descriptive matter on page 112, No. 4, Law Book News.]

I have examined with some care "Judicial Power and Constitutional Legislation," by the late Brinton Coxe, of the Philadelphia bar. The "chief purpose" of the author, as declared by himself, is to show that the constitution of the United States in "express terms" authorizes the judiciary to determine the validity of legislation, whether state or federal. Reasons are given at great length for renewing the discussion of the subject, and, if I understand them correctly, they are to the effect that, while it is conceded that such judicial power exists, yet that certain writers, mentioned, and certain judicial utterances, quoted, falsely claim or assume that the authority for such determination is based solely upon implication. Whatever differences of opinion there may be as to the construction to be given to certain provisions of the constitution, yet there can be no dispute as to the "express texts" contained in the instrument itself. However, the book purports to be, and is, a historical commentary. As such, it is of value especially to the critical and curious student of constitu-

tional law. No student of that instrument can know too much of the history leading up to its adoption. Such history is very important in determining the general source, purpose, object, nature, scope, and supremacy of national power. The contents of the book are, manifestly, the result of very extensive and elaborate historical research. "This essay," says the author, "is a legal treatise. It is intended for the *learned* reader." It is doubtful whether it would be appreciated by any other class of readers. The 147 pages of the book devoted to an "investigation of foreign laws on judicial power, and its relation to legislation contrariant to a constitutional or other rule of right," do not, it would seem, tend to establish the proposition which the author has thus announced to be his "chief purpose" to maintain, but do undertake "to show the true place of judicial competency in the legal history and comparative jurisprudence of Europe and America." Prior to the adoption of our national constitution, as it appears, there was no written constitution in any nation of Europe; and hence courts therein were, necessarily, instituted and bound by legislative enactments. But each of the original 13 states, except Rhode Island and Connecticut, adopted a written fundamental law prior to the institution of the federal government. The part of the book devoted to "the relation of judicial power to unconstitutional legislation" in those states prior to our national constitution is especially interesting and instructive. The same may be said of the article therein mentioned, on "The Relation

¹An Essay on Judicial Power and Unconstitutional Legislation, being a commentary on parts of the constitution of the United States. By Brinton Coxe, of the Bar of Philadelphia. Philadelphia: Kay & Bro. 1893.

of the Judiciary to the Constitution," by Mr. Meigs (19 Am. Law Rev. 175), who supervised the publication in question. The author's principal arguments in favor of express authority in the federal judiciary to determine the validity of legislation will be found in the parts treating "of the historical antecedents of the texts of the constitution," and "the intentions of the framers of the constitution of the relation of judicial power to unconstitutional legislation." But, as Mr. Meigs says, the work "lacks completeness," and "the textual commentary is unfinished." The learned author certainly fails to mention the differences between a government possessing inherent powers, except as limited by constitutional mandate, as the American state, and a government having no powers, except such as are delegated to it by constitutional grant, either expressly or by necessary implication, as the United States. This broad distinction, so firmly established in American jurisprudence, very much weakens, if it does not destroy, some of the propositions advanced by the learned author. He also fails to point out the distinction between the great substantive and independent powers expressly granted to the three several departments of the national government, and those incidental or implied powers which are necessary and proper as a means for carrying into execution the powers thus expressly granted. Such incidental or implied powers are possessed by every corporation, and much more so by a government of delegated powers. Such implied powers are possessed more extensively by the legislative department than by any other. The judicial power of the United States is expressly vested by the constitution in one supreme court, and such inferior courts as congress has ordained and established, and extends to all the classes of cases therein specifically named, including all cases, in law and equity, arising under the constitution of the United States. It necessarily follows that whenever such a case arises and is pending in such a court, having rightful jurisdiction, the court is thereby expressly authorized to determine the same, even to the extent of declaring an act of congress or a state legislature unconstitutional. Of course, the question can only be so determined when it is judicial in its nature, and not legislative or executive. Perhaps the criticism of certain decisions and opinions of the supreme court of the United States, so freely indulged by the learned author, would have been wholly or partially omitted had he taken a broader and more comprehensive view of our national and state constitutions and the functions of the respective governments and departments. However that may be, I am forced to believe that at least some of such criticisms

and several of the propositions advanced by the author are based upon unwarranted hypotheses.

J. B. Goodnow.

Goodnow on Comparative Administrative Law.¹

Reviewed by Prof. Henry Wade Rogers,
President of the Northwestern University.

[For contents and other descriptive matter, see page 178, No. 5, Law Book News. See, also, another notice in this number, on page 249.]

This work, in two volumes, is the only work in the English language on the subject of which it treats. It may be said of it, therefore, that it fills a place and answers a need. This is something that cannot be said of many of the books that are being constantly placed on the market by ambitious writers and publishers. Any work on a new subject, especially on so important a subject as the one here treated, is pretty sure to be gratefully received.

It is only within a comparatively few years that any particular attention has been paid in this country to the subject of "Administrative Law." In only a few of the American universities even now is the subject receiving any attention. Columbia College was one of the first, if not the very first, institution in this country to offer courses of study in this particular department of inquiry; and, as a result, we have the present work prepared by the professor of administrative law, in the faculty of political science of Columbia College.

The author naturally considers the subject to be "of the greatest importance." Most authors are apt to take a similar view of the subjects of their works. But it must be conceded to the writer of this work that his subject is one of great importance, and one in regard to which the people of this country, even the best educated of them, know but little, and that it is highly desirable that they should become well informed upon it. We live in a time that demands administrative reform, and we, in this country, are in need of all the light on the subject that we can get. There is much to be hoped for from a careful study of the administrative systems of other nations. What is needed is a comparison of our own with foreign administrative methods. This work furnishes us with just such a comparison, and the author has placed us all under obligations to him for the cred-

¹Comparative Administrative Law. By Frank J. Goodnow. New York: G.P. Putnam's Sons. 1893.

itable manner in which he has completed his task.

The work has not been prepared especially for the legal profession, although it is one in which the members of the profession will be greatly interested. It is, of course, not a book which can be said to be essential to a general practitioner of the law. At the same time, it is a work which every educated lawyer, legislator, and man in public life should make himself acquainted with. The book is primarily intended for the general reader. The first volume is devoted to a consideration of the subject of organization, and the second to that of legal relations. But the treatment of legal relations is of such a nature as to interest the general and professional reader alike. The author cites some 500 cases from the English and American Reports.

The author has not attempted to treat exhaustively of the entire domain of administrative law. Any work which should make such an attempt would probably fail to interest the larger class whose interest it is important to enlist in the general subject. The intention of the writer, to use his own language, has been "to set forth, in the first place, the methods of administrative organization adopted in the four countries whose law is considered, namely, the United States, England, France, and Germany, and to state, in the second place, somewhat in detail, the means of holding this organization up to its work, and of preventing it from encroaching on those rights which have been guaranteed to the individual by the constitution or laws." The author also gives a summary of the forms and methods of administrative action. This, by his own confession, is the least complete portion of his work. But he properly considers this incompleteness a virtue rather than a fault. A detailed consideration of the methods of administrative action would not interest the general reader or the student beginning a study of administrative law.

There are probably few American lawyers who can give a satisfactory definition of administrative law. Prof. Dicey declares that "in England and in countries which, like the United States, derive their civilization from English sources, the system of administrative law and the very principles on which it rests are unknown." If the term "administrative law" is almost meaningless in the two countries named, it is not because this branch of the law does not exist, but because, as the author asserts, no serious attempt has been made in either of these countries to classify the law in accordance with the relations which it governs. Classifying the law according to those relations, the author defines administrative law as "that part of the law which governs the relations of the executive and administrative authorities of the government." It is a branch of

public law. It is the necessary supplement to constitutional law. Constitutional law is said to "treat of the relations of the government with the individual from the standpoint of the rights of the individual," while administrative law "treats them from the standpoint of the powers of the government." Constitutional law defines the general plan of state organization, and administrative law "carries out the plan in its minutest details, supplements and complements it."

The first volume of the work is divided into three books. The first book covers 45 pages, and treats of the separation of the powers of government. The second book covers 114 pages, and treats of central administration. The third book covers 176 pages, and treats of local administration. The second volume of the work is likewise divided into three books. The first covers 100 pages, and is devoted to the law of officers. The second covers only 35 pages, and treats of administration in action. The third covers 168 pages, and treats of control over the administration. The latter book being subdivided into three parts: (1) Methods of control; (2) judicial control; (3) legislative control.

The work is well written. The author states the facts clearly, and has studied his subject carefully. The writer is familiar with the French and German treatises on the foreign law, and makes continual reference to them in his text. The work reflects credit on the author and the institution with which he is connected. It is an interesting, valuable, and much-needed work. It also reflects credit on the publishers, as it is handsomely printed, and presents an attractive appearance.

Henry Wade Rogers -

McKelvey on Common-Law Pleading.¹

Reviewed by Prof. E. F. Johnson, of Michigan University Law School.

[See contents and other descriptive matter on page 112, No. 4, and reviews on pages 185, 186, No. 6. Law Book News.]

A student can never become a thorough pleader until he has become a thorough lawyer. Of course, there is no difficulty in drafting the most common pleadings with the extensive use of the multiplied forms found in the books on pleading. This may be done by the ordinary draftsmen who act as clerks for the great lawyers of the country. But

¹The Principles of Common-Law Pleading. By John Jay McKelvey. New York: Baker, Voorhis & Co.

the thorough pleader must, when he sits down to draft his petition or declaration, be able to comprehend and keep in mind the abstract proposition of law which must exist, and upon which his success depends; that is, in other words, he must thoroughly understand what fact must exist as a prerequisite to his successful standing in the court. When the lawyer gets this fact worked out, then his drafting of the pleadings becomes a very simple and easy task, because all that is left for him to do then is to state that fact in such a manner that the judicial tribunals may be able to apply the proposition of law to it.

Long forms of declarations or petitions only tend to confuse the mind of the student. He must learn the fundamentals. He must first learn and be able to understand fully when and under what existing facts and circumstances the machinery of the courts may be put in motion to secure a remedy for the wrongs and injuries sustained. When he has thoroughly mastered this, or (as Gould in his work on Pleading puts it) the proposition of law, then he is prepared to make a statement of the second proposition, or proposition of fact. This last proposition, or "fact proposition," as we may call it, constitutes the main part of the petition or declaration, in every system of pleading.

The author on pleadings who can best present the blending of these two propositions, by the statement of one of them only, leaving the other necessarily implied, is the one most successful. Those who have attempted this are Chitty, who wrote well, but finally too extensively for the beginner; Gould, who has written, not so extensively as Chitty, but surely with as great clearness; Stephen, who has written an admirable work, and certainly with as great clearness as any who have written before him, but his added, lengthy common-law forms only tend to confuse the mind of the beginner, and cloud the real gist of his argument.

The universal expression of the various teachers in the law schools of the country is, that these books are not satisfactory as text-books for the beginner. They are too much extended, go too much into detail, treat (or rather copy) too many forms that mean absolutely nothing to the average beginner, to suit the purposes of the American students who wish to practice in this country.

What the student wants is a text-book on the subject of common-law pleading, which contains a clear and logical summary of the underlying and fundamental principles of that subject,—the principles which *are* and necessarily *must accompany* every system of pleading,—unincumbered with the great number of technical rules and iron-clad forms which burdened the ancient system, and which these various writers have per-

mitted to break the thread of their argument.

I feel that McKelvey, in his work on Common-Law Pleading, has, in a great degree, met this need. I am persuaded after a careful examination of his text, that, with a very little change, it would be well adapted, as a preliminary work, for our law students.

E. F. Johnson

Spelling on Trusts and Monopolies.¹

Reviewed by George E. Beers, of the New Haven Bar, Assistant Professor of Law in the Yale Law School.

[See contents and other descriptive matter on page 15, No. 1, Law Book News, and reviews of page 22, No. 1, and page 120, No. 4.]

The scope of the work is indicated by the phrase which follows the title: "An Exposition of the Rule of Public Policy against Contracts and Combinations in Restraint of Trade." The book opens with a chapter on the historical development of the principle involved. Following this are three chapters which contain a consideration of the older forms of contracts in restraint of trade,—agreements not to follow a trade, practice a profession, accept employment, or engage in business. Subsequent chapters are devoted to combinations among producers, employers, employés, and bidders, "trusts," antitrust legislation, the application of the rule to the suppression of competition in public service and to municipal grants and contracts, and other allied subjects. The book thus brings together a number of topics, which are in some ways quite different one from another, and yet through all of which runs the idea of trade restraint. Most of them have received text-book treatment before, but it has been left to Mr. Spelling to bring all together within the limits of one book, to show their connection, and develop the rules governing them from common principles. Some of the contracts and combinations are almost as old as the law itself, while others are of very recent growth. As to the newer forms of the former and as to the latter the law is in an uncertain state. Its rules, as enunciated from time to time, reflect to a great extent the individual ideas of judges, and, to a still greater, the sense of the community as to the demands of political economy and expediency. It is only

¹A Treatise on Trusts and Monopolies, Containing an Exposition of the Rule of Public Policy against Contracts and Combinations in Restraint of Trade, and a Review of Cases, Ancient and Modern. By Thomas Carl Spelling, of the San Francisco Bar. Author of The Law of Private Corporations, Extraordinary Relief, etc. 274 pages. Boston: Little, Brown & Co.

necessary to refer to some of the dozens of important and novel cases—one or two of which have received no common share of public attention—which have arisen and been decided within the few months that have elapsed since the book was published, in order to realize in what an active state of development is the whole subject of the law of monopolies. Under such circumstances and at such a time, it would be unreasonable to look for a legal classic. A book constructed strictly according to a theory of the law, setting out the law as a consistent whole, would almost inevitably be inaccurate and misleading. One that took up and discussed all the questions likely to arise would be a series of conjectures.

The author of the present work has, as a general rule, been content to give us the results of cases already decided. His statements of the law are clearly made and well supported by citations, and his views are generally in accord with those of the standard authors and the leading courts. The distinctive feature of the work, however, is the full treatment of individual leading cases. These are stated fully and clearly, the main points of the decision given with the reasons, in many cases in the language of the court. It is obvious that this mode of treatment is peculiarly appropriate in case of such a subject. This portion of the author's labor bears many evidences of honest,

painstaking work. In many parts the text might have been made more concise without sacrifice of clearness or definiteness. Some topics might have been more fully treated, as that of boycott, where the material at hand has not been effectively used.

The citation seems to be accurate and full. A rapid examination of the list of cases has revealed some omissions, but most of them are not serious. One evidence of haste appears through different parts of the volume. In various instances the official references of cases, long since officially reported, have been omitted. On the other hand, the author has often rendered his work more acceptable to the profession by referring to unofficial as well as official series. The mechanical execution is excellent.

It is the fate of books upon modern subjects to pass through many editions. The present one, which is in a sense a pioneer work, has probably not assumed its permanent and final form. As a guide to the cases and an intelligent exposition of the law today, it will doubtless meet with a warm welcome at the hands of a profession which always appreciate that which makes its labors at the same time lighter and more effective.

George E. Peers

OTHER OPINIONS OF NEW BOOKS.

Bell's Bench and Bar of New Hampshire.¹

In this book we gain an accurate and well-stated digest of those lawyers and judges who established the reputation of the New Hampshire bar as it was some years ago. Of course, among the list are many whose reputation has not reached beyond the limits of the state, and perhaps have hardly been known as lawyers within its limits. But Atherton, Bartlett, Thornton, Bell, Mason, Richardson, Webster, and Woodbury are names which, in their day and generation, had a much wider significance, and were borne by men who, throughout New England, at least, were esteemed good lawyers, wise judges, and able men of affairs.

The biographies contain many amusing incidents of the personal peculiarities of the subjects to which they refer, and among the

New England states the bar of New Hampshire has stood pre-eminent in that interesting respect. An equal freedom from conventionalities has manifested itself on the bench, and, if current report be believed, the present chief justice surpasses all his associates and predecessors in that unenviable regard.

Boldness and independence of mind in giving utterance to the law upon the bench we cannot have in too great degree, and the state is to be congratulated that so many of its judges have possessed these characteristics. The decision of *Britton v. Turner*, in Vol. 6 N. H. Reports, at page 481, on the entirety of contracts, indicates these qualities, and is greatly to be commended.

The biographies are interesting also as marking the change which has manifested itself in the profession within the last thirty years. In the earlier days the important questions of law arising from the necessity of adapting the common law to the affairs of our new country offered a field in which the ablest lawyers of New Hampshire labored faithfully and well.

As a result, the decisions of New Hamp-

¹The Bench and Bar of New Hampshire, Including Biographical Notes of Deceased Judges of the Highest Court and Lawyers of the Province and State, and a List of Names of those now Living. By Charles H. Bell. Boston and New York: Houghton, Mifflin & Co. The Riverside Press, Cambridge. 1894.

shire courts are a high authority upon points of common-law practice and procedure, and upon the fundamental principles of the law of contracts, torts, equity, and real estate. But, with the establishment of these fundamental principles and their crystallization into decisions repeatedly sustained, the profession has ceased to find within the state a field which could develop and occupy the best abilities of its members. For the main occupation of the lawyer to-day is the protection of property rights already established.

But as portraits of men who, from small beginnings and with few advantages, worked themselves up into commanding positions among their contemporaries, they are interesting, and it cannot be gainsaid that the lawyers whose labors are here described were men who fearlessly, faithfully, and with signal ability discharged the duties which they were called on to perform.

The printing, paper, and binding are unexceptionable, as is usually the case with work from the Riverside Press.

—"G. W.," in *American Law Register and Review*.

Clark's Handbook of Criminal Law.

[See Contents on page 143, and review on page 148, No. 5, *Law Book News*, and review by Prof. Emlin McClain, on page 180, No. 6, and other opinions on page 182.]

As the author states in his preface, this book is intended to contain not a mere digest of criminal law, arranged under proper titles, with just enough discussion of principles introduced to serve as a thread on which to hang the cases, after the fashion of so many modern text-books, but a concise, and, he might well have added, clear statement of the general principles of that branch of jurisprudence, with enough cases added by way of illustration to fully elucidate the meaning, application, and extent of those principles. It is also confined principally to a statement of common-law principles, and very wisely, for the lack of uniformity in legislation throughout the different states is perhaps nowhere so marked as in this department; and to fully define and explain the vast body of statutory crimes, to say nothing of pointing out their differences from the common law, would require more than one additional volume. These principles, then, are really the one essential thing that the judge and lawyer needs. Cases, apart from principles, are, pace the West Publishing Company, chaff without wheat, and many a good case has been lost through the failure of the attorney to perceive the principles that underlay it. With this book in hand, even the most slothful practitioner can

hardly excuse himself on this score in the future.

As a rule, the definitions and maxims, if the statements of principles may be so called, are clear, brief, and to the point. But there are occasional instances which show that it is as hard to improve on Blackstone's definitions as on Solomon's proverbs. True, Mr. Clark has fared better than the student who, on informing his professor that he thought Solomon might be excelled in that branch, was mildly requested to write a few; but still there are some inaccuracies to be found here and there. For instance, he defines forgery as "the false and fraudulent making or altering of an instrument which would, if genuine, apparently impose a legal liability on another, or change his legal liability to his prejudice." A forged check, drawn on a bank in which the supposed drawer has funds, hardly imposes any liability upon him. It impairs his right to receive his deposit from the bank, but only by the most rigid technicality can any liability be held to rest upon him. So a forged will, which takes effect only on the death of the supposed testator, imposes no liability on him in any sense, or on any one concerned, except the executor or administrator. The old wording, "to the prejudice of another man's right," is better.

The execution of the book is excellent. The system adopted of printing the statement of general principles at the head of each subject in heavy black type is admirable, and one that might be adopted with advantage by others. The same might be said of the method of annotating, rather than digesting, already referred to. The book is a forerunner of a style of text-book writing that has become popular of late in England, but is as yet rarely seen here, where publishers still cling to old methods, in spite of changed conditions. In matter, method, and execution, Mr. Clark has produced a work that will prove of no little benefit to the profession.

—"R. D. S.," in *American Law Register and Review*.

Coxe on Judicial Power.

[See Contents and other descriptive matter on page 112, No. 4, *Law Book News*, and review by Hon. John B. Cassoday, on page 242, of this number.]

This important contribution to a vitally important subject is a posthumous fragment from the hand of the lamented translator of Güterbock's "Bracton, and His Relation to the Roman Law," published in 1866. It is edited by Mr. William M. Meigs, of the Philadelphia bar, a writer favorably known to the profession and to students of constitutional law by various publications, especially an article on "The Relation of the Judiciary

to the Constitution," in the nineteenth volume of the *American Law Review* (page 175), containing the most thorough and trustworthy account of our early constitutional decisions which is to be found anywhere.

Mr. Meigs explains in a preliminary note that what is now published is but the first part of what Mr. Coxe planned. It is a historical introduction or commentary, and was to be followed by a "Textual Commentary." The first part was left by its author electrolytically. We have it therefore presumably as he meant it finally to stand. The second part is too incomplete for publication. This is much to be regretted, for the author himself tells us (page 47) that "It is the most important part of the work, and the one to which the other parts lead up." The editor, however, gives an outline of this second part in his "Note." The main proposition of it is that the constitution of the United States expressly gives to the courts the power of disregarding unconstitutional acts of the legislature. To some this will seem no new suggestion. It is common to say this, and to found it upon the second clause of article six. But Mr. Coxe recognizes, what is overlooked by most persons, that this clause, taken alone, and taken only in its obvious meaning, relates merely to the control of the courts over state action. In order to make out his point, he ties together this and the second section of article three,—the one making the judicial power of the United States extend to all cases arising under the constitution and laws of the Union. Without undertaking here either to state fully or to controvert Mr. Coxe's argument as to this, his main point, it may be doubted whether he has established it. That the constitution in terms gives to the state and federal judiciary the power to apply the federal constitution as law controlling state legislation must be admitted. That it is matter of just inference to hold a like view as regards federal legislation is also well made out. But it may reasonably be thought that the constitution has not expressly given to the judiciary the power to disregard unconstitutional acts of congress, and it may be surmised that this express giving of the power was purposely avoided; as in some other cases, where Madison intimates, and even says in terms, that the constitution was silent from motives of expediency, of set purpose, leaving a given result to be reached by inference and construction.

What appears to us to be the conspicuous merit of this book is its powerful reinforcement of the sound inferential argument for the judicial power, by a learned and sagacious historical consideration of English, continental, and colonial precedents. Mr. Coxe fully admits the fact that, at the period when

our constitutions were made, the theory of parliamentary omnipotence was well established. But he points out that this had not always been so; and the older precedents, relating to the church and the royal prerogative show that English law had once been no stranger to the doctrine that an act of the highest legislature might be judicially held invalid.

In considering the great colonial case of *Winthrop v. Lechmere*, it appears to us that Mr. Coxe abandons quite too readily the view that it involved a judicial declaration of the invalidity of the colonial act. But there is not space to give the reasons for that opinion.

The author deserves thanks for pointing out the bad inaccuracy of the reporter's list of "cases in which the supreme court has decided acts of congress to be unconstitutional," given in part A of the Appendix to volume 131 of the United States Supreme Court Reports. In speaking of the omissions in the list, Mr. Coxe remarks that of the *Dred Scott* Case. There are reasons for omitting that case to which he does not advert, but there was at least as much reason for inserting it as in the case of two or three others that are there.

Mr. Coxe is sometimes whimsical, and sometimes his comments are hardly those of a lawyer. His style of expression is here and there quite eccentric, and he repeats himself. He is sometimes guilty of squeezing his grapes too hard, and sometimes gives his reader too little credit for intelligence, and spins out his exposition too much. But the book is still the work of a man of extraordinary intelligence, learning, accuracy, and thoroughness,—a helpful and illuminating book,—and it will be received with grateful appreciation by careful students of constitutional history and law.

—*"J. B. T.," in Harvard Law Review.*

This is one of the most scholarly and elaborate monographs ever contributed to the study of American constitutional government. It was called out by the positions taken by the supreme court of the United States in *The Legal Tender Case*, 110 U. S. 447, to the effect that the power of congress to borrow money incidentally carries with it power to issue obligations for the money borrowed, in such form, and with such qualities as currency, as accord with the usage of sovereign governments. If, the author argues, congress was thus clothed with the ordinary powers of sovereign governments, in respect to matters within its jurisdiction, it follows that congress may fortify its laws, as other sovereignties have, by providing that their validity shall never be called in question by any court, unless such a provision is prohibited by the constitution. He then argues

that such a prohibition is implied in article 3, § 2, and article 6, § 2, and that there the power to declare unconstitutional laws invalid is expressly conferred upon both the state and federal courts.

—Yale Law Journal.

Goodnow's Comparative Administrative Law.¹

It was with great pleasure that we received the first work in English on the important subject of administrative law. As a people, we seem to have been heretofore so taken up with establishing popular government that we have neglected to regard, as worthy of special treatment, the question of how the officers of government should execute the laws, or how the officers should be held up to their work. Mr. Goodnow makes a very good beginning. As he says himself, in his preface, he has not attempted to treat the subject exhaustively. His intention has been to set forth, in the first place, the methods of administrative organization adopted in the four countries whose law is considered, namely, the United States, England, France, and Germany; and to state, in the second place, the means of holding this organization up to its work, and of preventing it from encroaching on those rights which have been guaranteed to the individual by the constitution or laws.

The first volume treats of the question of the organization of the administrative departments of the central and local governments; and the second volume of the way in which the individual can obtain redress for wrongs inflicted upon him by the administrative officer.

The whole forms an excellent introduction to a more particular study of the subjects treated. As is the intention of the author, at no point is the discussion full and exhaustive, and therefore the interest which the work will excite in the mind of the reader will depend largely upon his previous acquaintance with the particular subject under discussion. For instance, where the author treats of mandamus, what is said is very good, but it is necessarily too cursory to be of interest or of value to the lawyer. On the other hand, few lawyers will fail to be interested and benefited by the short and concise account of the administrative courts of France and Germany. It is not that the discussion is any more full in the one case than in the other, but that, in treating of administration in continental countries, he treats of something which is entirely new to ninety-nine hundredths of the members of

our bar. In the same way the local administrative government of Germany and France is intensely interesting, while most lawyers will skip the account of the office of president of the United States.

It must be remembered that we are reviewing the book simply from the standpoint of a lawyer, and not from that of the general reading public. To the lawyer the book, as a whole, would be more interesting if the author had confined himself to administration in the foreign continental countries; that is, France and Germany. This, however, would have marred its usefulness in colleges, into which it will doubtless be largely introduced, both because it is the only English work on comparative administrative law, and as an excellent introduction to the more minute study of the subjects treated.

—“W. D. L.” in American Law Register and Review.

The School of Political Science of Columbia College is doing a good work which is little appreciated or even perhaps known to the profession to which it especially appeals, and to which the results of its labors are especially valuable.

But with most of us life is taken up in an effort to earn our “living” (to use the word which means so much), and we have not, or think we have not, time to pursue more theoretical studies.

For this reason such books as the present one can never produce any financial equivalent for the great labor which their preparation entails, nor can their author flatter himself that he is addressing a very large audience.

And yet the present subject is important enough, although one to which little attention is paid.

To see how different are the methods of obtaining the same substantial result is interesting and instructive.

We cannot see, however, how an examination of the administrative systems of countries so different from our own as France and Germany can convey any particular lesson for our imitation or avoidance.

As well, for practical results, might we analyze the administrative systems of Italy and Spain (in which last country some of the local systems of administration are certainly curious enough) as to have us take lessons from the systems which are the representations of social conditions and habits of thought so different from our own.

We have therefore been more interested in the portions of the book relating to our own country and England, and of these we think the treatment is the most satisfactory.

While the work is not meant to be a law book, yet the lawyer who reads it will be struck with the singularly good judgment

¹[See review by Prof Henry Wade Rogers, on page 243 of this number, and Contents and other descriptive matter on page 178, No. 6, Law Book News.]

shown in the selection of the cases cited, and these decisions furnish more information of immediate interest to us than the citations from Prof. Gneist's "Selfgovernment, Communalverfassung, and Verwaltungsgerichte," or other sesquipedalian efforts.

—New York Law Journal.

Justice Harlan's Bering Sea Opinions.¹

When the Bering sea tribunal of arbitration rendered its final decision at Paris on the 14th of last August, a resolution was adopted permitting each individual arbitrator to file with the secretary of the tribunal a separate opinion upon the matters submitted to it for determination, and a period of several months was allotted for this purpose. One of the opinions filed under this resolution was written by Justice Harlan, of the supreme court of the United States, who was one of the two arbitrators representing our government in the tribunal of arbitration, and this opinion has been recently published by the government printing office at Washington. The earlier part of the volume contains some remarks which Justice Harlan made in private conference with the other arbitrators, in support of the two propositions that the tribunal was invested with authority under the treaty of February 29, 1892, between Great Britain and the United States—First, to adopt regulations which, for a certain period in each year, should entirely prohibit pelagic sealing, and not merely restrict it; and, second, to extend these regulations not only to Bering sea, but also to the North Pacific. It is of interest to note that Justice Harlan's views on both of these points were adopted unanimously by the tribunal of arbitration, and subsequently were embodied in their decision.

The second of the parts into which this volume is divided contains a formal opinion by Justice Harlan upon the merits of the entire controversy. Of the five questions of law submitted to the tribunal of arbitration for determination, the first four related to certain extraordinary rights of marine jurisdiction which, it was alleged, the United States derived from Russia at the time of the purchase of Alaska. It is a noteworthy fact that the opinion of Justice Harlan upon these four points was in accordance with that of the majority of the arbitrators (Senator Morgan only dissenting), and was adverse to the claims of the United States. Justice Harlan held in substance that, by the Ukase of 1821, Russia did not assert any jurisdiction over Bering sea except for a distance of 100 miles from the coast, and that this jurisdictional

claim was never enforced in practice, but, on the contrary, was withdrawn as to the United States by the treaty of 1824, and as to Great Britain by the treaty of 1825. He held further, in answer to the second point, that Great Britain never recognized or conceded any claim by Russia of exclusive jurisdiction in Bering sea, or over the seal fisheries, outside of territorial waters; and, in answer to the third point, that when, in the treaty of 1825, Russia conceded to the citizens of Great Britain full rights of fishing and of navigation in the "Pacific Ocean," this phrase included Bering sea, and the Ukase of 1821 was thereby rescinded so far as it might be regarded as affecting the present question. The fact that Justice Harlan felt constrained to concur with the foreign members of the tribunal in deciding these questions adversely to the United States may be regarded as a proof of the most positive kind that the decision reached by the arbitrators upon these points was correct.

With respect, however, to the fifth and last of the points submitted to the tribunal of arbitration, Justice Harlan did not concur with a majority of the arbitrators, and the present volume contains his dissenting opinion upon this question. A majority of the tribunal decided that the United States had not a right of property in the fur seals when found beyond territorial limits, and that it could not lawfully protect the seals in the open sea. Justice Harlan, in his dissenting opinion, maintains the opposite of both of these propositions. He contends that in international law, just as in the development of the common law, new cases which are lacking in direct precedents should be determined in accordance with our sense of natural justice; and he quotes Kent and numerous other text writers in support of the view that there is an international morality underlying the principles of international law as they are being developed with the advance of civilization. He thinks that these principles can be deduced in many instances from analogies to be found in the municipal law of particular nations, and he traces a similarity between seals, on the one hand, and such animals as bees, pigeons, and deer, on the other hand, all of which were protected as private property by the Roman law and the common law of England, because of their having an *animus revertendi*. He asserts that the United States, by maintaining and protecting the extensive breeding grounds of the seals on the Pribiloff islands, at great expense, and for the purpose of making these animals subserve the interests of commerce and manufacture, has thereby exercised such control over them as would give to our government a permanent right of property in the seal herd, even while temporarily absent from our territory upon the high seas. Jus-

¹ Bering Sea Tribunal of Arbitration. Opinions of Mr. Justice Harlan at the Conference in Paris. Washington, D. C.: Government Printing Office. 1893.

tice Harlan then discusses the question as to whether, assuming that the United States does not have a right of property in the seals, it can lawfully protect them from attack beyond its territorial limits, and reaches the conclusion that such protection is lawful upon the theory that it is an act of national self-preservation. He contends that a nation so protecting its lawful industries does not thereby appropriate to itself any part of the ocean, or interfere with the innocent use of the high seas for other purposes. It only prevents a form of wrongdoing, and preserves what no one has a right to destroy. He concludes his opinion by citing several striking precedents from the decisions of the United States supreme court, foreign treaties, and other sources, which tend to establish the right of a nation to assert its sovereignty and defend its interest upon the high seas outside of the three-mile limit.

It is to be regretted on many accounts that the opinion of Justice Harlan upon these points did not obtain the concurrence of a majority of the tribunal, for it is almost impossible to read his able and lucid discussion of this question without sharing his conviction that the United States does possess a right of property in the seals, and that it can lawfully protect that right. However, the contrary decision of the arbitrators is of less importance than it otherwise would be, for the reason that they established a set of regulations for the protection of the seals which there is every reason to believe will fulfill the objects sought by the United States when the treaty of arbitration was signed. To these regulations Justice Harlan gave his hearty concurrence.

—“R. D.” in American Law Register and Review.

Leading Text Books Published this Year.

Bailey's Master's Liability for Injuries to Servants.....	6 00 net	Jones on Liens. 2 vols. 2d edition	12 00 net
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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, Dlossy Law Book Co., New York 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, Baneroff-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 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.....	25c.
Can. Law T.....	Canadian Law Times, Toronto, Can.....	Monthly.....	50c.
Cassell's Sat. J.....	Cassell's Saturday Journal, London, Eng.....	Weekly.....	
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.
Columbia Law T.....	Columbia Law Times, New York City.....	Monthly.....	
Cornell Law J.....	Cornell Law Journal, Ithaca, N. Y.....	Monthly.....	35c.
Counsellor.....	The Counsellor, New York City.....	Monthly.....	30c.
Cr. Law Mag.....	Criminal Law Magazine, Jersey City, N. J.....	Irregular intervals.....	\$6 per vol.
Daily Balt. Rec.....	Daily Baltimore Record, Baltimore, Md.....	Daily.....	2c.
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, Dublin, Ire.....	Weekly.....	1 shilling.
J. P.....	Justice of the Peace, London, Eng.....	Weekly.....	
Jurid. Rev.....	Juridical Review, Edinburgh, Scotland.....	Quarterly.....	
Law Ex. J.....	Law Examination Journal and Law Student's Magazine, London, Eng.....	Monthly.....	
Law J.....	Law Journal, London, Eng.....	Weekly.....	
Law Notes.....	Law Notes, London, Eng.....		
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.
Med. Leg. J.....	Medico-Legal Journal, New York City.....	Quarterly.....	
Mich. Law J.....	Michigan Law Journal, Grand Rapids, Mich.....	Monthly.....	35c.
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 intervals.....	\$5 per vol.
Nat. Corp. Rep.....	National Corporation Reporter, Chicago.....	Weekly.....	10c.
Neb. Leg. N.....	Nebraska Legal News, Lincoln, Neb.....	Weekly.....	10c.
Neue Rev.....	Neue Revue, Vienna.....	Weekly.....	
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, New York City.....	Monthly.....	
N. Y. Law J.....	New York Law Journal, New York City.....	Daily.....	65c.
Pittsb. Leg. J.....	Pittsburgh Legal Journal, Pittsburgh, Pa.....	Weekly.....	10c.
Scot. Law Rev.....	Scottish Law Review, Glasgow, Scot.....	Monthly.....	1 shil. and sixpence
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State Affairs.....	State Affairs, Lansing, Mich.....	Semi-Monthly.....	65c.
University Law Rev.....	University Law Review, New York City.....	Monthly.....	25c.
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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.

Amendment.

— Of pleading, see "Pleading."

Assignment.

— As affecting right of set-off, see "Set-Off and Counterclaim."

ASSIGNMENT FOR BENEFIT OF CREDITORS.

An extensive note as to the effect of transfers of property by bankruptcy or insolvency proceedings or assignment for creditors.—23 L. R. A. 33.

ATTORNEY AND CLIENT.

A chat with a famous London lawyer.—Sir George Lewis. *Cassell's Saturday Journal*, London, July.

An interesting review of recent decisions affecting the position of solicitors as plaintiffs or defendants in actions brought against them, in respect to their conduct in the discharge of their professional duties.—97 Law T. 214-266.

Questions and answers at the solicitor's intermediate and final examination in June, 1894.—16 Law Student's J. 152.

BANKRUPTCY.

An article on the rights of a bankrupt in after-acquired property.—By E. Cooper Willis. 10 Law Quart. Rev. 240.

BONDS.

A short note on the necessity of a bond on the removal of cause on the ground of prejudice.—8 C. C. A. 100.

CHATTEL MORTGAGES.

A collection of authorities as to the validity and effect of sale or mortgage of future crops, with a compilation of special state doctrines and laws.—23 L. R. A. 449.

A short collection of authorities as to the character of personal property which may be the subject-matter of a chattel mortgage.—39 Cent. Law J. 73.

CHARITIES.

A collection of decisions on the liability of charitable institutions for the negligence of their officers or agents.—23 L. R. A. 200.

Conditional Sales.

— See Sales.

CONSTITUTIONAL LAW.

— Due process of law, as affecting taxation, see "Taxation."

— Interstate commerce clause, as affecting taxation, see "Taxation."

A collection of authorities as to what constitutes an indebtedness, within the meaning of constitutional and statutory restrictions of the indebtedness of municipal corporations.—23 L. R. A. 402.

The Second Chamber. A defense of the House of Lords, with suggestion that peers should sit by election in that House, and should be eligible to the Commons, by election, like the Scottish and Irish peers.—By R. W. Macleod Fullerton. 6 Jurid. Rev. 257.

CONTEMPT.

A review of the proceedings in the house of commons in Canada, with reference to the punishment for contempt, by the supreme court of New Brunswick, of Mr. Ellis, editor and publisher of the *St. John's Globe*.—30 Can. Law J. 410.

CONTRACTS.

A valuable article as to the liability of joint contractors and joint tortfeasors.—Justice of the Peace. Republished in 28 Ir. Law T. 324.

CORPORATIONS.

An article on the liability of a decedent's estate to calls made after his death by a joint-stock company of which he had been a member.—15 Aust. Law T. 180.

COURTS.

A continuance of the series of articles on the court of star chamber.—6 Green Bag, 331.

CRIMINAL LAW.

A short sketch of the form of procedure in capital trial among the Jews.—6 Green Bag, 336.

Crops.

— Growing crops, when subject to execution, see "Execution."

CRUELTY TO ANIMALS.

A continuation of a series of articles on the law of cruelty to animals.—*Law Gazette*. Republished in 28 *Ir. Law T.* 321.

DEED.

A collection of authorities as to whether a deed given before the grantor acquires title, and placed on record, is to prevail over a deed afterwards given to a purchaser in good faith, and without notice.—23 *L. R. A.* 561.

DIVORCE.

A collection of authorities as to the effect of a decree of divorce on homestead rights.—23 *L. R. A.* 239.

A citation of recent authorities as to the effect of appearance by a nonresident to give jurisdiction in a divorce case.—23 *L. R. A.* 287.

Due Process of Law.

— See "Taxation."

ELECTIONS AND VOTERS.

A short collection of authorities as to the right of a voter to acquire a residence while attending school or public institution.—23 *L. R. A.* 215.

EQUALIZATION.

A note on the equalization of taxes, with numerous citations.—8 *C. C. A.* 400.

EVIDENCE.

A short article on the ground of distinction between expert evidence and opinion evidence.—By Henry L. Tolman. 5 *Chi. Law J.* 315.

EXECUTION.

A collection of authorities as to whether or not growing crops are the subject of execution, as other personal property.—23 *L. R. A.* 258.

Expert Evidence.

— See "Evidence."

Fellow Servant.

— Who are, see "Master and Servant."

Foreclosure.

— Of mortgages, see "Mortgages."

GUARANTY.

An article on the effect of "giving time" in cautionary obligations.—10 *Scot. Law Rev.* 155.

Homestead.

— Effect of divorce on homestead rights, see "Divorce."

INJUNCTION.

A valuable article on the use of an injunction in support of a contract, whether it contains, or does not contain, a negative stipulation.—By John S. Ewart. 14 *Can. Law T.* 177.

INSURANCE.

A few authorities on the liability of a member of a benefit society to action for assessment.—23 *L. R. A.* 435.

An article on the rights, duties, and liabilities of an insurance agent, with special reference to his ownership of the agency.—16 *Rough Notes*, 414.

INTERNATIONAL LAW.

A review of the recent important questions of international law.—By M. J. Farrelly. 10 *Law Quart. Rev.* 254.

JAIL AND JAILER.

An article on English jails.—By Hampton L. Carson. 6 *Green Bag*, 313.

JURY.

An article on the unjust criticism of courts and juries prevalent at the present time, the remedy for which, in the opinion of the writer, is to dispense with the necessity of unanimity on the part of the jury in civil cases, and permit a verdict to be rendered by a considerable majority.—By E. E. Osborn. 3 *Mich. Law J.* 198.

LANDLORD AND TENANT.

A collection of decisions as to the liability of a landlord for the condition of part of the premises not controlled by the tenant.—23 *L. R. A.* 155.

LAW.

An introductory chapter on a work in preparation, founded on lectures delivered at Oxford on the nature and meaning of law.—By Frederick Pollock. 10 *Law Quart. Rev.* 288.

LICENSE.

A short note as to the constitutionality of state statutes exacting the payment of a license fee from traveling agents soliciting sales in behalf of persons doing business in other states.—8 *C. C. A.* 499.

MARRIAGE.

An interesting article on civil marriages.—By Dr. J. Ofner. *Neue Revue*, Vienna, June 6.

MASTER AND SERVANT.

A valuable note, with numerous citations, as to the rule determining the question of who are fellow servants.—By Arthur P. Will. 8 C. C. A. 668.

A valuable review of recent English decisions as to what constitutes a workman engaged in manual labor, within the employers' liability act.—Justice of the Peace. Republished in 28 Ir. Law T. 355.

MILITIA.

A short note on the power of the government to disband the militia.—23 L. R. A. 510.

Negligence.

— Liability of charitable institution for negligence of its officers, see "Charities."

OFFICE AND OFFICER.

A short article on the right of de jure officers to recover salaries from the de facto officers who have performed the services.—5 Chi. Law J. 321.

Opinion Evidence.

— See "Evidence."

PARENT AND CHILD.

An article on the right of trustee, under the conveyance act of 1881, to apply or pay to a parent or guardian any portion of the trust fund in order that he may have the income thereof for the maintenance of child.—13 Law Notes, 209.

PAYMENT.

A review of decisions on the effect of payment of a debt by a volunteer or stranger to the original undertaking.—23 L. R. A. 120.

PLEADING.

An article on the right to amend an answer which has not been verified, as provided by the statute.—By John F. Kelly. 2 Minn. Law. J. 141.

PRACTICE IN CIVIL CASES.

An interesting article on civil litigation in an Indian province.—By J. W. MacDougall. 6 Jurid. Rev. 242.

An interesting article on the law's delay, with a valuable extract from the address of Judge Magruder, of the Illinois supreme court, before the Chicago Bar Association.—26 Chi. Leg. News, 379.

An article containing practical suggestions for the improvement of the practice in the circuit courts of Michigan, without materially changing the system.—By C. L. Collins. 3 Mich. Law J. 187.

Prejudice.

— As ground for removal, see "Removal of Causes."

PRINCIPAL AND AGENT.

A collection of recent authorities as to discretionary power of the agent.—By C. A. Buckman. 39 Cent. Law J. 27.

RAILROAD COMPANIES.

A valuable note on the effect of the interstate commerce clause of the federal constitution, as affecting state taxation of railroad corporations.—8 C. C. A. 495.

A collection of authorities on the liability of a consolidated railroad company for the debts of its predecessors.—23 L. R. A. 231.

RECEIVERS.

Citation of authorities on the rights of a receiver as to property outside of the jurisdiction in which he is appointed.—23 L. R. A. 52.

REMOVAL OF CAUSES.

A valuable note on the removal of cause on the ground of prejudice or local influence, with numerous citations as to the nature of suit removable, and the cost of procedure.—By H. Campbell Black. 8 C. C. A. 95.

SALE.

A valuable article, with numerous Scottish authorities, on the power of a seller of goods to retain a real right in them, and so secure the payment of the price, notwithstanding the buyer has been put in possession.—By Moody Stuart. 6 Jurid. Rev. 210.

SET-OFF AND COUNTER-CLAIM.

A collection of authorities as to the laws governing set-off against assigned claims of devisees' demand against assignor.—23 L. R. A. 305.

A collection of authorities on the right to set off insolvent's obligation upon claims in the hands of his receiver or assignee for the benefit of creditors.—23 L. R. A. 313.

Spendthrift Trusts.

— See "Trusts."

STATUTES.

An article on the right of the president to approve a measure after the adjournment of congress.—By Max B. May. 39 Cent. Law J. 68.

A review of decisions as to the power of the legislature to make a statute contingent on approval by vote of the people.—23 L. R. A. 113.

A collection of authorities as to how far courts must treat an enrolled bill as conclusive of the existence of the law, including the regularity and validity of its passage through all the necessary stages.—23 L. R. A. 340.

TAXATION.

A valuable note, with numerous citations, on the construction of constitutional provisions, to the effect that no person shall be deprived of his property except by "due process of law."—By H. Campbell Black. 8 C. C. A. 398.

An extended note, with numerous citations, on the general principles applicable to state taxation, as relating to the regulation of commerce.—By H. Campbell Black. 8 C. C. A. 492.

TELEGRAPH COMPANIES.

A note, with citations of recent decisions, in regard to state tax of telegraph companies.—8 C. C. A. 498.

THEATERS AND SHOWS.

A continuance of the interesting article on the theater, as connected with the law.—6 Green Bag, 321.

Torts.

— Liability of joint tort feasons, see "Contracts."

TRUSTS.

An article on spendthrift trusts, with numerous citations.—By Mary M. Bartelme. 50 Alb. Law J. 6.

A valuable article, with numerous citations of recent cases, on the modern doctrine of following trust funds into insolvent estates, and recovering the same.—By John C. Baird. 39 Cent. Law J. 4.

WATER COMPANIES.

A collection of recent decisions on their liability for loss by fire due to a lack of an adequate water supply.—23 L. R. A. 146.

WILLS.

A short article on the law charging legacies on the realty.—97 Law T. 191.

WRITS.

A collection of authorities as to who may be served with process in suit against a foreign corporation.—23 L. R. A. 490.

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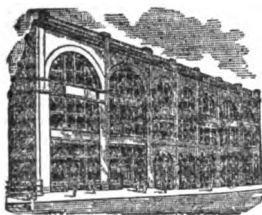
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The Suppression of Opinions Again.

THE Virginia State Bar Association has a committee on libraries and legal literature, which possesses the enthusiasm of its convictions. It does not believe in the publication of all the judicial decisions of our country, and last year, in its report, it applied to the National Reporter System, which is engaged in this work, the stinging lines with which Byron once lashed the Edinboro Review, characterizing its issues as "drab and purple pestilences." (Upon this the "Green Bag" wittily remarked that, if the Reporters were in truth pestilences, it did not see how the profession could escape "taking" them!) At the meeting which has just adjourned the same committee submitted another report, which concludes with the following words:

"The crying need of the profession in this country to-day is some system of reporting which will not leave to the conceit of judges or to the perfunctory work of official reporters the choice of cases to report, but will select them

from considerations of their usefulness, their learning, or their ability. The idea of such a scheme may be Utopian, and its fulfillment distant, but the bulk of the present case law is sowing the seed, and the day of the case lawyer is waning. The discrimination of the bench, and the recurrence to first principles by the bar, will in time engender a public opinion certain to bring the remedy. When judges realize that written opinions are not necessary at all in most of their decisions, and are not trammelled by constitutions requiring it; when official reporters are selected for their special fitness, and do their work con amore, and not as a mere incident; when publishers furnish our law by value, and not by weight— But we are dreaming, for the millennium has not yet arrived, and we are rudely awakened by the harrowing thought that volume 152 of the United States Supreme Court decisions has lately been issued."

The chairman of this committee is Robert M. Hughes, Esq., of the Norfolk bar, a lawyer well known to his professional brethren and beyond the limits of his own state, not only for his distinction at the bar, but as an authority on legal bibliography. His words carry weight, and we take much pleasure in quoting, in this connection, some sentences from a courteous personal letter which was written before he had had an opportunity to see the editorial on "The Real Remedy," in the July "Law Book News," and which show that, however we may differ as to methods, his views are in complete accord with the main proposition which we there presented:

"I believe the time has come when the very abundance of decisions will gradually commence to result in reaction, and it is with this hope in view that I have said what I did; in other words, I think the reform should originate with the judges themselves, and it is to an audience like that that reports of a committee like mine will appeal. I think the best step in this direction would be for the judges not to write opinions at all in cases which involve merely questions of fact, or which are mere iterations of previous decisions."

Mr. Hughes goes on to state that he is unable to find any solution of the difficulty in the series of selected cases which have been offered the profession, and furthermore that he does not believe in the system adopted by certain other publishers of abridging or mutilating decisions in the publishing. "I believe," he writes, "that if a case is to be printed at all, it should be printed in full, for a judicial opinion is something that cannot be cut, or tampered with; and therefore I think the X— system will never succeed." In our last number we suggested that the unification of judicial decisions, which is being gradually brought about by the systematic publication of all opinions filed, would naturally result in reducing the number of decisions to be reported by reducing the number of questions to be decided. Mr. Hughes desires to bring the same millennium, but has greater faith in more revolutionary methods. He suggests, as a present measure, "a board which would have authority and courage to omit decisions, even on important points, when, from their style or reasoning, they showed that the judge who wrote them did not know what he was about." But this brings up at once the fundamental and unanswerable objection that decisions which have been officially filed, but are not published, work only for mischief. "A little learning is a dangerous thing," and partial and incomplete knowledge by the profession of the rulings of the courts must tend to increase the confusion and uncertainty of the practice of law. The studious practitioner will still find and cite from certified copies the unpublished decisions, and when so cited they have all the weight of the most "officially" published authority. The only way in which this objection could be removed would be by the adoption by all the courts of a new rule to the effect that such of their decisions as had failed to secure the approval and indorsement of the court reporter should be counted henceforth as of no value, and would receive no consideration if cited as authorities. It is obvious that they could not make such a ruling without completely stultifying themselves.

Instead of wishing to add to our present judicial system the machinery of a board of omissions, qualified to review the work of our judges, we see in the bench itself the proper instrument of such changes as the best interests of the country may demand.

Brought into closer contact with the bar by such outspoken utterances as these from the Virginia State Bar Association, and to a clearer comprehension of contemporaneous judicial work by the exhaustive publication of all decisions as rendered, the judges will not be slow to see that when an opportunity occurs to decide a case by a decree instead of by an opinion they can best serve the cause of justice by acting as their own board of omissions. It may be that in this way the story of the sibylline books will find its modern application.

In the Matter of Citations.

THE question of how to keep current a table showing the citation of reported decisions is one which has long been recognized as presenting serious practical difficulties. There are cases enough, in the first place, to make any table of them a cumbersome affair, and there are, of course, many times as many citations as cases. The total number of the citations of American cases mounts already well up into the millions. Several attempts, more or less successful, have been made to render these accessible. There have been volumes of citations for certain jurisdictions, of varying degrees of excellence and accuracy, and there have been several systems of annotation pasters, which have come largely into use for want of something better. These annotation pasters, however, have been found bothersome, as they involve continual cutting and pasting. Great care must be taken, also, to prevent their becoming misleading, because, if one is by mistake put into the wrong volume or on the wrong page, there is no means of correcting the error. Anything that imposes much mechanical labor on the lawyer is apt to be unsatisfactory to him! All these annotation systems have, we believe, confined themselves to indicating the citation of the case, without defining the point of law for which it may have been cited, or showing the character of the later ruling. This creates a great deal of profitless work, as the lawyer is led to look up citation after citation, only to find that they are irrelevant to his purpose.

About two years ago, a firm of Texas lawyers published a little book of Texas citations which seemed to cover the requirements of the lawyers better than anything in this line which had come before. The

citations were carefully worked out so as to give all the information which could be desired as to the character of the subsequent use of each case. By an ingenious series of abbreviations, the compilers were able to indicate the exact paragraph of the syllabus under which the case was cited, or to show that it had been cited and discussed generally, or for some additional point of law not set forth in the syllabus. Their tables showed, further, whether the courts, in the subsequent decisions, had approved and followed, criticised, overruled, limited, distinguished, explained, or qualified the earlier case. Yet all this matter was presented in so compact and concise a form that all the citations for the largest set of Reports could be put into a volume small enough to go into the pocket, and still leave ample space for the insertion of the supplements by which citations from the current volumes as they appear could be added in the proper place. So satisfactory was this compilation that King & Leonard's citations were almost immediately taken up by a large majority of the Texas lawyers, including many who had already bought one or another of the sets of annotation pasters, and the enterprising compilers were encouraged to extend their undertaking to the reports of other states. Since last year, Messrs. King & Leonard have compiled and brought out similar volumes of citations for Arkansas, Kansas, Colorado, Nebraska, and California, and they announce as nearly ready a volume covering the United States Supreme Court Reports.

Their books are neatly printed, and bound in flexible covers, and sold at prices which seem quite reasonable in view of the great labor and care involved by the peculiarly exacting character of the work. This kind of work is expensive and troublesome from beginning to end. It has to be compiled with the utmost care. The editorial work of distinguishing the character of the citation implies the use of experienced discretion, and the printing and verifying of tabular work is of course one of the most expensive branches of composing and proofreading. This industry, which seems to be rapidly attaining large proportions, deserves the very general support of lawyers. It is obvious what an advantage it is to a practitioner to be able to take from his pocket a little volume showing the present value of any decision of his own local courts cited as an authority during the

trial of a case. In the preparation of a case, it will enable him to accurately weigh his authorities, to learn when they have been strengthened by subsequent decisions, or to warn himself in time if the cases upon which he relies have been overruled or otherwise weakened by later rulings of his court in any later report. The system seems to give the best solution which has yet been offered of the problem of how to deal with current citations.

An Example of "Omitted Cases."

VOLUME 154 of the United States Reports contains an appendix of 148 pages, in which are given 219 cases "not heretofore reported in full." The reports are prefaced with the following explanatory note:

The Centennial Appendix, at the end of volume 131, contained two tables of omitted cases. In the first table the cases were reported in full. The second contained only a list of cases, term by term (see pages ccxx. to ccxxxi.), in which opinions were given which were supposed to decide the case on the facts, or on the authority of some case referred to, or in which the decision was made partly on the facts and partly on such authority, or in which judgment was entered either on the stipulation of the parties or for incompleteness of the record or for non-compliance with the rules of the court. It was assumed that it was not worth while to occupy the space necessary to report these cases in full. The fact that two or three of them have been referred to in opinions of the court since rendered shows that this assumption was not well founded, and calls upon the reporter now to print them in full.

Hardly anything more significant of the futility of any attempt to suppress judicial opinions could be adduced. Here are 219 cases which are as good examples as any that could be obtained of that class concerning which it is "assumed" by many besides the reporter of the United States supreme court that it would not be "worth while to occupy the space necessary to report them in full." Yet the event proves "that the assumption is not well founded." The cases have been referred to, despite the fact that they were not in the Reports. So long as the decisions of our courts, like John Gilpin, "carry weight," they will without fail be referred to, and their omission from their proper place in the published Reports will mean an appendix later on, and another table of cases to examine.

A Legal Muse.

"A MEMBER of the Bar" of Texas, who modestly withholds his name, has been wooing the muse, and the result is a poem up-

on "The Lawyer," which has been published in a blue-covered pamphlet of 68 pages by The Comal Publishing Company, of New Braunfels, Tex. To champion the cause of the oppressed has always been one of the most prized privileges of poets, and it is natural that, when the poet chances to be at the same time a member of the bar, he should be fired with a desire to combat the popular prejudice from which the legal profession suffers in the public estimation. The following extract from the preface puts, in inimitable fashion, the author's reasons for undertaking his self-imposed task:

By taking a bird's-eye view of the whole matter, by seeing what safety and happiness man enjoys under the law, how successfully it has accomplished these ends, how necessary that there should be men who understand the law, how safe the common people are in their lives and possessions, how they rail at the very thing that gives them this safety, and that all trouble results from their own selfish natures; the whole affair to my mind has a very poetic appearance, so much so that some of the thoughts spontaneously arrange themselves into verse.

We take pleasure in presenting some of these spontaneous verses to readers of Law Book News. How graphically is the unhappy lot of the devotee of Blackstone depicted in the following lines:

How little does the world know of the toil
The lawyer has who burns the midnight oil;
While in sweet dreams and sleep his clients lie
Their interests his thoughts do occupy;
Whene'er those interests be closely pressed
He knows no eve, no night, no hour of rest,
With pleadings, records, old and musty files,
And nameless documents heaped up in piles,
Briefs, digests, text-books, both old and late,
Reports from every court of every state,
With pages turned about him lie in mass,
Fill tables, chairs, and every aisle and pass;
He reads and ponders, hears the clock strike one,
And often then his work is but half done,
His mind though strong becomes fatigued and weak
And oft through sheer exhaustion falls asleep,
The mental strain that he does undergo,
No one except a lawyer e'er can know.

But the lawyer's trials are not confined to pondering till past the midnight hour over nameless documents. The demands made upon his powers of self-restraint are also plainly set forth:

If e'er by appetite he is o'ercome,
So that he makes excessive use of rum,
Or temperate habits he does not maintain,
Both mind and body will begin to wane;
The same amount of alcohol or smoke,
That has his strength of mind and body broke,
If in another's system been injected
His constitution had not been effected.

The result of this severe course of probation is stated with modesty:

Perfection we can scarce expect to reach,
At intervals there may be some slight breach;

But on the whole, there's naught to be complained.

The chief cause of trouble is, indeed, found to rest with the very "masses who do grumble" about the ways of the lawyer. It is the iniquity of the average man which gives the occasion for the existence of this unjustly execrated member of society.

He gets affairs into an awful muss,
And with his fellow man he has a fuss;
They can't agree what their agreement was,
Each one declares he has a righteous cause,
That from the other's fault all trouble springs,
Himself an angel is, all but the wings.
He finds himself unequal to the task
And does assistance of the lawyer ask.

The value, both negative and positive, of a course of legal study, is pointed out. It is well that the positive claims are added, for the author's first recommendations suggest the "damning with faint praise," which one might sooner expect from the grumbling masses.

The greatest moralizer that I know,
Is through a course of legal study go.
It does not teach how others to deceive,
Or how the hearts of dear ones to aggrieve;
It deals with principles of right and wrong,
As they're applied to persons or the throng;
Expounds the trusts that in man's breast repose,
What duties to his fellow man he owes;
That all may live and let each other live,
Sound rules of right and just restraint does give.

The poem traces the development of law from its inception,

A simple rule,
Perhaps about some object for a stool,
Or 'bout the animals on which man preyed,
to the complex conditions of the present,
concerning which it does not fail to give
some sound advice. For instance:

Till married, lovers should this rule obey:
As to the property affairs of each,
No information should the other reach;
A strong and telling influence it yields,
Perhaps unconsciously thereto he yields
In course of time a canker it appears,
And brings unhappiness, divorce and tears.

The writer shows a gain in ease of versification towards the end of the poem, and the following lines show his highest reach, both in thought and form:

Let man accept the truth in modest way,
Accept his fate, be it whate'er it may;
For when he's dead,—his course of life is run,—
The earth will still revolve around the sun,
The planets in their circling orbs will shine,
And speed along the pulseless paths of time;
New systems form, the old grow still and cold,
New life appear, again return to mold,
And nature's law continue its control,
As time throughout eternity does roll.

The book may be obtained of The Comal Publishing Company for one dollar. It is, in our opinion, worth the price.

Counterclaims—A Question.

Gin an action meet an action
 Coming into court,
 One on contract, one in trespass,
 May we waive the tort?
 Ilka set-off's made a pet of,
 Tho' but a statute plea,
 And here's a braw code counterclaim,
 And what the waur is he?

—A. M.

Announcements.

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

The next issue of the Hornbook series will be Smith's Elementary Law, by Walter Denton Smith, of the Detroit Law School.

The American Digest Annual for 1894 is now in the hands of the printers, and will be ready for delivery to subscribers in October.

The National Citation Company announces as nearly ready King & Leonard's United States Supreme Court Citations and Conflicting Cases.

The Mills Publishing Company announces a new edition of Conklin & Bissell's Iowa Justice, which will cover the changes in the law down to date.

A new edition of the Minnesota Statutes goes into the hands of the printers the early part of this month. It is a new compilation, including all the general laws in force to date, with extensive annotations from the supreme court decisions.

Prof. J. B. Thayer's collection of cases on Constitutional Law, with notes, is to be published in four parts and bound in two volumes. Parts 1 and 2 are now ready, and have been bound up together. Part 3 will be ready about October 1st, and the final part, about January 1, 1895.

Houghton, Mifflin & Co. announce as in press a new two-volume work on the Law of Insurance, by Charles F. Beach, Jr., and a work upon the Principle of Equity and Equity Pleading, by Ellas Merwin, late of the Boston bar and professor in the Law School of Boston University.

Little, Brown & Co. announce for immediate publication the sixth American edition of

Daniell's Chancery Practice, edited by John M. Gould; the Law of Eminent Domain in the United States, by Carman F. Randolph; the Law of Persons and Personal Property, by the late Prof. T. W. Dwight.

The West Publishing Company will issue during September: Fitnam's Trial Procedure; Bliss on Code Pleading (third edition, by Prof. E. T. Johnson); Clark on Contracts; Smith's Elementary Law; Book 5 of the Federal Cases; Vol. 61 Federal Reporter; and Vol. 29 New York Supplement.

A "Chart of Criminal Procedure" is something new in law publications. That is one of the things announced by William Hodge & Co., of Glasgow. The chart covers the criminal procedure in the sheriff courts and high court of justiciary in Scotland, and is furnished in cloth, or mounted on canvas, with rollers.

J. W. Randolph & Co. announce as in press Eby's Citations to the Code of Virginia. The plan of the work is to follow the arrangement of the Code of Virginia, and show, under heads corresponding to the numbered section of the Code, the construction placed upon the section, in every case affecting the Code of 1887 decided by the court of appeals, the old general court, and the supreme court of the United States.

Matthew Bender announces a new series of collected cases, under the name of "American Electrical Cases." It is to include "all the important cases (excepting patent cases) decided in the state and federal courts of the United States on subjects relating to the telegraph, the telephone, electric light and power, and other practical uses of electricity." Vol. 1, covering the period from 1873 to Jan. 1, 1888, is now ready, and contains 155 cases. Vol. 2, covering three years only, is nearly ready.

Macmillan & Co. have in press a work on "The Architect, Owner, and Builder before the Law," by T. M. Clark, fellow of the American Institute of Architects, author of "Building Superintendence." The book is the work of a layman, whose experience in business, and as expert before the courts, has convinced him that the conduct of building cases and the management of building affairs might be assisted by a collection of modern precedents, looked at from the point of view of the building expert rather than that of the lawyer.

The London Law Gazette contains a notice of a forthcoming work by Dr. Liebermann,

dealing with the interpolations in the so-called laws of Edward the Confessor and of William I. These curious historical forgeries have been the occasion of much perplexity and the subject of many guesses. Dr. Liebermann's careful study enables him to fix, at least approximately, their date and motive, and his work will be valuable to constitutional historians, as well as interesting to antiquarians. It is a part of his preparative study for an exhaustive work upon Anglo-Saxon and Anglo-Norman laws and institutes.

Law Book Notes.

Several law school professors have already signified their intention to use Clark's Handbook on Contracts, although the book is not yet out.

The Carswell Company has issued a second edition of Edward Douglas Armour's Treatise on the Investigation of Titles to Real Estate in Ontario.

Hunter's Real-Property Statutes of Ontario, recently published by Carswell & Co., is spoken of in the highest terms by the Canadian law journals.

Messrs. Robt. Clarke & Co. have issued new editions of Glauque's Settlement of Decedent's Estates and Glauque's Manual for Guardians and Trustees.

Eric Blackwood Wright's work on the Law of Principal and Agent, published by Stevens & Sons, London, is mainly designed for the use of students preparing for their examination.

"Servants and Masters: The Law of Disputes, Rights, and Remedies in Plain Language, by a Barrister." is the title of an English work which has gone into a second edition.

The supplemental volume of Cumming's Cases on Corporations is now ready. The two volumes are bound together in one book, but the second volume will be supplied by itself, in pamphlet form, when desired.

The new edition of Bliss on Code Pleading, edited by Prof. E. F. Johnson, of Ann Arbor, will supply the lack of the earlier editions in the matter of forms. Prof. Johnson's notes bring the work down to date, and he has added a complete chapter on extraordinary remedies.

The Carswell Company, Toronto, has issued a neat catalogue of their legal publications, in which is included a list of the original leading articles written for the Canadian Law Times from 1881 to June, 1894. The list makes a showing of which the Times may justifiably be proud.

Kerly's Trade-Marks is reviewed in the August Law Notes (London) as the "book of the month." It treats of the definition of a trade-mark, registration of trade-marks, their assignment and devolution, the law and procedure of actions for infringement, the criminal law of false marks, etc.

The following books were issued last month from the press of the West Publishing Company: Abbott on Descent, Wills, and Administration; Shipman's Handbook of Common-Law Pleading; Vols. 1 and 2, Cummin's Cases on Corporations; Vol. 26 Southwestern Reporter; Vol. 36 Pacific Reporter; Vol. 8 C. C. A. Reports; and Book 4 Federal Cases.

Any one who may be contemplating taking out letters patent in England will find much useful information in Henry Cunyng-hame's new work on English Patent Practice. The book contains the acts, rules, forms, and precedents with which it is necessary to be familiar, and a large number of illustrations and diagrams which admirably supplement the text.

The sixth edition of Daniell's Chancery Practice, announced by Little, Brown & Co., has been edited by John M. Gould, author of Gould on Waters, etc. The editor has retained Judge Cooper's notes to the fifth edition, so far as now applicable, and has availed himself of the work on the sixth English edition, which has appeared in the meantime, and which incorporates the new English judicature act.

Dwight's Commentaries on the Law of Persons and Personal Property, just announced by Little, Brown & Co., is based, we understand, upon the lectures delivered by Prof. Theodore W. Dwight before the students of the Columbia Law School. They have been edited and put into their present form by Edward F. Dwight, of the New York bar. As indicated by the title given the book, the field covered is a wide one. The work is practically an introduction to municipal law.

The thirty-first volume of the "Statesman's Year Book" has been issued by Macmillan

& Co. It is a statistical and historical annual of the states of the world for the year 1894, and this edition has been revised, in most cases, by the governments of the various states included in the Year Book. All important changes that have taken place during the year have been registered, such as the French annexations in Siam and the various rearrangements that have taken place in Africa.

The Cincinnati Tribune says of the fourth edition of Glauque's Manual for Guardians and Trustees, recently issued by Robt. Clarke & Co.: "This book has stood the test of constant use, and has become well known to every practitioner of Ohio, by whom it is regarded as an invaluable tool of trade. Like all Mr. Glauque's books, it is thorough, accurate, and complete. Every phase of the law is carefully examined, and every point of practice considered. The book is a credit both to the author and to the publishers.

Among the recently issued Scottish law books there are new editions of Lorimer's Handbook of the Law of Scotland and Dewar's Liquor Laws for Scotland. Prof. Lorimer's Handbook has been long regarded as completely filling the ground it covers, and the sixth edition, which has just been prepared, brings it again down to date. Mr. Dewar is chief constable and procurator fiscal for the city of Dundee, and the fact that his work on the Scottish liquor (or licensing) laws has gone into a second edition proves its practical usefulness.

Carman F. Randolph, author of the Law of Eminent Domain in the United States, announced by Little, Brown & Co., is a member of the New Jersey bar, and the work upon which his name now appears is, we believe, his first extensive contribution to legal literature. It comprises an historical sketch, a comparative view of eminent domain in several countries, and a comparative view of eminent domain and kindred powers. The author's aim, as indicated in his preface, has been "to state as simply and clearly as possible the principles of the law, together with those cardinal rules of procedure which, once apprehended, will guide the practitioner through all the variations of local and transitory practice."

The Dossy Law-Book Company has issued a pocket edition of the New York Code of Civil Procedure, 1894, containing all the amendments down to date. It has been edited by Morris Cooper, and contains a transcript of the statutes with all the amendments to date, annotations of all important

cases, printed directly opposite the sections construed, the important citations, references to all sections of the New York consolidation act bearing upon the Code of Civil Procedure, and a full index. It is well printed, and bound with rounded corners. This is a standard edition of the Code, and probably the most satisfactory. The price is quoted at \$3.50. The amendments do not seem quite as numerous as they were last year.

Miscellaneous Notes.

The Canadian Law Times for August gives a critical review of the Ontario legislation for 1894.

The American Law Review has issued as a neat pamphlet the address of Leonard A. Jones on the Uniformity of Laws through National and Interstate Codification, delivered before the Virginia State Bar Association, 1894.

Prof. Austin Abbott has a paper in the July number of the University Law Review on the inconvenient condition of New York statutes, in which he gives a historical review of the revisions and additions which have formed, as he thinks, a progress in complexity at a geometrical ratio.

The report of the first annual meeting of the Territorial Bar Association of Utah, published by the association, gives in full the address of the president, J. G. Sutherland, a paper on The Codification of the Law, by Ogden Hiles, and a paper on The Use of the Writ of Injunction to Prevent Strikes, by Walter Murphy.

The American Lawyer for August gives the address of Judge J. G. Sutherland, president of the Territorial Bar Association of Utah, upon The Legal Family, delivered recently at the first annual meeting of the association. It also reprints from the Southern Magazine a very lively and interesting paper on Law and Lawyers, by Richard Devereux Doyle, which is well worth the reading.

The law students in Chicago have organized a Chicago Law Students' Association, one feature of which is to be the establishment of a series of lectures by prominent members of the profession, to which the members of the association are admitted free. The course was inaugurated by Justice Harlan, of the United States Supreme Court, with a lecture upon The Behring Sea Arbitration, delivered June 8th. Robert In-

gersoll and Chauncey M. Depew are among the lecturers secured for later dates.

The extent of the work accomplished by the National Reporter System as compared with the Reports is emphasized by the press comments upon the extensive labors of Norman L. Freeman in connection with the Illinois Reports. In the 31 years during which he filled the post of reporter of the supreme court of Illinois, he reported for publication some 7,000 cases, filling 120 volumes. The National System reports and places in the hands of its subscribers an equal number of recent decisions in the course of about four months.

The National Corporation Reporter, published in Chicago, has just completed its eighth volume. The announcement is made that with the beginning of volume 9 it will discontinue the publication of the Corporation Record of American Corporations, which has heretofore formed a feature of the paper. The reason given is that the list has been misused by many subscribers, who sell the information so obtained in competition with the United States Corporation Bureau, which makes a specialty of this work. The publication day of this excellent journal will hereafter be Thursday, instead of Saturday,—a change which will be an advantage to its numerous subscribers.

The Chicago Legal News has just completed its twenty-sixth volume. As a weekly legal paper, it occupies a field of its own. It gives important opinions from the Federal and Illinois courts, bar association proceedings, and local news and personals, and is characterized throughout by an air of maintaining confidential relations with its subscribers. We notice that in the issue of September 1st it makes the claim that it has published, entire, more of the opinions of the supreme court of the United States and of the federal district and circuit courts than any other weekly legal periodical. Has the editor forgotten the Supreme Court Reporter and the Federal Reporter, or doesn't he consider them weekly legal periodicals?

The extract given below from a circular recently promulgated by the Carswell Company may have a familiar sound to American readers, but it will also surprise some who have been accustomed to consider and speak of the English system of law reporting as perfection itself. It now appears that the appearance on the scene of a new and enterprising organization in competition with the "authorized" series has established some of the advantages which the National Re-

porter System in this country has long had over the State Reports: "We have to state in answer to inquiries as to the relative merits of The Reports compared with the older series that it is found for the months of January to June, inclusive, there are ninety-six important cases reported in 'The Reports' which are not in the 'Law Reports.' We are also pleased to report that the majority of the judges have already consented to revise their judgments for The Reports, thus making The Reports an authoritative presentment of the latest judicial decisions." Yet we understand that the editor of The Reports does not believe in the reporting of "every case," and there will doubtless still be room for some of the other reporting periodicals to show that they have "so many" important cases which are not in The Reports or the Law Reports.

The Scottish Law Review for August, in an account of the installation of Lord Russell in the office of chief justice of England, gives an interesting description of the "S. S. collar," which is worn by the chief justices of the king's bench and common pleas on ceremonial occasions. The collar is of gold, wrought into the form of capital S's, but the meaning of the symbol has been entirely forgotten in the mist of centuries. That fact does not in the least interfere with the solemn assumption of the collar by the new chief justice. Whether the S. S. means Senechallus, in memory of the time when the collar was worn by the adherents of the stewards of England, or is the initial of "Sovereine," the motto of the Lancastrian Henry while he was still Earl of Derby, or stands for St. Sulpicius, "a sanctified lawyer and senator of Rome," the collar is now an institution in a land where institutions are treated with respect. The privileged few who may wear it and the many who reverently watch them doing it see no incongruousness in wearing a symbol of which the significance has been forgotten, and would doubtless regard any suggestion to abolish the ceremony on that account as what might naturally be expected from a country which possesses no castles. The collar assumed by Lord Russell was originally made for Lord Cockburn, and was presented by his executors to Lord Coleridge, with the understanding that it should hereafter remain an office loom. This will make it impossible for future holders ever to leave the symbolical chain to their family, as Coke did, "that they might one day know they had a chief justice to their ancestor."

The Weekly Law Bulletin of August 20th gives Hon. James H. Hoyt's clever response to the toast, "Business and the Law," de-

livered at the banquet of the Ohio State Bar Association on July 19th. The speaker said:

"But there is one very great advantage which business men have over us members of the legal profession. They oblige us to bear many of their moral and other responsibilities. We do a lot of sinning for them, vicariously, as it were. It must be a great satisfaction to have one's lying artistically done for one by some one else, and, of course, it does not seem half as wicked as if one does it one's self. When the conduct of a client brings him into court, or, indeed, even before the bar of public opinion, it must be a tremendous relief to be able to plead that he has acted throughout under the advice of eminent counsel. It has been said, you know, that a physician is better off than a lawyer, because, while a lawyer's mistakes keep constantly coming up to annoy him, the physician comfortably buries his six feet under ground, and so is sure not to be disturbed by them, at any rate until Gabriel blows his horn. But, unfortunately, the lawyer is not only plagued by his own mistakes,—he is constantly bothered by mistakes of clients as well. Think how his imagination must be strained and his inventive faculties wearied by being obliged to satisfy the court or jury that his client has acted from the loftiest and most disinterested motives only, and that, if he erred at all, he has done so out of pure benevolence. All the client has to do is simply to sit by and look saintly. It is probably true, as Thackeray quotes us, that 'No one is a hero to his valet.'

"It is certainly true that, in public, at any rate, every client is an angel to his lawyer."

The National Corporation Reporter for September 1st says:

English Law Journals differ radically from their American contemporaries. They are filled with personal notices of the doings and sayings of judges and lawyers. They lack the more serious discussions of American journals. The following "clip" shows what we mean and the way they do it: "Sir Henry James, Q. C., M. P., will entertain about half of the members of the royal courts of justice staff and some of the police engaged at the law courts at dinner and at tea at his seat, Shoreham Place, to-day. The Lord Chancellor is expected to be present on the occasion."

This is subtly gratifying to our national amour propre, and, with a complacent satisfaction that we are not as these Britishers are, we run through pages of the next journal in our mail, the Chicago Legal News, published in the National Corporation Reporter's own city, and this is what we come upon on the editorial page, as illustrative of our national freedom from personalities:

A Trip to Green Lake—The Train Held Up.

Last Saturday afternoon, we took our gripsack, and, in company with Mr. Helmer, of Smith, Helmer & Moulton, left the Legal News

office, and started for Green lake, to see our Junior, and granddaughter Myra, who have been spending the summer there. We arrived at Milwaukee over the Northwestern Railroad in two hours; but when we reached Fond du Lac, on time, at 7:15, the train was held up for an hour and forty-five minutes,—not by strikers, not by robbers, but by the inefficient managers of the roads. It was claimed that the train was held to take in tow a car from some crossroad that had not arrived. To keep a train loaded with passengers, at that time of night, without their suppers, for nearly two hours, with their friends waiting for them with carriages at the depots on the road beyond, was unreasonable, and should not go unnoticed. The railroad is clearly liable to each passenger for damages. We arrived at Green lake one hour and forty-five minutes late. We found Mrs. Helmer and little Myra in the best of health and spirits. Their two months' stay at Green lake has had a very marked effect upon their complexion.

The Juridical Review (Vol. 6, p. 197) contains an article on the French senate and its constitutional function, by M. Paul Robiquet, Avocat au Conseil d'Etat et à la Cour de Cassation. It has been written in view of the movement by Naquet and others for a revision of the constitutional laws of France, and for the election of senators by universal suffrage, or through delegates elected on that suffrage. It points out how the French second chamber differs from the different types of the European second chambers,—independent of the executive; unlike such body during the French monarchy under the Restoration, or that of the Portuguese monarchy since the charter of 1826, revised in 1852; free from the hereditary principle of the English house of lords, or of the similar chambers of Bavaria and Austria; differing from the Swiss and Baden bodies, which are constituted partly by heredity, partly by election, and partly by nomination of the executive, and from that of Italy, where the king nominates the senators in certain classes; differing, also, from the bodies in Holland, Belgium, and Denmark, where the election is more or less direct. The appointments to the French senate are then described, being by two bodies: (1) Electors in their own right,—parliamentary deputies, members of the general councils (departement), and district councils (arrondissement); (2) electors chosen by the municipal councils (commune). A certain number of life senators are also chosen. The article reviews briefly the various efforts to establish or to modify the constitutional law governing the senate, from the law of February 24, 1875, down to the present, and contends that by reason of the superior character of the men sent to the senate, and of the boldness with which they maintain the republican principle, they are the strongest support of the constitution and the surest defense of republican order. The firmness with which the Boulangist disturbance was met, and the fidelity to the constitution which led the senate to

exercise its constitutional function created by article 9 of the constitution of 1875, and to resolve itself into a high court of justice for the purpose of inquiring into the attacks on the safety of the state, are also dwelt on as illustrative of the senate's stand against reaction.

Of Collateral Interest.

The Roxburghe Press has issued a daintily-bound edition of "The Law and Lawyers of Pickwick," a lecture delivered by Frank Lockwood, Q. C., M. P. It contains a sketch of Serjeant Buzfuz by Mr. Lockwood, and a report of the proceedings of the meeting where the lecture was given.

The question of the extent and the extension of the Foreign Powers and Jurisdiction of the British Crown is one in which the whole civilized world is more or less interested. It is ably treated from the legal (and British) standpoint by William Edward Hall, in a treatise recently issued by the Oxford Press.

F. B. Vandegrift & Co., customhouse brokers of New York City, prepared and published a copy of the new tariff bill in the day it became a law. The book gives the new digest of 15,000 articles, together with the full bill, including income tax and internal revenue forms, administrative act of 1890, a full list of articles on which drawback wastage has been allowed, and general rules regarding importations.

We learn from the Publishers' Weekly that Ginn & Co. have in press a work by Julius H. Seelye, late president of Amherst College, entitled "Citizenship: A Book for Classes in Government and Law." It lays down, in the first place, the general foundation of all government, and then sets forth the general principles of both international and national law, under national law, especially confining itself to the public and private law of the United States of America. The discussion is throughout very compact, but at the same time clear and comprehensive.

Prof. Goudy, in his inaugural lecture at Oxford upon "The Fate of Roman Law North and South of the Tweed," takes the view that the Saxons, on coming into Britain, largely adopted the system of Roman law and institutions which they found established in the country. In this he agrees with other modern investigators, differing with the older writers, who held that the Roman institutions in England were so utterly destroyed

by the invaders as practically to leave no trace. The lecture (which has been published by Henry Frowde, London,) may be followed by a more extended study of the same subject.

The Canadian Law Times, discussing the constitutional aspect of the railway strike in the United States, finds it a serious defect in the American constitution that it was necessary to resort to the legal fiction that the mail service was interfered with, in order to establish the authority of the federal government to interfere, and says that "in Canada, on the contrary, the dominion parliament has jurisdiction to make laws for the peace, order, and good government of Canada; and may interfere, when necessary to maintain order, on that ground alone." Well, we may like to tinker with our constitution here and there as we grow bigger, but, take it all in all, we believe in it yet.

The address delivered by Hon. Tracy C. Becker to the graduates of the Albany Law School last June, which was published in the Albany Law Journal of June 23d, has attracted favorable comment from the English law journals, particularly that portion embodying his counsel to the profession to "die poor." The London Law Times asks, "Why do we never hear anything like this from any English judge or lawyer?" and Law Notes adds: "Why, indeed? Such a speech is quite as applicable here as on the other side of the Atlantic. To wish to live rich seems natural enough, but where can be the good of dying rich? We take it to be a man's duty to spend his income, after he has put away a sufficiency for his wife and children and others whom he has a moral duty to support."

"Sober by Act of Parliament" is the title of a book by Fred. A. McKenzie, published by Swan, Sonnenschein & Co., London. The Publishers' Circular says of it: "Can legislation aid us in extirpating inebriety? and, if so, in what way and to what extent? are the questions which the writer of this book sets himself carefully to answer, so far as is possible, by a statement of the actual results obtained from liquor laws in various parts of the world. Mr. McKenzie has given us a very useful account of what is done in America, in the colonies, and on the continent, with regard to the control of the liquor traffic, and has followed this up with a history of what has been and is in England, with suggestion as to the lines on which reform may best be carried. The book is a really valuable contribution on one of the most important subjects which vex the social re-

formers of the day. It should be in the hands of all temperance advocates and others interested in this great question."

The address delivered last June by Hon. William H. Taft to the graduating class of the Law Department of the University of Michigan has been printed by the university, and published as a neat pamphlet. Judge Taft took as his theme the "Security of Private Property," and treated it with the vigorous clearness which characterizes his public utterances. Speaking of the "quack remedies for hard times that are so fascinating to the human imagination and so pernicious in their effects," he says: "They are based principally on the proposition that the government is all powerful to give every one a living because it has an inexhaustible supply of wealth to draw from, that it can create wealth by stamping as money what was before worthless, and that it is its duty to distribute it, when so created, among the people. They forget that the state is but an aggregation of many men, and that it cannot use a cent which it does not take from the men who compose it. They seek to avoid the simple truth that there is nothing good to be enjoyed for which labor has not been expended." The address is a succinct and judicial statement, which goes to the fundamental principles of the subject.

The American Law Review for July-August, 1894, contains a review of Cogley on Strikes, in connection with which it gives a very clear and vigorous review, from the legal standpoint, of the course of the Pullman strike and its significance. It closes with the following paragraph: "Moreover, there is an economical law running through every strike which is as plain as addition and subtraction, although not one per cent. of the people, and especially of the agricultural classes, seem capable of understanding it. That law is that the strike of one class of producers is a strike against every class that consumes what they produce. The farmers applaud every railway strike with frenzy, and yet, strictly speaking, every railway strike is a strike directly against the farmers. Every successful strike raises wages; every increase of wages increases the cost of production; every increase in the cost of production enhances the price of the thing produced, and obliges the consumer of it to pay that much more. Every railroad strike increases the cost of transportation, and this increase of cost is levied upon everything that the farmer sells and everything that he buys,—upon the products of his farm transported from him, and upon other products transported to him; and yet he dances with delight while the

orgie is going on, and then pays the price of it, and blames the corporation because he has to do so."

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 DILL. MUN. CORP. (4th Ed.) Vol. 1, § 468, page 548, note 1, the case of Attorney General vs. Detroit, 41 Mich. 224, is cited to the proposition that "the lowest responsible bidder, who has the lawful power to perform his undertaking, has the absolute legal right to have the contract awarded him." The case cited has not the remotest reference to the question discussed in the text. This is not the worst of it. The author, in the same note, refers to sec. 917 of his second volume, for the "remedy of the lowest bidder when the contract is awarded to another;" and sec. 917 makes no reference to the lowest bidder or his remedy. Worse still, the author, in the same note, refers to the case of Kelly v. Chicago, 62 Ill. 279, as pointing out the "remedy of the lowest bidder" for the infraction of his "absolute legal right to have the contract awarded him;" but the case of Kelly v. Chicago holds that the lowest bidder has no such right, and denies his petition to have the contract awarded to him. In the same note, the case of Fulton v. Lincoln, 9 Neb. 358 (2 N. W. 724), is referred to as deciding that "the council of a city * * * have no power to contract for the grading of a street * * * except such contract be let to the lowest bidder, after publication of notice and fair competition." The proposition stated in that general way, without qualification or reference to charter provisions on the subject, is, perhaps, absurd enough not to be misleading. The case of Fulton v. Lincoln, referred to, of course holds no such doctrine. In fact, that case does not touch upon the questions of lowest or highest bidder, or competition, or anything of the sort; and, while the proposition that contracts must be let to the lowest bidder when the municipal charter so provides would be sound, the court could and would not have held that to be the rule in the Fulton Case, if the question had been considered in that case, because the charter provisions of the city of Lincoln quoted in that case did not require the contract to be awarded to the lowest bidder, but only provided that an estimate of the cost should be made by the city engineer, and that "no contract shall be entered into for any work or improvement for a price exceeding such estimate." I am examining, in a case in

which I am employed, the question which Judge Dillon seems to have thought he was discussing in his book; and he has led me into a "wild-goose chase," for two hours, trying to find some comfort from his authorities, with the foregoing result. I have examined all the authorities cited by Judge Dillon, and the only one that deals with the question is the case of *Kelly v. Chicago*, and that is opposed to the rule as stated by him. There are, however, cases which sustain him, but he has not cited them. *State v. Commissioners*, 39 Ohio St. 188, is such a case, and a very strong one in point.

—T. C. Ryan.

Wausau, Wis.

Personal.

An excellent portrait of Lord Russell is given in the July number of the *Judicial Review*. It shows a smooth face, with heavy features, and an expression rather saturnine and set. There is no lack of firmness, even though some traces of irascibility be mingled with it.

Dr. C. Ellis Stevens, author of "Sources of the Constitution of the United States," has been decorated a "Knight of the Order of Isabella the Catholic," by the queen regent of Spain, in recognition of the value of his book as a contribution to the science of constitutional law.

Judge R. M. Benjamin, of Bloomington, Ill., has written a paper, relative to the coal strikes, on the question, "Shall the Government Limit the Power to Cut Wages?" which discusses the matter from the legal standpoint. It appeared in the *Daily Pantagraph*, and has been reprinted in leaflet form for distribution.

Francis H. Underwood, United States consul at Leith, Scotland, who died on August 7th, was at one time a member of the Kentucky bar, and for 11 years he served as clerk of the superior court in Boston. He is, however, best remembered by his lectures on literary subjects, and by his published works, *Handbooks of American and English Literature*, *Lord of Himself*, *Man Proposes*, etc.

Rowland E. Prothero, M. A., author of the recently published *Life and Correspondence of Arthur Penrhyn Stanley*, is a barrister at law, and late fellow of All Souls' College, Oxford. The *Boston Herald* says of his work that "it passes at once into the list of the few great biographies of modern times, and con-

tains indispensable materials for the writing of the history of the Church of England."

Norman L. Freeman, since 1863 the reporter of the supreme court of Illinois, died at Springfield, August 23, 1894. Mr. Freeman's name has been upon the title-page of 120 volumes of Illinois Reports, and his work has certainly secured him that fame which consists in being well and widely known. The *National Corporation Reporter* gives the following discriminating notice of him: "Mr. Freeman was a native of Caledonia, N. Y., born May 9, 1823. He was a faithful attendant of the supreme court sessions, and enjoyed the respect and confidence of the judges. His work as a reporter was in the main painstaking, but it met with the severe criticism of many members of the bar, and there will always be a divided opinion as to his capacity as a reporter. His syllabi were too long, and he did not sufficiently distinguish the points of the decision from the dictum. Those who enjoyed the intimacy of his acquaintance have always spoken kindly of Mr. Freeman, and he was a general favorite with the members of the bar. His public life was mainly devoted to his work as a reporter of the supreme court of this state."

Correspondence.

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

Wausau, Wis., August 29th, 1894.

Editors *Law Book News*: Personal experience has enabled me to fully appreciate the obligation due from the legal profession to H. Campbell Black for his notes upon certain questions of taxation, appended to the report of *Read v. Dingess*, 8 C. C. A. 389. I refer especially to the last note, commencing upon page 401, under the heading "Forfeiture—Constitutionality." In the case of *Baldwin v. Ely*, decided in 66 Wis. 171, I was, as counsel in that case, confronted with the question of the application to taxation of the common-law rule requiring an inquest of office to perfect a forfeiture to the crown. The difficulty I had in that case in finding most of the authorities cited by Mr. Black in his note, and the fact that after all I did not find some of them, enables me to understand the value of his work, and the exhaustive character of his research. It is, therefore, not in any spirit of unkindly criticism that I venture to suggest some qualification of what Mr. Black seems to regard as the effect of the principle that the citizen has the right "to be duly heard in his own defense, before some authority or tribunal competent to grant relief, before his property is taken absolutely and irrevocably for his default;" and which

principle Mr. Black submits he has shown to be sustained by "the balance of authority." It seems to me that the principle referred to by the learned annotator may be conceded not only to be sustained by "the balance of authority," but by all the authority; and, yet, that it in no way conflicts with the proposition that the lands of a tax delinquent may be forfeited to the state without "office found," and without any proceeding in its nature or effect equivalent to inquest of office. If the able opinion of Justice Cassoday in the case of *Baldwin v. Ely*, above referred to, and the authorities cited by him, are examined, one cannot help being convinced that, when forfeiture of land occurs under tax proceedings, the true question is not whether the proceedings disclose anything in the nature of an inquest of office, but whether they disclose that the forfeiture has taken place through due process of law; and that if the landowner has had notice of the tax proceeding, and the courts are open for him to contest their validity between the initiation of the tax proceeding and its culmination by forfeiture, then there has been due process of law; and that notice by statute is sufficient notice. I will say, further, that the quotation from *Cooley on Taxation*, with which Mr. Black closes his note, should be read in the light of what the same author says upon page 317 of the same book. Also, see Judge *Cooley's* note on said page 317, where he refers to the case of *Crane v. Reeder*, 25 Mich. 303, and says: "In that case *Campbell, J.*, discusses at length the question of the necessity of inquest of office, and concludes that it is not necessary." (The opinion of *Campbell, J.*, is not in the published volume of reports, and the question of the necessity of inquest of office is not directly involved in the case, nor is it referred to in the published opinion.) It should also be noticed that the decision in *Griffin v. Nixon*, 38 Miss. 414, cited in Mr. Black's note, was by a divided court, and that the dissenting opinion of *Handy, J.*, is an exceedingly able document,—one of those dissenting opinions which carries conviction, and destroys the effect of the principal opinion as an authority. I think a careful examination of the authorities cited by Mr. Black, and of the additional authority of the case of *Baldwin v. Ely*, and the citations therein contained, will convince a lawyer that, while the owner's right is undoubted, to be heard before his land is forfeited, in a tax proceeding, yet if he has that right, and may avail himself of it by becoming a plaintiff in a suit to set aside or enjoin the tax proceeding, he loses the right by not availing himself of his remedy; and that it is not at all necessary for the state or its taxing officers to force upon him his "day in court" by bringing a suit, or anything in the nature of a suit, against him, further than what may

be involved of a judicial nature in the initiatory step commonly called "assessment."

T. C. Ryan.

Reply by Mr. Black.

It was not at all my intention, in the note of which Mr. Ryan makes such courteous mention, to be understood as saying that a common-law inquest of office, or any similar proceeding, was necessary as a step in the proceedings for the forfeiture of land for nonpayment of taxes. Indeed, the whole purpose of the entire annotation was to show that due process of law in revenue proceedings does not always require the intervention of a jury, or even any strictly judicial proceeding. Perhaps this might have been more explicitly stated in the section to which reference is made. But I did not think the generality of the language in which my final conclusion was phrased would make it misleading. But if Mr. Ryan means that land may constitutionally be forfeited to the state, for nonpayment of taxes, in such a manner that the state shall take an absolute, indefeasible, and unquestionable title, by the mere action of some administrative officer, acting in pursuance of a statute, and without any opportunity to the owner to contest the forfeiture, other than such as may be afforded to him by the fact that the courts will listen to his application for an injunction, and that this result may be accomplished even in cases where the tax was levied for an unlawful purpose, or where the land was never liable for it, or where the tax has been in fact already paid, then I can by no means assent to his proposition. It seems clear to me that "due process of law," in such a case, requires that opportunity to contest the claim of the state should be afforded to the landowner, not in any collateral or ancillary proceeding, but in the very course of the process which is designed to culminate in the forfeiture. This might be done (and I believe in some states it is done) by allowing a hearing before a board of commissioners, empowered to entertain any defenses going to the substantial merits of the tax itself, or to the justice of the particular claim. Neither a regular inquisition nor a jury is imperatively required. But, without some such hearing and chance for defense, I cannot think the requirements of the constitution are satisfied. And, after collating the passages from *Cooley on Taxation* mentioned by my critic, I am of opinion that that learned author holds the same views. Notwithstanding the opinion in *Baldwin v. Ely*, and the very able comments of Mr. Ryan, I shall abide by the opinion that the "balance of authority" sustains the views expressed in my note and in this communication.

H. Campbell Black.

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, Nathan. A selection of authorities on descent, wills, and administration. Text, cases, and statutes. St. Paul: West Pub. Co. 1894. 15+752 pages. \$7.50.

Carlisle Table of Mortality.

See "Giauque & McClure's Tables."

Common-Law Pleading.

See "Shipman's Handbook."

CONKLIN & BISSELL. Iowa Justice. 2d Ed. Des Moines: Mills Pub. Co. 1894. \$7.50.

Conveyancing.

See "Key & Elphinstone's Compendium of Precedents (Eng.)."

Crimes and Punishment.

See "Minor's Exposition of the Law of Crimes and Punishment."

CUMMING, G. M. Cases on private corporations, arranged for use as a text-book. V. 2. Supplementary cases. St. Paul: West Pub. Co. 1894. 7+258 pages. Brochure binding, \$3. Vols. 1 and 2, \$7.50, sheep.

English Law.

See "Healey's Law and Practice Relating to Joint-Stock Companies;" "Key & Elphinstone's Compendium of Precedents in Conveyancing;" "Lely's Chitty's Statutes of Practical Utility;" "Tyser's Losses under a Policy of Marine Insurance;" "White's Constitution and Government of Solicitors;" "Wright's Principal and Agent."

Executors.

See "Ohio Manual of Practice in Probate Courts;" "Abbott on Descent, Wills, and Administration."

GIAUQUE, Florian. A manual for guardians and trustees of minors, insane persons, imbeciles, idiots, drunkards, and for guardians ad litem, resident and nonresident, affected by the laws of Ohio, with forms, notes of decisions, and practical suggestions. 4th Ed. Cincinnati: Robert Clarke & Co. 1894. 7+380 pages. Cloth, \$2.50.

GIAUQUE, Florian. A manual for road supervisors in Ohio, containing the provisions

of law relating to the duties of these officers; with notes of decisions, numerous forms, and practical suggestions. 4th Ed., revised. Cincinnati: Robert Clarke & Co. 1894. 4+45 pages. Limp cloth, 15c.

GIAUQUE, Florian, and McClure, H. B., compilers. Tables for ascertaining the present value of vested and contingent rights, dower, curtesy, annuities, and of other life estates, damages for death or injury by wrongful act, negligence, or default, based chiefly upon the Carlisle table of mortality. Cincinnati: Robert Clarke & Co. 1894. 8+200 pages. \$3, net.

Guardians and Trustees.

See "Giauque's Manual for Guardians and Trustees (Ohio);" "Ohio Manual of Practice in Probate Courts."

HEALEY, C. E. H. C., Wheeler, P. F., and Burney, C. A treatise on the law and practice relating to joint-stock companies. 1862-1890. 3d and enlarged Ed. London: Sweet. 40s.

Hornbook Series.

See "Shipman on Common-Law Pleading."

Iowa.

See "Conklin & Bissell's Iowa Justice."

Iowa.

See "Kindred's Compilation of the Laws and Legal Forms;" "Wilson's Legal Status of Women in Iowa."

Joint-Stock Companies.

See "Healey's Law and Practice relating to Joint-Stock Companies (Eng.)."

JONES, Jas., and Binmore, H. General legal forms and precedents, for ordinary use, and with explanatory changes adapted to special cases; also, clerks' entries in law and chancery, and mercantile forms of every character. Chicago: E. B. Myers & Co. 1894. 4+929 pages. \$6.

KEIGWIN, C. A. Notes on the rules of practice prescribed for public land cases in the department of the Interior. Washington: C. A. Keigwin. 1894. 161 pages. Sheep, \$2.50; half sheep, \$2; paper, \$1.50.

KEY & ELPHINSTONE'S compendium of precedents in conveyancing. 4th Ed., by T. Key, assisted by C. Herbert Brown. 2 vols. London: Sweet & Maxwell. 84s.

KINDRED, E. G. Compilation of the laws and legal forms of Iowa, for the convenience of farmers, mechanics, merchants, bankers, and lawyers. Business manual. Corning: Weed & Widner. 1894. 148 pages. Paper, \$1.

Legal Directories.

See "Middleton's Names of Attorneys Practicing before the United States Patent Office."

Legal Forms.

See "Jones & Binmore's General Legal Forms;" "Kindred's Compilation of Laws and Legal Forms (Iowa);" "Thompson's Magistrate's Manual (W. Va.)."

LELY, J. M. Chitty's statutes of practical utility, from the earliest times to the date of publication, with notes and indexes, alphabetically arranged. Vol. 1. London: Sweet & Maxwell. 21s.

LOCKWOOD, F. The law and lawyers of Pickwick. A lecture, with an original drawing of Mr. Serjeant Buzfuz. 110 pages. London: Roxburghe Press. 1s. 6d.; sewed, 1s., net.

Marine Insurance.

See "Tyser's Losses under a Policy of Marine Insurance (Eng.)."

MIDDLETON, Virginia W., compiler. Names and addresses of attorneys practicing before the United States patent office, Washington, D. C. Washington: V. W. Middleton, Model Hall, United States Patent Office. 1894. 37 pages. Paper, \$1.50.

MINOR, J. B. Exposition of the law of crimes and punishment. Charlottesville, Va.: Anderson Bros. 1894. 17+35 pages. \$3.50.

Ohio.

See "Giauque's Manual for Guardians and Trustees;" "Giauque's Road Supervisors."

Patent Laws.

See "Simonds' Condensed Treatise on the Law of Patents."

OHIO. A manual of practice in probate courts, in matters relating to executors, administrators, guardians, and trustees, and assignees in assignments. Springfield: The Barrett Pub. Co. 1894. \$5.

Personal Property.

See "Williston's Selection of Cases in Sales of Personal Property."

Pickwick.

See "Lockwood's Law and Lawyers of Pickwick."

Practice and Procedure.

See "Kelgwin's Notes on Rules of Practice Prescribed for Public Land Cases;" "Vasey's Law and Practice as to Summary Judgments in the Supreme and County Courts (Australia)."

Principal and Agent.

See "Wright's Law of Principal and Agent (Eng.)."

Private Corporations.

See "Cumming's Cases, Supplementary Volume."

Road Laws.

See "Giauque's Road Supervisors (Ohio);" "Spalding's Text-Book on Roads and Pavements."

SHIPMAN, Benjamin J. Handbook of common-law pleading. St. Paul: West Pub. Co. 1894. 12+370 pages. \$3.75, del'd.

SIMONDS, W. E. A condensed treatise on the law of patents for useful inventions. New York: W. E. Simonds. 1893. 96 pages. Paper, gratis.

Solicitors.

See "White's Constitution and Government of Solicitors (Eng.)."

SPALDING, F. P. A text-book on roads and pavements. New York: J. Wiley & Sons. 1894. 8+213 pages. Cloth, \$2.

THOMPSON, Marcellus M. A magistrate's manual (2d revised Ed.), containing 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, notices, depositions, wills, etc. Clarksburg: M. M. Thompson. 1894. 3 l. 112 pages. Half sheep, \$1.25.

TYSER, C. R. The law relating to losses under a policy of marine insurance. London: Stevens & Sons. 10s. 6d.

VASEY, G. B. The law and practice as to summary judgment in the supreme and county courts. Melbourne, Australia: McCarron, Bird & Co. 1894. 10s. 6d.

West Virginia.

See "Thompson's Magistrate's Manual."

WHITE, A. M. A treatise on the constitution and government of solicitors, their rights and duties. London: Sonnenschein. 12s.

WILLISTON, S. A selection of cases on the law of sales of personal property. Cambridge, Mass.: The Harvard Law Review Pub. Ass'n. 1894. 10+1020 pages. Cloth, \$6.

Wills.

See "Abbott on Descent, Wills, and Administration."

WILSON, Jennie L., compiler. Legal status of women in Iowa. Des Moines: Jennie L. Wilson, 723 Equitable Building. 1894. 83 pages. \$1.50.

Women.

See "Wilson's Legal Status of Women in Iowa."

WRIGHT, Eric Blackwood. The law of principal and agent. London: Stevens & Sons. 1894. 18s.

Reports.

AMERICAN AND ENGLISH RAILROAD CASES. V. 57. A collection of all the railroad cases in the courts of last resort in America and England. Edited by W. M. McKinney. Northport, N. Y.: E. Thompson Co. 1894. 7+745 pages. \$4.50.

AMERICAN STATE REPORTS. V. 37; containing 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. San Francisco: Bancroft-Whitney Co. 1894. 1011 pages. \$4.

ENGLISH REPORTS. Reports of cases in bankruptcy and companies winding up, decided in the high court of justice, the court of appeal, and the house of lords. E. Manson, reporter. London: Sweet & Maxwell. 1894. 155 pages. 5s.

ENGLISH RULING CASES, with American notes. By Irving Browne. V. 1. Boston: Little, Brown & Co. 1894. 800 pages. \$5.50.

FEDERAL CASES. Book 4; comprising cases argued and determined in the circuit and district courts of the United States from the earliest time to the beginning of the Federal Reporter, arranged alphabetically by the titles of the cases, and numbered consecutively. Bragg-Campbell, Cases No. 1,790-2,374. St. Paul: West Pub. Co. 1894. 1239 pages. \$10. (Subscriptions taken only to set.)

ILLINOIS appellate court reports. V. 51. Cases decided. Submitted at the February term, 1893, of the fourth district, and at the March and October terms, 1893, of the first district. Martin L. Newell, reporter. Chicago: Callaghan & Co. 1894. 712 pages. \$3.50.

MINNESOTA REPORTS. V. 54. Cases argued and determined in the supreme court of Minnesota, June-Oct., 1893. Chas. C. Willson, reporter. St. Paul: West Pub. Co. 1894. 16+595 pages. \$2.

MISSOURI supreme court reports. V. 118. Cases determined. F. M. Brown, reporter. Columbia: E. W. Stephens. 1894. 18+750:3 pages. \$3.

NEW JERSEY court of chancery, prerogative court, and court of errors and appeals reports. Vols. 2-5 (New Jersey Equity Reports, vols. 47-50). 1890-1893. S. Meredith Dickinson, reporter. Jersey City: F. D. Linn & Co. 1891-1894. \$3.50.

NEW JERSEY supreme court and court of errors and appeals reports. Garret D. W. Vroom, reporter. Vols. 23-25 (New Jersey Law Reports, vols. 52-54). 1889-1892. Jersey City: F. D. Linn & Co. 1891-1894. \$3.50.

NEW YORK STATE REPORTER. V. 58; containing all the current decisions of the courts of record of New York state, etc. Edited by W. H. Silvernall, with index and table of cases reported, cited, affirmed, and reversed in this volume. Albany: W. C. Little & Co. 1894. 37+925 pages. \$4.

OHIO supreme court reports. V. 50. Levi J. Burgess, reporter. N. S. Jan. term, 1893. Norwalk: The Laning Printing Co. 1894. 23+771 pages. \$2.50.

PACIFIC REPORTER. V. 36; 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 Ed. April 12-July 19, 1894. St. Paul: West Pub. Co. 20+1174 pages. (National Reporter System.) \$5.

SOUTH DAKOTA supreme court reports. V. 2. Decisions of March 19, 1891-April 5, 1892; with notes, references, and index. Robert W. Stewart, state reporter. Pierre: Carter Pub. Co. 1894. 22+706 pages. \$2.75.

SOUTHWESTERN REPORTER. V. 26; 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 court of civil appeals of Texas. Permanent Ed. May 14-July 9, 1894. St. Paul: West Pub. Co. 1894. 16+1185 pages. (National Reporter System.) \$5.

UNITED STATES circuit courts of appeals reports. V. 8; containing the cases determined in all the circuits from the organization of the courts; fully reported, with annotations. St. Paul: West Pub. Co. 1894. 30+748 pages. \$3.35, del'd.

UNITED STATES supreme court reports. V. 153. Oct. term, 1893. J. C. Bancroft Davis, reporter. New York and Albany: Banks & Bros. 1894. 19+725 pages. \$2.

UNITED STATES supreme court reports. V. 154. Oct. term, 1893. J. C. Bancroft Davis, reporter. New York and Albany: Banks & Bros. 1894. 18+709 pages. \$2.50.

Statutes, Codes, and Laws.

MICHIGAN. Annotations supplemental to Howell's Annotated Statutes. By W. W. Irwin. Grand Rapids, Mich.: W. W. Irwin. 1894. 117 pages. Sheep, \$5.

NEW YORK. Code of Civil Procedure, carefully annotated to June 1, 1894, and fully indexed. Complete in 1 vol. Chapters 1-23, as enacted and amended to June 1, 1894, together with the repealing acts, table of corresponding actions, and a supplement containing notes and references to all decisions down to June 1, 1894. 19th Ed. Albany: H. B. Parsons. 1894. 8+540+764+83+15-60+749-931 pages. (Parsons' Complete Annotated Pocket Code). Im. mor., \$3.50.

NEW YORK. Code of election laws embracing the general election law of 1892, with amendments of 1893 and 1894, the legislative and congressional apportionment laws of 1892, the constitutional amendment law of 1893, the New York city appointment of inspectors of election law of 1892, the town meeting ballot law of 1892, the elective franchise criminal law of 1892, as amended in 1893 and 1894, and the Brooklyn registry law of 1891, and full index to provisions and forms relating to the duties and liabilities of inspectors, ballot clerks, poll clerks, and registrars; with annotations, forms, instructions, and full index, etc. By W. H. Silvernail. New York and Albany: Banks & Bros. 1894. 166 pages. Paper, 50c; half sheep, 75c.

NEW YORK. Game laws. An act for the protection, preservation, and propagation of birds, fish, and wild animals in the state of New York and the different counties thereof. Complete with index and acts of supervisors. Chapter 448, Laws 1892, with amendments, 1894. New York and Albany: Banks & Bros. 1894. 96+53-62 pages. Paper, 50c.

NEW YORK. Laws passed at the 117th session of the legislature, begun Jan. 2, 1894, and ended April 27, 1894, in the city of Albany. Albany: Jas. B. Lyon. 1894. 2 vols. 8+1070+94; 8+1071-1996+94 pages. \$6.

NEW YORK. Statutory revision of the laws affecting banks, banking, and trust companies, enacted in 1892, and amended in 1893 and 1894; comprising the banking law, the general corporation law and stock corporation law complete, as amended, the statutory construction law, general amend-

ments to bank and tax laws, and Penal Code provisions applicable. Indexed. Prepared by Andrew Hamilton. New York and Albany: Banks & Bros. 1894. 48+88+113+15+18 pages. Paper, \$1.50; half sheep, \$2.

NEW YORK. Statutory revision of the laws affecting insurance companies, passed in 1892, and amended in 1893 and 1894; containing statutory revision insurance law, statutory construction law, general corporation law, and stock corporation law as amended, general amendments to insurance and tax laws. Provisions of Penal Code applicable. Indexed. Prepared by Andrew Hamilton. New York and Albany: Banks & Bros. 1894. 48+88+162+15+25 pages. Paper, \$1.50; half sheep, \$2.

NEW YORK. Statutory revision of the laws affecting miscellaneous corporations, enacted in 1892, including the business corporation 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, with the transportation corporation act of 1890 and Penal Code provisions. Indexed, with amendments of 1894. Prepared by Andrew Hamilton. New York and Albany: Banks & Bros. 1894. 48+88+22+69+15+6+20 pages. Paper, \$1.50; half sheep, \$2.

NEW YORK. Statutory revision of the laws affecting railroads, enacted in 1892, and amended in 1893 and 1894, including the general railroad law, the general corporation law and stock corporation law, transportation corporation law, complete as amended, the statutory construction law, and general amendments to railroad and tax laws of 1892, the condemnation law and law for sale of corporate real property of 1890. Penal Code provisions. Indexed. Prepared by Andrew Hamilton. New York and Albany: Banks & Bros. 1894. 48+88+86+60+26+15+39+26 pages. \$1.50.

NEW YORK. The excise law as enacted by the legislature of 1892, and supplementary acts of 1894, with index. New York and Albany: Banks & Bros. 1894. 49 pages. Paper, 25c.

NEW YORK. The military code of the state, enacted May 4, 1893, amended May 3, 1894, 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. 1894. 154 pages. Cloth, \$1.

ONTARIO. Real property statutes; being a selection of acts of practical utility. By Alfred Taylor Hunter. Toronto: Carswell & Co. 1894. Cloth, \$6.50; half calf, \$7.

VIRGINIA. Amendments to the Code of 1887, from the time of its adoption through the session of 1893-94. By Jno. Garland Pollard. Richmond: J. L. Hill. 4+7+A.-Y+78 pages. \$1.

WASHINGTON. The law of the state relating to real estate transfer. By B. F. Heuston. Tacoma: F. T. Houghton & Co. 1894. 42 pages. Paper, gratis.

Digests.

TEXAS. Digests by figure reference to volume and page under subjects of the supreme court civil decisions, and the criminal

court of appeals decisions. By Spencer & Martin. Ft. Worth: Texas Printing & Lithographing Co. 1894. 422 pages. \$5.

UNITED STATES supreme court. Complete indexed digest of the United States supreme court reports from the organization of the court, in 1789, to Oct. term, 1894. In 3 vols. 4th Ed. Vols. 1 and 2, 1-118 U. S.; vol. 3, complete by itself, 119-154 U. S. Includes full index to editorial notes to the publishers' edition; also indexed citations of all cases digested and biographical sketches of the justices. Vol. 1, A to M; Vol. 2, N to Z. Rochester: The Lawyers' Co-op. Pub. Co. 1894. 106+1091; 1093-2343 pages. For complete work, \$18.

CONTENTS OF NEW BOOKS.

Abbott on Wills.

TITLE-PAGE. A Selection of Authorities on Descent, Wills, and Administration. By Nathan Abbott, Professor of Law in Northwestern University, Chicago. Text, cases, and statutes. St. Paul: West Pub. Co. 1894.

FROM THE INTRODUCTION. The main purpose of this collection of authorities, as indicated in its title, is to cover the subject of the devolution of property after the death of the owner. The selection is from three sources: First, extracts from standard works; second, selected cases; third, statutes. Accordingly, the volume comprises three parts: First, the Text, divided for convenience into sections, accompanied by references to the relevant Cases and Statutes in Parts II. and III.; second, the Cases, numbered, with references to the several sections of the Text with which they are to be read; and, third, the Statutes, also numbered and with references to the sections of Text. The extracts from standard works are given with the hope that the connected Text will in a measure fill the gaps in the development of a subject by cases alone, no matter how judicious the selection of cases may be. The selection of cases has not been hastily made, but is the residuum from a much larger and a carefully made collection of authorities, in preparing which I have been guided in part by Professor Gray's work in Volume IV. of his collection of Authorities on Property, and by Professor Chaplin's Cases on Wills, and in part by a study of many citations in Jarman on Wills, Williams on Executors, Woerner on Administration, and Wigram on the Interpretation of Wills. Indeed, in many respects I have literally followed the conclusions of Jarman and Williams as to what cases are leading cases. The propriety of including a full collection of statutes on this subject is apparent. An-

other and less obvious purpose of the work here done is that perhaps, from this and similar work on the part of others, a body of selected authorities may be made, from which the ideal collection ultimately may come. It frequently is said that one instructor's selection of authorities is not likely to be useful to another instructor. In so far as a selection deals with the history of a subject and the common law, this ought not to be so. The number of authorities to be studied may vary with the length of time given to a subject, but there ought not to be any substantial difference of opinion as to those cases which mark the stages in the growth of the subject. When the historical treatment of a subject reaches the United States, especially if the subject be statutory, there may be local preferences as to authorities to be studied. But the selection of good cases illustrative of legal principles, in view of the great wealth of authorities and the material to be turned over, is quite like hunting for nuggets of gold. And in this quarter the research of the conscientious instructor, if put in print for the use of his fellows, ought to prove, not only of great service to them and their classes, but in time, from consensus of opinion, lead to the choice of an ultimate selection of authorities, back of which one need not feel obliged to go.

TABLE OF CONTENTS.

Part 1—Text.

- Chap. I. Devolution of Property by Operation of Law.
- Chap. II. Devolution of Property by Act of Owner—*Donatio Causa Mortis*.
- Chaps. III., IV., and V. Devolution of Property by Act of Owner—Wills.
- Chaps. VI.—XI. Agencies Effecting the Devolution of Property.

Part 2—Cases.

Table of Cases Reported.

Part 3—Statutes.

List of Statutes.

Cumming's Cases, Supplementary Volume.

TITLE-PAGE. Cases on Private Corporations, Arranged for Use as a Text-Book. By G. M. Cumming, Professor of Law in Columbia College. Volume II. Supplementary Cases. St. Paul, Minn.: West Pub. Co. 1894.

TABLE OF CONTENTS. Supplementary Cases.

- Chap. I. Nature of a Corporation.
- Chap. II. Creation and Citizenship of a Corporation.
- Chap. III. Powers and Liabilities of a Corporation in General and in Respect of Property.
- Chap. V. Powers and Liabilities of a Corporation in Respect of Contracts in General.
- Chap. VIII. Powers and Liabilities of a Corporation in Respect of Holding Stock in Another Corporation.
- Chap. X. Powers and Liabilities of a Corporation in Respect of Partnership.
- Chap. XI. Powers and Liabilities of a Corporation in Respect of Torts.
- Chap. XII. Dissolution of a Corporation.
- Chap. XV. Shares of Stock and the Transfer of Stock.
- Chap. XVI. Rights of Stockholders Concerning the Management of the Corporation.
- Chap. XVII. Liabilities of Stockholders in General.
- Chap. XX. Rights of Creditors Concerning the Management of the Corporation.

Frazer's Study of Documents.

TITLE-PAGE. A Manual of the Study of Documents to Establish the Individual Character of Handwriting, to Detect Fraud and Forgery, Including Several New Methods of Research. By Persifor Frazer, Docteur Es-Sciences Naturelles, Officier de l'Instruction Publique (France), Correspondent der K. K. Reichsanstalt zu Wien, etc. Illustrated. Philadelphia: J. B. Lippincott Co. 1894.

TABLE OF CONTENTS. Introduction.

Part I.

- Chap. I. Individual Character.
- Chap. II. The Writing Instrument.
- Chap. III. The Writing Fluid.
- Chap. IV. Preliminary Examination.
- Chap. V. Evidences of Tampering.
- Chap. VI. The Use of Magnifying Instruments.
- Chap. VII. The Sequence in Crossed Lines.
- Chap. VIII. Hesitation and Tremor of Feebleness, Illiteracy, and Fraud.
- Chap. IX. The Substance Written Upon.
- Chap. X. Alterations of the Character of the Document.
- Chap. XI. Structure of Tapes.
- Chap. XII. Microscope Study of the Ink.
- Chap. XIII. Quantitative Method.
- Chap. XIV. Composite Photography.
- Chap. XV. Guided Hands.

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- Chap. XVI. The Testing of Inks.
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- Plate IV. Washington's Signatures, and Two Composites of Them by Different Processes.
- Plate V. A portion of the Last Page of the Whitaker Will, with a Composite of Robert Whitaker's Genuine Signatures under the Forgery.
- Plate VI. Composites of the Genuine Signatures of Isaac Taylor, George W. Hawley, Enos V. Garrett, and Thomas J. Morris. Cuts of Portable Chemical Case.
- Plate VII. Guided Signatures of Edwin S. Barley.

Shipman on Common-Law Pleading.

TITLE-PAGE. Handbook of Common-Law Pleading. By Benjamin J. Shipman. St. Paul, Minn.: West Pub. Co. 1894.

FROM THE PREFACE. In the following pages, the writer has endeavored to state, as clearly and concisely as possible, such of the rules and principles of common-law pleading as are still recognized and applied in this country, omitting such of those found in the old English system as have become obsolete in practice, except where, as in the case of special pleading, they are the foundation of the method now in use, and giving due prominence to those rules whose principles are most noticeably applied in pleading under the codes. Whether the common-law rules are to be taken as directly followed in the latter, aside from the formalities prescribed in the practice acts, or whether the rules and principles of code pleading are to be considered as derived simply and only from the statute, the fact remains that a knowledge of the common-law system cannot fail to be of advantage, if, indeed, it is not an essential, to a thorough understanding of both code and equity pleading. It has been the observation and experience of the writer, not only that such knowledge enables a lawyer to frame his pleadings under the latter systems with greater ease and accuracy, but that, especially in code pleading, doubts as to the necessity or propriety of particular allegations, where the statute is silent or obscure in its directions, can generally be easily disposed of by an understanding of the reason of the common-law rule in similar cases. A lawyer who enters upon the active practice of his profession with no other guide than what the codes prescribe is but poorly qualified for attaining the important result of placing the statement of a complicated and important case before the court in a logical and concise form. The arrangement of the book is mainly that of Mr. Stephen, and the rules given

are those found in his admirable work. The first chapter, giving a general view of the principles and essentials of the different common-law actions, is designed for comparison with those rules; and the second, with the view of enabling the student to form, at the outset, a definite and connected idea of what may take place in the regular course of a trial, and not as giving a course of procedure which is strictly followed in any one state. The third chapter, covering the subject of Parties, has necessarily been confined to a limited space, for the reason that more than an outline of the principal rules was found inadvisable, and the succeeding chapters, covering the rules of pleading, have been limited to a statement of the rules themselves, both as given by Mr. Stephen and as embodied in propositions explaining or amplifying them, with such further explanation of the reason or principle of each as seemed necessary. The authorities given are cited both in support of the text and for the purpose of illustration, many of them being already used in the law schools for the latter purpose.

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- Chap. II. The Proceedings in an Action.
- Chap. III. Of the Parties to Actions.
- Chap. IV. The Production of the Issue.
- Chap. V. Materiality in Pleading.
- Chap. VI. Singleness or Unity in Pleading.
- Chap. VII. Certainty in Pleading.
- Chap. VIII. Consistency and Simplicity in Pleading.
- Chap. IX. Directness and Brevity in Pleading.
- Chap. X. Miscellaneous Rules.

Thayer's Constitutional Cases.

TITLE-PAGE. Cases on Constitutional Law, with Notes. By James Bradley Thayer, LL. D., Weld Professor of Law at Harvard University. Cambridge: Charles W. Sever. 1894.

TABLE OF SUBJECTS.

Part I.

Chap. I. Constitutions of Government—The Three Departments—The Office of the Judiciary.

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2. Articles of Confederation (1778-1781).

3. Constitution of the United States (1787-1790), and Its Amendments.

4. Passages from All State Constitutions (Other than Massachusetts) Preceding that of the United States.

5. Passages from the Colonial Charters of Connecticut (1662) and Rhode Island (1663).

6. Passages from the Constitution of Colorado (1876).

7. Passages from the Constitution of Columbia.

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Chap. IV. Citizenship—Fundamental Civil and Political Rights—The Later Amendments to the Constitution of the United States.

Chap. V. Unclassified Legislative Power—The So-Called Police Power.

REVIEWS OF NEW BOOKS.

Binney's Restrictions upon Local and Special Legislation.¹

Reviewed by Hon. H. W. Childs, Attorney General of Minnesota.

[For Contents and other descriptive matter, see page 208, No. 7, Law Book News.]

States in the past have undoubtedly displayed too liberal a policy as to limitations upon the power of legislatures, but there is danger that in the near future they will exhibit a greater fault in the opposite direction. Recent years have witnessed an attempt to curb the power which has already given birth to a large mass of special and local legislation. This is seen in important con-

stitutional amendments, prohibitive of such legislation. Several of the states have taken advanced ground in this direction, but whether it will be maintained or receded from the future must decide. Unfortunately, there is great diversity of constitutional expressions among the several states, while aiming at the same result. This, together with the variety of forms in which special and local purposes will be attempted, either in the guise of general laws or otherwise, will be attended with a mass of judicial decisions, too frequently irreconcilable, and tending to still further perplexities in the solution of difficult questions. A careful study of existing authorities cannot be too soon begun, and both the courts and the bar of the country are indebted to Mr. Charles C. Binney for the labor already performed by him in this direction.

In "Restrictions Upon Local and Special Legislation," a volume of less than two hun-

¹ Restrictions upon Local and Special Legislation in State Constitutions. By Charles Chauncey Binney, of the Philadelphia Bar, Assistant Attorney, Department of Justice, of the United States. Philadelphia: Kay & Bro. 1894.

dred pages, the author has in a very able manner, and with praiseworthy conciseness, pointed out the origin, the uses, and abuses of local and special legislation. He has done the greater service of defining, in the light of authorities, general, special, or local laws. While courts may not dispute his definitions, there is little doubt that they will evince great discrepancy in applying them to the statutes which they are called upon to consider. In his chapter on classification, he treats with great discernment a subject which will frequently arise with legislatures and courts, and enunciates and supports, with ample citation of authorities, five rules of classification.

Another chapter in which the professional reader will be deeply interested, and from which he will derive many valuable suggestions, is the one devoted to the subject of local option as affected by restrictions upon special and local legislation. Here, again, we are reminded of the irreconcilability of authorities. But we are also told that "what a constitution means is partly a question of fact." This view is obviously urged in explanation of the apparent want of harmony in judicial decisions. Many will no doubt charge the author with invoking an unauthorized principle of constitutional construction, tending, if generally adopted, to still greater confusion in a field where too much uncertainty already prevails. No doubt, a constitution, like a statute, is to be construed in the light of the times in which it was adopted, and with a view to the evil it was intended to forestall. The author doubtless intended to go no further than this by his remark.

In several of the constitutions it is expressly declared that no local or special law shall be passed in any case where a general law can be made applicable. This would seem to clearly imply a prohibition upon the legislature, absolute and unavoidable. But strangely enough, the courts of a half dozen states have held that the question whether a special law is applicable is to be determined by the legislature itself, and will not be inquired into by the courts. Two of the states—Missouri and Minnesota—have expressly provided that the question is judicial, and to be "judicially determined without regard to any legislative assertion on the subject." We quite agree with the author that the view "which restricts the legislative discretion is certainly the more logical." Although the authorities are now quite evenly divided, that view must eventually prevail, and the author has done much in his admirable exposition to bring about that result.

As a fitting conclusion to his work, the author has classified the subject against which prohibitions have been adopted. Thirteen general classes are named, each of which is

appropriately subdivided, not omitting the names of states by which a given prohibition has been adopted, nor a citation of authorities by which they have been construed.

The subject-matter of Mr. Binney's book first appeared in a series of articles in the *American Law Register and Review*, having their origin, as the author pertinently remarks, in "a widespread lack of confidence, on the part of the people of the several states of the Union, in their own representatives in the state legislatures."

H. W. Chicago

Federal Precedents and Forms.¹

Reviewed by Roger Foster, Esq., of the New York Bar, Author of *Foster's Federal Practice*.

[For Contents and other descriptive matter, see page 145, No. 5, Law Book News.]

The continued extension in the courts of the different states of that fusion of law and equity and simplification of practice for which the country is indebted to the genius of David Dudley Field makes the practice in the courts of the United States more difficult to the ordinary practitioner. A politician who has been accustomed to draft or demur to indictments under a code of criminal procedure is apt to feel helpless when compelled as District Attorney to draw one in accordance with the old common-law practice, as modified by the statutes of the United States. A practitioner who has never drawn a pleading in equity, and has found himself fully able to protect the rights of his clients without ever having opened the works of Daniell or Mitford, feels the need of counsel when obliged suddenly to procure the dissolution of an injunction or to file a bill in equity in a federal court. For this reason, now that the conflicting interests of the east and the west make appeals to the Federal Courts more frequent, and that new crimes against the United States are being committed and created, there is a growing demand for guides to that practice, which, though simple

¹ *Precedents and Forms of Indictments, Informations, Complaints, Declarations, Pleas, Bills in Chancery, Answers, Demurrers, Orders of Court, Bonds, and Writs, Adapted to Practice in United States Criminal and Civil Cases, together with Forms and Instructions Pertaining to the Accounts and Fees of United States Attorneys and Commissioners.* By Oliver E. Pagin, Assistant United States Attorney for the Northern District of Illinois. Chicago: Callaghan & Co. 1894.

Forms of Federal Procedure in the Courts of the United States. Compiled, Arranged, and Annotated by Frank O. Loveland, of the Cincinnati Bar. Cincinnati: W. H. Anderson & Co. 1894.

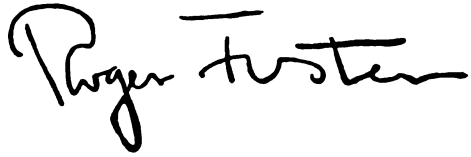
to one trained in it, is hard for a beginner to understand.

These two books seem well fitted to aid in this respect. The Federal Reporter is full of illustrations of the escapes of criminals and debtors to the United States due to the inexperience of district attorneys in that practice. Mr. Pagin's book is designed to afford them no excuse for this in the future. Its indorsement is misleading. "Pagin's Federal Precedents and Forms, Civil and Criminal," suggests a form book applicable to private as well as government causes. The title page is, however, accurate. The book contains a full collection of precedents of indictments, informations, and other proceedings for the use of United States attorneys in the different courts of the United States. So far as I have been able to examine them, they seem accurate. All apparently are forms which have withstood the test of actual, successful use, and are illustrated with terse, but useful, notes. The only omission of importance which I have observed is the indictment in the case under the antitrust law, drawn by Assistant District Attorney John D. Lindsay, of New York, which withstood the test of a demurrer in the Circuit Court of the United States for the district of Massachusetts. The forms for indictments for violation of the national bank acts would have been made more valuable had the writer added fuller notes showing the grounds upon which different indictments of this character have been quashed by the Supreme Court. A practitioner can use a form more understandingly if his attention is called specifically to the different pitfalls which it is designed to avoid. A full index adds to the value of the book. I do not see how a district attorney of the United States can afford to be without it.

Mr. Loveland's forms are designed more especially for the civil practitioner, although there are nearly a hundred precedents for criminal proceedings. His book contains the best general collection of forms for federal practice in civil cases that is in existence. Nearly all those which are more important bear marks of being copied from papers used in actual litigation, although their value would have been increased had the editor more fully complied with the promise in his preface of making reference in notes to the causes from which the forms were taken. The signatures of solicitors and counsel would have also made such forms more valuable; since in many cases they would have had weight with the court in supporting the accuracy of a form when subjected to the test of a demurrer. The author has also abstained from mentioning the fact when he has copied a form from

one used in another book of practice. That habit is not uncommon. The index is bad, and suffers especially from a lack of cross references. For example, it contains no title "Prohibition." Under "S" we find "Suggestion for Writ of Prohibition;" and under "Writs," "Of Prohibition, Petition for." Other illustrations might be mentioned. The value of the book would also be greatly increased by a table of contents in the order in which the forms are printed. Under "Equity," the author has several forms, such as "Letters Rogatory" and "Order for Dedimus Potestatem," which properly belong to "Common Law."

These are, however, minor and theoretical errors. The book contains matter of much value never previously published; and in many instances a lawyer will find the opportunity of copying a single form from the full collection of bills in equity therein contained worth the price of the entire book. Of special value is the collection of forms in ancillary proceedings, including the ancillary bill under which receivers of the Cordage Company were appointed by the Federal Courts in different parts of the United States. The type and paper are especially to be commended.



Frazer's Study of Documents.¹

Reviewed by Prof. Marshall D. Ewell,
M. D., LL. D., Dean of the Kent
Law School, Chicago.

[For contents and other descriptive matter, see page 275 of this number.]

We have read this book entirely through, except the last chapter, concerning the law relating to the testimony of experts on handwriting. Although we cannot agree with everything which the learned author has written, and especially with his conclusions as to the sequence of crossed lines and composite photography, which in our experience are not so reliable as the author has found them in his experience, we can cordially commend the book as written in a thoroughly honest and scientific spirit.

¹A Manual of the Study of Documents to Establish the Individual Character of Handwriting, etc., and to Detect Fraud and Forgery, Including Several New Methods of Research. By Persifor Frazer, Docteur es Sciences Naturelles, Officier de l'Instruction Publique (France), Correspondent der K. K. Reichsanstalt zu Wien. Illustrated. J. B. Lippincott Co. 1894.

The writer, with whom we have no personal acquaintance, is evidently a man of learning and experienced in scientific investigation. Any one who reads this book, however, expecting thereby to qualify himself as an expert, will be disappointed, for skill as an expert can only be acquired by long practical experience. To counsel, however, engaged in the preparation of cases involving the authenticity of written documents, it will prove of very great value, as showing not only the methods of investigation employed by those skilled in this department of learning, but also—and this is a very important point—the limitations upon the knowledge of experts arising out of the subject-matter under consideration. The mechanical execution of the book is good; it is written in a clear and lucid style, and is well illustrated. It deserves a place in the library of every lawyer who has occasion to investigate questions of this sort.

We do not think, however, that the author has improved his work materially by undertaking to treat the law of the subject, which occupies entirely too much space to be condensed within the limit of the few pages occupied by the author.

Upon the subject of measurement of signatures, we venture to call the author's attention to an article in 29 Am. Law Reg. (N. S.) p. 553, and also to an article in the July number, 1893, of the same periodical, which seem to have escaped his attention, and may perhaps be worthy of consideration in a future edition.

The Kent Law School of Chicago.
Sept. 3, 1894.



Hagan on Disputed Handwriting.¹

Reviewed by Prof. Marshall D. Ewell,
M. D., LL. D., Dean of the Kent
Law School, Chicago.

[For Contents and other descriptive matter, see page 209, No. 7, Law Book News.]

This book came to our hands for review after Prof. Frazer's work (for review of which see ante, p. 278) had been read, and

has been read entirely through, with the exception of some of the cases in the appendix. There are many things in this book which are valuable, but, in our judgment, the author places entirely too much stress upon his theory of muscular co-ordination and pen pressure as furnishing the means of identification of disputed writings. A very large portion, and, in our opinion, a very undue proportion, of Mr. Hagan's book is occupied in the discussion of this theory. While this is a valuable means of investigation, it is only one of many, and, in our experience, not by any means the most valuable. In our opinion, Prof. Frazer has more correctly formulated the weight to be attributed to this method of investigation. On page 74 of his book, referring to this subject, he uses the following language: "Within certain limitations, it is an important object to study, and may give indications of value to corroborate or refute the hypotheses based upon other lines of study."

The author's statements in the chapter on chemical testing of inks and in his account of the Davis Will Case are not always correct, and in this respect we do not regard the book as reliable. For instance, on page 247, the author states, referring to the test of the inks in the will in the Davis Will Case, that "the fact that it [hydrochloric acid] turned the ink red, and this would be the reaction it would have upon logwood ink, did not fully establish the identity of the latter; for, according to the best chemical authority, this same reaction would have occurred were it made from aniline [sic] black. See Allen's Commercial Organic Analysis, edition of 1889, page 130." Referring to the authority cited, we find the following: "Logwood ink marks are mostly reddened by oxalic acid, and alizarin marks become bluish, but aniline inks are unaffected. With hydrochloric acid, logwood ink marks turn reddish or reddish-gray, alizarin marks greenish, and aniline ink marks reddish or brownish-grey." The author, however, does not seem to have studied Mr. Allen's work with very great care; for, if he had consulted page 252, he would have found the following: "Aniline black differs remarkably from most other aniline colors, in that it is wholly insoluble in water, alcohol, acids, soap-lye, and alkaline solutions. Hence the application of ready-formed aniline black is very limited, and it is usually produced in the fiber itself. It yields an extremely fast and pure black on cotton, but it is not well suited for dyeing silk or wool." From this it appears that aniline black (which, by the way, is improperly spelled by Mr. Hagan), being insoluble in water, cannot be used, and is not used, in making ink in which water is the only solvent used. It further appears on the same page of Allen

¹ A Treatise on Disputed Handwriting and the Determination of Genuine from Forged Signatures, the Character and Composition of Inks and Their Determination by Chemical Tests, and the Effect of Age as Manifested in the Appearance of Written Instruments and Documents. By William E. Hagan, Expert in Handwriting. New York and Albany, N. Y.: Banks & Bros. 1894.

that aniline black is either wholly unchanged by acids, or turns slightly greenish, and not red.

We might criticise further his report of the Davis Will Case, for we know from personal inspection of the document that many other statements therein contained are inaccurate and untrue. We will instance only one on page 249, where he states that the signature in question was plainly a traced signature. We can state from personal inspection of the document that there was not the slightest evidence of tracing in or about it. In many other cases the author assumes things as proved upon the trial upon which there was a very great conflict of testimony. The jury disagreed. The report, as a whole, is altogether biased and inaccurate.

Considering the involved style in which the book is written, that undue space is devoted to a pet theory, the inaccuracy of the chemical part of the work, and the manifest bias of the author in the statement of cases, so far as we have examined it, we do not regard the book as an accurate exposition of the science which it purports to treat, and in this respect Dr. Frazer's book is, in our opinion, vastly its superior.

The Kent Law School of Chicago.

Aug. 29, 1894.



OTHER OPINIONS OF NEW BOOKS.

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

[See Contents and other descriptive matter on page 230, No. 8, Law Book News.]

It would appear at first blush that we have about enough books on the law of master and servant, but, upon examination, we find that this book justifies its existence by the originality and thoroughness of its treatment of the subject of "fellow servants," for it takes but a very cursory examination of the volume to see that the work is not compiled from digests. It is, on the contrary, made from a personal examination by the author of the cases, and contains much that is original by way of comment and discussion. Any one who has had occasion to examine with any care the decisions of the courts of the different states will agree with the author that "there is no branch of the law so fraught with perplexities to the practitioner as that which has been made the subject of this treatise." The difficulty is, of course, caused by the divergence of decisions by the different courts. In this work the cases are given and commented upon, state by state; so that it is possible to ascertain at once what is the rule resulting from the decisions of the courts in any one jurisdiction, and to thus see how that rule corresponds with or differs from our own.

—"T. C." in New York Law Journal.

Cogley on Strikes and Boycotts.

[See Table of Contents and other descriptive matter on page 47, No. 2, review by Hon. Wm. H. Taft on page 145, No. 5, and another notice on page 148, No. 5, Law Book News.]

Any book on the subject of strikes, lock-outs, and boycotts cannot be regarded as inopportune at the present time. We have turned over the pages of this book with a great deal of interest. It is made up of a description of the early English statutes regulating the price of labor, and punishing conspiracies among laborers to raise the price of their services and to better their condition. In contrast with this, it deals with the modern doctrine which allows any class of persons having their labor for sale to combine for the purpose of enhancing the price of that labor, at the same time prohibiting them from preventing other people from taking their places by force or intimidation. It finally deals with the infamous practice, which has in recent times sprung up among the labor organizations, and which characterizes almost every strike, of boycotting, picketing, and blacklisting. Its treatment of boycotting is especially interesting at the present time. It shows that what is called "boycotting" is a conspiracy actionable at common law, and that many forms of it constitute a criminal conspiracy which is a misdemeanor at common law and under various statutes. As the judicial decisions covering the subject of this

work are as yet few, the learned author finds himself able to take them up and deal with them case after case in the fullest detail, stating their facts, and in some, though not all, cases the conclusions of the court thereon. In several of these cases he seems to have been content with a mere statement of the facts and a citation of the case, without even stating what the court adjudged. The reason of this strange and unpardonable omission we do not understand. We do not regard this work as written in the best style in which a legal treatise can be written, nor as being put together in the best way; but it is certainly full of interest, especially at the present time, and the attention of the reader will not lag in reading any portion of it. A description of the so-called "boycotts" which have been resorted to is calculated to make the blood of any man tingle, and it is safe to say after reading this book that the feeling of every impartial reader will be that the American people are not going to be ruled either by the private corporations, on the one hand, or by the labor organizations, on the other. The personal views of the author are courageously expressed, and always, so far as we have observed, on the right side.

—American Law Review.

Dillon's Lectures on Jurisprudence.

[See Preface on page 77, No. 3, review by Prof. Austin Abbott on page 115, No. 4, and other notices on page 149, No. 5, and page 215, No. 7. Law Book News.]

It is Emerson, I think, in one of his delightful essays, who says: "In the writings of great men we find our own rejected thoughts coming back to us, clothed with a certain alienated majesty." When the effect of a book is generally to evoke, as this one must, the recognition of this sentiment, we may fairly assume that there is a touch of genius in the author. It is evidence that he has touched a chord of the great, pulsing, popular heart. Judge Dillon needs no introduction to the profession, and the profession can congratulate themselves in advance at the announcement of any work from his pen. Our law, in its old and its new home,—England and America,—was the fascinating subject selected by him for a course of thirteen lectures delivered before Yale University, under the Storrs professorship, during the season of 1891-92. These lectures, now published in book shape, and carefully annotated, form the work under consideration. Such a subject is like clay in the hands of a potter. It can transmit the marks of workmanship of an apprentice or a master. It

will be great or little, in exact proportion to the hand which creates it.

Judge Dillon has brought to his task an array of qualifications, lacking any of which the subject must have suffered in its treatment; large and long experience as eminent lawyer and judge; the faculties of a gifted teacher; the gift of a philosophical mind, where vast practical experience redeems it from any tendency to lapse into mere doctrinaire speculation or empirical criticism; a love for reading, which has made his lifetime pleasure; companionship with the great masters who have taught us from the bench and bar, and which has led him still further afield along many a pleasant pathway of half-forgotten lore, both historical and scientific, as contrasted with the beaten paths familiar to the mere practitioner. To these he adds the rare faculty of earnest helpfulness, tempered by a discriminating judgment, that enables him to thread his way between the Scylla of Blackstone's somewhat indiscriminating laudation of things which be, and the Charybdis of Bentham's scathing challenge of existing conditions. To these he brings an abiding conviction of the high dignity, the grave responsibility of the noble calling of the law. Never for one moment does he permit either his reader or himself to lose sight of the momentous interests—interests transcending all others within the scope of civil life—which have always been, and must ever be, intrusted to our profession. He has held up a mirror which with fidelity reflects in perspective the grand procession of "Our Law" from the time Norman and Saxon combined to form the great English race down to the present moment, when the reign of that law bears sway over "A greater England," by the long wash of Australian seas, and over the toiling millions of distant India. The mirror shows us its blunders and its triumphs, the chrysalis ages, the wonderful progress of the past century, the evolution in its new home, the reaction in the old home under the stimulus of our example, and responsive to the seed sown by Bentham during his long, toilsome, unappreciated life. Again, like Macbeth's vision, it reveals a long, shadowy procession of kings to come.

The book should be placed on the prescribed course of every law student and in every law school. It should be read by every lawyer to whom the profession stands for something beyond a trade. There is no judge on the bench to whom it would not bring aid, comfort, and encouragement, and few, if any, to whom its careful perusal would not bring instruction. No one can read this book and lay it down without catching something of the great teacher's enthusiasm; without conceding a reverent

adhesion to his high standard of the responsibility assumed by us with our profession; without recognition of the grand possibilities of service to our day and generation, which come to us as high priests in our country's most sacred temple; and we must concede, with him, that in the domain of law—

"There are great truths that pitch their shining tents

Outside our walls, and, though but dimly seen
In the gray dawn, they will be manifest
When the light widens into perfect day."

—The Legal Intelligencer.

Gould's Medical Dictionary.

[See review by Prof. Marshall D. Ewell, on page 210, No. 7, Law Book News.]

A suitable review of this work can scarcely be expected in a legal publication. It impresses a lawyer, upon a cursory examination, as being a work of the very greatest merit. It is a splendid quarto of nearly 1,700 pages, presented in the best form of typography, and copiously illustrated. It is said to contain many thousands of new words and definitions, collected from the latest and most approved sources. The author has given both the modern and the ancient spelling, but he has felt it incumbent on himself to do what he could towards moving our language forward in the direction of a more consistent and phonetic spelling,—a hopeless task so long as we attempt to express forty-two sounds with twenty-six letters. That it will not be without use to practicing lawyers is suggested by the fact that it explains countless terms relating to insanity, nervous affections, medical malpractice, rape, poisoning, blood stains, etc. It gives numbers of illustrations of human anatomy; pictures the various bacteria, animal parasites, common tumors, etc.; and contains many tables, such as poisons and their antidotes, electrical batteries, surgical operations, composition of foods, and other special matters, that at a glance will enable the cross-examiner to grasp the subject under discussion and put telling questions to the expert before him. The office of bringing it to the attention of the legal profession has been committed to Messrs. Little, Brown & Company, the old

and celebrated law publishers, of 254 Washington street, Boston. The work is bound in regular medical sheep, with raised bands, or dark-green leather, and is sold at \$10 net; in half Russia, with marbled edges and thumb index, at \$12 net.

—American Law Review.

Spelling on Extraordinary Relief.

[See other review on page 22, No. 1, Law Book News.]

The work is no modern digest in text-book form. It presents the law on each subject in a clear and entertaining manner. Every principle is critically explained. The notes are complete and render the book of great practical value as a reference to pertinent cases.

The first volume is entirely devoted to injunctions. We do not mean to say that Mr. Spelling's work is in a position of being halfway between a digest and a critical discussion. It is much nearer a complete critical discussion of the subject with which he deals. Our only complaint is that in this critical discussion and development of the different subjects he has not gone quite far enough. He seems to have tried to reconcile authorities, rather than to point out their irreconcilable elements. With all, however, it is an excellent book,—far, very far, above the average text-book which we have to review. Especially welcome is the discussion of the writ of certiorari, this being the only scientific discussion of this writ which we know of; a certain work labeled "Certiorari," which was noticed in our columns some months ago, not being worth speaking of.

Volume II., besides containing certiorari, has a discussion of habeas corpus, mandamus, and quo warranto. This volume, from its very nature, is more interesting than volume I. We have other good works on injunctions, but for the other subjects Mr. Spelling has probably written a work which is more useful than any other which we know of.

The paper and typography, like all other volumes, from the same press, are above criticism.

—"W. D. L.," in American Law Register and Review.

Leading Text Books Published this Year.

Bailey's Master's Liability for Injuries to Servants.....	6 00 net	Jones on Mortgages. 2 vols. 5th edition.....	12 00 net
Beach on Modern Equity Practice. 2 vols.....	12 00 net	Jones' Forms of Conveyancing. 4th edition.....	6 00 net
Benedict's Admiralty. 3d edition..	6 00 net	Kinney on Irrigation.....	7 00 net
Browne's Kent's Commentaries....	5 00 net	Lloyd's Law of Buildings. 2d edition. Cloth, \$1.50. Sheep.....	5 00 net
Burrill on Assignments. 6th edition	6 00 net	Loveland's Forms of Federal Procedure.....	6 00
Carr's Judicial Interpretation of the U. S. Tariff Act.....	5 50 net	Pagan's Precedents and Forms in Federal Cases.....	6 00 del
Clark's Criminal Law.....	3 50 net	Pollock on Torts. Webb edition....	5 00
Cogley on Strikes & Lockouts.....	4 00 net	Prentice on Police Powers.....	5 00 net
Cook on Stocks. 2 vols. 3d edition	12 00 net	Shipman's Common Law Pleading..	3 50 net
Coxe on Judicial Power and Un-constitutional Legislation.....	3 00 net	Tiedeman on Municipal Corporations.....	6 00 net
Demarest on Elevated Railroad Law.....	3 50 net	Wiley'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	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		

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 Jurisprudence. 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
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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		

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WEST PUBLISHING CO., St. Paul, Minn.

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, Dossy Law Book Co., New York 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. 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.
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.
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.
Cornell Law J.	Cornell Law Journal, Ithaca, N. Y.	Monthly.	35c.
Counsellor.	The Counsellor, New York City.	Monthly.	30c.
Cr. Law Mag.	Criminal Law Magazine, Jersey City, N. J.	Irregular intervals.	\$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.
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.	Iowa Bulletin of Iowa University, Iowa City, Iowa.	Monthly.	25c.
Ir. Law T.	Irish Law Times, Dublin, Ire.	Weekly.	1 shilling.
J. P.	Justice of the Peace, London, Eng.	Weekly.	
Jurid. Rev.	Juridical Review, Edinburgh, Scotland.	Quarterly.	
Law J.	Law Journal, London, Eng.	Weekly.	
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.
Med. Leg. J.	Medico-Legal Journal, New York City.	Quarterly.	
Mich. Law J.	Michigan Law Journal, Grand Rapids, Mich.	Monthly.	35c.
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 intervals.	\$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, New York City.	Monthly.	
N. Y. Law J.	New York Law Journal, New York City.	Daily.	05c.
Pittsb. Leg. J.	Pittsburgh Legal Journal, Pittsburgh, Pa.	Weekly.	10c.
Scot. Law Rev.	Scottish Law Review, Glasgow, Scot.	Monthly.	1 shill. 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.
Wkly. Rep.	Weekly Reporter, London, Eng.	Weekly.	
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.

A valuable article on the rights which the subject of one country acquires by becoming naturalized in another, and how far he is free from obligation, to which he was originally subject.—By C. A. Stevens. 50 Alb. Law J. 112.

ANIMALS.

A short article, with citations from recent cases, as to trespassing animals.—Justice of the Peace. Reprinted in 28 Ir. Law T. 406.

Appeal.

Effect of, see "Judgment."

ARBITRATION.

A short article on the subject of arbitration between capital and labor.—28 Am. Law Rev. 595.

A short article on the doctrine of compulsory arbitration, as applied to disagreements between employer and employé.—1 University Law Rev. 319.

ARMY AND NAVY.

An article on the powers of the court martial to take upon itself the functions of a civil tribunal.—10 Scot. Law Rev. 188.

ATTORNEY AND CLIENT.

A continuation of a series of interesting articles as to the duties of solicitors as litigants.—97 Law T. 239.

A short article on the propriety of attorneys advertising as debt collection agencies.—Law Notes. Reprinted in 28 Ir. Law T. 405.

A short article on the lien of a solicitor, with citations of recent English cases.—13 Law Notes, 239.

An article on the duties and compensation of a lawyer in effecting the sale of an estate for his client.—Law Notes. Reprinted in 28 Ir. Law T. 409.

BANKS AND BANKING.

An article of much interest to bankers in every state as to the bank legislation needed in Arkansas.—11 Banking Law J. 73.

A collection of authorities on the liability of a bank as an accommodation indorser.—23 L. R. A. 836.

CARRIERS.

A short article, with a few authorities, on the limits of a carrier's liability in a bill of lading.—1 University Law Rev. 324.

CHATTEL MORTGAGES.

A collection of authorities on the effect of the "danger," "safety," or "insecurity" clause in a chattel mortgage.—23 L. R. A. 780.

Clubs.

Use of liquors, see "Intoxicating Liquors."

CONSTITUTIONAL LAW.

A short collection of authorities on the constitutionality of a verdict by less than all the jurors.—24 L. R. A. 273.

Numerous citations on the power of states to control or impose burdens upon interstate telegraph and telephone companies.—24 L. R. A. 161.

CORPORATIONS.

A collection of authorities on the right to enforce the liability of an individual stockholder in other states than that of the incorporation.—37 Am. St. Rep. 168.

A statement of the law relating to the liability of nonresident stockholders and officers, with numerous citations.—By Conrad Reno. 28 Am. Law Rev. 518.

A short article on the effect of municipal ordinances on civil liability between private parties.—By J. L. Hopkins. 39 Cent. Law J. 165.

COURTS.

A review of the great dissenting opinions of the supreme court of the United States, read before the bar associations at Saratoga.—By Hampton L. Carson. 51 Leg. Int. 313.

A continuation of a valuable and scholarly article on the court of the star chamber.—By John D. Lindsay. 6 Green Bag, 380.

Courts Martial.

See "Army and Navy."

CRIMINAL LAW.

A discussion of the question whether the law allowing a person for some good reason or reasons to be put twice in jeopardy for the same offense would be constitutional; the conclusion being that the legislature has a right to enact such a law.—By Frank B. Livingstone. 6 Green Bag, 373.

A review of the Prendergast Case, with reference to determine fairly the measure of the responsibility of the defendant for his act.—By H. M. Bannister. 33 Am. Law Reg. & Rev. 545.

DAMAGES.

A review of some recent cases on the allowance of damages for mental sufferings, unaccompanied by physical injury.—1 University Law Rev. 322.

DEED.

A short article on the tendency to shorten recitals in deeds, and in many cases to dispense with them altogether.—97 Law T. 330.

DESCENT AND DISTRIBUTION.

A collection of authorities on inheritance by, through, or from illegitimate persons.—23 L. R. A. 753.

A collection of authorities on the question as to whether the surviving husband or wife is "next of kin" to a deceased husband or wife.—By D. B. Syckel. 39 Cent. Law J. 144.

DISCOVERY.

A collection of authorities from the several states as to the right to discovery by bill, where the statutes provide for the examination of the party before trial.—24 L. R. A. 183.

EASEMENTS.

A short collection of authorities on the nature of easements of light and air.—37 Am. St. Rep. 184.

ELECTIONS AND VOTERS.

An interesting article on the question of a proposed constitutional amendment in New York, prescribing an educational qualification for the right of suffrage, particularly as affecting municipal government.—By Eugene Frayer. 1 University Law Rev. 333.

ESTATES.

A review of recent decisions affecting the right of an equitable tenant for life to possession.—Law Journal. Republished in 28 Ir. Law T. 422.

EVIDENCE.

A review of the question of the propriety of allowing contradictions of immaterial evidence, the conclusion arrived at being that the decided weight of authority in this country is against its admission, even when the first objectionable evidence is deliberately called out by counsel.—8 Nat. Corp. Rep. 528.

Ex Post Facto Laws.

See "Statutes."

EXTRADITION.

A review of the right to try an extradited fugitive for an offense other than specified in the proceedings, with particular reference to the recent decision of the supreme court of the United States in *U. S. v. Rauscher*, 119 U. S. 407, 7 Sup. Ct. 234, and *Lascelles v. State of Georgia*, 13 Sup. Ct. 687.—By Ardemus Stewart. 28 Am. Law Rev. 568.

A review of the extradition agreement entered into on the 12th day of July, 1889, between Great Britain and the United States.—By C. A. Steeves. 50 Alb. Law J. 88.

A review of the extradition of Jacques Lacco Adutt, under the treaty of July 3, 1856, between Austria-Hungary and the United States. By Julius Ullman; translated from the German in "*Juristische Blätter*," published in Vienna.—By G. A. Claussenius. 26 Chl. Leg. N. 395.

GAMING.

A review of the English statutes and recent decisions on the gaming laws.—Law Gazette. Reprinted in 28 Ir. Law T. 424.

GIFTS.

A few authorities on the validity of gifts causa mortis.—37 Am. St. Rep. 878.

HOMICIDE.

A review of the celebrated trial of William Burke, murderer and body snatcher.—The Brief. Reprinted in 28 Ir. Law T. 399.

A famous old world trial; an account of the trial of William Dove for the murder of his wife.—6 Green Bag, 371.

HUSBAND AND WIFE.

A short article on the peculiarities of the law affecting married women, their husbands, and the public, with a view of showing the necessity for a codifying statute of the law as it exists in England.—13 Law Notes, 236.

A review of the doctrine of estoppel as applied to a married woman, with numerous citations.—By O. F. Hershey. 39 Cent. Law J. 181.

Illegitimacy.

See "Descent and Distribution."

Imprisonment.

For debt, see "Poor Debtors."

INNKEEPERS.

An interesting article on the liability of innkeepers for the commission of illegal acts on their premises, with numerous English authorities.—Justice of the Peace. Reprinted in 23 Ir. Law T. 382.

INSURANCE.

A short collection of authorities as to when representations in an application for a life insurance are to be deemed warranties.—37 Am. St. Rep. 372.

Interstate Commerce.

Obstructing mails, see "Post Office."

INTOXICATING LIQUORS.

A review of recent cases applying the law to sales of intoxicating liquors to clubs.—Justice of the Peace. Reprinted in 28 Ir. Law T. 391.

JUDGES.

An interesting review of the life and services of Justice Joseph P. Bradley. Paper read before the Historical Society of New Jersey.—By Cortlandt Parker. 28 Am. Law Rev. 481.

A valuable and interesting article as to the personal responsibility of judges in the exercise of their judicial functions.—By Major Greenwood. 10 Law Students' J. 173.

JUDGMENT.

A citation of numerous cases on the effect of appeal or of a right to appeal on the judgment as res judicata.—37 Am. St. Rep. 29.

JURY.

Validity of verdict of less than 12 jurors, see "Constitutional Law."

Addresses before the judicial committee of the New York Constitutional Convention on an amendment allowing a verdict in civil cases of less than 12 jurors.—50 Alb. Law J. 72.

LANDLORD AND TENANT.

A collection of a few recent authorities as to what amounts to eviction.—37 Am. St. Rep. 185.

LAW.

An address delivered before the Virginia State Board Society on the uniformity of laws, and a national and interstate codification thereof.—By Leonard Jones. 23 Am. Law Rev. 547.

A review of the location of the line defining the respective provinces of law and morality.—By H. Telchmueller. 28 Am. Law Rev. 510.

Light and Air.

See "Easements."

LIMITATION OF ACTION.

A collection of interesting cases as to the application of the statute in circumstances of ordinary occurrence as to moneys deposited.—Justice of the Peace. Reprinted in 28 Ir. Law T. 397.

A review, with citations of recent English cases, as to the application of statute to equitable interests.—Solicitor's Journal. Reprinted in 28 Ir. Law T. 420.

MASTER AND SERVANT.

See, also, "Arbitration."

A collection of numerous authorities as to the effect of part performance of a contract for services.—24 L. R. A. 231.

MONOPOLIES.

A review of the legality of commercial combinations in the nature of so-called "trusts," based upon the decision of the supreme court of Texas in the case of Queen Ins. Co. v. State, 24 S. W. 397.—2 Am. Lawy. 325.

MUNICIPAL CORPORATIONS.

A collection of authorities as to the right of municipal assessments on state property.—23 L. R. A. 807.

A review of recent decisions as to the effect of unauthorized changes in the improvement of streets without consultation with the affected parties, with reference to the decision of the supreme court of Arkansas in Watkins v. Griffith, 27 S. W. 234.—8 Nat. Corp. Rep. 547.

Naturalization.

See "Aliens."

NEGOTIABLE INSTRUMENTS.

Indorsement by bank, see "Banks and Banking."

A collection of authorities on the effect of fraud in procuring the delivery of negotiable instruments.—37 Am. St. Rep. 458.

Next of Kin.

See "Descent and Distribution."

PARENT AND CHILD.

A valuable article on the rights and responsibilities of parents, with numerous citations.—97 Law T. 290.

PARTNERSHIP.

A short collection of citations on the power of a partner to bind a firm by sealed instruments.—37 Am. St. Rep. 205.

PERJURY.

A short review of the present condition of the law in England as to perjury.—Law Journal. Reprinted in 28 Ir. Law T. 418.

POOR DEBTORS.

A collection of authorities as to what statutes are within the prohibitions against imprisonment for debt.—37 Am. St. Rep. 753.

POST OFFICE.

A review of the recent charge of Judge Grosscup of the United States district court defining the status of persons engaged in obstructing interstate commerce, and the transmission of the mails.—39 Cent. Law J. 100.

PROPERTY.

An interesting address before the graduating class and alumni of the law department of the University of Michigan, on the right of private property.—By William H. Taft. 3 Mich. Law J. 215.

RAILROAD COMPANIES.

An article on the necessity and propriety of the state ownership of railroads.—28 Am. Law Rev. 608.

REAL ESTATE.

An article on a contemplated consolidation and codification of the acts dealing with conveyances, with especial reference to the schedules in the conveyancing act relative to heritable securities.—By J. C. Thompson. 10 Scot. Law Rev. 179.

A valuable address, delivered before the real-estate congress in the city of Chicago, on the Torrens system of registration of titles, as modified and recommended by the

state of Illinois commissioners.—By Harvey B. Hurd. 26 Chi. Leg. N. 394.

STATUTES.

A short article on the necessity of reform in the matters of private and local legislation.—1 University Law Rev. 337.

An interesting article on the present inconvenient condition of the New York statutes.—By Austin Abbott. 1 University Law Rev. 329.

An extensive collection of authorities on the construction and effect of ex post facto laws.—37 Am. St. Rep. 582.

Stockholders.

See "Corporations."

STRIKES.

A review of recent decisions in the United States circuit courts, in relation to injunctions restraining strikes.—28 Am. Law Rev. 587.

An article on the limitation of federal authority, with a special reference to the powers of the government in the matter of the late railroad strike.—By James J. H. Hamilton. 50 Alb. Law J. 77.

TAXATION.

Of telegraph companies, see "Constitutional Law."

A collection of cases as to situs of shares in corporations for the purpose of taxation.—By Seymour D. Thompson. 39 Cent. Law J. 86.

A collection of authorities on the right of states to tax patent rights and patented articles.—37 Am. St. Rep. 747.

Telegraph Companies.

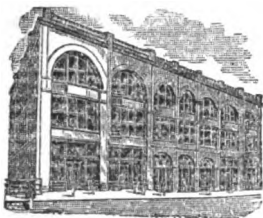
Taxation, see "Constitutional Law."

Trusts.

See "Monopolies."

WITNESS.

An extensive collection of authorities on privileged communications to physicians and surgeons.—By William L. Evans. 39 Cent. Law J. 114.



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The Power of Precedents.

DICKENS says that the aphorism, "Whatever is, is right," would be as final as it is lazy, if it did not involve the conclusion that nothing that ever was, was wrong. The taunt will be understood by those members of the legal profession who plead their causes and render their decisions to-day on the ground that whatever was law is law, for they are often called upon to defend themselves against this implied charge of unprogressiveness. In fact, "case-lawyers" share with Reports the burden of being the object of the scorn of those who see only evil in the present methods of dispensing law. It is asserted that the tendency to appeal to precedents is destroying the sense of any need to think clearly, or to apply principles, and that the golden age of advocacy can nevermore return so long as it is the accepted theory that a lawyer's work is simply to run through his digests and heap

up a higher pile of citations than his adversary can gather. This is the stock denunciation used by the advocate of codification, who sees in the case-lawyer an example of the vicious influence of the Reports, and in the multiplication of Reports a pandering to the evil tendencies of the case-lawyer; both making an inclined plane down which professional dignity is rapidly sliding to utter destruction.

It is therefore interesting and instructive to see the "Legal Intelligencer," which has committed itself with ardor to the cause of codification, also advocating the theory of stare decisis. In a recent editorial in that carefully conducted journal the appeal to principle, to individual judgment, to the present sense of what is right, as against the decisions of by-gone judges, is likened to "the installing of a dynasty of Shepherd Kings, foreign to our laws and customs, whose reign must be limited, but who, during that reign, can cause the terrible evils of uncertainty;" and it quotes with approval the incisive sentences of Mr. Justice Black in the dissenting opinion which he filed in *Hale v. Rittenhouse* (2 Phila. 411):

"A judge's own notion that it [the law] ought to be otherwise is not entitled to a moment's consideration. It is no part of our office to tinker at the law, and to patch it up with new materials of our own making. Suitors are entitled to it just as it is. Bad laws can be borne; but the *jus vagum aut incertum*—the law that shifts and changes every time it passes through the courts—is as sore an evil and as heavy a curse as any people can suffer. * * * Hereafter, if any man be offered a title which the supreme court has decided to be good, let him not buy it if the judges who made the decision are dead; if

they are living, let him get an insurance on their lives; for ye know not what a day or an hour may bring forth. * * * If each new set of judges shall consider themselves at liberty to overthrow the doctrines of their predecessors, our system of jurisprudence (if system it can be called) would be the most fickle, uncertain, and vicious that the civilized world ever saw. A French constitution, or a South American republic, or a Mexican administration would be an immortal thing in comparison with the short-lived principles of Pennsylvania law. The rules of property, which ought to be as steadfast as the hills, would become as unstable as the waves. To avoid this great calamity, I know of no resource but that of stare decisis."

It seems at first only another instance of the induced paradoxicalness of the legal mind when we recall the fact that another advocate of law reform, addressing an association of Pennsylvania lawyers a few years ago, on "The Evils of Case Law," declared that the course of looking through prior decisions for a rule which could be used to secure a favorable result, instead of relying on "the underlying principles of right and wrong," could appeal only to the timid beginner, the lazy practitioner, or the shyster who works for fees and whose indifference to the justness of the judgment secured rules him out from the ranks of honest men.

As a matter of fact, however, the position of the "Legal Intelligencer" is the thoughtful and rational one, and its consistency is of the kind that goes below the names of things to the ideas beneath. The habit of speaking as an advocate makes it difficult for a lawyer to see any good except in the cause to which he has committed himself, and the ordinary advocate of codification would be unable to admit any virtue in the doctrine of stare decisis. Yet really the two theories work towards the same end,—the establishment of the law on a basis of certainty. The doctrine of stare decisis, the reliance upon precedent, would, if consistently followed, bring about in time a practical, though unofficial, codification, and would bring it about through the agency of the judges, men who are admittedly better versed in the subject than most makers of laws and codes have shown themselves to be. The practical difficulties of course are that it would be impossible to consistently follow the old decisions, since they were themselves so inconsistent; and that it would be unwise to attempt to do so, even if it were possible, since that would mean submitting to what

would practically have all the disadvantages of a code with none of its advantages. But both of these difficulties are gradually eliminating themselves. The gradual and natural ranging of decisions on the lines of former decisions is establishing judicial rules which have virtually the force of a legislative enactment, and the publicity which is now being systematically given to all decisions rendered is the great agency in strengthening this tendency. Stare decisis was difficult when the decisions were hidden. In proportion as they have been made public they have become uniform, and in proportion as they become uniform the easier it is to stand by them, and the more the courts adopt the theory of stare decisis (even with the attendant incident of columns of citations in briefs), the nearer we come to the establishment of the principles of the law on a code basis. The good is reached by less radical methods, but perhaps for that very reason it may be reached with less hazard. Indeed, the systematizing and definition of the law through more harmonious decisions of the courts may well prepare the way for the introduction of codes when the times are ripe for them.

A Prize Competition for Law Students.

THE law student is a power in the land. It is not only in his character as a unit in the body which, though it may now be engaged in painfully learning to distinguish between an action in rem and an action in personam, will, five years hence, constitute a large part of the American bar, but in his individual capacity as a member of the legal corporate body. The American Bar Association makes consideration of methods in legal education one of the most prominent features on its programme, and some of the most thoughtful of its papers and discussions are drawn out by this topic. Books are written especially for the student, magazines are devoted to his interests, and publishers treat him with all the respect due to a fellow-being and a possible patron. The law student is undoubtedly a man and a brother,—when he is not a woman and a sister.

The latest evidence of this growing feeling is the Prize Competition recently announced by the West Publishing Co. Under its terms, the considerable sum of \$1,000 is to be dis-

tributed in prizes among students in law schools or offices for the best papers on forty different subjects, the assigned topics being the principles of law which are discussed in specified chapters of the Hornbook Series of legal handbooks. The announcement is notable for the amount offered, for the fact that it is open to students throughout the entire country, instead of being limited in extent, and for the character of the papers required. These are not to be abstract discussions of principles involving the philosophy of law or the basis of its sanctions. This is the favorite ground for students' theses; but from the very nature of the case the result of the application of the half-trained mind of a student to these questions can have little value, even to the worker. Original investigation can profitably begin only when the accumulated wisdom of the past has been mastered. The competitors for these prizes are therefore warned against running into lengthy discussions of abstract principles, or introducing irrelevant matter. The papers are to be in the form of annotations to the several chapters named, and may include the citation of additional authorities, the further elaboration of the subject, and, at the option of the student, the restatement of the definitions, etc. In awarding prizes, the judges will give special consideration to the points of accuracy, conciseness, and completeness, as evidenced by the exactness of the application of the cases cited and the fullness of the citations. This is all practical work of the sort that will ground a student's knowledge on systematic study, test the exactness of his information, and train him in the way he must walk as a practitioner before the courts.

Recent State Legislation.

THE "Review of Reviews" for September contains a review of the measures adopted by the 14 different state legislatures which have been in session during the last 12 months. It gives a bird's-eye view of the changes which have been effected by these bodies in the different branches of the law, and suggests the trend of popular requirements. There have been but few notable changes in the department of electoral reform. Virginia has adopted the Australian method of nominating and voting, which, in some form, is now in force in almost all the states.

Rhode Island makes a provision by which representatives in congress are elected by plurality instead of by a majority vote. Massachusetts has adopted "a thorough-going primary elections law," and, to make her educational qualification of the suffrage more effective, she makes a provision that each voter shall be required to read from a slip containing a portion of the state constitution, the slips to be drawn from a box. Heretofore set passages have been used, with the result that illiterate voters sometimes fortified themselves beforehand by committing the sentences to memory. In New York the use of the Myers voting machine has been extended from town to city elections. There has been some slight extension of the suffrage to women in Ohio and Iowa. The regulation of the liquor traffic has received legislative attention in several states besides South Carolina. A local-option law, requiring that the question of license be submitted to popular vote,—but not oftener than once in three years,—on petition of 25 per cent. of the voters, goes into effect in Kentucky. What effect this may have on the writers of humorous paragraphs, who have long used Kentucky whisky as a staple article of consumption, remains to be seen. Iowa is still struggling with her own problem, and is going to try the scheme of taxing every one in the state engaging in the business \$600 annually, it being expressly understood, however, that this does not legalize the sale of liquors. License can still be granted only on the petition of a prescribed majority. Utah is going to try to prohibit liquor selling on Sunday, and Massachusetts and Virginia have adopted measures to prevent adulteration of their wines and ciders. New Jersey and Rhode Island have passed laws to suppress lotteries and gambling, and South Carolina provides against the contingency of a visit from "Gentleman Jim" by declaring that any one engaging in a prize fight shall be subject to the payment of a penalty. The labor question has come up in one form or another before several of the legislatures. In Massachusetts a board was appointed to investigate the question of unemployed workmen in that state, and an act was passed looking to the protection of working people from certain rapacious employment bureaus. The factory laws of Massachusetts, having concern with the labor of women and children, the hours of work, etc., have been codified

and revised, as have also similar laws in Rhode Island. Massachusetts also makes a provision under which organizations which undertake to accomplish their ends by force or intimidation are denied recognition as labor organizations, and, to equalize matters, she imposes a penalty on employers who seek by intimidation to control the vote of their employes. New York and Utah have both passed bills appropriating money to give temporary work to the unemployed. In educational matters Massachusetts still continues to lead the movement against which Herbert Spencer would protest. She makes provisions for extending the opportunity for a high school education to every child in the state by requiring towns which do not themselves support high schools to pay the tuition fees of their children at other high schools, and also the transportation expenses. Manual training will be given after 1895 in the schools of every city having a population of 20,000, and the health of the next generation is assured by making instruction in cooking a part of the regular curriculum throughout the state. The only thing for other states to do now is to retort that they do not need legislative action to enforce good cooking,—and to prove it! Utah is going to begin with its juvenile citizens by maintaining kindergartens from public school money. In the matter of caring for the unfortunate, New York leads by appropriating funds for the founding of an epileptic colony. Kentucky passes a law for the protection of vagrant, destitute, and maltreated children under 16 years of age, and Georgia provides reformatories for youthful criminals. Utah opens a school for the blind. The question of including Brooklyn and the towns of Staten Island and Long Island in the city of New York is to be decided next November by the vote of the communities covered by the proposition. Virginia and Georgia have arranged for the organization of state banks of circulation, to begin operation after congress repeals the present United States tax on their currency. New Jersey adopts a collateral inheritance tax at the rate of 5 per cent., same to be collected through the officers of probate. Rhode Island exempts the real estate of educational and charitable institutions from the property tax, and Mississippi exempts all property owned and occupied by Christian Temperance Unions.

The public health is looked to in New York

by providing for the burning of garbage in villages of 10,000 inhabitants. The establishment, in Virginia, of a state board of embalming, to confer necessary certificates on practicing embalmers, seems to indicate that the F. F. V. are returning to the fashions of ancient Egypt. Iowa prohibits the sale of tobacco in any form to children under 16 years of age. Massachusetts prescribes definite rules to be followed in the erection of theaters and similar buildings, and Rhode Island requires the regular inspection and guarding of elevators. Massachusetts extends the operation of her civil service law to towns of 12,000 population, which will require the examination hereafter of clerical employes. New York excludes all aliens from employment by the state or on public work of any kind. Massachusetts has abolished "Fast Day," and made April 19th, the anniversary of the battles of Lexington and Concord, a legal holiday,—both movements over which the more youthful citizens will especially rejoice.

Books on Pleading, Practice, and Procedure.

WHATEVER the reason may be,—whether legal writers have been impressed with the conviction that the bar needed training in the technique of practice, or the anxiety of the bar to reach perfection has had a reflex action upon the writers,—certain it is that there is at this time a curious outcropping of books on "what to do, how to do it, and what not to do." The announcement pages of the law book publishers display a singular unanimity of motive. Coming almost together, we find *Pagin's Precedents and Forms in Federal Cases*, published by Callaghan & Co., and *Loveland's Forms of Federal Procedure*, published by W. H. Anderson & Co., both covering almost identically the same ground. A new edition of *Benedict's Admiralty Practice*, from Banks & Bros., indicates that the demands of federal practitioners are even yet unsatisfied; and, as the thirst for learning grows with what it feeds on, we are not surprised to find another announcement from W. H. Anderson & Co. of *Beach's Equity Practice for State and Federal Courts*. Little, Brown & Co. have published a small book by Edwin E. Bryant, dean of the Wisconsin University law school, on the Law of Pleading under the

Codes of Civil Procedure, and the more elaborate work on the same subject by Hon. Philemon Bliss has just appeared in a new edition, edited by Prof. Johnson, of Ann Arbor, and published by the West Publishing Co. Another work to be added to this series is Fitnam's Trial Procedure, being a treatise on Procedure in Civil Actions and Proceedings in Trial Courts of Record under the civil codes of all the states and territories, just published by the West Publishing Co. If a man hesitates about undertaking the mastery of the whole field at once, he can wait for Kinkend's Pleading in Civil Actions and Practice in Appeal and Error, announced by W. H. Anderson & Co., which is to cover cases coming under the Ohio Code, or apply himself to Swan's Treatise on Ohio Practice, the sixteenth edition of which has just appeared. In common-law pleading we have the new work by Benjamin J. Shipman, forming the third of the Hornbook Series of Legal Handbooks. Hardwicke on Advocacy, or the Art of Winning Cases, which came from the press of Banks & Bros. a short time ago, is now met by Elliott's General Practice, covering the preparation and trial of causes, from the Bowen-Merrill Co. If the young and inexperienced practitioner, who seems to be the special object of these good authors' solicitude, devotes himself as conscientiously to the study of these works as the writers have to their preparation, why, what a very practical young practitioner this practical young practitioner will be!

The Hammond Historical Law Collection.

THE valuable collection of books made by the late Dr. Wm. G. Hammond upon the history of the law has been given, in accordance with the doctor's wishes, to the law department of the Iowa State University, of which Dr. Hammond was the founder, and for many years the chancellor. The collection is said to be very complete, embracing over 1,200 volumes, most of them in Latin and the modern European languages. It comprises an excellent selection of original authorities on the civil law, the early German codes, and authorities on the early law among the Germanic tribes, works on this subject being for the most part in German and French; and a collection of early English treatises

and reports, including the Year Books. In the collection is contained a set of all the editions of Blackstone published during the author's lifetime, which Dr. Hammond procured with great difficulty when he was preparing his edition of Blackstone. The university is to be congratulated upon this valuable acquisition.

By the terms of Dr. Hammond's will his entire law library was bequeathed to the Washington University, of which the St. Louis Law School is a department; but Mrs. Hammond, anxious to carry out the doctor's expressed wishes, secured a release of this portion of the library from the trustees. The other books will remain with the Washington University, and will make an important addition to its library.

Announcements.

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

"Ethics of the Bar, and Other Papers," is the title of a book by Leonard Wright Colby, to be published by Charles Wells Moulton.

The West Publishing Co. will issue during October: The American Digest Annual for 1894, Clark on Contracts, Smith's Elementary Law, and vol. 37 Northeastern Reporter.

The Lawyers' Co-Operative Publishing Co. announce as in press Vol. 3 of their Digest of the U. S. Supreme Court Reports, covering volumes 119 to date. It will be sold separately.

Bancroft-Whitney Co. announce as nearly ready, Labatt's Brief Digest and Index to Notes of Vols. 30 to 36, American State Reports. It is sent free to all subscribers to the set.

Smith's Handbook of Elementary Law, the next issue in the "Hornbook Series," will probably be out this month. It was announced for September, but the delays which beset the path of the publisher have postponed the date.

W. H. Anderson & Co. announce as nearly ready, Pleading in Civil Actions and Defenses, and Practice in Appeal and Error, under the Ohio Code, with Forms and Prece-

dents, by Edgar B. Kinkead. It will be issued in two large volumes.

Geo. Barber (London) announces as in preparation a Guide to Constitutional Law and Legal History, for the use of students, by John Indermaur and Charles Thwaites. The authors are well known as the writers of a series of "Guides" for students.

The type is now being set on the new Minnesota Statutes announced by the West Publishing Co. The compilation has been made by Henry B. Wenzell, assisted by Eugene F. Lane, and the annotations are by Francis B. Tiffany, all of the Ramsey county bar.

Messrs. W. H. Anderson & Co. announce for early publication a new book entitled "On Stating a Cause of Action," being "a practical treatise on the theory and the application of the principles of code pleading in stating a cause of action," by Mr. Charles M. Hepburn, of the Cincinnati bar.

Clark on Contracts, announced by the West Publishing Co. in their "Hornbook Series," has been delayed in publication, but will probably be issued before the close of October. It will be larger than the Hornbook average, containing some 600 pages, and will cover the subject very thoroughly after the plan already developed in this series.

Samuel T. Morgan & Co., custom house brokers, Baltimore, have in press a Pocket Edition of the New Tariff Law. The book contains also the Customs Administrative Law of 1890, with an alphabetical schedule giving the duty on different articles, with references to the paragraphs of the law imposing the same, etc. To be bound in cloth, at \$1.50 a copy.

The American Annual Digest for 1894, covering all reported cases from the American courts of record for the year ending September 1, 1894, is now on the presses, and the first copies will be ready for delivery soon after the middle of this month. The work covers an unprecedented number of cases,—nearly 22,000,—but, owing to careful editorial condensation, the book will not exceed the last two annual volumes of the series in size.

The West Publishing Co. has arranged with Messrs. King & Leonard to prepare a complete series of Citations for the National Reporter System on the plan of the books already issued by them, of which some account

was given in an editorial in the last number of "Law Book News." The magnitude and importance of this work will appear when it is remembered that the National Reporter System comprehends more than thirty per cent. of all reported American cases.

T. & J. W. Johnson & Co. announce as in press the new edition of Purdon's Digest, which has been prepared by George Wharton Pepper and William Draper Lewis. It is to include the full text of every general act of assembly now in force, and a reference to every general act ever passed by the legislature and afterwards repealed. The statutes are preceded by annotated constitutions of the United States and of the state of Pennsylvania. The work will be in two volumes.

Law Book Notes.

Law Notes (London) gives White on Solicitors place as "the book of the month."

George Barber (London) has just issued a "Student's Guide to the Principles of Equity," by John Indermaur and Charles Thwaites.

A new (third) edition of Taylor on Corporations has just been published by Kay & Bro. The work has been revised by the author, and the effects of recent changes in the law are shown.

A new (fourteenth) edition of Haines' Justice Treatise has been issued by E. B. Myers & Co. It is in one large volume of some 1,500 pages. The price is announced at \$8, including delivery.

W. H. Anderson & Co. have recently issued new editions of the following books: Whittaker's Civil Code of Ohio, Whittaker's Ohio Probate Code, Coppock's Ohio Municipal Code, Rockel & White's Ohio Mechanics' Lien Laws.

Sweet & Maxwell have issued a new edition (the fourth) of Elphinstone's Introduction to Conveyancing, a book which ranks in England as one of the standard text books on the subject. It is now brought down to the current year.

The Laws of the State of New York Relating to Villages, coming down to the end of the present year, have been compiled by Frank S. Becker and Edwin D. Howe, and are published by the Williamson Law Book Co., in sheep at \$2.50, and in paper at \$2.

A new (fourth) edition of Gibson & Weldon's Student's Conveyancing has been issued by the Law Notes Publishing Co. (London). The same house has just published a new (fifth) edition of the Student's Practice of the Courts, prepared also by Gibson & Weldon.

The following books were issued last month from the press of the West Publishing Co.: Pitnam's Trial Procedure, Bliss on Code Pleading (third edition, by Prof. E. F. Johnson), Book 5 Federal Cases, vol. 61 Federal Reporter, and vol. 29 New York Supplement.

Jewett's Election Manual, containing the New York general election law and town meeting law, has gone into a new edition. It now includes the amendments of 1894, with the provisions of the Penal Code, General Laws, and constitution of the state relating to elections. It is published by Matthew Bender.

Arnold's Municipal Corporations (English) has gone into a fourth edition. This has been prepared by Mr. W. W. Mackenzie, one of the editors of the legal journal, "Justice of the Peace," and Sir S. G. Johnson, town clerk of Nottingham, and is published by Shaw & Sons. It is stated that the book has been almost entirely rewritten.

Shaw & Sons, London, have just published a second edition of Little's Law of Burial, including all the English Burial Acts as modified or affected by the Local Government Act, 1894; all the Church Building, New Parish, and Poor Law Acts relating to the subject; and the Official Regulations of the Home Office and Local Government Board, with notes, cases, and index.

King & Leonard's U. S. Supreme Court Citations, just published, should find a very large market among all lawyers who make use of the decisions of our highest court. Although the book itself covers Vols. 1 to 152 of the U. S. Reports, the first edition appears with a supplement covering Vols. 153 and 154. The plan of the work is admirable, and, so far as it has been tested within our knowledge, the citations have proved accurate and reliable.

W. C. Nichols & Co., Albany, N. Y., have published a work by George A. Benham, of the Troy bar, on the New York railroad laws. The first part contains the general railroad laws of 1890, as amended by the Laws of 1892; general and stock corporation law, the rapid transit act, etc. The second part cov-

ers the subject of railroad tickets, baggage, the application of the mechanics' lien law to railroads, etc. An addenda gives the Laws of 1894.

The Citizens' Law and Order League of Connecticut has issued a compilation of the laws of Connecticut relating to intoxicating liquors, gambling, duties of officials, etc. The work of compilation has been done by S. P. Thrasher, secretary of the league, and the proceeds from the sale of the book will be devoted to carrying on the work of the league in its efforts to purify the body social. It is well printed, and fully indexed. Bound in cloth, price \$1.

Wm. Green & Sons, of Edinburgh, have just published a Farmers' Legal Manual, for the benefit of Scottish farmers. The Scottish Law Review speaks of it as initiating the consideration in treatise form of the law of agriculture. The author, Isaac Connell, secretary Scottish Chamber of Commerce, finds that agriculturists are looking more after their rights in parliament, and this work is intended to ascertain what the existing laws affecting agriculture are.

Williamson Law Book Co. have ready a new book by Frank S. Becker and Edwin D. Howe on the Civil and Criminal Practice before Justices of the Peace and Police Justices, under the New York Code of Civil Procedure, Code of Criminal Procedure, Penal Code, and Statutes. The work makes an octavo volume of about 1,000 pages, the price of which is \$6.50. The publishers announce, however, that they will furnish the Civil Practice by itself for \$4, and the Criminal Practice by itself for \$5.

The Bowen-Merrill Co. have recently issued a new and enlarged edition of Elliott's "Work of the Advocate" under the title of "Elliott's General Practice." The work has been so greatly enlarged as to carry it far beyond the scope of the former title, and make it necessary to adopt the more comprehensive one of "General Practice." The book now covers the entire field of the preparation and trial of causes, including practical and legal rules upon the subject of the direct examination, the cross-examination, and the redirect examination. It is in two volumes; price, \$12, net.

Judge C. N. Buckler, of the El Paso bar, has prepared a Civil Digest of the Texas Reports, embracing some 90 volumes of Reports. The work is in three volumes, and is published, we understand, by the author.

The names of cases have been omitted to economize space, and the only references given are those of the state Reports, by page and volume. This feature must inevitably cripple the usefulness of the work, as many Texas lawyers rely upon the Southwestern Reporter for their reports, and any digest, to be generally valuable, should give citations to both series, as is done in the Southwestern Reporter Digest. In other respects, the digest has been highly commended by members of the Texas bar.

The Carter Publishing Co. of Pierre, S. D., has issued several pamphlets giving information as to the law in that state upon different subjects. The Australian ballot act, and other acts constituting the election laws, make up one of these pamphlets. It contains all laws pertaining to general, annual, and special elections, except elections for school and township purposes. Another contains the laws of South Dakota relating to divorce, compiled by H. B. Gillett, assistant secretary of state, and approved by the attorney general. The amended school laws, the laws governing building and loan associations, and the enabling act, together with the constitution adopted October 1, 1889, are also collated and published separately in this form.

The care which has been used in the preparation of Glaue & McClure's Present Value Tables for Dower, Curtesy, Annuities, etc., is indicated in the preface. In the 304 tables for contingent values every computation was made separately by Mr. Glaue and by Mr. McClure and by a third person, and a large part of them by a fourth person. All the computations were done on paper specially ruled for this purpose, in order to avoid errors in setting out the figures; and in the copy furnished the printers each figure stood in its own little square space, on paper also specially ruled. The figures were checked back and forth before and after printing, and it would seem that every possible precaution had been taken to guard against error. Books consisting chiefly of tables of figures are necessarily high-priced, because expensive to publish. Lawton & Griffith's Life Tables originally sold at \$100 a volume, and \$300 has lately been refused for a single copy. The table of contents of Glaue & McClure's book is given in full on page 305 of this number.

Miscellaneous Notes.

The Legal Intelligencer for August 21st gives a brief account of the proceedings of the 17th annual meeting of the American Bar Association at Saratoga.

The Albany Law Journal for August 25th gives the text of Judge Dillon's paper, read before the American Bar Association at Saratoga, on "The True Professional Ideal."

The work of the fifty-third congress is reviewed in the September Review of Reviews and a schedule is given showing the changes effected by the new tariff on the most important articles affected.

One of the standing headings in English digests is "Poor Law." We have the article in this country as well, but we don't think it necessary to label it. There is such a thing as carrying the virtue of frankness beyond limits.

"The Brief" suggests a personally-conducted tour for lawyers as a good thing to fill the long vacation, and outlines a programme: "The Bar at Berlin, Pleading at Paris, Rhetoric at Rome, Counsel at Constantinople, Solicitors in—well, anywhere—say Siberia."

The address delivered by Frank O. Lowden, of the Chicago bar, before law students of the Iowa State University has been reprinted by "The Brief" (London), with the comment that "its lofty tone puts to shame some of our English ideas, which too often soar, in practice, no higher than six-and-eightpence."

The address of Hon. Thomas M. Cooley before the American Bar Association is given in full in the Albany Law Journal, issues for September 8th and 15th. The concluding portion is also given in the Michigan Law Journal for September. It will be widely read by lawyers who missed the privilege of hearing it at Saratoga.

The American Law Register and Review begins, with its September issue, a new department, under the caption, "Progress of the Law." It gives comments on current decisions, which are gathered from the advance reports for the preceding month. If it can trace the "progress" of the law, it will certainly be most valuable.

The American Lawyer for September gives a report of the proceedings of the Fourteenth Annual Convention of the Missouri State Bar Association, including the address of the president, Hon. Alexander Martin, a paper by C. V. Buckley on "The Attachment Law, its Uses and Abuses," a paper on "Social Evolution and Legal Procedure," by Frank

Titus; a review of the subject of "State Regulation of Contract of Employment," by James F. Mister; and a paper on "The King's Highway," by Stephen S. Brown.

Prof. Russell H. Curtis' "Classification of Law," a skeleton of which was published in the "Green Bag" for March, 1890, and which, elaborated, afterwards appeared in pamphlet form, has now been issued by the American Academy of Political and Social Science as No. 114 of its series of publications. It can be obtained in this form for 15 cents, and doubtless many members of the profession will be glad to have it. Other recent papers issued by the academy are American Life Insurance Methods, by Miles M. Dawson, and the Relation of Taxation to Monopolies, by Emory R. Johnson, of the University of Pennsylvania.

The "Law Book Adviser" is the title of a new "journal of legal bibliography," the first number of which has just reached us. It is to be published quarterly, by John Byrne & Co., Washington. Eight of the sixteen pages are filled with advertisements, and the other eight pages contain law miscellany, mostly from exchanges. The most prominent contributors to its column of fresh and crisp "criticisms on law books and lawyers" appear to be Chancellor Kent, Judge Sharswood, Judge Story, and one Espinasse, presumably a certain barrister at law, whose name is also enshrined on the title page of some *ni si prius* reports which come down even to Hilary term, 39 George III. (1799).

The published Report of the Sixth Annual Meeting of the Virginia State Bar Association, held at Virginia Beach in July, reflects great credit upon the association. The regular reports of committees on legal literature, legal education and admission to the bar, and law reform indicate that the consideration of these subjects is by no means perfunctory, but, on the contrary, that the members are alive to all that pertains to the best development of the profession. The discussions which followed the reports are full of lively interest. The meeting was also happy in the matter of the formal addresses. Waller R. Staples, President of the Association, gave a history of the "Old county court system of Virginia, as it existed before the late war," which abounds in interesting reminiscences. The annual address was delivered by Leonard A. Jones, upon the subject, "Uniformity of Laws through National and Interstate Codification," and was followed by a paper on "The Legal Evolution and Status of American Paper Money," by

Walter D. Dabney. The report concludes with the significant "Code of Ethics," adopted by the association in 1889.

Of Collateral Interest.

Representative McMillin (Tenn.) has inserted in the Congressional Record a speech which gives a summary of the important measures taken by the present congress. It may be taken as a semi-official report.

Senator William V. Allen has an article in the North American Review for August on the subject of "How to Purify the National Legislation." Senator Allen introduced a bill into the senate in June, which had it as its object to restrain senators and representatives, during their term of office, from dealing in speculative stocks, the value of which may in any manner depend upon a vote of congress. In his published paper he amplifies the same proposition. We quote: "It is well known that the judiciary of this country is of the very highest character for probity and integrity. Yet the law, with a merciful regard for human feelings, declines to permit any judge to sit in his own case. Why should not this beneficent rule be applied to the legislative as well as the judicial branch of the government? If, in the case of an interpreter of laws—and such, in the last analysis, a judge must be said to be—it is too much to expect that he will observe the strictest impartiality in a case in which he is himself peculiarly interested, what divinity should hedge a maker of laws to shield him from the operation of the same principle? What disparagement of his character can be involved in a law which would have the effect of removing from him even the suspicion of wrongdoing?"

Two papers that will interest good citizens have been lately issued by the American Academy of Political and Social Science, namely, The Problems of Municipal Government, by Edwin L. Godkin, and The Reform of Our State Governments, by Gamaliel Bradford. Mr. Godkin illustrates his essay by reference to the municipal history of New York, with which he shows a statesmanlike familiarity, and suggests as the fundamental remedy the development of the municipal spirit. His suggestions are worthy of earnest consideration. In "The Reform of our State Governments," Gamaliel Bradford reminds us that the municipal problem is by no means the only one for political reformers to consider. He reiterates the views, which he has already made familiar to his readers,

that the chief danger of the present political organization lies in the weakness of the executive as compared with the legislative department, and in the substitution of a plurality for a majority vote. In "A Decade of Mortgages," also issued by the Academy, George K. Holmes, of the Census Bureau, reviews the condition of the people of the United States in regard to real estate mortgage indebtedness, which he finds to be indicative of prosperity, although, at the same time, it may be indicative of a concentration of wealth, and hold a menace for the future.

The Open Court Publishing Co., Chicago, has issued "The Nature of the State," by Dr. Paul Carus, as the July number in its "Religion of Science Library." It is made up of a series of editorial articles which appeared in The Open Court in 1892 and which were written as a contribution to the discussion raised by the indictment of the Homestead rioters for treason. A correspondent of The Open Court had designated the prosecution for treason as a "moral victory" for the rioters, and quoted Lowell's verse, "Man is more than constitutions," in glorification of the attitude of treason. Dr. Carus answered with these papers, in which he considers the following questions: "Does the state exist? Was the individual prior to society? The state a product of natural growth. The modern state. The authority of the state, and the right to revolution. The modern state based upon revolution. Treason and reform." The papers are characterized by a desire to be fair, with the resulting effect that they seem somewhat lacking in force. It is, perhaps, not to be expected that the editorial utterances of a weekly paper should bear evidence of very profound research, but when these are gathered up for issue in permanent form, they are laid open to a severer criticism, and we are forced to say that this pamphlet will hardly throw much light upon the vexed question. It talks about the subject without working into it. In the closing paper, treason is defined as "any act which, as the result of conscious and deliberate purpose, tends to undermine the existence of the state," and this is declared "one of the greatest crimes that can be committed;" yet the author adds: "It is very difficult to draw any well-defined line between treason and reform, especially when it is remembered that every reform appears necessarily as treason to a conservative mind. As to would-be reformers, who commit acts of treason in the vain hope of doing a good work of progress, we can only say that they take their chances."

The American Economic Association has just issued a very thoughtful and carefully

written monograph on the "Theory of Transportation," by Charles H. Cooley, Ph. D., assistant in political economy in the University of Michigan, and sometime chief of the transportation division of the eleventh census. Mr. Cooley states that, having had occasion to study transportation in several of those practical aspects which are demanding attention at the present day, he was forced to the conclusion that, to properly understand the subject, it was necessary to go further back than writers upon it were accustomed to do. He therefore conceived the plan of himself writing a theory of transportation that should unfold the most important of its relations to economic and political life, and the present essay is the outgrowth of that plan. The first chapter considers, in a peculiarly lucid and simple manner, the general notions of transportation, the natural arrangement of roads, and the relations of land transportation and of water carriage to physical conditions. The author then takes up the social function of transportation, and considers it in relation to military and political organizations and organizations having an ideal purpose, such as the early religious organizations and modern organizations for legislative, educational, and social purposes. The causes that determine the location of towns and cities form the subject of a very interesting chapter, in which it is shown that population and wealth tend to collect at a break in transportation; the reason being, in the first place, the necessity for the material and symbolic machinery of transfer at breaks, and, in the second, the tendency of other economic activities to collect where that machinery exists. The last four chapters consider the relation of transportation to markets, prices, competition, etc.; the general theory of rates; transportation and rent; and, finally, the political relations of transportation. Regarding the public regulation or control of transportation, the author speaks briefly, but wisely, from the standpoint that competition is the best available regulating force in most kinds of industrial activity, but that it is not necessarily nor always good, and that in certain cases the public good may require it to be regulated, or even suppressed. The work is scholarly, and should be found a valuable assistance to all students. At the same time it is so clearly and untechnically written as to make it pleasant and profitable reading for any good citizen.

Under the heading "Economics and Politics," in the fall announcement number of the Boston Literary World, we find the following new books heralded: It is chiefly new editions that Macmillan & Co. announce under this head; their list includes "The Right to the Whole Produce of Labour: the Origin

and Development of the Theory of Labour's Claim to the Whole Product of Industry," by Professor Menger; "The American Commonwealth," by the Right Hon. James Bryce, D.C.L., new third edition revised, with additional chapters, Vol. II; "Essays on Questions of the Day, Political and Social," by Goldwin Smith, D.C.L., a new revised edition, with additional essays; "Sketch of the Political History of England," by the same; "Essays on International Law," by Professor Westlake of the University of Cambridge; "Short History of English Commerce," by W. Cunningham, D.D.; "Architect, Owner, and Builder Before the Law," by T. M. Clark, fellow of the American Institute of Architects. The American Academy of Political and Social Science announces the publication of two new translations in its series of constitutions. They are: "Constitution of the Kingdom of Prussia," translated by Prof. James Harvey Robinson, and "Constitution of the Kingdom of Italy," translated by Dr. S. M. Lindsay and Dr. L. S. Rowe. Both of these translations will be supplied with historical introductions and full explanatory notes. The Academy also announces "Problems of Municipal Government," by E. L. Godkin, editor of the Nation; "The Reform of Our State Governments," by Gamaliel Bradford; "The Ultimate Standard of Value," by Prof. Dr. Eugen von Böhm-Bawerk of Vienna; "The Failure of Biologic Sociology," by Prof. Simon N. Patten; "Mortgage Banking in Russia," by D. M. Frederiksen; "Relation of Labor Organizations to Trade Instruction," by Prof. Edward W. Bemis of the University of Chicago; "A Decade of Mortgages," by George K. Holmes of the census bureau; "The Future Problem of the Unemployed," by John Graham Brooks; "Peaceable Boycotting," by Chester A. Reed, Esq., of the Boston bar; and "Rent and Profit," by C. W. Macfarlane. "City Government in America," by Alfred R. Conkling, is a timely book which D. Appleton & Co. will issue soon. More in the line of social science is the Criminology series, edited by Douglas Morrison, comprising "Criminal Woman," by Professor Lombroso; "The Juvenile Offender," by Douglas Morrison; "Criminal Sociology," by Professor Ferri; and "Crime, a Social Study," by Professor Joly. "The Christian State," a new political vision by the Rev. George D. Herron, D.D., and "American Charities," a study in philanthropy and economics by Amos G. Warner, Ph.D., professor of economics in Leland Stanford, Jr., University, are announced by T. Y. Crowell & Co. "Wealth Against Commonwealth," by Henry Demarest Lloyd, just ready from the Harpers, is declared by them to be the most complete history in existence of the great combination of brains and capital which still remains the type and

model of all trusts or monopolies. The second volume of that important work, "Social England," by various writers, edited by H. D. Traill, D.C.L., extends from the accession of Edward the First to the death of Richard III. It is just published by the Putnams.

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 MINOR'S EDITION OF WOOD ON RAILROADS (1894), vol. 2, pages 1335, 1336, and 1337, he cites McKone v. Michigan Cent. R. Co., 57 Mich. 601, while on page 1215 of the same volume the same case is cited as 51 Mich. 601. The latter is the correct citation, the other three being erroneous.

W. W. Gilman.

New London, Wis.

Personal.

The well-known law publishers Robert Clarke & Co. have incorporated under the laws of Ohio, and will continue business as the Robert Clarke Company.

It is stated that Mr. L. H. Edmunds, a wealthy lawyer, has purchased the well-known English Tory weekly, the Saturday Review, formerly conducted by Mr. Beresford Hope.

A bronze bust of Dr. Wm. G. Hammond is to be placed in the library of the law department of the Iowa State University by the students, as a memorial of their first chancellor. The work is to be executed by a St. Louis artist.

George W. Pearce, the editorial manager of the New York Law Journal, died on September 18th. Mr. Pearce had been connected with the Law Journal ever since its organization, and, though not a lawyer by profession, his experience as a journalist and his personal characteristics enabled him to render efficient help in making the Law Journal the valuable publication which it is.

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.

AMERICAN and English Encyclopedia of Law, Vol. 25, compiled under the editorial supervision of Charles F. Williams, assisted by Thomas J. Michie. Northport: Edward Thompson Company. 1894. \$6, net.

ARMOUR, Edward Douglas. A treatise on the investigation of titles to real estate in Ontario, with a precedent for an abstract. Second edition. Toronto: The Carswell Co. 1894. 32+412 pages, half calf. \$5.

ARNOLD, T. J. The law of municipal corporations. 4th Ed. By W. W. Mackenzie and S. G. Johnson. London: Shaw & S. 1894. 37s. 6d.

BEALE, Jos. H., Jr. A selection of cases and other authorities upon criminal law. Cambridge: Harvard Law Review Pub. Assoc. 1894. Parts 1 and 2. 15+983 pages. \$5.

BECKER, Frank S., and Edwin D. Howe. The civil and criminal practice before justices of the peace and police justices, under the New York code of civil procedure, code of criminal procedure, penal code and statutes. Rochester: Williamson Law Bk. Co. 1894. \$6.50, del'd.

BLACK, W. P. M. Chart of criminal procedure in the sheriff courts and high court of justiciary in Scotland. Glasgow: William Hodge & Co. 1894. 2s.

BLISS, Philemon. A treatise upon the law of pleading under the codes of civil procedure of the states of N. Y., Conn., N. C., S. C., Ohio, Ind., Ky., Wis., Minn., Ia., Mo., Ark., Kan., Neb., Cal., Nev., Oreg., Colo., Wash., N. Dak., S. Dak., Mont., Idaho, Wyo., and Ariz. and Utah. 3d Ed. Revised and annotated by E. F. Johnson. St. Paul: West Pub. Co., 1894. xxxv.+809 pages. \$6.

Burial.

See "Little's Law of Burial (Eng.)"

Canada.

See "Armour's Investigation of Titles to Real Estate."

Carriers.

See "McClain's Cases."

Code Pleading.

See "Bliss on Code Pleading."

CONNELL, Isaac. The farmers' legal handbook, with appendix containing statutes, forms, etc. Edinburg: Wm. Green & Sons. 1894. 3s. 6d.

Conveyancing.

See "Gibson & Weldon's Students' Conveyancing (Eng.)"

Corporation Law.

See "Taylor's Private Corporations."

Criminal Law.

See "Beale's Cases."

DALY, C. P. The common law, its origin, sources, nature, and development, and what the state of New York has done to improve upon it; a discourse delivered April, 1894. New York and Albany: Banks & Bros. 1894. 71 pages. 50c.

Election Laws.

See "Jewett's Manual (N. Y.)"

ELLIOTT, Byron K. and William F. A treatise on general practice containing rules and suggestions for the work of the advocate in the preparation for trial, conduct of the trial and preparation for appeal. In two volumes. Indianapolis: Bowen-Merrill Co. 1894. 290+602; 18+850 pages. \$12, net.

English Law.

See "Arnold's Law of Municipal Corporations;" "Fulton's Patents;" "Gibson v. Weldon's Students' Conveyancing;" "Gibson & Weldon's Students' Practice;" "Little's Law of Burial;" "Paterson's Intoxicating Liquor Acts."

FITNAM, John C. Trial procedure. A treatise on procedure in civil actions and proceeding in trial courts of record under the civil codes of all the states and territories. St. Paul: West Publishing Co. 1894. 52+867 pages. \$6.30, del'd.

FULTON, D. Practical treatise on patents, trade-marks, and designs. London: Jordan. 1894. 15s.

GIBSON & WELDON'S students' conveyancing. 4th (Eng.) Ed. London: Law Notes Pub. Co. 1894. £1. 1s.

GIBSON & WELDON'S students' practice of the courts. 5th (Eng.) Ed. London: Law Notes Pub. Co. 1894. 16s.

GREENIDGE, A. H. J. Infamia; its place in Roman public and private law. New York: Macmillan & Co. 1894. Cloth, \$2.60.

HAINES, E. M. Justice treatise of Illinois. 14th Ed., brought down to date. Chicago: E. B. Myers & Co. 1894. \$8.

Illinois.

See "Haines' Justice Treatise."

International Law.

See "Stevens' Sources of the Constitution."

Intoxicating Liquors.

See "Paterson's Intoxicating Liquor Licensing Acts (Eng.)."

IRWIN, William W. Annotations, supplemental to Howell's Annotated Statutes of Michigan. Grand Rapids, Mich.: Published by the author. 1894. 117 pages. \$5, del'd.

JEWETT, F. G. Manual for elective officers and voters. Albany: Matthew Bender. 1894. 292 pages. 75 cents in paper, \$1.25 in leather.

KING & LEONARD, compilers. United States supreme court citations and conflicting cases. Dublin, Tex.: The National Citation Co. Flexible covers, \$7.50, del'd.

Law.

See "American and English Encyclopedia."

LITTLE, James Brooke. The law of burial. 2d Ed. London: Justice of the Peace Publishing Co. 1894. 17s. 6d.

MAINE register, state year book and legislative manual from May 1, 1894, to May 1, 1895. Established 1870. Standard time adopted for calendar pages. Prepared pursuant to orders of the legislature. Portland: G. M. Donham. 1894. 878 pages. \$1.75, net.

MCLAIN, Emlin. A selection of cases on the law of carriers of goods and passengers. Part 2. Iowa City: Published by the author. 1894. 527 pages. \$6.

Michigan.

See "Irwin's Annotations."

New York.

See "Becker & Howe's Civil and Criminal Practice before Justices of the Peace and Police Justices;" "Daly's Common Law;" "Jewett's Manual for Election Officers."

Patents.

See "Fulton's Patents (Eng.)."

PATERSON, James. Intoxicating liquor licensing acts. 1872, 1874. 10th Ed. London: Justice of the Peace Publishing Co. 1894. 10s.

Practice and Procedure.

See "Black's Chart of Criminal Procedure (Scottish);" "Bliss on Code Pleading;" "Elliot's General Practice;" "Fitnam's Trial Procedure;" "Gibson & Weldon's Students' Practice (Eng.);" "Haines' Ill. Justice Treatise."

Real Property.

See "Armour's Investigation of Titles to Real Estate in Ontario."

Roman Law.

See "Greenidge on Infamia."

Scottish Law.

See "Black's Chart of Criminal Procedure;" "Connell's Farmers' Legal Handbook."

STEVENS, C. Ellis. Sources of the constitution of the United States, considered in relation to colonial and English history. New York: Macmillan & Co. 1894. xii.+277 pages. \$1.50, cloth.

Students' Books.

See "Beale's Cases on Criminal Law;" "Bliss on Code Pleading;" "Gibson & Weldon's Students' Conveyancing (Eng.);" "Gibson & Weldon's Students' Practice (Eng.);" "McClain's Cases on Carriers."

TAYLOR, Henry O. The law of private corporations. 3d Ed. Philadelphia: Kay & Bro. 1894. \$6.

Towns.

See "Arnold's Law of Municipal Corporations (Eng.)."

U. S. Supreme Court.

See "King & Leonard's Supreme Court Citations."

Reports.

ABBOTT'S NEW CASES. V. 31. New cases selected chiefly from decisions of the courts of the state of New York, with notes by Austin Abbott. New York: The Diossy Law Book Company. 1894. 8+45+567 pages. \$4.50.

AMERICAN ELECTRICAL CASES. V. 1; being a collection of all the important cases

(excepting patent cases) decided in the state and federal courts of the United States from 1873 on subjects relating to the telegraph, the telephone, electric light and power, and other practical uses of electricity. William W. Morrill, reporter. Albany: Matthew Bender. 1894. xxi+894 pages. \$6.

ARKANSAS supreme court reports. V. 58. Cases determined June, 1893-March, 1894. Thomas Dwight Crawford, reporter. Little Rock: Press of Gazette Publishing Co. 1894. 17+656 pages. \$2.50.

CALIFORNIA supreme court reports. V. 101. C. P. Pomeroy, reporter. San Francisco: Bancroft-Whitney Co. 1894. 32+757 pages. \$3, net.

FEDERAL CASES. Book 5; containing 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 title of the cases, and numbered consecutively. Cava-Coffin. Case No. 2,375—Case No. 2,953. St. Paul: West Publishing Co. 1894. 1237 pages. Price, \$10.

FLORIDA supreme court reports. V. 33. Cases argued and adjudged at the January term, A. D. 1894. William B. Lamar, reporter. Tallahassee: The Tallahasseean Book and Job Office. 1894. 8+775 pages. \$3.50.

ILLINOIS appellate court reports. V. 52. Submitted at the May term, 1893, of the third district, and at the February and August terms, 1893, of the fourth district, with the revised rules of the third district, adopted at the May term, 1894. Martin L. Newell, reporter. Chicago: Callaghan & Co. 1894. 716 pages. \$3.50, net.

LAWYER'S REPORTS, Annotated. Book 23. All current cases of general value and importance decided in the United States, state and territorial courts, with full annotation by Burdett A. Rich, editor, and Henry P. Farnham, assistant editor. Rochester, N. Y.: The Lawyers' Co-Op. Pub. Co. 1894. 908 pages. \$5.

MISSOURI. St. Louis and Kansas City courts of appeals. V. 56. Cases determined from Jan. 8, 1894, to March 5, 1894. Reported by David Goldsmith, of the St. Louis bar, and Ben Ell Guthrie, of the Macon City bar. Columbia: E. W. Stephens. 1894. 19+11+733 pages. \$3.

NEBRASKA supreme court reports. V. 38. Cases decided at September term, 1893, and January term, 1894. D. A. Campbell, reporter. Lincoln: State Journal Co. 1894. 49+942 pages. \$2.50, net.

NEW YORK court of appeals reports. V. 142. Cases decided from and including decisions of April 10 to and including decisions of June 5, 1894, with notes, references, and index. H. E. Sickels, state reporter. Albany: James B. Lyon. 1894. 23+777 pages. \$1.50, net.

FEDERAL REPORTER. V. 61; containing cases argued and determined in the circuit courts of appeals and circuit and district courts of the United States. Permanent edition. June—August, 1894. St. Paul: West Publishing Co. 1894. 29+1050 pages. Price, \$5. [National Reporter System.]

NEW YORK SUPPLEMENT. V. 29; containing the decisions of the supreme, superior, and lower courts of record of New York state. Permanent edition. June 28—September 6, 1894. St. Paul: West Publishing Co. 1894. Price, \$5. [National Reporter System.]

NEW YORK supreme court reports. V. 84 (Hun, 77). Cases heard and determined in the supreme court of the state of New York. Marcus T. Hun, reporter. New York and Albany: Banks & Bros. 1894. 31+685 pages. \$3.

NOVA SCOTIA REPORTS. V. 25; containing reports of cases argued and determined in the supreme court of Nova Scotia with a table of the names of cases argued, a table of the cases cited, and a digest of the principal matters. Reported by Benjamin Russell and John M. Geldert, Jr. Toronto: The Carswell Co., L't'd. 1894. 13+596 pages. Half sheep, \$6.

ONTARIO REPORTS. V. 24; containing reports of cases decided in the queen's bench, chancery, and common pleas divisions of the high court of justice for Ontario. Editor: James F. Smith, Q. C. Reporters: Queen's bench division, E. B. Brown; chancery division, A. H. F. Lefroy and George A. Boomer; common pleas division, George F. Harman. Toronto: Rowsell & Hutchison. 1894. 30+749 pages. \$5.

PENNSYLVANIA county court reports. V. 14; containing cases decided in courts of the several counties of the commonwealth of Pennsylvania. Philadelphia: T. & J. W. Johnson & Co. 1894. 33+719 pages. Sold only by subscription in parts. \$4.

PENNSYLVANIA supreme court reports. V. 160. By Ja. Monaghan, reporter; containing cases decided at January term, 1894. New York and Albany: Banks & Bros. 1894. 23+705 pages. \$2.50.

TEXAS civil appeals reports. V. 6. Cases argued and decided in the courts of civil appeals of the state of Texas during the

months of January, February, and March, 1894. A. S. Walker, Sr., reporter Texas Supreme court. Published by the state of Texas. 1894. 26+841 pages. \$3.30, del'd.

Statutes, Codes, and Laws.

CALIFORNIA. Index to the laws, 1850-1893, including the statutes, the state edition of the codes, 1872, and subsequent amendments, and the constitution of 1879, etc. Prepared under the supervision of A. J. Johnston, superintendent of state printing. Sacramento: State Pr. Off. 1894. 739 pages. \$6.

IOWA. A compilation of the laws concerning corporations, with annotations of the decisions of the supreme court of Iowa, and notes of some decisions of other courts. By Henry F. Galpin. Plainfield, N. J.: Honeyman & Co. 1894. 13+188 pages. \$2.

KENTUCKY. Statutes; containing all general laws, including those passed at session of 1894, with notes of decisions of the court of appeals, prefixed by the Magna Charta, the Declaration of Independence, articles of Confederation, constitution of United States, naturalization laws of United States, laws relating to removal of actions and prosecutions to United States courts, compact with Virginia, act admitting Kentucky into Union, and constitutions of Kentucky. New index to constitution and laws. Prepared by J. Barbour and John D. Carroll. Louisville: The Courier-Journal Job Printing Co. 1894. 1669 pages. \$8.

NEW YORK. The law and practice under the statutes concerning business corporations in the state. By Dwight Arven Jones. New York: Baker, Voorhis & Co. 1894. \$4 net.

NEW YORK. Laws relating to villages. Rochester: Williamson Law Book Co. 1894. \$2.50, del'd; paper, \$2.

NEW YORK CITY. Consolidation of revised ordinances, with amendments down to the year 1894, relating to incumbrances on streets, sidewalks, etc., nuisances, hawkers, hucksters, and peddlers, hackney coaches, carts, express wagons, public porters, hotel and steamboat runners, pawnbrokers, etc.,

to which is added a consolidation to the present time of the statutory law relating to the constitution, powers, and duties of the N. Y. city police, with notes. By W. P. Laird. New York: The Excelsior Press Rooms & Pub. Co. 1894. 2+123 pages. Paper, \$1.

ONTARIO. Statutes of the province passed in the session held in the fifty-seventh year of the reign of her majesty, Queen Victoria, being the 4th session of the seventh legislature of Ontario, begun and holden at Toronto, on the 14th day of February in the year of our Lord 1894. His honour, the Honourable George Airey Kirkpatrick, Lieut. Gov. Toronto: L. K. Cameron. 1894. 6+583 pages. \$1.25.

SOUTH DAKOTA. Election laws, including the Australian ballot act, with form of official ballot. Pierre: Carter Pub. Co. 1894. 46 pages. Paper, 50c.

SOUTH DAKOTA. Enabling act and constitution. Pierre: Carter Pub. Co. 1894. 84 pages. Paper, 50c.

SOUTH DAKOTA. Laws relating to building and loan associations. Pierre: Carter Pub. Co. 1894. 13 pages. Paper, 50c.

SOUTH DAKOTA. Laws relating to divorce. By H. B. Gillett. Pierre: Carter Pub. Co. 1894. 16 pages. Manilla, \$1.

SOUTH DAKOTA. School laws. Published by authority. Pierre: Carter Pub. Co. 1894. Paper, 50c.

Digests.

AMERICAN state reports. A brief digest to volumes 31 to 36, together with an index to the notes, and a table of cases reported. By C. B. Labatt and Chas. T. Boone. Presented to the patrons of the series by Bancroft-Whitney Co., San Francisco. 1894. 150 pages. Paper.

KANSAS. A digest of the decisions of the supreme court, embracing vols. 22 to 51, inclusive, of the Kansas Reports, and also the reported decisions of the Kansas cases in the federal courts during the same period. New volume 2. By C. F. W. Dassler. Topeka: Crane & Co. 1894. 819 pages. \$6.

CONTENTS OF NEW BOOKS.

American Electrical Cases (Volume 1).

TITLE PAGE. American Electrical Cases, Being a Collection of all the Important Cases

(Excepting Patent Cases) Decided in the State and Federal Courts of the United States from 1873 on Subjects Relating to The Telegraph, The Telephone, Electric Light and Power, and Other Practical Uses of Elec-

tricity. With Annotations. Edited by William W. Morrill, Author of "Competency and Privilege of Witnesses," "City Negligence," etc. Volume 1. 1873-1885. Albany, N. Y.: Matthew Bender, Law Publisher, 511-513 Broadway. 1894.

EXTRACT FROM PREFACE. It goes without saying that we are living in an age of electricity, and that we are in fact just entering it, for though the electro-magnetic telegraph has been in successful operation over forty years, the telephone, the electric light, the electric railroad, and other uses of electricity as a motive power date back considerably less than half that time; and it is evident that the importance of this agency is only beginning to be developed and appreciated. It stands to reason, even without practical demonstration, that in connection with the development of this new agent a great deal of litigation must have arisen, and new and vexatious legal questions be constantly arising and reaching the courts for decision. Such is, indeed, the case; and yet, although some text-books have been published relating to the whole or portions of the subject, no attempt has been made to collect the decisions for convenient reference, with the single exception of Allen's Telegraph Cases, published in 1873, when the telegraph was the only electrical device in use. Meantime a large number of important decisions have been made. And it is purposed to collect and publish them in a continuous series, beginning with about the year 1873, of which this is to be the first volume; the others to follow promptly until brought down to date, and then as cases shall accumulate, which it is believed will soon be at the rate of a volume each year. Particular attention is called to the annotations, in which cases not here reported, especially earlier cases, are referred to in appropriate connection; and the index, upon which special care has been bestowed, to make it a convenient means of reference to the contents of the book in every important detail.

Fitnam's Trial Procedure.

TITLE PAGE. Trial Procedure. A Treatise on Procedure in Civil Actions and Proceedings in Trial Courts of Record Under the Civil Codes of All the States and Territories. By John C. Fitnam, Esq., Counselor at Law. "What to do, how to do it, and what not to do, in civil actions and proceedings in trial courts of record." St. Paul, Minn.: West Publishing Co. 1894.

FROM THE PREFACE. Justice Sharswood, a most eminent judge, who for a great many years sat upon the supreme court bench of the state of Pennsylvania, aptly says: "The difficulty is not so much to know the

law as to know where to find it." This is peculiarly the case in procedure in nisi prius or trial courts of record, where the law as to correct procedure is often needed, when the attorney has not time to investigate the Reports, and determine how he should properly proceed in a given case. The decisions of the courts on questions of procedure are scattered through the thousands of volumes of Reports, and are inaccessible to a vast majority of practitioners. Yet the correct or proper procedure is almost invariably the same in all of the trial courts, under the codes, except in some special statutory cases. A careful examination of the Reports shows that almost innumerable decisions of the supreme courts point out the correct procedure in trial courts, and that these decisions are often repeated, as the occasions arise for doing so, by reason of a want of familiarity on the part of the attorneys, and sometimes of the judges, with the proper mode of action in the particular instance.

The object of this work, which is the product of years of study and research, is to point out to young and inexperienced practitioners "what to do in procedure from the initiatory step in an action or proceeding, step by step, through its various stages; how to do it correctly; and what not to do, because improper."

In this first edition many points are suggested upon which there are no decisions exactly in point in many states. It is hoped that the book will lead to much-needed reform in practice, especially among young attorneys, and prevent their raising questions at bar on which the courts have already made numerous decisions, thereby expediting the trial of cases in the trial courts.

This book is the direct result of at least thirty-five years' experience in practice, and has been for the last ten or fifteen years in process of compilation for publication.

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- Chap. I. Constitutional and Statutory Provisions, Relating to the District and Other Trial Courts of Record of the Several States.
- Chap. II. Trial Courts of Record.
- Chap. III. The District Court.
- Chap. IV. Eligibility and Qualification of District Judge.
- Chap. V. Powers of Judge.
- Chap. VI. What Forbidden to Judges.
- Chap. VII. Oath of Office.
- Chap. VIII. Of Vacancies in Office.
- Chap. IX. Appellate Jurisdiction of District Court.
- Chap. X. Statutory Provisions Applicable when there is More than One District Judge of the District.
- Chap. XI. Of County Courts.
- Chap. XII. Clerks of Courts.
- Chap. XIII. Seals of Courts.
- Chap. XIV. Where Trial Court Must be Held.
- Chap. XV. Terms of Courts.
- Chap. XVI. Powers Possessed by All Courts of Record.
- Chap. XVII. Powers Possessed by All Courts of Record (Continued).

Chap. XVIII. Power to Enforce Order.
 Chap. XIX. Power to Enforce Order (Continued)—Contempts.
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 Chap. XXII. The Code Summons.
 Chap. XXIII. The Summons (Continued).
 Chap. XXIV. Essentials of a Summons.
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 Chap. XXVI. Service of Summons (Continued).
 Chap. XXVII. Service of Summons (Continued).
 Chap. XXVIII. Service of Summons (Continued).
 Chap. XXIX. Of Appearance.
 Chap. XXX. Service of Summons by Publication.
 Chap. XXXI. Service of Summons by Publication (Continued).
 Chap. XXXII. Procedure on Motions.
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 Chap. XXXIV. The Parties to the Action.
 Chap. XXXV. Parties to the Action (Continued).
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 Chap. XLV. Conditions in Contracts.
 Chap. XLVI. Verification of Pleadings.
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 Chap. LI. The Demurrer (Continued).
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 Chap. LV. Of Amendments.
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 Chap. LIX. Dismissal of Action.
 Chap. LX. Relief from Judgment by Default.
 Chap. LXI. The Answer.
 Chap. LXII. Counterclaim and Reply.
 Chap. LXIII. Supplemental Pleadings.
 Chap. LXIV. Lis Pendens.
 Chap. LXV. Interpleader.
 Chap. LXVI. Proceedings after Issues are Joined.
 Chap. LXVII. Continuances.
 Chap. LXVIII. Stipulations.
 Chap. LXIX. The Trial.
 Chap. LXX. Objections to Evidence.
 Chap. LXXI. Instructions.
 Chap. LXXII. Procedure after Charge to Jury.
 Chap. LXXIII. Motion for a New Trial.
 Chap. LXXIV. Exceptions.
 Chap. LXXV. Amended Bill of Exceptions.
 Chap. LXXVI. Of Costs.

Giauque and McClure's Present Value Tables.

TITLE PAGE. Tables for Ascertaining the Present Value of Vested and Contingent Rights of Dower, Curtesy, Annuities, and other Life Estates, Damages for Death or Injury by Wrongful Act, Negligence, or Default, Based Chiefly upon the Carlisle Table of Mortality, Computed and Compiled by v.1L.B.N.no.10—20

Florien Giauque, A. M., Author of "Settlement of Decedents' Estates," Manuals for "Assignees and Insolvent Debtors," "Guardians and Trustees," "Notaries and Conveyancers," Editor of "Revised Statutes of Ohio," "Road Laws of Ohio," etc., and Henry B. McClure, A. M., Members of the Cincinnati Bar. Cincinnati: Robert Clarke & Co. 1894.

EXTRACT FROM PREFACE. The use of life and annuity tables for ascertaining the present value of vested and of contingent life estates, including inchoate rights of dower and curtesy, and as aids in ascertaining the amount of damages recoverable for injury or death from another's wrongful act, negligence, etc., is not infrequently alluded to by the courts in such a way as to show that such usage is thoroughly accepted and approved. For finding the present value of vested life estates, such as dower, only a simple annuity table, showing the value of an annuity on a single life, is needed; and such tables, being so compact as to occupy but little space, have been published in a sufficient number of books of moderate price to make them readily accessible. But the ascertaining of the present value of contingent life estates, such as an inchoate right of dower or of curtesy, requires the use of an annuity table such as that just mentioned, and also of other annuity tables, showing the value of an annuity during the joint continuance of two lives, these being, in the case of dower or curtesy, the lives of the husband and wife; and, owing to the large number of possible combinations of ages of these two lives, these latter tables are necessarily quite voluminous, and are to be found complete only in technical books that are scarce and expensive, and which are practically inaccessible to most persons who need them with reference to such matters, as well as somewhat difficult for some of such persons to understand at first sight. It seems, therefore, that a volume containing tables for finding the values mentioned on the preceding page, especially the present values of contingent or inchoate dower and curtesy, for all probable ages and combinations of ages, at different rates per cent., so computed and published as to be worthy of confidence, arranged in such a way as to be readily understood and used, and not so expensive as to exclude it from the average private library, must have been an unobtainable desideratum to many persons besides the undersigned. It is this supposed desideratum which this volume is intended to supply.

CONTENTS.

Preface.

Life and Annuity Tables, and their Application to Ascertaining the Present Value of Vested and Contingent Rights of Dower and of

Curtesy, and of Other Estates for Life, and of Damages for Injury or Death from Another's Wrongful Act, Negligence, etc.

Tables for Ascertaining Value of Vested Dower and Curtesy, etc.

Rule for Finding the Present Value of a Widow's Vested Dower Estate.

Rule for Finding the Present Value of a Widow's Vested Estate by Curtesy.

Directions as to Use of Tables, etc.

Rule for Finding the Present Value of a Wife's Contingent Right of Dower During the Life of her Husband.

Rule for Finding the Present Value of a Husband's Contingent Right of Curtesy.

Tables for Ascertaining Value of Contingent Dower and Curtesy, etc. (3 per cent.).

Tables for Ascertaining Value of Contingent Dower and Curtesy, etc. (4 per cent.).

Tables for Ascertaining Value of Contingent Dower and Curtesy, etc. (5 per cent.).

Tables for Ascertaining Value of Contingent Dower and Curtesy, etc. (6 per cent.).

Concerning the Bowditch Table for Ascertaining Value of Contingent Dower Rights, etc. (6 per cent.).

The Bowditch Table.

Concerning Life Tables, Showing the Expectancy of Life, Used to Aid in Ascertaining the Amount of Damages Recoverable for Death or Disability Caused by Wrongful Act, Negligence, or Default.

Table of Expectancy of Life, as Shown by the Carlisle, the Combined Experience, the Thirty Officers' Experience, the Farr No. 3, and the Northampton Tables of Mortality.

Table and Rule for Ascertaining the Present Value of any Sum at 2, 2½, 3, 3½, 4, 4½, 5, 6, 7, 8, 9, and 10 per cent., for any Number of Years from One Year to Eighty Years, Inclusive.

Johnson's Bliss on Code Pleading.

TITLE PAGE. A Treatise upon 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.

FROM THE PREFACE TO THIRD EDITION. Many attempts have been made to include in one volume a comprehensive and philosophical treatment of the general principles of Code Pleading. This has been done by each of the various authors with greater or less success. A text-book, to be of the greatest service to the student, should contain a clear and full statement of the fundamental underlying principles of the subject of which it treats, with just sufficient simple illustrations to show the application of those principles. The student should have a gen-

eral idea of the fundamentals of the law before he commences the study of pleadings. He should first fully understand when and under what circumstances resort may be had to the courts for relief, and when he fully comprehends what facts in each case must exist as a prerequisite to his right of recovery, then he is prepared to understand the rules relating to the statement of those facts. One of the greatest difficulties in the drafting of the pleadings, which the lawyer encounters, is to determine the exclusive facts which entitle him to recover at the hands of the court.

The work of Judge Bliss on the subject of Code Pleading was a pioneer in this field. It was written with special reference to the needs of the student, and was published in 1878. His philosophical, logical, and analytical treatment of this new subject brought the work at once into prominence, and secured the favor of both the active practitioners and the instructors in the various law schools. It has passed into its second edition. Judge Bliss sets forth the true spirit of the new system, and many of his theories have become the rule of the courts, and have been enacted into law in various states. In the discussion of the principles underlying this new subject he constantly contrasted them with the other systems of pleading (the common-law and the equity), so that the student would be better able to understand the new rule, as well as to gain a clearer view of the old.

No apology is offered for presenting this third edition of a work so valuable and so complete. The use of this work as a text-book for four years has led the editor to the belief that a short and terse statement of the principles contained in a paragraph, printed in black type in a separate sentence immediately preceding the paragraph, will not only greatly facilitate a full understanding of the subject therein discussed, but will have great influence in inducing an enthusiasm for investigation on the part of the student. Otherwise the text of the author is substantially preserved in all respects. In the notes a great many new topics of recent development are considered and discussed, and all recent important cases are cited, besides which a great number of "leading cases" are cited and printed in large type, which are intended for special investigation by the student.

Several years of experience as an instructor upon the subject of pleading has taught the editor that many students will master the general principles and rules of the subject, and be competent to pass a very thorough examination upon the same, without being able to put one of them into practice. It was deemed wise, therefore, by the editor, to add a few approved forms for the more simple and general causes of action in the notes, not for the purpose of having the student learn them (for no forms are required under the

Code), but to give him some accurate idea of the general language employed and the manner of expression.

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- Chap. I. Of the Nature and Form of Actions.
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 Chap. III. Of Parties to Actions. 1. Parties Plaintiff in Actions Founded on Torts.
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 Chap. V. Of Parties to Actions, Continued. 3. Parties Plaintiff in Actions for Equitable Relief.
 Chap. VI. Parties to Actions, Continued. 4. Defendants in Actions founded upon Torts.
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 Chap. IX. Of Joinder of Causes of Action in One Complaint or Petition.
 Chap. X. General Considerations.
 Chap. XI. Of the Complaint or Petition—The Title—The Statement.
 Chap. XII. Of the Complaint, Continued—The Relief—The Oath.
 Chap. XIII. Rules Governing the Statement. 1. What should not be Stated.
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 Chap. XV. Of the Statement, Continued. 3. As to the Manner of Stating Facts.
 Chap. XVI. Of the Answer. 1. The Denial.
 Chap. XVII. Of the Answer, Continued. 2. Of the Defense of New Matter.
 Chap. XVIII. Of the Answer, Continued. 3. Of Counter-Claim.
 Chap. XIX. Of the Reply.
 Chap. XX. Of the Remedies for Defective Pleading.
 Chap. XXI. Defective Pleading—How Cured.
 Chap. XXII. [Additional Chapter by Prof. E. F. Johnson, Editor of the Third Edition.] Extraordinary Legal Remedies.

Russell's Outline Study of Law.

TITLE PAGE. Outline Study of Law, by Isaac Franklin Russell, D. O. L., LL. D., Professor in the University of the City of New York. New York: L. K. Strouse & Co., Law Publishers, 63 Nassau Street. 1894.

CONTENTS.

- Lecture I. Popular Fallacies Regarding Law and Lawyers.
 Lecture II. The Nature of Law in General.

- Lecture III. The Public Law of Nations.
 Lecture IV. International Law in Time of Peace.
 Lecture V. International Law in Time of War.
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 Lecture XLV. The Principles of Proof.
 Lecture XLVI. Courts and Their Jurisdiction.
 Lecture XLVII. The Principles of Criminal Law.
 Lecture XLVIII. Crimes and Their Punishment.

REVIEWS OF NEW BOOKS.

Chand on Res Judicata.

[For Contents and other descriptive matter, see page 241, No. 8, Law Book News.]

The author of this learned treatise, Rai Hukm Chand, M. A., is the chief judge of

¹A treatise on the Law of Res Judicata, including the Doctrines of Jurisdiction, Bar by Suit, and Lis Pendens. By Hukm Chand, M. A. London and Edinburgh, 1894. Printed at the Education Society's Steam Press, Bombay.

the city court of Hyderabad, India, and a member of the legislative council. Deeply versed in the learning of the English courts and the traditions of English jurisprudence as well as in that of his own country, he adds to these qualifications a minute and scholarly acquaintance with several other systems of law, ancient and modern, and a fluent mastery of several languages. He brings to bear upon the very difficult and intricate subject

which he has chosen to treat the intellectual subtlety characteristic of his race, and also a breadth of view, a capacity for generalization, and a faculty for patient and exhaustive research, which were less to be expected. The work before us embodies what is probably the most thorough examination of the subject of *res judicata* which has yet appeared in any language. It is a portly octavo of more than 700 pages, and contains a very detailed review of the entire subject, beginning with a discussion of the general nature of the doctrine, its origin, and the reasons upon which it rests, and the understanding of it which has obtained at various times and in different countries. The author next devotes a chapter to that vexed topic, "the identity of the matters in issue in the two suits," treats of the matter in issue heard and decided, proceeds to consider the question of the identity of the parties, and so arrives at the consideration of the subject of jurisdiction. This is treated, in three chapters, at very satisfactory length. Then follows an inquiry into the effect of judgments in rem and of foreign judgments, and this is succeeded by a chapter on "bar by suit," wherein the author considers the rule that a former recovery, or successful defense, on the same cause of action, between the same parties, will be pleadable in bar of a subsequent proceeding. The next chapter is devoted to the cognate subject of *lis pendens*, and the book concludes with a review of the principles of *res judicata* as applied to causes of action against joint parties, whether founded on contract or tort.

The work, as the author states in his preface, to a great extent presents the law by way of a review of the cases upon a statement of their facts. There are also copious extracts from the standard text-books. This method of treatment gives the book the appearance of a more diffuse and leisurely discussion than other writers, dealing with the same subject, have felt themselves at liberty to indulge in. But this undoubtedly will redound greatly to the advantage of those readers who may be expected to make the most use of the work. For it is quite true, as our author observes, that "the reports of the Indian decisions must be altogether unknown in America, as those of the American decisions are in India, and both are inaccessible to the majority of lawyers in England." He is therefore justified in his hope that the course pursued, in this respect, will add to the value of the work, even though it materially increases its bulk.

The motive (we might almost say the inspiration) which has mainly guided the author in the preparation of this work, and which has influenced his views on many of its most recondite topics, is his strong hope that the ju-

risprudence of the various civilized countries of the world, in regard to the great principles of the law, may ultimately be brought into some semblance of harmony, and a strong conviction of the assistance which the courts, and even the legislatures, of each country may expect to derive from a comprehensive acquaintance with the systems in force in other jurisdictions than their own. No system, he says, can be so complete as not to be all the better for some help from other systems of independent and similar growth. The law is a science; and all sciences are based on generalizations, not only from facts, but also from general rules and principles. The wider the view, therefore, and the more extended the acquaintance with these facts, rules, and principles, the more probable will it be that the generalization reached will be sane and enduring. "A better knowledge of the laws and judicial principles of different countries cannot fail to conduce materially to the advancement of the science of true jurisprudence and the simplification and assimilation of legislation in civilized countries, an object that has acquired particular importance for the proper administration of justice in the modern days of increasing mutual intercourse of foreigners, and is engaging the attention of jurists and practical statesmen, as well as of incessant international conferences and congresses, both in Europe and America." That these views are sound and wise cannot well be denied. Still less can it be doubted that their general recognition in this country would be productive of much advantage to our jurisprudence. Nowhere else in the world is the same spectacle presented which the varying systems of our forty-four states afford. It is true that there is an increasing appreciation of the disadvantages of this state of affairs, and a nascent desire, in the ranks of the legal profession, to endeavor to bring something like uniformity into the laws of the different states. But efforts in this behalf have hitherto been mostly confined to bar associations and "conferences" such as our author speaks of; and without any desire to disparage their very earnest attempts to evoke order from the chaos of materials they have to work on, we must confess that very few and inappreciable results have as yet been attained. It is true also that the wide dissemination of reports, characteristic of the last two decades, is exceedingly useful in at least bringing to the knowledge of the courts of each state the actual course of decisions in all the others. But side by side with this tendency there is to be observed a disposition, in many of the states, to build up their own systems, line upon line and precedent upon precedent, without any attention to the course of development in other jurisdictions, and without any other

light than such as shines from their own volumes of reports. As the case-law of a state increases in bulk and in variety, its courts feel less and less need of comparing its conclusions with the results obtained in other states. The consequence too often is that their jurisprudence crystallizes into rigidity, or, what is even worse, into a narrow and stupid localism; for this kind of conservatism is not conducive to either richness or flexibility in the law. Our learned author very pertinently observes that "lawyers in every country often devote their time and energies to the discussion and determination of questions that have been already most fully debated and elucidated in others. Enactments are thus sometimes made, and cases frequently disposed of, in one country, in accordance with principles which are there regarded as indisputable, but which are not only in direct conflict with those recognized and acted upon elsewhere, but have themselves, in some instances, after a long trial, been found inconsistent with the proper administration of justice, and deliberately abrogated or tacitly relinquished as unsound." A forcible illustration of this is to be seen in the case of the question of the conclusiveness of foreign judgments, as the same has been dealt with in England and this country. At first, in America, it was almost universally held that a foreign judgment was only *prima facie* evidence as respects the merits of the case; and there was even some question as to whether the constitutional requirement of full faith and credit to the judgments of a sister state would suffice to remove them from the operation of this rule. The authorities holding this doctrine with regard to foreign judgments were all confessedly based on the rulings of the English courts, which, at that time, were generally of the opinion that such judgments ought not to be accepted as conclusive on the merits. But years afterwards, the courts of England repudiated this rule. Wider views of the matter and broader considerations had convinced them of its unsoundness. But in the meantime, it had become quite firmly established in America, and the courts continued blindly to follow each other in applying it, without ever stopping to inquire into the justice or substantial propriety of the rule. Mature reflection is bringing some wisdom to us also. But to-day the most that can be said is that we are slowly creeping away from the old prejudiced rule, and that the tendency of the modern American decisions is towards the recognition of foreign judgments, rendered by lawfully constituted courts in civilized countries, as conclusive on the merits, if the court had jurisdiction.

We cannot but think that the rational development of jurisprudence in this country would be much furthered by the general

study by our courts and lawyers of such works as this of *Hukm Chand's*. Here he has brought together, in reasonable compass, all the learning of the English, Indian, American, and British colonial courts, on a subject which, even at this day, bristles with difficulties and disputed points. The English reports we have always with us, and those of Canada are occasionally referred to by our courts and text-writers, but the Indian decisions are absolutely an unknown country to us. Yet, as our author tells us, "the Indian law is now composed to a great extent of codes that are mostly based on the case-law of England, and not seldom derive their inspirations from the codes of Louisiana or of other states in America. Even the nonstatutory law of India is, in the name of the principles of justice, equity, and good conscience, taken almost entirely from general principles declared and established by English courts. Besides, on account of the common origin of the Indian, the American, and the modern English systems of jurisprudence, one always readily lends itself to the illustration of the others upon any legal topic."

It remains to speak of the manner in which the author has carried out his plan in the execution of the work under consideration. Enough has already been said to indicate our opinion of the merits of the book. The doctrines of the writer are sound and sensible, and founded upon the very best authorities extant. The reasoning, moreover, is generally clear and convincing, the treatment is exhaustive, and the style is easy and lucid. As the book is mainly intended for the courts and profession in the author's own country, we find, as we should expect, that the citations to the Indian reports are very complete. But he has also done full justice to the decisions of the various courts of England, and has not neglected those of England's other colonies and dependencies. But the most surprising feature is the author's extraordinary familiarity with the American cases. Without making an arithmetical calculation, we venture to say that all the most important authorities on the subject of *res judicata*, from the federal and the state courts, will be found quoted or referred to in this volume. Text-writers, too, of all countries and times, have lent their aid. The continental jurists, such as Pothier, Lacombe, and Moreau, are frequently referred to, and on almost every page we find an extract from one of the standard American treatises, such as *Story on the Conflict of Laws*, *Bigelow on Estoppel*, *Freeman on Judgments*, or *Van Fleet on Collateral Attack*. With this great wealth of material at his command, with a broad and discriminating intelligence, and with patience to unravel all the intricacies of the subject, we

should expect the jurist to produce a really valuable contribution to the literature of the law; and this expectation, in our judgment, Hukm Chand has fully realized.

Robert Campbell Black.

English Ruling Cases.¹

Reviewed by Prof. Floyd R. Mechem,
of the Michigan University
Law School.

What to do with the Reports has long been an important and difficult question. So long ago as Lord Coke's time, it had arisen. In the preface to the third part of his Reports, he calls attention to the remarkable fact that the profession then had "fifteen books or treatises, and as many volumes of Reports, besides the abridgments of the common law and divers great volumes of the statutes and acts of parliaments." Writers at the beginning of this century were appalled at the multiplication. Chancellor Kent, in his Commentaries, called attention to the problem, and during each succeeding decade the difficulty has increased, until a speaker before a recent meeting of a State Bar Association has likened it to a deluge which threatens to overwhelm and submerge the unhappy practitioner. The Reports have indeed become a great mass. What with the official and the unofficial, the original and the reprint, the finished volume and the advance sheets, the number of volumes of law reports in the English language has become almost impossible of enumeration. Lord Coke's startling number has been multiplied more than a thousandfold. There are lawyers now in practice in these western states who, at the beginning of their career, could have carried the whole series of their State Reports to court under one arm, but who now count a hundred volumes of the same series upon their shelves. In Michigan, as perhaps an average illustration, we have in fifty years a hundred volumes, and at the present time they are increasing at the rate of about five a year, or one for each member of the court. In the United States alone, without reference to the English reports, there are, according to a

recent estimate, over forty-five hundred volumes of official or regular reports, and more than a hundred and fifty are added yearly to the number. To buy a fairly complete set of Reports at the present time would require an outlay of about \$25,000, while a hall would be required to give them shelf room. Very few, indeed, are the lawyers who can afford either the money or the room, and the number of law libraries in private hands having any approach to completeness can doubtless be counted upon one's fingers. The public libraries and those of the bar associations in cities alone attempt, as a rule, to furnish a comparatively complete list. A recent article in the Law Book News (Vol. 1, No. 4, p. 97) gives some interesting and valuable figures upon this question.

In this condition of affairs, the average lawyer, who had not access to a general library, was forced to content himself with the reports of his own state, the leading textbooks, and perhaps a few sets of the Reports of the neighboring or leading states. Since the advent of the National Reporter System, he is able, at comparatively small cost, to get the recent Reports of a group of states surrounding his own; while sets of Massachusetts and New York Reports are comparatively common.

Many remedies for this so-called "evil" of overproduction have been suggested. One is that the judges shall write opinions in the more important cases only; but this remedy is obviously worse than the disease, and is prohibited by statute or constitution in many states. A written statement of the reasons for a decision, signed by the judges who have made it, is certainly an important public safeguard. Another remedy which has more plausibility is that only the more important opinions shall be published, and this method prevails in several states. The question, however, which at once arises, is, who shall decide which are the important cases? In several of the states it is left to be determined by the court, who mark the opinion "To be" or "Not to be" officially reported. If these suppressed opinions would only stay suppressed, there would not be a great deal of difficulty, but, like Banquo's ghost, they will not down. The indefatigable and irrepressible National Reporters publish them in full, and the lawyer who relies upon the "official" series is apt to meet his Waterloo when he is confronted by a "suppressed" decision from the same court just in point which his opponent finds in the "unofficial" series. A somewhat curious illustration of the difficulty of discrimination was met with recently in a prominent law journal, which published as a leading and important case, with extensive annotation, a case which the court which decided it had deemed of so little value that it had been

¹ Ruling Cases. Arranged, annotated, and edited by Robert Campbell, M. A., of Lincoln's Inn, Barrister at Law, Advocate of the Scotch Bar, and Late Fellow of Trinity Hall, Cambridge, assisted by other members of the bar. With American notes by Irving Browne, formerly editor of the American Reports and the Albany Law Journal. Vol. I. Abandonment—Actions. London: Stevens & Sons, Limited. Boston, U. S. A.: The Boston Book Co., Law Publishers and Booksellers. 1894.

marked for oblivion. The reporter of the United States supreme court at one time exercised the power of selection, and excluded cases which he thought of little value, but they all came to light in an unofficial series, and now the official reporter has felt compelled, by the fact that the court itself has cited them in its opinions, to go back and gather them up for reproduction in his series. (See Appendix to Vol. 131 and Vol. 154.) Other illustrations, such as Lalor's Supplement, Keyes' Reports, Abbott's Appeal Decisions, and the like, will be recalled to mind. Suppression which fails to suppress does not seem to be the remedy.

But it is said that selection is the remedy, and in evidence of it we have the "American" series, now comprising 197 volumes, covering the whole period of American state decision from the earliest report to the present time. This is truly a great and almost invaluable collection, but no one who is familiar with the reports does not know that there are hundreds of important cases which are not included. Selection is governed by many arbitrary rules and by many conflicting views. The arbitrary limit of space is one of these. In the American State Reports "the cases of general value and authority" make just six volumes per year, while in the Lawyers' Reports Annotated "all current cases of general value and importance" make precisely four large volumes per year. That principle of selection vary has also striking evidence in the fact that, while these two series begin at about the same time, cover substantially the same field, and purport to do substantially the same thing, their selection of cases differs most widely, and there are very few duplicates to be found in them. Both sets are of very great value, and in many respects supplement each other. It is believed, however, that selection, with all its deficiencies, furnishes the only palliative, but there is no satisfactory substitute for the complete reports, and in the very nature of the case there can be none.

Many attempts have been made to render the bulk of the English case law more available to the practitioner. Of its value to American lawyers there can be no doubt, and it is easily demonstrable that the courts in this country whose decisions are looked upon with most respect draw their supplies more largely from the English reports than from any American state. Smith's Leading Cases was the pioneer attempt in this field, and, though based upon purely arbitrary and unscientific principles, it has had a continuous value to the present day, and has been the model for many more pretentious endeavors. The English Law and Equity Reports, long since defunct, the English Common Law Reports, the English

Chancery Reports, and the other allied series of reprints, of very great value, and Moak's English Reports, a series deserving of a better fate, are a few of the many attempts which have been made to render this field productive to the American lawyer.

Within the last two years, a new endeavor has been made, in the Revised Reports, which, under the supervision of Sir Frederick Pollock, are to give us a reprint of all the English cases (from 1785 to the Law Reports) which are still of force in England. It differs from any previous attempt, in that it purports not merely to include the cases which are clearly of general value, but to exclude those only which are clearly obsolete. It is a magnificent undertaking, and is being nobly executed. And now we are met with still a newer enterprise,—English Ruling Cases, whose title-page is given in the footnote, and the first volume of which has just appeared. "It is proposed, in this work," say the editors, "to collect and arrange in alphabetical order of subjects the leading authorities of English case law, on points of general interest, and to illustrate their application by English and American notes." It is expected, say the publishers, that this can be accomplished in the space of about 25 volumes, to be delivered at the rate of 3 or 4 volumes per year, at the price of \$5.75 per volume, postpaid. The volumes are "set, plated, and printed" by that model house, the University Press of John Wilson & Son, at Cambridge, Mass. They are copyrighted by the English publishers, and are to appear simultaneously in England and America. "Our aim," say the editors, "is to furnish the practitioner with English case law in such a form that he will readily find the information he requires for ordinary purposes. The ruling case will inform him or refresh his memory as to the principles; and the notes will show in detail how the principles have been applied or modified in other cases. * * *

The object of the American notes will be to point out the agreement or the disagreement of the American case law with the English, and to direct attention to the leading and most recent cases in all the states, thus commending the work to the American as well as the English practitioner. This will be done concisely. The principal citations of the ruling cases in the American reports will be given. Reference will also be made in every instance to the most authoritative, and especially to the latest, American text writers on the subject in question." The period to be covered, say the publishers, is from the Year Books to the present time. In short, then, we are to have twenty-five volumes, made up of the ruling or leading English cases upon the principal topics of the law, selected from the whole period of English ju-

risprudence, topically arranged, with notes by the English editor giving the effect of the other English cases, and with separate notes by the American editor showing how the ruling cases are regarded in the United States, and particularly what the latest cases hold and the latest text writers say upon the subject with which they deal.

This is, in many important respects, a new departure in law book making, and it is deserving of analysis. In the first place, these are to be "ruling" cases,—not a collection of cases of "general value," like the American Decisions or Moak's English Reports, but the one, two, or more great ruling or leading English cases upon the principal legal subjects. This is a thing which is possible of English cases, but impossible of American cases, treated as a whole. We might have a selection of the ruling Massachusetts or New York or federal cases, the ruling cases of any single jurisdiction, but not of fifty jurisdictions, within any one of which a case may be a ruling one, though it were ignored in every other. England, then, with a single jurisdiction, and one court of last resort, presents an attractive and unique field from which ruling cases may be selected. They will naturally not be numerous, and within their jurisdiction they will be authoritative. There can be comparatively little difficulty, also, in selecting them. The project so far seems a feasible one.

In the next place, the cases are to be arranged under topics, which will appear in alphabetical order. Thus, "Abandonment to Action" is the scope of the first volume. Topical arrangement is not new. It is the plan adopted in Myers' Federal Decisions, but this work, despite its elaborate and costly execution, has not been a success. The topical arrangement, however, has great advantages where it is feasible. It cannot, of course, be employed in a reprint of current cases, but it is possible with old cases, and it permits the gathering together in one group of all the cases to be reproduced upon any given subject, where they can be analyzed and compared and annotated in the most effective manner. The lawyer, interested in a given subject, and investigating it in the "Ruling Cases," is not obliged to hunt through twenty-five volumes for the cases upon it; but here, in one volume, he finds them, all together, compact, convenient, easily carried to court, to consultation, or on a journey. If he is interested in one subject only, he can, we presume (though some publishers, such as those of the American & English Encyclopedia of Law, will not sell single volumes), buy that volume only. This arrangement also makes the volumes available for the use of students and teachers in the law schools, where the study of cases is justly coming

more and more to be recognized as a most efficient method of instruction. This part of the plan, then, is also feasible and admirable.

In the next place, the cases are to receive annotation by both the English and the American editors. Of the value of leading cases, honestly and thoroughly annotated, there can be no sort of doubt. Smith's Leading Cases, American Leading Cases, the American Decisions, the American Law Register, and many other similar collections, have demonstrated this beyond a question. To a lawyer who has not access to the Reports themselves, these are the best assistants, and to those who have such access they furnish a valuable digest and index.

Lastly, all of the leading topics of the law are to be covered in this way, and more could not be asked for. The whole plan is a commendable one. How, then, is it to be executed?

As a sample of how this plan is to be executed, we have before us the first volume. It is a book of 830+xxx. pages,—a generous size, as reports go, but not a large one,—beautifully printed, on good paper, and tastefully and somewhat uniquely bound in sheep, with old English labels in gold on a black ground. It covers nine topics, and reprints in full sixty-five cases, distributed as follows: Abandonment (in marine insurance), with eleven ruling cases; abatement (of actions), with six cases; acceleration (of gifts by will), with one case; accident (inevitable), with eleven cases; accord and satisfaction, with six cases; account, with seven cases; accretion, of subject-matter of a right, one case, of title, two cases; accumulation, with two cases; action (right of), with nineteen cases, and one subject to be carried over to Volume II. How far exhaustive of the topics of substantive law this is may be seen by comparing it with any digest or dictionary of law. Of the subjects omitted, the most important, such as abduction, abortion, acceptance, accessory, accommodation, acknowledgment, and the like, will doubtless appear under more general titles. No fault can be found in this respect. The selection of the cases seems excellent. No one can be so well fitted to decide what cases are properly to be designated as "ruling" in England as an intelligent and scholarly English lawyer, and for this purpose Mr. Campbell's experience at the bar, as an author, and particularly as a co-laborer of Sir Frederick Pollock in the preparation of the Revised Reports, seems pre-eminently to fit him.

As an example of the method of treatment, a subdivision of the section on Accident may be selected. The question is, the liability of a person who brings or accumulates upon his premises things which if they escape are likely to do injury. Upon this question are

given the two decisions in *Fletcher v. Rylands* and the case of *Nichols v. Marsland*. Prefacing these cases, in larger type, is a carefully prepared statement of the "rule" which they declare; or, in other words, a syllabus. Then follow the three cases in full, carefully edited, with reference to all of the various reports in which the cases may be found. Following the cases are the English notes. These are made up of an intelligent and critical analysis of the "ruling" cases and of the earlier and later cases in the English courts which explain, illustrate, or modify the rule. Then follow the American notes. The American notes seem peculiar at first sight. The peculiarity, however, if there is any, is in the kind, for they are exactly the kind which they purport to be. Mr. Browne has set for himself the standard mentioned in the extract from the preface given above. It is, in brief (1) to show the principal citations of the ruling case in the American cases; (2) to direct attention to the leading and most recent cases in all the states; and (3) to refer to the most authoritative and especially to the latest American text writers on the subject; and, in general, to thus point out the agreement or disagreement of the American case law with the English. He has therefore undertaken to annotate the case, rather than to write monographs upon the law of the subject with which the case deals. It is a distinction not without a difference. For illustration, Mr. Freeman, in volume 18 of *American State Reports*, writes, as a note to *Craig v. Van Bebber*, a monograph of 150 pages in small type upon the whole law of infants' contracts, and many similar notes, though not so long, may be found in the "American" series. Mr. Browne himself wrote a few such notes for the *American Reports*. No such notes, however, appear here. These are said to be "concise." They do not purport to be exhaustive of the subject, and they are not. They do not purport to cite all the cases, and they do not. But they do purport, in this instance, for example, to show whether *Fletcher v. Rylands* has been approved in America, to cite the leading and most recent cases, and to give the views of the leading and especially the latest text writers; and we think this purpose is accomplished. Four pages are devoted to the subject; about 25 cases are cited or quoted from; and the opinions of Mr. Freeman, Judge Holmes, Judge Cooley, and Mr. Bigelow are given. (It is Mr. Bishop, however, who, later than any of these, and with a keenness and precision amounting to demonstration, has shown the hollowness of the rule in *Fletcher v. Rylands*. Bish. Non-cont. Law, p. 385, note.) The only question as to these notes is, which is the better kind? We do not doubt that many lawyers will prefer the monographs, and they are unquestion-

ably valuable; but we are inclined to think that, for the purpose to be here subserved, and having due regard for the economy of space, these notes, though they seem at times to be taking conclusions somewhat at second hand, and though they are not elaborate treatises upon the law, are all that is reasonably to be desired, and do most admirably and intelligently show the present condition of the American law upon the subject, and point out to the user the most available and reliable sources for further investigation, if he desires to make it. About 1,000 cases are cited in the English notes, and the same number in the American.

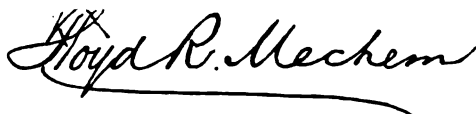
To the owners of the "American" series or the *Lawyers' Reports Annotated*,—and they ought to be the great majority of the profession,—these American notes are of especial value, as they purport to give parallel references to the cases re-reported in those series. As a matter of fact, however, they do not always do it. To be fully consistent and most useful, also, they ought to give references to both the *American State Reports* and the *Lawyers' Reports Annotated* where a case is cited which is reproduced in each. Several omissions of this sort occur; for example, on page 233. The omission of the names of the counsel from some of the reports of "ruling" cases seems also to be regretted. These, however, are trifling defects which can be easily remedied in subsequent volumes.

The price of these volumes (\$5.75, delivered) is too high. There is certainly no more expense to be incurred upon them than on the *American Decisions*, which were at first delivered at \$5, and afterwards at \$4.50, or upon the *American State Reports*, whose well-packed volumes of 1,000 pages are delivered for \$4. The price is said to be that of the "average American text-book," but the average American text-book costs more to make, both in mental labor and mechanical production, than these.

It has long been the hope of the present writer that some American publisher, with the courage and the hope of the old firm of A. L. Bancroft & Co., or the West Publishing Company, would some day do for the English reports what the *American Decisions* did for the American reports, and what Moak's *English Reports* did for a while for the English. Indeed, such a project was at one time announced by the publishers of this new series, if we mistake not,—a series of "English Cases," under the editorial care of Howard Ellis; but it was never consummated, and we are probably to regard the *English Ruling Cases* as the final perfection of that plan which has been long in hand. Such a series as we had hoped for will probably never appear, though it may be possible that, upon the completion of the *Ruling Cases*,

some satisfactory dealing with the current English cases for American lawyers may result. At any rate, the profession is to be congratulated that the present work has been undertaken upon so admirable a plan, and that it is to be completed upon the lines marked out in this initial volume. It is sincerely to be hoped that the enterprise will receive such substantial recognition and sup-

port as will encourage both publishers and editors to give it their best endeavors.



University of Michigan, Ann Arbor, August 28, 1894.

OTHER OPINIONS OF NEW BOOKS.

Demarest's Elevated Railroad Law.

[See Contents on page 77, No. 3, Law Book News, a review by W. G. Peckham on page 147, No. 5, and other opinions on page 149, No. 5.]

This is a New York book, and particularly a New York City book. In a table of over two hundred cases only two cases are cited other than New York cases. The book is really a history of the growth of an elaborate system of law, relating to elevated railroads in New York City. The most interesting chapters in it are those devoted to an explanation of the aerial property right in the streets in New York City by abutting property owners who have no fee in the surface of the streets. The great difficulty in the way of the landowners in their heroic struggle for damages lay in the fact that, under the constitution of New York, damages could only be recovered for a "taking" of private property, and, as the municipality, and not the abutting owners, had the fee in the street, it was difficult for the court to establish an actual taking. The courts seem to have solved the difficulty by making a distinction between a street use of a street, and a non-street use. A railroad constructed upon the surface was considered a street use, and for this no damages could be recovered; but when the railroad was elevated above the surface it was considered a non-street use, and it was held that there could be no lawful obstruction to the access of light and air to the detriment of the abutting owner. The property right in the abutting owner was then found to consist substantially of a right to have the street used exclusively as such, and for no other purpose. It must be confessed that, to the candid observer, there was a very serious stretching of logic in establishing the existence of this peculiar kind of property; but the end justified the means, for it secured compensation to thousands of persons who had been grievously wronged by the oppression of powerful corporations.

As the question of rapid transit by means of elevated railroads is one which will no doubt become important in many of our large cities, Mr. Demarest's interesting account of the law relating to such roads in

New York, will have a large number of appreciative readers. The book is well printed, and contains an index which, though brief, seems adequate, and an appendix containing a short account of the elevated railroads in Chicago, and their legal status.

—A. B. Welmer, in *The American Law Register and Review*.

Lloyd on Building.

[For Contents, see page 79, No. 3, Law Book News, and other reviews on page 152, No. 5.]

Ever since the first edition was issued, more than five years ago, it has occupied its field exclusively. So satisfactory has it proven that no other similar work has been deemed necessary, in this country at least. The author has met the present needs promptly by preparing this second edition. This he has done with the same painstaking care which characterized the first edition. While it is true that a great deal of the subject-matter of this work has been treated in other works, yet much of it cannot be found elsewhere, and for the purpose for which it is intended it is far superior to the combined treatment of the subject in all other works. The digest of the leading decisions on building contracts and leases, the glossary of words and terms commonly used by builders and artisans, and the appendix of forms useful in building operations, are some of the most valuable features of the work. We have tested the work with several hypothetical cases, and have not yet been able to find a single question which might arise concerning this branch of the law which was not treated in a satisfactory manner.

—Michigan Law Journal.

Prentice on Police Powers.

[See Contents on page 145, No. 5, Law Book News, a review by Henry Campbell Black on page 211, No. 7, and other opinions on page 186, No. 6.]

This volume treats of an exceedingly important branch of the law, and one which has assumed unusual prominence during the past few years. Until now no writer has undertaken to bring together the various decisions bearing upon the subject in such a form as to be of practical use, and Mr. Pren-

tice deserves the thanks of the profession for the eminently satisfactory manner in which he has performed his task. "Citizen's rights of property, as they are frequently estimated by the public, are continually invaded anew by government in its necessary guardianship of public interests and for the public good," and a clear analysis, classification, and division of the subject to which the various

important divisions may be referred, and by which we may trace some rule of guidance, whenever the exigency upon which light is sought occurs, must prove of great value and assistance to the practitioner. Mr. Prentice gives us all this in his treatise, and we heartily commend the work as one of unusual merit.

—The Green Bag.

BOOKS RECEIVED.

From Crane & Co., Topeka, Kan., Dassler's Kansas Digest, New Vol. 2.

From the Boston Book Co., Boston, Snow's Treaties and Topics in American Diplomacy.

From Harvard Law Review Publishing Co., Beale's Cases on Criminal Law.

From Matthew Bender, Albany, N. Y., American Electrical Cases, Vol. 1.

From the Bowen-Merrill Co., Indianapolis, Elliott's General Practice, 2 vols.

From MacMillan & Co., New York, N. Y., Stevens' Sources of the Constitution of the United States.

From Honeyman & Co., Plainfield, N. J., Galpin's Iowa Law of Corporations.

From W. C. Little & Co., Albany, N. Y., Silvernail's Penal Code and Code of Criminal Procedure.

From Prof. Emlin McClain, Iowa City, Cases on Carriers, 2 parts.

Leading Text Books Published this Year.

Bailey's Master's Liability for Injuries to Servants.....	6 00 net	Jones on Liens. 2 vols. 2d edition	12 00 net
Beach on Modern Equity Practice. 2 vols.....	12 00 net	Jones on Mortgages. 2 vols. 5th edition.....	12 00 net
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Elliott's General Practice. 2 vols..	12 00 net	Wood on Railways. 3 vols. 2d edition.....	18 00 net
Jones on Chattel Mortgages. 4th edition.....	6 00 net		

Leading Text Books Published During the Year 1893.

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Beach on Public Corporations. 2 vols.....	12 00 net	Phillips on Mechanics' Liens. 3d edition.....	6 00 net
Beach on Modern Equity Jurisprudence. 2 vols.....	12 00 net	Pingrey on Mortgages. 2 vols.....	12 00 net
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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, Dlossy Law Book Co., New York 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.
Brief.....	The Brief, London, Eng.....	Monthly.....	Sixpence.
Calcutta Review.....	Calcutta Review, London, Eng.....	Quarterly.....	
Can. Law J.....	Canada Law Journal, Toronto, Can.....	Semi-Monthly.....	25c.
Can. Law T.....	Canadian Law Times, Toronto, Can.....	Monthly.....	50c.
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.
Cornell Law J.....	Cornell Law Journal, Ithaca, N. Y.....	Monthly.....	35c.
Counsellor.....	The Counsellor, New York City.....	Monthly.....	30c.
Cr. Law Mag.....	Criminal Law Magazine, Jersey City, N. J.....	Irregular intervals.....	\$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.
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.
J. P.....	Justice of the Peace, London, Eng.....	Weekly.....	Sixpence.
Jurid. Rev.....	Juridical Review, Edinburgh, Scotland.....	Quarterly.....	
Law J.....	Law Journal, London, Eng.....	Weekly.....	
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.
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 intervals.....	\$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.
New Review.....	New Review, London, Eng.....		
N. W. Law Rev.....	Northwestern Law Review, Chicago.....	Monthly.....	25c.
N. Y. Cr. R.....	New York Criminal Reports, S. S. Peloubet, New York City.....	Monthly.....	
N. Y. Law J.....	New York Law Journal, New York City.....	Daily.....	05c.
Our Day.....	Our Day, Chicago, Ill.....		
Pittsb. Leg. J.....	Pittsburgh Legal Journal, Pittsburgh, Pa.....	Weekly.....	10c.
Political Science.....	Political Science, Boston, Mass.....	Quarterly.....	
Revue Generale.....	Revue Generale, Paris, France.....	Monthly.....	
Scot. Law Rev.....	Scottish Law Review, Glasgow, Scot.....	Monthly.....	1 shill. 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.

ALIENS.

A short article on the rights of Asiatics to become naturalized.—39 Cent. Law J. 235.

A review of the recent decision in *Re Saito*, 62 Fed. 126, holding that a native of Japan, of the Mongolian race, is not entitled to naturalization.—11 N. Y. Law J. 1336.

APPEAL.

A note on the necessary papers to be printed on appeal from an order, and the effect of a stipulation to depart from the rules.—31 Abb. N. C. 173.

ASSIGNMENT FOR BENEFIT OF CREDITORS.

—Jurisdiction of Probate Court, see "Courts."

An extensive note, with numerous authorities, on the necessity of acceptance of an assignment or deed of trust for creditors.—24 L. R. A. 369.

ATTORNEY AND CLIENT.

An interesting article on temple students and temple studies. By Dennis W. Douthwaite. 6 Green Bag, 411.

BAR ASSOCIATION.

The address of Thomas M. Cooley, president of the American Bar Association.—50 Alb. Law J. 156, 172.

A report of the proceedings of the fourteenth annual convention of the Missouri State Bar Association.—Am Lawy. 375.

CARRIERS.

An interesting article on the liability of carriers for the robbery of railway passengers, with reference to the recent case of *Cobb v. Great Western Ry. Co.*, 1 Q. B. 459.—Justice of the Peace. Reprinted in 28 Ir. Law. T. 459.

CONSTITUTIONAL LAW.

An article on the house of lords and its constitutional role.—By E. Vlietinck. *Revue Generale*, August.

A collection of authorities on the exclusion of foreign corporations as an interference with interstate commerce.—24 L. R. A. 311.

An article on the correlation of executive and legislative power in Canada. By A. F. H. Lefroy. 30 Can. Law J. 537.

A review of the proposed judiciary article in the new constitution of New York.—11 N. Y. Law J. 1320.

CONTRACTS.

—Of foreign corporations, see "Corporations."

—Of infants, see "Infancy."

—To make wills, see "Wills."

A collection of numerous authorities on the validity of contracts restricting competition.—33 Am. Law Reg. 639.

A short note on the present rule allowing several instruments to be read and construed together.—31 Abb. N. C. 129.

CORPORATIONS.

A collection of authorities on the powers, duties, and liabilities of foreign corporations.—24 L. R. A. 289.

A collection of authorities on the validity of contracts made by foreign corporations which have complied with statutory conditions as to the right to do business in a state.—24 L. R. A. 311.

A valuable series of articles, with numerous citations, on the law of foreign corporations, as affected by the Ohio statutes.—By E. J. Marshall. 32 Wkly. Law Bul. 166, 177, 194.

A collection of authorities on the right of corporations to own real estate.—24 L. R. A. 322.

A review, with numerous authorities, of the conflicting doctrines on the subject of the implied powers of the president of a business corporation.—By Seymour D. Thompson. 39 Cent. Law J. 200.

A short article on the duties and liabilities of the "promoters" of corporations.—1 Brief, 228.

COURTS.

A valuable article on the jurisdiction of probate courts in Ohio in assignment cases, with numerous citations.—32 Wkly. Law Bul. 146, 162.

A continuation of a series of articles on the court of star chamber.—By John D. Lindsay. 6 Green Bag, 425.

A continuation of an interesting article on the courts of New Jersey, their origin, and their jurisdiction.—By Edward Q. Keasbey. 17 N. J. Law J. 260.

A review of the alleged abuse of power by the federal courts of an equity jurisdiction, especially in regard to railroads, which they do not possess.—97 Law T. 384.

CRIMINAL LAW.

— Responsibility for crime, see "Insanity."

A review of the question of criminal jurisdiction in a case of murder, where the wound was given in one county, and the victim died in another.—By Percy Edwards. 14 Can. Law T. 236.

An article on the lynching of black men because they are black.—By Frederick Douglass. Our Day, July-August.

An article on lynching as a fine art.—By Lewis H. Blair. Our Day, July-August.

DAMAGES.

— See "Eminent Domain."

A note on physician's examination of person before trial.—31 Abb. N. C. 370.

DESCENT AND DISTRIBUTION.

A review of the recent decision of the supreme court of Nebraska in *Shellenberger v. Ransom*, 59 N. W. 935, holding that an heir is entitled on the death of an intestate to inherit, eo instanti, though he may have been the murderer of his ancestor.—11 N. Y. Law J. 1400.

A valuable note on the power of those interested in the estate of a decedent to settle it by agreement, without judicial administration, or differently from what the law of descent and distribution prescribes.—31 Abb. N. C. 92.

Discovery.

— Of books and papers, see "Practice in Civil Cases."

Dissolution.

— Of partnership, see "Partnership."

DIVORCE.

An interesting summary of the marriage and divorce laws of the world.—By Mr. J. Henniker Heaton. New Review, August-September.

EASEMENTS.

A review of recent decisions as to the law of easements in running waters.—Justice of the Peace. Reprinted in 28 Ir. Law T. 448.

A review of the recent decision of the supreme court of Minnesota in *Minneapolis Western Ry. Co. v. Minneapolis & St. L. Ry. Co.*, 59 N. W. 983, holding that a railroad entering by permission and consent of the owner on the premises, and constructing thereon, is an entry under a license which the owner may revoke.—11 N. Y. Law J. 1360.

EMINENT DOMAIN.

A review of the recent rule as to damages laid down in the case of *Metropolitan West Side El. Ry. Co. v. Stickney*, by the supreme court of Illinois (37 N. E. 1098), overruling the established line of decisions in such state as to damages.—9 Nat. Corp. Rep. 43.

A note, with numerous citations, on the competency of evidence as to the value of neighboring property.—31 Abb. N. C. 273.

EVIDENCE.

A note on the competency, as evidence, of communications received through telephone.—31 Abb. N. C. 207.

An interesting article on the weight and sufficiency of expert testimony.—97 Law T. 382.

Expert Testimony.

— See "Evidence."

EXTRADITION.

A review of the decision in *People v. Hannan*, 30 N. Y. S. 370, in determination of the question as to whether a man extradited under an international treaty can be tried for any other offense than the one for which he was delivered up.—11 N. Y. Law J. 1452.

Foreign Corporations.

— See "Corporations."

— Exclusion of, see "Constitutional Law."

GOOD WILL.

A review of some of the leading cases as to covenants on the sale of a good will.—58 J. P. 585.

GRAND JURY.

A review of the present grand jury system, the conclusion arrived at being that, because of its many objectionable features, it should be done away with.—By O'Brien J. Atkinson. 3 Mich. Law J. 257.

HOMESTEAD.

A short review of the defects in the Minnesota homestead law.—By Ambrose Tighe. 2 Minn. Law J. 195.

HORSE AND STREET RAILROADS.

An article on the nuisances arising from the violation of the common-law rights of a community by electric street railways.—14 Can. Law T. 225.

HUSBAND AND WIFE.

A review of the married women's property act of 1893.—97 Law T. 407.

INFANCY.

A review of recent decisions as to the effect of unreasonable contracts of infants.—Justice of the Peace. Reprinted in 28 Ir. Law T. 456.

INSANITY.

A short article on the criminal responsibility of the insane, with reference to a series of letters appearing in the London Times.—97 Law T. 406.

An article on the criminal responsibility of the insane.—Saturday Review. Reprinted in 28 Ir. Law T. 461.

INSURANCE.

A collection of authorities on the restrictions on business of foreign insurance companies.—24 L. R. A. 298.

Jurisdiction.

- In criminal cases, see "Criminal Law."
- Of federal courts, see "Courts."
- Of probate courts, see "Courts."

LANDLORD AND TENANT.

An extensive note on leases and other contracts for farming on shares, with numerous citations.—31 Abb. N. C. 219.

LAW.

An interesting article on American administrative law.—By Ernst Freund. Political Science Quarterly, October.

A short essay in refutation of the theory that decided cases are the original sources of the law.—By Dwight A. Jones. 6 Green Bag, 421.

A sketch of the German code of judicial organization.—By H. A. D. Phillips. Calcutta Review, July.

Leases.

- On shares, see "Landlord and Tenant."

LICENSE.

A collection of authorities on the creation, effect, and revocation of licenses between individuals.—By S. S. Merrill. 39 Cent. Law J., 220.

MASTER AND SERVANT.

A note, with numerous citations, on wages and prospective damages for wrongful discharge from employment.—31 Abb. N. C. 348.

MORTGAGES.

A valuable article as to the rights and liabilities of mortgagees and purchasers subject to the mortgage.—By A. C. Galt. 30 Can. Law J. 490.

A short note on the effect of an inoperative execution of a mortgagee's power of sale.—Law Journal. Reprinted in 28 Ir. Law T. 452.

Naturalization.

- Of Asiatics, see "Aliens."

PARENT AND CHILD.

A review of parental rights as regards the custody of children.—By J. M. Lees. 10 Scot. Law Rev. 207.

PARTNERSHIP.

A valuable collection of authorities on the necessity of a notice on the dissolution of a partnership.—By W. O. Rodgers. 33 Am. Law Reg. 624.

Physical Examination.

- See "Damages."

PRACTICE IN CIVIL CASES.

An extended note on the powers of the court in an action of a legal nature, to compel discovery of books and papers, and the distinction between such discovery and proceedings for an accounting.—31 Abb. N. C. 191.

Probate Courts.

- Jurisdiction, see "Courts."

RAILROAD COMPANIES.

A review of the law governing the question of the priority over a mortgage of debts contracted by a railroad company before the receivership, with numerous citations.—By Lyne S. Metcalfe, Jr. 39 Cent. Law J. 241.

STATE LEGISLATURE.

An address before the American Bar Association on the state legislatures, and the necessity of reform in their characters and methods.—By Moorfield Storey. 50 Alb. Law J. 187.

STATUTES.

A review by Thomas M. Cooley of the most noteworthy changes in statutory law on points of general interest which have been made in the several states and by congress during the preceding year.—50 Alb. Law J. 156, 172.

STRIKES.

A short essay on the legal side of the strike question.—By Ardemus Stewart. 33 Am. Law Reg. 609.

TRIAL.

A note on special questions for the jury as distinguished from special verdicts and questions framed in equity cases.—31 Abb. N. C. 446.

TRUSTS.

— Secret trusts, see "Wills."

A short article in consideration of the question whether the charges for work on behalf of trustees are chargeable against the principal or income of the trust.—10 Scot. Law Rev. 215.

Waters and Water Courses.

— Easements in running waters, see "Easements."

WILLS.

A short article, with citations of recent cases, as to the validity and effect of secret trusts in wills.—Law Journal. Reprinted in 28 Ir. Law T. 446.

A short collection of authorities on the validity and effect of contracts to leave property by will. 97 Law T. 397.

WOMEN.

A short sketch of the history of the law as to the right of a woman to be appointed as a trustee.—58 J. P. 587.

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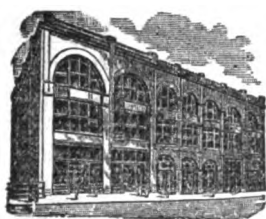
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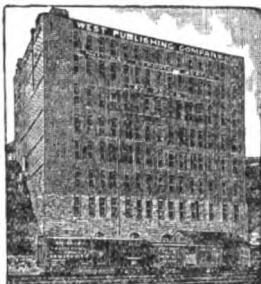
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Vol. 1. St. Paul, Minn., November, 1894. No. 11.

Two Views on the "Superabundance" of Opinions.

THE discussion which has been going on of late as to the increase of our reports has brought to light some hasty opinions and some prejudiced judgments, but it has also had the good effect of making thoughtful people give the subject some real consideration. The first impulse, when the statisticians brought forward comparisons between the reports of our day and those of Bracton's, was often to cry, "Stop their publication!" But a consideration which goes ever so little below the surface shows this course to be impossible in the present age, and undesirable, even if the genius of the age would submit to it. Dealing with a symptom can produce no radical cure. A fair argument almost inevitably leads to proposing a reduction, not of the reports of the

opinions, but of the opinions themselves.

Two recent articles in contemporary legal journals assign the responsibility for this "superabundance of printed matter" to the bench and to the bar, respectively.

Under the heading "Verbosity in Judicial Opinions," the National Corporation Reporter for Sept. 20th comments on the fact that the opinions of the appellate courts of Illinois for 17 years make 51 volumes, of which 9 have been issued during the last 12 months, and says: "This instance of overproduction suggests to us the propriety of pointing out the principal cause of this superabundance of printed matter." This cause it finds to be the time and space given by the judges to the consideration of questions which the case before them does not make it necessary for them to determine. It instances the case of *Baldwin v. McClellan*, in which, it says, more than nine pages "are directed to an unnecessary discussion of a wholly irrelevant question;" and also the case of *Culver v. Hide & Leather Bank of Chicago*, in which it finds that "at least nine and one-half pages, as reported, are devoted to discussing questions not properly arising in the case;" and it concludes: "If the courts would confine their opinions to the decision of the points presented by the record, and cease delivering learned discourses upon questions not involved, the volumes of the reports would doubtless not increase so rapidly." It seems a little doubtful, on the face of it, whether judges who must constantly feel the pressure of crowded and crowding dockets should habitually indulge in the judicial lux-

ury of going out of their way to decide hazy questions; yet there is possibly something more than merely a fanciful cause of apprehension here. The theory of reduction in this direction accords with the suggestion made in an editorial which appeared in the July number of Law Book News, on "The Real Remedy." As was there pointed out, the radical objections to the plan of suppressing the opinions of the courts leave but two courses open, in order to reduce the mass of reported case law,—to change our judicial system, or to reduce the number and length of the opinions. This can be done by the courts themselves if they will reserve their extended opinions for cases which present novel features, and dispose of others by a simple decree, with a reference (which the present system of reporting makes easy) to a case where the grounds on which the present decision are based have already been stated in full.

Another theory, which rests the responsibility upon the bar rather than upon the bench, is set forth in an editorial in the American Lawyer for October. Frank C. Smith, the editor of this well-known journal, presented a paper to the Section on Legal Education of the American Bar Association at its last session, and from this the statistics given in the editorial referred to are taken. These statistics are deduced from an examination, point by point, of the decisions of our appellate tribunals, as shown in the cases reported by the National Reporter System for one year. The total number of points passed upon in these decided cases is given by Mr. Smith as 39,178. From these he has deducted those bearing upon criminal, patent, and other matters not coming within the range of the general practitioner, to the number of 9,236, leaving 29,942 points coming properly within the scope of the inquiry indicated. Of these 29,942 points, 14,447, or nearly 49 per cent., were found by him to be upon points of procedure, or other matters not involving the merits of the controversies. "That is to say," Mr. Smith adds, "substantially one-half of the time, expense, and labor incurred by our highest courts in determining the legal questions they could not evade was spent in correcting the mistakes of lawyers,—in teaching lawyers how to practice law." Comparing the common-law and code states (omitting Louisiana, whose

system is that of the civil law), he finds that the code states show an average of 48½ per cent. of practice points, while the common-law states, including the federal tribunals, show an average of 43½ per cent. Canada, however, which follows the common-law system even more closely than our so-called common-law states, shows an average of a little more than 50 per cent. of practice points. From all this Mr. Smith concludes that "in our efforts to secure reform in legal procedure we must include a reform in the standard of legal ability required of those who are to administer the rules of legal procedure," and that "no system of procedure, however admirable in principle and detail, can survive in the hands of incompetent or insincere practitioners." These findings may perhaps explain the present vogue of books on procedure, on which we commented in our last number. The necessity of clearing up the uncertainty in the minds of lawyers as to the best method of presenting a case has probably, by the natural process of demand and supply, produced the guides and handbooks which are so popular as new announcements. The adoption of a code, in the "code states," was meant to have the effect of simplifying the legal processes which had grown cumbersome under the accumulating forms of the common-law system. But this often led to a mistaken idea that no study of procedure was longer necessary. The contrary was the truth. As was well said by Judge Bliss, in the preface to his pioneer work on Code Pleading:

"It is presumed that any one can state the facts which constitute his cause of action in ordinary and concise language, and with this idea young men rush to the bar without any intelligent conception of the multitude of questions involved in a statement of a cause of action or in meeting such statement. * * * It is more necessary than before for a pleader to be a good and careful lawyer."

Undoubtedly, we are not given, as a nation, to making haste slowly, and, if we have to reap the bad as well as the fortunate results of this temperamental characteristic, it is only what might be expected. But fortunately the evil is not irremediable, and, with the aid of the carefully compiled handbooks on trial procedure which are now within the reach of all, this factor in swelling the number of reports should soon be reduced, if not eliminated.

The Hawaiian Reports.

OF this interesting series of Reports, seven volumes have now appeared. The first includes "some of the judgments and decisions of the courts of the Hawaiian Islands for the ten years ending with 1856," and the last volume was published in 1890. An examination of their pages will give the reader a most entertaining view of the law administered in the new republic. While the recently adopted constitution has of course introduced the most radical changes into the character and machinery of the government, yet the Reports show that private and civil rights were very generally guaranteed by the liberal constitutions granted by the later monarchs of the native race, and were protected by the adjudications of the courts. We find, on turning over these pages, that the judges have been intimately acquainted with the English and American precedents, and have mainly relied on these two systems of jurisprudence for guidance in the solution of the problems with which they have had to deal. Yet we think they were fortunate in not being irretrievably bound by long lines of decisions invested with all the sanctity of "rules of property;" for they were thus able to bring to bear upon the formative stage of their jurisprudence all the instruction to be derived from the labors of the courts in England and our own country, and at the same time could permit themselves greater spontaneity and more dependence upon the pure light of reason than is now possible to our courts. To instance a single example, they had no difficulty whatever in arriving at the conclusion that a seal is not necessary to the validity of a deed. *Wood v. Ladd*, I., 23. Among the most notable cases in the volume before us we may mention that of *Re Landais*, in the first book, which contains an extended discussion of the rights and immunities of foreign ministers; and in the second volume the opinion of the supreme court on the descent and distribution of the estate of the late king, Kamehameha IV., which includes an interesting review of the constitutional history of the country, and especially the history of land tenures. The great diversity of the cases reported arises from the fact that the courts exercise jurisdiction not only in cases at law and in equity, but also in probate, divorce, admiralty, and

bankruptcy. A very large proportion of the cases are referable to the admiralty jurisdiction, and the reports teem with decisions on the rights and duties of shipmasters and seamen. Notwithstanding the modernness of the Hawaiian jurisprudence, they still cling to that antiquated piece of judicial furniture, the writ of *ne exeat regno* (or we suppose it would now be *ne exeat republica*). But it appears that they also have a device which is of infinitely greater effectiveness; for in the case of *Sawyer v. Paty* we read that the master of a packet running to California, who had conveyed a judgment debtor out of the kingdom without a passport, was held liable to pay the debt. If bank wreckers ply their trade at Honolulu, we fancy it must be exceedingly dangerous to assist in their emigration. The traffic in intoxicating liquors appears to have worked its usual results, so far as concerns augmenting the labors of the legislature and the courts. The law of the islands forbids the sale of liquor to the natives (*Rex v. Booth*, II., 616); and the burden of proving the legal importation and payment of duties on liquors rests on any party accused of smuggling them (*King v. Webster*, I., 117). But when the legislature passed an act requiring all liquor sellers to keep accounts of their business in the English, Hawaiian, or some European language, the court held it void, as an unlawful invasion of personal liberty, and said that it could not be sustained as an exercise of the police power of the state, as it had no relation to the health, comfort, safety, or welfare of the public. *King v. Lau Kiu*, VII., 489. It should be observed, by the way, that the supreme court of Hawaii shares with that of the United States the unique distinction of possessing the rightful power to judge of the constitutional validity of statutes passed by the legislature of a sovereign and independent nation. The respect which the Hawaiian courts entertain for their own dignity and independence is shown by the decision that "newspaper publications tending to influence the result of a pending suit are such misconduct as may be summarily punished as contempt of court." *Ackerman v. Congdon*, VII., 31. A search warrant, it appears, is esteemed a "writing of value," within the meaning of the Penal Code, and consequently it is a subject of larceny; but the indictment need not describe it as the property of any

person, or set any value upon it. *King v. Chop Tin*, VII., 283. Leases for very long terms of years appear to have been a favorite method of transferring realty. In fact, it is stated that at one time these conveyances formed the foundation of almost every land title in the islands. This compelled the courts to break away from the common-law theory that such interests were to be treated as chattels real; and they achieved for themselves what several of our states have accomplished by statute. Accordingly, we read that a leasehold estate, where 277 years of the term remain unexpired, is so far to be regarded as "immovable and fixed property" that a widow is entitled to dower in it. *Re Vida*, I., 63. The limits of this article do not permit us to mention all the curious or novel cases found in this series of volumes, but we can assure the reader who has opportunity and leisure to examine the Hawaiian Reports that he will certainly derive entertainment from their perusal, and very probably more or less instruction.

National Reporter System Citations.

King & Leonard's series of Reporter System Citations is well under way, and the first book will probably be published by the end of this month. In the September number of *Law Book News* we gave a full account of the ingenious method pursued in these admirable works to give, in small compass, information as to the exact point of law for which cases have been cited. The application of this Citation System to the Reporters will add very largely to the practical usefulness of the latter. The Citation Manuals, with their continuations, form the most important of the long and remarkable list of appliances with which the publishers of the Reporters have sought to make their reports complete and convenient, and adapted to solve the "case-law problem" for the profession. The Reporter Citations will be compiled and published in the same style as King & Leonard's *United States Supreme Court Citations*, but the Reporter System will be treated as a whole. In other words, every citation of every Reporter case cited anywhere in the System is noted, thus giving many valuable references to citations of cases in foreign jurisdictions. This will be a further contribution to the nation-

alizing and harmonizing of our jurisprudence. The Citations volume for each Reporter will cover all the volumes issued down to the time when the compilation is published, and the continuations will be kept up by a well-planned system of supplements. The volumes now announced, and prices, are as follows:

Federal Reporter Citations.....	\$7 50
Northwestern Reporter Citations.....	7 50
Northeastern Reporter Citations.....	6 00
Pacific Reporter Citations.....	6 00
Southwestern Reporter Citations.....	5 00
Southeastern Reporter Citations.....	5 00
Atlantic Reporter Citations.....	5 00
Southern Reporter Citations.....	4 00

Law Dictionaries.

The promulgators of law dictionaries are just now enlivening the dull routine of trade by introducing certain interestingly personal features into their advertising. When *Black's Law Dictionary* was published, in 1891, the publishers used, in their advertisements, a little table showing the comparative number of titles under the letter "A" in the leading law dictionaries:

Abbott's	286
Anderson's	379
Jacob's	500
Rapalje & Lawrence's.....	746
Bouvier's	847
Black's	1,801

Now, *Callaghan & Co.*, bringing a new candidate for favor before the public which hungers for knowledge, makes an adroit use of this table by simply adding *Kinney's* to it:

Anderson's	602
Bouvier's	825
Black's	1,836
Kinney's	2,393

(The difference between the two tables seems to arise from the fact that, in the first, only initial titles were counted, while, in the other, derivatives must have been included.)

As *Life* remarks, apropos of an announcement in the papers that some member of the 400 is about to give a dinner, "This is interesting, if true." But the first doubt—awakened by the fact that *Kinney's Dictionary*, in spite of the greater number of titles claimed, contains only 706 single-column pages of 6½ by 3¾ inches, against 1,253 double-column pages in *Black's*, each 8¾ by 5½, and that the amount of typographical matter in *Kinney's*

is less than one-third of that in Black's—is somewhat cleared by a further examination. Of course, in order not to be misleading, such a comparison should apply merely to initial titles, not to derivatives, and still less to alternate spellings. The count in Kinney's seems to include a large number of these. But the real difference between the two dictionaries is in the theory of dictionary construction which has been adopted. The publishers of Kinney's claim that "each word defined appears in its own proper place, instead of subordinate to some other word of which it may be a variation." This theory is illustrated by the following examples:

AN, ANN, ANNE. L. Fr. A year.
 ANNEZ, ANZ. L. Fr. Years.
 ANS, ANZ. L. Fr. Years.

Such duplication soon extends the scope of a work, if it is to be judged by the number of its titles. But the distinctive difference in the two works is in their respective views of the scope of a definition. In Kinney's, the definitions have been reduced to the lowest possible terms, while, in Black's, space is taken to bring out technical distinctions and shades of meaning. A fair example of this difference is in the definition of "Accomplice."

Kinney gives:

ACCOMPLICE. A person concerned, whether as principal or as accessory, in the commission of a crime. V. Accessory.

Black gives:

ACCOMPLICE. (From "ad," to, and "complicare," to fold up, or wrap together.) In criminal law. One who is joined or united with another; one of several concerned in a felony; an associate in a crime; one who co-operates, aids, or assists in committing it. Tomlins; Jacob. This term includes all the participes criminis, whether considered, in strict legal propriety, as principals or as accessories. 1 Russ. Crimes, 26. It is generally applied to those who are admitted to give evidence against their fellow criminals. 4 Bl. Comm. 331; Hawk. P. C. bk. 2, c. 37, § 7.

One who is in some way concerned in the commission of a crime, though not as a principal; and this includes all persons who have been concerned in its commission, whether they are considered, in strict legal propriety, as principals in the first or second degree, or merely as accessories before or after the fact. 47 Ill. 152; 71 Cal. 20, 11 Pac. Rep. 799.

The space thus saved in Kinney seems to be chiefly devoted to translations of law—French phrases. Those who think that a

dictionary is a dictionary "for a' that and a' that," will count the titles, and go no further in their comparison; but those who go to a dictionary for definitions which shall make disputed interpretations clear, and throw light into obscure places, will want something more than the briefest dismissal compatible with civility.

So far as a superficial examination shows, Kinney's Dictionary appears to have been carefully prepared, and within its scope it is undoubtedly a good dictionary. But it is evident that the compiler and publishers have made a point of keeping the size of the book down, in order to enable them to sell it at a low price. It does not practically compete with Black's, because the two books fill entirely distinct fields.

Mr. Anderson, on the other hand, appears to hold the extreme view in the other direction. He champions the elimination of most definitions, and the substitution of what may be called "encyclopedia matter." Apropos of the articles which Mr. Anderson has been contributing to the American Law Review and the Yale Law Journal on the theory and practice of making law dictionaries (and which would seem to indicate that Mr. Anderson's admirable Dictionary is not as popular as it deserves to be), it is interesting to read the announcement of yet a new "Glossary of Law Terms," compiled by P. C. Sen, of Serampore, India. This work "contains the meanings or legal significations of all English, Latin, French, Greek, Turkish, Persian, Urdu, and Hindi technical terms or phrases. * * * It gives not only the meaning of such terms as 'mushaa,' 'Patwari,' 'Rakbah,' etc.," but also of such outlandish terms as 'fee simple,' 'personal actions,' 'personal rights,' etc. And yet the price of all this erudition is only Rs 2 a copy per V. P. P.

The Lawyer's Lullaby.

By F. H. Cogswell.

Be still, my child! remain in statu quo,
 While I propel thy cradle to and fro.
 Let no involved res inter alios
 Prevail while we're consulting inter nos.

Was that a little pain in medias res?
 Too bad! too bad! we'll have no more of these.
 I'll send a capias for some wise expert
 Who knows to eject the pain and stay the hurt.

No trespasser shall come to trouble thee;
For thou dost own this house in simple fee—
And thy administrators, heirs, assigns,
To have, to hold, convey at thy designa.

Correct thy pleadings, my own baby boy;
Let there be an abatement of thy joy;
Quash every tendency to keep awake,
And verdict, costs and judgment thou shalt take.
—Boston Transcript.

Announcements.

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

William Green & Sons, Edinburgh, have in preparation an edition of the New Death Duties imposed by the Finance Act, 1894, with notes, etc., by J. Campbell Lorimer.

Shaw & Sons, London, have in press an edition of the Prevention of Cruelty to Children Act, 1894, with introduction, notes, forms, and index by Gerald Champion Lewis and Harold Murdock Barrows.

The West Publishing Company announce for publication in November: Clark on Contracts; Vol. 14 Supreme Court Reporter; Vol. 19 Southeastern Reporter; Vol. 15 Southern Reporter; Vol. 29 Atlantic Reporter; and Book 6 Federal Cases.

Wm. Hodge & Co., Glasgow, will issue in November the Scottish Law Directory for 1895. It contains complete lists of the judges and officers of all the courts in Scotland, as well as of solicitors, law agents, etc., and tables of fees for conveyancing and general business.

Shaw & Sons, London, announce as nearly ready a Parish Councils Election Manual, being an explanation of the law relating to the election of members of parish councils under the local government act, 1894. The work has been prepared by T. R. Colquhoun Dill, of the Inner Temple.

Shaw & Sons, London, will shortly publish the Poor Law Guardians' and District Councillors' Election Manual. The book gives a concise explanation of the law relating to the election of members of such boards, under the local government act, 1894.

The publishers of the National Reporter System are keeping up the line of digests of the

separate Reporters. A new digest of the Federal and Supreme Court Reporters is in press for publication in December, and a new digest of the Pacific Reporter covering Vols. 1 to 35 is announced for publication in midwinter. Digests of the Southern and Southeastern Reporters are also in preparation.

The West Publishing Company now make definite announcement regarding their new compilation of the Minnesota Statutes to be published next month. The sample pages which they have circulated show the typography to be admirable. The compilation will include all the general laws in force at this time, arranged under the standard chapters and titles of the official revision of 1866 and the authorized compilation of 1878, but sections will be numbered consecutively from the beginning. The annotations are very full and elaborate, not only covering the Minnesota Reports, but including the constructions of similar and cognate statutes by the supreme courts of other states. The work will be published in two volumes and sold at \$12 net. The publishers also announce that they will issue a new edition (Minnesota Statutes of 1896) next fall to include the changes and amendments of the coming session of the legislature. This edition will be sold at a reduced price to purchasers of the 1894 statutes who subscribe for both at the same time.

Law Book Notes.

During the month of October the West Publishing Company issued Vol. 37 North-eastern Reporter and the American Digest Annual for 1894.

A new edition of the Compiled Statutes of Nebraska has been issued. It is based on the compilation by Guy A. Brown, and has been brought down to date by Hiland H. Wheeler.

Sir Roland Knyvet Wilson, Bart., has issued an Introduction to the study of Anglo-Muhammadan Law, preparatory to a larger work on the same subject which he has in preparation.

The Docket Publishing Company, Toronto, has issued a second edition of the Ontario Game and Fishing Laws, with references to the various Statutes and Orders in Council in force on October 1, 1894.

The Illinois School Laws and the Illinois Election Laws, as given in Hurd's Revised

Statutes, have been printed in separate pamphlets, at 30 cents each, and issued by the Chicago Legal News Company.

New English editions have been issued of Mayne's Treatise on Damages, Healey's Company Law and Practice, Ringwood on Torts, Key & Ephinstone's Precedents in Conveyancing, and Ephinstone's Introduction to Conveyancing.

Little, Brown & Co. have issued a fifth edition of Smith's Probate Law and Practice for Massachusetts, which includes the new rules and forms for practice made necessary by the new legislation on collateral inheritances. The work is edited by Arthur Lord.

Michael & Will on the Law Relating to Gas, Water, and Electric Lighting has gone into a fourth edition. It seems that electric lighting is making slow progress in the United Kingdom, while in gas undertakings the capital invested exceeds 65 millions sterling.

A new edition of the English "Statutes of Practical Utility" is in course of preparation. It is edited by J. M. Lely, and published by Sweet & Maxwell. The edition will make twelve volumes, of which the first has now been issued. The remaining volumes are to appear during the next few months.

"Fertilizers and Feeding Stuffs" is the title of a hand-book for practical farmers, published by Crosby, Lockwood & Co., London. The legal part of the work, including "the regulations and forms of the board of agriculture, and notes on the act," has been done by Alex. J. David, of the Inner Temple.

T. H. Flood & Co. have issued a new work on the Law of Evidence, by H. C. Underhill, LL. B., of the New York bar. The book includes the rules governing the presentation of evidence, the examination of witnesses, etc., and it is stated in the announcement that in the citations parallel reference is made, when possible, to the National Reporter System and to the State Reports.

John Garland Pollard, of the Richmond, Va., bar, has prepared a compilation of the General Laws of Virginia passed since the adoption of the Code of 1887. It makes a compact volume of 265 pages, and is so fully indexed as to be, in effect, a supplement to the Code. A consecutive list of all sections in the Code which have been amended

or repealed up to date is also given. The work must be a very serviceable one to Virginia lawyers.

The "Law of Waste" is the subject of a recent English work by Wyndham Anstis Bewes, of Lincoln's Inn, published by Sweet & Maxwell. The Brief says of it: "Hitherto it has been necessary to consult several text-books in order to ascertain the law affecting the relationship of limited owner and reversioner, or remainder-man, where there was no contract to afford guidance; but Mr. Bewes' work has remedied this inconvenience by gathering together the scattered fragments that go to make the whole."

A treatise on the Patent Law of the Dominion of Canada has been issued by Row-sell & Hutchison, of Toronto. It presents the subject from the Canadian point of view, and embodies all the reported and some heretofore unreported Canadian patent cases. Late and important American and English cases are also included, and an analysis, with commentary, of the provisions of the Canadian Revised Patent Act. The author, John S. Ridout, brings a practical knowledge of engineering and mathematics, as well as of law, to the task he has undertaken.

The Hornbook Series seems to be meeting with much favor. One or more of the earlier volumes have already been adopted in Cornell, the Chicago College of Law, Buffalo Law School, Yale, Kent Law School, Universities of Michigan, Minnesota, North Carolina, Colorado, Nebraska, and Wisconsin, Detroit College of Law, Louisville Law School, Howard University, D. C., Chaddock College, Ill., Central Normal College, Ind., Univ. of Notre Dame, Ind., Northern Ind. Law School, New York Univ. Law School, Western Reserve Univ., and others; and in a large number of other schools the books are used for collateral study and reference.

Prof. Charles A. Graves, of the Washington & Lee University, has prepared a Summary of the Law of Real Property for the use of students in connection with the second book of Blackstone's Commentaries. It is a brochure of 234 pages, with index, tables of cases, etc. In its 16 chapters the different branches of the subject are discussed in a brief and clear manner, suited to the understanding of students. It is intended by the author as preliminary to a larger work on the same subject. From the character of the analysis shown in this summary, as well as from the standing of Prof. Graves, we will await the larger work with interest.

W. L. Little & Co. have recently issued several New York books. The Laws relating to Villages, with forms and references to adjudicated cases, are published in one volume. The Taxable Transfer Act of 1892, which repealed the law relating to taxation of decedents' estates, as enacted in 1885, is published as a pamphlet, with references to all decisions rendered thereunder to August 1, 1894. Notice has already been given of Silvernail's Annotated Codes, and Benham's New York Railroad Laws, published by the same house, and announcement is now made of a new book on the law and practice in Proceedings Supplementary to Execution, including those in Receivership and Contempt, by Geo. W. Bradner, of Mexico, N. Y.

The Law of Burial, by James Brooke Little (Shaw & Sons, London), has gone into a second edition. It includes the burial acts, the public health (interments) act, the cemeteries clauses act, the infectious disease (prevention) act, and the provisions of the public health (London) act, relating to mortuaries. The important enactments of the local government act, 1894, relating to burials, are incorporated, with notes and commentary. The London Justice of the Peace heads a review of the work with the following lines from King Richard II.:

Let's talk of graves, of worms, and epitaphs;
Make dust our paper, and with rainy eyes
Write sorrow on the bosom of the earth;
Let's choose executors, and talk of wills.
And yet, not so; for what can we bequeath
Save our deposed bodies to the ground?

Williams on Real Property has gone into a new edition,—the 17th English. It is supplied with American notes by Prof. H. B. Hutchins, of the Cornell University School of Law, and is published by the Boston Book Company. The English notes which have been added to each new edition had become somewhat cumbersome; and in preparing the present edition the editor, T. C. Williams, who, by the way, is a son of the author, has restored the symmetry of the work by largely recasting and remodeling it. The publishers state that wherever radical changes in the common law have been generally made in the United States, either by statute or by the decisions of the courts, such changes are explained and commented upon in Prof. Hutchins' notes.

B. F. Heuston, of the Tacoma bar, has prepared a brief treatise on the law of the state of Washington relating to real-estate transfer, which has been issued in pamphlet form by the Commonwealth Title & Trust Company, Tacoma, Wash. It consists of six chapters on the following topics: What is

Real Estate; Who may Take and Convey; Transfer by the Owner Voluntarily; Transfer through Another Voluntarily; Involuntary Transfers; Miscellaneous. The annotations, which are full, give references to late cases reported in the Pacific Reporter. Directions are given how to proceed with the examination of title, in order to secure good title free from incumbrances; and we should judge that the little pamphlet would be a very helpful manual for any one interested in Washington real estate.

The "Sources of International Law" is the subject of an interesting work by Ernest Nys, in which the author has embodied the results of exhaustive researches in directions not open to the average student. The subject is one which has received much attention during the last century, but Mr. Nys has not been content to take current theories without verifying them by original investigation. The book treats of the medieval conception of international law, the papacy and the empire, war and Christianity, steps short of war, private war, causes of war, war against infidels, balance of power, the lawfulness of war, declaration, conduct of warfare, peace, commerce, diplomacy, discovery, "Mare Liberum," "Les Irénistes." The Law Quarterly Review declares the work "indispensable to any good legal or historical library."

The Opinions of Grotius, as contained in the Hollandsche Consultation en Advijzen, have been collated, translated, and annotated by D. P. de Bruyn, an advocate of the supreme court of the Colony of the Cape of Good Hope and of the high court of the South-African republic. The Canadian Law Times says: "Whenever Blackstone declares that what he says is also the opinion of Grotius, we are apt to take the statement as authoritative, for two reasons, perhaps three. We don't know where to find Grotius' opinion; we could not read it if we found it; and, at any rate, Blackstone is generally right, whether Grotius agrees with him or not." Our esteemed contemporaries of the South-African bar, however, will not be required to take Grotius on trust. They evidently mean to start at the foundations, and to start right.

Ohio lawyers are to have several of their local law books brought up to date for them this fall. Whittaker's Annotated Probate Code, which the Cincinnati Tribune characterizes as "a book that has long since taken its place as a standard of authority, as well as a model of convenience, both by reason of its compact form and careful editing," ap-

pears in the second edition. Glauque's Supplement to the Revised Statutes of Ohio has been extended to incorporate all changes down to date. Peck's Municipal Corporations has reached a fourth edition. The reviewer in the Cincinnati Tribune says of this book: "Judge Peck, both by his experience in the law department of the city of Cincinnati and on the bench, is admirably qualified to handle this subject, and his book has grown to greater possibilities of usefulness with each edition. The fourth edition (another tribute to biennial sessions of the legislature) includes everything in the statutes and decisions up to date, and the same care and accuracy that marked the former editions are apparent in this. The forms are carefully revised, and the index made quite complete, making the book, as before, a standard."

Swan's Treatise, with which all Ohio lawyers are well acquainted, has been brought down to date in a sixteenth edition, prepared by Joseph R. Swan, Jr., the son of the original compiler. The new edition includes all the alterations and additions in the statutes down to the ninety-first volume of the laws, inclusive, and the decisions of the supreme court down to the fiftieth volume, inclusive. It has also a complete set of references to the Ohio Circuit Court Reports. The Cincinnati Tribune is responsible for the following story:

Some years ago a young and aspiring attorney was trying a case before a magistrate up in the backwoods of Adams county. Of course, "Swan's Treatise" was all the library the justice possessed, but it so happened that the lawyer had brought with him a decision of the supreme court of Ohio in favor of a point he contended for. This case was cited by Judge Swan in his treatise, but by reason of an error (errors are few, however, in the book) the citation in the treatise was inaccurate. Upon the lawyer's offering the original volume of the Supreme Court Reports containing the decision, the magistrate refused to accept it, as, he said, Judge Swan had it different in his book, and he felt sure of Swan, but was not sure of the supreme court. And many there are to this day that will not gainsay him.

The annual race of the American Digest against time took place in the West Publishing Company's establishment as usual this year. In spite of an interruption of four days for some necessary changes in the printing machinery, the Annual for 1894 was put through the press in a shorter time than any previous volume, and a "new record" was made by the delivery of the first complete copy from the bindery October 20th. It takes a printer, or one thoroughly versed in the mechanics of bookmaking, to fully appreciate this astonishing performance. There are nearly 22,000 titles in the table of cases di-

gested, including everything published down to September 1st of this year. The size of the volume has been cut down by the special efforts of the editors to secure conciseness of expression, without, however, sacrificing the fullness of statement, which has always been one of the most popular features of the digest. This is the eighth of the American Annuals and the forty-ninth of the United States Digest Annuals, of which the American is the Third Series. Many thousands of copies of the Annual were shipped to subscribers in all parts of the country during the latter part of October and the first half of November.

A new edition of the Penal Code and Code of Criminal Procedure of New York, complete in one volume, annotated by W. H. Silvernail, has been issued by W. C. Little & Co., Albany. These Codes give the text complete, with all the amendments thereto, including the year 1894. The date and substance of each amendment is shown, and the index words at the head of each section are corrected to correspond with the several amendments. The principal feature of this work is the annotation, the practical value of which is apparent on a very slight examination. The notes are admirably arranged under appropriate headings, showing the substance of all the decisions under each section, criticising and distinguishing the cases, and, when possible, reconciling seeming conflicts. All the reports in which a given case may be found are cited. Thus, Hun's Reports, the New York Supplement, the New York State Reporter, etc., are referred to when a supreme court (general term) case is cited. Where the cases are from the courts of oyer and terminer, courts of sessions, etc., the New York Supplement, New York Criminal Reports, and any other publications in which the cases may be found are cited. The indexes are well arranged, and forms to the Code of Criminal Procedure are given, covering all cases, making the book very useful, if not indispensable, to district attorneys, justices, etc. The typography is excellent. The text is in large, clear type, and readily distinguishable from the notes, which are in smaller type.

Pennsylvania lawyers, after having suffered for many years from the lack of an adequate digest of the general statutes in force, are now in the way of experiencing an embarrassment of riches. A new edition of the old Purdon's Digest, by Frank F. Brightley, has just been issued by Kay & Bro., and now T. & J. W. Johnson & Co. have sent out advance sheets of a New Digest by Pepper & Lewis, which is nearly ready to issue. Comparisons may be odious, but in such a case as this they are inevitable. Lawyers will ask, not "Do I need this work?" but "Which

one shall I get?" and publishers and reviewers will try to help them to decide by a direct comparison of the two digests. The Legal Intelligencer, acting as "the advance picket for the profession," has already made a detailed and comparative examination, of which it makes a circumstantial report to the profession in its issue of October 26th. It finds in "The New Digest" fuller notes, a greater number of acts, and a valuable list of acts, preceding each title, which, by giving references to repealed acts and to the sections of later acts which have modified, amended, or repealed them, contains practically a history of the legislation upon that subject. It also finds a more logical classification and new mechanical features of value, and finally renders the following conclusion and decree: "We have made these examinations with some care, in view of the fact that the bar of this state has suffered for years for want of a complete, accurate digest. The promised work was awaited with some interest, since it was believed that what must have been heard in the way of suggestions during the past 10 years would have stimulated the editor to remedy the glaring defects in his system of arrangement. The conclusion, after a complete study of the work, at which we are forced to arrive, is that the twelfth edition is but little improvement upon the eleventh, except that search for a given statute may be facilitated by the complete index and the chronological list of acts at the end of volume II. Sure it is that those who have, as we all have, the old edition of Purdon's Digest, will do well to wait for the New Digest by Pepper & Lewis. It can hardly be inferior at the worst, and the evidences of the advanced sheets which we have examined, and assurance incident to the accurate, scholarly qualifications of the editors, Messrs. Pepper & Lewis, would seem to give promise and show cause why Pepper & Lewis' Digest of the Laws will be The Digest for Pennsylvania. *Le roi est mort! Vive le roi!*"

Miscellaneous Notes.

The Law Times, published at Madras, appears to be edited and sustained by Hindus.

The Parliament-House Book, issued by Burness & Co., Edinburgh, has been brought down to include the numerous alterations made by the statute law revision act and the finance act of the past session.

The Australian Law Times has completed its fifteenth volume, and the last number gives a table of the cases reported in the volume during the year, together with an Analytical Digest of 21 triple-column pages.

The Saturday Review contains an article on "Madness and Crime," which shows what the judicial view of this still vexed question has been in the past. The British medical association is actively urging the cause of the lunatic.

The Law Times, published at Madras, reads like the unrevised proof of a new story by Kipling. It is full of delightfully incomprehensible Indian words, and the glimpses that it gives of native and official life, as reflected in the courts, show conditions that seem ready-made for stories.

The Scottish Law of Entail is the subject of a lecture delivered by Prof. John P. Wood, of the University of Edinburgh, before the Scottish Chamber of Agriculture. He claims that "the Scotch system of entail is, in many respects, a better one than the system of life rents, which, if I understand it, the English law of settlement virtually is."

The Washington Law Reporter Company makes a specialty of legal blanks. The completeness of its stock is indicated by its advertised list, which includes not only the lines to which smaller dealers have accustomed us, but also "drunkards' blanks" and "red-headed blanks." After that we certainly would have no hesitation in calling for a *carte blanche*, or any little thing like that.

Sir Frederick Pollock, the learned editor of the Law Quarterly Review, devotes four pages and a half in the October number to considering the question, "What is a thing?" It seems an absurdly simple question, but the unphilosophical layman who might start with the assumption that he knows everything about it would probably soon begin to suspect that he knows nothing. He could not finish the article, however, without knowing something.

The Brief (London) is giving its readers a series of character sketches of distinguished lawyers, with portraits,—"Lawyers under the Lens," as it aptly calls the series. The number for October 15th gives a sketch of Mr. John Hunter, President of the Incorporated Law Society, U. K., with a detached portrait. Among those to follow are Sir William Harcourt, Mr. H. H. Asquith, Mr. Augustine Birrell, the Right Hon. Lord Davey, Sir John Eldon Gorst, the Lord Chief Justice of England, Sir George Lewis.

The National Corporation Reporter says that "funny things are to be found in Reporter Newell's Analytical Index to Vol. 52

Ill. App.," and instances the following: "Blind Station. Woodman, Spare that Tree. No Difference between Fraud in Fact and in Law. Immoral Consideration—Contract of Marriage. [Oh!] Landlord and Tenant—Liability to Pay Rent. [Which?] Loss—of checks by delay in presenting (already indexed under Checks.) Master in Chancery (two titles.) Sufficiency and Rubbish are also titles, and this reminds us of our valuable space and to stop."

With the opening of the courts for the fall sessions, the Ohio Weekly Law Bulletin will publish, as a weekly supplement, advance sheets of the reports of the courts of common pleas, and of the superior court of Cincinnati, with occasional decisions of the probate courts. These will afterwards be published in volume form as the Ohio Nisi Prius Reports, thus forming a new series of reports. The issue of the Weekly Law Bulletin for October 8th contains the first of these advance sheets, as well as the customary supplement of advance sheets of the reports of the circuit courts of Ohio.

The Michigan Law Journal, which for three years has been under the management and editorial direction of Ralph Stone, and has, for the last year or two, been published at Grand Rapids, has now been sold to three lawyers of Detroit, Messrs. Wm. K. Pratt, Alfred Du Charme, and Metcalf B. Hatch. The new editors are lawyers of recognized legal and literary ability, and will doubtless maintain the high standard of the Journal. It will continue to be the official organ of the Michigan State Bar Association, and the representative publication of the University of Michigan Law School. Mr. Harry D. Jewell, who has been editorially connected with the Journal for some time, will continue to have charge of the department of reviews.

The Scots Law Times has collected some criminal statistics for Scotland for recent years, from which may be drawn the comforting deduction that in that corner of the globe at least crime is decreasing. In the group embracing murder, homicide, and serious assault the annual average between 1884 and 1888 was 789, as against 730 during the period from 1889 to 1893. The same may be said in regard to all the other offenses except those committed against property with violence, which appear to be about stationary during the entire period. There were altogether 149,813 police apprehensions in Scotland during 1893, of which 1,819 were for offenses against the person, 18,238 for crimes against property, and 128,981 for miscellaneous crimes or misdemeanors.

The Counsellor for October lives up to the first meaning of its name. It contains full reports of the words of good counsel addressed to the last graduating class of the New York Law School by Prof. George Chase, dean of the school, and by Hon. Wm. J. Gaynor, Justice of the New York Supreme Court, and also the paper read by Edmund Wetmore, Esq., before the Section of Legal Education at the August meeting of the American Bar Association, on "Some of the Limitations and Requirements of Legal Education in the United States." All of these addresses are distinguished by the high ideal held up before the young practitioners. Professional success is placed before financial success, and integrity of character before everything else. With such teaching, there is hope yet for the poor old world.

The Proceedings of the Thirteenth Annual Session of the Texas Bar Association have been printed by the association. The pamphlet of 180 pages contains the constitution and by-laws of the association, and addresses and papers as follows: President's Address, by Hon. S. C. Padelford; Some Reflections on the Relations of Capital and Labor, by Hon. B. D. Tarlton; The Statutory Craze, by Hon. E. B. Perkins; Medical Jurisprudence, by Hon. Robert G. Street; The Legal Profession, its Value, Importance, and Influence, by Hon. Edwin Hobby; Assignments for the Benefit of Creditors in Texas, by Hon. Charles S. Todd; The Criminal Law of Texas, by Hon. Norman G. Kittrell; Juries and Jury Trials, by Judge T. H. Conner; The Respect due by Members of the Bar to the Judiciary, by Hon. T. F. Harwood.

The Montreal Legal News of September 15th quotes an interesting extract from a paper on "Anthropology," reads before the British Association by Sir. W. H. Flower, which discusses the means adopted to identify prisoners. The French system is to take exact measurements between certain fixed points of the bony framework of the body which are known not to change under different conditions of life. This system, supplemented by the "finger-mark system," used in India, has been recommended to the home office in England. The finger-mark system is based upon the discovery that the ridges and furrows which mark the under-surface of the fingers are distinctive in each individual, and persist through life, and form one of the most valuable means yet discovered of fixing personal identity.

The Law Quarterly Review (London) has just completed its tenth volume, and the October issue contains a complete index of con-

tributors, subjects of articles, and books reviewed, for the entire set. The Review has had a distinguished list of contributors, in which are included the names of Sir James Stephen, Lord Bowen, Lord Justice Lindley, Sir Edward Fry, Lord Davey, Judge Holmes, of Massachusetts, Sir Howard Elphinstone, and others equally well known. Sir Frederick Pollock, in an editorial note, says: "We have the satisfaction of believing that the encouragement of our example had something to do with the foundation of the Harvard Law Review, in whose pages have appeared some of the most important additions lately made to our historical knowledge of common law. As for the quantity of interest shown either here or in America in the study of law as a science, there is perhaps room for increase. But let us be thankful for what there is."

South Africa possesses not only a bar, but a legal journal. The Cape Law Journal, published at Grahamstown, Cape of Good Hope, is now in its eleventh volume. It covers the regulation field of a law journal as to articles on legal subjects, notes of decisions, reviews, etc., and makes a special feature of the Roman-Dutch law as administered in certain South African states and colonies. The queer names of persons and places to which it refers with all the ease of familiarity carry a curious suggestion of remoteness, and it is enough to make one sit down and moralize on human affairs to come upon casual references to the Matabele power, and Buluwayo the Gogotha, and to learn that the late crown prosecutor in British Bechuanaland has been appointed to the office of recorder of Mashonaland. The Journal is a quarterly publication, and the scale that governs colonial dealings is indicated by the fact that the annual subscription price for the four numbers is 21 shillings in the Colony, or 22/6 in England.

Chicago is responsible for a new quasi legal periodical. The Business Law Weekly is its title, and it dates from September 22, 1894. As indicated, it addresses itself particularly to the business man, undertaking to inform him as to his legal rights, and to warn him against trespassing upon the rights of others. It does not aim to supplant the lawyer in administering the affairs of the business man, but it means to give reliable legal information for practical, every-day use, devoting special attention to questions of sales and credits, manufacturing, master and servant, patents, transportation, etc. It has a department for questions and answers, and makes editorial comment upon current decisions which are of interest or importance to the

man of business. In this connection the fact is referred to that full reports of all state supreme court and federal decisions discussed may be obtained through the National Reporter System. The paper is edited by J. L. Rosenberger, of the Chicago bar, and published from the Opera-House Building, at a subscription price of two dollars a year.

I am glad to find that the Brief is not the only cutting critic of Novelists' Law as she is written. Mr. Alfred Kinnear, a well-known writer, drops heavily upon Mr. Hall Caine. Of 'The Deemster' Mr. Kinnear says that he could never have obtained his office as Mr. Hall Caine says he did; nor could he, when in office, have done what Mr. Hall Caine says he did; and, further, that, when the novelist touches upon tenure of land in the 'roaring forties' of the nineteenth century a system that was altered by the act of settlement in the very earliest years of the eighteenth century. Talking of novelists reminds me that the editor of the Green Bag seems disposed to pick a quarrel with Dr. Conan Doyle, because some of the Sherlock Holmes stories are improbable. Of course they are improbable. Would they be as interesting if they were probable? But a legal journal has very little to do with the laws of probability, unless the novelist violates them in connection with his treatment of lawyers or legal procedure.

—The Brief.

The Brief is a legal review published in London which has a very clever editor. Whether his cleverness is due to the fact that he appreciatively reads the American journals, or whether he reads the American journals because he is clever, we do not undertake to say; but we notice that the number for October 15th contains quotations from the Boston Daily Traveller, the Inter-Ocean, the Chicago Legal News, the Green Bag, the Central Law Journal, the Daily America, and the paper of Mr. O'Brien Atkinson read before the Michigan State Bar Association, besides eight other stories of American law and references to America which have evidently been discovered from cisatlantic sources. How can it help being readable? This cosmopolitan spirit seems to extend even to the advertising pages, for we find here the cards of Emmons & Emmons, Portland, Or.; John A. Clarry, Brooklyn, N. Y.; Mahon & Howard, Duluth, Minn.; Bowen, Douglas & Whiting, Detroit, Mich.; Hector M. Hitchings, New York, N. Y.; Sharp & Alleman, New York, N. Y.; Smythe & Lee, Charleston, S. C.; Richd. B. Shepard, Salt Lake City, Utah.

The wanderings of Ulysses were a bagatelle compared with the peregrinations of a funny story through the papers, and the adventures it meets on the way. Some time ago a story about a cow and an engine made its appearance in a western paper. The cow was a very intelligent creature, who answered the engineer's warning whistle by ringing her bell violently in an earnest but ineffectual endeavor to scare the engine off the track, and so avoid a collision. The original story (so far as tracing goes) credited Massachusetts with this highly developed cow. The story was copied in the eastern papers, and, either to save their readers the trouble of undertaking an investigation or to distribute honors, they referred to the encounter of signals as taking place "in Texas," "in the west," "in Kentucky." The story crossed the water with the mails, and appeared in two or three London law journals. These narrators seemed to consider the story typical of all American cows, or of American story tellers. Then it came home by return steamer, and its latest appearance (undoubtedly not its last) is in the Chicago Law Journal; and this time the ill-starred cow was "on a railway near London, Eng."

The Albany Law Journal for September 1st comments on the case of *Ponting v. Noakes*, recently decided in England, in which, according to the Journal, action was brought to recover damages for the death of the plaintiff's horse, which died by eating the leaves of the "ewe tree." This mysterious and fatal tree figures extensively in the Journal's report, reappearing *ipsissimis litteris* half a dozen times. If the ill-starred animal could have contented himself with casting sheep's eyes at the ewe tree, it would have been better for all concerned. We are surprised to find no mention of *Ram on Facts* in the report, as that standard work would naturally be the controlling authority in such a case.

The ewe tree is entirely unknown in our wild western country,—"woolly" though it be. This is fortunate for our horses if the habit of culling vegetable mutton chops from its branches is generally as deadly to the equine race as it proved in the *Noakes Case*. A movement for a congressional appropriation to keep the ewe tree out with the Russian thistle will be next in order.

Since the foregoing was written, it has occurred to us that the "ewe" in the "ewe tree" is really an abbreviation for "upas." This would explain the whole matter, and shows a commendable delicacy and consideration on the part of our esteemed contemporary in thus disguising the fact that this terrible tree has come out from the fabulous East, and estab-

lished itself on the sacred soil of Great Britain.

The saying that morality is only a matter of latitude may be supplemented by much the same qualification as to law. In the *Legal Companion*, published at Serampore (and advertised as "the cheapest monthly law journal published by J. M. Sen & Co."), we find a case of *Gajraj Puri v. Achaibar Puri*, in which "the plaintiff claimed right to succeed to the property of Zalim Puri, as his spiritual cousin, he having died without leaving any immediate disciple," though he left a son, the defendant. *Basumati Adhikarini*, in another case, appeals from a conviction for the defamation of another woman, on the ground that as guru, or spiritual guide, of her caste in the village, she had every right, for the good of the community, to forbid her people from entering into any communication with an outcast, on penalty of declaring them, if they held such intercourse, "guilty of the five sins and of rebellion against their guru." In answer to the objection that the husband of the excommunicated woman was, in effect, excommunicated also by the boycott of his wife, it was naively urged that he might have discarded his wife. The court sustained the guru in her endeavors to "raise the morality of the people under her charge," and found the statement complained of to be privileged.

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* I am unable to find any treatment of the subject of the remedy of the lienholder, under a statutory or contract lien not resting upon possession, for injury to or destruction or conversion of the lien property.

T. C. Ryan.

Wausau, Wis.

Personal.

Hon. Walter Clark, Associate Justice of the Supreme Court of North Carolina, contributes an article to the September *Arena* on the subject of the Election of Senators.

Sebastian Brown, of the Baltimore bar, author of "John Smith, A Journey along the Highways and Byways of Life," has completed another novel, which he calls "Bar-racco, Chief Lieutenant of the Devil." It deals with the philosophy of the liquor traffic and the drinking habit.

At the recent meeting of the American Bar Association a committee, consisting of Hon. J. Newton Fiero, Francis Rawle, Esq., Hon. John F. Dillon, Edward Otis Hinkley, and W. E. Talcott, was appointed to consider and report upon the problems involved in reporting the current case law of the country.

Mr. William T. Brantly, of the Baltimore bar, has been appointed reporter of the court of appeals of Maryland. He is known as the author of works on Contracts and Personal Property, as well as an annotator of the Maryland Decisions, and the appointment is characterized by the Baltimore Daily Record as one of peculiar fitness.

Mr. Isaac M. Phillips, of Bloomington, Ill., has been appointed court reporter by the supreme court of Illinois, to fill the vacancy caused by the death of Mr. Freeman. Mr. Phillips studied law with Robert G. Ingersoll, and has been for nearly twenty years the law partner of ex-Gov. Joseph W. Fifer. He combines literary ability with his professional equipment.

A. L. Reinke & Co., Chicago, have published a portrait group of the supreme court of Illinois. Chief Justice Wilkin, with his associates, Justices Phillips, Bailey, Craig, Magruder, Baker, and Carter, constitute a "full bench," and very impressive they look. Doubtless, all the lawyers who have trembled before the severity of the composite judicial glance will be glad to possess this 21x28 simulacrum, so as to have a chance to stare back at their ease.

Frank O. Loveland, author of "Loveland's Forms of Federal Procedure," was appointed, on October 2d, clerk of United States circuit court of appeals for the sixth circuit, by Judges Taft, Lurton, and Severance. Mr. Loveland, as a graduate of Dartmouth College and of the Cincinnati Law School, and for some years a practitioner in the United States courts at Cincinnati, is especially fitted for the position. The judges are to be congratulated on their selection.

Richard C. McMurtrie, who has long been recognized as one of the distinguished leaders of the Philadelphia bar, died on October 3d. He had been vice provost of the Law Academy and vice chancellor and chancellor of the Law Association. The Legal Intelligencer, in an obituary notice, says: "He exhibited, at its best, the highest type of fearless, disinterested, civic duty. Courageous to the extreme of rashness, diligent in the search and service of truth, he had the magnanimity of a large soul, which was equal to admitting an error which he discovered he

had made." An account of the proceedings of the bar meeting held as a tribute to the departed leader is given in the Legal Intelligencer of October 12th.

Who says the muse has deserted the earth? There is a lawyer in Brooklyn, one Mirabeau Lamar Towns, who, on the authority of the Albany Law Journal, is in the habit of summing up his cases in verse before a jury, and, what is more, he is said to have secured more than one verdict by (or in spite of?) this mode of procedure. It is, of course, possible that the Albany Law Journal got its Facetiae on its editorial page by a mistake in "making-up;" but, if the account is meant as seriously as it appears to be, we certainly congratulate Mr. Towns on finding a better market for his verses than most of the poets who live at the end of the nineteenth century.

A Miss Cornelia Sorabji has been appointed special pleader to a firm of Bombay lawyers. We should think this would be enough to make some of the tradition-bound natives question whether they were really in the flesh or in the astral. Even in America, the Paradise of Women, it is only yesterday since the idea gained ground that women could have anything to do with the law,—except to obey it. The Madras Law Times, commenting on the appointment of Miss Sorabji, says: "In dealing with feminine matters, such as dressmaker cases, the lady lawyer would be found very handy, versed, as she is, in the mystery of gussets and tuks [sic], which quite transcend the intellect of a judge, be that intellect ever so gigantic, and the comprehension of a jury, be it never so well up in things in general." Whatever Miss Sorabji's legal qualifications may be, there can be no question of her courage.

Correspondence.

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

West Publishing Co., St. Paul, Minn.—
Dear Sirs: * * * I presume you have noticed the unconscious argument in favor of your system of reporting all cases, made by the supreme court of Alabama in the recent case of Independent Pub. Co. against the American Press Association, on page 954 of vol. 15 Southern Reporter. In this case the ruling was based upon the case of Myra Walden against the Imperial Life Insurance Company, which they say "has not been reported, but it is an adjudicated case, and as binding as any other decision."

Yours, very truly,

James E. Zunts.
Birmingham, Ala., Oct. 15, 1894.

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.

BARCLAY, Hugh. The justice's digest of the law of Scotland. Revised by John Chisholm. Edinburgh: T. & T. Clark. 1894. 21s.

BEWES, W. A. 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. London: Sweet & Maxwell. 18s.

BRADNER, George W. The law and practice in proceedings supplementary to execution, including those in receivership and contempt, with all decisions to Sept. 1, 1894. Albany: W. C. Little & Co. 1894. \$3.50, del'd.

Building.

See "Clark's Architect, Owner, and Builder before the Law."

Canada.

See "Ridout's Patent Law."

CLARK, T. M. Architect, owner, and builder before the law. A summary of American and English decisions on the questions relating to building and the employment of architects; with about eight hundred references, including also practical suggestions in regard to the drawing of building contracts and forms of contracts suited to various circumstances. New York: Macmillan & Co. 1894. 387 pages. Cloth, \$3.

Contracts.

See "Pollock on Contracts, 6th Ed. (Eng.)"

Conveyancing.

See "Elphinstone & Clark's Introduction. (Eng.)"

Corporations.

See "White's Law of Corporations. (N. Y.)"

Criminal Law.

See "MacDonald's Criminal Law. (Scot.)"

DANIELL, Edmund Robert. Chancery Pleading and Practice. 6th Am. Ed. By John M. Gould. In 3 vols. Boston: Little, Brown & Co. 1894. 3,000 pages. \$18.

ELPHINSTONE, Sir H. W., and J. W. Clark. Introduction to Conveyancing. 4th Ed. London: Sweet & Maxwell. 14s.

English Law.

See "Bewe's Law of Waste;" "Elphinstone & Clark's Conveyancing;" "Freeth's Guide to the New Death Duties;" "Harman's Finance Act;" "Harris' Synopsis of the New Estate Duty;" "Lathom's Guide to the Licensing Acts;" "Layton's Finance Act;" "Lely's Finance Act;" "Lewis & Barrows' Prevention of Cruelty to Children Act;" "Michael & Will on the Law Relating to Gas, Water, and Electric Lighting;" "Pollock on Contracts (6th Ed.);" "Pollock's Bills of Lading Exceptions;" "Williams' Personal Property (14th Ed.)."

Equity Jurisdiction.

See "Keener's Cases."

Evidence.

See "Underhill's Evidence."

Execution.

See "Bradner's Law and Practice. (N. Y.)"

Form Books.

See "Van Olst's Iowa Forms."

FREETH, Evelyn. A guide to the new death duties. London: Stevens & Sons, Limited. 1894. vi.+187 pages. 7s. 6d.

HAMILTON, Allan McLane, and Lawrence Godkin. A system of legal medicine. Vol. 1. New York: E. B. Treat. 1894. 657 pages. \$5.50, cloth; \$6.50, sheep. Sold by subscription only.

HARMAN, J. E. The finance act, 1894, so far as it relates to the death duties and the new estate duty. London: Stevens & Sons, Limited. 1894. xi.+114 pages. 5s.

HARRIS, E. A synopsis of the new estate duty and the finance act, 1894, with forms. London: W. Clowes & Sons. 5s.

International Law.

See "Snow's Treaties and Topics in American Diplomacy."

Iowa.

See "Van Olst's Book of Forms."

KEENER, W. A. A selection of cases on equity jurisdiction. Vol. 1, pt. 1. New York: Baker, Voorhis & Co. 1894. 402 pages. \$3, net.

LATHOM, H. W. A handy guide to the licensing acts, for the use of justices, their clerks, etc. London: Stevens & Sons. 5s.

LAYTON, A. T. The finance act, 1894, in relation to the new estate duties. with introduction and explanations as to the death duties. 2d Ed. London: Waterlow. 2s. 6d., net.

LELY, J. M. Finance act, 1894, with notes and index, and an introduction specially directed to the death duties. London: Sweet & Maxwell. 1s.

LEWIS, Gerald Champion, and Harold Murdock Barrows. Prevention of cruelty to children act. London: Richard Shaw Bond. 1894. 5s.

MacDONALD, J. H. A. A practical treatise on the criminal law of Scotland, 3d Ed. By the author and N. D. MacDonald. Edinburgh: W. Green & Sons. 1894. xv.+652 pages. 31s. 6d.

Medical Jurisprudence.

See "Hamilton's System of Legal Medicine."

MICHAEL & WILL on the law relating to gas, water, and electric lighting. 4th Ed. London: Butterworth. 32s.

Municipal Regulations.

See "Michael & Will on Gas, Water, and Electric Lighting. (Eng.)"

New York.

See "Bradner's Law and Practice in Proceedings Supplementary to Execution;" "White's Law of Corporations."

PARKS, J. G. A manual of the law of pleading, containing a succinct compilation of the statutes and decisions in Tennessee on that subject. Knoxville: Ogden Bros. & Co. 1894. 217 pages. \$2.50.

PARLIAMENT HOUSE BOOK for 1894-95. Edinburgh: Burness & Co. 1894. 6s. 6d.

Patents.

See "Ridout's Patent Law of Canada."

Personal Property.

See "Williams' Personal Property. (14th Ed.)"

Pleading and Practice.

See "Daniell's Chancery Pleading and Practice (6th Ed.);" "Parks' Manual of Pleading (Tenn.)."

POLLOCK, Sir F. Principles of Contract. 6th Ed. London: Stevens & Sons. 28s.

POLLOCK, H. E. Bills of Lading Exceptions. London: Stevens & Sons. 10s. 6d.

Probate Law.

See "Smith's Probate Law and Practice. (5th Ed.)"

Real Property.

See "Williams' Real Property. (17th Ed.)"

RIDOUT, John G. Treatises on the patent law of the dominion of Canada; including the revised patent act, as amended to date, with annotations; the patent office rules and forms, general forms, and forms relating to practice in the exchequer court of Canada, etc. Toronto: Rowsell & Hutchison. 1894. \$6.

Scottish Law.

See "Barclay's Justice's Digest;" "MacDonald's Criminal Law;" "Parliament House Book;" "Scottish Law Directory."

SCOTTISH LAW DIRECTORY and banking and insurance lists for 1895. Glasgow: Wm. Hodge & Co. 1894. 6s.

SMITH, William L. Probate Law and Practice. 5th Ed., revised and enlarged by Arthur Lord. Boston: Little, Brown & Co. 1894. \$4.

SNOW, Freeman. Treaties and topics in American diplomacy. Boston: The Boston Book Co. 1894. vii.+515 pages. \$2.

Tennessee.

See "Parks' Manual of Pleading."

UNDERHILL, H. C. The Law of Evidence. Chicago: T. H. Flood & Co. 1894. \$6.

VAN OLST, L. Iowa book of forms. Advice and useful information for notaries public, justices of the peace, and business men. Rockford, Ill.: Smith Pub. Co. 1894. 159 pages.

Waste.

See "Bewes' Law of Waste. (Eng.)"

WHITE, Frank. The Law of Corporations. Albany: White Law-Book Co. 1894. \$5.50, net.

WILLIAMS, J. Principles of the law of personal property. 14th Ed. By T. C. Williams. London: Sweet & Maxwell. 21s.

WILLIAMS, Joshua. A treatise on the principles of the law of real property. 17th Ed., rearranged and partly rewritten by his son, T. Cyprian Williams, with American notes by Harry B. Hutchins. Boston: Boston Book Co. 1894. 52+813 pages. \$4, net.

Reports.

CANADA supreme court reports. V. 22. Ottawa: Printed by the Queen's Printer. 1894. 23+761 pages. \$4.

COLORADO supreme court reports. V. 19. Sept. term, 1893; Jan. and April terms, 1894. T. M. Robinson, reporter. New York and Albany: Banks & Bros. 1894. 45+664 pages. \$5.

DELAWARE superior court and the court of errors and appeals. V. 8. Cases decided. Reported by J. W. Houston. Edited by Rob. G. Houston and Rob. H. Van Dyke. Dover; published by the editors, 1894. 591 pages. \$10.

ENGLISH RULING CASES. V. 2. Action to amendment. Boston: The Boston Book Co. 1894. \$5.50.

ILLINOIS supreme court reports. V. 49; containing cases in which opinions were filed in Oct. and Nov., 1893, and Jan., March, and April, 1894. Norman L. Freeman, reporter. Printed for the reporter. Springfield. 1894. 7+792 pages. \$2.50.

INDIANA supreme court reports. V. 135; containing cases decided at the May term, 1893, not published in V. 134, and cases decided at the Nov. term, 1893. Sidney R. Moore, reporter. Indianapolis: Carlton & Hollenbeck. 1894. 21+743 pages. \$3.50.

IOWA supreme court reports. V. 6, being V. 86 of the series; containing cases from May 27, 1892–Oct. 25, 1892. By Nathaniel B. Raymond. Columbia, Mo.: E. W. Stephens. 1894. 22+850 pages. \$3.

MICHIGAN supreme court reports. V. 99. Cases decided from Feb. 12–April 10, 1894. William D. Fuller, state reporter. Chicago: Callaghan & Co. 1894. 32+718 pages. \$3.

MONTANA supreme court reports. V. 13. Cases argued and determined 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. 1894. 16+610 pages. \$6, net.

NEW YORK miscellaneous reports. V. 8. Cases decided in the courts of record other than the court of appeals and the general terms of the supreme court, etc. In pursuance of Laws of 1892, c. 598. F. B. Delehanty, reporter. Albany: James B. Lyon. 1894. 41+739 pages. \$2.50.

NEW YORK state reporter. V. 60; containing all the current decisions of the courts of record of N. Y. state. Edited by W. H. Silvernail, with index and table of cases

reported, cited, affirmed, and reversed in this volume. Albany: W. C. Little & Co. 1894. 10+38+920 pages. \$3.50.

NEW YORK supreme court reports. V. 85 (Hun, 78). Marcus T. Hun, reporter. New York and Albany, N. Y.: Banks & Bros. 1894. 28+701 pages. \$3.

NORTH CAROLINA supreme court reports. V. 114. Cases argued and determined Feb. Term, 1894. Robert T. Gray, reporter. Raleigh: Josephus Daniels. 1894. 26+1062 pages. \$2.50.

NORTHEASTERN REPORTER. V. 37; 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 Ed. May 18–Sept. 7, 1894. St. Paul: West Pub. Co. 1894. 15+1170 pages. (National Reporter System.) \$5.

OREGON supreme court reports. V. 24. Cases decided between April 4, 1893, and Nov. 13, 1893. Robert G. Morrow, reporter. San Francisco: Bancroft-Whitney Co. 1894. 18+677 pages. \$5.

UNITED STATES supreme court reports. Bk. 38; from beginning of V. 151 to end of V. 154. Oct. term, 1893. Rochester, N. Y.: The Lawyers' Co-operative Pub. Co. 1894. 1130 pages. \$5.

Statutes, Codes, and Laws.

MASSACHUSETTS. Acts and resolves passed by the general court in the year 1894, together with the constitution, the messages of the governor, etc. Boston: Wright & Potter Pr. Co. 1894. 1094 pages. \$2.

NEW YORK. Annotated Penal Code and Code of Criminal Procedure. By W. H. Silvernail. Albany: W. C. Little. 1894. \$5.

NEW YORK. Railroad laws. By George A. Benham. Albany: W. C. Little & Co. 1894. \$5.50, del'd.

NEW YORK. Taxable transfer act of 1892, chapter 399, with amendments of 1893 and 1894, and adjudicated cases to August 1, 1894, together with all necessary forms. Albany: W. C. Little & Co. 1894. 75c.

OHIO. Annotated Code of Civil Procedure. By W. H. Whittaker. 4th revised Ed. Cincinnati: W. H. Anderson & Co. 1894. 34+761 pages. \$3.50.

OHIO. Annotated Probate Code. By W. H. Whittaker. 2d revised Ed. Cincinnati: W. H. Anderson & Co. 1894. 9+790 pages. \$3.50.

ONTARIO. Game and fishing laws. 2d Ed. By A. H. O'Brien. Toronto: The Docket Pub. Co. 1894. Paper, 25c.; cloth, 35c.

VIRGINIA. Statute law up to date. By John Garland Pollard. Richmond: J. L. Hill Printing Co. 1894. \$2.

Digests.

AMERICAN DIGEST. Annual 1894, being V. 8 of the United States Digest, third series, annuals; also, the complete digest for 1894. 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 N. Y., Pa., Ohio, Ill.,

Ind., 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 Sept. 1, 1893-Aug. 31, 1894. Prepared and edited by the editorial staff of the National Reporter System. St. Paul: West Pub. Co. 1894. 12+2716 pages. \$8.

PENNSYLVANIA DIGEST. A new and revised edition of Purdon's Digest. By Frank F. Brightly. 12th Ed. 2 vols. Philadelphia: Kay & Bro. 1894. \$13.

WISCONSIN supreme court. Index digest of the statutory decisions contained in Vols. 75-86 Wis. Reports. Milwaukee: C. N. Caspar. 1894. 2 pages, fol. cl., \$1.50; same (footnote Ed.) 11 pages, sq. 8vo., paper, \$1.25.

CONTENTS OF NEW BOOKS.

Snow's American Diplomacy.

TITLE PAGE. Treaties and Topics in American Diplomacy. By Freeman Snow, Ph. D., LL. B., Harvard University. Boston: The Boston Book Company. 1894.

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Stevens' Sources of the Constitution of the United States.

TITLE PAGE. Sources of the Constitution of the United States Considered in Relation to Colonial and English History. By C. Ellis Stevens, LL. D., D. C. L., F. S. A. (Edinburgh). New York and London: Macmillan & Co. 1894. All rights reserved.

PREFACE. America is sometimes said to be a nation without a past. The remark may mean much or little, according to its application. It is made most frequently in referring to civil institutions. In particular there has been a tendency to regard the Constitution of the United States as without sources or antecedents,—a new invention in political science. Mr. Gladstone has observed that, "as the British Constitution is the most subtle organism which has proceeded from progressive history, so the American Constitution is the most wonderful work ever struck off at a given time by the brain and purpose

of man." His words, though not necessarily carrying such meaning, have been often quoted as expressive of this old-time idea that the American Constitution is wholly new,—that it is, in fact, an original creation of the convention which met in Philadelphia in 1787. What Dr. Von Holst aptly calls the "worship of the Constitution" has largely stimulated the idea. The philosophy of modern democracy—which, under the influence of the theories of Rousseau, long ignored historical facts—has steadily cultivated it. And there is in it some truth; for not only was this Constitution established as a written document by the convention, and in circumstances quite unique, but it has elements—many of them very important—which are altogether peculiar and characteristic. Hardly strange is it that such traits of singularity should attract, as points of differentiation usually do, a somewhat disproportionate attention. But it is beginning to be realized that the Constitution of the United States, though possessing elements of novelty, is not, after all, the new creation that this idea would imply. It is not, properly speaking, the original composition of one body of men, nor the outcome of one definite epoch,—it is more and better than that. It does not stand in historical isolation, free of antecedents. It rests upon very old principles,—principles laboriously worked out by long ages of constitutional struggle. It looks back to the annals of the colonies and of the mother-land for its sources and its explanation. And it was rendered possible, and made what it is, by the political development of many generations of men. * * * There may still be persons in America who are unprepared to regard with favor 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. But surely Americanism can never be more truly American than when it welcomes not merely such isolated fragments of fact as differentiate the United States from other nationalities, but every fact, whatever it be, that has to do with the nation; and, among these, a most important fact is that of progression from the Anglo-Teutonic past. In reality, the light that comes from historical comparison will be found to give new and heightened color to the national institutions, and to bring out more clearly than anything else could do, their true meaning and value. Englishmen and dwellers on the Continent, who often appear to believe that the example of America leads towards a limitless democratic advance, may find in the American Constitution, if they will, a balancing element of conservatism that should not be lost to sight. The American loves liberty, but liberty regulated by precedent and law. In an age when democratic and socialistic theories are threatening the foundations of the political and social fabric of the civilized world, it can scarcely be unprofitable for earnest thinkers to pause and consider that the great republic possesses in its method of government the result, not merely of a philosophy, but of an historical upgrowth.

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REVIEWS OF NEW BOOKS.

Abbott on Wills.¹

Reviewed by Blewett Lee, Professor of Law at the Northwestern University Law School.

[For contents and other descriptive matter, see page 274, No. 9, Law Book News.]

Mr. Abbott's well-known devotion to the law of wills, and his elaborate preliminary

studies, have prepared the studious part of the profession to expect something unusually good when he should publish anything on the subject. This expectation will not be disappointed by his Selection of Authorities on Descent, Wills, and Administration. The book is one pre-eminently for students, and has been compiled chiefly for them; yet all lovers of probate law will be well repaid by a careful examination of its pages. The omission of headnotes to the cases, while it is invaluable in bringing out the analytical powers of the student, and insures his careful study, in most instances forms an insuperable ob-

¹ A Selection of Authorities on Descent, Wills, and Administration. By Nathan Abbott, Professor of Law in Northwestern University, Chicago. Text, Cases, and Statutes. St. Paul: West Pub. Co. 1894.

[For want of space, we are obliged to leave over till the next number reviews of Morrill's Electrical Cases, Hamilton & Godkin's System of Legal Medicine, Elliott's General Practice, Jones on Chatel Mortgages, Hardwicke's Art of Winning Cases, Lloyd on Building, Shipman's Common-Law Pleading, and Galpin's Iowa Corporation Law.—Eds. L. B. N.]

stacle to the use of students' case books by practitioners.

The scope of the book is very broad, embracing the whole subject of successions. The descent of property by ordinary operation of law, usually treated in books on real property; gifts causa mortis, often treated under personal property; wills; and administration,—are all more or less fully developed. Even as it is, the book cannot be said to be exhaustive. The subject of Administration, comprising nearly half of the work, is its great feature, and the materials there collected will enable teachers of law to do justice to a topic perhaps more neglected by the law schools of the country, considering its importance, than any other. Indeed, the book is well fitted for division into separate parts upon Wills and Administration, where both subjects cannot be taught.

The collections of cases on wills already made by Mr. Gray, Mr. Chaplin, and Mr. Reeves might challenge the right of a new book on the subject at this time; but a comparison of their books with Mr. Abbott's shows the new work to have decided originality and character of its own. The scope of Mr. Abbott's book is greater, in some respects, than that of any other of the collections mentioned; and this seems to be true even of the topic of Wills, as distinguished from Administration. The quality of the cases selected by him is very high, betraying great pains, and is certainly not surpassed, if indeed equaled, anywhere else. The number of cases on each point, on the average, is larger than in any of the other collections, except Mr. Gray's, which has the decided advantage of all the rest in this particular. Even the most devoted disciple of the inductive method of teaching law will be apt to find in Mr. Abbott's book enough cases on each topic to enable students to draw proper inferences; while law teachers, who use cases for illustration only, cannot fail to appreciate the picturesqueness of many of the cases in this collection. One finds there the historic leading cases, always among the best for illustration, and quite indispensable to any law-teaching which avails itself of the methods of modern history and science. There is no doubt, however, that the profession has lost something of value in not having preserved for them a greater residuum from the "much larger and carefully made collection of authorities" of which Mr. Abbott speaks in his preface. Brief but excellent notes are added to some of the cases, and one regrets that there are not more of them. One of the excellent features of the book is its collection of the important English statutes around which the modern law of wills and administration has crystallized.

The selections of text "made in order to fill

in the gaps in the development of a subject by cases alone" are taken from Glanville, Blackstone, Kent, Digby, Maine, Sheppard's Touchstone, and Wigram. They are carefully chosen and cover the subject fairly well. The writer is convinced, from reading the cases selected, that the gaps feared are not very formidable. He who attempts to teach everything about a subject is apt to end by not really teaching anything. The passages from the Touchstone (of which the most liberal use is made), however attractive to the scholar, are not very juicy reading for students, and some parts might be improved by the addition of notes showing what is law to-day. One is a little surprised to learn (Shep. Touch. p. 405; Abbott, p. 44), of fraud in inducing wills, that "if the deceit be light and small, or if it be to a good end, as where a man is about to give all his estate to some lewd person from his wife and children, and they persuade the testator that the lewd fellow is dead or the like, and thereby procure him to give his estate to them, this is a good testament." So, of revocation by a later will, one reads that "when the latter testament is made upon some sudden discontent against the executor of the former testament, and afterwards he and the executor are reconciled again, in these and such like cases the latter testament is no revocation of the former (Shep. Touch. 410; Abbott, 52); and, of revocation of probate, that "if there be a false and a true will, and the executor of the false will prove this will first, and afterwards the executor of the true will doth disprove and avoid the first will, in this case he may also avoid all acts the first executor doth" (Shep. Touch. 493; Abbott, 79. Compare *Allen v. Dundas*, 3 Term R. 125; s. c. Abbott, 489.) On page 70, first column, fourteenth line from the bottom in the quotation from Shep. Touch. 465, the word "not," printed in the text, is not found in the original of the edition to which the writer has access (the eighth). Certainly, it ought to be omitted to make sense, and if it makes sense, according to the editor, Mr. Atherly, it is not law. (Note ad loc.)

With regard to the editorial work a general criticism may be made on the reprints from text-books, that the author's citations are usually omitted. This seems to have been done always in quotations from Blackstone. In the quotations from Kent, the usage is not uniform. Thus, on page 49, 4 Kent, 514, is printed without citations, and page 515 with them. The student ought at least to be told whether citations have been omitted. Nor is the omission confined to the extracts from text-writers. In *Thorold v. Thorold*, 1 Phillim. Ecc. 1, printed at page 185, the citations of the cases in the opinion are omitted. In the original edition the cases will be found brief-

ly stated in the notes. In *Harris v. Knight*, 15 Prob. Div. 170, printed at page 479, it is not clear from the reprint how the case was decided. An examination of the original report reveals that Lopes, L. J., did not dissent, as stated, but delivered an opinion (omitted in the reprint) concurring with that of Lindley, L. J., and the court was with him. At page 200, the case of *Arnold v. Earle* is printed from the report in 2 Lee, Ecc. 380, while it should have been taken from the same volume at page 529. As printed, it is not in point.

It would be more interesting to students if the reprint always showed by whom the case was decided; for instance, that *Birmingham v. Kirwan*, at page 153, was decided by Lord Redesdale; that Sir Richard Pepper Arden was the master of the rolls who decided *Kennell v. Abbot*, page 258; that Lord Campbell was lord chancellor in *Hindmarsh v. Carlton*, page 313.

In spite of the publishers' pains, the book is not altogether free from typographical errors. At page 67, second column, tenth line from the top, and page 71, first column, eleventh line from the top, there is Latin which we are sure Mr. Abbott will not father.

While the arrangement adopted of printing text, cases, and statutes each by themselves, and connecting them by references, allows more play to the individuality of the instructor, and greater facility in subsequent changes in the book, it is very questionable whether it be so convenient for study as the conventional topical arrangement of students' case books. In favor of the topical arrangement, it may be said that text-books never treat of but one topic at a time; statutes are usually brief enough to bear repetition; and the device of printing under each topic only so much of the opinion in any case as relates to that topic, calling attention to all omissions, not only obviates much of the dreaded repetition, but also prevents having to read the whole case every time one wants to find a single point of it. Those teachers of law who are bound to rearrange the order of cases after their own notion can set their students wandering about a book just as well where it is printed topically as where the cases are arranged alphabetically or by a numbered list. A topical arrangement has some advantages, even in a bill of fare.

The index is fairly good, but not exhaustive. For instance, we miss the titles "Aliens" and "Escheat," both of which are found in the body of the text, and the titles "Presumption" and "Burden of Proof" do not appear, although valuable matter about both will be found under other headings. The lack of headnotes makes the demand imperative for the very best of indexes.

On the whole, one may say that the work

is one of unusual excellence, and is heartily to be recommended to every teacher and student of probate law.



Kinney on Irrigation.¹

Reviewed by Hon. Chas. D. Hayt, Chief Justice of the Supreme Court of Colorado.

[For Contents and other descriptive matter, see page 241, No. 8, Law Book News.]

The author of this work has entered upon a comparatively new field of jurisprudence, and one heretofore unoccupied by any extended work upon the subject. The earlier pages are devoted to a review and description of the methods employed in the past and present in growing crops by irrigation. The chapters devoted to description of the canals in Egypt, South America, Mexico, and Arizona, constructed and operated by prehistoric man, are replete with interest. They furnish an additional evidence of the truth of the adage, "There is nothing new under the sun."

The stupendous system of irrigation of the upper Nile, as the same is reconstructed by the author from the ruins extant, furnish conclusive evidence that engineering as understood at the present time has made no material advance, so far as irrigation is concerned, upon that of the ancients, of whose history we are in ignorance except as the same may be gathered from the ruins of works constructed by them. These chapters will be of great interest, not only to every student of the law of irrigation, but to many outside of the profession.

The common law of riparian rights naturally receives the attention of the author in the earlier pages of the book, as it is only by a thorough understanding of this that the reader can comprehend the law as it is established in the arid regions of the west. The leading principles are here given with sufficient fullness to answer the needs of the practitioner, and they are supported by citations to all the leading cases.

¹A treatise on the Law of Irrigation, including the law of Water-rights and the doctrine of Appropriation of Waters, as the same are construed and applied in the states and territories of the arid and semihumid regions of the United States; and also including the statutes of the respective states and territories, and decisions of the supreme courts relating to those subjects. By Clesson S. Kinney, of the Salt Lake City bar. Washington, D. C.: W. H. Lowdermilk & Co. 1894.

The body of the work, as the title indicates, is devoted to the arid-region doctrine. This shows the readiness with which the author states the principles controlling in the adjudged cases, and will be the means of saving much valuable time to the profession. In the few instances in which he gives his conclusions upon principle, these are reasoned out with a precision and logic which causes the reader to wish that the author had given his views more frequently, instead of resting content with a statement of the views of others, which are often in conflict with one another.

The chapter on legal remedies, although brief, contains a synopsis of the various remedies that may be resorted to where rights are interfered with. In the concluding chapters of the work the various state and territorial laws upon the subject of irrigation are given in full. These furnish a handy reference to the lawyer and legislator, and will, it is to be hoped, result in bringing the legislation of the various states and territories more in harmony.

Altogether, the work is a valuable treatise upon the law of irrigation, and should be found upon the shelves of every law library in the arid region.

Charles D. Hoyt.

Snow's American Diplomacy.

Reviewed by Prof. J. Moore, Sometime Assistant Secretary of State of the United States, Professor of Diplomacy and International Law at Columbia College School of Law, New York.

[For Contents and other descriptive matter, see page 338 of No. 11, Law Book News.]

This volume is in a sense a companion to the collection of cases on International Law, published by the same author last year. It is a welcome sign of an existing interest in diplomatic questions, as well as of a disposition to study them in a more thorough and scientific manner than has been usual in our schools. No disquisition or commentary, however excellent it may be, can for the student take the place of original documents in which transactions are recorded. The exclusive employment of treatises or of lectures too often results in furnishing the student with something he can commit to memory for use on examination day. It does not de-

velop either the spirit of investigation or the faculty of accurate thinking.

The volume now before us is designed to furnish a guide to American Diplomacy as it is disclosed in our treaties and conventions, and in the more important international transactions in which we have been concerned. It is a step in the right direction, and should be useful to the teacher as well as to the student.

As the limitation of space in a manual of this kind precludes the printing of the full text of every treaty or convention to which it is necessary to refer, Dr. Snow has followed the plan of condensing or merely indicating the subject of many articles, leaving the student to consult the text in works in which it is accessible. In many cases in which he has not deemed it essential to print or to summarize a treaty, he has referred to it by the date of its conclusion, so that it may readily be found; and, upon many of the treaties and conventions which he has printed or summarized, he has written notes that afford a clue to their history or the manner of their execution. In one of these notes (page 73), relating to the execution of the sixth article of the treaty with Great Britain of 1794, commonly called the "Jay Treaty," it is stated that congress, on the 19th of March, 1798, appropriated "three millions of dollars for the payments of the awards up to that time." This statement is evidently an inadvertence, as the amount appropriated was three hundred thousand dollars. (1 U. S. Stat. at Large, 545.)

When we come to the second part of the work, which is devoted to the presentation of topics in American Diplomacy, there is greater room for discussion and for divergence of views than in the first part, which is composed of treaties and conventions and the notes that have been mentioned. But it may justly be said that Dr. Snow has presented his topics with candor, and without prejudice. In this part of his work he devotes most space to the Monroe Doctrine and the Fisheries Question. It is not possible on the present occasion to follow him through the discussion of these topics, but a few words in regard to his treatment of the Fisheries Question will not be out of place.

The first head under which he discusses this question is: "Did the United States have a right to the inshore fisheries of the British provinces independent of the treaty [of peace] of 1783?" In another place he refers to the argument of "a prior right to the fisheries [meaning prior to 1783] which John Quincy Adams invented in 1814." The ground taken by Mr. Adams at Ghent in 1814 was, that "the whole right to the fisheries was recognized as a part of our national independence; that it could not be abrogated by

¹ Treaties and Topics in American Diplomacy. By Freeman Snow, Ph. D., LL. B., Harvard University. Boston: The Boston Book Co. 1894.

war, and needed no stipulation for its renewal." This is very far from contending that we had a right to the inshore fisheries independently of the treaty of 1783; and I confess that I am not aware that our government has ever taken the position that we should have had such a right if the treaty of peace had not secured it. When Mr. Adams declared that our right to the fisheries "was recognized as a part of our national independence," and that it "could not be abrogated by war," he merely reasserted the position that the treaty of peace of 1783 was a treaty of partition, by which an empire was divided, and that the rights which it specified as belonging to the United States were to be considered, not as grants that might be withdrawn or terminated, but as a part of our national independence, which was acknowledged by the treaty, and was perpetual. It is true that Mr. Adams in the Duplicate Letters adverts to the law of nature as a basis of our right to the fisheries, but he does so in support of the right secured by the treaty rather than of any right conceived to exist outside of the treaty. Indeed, in his note to Lord Bathurst, of January 22, 1816, he says: "It was precisely because they [the United States] might have lost their portion of this joint national property [the fisheries], to the acquisition of which they had contributed more than their share, unless a formal article of the treaty [of peace] should secure it to them, that the article [in the treaty of 1783] was introduced." 4 Am. State Papers, Folio 359.

J. B. Moore

Thayer's Cases on Constitutional Law.¹

Reviewed by Prof. Emlin McClain,
Chancellor of the Law Department
of the State University of Iowa.

[For Contents, etc., see page 276, No. 9, Law Book News.]

The subject of constitutional law, embracing in its wide scope the history of the constitution, on the one hand, and the technical interpretation of its various phrases, on the other, has attracted the attention of many authors. Within the last few years, especially, there has been a flood of writing, from magazine articles to two-volume law treatises,

discussing every possible phase and view of our constitutional system. This literature has, however, proved even more ephemeral than the ordinary literature of the law. Out of all the commentaries and treatises, but two have attained general recognition as authorities on the constitution, one being Story's Commentaries, first published in 1833, the other Cooley's Constitutional Limitations, in 1868. Judge Story's work is recognized as the first formal discussion, on a broad plane, of the federal constitution and the government for which it made provision. Judge Cooley's work, on the other hand, is pre-eminent as practically the only treatise which carefully states the application, in actual adjudications, of the various limitations found in state and federal constitutions, with a view to determining the validity of legislative or administrative acts.

Other treatises by eminent and learned authors have attained little permanent recognition, perhaps, because they have embodied to a great extent personal views or special theories, and not alone the doctrines which have received authoritative and definite recognition. Indeed, it is only within recent years that it could be said that the interpretation of the constitution has become so fully established in any direction that rules, rather than theories, could be laid down.

The peculiar nature of the subject, lying on the interesting border line between political history and law, renders its study by means of the investigation of original authorities not only interesting, but essential to a clear understanding of it; for the object to be sought by such study is a correct point of view and proper training in deduction, which shall prepare for the handling of new problems as they arise, rather than merely a knowledge of rules already laid down and recognized. People are talking still about the comparative advantages of a written and inflexible constitution, and an unwritten and therefore an elastic constitution, while, as a matter of fact, our so-called "inflexible system" has been adapting itself to changing circumstances so rapidly and perfectly that the difficulty is rather in keeping sight of old landmarks than in meeting emergencies.

Historical documents which show the origin and development of particular principles of our constitutions, contemporaneous exposition and criticism which show the purpose and understanding with which the various provisions were adopted, and decisions of courts in adjudicating questions arising before them which involve an interpretation of the constitutions,—these are the original authorities on the subject, not only, in this instance, for the student of law, but also for the student of history.

¹Cases on Constitutional Law, with notes. By James Bradley Thayer, LL. D., Weld Professor of Law of Harvard University. Cambridge: Charles W. Sever. 1894.

This material is reasonably accessible, and ample in amount. But for the student it must be prepared in a way not necessary for the original investigator—first, because he has not yet attained maturity of judgment; and, secondly, because his time for getting information and receiving discipline is limited. The student needs, then, to have the original material ready at hand, and to be guided in selecting that which is significant and important.

Dr. Thayer has, in his *Cases on Constitutional Law*, most successfully met these requirements. With the enthusiasm of an investigator, the skill of an experienced teacher, and the impartiality of a judge, he puts the student into possession of the material which he needs for the formation of sound opinions and the attainment of correct methods.

The volume which has already appeared, embracing parts I. and II., covers, in general, the history of the doctrine of limited powers, the nature and formation of written constitutions, the nature and functions of the federal government, citizenship, and the police power. On the first two of these the book is of especial value. For instance, the early cases are given wherein the courts first pass upon the validity of legislative acts. These are the interesting cases referred to by Dr. Thayer in his address before one of the congresses of the Columbian Exposition "On the American Doctrine of Constitutional Law," and they have not been generally accessible. In these sections historical and contemporary matter is freely presented, so freely that the title "*Cases on Constitutional Law*" is almost a misnomer. The "*Instrument of Government*" promulgated by Cromwell, and other expressions of the views current at that time as to the nature of human government, resolutions of congress, extracts from the *Federalist*, and even arguments by Webster, and definitions and discussions by recent writers, are given,—not, certainly, cases, and yet exceedingly valuable for the light they throw upon the nature and origin of our system.

In the other sections of the book, the matter consists almost entirely of cases, largely those decided by the supreme court of the United States, always selected with great discrimination from the large number which might be properly cited as to nearly every point, often judiciously abridged where portions of the statement or opinion could be omitted as not relevant or necessary to the clear presentation of the court's reasoning on the point for which the case is given, and supplemented frequently with explanatory notes or the citation of other pertinent cases.

Whether the student of the constitutions looks at them from a historical or a legal point

of view, he will find this collection to be of the greatest value and interest, either as a source of original information, or as furnishing illustration and amplification of instruction given by lectures or text-books.

Erwin McClain.

West on Wills.¹

Reviewed by Prof. Nathan Abbott, of the Leland Stanford, Jr., University Law School.

This entertaining little book has been in my hands for a considerable time, and has not been noticed because of unavoidable demands on my time. I refer to this as the publishers of this paper are in no respect responsible for the delay in this notice, but, on the contrary, have brought the matter to my notice by frequent letters.

A difficulty one encounters at the outset in reviewing Mr. West's book is the uncertainty where to place it; for, while it is about law, it is not a law book, and, while it is essentially the product of Mr. West's imagination, it is not fiction, and, although it has much that is wise, it has not less wit than wisdom.

Of all the ingenious stories in the book, that of the will of Mr. Theobald, the dry salter of Cloud Alley, is perhaps the best. But it is in the last chapter that the author comes out strongest. The best idea of the book and the writer's methods will appear from one of the leading cases on the law of wills: "*Tremayne v. Ward et al.*, 67 Law J. Eq. 328. *Tremayne v. Ward* was one of many suits against the executors of the late Abel Lumbkins. Mr. Lumbkins had acquired an ample fortune as a solicitor. Being without wife, children, nephews, or nieces, he thought himself at liberty to devote his money, after his own life, to charitable and philanthropic objects. Having looked all round the question, he came to the conclusion that the uncertainty of the law on testamentary dispositions was a grievance which he could most appropriately endeavor to set right. For several of the later years of his life, with the assistance of his former chancery managing clerk, he searched for points of testamentary law on which the authorities are doubtful. Then he made his will, raising them one and all. His bequests and devises, though not manifestly irrational, had been chosen for their capacity for being interpreted, with almost equal plausibility, in two opposite ways. Charit-

¹ *Wills, and How Not to Make Them, with a Selection of Leading Cases.* By B. B. West. London and New York: Longmans, Green & Co. 1894.

able institutions were tantalized with gifts which might or might not be void as for superstitious uses. Benefits were assigned to future illegitimate children, not of himself, who was strictly moral, but of various social notabilities known to be likely to have such accidents. Mixed funds were constructed, that the courts might be puzzled how to disentangle realty from personalty. Bequests were made to issue in half a dozen different senses. The ability of law and legislation to restrict remote limitations was tested by the most ingenious combinations. With craft almost diabolical, life tenants were tempted to set in motion the powers of chancery against equitable waste. Whenever a test writer on wills and executors had avowed his perplexity at the apparent conflict of decisions and judicial dicta, the testator contrived a legacy which should compel a determination of the obscurity. The payment of any and every bequest was made subject to the judicial elucidation of all the appendant legal enigmas. By peremptory rules, the executors, who were liberally remunerated, were forced to see that every one was tried out to the end at the expense of the estate for both sides. Twenty actions have already been instituted and settled. Twelve more have been commenced. At their close, the estate, it is supposed, may be in a condition to be wound up. The principal doubt is whether the assets can last. Very little remains at present besides the testator's valuable law library. By his express order, that has been kept up, that executors, heirs, devisees, and legatees may be encouraged to maintain a lively understanding of the exact points concerning which they have to struggle, and of the very faint hope there is of the attainment of a satisfactory conclusion upon them."

The American student will find it desirable to "verify the citations" in this interesting compilation.

All told, the book is a good companion to A'Becket's Blackstone.

Walter Atwell,

Wiley's Procedure.¹

Reviewed by W. L. Jenks, Esq., of the
Port Huron, Mich., Bar.

[For Contents and other descriptive matter, see page 209, No. 7, Law Book News.]

The title of this book is somewhat misleading, the word "Procedure" indicating to the

legal mind the combination of pleading and practice which explains and exemplifies the various steps taken in conducting a suit in court from the institution of it to the final process. A good book upon this topic is an essential to the practicing lawyer, even more so now than formerly, when young lawyers grew up in older lawyers' offices, and were not thought fit to engage in the struggle for independent existence until they could, from their office experience, prepare without assistance the ordinary necessary papers in any suit. To constitute a good book of this character, a work must include both pleading and practice, and the title "Procedure" would even properly include the general rules of evidence, applicable to the various cases. "Wiley on Procedure," on examination, proves to be a small book of forms containing, under the titles of the ordinary forms of action, forms of the various pleadings generally needed. Thus, under the action of "Trespass" is given the form of declaration, plea, and verdict, and the same course is followed in other actions. This results in considerable duplication.

There is no commentary on the forms, it being assumed that the lawyer knows what kind of form he needs, but is not able to draw it up in the proper manner.

The book, doubtless, would be of assistance to a law student, as it takes in turn the ordinary forms, shows him what would be used under ordinary circumstances, and in this way would familiarize him with the regular logical steps of pleading. It also draws attention to the different forms used in the different classes of cases, but outside of this we can see no practical use for the book. It is not full enough to be of much use as a book of forms to the actual practitioner. Its forms indicate that they are adapted to some special practice, probably that of West Virginia, and are not generally applicable. For instance, in the part covering equity procedure, which is included within eleven pages, the first form is precept for summons. In those states in which the division is still maintained between common law and equity, the first process still used is the chancery subpoena.

In fine, the busy lawyer would not find any help of value from this book, and the law student would do so only under guidance.

W. L. Jenks

¹ Procedure in the Courts of Law and Equity. By W. P. Wiley, Professor of Law in the West Virginia University. Chicago: T. H. Flood & Co. 1894.

BOOKS RECEIVED.

From Little, Brown & Co., Boston:

Daniell's Chancery Pleading and Practice,
6th Am. Ed., 3 vols.Dwight's Law of Persons and Personal
Property.

Randolph's Law of Eminent Domain.

From E. B. Treat, New York, N. Y., Hamil-
ton's System of Legal Medicine, Vol. 1.From T. H. Flood & Co., Chicago, Under-
hill on Evidence.From Boston Book Co., Boston, Williams
on Real Property, 17th (International) Ed.

Leading Text Books Published this Year.

Bailey's Master's Liability for Inju- ries to Servants.....	6 00 net	Jones' Forms of Conveyancing. 4th edition	6 00 net
Beach on Modern Equity Prac- tice. 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 edi- tion. Cloth, \$4.50. Sheep.....	5 00 net
Bliss on Code Pleading. 3d edition	6 00 net	Loveland's Forms of Federal Proce- dure	6 00
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'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 Stocks. 2 vols. 3d edition	12 00 net	Shipman's Common Law Pleading..	3 50 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
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, Dossay Law Book Co., New York 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.
Brief.....	The Brief, London, Eng.....	Monthly.....	Sixpence.
Calcutta Review.....	Calcutta Review, London, Eng.....	Quarterly.....	
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.
Cornell Law J.....	Cornell Law Journal, Ithaca, N. Y.....	Monthly.....	35c.
Counsellor.....	The Counsellor, New York City.....	Monthly.....	30c.
Cr. Law Mag.....	Criminal Law Magazine, Jersey City, N. J.....	Irregular intervals.....	\$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.
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.
J. P.....	Justice of the Peace, London, Eng.....	Weekly.....	Sixpence.
Jurid. Rev.....	Juridical Review, Edinburgh, Scotland.....	Quarterly.....	
Law J.....	Law Journal, London, Eng.....	Weekly.....	
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.
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 intervals.....	\$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.
New Review.....	New Review, London, Eng.....		
N. W. Law Rev.....	Northwestern Law Review, Chicago.....	Monthly.....	25c.
N. Y. Cr. R.....	New York Criminal Reports, S. S. Peloubet, New York City.....	Monthly.....	
N. Y. Law J.....	New York Law Journal, New York City.....	Daily.....	05c.
Our Day.....	Our Day, Chicago, Ill.....		
Pittsb. Leg. J.....	Pittsburgh Legal Journal, Pittsburgh, Pa.....	Weekly.....	10c.
Political Science.....	Political Science, Boston, Mass.....	Quarterly.....	
Revue Generale.....	Revue Generale, Paris, France.....	Monthly.....	
Scot. Law Rev.....	Scottish Law Review, Glasgow, Scot.....	Monthly.....	1 shill. and sixpence
Scot. Law T.....	Scotts' 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.

ADJOINING LANDOWNERS.

A short note, with a few citations, on the right of an owner of land to cut away the boughs of trees which overhang his land.—*Law Journal*. Reprinted in 50 *Alb. Law J.* 229.

APPEAL.

An extensive note, with numerous citations, as to the liability of sureties on appeal bonds.—38 *Am. St. Rep.* 702.

ASSIGNMENT FOR BENEFIT OF CREDITORS.

A valuable article on the question of discrimination in favor of domestic as against foreign creditors, with special reference to the law of Illinois.—9 *Nat. Corp. Rep.* 103, 123.

ASSOCIATIONS.

An article on the subject of clubs, with relation to the consumption of intoxicating liquors.—*Justice of the Peace*. Republished in 2 *Scot. Law T.* 202.

ATTORNEY AND CLIENT.

Address to the graduating class of 1894 of the New York Law School.—By George Chase. 4 *Counsellor*, 1.

Address to the graduating class of 1894 of the New York Law School.—By William J. Gaynor. 4 *Counsellor*, 6.

An interesting article on some of the limitations and requirements of legal education in the United States.—By Edmund Wetmore, Esq. 4 *Counsellor*, 11.

A scholarly address on the true professional ideal, read before the Bar Association at Saratoga Springs, August 22, 1894.—By John F. Dillon. 28 *Am. Law Rev.* 671.

A review of recent decisions as to the right of solicitor to retire from a case.—*Law Journal*. Republished in 17 *Leg. N.* 253.

An interesting article as to the standards of legal education in the west.—By John D. Lawson. 50 *Alb. Law J.* 221.

Australian Ballot Law.

— See "Elections and Voters."

BANKS AND BANKING.

A note, with numerous citations, on the care required of bankers acting as agents or bailees.—38 *Am. St. Rep.* 773.

Bonds.

— On appeal, see "Appeal."

CARRIERS.

A review of decisions on the question as to the time when a person who has started to take passage on a train becomes a passenger.—24 *L. R. A.* 521.

A collection of recent decisions as to who are passengers.—58 *Am. & Eng. R. Cas.* 12, 18.

A review of the doctrine of exemption of carriers from liability for negligence through the acceptance and use of a free pass, providing that the passenger shall assume all risks of personal injury, with reference to the case of *Rogers v. Kennebec Steamboat Co.* (Me.) 29 *Atl.* 1069.—12 *N. Y. Law J.* 80.

A few citations on the effect of conditions in railroad ticket.—58 *Am. & Eng. R. Cas.* 60, 64, 68.

A note, with numerous citations, as to the degree of care required towards passengers.—58 *Am. & Eng. R. Cas.* 73, 90, 110, 133, 194.

A collection of authorities as to the duties and obligations of railroad companies to passengers at station.—58 *Am. & Eng. R. Cas.* 182, 190.

A short note as to the liability of street railway company to passengers boarding and alighting from moving cars.—58 *Am. & Eng. R. Cas.* 198, 208, 222, 229.

A collection of authorities on the duty of a railroad company to allow passengers a reasonable time in which to alight, and a safe place therefor.—58 *Am. & Eng. R. Cas.* 238, 244, 257.

A note, with numerous citations, as to the presumption of negligence arising from injury to passengers.—58 *Am. & Eng. R. Cas.* 294.

A collection of authorities on contributory negligence by passengers.—58 *Am. & Eng. R. Cas.* 326, 336, 358, 375, 393, 410.

A short note on the liability of railroad companies for injury to passengers through the tortious acts of their employes.—58 *Am. & Eng. R. Cas.* 427.

A short note as to what constitutes wrongful expulsion of passengers from a train.—58 *Am. & Eng. R. Cas.* 467, 477, 491, 537, 544.

A collection of authorities as to discrimination in transporting white and colored passengers.—58 *Am. & Eng. R. Cas.* 557.

A short note on the liability of sleeping-car companies for loss of passenger's baggage.—58 *Am. & Eng. R. Cas.* 584.

CHINESE.

A review of the United States Chinese exclusion act.—By M. J. Farrelly. 28 Am. Law Rev. 734.

Civil Rights.

— Discrimination between white and colored passengers, see "Carriers."

Clubs.

— Sales of liquors by, see "Associations."

COLLISION.

An article on the liability of collision through the record breaking by transatlantic steamers. and with reference to recent decisions in cases of accident resulting therefrom.—12 N. Y. Law J. 46.

CONTEMPT.

A review of the right to punish as for contempt a failure to comply with an order for a payment of alimony.—24 L. R. A. 433.

CONTRACTS.

— See "Specific Performance."
— To make a will, see "Wills."

An article on the construction of contracts as affected by McClain's Code, Iowa, § 4902, providing that when the terms of agreement have been intended in a different sense by the parties to it, that sense is to prevail against either party in which he has reason to suppose the other understood it.—By John J. Ney. 13 Iowa Univ. Law Bul. 1.

Contributory Negligence.

— Of passengers, see "Carriers."

COURTS.

A few of the most striking cases decided in England during the past legal year.—By John Indermaur. 16 Law Students' J. 200.

A short sketch of the judicial system of Pennsylvania after the Revolution.—12 Med. Leg. J. 211.

A review of the growth of equity powers in Pennsylvania.—12 Med. Leg. J. 205.

An interesting review of the supreme court of Pennsylvania.—By F. C. Brewster. 12 Med. Leg. J. 197.

CRIMINAL LAW.

— Cross examination of defendant. see "Witness."

— Province of jury, see "Jury."

— Responsibility of the insane, see "Insanity."

A review of recent decisions as to the admissibility of evidence against prisoners of previous misdeed.—Justice of the Peace. Republished in 16 Aust. Law T. 36.

An interesting account of the last wager of battle in the nineteenth century.—1 The Brief, 282.

A few authorities as to the admissibility of confessions and opinions.—38 Am. St. Rep. 149.

DAMAGES.

A review of recent decisions as to the right to recover for mental suffering in telegraph cases, with reference to the decision of the supreme court of Minnesota.—Francis v. Western Union Tel. Co., 59 N. W. 1078,—where such damages are denied.—12 N. Y. Law J. 24.

A short note on the question of evidence admissible to show injuries received in accident on a railroad train.—58 Am. & Eng. R. Cas. 602.

A collection of authorities as to the measure and amount of damages in cases of injury to passengers.—58 Am. & Eng. R. Cas. 603, 609.

DISCOVERY.

A valuable article, with numerous English citations, on practice on application for discovery.—By C. H. Van Zyl. 11 Cape Law. J. 161.

DOWER.

A valuable article on the estate of dower at common law and by statute.—By George Lawyer. 39 Cent. Law J. 257.

EASEMENT.

A short review of the variety of questions arising as to the obstruction of lights, especially when premises are rebuilt and in an altered form.—58 J. P. 649.

ELECTIONS AND VOTERS.

A short compilation of recent decisions on the Australian ballot system.—33 Am. Law Reg. 748.

EQUITY.

An interesting article, with numerous citations, on relief in equity from unwarranted interference with the right to privacy.—By Herbert S. Hadley. 3 N. W. Law Rev. 1.

EVIDENCE.

— Of previous crimes, see "Criminal Law."

An interesting essay on the standing of medical witnesses from a physician's stand-

point.—By Hubbard W. Mitchell. 12 Med. Leg. J. 125.

A review of the law of positive and negative testimony in accident cases.—By N. M. Thygeson. 2 Minn. Law J. 221.

EXECUTORS AND ADMINISTRATORS.

A short article on the use and abuse of the year allowed an executor before he is bound to pay legacies.—97 Law T. 492.

Expert Evidence.

— Testimony of physicians, see "Evidence."

Expulsion.

— Of passenger from train, see "Carriers."

GUARDIAN AND WARD.

A lengthy note, with numerous citations, on the appointment of guardians.—By Nathan Newmark. 39 Cent. Law J. 299.

HOMICIDE.

A few authorities as to the effect of intoxication as a defense.—38 Am. St. Rep. 93.

A collection of recent decisions as to the effect of death caused by an act calculated to produce fatal results.—38 Am. St. Rep. 80.

Horse and Street Railroads.

— Liabilities as carriers, see "Carriers."

HUSBAND AND WIFE.

A short note on the rights of a married woman in her separate estate.—38 Am. St. Rep. 44.

INSANITY.

A short article on the responsibility of the insane for crime.—Saturday Review. Republished in 2 Scot. Law T. 215.

INSURANCE.

A synopsis of the principal propositions of law relating to the subjects of fire and life insurance.—By Emlyn McClain. 13 Iowa Univ. Law Bul. 11.

INTERNATIONAL LAW.

The effect of the proclamation of neutrality in the war between China and Japan.—Law Journal. Republished in 17 Mont. Leg. N. 246, 248.

A short article on the question of international law raised by the firing on neutrals be-

fore a declaration.—Law Journal. Republished in 17 Mont. Leg. N. 264.

INTOXICATING LIQUORS.

— Sales by clubs, see "Associations."

A review of the recent decision of the supreme court of South Carolina in the case of McCullough v. Brown, 19 S. E. 458, as to the constitutionality of the dispensary act passed by the legislature.—By H. E. Page. 3 N. W. Law Rev. 22.

Intoxication.

— As a defense, see "Homicide."

JURY.

A lengthy article, with numerous citations, on the province of juries in criminal cases.—By Ward B. Coe. 39 Cent. Law J. 321.

LANDLORD AND TENANT.

An extensive note, with numerous citations, on questions as to what justifies a tenant in abandoning lease of premises.—38 Am. St. Rep. 476.

LAW STUDENTS.

An article on the place of original research in legal education.—By G. W. Pepper. 33 Am. Law Reg. 689.

LIBEL AND SLANDER.

A few citations as to the liability of a mercantile agency for false publications respecting the financial standing of a business man.—38 Am. St. Rep. 605.

A review of recent English decisions by which it has been determined that an injunction will be granted to stop the publication of a libel which would result in an injury to complainant's trade or business.—58 J. P. 601.

Life Insurance.

— See "Insurance."

MALICIOUS PROSECUTION.

A few authorities as to what constitutes malice and probable cause, and the effect of advice of counsel as a defense.—38 Am. St. Rep. 856.

MANDAMUS.

A review of the power of the court to grant mandamus.—58 J. P. 665.

A review of recent decisions as to the right to compel the operation of a railroad by mandamus.—24 L. R. A. 564.

MASTER AND SERVANT.

— See "Strikes."

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— Of carrier, see "Carriers."

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— Mental suffering as element of damage, see "Damages."

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Torts.

— Of servant, see "Master and Servant."

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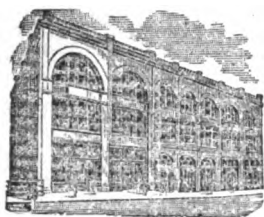
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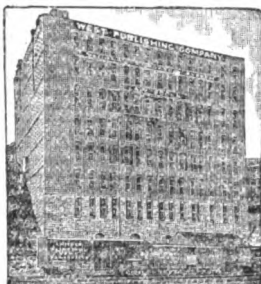


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Good Will to All Men.

THE seasons in their return govern the awakening of the spring-time sap and the regular revival of Christmas greetings, and there is a theory current that the social ferments and the altruistic fervors which visit the human race come to it in the same cyclic way. Towards the end of each century, it is said, the heart of humanity stirs with the discontent which, if not divine, at least precludes the possibility of diviner things, and a great wave of good will to men lifts the race over the edge of the new century.

To this social and humanitarian impulse the lawyer is not insensible. He seldom poses as a leader of it, for he seldom is a fanatic or a visionary; his training has all been in the direction of fostering a conservative view of the rights of persons and of property, and a faith in precedents, and in the safety of standing upon the ancient ways.

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But though he may not lead the guerillas of reform, he is not behind other men in recognizing his identification with the race, and in wishing and working good to his fellows. Indeed, the past year has given occasion for many notable utterances from leaders of the bar, holding before the profession the position it can and should take in the present agitated condition of the public mind concerning social reform. Memorable among these is the presidential address of Judge Cooley before the American Bar Association, in which he dwelt upon the duties of the lawyer as a teacher and leader of public opinion in his community. "What I desire to impress at this time upon the members of the legal profession," he says, "is that every one of them is, or should be, from his very position and from the license which gives him special privileges in the determination of legal controversies, a public leader and teacher, whose obligation * * * is not fully performed unless he does what he properly and lawfully can to correct any sentiment, general or local, that would in itself be a public danger." The New York Law Journal, commenting on the attitude of the bar towards social reform, quotes Judge Cooley's words and adds: "Probably the paramount duty of lawyers during the next decade will be to foster a law-abiding but not blindly conservative spirit, to the end that such changes as are predestined may come about through evolution and not revolution."

Another noteworthy expression of the same high conception of the public obligations resting upon the lawyer is the paper read by

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Judge Dillon before the American Bar Association, in which, with a well-placed confidence that his words will awaken none of the shallow scorn which often checks the word "ideal" on the lips of public speakers, he describes "the true professional ideal." "The true conception—ideal, if you please—of the lawyer, is that of one who worthily magnifies the nature and duties of his office, who scorns every form of meanness or disreputable practice, who studies the eternal principles of justice so earnestly that he falls in love with them, and is thenceforward not content unless he is endeavoring, by every means in his power, to be not only an ornament but a help unto the laws and jurisprudence of his state or nation. In his conception, every place where a judge sits,—although the arena be a contentious one where debate runs high and warm,—is yet over all a temple where faith, truth, honor and justice abide, and he is one of its ministers."

The oration of Judge Grossecup on "The Sovereignty of the Individual," delivered on July 4th, and the address of Hon. Wm. H. Taft, before the alumni and students of the law department of the University of Michigan, spring also to mind. In these, and in a number of other utterances from those whose words carry weight with the bar, the emphasis is thrown upon the public duty which rests upon a class representing a high average of intellectual power, of training, and of influence. These are powers which may not be used merely as added weapons for the possessor in the battle of life. Noblesse oblige. They who have great power are bound by the obligation laid upon the strong to bring nearer the day of good will to all men.

Good City Government.

THE Legal Intelligencer for September 28th contains an editorial on the above subject which is so pertinent, and which takes so clear and earnest a view of an important matter, that we take great pleasure in reproducing it, with our "Amen," for the readers of Law Book News. The book which forms the text of this good sermon on citizenship is a report of the proceedings of the National Conference for Good City Government, published by the Philadelphia Municipal League. It can be obtained from the

treasurer, Clinton R. Woodruff, 514 Walnut St., Philadelphia, for \$1.50, this price having been fixed to simply cover the cost of publication:

This book contains the proceedings of the first National Conference for Good City Government, which was held in Philadelphia, Jan. 25 and 26, 1894. It presents some faint glimmerings of hope for the future, in that this conference was attended by many distinguished lawyers, business men, journalists, educators and writers from Boston, New York, Philadelphia, Brooklyn, Baltimore, Cleveland, Chicago, Milwaukee, Minneapolis, Kansas City, Albany and Columbus, who were well fitted to speak to the main question, as well as for their respective cities.

The programme was arranged with much wisdom and forethought to develop consideration and discussion along the following lines: (1) The present condition of municipal affairs in our larger cities; (2) the possible standard to which cities can attain; and (3) the methods whereby can be evolved from the present conditions the highest municipal advancement. The formal papers were carefully prepared and able, and the discussion was always earnest, and both evidenced, in large degree, the experience, study and wisdom necessary clearly to diagnose the disease afflicting the municipal body, and to recommend a course of treatment for the patient.

A most valuable feature of the book is an exhaustive and carefully prepared bibliography of the subject, covering over forty pages. The claim made in the introduction, that "the volume is a hand-book of information respecting this movement, and that a similar work does not exist," is well taken.

Papers were read, and are therein printed, on the Municipal Governments of Boston, Brooklyn, Chicago, Baltimore, Philadelphia and New York; on Municipal Government as it Should Be and May Become; on the Relations of Civil Service Reform to Municipal Government; The Relations of Women to Municipal Reform. Other papers and speeches of deep interest are set out in full, and the book contains a compendium of the best thought which has as yet crystallized on this imminently pressing subject.

We feel warranted in pressing it upon the consideration of the profession. If there is any class with whom the burden lies to thoroughly post themselves on this great problem it is our profession; we, more than any other class, are fitted and able to lead the public thought and sentiment toward a higher plane, a more healthy tone. The proceedings of any conference to which Mr. Carter, the leader of the American Bar, was willing to devote the time demanded of the presiding officer, must surely be accepted as worthy of the attention of his professional brethren.

We have had the book before us for some months, during which it has been entitled to our best attention, but we have been in such

a pessimistic condition of mind, touching this cause of good government, that we feared to attempt consideration of it. This pessimistic feeling has not been dissipated. Any one attending the banquet, which concluded the proceedings, on looking around on the hundreds of men of intelligence and force who surrounded the tables, would notice that, save for a few local statesmen who, like Saul among the prophets, were there, there was scarcely a man present who could carry his division. No wonder that "practical statesmen" openly scorn the labors and declarations of such bodies as the dreams of lotus eaters.

Every one concedes that the government of our great cities is the sore spot in our body politic; so sore, indeed, that it threatens the integrity of our entire political structure. Every day, every hour, the practical results, the legitimate fruits of the misgovernment that pervades every great city, force themselves on the notice of the lazy, indifferent citizens. Wholesale corruption, incompetence, imbecility even, are patent in every direction; the legislatures, the executive departments, the employes, from chief boss down to ward heeler, are all part of a political machine, to which the service of the city is of most secondary concern.

Nowhere is manifested a degree of intelligence or skill, a continuity of policy, or a fidelity to the city, such as any successful corporation would demand, and failing which, the head of the unfaithful servant would instantly drop. Nowhere is there provision for such continuance in service, such certainty of life work, as is essential to reasonable, decent results.

The wonder is, under the circumstances, not that we have such bad government, but that we have as good as we do have. Not that a large amount of the public money is directly or indirectly squandered, or more often still wasted by lack of ordinary skill or fidelity, but that we are permitted even to enjoy as much of our taxes as we do. The remedy is in our own hands. The combines, the bosses, the rings, are of the people; their standard is little, if any, below that of the business world. They are of the people, not apart from them. We are of the opinion that the average standard of so-called "political morality" is as high, if not higher, than that of the business world. No lawyer needs a demonstration of this. The recollection of what some of his eminently respectable clients have asked and expected him to do is sufficient. It is a proposition, not a theorem. There can be no "bribees" without "bribers." It is not the men in politics, but the system, governed by a standard which the people tolerate as on a par with their own. The honest citizen, the leading manufacturer and merchant will contribute thousands to purchase legislatures and councils, to corrupt officials, and when their own ox is gored they howl. It makes one tired to think of it!

As Mr. Moorfield Strong said: "Municipal reform is only a question of will." As Mr. Charles J. Bonaparte and Mayor Stuart both

said, in their respective addresses in slightly different language: Every people has had and will have always as good a government as it deserves.

Mr. Edmund Kelly says: "New York does not differ, I think, from other cities of the United States in one respect; instead of being governed as it theoretically should, by an enlightened and disinterested majority of its citizens, it is governed by an ignorant and interested minority."

Mr. Franklin MacVeagh puts it epigrammatically: "I want to say that it is not the bad citizen that needs to be reformed, but the good citizen. The bad citizen is a hopeless minority. The good citizens are a hopeless majority." * * * "Now the good citizen must be taught, first of all, the fundamental truth that no city government in a free country can rise permanently above the level of the political energy, not the political sentiment, but the political energy of the community. No matter how much good civic sentiment may float around in private life, it is only energized civic sentiment that wins in city politics."

The lazy indifference of the American citizen, and the splendidly disciplined political machines stand like lions in the path of much hope for better municipal government in the near future. Any one who engages in the struggle must feel that he is laboring, in all probability, for his children's children; he must put away hope of any "political future"; he must be prepared for open ridicule and for good-natured contempt as a theoretical dreamer. The way is long and hard; the hope of any selfish, personal reward nothing, but the cause is grand, the reward to be gained, a service to the republic beyond price.

It is a discouraging factor that conferences must be held to instruct the people that two and two make four; that the question is, whether our streets shall be decently paved; our franchises given away; whether we shall always have our streets disfigured by overhead wires, threatening death at every moment; whether our children shall be adequately educated out of the millions freely contributed for the purpose; whether we must, for another quarter of a century, drink liquid mud and possible typhoid germs, and bathe in foul smelling, muddy water. All these are questions apart from the supremacy of the Republican or Democratic party in national and state politics. What the reasonable possibilities are, Mr. Leo S. Rowe sets out in his paper on Municipal Government as It May Be, showing the marvelous results achieved in Berlin and certain English cities. This paper is a direct object lesson. It presents a condition and not a theory. These results are equally possible in America when our citizens will take time to study the question, and resolve that their domestic concerns shall be run as a great business, and not as the secondary annex to political machines.

Those of us who remember the apparently hopeless struggle of anti-slavery days, may

still have hopes for the cause of good government. The early reformers then were despised, hated and ridiculed, but they struggled on, hoping against hope, sustained by the knowledge that:

Where to-day the martyr stands,
To-morrow crouches Judas, with the silver in
his hands.
While the hooting mob of yesterday in silent
awe return
To glean up the scattered ashes into history's
golden urn.

There is ground for encouragement to be gathered from the fact that the thinkers of the day are devoting time and brains to this work. That this is so, this conference, with its list of delegates, shows. A hopeful sign is to be found in the record, covering some forty pages, of kindred local organizations scattered throughout the Union—all of recent date. The fact that we can hardly take up any of our leading magazines without finding some thoughtful production on the subject, also tells of awakened attention, of potential political energy.

The "machine" stands to the independent thinkers, assuming "political energy," as the regulars to militia, but the time comes when, before the rifle of the minute men, the regulars will scatter and flee as they did at Concord and Bunker Hill, when the militia stands for an idea, and if needs must these regulars will fall, as did the Swiss Guard, before the wrath of an outraged people. In the meantime, the aforesaid people are likely to pay well in squandered treasure, constant discomfort and lives of slaughtered innocents, for the lack of wisdom long before to have been had, what time they stoned the prophets which had been sent unto them.

A Fair Attorney.

Alas! the world has gone awry
Since Cousin Lillian entered college,
For she has grown so learned I
Oft tremble at her wondrous knowledge.
Whene'er I dare to woo her now
She frowns that I should so annoy her.
And then proclaims, with lofty brow,
Her mission is to be a lawyer.

Life glides no more on golden wings,
A sunny waif from Eldorado;
I've learned how true the poet sings
That coming sorrow casts its shadow.
When tutti-frutti lost its spell,
I felt some hidden grief impended;
When she declined a caramel,
I knew my rosy dream had ended.

She paints no more on china plaques,
With tints that would have crazed Murillo,
Strange birds that never plumed their backs
When Father Noah braved the billow.
Her fancy limns, with brighter brush,
The splendid triumphs that await her,
When, in the court, a breathless hush
Gives homage to the keen debater.

'Tis sad to meet such crushing woes
From eyes as blue as Scottish heather;
'Tis sad a maid with cheeks of rose
Should have her heart bound up in leather.
'Tis sad to keep one's passion pent,
Though Pallas' arms the Fair environ,
But worse to have her quoting Kent
When one is fondly breathing Byron.

When Lillian's licensed at the law
Her fame, be sure, will live forever;
No barrister will pick a flaw
In logic so extremely clever.
The Sheriff will forget his nap
To feast upon the heavenly vision,
And e'en the Judge will set his cap
At her, and dream of love Elysian.

—Samuel Minturn Peck, in "Cap and Bells."

Mr. Anderson and His Law of the Dictionary.

I.

IT is well for a man to have faith in himself, and in the work he has done. It is prima facie evidence of his honesty, and honesty is honored in this world, latter-day pessimists to the contrary notwithstanding. But when a man goes out of his way to force his faith upon the public generally, and particularly when he seeks to do so by imputing dishonesty or incapacity to every one who works on a different plan from his own, one may be justified in subjecting his work in turn to a critical examination.

In the American Law Review for July-August, and in the Yale Law Journal for October, Mr. W. H. Anderson indulges in some scathing and satirical criticisms of modern law dictionaries. Mr. Anderson's name appears on the title page of a "Dictionary of the Law, Consisting of Judicial Definitions and Explanations of Words, Phrases, and Maxims, and an Exposition of the Principles of the Law; Comprising a Dictionary and Compendium of American and English Jurisprudence." This work was published in 1889, and was, we believe, well received by the profession. But it was not accepted as the official utterance of any Sir Oracle, and it now appears that the author, pained by the discovery that lawyers are still buying other dictionaries, has undertaken to enlighten the ignorance of his learned profession. Lawyers and law students may have thought, in their folly, that the dictionaries which helped them to find the words they wanted were all well enough, but Mr. Anderson will show

them that they should have wanted to find other words, such as he had provided for them, and should have rigidly suppressed as improper all temptation to hunt up such words as he has ruled out.

Mr. Anderson's views are couched in vividly picturesque language as when he charges modern lexicographers (with one exception, of course) with "crowding their morgue by desecrating the same old unprotected burying grounds," and of including terms "the ultra nondescriptness of which, while captivating the adolescent spectator, must astound the reflecting adult." But, stripped of their flamboyant metaphors, and sesquipedalian verbiage, Mr. Anderson's claims are that all modern law dictionaries (with, as before mentioned, one prominent exception) have sinned, and grievously sinned, (1) by including Latin, Law French, Saxon, or Early English legal terms which are no longer in general use: and (2) by including words the definition of which might have been found in dictionaries other than legal. Postponing for the time the consideration of his theories, it will certainly be fair to see how far Mr. Anderson follows his own rules.

In the matter of adopted foreign phrases, obsolete terms, etc., it is not easy to determine, from an examination of his work, just what theory has governed him. Some are taken; others are left. His ways resemble those of Providence in the quality of mysteriousness. We do not find "casus belli," for instance, though we do find "cause celebre." We come upon "consuetudo," but look in vain for "contrat." And when he carefully defined "ganancial" as a term used "in Spanish law," and "maritagium" from "feudal law," and "monstrans de droit" and "nul agard" from the condemned Law French, he surely did not foresee the day on which he would arise and denounce "the Gabriel call of the indefatigable dictionary maker, who must needs swell his ranks, though he marshal the quick and the dead."

When we come to the nonlegal terms which Mr. Anderson says "must be rigorously excluded, else the compiler will be found to have lost his reckoning and his rudder, to have drifted aimlessly over the limitless sea of expression," we are forced to bear constantly in mind that Mr. Anderson's dictionary appeared several years before he formulated these rules. Indeed, one of the

most noteworthy features of his dictionary is the strange assortment of nonlegal titles which its pages contain. Some of them, it is true, are but cross-reference heads, but many are followed by "explanatory matter," and all take their rank shoulder to shoulder with the most purely technical terms. We hardly expect to find "Demijohn," "Pop," and "Bulldoze" in a dictionary of law, but we might set down the fact of their being included to a harmless eccentricity of the author. But when it comes to "Shells" and "Shingles," "Skins" and "Hides," "Hoe," "Saltpetre," "Hardware," and "Baseball," we confess we are amazed. Equally inexplicable is the learned author's attachment to illuminating oils. We have not only "Petroleum" and "Kerosene," but also "Rock Oil," "Gasoline," "Benzine," and "Paraffine." Nor can we be blind to his predilection for the horse; for, beside the noble animal himself, we find "Feed" and "Fox-Hunting," "Glanders" and "Manure." Nor are the interests of the humble agriculturist neglected, for he may here learn what is a "Fair Average Crop," as well as the legal aspects of "Gardening" and "Market Stalls." Further, we find the materials for an elementary treatise on the fine arts. Here are "Plaque," "Porcelain," and "Decorated China," as well as the brilliant "Chromo." (It is not true that one of the latter is given to each purchaser of this unique scrapbook.) The list is almost endless, but we select a few more choice titles for the amusement of the reader, such as "Snow," "Tannery," "Tanning," and "Tan-Tan" (which last is a gambling device, so we are told); "Groceries," "Laundries," "Buggy," and "Barbed Wire"; "Hog," "Badger," "Bone Black," "Lithograph," "Lath," "Landscape," "Menagerie," and "Milk." If "Milk" were the only allment found in the pages of this most interesting production, it would scarcely (on our author's theory) be fit provender for the adults of the law. But, on the contrary, such is the profusion of good things which it affords that our learned friend might very well invite us to dine with him. He decks his table with "Flowers," and heaps upon it "Rice," "Bread and Water," "Beer," "Meat," "Peas," "Beans," "Corn," other "Vegetables," "Lamb," "Chicken," and "Cheese." We cannot complain of a lack of strong food when he offers us whole "Beeves," and, though he

will not give us pork, yet we shall find both the "Pig" and the "Pork Packer." By some singular oversight, "Potatoes" and "Pie" are omitted. So, also, is "Butter," but our resourceful author has what he deems a good substitute in "Oleomargarine." If this combination should occasion an indigestion, our dictionary monger is at hand with "Drugs," and, when we are sufficiently revived to enter upon the amusements of the evening, he will give us our choice of "Back-Gammon," "Faro," or "Poker," while he sets forth an abundance of "Whiskey." We quite agree with Mr. Anderson that it is difficult to understand what all this stuff has to do with a law dictionary, or why, if it must be inserted, all the other varieties of butchers' meat and garden truck should not have an equal right of recognition.

"Head" is defined as: "He who provides for a family. The responsible person; the chief; the principal." As a definition,—well, perhaps a law dictionary is the right place to look for it. One would hardly expect to find that in any other.

"Ice" is not defined, but under this title we are informed that it, "uncut, is an accession or increment to the land"; and certain other points of law, determined in cases where ice was a factor, are stated. A cross reference (what place has a cross reference in a dictionary, anyhow?), directs us to "Sidewalk." [In Minnesota we do not need to be reminded that we can find ice on the sidewalk, and, when we have so encountered it, our subsequent reference to the circumstance is likely to be "cross" enough. But let that pass.]

"Ice-cream" is the next title. Here the lexicographer is content with referring us to "Manufacturer; Sunday." Turning eagerly to Sunday, to learn whether ice-cream is judicially recognized as a proper dessert for a Sunday dinner, we find: "In Pennsylvania, ice-cream may not be sold on that day, nor cigars." What a thing it is to be learned in the law! But we look in vain for "Cigars" as a title. Why thus discriminate in favor of ice-cream? Why should one be taken and the other left?

"Star" catches the gazer's eye on turning the pages. We read: "In law books, indicates the line and word at which the pages of the first edition began." The star, or, more properly, asterisk, is put to many uses in a law-book printing office, and it is unfair

to have one special use made the sole subject of mention in our "dictionary and compendium." Why, too, is there no explanation given of the uses of brackets, parentheses, commas, and other typographical symbols?

"Bag" may have a legal meaning which would give it place in a law dictionary, but, if so, one would not learn it here. We do, however, learn that "the sack, satchel, reticule, or other receptacle in which lawyers carry briefs and other papers for use during the preparation, trial, hearing, or argument of cases, was formerly called, from the prevailing color of the material, the 'green bag,'" and that in the theatrical performances of Queen Caroline's time the lawyer is represented with a green bag in his hand, with other interesting matter of the same sort, concluding with the statement (supported by a citation to "Wycherly, Plain Dealer") that in the time of Charles II. angry clients were accustomed to revile lawyers as "green-bag-carriers." All this is very interesting, but it is not the sort of information for which we ordinarily go to a dictionary, and especially a law dictionary. We are glad and grateful to have it given us, and possibly our surprise at discovering it here may fix in our memory the fact that it really is here; otherwise, we would have to depend upon an Index Rerum to place the bit of information. Finding it in a dictionary reminds us of a statement we have seen somewhere—ah, it was in Mr. Anderson's article in the American Law Review, to be sure!—that certain dictionaries are like the "Ready-Made Clothing and Gents' Furnishing Goods Emporiums," where one receives with every coat purchased a watch or a turkey, thrown in.

Similarly, under "Gown" we find a condensed article, such as one would look for in an encyclopedia or magazine, on the customs that regulate the wearing of gowns by the judiciary. It is interesting, but who would think of looking in a dictionary for such matter,—unless, indeed, he had been brought up on Anderson's? Under "Extradition" we find a summary of the law regarding extradition as it was at the time Mr. Anderson's book was sent to press. Under "Copyright," nearly two pages are given up to a digest of the law upon that subject. Under "Telephone" we have not only a digest of the law, but a history of the steps in the invention and patenting of the mechanism. This is purely the

sort of information for which one would commonly go to an encyclopedia.

But the cyclopedic character of Mr. Anderson's labors requires for its consideration greater space than we can spare in the present number, so we must reserve it for a future article.

Judicial Amenities.

THE little volume, "Scintillae Juris," by Charles J. Darling of the Inner Temple, published some years ago in London, gives some examples of judicial charges which throw a most twinkling side light across the majesty that doth hedge the bench. Of course the examples he gives are perfectly true. It is so agreeable to believe them so, that it would be most clearly a work of supererogation to question them too closely. We quote the following summing up of the evidence in an action for breach of promise of marriage, with the recommendation that it be accepted with implicit faith:

The following note was copied from the brief of a learned friend who was engaged in the case:

The Judge sums up—

"The learned counsel says you ought to find for the defendant. Well, you may if you like; but don't you go and do it because he asks you. He asked me not to leave the case to you at all; but I mean to.

"Very well! Now, what are the facts? The defendant admits that he promised to marry the girl; of course, if he's a man at all, he can't deny that; and his counsel says he is a fool,—very likely,—but what then? Lots of people are fools; but they marry. Then that's no excuse for him. Next, the defendant says the plaintiff wouldn't have him; she says she would; which of 'em do you believe? He has three hundred a year—and—and—well, she's a woman; there! She don't dislike money, you know. This is an action to get, what? Why, money, to be sure; and defendant's money, too, mark that. She can't bring an action for the man; and I can't order specific performance of the contract to marry, because the law says damages—that's money—are as good as a husband.

"First, then, there's the loss of the husband's income; then the loss of the man;

and, when you've settled the damages on these, there's compensation for the injury to the plaintiff's heart—her feelings, you know.

"Now, here the learned counsel says there are no particulars. He must say something, of course; that's what he's for. I don't know what he expects. He can hardly want a list of regrets at so much a dozen; misery at five shillings per hour, let's say; or an account of the number of tears, or pints of 'em, that the plaintiff has shed over this business; the whole to be paid for at so much for the lot, with a reduction perhaps, on account of defendant's taking a large quantity. I wonder he does not say there are no bought and sold notes to prove the contract. I should know how to deal with that.

"Well, you and I may not like this sort of action. Very likely we should prefer to whip a man of that sort down there. But we must be forensic; and so you are to find your verdict for the plaintiff.

"Now, then, what damages? Don't give too much, for if you do the court will set your finding aside, or the defendant may be broken up, and the plaintiff get nothing after all.

"What do you say?"

American Law in India.

THE following interesting letter from Judge Hukm Chand, of Hyderabad, addressed to Hon. John F. Dillon, appears in the Albany Law Journal. Judge Chand is the "cosmopolitan jurist" referred to in an editorial in No. 8 of Law Book News. An exhaustive review by H. Campbell Black of Judge Chand's late work on *Res Judicata*, ("In which," says Judge Dillon, "this technical and recondite subject is treated with exhaustive learning") was published in the October number.

Hyderabad Deccan, India, 26th July, 1894.

Sir: I am agreeably surprised to read in your recently published lectures that in your law libraries you "find the learning and labors of judges administering this [American] system in law reports from India, South Africa, etc." I therefore beg you will kindly accept for your library a copy of my last work on *Res Judicata*, from the preface of which you will observe that I had thought that decisions of Indian courts were virtually quite unknown in the United States, and I certainly have not

been able to find any reference to them in the published arguments and decisions in the American courts. Nor are we better acquainted with your work. You quote a passage from a letter of the late Lord Chief Justice Cockburn, in which he said: "There is scarcely a discussion of any importance in which American decisions and American authors are not cited, and the judgment and dicta of a Marshall or a Story are as familiar to us as those of a Mansfield or an Ellenborough." I would that were the case in this country, where it is only in one High Court in all India that I have been able to find a set of reports of the United States Supreme Court only; and to say nothing of the State court reports, even the names of West Publishing Company and Whitney-Bancroft, and of their publications, are absolutely unknown to the highest judges. Nothing, however, is more useful than acquaintance by jurists and lawyers of one country with the laws of other countries, especially of those whose jurisprudence is derived from the same main stock. I have often seen an English case cited in the High Courts here, without the slightest reference to the repeated and valuable discussions that have taken place about it in your courts, or to the restrictions and modifications with which that case has been adopted by you, and should be adopted by us. The object of the work I am sending you is mainly to remove the chief cause of this, and to introduce to the lawyers here the text-books of your lawyers and the decisions of your judges, and if possible, to introduce our judges to you and to place them within your ken, though not on the same firmament on which you "behold Hale and Marshall, Hardwicke and Story, Blackstone and Kent, Erskine and Webster." I trust you will find time at least to read the preface of the work, and favor me with your views about its plan, as I am engaged now on a work on Fraud, and intend to take up other subjects for treatment on the same lines, and your mature expression may lead to valuable suggestions for the furtherance of my object. I inclose a paper, which will give you some idea of the view taken of the work here..

Yours faithfully, Hukm Chand,
Chief Judge City Court and Member of
Legislative Council, Hyderabad Decan.

Hon. John F. Dillon, New York.

Punctuation in the Eye of the Law.

THERE is a tradition to the effect that it was once forbidden to introduce punctuation marks into the statutes, the theory being that the law should be so plainly worded that its meaning would not depend upon the easily transposed "points," and that this must be tested (as it is wise to do in writing a telegram, even yet!) by omitting the marks altogether. The spread

of general knowledge, and possibly a lessening of the distrust which the ancient burghers entertained as to the honesty of men who were more trained in the use of the pen than of the sword, have led to a disregard of this precaution, and statutes are now punctuated according to the judgment of the engrossing clerk. When this functionary errs in judgment (is it not even hinted that Jupiter nodded on occasion?) there is tribulation in the land. We quote the following article apropos of this subject, from the American Bookmaker:

From time to time it is announced in correspondence from Washington, D. C., that the punctuation of acts passed by congress is defective, and the legal advisers of the government are called upon to settle the knotty questions arising from these errors. Several instances of defective punctuation have been noted in the new tariff act, and similar errors occurred in the wording of the tariff act of 1890. None of the errors can be corrected without a joint resolution of the two houses, for the "law print" of the bill must be an exact copy, wording, spelling, punctuation, and everything else contained in the enrolled bill, which is the copy that becomes a part of the archives of the government. It is unfortunately too true that now, as in the time of Chaucer,

A reader that pointeth ill
A good sentence may oft spill.

Those who have tried, by means of the law courts, to take advantage of erroneous punctuation, have had their trouble and bills of cost for their pains, and it may be said that a similar fate awaits the person who may endeavor to defeat, by legal means, the manifest intent of the law. One of the oldest legal maxims—as old as the law itself—is to the effect that bad grammar does not vitiate a deed ("mala grammatica non vitiat chartam"); and, in the eye of the law, the same principle applies in the case of bad or wrong punctuation. As the late George Perkins Marsh, LL. D., long representative of the United States at the court of Italy, says in one of his lectures on the English language, delivered at Columbia College, and afterwards published in book form: "Mistakes in the use of points, as of all the elements of language, written and spoken, are frequent; so much so, in fact, that in the construction of private contracts, and even of statutes, judicial tribunals do not much regard punctuation; and some eminent jurists have thought that legislative enactments and public documents should be without it." Bishop, in his "Commentaries on Written Laws and Their Interpretation," says: "The statutes in England are not punctuated in the original rolls; but more or less marks of punctuation appear in them as printed by authority. With us the punctuation is the work of the draughtsman, the engrosser, or the printer. In the legislative body the bill is read so that the ear, not the eye, takes cognizance of

it. Therefore, the punctuation is not, in either country, of controlling effect in the interpretation." Punctuation, in fact, forms no part of the law, as pointed out in the foregoing extract,—a fact well recognized in Great Britain, as may be observed in legal advertisements for next of kin, and often reprinted in the leading daily papers here, which are noticeable for their want of punctuation. Some of the cases in the United States in which the above-cited principle has been laid down are *Doe v. Martin*, 4 Term R. 65; *Barrow v. Wadkin*, 24 Beav. 326; *Cushing v. Worrick*, 9 Gray (Mass.) 385; and *Gyger's Estate*, 65 Pa. St. 311. Those interested may also consult Sedgwick on Statute Law for further information on this subject. Punctuation cannot have a controlling effect, but may be disregarded altogether when plainly contrary to the legislative intent, in which case the courts will repunctuate to give effect to such intent, as decided in *United States v. Isham*, 17 Wall. (U. S.) 502; *Albright v. Payne*, 43 Ohio St. 15, 1 N. E. Rep. 16, and in *Pancoast v. Ruffin*, 1 Ohio, 385.

The following extracts are from some of the decisions of the courts on this interesting question:

"Punctuation is a most fallible standard by which to interpret a writing. It may be resorted to when all other means fail." *Ewing v. Burnet*, 11 Pet. (U. S.) 54.

"Punctuation is no part of the statute." *Hammock v. Farmers' Trust & Loan Co.*, 105 U. S. 77.

"For the purpose of arriving at the true meaning of a statute, courts read with such stops as are manifestly required." *United States v. Lacher*, 134 U. S. 624, 10 Sup. Ct. Rep. 625 (opinion given by Chief Justice Melville Fuller).

"Punctuation in written contracts may sometimes shed light upon the meaning of parties, but it must never be allowed to overturn what seems the plain meaning of the whole contract." *Osborn v. Farwell*, 87 Ill. 89.

"Punctuation may perhaps be resorted to when no other means can be found of solving an ambiguity, but not in cases where no real ambiguity exists, except what the punctuation itself creates." *Weatherly v. Mister*, 39 Md. 620.

"The want of proper punctuation is, if objectionable at all, no more allowable in vitiating the contract or destroying its effects than bad grammar, the rule against which is a maxim of the law." *White v. Smith*, 33 Pa. St. 186.

From the writings of the authorities cited, and from the foregoing extracts from decisions, it will be gathered that there is no hope for any litigants who may base their cases solely upon the erroneous punctuation of the acts passed by congress.

Vacation Dream.

So now my vacation is over;

Oh, why did I wander to where

I lived not in peace or in clover,

Nor enjoyed a stray smile from the fair?

The stars glitter bright in the heavens,
Rich odors are borne on the breeze;
But, oh, for a breath of replevin,
Or a glimpse of the basest of fees!

No widow will have me, or spinster,
'Tis my "want of appearance," no doubt;
But in Melbourne or stately Westminster,
That would bring an "attachment" about.

So bring me my reckoning, waiter:
Call a hansom and take me away
To the land where the coy allocatur
Sings a song to the gallant fi. fa.

Yes, take me away to the court-land,
With text-books and precedents packed,
To assumpsit and trover and tort-land,
Where wives both expand and contract.

There I'll choose me a widow discoverte,
With a house and an ample rent-roll,
Or at large in the gay market overt
Trip it lightly with tender feme sole.

Then be she as fat as a porpoise,
Or be she but cutis and bone,
I will issue a habeas corpus,
And have the dear dame for my own.

Her waste will no more be a common,
I shall hold her affections in fee;
Though at one time affianced to some one,
She'll be levant and couchant with me.

To the feast I'll invite every Fiction,
Every lay-figure known to the Court,
But my fancy outruns all the diction
That would give an idea of sport.

Possession makes love to Reversion,
Defeasance is friendly with Bond,
While Cruelty calls on Desertion
To Marriage's toast to respond.

There is Larceny winking at Trover,
And Fraud arm-in-arm with Trustee,
And the Legal Estate is won over,
And drinks with the third Mortgagee.

Onus twirls in the waltz with Presumption,
And Fiction is flirting with Fact,
While both give the pas to Assumption,
And Argument's rights are intact.

Estoppel to Waiver makes overture,
Due Diligence waits on Lachesse,
Gentle Infancy's setting to Coverture,
And Lunacy romps with Duresse.

Then Divorce bids them all fill their glasses.
And dilates on the soul-stirring theme;
Co-respondent invites all the lasses
To drink deep to the Baron and Feme.

—Australian Law Times.

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 (second) edition of Niblack on Voluntary Societies is announced by Callaghan & Co.

Mathew Bender has already issued announcement of his Lawyers' Diary and Directory for 1895. It is prepared for the use of New York lawyers.

A "History of English Law," by Sir Frederick Pollock and Frederic William Maitland, Esq., is announced by Little, Brown & Co. It will probably be ready some time next spring.

John M. Gould and George F. Tucker, authors of "Notes on the Revised Statutes," have prepared a little book on "The Federal Income Tax," in which it is explained, annotated, and commented on. It will be published by Little, Brown & Co.

The Hornbook Series is growing in extent as well as in favor. Three new volumes will shortly be added,—Constitutional Law, by H. Campbell Black, to be ready early in January; Equity, by Norman Fetter, to be ready by the end of January; Torts, by E. A. Jaggard, to be published in February.

The West Publishing Co. announces for publication in December, the Minnesota Statutes of 1894, vol. 55 Minnesota Reports, vol. 9 C. C. A. Reports, vol. 59 Northwestern Reporter, vol. 62 Federal Reporter, vol. 37 Pacific Reporter, vol. 27 Southwestern Reporter, vol. 30 New York Supplement, and Book 7 Federal Cases.

Little, Brown & Co. announce for immediate publication a new edition of The Study of Cases, by Prof. Eugene Wambaugh, late of the Law School of the Iowa State University and now of the Harvard Law School. This will be supplemented by a selection of cases on contracts and torts, made by Prof. Wambaugh, published under the title of "Cases for Analysis." It is designed to furnish the student with material for practice in reading and stating reported cases.

The Scots Law Times announces the early publication of a number of forthcoming law books adapted especially for the use of the "law agents" of Scotland. Among these are Defamation and Verbal Injury, by F. T.

Cooper; a new edition of Lord M'Laren's Wills and Successions; Patten-Macdougall's Parish Council's Guide; the second volume of Menzies on Trusts; Brown's Sale of Goods Act; and Craigie's edition of the Conveyancing Acts. Other books which are in preparation for later publication are: Wood on Arbitration; Scott-Moncrieff on Aliment, with special reference to affiliation cases; an English translation of Justinian's Institutes; a Compendium of English and Scots Law; a new edition of Deas on Railways; and a work on Sheriffs and Their Duties.

The Blackstone Publishing Co. of Philadelphia announces a new monthly publication, to be known as the "Pennsylvania Law Series." It will consist of original discussions of legal questions and comments upon late decisions of the courts. The first number will contain the following papers: Federal Interference with Strikes, by Hon. Richard C. McMurtrie; Liability of Architects, Builders, Contractors, and Owners for Negligence, by Irwin Cooke Williams; Will Contributory Negligence of a Wife Defeat the Husband's Action for Consequential Damages Resulting to Him from an Injury to His Wife? by William Augustus Carr; The Law Dispensary, by Joseph Hill Brinton. William Macfann Baird is the editor-in-chief. The price is to be \$5 per annum or \$1 for a single number.

Law Book Notes.

Callaghan & Co. have issued a new edition of Stephen's Pleading, with notes by James De Witt Andrews, of the Chicago bar.

Traynor's Latin Maxims and Phrases, collected from the Institutional Writers on the Law of Scotland, and Other Sources, has gone into a fourth edition.

The law of Scotland relating to Mines, Quarries and Minerals has been well treated by D. Ross Stewart, of Edinburgh, in a work recently published by Green & Sons.

Part III. of Prof. Thayer's Cases on Constitutional Law is now out. It covers chapters VI and VII., treating of the Right of Eminent Domain and Taxation, in 187 pages. Part IV. is to complete the work.

A new (third) edition of High on Receivers is just issuing from the press of Callaghan & Co. The publishers announce that the work contains important new matter in regard to receivers and preferred indebtedness.

The West Publishing Co. issued in November vol. 14 Supreme Court Reporter, vol. 19 Southeastern Reporter, vol. 15 Southern Reporter, vol. 29 Atlantic Reporter, Book 6 Federal Cases, and Clark on Contracts.

Robert Prichard, of the Chattanooga bar, has written a treatise on the law of Wills and Administration as applied in Tennessee, which has been published by MacGowan & Cooke, Chattanooga. It is a local book, but a very valuable one.

A fourth edition of the Indian Evidence Act I. of 1872 has just been published by J. M. Sen & Co., law publishers, Serampore, India. It includes all modifications down to date, with notes of rulings of all the high courts and the privy council.

The Australian Law Times advertises the following new law books: The Health Act, with By-Laws, Regulations, and Notes of English and Victorian Cases; Bear's Proctor's Guide (4th Ed.); Duffy & MacHugh's Insolvency Laws of Victoria; Skinner's County Court Act.

The Robert Clarke Co. has issued a new work by Hon. John D. Works on "Courts and Their Jurisdictions." It treats of the general principles affecting jurisdiction in all classes of cases, the means of acquiring and losing jurisdiction, and common-law, equity, and statutory jurisdiction.

Baker, Voorhis & Co. have issued a handbook for law students, called "A Review in Law and Equity." It is designed for law students who are making their final preparations for admission to the bar, and gives a summary of the rules regulating admission throughout the United States.

The legal relations of intemperance, its legislative treatment, and its relation to civil and criminal law, are given consideration in Dr. Norman Kerr's work on "Inebriety, or Narcomania," though the book itself should be classed as a medical rather than a legal work. A third edition has recently been published by H. K. Lewis, London.

Bell & Brodfute, of Edinburgh, have just published a new edition of the standard Scottish authority on the Law of Bills and Succession as administered in Scotland, including Trusts, Entails, Powers, and Executry, by Hon. John McLaren, Judge of the Court of Session and High Court of Justiciary. It has been out of print for some time.

A new work on Probate Law and Practice, by Frank S. Rice, has been issued by Matthew Bender. It is described in the publisher's announcement as a complete and practical treatise, projected along modern lines, and expository of probate law and practice as it obtains to-day in America under the common-law and code procedure.

A compilation of the Corporation Tax Laws of New York has been made by John J. Merrill, corporation tax clerk in the office of the comptroller of the state of New York, and published by James B. Lyon, Albany. The work includes the organization law, the statutes relating to reduction of capital stock, the new pool tax and foreign banking laws, together with forms of reports required by the comptroller.

Miscellaneous Notes.

The Australian Law Times publishes the opinions of the supreme and other courts currently in the form of a supplement.

From the Scots Law Times it appears that a judge or magistrate has power to punish a juvenile male offender by private whipping.

The Chicago Law Journal of November 3d contained a report of the proceedings of the annual meeting of the Chicago Bar Association.

The Justice of the Peace (London) of November 3d discusses "Nuisance from our Neighbors' Noises" and "Lunatics Wandering at Large."

The December number of the Collector and Commercial Lawyer is to contain, as a special feature, pictorial descriptive sketches of prominent law firms and agencies.

The paper read by Walter D. Dabney before the Virginia State Bar Association on the Legal Evolution and Status of American Paper Money has been published in the American Banker of November 21st.

The Michigan Guide for October has an editorial note on "the multiplicity of reports," which takes the same view of the situation which has been expressed in the Law Book News. "The only rational scheme for reducing the number of reports," it says, "is one which can be carried out only by the judges themselves."

A little pamphlet of 71 pages, treating of the checks and limitations on the legislative power in the United States, has been published by J. Horning, Heidelberg. The author, Dr. Amos S. Hershey, not only discusses the existing restrictions and their nature, but gives a brief and clear account of their historical development.

Mr. Andrew Tuer, of the Leadenhall Press, London, is preparing a work on the old "A B C Hornbook," which will contain something like two hundred illustrations. Query: Will Norton on Bills and Notes, Clark on Criminal Law, Shipman on Common-Law Pleading, and the other volumes of the "Hornbook Series," be included?

Prof. Jerome C. Knowlton, of the University of Michigan, contributes an article on the Courts of Judea to the November Michigan Law Journal. Prof. Knowlton has made a special study of Jewish jurisprudence, and in this article he gives an interesting account of the courts of that country, and the manner in which their decrees were executed.

The way in which the world is bound together is illustrated by the September number of the Legal Companion, published at Serampore, India. It contains a lengthy extract from the article on the Traditions of Libel Law, which was published in Law Book News in July. Law is even a safer thing than bread to cast upon the waters.

The Yale law school library has been enriched by the gift from Chief Justice Andrews of seven bound volumes of notes of the law lectures delivered by Judge Tapping Reeve at the Litchfield law school, and three volumes of notes of lectures delivered by Judge Gould at the same school. The set is a most interesting historical monument.

We learn from the Legal Companion, published at Serampore, India, that a man's creditors have a claim upon his estate superior to that of his idol. This decision must be satisfactory to the creditors; and whatever the idol, thus thrown on the cold world without any revenue, may think of human law, it has, at any rate, filed no appeal as yet.

The November Review of Reviews has an article on "Legal Education in the United States," by Lynn R. Meekins. It gives excerpts from several of the addresses delivered before the section on legal education of the American Bar Association, and is illustrated with cuts of Hon. Thomas M. Cooley, Austin Abbott, LL. D., the late Wil-

liam G. Hammond, President Henry Wade Rogers, Hon. Simeon E. Baldwin, Geo. M. Sharp, Esq., and Prof. James B. Thayer.

A letter to a correspondent in a certain town in Indiana having been returned unclaimed, a letter of inquiry was addressed to the postmaster. This was promptly returned, with notation thereon: "Now chuch nam nownen a round her." Queer? Well, isn't it queer, too, to think what creatures of conformity most of us are. We would have abjectly written, "No such name known around here," simply because that precedent has been established. Originality is dying out, under the conventionalities of civilization. We welcome its evidences in Indiana.

The Collector and Commercial Lawyer drops into poetry to indicate the feelings of a lawyer who sends a claim, placed in his hands for collection, to some careless local attorney:

To-day he puts forth
The tender of his service, to-morrow takes your claim
And gently files it in his pigeon-hole.
The third week comes a blast from irate clients.
And—when you think, poor troubled soul, full surely,
That blamed attorney must be dead and buried—he blows you up;
And then you vow, as I do, you'll ne'er send him
Another single claim, so help you!

The "Publishers' Weekly" gives the following account of what it calls "a monster among law books":

The printed record of the trial of Dr. Robert Buchanan for poisoning his wife is the largest of the kind ever compiled. It includes 2600 pages, 11 by 8 inches—about the size of a page of Webster's Unabridged Dictionary. The latter contains 2000 pages, and the record of the Buchanan trial takes up 600 more. If placed lengthwise, page to page, the record would extend over half a mile. The book is 5½ inches thick, and is bound in calf. Fortunately for the judges of the court of appeals, they will not have to wade through this bulky brief. It has been arranged that when the final argument is had before them they shall use the records in more handy form. For their convenience a seven-volume edition has been prepared. The law provides that each public law library shall receive a copy of this monster.

People used to believe that William Tell shot an apple on the head of his son, and that it was unprofessional for a lawyer to advertise. The comparative mythologists have upset the one faith, and now the Collector and Commercial Lawyer, of Detroit, Michigan, is doing its best to undermine the other. The greater part of its 150 pages of space is devoted to advertising the abilities of lawyers, in a great variety of type; and a

goodly portion of what is left is full of encouragement for those who have "come out," and exhortation for those who still linger within the hedged close of tradition. One page, advocating the use of its directory for the insertion of lawyers' cards, is headed with the line from Macbeth, "I heard a voice cry, sleep no more!" The hedge is probably doomed.

The Indian Mirror, commenting upon a proposed bill, the object of which, we infer, is to take away from the husband the right to send his wife to jail if she refuses to live with him, expresses some good occidental views: "We ask if it is at all a virtuous or moral act to send a wife to prison simply because she does not consent, probably for the best of reasons, to share the bed and board of her husband. Why, it is the meanest and cruelest act that can be conceived. Hindu marriage is a sacrament; it is a state of life which admits of no compulsion. But the sanctity pervading it will hardly remain if the domestic relations are founded on other considerations than love. The employment of force in such a matter is the last thing enjoined by our religion, or dictated by the laws of prudence and humanity."

In the Judicial Review for October is an interesting contribution of "Recollections of Colonial Service," by D. P. Chalmers, who, in 1867, was appointed chief judicial officer of the Gambia Colony on the west coast of Africa. The extent of his duties was not unlike that which has been made familiar to us in re Pooh Bah. He had jurisdiction in both civil and criminal matters, and questions of fact in civil cases were tried by himself instead of by a jury. He had the jurisdiction of the vice chancellors, was judge of the admiralty court and court of probate, and discharged the duties of a justice of the peace. He would also have been judge of the bankruptcy court but for the fact there was no such court there; and we are given to understand that the only reason why he was not called upon to adjudicate matrimonial questions was that such matters were settled without invoking the aid of the court.

The law student in England has journals published for him, instead of publishing them himself, as he does in America. "Law Notes" is a type. It is edited and published by Messrs. Albert Gibson and Arthur Weldon, two gentlemen who make a specialty of preparing law students for their examinations, and the authors of several well-known manuals for students. It gives a good deal of interesting legal chit-chat, notes of new rulings and of cases which a student

should know about, with advice and suggestions of a personal sort which would seem to indicate a most friendly relationship between the tutors and tutees. We have nothing just like it in this country, but of course our system of law school instruction, instead of private preparation, brings about entirely different conditions. How different can only be realized by an examination of such a magazine as this.

The Juridical Review gives an interesting account of Irnerius, whose memory and fame have been revived by the discovery, by Prof. Herman Fitting, of three of his works in a manuscript of the first half of the twelfth century. Irnerius was virtually the founder of the famous law school of Bologna, which he made so successful, attracting students by the thousand, as to overthrow the rival school of Ravenna. Here he taught the Roman law, which he had studied at Rome, and here pupils from all parts of the empire, and from regions beyond it, came to study that system which in the twelfth century began to spread its influence over Europe. His *Summa Codicis* was spread in copies over all civilizing Europe, and even when the name of the writer was forgotten,—which soon happened in those days of anonymous publications,—the work influenced the writings of new expounders of the law. Prof. Fitting, who is known as the author of a treatise on the practice of the German courts, has devoted much study, and the resources of an unusually complete acquaintance with the legal literature of the Middle Ages, to the investigation of this interesting problem.

It is not surprising that official interpreters of the law should have a more or less professional contempt for those who do not have the advantage of speaking *ex cathedra*, but it is not often so clearly expressed as in a recent decision from the supreme court of Minnesota. Speaking of the so-called "Texas doctrine" that damages can be recovered from a telegraph company for mental suffering caused by failure to transmit or deliver a message, the court said: "The 'Texas doctrine' has been favorably referred to in many of the more recent text-books, but the bench and bar will understand of how little weight as authority most of these books are, written, as they very frequently are, by hired professional bookmakers of no special legal ability, and who are usually inclined to take up with the latest legal novelty for the same reasons that newspaper men are anxious for the latest news." This is severe, but there has undoubtedly been some occasion for such a sentence. There are text-books and text-books, however, and many of that class are recognized by both bench and

bar as "authorities" of the highest order. In the light of present-day criticism, a machine-made book is soon detected, and it does not have much chance to pass as an authority. For such duty was Law Book News established.

The paper by J. Newton Fiero, chairman of the committee on law reform, on the question, "Should the Code of Civil Procedure be Revised, Condensed and Simplified?" which was presented at a joint meeting of the executive committee and the committee on law reform of the New York State Bar Association, has been issued in pamphlet form for wide distribution. The paper points out the defects of the present Code, and, as shown by the concluding paragraphs, advocates a conservative revision:

No change should be made without good reason or merely for the sake of change. The plan and scope of the Code should not be affected or altered. Its provisions should not be modified except to eliminate what is technical, embarrassing and obsolete, and a wise conservatism should govern in every step taken.

I am not unaware that the profession deprecate what is aptly termed "tinkering with the Code," but the situation resembles that of a householder who has employed a careless or incompetent architect to repair a building and has had it put in such shape as to be unpleasant to the eye, inconvenient to the visitor and so disagreeable as to be substantially uninhabitable by the occupant. In such case temporary repairs and slight alterations aggravate the evil. The inconvenient parts must be rebuilt, the uninhabitable portions torn down and the building restored to its original symmetry and usefulness. The sooner this is done the less annoyance will the owner suffer. The longer it is delayed, and the more of patchwork is done, the greater the inconvenience, discomfort and actual injury.

The method of procedure is to the lawyer what working tools are to the mechanic. He cannot afford to use other than the best, even though he must throw away those that are worn out and antiquated. The farmer who continues to use old-fashioned machinery or that illy adapted to his purposes, is behind the age. The merchant who carries on business after the manner of his forefathers falls behind in the race. It is as necessary for the bar to adopt methods of procedure which are up to the times as for the mechanic, the farmer or the merchant to adopt modern implements.

In the Code of 1877 and 1880, we took many steps backward, and instead of New York leading in the adaptation and flexibility of the reformed procedure she is far in the rear of many of her sister states. Having first adopted the system, a wise adherence to the views of its founder and improvements along such lines as were dictated by reason and experience, would have given New York the most complete and perfect system of remedial justice in the world. It is possible by proceeding along the lines of the Code of '48, with such additions and amendments as nearly fifty years of experience has shown to be advisable and necessary, to so revise our procedure as that there shall be no departure from the principles upon which it is based, no change as to well settled and convenient rules and no interference with the general system of practice, but which will result in a clear and concise expression of well defined and

simple regulations easily understood and readily applied. We should not hesitate, while acknowledging our failure, to retrace our steps and again put ourselves in the forefront of law reform.

The revision of the Code of Procedure then, should be as to style, form and substance; radical revision of the style, moderate change in the arrangement, conservative revision as to the substance. The style should be made clear and concise, the language apt and well chosen. As to form, it should be so rearranged as to render it logical and scientific so that the divisions follow each other in proper consecutive order. As to substance, it should be conformed to the requirements of the client, the lawyer and the judge.

Of Collateral Interest.

Hon. David A. Wells is busy on a book entitled, "Principles of Taxation," in which he will antagonize Henry George's views to some extent.

"Rent and Profit" is the subject of a paper by C. W. Macfarlane, of Philadelphia, recently published by the American Academy of Political and Social Science.

Among the recent publications of the American Academy of Political and Social Science is *The Failure of Biologic Sociology*, by Prof. Simon N. Patten, of the University of Pennsylvania.

The Government Printing Office has issued a second edition of the pamphlet which was officially prepared, giving a comparison of the Customs Law of 1894 with the Customs Law of 1890, with the rates of the Mills Bill of 1888 and the Wilson Bill of 1894, and a table of average and ad valorem rates.

Seelye's *Citizenship* is spoken of as an excellent book for the use of students of the subject of government. It is a small book (the price is only 35 cents), but it finds room to present a clear, if brief, discussion of international law in peace and in war, the rights and duties of the government, the rights and duties of the governed, social and individual rights and duties and natural relationship. It is published by Ginn & Co.

A publication of some magnitude on the rise and progress of socialism is expected to be issued shortly at Stuttgart, under the general title of "*Geschichte des Sozialismus in Einzeldarstellungen*." The work, which will be the joint production of a number of noted socialistic writers, is to consist of four volumes, to be issued in eighty parts. The first volume will be devoted to the pioneers of modern socialism, the second to the socialistic movement in England and France, the third will give an account of the origin and

development of social democracy in Germany, and the concluding volume will describe the progress of socialism in various countries during the last decades.

The extent to which questions may be carried as to illegal combinations and "conspiracy," is illustrated by a case commented on in the Australian Law Times of September 5th. The plaintiff is a grocer, and he brings action against the officers of the Suburban Licensed Grocers' Association (of which he had refused to become a member) for placing him on a "boycotted" list, and so, by agreement with the Brewers' Club, making it impossible for him to obtain bottled beer. The jury gave a verdict in favor of the plaintiff. If the courts are going to undertake to check the evils of competition, they will have enough work cut out to last them well into the twentieth century.

"The Future Problem of Charity and the Unemployed" is the subject of a paper by the Rev. Dr. John Graham Brooks, of Cambridge, recently issued by the American Academy of Political and Social Science. The writer has been associated with the Associated Charities of Boston in their practical workings, and speaks from the point of view of one whose theories have been tempered by practice. It is well worth reading if one wishes to learn the attitude of advanced thinkers on this pressing question.

Another work on a nearly related subject is Charles Booth's "Aged Poor in England and Wales," published by Macmillan & Co. It is filled with statistics and condensed tables showing the actual condition of the poor over 65 years of age in the two countries named. It is a contribution to the discussion concerning old-age pensions or insurance.

Dr. Hermann E. von Holst, well known in this country as the author of a Constitutional and Political History of the United States, has delivered a series of twelve lectures on the French Revolution at the Lowell Institute, Boston. These have been published by Callaghan & Co. in two 12mo. volumes. The interesting nature of the contents is indicated by the lecture headings: (1) The Heritage of Louis XIV. and Louis XV. (2) Paris and Versailles. (3) Mending the Old Garment with New Cloth. (4) The Revolution before the Revolution. (5) A Typical Family Tragedy of Portentous Historical Import. (6) The States-General; a Rudderless Craft in a Storm-tossed Sea. (7) "The Party of One Man." (8) The 5th and 6th of October, 1789, and the Memoir of the 15th. (9) The Decisive Defeat of the

7th of November. (10) Other Defeats and Mischievous Victories. (11) Mirabeau and the Court; (12) The End; a Unique Tragedy.

"The Significance of a Decreasing Birth-Rate" is the subject of a paper by J. L. Brownell, Fellow of Political Science, Bryn Mawr College, which has been issued as No. 124 of the publications of the American Academy of Political and Social Science. The statistics presented are based on the tenth census report, and consist of a detailed comparison of the birth-rates of the white and colored population; of birth-rates and deaths from nervous diseases (which are taken as indicative of the strain of advancing civilization); of birth-rates and factors of economic condition. Mr. Brownell draws the conclusion that the decreasing birth-rate is a fact; that it diminishes as individual evolution increases; and that, in the United States at least, it is not true that population tends to increase faster than the means of subsistence. The author does not attempt any explanation of the phenomena he notes, but suggests a more thorough study of the subject of the basis of the census of 1890.

The 1894 edition of McPherson's Handbook of Politics has just been issued. It covers the period from July 31, 1892, to August 15, 1894, and is largely a record of the efforts of the Democratic party during that time. The Cincinnati Tribune says:

Among the most important subjects discussed are the tariff act of 1894, the struggle concerning the currency question culminating in the repeal of the Sherman silver purchase act of 1890, the repeal of the Federal elections law, the Hawaiian imbroglio, and the railway strikes of 1894. Numerous tabular statements on elections, appropriations, revenues, expenditures, debt, wealth and tariff votes add very materially to the value of the record. The subjects handled are treated in the main with great care and detail and entire impartiality. A great number of political documents, such as executive messages, letters of acceptance and proclamations are given in full. In passing, however, the suggestion occurs to one familiar with the history of the railroad strikes, that sufficient prominence is not given to the Cincinnati features of that great movement, the trial of Phelan and Judge Taft's strong opinion on the subject, being one of the most striking incidents of the episode. In the main, however, the book is eminently satisfactory, and makes an invaluable worth of reference to one interested in current events. [Washington: Robert Beall. \$2.]

The "Nineteenth Century" has an article on the checks on democracy, from which we take the following:

No doubt, the spirit of reverence in America for the constitution has provoked criticism and protest. No human instrument is perfect. Sooner or later a race of frondeurs is sure to spring up, and any sharp attorney can put his finger on what he thinks defects. The spirit of the age is a critical spirit, not to say anatomical. We have

moreover the foreigner among us. Once naturalized, he is apt to become not only our fellow-citizen, but our monitor. He takes detached views, and spends no small part of his energies in explaining to native-born Americans what they ought to think about their own country, and what they ought to do in order to adjust their ways of life to the political conceptions—yes, and to the political necessities and exigencies—of the stranger within their gates. Nothing was more common than to see the late Mr. Lowell lectured in the Irish-American press for his want of Americanism. America herself is lectured in a similar way, and she bears it with a patience which is not always fully recognized, and not always admired. A similar spirit, which probably means in this case to be scientific, is visible in such writers as Dr. Von Holst, professor at the University of Freiburg, whose treatise on "The Constitutional and Political History of the United States" is more remarkable for learning than wisdom. The temper of the book is acrid, and for a writer who has mastered the facts, Dr. Von Holst's lack of insight is surprising. This eminent professor, who keeps his liking for Americans so well in hand that he might himself be reckoned among those checks on democracy which we are discussing, is not content with the judgments of Marshall or Story on the Constitution, or of American statesmen on American political problems. They are not sufficiently speculative, not sufficiently doctrinaire, not sufficiently German. But he admits that we can deal with questions of a concrete nature, and says: "The political institutions of the country, its social, and especially its economic relations, educate them from the cradle to independent thought on all questions involving material interests, and encourage them to summon their whole intellectual strength for their solution."

Chester A. Reed, of the Boston bar, has prepared a paper on Peaceable Boycotting, which is published as No. 123 of the publications of the American Academy of Political and Social Science. The writer traces the legal aspects of the relation between capital and labor as outlined in successive English statutes and in the rulings of the courts of our own country, and warns against the danger of allowing so-called "public policy" to lead to an invasion of the right of individual liberty, even though the exercise of the latter may involve a strike with its attendant losses. His attitude is indicated in the following lines: "It should be stated at the outset that this discussion has no ethical bearing. I recognize it to be perfectly possible that a line of conduct may have everything to condemn it ethically which must still be admitted to be legal. In the struggle for life, the law should beware how it disarms one party and leaves the other armed and aggressive. To demand that the conduct of one section of the community shall be governed by a higher ethical standard than that of others is to commit injustice. So that to say that the peaceable boycott is often oppressive is to say nothing to the purpose, very many of our industrial operations being of the same character." The paper is characterized by a clearness of thought and expression which

are as attractive as the judicial fairness with which he discusses a subject that is generally presented with a considerable admixture of prejudice.

The American Law Review, which is nothing if not positive, goes so far, in its discussion of the questions connected with the strike, as to brand the Western Union Telegraph Company as an "accomplice" of Debs, in having transmitted the paid messages of the leader of the strike to his lieutenants. If the telegraph companies are going to be held heavily liable to the sender for failing to transmit messages intrusted to it, as has been established by several recent decisions, and liable criminally for transmitting a message connected with an act which the courts may subsequently declare unlawful, we may find ourselves reduced to the necessity of sending communications by mail. Would it then follow that the post-office officials, to clear themselves from suspicion of complicity with crime, should read the communications which they might be required to transmit?

Not the least interesting contribution to the "strike literature" of the month is the issue of the Federal Reporter for October 9th, which presents nine of the opinions and charges of the United States judges in last summer's strike cases. Here is given the full text of Judge Taft's decision in *Re Phelan*, Judge Baker's decision in *U. S. v. Agler*, Judge Grosscup's charge to the grand jury, the charges to the grand jury in California by Judges Ross and Morrow, decisions by Judge Ross in *U. S. v. Clune*, and *So. Cal. Ry. Co. v. Rutherford*, decision of Judge Hanford in *Booth v. Brown*, and Judge Thayer's decision in *U. S. v. Elliott*.

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.]

STEWART'S HUSBAND AND WIFE. Effect of loss of family on homestead exemption right. In his work on "Husband and Wife," David Stewart says, in section 322, page 496, that if, for any reason, "the family is permanently broken up, the homestead is gone," citing *Redfern v. Redfern*, 38 Ill. 509; *Byers v. Byers*, 21 Iowa, 268; *Woods v. Davis*, 34 Iowa, 264; *Doyle v. Coburn*, 88 Mass. (6 Allen) 73; *Silloway v. Brown*, 94 Mass. (12 Allen) 34; *Meador v. Place*, 43 N. H. 307; *Atkinson v. Atkinson*, 40 N. H. 249, 77 Am. Dec. 712; 37 N. H. 436; *Cooper v. Cooper*, 24 Ohio St. 489; *Reeves v. Petty*, 44 Tex. 251.

With the exception of *Cooper v. Cooper*, 24 Ohio St. 489, which was decided under a peculiar statute, and the case of *Revalk v. Kraemer*, 8 Cal. 66, which Stewart does not cite, the authorities fail to bear out the text. In the case of *Davis v. Wood*, 34 Iowa, 264, cited by Stewart, it is held that the divorce of the wife does not deprive the husband of his right to homestead exemption, even where the custody of the children is given to the divorced wife. The court say: "There seem to us greater reasons why the defendant should be allowed to hold his property exempt from the debt sued on, than if he had been left a widower without issue, and continued to occupy it." In the case of *Silloway v. Brown*, 94 Mass. (12 Allen) 30, the supreme judicial court of Massachusetts say (on page 34): "Although a homestead estate cannot be acquired except by a householder having a family, yet when once acquired, and still occupied by him, it has been held not to be defeated or lost by the death or absence of his wife and children. *Doyle v. Coburn*, 88 Mass. (6 Allen) 73. Any other construction would render a husband, who had been deprived of his family by accident or disease, or by their desertion, without any fault of his, liable to be instantly turned out of his homestead by his creditors." The case of *Atkinson v. Atkinson*, 40 N. H. 249, s. c. 77 Am. Dec. 712, is not in point. This case simply holds that a wife's removal from the homestead during her husband's lifetime does not impair her right to have the premises assigned to her as a homestead after his death.

The fact is that the reverse of the proposition as stated by Stewart is the law of the land, namely: A homestead right once duly acquired by a man as head of a family, is not lost by the subsequent death, marriage, or removal of all the family but himself. *Kessler v. Draub*, 51 Tex. 575, s. c. 36 Am. Rep. 727; *Kimbrel v. Willis*, 97 Ill. 495; *Doyle v. Coburn*, 88 Mass. (6 Allen) 71; *Woods v. Davis*, 34 Iowa, 265; *Stults v. Sale*, 13 Ky. Law Rep. 337, s. c. 17 S. W. Rep. 148; 13 L. R. A. 743; *Wilkinson v. Merrill*, 87 Va. 513, s. c. 12 S. E. Rep. 614; 11 L. R. A. 632; *Taylor v. Boulware*, 17 Tex. 77; *Barney v. Leeds*, 51 N. H. 253; *Wood v. Wheeler*, 7 Tex. 13.

Kerr & Van Volkenburgh.
New York City.

Personal.

A good portrait of Theodore W. Dwight adorns the cover-page of Little, Brown & Co.'s Law Book Bulletin for December.

The professors in the law department of the University of Michigan do not confine
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their lectures to the class-room. Prof. Floyd R. Mechem is announced to deliver a lecture in the Unity Club course this winter on "The Origin of Some Familiar Institutions." Prof. Thompson will appear in the Inland League course, and Prof. Knowlton is giving a course of lectures on Jewish law.

Hon. Logan E. Bleckley, chief judge of the supreme court of Alabama, has resigned his position, because of the rejection by the people of the proposed amendment which contemplated the increase of the number of judges of the supreme court bench from three to five. Judge Bleckley states that the business of the supreme court has become too heavy to be adequately handled by three justices, and that he has been obliged to omit writing some two or three hundred opinions which in his opinion should have been written in a proper discharge of his judicial duties. His resignation will be a loss to the state, as his eminent ability has given his decisions high rank among contemporary judicial utterances.

Hon. Jas. T. Mitchell, of the supreme court of Pennsylvania, has placed his valuable autographic collection in the hands of Stan. V. Henkels for sale at auction on December 5th and 6th. The collection is a noteworthy one, including a full set of the justices of the supreme court of the United States, a long list of the members of congress, rare letters of officers in the Revolutionary War and colonial governors, papers relating to the trials of witches in New England, and autograph letters from many distinguished men. In the same sale will be included the Lincoln memorial collection made by Judge Mitchell. This includes his law library, office and household furniture, autograph letters and documents, etc. A descriptive catalogue can be obtained of Stan. V. Henkels, 1110 Chestnut St., Philadelphia, for 25 cts.

Prof. C. La Rue Munson, of the Yale Law School, accepted the invitation of the Lehigh University to present the address at the celebration of Founder's Day, October 11, 1894, and the address has been printed by the trustees. He took the subject of "The Evolution of Higher Education," and gave a very interesting sketch of the development of the theory of education, involving the specialized schools which characterize the present day. The popular cry that the legal profession is being overcrowded by the operation of our law schools receives a significant commentary in the statistics adduced by Prof. Munson, which show that, though there are 230 schools of medicine in the country and 177 schools of pedagogy and 143 theological schools, there are only 56 law schools.

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.

Administration.

See "Bear's Proctor's Guide (Australian);" "Griffith's Stamp Duties (Eng.);" "Munro's Finance Act, 1894 (Eng.)."

Australian Law.

See "Bear's Proctor's Guide;" "Cole's Health Act;" "Duffy & MacHugh's Insolvency Laws;" "Skinner's County Court Act."

BEAR'S Proctor's guide to the extracting of probates and letters of administration. 6th Ed. Melbourne: G. Partridge & Co. 1894. 25s.

BIGELOW, Melville M. Elements of the law of torts for the use of students. 5th Ed. Boston: Little, Brown & Co. 1894. 28+386 pages. Cloth, \$2.50 net; sheep, \$3 net.

BOWEN, J., and W. J. Warley. The building societies acts, 1874-1894. London: Butterworth. 1894. 4s.

CLARK, Wm. L., Jr. Handbook on the law of contracts. St. Paul: West Publishing Co. 1894. x+923 pages. \$3.75 del'd.

COLE, H. S. The health act, with by-laws, regulations, notes of English and Victorian cases, and index. Melbourne: G. Partridge & Co. 1894. Cloth, 25s.

Contracts.

See "Clark's Handbook of Contracts;" "Dwight's Commentaries on the Law of Persons and Personal Property."

Courts.

See "Works' Courts and Their Jurisdiction."

DE BRUYN, D. P. The opinions of Grotius as contained in the Hollandsche Consultation en Advysen. Collated, translated, and annotated. London: Stevens & Haynes. 1894. 40s.

DILL, T. R. Colquhoun. The parish council's election manual. London: Shaw & Sons. 1894. 4s. 6d.

DUFFY, Frank Gavan, and Alfred MacHugh. Insolvency laws of Victoria. Melbourne: G. Partridge & Co. 1894. Cloth, £1. 11s. 6d.; half calf interleaved, £2.

DWIGHT, Theodore W. Commentaries on the law of persons and personal property, being an introduction to the study of contracts; ed. by E. F. Dwight. Boston: Little, Brown & Co. 1894. 62+748 pages. \$6.

Eminent Domain.

See "Randolph's Eminent Domain."

English Law.

See "Bowen's Building Societies Act;" "Dill's Parish Council's Election Manual;" "Gibson & Weldon's Students' Conveyancing;" "Griffith's Stamp Duties;" "Ker & Pearson-Gee's Sale of Goods Act;" "Lely's Acts Relating to Church and Clergy;" "Lightwood on Possession of Land;" "Mathew's Sheriff's Law;" "Munro's Finance Act, 1894;" "Pulling's Shipping Code;" "Snell's Equity (11th Ed.)."

Equity.

See "Snell's Equity, 11th Ed. (Eng.)."

GIBSON, Albert, and Arthur Weldon. The student's conveyancing. 4th Ed. London: Law Notes Pub. Co. 1894. £1. 1s.

GRIFFITH, G. A digest of the stamp duties, of the duties in estates, legacies, and successions called the death duties, and of the judicial decisions thereon, with notes. 11th Ed. Revised to the end of the session. 1894. London: Vacher. 334 pages. 8s.

GRIFFITH, W. Indian law of insolvency; being 11 & 12 Vict. c. xxi. With an historical introduction, commentaries, etc. London: 17 Bedford Row. 1894. 21s.

Grotius.

See "De Bruyn's Opinions of Grotius."

HIGH, James L. Treatise on the law of injunctions. 3d Ed. 2 vols. Chicago: Callaghan & Co. 1894. \$12.

Indian Law.

See "Griffith's Insolvency."

Injunctions.

See "High on Injunctions (3d Ed.)."

Insolvency.

See "Duffy and MacHugh's Insolvency Laws of Victoria;" "Griffith's Indian Law of Insolvency."

International Law.

See "Westlake's Chapters on International Law."

Jurisdiction.

See "Works' Courts and Their Jurisdiction."

KER, W. C. A., and A. B. Pearson-Gee. A commentary on the sale of goods acts, 1893. London: Sweet & Maxwell. 1894. 18s.

LAW and real-estate register [1894]; containing a carefully selected list of names of lawyers at the county seat or principal town in every county of the United States [etc.]; also a list of real-estate agents and dealers at all principal cities and towns throughout the country [etc.]; together with a valuable digest of the laws relating to the ownership and care of real estate in the several states and territories [etc.]. Chicago: Thornton & Chancellor. 1894. 19-432+16 pages. Cloth, \$5.

Legal Directory

See "Law and Real-Estate Register."

LELY, J. M. Acts relating to church and clergy, reprinted from the fifth edition of Chitty's statutes of practical utility. Preface and index by Benjamin Whitehead. London: Sweet & Maxwell. 1894. 6s.

LIGHTWOOD, J. M. A treatise on possession of land, with a chapter on the real property limitation acts, 1833 and 1874. London: Stevens & S. 15s.

MATHER, P. E. A compendium of sheriff law, especially in relation to writs of execution. London: Stevens & S. £1. 5s.

Municipal Corporations.

See "Peck's Municipal Corporations. 4th Ed. (O.)."

MUNROE, J. C. C. The finance act, 1894, so far as relates to estate duty, etc. London: Eyre & Spottiswoode. 1894. 5s.

NIBLACK, William C. The law of voluntary societies, mutual benefit insurance, and accident insurance. 2d Ed. Chicago: Callaghan & Co. 1894. 900 pages. \$6.

Ohio.

See "Peck's Municipal Corporations (4th Ed.)."

PECK, Hiram D. The law of municipal corporations, embracing the statutes in force, with forms and notes of the decisions of the supreme and other courts of Ohio relating thereto. 4th Ed. Cincinnati: The Robert Clarke Co. 1894. 8+1142 pages. \$4.

Pleading.

See "Stephen's Pleading Modernized."

PULLING, A. The shipping code, being the merchant shipping act, 1894. London: Sweet & Maxwell. 1894. £7. 6s., net.

RANDOLPH, Carman F. The law of eminent domain in the United States. Boston: Little, Brown & Co. 1894. 125+462 pages. \$5.50.

Real Property.

See "Lightwood's Possession of Land (Eng.)."

SKINNER, Alan. County court act. Melbourne: G. Partridge & Co. 1894. Cloth, £2; half calf interleaved, £2. 7s. 6d.

SNELL, E. H. T. The principles of equity. 11th Ed. By Archibald Brown. London: Stevens & Haynes. 1894. 20s.

STEPHEN, Henry John. The law of pleading; being Stephen's Pleading modernized by James De Witt Andrews. Chicago: Callaghan & Co. 1894. 550 pages. \$4, net.

Students' Books.

See "Bigelow's Elements of Torts;" "Clark's Handbook of Contracts;" "Dwight's Commentaries on the Law of Persons and Personal Property;" "Gibson & Weldon's Student's Conveyancing."

Torts.

See "Bigelow's Elements of Torts for Students."

Voluntary Societies.

See "Niblack's Law of Voluntary Societies (2d Ed.)."

WESTLAKE, John. Chapters on the principles of international law. New York: Macmillan & Co. Cambridge: University Press. 1894. xix+275 pages. \$2.60.

WORKS, John D. 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. Cincinnati: The Robert Clarke Co. 1894. ix+908 pages. \$6.

Reports.

ALABAMA supreme court reports. V. 99. Cases argued and determined during the Nov. term, 1891, and Nov. term, 1892. Phares

Coleman, state reporter. Montgomery: The Brown Printing Co. 1894. 18+768 pages. \$2.75, del'd.

AMERICAN and English Corporation Cases. V. 45. 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, Long Island: Edward Thompson Co. Publishers. 8+748 pages. \$4.

AMERICAN State Reports. V. 38. Selected, reported, and annotated by A. C. Freeman, and the associate editors of the "American Decisions." San Francisco: Bancroft-Whitney Company. 1894. 1007 pages. \$4.

ATLANTIC REPORTER. V. 29; containing all the decisions of the supreme courts of Me., N. H., Vt., R. I., Conn., and Pa.; 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. May 23—Sept. 26, 1894. St. Paul: West Publishing Co. 1894. 16+1172 pages. (National Reporter System.) \$5.

CALIFORNIA supreme court reports. V. 102. C. P. Pomeroy, reporter. San Francisco. Bancroft-Whitney Co. 1894. 31+764 pages. \$3, net.

FEDERAL CASES. Book 6; 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. Cogbill-Darst. Case No. 2,594—Case No. 3,582. St. Paul: West Publishing Co. 1894. 1235 pages. Subscription price, \$10.

ILLINOIS appellate courts reports. V. 53; containing cases submitted at the Aug. term, 1893, and the Feb. term, 1894, of the 4th district; at the Nov. term, 1892, and the May and Nov. terms, 1893, of the 3d district, and the May and Dec. terms, 1893, of the 2d district. Martin L. Newell, reporter. Chicago: Callaghan & Co. 1894. 712 pages. \$3.50.

ILLINOIS supreme court reports. V. 150; containing cases at law and in chancery argued and determined in March, April, May, and June, 1894. Norman L. Freeman, reporter. Printed for the reporter. 1894. Springfield: 7+759 pages. \$2.50.

MAINE supreme judicial court reports. V. 86. Charles Hamlin, reporter. Portland:

Loring, Short & Harmon. 1894. 647 pages. \$4.

MISSOURI supreme court reports. V. 119. F. M. Brown, reporter. Columbia: E. W. Stephens. 1894. 16+740+5 pages. \$3.

MISSOURI supreme court reports. V. 120. F. M. Brown, reporter. Columbia: E. W. Stephens. 1894. 19+742+5 pages. \$3.

NEW YORK courts of record. V. 8. The miscellaneous reports, other than the court of appeals and the general terms of the supreme court, in pursuance of laws of 1892, c. 598. F. B. Delchanty, reporter. April and May, 1894. Albany: Ja. B. Lyon. 1894. 41+739 pages. \$1.50.

PENNSYLVANIA supreme court reports. V. 161. By James Monaghan, state reporter. Containing cases decided at Jan. term, 1894. New York and Albany: Banks & Bros. 1894. 27+699 pages. \$2.50.

QUEBEC. Rapports judiciaires révisés de la province de Quebec, 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 Montreal, professeur a la Faculté de Droit de L'Université Laval a Montreal. Tome X. Montreal: C. O. Beauchemin & Fils. 1894. 8+533 pages. \$7 per volume, by subscription.

SCOTLAND. Reports of cases before the high court of judiciary. V. 1, pt. 2. From Dec. 22, 1893, to Jan. 19, 1894. By Edwin Adam. Edinburgh: T. & T. Clark. 1894. 10s. 6d.

SOUTHEASTERN REPORTER. V. 19; 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. March 27—Sept. 18, 1894. St. Paul: West Publishing Co. 1894. 14+1067 pages. \$5. (National Reporter System.)

SOUTHERN REPORTER. V. 15; containing all the decisions of the supreme courts of Ala., La., Fla., and Miss. Permanent Ed. April 25—Sept. 26, 1894. St. Paul: West Publishing Co. 1894. xi+1002 pages. \$5. (National Reporter System.)

SUPREME COURT REPORTER. V. 14. Cases argued and determined in the U. S. supreme court, Oct. term, 1893. Permanent Ed. Nov., 1893—Oct., 1894. St. Paul: West Publishing Co. 1894. 56+1243 pages. \$5 (National Reporter System.)

UNITED STATES courts of appeals reports. Official Ed. V. 9. Cases adjudged in the United States circuit court of appeals for the seventh circuit at October term, 1891, and October term, 1892. Samuel A. Blatchford, reporter. New York and Albany: Banks & Brothers. 1894. 18+765 pages. \$3.25.

WISCONSIN supreme court reports. V. 87. January 30—May 1, 1894. Frederic K. Conover, reporter. Chicago: Callaghan & Co. 1894. 33+726 pages. \$2.25.

Statutes, Codes, and Laws.

LOUISIANA. Revised code practice, with amendments, including session of the legislature of 1894. By Henry L. Larland, Jr. New Orleans: F. F. Hansell & Bro. 1894. \$15.

MISSOURI. Revised Statutes 1889, cited and construed in 98 to 118 Sup. Ct. Rep., and 34 to 56 App. Rep., and references to sections amended or repealed and new sections in laws of '91, '92, '93. Springfield: Helton & Goad. 1894. 59 pages. Paper, \$1.

NEW YORK. A compilation of corporation tax laws of the state of New York. By John J. Merrill. Albany: James B. Lyon. 1894. \$1, del'd.

OHIO. The criminal code, with forms and precedents for indictments, informations, and affidavits, forms for writs, docket and journal entries, and digest of decisions. By Moses F. Wilson. 4th Ed. Cincinnati: Rob. Clarke & Co. 1894. 671 pages. \$5.

Digests.

INDEX of all cases reported in the English courts during the period covered by the Revised Reports. Vols. I. to XV., showing the cases retained and omitted therefrom, 1785 to 1816. London: Sweet & M. 7s. 6d. net.

ONTARIO. Game & Fishery Laws. A digest alphabetically arranged, with references to the various statutes and orders in council in force on October 1, 1894. By A. H. O'Brien. 2d Ed. Issued under the authority of the Ontario Fish & Game Commission. Toronto. 1894. Cloth, 35c.; paper, 25c.

CONTENTS OF NEW BOOKS.

Clark's Handbook of Contracts— (Hornbook Series.)

TITLE PAGE. Handbook of the Law of Contracts. By Wm. L. Clark, Jr., Author of Clark's Handbook of Criminal Law. St. Paul, Minn.: West Publishing Co. 1894.

PREFACE. In preparing this work the object has been to present the general principles of the law of contract clearly and concisely, with proper explanations and illustrations,—not to make a digest. There has been no attempt to be original for the mere sake of originality. Statements of rules have been freely taken from recognized authorities. So much use has been made of Sir William Anson's and Mr. Leake's works, that acknowledgment has not always been made in the notes. A general acknowledgment is therefore made here. Where matter has been obtained from other sources it has been duly acknowledged. 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 by some other writer, or in some other case, or because it is found in the digests. A few cases have been cited for their valuable dicta, or

because they collect and discuss the cases, but in most instances the cited case will be found to embody an actual decision directly in point. Where a number of decisions have been cited to the same point, the leading cases and those best illustrative of the principle involved have been cited first.

TABLE OF CONTENTS.

Chapter I. Definition, Nature, and Requisites of Contract in General.
Chapter II. Offer and Acceptance.
Chapter III. Classification of Contracts—Contracts under Seal and Contracts of Record.
Chapter IV. Contracts Required to be in Writing—Statute of Frauds.
Chapter V. Consideration.
Chapter VI. Capacity of Parties.
Chapter VII. Reality of Consent.
Chapter VIII. Legality of Object.
Chapter IX. Operation of Contract.
Chapter X. Interpretation of Contract.
Chapter XI. Discharge of Contract.
Chapter XII. Agency.
Chapter XIII. Quasi Contract.

Daniell's Chancery Pleading and Practice.

TITLE-PAGE. Pleading and Practice of the High Court of Chancery. By the late

Edmund Robert Daniell, Barrister at Law, Sixth American edition, with notes and references to American decisions, and appendix of precedents, and other additions and improvements, adapting the work to the demands of American practice in chancery. Based on the sixth English edition, and the fourth and fifth American editions, by J. C. Perkins, LL. D., and W. F. Cooper, LL. D. By John M. Gould, Ph. D., Author of "The Law of Waters," Joint Author of "Notes on the Revised Statutes," Editor of "Story's Commentaries on Equity Pleadings" (Tenth Edition), etc. In three volumes. Boston: Little, Brown & Co. 1894.

PREFACE. In order to secure space for the notes of the present editor, which are usually indicated by letters at the foot of the pages, though very many additions of decisions and statements have also been added to the old notes, the plan adopted in the last English edition, of stating the principles with their limitations in the text, and transferring the illustrations thereof to the old notes, has in general been followed. All however, that has heretofore made this treatise so valuable and conclusive upon all questions of equity procedure has been retained in the text or the accompanying notes. Three years of nearly constant research and investigation have now been devoted to the task of making this edition complete and fully abreast of the times. Special attention has been given to the latest decisions, both English and American, and to the equity side of the code procedure, now in force in a majority of the states; and, while the details of local practice have not been neglected, it is believed that few, if any, decisions upon matters of general interest, have failed of notice. The constant aim has been to preserve unity of system, and to make the book useful and exhaustive as an encyclopedia. The citations now added nearly double those of the last American edition, and the new cases number fully 10,000.

Dwight's Commentaries.

TITLE-PAGE. 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, of the New York Bar. Boston: Little, Brown & Co. 1894.

FROM THE PUBLISHERS' ANNOUNCEMENT. No teacher of law ever has obtained higher fame, or had his labors crowned with a greater measure of success in this country, than the late Prof. Theodore

W. Dwight, of the Columbia Law School. His methods were his own; his matter was selected by himself. Both are now first offered in book form. The Law of Persons and Personal Property covers the subjects embraced in the author's lectures on Municipal Law, immediately preceding the course on Contracts. To graduates of the Columbia Law School, in the time of Professor Dwight, who made for that school its great reputation, this book will need no word of introduction, save that to its arrangement and final preparation for the printer the author gave much time after his active duties at the school ceased. To the general public the work gives for the first time the chance to see the methods of a most remarkable teacher, to whom probably more lawyers now in active practice gladly acknowledge their indebtedness for clear and accurate instruction than to any other one professor, and to study the matter of his famous lectures. The book is printed practically as Professor Dwight left it, save that the editor, Mr. Edward F. Dwight, of the New York bar, has added such late decisions and statutes as the lapse of time since the death of the author has made necessary. In selecting these notes, deference is paid to the methods of the author, and only those are added which change or add to the law as stated in the text, or which are at once very late and of very high authority. A few very slight changes have been made in the text, and a few passages omitted altogether on account of changes in the law. Professor Dwight had the text very nearly ready for the printer at the time of his death, and, with the few exceptions noted above, it remains as he had prepared it. The notes of the editor are clearly distinguished from those of the author.

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- Chap. IV. Citizens and Aliens.
- Chap. V. Husband and Wife.
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- Chap. IX. The Doctrine of Status as Affecting the Capacity of Persons of Unsound Mind (Including Idiots and Lunatics as well as Habitual Drunkards and Prodigals).
- Chap. X. Master and Servant.
- Chap. XI. Corporations.

Book II. The Law of Personal Property.

- Part I. Property in General and the Limitations to Its Ownership.
- Chap. I. The Nature of Property.
- Chap. II. The Distinction between Real and Personal Property.
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Part II. Distinctions Peculiar to Personal Property.

- Chap. I. Attributes of Ownership, Including the Power to Use, Sell, Exchange, etc.
 Chap. II. Distinction between Corporeal and Incorporeal Personal Property.
 Chap. III. Various Distinctions of Ownership.

Part III. Title to Personal Property.

- Chap. I. Title by Original Acquisition.
 Chap. II. Title by Act of the Law.

Elliott's General Practice.

TITLE PAGE. A Treatise on General Practice, Containing Rules and Suggestions for the Work of the Advocate in the Preparation for Trial, Conduct of the Trial, and Preparation for Appeal. By Byron K. Elliott and William F. Elliott, Authors of a Treatise on the Law of Roads and Streets, and of a Treatise on Appellate Procedure. In Two Volumes. Volume 1. Indianapolis and Kansas City: The Bowen-Merrill Company. 1894.

PREFACE. This treatise is founded on the book of the authors called "The Work of the Advocate." That book has been out of print for more than five years. Yielding to the request of many of our brethren who kindly received our book, we have enlarged it into a treatise on general practice. In doing this we have carried our work far beyond the scope of the former title, and for that reason have adopted a more comprehensive one. Our book, as it is now enlarged, covers the entire work of the advocate in the preparation and trial of causes. It begins with the first steps in gathering the facts, and follows the proceedings through the preparation for trial, the conduct of the trial, and the preparation for appeal. Although we have enlarged the plan of the work, we have not departed from our original purpose to treat of matters not usually discussed in books, and our book covers many subjects not touched by other authors.

* * * We have endeavored to state principles, and to illustrate their practical application by copious reference to the adjudged cases. We have not given attention to local rules, nor dwelt upon statutory provisions. We have dealt with general principles which prevail, with rare exceptions, throughout the whole country, and have gathered cases from all the courts. We have found conflict among the cases, and have freely expressed our own convictions wherever we have found diversity of judicial opinion, and, in some instances, have ventured to oppose the numerical weight of cases, holding ourselves bound to abide by principles rather than precedents.

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Book I.

The Advocate's Work Out of Court. Preparation for Trial.

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The Advocate's Work in Court. Trial Practice. Volume I.

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 Chap. II. Ascertaining and Preparing the Law of the Case.
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 Chap. VIII. Time of Bringing the Action.
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Galpin's Iowa Law of Corporations.

TITLE-PAGE. A compilation of the Law of Iowa Concerning Corporations, with annotations of the decisions of the supreme court of Iowa, and notes of some decisions of other courts, together with general suggestions for organization and management, and forms for organization, and of such other general matters as are considered useful, on the subject. By Henry F. Galpin, Attorney and Counselor at Law, Storm Lake, Iowa. 1894. Plainfield, N. J.: Honeyman & Co.

FROM THE PUBLISHERS' ANNOUNCEMENT. We have delayed issuing our specially prepared work giving the Corporation

Laws of the State of Iowa until now, in order to insert the text of the Laws of 1894. It is a neat volume, half bound, containing the constitutional and statutory laws of Iowa, concerning general corporations, banks, savings banks, insurance companies (fire and life), fidelity companies, mutual building associations, agricultural and horticultural societies, and limited partnership. In addition to the text of the law, the decisions of the state courts relating thereto are given, and also the usual corporation forms. The index of the work is, of itself, worth much more than the cost of the work. It is very complete. We have printed only five hundred copies, and the work is not electrotyped. When this limited issue is exhausted a volume cannot be had.

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Constitution of Iowa—Provisions Respecting Corporations.
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Hamilton and 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., and Lawrence Godkin, Esq., of the New York Bar, with the Collaboration of Prof. James F. Babcock, Lewis Balch, M. D., Judge S. E. Baldwin, Louis E. Binsse, Esq., C. F. Bishop, Esq., A. T. Bristow, M. D., B. F. Cardozo, Esq., C. G. Chadock, M. D., A. F. Currier, M. D., C. L. Dana, M. D., Geo. Ryerson Fowler, M. D., W. T. Gibb, M. D., W. S. Haines, M. D., F. A. Harris, M. D., W. B. Hornblower, Esq., Chas. Jewett, M. D., P. C. Knapp, M. D., R. C. McMurtree, Esq., C. K. Mills, M. D., J. E. Parsons, Esq., C. E. Pellew, E. M., Judge C. E. Pratt, W. A. Purrington, Esq., B. Sachs, M. D., F. R. Sturgis, M. D., Brandeth Symonds, M. D., V. C. Vaughan, M. D. Illustrated. Vol. 1. New York: E. B. Treat, 5 Cooper Union. 1894.

PREFACE. An experience of almost a quarter of a century has convinced the editor

that both medical and legal practitioners, in the preparation of their cases, need just such information as they will here find in a concise and easily accessible form, and it is hoped that the lawyer and the doctor who go into court will, without much effort, obtain the needed aid. The legal contributors who have so kindly helped the editor have been requested to prepare special articles upon subjects which most frequently arise in court, and are usually neglected in treatises upon medical jurisprudence, or, at best, are but superficially noticed. It is hoped that the reader will enjoy the editor's satisfaction in the presentation of much experimental work and new material which is inseparable from advanced forensic medicine. It would be unfair to single out examples of such research, but the painstaking and thorough experiments in regard to the effect of gunshot wounds, the inquiries relative to the importance of blood stains, and the novel and significant investigations in regard to ptomaine poisoning in the first volume may be cited as examples of the general industry and progressive methods of the contributors generally; and the new material relative to railway neuroses, aphasia, and medical and surgical malpractice, in the second volume, is an earnest of what the writers upon these subjects and the others have done.

LIST OF CONTRIBUTORS. VOLUME 1.

James F. Babcock, formerly Professor of Chemistry in the Massachusetts College of Pharmacy and in the Boston University, and State Assayer of Massachusetts.
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 Introduction. Lawrence Godkin, Esq.
 Medico-Legal Inspections and Post Mortem Examination. Algernon T. Bristow, A. B., M. D.
 Death in Its Medico-Legal Aspects. Francis A. Harris, M. D.
 Blood and Other Stains — Hair. Professor James F. Babcock.
 Identity of the Living. Allan McLane Hamilton, M. D.
 Identity and Survivorship. Benjamin N. Cardozo, Esq.
 Homicide and Wounds. Lewis Balch, M. D., Ph. D.
 Poisoning by Inorganic Substances. Charles E. Pellew, Ph. D.
 Poisoning by Alkaloids and Organic Substances. Walter S. Haines, A. M., M. D.
 The Toxicologic Importance of Ptomaines and other Putrefactive Products. Victor C. Vaughan, Ph. D., M. D.
 The Medical Jurisprudence of Life Insurance. Brandreth Symonds, A. M., M. D.
 Accident Insurance. Cortlandt Field Bishop, Esq.
 The Obligation of the Insured and the Insurer. R. C. McMurtrie, Esq.
 Of Certain Legal Relations of Physicians and Surgeons to Their Patients and One Another. William A. Purrington, Esq.
 Indecent Assault upon Children. W. Travis Gibb, M. D.

Hutchins' Williams on Real Property.

TITLE PAGE. 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. Re-arranged and partly Re-written by his Son, T. Cuprian Williams. With American Notes by Harry B. Hutchins, Professor of Law in Cornell University. Lon-

don: Sweet & Maxwell, Limited. Boston: The Boston Book Company. 1894.

PREFACE. The present work is put forward as the seventeenth edition of the late Mr. Joshua Williams' "Principles of the Law of Real Property," but it is right to explain that it is to a large extent a new book. Since the late author's death in 1881, three editions of the book have been prepared by the present editor; and in these the original text was, as far as possible, retained. It was felt, however, that the symmetry of the original work was impaired by the additions and alterations rendered necessary not only by the great changes in law and practice worked by the Conveyancing and Settled Land Acts, but also by the progress of historical learning. In preparing the edition now submitted to the profession the editor has ventured to work with a free hand, and to remodel the book after a design of his own. The subject is therefore presented under an arrangement different from that previously employed, and a very considerable proportion of the text is new. At the same time the scheme now adopted is no more than a development of the late author's plan, and much of what he wrote has been preserved. And throughout the present edition the editor has endeavored to harmonise the old matter and the new, so as to carry out, as far as possible, the late author's idea in projecting the original work, viz., to write a readable book, and one intelligible to a student without previous knowledge of the law.

TABLE OF CONTENTS.

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- Errata and Addenda.
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Part II. Of Incorporeal Hereditaments.

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- Chapter V. Of Hereditaments purely Incorporeal.

Part III. Of Copyholds.

Chapter I. Of Estates in Copyholds.

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Part IV. Of Personal Interests in Real Estate.

Chapter I. Of a Term of Years.

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Part V. Of Title.

Part VI. Of the Present Form of a Conveyance.

Appendix (A). Form of Lease and Release.

Appendix (B). Remarks on the Case of *Mugleton v. Barnett*.

Appendix (C). Descent of Coparcener's Share.

Appendix (D). Of the Husband's Right to Curtesy where his Wife Became Entitled by Descent.

Appendix (E). Rule against Perpetuity in Settlements by Way of Remainder.

Appendix (F). Of the Right of Tenants of a Manor to Common on the Waste.

Appendix (G). Form of Surrender of and Admittance to Copyholds.

General Index.

Kansas Digest.

TITLE-PAGE. 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, Author of "Kansas Digest, 1880;" "Compiled Laws of Kansas," etc. New Volume II. Topeka, Kan.: Crane & Co., Publishers. 1894.

PREFACE. This volume is intended as a supplement to volume 1 Dassler's Kansas Digest, 1880, and in connection therewith to present a full and comprehensive Digest of Kansas Decisions, from the earliest period to the year 1894. Volume 1 brings the decisions down to 1880, and includes volume 21 of the Kansas Reports. This volume commences with volume 22 of the Kansas Reports, and embraces all subsequent volumes up to and including volume 51; also, all decisions of the federal courts, for the district of Kansas, as published in the Federal Reporter; and the Kansas cases decided by the supreme court of the United States during the same period.

Randolph on Eminent Domain.

TITLE-PAGE. The Law of Eminent Domain in the United States. By Carman F. Randolph, of the New Jersey and New York Bars. Boston: Little, Brown & Co. 1894.

FROM THE PUBLISHERS' ANNOUNCEMENT. This book treats fully of the Law of Eminent Domain as it is in this country today, with such references to foreign, especially British, law as are needed to illustrate the peculiarities of our law of the principles common to both. The decisions of the courts have been most carefully scrutinized by the author, who has personally examined and

weighed each case. He has selected and discussed those which state clearly and forcibly the principles of the law, together with those governing the rules of procedure which, once grasped, will guide the practitioner through all the variations of local and transitory practice. The organic law on this subject providing that private property can be taken for public uses, but when so taken must be paid for, is the great safeguard against spoliation under the guise of law. The right of eminent domain existing in the state is not a menace to the rights of private property, but is its absolute protection from the possibility of practical confiscation. The thorough comprehension of this subject, and its application in theory and practice, is essential to those of the profession dealing at all with questions of corporation law.

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Chap. I. The Eminent Domain—Historical Sketch.

Chap. II. Jurisdiction—Eminent Domain of United States.

Chap. III. The Public Use.

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Chap. XIII. The Improvement and Use of Streets.

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Underhill on Evidence.

TITLE-PAGE. A 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., Law Book Publishers. 1894.

EXTRACT FROM PREFACE. The evolution of the law of evidence from a mass of arbitrary and inadequate rules, based upon the conservatism and prejudice which could see nothing but good in the past, into a well-reasoned and flexible system of jurisprudence adapted to the demands of the spirit of a progressive age, may be attributed to a variety of causes. The application of the principle of logic to the law of evidence, resulting from the labors of Bentham and his followers, doubtless had much to do in exploding the theory propounded by some of the earliest writers,—that it was not only useless, but absolutely harmful, to seek to find a reason for any of the rules of evidence. So, too, coincident with the process

of rehabilitation and evolution which has been going on in the law itself as the result of its development along logical lines and the operation of public opinion acting through a progressive and enlightened judiciary, may be considered the express statutory changes which have been made, and some of which are embodied in the codes of procedure which exist in many of the states. * * * The result of all this is that, while the law of evidence has been rendered more logical and better adapted to the demands of a progressive social state, many questions have been cast into the background which 50 years ago were of the utmost importance. On the other hand, other subjects and questions have been brought forward for the consideration of the student or attorney, and for discussion in the forum. Accordingly, it will be found that, while some matters which are treated by the older authorities at some length receive only cursory attention in this volume, leaving the reader to pursue his investigations of the details regarding them in the authorities cited, other departments of the law of evidence—as, for example, expert and opinion evidence, *res gestae*, relevancy, the statutory incompetency of interested witnesses to testify to personal transactions with a decedent, privileged communications to doctors, attorneys, and clergymen, the inspection of persons and things by the jury, comparison of handwriting, the use of pleadings as evidence, stipulations, objections to evidence, etc.—have received the full consideration their modern importance demands.

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Westlake's International Law.

TITLE PAGE. Chapters on the Principles of International Law. By John Westlake, Q. C., LL. D., Whewell Professor of International Law in the University of Cambridge; Late Fellow of Trinity College, Cambridge; Honorary LL. D. of the University of Edinburgh; Member and late Vice-President of the Institute of International Law. Cambridge: At the University Press. 1894. New York: Macmillan & Co.

PREFACE. This book is not a detailed treatise on international law, but an attempt to stimulate and assist reflection on its principles. It is primarily intended in part performance of a professor's duty to his university, though not without hope that it may be of use to others as well. International law being the science of what a state and its subjects ought to do or may do with reference to other states and their subjects, everyone should reflect on its principles, who, in however limited a sphere of influence, helps to determine the action of his country by swelling the volume of its opinion. Indeed to prepare men for the duties of citizenship is the chief justification for introducing into education a subject which, on account of its inevitable defect in precision, is less suited as a training for the mind than as an exercise for the trained mind. Again, international law is not a highly technical subject, and it would be a mistake to aim at giving it more technicality by the mode of treating it. The law of a country is bound by written enactments and recorded judicial deliverances, and the procedure for applying it is as fixed as the law and by similar means. Hence arise struggles between the letter and the spirit, and the spirit receives no effect unless means can be found of bringing it within the letter. But there is little of the letter, little of express convention or authoritative formula, to enter into the problem of determining the duty of a state towards its neighbors. If any one says that the technical duty of a state is to take or abstain from taking a certain course, but that in the given circumstances it may justifiably act otherwise, we may be pretty sure that he had no sufficient reason for laying down the technical duty in the terms which he has chosen. On more than one ground, therefore, there ought in this case to be less than the usual difficulty in combining academic and general readers.

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Works' Courts and Their Jurisdiction.

TITLE PAGE. 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 the State of California, and Author of "Indiana Pleading and Practice" and of "Removal of Causes from State to Federal Courts." Cincinnati: The Robert Clarke Company. 1894.

EXTRACTS FROM PREFACE. The subject of jurisdiction is one of the most important connected with the administration of justice, and one upon which, in almost all of its branches, the authorities are numerous and conflicting. This being so, the most difficult task in the preparation of a work on jurisdiction is not to find authorities to support the view and conclusions of the author, but to arrive at the underlying principles controlling the numerous questions involved in the subject, to distinguish the cases, and to avoid loading the work down with too many and useless citations.

* * *

An earnest effort has been made in the preparation of this work to get below this mass of cases which rest one upon another, and find out why a given principle, or rule of law, should be maintained, and cite the cases by which the reason for the rule has been established. In many instances this has been a laborious and difficult, in others a hopeless and impossible, task. * * *

The work has been rendered much more difficult and laborious by reason of the fact that the jurisdiction of courts has come to

be controlled and regulated, to a very great extent, by the statutes of the several states, which differ sufficiently, upon many of the questions involved, to give rise to conflicting decisions resting, not upon reason or principle, or upon the conviction of the court as to what the true rule should be, but upon statutes providing, in terms, that it shall be so in one state and different in another.

The effort has been made to avoid cumbering the book with a discussion of questions growing out of local laws, except when necessary to get at general principles, and at the same time not to avoid the labor of working out, as fully as possible, any complications or changes growing out of and resting wholly upon them.

It will be seen that no effort has been made to treat of common law, equity, and statutory jurisdiction as separate and distinct branches of the law on the subject, but they have been treated together, upon each subject, and as affecting them all in a greater or less degree. This has been done because it is believed that they have become so intermingled by constitutional and statutory provisions that they can be treated separately. In the same work, without useless repetition and unnecessary confusion. It will be found, however, that the rules and principles of the common law and of equity, as well as the statutory provisions relating to each subject, have been carefully considered and distinguished in treating of that subject.

A separate discussion of the specific jurisdiction of the federal courts has not been undertaken. But upon each subject considered their jurisdiction has been fully shown, and the distinguishing features of the functions and powers of the United States and state courts, and the reasons therefor, have been carefully pointed out.

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REVIEWS OF NEW BOOKS.

American Electrical Cases, Vol. 1.¹

Reviewed by Hon. Byron K. Elliott, late Chief Justice of Indiana, Joint Author of Elliott on Roads and Streets, Elliott's General Practice, etc.

I have given Vol. 1, "American Electrical Cases," a careful examination, and, as the result of my examination, heartily commend it to the bench and bar. Electricity is a comparatively new subject of judicial investigation, but its importance is such that cases have grown into great proportions with surprising rapidity. The lawyer in general practice cannot well get on without the cases upon the subject. The principles involved are, to be sure, not new, but their application and extension are, in a great measure, new, and a great body of law, such as that relating to railways and the like, will come into existence. If, indeed, it has not already done so. Electricity even now is a great branch of the law, and will unquestionably develop into much larger proportions as the years go by, so that it is of prime importance that its foundations be well laid. Mr. Morrill has rendered the profession excellent service in forming and developing his plan. The cases are well selected and arranged, and the index is an excellent one. If I dared make a criticism upon his admirable work, it would be this: The notes should show whether the case referred to agrees with that reported, or is opposed to it, and that it might, perhaps, have been better to have grouped together the cases upon the same special subject.



¹ American Electrical Cases. A collection of all the important cases (except patent cases) decided in the state and federal courts of the United States on subjects relating to the telegraph, the telephone, electric light and power, and other practical uses of electricity. Edited by William W. Morrill. Vol. 1. Albany, N. Y.: Matthew Bender. 1894.

Elliott's General Practice.¹

Reviewed by Prof. C. La Rue Munson, of the Yale Law School.

[For contents and other descriptive matter, see page 375 of this number.]

Even a cursory inspection of this work is convincing of its value to the profession. The careful examination I have given its two volumes enables me to say that there is no text-book of this age of greater usefulness to the lawyer in his trial practice. The authors have most exhaustively treated the subjects of the preparation and trial of causes, covering the entire field with a detail and in a manner more thorough and comprehensive than has ever before been attempted.

We are deluged with so many text-books upon all the various theories of the law that the would-be lawyer is at his wit's end to find a new field for investigation and discussion; but upon the important questions of the practice of the law, generally applicable to the lawyer, wherever located, we have heretofore been sadly deficient. We have had the highly interesting and very delightful works of Mr. Harris, of the English bar, such as "Before and at Trial," "Hints on Advocacy," and "Illustrations in Advocacy," but these books, while pleasant reading, and of some practical use, do not rise to the dignity of authoritative text-books, and are of less value to the American lawyer than to the practitioner in the courts of which he writes. So, also, in this country we have, somewhat in the line of Mr. Harris' writings, Donovan's "Modern Jury Trials," "Trial Practice," and "Tact in Court," which are chiefly anecdotal, and are to be classed with the pleasant literature of the law, rather than in the line of scientific and complete text-books, where must, admittedly, be ranked Elliott's General Practice. The work here undertaken has been treated in part in Judge Thompson's "Law of Trials," and by Professor Abbott in his "Trial Brief"; but, as their titles indicate, these older works are confined to the trial of cases, rather than to an exhaustive discussion

¹ A Treatise on General Practice, containing rules and suggestions for the work of the advocate in the preparation for trial, conduct of the trial, and preparation for appeal. By Byron K. and Wm. F. Elliott. Indianapolis: Bowen-Merrill Co. 1894.

of that important department of a lawyer's labors, the proper preparation of causes; both subjects being ably treated, and in minute detail, in this new publication.

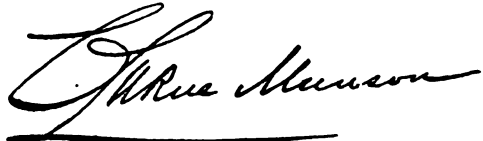
In many of the states there are admirable works on local practice, of value only in the courts to which they relate. In Pennsylvania the bar is highly favored in having "Troubat & Haly's Practice," of standard authority for more than two generations; while Judge Brewster's work, already in four volumes, with two more promised on equity procedure, leaves nothing to be desired to guide us in our local practice. Judge Rumsey's invaluable book on the practice under the Code, is daily needed and used by the New York lawyer, and is as near perfection as anything under a Code could be perfect,—I speak from the standpoint of a common-law practitioner. In the United States courts, Desty's, Field's, and Foster's well-known text-books on federal practice are recognized authorities, and are indispensable in the trial of causes in those courts.

But all that has been given us before this time, whether in the line of local practice or in special court, or furnishing us with interesting anecdotes of former trials, or treating of the trial itself, have left unwritten until this time that general and complete discussion of those subjects for which every lawyer in every state and court has long felt an imperative necessity,—the law of the proper preparation and trial of causes. That has now been ably met, and the profession will welcome the new publication, so exhaustively devoted to the proper manner in which our cases should be prepared, presented, and tried. A few years since I had occasion to note this lack in our legal literature in preparing a course of lectures on the "Beginning of Legal Practice," which I have since delivered, with great pleasure, before the graduating classes of the Yale Law School. This field, particularly in the preparation of causes, was so uncultivated in works on practice, that I was compelled very largely to rely upon my own views of the subject, supplemented by my own experience, and very materially assisted by valuable hints and suggestions from my brethren of the bar in various parts of the country.

We now have, through the assiduity of the Messrs. Elliott, a thorough and complete text-book upon every question of practice, gleaned from the reported decisions and a wide experience, arising upon all the details of the preparation and trial of a case in every stage of its progress, from a commencement of the study of the facts to its final determination in the court of last resort. The first volume treats of the work of the advocate out of court, and, chiefly because it is without a competitor in that department, is necessarily

the most valuable. It covers six hundred and two pages, is admirably arranged, and, with minute regard to every subject, goes over all the questions of practice arising in the preparation of a cause for trial, with respect to both the facts and the law. The second volume, of six hundred and forty-two pages, is equally complete, and takes us over the whole course of the trial, from the formal appearance of record in the case to its final adjudication in the appellate court; the chapters on the examination of witnesses and the address to the jury being particularly valuable. The salient features of the entire work, stated generally, are: The preparation of the facts and law, jurisdiction of the courts, choosing the forum, process, auxiliary proceedings, arbitration and compromise, in the first volume; and in the second volume, the opening of the case, examination of witnesses, address to the jury, argument of the law, demurrers and nonsuits, charging the jury, proceedings after verdict, and preparation of the appeal. There are forty chapters, each well arranged, and in an excellent order. There is a capital index, and, unlike some others, it is really an index, whereby the practitioner can readily find any question of preparation on trial practice he may require, without an exasperating delay. An indication of the pains which the authors have taken to bring this work to its perfection, as also a proof of its practical value, will be observed upon referring to its copious footnotes, where will be found some 18,000 reported cases, all bearing upon the questions discussed. Typographically the books leave nothing to be desired; they are clearly printed on good paper, and the publishers are not guilty of the offense of "padding."

In short, Elliott's General Practice is all its name indicates, and all its authors in their preface modestly hope for it,—“a book that shall be of service to the advocate in the actual work which he must do.” I am very glad to testify, even thus feebly, to its high qualities, and to join in expressing our debt to its learned and experienced authors. It will be accepted by the American bar as a work of inestimable value, not alone to the novice, but to every lawyer, even to the most experienced; proving itself a guide to the mastery of one of the most difficult of all questions, wherein perfection alone marks the great lawyer,—the proper preparation and trial of causes.



Williamsport, Pa., Oct. 31, 1894.

Fitnam's Trial Procedure.¹

Reviewed by Hon. G. S. Robinson, Associate Justice of the Supreme Court of Iowa.

[For table of contents and other descriptive matter, see page 304, No. 10, Law Book News.]

The author has added another to the already large list of works which treat of pleading and practice under the Codes. The plan of the new work is more comprehensive than most of those which have preceded it, as it is designed for use in all states in which the procedure of the courts in civil cases is prescribed by statute.

That such an undertaking involves much labor is evident when the fact is remembered that the procedure of the Codes prevails in more than half the states of the Union. The objects to be accomplished by this method of procedure are substantially the same in all the states where it prevails, and the statutory provisions adopted by them are in some particulars identical in most of the Code states. But in numerous and important instances there is infinite variety in details, which cannot be classified, nor successfully treated, within the ordinary limits of a work designed for general use. The rules of practice which can be said to prevail in all the Code states are comparatively few, but as the objects to be accomplished are the same, and the methods adopted are similar, rules of pleading and practice have been evolved which are of general application.

The work under consideration endeavors to show the procedure in the trial of causes under the Code practice from their commencement to their final determination, and to furnish practical suggestions as to the rights of the parties and the proper practice to obtain and preserve them in the course of ordinary litigation, and also in exceptional cases. The organizations, jurisdictions, and powers of the courts, and the qualifications of judges and their powers at chambers, are fully considered. The parties necessary to an action, the essentials of a summons or notice, the office and effect of the pleadings, the methods of assailing them for defects, the preparation for and the trial of causes, and the proper method of objecting to rulings, taking exceptions, and making of record all matters essential to a review of the cause by an appellate court, are treated at length.

Although attention is given to the essen-

tials of a cause of action, and the averments which a pleading must contain, the most consideration has been given to the practical matters of commencing actions and so prosecuting them that the rights of the parties litigant may be fully ascertained and determined. In this respect the work is superior to most others of like character, and will be of greater value to the busy practitioner who desires a ready solution of questions which are presented during the trial of causes.

Portions of it are elementary in character, of value to the student rather than to the experienced practitioner. Statements of rules of practice are sometimes made without the qualifications which are not in fact general. In the citations of statutes and decisions relating to the organization, jurisdiction, and records of the courts, those of Colorado are made somewhat prominent. These are some of the most serious objections to the work. Its general plan is excellent, and it has been carried out with much care and ability, by a writer who shows himself to be familiar with the details of actual litigation.

It contains much in regard to the trial of causes which cannot be found in any other work. To the student it will furnish a ready means of obtaining a practical knowledge of procedure under the Codes. It is not to be used in place of the statutes of any of the states, but will be important as an aid to their interpretation. As an aid to the legal profession, it will prove to be of much value, and will help to establish greater uniformity in pleading and practice in those states which have adopted Code procedure.

G. S. Robinson

Galpin's Iowa Corporation Law.¹

Reviewed by J. B. Weaver, Jr., Esq., of the Des Moines Bar.

[For contents and other descriptive matter, see page 375 of this number.]

So far as the convenience of lawyers practicing in the state of Iowa is concerned, and indeed so far as affects the interests of incorporators and stockholders within that state, the year 1894 has given to the people

¹ Trial Procedure. A Treatise on Procedure in Civil Actions and Proceedings in Trial Courts of Record under the Civil Codes of All the States and Territories. By John C. Fitnam. St. Paul: West Publishing Co. 1894.

¹ A Compilation of the Law of Iowa Concerning Corporations, with Annotations of the Decisions of the Supreme Court of Iowa, Notes, etc., With General Suggestions for organization and Management. By Henry F. Galpin, Esq. Plainfield, N. J.: Honeyman & Co. 1894.

no more important and useful work than that of Mr. Galpin on "The Law of Iowa Concerning Corporations." It is but to voice the opinion of the business world to say that the subject of corporate power, privilege, management, and control is the greatest, because the most difficult, problem pressing for solution in the closing days of this century. It is interesting to know that this modern giant owes its humble origin to agitation over the very commonplace subject of the advance in the price of pepper! Since that eventful 31st day of December, 1600, when, the Dutch traders having taken from the British almost the entire East India trade, and as a final "straw upon the British camel's back" advanced the price of pepper to nearly double its former rating, prominent merchants of London obtained of Elizabeth a charter incorporating "The Governor and Company of Merchants of London Trading to the East Indies," the growth of corporations in the mother country, and later here at home, has been the great commercial marvel of the times. The East India Company has been rightly called "the parent trade monopoly of modern history." From that time to this men have readily and speedily availed themselves of the privileges of incorporate existence,—the power of perpetual succession, limitation upon personal liability, ready facility for transfer of interest, and certain safety in obtaining dominant control, and other equally great advantages of the system. In some of the states and on the continent there is at this time active agitation of the question of the repeal of all laws authorizing the creation of corporations. It is unlikely that so important and far-reaching action will be taken in many localities, but whether it is or not must depend on how well and fairly corporations shall be conducted, and how far the cause for the many bitter criticisms of the system may be removed. Any work that brings to the incorporator and stockholder in an intelligent, plain, convenient, and inviting form the law in force in his own state on the subject of the creation and practical management of corporations, and the responsibility of members thereof, must meet with a hearty welcome. This Mr. Galpin has accomplished, and his work is well done. To go into any active controverted field of commercial enterprise with a panacea for all legal complications—in other words, to offer to the public what may be best expressed by "every man his own lawyer"—would be but to invite ridicule, particularly when that Utopian effort deals with the intricate mazes of corporate law. This the author has had the good sense to utterly avoid attempting, and has confined himself

to an entirely feasible but hitherto unoccupied field, to wit, to setting out the statute in its completeness, and to collecting and digesting the law of Iowa as it will be needed and used daily by the incorporator, promoter, and managing officer.

Aside from containing many useful forms and much important and well-considered instruction in the organization and operation of corporations within the state, it joins the section of the statute with the decision construing same and the rule of law or custom applicable thereto, and the work might well be called the "Annotated Corporate Code" of the state of Iowa. Every busy lawyer has felt what may be called impatience with the necessity for so extended an examination of widely separated portions of the statute in looking up some statutory question of corporate law; and to have all the law of the state in small compass, and unembarrassed by other provisions, is a welcome help indeed. Aside from its usefulness to the lawyer, the work may be unqualifiedly commended to business men who are intrusted with the responsibility of corporate management. They will find it an invaluable aid, and it is safe to say the average layman will find it full of surprises. To say that it should be widely read is to say little, but it can be safely said that no president, secretary, manager, promoter, or adviser of a live Iowa corporation can afford to do without it. The author has confined his efforts to an entirely feasible end, and, judged by his own standard, which is that the work is designed largely to aid "the many persons who are concerned as promoters and organizers of corporations," and "the busy lawyer who may consult it," Mr. Galpin has done his subject more than justice. He has not attempted to give the countless general rules of law upon stocks and stockholders, liability of officers and corporations, etc., etc., embodied in numerous and extended works in general use by the profession, but has sought to make his book a direct, convenient, and ready help and instructor in the statutory and case law of Iowa, for the layman and lawyer alike.

The efforts of the publishers should not be limited to the introduction of the book among the profession, for it fitly belongs in the office of every bank, insurance company, loan company, and large commercial corporation as well.



Des Moines, Iowa, Oct. 31, 1894.

Hamilton & Godkin's System of Legal Medicine.¹

Reviewed by Prof. M. D. Ewell, Dean of the Kent Law School.

[For contents and other descriptive matter, see page 376, of this number. Also see editorial on page 67, No. 3.]

In the preface of this work the editor makes the following statement: "In presenting these volumes the editor realizes the seriousness of the work that has engaged his attention for a number of months, and trusts that the production of an encyclopaedic book of reference of convenient arrangement, containing special articles written by authorities in their respective branches, will commend itself to the many thinking physicians and lawyers into whose hands it may fall. It has been his aim to make it in every sense an original embodiment of the most advanced knowledge of the subject, free from the redundancies which are apt to fill the pages of many technical works of this character. To those who expect a collection of statistics and references it will doubtless prove a disappointment, but there is no difficulty in obtaining such material elsewhere." Tested by these statements, we confess that the examination of this book has produced in us a feeling of disappointment. We do not refer here to the chapters on Toxicology by Drs. Pellew, Haines, and Vaughan, whose reputations are sufficient guaranty of the excellence of anything they may see fit to publish, and whose work we do not feel competent to criticize, but to the general plan and execution of the rest of the book. It is perhaps necessary in this country, where so little attention is paid to the subject of Medical Jurisprudence, that a book should consist of a number of essays by different persons; but any such plan must necessarily detract from that unity and systematic treatment which the profession have reason to expect. We quite agree with Casper in the following statements in the preface of his *Forensic Medicine*: "The correct appreciation of a single simple dogma, which is as unquestionably correct as it is to be unalterably maintained, leads of itself to the necessary reform in treating of juridical medicine. I mean the dogma that a medical jurist is a physician,—nothing more, nothing less, nothing else; and, as this simple dogma has been grossly misunderstood, to make it still more

plain, I again repeat, he is a physician, and not a lawyer," etc. In our opinion, the endeavor to inject into a work on Medical Jurisprudence legal treatises on insurance and other kindred topics will not prove satisfactory to either the profession of law or of medicine.

A careful examination of the work convinces us that it is not "In every sense an original embodiment of the most advanced knowledge of the subject," but that it is to a very great extent a mere compilation, and not complete at that. The work does not show such an acquaintance with the literature of the subjects treated as the profession has a right to expect. We proceed to specifications which might easily be multiplied:

On page 133 we find a discussion of the subject of death by burning. Under this head we should expect to find a reference to the very remarkable and well authenticated case, described in a paper by Dr. Hartwell, of Ayer, Mass., read before the Massachusetts Medico-Legal Society, and published in the *Boston Medical and Surgical Journal*, and also in *Science*, February 19, 1892, page 100, which proves that under certain conditions which exist in the body itself, the human body will burn.

Under the head of "Death by Starvation," one might reasonably expect to find a reference to the well-authenticated case of Griscom, reported by Dr. Lester Curtis, of Chicago, where the fast extended forty-five days without fatal results.

The article on "Blood and Other Stains" is very satisfactorily written, and has our entire approval, and yet we might reasonably expect at least a notice of the very interesting paper of Dr. Copeman, published in the *British Medical Journal*, July 29, 1889, on page 190, in which he proposes a new method for the identification of blood.

On the question of "Tattooing and Its Successful Removal" we might reasonably expect a reference to the important paper of Dr. Ohmann-Dumesnil, in which he describes the effect of the use of papoid in the removal of tattoo-marks.

Under the head of "Gunshot Wounds" we find no reference whatever to the effect of the modern small (0.30) caliber jacketed projectiles now in extensive use both in Europe and this country although the amount of literature upon this subject is quite large. See, for instance, Appendix 19 of the Report of the Chief of Ordnance for 1893, which was published before the work we are considering.

Illustrations might easily be multiplied, but we forbear. A work on the subject of legal medicine which shall prove the most useful to the practitioner cannot be prepared, as

¹A System of Legal Medicine. By Allan McLane Hamilton, M. D., consulting physician of the Insane Asylum of New York City, and Lawrence Godkin, Esq., of the New York Bar, with the Collaboration of Twenty-Seven Others. Illustrated. New York: E. B. Treat. 1894.

the editor states, in a number of months, but must be the work of years. The statistics and references which the editor omits are what the practitioner especially demands. So far as the book contains reports of new cases it is valuable, and it will prove useful as a compend of legal medicine; but it can never hope to displace existing works which, like those of Casper, are founded upon personal experience of many years.



The Kent Law School of Chicago, Nov. 3, 1894.

Hardwicke's Art of Winning Cases.¹

Reviewed by Prof. C. La Rue Munson,
of the Yale Law School.

[For contents and other descriptive matter, see page 180, of No. 6, Law Book News.]

The title page of this book informs us that it is "A Practical Treatise on Preparation for Trial, and the Conduct of Cases in Court"; an examination of the contents shows but thirty-four pages devoted to the preparation of causes, so that it can hardly be classed as a "practical treatise" on that subject. Compared with Elliott's General Practice, it is far inferior as a work of practical value to the profession. As evincing this criticism it is to be noted that Mr. Hardwicke cites but twenty-five cases, while the Messrs. Elliott note more than eighteen thousand reported decisions. The former work deals with the "Art of Winning Cases," treated as an art; the latter gives us six hundred and two pages devoted to every question of the preparation of a case, while the second volume, of six hundred and forty-two pages, covers every question of trial practice; the work is not confined to the art of the profession, but is a scientific and complete text-book.

Mr. Hardwicke's book makes another addition to the pleasant literature of the law, and gives us some practical hints as to the examination of witnesses, and excellent suggestions in forensic oratory, but his work is largely a compendium of older publications, such as David Paul Brown's "Golden Rules," Cox's "The Advocate," Harris' "Illustrations in Advocacy," Judge Elliott's earlier work, Sharswood's "Legal Ethics," Warren's "Duties of Attorneys," etc., etc., together with

extracts from the orations and arguments of famous lawyers of this and other times. A careful examination shows one-half of the pages printed within quotation marks. To those who have the works from which he has so largely drawn, Mr. Hardwicke's book will be of but little use, but to others it is of value, and by all can be read with interest and pleasure. It falls short of the claim made in its title page, but it has been compiled with care and no little labor. Its value will be much greater to the student of law and to the novice in the profession than to the experienced lawyer. In short, it is not a text-book to find a place on the shelves of the practitioner's law library, but is more likely to be found in his private library with Mr. Harris' works, Campbell's Lives of the Chief Justices and Chancellors, Forsyth's Trial by Jury, and Hortensius, the Advocate, Memorias of Westminster Hall, Robinson's Forensic Oratory, etc., etc. It should have been bound in cloth, rather than in sheep. It is a very readable book, and will be found useful in whiling away an idle hour: as such it will probably find a ready sale and be well received.



Williamsport, Pa., Oct. 31. 1894.

Jones on Chattel Mortgages.¹

Reviewed by Louis Boisot, Jr., of the
Chicago Bar, Author of "Boisot
on By-Laws."

[For descriptive matter, see page 78, No. 3, Law Book News, and other opinions on page 183, No. 6.]

Six years have passed since the third edition of his work was given to the profession, and during that time more than eight hundred new cases construing the law of chattel mortgages have been decided. Around these cases clusters the chief interest of the book to the busy lawyer, with whom the question is, "Will it pay to buy the new edition, or is my copy of the old edition good enough?"

These additional cases add greatly to the value of the book, though they have not caused many changes in the text, since, as a general rule, they are merely corroborative

¹ The Art of Winning Cases, or Modern Advocacy. By Henry Hardwicke. New York: Banks & Bros. 1894.

¹ A Treatise on the Law of Mortgages on Personal Property. By Leonard A. Jones. Fourth Edition. Revised and Enlarged. Boston: Houghton, Mifflin & Co. 1894.

of the doctrines stated in the previous editions. In some instances, however, the law has been materially changed since 1888. Thus on the vexed question of the validity of a chattel mortgage which gives the mortgagor the right to sell, Mr. Jones was only able to say in 1888 that two-thirds of the states in the Union had passed on the question, while now he finds that four-fifths of them have done so. At that time there were seventeen states which supported Mr. Jones' view that a mortgagor's possession of the mortgaged goods with power of disposal does not make the mortgage fraudulent *per se*, while sixteen states and territories were opposed to it. Now the vote is a tie, there being twenty states with Mr. Jones and twenty against him. This slight drift of judicial opinion away from his position does not, however, induce the author to recede at all from the stand taken in former editions. Mr. Jones has the courage of his convictions. He seems to believe (and we fully agree with him) that a text-book should be something more than a mere digest in which the opinions of all the courts are reflected with mirrorlike impartiality, without comment or clue to guide the bewildered reader through the labyrinth of conflicting decisions. It is this virile strength in Mr. Jones' writings that has made them a power in the legal world.

This edition has the great merit of giving references to the National Reporter System in all instances where the cases are there reported, whether they have also appeared in the "official" reports or not. We regret to add that sometimes the abbreviations used are misleading. Thus on page 761 we find a reference to "Baumann v. Cornez, 8 N. Y. St. 480," a citation hardly calculated to lead the reader to look into the New York Supplement to find the case.

Speaking of cases, it is unfortunate that in this edition the practice is continued of putting the table of cases at the end of the book instead of at the beginning, where lawyers are used to look for it. In the first edition of his treatise on Liens, Mr. Jones put the table of cases at the end of the work, but in the second edition he restored it to its normal position in the van. A similar change would have improved his work on Chattel Mortgages.

We fail to see also why the author, when he groups his citations according to states, does not always arrange the states in alphabetical order. In the text this alphabetical arrangement is, we believe, always made, thus showing that Mr. Jones knows its value; but in the notes the arrangement is generally a haphazard one. This may seem a mere trifle, but law books are often consulted hurriedly in court, during the progress

of a trial, when any device that will save time and lessen the danger of mistakes is not to be despised.

Louis Bisot Jr

Lloyd on Building.¹

Reviewed by Hon. D. F. Pugh, Judge of the Common Pleas Court, Fifth Judicial District of Ohio.

[For other descriptive matter, see page 79, No. 3, Law Book News.]

This is a book that possesses some merits. It is written in a plain and clear style. I have not read every section and word of the book; it would be hypocrisy to pretend that this was done; but most all of it was studied, and, as a whole, it made a favorable impression upon my mind.

Those portions of the book which treat of the building contract; of the part which the architects take in the erection of buildings; of the agreement with them and their certificates; of the performance of the contract; of the time of performance; of its specific performance; of extras in buildings; of the specifications and bills of quantities; of the right of property in the building materials; and of damages from negligence with and without privity of contract,—are of considerable interest, and should be instructive to persons engaged in the investigation of questions under these heads. They are not considered so fully in any other book, and yet it cannot be said that the author has exhausted them. I have examined some of the authorities cited to sustain the statements of the text, and find that the citations are pertinent and very accurate. The citations are more valuable because they refer to the most recent decisions.

There are some other parts of the book that are of value. I allude to those which discuss conditions and covenants in building leases, party walls and excavations, and gas, including the larceny of gas, and liabilities of gas companies in connection with buildings.

There is a glossary of building terms in the back of the book which is useful, and also some excellent forms for building contracts, specifications, etc.

There are some imperfections in this book. The treatment of the law of fixtures is an

¹A Treatise on the Law of Building and Buildings, with Forms, a glossary, etc. By A. Parlett Lloyd. Second Edition. Boston: Houghton, Mifflin & Co. 1894.

illustration of them. It is not sound in the legal doctrines on this subject. There is such a want of harmony, however, on this subject among the authorities, that the author's treatment of it is not an unpardonable mistake.

The discussion of the law as to easements and mechanics' liens is not very profitable when it is compared with other books in which these subjects are more ably and exhaustively treated. These topics might have been omitted from the book without impairing its value.

In spite of these blemishes in the book, it ought to command professional attention and confidence. It has more merits than demerits. "If it were a little better or a little worse, there would be ample room for praise or censure." It is not a text-book in the sense that Pomeroy's and Bishop's books are. It will not earn immortality as some books have; and yet it is for the profession a convenient book; a book that is, in the main, reliable in its statements of the law, and the authoritative illustrations of their accuracy are sufficiently numerous to make the book practical and useful in any jurisdiction. Many poorer books have been highly esteemed by the profession.

D. F. Pugh

Reviewed by Hon. G. A. Endlich, Judge of Court of Common Pleas, and Author of "Endlich on Building Associations."

There is in the book so much more to commend than to criticise that a review of it is apt to look like a puff. It may be advisable, therefore, to begin with noting its imperfections. These consist, in the first place, of inaccuracies, here and there, in the statement of general principles. For example, on page 4, it is said that in the construction of building contracts "the rigid rule obtains that a written contract, whether simple or under seal, cannot be varied by parol evidence." Obviously, this statement is too broad, without the modifying addition (which is wanting), "except upon the ground of fraud, accident, or mistake." Other propositions might be cited, faulty, like the one instanced, because of their sweeping generality. But they relate mainly to matters of general law, and for that reason are not likely to mislead as to matters within the more particular scope of the work, which, of course, is not intended to be a text-book

upon the law of evidence, partnership, powers, etc.

In the next place, there seems to be a tendency on the part of the author to draw his principles from the more ancient, rather than the more modern, sources. Not that recent modifications of ancient doctrines are overlooked. But the citation of the latest decisions is sometimes rather meager. A statement, for instance, of the law of fixtures,—that is to say, what are such fixtures as may be removed and what not,—would seem to be strictly within the province of the work; indeed, a rather important part of it. Accordingly, there is a chapter upon that subject. There is, to be sure, under the decisions relating to it, some difficulty in formulating an intelligent rule likely to prove generally acceptable. But the attempt here to do so appears unnecessarily feeble. The more recent Pennsylvania cases, which are, upon this point, among the best in their exposition of the modern doctrine of intention (see, e. g. *Hill v. Sewald*, 53 Pa. St. 271; *Seeger v. Pettit*, 77 Id. 437; *Building Ass'n v. Berger*, 99 Id. 320), are not even referred to; and neither is the case of *Hope-well Mills v. Bank*, 150 Mass. 519, which gives the clearest rule as to what that intention is and how it is to be ascertained. That radiators and valves connected with a steam-heating apparatus in a dwelling house are not fixtures annexed to the realty was apparently decided only since the publication of the book. (160 Pa. St. 303.) Similarly, there is an absence of reference to some recent decisions on the right of subcontractors to file liens, which, whatever may be thought of their accuracy, are nevertheless of the utmost practical importance where they stand as authority.

Next, whilst the style in which the book is written is clear and intelligible and quite equal to the slender requirements of elegance in a legal treatise, there is more than one instance of an ugly fault that is gradually creeping into the writings of those who ought to know better. The author, e. g. on page 191, proposes to discuss the nature of powers generally, "in order to more clearly set forth the subject," etc. Why not, "in order more clearly to set forth," etc.? (See *Hodgson, Errors in the Use of English*, p. 197.) Neither is it correct to say "a hydraulic press," for "an hydraulic press." (See *Cent. Dict.*, adverb "A" & "An.")

All these short-comings, however, are more than set off by the real merits of the book, among which perhaps the greatest is its substantial practical usefulness. The directions given for the drawing of building contracts of various kinds; the discussion of the position, duties, etc., of architects, of the performance of contracts, of the effect of time

limitations, and of stipulations for penalties or liquidated damages, of the reciprocal duties of the contracting parties, of the measure of damages for the breach thereof, of property in building materials, of building leases; and the treatment of the subject of drains, sewers, cesspools, and percolations,—are very good, indeed. And so are the various comments upon the right of lateral support, and the duties of adjoining owners in making excavations endangering the safety of their neighbors' walls. Yet in this connection again, it is noticeable that there is no reference to *McGettigan v. Potts*, 149 Pa. St. 155, which is an elaborate vindication of the rule in *Gilmore v. Driscoll*, 122 Mass. 199 (cited at page 305), and a valuable case on the subject of the measure of damages, less liable to misunderstanding, upon this

point, than *McGuire v. Grant*, 1 Dutch. (N. J.) 356 (cited at page 308).

Such as it is, this book is beyond question a valuable addition to legal literature. Well arranged and comprehensive, furnished with a fine index and an appendix containing carefully prepared forms, and a glossary of words and terms frequently used by builders, architects, etc., it covers a field not embraced in any other treatise, and is a good and reliable work in the hands of a lawyer, as well as in those of a layman interested in building operations. It would seem to be an especially useful one to the officers of building associations, latterly so largely engaging in the business of erecting houses.

F. A. Entwick.

OTHER OPINIONS OF NEW BOOKS.

Abbott's Descent, Wills and Administration.

[See contents on page 274, No. 9, Law Book News, and a review by Prof. Blewett Lee on page 339 of number 11, Law Book News.]

This is the most complete collection of cases upon the subject of wills yet issued. It is the first that has included a substantial list of decisions upon administration. The volume is composed of three parts. The first is made up of extracts from text writers of established authority; the second and main part is a collection of cases; the third is a set of 26 statutes, beginning with the Leg. Reg. Hen. 2 and ending with 15 & 16 Vict. cap. 34. These parts are so referred to each other that their separation amounts to nothing more than a matter of convenient arrangement.

The cases, two hundred and sixty-six in number, are well chosen and carefully arranged, "with a view of showing the stages in the growth of the subject." The text is meant only to lead to a better understanding of the cases, and to establish the connection between them.

Mr. Abbott assures us that he hoped to make, neither an exhaustive collection nor one which would satisfy all requirements, but one which would be "illustrative of the legal principles," and a step towards "the choice of an ultimate selection of authorities, back of which one need not feel obliged to go." We think this purpose is well carried out, and that the work will soon take the high position which it deserves.

—Northwestern Law Review.

This volume differs materially from other works of the same character, both in form and arrangement. The author has made his selection from three different sources, and accordingly divided the book into three parts. The first part, called the "text," consists of excerpts from standard text-books, selected with a view to filling up, in some measure, the gaps in the development of a subject by cases alone. Each excerpt is accompanied by references to the relevant cases, and these cases constitute the second part. The third part is made up of a full collection of statutes on the subject. Where so many selections from law treatises and so many statutes are printed, this arrangement is probably the best. The book will be of especial value to students who are reading law by themselves without the aid of a teacher.

—Harvard Law Review.

The American Digest Annual for 1894.

It is needless to repeat that this is one of the great books belonging to the year's output. It embraces everything worth preserving in digest form. No single volume issued by any publisher in 1894 equals it in value. It is no wonder the publishers say, "Its sale exceeds that of any annual work"; it deserves it.

—N. J. Law Journal.

This volume is a great magazine of law; it contains over 2,700 pages and digests the opinions of all the courts of last resort in the

United States for the past year. The most sanguine law writer or publisher twenty-five years ago would never have dreamed of such a publication. It is a great and useful work.

—Chicago Legal News.

To assume that there is a lawyer in this country who does not know full well the value of the American Digest would be ridiculous. To give any very extended review of the many merits of this wonderful work would be an unnecessary expenditure of time, space, and printer's ink. This is the fourth volume that has come to us for review. After examining each volume the involuntary exclamation has invariably been, "Well, what next?" Each volume is a little larger and approaches a little nearer to perfection than its predecessor. This volume, containing 2,716 pages of closely-printed and well-arranged matter, is almost a library in itself.

—Mich. Law Journal.

This is the eighth volume of the series edited by the editorial staff of the National Reporter System, and completes the series up to August 31st of this year. It covers the decisions of the United States courts and the courts of last resort of all the states and territories, as well as a number of the intermediate courts. The arrangement is alphabetically by topics, and under each head there are cross-references referring directly to the specific paragraphs of cognate topics which bear upon the point in question. Thus it is a simple matter to turn at once to all the decisions of the year upon any subject. The book also contains a table of cases overruled, followed, distinguished, etc., during the year.

—Northwestern Law Review.

We commented last year on the extraordinary feat performed by the West Company in transforming from the state of manuscript to that of a printed and bound book in a few weeks the immense mass of matter contained in their annual digest. This year the time of preparation is even shorter, and we have in the present volume the decisions of the courts up to a time just fifty-five days before this volume was delivered in this city. It takes in the decisions of several volumes which have not yet appeared in bound form. The new volume is somewhat less bulky than last year's (2,716 pages as against 2,853), but is large enough in all conscience. The materials for this digest are taken from 280 volumes or parts of volumes of reports. The general scheme of the work is the same as last year, and embraces some improvements then made. The cross-references still have the admirable feature of referring to a spe-

cific paragraph, and not to an article generally. The system of the digest is especially good in that it is a system of minute subdivision. Sometimes we are a little disposed to find fault with the arrangement of topics (about which, however, no two persons will agree). For instance, "Citizenship" only gives cross-references, while, as a matter of fact, there are matters pertaining to citizenship which do not fall naturally under "Aliens," "Elections and Voters," or "Indians." Probably other headings might be found open to the same criticism, but after all the great thing in a digest is uniformity of system and liberal cross-references, and this volume is very good in these respects.

—N. Y. Law Journal.

Elliott's General Practice.

[See review by Prof. C. La Rue Munson, on page 381 of this number.]

The October Law Book News contains an interesting editorial comment upon the recent and almost simultaneous advent of several works upon pleading, practice, and procedure. It concludes: "If the young and inexperienced practitioner, who seems to be the special object of these good authors' solicitude, devotes himself as conscientiously to the study of these works as the writers have in their preparation, why what a very practical young practitioner this practical young practitioner will be!" Doubtless some of the books referred to would not have been greatly missed by the profession if they had never appeared, but this work is not one of that kind. The book by the same authors, of which this is practically a new edition, has so favorably impressed the members of the profession, and many outside the bar who have found it most interesting reading, that the issuing of innumerable other books of the same character can in no way lessen the firm hold which it has obtained upon its readers. In 1888 "The Work of the Advocate" was published. It was original in every sense of the word, and treated of matters not usually discussed in works on pleading and practice. The avowed intention of the authors was to treat "more of the things that abide in the unwritten practice than of those which are found in books." This book met with great popular approval, so much so that it has been out of print for more than five years. Yielding to repeated requests, they have taken that excellent material for a foundation, and enlarged it into a treatise on general practice, filling two large volumes. Volume 1 is upon the advocate's work out of court, in preparation for trial, while in volume 2 is considered the advocate's work in court, or trial practice. Judge Elliott's reputation as a jurist of rare good judgment,

general wisdom, and legal acumen, together with his long experience upon the bench, has especially fitted him for the preparation of a work of this character. He has been a close student of men and of human nature. His many suggestions and instructions for learning and preparing the facts for trial, the method of obtaining the law of the particular case, the framing of the theory of the case, and all other preliminary steps in the preparation for trial, are entitled to the greatest consideration. Scarcely less important is the portion upon trial practice, in which all practical questions which may possibly arise during the conduct of a case, from the appearance to the preparation for appeal, after judgment and decree, are thoroughly discussed in a most entertaining manner. There are 1,244 pages of text, a complete table of contents, a table of cases cited, and a comprehensive index, making in all 1,760 pages.

—Michigan Law Journal.

This treatise is founded on a book by the same authors called "The Work of the Advocate," which was favorably received by the profession upon its appearance some years ago but which is now out of print. That work now appears enlarged into a treatise on general practice. The authors have carried their work far beyond the scope of the former title and for that reason have adopted a more comprehensive one. The preface says that the work "as it is now enlarged, covers the entire work of the advocate in the preparation and trial of causes. It begins with the first steps in gathering the facts and follows the proceedings through the preparation for trial, the conduct of the trial, and the preparation for appeal." The treatise is in the shape of two large volumes each of eight hundred pages. The authors of this treatise are both well known to the profession. The elder—Judge Byron K. Elliott—is an ex-judge of the supreme court of Indiana, who through long and distinguished services upon that bench has acquired an enviable reputation. The junior—Mr. William F. Elliott—is a successful practitioner of the Indianapolis bar, who has manifested considerable literary legal ability. The reputation and character of these gentlemen is in itself an ample guarantee of good, careful and painstaking work. The examination we have made of it justifies such confidence. It is well written, logically prepared, is a philosophical treatise and not a mere digest and has a voluminous and exhaustive citation of cases. It should be in the library of every practitioner. The mechanical execution of the volumes does great credit to the publishers.

—Central Law Journal.

The names of its distinguished authors are in themselves a sufficient guaranty of the excellence of this treatise, and for the young practitioner it will prove an invaluable aid and guide in the, perhaps, most important branch of his profession, while the older lawyer will derive almost equal benefit from its perusal. Starting with the first steps in gathering facts, it follows minutely all the proceedings through the preparation for trial, the conduct of the trial and the preparation for appeal. There are many good suggestions, much valuable advice, and numberless warnings scattered throughout the work, and the lawyer who avails himself of them will be pretty certain never to go astray in the conduct of his causes. We welcome the treatise as one which is a really valuable addition to our legal literature, and bespeak for it a hearty reception from the legal profession. Both authors and publishers deserve the gratitude and hearty thanks of every lawyer for making the way clear and easy in one of the most difficult paths of the profession.

—Green Bag.

English Ruling Cases.

[See review by Prof. Floyd R. Mechem, on page 310, No. 10, Law Book News.]

The object of this handsome volume, which is the first of what will no doubt be a long series, is, according to the preface, to supply the practitioner with English case law in a handy form. The Ruling Cases are to inform him as to the principles, and the Notes to show in detail how the principles have been applied or modified. American notes are appended to each of the English Ruling Cases, and notes thereon, and the object of these American notes is to point out concisely the agreement or disagreement of the American case law with the English, and generally to commend the work to the American as well as the English practitioner. The objects of the series, it will be seen, are very extensive. The English Ruling Cases seem generally to have been well and carefully chosen, and a great amount of work has been expended. The series will no doubt be of great service to men without large libraries; nevertheless we are of opinion that so much has been aimed at as to make the result fall short of completeness in execution, and to impair to some extent its practical utility. In the English Ruling Cases the judgments are sometimes incompletely set out for the purpose of saving space. There can be no doubt that space is gained by leaving out such passages as the editors deem unnecessary; but where the whole object is to establish the grounds on which the judges have settled the law,

this method is in our opinion wrong and tends to produce incomplete and unscholarly results. Lumley v. Gye, for example, is ruthlessly cut down and Sir John Coleridge's dissenting judgment omitted, so that the history of the law is quite obscure. The notes, which are intended, as before stated, to show the practical application of the leading principles, do not seem to us to be, as a rule, sufficiently detailed and thorough. To compare the results of the work in this volume with similar results in Smith's Leading Cases or White and Tudor's Leading Cases is, to our minds, the best proof of this; and the main objects of the present volume are the same as those of the older works. Again, the present work is stated to be on the lines of Saunders' Reports (or rather Williams on Saunders), and again we can only say that a comparison between the two, as regards the completeness of working out in detail the application of the principles, is distinctly unfavorable to the Ruling Cases. Great accuracy and care are shown in the preparation of the notes, so far as they go, but we do not understand on what system or for what object the case of *Leake v. Robinson*, which is really a decision on the rule of equity, independent of statutes against perpetuities, comes to be cited on p. 518 among the notes under the heading of "Accumulation."

Moreover, the English Ruling Cases include cases and notes on the practice of the English courts, and as this can only be intended for the purposes of practical utility, we must again doubt whether the desired result has been attained. Leading principles, such as there are, on questions of practice can be usefully dwelt upon only in respect of their application, which varies so much according to the different circumstances of each case in which they are applied as almost to do away with the idea of any fixed leading principles. Taking, for instance, the heading of "Abatement," it is certainly difficult to see how, with the mere references to changes made by the judiciary acts, and nothing more, the notes can be of much assistance in actual practice. Moreover, from an English point of view, we fail to see the usefulness of reviving old terms now obsolete. (See the note on page 156 as to this.) We should be disposed to doubt whether English practice cases and notes could be of extensive utility in a work intended for the American as well as the English market. Of this, however, we must presume the American editor to be the best judge. With regard to the American notes, we do not see, if the principles of the American decisions are to be properly understood and made use of to any extent in England, why the most important of such decisions

have not been admitted on the same footing as the English ones. The American notes, as they stand, appear to us not likely to help English practitioners except for the purpose of multiplying references, which English courts will probably discourage. For the American practitioner they would seem (though here again we cannot confidently put our judgment against the American editor's) not to be full enough. The extremely important decision of the supreme court of the United States in the *Nitroglycerine Case* is dismissed in a line and a half. Under the same head, "Accident," we find no reference to the recent and not unimportant English case of *Stanley v. Powell*. As regards externals, the book is got up in a very handsome manner, and there is a useful and well arranged index of both English and American cases cited.

To sum up, the actual work in this volume seems to us most deserving of success so far as it goes, but we think that it fails to attain a first-class level of merit through aiming at too many kinds of merit at once. Full practical notes on the scale of Smith's Leading Cases or Williams' Saunders are one thing, and the exposition of principles to be found in a good text-book, or, better still, in the occasional great judgments which review the principles of a subject, is another thing. Practical notes for an English lawyer again, are one thing, and practical notes for an American lawyer are another thing. The qualities required for excellence in these several kinds of work are obviously not the same, and it is not obvious that they are compatible in the same book. Experience will show whether the Ruling Cases have achieved the task of combining them. We will not say offhand that they have not; but we are not prepared to say, in anticipation of experience, that they have.

—The Law Quarterly Review (London).

Hardwicke's Art of Winning Cases.

[See review by Prof. C. La Rue Munson, on page 386 of this number.]

"The Art of Winning Cases," by Mr. Henry Hardwicke of the New York bar, is a bulky book, whose contents hardly justify its alluring title. It is so diffuse in style and full of quotation that, looking at the somewhat jocose anecdotes scattered through it, and the doggerel case in rhyme at the very end, one might suppose the author had intended writing merely for the leisure hours of elderly attorneys. On the other hand, the real gravity with which he has set out, in full, somebody's "Fifty Rules in Regard to Professional Deportment," and

much other serious advice quoted similarly in extenso, suggests that the book was really meant to teach the winning of cases. It is a pity that such a doubt should arise.

—The Nation.

This book is quite readable, and doubtless will be of service in calling the attention of the younger members of the profession to the salient points which should be in mind in the preparation for trial, and the conduct of cases in court. The older members of the bar would probably resent the imputation that they are not already familiar with the practical suggestions which the author makes, and yet we think that the best of them might not be injured at least by its perusal. It contains no citation of cases, but is simply the statement of the author, founded upon a long experience at the bar, of the points essential to the successful advocacy and management of cases. Its chapters treat successively of Preparation for Trial, Statement of the Case, Examination in Chief, Cross-Examination, Re-examination, Forensic and Popular Oratory, Address to the Court, Suggestions to Young Lawyers.

—Central Law Journal.

There are plenty of such books which, within certain reasonable limits, will be found very useful, and of this class the volume now published is the latest and in many respects the best. It is an example of a very good book with a very bad title. "The Art of Winning Cases" sounds too much like the "All modern languages learned without effort in ten weeks," and similar promises. The subject of the book really is the management of cases, including preparation for trial and the trial itself. * * * The book appeals to two classes: young lawyers, who need advice as to matters in regard to which their law school has taught them nothing; and also more experienced members of the bar, who will be interested in the numerous citations of the opinions of able lawyers (ranging from Cicero to Choate) as to many practical matters in regard to questions, constantly presented to lawyers in active practice, as to the conduct of cases. One consideration always presents itself to us from a reading of works of this character. We are told to imitate Choate or Webster or some other great orator, but we are not reminded that we can only hope to excel on the lines that nature has laid down for us, and we cannot imitate everything and everybody without any regard to our natural limitations. * * * In conclusion we can recommend this book as useful to the younger members of the profession, and in-

teresting to all. In a future edition we think the author will do well to put headings to the various paragraphs, and to omit the alleged poem at the end of the book. To a young lawyer we would say: First read this book; then Mr. Snyder's "Great Speeches by Great Lawyers." The two together will give both theory and practice.

—New York Law Journal.

Kinney on Irrigation.

[See contents on page 241, No. 8, Law Book News, and a review by Hon. Chas. D. Hayt, on page 341 of No. 11, Law Book News.]

Mr. Clesson S. Kinney has given the profession a very useful book in his treatise on "Irrigation." I have looked through it with considerable study. The author has evidently prepared the work for use in that extended area of our country which he denominates the arid and semi-humid region, the area where the soil is naturally fertile but is practically unproductive until water can be artificially supplied. He has sketched the general history of irrigation. But irrigation presupposes a supply of water. Therefore the author's work is mainly devoted to the discussion of water rights as recognized in that region where irrigation is necessary—how such rights may be acquired and preserved, or lost. After the beginning of placer mining in California, the courts taking notice of the local conditions and wants, recognized rights in running water which had gained a practical existence among miners. In the progress of evolution the right was held to extend to all applications of water to useful purposes. Riparian rights were held subordinate, that the entire water supply might be utilized, and thus every business and industry derive the benefit of it. Congress and every legislature in the states covering or including the arid region, regulated water rights on this basis. The author has lucidly explained and stated the law in its origin and in all its stages of development. He has generalized the decisions, both federal and state, with great thoroughness and accuracy. His work will be of great value to all persons who have interests depending on the use of water; and to practitioners and judges who have to deal with water rights in the Pacific states will be invaluable.

—J. G. Sutherland, in Central Law Journal.

The main topic treated in the work is not of general interest in the Eastern states, and the treatment of the subject of irrigation, as such, is necessarily local in the sense that it is only applicable to a portion of the area of the country. Incidentally however the classification of waters as public or nav-

igable and the common-law theories with reference to the nature of ownership in water courses becomes a subject of discussion, also the acquisition, ownership, disposal and jurisdiction of waters by the United States. The discussion of waters and water courses covers nearly one hundred pages of

the work, and numerous authorities in this country and England are cited upon the question of riparian rights. The work, so far as it treats of the appropriation of waters, will doubtless be of value in those states where irrigation is necessary.

—Albany Law Journal.

BOOKS RECEIVED.

From J. M. Sen & Co., Serampore, India,
Sen's Glossary of Law Terms.

From Macmillan & Co., New York, West-
lake's Chapters on International Law.

From Robert Clarke & Co., Cincinnati, O.,
Works' Courts and their Jurisdiction.

Leading Text Books Published this Year.

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
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
Cobby 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, Dossy 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. Jour. Pol.	American Journal of Politics, New York City.....	Monthly.....	\$3.00 per year.
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.		
Aust. Law T.	Australian Law Times, Melbourne, Australia.....	Semi-Monthly.....	4.50 per vol.
Bankers' Mag.	Bankers' Magazine, London, Eng.....		£3 8s. per yr.
Banking Law J.	Banking Law Journal, New York City.....	Monthly.....	30c.
Brief.	The Brief, London, Eng.....	Monthly.....	Sixpence.
Calcutta Review.	Calcutta Review, London.....	Quarterly.....	
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.....	2c.
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.
Cornell Law J.	Cornell Law Journal, Ithaca, N. Y.....	Monthly.....	35c.
Counsellor.	The Counsellor, New York City.....	Monthly.....	30c.
Cr. Law Mag.	Criminal Law Magazine, Jersey City, N. J.....	Irregular intervals.....	
Daily Balt. Rec.	Daily Baltimore Record, Baltimore, Md.....	Daily.....	\$6 per vol.
Green Bag.	Green Bag, Boston.....	Daily.....	02c.
Guide.	The Guide, Kalamazoo, Mich.....	Monthly.....	50c.
Harv. Law Rev.	Harvard Law Review, Cambridge, Mass.....	Monthly.....	1c.
Int. Jour. Eth.	International Journal of Ethics, Philadelphia, Pa.....	Monthly.....	35c.
Iowa Univ. Law Bul.	Iowa Bulletin of Iowa University, Iowa City, Iowa.....	Quarterly.....	65c.
J. P.	Justice of the Peace, London, Eng.....	Monthly.....	25c.
Jurid. Rev.	Juridical Review, Edinburgh, Scotland.....	Weekly.....	Sixpence.
Law J.	Law Journal, London, Eng.....	Quarterly.....	
Law Notes.	Law Notes, London, Eng.....	Weekly.....	
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.....	15c.
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.
New Review.	New Review, London, Eng.....		
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.
Our Day.	Our Day, Chicago, Ill.....		
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 shill. 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.

ACTION.

An extensive note on the right of a third party to sue on a contract made for his benefit.—25 L. R. A. 257.

ADMIRALTY.

A review of the right of a vessel lying at a pier in a gale to cut the cable of another vessel, lying at the same pier, so as to avoid the danger of stranding, the result being that the vessel whose cables were cut was lost.—By Wm. Galbraith Miller. 6 Jurid. Rev. 354.

ARBITRATION.

An answer to current criticism of the doctrine of compulsory arbitration on the score of impracticability.—By D. M. Frederiksen. Am. Jour. Pol., November.

An article of unusual interest on the necessity of industrial agreements and conciliation for the purpose of preventing strikes.—By C. C. Kingston, Premier of South Australia. Rev. of Rev., December.

Assessment.

— On corporate stock, see "Corporations."

ASSIGNMENT.

Essay on the doctrine of latent equities, as affecting the rights of the assignee in an assignment of a chose in action.—By Oswald N. Jacoby. 4 Counsellor, 27.

ASSIGNMENT FOR BENEFIT OF CREDITORS.

A review of the laws as to preferential assignment in New York.—By Elbridge L. Adams. 50 Alb. Law J. 284.

A short article as to the liabilities which may be provided for in the assignment for benefit of creditors.—By Charles F. Bostwick. 2 University Law Rev. 17.

ATTORNEY AND CLIENT.

— Immunity of counsel for words spoken in argument, see "Libel and Slander."

An interesting article on the decline of litigation.—Bankers' Mag., November.

An interesting article on the duties which an attorney owes his client.—Am. Jour. Pol. Republished in 1 W. Va. Bar, 201.

BANKS AND BANKING.

A short note on the effect of accepting something besides money from the bank as a discharge of drawer of the check.—25 L. R. A. 200.

A valuable review of the legal evolution and present status of American paper money.—By Walter D. Dabney. 59 Am. Banker, No. 47, p. 13.

Bonds.

— In aid of railroads, see "Railroad Companies."

— Of municipalities, see "Municipal Corporations."

CONFLICT OF LAWS.

A short review of the interstate relations so far as they affect the litigation of statutory damage acts.—9 Nat. Corp. Rep. 184.

CONSTITUTIONAL LAW.

— Right to jury trial, see "Reference."

A few authorities on the power of the state to regulate charges by corporations which have devoted their property to public use.—45 Am. & Eng. Corp. Cas. 473.

A review of recent decisions, as affecting interstate commerce and local legislation.—12 N. Y. Law J. 470.

A review of the decisions of the various courts as to the constitutionality of statutes making railroad companies absolutely liable for damages by fire set out by them, irrespective of negligence.—25 L. R. A. 161.

CONTRACTS.

— Of married women, see "Husband and Wife."

— Right of third party to sue on contract made for his benefit, see "Action."

A valuable article, with numerous citations, on the effect of public policy on contracts.—By Robert Clowry Chapman. 8 Mich. Law J. 308.

CORPORATIONS.

— Pledge of corporate stock, see "Pledge."

— The necessity of the incorporation of underwriters, see "Insurance."

A few authorities on the organization of corporations.—45 Am. & Eng. Corp. Cas. 515.

A valuable article on the power of congress to create corporations within the states

and territories.—By James J. H. Hamilton. 2 *University Law Rev.* 20.

A collection of authorities on the question, Who is a stockholder?—45 *Am. & Eng. Corp. Cas.* 3.

A note on the enforcement of the liability of stockholders.—45 *Am. & Eng. Corp. Cas.* 48, 58.

A note, with numerous citations, as to the liability of a subscriber of a corporation defectively organized.—45 *Am. & Eng. Corp. Cas.* 93.

A collection of authorities on the statutory lien of a corporation on its stock, with a method of enforcement thereof.—45 *Am. & Eng. Corp. Cas.* 73.

A collection of authorities on the validity of the transfer of corporate stock, and its effect on creditors.—45 *Am. & Eng. Corp. Cas.* 155.

A few authorities on the enforcement of stock assessments by personal judgment.—45 *Am. & Eng. Corp. Cas.* 113.

A few authorities on the liability of a corporation for a refusal to transfer shares of stock.—45 *Am. & Eng. Corp. Cas.* 165, 174.

A few authorities on the right of action of stockholder against a corporation for wrongful forfeiture of stock.—45 *Am. & Eng. Corp. Cas.* 229.

A few authorities on the right to dividends as between a life tenant and the remainder man.—45 *Am. & Eng. Corp. Cas.* 249.

A short note on the effect of a transfer of stock on the liability of stockholders for corporate debts.—45 *Am. & Eng. Corp. Cas.* 25.

A short note on the fraudulent procurement of stock subscriptions.—45 *Am. & Eng. Corp. Cas.* 20, 87.

A short note on the liability of a pledgee of stocks for the corporate debts.—45 *Am. & Eng. Corp. Cas.* 34.

A short note on the right of a stockholder to sue to recover back the consideration paid for stock through fraudulent representations.—45 *Am. & Eng. Corp. Cas.* 222.

A collection of authorities on the right of a stockholder to begin suit with or without requesting the corporation so to do.—45 *Am. & Eng. Corp. Cas.* 191, 207, 209.

A short note on the effect of corporate by-laws as notice.—25 *L. R. A.* 48.

An extensive note on the duties and liability of promoter to the corporation and its members.—25 *L. R. A.* 90.

COURTS.

A continuation of a history of the courts of New Jersey, with some account of their origin and jurisdiction.—17 *N. J. Law J.* 324.

A continuation of an interesting series of articles on the court of star chamber.—By John D. Lindsay. 6 *Green Bag*, 522.

An interesting historical study of the German Code of judicial organization.—By H. A. D. Phillips. *Calcutta Rev.*, July and October.

A review of the important dissenting opinions rendered by Mr. Justice Bradley.—17 *N. J. Law J.* 291.

A short article on the study of Jewish jurisprudence.—3 *Mich. Law J.* 299.

CRIMINAL LAW.

— Evidence and burden of proof on trials for criminal libel, see "Libel and Slander."

A review of the contrast between the theory and the actual administration of the criminal law of England.—By Hampton L. Carson. 6 *Green Bag*, 505.

A short article, with numerous citations, on the rule of presumption of innocence.—2 *University Law Rev.* 11.

DAMAGES.

A review of recent decisions as to the liability of a telegraph company for punitive damages for mental suffering caused by failure to deliver a message to the addressee, who is plaintiff in the action, with reference to the recent decision in *Francis v. Western Union Tel. Co.* (Minn.) 59 *N. W.* 1078.—50 *Alb. Law J.* 315.

DESCENT AND DISTRIBUTION.

A review of the theory of inheritance.—By James M. Morton, Jr. 8 *Harv. Law Rev.* 161.

A short note on recent cases on the right of an heir, who murders his ancestor, to inherit.—6 *Green Bag*, 534.

A short review of recent cases on the effect of murder of the ancestor, by the heir, on the law of inheritance.—2 *University Law Rev.* 8.

EMINENT DOMAIN.

A review of recent English decisions as to the right to compel the sale of part of a house in condemnation proceedings.—53 *J. P.* 729.

EVIDENCE.

— Admissions of employé as against his master, see "Master and Servant."

A review of recent cases as to the weight of positive and negative testimony in accident cases.—By N. M. Thygeson. 2 *Minn. Law J.* 245.

FRAUD.

A review of the doctrines of *dolus bonus*, as recognized by the Romans.—2 *Scot. Law T.* 237, 251.

GIFTS.

A valuable article on the question as to what, at the present day, constitutes a donation inter vivos and a donation mortis causa, and what is the amount and character of the proof necessary to establish such donations.—By P. J. Hamilton Grierson. 6 Jurid. Rev. 293.

HIGHWAYS.

A collection of authorities as to the right to temporarily obstruct a highway by a legitimate use of a street for business purposes.—By H. G. Bleakly. 33 Am. Law Reg. & Rev. 793.

HOMICIDE.

An interesting article, with many citations, as to the right to shoot a burglar.—By Frank B. Livingstone. 2 University Law Rev. 26.

HUSBAND AND WIFE.

A short note on the enforceability of contracts of married women outside of the state in which they are legally made.—25 L. R. A. 178.

INDICTMENT AND INFORMATION.

A review of the question as to what extent the legislature can prescribe a form of indictment, and make the same sufficient, which fails to contain all the elements of the crime.—By Lyne S. Metcalfe, Jr. 39 Cent. Law J. 446.

INSURANCE.

A review of the recent decision as to the power of the legislature to compel the incorporation of underwriters.—9 Nat. Corp. Rep. 227.

A short note on the restriction on insurance by unincorporated associations or individuals.—25 L. R. A. 238.

A review of the recent decision of the supreme court of Pennsylvania in *Commonwealth v. Vrooman*, 30 Atl. 217, deciding that a statute which makes it unlawful for any person, partnership, or association to insure against fire without obtaining authority by charter is constitutional.—12 N. Y. Law J. 404.

A short note on the effect of expulsion from a benevolent society on the right of insurance connected therewith.—25 L. R. A. 149.

INTEREST.

An historical review of the right to recover interest.—By J. Robertson Christie. 6 Jurid. Rev. 362.

Interstate Commerce.

— See "Constitutional Law."

JUDGES.

A review of authorities on the disqualification of a judge because of prior connection with the case.—25 L. R. A. 114.

A review of the question as to the disqualification of a judge by reason of interest.—58 J. P. 713.

LAWS.

An interesting article on Anglo Saxon lawsuits.—By William Draper Lewis. 33 Am. Law Reg. & Rev. 769.

A valuable article on the subject of the revision, condensation, and simplification of the Code of Civil Procedure in New York.—By J. Newton Fiero. 11 Am. Lawy. 479.

A valuable and scholarly article on the law-making power of the state.—By Henry Wade Rogers. 3 N. W. Law Rev. 39.

LIBEL AND SLANDER.

A review of recent changes in rulings on evidence and burden of proof in trials for criminal libel.—By Samuel Maxwell. 39 Cent. Law J. 360.

A review of the recent decision in *McLaughlan v. Orr et al.* as to the doctrine of fair comment.—2 Scot. Law T. 51.

A short article on the defense of "fair comment."—16 Aust. Law T. 51.

A short article, with a few citations, as to a law allowing the counsel immunity in respect to words spoken in the course of his professional duty.—16 Aust. Law T. 59.

MARRIAGE.

A review of the marriage laws of Scotland.—2 Scot. Law T. 284.

MASTER AND SERVANT.

A review of the decision of the court of appeals of New York in *Butler v. Manhattan R. Co.*, 38 N. E. 454, as to the admission, as part of the res gestae, of declarations by an employé of a common carrier in an action founded on a malicious, as distinguished from a negligent, act.—12 N. Y. Law J. 423.

MORTMAIN.

A valuable article on the law of mortmain.—By William Gilbert Davies. 4 Counsellor, 35.

MUNICIPAL CORPORATIONS.

— Railroad aid bonds, see "Railroad Companies."

A collection of authorities on the power of municipal corporations to issue negotiable bonds.—45 Am. & Eng. Corp. Cas. 316, 323.

A few authorities as to what constitutes an indebtedness, within the meaning of the statutes limiting municipal indebtedness.—45 Am. & Eng. Corp. Cas. 633, 643.

An interesting historical article on the city of London and its charter.—50 Alb. Law J. 290.

NAVIGABLE WATERS.

A valuable article on the power of the state to divert an interstate river.—By George B. French and Jeremiah Smith. 8 Harv. Law Rev. 138.

NEGLIGENCE.

A short note on the liability of the owner and operator of an elevator for injuries to passenger therein.—25 L. R. A. 33.

NEGOTIABLE INSTRUMENTS.

An article on the rights and liabilities arising from the payment of a forged check or note.—By W. W. Thornton. 39 Cent. Law J. 420.

NUISANCE.

Right to relief from noises on a neighbor's premises.—58 J. P. 697.

Obstruction.

— Of highway for purposes of business, see "Highways."

PAYMENT.

A short article, with citations, as to the effect of payment by check.—Law T. Republished in 17 Mont. Leg. News, 292.

PILOTS.

An interesting paper, read before the unincorporated law society in Bristol, England, on compulsory pilotage.—By J. E. Gray Hill. 50 Alb. Law J. 339.

PLEDGE.

A collection of authorities on the rights of the parties on the pledge of corporate stock.—45 Am. & Eng. Corp. Cas. 137.

PRACTICE IN CIVIL CASES.

French and English legal procedure contrasted.—Law J. Republished in 17 Mont. Leg. News, 296.

PROPERTY.

An article on the extension and development of the law of individual rights as particularly applicable to the rights of privacy.—Madras Law J. Republished in 6 Green Bag, 498.

Public Policy.

— As affecting contracts, see "Contracts."

RAILROAD COMPANIES.

— Liability for damages by fire, see "Constitutional Law."

A collection of authorities on the duty of a railroad company to maintain lookouts on its trains.—25 L. R. A. 287.

A few authorities on the power of municipalities to issue bonds in aid of a railroad.—45 Am. & Eng. Corp. Cas. 339, 367.

A collection of authorities on the validity of bonds issued in aid of railroads, and in excess of the statutory limitation, and the estoppel of municipalities by recitals in the bond.—45 Am. & Eng. Corp. Cas. 376, 410.

A short note on the validity of a sale of real estate by a railroad corporation.—25 L. R. A. 139.

REAL PROPERTY.

A review of recent decisions as to the nature of property in mineral oil or gas.—25 L. R. A. 222.

A series of articles on the land-transfer bill introduced in the last session of the house of commons.—98 Law T. 29, 58.

REFERENCE.

A short note on the effect of a compulsory reference as a denial of the constitutional right of trial by jury.—25 L. R. A. 67.

RELEASE AND DISCHARGE.

An article on the results of adhering to the standard maxim of the law, that a part payment cannot be recognized as a payment in full.—58 J. P. 681.

SALVAGE.

A review of the recent decision of the supreme court of Georgia (Anthanissen v. Dart, 20 S. E. 124) as to the right to recover

for salvage in state courts.—12 N. Y. Law J. 384.

STARE DECISIS.

A short article on rule of stare decisis, with reference to the opinion of the supreme court of South Carolina in *State ex rel. George v. City Council of Aiken*, 20 S. E. 221, overruling the same tribunal, and holding the "dispensary act" constitutional.—12 N. Y. Law J. 540.

STATUTES.

A collection of authorities as to the presumption of a similarity of foreign statutes to those of the state in which the action may be brought.—9 Nat. Corp. Rep. 249.

A short article on the effect of punctuation in the construction of statutes.—Am. Bookmaker. Republished in 17 Mont. Leg. News, 294.

Stockholders.

— Rights and liabilities, see "Corporations."

Strikes.

— See "Arbitration."

Subscription.

— To corporate stock, see "Corporations."

TAXATION.

A scholarly and critical estimate of the income tax provision of the Wilson bill.—Quart. Jour. Econ., November.

Telegraph Companies.

— Liability in damages for mental suffering, see "Damages."

TELEPHONE.

A short note on the effect of presence by telephone.—2 University Law Rev. 31.

USES.

A scholarly article on the origin of uses.—By F. W. Maitland. 8 Harv. Law Rev. 127.

WILLS.

A valuable article, with numerous citations, on the enlargement of a devise of real estate by construction.—50 Alb. Law J. 318.

A review of the law governing the construction of a will, so as to cut down the fee.—50 Alb. Law J. 332.

A valuable article, with numerous citations, as to the effect of subsequent dealings by the testator with the devised property.—By Samuel D. Matlack. 33 Am. Law Reg. & Rev. 770.

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