

The case stands, then, for the proposition that a trespasser, though involuntarily such, cannot recover for injuries sustained during the trespass to which injuries his trespass is a contributing cause and not merely a condition; this is well in line with authority.

An illustration of it is found in the Pennsylvania case of *Gillespie v. McGowan*, 100 Pa. 144 (1882). In this case a child between seven and eight years old wandered on to the defendant's land and happened upon an uncovered well some distance from the sidewalk. In trying to catch some fish, the child fell in and was drowned. No recovery was allowed, the court declaring that the child was subject to the law relating to trespassers and saying that "A man must use his own property so as not to incommode his neighbor," but this maxim extends only to neighbors who do not interfere with it or enter upon it."

BOOK REVIEWS.

THE GENERAL PRINCIPLES OF CONSTITUTIONAL LAW IN THE UNITED STATES OF AMERICA. By THOMAS M. COOLEY, L.L.D. Third Edition, revised by ANDREW C. McLAUGHLIN, A. M. L.L.B.

It will probably be a matter of gratification to those who used the earlier editions of this work to know that a third edition has appeared, which, besides containing valuable revisions and additions, calls attention to the many changes in Constitutional Law during the last decade. This will make the little book as useful as ever for some years to come.

From the wide circulation and general recognition already accorded to its first and second editions "The General Principles" cannot be said to be in need of a renewer.

The work, although somewhat brief in its treatment, is remarkably clear and concise, and fully carries out the statement made by Judge Cooley in its first edition. He says, "The reader will soon discover that mere theories have received very little attention, and that the principles stated have been settled judiciously, or otherwise, in the practical working of the government." The separation of decision from dicta, applied practice from theory, is, in Constitutional Law of all subjects most difficult; and realizing this the student and reader will be amazed to see how far the learned authors have succeeded.

Faced by the danger of becoming too theoretical on the one hand, and of compiling a mere digest of decisions on the other, Judge Cooley and his revisor, Professor McLaughlin, have avoided both these evils. As is necessary in a work intended for the general student, as well as law student, the principles and deductions stated are condensed. Yet there is always sufficient data given in the admirable foot-notes to enable the student to test for himself any principle by case reading. In their treatment of that intricate

subject "Regulation of Commerce" the authors have been especially fortunate. No case, unless, indeed, it be of recent date, is relied upon for any principle which time has not let live. This avoids infinite confusion in the student's mind as to what has been and is the construction placed upon state and federal power. It gives the student some definite information as to what is settled, and leaves him likely to pursue further work on his own account.

The chapter entitled "Checks and Balances in the Government" is of especial interest in these days, when we hear it said by some that checks and balances exist in theory, rather than practice. Whether theoretical or practical, it is well to have this chapter, since it speaks of one of the conceptions which gave birth to our great Constitution.

On the whole, the book is accurate, and for a one-volume work wonderfully comprehensive.

W. E. C.

THE LAW OF NEGLIGENCE. By THOMAS WILLIAM SAUNDERS.
Second Edition revised by E. BLACKWOOD, B. A., LL. D.
London: Butterworth & Co. 1898.

The small bulk of this, the second edition of Saunders on Negligence, necessarily prevents any exhaustive treatment of the subject, at this day a very broad one, and yet in examining some of the chapters one is surprised at the thoroughness with which the author and editor have accomplished their work. The preface states the purpose of the work to be the "supplying of a portable and cheap text book, which will give both the principles of the law and the cases which set them forth." The author plunges into the subject at once with a chapter on Negligence and compares the various definitions of the term. He criticizes the continued use of text-book writers and others of the term "gross negligence," saying, that it has yet to be discovered that it means anything definite or more than actionable negligence, and closes the chapter with a paragraph on "contributory negligence." Some reference is made to the doctrine of proximate cause, the awarding of vindictive damages for "gross negligence and contributory negligence on part of children."

The author then leaves the field of general principles and discusses specific forms of negligence. Chapters then follow dealing with the duty of care with regard to land, and then with respect to chattels. In this connection he discusses the law with respect to dangerous things—their possession, use and forwarding—the presence in particular instances of "scienter" and the evidence thereof.

The important branch of employer's liability is discussed in the light of the charges made therein by the Employer's Liability Act of 1880 and the Workmen's Compensation Act of 1897. These, however, have only a partial interest to the American