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## CURRENT LEGAL PERIODICALS AND BOOK REVIEWS.

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A TREATISE ON DAMAGES. By JOSEPH A. JOYCE and HOWARD C. JOYCE. In three volumes. New York: The Banks Law Publishing Co., 21 Murray Street. 1903.

Since Sidgwick's monumental work on damages, which made the subject a separate topic of the law, several works on the measure of damages have appeared. The present work is by far the largest of these. It is somewhat questionable whether there existed a need for such a work, in view of the recent splendid revision of Sidgwick. If such a work be needed, however, we have a right to expect it to be well done, judging by the former works of the learned authors of the present volumes.

The authors have evidently endeavored to make the work, first a sort of cyclopædia of terms, second a complete collection of all the cases on the subject, and finally a philosophical treatise on the principles of the subject. The result is three large volumes. It must be said that the attempt to combine all three features in one work renders it more or less disjointed, and, to the writer's mind, of little value as a book of principles.

As a whole, the work appears to be well written, and the citations are, if anything, too numerous. It is doubtful, however, whether the work adds anything more than additional cases to previous treatises on the subject. *O. J. R.*

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A TREATISE ON SPECIAL SUBJECTS OF THE LAW OF REAL PROPERTY: Containing an Outline of all Real Property Law, and More Elaborate Treatment of the Subjects of Fixtures, Incorporeal Hereditaments, Tenures, and Allodial Holdings, Uses, Trusts, and Powers, Qualified Estates, and Mortgages, Future Estates and Interests, Perpetuities and Accumulations. By ALFRED G. REEVES, A.M., LL.B., Professor of Law in the New York Law School; Editor of "Reeves's Leading Cases on Wills." One volume, 8vo, 1000 pages.

In this volume Mr. Reeves presents to us the first part of a treatise which, when completed, will contain in two volumes an exposition of all the topics ordinarily comprised within the law of real property. The work is not designed to cover the whole field of real property law, but rather to present a complete outline of the general subject, as well as thoroughly to discuss and state the law on some of its more important and more intricate subdivisions. The book is therefore with propriety entitled "Special Subjects of the Law of Real Property," since, while it shows real property law as a complete, rounded, logical system, and gives the reasons which support the existence of each technical rule, nevertheless aims also to elaborate and discuss with some particularity the more important branches of that law. After the introductory portion, which in its present unfinished state is taken up with a discussion of Fixtures, and of Property as it is sometimes Real and sometimes Personal, the author has made the following three logical subdivisions: Book I, dealing with Lands, Tenements, and Hereditaments; Book II, dealing with Holdings of Real Property, whether Allodial or by Tenure; Book III, dealing with Estates in Real Property, which are classified: (1) with reference to the courts that recognize them, (2) with reference to their conditional or qualified nature, (3) with reference to the

time for their enjoyment to begin. The introductory portion, which is at present incomplete, is to contain when finished a thorough outline of all real property law, divided into its four natural departments, to each of which a separate book is to be devoted. Book III, dealing with Estates in Real Property, is also incomplete at present, and when finished is to have five parts, of which only three are now presented.

Mr. Reeves has been for the past fourteen years a professor of law, and the present volume is the outcome of his experience in teaching large classes of students. It has been his endeavor to produce a book which would be of service to the practitioner and yet clear and compendious enough to be of value to the student. With this end in view too much prolixity, on the one hand, has been avoided, and, on the other, the style is not so concise as to be difficult of ready comprehension upon one careful reading. Cases have not been cited in great numbers, the book embodying in this respect, says Mr. Reeves, "the results of careful selection from the ponderous masses of adjudications." Although the author has realized the impracticability of discussing the statutory changes in real property law in the various states of the Union, yet the book will be of especial service to those practising in the state of New York, as the New York statutes on the topics discussed and the important constructions and authorities that have grown up around them are given in separate and distinct notes. On the whole, the book is to be commended as a capable, clear, and accurate presentation of those parts of real property law of which it treats. We have no doubt that Mr. Reeves will maintain in his second volume the high standard of excellence he has reached in his first; nor that when completed the work will deserve to rank among the authoritative treatises on the law of real property.

*F. H. S.*

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ENGLISH AND INDIAN LAW OF TORTS. By RATANLAL RANCHODDAS, B.A., LL.B., Vakil, High Court, and DHIRAJLAL KESHAVLAL, B.A., authors of "Commentaries on the Indian Penal Code." Second edition. Pp. clx+581. Bombay: The Bombay Law Reporter Office. 1903.

It is claimed by the authors that this is the pioneer work presenting both the English and Indian Law of Torts together, and, while this may not commend it especially to others than those interested in the Indian Law, it reflects great credit on its authors, for it is evident that a great deal of labor and research have been expended upon its compilation.

The great majority of authorities cited are English, with a few American. All the familiar guide-posts are met with under their appropriate headings. A feature of the book that will commend it to students is the statement in short form of the facts of the principal cases throughout the book. This makes more realistic and vivid the principles given in the body of the text, and impresses them on the mind in practicable form.

The subject has evidently been analyzed very carefully and thoroughly, for a systematic scheme is evident everywhere throughout the book. One runs small danger of becoming entangled in detail and losing sight of the principal subject under examination.

About one-third of the book is devoted to the general principles of the law of Torts, the balance being given to the separate discussion of the particular branches. The cases cited number about two thousand five hundred, which makes evident the fact that it is not adapted to deep search into any one subject, yet the principal topics are discussed in sufficient detail for most practical purposes of a text-book. Not only are cases cited, but text-writers. There is little in the book that does not rest on some standard authority.

While the printing and binding of a book should in no way influence one's judgment concerning the merits of its contents, yet it is a distinct disappointment to find this part of the work done in such a poor manner. A work so carefully divided as to its subject-matter demands not only the use of varied types, but their skilful manipulation and careful selection. One demands nowadays something gratifying to one's sense of harmony. It is difficult to absorb intelligence expressed in a manner at war with one's sense of proportion and clearness. It is not worse than many others, but it should be better.

As a work on Torts the book has many points of excellence and is a monument to the energy of its authors, yet in the presence of the standard text-books now in use it does not seem a strong enough work to attract the attention of either student or practitioner as a constant guide, though it may be referred to by both with advantage.

*E. S. R.*

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THE CODE OF HAMMURABI, King of Babylon about 2250 B.C.  
Edited by ROBERT FRANCIS HARPER, PH.D. Pp. xv+102;  
and 102 Plates and Map. Chicago: The University of Chi-  
cago Press, Callaghan & Company. London: Luzac & Com-  
pany. 1904.

In connection with this vastly important code, the book contains an autographed text, transliteration, translation, glossary,

index of subjects, list of proper names, signs, numerals, corrections and erasures, with map, frontispiece, and photograph of text. In this brief estimate of the book, there will be no attempt to discuss the text and its importance from a scholar's or acquaintance's standpoint—such review would be improperly found in a journal of law. Our purpose shall be fulfilled in giving our readers who have not yet seen or not yet read about the work an introduction to it, and a *résumé* of its value as ascertained from those more intimately concerned with the details of Assyrian scholarship and the real relation of this code to the present study of history and jurisprudence.

Any reader who finds an interest in things of ancient history will meet here much to hold his attention. The code has been clearly translated and divided into two hundred and eighty-two sections, each embodying a rule of law. These laws represent a collection made by the Babylonian king from the edicts and decisions rendered by the civil courts; they cover rights of property, and the rights of children, marriage, slavery, divorce, rent, wages, injuries to life or person, and debt. So firmly did these laws become ingrained in the civilization of the Babylonian empire that the marked parallels between them and the Mosaic code are not difficult to account for. There is now in preparation a book on this very theme, viz., "A Comparison of the Hammurabi and the Mosaic Code," by Professor William Rainey Harper, a work which should meet with wide interest and appreciation.

The Hammurabi Code "carries back the history of law for a thousand years or more," and, as Dr. W. H. Ward says in the *Century Magazine* for July, 1903, "beyond all doubt . . . is the most important document for the history of civilization that has been discovered in many years. . . . It tells us how strong was the sense of justice at a period which we have been too ready to regard as wholly barbaric."

To the students of the history of jurisprudence and to the jurists the work has this interest, it contains a wealth of material bearing on all phases and kinds of civil and criminal controversies, and embraces most interesting and instructive survivals in respect of tribal, family, and religious laws, and many indications of transitional stages in legal procedure and usage. There are elaborate provisions bearing on property rights, banking, wages, land rents, prices, transportation, trade, building, irrigation, and with great care, it seems, has the status of master and servant been defined, as well as the position of husband and wife, both bond and free.

The code has been termed a wonderful piece of Babylonian jurisprudence; and Professor Harper has set it before us in a scholar's book, such a book as leaves, in this particular field,