

NOTICES OF NEW BOOKS.

A TREATISE ON MEDICAL JURISPRUDENCE. By FRANCIS WHARTON: Author of "A Treatise on American Criminal Law," "Precedents of Indictments," "American Law of Homicide," etc.; and MORETON STILLE, M. D., Lecturer on the Principles and Practice of Medicine in the Philadelphia Association for Medical Instruction. The Medical part revised and corrected, with numerous additions, by ALFRED STILLE, M. D. Second and revised edition. Philadelphia: Kay & Brother, 19 South Sixth street, Law Booksellers, Publishers, and Importers. 1860. Pp. 1031.

Works on Medical Jurisprudence seem to have attracted a good deal of professional attention recently. We have noticed within a few months Beck's Medical Jurisprudence, Ray on Insanity, and Taylor on Poisons. We now have on our table the second edition of Wharton and Stille's elaborate and very learned treatise. It is not too much to say that this work, from the time of its publication, has taken and maintained the very first rank. In the preface to the second edition we are told:—

"In the present edition nearly three hundred pages have been added to the legal and psychological department. The chapters on Insanity have been re-arranged, expanded, and in some material points corrected, so as to bring them in harmony with the current decisions of the English and American Courts. Several distinct topics have been introduced and examined at length: among which may be mentioned Survivorship, Medical Malpractice, the Legal Relations of Identity, the Presumptions to be drawn from Wounds and the Instrument of Death, and the Psychological Indications of Guilt. On the other hand, the chapters on Circumstantial Evidence have been condensed by abridging cases which, in the first edition, were new to the professional eye, but which have since become generally accessible.

"Without making any alteration in the general arrangement of the medical portion of the work, the editor has added to it about eighty pages of new matter, consisting of a chapter on the Signs of Death, besides many illustrative cases and recent methods of investigation. Very little space has been devoted to the discussion of general principles; for in criminal legal proceedings particular persons and acts are concerned, whose reciprocal relations constitute the sole subject of inquiry."

The two points mainly attempted by the authors of this treatise are, first, the incorporation of the recent results of Continental—especially

French and German research—into a connected and scientific treatise; and, second, the bringing the skill of a strictly scientific and learned medical mind within the same pages, that had already passed under the critical eye and mind of the legal practitioner. This medico-legal method of preparing a book has proved highly successful. No reader will undertake to say that this volume could have been prepared by the unaided talent or learning of either practitioner. Both were required to make a complete and connected treatise. And it is difficult to say whether the learning of the lawyer or the acquirements and wide research of the medical practitioner is the more to be here commended. Each shines forth with equal lustre, and each is equally indispensable for the other.

Our readers may, perhaps, expect that we should indicate some of the particulars which justify us in this encomium.

The first book, from § 1 to § 405, is a monograph on Mental Unsoundness—first, in its legal relations; and, second, considered psychologically. This second part of book one, is most elaborate and highly interesting, discussing, as it does, some of the most difficult and misty questions which either profession is ever called to advise upon. All the most interesting cases which have at any time been presented, discussed, and determined by the judicial tribunals are gathered together, fully stated, clearly arranged, and elaborately considered; and little more will require to be hereafter done to complete this tractate, than to gather the accumulating cases which time must develop.

The fourth book, from § 473 to § 492, on the questions relative to Identity of both the Living and the Dead, is most interesting, and will amply repay a careful perusal and study. Book five, part one, from § 519 to § 791, discusses the subject of Poisoning, and the reader will here find all the most recent learning—medical and legal,—and a full citation of the cases and opinions. The second part, § 792 to § 1002, embraces other forms of violent death, and among them “Spontaneous Combustion” is treated, and the few authentic cases (or cases thought to be such) are given at length. Book sixth, from § 1003 to § 1209, treats of the legal relations of Homicide, Fœticide, and Infanticide, and is elaborate and comprehensive.

Book seventh, from § 1203 to § 1226, considers the legal relations of Identity, and should be studied in connection with chapter one of book four, where the medical relations of Identity are considered. Book eighth, from § 1221 to § 1248, is an inquiry into the subject of Survivorship—one of the most difficult, perplexing and unsatisfactory subjects

in the law. The cases and the reasoning on them will be here found, and will highly interest the student. Book tenth, on the "Psychical Indications of Guilt," from § 1274, concludes the volume. In some respects this chapter is the most interesting in the volume. It is subdivided into the indications before the crime—at the crime—and after the crime. It will well repay a very careful study.

We have now indicated some of the more elaborate parts of a work, which, as a whole, deserves every commendation, and we are sure will repay careful perusal.

LAW LEXICON, OR DICTIONARY OF JURISPRUDENCE: Explaining the Technical Words and Phrases employed in the several Departments of English Law; including the various Legal Terms used in Commercial Transactions; together with an Explanatory as well as Literal Translation of the Latin Maxims contained in the Writings of the Ancient and Modern Commentators. By J. J. S. WHARTON, Esq., M. A., Oxon; Barrister-at-Law; Author of "The Articled Clerk's Manual," etc. Second American from the Second London Edition, with Additions: By EDWARD HOPPER. Philadelphia: Kay & Brother, 19 South Sixth street, Law Booksellers, Publishers, and Importers. 1860.

We have examined this Law Lexicon with much satisfaction. A lexicon is defined by Worcester as a "Dictionary of Words: a book containing the words of a language arranged alphabetically, and defined." This work of Mr. Wharton's is for the English lawyer and (with Mr. Hopper's excellent American additions and corrections) for ourselves, on this side the Atlantic, a lexicon of law terms, phrases, and definitions. It does not pretend to discuss principles at any length, or to indulge in the liberal citation of cases. It designs simply, to define—to explain. Such a work has been long needed; and the two English and two American editions attest the professional estimate of the want. This second edition is a vast improvement on the first, as a simple comparison will show; and the American, is an improvement on the English, inasmuch as one intelligent professional man can never carefully review his learned brother's labors without adding something from the fullness of his own stores which had escaped a former inquirer, however capable and diligent. In the number and accuracy of his definitions, we consider this author admirable. As a book to have at hand for a student, who is continually perplexed by terms of which he is ignorant; of which he wishes and can master simply definitions, its value is great. While a work of this kind is not intended to, and will not, supersede such Law Dictionaries as Tomlin, Jacob, Burrill,

or Bouvier, where legal topics are sometimes very copiously discussed, its value as a hand-book is, nevertheless, perhaps greater than any one of the four just mentioned. For those who desire a law lexicon Mr. Hopper's edition of Wharton is well adapted, and may be safely used.

UNITED STATES' DIGEST: Containing a Digest of Decisions of the Courts of Common Law, Equity, and Admiralty in the United States and in England. By GEORGE SILSBEE HALE and H. FARNHAM SMITH, of the Boston Bar. Vol. XIII. Annual Digest for 1859. Boston: Little, Brown & Co. 1860.

We always hail with satisfaction the annual volume of the United States' Digest. It unlocks so many sources of knowledge, and keeps one continually, year by year, fully informed of the legal questions which have occurred in every part of the Union, and which the profession and the judicial tribunal have thought worth discussion and adjudication. This volume in appearance is quite similar to its predecessors, but we observe some improvement (doubtless the result of a continued and wider experience) in the subdivision of the heads of the titles, which renders it more convenient in use. The profession have never had occasion to find fault with this publication. It is as well done as such a vast mass of matter—necessarily digested in some haste—can be expected to be presented; and no praise can be too great for the industry and method here observed. As a useful labor-saving instrument it is invaluable.

INTRODUCTION TO AMERICAN LAW: Designed as a First Book for Students. By TIMOTHY WALKER, LL.D., Late Professor of Law in the Cincinnati College. Fourth Edition. Boston: Little, Brown & Co. 1860. Pp. 778.

The late Professor Walker's labors have now been before the profession for a length of time amply sufficient to test their value. From the time of the publication of the first edition, the book has constantly been used by the student and young practitioner. And while it is not calculated to supersede such institutional works as Blackstone's and Kent's Commentaries, it has still an important place in the training and preparation of the student; and as a first book for the American lawyer, or as a work for laymen to gain a clear and brief knowledge of certain fundamental legal principles, it is to be commended and used.