

BOOK REVIEWS.

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PLEADING AT COMMON LAW AND UNDER THE CODES. [Reprinted from the American and English Encyclopædia of Law.] By GEORGE WHARTON PEPPER, Fellow of the Department of Law, University of Pennsylvania. The Edward Thompson Co., Northport, L. I., 1891.

This excellent treatise opens with a concise historical review of pleading in England, from the earliest times till the present day. This is followed by an account of the course of pleading in this country, indicating how far the several States have adhered to or departed from the present system. The writer then discusses the essential features of code pleading. These topics take up one-third of the book. The remaining two-thirds are given to a detailed examination of the system of pleading at common law.

It is obvious, from this distribution of the subject-matter, which seems to us judicious, that the treatise is addressed chiefly to the student of law. With some reserve as to the praise bestowed upon code pleading in its present condition, we agree with the following remarks, in which the writer has clearly defined his own views in regard to pleading: "The whole system of code pleading is the protest of an era of practical business-like methods against the refinements and subtleties of an earlier age. If the pleader could be trained under the old system, in accuracy of thought and expression, and then made to practice under the new, code pleading would be found to be an ideal system. But it is clear, that, as a system, code pleading has not the educational value which belongs to pleading at common law, and it may be doubted whether the average practitioner, with no other training than that which the letter of the code supplies, is competent to do this system justice."

The book is as good in execution as in plan. The writer has not, it is true, addressed himself to the extremely difficult task of throwing the light of original historical research into the many dark corners of the subject; but he has read with great intelligence everything of value written by his predecessors, and has stated his