

BOOK REVIEWS.

By W. D. L.

A TREATISE ON THE LAWS REGULATING THE MANUFACTURE AND SALE OF INTOXICATING LIQUORS. By HENRY CAMPBELL BLACK, West Publishing Company, St. Paul, Minn., 1892.

This is the first treatise dealing with the subject of intoxicating liquors. In fact, as Mr. BLACK tells us, the widespread application of legal principles to "liquor cases" is of recent date, over one half of the cases cited in the volume having been decided within the last decade. The author further tells us that his constant aim has been to make a thoroughly practical treatise—"a useful tool for the working lawyer." The result is a book of over 700 pages, including a good index. The plan of stating the subject of a paragraph at its commencement is a useful aid to the eye, but why the publishers should have disfigured the pages by printing these headings in heavy black letters we fail to perceive. There is much that commends itself to us in Mr. BLACK'S work; the citations are numerous, the language is excellent, and the whole work shows care and thought. Yet there is borne in on us constantly the thought that the author has undertaken a task the thorough and satisfactory performance of which is impossible, for the reason that to do so would involve writing a complete legal treatise on all branches of the law. There are divisions of a subject which sometimes ought not to be divided. To write a book which shall treat of all branches of law which can ever at any time affect liquors, is to mix together an infinite variety of subjects. This mode, however, is apparently popular with publishers. Next we will have a legal treatise on "Dogs," setting forth the right of property in dogs, the dog-catching laws and registering laws, cruelty to dogs and how to bring indictments under the dog laws. Such a book would be on a level with the work before us. It treats of the "constitutionality of

the liquor laws," of their "effect on contracts and rights of action," of "civil damage laws," by which is meant the laws giving to a wife or child a right of action against one who has intoxicated her husband or father. Then we have a chapter on "Injunction and Abatement of Liquor Nuisances," followed by a threefold division of crimes under the Liquor Acts, and winding up with a disquisition on "Indictments, Procedure and Evidence." Thus Constitutional, Substantive and Remedial law, Contracts, Torts, Crimes, are jumbled together in confusion. Nor can one complain or wonder if each of these various subjects, seen from a liquor standpoint, appears rather hazy in the reading. Our only amazement is that Mr. BLACK was able to make any clear statement at all, discussing so many branches of the law at once and looking at each from such a narrow point of view. That repetition should constantly occur is inevitable. For instance, in order to deal with the constitutionality of the liquor laws, it is necessary to attempt to explain the "Theory of the Police Power." Under this head, in Section 29, he speaks of the "Regulation of Commerce." This same subject, which is properly a sub-head of Chapter III, "Constitutionality of Liquor Laws," is dealt with in a separate chapter called "Liquor Legislation and the Regulation of Commerce," while under the title "Prohibition," in Chapter V, we have another account of the same subject. This only goes to prove that one who would write on the constitutionality of a liquor law must do so from the standpoint of constitutional law and not merely examine the cases involving liquor in the Supreme Court of the United States. We cannot explain, however, why the author should treat of the "Constitutionality of the Search and Seizure Laws" in Paragraph 32 and again in Paragraph 351.

The only trouble with the book, however, is the fundamental one. From minor defects, as we have pointed out, it is comparatively free. It is the intense desire to produce something practical, a "lawyer's tool," which carried to the extreme defeats its own end. A legal publisher

argues somewhat in this fashion: "Liquor is the cause of a great many prosecutions; there are a great many liquor laws being made every day. A treatise on liquor is, therefore, a practical treatise. It will not be a theoretical classic like a work on equity, or contracts, or procedure, or indictment." In this argument, however, it is forgotten that the working lawyer must know the principles of contracts, of procedure and indictment, and that the law has not been created for the sole purpose of settling disputes in which liquor or any other similar commodity may be involved; that there is not a law of liquor as distinguished from all other laws. And thus we venture to predict that one who attempts to gain a working knowledge of all but one of the subjects treated in the work before us would fail of his purpose no matter how closely he read the text. A work on the abuse of intoxicating liquors treated as a crime would be of use, provided it left untouched the subject of indictments and constitutional law. We would then have a treatise on a statutory crime. Thus Chapter I, on the definition and construction of terms used in liquor laws; and Chapters XVI, XVII and XVIII, dealing with crimes and offenses under the liquor laws, are of substantial value. The rest of the work is valueless to the very person for whom it was written—the working lawyer. If any publisher or textbook writer thinks he could argue on the subject of what is a sufficient indictment under the liquor laws, or on the constitutionality of a liquor law, with only the preparation which a study of the chapters on this subject in Mr. BLACK'S book would give, he is greatly mistaken. In fact, concerning the rest of the work, besides the chapters we have mentioned, we can only regret that so much time and conscientious, painstaking effort have been expended in attempting to accomplish the impossible.

LEADING CASES UPON THE LAW OF TORTS. Selected by GEORGE CHASE, LL.B., Professor of Law in the New York Law School. West Publishing Co., St. Paul, Minn., 1892.

The title of this work is somewhat misleading. The term "Leading Case" conveys to the mind a case which

has been the first to enunciate principles now universally recognized. The cases selected by Mr. CHASE are, as he himself says: "Object lessons, showing the application of principles." As such, the cases given have been selected, not for their historical value, but for the clearness with which they have applied long settled rules of law to particular facts. Hence the volume comprises modern cases to a large extent. As a work of this kind, it is one of the best we have seen. Each case is prefaced by a statement of the principal of law the application of which is illustrated. A report of the case follows, with syllabus, statement of the case and opinion of the court in full. In many cases the syllabi, etc., are taken from the West Publishing Company's reporter system. The size of the book and double column is also taken from those reports. The latter feature, while detracting greatly from the appearance of the page, makes it much easier for the eye, though the close printing is to be regretted. We think it was a mistake to print the opinion in full when part does not relate to the subject of torts. For instance, on page 4, a column is devoted to a discussion on the law in England relative to ancient lights, and on page 9, Judge MORRISON entertains us with a disquisition on the question whether the plaintiff is an insolvent. All this has nothing to do with torts, and might with advantage have been omitted. Apart, however, from these trifling defects, the work as prefixed by an analysis of the rules of law illustrated, and supplemented by a full index of the syllabi of the reported cases, is a complete illustration of the law of torts as it exists to-day. The work is primarily intended for students, but lawyers desiring to look up a point of law, without thumbing over big digests and searching for the reports of cases cited, will find their labor considerably lightened by keeping a volume of Mr. CHASE'S "Selected Cases" in their library. In fact we are compelled to admit that the value of such a work to the practicing lawyer far exceeds its educational value. Some of those engaged in legal instruction believe that the way to teach law is to state a principle and then show its application to facts. To