

BOOK REVIEWS.

A MANUAL OF MEDICAL JURISPRUDENCE AND TOXICOLOGY. By HENRY C. CHAPMAN, M.D. 12mo., p. 237. With Thirty-six Illustrations, some of which are in colors. Philadelphia: W. B. Saunders, 1892.

We have examined this manual with much interest and on the whole are favorably impressed with it. Its statements so far as they relate to the medical side of the subject, seem, so far as we have examined them, to be concise and accurate, and the advice given to medical men respecting their duties in medico-legal cases is judicious in every respect save where the author enters upon the domain of the law as distinguished from medicine. Judging from the published works on this subject, it seems to be the opinion of medical men writing upon medical jurisprudence that no previous training is required in order to render one competent to treat the legal questions involved. The medical man, however, who acts upon the advice given upon page 20 and refuses to answer questions put to him by counsel on the ground that they involve professional skill, will be very apt to find himself in trouble according to the rule in most of the States. (See *ex parte* Dewent, 53 Ala., 389; *Summers v. The State*, 5 Tex. App., 365; *Wright v. People*, 112 Ill., 540.)

Again on page 23 the author has invested the coroner with rather more power than accords with our notions of the law on the subject, but here the advice will work no harm to the physician.

On page 138 the rule is erroneously stated that the paternity of a child is to be determined by the likeness of the child to the alleged father. This point has been more than once decided in this country. (See *Hanawalt v. The State*, 64 Wisc., 84.)

On page 143 the question of survivorship is left in an unsatisfactory condition, and a student would very likely

gather an incorrect opinion from the text. (See *Wing v. Anrave*, 8 H. L. Cas., 183; 8 *Law Quarterly Review*, 266.)

Again on page 167 the question as to the legal test of insanity is not satisfactorily treated. The rule laid down in the leading cases of *State v. Pike*, 49 N. H., 399; 50 *Id.*, 369; and *Parsons v. The State*, 81 Ala., 587, should have at least been referred to. The recent edition of Taylor's "Medical Jurisprudence," by Clark Bell, p. 729, contains a full citation of annotations upon this important question, and is a much safer guide upon legal questions than the work we are considering.

Notwithstanding these blemishes, however, the work will be found convenient in many respects; provided the student does not rely upon it as a guide to the solution of merely legal questions.

We notice some evidences of careless proof-reading—*e. g.*, on page 33, where "verdict" is spelled "virdict;" but the book as a whole is well printed.

MARSHALL D. EWELL, M.D.,

The Kent Law School, Chicago, Ill.

A MANUAL OF TRADE-MARK CASES, COMPRISING SEBASTIAN'S DIGEST OF TRADE-MARK CASES, WITH NOTES AND REFERENCES. BY ROWLAND COX. Second Edition, revised and enlarged. HOUGHTON, MIFFLIN AND COMPANY, The Riverside Press, Cambridge, 1892.

The fact that a second edition of Mr. COX's adaptation of SEBASTIAN'S Digest of Trade-mark Cases to the needs of the American Bar is appreciated by the profession is shown by the call for this second edition. Mr. SEBASTIAN'S object in his English work was, as stated by himself, "to present a concise statement of facts and decisions in all cases connected with the law of trade-marks and kindred topics, as ascertained by a careful comparison of all the various reports in which each case appears." In pursuance of this purpose the author gave a short, clear statement of each case, and well-selected quotations from that portion of the

Opinion of the Court which dealt with the reason for the decision. There were 655 cases reported by the English edition; Mr. COX in his first edition of 1880 added twenty cases to Mr. SEBASTIAN'S work, and while wisely using his excellent index, added to the text cross references and occasional notes. In his present edition Mr. COX has added fifty-six new cases and continued his system of notes and cross references, besides adding several excellent *fac similes* which illustrate the question of infringement.

We are sorry to see, however, that he has departed from the plan of the English author in two respects. In the first place, Mr. COX has given a report of a case rather than a complete digest. This forces him to omit many cases, and the lawyer no longer feels that he can turn to the volume and obtain, in a short time, the elements of all the trade-mark cases. This was the object of the English author. He did not intend to show the development of the law. Had he done so, the chronological order which he adopted and which Mr. COX has followed would have been modified so as to illustrate the development of each branch of the subject separately. He would also have made a much fuller report of each case. The work was not intended to supply a student of the subject with all the material, but rather to show him what cases he should read in full. We must all thank Mr. COX, however, for what he has done, even though we may regret that the original plan was not followed more closely. He has greatly increased the usefulness of Mr. SEBASTIAN'S work to the American practitioner, and we feel sure that time will bring with it a necessity for a third edition.

We presume that Mr. COX has the English author's permission to call his work "Manual of Trade Mark Cases," Cox, instead of Sebastian, American edition. Would it not have been better to have kept in the most prominent place on the back of the cover the author of nineteen-twentieth's of the work?

W. D. L.

THE LAW OF BY-LAWS OF PRIVATE CORPORATIONS. By LOUIS BOISOT, JR. Chicago: The United States Corporation Bureau, 1892.

This book of Mr. BOISOT can truthfully be said to be the only separate work devoted to the subject. LUMLEY ON BY-LAWS is an English work dealing almost exclusively with the by-laws of municipal or quasi-municipal corporations. The author of the book before us confines himself to the subject of the by-laws of private corporations. To those whose practice requires them to draw by-laws for private corporations, and who therefore desire to know the fundamental principles, this work will prove very useful. For Mr. BOISOT has given concisely and accurately the principles of the "nature of by-laws," their "form and enactment," their proper "subject-matter," and their "effect."

The chief merit of the work lies in what the author has refrained from doing, as much as in what he has done. He has confined himself to principles, not attempting, like too many modern legal writers, to incorporate into the text a digest of the conflicting legislative provisions of the different States. The author thus shows that he fully appreciates the fact, that in as far as the law depends on particular statutory provisions, the lawyer wants to go to the Act direct and not to a text-book. From the latter he only desires to acquire principles which he can apply to, and which will aid him in interpreting the statutory law of his State. The whole work shows care and thought throughout, and leads us to hope that the success, which it deserves, will lead the author to undertake other and more important work.

W. D. L.