

BOOK REVIEWS.

HANDBOOK OF THE LAW OF BAILMENTS AND CARRIERS. By WILLIAM B. HALE, LL.B. St. Paul: West Publishing Co. 1896.

The style of the "Hornbooks" is so well known as hardly to need description. The new "Hornbook," which is sure to meet with approbation, is characteristic of the series. General principles are stated in heavy black type, followed in each instance by a more extended treatment in lighter type, with accompanying foot-notes, containing further elaborations, comments, and copious citation of authorities. Great skill and diligence is shown in the collection and arrangement of material. The accessibility of the contents is a cardinal virtue. The author seldom uses the book as a vehicle for the expression of his own opinions. As a rule, where authorities differ, each view is presented in an excerpt from a well-rendered opinion, but occasionally where the question is in an unsatisfactory state, Mr. Hale has indicated what to him seems the sounder position. On the whole, the book may be distinctly recommended. It should be especially useful to students for purposes of review.

W. C. D., Jr.

EXTRAORDINARY CASES. By HENRY LAUREN CLINTON. New York: Harper & Brothers, Publishers. 1896.

This volume contains a record of about forty celebrated cases, chiefly trials of persons indicted for murder, together with the incidents of and the part played in the proceedings by Henry Lauren Clinton, the author. It also presents to its reader brief sketches and references to many leading lawyers of New York State during the middle of the present century. The book is not intended for study but incidentally to interest and amuse both lawyer and layman, while its primary object seems to be to perpetuate the legal name and fame of Mr. Clinton.

He was admitted to the bar in 1846 and soon forged into prominence in his chosen profession, having figured in more than one hundred murder trials during the first twenty years of his practice. It is a noticeable fact that at that time great lawyers more frequently participated in the trial of criminal causes than at the present day.

This amusing incident connected with his admission to the bar, is related by the author. He was one of a hundred applicants for admission at the May Term of the Supreme Court, and according to custom, they were arranged in alphabetical order and three examiners appointed, one of whom was Charles O'Connor, one of the most eminent lawyers of his day. Mr. O'Connor began the examination by putting a question to the first man, who instead of

saying frankly that he did not know ventured to state the legal proceedings necessary to be taken in the given case. His answer was absolutely wrong. But the examiner, without indicating any dissent passed to the next, asking what further proceedings should be taken and so on until he had questioned thirteen. Most of them probably dissented from the first student, but feeling that his answer satisfied Mr. O'Connor, they followed in the same train of errors. The legal proceedings which they specified were the application by the attorney for an order of arrest and the granting of the order by a judge of a court of record. They all doubtless thought their answers accurate, as there was nothing in their questioner's manner to indicate the contrary. The next man was Mr. Clinton who was asked if he agreed with his fellow students, and on replying that he did not, when asked what he would do if retained on the other side, said, First, I would apply to strike the attorney from the roll who applied for the order of arrest; Second, I would have the judge impeached who granted it and—"Bring an action for false imprisonment against all parties," added Mr. O'Connor. "Yes, sir," responded the author. About five years after this occurrence, Mr. O'Connor, speaking at a lawyer's banquet, related the above in Mr. Clinton's presence, and on being interrogated as to who the young man was, said, "I don't know that; but wherever he is, if he has not yet reached the head of his profession, I have no doubt he is well on in that direction." Then Mr. Robert H. Morris, who was sitting next to Mr. Clinton, and to whom the latter had identified himself as the young lawyer in question, turning to Mr. O'Connor, said, "Permit me to introduce you to that young man." He needed no introduction, however, as he had known him in the profession and in social gatherings.

The work is more especially interesting to the members of the New York Bar but can be read with interest by all.

Benjamin F. Perkins.

A TREATISE ON THE LAW OF EMPLOYERS' LIABILITY ACTS. By CONARD RENO, LL.B. Boston and New York: Houghton, Mifflin & Co. 1896.

The rapid tendency of legislation in the United States towards the extension of the common law liability of employers for personal injuries suffered by their employees furnishes an opportunity for a treatise on the Law of Employers' Liability Acts which has been most adequately taken advantage of by the Author of the above work.

The Alabama Act of 1885, the Massachusetts Act of 1887, and the Colorado and Indiana Acts of 1893, all of which are based on the English Act of 1880 constitute at present all the legislation on the subject, but as these Acts will doubtless be followed by similar acts in many other states the importance of Mr. Reno's work is evident.

“The most important provisions of these acts” as stated in the author’s preface, “are those which give an employee a right of action against his employer for injuries caused by reason of the negligence of the employer’s superintendent, and in the case of railroad employees for injuries caused by reason of the negligence of any person having the charge or control of certain railroad instrumentalities.” To a most able exposition of the principles of this feature of the subject and a comprehensive discussion of the cases arising under it the Author has added various chapters on kindred topics, at the same time making clear the advance under the Acts from the common law principles of employer’s liability.

Several chapters are devoted by the Author to the consideration of the question of when a case may be withdrawn from the jury and under that head Contributory Negligence and the doctrines of Assumption of Risk and *Volenti non fit injuria* are thoroughly discussed.

The book contains an Appendix with the text of the English Act as well as of the Alabama, Massachusetts, Colorado, and Indiana Acts, and in as much as the English Act has been the model according to which the American Acts have been framed, appropriate reference is made to the English decisions and their weight as controlling authorities.

The plan of the work is commendable in every way. A glance at the Table of Contents shows an arrangement of titles which covers the entire subject in so far as it has been at present developed. The very full citation of cases (over 900) arising under the various statutes and a carefully prepared index leave nothing more to be desired.

J. A. M.

A TREATISE ON THE LAW OF GARNISHMENT: Embracing Substantive Principles, Procedure and Practice, and Garnishment as a Defense; also Conflict of Laws, and Foreign and Domestic Exemption Statutes as affecting or affected by Garnishment Proceedings. Adapted to General Use. By JOHN R. ROAD, Counsellor-at-Law. St. Paul, Minn.: West Publishing Co. 1896.

The author gives the following as the first paragraph of the preface to this book: “Garnishment is the most modern, and at the same time the cheapest and most effectual remedy known to the law. While it is more especially the small creditor’s remedy, it is none the less adapted to use in more important cases, and our court reports abound with cases in which judgments for many thousands of dollars have been collected by this means. For one payment that is enforced by execution, attachment, or bill in chancery, twenty are collected by garnishment. Nevertheless, there is no published text-book on the subject, unless we recognize the local works on trustee process; and it is only within very recent years

that compilers of digests have collected any decisions under this head."

The works of Freeman on Executions and Drake on Attachment are referred to; but the remedy of garnishment is now of such general use, having developed so extensively of late years, that the time has come when a treatise dealing with garnishment alone is almost a necessity to the student and a collection of cases under appropriate headings, a boon to the busy practitioner.

The law is set forth in this book in chapters and sections arranged in logical order, beginning with the general nature of the garnishment remedy; consideration of the persons, individual and corporate, which may or may not be made garnishees, and their liabilities; property in relation to the process; followed by chapters on jurisdiction, procedure at length, judgment, costs and execution, and appeals.

The subject-matter has been clearly expressed; and the law has been set forth in a general way, such a treatment as the student needs in his preparation. Consequently one need not be surprised if he finds subjects that have not been considered at length, viz.: a bank as garnishee in respect to the funds of its depositors.

To the practitioner and brief-maker, the value of this book lies chiefly in the very full lists of cases given on each page, from which the law in the text has been derived. These lists of cases are frequently supplemented or prefaced by explanatory notes. The author may have been somewhat too sanguine in regard to the collection of cases being exhaustive, yet these lists are such as to be of great value.

The book is typographically attractive; it contains more than five hundred pages, besides good topical and analytical indexes. The profession will welcome Mr. Road's work as a pioneer in its field.

D. P. H.

A TREATISE UPON CONVEYANCES MADE BY DEBTORS TO DEFRAUD CREDITORS. By ORLANDO F. BUMP. Fourth Edition. Revised and Enlarged, with references to all American and English Cases. By JAMES McILVAINE GRAY. Washington, D. C.: W. H. Lowdermilk & Co. 1896.

The *raison d'être* of a fourth edition of this well-known work is found in a partly changed law and a largely increased number of cases which have been incorporated into the text and notes of the present volume.

In line with the present questionable tendency, the editor has shown great diligence in the citation of cases, as is shown not only by the ninety-nine page index of cases, but by the very careful system of cross-references which has been introduced into this edition. Justification for this copious citation of cases in the present instance may be found in the fact that the book is not intended

as a text-book, so much as a hand-book for the busy practitioner. The notes are very complete and satisfactory.

Of the work itself very little need be said, as it has been before the public for some years. It treats the subject, first historically, comparing the Roman law of fraudulent conveyances with the Anglican, and concluding that the latter is largely indebted to the former. The common law doctrine is then outlined and the Statute of 13 Eliz., declaratory of the common law, and on which all our American Statutes are based, is discussed, the aim being to treat the subject in such a manner as to be applicable to the States generally. The questions of who are creditors, and their rights, the rights of debtors, badges of fraud, consideration, what conveyances are not fraudulent, and the voidability of fraudulent transfers are all treated at length. The method of the book is clear and logical.

In the reviewer's opinion the present work will, in its latest form, be of great help to the lawyer in mastering this branch of the law.

O. J. R.

THE AMERICAN PROBATE REPORTS. Containing Recent Cases of General Value Decided in the Courts of the Several States on Points of Probate Law. With Notes and References. By A. A. GREENHOOT, of the New York Bar. Vol. VIII. New York : Baker, Voorhis & Co. 1896.

These Reports, of which Vol. VIII., just issued, is the latest, are valuable additions to the list of case-books devoted to special subjects. The practice before probate courts, in one form or another, has for a long time been a most important and pleasant part of the labors of practitioners. The probate laws of the various jurisdictions of the United States are becoming more and more nearly alike and consistent, yet enough differences exist to make a collection of cases of valuable assistance ; and of especial value when, as in this volume, the strongest and most ably considered cases are selected from the many jurisdictions.

The subjects covered by the cases of these Reports are : Powers, Duties and Liabilities of Executors, Administrators, Guardians and Testamentary Trustees ; Foreign and Ancillary Administration ; Testamentary Capacity ; Formalities of Execution and Revocation of Wills ; Devises, and their Construction ; Legacies, their Vesting, Payment, Satisfaction and Ademption ; Probate of Wills and Codicils, Foreign Probate, and Last Wills ; Adoption and Legitimation of Children, Advancements ; Evidence, Powers, Perpetuities, Trusts.

There are Annotations accompanying the cases, which are full and offer great help in the investigation of the various subjects. In this volume there is an exceptionally full and minutely classified Index-Digest of the series of Reports issued up to the present time.

D. P. H.