

BOOK REVIEWS.

AMERICAN AND ENGLISH DECISIONS ON EQUITY. With Notes referring to the Principal Matters. Annotated by ARDEMUS STEWART. First Series, Volumes II. Philadelphia: M. Murphy. 1896.

This is the first volume of this series edited by Mr. Stewart, and he has performed his work in a very creditable manner. The cases are selected with discrimination, and edited with care. The notes are full, and add to the practical utility of the volume. Among the matters treated of is the question as to whether the right of privacy dies with the person, raised by the New York case of *Schuyler v. Curtis*. There is an excellent note to *It re Debs*, reported also in a former volume, which, together with the valuable notes to other cases reported, makes the volume on the whole worthy of distinct commendation.

R. R. F.

A TREATISE ON THE LAW OF CIRCUMSTANTIAL EVIDENCE. By ARTHUR P. WILL, of the Chicago Bar. Philadelphia: T. & J. W. Johnson & Co. 1896.

This work is a departure from the usual course of book-making in that it deals with circumstantial evidence alone and that it is essentially a case treatment. The earlier pages of the volume are devoted to general statements in respect to evidence; this part though more or less comprehensive, is briefly put.

The subject proper is one which is perhaps insufficient in scope to warrant a work to itself; yet since the attempt has been made, we might wish that that it had been done in a different manner. The chapters consist of extracts taken from opinions in cases, perhaps between three and four thousand in number. These statements are what may be called isolated paragraphs, rarely lengthy, and seldom exhaustive. The volume contains neither a general treatment of the subject of circumstantial evidence nor a comprehensive collection of cases. Therefore it can scarcely be considered a standard work.

On the other hand it has features which are valuable and which make it an interesting and instructive book to be read. Besides the general introductions to the chapters and the subsequent case extracts, there are analyses of about a dozen cases illustrative of criminal poisoning and force of circumstantial evidence. After a reading of the volume one feels that the occupation has been pleasant and profitable, yet the judgment will more than probably be passed that the work is not an authority.

It is noticed that on page 221 the statement is set out that a

comparison of the handwriting of a disputed document with handwriting admitted to be genuine may not be made in Pennsylvania by experts.

This rule of law was superseded nearly two years since by a statute allowing such comparison [P. L. 1895, page 69], which enactment should have been noted both for purpose of practice and to show the tendency of legislation on the subject.

D. P. H.

THE LAW OF EVIDENCE. By BURR W. JONES, of the Wisconsin Bar. San Francisco: Bancroft-Whitney Company. 1896.

"My primary object," writes the author in the preface, "has been to furnish a convenient text-book for tried lawyers, stating tersely the rules of law which govern in the trial of civil cases." Viewed from this standpoint the work which Mr. Jones has brought to the profession is a valuable one. A busy lawyer can reach, by means of a most complete index, the law of evidence clearly stated, the latest authorities, and many references to the annotated cases and articles in the legal reviews. Moreover, the ground prescribed is fully and ably covered, although it is to be observed that if the scope of the book is, as the author says, "the rules of law which govern in the trial of civil cases" only, a discussion of Dying Declarations, the Right to Inspection of the Person and of Articles in Criminal Cases, and the Rights of Accused Persons to Refuse to Testify, is out of place. Having, however, enlarged the scope of the book to admit of a consideration of these subjects one would expect to find a statement of the law relating to Confessions, which title is dismissed by Mr. Jones as "belonging more properly to the criminal law."

The arrangement of the book is, in some respects, unfortunate. The underlying principle of the whole field of the law of evidence is that of relevancy, a discussion of which is postponed until after the subjects, "Presumptions" and "Judicial Notice," have been disposed of. When the subject of "Relevancy" is treated, we do not find the "Res Gestæ Rule" until five chapters, to wit: "Burden of Proof," "Best Evidence," "Substance of the Issue," "Admissions" and "Hearsay" have intervened in the order named.

The title "Presumptions" has been accorded special emphasis by the author. In the two hundred pages which it covers, it would seem that the applications of the general rules have been almost unnecessarily multiplied. In some instances, the illustrations would more naturally fall under a discussion of the law relating to the burden of proof. An example of this is seen by reference to paragraph 54.

The Chapter on "Real Evidence" is especially interesting, covering as it does a field which is entirely overlooked by Stephen and some of the other writers. The Parol Evidence Rule is likewise

well treated, and a chapter on "Depositions" is of much practical value.

The work contains in all some two thousand pages; the typography is excellent, and the method pursued of grouping the citations at the end of each paragraph is less confusing than numerous foot-notes. The volumes, three in number, are small in size, possibly too small, as their number renders a "pocket edition" out of the question.

T. S. Gates.