

## BOOK REVIEWS.

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SELECTED CASES ON THE LAW OF SALES OF PERSONAL PROPERTY. By FRANCIS M. BURDICK DWIGHT, Professor of Law in Columbia University School of Law. Boston: Little, Brown & Co. 1897.

Of late the publication of case-books has become quite popular. In many branches of the law there are more than one of these collections of cases. Professor Burdick has added another to the list by the publication of a volume containing two hundred and sixty-two cases illustrative of the law of sales. Its special mission seems to be to illustrate the author's text-book, noticed in this department last month. Its divisions and arrangement of subject-matter correspond with those of the text-book. The two thus supplement one another, forming together a course of study, combining theory and the cases, as distinguished from a case course, pure and simple. To many such a course seems preferable to the case system. Except for this purpose of combining theory and practical case analysis, there would seem to be no demand for a new case-book on the law of sales. The sale of case-books must necessarily be very limited, and duplication only serves to maintain prices at a figure which taxes the purse of the student severely. As to the character of the book little need be said. It follows the admirable classification of the text-book, and the cases seem well selected, and many of them of recent date. The mechanical perfection of the work is to be commended.

*O. J. R.*

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THE CODIFIED NEGOTIABLE INSTRUMENTS LAW. Edited by JAMES W. EATON, ESQ., and H. NOYES GREEN, ESQ. Albany, New York. 1897. Matthew Bender, Publisher.

The Negotiable Instruments Law, drafted by the Committee on Commercial Law (appointed by the Conference of Commissioners on Uniformity of Laws), and adopted by the Legislatures of the States of New York, Connecticut, Colorado, and Florida, has again been edited and annotated. The general outlines of the statute follow very closely those of the English Bills of Exchange Act, a codification of the common law, and the changes therefrom are due largely to the development which has taken place in the commercial law of the several states. The changes from the common law are carefully noted by the editors, so that the work presents in brief space a review of the whole subject of bills and notes, which will be found useful as well in those states where the act has not been adopted as in those where it has become a part of the statutory law.

A TREATISE ON THE LAW OF INDIRECT AND COLLATERAL EVIDENCE. By HON. JOHN H. GILLET, Judge of the Thirty-first Judicial Circuit of Indiana. Indianapolis and Kansas City: The Bowen-Merrill Company. 1897.

The work of Hon. John H. Gillett embraces the subjects treated by the older text writers under Admissions, Confessions, Declarations, Hearsay, Custom and Usage, *Res Gestæ*, and Rumor and General Reputation. These are all treated in a scholarly and scientific manner, the leading American cases are discussed, and the principles deduced from them are clearly stated. Its scope naturally excludes such questions as Presumptions, Primary and Secondary Evidence, Oral Evidence to Affect Written Instruments, Judicial Notice and Competency of Witnesses. The foot-notes contain cases from all the states, and numerous British decisions as well. In this respect the work is exhaustive. A copious index facilitates the ready reference, so valuable to the practitioner, and the style is such as to make the book attractive to the student.

The first chapter treats of Admissions as Evidence, and contains an interesting discussion of the much argued question—whether or not an admission of the contents of a document is primary evidence thereof. The subjects of admissions by persons jointly interested, by predecessors in title to a chose in action, and by agents, are also skillfully handled. The chapter is made to include so-called admissions by co-conspirators, and this may be considered unfortunate as an arrangement, since such declarations are admissible only when in the nature of acts in furtherance of the common purpose, and not when merely narrative statements in the nature of admissions, and hence it would seem more logical to treat of them under the *Res Gestæ* Rule, or by analogy to it. In fact, the learned author recognizes this analogy, and treats of conspiracies to defraud creditors, declarations by a grantor after the grant, where the sale is alleged to be in fraud of creditors, and the allied topics under the heading *Res Gestæ*.

The chapter on "Collateral Evidence" covers a number of subjects, treated by other writers, under miscellaneous heads, and includes, among others, the following: "Similar, but Unconnected Facts," "Rules as to Remoteness of Relevant Facts," "Motive, Preparation, Subsequent Conduct, and Facts Necessary to Explain or Introduce Relevant Facts." There is also a scientific discussion of the "Spark Cases;" *i. e.*, suits for damage by fire started by sparks from locomotives, and an analysis of the cases in which the right to compel a party litigant to submit to a personal examination has been adjudicated, which shows a thorough mastery of this much mooted subject. In this chapter we also find a discussion of questions relating to Corroboration of Witnesses, Right to Prove Contradictory Statements, Cross-examination, and other topics which seem to relate to the Examination of Witnesses and Procedure, rather than to Collateral Evidence.

The subject of Entries in Shop Books is treated in the chapter on "Declarations," but the author recognizes the close relation which the rules governing their admission bear to the *Res Gestæ* Rule, and defends the American cases, which have produced the modern extension of the rule admitting such entries, by analogy to *Res Gestæ*.

The most interesting chapter, however, is the one devoted to the consideration of the *Res Gestæ* Rule. The leading cases on this subject are carefully analyzed and assimilated, and the resulting principles are stated in a manner which proves a thorough grasp of the subject. The treatment includes, in addition to subjects strictly classed as *Res Gestæ*, Declarations Showing State of Mind or Body, and Declarations of a Grantor who has Sold in Fraud of Creditors, as well as a sound discussion of the rule as to the admissibility of exclamations of by-standers when offered as part of the *Res Gestæ*. As a whole the work is satisfactory, and cannot fail to be of service to both lawyer and student, and, moreover, it has kept well within its limits—a rare virtue in the modern law book.

W. N. L. W.

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A HANDBOOK OF THE LAWS OF PENNSYLVANIA OF 1897. Edited by LINCOLN L. EYRE, LL.B., of the Philadelphia Bar. J. L. H. Bayne. 1897.

This book is of especial interest and value to Pennsylvania lawyers, being a compendium of the recent Acts of the General Assembly of that State. It is divided into two parts.

Part I. contains acts of general application and importance, and Part II., acts of restricted application, or secondary importance. Each act is accompanied by its legislative number, and also the date upon which it was signed by the Governor. There is also a complete index of all laws contained in the book, by reference to their legislative numbers, thus enabling the reader to find them also in the Pamphlet Laws.

The book should be of great value to the active practitioner.

H. W. M.

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FAMOUS LEGAL ARGUMENTS. By MOSES FIELD. Rochester, N. Y.: E. J. Bosworth & Co. 1897.

Mr. Field has collected in this volume a number of speeches of those lawyers whose learning, legal reasoning, and eloquence have made them famous in the history of the law. Although most of the speeches are accessible, if the reports of the cases, or the special volumes in which accounts of all famous cases have been published, are consulted, yet this book is very convenient to have at hand, to read at leisure, and to compare the various methods of style and argument employed. Moreover, since few of the speeches are of a technical nature, or deal with abstruse questions of law, the book will be of interest to those laymen "who delight to peruse legal

literature." Among the most famous arguments presented are those of Daniel Webster, in the trial of Francis Knapp (a portion of which speech is familiar to all school boys of elocutionary aspirations); of John Philpot Curran, in the case of *Rex v. Drennan*, and of William A. Beach, in the well-known case of *Tilton v. Beecher*.  
*A. E. W.*

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HANDBOOK OF THE LAW OF EQUITY PLEADING. By BENJAMIN J. SHIPMAN. Hornbook Series. St. Paul, Minn.: West Publishing Company.

This work is a very complete and logical analysis of one of the most important branches of the law, clear and concise to a high degree, like all the other books of this series. The sequence of topics could not be improved upon. Nearly two hundred pages, treating of "Bills in Equity," cover that comprehensive subject exhaustively, yet without once allowing the reader to lose his bearings among the multitudinous divisions and subdivisions. The chapter on "Proceedings in an Equitable Suit," intended chiefly for the student, "to state and explain what may or must generally occur in the conduct of an equitable suit from its commencement to and including the rendition and enforcement of the decree," is an excellent preface to the study of the Pleadings in detail.

To say that the book is essentially a reproduction of Story's masterly treatise on the same subject (which the author in his preface acknowledges to be the chief source of his material) will in no wise lessen its value. Its presentation of the law, as it now exists, and its original division of the subject and method of treatment, give it a value all its own.  
*M. H.*