

Sawyer (U. S.), 284, 35 Fed. 43 (1888); *St. Louis, Etc., R. R. Co. v. Sweet*, 63 Ark. 563 (1897).

Curiously enough, the courts of the various states almost invariably deny the right of compensation for wounded feelings, mental pain and anguish, and loss of society, in accordance with the English decisions: *Penna. Co. v. Lily*, 73 Ind. 252 (1881); *Penna. R. Co. v. Butler*, 57 Pa. 335 (1868); *Dorman v. Broadway R. Co.*, 1 N. Y. Suppl. 334 (1888); *Parsons v. Missouri, Pac. R. Co.*, 94 Mo. 286 (1887); Am. and Eng. Ency. of Law (2d Ed.) Vol. 8, p. 926. The question, at bottom, is one of statutory interpretation. The English courts give Lord Campbell's Act a strict construction, it being abrogative of the common law. In America the statutes are either more liberal in their terms or have been more liberally construed on the ground that the wrongdoer is responsible for the natural and immediate consequences of his act.

BOOK REVIEWS.

THE LIFE OF DAVID DUDLEY FIELD. By HENRY M. FIELD. New York: Charles Scribner's Sons. 1898.

The author of this work is not a lawyer, and has not meant to write a biography illustrative of the successful man of law, or particularly helpful to the legal profession. Being one of the late D. D. Field's brothers, he possesses an intimate knowledge of the personality of the noble character which he fondly delineates, but he has not drawn for us the highly desirable but rare picture of the great lawyer in his office, or busied otherwise about his active duties. There have been many lawyers, the daily record of whose lives would almost equal in interest that of Dr. Johnson's life, and it is to be regretted that among their fellow lawyers closely associated with them some Boswells have not been found. This regret is thrust upon us in every chapter of the biography. We have reminiscences of the Duke of Wellington, of Daniel O'Connell and of dozens of men foremost in every walk of life, down to Lord Russell, the present Chief Justice of England, we have glimpses of Australia and Hong Kong, we have historical and family sketches, but we look in vain for a practical insight into the long hours which Field devoted to his myriad clients or to his life-work, the Codes.

Perhaps this will not cause so much disappointment as if Field had been like the leaders of the bar to-day. He was not one after whom the rising advocate of the modern school chooses to pattern. Can a single man, approaching him in ability, be found now who would be willing to sacrifice a large share of his time during eighteen years for the reform and codification of law, and to push his task to completion in spite of criticism and hindrance from bench and bar, and at an expense of many thousands of dollars? This is

what Field accomplished, and his early discouragements and failures only accentuated his final triumph. When he died; laws, as codified by him, were administered to over forty millions of his fellow-countrymen, and some of them had travelled as far as India and other distant possessions of England. In fact, until near the time of his death, he was more renowned in England than at home, owing to the bitter controversies which his so-called innovations aroused.

These controversies showed him to the world as a hard struggler, and, taken with his determined refusal to support any political party or any measure a moment longer than he thought right, laid him open to the charge of being harsh and unfeeling. His brother's book will serve to vindicate him. Undoubtedly the keynote of his character was his unflinching justice, but he understood what mercy and charity are, too. This is plain from an act of secret beneficence done to one of Chief Justice Taney's daughters, left penniless when Taney died. Although Field had never seen the daughter at all, and had never seen the father off the bench, he gave his bond to pay \$500 a year for her support, and remitted that amount to her from 1873 till her death in 1891.

Field's love of justice stands out sharp. He voted for Hayes in 1876, but afterwards went to Congress especially to have Tilden declared President. He fought against slavery, and, his biographer claims, brought about Lincoln's first nomination for President, yet after the war he strongly urged full recognition of the Southern States, and abolition of martial law, military rule and the Test oaths. His natural inclinations and his work as codifier gave him an unbiased, judicial frame of mind. As, on the one side, he argued against an overstrained interpretation of States' Rights, so, on the other side, he argued against the attempts to nullify them entirely.

This desire to promote justice amongst men and his interest in codification throughout the world led him to formulate a code of international law, and to take a prominent part in international peace congresses and movements for universal disarmament and arbitration. He believed that law and order underlie the whole universe, and that "Justice is the greatest interest of man upon earth;" and his long and interesting life may be summed up in the words of the late Lord Cairns, Chancellor of England, who said that, "He had done more for the reform of the law than any other man living."

J. J. S.

A TREATISE ON THE LAW OF MONOPOLIES AND INDUSTRIAL TRUSTS, as administered in England and in the United State of America. By CHARLES FISK BEACH. St. Louis: Central Law Journal Company. 1898.

In these days of giant corporations or combinations to develop

or control the industrial or commercial business of the country, no legal questions are of more live interest than those relating to "Trusts."

The importance of, and interest taken in, the same is evidenced by the constant efforts of Congress and the various State Legislatures to control the subject by laws which will be successful in both accomplishing the object of the legislative body and at the same time meeting with the approbation of the courts.

Surely no questions before the courts are of more interest from a practical standpoint than those relating to conspiracies in restraint of trade, trades unions and labor organizations, industrial trusts, combinations of railway companies and anti-trust legislation. Mr. Beach has given us a work on these subjects which treats them in a clear, intelligent and judicial manner, with numerous citations on all subjects involved, together with a comprehensive review of all statutory enactments on trusts by Congress and the Legislatures of thirty-one states. The cases cited are the very latest decisions in their respective jurisdictions and the book is thoroughly up to date. It cannot fail to become a hand-book upon the subjects of which it treats.

H. W. M.

A MANUAL OF COMMERCIAL LAW. By EDWARD W. SPENCER, of the Milwaukee Bar. Indianapolis and Kansas City: The Bowen-Merrill Company. 1898.

In his preface the author declares it his purpose to state in a clear and simple way such elementary rules and principles as are most important to business men and to present a book for general readers and for schools and colleges where business branches are taught.

The mechanical part of the book is excellent and the headings of the sections into which it is divided are in heavy black type and easily indicate the matter under discussion. There are about 550 pages and a full index. It is handy and well printed. No cases are cited, but at the end of some of the chapters reference is made to text books including the topics embraced in the chapters. It is scarcely practicable in a brief review where so many matters are treated, to mention any in much detail.

The author commences by defining law and legal rights, and then takes up contracts, stating the doctrines of consideration and the rules of offer and acceptance and other principles applicable to contracts generally. This portion of the work is needful to students, but may well need the aid of a teacher. The chapters on negotiable instruments, agency, partnership, sales of personal property, carriers and shipping are admirable and contain much information valuable to business men. Perhaps this may be said of the chapters on insurance and landlord and tenant. But the business man could scarcely rely upon a correct understanding of the nice questions of real property which must contain many technical words explained,

but not to be remembered, or the laws relating to corporations which, being almost purely statutory, vary so greatly in the different jurisdictions.

Appreciating the number of subjects to be covered the author has devoted himself to those questions which are most practical and necessary to his readers and what is stated is accurately stated. It is a full and faithful enumeration of the general principles.

The style is generally clear and simple. This is no indication that it has not cost the author much time and hard work. A book which is most easily understood and free from technical phrases may no less have required the most time and severest thought.

On the whole he has displayed considerable ability, and the work readily recommends itself to those for whom it was intended.

H. H. B.

THE UNITED STATES INTERNAL REVENUE LAWS, ANNOTATED. By MARK ASH and WILLIAM ASH. New York: Baker, Voorhis & Co. 1898.

The authors have aimed to comprehend in this volume all the Federal Statute law now in force concerning internal revenue, supplemented with references to State and Federal adjudications, regulations of the Commissioner of Internal Revenue, and rulings of the bureaus of the Secretary of the Treasury and the Attorney-General. Containing as it does the fullest annotation of the War Revenue Law of 1898 we have yet seen, the compilation will prove of value not only to the legal profession, but to Federal officials and business men as well. Especial attention has been paid to gathering together official expressions of executive officers acting under the Statutes, and in view of the importance of these in discovering exemptions from taxes, and in determining possible liability for penalties or forfeitures, this should prove not the least useful portion of the book.

As throwing light on the meaning of the Law of '98, all the cases arising under former war revenue acts have been collected, together with the conflicting authorities on the validity of unstamped instruments, and their admissibility in evidence according to the forum where the question arose. The references to the regulations and rulings of the Internal Revenue Department since June 13th last also seem very complete.

Cross references from section to section and a full index add to the usefulness of the book.

C. H. H.

RULES, FORMS AND GENERAL ORDERS IN BANKRUPTCY. By WM. MILLER COLLIER. Albany: Matthew Bender. 1899.

This work, as the author explains in his preface, is intended as supplementary to his recently published book on Bankruptcy and

consists of a compilation of (1) The Rules in Equity of the United States Courts; (2) General Orders in Bankruptcy; and (3) Official Forms in Bankruptcy. Each division is separately indexed with numerous cross-references in a manner which makes it valuable as a handy reference volume. The General Orders in Bankruptcy are copiously annotated, and though frequent mention is made of "Collier on Bankruptcy," the treatment does not detract from its value as a separate work. The set of forms covers the entire field of Bankruptcy practice and will, no doubt, be welcomed by most practitioners.

O. S.

OUTLINES OF THE LAW OF TORTS. By RICHARD RINGWOOD, M.A.
London: Stevens & Haynes. 1898.

"Outlines of the Law of Torts" is the unpretentious title of Mr. Ringwood's work on that important subject; its third edition has just been published. The basis of the work was a series of lectures delivered by the author before the students of the Law Institution of London. These lectures, as the work itself indicates, were based entirely on the numerous cases relating to torts; in fact, the author takes most of his definitions entirely from judicial opinions in the cases cited.

We regret that Mr. Ringwood has not seen fit to amplify his work. It contains, however, digests of many important cases and of all the Victorian statutes bearing on the subject, such as the Workmen's Compensation Act and the Employer's Liability Act. If the work is to be but a mere outline, we think it would be well for the author to devote more space to the general subject of torts, and we respectfully suggest that a case should not be cited with the reporter's name and "American" in brackets, as the American reports are now the reports of some fifty jurisdictions.

The reason for the present edition is found in the judgment of the House of Lords in the recent case of *Allen v. Flood*, [1898] App. Cas. 1, and the no less important and numerous body of cases and statutes on this branch of the law. The author has also paid greater attention to the valuable judgments of the Irish courts.

J. M. D.