

BOOK REVIEWS.

STATE TRIALS OF MARY, QUEEN OF SCOTS, SIR WALTER RALEIGH AND CAPTAIN WILLIAM KIDD. Condensed and copied from the State Trials of Francis Hargrave and of T. B. Howell, with explanatory notes. By CHARLES EDWARD LLOYD. Chicago: Callaghan & Co. 1899.

If the editor had made this volume twenty times as large as it is, we should still call for more. To lawyer and layman alike every page is replete with interest. The records of the three trials are so presented as to give us three finished narratives, each one of thrilling vigor, and each, nevertheless, far different from the others.

There is a dramatic unity in the arrangement of the report of Queen Mary's case which makes it just as powerfully moving as many of the tragedies acted on the stage, and the royal victim's execution forms a more sublime catastrophe than some of those rated among the classics. Elizabeth's marvelously bold duplicity stands out in dark relief, and her blasphemous address to Parliament marks her as being for cunning and hardihood, not to mention other attributes, a second Clytemnestra. The imposing air of self-righteousness which she always maintains is shown in strange contrast with the chastened majesty of the Queen of Scots. Their characters, besides those of several who figured in the two other trials, are so sharply outlined, and the real state of facts in the three cases is so clearly manifested, as to lead us to believe that both biography and history would often be more interesting and better understood if they were supplemented by the legal reports extant concerning the personages or events under consideration. A casual remark, of little importance when uttered, sometimes gives us a vivid insight into the situation of men and affairs which whole chapters of modern historians cannot furnish.

But the work is to be valued chiefly for being an addition to the literature of the law. Lawyers will retain their professional dignity longer than those who follow the medical and other merely material sciences, if they will only keep in sight the close relation between their studies, comprising the rules governing man's social conduct, and all the studies which have to do with man as a social, intellectual, moral and æsthetic being. We must encourage, therefore, every effort to liberalize the lawyer's attitude towards his profession by presenting it to him in the various aspects which will appeal to his many-sided mind, which will attach to it a broad, human interest, and make it appear to him, not a collection of precedents or rules of thumb, but a rounded out integer, the living embodiment of the wisdom of ages, whose growth and progress, closely indented with

the growth and progress of humanity, have never halted in the past, and never can in the future. Hence, no light stress should be laid on the cultural quality of this and similar publications.

The artistic judgment apparent throughout deserves special attention. It was an admirable plan to place Raleigh's case after Queen Mary's, because in reading the former we are constantly reminded of that blind retribution which was the most terrible creation of the ancient dramatists. Raleigh had been the last of Elizabeth's favorites, and when James I, Mary's son, became King of England, it was not long before Raleigh was sent to the Tower on a trumped up charge of treason. Whether or not the King's resentment dated back to his mother's death is hard to tell, but Raleigh had frequent occasion to compare the injustice he suffered with that which had disgraced the former trial. Coke was the willing instrument in this second judicial murder. The language he used towards the luckless scapegoat was never surpassed by Jeffreys. "Go to, I will lay thee upon thy back for the confidentest traitor that ever came at a bar." "Thou art an odious fellow, thy name is hateful to all the realm of England for thy pride." "There never lived a viler viper upon the face of the earth than thou." These are some of the flings in which Coke indulged. He distorted the law, and, when reproved for interrupting the prisoner, "sat down in a chafe," and had to be entreated to resume the case. Fifteen years later, after Raleigh had been released and had voyaged in command of a fleet to America, he was seized and brought before Coke, then Lord Chief Justice. Coke completed his infamy by sentencing him on the former judgment, and Raleigh's heroic death completed our second tragedy. The dialogue in this case is almost as racy and virile as any to be found in the works of contemporary playwrights.

Captain Kidd's trial introduces us aboard the pirate galley, "The Adventure," and shows us something of the manners and morals of the crew, their erratic journeys to and fro, their hours of sickness and idleness. Kidd's adventures and his acts of ferocious cruelty are related in such a matter of fact way that the effect is much enhanced. The simple account of the murder of Moore, the gunner, is particularly remarkable in this respect, and reveals Kidd's brutal nature as no amount of generalizing statements could. Kidd's servant, Richard Barlicorn, is an amusing fellow, and altogether this trial is as good as a romance.

Mr. Lloyd's editing has improved on the report in the Hargrave's and Howell's State Trials, but he might have further condensed it, and thus made room for the inclusion of a fourth case. There is so much delightful reading in the old State Trials that broad margins and repetitions and waste of space by means of other contrivances put one all out of patience. Let us hope that this book will be the first of a series. The wonder is that its publication was so long delayed. The State Trials are worth delving into, if only that we may become better satisfied with the law under which we now live. If the publishers were to get

out a volume containing the cases in which various members of the house of Howard were unjustly condemned, that volume alone would open the eyes of many who hold in awe the memory of Coke and of the jurists who flourished immediately before and after him. We would welcome also a volume containing the records of the persecutions of the Jesuits, of the plots to entrap their superior, Garnet, of the official connivance with Oates and Dangerfield, of the trial of the Jesuit poet, Southwell, who was racked thirteen times, of Father Campian and his twelve companions, and of the six who were unjustly condemned with the equally innocent Viscount Stafford. After studying these cases and the cases of Lord Strafford and Thomas Lee, and of others who were executed either after farcical judicial proceedings or without a trial at all, one feels that we cannot appreciate our own happy lot without realizing how much better off we are than our ancestors. Those centuries of oppression left their traces even upon the records of American courts, and Messrs. Callaghan & Company have a rich field open to them in this direction.

J. J. S.

THE GROWTH OF THE CONSTITUTION. By WILLIAM M. MEIGS.
Philadelphia: J. B. Lippincott Co. 1900.

A recent book of interest, not only to students of constitutional and American history, but to lawyers as well, is Mr. William M. Meigs' "Growth of the Constitution." This is not Mr. Meigs' first venture into the field of American historical writing, as he has already given us a "Life of Charles Jared Ingersoll."

The *raison d'être* of his book on the Constitution the author gives in his preface as follows: "I have on more than one occasion wanted to know accurately the history and development of some particular clause of the United States Constitution in the Convention of 1787, but have always found it very difficult to succeed in tracing the matter out to my satisfaction. It is a very wearying process to follow a particular portion of the instrument through the whole convention; and, indeed, no matter how carefully this is done, one is sure to miss a good many ideas which were thrown out at times when entirely different portions of the instrument were under consideration. Thinking over the matter at that time led me to wonder whether it would not be possible and worth while to go through all the proceedings of the convention and write a history of each separate clause. The following book is an outgrowth of that idea."

That Mr. Meigs has succeeded admirably within the limits he mapped out for himself, no one who has examined the book can doubt. He has performed a work which will enormously diminish the labors of students of the Constitution and which places before them in clear and succinct form the result of what must have been very laborious research.

It is true that the materials from which the Constitution was framed are so familiar and, generally speaking, so complete that we find little that is new in the book. But Mr. Meigs has thrown an interesting side light on the proceedings in the convention, by reproducing in fac-simile the so-called Randolph draft of the Constitution and which he considers to be the one (or one of two) used in the Committee of Detail of which Randolph was a member. As indicating the development or modification of ideas brought forward in the convention and as showing how they were reflected in the committee, this document is very interesting and helps in rounding out our knowledge of transactions which have since so greatly affected our national welfare.

Altogether Mr. Meigs is to be congratulated on his excellent performance of a laborious task and his publishers are to be thanked for issuing a book the type of which is easy and pleasant to read.

E. B. S., Jr.

NERVOUS AND MENTAL DISEASES. By ARCHIBALD CHURCH, M.D., of the Northwestern University Medical School, and FREDERICK PETERSON, M.D., of the Woman's Medical College, New York. Philadelphia: W. B. Saunders. 1899.

In common with all the books published by this firm, this volume is an excellent presentation of the subject in question. The numerous illustrations scattered throughout the text add materially to the interest, and the subject-matter is ably and thoroughly discussed. While having no direct bearing upon law, there is much both of interest and value to the legal expert contained within the book, especially with reference to insanity and mental and moral depravity.

A REVIEW OF RECENT LEGAL DECISIONS AFFECTING PHYSICIANS, DENTISTS, DRUGGISTS AND THE PUBLIC HEALTH. By W. A. PARRINGTON. New York: E. B. Treat & Co. 1899.

The author of this little volume has condensed into a limited space much of intrinsic value to both medical and legal men. The relations of medicine to law have, unfortunately, been but imperfectly understood, and any contribution that will more clearly define the mutual bearings of the two professions must be a welcome addition to medico-legal science. This result can best be arrived at by reference to the recent decisions in important cases, and in the present volume we find a *résumé* of some of the latest medical legislation. The subjects dealt with include the need of examining boards and their qualifications; the relations of medicine to dentistry, Christian Science and osteopathy; fees, and the legitimate value of medical services rendered; the scope of the term "mal-practice;" the value of X-ray photographs as evidence in surgical cases; the unauthorized use of physicians' names in the advertising of proprietary medicines, and many other equally as interesting and

important medico-legal subjects. Of special interest is the decision rendered in regard to a defendant who was charged, in Illinois, with practicing osteopathy. As he professed ability to understand and treat human ailments intelligently and successfully, it was held that he practiced medicine within the definition of the Illinois statute. In Ohio, on the contrary, it was held that an osteopath is not a practitioner of medicine within the statute. It would seem imperative that an interstate or national legislation should be provided, clearly defining a legal medical practitioner in such unmistakable terms as to exclude all quacks and quasi-doctors who could not present on request a diploma from some recognized medical college. Professor Parrington's book is well worthy of careful perusal, and should find a place in the library of all medical and legal men.

QUESTIONS AND ANSWERS FOR BAR EXAMINATION REVIEW. By CHARLES S. HAIGHT and ARTHUR M. MARSH. New York: Baker, Voorhis & Co. 1899.

This book is prepared along the line of the present theory of examination for admission to the bar. A student is no longer asked to define a partnership or a corporation, but is required to state the rights or the liabilities of the parties in a given case. The examiner wishes to know if the student can apply legal principles. The authors in the preparation of their book have constantly kept that end in view, and the book, no doubt, will be of great value to students who have covered the work and wish an aid for review just before an examination.

The book, from a mechanical standpoint, is good, as it is printed in a clear, plain type. It contains an excellent Table of Contents and a well-prepared Table of Cases from most of the States of the Union, and many English cases.

Citations have been chosen from all jurisdictions, and where there is a conflict between the different states upon any material point the conflict is noted and the conflicting decisions given, as far as possible.

At the close of the book there is a well and fully prepared Index, so that a student may turn to any subject with very little difficulty. As the authors say, "the cases cited should be read as far as such a course is feasible." If this is done by any student he cannot help getting a clear understanding of the subject.

J. E. S.