

## BOOK REVIEWS.

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CHIEF JUSTICE MARSHALL. An address by Mr. Justice Story.  
Republished by the Lawyers' Co-operative Publishing Co.,  
Rochester, N. Y. 1900.

Only the thoughtful student of our national history can fully realize the vast and far-reaching influence exercised by our Supreme Court upon our progress and prosperity as a nation. To him there will ever be one name pre-eminent in the struggle to place our national government upon a firm and enduring foundation. It is Marshall whose splendid legal attainments not less than his comprehensive political knowledge and unselfish patriotism made him the valiant defender of the Palladium of our Liberties. Far more than any of us can fully realize now he has placed us under lasting obligation by defending the weak federal government from the encroachments of angry and jealous states at a critical period of our national existence. It is with great interest, then, that we read Mr. Justice Story's eulogium of the great Chief Justice, originally delivered on the occasion of his death. The immediate reason for the republication of this tribute of a great jurist to a greater is the near approach of the celebration of the anniversary of the installment of John Marshall in the highest judicial office. It is to be hoped that not only will the celebration be observed by bench and bar, but also in all schools and colleges throughout the country and perhaps in time by the nation at large. "Peace hath her victories no less renowned than war," and while martial deeds appeal most to the giddy multitude, yet it would become us as a nation to celebrate "Marshall Day," not because he was a great judge, nor the most illustrious member of a profession indispensable to the State, but as a recognition of those great services which can be rendered by such as he. Let us celebrate then, bearing in mind that it is greater to foster a nation than to destroy one.

*E. B. S., Jr.*

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OHIO CORPORATIONS OTHER THAN MUNICIPAL. By A. T.  
BREWER and G. A. LAUBSCHER. Fourth Edition. Cincinnati:  
The Robert Clark Company. 1900.

In this book the editors have collected and (so far as the nature of the book permits) have classified the constitutional and statutory regulations of the State of Ohio dealing with private corporations. They have also prepared annotations of the judicial decisions in construction of the several statutes and these annotations are in each instance printed immediately after the section to which they relate.

A collection of forms has been appended to the book and a satisfactory index refers the inquirer to the provisions for which he is searching.

In Ohio, as in so many states of the Union, corporations are divided into two general classes—those organized for profit and those not for profit. The editors of the present work remark that they have experienced no little difficulty in determining to which class certain organizations belong. This observation is made by the editors in connection with their statement that the vagueness of the distinction between the two classes has made it difficult properly to classify the forms which they have collected. They might in the same connection, have called attention to the difficulty which confronts any compiler of the corporation acts of an American commonwealth when he attempts to classify and arrange them according to a consistent plan. The legislatures of the several states at one time enact statutes relating to a particular class of corporations—as for instance turnpike companies; and at another time they enact statutes applicable to all classes of corporations—as for example, provisions relating to the creation of corporations. Again, our legislators will sometimes enact statutes which are general in their terms, but are of such a subject-matter that it seems to be difficult to assign to them a general operation. An instance of legislation of this character is the statutory right to cumulate votes—a right which in its nature should seem to be peculiar to corporations having a capital stock, where there are minority property rights to be protected as distinguished from corporations not for profit and without capital stock, where cumulative voting seems to be out of place. If the suggested examples are used as tests in the examination of the present work it will be found that the statutes of Ohio are no exception to the general rule. The editors have collected into one chapter statutory provisions relating to the “creation of corporations and general provisions.” An examination of the chapter shows that the Ohio legislature has not clearly distinguished between the two classes of corporations and the editors have been able to throw but little additional light upon the situation. It is left to inference that Section 3245 so far as it authorizes cumulative voting is applicable only to stock companies and not to such associations as are contemplated in the provisions of Section 3240. In this connection reference may be made to an interesting question raised by the note of the editors appended to form No. 34. A separate chapter includes turnpike and plank road companies. Here again, however, the legislation of the state is in such a condition that the chapter cannot be made to contain all the provisions relating to township road companies as appears upon reference to Section 3823 and 3824 in the separate chapter on “Powers of Certain Corporations.” There is at the end of the chapter on “Township and Plank Road Companies” a single cross reference to a note to Section 3822; but if any general criticism of the book can be made it is that the cross references are meagre and that there has been a failure to tie together different parts of the book which an inquirer

would be likely to examine in connection with one another. With this reserve, the book is, upon the whole, to be commended. The arrangement is as satisfactory as it can be made consistently with the subject-matter. The annotations are clear and, so far as the writer has been able to test them, are accurate. The type is good and the mechanical appearance of the book is excellent.

G. W. P.

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OWEN'S LAW QUIZZER. Second Edition. St. Paul: West Publishing Co. 1900.

The patient spirit of true scholarship frequently condemns any abridgment of labor from the use of notes, compends or quiz books, charging them with causing a contracted view of a subject, and a narrowing mental influence. Occasionally, none the less, one such work rises slightly above the mass, and earns a right to notice, perhaps even to stinted commendation. In the second edition of his "Law Quizzer," Mr. Owen has almost made a new work. The skeleton of the structure remains, but the unintended parentheses have been supplied, and the whole strengthened and enlarged by a careful soldering of patent seams.

New chapters have been added on the subjects of Sales and Statute of Frauds, Insurance, Executors and Administrators, Criminal Procedure and Damages. The chapters on Contracts, Bailments, Criminal Law, Torts, Domestic Relations, Private Corporations and Constitutional Law have been enlarged and revised. Frequently references have been changed to suit the purpose, Mr. Clark's book on "Contracts" being prominent in place of Bishop, Lawson and Parsons, on the same subject, and "Clark's Criminal Law" being substituted to the exclusion of May.

The answers are everywhere lucid and accurate, conciseness, however, being sacrificed somewhat to an impartial exposition of the particular point.

After a year of faithful study, when the laborious work has been finished, Mr. Owen's book is well calculated to ordinate and leaven the chaos of facts into a consistent, consecutive, interdependent set of propositions, such as are valuable to have by one in answering examination questions.

Thus far has the writer done his work creditably. The book as a "Law Quizzer" is good. Further than that, probably it is not meant to go.

J. W. H.

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ATLAS AND EPITOME OF DISEASES CAUSED BY ACCIDENTS. By DR. ED. GOLEBIEWSKI. Translated from the German by PEARCE BAILEY, M. D. Philadelphia: W. B. Saunders & Co. 1900.

In view of the constantly increasing number of "accident cases," such a book as the "Atlas" will be of great value to the lawyer. It is practically nothing more nor less than an exhibit, so far as the

*media* of verbal and pictorial description can make it so, of typical cases of every conceivable injury which could befall a workman in the course of his employment. The precise description of these injuries and the beautifully colored plates and well-executed illustrations of the outward appearance of them render the true significance of hurts evident to even a non-mediciner. Consequently with such aid as this book, the plaintiff's counsel will to a large extent be able alone to ascertain the full measure of his client's injury, and the defendant's counsel will have a convenient quizzer from which to ask leading questions from the plaintiff's experts. The great value of such a book, however, lies in its ability to be used as a basis to ascertain the proper measure of damages. To the attorney who wishes to compromise it will give some idea of the reason of the plaintiff's demands and to the claimant's counsel it will be an authority to show the far-reaching consequences of an apparently trifling injury.

The translator has done his work well and we only regret lack of space to discuss the interesting legal thoughts he lets fall in his introduction.

The typography and lithography shown in the "Atlas" are worthy of the highest praise,

*E. B. S., Jr.*