

BOOK REVIEWS.

A BRIEF FOR THE TRIAL OF CRIMINAL CASES. By AUSTIN ABBOTT, assisted by WM. C. BEECHER. Second ed. By Publishers' Editorial Staff. Rochester: The Lawyer's Co-Operative Publishing Company, 1902. \$4.50 delivered.

This is the last of the "Trial Brief" Series to be re-edited and republished by these enterprising publishers of law books. The "Civil Trial Brief" and the "Brief on the Facts" have in their second edition been noticed in these pages. That these former second editions have been found useful is unquestioned by those who have been able to have them at hand, and they are not a few, for the publishers have issued nearly 14,000 of each.

Each has improved in the new edition and the subject of the present review is no exception. The most noticeable advantage is the immense amount of material which has been added without rendering the volume unwieldy.

The publishers claim for the book that it has been brought down to date (1902), and adapted for use in every state in the Union. In doing this, it has been found necessary to add nearly one hundred new sections. There are about one hundred and fifty more pages, but owing to its smaller type the new work gives about twice as much actual matter. The text is supported by twice as many citations.

Nearly all the chapters show a large amount of additional matter, especially those on "Pleas to the Indictment," "Postponement," "Selection of Jurors," "Reception of Evidence," "Rules of Evidence," and "Instructing the Jury."

The following chapters have been nearly doubled in length: "Counsel," "Presence and Custody of Accused," "Arraignment," "Demurrer to Indictment," "Removal of Cause," "Change of Venue," "Right to a Speedy Trial," "Separate Trial," "Supervision of Jury," and "Documents for Jury."

Like the others of the series, "Criminal Trial Brief" was designed simply as a trial hand-book. It was intended to give essential information with regard to the rights, privileges and immunities of the accused, as the questions come up in the course of a trial.

It aims to give the essential information for counsel, in the conduct of a criminal trial, from arraignment to sentence, or discharge, and authority from each state,—leading cases on each proposition.

It is essentially an emergency hand-book used daily, and as such this edition will no doubt meet with much favor.

A SELECTION OF CASES ON THE CONFLICT OF LAWS. By JOSEPH HENRY BEALE, JR., Professor of Law in Harvard University. In three volumes. Boston: The Boston Book Company. 1902. \$10.50 net.

This work was prepared for use in Harvard Law School. Its author, a professor in that School, is now also Dean of the Law School of the University of Chicago.

Like most case-books intended primarily for the use of students, it gives the cases in full, but without head-notes. An excellent "Summary," about fifty pages in length, is a condensed treatise on the topic, based on the cases.

About four hundred common law cases and seventy-five cases from European countries, Egypt, and South Africa, are included in the collection. Fifteen hundred other American, English, and Canadian cases are cited in the notes, besides a large number of foreign decisions,—altogether a much larger collection of authorities than can be found in any previous work on the subject.

The extracts from the Preface and the Table of Contents, given below, will explain the plan and framework of the collection.

"The topic of the Common Law upon which Judge Story has imposed the title, *The Conflict of Laws*, consists of four parts, different in origin, though closely related to one another in their practical application.

"The Conflict of Laws is first concerned with the jurisdiction of states—the extent of their legislative and judicial power, and of the obligation and right of individuals to obey and to take advantage of the legislation of one or another state. These are questions of international law, which should properly be decided in every country in the same way.

"The topic is next concerned with the creation of legal rights and obligations, as a result of the sovereign action of some state; often an international matter, though the questions involved are rather questions of foreign fact than of law.

"The next concern of this branch of the law is the recognition and enforcement within one state of rights and obligations which have been created in another state; a question not in any sense international, but to be determined in accordance with the municipal law of the state concerned.

"Finally, there remains to determine the legal process by which, if at all, the foreign right shall be enforced; also, obviously, a municipal question.

"But though the doctrines which make up the topic, *The Conflict of Laws*, are of various origin, they all form part of the Common Law of England, and have been adopted as such in the states of the American union; they are law with us, not because they arose in international comity and usage or in municipal practice, but because they are acted upon in our courts. The

name, Private International Law, sometimes applied to the whole topic, is therefore inadequate and misleading.

"This collection of cases is the result of seven years' experience in teaching the Conflict of Laws. The arrangement of the subject may be open to logical objections; but there seemed to be sufficient practical reason for the order adopted. Most of the cases here printed were decided in the English and American courts; but valuable cases in the British Colonial courts have also been printed. In these colonies, as in the United States, the principles of the Conflict of Laws are of especial importance, since in them business transactions are seldom confined within state or colonial lines. Several foreign cases will also be found in the collection."

The contents given herewith indicate the classificatory scheme and the scope of the work.

Volume I, Part I, Jurisdiction: Chapter I, Law: Sect. I, The Extent of Legislative Power; Sect. II, The Origin and Change of Law; Sect. III, Concurrent Legislative Jurisdiction; Sect. IV, The Nature of Foreign Law; Sect. V, Comity. Chapter II, Jurisdiction over Persons and Things: Sect. I, Domicile; Sect. II, Taxation; Sect. III, Temporary Presence. Chapter III, Jurisdiction of Courts: Sect. I, Jurisdiction *in Rem*; Sect. II, Personal Jurisdiction; Sect. III, Jurisdiction *Quasi in Rem*; Sect. IV, Jurisdiction for Divorce. Part II, Remedies: Chapter IV, Right of Action. Chapter V, Procedure. Volume II, Part III, The Creation of Rights: Chapter VI, Personal Rights; Sect. I, General Principles; Sect. II, Capacity; Sect. III, Marriage; Sect. IV, Legitimacy and Adoption. Chapter VII, Rights of Property: Sect. I, The Nature of Property; Sect. II, Immovables; Sect. III, Movables; Sect. IV, Trusts; Sect. V, Marital Property. Chapter VIII, Inheritance: Sect. I, Intestate Succession; Sect. II, Testamentary Succession; Sect. III, Execution of Power. Chapter IX, Obligations *ex Delicto*. Chapter X, Obligations *ex Contractu*: Sect. I, Place of Contracting; Sect. II, Formalities; Sect. III, Obligation; Sect. IV, Interpretation; Sect. V, Effect; Sect. VI, Assignment; Sect. VII, Performance; Sect. VIII, Discharge; Sect. IX, Special Forms of Obligation: (a) Mercantile Instruments; (b) Obligations of Carriers; (c) Obligations *Quasi ex Contractu*. Volume III, Part IV, The Recognition and Enforcement of Rights: Chapter XI, Personal Relations: Sect. I, Capacity; Sect. II, Marriage; Sect. III, Legitimacy; Sect. IV, Guardianship of the Person; Sect. V, Incorporation. Chapter XII, Property. Chapter XIII, Inheritance. Chapter XIV, The Administration of Estates: Sect. I, Estates of Deceased; Sect. II, Wardships; Sect. III, Insolvent Estates; Sect. IV, Estates in the Hands of Receivers. Chapter XV, Judgments: Sect. I, The Nature of a

Judgment; Sect. II, The Obligation of a Judgment; Sect. III, The Judgment as *Res Judicata*; Sect. IV, The Effect of a Judgment on Property. Chapter XVI, Obligations: Sect. I, Penal Obligations; Sect. II, Obligations *ex Delicto*; Sect. III, Obligations *ex Contractu*. Summary. Index to Summary.

SOCIOLOGICAL STUDIES OF A MEDICO-LEGAL NATURE. By LOUIS J. ROSENBERG, LL. B., Associate of the Victorian Institute, London, England, Michigan Delegate to the American Congress of Tuberculosis (1901), etc., and N. E. ARONSTAM, M. D., Ph. G., Assistant in Chemistry and Dermatology, Michigan College of Medicine and Surgery, etc. With introduction by Hon. Clark Bell, LL. D., President of the Medico-Legal Society. Pages 142. Chicago: G. P. Engelhard & Co. 1902.

Here in a small volume of 137 pages are collected some nine or ten essays on subjects which at first seem rather heterogeneous, but which are really connected by the thread of thought in the idea conveyed by the word "Medico-Legal."

It is presumed from the nature of the essays that the authors—a physician and a lawyer—collaborated on each of the subjects since each essay has parts indicating the viewpoint to be now of the one profession and now of the other.

Sociology is a wide field, consequently it is not to be wondered at that the subjects of these essays range widely, from Crime, and The Drink Evil to Premature Burial, Euthanasia, Amnesia, The Education of Feeble-minded Children, Tuberculosis and Suicide.

The treatment of each subject is suggestive rather than exhaustive. Thus the essay on suicide is of interest in connection with the note on the case of *Grace v. The State*, 69 S. W. 529, on page 675 of this number of the AMERICAN LAW REGISTER. But the essay fails to mention the peculiar Texas doctrine on the subject.

In connection with the book by Dr. Crothers ("Morphinism and Narcomanias from Other Drugs; Their Etiology, Treatment and Medicolegal Relations. By T. D. Crothers, M. D., Superintendent of Walnut Lodge Hospital, Hartford, Conn.; Editor of the Journal of Inebriety; Professor of Mental and Nervous Diseases, New York School of Clinical Medicine, etc.), reviewed in the last number of this magazine, the book seems to indicate a tendency to put the study of such subjects on a scientific basis, which though still in its inception is yet praiseworthy as being a step in the right direction.

CURIOUS CASES, selected by B. A. MELBURN. Charlottesville, Va.: The Michie Company. 1902.

A reviewer is always grateful for the unusual amusement and relief afforded by a collection of cases presented "solely because they are interesting;" thus indeed, I take it, the book has already attained one of its express objects, for it is dedicated to all "who do not regard the law as a mere means of obtaining a livelihood, and who can find in law books recreation, amusement and the mirror held up to nature." The author is safe in addressing the sound sense of humor of a profession which offers as few others, an insight into human affairs. However difficult and theoretical may be the legal contest, there is always some living object; and with life, humor will creep into the gravest deliberation, heightened in its effect by the great contrast.

This collection of English and American "curious cases" will be useful to any one who desires a fund of legal anecdotes. A "good story" is something one cannot dogmatize about; all that can be said is, that the collector has attempted to satisfy all qualities of humor, the highest as well as that not the highest,—at any rate, the cases are all more or less "curious."

PROCEEDINGS OF THE NINETEENTH ANNUAL MEETING OF THE BAR ASSOCIATION OF THE STATE OF KANSAS, HELD IN THE CITY OF TOPEKA, JANUARY 30 AND 31, 1902. Official Stenographic Report, Clay Centre, Kansas; Published by the Association. 1902.

Meetings of bar associations are increasing in frequency and in dignity, so that to follow all that is of value in their published proceedings is considerable of a task.

We would like to note here, for the benefit of our readers, the addresses of value contained in such of these publications as come to us, but such notice is generally missed.

In the present case there are valuable addresses, among others: the address of President Silas Porter on "Taxation of Franchises," and an address by Governor Stanley on "Pardons and Paroles." The number contains also an index by authors' names of former addresses. This should prove of value.

A busy lawyer will do well to keep up with the proceedings of his own state bar associations, but for library reference, a well indexed set of all the state bar associations' proceedings should be very valuable.

CHANGES AND ADDITIONS TO DILL'S CONSTABLE'S GUIDE MADE NECESSARY BY THE ACT OF 1901. Philadelphia: T. & J. W. Johnson & Co. 1902.

This is just what it purports to be by title, and its possession is as necessary for one depending on the book for a guide as is the book itself. It is a twenty-page pamphlet with index and may be inserted in the original guide.