then to codify and exhibit these sayings in a compendious and accessible form. In this lies the reason for the existence of the book. That the author's work has been well performed it is needless to add.

The book is one which will probably be classified as more entertaining than instructive, but it is not without a useful and practical side as well; for the perusal of a work of this character cannot but tend to communicate "useful precedents to the furtherance of justice, the discouragement of iniquity, the honor of the laws, and consequently of the profession and the public at large." *F. H. S.*

NOTES ON RECENT LEADING ARTICLES IN LEGAL PERIODICALS.

ALBANY LAW JOURNAL.—January.

The Expert Witness. D. C. Westernhaver. Mr. Westernhaver begins by showing the trend of public opinion of recent years as it has run against the expert witness; he then takes exception to this opinion and goes on to defend these witnesses on the ground of necessity, and to show that the public has received a wrong idea both of the capacity and of the general truthfulness of these witnesses. He does not approve the suggestion that it would be an improvement to take away from the parties their freedom of choice in selecting and calling experts and to vest the right of selection in the courts. Experience has led him to believe that this would be to infringe upon the freedom of the parties and be productive of much injury. He ends by saying: "We are and have been living in a critical age, in an age in which every child born into the world has a question-mark branded on his forehead, and every institution must defend its life against the attacks of the iconoclast. That in an age of this kind the English system of evidence has remained almost unchanged is a proof that it answers admirably the purpose for which it is designed. Of this system expert evidence is an integral part, and while it may often perform no office in a trial except to produce confusion, it is still in all aspects consonant with the principles upon which the system is established, and ought to be changed only for good and sufficient reasons."

The Ideal President. D. F. Hanagan. We do not often stop to consider what our ideal of a President should be; we accept the nominations of the two great parties, and it has been the fashion under the last two administrations to claim that whoever is President is right; that whatever is done, having been done, is best. Some slight examination into the question whether we have any ideals on this subject and, if so, what they are does not, therefore, seem to be amiss. Mr. Hanagan somewhat hesitatingly does not place Washington before us as an ideal. He is probably in line with the verdict which will be given in later times when he gives us Jefferson, Jackson, Lincoln, and Cleveland as the types which go to make up a composite ideal. They are the men who stand out as the great Americans who have filled the office.

THE AMERICAN LAW REVIEW.—January-February.

The Old Law of Real Property as Modified in this Country. George H. Smith. "Laws descend like an inherited disease—from generation

to generation." This is the quotation with which Mr. Smith begins his paper, and it may serve to illustrate his position. He proceeds to demonstrate the proposition that "in the American law as now existing nothing of the old English doctrine of real estate survives, except, first, the terms in which it was expressed,—which still remain of indispensable use in connection with the statutory provisions and equitable doctrines by which it has been abrogated or supplanted,—and, secondly, the purely rational principles embodied in it." He first examines Blackstone, taking up his "Division of Things," and stating that he was in error in regarding all hereditaments as things real, or all things real as hereditaments. Next he takes up the division of incorporeal hereditaments, showing that the term has no longer any meaning, or that the meaning has become general. As to tenures, the doctrine is no longer a part of our law. As to estates in land, estates tail no longer exist; the doctrine of estates for years has been essentially modified; freehold estates have lost most of the old features; the doctrine of remainders is still with us, but its use is past; reversions still exist, but stripped of technicalities; estates in coparcenary are no longer distinguishable from estates in common; joint tenancy still remains in a restricted form. Titles are accorded a longer examination, owing to the division of legal and equitable titles which still exists and to the subject of conveyances, which is necessarily complicated. While there may be a difference of opinion as to whether Mr. Smith has wholly made out his contention, he has certainly given us a very good argument on the subject. Mr. Field's Code for New York is alluded to, and it shares the fate of most codes, it being declared "As a code, it is altogether inadequate; and in this state its only effect—in my opinion—has been to add an additional source of confusion to a subject already sufficiently complicated." This seems to be the usual fate and sole function of a code. Mr. Smith in a note declares himself as not opposed to codification of the law, but he would have the codification done by the Federal Government.

Dissenting Opinions. V. H. Roberts. Has the dissenting opinion any excuse for being is the question propounded, and it is answered in the affirmative. Dissenting opinions are shown to have great influence in moulding subsequent opinions and modifying their effects, notably in the Legal Tender Cases. We are shown how under Marshall's influence the custom of delivering dissenting opinions declined, and he was said to have established an "intellectual dictatorship" over the court. This was not then and it would not now be considered a good thing. Mr. Roberts says "the American citizen has an inherent and wholesome respect for majorities." For this reason the freedom to dissent, and to record that dissent, from the majority is one that should be rigidly preserved. In giving the reason for a dissenting opinion Mr. Justice Pearce very reasonably said: "My conviction of the principles which should control the decision of this cause are so strong that I am constrained to dissent from the opinion of the court, though I am aware that dissenting opinions are very often, and sometimes correctly, regarded as idle, if not pernicious, work. Nevertheless they are sometimes justified in order to relieve the dissenting judges from that imputation which, if unexplained, might appear to be merely captious difference or obstinate adherence to individual opinion."

The Right of Privacy and Its Relation to the Law of Libel. Elbridge L. Adams. We are given first a résumé of the articles which have recently appeared, or which have appeared within the last few years, on the subject. The cases are next examined until we arrive at the latest of the New York cases, which excited much comment. In regard to these cases we are told, "What the court decided, and all that it decided, was that there is no such thing within the history or princi-

ples of jurisprudence as a right of privacy which will restrain an unauthorized publication which is merely offensive to the feelings and which does not injure the property or the reputation." It is doubtless true, as the author says, that for the court to have decided otherwise would have been to extend the law of libel, and the courts were wisely not ready to go so far. But Mr. Adams goes on to show the evils of the too great liberty which is assumed by the press of the day and asks, "Is it, then, possible, is it even advisable, that the legislature should attempt to regulate this sort of thing?" In France they have a law regulating the subject, and in our own state of California we also have one. Mr. Adams criticises this act and says that the law remains practically a dead letter. He has the same to say about the New York act passed in 1903. The Pennsylvania law of libel is next examined, and it is the opinion of Mr. Adams that the newspapers are not justified in their "fine frenzy" upon its passage. He forgets to add, however, that it also is a dead letter, and that we are now asked for more stringent legislation on the subject. The final conclusion of the author is that no effective law has ever been framed to restrain this violation of private life, and that it does not seem possible that an effective law can be framed.

The Act of Congress Permitting Suits Against Federal Receivers—Injunctions from State Courts. W. A. Coutts. This a continuation of an article in the July-August number of the *American Law Review*, and the two articles should be read together. They will be found a very valuable contribution to our knowledge of the subject.

The Lawyers of the American Revolution. In this interesting article we are shown the first lawyers of the infant states and have to confess that they are not always too creditable to their profession. When we come to those of the Revolutionary times, however, their credit is redeemed, and we find the lawyer given the credit for the existence of the Revolution. "From the lawyers' work sprang the Revolution." If this is "too broad," yet it is surely to their work that we owe the imperishable documents of the time. Mr. Adams does not share in the foolish modern superstition that Jefferson was not the author of the Declaration. He gives the malicious, foolish, envious comments of the men of that and later times upon the document, and in Jefferson's own wise comment upon those of his own time shows their folly. It would seem incredible were it not so often done that so well authenticated a fact could be disputed to-day. When Washington warned us against the predominance of the party spirit it might seem that he foresaw the time, one hundred and more years later, when partisan malice should deny to the men of his time the reward due to their sufferings and their genius.

THE CANADIAN LAW REVIEW.—January.

The Latest Organization of Popular Suffrage. Alfred Nerincx. One would hardly expect an author to begin an article of this sort to-day by making so obvious a mistake as to call the suffrage of France or the United States "universal suffrage." Monsieur Duguit in *L'Etat* notices this tendency of writers upon the suffrage, and shows that it often entails a flaw in their reasoning, as to reason upon universal suffrage when the suffrage is really limited to men produces false results. Mr. Adams is able to perceive a less obvious contradiction in that he says men claim absolute equality of all citizens, and that such a theory is absolutely false. He goes on to show that Belgium has arrived at a recognition of this truth (Mr. Nerincx is a Belgian). He first claims that they have reformed "universal suffrage," which, as we know, does not and did not exist in Belgium. The factors in

this reform are plural suffrage, proportional representation, and compulsory voting. The plural suffrage is founded on property and the possession of a family; however good this might be; it was decided that it could not be carried very far, so three votes at the utmost are allowed, and in this way the suffrage becomes at once "truly conservative and truly democratic." Proportional representation we already know about in theory; it is too soon to know much about it in practice. The citizens, however, it is felt, may not appreciate all that has been done for them, and therefore compulsory voting is adopted. The elections may almost be compared with those of Philadelphia, for they are said to "work with a tranquillity, a smoothness, and a regularity which have been the wonder of those who remembered the disquieting agitation that used to attend them in former times."

Legal Status of Japanese Women. R. Vashon Rogers. The extracts given from Japanese authors and from later writers who view things from an European standpoint serve to illustrate quite forcibly the confusion that arises from trying to understand an Eastern situation from a Western point of view. We find the status of the Japanese woman pictured as being the highest and most honorable, and also as being the most miserable and degraded. From one point of view it is the first, from another point of view it is the second. Just at this period it is probable that her position is the most painful and unsatisfactory that it has ever been. Not being an outgrowth of conditions, but a forced and unnatural change, the new status must be uncomfortable and is certainly unfair. Customs, even when odious to our Western ideas, are more just to women than unnatural and unnaturalized codes borrowed from peoples of alien modes of life and thought. The article is to be continued.

Municipal Freedom. W. D. Lighthall. The Canadian city, like its American sister, has found the corporation a menace to its freedom. They have found our League of American Municipalities a good thing to copy, and in 1901 a Union of Canadian Municipalities was formed. The article gives a history of the growth of corporate power, chiefly since 1880, and the evil effects of this power upon the granting of municipal franchises and the municipal life itself. We have had so much experience of these evils in our own municipal life that the story is, unfortunately, an old one to us, but our sympathies cannot fail to be with the League, which is trying, as is our own League, to minimize the corrupting power of the wealth which we have allowed these corporations to take from our pockets. The article describes the process by which it is taken as a "hold-up," and it is evident that all the greater cities of Canada have been held up. The author hopes that "sane and just principles may conquer, and our people and commerce retain their liberty."

Liability of Deposit Companies. E. Fable Surveyor. We have a discussion of the essential features of deposit or bailment, and are given the events which operate as a liberation of the bailee, in which we have little that is new, or that has been brought out of late by the really new and modern type of responsibility which is created by the relation between the deposit company and the depositor.

CENTRAL LAW JOURNAL.—January 27.

The Doctrine of Anticipatory Breach. Colin P. Campbell. The article examines "the doctrine whereby one who has a contract with another to perform a certain act or acts at a certain time or times is permitted upon the declaration of that other that he will not perform at the time when the performance is due, or upon his rendering performance at that time impossible, to sue before the time

when performance of the contract is declared by its terms to be due." The author's conclusions are summed up as follows: "The doctrine of anticipatory breach has been put upon two grounds: first, that giving a right to an immediate suit because the plaintiff is entitled to have the contractual relations subsist until the time for performance; and, second, upon the ground that the repudiation, if accepted, is in reality a rescission. The first ground we believe to be illogical and unsound, because a contract cannot be broken before performance is due; and, second, the renunciation does not give a right of action except, perhaps, in the case of the breach of a marriage contract, because there are no damages until the time for performance; third, we believe, notwithstanding what is said by many authorities, that the majority of the cases impliedly base their doctrine upon a rescission and not upon a breach; further, that to give ground for the application of the rule the repudiation must be absolute and unequivocal, and if it is, the promisee is entitled to sue immediately for the damages then suffered, or to wait the time for performance, and if he does this, the other party may perform at the expiration of the period if he chooses."

COLUMBIA LAW REVIEW.—January.

Definition of Law. Melville M. Bigelow. James Wilson was probably the first lawyer in this country to pronounce the definition of Law given by Sir William Blackstone to be dangerous to the principles of a free country. Mr. Wilson made this statement in those famous lectures of his delivered before the Law School of the University of Pennsylvania in 1790; Mr. Bigelow reiterates it in the *Columbia Law Review* of January, 1905, saying of the famous definition of Blackstone, "That it is dangerous as well as unsound is worth pointing out at some length." Since these dangers had been so profoundly and ably pointed out by Mr. Wilson it is a little disappointing to find no reference to that fact, especially when, as we read on, we find, in more modern phrase, the precise arguments which appealed to Mr. Wilson appealing to Mr. Bigelow. Wilson says: "Shall we for a moment suppose all this to be done? What is left to the people? Nothing. What are they? Slaves." Mr. Bigelow says: "His definition can have but one meaning; it could be accepted by the Autocrat of all the Russias." There is a like community of feeling when they discuss the term "Prescribed." Mr. Wilson says, "Of all yet suggested, the mode for the promulgation of human laws by custom seems the most significant and the most effectual." Mr. Bigelow says, "The chief rules of law are not 'prescribed' in any sense; they exist, as will be seen later, as a part of the very existence of the state itself." It is good to hear the old judge of a hundred years ago—wise beyond most of his successors—speaking again through the lips of one so worthy to succeed him as Mr. Bigelow. For we have forgotten that he spoke so wisely, and we have forgotten to follow him in the spirit. It is good to hear once more that the doctrines he reprobated are "dangerous and unsound." Mr. Bigelow combats, as did Mr. Wilson, the idea that the "sovereign of a people may be external." He then goes on to except to the definition, "Law is a rule of civil conduct," objecting to the use of the word rule as inapplicable. We are told that "Commanding and Prohibiting are words out of place," and, finally, that "Blackstone's definition must be set aside," a declaration for which we are fully prepared. In the second portion of the article Mr. Bigelow takes up the many times attempted task of giving us a "trustworthy and useful definition of law." That the author brings most exceptional qualities to the attempt will not be disputed; that he is most interesting as he unfolds

his thought will not be denied; his definition must be judged by the reader for himself. It is: "Municipal law signifies the existence of binding relations, direct and collateral, of right and duty, between men or between the state and men; or legislative grant of authority under which such relations may be created; each in virtue of freedom to do whatever is reasonable."

"Remedial law signifies the existence of relations of right and duty between the state and the members of the same, in consequence of a breach of duty, binding the state to enforce compensation in civil, and punishment, subject to pardon, in criminal cases."

The Decadence of Equity. Roscoe Pound. The title, as the author thinks it will, surprises us at first, yet on second thought we agree with his argument before we have read it, since the tendency to be bound by rule and formula is everywhere most apparent. We are told that "the anti-legal element has come to be a minimum once more—the present is a period of law." "The days of a living equity are passed." The article is most interesting and the argument well sustained; we feel that we are not progressing forward from those old days of the Year Books from which the author quotes when the Chancellor could say that "the law of his court was in no wise different from the law of God." There are equity lawyers of the present day who would consider this an unwarranted aspersion upon their branch of the law.

"*Agency by Estoppel.*" Walter Wheeler Cook. The article is an attempt to discover the theory underlying the liability of a principal for all contracts entered into on his behalf by an agent acting within his apparent or ostensible authority. The author supports the thesis that the "liability in question is a true contractual liability, as well where the authority of the agent is only apparent as where it is real." The presentation of the case is vigorous and able.

THE GREEN BAG.—January.

A Scientific School of Legal Thought. Melville M. Bigelow. This article has already attracted a great deal of attention, and will doubtless be very widely read, not only by those who usually "take in" the *Green Bag*, but by many others who will desire to know what a man of the type of Mr. Bigelow considers to be "scientific" legal thought. After a careful survey of the points of the article it does not seem that the school desired by Mr. Bigelow is very different, after all, from the better class school of the day which is administered by broad-minded men. It may be that the student gets more historical law than Mr. Bigelow thinks good for him, but reliance upon known facts does not seem unscientific; scarcely as much so as to consider, as Mr. Bigelow appears to, that a fact is necessarily dead because it has been a fact for three hundred years. Too much reliance upon precedent, if precedent be read to be a series of cases wrongly or rightly decided, is an extremely bad thing, but it is rather surprising to hear that the "latest of the Year Books died long ago; the decisions of temp. Talbot, temp. Hardwicke, Burrow's Reports—are these ever cited nowadays by the courts except for history"—and to be sent to the "Revised Reports of Sir Frederick Pollock" for our living law! It is right to conform the law to the life of the people, surely, but the life of the people is a thing rooted, not in the surface soil of the present, but in the depths of a past so ancient that we do not yet know the origins of the feelings upon which laws and customs were first founded. A precedent is dead not because it is old, but because it has never had, or has ceased to have, right on its side; this is as true of the precedent of 1870 as of 1470.

The Maintenance of the Open Shop. Bruce Wyman. The very well-known cases upon strikes and boycotts are here again cited, and it is shown that the courts have with a great deal of unanimity decided against the Unions and for the "open shop." That the decisions are based upon the well-worn arguments of the freedom of the individual and the right of a man to "choose" what he will do and how he will do it we all know. The courts have used these arguments of free choice and the right of the individual in negligence cases until the legislatures have come to the relief of the victims, both in England and in most of our own states. It will probably be in some such way that they will be brought to the consciousness that they are using phrases warped out of all their original meaning in these labor cases, and, again, the legislatures will probably give them cause for regret that they forced this issue with them.

The State and the Street Railway. Bentley W. Warren. Massachusetts is here taken as the model state in regard to its street railway policy. "The business of street railway transportation in Massachusetts to-day is, speaking broadly, that of a governmentally regulated monopoly, conducted by private corporations under conditions of public supervision designed to secure the highest degree of efficiency and accommodation at the least public expense." The wise policy of the state may be said to date from the early decisions of Chief Justice Shaw, followed by a regular series of decisions supporting and developing each other. Massachusetts has a Board of Railway Commissioners with limited powers, and Mr. Bentley says that "During all its history there has never been even a hint that any action of the board was influenced by corrupt or improper motives." The powers of the board are largely by way of veto, but "the number of corporate acts forbidden, unless its approval has been obtained, covers a wide range of subjects." To those who live in a state like Pennsylvania the powers of the board seem wide and beneficial. They alone have power to order additional accommodation for the travelling public; they have exclusive jurisdiction of the subjects of providing street-cars with suitable fenders, and of the methods of suitably heating the cars during the winter months. In regard to fares, the board hears complaints and makes recommendations, the authority to enforce the recommendations remaining in the legislature. In closing Mr. Bentley says: "In Massachusetts every location is subject to revocation, and every mile of track in the public highways may be ordered up at the expense of its owner, if certain designated officers think such action necessary in the public interest. Capitalization and indebtedness are limited by the independent judgment of expert public officials to the actual physical cost of the properties provided for conducting the public service. Every avenue to speculative profits and stock watering, in its many forms, is closed, and an investor may hope at best for only a very moderate return upon his actual cash investment. The hands of the government are tied neither by the existence of perpetual franchises in the streets, nor by the almost equally troublesome franchise for fixed terms under which the public is at the mercy of the company until the expiration of the term contracts, when a new bargain must be made."

HARVARD LAW REVIEW.—January.

Discharge of Contracts by Alteration. II. Samuel Williston. The second of these papers begins with the subject of "material and immaterial alterations." The subject is continued under the heads of "Assignment of Altered Contracts," "When a Debt Survives, though the Writing is Destroyed," "Alteration of a Writing Before Execution," and "Pleading and Evidence." The article itself is so annotated as

to make the subject-matter itself seem an island in the midst of a sea of notes. That Mr. Williston can make his opinions felt notwithstanding this flood of annotation need not be said.

The Presidential Succession Act of 1886. Charles S. Hamlin. The Act of 1886 regulating the Presidential succession seems like other acts to have suffered from its interpreters, and through them to have become somewhat uncertain as to its meaning. The purpose of the author of this article is to "consider how the Act of 1886 has changed the old law; to examine the Constitution and the legislative proceedings, including the Act of 1886, to determine to what extent the shortcomings of the old have been solved by the new law; and, finally, to consider whether any further legislation or constitutional amendment is needed."

We find that Mr. Hamlin considers that there are vital defects in the Act of 1886, and proposes that that act be amended so that the acting President shall expressly hold office for the balance of the unexpired term or until the disability be removed; or, in the alternative, the Constitution may be amended to provide that a special election of President shall speedily be held where the offices of President and Vice-President are both vacant through other causes than disability, and that the Secretary of State and other Cabinet officers respectively shall act as President only during disability or until the inauguration of the specially elected President."

Possession. Albert S. Thayer. We have here the sort of paper which must either be digested like a case at law, eliminating all discussion and stating the mere facts upon which the author bases his final principles, or which must be done justice to by a thorough and sympathetic discussion. The first method would give no idea of the present paper, and the second would carry us beyond the limits prescribed for these reviews. We can only recommend all interested in an analytical treatment of the subject to read Mr. Thayer's paper, believing that it will prove of interest and profit.

LAW MAGAZINE AND REVIEW.—January.

Is the Privy Council a Legislative Body? Sir Robert Stout. We are told that there "is an impression amongst some New Zealand colonists that the Judicial Committee of the Privy Council must be a legislative body." We are also told that the impression referred to is, of course, absurd, but it may be worth while to trace its origin." In thus tracing the origin of this absurd opinion we find that there is justification for the opinion which renders it rather less absurd. We find, what is becoming very apparent in the articles written by colonists regarding their ties with the mother country, a restrained expression of a sense of injury which seems to be very acute and yet apparently only sub-conscious. The following extract may indicate what is meant: "If, then, the tribunal that undertakes to decide on the policy of an act is separated by the length of the earth's diameter from the colony that has made the law, if that tribunal cannot possibly know anything of the views and of the ideas of the legislature that passed the law, and cannot be aware that common English words have even acquired a different meaning in a distant colony from that which they have in the mother country, the danger of relying on the 'policy' of such an act is still more obvious." We have here an unconscious picture of the separateness of the colony from the mother country, and a reason for the irritation which is undoubtedly felt in regard to the jurisdiction of the Privy Council. Throughout all the article we find that the argument goes to show that the Privy Council have misin-

terpreted that act in question, and the attitude of the people in passing the act, and that they have practically legislated for the people of New Zealand by so misinterpreting and misunderstanding their intention and this legislation. It seems that so progressive a community as that of New Zealand cannot much longer submit to the subversion of justice and the nullification of her laws by this remnant of the imperial power which England still exercises through her Privy Council over the colonies.

Of the Land Transfer Acts, 1875 and 1897. Sir Howard W. Elphinstone. This article will be of interest to those who are in favor of the passage of some system of land transfer through registration in our own states. The author is a believer in the system inaugurated by these acts, but he has found that they have many defects which render dealings with land expensive and difficult: these defects he points out and suggests some remedies. At present he finds that the system is cumbrous and advocates an amendment providing that a mortgage of registered land may be effected by a registered transfer subject to redemption. (This as regards mortgages.) He also finds much difficulty in regard to land sold or let in lots for building, and suggests that they may be avoided by providing that the registered proprietor might by registered assurance grant a lease or easement over, or affix a restrictive condition to, registered land. There are also one or two minor suggestions in regard to the Statute of Limitations and documents filed in the Registry—copies to be admitted as evidence in legal proceedings, etc. The changes recommended are evidently such as have been shown by experience to be necessary in the proper working out of the system, and therefore should be given a thorough consideration by those who desire to make such systems in our own country practicable and of real advantage to those who will have to use them.

A Contribution to the Land Transfer Question. James Edward Hogg. This paper continues the discussion upon the Land Transfer Acts and goes into detail upon many points which have come under the notice of the author. His contribution is practical and goes into detail to a greater extent than the first paper. A comparison is made between the English system and that known as "The Torrens" system, which has been in use in Australia.

Russian Raids on Neutral Commerce. Edwin Maxcy. This article was published in the *Michigan Law Review* for November, although no mention is made of this fact in the *Law Magazine*. It was reviewed by us at that time.

Observations on Trover and Conversion. John W. Salmond. "Forms of action are dead, but their ghosts still haunt the precincts of the law. In their life they were powers of evil, and even in death they have not wholly ceased from troubling." The author finds the law of trover and conversion still darkened with the mists of legal formalism. We trace the law through the early cases in the Year Books and we are told that trover is the latest of the three forms of action (trespass, detinue, and trover), but we are not shown how the change came about except in a general way; that is, we are not shown through the example of the cases just how the change came about. We trace the growth of the law of trover through its changes until it was extended to cover the ground of both trespass and detinue. We have also an interesting discussion of the present law and of the survivals which still keep the law in memory of its earlier stages. The article is interesting and valuable.

Civil Procedure in India. J. H. Bakewell. It is evident from this article that the courts of India are not all that courts should be, and that the proposed Code of Civil Procedure is not all that is needed to improve the courts. After showing how suits are multiplied and

suitors denied their rights, Mr. Bakewell shows that "All this elaboration of procedure is unsuited to the conditions under which the courts have to work." He goes on: "It must be remembered that English legal methods are a strange and unnatural importation into India; that Mufassal courts and practitioners know no other guide than the Code, and have none of the inherited course of practice which guides an English lawyer." He might go further and say that English rule is a strange and unnatural importation into India. The evil which he recognizes in the one case is but the outgrowth of the greater evil.

Natural Law. Albert S. Thayer. This is a peculiar article which yet is not an article. There is enough matter in it for half a dozen dissertations upon the subject, and yet we are left with the sensation that we have had but the headlines for some dissertation yet to be written. Almost all the aphorisms which are given us are true,—on the surface,—and therefore they are not, when we get beyond the surface, true at all. If one could stop anywhere long enough to take issue with the author it might be easy to show this, but the author does not stop anywhere and we must not refuse to go with him to the end. If we do so, we shall at least be amused and kept well interested on the way.

The American Law School. W. Jethro Brown. It is pleasant to be praised and it is much more pleasant to be praised intelligently. Mr. Brown has praised and he has praised very intelligently, for that reason when he has a criticism to make it should be listened to carefully. When he says that he "ventured to urge that there would be a real advantage in the presence in a law school of students who would uphold an ideal of knowledge alongside of the perhaps too powerful ideal of professional efficiency," he has to say that he could find no support for his views. In that he noted an error and that it was very evidently put lightly aside as no error, he shows the imperfection of the system which is good but which will not be good long if it has no wish to be better. "A more general encouragement to American law students to prepare dissertations" would be a very good thing. Not only that they might be able to put their legal knowledge into shape, but that they might learn how to express any kind of knowledge. A degree from a law school, even the best, does not mean that the student has learned how to do this, that he has learned how to do it even fairly well, and this must seem to all outsiders a fault in their equipment, however it may seem to those on the inside. We are given a very fair, well-balanced statement as to the "case law system" and its use in the various schools throughout the country. The conclusions to which Mr. Brown comes are probably correct, as there can be little doubt that some sort of a compromise will ultimately be effected between the extremists on the one side and those on the other. After an analysis of the subjects taken in the American law school Mr. Brown finds that it would be better, on the whole, if the theoretic subjects were given more attention in the American schools, and it is scarcely to be doubted that he is right in thinking that in this instance they have something to learn from the schools of England and the Continent. The article is one to render all who have to do with the making and management of American law schools profoundly grateful, both for the appreciation which is given to their labors and to the gracious manner in which the appreciation is given.