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## CURRENT LEGAL PERIODICALS AND BOOK REVIEWS.

THE EXPANSION OF THE COMMON LAW. By SIR FREDERICK  
POLLOCK, BART, D.C.L. Pp. 164. London: Stevens & Sons.  
1904.

This book consists of five lectures and an appendix: one lecture, delivered at Harvard in 1895, the others to the Law Schools of several American universities in 1903; the appendix, an article which was published in the *Law Quarterly Review*. These express the vocation of the common law, and summarize its expansion. The expansion is treated under four divisions—(1) The Foundations of Justice, (2) The Scales of Justice, (3) The Sword of Justice, (4) The Law of Reason.

In the lecture upon the vocation of the common law it is said that the ultimate authorities might be assisted to agree

upon matters of great weight in the common law by consulting each other in a great and dubious case. The author suggests that the House of Lords might desire the judges of the Supreme Court of the United States, by some indirect process, if not directly, and as a matter of personal favor, to communicate their collective or individual opinions on any question of general law. These American opinions, says Sir Frederick Pollock, would have been especially valuable in a case like that of *Dalton v. Angus*.

The lecture upon "The Foundations of Justice" may be mentioned as an example of the method of the book. By curious examples it traces, through the most primitive tribunals of the thirteenth century to the seemingly unrelated ones of to-day, a continuity of four fundamental conceptions of the common law. The courts of justice are public; they judge between parties, and do not undertake an official inquiry, not even in criminal cases or in affairs of state; the court itself is the only authorized interpreter of the law which it administers, and there is no personal or official privilege against its jurisdiction.

P. D.

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BABYLONIAN AND ASSYRIAN LAWS, CONTRACTS, AND LETTERS.

By C. H. W. JOHNS, M.A. Pp. xxii + 424. New York: Charles Scribner's Sons. 1904.

This is the sixth of the nine volumes of the "Library of Ancient Inscriptions" which are now being published under the general editorship of Charles Foster Kent and Frank Knight Sanders, both of Yale University. Each volume is written by an authority in the special department of which it treats, and the series forms one comprehensive whole which renders available for the student and general reader the original texts and documents of Egypt, Assyria, and Babylonia.

The present volume on "Babylonian and Assyrian Laws, Contracts, and Letters" is of special value to the legal profession. From these documents we are able to observe the system of jurisprudence and the customs of a civilization which antedates those of Rome, Greece, and Palestine. It yet remains to be determined to what extent we are actually indebted for our legal institutions to the peoples who once dwelt in Mesopotamia.

From the inscriptions which have been thus far translated we learn of the existence of a complicated system of law courts, judges, and witnesses; of the law governing marriage and divorce, inheritance and dower, of public rights and the duties of individuals to serve in the army and of riparian own-

ers to dredge the canals; of the system of land tenure; of how sales, loans, pledges, and guarantees were made; and of partnership, power of attorney, and the legal rate of interest.

The volume by Mr. Johns is divided into two parts. In the first he treats in twenty-nine chapters the Laws and Contracts. The ten chapters of the second part are devoted to Babylonian and Assyrian letters. An appendix follows containing a Bibliography, a Chronology, and Tables of Weights and Measures. Foot-notes, side headings on the margins, and a complete index show that the volume has been carefully edited. *A. S. F.*

**COPYRIGHT CASES: A SUMMARY OF LEADING AMERICAN DISCUSSIONS ON THE LAW OF COPYRIGHT AND ON LITERARY PROPERTY FROM 1891 TO 1903; TOGETHER WITH THE TEXT OF THE UNITED STATES COPYRIGHT STATUTE AND A SELECTION OF RECENT COPYRIGHT DECISIONS OF THE COURTS OF GREAT BRITAIN AND CANADA.** By ARTHUR S. HAMLIN. Published for The American Publishers' Copyright League. Octavo. Pp. 237. New York and London: G. P. Putnam's Sons. 1904.

Nothing need be added to this voluminous title by way of explanation of the nature of this book. Suffice it to say that the cases have been compiled and arranged with more care than is usual with case-books; immaterial portions of cases have been omitted, and long-winded opinions have been judiciously threshed to separate the wheat from the chaff.

Containing, as it does, reports of all decisions rendered by American courts since the enactment of the International Copyright Law of 1891, as well as a selection of English decisions, the book is a valuable contribution to this much neglected but most important branch of the law. *R. B. E.*

**OSGOODE HALL REMINISCENCES OF THE BENCH AND BAR.** By JAMES CLELAND HAMILTON, of the Toronto Bar. Pp. 196. Toronto: The Carswell Company, Limited. 1904.

Mr. J. C. Hamilton, of the Toronto Bar, here presents us with a most interesting account of Osgoode Hall itself and the associations which cluster around it. The amusing anecdotes, entertaining incidents, and pleasant stories told with a deft touch of sentiment underlying all must combine to endear the book to those to whom the Hall is familiar or who have been connected with it in any way. For this class of persons it

would be difficult to conceive of a more thoroughly interesting and enjoyable book. But it appears to us that the work is necessarily local in its scope, and while it may appeal to the lawyer, who is generally much interested in the conduct of his brethren in other cities and countries, we do not think the book one which is likely to reach the layman. Nevertheless, even the general reader who takes the trouble to glance over its pages will be well repaid, for the work is a veritable mine of general biographical and legal information.

We commend the book to those who desire acquaintance with the history, methods of legal education, relations of lawyers and judges, and general tone of professional conduct of so interesting a portion of the Canadian Bar.

*F. H. S.*

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HANDBOOK OF JURISDICTION AND PROCEDURE IN UNITED STATES COURTS. By ROBERT M. HUGHES, M.A., of the Norfolk (Va.) Bar. Pp. 634. St. Paul, Minn.: West Publishing Co. 1904.

This volume is the most recent of the Hornbooks and is designed not as an elaborate discussion of, but rather as a means of ready reference to the more common questions of ordinary routine which are encountered by the practitioner in the Federal courts. The author's plan in the exposition of his subject has been to commence with the inferior courts and follow up to the courts of last resort. In this way are treated and discussed:

I. The source of Federal procedure, the District Court, its criminal jurisdiction and practice, bankruptcy, and miscellaneous jurisdiction; the Circuit Court, its original jurisdiction, and jurisdiction by removal; the Supreme Court and minor courts of original jurisdiction. II. The procedure in ordinary Federal courts of original jurisdiction, courts of law and of equity. III. The appellate jurisdiction of the Supreme Court and of the Circuit Court of Appeals. IV. Procedure on error and appeal. In the appendix are added the rules of the Supreme Court of the United States and also the rules of practice for courts of equity of the United States, together with a list of illustrative or leading cases for use by students in connection with the text-book.

The foregoing résumé of the contents of the book gives an idea of how thoroughly the author has analyzed and presented his subject, and it is almost needless to add that the book is one which will admirably serve the purpose for which it was prepared. While one might wish for a more minute discussion of