emphasizing their points of distinction and giving the most important rules and practices together with the statutory provisions governing their use throughout the several states of the Union.

The author seems to have spared no effort in accumulating the vast amount of material necessary to write an original work of this kind, and has made it a complete manual of all the common and statutory law on the subject.

Considering that it is also a pioneer work in this particular field, it deserves much consideration and it will no doubt prove, as the author himself has it, "a guide in practice where many go astray."

G. F. B.

LEADING CASES IN THE BIBLE. By DAVID WERNER AMRAM, M.A., LL.B., (of the Philadelphia Bar). One volume, pp. 215. Philadelphia: Julius H. Greenstone, 1905.

This is an extremely interesting and unique little book. It takes up certain well-known incidents of Old Testament history and discusses them from the juridic point of view.

These so-called leading cases, show the growth and development of the Hebrew law and the effect of the religious nature of that people upon its system of jurisprudence. They give also an idea of ancient modes of procedure, the formalities attendant upon the sale of land, and all that other legal machinery which is interesting as an expression of a particular nation's idea of justice, and its means of securing it.

The perusal of this book suggests many comparisons between the Hebraic law and our own. These similarities are all the more interesting in view of the influence of the Bible on our customs and laws.

J. H. D.

NOTES ON RECENT LEADING ARTICLES IN LEGAL PERIODICALS.

HARVARD LAW REVIEW.—February.

Equitable Conversion. VI. C. C. Langdell. This is the sixth instalment of these very valuable papers. To the student of this doctrine the series will form a very profound and fruitful contribution to the knowledge of the subject.

The Creation of the Relation of Carrier of Passengers. Joseph H. Beale, Jr. Some few of us are carriers, but all of us are at some time

passengers. It is well to be clear as to our rights when in this relation, and this article should interest even the layman. We are told at what time we become a passenger; what rights we have if we board a moving train, street car, or omnibus; or if we ride in a place not intended for passengers; what happens to us from a legal point of view, if we steal a ride; and our status as a guest. It is all made very clear, and we have in the limits of this short article a really valuable digest of the subject.

The Conveyance of Lands by One Whose Lands are in the Adverse Possession of Another. George P. Costigan, Jr. The subject is developed historically, beginning with the English Law prior to the Pretended Titles Act of 1540, and a discussion of seizin in general, and the various forms of disseizin. After the act of 1840, "A conveyance was void if either the grantor was out of possession at the time, or the grantor, though in possession at the time, had not been in possession himself, or by his ancestor, grantor, etc., for one year prior to the conveyance." "This statute has, however, been robbed of its efficacy since the act of 1845." In America the distinction between disseizin and the other forms of adverse possession known to the old law has become obsolete. "Some of the states hold that the deed of an ousted owner is a nullity, in other states the disseizee transfers to his grantee both his right of entry and his right of action."

LAW MAGAZINE AND REVIEW.—February.

Imprisonment for Debt. Charles M. Atkinson. The statement is made that while it has been a common saying that imprisonment for debt is abolished, there are more debtors consigned to jail at the present time than in the days of John Howard. We have here traced for us the course of the law regarding imprisonment for debt, with vivid pictures of the misery of the debtors prisons of the old time, and of the corrupt practices of the courts; up to the act of 1869, which professed to, and is supposed to, abolish imprisonment for debt. The practice under the act is complained of by Mr. Atkinson, and from his explanation it would appear that a great deal too much discretion is given to the judges in the matter. The law itself, also, seems to be of a harshness incompatible with the ideas of a latter-day civilization. Its effects are felt almost entirely by the poorer classes, which fact probably explains the fact that the act remains as it is. The facts as shown by Mr. Atkinson would be sufficient to account for a large share of the honest poverty of London. The helpless but well-intentioned poor might so easily become entangled in a web such as he depicts, that it is only a wonder that any large portion escapes. It is a sordid, miserable picture altogether, but one that accords only too well with the aspect of the poorer streets of London. There is no effective remedy suggested; there seems to be a fear that the English people who can barely get food,—and many times cannot,—will be pampered into a "thriftless extravagance." It would seem that the lesson of experience would be that despair is no encourager of thrift, and despair seems the only thing left to some of the people described by Mr. Atkinson.

The Consolidation and Amendment of the Poor Law Statutes. Louis Sinclair. It may be by the irony of circumstance that we pass from the debtors prison to the poor-house, but it may also be because the hard facts of English lower-class existence are pressing closely on the attention of the thinking people of England, that we find the

two articles together in an English periodical. We first find that "we" have been going downward since the Statute of 43d Elizabeth. "We have been going faster than ever since 1834." The picture given here makes the hopeless grey of the last article seem quite gay compared to its own shadeless black. Yet, in a way, there is some relief here, for our author gives us a "prescription" to cure the "ulcer" he has found in the body politic. This prescription is, Houses of rest for the aged; abolition of the "poor law schools;" infirmaries for the sick, with convalescent homes attached; homes for the exclusive use of mental and physical incapables; the tramp and able-bodied work-house loafer to be compelled to produce their sustenance on a state farm colony, or starve. It is difficult for a foreigner to judge of the efficacy of these mild proposals. It is probably not easy for one not a foreigner to see that palliatives such as these do not go to the root of the evil,—cannot, in any way, cure the "ulcer" that is said to exist. But it is hoped that the newly-awakened England,—the England of the elections of 1905,—will at least dare to look with open eyes at her evils. To do so will be to attempt the cure in other ways than those advised here.

Forty Propositions in the Law of Neutrality. Thomas Baty. D.C.L. This is an attempt by an acknowledged authority to codify the rules of neutral right and duty which were found so difficult of interpretation in the Russo-Japanese war. They will doubtless be of value and contribute to the end proposed, although it is not likely, and the author does not expect, that they will be adopted as they stand here without change or modification.

The Bar in France. E. S. Cox-Sinclair. Mr. Sinclair shows the many differences between the bar of England and that of France; the one being an entire body, the other a congerie of many distinct local orders. The bar of France has no such body as the English Four Inns, with the peculiar customs pertaining to them. The historical reasons for these differences are traced in a very interesting manner up to the time of the Revolution. The later history is to be given in a succeeding paper.

The Province of the Judge and of the Jury. Part. II. G. Glover Alexander. This second instalment of this very able series begins with the trial of Sir Nicholas Throckmorton for high treason, in 1554. Throckmorton was implicated in the rebellion of Sir Thomas Wyatt. The direct appeal from the judges to the jury is noted, and "the whole trial is a good example of the old common law mode of trial by 'excommunication.'" The remarks of the prisoner in his formal defence were addressed to the jury, and he constantly appealed to them. That he was an able counsel for himself is shown by the fact that the jury acquitted him. But they were sorely punished for their honest work; fines and imprisonment were soon dealt out to them all, and so intimidated other juries that they dared not find verdicts of "not guilty" for a long time thereafter. Lilburn's trial in 1649. is the next to be examined,—an interval of nearly one hundred years. The events which led up to that trial are recorded, but the account of the trial itself is left for a future instalment.

LAW QUARTERLY REVIEW.—January.

Is International Law a Part of the Law of England. J. Westlake, K.C. Mr. Westlake sets himself to answer the question, "How can a rule expressing rights and duties of states *inter se* be a part of a

body of rules expressing rights and duties of private parties, whether *inter se* or between them and the king?" The law of England is the law of the king's courts; a state is not amenable to those courts, and is not commonly a suitor in them. If it is a suitor in them it thereby submits to that law, and since the opposite party is always a private one, how can any rule only existing between states find a place?"

The examination of this question leads to the discussion of some very interesting cases, both in England and the United States,—involving decisions by such judges as Cockburn, Coleridge, Mansfield, Jay, Wilson, and Marshall. The answer evolved from these decisions is that "the English courts must enforce rights given by international law as well as those given by the law of the land in its narrower sense, so far as they fall within their jurisdiction in respect of parties or places, subject to the rules that the king cannot divest or modify private rights by treaty (with the possible exception of treaties of peace or treaties equivalent to those of peace), and that the courts cannot question acts of state or, in the present state of the authorities, draw consequences from them against the crown. The international law meant is that which at the time exists between states, without prejudice to the right and duty of the courts to asist in developing its acknowledged principles in the same manner in which they assist in developing the principles of the common law."

The False Passports Case. Herman Cohen. The facts of the case were very simple. B. obtained from the Foreign Office in England a passport for Russia for M. M. permitted a third person to use it, and to sign M.'s name as the person to whom it was issued. The passport was found on the body of a man who had blown himself up with a bomb in St. Petersburg, in 1905. B. and M. were indicted for obtaining a passport by false pretences, and fined one hundred pounds each. The court in its decision "clearly laid down that the question of 'public mischief' or no public mischief is for the court to decide and not for the jury. It is the withdrawal, as it seems he considers it, of the point from the jury, that gives Mr. Cohen concern. He first produces evidence to show that in the law of libel no part of the indictment may be withdrawn from the jury, and asks why the rule should be different in the case of the common law misdemeanor in question. He contends that it should not be. The evil he finds concealed in allowing it would be that a judge might veil under a ruling that it was not for the jury to say whether certain acts tended to the public mischief, a fear that they would say that they do not. He also thinks that the Lord Chief Justice, in holding that he was entitled to declare that a chain of acts, admittedly novel, constituted a public mischief, has created a new "indictable offence, and this a great many people would regard as a grave political danger."