Esq., was from time to time republished until Sir Alfred Wills, Knt. and Judge of the High Court of Justice, issued the fifth edition in 1902. It is this edition to which Mr. Beers and Mr. Corbin have added their American Notes. The text, after discussing the general subject of evidence and the respective values of direct and indirect evidence then proceeds to take up the kinds and nature of circumstantial evidence. Beginning with the motive for the act, it treats of all things relating to the act from which inferences may be drawn. Expert testimony, tests and certain particular crimes, such as poisonings, which can in general be proved by circumstantial evidence only, are also considered. The American notes follow each chapter of the text and cover almost as many pages as the text itself. They follow the same sequence of thought, giving here and there brief digests of the facts and rulings in certain cases and frequent quotations from opinions which summarize the decisions.

The text is written in a very pleasing style. All the rules and suggestions made, are not only discussed as to their merits, but are illustrated by several cases in which they have been applied. The American notes are very thorough and full of citations from Pa., N. Y., N. J., and other Eastern jurisdictions. The notes are full of digests of cases and quotations from opinions, which makes their reading almost as interesting as that of the text. The work ought to be one of value to the student as a very thorough and interesting review of this subject and to the practitioner as a reliable book both for authority and reference.

H. P. E.

NOTES ON RECENT LEADING ARTICLES IN LEGAL PERIODICALS.

HARVARD LAW REVIEW.—April.

Presumption of the Foreign Law. Albert Martin Kales. Mr. Kales formulates, and in his article answers, this question, "under what circumstances....does the court of the forum make a presumption as to the foreign law, and what is the presumption which it makes"? He gives three "possible rules for determining when the court of the forum will make a presumption as to the law of the foreign state, and what presumption, if any, it will make." The three positions are—first "when the court of the forum takes judicial notice that the foreign state has fundamentally the same system of law as that of the forum, the court of the forum will presume that the law of the foreign state is the same as that of the system of law (exclusive of statutory changes fundamentally common to both; otherwise there is no presumption at all." "The second position is that the law of the forum (even though it be statutory) is always applicable in the absence of proof of the foreign law." "The third possible position is a combination

of the first and second. It is like the first when the court of the forum takes judicial notice that the foreign state has fundamentally the same system of law as that of the forum. It is like the second when the court of the forum takes judicial notice that the foreign state has fundamentally a different system of law from that of the forum." The first position is the one approved by Mr. Kales, as a "rational and logical development of the law."

Liability in the Admiralty for Injuries to Seamen. Fitz-Henry Smith, Jr. The necessity of the case has developed a difference in the status of the seaman and that of the working man on land. It was absolutely necessary that the seaman should be cared for on the ship and he had a claim on his employer for that care. There is a question, however, as to "how long the right of the seaman to be cared for at the expense of the ship continues." Mr. Story held that the right lasted until the cure was completed; others that the liability ceases with the termination of the contract. It seems to be the opinion that it should extend so long as there is a "reasonable necessity" for it. The unfortunate fellow servant doctrine comes in to complicate matters here as on land. Mr. Kales joins a recent writer, Mr. Cunningham, in the hope that "when the fellow servant question is fairly presented to the Supreme Court, it will exclude the doctrine from the admiralty jurisprudence, as it did the common law rule of contributory negligence in the Max Moris." Liability for injuries due to defective appliances is recognized in the American cases, although the liability does not extend to latent defects. Both ship and owner are liable for neglect on the part of the master or officer of a vessel to give a seaman proper care and treatment after he has been injured in the service of the ship. The attempt to relieve them of this duty not having succeeded, although a recent English decision has put the matter into a doubtful state. The state of the law upon the question of the liability of ship and owner for violence to the person of a seaman by other members of the ship's company, is said to be "most unsatisfactory." Mr. Kales ends with an interesting discussion of the principles governing the determination of causes involving the rights of the seamen.

Respondeat Superior in Admiralty. Frederic Cunningham. "The purpose of this paper is to show that the doctrine has no place in the admiralty law, and that nevertheless it has been quite recently inadvertently and unnecessarily introduced and carried by the admiralty courts in certain directions even farther than at common law." It is to be hoped that the doctrine was "inadvertently" introduced, and that the troubles of the common law, from which it is trying to be relieved may not unnecessarily be imported into a branch of the law where it does not belong.

THE YALE LAW JOURNAL.—April.

American Versus British Ecclesiastical Law. Epaphroditus Peck. The very important English decision in the Free Church Case, has attracted much attention to the questions which were there considered. The results of the decision in turning over so large an amount of property to a very small body of people attracted much attention and heated discussion in Scotland, but Mr. Peck says that "To an American the ground of the decision is perhaps more surprising than its results." "It is the law of Great Britain, then, that no church can unite with another church from which it had differed in any point of faith or polity, without abandoning its entire property to a protesting minority, however insignificant." "It is rather appalling to think of the results which would have followed from applying the British doctrine to the conditions in America, where to the re-

ligious sects of every country in the Old World we have added a sturdy crop of native growth." The Americans have not followed the English doctrine, but have affirmed the power of the majority in the self-governing churches. There are different points, however, at which the power of the majority has been held to stop. Some cases limit it at the point where there is a change of denomination, or a substantial change of faith, but it would seem that opinions as to what a "substantial change of faith," is, might be very far apart. Mr. Peck sums up as follows:—"Thus we may well say that there has become established a British rule, and an American rule, each clearly stated in a great decision of the highest court; and we may, as American lawyers or as American Christians, congratulate ourselves that the American rule tends to make of every American church, to borrow the picturesque figure of Lord Macnaghten, a living church and not a dead branch."

Emancipation and Citizenship. Gordon E. Sherman. We have first a valuable examination into the status of the persons under the constitution. The two original classes; the free citizen and the "other person," and the third person, who was evolved, the freedman. There had come to be a set of persons who held that this third person could never attain to the "citizen status." Mr. Sherman in this article seeks "to test the grounds upon which the court decisions denying citizenship to free Africans were based." The result seems rather a stating than a testing; the cases are given and their results, but the test does not appear. The "more cheerful" results of the history of the Roman law in its dealings with slaves ends the article, but the parallel between slave holding in Rome and in America seems difficult to draw.