

BOOK REVIEWS.

PRACTICE IN UNITED STATES PATENT OFFICE. By E. J. Stoddard. Detroit: Drake Law Book Co. 1907. Pp. 167.

This table of cases construing and defining the several rules of practice in the United States Patent Office, will doubtless prove of value to every person interested in patent causes. The book contains nothing except a list of all the patent cases involving the rules of practice arranged alphabetically according to the name of the case. References are given to the citation in the Official Gazette and in the Commissioners' Decisions of each case wherein patent rules have been considered. The usefulness of the book would have been more than doubled without an objectionably great addition to its size, if a second index based upon a numerical arrangement according to the rule construed had been added. In order to ascertain from the present volume whether any particular rule has been passed upon, it is necessary to run through the entire book and to pick out from each page the cases affecting the rule in question.

R. D. J.

AN EPITOME OF THE LAW AFFECTING MARINE INSURANCE. By Lawrence Duckworth. Second Edition. London: Effingham Wilson. 1907. Pp. xi, 186.

In a surprisingly brief compass, the author has set forth with terseness and vigor the essential principles involved in questions arising in marine insurance cases under the law of England. His volume is primarily designed to help the busy business man who desires to obtain a concise statement of what is the meaning, measured in *results*, of any contract which he may make to guard against the perils of the sea. While the basis of the book is found in the various English statutes, yet the decisions of the courts are cited with sufficient frequency and fullness to assist materially in clarifying the subject. The Marine Insurance Act of 1906, a statute typical of the English method of law-making both as to scientific arrangement and as to accuracy of language, is printed in full as an Appendix.

R. D. J.

STREET RAILWAY REPORTS ANNOTATED. Edited by Frank B. Gilbert, Melvin Bender and Harold J. Hinman. Vol IV. Albany, N. Y.: Matthew Bender & Company. 1907. Pp. iv, 1218.

The character of this work is clearly indicated by its title.

In general no departure has been made from the arrangement of the previous volumes of the series. The opinions in the cases of greatest importance are printed in full, while the essential points covered by the judges in cases of lesser interest are made clear by brief quotations from the opinions of the courts.

An examination of the cases discloses, as might be expected, that the question of negligence in one form or another is involved in the great majority. There are, however, many cases wherein other principles of importance are discussed, as for example the question of race separation (see pages 543 sq., 136 sq., &c.), abandonment of franchises (see page 873), common use of a street by two companies, &c. One of the most important cases reported is *Fidelity Trust Company v. Hoboken, &c., Railway Company* (N. J.) (p. 738), wherein the broad principle is laid down that a mortgagee may restrain the mortgagor from leasing the premises covered by a mortgage to a competing company on a theory that such a proceeding constitutes a clear case of waste.

The index is on a purely empirical basis. For example, among the topics are to be found "Gongs," "Horses," "Last Real Chance," "Plaintiff." Under the heading "Vehicle" are placed seventy cases in which many fundamental rules of law are discussed. Such an arrangement does not commend itself as being either analytical or of as great real value as a more scientific method.

R. D. J.

THE LAW OF CRIMES IN PENNSYLVANIA, INCLUDING CRIMINAL EVIDENCE. By William Trickett, LL. D. Two vols. Philadelphia: T. & J. W. Johnson Co. 1908. Pp. lvi, 1183.

For some reason or other the criminal law of Pennsylvania has been slighted in the past by the text-book writers. For a long time the work by Isaac H. Shields (*The Penal Code of Pennsylvania, Crimes, Statutes and Decisions*), which appeared in 1883, held the field alone. This book, however, was little more than an annotated digest. Then followed "Boyer's Criminal Digest" in 1892. Then Sadler's "*Criminal and Penal Procedure in Pennsylvania*" appeared (1903). Sylvester B. Sadler, the author, is professor of criminal law in the Dickinson Law School, and dedicated his work to the Dean of that institution, William Trickett. The latter has undertaken the present work on the substantive law of crimes in Pennsylvania to round out and complete the labors of his colleague.

It is not easy to write a text-book upon a subject so largely statutory as that of crimes which will rise above the level of a digest with the notes included in the text. The author of the book under discussion, a veteran in the field of legal text-book

writing, has overcome the difficulty. The second volume, especially, with its treatment of homicide and of evidence, is noteworthy for its broad and general treatment of the subjects there discussed.

If a text-book on a statutory subject should be more than a digest, it should, of course, be at least that. Viewing the present work as a complete treatise on the substantive law of crimes in Pennsylvania, some strange omissions are brought to the attention. Most immediately apparent on a superficial examination is the fact, revealed by the index, where the acts of assembly cited in the text are given in chronological order, that no acts of assembly enacted later than 1903 are cited. Three sessions of the legislature have since intervened and each of them has altered the criminal law of the State.

A closer examination reveals the fact that many misdemeanors are not included at all; *e. g.*, Pointing firearms, 8 May, 1876, P. L. 146; Baggage smashing, 12 February, 1870, P. L. 15; Barratry, 31 March, 1860, sec. 9, P. L. 387; Defacing walls, 8 June, 1881, P. L. 85; Posting bills on private property, 10 March, 1903, P. L. 20; Duelling, 31 March, 1860, secs. 25, 26, 27, P. L. 391. It is not to be supposed that the learned author overlooked these crimes, but as there is no key given to his method of selection, the reader who desires to know whether a given state of facts constitute a crime or not, is driven back to the standard digests as though the text-book had never been written.

More difficult to explain are the omissions of statutes relating to the graver crimes. The whole subject of counterfeiting is omitted. 31 March, 1860, secs. 156, 157, 158, 159, 166, 167, 168, 172, P. L. 420 ff.; 13 April, 1867, P. L. 1230; 8 May, 1889, P. L. 127. Embezzlement is a crime which ought to have especially full treatment, because in questions relating to it civil and criminal responsibility so often shade into one another. We note that section 115 of the Act of 31 March, 1860, P. L. 411, on embezzlement by the holder of a power of attorney to transfer property is not cited. Also omitted is the subject of embezzlement by officers of insurance companies. 11 April, 1862, sec. 1, P. L. 425; 17 June, 1878, sec. 1, P. L. 212. On the question of receiving deposits by insolvent banks the Act of 22 April, 1863, sec. 1, P. L. 562, is not given, although important in that connection.

Another grave crime which is not included is train robbery under the Act of 25 June, 1895, P. L. 290.

On the whole, there seem to be traces of hasty production about this book, but its useful features are many and it will take its place among the standard text-books of the State.

S. B. S.