

BOOK REVIEWS.

CASES ON THE CONFLICT OF LAWS. By Ernest G. Lorenzen.
Pp. 754. St. Paul: West Publishing Co.

The author divides the subject into two parts: (1) General provisions, (2) particular subjects.

The first chapter under part one is entitled the "Nature of the Subject." It contains extracts from the works of Dicey, Savigny, Pillet and Bustamanti, as well as extracts from judicial opinions. The other chapters under part one deal with penal laws, procedure, domicile, capacity, and form.

Under the second part is treated property, obligations, family law, inheritance, and foreign administration.

The only criticism that can be suggested in this arrangement is putting the chapter on form under general provisions. The cases in this chapter deal with the validity of contracts in respect to form. It is suggested that these cases fall more properly under part two, say in the chapter dealing with obligations *ex contractu*.

The cases selected for the text are American and English cases exclusively, and are illustrative of the topic treated. Many additional cases are collected in the footnotes, giving cases in accord with the principal case, and often brief statements of other principles accompanied by citation of authority.

A special feature of the footnotes is the exposition of the Continental law. After each topic dealt with in the text, the author has briefly stated the law of France, Germany, and Italy on that particular topic. The statement is in every case followed by citation of authority.

It is to be regretted that the limits of space prevented a fuller treatment of the law by this comparative method.

The Appendix contains the results of the Conventions of The Hague relating to the subject.

The author acknowledges his indebtedness to the writers on Conflict of Laws, but the large number of very recent cases in his selection is ample proof of independent labor.

The work is in one volume of 750 pages and conforms to the other volumes of the American Case Book series. The size of the work, it is believed, is well fitted for the amount of time which is given to this subject in the best law schools.

The work is a valuable addition to the library of case books.

A. E. H.

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QUESTIONS AND ANSWERS FOR BAR EXAMINATION REVIEW.
By Charles S. Haight, of the New York Bar, and Arthur
M. Marsh, of the Connecticut Bar. Pp. lii, 585. New York:
Baker, Voorhis and Company. 1909.

One need only consult many of the present members of the bar or call for the author's first edition of the present book at one of the law libraries to discover the utility of the edition of 1899. The present second edition is an enlargement upon the first by the addition of the subjects of Bankruptcy, Domestic Relations, Suretyship, Perpetuities and Restraints on Alienation. The subject of the New York Code has been revised to date.

That a book of this character has a legitimate place in the hands of the student cannot be denied. While it will not enable one who has not made any study of the law to pass the bar examinations, the scope of the questions and answers is such as to bring in review the many principles which the student has studied in his previous preparation. It will be found of assistance to those who have studied two or three years at a first-class law school, as well as those who have spent a similar time in office study. It is not a text-book, nor does it pretend to be such. It will not, perhaps, answer the precise question presented, but it will recall the different branches of each particular subject.

All the subjects added to the new edition are comprehensively treated so that from the answers one may gather all the essential principles of each branch. The subject of Domestic Relations presents the common law on the subject. The more general statutory law also is touched upon. Since this subject is, to a great extent, now regulated by statute, the student must look carefully to the acts of his particular State.

It is, perhaps, unfortunate that the authors did not see fit to revise the former work on Constitutional Law and Corporations, where the law is continually in the making. The law arising from the Insular Cases, the Fourteenth Amendment, and Interstate Commerce, as well as the Sherman Act might well have been the subject of several questions. The same may be said of the regulation and control of corporations doing an interstate or foreign business.

J. B. L.

PROCEDURE IN INTERSTATE COMMERCE CASES, WITH ILLUSTRATIVE PRECEDENTS AND FORMS. By John B. Daish, A. B., L. L. M. Washington: W. H. Lowdermilk & Company.

Inasmuch as procedure before the Interstate Commerce Commission and the Interstate Commerce Acts involves necessarily controversies which, even when not complicated in themselves, involve almost invariably complicated facts, the present work requires more than a passing survey. Let it be understood that the four hundred and ninety-four pages are laden with information both useful and necessary to the practitioner, and that the author's work is, as pioneer work, in a sense undoubtedly an important contribution to legal literature. It must be observed, however, that as a pioneer work even, it leaves much to be desired. A book of this character is necessarily to a large extent a work of compilation and the originality of the author or compiler must be displayed in his classification and skill in codification. The author cuts his Gordian knot by expressing his thanks to the West Publishing Company for permission to use the American Digest classification scheme, in conformity to which, as he states, the work has been arranged. The effect has been to turn his book on practice into a digest and to give, instead of some logical classification, or some scheme of arrangement that would resolve the subject into some coherence, a list merely of miscellaneous section headings.

The practitioner who examines the work will surely not find the subject rendered entirely free from confusion. The author has besides this an inordinate fondness for quotations—matters which might well be condensed and left to the practitioner for verification if he desires to test them. Again, in the chapter on the interpretation and construction of the Interstate Commerce Act, there have been grouped citations to the number of several hundreds, which are stated to construe sections 1, 2, 3, 4, 5, 6, 7, 8, 9 (cases under sections 12, 13, 14, 15 are massed together), sections 16, 17, 20, 22; a proceeding better calculated to set the practitioner stark, staring mad could not be imagined, particularly if his question should happen to arise under sections 12, 13, 14, 15.

Much of the difficulty incident to the use of any collection of miscellaneous information might have been eliminated had the book been provided with a good and thorough index. But the index, unfortunately, adds little to the information that may be obtained in the table of contents and the method of obtaining information is the simple one of looking through the table of contents or the volume itself.

Again, a list of indictments with the results obtained is given, beginning at page 212 and continuing to page 229. There is no analysis and no arrangement of the information; the facts of the indictments are given and the subject-matter of the indictment. Likewise, on page 217, there is an indictment for shipping a parcel of matting from San Francisco at less than published rate, to which a motion to quash was filed; the case is given as pending. In order to find that particular case it is necessary to read from page 212 to 217 on the pure chance of finding what one desires.

These criticisms are offered with a view to pointing out what seem to be serious defects in a work which, if it is to have any value, must simplify the work of the practitioner. The necessary information is undoubtedly contained in the present volume, which represents apparently great industry, but it surely might have been better directed. It would seem that another scheme of classification should be adopted, as a digest classification is not adapted to the construction of a good work on procedure. It would seem, further, that the information should be put in a much more accessible form, and that, if cases are cited, the nature of their decisions should likewise be stated, and that notes of great length should be subdivided.

CASES ON CRIMINAL LAW. By William E. Mikell, Professor of Law in the University of Pennsylvania. American Case Book Series. St. Paul: West Publishing Company. 1908. Pp. xviii, 610.

Proceeding from the dogma of the general editor of the American Case Book Series, that all methods of studying law, but the inductive method, are doomed, it needs no further introduction to the series than to say that they are intended to furnish the material for making legal inductions.

The preface of the editor offers many propositions that, thrown into almost any group of even mildly controversial jurists, might provoke responses no less heated than those invariably evoked by taking sides for or against some policy of a late and versatile executive.

The book under discussion forms one link in this chain of material for legal inductions. As the selection of cases in works of this character is of the highest importance it will be well to consider first the results of the selection, and second the classification.

It will impress the reader at once that the cases contain in

themselves, matter of a striking character well calculated to awaken the interest of the student. In the law of crimes especially, if law cases ever can have dramatic interest, they should be found there. Aside from the intrinsic interest of the cases, the opinions, it will be found, are those in which the principles involved are discussed and applied by legal minds of a high order. The cases, therefore, have been wisely selected. There are, besides, notes illustrating further the principles involved in the cases of the text.

With reference to the classification, a certain amount of actual use of a case book is necessary in order to criticise thoroughly. It may be observed in the first place that the classification, logically, is quite rigid. It is at the same time exhaustive, which should produce an effect highly desirable in a book designed to teach criminal law objectively; for example, the second chapter, which deals with the elements of crime, is arranged upon the basis of a very minute analysis of the circumstances that go to make up a crime. There is, first of all, union of intent and act followed by seven kinds of offences: those against public justice, against the law of nations, against religion, against public decency, and the like, while the ninth subdivision, which treats of the effect of consent, condonation, etc., presents seven phases of consent and condonation.

The work may roughly be divided into two parts, the first of which deals with the subjective side of the criminal law down to and including chapter seven, and the second of which might be said to illustrate the objective side of the criminal law, comprising the remainder of the work. Finally, the work is admirably adapted to the purpose expressed in the preface.

