

BOOK REVIEWS.

ESSENTIALS OF THE LAW, VOLUME I. A Review of Blackstone's Commentaries, with Explanatory Notes for the Use of Students at Law. Second Edition. By Marshall D. Ewell. Pp. 867. Albany: Matthew Bender & Co., 1915.

It is an inevitable result of the "case system", followed in the great majority of American law schools, that the average law student has little time for reading legal literature other than the prescribed "cases". Lengthy treatises and text-books are no longer read diligently from cover to cover, but are merely referred to in studying phases of a particular subject. However, shorter text-books are highly desirable to students as a means of summarizing and co-ordinating legal principles, frequently vaguely comprehended from a study of cases.

The original text of Blackstone's Commentaries is not only too encyclopaedic, but is filled with too many obscure and obsolete passages to be useful to beginners in the law. This edition is admirably suited for law students, for whom it was primarily intended. The Commentaries, as originally written, have been greatly abridged. It is startling to observe that of the original introduction, section one entitled "On the Study of the Law", has been omitted "for the reason that the space can be more profitably occupied by other matter." However, most of the omissions are more in accordance with the editor's purpose of eliminating obsolete and unimportant matter. One of the best features of this edition is the "system of differentiation of the text" whereby important principles are printed in heavy-faced type, "the more important parts of the text in small pica, while matter of minor importance has been printed in *brevier*."

The original text of the commentaries has been supplemented with explanatory notes "for the purpose of fortifying the text by authority" and of elucidating difficult passages by defining terms and making references to text-books and leading cases. Where important changes have been made in the law since Blackstone's time, they are noted and the modern rule is stated with authorities. It is regrettable that the authorities cited frequently are the older text writers, whose works have not been recently republished. However, some attempts have been made to make the annotations up to date. For example, Blackstone's statement that "land includes not only the face of the earth, but everything under it or over it," is annotated with a reference to the right of aviation over private property.

On the whole, although this edition will be particularly valuable to those intending to practice in Illinois, because of the numerous citations of Illinois statutes and cases as illustrative of the modern law, the book will be useful to students everywhere, especially in preparing for final examinations for admission to the bar.

A. L. L.

THE LAW OF WILLS AND ADMINISTRATION OF ESTATES. By William P. Borland. Pp. iv, 723. Kansas City, Mo.: Vernon Law Book Co., 1915.

This work is an enlargement of a former treatise written by the same author, and is intended to be "the best one volume work on the subject." While the style and arrangement of the material are very commendable, yet it is entirely too local to be classed as high as the author wishes it to be. The authorities cited are mostly from the Southern and Western States, with Kansas and Missouri in the lead. In fact, one receives the impression that law of the Eastern States and England is too archaic for this progressive age.

Brevity is the keynote of the whole work. All the rules are stated in a concise and clear manner. But this has led the author into the defect of sacrificing thorough analysis for the sake of brevity. This is especially noticeable in the treatment of "Dependent Relative Revocation", at page 97. In connection with the treatment of this subject, another omission by the author is brought forth, *i. e.*, his failure to cite the articles on the various subjects which appear from time to time in the leading legal reviews. No present-day work, be it a text- or case-book, can be considered up to standard if it fails to digest and annotate these leading articles. For example, in connection with the subject of "Dependent Relative Revocation", Professor Owen J. Roberts has written a splendid article in 49 U. OF PA. L. R. 18 (1901). Many other similar instances could be pointed out, but this will suffice to illustrate.

In spite of these objections the work on the whole will be a serviceable tool for the Western lawyer.

D. D. S.

RECOLLECTIONS OF BENCH AND BAR. By the Right Hon. Viscount Alverstone, G. C. M. G. Pp. xi and 331. New York: Longmans, Green & Co., 1915.

It is pleasant for us on this side of the Atlantic to read of the experiences of one who has had a career of eminent success in the English court. In these "Recollections", Lord Alverstone tells of himself, simply and candidly, not in the manner of one who boasts of his achievements, but in the manner of one who feels that his interesting experiences should not remain locked in his memory alone.

Lord Alverstone was born in 1842, and received his education at Trinity College, Cambridge. Upon graduation he read law, being called to the bar in 1868. Ten years later he "took silk"—that is, became a "Queen's Counsel". In 1890, he was made Attorney General, in which office he continued until 1900, when he became Lord Chief Justice of England. He retired from the bench in 1913, because of ill-health. So much for the bare facts of the author's life; but the interest of the book does not lie in them alone. All through the book Lord Alverstone describes the many amusing incidents of his life and relates anecdotes about himself and the men with whom he was associated. He devotes chapters to telling of the more particular branches of his work such as "Patent Cases", "House of Lords and Privy Council", and "International Arbitrations". In another chapter he describes his impressions of the various prominent men whom he has met. One of the most humanizing elements of the book is the chapter which deals with the author's two "hobbies": athletics and music. It is of interest to note that Lord Alverstone was a famous distance runner and one of the founders of the Cambridge University Athletic Association.

The attention of the American lawyer is called to that portion of the book in which the author tells why he is convinced of the propriety of the division of the English bar into barristers and solicitors. One person, he says, who both works up the brief and argues the case without realizing it gives undue prominence to certain points of the case which particularly impress him, whether they are really important or not; however one who argues a case the brief of which he has seen at most for only a few days, looks upon the matter with a clearer perspective and is much more apt to lay stress upon the points which really are important.

On the whole, the book should prove of interest to the lawyers of this country and perhaps of benefit to them, for the book offers a means of comparing the life of the English lawyer with that of the American lawyer, and they may find that their lives may be improved by the adoption of some of the habits of the lawyers on the other side of the Atlantic.

E. W. M.

A SUPPLEMENT TO A TREATISE ON THE SYSTEM OF EVIDENCE IN TRIALS AT COMMON LAW, CONTAINING THE STATUTES AND JUDICIAL DECISIONS, 1904-1914. By John Henry Wigmore. Pp. xiv and 935. Boston: Little, Brown & Co., 1915.

This book is indispensable to those who now own a set of Wigmore on Evidence, as it contains citations of all the statutes passed and cases decided in the last ten years which have to do with the subject of Evidence; thus, when used in conjunction with the original work, it amounts to a new edition. In it, under the proper section number of the original edition, the new citations are given and often commented upon; in many cases where the recent decisions have produced an advance in the law, additions to the text are made, the place where they are to be inserted in the original work being carefully noted. At the end of the book appear a list of statutes, a list of cases and an index. The index is particularly worthy of note, since it shows whether a given topic is to be found in the original edition, in the supplemental volume, or in both, thus making reference easy.

Perhaps the most interesting feature of the volume is the preface, in which the author makes a critical study of the system of evidence as developed by the decisions of recent years; he points out the places in which an improvement is necessary to secure justice, but shows that the defects in the system of evidence are "as much a symptom as a cause" of the want of justice and states that the system of evidence will improve only with the advancement of the whole system of justice.

E. W. M.