

## BOOK REVIEWS.

THE ANCIENT HEBREW LAW OF HOMICIDE. By Mayer Sulzberger. Pp. 160. Philadelphia: Julius H. Greenstone. 1915.

HOSHEN HAMISHPAT. JEWISH CODE OF JURISPRUDENCE. By Rabbi J. L. Kadushin. Pp. 190. New York: Published by the Author. 1915.

Judge Sulzberger's book is a careful study of the Biblical texts relating to the law of homicide, and Rabbi Kadushin's an exposition of some of the principles of the commercial and criminal law of the Talmud. The former deals exclusively with the obsolete laws of the early days of the Hebrew state, the latter with laws and customs recorded in the Talmud fifteen hundred years later, a composite of old Hebrew written law and custom and later Jewish judicial legislation, academic discussion and surviving custom, all influenced by contact with the great world of Greek, Roman and Persian legal and social thought. But while Judge Sulzberger's book is a careful, scholarly and thoughtful examination of the sources and a presentation of the results in the form of a tentative hypothesis, the latter book is an unscientific restatement of some principles culled without very careful or discriminating method from the Jewish law code, known as the Hoshen Hamishpat (Breastplate of Judgment). The one book refers with painstaking minuteness to all the sources available, the other does not give a single note of reference or quote a single authority, and apparently expects every statement to be accepted upon the mere dictum of the author. Rabbi Kadushin is, no doubt, well versed in the law of the Talmud, but he has made a book which is scientifically useless because of absence of references by which its statements may be tested. An examination of the sources of some of the subject matter shows that the principles were selected for exposition according to the predilection of the author without regard to their essential importance in the scheme of law of which they form a part. The lack of an index adds to the other faults of the book. Judge Sulzberger's book is devoted to the exposition of the conflict between Canaanite and Hebrew legal principles and endeavors to trace the conflict which finally culminated in 850 B. C. in the complete success of the Hebrew law and the establishment of the principle that homicide is a crime of which public law takes cognizance and not a mere trespass remediable by private vengeance or compensation. It presents a wealth of material for the Biblical and legal student, many new definitions of Hebrew technical terms, and suggestive hypotheses to account for hitherto obscure laws and institutions, for example, the Cities of Refuge and the entire system of retaliation. Judge Sulzberger's book is a reprint of lectures delivered by him before the Dropsie College for Hebrew and Cognate Learning and originally published in the Jewish Quarterly Review. Its excellent indices were made by the publisher, Dr. Greenstone, himself a well-known scholar and writer in this and related fields of learning.

*David Werner Amram.*

**THE GIST OF REAL PROPERTY LAW.** By Harold G. Aron. Pp. xiii, 268. New York: Writer's Publishing Co. 1916.

The reviewer took up this little volume with the perhaps natural prejudice of the believer in the case system against the modern text book, which is so often a mere digest of the cases in different jurisdictions—often showing only too clearly that it is chiefly work of students who have the leisure to search the digests. He was agreeably surprised to find in Mr. Aron's little book a succinct summary of real property law, which ought to be of genuine use to the student who is studying law by the case system. Every teacher of the case system realizes that the principles as learned from the cases have to be further elucidated and linked together either by the teacher or through the aid of a text book. Doubtless this is primarily the work of the teacher, but nevertheless the student often desires to go beyond the necessarily rather narrow limits of the class room for further discussion of the subject. In real property if he seeks to go outside he is confronted by such alternatives as the classic treatises of Blackstone and his predecessors on the one hand, or the elaborate discussions of Washburn and others of more recent times. The result is that he is apt to do very little outside reading because of the difficulty of finding what he wants in a moderate compass. Mr. Aron has furnished a little book which should be of real assistance to the student who is studying his property through such books as Gray's Cases and Warren's Cases. It contains in admirable combination both enough of the older law to give the student some practical ideas on the subject, and also a summary of the changes in the law so that the student feels after reading it that he has a present working knowledge of his subject. The reviewer believes that the student of the law of real property could profitably, in connection with each of his topics, after reading the cases, read the few pages of Aron which deal with the same subject. Along such lines Aron's book may fill a real need.

*Reynolds D. Brown.*

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**UNITED STATES COMPILED STATUTES. 1916. ANNOTATED. Vol. I. Pp. xx, 1221.** St. Paul: West Publishing Co. 1916.

The first edition of the Compiled Statutes of the United States, published by this company, appeared in 1903. This was followed by an edition in 1913. We now have presented to us what is in effect a third edition of the same work, appearing within three years after the second issue. The first two issues were without annotations, and the third is an annotated edition, but as there is already a fully annotated edition of the United States statutes, known as the "Federal Statutes Annotated," in the field, and as there is a new edition of that work just appearing, we must trust that the editors have given us, in these annotations, something above the ordinary, which will justify a new edition so soon after their second issue. The individual names of the annotators are not given, but the number of

the annotations show that they have been industrious. The test of time alone can be sufficient to show whether they have done more than to add to the mass of matter already arranged and prepared for the service of the profession.

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THE CREATION OF CORPORATIONS FOR PROFIT IN PENNSYLVANIA, SUPPLEMENT 1905-1916. By John F. Whitworth. Pp. xiii, 77. Philadelphia: T. & J. W. Johnson Co. 1917.

In 1906 was published the work to which this book is a supplement. The purpose is to bring to date the earlier publication by including in the present volume the later acts of assembly, decisions of the courts, and opinions of the attorney-general and of the state department.

The matter is properly classified and indexed with full annotations, together with a table of the acts cited. By following the order in the original work as to chapter subjects, the supplement makes a comparison easy and thus makes both books more valuable. Four new chapters testify to the thoroughness with which the work has been done, and incorporate new subjects in the development of the law since the publication of the first book.

The supplement is a book for ready reference and a welcome addition to a book that has commended itself because of its general utility and great practical value.

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LAW OF TORTS. By H. Gerald Chapin. Pp. xiv, 695. St. Paul: West Publishing Co. 1916.

This book is the first volume in the "Hornbook Series" dealing with the subject of torts, since the publication of "Jaggard on Torts," which was written more than twenty years ago, and which has not since been revised.

The volume is divided into two parts. The first part deals with "General Principles," under which the author discusses the tort concept, legal responsibility as dependent upon condition of mind and proof of damage, cause and effect, defenses, parties plaintiff and parties defendant, and conflict of laws. The second part deals with "Specific Torts."

The first part of the book necessarily deals with highly abstract propositions; and the author has happily succeeded in making the fundamental principles of tort law clear and the work readable and interesting by the use of frequent and apt illustrations.

In the second part specific torts are discussed in separate chapters. The elements of each tort, the remedies, defenses and damages are thus treated in a single chapter. This treatment results in making the book of more than usual value to the practicing attorney.

The arrangement is convenient, as the elements necessary to be alleged and proved in the preparation of pleadings, or for trial, and the defenses thereto appear in logical order and within a small compass.

The text is accompanied by copious notes and citations. The latter appear to be very accurate in illustrating the principles for which they are cited, a quality which is annoyingly rare in many textbooks and digests.

The book is convenient, full and unusually clear and readable; it is well deserving of a place in this series of handbooks of the law.

*E. W. E.*

THE RULE-MAKING AUTHORITY IN THE ENGLISH SUPREME COURT. By Samuel Rosenbaum, LL.M., Gowen Fellow in the Law School of the University of Pennsylvania, 1913-1915. With an Introductory Preface by T. Willes Chitty, of the Inner Temple, Editor of the Yearly Practice, etc.

A historical analysis of the present English rules of civil procedure, illustrating the advantages of regulation by judges and practitioners over regulation by the legislature.

"I have read Mr. Rosenbaum's essays with great interest, and can testify to the accuracy of the statements contained in them. Indeed, I am astonished at the painstaking research and labour which he has devoted to the task, and at the practical, detailed, and accurate knowledge of our procedure which he has acquired and which he lays before his readers."

*T. Willes Chitty.*

*Royal Courts of Justice, London.*