

REVIEWS.

American Advocacy. By Alexander H. Robbins, Editor of the *Central Law Journal*. Central Law Journal Co., St. Louis, 1904. Sheep, pages 295.

By reason of the thoroughness of his course of study and his ability to grasp widely and deeply the fundamental principles of legal science, the young practitioner may find himself at the outset of his career equipped with the essentials that go to make up a master in the law. But neither the curriculum of the school nor instruction in the office can inculcate in him those qualities which will assure him success as an advocate; these can come from experience alone. The purposes which this book serves are to bring the young attorney, who in all probability fails to appreciate it, to a realization of this fact and to enable him to profit by the lessons learned by others in the hard school of active practice. Though the author avowedly bases his work upon the English text of Mr. Richard Harris, he has skillfully pruned away all that is inapplicable to our judicial system and has ably expanded the residuum to cover those matters wherein our methods differ from those of England. It is easy to find excuse for the grounds of criticism that suggest themselves; it is obviously impossible in so short a work to deal in detail with all the questions that are pertinent; that the language is in places somewhat wanting in clearness is doubtless attributable to the nature of the subject; objection to the great number of metaphors resorted to is the expression of personal taste. Succinctly and comprehensively the book treats of the actual conduct of a case in and out of court, and of the ethical principles incident to legal practice. The young lawyer will do well, not casually to read it through, but to possess it, that he may, by repeated consultations, familiarize himself with its contents.

W. M. M.

Clark's Accident Law (Street Railways). Second Edition. By Ellery H. Clark of the Boston Bar. Keefe-Davidson Co., St. Paul, Minn., 1904. Sheep, pages 607.

A glance into almost any number of the New York Supplement will show a sufficiently convincing *raison d'être* for this edition of the Accident Law of Street Railways, which supplements Mr. Clark's work on the Street Railway Law of Massa-

chusetts. While the origin of the main principles of this subtopic of carriers lies in the distant past, and the major doctrines have, for the most part, been thoroughly crystallized, nevertheless the constantly increasing facility for urban transportation, and the corresponding multiplication of accidents, have given rise to a host of modern "border-line" cases. The author states that "practically every case of importance (in the United States and State reports) finds a place in this volume." Granting this to be true, one cannot help speculating as to how long such a book will be possible—especially when it is considered that there are probably more cases on this division of the law in New York alone, yearly, than there were in all the long period of the English stage-coach, where, as we understand it, many of its fundamental theories were formulated. However this may be, Clark's Accident Law of Street Railways will for some time to come, at least, be of great practical value to the profession, especially to its younger members. G. S. A.

The National Bank Act, with All its Amendments Annotated and Explained. By John M. Gould. Little, Brown & Co., Boston, 1904. Buckram, pages 288.

The fact that more than seven hundred titles appear in the table of cases cited in this book is suggestive of how important this branch of the law has become in modern litigation. The volume contains the provisions of the National Bank Act of 1864, with all the amendments, including those of 1903, inserted in their proper places. The sections of the Act are taken up *seriatim*, each one being given a black-letter heading, and followed by cross references, explanatory notes and citations to the adjudged cases on the particular point of law involved. Among those sections upon which the annotation is especially thorough may be noted those dealing with "Penalty for Unlawful Interest," "Personal Liability of Shareholders," "Taxation" and "Penalty for Official Malfeasance." The appendix contains the constitution of the American Bankers' Association, and the constitutions and rules of the clearing houses of the cities of New York, Boston and Chicago. The work will be of much practical value, not only to the lawyer, but to any one whose business brings him into contact with banks and banking.

W. D. E.

Vance on Insurance. By William Reynolds Vance, Professor of Law in the George Washington University, Washington, D. C. Hornbook Series. West Publishing Co., St. Paul, Minn., 1904. Sheep, pages 683.

The law of insurance has, because of its modern origin, offered to the bench an unparalleled opportunity for the exercise of individual reasoning and judgment, necessarily not based

on precedent. The result has been some forty thousand decisions, in the English and American courts—a heterogeneous mass of logic, sound and otherwise, into which the modern lawyer must delve, and from which, if he can, he must separate the real law. Consequently, all new text-books on the subject are of interest both to practitioner and student. But it seems to us that the Hornbook system, admirable as it may be for the more firmly established branches of the law, is not peculiarly adapted to the subject of this book. The settled principles of law and equity, which form the subject of each section, are, at least in the present state of insurance, either so general as to lose their special applicability, or else not so *well* settled as to be entitled to the guaranty of authenticity which the black-letter type in the Hornbook series usually gives. Aside from this, the treatment is exceptionally thorough and good. The beginning and development of the law of insurance is given more space than most text-books give to similar portions of their subjects. This is wholly justified by the nature of the case. It is, moreover, interesting to trace with some minuteness the gradual adaptation of a reluctant law to the development of a great and beneficial branch of commerce.

On the whole, we think the work as admirable a treatise on insurance as can be compiled at present, in this form.

G. S. A.

Current Law. George Foster Longsdorf, Editor-in-Chief. Keefe-Davidson Co., St. Paul, 1904. Vols. I and II, Sheep, pages 3,403; Vol. III, No. 1, Paper, pages 320.

The rapidity with which reported cases are multiplying necessitates that lawyers should have the means of quickly and accurately discovering the authorities bearing upon the point in question. Encyclopedias and digests are tools with which the field is cultivated. The publications of this nature at the disposal of the profession are becoming numerous, and their multiplicity, while inevitably leading to the survival of the fittest, incidentally results in little advantage to the practitioner. Hence it is that we would be loath to welcome any addition to the list that did not tend materially to remedy the defects of former plans and mold and develop their advantages into a homogeneous system.

The practical value of an encyclopedia cannot accurately be foretold. It is only by continually testing its capacity to meet the exigencies of various cases that its intrinsic merit can be judged. A consideration of *Current Law*, however, has left a very favorable impression. It is constructed in the text-book or encyclopedia style—an advantage over the ordinary digest in that it opens a path in the “wilderness of single instances” by a lucid statement of principles, the facts of each case being subordinated to the foot-notes. Where there are several cases turning upon the same principle, the facts differentiating the

same are stated fully and concisely, with no unnecessary repetition. The arrangement is scientific but simple, and only an examination can enlighten one as to the ease and rapidity with which it can be used. A distinctive feature of the work is that each subject is newly written every year, parts being published monthly, making it possible to cover all the new cases practically to the date of publication—a marked improvement over the common date system. Thus "Corporations" is up to date when published, instead of its latest case being then a year old. References are constantly made to volume, page and even footnote, so that one having once found the object of his search may be brought quickly and surely to analogous matter. A topical index brought down to date accompanies each issue; black-letter catch-words are inserted in the notes; and the carefully-worked-out sub-analysis is not only indicated by change of type in the text and by running headlines, but at the beginning of each topic is given its complete sub-analysis referring by page to the matter contained therein. The annotations are remarkably exhaustive; thus in the subject "Nuisance," page 1063, we find five lines of text supported by sixty-six different cases, the facts of each case being differentiated. A minor criticism can be made in respect to the unequal distribution of matter, the second volume containing nearly double that of the first, making it unsightly and cumbersome. We presume the publishers will provide against this in the future.

As an exhaustive and superior treatment of current case law and as an supplement to any of the existing encyclopedias, this publication should prove of decided value to the profession.

J. C. D.

An Outline of the French Law of Evidence. By Oliver E. Bodington of the Inner Temple. Stevens & Sons, Ltd., London, 1904. Cloth, pages 199.

Mr. Bodington, through his experience with French courts, is thoroughly qualified to present a very interesting and instructive treatment of his subject, and we must feel that he has succeeded both in arousing interest and in imparting instruction. The first half of the book is devoted to an effective analysis of the French rules of evidence; the last third gives in parallel columns the articles of the codes referred to in the body of the work, and a translation of them. It is, however, the chapter which forms the brief intermediate portion which most challenges the attention. In this chapter, a bold and at the same time thoughtful comparison of the French and English systems, the author puts forth a plea for the modification of some of the essentials of each. With arguments of no little weight, based mainly on the practical working of French methods, he advocates, on the one hand, the abolition of the jury in civil cases in the Anglo-Saxon countries, accompanied by an appropriate liberalizing of the rules of evidence, and, on

the other hand, an extensive broadening, in French courts, of the use of oral evidence. Whatever opinions we may have or form with regard to the conclusions which Mr. Bodington has set forth, his words cannot fail to furnish much food for thought.

C. C. R.
