

REVIEWS

Federal and State Constitutions of the United States. By Frederic Jesup Stimson. Boston. Boston Book Company, pp. 386.

In this volume, Prof. Stimson reiterates many of the principles discussed in his "American Constitution," comprised of his Lowell Mason Lectures of 1907, but the scope of the present work is infinitely wider. Although Prof. Stimson assures us in his preface that it is prepared primarily for the benefit of his students at Harvard and not in the first instance for a practicing lawyer, we have no hesitation in asserting that the ambitious among the latter type will find it practically a necessity. It is perhaps, however, in the philosophical discussion of principles which must be imbedded in the foundation of national jurisprudence, that the work has its greatest value. The first book of the three into which the work is divided is entirely of this nature, containing eleven chapters on fundamental rights and liberties. The author lays a great deal of stress on the constitutional principles that are to govern the attitude of capital and labor in their relation to each other, a subject especially vital at the present time. The third book presents a detailed comparison of the various constitutions. The reviewer has not been able to find another publication which covers the same field, and in view of the fact that so many of our legal publications of recent years are mere indexes and digests for practical research work, the advent of this work into the legal limelight is at least an event in the epochs of modern legal history.

H. B. J.

Forms and Precedents for Conveyancing and Business Transactions Adapted to the Laws of Ohio. By Howard A. Couse, of the Cleveland Bar. The W. H. Anderson Company. Cincinnati. 1907. pp. 1214.

Mr. Couse, in his Ohio Form Book, has collected the forms for the evidencing of business transactions, for conveyancing and the organization of corporations, together with forms under miscellaneous titles, such as Arbitration, Composition with Creditors and Decedents' Estates. Forms of acknowledgments, chattel mortgages, deeds and mortgages for other States are included.

Each division of the book is preceded by a valuable note giving the statutory requirements of Ohio, and, under titles where the forms of the other States are given, notes as to their statutory requirements are also to be found.

The book is very comprehensive and compiled in exceptionally available form. It should prove useful to Ohio practitioners.

Mr. Couse was graduated from the Yale Law School in 1895.

R. C. H.

Frederick William Maitland. By A. L. Smith, Balliol College, Oxford. Clarendon Press. Oxford. 1908. pp. 71.

This book consists of two very interesting and instructive lectures on Frederick William Maitland, together with a bibliography. The first lecture treats of Maitland as a historian, comparing him to Macaulay in his felicity of illustration and concreteness of style, that "while Macaulay's weapon is too often the knob of the bludgeon, Maitland's is the rapier's point." Two marked characteristics of his style as a historian are his analytic and constructive treatment. By these two methods he has proved that History does advance. The author believes above all that the real way Maitland proves this is his conception of the spiritual side of it. A true historian cannot be anti-religious, and he refers to Lord Acton's definition of a historian. The other side of Maitland's conception of history is its humanity.

He concludes the lecture with the query: "Might not Maitland have become a great narrative historian?"

The second lecture treats of Maitland as the "converted lawyer, or rather, the alchemist who could transmute law into the most unexpected and precious products." Maitland's vision did at last attain to something of prophetic strain, a legal historian. The author quotes copiously from Maitland's speeches and works to emphasize his deductions. He pays a glowing tribute to the great lawyer and ends the lecture with a eulogy on him by Liebermann. Out of his very sufferings he won a deeper sympathy for men, and a broader view of things.

The author in making an appeal to establish in Oxford a Maitland Memorial Library for students, has generously contributed a bibliography at the end of the book. This bibliography is very complete, beginning with the year 1880 and ending with the year

1907, containing also a list of reviews of Professor Maitland's works and miscellaneous works referring to Maitland.

A. A. P.

Great American Lawyers. A History of the Legal Profession in America. Edited by William Draper Lewis. Philadelphia. The John C. Winston Company. 3 vols.

This work, which when completed will consist of eight volumes, is designed to present a history of the profession in the United States as embodied in the essence of numerous biographies. Ninety-six names have been selected for treatment and five is the largest number of contributions by any one author. Many, doubtless, will quarrel with the inclusions and omissions but the work can not fail to prove entertaining to all who are either desirous of learning what different types of men have achieved success in American court-rooms from the days of Patrick Henry to the time of James C. Carter, or interested in tracing the changes which came about in the methods of legal instruction between the time when John Marshall listened to the lectures of Chancellor Wythe and the death of Professor Thayer.

The contributions themselves are written in different styles and are of varying merits. One is Mr. Joseph Choate's oration on Rufus Choate. Some are in the nature of impressionistic sketches based on standard biographies; others, as for example Chief Justice Baldwin's biography of Roger Sherman Baldwin, are careful and authoritative accounts drawn from original sources. The value of the work consists not so much in the essays on the leaders of the bar as in the fact that it presents in convenient and accessible form, what are not otherwise easily obtainable, biographies of those lawyers whose names, perhaps, are little known but whose work is sound and lasting. Taken as a whole these volumes are worthy of a place in the library of any lawyer or layman who cares for the traditions which cluster about, or the names which have adorned, the American bar.

W. P. A.

Handbook of the Law of Private Corporations. By Wm. L. Clark, Jr. Second Edition, Edited by Francis B. Tiffany. St. Paul, Minn. West Publishing Co. 1907. pp. xv. 721.

Mr. Clark, author also of the Hornbooks on "Criminal Law," "Criminal Procedure" and "Contracts," prepared the first edition

of his work on "Private Corporations" in 1897. That edition, it will be remembered, devoted much attention to the "Effect of Irregular Incorporation"—"Corporations De Facto" and "Estoppel to Deny Corporate Existence;" "Subscriptions to Stock Prior to Incorporation;" "Watered Stock;" and the "Trust Fund Doctrine" as applied to capital stock and assets which was held in many cases but which Mr. Clark showed had been exploded by the more recent decisions. Mr. Tiffany in preparing this second edition of the work has added many of the cases, decided during the last ten years, to the notes, and has altered the text where it was necessary to do so to make the edition a present day authority. The same treatment of subject has been retained and the text has been left as it was as far as practicable. We find the work in its present edition a convenient handbook on the general propositions of the law of corporations.

H. T. S.

Mining, Mineral and Geological Law. By Charles A. Shamel, M. S., LL. B., A. M., Ph. D. New York. Hill Publishing Company 1908. pp. xxx, 576.

The general plan of this book is very excellent for a concise work of its kind, as it treats the subject from the double standpoint of law and science. The book is no doubt intended as a medium between the more elaborate works on the subject and the small manuals of mining law and forms. If this is its purpose, it has been admirably fulfilled. But as a treatise on the subject of mining law from the viewpoint of a practicing lawyer, the book falls far short of what it ought to be. There is a very valuable appendix containing the changes in and additions to the State statutes by the various legislatures in 1907, and the revision of the Land Office Rules and Regulations made in the same year.

K. G.

The American Constitution. Frederic Jesup Stimson. New York. Charles Scribner & Sons. 1908. Cloth. pp. 258.

This work of Professor Stimson, of Harvard University, consists of eight lectures delivered at the Lowell Institute in the fall of 1907. The author has put into the hands of students of constitutional history and law a valuable volume. Free from the technical phrases heretofore apparently thought necessary to a work of this character and which prove so worrisome to the layman, it should be of especial value to him. The author of "American Statute Law" needs no introduction to members of the legal profession. His last work, though doubtless primarily for the academic library, should find a place on the library shelves of him who considers a knowledge of his country's constitution worth while.

W. V. G.

The American Government. By H. C. Gauss. New York. L. R. Hamersley & Co. 1908. Pages 871.

The author of this work has collected a mass of information concerning the detail machinery of our federal government. It is arranged in skeleton form with a view to ready reference. It cannot but be of great help to the close student of American government and a convenient reference for one coming in contact with the different branches of our federal government.

H. E. D.

Handbook of the Law of Sales. By Francis B. Tiffany. St. Paul. West Pub. Co. 1908. Sec. Ed. pp. x, 534.

This second edition appearing twelve years after the first will be found to contain virtually the same material as the first with such new matter as has been necessarily added to bring the work up to date. The first edition, it will be remembered, was founded largely on Benjamin. The English Sale of Goods Act of 1894 was largely used for reference purposes. In this new edition the English Act is printed in the appendix and the Sales Act recommended by the Commissioners on Uniform State Laws, which has already been enacted in several States of the Union, is also printed. Throughout the book there is copious reference to both acts. The work is a typical Hornbook—brief, concise, with black letter headings.

H. T. S.

Trial Evidence. A Synopsis of the Law of Evidence Generally Applicable to Trials. By Richard Lea Kennedy, LL. B., of the St. Paul Bar. St. Paul. The Keefe-Davidson Co., 1906. pp. 49.

This small volume, containing a concise and accurate statement of settled rules of evidence, thoroughly interleaved for local citations, should prove of convenience to any trial lawyer who desires a small hand book to refresh his memory on points of evidence during the progress of a trial. It is a very successful attempt to codify the rules in convenient form with abundant citation of the leading text books on the subject; in fact it might justly be termed a valuable and scholarly index of the works which it cites, namely Am. and Eng. Encyc. of Law, Elliott, Greenleaf, Stephen, and Wigmore on Evidence, Encyc. of Pbod. and Proc., Thayer's Cases and Wigmore's Cases. Also many local statutes are cited.

H. T. S.

True Stories of Crime. By Arthur Train. Illustrated. New York. Charles Scribner's Sons. 1908. Cloth. pp. 406.

These stories are a series of thirteen narratives which have come to the author's knowledge through his connection as an assistant in the District Attorney's Office in New York. Were it not for the fact that the author assures us in his preface that the stories are literally true, one might without effort fancy himself in the realms of fiction, notwithstanding the book's title. This is due to the clever way in which the author has handled his subjects, keeping the reader's interest alive without sacrificing fact to fancy. We take it that the aim of the book is not to instruct but to interest. If this be his purpose, Mr. Train has accomplished that which he set out to do.

W. V. G.