

BOOK REVIEWS

The Elements of Jurisprudence. By Thomas Erskine Holland, K. C. Eleventh Edition. Oxford University Press, American Branch, New York, 1910. pp. 450.

To the student of the law, the announcement of a new edition of this valuable and authoritative text-book is of great interest. It is now slightly more than thirty years since the gifted author of this treatise gave it to the world, and this is the tenth time that changing law and other conditions have called forth a reappearance.

The work is too well known to need extended comment. The citations have been brought up to date, and the continual change in theory and practice of the law, both in the English-speaking countries and on the Continent, has been noted and set forth. The book should be in every working legal library.

C. R. W.

International Law. By George Grafton Wilson, Professor of International Law in Harvard University, etc. St. Paul, Minn. West Publishing Company. 1910. pp. 621.

With the complexity of the commercial relations and the rapid multiplication of the means of communication between the nations of the world, the importance of International Law has been rapidly increasing in recent years. Professor Wilson has briefly sketched its historical development, and discussed the present day interpretation given to the various principles of the law of nations. In his treatment of the subject the author has followed a well developed outline. He states the principles briefly and concisely, and sustains them by examples and authority. Much of the material for the valuable notes with which this volume is supplied is taken from the published reports of the Foreign Relations of the United States. These notes, being both modern and complete, add much to the interest of the work.

This volume is a late and worthy addition to the "Hornbook Series." The work should prove to be very valuable as a reference book for the practitioner, and should find favor as a text-book for the use of students of International Law.

On the last one hundred pages are printed five appendices, which contain the full text of several epoch making papers and documents pertaining to the growth of International Law. Among them are the results of the work of The Hague Conference of 1907, and that of the London Naval Conference held in 1909. This treatise will undoubtedly be as popular as its predecessors in the Series.

R. A. L.

A Lawyer's Recollections In and Out of Court. By George A. Torrey, of the Massachusetts Bar. Little, Brown & Co. Boston, 1910. pp. 227.

These memoirs of Mr. Torrey are evidently intended, not for the serious student of history, as many autobiographies are, nor even for those who are interested in serious biography, but simply for the busy lawyer in his hours of rest and recreation. Although the book gives one something of an idea of the conditions of life in a small Massachusetts town during the third quarter of the last century, Mr. Torrey, so far as his memoirs show, has never occupied a prominent enough position in the affairs of his State to make his present work a record of history. Neither is the book biography, because it makes no pretext of telling anything like a consecutive story of the author's life. It is merely a collection of anecdotes told in an exceedingly simple style, two or three of which one recognizes as having been seen before somewhere, but all of which are amusing, particularly to a lawyer. The book also contains some very brief but telling character sketches of other members of the bar with whom Mr. Torrey has come in contact. Several of the men mentioned in this way are men prominent in national affairs.

The "Recollections" begin with the author's birth at Fitchburg, Mass., in 1838. The first chapter tells of the ordinary pranks of a school boy, and makes apparent at the outset that the author has a remarkably retentive memory for details. The second chapter deals with Mr. Torrey's life at Harvard and the Harvard Law School, and displays the simplicity and democracy of the life at that institution between 1855 and 1861. The last three chapters are more entertaining than are the first two. They are a recital of incidents in the life, first of a country lawyer, and later of the successful counsel of the Fitchburg Railroad, with a large practice

before both the Superior Court and the Supreme Judicial Court of Massachusetts.

"These random recollections" do, as the author hopes they will, "tend to prove that the practice of law, possibly considered by some a dry and uninteresting pursuit, is occasionally enlivened by incidents of an amusing character." At least, it does prove this if the reader happens to be an optimist. If, on the other hand, he is a pessimist, the reading of the book is more apt to stir up in him a longing for the return of the good old days when competition in the "law business" was not so keen, and it was possible for every man to take time to enjoy his work as much as Mr. Torrey very obviously has done.

E. A. I.

Work-Accidents and the Law. By Crystal Eastman, Member and Secretary New York State Employers' Liability Commission. Charities Publication Committee, New York, 1910. 350 pp.

The present volume is the second of a series of six volumes, which represent the labors of the Pittsburg Survey, published under the Russell Sage Foundation. The book is in the main economic rather than juristic. By a careful marshalling of his material, the author commands the attention of even the casual reader from the start, and does not permit it to flag until the lesson of the work has been taught.

The problems which the writer seeks to solve, by laboratory methods, taking Pittsburg as a cross-section out of the heart of the question, are, first, what are work-accidents, their causes, results, and economic significance; and, second, what relief does the law afford in these cases, and wherein, if at all, is this insufficient. This is no unpractical theoretical discussion. The whole book is permeated with a spirit of strict scientific inquiry. The facts are undisputed, the answers logically follow from them. After a brief discussion of the doctrine of "employers' liability," from its inception down to the present, and the by-products of the doctrine, the author considers the trend of legislative relief, and concludes with suggested changes which are of some originality, and will be found fair and reasonable. The appendices are of great value, consisting of articles on side-issues suggested

by the main argument, progressive statutes of certain States, and statistics of interest.

Taken as a whole, the work is convincing and important, and of value to every person who is interested in the problem of life as it is. The volume marks a distinct advance in such investigations.

C. R. W.

A Treatise on the Law of Labor Unions. W. A. Martin. John Byrne & Co., Washington, D. C., 1910. xxix, pp. 649.

Although the first case dealing with Labor Unions was decided prior to 1720, still most of the cases on the subject, the author tells us, have been decided within the last two decades. This alone shows that the subject is essentially of modern development. That being the case it necessarily follows that the law is in an unsatisfactory state and the Courts in great conflict. For that reason also, as the law on this subject begins to harmonize and settle, as it must when it is before the Court so much, the book will soon become out of date. Nevertheless, the book is a very valuable one and well worth owning.

The book is a very comprehensive and complete treatise. A sentence in heavy type at the head of each chapter gives an idea of the scope of the chapter, and each section is likewise headed by a sentence in heavy type, giving an idea of its scope.

The book not only deals with trade disputes, which forms its greater part, but includes the subject of the internal administration of the Union and a chapter on the protection of union labels. An appendix of a hundred and twenty odd pages is devoted to forms of pleading injunctions and restraining orders.

A Treatise on Secret Liens and Reputed Ownership. Abram I. Elkus and Gurrard Glen. Baker, Voorhis & Co. New York, 1910. xxxi, pp. 195.

The authors have chosen a subject which is of daily importance to the general practitioner. Every time the question of security comes up, the question of the value of that security to the one party or the other is necessarily involved. In many instances the borrower, very naturally, in order that his credit may not be impaired, desires to conceal from the general public the fact that security is demanded. Thus he endeavors to make use of a secret lien. The value of this lien is not only important to the parties,

but to all of the borrower's future creditors. In England this has been the subject of legislation. In this country, however, we have no Federal statute covering the situation, nor is it the subject of legislation in the States generally. Consequently, here we must depend upon some general rule of law. Along this line the authors show that the equitable doctrine of estoppel adequately takes the place of such an act. Thus the whole question turns on the *bona fides* of the transaction.

After an historical development of the doctrine, the authors take up specific classes of cases such as floating charges in mortgages, consignment readjustments and trust receipts, and the endeavor of individuals to hide behind the corporate entity.

The book covers a new field.

