

## BOOK REVIEWS

*Ethical Obligations of the Lawyer.* By Gleason L. Archer, LL.B.,  
Dean of the Suffolk School of Law. Little, Brown and Com-  
pany, Boston. 1910. pp. 366.

The past decade has been unique in the history of the American bar. Never before has there been such a keen interest taken by lawyers in heightening and maintaining the morale of the profession of the law. Perhaps as a result of this movement, we have the present volume. It is to be hoped that Dean Archer's book will be the cause of increasing still more the interest of the bar in legal ethics.

The book is, of course, first of all idealistic in its tone. The subject of ethics is necessarily a subject of ideals. The ideal which seems most in the author's mind and which runs through the whole work is that of a great love for the profession of the law, as a profession. A lawyer should depend, not only on his personal notion of right and wrong, but also on the long established customs and traditions of the profession. A lawyer is bound never to do anything of questionable honesty, not only for the sake of his own honor, but for the sake of the honor of the profession. A member of the bar must do all that he can to prevent trickery in another, not only to save himself from the effects of that trickery, but also to maintain the honor of the profession. An attorney should never speak slightly of the profession even in jest, because such jests tend to lower the esteem in which the profession is held.

With all its idealism, however, the book is nevertheless exceedingly practical—so practical in fact that the detail into which it goes at times becomes wearisome to the ordinary reader. The book deals not only with the ethics of the profession, but in the course of the volume the author takes occasion to give much practical advice, directed particularly to the young lawyer, covering nearly every phase of legal practice outside of pleading, court work and substantive law. He treats among other things of the location of the law office, of a lawyer's duties to a client, to the adverse party, to other lawyers, to the courts and to the State. He indicates that, in his opinion, a lawyer of the present day

should devote himself to the business interests of the community rather more than to politics, and, finally, treats of a lawyer's liabilities to his client and grounds for disbarment.

Throughout the work, Mr. Archer quotes extensively from the *Canons of Ethics* of the American Bar Association, and Hoffman's *Fifty Resolutions in Regard to Professional Deportment*, and the full text of these is given in the appendix. The appendix also contains a schedule of legal fees adopted by "a prominent New England bar association."

E. A. I.

*Life of Alexander Hamilton.* By Allan McLane Hamilton. Charles Scribner Sons, 1910. pp. 483.

The most striking feature of this, the latest work on the life of Alexander Hamilton, is the presence of a large number of original letters and documents written by Hamilton and various members of his family, as well as his contemporaries. Most of these writings are published here for the first time, having been left to the author by his father, the late Philip Hamilton, who was the youngest son of Alexander Hamilton.

It occurs to one who has studied law that the relation of this book to an ordinary biography might not inaptly be compared to the relation of a case book to a legal text book. To a person somewhat familiar with the life of Hamilton, it is intensely interesting to read the letters of this wonderful man, and draw inferences as to his views, ability and character. Just as a rule of law is more impressed on the mind when one reads a case in which it is applied, so the incidents and their real meaning in the life of Hamilton are brought clearly and forcibly to the mind of the reader in following the very words of the man and his contemporaries. Certainly the advantage of authenticity which a book of this kind must necessarily possess over one founded largely on personal opinion and doubtful data, should not be underestimated.

The extensive treatment of Hamilton, the lawyer, is particularly interesting to members of the legal profession. The prominent part that he took in the development of early law in the United States is such that no lawyer should be ignorant of his history. Every real student of law will derive both profit and pleasure in reading of this man's remarkable legal career.

The book is handsomely bound, and profusely illustrated. The fac-similes of Hamilton's letters and legal documents are especially interesting.

B. McL., Jr.

*The Revision and Amendment of State Constitutions.* By Walter Fairleigh Dodd. The Johns Hopkins Press, Baltimore, 1910. xvii. pp. 350.

Too often the reader of a work devoted to subjects kindred to the Revision and Amendment of State Constitutions is left at sea with a mass of historical facts and legal information, immediately valuable but practically unusable. In reading the recent monograph of Mr. Walter F. Dodd, however, no such criticism can be offered, for the reader will at once find a work both methodical and useful.

The opening chapter gives a concise and interesting historical development of the State Constitutional Conventions down to 1783. In the second and third chapters the author treats of the Constitutional Conventions from 1783 down to 1908. In the one, he gives a scholarly exposition of the growth of the distinctions between constitutions and statutes, and in the other, a careful analysis of the legal position of the Constitutional Convention. The fourth chapter deals with the amendment of the constitutions, the practice relative to such amendment and revision, and the judicial attitude of the courts. The last chapter shows the actual working and effect of the constitutional referendum.

Throughout the entire book the author has placed great emphasis upon the present day conditions. This fact, together with the concise outlines and summaries of each topic, and the orderly marshalling of subtopics, makes the book one of unusual value to laymen as well as lawyers.

To the volume are appended tables of the popular votes upon constitutional questions in all of the states of the Union covering a period from 1899 to 1908. Reference to these tables greatly aids the understanding of the comparative interest of the voting population in constitutional questions submitted to them.

H. N. R.

*The Sovereignty of the States: An Oration.* Addressed to the Survivors of the Eighth Virginia Regiment, July 21, 1910. By Walter Neale. The Neale Publishing Co., New York. pp. 143.

*The Betrayal.* A novel by Walter Neale and Elizabeth H. Hancock. The Neale Publishing Co., New York. pp. 500.

Of the two volumes above, the latter is a readable novel of the class made popular recently by Thomas Dixon, Jr., and his followers; a reconstruction novel from the Southern standpoint of "a Rebel who never surrenders"—we use the word Rebel notwithstanding our author's rejection of it. But this book goes beyond most of the works of its kind, for the purpose with which it was written is so ever-present to the author, that he can scarcely mention any phase of post-bellum civilization without digressing for a moment to denounce it in clarion tones. Witness the references to the University of Virginia, the State government of to-day, the modern Democratic party, the modern stage, and the like. We would object to the artificial division of Virginians into peasants and yeomen, but will let that pass. As the object of this book is more clearly defined in the former book, let us look at that.

This "oration" cannot be distinguished appreciably from that pleasant occupation of "waving the bloody shirt" to which some of our Northern friends were for a long time addicted, but which now seems to have passed entirely out of favor. For it is a call to battle, addressed to the survivors and descendants of the "men in gray," urging them "to take up the arms that were laid down at Appomattox," "for the hardest of the fighting is yet to be done." The author's rallying cry is directed against the centralization movement, which is making of these states a nation, rather than a Union. At times it seems as if he is urging his fellow laborers simply to fight in Virginia against the passage of the income-tax amendment to the Constitution, which he has rather illogically concluded will mean "the surrender of the last vestige of liberty by the States"; at other times his purpose would seem to be to arm every person loyal to his views, and march out in battle array, and wait for the attack of an enemy which he does not clearly see himself, and cannot explain to us. And although there is oratorical license as well as poetic license, we submit that such attacks as these upon John Marshall, the Constitution, the Revolutionary army, and most important of all, the present attitude of real

friendliness throughout the whole country, and particularly of the North for the South, are uncalled for and misleading, and show unquestionably that the author's bias will tinge all things, both the good and the bad.

And yet, this work—or these works, serve a good purpose. Any book that is not entirely in the beaten path, but stirs up a new train of thought in its readers, has some measure of good in it. Any work that holds up modern life and points out only the bad places, and paints many of those much too black, will tend to make its readers mentally rally to the defense of their civilization, and observe its good points, and after discriminatingly studying the faults, be more anxious to correct them. And then, besides, the book is of quaint interest as showing a point of view of which many people were ignorant.

If it be asked why such a publication should fall into the hands of a reviewer for a Law Journal, it must be admitted that the answer does not come quickly to the lips. But the lawyer should not spend all of his time poring over musty tomes and ancient year-books; and again it may be that the reviewer himself has a doubt upon the subject.

C. R. W.