

BOOK REVIEWS

Apuntes de Derecho Internacional Privado. By V. M. Carrió. Montevideo. Tip. de la Escuela N. de Artes y Oficios, 1911, pp. 626.

These notes on International Private Law are designed particularly for the use of students. The author has recently completed his university course at Montevideo, where he had the benefit of the instruction given by Dr. Juan A. Cachón and Dr. José Pedro Varela. He purposes to prepare hereafter a larger work on the same subject. This is in the nature of a preparatory study.

His general point of view is that of a loyal admirer of the work of the Congress of Montevideo of 1889. That body, it will be remembered, framed certain conventions to avoid a conflict of laws on the most important matters of international concern, which, in the last decade of the last century, were ratified by Bolivia, Paraguay, Peru, Argentina and Uruguay, between which they are now in force.

Dr. Carrió devotes one chapter entirely, and large parts of others, to the history and conclusions of this Congress, which did so much to establish a uniform system of international jurisprudence between the States mentioned. It has even been claimed, though the point was overruled, that a citizen of Peru could claim the benefit of our copyright law, by virtue of its provision in favor of a citizen of any power which was a party to an international agreement, providing for reciprocity in the granting of copyrights, and to which the United States was at liberty to adhere, at pleasure.¹

The author is by no means a blind admirer of the Montevideo conventions, and frankly owns the existence of some serious defects (See, e. g. p. 169). He compares them on various points with the conclusions of the Institute of International Law, but the work of the Hague Conferences for the Advancement of International Private Law receives almost no attention.

The style of the treatise is clear, and the author makes free and apt use of supposed cases to illustrate his positions.

¹ *Bong v. Campbell Art Co.*, 214 U. S., 236.

A certain want of proportion is observable, much more space being given to some subjects than to others of equal or greater importance. It is particularly defective in almost ignoring the conventions, above referred to, of the four Hague Conferences, now governing international relations in continental Europe as to most matters of conflict in private law.

The author's portfolio seems also to have been emptied into the appendix, which fills a third of the volume.

It may be doubted if he is justified in classing (p. 398) England and America generally as adhering to the doctrine that foreign judgments should be executed, without any re-examination, on condition of the existence of reciprocity and of jurisdiction shown in the foreign court.

In dealing with foreign names, he is not always accurate, as, for instance, in speaking of President Gefferson, Dr. Warton, and Heriberto Spencer.

S. E. B.

The Law of Libel and Slander. By W. Blake Odgers, LL.D.,
Bencher of the Middle Temple; Recorder of Plymouth. With
Canadian Notes by W. J. Tremear, of the Canadian Bar. Fifth
Edition. London: Stevens and Sons. Toronto: Canada Law
Book Company. Philadelphia: Cromarty Law Book Company.
1912. pp. cx, 956.

Mr. Odgers herewith presents the fifth edition of his "*Digest of the Law of Libel and Slander.*" This work is an excellent treatment of the subject, and is deserving of high commendation. It is not a mere collection of cases, but is a concise and lucid statement of the net result of the authorities. Our deep regret is that the book is based on English and not American decisions. This, however, cannot be said by way of criticism, for the book is a Canadian edition of an English treatise, and sets forth no further pretensions.

The subject in all of its phases is carefully gone into. After setting forth the broad general principles, the author launches into the details of the subject, treating with great particularity what words are actionable, privilege absolute and qualified, who can be sued, to what extent recovery can be had, in short going fully into

ing as an object the lessening of certain clearly-defined and exist-
chapter on "Malice" is especially to be noted, in which the
fictitious use of "malice," as denoting "absence of legal excuse,"
is abandoned, and in this book "Malice' does not mean 'malice in
law,' a term in pleading, but actual malice, that which is properly
called 'malice.'"

Then the adjective law of libel and slander is not slighted. The
practice, procedure and evidence in both civil and criminal actions
are carefully treated. A civil action and a criminal trial are con-
ducted from start to finish, from precautionary considerations
before the action is brought to proceedings which may be taken
after trial. And in the Appendix is a collection of precedents of
pleadings and forms for use in actions of libel and slander.

This work is essentially practical. It is an ideal treatise,
condensed and clear, but comprehensive fairly to the point of being
exhaustive in the field it sets out to cover. English and Canadian
practitioners should find the book of invaluable service. And
since not only are the fundamentals of the subject gone into, but
where the American and English law are at variance, an endeavor
has been made to point out the difference, this work should furnish
much of assistance to American practitioners.

H. C. C.

The Reform of Legal Procedure. By Moorfield Storey, ex-Pres-
ident of the American Bar Association. New Haven: Yale
University Press. London: Henry Frowde. Oxford University
Press. 1911. pp. vii, 263.

In late years the legal profession has fallen in public estimation,
and the public has not hesitated to voice its sentiments. Unde-
sirable men and methods are often employed in the personal
actions which flood our courts. There are numerous delays dur-
ing the trial which should be eliminated. Our appellate courts
dispose of about one-third the number of cases disposed of by
similar English courts. Furthermore, the small percentage of
convictions after arrest in criminal cases, due to the prisoner
escaping on technicalities, has led the public to a belief that it is
inadequately protected.

Few men are better fitted to discuss the above and other problems of legal procedure than the scholar and practical jurist who delivered a series of lectures before the Yale Law School in 1911 on "The Reform of Legal Procedure." These lectures, with some revision, are published in the volume under review. The criticisms and suggestions made by Mr. Storey in this work, having as an object the lessening of certain clearly-defined and existing evils, deserve widespread notice and thorough consideration by the bench and the bar.

A. W. C.