BOOK REVIEWS.


The history of the law of trusts from its early beginnings in Fidei Commissa through the English "use" down to the present day, has been characterized by an almost continuous growth and expansion. Courts have extended the application of its general principles to almost every relation in life or course of dealing, and with the commercial progress of the present century and its attendant complexity of business and social relations this extension has been very rapid, and the subject becomes of great importance to the modern lawyer. Mr. Perry's text is too well and favorably known and too generally embodied in judicial opinions to need any commendation or praise, but as the decisions of the ten years which have elapsed since its last edition, have not only extended the field of cases to which the author's general rules are applied, but also have qualified or limited his statement of some of these rules, the present and fifth edition will be welcomed by the legal profession generally. Mr. Gould has left the text of the fourth edition unchanged, but in footnotes and citations has indicated and illustrated the lines of departure. His notes are very full and show the great care with which the edition has been prepared.


It has been frequently pointed out in the books that many presumptions commonly called rules of evidence are purely rules of substantive law. But their authority to be treated under the head of evidence rests upon prescription, and we think the distinction will continue to be noticed merely for purposes of illustration.

The author, from an exhaustive examination of cases, has deduced 139 rules which he sets forth as the law governing presumptions. Under each rule, as stated, a set of illustrations is given, taken from decided cases, with a further commentary, showing the conflict of authorities wherever it exists upon any rule.

The scheme, as developed by the author, is an original one of very great merit. The book is, practically, in form, a codification of the law on this subject.


The questions of international law raised during the late war between Spain and the United States concerning the rules of warfare and the position of neutrals, together with the English claim of the right of suzerainty in the Transvaal, and the advent of our own government under the direction of the present administration into the field of colonial expansion, whether we call it according to the dictates of our own conscience, "imperialism," or "manifest destiny," has increased the desire of the intellectual American public to know more concerning the first causes of war, the position of neutrals, the sovereignty of States and the rights of independence and self-preservation.

The present treatise explains fully the great underlying principles of international law in easy language and fascinating manner, and deserves its title because of the clearness of its style for the general reader, and not because of its failure to fully elucidate the questions discussed.
To the student and members of the legal profession, the chapter relating
to Prizes Courts, their Jurisdiction and Proceeding, together with the digest
in the appendix of some of the more important cases, will be of special
interest.


This initial volume of a series of reports is significant of a possible move-
ment in American law practice, which may go even further than did the
establishment of the New York code and the many subsequent codes of
practice of the other States. The attitude of lawyers to-day is most favor-
able to a greater simplification of the methods of pleading and court
practice, and hence a book which by compilation shows the most recent con-
structions of settled principles of pleading and practice is certain to suggest a
still further elimination of unnecessary provisions. The value of reports
of this kind is without question both for the admitted practitioner and the
embryonic student of the law. The preface of Editor Ray (whose ability and
reputation as Chief Justice of Indiana are acknowledged to be of the highest
order) presents interesting data, showing that the average length of lawsuits
in this country is from eighteen months to six years, and that no less than
38 per cent. of reversed cases, are reversed not on questions affecting the
merits of the case, but on points of procedure. These are remarkable figures
and their existence is certainly not evidence of the speedy administration of
justice. Justice even from human agencies should come nearer infallibility
than this. While the Practice Reports will be of value to both judges and
lawyers as a guide and time-saver of tremendous importance, yet it stills
appears as if its greatest influence would be in inducing a further reformation
both of common law and code-practice. This will not be in the immediate
future, in all probability, but should occur with the increasing volumes of
these reports showing conclusively the many unnecessary and injurious
requirements of latter-day procedure. Not the least impressive aspect of
these works is the fact that almost without exception, the justices of the
courts of last resort of this country have applauded and endorsed the publi-
cation, and lent to it their aid and support.

The Law of Pleading under the Codes of Civil Procedure, with an introdun-
tion briefly explaining the Common Law and Equity Systems of
Pleading, and an analytical index, in which is given the code provisions
as to Pleading in each of the States which has adopted the reform pro-
cedure. Second Edition. By Edwin E. Bryant, Dean of Law Faculty,

The title of the book as given above fully explains the scope of the work,
which is as the author points out in the preface "intended rather as intro-
ductory to than a substitute for the more elaborate and exhaustive treatises on
the Law of Pleading." Thus to the student intending to practice in a code
State who wishes to obtain an elementary knowledge of the radical differences
between common law and code pleading on which to build a foundation for
the more elaborate study of code procedure, this little work will be of great
value, in fact invaluable. This fact, together with the highest testimony of
its true worth, has been demonstrated by its adoption as the elementary text
book on code procedure by many of the leading Law schools in the country.

Commentaries on the Law of Private Corporations. By Seymour D. Thomp-
son, LL.D. Bancroft-Whitney Co., San Francisco, 1899. Seven Vol-
umes. Vol. II.

A supplementary volume containing recent decisions from 1895 to 1899,
and also a general index of the whole work.