

## REVIEWS.

*Life, Character, and Judicial Services of John Marshall.* Compiled and edited with an introduction by John F. Dillon. Callaghan & Co., Chicago. 1903. 3 Vols., cloth, pp. 1615.

In these volumes we have a very complete collection of the addresses upon the life, character and services of Chief Justice Marshall delivered before the various bar associations, societies, colleges, etc., on Marshall Day, 1901; together with the great eulogies and orations delivered soon after Marshall's death, or on various occasions since, by Judge Story, Horace Binney, Hon. E. J. Phelps, and others. While there are parts of this book, notably the various introductory addresses and the accounts of the transaction by all the States. As stated by the author the work is a general think could easily be spared without impairing its worth, it will prove, we believe, of great value and interest both to the lawyer and to the general student of American political and constitutional history. The student of American history will find a fairly detailed and complete history of the period from 1785 to 1835—a very important half century in the development of our nation—in a novel and unusual form. In these addresses our internal development is traced, our relations with foreign states explained, and the growth of the Constitution described, from many standpoints, by men of different political parties and with views colored by diversity of environment and education, sometimes with emphasis upon one phase of the subject, sometimes upon another. The lawyer will have a natural interest in the history of the development of the Constitution; but besides that, he will have an equal interest in the portrayal of the life and character of the man himself. The picture of the great judge and lawyer who was at the same time one of the noblest and most high-minded men that our country has seen, should furnish an ideal and an inspiration to every member of the profession. A large part, however, of the value of these volumes to the lawyer lies in another feature: the discussion of Marshall's judicial services gives an occasion for reference to, and more or less extended comment upon, some one hundred and twenty-five important decisions of our own and the English courts. Almost every important constitutional case from the establishment of the Supreme Court to the Insular cases is discussed and explained. Marshall's great judgments in particular are referred to in almost every address; and from every point of view the meaning and importance of the decisions in *Marbury v. Madison*, the *Dartmouth College Case*, *McCulloch v. Maryland*, and *Gibbons v. Ogden* are considered and enforced.

Mr. Dillon's idea of including the classic orations of Story, Binney, Rawle, Waite, and Phelps was a happy one. Without intending to institute any uncomplimentary comparisons with the other addresses, it seems to us that the former are among the most valuable and important in the whole book. His introduction, also, in which he discusses Marshall's influence in establishing the constitutional authority of the Supreme Court, and the principle of nationality in the Constitution, is an important contribution to the discussion of those questions which we would not willingly lose.

The duties of the publisher and the editor have been well done. The book is handsomely gotten up, well printed, illustrated with several excellent portraits, and supplied with a table of cases cited and a copious general index. From every point of view it is worthy of a place in the private library of any American gentleman who has an interest in the history of our country during an important and interesting period of its development.

C. B.

*A Treatise on Commercial Paper and the Negotiable Instruments Law.* By James W. Eaton and Frank B. Gilbert. Matthew Bender, Albany, N. Y. 1903. 1 Vol., pp. 767., sheep.

The appearance of a new treatise on commercial paper with special reference to the Negotiable Instruments Law is an agreeable indication of the rapid progress of that law toward universal adoption by all the states. As stated by the author the work is a general treatise on the law of commercial paper, but so treated as to lead up to, illustrate and adapt itself to the several provisions of the Negotiable Instruments Law. It commends itself to the student in law schools and to the young lawyer especially by the manner of its arrangement. The whole subject is broken up into the natural divisions of the Negotiable Instruments Act; the general topics are next fully digested in proper sub-divisions at the heads of each chapter, and the paragraphs of the text with an italicized caption follow these sub-divisions. These are not lumbering and cumbersome, but short, concise and clear, enabling the author to crowd into comparatively small space a greater amount of material in better form than is contained in some more pretentious works.

In the two appendices are given a digest of the Negotiable Instruments Law and the English Bills of Exchange Act. About these it is sufficient to say that their purpose will be heartily appreciated by the student and to this purpose they are excellently adapted. The volume is well indexed and the cases cited, numbering about seven thousand, appear to have been selected with care. The work as conceived is far from mediocre, and as executed is in pleasing contrast to the tedious, diffuse verbosity which occasionally attempts to pass under the guise of an exhaustive treatment. Many students would be glad of a set of commercial forms which are here omitted even though they added somewhat to the size of the volume.

G. D. G.

*A Text Book of Legal Medicine and Toxicology.* Edited by Frederick Peterson, M. D., and Walter S. Haines, M. D. In two volumes, cloth. W. B. Saunders & Co., Philadelphia, New York, and London. 1903. Volume 1.

The avowed purpose of the editors is to present a comprehensive survey of forensic medicine and toxicology in a work which in its scope falls between the small manuals and the medico-legal encyclopedias. The contributors to volume one include many well known experts, among them James Ewing and Smith Jelliffe. The chapters on Railway Injuries, Nervous Disorders, Insanity, and the Medical Jurisprudence of Life and Accident Insurance are particularly interesting and valuable. The most commendable fact about this work is that it is well arranged for the use of attorneys who wish to post themselves on certain medical subjects, both for their own use in a case and for the purpose of being prepared to conduct an intelligent examination of an expert. It is written in an easy simple style and there are many more citations of legal cases than usual.

G. R. J.

*A Manual of Medical Jurisprudence, Insanity and Toxicology.* By Henry C. Chapman, M. D. Third edition. W. B. Saunders & Co., Philadelphia. 1903. Cloth, pp. 329. Illustrated.

Dr. Chapman has produced an admirable handbook. Written originally as lectures, directness in statement, conciseness in illustration and discussion, and studious avoidance of secondary matter are still characteristic of the work, although revised and enlarged now for the third time since 1892. The absence, to a large degree, of technical medical terms is also commendable, at least from the standpoint of the lawyer.

In one particular, however, the origin of the work appears to its disadvantage. While in a course of lectures to medical students, the citation of leading and illustrative decisions might be superfluous, they would profitably have been added when the text was prepared for publication. Two decisions are cited, one of them rather clumsily, and there are several references to Blackstone, but that is all. Hardly excusable are the instances (page 42, for example) where a court's opinion is stated in the text, yet with no reference to the report. Again on page 206, we are told in an extended note that "according to the daily papers, the Supreme Court of Kansas" in 1894, sustained a ruling, etc. Why not cite the official report, *State v. Gray*, 55 Kan. 135, as well as the daily papers? However, these criticisms are not intended to, and do not, go to the real merits of the book. Simply, since it is a work of real value to the legal profession, these omissions are to be regretted, as the citations would have made a more complete treatise without interfering in the least with its conciseness.

S. W. E.

*Cases on Equity Pleading and Practice.* By Bradley M. Thompson, Jay Professor of Law in the University of Michigan. Callaghan & Co., Chicago. 1903. 8vo., buckram, pp. 332.

The cases contained in this volume were selected "with a view to assisting both the student and instructor, with illustrations of the practical application of the general principles and rules of equity pleading and practice." But it is regretted that the author in carrying out his laudable purpose did not add notes and comments to the cases, which would have made the work of far more value and assistance to the student. The selection of cases, too, would better have illustrated the practical rules of equity pleading and practice if more cases from the Federal courts had been added, especially those discussing the equity practice as it exists in the United States courts. The subject is necessarily treated in brief compass, with only one or two cases upon each point; but nevertheless most of the important topics are well illustrated by the cases selected. The work will prove of considerable convenience to the student in having at hand a compilation of cases that may throw light on the practical application of difficult principles of equity pleading, but its value as a case-book could be greatly increased in many particulars.

H. C. B

*Encyclopedia of Evidence.* Vol. 1, edited by Edgar W. Camp. L. D. Powell Co., Los Angeles, Cal. 1902. pp. 1020. sheep.

If the first volume of the *Encyclopedia of Evidence* is a sample, the work will fill a long felt need. There are many good text books on the subject of evidence which, in a general way, give the law, its theory and history, but at the present time there is no work which treats of this branch of adjective law as the encyclopedias of law do of substantive law. This encyclopedia does not attempt to give theory or history but rather to give all of the rules of evidence as they exist today.

Some space has been given to the law of evidence in the *American and English Enc. of Law* but it is not fully treated. In the first volume of the second edition, of the above mentioned work, fifty-four pages are given up to "Admissions" while in the volume under review over two hundred and sixty pages treat of this subject. An idea of the comprehensiveness of the undertaking may be gained from the fact that the first volume is entirely taken up with the law of evidence on subjects from Abandonment to Assault and Battery.

Not only are the general rules stated but also cases supporting them are cited from nearly every state. For example, on page five hundred and seventy-four the statement that, "where a number of persons have a joint interest or privity of design, or are jointly liable, the admission of one relating to such matter is, in the absence of fraud, competent against all," is supported by cases cited from twenty-two states. The official reports, the *National Reporter System*, the *American Decisions*, *American Reports*,

American State Reports and Lawyers' Reports Annotated are cited.

It is to be hoped that the aim of the editor, "to include all for which a lawyer would naturally examine books on evidence, and to exclude all for which he would more naturally turn to others," will be as carefully carried out in the preparation of the remaining volumes.

C. D. L.

*Cases on Criminal Law.* By Jerome C. Knowlton, Marshall Professor of Law in the University of Michigan. Callaghan & Co., Chicago. 1902. Buckram, pp. 397.

This work is a collection of illustrative cases on criminal law, doubtless those in use in Prof. Knowlton's own class-room. While in no particular is it a case text-book, and probably was not intended as such, yet the cases are topically arranged in text-book fashion, in chapters and sub-divisions, enabling one to get at the contents easily. The cases themselves seem to have been carefully selected and fairly well cover the subject.

To how large a number the book will be useful, is somewhat of a question. To those coming under Prof. Knowlton's instruction, for whom presumably it is primarily intended, it will be both convenient and valuable. But it is essentially a supplementary work and is not suited for independent use by the student, nor is it sufficiently complete to be of service to the practitioner. Again, the limited number of cases, seldom more than one upon a single topic, and the absence of any notes or citations, will hardly commend the work to professors elsewhere. Books of this character can be so easily and cheaply produced today, that a work of so limited scope as the present is not likely to be widely adopted.

S. W. E.

*Analytical Tables of the Law of Evidence.* For use with Stephen's Digest of the Law of Evidence. By George M. Dallas, LL. D., Judge of the U. S. Circuit Court, and Henry Wolf Bickel, A. M., LL. B., Fellow in the Law Department of the University of Pennsylvania. T. & J. W. Johnson & Co., Philadelphia. 1903. Buckram, pp. 89.

This small volume contains a brief but comprehensive outline of the subject, compiled in a clear and logical order. It thus affords an aid to the memory of the student in retaining the rules as set forth by Stephen. Its usefulness, however, would appear to be limited to this purpose, for it is a bare enumeration without illustration and application, or the citation of cases, except in a very few notes. Whether the practitioner, who, of course, knows the elementary principles, will find the work of any value would seem at least doubtful.

J. H. S.