

## BOOK REVIEWS.

*Law of Negligence.* By Thomas G. Shearman and Amasa A. Redfield of the New York Bar. Two volumes. Sheep. pages clxxxiv, 1427. Baker, Voorhis & Company, New York. 1898.

This treatise, first published over thirty years ago, has now reached its fifth edition. During that time it has been constantly in use by lawyers and continually cited by judges. Much of its success is due to the independent manner in which its writers have treated decisions even of the most authoritative courts. This feature has been continued, perhaps emphasized, in the present edition. Although 16,000 cases have received 40,000 citations, the text is logically arranged and written, and the foot notes furnish illustrations rather than exhaustive collections of authorities. The new edition has been substantially rewritten.

The authors take strong grounds of opposition to the Fellow Servant doctrine, and advocate its abolition by the legislature. The English Employers' Liability Act, and analogous acts in the States, are given at the conclusion of that chapter.

*Law of Negotiable Instruments.* Edited by Ernest W. Huffcut, Professor of Law in Cornell University College of Law. Law canvas, pages xvi, 700. Baker, Voorhis & Company, New York. 1898.

The Negotiable Instrument Law is the most important statute passed in recent years. Embodying as it does with slight variations the common law on the subject, it is eagerly turned to by students and instructors as a concise statement of the law. By that very virtue, however, it loses somewhat. Bereft entirely of the facts to which it is to be applied, it is to the student unintelligible in great measure. Professor Huffcut has taken this law as the basis of a text-book for students, illustrating and expanding it by carefully-collected and well trimmed cases. While an argument from an illustration is a dangerous method of reasoning, yet a background of facts must be had in order to apply intelligently any principle to new facts. Also, its application can be best explained by a judge who has either created the rule or himself applied it. Working on this theory Professor Huffcut has produced a model text-book.

To the practicing lawyer the book must prove of service in aiding in the construction of the statute. One chapter is devoted to the History of the Law Merchant and of Negotiable Instruments.

*The Science of Law and Law Making.* By R. Floyd Clarke of the New York Bar. Cloth, pages xvi, 473. The MacMillan Company, New York. 1898.

Mr. Clarke has written this book with two objects in view: "To

write an introduction to law which shall enlighten the lay reader as to the beauty and interest of its problems," and to discuss the question of codification. The first is made subsidiary to the second, introducing the layman to a knowledge of the form of the law and the workings of the courts in its application. Mr. Clarke takes strong ground against codification. The arguments for and against are reviewed and the question made distinct and clear. This method of illustrating the working of the systems of Case and Code Law, by applying their methods to the solution of the question of a contract in restraint of trade, is ingenious and convincing.

*A Treatise on the Military Law of the United States.* By Lieutenant-Colonel George B. Davis, Deputy Judge-Advocate General, U. S. A. Cloth, pages xii, 716. John Wiley & Sons, New York, 1898.

This treatise of Judge-Advocate Davis on Military Law as it exists in this country, is timely in its information and rules of court martial and the general characteristics of military procedure. The law student will find much in the book which is only the statement of common law and will find some difficulty in finding just what are the differences between the military and the common law. It will be very valuable for laymen who have no knowledge of the law and wish to know military procedure.

*The Memoirs of Chancellor Kent.* By William Kent. Cloth, pages viii, 341. Little, Brown & Co., Boston, 1898.

This life of the illustrious Chancellor is valuable and entertaining without pretending to be a great biography. It lacks the essential quality of such a book—that of being stimulating. But the letters have been very carefully selected and arranged, so that we get not only a clear impression of the man, but the best understanding possible of the important events in which he was an actor or which presented themselves during his lifetime.

In that day when newspapers were young and mails slow, the letters of public men were both the means of information and the vehicle of discussion and criticism of public matters, so that from them we learn the history of their time in the best manner. It is not strange that letters of that day should have been admirable, with so much care put upon them, and by many men, who, if not very illustrious in anything else, certainly wrote excellent letters. Chancellor Kent's letters are models of terse and clear expression. In his young days he had that tendency to a florid style which caused Webster so much trouble, but which was overcome by maturity. A valuable portion of the book is the letter on Hamilton written by Kent to Mr. Hamilton.

*Introduction to the Study of Law.* By Edwin H. Woodruff of the Cornell University College of Law. Cloth, pages 89. Baker, Voorhis & Company, New York, 1898.

Mr. Woodruff writes for the student just entering upon the study of law who is beset with strange books, strange ideas, strange everything. No attempt is made to lay down any rules of law save by way of illustration. The chapter-heads sufficiently show the aim of the book. They are: "I. The Scope of Law;" "II. How and Where to Find the Law;" "III. The Operation of Law;" "IV. Courts and Procedure." The student will gain much help from this book at a confusing stage of his study.

*The General Digest.* Annotated. New Series. Vol. IV. Law sheep, pages x, 1706, xxxi. Lawyers' Co-operative Publishing Company, Rochester, N. Y., 1898.

"The General Digest" continues to furnish a summary of all recent law exceedingly well classified. The addition of notes on well-selected topics and references to magazine articles has made it of still greater service to the practitioner. The present volume sets in black-faced type the name of the State in which a decision was rendered, making a case in a given State more readily found.

*First Book of Practice.* By Lemuel H. Foster. Collector Publishing Co., 1897. Sheep, pages 448.

There are here set forth the answers to many of those perplexing questions which always confront the young lawyer in the application of rules that he has learned from the text-book. He often is at a loss to know how to use the weapons that may be in his possession, and the book of practice serves well as a connecting link between the instruction of the recitation-room and actual procedure in court. The work covers proceedings in both law and equity, is compact and terse and cannot fail to be of great practical value.