

BOOK REVIEWS

Modern Theories of Criminality. By C. Bernaldo de Quiros. Translated from the Spanish by Alfonso de Salvio, Ph. D., Assistant Professor, Northwestern University. With an Introduction by Wm. W. Smithers, Esq. The Modern Criminal Science Series. Boston, Little Brown & Co., 1911. pp. xxvii, 249.

Criminal Psychology. A Manual for Judges, Practitioners and Students, by Hans Gross, J. U. D., Professor of Criminal Law at the University of Graz, Austria. Translated from the German by Horace H. Kallen, Ph. D., Harvard University. With an Introduction by Joseph Jastrow, Ph. D., Professor, University of Wisconsin. Same Series. Boston. Little, Brown & Co., 1911. pp. xx, 514.

No one of our man-made institutions has in recent years been the subject of more persistent and incessant attack than our system of criminal law. An earnest group of reformers, more particularly in the older civilizations, has been earnestly applying the inductive and deductive methods, the speculative and laboratory means to the study of what is and what should be our treatment of the enormous class of people who daily break human and divine laws. At last this movement bids fair to make itself deeply felt in our institutions and laws. The leaders in this agitation have very wisely decided that before the people of America should be called on to deliver judgment in regard to this matter, they should be educated in criminal science; that they should be allowed to have the benefit of the hundred or more years of research and theorizing by the master minds of Europe in regard to this eternal problem of human nature and conduct.

The series of books, of which the two volumes now in the reviewer's hands are the first to appear, is directly the result of a resolution introduced at the National Conference of Criminal Science and Criminology, held in June, 1909, at Northwestern University. The purport of the resolution was that a Committee of the American Institute of Criminal Science and Criminology should select, translate, and publish important treatises on Criminology in foreign languages. The Committee consisted of men

of established reputation as lawyers, authors, teachers and criminologists, and has performed its difficult labor in a way that should be entirely creditable to itself and the Institute. The Committee has selected nine standard works which represent the best obtainable studies of the subject of "criminalistic," as Herr Gross calls it, from as many different viewpoints.

The work of Senor de Quiros is more than a bibliography, more than a mere compendium of the works upon this important subject that have appeared within the last hundred years. The author has brought to bear upon this labor the trained mind of one of the best scholars in Europe, a specialist in this particular field, and has set forth in this book all the shades of thought which distinguish the differing theories of the great criminologists. As an introduction to the whole series, the selection is particularly to be commended. The author treats first of criminology, with especial reference to the different theories of the nature of crime. The middle portion of the work contains a striking resume of criminal law itself and the treatment of the prisoner. The third division of the book is devoted to a study of modern investigation of crime, both from the theoretical and practical aspect.

The author himself is one of the foremost criminologists in Spain. Trained for the bar, he early became interested in the study of psychiatry and kindred sciences, and in 1898 brought forth this work as his maiden effort. Since then he has written a number of treatises dealing particularly with the lower classes of drunkards, vagabonds, beggars, prostitutes and the like. A short preface to the English edition, written by the author, is also to be noticed.

The Treatise upon Criminal Psychology is devoted in great measure to a study of the investigation of crime, and contains the psychology of the judge, jury, examiner, witness and criminal. The book is an authoritative treatise, modern, and compelling by the force of the clear reasoning of the author. It undoubtedly advances a number of new and important thoughts, and is of extreme usefulness in its clear analysis of crime-motives and the sifting of the grain of truth that is usually concealed within the chaff of testimony. The work in this aspect is of great practical value, as well as of much philosophical worth.

The author himself is a lawyer, teacher, author and editor of keen penetration and originality, and has written a number of works upon kindred topics. It is not too much to say that the choice of this work could not be improved upon.

The series as outlined is an important contribution to the accessible authorities upon the various phases of criminology, and if the later works come up to the high standard of excellence displayed in the first two volumes, this will remain for some time as the leading collection of treatises upon this subject in the States.

C. R. W.

Trusts and Trustees. By Jarius Ware Perry. Sixth Edition. Edited by Edwin A. Howes, Jr. Little, Brown and Company, Boston. (1911). Two Volumes, pp. clxxxv. 1642.

The sixth edition of this well known treatise on the law of Trusts and Trustees should be well received by the Legal Profession. As long as our courts continue to turn out such a large number of decisions on the different branches of the law, no text book can long remain a standard authority without being frequently revised. Mr. Howes has recognized this need and has succeeded in making this edition of Perry on Trusts a thoroughly modern treatise. In preparing this revision the editor has recognized the necessity of retaining those features which made Perry on Trusts such a popular authority.

The editor has found it advisable to make but few changes or additions to the text, leaving it practically as written by the learned author. Where changes have been introduced, they have been enclosed by brackets so as to be readily distinguishable from the original text.

The book contains two sets of notes. One is distinguished by numbers and contains cases cited in support of the text. The other is referred to by letters, and is used to supplement the text where it has become inadequate because of the development of the law. These notes are well written and are most helpful in explaining the law of the last decade. Mr. Howes has been very thorough in the preparation of this revision and the selection of the cases which he has added to the citations has been apt and careful.

A very full and complete index adds much to the value of the work as a legal reference. This feature should appeal especially to the busy lawyer who wishes to find a point quickly and at the same time be assured that he has found an authoritative statement of the law.

A special feature of excellence in this work, unlike so many revisions, is that it is easy to distinguish what the author has written from what the editor and reviser of the edition has added. This treatise will continue to be one of the leading authorities on the law of Trusts and Trustees and this edition should be found in the library of every progressive lawyer.

R. A. L.