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# Recent Legal Literature

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## Recent Legal Literature

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# RECENT LEGAL LITERATURE

THE LAW OF INNKEEPERS AND HOTELS, including other Public Houses, Theatres, Sleeping Cars. By Joseph Henry Beale, Jr., Bussey Professor of Law in Harvard University. Boston: William J. Nagel, 1906, pp. xviii, 621.

The growth of the law, in bulk at least, is strikingly brought out by a comparison of the present work with the great work on Bailments of Mr. JUSTICE STORY. The present work on Innkeepers is practically equal in volume to STORY'S whole treatise on Bailments (in which the subject of Innkeepers occupied less than a twentieth part). STORY cites less than 900 cases on the whole subject of Bailments, while BEALE cites more than 2,000 on Innkeepers. Of the present work, however, 228 pages are given to an appendix containing statutes of the various states regulating inns and other public houses and the rights of innkeepers and guests, a very useful compilation. The author takes issue with JUSTICE STORY and all later writers on Bailments for following SIR WILLIAM JONES in classing the innkeeping relation as a bailment, and for two reasons. First, because he regards it as more natural to approach the subject as a development and application of public-service law, and to rest the responsibility of the innkeeper rather upon his public undertaking than upon his position as bailee; and second, because "the crucial test of bailment, delivery of possession to the bailee, is lacking." There is much force in the first suggestion, though it applies equally to the common carrier who has always been classed as a bailee. The modern development of public-service law perhaps calls for new lines of division, and yet the general principles of bailments must be brought over to the new subject, for a common carrier is still a bailee, a bailee and more, and so it is believed is the innkeeper. And this leads us to say that the second reason for excluding the subject of innkeepers from a treatise on bailments savors more of refinement of logic than of practical classification. It is readily granted that the innkeeper does not have the the same sort of delivery of possession as some bailees, but neither does the safe-deposit company (referred to in the cases, though not in all texts, as a bailee), nor the carrier, as to the hand baggage and wearing apparel of the passenger, nor the liveryman as to a horse which the owner takes out at will. Some of the guest's goods are manually delivered to the innkeeper as fully as goods are delivered to any bailee, but he may be equally liable for goods not so delivered if they are *infra hospitium*. In this case, however, the "goods must be within the general control of the innkeeper," as the author himself says, i. e., there must be at least a sort of delivery, though not as complete as in some other cases. Almost every right, duty, and liability of the innkeeper for the guest's goods finds its perfect counterpart in the law of bailments and carriers, and it seems very natural to treat the subject in such a work. In no other field of the law does the subject seem so naturally at home, though there is certainly nothing to criticise in approaching the subject from the side of its public-service feature, as the author has very successfully done in the present

work. With reference to the guest himself the innkeeper is not, of course, a bailee, nor a carrier, but the position is analagous to that of a carrier of passengers, a further reason for treating of the innkeeper in a work on bailments and carriers.

The author adopts the view that no one is an innkeeper who does not supply all the needs of the traveller, "which in lowest terms is food, shelter and protection." One who does not furnish each of these "is not a common innkeeper." Doubtless that was once the case, and more than that, the innkeeper was required to care not only for the traveller, but for his beast as well. But the ways of the travelling public have changed, and the "definitions which have heretofore prevailed must also be changed and modified." This the author does not deny, and he approves the late case of *Johnson* v. *Chadbourn Finance Co.*, 89 Minn. 310 (1903), which held a place to be an inn where food was not furnished by the innkeeper, though it might be secured by such guests as desired at a restaurant kept by another person in the same building. Suppose this independent restaurant keeper ceases to do business, can any good reason be offered for changing on that account the responsibility of this keeper of a "European Hotel" in the same building. Do not all the reasons that call for the extraordinary liability of the keeper of a "European Hotel" which is provided with a café equally call for such liability when the café moves out? In other words, under modern conditions, is not one who holds himself out to furnish lodging for transients for hire an innkeeper, and subject to his liability? That is, perhaps, a question still to be determined.

The author, further, approves of the rule that a sleeping car is not an inn, but for a different reason than that usually assigned, viz., because the inn affords the traveller accommodation while he rests from his journey, the sleeping car while he continues his journey. If the law is to keep pace with modern progress it would seem it should follow with its protection the sleeping transient even though nowadays progress enables him to hire a bed on wheels. The reasons for protection are the same. The author mentions the other most familiar objections found in the cases to calling a sleeping car an inn, but (in *Pullman Palace Car Co.* v. *Lowe*, 28 Neb. 239) they have all been conclusively answered except three: the sleeping car does not furnish food, the rule of the innkeeper's liability is a harsh one and should not be extended, and the decisions are almost unanimous in holding that the sleeping car is not an inn. We have already raised the question whether the first objection is sound, many courts deny that there is any force in the second, but the third seems to settle the matter. The courts have spoken, and probably only legislation can change so unanimous a conclusion. It is submitted, however, that the principal difference between the modern compartment sleeper and the inn is that the sleeper is on wheels. Should that affect the question of legal liability? Perhaps it is enough to end discussion that the courts have found a difference.

The book is very satisfactory in its use of the history of the innkeeping relation, as throwing light upon the present state of the law. The discussions of controverted points and of important cases are full and most suggestive.

If we cannot with the author regard the innkeeper as out of place in a text on bailments, we may recognize the advantage of his point of approach in that it enables him to consider with innkeepers other public or quasi-public houses such as the boarding house, the restaurant, the theatre, lodging and bath houses and sleeping cars. This brings together in a single volume considerable matter not hitherto adequately treated. Altogether the book is a very readable, usable and desirable work, and fills a want not hitherto met, which is more than can be said of many very good books that have recently sought entrance to fields already well occupied. E. C. G.

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THE LAW OF RAILROAD RATE REGULATION, with special reference to American Legislation. By Joseph Henry Beale, Jr., Bussey Professor of Law in Harvard University, and Bruce Wyman, Assistant Professor of Law in Harvard University. Boston: William J. Nagel, 1906, pp. lii, 1285.

In a sense, the appearance of this work is most timely; in another sense it appears before its time. At the present moment any contribution to the subject of rates is likely to be read with avidity. The subject has never so completely occupied the center of attention as just now. On the other hand no legal text-book on the subject written in the midst of revolutionary statutory changes can be of more than temporary value as an authority on anything except the history of the subject and its few basic principles. Decisions on the Railroad Rate Act of 1906 we have of course none, but we are certain to have enough in the immediate future, and there is reason to suppose they must be given prominent consideration by one who would be intelligent five years hence, or even less, on the law of railroad rate regulation. It may be that the appearance at this time of the present work will give it a distinct advantage when a second edition appears, for it is certain that a second edition will be needed before the first has much opportunity to obtain recognition.

But the work is more comprehensive than its title might suggest. Opening with a historical introduction, the authors consider the chief characteristics of common carriers and their primary duties in Book I, the limitation of charges and prevention of discrimination in accordance with common law principles in Book II, regulation of rates by American statutes and the validity of such statutes in Book III, and Interstate Commerce Commission rules of practice, forms of proceedings and legislation in an appendix. This, as will be seen, covers much matter not directly connected with rate regulation, as well as the primary principles out of which rate legislation has developed. A large number of cases are cited, but relatively to the size of the book the number is small, so that footnotes occupy but little space. That so many pages should be devoted to a discussion of this small division of the subject of railroads is suggestive of the growth of railroad law. In STORY'S classic work on Bailments and Carriers common carriers occupied a comparatively insignificant portion, and railroads were of course almost unthought of at that day. There was no "railroad law," as such. The law of common carriers developed so rapidly as to demand its separate volume more than 30 years ago, and now this single volume in an edition about to be pub-

lished is expanded to three large volumes, while railroad law some years since attained the dignity of four volume treatment. It is therefore not unexpected to find a further subdivision of the subject, with an entire volume devoted to rate regulation. Where will this growth in bulk end? Government ownership will soon put an end to railroad law in Japan, and here we have another argument not hitherto urged in behalf of government ownership in this country.

While we deprecate this continually growing subdivision of the subjects of the law, with its resulting multiplicity of texts and its added bulk of volumes on the lawyers' shelves, we nevertheless recognize the advantage of the fuller discussion made possible thereby. Of this the authors have made full use, and not only are many important cases discussed at length, but a very large number of instances in which each important question may arise, and the interpretations arising out of the statutes, federal and state, are considered in detail and at length. This gives the volume value to the practitioner seeking light on the particular shade of the law matching the facts of his particular case, at the same time that it makes the work wordy and voluminous for one reading it for information on the whole subject of rate regulation. Perhaps the former is the most important use of a legal text. If we are to make way on our shelves for a separate text on rate regulation, it is certain that the present is the most comprehensive and useful, as it is of course the most recent work on that subject. E. C. G.

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A TREATISE ON THE LAW OF CARRIERS. By Dewitt C. Moore of the Johnstown, New York, Bar. Albany, N. Y.: Matthew Bender & Co., 1906, pp. cxxvii, 1044.

For twenty-seven years HUTCHINSON ON CARRIERS has been the standard authority in its field. It has nearly, if not quite, become a classic. Its conspicuous strength may in part account for the fact that there have been few treatises on this increasingly important subject. The subject of this review is doubtless the best new text devoted exclusively to this field that has appeared since the publication of Hutchinson in 1879. Other treatises worthy of mention have made carriers part of a larger work, such as Railroad Law, Negligence, etc.

The subject of carriers itself, however, has become so extensive that it may well be treated at length by itself. Indeed the first and greatest surprise to the reviewer is that the work is brought within the compass of a single volume, and that consisting of fifty pages less of text than the second edition of Hutchinson. But Moore cites about 9,000 cases, while Hutchinson cites only about 5,000, so that the present volume puts in the hand of the reader a vast amount of new material. It may be doubted, however, if the work is not liable to the criticism that it is too voluminous for use as a text in law schools, but scarcely full enough to entirely satisfy the practitioner, who seeks in a text not so much the bare statements of law and alphabetically arranged citations of cases such as may be found in a cyclopedia, as a wide variety of illustration, a justification of the principles by clear and full reasoning, a comprehensive summary of the decisions on disputed and uncertain

points, and a masterly discrimination between conflicting or apparently conflicting cases. Manifestly this one volume work, with half the space given to footnotes and citations of cases, can not elaborate reasons, nor can it discuss a wide variety of instances under each rule. Often the reason for a rule of law is briefly stated, as on pages 265, 266, 273, 325. But more often the text contains a mere statement of the legal principle, as, for example, on pages 290 and 298, where the important rule that a carrier cannot by general notice limit its common law liability is barely stated without the brief but admirable reason for the rule found in *Hollister* v. *Nowlen*. In the text there is very little discussion of specific cases, even of such important cases as *Hollister* v. *Nowlen, N. J. Steam Navigation Co.* v. *Merchants' Bank*, and *Railroad* v. *Lockwood*, the last case by a peculiar mistake being set down on page 318 as a Texas case. These are, perhaps, necessary limitations on so brief a text. There are some paragraphs in which the English needs improvement, for example on pages 268, 277, 289 and 291. On the last named page in line 9, apparently, "beyond" should be substituted for "except for," and there are some other similar instances of needed changes that will doubtless be attended to in a second edition of the work.

A second edition of any valuable work on carriers is certain to be needed very soon in view of the radical rate regulation already made and promised by our legislatures. The present text goes as far as the present state of the subject permits by printing in the Appendix the Railroad Rate Act of 1906, on which there are as yet of course no adjudications. The work covers consideration of carriers of goods, of live stock, of passengers, and a chapter on interstate transportation, nearly always with a clear and concise statement of principles, and abundant citation of cases. E. C. G.

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THE FIRST YEAR OF ROMAN LAW. By Fernand Bernard, Docteur en Droit, Professeur Libre de Droit. Translated by Charles P. Sherman, D. C. L., Instructor in Law at Yale University. Oxford University Press. American Branch. New York: 91 and 93 Fifth Avenue. London: Henry Froude, 1906, pp. xiii, 326.

We are told by the author in his preface that this is not a *memento;* i. e., a book to be used in cramming for examination, but that it is designed as a volume with which one begins and not with which one ends the study of the subject. The first book, occupying about one-tenth of the entire volume, gives a succinct history of Roman Law, the remainder is devoted to the institutes of the subject. Perhaps the most noticeable feature of the work as a beginner's book is the considerable space given to adjective law. Book IV describes in some detail the Roman courts and systems of procedure, and separate chapters or titles are devoted to the sanctions for the right of ownership, to actions relative to servitudes, and to actions concerning an inheritance. This will prove a useful feature in classes in American law schools, for it is in the field of procedure that the American law student seems to manifest the most lively interest.

The translation is not at all times so careful as might be desired. The following passage (p. 207) is one of the most faulty noted by the reviewer:

"A certain number of texts from classic writers inserted in the Digest seem suspected of alteration, and it used to be a very debated question among Romanists of knowing if, etc." There are others of similar character that could be materially improved by the file. A bibliography of works on modern Roman law appended to the ends of chapters or inserted at the end of the volume would add to the usefulness of the book. J. H. D.

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THE ELEMENTS OF JURISPRUDENCE. By Thomas Erskine Holland, K. C. Tenth Edition. Oxford University Press, 1906, pp. xxv, 443.

The tenth edition of HOLLAND'S JURISPRUDENCE will be welcomed by all teachers and students of the subject. The book in former editions has proved to be one of the best of its kind for classroom use in our law schools, where there is any attempt to teach jurisprudence as a science. Whatever may be said about the philosophic correctness of the standpoint of the English school of scientific jurisprudence, the ideas of the school certainly admit of clearness of presentation, and as an English jurist so aptly says in his discussion of the methods of jurisprudence, the legal profession probably has more to hope from the jurist with philosophical tendencies than from the philosopher with juristic interests.

This last revision has been carefully made. The significance of the thirteen pages of new matter added does not appear until a comparison of the last two editions shows that this small increase in bulk represents the results of a most painstaking working over of the whole book. Perhaps no more striking proof of this is needed than to cite the fact that frequently an old plate has been discarded or broken up and made over again, in order to bring on to the same line syllables of a word that had been divided in the old plate, or to respace a line more artistically. The few misprints of the older editions have been corrected and the new has been read with great care. The reviewer has noticed but one misprint in the newly set up matter, in the word *afficiantur,* p. 341, l. 11.

There is an abundant reference in the new notes to recent legislation, court decision and juridical commentary; e. g., citations from the Japanese Civil Code, from recent decisions in Scotch and Roman Dutch law and of the Hague Tribunal, from Bryce's Essays in History and Jurisprudence, etc. In the body of the text due account is taken of the new principles of law that have been developed by English and American courts since the publication of the last edition. The paragraph and notes referring to the case of *Allen* v. *Flood,* have been rewritten (p. 180 10th ed.) with citation of the later cases, *Quinn* v. *Leathem* [1901] A. C. 495; *Glamorganshire Coal Co.* v. *S. Wales Miners' Federation* [1903] 2 K. B. 545, and others, by which the decision in *Allen* v. *Flood* has been largely explained away. The addition to the note on the right of privacy (p. 183 n. 3) refers to the recent New York cases bearing on the subject, but was probably written too early to take cognizance of the very interesting Georgia case, *Pavesich* v. *New England Life Insurance Co. et al.* (1905), 50 S. E. Rep. 168, or the case of *Martin* v. *Nicholson Publishing Co.,* decided in the Louisiana Supreme Court, on January 2, 1906; see 40 S. Rep. 376.

The author seems more than ever convinced of the validity of his objective theory of the interpretation of contract, which he stated with some diffidence in one of the earlier editions and has repeated with increasing confidence in successive editions. The wording of the text and of the notes has been changed somewhat at this point, but only in the direction of greater lucidity of statement. It would seem that this doctrine is now a well established one.

The paragraph on "cause" in modern Roman law and its relation to English "consideration" has been rewritten (pp. 274, 275), incorporating the results of the recent conflicting decisions in the South African courts on that subject.

Chapter XVII on International Law shows perhaps the most careful work in revision, as was naturally to be expected because of the recent work of Professor Holland in this field, and the activity of the Hague Tribunal during the past few years. J. H. D.

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FOIBLES OF THE BENCH. By Henry S. Wilcox of the Chicago Bar. Chicago: Legal Literature Company, 1906, pp. 144.

The author hastens to say in his preface that the reader must not "suppose that this volume is intended by the author to 'get even' with the judiciary or to exhibit his personal scars or grievances." He asserts that his endeavor is, by pointing out the weaknesses of the judiciary, to show how to eliminate them.

One coming upon this preface after having read the book would find his credulity somewhat taxed. Weaknesses, those who sit on the bench have, and plenty of them, but it is quite doubtful whether books like the one before us will accomplish anything by way of decreasing them.

From a literary point of view little can be said for the book. No attempt at dignified criticism is made, and satire to be effective must be keen-edged and have something of polish. We find it here a stuffed club. In discussing "JUDGE KNOWALL" we find him using such elegant rhetoric as: "When he wishes to know anything he goes to sleep and dreams it, or has a fit and it comes to him." "JUDGE WABBLER" is described in part in this choice bit: "He was built on the principle of the curve. He was fat, bowlegged, roundheaded, had puffed cheeks, could not walk straight, sit straight or do anything in a direct way. His bones and muscles were small. It seemed as if his digestive organs were in doubt whether they should use nourishment for bones or muscles, and being unable to decide had deposited great round lumps of fat on every portion of his body."

Again: "Many are the methods adopted by judges to put themselves on exhibition. A common one is to assume an oppressive and unnatural dignity. The king claims to be God's anointed and the holy oil drizzles from his head down to his Justices and falls until it reaches the justice of the peace. Every fellow touched by the sacred substance gets a petrified backbone and begins to talk out of his intestines." The author promises us sequels to this in books in a similar strain on the "Foibles of the Bar," the "Frailties of the Jury," the "Fallacies of the Law," etc.

If the book before us is any index of the character of those promised it would be no unpardonable sin to break the promise. V. H. L.

A SELECTION OF CASES ON EVIDENCE for the Use of Students of Law. Compiled and edited by John Henry Wigmore, Professor of the Law of Evidence in Northwestern University Law School. Boston: Little, Brown & Company, 1906, pp. xxvi, 822.

Professor Wigmore's book of cases on evidence has been prepared to meet the need, as felt by him as a teacher, of a book of cases on this branch of the law extensive enough to illustrate in considerable detail the principles involved. To do this has necessitated the cutting out of everything which was not essential to the consideration of the particular question of evidence. This work in the hands of one less skillful than Professor Wigmore would be of doubtful value. Considering the ripe scholarship of the compiler, his special qualification for work in this field, it was to be expected that the work would be as well done by him as it could be by any one. An examination discovers that the cases lose little if anything through the abbreviations. Those inclined to criticise such "mutilation" of cases are to remember first, that it makes possible the selection of a much greater variety of cases than would be possible otherwise, and still keep the work within such compass as makes it practicable for student use; and secondly that the principle for which the case stands is stripped of everything tending to obscure it and is readily apprehended by the student. The arrangement is substantially that followed by the author in his great work on the law of evidence.

Some might choose to make a slightly different arrangement of subjects, but it is doubtful if any substantial rearrangement would result in improvement.

There is a general introduction dealing with the question of what is the law of evidence; an effort to differentiate rules of evidence from rules of substantive law, and to show that the principles lying at the foundation of this system of rules are the same, regardless of the fact to be established or the particular character of the proceeding in which they are applied.

Brief introductions precede the cases under each title, and under many of the sub-titles, serving to give outlines of the subject matter involved in the cases following. These brief discussions together with the table of contents furnish the prospective, so to speak, to the student, enabling him to see the subject as a whole.

The excellencies of the book will not be found to consist in any particular novelty. It has had its progenitors, without which doubtless the excellency attained here could not have been reached. Its merit will chiefly be found in the particular arrangement, in the variety of illustrative cases made possible by their abbreviation and in the wisdom exercised in the choice of cases.

Each teacher has, or ought to have, his own ways of doing his work, and the particular method of work of Professor Wigmore will not be that of any one else it may be. But though the particular plan for teaching the law of evidence outlined in the preface of the book may not be that pursued by any one else it is certain to be true that this collection of cases will furnish an excellent backbone for a course of instruction in the law of evidence. We have here still "Autoptic Proference," "Prophylactic," "Simplicatior" and

"Preferential" in the nomenclature used, and while not entire strangers we are still wondering whether their acquaintance is going to prove advantageous.

Its publication by Little, Brown and Company is a guaranty of the best of taste and mechanical skill in the art of book making, and the book meets the guaranty. V. H. L.

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LOCAL GOVERNMENT IN COUNTIES, TOWNS AND VILLAGES. By John A. Fairlie, Ph. D., University of Michigan. New York: The Century Co., 1906, pp. xii, 289.

The American State Series, edited by Professor W. W. Willoughby of Johns Hopkins University, is completed in this book of Dr. Fairlie's, which treats of non-urban local government. The task of collecting and classifying the numberless details of local administration in all of our forty-five commonwealths is a tremendous undertaking, but the author has accomplished it exceedingly well; the enormous amount of labor represented by this small book can hardly be appreciated by one who is not familiar with the difficulties attending the examination of our vast body of statute law, and the fact that the present mechanism of local government is here so clearly and systematically set forth, is proof that the author has a mastery of his subject based upon both clear thinking and great industry. The only regret one can feel on reading the book is that, within a few years, it will have become out of date and inaccurate because of the undirected and misdirected tinkering which is continually being done by our state legislatures.

The first three chapters of the book are devoted to a swift survey of the historical development of local institutions in England, in the American Colonies, and in the states. The treatment of this subject is necessarily brief, and no attempt is made to discuss, or even to indicate the author's personal opinion of, the various mooted points regarding the origin and early growth of the township, hundred and shire. In the following section of the work, devoted to the structure and functions of the county, Dr. Fairlie has departed from the traditional method of treating the subject, and does not classify these states into geographical divisions. As applied to the study of existing institutions, this expedient is certainly an improvement from the standpoint of convenience and gives to the discussion of the subject the advantage of totality; on the other hand, the division of the states into geographical groups (which are geographical only incidentally, and are really based on a likeness in institutions, caused by the fact that the settlers from the Atlantic coast went generally straight west and took their governmental institutions with them), might be of greater advantage in the treatment of the subject from an historical point of view. It can hardly be denied that the typical forms of local organization which existed in the various parts of the seaboard states were generally reproduced, with some variations of detail, in the western country as it was settled by immigrants from the east, and it is likewise true that the general course of emigration was along east and west lines. Naturally the same differences in structure which existed between the different divisions of the original states were repeated in the new communities as they grew up, and these differences naturally led students of the subject to adopt

a classification which happened to be more or less geographical. Because of the extensive changes that have been made in all of the states, however, this classification is now less accurate, as applied to present conditions, than it was when used as a method of studying the historical development of institutions, and the author's treatment of this subject is clearer and less complicated than it would have been if he had followed the old method of classification. It is noticeable that in this portion of the work the author has discussed not only the county board—which is perhaps the most prominent feature of the county government—but also the other officers of the county, such as sheriffs, coroners, county judges, prosecuting attorneys, clerks, auditors, recorders, treasurers and school superintendents. The reviewer is not familiar with any other work in which these offices have received any adequate notice, and this feature of Dr. Fairlie's book is simply another evidence of the completeness and thoroughness of his treatment of the whole subject. Indeed, it may be said that one seeking information as to any feature of local government (outside of municipalities), in any of our states, will find it stated or discussed here, both with reference to the particular state, and also with reference to, and in comparison with, the provisions which exist in other states.

The minor divisions within the county—townships, districts or precincts, as they are variously called, and villages, boroughs and school districts,—are discussed in the third part of the book, in which the author is more inclined to return to what he calls in his preface "the traditional method of treatment" which emphasizes the likeness of institutions in parts of the country which drew their blood from particular parts of the seaboard states. The effect of immigration from a particular district is especially noted on page 173, where the absence of the township deliberative assembly in the southern tier of the Central States is attributed to the fact that these states were not settled by New Englanders.

Part Four, dealing with state supervision of various activities of local governmental bodies, is, from many points of view, the most interesting portion of the book. State control over education, sanitation, charities, taxation and finance, though almost universal, is still in a developmental stage and the subject has all the interest which comes from the first-hand study of the cause and effect of present tendencies. Especially are the matters discussed in the last chapter—state control of roads, of accounting systems and of the constabulary,—of great interest from this point of view. As the author says (p. 271) "All of these illustrate the tendency towards "central state administration as contrasted with the earlier decentralizing "policy, and this development is steadily changing the balance between state "and local government. The continuous expansion in the field of national "administration makes a still further growth in the same direction." And it is easy to see that the author is quite in accord with the present day tendency toward central administrative supervision over local authorities.

E. H.

TRIAL TACTICS. A Treatment of the Methods of Conducting Litigation. By Andrew J. Hirschl, of the Chicago Bar. Chicago: T. H. Flood & Co. 1906. Pp. vii, 264.

This book is a transcript of a series of lectures delivered in the Chicago Law School. Not having been originally prepared as a legal text book, it is strikingly unique in one respect,—it is absolutely without annotation. In this particular it differs most widely from the ordinary works on general practice or trial practice, though its subject matter is much the same. The book is the outcome of a long, varied and successful career in the active practice of the law. It does not purport to be exhaustive, but its value to the reader, whether student or practitioner, is by no means diminished on account of its informal and popular character. Observations embodying the results of experience would lose their vitality if it were attempted to insert them into a text based upon the dry authority of adjudicated cases. The author's views on the various problems and phases of trial practice are interesting, practical and very suggestive. He has written a distinctly valuable book, as entertaining as it is unconventional.

E. R. S.