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BOOK REVIEWS

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Modern Political Institutions. By Simeon E. Baldwin, LL.D. Little, Brown & Co., Boston, 1898. Cloth, pp. 387.

Under this title Judge Baldwin publishes a series of essays on some political institutions of recent origin. The distinctive quality of such institutions is that they have sunk deep into the heart and life of the people, and have become "a part of the natural order of things to those whom they affect." This process is constantly going on and the book deals with institutions which have grown up in the recent past, some of them in the memory of men now living. It is needless to say that the attitude of the writer is that of an American jurist; American in the true and earnest enthusiasm for what is best in our history, and in our life of to-day, and in the faith that we shall solve the problems and surmount the evils which Judge Baldwin recognizes, but over which he does not despair as do a large class of pessimistic observers. The juristic training and habit of thought of the writer is seen throughout the book, and particularly in the reforms suggested, which are largely legal in character. This is seen also in the treatment of the question of some permanent scheme of arbitration between England and the United States. The measure proposed is a court of arbitration, "as distinguished from a board of arbitrators proceeding from their own sense of what is reasonable and fair." Coming from a Judge still on the bench, and discussing questions either legal or intimately connected with law, the book cannot fail to interest lawyers who take a broad, catholic and patriotic interest in the life of to-day and to-morrow. Not less will it interest any others who desire to know our institutions as understood by a man of Judge Baldwin's training, keenness of observation and accuracy of statement.

A Preliminary Treatise on Evidence at the Common Law. By James Bradley Thayer, LL.D. Little, Brown & Co., Boston, 1898. Cloth, pp. 636.

This book consists chiefly of a number of papers published in law magazines in the general shape in which they were written. Inasmuch as "the law of evidence is the creature of experience rather than logic, and we cannot escape the necessity of tracing that experience," Professor Thayer first considers the history of the trial by jury, which is the determining element in that experience. This historical account is the result of long and careful study of the old books, and is illustrated by copious references to cases from them. The definition of evidence given is that it "means testimony, or some matter of fact to be offered to a legal tribunal as a basis of inference to some other matter of fact." It includes not all evidential matter, "but only such as is necessary to offer for use in court when a tribunal has to ascertain a matter of fact unknown or disputed." "The main errand of the law of evidence is to determine not so much what is admissible in proof as what is inadmissible." In the light of the history of the jury and of these principles, the author then goes on to consider some matters usually treated in books on evidence and in judicial decisions as belonging to the law of evidence, which, however, Professor Thayer believes are wholly or largely foreign to it, with a view to a clearer understanding of the law of evidence itself. The definition given is somewhat nar-

rower than that usually adopted, and the book is, perhaps, quite as much an attempt to mould the law of evidence as to state it. From this it results that its value is as a source of suggestion and as an aid to clearer thinking on some of the difficult problems of evidence rather than as a statement of the law as it is, to be studied as such. Professor Thayer has done and is doing valuable service toward a more scientific treatment of the law of evidence, and the work in this book will, doubtless, have an important influence on practical reform in discussion and legislation which must result from clearer thinking on this subject. In one aspect the book seems one long plea for such clearer thinking and writing. This merit, however, might prove a source of danger to a beginner who was seeking the law of evidence as it is now conceived and stated by many, if not most of the courts. At all events, unless read carefully and understandingly, its value to him would be lessened. From its nature the book will appeal particularly to the men who are moulding the law to-day, that is, the older lawyers and judges. To them it cannot but be an inspiration and a stimulus.

A Treatise on the Law of Monopolies and Industrial Trusts. By Charles Fish Beach, Sr. Central Law Journal Company, St. Louis.

This book, as suggested by title, might be described as a treatise on the law as it relates to industrial problems of to-day. After a brief historical outline, with particular reference to England and to the development of the Common Law on the subject, from the time of Elizabeth, the author discusses Public Policy, its relation to Christian morality and its application to "lobby members," their legitimate and illegitimate functions, and to contracts for services for procuring public appointments and political influence, pointing out how largely it has meant that public good is not to be sacrificed to private gain. He then proceeds to the general principle "that contracts in restraint of trade are in contravention of public policy and void," and copiously illustrates its modifications in allowing an individual, a firm or corporation to make contract in "partial restraint" of trade. The chapters that follow on criminal conspiracies—contracts creating corners and bucket shop transactions, and especially the chapter on trade unions' rights, make the book of particular interest and put the subject in compact form. The last part of the book is devoted to the growth of the industrial organizations known as "trusts" and a review of the famous cases. The whole book shows how safely the control of trusts may be left to the courts.

The United States Internal Revenue Laws Now in Force, with Notes Indicating the Derivative Statutes, and References to Judicial Decision, Regulations, Rules and Circulars of the Commissioner of Internal Revenue and Other Executive Departments. By Mark Ash and William Ash, of the New York Bar. Baker, Voorhis & Co., New York, 1899.

This volume contains very full notes of the judicial decisions of the United States Supreme Court and the lower Federal courts from the earliest times; also the decisions of the Treasury Department and the Commissioners of Internal Revenue. In addition the cognate authorities in the state courts upon the subject of the stamp tax on instruments have been very carefully collated. This work is of very great value, in that during the last years the legislation concerning internal revenue has been revised and re-enacted in the United States Revised Statutes. Furthermore, the recent enactment of the War Revenue Law of 1898, has required added consideration to the entire statutory system. The present work is exceedingly well arranged and has an excellent index with many cross references.

Bouvier's Law Dictionary, Vol. II, Rawle's Revision. The Boston Book Company, 1254 pp.

Bouvier's work has been revised and elaborated and the development of the law during the last fifteen years especially has been incorporated within it. The last volume of the dictionary gives to lawyers in a completed form not only a book in which may be found definitions of legal terms, but one which is a veritable encyclopedia. The book is a storehouse of learning for the lawyer, the best dictionary that has yet been presented to the bench and bar of this country, and we congratulate Mr. Rawle upon its completion and upon the faithful performance of his arduous task.