

REVIEWS.

Wharton and Stillé's Medical Jurisprudence. Fifth edition. Legal aspect by Frank H. Bowlby; medical aspect by James H. Lloyd, A.M., M.D., Robert Armory, A.M., M.D., Robert L. Emerson, A.M., M.D., Truman Abbe, A.B., M.D. The Lawyers Co-operative Publishing Co., Rochester, 1905. 3 vols. Sheep, pages 2580.

The comprehensive character of this authoritative work, and its importance to the profession, call for somewhat extended notice. Frequently a new edition of a standard text book amounts to but little more than a case digest of newly developed law, but in this case the entire work has been revised and rewritten by a corps of able writers, and presents in every department a vast amount of new matter. In fact, the rapid development of medical science, particularly as to neurology and the physiological action of drugs, has rendered this imperative. In order to retain the work within the compass of three volumes, it has been necessary to exclude some of the original text, where it had become obsolete, and where, in some cases, the propositions were those which had only an incidental bearing upon medical jurisprudence.

In the consideration of the various subjects the treatment has been divided, and that which is peculiarly medical has been developed by physicians who are specialists in each particular class. The first volume, covering over one thousand pages, is given over wholly to Unsoundness of Mind. The first twenty-one chapters are devoted entirely to the legal aspects of insanity, particular attention being given to contracts and wills. The remainder of the volume, by Dr. James H. Lloyd, is written from the standpoint of the physician, citations being given, however, to numerous cases wherein the statements are developed through judicial decision. The vast developments in toxicology have rendered necessary an entire reclassification of the second volume. This has been arranged to accord with the order in which the presence of the various poisons would be developed by chemical analysis, and in accordance with their chemical and physical relations. The use of wood alcohol and carbolic acid in the trades has caused them to assume great importance, and an entire chapter has been accorded to each. The adulteration of food products, and the symptoms and effects of ptomaine poisons has also received extended attention. An exhaustive appendix, digesting a large number of leading cases, is included, and among matters of special interest therein are the recent laws in Massachusetts and Connecticut relating to medical examiners. The third volume, upon Physical Conditions and Treatment, includes the many topics falling naturally under this classification. It is intended to include "all the law as to the rights, duties and liabilities of physicians and surgeons in all their personal relations, and as to situations arising from their acts." Among the numerous new chapters are those accorded to the effects of electricity and upon the causes of sudden death.

Mechanically the work is exceedingly well arranged. The head notes are brief and to the point. Each volume is, in effect, a separate text book upon the particular subject treated, and is separately indexed. Over five thousand new cases have been examined, and reference is made to the Reporter systems, the Lawyers' Reports Annotated and the American reports.

W. F. C.

Jurisdiction and Procedure of the Supreme Court of the United States. By Hannis Taylor, LL.D. The Lawyers' Co-operative Publishing Company, Rochester, 1905. Sheep, pages lxvi and 1007.

This is an admirable treatise. In both conception and execution it may well be said to accentuate the high esteem in which its distinguished author is held. It will be indispensable to the Federal practitioner, and should prove of marked interest to all jurists and students of constitutional law and that unique tribunal, without a prototype in history, the Supreme Court of the United States. Following a discussion on the genesis of the Supreme Court, the volume is divided into six parts, entitled: Original Jurisdiction; Appellate Jurisdiction over Ordinary Federal Courts; Appellate Jurisdiction over Special Federal Courts; Appellate Jurisdiction over State Courts; the Great Writs; and Procedure in the Supreme Court. The rules of the Supreme Court and a valuable list of practical forms are appended.

Perhaps the most striking feature of the work—certainly the richest in philosophic interest—is the preface, which contains a résumé of the leading cases from the organization of the court to the present time; and indicates the process of development through which the most important aspect of that tribunal arose from the distinctively American invention known as constitutional limitations on legislative powers. Not until thirteen years after the organization of the Supreme Court was the first attempt made, in *Marbury v. Madison*, to put the stamp of nullity upon a national law, and not until twenty years after its organization was it sought, in *Fletcher v. Peck*, to nullify a state law, in both cases by reason of repugnancy to the Federal Constitution. The present powers of the Supreme Court are the gradual outcome of our political conditions, and the momentous results have been finally attained largely through judicial legislation. Dr. Taylor does not apprehend that judge-made law may eventually undermine the Constitution. He believes it to be an essential agency of government—an agency which “silently expanded and adapted the primitive and unelastic codes of Rome and England to the ever increasing wants of progressive societies.”*

J. C. D.

* See Maine, *Ancient Law*, pages 23-27.

Extraordinary, Industrial and Interstate Contracts. By Darius H. Pingrey. Matthew Bender & Co., Albany, 1905. Sheep, pages 944.

This book, by a writer well known to the legal profession as the author of "Suretyship and Guaranty;" and to laymen as an instructor of law in the Illinois Wesleyan University Law School, meets a long-felt want. It is a distinct addition to the literature of the subjects treated. The author has handled them in a clear, concise and yet complete manner. His work will satisfy a great need in these days of industrial progress by keeping before the profession the substantive law with regard to extraordinary, industrial and interstate contracts, in such condensed and tangible form. One might at first sight stand aghast at the author's temerity in attempting to cover such a wide field in a single volume of less than a thousand pages, but the most careful scrutiny of the work fails to show that anything has been lost by his condensation of a subject that might fill volumes into the limits of a book of convenient size. Of special interest are the pages dealing with the relation of the Federal government to common carriers. In view of the present attempts at legislation on the matter of Federal supervision of railroad rates this part of the book will be read with profit by all interested in the proposed legislation. We think the book well equal in form and substance to "Suretyship and Guaranty" and we take great pleasure in commending it to the legal profession as an invaluable aid in a law library.

I. S. H., Jr.

Current Law. George Foster Longsdorf, Editor-in-Chief. Keefe-Davidson Co., St. Paul, 1905. Vol. III. Sheep, pages 1710.

The third volume of *Current Law* will be gratefully received by all those who are looking for a labor-saving device in brief making and in the investigation of the law as developed by recent decisions. What has been said in reference to the previous volumes might well be repeated in noticing this. The law is clearly and concisely stated; each proposition is accompanied by a reference to all the cases decided since the last issue, from which authority is derived; a digest of the cases cited is given on the lower portion of each page. But the one feature of the work, first appearing in this volume, which characterizes it by an unique labor-saving device, is the system of reference to preceding volumes, the title of each section being followed by a reference to the section in the preceding volume where the same topic is treated. Thus a topic in the last issue will furnish references to the same subject in each preceding volume with all the cases bearing upon it for the years covered by the respective issues. In all *Current Law* is an admirable work, an exemplification of hard labor, painstaking and originality.

I. W. J.

A Practical Treatise on the Law of Receivers. By William A. Alderson. Baker, Voorhis & Co., New York, 1905. Sheep, pages 1027.

This volume is intended as a student's text book and certainly fulfils all the requirements of such a work. It deals with the general elementary principles of the law which are found in all text books as well as the deeper and more intricate phases of the substantive law. Besides this, the practical side is taken up, treating of such subjects as who may be appointed receivers, the steps necessary in the process, and duties after appointment. For the student who can devote a sufficient amount of time to this branch of the law the book is invaluable, as it can safely be said to contain all the law on the subject. In one respect it has succeeded where many text-books, which go into their subjects exhaustively, fail. While it treats of all sides of the important questions in detail, it leaves the reader with a clear, comprehensive view of the whole subject. The law of receivers is, in many branches, comparatively new and unsettled. Especially is this true in regard to their appointment over a going concern, as in the case of railroads and other corporations. Hence, to most of us, this part of the work will be of particular importance because of its very thorough discussion of these points in the light of the more important recent cases.

J. W. J.

A Treatise on the Conflict of Laws. By Francis Wharton, LL.D. Third Edition, by George H. Parmele. The Lawyers' Co-operative Publishing Co., Rochester, 1905. 2 vols. Sheep, pages 1830.

This work comes to our table in two volumes each of which is greater in size than the whole preceding work, the edition of 1881. The editor tells us that this is due to the great number of cases cited which have been adjudicated since the appearance of the second edition. The immense number of these cases seemed in the editor's opinion not only to justify but to demand a third edition of this book on private international law. A survey of the contents shows us that there are comparatively few and unimportant changes in the text. Each section, however, is copiously illustrated with references to recent cases and in this respect and for this reason the present edition is a decided advance on the second. One distinctive feature is the attempt made throughout the work to contrast the trend of the English and American decisions on propositions upon which there is the slightest conflict, and to support and substantiate the logic of the American view. Altogether the work seems to be exceptionally well balanced and we are disposed to congratulate the editor upon the result of his efforts.

I. S. H., Jr.