

BOOK REVIEWS

A History of the American Bar. By Charles Warren, of the Boston Bar. Boston. Little, Brown, and Company, 1911. pp. xii, 586.

This *History of the American Bar* commences with the early colonial days when there was "Law without Lawyers", and concludes with the founding of the American Bar Association in 1878. A history of the American Bar is in a large sense a record of the growth of American law, for law develops only as those trained in it progress and advance. In this book we see the life of the law exceptionally well illustrated.

Part I points out the slow development of law as a profession, and the gradual rise of the lawyer to a position of influence, in each of the American colonies. It also embraces a history of early American legal education, and deals with contemporaneous legal conditions in England for the purpose of throwing light on those in America.

Part II portrays the building up of the distinctively American law and lawyer, after the establishment of an independent nation. The subject is gone into with considerable thoroughness, and interestingly. Two chapters are devoted to American law books, and another to the discussion of the early American law professorships and law schools. In the latter chapters of the book, "the four great factors in the development of the Bar" are treated historically, as an important factor in American history.

Before building up this book, Mr. Warren has given his subject close and analytical study. As a result he has produced an exceedingly valuable and highly instructive work. We deprecate the reference on page vi to "the reign of Chief Justice Marshall". But we commend the work as a whole in high terms to every lawyer and historian.

H. C. C.

Cases On the Law of Trusts. By Thaddeus D. Kenneson, Professor of Law in New York University. American Casebook Series, James Brown Scott, Editor. St. Paul. West Publishing Company, 1911. pp. xvi, 621.

Another Casebook of the American Casebook Series is herewith presented. We find in this compilation little to criticise, and much to commend. The classification of the subject is largely that used in *Ames' Cases on Trusts*, but with modifications and additions, notably the chapters on Constructive Trusts. The author has shown his wisdom in adopting this excellent and tried classification, and the changes and additions which he has made have only increased its value. While the classification is not new, many new and instructive cases are found under its different subdivisions, and nearly a hundred pages are given to Constructive Trusts.

The aim has been to print only the essential portions of the cases. The reviewer questions whether, in the endeavor to accomplish this aim, some of the cases have not been too much abbreviated. But the purpose of the casebooks in this series is to strike a mean, where the student will acquire not only training in the law, but also knowledge of the law. The fundamentals of the subject, rather than the details, are looked to. The purpose is here well carried out. The book contains approximately six hundred pages, and is, therefore, according to the preface, designed primarily for use in a course of three hours a week for half a year.

H. C. C.

Studies in American Elementary Law. By Jno. C. Townes, LL.D., Professor of Law, University of Texas. Second Edition. Chicago. T. H. Flood & Co., 1911. pp. xxvii, 695.

In the first edition of this work Prof. Townes expounded the theory that it is better to teach the reason for a rule of law, following this with the rule, than it is to teach the rule, and then go back to the reason. After some five or six years testing of the soundness of his theory, he has rewritten the entire book, and given it greater symmetry, without changing its fundamental or experimental character.

The book extends over a very large field of the law. It is written in clear and concise language, and with careful regard for detail and logical sequence. Starting with the general principles of law and a history of political power, the work includes the constitutional law of the United States, and the law governing the conduct of persons, including a critical analysis of the subject of property, treats very fully of procedure, and finally applies the general rules and principles to tort, criminal, and contract law. The apparent purpose of gradually advancing the student in the systematic and orderly manifestation of the rules of law, and the skillful manner in which the author has expounded his principles and connected them with modern business and thought by examples and illustrations, make this an excellent book, though some doubt may be felt as to the ability of the average beginner to make the best use of so much information. Because of its clearness of exposition and extensive character, the book will be of value to the trained lawyer, and the student of law in any state who wishes general preparation for bar examination will find here an excellent aid.

An appendix gives a very good summary of the Judiciary Act for the regulation of the federal judicial system, which went into effect January 1, 1912. There are no notes. The index, unlike so many, approaches so near to completeness that it may well be useful to lawyer and student.

C. J. R.

The Liability of Railroads to Interstate Employes. By Philip J. Doherty, of the Boston Bar. Boston. Little, Brown, and Company, 1911. pp. 371.

This book is upon a new and interesting subject. It deals with the constitutionality and interpretation of the Employers' Liability Acts of 1908 and 1910, the Safety Appliance Act, and other statutes for the safety of interstate railroad employees. The practical value of the work will be seen when we recollect that most of the railroads of the country are engaged in interstate commerce, that most of the employees of an interstate railroad are themselves engaged in interstate commerce, and that it has been held that the Employers' Liability Acts supersede and render inoperative all remedies heretofore existing by the laws of the states as to similar actions.

After dealing with the construction to be given to such enactments, the author takes up the intent of Congress in passing the Employers' Liability Acts, a review and criticism of the basis of the fellow servant doctrine, the nature of the action given by the Acts, what railroads and employees are engaged in interstate commerce, the construction of the Acts, and a review of the Safety Appliance Acts, the Hours of Service Law, and the Locomotive Boiler Inspection Law. About half of the book is devoted to discussing the constitutionality of the Employers' Liability Act of 1908. The author states the grounds upon which he believes its constitutionality can be supported, and considers at length the objections that have been urged against its validity. All these topics are adequately treated and the last has received a very extensive discussion. This work will be of much interest and value to those interested in litigation or legislation relative to Employers' Liability and Interstate Commerce.

J. A. S. Jr.