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## Book Reviews

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## BOOK REVIEWS.

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MONTGOMERY'S MANUAL OF FEDERAL PROCEDURE, by Charles C. Montgomery, B.A., LL.B., of the Los Angeles, California, Bar, Instructor, Equity Jurisprudence, Equity Pleading and Federal Procedure, College of Law, University of Southern California. Formerly professor of Constitutional Law in Creighton University, Omaha, Nebraska. San Francisco: Bancroft-Whitney Company, 1914.

MONTGOMERY'S Manual of Federal Procedure is a little book to lie on the practitioner's table or to be put into his grip or slipped into his pocket for occasions when the larger and more pretentious works on Federal Jurisdiction and Procedure are not at hand or available for use. It presents in compact and convenient form the elements of the jurisdiction and procedure of the federal courts. It contains according to the author's prefatory announcement, a verbatim copy of all the statutes and court rules, except those of the district courts, relating to the practice and procedure of the ordinary law equity and criminal case in the Federal Courts with many forms and suggestions as to the steps to be taken in such cases. The cases cited are not numerous compared with the number of cases bearing on the subject. The main effort of the author has obviously been centered on setting out the statutes and rules of court governing jurisdiction and procedure. The book gives promise of being useful to the practitioner and judge as a means of ready reference to statute or rule bearing upon any particular point under examination. It does not give equal promise of usefulness to the law student seeking an acquaintance with the general subject of Federal Jurisdiction and Procedure. It is fair to presume that the author did not design his work for the latter purpose. He promises nothing and claims nothing in that behalf. The author rarely ventures an opinion or explanation of his own. But he does express his belief that a blended federal procedure is a future possibility. In respect to that matter he says: "Considering the simple practice and procedure established for suits in equity by the equity rules that went into effect February 1, 1913, there seems to be no good reason why there should be maintained any difference between actions at law and suits in equity in the Federal Courts, if Congress should see fit to amend § 914 Revised Statutes, so as to allow the procedure at law to be governed by Supreme Court rules." A good reason to the contrary is found in the constitutional provisions requiring the separation of courts of Law and courts of Equity in the matter of jurisdiction and procedure. The author evidently belongs to that class of persons who see in the new equity rules a new system of procedure radically and revolutionarily different from that which hereofore prevailed in the Federal Equity Courts. He states: "Federal Equity procedure is now wonderfully simplified." Any careful examination of "The New Equity Rules" and a comparison of the procedure thereunder with the procedure and former rules of the Supreme Court (1828-1842 and amendments) will not fail to dispel the illusion that a "wonderful" change has been made in the procedure of the

Federal Equity Courts. Such an examination and comparison will disclose that the substantial features of the old procedures have been preserved in the new and that the procedure which has been theirs for a century has not been revolutionized.

R. E. B.

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BOUVIER'S LAW DICTIONARY AND CONCISE ENCYCLOPEDIA OF THE LAW. A new revision by Francis Rawle, Esq., of the Philadelphia Bar. 3 vols., pp. xviii, 3504. West Publishing Co., St. Paul, Minn., 1914.

Peculiar interest attaches to the announcement of the publication of a new revision of BOUVIER'S LAW DICTIONARY by reason of the fact that this work has remained the standard for use in this country ever since its first publication in 1839 by John BOUVIER. It stands as an enduring monument to the industry and perseverance of one who may be fitly called a "self-made" lawyer, for John BOUVIER did not have very many of the advantages which are afforded the student of the law at the present day. It was the lack of carefully digested treatises of the law suited to the needs of the student on this side of the Atlantic, that induced him to undertake the preparation of this work. In it he undertook not only to define our legal words and phrases, but at the same time to point out the authorities where the student might continue his study. The success with which he wrought is evidenced by the numerous editions which have been called forth by the profession.

This is the third edition prepared by the present editor, whose work in connection with the editions prepared by him has been so extensive that they have come to be known under the distinctive name of RAWLE'S REVISIONS. The work in its present form purports to be not only a dictionary but a concise encyclopedia of our law as well, and it is toward the perfection of its encyclopedic features that the efforts of the editor in the present revision have been chiefly directed. The various topics have been carefully revised and extended to bring them up to date, and the titles of both State and Federal cases have for the first time been inserted, as well as the volumes of the different series of reports other than those of the official series.

The nature and size of the work necessarily preclude anything but the most elementary treatment of the various subjects of our law, but what has been done in this direction appears to have been done with ability and discrimination. Take for example the title "Bill of Exchange" which the writer has selected at random. We have first a definition of the term together with a description of the various kinds of bills of exchange and their legal incidents. This is followed by a brief statement of the essential requisites of a valid bill of exchange and its usual characteristics, with citation of authorities both primary and secondary for the propositions adduced. The general plan seems to be to present the various topics in brief outline, and at the same time to point out the sources where the student may make a more detailed study. A great many new dictionary terms have also been added to meet the requirements of our changing legal terminology. The book is replete with learning and shows a painstaking search for the truth. The editor has not hesitated

to draw from the civil and canon law where that has been necessary to explain the present state of our law.

Some minor inaccuracies are to be found, but absolute verity can hardly be expected in a work of such magnitude. However, by reason of the fact that it is limited to a statement of elementary principles, the present edition, like those which have gone before it is valuable chiefly to the student and practitioner who are seeking a concise statement of the fundamental principles of our law.

G. C. G.

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THE EVIDENCE IN THE CASE, IN THE SUPREME COURT OF CIVILIZATION AS TO THE MORAL RESPONSIBILITY FOR THE WAR.. By James M. Beck, late Assistant Attorney-General of the U. S. G. P. Putnam's Sons, New York, 1914. pp. xxiv, 200.

Mr. BECK's book is the amplification of two articles written for the New York Times shortly after the beginning of the war. It adopts the somewhat novel form of a legal argument addressed to the "Supreme Court of Civilization," the evidence analyzed consisting of the diplomatic records of the contending nations, so far as these have been published. Unfortunately the French "Yellow Book" appeared after Mr. BECK's book was in press. We do not think, however, that its disclosures modify in the least degree his conclusions; rather do they afford additional evidence in their favor. Mr. BECK's argument is bottomed upon the idea that there is such a thing as a public conscience of mankind, which must in the last analysis pass judgment upon the conduct of the parties involved in the present war. He refers pointedly to that "decent respect to the opinion of mankind" to which the framers of the Declaration of Independence appealed in justifying their course of action. It seems unreasonable to suppose that anyone will question the soundness of this general proposition. The book is written in the sincerity of strong conviction which is supported by an analytic faculty unusually keen. Mr. BECK is convinced that Germany is chiefly responsible for the war, and this he proceeds to demonstrate by a careful examination of 'the evidence.' It should be said in this connection that he is concerned only with the immediate cause of the conflict; he makes no pretence of searching out fundamental causes.

In his discussion of the diplomatic correspondence preceding the war, Mr. BECK lays great stress, and we think justly, upon the suppression of vital evidence by Germany. Although the German foreign office protested vigorously that it was making strong efforts to restrain Austria, its official publication discloses not a single communication between the two chancelleries, while Austria has failed to submit any diplomatic records at all. Again Mr. BECK easily disposes of the contention of the German ambassador at St. Petersburg that the German government had no foreknowledge of the Austrian ultimatum. He shows clearly by the admissions of the German Foreign Office that it was consulted by Austria previous to the issuance of the ultimatum, and that it gave unreserved approval to any course of action Austria might

consider necessary. This is supported by other evidence too complicated for review here. Mr. Beck then sets forth Austria's ultimatum and Serbia's conciliatory reply in parallel columns; he follows this by a review of the peace parleys and a spirited account of the Kaiser's dramatic return to Berlin and the subsequent correspondence with the Czar, leading up to the sudden precipitation of the war. The conclusion seems inevitable that up to the last moment Germany could have averted the catastrophe. The review of the case of Belgium is thorough and forcible. We are glad to see that Mr. Beck has given an illuminating discussion of neutrality, and has defended Belgium's right to remain neutral as not dependent on any treaty.

We cannot agree with the publisher's announcement that this work "will be accepted as belonging to lasting history." The writing of serious history is rarely synchronous with the event analyzed; moreover, it demands a thoroughly judicial attitude. This Mr. Beck has not. His style is controversial in tone and in erecting the theatrical 'Supreme Court of Civilization,' which dutifully pronounces judgment in the last chapter of the book, he has assumed the inconsistent role of advocate and judge. He has given a vigorous and to us convincing statement of the position of the Allies. We could wish he had been content to let it go as such, without making confident prediction of the final judgment of history.

W. T. B.

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BENDER'S WAR REVENUE LAW, Matthew Bender & Co., 1914. By the publishers' editorial staff.

It is difficult to place this book in whatever may be the jural equivalent of flesh, fowl or good red-herring. At first glance it is an annotation, and is so named, of the Internal Revenue Act of 1914. If this were all, in the sense that statute annotations are familiar to lawyers, a mere copy of the act and the customary working digest would serve the purpose more effectively. These annotations are more broadly informative than is usually the case, presenting such sources of reference as opinions of the Attorney General, Treasury Decisions, Life and Correspondence of Sydney Smith and the rymes of Marvel. It might be called an index to the statutes and interpretations of our internal revenue law, particularly the Act of 1914, with some pointed commentary thereon.

J. B. W.