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BOOK REVIEWS.

THE PRINCIPLES OF THE AMERICAN LAW OF BAILMENTS.—A Companion to the Author's Work on Contracts. By JOHN D. LAWSON, LL.D., Professor of Common Law of the University of the State of Missouri. St. Louis: The F. H. Thomas Law Book Co. 667 pages.

On all titles of the law except perhaps that of practice it is a fact that thoughtful students are better qualified to write law books than lawyers, however brilliant may be success or extensive the practice of the latter. A good law book treating of a special branch of the law ought to be measured more by its embodiment of the philosophy and reason of the law than by an exhibition of the more general information quickness in repartee, shrewdness in cross examination or capacity for retaining a special knowledge of the case which together make a lawyer successful as a counsellor and practical as an advisor. A writer of law books should have the quality of mind which makes a good judge rather than that which makes the successful lawyer. This volume on Bailments is by John D. Lawson, professor of common law at the University, of the State of Missouri. His constant study in this branch of the law and his familiarity with it is seen on every page. The existing text books on the subject are all considered, and the best of their ideas embodied in an excellent way. It is sure to be a volume much consulted and deservedly so, but possibly a matter which others would praise we feel called upon to criticise; his classification and arrangement of bailments. The division of bailments by Chief Justice Holt was into six classes; that of Sir William Jones was into five; that of Judge Story into four; Kent into three; and this into two classes. Kent's division was based on the benefits to the bailee, to the bailor and to both bailee and bailor. Jones followed practically Holt's classification but consolidated two of the latter's classes. This work makes only two classes; the ordinary bailment and the exceptional bailment. The division into these two classes it seems to the writer occasions subdivisions under the first head which could be avoided by the adoption either of Kent's or Jones' arrangement. Perhaps Kent's arrangement with a division of the third class into "ordinary bailments" and "bailments to common carriers and public agencies" would be better than any other and would so include the class which Prof. Lawson treats in the part called "the exceptional bailment." But, as his ideas are embodied in the book and we are only called upon to express our opinion of it as it now exists, we are able to say notwithstanding this preference on our part, that the book is an excellent one and treats the law of bailments from

an American standpoint in a very thorough, conscientious, able manner. The treatment of the law as modified by the necessities of the public in the case of common carriers and other public agencies is up to date. The book is a good one.

GREENLEAF ON EVIDENCE.—A treatise on the law of Evidence by SIMON GREENLEAF, LL. D. In three volumes. Fifteenth edition. Revised, with large additions by Simon Greenleaf Crosswell. Little, Brown & Company, Boston. \$12.00 net.

Greenleaf on the law of evidence has been the principal treatise on that branch of the law in the United States since 1842. It has been and is the standard in that branch as Kent and Blackstone are in the Common Law. Starkey and Phillips had written their treatises on evidence, and American Notes had been published with the text, but a necessity existed for a treatise, which should not only set forth the Common Law of evidence, but should especially adopt the same to American ways and classes of business. New modes of travel and transportation has grown up and new branches of industry and modes of communicating thought had come into general use, and the laws enacted relative thereto and the judicial interpretations of the same had to be collated and codified. This Professor Greenleaf did in a thorough and admirable way, and his great work must always be the text book of the student of the law of evidence. As time went on, and the habits, laws and customs changed, and the manner of doing things had changed and progressed, and new interpretations of existing laws had been made by the different courts of the several states, the author and his successors have been obliged to revise and enlarge the work, until it has now reached the fifteenth edition. The great number of cases involving questions of evidence and reported from time to time, has made it necessary to keep pace with the progress of trade, commerce and personal rights, to publish a large number of editions. The last edition has made additions of new cases amounting to about 1900, and including mainly such cases decided and reported since the previous edition, showing the tendency of the courts in new lines of decisions. The subjects which have been affected most materially in the period covered by the new matter of the 15th edition, and which have been treated with more or less fullness in that edition are, real estate, presumptions, the admission of proofs of character and reputation, especially for defendant in criminal cases, the admissibility of statements of pain, suffering etc., the meaning of the term "relevancy" and "*res gestae*", the introduction of proof of collateral facts, shop books or evidence, pleadings, how far evidence, the privileges of attorneys and clients, of doctors and patients, of clergymen and penitents, oral inducements to written contracts, and a very full statement of the statutes and decisions affecting the competency of parties and witnesses, the competency of husband and wife for and against each other, and the competency of persons convicted of

crime as witnesses, and also the principals affecting the introduction of expert testimony and the comparison of hand-writing in evidence. These and the other additions to the work, represent the development of the law since the last edition. Take the treatise as it now exists in the fifteenth edition, it is as complete a commentary on the law of evidence as can be found in any book in this country or Europe. No student of the law, who desires to know the law of evidence of the United States, and who desires at the same time to know the reasons and philosophy of it, can afford to be without the completed edition of Greenleaf on the law of evidence.