1916

Book Review: The Law of Electricity by Arthur F. Curtis

R. E. C.
he has successfully kept us out of war without the sacrifice of honor
and with a dignity peculiarly suited to a chief executive.

Are we now, when he has come to a parting of the ways, to
desert him? Is our homogeneity to be questioned? Is the moral
bravery of our President in issue? Can it be that our patriotism is
abortive? Is it not first duty, as citizens of this country, to be
Americans? Is not patriotism, in the real sense of the word, non-
partisan? E. H. DECKER.

BOOK REVIEW

The Law of Electricity, by Author F. Curtis, Albany; Mathew Ben-
der & Company, 1915; Pp. LXXXIV, 1033.

The purpose of this book is not to explain or illustrate in its
various phases Ohm’s Law, nor is it devoted to a scientific discussion
as to the nature of electricity, that is whether it is two fluids or
motion. But it is the object of this book to discuss the law of a single,
silent, powerful, and dangerous force, and follow it through the
general rules of the various branches of the law.

Most law books cover a time honored branch of the law. And
when we wish to know the law concerning a single force, we have
to search through all the long established branches of the law and here
and there scattered throughout those branches in which cases dealing
with this force arise; we find it so intermingled with the various
phases of these branches that it is like looking for needles in a hay
stack.

The author realizing this situation touches on Municipal Corpora-
tions, Eminent Domain, Contracts, Streets and Highways, Abutting
Owner, Negligence and etc. where they have reference to and are
concerned with the Law of Electricity.

But there are most subject in this connection which must be
treated exhaustively for they are absolutely and wholly concerned
with Electricity, such as the Powers and Duties of Electric Com-
panies and Injuries from Electricity. Such subjects as these, this
work covers very thoroughly.

The scientists are not definitely sure what electricity is, but they
know a good many things about it and have harnessed it in many
ways, and, of course, they must have names for these new discoveries and appliances. Very naturally these names are strictly technical. It is essential when a lawyer has a case along these lines that he be acquainted in a general way with these names and the use of the appliances employed to harness this monstrous force. In order to make this work complete it explains the most common appliances and uses of electricity in a practical way for the lawyer. It also devoted part of a chapter to a brief discussion of electrical terms, such as batteries, ampere, ground, joule and ohm.

The text is clear, concise and accurate and the writer’s mastery of the subject is shown by an easy and graceful style. This book is in one volume of one thousand and thirty-three pages, handsomely bound in Burchram.


"The Modern Law of Evidence" is a very appropriate name for this work, and it justifies the claim of its title. The present treatise approaches the subject from what is practically, as related to other works on the same subject, a different point of view. It has been customary to treat the law of evidence as consisting, almost exclusively, of certain more or less fixed rules of procedure having the force of law. On the other hand this work considers the adjective law of evidence rather more fully from the standpoint of administration than that of procedure.

Of course it is true and essential that procedural law is most often and properly the mistress of the situation. But one has but to view the actual work of a trial to be convinced that an element other than procedural is constantly operative and frequently controlling.

As this work lays stress on the administration rather than the procedural it might be well here to give exactly what is meant by administration in this connection. As a good explanation of the same is given the introduction, I will take the liberty to quote it: "When for example, a particular piece of evidence is tendered, it is essential to its reception that the court should be able to perceive that some proposition in the right or liability involved in the action
might be, in some degree of remoteness, proved or disproved by it. Should a fact be presented on which the jury could not rationally act, the court's duty to enforce the rules of sound reasoning requires its rejection. As other situations of fact present themselves, the presiding judge must determine what procedural rule, if any, is properly applicable and, if more than one, in what proportion relative force and effect should be accorded to each. Should these rules of procedure conflict, it is for the judge, under rules of law and certain established canons of administration, to decide what course is indicated by the opposing rights of the parties. Such, in brief, is the nature of the judicial power which, operating under and through the rules of law, including those of evidence, confers, as has been said, an element of flexibility in the operation of these procedural rules. This function of the judge recognizes the social, as distinguished from the personal, interests in litigation. Its object is to make the administration of law efficient in the attainment of justice. To it, it has seemed appropriate to apply the term Administration.”

The author takes the position that to treat the Law of Evidence entirely from the standpoint of procedural rules, omitting any adequate reference to the constantly moulding and, at times, dominating influence of judicial administration is an inadequate view of the subject.

Mr. Chamberlayne has carefully treated the subject and has thus rendered an important aid to the court and lawyers in the trial of cases. The work is rendered most useable by the aid of every labor saving device known to the art of law book writing, to go at once to the latest case decided in his jurisdiction, a case nearly as possible on the precise points presented by the facts. The writer's statement is most clear and concise, avoiding prolixity and vagueness, and eliminating argument and criticism.

Volume I. headed administration trest of the judicial function of the administration of the evidence, stating the canons under which it is rationally exercised, the general relation of matters of fact and rules of law, the varied functions of the judge and jury, both in respect to the distinction between law and fact and to the proper position of each branch of the tribunal to the other, as these are modified or controlled by the function of judicial administration
itself. The subject of knowledge in its logical subdivisions of judicial, common and special, is given a thorough treatment.

Volume II., headed Procedure, among the other subjects treated are Burden of Proof, Burden Evidence, Presumptions, Admissions, and Confessions. His treatment of them may intricate questions which arise, as for instance in connection with Admissions, Presumptions and Confessions, show a masterly knowledge of the subject and present to the bench and bar an invaluable aid in the solution of questions daily confronting the judiciary and the active practitioner.

Volume III., headed Reasoning by Witnesses deals with expert and opinion evidence. Separate consideration is given to the general subject of Estimates, e.g., Capacity, Distance, Resemblance, Speed and the like, regardless of skill of the particular observer.

Volume IV., headed Relevancy, contains a thorough and exhaustive treatment of the procedural of exclusion, Hearsay, Res Inter Alios Actae and Character Evidence.

Volume V., headed Media of Proof, crowns the work. This volume treats of the media of proof, that is, the means by which evidence is brought to the attention of the tribunal. The latter part of this volume is devoted to the subject of witness dealing questions of Attendance, Competency, Privilegged Communications, Examinations, Cross Examination and Impeachment, stating the principles and rules controlling the right of the parties and of the witnesses at the various stages of the trial. A table of cases contained in the five volumes; about 100,000 citations are given.

“R. E. C.”

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**JUST A GIRL**

By S. E. Kiser.

Many a throne has had to fall
For a girl,
Just a girl;

Many a king has had to crawl
For a girl,
Just a girl.

When the hero goes to war
He may battle for the right,