

supplementary statements. This habit is so necessary and so often undiscoverable.

On the whole this book makes a useful contribution to the task of teaching property law. It combines a useful compilation of history, text, statutory law, and well-chosen cases<sup>8</sup> with a searching group of notes. It is a worthy book in its field, compiled from the viewpoint of a new idea.

WILLIAM E. SANDMEYER.

Newark, N. J.

---

CASES AND OTHER AUTHORITIES ON THE LEGAL PROFESSION AND ITS ETHICS.  
By George P. Costigan, Jr.

This volume, in the American Case Book Series of the West Publishing Co., is a second edition of a first publication brought out in 1917. So much has been said and done with respect to the ethics of the legal profession in the intervening years, that it is quite appropriate that a second edition of this work should come out now. The extent of the material from these years which has been added to the volume, indicates how thoroughly Professor Costigan has gone about the preparation of his second edition.

No thoughtful person will dispute the importance of books of this kind. As burdens multiply upon the busy lawyer, through the ever-growing complexity of business and the regulation of business by law, the practicing lawyer and the student or younger member of the bar in his office are drawing further apart. The opportunities for personal contact between them are becoming less. It is almost impossible for the lawyer to give to his student or junior associate the time and attention possible in more leisurely days.

One leaves a perusal of Professor Costigan's book with the feeling that he has been sitting at the foot of a high-minded, learned and experienced member of the bar and has heard from his own lips the experiences and problems with which he has wrestled in the course of a full life.

What this book has to impart, should come early in the education of every prospective lawyer. Practicing lawyers as well can with profit dip into this reservoir of information and instruction. In a very adequate way the author has carried out his thesis that "the illegality of the conduct treated" should be "as subordinate as possible to the moral problems," or, as otherwise stated in the quotation from Henry W. Williams, "'Professional ethics' is not a distinct system of morality, but it is the application of the accepted standards of right and wrong to the conduct of professional men in the business relations peculiar to their professional employment."

For the lawyer interested in the history and ideals of his profession, this book makes fascinating reading. A mass of material has been collected with care and discrimination. The extracts from the cases and the quotations from

---

<sup>8</sup> For example: *Taltarum's Case* p. 100, *Martin v. Smith* p. 273, *Tyrell's Case* p. 526, *Bamford v. Turnley* p. 352, *Brown v. Robbins* p. 326, *Embrey v. Owen* p. 374, *Green v. Wiseman* p. 488, *Perrin v. Harrington* p. 299, *Townsend v. Moore* p. 235, *Wheeler, etc. v. Kirtland* p. 161.

authorities are never so long as to be burdensome, but yet long enough for complete understanding of the principle involved and illustration of its application. This material includes cases, the canons of ethics of the American Bar Association and other important Bar Associations, references to famous trials, anecdotes of leaders of the bar and opinions of writers, both professional and lay. Of especial interest are the problems submitted to Committees on Ethics of Bar Associations, with the answers given by the Committees in each case. This material is carried along with a logical development and with the historical references necessary to a complete understanding of the subject matter. The citations dealing with the origin of the legal profession in England are particularly interesting. We learn of the "serjeants at law," who were considered and called by the Judges their "brothers." Would that the members of our bar were now in every instance worthy of being called the brothers of the bench!

Here and there are light touches, such as the opinion of Dr. Johnson that if he were a lawyer he would not solicit employment, because he should disdain to do so, adding, however, "I would not have a lawyer to be wanting to himself in fair means. I would have him to inject a little hint now and then to prevent his being overlooked."

The book abounds in references from old and new authorities to questions of current interest.

On the amount of preliminary education it is fair to require of a prospective lawyer, we have the Supreme Court of Massachusetts saying, "The right of any person to engage in the practice of law is slight in comparison with the need of protecting the public against the incompetent."

On lynching, which has recently been so much in the press, we have Justice Bradley of the United States Supreme Court declaring with his usual vigor in supporting the disbarment of an attorney for assisting in a lynching, "Now, what is the offense with which the petitioner stands charged? It is not a mere crime against the law; it is much more than that. It is the prostration of all law and government; a defiance of the laws; a resort to the methods of vengeance of those who recognize no law, no society, no government. Of all classes and professions, the lawyer is most sacredly bound to uphold the laws."

Quite aside from its discussion of ethics, there is much that bears upon the proper conduct of a cause from beginning to end. Our own New Jersey cases have not been overlooked. We find *Laporta v. Leonard*, 88 N.J.Law 663, discussing the extent of a lawyer's privilege to make slanderous remarks in the course of a trial; *In re Investigation by Bar Association of Hudson County*, 107 N.J.Law 275, on the subject of ambulance chasing and other unethical practices; and *United States v. Frank*, 53 Fed. 2nd, 128, on the right of an attorney to deny in an answer allegations of the complaint which are true in point of fact. In justice to counsel involved in the latter case, however, it should be noted that the quoted opinion of the trial judge in this case was reversed by the Circuit Court of Appeals in 59 Fed. 2nd, 518, and the conduct of counsel commended, rather than criticized by the Appellate Court.

This book should be read by every law student and member of the bar.

ARTHUR F. EGNER.

Newark, N. J.