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The Justices of the Peace Courts of Hamilton County, Ohio; and Comparative Judicial Criminal Statistics: Ohio and Maryland (Book Reviews)

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planned and painstakingly prepared by a scholarly teacher who has brought to his task the experience of many years of successful teaching of the law of Property.

JOHN P. MALONEY.

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THE JUSTICES OF THE PEACE COURTS OF HAMILTON COUNTY, OHIO. By Paul F. Douglass. Baltimore: The Johns Hopkins Press, 1932, pp. VI, 118.

COMPARATIVE JUDICIAL CRIMINAL STATISTICS: OHIO AND MARYLAND. By L. C. Marshall. Baltimore: The Johns Hopkins Press, 1932, pp. VIII, 83. Both monographs published under the supervision of the Institute of Law of Johns Hopkins University.

It is regrettable that these two monographs will have but a limited circulation. Their influence would be greater, their effect more fortunate, if they could at least reach the desks of the editors of our daily newspapers so that these editors might be induced to read them.

During the last decade it has become increasingly clear to lawyers connected with criminal causes, that once a criminal case is sent to the jury, the verdict in most instances is "guilty." Nevertheless, the current public idea is that a conviction by a jury is rare because of obsolete rules which unduly hamper prosecution. Newspapers have been suggesting such possible remedies, as that the guarantee against self-incrimination be withdrawn, that the majority verdict be substituted in place of the unanimous jury verdict, that three trial judges, rather than a jury, should pass on the issue of the defendant's guilt. In the state of Ohio, according to Mr. Marshall, only in 2.6 per cent of those cases tried were the defendants freed by acquittal after trial; and there is nothing in Mr. Douglass' statement which would indicate that it is the purported frustration of successful prosecution under the existing legal system which contains the explanation for the unfortunate condition existent in the administration of the criminal law.

The invaluable data that these two scholars have gathered and collated compels the conclusion that factors other than those that now appeal to the popular mind must be found to explain the so-called crime wave. It is urged that public attention be directed to fact-finders, and that their statistics should displace the irresponsible and unscientific opinions of rhetoric artists.

That crime may be prevalent in the United States the reviewer will admit, but the law is competent to deal with the young man who turns robber or murderer. When a community is thoroughly aroused by newspaper clamor, a jury will often say "guilty" despite unsubstantial evidence; a trial judge will impose a long term of imprisonment, or even the death penalty; in due course, an appellate court will affirm without opinion, especially without opinion if real errors on the part of the trial court are urged and established by the appellant.

It is submitted by the reviewer that it is not the boy robber who shames the administration of justice; rather it is the glorified racketeer who operates

under protection; the state or federal district attorney who uses his office as a publicity bureau to attain a nomination for high office; the judge who turns his court room into a free-for-all show; the daily newspaper with its haunch, paunch and jowl methods, giving first place to that part or group of our so-called "respectability" that considers itself the holder of letters patent to cheat and loot.

There are no facts which justify a finding by the scientific mind that the traditions pronounced in the Bill of Rights of the Federal Constitution or in the civil rights laws of the various states, have become moribund in our society. Perhaps time will establish that there is greater vitality in the spirit which pervades the opinion in *Entict* v. *Carrington and the Three Others Kings' Messengers*,[1] in which are embodied Lord Camden's condemnation of unreasonable searches and seizures, than in *People* v. *Defore*.[2] And this may be so despite the fact that some forty states have seized with avidity the underlying attitude of the New York Court of Appeals towards unreasonable searches and seizures and follow its reasoning.

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CASES ON THE LAW OF PARTNERSHIP. By Charles E. Clark and William O. Douglas. St. Paul: West Publishing Co., 1932, pp. XV, 743.

In appraising the value of a new selection of cases on any legal subject, one unconsciously searches the volume to ascertain whether the author has included his "latest favorites." If they are found the book is worth while; to the extent of their omissions, its value depreciates. Subjected to this test, this newest addition to the American Casebook Series will undoubtedly meet the approval of all. There are included in the one volume about five hundred cases and although they are not all reported in full, they are sufficiently discussed in the footnotes and text to apprise the student and lawyer of their holdings and to distinguish them from the principal reported cases. Many of the recent opinions included in the selection deal with the interpretation of the Uniform Partnership Law and, as the authors have chosen from many states, it is possible to note wherein the courts have adopted uniformity in construing the statute.

If not content with this superficial examination, one turns to the arrangement of the cases. Has the author, we ask, followed the usual classification or is the law developed along different lines. Professors Clark and Douglas have, indeed, charted an entirely new course. They have omitted the usual introductory cases respecting the nature of the partnership and the tests to determine its existence. Instead, the student is presented at the very beginning with those interesting problems concerning the liability of persons carrying on business

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[1] 19 How. St. Tr. 1029 (1762).
[2] 242 N. Y. 13, 150 N. E. 585 (1926).