

that the opinions are often very brief—designed to be read by busy ministers more interested in conclusions than in the sources from which they were derived. They however always indicate the general principles which the law officers had in mind and state distinctly the precise facts on which advice was given. Dr. McNair has in general followed the commendable practice of giving the document in full with all the flavor which forms of address convey to the reader.

The index and lists of cases, opinions, and treaties make the contents of the book readily available, while the classification is clear and covers the topics and treaties comprehensively, although on some problems the author recognizes that his materials were not as full as he would have liked. It is to be hoped that the Columbia University project will be continued for other countries and for other topics of international law.

QUINCY WRIGHT\*

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The Administration of Justice from Homer to Aristotle. Vol. II. By Robert J. Bonner and Gertrude Smith. Chicago: University of Chicago Press, 1938. Pp. vii, 319. \$3.50.

In the first volume of this work, published in 1930, the authors treated the courts and court organization of ancient Greece. This second volume is devoted to practice and procedure, without attempting to describe in detail the individual types of actions or the course of the trial from summons to verdict.

An opening introduction summarily treats of the various types of action, civil and criminal. The first chapter deals with the part that the parties themselves play in a suit, the place of advocates, and an excursion on public prosecutors in criminal actions. This leads to a study of sycophancy, the "profession" of prosecution for the financial reward resulting from the share in fines, confiscations, etc., and the blackmail that accompanied it, the whole minutely discussed with ample extracts, generally in translation, from the original sources. Chapters on special pleas (*diamartyria* and *paragraphe*) and arbitration follow. In chapter VI the authors discuss the availability and competency of witnesses and testimony, while the following chapter on "oaths" most exhaustively treats all types of oaths offered during the course of a trial, with special emphasis on compurgation. This leads to a chapter on homicide, somewhat out of place in a general study of procedure, especially in view of the fact that the authors had dealt with the topic in volume I. Appellate procedure and execution of judgments form the subject matter of chapters IX and X, while the work concludes with a discussion of the merits and demerits of the Athenian judicial system.

The reviewer has outlined the contents of the volume at some length, because in the first place the title does not adequately indicate the scope of the book, but secondly because the summary clearly demonstrates the lack of organization of the materials as a whole. The mass of information, primary source materials as well as critical discussion of the views of modern scholars, can be but inadequately utilized as a reference work on the basis of the limited subject index and the indices of passages cited. The crux of the matter is that there never has been a systematic treatment of Greek law, let alone of Greek procedure. The answer will be made that the Greeks never developed such a system, but the rebuttal can be offered that neither did the ancient Romans. It was only in medieval times and later under the influence of

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natural law doctrines that the system we know was brought to Roman law. Scholars are now somewhat inclined to attack this system, but nevertheless the individual topics of the Roman law are nicely pigeon-holed for ready reference. There is so much meat in the volume under review that it is indeed unfortunate that a strict logical arrangement was not attempted.

So many of the writings of modern scholars upon Greek procedure, since the work of Lipsius (1905-15), the last extensive treatment of the subject, have been made the subject of critical examination by the authors that it is indeed strange that the name of Ugo Enrico Paoli, perhaps the most active student of Greek law today, is not to be found. Surely his treatment of the so-called special pleas of *paragraphé* and *diamartyria*, in his *Studi sul processo attico*, pp. 75-173, to say nothing of numerous articles before and after that date, at least deserves mention. Nor did the reviewer find a reference to the exhaustive work of Artur Steinwenter, *Die Streitbeendigung durch Urteil, Schiedsspruch und Vergleich nach griechischem Rechte*. Except, however, for the omission of the consideration of some recent European writings, the authors have presented an excellent survey of those particular topics which the chapter titles denominate.

A. ARTHUR SCHILLER\*

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Cases on Code Pleading—Second edition. Edited by Archibald H. Throckmorton. St. Paul: West Publishing Co., 1938. Pp. xxiii, 756. \$5.50.

The second edition of the late Professor Throckmorton's *Cases on Code Pleading* reflects his usual painstaking workmanship as an editor of classroom materials. It retains such of the distinctive features of the first edition as a decade's classroom experience has proved to be convenient teaching devices; and it contains further developments of certain other features already attempted in the first edition as well as some which are entirely new.

The principal cases have been selected from a large variety of jurisdictions. A considerable number of them are new. Many of them—and this seems especially desirable in cases illustrating pleading problems—have definite human interest value. Professor Throckmorton has been particularly successful in replacing cases having to do with horses, buggies and newspapers with cases involving automobiles, radios and talking pictures.

Even better editing than in the first edition has been done. A full statement of the actual pleadings has been retained in a large number of cases where it might have value; in others prolix and redundant pleadings have been paraphrased to bring the student more immediately to the problem raised in the case. Seldom has such restatement of the pleading unduly sacrificed the air of reality of the edited case.

The arrangement of the cases is much improved over that in the first edition. In the period intervening between the two editions the need for revision of the codes has not only become more apparent but the movement in that direction had gained momentum. Professor Throckmorton has consciously arranged his materials in two principal respects in this edition to indicate the need for, and the possible direction of, pleading reform. First, the provisions of the Ohio and Missouri codes, modeled after the original Field Code, and of the more modern New York and Illinois Civil Practice

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