School to which he belongs. In the chapter on the "History of Sociology" it would have added to the clearness of the origin of sociology if the ideas of St. Simon and Turgot had been presented which Comte borrowed and used as the framework of his great philosophy.

Upon the whole, Professor Blackmar has the correct idea of a textbook, and the work which he offers to the public is likely to cause sociology to be introduced into many institutions, and to bring the study into more general favor among students.

The style of the book is easy, and free from any ambitious flights or phrasing, but clear and agreeable.

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Evidence in Athenian Courts. By ROBERT J. BONNER, PH.D. Chicago: The University of Chicago Press, 1905. Pp. 98.

Generally speaking, the separation of court from jury, of the declarers of the law from the triers of the fact, has been a prerequisite to the growth of a law of evidence. Where the court passes upon the facts in issue, as is generally the case in the countries of continental Europe, and elsewhere where the law is based upon Roman law, no systems of evidence have been developed. There the court receives all the evidence offered, trusting its own power to avoid giving undue weight to matter of slight value, and to avoid being prejudiced by evidence likely to appeal to the emotions. Englist courts, however, early began to fear the discretion of the jury, and to exclude much evidence from its consideration *per doubt del lay gents.* This fear is largely responsible for our law of evidence. It would be surprising, therefore, to find that the Athenians had any detailed law of evidence. In their popular courts there was no separation of judge and jury. The court, composed of a great number of citizens, passed upon the entire case. It was more like a town-meeting than like either judge or jury. Mr. Bonner's monograph astonishes one more by the comparatively large amount of law on evidence that he seems to discover than by its paucity. In reading it the feeling that he has given at least full, and possibly too full, credit to his meager materials is constantly present.

The facts adduced to show that there was a rule against irrelevant evidence (p. 14) may be taken as typical. Such a fundamental rule should leave plain traces. Of course, the most common application

of it is the exclusion of matter foreign to the issue, but tending to prejudice the jury against a party. The evidence he relies on to establish the rule is as follows: protests by the orators against the *prevailing practice* of using it; arguments by them that going into side issues consumes too much time and is the resort of those who have bad cases; instances of parties refraining from answering irrelevant evidence given on the other side; apologies for introducing irrelevant matter; an understanding that speeches *ought* to be relevant; orders from the court to "stick to the main issue." The only real indication of a rule is that parties speaking in the Areopagus had to take oath to confine themselves to the record. In the other courts that was not required. Is it not rather plain that the limitations on irrelevancy were merely such as any body, a town-meeting for example, would place upon its speakers, rather than a hard and fast legal rule? The former was to be expected; the latter would be surprising.

The evidence of a rule permitting one to refuse incriminating himself (p. 43) is slight indeed. An advocate, who apparently has prepared a deposition for a witness, writes him that the so-called deposition is carefully composed and will not subject him to legal liability, danger, or disgrace. Does it appear from this that the witness could not be compelled to testify if such results would follow? The advocate may well have been merely stating the care he had taken in preparing the deposition, or he may have been inducing a reluctant witness to testify without compulsion.

Even the evidence of a rule against hearsay, which it is said (p. 20) "was expressly forbidden by law," is not convincing. Isæus says it is right to testify to things one was present at, that to testify to others is hearsay. Demosthenes says that the laws forbid hearsay. But in none of these cases was it excluded. Perhaps all Demosthenes meant was that one could be punished for palming off hearsay knowledge on the court as first-hand knowledge. Mr. Bonner tells us (p. 20) that such a fraud on the court was punishable. But that would be far from excluding hearsay when frankly offered as such.

In some places Mr. Bonner's statement of the English law is not absolutely accurate. It is hardly true that "*any* inducement being held out by anyone in authority" (p. 29) makes a confession of crime inadmissible. The common law rules concerning incompetency (p. 27) are neither fully nor accurately stated. Religious belief and sanity as qualifications, for example, are not mentioned. But Mr.

Bonner was not investigating nor writing a treatise on our law of evidence. Slight inaccuracies as to it may be pardoned.

One or two odd things may be mentioned. It seems that in criminal cases in the Areopagus a witness could not testify to important facts of which he had knowledge, unless he knew whether the accused was guilty or innocent and would first testify to that (pp. 15, 17). If a witness testified falsely, he was punished for the perjury. But he could make an oath disclaiming knowledge, and though this was wilfully false, he was not punished (p. 43). The evidence of this, however, is remarkably slight. Cross-examination was unknown (p. 20). Omens and dreams were admissible evidence (p. 19). The gratitude of the jury for past good deeds of the defendant was appealed to, as was also their cupidity for further financial benefits to the state which might arise from leniency (p. 13).

Mr. Bonner seems to have exhausted his sources, both original and secondary. He has shown acuteness in his deductions. The only real doubt as to his conclusions arises from the fear that he was overzealous in his search for a body of law on evidence in Athens.

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Modern Methods of Charity. By CHARLES RICHMOND HENDERSON, assisted by others. New York: The Macmillan Co., 1904. Pp. 715. $3.50 net.

We learn our lessons of charity at vast expenditure of substance and of energy. We waste ourselves in experiments. We attack the bubbles which rise to the surface, and fail to dig deep for the nucleus of decay whence the bubbles come. We harm where we would help. The astronomer can calculate to a second the occurrence of an eclipse a hundred years away. The chemist can reduce a rock to its elements and determine the presence of each in its exact proportion. But no such certainty is possible in the vaguely defined territory which we call the "field of charity." In charity we are dependent on experience. The greater the variety and volume of experience at our back, the nearer we approach to sure-handed performance. Therefore any means by which the experiences and methods of others may be placed at our service, in convenient and usable form, saves us the time and labor necessary to obtain the experience for