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CASES THAT CHANGED THE LAW, by H. Montgomery Hyde. Roy Publishers, New York, 1951. Pp. ix, 203. \$3.50.

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on introduction to law is not necessarily a more satisfactory instructional approach than the dispersion of the orientation and the material among the regular freshman courses.

It may seem contrary to the obvious that several arrows can be shot in different directions with a view to hitting the same target. Nevertheless, it is true in this situation. In former times when young men read law as apprentices to active practitioners, there were about as many techniques of getting the student under way as there were different kinds of practices and current cases. Uniformity of product is no more a criterion now than it was then. Despite diversity of method, the test should be on the basis of appropriateness and adequacy. In actual operation, then as now, the most important and significant elements are the persons who direct the instruction.

Both the Gavit and the Shartel books must be recognized as significant achievements, each of its own objective. The literature of the law, and about the law, is enriched constructively for a great many people.

*Joseph Dainow\**

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Every year sees the publication of at least two or three books about famous cases of the past. You can see them in any law library—usually some serene spot has been set aside, where they can gather dust in undisturbed and (alas) oft-deserved tranquility. Mr. Hyde's little volume deserves a better fate. For, although like the others, Mr. Hyde tells of famous cases of the past, unlike most others, he tells his stories with charm, drama and above all with brevity.

In the first, and best, part of his book, Mr. Hyde vividly describes six cases, ranging from 1728 to 1931, which led to important alterations in the substantive law of England, through the passing of Acts of Parliament.

Here, for example, is told the extraordinary case of *Burke v. Hare*, who in the year 1828 provided material for one of the most celebrated of Scottish trials. In the days of these two rascals it was illegal for anyone having custody of a dead body to supply

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it to doctors for the purpose of dissection and the study of anatomy. This gave rise to the activities of the "resurrectionists" or "body snatchers" who stole bodies from graveyards and profitably sold them to medical schools. By the time Burke and Hare entered this business supplies had declined considerably, due in part to guards posted in the graveyards and also to the custom of enclosing the graves in iron cages. Accordingly, the partnership cast about for a simpler and less risky method of obtaining wares than robbing churchyards. The method they adopted to obtain bodies was relatively simple. A body (alive) would be made drunk and then suffocated in such a manner that no signs of violence were visible. Then asserting that the body (dead) had been bought from the deceased's relatives or friends it would be sold to the doctors. The partners must have been convinced that they had discovered the secret of making a comfortable living. For during the next twelve months they committed at least fifteen similar murders.

Prosperity bred carelessness and the murderers were finally undone. Hare turned King's evidence and escaped execution. Burke was found guilty. He was hanged in the presence of an enormous crowd who shouted to the executioner as he was adjusting the rope around the condemned man's neck, "Burke him! Burke him!", thereby introducing a new word into the English language. (In due course his remains found their way to the dissecting table, where the brain was examined and pronounced very soft.) The most important result of the case was that Parliament passed the Anatomy Act in 1832 which authorized custodians of a dead body to allow it to be sent to a medical school before it was buried so that it might be used for the study of anatomy and the practice of surgical operations.

Equally interesting are the other cases described: the story of the charming Mrs. Caroline Norton, whose matrimonial misadventures paved the way for the establishment of the divorce courts and the passing of the married women's property acts; the trial of W. T. Stead who "abducted" a thirteen year old girl in order to show the need for raising the age of consent in England from thirteen to sixteen and strengthening the laws against procurement for prostitution; Adolph Beck, whose tragedy helped bring about the Court of Criminal Appeal; the Flowery Land pirates, who led to the prohibition of public executions; and

Lord Kysant, whose trial revealed the need to oblige commercial companies to disclose secret reserves.

These cases, of course, were not solely responsible for the reforms they excited from Parliament. Reform in the law is the product of the travail of many over a period longer than any one trial. Yet, as Mr. Hyde well demonstrates, the dramatic struggle of the trial often stirs public and parliament to act for reform, where the arguments of reformers had bestirred nothing.

In the second part of the book the author relates seven famous Irish mysteries. I found this the least interesting part of the book. Unsolved murders and robberies are no novelty in the law. Mr. Hyde might have omitted this section with little loss, I think.

The third part of the book tells of six famous Irish trials. This is fine stuff again. The trial of the last peer to be tried in the old Irish House of Lords, the advocacy of Lord Charles Russell, the courage of Charles Stewart Parnell and the Irish Nationalists come alive. Here are bits of legal history served in a most palatable manner.

Finally there are four cases involving the personality and character of Oscar Wilde.<sup>1</sup> The most interesting is the prosecution of Noel Pemberton-Billing, M.P., on a charge of criminally libelling Miss Maude Allen, the dancer, in connection with her performance of Salome.

In a memorable passage in *De Profundis*, Oscar Wilde says "all trials are trials for one's life, just as all sentences are sentences of death." Mr. Hyde's excellent descriptions show this to be quite true.

*Jerome J. Shestack\**

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1. These are not the sensational trials in which Oscar Wilde was the central figure. Those have been related elsewhere by the author. See *The Trials of Oscar Wilde*, edited by H. Montgomery Hyde (1940).

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