

the ancient instruments to the modern are duly emphasized, and the fact clearly shown that, in so far as abstract principles go, the instruments of centuries ago were quite the equals of our own. With few exceptions the cuts are well chosen, and nearly fulfil the publisher's promise in the prospectus.

*Flora of the Hawaiian Islands: A Description of their Phanerogams and Vascular Cryptogams.* By William Hillebrand, M.D. Annotated and published after the author's death by W. F. Hillebrand. B. Westermann & Co. 1888. 8vo, pp. 673, with maps.

THIS archipelago has peculiar charms for the naturalist, owing to its extreme isolation. We expect to find islands which lie near the mainland or in close proximity to other large islands, clothed with vegetation borrowed from their neighbors. But, in the case of islands which are remote from all other land, the naturalist is forced to ask whether there might not have been, in geological times, some path from a now distant shore by which plants could have made their way; failing this, he is obliged to note the direction and force of ocean currents on which seeds and fragments of branches might have been borne. These questions have a remarkable degree of interest in regard to the Hawaiian or Sandwich group. If we except a few islets and reefs, the group stands alone. The nearest large islands are a trifle less, and the western shore of the American continent a little more, than two thousand miles away. Hence the Hawaiian vegetation affords an exceptional field for the examination of the question of variation within a limited geographical area.

The plants of the islands have been examined by a good many explorers, and large collections are to be found in all the principal herbaria, but, up to the present year, the results of the systematic studies have been widely scattered through journals and occasional publications. Now, however, these *disjecta membra* are gathered together by one who knew what place each part should properly take, and from the well-arranged material can be obtained many answers to questions of variation.

Dr. William Hillebrand, a German physician with a marked taste for the study of natural history, and with special qualifications for the pursuit of botany, resided for about twenty years in the islands, collecting and cultivating the plants around him, devoting to this work, as did our lamented Engelmann in his study of our flora, the scanty leisure left by the exacting practice of his profession. But, alas! also like Engelmann, he was not permitted to see his works brought together in a published form: the task of collating and revising has been done by other hands. Further, like Engelmann, Hillebrand has been fortunate in his editor: the 'Flora of the Hawaiian Islands,' which he had nearly finished, has been brought to completion by the loving care of a devoted son, who unites sound judgment with minute accuracy. The younger Hillebrand has wisely left unchanged in any great degree certain general and incomplete notes from which the lamented author would doubtless have framed a full account of the geographical botany of the islands. Although fragmentary, these notes are of high value, and in their unmodified form serve to indicate how great is our loss in the death of Dr. Hillebrand. It will be interesting to examine briefly some of them, because they throw considerable light on the general problem of variation.

First, as to the relations of the islands to the main land. Soundings show that there extends

northwest a narrow band of raised sea-bottom, with an average depth of less than 1,000 fathoms:

"This line of reefs follows exactly the trend of the fissure in the globe's crust on which the Hawaiian volcanoes have been built up; and as there is abundant evidence that the age of the different islands of the group increases from east to west, it is fair to conclude that these islets, rocks, and reefs lie on the same fissure, and are only the coral-covered peaks of submerged older volcanoes, or, in other words, that the volcanic action commenced at the northwest extremity, thirty degrees of longitude northwest from the Island of Kauai, and gradually moved on to the island of Hawaii, with subsidence of the older formations while it progressed. But the western extremity of this raised sea-bottom land is separated by a great distance and enormous depths of sounding from the nearest high land, Japan, and the circumstance that the present flora of the Hawaiian Islands has less affinity to that of Japan than to any other warm or temperate country on the borders of the Pacific Ocean, forbids altogether the assumption that this submerged chain of islands can at any time have formed a road for the migration of plants."

A study of the ocean currents has convinced the author that the case does not stand much better with them than with respect to the other question. But even if the currents flowed in such directions as to carry plants towards the islands from either the lower coast of America or from the Moluccas, the transference by such currents is attended with many perils which very greatly diminish the number of actual survivals.

Second, the climate and the soil of the islands give us a wide scope for variations. "A single day's march will carry the traveller from the tropical heat of the coast to the region of perpetual snow; and in crossing the breadth of an island he may pass from a climate with an annual average of 180 inches of rainfall to one of 30 inches or less." Although the soil is generally uniform, there is one striking exception: the valleys have a heavy retentive clay, but the ground is for the most part pervious.

Now, lastly, in such a climate, and under conditions where foreign intruders could be so few, what are the native plants? "Deducting 115 species introduced by man since the discovery, and 24 which probably came in before that period, there remain 860 species of flowering plants and ferns as original inhabitants of the Hawaiian Islands, distributed over 265 genera, and of these 860 species 653 are peculiar to the islands." Well may the author say, "Nature here luxuriates in formative energy." This he illustrates by a clear statement of the facts in regard to the ferns; which in the islands reach a marvellous degree of development.

Owing to the innumerable intermediate forms, the author has been forced to abandon the conventional limits of description, and although he apologizes for this, as if it might indicate a certain tendency to prolixity, he has, by his detailed descriptions of varieties, furnished most interesting material for the study of variations. Again we say that the editor has done wisely in not changing in any essential features the nature of his father's plan. The work is a noble monument.

*Select Pleas of the Crown.* Vol. I. A. D. 1200-1225. Edited for the Selden Society by F. W. Maitland. London: Bernard Quaritch. 1888.

WE have already briefly referred to this important first volume of the publications of the Selden Society. The cases here reproduced and translated occurred at a very important period in the history of the law. In Mr. Mait-

land's 'Pleas of the Crown for the County of Gloucester,' in 1221 (Macmillan, 1884), he says:

"This was the first eyre held in Gloucestershire since the abolition of the ordeal. We thus catch sight of trial by jury at a most interesting and critical moment of its development. A greater number of remembrances may be called up by saying that this was the first eyre in Gloucestershire after the grant of the Great Charter. The charter, it will be remembered, was sealed on 15th June, 1215."

And of the contents of that book, he added:

"It is a picture, or rather, since little imaginative art went to its making, a photograph of English life as it was early in the thirteenth century. . . . We have here, as it were, a section of the body politic which shows just those most vital parts of which, because they were deep-seated, the soul politic was hardly conscious—the system of local government and police, the organization of county, hundred, and township."

All this has its application to the contents of the present volume. These are made up of selections from eyre rolls in the reign of John, from 1201 to 1203 inclusive, and in the reign of Henry III., from 1221 to 1225 inclusive; and from other plea rolls, of the King's chief court (whether at Westminster or following the King in his wanderings)—in John's reign, from 1200 to 1214 inclusive, and in Henry's reign during the four terms of 1220. The distinctive character of these rolls—both those of the "central" and "what we may call the visitatorial courts"—as well as of the tribunals themselves, are pointed out by Mr. Maitland in a very clear and simple way, and with an engaging but unobtrusive charm of style that is very seldom found united with so much learning.

The "eyres" were the iters or circuits of the King's itinerant justices. But the King himself in these early times was also itinerant, and wherever he went, went also, in a pretty literal sense, the fountain of justice. It was only by the Great Charter of 1215 that it was first fixed that common pleas should no longer follow the King; but even then a court of judges and pleas of the crown still followed the monarch wherever he went. What this meant to judges and suitors may be seen by looking at the "Itinerary of King John," from which Sir Henry Maine quotes in chapter vi. of his 'Early Law and Custom.'

"I take," he says, "almost at a venture May of 1207. On the 1st of May the King is found at Pontefract, on the 3d at Derby, on the 4th at Hunston, on the 5th at Lichfield, on the 8th at Gloucester, on the 10th at Bristol, on the 13th at Bath, on the 16th at Marlborough, on the 18th at Ludgershall, on the 20th at Winchester, on the 22d at Southampton, on the 24th at Porchester, on the 27th at Aldingbourn, on the 28th at Arundel, on the 29th at Knep Castle, and on the 31st at Lewes."

Maine gives further equally surprising illustrations of this wandering habit, and observes that these are no exceptional instances of activity.

"This was practically his life during every month of every year of his reign. King John passes for an effeminate sovereign, but no commercial traveller of our day, employed by a pushing house of business, was ever, I believe, so incessantly in movement, and for so many successive years, with all the help of railways."

All this wandering is regarded as a survival from a much earlier day.

"These ancient kings were itinerant, travelling or ambulatory personages. When they became stationary they generally perished. . . . With the sealing of the Great Charter, the early history of the relation of the English King to civil justice comes to a close, and the modern English judicial system is established." "He sealed Magna Charta at Runnymede on June 15, 1215, and before July 15 he had been over the whole South of England, and again northwards as far as Oxford. Meantime the judges of the Common Pleas were sitting—as they did ever since till the Court of Common

Pleas was absorbed the other day in the High Court of Justice—at Westminster, and at Westminster only."

By the Assize of Clarendon in 1166, the mode of trial in the principal pleas of the crown was fixed as the ordeal of fire or water; compurgation, the older form of trial, was, by construction, abolished. Then in November, 1215, the fourth Lateran Council, in effect, abolished the trial by ordeal by forbidding any ecclesiastic, which was as much as to say any judge, to take part in allowing it; and this was accepted and recognized in England in the third year of Henry III. (1219), in royal writs addressed to the itinerant justices, which suggested no substitute for the ordeal, and commended all that was left unsettled to the sound judgment of the justices themselves. They seem thereafter, in the exercise of this discretion, by consent of the accused and otherwise, gradually to have introduced the trial by jury in the chief classes of criminal cases. This system of trial, in certain civil cases, had lately come in, and had worked well. In criminal cases, also, it had been sometimes resorted to, by the King's special license. And now it offered a way out of the singular difficulty which had just befallen the administration of the regular criminal justice of the country. It is here that we seem to find the origin of our wholly peculiar system of a double jury in criminal cases—the prototype of the grand jury being found in the accusing inquest which had been provided for in the Assize of Clarendon and was still continued.

The cases in this volume, as we have already said, illustrate the law of criminal trials during the very grave and important transition period when these great events were coming on and happening and passing by. We are sitting at the cradle of trial by jury in criminal cases, an institution which English-speaking people have always accounted sacred. Here also we find the ordeal in force; as in a case before John, at Wells. Early in his reign, "William Trenchebrof was said to have handed to Inger of Faldingthorpe the knife wherewith Inger slew Wido Poliot. He is suspected [*malcreditus*] thereof by jurors. Let him purge himself by the water. . . . He has failed and is hanged." Mr. Maitland remarks that this is the only case of a failure at the ordeal that he has found. "Success seems common." Of the old criminal appeal and the award of trial by battle there are many instances. The cases are full of quaint and circumstantial narrative, opening a window into the every-day life of the times.

Indices of persons and places are given, which have a value of their own. Appended to the volume are several important circulars of the Selden Society describing the character of the work which it has undertaken; we commend these to the attention of our readers. It should be added that the volumes of the Society can be obtained of Quaritch, but only at a price considerably above the annual subscription of a guinea, which secures membership in the Society and a copy of its publications for the year.

*Tenting on the Plains.* By Mrs. E. B. Custer. Charles L. Webster & Co. 1888. 8vo, pp. 702, with illustrations.

MRS. CUSTER has broken open and lavishly exposed her memories of military life in Texas and Kansas during the two years immediately following Lee's surrender. Again, as in 'Boots and Saddles,' we are taken directly into her home, and share her daily hopes and fears, see the courage and adroitness with which she repressed all ills, great and small, that might in-

terfere with her presence near her husband, and witness, if not partake of, the felicity that crowned her life when he was by her side. The book is as open as the sky. The dark clouds and the bright stars are not plainer than her trials and her joys, while there is always the central figure whose presence makes day, and whose absence is night. So plenary a revelation would not be pleasant were it less ingenuous; but it is the spontaneous unfolding of a young wife's devotion, as unaffected and as natural as the development of a flower. The wonder is how, in all their fresh detail, the features of those long-past wandering years can be reproduced. She will may exclaim, "Blessed be our memory, which preserves to us the joys as well as the sadness of life!"

All the characters presented are real, but after the two central figures, decidedly the most attractive is Eliza, the General's colored cook, well known in the field in his cavalry division and beyond, and now introduced to a much wider circle, where there is no doubt she will be duly appreciated. Eliza's practical sense and strong individuality make her an important personage in the kitchen and in the book, and it is a pleasure to observe that prosperous, but still enthusiastic, in her maturer years she is a substantial co-laborer in the preparation of this volume. What Eliza said and did comes next to the doings of the heroine.

But the book is not meant to be a mere chronicle of the small beer of domestic pleasures and trouble and nothing more. It is a record of marches through Southern swamps and forests, of northers on land and a hurricane at sea, of perils by Indian warfare, by cholera, by floods—all serious and sometimes disastrous. Its public value consists in its presentation of the constant trials and privations, as well as of more heroic adventures, that befell the troops when "there was no wild clamor of war to enable them to forget the absence of the commonest necessities of existence." It also commemorates the hardships, personally observed, of those pioneers who, pressing back the savage and redeeming the desert, have made Kansas within so short a period a land of wheat and corn. This unvarnished but very true account of daily life on a frontier that is now contracting, but has not disappeared, is instructive to those to whom "the army in peace" is a contradictory, if not a meaningless, phrase.

With her extreme frankness, the author exposes some of the social infelicities of her earlier garrison life, due to the heterogeneous material of which the new regular regiments were organized in 1866. When bravery under fire and political influence were the chief determinants in securing commissions, it is obvious that other sterling qualities, to say nothing of the graces of life, were to be found chiefly by good luck. But we believe we are justified in saying that the crooked sticks and odd fish that appeared in those earlier scenes have been fairly eliminated long since, with a corresponding elevation of the social tone following.

The book is an odd mixture of grave adventure and minute family detail, and its occasional lapses in style, in English, and in syntax, with its sprightly unconventionality, only emphasize the real vigor of much of the original matter. Among the various incidents selected for quotation, space barely allows reference to one: the flood by night on Big Creek, when their own lives and many others were in danger, when seven men were drowned, and when Mrs. Custer, Eliza, and a clothesline rescued one nearly perished wretch. Mrs. Custer paints the setting, but Eliza tells this tale most dramatically. Although somewhat overgrown,

this volume may fairly take its place by its chronological successor, but actual precursor, 'Boots and Saddles.' It is published in a style similar to Grant's memoirs, from the same press.

*Ethics of Boxing and Manly Sport.* By John Boyle O'Reilly. Boston: Ticknor & Co.

ONE-THIRD of this book is devoted to boxing and collateral questions of diet and training; and if Mr. O'Reilly had omitted twenty-five pages of padding, about Olympic games and Roman gladiators, in regard to which the classical dictionaries contain ample information, this part of the book, in spite of some faults, would have been quite satisfactory. The illustrations are very clever, the scientific exposition of the mysteries of the manly art is sufficiently clear to satisfy the most exacting critic and the chapters on "Diet" and "Exercise for City Dwellers" are of real value, both to young men and maidens. Mr. O'Reilly is an enthusiast on the subject of boxing, although he condemns the brutality of fighting with bare fists, and he claims for his favorite sport that it is the most perfect of all exercises, and that "the knowing how to fight makes common men self-reliant and independent." These virtues have often before been claimed for boxing, and it is worth while to consider the justice of the claim. It is undoubtedly true that in boxing a man brings into play almost every muscle of his body; but those who are opposed to boxing, on the ground that its tendency is almost inevitably to brutalize, may fairly claim that rowing, wrestling, base-ball, foot-ball, and swimming are very nearly, if not quite, as good exercises, while, from the ethical point of view, they are distinctly superior. The second virtue claimed for boxing is open to grave doubt; for the fighting that is done on modern battle-fields is of a kind that has little in common with boxing, while, on the other hand, there is always a risk that the youth who becomes a clever boxer may become a quarrelsome bully. In this connection, it is worth while to note that whereas boxing was very popular among the athletic clubs of New York ten years ago, it is now entirely neglected, so much so that it is only practised by amateurs of doubtful standing, and by semi-professionals. But whatever may be the conclusion in regard to the general merits of boxing, Mr. O'Reilly has certainly said all that can be said in its favor.

The remaining two-thirds of his book have nothing to do with boxing; nor does the second section, which consists of a long and very uninteresting account of the ancient weapons of Ireland, wielded by Cuchullin and other unpronounceable heroes, bear any sort of relation to the rest of the book. This mythical discourse has, to all appearance, been thrown in as an afterthought, either to round out the book, or from an economical desire on the part of the author to turn to some account materials collected for other purposes.

In the last hundred pages Mr. O'Reilly returns to the present day, and gives an admirable account of several canoeing trips on American rivers. His descriptions of scenery and of the charms of camping out betray the poet, and to most readers these last chapters will appear decidedly the best in the volume. They are more carefully written than the pugilistic part of the book, which shows signs of having been put together in haste—possibly to take advantage of the recent revival of Sullivanism. In one of the early chapters, for instance, Mr. O'Reilly writes: "The games were opened to all Greeks. There was no exemption—except for women"—a sentence which does not seem