A Treatise on Attorneys-at-Law

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conduct of the plaintiff involved no wrongful act but that he merely yielded to the paramount title of the city. In New York the rule is well settled that a wrongful eviction from the whole or any part of premises suspends the rent and prevents the landlord from ejecting the tenant for such non payment; see Edgerton v. Page, 20 N. Y. 283, Christopher v. Austin, 11 N. Y. 218, Hamilton v. Graybill, 19 Misc. 521 and cases cited at bottom page 523. This is in accord with the great weight of authority. See cases collected in Am. & Eng. Ency. Law, p. 298; Alabama in case of Roll v. Howell (62 So. 463). allows no recovery where tenant relinquishes the premises after a partial eviction. But if tenant still remains, a quantum meruit lies against him, see Am. & Eng. Ency. Law, p. 299. The case of Duhain v. Mermod, Jaccard & King Jewelry Co., supra, seems not to be at variance with the great weight of authority holding that a partial eviction under a paramount title is not such an eviction as suspends rent, but that the tenant remains liable for the payment of such proportion as the part which he occupies bears to the whole, see cases collected Am. & Eng. Ency. Law, p. 299. In the Duhain case, supra, no such apportionment was demanded, but the Court in dictum says it would be granted. Also since the facts show no loss to the tenant but in reality a benefit, the case is undoubtedly sound.

LAW BOOK REVIEWS.

A TREATISE ON ATTORNEYS-AT-LAW, by Edward M. Thornton (two vols.; Edward Thompson Company). According to the publisher's foreword, this is a posthumous work. While the title-page bears only the name of Mr. Thornton, his death, before the last chapter was finished, necessitated its completion and revision by Mr. Hiram Thomas, lately, we believe, an associate editor of our contemporary, "Bench and Bar."

There has long been need of a new work on the law of attorneys. Mr. Week's standard treatise has suffered by the lapse of time. Since the publication of its second edition in 1892, there has been a marked increase in the number of cases defining the right and duties of attorneys.

The two volumes by Mr. Thornton contain a clear, and, as a rule, very satisfactory exposition of the law relating to attorneys, at common law, under legislative enactments and under court rules. That even so unyielding a subject as this is not ungraced by humor,
is admirably illustrated by the paragraphs (§40) treating of "Non-
legal Arguments for and against Admission" of women to the bar. 
Particularly commendable, however, is the inclusion of foot-notes,
which deal in detail with the law of New York without detracting
from the usefulness of the book to practitioners in other states. 
Many of these notes (e. g., pp. 76 and 1295) evidence a closer
familiarity with the substantive and adjective law of New York
than can be gleaned from a mere study of precedents, and indicate
that Mr. Thornton's work is certain to gain recognition as a valu-
able aid to the members of the local bar.

It is too much; perhaps, to expect a work of such length as this
to be barren of error. Hence, it is not surprising to find in it an
occasional statement that is open to criticism. Thus, it is said
(§852) that in this state a "disbarment proceeding is quasi-criminal
in its character." Apparently, In Matter of Randell, 158 N. Y.
216, 219 (1899), where this doctrine was repudiated by the Court
of Appeals, has been overlooked.

Again, we cannot concur in the opinion (§890) that in New
York "depositions are not admissible over objection in disbarment
proceedings." Nor, it is submitted, do the cases cited, Matter of
Eldridge, 82 N. Y. 161 (1890), and Matter of an Attorney, 83 N.
Y. 164 (1880), support the author's view. The former case is but
an authority for the proposition that, upon the trial of a disbar-
ment proceeding, the common law rules of evidence may not be dis-
regarded—a rule subject to the limitation, of course, that they may
be abrogated by the legislature. (Howard v. Moot, 64 N. Y. 262
(1876). The other case merely holds that a disbarment proceed-
ing is not an action within the meaning of a statute permitting the
issuance of a commission in an action.

At the present day, a commission may be issued either in an
action or in a special proceeding (Code Civ. Proc. §888). And so,
in the disbarment proceeding of In Matter of Spencer, 137 App.
Div. 330, 122 N. Y. Supp. 190 (1910), the court ordered a com-
mision to take the testimony of a witness residing in Paris,
despite vigorous opposition by the respondent.

While undoubtedly important, these errors prove, not that Mr.
Thornton has written unwisely, but that "to err is human."