

and remanding the case to the CFI for trial on the merits. The CFI dismissed the case on the ground that the failure of the JP to conduct a preliminary examination and to issue a warrant of arrest, was fatal to the jurisdiction of the court. The People appealed.

HELD: The record of the JP contains the affidavits of several persons, all of which incriminate the accused. A JP is not prohibited by any law "from reaching the conclusion that probable cause exists from the statement of the prosecuting attorney alone, or any other person whose statement or affidavit is entitled to credit in the opinion of the judge" (*U.S. vs. Ocampo*, 18 Phil. 1). "Indeed, in *Arteche vs. Rosales*, 67 Phil. 48, 52, it was observed that the 'justice of the peace could not be compelled to receive the sworn statements of the complainant and his witness by questions and answers, simply because it is of judicial notice that he was not provided with a stenographer.'"

Moreover, it appearing that the accused had chosen to file a bond for his temporary release, and had raised the objection for the first time after his arraignment before the CFI on Aug. 14, 1950,—almost two years after the filing of the complaint in the JP court,—he must be deemed to have waived his right to the preliminary examination x x x."

"The issuance on November 24, 1948, of a warrant of arrest which was duly served on the same date upon the appellee, has furthermore cured the previous failure to issue said warrant."

There was reason not to issue the warrant upon the filing of the complaint because the accused was then under custody.

The appealed order is reversed. (*The People of the Philippines vs. Agapito Olandag*, G.R. No. L-4797, Nov. 26, 1952.)

## BOOK REVIEWS

GUILTY OR NOT GUILTY? by Francis X. Busch. The Bobbs-Merrill Company, Inc., Publisher. Indianapolis, New York. P9.10, pp. 287.

This is a stylish narrative account of four outstanding criminal trials that have notably figured in the administration of criminal justice through trial by jury in the United States of America. The narration of each particular case follows the pattern of a threefold drama that never fails to captivate universal interest. There is the crime, the apprehension and filing of charges against the

suspect, and the trial and its consequence. Specially designed for the general reading public, the author unfolds the trial of each particular case by a nontechnical condensation of the court proceedings thus carefully sparing the lay reader from the tedium of deciphering legalistic abstractions; and although the narration of the cases is based either on the stenographic records of the trial or the printed record on appeal, the result is a clear, accurate and stimulating account of these famous trials.

"The Trial of Leo Frank for the Murder of Mary Phagan," the first of the four cases in this book, tells of the brutal murder of a fourteen year old girl, the sensational trial of an American Jew and the extraordinary consequences of the publicity given to the case.

"The Trial of D.C. Stephenson for the Murder of Madge Oberholtzer", the second case, figures a Grand Dragon of the then notorious Ku Klux Klan charged with first degree murder. This case poses an interesting legal point. The victim, driven to mental desperation as a result of a "brutal attempt at rape accompanied by the most revolting perversions," took poison which ended her life. Because of the "causal connection" between the criminal assault and the ensuing suicide, the accused was convicted of the crime of murder.

The third case, "Samuel Insull Case" tells of an amazing machination of the shares of stock of different corporations, and reveals the operations of holding companies controlled by one man which prompted the Federal Government to enact laws outlawing holding companies and caused the subsequent passage of the "Federal Securities and Exchange Act." For his wizardry at juggling the shares of stock and securities of various corporations, Samuel Insull was charged with the crime of violating the use of U.S. mail for furthering a scheme to defraud.

The author in the fourth case, "The Trials of Alger Hiss for Perjury", complements his narration of these two famous trials with a fairly comprehensive account of the hearings of the U.S. House Committee on Un-American Activities thus giving the reader a clear picture of the development of the cases against Hiss which culminated in his conviction for perjury. The case however, "held far greater implications than the usual prosecution for perjury in ordinary civil or criminal proceedings for if Hiss was guilty of the perjury charged, he was ipso facto guilty of espionage—specifically the delivery ten years earlier of secret and restricted documents of State to a foreign power."

In each of these cases the author briefly describes the crime and the suspected criminal, giving a clear and concise abstract of the trial proceedings, the evidences, the arguments, the Court's charges to the jury and finally the jury's verdict. All these provoke the reader to form his personal opinion on the merits of each case, which is what makes this book an interesting reading material.

MEN OF LAW, from Hammurabi to Holmes. By William Seagle.  
The Macmillan Company, New York. P14.30, pp. 355.

The law looms large in the activities of the contemporary world. It has to do with courts, judges and lawyers, sheriffs policemen and jailers. It brings to bear the organized force of the "government," "State" or "community" upon every individual. As civilized men we hardly seem to be able to imagine a period of human society in which law did not exist. Yet law-ways are not old in human history. Before them were the folkways. There are still primitive groups in remote corners of the world who do not possess even rudimentary organs of government, as for instance, the Papuans of New Guinea, the Veddas of Ceylon, the Punans of Borneo, or the Tasmanians of Australia. Such "chiefs" as these people have are purely titular, and exercise no real authority.

William Seagle, in his MEN OF LAW, gives us a few of the great men of law, from Hammurabi to Holmes, whose name gave directions to the making of law. The author's treatment of the subject is so elementary that even one who is not a law student would like to read it. Of each man of law, he gives a brief biography. A vivid picture of the conditions and times in which these men lived, their characteristics and ideals, the men and women in their lives, the circumstances and motives which prompted them to frame their outstanding contribution to the making of law is presented by Seagle in a novel manner.

The author not only attempts to give us the great men of law but also presents the salient features of the codes, laws, statutes and jurisprudence that were enforced at different times. The main bulk of the book is devoted to the study of the different system of law, their enforcement, effect and reaction of the people, subjects of the law.

The men of law mentioned by Seagle are Hammurabi, King of Babylon, Solon of Athens, Gaius, Justinian, Emperor of the East, Hugo Grotius, Edward Plantagenet, Thomas Egerton, Sir Edward Coke, Sir William Blackstone, Cesare Bonesana, Jeremy Bentham, John Marshall, Rudolf Von Jhering, and Oliver Wendell Holmes.

To both lawyer and student, this book is highly recommended so that they may be better informed of the origin and sources of the present law of the world and that they may know who are the men of law.