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Burn's Annotated Indiana Statutes, by Harrison Burns

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BOOK REVIEWS

Burns' Annotated Indiana Statutes. By Harrison Burns. Revised edition by Benjamin F. Watson. Three volumes and separate index. Indianapolis, Bobbs Merrill Company. First volume published January, 1926. pp. 1606.

The first volume of the 1926 revision of *Burns' Annotated Indiana Statutes*, published by the Bobbs Merrill Company, is being distributed. It contains 1606 pages, each page slightly larger than were the 1434 pages in the revision of 1914. The general plan of former revisions has been followed, and this volume contains the substance of what was in the first volume of the last preceding revision, but those statutes which have been repealed or superseded are omitted, and there are many additions and a few alterations. Included in this volume are the subjects of Decedents' Estates, Descent, Guardianship and Wills, in addition to those contained in the first volume of the revision of 1914. The few sections forbidding the arrest of persons on civil process while performing certain public duties and on Sundays and the Fourth of July have been also transferred to the first volume, and placed in the chapter on Arrest and Bail. While the Prohibition law, as revised and re-enacted in 1925, the act forbidding the sale of wood alcohol for use as a beverage, and the act forbidding drinking and drunkenness in any public place, and a number of provisions of a general character relating to criminal procedure have been collected as a sub-title at the end of the chapter on that subject and just before the chapter on criminal offenses. Other noteworthy additions to the criminal code, enacted since 1914, are the law imposing on able-bodied children the legal duty to support their parents when sick or disabled, and the law imposing a fine for theater ticket "scalping". And an added provision of the civil code that deserves special mention permits the numbering of allegations in a pleading, and the incorporation of such allegations in another pleading afterward filed, by mere reference to such numbers. These changes, with other additions to the Civil Code, the Criminal Code, the laws relating to courts and to justices of the peace, and other subjects treated of in the first volume of the revision of 1914, have increased the number of sections in this volume to 3510, as against 2723 sections in that one. The index to this volume is 12 pages longer than the index to the first volume of the former revision, embracing what formerly appeared in other volumes as an index to the subjects transferred from such volumes, besides considerable new matter. Many cross-references have been added to the index, such as the reference from the subject of Prohibition to that of Intoxicating liquors, and from the subject of Supreme Court to that of Appeals and of Appellate Court. Many cross-references are also found in the annotations. The editor claims that wherever sections relating to the same or a kindred subject are in different parts of the work, cross-references have been made from one to the other. And so far as our examination of the first volume has disclosed, this claim is well founded. The annotations in the former revisions appear in this one, with some redistribution and rearrangement, more especially of what appeared as "additional notes" in 1914. And annotations have been added under the different sections of the statutes, referring to hundreds of court decisions made in the past twelve years, as well as many cross-references. The annotations, old and new, have been printed in two columns on each page, instead of extending across the page as they did in former editions. So far as our examination has gone the facts bear out the claim made by the editor in his preface, as follows: "The annotations have been thoroughly

revised and brought down to date. Clearly obsolete annotations have been omitted, and where, because of a change in the statute, former decisions are no longer authoritative, attention has been called to this fact. In case of conflict between the decisions, this has been pointed out. The fact that a former decision on the same subject has been overruled or distinguished is mentioned in the annotation."

Much care has been exercised in eliminating sections found in the revision of 1914 which have been repealed or superseded, or have otherwise ceased to be in force. Thus, all of §1 of the act of 1891, as amended in 1893, creating the Appellate court and defining its jurisdiction (§1382, Burns 1914), has been omitted except the first two sentences, which declared that such a court was created, and what should be its name. A note below states that the remainder of the section has been superseded, and therefore is omitted. What is thus omitted was a full page in length, and assumed to define the jurisdiction of the Appellate court on a basis wholly different from that on which it is defined by Acts 1925, page 487 (§1356 of this revision), so that including it in the revision might mislead one taking an appeal for the first time. But the first two sentences of the section continue in full force.

The book is well printed on thick, white glazed paper, but is bound up into a volume not so thick as the first volume of the revision of 1914. Just how this was done is a mystery of the book-maker's art which the writer can not explain, but it has been well and satisfactorily done.

The publishers are promising all the rest of the statutes of Indiana, with full annotations, in two more volumes; the whole to constitute 14,611 sections. In the revision of 1914 the last section was numbered 10,525, many sections being numbered, in part, by adding letters of the alphabet to the section numbers used in the revision of 1908. And in the supplement of 1921 a large part of the sections were designated by numbers thus lettered. But in the revision of 1926 the sections are numbered consecutively from 1 to 14,611, without regard to what numbers, if any, they may have been given heretofore. However, where a section also appeared in the revision of 1914 or the supplement of 1921, its former section number is given in parentheses. The number of the section in the act of which it originally formed part is also given, as in previous revisions.

Judge Harrison Burns, who prepared the revisions of 1894, 1901, 1908 and 1914, having retired from active work to enjoy well earned leisure, Mr. Benjamin F. Watson has had charge of the preparation of these volumes. Mr. Watson is well and favorably known to the lawyers of Indiana as an author and annotator, and has earned a reputation for conscientious and painstaking work. From a careful, though hasty examination we feel sure that this new work maintains the same high standard of excellence which has given former editions of Burns Annotated Statutes of Indiana such an enviable reputation throughout the state.

A table showing the section numbers of this revision and the numbers of the corresponding sections in the revision of 1914 is promised as a feature of the index volume, when that shall be issued. And many new and valuable features are outlined in the preface as intended for incorporation in Volumes 2 and 3. But, since we have not seen those volumes, we can only express the hope, as to them, that they will measure up to the high degree of excellence found in the first volume.

LOUIS B. EWBANK.