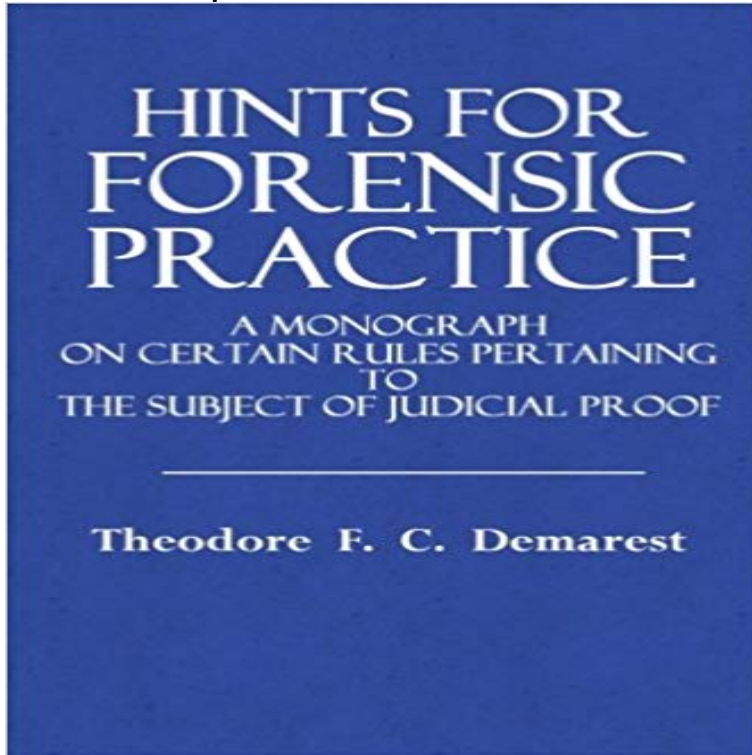


Hints for Forensic Practice: A Monograph on Certain Rules Appertaining to the Subject of Judicial Proof



A BOOK of practical value to the trial lawyers of New York It treats of objections to evidence, of striking out and disregarding evidence, and of motions to direct and set aside verdicts. Particular attention is paid to the effect of general objections, and to the meaning of the familiar but often little understood phrase, incompetent, irrelevant, and immaterial. The text consists largely of extracts from New York decisions arranged in a novel and convenient manner. Every quotation from a decision is followed by a remark in a separate paragraph, which points out the relation of that case to the development of the law, and at the end of the cases upon a particular point the authors conclusions appear in an excellent summary. The method is that of a law lecture under the case system, and the happy result should commend the plan to text-writers whenever the topic handled is sufficiently limited to permit its use. Although the principles involved in Mr. Demarests work are simple, many lawyers practice for years without thoroughly understanding them, and his analysis of the cases will make much easier a mastery of the points of practice which he discusses. Harvard Law Review, Volume 19; [1906] THIS book introduces the reader to a most interesting monograph on certain rules appertaining to the subject of Judicial Proof, by Theodore F. C. Demarest. The burden of Mr. Demarests argument is to caution attorneys in being specific in their objections to the introduction of evidence. In commenting on that objection to the introduction of evidence, so often resorted to by attorneys during trial, that the evidence sought to be introduced is incompetent, irrelevant and immaterial Mr. Demarest says by way of introduction: Its resonant euphony, and an air of erudition, not altogether dissociated from obscurity, which pervades this tripartite specification, probably serve to recommend it to the advocate, who though

reasonably sure that he would rather dispense with particular proposed evidence, is not prepared, on the spur of the moment, accurately to state the reasons why his preference should be gratified. In one case counsel proved himself equal to the feat of doubling the galaxy, his rotund protest being, that evidence offered was incompetent, irrelevant, immaterial, impertinent, inadmissible and improper. He might have added, Illegal, injurious and Intolerable. The opinions of the courts teem with admonitions to counsel of the desirability of being specific in their statements of the grounds upon which they oppose the introduction of evidence on trials, and advising of the serious consequences likely to ensue from a deficiency in that respect. Is this triple, rhythmical alliteration, to which reference has been made, amenable to criticism, as lacking such requisite quality. He then proceeds to show that in very many cases this objection does not reach the fatal deficiency in the evidence offered; that it is too general and presents no question for review unless the evidence on its face appears to be incompetent, irrelevant or immaterial. This work is indeed an interesting discussion of this important question. The Central Law Journal, Volume 62; [1906]

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