

12-1952

## Book Notes

Thomas Kemmerlin Jr.

M. M. Weinberg Jr.

Follow this and additional works at: <https://scholarcommons.sc.edu/sclr>



Part of the [Law Commons](#)

---

### Recommended Citation

Kemmerlin, Thomas Jr. and Weinberg, M. M. Jr. (1952) "Book Notes," *South Carolina Law Review*. Vol. 5 : Iss. 2 , Article 11.

Available at: <https://scholarcommons.sc.edu/sclr/vol5/iss2/11>

This Book Review is brought to you by the Law Reviews and Journals at Scholar Commons. It has been accepted for inclusion in South Carolina Law Review by an authorized editor of Scholar Commons. For more information, please contact [digres@mailbox.sc.edu](mailto:digres@mailbox.sc.edu).

## BOOK NOTES

**THE OLD BAILEY AND ITS TRIALS.** By Bernard O'Donnell. London, Clerke and Cockeran — Publishers — Limited, 1950. Pp. 226.

In *The Old Bailey and Its Trials* Bernard O'Donnell, a noted English crime reporter, has written more than a history of the Central Criminal Court which is the official name of Old Bailey. Instead, he has traced the development of English criminal law from the days when the courts were little more than judicial torture chambers through the first trial conducted under the 1948 Criminal Justice Act which revoked the death penalty for a trial period of five years, and which was itself revoked just two months after being passed.

The author, having chosen a subject which could be immensely boring if written in a documentary style, has avoided this by making his work a collection of the most interesting cases tried at Old Bailey. Starting with the execution of a "theffei-called Willie Waive" in 1417, the narrative proceeds to take up the crimes, trials, and executions of later victims of early justice.

Closely tied up with the history of Old Bailey is the history of Newgate Prison where the earliest trials occurred and the author traces the history of this prison and the treatment of its unfortunates along with that of Old Bailey. Since the two, Newgate and Old Bailey, are so closely connected, a good portion of the book deals with the prison and the gradual prison reform which paralleled the growth toward fair and impartial trials at the latter.

Included in the book are accounts of some of the most unjust trials and most inhumane sentences ever carried out in the name of justice. As late as 1679 in a trial resulting from the Papish Plot it was declared by the court that former jeopardy was no defense, and in 1833 a boy of nine was sentenced to death for stealing paint.

Perhaps the best way to give the possible prospective reader an idea of the book is to recount a few of the anecdotes and cases which make it up.

One of the most interesting of these is the story of Jack Ketch, a famous executioner. He was so well known to be slow in performing his duties, often taking five or six blows with a sharp axe to dispatch the head of a victim, that wealthy men about to be executed often paid him to do the job quickly. However, he paid for his cruelty and was convicted of theft in Old Bailey and hanged on his own gallows in perfect poetic justice.

Another interesting case is that of a highwayman, Johnson, who invaded the court in which his mistress was being tried and shot a jailer. The recorder thereupon stopped the court and took up Johnson's case; thus Johnson was arrested, tried, and sentenced within an hour after the commission of the crime.

In opposition to this speedy trial there is a case of Thomas Coo who waited twenty-one years for trial. At the end of this time he petitioned for trial which was refused, so it is probable he died in Newgate waiting.

The whole body of the book is made up of similar incidents and as a result is entertaining light reading, but it may be well to add that the book was written primarily for a lay public by a layman. Therefore, it is not a work to be read by one who is interested in legal content. The cases reported are "human interest stories" and are excellent reading for the tired lawyer or law student searching for relaxation, but are nothing more.

THOMAS KEMMERLIN, JR.

---

HOWE AND HUMMEL. By Richard H. Rovere. New York: Farrar, Straus and Co., 1947. Pp. 190. \$2.75.

In this volume the author has presented the history of perhaps the most notorious law firm in the history of the United States, and at the same time has presented a very interesting account of the evolution of criminal practice in this country.

The law firm of Howe and Hummel, the only two attorneys to have their busts placed in the Police Gazette hall of fame, was active from 1869 until 1907. At that time Abraham Hummel, the surviving member was sentenced to disbarment and a short jail term for subornation of perjury.

The author has presented a vivid picture of the bar and barristers of that period.

W. F. Howe, the senior member of the firm, was a man of mystery. All that is known of his life prior to his attaining eminence in the field of criminal law is that he arrived in this country from England as a paroled convict in 1858. In 1862 he achieved notoriety by using the writ of habeas corpus to secure for his clients discharges from the union army. The author seems convinced that Howe's work in this field had a great deal to do with President Lincoln's suspension of this writ throughout the country in 1863. At one time Howe suc-

ceeded in getting an entire company of 70 men discharged in one group.

Hummel, who joined the firm as an office boy at the age of 13, was admitted to full partnership at the age of 21.

Listed among the achievements of this pair are: freeing 270 inmates of prison at one time, the blackmail of over 50 wealthy men of the times, using as a tool to this end the threat of suit for seduction by promise to marry. The firm of Howe and Hummel received one-half of the damages collected therefrom. Many other achievements, most of them original contributions to shoddy practices, are attributed to this pair.

This book is heartily recommended to the members of the bar as light and entertaining reading.

M. M. WEINBERG, JR.  
*Book Review Editor.*