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Sarah & The Senator. Robert H. Kroninger.

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The role of the judges is especially interesting, and the author, without comment, often exposes their prejudices and perhaps shortcomings. *Rex v. Billing*, a 1918 prosecution for a libel against the leading actress in Oscar Wilde's *Salomé*, was heard by Mr. Justice Darling over the defendant's objection that his Lordship's administration of justice had frequently been conducted in an "atmosphere of levity." During the trial Darling was constantly interrupted by the defendant, and, to the cheers of the spectators, called a "damned liar" by one of the witnesses. The author notes that Darling later remarked in court: "I am quite content with what a learned Judge said by way of consolation to a prisoner sentenced for a long period. He said, 'We must all be somewhere.' That is my view of my own position."

In his introduction the author summarizes in non-technical terms the elements of an action for libel and explains the functions of the judge and jury. In presenting each case he relates the procedural steps involved but is careful to make them understandable to the layman. Simplicity is maintained without sacrificing accuracy.

The author neither defends nor condemns the outcome of the cases presented. Although the book does not purport to be a history or a treatise, it cannot fail to stimulate the reader to question the justice and effectiveness of the law of libel: Some actions are obviously motivated by a desire for profit rather than by any genuine grievance. In many instances it may seem that damages, awarded after a long and expensive jury trial, are superfluous when a public apology would rectify the harm done. And many cases appear to be decided on matters of taste rather than law or fact.

JOSEPH D. LOGAN, III

SARAH & THE SENATOR. Robert H. Kroninger. Berkeley, California: Howell-North Books, 1964. 253 pp., \$5.95.

On September 8, 1883, the American public was shocked when William Sharon, former United States Senator from Nevada, was arrested on a criminal charge of adultery. This adultery charge was the beginning of a controversy which was to expand into almost unreal size and to develop into a number of suits lasting almost a decade. This charge and the cases arising out of it were not to end until after the death of the Senator and the commitment of Sarah Althea Hill, his opponent in these legal proceedings, to a mental institution. These proceedings between Sarah and the Senator and the vast number of

resulting ancillary suits are the subject of this most interesting book by Robert H. Kroninger.

In 1849, with the news of the gold rush in California, Senator Sharon gave up his law practice in Ohio and joined the movement westward. By 1870 the Senator had become known as the "King of the Comstock" and had amassed a fortune estimated at twenty to thirty million dollars. After the Senator's wife died in 1875, he began employing women on a monthly salary, only requiring that they make themselves available and that they be discreet. Sarah Althea Hill and Gertie Dietz, whose backgrounds are unknown, were two of the women the Senator employed. The basis of the adultery charge against the Senator was his alleged marriage to Sarah and his alleged adultery with Gertie.

While the criminal action for adultery was in progress, the Senator attempted to enjoin Sarah from using the alleged marriage or any document containing an alleged marriage contract as a basis for any action against him.¹ This injunction suit was determined in the Senator's favor after five years.² Meanwhile, the adultery charge was dropped and Sarah filed a complaint for divorce from the Senator on the ground of adultery. Seven years after the initiation of this suit for divorce a decree for the Senator was handed down.³

These two cases inspired litigation involving such diverse matters as forgery, conspiracy, perjury, libel, slander, battery, embezzlement, and homicide. In all there were at least twenty-six different types of actions, with fourteen appeals to California's highest court. Three of these cases were of first impression,⁴ establishing legal principles which are still law in California. One held that the law of contempt is applicable to grand jury proceedings.⁵ Another held that a contempt order is not appealable.⁶ There were also nine federal circuit court proceedings and three United States Supreme Court decisions. Together, Sarah and the Senator employed sixteen lawyers who argued before seventeen judges.

The author is a judge on the California Superior Court, and although one of California's youngest judges, he has spent five years on

¹Sharon v. Hill was the title of the suit as it was filed.

²Sharon v. Terry, 36 Fed. 337 (C.C.N.D. Cal. 1888), where a revivor petition was granted to the Senator.

³Sharon v. Sharon, 84 Cal. 424, 23 Pac. 1100 (1890).

⁴In re Tyler, 64 Cal. 434, 1 Pac. 884 (1884); Ex parte Sontag, 64 Cal. 525, 2 Pac. 402 (1884) and Tyler v. Connolly, 65 Cal. 28, 2 Pac. 414 (1884).

⁵In re Tyler, 64 Cal. 434, 1 Pac. 884, 886 (1884).

⁶Tyler v. Connolly, 65 Cal. 28, 2 Pac. 414, 415 (1884).

the bench. Repeated encounters with some of the cases involved in this litigation sparked Mr. Kroninger's curiosity as to what actually occurred during these proceedings. His publisher says his purpose in writing *Sarah & the Senator* was to satisfy this curiosity and "to illustrate the vitality of the law for the general reader, to give an exposition of legal tools and principles through an entertaining and understandable, yet faithful rendition of actual lawsuits." (back fly leaf) Mr. Kroninger begins the development of the story slowly, orienting the general reader who is unfamiliar with litigation. He then carefully and clearly traces the development of the two main cases and the multitude of cases which they inspired, always being careful to avoid becoming mired in unnecessary detail. The result is a book with courtroom drama at its best.

The author did an extensive amount of research, not only in reported court decisions and trial records, but also in newspaper accounts of the trial and related events. As a result of this research, Mr. Kroninger gives the reader a vivid portrayal of the personalities involved and of San Francisco during bonanza times. He does not attempt to supply intentions or motives, but through the historical and biographical backgrounds given he allows the reader to understand what actually went on at the trials. For example, the judge's decision in favor of the Senator is more understandable when the reader realizes that this judge is the same one Sarah had attempted to have impeached by petitioning the state legislature.⁷

Sarah & the Senator provides the reader with interesting insight into law in operation and with an excellent illustration of how the rich may, through free-wheeling litigiousness, entangle the courts for many years. This book is not a book of the law but is rather a book of *how* the law may operate.

ROBERT H. POWELL, III

A HANDBOOK OF FEDERAL HABEAS CORPUS. Ronald P. Sokol.
Charlottesville: The Michie Company, 1965. 251 pp., \$10.00.

The last American book solely about habeas corpus, that Great Writ which grants immediate release from unlawful detention, was published in 1886. Now Ronald P. Sokol has written what he describes as a nonscholarly manual for lawyers and judges, which pro-

⁷See *Sharon v. Hill*, 26 Fed. 337 (C.C. Cal. 1885), discussed in Chapter XV, at 180-88.