



1901

BOOK REVIEWS

Follow this and additional works at: <https://digitalcommons.law.yale.edu/ylj>

Recommended Citation

BOOK REVIEWS, 10 *YALE L.J.* (1901).

Available at: <https://digitalcommons.law.yale.edu/ylj/vol10/iss6/6>

This Article is brought to you for free and open access by Yale Law School Legal Scholarship Repository. It has been accepted for inclusion in *Yale Law Journal* by an authorized editor of Yale Law School Legal Scholarship Repository. For more information, please contact julian.aiken@yale.edu.

BOOK REVIEWS.

CONSTITUTIONAL HISTORY OF THE UNITED STATES. By *Francis N. Thorpe*. Callaghan & Co., Chicago. 3 vols., cloth, pp. 1998.

The trite saying, "Of the making of books there is no end," does often indeed seem justified in this age of rapid publication, but the phrase has no application when considering a serious production, such as the above, as this work was not put forth as a hurried jumble of historical data, but embodies the results of twenty years' careful research of original documents and well-considered comments thereon.

Professor Thorpe has taken as his theme "the biography of the national system," and has grouped his observations in three stages: Volume I presents in a scholarly manner an account of the stirring events from the Stamp Act until the completion of the Constitution; a consideration of the contests and compromises relating to the Constitution and first twelve Amendments makes up the second volume; while emancipation and the extension of suffrage form the theme of the last volume, and which covers in a thorough manner, for the first time, a period (1865-95) to which we are now perhaps too near to form proper conceptions concerning. The author, however, has done valiant pioneer work along this line.

The books are quite well indexed and contain numerous useful maps. In short, the author has presented us with a clear, exhaustive, and very readable digest of American Constitutional History.

EDDY ON COMBINATIONS. By *Arthur J. Eddy*. Callaghan & Co., Chicago. 2 vols., pp. 1450.

At the present time, when the words trusts, monopolies, unions, are upon everyone's lips, and when these organizations have attained a size and importance that makes them so momentous a power for the good or ill of the country, it would seem that there could be no greater need for any work of law than for one upon this subject. Eddy on Combinations deals exhaustively with combinations of every sort, of capital and labor, legal and illegal, and the attempts at their restraint, and traces their history from the times of the earliest monopolies of Europe down to the present. The Federal Anti-Trust Law and the recent State enactments are carefully considered, together with the important cases; among them *Allen v. Flood*, which is gone into at length. The incorporation laws of New Jersey, West Virginia, and Delaware are appended.

Throughout the book the view that the combination is an economic factor which is not to be done away with, but guided and made of use, controls. There is a compilation of the various, often conflicting, authorities, and a fairly successful attempt is made to discover and set forth the principles which underlie and are likely to govern in the future. A subject matter of such great importance, so carefully and critically treated, in such a readable style, cannot fail to commend itself.

LAW AND POLICY OF ANNEXATION. By *Carman F. Randolph*. Longmans, Green & Co., New York. 1 vol., pp. 226.

The immediate reason of this publication, as stated by the author in his preface, is the annexation of the Philippines, and, in treating with this important event in our history, he advocates our withdrawal from the archipelago—

yet, unlike many others who hold that view, suggesting a means by which this can be done. Discussing the expediency, moral, political, and commercial, of alienation, he advocates a protectorate, showing at the same time that such a scheme is neither impracticable nor impossible. The purpose of the book, beyond this immediate subject of the Philippines, is declared by the author to be a text for a general discussion of annexation with regard to the policies of the United States appertaining thereto, and for the observation of the concomitant obligations. In addition to this there is an interesting chapter on the status of Cuba. The writer includes a valuable appendix of documents for ready reference on the whole subject, and the usefulness of the book is enhanced by an index of cases and a well-arranged general index. The subject of Mr. Randolph's book is one of great moment at the present day, and however we choose to look upon the question of annexation or alienation, a treatise so well written and displaying so much thought is one which commends itself to the true-spirited American citizen.

THE LAW OF SURETYSHIP AND GUARANTY. By *Darius H. Pingrey, LL. D.*
Matthew Bender, Albany. 1901. Pp. 459.

It would seem that the author had most successfully accomplished his object in writing this treatise, *viz:* "The presenting in a systematic and precise form the subject of Suretyship and Guaranty." He has compiled the deciding cases on the subject, from the earliest down to the very latest, and from them has drawn the fundamental principles of law on the subject, as they are settled by the weight of authority. The principles thus elicited are presented in a concise and convenient manner, with numerous cases supporting them. The practitioner or student thus has the whole law on the subject boiled down, and in a form which he can easily use. Added to this, the work is thoroughly up to date, and thus commends itself as being particularly useful.

THE LAW OF TORTS. By *Melville M. Bigelow.* Little, Brown & Co., Boston. 1901. Pp. 406.

The seventh edition of this work is newly sub-divided and somewhat enlarged. Torts are classified under three heads, lawful acts done by wrongful means, acts absolutely wrong, and negligence. Whatever exception may be taken to the classification, and presentation of the subject from the side of duty rather than of right, the book is very well adapted to beginners in the law. The statement is lucid and simple, and covers the points very satisfactorily. It seems, however, better adapted to office-students and review work than to class-rooms. The presswork is beautiful, the arrangement very attractive.