

BOOK REVIEWS

Haight's Questions and Answers (Second Edition). By Charles S. Haight, M.A., LL.B., of the New York Bar, and Arthur M. Marsh, B.A., LL.B., of the Connecticut Bar. Baker, Voorhis & Co., New York. pp. 637.

This book contains a review by questions and answers of the principal subjects of the law. The questions are clear and simple in statement and cover the important principles of the subjects treated. The answers are comprehensive and explicit and are followed by citations of governing cases and well known authors. In the present edition the subjects of Bankruptcy, Domestic Relations, Suretyship, Perpetuities and Restraints on Alienation have been added. The article on the New York Code has also been revised to conform to the amendments passed since 1899. The work is designed especially for use in preparation for Bar examinations and will be found valuable and useful for that purpose.

G. L. W.

The Law of Trustees in Bankruptcy. By Albert S. Woodman. Boston. Little, Brown & Co. 1909. pp. 1103.

The growth of the law of bankruptcy has created a field that has not been adequately looked after by text-writers, and it is with pleasure, therefor, that we welcome this work. No duty is beset with greater difficulties than that of trustee in bankruptcy, and it is to make this duty clear, to set out the attitudes of the courts towards the different duties arising in the course of the administration of a bankrupt's estate that the author has given us this book. The work is based upon the National Bankruptcy Act of 1898 with its various amendments. The different sections of the act are treated separately, with the decisions of the courts upon them. Excerpts from the leading cases are given so as to bring out clearly the point the author wishes to make. Added value is given to the book on account of the large experience the author has had in bankruptcy courts, which has enabled him to treat of the practice under the act in a very

instructive manner. This book meets a demand which has been long felt and it will be appreciated by those interested in Bankruptcy Law. *Ed.*

The Control of Public Utilities, in the Form of an Annotation of the Public Service Commissions Law of the State of New York, etc. By Ivins and Mason. Baker, Voorhis & Co. 1908.

In the profound and learned preface, Mr. Ivins, quoting from the late Mr. Goschen, calls attention to the narrower and narrower limits assigned to the application of the principle of "*Laissez-faire*," while the field of government control and interference is expanding in ever widening circles.

The same thought forms the subject of a recent address before the State Bar Association of West Virginia, by Chief Justice Baldwin, entitled "*The Narrowing Circle of Individual Rights*." This tendency—though we know not what the future may have in store for us—would seem to have reached its climax in the legislation of the State of New York (Chap. 429 of the *Laws of 1907*), which, with annotations, is set forth in this book. The law in question, for the purpose of jurisdiction and control over the public service corporations of the state, divides the state into two districts. The first includes the counties of New York, Kings, Queens and Richmond. The second includes all of the other countries in the state. A public service commission is created for each district, with far-reaching powers over all corporations engaged in the public service.

In addition to this act with its annotations, the book contains also the Federal Interstate Commerce Act and the Rapid Transit Act of New York, formerly in force. This latter Act (Chap. 4 of the *Laws of 1891*), with its amendments, is superseded by the Act of 1907, and all powers conferred by it are now vested in the commission in the first district. Primarily, the work is intended for those whose interests are directly affected by the provisions of this New York legislation, or who may be engaged in practice under the Act. But its usefulness is by no means confined to the limits of New York State. The annotations are not at all confined to direct rulings upon the acts which are set forth in full. In a compact form and generally very well expressed in a single sentence, may be found practically all of the

rulings of the Federal courts, courts of last resort in all of the states, as well as of the Interstate Commerce Commission, with many decisions from inferior courts, touching in any way the subject of governmental regulation and control.

Tables of cases are not ordinarily eloquent, but it means much to know that thirty-two pages with double columns and fine type are given to the mere enumeration of the cases bearing upon questions within the limits set by the authors. The fact that the book itself contains 866 pages is not without interest in suggesting to how high a degree corporate regulation and control have been developed. New York has set a fashion which other states have shown a disposition to follow. In our own State of Connecticut the Legislature is even now in the throes, and a Public Utilities Act, similar to that of New York, may, in spite of strong opposition within and without the Legislature, be yet enacted.

The work of the authors appears to be admirably done, and no lawyer, whether within or without the State of New York, can afford to be without this book, if his practice brings him within the range of the topics here discussed, nor can any corporate manager who has to do with corporations of this nature afford to be without it.

Whether the corporate control within his state takes the form of a mere general supervision or, as in New York, to a large extent deprives the owners of corporate enterprises of their direction and control, he can find assistance here in the examination of any question affecting corporate regulation or control. It is, as the prospectus says, "an elaborate digest of the entire jurisprudence of the subject."

Since the appearance of the work, several cases affecting rates of corporations, including those in which the New York Eighty Cent Gas Law was under consideration, have been passed upon by the Supreme Court of the United States; the latest of which is the case of *Siler et. al. v. The Louisville & Nashville R. R. Co.*, 213 U. S. 175. These cases, however, in no degree affect the usefulness of the work, as they need only be put in their appropriate places among the annotations. G. D. W.

Huddy on Automobiles. By Xenophon P. Huddy, New York. Matthew Bender & Co. 1909. pp. 317.

The publication of the second edition of this book has been made necessary by the recent automobile legislation and the many

weighty decisions rendered by the courts since the first edition was issued. Not only has the author given an able and comprehensive discussion upon the law of automobiles, as it exists to-day, but he has also considered propositions which he believes must be decided by the courts in the near future.

The book is very interesting and should prove of interest and of value not only to the lawyer, but also to the layman. *W. W.*

Will's Gould on Pleading—Sixth Edition—Common Law and Codes. By Arthur P. Will. Banks and Company. Albany, N. Y. 1909. pp. 634.

The author of this work has set a standard in the writing of treatises of law, which, if attempted to be reached by subsequent writers, will give us some very excellent law books.

The book treating of both common law and code pleading is divided into three parts, namely: Forms of action, taking up each common law action in detail and then the code state actions; Procedure; and in conclusion Pleading, which takes up the larger part of the book. Each subject is gone into completely and exhaustively.

The book should specially appeal to the student by reason of the method of putting the subject of each paragraph in large type.

It is dedicated to Dean Henry Wade Rogers. *Ed.*

Procedure in Interstate Commerce Cases. By John B. Daish, A.B., LL.M., Washington, D. C. N. H. Lowdermilk & Co. 1909. pp. xiv, 494.

To lawyers litigating Interstate Commerce cases Mr. Daish's book should prove invaluable. The book is divided into two parts. The first part deals with the procedure before the Interstate Commerce Commission in all its phases. The second part takes up the procedure before the courts. These two parts comprise a little more than half the number of pages. The remainder is devoted to a splendid appendix containing, among other things, the acts of Congress relating to Interstate Commerce and forms for use in cases based thereon. *Ed.*

Unfair Business Competition. By Harry D. Nims. New York. Baker, Voorhis & Co. 1909. pp. 516.

A presentation of the powers of equity to enjoin unfair methods of business competition seems to be the object of this book. The

various acts done in business competition are treated, but no attempt is made to discuss them all in detail, for, as the author says, "it is an equitable rule that no unfair methods in business competition shall be allowed," and the discussion of any one of the acts done applies to all of them on principle. A large number of the recent cases have been compiled relating to the present day business competition and these should prove of value to the practitioner.

Ed.

A Manual of Corporate Management. By Thomas Conyngton, of the New York Bar. The Ronald Press. 1909. Buckram, pages 422.

This is the third edition of a work which first appeared in 1903. The purpose of the book is to furnish a compact and practical work on corporate management for the use of lawyers and corporation officials. It is a companion volume to a work on "Corporate Organization" by the same author. It is not a mere book of forms, although many forms are scattered through it, and these appear to have been prepared with much care and accuracy. In the present edition the forms have been increased in number, and they practically cover the entire range of ordinary corporate procedure. The author states that he believes that they will be found "authoritative, convenient and of continuing value." In that opinion we share. The statement of legal principles is concise, and necessarily so. The chapter on the "Rights and Powers of Stockholders" only covers twelve pages, and that on the "Liability of Stockholders" nine pages. Part I relates to "The Corporate System" and embraces twenty-three pages. Part II relates to "Stock" and includes fifty-two pages. Part III is devoted to "Stockholders" and is disposed of in forty-nine pages. Part IV deals with "Directors and Officers" and extends to fifty-two pages. Part V considers "Miscellaneous Corporate Matters" in twenty-two pages. The remaining parts are given up to forms.

In preparing a book of this nature great good judgment is necessary in determining what is to be included and what excluded. Any extended discussion of legal principles in such a book is not expected and will not be found in this work.

The cases cited are not numerous, but they are well selected and the date of the decision is always given. For the most part the cases are recent ones, and important cases decided in 1908 are

noted. Attention is called with regret to the absence of any Table of Cases, which ought not to be omitted even in a book of this character.

The earlier editions of Mr. Conyngton's book were received with favor and the additions which he has made both in text and forms will make this present edition still more valuable. It is only a manual, as it purports to be, but there is undoubtedly a place for it, and it will be found by the corporation lawyer and by the corporation officer a very useful book to have ready at hand.

H. W. R.

A Treatise on the Interstate Commerce Act. By Henry S. Drinker, Jr. 2 vols. pp. xxii, 1140. Philadelphia. George T. Bisel Co. 1909.

This work consists of five parts: (1) the text of the Act with the successive amendments incorporated in it; (2) a discussion of the various provisions; (3) the practice under them, before the Commission and the courts; (4) a digest of the decisions under the Act, both of the Commission and the courts; and (5) the text of the Act and its several amendments in chronological order.

The author writes in good literary form, and has given careful consideration to his subject.

The historical conditions, justifying the passage of the original statute, are clearly set out (p. 54). Had it been passed at the beginning of our railroad building, capital would have turned another way, and few roads would ever have been constructed. It was enacted because, and not until, there were so many, that competition was producing fraud, favoritism and bankruptcy (p. 60). The author is of opinion that further amendments might be desirable; among them (p. 65) that of making findings of fact by the Commission, in cases not involving claims for damages, conclusive. Such a change would seem to be quite in the teeth of the Hepburn Act of 1906, which repealed the provision making the findings of the Commission *prima facie* evidence, as well as opposed to public sentiment, if not to constitutional guaranties, respecting trial by jury.

The most important part of the treatise is its discussion of the views of the general purposes of the Act and its amendments, stated in judicial opinions. The field was so new a one for

Congress to enter that it is not surprising that the opinions of the Supreme Court have not been altogether harmonious.

The vexed question as to what business, conducted wholly within a state, may come under the Act by its connection with transportation beyond its limits receives full attention (p. 79). The author makes the suggestion, among others, as to this (p. 89): that on principle, if a man in Buffalo sells and ships goods to a man in New York *via* the Erie Railroad, which passes through Pennsylvania, while the transportation is of an interstate character, the commerce is intra-state. The parties to this commerce, however, that is, to the buying and selling, must have contemplated this mode of transportation as the mode, or a proper mode, of effecting the transfer of title.

"Group rates" are fully treated (p. 112) and the reasons for them well explained. The refusal to sanction as a general principle a rule of charging heavy shippers less than small shippers is put on its true ground, as illogical but necessary (pp. 123-408).

The digest of decisions occupies the larger part of the second volume. The arrangement is, in the main, chronological; but each case has a case number, which makes a reference to it easy. Except as an historical exhibit of the growth of a certain body of law on a new topic, this digest, or string of syllabuses, adds little to the value of the treatise.

The chapters on Practice are sufficiently full, in connection with the prescribed Rules and Forms, to enable any lawyer to institute or defend proceedings before the Commission, without any special previous experience in such matters. *S. E. B.*

Elements of the Law of Damages. By Arthur George Sedgwick. Little, Brown & Co. 1909. Second edition. pp. 403. One Volume.

After a lapse of thirteen years, during which time the law has developed, the author has seen fit to publish a second edition. The chief additions relate to Mental Suffering, especially as to the bearing upon the question of its allowance of the doctrine of Proximate Cause, Death by Wrongful Act, Liquidated Damages, Damages as Affected by the Conflict of Laws, Pleading and Practice, etc.

Embracing as it does almost the whole range of common law actions, the number of titles is very large and the author has accordingly made the Index as exhaustive as possible.

Sedgwick on the *Elements of the Law of Damages* is not an abridgement of the well-known treatise on the *Measure of Damages* by Theodore Sedgwick.

The new edition is an adequate treatment of the subject, although in one volume, and will be found to be a useful and convenient book for the lawyer.

E. J. Q.

Injunctions. By Howard C. Joyce. New York. Matthew Bender & Co. 1909. 3 vols. pp. 2484.

The ever live subject of injunctions is presented to the reader in excellent manner by the author in his latest work. As is pointed out, the law of injunctions in attaining great importance daily and to present the modern phases of the subject is the desire of Mr. Joyce. With his usual clear style, he has dealt with the subject in an excellent manner. Many matters of live importance are treated at great length, especially those relating to labor troubles, contracts in restraint of trade, state and municipal regulation of rates, revocation of licenses and franchises and monopolies.

The book abounds in copious notes, which include notes from cases besides many citations. A characteristic of the book is the discussion of the law on the various topics in the different states. While adding to the size of the book, it nevertheless possesses the benefit of enabling the profession in each state to ascertain readily the law applicable to their particular state.

While this work will not supplant some of the older standard works, yet it is a very welcome addition. *Ed.*

Sales of Goods at Common Law and Under the Uniform Sales Act. By Samuel Williston. New York. Baker, Voorhis & Co. 1909. pp. cix, 1304.

At the instance of the Commissioners for Uniform State Laws, Mr. Williston prepared an "Act to Make Uniform the Law of Sales." Since 1906 this act has been adopted in Arizona, New Jersey, Connecticut, Massachusetts, Rhode Island and Ohio.

To aid in its uniform construction, its author has written this

treatise upon the Law of Sales. Undoubtedly it will prove of especial assistance to the bench and bar where the Uniform Sales Act is enacted.

As a text book on the Law of Sales, we think that there is nothing which unfits it for use in the law schools of the country generally. It is so written that if desired the Sales Act can be omitted from consideration. The method of treatment commends it. It is not a digest of cases, neither is it a tiresome statement of legal rules detached from the reasoning which produced them. It is an interesting discussion which briefly develops the principles of Sales at Common Law. Where the views of the courts are at variance, the different rules adopted are clearly stated.

Altogether, this is a treatise worthy of a successful teacher of the subject.

R. H. M.

Cases on Damages—American Case Book Series. By Floyd R. Mechem and Barry Gilbert. West Publishing Company, St. Paul. 1909. pp. 626.

This is a collection of some three hundred and thirty-four cases dealing with the law of damages, touching lightly the subjects of *damnum absque injuria*, nominal damages and liquidation of damages, with a fuller discussion of discretionary damages, including the topics of aggravation, exemplary damages and mitigation. It then takes up in detail compensatory damages and damages in certain specific actions.

Considering the number of hours usually put on this subject in the average law school the work appears to be a little too comprehensive for practical use. Outside of this feature the book is highly commendable and will make a valuable addition to the others of the series now published.

The binding will especially appeal to the student because of its capability for long and hard usage without showing it.

Ed.