

REVIEWS.

The Monroe Doctrine. By T. B. Edgington. Little, Brown & Co., Boston, 1904. Cloth, pages 344.

Justified by the hazy knowledge of the average American concerning the origin and development of this eccentric feature which the United States has introduced into international law, Mr. Edgington has compiled a most thorough treatise upon it.

We believe that many—possibly the majority—of publicists, not only in Europe but also in the United States, are convinced that the meaning into which this country has from time to time interpreted President Monroe's message, is an extension unwarranted by its original purpose or by later contingencies.* However this may be, it is certain that the doctrine has been, and still is, a most important influence in our view of cis-Atlantic international affairs. So that an attempt to "rescue the people . . . from the perils of a distortion of the foreign policy of the republic" and to make "an exposition . . . of the heresies which have taken refuge under the shadows of the Monroe Doctrine," especially when so exhaustive as is Mr. Edgington's, must command attention.

The treatment is necessarily historical. Complications to which the doctrine have been applied, either actually or by implication (as in the case of Maximilian's Empire), are thoroughly discussed, and our relations with other countries in such questions as the Venezuelan Boundary and the Panama Canal are defined clearly and with fairness. The unnecessarily charitable nature of the doctrine as it now stands is pointed out. A large portion of the book, perhaps unproportionately large, treats of the "Calvo Doctrine" and the conclusion to be drawn therefrom. Although there are but a few of the phases of the doctrine considered, it can be easily seen that a book of this kind is of great value, whether one believes that under the doctrine there has been a wholesale assumption of international law-making power, or on the other hand, that the application of it is only a reasonable means of protection—though it must be admitted that this country has outgrown whatever danger might have been present at the original promulgation of the doctrine.

G. S. A.

* See "*The Monroe Doctrine: The Polk Doctrine: Anarchy*," by White-law Reid, LL.D., YALE LAW JOURNAL, Vol. XIII, p. 16.

Annotated Interstate Commerce Act and Federal Anti-Trust Laws.
By William L. Snyder. Baker, Voorhis & Co., New York,
1904. Cloth. Pages 380.

The current agitation of commercial questions has naturally found expression in innumerable books and articles more or less ephemeral in their nature. This work is representative of these in the field of legal literature. Its contents consist of an introductory discussion of the constitutional provisions bearing upon commerce, the full text of the most important Acts of Congress on the same subject, the Interstate Commerce Act, the Sherman Law, the Act creating a Bureau of Corporations, and others, with explanations by the author, and a thorough citation of decisions in regard to them, and the rules and forms of practice before the Interstate Commerce Commission. The introduction is brief and rather unsatisfactory; the whole work is not very well ordered or well balanced in the emphasis it lays on the various cases—one pauses over the author's statement that "the Merger Case was perhaps the most important deliverance of the court since the famous decision of Chief-Justice Marshall in *Gibbons v. Ogden*." Yet, presenting in a concise collection these acts and decisions, the book will prove of great convenience to lawyers whose practice embraces the field of commercial law under discussion. W. M. M.

An Exposition of the Constitution of the United States. By Henry Flanders. Fifth edition. T. and J. W. Johnson & Co., Philadelphia, 1904. Cloth, pages 326.

It has been the aim of the author of this book to produce a manual of the Constitution in popular form, to furnish to the citizen a simple and convenient means of acquiring an "accurate knowledge of the theory and practical character of the Federal Constitution." The book is admirably adapted to this purpose and has the virtue of recording constitutional development up to the most recent date. In the discussion of taxation in the territories, there is a concise review of the Supreme Court decision in regard to the *status* of the territory recently acquired in the Spanish-American War. So, under the subject of "Combinations in Restraint of Trade," there is appended a brief note on the Northern Securities Case, decided March 14, 1904.

In his preface, the author expresses the hope that the book may prove to be of value, not only to the unprofessional reader, but also to the bar. This object of the work is practically defeated by an almost total absence of citations to adjudged cases and reference to such standard works as "Story on the Constitution" and the "Federalist." Implied prohibition as to taxation by the states is discussed obviously in the light of the decision in *McCulloch v. Maryland*, but no citation is given to

that celebrated case. So, in the treatment of Federal regulation of commerce, the opinion in *Gibbons v. Ogden* is quoted from but no citation given. While this is a matter of much importance to the lawyer, it is not essential to the value of the work in the hands of the layman, among whom the book must seek circulation, and to whom it should readily commend itself.

W. D. E.

Code Remedies. By John Norton Pomeroy, LL.D. Fourth edition, by Thomas A. Bogle of the University of Michigan. Little, Brown & Co., Boston, 1904. Sheep, pages 983 and clxx.

"Pomeroy's Code Remedies" is such a well-known and universally recognized authority that any general comment on the merits of its fourth edition would seem superfluous. Confining ourselves, then, to differences between this edition and the last, we may note the addition of three hundred pages of new matter, covering the developments of the past ten years; the revision and considerable extension of the various indexes and tables; a certain amount of omission and condensation in that part of the text which is of a distinctly theoretical nature; and, of course, the bringing up to date of the treatment of the different topics by full references to recent decisions.

Professor Bogle's efforts, adding, as they do, no little to the practical usefulness of this standard work, will be greatly appreciated by the practitioners of the code states.

C. C. R.

A Summary of the Law of Private Corporations. By Leslie J. Tompkins. Baker, Voorhis & Co., New York, 1904. Law canvas. Pages 264.

The author makes little claim to originality in the preparation of this volume. It was his purpose to state in a systematic form the rules of law on the subject of private corporations, and in executing this design he has used largely the language of decisions and text-books. The work will prove a disappointment to one seeking theoretical discussions. To summarize a subject so prolific in its decisions admits of no amplification of principles. It is a concise and cogent exposition of basic doctrines, comprehending the more important controversies predicated of this branch of the law. The author has been successful in elucidating many points concerning which there is conflict in the decisions, and it is to his discriminating judgment in this respect that credit is largely due. Worthy of mention in this connection is his treatment of *de facto* corporations and "voting trusts"; and, in view of the tendency of recent decisions, the statement of the "trust fund" theory is especially satisfactory. No imposing array of authorities is marshaled, but we find cited a few well-selected cases. While intended primarily for students, the work will not be without value to the practitioner.

J. C. D.

Cases Illustrating the Principles of the Law of Torts. By Francis R. Y. Radcliffe and J. C. Miles. The Clarendon Press, Oxford, 1904. Cloth. Pages 628.

A collection of some ninety of the leading English cases on the law of torts for the use of the student. Many of these cases are the familiar authorities upon which our American decisions are largely based; others are distinctly modern, of which may be instanced *Allen v. Flood*, L. R. 1898, App. Cas. 1, and *Quinn v. Leatham*, L. R. 1901, App. Cas. 495. The notes are in the main unpretentious and merely explanatory; in some few instances only do they attempt the treatment of collateral topics. A commendable feature is offered by the carefully rewritten headnotes, particularly planned to aid the student in the grasping of the principles underlying each case. Such a work as the present, however, can scarcely have a very wide range of usefulness in this country, for the American student will inevitably require the American authorities as companions of their English predecessors and contemporaries, and, as is plain, it is among students that its almost exclusive sphere must lie.

C. C. R.

Evidence in Trials at Common Law. By John Henry Wigmore, Professor of the Law of Evidence, Northwestern University. Little, Brown & Co., Boston. Buckram and sheep. Pages 4000.

This treatise in four volumes (two of which are yet to be published) furnishes a most complete discussion upon this subject of the law. Carefully excluding all except what may be termed strict evidence, the author has nevertheless compiled a work, the mere physical proportions of which are imposing, so that one may accept the reasons for his apology for a lack of absolute completeness as being well warranted. But the treatment is masterly. Starting with the premise that there are reason and principle in all the millions of phases of the law—that there is no leaf without a root—Professor Wigmore has treated most exhaustively the various branches of the law of evidence. Conceding that there is seldom a proposition of law so simple that there are not some cases to oppose it, he prefers to consider such divergent views as conflicts rather than inconsistencies, especially in view of the fact that precedents as now used are generally a heterogeneous mass from many jurisdictions. So that the work, voluminous as it is, has a distinct value beyond a mere encyclopedical collection of cases. It strikes us that in this, rather than in any preservation of form, lies the necessity for a production of this nature. For in spite of the criticism, all too often deserved, justice and reason (though the latter may be past or merely provident) is the life of the law, so that an interpretation and exposition of the

causes of decisions, is the only salvation from a falling and still more threatening avalanche of cases.

When it is completed, the treatise is to contain the statutes of all the jurisdictions in the United States. So that, what with its completeness and order, we believe that one would go far before finding as modern and valuable a work on the all important subject of evidence.

G. S. A.