

## REVIEWS.

*The Law of Carriers.* By Dewitt C. Moore of the New York Bar. Matthew Bender & Co., Albany, 1906. Law canvas. Pages 1171.

The author of this work is no stranger to the legal profession at large. The prominent part which he took in the preparation of Nellis' treatise on "Street Railroad Accident Law" brought his name prominently before the public and compelled his recognition as a legal writer of no mean ability. In the preparation of the work under discussion the author was actuated, as he says, by the desire "to furnish suitors with a practical guide in this class of legislation by as full a presentation as possible of the established principles and rules governing the various and varying phases in which controverted questions have been and may be presented for judicial adjustment."

It is perhaps fortunate that the success of the venture does not rest entirely upon its literary value and its recognition as a contribution to legal literature. In no sense can it be called a literary masterpiece. The text constitutes but a small proportion of the book and consists apparently of a sort of digest of the various decisions affecting this branch of the law arranged in narrative form. There is almost a complete absence of original theories and in comparatively few cases has the author departed from the rules laid down in the cases and advanced ideas and suggestions of his own. As a work of reference the book is, however, no less valuable on this account and does undoubtedly furnish a clear and concise statement, in most cases, of the holdings of various courts on any particular subject connected with the law of carriers. A surprisingly large number of cases are cited, about nine thousand in all, including substantially all the recent cases of any importance illustrating the principles and rules adopted by the English and Canadian courts as well as by the American in regard to this subject.

A comparatively short chapter, considering the relative importance of the subject, is given up to the discussion of Interstate Transportations and a presentation of the important decisions of the courts upon this branch of the subject. In only a few instances has the author attempted to foretell the probable attitude of the courts in regard to the Railway Rate Act the text of which is given in the succeeding chapter. Following the Rate Bill there is an index of remarkable completeness which should prove of great assistance in determining the law upon any particular phase of the subject.

The subject of carriers, their duties and obligations, their rights and privileges is daily becoming of greater interest particularly that branch involving Interstate Transportation. A work like the one under discussion comprising within a com-

paratively limited compass an exhaustive and interest discussion of the whole field of Carriers should at once become popular with the members of the profession who wish to economize their time.

J. M. F.

*Railroad Rate Regulation*, Joseph Henry Beale, Jr., and Bruce Wyman, William J. Nagle, Boston. Buckram. 1179 pp.

Though the regulation of railroad rates does not occupy the center of the congressional stage at the present time, the subject is by no means a dead one. The last word has not been said. The legal profession will welcome the contribution by Professor Joseph H. Beale, Jr., and Professor Bruce Wyman of the Harvard Law School to the literature on the subject which already exists. The authors are firm believers in governmental regulation, the more conservative of the two alternative remedies, governmental regulation or governmental ownership, which have been suggested by those who have discussed the problem. Congress by the Federal Railroad Rate Act of 1906 emphasized the importance of the question and removed many of the obstructions from the path of proper regulation, thereby taking a long stride towards solving the problem.

The first part of this treatise is devoted to a somewhat general discussion of those general principles of the law which govern public service corporations. Particular attention is paid to those rules which concern common carriers and which are closely associated with the rate problem. The decisions which deal with the rate question as applied particularly to railroads are few in number and very recent, for it is only recently that this branch of the law has become important. It has been found advisable, therefore, to select as authority cases which settle the law regarding the rates of such public service corporation as water and gas companies. The doctrines involved in all these cases are the same, for they all concern public service corporations. Because of the paucity of the decisions which treat directly the matter of railroad rates the authors have made extensive quotations from them, since this appears to be the best way to acquaint the student with the present rules and the lines along which the existing doctrines will probably develop.

The second part of the work considers the Regulation of Railroad Rates According to Common Law Principles.

The third part of the work treats the Regulation of Railroad Rates by Legislation.

A fully annotated text of the Interstate Commerce Act with the citations of the decisions of the Commission and of the Courts is given in the appendix. Also the legislation of the States on the subject is given. The Rules of Practice before the Commission and the set of improved forms are valuable parts of the work. Undoubtedly this treatise is a pioneer in this field of law. Many books have dealt with the economic aspect of the problem, but none has been devoted exclusively to the legal phase of the question.

C. H. H.