

## CURRENT LEGAL PERIODICALS AND BOOK REVIEWS.

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THE EVOLUTION OF THE CONSTITUTION OF THE UNITED STATES OF AMERICA AND HISTORY OF THE MONROE DOCTRINE. By JOHN A. KASSON, LL.D. Boston and New York: Houghton, Mifflin & Company. 1904.

When Thomas Paine heard of the treaty of 1783 he thought there was no further need of the "Crisis," and with the remark, "The times that tried men's souls are over," he brought its publication to a close. Fiske, in his "Critical Period of American History," observes that so far from the crisis being over in 1783 the next five years were to be the most critical of all. It was the time when the common cause and the common peril which kept the colonies united during the Revolution no longer existed. Jealous and distrustful of each other,—one nation to-day and thirteen to-morrow,—they were rapidly drifting towards anarchy or monarchy.

To the literature of this period Mr. Kasson has made a valuable contribution. Those who are familiar with Fiske may question the need of another book upon this subject. Mr. Kasson's treatment, however, is different. His work, as the title suggests, is concerned primarily with the Constitutional Convention and its proceedings. The political history of the time is referred to in so far only as is necessary to show the weakness of the Articles of Confederation and the causes which finally led to the formation of a more perfect union.

The story of the long struggle over the several plans from which after weeks of debate the perfect instrument at last emerged is well told. The leading provisions of the Constitution are considered in detail. A brief account of the ratification by the states and the amendments completes this part of the work.

The right of Congress to call on the President for papers and information forms the subject-matter of the Appendix. The Presidents have generally treated such requests as encroachments on the constitutional powers of the Executive and refused the information.

The Monroe Doctrine has become so authoritative on the question of American foreign policy that it may be considered almost as binding as a clause of the Constitution itself. Mr. Kasson has accordingly added two interesting chapters on the origin and development of that doctrine.

Students of the law will find this book excellent reading preparatory to the study of Constitutional Law. No one can read the story of that long struggle in the Convention of 1787 without feeling a deeper reverence for the Constitution and for the great men who framed it. *R. E.*

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THE NATIONAL BANK ACT, WITH ALL ITS AMENDMENTS, ANNOTATED AND EXPLAINED. By JOHN M. GOULD. Pp. xvi+288. Boston: Little, Brown & Co. 1904.

The title of this book accurately expresses its contents. The author has reprinted the National Bank Act of 1864 and has inserted in their logical positions the numerous amendments which have been made to it. The sectioning of the Revised Statutes has been followed, and after each section a note summarizes the Federal and state decisions which modify or explain its provisions. The subject of each section is printed in black letter and a table of cases and an exhaustive index facilitate the use of the volume. The author has produced a handy book which brings under one cover all the statutes and decisions to September, 1904, on the subject of national banks. For the convenience of reference he has added as appendices the several constitutions and rules of the New York, Boston, and Chicago Clearing House Associations, together with the Constitution of the American Bankers' Association. The volume is complete and should prove of practical service both to the banker and to the lawyer. *A. S. F.*

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STREET RAILWAY REPORTS ANNOTATED (Cited St. Ry. Rep.), REPORTING THE ELECTRIC RAILWAY AND STREET RAILWAY DECISIONS OF THE FEDERAL AND STATE COURTS IN THE UNITED STATES. Edited by FRANK B. GILBERT, of the Albany Bar. Vol. ii. Pp. xix+1051. Albany, N. Y.: Matthew Bender. 1904.

A large proportion of the cases now litigated in the courts are negligence cases of various kinds and many of these are street railway cases. It is convenient and desirable, therefore, to have the great mass of cases involving the rights and liabilities of street railways reported in a separate set of reports. This is the second volume of such a series. It contains the cases decided since November, 1903, in the Federal courts and in the state courts of last resort, together with the most important ones decided in lower courts. The cases are

grouped according to jurisdictions. The notes appended are exhaustive and very interesting. Those on "Imputed Negligence," "Municipal Control of Street Railways," "Eminent Domain by Street Railways," and "Street-Car Transfers" are especially good.

The practising attorney who handles many street railway cases will find this series of reports very useful.

C. W. W.

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THE MONROE DOCTRINE. By T. B. EDGINGTON, Esq., of the Bar of Memphis. Boston: Little, Brown & Co. 1905.

Mr. Edgington has prepared a most valuable work on this much discussed but generally misunderstood question concerning the traditional foreign policy of this republic, with the object of placing before the ruling millions more accurate knowledge of the principles and policies of their government.

The author points out the fact that while what is commonly known as the Monroe Doctrine is generally conceded to have originated with President Monroe's famous message to Congress, it is in reality as old as the republic itself, constituting one of the foundation-stones on which our institutions are constructed, and that it was the "mere restatement of the original and fundamental policy of the government in another form," which fact he proves conclusively by quotations from state papers from Washington's time on. Not only this, but that Mr. Canning, the British Foreign Secretary, had no small part in the events leading up to the message, if, indeed, he did not inspire it, as is shown by the correspondence carried on between the two governments through their representatives, to which the second chapter is devoted, and which throws much light on international affairs at that time.

The different phases of the question considered by the author cannot all be noticed here, but, as especially noteworthy, are to be mentioned the chapters devoted to a consideration of the Hague Tribunal and the international convention of American states which met at Mexico not long after, and their far-reaching effect. Closely allied with this question is the consideration of what is known as the Calvo Doctrine, in conformity with which the Latin-American states seek to build up a system of American international law, not only for the government of the republics in this hemisphere, but also for the government of their foreign relations with Europe and the entire world, which is contrary to the principles of international law and also, as the author shows, antagonistic to the Monroe Doctrine. Therefore the United States should

make known to the world that it does not indorse the Calvo heresy.

In the appendix are collected the more important parts of the Monroe correspondence illustrating the facts and circumstances under which the Monroe Doctrine was made.

*W. C. M.*

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THE ORGANIZATION AND MANAGEMENT OF BUSINESS CORPORATIONS. By WALTER C. CLEOPHANE, LL.M., Professor of the Law of Organization and Management of Corporations in the George Washington University of Washington, D. C. Pp. 246. St. Paul, Minn.: West Publishing Co. 1905.

In the words of the author, as contained in the Preface, "the volume does not pretend to be a treatise on corporation law, but may be said to bear the same relation to that subject as equity pleading and practice bear to equity jurisprudence." In a volume such as this it is impossible to enter into a very full discussion of the principles which underlie the laws governing the management and organization of business corporations.

There is a great difficulty in the way of writing a general text-book on this subject. Everywhere corporations are the result of statutes, and in no two jurisdictions are the statutes exactly alike. The author has to a certain extent overcome this difficulty by inserting in the book brief digests of the more important provisions of the laws of twelve states; these give a general idea of the legislation and should also be of great assistance to promoters about to choose a domicile. Those features of the law generally deemed undesirable from the promoter's standpoint are in italics, and those particularly advantageous in boldfaced type.

This book will be especially valuable to a lawyer into whose hands the formation of a company has been entrusted. The author has devoted chapters to the certificate of incorporation, essentials and proceedings of the first meetings of incorporators and also directors, and other subjects of the same type.

A large number of forms have been inserted which may be used to great advantage in any jurisdiction. Those purely local in their application have been omitted. As a guide in drawing up by-laws, those of the United States Steel Corporation have been set forth in full. The author believes that they can be easily modified to suit the needs of any corporation.

Because of the growing tendency of modern business men to incorporate, a work like the present is of immense practical importance. It should be of great value not only to the student