

## CURRENT LEGAL PERIODICALS AND BOOK REVIEWS.

---

CORPORATIONS. A STUDY OF THE ORIGIN AND DEVELOPMENT OF GREAT BUSINESS COMBINATIONS AND OF THEIR RELATION TO THE AUTHORITY OF THE STATE. By JOHN P. DAVIS, Ph.D. New York and London: G. P. Putnam's Sons. 1905. 2 vols.

These volumes, as the author stated in his preface, were intended to serve as an introduction to a volume on modern corporations, especially those in the United States. Mr. Davis's death, in 1903, has deprived us of the volume which would have been, no doubt, the most valuable in the series. The two volumes which represent the introduction are not the result of original investigation. An examination of the foot-notes corroborates the author's own statement that the work is to be considered "not as a work of historical research, but as an interpretation of existing and accessible historical material." It follows that the labors of the author have not resulted in adding to the stock of knowledge possessed by those who have specialized in this field. His volumes have, however, placed within reach of all students of law the fruits of the scholarship of those who have investigated the original sources. The topics of which the author treats are as follows: The Nature of Corporations; Ecclesiastical Corporations; Feudalism and Corporations; Municipalities; Gilds; Educational and Eleemosynary Corporations; National England; Regulated Companies; Regulated Exclusive Companies; Joint-Stock Companies; Colonial Companies; Legal View of Corporations, and Modern Corporations.

In each of his chapters Mr. Davis presents his readers with a concise and readable summary of what has been written by historians and economists upon the topic in hand. Special mention may be made of the chapters on Regulated, Joint-Stock, and Colonial Companies. Any one who reads these chapters will find himself well repaid. The reader will examine with interest the map which appears in the appendix, showing the areas of activity of National-External Corporations.

The author is at his best in the chapters to which specific reference has just been made. His discussion of the Nature of Corporations (Chapter II in the first volume) and of the Legal Conception of Corporations (Chapter VII in volume 2) is less satisfactory. He has collected and presents for consideration, the views of many authorities; but the nature of

the subject deprives this kind of compilation of substantial value unless it is supplemented by some clear analysis and acute original thought.

The essay on Modern Corporations, which appears in Chapter VIII of the second volume, is interesting and suggestive. It opens the mind of the reader to an adequate comprehension of the scope of the term "Corporation Law," a term now so often used with only a vague conception of what are the limits of the field. It is a fitting conclusion to volumes which were intended to serve as an introduction to a more exhaustive study of modern corporate problems.

G. W. P.

---

THE LAW OF RAILROADS IN PENNSYLVANIA, INCLUDING THE LAW RELATING TO STREET RAILWAYS. By ALBERT B. WEIMER, of the Philadelphia Bar, assisted by PAUL H. DENNISTON, of the Philadelphia Bar. Volume III. Philadelphia: T. and J. W. Johnson, & Co. 1905.

This book comprises Volume iii. of Mr. Weimer's work on Pennsylvania Railroad Law. The original publication consisting of two volumes appeared in 1893. The substitution of electricity for horse power in the operation of street railways, however, has greatly extended and developed this branch of carriage. As a result of this development new and complicated questions have been presented to the courts for solution. The book deals with these, and thus completes the work and brings the subject down to date. The great expansion of the law of negligence has been noted. Over 200 pages are devoted to this head alone. In all about 2,000 cases are cited. The facts of most of these are briefly stated, and important passages from the decisions quoted. This is especially true of the cases on negligence, and makes a reference to the reports unnecessary.

Important statutes of the last ten years are quoted under such heads as: Organization and Construction; Operation and Management; Consolidation, Merger, and Holding of Stock; Street Railways. Forms for election returns and street railway mortgages are given. A very complete index follows. The book has to do entirely with recent cases, and should prove a valuable contribution to the Railroad Law of this state.

---

ADDRESSES: HISTORICAL — POLITICAL — SOCIOLOGICAL. By FREDERIC R. COUDERT, formerly of the New York Bar. Pp. xviii + 452. New York: G. P. Putnum & Sons. 1905.

In this volume are gathered some of the more notable addresses of Mr. Coudert, one of the foremost lawyers of his

day, and an eminent scholar as well. The addresses are scholarly, eloquent and instructive, and the grace and finish of their style are unsurpassed. The addresses are also notable for the originality displayed. Mr. Coudert was best known for his achievements in the field of International Law, where he occupied a position of preëminence, and, therefore, the more important and valuable part of this collection is that devoted to questions upon this subject; but scarcely less noteworthy are the addresses upon Historical and Biographical matters; and of especial value and interest to every lawyer are the addresses on the Bar.

*W. C. M.*

---

ROMAN WATER LAW. TRANSLATED FROM THE PANDECTS OF JUSTINIAN. By EUGENE F. WARE, ESQ., of the Topeka Bar.

This volume embodies, as the author tells us, all of the Roman Law relative to Fresh Water Rights to be found in the Corpus Juris Civilis of the Emperor Justinian,—*i. e.*, "The Code," "The Digest," "The Institutes," and "The Novels." The author has also given translations from "The Partidas," the great law book of the Spanish Law; from the standard work of Jean Doumat on the French Civil Law; and from the Code Napoleon. Some of the more important sub-divisions are: Accretions, Alluvion, Aqueducts, Bridges, Canals, Dams, Ferries, Irrigation, Rainwater, Reservoirs, River Banks, Sewers and Waterworks; and a chapter on Procedure. There is the usual index by subheads, and likewise a very elaborate table of contents, giving a list of the books, titles, sections, and paragraphs, taken from the original, with the initial line of the Latin in each case, so that the portion translated may be easily found. The book should not only prove of interest to the student, but should also have a practical value for the practitioner in those of the Western States which still hold to the civil law

*C. W. W.*

---

CONSTITUTIONAL LAW IN THE UNITED STATES. By EMLIN McCLAIN, LL.D., Justice of the Supreme Court of Iowa, Lecturer on Constitutional Law at the State University of Iowa. Published by Longmans, Green & Co., Fifth Avenue, New York.

As the author states in his preface, his book is intended to give non-professional students an intelligent conception of the Constitution of the United States, and a general idea of the Federal Government. The book, therefore, is not a close, tech-

nical, treatise on the Constitution, but is a broad, general exposition of the elements and functions of the various departments which make up the central government, and lays down the more fundamental and general rules for the interpretation of the Constitution. The author also treats of the Constitution with reference to the history of its adoption and ratification by the people of the States, and has also gone into a comparison of its provisions with respect to various forms of foreign government.

The author, in carrying out his purpose, develops his theories by carrying them home to the rights of the individual. This of course gives the reader an interest that would be lacking in more professional work. He has taken up, in brief: the Adoption of the Constitution and its comparison with other governments; the various limitations upon the State and Federal power; the Bill of Rights, and the relations of the various departments of government to each other. The organization of the government, both State and Federal; Legislation, under which topic he includes Police Power, Punishment of Crime, Public Property, Taxation, Regulation of Commerce, Corporations, War Power and the other diverse powers either implied or expressed. He next proceeds to treat of the Executive power over military, legislative functions and diplomatic relations. Directing his attention to the Judiciary he has given in his work a brief abstract of the jurisdiction of Federal Courts, their divisions and exercises of the power and the law as administered by them.

In Part VI he deals with the relations of States to each other, and the admission of territories to the United States. His next subject is the relations of citizens to the government and the rights of citizens. Under the former he takes up Citizenship, and Naturalization and Political Privileges. Under the latter he treats of Religious Liberty, Freedom of Speech, Rights of Assembly and Petition, Right to Bear Arms, Trial by Jury, Due Process of Law, Impairment of the Obligation of Contract.

In a word, the book is a work on the rights and privileges of the individual, and the government of the United States. The author has treated his subject with a concise brevity and clearness that appeals to the class of reader he has aimed to reach. Yet in no way can it be said that he has cut his subject too short. Not only can it be recommended to the professor teaching the elements of constitutional law in a college department, as a text book, or to the young business man for the better understanding of his rights and privileges, but it will also prove a handy book to the practitioner because of its host of cross references to other books.

*W. H. H., Jr.*