

BOOK REVIEWS

MUNICIPAL FRANCHISES. By Delos F. Wilcox, Ph. D. Rochester, N. Y.: The Gervaise Press (Engineering News Co. Book Department, Distributing Sales Agents). Vol. I, 710 pp., \$5.

Doctor Wilcox is qualified by long years of study and observation, and by his recent experience as Chief of the Bureau of Franchises in the Public Service Commission for the First District of New York, to speak with a large measure of authority on this most important question of municipal franchises. The extent of the subject may be gathered from the bare statement that the present volume, which is the first of two, contains 710 pages and yet touches only light, heat and power franchise, the telephone and telegraph, water and sewers.

The first five chapters are devoted to an illuminating and suggestive discussion of the general phases, including "how franchise rights are acquired," "what a franchise signifies," "monopoly profits and ways of limiting them," "injuries to individuals and ways of preventing them" and "temptations to public wrongs and ways of overcoming them."

To the student of general civic problems, this latter chapter will prove highly suggestive, as Doctor Wilcox discusses it from the point of view of the idealist who has had actual experience in public dealings with corporations. He points out that a "tragic story might be written of the temptations of public service corporations. The temptations of Adam and Eve were as nothing as compared with these." He might have added with equal force that their fall had almost as far-reaching results as the original fall. His remedies for existing troubles are sensible and such as have been generally approved by organizations like the National Municipal League and the National Civic Federation, which have given long continued attention to the questions involved.

While written largely from the point of view of the publicist and public official, the volume will prove of distinct value to the practicing lawyer, especially those who have to do with public questions, because to an increasing degree such lawyers must take into consideration the larger phases of the problem. The next generation will unquestionably witness a new attitude on the part of the public toward all franchise questions, and this will in time be reflected in the courts, and of course in the arguments of attorneys. The narrower views of the passing generation of courts and lawyers in which the interests of the parties of the first and second parts only were considered, will yield to the newer view in which the rights of the great third-party to every contract—the public—are receiving ever more and more consideration. Doctor Wilcox represents this view and his whole work is permeated by the idea that the public and its rights should and must receive first consideration.

Great industry has been manifested in the collection and examination of the terms of the actual franchises, although "great difficulty has been experienced in many cases in getting the necessary materials for the discussion of specific franchise grants now in force. There are many cities that have not collected and published their franchise ordinances, and it has been impossible for the author to have copies made

of all the important franchises under such conditions." As is pointed out in the preface, this volume is the first one to be published having for its subject the analysis and description of municipal franchises as they exist in actual operation in the cities of America. For this additional reason the book will be found useful to lawyers.

Although dealing with a highly technical subject in a technical fashion, the book is an interesting one, and the mingling of concrete fact and general discussion has been most successfully accomplished.

There is an abundance of references to original authorities, to reported cases, as well as to more general works of reference. As a consequence, the work bids fair, when completed, to be a real storehouse of available information on the subject of franchises, which form "concrete, definite points of contact between large public and large private interests."

Clinton Rogers Woodruff.