

## BOOK REVIEWS.

TREATIES: THEIR MAKING AND ENFORCEMENT. By Samuel B. Crandall. (Second Edition.) Pp. xxxii, 663. Washington: John Byrne & Co., 1916.

During the last few years we have had a series of important publications on the treaty-making power of the United States. The controversy between the federal government and some of our western states with special reference to the right of Japanese and other aliens has placed this matter in the foreground of public attention. Beginning with the work of Charles Henry Butler there appeared a succession of commentaries, of which the present book by Mr. Crandall is probably the most helpful. Mr. Crandall's work was first published as a doctor's dissertation prepared at Columbia University in 1904. The present work, which is a second and much enlarged edition, is in every respect a most satisfactory work; dealing with the subject in a manner helpful to the student as well as to the general practitioner.

After a brief historical review of the treaty-making power under the Articles of Confederation and the period preceding the adoption of our present Constitution, the author proceeds to deal with specific questions relating to the exercise of the treaty-making power by the Federal Government, such as the powers of the President, agreements reached by the Executive without the advice and consent of the Senate, the operation of treaties as municipal law, and a number of other related matters.

In every work dealing with the treaty-making power of the United States, the reader naturally turns to those portions dealing with the extent and limitations of the treaty-making power as vested in the national government. The author does not undertake to deal with this question with the exhaustiveness with which it is treated in the commentaries of some of his predecessors but his formulation of the principles involved is so clear and his point of view so admirably set forth, that this section of the work will be particularly helpful to the student of the subject. Basing his conclusion on *Geofroy v. Riggs*, *Fort Leavenworth v. Lowe*, and *In re Ross*, the author reaches the conclusion arrived at by Mr. Justice Field in the *Chinese Exclusion Cases*, 130 U. S. 581:

"While under our constitution and form of government the great mass of local matters is controlled by local authorities, the United States in their relation to foreign countries and their subjects or citizens, are one nation, invested with powers which belong to independent nations, the exercise of which can be invoked for the maintenance of its absolute independence and security throughout its entire territory. The powers to declare war, make treaties, suppress insurrection, repel invasion, regulate foreign commerce, secure republican governments to the States, and admit subjects of other nations to citizenship, are all sovereign powers, restricted in their exercise only by the Constitution itself and considerations of public policy and justice which control, more or less, the conduct of all civilized nations."

One of the most valuable features of the work from the point of view of the special student is the exhaustive digest of the decisions of American courts construing treaties. This digest is arranged by countries in alphabetical order and makes it, therefore, comparatively easy to refer to any judicial decisions relating to treaties entered into between the United States and any other countries of the American continent, of Europe, or of Asia.

The great value of Mr. Crandall's work is that he has thoroughly digested the material and has in comparatively small space placed before the student and the practicing lawyer a succinct, clear exposition of the principles governing the formation and interpretation of treaties. The teaching, as well as the legal profession, owe him a real debt of gratitude.

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FORMS, RULES AND GENERAL ORDERS IN BANKRUPTCY. Marshall S. Hagar and Thomas Alexander. Second edition by Marshall S. Hagar. Pp. liv, 909. Albany, N. Y.: Matthew Bender & Co., Inc., 1916.

The first edition of this now standard work appeared just at the time the 1910 Amendments of the Bankruptcy Act of 1898 became effective. A great advance has been made in bankruptcy administration since then; the Supreme Court has settled many mooted questions; and its decisions, as well as those of the Circuit Courts of Appeals, have pointed the way to a broader interpretation of a remedial statute. The Official Forms were found inadequate, indeed several have been held insufficient and demurrable, so the need for a full set of forms official and supplementary, became apparent, as evidenced by the immediate and general reception given this collection. The changes in the practice under the Amendments of 1910 called forth this second edition. Many forms have been added, and the annotations supplemental to the forms correspondingly revised and extended to include the most recent decisions, making this the most complete collection of forms available.

The arrangement follows that of the earlier edition, and is well adapted to the needs of the profession. A new feature, which should prove useful and a time saver to the bankruptcy practitioner, is a time table of procedure showing the times allowed for the various proceedings, with appropriate references to the Act, Rules or General Orders. The book also contains the Bankruptcy Act of 1898, with all its amendments, and the Bankruptcy Rules of the District Courts in the important centers, giving the work a special local value in those districts.

C. L. M.

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THE LAW OF UNINCORPORATED ASSOCIATIONS AND SIMILAR RELATIONS. By Sydney R. Wrightington. Pp. xxxvi, 486. Boston: Little, Brown & Co., 1916.

Mr. Wrightington's work is the result of practical experience in a field of law which may before long be marked off as a separate domain,

between partnerships, trusts and corporations, with its own peculiar system of obligations, rights and tenures. As in all times so in our own the pressure of economic environment is constantly producing new forms of legal being, created to evade or avoid obstacles put in the way of business development, and the numerous regulations and taxes imposed upon corporate organizations offer an incentive for trying to formulate some other efficient vehicle for group enterprise with limited liability. Although Massachusetts lawyers have made more frequent use than we have in Pennsylvania of the device of transferable certificates of beneficial interest in a property held or enterprise managed by trustees, it has been known here for many years; the Bullitt Building in South Fourth Street in Philadelphia is owned under exactly such an arrangement, devised by the late Richard C. Dale, to whose fertile brain Philadelphia is grateful for many legal forms. Mr. Wrightington's book gathers together what law there is to be found interpreting the rights of members of such an association and of its creditors, and the law on related subjects such as car trusts, voting trusts, underwritings of securities, and underwritings of insurance, showing the common elements between these subjects and their relation to and difference from the law as to agency, partnership and trust. There is a useful appendix giving the text of some actual trust deeds in important enterprises which have been the subjects of litigation but are not accessible to most attorneys; among them are the Standard Oil trust agreement and the Copley Square trust; there are also model forms for similar deeds for a holding company, an industrial enterprise, and other purposes.

S. R.

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THE NEW AMERICAN GOVERNMENT AND ITS WORK. By James T. Young. Pp. xi, 663. New York: The Macmillan Company, 1915.

This work, written as one of a series of social science text-books, fills a long-felt gap in the literature of the subject. Though its primary object is to supply a text-book to the students of government in the Wharton School of Finance and Commerce of the University of Pennsylvania, the work is so constructed that it well serves as an admirable source of reliable information to that ever-increasing number of modern citizens who desire something more than the superficial knowledge of the structure and purposes of American government formerly considered sufficient for all but statesmen and professional politicians. With the development of a national regulative policy by means of which the hand of federal authority is stretched out to touch the most intimate affairs of the every-day business man, a new interest has been awakened in political science. Men want to know "why" and "how far" and readily turn to someone who can tell them in a way they can easily understand. Moreover in this work of Dr. Young's the fundamental principles are so clearly expressed and so amply fortified and illuminated by references and citations, that the constitutional lawyer also may well turn to it for authority. It fulfills all three functions admirably.

The plan and scope of the work is different from that usually found in books of this character. While the structure and form of our system of government is given due consideration, equal emphasis is laid upon its work, as the title of the book implies. The author, with a clearness of vision and an accuracy of perception that stamps him a constructive thinker, has caught the significance of the modern era and has brought out clearly the present trend of American politics. The increasing importance which belongs to the Executive, the purpose and effect of the federal plan of regulation of business, the policy of natural conservation, the enlarged power of the judiciary, the growing tendency toward social legislation, the modern scheme of delegating legislative routine and supervision to commissions of experts and scientists, and the new relative positions of state and federal jurisdiction, are all given detailed and exhaustive consideration. Considerable space is given to the power of Congress over commerce, with a thorough discussion of the means by which it has sought to exercise it, such as the Interstate Commerce Act, the Sherman Act, The Trade Commission, and the Clayton Act, and it is here especially that Dr. Young has well illustrated his ability to grasp the significance of the material with which he deals and to present it clearly and concisely to his readers.

The work contains a valuable appendix, containing the Constitution and its Amendments, and a reprint of an address on "The Distrust of State Legislatures" by a former governor of Kansas. There are also over two hundred decisions of the Supreme Court cited throughout the work, the facts and decisions of practically all of which are given in the text. This alone would make the work a valuable asset to the student of constitutional law. Combined with the mass of practical information to be found within its pages and the breadth of vision to be obtained from the author's point of view, it should occupy an important place among the real contributions to the study of political science.

L. B. S.