BOOK REVIEWS.

The Law of Trade and Labor Combinations as Applicable to Boycotts, Strikes, Trade, Conspiracies, Monopolies, Pools, Trusts, and Kindred Topics. By Frederick H. Cooke. Chicago. Callaghan & Co., 1898. Leather, VI and 214 pp.

There is perhaps to-day nothing in American social and political life which is of more importance than the question of trade and labor combinations, which Mr. Cooke here treats from the legal standpoint. The problems of strikes, boycotts, monopolies, trusts, lockouts, and their various manifestations, such as the question of "government by injunction," etc., are recognized by everyone to be of vital interest to the American people. This book is manifestly the result of careful study of the American and English cases on the subject. The footnotes, with their extensive citation of cases, stating the principles of this branch of the law and of cases which bear on these, show the magnitude of Mr. Cooke's work. It is a merit of the book that it is an attempt to mould the law more than it is an attempt to state it. With the multiplication of encyclopedias, digests, etc., there comes more and more to be a place for books of criticism and suggestion such as this. Though familiar with the economic aspect of the questions involved, he has not treated them directly, though evidently bearing it in mind. At present there is great confusion and conflict in the decisions as to the criteria for determining whether various combinations of trade and labor, and the acts of such combinations, are legal or illegal. After criticising the attempt to determine the legality of these by the criteria of intent and combination, there is proposed as the test of the legality of combinations, producing private injury, whether or not it is a natural incident or outgrowth of some existing lawful relation, and as the test of combinations producing public injury the tests of extent and reasonableness. It is to be noticed that Mr. Cooke divides combinations as those producing injury to the public and those injuring the public. This conduces to clearness, but it is perhaps a question whether the categories are exclusive. In discussing the latter class, the habit of basing the illegality of monopolies on the old doctrine of the illegality of contracts is strongly criticised. The tests proposed are manifestly more difficult to apply than those Mr. Cooke criticises, and plainly put much more power in the hands of the courts. Indeed, they come near to making the question of illegality a question of fact. The criticisms are undoubtedly well founded. The cases of *Allen* v. *Flood* and *Mogul Steamship Co.* v. *McGregor* dispose of the tests of intent and combination. The example given of an agreement by one man of a thousand in a given line of business in a town to go out of that business everywhere and forever, which is void as in restraint of trade, and of the other nine hundred and ninety-nine who may agree to go out of the business within a given territory for a limited time. The latter contract produces a monopoly and is legal; the former does not and is illegal. Mr. Cooke comes to the conclusion that strikes, boycotts and lockouts may be legal, and that combination, intent or threat can never

make a lawful act unlawful. The profession has reason to thank him for his work, which cannot but be a source of help and suggestion to those who study it.

The Jurisdiction of Federal Courts as Limited by the Citizenship and Residence of the Parties. By Howard M. Carter. Boston. Little, Brown & Co., 1899. Sheep, XXVIII and 303 pp.

In our complex system of jurisprudence the jurisdiction of the Federal courts is getting to be of greater and greater importance. One of the most important heads of that jurisdiction is that determined by the citizenship of parties. Mr. Carter in this treatise has given us a book which will take place by the side of Foster's Federal Practice and Dillon's Removal of Causes. It is safe to say that in the near future it will be found on the desk of every lawyer who has occasion to go into the United States courts. Mr. Carter has dealt fully and clearly with all aspects of the subject, particularly with the perplexing one of the citizenship of corporations and of corporations incorporated by several States. In discussing the question whether legislation dealing with a corporation of another State creates such corporation a corporation of the State legislation, the author comes near, but does not state in so many words what would seem a satisfactory criterion, *i. e.*, whether the powers given are given to the corporation as such or to the persons who compose it. The book also treats in a very exhaustive way of the questions of pleading and practice which are involved. It is difficult to see in that way it could have been made a more complete and more useful working manual of the subject. The method is historical where necessary, and the language of decisions is quoted at length when appropriate. The citation of cases is very ample, and the form of the book and the full index adapt it to the use of the active practitioner. As has been hinted, it supplements Foster and Dillon, treating fully and elaborately of questions merely touched on by them, and should become a companion volume to them. To understand all its good qualities one must read it and use it.

The Law of Bankruptcy. By Edwin C. Brandenburg, L.L.M. Chicago. Callaghan & Co., 1898. Sheep, XXXIV and 692 pp.

This book should have a wide sale, not only because of Mr. Brandenburg's reputation and official position, being in charge of bankruptcy matters in the Department of Justice at Washington, but also because of the satisfactory way in which he has done his work. Of course, because of the recency of the passage of the law of 1898, the cases in support of the principles stated are chiefly drawn from decisions under the law of 1867. But this is inevitable for the present. The form of the book commends itself to one who would use it. The law of 1898 is given section by section, and underneath it the corresponding section or sections of the law of 1867. The cases follow. This arrangement facilitates an understanding of the value of each case because it enables a ready comparison of the two laws. It is also to be noticed that the author compares the laws section by section, and furnishes ample cross-references. Following the two laws treated in this way, the law of 1867, with its amendments, is given as a whole, then the law of 1898 as a whole, then a very useful and complete synopsis of the exemption laws

of the States, and finally the forms and rules in bankruptcy adopted by the Supreme Court. It is difficult to see what could be done at this time to make the book a more complete manual of the subject.

The Law of Debtor and Creditor Relative to the Situs of Debt. By Rufus Waples. Ann Arbor, Mich. Law Sheep, pp. XXXIX, 326. T. H. Flood & Co. Chicago, 1898.

This little book is an excellent and scientific contribution on the vexed question of the situs of debt. Such practical topics as the collection of debts, statutory remedies, such as foreign attachment, etc., assignment of debt, and administration of debts, are tersely but adequately treated under sub-headings, and the cases therein criticised and distinguished. At the close of the volume several chapters are devoted to a few of the leading cases on those various topics, each case being reviewed separately and at length, and the differences harmonized as much as possible, by pointing out the distinction, so often lost sight of, between the debt property and the right thereto, to both of which conceptions the one word "debt" is indiscriminately applied. A valuable list of citations accompanies the work.

Contracts of Pledge. By Henry Denis, of the New Orleans Bar. F. F. Hansell & Bro. New Orleans, 1899. Sheep, pp. 619.

Both Mr. Shouler and Judge Story recognized the assistance that would be derived for the study of the common law on pledge from its comparison with the civil law. The author has made this comparative study. The method so common in the sciences has been utilized for this study of the law. At every point of the work the civil and common law are brought together, and their origin, relation and process of development shown. The book is more than a historical study. It is of very marked practical importance. By indicating the sources of common law pledge, and by tracing its descent, it leads to a better understanding of that important subject. It fills a field that before was only sparingly covered and deserves a high place as a complement to what has been written already on the law of pledge.

A Manual of Commercial Law. By Edward W. Spencer, of the Milwaukee Bar. The Bowen-Merrill Company. Indianapolis, 1898. Cloth, pp. 639.

As a manual for general readers and men of affairs, the author of this volume has presented a most valuable work. He gives in a concise and rather popular form, such principles of the law and elementary rules with which the average business man should be familiar. To carry out this idea he has devoted the larger part of the work to contracts, sales, agency, negotiable instruments, etc. The book is too general and elementary to be of practical usefulness to either the lawyer or law student. To the business man, and more especially the younger ones, who have had neither experience nor legal training, this little work will be invaluable. To meet the needs of such readers the author has wisely cited and given references to text-books rather than cases. The complete index and black letter text adds to the utility of the book on the desk of the business man.

Experience in the Supreme Court of the United States. By A. H. Garland. Washington, D. C. John Byrne & Co., 1898. Cloth, pp. 100.

This is a book of reminiscences, written in a delightful vein, and of suggestions as to some changes needed in the practice of this and other courts. The suggestions, coming from a lawyer of more than thirty years' experience at the Supreme Court bar, are entitled to great weight. The impression of the court and the experiences in it are probably the more valuable part of the book. They are valuable not as hints to others, but as the story of part of the life of such a man as Mr. Garland. While he was not one of our great men, he had a work to do, and did it courageously, honestly and well. To come into contact with such a man through the simple, direct pages of a book like this is an inspiration. All Americans have cause to be glad that a man of Mr. Garland's ability and knowledge of the highest court in the land should have the unbounded faith in it which he shows. It is reassuring after the criticisms one occasionally meets.