

University of Chicago Law School

Chicago Unbound

Journal Articles

Faculty Scholarship

1926

Book Review (reviewing Thomas H. Calvert, *The Constitution and the Courts: Notes on the Constitution of the United States* (1924))

James Parker Hall

Follow this and additional works at: https://chicagounbound.uchicago.edu/journal_articles



Part of the [Law Commons](#)

Recommended Citation

James Parker Hall, "Book Review (reviewing Thomas H. Calvert, *The Constitution and the Courts: Notes on the Constitution of the United States* (1924))," 20 *Illinois Law Review* 852 (1926).

This Article is brought to you for free and open access by the Faculty Scholarship at Chicago Unbound. It has been accepted for inclusion in Journal Articles by an authorized administrator of Chicago Unbound. For more information, please contact unbound@law.uchicago.edu.

mercial relations of neutral states with the central powers; and the success of this policy may tempt other strong nations to resort to similar methods in the future. The international significance of the resolutions of the allied economic conference at Paris has also escaped his observation. The same criticism may likewise be directed in part to the treatment of the economic provisions of the treaty of Versailles, particularly in the matter of the mandates and the internationalization of certain free ports and means of communication. The era of international public utilities is undoubtedly near at hand.

This volume, we may then conclude, is one of the most opportune and valuable contributions to the literature of international law in recent years. The time has come for a careful appraisal of the present status of international law. Professor Garner has given us not only an excellent survey of the development of international principles but also an admirable statement of the need of readjusting the organization of society and the principles of international law to the rapidly changing conditions of a new world order. To the talent of the jurist and historian he has added the gift of political prophecy.

University of Minnesota.

C. D. ALLIN.

THE CONSTITUTION AND THE COURTS: NOTES ON THE CONSTITUTION OF THE UNITED STATES. By Thomas H. Calvert. Compiled under the editorial supervision of the publishers. Northport: Edward Thompson Co., 1924. Vol. I: pp. vi + 1169; Vol. II: pp. iv + 1114; Vol. III: pp. 478.

Volumes I and II of this work are reprinted from the corresponding volumes of *Federal Statutes Annotated* (2d ed. 1918), with the addition of a supplementary Volume III bringing the annotations down to January 1, 1924. To Volume I are prefixed the Declaration of Independence, the Articles of Confederation, the Ordinance of 1787, the Analytical Index of the Constitution prepared for the Revised Statutes of the United States, a reprint of William M. Meigs's excellent work on the "Growth of the Constitution in the Federal Convention of 1787," and a short annotated monograph by Mr. Calvert upon "Constitutional Construction and Interpretation." Volume III has a 180-page index to all the annotations in the work.

Since the publication of the first edition of *Federal Statutes Annotated* in 1906, these annotations of decisions upon the Constitution, following its text and accompanied by elaborate sub-indices for each clause, have been one of the standard guides to students of the Constitution. Cases interpreting the Constitution have been exhaustively collected from both state and federal courts, the editing has been intelligently and, for the most part, carefully done, and the arrangement of matter, clearness of type, quality of paper and of binding leave nothing to be desired. They should have a large sale among those who wish an authoritative and convenient digest of federal constitutional law, without having to buy the entire set of federal statutory annotations.

The work is so good that one is impelled to suggest where it might be a little better. Considerable information is given about the adoption of the amendments to the Constitution, but the exact date when each became effective is not given in any case. Reference is made to the date of the announcement of their adoption by the President (before 1818) or to their proclamation by the Secretary of State under the Act of 1818, but this was in every case somewhat later than the ratification of the last state needed to complete the required three-fourths. In the case of the Eleventh amendment it was actually ratified on February 7, 1795, but not officially announced until January 8, 1798. The Eighteenth amendment was ratified on January 16, 1919, though not proclaimed until January 29, the latter date being held to be immaterial in *Dillon v. Gloss*.¹ The well-known controversy between Congress and Secretary Seward over the date of the ratification of the Fourteenth amendment is also somewhat misleadingly referred to in Volume II, p. 567. New Jersey and Ohio withdrew their ratifications of this amendment before July, 1868, and, it being necessary to count at least one of them to make three-fourths of the states, Congress passed a concurrent resolution declaring the amendment adopted and calling on the Secretary of State to promulgate it. Seward did not do so "accordingly," as stated in the text, but being too good a lawyer to be sure that Congress was right, he waited until another state, Georgia, had ratified before he did this, so it was unnecessary to count either New Jersey or Ohio. It is probable that the action of Congress had no legal significance. See *State ex rel. McClurg v. Powell* (1900) 77 Miss. 543, 48 L. R. A. 652; *Bott v. Wurts* (1899) 63 N. J. L. 289, 45 L. R. A. 251; *McConaughy v. Secy. of State* (1909) 106 Minn. 392.

JAMES PARKER HALL.

THE FEDERAL TRADE COMMISSION. By Gerard C. Henderson. New Haven: Yale University Press, 1924: pp. xiii + 382.

The growing popular conviction of the futility of the campaigns of trust-busting has led to recurrent suggestions that many of the weapons forged for these crusades are obsolete today. Disappointed progressives and die-hard conservatives join in demanding the scrapping of what was once considered first-rate artillery. The present year has witnessed serious questioning, even in liberal journals, of the effectiveness of the Federal Trade Commission, originally designated as the leader of the van in the war on the trusts. In such a situation, a dispassionate study of the history, the force, and the possibilities of the commission is particularly timely. Such a study of the legal, not the political, merits of the commission has been made by Mr. Henderson at the behest of the Committee on admin-

1. (1921) 256 U. S. 368. The compiler seems to have entirely overlooked this decision, and cites on the point only *Regal Drug Corp. v. Wardell* (1921) 273 Fed. 182, erroneously holding January 28, 1919, to be the date of ratification. See vol. III p. 282.