

Washington University Law Review

Volume 17 | Issue 1

January 1931

Review of “High Finance in the Sixties,” Edited By Frederick C. Hicks

Charles E. Cullen
Washington University School of Law

Follow this and additional works at: https://openscholarship.wustl.edu/law_lawreview



Part of the [Law Commons](#)

Recommended Citation

Charles E. Cullen, *Review of “High Finance in the Sixties,” Edited By Frederick C. Hicks*, 17 ST. LOUIS L. REV. 093 (1931).

Available at: https://openscholarship.wustl.edu/law_lawreview/vol17/iss1/4

This Book Review is brought to you for free and open access by the Law School at Washington University Open Scholarship. It has been accepted for inclusion in Washington University Law Review by an authorized administrator of Washington University Open Scholarship. For more information, please contact digital@wumail.wustl.edu.

Book Reviews

HIGH FINANCE IN THE SIXTIES. Chapters from the early history of the Erie Railway told by Contemporaries. Edited, with an introduction, by Frederick C. Hicks. Yale University Press, 1929. Pp. 410.

The title gives an impression that the book should be in the library of the Economics department rather than in the Law School and that the review should be in a journal of Economics. Recalling the interest aroused in his undergraduate courses on railway finance and organization and Ripley's interesting exposition of the struggle for the Erie, the writer looked for a reenjoyment of the dramatic story of forgery, robbery, kidnapping and use of violence and armed force as one looks for relaxation in a detective story. The admirable introduction of Mr. Hicks, outlining the setting and the leading characters in that lively drama in real life, demonstrated, without didactic statement, that this book belongs in the law library and should be read by law students. "An easy public complacency in the presence of sharp practices"; "the supernumeraries included . . . sheriffs, policemen, judges, lawyers, legislators . . ."; "the courts are the weapons of both parties"; "and freight-car loads of rough, hired, proxy-holders vote in the presence of Erie lawyer David Dudley Field," and the inclusion of the last four selections showed why the book is for a law library. The latter half of the book contains *The Lawyer and His Clients*, by Albert Stickney, *An Inquiry Into the Albany and Susquehanna Railroad Litigations of 1869*, and *Mr. David Dudley Field's Connection Therewith*, by George Ticknor Curtis, *A Great Lawsuit and a Field Fight*, by Jeremiah S. Black, and *The Truth of a "Great Lawsuit,"* Albert Stickney's reply. Here are live discussions *pro* and *con* on the issue of how far counsel may use legal technicalities and influence with judges to carry out schemes of his client, known to be wrong. Here is the subservient corporation lawyer with his legal trickery and the judge who begs description who have placed the profession in a light from which it seems impossible to remove it so that public confidence may be restored. That George Ticknor Curtis, former Attorney-General of the United States and Chief Justice of Pennsylvania should attempt to justify such subservience and practically make the lawyer a mere tool of his employer merely indicates to what extent the prominent members of the bar had yielded to an abstract view of the duties and status of members of the profession. Curtis defended Judge Barnard when the Judiciary Committee of the New York Assembly heard testimony on charges made by the New York Bar Association as a result of which Barnard was later impeached, was found guilty on twenty-five articles, removed from office and disqualified from ever again holding office within the state. Stickney was one of the counsel for the Bar Association, and later served "without charge to the state" as counsel for the impeachment managers. His refutation of the defence of Field is an inspiration to any lawyer to sustain the highest ethics of his profession.

For the general reader, as well as for the lawyer, "The two articles by Charles Francis Adams, and that by Henry, . . . are remarkable for the force of their searching criticism. They are even more remarkable for their courage; for they were written and published, not years afterward, but while the action was in progress, and while all the persons whose honor was impugned were alive and powerful." The setting is appropriate for the modern reader in that it covers the "Gold Conspiracy" and the terrible collapse of the market on "Black Friday" of 1869. It is interesting to note that Henry Adams took his article on the "Gold Conspiracy" to England "for any expression about America in an English review attracted ten times the attention in America that the same article would attract in the *North American*." To his surprise he found the *Edinburgh Review* and the *Quarterly* refused to publish it. "As usual, when an ally was needed, the American was driven into the arms of the radicals," and it was published by the *Westminster Review*, and "it was instantly pirated on a great scale."

And Mr. Hicks has rendered a service in gathering these articles together, with his excellent introduction and choice selection of what turns out to be both of timely interest and distinct benefit to the profession.

CHARLES E. CULLEN.

Washington University School of Law.

HANDBOOK OF THE LAW OF CONTRACTS, by *William L. Clark, Jr.* Fourth Edition, by Archibald H. Throckmorton and Alvin C. Brightman. St. Paul: West Publishing Co., 1931. Pp. xv, 858.

During the past generation in this country, Clark on *Contracts* undoubtedly has been the most widely used students' textbook on the subject of contracts. The first edition appeared in 1894. It was admittedly based upon the analysis made popular in England by the earlier work of Sir William Anson. The present edition has been carefully prepared. The original text is generally retained. The additions for the most part are in the footnotes. Many new cases are cited. Frequent references are made to the American Law Institute's Restatement, and also the Uniform Sale of Goods Act. The text of the book is presented in a group of black letter propositions each followed by a commentary in ordinary type. In the footnotes about 14,000 cases are cited. Chapters on Capacity of Parties and Quasi Contracts extend the scope of the subject somewhat beyond the course in contracts as ordinarily treated in modern law schools. However, from the viewpoint of a student this is an advantage rather than a drawback. For collateral reading in connection with a casebook, or as a book of reference for practitioners, this new edition of Clark on *Contracts* is a work of real value.

TYRRELL WILLIAMS.

Washington University School of Law.