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Book Review: A Treatise on the Anti-Trust Laws of the United States

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BOOK REVIEWS

A Treatise on the Anti-Trust Laws of the United States, including all related trade regulatory laws. By Harry A. Toulmin, Jr. Cincinnati: The W. H. Anderson Company, 1949, 7 vols., \$150.00. Thus far published Vol. I, xxxv, 506, Vol. II, xxvii, 466, Vol. III, xxviii, 448, Vol. IV, xxii, 881, Vol. V, xxii, 1074. In process of publication, Volumes VI and VII.

Sixty years of anti-trust legislation, administrative enforcement, and judicial proceedings have confronted the American business scene with multitudinous problems. Mr Toulmin, a distinguished authority in the field, has performed the monumental task of putting together in one seven volume treatise, a comprehensive study of the anti-trust laws of the United States.

Anti-trust legislation took on statutory form in the closing years of the nineteenth century through passage of the Sherman Act and has since that time been supplemented by the enactments of the Miller-Tydings Act, Van Nuys Act, Robinson-Patman Act, Federal Trade Commission Act and others, all of which have been amendments, modifications, or supplements of the anti-trust laws. During this period numerous courts and administrative tribunals have interpreted the anti-trust laws in thousands of decisions which have tended to change the entire field of American business and international trade. Although the Supreme Court of the United States has endeavored to interpret and apply these laws in a uniform manner, the wide diversity of opinion between justices through the years has created a situation in which the legal profession has been confronted with increasingly complex problems in their task of guiding American business. By combing years of practical experience with scholastic research, Mr. Toulmin has been able to make available to the legal and business world, a comprehensive study of the anti-trust laws of the United States.

Along with being an intense study of law, administration, and judicial decision, Mr. Toulmin has injected into the treatise a mark of personality by way of discussing the effect of anti-trust legislation on American economy and political stability. An individual with a broad background of experience and knowledge, the author has taken cognizance of a trend actuated by the subject legislation. As a result, the author not only reports law and its interpretation, but he discusses what a member of the public can and cannot do. He indicates the trend of decisions so that, when advising clients, counsel will have before him the probable change in the law or evolution of the decision as indicated by past decisions. Consequently the treatise is a factual and practical everyday source of assistance to the practitioner.

The first three volumes cover in detail the various statutes and their legislative history. Volumes four and five present the author's application of the anti-trust laws to patents, labor, commerce, and the professions. Enforcement of the anti-trust laws by the Department of Justice and the Federal Trades Commission is dealt with in volume six. Although each volume has its respective index, volume seven contains a master index along with forms, table of cases, etc. The particular volumes will be kept current through the use of pocket supplements.

Insofar as anti-trust litigation is becoming an everyday incident in the activities of American business, Mr. Toulmin's Treatise would be a valuable asset to the lawyer involved in the problems connected with the anti-trust laws of the United States.

JOHN A. FORMELLA

University of Notre Dame Natural Law Institute Proceedings, Vol. III.

Edited by Edward F. Barrett. Notre Dame, Indiana; College of Law, University of Notre Dame Press, 1950. Pp. 137. \$2.00.

Through a process of reasoning which is not quite clear, modern man has come more and more to the conclusion that the best reason for rejecting a theory or concept is that it has been believed in the past, and the best reason for accepting another theory or concept is that it is only presently propounded. This is as true in law as it is in any other field. Acting under the fiction that change is progress, man has discarded the concept of the Natural Law, and has substituted in its place secularism, pragmatism, and subjectivism. That these latter philosophies are inadequate to stem the tide of tyranny which has flashed repeatedly over the world in the past few decades, and which now threatens to inundate it, has become clear to all but a few adherents—those who, for reasons of their own, are afraid to admit of a power greater than the state. Many who see the inadequacies inherent in these philosophies, however, still cling to them, for they lack the knowledge of a truer, more able system of law.

The Natural Law, the "laws of nature and of nature's God" invoked in the Declaration of Independence, looks to a power greater than the state. And if the state is not the absolute power, then it, too, is subject to law. Chancellor Kent affirms this when he says, "States or bodies politic are to be considered as moral persons having a public will, capable and free to do right, and wrong, inasmuch as they are collections of individuals, each of whom carries with him into the service of the community the same binding law of morality and religion which ought to control his conduct in private life."¹ Only this philosophy affirms the dignity of man, and only this is his salvation in a totalitarian world.

¹I Kent Comm. 2.