The Constitution of the United States—Yesterday, Today and Tomorrow

C. Z.

This small volume presents a vivid study of the birth of the constitution at Independence Hall in Philadelphia after a four months' travail under circumstances and surroundings which hardly gave the most imaginative of its godfathers any real hope of the unexampled future which this remarkable document has achieved, not to speak of the future which is still before it. Tracing its fundamentals into the English common law, the author defines the constitution as a compact between the dead, the living and the unborn, and seeks an answer to the question why the living should be controlled by a parchment in the Library of Congress drafted one hundred thirty-seven years ago by men all of whom are now dead and the last of whom faded into the infinite azure of the past nearly a century ago.

The book by no means neglects, but, on the contrary, lays great stress on the human side of the picture. The men who assembled at Philadelphia in 1787 are described so far as they were of outstanding importance and in many cases their utterances, so far as they have been preserved, are cited in full. The fortunate part played by a few patriotic men—Samuel Adams, Patrick Henry and Thomas Jefferson—by staying away from the convention rather than by attending it, is emphasized. The overwhelmingly important part which George Washington and Benjamin Franklin played in it from beginning to end is clearly set forth though Washington took the floor but once and then to make a suggestion which was not adopted. No detail is neglected. In describing a dinner which Benjamin Franklin gave while the convention was gradually assembling, the author, on page 71, says: "The men of that day were heavy drinkers, and if the genial doctor's guests on this occasion, or later the Constitutional Convention, had suspected the possibility of the Eighteenth Amendment, the convention would probably have adjourned sine die." The author mentions a cask of porter which Franklin had recently received, hints that, in addition, Madeira (in which later Franklin wished to be embalmed) was passed around and by way of illustrating such an occasion in a footnote, refers to a dinner given to General Washington in 1873 by the governor of New York in which 120 guests consumed 136 bottles of Madeira, thirty-six bottles of port, sixty bottles of English beer, thirty bowls of flowing punch and incidentally broke sixty glasses and eight decanters.

The absolute secrecy which the convention imposed upon itself, arriving at its covenants in anything but an open manner—from the viewpoint of the press gallery—is set out as one of the chief reasons for its ultimate success. The great compromises that were accomplished between the claims of the large and the small states and between the theories of the nationalists and the state rights adherents are pictured forth with all the vividness of a modern screen superdrama. The following chapter headings will illustrate this better than any verbose description could possibly do: VI, The Opening of the Convention; VII, The Opening
of the Battle; VIII, Mr. Hamilton Takes the Floor; IX, Nearing the Crisis; X, the Crisis; XI, The Dawn; XII, The Convention Witnesses a Great Experiment; XIII, Nearing the End; XIV, The Curtain Falls. Many pages could be filled if a mere index of the human elements surrounding the convention, as set forth by the author, were compiled. This, of course, would expand this review into an article of tremendous length and this naturally is more than the reader expects or the writer is ready to do.

However, a short account of the crisis will probably be welcomed by the reader. When the representatives of the small states presented their ultimatum that unless representation in both houses of the proposed legislature be on a basis of equality they would forthwith leave the convention, the author, on page 125, says: "At that moment Washington, who was in the chair, gave old Doctor Franklin a significant look. Franklin arose and moved an adjournment for three days, with the understanding that the delegates should confer with those with whom they disagreed rather than with those with whom they agreed." After Franklin had spoken for some time in favor of the constitution, not such a one as any one delegate could individually and in all respects approve, yet the best which under existing circumstances could be obtained, the countenance of Washington brightened and a cheering ray seemed to break in upon the gloom which had recently covered the political horizon. It was at this juncture that Franklin made his famous proposal to appoint a chaplain to open the sessions of the convention with prayer. Curiously enough this proposal was not acted upon because the convention lacked the necessary funds to compensate a chaplain for his services.

The book will be useful to all teachers and students of constitutional law and will be excellent reading to any patriotic American, whatever his occupation may be. It should find a large circle of readers, particularly among lawyers and judges whose daily work brings them more or less in close contact with the constitution.

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This book is by William W. Cook, the well-known writer on Corporation Law, whose eighth edition of Cook on Corporations appeared in 1923 in six volumes. A comparison of the two works shows that Principles of Corporation Law is in substance a telescoped edition of Cook on Corporations, eighth edition. The subject matter is the same. The notes in the larger work, which occupied at least two-thirds of its space, are omitted, except references to the decisions of the United States Courts, and the section numbers of the larger work, and notes on cases that have been decided since the last edition of Cook on Corporations. The text is printed in smaller type than the larger work, and therefore corresponds in volume with it. The fifty-six chapters of the eighth edition are reduced to twenty-five.

The small size and compactness of the book will make it useful as a reference work, particularly as a key to the eighth edition. The style and manner of treatment are the same as in the extended edition.

The usefulness of the book for other purposes, particularly its usefulness to students, is open to question. Mr. Cook's standing as a corporation lawyer, and his undoubted erudition in his chosen field of corporations, is unquestioned. An analysis by him of the principles underlying the whole field of associated action