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## *The Federal Trade Commission*, by Gerard C. Henderson (1924)

K. E. Leib

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may be made upon all kinds of personal property \* \* \* and upon growing crops and upon crops before the seed thereof shall be sown or planted. Provided, that the mortgages of crops before the seed shall have been sown or planted, for more than one year in advance, is hereby forbidden, and all securities or mortgages hereafter executed on such unsown or unplanted crops are declared void and of no effect, unless such crops are to be sown or planted within one year from the time of the execution of the mortgage." Thus no authority is given for chattel mortgages upon crops yet to be grown which are not crops for which seed is planted or sown (such as grains). And as applied to such a crop as is under consideration, "growing crops" must be held to relate only to crops grown and harvested the year the chattel mortgage is given. The fact that at the time B's mortgage was executed, "fruit spurs" had already formed, from which in the following year the blossoms and fruit would develop, does not aid the situation. It could equally well be said that when the tree was yet nursery stock it contained the rudiments of the crop of 1923.

H. S.

## BOOK REVIEWS

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

This is the first of a series of intensive studies carried on under the supervision of the Committee on Administrative Law and Practice appointed by the Legal Research Committee under the Commonwealth Fund. It is intended as a part of the program "which should reveal the workings of carefully selected administrative organs, in so far as their activities mean law and not mere internal administration." The author very carefully limits himself to "a study in administrative law and procedure" and does not attempt a consideration of such parts of the work of the Federal Trade Commission as have to do with special investigations and reports, the issuing of licenses or the administering of the Webb-Pomerene Act.

The discussion is divided into a relation of the history of the political and legislative factors leading up to the passage of the Act, an elucidation of procedure, discussion of findings, an enumeration of practices which have come before the Commission for action, and finally a very valuable chapter in which are made conclusions and suggestions which point the way to a possibility of even more valuable service in the future than has been rendered in the past.

Throughout the book a thoroughness of investigation, a keenness of analysis, and a maturity and balance of judgment are displayed which one might wish could be more often found in studies of our agencies of government.

The Federal Trade Commission is at present in a position to understand and sympathize with the tribulations of the Supreme Court in those days prior to the appointment of John Marshall. It is a cause for sober reflection and some sadness to the lawyer, the student of government or the student of business that an agency so fraught with potentialities for good or evil as the Federal Trade Commission should find its position so uncertain, its procedure so unorthodox, its power so ill-defined and its whole status so affected by political changes or vicissitudes as its history up to the present time would indicate.

There is need for a clearing of the atmosphere in regard to the attitude of government toward monopoly and restraint of trade. Perhaps in view of our existing legislation it would be more accurate to say that there is need for a clearer understanding of just what is monopoly or restraint of trade. The underlying economic tendencies and the effect of modern business methods

and forms of organization have in too many cases been uncomprehended by legislative assemblies.

Political expediency and personal bias bring tremendous pressure to bear upon an appointive commission. There is a danger that the views of so uncompromising a leader as the late President Wilson (who held monopoly an abhorrent thing and competition the desirable state) may lend color to decisions which ought to be as carefully weighed and as far removed from any accusation of political expediency as those of the Supreme Court.

A careful study of the activities of the Federal Trade Commission in the nine years or so of its existence leads Mr. Henderson to conclude that,

First: There is a real need for a revision of procedure which will free the Commission from the necessity of acting in the double role of prosecutor and judge. This, he points out, might be done in such form as to help to prevent damaging publicity and prejudice resulting from the fact that prosecution is conducted by the United States and at the same time more control might be exercised over the matter covered in hearings and some long drawn out and purposeless suits might be avoided.

Second: There is need for the adoption of the judicial form of decision, already familiar for centuries in our courts, in order that principles may emerge, based on recorded facts, which will help to avoid the uncertainty and confusion so apparent as a result of the present formalistic findings.

Last of all, as the author points out, monopoly and restraint of trade are the main issue, and time should not be wasted on petty squabbles and dishonesties. The Commission has attempted to handle too many cases. There is a warning for all of us in the statement that, "A crusade is more spectacular than a scientific inquiry, and a moral issue has greater political value than a practical adjustment."

The clearness of type and excellent quality of paper and binding are worthy vehicles for the scholarly, well weighed and clearly handled examination into the nature and functions of one of our most important commissions.

K. E. LEIB.

PRINCIPLES OF CORPORATION LAW. By William W Cook. Ann Arbor, Mich.. Lawyers' Club, Univ. of Mich., 1925. pp. xiv, 815.

Here is a book deserving of special notice, one that appears to be the pioneer of a new type of text-book. As the author says in the preface: "This book is an experiment to condense, simplify and clarify the law, for the use of the lawyer, law student and layman. In an article published in the Michigan Law Journal in February, 1923, on 'The Law Book of the Future', I proposed a new type of text-book, stating general principles with a few applications, and with foot-note references to elaborate text-books and to the decisions of the Supreme Court of the United States. This book has been written on that theory, the references being chiefly to the eighth edition of the author's six-volume work on corporation law, and to the decisions of the Supreme Court. References to very recent decisions are also added."

The work consists of 815 pages. The type is clear and easily read, the paper is thin, and the volume makes a very easily handled book but a little more than an inch in thickness, well bound in flexible covers. Mechanically it is a great improvement on the cumbersome text-book generally inflicted on the bench and bar.

This excellent publication is what it professes to be—a treatise on the principles of corporation law, and should prove invaluable to lawyers desiring to brush up on fundamentals and to students for general study and especially in reviewing. Mr. Cook has long been recognized as a sound authority on