

Book Review

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Book Reviews

FRANCIS SCOTT KEY, LIFE AND TIMES. By Edward S. Delaplaine. New York. The Biography Press, 1937. Pp. xiv, 480.

There is an interesting parallel in the lives and biographies of Francis Scott Key and Roger Brooke Taney, quite apart from their kinship by marriage and their almost life-long friendship. Both are popularly known—or were until the respective biographies of Messrs. Delaplaine and Swisher appeared—for single acts which have stuck to their names. Taney wrote the Dred Scott decision; Key wrote the Star Spangled Banner.

In considering the lives of these men in their natural perspective this distortion is adjusted, greatly to the enhancement of the reputation of both. Such consideration also brings about a nostalgia for the so-called good old days, when a leader at the bar of the United States Supreme Court, as Key was, had sufficient foundation of training and learning in the liberal arts to be at the same time an accomplished poet, a devoted churchman, and a faithful public servant. Mr. Delaplaine has published for the first time a number of Key's speeches. To impatient moderns they make pretty tiresome reading in their more "eloquent" passages. They reveal an orderly mind satisfied to excel by the accepted standards of achievement and conduct.

Key was born in 1779, in Frederick County, at his family's plantation. He died in Baltimore in the winter of 1843 while on a visit to his daughter, Mrs. Charles Howard. When only ten years old, young Francis matriculated at St. John's College, whence he was graduated seven years later. He made some close friendships in Annapolis among fellow-students and teachers, and while a student fell in love with Mary Tayloe Lloyd, whom he won after a persistent courtship (enforced by verse) and they were married in 1802.

Key's father was judge of the Fifth Judicial Circuit of Maryland; his uncle, Philip Barton Key, a leader of the State bar, was in practice at Annapolis when Francis was graduated from St. John's and asked his promising young nephew to study in his office. The close personal and professional relationship continued during Philip's life. Francis was admitted to the bar at Frederick in 1800. Five years later his uncle, having moved to the thriving town of Georgetown and wishing to retire, easily persuaded Fran-

cis to move his family from Frederick. Under these favoring auspices, Francis rapidly advanced to a considerable reputation. When only twenty-seven he made his first of many appearances before the Supreme Court, over which John Marshall then presided, in a case involving an application for the writ of *habeas corpus* on behalf of Bollman and Swartwout, two messengers of Aaron Burr accused of treason.

The War of 1812 brought to Key, among other experiences, a substantial decrease in professional income. Being devout and pious from childhood, he seriously pondered turning to the ministry. In 1814 he actually received a call to assist at St. Paul's in Baltimore. His friend John Randolph of Roanoke, a believer in Mahometanism, to whom Key had turned for advice, was sympathetic but not enthusiastic. The final decision was to persist in the law.

Mr. Delaplaine is at his best in the thrilling story of the attack on Fort McHenry and the resulting inspiration that produced the Star Spangled Banner. (Key had unconsciously prepared himself for this immortal achievement by a study of song-writing.)

Key, with many other intelligent citizens of his time, was deeply troubled by what he believed to be the impending crisis over slavery. He was an active crusader for colonization. He tried and argued many cases involving property rights in slaves.

Andrew Jackson captured the poet-lawyer's imagination and changed him into an active and effective partisan. He was appointed United States Attorney for the District of Columbia in 1833. In 1832 Key had defended Sam Houston before the House of Representatives. This chapter of his forceful and courageous advocacy is perhaps the high point of the book.

Taney was appointed Chief Justice in 1837 and Key argued many cases before his distinguished brother-in-law.

Francis Scott Key was perhaps just under the rank of greatness as lawyer or poet—if such ranking is important. He was a great citizen. Mr. Delaplaine's biography is a valuable and interesting contribution to the history of the period.

—RICHARD F. CLEVELAND.*

* Of the Baltimore City Bar.

HANDBOOK OF THE LAW OF PARTNERSHIP AND OTHER UNINCORPORATED ASSOCIATIONS. By Judson A. Crane. St. Paul: West Publishing Co. 1938. Pp. x, 535.

A new hornbook, presenting a picture of the partnership form of business association, together with variations such as the limited partnership, joint-stock company, business trust, and non-profit association, is Professor Crane's recent contribution to the study of the law of Partnership. This book, as the author points out in his foreword, was written primarily for use as a text in law schools and its size was limited accordingly. For this reason it is not as comprehensive as one might wish, although it should be of value and assistance to the student for the information it does contain. Like other works in the same series the text contains less analysis and extensive discussion of troublesome matters than is desirable. Nevertheless, the author's treatment of many questions, particularly those raised by certain provisions of the Act, should be helpful not only to the student but to the teacher and practitioner.

In this handbook, the author refers in the headnotes to the Uniform Partnership Act, which has been adopted in some nineteen states, including Maryland. Both the headnotes and text emphasize the extent to which various provisions of the Act have modified the common law rules. The distinctions have been clearly, concisely, and forcefully presented. It is helpful that the index indicates the pages where particular sections of the Act are considered.

The text is divided into ten chapters, although only eight deal with partnership problems. The first and introductory chapter is devoted to the history and source of Partnership law, while the last one (though too briefly) deals with Non-Profit Associations.

The second chapter is a treatment of the capacity to enter into the partnership relation and the incidents which create the formation of the true partnership. In the chapters that follow are discussed special forms of partnership and related unincorporated associations for profit and specialized problems connected with the partnership relation. Particularly enlightening is Chapter Nine dealing with Bankruptcy and Liquidation of Insolvent Partnerships. The material contained therein presents an acute and helpful analysis of what is involved in Section 5 of the Federal Bankruptcy Act. The treatment is as complete as could reasonably be expected in view of the limitations of space.

In the appendix the author has conveniently included the Uniform Partnership Act, the Uniform Limited Part-

nership Act, sections of the Uniform Fraudulent Conveyance Act dealing with partners and partnerships, and Section 5 of the Federal Bankruptcy Act which deals with partners in bankruptcy. The states (including Maryland) which have adopted the first three acts are also noted.

All in all, the handbook presents a scholarly consideration of the field of Partnership law and it should find its proper place among the hornbooks primarily written for the use of the student. The text should be particularly welcomed at this time because the importance of Partnership law has somewhat increased in recent years. Because of the many additional and various taxes that have been imposed upon corporations, there may well be a trend away from the corporate entity method of conducting business toward that of the partnership or some other unincorporated association. For this reason it is quite likely that the law of Partnership will assume a greater importance in this country and accordingly this hornbook should prove of undoubted value to the legal profession.

—FREDERICK W. INVERNIZZI.*

Book Note

THE INTERSTATE COMMERCE COMMISSION, PART IV. By I. L. Sharfman. New York. The Commonwealth Fund, 1937. Pp. xiii, 550.

This, the concluding volume in the author's monumental study of the Interstate Commerce Commission, brings to completion an outstanding work in the field of Administrative Law with an examination of the organization and procedure of the Commission, prior volumes having dealt with an analysis of the legislative basis of the Commission's authority, its jurisdiction, and the nature and scope of its activities. The present widespread interest and equally widespread confusion of thought with respect to administrative commissions and their proper place in our governmental scheme have made such careful and scientific studies of their actual workings of particular importance and significance.

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In this part of the work the author reviews in detail the mechanics of the Commission's workings, and the procedure and rules of practice in accordance with which it operates. Emotional critics of administrative commissions can, if they will, study it with profit; they should be able to obtain an appreciation, not only of the practical necessity of such bodies, but also of the fact that it is entirely possible for them to operate with all due regard for the rights of parties before them.

From the standpoint of interest to the general reader, the present volume suffers somewhat by contrast with its predecessors because of the highly technical nature of the material involved; statistics are often important but infrequently exciting. However, the conclusion, which summarizes the whole work, and which argues strongly that complete administrative independence of the Commission is essential if it is to perform the functions for which it was created, should be of much interest and present significance, when considered in connection with the recent proposals of the President for departmental reorganization.