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## Book Reviews

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# BOOK REVIEWS

## THE PENNSYLVANIA CONSTITUTION OF 1776

By Paul Selsam, Ph.D. Philadelphia, University of Pennsylvania Press, 1936. Pp. 280.

"The purpose of this study is to show how the first constitution of the state was formed as a result of the growth of democratic opinions and beliefs, and to discuss the heated battle fought over it and the effect this had upon the Revolution." . . . "In the pages which follow we shall trace the combined revolutionary and constitutional movement showing the development of a completely democratic spirit. We shall see the downfall of the Proprietary Government, an exceedingly democratic constitution established in its place, and the fierce battle which resulted from the attempt to establish a government under this constitution of the people." scope of this work. It is a book of history and not a book of law; yet in being the one concerning a legal topic, it cannot help but be largely the other as well.

This, in a general way, outlines in the words of the author, the purpose and

The book is especially rich in painting in vivid colors the background of the constitution of 1776. It gives a wealth of interesting and essential detail showing the intense struggle preceding the forming of the constitution. It shows that the clash of economic, ethnic, religious, social and sectional interests was of at least equal importance in shaping the constitution as was the clash on mere political issues such as questions of checks and balances, the doctrine of separation of powers and similar issues.

Although Pennsylvania was a haven for people of all religious denominations, sects and shades of credal beliefs, the people were insistent that it was a christian commonwealth. One of the qualifications of the members of the first convention was making a declaration of faith "in God, the father, and in Jesus Christ, His eternal son, the True God, and in the Holy Spirit, one God blessed for evermore" and an acknowledgment of his belief that the "holy scriptures of the old and new testament" were given by "divine inspiration".

The reviewer is not qualified to gauge the historical accuracy of the statements made in the work. Judged solely by the list of newspapers consulted, the primary sources of official documents and personal writings and the secondary works used in the writing of the volume, the accuracy of the statements made and conclusions drawn therefrom seems assured. The author seems to have made an extremely painstaking and exhaustive study of all the available materials on the subject.

We have but one criticism of this study. After several hours of interested and absorbed reading, the author had us prepared for an appreciative reading for the first time of the constitution of 1776. Imagine our intense disappointment

after a thorough search through the book in not finding therein a reprinting as a whole of the constitution. To us that constitutes cruelty to readers. There may have been sufficient reasons for not reprinting it in an appendix but we cannot conceive what such reasons may have been. To us it seems inexcusable not to include a copy of the constitution in a book on the formation, etc., of such constitution.

The reviewer is qualified to state that the book will be found of extreme interest to anyone interested in the law or history of Pennsylvania. The author has a pleasing style and the book has much of the grip of an historical novel. Those interested in an attempt to revise and rewrite the present constitution of the state may well read the present work with considerable profit. Pennsylvania lawyers and law students will find much of value to them in the background information given by the author and might well put this book on their list of "must" readings.

Harold S. Irwin

## CASES AND OTHER AUTHORITIES ON THE LAW OF MORTGAGES

Second Edition. By I. Maurice Wormser. New York, Baker, Voorhis and Company.  
(Jos. M. Mitchell, Phila., Pa.) Pp. 667.

The first edition of the present selection of cases appeared in 1925. That selection was predicated mainly on the selection of cases on the law of mortgages of Professor George W. Kirchwey which was published in 1902.

In the present edition particular attention has been paid to the rapid and unusual developments of the last decade in the law of mortgages. Special stress has been placed in the selecting of cases on the rights of the mortgagee in possession; the nature of the chattel mortgage, the pledge and the sale on condition; the so-called "trust system" of mortgaging which prevails in a number of states; and a complete treatment of the very practical subject of fixtures as incident to the mortgage relation. An entirely new section has been added dealing with enforcement of the mortgage by the mortgagee, covering the statutory right of redemption after foreclosure sale.

More references have been made to various law review articles and noted cases. The editor concedes that some care has been taken to avoid making a text book out of the collection of cases. In this the editor has been successful and in so doing has destroyed some of the utility of the book for students in many jurisdictions, other than New York.

The selection of cases has been judiciously done and adequately covers the field of mortgages. It should prove a profitable teaching tool in New York law

schools but the book has not the slightest value to a Pennsylvania practitioner and would be of dubious merit in teaching mortgages in many states other than New York. The selected cases include eighty-five New York cases and one Pennsylvania case on a minor point. The emphasis on New York law through the selected cases, footnotes and statutory insertions is overwhelming.

The book contains no index, thereby nullifying any of the little value that the work otherwise might have had to a practicing attorney. The selection will have no interest to Pennsylvania lawyers or students.

Harold S. Irwin



CHIEF JUSTICE JOHN W. KEPHART

Portrait by Paul A. Bloser, presented to the Dickinson School of Law on April 30th, 1936, by the Alumni Association.