

## The Abolition of Poverty (Book Review)

Mildred E. Schroeder

Follow this and additional works at: <https://scholarship.law.stjohns.edu/lawreview>

---

This Book Review is brought to you for free and open access by the Journals at St. John's Law Scholarship Repository. It has been accepted for inclusion in St. John's Law Review by an authorized editor of St. John's Law Scholarship Repository. For more information, please contact [selbyc@stjohns.edu](mailto:selbyc@stjohns.edu).

the phenomenon of change from the accommodating party to the giant corporate surety organized for profit.<sup>1</sup>

The subject of the Statute of Frauds is set forth in simple but effective fashion. Most all jurisdictions have adopted a uniform interpretation of the word "void" as incorporated in their respective "required to be in writing" statutes. Earlier cases such as *Dung v. Palmer*,<sup>2</sup> which held that the word "void" was to be interpreted literally to mean void *ab initio* are now considered judicial misstatements, or as "bad apples"<sup>3</sup> to be segregated from the mass and disposed of.

The inclusion of standard forms of bonds and other undertakings incorporated in the Appendix should prove to be a helpful aid to the neophyte if for no other reason than to analyze their content for mode of expression and for the interpretation of individual clauses.

ALLEN K. BERGMAN.

St. John's College.

---

THE ABOLITION OF POVERTY. By Harrison E. Fryberger. New York: Advance Publishing Co., 1931, pp. 152.

Many writers, including Hammurabi, Malthus, Voltaire, and Henry James, have attempted to convince the public that at last the panacea for economic evils had been discovered. Mr. Fryberger attempts to convincingly support his contentions by voluminous excerpts from sources as widely divergent as the *World Almanac*, *Bulletin 89*, *Bureau of Mines*, and the "Quadragesimo Anno" Encyclical of Pope Pius XI. Perhaps this is due to his legal training in preparing briefs, and then again perhaps it is an attempt to make his book imposing

---

<sup>1</sup> The reaction to the compensated surety has been expressed in terse language in an extract from the opinion of Cox, *J.*, in *United States Fidelity and Guaranty Co. v. Poetker*, 180 Ind. 255 at 263, 102 N. E. 372 at 374 (1913): "It is, of course, to be conceded that a surety company may, in dealing with a private citizen, with a free hand, unhampered by statutory restrictions, make such a contract of suretyship as it chooses, and guard and limit its liability by as many provisions as it pleases, and, if the one for whose benefit it is given accepts it in good faith, the surety is bound only according to the terms of the bond. But even in such a case the rule of *strictissimi juris* which has been invoked for the benefit of private individual sureties who sign for accommodation, and not for compensation, and which requires a strict construction of the contract in their favor, and a resolution of all doubts in their favor, does not apply to the involved contract of a surety company which becomes a surety for profit. In the latter case the rule is reversed and the contract, when there is room for construction, is to be construed most strongly against the surety and in favor of the indemnity which the obligee had reasonable ground to expect." (Italics ours.)

<sup>2</sup> 52 N. Y. 494 (1873).

<sup>3</sup> Merrill, *Contribution Between Sureties and Guarantors* (1932) 2 *IDAHO L. J.* 1, "Reported cases are like apples in a basket. Unsoundness in one tends to infect the whole mass. Hence it is of the utmost importance promptly to cull out those which are faulty. A critique of judicial decisions often proves useful as an aid to this necessary process of elimination."

and authoritative. Irrespective of the reason, the result is the same; one receives the impression that it is nothing more nor less than a melange of other people's ideas—ideas that have been tried and found wanting.

Mr. Fryberger advocates: 1. A high protective tariff; 2. Larger income taxes; 3. High wages; 4. Wider distribution of wealth, and 5. Prohibition, these remedies to be enforced and supported by political action.

This country is already staggering under retaliation to our present high tariffs, and England and Germany are rapidly gaining what foreign markets we have left. Mr. Fryberger admits that "the promise of great rewards" is the incentive for most people to work, yet he would remove that incentive by making the Government force the capable and willing workers to support the incapable and unwilling by high income taxes and other legislative acts. In so far as universal high wages are concerned, Mr. Fryberger should not forget the fundamental rule of economics, "Supply and Demand."

Relative to the last point, Prohibition, the Literary Digest Poll refutes the statement that only a minority of forty per cent are opposed to Prohibition. In reply to his assumption that drunkenness would increase if Prohibition were abolished, the recent Finnish repeal of Prohibition and the attendant results should be sufficient.

In conclusion, the writer would like to state that theories such as Mr. Fryberger sets forth in his book is probably one of the reasons why Scott Nearing once remarked that the Socialist Party is "made up of lawyers and retired real estate speculators."

MILDRED E. SCHROEDER.

Columbia University, N. Y.

---

## BOOK NOTES

GAYNOR. By Louis Heaton Pink. New York, N. Y.: The International Press, 1931, pp. 256.

This book brings to the reader the life of one of New York's most colorful mayors. The moods and attitudes of the man Gaynor are carefully portrayed. Truly he was a conundrum. Along with his legal talents, his scholarship and his philosophical mind went an irascible temper, and a resentment of criticism.

Along with the biography of "The Tammany Mayor who swallowed the Tiger," is an interesting history of Brooklyn and New York City as it was in Gaynor's time. Altogether the book is well worth reading.

---

AIGLER'S CASES ON TITLES (2nd edition). By Ralph W. Aigler. St. Paul, Minn.: West Publishing Co., 1931, pp. 1031.

Fifteen years have elapsed since the first edition of this book and, while Real Property is not a field in which the law is rapidly changing, certain legal doctrines have become more sharply defined during that period. Because