

4-1929

# Constitutional Problems Under Lincoln, by James G. Randall

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## Recommended Citation

Field, Oliver P. (1929) "Constitutional Problems Under Lincoln, by James G. Randall," *Indiana Law Journal*: Vol. 4: Iss. 7, Article 6.  
Available at: <http://www.repository.law.indiana.edu/ilj/vol4/iss7/6>

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## CONSTITUTIONAL PROBLEMS UNDER LINCOLN\*

Professor Randall has performed a service for students of government and constitutional law in writing this book on the constitutional problems of the Civil War. In 530 pages of text, he considers the controversies concerning constitutional interpretation which arose during the Civil War. Some of these controversies came before the courts; many of them were never brought before a judicial tribunal for settlement. The book does not deal with the Reconstruction period except in an incidental way. Its focus is primarily on the Civil War.

While an introduction of some kind is always necessary to any work of this size, pages 1 to 25 seem unduly general in the scope of their treatment. The various subjects considered in this volume are such as the constitution and the war powers; the legal nature of the Civil War; the law of treason; the treatment of confederate leaders; the power to suspend the habeas corpus privilege; military rule and arbitrary arrests; martial law and military commissions; the indemnity act of 1863; the regime of conquest in occupied districts of the south; legal and constitutional bearings of conscription; confiscation; emancipation; state and federal relations during the Civil War, including the partition of Virginia; and one chapter is included on the relation of the government to the press. In his chapter of sum-

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\**Constitutional Problems Under Lincoln*.—By James G. Randall, Ph.D., Associate Professor of History of the University of Illinois. Pp. 580 xviii. D. Appleton and Company, New York. 1926.

mary and conclusion Professor Randall weighs carefully the evidence pro and con on the justification of the Lincoln administration for the various steps taken by it, which stretched, as it were, the normal bounds of constitutional government.

The author has examined a good deal of hitherto unused documentary material, especially in connection with the legal phases of the war and the conduct of the government in the north. Due to the fact that so much attention has been paid in this volume to social and economic backgrounds, lawyers may find it somewhat different from the usual treatise in constitutional history or constitutional law. Because of this background material, however, the book is the more useful. One may not always agree with the conclusions of Professor Randall, but one cannot read his treatment of any of the controverted subjects with which he deals without feeling that he has carefully considered and sifted the evidence.

The book is pleasant to read and is not so cluttered with footnotes or technical material that it makes hard reading, as is often the case with books of this kind. The book can be read easily by one not trained in the law.

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