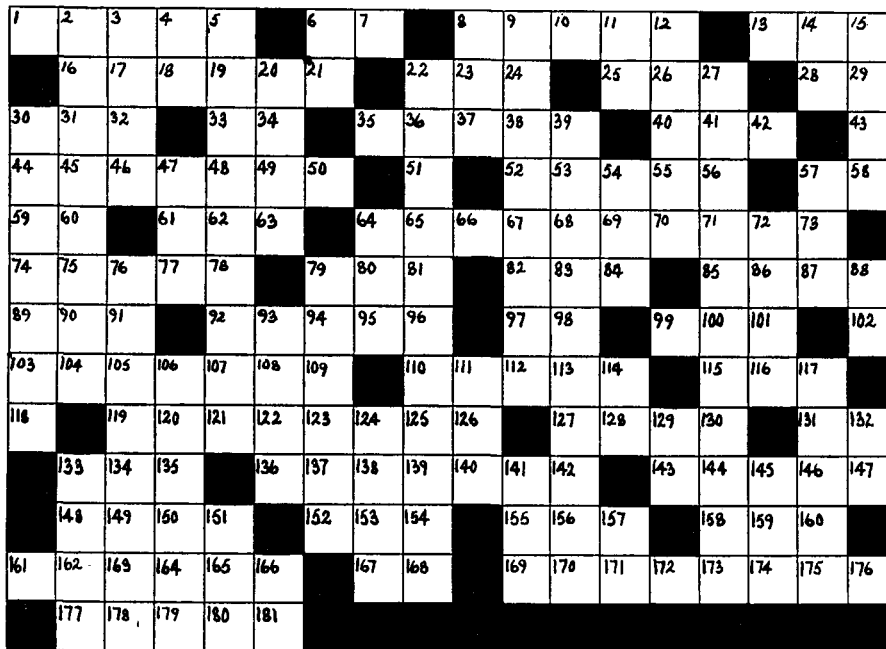


Double-Crostics: No. 96

By ELIZABETH S. KINGSLEY



DIRECTIONS

To solve this puzzle, you must guess twenty-seven words, the definitions of which are given in the column headed DEFINITIONS. The letters in each word to be guessed are numbered. These numbers appear under the dashes in the column headed WORDS. There is a dash for each letter in the required word. When you have guessed a word, fill it in on the dashes; then write each letter in the correspondingly numbered square on the puzzle diagram. When the squares are all filled in you will find (by reading from left to right) a quotation from a famous author. Reading up and down the letters mean nothing. The black squares indicate ends of words; therefore words do not necessarily end at the right side of the diagram.

When the column headed WORDS is filled in, the initial letters spell the name of the author and the title of the piece from which the quotation has been taken. Unless otherwise indicated, the author is English or American.

The solution of last week's Double-Crostic will be found on page 20 of this issue.

DEFINITIONS

- I. Aloofness.
- II. To close.
- III. English essayist and caricaturist (1872—).
- IV. Chief sun god (Babylon).
- V. Correct pronunciation.
- VI. Terrifying dream.
- VII. Commands.
- VIII. Poem by William Watson.
- IX. Sudden movement.
- X. A Balto-Slavic language.
- XI. Frank declaration.
- XII. To make incoherent.
- XIII. Large fish of brilliant colors.
- XIV. Vain, useless.
- XV. Follower of an ancient religion.
- XVI. Transported with delight.
- XVII. Repeatedly.
- XVIII. Lincoln's Secretary of War.
- XIX. Greek-Spanish painter (1547-1614).
- XX. To cultivate ostentatiously.
- XXI. Novelty.
- XXII. Dissimilar.
- XXIII. Greek letter.
- XXIV. Laughs boisterously.
- XXV. Long.
- XXVI. Masculine.
- XXVII. English dramatist (1635-1691).

WORDS

117	153	99	170	110	2	60	39	17	67
156	129	11	165	171	81	27			
40	135	160	50	74	33	26	180		
147	44	13	113	131	78	149			
59	4	61	83	18	101	164	154		
46	162	172	65	138	106	29	177	3	
114	105	178	54	143	1	92			
51	163	95	89	123					
169	41	72	102	152					
111	63	132	42	124	104	134			
103	48	37	64	86	136				
15	140	96	85	76	174	90	133		
167	35	115	159						
168	19	82	66	9	5				
28	118	14	69	62	45	30	52	98	
36	137	8	56						
120	22	93	16	73					
7	139	97	80	25	71	175			
84	75	176	157	49	53	23			
128	155	34	12	141	109				
108	142	146	55	130	38	121			
126	112	127	57	68	161	91	125	148	
58	100	145							
70	94	43	21	122	77	87			
179	107	10	119	31					
88	79	151	116	6	32	173			
181	158	144	166	24	150	20	47		

Fair Trade Practice in Books

(Continued from preceding page)

injured publisher X could proceed against him on either ground. But D also, having cut prices "wilfully and knowingly," would have been guilty at least of unfair competition and therefore potentially liable to restraint.

The Act prescribes that the "unfair competition" shall be "actionable at the suit of any person damaged thereby." "Actionable" means that a supposedly injured party may sue and the courts may try his suit and give or refuse relief. The party suing must have been "damaged"; he cannot maintain his suit except by proving pecuniary damage already suffered or immediately impending by reason of the price-cutting.

The Act, therefore, means this: When dealer D has deliberately chosen to buy and sell the commodities involved—in the face of his knowledge of contracts between the producer and A, B, and C—D thereby incurs the obligation that he must not "wilfully and knowingly" cause pecuniary damage to another by cutting prices below levels lawfully stipulated. And he cannot be exempted simply because he has not contracted to conform to that obligation.

It seems rational to assume that the Legislature must have reasoned thus: Price-cutting in itself is no more evil when practised in breach of contract than when practised "wilfully and knowingly" to the damage of others, without breaching a contract. The disastrous results are not different in the two cases. To get the benefits of the Act, a producer must make at least one contract with a dealer. The fundamental need of the producer to fix prices, however, is the same whether or not he can make contracts with all his dealers. The need of the dealers to be secured against cut-throat rivalry is not dependent upon contracts. The economic and social purposes to be served are the same, contract or no contract. As a matter of public policy, the unfair practices should be preventable, contract or no contract. Hence, the Legislature declared that price-cutting, under specified conditions, is to be deemed a newly-identified species of inequitable conduct which shall be added to the category of "unfair competition" and shall be dealt with by the courts according to the established principles of that branch of the law.

In outlawing this kind of unfair competition, the New York Legislature has done the same thing, in legal principle, which the national Congress did by the Federal Trade Commission Act, as sustained in numerous decisions by the United States Supreme Court. Regardless of differences in procedural policy, both the federal and New York statutes condemn unfair practices and provide that ultimately the courts must deal with them. It would make no difference under either statute whether a guilty party had or had not bound himself by contract to trade fairly. As in the federal statute, the New York Act charges merchants with the traditional duty to refrain from unfair competition to the damage of others, a duty which does not depend at all upon contracts. It is difficult to see how either

statute could be considered a law which has "undertaken to supplant contracts," or why the parties in the Doubleday, Doran case should have persuaded the Court that the Act would "fix arbitrarily the price of books by legislation." The Act does not attempt to fix prices any more than the federal statute attempted to fix definite criteria with which alleged unfairness must be contrasted. Under either statute the courts are not bound to assume the legitimacy of the criteria which complaining parties may seek to establish.

If the Act means what we suppose, then the parties in the Doubleday, Doran case seem to have been mistaken in inducing the Court to construe it as intending compulsion based first upon legislative price-fixing and then upon arbitrary enforcement against innocent price-cutters who are assumed to be unoffending only because they have not contracted to be otherwise. As we understand it, the Act should be accepted as purely remedial; as imposing no coercion; as announcing salutary public policy against practices which, under conditions conservatively defined, are known and declared to be reprehensible "unfair competition."

It would be feasible to bring one or more new suits to retest the validity of the Act upon the arguments outlined above and others that are beyond the scope of this paper. If this were done, it would not be unreasonable to hope that the Act might be sustained.

PERSONALS

ADVERTISEMENTS will be accepted in this column for things wanted or unwanted; personal services to let or required; literary or publishing offers not easily classified elsewhere; miscellaneous items appealing to a select and intelligent clientele; exchange and barter of literary property or literary services; jobs wanted, houses or camps for rent, tutoring, travelling companions, ideas for sale; communications of a decorous nature; expressions of opinion (limited to fifty lines). All advertisements must be consonant with the purposes and character of The Saturday Review. Rates: 7 cents per word, including signature. Count two additional words for Box and Number. Payment in full must be received ten days in advance of publication. Address Personal Dept., Saturday Review, 25 West 45th Street, New York City.

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