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Cases and Other Authorities on Constitutional Law (2nd Ed.)(Book Review)

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CASES AND OTHER AUTHORITIES ON CONSTITUTIONAL LAW. Second edition.
By Walter F. Dodd. St. Paul: West Publishing Co., 1937, pp. 1488.

The first edition of this work was published in the year 1932. It was deservedly well received. The publication of a second edition of the same work within such a short lapse of time after the publication of the first would, under ordinary circumstances, be unusual, if not unwarranted. Events, however, which have occurred since 1932 justify the publication of this work. So many changes have taken place in our social and economic order, so many congressional enactments reflecting these changes have been placed on our statute books, so many decisions of far-reaching importance upon the constitutionality of these enactments have been handed down by our Supreme Court, that a second edition of this work was not only advisable, but even imperative. The author refers to these facts in his introduction when he says: "Much has taken place in the field of constitutional law since the publication of the first edition of this casebook in the year 1932."

It is the purpose of the author to bring his first edition down to date. Again quoting from the introduction: "The present edition seeks to include, either in the text or in the notes, all important cases decided at the October, 1936, term of the United States Supreme Court, ending June 1, 1937. * * * " Obviously any casebook on the subject of constitutional law which did not include these momentous decisions would be substantially incomplete.

In bringing this excellent work down to date, and acceding to the acknowledged demands of the present, the author has not neglected the claims of the past. Those landmark decisions which students of constitutional law have come to expect in every casebook on the subject, and which were included in the first edition, have retained their richly merited places in the general scheme of the present volume. Concededly, it is only by thus linking the present with the past that the author has preeminently succeeded in presenting a reasonably complete and thoroughly undistorted picture of the workings and the trends of the Supreme Court. It is only by aiming at the accomplishment of this purpose, and in so far as it is reasonably possible, achieving it, that the subject can justify its inclusion in the law school curriculum.

The work is minutely divided and subdivided. An examination of the table of contents discloses the care with which this work was done. In this way the author has succeeded in presenting the subject coherently and in a manner calculated adequately to prepare the student for each succeeding difficulty. At no time is the student bewildered by the profusion of material, or at a loss regarding his position or direction. To effectuate this object the author has made few changes in the excellent order used in the first edition.

Certainly, one of the real tests of an author's erudition and judgment is found in the cases which he has considered sufficiently important to be included in his work. In this matter the author has displayed rare judgment and discrimination. He has only included cases of supreme importance—cases enunciating broad principles of constitutional law. In doing this, however, he has avoided a pitfall into which others unwittingly have stumbled. He has not overwhelmed the student with a succession of lengthy judicial opinions, but he has managed to include in his work numerous short, but none the less, important

decisions. This is a consummation devoutly to be wished for, especially in the field of constitutional law.

Manifestly the author's general attitude toward a casebook on constitutional law remains substantially unchanged since the publication of the first edition. As in the original volume, there is not a generous profusion of notes or annotations. These have been studiously restricted. As the author puts it, "To annotate in too great detail largely defeats its purpose. When footnotes or other references are obviously too numerous, even the best student is likely to disregard them. Where there is an adequate law journal discussion of a topic it has been thought best to refer to such discussion, rather than to attempt an annotation that would necessarily be incomplete. An effort has been made to restrict footnotes, and to bring comments upon some of the more important matters into the text itself."

This edition is a real contribution to the literature on constitutional law. It contains sufficient materials for the usual course on the subject. It is admirably adapted for teaching purposes. Its own intrinsic merits justify placing it among the most advanced casebooks on the subject.

GEORGE F. KEENAN.*

CASES ON NEGOTIABLE PAPER AND BANKING. By Robert W. Aigler. St. Paul: West Publishing Co., 1937, pp. xvi, 1157.

This collection of 298 cases and many notes, including appendices containing the Bank Collection Code and the Uniform Negotiable Instruments Law, is a comprehensive workbook for both the field of bills and notes and the field of banking.

In order to include his materials on Banking, Professor Aigler has devoted fewer pages to cases and notes on Negotiable Instruments "than those found in some of the better known case books on the subject." It appears that the number of the cases in this division is more than adequate if the notes are not overlooked. One will find most of the landmarks which still have value and importance. In some instances, the editor courageously has dropped the old standbys in favor of more serviceable later cases. In a few places we find the old and the new side by side, the old being retained in all probability because it is a decision without which most teachers feel no course in negotiable paper would be complete. A majority of us, were we asked, would probably aver that there is still room in the social and economic sciences for a few harmless sentimentalities.

Whatever omissions there are, the editor explains on the basis of a necessity to adapt a combination of the usual course in bills and notes and a course in banking to the customary "two hours per week for the year" generally allowed in the course on negotiable paper alone.

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