

# Cases on the Interpretation of Statutes (Book Review)

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### Recommended Citation

Stumpf, Donald L. (1931) "Cases on the Interpretation of Statutes (Book Review)," *St. John's Law Review*: Vol. 6 : No. 1 , Article 41.  
Available at: <https://scholarship.law.stjohns.edu/lawreview/vol6/iss1/41>

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## BOOK REVIEWS

*Editor*—RAYMOND C. WILLIAMS

*"Alongside of the practitioners to whom the law is a ragbag from which they pick the piece and color that they want, there have been some students who have striven to make their knowledge organic."*

JUSTICE OLIVER WENDELL HOLMES,  
*Collected Legal Papers*, p. 285.

CASES ON THE INTERPRETATION OF STATUTES. By Frederick Joseph de Sloovere. St. Paul: West Publishing Co., 1931, pp. xxiii., 970.

This latest and worthy addition to the American Casebook Series is a collection of some 337 cases, covering 948 pages, with an introductory essay on the technique of statutory interpretation by Dean Roscoe Pound of Harvard Law School. Over two-thirds of the cases were decided before 1900 and less than one-tenth since 1920. Yet room has been found for the very recent and interesting decision of Justice Holmes in *McBoyle v. United States*.<sup>1</sup> Unquestionably the cases have been carefully selected and the editor's shears prudently used. In the footnotes, which are unusually complete for a work of this kind, references are made to numerous articles and notes upon important topics. The usual table of cases and an adequate index are included.

The timeliness of this work is manifest. As Dean Pound points out in his introduction, "an increasingly large part of the authoritative materials of judicial decision," on the basis of which practicing attorneys must advise their clients, is in the form of legislation. The task of successfully predicting the court's interpretation of the legislative intent in a given case has been rendered more difficult, on account of the fact that the technique of interpretation of statutes has been sadly neglected by American legal scholars, with the result that the modes of statement and terminology habitually employed have been subjected to intense criticism. Fortunately, of late, the legal profession has sought to arrange the canons and rules for statutory construction in orderly fashion; in short, an earnest effort is now being made to make a true science of statutory interpretation. To meet a growing interest, special courses in the subject have been springing up in the major law schools of the country.

The present collection is due to the need of such a work experienced by the compiler in his instructions upon the subject. The division of the book and its classification are based upon his desire to make the book practical for classroom use. The success of his plan must await such actual experience. Part 1 deals generally with preliminary problems, such as judicial notice and proof, the functions of legislature, the courts and the jury in interpreting statutes and the nature of principles of construction. Part 2 develops the canons of interpretation, dealing first with the meaning as determined by the

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<sup>1</sup>283 U. S. 25, 51 Sup. Ct. Rep. 340 (1931) (Prosecution under National Motor Vehicle Theft Act for transporting a stolen airplane).

very words of the statute. Following, the rules are developed under these subheadings: subject-matter and purpose, context, associated words, parts of statute in relation to the whole, extrinsic aids, statutes in relation to other statutes and in relation to the traditional law. In Part 3 various special problems as to interpretation and application of the statute in conjunction with existing law are dealt with and an attempt is made to classify them. Finally, in Part 4, the editor deals with the operation and effect of statutes, including time of taking effect, prospective and retrospective operation, judicial change of construction, and repeal.

As the editor indicates in the preface, no attempt was made to show the actual state of the authorities. While such a step may be somewhat beyond the purpose of the casebook, the result would have been worthy of the effort; as the book would have been indispensable to the practicing attorney. More regrettable is the omission of commentaries on the various topics. Those who come in contact with the learned compiler marvel at the depth of his thinking and the clearness of his reasoning. A permanent record of his cogitations on the art of interpreting statutes in the form of footnotes would, indeed, have added a priceless ingredient. As matters stand, there is every reason to believe that the casebook will be widely adopted for use in the classroom.

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JURISDICTION AND PROCEDURE OF THE FEDERAL COURTS. By John C. Rose. (4th edition) Albany: Matthew Bender & Company (1931), pp. 993.

With this new edition of Rose's Federal Procedure, we have the assurance of no less an authority than Judge Knox that the volume "is worthy of a place in the library of every practitioner and judge in the federal courts." This high praise is indeed borne out by an examination of the book itself. Here the practitioner will find in easily available form, exhaustively indexed, a terse and definitive statement of the entire law governing procedure in the federal courts, with ample annotation and reference to decided cases. The numerous decisions collected in the footnotes make the book invaluable as a case finder and the sententious manner in which the rules are stated make it extremely useful as a ready reference book. The field is one which it is difficult to organize properly, yet the editors have done a masterly job in bringing the book up to date and in collating all the material on the subject. It is difficult to see how one can practice in the federal courts without having it by his hand.

This new edition also contains very valuable forms and a complete table of all cases cited. The statements are always reliable and the citations always in point.

M. F.