

June 2014

Cases on the Law of Carriers (2nd Ed.) (Book Review)

David Stewart Edgar Sr.

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

Recommended Citation

Edgar, David Stewart Sr. (1928) "Cases on the Law of Carriers (2nd Ed.) (Book Review)," *St. John's Law Review*. Vol. 3 : No. 1 , Article 27.

Available at: <https://scholarship.law.stjohns.edu/lawreview/vol3/iss1/27>

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.

significance of that vast body of law which governs most of our every-day affairs and which is administered in quasi-judicial fashion by administrative tribunals. Professor Freund's second edition is thoroughly adequate to present to the student an opportunity to study the administrative board throughout all its functions. The casebook is detailed in its treatment of the relation between the board or commission and the people. It has a well-selected and instructive number of cases which treat with the character of the administrative order and the scope of administrative discretion as well as with the rights, procedural remedies, and safeguards thrown around administrative action by the law. Questions of procedure are particularly important to the lawyer who practices before the commission. Thus, the chapters dealing with mandamus, certiorari, and other extraordinarily legal remedies provide an excellent background for the study of these questions. Professor Freund has eliminated the purely constitutional problems but it is difficult to see how any real understanding of administrative functions can be had without a further analysis of the place in our constitutional system of these tribunals. Unfortunately, courses in constitutional law do not usually include these problems. The problem of the separation of powers, while of decreasing importance must yet be faced by administrative law teachers. So, too, the questions raised by the provisions for due process contained in the federal and state constitutions are frequently the bones of contention surrounding the administrative order. While these problems may be more suited for work in a seminar than in a formal law school course, the scope of the volume would tend to eliminate the possibility of such work in a course where this casebook is employed. In addition, aside from the section on notice and hearing and summary action, it would seem there is very little in the casebook which deals in the procedure before an administrative tribunal, a problem which is of importance to the practitioner even if it does not have the theoretical interest which other matters treated in this volume do have.

There ought to be some way of connecting administrative law with the general body of the common law and of indicating that many of our administrative bodies have felt the pressure of common law rules of evidence, even if they have not universally adhered to them. Little of this type of material can be presented in a casebook but surely something can be done to show more clearly than is here apparent the fact that administrative law is still new and in the process of becoming. Perhaps some typical instances of administrative action would bring this out better than anything else.

On the whole, however, any law teacher who sets out to teach administrative law will find in this casebook adequate material for a background for the course.

M. F.

St. John's College School of Law.

CASES ON THE LAW OF CARRIERS. By Frederick Green. Second Edition. St. Paul: West Publishing Company, 1927, pp. 829.

This is a book of 829 pages of cases on the law of carriers of goods and passengers on land and water. Decisions from approximately thirty-four States, besides Federal and English cases are reported in this volume. A Table

of Contents, a Table of Cases reported and cited, and a topical Index are also contained in this work. Many parts of the Interstate Commerce Act, the Pomerene Act, the Carmack Amendment and the Cummins Amendment are quoted verbatim, and Federal cases added to each. The arrangement of the cases topically throughout the book adds to its value. Voluminous footnotes are appended to the cases. The subject of carriers is treated in scholarly fashion, as was to be expected of its author, who is professor of law in the University of Illinois Law School.

Although there is not any attempt fully to state or develop the common and statutory law of carriers in any particular State, the book itself is the most exhaustive treatment of the subject known to your reviewer.

The time allotted to the subject of carriers in most, if not in all, law schools, doubtless would not permit a study of the entire content of this volume by the law student, although the assignment by the instructor of selected parts of the book would enable the student to share the broad vision of the author.

The volume serves its purpose best as a lawyer's book, and constitutes a real addition to the literature of the subject with which it deals.

DAVID STEWART EDGAR, SR.

St. John's College School of Law.

APPELLATE PRACTICE AND PROCEDURE IN THE SUPREME COURT OF THE UNITED STATES. By Reynolds Robertson. New York: Prentice Hall, Inc., 1928, pp. 360.

In corporation law much has been said about the "veil" which surrounds the corporate entity and so with regard to appellate procedure in the United States Supreme Court much may be said in helping to pierce that "veil" of uncertainty and lack of knowledge which encircles such procedure as far as the general practitioner is concerned. Mr. Robertson's recent book, "Appellate Practice and Procedure in the Supreme Court of the United States," should do much to aid attorneys in this intricate and complicated practice, for although much of this procedure is not indispensable in every-day practice, it is well to have at hand a book such as this which comprehensively covers the necessary and proper steps in appealing to the United States Supreme Court.

The author is particularly qualified to write upon this subject. For over six years he has been connected as an assistant, with the Office of the Clerk of the Supreme Court of the United States and is therefore in a position to write with experience and authority regarding the proper methods of procedure and the general requirements of bringing up a case for review in this court.

The comprehensive collection of forms is noteworthy as is the minute outline of the successive steps necessary in a varied number of situations. Publication of the book at this time is of special value in view of the Act of Congress of January 31, 1928 by which important changes were made in securing an appeal to the United States Supreme Court. By substituting a