BOOK REVIEWS

LABOR AND THE SHERMAN ACT. By Edward Berman. Harper Bros., New York, 1930. Pp. xviii, 332.

On the question of what should be done with the anti-trust laws, there is at present a strange alignment. Big business wants these laws repealed, and so does organized labor, differing on this issue with practically all of its congressional supporters.

A reading of Prof. Berman's book will explain this apparent anomaly. Like big business, organized labor wants the anti-trust laws repealed, but for a very different reason. The present attitude of the American Federation of Labor on this question results from a long, bitter experience. For years, the Federation sought amendment of the anti-trust laws to exempt labor unions, and in the Clayton Act thought it had won such exemption. Instead, this act made labor's position distinctly worse; and so in recent years the American Federation of Labor has several times gone on record for the repeal of the anti-trust laws *in toto*.

The framers of the Sherman Anti-Trust Act, as Professor Berman conclusively shows, had no idea that it would be applied to the acts of labor unions. But it was invoked against labor almost immediately after its enactment, and has been repeatedly so used. No less than eighty-three cases were brought against labor unions or their members under the Sherman act down to the end of 1928, in fifty-one of which judgments were rendered against the labor defendants. This is 18 per cent. of all cases brought under this act since its passage in 1890, and half of these have occurred within the last decade. While labor unions *per se* have been held unlawful in but one case,[1] which was subsequently overruled, almost every conceivable union activity has at some time or other come under the ban of the anti-trust laws. There is firm ground for labor's complaint that the Sherman act, designed as a curb upon the trusts, has instead become a restraint upon the labor unions.

The remedy, Professor Berman believes, is the application of "the rule of reason" to labor cases. He takes the courts at their word that trade unionism is socially desirable, and from this starting point reaches the conclusion that most of the labor cases should have been decided the other way.

This book is the first detailed analysis of the legal status of trade unions under the anti-trust laws.[2] Like most monographs, it perhaps overemphasizes

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[1] Hitchman Coal & Coke Co. v. Mitchell, 202 Fed. 512 (D. C. W. Va. 1912); *rev'd* in 214 Fed. 685 (C. C. A. 4th, 1914).

[2] MASON, ORGANIZED LABOR AND THE LAW, WITH SPECIAL REFERENCE TO THE SHERMAN AND CLAYTON ACTS (1926), is devoted mainly to the same subject, but also discusses other aspects of the law of labor disputes and is not nearly so exhaustive as is this study by Berman. Terborgh, *The Application of the Sherman Law to Trade Unions* (1929), 37 JOUR. POL. ECON., 203-224, is an excellent brief article analyzing the labor cases under the federal anti-trust laws, which reaches conclusions very similar to those of Berman.

the subject with which it deals. It may leave the reader with the impression that the Sherman act alone accounts for the weak position of labor unions in this country. In fact, the majority of the court decisions about which labor complains have not been brought under the Sherman act, and most labor injunctions are issued by state, not federal, courts.

The author's general conclusion, that the application of the federal anti-trust laws in labor cases is both illogical and menacing, however, is well substantiated. The theory repeatedly developed in these cases, that incidental interference with interstate commerce through strikes and other activities is not unlawful but that any combination which has such interference, however slight, for its object is forbidden, draws such a shadowy line that no one can be sure precisely where it falls. It would seem that even a nation-wide strike which is conducted for a purpose that the courts deem lawful is not rendered illegal because it ties up interstate commerce, while on the other hand a much more limited strike for purposes that the courts do not approve is punishable by all the rigors of the anti-trust laws. This, as one recent writer puts it, "comes near to being judicial hocus pocus".[3]

Professor Berman has rendered a distinct service in driving home the absurdities of these doctrines and the increasing danger that they constitute to the labor unions. This exhaustive study may not be particularly entertaining to the general reader, but is a scholarly piece of research of the first rank.

Edwin E. Witte.

Madison, Wisconsin.

SAVING TAXES IN DRAFTING WILLS AND TRUSTS. By Joseph J. Robinson. Vernon Law Book Co., Kansas City, 1930. Pp. xviii, 560.

This is a helpful book in its classification of Federal cases and in its comparison of them with the cases in certain states. The two best known Pennsylvania cases are however neither mentioned nor discussed. The author is tax counsel for a large title and trust company in Chicago. He knows thoroughly the cases of his own state, and has made also a careful study and analysis of the New York cases as well as of those in Massachusetts, and a lawyer in any of these states mentioned will find it an especially convenient handbook of the present status of the latest decisions, most of which, however, so far as Federal cases are concerned, are under former Revenue Acts no longer wholly in force. This limitation, however, is not the author's fault. The law on this subject is in a constant state of flux, and with the legislatures of over four-fifths of the states in session this winter, no one can possibly generalize or expect any book to be an authority for a long period without frequent revisions. It takes several years after a new law is passed for a will or deed of trust to be drafted under it and then for the testator or settlor to die and have a controversy arise as to some tax problem, and have it argued and construed in the lower court and finally reach the Supreme Court of any

[3] Terborgh, *op. cit. supra* note 2, at p. 224.

state; and perhaps the law then construed may have been already changed. The Federal Income or Estate Tax Acts, which started in 1913, have been completely re-enacted or altered at least five times since the first act, without including the amendments since 1928. No decision under the latest act has yet been made by the Supreme Court of the United States, so that today, when you find any decision of that Court, you have to first ask under the Act and Regulations of what year was the question raised, and then see whether the text of that particular section thus construed is still the same in the Act under which you are now working. An illustration will make this clear. The well known and often quoted *Reinecke* case[1] was decided January 8, 1929. The testator there had died in 1922, after creating various trusts, five of them in 1919, and which five were governed by the provisions of the Act of 1921. These five were held free from tax, because the reserved power to alter, change or modify the trust could only be exercised with the joinder of one or more of the beneficiaries. But the 1924 Act, whose similar provisions on this subject are still in force, taxed all property transferred where the enjoyment thereof was subject at the date of decedent's death to any change through the exercise of a power either by the decedent alone or in conjunction with any person, to alter, amend or revoke it. In other words, the law had been changed nearly five years before the Supreme Court handed down its decision in the *Reinecke* case, and the grounds on which the Supreme Court rested its decision as to these five trusts might be construed to have no application to any similar trusts created since the Act of 1924 was passed, provided that this particular clause of the present act shall be found constitutional.

With Congress constantly changing the act to cover loopholes wherever uncovered, the most recent decisions of the highest Federal Court seem to be of very temporary application to present-day conditions, and even textbooks expounding them will need revisions every time any important section in them is changed by statute, in order to keep one abreast of the current law. This is stated merely to show the tremendous difficulties involved in a textbook on this subject, which has to deal, not with inherent principles of the common law or of the law of equity jurisprudence and their orderly development, but only with the constantly shifting sands of frequently changed statutes. This is clearly explained by the author on page 193 of the book, but these considerations must be constantly born in mind when current decisions on acts no longer in force are sought to be applied to our present tax problems. Accordingly, all cited decisions should have after them in brackets the words ——— Act, the year being inserted.

The book is divided into chapters dealing with State Inheritance Taxes under Wills, Federal Estate and Income Taxes under Wills, State Inheritance Taxes under Revocable and Irrevocable Trusts and Federal Estate Taxes under the same subjects, and Federal Income Taxes under both these kinds of Trusts, Insurance Trusts, Pension Trusts and Associations, together with chapters on the bases for calculating gains or losses and the taxation of business insurance trusts; thus covering all the various forms under which these questions arise.

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[1] 278 U. S. 339, 49 Sup. Ct. 123 (1929).

The plan of putting together under each heading the Federal Statute and the regulations concerning it, is admirable. Yet in many of these divisions there are very naturally as yet few decisions, with many mooted questions still open or only partially solved. Perhaps all one can expect at this time is a compendium of the latest cases, very often on isolated subjects, without much sustained effort to find a guiding principle underlying them or any real attempt to criticize their reasoning.

Nearly two-fifths of the book consists of the text of that part of the Act of 1926 relating to the Estate and Gift Tax and the Income Tax chapter of the Revenue Act of 1928, with its amendments; but the usefulness of these is much curtailed because there is no reference to them in the general index and no page references to the sections given in the text summary of their contents.

Since the book was published, the Supreme Court has granted writs of certiorari in the following cases: *Commissioner v. Northern Trust Co.*,[2] cited at pp. 167 and 213; *Commissioner v. McCormick*,[3] cited at pp. 170, 215 and 218; *McCaughn v. Carnhill*,[4] cited at p. 213, and *Morsman v. Commissioner*,[5] cited at p. 207. So the final status of all these must await the arguments and the decisions of the highest authority. In addition, *Brady v. Ham*,[6] cited at pp. 195, 205 and 207, was reversed by the Circuit Court of Appeals of the First Circuit on November 26, 1930, after this book had been printed, and the opinion of one of the appellate judges indicates that he expects it to reach the Supreme Court also.

The author's helpful divisions of the subject have made him decide to repeat the text verbatim in several places where the same principles apply to both the Federal and State decisions, and thus save cross reference.

The task of keeping abreast of the statutes and decisions in forty-eight states is well-nigh an impossible one, and some slips are of course inevitable. Thus, at page 141, the statement is made that if the grantor of a trust reserves the right to revoke it, even though he does not get the income, such a transfer is generally taxable on his death. In support of this, two New Jersey cases are cited, yet as to one of them[7] the author himself states later, at pp. 181-2, that the decision, for similar future cases, was almost immediately nullified by a state statute passed the same year. Also, the Pennsylvania case of *Wright's Appeal*[8] is cited, although in that case the income went not to others but to the settlor himself, and there is also cited the Virginia case of *Trust Co. of Norfolk v. the Commonwealth*,[9] which was reversed on other grounds fourteen months ago by the Supreme Court of the United States.[10] No mention is made under

[2] 41 F. (2d) 732 (C. C. A. 7th, 1930).
[3] 43 F. (2d) 277 (C. C. A. 7th, 1930).
[4] 43 F. (2d) 69 (C. C. A. 3d, 1930).
[5] 14 B. T. A. 109.
[6] 38 F. (2d) 659 (D. C. Me., 1930).
[7] Fagan v. Bugbee, 105 N. J. L. 85, 143 Atl. 807 (1928).
[8] 38 Pa. 507 (1861).
[9] 151 Va. 883, 141 S. E. 825 (1928).
[10] 280 U. S. 83, 50 Sup. Ct. 59 (1929).

this section of *Dolan's Estate*,[11] which is the leading case for the group which hold that no tax is payable where others than the settlor get the income.

Then, on page 157, appears the statement that practically all states tax irrevocable transfers intended to take effect in possession or enjoyment after death, followed by a list of over twenty cases from thirteen states, which list, with two exceptions, is repeated again eight pages later, at pp. 165-6. But the Connecticut case cited in both lists[12] held that under the statute in force when that particular trust was created, no tax at all was due; and the two Iowa cases cited in both lists[13] held that no tax at all was due, which is in direct contradiction to the text. The Pennsylvania cases cited in both lists are many years back and could well be replaced by the well-known recent case of *Houston's Estate*.[14]

The various suggestions for avoiding taxes scattered throughout the book seem good ones, although no page references are made to the later pages of the book, giving the complete texts of the Federal Acts now in force; but one is impressed with the fact that there is no royal road to that end, and that a detailed study of one's own state laws, plus long experience, is needed before even a good lawyer can qualify as an expert along these lines.

To sum up, the author has rendered a real service in giving us for ready desk use a compendium of the recent decisions, even though many of them only apply to laws no longer in force. He has perhaps shouldered all alone an impossible task of frequent future editions in order to keep up with future statutory changes. If other editions are published, we trust that some of these suggestions for making the book more quickly available for reference will be followed.

Louis Barcroft Runk.

Philadelphia.

PROGRESS OF THE LAW IN THE U. S. SUPREME COURT 1929-1930. By Gregory Hankin and Charlotte A. Hankin. Legal Research Service, Washington, 1930. Pp. xiii, 483.

The second annual volume in this valuable series is dedicated to the memory of Chief Justice Taft "The Great Administrator of the Supreme Court". The opening chapter gives interesting comments on the memorable work of the late Chief Justice in speeding up the procedure of the Federal Courts and in securing the passage of the new Jurisdiction Act of 1925, also on the business-like management of the Supreme Court's affairs by Chief Justice Hughes and the excellent record which that tribunal is now making in the dispatch of its docket.

The Jurisdiction Act proceeds not from the right of the individual litigant to a review by the highest Court but rather from the desirability of expediting

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[11] 279 Pa. 582, 124 Atl. 176 (1924).

[12] Blodgett v. Trust Co., 97 Conn. 405, 116 Atl. 908 (1922).

[13] Lamb's Est. v. Morrow, 140 Iowa 89, 117 N. W. 1118 (1908); Brown v. Gulliford, 181 Iowa 897, 165 N. W. 182 (1917).

[14] 276 Pa. 330, 120 Atl. 267 (1923).

court action and assuring greater uniformity of decisions in the District and Circuit Courts. Before the passage of that Act, 558 cases were carried over by the Court from one term to another. Upon adjournment in June, 1929, there were on the docket only 143 cases, most of these having come up so near the end of the term that they could not be passed on. For the first time in twenty-five years the Court disposed of all the cases which had been argued. The authors suggest that the Supreme Court in refusing to grant certiorari should give reasons. Also, that the Court should take greater care for consistency in its refusals since at times it has denied certiorari on two opposing decisions of different Circuit Courts of Appeal, thus establishing a lack of uniformity as between Circuits. The lack of given reasons also leads to widespread misunderstanding as to the law. Thus in the Red Jacket decision which played such an important part in defeating Judge Parker's confirmation it was argued by Senator Jones that Judge Parker's decision had been right since the Supreme Court had later denied certiorari, while Senator Borah argued that the Supreme Court did not affirm Judge Parker's decision when it refused certiorari.

The year's decisions are admirably grouped under such topics as: Railroad Problems, Public Utilities, Insurance, Banking, Taxation, Trade Regulation, Labor Problems, Prohibition, Criminal Cases, Political Problems, International and Racial Problems and Judicial Veto. The order is the same as in the first annual volume except that labor problems and prohibition problems have been separately grouped in the new volume. In each group the outstanding questions placed before the Supreme Court are given not only with their legal implications but with their economic and social settings. Thus the Lake Cargo Coal Cases which were held to present a moot question when they finally reached the Court are nevertheless pictured as a struggle between different sections of the country for the lake coal market. The Hoch-Smith resolution as interpreted in the deciduous fruit case is shown in its bearings as an attempted farm relief measure. A series of railway accident cases are grouped as Safety Problems. The important Baltimore Street Railway Fare case is surrounded by appropriate data on the financial problems facing the company and all similar concerns. The controversy between Missouri and the Stock Fire Insurance Companies is given its full complement of business background.

The lack of coordination between National Employers' Liability and State Workmen's Compensation laws is pictured in its effects upon the injured worker (or his administratrix). The reader thus gains an economic and social perspective, yet without unwelcome bias of the authors.

Withal the authors do not hesitate to show the consequences or trend of a series of cases, nor to offer appropriate counter suggestions for improvement. This is skilfully done with an entire absence of any offensive pontifical tone.

The volume is valuable to the attorney, the political scientist, the historian, the economist, and the forward-looking business executive. Two suggestions are offered for future editions. The somewhat obscurely worded statements in the latter part of the chapter on Problems in Administrations might be cleared up to the advantage of the reader and with the saving of many words by a simple tabulated statement of cases considered and decisions made. A more

complete statement of some of the economic background of such important cases as the Red Jacket decision would be advisable. In none of the several places at which it is mentioned does the reader get a true picture of its facts or of the real issue involved from the employer's side. There is also some difficulty arising from the natural overlapping of certain topics. Thus, Federal taxation, State taxation and labor problems all involve constitutionality, duplicating the chapter on Judicial Veto. In the main the authors have handled this with as much success as the subject allowed. The excellent index enables the reader to reach the desired point with a minimum of delay. A notable feature is the interesting and readable style in which the book is written.

James T. Young.

University of Pennsylvania.

THE LAW OF ZONING. By James Metzenbaum. Baker, Voorhis and Company, New York, 1930. Pp. xiv, 569.

The author was attorney for the village of Euclid, Ohio, in the famous *Euclid case*,[1] which was the climacteric court decision on this subject in this country. The first comprehensive zoning ordinance was that of Greater New York adopted in 1916. The Court of Appeals of New York upheld the lawfulness of this ordinance, stating that the criterion of its regulations would be their reasonableness. Zoning extended rapidly into the East, Middle West and Far West, being generally upheld by the higher courts. It met with more trouble in New Jersey, Delaware, Maryland, eastern Pennsylvania and in the states further south, all the way to Texas. New Jersey went so far as to adopt a constitutional amendment devised to legalize zoning. At one time it looked as though the constitutionality of zoning, especially of use zoning, might be a debatable question in the various states for a generation. Then came along the *Euclid* decision by the Supreme Court of the United States, strongly upholding this form of police power legislation so far as it has a substantial relation to the health, safety, morals and general welfare of the community. States that had been hesitant came out for the lawfulness of zoning. Some states turned right about face and changed from opposition to support. Comprehensive zoning has now extended to more than eight hundred municipalities in the United States, and no one would say that too much credit could be given to the *Euclid* case for this result.

The book is written around this case. It might be called the Story of the Euclid Case. There would be some justification in calling it by such a name instead of the Law of Zoning. The author tells about the preparation for the case, its progress through the courts, and the argument before the Supreme Court of the United States. The book contains the Euclid ordinance, the court decision and the brief of the author. Such space as is not devoted to the *Euclid* case might fairly be classified as the law of zoning.

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[1] Village of Euclid v. Ambler Realty Co., 272 U. S. 365, 47 Sup. Ct. 114 (1925).

Modern zoning in this country is the regulation under the police power of the height, bulk and use of buildings, and the use of land and density of population, the regulations being different for different districts of a municipality, but uniform within each district. Plainly, zoning constitutes an entity. The reader might wish that this subject would be fully set forth with the court decisions relating to its different phases. Like many other treatises on zoning, this book makes a slow start, devoting chapters to the subject of common law nuisance, eminent domain, police power, building codes and various adventures made by states under police power regulations. This material, both interesting and instructive, takes up about one-third of the book, and then comes a chapter on the philosophy of zoning which gives facts, history and modern instances worthy of preserving between hard covers. The story of the development of zoning in each state, sometimes necessarily rather brief, along with the main court decisions comes next in the somewhat miscellaneous treatment of the subject. The historian will value this part of the book, but the student and especially the busy lawyer who seeks material for his brief will desire a more succinct collection of principles and cases. One may infer from this description that the book is a valuable historical document which the author himself does not claim to be a profound treatise on the law of zoning. Undoubtedly the author would admit that the *Euclid* case is the meat of the cocoanut and the various wrappings are the general discussions of police power regulations, the development of zoning in the various states and interesting data preserved in this timely manner.

Two extremely helpful chapters are imbedded in this collection of material, one on boards of appeals and the other on practical questions affecting zoning. These relate to the whole country, give the leading court cases on the topics discussed and by themselves make a genuine contribution to the presentation of the law of zoning.

If any book contained a good set of forms for zoning ordinances and procedure in administration and enforcement, it would be a surprise and cause a stampede, but perhaps it would do more harm than good. No two cities are alike; no two cities need the same form of zoning. For a city to copy the ordinance of another city is a disaster. The author undoubtedly realized this when he set forth as forms the ordinances of Euclid, Greater New York, Chicago and Cleveland. As the author drew the Euclid ordinance and may be proud of it, we will not hazard an opinion on it. We can say, however, that the ordinances of New York and Chicago, especially the former, are out of date and no modern municipality would think of using them blindly as forms. The Cleveland ordinance is almost new. It is simple, comprehensible and if there was any other city just like Cleveland, it would come fairly near constituting a form. The author becomes less discriminating when he sets forth determinations from the bulletin of the Board of Standards and Appeals of Greater New York as if they were valuable material. One of the forms is the variance in the infamous Golran case, Borough of the Bronx. This is probably one of the most illogical determinations ever made by a discretionary board. It is unlawful on its face, and would undoubtedly have been declared null and void if it had been reviewed by the court. The Board of Appeals

usurped the power of the local legislature by declaring that the land of the applicant was subjected to practical difficulty and unnecessary hardship if it could not be built up with stores, although it was in a residential district. Oblivious to the principle that practical difficulty or unnecessary hardship must inhere in the situation of the land of the applicant, the Board of Appeals asserts that the hardship exists in the fact that the surrounding neighborhood is without stores and that a business center is needed. Of course, it is obvious that if boards of appeals can fix business centers in residence districts, they are usurping a legislative function. All of this material set forth under the head of "Forms" is undoubtedly intended by the author as illustrative rather than meritorious.

It may be that this book is more valuable than it would be if it were a real treatise on the law of zoning. A century hence it may sell at a premium because like Pepys' Diary it shows forth a period. It reflects in an ingenuous manner the early days of zoning in the United States of America. A thoroughgoing treatise on the law of zoning written today would have no value fifty years from now, but it is possible that this book will be more sought after as time goes on.

Edward M. Bassett.

New York.

A TREATISE ON EQUITY. By William F. Walsh. Callaghan and Company, Chicago, 1930. Pp. xli, 603.

To quote the author: "A work in one volume cannot cover the entire field of Equity. Nevertheless all subjects usually treated in law school courses on equity have been treated with considerable thoroughness, with liberal citations and discussion of representative cases." A review of the first two hundred pages discloses frequent reference to many articles in the law reviews of Harvard, Columbia and Yale. The notes to those two hundred pages fairly bristle with New York cases. The Supreme and Superior Courts of Pennsylvania are cited in twenty-one cases. By the yardstick of those two hundred pages, the Reviewer finds no reference to Story's *Equity Jurisprudence,* to George Tucker Bispham's *Principles of Equity,* or to any of several one-time "classics" to the older generation of lawyers and opinion writing judges.

Professor Walsh furnishes a wealth of material to the "research student" and each class in a law school has a few. The book is not of the "words-of-one-syllable", primer type. The book is partisan and the author is an advocate. Perhaps we may regard Professor Frankfurter as a partisan upon the subject of "labor disputes law", and Professor Walsh seems to be "junior counsel". Each thinks chancellors may be swayed in judgment by "education, environment and social position." Those who suggest the panacea of legislation should remember the "noble experiment" in the submission of the Kansas Court of Industrial Relations to unresponsive judges.[1] Professor Walsh seems to favor the recent conception that, through "padlocks" etc., police courts, criminal courts, and pulpits are entitled to have, as police officers, chancellors' injunctive

[1] 267 U. S. 552, 45 Sup. Ct. 441 (1925).

"strong-arms" in suppressing "vice" and uplifting "morals" (page 201). In the Commonwealth of Kentucky (page 202) "boxing bouts" are "a public nuisance, a menace to public morals"[2] while horse racing (and the pari-mutuel) is a blessing. In the Missouri case of 1907 (page 203) the Court was holding a post mortem over the "bull fights" that might have "corrupted the morals" of the visitors to the St. Louis World's Fair of 1904. It was in the famous Milligan case[3] that the Supreme Court in passing upon the "personal rights" of Lambdin P. Milligan did not know whether he was alive or had been hung "in pursuance of the order of the President."

Richard H. Hawkins.

University of Pittsburgh Law School.

IS AMENDMENT EIGHTEEN TREASON? By Joshua Grozier. World Press, Inc., Denver, 1930. Pp. lx, 148.

The author of this monograph is a retired member of the Denver Bar. He states in his preface that some time after the adoption of the Eighteenth Amendment he was retained "by liquor interests to attack and defeat" the amendment. After he had been engaged upon this work for about one year his clients changed their minds and terminated the retainer.

The book is a rambling discussion of constitutional tendencies interspersed with numerous excerpts and quotations from a wide variety of sources. The gist of the book is stated in a leaflet furnished by the publishers with the volume. This leaflet states with respect to the author:

> "It is his charge that our courts and attorneys are getting farther and farther away from the original meanings of our basic laws."

The style of the book is discursive and wordy. The throwing together of historical quotations and excerpts from decisions and legal text writers is done in such a manner as to make it difficult to get at the real theories of the author. Altogether the book adds little to our store of Constitutional Law.

Urban A. Lavery.

Chicago.

SHIPPERS AND CARRIERS. By Edgar Watkins (Fourth Edition), The Harrison Company, Atlanta, 1930. Pp. cxii, 1258.

The first edition of *Watkins on Shippers and Carriers* appeared in 1909, and revised editions were published in 1916 and 1920, in order to keep pace with the flood of decisions handed down by the Interstate Commerce Commission and the courts. In the ten years elapsing between the appearance of the third edition in 1920 and the fourth edition in 1930, the Interstate Commerce Commission decided a greater number of cases than had been handed down in the thirty-three years of its existence from 1887 to 1920. A new edition was badly needed in order to incorporate the Commission's decisions upon impor-

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[2] 116 Ky. 212, 75 S. W. 261 (1903).

[3] 4 Wall. 2, 118 (1866).

tant cases and the decisions of the courts in the work. Especially valuable are the decisions of the Commission and the United States Supreme Court construing the Transportation Act of 1920, which greatly altered the body of federal statutory law applicable to shippers and carriers. The new edition comprises twelve chapters, aggregating nearly 1000 pages of annotated material. The chapters include:

State Regulation of Carriers Engaged in Interstate Commerce; Validity and Scope of the Interstate Commerce Act; Just and Reasonable Charges; Equality in Rates; Construction, Abandonment, Consolidation and Financing of Carriers; Loss and Damage Claims; Enforcement of the Interstate Commerce Act by the I. C. C.; Procedure before the Interstate Commerce Commission; Enforcement of the Interstate Commerce Act by the Courts; The Act of Congress Indirectly Affecting Interstate Commerce; The Acts Regulating Commerce; Acts Relating to the Transportation of Animals.

Five appendices reproduce for convenient reference the Federal Control and Termination of Federal Control Acts, the Railway Labor Act, the United States Shipping Act, the Merchant Marine Act of 1920, and the Merchant Marine Act of 1928. An alphabetical table of cases cited and a comprehensive general index are contained in the volume making it valuable as a reference work.

The author, or we should say authors, for Mr. Watkins was assisted in the preparation of the Fourth Edition by Mr. J. H. Alldridge of the Alabama Public Service Commission, has prepared the present volume from two points of view, first from the point of view of the attorney, and second from the viewpoint of the traffic manager. The volume is designed to be helpful to the members of the legal profession who are called upon to advise clients with respect to their rights and duties as shippers or carriers in interstate commerce, and to railroad, industrial and commercial traffic managers who wish to know their duties and rights in connection with their daily work of shipping and transporting goods in interstate commerce.

The numerous federal statutes and the decisions of the Interstate Commerce Commission and of the Supreme Court have resulted in the development of a legal background to traffic management. This work contributes greatly to the fund of information available to traffic men and to attorneys dealing with traffic cases before the courts and before the Interstate Commerce Commission.

G. Lloyd Wilson.

University of Pennsylvania.