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Book Review (reviewing W. Brooke Graves, Uniform State Action: A Possible Substitute for Centralization (1934))

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dramatically shown in litigation growing out of strike disturbances in North Carolina a few years ago.⁹

3. Should not a greater variety of cases employing the so-called doctrine of *res gestae* be included? The present materials¹⁰ do not seem to the reviewer to give a sufficiently comprehensive view of this intellectual fraud.

4. The work contains too many typographical errors. Perhaps the editors had to "hold the press" for the many recent—almost contemporaneous—cases which the volume embraces. For these, typographical errors are not too dear a price.

JAMES H. CHADBOURN.*

UNIFORM STATE ACTION; A POSSIBLE SUBSTITUTE FOR CENTRALIZATION, by W. Brooke Graves. Chapel Hill: The University of North Carolina Press. 1934. Pp. xii, 368. \$3.50.

The book is divided into five parts, namely, (1) an introduction, discussing the need for uniformity in law among the states and the possible methods of obtaining it; (2) a description of the agencies which are working for uniform legislative action; (3) a presentation of the movements which tend toward uniformity through administrative cooperation (this section constituting more than half the work); (4) a statement of the judicial council plan and other steps which seek to procure harmonious action by the various state courts; and (5) a prognosis as to centralization and uniformity of state laws.

The existence of forty-nine kinds of law in the United States is a defect in the American system of government often remarked by foreigners and doubtless appreciated by thoughtful students of law and government in this country. It would seem to be based on the historical accident of the method of colonial development and the consequent existence of thirteen governmental entities with strong local sentiments at the time of the organization of the Union. Its fruit is uncertainty and illogical diversity in laws controlling interstate business and lack of cooperation between states in the achievement of governmental aims which affect large areas. The study of the various influences which tend to reduce the disadvantages of this multiplicity and diversity of law is useful and constitutes ample justification for Mr. Graves' treatise.

The style is clear and attractive. The statements in the main seem accurate and well reinforced by references. Occasional errors are noticeable but they are not important. For example, on page 38 the assertion is made that the Conference on Uniform States Laws has not recommended to the states a Uniform Incorporation Act, while on page 48 the preparation and adoption of Professor Stevens' Uniform Incorporation Act is noted. On page 38 the author states that the last step in the preparation and promulgation of the uniform state laws is the adoption of them by the Conference. This ignores the approval by the American Bar Association which is the important final act. Professor Graves is somewhat puzzled by the diversity in the success of uniform

⁹State v. Beal, 199 N. C. 276, 154 S. E. 604 (1930), noted in 9 N. C. L. Rev. 77, 10734-747.

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laws with the legislatures of the various states. Members of the Conference will probably agree that the principal reason for this variation is the difference between the state commissions on uniform laws as to energy, ability and interest. The success of uniform state laws in Wisconsin, Tennessee, and Louisiana, for example, has been due almost entirely to the personal efforts of a few devoted, capable and untiring members of the Conference from those states, and not to any peculiar qualities of the legislatures or business men of those jurisdictions.

The reviewer's most serious adverse criticisms relate to balance and inclusiveness. There seems to be a lack of symmetry in devoting 44 pages to legislative influences, 112 pages to judicial actions, and 192 pages to administrative movements toward uniformity. The various state commissions and boards are undoubtedly numerous and active in forming national associations and in meeting for discussion at frequent intervals. But it seems doubtful whether their importance is as great as the allocation of space would imply. They can to a certain extent produce uniformity through their powers to make rules and regulations, and they can frame and propose legislation. But it is believed that much of their effort is devoted to social intercourse at conventions and to the exchange of information which will increase their efficiency but not necessarily produce uniformity.

To make Mr. Graves' excellent book a more rounded and balanced performance it would seem that greater stress should have been placed upon three other factors, namely, (1) the movement for interstate compacts; (2) the influence of trade and business associations; and (3) the action of the federal government.

The possibilities of the interstate compact technique were elaborated years ago in the classic report to the Conference on Uniform Laws prepared by Dean Wigmore, to which there appears to be no reference in this book. The striking recent development of this scheme appears in New York and New Jersey, as well as in the New England labor law conferences and compacts. A recent report to the Conference has shown the increasing importance of this movement.

Dozens of associations of business men have legislative committees which frame and press statutes upon the state legislatures, the adoption of which in considerable number has constituted a material influence for uniformity. For example, the American Bankers' Association has drawn more than twenty state acts which have met with wide acceptance, and the National Association of Credit Men has procured adoption of the Bulk Sales Law in more than forty states. While these trade associations are casually mentioned by Mr. Graves, there is no extended statement of the methods used or the scope of their influence.

Lastly, the importance of action by the federal government in procuring identical state laws is by no means fully treated in this work. "Grants in aid" are mentioned but not the work of the Department of Commerce in actually assigning its own employees to draft for the states the Uniform Motor Vehicle Code and the Uniform Mechanics' Lien Act, nor is there reference to the propounding of state N. R. A. laws to supplement the federal act and to similar influences from Washington. More and more the federal government is, by one device or another, dictating to the states as to their laws and business practices. This is

producing uniformity of state action, the appearance of the maintenance of states' rights, but the actuality of increased centralization.

Observers of law and government will be grateful to Mr. Graves for this thoughtful and well prepared discussion of a timely topic.

GEORGE G. BOGERT.*

MODEL LAWS FOR PLANNING CITIES, COUNTIES, AND STATES (Vol. VII, The Harvard City Planning Studies), by Edward M. Bassett, Frank B. Williams, Alfred Bettman, and Robert Whitten. Cambridge: Harvard University Press. 1935. Pp. viii, 137. \$2.50.

This latest volume of the series sponsored by the Harvard University School of City Planning is in some measure a departure from the pattern of the previous studies. Where they have dealt with specific administrative problems in the community's planning program, as, for example, the first volume on "Airports, Their Location, Administration, and Legal Basis," the present report is directed at certain more comprehensive, legislative aspects of the subject. It is clearly stated that its object is "to prepare forms of laws" defining the structure, the objectives, and the powers of the planning agencies to be created by state and local governments.

"Model Laws" is in no sense a treatise on the subject of planning, nor does it purport to be. The forms proposed clearly represent a careful attempt by four highly qualified leaders in the field of planning to crystallize in definite legislative form the best experience and opinion on the subject, and these statutes plus an extensive introductory and explanatory comment constitute the report. It can hardly be regarded as the presentation of the analysis of this experience and opinion. It is, rather, merely the summary of the conclusions which have resulted from that analysis.

The intention which started the preparation of this report is not altogether clear, but it seems fair to assume that the original objective was to draft a set of model statutes upon which all four collaborators could agree. Apparently, however, that agreement was impossible for we have not one but three sets of proposals—three conflicting viewpoints, the presentation of which creates a book far more valuable than if one common denominator of recommendation had been found. Mr. Bassett and Mr. Williams have joined in writing one report and in presenting one set of proposed legislative forms. Mr. Bettman, individually, has written another report and drafted another set of legislative forms. Dr. Whitten has added a third report, but instead of drafting an additional group of proposed statutes, he has been content simply to recommend extensive amendments to the forms proposed by the others.

It is not possible in the space of this comment to digest or compare these variant proposals, or to dwell on the intricate problems of drafting. The objectives of all four contributors are the same, but in general it may be said that the Bassett-Williams proposals are more conservative and less willing to attempt to stretch the legal and political precedents upon which we must build. The Bettman suggestions, and to an even greater

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