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State and National Power Over Commerce

Kenneth Craddock Sears

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Another feature of the work being discussed is an inclusion in volume seven of Court Rules. They cover the federal Supreme Court, Circuit Court of Appeals, Eighth Circuit, and District Court, Eastern Judicial District. General orders in bankruptcy and bankruptcy forms are likewise embraced in the last volume of this work. Rules of the Missouri Supreme Court and Courts of Appeals also appear.

The printing and binding of these volumes is well done.

To summarize, the reviewer is disappointed in not finding more reasoning in the text material of Mr. Houts' work, but the reviewer believes that our author has made many useful suggestions as to local procedure and that he has given practitioners in Missouri courts a splendid selection of usable forms.

St. Louis University School of Law

CARL C. WHEATON.

STATE AND NATIONAL POWER OVER COMMERCE. By F. D. G. Ribble, New York: Columbia University Press, 1937. Pp. 266.

I started to read Professor Ribble's book, which is one of the Columbia Legal Studies, one night after a usual day at the office. I made very slow progress. I went to sleep a time or two and came to a tentative conclusion that Ribble had written something that was tough reading. The next time I started to read the book was on a Sunday morning after a good night's sleep. I had a very pleasant surprise. The book was interesting. There was no desire to stop reading. My tentative conclusion was fundamentally in error.

To be certain there are passages in this book, as in any scholarly book dealing with law, that require one to pause and think. That, however, is a compliment to the book. So, if time is available the next time that the Commerce Clause of the United States Constitution is up for class work, Ribble's book will be on the desk for the purpose of a detailed study of it in connection with the cases that will be discussed in class.

In one respect it is unfortunate that the book went to press in February, 1937. Thus that series of opinions involving the National Labor Relations Board had not been decided by the United States Supreme Court and consequently they are not considered in this study by Professor Ribble. These decisions seem to be very significant at the present time and it is hardly possible that they would not have influenced Professor Ribble's ideas. It is even likely that some passages in the book would have been modified in view of these later decisions.

Professor Ribble's work appealed to one reader at least as being scholarship in the best sense of the word. He is no excited reformer who is trying to fit the cases into pre-conceived theories for the salvation of the United States. Too frequently, it appears, writers in the public law field in this country are individuals whose intelligence is much more keen than their judgment is calm.

So it is valuable to have a reasonably short treatise of the Commerce Clause by a scholar who is objective in his consideration of the problems that have been presented. Professor Ribble has his convictions but this reviewer at least failed to discover any deep passion that warped his scholarly judgment. Accordingly it is believed that all teachers of constitutional law will find this book to be of great value. The same should be said for lawyers who are particularly concerned with the Commerce Clause. But as for laymen it is not believed that the average of them will be able to comprehend the book in a significant way.

It does not seem necessary to summarize Professor Ribble's views upon the various problems. Most of his chapters have either a formal or an informal conclusion and the last chapter is a "Conclusion" of the previous material.

University of Chicago Law School.

KENNETH C. SEARS.

CASES AND MATERIALS ON THE CONFLICT OF LAWS. By Ernest G. Lorenzen.
Fourth Edition. St. Paul: West Publishing Co., 1937. Pp. xxxvi, 1138.

A fourth edition of a casebook, issued only five years after the appearance of the third edition, seems to require some justification. The reason for this new edition lies in the publication of the Restatement and a considerable mass of other material (including casebooks) on Conflict of Laws during the last five years, and the decision of several important cases, plus some development in teaching methods. That is probably an adequate justification. Still, users of the book may be excused for wishing that this were only a third edition, issued perhaps a year or two sooner than the present fourth, and taking substantially the form this edition now takes.

The first thing that the reviewer noticed about the new book was that a splendid collection of cases on Domicile appears in Chapter One. In the preface, Professor Lorenzen states that this is "at the request of the users of the book", faintly implying that this return to the style of the second edition was forced upon him against the better judgment of his own functional mind. At any rate there is little doubt that users of the book believe that a section on Domicile to be studied at the beginning of the course will aid them substantially in their function of teaching law.¹ An eleven-page introductory survey of the subject of Conflict of Laws opens the volume, and introductory notes of textbook character appear at the openings of most of the chapters and sections. These are like so-called introductory matter in many books, in that the student will do well to read them not only at the beginning but also at the end of his reading of the

1. See book reviews of the third edition, (1932) 46 HARV. L. REV. 353; (1933) 81 U. of PA. L. REV. 498; (1933) 6 SO. CALIF. L. REV. 358; (1933) 12 TEX. L. REV. 528.