is very workmanlike. The clarity of the book's structure and its admirable indexing make it very convenient for reference. While it bears the marks in language and arrangement of being written by a foreigner,[9] its readability is not in the least impaired; there is every evidence that the author has developed a satisfactory "feel" as well as factual picture of American institutions; and the advantage of a foreigner's detached position is used to the full.

ALBERT GAILORD HART*

Patents: A Textbook Compilation of the Patent Decisions of the Supreme Court of the United States. By Beirne Stedman. Charlottesville: Michie Co., 1939. 8v. Pp. xii, 708. $10.00.

This book reminds me of the amusing criticism passed upon the works of Shakespeare by that very precocious Etonian—"definitely interesting, but quite unoriginal you know, inasmuch as they consist so largely of quotations." But how profoundly different is the connotation in the present instance! For let me say at once that Mr. Stedman's book *is* a work composed almost entirely of quotations, and that this statement is by way of praise, and not by way of derogation. Mr. Stedman writes in his preface: "This volume is intended as a presentation of the views of the Supreme Court of the United States upon the Patent Laws, supplemented by statutory references deemed necessary to show the existing status of patent legislation. While not formally quoted, much of the text is in the language of the court, and in numerous instances verbatim quotations from the opinions have been used. The author has tried to set forth accurately and exhaustively, yet concisely, what our highest judicial tribunal has decided in construing and applying the laws enacted by Congress 'to promote the progress of science and useful arts.' And he will feel richly compensated if the practitioners of this highly specialized branch of the law generously conclude that his efforts have not been wholly in vain."

To fashion an accurate, coherent and fluent text upon patent law, utilizing, for the most part, the *ipsissima verba* of the United States Supreme Court, is not so easy a task as one might imagine. For while there appears to be an immense amount of material available for such a purpose (the opinions in the patent decisions of the United States Supreme Court bulk at least a hundred fold the dimensions of Mr. Stedman's volume), in actuality, but a small fraction of it is suitable for direct utilization in the construction of a work such as the author has produced. Mr. Stedman has been most scrupulous in the selection of his materials. He has been careful to utilize only the indispensable sentences of the opinions, and he has not succumbed to the temptation to incorporate in his text a felicitous phrase when it occurs as mere dictum. The result of his labors is an impeccable presentation of that portion of the judicially developed patent law of this country which has been established by the United States Supreme Court and which may rightly be regarded as valid in greater degree than is the portion established by the lower federal tribunals. And when consideration is accorded to the facts that since 1891 patent litigations have usually terminated in the United States

[9] Witness the surprising statement on page 216 that "The English language has only one expression, namely, 'debt' to signify the 'creditor' and the 'debtor' side of the monetary obligation."

* Assistant Professor of Economics and Sociology, Iowa State College.

Circuit Courts of Appeals, and that only an increasingly small fraction of the number of patent litigations of the past one hundred and forty odd years have reached the United States Supreme Court by way of appeal, writ of error and writ of certiorari (there are less than one thousand decisions pertaining to patent law to be found in the United States Supreme Court Reports), it is really surprising to note how large a proportion of present day patent law is contained in these comparatively few decisions of the United States Supreme Court. Most of the fundamental issues are covered, but a few lacunae do exist. For example, there is no United States Supreme Court decision modifying and extending the doctrine of *Pickering v. McCullough*[1] as to patentable combinations, as it has been modified and extended by the United States Circuit Courts of Appeals.[2] Yet this lack is not a serious one, for I have no doubt that were a decision upon this subject handed down by the Supreme Court, it would but confirm the decisions of the lower federal tribunals. But as I have pointed out elsewhere, a decision of the Supreme Court, which will definitely determine whether true chemical compounds, as such, are, or are not, patentable subject matter, is badly needed.[3] Mr. Stedman certainly must not be censured, however, for the deficiencies in his materials, for he has made the most skillful use of what he had on hand. Moreover every page of his book is an example of conscientious authorship, while a very superior index, evidently the result of painstaking efforts, adds immensely to the usefulness of his work.

CHARLES E. RUBY*

The American Governor. By Leslie Lipson, with an Introduction by Marshall Edward Dimock. Chicago: University of Chicago Press, 1939. Pp. xxi, 282. $2.50.

A democracy must revolve around the legislature. If it does not, it cannot be democratic. Yet a democracy does not prevent such a separation of powers as exists in the United States. A legislature cannot administer successfully, and in the United States under our doctrine of separation of powers administration is an executive function. How to make both the legislative function and the executive function successful is the great problem of a democracy. Both the legislative and executive branches of government must have leadership. The way to get legislative leadership is either through the executive (the governor or President, as the case may be) or through the legislature developing a leadership of its own, as for example by the use of legislative council. But then arises the problem of how to keep the legislature from trying to administer and absorb the power of patronage. Executive leadership can be obtained through control by a strong executive who supervises all of the executive bureaus and departments, that is, by concentration of power in the chief executive. But then arises the problem of how to prevent the executive from subverting the legislature and thereby destroying both our separation of powers and democracy.

The solution of these problems of democracy is not easy . The English system of choosing a leader who is a member of Parliament is not available under the United States constitutional system. Under the doctrine of sepration of powers which exists in the United States it would seem that the best way to get legislative leadership is through executive leadership, at least until the legislature itself develops a better leadership than we have as yet had in the United States. Probably the Supreme Court

[1] 109 U.S. 310 (1881). [2] E.g., 53 Fed. 367 (C.C.A. 3d 1892). [3] 89 Science 387 (1939).

* Member of the Massachusetts and Federal Bars.