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Review of “A Handbook of N.R.A. (Second Edition),” By Lewis Mayers

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Book Reviews

AN INTRODUCTION TO SOME PROBLEMS OF AUSTRALIAN FEDERALISM, by *Kenneth O. Warner*. University of Washington Press, 1933, Pp. XI, 312.

The object of this study is to provide a definitive statement of State-Federal relations in the Commonwealth of Australia. The author declares it to be his hope "that the investigation will clear the ground for an evaluation of judgments by critics of governmental forms who declare Australian 'federalism' to be a failure"⁷ (v). Accordingly the volume examines the constitutional foundations of the more important phases of state-federal relations, and superimposes upon this framework an analysis of the more dynamic extra-constitutional administrative developments which have given life to as well as tempered the rigidity of the fundamental law. Part One treats of the general relationship between the states and the commonwealth in the following matters: Constituent authority, legislation, and general administration, judicial administration, government railways, education, external affairs, industrial disputes, and trade and commerce. Part Two presents a detailed consideration of financial relations including: financial assistance to states, the Australian Loan Council, Commonwealth and State Banks, Taxation and Tariff.

The lawyer's interest in the volume will center upon the extent to which constitutional considerations have contributed to the problems of Australian federal government. With federal centralization in the United States an accomplished fact, the precise manner in which Australian states have been divested of their powers as revealed in this volume, should be of current interest to American lawyers.

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A HANDBOOK OF N. R. A., by *Lewis Mayers*. New York and Washington: Federal Codes, Inc. (Second Edition) 1934. Pp. XXII, 842.

Not the least difficulty in the effort to follow with any approximation of thoroughness the developments of the "Roosevelt revolution" upon its myriad fronts is that of access to the great amount of data which the many new mills of government activity turn out daily. The staggering volume of new executive orders, regulations, and administrative and judicial decisions incident to the National Industrial Recovery Administration in all of its phases, perhaps the greater proportion of which is available for general distribution only in mimeographed form if at all, demands compilation. Mr. Mayers' Handbook is a creditably organized collection of the more important data upon that which might be termed "the law of N. R. A." The expository heading best indicates the scope of the material included:

"An analysis and compilation of the National Industrial Recovery Act and related statutes, federal and state, and of all executive orders, regulations, agreements, administrative rulings and judicial decisions relative thereto; together with a comparative presentation of typical

provisions of the several codes of fair competition, the texts of the principal codes and summaries of all minor codes."

In the 50-page *Introduction* to the Handbook, integration of the included material is undertaken. The organization is as follows: *Part I, the National Industrial Recovery Act*, in which are gathered the text of the Act, its legislative history, and a suggestion of the outstanding problems, constitutional and administrative, which its administration presents; *Parts II, Codes of Fair Competition: Formulation, Administration, and Enforcement*; *Part III, Code Provisions Analyzed and Compared*; *Part IV, President's Re-Employment Agreement*; *Part V, Regulation of the Petroleum Industry*; *Part VI, State Recovery Acts*, including texts and analyses of the several state laws passed to expedite N. R. A.; *Appendix I, Codes Approved in 1933*, giving texts of 25 principal codes and quite adequate summaries of the salient provisions of the others; *Appendix II, Organization and Personnel*.

Mr. Mayers has gathered and selected his material with care. His topical analyses or indices are complete and contribute largely to the value of the Handbook as a convenient source book. His analyses of the Act and its problems, if not profound, are sagacious and helpful. As a bringing together of material which otherwise would have to be sought in widely varied sources, the Handbook is a welcome relief to the student, casual or professional, of the developments of N. I. R. A. A semimonthly supplement service, the N. R. A. Reporter, keeps the volume up to date.

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ANTE EL MOMENTO CONSTITUYENTE ESPAÑOL. EXPERIENCIAS Y EJEMPLOS AMERICANOS. By Dr. Rodolfo Reyes. Madrid: Cia. Ibero-Americana de Publicaciones, 1932. 126 pp.

The learned professor of constitutional law in the University of Mexico has put into this small volume (1) the historical and practical experience of Mexican constitution makers for the benefit of the Spanish architects of a new public legal order and (2) a detailed argument for the use of judicial guardianship (amparo) as a means to the protection of individual and public rights not adequately covered by due process of law in the routine court procedure. Thus the amparo of the courts as practiced in Latin American countries is invoked only upon petition of the injured party; is exercisable only when a constitutional right has been violated through the regular procedures of legislation, administration, or court procedure; always limits the decision to a concrete case and does not generalize legal principles; and has the legal effect of returning the rights of the petitioner or the situation to the condition existing before the violation of the constitutional right. It is in reality a political power lodged in the courts, which are in this case made superior to either the executive or the legislative branch of the government, because of the opportunities these two latter powers have for exceeding their lawful limits and the temptation they are under of doing so. Such an abuse of powers on the part of the judiciary is held to be prevented by the particular and non-generalizable character of each judicial act of amparo. The author