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Review of “The Living Constitution,” By Howard Lee McBain

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tion of the minute books of numerous corporations, both large and small, revealed "in many instances, a maze of obscure and insensible words and repugnant sentences, a confusion of the various types of resolutions, and an apparent want of apprehension on the part of the corporate officers of an imminent Waterloo in the event of any litigation."

This reviewer heartily endorses the author's opinion that corporate resolutions should be drawn with more care than they generally are drawn.

In the hands of an attorney, this book will prove useful, and, on the theory that half a loaf is better than none, it is probably well that unskilled persons, who intend to draw resolutions, should, first, earnestly study this book.

However, it is asking too much to expect that an unskilled person, by the aid of this book, can draw corporate resolutions in important matters as well as a trained lawyer, and this idea might, perhaps, be emphasized somewhat more than it is, especially as the publishers, in the circular describing the book, are quite optimistic about its value to others than lawyers.

An interesting feature of the book is the author's practice in using the word "Resolved," instead of "Be It Resolved," and, also, using the words "Further Resolved," instead of "Be It Further Resolved," as may be seen from the following example, appearing on p. 93:

Resolved, That hereafter and until further action by the Board, the checks of the Company should be signed by Mr. _____, the President, and that the counter signature of Mr. _____ be dispensed with.

Further resolved, That the _____ Bank, the depository of the Company, be authorized to honor checks drawn on the funds of the Company and signed by _____ alone.

A large number of the forms in this book have been involved in suits in the appellate courts, and, in such cases, the author gives the citation of the book and page where the proceeding may be found, as well as the title of the cause. The index is, apparently, quite complete.

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THE LIVING CONSTITUTION. By Howard Lee McBain, Ruggles Professor of Constitutional Law, Columbia University. pp. VII and 284. New York: The Macmillan Co., 1927. Price \$1.50.

This is a recent publication in the Macmillan series of short volumes entitled THE WORLD TO-DAY BOOKSHELF, edited by Dr. Charles A. Beard. Professor McBain writes with the authority of a student and teacher of Constitutional Law but presents his material in form capable of being understood by the layman as well as the lawyer. Starting with an analysis of Written Constitutions he discusses in successive chapters The Federal System, Bill of Rights, The Presidential System, Checks and Balances, The Representative System and Judicial Control.

As indicated by its title the book is concerned with the Constitution as it actually exists and functions. Those who regard this instrument as embodying merely the creative effort of the Eighteenth Century Fathers may learn by reading this volume how the Constitution has been changed and expanded not only by Congress, President and Court but also through the less tangible but equally effective customs of political parties. The author has a keen power of analysis, he is familiar with our historical development and political practices and throughout the volume he preserves a clear distinction between the fictions or legends and the realities of our fundamental law.

Where there is so much that is excellent it may appear ungracious to call attention to a palpable error. On page 252 Professor McBain indicates that the United States Supreme Court defeated the Oregon minimum wage law by an even vote, four to four, since "the judgment of the lower court had been against its validity." As a matter of fact the Oregon Supreme Court upheld the statute (*Stettler v. O'Hara*, 69 Ore. 519, 1914) and the effect of the even division in the United States Supreme Court was to uphold this judgment.

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THE LAW OF SPECIAL ASSESSMENTS IN MINNESOTA. By *Harold F. Kumm*, LL.B., S.J.D. pp. 187. Minneapolis: League of Minnesota Municipalities, 1927.

"The object of the League shall be to perpetuate and develop an agency for the co-operation of Minnesota cities and villages in the practical study of village and city affairs."—Constitution, Art. I.

THE LAW OF SPECIAL ASSESSMENTS IN MINNESOTA is offered as one of the products of the study made by the League of Minnesota Municipalities in furthering the purpose of that organization as expressed by the above section of its constitution. It is a book of one hundred and sixty pages containing a comprehensive analysis of the law of special assessments applying to third and fourth class cities and all villages in Minnesota.

The survey is divided into sections, the first devoted almost entirely to the constitutional questions which are presented in the making of local improvements, with a review of the judicial decisions on the subject. The second part deals with the statutes on special assessments with a summary of each act authorizing the exaction of special assessments or special taxes by cities of the third and fourth classes, villages and boroughs.

While this work has been designed primarily for use by attorneys and public officials in the State of Minnesota, it is of interest to city attorneys, municipal administrators and financial officers in every state, inasmuch as the principles underlying the determination of benefits and the requirements of due process are similar in all jurisdictions.

C. H. W.

1927 SUPPLEMENT TO THE REVISED STATUTES, 1919, OF THE STATE OF MISSOURI.

By *Allen M. Minturn* and *Charles Perry Schafer*, of the Saint Louis Bar. St. Louis: Thomas Law Book Company. 1927. Price \$10.00.

Since the publication of the Revised Statutes of Missouri, 1919, there have been four regular sessions and two extra sessions of the General Assembly. Hence to determine what is Missouri statute law on a given subject, it was necessary to examine not only the three volumes of the 1919 Revised Statutes but also the five volumes in which the Session Laws have been published.

With this fact in mind, the compilers of this 1927 SUPPLEMENT TO THE REVISED STATUTES have endeavored to simplify the task of searching for statute law, with the result that all of the Session Laws have been brought up to date in one volume.

The value of such a work may be comprehended more fully when one considers that, since 1919, 497 parts of laws or sections have been repealed, 25 laws have been upheld in their entirety, 393 parts of laws or sections have been amended and 248 laws on subjects not heretofore covered have been enacted.

The material contained in the supplement has been arranged as closely as possible in accordance with the plan used in the 1919 Revised Statutes, but is somewhat broader in scope and includes many cross-references. The index, in par-