

Washington University Law Review

Volume 13 | Issue 3

January 1928

Review of “Cases on the Law of Carriers. Ed. 2,” By Frederick Green

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Recommended Citation

Charles E. Cullen, *Review of “Cases on the Law of Carriers. Ed. 2,” By Frederick Green*, 13 ST. LOUIS L. REV. 228 (1928).

Available at: https://openscholarship.wustl.edu/law_lawreview/vol13/iss3/20

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rival it, the common law of England, the United States, Canada, and Australia.”
ISRAEL TREIMAN.

St. Louis, Missouri.

CASES ON THE LAW OF CARRIERS. Second edition. By *Frederick Green*, Professor of Law, University of Illinois. Pp. xxv and 829. St. Paul: West Publishing Company, 1927.

Five hundred twenty-four of the pages in the new edition are practically identical with the same portion of the first edition and, as few of the familiar leading American cases fail to appear among the reported cases or the citations in the notes, the reprinting of this portion furnishes, on the portion covered, satisfactory materials for teaching the subject matter involved. The foregoing part of the text includes the general principles involved; Introductory Topics on the Nature of Carriage and Common Carriers; The Carrier's Undertaking; The Obligation of the Shipper; and The Exceptional Liability of a Common Carrier. While it is a matter of opinion whether it would be better to more completely separate the rights and obligations of the common carriers of goods and the common carriers of passengers, it seems to the writer that they should be handled separately. As Professor Green's book has been in use since 1910, however, it would seem that his arrangement had met the test of time.

Professor Green has introduced into his second edition an abundance of new material in the last 300 pages of the text. In the new Part V he has taken the portions of the Pomerene Act and treated them under five headings in as many chapters, as follows: Negotiation and Transfer of Documents, Delivery of Goods, Misdescription, Attachment, and Lien. In developing these subdivisions he has used the latest and leading cases interpreting the act. About sixty pages are devoted to this division.

Next comes the new Part VI, covering the statutory developments in the field of regulation since the former edition. Here we have a choice selection of cases and excerpts from the Act to Regulate Commerce and the various amendments thereto, with citations to the U.S.C.A. The sections of the act setting forth the nature and purposes of regulation, the changes in policy which are set forth in amendments, and the leading cases interpreting them, like the *Dayton-Goose Creek Railroad case* and the *Railroad Commission of Wisconsin v. Chicago, Burlington and Quincy Railroad Co.*, are included in concise form. The statutory development of control is further carried out in the remaining chapters on Equality in Service and Rates; The Carmack and Cummins Amendments and Federal Occupancy of the Legislative Field; Adequate Service; Reasonableness of Rates; and Remedies and Enforcement, divided into Control of the Commission over the Carrier, Control of the Court over the Carrier, and Control of the Court over the Commission.

The new material in the last three hundred pages brings the text down to date and affords the users of the book the modern viewpoint without which the older edition had become of less value. Whether the modern statutory limitations on liability, for example, might not better have been brought in at a corresponding point in the portion of the text which has been left unaltered is again a matter of opinion. To the writer it would seem to have been better to have rearranged the material, placing the later developments in sequence to the earlier decisions. As arranged, it would seem that one using the book would have to use two portions at the same time, and the valuable additions in the new part are much too numerous and well selected to be used as an appendix. Under the portion given to Control of the Commissions by the Courts several cases involving utilities other than carriers are included, such as the *Bluefield Waterworks case*, but apparently only to illustrate phases of rate-base determination.

For a course devoted to the law of common carriers, Professor Green has collated a very satisfying amount of case and statutory material.

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ADMINISTRATIVE JUSTICE AND THE SUPREMACY OF LAW IN THE UNITED STATES.
By *John Dickinson*. (Harvard Studies in Administrative Law, vol. II.)
Cambridge: Harvard University Press, 1927. Pp. xiii, 403.

It is difficult to prevent this review from becoming banal by reason of excessive praise, for Mr. Dickinson has accomplished his object superlatively well. What that object is, is stated in Mr. Dickinson's preface and in a general introduction to the series of which the present volume is a part, written by Professor Felix Frankfurter and published in Volume I, *THE INSURANCE COMMISSIONER IN THE UNITED STATES*, by Professor Edwin W. Patterson. Both Mr. Dickinson and Professor Frankfurter acknowledge the debt of all students of administrative law to Professor Freund and President Goodnow, the pioneers in the field. The purpose of the Harvard Studies in Administrative Law is to supplement the work of the pioneers by supplying a series of intensive examinations into the functioning of particular administrative agencies and of the courts in reviewing their determinations, as "a painful means of proving what the insight of a rare few has suspected or discerned" and as a basis for more accurate generalization later on. Hence Professor Patterson's volume. Mr. Dickinson's book is a sort of introduction to the entire series, which might perhaps better have appeared as Volume I. It enables the series to get under way with a tentative general view of its own—an up-to-date orientation, as it were, in a developing situation.

Mr. Dickinson starts out by giving the setting for the problem of administrative justice. It is, of course, the growing complexity of modern life, which has made it imperative for the executive branch of the government to do in a wide field what it has always done in a restricted area—that is, act upon its own motion for the purpose of forcing the individual (or the corporation) to perform or not to perform certain acts or to give up property. In thus broadening the scope of its action the executive department, or the administrative as it has come to be known in this connection, has been forced upon the attention of the courts and of the legal profession by the expanding scope of the police power. Consequently, for example, where once it was possible to conduct a barber shop about as one pleased, subject only to a possible suit for damages by one who had been demonstrably injured by unsanitary treatment, today one must have a license and one's premises are likely to be visited at any time by an inspector with apparently summary power to order things tidied up. So it is in connection with a multitude of matters, great and small.

The specifically legal problem, as is well known, to which this situation gives rise, is that of the extent to which the acts of public officials shall be subject to review in regular judicial proceedings; or, stated the other way, it is the problem of the extent to which the determinations of these officials shall be final. It is a problem which the courts have had to answer for themselves, aided occasionally by direction from the legislature; for there has been no power above them to dictate what they should do. The basic idea which they have had to work with, as Mr. Dickinson shows, is the old idea of the supremacy of law which Coke invoked in his contest with James I and which is at the bottom of the American Courts' power to review the constitutionality of legislation. In limiting for themselves the extent to which they will review administrative decisions, the courts have drawn the large distinction between questions of law