

# New York University School of Law: 1950 Annual Survey of American Law

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1950 *Annual Survey of American Law*. By NEW YORK UNIVERSITY SCHOOL OF LAW. New York: Prentice-Hall, Inc., 1951. Pp. x, 915. \$10.

This is the most recent volume in an excellent series. To review it is comparable to reviewing the yearbook of the Encyclopaedia Britannica or a new edition of an atlas. One necessarily can but sample the work and address his observations to the book as a whole rather than to any specific articles. These annual surveys were inaugurated by Chief Justice Arthur T. Vanderbilt of New Jersey, then Dean of New York University School of Law, with the volume covering 1942. This, the ninth volume, following the pattern of the series, consists of forty-eight articles by forty-six New York University faculty experts compactly presented in 875 pages of very readable text.

The scope of the undertaking is appreciated best by a look at the Table of Contents. Under *Public Law: in General* we find these titles: International Law; The United States and the United Nations; Conflict of Laws; Constitutional Law and Civil Rights; Administrative Law; Civil Service; Federal Income Taxation; Federal Estate and Gift Taxation; State and Local Taxation; Local Government, and Criminal Law. Under *Public Law: Social, Business, and Labor Regulation* we find: Social Security; Public Housing, Planning and Conservation; Cooperatives; The Antitrust Laws; Security Issues and Exchanges; Unfair Trade Practices; Food, Drug and Cosmetic Law; Federal Labor Law; State Labor Law, and Wages and Hours. The latter half of the book treats the normal *Private Law* subjects, concluding with articles on Jurisprudence, Legal History, and Legal Education and Bar Activities. These titles are listed not to pad out a review, but because in almost no other way can the tremendous coverage of the book be indicated.

To wade through a year's accumulation of American legal reading matter—literature is too kind a term for much of it—would make Hercules' job on the Augean stables seem like a simple, almost pleasant, task. Fortunately for sanity the work of the Annual Survey has been shared by forty-six faculty members of New York University, each expert in his particular area of the law, and the overall supervision and editing has been done by a Faculty Committee.

All lawyers recognize that it is impossible for the individual to keep abreast of the outpourings of the legal presses. Necessarily they are dependent day by day on digests, compilations, encyclopaediae, citators, pocket supplements, elaborately systematic indexes, loose-leaf services, and in some fields even daily reports from the observation posts of the legal front. These bibliographical crutches for lawyers show no signs of decreasing in number, variety, or cost.

We are considered a learned profession. One mark of the learned man is the ability to bring to his thinking a sense of perspective. Unfortunately a broad perspective of the law is difficult to attain or maintain in view of the enormous growth of the law and the increasing stress on specialization in practice. A work like the Annual Survey has the virtue of permitting the lawyer to grasp the overall picture of our modern law without heavy demands on his time. Thus it seems to me that this is ideally a practitioner's book—not one which he attempts to read through in a few sittings, but rather one he turns to occasionally, when not under pressure, to read an article or two in fields not familiar to him. Although it has definite utility in the office, this is the book to keep at home in the library or on the night table, or to peruse while commuting

or traveling. It is the kind of work which can be read for pleasure and relaxation—if you read the topics which are distinct from your daily endeavors.

FRANCIS J. SETTER\*

*Administrative Law.* By KENNETH C. DAVIS. St. Paul: West Publishing Co., 1951. Pp. xvi, 1024. \$8.00.

One of the most distressing gaps in our legal literature—that due to the lack of a text, both compact and comprehensive, on administrative law—has been filled by two recent texts, one of which is Professor Davis' new book.

In spite of the vast importance of the subject, workers in the field have heretofore had to use, in the main, such inconvenient tools as law review articles, casebooks with or without supplementary "materials," special reports and monographs, or texts devoted to certain aspects only of the subject, or to the workings of particular, single, administrative agencies such as the Commerce and the Trade commissions. Even some of the standard encyclopedias and digests still do not have a title on administrative law. Therefore, to have available a systematic text treatment replete with analysis and criticism, between a single set of covers, such as is the present volume, is a matter for self-congratulation by the entire bar—practitioner (whether in or before the agencies), teacher and judge.

As the title indicates, the book deals comprehensively with administrative law, rather than with particular agencies or particular agency activities. This is an enormous improvement over the situation heretofore largely prevailing, under which it was often necessary to search under numerous and diverse titles such as constitutional law, taxation, public utilities, public officers, statutes, corporations, and so forth. The author's theory is the manifestly sound one that there is enough of generalized legal doctrine about administration in government to make it desirable, and even necessary, to deal systematically with the processes, principles and rules, which are—or should be—applicable to and by all kinds of administrative bodies.

This book is much more than a "hornbook." Unsettled problems in the field are so numerous that it is impossible to write comprehensively and usefully on the subject solely on the basis of established authorities. One of the very important features of the book is that these unsettled problems in particular have been subjected to critical analysis, and valuable aid is given in the consideration of possibly applicable competing principles, and in the search for sound solutions.

The author has noted and acted upon the circumstance that much of the fruitful development of administrative law has occurred in the federal field, as compared to the oftentimes undeveloped and, in cases, definitely backward state law, and has drawn heavily upon the comparatively richer federal sources of authority and doctrine.

The lawyer to whom there is still much of "mystery" in administrative law and processes, will be assisted in orienting himself to the field by the first chapter, entitled *The Administrative Process*, which deals among other things with a definition of administrative law, reasons for its growth, inadequacies of the judicial process, and an examination of the pros and cons of opposing the development of the process. The definition, familiar to workers in the field, is somewhat narrower than is sometimes used. It is confined to the powers and procedures of administrative agencies, as distinguished from the law made

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