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The Effect of an Unconstitutional Statute

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look quite the same to him or seem to be as easy a field for authorship, — but we will have better case books hereafter.

Thanks, Mr. Chafee and Mr. Simpson, for these books.

—H. CLAUDE HORACK.

Duke Law School.

THE EFFECT OF AN UNCONSTITUTIONAL STATUTE. By Oliver P. Field. Minneapolis: The University of Minnesota Press, 1935. Pp. xi, 355.

This book is a timely and significant one, in view of the present trend of Congressional Legislation. When new and far-reaching laws, which in many ways change the fundamental structure of government in this country, are being constantly brought before the United States Supreme Court to test their constitutionality, the material in this book becomes especially significant. This is true of State laws as well, as many of them are intended to follow Federal legislation, and must meet the test of constitutionality under the constitutions of the respective States.

The author has covered his subject thoroughly. Constitutional law cuts across other fields of law, and the same is true when one seeks to state the effect of any holding of a statute as unconstitutional. Through the whole volume there runs the central theme indicated by the name of the book. In the twelve chapters into which the work is divided the author covers practically every important relation of his topic to other branches of law. This work will complement in an excellent manner, the ordinary case material used in the teaching of Constitutional Law, as that title is usually understood. In fact, the introduction, which is the first chapter, is excellent supplementary material for the usual course in Constitutional Law, aside from its relation to the specific phase covered by the volume.

The fact that several chapters had been published as separate articles in different law journals, tends to give a somewhat disjointed effect in reading the volume, but this is not sufficiently noticeable to be really objectionable, because of the integral relation of the material in those chapters to the general subject. The style in which the book is written may not appeal to some of its readers, because of the way in which court decisions are woven into the text, rather than having the statement of the author based

upon the cases with suitable references to them in the foot-notes. This style does not detract from the value of the volume as it is not noticeable enough to actually make it difficult to use. As stated, it would seem to be a matter rather of the reader's pleasure, than of a matter for particular criticism.

The chapters dealing with, respectively, Res Adjudicata, Stare Decisis, and Overruled Decisions in Constitutional Law; Reliance upon Decisions and the Effect of Overruling Decisions in Constitutional Law; Amendatory, Validating, Curative and Remedial Measures and Judicial Review as an Instrument of Government are especially commendable, not only as relating to the general subject indicated by the title of the volume, but in covering generally the topics dealt with in those chapters. These chapters, together with the Introduction, are especially outstanding, but that they are singled out does not mean that the other contents of the book is not meritorious. It is, taken as a whole, a most accurate, concise and scholarly presentation of matters which properly can be gathered under such a head as that of the effect of an unconstitutional statute.

The full and detailed table of contents, and a table of the cases discussed, together with the full general index, make the work one which can be readily used. This text, as indicated above, should prove to be an excellent reference, and in view of the detailed manner in which it covers the field and its many references to case authorities, should also prove a worth-while adjunct to the practising attorney. It is also suitable for reference work in college courses other than those offered by a law school, as the author deals with his material in a way which develops, not only its legal significance, but also its economic, political and sociological aspects.

—CHARLES P. WILHELM.

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MODEL LAWS FOR PLANNING CITIES, COUNTIES AND STATES.
By Edward M. Bassett, Frank B. Williams, Alfred Bettman and Robert Whitten. Cambridge: Harvard University Press, 1935. Pp. viii, 137.

A book review is a patently inadequate vehicle for the thorough analysis of a set of far-reaching model enabling laws. It may serve, however, as a means of presenting general reactions and a limited number of specific observations.