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The Story of the Constitution

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view. He is a little inclined to forget how serious it may be for lawyers who serve an inefficient system, which they have accepted, rather than created, and who depend upon it for livelihood, if the system is suddenly altered. The observation should perhaps be made, also, that since bankruptcy administration in the federal courts must continue in any event, the best chance for reform in insolvency administration may be to concentrate such administration so far as possible in the federal bankruptcy courts. Obviously such a suggestion can obtain no considerable support until federal bankruptcy administration is simplified and strengthened along the lines of recent proposals by the officials of the Department of Justice and others. In other words, when one is considering the relative merits of federal bankruptcy administration and state or federal equity receiverships one must take into account not what bankruptcy administration actually is, but what it might become.

Professor Billig and the Johns Hopkins Institute of Law deserve the sincere congratulations of the legal profession and the public generally for this monograph.

—JOHN HANNA.

Columbia University
School of Law


This work was written for the purpose of making it easier for anyone to renew his "faith in, and Loyalty to, the constitutional system of government." As the objective is commendable, the reader will forgive too frequent effusions against radicalism, as expressed by United States Senator Smith W. Brookhart and others, and will follow instead its more scholarly pages which fortunately make up much the greater part of the volume. The author's conception of the constitutional system is perhaps best expressed in his agreement with John W. Davis that "The constitution [of the United States] has but two enemies, whether foreign or domestic, which are in the least to be feared. The first is ignorance — ignorance of its contents, ignorance of its meaning, and ignorance of the great things that have been done in its name. The second is indifference — the sort of indifference
that leads many people . . . to ignore both the rights and duties of citizenship." Then why worry about Brookhart unless it be on the score of his alleged ignorance?

Although this work is presented in chapters, it readily falls into two parts. The first, consisting of five chapters, covers the movement for a stronger federal government, the making of the federal constitution, its relation to the Declaration of Independence, and the struggle for the ratification of the former. Of these the chapters on the making of the constitution and its ratification by the states are especially good, abounding, as they do, in well selected and arranged details which, in themselves, go a long way to make possible the achievement of the chief objective of the author. Throughout these chapter the viewpoint is that of the practical lawyer rather than that of the historian, which adds to the merits of the work.

In additional chapters the growth of the constitution by amendment and judicial interpretation is traced, as is also its practical application in criminal and civil cases and in political guarantees. The proof of the right of the federal judiciary to declare both federal and state statutes unconstitutional is convincing. While some will not agree with the author in his seeming concurrence with the dictum of Associate Justice Brewer that the constitution’s “meaning does not alter. That which it meant when adopted, it means now” (page 218), it is an interesting viewpoint. But for a few statements such as “Fairfax . . . fled to England at the beginning of the Revolution” (page 194), these chapters are informing even to the historian. They are followed by the Declaration of Independence and the Constitution of the United States which are printed in full as appendices.

An adequate index contributes greatly to the other merits of the work.

—C. H. AMBLER.

West Virginia University.
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State of West Virginia {as,
County of Monongalia

Before me, a Notary Public in and for the State and county aforesaid, personally appeared Louise Farrell Hartley, who, having been duly sworn according to law, deposes and says that she is the Managing Editor of the West Virginia Law Quarterly and The Bar and that the following is, to the best of her knowledge and belief, a true statement of the ownership, management, etc., of the aforesaid publication for the date shown in the above caption, required by the Act of August 24, 1912, embodied in section 411, Postal Laws and Regulations, to wit:

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Managing Editor.

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(My commission expires July 29, 1937.)