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National Prohibition, 3d, by Arthur W. Blakemore

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NOTICES

(These *Notices* are *preliminary*; they do not preclude *Reviews* later.)

National Prohibition. 3d edition. By Arthur W. Blakemore. Albany, Matthew Bender & Co., 1927. pp. clii, 1047. Price \$12.00

This work is not one of the books dealing with this subject which are marred by prejudice either for or against prohibition as a national policy. The author, in this edition, as in his edition of 1923, and of 1925, recognizes the fact that there is a difference of opinion as to the policy and effectiveness of National Prohibition. But he wastes no time or space in argument or statistics. Instead he recognizes that "the law remains, and there is an appropriate insistence on the part of administrative officers that it be enforced." The resulting mass of judicial decisions gives the author his work and he does it well. As indicated on the title page, the work consists in setting forth the Volstead Act annotated, and a digest of national and state prohibition decisions, including the law of search and seizure.

Part One deals with the Eighteenth Amendment, its validity, construction and effect. Part Two deals with the Volstead Act, taking up in order the crimes of manufacture, sale, transportation, possession, importing, and conspiracy. There is a chapter on practice under the Act, and an extensive section on forms for criminal charges, injunctions, search warrants and forfeiture proceedings. The author makes clear the fact that the Act is not a "bone-dry" act and explains the exemptions and omissions in the Act. He discusses at length the statutory provisions and decisions on search warrants and on forfeitures. There is included the majority report of the House committee on Judiciary in regard to the Volstead Act, and a history of the bill in Congress, and the President's veto message. The author ably supports the common law and majority view to the effect that evidence secured by an illegal search should not be excluded at the trial (sec. 1033). His citations to decided cases give assurances of accuracy. For instance, he states that the Act took effect on January 16, 1920 (sec. 149), and therein he differs from the annotations in the United States Code Annotated, which give the effective date as January 17, 1920 (27 U. S. C. A. sec. 1, n. 3). The author however, cites the controlling authority of the United States Supreme Court which supports his position. There is no effort to produce an extensive critical treatise upon the subject. The clearness and brevity of the treatment make it highly useful for those engaged in administering the law. It is fortunate that new editions of the work are being published frequently, so that the latest edition can be successfully supplemented by the latest decisions from the voluminous output of the courts. It is also fortunate for the Volstead Act that this, a standard work on statutory prohibition, is the work of a member of the bar; one whose study of the Act leads him to say, in the preface to the first edition: "The law was well drafted by its framers and has well withstood the attacks made upon it and after three years of bitter controversy those who believe in it can claim substantial victories on all points in issue."

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