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Cases on Constitutional Law, with supplement, by James Parker Hall

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Cases on Constitutional Law with Supplement, 1926. By James Parker Hall. American Case Book Series. West Publishing Company, St. Paul, 1926. Pp. 1867. Price \$6.50.

The first edition of this book published by Dean Hall in 1913 has been in almost universal use among American law schools where instruction in the law is given by the case method. Since constitutional law in this country deals with the interpretation of a written constitution whose terms are very brief and, in many cases, general in nature, it is inevitable that the constitutional law applied by the courts at any one time must be a different thing in its detailed content at least from the constitutional law applied by the same courts at other times. That is to say, the place of constitutional law may be thought of as remaining the same, but the situations and changing interests to which those principles must be applied in the rapidly changing economic and social conditions of our country make it inevitable that only the most recent cases will suffice to answer definite questions of constitutional interpretation. Thus it was most fortunate that Dean Hall prepared a second edition of his casebook since even the merits of the first edition could not have sufficed to make a useful tool for students unless the cases since 1913 were made available for their use. In his preface to the 1926 edition Dean Hall explains that the later cases are stated in a supplement at the end of the book although there are detailed references both for the case and the footnotes by which the instructor and the student may fit them into the proper pages in the original casebook itself. Dean Hall expressed the hope that at an early date he could blend the supplement into the main casebook with a reduction in the number of pages required and with the addition of many further ref-

erences to periodical material and fuller explanations in the foot notes. The recent death of Dean Hall, deeply lamented by his many friends in all parts of this country, precluded this later edition of his case book. We are fortunate, however, in having the 1926 edition in which much of the material that he himself would have used in his later edition is now available to students.

Dean Hall greatly deplored the lack of adequate references to periodical material in the supplement to his casebook and expressed the hope that this could be rectified in the future. It seems to the reviewer that the references to periodical material are just about as full in the supplement as they are in the main part of the case book. It seems fair to say that the practice of citing periodical material though admirable was not in general use in 1913 and the supplement of 1926 does not impair the original material in this respect. Particularly in certain instances one is unhappy not to find references to periodical material and foot notes (by way of explanation) in the supplement. For instance the case of *Marshall v. Gordon* (p. 1459) is given with only inadequate references to other cases in the notes and without any reference to the periodical discussions of the principles involved that were available at the time the supplement was published. An even more striking instance of that defect is the publication of the *Ben Avon* case (p. 1526) without a single footnote of any kind although it is one of the leading cases in that vexing field of judicial review of administrative action which has been the subject of perhaps as much comment in the legal periodicals as any case of modern times.

The supplement is composed of 414 pages. Here the reader will find most, if not all, of the leading cases on constitutional law that have been decided since 1913 with very helpful notes in most instances. It is unlikely that the student or the instructor will find serious difficulty in working the material of the supplement into the right place in the first part of the casebook. The supplement is constructed on the same plan as the casebook itself with the same analysis and subdivisions of the subject. The reviewer must admit that he sometimes feels that the consideration of constitutional law cases according to the particular subdivisions of the due process clause is unfortunate. Is it not possible to think of the due process clause more as a unity rather than to consider that it requires a certain treatment for a particular case to be allocated to one or another of the subdivisions of the due process clause?

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