

6-1929

Administrative Powers Over Persons and Property, by Ernst Freund

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Recommended Citation

Field, Oliver P. (1929) "Administrative Powers Over Persons and Property, by Ernst Freund," *Indiana Law Journal*: Vol. 4 : Iss. 9 , Article 4.

Available at: <https://www.repository.law.indiana.edu/ilj/vol4/iss9/4>

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REVIEWS

ADMINISTRATIVE POWERS OVER PERSONS AND PROPERTY*

This book contains a tremendous amount of detailed information on administrative law in so far as that subject deals with the topic of administrative powers over persons and property. Professor Freund has, as usual, worked out a very elaborate classification of the subject. For example, in connection with the classification of powers, he speaks of determinative and non-determinative powers, directing powers, regulative or rule making powers, powers of abstract determination, and disciplining, examining and summary powers. To the average student of administrative law and, for that matter, to the average teacher of the subject, such phrases as those referred to mean very little. They will mean only a little more if Professor Freund's treatment of them is read over casually only once. It takes a good deal of study to find out just exactly what the author has in mind when he uses these various phrases. Opinions may differ as to the value of these classifications, but at any rate they represent the careful thought and hard work of one who has worked over the materials of the subject of administrative law for a long time. They are, therefore, worth the trouble of understanding.

The primary object of the book seems to have been two-fold: To make an analysis of administrative powers, and to make an analysis of the statutory provisions operating with the aid of administrative powers in connection with certain subjects, such as public utilities, shipping, banking, insurance, trade legislation, labor legislation, and a number of others. Manifestly, it would be impossible to analyze in detail the statutes of the forty-eight states on all of these subjects, and to present the analysis within the scope of a book of six hundred pages. Therefore Professor Freund has limited himself to the federal legislation, and that of New York, England, and Germany immediately before the war. References are occasionally made, however, to the statutes of other states. Several hundred cases are also referred to in the course of the book, although cases seem to be less frequently cited than would be true if the citations were put in footnotes, which they are not in this work, and quite properly so.

The primary value of this work is perhaps that it affords a model for an analysis of the statutes of each state, and of the

* *Administrative Powers Over Persons and Property*. By Ernst Freund. The University of Chicago Press, 1928. 620 pp.

decisions of each state, on each of the subjects treated by Professor Freund. It also furnishes a classification which, before it is discarded, should be tested by application to the materials of particular jurisdictions other than those reviewed by Professor Freund. The book is helpful to the teacher and student when used in connection with Professor Freund's case book on administrative law. The arrangement in the two books is, of course, not entirely parallel, nor is their scope the same. The case book aims to treat the general subject of administrative law as it is limited by the author. This book on administrative powers is much more limited in its scope, dealing strictly with the subject of administrative powers as they affect persons and property more or less directly.

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