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Progress of the Law in the U. S. Supreme Court, 1930-31, by Gregory Hankin and Charlotte A. Hankin

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PROGRESS OF THE LAW IN THE U. S. SUPREME COURT, 1930-31.

By Gregory Hankin and Charlotte A. Hankin. Washington: Legal Research Service; New York: The MacMillan Company. 1931. Pp. xv, 525. Price \$5.00.

This is the third annual review by Mr. and Mrs. Hankin of the work of the Supreme Court of the United States. These annual reviews ought to be of great assistance to the law teaching profession, to practicing

lawyers, and even to the judges themselves. The work of the authors shows continuing improvement. However, they still continue to discuss cases before the Supreme Court prior to their decision by the Supreme Court. The authors meet this criticism, made by the reviewer last year, by the explanation that such practice lends continuity to the discussion within the volume and connects the treatment of one year with that of another. Probably the case of the Chicago Rapid Transit Company (p. 127) would be given as an illustration of these points. But the reviewer is not able to see how a statement given by the authors that, "This case has not yet been argued, but the court has already passed favorably on the question of jurisdiction," lends continuity to a discussion within the volume, or profitably connects the treatment of one year with that of another. The authors, year by year, show more independence of view and greater grasp of constitutional questions, yet they show a proper reserve about introducing their own views, except where it is necessary to clarify the work of the court.

The authors suggest that where petitions for certiorari are denied by the court, reasons for such denial should be given (p. 53), both for the information of attorneys, and to diminish the number of cases later to come before the court. They also suggest the adoption by the Supreme Court of a policy of more frequent reversals (p. xi) of its own decisions. They should be commended for both of these suggestions, provided, in the case of the first, that the statement of reasons is so short as not to slow up the work of the court.

This volume also contains an illuminating table classifying the types of cases before the Supreme Court in the 1930 term (p. 58). This shows that of all the types of cases before the Supreme Court, those on taxation are by far the most numerous (278). The second most numerous type of case is that concerning public utilities (92). Next come labor problems (73), then criminal cases not including prohibition (66), then property cases (48), then prohibition cases (44), then insurance cases (43), and then a miscellaneous list of other cases, making a grand total of 1,015.

Two other interesting things included in this volume are a discussion of the question of whether or not Chief Justice Hughes is a liberal or a conservative, and a table showing the number of opinions written by the different members of the court in 1930. The authors find that Chief Justice Hughes ranks now, as he always has, as a liberal, except, perhaps, in the field of taxation. Chief Justice Hughes has the credit also for writing the greatest number of opinions, twenty-nine. Justice Van-Devanter has the record for writing the smallest number of opinions, only five. Justice McReynolds has the largest number of dissenting opinions; while Justices Holmes and Brandeis have no dissenting opinions, a great change from the situation in prior terms.

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