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Handbook of American Constitutional Law, by Henry Campbell Black (4th ed.)

Paul L. Sayre
Indiana University School of Law

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there will be wide use of this book by law students and practicing lawyers.

Paul L. Sayre.

Indiana University Law School.

NOTICES

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


This is the latest edition of Professor Cooley's thorough work on brief making and the use of law books. Its content as a treatise on this subject alone is very little changed. Thus the first 500 pages dealing with comments upon different phases of legal research and brief making together with forms and illustrations of these, are almost unchanged. The next 200 pages likewise are about the same in their analysis of the national reporter systems and an analysis of the English reports together with the digests. The following 1,000 pages, however, are in large measure, new. That consists mainly of considerable excerpts from the several legal digests and encyclopaedias that are now published. These excerpts are so considerable that they present in detail the workings of these different systems. Thus there are excerpts covering the Shepherd's Citations, Corpus Juris, Ruling Case Law, the Dicennial Edition of the American Digest System and all the other leading digests and encyclopaedias of the law. The reader will understand, therefore, that this material is taken bodily from these several digests and encyclopaedias themselves. Both the editor and the publisher deserve credit for analyzing the several digests that are published by different publishers rather than only those published by the West Company. The work itself is so considerable, it contains so much material that has already been considered as part of the several digests and encyclopaedias, and there is so little of the text material that is different from the fourth edition of the same work, that it does not seem helpful to discuss several parts of this book in detail. Its content and its usefulness are already known to the profession although they have not had the advantage of the several parts when bound in a single volume. The justification for so large a book containing material that is available elsewhere seems to be that it is helpful for illustrative purposes. One might think, however, that a briefer and simpler explanation would be more useful. Thus the student or the practicing lawyer might be given an explanation of the use of law books in the briefest form, without detailed illustrations, while he could be expected to learn their detailed application from use of the several digests and encyclopaedias themselves. This book will be admirable as a reference book in law libraries and will be helpful to all practicing lawyers or students who can give the time to its consideration.


The author of this Hornbrook has attempted a very difficult thing. Hornbrooks on most phases of the law are very helpful and legal scholars
as well as practitioners are often greatly indebted to them. Possibly constitutional law is the most difficult subject for treatment in this way although it seems that Professor Yentima thinks that conflict of laws is equally unsuited to such treatment (47 Yale Law Jour. 468.) In fairness this must be said: Many phases of constitutional law can be treated adequately and helpfully in this manner and the author in this instance has done so; on the other hand certain of the more difficult phases of the subject which, unfortunately, deal with those questions that involve the greatest amount of litigation, are almost impossible to handle in a brief and dogmatic way. For instance, questions under the constitution of due process of law or equal protection of the laws or trial by jury or freedom of speech are several parts of the federal constitution which have given rise to much litigation in recent years. The significant feature about these parts of the constitution is that the expression in the constitution itself is not sufficient explanation in the least degree. The significance of the constitutional provisions depends entirely upon the way in which it has been interpreted by the courts and the factual and social concepts which may be involved for the future. It will be readily seen that a legal discussion of matter of this kind can hardly be handled adequately unless the different cases or the several factual and theoretical bases are considered in detail. It involves no disrespect for the ability or the accomplishment of the author in this instance, if we say that his book does not treat of these phases of constitutional law in such a manner as to be of real service to the practitioner or the student.

The book itself contains an admirable discussion of the powers of the federal government and an interpretation of the constitution in most of its parts. The foot note references are full and clear. We must surely say on the other hand that no book or no series of articles gives the full consideration which we should like to the subjects that we have indicated this book treats inadequately. These phases of the constitution represent a constantly growing part of the law. It seems that our ablest scholars hesitate to treat of them in a systematic and thorough way. Such books as Cooley on Constitutional Limitations and Burdick on The American Constitution do deal with the 14th amendment and the Bill of Rights more satisfactorily than this book; but Cooley's book is much longer and a really thorough consideration of these phases of the constitutional law is yet to be written.


This is an admirable casebook comparable in thoroughness and workmanship to Campbell's Cases on Mortgages, Thayer's Cases (Maguire's edition) on Evidence and Sayre's Cases on Criminal Law. Perhaps the virtues of this casebook are even more apparent than similar virtues in the other case books since we have been in need of these improvements in this field of the law for a longer time and in a more serious way than in other fields covered by legal case books. The author and his assistant have collected a remarkable group of recent cases in the field of Future Interests which serve not only to bring out the principles involved but to familiarize the student with the kind of cases and the legal situations in which the law of Future Interests deals at the present time. If we assume in a