

Washington Law Review

Volume 5 | Issue 1

1-1-1930

Administrative Powers over Persons and Property, by Ernst Freund (1928)

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Recommended Citation

Granvyl G. Hulse, Book Review, *Administrative Powers over Persons and Property*, by Ernst Freund (1928), 5 Wash. L. & Rev. 39 (1930).
Available at: <https://digitalcommons.law.uw.edu/wlr/vol5/iss1/9>

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The lawyer, the business man, and the economist will enjoy and profit from this clear, concise economic and legal interpretation of trade association activities in their relation to existing anti-trust legislation.

University of Washington.

CHARLES J. MILLER.

CASES ON DAMAGES By Judson A. Crane, Professor of Law of the University of Pittsburgh. Published as one of the American Casebook Series by West Publishing Company. 1928, pp. xiii, 508.

Professor Crane has arranged the subject in a different order than has usually been followed. In the divisions and subheads he has grouped the cases so as to build up the subject from the fundamental principles for the giving of damages in law suits to the methods of applying the principles and finally to the use of the methods in particular classes of cases. The work opens with cases on the procedural features and pleading; this is followed by non-compensatory damages. Part 2 takes up compensatory damages as direct and consequential, value, interest, liquidated damages, etc. Part 3 treats cases of torts to persons, torts affecting domestic relations, torts affecting property interests and damages in certain actions on contract.

The book has a table of contents and index and a complete table of cases with the reference cases printed in italics; also many valuable footnotes throughout, the author using them to indicate some variations and modifications of the rules announced in the cases selected. There are also many helpful references to valuable articles in the law journals and reviews from which the student may derive great benefit.

Some of the old leading cases are retained, but generally the collection is of recent decisions, well selected to develop the subject. The book is ideal for a course to be completed in one collegiate quarter.

J. GRATTAN O'BRYAN.

ADMINISTRATIVE POWERS OVER PERSONS AND PROPERTY. By Ernst Freund. Chicago: University of Chicago Press, 1928, pp. xxi, 620.

Professor Freund again presents us a thorough and stimulating study. While the immediate incentive for the preparation and publication of this survey of one section of administrative law appears to have been the decision in 1920, by the Legal Research Committee of the Commonwealth Fund, to devote funds to research in the field of administrative law, yet the author's ideas are the result of ripe reflection and may be traced back to his earlier works. The present volume is, as the author indicates, limited to one section of administrative law, namely, "powers determinative in their nature and exercised with regard to private rights which are in a sense of a normal character." In the words of the author, "the present volume endeavors to summarize, from the point of view of administrative powers, an era of regulation which combined respect for private right with a growing sense of the social obligations of property and business, and which fully recognized the paramount claims of public interest." The survey includes a study of special administrative powers in the law of the state of New York, in pre-war Germany down to 1914, in England and in American Federal government. It is written from the viewpoint of the publicist describing and analyzing a particular phenomenon of government and not from that of the text writer seeking to aid lawyers and students in the solutions of specific and concrete cases in courts of law. The author "assumed that an extended course of legislation may be as legitimately treated as a source of legal principle as a body of judicial decisions." The judicial material is used merely "by way of supplementation."

The first half of the book systematizes and analyzes the whole field of administrative control as one general subject. The second half of the

work is a detailed account of the statutes dealing with such specified topics as public utilities, merchant shipping, banking, insurance, trade, and industrial relations.

In the first two chapters of the book the author limits his field and indicates the broader outlines of the study. In doing this he has to create largely a terminology of his own. One chapter is devoted to the consideration of the proper scope of administrative control as distinguished from legislation operating without such aid, with the conclusion that its proper province "lies in the legislative control of action recognized as legitimate, but attended with peril or liable to abuse." There is a chapter dealing with the organization of administrative authorities. The subject of administrative discretion receives quite extended treatment. The principal discussions of the book deal with powers concerned with the grant and revocation of licenses, termed "enabling powers," and with the power to issue specific orders to individuals termed "directing powers." There are also chapters dealing with the subject of the judicial remedies for the abuse of administrative powers, mandamus, certiorari and the like, and with the question of administrative finality in the decision of controversies.

Professor Freund has shown great industry and skill in summarizing such a vast accumulation of material. The "descriptive part" is a source book rather than a commentary. Students of administrative law are fortunate to have such a pathfinder to aid them, and should profit by the outstanding ability of the author in assembling material in such a difficult department of law. Professor Freund has given an outline and a terminology. The way is now open for further studies outlined in his book. As indicated in the introductory note, this was doubtless one of its chief objects.

GRANVYL G. HULSE.

REAL ESTATE FINANCING. By Nelson L. North, Dewitt Van Buren and C. Elliott Smith. New York: Prentice-Hall, Inc., 1928, pp. xl, 630.

Three members of the faculty of New York University have collaborated in the preparation of this work outlining the money arrangements which are either necessary or preferable in developing and placing real estate on the market. The presentation is comprehensive and is made from points of view which would seem to insure a sufficient compass of the really material matters. Two of the authors are lawyers and all three are not only teachers of the subject of real estate financing, but are also engaged in actual transactions of the sort discussed in their book.

This book is a departure from the conventional text-book on real estate practice which concerns itself with a broad discussion of the general subjects of real estate, for here emphasis has been placed on the principal ramifications of certain specific phases of real estate practice, namely the problems of financing the real estate development. The public that the book seeks—and should find—is not only real estate brokers, but the greater public made up of operators, investors, builders, lawyers, bankers, insurance companies, title-insurance companies, as well as corporate or individual money lenders—all those, in short, who at any point have contact with the transfer of a piece of real property.

Since a resort to the money lender is necessary in almost all material phases of real estate transfers, an exposition of this kind is concerned primarily with the mechanism of money-lending and securing the money lent. It would seem that it is this mechanism which brings into operation the host of intermediaries which unite the basis obligor and obligee. With the essential security at hand, money will be lent, and seemingly eagerly lent, to effect any real estate change that the imagination can encompass; nothing would appear to be too large or too small for its attention; it will attempt the great subdivision, the huge metropolitan office build-