

out by the gradual approach and contact of decisions on the opposing sides." Comparison with the above is furnished in the language of Mr. Chief Justice Taft (*Wolff Packing Co.*, page 133), "It is manifest (from an examination of the cases) that a mere declaration by a Legislature that a business is affected with a public interest is not conclusive of the question whether its attempted regulation on that ground is justified. The circumstances of its alleged change from the status of a private business and its freedom from regulation into one in which the public have come to have an interest are always a subject for judicial inquiry." *Hissem v. Guran* with its citations of decisions denying the right of the legislature to constitute a private carrier a public and common carrier by legislative fiat carry out the same modern thought, which is not new at all.

The modern statutory requirements covering privilege of entry and withdrawal from public service are illustrated by well selected cases such as *West Suburban Transportation Co. v. Chicago & W. Ry. Co.* (p. 171) and *Buck v. Kuykendall* (p. 179.) The authors have included sections containing cases on Restraint of Competition, and Labor Relations as they affect public utilities. Chapter 3 and Chapter 4 are given over to Obligations of Service and Liability, respectively, a fair portion of the latter chapter being given to limitation of liability. The cases are well selected and bring the authorities down to date of publication.

The foregoing 943 pages of cases would suffice as material for a course on Public Utilities without the interesting selection of cases and readings on Rates covering 250 pages. Mr. Hale has done a good piece of work in his selection and furnishes material, if the instructor has the time and inclination to go into this field. The generous amount of space given to this portion marks the book from others. There is nothing individual in the arrangement of the book as a whole, but it is an up-to-date collection of outstanding cases arranged in what has been the conventional order, and will give any teacher of the subject and his students sufficient material for a thorough course in the law of the subject as it is found today in the decisions and interpretations of both common and statutory law.

Generous notes contain references to law review articles and notes, and to annotated collections of cases, and furnish the additional reference material which no case book can ever be comprehensive enough to include.

CHARLES E. CULLEN.

School of Law,  
Washington University.

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CASES AND AUTHORITIES ON PUBLIC UTILITIES. Edited by G. H. Robinson, A.B., LL.B., S.J.D., Professor of Law, Boston University. pp. xxiv and 924. Chicago: Callaghan and Co., 1926.

This collection of cases is arranged under an outline which is a praiseworthy attempt at analysis and classification in a difficult field. The cases selected under each heading are practically all land marks in this field since the *Munn* case in 1876. Starting with a main division of the book, Part I, under the title The Public Utility Concept, the cases are arranged to show the nature of the concept itself, what were public callings, how their number has been enlarged by judicial decision, how enlarged by legislative enactment, and then cases involving factors limiting legislative authority to include certain activities in the category. In this Part I, the author has deemed it advisable to include such cases as he has to offer on the Special Public Obligation resting on Personnel, by reason of employment in a public service occupation.

Continuing with the treatment as one of finding out what the public utility concept and its legal characteristics are, Professor Robinson has arranged his

Part II as a grouping of cases illustrating the various obligations involved in that concept. The Obligations of convenience and necessity for entrance into the field, to serve all, to serve at reasonable rates, to serve with adequate facilities, and to continue in service, are illustrated by cases in the order given. These are followed by chapters on the utility concept as embodied in the various regulatory agencies, state and federal courts, commissions, and even self regulation.

Throughout a very successful effort has been made to arrange the cases under each chapter heading in a logical, rather than chronological order. They thus develop the topic rather than merely mark advances in history. Thus, the Topic heading of Chapter IX is: The Obligation to Continue Service. Under this the cases are arranged under the headings:

- Sec. 1. Junking: certificates of withdrawal.
- Sec. 2. Continuance where entire service becomes unprofitable.
- Sec. 3. Permissive charter: discontinuing part of service.
- Sec. 4. Discontinuance under mandatory charter.
- Sec. 5. Relocations and rectification of line.

The portion of the book above described covers the author's treatment of the law of public utilities in general. The Part III, pp. 746-924 contains cases arranged under the caption, "The Duties of Performance Owed to Individuals for Whom Service Is Undertaken." Here are arranged cases on carriers, inn-keepers, sleeping car companies and telegraph and telephone companies. This portion may well be omitted where there has been a previous course on bailments and carriers.

Throughout the book copious notes from other sources of comment and annotation are given. The author states in the preface that his notes are "of the self-expository rather than the clueless type" and this is no idle boast. They are pertinent, voluminous, and indicate where and what type of comment may be found. The use of notes from the leading law reviews in this book gets away from the mere citation of volume and page, and in every case is more than a general reference. Another feature is the bibliography of both texts and law review articles arranged under topical arrangement. This is a convenience and time saver for the instructor or student. The book is an excellent pedagogical tool as well as a well chosen selection of authorities bringing the subject matter to date. It is difficult to attain individuality of treatment in a case-book on a branch of the law in the process of development, since the outstanding cases in other case-books must appear in any selection, but Professor Robinson has accomplished it.

CHARLES E. CULLEN.

School of Law,  
Washington University.

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CASES ON FEDERAL JURISDICTION AND PROCEDURE. By *Harold R. Medina*, Associate Professor of Law, Columbia University. pp. x and 674. St. Paul: West Publishing Co., 1926.

This work is the most recent case-book on federal jurisdiction and procedure, and the only one, as we are presently advised, which refers therein to the changes made in federal appellate jurisdiction by the Act of February 13, 1925, 43 Stat., 936. The volume contains approximately 360 cases, the majority of which are of comparatively recent decision. In this latter respect it differs from other federal case-books, and we would regard this feature as an improvement.

In the Table of Contents, which is divided into nine chapters, separate consideration is given to the Rule of Decision at Law (Chapter 2); the Conformity Act (Chapter 3); and to Law and Equity in Federal Courts (Chapter 4), also a matter of favorable comment. We do not find these matters included in the