

N. Y. S. 703, it is held that no action lies by a parent for the loss of the love and affection of a child. Anticipating the consequence of allowing recovery in the instant case the court states: "If the alienation of affections alone supports the action, brothers and sisters may recover. Surely no justification could be suggested, in the absence of precedent or controlling legal principle, for so extending the right to recover as for a tort, and the opening of such a Pandora's box of litigation." The nearest analogy to the maintenance of this action is to be found in the right of one spouse to recover for the alienation of the affections of the other. But the latter cause is based on the loss of the consortium, the conjugal society, and assistance of the spouse. It is a right which exists by virtue of the marriage relation, and is peculiar to it.

T. S. '27.

## Book Reviews

CASES ON THE LAW OF PUBLIC UTILITIES, SELECTED AND ANNOTATED. By *Young B. Smith* and *Noel T. Dowling*, Professors of Law, Columbia University. With a chapter on rates, cases, and readings selected by *Robert L. Hale*, Lecturer on Economics, Columbia University. pp. xxvii and 1258. St. Paul: West Publishing Co., 1926.

The case books on the law of public utilities have been and may be for some time merely collections of cases grouped under the classification which appeals to the collator. This was more true while most schools had only courses in bailments and carriers and it was necessary to include some work on bailments and a large number of cases on carriers, with incidental notice given to innkeepers, telephone and telegraph companies and the like. The recognition of the distinct nature of the field of public service and the need for a statement of the principles of law underlying it has necessitated new material and eliminations in the case books. This statement of principles in a field, which, though old and well established in common law, must be viewed in the light of physical, economic, and social conditions vastly different from those of the earlier period, cannot yet be made with accuracy. The result is that so far as possible the selection and arrangement of cases will follow the outline of topics into which the editors have analyzed the subject.

In this case the authors have largely followed the chronological order under each topic and this does not detract from the use of a book in a field which is rapidly expanding and which has been revived under new conditions within practically fifty years. Assuming another course in, perhaps, bailments and carriers, the editors give but little space to the first section illustrating public utilities at common law. The justification stated in the preface is the predominance of statutory law in the field. On that topic there follows a well selected group of cases from *Munn v. Illinois* down to *The Opinions of the Justices* (1924), 247 Mass. 589, and *Hissem v. Guran* (1925).

It is well that the student should get an opportunity to reflect over the language of Mr. Justice Holmes (*Noble State Bank v. Haskell*, page 94) "In answering that question (whether the statute deprived the plaintiff of liberty or property without due process of law) we must be cautious about pressing the broad words of the Fourteenth Amendment to a dryly logical extreme. Many laws which it would be vain to ask the court to overthrow could be shown, easily enough, to transgress a scholastic interpretation of one or another of the great guarantees of the Bill of Rights. They more or less limit the liberty of the individual or they diminish property to a certain extent." And again (page 95), "With regard to the police power, as elsewhere in the law, lines are pricked

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.

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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 landmarks 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