
BOOK REVIEW

A SELECTION OF CASES UNDER THE INTERSTATE COMMERCE ACT. Edited by Felix Frankfurter, Byrne Professor of Administrative Law in Harvard University. Second Edition. Cambridge: Harvard University Press. 1922.

The most notable feature of this book is its modernity. The volume contains 106 cases in all. Of these, three cases were decided before 1900. Nine were decided between 1900 and 1910. All the others were decided since 1910. Whatever may be said for the historical method in presenting such subjects as contracts and torts, the phrase means very little in connection with the expounding of an administrative statute which came into existence as recently as 1887. Another notable feature of Professor Frankfurter's volume is the large proportion of cases from the United States Supreme Court Reports. Of the 106 cases in the book, 87 were decided by the United States Supreme Court. Of the remaining 19 cases, 15 were decided by the Interstate Commerce Commission, two by the United States Circuit Court of Appeals for the Seventh Circuit, one by the (now defunct) United States Commerce Court, and one by the United States Railroad Labor Board. This selection of cases is not intended to give information as to more technical details of procedure. The purpose is much broader and more scholarly. If, as stated by the United States Supreme Court, "law is a statement of the circumstances in which the public force will be brought to bear upon men through the courts" (213 U. S. 347), then the Interstate Commerce Act is certainly law, because its effectiveness is ultimately determined by the action or potential action of courts of justice. What is the relation of the Interstate Commerce Commission to the law? Is the Commission a court? About one-fourth of Professor Frankfurter's book is devoted to answering these questions. In 215 U. S. 452, the Supreme Court designated the Commission "an economic court." But the Commission prefers to call itself "a select jury to pass upon the reasonableness and justice of railroad rates, rules, and practices." 20 I. C. C. 307. And in the same case the Commission said: "Within broad lines of discretion the courts regard the conclusions of the Commission on questions of fact as final. There is an appeal upon questions of law by the carriers to the courts, but unless a constitutional guaranty has been violated the order of this Commission is final, provided, of course, the Commission does not overstep the jurisdictional limits placed upon it by the statute." The nature of Professor Frankfurter's careful selection of cases can be seen from the headings of his four chapters, which are as follows: scope of

commerce regulated by the act; duties of carriers under the act; functions of the Interstate Commerce Commission in the enforcement of the act; function of the courts in the enforcement of the act. There is a further classification (by the analytical method) of the cases in each chapter. The book seems to be an ideal medium for law school use in studying this important branch of American administrative law. The author has refrained from appending an index to his book, and this is a matter of regret.

