



## Notre Dame Law Review

Volume 14 | Issue 3

Article 7

3-1-1939

### Book Reviews

Robert C. Weaver

John R. Vicars

Follow this and additional works at: <http://scholarship.law.nd.edu/ndlr>

 Part of the [Law Commons](#)

#### Recommended Citation

Robert C. Weaver & John R. Vicars, *Book Reviews*, 14 Notre Dame L. Rev. 340 (1939).

Available at: <http://scholarship.law.nd.edu/ndlr/vol14/iss3/7>

This Book Review is brought to you for free and open access by NDLScholarship. It has been accepted for inclusion in Notre Dame Law Review by an authorized administrator of NDLScholarship. For more information, please contact [lawdr@nd.edu](mailto:lawdr@nd.edu).

## BOOK REVIEWS

ANNOTATIONS ON SMALL LOAN LAWS. By F. B. Hubachek. Russell Sage Foundation. 1938.

An endeavor to collect and correlate all available material on practically any branch of the law will almost inevitably result in the discovery that the source of the particular law in question is two-fold: that arising from the statutes themselves, and that springing from the interpretations given these statutes by different courts and tribunals passing upon them. To this general rule the law relating to small loans is no exception. But while numerous texts have assembled the laws regarding small loans as set down in the statutes, no definite effort has been made hitherto to assemble the judicial interpretations, the so-called "judge-made laws," on this subject. Hence either particular practice in this field or a long and detailed study of decisions along this line was previously a prerequisite to comprehensive knowledge of the subject.

As set forth by the author, the purpose of this book is precisely to supply this need, to annotate the easily available statutes relating to small loans with a codified study of the cases which have applied these statutes; so that the ordinary practitioner confronted with a problem of the law of small loans can refer to this digest of cases and quickly and easily supplement the statute with decisions. It is, however, not a text but essentially a reference book; and the author wishes it understood that the responsibility for interpretation of the cases in this compilation and for statements herein made with legal significance rests solely with him. As a basis for organizing the material the Sixth Draft of the Uniform Small Loan Law is used; and although the publication of a Seventh Draft is expected soon, all changes contemplated are minor ones which do not in any way modify the philosophy of the law. In addition some of these changes are foreseen and adequately handled herein. The work divides itself into three main divisions: Part I, General Annotations; Part II, Sectional Annotations; and Part III, Evasion of Statutory Interest Limitations in General.

Part I, General Annotations, is quite short. It demonstrates the purpose and interpretation of Small Loan Laws, dealing mostly with the aspects of their constitutionality. After first glossing over the entire field in general annotations, it then specifically classifies the cases by states and follows that by relisting them as to constitutional provisions.

Part II, Sectional Annotations, constitutes the bulk of the book. This division treats the title, the enacting clause and each of the twenty-seven sections of the Sixth Draft of Uniform Small Loan Law in a separate chapter—first quoting the Section, giving related provisions and earlier drafts of it, then commenting at length on that particular section. This comment really constitutes the Annotations on Small Loan Laws. Any points of that particular statute division which have been interpreted by a court are herein set out, by state citation and with ordered listing. Hence a few minutes research will locate for the puzzled lawyer general citations and cases from his own state, if any, on a particular problem relating to any of the sections of the Uniform Small Loan Law. A few of these sections are quite clear and capable of no misconception of the intention or import of the statute, and these, of course, require little or no comment. However, many other sections have complexities which have led to a variety of contradictions in holdings, all of which are covered adequately and in a logical manner.

Part III of the book, Evasion of Statutory Interest Limitations in General, deals with a subject closely related to small loan law and supports it in the same manner with illustrative cases and citations. Its explanation has to do with the nature of interest, the computation of interest, and the evasion of interest by various schemes and devices. Strictly speaking this might not be held a necessary part

of Annotations on Small Loan Laws, but actually it does round out the field—for no such treatment as this present one would be complete without some discussion of interest as under small loan laws and its evasion through one form or the other. Many of the subterfuges used to evade usury laws are shown, and how the courts have sustained several of these under the present statutes is clearly set out. The evasions which are prevented by the Uniform Small Loan Law are listed and shown. Thus this section contains the schemings and machinations permitting usurious loaning, statutes and cases backing them up under present conditions, and a demonstration of the evils possible of correction by the Uniform Small Loan Law and by general statutory revision.

These three parts actually constitute the subject-matter of the book; but to make it more easily usable as a reference work there is in addition an alphabetical Table of Cases and Citations, and one listed by states; the appendix contains all the Six Drafts of the Uniform Small Loan Laws, Citations of Small Loan Laws listed by States, a Classified Bibliography, and a Chronological Classification of Small Loan Laws and their relation to the Uniform Small Loan Law; then to completely round it out there is a thorough Index, cross-referencing all the matter contained.

From the personal information contained in the foreword it would seem that Mr. Hubacheck spent between two and three years in the preparation of this reference work, and such a conclusion is readily believable when the entirety of coverage of this subject is realized to have been concentrated into such a compact book. The style throughout is very readable; and despite frequent interpolations of statutes or court holdings, the order is such that it becomes interesting to follow through the court interpretations, checking home-state holdings as against the general run and contradictions. The third section of the book dealing with evasions of the usury laws "by hook and crook" is particularly intriguing in its informative coverage of the devices which are made use of to defeat the law, and of the changes of statute necessary to correct these evils.

For those lawyers whose practice concerns itself at any length with small loan law this might be classed a "must" book; for the ordinary practitioner it would be a fine reference work; for the student it is a new insight into a comparatively recent branch of the law, giving him knowledge of small loan laws, court interpretations of them, proof of evasion of usury laws and some ideas as to the reformation, and leaving him with a thorough appreciation of the author who so successfully made this compilation.

*Robert C. Weaver.*

---

CASES AND OTHER MATERIALS ON ADMINISTRATIVE TRIBUNALS. By E. Blythe Stason. Callaghan and Company. 1937.

Comparatively recent in growth in the United States is the delegation of governmental functions to administrative tribunals. Since its infant use over fifty years ago, this procedure has grown enormously, especially under New Deal policies of alleged bureaucracy and the increased functions of government under their so-called "paternalistic" philosophy.

Governmental growth inevitably leads to complexity: an efficient method of coping with such complexity has been sought in a separate breakdown of each of the three great divisions of our government, by a delegation of specified powers to puppet boards and commissions.

The legal aspect of such boards and commissions, relative to their creation functioning, and external restraint of their operations is a subject of increasing concern to the legal student and practitioner of today.

To the task of determining such aspects, Professor E. Blythe Stason set himself in developing this worthy book entitled, *CASES AND OTHER MATERIALS ON ADMINISTRATIVE TRIBUNALS*. His success needs no more explanation than an objective summary of the work itself.

In organizing the material on this subject of law, the author has conveniently divided his treatise into three grand divisions: (1) The creation of, (2) Procedure before, and, (3) Judicial relief from, administrative tribunals.

In the first division constitutional provisions and statutory enactments authorizing such tribunals are set forth, and litigations on their interpretation are presented. The Communications Act of 1934 is set out by way of sampling statutory provisions. Functions of the tribunals are also covered—like the others by actual cases, with text material, and footnotes of explanation and suggestion.

The second division interprets requirements of procedure before the boards. The requisites of notice and hearing are determined. Examples of specific rules of procedure before a various number of administrative bodies are demonstrated and defined, and their manner of enforcement shown. The matter of evidence, and methods of obtaining it complete this section.

Lastly judicial relief from administrative action is taken up. Included in this section is the right to judicial relief, methods of securing it, and the extent of the control of administrative action by the courts.

This book is literally crammed with material. Containing over 750 pages, it discards the traditional separate lines and complete capitalization of case titles and dates, and in lieu thereof places title, date, court and subject matter covered in one continuous line in bold face type. Less space is thus involved in the formalities, more in the unfolding of cases, and materials—our chief interest. Text material, either the author's own or collected by him, is inserted at advantageous points, either noting a bit of clarifying history, explaining an apparent inconsistency in cases, or suggesting a problem not directly adjudicated in the cases, or recommending a change in certain statutes, rules or methods. Authorities quoted include rule making committees themselves, text writers from legal reviews, and authorities who have specialized in this field of law.

Sample statutes, rules of tribunals, actual opinions of the administrative boards all contribute to give the student a sense of fundamental completeness, after a study of this book.

Because the materials in this field of law are still so unsettled, due to the current creation of new administrative bodies, and the lack of litigation due to the recent growth of this specialized field, the author has included as wide a variety of cases and materials as was possible to collect.

The ideas they generate as a result unfold limitless possibilities of the subject, yet impregnate one with the substantial foundation, and logical insight into the subject of administrative law.

*John R. Vicars.*