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## **Carrow: BACKGROUND OF ADMINISTRATIVE LAW**

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## RECENT BOOKS

This department undertakes to note or review briefly current books on law and matters closely related thereto. Periodicals, court reports, and other publications that appear at frequent intervals are not included. The information given in the notes is derived from inspection of the books, publisher's literature, and the ordinary library sources.

## BRIEF REVIEWS

BACKGROUND OF ADMINISTRATIVE LAW. By *Milton M. Carrow*. Newark, N.J.: Associated Lawyers Publishing Company. 1948. Pp. ix, 214.

In a short 214 pages, the author, a member of the New York bar, presents the more rudimentary principles underlying the field of federal administrative law. If these are mastered, the reader is better prepared for a more thorough treatment of the subject matter; and adequate references in the footnotes provide a key for such a study. Primary emphasis is placed on the development of the various concepts which have been associated traditionally with the study of administrative law. But throughout the book consideration is given to the Federal Administrative Procedure Act's effect upon these concepts. In the first three chapters the growth of administrative law is described, its subject matter defined and its terminology classified. The remaining chapters consider the doctrine of separation of powers; limitation upon administrative adjudicative powers; separation of functions within the agency (with consideration of the applicability of the Administrative Procedure Act); the rule against delegation of power; and finally the scope of judicial review. Perhaps the most rewarding chapter concerns limitations on administrative adjudicative powers. Two confusing doctrines are admirably analysed: questions of law and fact; and jurisdictional and constitutional facts. The factor of *expertise* helped break down the law-fact distinction; and the author suggests that it may be the basis for the ultimate demise of the jurisdictional-constitutional fact concept. The book is an excellent guide through the maze of administrative law.