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Book Reviews

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BOOK REVIEWS

Handbook of Federal Jurisdiction and Procedure. By Armistead M. Dobie. St. Paul: West Publishing Company, 1928.

This book is a thorough and complete treatise on the entire subject of the practice and procedure in the Federal Courts. While the author has had in his mind primarily, the practitioner in these courts, the book is one which will prove exceedingly useful to law students for collateral reading in connection with their various law courses where similar questions are involved. Most treatises on this subject have limited their scope to the removal of causes from the State to the Federal Courts. Mr. Dobie has very wisely prefaced his work with an important chapter on the Federal Judicial System, considered as a department of the Government; deals in detail with a Geographical Organization of the District; Disqualifications of Judges; Special Federal Courts, Commissions and Boards; Military Courts as well as the treatment in general of the Jurisdiction of the Courts with respect to Judicial questions and proceedings.

There are special chapters on the Criminal Jurisdiction and Procedure of the Federal Courts; the Civil Jurisdiction; and the Removal of Cause from the State to the Federal Courts. There is a significant chapter on Venue in the United States District Court; the distinction between Jurisdiction and Venue is emphasized. In a special chapter the author deals with the original jurisdiction of the United States Supreme Court in cases arising under the constitution. In his treatment of the law applied by the Federal Courts there is a consideration of the question how far the Federal Courts are

limited and controlled by the decisions of the State Courts construing State Statutes, also a consideration of those cases in which the State Courts interpret the Federal Constitution, laws and treaties. The author considers at length the extent to which the Supreme Court makes its own law with regard to matters of a commercial character or matters involving doctrines of general jurisprudence; concluding with a discussion of the question whether or not there is such a thing in existence as Federal Common Law. There is a special chapter on the Procedure and Equity cases in the United States Courts and a complete treatment of the Appellate Jurisdiction of the Circuit Court of Appeals and the United States Supreme Court. In the appendix will be found the Judicial Code together with all of the amendments including the important Act of February 13, 1925, together with the equity rules of 1912 and the revised rules of the Supreme Court effective July 1, 1925. The book is thoroughly well done and fills a long-felt want.

Cases on the Law of Carriers. By Frederick Green. American Case Book Series. Second Edition. St. Paul: West Publishing Company, 1927.

The first edition of this book was published in 1910 and the intervening years have been fertile in changes resulting from the adoption of state and federal Bills of Lading Acts, statutory regulation of rates, service and liability. Even the system of remedies has not escaped changes in the general regulatory scheme following the control over carriers which has been entrusted to the state and federal commissions and courts. The extent

and scope of these changes is best indicated by the fact that only the first four chapters of the first edition have been reprinted in the second edition without change. The remainder of the book is entirely new and the cases included in parts V and VI covering the Bills of Lading and Warehouse Receipts Acts and The Interstate Commerce and Public Utility Acts, respectively, have been decided within the last few years.

The Negotiation and Transfer of Documents, Delivery of Goods, Misdescription, Attachment, Lien, Nature and Purposes of Regulation, Equality in Service and Rates, Federal Occupancy of the Legislative Field, Reasonableness of Rates and Remedies and Enforcements are among the topics which have been given emphasis by devoting a separate chapter to each.

The student who is interested in the extent to which the Law of Carriers has been changed during the past twenty years will find this book of value.

Cases on Future Interests. By Richard R. Powell, assisted by Lewis M. Simes. American Casebook Series. St. Paul: West Publishing Company, 1928.

This book on the law of future interests contains a total of 204 cases. Sixty-eight of the cases, or exactly one-third, are English cases and 136 are American cases. Of the English cases all but three were decided prior to the year 1900 while only 49 of the American cases were so decided.

This selection of cases shows less of an attempt to emphasize problems growing out of strict family settlements than has been customary in casebooks on the subject. Enough of the leading English cases have been included to give the historical background essential to a proper understanding of the subject. Since the law of future interests as now practiced in the United States deals only slightly, or not at all, with family settlements as evolved by the English conveyancers but does deal with problems

arising in the construction of conveyances to charities, trust agreements, option contracts, wills and those affecting stocks and bonds as well as lands, we expect and find that the American cases included deal with the sort of problems that the American lawyer meets in practice.

Considerable attention is given to the statutes of the various jurisdictions which are intended to abolish or change the Common Law Rules. Another feature of interest, because of its novelty, is the appending at the end of the case, questions arising incidentally and indirectly from the case. This book seems to meet a demand for a casebook which emphasizes the modern problems of the law of future interests without sacrificing the material necessary to a proper understanding of the historical background of the subject.

Rationale of Proximate Cause. By Leon Green. Kansas City: Vernon Law Book Company, 1927.

The author has analyzed a large number of cases in an endeavor to solve the numerous problems of proximate causation which are presented. The major premise seems to be that there are numerous unsolved problems involved in the doctrine of remoteness of damage and that the true nature of the rule of remoteness is a question on which little guidance is to be had from the authorities, because of a wilderness of precedents, built up by the courts in opinions based on inaccurate or confusing use of terminology.

The work is an attempt to make clear the inquiries that arise in every tort case and to state the same with clarity and simplicity. To this end a list of five inquiries, properly arising in every tort case, is presented by the aid of which the student is enabled to chart his own course.

The point is emphasized that in many of the cases in which the decision is made to turn on the issue of casual rela-

tion, such issue is not involved at all and that the issue is, in fact, to be found elsewhere. Many cases are cited where the "scope of the protection" to be given an interest is mistaken for a problem in casual relation.

Upon the whole this book is a valuable contribution to the subject and its careful perusal should go a long way towards clearing up that portion of the field of legal liability which has hitherto been considered as being greatly cluttered by what has been termed the bogey of "proximate causation."

Student's Manual of Bankruptcy Law and Practice. Revised Edition with Amendments of 1926. By Lee E. Joslyn. Albany: Matthew Bender & Company.

The desirability of a concise work adapted to the needs of the student and the lecturer on the subject was impressed upon the author as a result of many years' experience as a Referee in Bankruptcy and a lecturer upon the subject. This book is the result of the author's attempt to meet the need and how well he has succeeded is obvious after a careful examination of the same.

The first 173 pages include a series of lectures intended to serve as a model for conducting a Bankruptcy Case, whether voluntary or involuntary, through the court. Each successive step is carefully pointed out so that the novice need not err therein. The most usual questions arising in actual practice have been discussed as fully and as completely as is possible in a condensed treatise. The second part of the book comprising 167 pages includes the Bankruptcy Act of 1898, as amended by Act of May 28, 1926, together with General Orders in Bankruptcy Annotated, and Official Forms in Bankruptcy Annotated. This is a valuable book for use as collateral reading by the student in connection with Case Study and is invaluable as a guide to the young practitioner.

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