Book Review: Jurisdiction and Procedure of the Federal Courts

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Recommended Citation

This is a new edition of Judge Rose's well known book on federal procedure. Earlier editions appeared in 1915 and 1922, and were favorably received. (See reviews by Professors Sunderland and Dobie in (1923) 21 Mich. L. Rev. 617, and (1923) 9 Va. L. Rev. 476, respectively; also (1915) 13 Mich. L. Rev. 715; (1915) 18 Col. L. Rev. 644; (1915) 63 U. of Pa. L. Rev. 553; (1923) 8 Ia. L. Bull. 287). The work grew out of the author's lectures on the subject at the University of Maryland, prepared while he was United States District Judge for the District of Maryland; he is now Circuit Judge for the Fourth Circuit, and with a long experience of the practice of which he writes. His book has been distinguished for its brevity and conciseness and at the same time its clarity. The lecture style seems somewhat apparent; not many cases are cited, and when given are usually stated at some length as illustrative material.

Little need be added concerning the new edition, for it follows the general plan of the earlier editions. The occasion for it is stated to be the new federal acts and Supreme Court decisions and especially the Act of February 13, 1925. The method of preparing the new edition is that followed by most law writers, namely the incorporation of the former edition without variation except where absolutely necessary because of change of statute or judicial rule, and the addition here and there of new matter in text or notes. No considerable revision is attempted. One new chapter is added; chapter XVIII, "Enforcement of Arbitration Agreements," dealing with the new Federal Arbitration Act. The actual text still remains of fairly brief compass, considering the large type used. It comprises 609 pages. The remaining part of the book, amounting to over one-third, consists of reprints of the original Judiciary Act, the Judicial Code, the Equity rules, and the usual tables of contents and of cases and the index.

The book is designed for the busy lawyer or the student who desires a summary statement. No attempt is made at discussion and solution of knotty questions. The law review articles are ignored. Certain pleading and procedure ideas, current among federal practitioners, which, it is to be hoped, will soon be exploded, such as that the Constitution requires a separation of law and equity, are repeated without analysis or criticism. In using the work, its somewhat limited purpose must be kept in mind. That it seems to fulfill admirably.

C. E. C.

THE REVIEWERS IN THIS ISSUE

John B. Watson was for some time professor of experimental and comparative psychology and director of the psychological laboratory at Johns Hopkins University. Among his published works are Psychology From the Standpoint of a Behaviorist (1919) and Behaviorism (1925).

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