

Washington University Law Review

Volume 13 | Issue 4

January 1928

Review of “Handbook of Federal Jurisdiction & Procedure,” By Armistead M. Dobie

Byron F. Babbitt

Follow this and additional works at: https://openscholarship.wustl.edu/law_lawreview



Part of the [Law Commons](#)

Recommended Citation

Byron F. Babbitt, *Review of “Handbook of Federal Jurisdiction & Procedure,” By Armistead M. Dobie*, 13 ST. LOUIS L. REV. 288 (1928).
Available at: https://openscholarship.wustl.edu/law_lawreview/vol13/iss4/18

This Book Review is brought to you for free and open access by the Law School at Washington University Open Scholarship. It has been accepted for inclusion in Washington University Law Review by an authorized administrator of Washington University Open Scholarship. For more information, please contact digital@wumail.wustl.edu.

ulating. Both Mr. Green's book and the articles by Professor Joseph W. Bingham in 9 *Columbia Law Review*, to which Mr. Green pays a well-deserved tribute, will bear further study. For the present we are content to leave them on the knees of the gods.

Finally, on Mr. Green's behalf, we note the following corrections, the need of which our correspondence brought to light: on page 154, in the first sentence of the last paragraph, the word "defendant's" should be substituted for the word "claimant's"; and on page 156, in the third line, the letter "D" should be substituted for the letter "A."

WILLIAM G. HALE.

Washington University School of Law.

HANDBOOK OF FEDERAL JURISDICTION & PROCEDURE. By *Armistead M. Dobie*. St. Paul: West Publishing Co., 1928. Price \$4.50.

This publication is the latest contribution to this particular field of jurisprudence, and it merits the highest commendation as a textbook on that subject, which now occupies a permanent part of the curriculum of every well conducted Law School. Professor Dobie, who is also the author of a work on Bailments, has for many years occupied the chair of Federal Jurisdiction and Procedure in the University of Virginia, and his present work evidences both his experience as a teacher and his recognition of the necessity for a modern, up-to-date textbook on this important subject.

The Act of February 13, 1925, effected a far-reaching change in the prior federal appellate jurisdiction and rendered practically useless, both to lecturer and practitioner, all former textbooks on this phase of the subject. The *Wizner* case (203 U. S. 449), until finally expressly overruled by the decisions of the U. S. Supreme Court in *Lee v. Chesapeake & Ohio Ry. Co.*, 260 U. S. 653 and *General Investment Co. v. Lake Shore & M. S. R. Co.*, 260 U. S. 261, upset the prior long-established principles governing removal proceedings and left the law in a "terrible muddle." The Judicial Code of 1911 has also since been in part repealed and amended in divers jurisdictional aspects, and Prof. Dobie is to be congratulated upon having a textbook which brings his subject down to date, states the law as it exists today, and which should receive the most favorable consideration by the student, the bench and the bar. In short, it is the last word on the subject.

The book itself, which is of the well known Hornbook Series, consists of twelve chapters, the first of which deals with the federal judicial system as a whole, including under appropriate black letter sub-titles, the organization of the several federal tribunals, their respective personnel, limitations as to jurisdiction, and a discussion of the concurrent and exclusive jurisdiction of the Federal Courts under the Judicial Code and the new United States Code.

Then follow Criminal Law & Procedure (Chapter 2); the Original Jurisdiction of the District Courts (Chapter 3); Removals (Chapter 4); Venue (Chapter 5); Original Jurisdiction of Supreme Court (Chapter 6); Rule of Decision at Law (Chapter 7); The Conformity Act (Chapter 8); Equity Jurisdiction & Procedure (Chapter 9); Appellate Jurisdiction of Circuit Court of Appeals (Chapter 10); Appellate Jurisdiction of Supreme Court (Chapter 11); and Appellate Procedure Generally (Chapter 12). The Appendix includes the Equity Rules, the Judicial Code, and the Supreme Court Rules, which are set out *in haec verba*.

The citations are numerous, well chosen, and with particular reference to more recent decisions, many of which may be found in volume 275 of the Supreme Court reports. Frequent notes on said decisions further elucidate and explain the text. The chapters on Removals, Venue, Rule of Decision at Law, Conformity Act, Equity Jurisdiction & Procedure, and Appellate Procedure, deserve

special mention and approval, both to the student and the practitioner. The arrangement of the text, in accordance with the Hornbook method, is particularly convenient to the lecturer and student, since it permits of definite, consecutive assignments for study. The language employed is simple, clear, concise and with occasional flashes of the author's well known humor which enlivens what so frequently is otherwise a dull text. An Index of over fifty pages is most excellent and affords ready reference to the text.

In the preface it is announced that "in the preparation of this book the author has had the practitioner primarily in mind, yet it is hoped that the book will prove useful to law students, either as a text or as collateral reading." While our review thus far has been from the standpoint of a lecturer on the subject, we have no hesitation in saying that, in our opinion, the book should occupy a prominent place in the library of the practitioner, who will find the chapters thereof hereinabove mentioned, of special use and benefit whenever questions of federal jurisdiction and procedure arise. The matters in said chapters discussed are of most frequent occurrence in civil cases, and we have referred to them for that reason, with no intention, however, of deprecating the other chapters of said book, which we recommend most highly to the legal faculty, the bench and the bar.

BYRON F. BABBITT.

St. Louis, Missouri.

LECTURES ON LEGAL TOPICS, VOLUME IV, 1922-23. By *Simon Fleischmann, Martin T. Manton, J. S. Y. Ivins, Joab H. Banton, Roscoe Pound, Charles Thaddeus Terry, Harlan F. Stone, Almet F. Jenks, James M. Beck, George Gleason Bogert, Harrington Putnam, Sherman L. Whipple, William L. Marbury*. Pp. 393. New York: The Macmillan Company, 1928. Price, \$4.00.

The Bar Association of the City of New York, which is not only well endowed financially, but is admirably managed, frankly has recognized that lectures for lawyers, if worth being delivered at all, are worth being printed and distributed for leisurely study. In 1924 the Association inaugurated the custom of furnishing to the general public, in ordinary book form, some of the carefully prepared lectures delivered at the regular meetings of the Association by distinguished members of the legal profession. Four volumes of lectures have appeared thus far. The fourth volume of the series, just off the press and now under review, contains seventeen lectures, by thirteen separate lecturers, all delivered at Bar Association House in West Forty-Fourth Street, New York City, during the Court year 1922-23.

The subjects of the various lectures are: "The Practical Administration of the Law, as Distinguished from its Theoretical Application and Enforcement," by Mr. Fleischmann; "The American Lawyer's Interest in the New International Court of Justice," by Judge Manton; "Problems of Administration of the Income Tax Laws," by Mr. Ivins; "What Lawyers Can Do to Increase Efficiency in the Administration of the Criminal Law," by Mr. Banton; "The Theory of Judicial Decision," three lectures, by Dean Pound; "Law and Order in Industrial Disputes," by Mr. Terry; "Some Aspects of the Problem of Law Simplification," by Justice Stone; "The Call and Calling of the Law" and "Appeals," two lectures, by the late Judge Jenks; "The United States Supreme Court, Past and Present," by Mr. Beck; "The Conditional Sales Act in New York," two lectures, by Dean Bogert; "Recusation," by Judge Putnam; "The Tyranny of Judicial Procedure," by Mr. Whipple; "Why the Right of Local Self-Government is Essential to the Preservation of Civil Liberty," by Mr. Marbury.

The lectures by Mr. Fleischmann, Mr. Ivins and Dean Bogert are direct and