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Review of “Federal Judicial Code and Equity Rules, Revised, Annotated, and Digested to January 1, 1925,” By Byron F. Babbitt

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BOOK REVIEW

FEDERAL JUDICIAL CODE AND EQUITY RULES, Revised, Annotated and Digested to January 1, 1925. By Byron F. Babbitt, United States Commissioner at St. Louis, lecturer on "Federal Jurisdiction and Procedure," Washington University, St. Louis. Chicago: Callaghan and Company, 1925.

After this work was printed but before it was actually published several important changes in the Judicial Code were effected by legislation of the Sixty-eighth Congress. Among the more important of these recent acts of legislation are the Act of February 13, 1925, relating to the United States Supreme Court, and the Act of February 24, 1925, relating to the Court of Claims. All of these recent acts of legislation down to March 3, 1925, have been included by way of an appendix in the volume under review. The so-called Judicial Code was enacted on March 3, 1911, and was itself a statutory compilation of all prior federal statutes in reference to the jurisdiction and procedure at law in all United States courts. In the course of fourteen years there have been many modifications in the original Code by repeal, addition and amendment through legislation. This book is intended primarily as an analytical reprint of the Judicial Code as amended by various acts of Congress down to the date of publication. The various sections of the Judicial Code as now existing are arranged in fourteen chapters. The first five chapters are devoted exclusively to the District Courts. The sixth chapter is devoted to the Circuit Courts of Appeals. The seventh chapter is devoted to the Court of Claims. The eighth chapter is devoted to the Court of Customs Appeals. The ninth chapter includes all of the vital sections of the code relating to interstate commerce, which were originally enacted when the now defunct Commerce Court was created. Chapter ten is devoted to the Supreme Court. The remaining four chapters include provisions of the Code that may affect more than one federal court.

Each one of the sections of the Code which has been authoritatively construed through judicial decisions is annotated by a succinct digest of references to litigated cases.

In addition to the Judicial Code the book contains a reprint of the eighty-one equity rules promulgated by the Supreme Court in 1912.

The author has annotated these rules in the same way that he has annotated the sections of the Judicial Code.

Under the heading of Addenda the author has included a highly valuable text-treatment of important matters of federal practice, such as attachment suits, the doctrine of comity, writs of habeas corpus, and the relation between federal and state courts. The relation between federal and state courts is treated under three separate topics. The first of these three topics is the Conformity Act, which requires a federal court sitting as a court of law within any particular state to conform as near as may be to the procedure of that state. The second topic is the so-called rule that federal courts, sitting as courts of law, should follow the decisions already established in the several states, together with the important limitations on the rule. The third topic has to do with the federal practice in so far as federal courts endeavor to make effective a purely statutory right of state origin, such as the right to a mechanic's lien.

The volume contains 448 pages, including 45 pages of unusually complete and helpful indices. The table of cases reveals that fully 1000 adjudicated decisions have been digested and classified in their respective groupings.

This book is obviously prepared primarily for the use of judges and practitioners. At the same time it is quite likely that the book will prove to be of real value as a basis for classroom instruction in law schools. Practitioners are constantly criticizing law schools for failing to make law students familiar with the practical importance of statutes and statutory interpretation. Perhaps the best way in which to meet this criticism is to use statutes as a basis of instruction in certain specialized subjects, such as bankruptcy and federal court practice. That portion of the book under review which the author designates Addenda is rather elementary. This particular feature will probably add to the value of the book if used by students in law schools.

TYRRELL WILLIAMS.