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Review of “Cases on Federal Jurisdiction and Procedure,” By Harold R. Medina

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Part II as a grouping of cases illustrating the various obligations involved in that concept. The Obligations of convenience and necessity for entrance into the field, to serve all, to serve at reasonable rates, to serve with adequate facilities, and to continue in service, are illustrated by cases in the order given. These are followed by chapters on the utility concept as embodied in the various regulatory agencies, state and federal courts, commissions, and even self regulation.

Throughout a very successful effort has been made to arrange the cases under each chapter heading in a logical, rather than chronological order. They thus develop the topic rather than merely mark advances in history. Thus, the Topic heading of Chapter IX is: The Obligation to Continue Service. Under this the cases are arranged under the headings:

- Sec. 1. Junking: certificates of withdrawal.
- Sec. 2. Continuance where entire service becomes unprofitable.
- Sec. 3. Permissive charter: discontinuing part of service.
- Sec. 4. Discontinuance under mandatory charter.
- Sec. 5. Relocations and rectification of line.

The portion of the book above described covers the author's treatment of the law of public utilities in general. The Part III, pp. 746-924 contains cases arranged under the caption, "The Duties of Performance Owed to Individuals for Whom Service Is Undertaken." Here are arranged cases on carriers, inn-keepers, sleeping car companies and telegraph and telephone companies. This portion may well be omitted where there has been a previous course on bailments and carriers.

Throughout the book copious notes from other sources of comment and annotation are given. The author states in the preface that his notes are "of the self-expository rather than the clueless type" and this is no idle boast. They are pertinent, voluminous, and indicate where and what type of comment may be found. The use of notes from the leading law reviews in this book gets away from the mere citation of volume and page, and in every case is more than a general reference. Another feature is the bibliography of both texts and law review articles arranged under topical arrangement. This is a convenience and time saver for the instructor or student. The book is an excellent pedagogical tool as well as a well chosen selection of authorities bringing the subject matter to date. It is difficult to attain individuality of treatment in a case-book on a branch of the law in the process of development, since the outstanding cases in other case-books must appear in any selection, but Professor Robinson has accomplished it.

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CASES ON FEDERAL JURISDICTION AND PROCEDURE. By *Harold R. Medina*, Associate Professor of Law, Columbia University. pp. x and 674. St. Paul: West Publishing Co., 1926.

This work is the most recent case-book on federal jurisdiction and procedure, and the only one, as we are presently advised, which refers therein to the changes made in federal appellate jurisdiction by the Act of February 13, 1925, 43 Stat., 936. The volume contains approximately 360 cases, the majority of which are of comparatively recent decision. In this latter respect it differs from other federal case-books, and we would regard this feature as an improvement.

In the Table of Contents, which is divided into nine chapters, separate consideration is given to the Rule of Decision at Law (Chapter 2); the Conformity Act (Chapter 3); and to Law and Equity in Federal Courts (Chapter 4), also a matter of favorable comment. We do not find these matters included in the

case-books on this subject heretofore examined, and we believe that their construction, interpretation, and application should be thoroughly familiar both to the student and to the practitioner. Chapters five and six deal, respectively, with the original jurisdiction of the district court (Jud. Code, sec. 24), and removal of causes (*Idem*, Sec. 28, *et. seq.*), and the cases cited under these essential features of federal jurisdiction, are well chosen and aptly illustrate the principles therein stated. Chapter seven treats of the appellate jurisdiction of the Circuit Court of Appeals, with special reference, in a foot note, (page 523) to its enlarged appellate jurisdiction as conferred by the Act of February 12, 1925, hereinabove mentioned. The exact changes effected are not explained, but inasmuch as the practical effect of this Act was a shifting of federal appellate jurisdiction from one tribunal to another, without disturbing the original grounds of appeal or writ of error, this omission is not material. The cases cited are well chosen, and aptly illustrate the conditions under which an appeal or writ of error will lie. Chapters eight and nine cover, respectively, the appellate and original jurisdiction of the Supreme Court. As to the former, the author again directs attention (foot note, page 551) to the Act of February 13, 1925, *supra*, but also without specifying the particular changes in appellate jurisdiction thereby made.

In the Appendix (page 617, *et. seq.*) are found the constitutional provisions and amendments defining and limiting federal judicial power, together with thirty-nine sections of the U. S. Revised Statutes having, in chief, to do with the filing of, and process and procedure in suits in the federal trial court. There is also a group of "Miscellaneous Statutes," including the Act of February 13, 1925, in reference to appeals and writs of error; and under a third sub-title, "Judicial Code," the author sets forth, *in hanc verba*, the sections thereof as to the original jurisdiction of the district court, the removal of causes, venue, and the appellate jurisdiction of the Circuit Court of Appeals and the Supreme Court.

There might well have been included in said Appendix the New Equity Rules, for reference in connection with his chapter on "Law & Equity in Federal Courts," although the cases cited under this head deal with equity jurisdiction, as distinguished from equity procedure, and therefore the omission of the Equity Rules may be a matter of personal judgment and opinion on the author's part.

As a whole, we are very favorably impressed with Prof. Medina's work, and believe that his book is one which may be used to advantage and with profit by lecturers and teachers of Federal Jurisdiction and Procedure.

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