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Review of “Jurisdiction and Practice of Federal Courts: A Handbook for Practitioners and Students,” By Charles Williams

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BOOK REVIEW

JURISDICTION AND PRACTICE OF FEDERAL COURTS.—A HANDBOOK FOR PRACTITIONERS AND STUDENTS. By Charles P. Williams, M. A., of the Saint Louis Bar, Saint Louis; The F. H. Thomas Law Book Co., 1917, pp. XIX, 586.

This book, as stated in the preface, had its origin in a course of lectures delivered repeatedly at the Washington University Law School where Mr. Williams was formerly Madill Professor of Equity and also Lecturer on Jurisdiction of the Federal Courts. Because of the recent adoption by the United States Supreme Court of the new equity rules, the entire subject of federal practice requires a new orientation. Because of the American Bar Association's earnest recommendations to Congress for a federal code to govern legal as well as equitable proceedings—the subject belongs to the domain of statesmanship as well as to the domain of jurisprudence. Mr. Williams has not contented himself with a mere collection of notes to accompany the existing statutes relating to federal courts. Nor has he given us a mere digest of decided cases—like so many current volumes improperly called text books. The statutes are, of course, referred to, and the decisions having to do with federal practice are collected, analyzed and applied. But all this is done in logical sequence and according to the author's definite plan, which was to write a treatise useful alike to practitioners and scientific students of American law. Every chapter is a manifestation of the author's special fitness for the task. He shows a scholarly grasp of the philosophy of litigious jurisprudence in general and a true conception of the historical connection between federal practice on the one hand and the development of English courts on the other hand. And yet Mr. Williams approaches every phase of his subject from the angle of the average practicing lawyer, who naturally and very properly desires an interpretation of specific problems in the terms of American state, as distinguished from federal law. The true lawyer when studying federal procedure can never forget the constitutional fact that our federal government is a government of limited powers derived from the states.

The contents of the book are divided into twenty-four chapters. After an introductory chapter on the source and distribution of federal jurisdiction, the author presents a detailed and practical description of the district courts, both in their territorial aspect, and in regard to the subject matter of their jurisdiction, together with two chapters devoted to the removal of causes from the state to the district courts. Procedure at law is the next general topic treated, and this includes a useful discussion of the embarrassing questions relating to the attitude of the federal courts toward state decisions. The most original and perhaps the most valuable part of the work is the group of chapters devoted to the equity of our federal courts. In recent literature there is nothing that shows in more admirable combination the work of the scholarly jurist and the practical lawyer. The subjects of criminal law and admiralty are adequately presented—each in three chapters. The last six chapters in the book are concerned with appellate practice, including the review of state decisions. Perhaps illogically, but very wisely, the author has omitted any extended treatment of the bankruptcy jurisdiction of the federal courts—a subject which is practically *sui generis*.

The book is well manufactured and bound in flexible leather. The index, comprising twenty-five double columned pages, is exceptionally well prepared.

T. W.