no uniformity, and, in the second place, no dependability. The flag used may on the high seas constitute *prima facie* evidence of the nationality of the vessel, but it is subject to verification. The others may not be insisted upon by particular states as prerequisites to registry; and occasionally they may be referred to in bilateral treaties. All of these are considered at length by the author from the point of view of both the concept involved and the practice of states; but one by one they are rejected as tests in favor of the one final test of the registry.

With the registry universally accepted as the basic test of the nationality of a merchant vessel, the author questions the logic and the validity of the section of the criminal code of the United States by which the admiralty jurisdiction is extended to offences committed beyond the territorial waters of the United States on board ships owned in whole or in part by the United States or by citizens of the United States, whenever the offenders appear on American territory. The United States does not use ownership as the test of the nationality of a ship. Logic and expediency aside, might the doctrine of the *Lotus* case of the Permanent Court of International Justice shed some pertinent light? The majority in that case found no principle of international law which imposed any limitation upon the criminal jurisdiction of a state over an offense committed beyond the territorial limits of any other state. ARNOLD J. LIEN.†

JUDICIAL ADMINISTRATION: ITS SCOPE AND METHODS. By Edson R. Sunderland. National Casebook Series. Chicago: Callaghan and Company, 1937. Pp. xlviii, 1395.

This volume, while not improperly termed a casebook, carries further than any other casebook a recent tendency toward supplementing case material with commentaries—some borrowed from standard sources and others original and newly written. "The inadequacy of cases as an exclusive basis for teaching any branch of law is generally conceded. * * * In regard to the plan of court organization and the nature of court machinery, what the student chiefly needs is information, and this can often be given in a sufficiently concrete and comprehensive way by means of descriptive text."[1] The material other than cases is not crowded into footnotes but is presented in the body of the text and in the same style of type used for reprinting cases.

The book is obviously intended for required use by first-year law students. When first glancing at a 1400-page book, the experienced law teacher will be inclined to infer that the volume is entirely too large. This would be an accurate judgment if the book were to be used merely as the basis of instruction in a three-hour course in civil procedure, or merely in a two-hour or three-hour course in introduction to law (sometimes called legal processes), or merely in a one-hour or two-hour course in professional ethics. An examination of Professor Sunderland's new book will show that it is admirable for use by first year students as the basis of instruction

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1. Editor's foreword, p. iv.

in all three of the subjects just named (or similar subjects). The analytical arrangement of the material will make it quite easy to use the book in connection with two or three separate courses placed in charge of two or three separate teachers. Of course, there would have to be consultation and co-operation between different teachers using one book, and very likely this would result in an improved pedagogy.

From what has just been said it should not be supposed that the book is simply a new collection of material for conventional courses in civil procedure, introduction to law and professional ethics. The treatment of these subjects is perhaps rather scanty when compared with some other books now in use. In the opinion of many teachers and bar examiners, some of the standard books used by first year students are too lengthy, with unnecessary elaboration of doubtful problems as distinguished from basic principles. This new book contains valuable material not generally treated in the first year—clarifying the practical difference between the jurisdiction of federal courts and the jurisdiction of state courts, between the administrative power of courts and the more strictly judicial power of courts, between common-law actions based upon writs of summons and common-law actions based upon prerogative writs.

The first three chapters of the book include 372 pages of material and give (1) a brief but adequate description of the historical development of the English system of courts down to the present time and also the development of American courts, both state and federal, down to the present time; (2) a fairly extensive and detailed treatment of the organization and operation of American courts and the duties of the officers of American courts, including attorneys as well as judges, clerks, sheriffs, masters, etc., and (3) a useful and original analysis of judicial power—judicial power as developed in this country with due regard to the reality of the doctrine of judicial review of unconstitutional legislation and the reality of court rules in controlling bar-admission and bar-exclusion. The fourth chapter contains 388 pages and relates to various types of American jurisdiction with a rather full treatment of civil jurisdiction under the old common-law system and an adequate treatment of modern federal jurisdiction. There are also brief treatments of criminal jurisdiction, appellate jurisdiction, equity-jurisdiction and admiralty-jurisdiction. The fifth chapter, containing 197 pages, has to do with pre-requisites for invoking the jurisdiction of courts and touches upon phases of civil procedure other than pleading, trial practice, and execution. The sixth and last chapter contains 415 pages and is entitled "Pleading." The presentation of this subject is conventional although it is obvious that the Editor has consciously designed to emphasize the factors of accord rather than the factors of variance between the old systems of pleadings in Anglo-American judicial history. The emphasis throughout this chapter is upon the modern statutory systems intended to amalgamate, so far as possible, the system of the common law and the system of equity. No treatment of trial practice, executions or judgment liens is attempted. The index would seem to be especially useful for first-year students. Under the one word "Courts" are listed 49 different kinds of courts with appropriate page references.

It is to be hoped that the probable merits of this somewhat novel book will soon be tested by actual experience in many law schools. All law teachers, bar examiners and publishers of law books recognize that the Northwest Passage to the ideal teaching of adjective law has not yet been discovered.

TYRRELL WILLIAMS.†

CASES ON THE LAW OF NEGOTIABLE PAPER AND BANKING. By Ralph W. Aigler, St. Paul: West Publishing Company, 1937. Pp. xvi, 1157.

There can be no blinking the fact that the law of negotiable instruments is not *prima facie* a fascinating branch of legal study. The high emprise of public law, the story book narratives of criminal law or torts, the cunningly complex contrivances of real property make their various appeals to reader interest. Not so negotiable instruments. They cast no mystic spell of glamour and grandeur for they lie in the workaday field of business and commercial activity, too near at hand to be exciting. On the other hand, they have not the charm of familiarity and old acquaintance, for the law student, with rare exceptions, is acquainted only with the existence and not with the operations of the commercial world, whose mechanics confuse and dismay him. Finally, the situations illustrated by the cases are on the surface bloodless and impersonal, wholly unrelated to human nature or human behavior. The makers of casebooks therefore must present their materials with something more than usual adroitness to make the students embrace, with anything more than the cold embrace of duty, a subject thus handicapped. In this difficult endeavor it seems to the reviewer that Professor Aigler has succeeded unusually well.

The principal thing that makes this latest casebook in the field notable is the addition of cases on the law of banking to the usual materials on negotiable instruments. It is seemingly this addition which makes dynamic the hitherto static subject of commercial paper. Its significance is not alone —not even mainly—the introduction into the curriculum of an opportunity to get acquainted with the law governing an institutional development which becomes increasingly more important to society and to the practicing lawyer. By bringing banking activities into the picture it stresses the way in which bills and notes and their variants are trafficked in and transmitted. A very large proportion of such instruments pass at some time in their existence through or into the hands of banks. By calling attention to the banker's activities and relations, Professor Aigler has cast the emphasis upon the transition rather than the mere existence or position of negotiable paper. From the banking cases the student learns to regard bills and notes as things in motion, and this approach will, it is to be predicted, be carried over when he deals with the other materials not classified under the law of banking. Professor Aigler has thus hit upon an admirable device to convey the lesson that the course is not so much concerned with commercial paper as with dealings in commercial paper. The fact that appellate cases come up as they do, with the paper in the hands of one of the parties, perforce

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