

order"¹¹ are to articulate the spiritual requirement of the present.

Nor is the problem as simple as when Locke stated our faith and Montesquieu our ideal of government, to combine the spirit and the framework of democracy. Modern iconoclasm and pessimism will not suffice. There is a call for a restatement of values. Professor Fuller's lectures and Professor Bodenheimer's text should indeed be recommended reading for student and for lawyer alike. But in the end the cause of a normative science of law is not advanced by a denunciation of positivism on the one hand and by formalistic legal distinctions on the other.

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BOOK NOTES

ORGANIZATION OF COURTS. *By Roscoe Pound. Little, Brown & Co., Boston, Mass. 1940.*

For several reasons *Organization of Courts* published under the auspices of the National Conference of Judicial Councils, is a volume that should be read by every member of the legal profession and by many laymen.

In the first place the author is Honorable Roscoe Pound, Dean Emeritus of the Harvard School of Law, who, in addition to his extended career as a law teacher and writer, acquired valuable experience as a member of the Supreme Court Commission of his native state of Nebraska.

Secondly, in these critical days accurate information with reference to the judicial branch of the government is of great general value. It is undoubtedly accurate to say that most citizens possess a fairly definite concept of the simpler functions of the legislative and executive branches of our government. While it is of course true that during the last four or five years popular attention has been attracted to the courts by reason of the unusual number of momentous decisions announced, nevertheless to many citizens their courts remain mysterious and forbidding institutions; and the higher the court, the more general seems to be the prevalence of this unfortunate illusion.

In the third place Dean Pound has assembled valuable and inter-

¹¹ POUND, *Common Law*, ENCYCLOPEDIA OF THE SOCIAL SCIENCES, vol. 4 at pg. 51. Supra note No. 4.

esting material from the neglected field of court organization history. This is illustrated by the following subjects of the eight chapters:

The English Model.

Colonial Courts in the Seventeenth Century.

Colonial Courts in the Eighteenth Century.

Federal and State Courts in the Formative Era.

Development of Judicial Organization in the Newer States after the Civil War.

Progress in Judicial Organization from the Civil War to 1900.

Defects of the Nineteenth Century Organization and Changes in the Present Century.

Principles and Outline of a Modern Organization.

As evidence of the obvious opportunity and need for the elimination of unnecessary confusion in our judicial structure, it is pointed out that there is great diversity in even the names of our tribunals. There are states in which the Supreme Court is not the highest. In some the Court of Appeals is the highest; in many the Court of Appeals is an intermediate one; in some states there are circuits composed of districts; in others there are districts composed of circuits; in some states the Court of Common Pleas is the court of general jurisdiction of first instance; and in others it is an inferior court. It is shown that this is not a surface phenomenon. In an interesting manner the author compares the various court systems and shows the elements of strength and weakness in each.

In concluding this necessarily brief review attention is called especially to Dean Pound's final chapter in which he recommends a general plan of court organization. His conclusions should be interesting to lawyer and layman alike, in view of the universal desire for a simplified judicial structure and procedure that will best serve to expedite and improve the quality of our judicial process.

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FEDERAL COURT RULES, ANNOTATED. *William H. Mason.*
Mason Publishing Co., St. Paul, Minn. 1940.

A new volume of Mason's United States Code Annotated has recently been offered the bench and bar. This volume is unique in the completeness of its coverage of the rules of Federal Courts.