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## Review of “The Test of the Nationality of a Merchant Vessel,” By Robert Rienow

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separate and complete proofs. The reasoning has a cumulative effect which is lost when one point alone is presented. Another feature is the inclusion in a few important cases of a brief résumé of arguments of counsel. It is regrettable that the demands of space have limited this practice.

The notes are replete with citations of and comments on leading cases. The citations to law reviews are very complete. Thus the student is guided to a wealth of learning, so that, on his own initiative, he may explore the topics presented in the cases and see how far commentators have praised or condemned court action. With his casebook in hand the student has a key to almost endless material.

The selection of cases is very satisfactory. Each user of the book will doubtless find some of his particular favorites lacking, but that is inevitable. No compilation is complete except perhaps to the compiler. The compilation here succeeds splendidly in presenting the law of today against a background of its development through the past. In every respect this volume is a satisfying and a scholarly piece of work.

F. D. G. RIBBLE.†

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THE TEST OF THE NATIONALITY OF A MERCHANT VESSEL. By Robert Rienow. New York: Columbia University Press, 1937. Pp. 247.

"The evident confusion and contradictions that have marked references to the nationality of merchant vessels by jurists, publicists, and others have prompted this study. It was apparent that there existed no clear-cut conception of exactly what state of facts created such a relationship between a vessel and a state. Particularly in time of war the concept of the nationality of a vessel has been dealt with so loosely as to quite obliterate the exactness of its meaning."

After thus indicating in the Preface what his motivation was, the author proceeds to present the results of his extensive study of the problem. His volume is well documented and is effectively implemented with copious footnotes, a bibliography of fifteen pages, an impressive table of cases, a table of contents, and an index.

The chief value of the volume consists, not so much in the clarification of the concept of the nationality of merchant vessels, (a concept perhaps much less badly marred by confusion and contradiction than the Preface might imply), but rather in the collection and analysis of the legislation, cases, and opinions bearing upon the concept and its evolution. It is in this way that the author has made a significant contribution.

His conclusion, like the conclusion of every recognized authority on international law, is that the ultimate determinant of the nationality of a merchant vessel is its legal registry as evidenced by the documents on board the ship. The conditions of ownership, construction, crew, etc. which are prerequisite to registry are left for determination to the municipal law of each particular state.

On such tests as the flag used, the citizenship of the crew, the nationality of the owners, the nationality of the builders there is, in the first place,

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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.†

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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."<sup>1</sup> 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.