

PERSONAL AND BIBLIOGRAPHICAL

J. W. GARNER

In order that, beginning with 1909, the volumes of the REVIEW may correspond with the calendar year, it has been decided to omit the publication of the August, 1908, number and have the November, 1908, issue constitute the fourth number of volume II.

Three German professors of public law have recently died at advanced ages. They were Felix Stoerk of Greifswald, Karl Fricker of Leipzig and Heinrich Dernburg of Berlin. Since Professor Dernburg's death a new edition (the fourth) of his *Bürgerliche Recht des deutschen Reiches und Preussen* has been issued from the press.

Friedrich von Wyfs, professor of legal history in the University of Zurich recently died in the eighty-ninth year of his age.

Friedrich Stein, a law professor in the University of Halle and the author of a new work entitled *Zur Justizreform* which has recently attracted wide attention among those interested in legal reform in Germany, has been appointed to an honorary professorship in the University of Leipzig.

Dr. Karl Neumeyer has been appointed professor of international private law and administrative law in the University of Munich.

A new chair for the teaching of the history of political science has been established at the Sorbonne with Adolphe Landry as the professor in charge.

Edward Henry Strobel, Bemis professor of international law at Harvard University from 1898 to 1906 and general adviser to the king of Siam, died at Bangkok, January 15, 1908, in the fifty-third year of his age. Mr. Strobel was a native of South Carolina, a graduate of the Harvard Law School and in early life filled several quasi-diplomatic missions. Later he served successively as secretary of legation, assistant secretary of state, minister to Ecuador and Chili, and in 1903 became adviser to the king of Siam. He was highly esteemed by all who knew him, his scholarship was of a high order and his success as a diplomat

remarkable. He exerted a large influence on the foreign policy of Siam, his crowning achievement being the negotiation of the Franco-Siamese treaty of 1907.

Henry Loomis Nelson, for the past six years David A. Wells professor of political science at Williams College, died on February 29, in his sixty-second year. Mr. Nelson graduated at Williams College, studied law at Columbia and was admitted to the bar in 1869. He served as private secretary to Speaker Carlisle, was for a time principal editorial writer for the *Boston Post* and in 1894 became editor of *Harper's Weekly* a position he held for four years. He was author of several books dealing with economic subjects.

Mr. J. C. Bancroft Davis, three times assistant secretary of state of the United States, secretary of the joint high commission which met at Washington, 1871, to conclude a treaty for the settlement of the *Alabama* claims, the agent of the United States before the Geneva arbitration tribunal, minister to Germany 1874-77, judge of the United States court of claims and reporter of the supreme court of the United States, in succession, died at Washington in his eighty-fifth year, on December 27, last. Mr. Davis managed the case of the United States before the Geneva tribunal with remarkable skill and it was the testimony of Count Selopis that the decision in favor of the American claims was largely due to the successful manner in which the case was presented by Mr. Davis. He was the author of a volume of *The Treaties and Conventions of the United States* with elaborate notes, and also a volume entitled *Mr. Fish and the "Alabama" Claims*.

Dr. Robert C. Brooks, professor of economics in Swarthmore College since 1904, has been appointed professor of political science in the University of Cincinnati. Mr. Brooks is a graduate of the University of Indiana, received his doctor's degree at Cornell, studied at Halle and Berlin and was editor of *Municipal Affairs*, 1896-97.

The readers of THE POLITICAL SCIENCE REVIEW will regret to learn that Prof. John Bassett Moore of Columbia University has been compelled, on account of overwork which has affected his eyes, to give up his academic duties this year and take a long delayed vacation. During the seventeen years he has been at Columbia, Professor Moore has taken no leave except during the Spanish-American war when he was in the pub-

lic service as assistant secretary of state. His courses in international law are being given by Dr. George Winfield Scott, of the law library of congress.

Right Hon. James Bryce, British ambassador to the United States, will deliver the Dodge lectures on the Responsibilities of Citizenship at Yale next fall, Señor Barbossa of Brazil, who was first selected, being unable to accept the appointment.

Edmond Kelley, a well known American lawyer who for many years has resided in Paris, the author of *Government or Human Evolution*, in two volumes, recently a convert to socialism, is the author of a sociological study entitled *The Elimination of the Tramp* which has lately appeared from the press of G. P. Putnam's Sons. It is mainly a description of the Swiss system of free labor self-supporting tramp colonies, through which, the author claims, vagabondage in Switzerland has been eliminated without cost to the state beyond the initial expense of purchasing land and constructing buildings.

Clifford N. Johnson of Detroit has been awarded the first prize of \$1000 offered by the Merchant Marine League of the United States for the best essay on the subject How to Build Up Our Merchant Marine in the Foreign Trade. Four hundred essays were submitted in competition for the prize. Mr. Johnson's plan recommends the granting of small subsidies from a fund to be established by increased tonnage duties.

The fourteenth annual Lake Mohonk conference on arbitration will be held this year on Wednesday, Thursday and Friday, May 20, 21 and 22. A large attendance is expected. There will be six sessions: one, devoted to the work of the second Hague conference; one to the relations of colleges and universities to the arbitration movement; one to the relations of business men to the arbitration movement; one to Pan-American interest in and contributions to the movement; and two to the general subject of arbitration. There will be more than the usual number of distinguished speakers. Among those who have already accepted invitations to make addresses are Sir Charles Fitzpatrick, chief justice of Canada; Hon. James Brown Scott of Washington; President Benjamin Ide Wheeler of the University of California; Chancellor H. C. White of the University of Georgia; Señor Don Anibal Cruz, minister

of Chili to the United States; Señor Don Joaquin B. Calvo, minister of Costa Rica to the United States, Hon. John Barrett of Washington and Dr. Benj. F. Trueblood of Boston.

M. André Tardieu, foreign editor of the Paris *Temps* delivered a series of lectures on France and the Alliances at Harvard University in February. M. Tardieu though still in his thirty-second year has already had a brilliant career as a journalist and a diplomat. He is the author of two books, both of which attracted wide attention at the time of their publication: *The Diplomatic Questions of the Year 1904* and *The Conference of Algeciras—A Diplomatic History of the Moroccan Crisis*.

An English translation of the German imperial civil code of 1900, made by a Chinese graduate student at Yale, Dr. Chung Hui Wang, has been published in London by Stevens and Sons. The translation is regarded by competent authorities as an excellent one and constitutes a remarkable achievement for one to whom neither German nor English is a native tongue.

President Edmund J. James of the University of Illinois and Prof. L. S. Rowe of the University of Pennsylvania have been appointed by the secretary of state as members of a committee to coöperate with the department of state in carrying out the resolutions adopted by the last Pan American conference held at Rio Janeiro in 1905.

The fourth Latin American scientific congress will be held in Santiago, Chili, in December of this year. The main purpose of these congresses is to bring together the best scientific thought on the leading problems of common interest to the American republics. The forthcoming congress will be divided into nine sections, one of which will be devoted to jurisprudence and political science. A strong effort is being made to induce congress to make an appropriation for sending a suitable number of delegates from the United States.

The extensive library of rare German socialistic literature collected by Herman Schlüter, editor of the New York *Volkszeitung*, has been presented to the University of Wisconsin by Mr. William English Walling. Besides the works of German socialist authors, the collection contains many official documents and files of socialist periodicals.

The name of the *American Law Register* has been changed to the *University of Pennsylvania Law Review*—a name which emphasizes the fact that the magazine is edited by the law department of that university.

Hon. Samuel W. McCall, representative in congress from Massachusetts, is delivering a series of lectures on the Blumenthal foundation at Columbia University. His subject is the Business of Congress.

The American branch of the Association for International Conciliation (P. O. sub-station 84, New York City) has issued the following documents which are sent gratis to persons requesting them:

(1) Results of the National Arbitration and Peace Congress, by Andrew Carnegie. April, 1907. (2) Program of the Association for International Conciliation, by Baron d'Estournelles de Constant. April, 1907. (3) A League of Peace (address delivered at the University of St. Andrews) by Andrew Carnegie. November, 1907. (4) The Results of the Second Hague Conference, by Baron d'Estournelles de Constant and Hon. David Jayne Hill. January, 1908. (5) The Work of the Second Hague Conference, by James Brown Scott. January, 1908.

The Proceedings of the National Municipal League for 1907 have been published. The volume contains articles on the Galveston and Des Moines plans, electoral reform, municipal health and sanitation, and other current municipal topics.

The Proceedings of the first national conference on state and local taxation, held under the auspices of the National Tax Association at Columbus, Ohio, November 12-15, 1907, have been published in a handsome volume (The Macmillan Company, 1908, pp. xx + 675). Some forty-eight papers and addresses are given. The volume should be of very great value to all persons seeking to learn present day opinions regarding the best modes of obtaining State and local revenues.

Messrs. G. P. Putnam's Sons have recently published a new book entitled *South America on the Eve of Emancipation*, by Prof. Bernard Moses of the University of California. A new edition of *The Establishment of Spanish Rule in America* by the same author has also lately appeared from the same press.

The Journal of the Constitutional Convention, in two volumes, by Gaillard Hunt (Putnam's, 1908) contains, complete, Madison's record of the

proceedings of the Philadelphia convention together with the accounts of Yates, King and Pierce. There are also numerous comments in foot-notes by the editor.

Several important bulletins have recently been issued by the legislative reference department of the Wisconsin Free Library. Among them we note one on the *Initiative and Referendum* and another on *The Recall*. In this connection it may be noted that a legislative reference department has been organized under the direction of the Public Library Commission of North Dakota.

Messrs. Giard et Brière of Paris have brought out a French edition of Prof. F. J. Goodnow's *Principles of the Administrative Law of the United States*. The translation is made by Prof. Gaston Jèze, of the University of Toulouse.

Scientific Assistance in Law Making, by Prof. John B. Phillips of the University of Colorado, is the title of an interesting reprint from the University of Colorado Studies, dealing with the activities of the newer agencies of legislation such as legislative reference bureaus, bill drafting commissions, clerks of bills, etc.

Miss Elfrida Everhart, reference librarian of the Carnegie Library of Atlanta, is the author of a *Handbook to the Public Documents of the United States*, intended to be a guide to the publications of the national government. Each publishing division of the government is first described, followed by a list of its publications. There is a brief historical account of each document together with a description of its form, use and character. An elaborate index adds further value to the handbook.

A new edition of Andrews' *American Law*, "amplified by fuller treatment of all subjects" is announced by Callaghan and Company (Chicago). Except Kent's *Commentaries* there is probably no book which furnishes a more convenient and succinct view of American law.

The lectures on socialism delivered in various parts of the country last year by Mr. W. H. Mallock at the invitation and under the auspices of the National Civic Federation have been recast and published by Harpers under the title *A Critical Examination of Socialism*. Although eminently fair Mr. Mallock's lectures contain a searching criticism of the theories of socialism.

A new contribution to ancient legal history is *Israel's Laws and Legal Precedents* by Prof. Charles Foster Kent, of Yale University (Scribners), being a continuation of his earlier work published in 1904. The present work classifies the Hebrew legislation according to subjects and arranges it in the chronological order of the codes in which it occurs. Its usefulness is increased by the addition of brief expository footnotes.

Among the new and forthcoming publications of the Columbia University Press are: *Constitutional Government in the United States*, by Woodrow Wilson and *Practical Problems of American Development*, by Albert Shaw.

The second volume of Mr. J. B. Atlay's *Victorian Chancellors*, containing biographical sketches of the "illustrious men into whose hands the great seal of England was entrusted by Queen Victoria" is announced to appear from the press of Little, Brown and Company this spring.

The index to the federal statutes which Dr. Geo. Winfield Scott and Mr. Middleton G. Beaman of the law library of congress have had in preparation will be published by the government printing office about July 1. The work will index the subject matter of the revised statutes of 1873 and the legislation of permanent and general character since enacted. It is the first attempt ever made in this country to prepare a scientific index in detail to the statutes. The volume, including the tables of repeals and amendments will contain about 1500 pages. It will be sold by the superintendent of documents. The index to the federal statutes of private and local character will be prepared during the coming year. The sections dealing with the penal statutes in the draft of the federal revised statutes have been passed by the senate and are now before the house of representatives. These sections embrace about 200 pages of the whole draft of some 2400 pages. With the increase in the quantity of statutes, it has become impossible for most of the legislatures to consider and enact in a single session the draft of a general revision of the statutes. Congress inaugurated the preparation of the present revision in 1897 by establishing a commission of three members. In December, 1907, they reported to a joint-committee composed of five senators and five representatives. The joint-committee has since employed several lawyers to examine the draft submitted by the commission. The total cost of the undertaking to date is nearly \$400,000. It is understood that the joint committee will continue the employment of

its legal advisers and will introduce next session another portion of the draft.

New publications by the Macmillan Company, most of which are now ready for delivery are: *An American Survey of England*, in two volumes, by Prof. A. Lawrence Lowell; *Modern Egypt*, by the Earl of Cromer; *The Meaning of Socialism*, by H. G. Wells; *The United States as a World Power*, by Prof. A. C. Coolidge; *As Others See Us*, by John Graham Brooks; *The Coming Struggle in the East*, by B. L. Putnam Weale; *The Science of Jurisprudence*, by Hannis Taylor; *Popular Participation in Law Making*, by Chas. Sumner Lobingier; *Government By the People*, by Robert H. Fuller; and *The Government of European Cities*, by Prof. W. B. Munro.

English publications announced by P. S. King and Son are: *The House of Lords*, by J. W. Wylie; *A History of the 1900 Parliament*, by James F. Hope; *Parliamentary Representation: An Inquiry into our System of Parliamentary Representation*, by Joseph King, with an introduction by Rt. Hon. L. Harcourt, M.P.; and the *Municipal Year Book for 1908*, by Robert Donald.

In a work entitled *The American Government, Organization and Officials, with the Duties and Powers of Federal Office Holders*, by H. C. Gauss (New York: L. R. Hamersley and Company. 1908. Pp. xxiv + 871.) which the author describes as "an original summarization," there is furnished a compilation of facts which cannot but be of great convenience to all who have occasion to seek exact information regarding the details of the organization and operations of the federal government. The size of the work, nearly nine hundred closely printed pages, indicates its comprehensive character. A fairly adequate index is furnished, but no table of contents. It is very greatly to be regretted that references are in no cases given to the statutes or other authoritative sources whence the facts are obtained. The binding is good, but the paper poor.

In a small brochure of fifty-six pages, entitled *The New Electoral Law for the Russian Duma* (University of Chicago Press, 1908), Prof. Samuel N. Harper, associate in the University of Chicago, gives a very clear account of the law governing the election of representatives to Russia's third duma, which was convoked November 14, 1907.

In the volume *School Reports and School Efficiency* by David S. Snedden and William H. Allen (New York: The Macmillan Company, pp. 183), the aim is to show how a superintendent or board of education may devise a report which will be both a source of publicity as well as a means of administrative control of this most important branch of public service. There has been need for such a work and its appearance is therefore to be welcomed. Mr. Snedden is one of the instructors of the Teacher's College, New York, and Mr. Allen is late secretary of the committee on physical welfare of school children.

Socialism Before the French Revolution, by W. B. Guthrie (The Macmillan Company, 1908), is a worthy addition to the increasing literature of socialism. In an introductory chapter Mr. Guthrie reviews the literature of the period covered by his study and examines socialism as a "system of thought and action" illustrating this topic by citations from various writers from Plato to the French Revolution. Successive chapters treat of the breakdown of English feudalism, the development of capitalism in England and the doctrines of Sir Thos. Moore; Italian socialism and particularly the theories of Campanella, the sole champion of social reform in that country; eighteenth century radicalism in France; the social teachings of Morelly, "the one who saw most clearly the need of a new system to replace the socialistic doctrines of the old;" the socialistic doctrines of the "revolutionary radicals" in France; and the difference between revolutionary socialism and that which came later. In connection with the last mentioned topic the author points out how under changing conditions the later socialism underwent many modifications though containing much in common with the former.

Students of municipal science will be interested in a report of the housing committee of the St. Louis Civic League, entitled *Housing Conditions in St. Louis*. The report contains a careful examination of existing conditions, suggested measures of a preventive character and recommendations looking to the abolition of existing evils.

A new and enlarged edition of Burge's *Colonial Law*, in five volumes, edited by Renton and Phillimore, assisted by a number of eminent lawyers is announced by the Boston Book Company. The introduction to the former edition has been expanded into a new volume in the present edition. The new volume reviews the principal systems of jurisprudence of the world and summarizes the political history, legal sys-

tem and judicial organization of each of the British colonies. The law of British India and the Roman-Dutch law are treated more fully than in any work heretofore published.

The Process of Government, A Study of Social Pressures, by Arthur F. Bently (University of Chicago Press, 1908), is a thick volume of 500 pages, described by the author as "an attempt to fashion a tool" and by the publishers as "a technical study of the methods which must be used in the scientific interpretation of the phenomena of government." Part I, entitled *To Prepare the Way*, is mainly psychological and sociological; part II, entitled *Analysis of Governmental Pressures*, contains chapters on Public Opinion and Leadership; Government; Law; Classification of Governments; Separation of Governmental Agencies, the Pressure of Interests in the Executive, the Legislature and the Judiciary; Political Parties; Representative Government, etc. A hasty reading of some of these chapters fails to impress the reviewer with their value as a contribution to the literature of political science, though the work as a whole will doubtless interest students of social institutions. It bears evidence of wide and careful reading.

Police Power: State and Federal (Philadelphia: Rees, Welsh and Company. 1907. Pp. xxviii + 338), is the title of a work by Mr. Willis Reed Bierly. As a systematic treatise on the police power, the volume has no value. It makes no attempt at completeness. It is not systematically arranged, and underlying principles are not searched out. To lawyers and legislators of Pennsylvania the work may, however, prove to have some usefulness in that more than a hundred statutes of that State, illustrating the police power, are quoted, and the judicial decisions relating thereto are referred to.

A new contribution to the literature of political theory, entitled *From Gerson to Grotius*, being the Birkbeck lectures at Trinity College, Cambridge, 1900, has been made by John Neville Figgis, a parish rector in England and a former lecturer in St. Catherine's College, Cambridge. Aside from an introductory chapter of a general character there are essays dealing with the conciliar movement and the Papalist reaction; the political doctrines of Luther and Machiavelli; the Politiques and religious toleration; the Monarchomachi; the political relations of the Jesuits; and the Netherlands revolt. At the end of the book are thirty-five pages of critical notes.

The McClure Company has published an English translation by Jeanne Mairet, of Lemaitre's *Rousseau*. The aim, the author states, has been to furnish not a critical biography of Rousseau but a history of his sentiments.

Mr. C. T. Carr, the author of the Yorke prize essay entitled the *General Principles of the Law of Corporations* has published another Yorke prize essay entitled *Collective Ownership Otherwise than by Corporations or by Means of the Trust*: (New York: G. P. Putnam's Sons; London: Cambridge University Press. 1907. Pp. xx+118). In succinct terms the fundamental legal principles at the basis of common ownership by man and wife, co-heirs, joint tenants, tenants in common, partners and communities as owners are considered in a scholarly manner.

Legal Essays. By James Bradley Thayer, Boston: The Boston Book Company. 1908. Pp. xvi+402. In this volume fifteen essays of the late Professor Thayer have been collected and republished by his son Ezra Ripley Thayer. This was a work well worth doing. The essays are valuable in themselves, and illustrate by their scientific and historical method a standard of legal writing which needs to be cultivated in this country. The opening essay, *The Origin and Scope of the American Doctrine of Constitutional Law* is, in the reviewer's estimation, one of the most important constitutional essays that has been published in this country. In the paper entitled *A People Without Law*, the ethical and political as well as the constitutional aspects of the difficult Indian question are lucidly dealt with. Professor Thayer's great knowledge of the history of the law is especially shown in a series of articles, reprinted from the *American Law Review*, which consider declarations as a part of the *res gestae*. The other essays, which there is space only to enumerate are: *Advisory Opinions*, *Legal Tender*, *Gelpcke v. Dubuque*, *Our New Possessions*, *International Usages—A Step Forward*, *Dicey's Law of the English Constitution*, *Law and Logic*, *A Chapter of Legal History in Massachusetts*, *Trial by Jury of Things Supernatural*, *Bracton's Note Book*, *The Teaching of English Law at Universities*.

Prof. Frederic J. Stimson's recent lectures before the Lowell Institute have been published under the title *The American Constitution: The National Powers, the Rights of the States, the Liberties of the People* (Scribners, 1908). The first lecture deals with the meaning of the Constitution which he undertakes to prove is not a "mass of dry rules but the very substance of our freedom." The next four deal principally with

the constitutional liberties of the citizen with particular reference to their historical origin, nature and development. The sixth is devoted to a consideration of the division of powers between the legislative, executive and judicial departments and between the national government and the States. The seventh and eighth under different titles deal mainly with interstate commerce and the control of trusts and corporations. The lectures are written in an entertaining style, the author's exposition of the constitutional guarantees of liberty is simple and instructive and his interpretation of constitutional questions is sound and logical. He is a vigorous defender of the rights of the States and sees in the increasing extension of the power of the national government nothing but evil. He charges congress with usurping the powers of the States in regard to trade and commerce and expresses the opinion that if the policy of the present administration could be carried out the States would be deprived of their police powers and reduced to the position of mere administrative districts. He criticises the practice of the federal courts in issuing injunctions in labor disputes and deprecates the growing tendency of those tribunals to assume jurisdiction of controversies which have heretofore rested with the State courts. Most of our anti-trust legislation, he contends, is unnecessary, the subject matter in nearly every case being covered by the common law. Some of the provisions in the federal anti-trust and railway regulation statutes he finds very objectionable and subversive of the principles of civil liberty, such for example as the power conferred on the executive to single out particular corporations for attack without molesting others equally guilty. Some may regret Mr. Stimson's frequent arraignment of President Roosevelt for alleged violation of the Constitution. On the second page the president is charged in connection with the Brownville affair with "dictating what was little else than an executive bill of attainder." Elsewhere the executive is criticised for applying the term "conspiracy" to an alleged combination of citizens to prevent the nomination of a certain man to succeed him; for seeking to destroy the rights of the States; for criticising in a message to congress Judge Humphrey's immunity decision, a decision which was "perfectly right," etc. This evidence of want of judicial temperament together with a slight tendency to repetition serves to mar in a small degree a meritorious contribution to American constitutional law.

The Chicago Civic Federation has published a *Summary of the Reports of Special State Tax Commissions* which contains in concise form the

recommendations of some fourteen commissions created within the last ten years, together with their discussions of the principal subjects of taxation. The extent to which the several legislatures have followed the recommendations is set forth as far as possible in the *Summary*.

Prof. John A. Fairlie's volume of *Essays on Municipal Administration* (The Macmillan Company, 1908), is a collection of papers and articles on a variety of special topics relating to municipal problems, activities and administration. The essays—nineteen in all—are arranged in three groups: first, those relating to problems of organization and the legal relation of cities to the State; second, those dealing with municipal functions and activities; and third, those embodying the results of the author's observations on some phases of municipal government in Europe made during a visit in 1906. Most of the papers are reprints from various magazines and journals or addresses delivered before societies. They all show evidence of careful research and wide familiarity with the questions treated and their publication in convenient form will be welcomed by students of municipal administration.

Some Neglected Aspects of War, by Captain A. T. Mahan (Little, Brown and Company, Boston), is a collection of essays dealing with some questions of war not often treated in the books. Among the essays may be mentioned those entitled *The Moral Aspect of War*, *The Practical Aspect of War*, *War from the Christian Standpoint* and *The Question of Immunity for Belligerent Merchant Shipping*. There is also a paper by H. S. Pritchett entitled *The Power that Makes for Peace*, and one by Julian S. Corbett entitled *The Capture of Private Property at Sea*.

Mr. Arthur W. Dunn, head of the department of history and civics in the Shortridge High School, Indianapolis, is the author of a little book entitled *The Community and the Citizen* (D. C. Heath and Company: Boston, 1907). He undertakes to differentiate between what is usually called civics and civil government, maintaining that the study of the latter can not profitably be undertaken before the last year of the high school while the former, dealing rather with the relation of the individual to the community of which he is a part may be introduced at a much earlier stage in the educational life of the pupil. With this latter thought in view Mr. Dunn has prepared a text book which, departing from traditional methods, lays special emphasis on the elementary ideas of community life.

Books dealing with the international law of the Russo-Japanese war continue to find publishers. The latest addition to the list is entitled *La Guerre Russo-Japonaise, au point de vue continental et de droit international* (Pedone: Paris, 1908), by Nagao Ariga, a professor in the Superior School of War and Marine at Tokio and a legal councillor to one of the Japanese field-m Marshals during the late war. The author of the present work, we are told, was charged by the emperor of Japan with preparing the general report of the war so far as it took place on land. He gives particular attention to the function of the new service of legal councillors and its importance in future wars and dwells upon the excellence of the Japanese red cross organization which, he claims, should become the model for other countries.

The Future of Austria-Hungary, by Scotus Viator (Archibald Constable and Company: London, 1907) is the title of a small collection of essays, in part reprinted from the *Spectator*, the purpose of which is to show that the commonly accepted view concerning the expected dissolution of the Austro-Hungarian union with the death of Francis Joseph, is superficial and ill founded. Such a break up is not only not probable he argues but it is not even possible. Contrary to the popular impression, the heir apparent, the Archduke Francis Ferdinand, he asserts, bids fair to become a worthy successor of his uncle, possessing as he does, ability, self-reliance and the courage of his convictions. But more important still, considerations of the balance of power among the larger states of Europe require the maintenance of the status quo. Great Britain and France especially possess an obvious interest in preserving Austria-Hungary as a great power. Furthermore, the dangers of annexation by neighboring states more than outweigh the possible advantages. Finally, the need for an effective barrier against Slav aggression upon western Europe affords a strong justification for the continued existence of the present arrangement.

Les conventions relatives aux conditions du travail, by Leon Douarhe (Marchal et Billard: Paris), is a study, in the main, of the collective labor contract; the formation of collective conventions and their effects and functions. A chapter is devoted to the history of collective conventions and the part which they have played in the pacific settlement of conflicts between capital and labor. An elaborate bibliography adds to the usefulness of the work.

A study of the history, organization and procedure of the lord high steward's court in England has been published by L. W. Vernon-Harcourt under the title *His Grace, the Steward; and Trial of Peers* (London, 1907).

Mr. Edward Dicey is the author of a new book entitled *The Egypt of the Future* (London, 1907). It is mainly a criticism of the British administration in Egypt and in a way is a complement to his *Story of the Khedivate*, published some years ago.

The current number of the *Journal Du Droit International Privé et de la Jurisprudence Comparée* contains a fifty-two page bibliography of books and articles relating to international law published during the year 1907. The bibliography is arranged in eight chapters, each of which is divided and subdivided according to subjects. The large output of periodical literature in this field would seem to indicate a remarkable growth of popular interest in questions of international law.

Dr. Henning Matzen, professor in the University of Copenhagen and formerly president of the Danish landsting is the author of a monograph entitled *Das Indigenatrecht im Wiener Frieden* (Universitäts-Buchhandlung: Copenhagen, 1906) being a study of the clause in the Russo-Danish treaty of 1864 relating to the nationality of the inhabitants of Denmark and Schleswig-Holstein, and a criticism of the interpretation placed on this provision by the supreme court of Kiel in 1901 and 1902.

M. Esmein, a member of the law faculty of the University of Paris, a distinguished publicist and a prolific writer on questions of public law, is the author of a new work entitled *Histoire du droit français de 1789 à 1814* (Larose et Tenin: Paris) being mainly a study of the essential principles introduced into the public law of France by the Revolution. The second part of the work deals with the constitutions, the organic laws and the code of the consulate and the empire. M. Esmein has also recently published a *Life of Gouverneur Morris: A Witness of the French Revolution*.

De l'esprit du gouvernement démocratique, by Adolphe Prins, a professor in the University of Brussels, is the title of a recent publication of Misch and Thron (Bruxelles). Classic democracy the author tells us, rests on three fundamental principles: (1) Equality of men, (2) the rule of the numerical majority, and (3) universal suffrage. Each of these

topics is dealt with in a separate chapter. A final essay is devoted to a consideration of the "elements capable of giving to a democratic régime more of resistance and reality," namely, local institutions.

A new edition (the eighteenth) of Hue de Grais's popular *Handbuch der Verfassung und Verwaltung in Preussen und dem deutschen Reiche* has recently been published by J. Springer of Berlin.

Joseph Barthélemy, professor of public law in the University of Montpellier, France, the well known author of *Droit Administratif*, has recently published a study of the controversy between the United States and Japan over the educational rights of Japanese subjects in San Francisco under the treaty of 1894. The title of the study is *Étude juridique du conflit entre le Japon et les États-Unis au sujet des Écoles de San Francisco. Droits des étrangers aux services publics de l'Etat de leur résidence. Difficultés internationales soulevées par la forme fédérale de l'Etat* (Pedone: Paris, 1907).

El Instituto de Derecho Internacional, by Rafael M. deLobra, a distinguished Spanish scholar, contains a series of essays and discourses dealing mainly: (1) with the founding, organization and achievements of the Institute of International Law, including the principal rules which have been adopted at its successive sessions; (2) with the various international congresses and diplomatic conferences which have been held in Europe since 1856, and (3) an international bibliography of Spain during the nineteenth century, etc. (Alfredo Alonzo: Madrid, 1907).

The first volume of a second edition of André Weiss's (professor in the University of Paris) *Traité théorique et pratique de droit international privé* (Larose et Tenin: Paris, 1907) has lately appeared. It deals with the subject of nationality, was first published in 1892, and was crowned by the Institute of France for its excellence. The new edition contains an exposition of the legislation of all civilized states on the subject of nationality and a discussion of the numerous and difficult problems that have arisen under the citizenship and naturalization laws of the leading countries.

Prof. F. Meili of the University of Zurich has lately written a study dealing with the legal and international aspects of wireless telegraphy. His monograph is entitled *Die drahtlose Telegraphie in internen Recht und Völkerrecht* (Füssli: Zurich). A prorectorial address by Prof. Georg

Jellinek of Heidelberg entitled *The Struggle of the Old with the New Law*, is one of the new publications of Carl Winter (Heidelberg, 1907).

Hugo Reichard, a German publicist, has written an interesting study of the office of imperial chancellor, particularly as regards the legal and political aspects of his duty in countersigning the decrees and ordinances of the emperor in accordance with art. 17 of the imperial constitution; and also as regards the nature of his responsibility to the emperor. The title of the monograph is *Die Gegenzeichnung und die Verantwortlichkeit des Reichs Kanzlers auf rechtsvergleichenden Grundlage* (Gebrüder Knauer: Frankfort, a./M., 1907).

Martinus Nijhoff, publisher at the Hague, announces that, beginning with January, 1908, he will issue a monthly list of the principal books on continental law in different languages, systematically arranged (subscription price one dollar per year), and that in February, 1908, he will issue a supplementary volume containing a catalogue of continental legal literature published during the year 1907 (124 pages; price, fifty cents).

The first number of a new quarterly periodical entitled *Zeitschrift für Politik* edited by Prof Dr. Richard Schmidt of Freiburg, i. B. and Dr. Adolf Grabowsky of Berlin, with the coöperation of a group of distinguished European scholars, appeared in October from the press of Carl Heymann (Berlin). The new magazine is to be devoted to the problems of scientific and practical politics. The first number gives promise of a publication of a high order. It contains some twenty contributions by well known scholars in their respective fields. Among them we note: *The Methods and Ends of Politics*, by Richard Schmidt; *Administrative Reform and Politics*, by Hugo Preuss; *Reforms of Criminal Procedure*, by Fritz Van Calker; *The Problems of Modern Politics*, by Hans von Frisch; *The Electoral Obligation*, by Heinrich Geffcken; *The Monarchical Principle in Prussia*, by Edward Hubrich; *How is Scientific Politics Possible?* by Franz von Liszt; and *Sociology and Politics*, by Heinrich Triepel.

The first volume of Jellinek, Laband and Piloty's newly established *Jahrbuch des öffentlichen Rechts* (J. C. B. Mohr: Tübingen. 429 pages), has set a high standard. It contains two contributions of especial value to students of political science and public law. One is by Professor Laband, entitled *The Historical Development of the Imperial Constitution Since the Founding of the Empire*, and the other by Professor Zorn, entitled

The Development of the Science of Public Law since 1866. There are in addition contributions by Professor Ullmann of Munich on The Hague Conference of 1899 and the Expansion of International Law; by Professor Freund of Chicago, on Jurisprudence and Legislation; by Professor Barthaldy of Würzburg, on Judicial Reform; by Professor Steinbach of Vienna, on Legal and Parliamentary Reform in Hungary; and by Professor Burgess of Columbia, on The American Presidential Election. There are also over two hundred pages of reports and summaries of the recent development of public law in various German states, Belgium, Denmark, Switzerland and Spain, by leading professors of public law.

A new edition (the fifth) of Juraschek's *Die Staaten Europas* has been published (Brünn: Leipzig und Wien). This is a very convenient handbook for the use of students, statesmen and men of affairs. It contains a vast amount of statistical and descriptive information regarding most of the states of the world, arranged under heads and subheads and often in comparative tables. Under the head of Criminal Statistics for example there are twenty-two pages of statistical and descriptive information which it would be difficult to find elsewhere in more accessible form. At the end of the volume is a bibliography of official and semi-official publications, mainly of a statistical character.

A volume both interesting and of practical value is *Die Staatsangehörigkeit der juristischen Personen*, by Ernst Isay, a German jurist (J. C. B. Mohr: Tübingen, 1907), being a study of the nationality of juristic creations. The author draws a comparison between them and natural persons from the standpoint of their legal rights and duties as subjects of the state and dwells upon the important part which they have come to play in the economic and legal life of civilized states. The author shows that many questions affecting their rights turn on the question of nationality, the establishment of which is the first step in the solution of the problem. He divides his work into two parts: in part one he considers in a general way the question of whether corporations may be subjects of the state and if so, what are the rules for determining their nationality; part two is devoted to an exposition of the legislation of the principal states of the world relative to these points.

Essai sur les emprunts d'États et la protection des porteurs de fonds d'États étrangers, by Albert Wuarin, a Swiss jurist and doctor of law (Larose et Tenin: Paris, 1907), is an instructive study of the legal

nature of state loans and of the rights of foreign creditors. He maintains that while the state can not free itself arbitrarily from its financial engagements it may nevertheless, if circumstances require, alter substantially the conditions of the contract. He examines the question whether a state, whose subjects are creditors of a foreign state, may intervene by force to compel the payment of debts due them and seems to incline to the view that such measures should not be resorted to.

Gesetz und Richter, by Dr. M. Rumpf, a German court assessor (Otto Liebmann: Berlin), is the title of a study which attempts to explain on a somewhat philosophical basis the principles governing the application of the law by the judge. He discusses the relation of the judge to the statute which he is called on to apply, the attitude which he should assume and the proper canons of interpretation for discovering the sense of the text. He argues that where the meaning is in doubt the judge should be governed mainly by the value or usefulness of the law in question. "The judge," he remarks "is not the slave of the law, he is an intermediary between it and life."

Four recent Italian monographs which may be of interest to the readers of this REVIEW are: *I cavi sottomarini e il telegrafo senza fili nel diritto di guerra* by Prof. Bruno Zuculin (Loescher and Company, Rome, 1907), being a study of the treatment of submarine cables and the use of the telegraph in time of war; *Verso la politica attuazione del principio di nazionalità*, by M. Ardnino (Vassallo: Turin, 1907), a defense of the principle of nationality in the creation, reorganization and administration of states; *Il diritto internazionale amministrativo e le grandi Unioni fra gli Stati*, by A. R. Mirabelli (Civellii: Rome, 1907), a consideration of the part which international administration unions have come to play in the relations of states and a discussion of the organization and functions of the principal unions; and *I presupposti filosofici della nozione del diritto* by G. del Vecchio (Zanicbelli: Bologna) a philosophical study of the fundamental concepts of law.

Vergleichende Darstellung des deutschen und ausländischen Strafrechts is a series of studies in nine volumes, of about 500 pages each (Otto Liebmann: Berlin, 1907), compiled by a committee of German university professors appointed in 1902 with the concurrence of the ministry of justice for the purpose of preparing the ground for a thoroughgoing revision of the imperial criminal code. Each offense in the code is treated at length in its historical, scientific and legal aspects; the Ger-

man law in each case is compared with that of other countries and propositions for reform are advanced and critically discussed. It is a remarkable series of studies, prepared with characteristic German thoroughness and will doubtless exert an important influence on the solution of one of the great legal problems now confronting the empire. Readers of this REVIEW may be particularly interested in volume i which deals in a comprehensive manner with crimes against the state or against the authorities of the state—Hochverrat, Landesverrat and Majestätsbeleidigung. The authors of this volume are Professors Van Calker and Mayer of Strasburg and Dr. Gerland, a privat docent at Jena.