

NEWS AND NOTES: PERSONAL AND BIBLIOGRAPHICAL

EDITED BY W. F. DODD

Mr. Harold D. Hazeltine of Cambridge University will lecture next year at Columbia University on the history of English law.

Dr. Edward M. Sait has been promoted to an assistant professorship of politics in Columbia University.

Mr. H. A. Yeomans has been promoted to an assistant professorship of government in Harvard University.

Judge John D. Lawson has resigned the deanship of the school of law of the University of Missouri, in order to devote more time to writing. Judge Lawson will continue as professor of contract and international law.

Prof. Frank A. Updyke of Dartmouth College has been elected a member of the New Hampshire constitutional convention which will meet in June of this year.

Prof. Arnold B. Hall of the University of Wisconsin will shortly publish a college text book entitled, *An Introduction to the Study of the Law*.

Mr. Herbert Croly, author of *The Promise of American Life*, is to deliver the Godkin lectures at Harvard University next autumn.

Mr. F. M. Eliot has been appointed instructor in municipal government at Harvard University.

The Macmillan Company announce that a volume on *The Government of American Cities* by Prof. W. B. Munro is now in the press and will be issued in the early summer. It will be uniform

with the author's earlier volume on *The Government of European Cities*.

A volume entitled *Public Opinion and Popular Government* by President A. Lawrence Lowell of Harvard University is announced for publication by Messrs. Longmans, Green & Co. It will deal chiefly with direct legislation in the United States.

Governor Woodrow Wilson of New Jersey has recently appointed Prof. Henry Jones Ford of Princeton University to the position of State Commissioner of Banking and Insurance.

Frederick H. Cooke, the author of important treatises on the law of combinations, monopolies and labor unions (2nd ed., Chicago, 1909) and the commerce clause of the federal constitution (New York, 1908), and a frequent contributor to legal periodicals, died on January 11, 1912, at his home in Brooklyn, N. Y.

Prof. Raymond Saleilles of the University of Paris died recently. Professor Saleilles was probably best known in this country by his *Individualization of Punishment*, which has recently been published in English translation in the Modern Criminal Science Series.

After completing the duties of the Roosevelt Exchange professorship in Berlin, Prof. Paul S. Reinsch is spending the present semester in Munich.

Prof. George Elliott Howard of the University of Nebraska will teach in the summer school of the University of Wisconsin.

Professor Munroe Smith of Columbia University delivered this winter a course of sixteen lectures on the data and principles of jurisprudence before the graduate students of the department of political science at Johns Hopkins University.

Prof. Robert C. Brooks of the University of Cincinnati has accepted the professorship of political science in Swarthmore College.

Prof. Albert Bushnell Hart of Harvard University has been serving during the second half of this school year as exchange professor

from Harvard to Knox, Grinnell, Beloit, and Colorado Colleges. Professor Hart is giving instruction for about a month in each of these institutions. While in the West he has been persuaded to deliver addresses at the Universities of Illinois, Missouri, and Iowa, and at a number of other places.

Prof. Karl F. Geiser of Oberlin College will give courses in history and political science at the summer session of the University of Illinois.

Prof. C. R. Atkinson of Ursinus College will give courses in political science in the summer school of Oberlin College.

Mr. S. M. Lauchs of Columbia University will give work in history and political science at Ursinus College.

Prof. Charles A. Beard of Columbia University will be on leave of absence during the next school year.

Prof. Amos S. Hershey will bring out with the Macmillan Company in the near future a volume on the *Essentials of International Law*.

The State Historical Society of Iowa has reprinted Prof. Benjamin F. Shambaugh's paper on *Commission Government in Iowa: The Des Moines Plan* (Iowa City, pp. 46), which originally appeared in the *Annals of the American Academy of Political and Social Science* for November, 1911.

The Macmillan Company announces a book by Prof. Frederick Austin Ogg of Simmons College, on *The Governments of Europe*, which will be issued in time for use in the fall.

The Round Table, a quarterly review of the politics of the British Empire (175 Picadilly, London, W.) is now in its second year. The number for December, 1911, contained articles on the Referendum in Australia; the Congestion of Business in the House of Commons; and on the New Viceroy of India and Decentralization.

The laboratory of politics at Columbia University, which was referred to in the February issue of this REVIEW, will be greatly enlarged in connection with the new school of journalism at Columbia and

developed into a reference library of current American politics and legislation.

Volume V, No. 2-3 of the *Zeitschrift für Politik* contains an article by Prof. J. W. Garner of the University of Illinois on "Die Kommissionsform der Munizipalverwaltung in den Vereinigten Staaten."

In a review of the *Finnish Question in 1911* (by a member of the Finnish Landtag, Leipzig, Duncker and Humblot, pp. 124), Prof. N. Politis published in the January number of the *American Journal of International Law* what is perhaps the best brief account in English of the origin and present status of the Finnish question.

Volume V, No. 5-6 of the *Zeitschrift für Völkerrecht und Bundesstaatsrecht* contains an article by Mr. Edwin M. Borchard on "Die Beschränkung des Diplomatisches Rechtsschutzes durch Kontrakt wischen dem Bürger und einer Auswärtigen Regierung oder durch Landesgesetzgebung."

Dr. J. M. Mathews of the University of Illinois contributed a survey of recent political developments in the United States to the *Revue Politique et Parlementaire* for March.

On March 26 there was held at Iowa City under the auspices of The State Historical Society of Iowa a conference-seminar on research in history and political science. This conference-seminar was attended by Professor Albert Bushnell Hart and professors of history and political science from the leading colleges in Iowa.

Mr. Robert A. Campbell, formerly head of the legislative reference department of the California State Library, has become the secretary of the new board of public affairs of Wisconsin.

Special Libraries for December, 1911, is devoted to the proceedings of the Special Libraries Association at its meeting in September, 1911. This meeting was devoted to "public affairs libraries," and the proceedings contain much that is of value upon state and municipal reference libraries.

Mr. James Blaine Walker, assistant secretary of the New York Public Service Commission, First District, has prepared a pamphlet

on *State Regulation of Public Service Corporations in the City of New York* (pp. 59), in which is summarized the work of the New York City commission during the first four years of its existence.

A Training School for Public Service has been established in New York and will be conducted by the Bureau of Municipal Research (261 Broadway). The object of the Training School as indicated by its name, will be primarily that of training men for the study and administration of public business, and the institution will furnish definitely practical training in connection with administrative problems in New York City and elsewhere. No formal instruction will be given, and but a limited number of students will be received. No men will be taken unless they have already had a good training in economics or in some other specialty to which they intend to devote themselves. No tuition will be charged at first, and stipends will be offered sufficient to defray in part the expenses of a small number of men who have already demonstrated their capacity in special fields.

The *University of Illinois Studies in the Social Sciences* is the name of a new series of monographs to be published by the departments of history, economics, political science, and sociology of the University of Illinois. The first number has been issued and is devoted to *The Financial History of Ohio*, by Prof. E. L. Bogart; subsequent numbers will probably be *The Primitive Family*, by Dr. A. J. Todd; *History of Taxation in Illinois*, by R. M. Haig, and *Municipal Revenues in Illinois*, by L. D. Upson. The editorial board consists of E. L. Bogart, J. A. Fairlie, and L. M. Larson.

The October-December number (Vol. 28, No. 4) of the *Revue du droit public et de la science politique* contains in French translation the text of the Portuguese constitution of 1911.

Reference was made in a previous number of this REVIEW to the discontinuance last year of the *Yale Review* as a journal devoted to political, economic and social questions. The Yale Publishing Company of New Haven has now issued an alphabetical index of the nineteen volumes of the *Yale Review*, 1892-1911.

The first number of the *National Municipal Review* appeared in January. This number sets a high standard and indicates that the

Review will fill a need which has long been felt for a journal which should cover adequately the field of municipal government.

The Rhode Island Legislative Reference Bureau has issued a bulletin on *Employers' Liability and Workmen's Compensation* (Providence, 1912, pp. 69), in which is summarized the legislation in all the states. A draft bill is also printed and there is a useful bibliography.

The final report of the Federal Employers' Liability and Workmen's Compensation Commission has been issued. (62d Congress, 2d Session, Senate Doc. 338. Pp. 213). The report contains the text of a proposed federal compensation law, and Mr. Taft's message recommending the passage of the proposed law.

The first number of *The Russian Review* appeared in January, 1912. The new journal is a quarterly and is edited by Bernard Pares, Maurice Baring and Samuel N. Harper. It is devoted to Russian history, politics, economics, and literature, and the first number contains much that is of value upon the present political situation in Russia.

Mr. Henry H. Gilfry, chief clerk of the United States Senate has compiled a volume containing all proceedings in the United States Senate regarding the office of *President of the Senate pro tempore* (62d Congress, 1st session, Senate Doc. 104. Pp. 255).

Compilations of labor laws have recently been issued in several states. The Bureau of Labor Statistics of Illinois has compiled *The Labor Legislation Enacted by the State of Illinois, 1911* (pp. 142). The Massachusetts Bureau of Statistics has issued a *Summary of Labor Legislation in Massachusetts during 1911* (pp. 128). The California Bureau of Labor Statistics has published a compilation of the *Labor Laws of California* (San Francisco, 1911, pp. 120); and the *Compiled Labor Laws of Colorado* (Denver, pp. 97) contains all labor legislation of that state to the end of the 1911 session of the Colorado legislature.

The federal Commission on Economy and Efficiency has made several reports to President Taft, upon the organization and upon labor saving methods, in the federal government. Upon the organization of the government, Mr. Taft in his message of January 17,

1912, refers to a report showing in detail by means of outlines, the departments, commissions, bureaus, and offices, and their respective subdivisions. Upon labor saving methods, reports have been printed dealing with the distribution of government publications, the use of window envelopes, and the use of photographic process for copying. (62d Congress, 2d Session, Senate Doc. 293). By a message of April 4, President Taft transmitted to Congress recommendations of the Commission respecting the consolidation of now independent bureaus, improvements in the auditing service, etc. (House Doc. 670.)

The Wilson Ballot in Maryland Politics, by Vernon S. Bradley (Baltimore, 1911, pp. 45), is an interesting account of trick ballots in Maryland counties. The author reprints numerous ballot forms, many of which show clearly the maner in which ballots have been devised for the purpose of giving control of county elections to the dominant party in the state, in counties in which that party has a minority of the registered voters.

The National Civic Federation has undertaken an investigation of methods of control over public service corporations in the United States, together with a comparison of English and American methods of dealing with this problem. The investigation is in the hands of an executive committee consisting of: Emerson McMillin, Chairman, Franklin Q. Brown, Martin S. Decker, Franklin K. Lane, Blewett Lee, Milo R. Maltbie, P. H. Morrissey, Leo S. Rowe, John H. Gray, Secretary. Prof. John H. Gray of the University of Minnesota will have general charge of the investigation, and is on leave of absence from his university duties during the second half of the current academic year. Special attention will at first be devoted to the control of railways and of local public utilities in Massachusetts, New York, Wisconsin, and Texas.

Hearings were held on January 25 by the Judiciary Committee of the House of Representatives upon three important bills relating to judicial reform: (1) To amend section 237 of the federal judicial code so as to permit appeals from state courts to the United States Supreme Court in cases where a federal right is set up and the decision of the state court is in favor of such federal right; (2) to do away with difficulties now presented by a complete separation of legal and equitable actions in the federal courts, and (3) to establish the rule

that no judgment shall be set aside or reversed unless "it shall appear that the error complained of has injuriously affected the substantial rights of the parties." In connection with the hearings on the first of these bills there is reprinted an article by W. F. Dodd, on *The United States Supreme Court as the Final Interpreter of the Federal Constitution*, which appeared in the *Illinois Law Review* of December, 1911. (*Reforms in Legal Procedure, Hearings*, Washington, 1912, Pp. 65).

Among the more important books announced for Spring publication are: *The Origin of the English Constitution*, by George Burton Adams (Yale University press); *Wisconsin, An Experiment in Democracy*, by Frederic C. Howe (Scribners); *The Initiative, Referendum and Recall*, A Symposium, edited by William Bennett Munro (Appleton); *The Regulation of Municipal Utilities*, A Symposium, edited by Clyde L. King (Appleton); *Our Judicial Oligarchy*, by Gilbert E. Roe (Huebsch); *American-Japanese Relations*, by Kiyoshi Kawakami (Revell); *Diplomatic Activities of the American Navy in the Far East*, by C. O. Paullin (Johns Hopkins Press); *South America*, by James Bryce (Macmillan).

A number of books have appeared recently which are of interest to political scientists: *The Modern Woman's Rights Movement*, by Kaethe Schirmacher (Macmillan, pp. 280); *The Referendum among the English*, by S. R. Honey, (Macmillan, pp. 114); *Annexation, Preferential Trade and Reciprocity*, by C. D. Allin and George M. Jones (Toronto, Musson Book Co., pp. 398); *Constitutional History of England since the Accession of George III*, by Thomas Erskine May, revised and continued to 1911 by Bernard Holland (Longmans, Green and Co. 3 vols); *The Rights of Minorities*, by George Jellinek, translated from the German by A. M. and Thomas Baty, (London, King); *Recent Administration in Virginia*, by F. A. Magruder (Johns Hopkins Studies); *Attitude of American Courts in Labor Cases*, by George G. Groat (Columbia University Studies); *The Wisconsin Idea*, by Charles McCarthy (Macmillan).

Prof. John Bassett Moore has undertaken to prepare for the Carnegie Endowment for International Peace a new edition of his *History and Digest of International Arbitrations*. The work is to be brought down to date, and cast in such form as to enable it to be indefinitely continued

so as to constitute a permanent and continuing source of authority. It is to include all arbitrations ancient as well as modern. In the original work the earlier arbitrations, and also the later arbitrations to which the United States was not in some way a party, were briefly summarized in fine print in the 5th volume. These will now be given in their proper order, their history will be fully narrated, and they will have the prominence to which they are entitled. It is intended to make the new edition final, so that all that will be needed hereafter will be to add new arbitrations as they occur. The work will include formal mediations and the proceedings of domestic commissions established for the adjustment of international claims.

It is planned to continue this work by the publication of new arbitration cases as they are decided. Decisions of the Permanent Hague Court will be included, and will in addition be separately published so as to form an independent series.

The Carnegie Endowment for International Peace will establish at the Hague an international academy for theoretical and scientific instruction in international law and cognate subjects. This academy will not compete with existing institutions, but will have its sessions in August, September and October, and its faculty will be drawn from the leading teachers and authorities of the world at large.

Two French manuals for consuls and diplomatic officers appeared almost simultaneously in 1910. One of these works is R. Monnet's *Manuel diplomatique et consulaire* (3rd ed., Paris, Berger-Levrault, pp. 730). In the form of a dictionary the author has analyzed the information contained in the official instructions for consuls and other laws and relevant decrees of the government. It is intended as a *vade-mecum* for consuls and Frenchmen abroad, and is eminently practical in nature.

The other, by J. Pillaut, *Manuel de droit consulaire* (Paris, Berger-Levrault, pp. 281) is more theoretical in its nature, although its practical purposes have not been overlooked. Besides the legislation and official instructions, the author has drawn upon the treaties and administrative jurisprudence of the French courts. The book is valuable for its delimitations of consular jurisdiction in specific classes of cases, where consular and local authorities often conflict. An interesting introduction by Camille Jordan, an authority on consular

law, is marked by a carefully selected bibliography of works on consular jurisdiction in the different countries.

Documents on the State-Wide Initiative, Referendum and Recall (New York, The Macmillan Co., pp. viii, 394), is a useful collection of source material on these recent political institutions, prepared by Professor Charles A. Beard and Birl E. Shultz of Columbia University. The larger part of the volume consists of the constitutional provisions for the initiative and referendum, adopted or proposed, in twenty-two states. To these are added the provisions in regard to the recall in five states, selections from statutes providing for the initiative, referendum and recall in municipal government in Ohio, Iowa and New Jersey, and half a dozen judicial decisions on these topics. An appendix presents in full a draft of a plan for further changes in the government of Oregon which have been urged by the leaders of the new political methods in that state. In an introductory note, Professor Beard presents a sympathetic analysis of these methods of direct popular government and the results thus far attained.

Quite a different sort of collection is the volume of *Readings on Parties and Elections in the United States*, by Chester Lloyd Jones of the University of Wisconsin. (New York, The Macmillan Co., pp. xv, 354). This consists of a considerable number of selections, mostly from books, speeches, and articles, with a few extracts from original sources, on party organization, elections, the ballot and political reforms. Most of the selections are readily accessible elsewhere; but the collection will be found convenient for college classes.

Problems of Local Government, by G. Montague Harris, Secretary to the County Councils Association of England and Wales, (London, P. S. King and Son, pp. ix, 464), consists of a comparative summary of the papers on local government presented at the first international congress of the administrative sciences, held at Brussels in July, 1910, with the various papers on British institutions published in full. The summary contains brief descriptions of local institutions in several countries for which no accounts have been available in English; and the papers on Great Britain give valuable data on the working of local government in that country. Perhaps the most significant feature of the book is the favorable opinion expressed of

the French system of administrative courts, in contrast to the attitude of Professor Dicey and other English writers.

Students of economics and politics will welcome the contribution of Dr. Chen Huan-Chang on the *Economic Principles of Confucius and His School*. (Columbia University Studies in History, Economics and Public Law, Vol. 44. Pp. 756). The subject is treated in accordance with the present general principles of economics containing an historical introduction, books on general economic principles, on consumption, production, distribution, socialistic policies, and public finance. It is interesting to note (p. 144) that Confucius was in favor of abolishing war and changing the then existing military society into an industrial society; that he believed in (p. 535) the state control of prices for the purpose of destroying monopoly and maintaining a competitive system; that he advocated (p. 558) public ownership of natural monopolies and that under the influence of his teaching, the government actually bought and sold commodities, buying them in days of plenty and selling them in days of scarcity in order to maintain the "level standard" of prices. Students of the present day political, social and economic problems will find that many of the so-called radical policies of today were anticipated in theory and to a certain extent in practice under the influence of the economic teachings of Confucius and his school.

Mr. C. Hanford Henderson has published a book on social problems entitled *Pay Day* (Boston, Houghton Mifflin Company, 1911, pp. 339). Mr. Henderson's main thesis is that the present industrial order is not only indefensible but is absolutely destructive to all of the things most worth while in this life. Profit in Mr. Henderson's eyes is a demon, destroying ideals, beauty, utility and goodness. While Mr. Henderson's book contains many propositions that are undoubtedly sound, it is full of errors, such for example as confounding money with wealth and interest with payments for the use of a medium of exchange. In spite of the errors and inconsistencies, Mr. Henderson is fundamentally sound in one of his demands, viz: for a farther extension of the present educational scheme into the field of economics, politics and sociology.

Miss Ida M. Tarbell's *The Tariff in Our Times* (The Macmillan Co., New York, 1911, pp. 375), is full of interesting anecdotes in regard

to public men, the press, and organizations for the purpose of promoting special tariff schedules. She, however, gives no references and therefore it is difficult to determine upon what evidence she makes her statements. While following the historical order, the book cannot for a moment be considered a systematic presentation of the tariff history of the United States nor a discriminating essay regarding the effects of the tariff upon industrial development.

The Principles of Bond Investments by Lawrence Chamberlain (New York, Henry Holt, 1911, pp. 551) is the first attempt at a comprehensive treatise on the subject of bond investments in the United States. To students of political science, the chapters upon United States bonds, the history of the state debts, the security of state bonds, county bonds, town bonds, and tax district bonds are of especial interest. To these subjects 137 pages are given and they are treated from the historical, legal and economic standpoint. In addition, the book contains chapters on the general subject of investments, corporation bonds and on the mathematics and movement of the bond prices. It is illustrated by nineteen charts.

The Senate Committee on Interstate Commerce, proceeding under Senate resolutions ninety-eight (98) authorizing an investigation in regard to the desirability of changes in the laws regulating and controlling corporations, persons and firms engaged in interstate commerce, has published thirty-two parts of the hearings authorized by the above resolution. The hearings before the committee have been largely given to projects for amendments to the anti-trust act, and with this object in view, a considerable number of interested persons have been heard, both representatives of the corporations and those who are more particularly interested in general industrial progress. In connection with the hearings, a considerable number of proposed bills have been presented and are printed in connection with the hearings.

The discussions of international law situations (Washington, 1911, 132 p.) at the Naval War College in 1911 were concerned with the following topics: Asylum in neutral ports, protection to neutral vessels, destruction of neutral vessels, delivery of contraband at sea, and proportion of contraband. The discussions were as usual conducted by Prof. George Grafton Wilson of Harvard. The notes on

the topics discussed constitute useful commentaries on these important questions. Most of them were the subject of extended discussion at the London Naval Conference of 1908, rules on the matter being incorporated into the declaration of London.

In the February number of this REVIEW reference was made to a revised and abridged French edition of M. Ostrogorski's *Democracy and Political Parties*. This French edition is not merely an abridgment of the volume dealing with the United States (such as was published in English in 1910), but is an abridgement of the whole work, with numerous changes and additions. (*La Democratie et les partis politiques*. Paris, Calmann-Levy. Pp. 728.)

Sir William R. Anson has published a revised reissue of the fourth edition of the first volume of his *Law and Custom of the Constitution* (Oxford, Clarendon Press, 1911), in which he has incorporated the changes made by the Parliament Act of 1911, and has discussed briefly the subject of payment of members of the House of Commons.

Prof. Fritz Fleiner's *Institutionen des deutschen Verwaltungsrechts* (Tübingen, 1911, pp. 350), is the best treatment of German administration from the strictly legal point of view that has appeared for some years. It follows in its method the lines laid down in the excellent work of Otto Meyer. Within brief compass the book gives a careful juristic discussion of the concepts and principles governing the activity of the administrative organs in Germany.

The supplement to volume six of the *Zeitschrift für Völkerrecht und Bundesstaatsrecht* consists of a study by Dr. Erich Albrecht on the subject of the requisition of neutral private property in land and in naval warfare. Emphasis is laid upon the requisition of neutral vessels and railroad property. The author concludes that neutral property in enemy states is subject to the same hazards of war as the property of native inhabitants of the belligerent states, regardless of the domicile of its owners. It is not entitled to preferential treatment. Neutral railroad property is governed by the rules of the Hague Conferences by which such property is to be taken in cases of military necessity only, and then upon payment of compensation. The tendency of international law is to give greater security to neutral property.

The Ohio State Library has issued a *Digest of State Constitutions* (Columbus, 1912, pp. 271) for the use of the Constitutional Convention in that state. The *Digest* was prepared by a committee of the Municipal Association of Cleveland, and the work seems to have been carefully done, although some errors must necessarily occur in a work of this character. A very serious error is that on page 228, where the digesters have failed to call attention to the fact that most of the states require that a constitutional amendment to be adopted receive only a majority of the votes cast upon the question of its adoption or rejection. Ohio has the provision that an amendment in order to be adopted shall receive a majority of all votes cast at a general election, and such a requirement makes the adoption of constitutional amendments much more difficult than if a mere majority of those voting on the question is required.

The Municipal Association of Cleveland has in other respects taken an active part in connection with matters coming before the Ohio Constitutional Convention. It published in December, 1911, a careful report on *The Need of a Short Ballot in Ohio* (pp. 26), and issued in January a very useful report on *Constitutional Home Rule for Ohio Cities* (pp. 34). On January 24 and 25 a conference of Ohio cities was held in Columbus, upon the call of the Municipal Association. Prof. A. R. Hatton, chairman of the committee which prepared the Association's home rule report, later became chairman of a committee representing the cities of Ohio in their effort to obtain constitutional home rule.

Two standard French works on public international law have appeared in new editions within the last two years. Bonfils' well-known *Manuel* (sixth edition, Paris, Rousseau, 1912, pp. 1121), preserves all the meritorious features of former editions of the work, to which are added an extensive commentary on the Declaration of London and an account of the present status of arial law, the additions (as in those of the last three editions) being the work of M. Paul Fauchille, the editor of the *Revue générale de droit international public*. The exhaustive chatacter of the work, its ample bibliographies, and its accounts of international cases have made it one of the standard reference works on international law.

Despagnet's *Cours* (fourth edition by Ch. de Boeck, Paris, Larose & Tenin, 1910, pp. 1430) has become a voluminous work. Since the

lamented death of its learned author in 1906, Prof. de Boeck has undertaken to bring the work down to date, and as a result of his labors the book has increased in size from 900 to 1400 pages. Like Bonfils' treatise, Despagnet's is marked by the completeness of its bibliographic references. Despagnet also indulges in much theoretical discussion. The frequency of extended accounts of historical events and international cases is the cause of the bulk of much of the volume. A notable feature of the work is the amount of space (pp. 451-556) devoted to the legal position of the individual in international law.

The fourth edition of Pasquale Fiore's well-known code of international law (*Le droit international codifié*, French translation by Ch. Antoine, Paris, Pedone, 1911, pp. 893) is practically a new work. The only resemblance to the first edition (1889) is in the codified arrangement of its material. The present (fourth) edition consists of 1962 articles divided into four books, having to some extent the classification of the civil codes of European countries. Books one to three, deal respectively with persons in international law, international obligations, and things in their international relations. Book four deals with the protection afforded by the institutions of international law. Fiore's commentary on some of the sections is an important and useful feature of the book. The current attempts at codification of international law lend added interest to the appearance of this classic work in its new form.

The Minnesota Legislature of 1911, by Lynn Haines, is a pamphlet of 128 pages. (H. W. Wilson Company: Minneapolis.) It is dedicated "to the Progressives of Minnesota" and is written from their point of view. It purports to be an inside view of the activities of the last legislature. The records of the members are set forth on all the important measures together with the comments of the author thereon. The preface names and describes the chief actors, under the following heads: special interests, the reactionary, the professional politician, state departments, "Alumni coaches," and the insurgent. Chapter I is entitled "About the Plunderbund" and contains an itemized list of supplies purchased by the legislature with comments on the lobby and the patronage "parasites"; there are 19 chapters in all; the remaining 18 contain accounts of the legislative struggle over important measures. The author is keen, fearless, and outspoken. He gives the reader an intimate personal view of the legislature as he

saw it. He names his man and then proceeds to handle him in a rough shod fashion, unless he is a good radical. Of course the pamphlet is partisan and highly colored. It does not pretend to be scientific or impartial, but it is nevertheless useful as a detailed account of the legislative activities and of some of the forces which influence legislation.

The constant increase in the frequency of international intercourse has emphasized the growing importance of private international law. The Hague Conferences on private international law in 1893, 1894, 1902, 1905 and 1910 have brought certainty into the rules governing many classes of international relations. Thus the rules governing the international aspects of marriage and divorce, guardianship, procedure, bankruptcy, the execution of judgments, bills of exchange, and other matters have in many formerly doubtful respects become fixed by treaties and international agreements.

The growing importance of private international law has in recent years brought forth new editions of standard works on the subject. French jurists have made the most important contributions, the works of Weiss, Rolin, Lainé, and Pillet having secured a permanent place of the highest rank. On an almost equally high plane, except that they are intended more particularly for students, are the works of Despagnet and Surville, the fifth editions of both of which appeared in 1909 and 1910, respectively. Despagnet's book, after his death in 1906, was edited by Professor de Boeck, who added several hundred pages to its compass (Paris, Larose, 1909, pp. 1250). The work develops methodically the principles of private international law with their application in municipal legislation, treaties, court decisions, and legal criticism, particular reference being made to French experience and practice.

Surville's work, in which he had the coöperation of Professor Arthuys, (Paris, Rousseau, 1910, pp. 807) confines itself to positive law with little attempt to theorize, although the doubtful character of many branches of the subject is well adapted to this form of treatment. As in Despagnet's work, legislation, court decisions, and the treaties are constantly used as the bases of the doctrines advanced. The introduction deals with nationality and the legal position of aliens. Persons and things are then treated of. A long chapter is devoted to legal acts, especially contracts. It is confined closely to the French literature and jurisprudence. Only slight refer-

ence is made to comparative law; thus no notice has been taken of Beale's contributions to this important subject. Family law, things and their relations to persons, literary property, judicial competence, form, judgments, commercial acts, transportation and bills of exchange, bankruptcy, and maritime law—not a very logical sequence—constitute the subject matter of the remainder of the book.

Within the last two years, four of the leading English treatises on international law—Lawrence, Hall, Oppenheim and Westlake—have appeared in new editions. The rapid progress of the science of international law is the moving cause of these accessions to the literature of the subject. The last fifteen years have witnessed many important international events—three wars, the Spanish-American, the Boer and the Russo-Japanese, the two Hague Conferences, the London Naval Conference, the Pan-American Congresses, the Central American Peace Conference, the revised Geneva Convention, to mention only the more prominent among them—all of which by their results have contributed greatly to define and enlarge the scope and content of international law.

The works above mentioned do not all answer the same purpose. Lawrence (London, Macmillan, 1910; fourth edition, pp. 745) has written a text-book for students. The author presents the principles of international law in plain statement following the usual divisions of English books on the subject: the relations of states under the several conditions of peace, war and neutrality. The work is in places colored by the optimistic ethical views of the learned author as to the future of international law and its mission in reducing the frequency and rigor of armed international conflict. Few illustrative cases are cited. While a standard work, it is the most elementary of the books under discussion.

Hall's book (Oxford, Clarendon Press, 1909; sixth edition, pp. 768) is, like that of Lawrence, an encyclopædic work covering the whole field of international law. It does not resemble it, however, in being merely a presentation of principles. Hall has been accorded a leading place among international publicists by reason of the legal acumen of his discussions of doubtful or controverted doctrines of international law. By the originality of his views and his clear reasoning, his work has for years been considered a standard modern treatise on the subject. The fact that his opinions on public questions to which Great Britain has been a party, are at times influenced by a

British national consciousness, does not seriously detract from the value of the work. The task of bringing the book down to date from Hall's death in 1894, has been entrusted to J. B. Atlay.

When Oppenheim's treatise first made its appearance in 1905, it was accorded a rank almost equally as high as that occupied by Hall's work. An examination of the second edition (London, Longmans, Green, 1912; volume I, pp. 647) confirms the favorable opinion then expressed. While intended as a text-book for students, it is far more comprehensive and advanced than the book by Lawrence. On the other hand, the critical discussion of knotty problems prevalent in Hall's treatise is dispensed with, the author confining himself to a presentation of principles clearly discussed and illustrated by actual cases. A noteworthy feature of the work is the emphasis laid on the sections dealing with the responsibility of the state for the injuries suffered by foreigners under the manifold circumstances in which these may be occasioned. With the increasing presence of nationals abroad and the investment of capital in foreign countries, the relations between governments and domiciled or transient aliens are giving rise to the majority of international controversies. And yet, the lawyer seeks in vain among most of the general treatises for aid in the solution of these practical problems. Well-selected bibliographies placed at the head of each chapter in Oppenheim's book remind one of Bonfils' popular treatise, and constitute a useful feature of the work.

Westlake's book (Cambridge, University Press, 1910; volume I, second edition, pp. 372) while the smallest of the four under discussion is perhaps the richest in content. Westlake, the dean among international lawyers, has not undertaken a complete survey of the whole field of international law, but has devoted his attention to the more important topics only. The second edition differs from the first merely in the addition of notes to the various chapters; the body of the work could hardly be improved upon. Whatever doubts there may be as to whether international law is law in the strict sense, it is certain that the reader of Westlake's treatise will be convinced that the problems of the subject demand the keenest legal reasoning for their solution. While the long sentences at times make difficult reading, every page is illumined by the fine thinking of the learned author, and the book is justly credited by most lawyers and investigators as the best treatise in English on international law.¹

¹ Contributed by Edwin M. Borohard.

Monsieur Émile Bouvier is the author of an excellent little book entitled *Les Régies Municipales* (Octave Doin et Fils, Paris 1910, pp. 443) which treats the subject of municipal ownership in France, England, Italy, Germany, the United States and Switzerland. He traces the causes and progress of municipalization in these several countries, its present status, the financial results, the law and jurisprudence governing municipal ownership, and the limits of municipalization. His study is scholarly and scientific in character though not comprehensive in scope. He shows that the French municipalities have lagged behind the other countries mainly on account of the attitude taken by the Council of State in regard to the powers of the French communes with respect to municipal exploitation, this body having uniformly held that they have no general power to engage in industrial enterprises except the water supply and a few other services not of a fiscal character. Monsieur Bouvier criticises severely this jurisprudence of the Council of State and argues that a liberal and reasonable interpretation of the law would give them the power which many of them wish to exercise. He even accuses the Council of State of inconsistency and cites numerous decisions in support of his position. The book contains a valuable bibliography of the literature of municipal ownership in English, French, German and Italian, which will be of much use to students of the subject.

Proportional Representation, by John H. Humphreys (London, Methuen, pp. xx, 400), is a careful and well written study of various systems of representation, including a critical discussion of the results of majority and plurality elections under both single member and general ticket plans, of the older methods of minority representation, such as the limited vote and the cumulative vote, and of the second ballot system in continental Europe, followed by an account of various systems of proportional representation in different countries. The defects of the existing system in Great Britain are shown to be: (1) often a gross exaggeration of the strength of the victorious party; (2) sometimes a complete disfranchisement of the minority; and, (3) at other times a failure of a majority of citizens to obtain their due share of representation. These results lead to false impressions of public opinion, unstable legislation and the undue exaltation of party machinery. The "swing of the pendulum" in the sudden changes in party majorities in the House of Commons goes far beyond the actual change in the popular vote.

The earlier methods of minority representation are shown to have accomplished the results intended, but to furnish an inadequate basis for a true system of representation. Of the various systems of proportional representation, Mr. Humphreys urges that they all secure better results than under the majority vote. He points out that the single transferable vote, which has been generally preferred in English speaking countries, leaves the individual voter more free from the dictation of party managers than the list systems of Continental Europe.

A strong case is made out against the majority or plurality vote as a satisfactory basis for representing the various lines of public opinion. But the numerous systems of proportional representation show the difficulty of devising a satisfactory method; and the author fails to show clearly how the system of cabinet government can be readily adjusted to a representative house made up of a number of party groups. The book has been primarily written with reference to the electoral reform measure expected before the end of the present British Parliament; but should have a wider influence, especially in the United States, where the problem is no less important.

Unemployment, though primarily and fundamentally a problem in economics, becomes a matter of interest to students of political science as soon as serious propositions are put forward looking to the active intervention of the government in providing measures of relief. Though attracting comparatively little attention at this time in the United States, the problem of unemployment has now for years constituted one of the leading social questions with which foreign governments are compelled to deal. As the result of this interest a large amount of exceedingly valuable material, in the form of reports of governmental inquiries and private studies, has been published in recent years. One of the latent and most comprehensive studies in this field is the work of Mr. I. G. Gibbon, entitled *Unemployment Insurance, a Study of Schemes of Assisted Insurance*. (London. P. S. King & Son, 1911. pp. xxii, 354). In making this study, the author has apparently had two purposes in view: to give a description and critical account of all efforts made in Europe for the relief of unemployment through the establishment of insurance and quasi-insurance schemes; and to determine, in the light of this experience what should be the policy of the British Government in respect to this matter. The result is a work which admirably supplements the studies of W.

H. Beveridge and D. F. Schloss, on *Unemployment and Insurance against Unemployment* respectively, which appeared in 1909. The most important conclusions of the author are that compulsory insurance against unemployment or the compulsory requirement of contributions by employers to an insurance scheme are inadvisable, that every possible encouragement should be given to the organization by the workmen themselves, through their trade unions and otherwise, of unemployment insurance systems, that one form of such encouragement should be the subsidizing of systems of this character by the government, and that the government should create a state institution to which workmen, not in a position to make use of private institutions, can, if they desire to do so, resort for insurance against their inability to find employment. The work contains an excellent bibliography of the subject.

International Arbitration and Procedure, by Robert C. Morris (New Haven: Yale University Press, 1911. Pp. 238). This brief treatise to which a note of commendation by President Taft is prefixed contains a historical review of the more important arbitrations of ancient, mediæval and modern times, bringing the record down to the decision announced last year by The Hague Court in the Savarkar case. The grounds of international disputes, the attitude of The Hague conferences toward arbitration, and the work of the permanent court at the Hague are discussed. The movement for general arbitration treaties and the customary exception of questions involving independence, national honor, and vital interests are also noted and President Taft's position with regard to the proposed treaties with England and France is vigorously upheld.

The author has attempted to present a large subject within, perhaps, somewhat too narrow limits, and, for a general treatise, too large a proportion of the space is devoted to passing conditions. On account, however, of his experience as lecturer on International Arbitration in the Yale Law School and as counsel in the Venezuelan Arbitration, Mr. Morris is qualified to present the subject in an authoritative manner. The admirable lucidity of the style causes the reader to wish that the treatment had been more extensive. Slight reference to practice or procedure is made in the text, but in an appendix are collected the rules of procedure of the Venezuelan Commission and of The Hague Court.

The *Proceedings of the Second National Conference of the American Society for the Judicial Settlement of International Disputes* has been

published by the secretary of the Society, Mr. Theodore Marburg, (Baltimore, 216 pp.) and contains the papers read at the annual meeting of the Society held in Cincinnati last November. In pursuance of the aim of the Society to emphasize at each meeting the most prominent current phase of the peace movement, the discussions at the first meeting were primarily concerned with the proposition to create a court of arbitral justice, while at the second meeting it was natural that the proposed general arbitration treaties with England and France, at that time pending in the senate, should have bulked largest in the discussions and addresses. The attitude of the administration toward the treaties is well presented in addresses by President Taft and Secretary Knox. The subsequent action of the senate perhaps renders some of the matters discussed of only passing interest, but other more general matters also received attention, such as the possibilities of the permanent Court of Arbitration at The Hague, and the means of educating public opinion in favor of peace.

(Book notes have been contributed to this department of the REVIEW by Mr. E. M. Borchard, Profs. J. W. Garner, M. H. Robinson, J. A. Fairlie, J. M. Mathews, and others.)

THE WISCONSIN STATE BOARD OF PUBLIC AFFAIRS.

The State Board of Public Affairs, authorized by the legislature of Wisconsin at the session of 1911, is composed of the governor, secretary of State, chairmen of the finance committees of the Senate and Assembly, and three other persons appointed by the governor. The administration of the affairs of the Board is in the hands of Dr. B. M. Rastall, director, until recently the assistant director of the Milwaukee Bureau of Economy and Efficiency, and of Mr. Robert A. Campbell, secretary, formerly in charge of the Legislative Reference Library of California.

Under the auspices of the Board an investigation into the school system of the State is now being conducted, emphasizing especially the condition and needs of the rural schools. Mr. S. G. Lindholm, of the New York Bureau of Municipal Research, is supervising this survey, assisted by Dr. Horace L. Brittain and Mr. A. N. Farmer, also of the Bureau of Municipal Research. The investigation covers all phases of the subject—equipment, supply and efficiency of instructors, the school as a social factor, consolidation of school districts, school history of pupils, inspection, hygiene and sanitation. Nor does the survey end with the school itself. A thorough study