

## NEWS AND NOTES

### PERSONAL AND BIBLIOGRAPHICAL

EDITED BY CHARLES G. FENWICK

*Bryn Mawr College*

Dr. Clarence E. Ayres has been appointed instructor in social science in Amherst College. He will give part of his time to assisting Prof. Raymond G. Gettell in the department of political science.

Prof. J. M. Mathews has been obliged by the press of other duties to resign his editorial charge of the department of News and Notes of the REVIEW. Prof. Charles G. Fenwick, of Bryn Mawr College, has been appointed to fill his place, and also succeeds Professor Mathews upon the board of editors of the REVIEW.

Raleigh C. Minor, professor of international law at the University of Virginia, is lecturing this summer in the summer law school of the University of California. Professor Minor expects to publish this fall a volume on World Federation.

Prof. Herman G. James, of the University of Texas, is to give two courses, "American City Government" and "European City Government" at the University of California during the summer session. Prof. Victor J. West, of Leland Stanford University, is to give two further courses, "Introduction to Political Science" and "Political Parties" during the same session.

Prof. Edward Elliott, formerly dean of the college and professor of political science at Princeton, has accepted engagements at the University of California as lecturer in political science and jurisprudence. He will give a course in "International Law" throughout the year; undergraduate courses, "Introduction to Political Theory" and "American Political Institutions;" and a graduate course, "Theories of the State."

Mr. A. C. Hanford, of the University of Illinois, has been appointed assistant in political science at Harvard University.

Mr. R. E. Cushman, of Columbia University, has been appointed instructor in political science at the University of Illinois.

Prof. O. C. Hormell, of Bowdoin College, will give courses in the summer school in the University of Illinois this year.

Prof. William E. Hotchkiss, of Northwestern University, has been appointed acting professor of political science at Leland Stanford Junior University for the year 1915-1916.

Prof. A. T. Prescott, head of the department of political science at Louisiana State University, will conduct the classes in political science at the approaching summer session. Dr. M. L. Bonham, Jr., associate professor of history and political science, will give the courses in history.

Dr. Walter L. Fleming, head of the department of history at Louisiana State University, will give courses at the George Peabody Teachers' College during the approaching summer session.

At Louisiana State University an innovation is being tried in the courses in political science. Each year a course is offered in comparative government, known as "Political Science 12." For the session of 1915-16 it will be known as 12a, and will deal with governments of the leading countries of continental Europe. In the session of 1916-17 it will be known as 12b and will consist of a study of "the political systems of the principal Latin-American countries, the leading Oriental nations and the most important self-governing colonies." 12a will be based on a text, but as none is available for 12b, the students will be expected to do more collateral reading.

Associate Professor J. S. Young, of the department of political science of the University of Minnesota, has been raised to the rank of professor.

Dr. Quincy Wright, of the University of Illinois, has been appointed Harrison fellow in political science at the University of Pennsylvania.

Dr. Lindsay Rogers, of Johns Hopkins, has been appointed adjunct professor of political science at the University of Virginia.

N. E. Oglesby, of Dublin Institute, Virginia, has been appointed assistant in political science at the University of Virginia for the session of 1915-16.

T. R. Snavelly has been awarded the Phelps-Stokes fellowship in the department of economics and political science at the University of Virginia.

Plans have been completed at the University of Virginia for beginning a new school in government, public law and business. The courses will be offered next session. Prof. Thomas W. Page, head of the department of economics, will have charge of the new department and will personally give some of the courses.

D. Hiden Ramsey, who was assistant part of this session in the school of economics and political science at the University of Virginia, has been elected commissioner of public safety under the recently inaugurated commission government at Asheville, N. C.

The University of Virginia summer school is offering this session for the first time courses in international relations, as well as courses in the history and government of South America.

William M. Hunley, adjunct professor of political science at the University of Virginia, has accepted appointment to the chair of political science and economics at the Virginia Military Institute.

The annual meeting of the American Bar Association will be held this year on August 17-19 at Salt Lake City, Utah.

The Ninth Annual Conference of the National Tax Association will be held at San Francisco, August 10-14, 1915. Much importance attaches to this conference this year in view of the widespread and increasing interest shown in the subject of national, state, and local taxation. A feature of interest will be the report of the committee on the federal income tax of which Prof. E. R. A. Seligman is chairman. The cooperation of the treasury department is expected in the discussion of this report which will aim to suggest points where amendment may be

made to secure better administrative results and remove objectionable features.

Another important report will be that of the committee on increase of public expenditures of which Dr. T. S. Adams of the Wisconsin tax commission is chairman. A concise, carefully devised plan for checking waste and introducing economies in fiscal affairs will be discussed. Unusual efforts will be made to secure a full and complete discussion of the various practical problems which confront the state taxing officials. Judge Oscar Leser of the Maryland tax commission will have charge of this session which will be participated in by officials from many States. Naturally the interesting and important experiments and developments in taxation in California and the far western States will be featured for the benefit of the visitors from the east. Numerous special topics of interest will be discussed, including classification of taxable subjects, efficiency in the collection of taxes, taxation of car companies, tax limit laws, valuations of corporations by public service commissions. The report of a committee on situs of intangible property will present the latest thought on that important subject. The usual review of legislation in the various States by M. M. Flannery of the federal trade bureau will be of particular interest in view of the large number of legislative sessions held this year. A study of the meaning of recent action on constitutional amendments will be an instructive feature. The conference will extend over five days with sessions so arranged that time will be given for visiting the exposition. The annual meeting of the American Economic Association will take place during the same week and a joint session has been arranged with that association for the discussion of the federal income tax. The conference is composed of members of the association and official delegates appointed by the executives of the various States and the Canadian provinces, presidents of universities and associations of chartered accountants. Prof. E. R. A. Seligman of Columbia University is president of the association; S. T. Howe, chairman of the Kansas Tax Commission, vice-president, and T. S. Adams of the Wisconsin Tax Commission, secretary.

Under Democratic auspices, the Connecticut legislature of 1913 enacted a thorough-going civil service law applicable to state positions and placed its administration in the hands of a commission of three members. Governor Baldwin appointed as members of this commission two Democrats and one Progressive. The Republican legislature of 1915 has amended the law so as to enlarge the commission to five,

avowedly in order to have the Republican party represented thereon. Other amendments have, in the opinion of civil service reformers, seriously weakened the law by virtually leaving it optional with elective officers and other officials having appointing power whether they will bring their subordinates into the classified competitive service or place them in the exempt class. The governor is also given power to "exempt from any of the provisions of the civil service law any department, board, or commission, or employee or group of employees in the classified service . . . ." The provision in the original act relating to removals in the classified service has been one of the principal points of attack, since all removals had to receive the approval of the civil service commission. This requirement has now been stricken out, and henceforth appointing officials have the right of removal, but must file reasons for each removal and furnish the person with a copy thereof; but no examination of witnesses, trial or hearing is to be required.<sup>1</sup>

The trustees of the Cincinnati Bureau of Municipal Research have elected Mr. H. F. Morse, director, to succeed Mr. Rufus E. Miles, who is now in charge of the Ohio Institute of Public Efficiency at Columbus. Mr. Morse was previously employed by the city in making a survey of the city sewer system. Mr. C. B. Galbreath, former librarian of the Ohio State Library, has been reelected to this position in the place of John H. Newman. Mr. Galbreath is also in charge at the present time of the Legislative Reference Bureau.

The Ohio Municipal League held its annual meeting in Columbus, February 11-12. The following officers were elected: E. G. Martin, president; Stewart L. Tatum, first vice-president; Thomas L. Coughlin, second vice-president; Henry M. Waite, third vice-president; S. Gale Lowrie, fourth vice-president; F. W. Coker, secretary-treasurer.

The league's meetings were given over chiefly to the subject of municipal taxation, and at the same time a tax conference was called representing the various cities and the civic organizations of the state. Committees were appointed to endeavor to secure legislation which would provide greater revenue for municipalities and propose a constitutional change which would exempt municipal bonds from taxation and provide a limited form of home rule in taxation.

*The Proceedings of the Tax Conference and Fourth Annual Meeting of the Ohio Municipal League*, have now been published (Columbus,

<sup>1</sup> Contributed by P. O. Ray.

1915, pp. 76). Among the papers are "Home Rule in Taxation," by Newton D. Baker, and "Constitutional Restraints upon the Taxing Power," by Lawson Purdy. The secretary of the league is Prof. F. W. Coker, of Ohio State University.

On the 27th of May the second annual conference of the League of Oregon Municipalities was held at the University of Oregon. The subjects of the addresses included "Charter Making," "Excess Condemnation," and "City Planning." On the two following days the seventh annual Commonwealth Conference was held, also under the auspices of the university. Among the subjects discussed were "Coöperation between Nation and State in the Control of Natural Resources," "Credit Organization," "County Administration," and "Good Roads Legislation."

Judge James E. Gorman, head of the juvenile branch of the Municipal Court of Philadelphia, has appointed (March, 1915) four expert women to act as assistant judges. They will have charge of all hearings and examinations of delinquent girls below the age of sixteen years, and will submit a transcript of the testimony in each case brought before them to Judge Gorman who will make the final decision in all cases. This is probably the first instance in the Eastern states of the appointment of women to act as assistant judges in the treatment of juvenile delinquents.

From the *First Annual Report of the Municipal Court of Philadelphia*, for the year 1914, it appears that in the nine months during which the court has been in actual operation 39,397 cases were "brought to final disposition." The division having exclusive jurisdiction in domestic relations cases, heard and disposed of 15,300 cases, and "collected on orders made by the court \$345,490.94 "which has been paid to the wives within twenty-four hours after its receipt." Directly or indirectly through this division, 878 "reconciliations" were brought about. In the civil division, 4582 cases were "finally disposed of," the great majority within thirty days from the "date of issue joined between the parties." The juvenile division heard and disposed of 14,374 cases, all of them on the day when brought into court. All hearings in this division are private, and "no record of delinquency is permitted to pass out of the possession of the juvenile court." A highly commended requirement is that one judge shall preside in this division continuously for at least one year. The criminal division disposed of 2141 cases.

The report calls attention to the fact that out of a total of 3599 civil and criminal cases tried, only 38 appeals have been taken to the Superior Court. Detailed statistical tables, the act of 1913 creating the municipal court, and the rules of the court, form a part of this report.<sup>2</sup>

The eighth *Annual Report of the Civil Service Commission of Philadelphia* covers the year 1913. The percentage of persons passing examinations in the competitive class was 41.2 as compared with 63.3 in 1912, the decrease being due to a raising of standards. There were 283 "provisional appointments" as compared with 605 in 1912, a reduction of 53.2 per cent. which was accomplished by holding "sufficient examinations to provide adequate eligible lists." A separate bureau of labor, conducted by an examiner in charge of labor, was established through which "great developments have been made." Political favoritism in this branch of the service has been eliminated and competitive physical examinations for common laborers instituted. Several positions of "high administrative character," carrying salaries ranging from \$4300 to \$6000, were satisfactorily filled by the merit system. The most striking achievement of the commission was that of "manning the new department of city transit expeditiously" with 140 high class engineers, draftsmen, etc., in the brief period between June 12 and July 1. No appointments were made in the non-competitive class, and the 1706 exemptions were confined wholly to positions of low grade and uncertain tenure in hospitals and the department of wharves, docks and ferries. A new rule was adopted opening to public inspection the examination papers of all applicants, with the marks of the examiners thereon. The Philadelphia commission is "the only one which has taken this advanced step. The results in disarming the criticisms of disappointed applicants have been very gratifying."<sup>3</sup>

The committee on crime of the city council of Chicago, of which Alderman Charles E. Merriam is chairman, has published a valuable report of 196 pages. The committee was appointed in 1914 for the purpose of investigating the frequency of crimes in Chicago and the official disposition of the cases, and also the causes of the prevalence of such crimes and the best practical methods of preventing them. The summary of the findings of the committee is little short of alarming:

<sup>2</sup> Contributed by P. Orman Ray, Trinity College, Connecticut.

<sup>3</sup> Contributed by P. Orman Ray, Trinity College, Connecticut.

the amount of crime in Chicago is shown to be rapidly increasing; the machinery of the law catches petty and occasional criminals, but fails signally to suppress the professional criminal; there are a large number of "hang-outs" which are the meeting places of professional criminals; the value of property stolen and disposed of through the burglars' trust reaches millions of dollars; and on the other hand the police organization and methods are wholly inadequate to cope with the situation. A summary of recommendations follows the summary of findings. The body of the report consists of statistics relating to crime in Chicago, by Edith Abbott of the Chicago School of Civics and Philanthropy; a study of the underlying causes and practical methods for preventing crime, by Robert H. Gault, professor of psychology at Northwestern University and editor of the *Journal of Criminal Law and Criminology*, in which the author shows the relation between the mental and physical condition of criminals and their crimes; finally the report closes with a description and analysis of criminal conditions prepared by Fletcher Dobyns, associate counsel to Morgan L. Davies, the attorney for the commission. Mr. Dobyns summarizes his investigation with the statement that "professional crime is better organized for defense against the law than society is for the apprehension and conviction of the professional criminal. The police department as a body is exonerated from any discredit which the statistics of crime might seem to reflect upon it, but the investigation found that certain members of the police force were "hand in glove with criminals." The report must prove of great service in the attempt to improve the criminal situation in Chicago, and the field of political science would be greatly enriched if similar reports could be compiled in all of our large cities.

*Human Nature and Railroads*, by Mr. Ivy Ledbetter Lee (Philadelphia, E. S. Nash and Company, 1915, pp. 129), is an attempt to bring the railroads and the general public into greater sympathy with each other. The author was formerly Executive Assistant of the Pennsylvania Railroad, and the chapters of the book consist of lectures delivered on various occasions. "The great problem," he says, "is to establish the point of contact, to make the railroad manager, the employe, and the public in their mutual relations understand one another's point of view." The book is a frank recognition of the necessity on the part of the railroads of meeting the hostile criticism which has been directed against them in recent years and of proving that such criticism and the hostile legislation accompanying it is hampering the efficiency of the

railroads and blocking their efforts to improve the transportation system of the country. While not denying that certain railroads have in the past been guilty of dishonest practices, the author contends that at the present day the railroad system in the United States is fundamentally honest and well conducted, and he pleads for a fairer attitude on the part of the public.

*The Road Toward Peace*, by Charles W. Eliot (Boston, Houghton Mifflin Company, 1915, pp. xv, 217), is offered as "a contribution to the study of the causes of the European war and of the means of preventing wars in the future." Within recent years Dr. Eliot had taken a prominent part in the work of organized pacifism in the United States, and the present volume is made up in part of addresses delivered in that connection supplemented by letters to the *New York Times* written since the beginning of the war, together with two further addresses and a chapter presenting the correspondence between the author and Mr. Jacob H. Schiff in the fall of 1914. In his early address the author ranged himself with the advanced pacifists holding that a reduction of armaments was impossible until an international court should be set up with a police force behind it. In his public utterances since the outbreak of the war the author has expressed himself as strongly against the bureaucratic government of Germany and the militaristic and aggressive spirit which dominates it. He is not, however, of the opinion that the causes of the war are to be found in the events immediately preceding its outbreak. Rather he finds those causes in the maintenance of monarchical governments supported by national religions, in the maintenance of conscript armies with the inevitable accompaniment of a military caste, in the bureaucratic control of foreign affairs and in the habitual use of force to acquire new territories. National militarism, he holds, should be controlled by an international force under the direction of a European league or council.

It is to be hoped that friendly comments on American life and institutions by foreigners of learning and culture will always be welcome among us. To help us see our national life in its true perspective is the benefit to be obtained from Frederick C. de Lumichrast's *Americans and the Britons* (New York, D. Appleton and Company, pp. xiv, 369; price \$1.75 net). The contrast in America between free institutions and the domination of political bosses, between freedom of speech and lack of frank speech, between the absence of formal class distinctions

and the actual aristocracy of wealth on the one hand and culture on the other, between the dreariness of the poorer sections of our large cities and the luxury displayed in our wealthy suburbs, all these contrasts must strike the foreign visitor as they cannot strike those who have grown up under their influence. Prof. de Lumichrast discusses in different chapters "Individualism," in which he makes some pointed remarks upon the tendency in democracies for the individual to stress his own importance and his rights without recognizing his duties and responsibilities towards the State; "Democracy and Militarism," in which he comments on the anti-militaristic spirit of the American people not from "any lack of courage or capacity to fight hard and well, but simply because fighting for fighting's sake does not appeal to the sound sense of the nation;" "Government," in which we are told that "what is wanting in the United States is a more vigorous public spirit," that "it is precisely that eternal vigilance [which is the price of liberty] which is lacking in the Americans;" "Law," in which the author with great frankness tells us that "lawlessness, in the sense of violation, neglect, contempt or evasion of the law is universal in the country;" "Foreign Relations," in which he offers an explanation of the anti-British feeling which he finds still prevalent in the country. In other chapters the author discusses various phases of American social life, Patriotism, Marriage, Woman, Education, The Press, etc. If at times he seems to exaggerate evils, as, for instance, in the sweeping statements that "each man does as he pleases, being a law unto himself," "ordinances, regulations, . . . are not intended to be taken seriously," at the same time he recognizes that there is a "strong growth of sound public opinion" in favor of a vindication of the law, and that the education of the people, which is the hope of the country, is steadily progressing; and he gives credit to the constructive spirit which is manifest in the effort to purify national life and to train the multitudinous foreign components of the country in the ways of good government.

*America and Her Problems* by Paul H. B. d'Estournelles de Constant (New York, The Macmillan Company, 1915, pp. xxii, 545) is a volume of impressions of America by one who is best known among us for his work in the cause of international peace. It is a book which will make the average American impatient. The descriptions of the country are sketchy and are interspersed with comments of places and people which are often lacking in insight, and which impress the native as being snap

judgments and obvious criticism. But these faults, though serious to the casual reader, are largely compensated for by the spirit of idealism which pervades the book. The first edition appeared in French in 1913, and the present edition is a translation with amendments. It is, as the author says, "an act of faith in American and in human idealism," and its object is to make the United States "realize the incalculable service they could render to civilization, as well as to themselves, by remaining faithful to their peace policy." The author's solution for the Mexican situation is a collective intervention of the Powers—a step which he asserts would not be in contradiction to the Monroe doctrine, and which the Mexican people would not regard "as a danger or an offense, but as a mark of friendliness." His judgment upon the Japanese question, in the acute form it had reached in 1913, is that there is no rational possibility of the United States attacking Japan or of Japan attacking the United States, the latter impossibility being due to the fact that, even should the jingo spirit prevail in Japan, an attack upon the United States would threaten England in a way which would ipso facto break the Anglo-Japanese alliance and range the British Empire, as well as France, Russia, Holland, and Germany, against Japan. The author's view of militarism in the United States is that the danger for this country lies in trying to outstrip other countries in naval power, with the consequent danger of creating a spirit of aggression and a reliance upon might. On the whole, however, he is optimistic, and it may serve to stimulate our efforts for reform in government and for a high-minded foreign policy to know that other countries are looking to us to initiate a new era from which their inherited traditions of suspicion and jealousy and consequent militarism have debarred them.

*The Progressive Movement*, by Benjamin Parke DeWitt (New York, The Macmillan Company, pp. 376, price \$1.50), is the first of a new series of the *Citizens Library of Economics, Politics and Sociology*, edited by Richard T. Ely. It is offered as a "non-partisan, comprehensive discussion of current tendencies in American politics," and it is the purpose of the author to make clear the distinction between the Progressive party and the larger progressive movement for political reform pervading all parties. The progressive movement the author finds to be made up of three tendencies: first, the insistence by the best men in all parties that corrupt influence in government must be removed; second, the demand that the machinery of government be so changed as to make it easier for the people to control it; and third, the conviction that the

functions of government must be extended to relieve social and economic distress. The author then proceeds to show the meaning of the progressive movement by a sketch of the political history of the country, and next takes up the recent manifestations of that movement in the Democratic, Republican, Progressive, Socialist, and Prohibition parties. These chapters will be found very valuable as material for courses on the history of political parties since the Civil War. In subsequent chapters the author discusses the progressive movement in national, state, and municipal politics, and here will be found much helpful material for courses on present political problems. The author is frankly sympathetic in his treatment of the subject, and while some persons will be disposed to dispute with him whether all steps of the movement are truly progressive, i.e., advances in the desirable direction, and others will contest the expediency of this or that practical measure, e.g., certain applications of the initiative, referendum and recall, still no one will contest that the various phases of the movement have been clearly and impartially set forth and that the author has contributed in a material way towards the study, both scientific and popular, of so-called "reform legislation." The work will be read with all the greater interest as a companion volume to the recent contribution on *Progressive Democracy* by Herbert Croly. Mr. Croly expresses ideals; Mr. DeWitt deals with the practical steps towards the ideal.

*Equitania*; or, *The Land of Equity*, by W. O. Henry, a surgeon of Omaha, Nebraska (privately printed), is a discussion of problems of the day—social, moral, political, and religious. The author creates a fictitious land where distinct groups of persons, Buddhists, Christians, Mohammedans, and Jews, have arrived in search of a new country and there agree to work out their destinies together. With this Utopian setting the author draws up an ideal constitution for the realm, in which social and moral precepts figure side by side with legal provisions. The inconsistency of discussing the problems of a community of a hundred million and of suggesting how they might be remedied in a community of four thousand, is overlooked, although the problem of the unemployed could not possibly be the same in the two countries. Without specifically advocating Socialism the author calls upon the government of the State to provide for each individual the necessities of life by furnishing him with "suitable employment." The booklet, while containing many judicious comments on current questions, does not come within the class of contributions to political science.

*The Diplomatic Protection of Citizens Abroad; or, the Law of International Claims*, by Dr. Edwin M. Borchard, law librarian of Congress and lately assistant solicitor of the department of state, is announced by the Banks Law Publishing Company. It is a volume of 950 pages, large octavo, and is priced at \$8. This is a work dealing with a subject that lies partly in the field of international private law, in so far as it involves claims brought by individual citizens, and partly in the field of international public law. The work is divided into four parts: Part I which deals with the rights of citizens and of aliens and with the international responsibility of the state; Part II which deals with the exercise of diplomatic protection; Part III which treats of the object of protection—the person and property of citizens; and Part IV which defines the limitations on diplomatic protection. Apart from the timeliness of the publication of this work students of international law will welcome a new volume from the pen of one whose contributions are always marked by scholarship of the first order.

In *The Orthocratic State*, which has for a sub-title, "The Unchanging Principles of Civics and Government," by John Sherwin Crosby (New York, Sturgis and Walton Company, 1915, pp. 166), we have a contribution to the theory of political science in which the author seeks to determine, in answer to the Anarchists, by what right, if any, the compulsory state is maintained, "by what right any majority can compel an unwilling and otherwise unoffending minority to unite with them in organizing and maintaining the State." After disposing of the several classical theories of the State the author proceeds to draw a distinction between society and the State, the former being "that natural, uncontrived association into which mankind are unconsciously brought and in which they are ever held by immutable conditions of a common existence upon the earth," and the latter, the State, being "an artificial, organized association formed by the power and according to the will of man." Citizenship of the State does not release men from the obligations of society, that "preëxistent, indissoluble association of mankind." The "natural rights of man" are, in consequence, not "mere metaphysical conceptions" but "actual, necessary physical conditions of normal human existence." What is this but an echo of Aristotle and the schoolmen whom the author summarily dismissed in his first pages. Subsequently, however, in explaining "a natural right" the author asks us to conceive of "a man alone upon the earth" and the coming of other

men, and here we have echoes of Hobbes and Rousseau, also previously condemned.

The basis of the State is collective self-defense on the part of the individuals composing the State. Upon this basis the author establishes the four functions of government—the Peace-preserving function, the Right-preserving function, the Public-serving function, and the Self-preserving function which has for its object the maintenance of the authority of the State. The difficulty of supporting all of these functions, especially the Public-serving function, upon the primary right of self-defense, the practical thesis that there are no “quasi-public functions” which may be farmed out to private persons or companies, the theory that “land values are social” and belong to the people collectively, the denial to the State of a right to create corporations “for any purpose whatever,” the condemnation of tariff and excise taxes in principle—are all weaknesses in the superstructure of a State whose foundation stones are illogically fitted together. But if the author’s point of approach is not scientific and if his deductions are not always justifiable, if, it is suspected, he has a theory of land taxation to advocate, his volume is nevertheless original and stimulating and will be read with interest by the student even though he may not agree with its conclusions.

Professor Münsterberg has written another work on the war—*The Peace and America* (New York: Appleton, 1915, pp. 276). The argument is obviously directed to Americans of pro-Ally sympathies, but it is a striking fact that a volume prepared by a psychologist should, like his volume entitled *The War and America*, be of a character almost sure to have an effect opposite to that which is intended and desired. The work abounds with unsupported assertions which therefore insult the intelligence of the reader. Professor Münsterberg is still unable to see that Americans do not care for his opinion as to the personal qualities of the Kaiser, nor are they impressed by the fact, which is stated with care, that the author enjoys his personal acquaintance. No reference is made to the statement that has been made that for years the author has been a salaried agent in America of the German government. The author states his belief that in 1914 no “really binding” treaty between Germany and Belgium existed—but aside from this the validity of the argument from necessity as justifying the invasion of that hapless country is frankly asserted. In closing Professor Münsterberg asserts that

because of America's attitude and actions in the war, the country has become foreign land to German-Americans. These five million voters have been thus far powerless "because their political energies have never been concentrated in common action." And he adds: "If the German element, backed by a united organization, should become a serious factor in the practical political life of the nation, if those who preach hatred against Germany were defeated in elections whenever possible, if a hundred or more Democrats and Republicans of German descent were carried into the House, a repetition of that unspeakable moral misery of the twenty million German-Americans would become impossible." What can one say of a suggestion such as this?

*America to Japan*, edited by Lindsay Russell (New York, G. P. Putnam's Sons, pp. 318, price \$1.25), is "a symposium of papers by representative citizens of the United States on the relations between Japan and America and on the common interests of the two countries." It is a companion volume to *Japan to America* edited by Naoichi Matsuoka and published in March, 1914. The list of papers is a long one and includes the names of a score or more of men who have filled high places in American public life. The purpose of the volume must explain the brief and unscientific character of the articles it contains. Many of them are no more than expressions of good will towards Japan, others stress this or that element in the relations of the two countries, chiefly the question of Japanese immigration and the rights of the Japanese aliens in the Pacific States, while but few have any intrinsic value. "The Pacific Coast Peril," by Francis B. Loomis, former assistant secretary of state, contains many shrewd remarks and sets a standard which, if attained in other papers, would have made the volume one of permanent value. Mr. Loomis claims that under the present "gentlemen's agreement" with Japan the number of Japanese in California remains practically stationary, and that if it were not for the propaganda of hate carried on by interested parties, the whole question would disappear. To this end he advocates giving the Japanese now in America the ballot and citizenship, in order to make the politicians curry favor with them instead of harrying them. Apart, however, from the merit of the individual papers, it can hardly be doubted that the volume, if translated into Japanese, would help greatly to remove misunderstanding in that country of the policy of the United States towards it, and would enable its people to distinguish between the shal-

low comments of jingo newspapers and the mature judgment of representative Americans.

*Germany Since 1740*, by George Madison Priest, professor of Germanic languages and literature in Princeton University (Boston, Ginn and Company, pp. 199, price \$1.25), is a convenient summary of the principal facts in modern German history "intended primarily to offer a background of German history to students of modern German literature," but also of considerable value to the general public as presenting the historical basis for a better understanding of German foreign policy of recent years. Successive chapters deal with political and social conditions in Germany in the early decades of the eighteenth century, with the reign of Frederick the Great, with the decline and degradation of Germany during the years from 1786-1808, and with the regeneration of Germany and the progressive steps in the development of constitutional liberty and national unity. The text is accompanied by maps, together with a chronological table of important events and a selected bibliography. While not a contribution to historical literature the volume will serve as an introduction to modern German history and will help to disentangle for the lay reader the complexities of German state and national life.

Few persons are as competent as Dr. E. D. Durand to give an intelligent opinion upon the policy of the law in regard to trusts, and his recent volume *The Trust Problem* (Cambridge, Harvard University Press, 1915, pp. 144), is therefore most welcome. The policy of *laissez faire* he considers suicidal. The problem, then, becomes one of regulation or prohibition. The difficulties of a policy which permits the free formation of trusts, but seeks to regulate them, are shown to be exceedingly great. "The policy of permitting trusts to exist might result in the extension of trusts over almost the entire field of industry. It might also result in practically complete monopolization by each trust of its particular field. The determination of costs and profits over the multifarious field of industry would require immensely elaborate investigations and would involve extraordinarily difficult questions of judgment. Proper adjustment to the ever varying conditions of demand would be almost impossible. A vast governmental machinery for fixing prices and profits would have to be superimposed upon the machinery of private business. Governmental ownership on a vast scale or even

complete socialism might readily be the outcome of this policy." On the other hand, Dr. Durand considers it feasible to prevent by law the more formal types of combinations and of contracts in restraint of trade. It will be difficult to prevent the less formal understandings which restrict competition, but these are not generally very effective in maintaining monopoly. Whatever the policy adopted, Dr. Durand sees in the taxing power a further source of effective control.

*Population: A Study in Malthusianism*, by Warren S. Thompson, instructor in sociology in the University of Michigan, appears as No. 3 of volume 63 of the Columbia University *Studies in History, Economics and Public Law*. The author first explains the meaning of Malthusianism as expressed in the sixth edition of the *Essay on the Principle of Population* rather than in the pessimistic form of the first edition. This is followed by a statement of the views on population held by some of the recent writers on Economics. Subsequent chapters deal with wages and prices, in which the author attempts to show the relations of wages and prices within the last two decades, crops and other food supplies, the movement of population from 1860-1910 and its growth in relation to food supply, and finally the outlook in the light of the law of diminishing returns. The essay is of especial interest in view of the conclusions which the author reaches, namely, that Malthus was essentially correct in his statement of the law of population and that even in the United States the population cannot continue to increase at its present rate without being more and more subjected to the actual want of food, unless an increasing, instead of a decreasing, proportion of the population becomes rural, in which case our present standard of living must be simplified.

*Nationalization of Railways in Japan*, by Toshiharu Watarai, formerly assistant councillor in the imperial board of railways of Japan, appears as number 2 of volume 63 of the Columbia University *Studies in History, Economics and Public Law*. After a preliminary survey of the development of the economic life of modern Japan the author presents a valuable sketch of the historical development of the railroads of Japan down to their nationalization in 1906. This is followed by an explanation of the reasons for nationalization and the basis on which it was carried out. Subsequent chapters deal with state finances and the nationalization of railroads and with the policy of Japan in regard to freight and passenger rates. While the peculiar economic and social

conditions of Japan make it impossible to draw any positive inferences with respect to the advantages of the nationalization of railways in the United States, the book cannot but throw light on the discussion of that question. The author's conclusion is that "the nationalization of the Japanese railroads has not had the favorable effect generally expected, either upon the national finances or upon the industrial development of the country," and he offers proposals for reform in the granting of charters to private railroads side by side with state railroads, and in the acceptance of provincial loans for the building and betterment of the state railways.

*Growth of American State Constitutions from 1776 to the end of the Year 1914*, by J. Q. Dealey (Boston, Ginn and Company, 1915, pp. 308), is a valuable addition to our means of studying the comparatively neglected organic laws of the various States. The present work is not merely a new edition of the monograph by the author which was published as a supplement to the *Annals of the American Academy of Political and Social Science* for March, 1907, but is considerably amplified and largely rewritten. Part I is devoted to the "History of State Constitutions;" Part II describes the "Provisions of Existing State Constitutions," while Part III outlines the "Trend in State Constitutions." The appearance of the work at the present time is especially welcome in view of the rather widespread movement towards the revision of state constitutions.

*Government for the People*, by T. H. Reed (New York, B. W. Huebsch 1915, pp. 265), is a comprehensive treatment of certain problems of American government, national, state, and local. The book was originally proposed as a series of extension lectures on contemporary political problems. The different chapters, therefore, have a somewhat disconnected and slightly miscellaneous character. They contain little that is new, but are written in a popular, fluent style which should appeal to the general reader and give him a clear view of our government from many angles. Among the most interesting chapters are those on "The Long Ballot as a Cause of Corruption" and "The Disorganization of State Administration."

The American Bar Association has begun the issue of a quarterly entitled *The American Bar Association Journal*, the first number being dated January, 1915. The pages of the *Journal* will be devoted to announcements and transactions of the association, including those of

affiliated bodies which have been organized under its auspices, such as the Association of American Law Schools, the American Institute of Criminal Law and Criminology, and the Conference of Commissioners on Uniform State Laws. The *Journal* is to be sent without charge to all members of the association. To others the annual subscription is three dollars. The place of publication is the Munsey Building, Baltimore, Md.

A second edition of Beale and Wyman's *Railroad Rate Regulation* has appeared from the press of Baker, Voorhis and Company.

In view of the relations between the United States and Mexico, a timely monograph is that issued under the title *The Doctrine of Intervention*, by H. G. Hodges (Princeton, N. J., The Banner Press, 1915, pp. 288). The author defines intervention as "an interference by a State or States in the external affairs of another State without its consent, or in its internal affairs with or without its consent." He goes into some detail in describing conditions which preceded various historical interventions or proposed interventions. The narrative is brought down to the present situation between the United States and Mexico and some account is also given of the various interventions in the present European war. The author is strongly of the opinion that "interventions, otherwise justifiable, should be undertaken by several States acting in concert." In the appendix are printed the neutrality proclamation of President Wilson in the European war, the correspondence between Secretary Bryan and Chairman Stone of the Senate Committee on foreign relations on the neutrality of the United States, and a select bibliography of the subject.

*State Documents for Libraries*, by E. J. Reece (University of Illinois Bulletin, Vol. XII, No. 36, 1915, pp. 163), is a convenient and useful handbook not only for libraries but also for anyone who has occasion to make use of the material to be found scattered through the official publications, reports and documents of the various state officers, bureaus, boards, and commissions. It contains, for example, a list of compilations of state statutes and a list of state blue books. One chapter is devoted to an explanation of the methods of distribution of state documents found in various States. It shows graphically the loose and ill-organized methods in vogue and the need for centralized distribution.

*War Obviated by an International Police* (The Hague, Martinus Nijhoff, 1915, pp. 223) is a series of essays written in various countries dealing with this proposition of the pacifists to prevent war. It might be argued that this method would mean the undertaking of war to prevent war, but this would probably be a superficial criticism. The proposition deserves more careful consideration, in which the publication of this volume will assist. Among those whose contributions to the consideration of this question are included in the book are C. van Vollenhoven, S. von Houten, Theodore Roosevelt, Nicholas Murray Butler, A. H. Fried, Leon Bourgeois, Walther Schücking, T. J. Lawrence, Norman Angell, and Sir Edward Grey.

Political scientists as well as historians will welcome the new *Riverside History of the United States*, published by Houghton, Mifflin and Company in four volumes. Volume I, by Prof. Carl L. Becker, is entitled "Beginnings of the American People;" volume II, by Prof. Allen Johnson, is entitled "Union and Democracy;" volume III, by Prof. William E. Dodd, is entitled "Expansion and Conflict;" and volume IV, by Prof. Frederic L. Paxson, is entitled the "New Nation." The editor of the series is Professor Dodd.

*The British North American League* is the title of a brief monograph by Prof. Cephas D. Allin of the University of Minnesota. It is published by the Ontario Historical Association and is an introductory study of one phase of the history of the Conservative party in Canada. Among the research publications of the University of Minnesota now in press is a monograph by Dr. M. N. Orfield on *Federal Land Grants to the States, with special reference to Minnesota*.

*Operation of the Initiative, Referendum, and Recall in Oregon* is the title of a volume by James D. Barnett, professor of political science at the University of Oregon. It will be published by The Macmillan Company during the course of the summer.

A feature of the literary history of the European war has been the semi-official reports from time to time made by an "Eye-Witness," present with the British general headquarters, of the movements and operations of the British army and of the French armies in immediate touch with it. These vivid narratives, as made public by the English press bureau, and covering the period from September, 1914 to the

end of March, 1915, are now published in a single volume by Longmans, Green and Company. (New York, 1915, pp. 303). This volume will undoubtedly be one of permanent value.

The ninth volume of the publications of the American Sociological Society (University of Chicago Press, 1915, pp. 202) is of especial interest to the political scientist. The papers and discussions which it contains are devoted to the general subject of "Freedom of Communication," the sub-titles being "Reasonable Restrictions upon Freedom of Assembly," the principal paper being presented by Hon. Arthur Woods, police commissioner of New York City; "Reasonable Restrictions upon Freedom of Speech," the principal paper being by Mr. James Bronson Reynolds, counsel for the American Social Hygiene Association; "Freedom of the Press in the United States," discussed in a most able paper by Prof. Henry Schofield of the Northwestern University; and "Freedom of Teaching in the United States," the principal papers being by Prof. U. G. Weatherly of Indiana University, and President Henry Pritchett of the Carnegie Foundation for the Advancement of Teaching.

A rather remarkable title page is that of Mr. John Edward Oster, "*The Political and Economic Doctrines of John Marshall*, who for thirty-four years was chief justice of the United States. And also [*sic*] his letters, speeches, and hitherto unpublished and uncollected writings." (New York, Neale Publishing Company, 1914). In point of fact, very few pages of the volume are from Mr. Oster's own pen. The vast bulk of it consists of speeches and letters of Marshall, which are furnished without comment, save as to the source from which they were drawn by the editor. Though the majority, about one hundred and fifty in number, of the letters have been previously published and none of them is particularly illuminative of the great chief justice's mental processes, yet it will be serviceable to have them together between two covers. Unfortunately they are arranged in a very haphazard fashion. The index, on the other hand, is fairly good.

The Johns Hopkins press has issued under the title of *The Diplomacy of the War of 1812* a volume of lectures given in 1914 at the Johns Hopkins University by Frank A. Updyke, professor of political science at Dartmouth College.

*Some Observations on the Economic Interpretation of Early Roman History*, by C. W. Macfarlane, has just appeared from the press of the J. B. Lippincott Company, of Philadelphia. It is a paper-bound book of sixty-two pages, which purports to show the importance of adequate training in philosophy and economics to every student of the larger historical problems. In reality it is an attack upon Prof. Tenney Frank's late volume on *Roman Imperialism*. It would seem that many of the criticisms of Professor Frank's book are scarcely justified.

The Newberry Library, Chicago, has issued as Bulletin No. 4, a "List of Documentary Material Relating to State Constitutional Conventions, 1776-1912," compiled by Augustus H. Shearer, Ph.D., of the library staff. The items number altogether 615. A limited number of copies for the use of scholars interested is available upon request.

*The Collectivist State in the Making*, by Emil Davies (London, G. Bell and Sons, 1914, pp. 267), is a handbook describing the activities of the modern city and State in social reform by an ardent advocate of state socialism. Although Mr. Davies has collected in convenient form a number of interesting facts concerning social and industrial legislation, his treatment is somewhat scrappy considering the importance of the subject.

*The Diplomacy of the War of 1914, The Beginnings of the War*, by Ellery C. Stowell, assistant professor of international law at Columbia University, is announced as forthcoming. The subject is introduced by a narrative of recent European history and this is followed by ten chapters which analyze and rearrange the official papers and present them as an original chronological narrative. A series of questions and answers is designed to present the material in a form for ready reference, while the volume concludes with a carefully selected list of original documents. The work is to be followed by two other volumes, one on the diplomacy during the war and one on the negotiations attending the close of the war.

An official *Cumulative Index to State Legislation*, containing a complete record and a numerical and subject index of all bills introduced in all state legislatures, is being published by the Law Reporting Company, New York. It is compiled and published for the coöperating libraries and legislative reference departments, under the direction of the joint

committee on national information service of the National Association of State Libraries, American Association of Law Libraries, and Special Library Associations.

*The Revue Internationale de Sociologie* for May, 1915, contains a translation of the article by Prof. J. Salwyn Schapiro, entitled "The War of the European Cultures," which appeared in the April *Forum*.

#### DECISIONS OF STATE COURTS ON POINTS OF PUBLIC LAW

*Constitutions—Amendment.* State vs. Marcus. (Wisconsin, April 15, 1915. 152 N.W. 419.) Where an existing constitution prescribes a method for its own amendment, an amendment thereto to be valid, must be adopted with strict conformity to that method. Where the entries in the journals of the houses of the legislature are defective in such a manner as not to show the exact proposition that was submitted to and passed by the legislature, there is a fatal omission to comply with the constitutional requirements, and it is of no avail that the people by their votes subsequently approve the proposed change. Where no other method is provided for by the constitution a determination of whether an amendment to the constitution has been validly proposed is within the powers of the courts.

*Delegation of Legislative Power.* People vs. C. Klinck Packing Co. (New York, February 5, 1915. 108 N.E. 278.) An amendment to the one day's rest in seven law which exempted from the operation of the law employees in certain occupations "if the commissioner of labor in his discretion approves" was held to be an unconstitutional general delegation of legislative power. "The legislature cannot secure relief from its duties and responsibilities by a general delegation of legislative power to someone else." Under its terms the commissioner of labor has the power without check or guidance to veto the entire provision or to say whether it shall take effect in any, all or no cases. It was held, however, that this particular provision was not so intimately connected with remainder of the law as to render the entire law unconstitutional.

*Delegation of Legislative Power.* State vs. Briggs. (Utah, March 19, 1915. 146 P. 261.) The local option statute does not delegate legislative powers to municipalities. The voters are merely given the option of choosing sale or no sale, and when either is chosen the law determines the method of control.