

NEWS AND NOTES

PERSONAL AND BIBLIOGRAPHICAL

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The annual meeting of the American Political Science Association will be held December 30 to January 2 next at Washington, D. C. The American Association for Labor Legislation also will hold its annual meeting at Washington on December 30 to 31. The program of the Political Science Association as provisionally arranged is as follows: Tuesday, December 30, eight p.m., joint session with the American Association for Labor Legislation, when the presidential addresses will be delivered, for the American Political Science Association by Prof. W. W. Willoughby of the Johns Hopkins University, and for the American Association for Labor Legislation by Prof. W. F. Willoughby of Princeton University. Wednesday, December 31, morning session, the papers will be in the general field of political theory and jurisprudence. In the afternoon, a round table conference upon methods of instruction in American government will be held under the leadership of Prof. C. G. Haines of Whitman College. The evening session will be devoted to a group of papers upon congressional and legislative procedure. Thursday, January 1, at ten a.m., there will be a session upon the work of legislative and municipal bureaus. The subject for consideration at the evening session will be international law and diplomacy. The morning session of January 2 will be devoted to colonial administration. In the afternoon, at the closing session, reports of the standing committees will be made, followed by the annual business meeting of the association.

The annual meeting of the American Historical Association will be held at Charleston and Columbia, S. C., December 29 to 31. It will thus be possible for those who attend these meetings to be present also at the later sessions of the Political Science Association at Washington, D. C.

¹ In the preparation of these notes assistance was received from Prof. W. F. Dodd and Mr. H. E. Yntema.

Dr. Edwin M. Borchard has resigned his position as librarian of the law library of the Supreme Court of the United States, and has accepted an appointment from the secretary of state as assistant solicitor for the department of state. He will, however, continue to serve the law library as special adviser in comparative law and will supervise the preparation and publication of the Guides to the laws of France and Spain.

Dr. O. C. Hormell, of Bowdoin College, has been promoted from assistant professor of history to professor of history and government.

Mr. John A. Brindley has been made head of the department of economics and political science at Iowa State College.

Mr. Charles F. Abbott has been appointed assistant professor of political science at Middlebury College.

Prof. Josef Redlich of the University of Vienna will visit this country this fall upon the invitation of the Carnegie Foundation for the Advancement of Teaching to visit a number of the law schools and report to them upon some problems of American legal teaching. He will also deliver at the Johns Hopkins University the James Schouler Lectures. The subjects of these lectures will relate to questions of Austro-Hungarian constitutional law and politics. Professor Redlich, as a member of a commission for the promotion of administrative reform in Austria, has recently published a valuable report dealing with the development and present condition of the administration of finances in Austria (*Bericht über die Entwicklung und den gegenwärtigen Stand der österreichischen Finanzverwaltung*. Wien: Hof u. Staatsdruckerei. 1913. Pp. 209).

Prof. Henry Wade Rogers, dean of the Yale University Law School, has been appointed to a federal judgeship.

Prof. Amos S. Hershey of the University of Indiana is absent for a year upon leave, during which time he will make a tour of the world as one of the Kahn Fellows.

Prof. Henry C. Adams of the University of Michigan has sailed for China via the Manchurian railway to be absent at least a year. He will reside at Peking and act as expert adviser to the minister of communications in the establishment of an accounting system for the Chinese railways.

Carl Ludwig von Bar, professor of jurisprudence at Göttingen and privy counsellor, died August 21 while en route to Oxford to attend the meeting of the Institut de Droit International, of which he was a member. Professor von Bar was the author of many important works both in public and private international law, and was a member of the Hague permanent court of international arbitration. He was in his seventy-eighth year.

The death is announced of Prof. T. M. C. Asser, the distinguished Dutch publicist and writer upon international law. Professor Asser was born in 1838 and was for many years a professor of law at Amsterdam, as well as counsellor to the department of foreign affairs of the Netherlands. He was one of the founders of the Institut de Droit International and a member of the Hague permanent court of international arbitration. In 1911 he received the Nobel peace prize jointly with Alfred Fried of Vienna.

Dr. C. O. Gardner, formerly of the Philadelphia bureau of municipal research has accepted a position in the department of political science at the University of Cincinnati.

Dr. Blaine F. Moore, formerly of George Washington University, has been appointed to the faculty of the University of Wisconsin.

The lectures on the Barbour Page Foundation at the University of Virginia are to be given this year by President Arthur T. Hadley, of Yale University.

Prof. Paul Shorey of the University of Chicago, Roosevelt Professor for the coming year at Berlin, will lecture there upon the subject of culture and democracy in America.

Émile Ollivier, one of the last prime ministers under Emperor Napoleon III, died August 20, aged eighty-eight. He was the author of the monumental work in sixteen volumes entitled *L'Empire Libéral* (1895-1913). His writings upon the fall of the empire continued to appear in the *Révue des Deux Mondes* until his death. A volume by M. Ollivier, entitled *The Franco-Prussian War and Its Hidden Causes*, translated by Mr. George Burhan Ives, has recently appeared (Boston: Little, Brown and Company).

Mr. Norman Angell, author of *The Great Illusion* will deliver a series of addresses in the United States during the coming winter and spring under the auspices of the American Association for International Conciliation. He has in press (London—Heinemann) a volume, entitled *The Foundation of International Polity*.

President Arthur T. Hadley of Yale University has been elected to the directorate of the New York, New Haven, and Hartford Railway.

Prof. Chas. A. Tuttle of Wabash College has been called to the chair of economics and social science at Wesleyan University, Middletown, Conn.

Prof. C. H. Van Tyne of the University of Michigan, who is upon leave of absence for the present year, will deliver a series of lectures before the provincial French universities upon the early state constitutions and the continuity of political parties in the United States.

Prof. William D. Guthrie of the Columbia University Law School will deliver a course of lectures upon American constitutional law during the present autumn at the University of Paris.

The Law School of the University of Virginia has begun the publication of the *Virginia Law Review*. It will be conducted by the students of the school, and will contain articles on various phases of law as well as a department devoted to comment on recent cases and court decisions.

At a meeting of the Canadian Political Science Association held in September in Ottawa a permanent organization was effected and the following officers elected for the ensuing year: President, Adam Shortt, Ottawa; first vice-president, Prof. James Mavor, Toronto; second vice-president, Hon. Sydney Fisher, Ottawa; third vice-president, Herbert B. Ames, M.P., Montreal; secretary-treasurer, Prof. O. D. Skelton, of Kingston; executive committee, elected for two years, Dr. Jas. Bonar, of Ottawa; C. Hill-Tout, of Vancouver; Walter C. Murray, of Saskatoon; G. Y. Chown, of Kingston; Hector MacInnes, K.C., of Halifax, and elected for one year, A. H. F. Lefroy, K.C., Toronto; Prof. S. B. Leacock, Montreal; Prof. G. I. H. Lloyd, Toronto; Prof. Montpetit, of Montreal, and John A. Cooper, of Toronto.

The annual meeting of the American Bar Association, held at Montreal during the first week of September, was distinguished by the presence of Lord Haldane, lord chancellor of England, who delivered an address entitled "Highest Nationality, a Study in Law and Ethics." The presidential address of Mr. F. B. Kellogg dealt with the treaty-making power.

The Institut de Droit International held its annual meeting at Oxford during the first week in August. Its work was largely devoted to the consideration of the draft manual of the laws of maritime warfare. It is expected that the one hundred and twenty articles upon the subject, which were adopted by the Institut, will be submitted to the signatories of the Hague convention prior to the next Hague conference. The manual is comparable in importance to the code of laws for land warfare projected by the Institut in 1880. The new manual recommends the prohibition of the transformation of vessels into ships of war on the high seas in time of war, but it does not go so far as to advocate the complete immunity of all private property at sea from capture. An alternative manual is to be prepared by the Institut, based upon this idea, which has so many advocates in Great Britain and in the United States. Dr. Heinrich Harburger, justice of the court of appeals and professor of international law at Munich, was elected president for the year 1914, and Munich was selected as the place of meeting.

Prof. Raleigh C. Minor of the University of Virginia Law School has recently published a volume entitled, *Notes on Government and States' Rights*, a treatise on the general theories of government, and intended chiefly as an introduction to the study of constitutional law and political science.

By a decree on neutrality in maritime warfare, promulgated October 18, 1912, the government of France has attempted to define exactly the limits of French territorial waters in time of war. A recommendation made by the Institut de Droit International (Paris regulations of 1894) is adopted, extending the limit of her neutral territorial waters to eleven kilometers or about six miles, measured from low water mark.

Martinus Nijhoff of the Hague has just published the first part of an international year book (*Grotius: International Jaarboek*), which will be found particularly valuable in that it contains all of the sentences of

the Hague court of arbitration from 1902 to the present year. Two editions of the year book have been prepared, one containing the text of the arbitration judgments in French and the other in English.

The twelfth meeting of the International Criminalist Association was held August 28 to 29 at Copenhagen.

The second volume of the new edition of *Cases and Opinions on International Law* by Pitt Cobbett (London: Stevens and Haines, 1913) has recently appeared, the first volume (Part I, Peace) of the new edition having been issued in 1909. The second volume covers the topics of war and neutrality.

The sixth Pugsley prize of one hundred dollars offered through the Lake Mohonk conference on international arbitration to the undergraduate students of any college or university in the United States for the best essay on "International Arbitration" is announced. The contest closes March 15, 1914, and the award will be made at the May meeting of the conference. Further information regarding the competition will be supplied by the secretary of the conference. The conference also announces a first prize of two hundred dollars and a second prize of one hundred, donated by Mrs. Elmer Black, for the best essays on "International Peace" prepared by women students of any college or university in the United States.

It is announced that the New York State Library will resume the publication of the *Review of Legislation and the Index of Legislation*. The *Indexes* for the years 1911 and 1912 it is hoped will be published this fall. At present it is not intended to continue the publication of the *Digests of Governors' Messages*. The publication of the *Digest* and the *Indexes* for the years 1909 and 1910 will be made as soon as the library can obtain the necessary help.

Mr. Hermann H. B. Meyer of the library of congress has prepared two valuable bibliographies, one a selected list of references on commission government for cities, the other a list of references on federal control of corporations (Library of Congress, 1913).

The publication is announced of the *Memoirs of Lord Lyons* in two volumes by Lord Newton (London: Edwin Arnold). This contains

hitherto unpublished information upon Anglo-American relations during the civil war, during which period Lord Lyons represented Great Britain at Washington.

The Yale University Press announces the forthcoming publication of *Some Questions of Modern Government* by former president William H. Taft, and the *Monroe Doctrine, an Obsolete Shibboleth* by Prof. Hiram Bingham.

In his *Capture at Sea* (London: Methuen and Company, 1913) Lord Loreburn ranges himself with the advocates of the doctrine of immunity of private property at sea from capture during war.

Mr. Norman Bentwich has published (London: Sweet and Maxwell) a volume of cases in international law, entitled *Students' Leading Cases and Statutes on International Law, arranged and edited with notes*. The work has an introduction by Professor Oppenheim.

In connection with the opening of the Carnegie peace palace at the Hague, the University of Leyden conferred honorary degrees upon Senator Elihu Root, Prof. Louis Renault of Paris, Alfred Fried of Vienna, and posthumously on the late Dr. T. M. C. Asser.

The third number of Prof. Fritz Stier-Somlo's *Handbuch des Völkerrechts* is devoted to the subject of international administrative law.

The Carnegie Endowment for International Peace has recently printed a report by its secretary, Dr. James Brown Scott, upon the teaching of international law in the educational institutions of the United States, in which it is recommended that the endowment call a conference of the teachers of international law to consider the present possibilities and steps for the future development of that study.

The important bibliographical work upon Machiavelli by Dr. Adolph Gerber, *Niccolò Machiavelli, Die Handschriften Ausgaben und Übersetzungen seiner Werke im 16 und 17 Jahrhundert*, the first part of which has been noticed in this REVIEW (VI, 602), has been completed by the publication of the second and third parts, which consist of editions and translations of Machiavelli's works to the year 1700. The completed work is the most thoroughgoing contribution to the bibliography of

Machiavelli which has ever been made (Gotha: F. A. Perthes, 1912-1913. Pp. 112, 132).

In the volume entitled *The Lawyer in Literature* (Boston: The Boston Book Company. 1913. Pp. 249) Mr. John Marshall Gest has dealt entertainingly with the law and lawyers of Dickens, Scott, and Balzac. There are also chapters dealing with the writings of Coke, the influence of biblical texts upon English law, and the historical method of the study of law as illustrated by the development of the doctrine governing the master's liability for the tort of his servant. An introduction is furnished by Prof. John H. Wigmore.

Prof. Vladimir G. Simkhovitch of Columbia University has published a valuable critique of socialism under the title *Marxism versus Socialism* (New York: Henry Holt and Company. 1913. Pp. 298) in which he shows how far away from Marx's doctrines present day socialistic theories have departed. Among the many recent works on socialism there are few, if any, which give a clearer insight into Marx's doctrines or a better analysis of modern theories as contrasted with them.

The Macmillan Company has added to its low-priced Standard Library, Franklin Pierce's *The Tariff and the Trusts*, and E. T. Devine's *Misery and Its Causes*.

Among the autumn announcements of the Oxford University Press are: *Essays in Legal History*, edited by Professor Vinogradoff; *The King's Council in the Middle Ages*, by J. F. Baldwin; and *The Rise and Fall of the High Commission*, by R. G. Usher.

Die Meistbegünstigungsklausel in den internationalen Handelsverträgen by Ernst Freiherr von Teubern (Breslau: J. W. Kerr's Verlag. 1913. Pp. 75) is published as a Beiheft to volume vii of the *Zeitschrift für Völkerrecht und Bundesstaatsrecht*.

Two recent issues of the Columbia University studies in history economics and public law are: *A Political History of the State of New York, 1865-1869*, by H. A. Stebbins; and *Indian Slavery in Colonial Times within the Present Limits of the United States*, by A. W. Lauber.

The annual meeting of the American Society of International Law, held in Washington last April, was devoted to the reading and discussion

of papers dealing with various aspects of the Panama Canal tolls question. These papers have now appeared in the seventh volume of the *Proceedings* of the society (Washington: B. S. Adams. 1913. Pp. 355).

The sixteenth of the Kingdom Papers prepared and issued by Mr. John S. Ewart, K.C., of Ottawa, is entitled *The Canning Policy, Sometimes Called the Monroe Doctrine*.

Equity for July, 1913, contains an article by C. G. Hoge entitled "Effective Voting," which gives a detailed explanation of preferential voting and porportional representation schemes.

The *Papers and Proceedings of the Royal Society of Tasmania* for 1913 contain two valuable contributions by Mr. E. L. Piesse; the one being a "Bibliography of Porportional Representation in Tasmania," and the other the concluding part of a paper published in the *Proceedings* of the Society for 1912 dealing with the "The Theory of the Quota in Porportional Representation."

Prof. P. O. Ray of Pennsylvania State College is the author of a work entitled *An Introduction to Political Parties and Practical Politics* (New York: Scribner's Sons. 1913) designed to serve as a text for college classes in politics. The work deals with present day national parties, nominating methods, campaigns and elections—national, state and local—the spoils system, practical politics in legislatures, remedies for legislative evils, and in general with the problems arising out of the modern methods of party organization and operation. A pedagogical apparatus consisting of questions for study and review, and bibliographies, is provided. The volume is a welcome addition to works dealing with practical politics in this country.

The sixth annual meeting of the Minnesota Academy of Social Sciences held last December was devoted to the reading and discussion of papers dealing with the state regulation of prices and wages. These papers and discussions have now been published—*Papers and Proceedings of the Minnesota Academy of Social Sciences* (Minneapolis: Free Press Printing Company. 1913. Pp. 246)—and include a number of addresses of especial value to political scientists. Among these may be mentioned: "Advantages of a State Public Utilities Commission," by B. H. Meyer; "The Advisability of a State Public Utilities Commission for Minne-

sota," by Stiles P. Jones; "The Wisconsin Industrial Commission," by P. J. Watrous. As an appendix is published the essay entitled "Corrupt Practices Legislation" which was awarded the first prize in the N. W. Harris political science prize contest of 1912. The essay was prepared in the Political Science Seminary of the University of Minnesota.

The July, 1913, issue of the *Proceedings of the Academy of Political Science of New York* is entitled *The Caged Man*, and contains a summary of existing legislation in the United States on the treatment of prisoners, prepared by E. Stagg Whitin.

The Bicameral Principle in the New York Legislature, by David Leigh Colvin (New York: 1913. Pp. 191) is the title of a Columbia University doctor's dissertation which contains the results of a careful study of the working relations between the two houses of the New York legislature, during the session of 1910, with particular reference to the value of the bicameral principle. By way of introduction Mr. Colvin discusses the growing scepticism in regard to the value of the double chamber system in our state governments, and calls attention to what he considers a tendency in the direction of the unicameral principle. Then follows a chapter in which he reviews the theories concerning the bicameral system as they have been set forth by the great publicists and political writers. From this he passes from a historical sketch of the bicameral system in New York, a discussion of intercameral relations, the executive and judiciary as checks on bad legislation, and the action of the political parties both in and out of the legislature.

After an examination of the various arguments in favor of the bicameral system in the light of the results of its position in New York he reaches several conclusions, the general tenor of which is that the system does not, by any means, justify everything that is claimed for it. Thus, he says, "after reviewing the work of the legislature and considering the bills which the second chamber checked, it can scarcely be claimed that the second chamber is an effective check on hasty, ill-considered and careless legislation. The bills defeated partake little more of this character than many of the bills passed. The quantity checked was not important, but the quality of the sanction did not show great discrimination. More undesirable bills passed than were killed, and the executive was impelled to kill more bills than both second houses combined."

The last, the twelfth, edition of W. E. Griffis's standard work on Japan, *The Mikado's Empire* (New York: Harper and Brothers, 1913. 2 vols. Pp. 751), contains eight supplementary chapters which bring the history of the country to the beginning of the year 1912. As is well known, the work gives not only a succinct history of Japan since 660 B.C., but an appreciative account of the life of the Japanese people based upon the personal experiences and observations of the author. As a general treatise, these two volumes are of great value, but they throw no special light upon the working of the parliamentary régime in Japan, nor do the international relations of the country receive more than incidental discussion.

The Canadian Annual Review of Public Affairs for 1912 (Toronto: The Annual Review Publishing Company, 1913. Pp. 700, 90) maintains the high standard of the earlier volumes. The first three chapters deal at length with the naval question, imperial relations, and dominion public affairs. Then follow chapters dealing separately with the public affairs of the several provinces. There are also shorter chapters dealing generally with interprovincial and municipal affairs, transportation, finance, industry, Canadian development and resources, literature and journalism, and foreign relations. An appendix of some ninety pages contains important addresses of the year, and historical data regarding Canadian interests and institutions. An excellent index is provided. To one who wishes to keep informed regarding political, social and industrial progress in the great dominion north of us, the volume is indispensable, and challenges comparison with the year books of other countries. The editor and compiler is J. Castell Hopkins.

In *The Old Law and the New Order* (Boston: Houghton, Mifflin, 1913. Pp. 296) Mr. George W. Alger has collected a number of previously published papers. The papers here republished deal primarily with defects in the administration of justice and the adjustment of constitutional principles to new conditions. Those dealing with the State as employer, and the law and industrial inequality, are of particular interest to students of constitutional law. The author's literary ability makes the more solid discussions of his book interesting and clear, and this is especially important in a work directed primarily to a popular audience, as this seems to be.

Mr. Frederic R. Coudert has brought together a number of papers, all but two of which have been previously published, in a volume entitled *Certainty and Justice* (New York: Appleton, 1913. Pp. vii, 320). The title was given to the volume by the first paper and does not indicate the scope of the collection. Four of the papers deal with subjects in the field of constitutional law, and the collection as a whole brings together in convenient form the author's scattered contributions to legal literature.

Prof. Roscoe Pound's *Readings on the History and System of the Common Law* (2d ed., Boston Book Company, 1913. Pp. xix, 625) should prove of value as a text book for courses in the elementary principles of English law. No persons would agree as to just what should be included in a volume of this character, but Professor Pound has shown good judgment both in the selection and the arrangement of the materials. Two criticisms suggest themselves, however. The historical selections included in the volume are in large part from antiquated sources, and might better have been replaced by later and more accurate accounts. The chapter on "Sources and Forms of Law" gives too little attention to legislation and to the relation between legislation and judicial decisions.

In his doctor's dissertation, *Die Staatsangehörigkeit in den deutschen Schutzgebieten* (Berlin: 1912. Pp. 85) Rudolf Mallmann discusses the relation of the individual in the German colonies to the empire. The status of imperial citizens and foreigners is treated briefly, though most of the paper is devoted to explaining the nature of the allegiance which the natives owe to the empire. Briefly it may be said that the natives of Kiao-Chow and Samoa and of the German spheres of interest in Africa have the same legal standing, which is in fact very similar to that of the Porto Ricans to the United States.

Prof. Joseph Charmont's *Les transformations du droit civil* (Paris: Armand Colin, 1912. Pp. xvi, 294) traces in a detailed way some of the movements that are broadly outlined by Duguit, to whose work it forms a convenient complement. Especially valuable to American students are Charmont's chapters on the theory of risk with respect to compensation for accidents.

In reading these volumes one is impressed with the important changes which have taken place within recent years in French legal theory and legal institutions. It has been the boast of many English and American

jurists that the common law is more adaptable to changing conditions than a code could be, yet we find that legal development in France has outdistanced our own.

A portion of the dissertation by Paul Einicke entitled *Rechte und Pflichten der neutralen Mächte im Seekrieg*, published as number 1 of volume x of the *Abhandlungen aus dem Staats, Verwaltungs und Völkerrecht* (edited by Drs. Zorn and Stier Somlo. Tübingen: J. C. B. Mohr. 1912. Pp. 72) appears as a separate monograph under the same title. In this abstract are included: Part i, a historical introduction; part ii, the Hague convention of October, 18, 1907, respecting the rights and duties of neutral powers in maritime war and its history; and that section of chapter ii, part iii, having to do with the equipment of warships in neutral territory. Judging by the character of this much of the work, it would seem that an important and valuable contribution to international law treatises has been made.

Karl Münstermann, in a short doctoral dissertation from Jena, outlines the "*Rechtsstellung des Kaisers in der deutschen Schutzgebieten*" (Halle: Kammer and Co. 1911. Pp. 101). He asserts that the connection between the German emperor and the German protectorate is not one merely of international law, but a national relation. He traces the development of the emperor's position up to the passage of the law of April 17, 1886, and from that to the present; dwelling finally on the narrowing of his exercise of power in this sphere—a narrowing formal and material, legal and administrative. In this conclusion he declares that Germany's true aim with regard to her protectorates should not be the old Spanish attitude of colonial conquest, but one of economic development; and adds that it is for the Kaiser, as representative of the empire in its relations with the German protectorates, to embody this attitude.

The Administration of the English Borders during the Reign of Queen Elizabeth, by Charles A. Coulomb, Ph.D. (Publications of the University of Pennsylvania. New York: D. Appleton and Company, agents. 1911. Pp. 136), is a doctoral dissertation which aims to give "a brief account of the more orderly and usual administration of government by the properly constituted civil and military authorities and to outline the various means by which the northern marches of England were protected, as well from domestic violence as from the raids and invasions of the Scotch." The result is a repository of useful information on the

subject, compiled conscientiously from the sources and accompanied by a fairly full bibliography. Owing, however, to the absence of any illuminative discussion or illustrative incident, the author is over successful dispelling the romantic and picturesque associations with the border which we have been accustomed to cherish.

A. L. C.

Studies in the History of English Commerce in the Tudor Period, by Armond J. Gerson, Ph.D., Ernest V. Vaughn, Ph.D., and Neva Ruth Deardorff, Ph.D. (Publications of the University of Pennsylvania. New York: D. Appleton and Company, agents, 1912. Pp. xi, 344), consists of three doctors' theses, dealing respectively with "The Organization and Early History of the Muscovy Company," "English Trading Expeditions into Asia Minor under the authority of the Muscovy Company" and "English Trade in the Baltic during the Reign of Elizabeth." Prof. E. P. Cheyney contributes a brief but excellent introduction. The first two writers seemed to have been handicapped by the disappearance of most of the records of the early companies, probably lost in the great London fire of 1666. While they have culled valiantly from such fragments of sources as are available they have been forced to quote extensively from Hakluyt, with the result that they have added a spice of literary charm to their work without contributing overmuch new information of consequence. Dr. Gerson however, has succeeded in proving, with apparent conclusiveness, that—contrary to the prevailing opinion—the Muscovy Company was a joint stock rather than a regulated company. Dr. Deardorff has been more fortunate than the other contributors in her gleanings from the sources. Her account of the origin of the Eastland Company is particularly good.

A. L. C.