

NEWS AND NOTES
PERSONAL AND BIBLIOGRAPHICAL
EDITED BY JESSE S. REEVES

The seventh annual meeting of the American Society of International Law, held April 24-26 at Washington, D. C., gave particular consideration to questions relating to the Panama Canal, especially in connection with the recent Panama Canal tolls act and the Hay-Pauncefote treaty.

Prof. Frank J. Goodnow, Eaton professor of administrative law at Columbia University and the first president of the American Political Science Association, left New York April 5 for a three years' stay in China, during which he is to act as legal adviser to the government of the Chinese Republic, particularly to the committee having in charge the draft of a constitution.

William D. Guthrie, Esq., of the New York bar, has been appointed to the Ruggles professorship of constitutional law, from which Prof. John W. Burgess recently retired. Professor Guthrie has published many articles and essays upon constitutional law and is the author of a careful study of the fourteenth amendment.

The deaths are announced at Paris of Professors Levavasseur de Précourt and Fernand de Colojon, of the *École Libre des Sciences Politiques*.

Prof. L. S. Rowe, of the University of Pennsylvania, has an extended leave of absence to permit him to enter upon his duties as a member of the joint land commission for the Panama Canal Zone. Dr. Roland P. Falkner, late of the bureau of the census, has also been appointed upon this commission.

Prof. Albert Bushnell Hart is upon leave of absence during the present semester, a part of which he will give to a personal survey of the Balkan States and their present condition.

Prof. John Bassett Moore, professor of international law at Columbia University, has been appointed counsellor to the department of state.

Prof. S. Gale Lowrie, of the University of Cincinnati and director of the municipal reference bureau of Cincinnati, has a leave of absence during the present semester, for the purpose of reorganizing the Ohio state legislative bureau as recently authorized by the state legislature. During Professor Lowrie's absence his work in the University is in charge of Mr. Milton E. Loomis, formerly of the University of Wisconsin.

Senator John Sharp Williams of Mississippi delivered a series of lectures on the Blumenthal Foundation at Columbia University in December, on "The Permanent Influence of Jefferson on American Institutions."

Mr. Clinton Rogers Woodruff, secretary of the National Municipal League and editor of the *National Municipal Review*, is giving courses in municipal administration at Princeton during the present semester, in the place of Prof. Henry Jones Ford, who is absent upon leave.

Prof. Frank A. Updyke, of Dartmouth College, will conduct courses in political science at the University of Michigan during the summer session of 1913. While absent upon leave during the year 1913-14, his courses at Dartmouth will be given by Mr. Edwin D. Dickinson of Harvard University.

Prof. John H. Latané, of Washington and Lee University, will give courses in American diplomatic history at the University of Chicago during the coming summer.

The work in political science at Wesleyan University has been extended and enlarged by the appointment of Mr. John Peter Senning, B.A., University of Iowa, as an instructor.

Dr. B. B. Wallace, of the University of Wisconsin, has been appointed to an instructorship in political science at Northwestern University, Evanston, Illinois, in the place of Mr. Victor West, who has resigned to engage in the educational department of the National Progressive Party at Chicago.

Mr. Lester Burrell Shippee, who has been in the department of history and political science of Pacific University at Pacific Grove, Oregon, is now in charge of the work in social and political science in the department of economics and history at Washington State College, Pullman, Washington.

In *Bulletin Number 6 (January 13) of the Departments of History and Political and Economic Science, in Queen's University* (pp. 13), Prof. William Bennett Munro contributes a paper, entitled "Should Canadian Cities Adopt Commission Government?"

Mr. C. R. Brown, of Princeton University, has in press a doctoral dissertation upon the subject, *The Northern Confederacy According to the Plan of the Essex Junto, 1790-1814*.

Prof. Walter Hastings Lyon, of the Amos Tuck School of Administration and Finance, of Dartmouth College, has published (Boston: Houghton, Mifflin and Company) a work, entitled *Capitalization, a Book on Corporation Finance*.

Prof. A. R. Hatton, of Western Reserve University, has in preparation a volume upon municipal home rule, which is expected to appear next autumn.

Prof. Raymond Garfield Gettell, of Trinity College, Hartford, Conn., will conduct courses in political science at the University of Illinois, during the summer session of 1913. Professor Gettell has in preparation a volume, entitled *Problems in Political Evolution*, which will appear during the course of the year.

Under the title, *Teorías Constitucionales* (Manila: 1912. Pp. 167), Prof. Teodoro M. Kalaw presents a serviceable outline of political theory and general constitutional law, used by him in his course in constitutional law in the Law School of Manila.

Arnold Raestad has recently published a work upon the subject of territorial seas, *Kongens Stroemme Historiske by folkeretslige undersøikelser angaaende sjøe territoriet* (Kristiania: 1912) in which is traced the development of Norwegian (and incidentally of the whole Scandinavian) attitude with respect to rights over territorial waters.

In his *Socialism As It Is* (New York: Macmillan Company, 1912. Pp. xii + 436), Mr. William English Walling makes a survey and analysis of the present condition of the Socialist movement, largely from the standpoint of Karl Marx. While he does not distinctly disapprove of modern social reform legislation, he regards most of it as the device of capitalism for the further exploitation of labor.

In his *Manual of the Constitution of the State of New Hampshire* (Concord: 1912), Prof. James Fairbanks Colby, of Dartmouth College, revises his earlier work having the same title, primarily for the use of the New Hampshire constitutional convention of 1912. It is a convenient and reliable guide to the study of constitutional development in that State.

The Development of Belligerent Occupation is a doctoral dissertation by Dr. Jacob Elon Conner, now United States consul at St. Petersburg, Russia, published as number one of volume iv, *Studies in Sociology, Economics, Politics, and History, of the University of Iowa*.

Senhor Helio Lobo, of the ministry of foreign relations of Brazil, has published, under the title, *De Monroe a Rio-Branco* (Rio de Janeiro: Imprensa Nacional, 1912. Pp. 155), a historical sketch of the Monroe Doctrine.

Among the publications of the Norwegian Nobel Institute (vol. ii, part 1) appears an essay by M. Achille Loria, *Les Bases Économiques de la Justice Internationale* (Christiania: 1912. Pp. 96).

Publication no. 25 of the Central Office of International Associations at Brussels, entitled *L' Union des Associations Internationales* (Brussels: 1912. Pp. 162) contains a detailed exposition of this Bureau's international administration.

Dr. Ramon Ma. Alfonso, in his *La Réglementacion de la Prostitution* (Havana: 1912. Pp. 174), not only gives a general survey of the subject, but makes definite suggestions with reference to conditions in Cuba.

In the *Papers and Proceedings of the Fifth Annual Meeting of the Minnesota Academy of Social Sciences* (1912. Pp. 181) are several

valuable papers, particularly on the development of municipal government in the Northwest.

An interesting survey of the junior republics movement is made by Messrs. William R. George and Lyman Beecher Stowe in the volume, entitled *Citizens Made and Remade* (Boston: Houghton Mifflin and Company, 1912).

The Anarchists, Their Faith and Their Record, Including Sidelights on the Royal and other Personages Who have been Assassinated, by Ernest Alfred Vizetelly (London and New York: John Lane, 1911), deals not so much with the philosophical theories of anarchy, as with its specific outbreaks. It would seem that a good deal of the information vouchsafed relative to assassination is quite unnecessary; and the text is about on a par with the crude pictures of anarchist assassins, like that of Czolgosz, which adorn it.

In his *Medical Benefit: A Study of the Experience of Germany and Denmark* (London: P. S. King and Son, 1912. Pp. xv + 296) Dr. I. G. Gibbon gives a survey of the systems of health insurance in the two countries named, especially valuable in the light of the recent legislation of Great Britain.

The thirteenth number of the *Kingdom Papers* (Pp. 112), published by Mr. John S. Emart, of Ottawa, deals in a scholarly way with the Behring Sea seizures. The material is used as illustrating the alleged indisposition of the United Kingdom adequately to defend Canada in her international difficulties.

The first number of the *Weltwirtschaftliches Archiv* (Jena: Gustav Fischer. Pp. 375), under the editorial charge of Prof. Bernhard Harms, of Kiel, appeared in January. Judging from this number, the scope of the publication is a broad one, covering international relations in the larger sense, including not only economics and commerce but politics and diplomacy. A commendable feature is the large space devoted to the literature of the subject.

In his *Social Religion: An Interpretation of Christianity in Terms of Modern Life* (New York: The Macmillan Company, 1913. Pp. xvi + 227), Dr. Scott Nearing, of the University of Pennsylvania,

elaborates an address delivered before the Friends' General Conference of New Jersey, 1910.

Les Questions Actuelles de la Politique Étrangère dans l'Amérique du Nord (Paris: Alcan. Pp. xviii + 242), is a collection of addresses delivered at conferences at the École Libre des Sciences Politiques, Paris, in 1911. These are upon British imperialism, the Panama Canal question, Mexico and its economic development, the crisis of political parties in the United States, and the Monroe Doctrine and Pan-americanism. All are graceful, but neither very profound nor accurate. Perhaps the most illuminating is the address upon American political parties by Professor Roz.

The Elements of Child-Protection, by Sigmund Engel, translated from the German by Dr. Eden Paul (New York: The Macmillan Company, 1912. Pp. xi + 276), is a consideration not only of certain general principles of eugenics but of modern legal regulations as to marriage, women and child labor, and juvenile delinquency.

In his volume, entitled *The Evolution of States, An Introduction to English Politics* (New York and London: G. P. Putnam's Sons, 1913. Pp. ix + 487), Mr. J. M. Robertson has expanded his earlier *Introduction to English Politics*. The present work is an attempt at a sociological philosophy of history; and while the author attempts to call in question what he considers common fallacious formulas, he puts forward others which may not receive universal acceptance—as for instance, in suggesting that South America may become the scene of a civilization “morally and socially higher than that now evolving in North America,” which is a “cold civilization . . . in the nature of the case relatively ugly and impermanent.”

An English translation of the autobiography of the German Social-Democratic leader appears in attractive form under the title, *My Life*, by August Bebel (Chicago: The University of Chicago Press. Pp. 343). This readable translation is not only a stirring account of Bebel's life but a valuable contribution to the history of the German Social-Democratic party.

Dr. Milledge L. Bonham, Jr., in *The British Consuls in the Confederacy* (*Columbia University Studies in History, Economics, and*

Public Law, vol. xliii, no. 3, 1911. Pp. 267) makes an important contribution to American diplomatic history in considering the activities of the various consuls and the steps leading to their expulsion by the Confederate authorities. Dr. Bonham has drawn upon manuscript sources, particularly in the Library of Congress, the United States treasury, and in the United States department of state.

The monograph by Dr. Leonard Stott Blakey, *The Sale of Liquor in the South (Columbia University Studies in History, Economics, and Public Law*, vol. li, 1912. Pp. 56) shows the progress of liquor legislation in the Southern States and includes tables and maps illustrating the distribution of no license areas in the South as compared with the density of negro population.

A recent study in the *Columbia University Studies in History, Economics, and Public Law* (vol. lii, no. 3, 1913. Pp. 147) is *The Finances of Vermont*, by Frederick A. Wood, Ph.D. This is a historical survey, beginning with the settlement of the New Hampshire Grants and coming down to recent years.

Mr. J. C. Oakenfull's *Brazil in 1911* (London: Butler and Tanner, 1912. Pp. xii + 395) is a third edition of this useful handbook of information.

An important phase of the child labor problem is considered by Dr. Edward N. Clopper in his *Child Labor in City Streets* (New York: The Macmillan Company, 1912. Pp. ix + 280), which argues for the prohibition of this form of child labor and shows the attempts already made for its control by legislation.

Prince Kropatkin's *Fields, Factories and Workshops* appears in a new and inexpensive edition, published by G. P. Putnam's Sons (1913. Pp. xii + 417).

Le Gouvernement Représentatif Fédéral Dans la République Argentine, is the title of a careful and extended study by Prof. José W. Matienzo, of the Universities of Buenos Ayres and La Plata (Paris: Hachette, 1912. Pp. 380).

In his rather optimistic *Social Welfare in New Zealand* (New York: Sturgis and Walton Company, 1913. Pp. vi + 287), Mr. Hugh H. Lusk

considers the results of twenty years of New Zealand's social legislation and its significance for the United States and other countries.

Immigration and Labor, the Economic Aspects of European Immigration to the United States, by Isaac A. Hourwich, Ph.D. (New York: G. P. Putnam's Sons, 1912. Pp. xvii + 544), is a careful study of the problem based upon the reports of the federal immigration commission, supplemented by individual research. Dr. Hourwich disagrees with the recommendations of the immigration commission as to restriction of immigration, particularly as to the illiteracy test recommended by its majority.

Prof. J. G. de Roulhac Hamilton, of the University of North Carolina, has printed a plea for a constitutional convention in North Carolina (Durham, North Carolina: 1913. Pp. 42).

Dr. Oscar Lovell Triggs is the author of a volume, entitled *The Changing Order, a Study of Democracy* (Chicago: Charles H. Kerr and Company, 1913. Pp. 300).

A doctoral dissertation, entitled *Women and Economic Evolution, or The Effect of Industrial Changes upon the Status of Women*, by Theresa Schmid McMahan, Ph.D., appears as a bulletin of the University of Wisconsin (Madison, Wisconsin: 1912. Pp. 129.)

Friederich Ghentz, an Opponent of the French Revolution and Napoleon is the subject of a monograph by Dr. Paul Reiff, appearing in the *University of Illinois Studies in the Social Sciences*, vol. i, no. 4 (Urbana-Champaign, Illinois: published by the University, 1912. Pp. 159).

The elaborate investigation of public utilities made under the auspices of the National Civic Federation by Prof. John H. Gray, of the University of Minnesota, has appeared in pamphlet parts together with the draft of a model public utility law. The work is expected to appear in book form during the coming summer.

The second inaugural address of Governor Simeon E. Baldwin, of Connecticut, a former president of the American Political Science Association, urged the election of the President of the United States

by direct vote, the extension of municipal suffrage to women owning taxable property, and the passage of a resolution by the Connecticut legislature requesting the senators from Connecticut to give their support to the arbitration of the Panama Canal question with Great Britain.

The United States and Latin America is the title of a pamphlet by Mr. Juan Leets (New Orleans: 1912. Pp. 86), attacking the so-called dollar diplomacy and the policy of the United States towards the Latin-American Republics under Secretary Knox.

Prof. P. O. Ray, of Pennsylvania State College, has in press (Scribner's) *An Introduction to Practical Politics and Political Parties*.

The essay, entitled *The Political Activities of the Baptists and Fifth Monarchy Men in England During the Interregnum*, by Dr. Louise Fargo Brown, which received the Herbert B. Adams prize in European history awarded by the American Historical Association in 1911, has been printed in book form and may be procured from the secretary of the American Historical Association.

In 1911 Dr. Edwin M. Borchard, of the Library of Congress, prepared a *Guide to the Law and Legal Literature of Germany* (Washington: Government Printing Office, 1911), which is the most valuable and best introduction in English to the legal literature of Germany. The high standards of the first work are fully maintained in his recently printed *Bibliography of International and Continental Law* (Washington: Government Printing Office, 1913. Pp. 93), which is not a mere catalogue of titles but a systematic classification of the literature of international and continental law, with as much critical commentary as the limits of the work permit. Both monographs are exceedingly useful bibliographical aids.

Under the title, *International Law Situations, With Solutions and Notes*, there have for some years been published the discussions at the Naval War College conducted by Prof. G. G. Wilson, and dealing with questions of present interest, for the determination of which no generally accepted principles have been established by practice. The topics dealt with in 1912 include "Merchant Vessels and Insurgents," "Air Craft in War," "Cuba Neutral," "Strategic Areas," "Taking Coal

in Neutral Ports," and "Conversion of Merchant Ships into Ships of War."

The volume in Holt's Home University Library contributed by Prof. Charles M. Andrews, under the title *The Colonial Period* (New York: Henry Holt and Company, 1912. Pp. 256) deals with colonial history in general rather than with the experiences of individual colonies, and especially emphasizes the English policy and efforts to retain her American possessions in a state of dependence.

Much valuable information upon recent phases of the movement for the initiative, referendum and recall is to be found in the January, 1913, number of *Equity*, published by C. F. Taylor, M.D., 1520 Chestnut Street, Philadelphia.

The address upon the disbarment of attorneys in the State of New York, delivered by Charles N. Boston, Esq., of the New York bar, at the recent meeting of the New York State Bar Association (reprinted from the *36th Annual Report of the Association*. Pp. 113), is a thoughtful study of a subject having more than local interest.

The chapters of President Andrew D. White's *Autobiography* dealing with the first Hague conference, to which he was a delegate, have been reprinted in convenient form by the World Peace Foundation under the title, *The First Hague Conference* (Boston: World Peace Foundation, 1912. Pp. 123), which also publishes Prof. William I. Hull's *The New Peace Movement* (*ibid.*, 1912. Pp. 216).

The two lectures delivered by the Hon. Joseph H. Choate in 1912 at Princeton, on the Stafford Little foundation, have been published by the Princeton University Press (Princeton: 1913. Pp. 109), under the title, *The Two Hague Conferences*. There is an introduction by Dr. James Brown Scott, which contains an appreciation of Mr. Choate's services as a delegate to these conferences.

Prof. Henry W. Farnam's presidential addresses to the American Economic Association (1911), and to the American Association for Labor Legislation (1908, 1909, 1910), are reprinted with other essays and addresses, in a volume, entitled *The Economic Utilization*

of *History and Other Economic Studies* (New Haven: Yale University Press, 1913. Pp. viii + 220).

The Chamber of Commerce of Sumter, South Carolina, has issued a pamphlet upon the city manager plan of municipal government.

A convenient and useful handbook of reference is Mr. Samuel S. Wyer's *Regulation, Valuation and Depreciation of Public Utilities* (Columbus, Ohio: Sears and Simpson Company, 1913. Pp. 313). A serviceable bibliography is appended.

Social Wrongs and State Responsibilities, by Mr. William Jandus (Cleveland: Horace Carr, 1913. Pp. 143), is issued as an economic argument in favor of the total destruction of capitalism.

A convenient compilation of information relating to state loans to farmers has been made by Mr. William M. Duffus, and constitutes part one of the report on agricultural settlement and farm ownership, made by the Wisconsin state board of public affairs (Madison, Wisconsin: Democrat Printing Company, 1912. Pp. 146).

In a volume entitled *British Social Politics* (Boston and New York: Ginn and Company, 1913. Pp. 580), Prof. Carlton Hayes has gathered together documents illustrating workmen's compensation, trade unionism, child welfare, old age pensions, the unemployed, sweated labor, the housing and land problem, the Lloyd George budget, curbing the house of lords, and national insurance. The material here brought together consists of statutes and speeches delivered in parliament. To each chapter is prefixed a concise explanatory note. The compilation will be of undoubted value to persons studying the striking efforts which are being made in England to solve great social problems by state action.

In his *Mishnah, a Digest of the Basic Principles of the Early Jewish Jurisprudence* (New York: G. P. Putnam's Sons, 1913. Pp. 205), Hyman E. Goldin, Esq., of the New York bar, gives a literal translation of those portions of the Talmudic Law (Baba Mezhiah, Order IV, Treatise II) bearing upon bargain and sale of personal property, usury, bailments, and other matters of contractual law. It is the intention of the author to follow this volume with others containing

translations of all the treatises of the Mishnah dealing with jurisprudence.

Helping School Children: Suggestions for efficient Coöperation with the Public Schools, by Miss Elsa Dennison, of the New York bureau of municipal research (New York: Harper and Brothers, 1912. Pp. xxi + 352), is a careful consideration, attractively presented, of the newer activities of educational administration which lie outside the ordinary curriculum but have an important bearing upon government.

M. R. Toinet's monograph, entitled *La Limitation Conventionnelle des Armaments* (Paris: A. Pedone, 1912. Pp. 244), deals historically with the attempts that have been made to secure perpetual peace and disarmament, with the difficulties arising out of the unequal resources of nations, with the attitudes of different nations with respect to this problem, and their suspicion of states taking the initiative for its solution.

M. Bernard Krunsky, in his *L'annexion de la Bosnie et de l'Herzégovine en 1908* (Paris: Arthur Rousseau, 1912. Pp. 185), discusses this event in the light of international law and of diplomatic history. He develops the view that Austria paid dearly for the annexation by reason of the rights which she surrendered and the indemnity which she gave to Turkey. For Turkey the annexation meant no real loss of territory and the pecuniary compensation which she received was, at the time, especially valuable.

American Syndicalism: The I. W. W., by Mr. John Graham Brooks (New York: The Macmillan Company, 1913. Pp. 264), is a searching and yet not altogether unsympathetic examination of the American syndicalist movement as represented by the Industrial Workers of the World. Mr. Brooks finds that the Industrial Workers of the World have as yet shown little ability in approaching the larger problems of labor and that American syndicalism must pass out of activities principally destructive. He notes the same tendencies among the Industrial Workers of the World that French syndicalism has shown—namely, a tendency to divide into radical and conservative camps. His judgment as to the incompatibility of the aims of the Industrial Workers of the World, not only with existing trade unionism but also with those of the socialist party, are strikingly confirmed by the

recent recall of Mr. William D. Haywood, of the Industrial Workers of the World, from his position as a member of the Executive Committee of the National Socialist Party. "In most of its present activities in the United States the Industrial Workers of the World is pretty exhaustively described by the work 'shocker.' It startles the preoccupied by its new and unwonted approach. Like the stroke of a suffragette's hammer upon plate glass, it gets instant attention from every one within hearing." Yet Mr. Brooks is inclined to think that the Industrial Workers of the World have not been without service in making the preoccupied or inattentive wake up to the difficulties of the great mass of unskilled labor. Mr. Brooks' study is an important contribution to the history of the labor movement in America and is an excellent sequel to his earlier volume, *The Social Unrest*.

Legal Antiquities: A Collection of Essays upon Ancient Laws and Customs, by Edward J. White (St. Louis: F. H. Thomas Law Book Company, 1913. Pp. vi + 349). In this work the author has brought together a miscellaneous collection of interesting facts, concerning such diverse institutions as marriage laws, witchcraft, trial by ordeal, wager of law, privilege of sanctuary, ancient punishments, etc. He has read widely but not critically. Each subject is treated in chronological fashion, and although the treatment is popular the book is, in some places, difficult reading because of an involved and awkward literary style and an eccentric punctuation. The author's views are sound. He does not limit his illustrations to those taken from English law, but draws also from such sources as the laws of Hammurabi and from those of Greece and Rome. He holds that "the prevalent idea that an increased volume of statute law will furnish a panacea for all existing evils is radically wrong," and he endeavors to show that the inveterate defects in the law of former days have been properly amended by a slow process of improvement.

In his doctoral dissertation on *La Nationalité dans l'Empire Allemand* (Paris: M. Giard et E. Brière, 1912. Pp. 225), Mr. René Brunet discusses "that specific legal relation which exists between the German states and each one of their members," referring to Despagnet's definition of nationality as the "tie which binds to a state each one of its members," to which M. Brunet objects on the ground that some contractual relation seems to be implied, and that it is not specified that the situation is *de jure* and not *de facto*. His own defi-

tion includes the relations between the state and those who have full political and civil rights and those who have not, but this distinction between citizen and national is not made quite clear. The German constitution provides a common citizenship (*indigenat*) for the whole empire, but this is secondary and is dependent on a primary citizenship acquired from a particular state. One can be a citizen of two or more states at the same time. Many millions of Germans are, according to M. Brunet, losing their citizenship annually by failing to register with the consul before the length of their residence abroad reaches ten years. It is therefore urged that remedial legislation be enacted. The most important provisions would change this ten-year rule; would permit an emigrant to retain his nationality if foreign citizenship had been acquired as an incident of engaging in commerce, and would carry to the extreme the principle of *jus sanguinis*. It is to be regretted that an adequate discussion of the political problems presented by national kinship and of its value in strengthening a state and preventing disintegration was outside the scope of this study.

The Relation of Pennsylvania with the British Government, 1696-1765, by W. T. Root (New York: D. Appleton and Company, 1912). This is a valuable and scholarly study of the organization and activity of the British central institutions of colonial control in the case of Pennsylvania, and the work of the royal officers there administering imperial policies. It falls largely in the field of English history, and is based upon the fundamental materials in the Public Record Office in London. The character of the treatment may be inferred from the subjects of the several chapters, which deal with the administration of the acts of trade, the court of vice-admiralty, the royal veto, the judicial system, finance and politics, the imperial defense, and imperial centralization. Two of the most interesting chapters deal with the struggle between Quaker and Anglican, and the French and Indian War. Monographic treatments of this sort are giving us at last a real understanding of our colonial history. C. H. V.

In a doctoral dissertation, entitled *Les Pouvoirs du Juge en Angleterre* (Tours: E. Menard et Cie., 1912. Pp. 167), M. Roger Faye begins by describing the English judicial system, treating separately the criminal and civil courts. He then selects, for special consideration, as the most striking and important features of English law in which the powers of the judge stand out most clearly, "judge-made law"

and contempt of court. With reference to the first, the author notes relative advantages and disadvantages of the case-system as compared with the continental, or code, system. Contempt of court is defined, described, and then dealt with under the heads of civil and criminal contempt. The discussion ends with references to proposed reforms regarding contempt, especially with reference to appeal.

The court of criminal appeal is treated in part II, as to its history, powers, defects, and excellencies. The final chapter is a discussion of various powers of the judge in trials, as in reconciling or advising litigants, giving rewards for good testimony, etc. The thesis thus seems, on the whole, to have too comprehensive a title; it emphasizes a few characteristics of the English judicial system in general, rather than the peculiar powers of the judge in England.

Essai sur des droits et devoirs des états étrangers à une guerre à l'égard des navires des belligérants dans les ports neutres, by M. Fernand Martin (Dijon: Imp. Darantière, 1912. Pp. 312) is a comprehensive survey of this important doctrine of international law. After an analysis of the essential doctrines of neutrality, the work is divided into two parts. Part I takes up the right of asylum and the inviolability of neutral territory. In part II the obligations of neutrals towards belligerent ships in their ports are dwelt upon, and the sanctions applicable to neutrals violating their obligations. In completing his treatise the author deplores the lack of uniformity in regard to the rules of naval warfare. He points out that The Hague conferences and the London conference of 1909 have done a great deal towards the attainment of this end and expresses the hope that this ideal (a complete international code of rules for naval warfare) may be reached by the third peace conference.

In a monograph, entitled *L'expulsion des étrangers* (Nancy: Crépin-Leblond, 1912. Pp. 342), M. Robert Cugnin presents a treatment of the laws of France and other nations with regard to the expulsion of foreigners from their respective territories. Part I is an analysis of the causes of expulsion and the procedure under the laws of France (*droit métropolitain*) and of her possessions. The author shows that the present law of expulsion is based on danger to the public welfare and that it is applicable only to foreigners. He also devotes considerable space to procedure—arrest and its effect, defenses against expulsion, and similar considerations. Part II deals more briefly with the same

questions under the laws of practically all of the nations of the world, and concludes with a discussion devoted to the international measures taken against anarchists. Part III is a critical review of the subject, in which the conclusion is reached that the laws of expulsion should apply not only to foreigners, but to undesirable nationals as well.

De l'asile accordé aux vaisseaux de guerre des belligérants dans les ports neutres, thèse pour le doctorat (Paris: A. Pedone, 1912. Pp. 146), by Joseph Levy-Bouillier is an interesting exposition of this well-known subject. After alluding briefly to the difference in the asylum granted to land and that given to naval forces and the reasons therefor, the author takes up the legal foundation of the right of asylum. A critical review is then made of the systems advanced by Westlake, Depuis, De Lapradelle and others to find a plan which reconciles opposing interests. That of De Lapradelle is accepted as the most ingenious and the only legal one. Chapter II treats of the extent of the right of asylum. The general doctrines are considered, as are the plans advanced at the second Hague conference. The second part of this chapter examines special questions, such as the twenty-four hour rule, repairs, provisions, prizes, prisoners, etc. The question of sanction is covered in chapter III. The appendix treats of maritime asylum and the Institute of International Law. The author emphasizes the necessity of some uniformity among the nations and the difficulty of establishing such a rule.

Within the last two years four French dissertations have appeared dealing with the various problems of international and municipal law involved in the utilization by individuals and by states of the atmosphere for purposes of commerce and war.

M. André Thibout, in his *Le domaine aérien des états en temps de paix et essais de réglementation de la circulation aérienne* (University of Nancy: 1911. Pp. 171), attempts to find between the theory of absolute sovereignty and the theory of absolute freedom of the air an intermediate ground upon which may be reconciled conflicting interests. The interests of aerial navigation demand freedom of the air; the interests of a particular state demand the right of national conservation. Hence this author maintains that individuals and states must have the right of inoffensive use of the air, but that every state has the right to compel respect for its laws in the air above its territory.

M. Albert Gardair, who entitles his study *De la propriété de l'air*

(University of Aix: 1911. Pp. 160), maintains that the air from the point of view of civil law is not the property of the individuals who own the land beneath it except as it is actually appropriated; and, from the point of view of international law, that the air above the territory of a state must be regarded as a part of the public domain and as subject to regulation.

In his dissertation published under the direction of the faculty of law in the University of Caen (1912. Pp. 310), entitled *Essai sur la navigation aérienne au droit interne et en droit international*, M. Henri Guibé devotes 161 pages to a consideration of the juridical nature of the atmosphere from the point of view of private individuals, and 129 pages to a treatment of the same question from the standpoint of international law.

In *La navigation aérienne au point de vue du droit international* (University of Toulouse: 1912. Pp. 224), M. Balalud de Saint-Jean maintains the principle of state sovereignty in the air above the land up to a certain limit fixed by international agreement, and holds that above the fixed limit the air should be as absolutely free as is the air above the open sea. This principle is set forth in the introduction. In part I the author treats the laws of aerial navigation in time of peace, and in part II the laws of aerial navigation in time of war.

The four writers are in agreement on the proposition that the atmosphere over a state is neither absolutely free from regulation nor strictly territorial to an indefinite height. They differ only as to the methods or measure of regulation. The first three make concessions to the territorial theory by admitting the necessity of a measure of state regulation of aerial circulation without limitation as to height, while the last concedes that a definite zone in the atmosphere above a state should be territorial and subject to the laws of the state.

RECENT DECISIONS OF STATE COURTS ON POINTS OF PUBLIC LAW

United States and States—Authority of Decisions. Rothschild and Company vs. Steger and Company. (Illinois, October 26, 1912. 99 N.E. 920.) The decision of the Supreme Court of the United States as to the requirements of civil contempt process in the courts of the District of Columbia is not binding on the courts of Illinois.

Commerce—Race legislation. Alabama Railway Company vs. Morris. (Mississippi, December 9, 1912. 60 So. 11.) A statute requiring