

BOOK REVIEWS

International Law. By T. Baty, D.C.L., LL.D. New York, Longmans, Green & Co. London, John Murray. 1909.

This is not a treatise or text-book upon International Law but a collection of essays with an object, and very good reading they are. That object is to point out the necessity for a readjustment in nineteenth century conceptions of the law of nations, and to help the process along. Owing to the free mingling of peoples, says the author ("penetration" is his word for it), the independence of states has given place to an interdependence which raises altogether different problems. Theoretically, a State may condition or forbid such an influx; practically it must permit it. But on what conditions? Alien residents certainly have no rights superior to those of subjects—that would grant them an *imperium in imperio*; nor on an equality with those of subjects, for they may be specially taxed and their residence restricted. Equality of security or protection is what they are entitled to. But this is vague and unspecific. Accordingly, commercial treaties have come into vogue to lay down exactly the alien's rights of residence and trade. Hence results a legalized "pacific penetration."

Now Feudalism was replaced by the idea of territorial independence. But is such a solution of world politics satisfactory and permanent? The author does not think so. Because of this mingling of peoples, territorial independence is already yielding to "stratification," *i. e.*, class interests (like social democracy) which run outside of territorial limits. To protect independence from the inroads upon it at the hands of modern complexities, local solidarity is needed under a system of Federation. This is the only alternative to a warfare of classes, and the author defends the Federation principle from the charges of weakness, of being judge ridden, of being over conservative.

There is incidentally much else in the book: an attempt to define genuine international arbitration; opposition to peaceful violence applied by one state to another—like pacific blockade—as in derogation of that territorial independence upon which political stability rests; dread of cosmopolitanism replacing nationality; all fully exemplified. It is a thoughtful book, not hanging together and making its points as progressively and clearly as

might be, somewhat over illustrated but in a way breaking fresh ground.

T. S. W.

Handbook of Mexican Law. By Robert Joseph Kerr. The Pan-American Law Book Company, New York. pp. 260. 1909.

This is the first edition of a work which appeared during the past year. The purpose of the book is to furnish a compact and practical work, in the form of a handbook, on Mexican Law, for the use of attorneys and of value to investors of all kinds in that growing country.

The work is not a mere book of forms and platitudes stated as law, as handbooks so generally prove to be. A wide range of legal propositions will be found taken care of in concise form and concrete language. The special laws of Mexico in reference to bond issues is put before the reader in an intelligent way in Part VI of the work.

One of the most important parts of the volume is the introduction, with an historical outline of Mexican law. This short review enables the attorney to hold a viewpoint of Mexico quite different from that which he had previously held.

The main aim and object of the book is to show what the Mexican law is in general and where it may be found. The work is arranged in ten parts. The arrangement in Chapters, Titles and Books is the same as in the Civil Code of the Federal District and the Commercial Code itself, and the headings as subjects of the several Books, Titles and Chapters are translated exactly.

Part IV is devoted to the Mining law of Mexico; the method of acquiring mining concessions is adequately treated. Such subjects as mortgages, corporations, surety contracts, easements, deposits, powers of attorney and commercial contracts are fully treated. When it is remembered that the Notarial Law of Mexico has never been translated into English, the necessity is readily seen "for some book that will first of all give a general idea of the Mexican law, and second, indicate where it may be found."

The author in his preface states that he has attempted to meet the requirements which were adopted in the first instance, namely: fidelity in translation, brevity in presentation, and breadth in

scope. In that opinion we share. There is a thorough index, the purpose of which is to afford cross citations from one code or law to others.

Mr. Kerr's recent addition to legal literature will find favor in the eyes of those for whom the author planned his volume. The work is an excellent example of what a handbook should be.

S. B. L.

A Manual of Medical Jurisprudence. By Marshall D. Ewell, M.D., LL.D. Second edition. Little, Brown & Co., Boston.

The subject of medical jurisprudence is one of growing importance, and today there is scarcely any branch of the law where a knowledge of it is not likely to prove valuable. Especially is this true in regard to the criminal law, and there are many instances on record where counsel's knowledge of pathology, toxicology, or physiology has altered the entire aspect of a case.

Francis L. Wellman in his delectable book, *The Art of Cross-Examination*, has devoted a chapter to the proper treatment of medical experts, and he records many amusing incidents where physicians have been trapped by the shrewdness and knowledge of counsel.

It is coming to be appreciated by the young lawyer that a proper knowledge of medical jurisprudence is indispensable. Courses upon the subject are being installed in our leading law schools and text-books are being devoted to it.

Quite the most valuable of these books which has come to our attention is the second edition of Prof. Ewell's *Manual*. One of the reasons for this, of course, is the fact that the author has been both a student of law and medicine, and approaches the subject from the standpoint of both sciences and with that fullness of knowledge which his opportunities have given him.

It is the well founded belief of the author as expressed in the preface, that: "The attorney, to whom is entrusted the trial of a case involving an important question of medical jurisprudence, who has a good knowledge of the leading facts and principles of medicine and of their application to medical jurisprudence, possesses an immense advantage over his adversary who is not pos-

sessed of such knowledge; and no amount of preliminary 'cramming' will supply the place of previous general knowledge of the whole subject. It is the deliberate judgment of the author, that no man can be said to be prepared for every emergency which may arise in the practice of either law or medicine without a very considerable acquaintance with the science of medical jurisprudence."

The great value of the present work is that it gives just the *principles* required. It is a small volume of less than four hundred pages of text, and is easily read but remarkably comprehensive. There is not a topic in the whole range of medical jurisprudence which is not touched upon in such a way as to give the reader a fairly good idea of that topic and a working basis if he should be called upon to investigate further.

In addition to being valuable as a book of reference, it would seem to fill exactly the long felt want for an appropriate textbook on this important subject in our law schools.

The book should meet ready favor.

C. K. W.