BOOK REVIEWS

The Law of Real Property and Other Interests in Land. By Herbert Thorndike Tiffany. Second Edition. Chicago, Callaghan and Co., 1920. In Three Volumes. Vol. I, pp. xxxii, 1-1196; Vol. II, pp. xiv, 1197-2272; Vol. III, pp. ix, 2273-3666.

To say that this work, which the cover label asserts to be a second edition, is a notable improvement upon the earlier work is not to disparage a treatise which ever since its publication in 1903 has been held in high esteem by scholars as well as by the profession generally, but to praise highly the new edition. The profession has become all too familiar with new editions of successful law books published primarily to provide artificial stimulus to a failing market. Added—and expensive—bulk is given to such new editions by shoveling large heaps of digest paragraphs into the text and even larger piles of misfit case citations into the notes. Such meretricious methods Mr. Tiffany eschews. The title page speaks more truly than the cover-label when it calls the new publication an "enlarged edition." For it is enlarged in every dimension, corporeally and incorporeally. In the making of many books, which is more obviously without end nowadays than in the time when the Wise Man of Israel first made his unscholarly lament, corporeal things are not to be despised. Here we have well-bound volumes, printed on good thin paper, in beautifully clear type, both in text and footnotes. They are gentlemanly looking books, such as one likes to associate with. Of course the experienced lawyer should not expect even the fairest ointment to be without its fly, not even in this glad day when he finds in his hands a book well printed despite the prevalence of cost conditions that ought to be void for impossibility, and well written despite the mighty digests. Here the misplaced insect which impairs our joy is incredibly bad proof-reading. Not only are citations in the notes frequently incorrect, but even in the text confusing misprints occur. The type for one paragraph (p. 2186) evidently got itself scattered over the floor and was re-assembled by the office boy according to his own theory as to the law of wild titles. The result is quite astounding.

Another matter of corporeal interest is the title of the new work—or, perhaps, one should say quasi-corporeal interest, since it affects psychic relations as well as those merely physical. The title of the first edition, "The Modern Law of Real Property," was offensive. It suggested buncombe. One could as sensibly and truly speak of twentieth century constitutional law, or publish a working plan for a skyscraper that ignored the foundation and first score or so of stories. The new edition is entitled "The Law of Real Property," and admirably treats of historic originals. Another change in form which the reader welcomes is the absence of the black letter head notes found in the first edition. Such generalizations, frequently misleading in their inadequacy, gave an impression of superficiality which slandered the excellent quality of the text.

Turning from form to content, one notes that the three volumes of the present work, containing more than three times as much printed matter as the two volumes of the first edition, constitute in effect a new treatise. While the original analysis and arrangement of topics has been retained with little change, most of the sections have been rewritten and greatly expanded, covering the topics far more completely, and with much more copious citation of supporting authorities, selected with remarkable care and discrimination from the great body of case law, including the most recent decisions, and from the great classic treatises on the law of Property, including the writings of that distinguished scholar, the late

Professor John Chipman Gray, whose influence is stamped deeply upon all of Mr. Tiffany's work. Even those relatively few sections that remain substantially unchanged show modifications in phraseology carefully made in the interest of greater accuracy and clearness. The carefulness of the revision is shown by instances in which portions of the text have been lowered to the footnotes, and others in which notes have been incorporated in the text.

Perhaps the most striking contribution which the author has made to the art of text-book writing is found in his thorough and successful use of special articles and editorial notes published in the various American legal periodicals and in the English Law Quarterly Review. The frequent citation of these articles has worked a double good. Not only does it make available what is now become a very considerable body of valuable legal literature, too little known to the bench and bar, but it has also stimulated the author to exercise marked independence in weighing authorities and testing judicial conclusions, and to state the results of the process with a vigor quite unusual in modern law books, which are apt to be little more than confused echoes of discordant head notes. Thus the author has incorporated bodily (pp. 1762-1788) his own excellent article on *The Conditional Delivery of Deeds,* published in (1914) 14 COL. L. REV., a most agreeable substitute for the pale comments on this topic found in the first edition. His excellent discussion of future interests in personalty, which could scarcely be improved within its scope, unmistakably reflects the article by Professoı Gray in (1901) 14 HARV. L. REV. 397 [republished as Appendix F in the Third Edition (1914) of Gray's *Rule against Perpetuities*], of which full acknowledgment is made. An even more striking example of the influence of such periodical literature upon the author's work is found in his wholly rewritten treatment of "Licenses" (pp. 1201-1223) in which he adopts the terminology, analysis and conclusions of the late Professor Hohfeld's masterly article entitled *Faulty Analysis in Easement and License Cases* in (1917) 27 YALE LAW JOURNAL, 66. At other places he refers with warm approval to Professor Hohfeld's now famous articles on *Some Fundamental Legal Conceptions as Applied in Judicial Reasoning* (1913) 23 YALE LAW JOURNAL, 16, and (1917) 26 *id.* 710, but aside from the treatment of *Licenses,* referred to above, there is little evidence that Hohfeld's writings have materially influenced the author's work. Thus, for example, he says (p. 1041): "A power over land may be defined as a right or ability in a person to create an estate or interest in the land, or to impose a lien thereon," with seeming indifference to the fact that no one of the five terms *right, ability, interest, estate* and *lien* as here used to define the term *power,* has any definite or fixed meaning. Here the reader is left uncertain not only as to the concepts intended to be expressed by these words, but also as to whether the paired terms "right or ability" and "estate or interest," are used by the author as synonymous or as mutually exclusive, though he will probably draw the doubtful inference that a lien on land is neither an estate nor an interest therein.

So the author, to designate a special topic under the general heading, "Rights as to the Use and Profits of Another's Land," still retains the unfortunate expression "Natural Rights." The most important question really considered under this topic is the extent of the privilege of the landowner to make use of the air and water over, upon, and under his land, or to dig in that land, and his duty not to exceed that privilege so as injuriously to affect his neighbor. It is true the latter has the correlative right that the land owner shall not exceed his privilege and thus unreasonably interfere with the usual flow of air and water to his land, but this can hardly be accurately termed a right in another's land. So far as such rights may be attached to any land, it is to the land of the claimant rather than to that of another; and certainly such rights are no more natural than any other rights enjoyed in connection with physical objects. Professor Bigelow, in his casebook on *Rights in Land* (1919), uses the happier title "Rights Incidental to Possession."

However, it is to be noted that the critical comments here made go rather to the general desirability of a revised analysis of the law of property and the adoption of a more exact terminology that will make possible the more accurate statement of its rules and principles, than to the relative merits of Mr. Tiffany's excellent treatise. His analysis has the merit of being in accord, for the most part, with familiar usage, and in using confusedly terms of uncertain meaning, he is speaking the language of the great masters of the literature of the law of property, and of the courts. Despite minor criticisms that might be made, we may say of this work that in the balanced completeness of its treatment of a vast subject, in its critical and discriminating use of authorities, and in the simplicity and clearness of its style, it stands out as a notable achievement of sound scholarship, one of the very few great American lawbooks.

W. R. VANCE

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The Constitution and What it Means Today. By Edward S. Corwin. Princeton, Princeton University Press, 1920. pp. xxiv, 114.

This little handbook is meant to explain to the non-technical reader the actual meaning of the United States Constitution today. That this cannot really be done in so small a compass, even for the purpose of a layman, is tolerably clear, and much less can or does the book carry out the liberal promise on its cover page . . . "with full explanations of all passages which seem the least obscure." Perhaps Professor Corwin has done as well as anyone could in the same number of words. Some of his brief commentaries are excellent, though there is also a considerable number of inaccuracies and infelicities of statement. It might be thought that a discussion for laymen would be more readily comprehended if related parts of the Constitution were considered together, instead of all clauses being taken up in the order in which they occur in the instrument. Perhaps the gain in ease of reference offsets this, however.

J. P. HALL

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The Law of Contracts, Volumes II, III and IV. By Samuel Williston. New York, Baker, Voorhis & Co., 1920. Vol. II, pp. xxi, 1157-2329; Vol. III, pp. xxii, 2331-3456; Vol. IV, 3457-4182.

The first volume of this set has already been reviewed at length. See (1920) 29 YALE LAW JOURNAL, 942. Volume II deals with "Performance of Contracts," including Interpretation, Construction, and Express and Implied Conditions; and also with "Particular Classes of Contracts," including Sales, Service, Bailments, Carriers, Negotiable Instruments, and Suretyship. Volume III deals with "Remedies for Breach of Contract;" Fraud, Duress, Mistake, and Illegality; and "Discharge of Contracts." Volume IV contains only the index and table of cases.

No doubt the author does not purport to deal with every phase of such particular classes of contracts as Sales, Carriers, and Negotiable Instruments. However, he cannot avoid treating them to some extent; because the law of contracts is but the complex aggregate of the law of the particular classes. The Negotiable Instruments Law is printed in full with rather meagre comment. The chapters on Suretyship are most excellent, and form the best existing text to go with Ames' *Cases on Suretyship.*

Those who are familiar with Williston's *Cases on Contracts* know the extent to which he improved upon Langdell in dealing with the subject of Construction

and Performance of Contracts. No other writer has equalled Professor Williston's treatment of that subject in the present treatise. The most difficult questions of contract law that confront the lawyer to-day are in this field. He should not fail to go to this text for its discussion of conditions express and implied, precedent and subsequent. When are promises mutually dependent? What are the doctrines of "substantial" performance? What is the "essence" of a contract and when is performance on time of the essence? What are the rules applicable to instalment contracts? These questions are exhaustively answered.

Along with such thorough approval of the entire work, however, one may perhaps be permitted to express a few differences of opinion. In section 663 it is said: "A condition in a promise limits the undertaking of the promisor to perform, either by confining the undertaking to the case where the condition happens or to the case where it does not happen." Here is a double use of the term "condition;" for how can a condition be "in a promise" if it has not happened or if it never happens? In the promissory expression there are words that cause the subsequent event to operate as a condition. It is the event that is the condition.

In section 665 the author very properly distinguishes between a promise and a condition. Is it not doubtful, therefore, whether he should use such a phrase as "*breach* of a condition" or should speak of an "*excuse* for the non-performance of a condition?" One would like a little clearer explanation of how conditions "qualify not the existence of the contract but the liability under it." How does a contract "exist," what is "liability," and how can either of them be "qualified."

Is it not merely confusing to suggest, as in section 809, of a condition subsequent: "Such a condition, however, though a true condition subsequent so far as concerns a right of action on the promise may, it seems, be made by the contract a condition precedent of a particular suit?" The author suggests that the parties may provide "that it is a necessary prerequisite of any action which may be brought that it shall be brought within a given time." But how can the bringing of a suit be a prerequisite to itself? The action is always brought for the vindication of a pre-existing right. The right, therefore, is a prerequisite to a just judgment for the plaintiff. The suit should fail if any condition precedent to the right has not occurred or if any condition subsequent to the right has occurred to extinguish it. It is the *right*, not the suit, that depends upon the conditions, precedent or subsequent.

Why does the author insist, as in section 840, that a sealed instrument (or a negotiable instrument) and a separate written promise given in return must necessarily be "separate contracts?" Our courts have long held, with Professor Williston's approval, that such separate promises may be mutually dependent and that the duty of each party may be conditional upon a performance by the other. Nevertheless he writes that "The impossibility of suing at common law on such a hybrid either in covenant or assumpsit is of itself enough to prove" that there are two separate contracts. It is submitted that this is error. The two forms of action mentioned have long been buried, as Maitland has said; and in this instance they no longer rule us from their graves. The ancient forms of action were indeed inadequate to do justice according to the modern notions of what justice is. That is why we have buried them. The "civil action" under our codes of to-day does not isolate some one fact, such as a seal, and give it a legal operation to the neglect of other facts. Nor are there now two sets of courts that will do conflicting and inconsistent things on the same facts. To-day neither of the separate instruments can properly be called " a contract." And the legal relations between the parties cannot be determined by considering either instrument alone. If by "contract" we mean the operative facts, we must include

some of the physical acts of both parties and both paper documents. If we mean the legal relations created by the facts, we mean the single set of legal relations that are determined and created by all the existing facts. If we mean the "promise or set of promises," we must include the two promises as made. For the "hybrid" contract we now have a "hybrid" action in a "hybrid" court. That the parents belonged to different species does not prevent the hybrid progeny from having a single individuality of its own, with perhaps the good qualities of each parent and the bad qualities of neither.

The accuracy of the foregoing does not in the least depend upon rules as to burden of proof or burden of allegation or burden of going forward with evidence. True legal relations are not determined by those rules.

In section 632, dealing with the parol evidence rule [and quoting Wigmore, *Evidence* (1905) sec. 2401], it would be an improvement to follow Austin, Holmes, and Markby in their definition of the word "act." Reasonable objection can be made to the following: the "creation of an act;" "a legal act consisting of a promise or set of promises;" "the written memorial . . . is, for legal purposes, the sole act of the parties."

Any reviewer can find specific flaws in any book. There is no one, however, who is better prepared to write a complete work on the law of contracts than Professor Williston; and there is no one who has as yet written so sound and scholarly a treatise. Student, lawyer, or judge will alike be in serious error unless he makes thoroughly his own the reasoning and system of Professor Williston and uses them as the basis for further advance.

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Collected Legal Papers. By Oliver Wendell Holmes. New York, Harcourt, Brace & Howe, 1920. pp. vii, 316.

The thanks of the legal profession are due to Mr. Harold J. Laski for gathering together in one volume these papers by Mr. Justice Holmes, for they contain, even more than the learned author's work on *The Common Law,* an important message which has not as yet been brought to the attention of the average lawyer or judge. Scattered through the pages of the legal magazines, they have been buried away where only few members of the bench and bar ever saw them and so have failed to have their full effect upon legal thinking.

In the three essays entitled "Privilege, Malice, and Intent" (1894), "The Path of the Law" (1897) and "Law in Science and Science in Law" (1899) are presented the fundamentals of Mr. Justice Holmes's methods of thought. To "become a master" of the law, we are there told,

"means to look straight through all the dramatic incidents and to discern the true basis for prophecy."[1]

"The means of doing that are, in the first place, to follow the existing body of dogma into its highest generalizations by the help of jurisprudence; next, to discern from history how it has come to be what it is; and finally, so far as you can, to consider the ends which the several rules seek to accomplish, the reason why those ends are desired, what is given up to gain them, and whether they are worth the price."[2]

In his tribute to the learned author in the March number of the Harvard Law Review for the current year, Dean Pound suggests that these methods and ideas are characteristic of the legal thinking of the present. So far as a relatively small number of legal scholars are concerned this is perhaps true, but it is

[1] "The Path of the Law," 196.

[2] *Id.* 198.

feared that the same statement will not hold for the vast majority of the leaders of the bench and bar, not to speak of the average lawyer. Even if we confine our attention to law teachers, we find only a relatively small number who exhibit any real appreciation of the message contained in these essays. How many, for example, even among law teachers, not to mention judges and practicing lawyers, "follow the existing body of dogma into its highest generalizations by the help of jurisprudence?" How many in any really adequate way "consider the ends which the several rules seek to accomplish, the reasons why those ends are desired, what is given up to gain them, and whether they are worth the price?" Consider, for example, the fact that the attempts of men like Terry,[3] Salmond,[4] and Hohfeld[5] to isolate the different meanings of that vague term "a right," and thereby to bring about clearer thinking and a more accurate use of judicial precedent, have either passed unnoticed by members of the legal profession or else have been rejected as something academic and useless. Is it not clear that much missionary work remains to be done before the methods of legal thinking exemplified in these papers become characteristic of a majority of even the leaders of the legal profession? For this reason the present reviewer is profoundly grateful that these essays have at last been made readily accessible. It is to be hoped that such essays as "The Path of the Law" and "Law in Science and Science in Law" will now be made a part of the required reading of law students in every law school in the land.

WALTER WHEELER COOK

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Comparative Administrative Law with special reference to the organization and legal position of the administrative authorities in British India. By Nagendranath Ghose. [Tagore Law Lectures, 1918] Calcutta, Butterworth & Co., 1919. pp. xliv, 704.

That the best book which has so far appeared in the English language on the subject of comparative administrative law comes from India need not be surprising. The difficulties in the production of such a book in other countries under the Anglo-American system have heretofore been due to the fact that there was supposed to be no such department in our law. Dicey had effectively contrasted the Anglo-American rule of law with the continental system of *Droit Administratif.* In this country Professor Goodnow in the early '90's turned his attention to the branches of our law that corresponded in their function with the administrative law of Europe. In the main, he found parallels in our law regulating officers, particularly in that part of it which was enmeshed in the rules of such extraordinary procedure as mandamus, certiorari, and prohibition. But by far the most important part of this study was connected at the time he wrote with the drawing of the outer boundaries of administrative law by reference to the due process clause of the Fifth and Fourteenth Amendments. Although this clause may not necessarily differ in its meaning and applications from the expression "law of the land" in Magna Carta, in its actual application in this country, by reason of the nature of our constitutional doctrine, it has led to a more rigid set of rules on the subject of procedure before administrative bodies than anything known in England. Consequently, while a very useful and interesting body of law has been found teachable under the general caption "administrative law," and while this has been

[3] *Leading Principles of Anglo-American Law* (1884).

[4] *Jurisprudence* (1st ed., 1902).

[5] *Some Fundamental Legal Conceptions as Applied in Judicial Reasoning* (1913) 23 YALE LAW JOURNAL, 16.

done under the stimulus of comparative jurisprudence, there has not developed in America a body of law comparable to *Droit Administratif*.

In India, on the other hand, the government itself has grown out of a form of administration. Accordingly, as the author justly remarks,

"constructive statesmanship has had greater play in determining the form and spirit of the Indian administration than it had in the evolution of the English and the French. . . . The way in which [British] rule was inaugurated in India was certainly far from favorable to the development of administration according to law. . . . Fortunately for India, however, the East India Company depended for its legal existence upon politically renewable charters of the British Parliament, and the way in which the Parliament viewed the acquisition of political power by subjects of the Crown was well expressed by the elder Pitt when he declared from his place in Parliament that no subjects could acquire sovereignty of any territory for themselves but only for the nation to which they belonged."

In one sense, therefore, the coming of British law into India was accomplished through administration. The author of the book, however, does not imagine that the Indian system is perfect. In fact, the entire first part of the book which traces the history of the administrative systems of ancient and mediaeval peoples, is devoted to a thesis that the development of a reconcilation between administration and law is of very slow and recent growth, and that even now it is far from having reached its culmination.

The body of the book is divided into substantive and adjective administrative law. Of the former, the major part is taken up by a discussion of the organization of the administrative. This part is perhaps the least interesting to the American student, for in it the author is concerned chiefly with the British system of colonial administration. The rest of this subdivision, however, dealing with legal relations, of the state, of its various officers, and of its agencies, such as departments and local and other public corporations, and particularly the chapter or lecture on "Citizens' Rights," is of as great interest to us as it can possibly be to any other part of the world.

"Citizens' rights," says the author, "constitute the bed rock of modern constitutional forms of government. The history of the progress of constitutionalism may, from one point of view, be regarded as the history of the growth of citizens' rights."

That such rights are by no means the same thing in a modern constitutional government as citizens' rights were in ancient or mediaeval communities is brought out in the clearest possible lines. The modern conception he traces from Magna Carta, through the various bills of rights, down to the American Declaration of Independence. A distinction is noted between citizens' rights in England as represented in Lord Coke's *Second Institute,* and those in America. The omnipotence of Parliament is contrasted with the constitutional limitations of America; and yet in practice it is doubtful whether Parliament on the whole has deviated from a constitutional model more than American legislatures have. And the same remark is true of citizens' rights in other countries. They are shown to differ much more on paper than they do in fact.

The lecture on citizens' rights paves the way for the discussion of adjective administrative law, which immediately follows it. After all, the checks on administrative aggression against the rights of the individual citizen in the Anglo-American system are adjective in their nature. It is true that this is a mooted point with reference to the meaning of "due process of law" in the Fifth and Fourteenth amendments, but the author, in discussing the subject, clearly leans to the view that it is essentially a clause having reference to procedure. In these chapters, the author keeps constantly in mind Professor Dicey's "rule of law." He can understand Mr. Dicey's alarm when, in commenting on the

Arlidge Case, ([1915] A. C. 120) that author says: "Such transfer of authority [to administrative officers] saps the foundation of that rule of law which has been for generations a leading feature of the English constitution." Yet, viewing as inevitable the expansion of administrative law, he attempts to draw the line between those cases in which the courts, as such, will interfere with the administrative and those in which they will not. A few apparently simple principles can be laid down. For example, that there will be no interference with discretion, but that officials are compelled to observe the law; that the President or Governor of a state may not be coerced, and so on. But the difficulty encountered here is not only that the line has not yet been clearly drawn by the courts, but that whatever line has been roughly sketched is subject to change with almost every case that reaches the Supreme Court of the United States or the House of Lords.

Looking ahead, he regards the ideal system to be one in which administrative officials, passing upon quasi-judicial matters, shall sit as a court and be recognized as such.

"An ideal administrative court (and it is that towards which all administrative courts are tending in France as in other countries) would be one whose members may be summarily removed by the executive, and whose orders and judgments would be capable of immediate execution, without being subject to review by any but a judicial authority of the same character."

The American materials used by the author include all of the best works that we have on the subject from Wilson's *The State* and Goodnow's *Comparative Administrative Law* down to the latest articles in our law periodicals and the collections of cases prepared for the study of the subject in our law schools. His use of our case material and his understanding of American constitutional law show a sympathy with our institutions which cannot be excelled and is rarely equalled even in the best American law books. A single illustration will suffice. Notice particularly the keenness with which he follows the personalities of our judges, without losing sight of the continuity of the common law against which those personalities are mere incidents.

"Finally, in 1905, came the decision in *United States v. JuToy* (198 U. S. 253) also delivered by Holmes, J., (Brewer, J., again dissenting,) in which it was held that the question whether in fact the person desiring admission was a citizen or alien was itself for decision by the immigration authorities, and their decision (in the absence at least of proof of abuse of authority of any kind) was not reviewable by the court on an application for *habeas corpus*. The later decision in *Chin Yow v. United States* (208 U. S. 8 [1908]) delivered by Holmes, J., (with the concurrence of all the judges including Brewer, J.,) granting *habeas corpus* in a case where it appeared that the immigration authorities had not given the complainant a chance of establishing her citizenship, does not take away from the effect of the decision in *United States v. JuToy* (198 U. S. 253). Mr. Justice Holmes, jurist as well as judge, has evidently travelled a long way from the day in 1891 when he pronounced judgment as a judge of the Supreme Judicial Court of Massachusetts in *Miller v. Horton* (152 Mass. 450)."

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Maritime Law. By Albert Saunders. Second Edition. London, Effingham Wilson, 1920. pp. xxxii, 501.

The title page of this volume contains a statement that the Maritime Law as therein set forth is "illustrated by the history of a ship from and including the agreement to build her until she becomes a total loss."

In the preface the author writes:

"Some explanation is also due from me for adopting the narrative form in relation to such a subject. I have done so for the two-fold reason—

(1) That form enabled me to give a practical view of the law, and
(2) I hope it has enabled me to produce a readable and interesting volume."

It is the belief of the reviewer that the narrative form as used in this volume does not accomplish either of the results intended by the author. Many theories of Admiralty Law with regard to the rights and liabilities of owners and charterers, carriers and shippers, are so intricate that the necessity of keeping in mind the narrative as well as the statements of law only results in placing an added burden upon the reader. As an illustration of this: the author brings the steamship "Malabar" to London with a general cargo. Upon the discharge of the cargo there many questions arise with reference to demurrage, general average, cargo damage, etc. The reader follows the "Malabar" to the docks, becomes lost in a maze of statements of law covering the questions which arise, and is left high and dry to go back and rejoin the steamship again. It is difficult to see what practical advantage is actually gained by the use of this form. There is considerable doubt in the mind of the reviewer whether the question is presented in an especially practical way by stating in two lines, as is done on page 111, that the steamship "Malabar," after discharging at Hankow, proceeded to London; and then occupying the next forty pages with a discussion of the rights and liabilities arising in London upon the discharge of the ship. The assumption of a detached state of facts in connection with each legal principle to be illustrated would bring both the facts and the principle which are illustrated by them more clearly into the mind of the reader.

A further quotation from the preface instructs the reader as to the main purpose of the book.

"The chief aim and object of the book is to instruct students of my own branch of the profession not only in the law but in the practical application of it to merchant shipping."

The author's style and sentence structure is hardly fitted to the purpose he has in mind. Long involved sentences consisting of clause within clause do a great deal to mar the readability of the volume.

Two examples of defective English have been selected at random. In referring to the conveyance of military persons on board ship, the author says on page 334— "It may be difficult to define the number of military persons the consequence of which may subject the neutral ship to the penalty, but in truth the number alone is an unimportant circumstance in the case on which the principle is built, since a fewer persons of higher quality and character may be of more importance than a much greater number of persons in lower condition."

On page 335—

"The steamer *Nigretia* was on a voyage from Shanghai to Vladivostock with a cargo of kerosene, only carried two Russian officers, who in assumed German names had goné abroad at Shanghai as passengers to Vladivostock, that was a Russian naval port."

The author speaks several times in his preface of his desire to produce a practical book. Perhaps one of the best aids to his purpose would have been a clear style in which the facts are lucidly set forth and the principles of law are more tersely stated. The discussion of questions of law is far too obscured to make the volume a practical aid to ship-owner or merchant.

The defective indexing of the book makes it impracticable for use in law offices.

The reviewer would not have it inferred from the foregoing criticism of the method and style of the author that the treatise as a whole is entirely devoid of merit; on the contrary, the book shows abundant evidence of the learning and experience of the author.

George de Forest Lord

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BOOKS RECEIVED

Supplement to a Treatise on the Law of Municipal Corporations. By Eugene McQuillin. Volumes Seven and Eight of the Series. Chicago, Callaghan & Co., 1921. Vol. VII, pp. x, 6427-7540; Vol. VIII. pp. 7541-8627.

The British Year Book of International Law, 1920-21. Cyril M. Picciotto, Editor. London, Henry Frowde and Hodder & Stoughton, 1920. pp. viii, 292.

Report of the Forty-third Annual Meeting of the American Bar Association. Charles A. Morrison, Official Reporter. Baltimore, The Lord Baltimore Press, 1920. pp. 837.

The Preparation of Contracts and Conveyances, with Forms and Problems. By Henry Winthrop Ballantine. New York, The Macmillan Co., 1921. pp. x, 227.

Collier on Bankruptcy. Twelfth Edition. By Frank B. Gilbert and Fred E. Rosbrook. In Two Volumes. Albany, Matthew Bender & Co., 1921. Vol. I, pp. cxxxviii, 1-836; Vol. II, xii, 837-1729. $20.00.

Le droit international public positif. By J. de Louter. In Two Volumes. Published by the Carnegie Endowment for International Peace. London, Oxford University Press, 1920. Vol. I, pp. xi, 1-576. Vol. II, pp. vi, 1-509.

Government War Contracts. By J. Franklin Crowell. Preliminary Economic Studies of the War, No. 25. Published by the Carnegie Endowment for International Peace. New York, Oxford University Press, 1920. pp. xiv, 357.

The Case of Requisition. De Keyser's Royal Hotel, Ltd. vs. The King. By Leslie Scott and Alfred Hildesley. New York, Oxford University Press, 1920. pp. xxiv, 307.

Life of Walter Quintin Gresham. By Matilda Gresham. Chicago, Rand, McNally & Co., 1919. In Two Volumes. Vol. I, pp. xxxiii, 1-436. Vol. II, pp. 437-875.

Des contrats par correspondance en droit francais, en droit anglais, et en droit anglo-américain. By Albert Cohen. Paris, Ernest Sagot & Cie, 1921. pp. xii, 196.

Transactions of the Grotius Society. Vol. VI. Problems of Peace and War. Papers Read before the Society in the Year 1920. Hugh H. L. Bellot, Editor. London, Sweet & Maxwell, Ltd., 1921. pp. xxxi, 106.

Modern Democracies. By Viscount James Bryce. In Two Volumes. New York, The Macmillan Co., 1921. Vol. I, pp. xiv, 1-508; Vol. II, pp. vi, 1-676.

Report of the Thirty-First Annual Meeting of the Virginia State Bar Association, 1920. Vol. XXXII. Edited by John B. Minor. pp. 251.

Carnegie Endowment for International Peace Year Book, 1920. Published by the Endowment at Washington, D. C., 1921. pp. xiv, 244.