

BOOK REVIEWS

Cases on Contracts. By Arthur L. Corbin. St. Paul, West Publishing Co., 1921. pp. xxiv, 1514.

This volume of cases is one of the American Casebook Series published now under the general editorship of Professor Vance of Yale.

The thing that first attracts one's attention in examining the collection is the great quantity of new material. Professor Corbin tells us that nearly half the cases have been decided since 1900. This is indicative of its general attitude. It is decidedly up to date. The preface states that the purpose of the editor is to furnish material for answering the question, What are our American courts going to decide to-morrow? He has accomplished that purpose. There is so much new American material in the book that probably many teachers would deem it wise to omit perhaps a fourth of the cases so as to have time for adequate discussion of those taken. But the quantity of material is an advantage rather than a defect in the compilation. Every instructor can thus, to a considerable extent, make his own case-book.

The topics treated are the same as those in Professor Williston's well-known case-book on the same subject. Such topics as capacity of parties, construction of language, fraud, duress, rescission in equity, damages, and specific performance are omitted. This is justified by the presence of those subjects in other courses commonly taught in our law schools. There is a tendency here and there to include matter showing the relief possible in equity, as witness the cases on pp. 121 and 124. It is rather surprising, therefore, to find in the chapter on Assignment none of the early equity cases which portray the history of assignment and explain its modern limitations. Though one of the equity cases is given at page 1127 it is for a different purpose. The writer has always thought that a group of selected cases on beneficiaries might well include one good equity case like *Keller v. Ashford* (1890) 133 U. S. 610, to acquaint the student with the doctrine of subrogation as applied in such cases. The solution of payment beneficiary cases by applying equitable subrogation should have been more successful in its competition with *Lawrence v. Fox* than it has been. No such case appears in Professor Corbin's chapter. In *Fry v. Ausman*, p. 1080, an excerpt from *Keller v. Ashford* is quoted by the court. But the Fry case, while excellent on its own point, neither follows the doctrine of subrogation nor brings it adequately before the student.

The order of topics in the present volume is unusual and the writer must confess that his experience would not have led him to adopt it. One may, with Professor Williston, adopt a logical or perhaps chronological order: formation, parties affected, performance and discharge. This brings the topic of consideration close to the beginning of the course. The law of consideration is technical, rather unreasonable in spots and not easily assimilated by beginning students. If possible it should be postponed somewhat. By the same order illegality, which is relatively easy, comes near the end of the course. Now Professor Corbin in his preface states that "the order of arrangement has been chosen with the purpose of making the topics and the individual cases most readily understood by the beginning student." Tested by this aim it would seem that illegality might be placed near the beginning and consideration postponed. Instead, consideration is found in the second chapter and illegality in next to the last and after discharge of contracts. Still more puzzling is the advancing of the difficult subject of conditional contracts to the first half of the volume. But, as Professor Corbin says, each teacher can readily choose his own order of topics. There is no attempt to follow the order of Anson on Contract which the author has recently edited.

There is a more minute subdivision of chapters than is found in Williston's Cases on Contracts. This seems to the writer an improvement. Students other than the very best tend to get lost in the course before the end is reached. This is especially true in Implied Conditions. Mr. Corbin has a quite detailed subdivision here. It chiefly turns, however, on the subject matter of the contracts or condition involved, as "Contracts of Service," "Certificate of Architect or Engineer," "Condition of Notice." Some, and the writer is among them, may think that an analytical classification would be more useful to the student. The following is offered as an illustration of what is meant:

1. Express Conditions.
 - (a) Distinguished from Promises.
 - (b) Distinguished from Implied Conditions.
 - (c) Their Construction.
 - (d) Their Performance.
 - (e) Express Conditions exceptionally Treated:
 - (1) Architect's Certificate.
 - (2) Condition for Personal Satisfaction.
 - (3) Conditions in Leases.
2. Implied Conditions.
 - (a) History.
 - (b) Effect of Serjeant Williams' Rules.
 - (c) General Principles.
 - (1) Order of Performance.
 - (2) Separate Instruments.
 - (3) Aleatory Contracts.
 - (4) Leases
 - (d) Condition Requiring Notice.
 - (e) Substantial Performance.
 - (f) Time or Quantity of the Essence.
 - (g) Severable Contracts.
 - (h) Instalment Contracts.
3. Warranties.
4. Conditions Subsequent.
 - (a) Express.
 - (b) Implied.
5. Excuses for Non-performance.
 - (a) Generally.
 - (b) Prevention.
 - (c) Breach by Other Party.
 - (d) Repudiation.
 - (e) Incapacitation.
 - (f) Waiver.

Anticipatory Breach may well be placed in a separate chapter. Impossibility as an excuse for non-performance of conditions probably can be treated best at the end of the chapter on impossibility as a discharge of a promise. The question whether the various excuses for breach of a condition are also excuses for breach of a promise might also be considered in section five above, though analytically it is a distinct problem.

As to the cases chosen a word or two must be said. About three fourths of them are cases not found in other case books. They are modern American cases containing good discussion of the problems in hand and illustrating the variety of American opinion. They have crowded out many of the old familiar friends. But in general the really important older cases have been retained. One finds *Williams v. Carwardine*, *Adams v. Lindsell*, *Dickinson v. Dodds*, *Rann v. Hughes*, *Foakes v. Beer*, *Pordage v. Cole*, *Kingston v. Preston*, *Norrington v. Wright*, *Hochster v. De la Tour*, *Daniels v. Newton*, *Taylor v. Caldwell*, *Ford v. Beech*, *Tweddle v. Atkinson*, *Lawrence v. Fox*, *Winch v. Keeley*, *Nordenfelt v. Maxim Company*, *Eastwood v. Kenyon* and many others. Useful cases like *Los Angeles Traction Company v. Wilshire*, p. 189, *De Cicco v. Schweizer*, p. 376, *Seaver v. Ransom*, p. 1061, and others have been rightly added. But why was *Slade's Case* relegated to a footnote on page 389? Indeed why was the history of *assumpsit*,

which is substantially the early history of contract law, excluded? The cases printed on the early history of consideration illustrate chiefly the vacillations of the early courts between benefit and detriment on the one hand and between real detriment and technical detriment on the other. Also one looks for *Dunlop and Company v. Selfridge and Company*, the English case settling that a promisee who did not furnish the consideration cannot sue on the contract, and finds it excluded on page 1040 for an early English case to the contrary. None of the late English cases, such as *Millar and Company v. Taylor and Company*, [1916, C. A.] 1 K. B. 402, discussing the effect of partial impossibility caused by war, are included. Even the coronation cases are merely mentioned on p. 910 in a note.

The footnotes are copious and helpful. The collections of authorities show an immense amount of well spent effort. They are a great addition to the volume. It seems captious to be critical of them. It is, however, true that they are used occasionally to present the author's views or reasoning rather than as mirrors of the authorities. This may be seen on pp. 72, 76, 85, 235, 267 and elsewhere. This is leading the student and sometimes it will happen that he is led in a direction which the instructor will think erroneous.

In the preface Professor Corbin pays a tribute to the analytical work of Professor Wesley N. Hohfeld. As he says, Hohfeld's conceptions and reasoning do not find a place in a case-book but rather in class discussion. On page 197, however, and occasionally elsewhere, there are notes applying Hohfeld's distinctions to the matter in hand. The note on that page seems to the writer too subtle for the useful consideration of beginning students.

On the whole the book shows scholarship and thoroughness. The teacher who cannot by its use give to a class a sound knowledge of the general principles of contract law should be in some other field of endeavor.

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The Equality of States in International Law. By Edwin DeWitt Dickinson. Cambridge, Harvard University Press, 1920. pp. xiii, 424. \$4.00.

Professor Dickinson has given us an admirable presentation of the history of the idea of the equality of states. He has traced opinions from the earliest times down to the present day with a clear presentation of the views held at different periods and with careful references to the sources.

He has discussed the equality of states in a sense of equality in capacity for rights.

Of course one goes back to the early discussions relating to the law of nature and the odd theory of the state of nature in which human society may have been supposed to exist at some periods. Of course such a state of nature in fact never was, but it afforded a convenient hypothesis on which philosophical discussion might be based. There was a natural transition from the rights of persons to the rights of a state whatever might be the source of each.

Grotius, Dr. Dickinson points out, on the whole did not base his doctrines on supposed natural rights, but he held rather to the practice of existing states as to equality before the law.

The text writers who follow Grotius fall into three classes with regard to the source of law; the Naturalists, the Positivists, and the Eclectics. Hobbes, Pufendorf, Vattel, and others illustrate these various schools, and Dr. Dickinson has caught their essence very successfully.

The chapter on the documentary sources of the 19th century and the two chapters on the internal and the external limitations of equality are especially luminous. The various Congresses and Conferences are also discussed and their policies as to equality of their constituent members are made clear.

Of course any general international conference like those of the Hague raises at once the question of the relative weight of the member states. By far the greatest amount of international interests of the world belong to the great nations. On the other hand each small nation is just as strenuous for its independence and for its equality in the conferences with every other nation. That is the case with the great states themselves. How these conflicting views can be reconciled with reference to international co-operation is a matter not at all easy to settle. Perhaps some statesman wise enough to settle it may be discovered some day. Until that day we cannot expect great progress in the serious and permanent establishment of international bodies. Equality, social and political, is not entirely unknown as a puzzling question in the development of states. It is perhaps still more puzzling in international relations.

But "equal" and "equality" are words with no substantive meaning. In fact they are mere algebraic symbols, and have no force at all excepting as asserting a specific relationship of what precedes to what follows, e. g., "the three angles of a triangle are together equal to two right angles." To understand what it is that is equal to something else we must know exactly what is meant by both terms.

"All men are born equal," recites the Declaration of Independence—in other words, every human being is at birth equal to any other human being. Equal in what? Obviously not physically, nor in mental or moral capacity, nor in opportunity. Equal, the Declaration goes on to say, in certain fundamental rights—"life, liberty, and the pursuit of happiness." Wisely, the fathers did not attempt an enumeration of all fundamental rights. Equal, perhaps, in the capacity to acquire other rights which are essential to those which are fundamental—the right to acquire and to possess property, the right to freedom of locomotion, the right to form contracts, the right to protection to a certain extent by organized society. The right to vote and to hold office? Not necessarily. These are political rights, and are granted by the state to some, but not all, of its members. When the Constitution was adopted, political rights were possessed by no negroes, by no women, by no minors, and by no means by all adult men. It was the theory of the Constitution that life, liberty and the pursuit of happiness were natural rights which belonged to all human beings, at least to all white men, while political rights were artificial—were solely the creation of law.

Essentially the same principles may be held to apply to states. The right to exist, to independence, to follow its own ideas of well-being, may be held to belong naturally to every state. Such rights as the common consent of nations has held to be embodied in international law, may be held to belong to all states. Such obligations as under international law are incumbent on states are doubtless obligatory on all states alike. Such specific rights and obligations as may be acquired by any state under certain conditions—by such states, for instance, as have a sea-coast and sea-borne trade—may be acquired equally by any state. All these are common rights and obligations which are recognized as belonging to all. In this sense all states are equal—equal, that is, in the rights and obligations which belong to them or which they have a capacity to acquire.

In municipal law we say that all members of a state are equally entitled to the protection of the law. There is a government to which all are subject, and on which each citizen has an equal claim with any other citizen. But in the relation of nations one with another this is true only in part. There is no general super-national government. International law is enforced either by such moral forces as the conscience and self-respect of the strong, or the public opinion of the world at large, or by such physical force as may be applied by an individual state either alone or with the aid of others. To the moral forces all states are equally entitled. But physical force may fail the weak, and as the world is now organized there

is no general legal obligation of other states to come to its aid. In other words all states are not equal in the protection of their rights.

Any member of a municipal state may, by misconduct, forfeit any of his rights, no matter how fundamental, how natural, how "inalienable" they may be. In like manner a state may so conduct itself that its neighbors are no longer bound to heed its independence. The existence of rights implies a society of nations. Equality in the possession of rights implies the corresponding scrupulous heeding of obligations. If a state forfeits its rights it thereby forfeits its equality in the family of international states.

But if a number of states unite in a conference or an association of any form, are they equal by right, for instance, in their weight of decision? Is each state entitled to the same vote as any other state?

That is wholly a political question. No state has a natural right to membership in any international association, or to any specific proportion of weight in such association. Its membership and its relative voting strength are matters of agreement—of contract—and nothing else. In short, the political rights of states are wholly contractual, and have no existence at all antecedent to the contract.

That states are unequal in population, in wealth, in degree of civilization, is obvious. That all are extremely jealous of their independence, is equally obvious. That large and powerful states will be likely to enter an association of nations under such conditions as may impair their independence by submitting to a majority vote of small states, under the doctrine of unlimited political equality, is unthinkable. "The Federation of the World" cannot be formed on that basis. International agreements on that basis for limited purposes may be formed. Agreements among a limited group of states for more general purposes may be formed. But the principle that all states are equal for all international purposes is a chimaera.

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Training for the Public Profession of the Law. By Alfred Zantzinger Reed. The Carnegie Foundation for the Advancement of Teaching. Bulletin Number Fifteen. New York, 1921. pp. xviii, 498.

Those who have been heard to declare that this heavy volume is without any value are much mistaken. Its historical and statistical portions, manifestly the product of prodigious industry, afford a wealth of significant material which later writers with some understanding of the actual problems of legal education should be able to use with great advantage. Teachers of law, members of examination boards, and others peculiarly interested in the progress of legal education, are under a debt of gratitude to the Carnegie Foundation for the considerable expense of money and effort involved in assembling and publishing this great mass of apparently accurate information. This debt is none the less because the most patient reader finds little value or interest in those portions of the work in which the author essays to interpret the facts gathered with such commendable industry, in order to assess the present status of legal education, and, to quote the words of the preface written by the President of the Foundation, "to point out certain broad lines along which legal education and methods of admission to the bar must develop if the profession of the law is to fulfil its true function." Dominating the author's interpretative efforts are three quite remarkable discoveries which may thus be described in the apparent order of their importance. First is the great fundamental principle of our democratic political philosophy which has "battered down the gates of privilege" so that the great mass of average citizens, "Lincoln's plain people," might not be barred from participation in the important governmental function discharged by the legal profession. Second

is the "unitary bar," which is a very bad thing, not because it exists, for it seems it doesn't, but because of the fact that bar examiners, law teachers and other foolish persons persist in acting as if it did. The last great discovery is "the law as it is," which, it seems, is quite different from the "national law" devised by the law teachers. This "national law" appears to be a system of law as it ought to be everywhere and is not anywhere.

These concepts the author takes very seriously. Applying them in bewildering permutation to the different problems that he discovers, he obtains quite surprising results. Thus in one place he glorifies the night or "part time" school, as the beneficent agent of democracy providing for Lincoln's plain people, whether qualified or not, an easy way of approach to the bar. He severely rebukes those who differ from him, thinking that democracy requires not that the bar, but only the opportunity to qualify for the bar, should be wide open, and hence regard the night schools, with their prevailing low standards of admission and graduation, as possibly a detriment to the public rather than a benefit. The author thinks that "when this attitude does not reflect merely a failure to grasp the necessary implications of a democratic form of government, it is itself an indication how badly these schools are needed." Yet in other places he seems to deplore the low standards of admission to the bar, says that the bar is flooded with incompetents, and finally says that "it is not too much to say that up to the present time they (the night schools) have done more harm than good." What does he mean? Is it that the night schools should raise their requirements to meet, say, those set by the resolution passed at the last meeting of the American Bar Association, or that the flood gates shall remain open as at present? In the former case he knows that the night schools would cease to be profitable, and would, with few exceptions, pass out of existence. If he favors letting Lincoln's plain people come to the bar unqualified, why should he use hard words about them afterwards?

But while the great principle of democracy that batters down the gates of privilege and lets in Lincoln's plain people is important, even fundamental, it is the "unitary bar" that portends disaster to the legal profession. It seems that a unitary bar, if you could find it, would be one with a unified function. As a matter of fact, however, this unitary bar is a sort of ghostly thing that exists only in the minds of those who don't know that it is already "differentiated in function." It is not the English differentiation into barristers and solicitors. That has long since been thrown over by a triumphant democracy. It seems that there are "distinct types," to wit, two types, but just what it is that distinguishes these types the author does not make clear. For a time the reader is led to believe that this differentiation is chargeable, in part at least, to the different methods of the law schools; the graduates of the case method schools, being profoundly versed, even "inhumanly expert" in "national law," are of the superior type, while the graduates of the text book schools who have only a practical knowledge of "law as it is," supply the inferior type. But just here we learn that the lawyer of inferior type, being practically trained, will make more money than his theoretical superior brothers, and being closer to the people, will make good in politics, attain to high public office and there be able to hire the superior lawyers to do his drafting or anything else he has a mind to. But this line of easy inference is rudely broken when we read of the unexpectedly dreadful consequences that have resulted from a failure of the law schools to recognize this functional differentiation of the bar, and their stupid endeavors to teach all kinds of lawyers all kinds of law. Let teachers of law read these words and tremble: "Attempts by each type of law school to carry the entire burden of legal education produce such unsuccessful results as to bring the entire body of practitioners into disrepute." We are further told that the law

teachers must forthwith reform in this respect "if judges, lawyers and politicians are to regain that place in popular esteem which is essential to a law abiding community." One would scarcely have guessed that a vicarious reform of this simple sort would be sufficient to re-establish the politicians! After learning these very disquieting things, one would at once set about effecting a "functional division" of this dangerous unitary bar, which is already so thoroughly "differentiated functionally" that it can't possibly be integrated again, just like Humpty Dumpty that fell off the wall. But alas! it seems that the basis of this indispensable division of the unitary bar is not at all certain, or even ascertainable. Anyhow it will be slow, and "may not be completed by those now living." Worse than that, "we may or may not be able eventually to introduce . . . the functionally divided bar." And even if we could, possibly it would not do any good after all, for is it not written, "If one-tenth of the thought that has been given to this vain effort [to unify legal education] had been expended upon the problem of dividing the bar along lines that can be justified on both political and educational grounds, by this time we might or might not have attained a solution entirely satisfactory." It is to be feared that the author's "broad lines" of development are quite too broad to be serviceable.

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International Law and the World War. By James Wilford Garner. In Two Volumes. New York, Longmans, Green & Co., 1920. Vol. I, pp. xviii, 1-524; Vol. II, pp. xii, 1-534. \$24.

Professor Garner's two large volumes on *International Law and the World War*, replete with historic information and most highly documented, would require, for any adequate review, many more pages than can be here devoted thereto. I omit from examination the very full and interesting discussion of the German war philosophy and the German war measures. Professor Garner's reasoned conclusion, after full examination of Germany's apologies and explanations, differs in no wise from the verdict of America registered by its entry into the war and consecrated by the soldier lads who gave their lives to the great allied cause. It may be enough on this point to cite the language of the official German war manual that:

"War is not merely a conflict between armed forces, but that it is legitimate for a belligerent to destroy the spiritual (*geistig*) as well as the material power of the enemy."

This portion of Professor Garner's work compasses the larger part of the volumes, and I shall confine myself to matters of a more technical, and, from a legal standpoint, difficult and interesting character.

To the lawyer the most interesting part of this work is the discussion involving the exercise of sea power by Great Britain, especially with respect to the legal doctrines of contraband and blockade. Early in the war some of these questions arose in connection with American ships, and a diplomatic correspondence between the Foreign Office and the State Department ensued which continued until the entrance of the United States into the war. These questions still remain open, and, if it ever becomes necessary to submit them to an international tribunal, will give rise to discussions of the greatest technical interest to lawyers and diplomats. It seems more probable, however, that in view of the joining of the United States with France and Great Britain in the War and its adoption of the very methods complained of, these controversies will not reach an international tribunal, and will either be allowed to drop entirely, or, if damage claims require adjustment, be made the subject of diplomatic negotiations.

The most serious controversy arose over the British Orders in Council establish-

ing what was in effect a blockade. By reason of Germany's geographical situation, Dutch and Scandinavian ports, while neutral, were also natural ports for Germany, and, in order that the British blockade might have effect, it was necessary to stop goods going to those ports which might ultimately find their way to Germany. This the British Government undertook to do by the application of the doctrine of "continuous voyage" or "ultimate destination," and, in order to find precedent, certain cases in the Supreme Court of the United States consequent upon the Civil War were adduced, and much rather subtle discussion took place between the two governments regarding some of these cases, especially that of *The Springbok* (1866, U. S.) 5 Wall. 1, *The Bermuda* (1865, U. S.) 3 Wall. 514, *The Hart* (1865, U. S.) 3 Wall. 559, *The Peterhoff* (1866, U. S.) 5 Wall. 28, and others.

Professor Garner states the difficulties confronting the British Government and the necessity for the liberal application or extension of the old rules as follows:

"The old English rule, according to which the destination of the ship was primarily the test, was effective enough under the conditions of land transit then existing, but with the development of railway and other facilities for land transportation, which made it as easy for a belligerent to obtain over-sea supplies by land through the medium of adjacent neutral ports as through his own ports, the old rule no longer sufficed. Unless, therefore, a belligerent were allowed to apply the doctrine of ultimate destination to the carriage of contraband to such neutral ports, his power to intercept contraband would be of little avail in a war with a continental enemy. Accordingly, the prize courts of France, the United States, and Italy extended the old rule so as to make it conform to the altered conditions."

The extension of the doctrine of continuous voyage to blockade running was severely criticised in the American notes.

"They pointed out that in the case of *The Peterhoff* the United States Supreme Court definitely refused to extend the rule of continuous voyage to blockade running, by declining to condemn goods shipped from England to Matamoras, a non-blockaded port, although the evidence indicated that the goods were to be transported by land from Matamoras to the Confederacy. In short, the doctrine of continuous voyage did not apply when the last lap of the voyage was by inland transportation from a neutral port to enemy territory, although it did apply when the second part of the voyage was by sea. The voyage of the *Peterhoff*, it was said, was exactly parallel to a voyage during the recent war from New York to Rotterdam or Copenhagen, whereas those with which the Supreme Court was dealing in *The Springbok* and other similar cases were not."

Professor Garner in reviewing the controversy seems to us to indicate the common-sense view in holding that:

"Although the action of the British government was severely criticised in neutral countries, there is good ground for arguing that the extension of the rule of continuous voyage to blockade running is a logical consequence of the admitted right of a belligerent to cut off the overseas commerce of the enemy. To hold that the doctrine of continuous voyage may be applied when both laps of the voyage are by sea, but not when the second is by land, is to introduce distinctions which seem to be neither logical nor reasonable under modern conditions. It would seem that the better test is not whether the voyage is continuous by sea, but whether the real destination of the goods is enemy territory. The distinction between the two situations tends to render the right of blockade illusory in many cases and makes the means of transportation rather than the intent or effect the real test."

That it will be possible for the nations to reach a definite agreement in regard to limitations upon the application of the doctrines of contraband and blockade seems for the present at least improbable. In any world conflict sea-power will necessarily be exercised to starve out the enemy, and, unless the neutrals are stronger than the belligerents, and resolute to maintain the letter of the law, they must necessarily suffer loss and inconvenience. In fact, it seems difficult to believe that any adequate rules can be formulated which will be strictly adhered to in a world war and in an age when modern mechanical progress has so modified old

methods and given birth to such new conditions. As long as the belligerent may indefinitely enlarge his list of contraband, the neutral has little protection.

Professor John B. Moore thinks the proper solution is to found

"if not in the abolition of the principle of contraband, at any rate (1) in the adoption of a plan embracing the abolition of conditional contraband, and (2) a single list having been agreed upon, in the coöperation of neutrals and belligerents in the certification of the contents of cargoes so that the risk of capture may be borne by those who may voluntarily assume it. . . . Harassing searches and detentions will then be heard of no more."

The sale of munitions to belligerents is fully treated, and the position assumed by the United States in refusing to interfere with munition exports shown to be entirely justified both by principle and precedent.

The vexed questions of interference with the mails, and of the so-called Black List are also fully discussed. These practices were carried far by Great Britain and somewhat extended by the United States after its entrance into the war.

The interesting case of *The Appam*, the German prize, which in February, 1916, took refuge in Newport News claiming the right to remain there indefinitely under Article 19 of the Prussian-American Treaty of 1799, is set out by our author in detail, and the disposition of this interesting case by the Supreme Court of the United States, in *Berg v. British & African Steam Navigation Co.* (1917) 243 U. S. 124, 37 Sup. Ct. 337, approved.

"The decision was entirely in accord with the letter and spirit of the Hague convention, as well as the policy of modern nations, especially the United States and Great Britain. It is clear that the Hague conference intended to prohibit the taking of prizes into neutral ports except in cases of unseaworthiness, stress of weather, or lack of fuel or provisions, and that when taken in for any of these reasons they were bound to leave as soon as the necessity for their entrance had passed. No such necessity caused the *Appam* to enter a port of the United States; its entrance therefore was a violation of the neutrality of the country and the captor could not hold it there until the end of the war. It remained the property of the original owners."

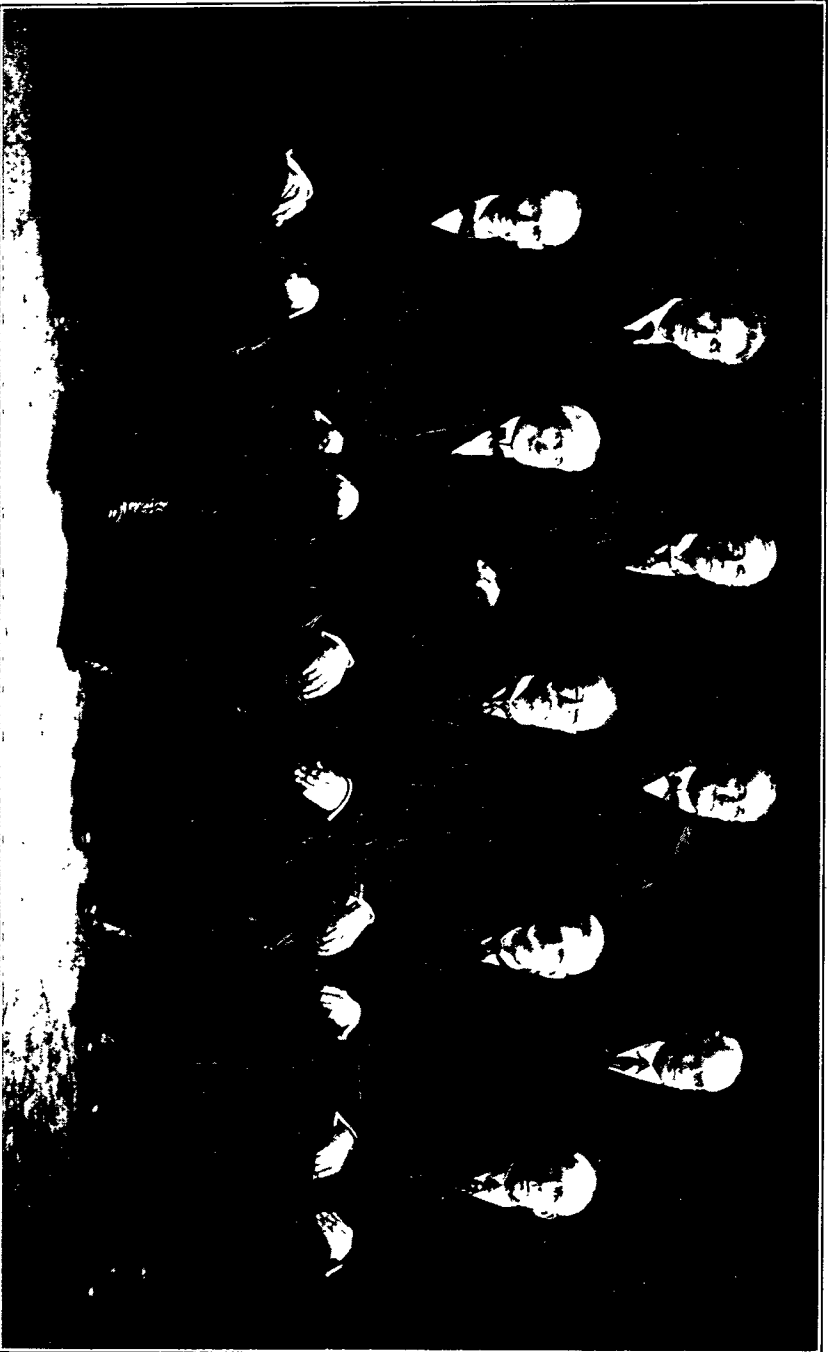
This case is by far the most important as yet decided by our courts as a resultant of the Great War and gave rise to much discussion among lawyers and publicists.

Professor Garner concludes that in the future, if there is to be greater observance of the rules of international law, a new attitude must be adopted, and breaches of international law, heretofore regarded as analogous to tort, should now be regarded as crimes concerning all civilized states.

The two volumes are written in interesting fashion and contain matter of the utmost value. Professor Garner is to be congratulated upon having sifted through a great mass of material and given a sequent, detailed, and interesting account of the various legal controversies arising during the war. This book will be valuable not only to lawyers and publicists, but to the many thousands who are hopeful that, out of the hideous travail of the world conflict, there may arise a better civilization founded upon respect for public law, and ready to substitute judicial procedure for the arbitrament of force. The goal is probably far distant but cannot be deemed impossible of attainment, and intelligent study of the past is not without encouragement for the future.

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New York, N. Y.



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