

taking care, and on every page supplies the reader with the materials for verification, criticism, and further research.

In producing this book in which the principles governing the status of citizens abroad are so clearly and comprehensively discussed, Dr. Borchard rendered a valuable service to the advancement of the science of international law.

W. W. GAGER.

*The Elements of International Law, with an Account of its Origin, Sources, and Historical Development.* By George B. Davis. Fourth edition revised by Gordon E. Sherman. Published by Harper & Bro., New York and London. 1916. Pp. 668.

This is the fourth edition of a text-book first published in 1889, by a man who, as Judge-Advocate-General of the Army, had a considerable experience in the practical application of international law and, in particular, the law of war on land. As the book was not written for lawyers, it would not be fair to judge it from the lawyer's point of view. It is well written, but in many of its chapters is so general in its statements, that the lawyer cannot profitably use the book. The chapter on national character has apparently not taken into consideration the important federal statutes of June 27, 1906 and March 2, 1907, nor the important circular of the Department of State of July 26, 1910, with respect to the effect of long-continued residence abroad on the status of native citizens. The Act of 1907 also furnishes new statutory criteria, of which the book apparently takes no account, for the loss of citizenship by naturalized citizens.

The editor of this edition undoubtedly must have found it difficult to bring up to date a book written for another day. Perhaps the best that was possible, was to add some notes and to print in extensive appendices (pp. 503-639) the more recent international documents of importance, such as the Geneva Convention, the Hague Conventions, with their tables of ratifications, the Declaration of London—whose hopeful promises for neutral rights in the conduct of naval war were soon frustrated by the principal naval belligerent in the present war—and other documents and editor's notes of current interest. On the question of merchant vessels armed for defence (p. 601) the learned editor cites certain extracts from the case of *The Nereide* (1815)

9 Cranch (U. S.) 388, and concludes "that merchant vessels are under no circumstances subject to attack on the ground that they are armed for defence." This seems hardly reconcilable with the practice followed by American privateers during the War of 1812, nor with Chief Justice Marshall's views on the status of the armed merchantman. *The Nereide* (p. 430).

While Judge Davis' chapters on the law of war and neutrality are still useful contributions, well adapted to college courses, the law student has been furnished with better elementary text-books, particularly those of Hershey and Wilson. For the older cases and literature, the footnote references of Davis may still be found useful. The book is well indexed.

EDWIN M. BORCHARD.

*The Public Defender; A Necessary Factor in the Administration of Justice.* By Mayer C. Goldman, of the New York Bar. Published by G. P. Putnam's Sons, New York. 1917. Pp. ix, 96.

This well-written little book presents in orderly style and in an interesting way the arguments in favor of a state-paid attorney to defend indigent defendants accused of crime. The arguments presented are general, and no specific details concerning the administration of the office are advocated. The question is a live one and has received some attention in the *JOURNAL OF CRIMINAL LAW*. It may be noted that committees of the New York City Bar Association and of the New York County Lawyers' Association have reported unfavorably upon the plan. Their reason seems to be that accused persons are adequately safeguarded under the present system.

Mr. Robert Ferrari, who is a distinguished advocate of the plan, believes it should be the duty of the Defender to act for a prisoner even though he should believe him to be guilty (see his article in the *JOURNAL OF CRIMINAL LAW*, May, 1915). From the language used by Mr. Goldman on page 67 of his book, his idea seems to be that the Defender should not defend a prisoner under such circumstances. Inasmuch as the plan contemplates work in the lower as well as in the appellate courts, Mr. Ferrari's idea seems impracticable because of the immense amount of business with which the Defender would be burdened. If, as Mr. Goldman advocates, a discretion be vested in the Defender as to what cases he will defend, that officer will partially usurp the