

tion of decedents' estates based purely on the size of the legacies therein. As Mr. Justice Brewer pointed out in his dissenting opinion in that case, such a classification would seem to be as purely arbitrary as it would be possible to make one.

In the present case Mr. Justice Harlan (with whom concurred Mr. Justice Brown, Mr. Justice Peckham and Mr. Justice McKenna) delivered a dissenting opinion in which he discusses the question at great length and in a most interesting manner, pointing out that the inequality such a statute puts upon the parties to such a suit, and also the way in which railroads are picked out and set apart from other persons, natural and artificial, and denied rights given to all the others. He denies that this is properly a police regulation, but merely a penalty, and that the decision is inconsistent with that of *Ry. Co. v. Ellis*, 165 U. S. 150 (Jan. 18, 1897). He holds the classification of railroads as such for purpose of imposing penalties to be purely arbitrary. The court seems to be in a hopeless state of confusion over this subject of classification under the Fourteenth Amendment, for Mr. Justice Harlan, Mr. Justice Brown, Mr. Justice Peckham and Mr. Justice McKenna all concurred in the judgment of the court in the *Magoun Case*, while Mr. Justice Brewer, who dissented in the *Magoun Case*, concurs in the judgment of the court in the present case. It is unfortunate that on a question of such importance, and one occurring so often, as what is a proper classification within the Fourteenth Amendment, the Supreme Court of the United States cannot formulate some definite rule or policy and present a united front and thus dispel doubt and discourage litigation on this troublesome question.

BOOK REVIEWS.

THE LAW OF REAL PROPERTY. Edited by TILGHMAN E. BALLARD and EMERSON E. BALLARD. Volume V. Logansport, Ind.: Ballard Publishing Company. 1899.

The fifth volume of Ballard's Annual differs in no important respect from its predecessors. The plan, while unique, is no longer novel, as the profession has become accustomed to it by the use of the four volumes previously published. The work is carefully arranged and shows a just discrimination in the indication of the relative merits of the cases cited. The editors claim that no decision on a point of real property has been omitted. The book is far more satisfactory than any digest could be for the purpose of finding the authorities, and goes further than a digest in that it gives enough to show which of a number of cases is the one the reader needs for the particular point he is looking. It is intelligent and intelligible, which most digests are not.

O. J. R.

STUDIES OF INTERNATIONAL LAW. By THOMAS ERSKINE HOLLAND, D. C. L. Oxford: Clarendon Press, 1898.

Mr. Holland's treatise on International Law is especially welcome at this time, when so many new and interesting national questions are arising. The volume is a collection of papers and lectures that were from time to time written and delivered by Mr. Holland, arranged together into a connected whole by means of running notes. The book is divided into four parts: Part I, Law of War; Part II, Illustration of the System of International Law; Part III, The Eastern Question; Part IV, Biographical Sketches.

The first two chapters of the book are, respectively, a lecture on Alberica Gentili, one of the earliest jurists of authority on international law, and a predecessor of Grotius, and a lecture on early literature of the ethics of war. These two lectures describe the origin of international law, and its gradual growth into a system out of a mass of heterogeneous theories. In the remainder of the first three parts of the book the author treats of various modern questions of international law, and in particular of the several important European conventions that have met to discuss some phases of national comity, the treaties that have been made, and the part that the more recent great wars played in the development of the international legal code. Part IV is a collection of sketches, written in French, which were delivered by Mr. Holland before the Institute of International Law. The book is a thorough exposition of the diplomatic history of Europe during the nineteenth century, and is a valuable addition to the numerous works on international law.

S. M. J.

A DICTIONARY OF WORDS AND PHRASES USED IN ANCIENT AND MODERN LAW. By ARTHUR ENGLISH. Washington: Washington Law Book Co. 1899.

Mr. English's dictionary is in every sense a complete legal lexicon. The definitions are concise and comprehensive and so clear as to be intelligible to those unacquainted with the phraseology of the law. A "dictionary proper," the author states in his preface, "should be confined to words and the definitions of those words. It should be neither a digest nor a collection of essays or briefs." Mr. English has followed out this idea in his work. All the ancient and modern law terms, used by a lawyer in his daily practice, are defined with precision, while purely statutory and judicial definitions are sensibly omitted. A complete system of cross references prevails in all except leading subjects, which are complete in themselves. Maxims and phrases have been purposely excluded, because in the author's opinion "they belong to a different work." The volume is supplemented by an appendix containing the Constitution of the United States, the Magna Charta, and abbreviated titles of various legal reports and books.

S. R. D.