

LEADING ARTICLES FROM RECENT LEGAL PERIODICALS.

DOMICIL.

Is the Renvoi a part of the Common Law? Edward H. Abbot, Jr.

The question to be decided is one which arises under the somewhat complicated state of affairs which is stated as follows: "Suppose that A dies leaving movables in England, that according to English law his last domicile was French, and that according to French law his last domicile was English. Assuming that England will apply the law of A's domicile at the time of A's death, by what law will England distribute these movables?" "If the common law reject the *renvoi* (a noun coined from a French verb *renvoyer* to describe a doctrine which has excited much controversy in the civil law), England will consider irrelevant the French conclusion as to A's domicile, and will apply the French Statute of Distributions immediately. If, however, the common law include the *renvoi*, England will accept the French conclusion as to A's domicile and permit France to send back the case to English law for farther determination." The author contends that the *renvoi* (advocated by Westlake) if logically carried out, involves a perpetual deadlock. The English cases show a conflict of authority; the American cases follow the earlier English cases which were adverse to the *renvoi*. The discussion gives a very clear and interesting review of an important point in private international law.—*Law Quarterly Review*, Vol. 24, No. 94. Pp. 133-146. April, 1908.

HISTORY.

The Middle Temple Library. C. E. A. Bedwell, Sub-Librarian to the Hon. Society of the Middle Temple.

A short but interesting historical review of the foundation and subsequent growth of the library, and its various buildings. The new buildings were opened for use in 1861, so that there are no historical associations connected with the present building.—*Law Magazine and Review*, 33. Pp. 274-282. May, 1908.

America and the Middle Temple. C. E. A. Bedwell.

It is interesting to find the sub-librarian of the Middle Temple Library interesting himself in the historical connection between that

library and this country. He has found much of value to set down, not the least interesting fact being that five of the signers of the Declaration of Independence were members of the Middle Temple—Edward Rutledge, Thomas Heyward, Thomas Lynch, Arthur Middleton and Thomas McKean. John Dickinson, Arthur Lee, William Livingston and Peyton Randolph were also members. Mr. Bedwell seems justified in his claim that "the legal knowledge acquired in the Inn, made a considerable contribution to the establishment of sound government," and it is not uninteresting to find a certain note of pride in the statement of an Englishman that his society "may lay claim to have aided in equipping it (the United States) for an independent life upon its attainment of a separate existence."—*Green Bag*, 20. Pp. 182-187. April, 1908.

The Law of the Universities. James Williams.

This is a short sketch of the early laws, with a few more modern instances, of the English Universities of Cambridge and Oxford. The earliest university statute is said to be that of 1252. The new statutes of Oxford were published in 1882, of Cambridge in 1883, although some of the minor colleges of the foundation are still unaffected by any recent legislation.—*Law Magazine and Review*, 33. Pp. 264-273. May, 1908.

The House of Lords. C. R. A. Howden.

The House of Lords as a political question has become a very live factor in English thought, and this article is given with the thought that under the circumstances "it may be useful to be reminded of its constitution and history." The political side of the question is avoided, and the article begins with an examination of the constitution of the Witenagemote, its powers and duties. The changes made in this old parliament by the Norman conquest, are then noted in this portion of the article, which is to be continued.—*The Juridical Review*, 20. Pp. 16-31. April, 1908.

ADOPTION.

An Example of Legal Make-Believe. P. J. Hamilton-Grierson.

The legal fictions by which the various countries have "made-believe" that the adoptive child was the real child of the parents are here examined, and the author has succeeded, as he expresses the hope of doing, in making "a not uninteresting chapter in the history of the human mind—the chapter regarding make-believe."—*Juridical Review*, 20. Pp. 32-46. April, 1908.

BIOGRAPHY.

- The Legal Career of Senator Knox.* Henry M. Hoyt.
Green Bag, 20. Pp. 161-169. April, 1908.
- Charles W. Fairbanks as a Lawyer.* Hon. John C. Chaney.
Green Bag, 20. Pp. 221-223. May, 1908.
- Judson Harmon.* Hon. H. D. Peck.
Green Bag, 20. Pp. 239-243. May, 1908.

Each one of the persons selected for these biographies has become of interest to the country, since they have all been—if they are not still—often mentioned among the "Presidential possibilities" of the coming years. It is pleasing to learn as we read these biographies, that they are all so eminently adapted to fill the highest position in the gift of the nation. We do not learn that they have ever made any mistakes, have had any failures, or even misfortunes. It might even seem that the uniform smoothness and success which they have hitherto met might have in a measure unfitted them for the often stormy life, the deep mental and moral struggles, which a conscientious executive in Washington must encounter.

 CONTRACTS IN RESTRAINT OF TRADE.

- The Sherman Law and Contracts in Restrain of Trade.* Paul Edgar Lesh. (2 Hen. V.)

Mr. Lesh begins with the citation of a case from the Year Books, which, if not the first case of the kind, as he claims, since there are cases even as far back as Edward II, which might be cited in support of his contentions, is a very good one, and confirms the recently aroused feeling among many persons, that the Year Books, after all, are very interesting reading. Mr. Lesh does not remain in the atmosphere of the Year Books for a very long time, and we are soon led to an examination of the United States Statutes upon the point; the Sherman "anti-trust" Act of 1890 and its amendments. After an examination of the decisions under this act and the amendments, Mr. Lesh comes to the following conclusions: "(a) Any interference, however reasonable, with the natural play of competition is a restraint of trade; (b) the element of restraint must enter *directly* into a contract to bring it within the purview of the act; (2) The statute makes such a contract illegal and void; gives rise to a right in the government to prosecute criminally the contractors, to enjoin the carrying out of the contract, and, in proper case, to seize the property involved; and gives to an individual injured a right of action for three-fold damages."—*Green Bag*. 20. Pp. 188-197. April, 1908.

