LEADING ARTICLES FROM RECENT LEGAL PERIODICALS

Biography.

The Legal Career of John J. Crittenden.. Charles Fennell.

Born in the year of the Federal Convention of 1787 and dying in 1863, the great Kentucky lawyer lived nearly through the full first period of his country's life. Picturesque, eloquent, enthusiastic, his life has inspired his biographer to infuse all these qualities into this sketch. —*Green Bag*, Vol. 20, No. 8. Pp. 385-394.

Easements.

The Easement of Light and Air. F. R. Y. Radcliffe. II.

The True Nature of an Easement. Charles Sweet.

The Creation of Easements. Cyprian Williams.

The first of these articles upon easements is continued from the previous number of the Law Quarterly Review. It is a review and commentary upon the leading cases dealing with the present state of the law on the subject.

The second article is a discussion of various points in a former article by Mr. Underhill, in which the latter puts the question, "Can an easement be granted in perpetuity without words of limitation?" answering the question put by himself, in the affirmative. Mr. Sweet, while not opposing Mr. Underhill's position, which he concludes to be probably correct, examines and discusses the different points that he feels to be still left somewhat in doubt.

The third essayest, in a very short article, also takes up Mr. Underhill's argument in regard to the creation of an easement. As each of the writers is an authority upon this subject the discussion is of more than usual interest.—*Law Quarterly Review*, Vol. 24, No. 95. Pp. 247-265.

Habeas Corpus.

The Writ of Habeas Corpus. Clarence C. Crawford.

An historical review of the origin of the writ and the changes

through which it has passed to its position at the present time. Beginning, as Mr. Crawford states, as a writ "used to put persons into prison" it is evident that the changes have been great which have brought it into use as the greatest guarantee of personal liberty known to the present legal world. The history of this writ has never been thoroughly traced, which fact gives an added interest to Mr. Crawford's essay.—*American Law Review*, Vol. 42, No. 4. Pp. 481-499.

INTERNATIONAL LAW.

The Sanction of International Law. Elihu Root.

The "apparent absence of sanction for the enforcement of the rules of international law has led great authority to deny that those rules are entitled to be called law at all," and yet the fact that all the countries of the world act as if there were such law leads Mr. Root to the conclusion that "the difference between municipal and international law, in respect of the existence of forces compelling obedience, is more apparent than real and that there are sanctions for the enforcement of international law no less real and subsantial than those which secure obedience to municipal law." These sanctions are the impulse of conformity to the standard of the community and the dread of its condemnation. "The force of law is in the public opinion which prescribes it." Mr. Root believes that the best way to secure obedience to the rules of international law and to substitute the power of opinion for the power of armies and navies is, on the one hand to foster that 'decent respect to the opinions of mankind' which found place in the great Declaration of 1776, and, on the other hand, to spread among the people of every country a just appreciation of international rights and duties, and a knowledge of the principles and rules of international law to which national conduct ought to conform."—*American Journal of International Law*, Vol. 2, No. 3. Pp. 451-457.

The proposed International Prize Court and Some of its Difficulties. Charles Noble Gregory.

The Proposed International Prize Court. Henry B. Brown.

Constitutionality of the Proposed International Prize Court—Considered from the Standpoint of the United States. Thomas Raeburn White.

These three articles discuss the proposed Prize Court from somewhat different viewpoints. Mr. Gregory relates the history of the establishment of the Court; states the differences with which it must deal; examines some of them, and believes that "No achievement in the whole history of international negotiation can be recalled which gives promise of weightier or more beneficent consequence."

Mr. Justice Brown also believes that a most important forward step has been taken in the adjustment of international differences, but he examines into the power of the President and Senate to assent to the creation of the Court, and appears to doubt if such power is given to them under the Constitution.

Mr. White concludes, after an elaborate argument, that "the grant of the judicial power of the United States to the national courts does not limit the power of the Federal Government to provide by treaty for the decision of any question of an international nature. Being not so limited the United States may by treaty provide for the adjudication of Prize Cases in any manner it may deem expedient, either in an international court of first instance or after a primary decision in its own courts." He concedes that this may be a startling doctrine, but believes that as the power will be necessarily limited to cases of an international nature, it may not be so radical as it at first seems.—*American Journal of International Law,* Vol. 2, No. 3. Pp. 468-506.

The Hague Convention Respecting the Rights and Duties of Neutral Powers in Naval War. Charles Cheney Hyde.

This is a long and elaborate report of the proceedings of the Convention, adopted at the last Hague Conference. Each article of the Convntion is taken up and the discussions digested and reported in a very able manner.—*American Journal of International Law,* Vol. 2, No. 3. Pp. 507-527.

The Equality of States and the Hague Conference. Frederick Charles Hicks.

This very important subject receives a full and fair treatment from Mr. Hicks. Its similarity to the question of the equality of the States in the Federal Convention of 1787 is noticed by him and he suggests a like compromise to that then made, by forming the "World Legislature" of "two houses, in one of which equality would be recognized as in the United States Senate, and in the other inequality, as in the United States House of Representatives."—*American Journal of International Law,* Vol. 2, No. 3. Pp. 530-561.

Neutralization versus Imperialism. Alpheus Henry Snow.

A defence of imperialism, which the author prefers to the policy referred to in his own phraseology as a neutralization."—*American Journal of International Law,* Vol. 2, No. 3. Pp. 562-590.

History of Contraband of War. H. J. Randall.

Mr. Randall begins in this paper a review of Roscoe's Reports of Prize Cases from 1745 to 1859, which was published in 1905. It is apparently to be a full running commentary and review of the cases there reported.—*Law Quarterly Review,* Vol. 24, No. 95. Pp. 316-327.

REAL PROPERTY.

A Modern Dialogue Between Doctor and Student on the Distinction Between Vested and Contingent Remainders. A. M. Kales.

Mr. Kales asks, "Are we talking about essentials when we discuss a distinction between vested and contingent remainders?" He believes that we are not, and he presents this belief in the form of a dialogue, in which the doctor, who represents ideas opposing those of Mr. Kales is very naturally driven into some very uncomfortable corners, while the student has the triumphant last word. The subject matter of the essay, however, may be said to be more palatable and much more amusing than when presented in the usual more formal manner.—*Law Quarterly Review,* Vol. 24, No. 95. Pp. 301-315.