

BOOK REVIEWS

HANDBOOK OF INTERNATIONAL LAW. By George Grafton Wilson, Professor of International Law at Brown University and Lecturer on the same subject at Harvard University and the United States War College. Hornbook Series. St. Paul: West Publishing Co., 1910. Pp. XXI, 623.

This latest addition to the Hornbook Series, coming just after the great codifications and elucidations of the principles of international law by the Hague Conference and the London Naval Conference, has included them, so as to bring the subject matter up to date. Professor Wilson shows throughout his familiarity with the practical bearing as well as the theory of the various questions. As lecturer in the Naval War College and delegate to the Naval Conference, he has had an opportunity to make his influence felt in the great constructive work now going on in the field of international law. Dr. Wilson has not, however, exaggerated the importance of the relations of War, for more than half of the book is devoted to Peace. Aerial navigation and the recent development of international unions have been included. Everywhere the examples have been taken from actual recent cases, interesting the American student, as, for example, where expulsion is illustrated by George Kennan's account of his own experience in Russia. (p. 144.)

There is a good bibliography and an excellent selection of documents in an appendix. The Index, Table of Contents, and List of Cases are also well prepared.

It is doubtful whether the subject could be more skilfully handled so as to make it fit into the series and to offer a ready reference. It should develop a systematic spirit in the study of a most intricate subject. The author has of necessity boldly defined the most delicate matters, so that the student may have something concrete before him; but foot notes of the author and auxiliary explanations by an instructor will make clear that we shall have passed many a mile-stone of progress before definitions of all of these matters have been accepted—even tentatively—as final.

Every nation has its own points of view, due either to historical reasons or actual interests. The American student ought not to depend too much upon English text-books, but should be enabled to refer to the opinions and deductions of our own authors.

E. C. S.

LAW BOOKS AND HOW TO USE THEM. By John C. Townes, LL. D., Dean of Law Department, University of Texas. Austin Printing Company, Austin, Texas.

The title shows the purpose of this book, which is meant to introduce students to the law library and, as the author says, to give information "which, though it seems very simple when put into print, is still of such nature that want of it is a serious handicap in the study and practice of the law."

The author tells, in a clear, simple and interesting style, those things which ordinarily the student finds out only by many questions or by much groping about in the library. While concise, the book is also complete. Nothing is taken for granted, everything is explained from the foundations up, and this is a great merit in a book for beginners.

The first five chapters deal with the evidence of the law, the books of the written and unwritten or case law and the tests of authority. A sixth

chapter contains several cases for analysis; and in the appendix is a legal bibliography of the United States Statutes and Reports and the Texas law books. Blank pages are added for the making of local bibliographies by students in other States.

The fortunate first-year students into whose hands this book comes, and it is to be hoped that they will be many, are to be congratulated upon having the guidance through their initial difficulties of so experienced, able and distinguished a teacher as Dean Townes.

S. D. M.

A TREATISE ON THE LAW OF LABOR UNIONS.—CONTAINING A CONSIDERATION OF THE LAW RELATING TO TRADE DISPUTES IN ALL ITS PHASES, INTERNAL ADMINISTRATION OF UNIONS, UNION LABELS, AND A COLLECTION OF APPROVED FORMS OF PLEADINGS; INJUNCTIONS, AND RESTRAINING ORDERS. W. A. Martin. Washington: John Byrne & Co. 1910. Pp. XXV, 649.

One of the results of the economic changes which have occurred in comparatively recent years has been the rapid growth of those combinations of workmen known as labor unions. Formed for the purpose of combatting aggregate capital in industrial conflict, they have, in carrying out the objects of their formation, given rise to much litigation. The legal problems involved have been of the greatest importance, and it is with the decisions solving them that the author of this work deals.

The volume is comprehensive, and the arrangement of the text is admirable. The index, however, although very carefully prepared, is arranged in such a manner that it does not adequately discharge its functions. It is suggested that an improvement might be made by omitting classification under topic headings, and using a word classification instead. Or, should the present classification be preferred, more cross references should be given. A concrete example may serve to make this criticism more clear. Although the words "employer" and "employee" occur frequently throughout the text, there are in the index no headings "employer" and "employee," either as a means of reference to the text, or as cross-references to other headings in the index.

The substance of the volume is also open to some criticism. Opinions differ as to what constitutes a treatise on a division of the law, but to the mind of the reviewer it implies not merely a digest of the decisions, but a more or less detailed statement of the reasons underlying them, together with some comment on the part of the author. The chief object of the author of this work seems to be to state the law as it is in the different jurisdictions. True it is that he at times gives not only the decisions and the reasons therefor, but ventures his own opinion on the correctness of the conclusions reached. Examples of this are his consideration of "Strikes to prevent employment or procure discharge of non-union workmen, or workmen of another union," § 35, and the rather full discussion in Chapter XI, § 146 *et seq.*, entitled "Exercise by Union of Disciplinary Measures Against Its Members as Affecting Rights of Third Parties." For the most part, however, the author contents himself with stating the law.

In view of the ability displayed by the author in his comments and criticism, it is to be regretted that he did not see fit to indulge in extended discussion at more frequent intervals. Had he done so, the book would have an added value for the student, and would prove none the less valuable to the hurried practitioner.

In its present form, however, the volume possesses distinct merit. Not only does the author collate the law, but he points out the conflicting views and designates the prevailing strength of each in such a way as to show that he has not merely compiled the decisions, but has analyzed them. In addition to the text, the appendix, containing forms of pleadings, injunctions and restraining orders, cannot but prove of great service to the practitioner.

J. T. C.

HISTORY OF THE SHERMAN LAW OF THE UNITED STATES OF AMERICA. Albert H. Walker. The Equity Press. 1910.

To anyone who has attempted to make a study of the Sherman Anti-Trust Act Mr. Walker's book will be more than welcome. The first two chapters contain a rather full account of the moulding and final passage of the statute. Then, in a chapter entitled "The Face of the Sherman Law," the author gives his views as to the *prima facie* construction the act should receive. Although many will not agree with the conclusion reached by Mr. Walker in this chapter, it is interesting and presents his views with force and clearness.

The fourth to ninth chapters, inclusive, give a synopsis of the cases decided under the Sherman Act during the administrations of the various Presidents who have held office since its passage, and the tenth chapter contains a very brief summary of the trend of judicial view. It is, of course, impossible to say off-hand whether the list of cases is complete, but, whether it is or not, this section of the book will prove of great value to students and practitioners alike. The eleventh and last chapter, containing a forecast of the decisions in the Standard Oil Case and the American Tobacco Case, is of but temporary interest, and might well have been added as an appendix, instead of being incorporated in the body of the book.

This book is the first attempt to deal with the decisions under the Sherman Act in anything like a comprehensive manner, and, though perhaps open to minor criticisms, is characterized by the same clearness and accuracy that is found in the author's well-known book on patents.

H. E.

THE LAW OF THE WESTGOTHS, ACCORDING TO THE MANUSCRIPT OF AESKIL, LAWMAN OF VÄSTERGÖTLAND, SWEDEN, 1200 A. D. With an introduction and explanatory notes done into English by Alfred Bergin, B. D., A. M., Ph. D. Augustana Book Concern, Rock Island, Ill., Publishers. 1906.

The numerous links wanting in the chain of facts required by the modern Historical School of research, assure a welcome to this contribution to our store of knowledge. Those familiar with the scholarly work of Thorpe and Lietermann on the Anglo-Saxon Dooms, will be interested in the similarity of law and punishment to be found in the laws of the Westgoths. There is the usual trace of the jury, the introductory invocation to the divine law, and the same summary treatment of the offender. If any criticism be just, it is that the rendering has not been into intelligent and idiomatic English. For example, the translation abounds in such phrases as, "One man kills another, wishes to inherit him, he shall not be his heir." The advantage of reproducing the Gothic constructions literally is doubtful. The introduction is learned, and contains much matter of interest to the philologist. The author and the publishers have placed the world of scholarship in their debt.

G. F. D.

THE VISIGOTHIC CODE (Forum Judicum). Translated from the original Latin, and Edited by S. P. Scott. Boston: The Boston Book Company.

The present work is very ambitious, and deals with a more comprehensive legal system than that shown in the Code of the Westgoths. The introduction summarizes briefly the necessary historical data. The author prefers archaic constructions in order to render more faithfully the spirit of his text. We have before observed that the advantages of this process are doubtful, but archaisms are extremely rare in the translation and perhaps justifiable in the few instances where they occur.

The legal system exhibited in the Visigothic Code has not the same interest as attaches to the code of the Westgoths, as it is an offspring of the Roman Law. Its virtues are largely those of the parent code. The work,

however, has made accessible one more of the many systems that must be laid side by side if our knowledge of jurisprudence is to be comprehensive. The translator credits the severity of the Visigothic Code toward the Jews, with the cruelties practiced later in the Spanish Inquisition. For provisions peculiar to the Visigoths, the translator has chosen the title "Ancient Law," and has given in the notes references to such provisions as originated in the Roman Law.

As a code, the text discloses a system of legal redress, as comprehensive, perhaps, as any of its contemporaries, a comprehensiveness owing, doubtless, to the Roman Law. Typographically, the work is excellent. The translation is scholarly, and the notes timely and not unduly voluminous. It is noteworthy that this work is sponsored by the Comparative Law Bureau of the American Bar Association, a matter for felicitation, as a token that the Bar is doing its share toward awakening interest in legal research.

G. F. D.

