

## BOOK REVIEWS.

A SELECTION OF CASES ON THE LAW OF CONTRACTS. By William A. Keener. Second Edition by I. Maurice Wormser and John T. Loughran. Pp. xvi and 1226. New York: Baker Voorhis & Co., 1915.

Granting that there are some American cases that have made fundamental contribution to the development of the principles of the law of contracts, it is still true that we must go to the English cases for the primary sources. The making of a case book out of American cases only, is therefore not to be commended. An examination of this edition of Judge Keener's well-known book discloses the fact that the English leading cases are well represented and the American cases given full recognition. A comparison with Professor Williston's Case Book on Contracts at once suggests itself and it is interesting to note that out of the four hundred and sixty-two cases in Williston's collection and three hundred and eighty-eight cases in this collection, there are one hundred and fifty-nine cases common to both, most of them English cases and all of fundamental importance.

A marked difference between Keener's and Williston's books is in the matter of notes. The latter is well known for its rich annotations, most of them reproduced in Williston's Edition of Wald's Pollock on Contracts. This edition of Keener has very few notes, and perhaps there is an advantage in this, in that the student is not distracted by the consciousness of much material to be sought for elsewhere and which he must feel unable to control through lack of time.

There are twenty-nine cases cited in this book decided since Williston's book was published in 1904; sixteen of them under the title "Statute of Frauds," taking the place of a similar number of the more familiar older cases. The fact that only thirteen other cases decided during the last twelve years are found worthy of a place in this collection indicates how firmly the principles of contract are fixed in English and American decisions. The arrangement of the material substantially follows that of the first edition. The book is well printed on thin paper, bound in flexible cover and is altogether admirably adapted to its use as a class book.

*David Werner Anram.*

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THE DIPLOMATIC PROTECTION OF CITIZENS ABROAD, OR THE LAW OF INTERNATIONAL CLAIMS. By Edwin M. Borchard. Pp. xxxvii and 988. New York: The Banks Law Publishing Co., 1915.

Any contribution in the field of diplomatic practice and procedure that goes beyond the content of the formal treatises and digests of international law is most welcome. Dr. Borchard has here done an unusually exacting and fine piece of work, valuable alike to lawyer, diplomatist, and students of the subject. He has made a distinct contribution to legal literature in reviewing a mass of existing facts and precedents almost to date, and in

systematizing the law of international claims. To those familiar with the multiplicity, vagueness, and vexing contradictions of rulings, opinions and precedents in what really are complex, and yet appear to be our simpler and more formal, international relations, a constructive work, such as this, aiming at a logical presentation of principles, and the philosophy of their existence is of immense value. Without discounting the utility of a collection and digest of cases covering this special field of the citizen abroad in relation to the states of his origin and residence, an interpretive work, to parallel the cases, is of great aid to the judgment of the uninitiated student. Dr. Borchard has covered in a scholarly manner a wide range of authoritative sources drawing liberally on the practice and material of the United States Department of State, the opinions and work of leading international lawyers and publicists, and the practices and precedents of foreign offices for a basis of comparison, and has reached results that are in the main clear and definite.

The book is divided into four parts. Part I treats of the state's right and obligation to protect its citizens, the right of resident aliens and the municipal and international remedies for violation of these rights, and the relation between the protecting state and state of residence as to their mutual rights and obligations.

In Part II are considered the nature, theory, extent, and means of diplomatic protection, the relation between public and private claims, the attitude of government, indemnities, and awards.

In Part III, citizenship in its international relations and the persons and objects entitled to protection are discussed; and in Part IV, the various conditions or limitations of diplomatic protection arising from the prescriptions laid down by the claimant's own government or from acts of forfeiture by the citizen, or the limitations due to political circumstances or to the local legislation of the defendant state.

Though the arrangement necessitates more or less repetition in details, owing to an extensive subject matter which comprises nearly four hundred sections, this is perhaps some advantage from the student's viewpoint in impressing the facts. The mechanical execution of the work is excellent and its value as a manual is further enhanced by an analytical bibliography and index.

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GERMANY'S VIOLATIONS OF THE LAWS OF WAR, 1914-15. Translated with an Introduction by J. O. P. Bland. Pp. xxxvi and 346. New York and London: G. P. Putnam's Sons, 1915.

Mr. Bland has done the English speaking world a service in translating this, the French government's brief, in the high court of public opinion, against Germany as a violator of, not only the vague fabric known as the Law of Nations, but of her own definite engagements as to the conduct of war.

In the present volume the text of each of these engagements or conventions is set forth, followed as to each by evidence of its violations. This evidence takes the form of (1) German General Orders directing the commission of acts contrary to the convention or undertaking in question, (2) sworn statements from French sources, and (3) statements from German sources consisting principally of letters and diary pages reproduced in facsimile. Reproductions are also given of photographs of German cartridges showing alleged tampering with the bullets.

The value of these classes of evidence is naturally unequal; the first group being at the same time the most vital and probably the least likely to be manufactured. Evidence of this nature is, however, for obvious reasons not forthcoming regarding all of the conventions alleged to have been violated. The third class of testimony, that taking the form of reproduction of letters and diary pages of German soldiers, may be taken as reasonably convincing unless one assumes extraordinary skill on the part of its possible fabricators.

Many of these extracts are of great interest as human documents and the rather remarkable difference which they disclose in the attitude of their alleged authors toward the circumstances described makes their authenticity more probable.

The volume contains a well-written introduction by Mr. Bland and a preface which summarizes the French contentions. On the whole the book is a convincing one and a valuable contribution to the literature of the war.

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