

right was established in the earliest period by wife-capture, and later by wife-purchase. But these are methods of gaining the most unlimited of rights — that of ownership.

Great stress is laid upon the fact that at Rome *patria potestas* survived *agnatio*, and it is asserted that if agnation were the derivative and dependent institution, it should have lasted as long as the original and principal institution. I do not see the cogency of the argument. Legal history is full of cases where derivative institutions survive those from which they are derived, and *vice versa*. But there is an antecedent weakness in the premises of the argument. Agnation *did* last as long as *patria potestas* at Rome, not as an exclusive system of kinship, but as a legally superior system.

One of the incidental conclusions reached by Mr. David McLennan is that agnation was not the general system of Roman relationship in the royal period, but the system of the patricians only. He evidently is not aware that the same theory has recently been formulated by a German savant,¹ and furnished with a much larger apparatus of evidence than Mr. McLennan brings to its support.

I think that this book will be of service in "clearing out of the way" some of the overstatements and exaggerations of the patriarchal theory as presented by Sir Henry Maine. But I do not think that it seriously shakes the theory as held by scholars generally.

MUNROE SMITH.

De l'Empire Allemand, sa constitution, son administration.

Par C. MORHAIN, Sous-intendant militaire. Paris, Berger-Levrault et C^{ie}, 1886. — Large 8vo, x, 455 pp.

Successful attempts at federal government are so rare in the political world that the study of perhaps the most powerful confederation of the present — one which has attained its position in an incredibly short space of time — is of the highest interest to the student of public affairs. On this account, if on no other, any book on the administrative system of the German empire must receive a warm welcome and attract more or less attention. Some such book, written in a language more commonly understood than German, has for a long time been needed; and this need it is the purpose of M. Morhain's work to supply.

It is to be regretted, however, that a book for which so wide a field of usefulness is open, is so faulty in its method of arrangement. We find no apparent system at all. The various chapters are all jumbled

¹ Bernhöft, *Die Römische Königszeit*. Stuttgart, Ferd. Enker, 1882.

together with no idea of the inter-relations of the different subjects. The author's bent of mind has naturally led him to devote to the military administration what to the average American reader would seem a disproportionate space. The same criticism may be made of the chapter on justice, in which too much space is given to questions of civil and criminal procedure for a book on administrative law. Again, the aim of the author has been the collection of details and the enumeration of facts rather than the statement of general principles. Nowhere outside of the preface, which is the most interesting part of the book, does M. Morhain seem to seize the general characteristics of German federal government and administration. There, however, its exact position and tendencies are accurately set forth.

Imperial legislation [he says] has spread a vast net over Germany, in the meshes of which the single states move; but each day the meshes are being drawn closer together and limit more and more the individual movement of the German local sovereignties. . . . Their autonomy is being gradually reduced to matters relating to local police, public charity, and the administration of highways; in a word, to purely local matters.

This development was well expressed by Treitschke when he spoke of Germany as a *werdender Einheitstaat*.

It is remarkable that this first attempt of a Frenchman to examine carefully the institutions of his neighbors "au dela du Rhin," should be so full of details and facts and so wanting in generalizations. For it has often been said that Frenchmen deduced principles from details collected by the researches of Germans. But the fault is not a bad one in this case, as the book is intended for the student rather than the general reader and offers a mass of valuable material hitherto inaccessible to the majority of our students.

FRANK J. GOODNOW.

American Statute Law. An analytical and compared Digest of the Constitutions and Civil Public Statutes of all the States and Territories relating to Persons and Property in force January 1, 1886. By FREDERIC J. STIMSON. Boston, Charles C. Soule, 1886.—Lex. 8vo, xl, 779 pp.

Mr. Stimson has rendered a great service both to practising lawyers and to students of our legal and political development. He deserves from both classes the warmer gratitude because his digest represents so much labor of a tedious and ungrateful kind.

He tells us in his preface that the statutes of the states and territories, in their latest revisions, fill 235 octavo volumes, and that to embody their