

The principal value of such a work as this, of course, depends upon its accuracy, and the accuracy of such a work can be determined only by actual use. One point suggests itself immediately. The author has been obliged, in carrying out his plan, to "recast" the provisions of the various laws in his own words. Any such recasting, however slight, is obviously of the nature of construction or interpretation, and the interpretation of law by a private person, however accurate it may be, is not authoritative. The careful lawyer, engaged in an important case, will, of course, be obliged to go back to the original statutes; but this necessity will not lessen the value of Mr. Stimson's digest as an index.

MUNROE SMITH.

*Lectures on International Law in Time of Peace.* By JOHN NORTON POMEROY. Edited by Theodore S. Woolsey, Professor of International Law in the Yale Law School. Boston, Houghton, Mifflin, & Co., 1886. — xvi, 480 pp.

*An Introduction to the Constitutional Law of the United States.* By JOHN NORTON POMEROY. Ninth edition, revised and enlarged by Edmund H. Bennett, LL.D., Dean of the Boston University Law School. Boston, Houghton, Mifflin, & Co., 1886. — xxxviii, 708 pp.

There is a strong tendency prevalent in America to-day to "make" law-books. In place of one great treatise by Kent, or two by Story, we find certain authors producing works on legal subjects at a rate that must frighten those who are obliged to rely upon them as authorities. One writer gives us seven volumes in as many years and upon as many different subjects; another writes upon "Mortgages" and "Real Property," and immediately branches off into the "Law of Corporations." Treatises thus produced must be little more than collections of cases, or digests.

It is needless to say that Professor Pomeroy's works do not belong to this class of law-books. Originally delivered as lectures to classes in two law schools, the *International Law* is a concise, direct, and admirably stated *résumé* of the rules in force at the time of their delivery; supplemented at almost every page by the views of a clear and advanced thinker, as well upon what was, as upon what ought to be, the condition of the rules governing the intercourse between nations. These views, as Professor Woolsey well says in his preface, were sufficiently far in advance of the time in which they were formed to be of value to-day not only as authority, but also, in some cases, as a guide to the future.

The *Constitutional Law* seems to be more tinged with the feeling of the time in which it was written than the other work. Professor Pom-

eroys was a nationalist; and even so broad a mind as his could scarcely assume a perfectly unbiassed position, in the years 1866-67, upon the great question of national sovereignty. His statement of the theory of Hamilton is the best, the most logical, that I have seen. It is very much stronger than his statement of the theory of Calhoun; and he fails to point out, in its proper place, the inherent weakness of the third theory of sovereignty which he formulates as occupying the middle ground between these two extremes; for the doctrine that the commonwealths, once possessing sovereignty, forever surrendered that sovereignty (or part of it) to the nation, should not have been stated without immediately considering the accepted opinion that a state can never part with its sovereignty "absolutely and irrevocably." To state, in a foot-note to a subsequent chapter on "The Period of the Confederation," that "there can be no obligatory promise, when this promise is of suicide," is not sufficient.

But if the bias I have suggested exists, it is a bias that the development of history is justifying, and it does not affect the value of the detailed examination of the constitution itself. In this part of the work the author has made a more logical and admirable use of case-law than I have seen elsewhere; developing his principles by citations, and never using a citation except to develop a principle. The editor has been less fortunate; and the mass of case-law inserted by him is hardly in keeping with the general character of the treatise.

Several omissions are noticeable. No mention is made of the question as to the constitutionality of the consular courts in the East; and the effect of the provision in our constitution that treaties shall be the supreme law of the land is dismissed in the one work (*International Law*, page 374) with a reference to the other; and is there very briefly and imperfectly discussed (*Constitutional Law*, page 568). Nor is there any discussion of the nature and effect of reciprocity or customs treaties, of their enforceability, or of the effect of the various forms of the "most favored nation" clause; questions which have recently grown into great importance. These defects are attributable rather to the editors than to the author, for these questions have risen into importance since the works were written.

The books themselves are admirably gotten up, the indices are good, and there is no padding.

HARRY HARMON NEILL.

*The Quarterly Journal of Economics.* Published for Harvard University. Volume I., Number 1. Boston, Geo. H. Ellis, 1886. — 8vo, 135 pp.