

no satisfying exposition of the significance of these events has yet been given. The Spanish American appreciates to a remarkable extent the curious but indubitable fact that the important thing for the world to know is never what actually happened in the historical past, but is rather the thing which is said to have happened. Inasmuch as something must have happened, it becomes necessary, from this point of view, not to find out what that thing was, but for historical writers to agree upon what it may fairly be supposed to have been. Being essentially logical by birth and breeding, the Spanish American historians are able to assume the truth of the accepted narrative of the course of events during the revolutionary period. It is quite beside the question to ask whether such were really the facts and the motives which governed the succession of events and the development of character among the leaders in the struggle. Such it is agreed that they were, and as such they must be accepted until a more searching and less logical study of the character of individuals and the nature of events has been made. There are, indeed, difficulties in the existing situation, as Señor Romero might have thought had he noticed the cases—comparatively rare in his revised work—where he has occasion to make diametrically opposed statements of fact within a few paragraphs of each other. But each statement is derived from authoritative printed works, and each admirably illustrates the point which ought to be brought out in its particular connection.

Señor Romero has given English readers a very useful summary of the accepted facts of a most interesting period of Mexican history, and he has expounded certain important conclusions which, whether they follow from the facts or not, unquestionably are based upon an intimate and accurate knowledge of the Spanish American character, frankly recognizing its weaknesses and its misunderstood strength.

G. P. W.

*Modern Political Institutions.* By SIMEON E. BALDWIN, LL.D.  
(Boston : Little, Brown and Co. 1898. Pp. 378.)

THIS volume consists of a brief introduction and twelve essays mostly based upon addresses given before the American Bar Association, the American Social Science Association and bar associations of different states. All deal with political and legal institutions, especially those of the United States, laying emphasis upon their development and social significance.

Four of them are particularly legal in substance and suggest reforms that may be brought about either by legislation or by an improvement in our methods of legal procedure. The essay on "The Exemption of the Accused from Examination in Criminal Proceedings" expresses the opinion that it would further the ends of justice, if we were to adopt in part the Continental system in the preliminary examination of criminals and have the committing magistrate secure a statement from the accused which might be used in the trial.

The essay on the "Decadence of the Legal Fiction," while recognizing the value, even the necessity, of the legal fiction in earlier times under the circumstances of undeveloped communities, asserts that in the nineteenth century in our country this legal "sham" is no longer needed, and that in a court of justice it is not merely useless, but harmful.

In an address delivered before the American Social Science Association in 1886 upon the recognition of habitual criminals as a class to be treated by itself, the author takes account of the Bertillon system of detecting criminals, of the danger that the habitual criminal brings to society, and of the need of more efficient systems of restraint than are ordinarily found in our states. It is recommended that the habitual criminal, after his term of imprisonment has expired, should be released from confinement, but be kept under police supervision more or less strict as his condition requires, for the rest of his life.

In three of the essays which are peculiarly historical in their nature, Judge Baldwin traces briefly the development of American jurisprudence and constitutional law, enumerating the leading steps in legal reform by constitutional interpretation, legislation and constitutional changes. In one of them, on the "Centenary of Modern Government," the outlook is wider; the development of modern political institutions, European and American, is briefly traced, and in a most suggestive manner there is depicted the stage of civilization now reached as compared with that of a century ago.

The essays on "Salaries for Members of the Legislature" and "Permanent Courts of International Arbitration" advocate payment of salaries to legislators, and the establishment of a permanent Court of International Arbitration between England and the United States, but not among nations of differing languages and political customs; while another expresses the opinion that the Monroe Doctrine is still to be upheld in the spirit in which it was interpreted by President Cleveland in 1896.

The essay in the book which shows evidence of the most thorough research is the one on "Freedom of Incorporation." In this is traced the history of corporations through their different forms from the time of the ancient Romans to the present day. The significance of these corporations at different times, the economic and social conditions which led to their establishment, the abuses to which in course of time they gave rise, the consequent popular hostility in several cases which led to their more or less complete suppression are sketched briefly, but clearly; and the causes which have led in the last half of the present century to the general freedom of incorporation and to the enormous development of corporate enterprises are most admirably described.

Perhaps the most suggestive chapter and the one which is most likely to meet with opposition from students of political science is that on "Absolute Power: an American Institution." So many of our later writers on political science have expressed the opinion that the legislative departments of modern governments, including our own, have a tendency

to absorb the prerogatives of the executive, and so many persons are inclined to believe that this supposed tendency is a good one, that one may well welcome this powerful address which shows that the President of the United States holds a position which, in case of need, gives him absolute power. This is, perhaps, the ablest brief study that has yet been made of the gradual development of the presidency. Judge Baldwin is evidently of the opinion that the executive, with all his power, in no way threatens the freedom of the people, or the perpetuity or excellence of our American institutions; but that, on the contrary, the development of this office along the lines which he has traced has been one of the strongest safeguards of all that is excellent in our republican government.

Several of these essays show the marks of their origin, as addresses delivered before associations of specialists, but this form of the essay, for which the author seems inclined to apologize in his introduction, is not at all to be censured; it but gives an added interest and liveliness to the style. On the other hand, it would have given added value to the book if some of the addresses given many years ago had been brought down to date. That on the "First Century's Changes in our Constitutions," for example, was given in 1879. It is of course true that the century ended then; but one reads this address now with a feeling of disappointment, because attention is not called even by foot-notes to the important later changes. Labor has been saved, but the added satisfaction to the reader would have been more than enough to pay for the trouble of the additions, and for the sake of the added information, the reader would have gladly excused any inconsistency with the title.

All the essays show the wide reading, the keenness of insight into customs and institutions, and the judicial temper of the author. It is particularly pleasing just at the present time, when many of our prominent citizens are lamenting what they believe to be the inclination of our people to abandon the principles of the fathers, to note the cheerful optimism with which so experienced and conservative a thinker as Judge Baldwin looks upon our institutions. He believes in them, and though he sees their faults and throughout this book is continually making suggestions for their improvement,—suggestions which our law-makers and judges will do well to heed,—he nevertheless believes that they are developing in the right direction, and that their future is full of promise.

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*Alla Ricerca della Via Caecilia*, by N. Persichetti, (Rome, 1898, pp. 28). In the year 1872-1873 an inscription (C. I. L., VI., 3824) was discovered relating to the Via Caecilia. In 1896 Dr. Huelsen published a monograph on the inscription. In this he proved that the Via Caecilia was named from L. Caecilius Metellus Diadematus, consul in B. C. 117, to whom it probably owed its origin. He also arrived at the conclusion that this road was a branch of the Via Salaria and was built to afford a more direct means of communication between Rome and the Adriatic.