

of a national constitutional convention to prepare the amendment; no less than twenty states having made application to Congress. If, as a result of the Interstate Convention at Des Moines previously referred to, the necessary two-thirds majority of the state legislatures shall be secured—as now seems probable—what will follow? Will the Senate still attempt to block the way, or will it permit recourse to the hitherto untried method of proposing amendments? Will it raise technical objections of procedure? For example, what are the time limits within which the application of two-thirds of the states must be received to make the calling of the convention obligatory? This is not discussed by Dr. Haynes, but it was under consideration by the Senate Committee on Elections in 1902. Some of the members held that the memorials must be passed during the life of the Congress to which they were addressed. By others it was urged that the applications needed only to be reasonably contemporaneous. The uncertainty of this point as well as other questions of interpretation that have arisen in the past suggests the desirability of regulating by law the whole matter of procedure under the provisions of Article V.

What are the advantages of the proposed change? After a full and sympathetic marshalling of the arguments for and against, the author attempts to forecast the probable effectiveness of popular election. He believes that it would improve the character of the Senate, although this belief does not amount to a conviction; "it is best," he warns us (p. 267), "not to entertain too optimistic anticipations." "The lowering of the tone in the Senate" cannot "be attributed solely to the method of election . . . but to general influences which have lowered and commercialized American politics" (*ibid.*). On the other hand, he believes that "the decisive advantages of the change . . . would be found in its effects . . . upon the individual States" (pp. 268-269).

This work may be commended as a scholarly, impartial, and rational discussion of a great national problem.

HERMAN V. AMES.

*The Legislative History of Naturalization in the United States From the Revolutionary War to 1861.* By FRANK GEORGE FRANKLIN, Ph.D., Professor of History and Political Science in the University of the Pacific. (Chicago: The University of Chicago Press. 1906. Pp. ix, 308.)

SINCE 1861 there have been about a dozen laws passed on the subject of naturalization, beginning with the act of July 17, 1862, which permitted the naturalization of honorably discharged soldiers after a residence in the United States of one year, and ending with the momentous act of June 29, 1906, which for the first time put supervision of naturalization in the hands of the federal government. Mr. Franklin's book was written before this act was passed, but it ought to have been brought up to date. The interesting chapter on "Expatriation", for

example, would have been rendered complete by the addition of a few pages giving the history of the important law of July 17, 1868, which declared expatriation to be the natural right of all men; so would the chapters on "Native Americanism" and "The Know-Nothing Period" have been more satisfying if they had included a brief account of the "A. P. A." movement. This is a legislative history of naturalization in the United States; and an account of the legislation of the several states from their independence to the time of the passing of the first federal naturalization law might appropriately have found a place in it. There were such laws in Delaware, Maryland, New York, South Carolina, and Virginia, the Virginia law of 1783 being the parent law of our naturalization system.

These remarks are prompted by an appreciation of the value of Mr. Franklin's book, and a regret that it does not cover completely a subject which it covers so well partially. There is no other book, however, which covers the subject at all.

The first chapter deals with the Revolutionary period, and shows the oath of allegiance, and of express renunciation of allegiance to George the Third, required by the Continental Congress in 1776 of all military and civil officers of the government. During this period frequent efforts were made to detach foreigners serving in the British army by offering them land and American citizenship; and a considerable number availed themselves of the opportunity and settled permanently in the United States. After the war a remarkable suggestion was made, that subjects of Great Britain should have the same rights as Americans in America and Americans the same rights as Englishmen in Great Britain. John Adams reported that the proposition was going to be made, and Lord Loughborough certainly made it in 1794. It was brought up again in 1817 by John Quincy Adams, and of recent years by Professor Dicey in a lecture at All Souls College, when the Olney arbitration treaty was under discussion. Passing to the proceedings of the Constitutional Convention of 1787, Mr. Franklin traces the debate on the subject of naturalization, and then treats the acts of Congress from 1790 to 1824, the latter being the law which was in effect until September 27 of the present year.

The chapter on "Expatriation" shows that Jefferson claimed the right as a natural one from the beginning, but that efforts to secure legislation on the subject which were made from time to time were all unavailing. It may be added that to this day there is no law saying how an American citizen may accomplish expatriation. Chapters on "The Beginnings of Native Americanism", "The Period of Aggressive Native Americanism", and "The Know-Nothing Period" close what is a valuable historical study which will surely pass into general use.

There are several notable omissions in the bibliography given by Mr. Franklin. Hunt's work, *The American Passport*, is in the list, but it contains little of importance to a work like this, whereas Wharton's

*Digest of the International Law of the United States* contains much and Moore's *International Arbitrations* still more, and these works are not cited. Prentiss Webster's works on *Citizenship* and *Naturalization* are here, but Alexander P. Morse's *Treatise on Citizenship and Naturalization* (Boston, 1881) and Van Dyne's *Citizenship of the United States* (Rochester, 1904) are not, and they are works of far greater weight than Webster's. There is no mention of the great report on naturalization and allegiance made by the British Commission of 1868. It can be found, among other places, in *Opinions of the Principal Officers of the Executive Departments and Other Papers relating to Expatriation, Naturalization, and Change of Allegiance* (Government Printing Office, 1873), and in the same volume are the notable letters of President Grant's Cabinet officers, which are also omitted from this bibliography. It ought to include also Lord Chief Justice Cockburn's treatise on *Nationality*, which was written because of the British Commission's report.

GAILLARD HUNT.

*The Purchase of Florida: its History and Diplomacy.* By HUBERT BRUCE FULLER, A.M., LL.M. (Cleveland: The Burrows Brothers Company. 1906. Pp. 399.)

THIS is a disappointing book. For the most part, the story of the complicated transactions that led up to the Florida Treaty is entirely familiar, but it is to be found only in scattered chapters of the history of the first forty years of our national life. A complete, coherent, and continuous narrative of the events on both sides of the Atlantic which resulted on the one hand in the surrender by Spain of her most cherished colonial policy, and on the other in rounding out the territory of the United States and extending it to the Pacific, would be a most interesting and useful work. It might be much more; but so much at least the student who takes up this handsome and portly volume has a reasonable right to expect. He will not, however, discover in its pages much that is new, nor will he find what is old rearranged in a particularly attractive form.

Mr. Fuller has failed to give us a clear account of the unusually intricate transactions with which his book must deal, and this failure is chiefly owing to his sins of omission. There is so much to set down, and the sources of information are so numerous, that the most practised skill would be needed to marshal all the relevant facts. Mr. Fuller has left large and fatal gaps in his narrative, and the result is disastrous.

As an example of his method, the case of the Texas boundary may be mentioned. The final negotiations between Adams and de Onís were almost solely concerned with this subject. For months they contended over the question whether the Rio Grande, the Colorado, the Sabine, or some more easterly line should be adopted as the western boundary of the United States. For months they went over the well-