

sedition, of faction and of republicanism." To the controversy between the Whig assembly of 1761 and Lieutenant-Governor Colden over the question of judicial tenures the author makes no reference although there is at least a dramatic interest in the experience of Mr. Benjamin Pratt, the Tory chief justice imported from Boston, who sat through two sessions of the supreme court without receiving a penny of salary or a minute's assistance from his associate judges.

To the powerful and interesting personalities of the New York leaders in both parties Professor Becker gives almost no attention. A history of political parties in New York after 1760 needs to turn a strong light upon the ambitious William Livingston, the first of our political leaders to realize the possibilities of the printing-press as an auxiliary, the learned William Smith, the courageous Philip Livingston, the shrewd, affable younger James De Lancey, the stern but statesman-like Cadwalader Colden. The author succeeds in producing a fairly continuous idea of the gradual evolution of the radical patriotic party out of the group known in 1765 as the Sons of Liberty, and of the progress of events which virtually forced the majority of the moderate conservatives to merge with the radicals rather than the loyalists; yet his account of the leaders who secured these results leaves much to be desired. It is surely doubtful whether Isaac Sears, son of a Yankee fish-peddler, by turns a sailor, privateersman, and small shopkeeper, is adequately described as a "vain carpet-knight".

Neither is justice done to the partizan leadership of Alexander McDougall, the author of what Colden termed the "Cut-throat circulars", the "Wilkes of New York", with whom in jail forty-five ladies breakfasted and forty-five gentlemen dined and the members of Hampden Hall cheered.

The book is furnished with a satisfactory index and an excellent bibliography. There are too many traces of hasty proof-reading. The statement on page 11 about the influence of freeholders in the elections of Albany County is repeated on page 14, and such evidences of carelessness as "Curocoa" (p. 66), "goal" (for gaol, pp. 81, 86), and "eminated" (p. 265), are too frequent.

*Les États-Unis et le Droit des Gens.* Constatations et Notes par ERNEST NYS, Conseiller à la Cour d'Appel de Bruxelles, Professeur à l'Université. (Bruxelles. 1909. Pp. 166.)

THIS is a reprint of a series of articles from the *Revue de Droit International*.

At the outset, Professor Nys states the plan and object of his book. It is not to examine the actions and influence of the United States from the standpoint of public law, but rather to study how the British colonies, become a nation, applied the rules of the law of nations, and shared in its progress. And he specifies the direction which such

progress took toward international arbitration; toward humaner warfare; toward respect for the private property of an enemy and for the rights of non-combatants; toward a proper definition of the rights and duties of neutrals; toward the free navigation of rivers.

This is a rather large programme, albeit in the hands of a writer of the author's distinction an interesting one. It is somewhat disconcerting, therefore, to find more than a third—in fact nearly a half—of a modest volume of 160 pages taken up with an account of the early discoveries in America, of the various attempts at colonization, of the colonies which resulted with their forms of government and differing characteristics, of the trials and troubles which induced confederation and rebellion. To this is added a glimpse of Revolutionary diplomacy, a fairly full history of the failure of the Articles of Confederation, and finally of the formation of the present Constitution.

For the foreign reader, all this is an excellent résumé of early North American history in spite of a few minor inaccuracies. It is not without value to ourselves to see how the familiar details of our origin as a state appear to foreign eyes; only it is not quite what we were led to expect.

Of especial note is the stress which the author lays upon the influence of freemasonry in the conception of our ideals of liberty. He follows Mr. Hannis Taylor in emphasizing Pelatiah Webster's part in shaping the Constitution. He traces the binding force of the law of nations, first in Great Britain, then in its colonies, through them in the United States.

Having duly prepared his readers Professor Nys at length attacks the task proposed. Even here, however, his essay takes the shape of a brief history of our foreign relations, with notes upon various related subjects. The foreign point of view is valuable, and here and there one finds some keen observation illuminating a familiar narrative; as where the author says that whatever else one may think about the Monroe Doctrine, it shows at least a claim to primacy in the affairs of this continent; or when he praises the quality of United States neutrality, 1793–1800, as calculated not only judicially to punish but also administratively to prevent violation of the law. Professor Nys does not lack sympathy for the states as against Great Britain or even France. Provisions as contraband, their pre-emption, the impressment of seamen, the indiscretions of M. Genêt, these and other questions of our early period are discussed in friendly wise. He even ventures to say that the British government itself admitted that from 1600 to 1700 seamen had been wrongfully pressed on American ships. The status resulting from belligerent occupation is fully treated and the movement for the free navigation of rivers still more so, though the fact is noted that the United States in its advocacy of the latter principle acted from the interested standpoint of a riparian owner on upper waters.

Of brief references to minor topics there is no lack. Limited

treaties with automatic renewal unless denounced; limitation of armaments on the great lakes; the proposal to exempt enemy's property at sea from capture; the arbitration tendency first seen in art. x. of the Articles of Confederation; these are commented upon as indicative of humane and enlightened sentiments, and less justly perhaps the attitude towards privateering.

For the Naval War Code of 1900, the author has a good word and a well deserved one. In Lieber's Code, he sees (and rightly) the germ of the 1874 Brussels rules and so the basis of those adopted at the Hague to regulate land warfare. The book closes with brief but appreciative notices of some fifty writers in the United States upon international law.

T. S. WOOLSEY.

*The Works of James Buchanan, comprising his Speeches, State Papers, and Private Correspondence.* Collected and Edited by JOHN BASSETT MOORE. Volume IX., 1853-1855. (London and Philadelphia: J. B. Lippincott and Company. 1909. Pp. xviii, 489.)

THE present installment of Buchanan's writings covers practically the whole period of his ministry to England. He accepted the post finally, after having at first declined it, on June 11, 1853, "solely and exclusively", as he wrote to President Pierce, "to gratify your wishes and to prevent the embarrassment which you think my declination of it would occasion to your administration". Of the diplomatic questions pending between the two countries, those of most importance concerned the fisheries, reciprocity, and the position of Great Britain on the Mosquito Coast. After a month of correspondence, it was finally agreed that further negotiations should be carried on at London, rather than at Washington, but that the questions should, if possible, be considered together. Before sailing, Buchanan interrogated Secretary Marcy as to Pierce's policy in regard to the purchase of Cuba. He had an uncomfortable passage, found London in vacation quiet to dullness, and complained strongly of the high cost of living and the difficulty of finding a house.

The moment was a critical one. Europe was on the eve of the Crimean War, and questions of neutral rights and the protection of aliens might at any time become acute. No copy of the consular instructions of the United States was to be found in the legation, and the lack caused much annoyance. On the first of November, Buchanan sounded Clarendon on the subject of Cuba. Clarendon asserted that "we have not the most remote idea, in any event, of ever attempting to acquire Cuba for ourselves"; adding, that Great Britain had too many colonies already. Buchanan was delighted, and wrote to Marcy that "whether successful or not in my mission, I anticipate a frank and