

abolitionists are credited with believing that the national government had power to free the slaves. It was, in fact, over this issue that the abolitionists divided, the followers of Garrison opposing this interpretation of the Constitution. M. Ostrogorski's name is repeatedly misspelled, and Mr. D. H. Chamberlain appears in the index as D. A. Chamberlain.

JESSE MACY.

*The Legislative History of Naturalization in the United States from the Revolutionary War to 1861.* By FRANK GEORGE FRANKLIN, Ph.D. (Chicago: University of Chicago Press. 1906. Pp. 330.)

As the author states in the preface, the subject of naturalization has assumed a larger importance in the history of the United States than in that of any other nation. It accordingly is not surprising that the subject has engaged the attention of Congress almost continuously, and that the laws on the subject have been modified from time to time to adapt them to the ever-varying conditions arising in a country which, in the course of a century, has developed into a world power. In his *Legislative History of Naturalization*, Professor Franklin reviews in detail, with great accuracy and in a scholarly manner, all actions relative to naturalization taken by Congress down to 1861, whether or not such action resulted in actual legislation; and he also considers the conditions which have influenced such action. To write the book the author has relied only on original sources of information, such as the journals of both houses of Congress, memorials of legislatures, reports of committees and reports of debates. He cites the authority on which he relies for every important statement. The book unquestionably is a valuable contribution to the existing literature on the history of the United States.

The desire to encourage immigration and to extend the rights of citizenship to those who have taken up arms in the defense of the United States, seems chiefly to have influenced the policy of the legislation on the subject. It appears that during the period immediately preceding the Revolutionary War, each colony possessed the power to naturalize foreigners, subject to control by the Crown. One of the grievances against the King of Great Britain referred to in the Declaration of Independence is, that "he has endeavored to prevent

the population of these States; for that purpose obstructing the laws for the naturalization of foreigners."

Upon the formation of the Confederation, the power to naturalize foreigners devolved upon the States. The Articles of Confederation provided that the free inhabitants of each of these States shall be entitled to all the privileges and immunities of free citizens of the several States. In effect, every State possessed the power to naturalize aliens in every other State. The serious consequences which might have resulted from the exercise of this power, undoubtedly led to the adoption, practically without opposition, of the constitutional provision that Congress shall have power to establish a uniform rule of naturalization. Washington, on January 8, 1790, in his annual message, recommended to Congress that the terms on which foreigners might be admitted to the rights of citizens should be speedily ascertained by a uniform rule of naturalization. Shortly thereafter Congress enacted the first law on the subject. It provided for the naturalization of free white aliens after two years' residence in the United States, upon application to any common law court of record in the State where they had resided for one year, and after satisfying the court of their good character and after taking an oath to support the Constitution of the United States. It also provided that, minor children resident in the United States at the time became citizens, and that children born abroad of citizens were to be regarded as natural born citizens, unless the father had never resided in the United States. Any citizen already proscribed by a State was not to be readmitted to citizenship except by the act of the legislature of the proscribing State. In 1795 a new law was enacted which provided that three years before naturalization a declaration of intention to become a citizen and to renounce all foreign allegiance must be sworn to in a State or Federal court, that at the time of applying for citizenship the alien must declare on oath that he has resided five years in the United States and one year in the State or Territory in which the court admitting the alien is held, that he does renounce all foreign allegiance, and any title or order of nobility he may have, and that he will support the Constitution of the United States. It also provided that the court must be satisfied of such residence, of the good moral character of the applicant during the five years, and that he has been for that time attached to the principles of the Constitution of the United States and well disposed to the good order and happiness of the same. In

1798, when the United States was threatened with becoming involved in a European war, Congress passed an act which required the declaration of intention to be made five years before naturalization and required a residence of fourteen years; except from those who were resident in the United States before 1795. Jefferson, in his message at the opening of Congress, December, 1801, recommended a revision of the law on the subject of naturalization. On April 14, 1802, Congress accordingly passed an act which, as the author says, though changed from time to time in minor particulars, remains the law in all of its general features after the lapse of one hundred years. It again reduced to five years the period of residence required for naturalization. It required aliens who arrived after June, 1798, to register their names in the office of a clerk of some Federal or State court and made the certificate of such registration evidence of the time when such aliens arrived. It provided against receiving the mere oath of an alien as proof of the time of his arrival and required him to establish that fact by testimony. It made an exception for the benefit of those resident in the United States before 1795, by entitling them at any future time to become naturalized without any previous declaration of intention.

The author devotes several chapters to the consideration of the unsuccessful attempts made during the period of native Americanism and the Know-nothing period to effect legislation requiring twenty-one years residence of foreigners thereafter naturalized. These efforts were induced by a desire to discourage the immigration of undesirable foreigners and to prevent the corrupt practice of illegally naturalizing aliens during political campaigns for the purpose of affecting the result of elections.

In another chapter the author reviews the many attempts made in Congress to procure legislation on the subject of expatriation. The view that expatriation is an inalienable right and that the denial of the right of expatriation would be inconsistent with the exercise of the power of naturalization of foreigners and that any regulation of the right would in effect circumscribe it, prevailed, and no legislation on the subject was ever effected.

It is to be regretted that the author concludes the history with the year 1861, and, therefore, does not consider the following provisions, subsequently enacted by Congress: the provisions made in the interest of seamen, of aliens honorably discharged from military or naval

service, of aliens of African nativity or descent; the provisions prohibiting the naturalization of Chinese, anarchists, and persons violating the immigration laws; the provisions prescribing penalties for violations of the law, and finally the provisions enacted at the last session of Congress, requiring persons hereafter to be naturalized to be able to understand and read the English language, and extending the functions of the Immigration Bureau so that it becomes a Bureau of Immigration and Naturalization.

WILLIAM BONDY.

*A History of Modern Liberty.* By JAMES MACKINNON, Ph.D. (London: New York and Bombay: Longmans, Green and Company. 1906. Volumes I and II. Pp. xxii, 398; xi, 490.)

These two volumes represent the beginning of an ambitious undertaking which cannot be adequately criticised in its present incomplete form. The first volume is avowedly introductory, dealing with Origins, The Middle Ages; while the second embraces The Age of the Reformation. Not until the remaining volumes appear can final judgment be given of the character of the work and of the extent to which the professed aim of its author has been carried out.

Dr. Mackinnon starts with and adheres consistently to a broad conception of liberty, which is indicated in his preface to be "the free development of man, subject of course to the limits of such development inseparable from human life." This comprehends social, economic, religious, political and intellectual freedom. He clearly recognizes, however, that liberty in this sense is the result of evolution and did not exist during the Middle Ages nor even in the Age of the Reformation except for special classes of the people. In considering its origins and development he is careful to avoid reading his modern conception of liberty into the terms and phrases used by the speakers and writers of these earlier periods.

The author is interested primarily in historical movements rather than in the development of thought, yet it must not be supposed that the latter is neglected. Reference is constantly made to the political theories which influenced the progress of events, and special chapters are devoted to the consideration of Mediæval Political Thought in Relation to Liberty, Machiavelli and More; and Political Thought