report now before us which might be taken as a definite sentiment of jurists and lawyers assembled from the four corners of the world upon the problems which are likely to engage the official congress when it assembles for the second time. Neither was there an attempt to obtain the sense of the congress as to the protection which should be accorded to private property on the high seas in time of war. To the proposal of Mr. Finkelnburg, of St. Louis, that all property, belligerent and neutral, should be exempt when not contraband, it was urged by Mr. Moorfield Storey, of Boston, that the destruction of human life would prove less of a deterrent to warfare than the fear of property loss. No vote was taken, however. We understand that this is one of the matters which will be presented to the second Hague conference.

The officers of the Universal Congress of Lawyers and Jurists deserve commendation for the taste displayed in the publication of the Official Report. It is a handsome souvenir and valuable as an academic record of individual views, but not as evidence of a general or universal sentiment among lawyers and jurists upon any of the topics discussed.

ARTHUR K. KUHN.

Traité de droit public international; première partie. Par A. MÉRIGNHAC. (Paris: Librairie générale de droit et de jurisprudence. 1905. Pp. 580.)

This is the first of three volumes, which are intended to set public international law in a particular light—that of an international community of interests. Professor Mérignhac has been for a dozen years one of the leading advocates of the extension of international arbitration, both in principle and practice. He now proposes to show its scientific quality as a natural and indeed necessary consequence of the nature of the State, in a world containing many States every inhabitant of which is "a citizen of humanity." In the second part of his treatise he plans to examine international life when normal, that is, in time of peace; in the third, that life in time of war. The first is devoted to a general survey of the nature of the State as to its extrinsic relations.

The author is not always happy in his definitions. At the outset, for instance (p. 5), he tells us that national law is that "qui exerce

son action dans les limites d'un état entre citoyens de cet état ou entre l' état et ses sujets." This ignores the primary right of a State to control the relations of all persons within its territory, whether citizens or foreigners. A State is according to him "une personnalité morale, souveraine et indépendante, reconnue comme telle dans la collectivité des états, propriétaire d'un territoire fixe et permanent, dirigeant librement, sans aucune immixtion étrangère prépondérante, sa politique intérieure ou extérieure, et capable, grâce à son organisation interne, d' assurer soit l'exercice de ses droits, soit l'exécution de ses obligations" (p. 115, cf. p. 325). But is general recognition essential to national existence? The nation must exist before any power can recognize it. That, like the acknowledgment of an illegitimate child, may confer a new status, but not a new life. Is a fixed and certain territory indispensable? If so, the United States did not exist until their northern boundaries were settled under our successive treaties with England. Is that no State which does not freely and with no preponderating force of a foreign character govern itself? Then Cuba is not a State; still less Korea. Of course, also, such a definition excludes the attribution of Statehood, not only to such a body as one of the United States, but also to the members of the German Empire (pp. 172, 201, 217).

It will be observed that in the title chosen for the book, the familiar wording *Droit international public*, is rearranged into *Droit public international*, the better to indicate, to quote the author's words, that his purpose is to set forth "la synthése du droit public dans les rapports des nations." He distinguishes sharply between "loi internationale" and "droit international." The former term covers treaties between particular nations and may at some far distant time denote a law spontaneously accepted by all nations to govern their relations and to be applied by magistrates of universal authority (p. 20). Such a law, however, would be subject to change. The "droit international" rests immutable in the conscience of the race (pp. 22, 23).

In considering (p. 73) recent movements towards international concert in matters of law, the author refers to the proceedings of the Spanish-American Congress of 1900, at Madrid, as destined to exercise a strong moral influence in binding Spain and Latin America together more closely by economic and industrial ties. Our own attempts at a closer association with our southern neighbors by the congresses

of Washington in 1889, and Mexico in 1901, he regards as fruitless thus far, but aiming at a practical hegemony over both continents if not the "absorption de l'ensemble des républiques américaines." Against them are the controlling forces of language, religion and national characteristics (p. 427). In an earlier work, the author stated that the general arbitration treaty framed at the Washington congress had actually gone into effect. This error he now corrects (p. 477).

President Cleveland's message of 1895, in reference to the boundary dispute between Great Britain and Venezuela, he regards as a bit of American chauvinism, which was in its nature a formal violation of international law (p. 412). Our recent arrangements with Santo Domingo manifest a similar spirit of officious protection, and a tightening grip on all America (p. 422).

The author recalls attention (p. 465) to a striking instance of the settlement of an international controversy by strictly judicial methods, long preceding the conference of peace at the Hague. In 1874, a cargo of munitions of war on board a French merchantman, the *Phare*, was seized by the government of Nicaragua, and the validity of the seizure was, after long litigation, supported by the courts of that country. France protested. Nicarauga proposed that the matter should, the approval of her own Supreme Court being first obtained, be left to the final decision of the French Court of Cassation. This plan of settlement was carried out. The cause was tried and argued like any other before the Court of Cassation and in 1880, it pronounced judgment against Nicaragua for the value of the cargo with 12 per cent interest from the date of the seizure, and costs.

Professor Mérignhac mentions (p. 364) the *Consulta* of 1904, between France and Italy as marking a new approach towards the solidarity of nations. A citizen of either power who has a deposit in the savings bank department of its post-office can, if he removes to the other, have it transferred to his credit upon the books of the corresponding government office in his new home; thus, as the author says, laying down the principle of the "livret d' épargne universel."

Any book written to serve a theory lacks certain elements of proportion and completeness. On the other hand, it is apt—particularly if it come from a Frenchman—to breathe a real enthusiasm. Professor Mérignhac writes with a warmth and glow thus inspired. He has collected his material with care and used it with effect.

SIMEON E. BALDWIN.

Elements of Political Science. By STEPHEN LEACOCK, Ph.D., Associate Professor of Political Science, McGill University. (Boston and New York: Houghton, Mifflin & Company. 1906. Pp. ix, 417.)

Professor Leacock's book is compounded of history, public law, political philosophy and economics. The leading facts and principles from these several fields, in so far as they relate to the nature of the State, the structure of government, and the province of government—the book being divided into these three parts—are skillfully woven together. Where the breadth is necessarily so great, it would be unfair to expect intensive treatment, the absence of which is the inevitable characteristic of a book of this kind. Yet here and there the author permits himself such treatment with results which are almost uniformly admirable.

The discussion of sovereignty, in the first third of the book, is of much interest. Accepting Professor Burgess' definition of sovereignty, he applies it in a somewhat different way. Legal sovereignty alone, in his opinion, is worthy of adoption by political science. He says: "The particular set of persons in a modern State who are invested with unlimited law-making power are a definite and findable body. The particular person, a set of persons, whose will in reality is supreme, fades upon analysis into a vague complexity." The "legal sovereignty" is acceptable because ascertainable; the "political sovereignty" unacceptable because not capable of ascertainment.

The good features of the book are numerous. One or two illustrations of the author's happy thought may be given. In speaking of the function of the political party in the United States he says: "It is possible, indeed, to look upon the singularly systematic and powerful growth of the party system in the United States as a sort of 'natural' evolution consequent upon the attempt to keep apart the powers of government, an attempt, as it were, on the part of nature to rectify an error in organic structure, a process analogous to the treating of a fractured limb." And of woman's suffrage he says: "What has happened has been negative rather than positive. Until recent times only a very small part of the men of the community had the right to vote. It is more accurate to say that the women have never been admitted than that they have been expressly excluded."