

and Courts, relates only indirectly to federal usurpation. Usurpation in Administrative Law (10) is one of the most suggestive chapters in the book. The closing chapter, *How to Restore the Democratic Republic*, since it provides a remedy, is most apt to meet with objection from the reader.

On one point there should be no dissent in a modern republic, i. e., that publicity, supposed to be the antidote for trust evils, would be equally effective when applied to methods of federal government. Publicity in congressional legislation by the abolition of committee control; and responsibility of the dominant party through the cabinet for all legislation, would undoubtedly aid in awakening the people to their responsibilities as citizens. Had his book appeared a few months later, Mr. Pierce would have found a hopeful sign in the mass meetings recently held in New York State to protest against the defeat of the anti-racetrack gambling bill. Such a general awakening throughout the United States is necessary before a readjustment of commonwealth and federal powers can be accomplished by constitutional amendment.

FREDERICK CHARLES HICKS.

*The Spirit of American Government.* By J. ALLEN SMITH. (New York: The Macmillan Company. Pp. xv, 409.)

Mr. Smith's thesis is that the Constitution of the United States was deliberately contrived to frustrate democratic government. The people were deceived as to the real intention, for "the conservatives who framed the Constitution and urged its ratification *posed as the friends of democracy.*" The words italicized would have astonished James Madison. In his contributions to *The Federalist* he was never weary of explaining that the proposed scheme of national government was not to be regarded as democratic. The point on which he laid the strongest emphasis (*vide* No. X) was that there was a radical difference between a republic and a democracy, and hence that the wretched characteristics of democracy should not be imputed to the proposed form of government. It is quite true that the Fathers did not use the term democratic as being synonymous with the rule of public opinion, but rather as implying the rule of faction, but Mr. Smith does not note this distinction, nor, indeed, does he define anywhere just what he means by democratic government.

Starting with the proposition that the Constitution was the outcome of a conspiracy against popular government, he views the present defects

of our political system as logical results. He includes even such a historical accident as the short session of congress after a new congress has been elected. Mr. Smith admits that this was "not provided for or perhaps even contemplated by the framers of the Constitution," but, nevertheless, he holds it to be the "logical outcome of their plan to throttle the power of the majority." All the institutions of government are examined in this spirit. There is a censorious tone throughout, particularly marked in the comments upon the federal judiciary. The book contains some valuable information, but lacks insight and historical perspective.

It would be worth while for Mr. Smith to observe that where democratic government has been actually established it has been secured not by framing democratic constitutions but by instituting democratic procedure. Mr. Smith notes that "our Constitution was modeled in a general way after the English government of the eighteenth century." That is true. But the English have the same old eighteenth century form of government still intact and yet they have erected democratic government within in that form. There is no *a priori* reason why the American people can not do the same with their eighteenth century form. The way is as open to them as it was for the English, but they find it not, chiefly because they have been persuaded to dally with nostrums which English democracy ignores.

HENRY JONES FORD.

*Ideals of the Republic.* By JAMES SCHOULER. (Boston: Little, Brown and Company. 1903. Pp. 304.)

This volume consists of a number of lectures delivered by the author during recent years at the Johns Hopkins University, and now presented for the first time to the general public. The purpose, as stated in the preface, is "to trace out those fundamental ideas, social and political, to which America owes peculiarly her progress and prosperity, and to consider the application of those ideas to present conditions." Dr. Schouler presents in an attractive style the familiar doctrines embodied in the early constitutions and bills of rights, and treats also such supplementary matters as centralizing tendencies, the civil service, and parties and party spirit.

Upon most of the topics discussed the observations of the author, though not startling in their novelty, are eminently sound and just. Exception might be taken, however, to some of the views presented.