

and especially to those who are endeavoring to secure universal peace by arbitration or other means, for there will be found stated here some of the practical considerations which cannot be disregarded in the settlement of the question, whatever may be its final outcome. Captain Mahan is not an extremist, and certainly the extremists on the side of arbitration should read with care the papers contained in this volume.

H. E. FLACK.

*The Laws of War on Land.* By T. E. HOLLAND. (Oxford: Clarendon Press; London and New York: H. Frowde. 1908. Pp. viii, 149.)

The Hague conference of 1907 readopted the convention originally agreed upon at the conference of 1899, according to which the powers undertook to issue instructions to their armed land forces in conformity with the règlement annexed to the convention. The same mistake was committed, however, as in 1899, in not fixing a time limit within which the agreement should be carried out. Of the few states which have thus far officially published, for the guidance of their armies, anything more than the bare text of this règlement, the most important are probably those of Russia, Germany, and England. The Russian instructions of 1904 possess the practical advantage of having been launched in the face of actual war, but although based on the Hague Regulations, depart from them quite freely. The German *Kriegsbrauch im Landkriege*, issued by the great general-staff in 1902, is unfortunately largely historical in character and bears little direct relation to the Hague regulations. The most satisfactory of the handbooks of instructions was the small volume entitled *The Laws and Customs of War on Land, as defined by the Hague Convention of 1889*, issued by the British war office in 1904, and edited by Professor Holland with an introduction, supplementary matter, and explanatory notes. This volume contained a systematic arrangement of the text of the Geneva convention of 1864, the declaration of St. Petersburg, and the first Hague convention relative to the laws of war. Supplementary rules concerning those points not covered by the texts were formulated and included by Professor Holland. Of this book the work under review is practically a revised and enlarged edition, though it has apparently lost something of the official character of the earlier work, and is now issued as much for the convenience of the public as for the guidance of the armed forces. The revision has been prepared in the light of the Geneva convention of 1906, and of the Hague

conventions of 1907 relative to the commencement of hostilities, the laws and customs of war on land, and the rights and duties of neutral powers and individuals in time of war. In the revised edition, the supplementary matter and explanatory notes have been considerably increased in volume, and the appendix has been augmented by the addition of historical notes on national instructions to armed land forces, and on the various diplomatic acts which relate to war on land. The French texts of these acts, together with English translations, are also added.

In the introductory chapter Professor Holland criticises certain of the Hague Conventions on the ground that they intermix the rights and duties of states with those of individuals. This is formally true, but the intermixture was merely the result of a convenient mode of speech, for the conference was not competent to confer rights or to impose obligations upon individuals as such. The book as a whole commends itself to one's judgment as a careful and judicious piece of work. In lucidity of arrangement and in adaptability to practical usefulness it is easily the best of the attempts thus far made to codify both the written and the unwritten laws of war on land.

J. M. MATHEWS.

*The Treaty Power under the Constitution of the United States.* By ROBERT J. DEVLIN. (San Francisco: Bancroft-Whitney Co., 1908, pp. lxxx, 864.)

*The Treaty Power under the Constitution of the United States* has less to distinguish it from a mere compilation than Butler's *Treaty-Making Power*; in it are arranged in an orderly way: opinions of the courts, rulings of the executive departments, statutes, treaty stipulations, late magazine articles and congressional debates bearing upon the conflict between the law-making power and the treaty-making power. As to the agreements of the executive which should be ratified by the senate, nothing is said, although some chapters are devoted to topics which would seem remotely connected with the title of the book, e.g., extradition, diplomatic and consular representation, foreign judgments, naturalization, expatriation, and claims against governments including the holdings of the United States court of claims. The author would have us believe by many of his citations of authority that he has had access to the manuscripts of the department of state; the citations are, however, the