

ordinary relations of citizens to each other are intrusted to the several States which have their own constitutional governments. In the description of the functions and powers of the president, the senate, the house, and the courts, and the relations of the States to the federal government and party government, the lecturer has been clear and discriminating. To those who desire a description of the operation of the government of the United States in small compass, the volume should be very welcome.

H. E. FLACK.

*United States Constitutional History and Law.* By ALBERT H. PUTNEY. (Chicago: Illinois Book Exchange, 1908. 8vo, pp. 599.)

This work is one of a number which attempt, in a moderate sized volume, to cover the field occupied by Cooley's well known *Principles of Constitutional Law*. Mr. Putney gives a clear and generally accurate statement of the provisions of this law, but his book falls between two stools. It is too historical to be a pure law book and yet the historical portion is too slight and inadequate to make an adequate constitutional history. The arrangement is not always logical and the treatment of various parts of the government is unequal. The power over commerce is treated in chapter 12, while other congressional powers are discussed in Chapter 8. The book shows some signs of careless writing, as (p. 260) where it is stated that the power of the federal government over trademarks "is restricted in its application to interstate commerce." The chapters devoted to the history of England might well have been omitted, as the material therein contained is not very relevant, and the space might have been taken by a fuller discussion of American constitutional history. There is a certain amount of repetition due to the arrangement, thus "treaties" and "due process of law" are twice discussed. The proofreading is extremely careless; for example "abbott" is found four times on pages 199 to 201; the "Petition of Rights" (sic) is dated 1728, on page 364; and Governor Bulkeley of Connecticut is called Buckley on p. 478. In some places, the work is too journalistic, as in speaking, on p. 368, of President Roosevelt's "message to Congress at its last session." The index, which, by the way, is poorly constructed, gives the only reference to the District of Columbia as page 417, in the chapter dealing with "Acquisition of Territory and the Government of Territory Belonging to the United States." On that page we find a statement that the District has been considered in chapter 5; but we really find it in chapter 8, on page 267,

under "The Seat of Government." The chapter on the judiciary is one of the best in the book and the work's chief value lies in its convenient reference to recent decisions. Longer quotations from the opinions of the courts are included than it is usual to find in legal text books. An appendix of about 100 page includes the great English and American constitutional documents and the full text of the interstate commerce act with its amendments up to date.

B. E. STEINER.

*Primary Legislation: A Study of the History and Tendencies of Primary Election Legislation.* By C. EDWARD MERRIAM. Chicago: The University of Chicago Press. 1908. Pp. xi, 308.)

Four chapters of this book are devoted to an historical summary of primary election legislation in the different States and one each to the judicial interpretation of these laws, the regulation of the convention system, the practical workings of the direct primary system, and a summary and conclusion. In the appendix, covering nearly half the book, may be found a brief summary of present primary election laws and a reprint of several laws in full. The New York law is given as the best representative of the legally regulated convention system, the Illinois law as a fair type of the direct primary, and the Florida law as typical of southern legislation, which leaves a great deal to the discretion of the party managers. A part of the Wisconsin law is given to show the combination of the system of nomination by petition only with the optional non-partisan primary.

One of the most important questions legislatures have had to deal with in primary legislation is the test of party allegiance. The most frequent test is that of past support and an intention to support the nominees at the ensuing election. In the southern States it is customary to allow the party managers to determine the qualifications of the voters and they generally apply the above test. However, this system is not altogether satisfactory as it may practically exclude from political activity citizens who believe in men more than in party. It may be that a man's general sympathies are with a certain party and that it has one candidate before the primary whom he would be glad to support, but there is another candidate with fair chances of election whom he considers a vicious man. If the citizen takes part in the primary in the hope of defeating the vicious candidate, he may find himself under obligation to support this man at the general election. To withdraw from the pri-