

a further account of this is not necessary. A renewed recognition of the merits of the treatise is sufficient.

*Trichotomy in Roman Law.* By HENRY GOUDY. (Oxford: Clarendon Press, 1910. 77 p.)

In this interesting little work the author develops the thesis that the predilection of Roman jurists for the number three in their legal definitions and classifications is traceable to a desire for artificial symmetry, and is neither logical nor fruitful of any practical result. Roman writers, including the jurists, were profoundly influenced by symbolic numbers in the external arrangement and composition of their work. Professor Goudy begins his illustration of this early symbolism by quoting from the Twelve Tables: "If a *paterfamilias* sells his son three times his *potestas* over the son shall end." He finds particularly strong support for his thesis in the texts and principles of the Institutes of Gaius and Justinian and cognate texts in the Rules of Ulpian and in the Digest. From these sources, he has selected nineteen specific illustrations of the Roman partiality for the tripartite classification. The following will illustrate the author's selections: "All law was either made by consent, or established by necessity or settled by custom." (Modestine in Lib. 1 *Reg.*, Dig. 1. 3, 40); "The subject-matter of private law relates either to persons, or to things or to actions." (Gai. 1, parag. 8; *Inst.* 1. 3 pr.); "Persons are divided into *liberi*, *servi*, and *libertini*" (*Inst.* 1. 5 pr.; Ulpian in Lib., *Institutionum* Dig. 1. 1, 4). He subjects these principles and definitions to a critical examination, and succeeds in showing that they are generally neither logical nor suitable to the treatment of the topics they severally represent.

Within the space of a few pages Professor Goudy tests his thesis in the Roman law of things and actions and finds it equally applicable. Cicero, Seneca and other writers are also drawn upon to bear witness to the truth of the author's theory. The frequent use of the traditional three the author attributes to a tendency of the Jurists (especially Ulpian), more or less conscious, to adopt symbolic tripartite divisions or to invent them. The tendency is largely traceable to the influence of the Stoic and other schools of philosophy.

In the course of the discussion, the author displays that profound

knowledge of Roman law we might expect from the Regius Professor of Civil Law at Oxford.

While not detracting from the logical acumen and power of philosophical analysis of the Roman jurists, Professor Goudy nevertheless claims to have proved, successfully we think, that the classification and definition of legal doctrines were not their strong points. In their subservience to artificiality in these matters, they were "the children of their age."

The work is scholarly, yet most entertaining, a special merit not usually shared by books on Roman law.

EDWIN M. BORCHARD.

## RECENT GOVERNMENT PUBLICATIONS OF POLITICAL INTEREST

BY CARL HOOKSTADT

### UNITED STATES<sup>1</sup>

**Abrogation of the Russian Treaty.** Report from the House Committee on Foreign Affairs [to accompany H. J. Res. 166]. 1911. 14p. 8°. *House. Committee on Foreign Affairs.* (H. rpt. 179.)

**Alaska Coal Contracts.** Hearings before the Committee on the Judiciary of the House of Representatives on House Resolution no. 217 (62d Congress) calling upon the Attorney General of the U. S. for certain information. pt. 1-3. 1911. 8°.

**Anti-Trust Statute,** Message of the President, Dec. 5, 1911. . . . 43p. 8°.

**Arbitration Addresses of President Taft.** 1911. 66p. 8°.

**Bank Loans and Stock Speculation,** by Jacob H. Hollander. 1911. 27p. 8°. *National Monetary Commission.* (61st Congress, S. doc. 589.)

**Bureau of Labor,** Bulletin no. 94-95, May-July, 1911. 2 nos. 8°.

no. 94. Fourth report of the Commissioner of labor on Hawaii.

no. 95. Industrial lead poisoning, with descriptions of lead processes in certain industries in Great Britain and the Western States of Europe, by Sir Thomas Oliver; white-lead industry in the United States, with an appendix on the lead-oxide industry, by Alice Hamilton; deaths from industrial lead poisoning (actually reported) in New York State in 1909 and 1910, by John B. Andrews; laws enacted during 1911 requiring the report of occupational diseases; decisions of courts affecting labor.

**Civil Government in Alaska.** Hearing before the Senate Committee on Territories in relation to S. 1647 (62d Congress), a bill to create a Legislative assembly in the territory of Alaska, to confer legislative power thereon, and for other purposes (in progress). 1911. 8°. *Senate. Committee on Territories.*

**Congressional Directory (Official).** 62d Congress, 2d session, 1st edition. Dec., 1911. xiv, 475p. 8°. *Congress. Joint Committee on Printing.* (S. doc. 113.)

**Constitution and Its Makers.** An address delivered before the Literary and historical association of North Carolina, at Raleigh, N. C., Nov. 28, 1911, by Henry Cabot Lodge. 1911. 25p. 8°. *Congress. Senate.* (S. doc. 122.)

**Contempts of Court.** Hearings before the Committee on the Judiciary of the House of Representatives, Dec. 7-11, 1911. 118p. 8°. *House. Committee on the Judiciary.*

**Controller Bay.** Views of the minority from the Committee on Expenditures in the Interior Dept. 1911. 8p. 8°. *House. Committee on Expenditures in the Interior Dept.* (H. rpt. 178, pt. 2.)

<sup>1</sup> All numbered documents refer to 62d Congress unless otherwise specified.