

the naïve assertion that Canada owes her independence to the vicinity of the United States and the Monroe Doctrine and that Australia will never achieve as much (p. 1459, vol. III). The methods of scientific research and of political prophecy do not go together; the author ought to choose between them and give either a scientific work or a political pamphlet.

Finally, Chapters II and III of this last Part give *in extenso* the proceedings of the Colonial and Imperial Conferences which the reader could easily find in the corresponding Blue Books.

Summing up we can say that excepting the padding, the endless references and reprints of official documents on one hand, and the theories of the author on the other, the work is a good and reliable text book and is quite up to date; it is by far the best work we have concerning the public law of the British Empire.

The political views of the author show him a staunch Imperialist; one cannot say however that he has very materially helped the cause he had at heart, as his theories are all very vague.

Mr. Ewart is perfectly right in noting the "confusing vagueness of imperialistic claims." Possibly that is their unavoidable characteristic.

BARON S. A. KORFF LL.D.

*Kingdom Papers.* By John S. Ewart, K. C. Issued by the author. Ottawa, Canada.

Parallel to the work of Mr. Keith appear the Kingdom Papers of Mr. Ewart. We take them as a striking contrast. The two authors stand at the two opposite poles of the question of the Constitution of the British Empire. Mr. Ewart's object in issuing the Papers is quite different from that of Mr. Keith; whereas the latter tries to give an exhaustive view of the situation, treating all the details, taking up all the data, etc., Mr. Ewart is interested only in the question of principle, having in view, not scientific study, but political propaganda and as applied to Canada only.

In Paper 1 Mr. Ewart states in clear language the pros and cons of Canadian independence from the point of view of contemporary law; he shows that Canada is limited as to her constitution, which she cannot cancel or even amend without the consent of England, nor can she abolish her Parliament and she is limited likewise as to her territory, outside of which she has no jurisdiction; on the other hand she is

independent fiscally, legislatively, executively, judicially, and diplomatically. One sees at once that these points are diametrically opposed to the views of Mr. Keith.

The truth lies we think, as usual, in the middle between the two extremes, though we cannot doubt that Mr. Ewart comes very near to the true situation. There still exist, however, contrary to the assertion of Mr. Ewart, a few legal and theoretical bonds, as, for example, in the "Judicial" and the "Diplomatic" independence of the Dominion; Canada can exercise her free will in both these matters, we admit, but this is only practically so; theoretically the old bonds still exist.

In Paper 2 Mr. Ewart gives a brilliant review of "Imperialism," its theories and political purpose and at the end sums up by giving the reader a clear picture of the modern Canadian national ideals versus the ideals of British Imperialism. He rightly thinks that "national depreciation is mischievous and injurious" and tries to find remedies against such a possible evil in a nationalistic upheaval. No one can deny that there exists at the present day an enormous growth of nationalistic feeling in Canada and that it is of the greatest importance for Canada's future.

Paper 4 reviews the achievements of the Colonial Conferences; the reader will not find any new facts in this pamphlet. In Paper 5 we have some very good criticism of the theories of "Some Imperialists." This paper is a very suggestive one to students of English public law.

Paper 6 is devoted to the question of a Canadian Navy. Mr. Ewart's views, though very interesting, are not convincing. He does not prove his case at all.

Paper 7 is of more importance for the student, as it gives a resumé of of the author's ideal from the point of view of constitutional law; he thinks that the relations of Canada and England nowadays can be constructed only on the basis of the theory known as "Personal Union." This certainly cannot be accepted as the bonds between the two countries (or "States") amount to much more than a "Personal Union" and will remain so probably for at least our generation. In this case we see clearly the strong negative or critical point of Mr. Ewart's writings. As to the constructive part he has not yet succeeded in giving a satisfactory solution; this we think however is by no means his fault. It lies in the nature of the case. The British Empire is passing through a severe crisis; all her old idols have to be done away with. The old forms of union between the Mother-country and her

colonies are rapidly dying away (which *entre-autre* Mr. Ewart's writings helps very much to prove), but we doubt sincerely if the time has come to make a new theory to fit the new union; the union is still in building. In other words, the time has not yet come for a general theory of public law, concerned with the future structure of the Empire. Why apply to Canada the theory of Personal Union, a theory which even in Germany, the land par excellence of theoretical study, is looked upon as a transitory status, as something inevitably leading either to disruption, or to some new form of closer union? Besides, even Mr. Ewart himself does not seem to want to apply it *in extenso*, making the union of Canada and England only a dynastic question.

In Paper 8 the author gives a clear review of the three most important points of contention, the questions of merchant shipping, naturalization and copyright, stating as definitely as possible the colonial versus the imperialistic point of view. On p. 234, for example, the reader will find some very good arguments against the theories of Mr. Keith concerning the territorial limitations of the colonial legislative power which one must accept in full.

Strangely enough the author does not mention in the third paragraph, relating to copyright, the latest conference, which dealt with the matter and scored some very important points in the subject.

Paper 9 is devoted to the "revision of war relations," constructed on the principle "no obligation without representation." Here the reader can find a clear statement as to Canada's position in case of a British war. One can hardly state the matter more definitely. We will only note that Mr. Ewart is not the first one to come forward with this theory: the same views are held by no less an authority than the ex-Premier Sir W. Laurier and must be seriously considered as a very widespread colonial opinion. Australia does not lag far behind in this respect. Such a theory is far more radical than the theory of "Californian independence," mentioned by Mr. Keith and cited above. Finally Paper 10 deals with the question of Canada's participation in foreign affairs; the views of the author on this subject are hardly acceptable, but interesting. These ten papers constitute the first Volume.

In conclusion we might say that the student of public law will find in the Kingdom Papers an able statement of the colonial nationalistic point of view, coming very near to absolute independence. It is the exact counterpart of the imperialistic ideals, still put forward by some in the hope of a closer union.

These two authors give the reader opposite extremes of the question. The true solution we believe will be found in the golden mean.

*University of Finland, Helsingfors*

BARON S. A. KORFF, LL.D.

*Corporations and the State.* By THEODORE E. BURTON. (New York: D. Appleton and Company, 1911. Pp. xvi, 248.)

This volume contains the author's lectures at the University of Pennsylvania in 1910 on the George Lieb Harrison Foundation, together with a chapter on the recent decisions of the Supreme Court in the Standard Oil and American Tobacco Trust cases. The appendices contain extracts from Chief Justice White's opinion in the above cases, Justice Harlan's dissenting opinion, the Sherman Antitrust Act, and the Aldrich plan for Monetary Legislation.

The bulk of the work is devoted to a discussion of the origin, growth, and functions of the corporation, its importance under modern conditions and its intimate relation to the state and the public welfare. In the sixth chapter the writer passes judgment upon various plans for the control of corporations. His general attitude is well illustrated by the following language: "Thus far public regulation has given undue attention to the prevention of agreements in restraint of trade, which limit competition or production, while neglecting to provide adequate means for the punishment of palpably dishonest and illegal practices, such as the misappropriation of assets by corporate officers, the issue of fraudulent or watered stock, the declaration of unearned dividends, and the adoption of oppressive and unfair methods to destroy competition." (p. 128). While admitting that competition between natural monopolies is harmful, the writer urges that certain forms of competition between other corporations is still essential. The control of prices of manufactured goods is declared to be impracticable, the cost being governed by continually fluctuating factors. Criminal punishment for officers of offending corporations is urged, while full publicity is declared to be the most effective force in the control of corporations. This will be best secured through a voluntary, national incorporation act.

The fourth chapter is concerned wholly with banking corporations and the discussion of our monetary system. In the chapter on the Standard Oil and Tobacco Trust decisions, the writer supports the position of the court and reconciles its decision with the Trans-Missouri