reference to Zeiller, to whose labors the code owes in large measure its final form. It is, indeed, very questionable whether any of these facts are important enough to deserve inclusion in a book which endeavors to cover so vast a field in so brief compass; but if they are to be stated at all, it would be as well to state them correctly.

This book is not a credit to American scholarship. If it find readers, it will serve chiefly to increase that stock of miscellaneous misinformation that is sometimes mistaken for general culture.

MUNROE SMITH.

Lois et usages de la neutralité d'après le droit international conventionnel et coutumier des états civilisés. Par RICHARD KLEEN. Paris, 1898–1900. — 2 vols.: xix, 660; ix, 758 pp.

This comprehensive treatise is an amplified reproduction of a work published in 1889–91 at Stockholm in Swedish, and entitled *Neutralitetens Lagar*. It is divided into four books, which relate, respectively, to fundamental principles, the duties of neutrals, the rights of neutrals, and the means of enforcing the observance of those rights and duties. In respect of the rights of neutrals the author belongs to the Continental school of publicists, who have resisted the claims of belligerent prerogatives set forth in the decisions of the English prize courts. This is the school to which the later American publicists have generally belonged, and it is commonly supposed that the United States government is to be classed with those that have sought to establish liberal doctrines. To a great extent this is true with regard to the executive; but it is quite untrue with regard to the judiciary. Mr. Kleen refers to Americans of the "old type," such as Kent, Story and Wheaton, who repeat the "despotic language" of Sir William Scott, Manning and Wildman, and mentions American writers of a later time who espoused the principles of the continental school. Kent and Wheaton, however, repeated as writers what Story said as a judge, and what the supreme court, of which Story was a member, actually decided. Nothing could better illustrate the sway of English precedents over conservative minds among American judges than the extreme deference paid by Mr. Justice Story and a majority of his associates to the decisions of Sir William Scott, in the first publication of which the American minister at London, Mr. Rufus King, was largely instrumental, his object being not only to inform his countrymen of the grounds on which their property was being

condemned, but also to bring to bear on Sir William, if possible, the deterrent influence of publicity. There was, indeed, a time when the English prize law was the American prize law, but this condition had ceased to exist when Sir William Scott succeeded Sir James Marriott in the high court of admiralty.

The work of Mr. Kleen is so full that it is impossible within a brief space to subject it to analysis. He appreciates the difficulties of his task — difficulties enhanced by the very unsatisfactory state in which the series of great wars which ended with the downfall of Napoleon left the rights of neutrals. The American Civil War and its consequences contributed much to the development of the law relating to neutral duties, but did comparatively little for that of the law of neutral rights. In respect to the latter the Congress of Paris of 1856 constitutes the great landmark of the nineteenth century in the progress towards definiteness. Outside of this, the author is compelled to rely upon his legal discernment. In dealing with custom Mr. Kleen accepts as authoritative that which is recognized and approved by the great majority of states; but he does not hesitate to reject a tradition which, although it was previously accepted, has evidently ceased to be responsive to the judicial conscience of nations. In general, he endeavors to avoid the intermingling of international regulations and national legislation; for he thinks that the ancient pretension of some powers to attribute to their national decrees the importance of universal laws has, more than anything else, served as an obstacle to progress and to the codification of the law of nations.

As to some of Mr. Kleen's conclusions there will inevitably arise a difference of opinion. It is impossible for a writer on the law of neutrality to reconcile all views, since the incompatibility not infrequently proceeds from premises which are radically antagonistic. He supports his positions, however, with an abundance of learning, and with clear and temperate argument; and he has produced a work which fills a large space in the literature of the subject to which it relates.

J. B. MOORE.

Government in Switzerland. By JOHN MARTIN VINCENT. New York, The Macmillan Co., 1900. — 370 pp.

This is a good book on a good subject. Every one goes to Switzerland, but few know anything of its government beyond the fact that it is a federal republic, much given to submitting legislative