and the fact that he has retained matter relating to certain English statutes which to him "suggest . . . reforms . . . which it would be prudent to adopt in the United States" (preface, p. x) will not satisfy them, for they would like to form their own conclusions as to what borrowings would be prudent. For the purpose of American students who intend to practise law, the editor's omissions are, however, perhaps as legitimate as his additions are necessary; but it is difficult to understand why he has not seen fit to indicate, by any typographical signs or devices, what parts of the text and which of the notes are his.

The demand for small books on Roman law has recently evoked two translations of French treatises. The introductory part of Professor P. F. Girard's standard *Manuel élémentaire de droit romain* has been put into English by Professors A. H. F. Lefroy and J. H. Cameron, of Toronto, and is published under the title: *A Short History of the Roman Law* (Toronto, Canada Law Book Company, 1906; v, 220 pp.). Girard is worth translating, and the translation is well done. There is probably no history of Roman law accessible in English that is at once equally good and equally brief. A less judicious choice has been made by Dr. C. P. Sherman, of Yale University in translating Prof. F. Bernard's *First Year of Roman Law* (New York, Oxford University Press, American Branch, 1906; xii, 326 pp.). Bernard's work is not of the first rank and it is ill-adapted to the needs of English-speaking law students. The law of persons is treated with a fulness which is unnecessary in an introductory work, and the law of obligations is omitted. The fact that French students take up obligations in their second year is no reason why English and American students should not have a complete outline of the institutes of Roman private law in a single volume. Dr. Sherman's translation is not good, and the notes which he has added are of little value.

One of the few original workers in the field of Roman law among English-speaking scholars, and one of the most conscientious and painstaking, is Dr. E. C. Clark, Regius professor of civil law in the University of Cambridge; and his *History of Roman Private Law, Part I, Sources* Cambridge University Press, 1906; New York, G. P. Putnam's Sons; 168 pp.) promises to be an important work. The general reader should however be warned that Professor Clark's writing is not easy reading; and that the completed work is more likely to be recognized as a standard book of reference for scholars than to be used as an introductory treatise.

Professor John W. Salmond's *Jurisprudence*, which was reviewed four years ago in this QUARTERLY (vol. xviii, pp. 609–702), appears in

a second edition (London, Stevens and Haynes, 1907; xv, 518 pp.). It has been revised throughout; some portions have been omitted, as unsuited to a general and introductory treatise; and a new chapter has been added on "Other Kinds of Law" than positive national law. In this new chapter, however, are included passages which appeared elsewhere in the first edition. Professor Salmond persists (in our judgment rightly) in laying stress upon adjudication as the principal source of law; but he is still unable to see that adjudication is only a highly systematized form of deciding controversies, that controversies were decided in primitive communities before distinct organs of adjudication had developed, and that the customs recognized, defined and enforced through such ante-judicial community decisions had all the essential characteristics of positive law. Whether the author's position in this and other controverted matters be approved or not, it must be recognized that he is an independent thinker and that his book is not a mere compilation but contains contributions to legal science.

In his *Presupposti filosofici della nozione del diritto* (Bologna, Zanichelli, 1905; 192 pp.), Professor Giorgio del Vecchio points out that we all possess the "notion" of law; in legal propositions, despite their number and variety, we recognize the common quality of legality; and this notion is the "germ of the conceptual determination of law and the unshaken proof of its possibility" (p. 109). But before this germ can shoot up into a concept and bloom into a satisfactory definition, the essential element of the notion must be determined. This, the author maintains, is not to be found in the content of law, whether actual or ideal: we are not to ask what the law is or should be (*quid iuris?*) but what is law (*quid ius?*). The problem should be approached not from the side of content but from the side of form; and our question should be: what is the characteristic form (*forma logica*) of law? To those students to whom law is not so much a thing as a force, a third question would seem even more important, *viz.* what is the characteristic method in which law operates? It appears, however that to ask such a question is an unpardonable metaphysical sin (pp. 123 *et seq.* and 181). Mr. del Vecchio confines himself, in this treatise, to the "presuppositions" and formulates no definition of his own.