

# YALE LAW JOURNAL

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SUBSCRIPTION PRICE, \$2.00 A YEAR

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Published six times a year, by students of the Yale Law School  
P. O. Address, Box 1341, New Haven, Conn.

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THE lack of comprehension of the relative duties of public servants, on the part of a great many newspaper readers, is strongly evidenced by the attitude of several of the leading dailies of New York City toward the present Board of Police Commissioners in their efforts to enforce the excise law of the State in the metropolis. It is only fair to the intelligence of the editors of these journals, to assume that they are presuming on the gullibility of their readers—in other words, that they know that their attacks on the President of the Police Board, and the insinuation that he is responsible for the effects of the honest enforcement of police legislation, are unfair. There seems to be in many minds no understanding of the difference in the matter of responsibility for legislation between the lawmaker, whose vote is an exercise of personal judgment, and the ministerial officer, whose purely administrative duty under the provisions of the law itself, is to enforce what the legislator causes to become law. The proposition that a law enacted very recently, forbidding certain acts in the plainest terms, and conferring no discretionary powers whatever upon anybody, may be enforced or not by an administrative officer, according to his own discretion in each particular case, is seriously advanced, and evidently accepted by many. This is termed a "liberal construction" of the excise law. It is, of course, nothing short of the abolition of the law. It makes a dummy of the legislator, and a dictator of the executive officer. It would

appear that a considerable number of the citizens of the great city are in need of instruction in the elements of civic economy. It is a striking commentary on the character of the modern legislator, that many of those who voted for the law in question have recently stated that had they supposed that it would be so "strictly construed," they would not have favored it—as if the construction of a law would permit its absolute negation.

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MR. W. T. STEAD contributes an article to the September issue of *The Contemporary Review* of more than passing interest to American citizens. Under the title of "Jingoism in America," Mr. Stead takes the opportunity to state his views in regard to the disputed boundary between British Guiana and Venezuela, and upon the right of the United States to demand arbitration in the upholding of the Monroe doctrine. He illustrates public opinion in the United States by quoting an excerpt from the Fourth of July oration of ex-Governor James E. Campbell of Ohio, delivered before the Tammany Society in New York, and parts of communications received from ex-Senator Ingalls and Senator Lodge, in reply to a list of questions propounded by *The Chicago Times-Herald*. He dismisses the "frothy menaces" of ex-Governor Campbell, and other "Jingos" who would uphold the Monroe doctrine, with small comment, but he asserts that he cannot disregard so lightly the opinions of Dr. Albert Shaw, who, he states, is not a Jingo. The reason for this would seem to be that Dr. Shaw is the editor of *The Review of Reviews* (Mr. Stead's magazine), which he assures us is "the most widely circulated periodical dealing with current political and social problems in the United States of America." Dr. Shaw seems to have promulgated the doctrine that the British not only should cease from extending their territory in South America, but should prepare to withdraw altogether; upon what grounds is not stated, but the question is easily disposed of by the assertion that leaving the disputed territory out of account, the British have as much right to Guiana as we have to New York State. What is of real interest is Mr. Stead's statement of the boundary dispute, and although he admits that it is hard to state the full strength of the British case, owing to the absence of any published papers or blue book on the question, still, it must be admitted that without authorities Mr. Stead makes out a good *prima facie* case. He claims that there never has been a question of extending British territory beyond the limits "laid down as far back as 1797," and, therefore, as this is a

period precedent to the promulgation of the Monroe doctrine, it cannot apply here, as the Monroe doctrine starts from the *status quo*. The boundary of 1797 is claimed by the British, as successors of the Dutch, but upon the justice of the claims of the Dutch little is said. From the entire case it would appear that Great Britain had acted in an exceedingly handsome manner towards Venezuela, making concessions "in a spirit of peace and good neighborliness," in accordance with her usual modest foreign policy. In fact, the conclusion is reached, that far from opposing the aggressions of the British in Venezuela, we should be more "closely drawn to the British colony of Guiana." The argument that the Monroe doctrine has no application, is of course untenable, because the boundary dispute is still unsettled, and the question of extension of British dominion is necessarily involved. If the British have such uncontrovertible claims to the territory in dispute, they should be the last to shrink from arbitration. It seems, at first sight, a little odd that we should have been so grossly misled as to the whole matter as Mr. Stead maintains, but we are not yet quite convinced that the British are not attempting under the guise of a disputed boundary, which they refuse to arbitrate, to dismember a South American republic, in contemptuous disregard of the Monroe doctrine. It has become a question whether or not the doctrine has any force which the nations of Europe are bound to recognize.

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DURING the Fall term Prof. William C. Robinson will take no part in the work of instruction in the Law School. His plans for the future are not definitely made, but it is hoped that he will be able to teach some branches during the Winter and Spring terms. Prof. Robinson has been long and prominently identified with the work of legal instruction, both in the law and academic departments of the University. As an instructor and as a writer on legal subjects he enjoys a wide reputation. Members of the senior and graduate classes of the law school who have become acquainted with Prof. Robinson during the earlier years of their course, will much regret his absence, and hope that it may not long continue.

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To the incoming Junior class the LAW JOURNAL extends welcome and congratulation. The class begins its existence under conditions far more favorable than those which have in previous years confronted its predecessors. Since the beginning of the

year 1894-95, the school has moved from long outgrown and inconvenient quarters on the third floor of the County Court-house to the present building, which in point of convenience and adaptability to the purposes for which it was constructed, is probably not excelled by that of any professional school in the country. The fact that the class is the largest in the history of the school evidences an appreciation of these conveniences and of the increasing excellence of this department of the University.

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THE JOURNAL notes with pleasure the addition to the faculty of Mr. William L. Bennett and Mr. James H. Webb, both of New Haven, and Mr. John Wurts of Jacksonville, Florida. Mr. Bennett and Mr. Webb will instruct the Seniors, the former in insurance, the latter in criminal law. Mr. Wurts will teach both classes the subject of real property. These gentlemen are lawyers of wide experience, and the school is to be congratulated in securing their services. A valuable course is offered in the Graduate Course by Prof. Arthur T. Hadley upon the economic problems of corporations. This subject, too seldom found upon law school curriculums, is of vast importance to lawyers who intend to practice corporation law. The course is eminently practical. It is needless to say that Prof. Hadley is one of the leading authorities upon this subject. Among the numerous lectures which are open to all students of the University is Professor Sumner's course upon the "Industrial Revolution of the Renaissance Period." The subject explains much of the development of the law of that period, and will be found very interesting and helpful to law students.