BOOK REVIEWS.

THE PEACE CONFERENCE AT THE HAGUE. By *Frederick W. Holls, D. C. L.*, New York. The MacMillan Co., 1900. Pp. 572. $3.

This is a welcome addition to the history of international arbitration. Mr. Holls was one of the American delegation at the Conference, and had a seat in the *Comité d'Examen*, in whose hands the project of the convention took shape. He has given a clear and full account of the way in which the work was achieved, and particularly of the American share in it, which was considerable.

Many facts are brought out which have not before been generally known.

While the original proposal of such a Conference came from Russia, the world was somewhat surprised that it seemed to excite little public attention in that country. A despatch from Mr. H. H. D. Peirce, our *Chargé d'Affaires* at St. Petersburg, which Mr. Holls prints, gives the explanation. The Russian press was forbidden to discuss it.

Mr. Peirce adds that it was coldly received by the diplomatic *corps* in general, and that "a very eminent authority on international law, of world-wide reputation," had recently said to him that war could not be abandoned as the *modus vivendi* for nations unless a new one could be framed, adequate to replace it, and that as for what was called international law, it was no law at all, except so far as particular treaties might give it their sanction. If, as seems probable, this "eminent authority" was M. deMartens, some light is thus thrown on his attitude in the Conference as to certain points in dispute, especially that as to requiring written opinions from the International Court which was to be established, stating in each case the reasons for the award. He vigorously opposed any such requirement, maintaining that the great aim in every arbitration should be to end the controversy, and that to give the reasons for the conclusions might show that they did not support it. If a rule of international law were in any case to be the reason for the judgment, and there is no such thing as a binding rule of international law, it is evident that the less said by the Court would be the better.

The British delegates proposed that no member of the new Court should ever practice before it (p. 280). It seems unfortunate that this proposition was rejected. In place of it a declaration or minute was adopted that none of them should appear as counsel before any of his fellow-members during the pendency of any other cause in which he might be in the actual exercise of his judicial functions. A stricter rule would have been more in keeping with the dignity of the tribunal.

The original Russian proposal (p. 227) made arbitration obligatory in cases not affecting vital national interests or honor, including among others conflicts as to the interpretation or application of conventions concerning the navigation of inter-oceanic canals. The Americans assisted in defeating this scheme, which, had it been sanctioned, would have had an important effect on our dealings with Great Britain as to the Clayton-Bulwer treaty.

A list given by Mr. Holls shows that only six independent governments, outside of Central and South America, are not represented in the Conference. The Orange Free State was one of the six, and has doubtless been sorry for it ever since.

The book is handsomely printed and fairly indexed. S.E.B.

AMERICAN BANKRUPTCY REPORTER. (Annotated). EMBRACING THE BANKRUPTCY DECISIONS AND OPINIONS OF THE FEDERAL COURTS, STATE COURTS AND REFEREES IN BANKRUPTCY. Edited by *William Miller Collier* and *James W. Eaton.* Vol. III. Albany: Matthew Bender, 1900. Sheep.

This is a work of equal value to the practitioner and student. The cases which it embodies have been chosen with excellent judgment, and, as illustrating the various principles arising under bankruptcy proceedings, and are unexcelled. Comprehensiveness and completeness characterize it faithfully.