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REVIEWS

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REVIEWS.

Citizenship of the United States. By Frederick Van Dyne, Assistant Solicitor of the Department of State. Lawyers' Co-Operative Publishing Co., Rochester, N. Y. 1904. Sheep, pp. 385.

During the past decade, a period in which the law of citizenship has undergone rapid development, no text-book upon this subject has appeared. Lawyers and students will therefore the more appreciate the able presentation of this branch of the law by Mr. Van Dyne, who, through the official position which he has for many years occupied, has been afforded unusual facilities for the preparation of this treatise. The work is a concise and accurate statement, without criticism or suggestion, of the important and often exceedingly perplexing subject of citizenship in its international aspects.

The volume, which is confined exclusively to Federal citizenship, is divided into four parts. Part I. discusses citizenship by birth in the United States, and by birth abroad to an American father. Part II. is devoted to citizenship by naturalization, embracing naturalization under the general laws of the United States, naturalization by naturalization of parent, by marriage, by treaty, by conquest, by special act of Congress, and by admission of territory to statehood. In Part III. the author collects the statutes and rules and regulations governing the issuance of passports, and in Part IV. treats of expatriation, (1) the means by which renunciation of citizenship is effected, and (2) the attitude of foreign governments toward their citizens who have become naturalized in the United States. The value of the work is enhanced by an appendix containing the laws of the United States relating to citizenship and naturalization, and naturalization treaties to which the United States is a party.

The logical arrangement and comprehensive manner of treatment must commend this book to the profession. It is unfortunate, however, that in discussing the status of inhabitants of our newly acquired possessions the author has devoted such a disproportionate amount of space to the Insular Cases. A sixty-page quotation (pp. 164-244) from *Downes v. Bidwell*, 182 U. S. 244 (erroneously cited in the text) is hardly justified by the limits of the treatise. A very much narrower compass should have sufficed for a satisfactory statement of the decisions of the court in these cases, and would have preserved the symmetry of the work. Copious citations from State and Federal reports and extracts from opinions of Attorneys General and Secretaries of State support the author's conclusions, but it is to be regretted that the index to cases cited (pp. xvii) is not more accurate. Mr. Van Dyne's work must be regarded as a

careful and thorough exposition of the law on the subject with which it deals, and will prove of great value to anyone having occasion to investigate this subject.

B. F. H.

The Life of John Marshall. Revised from "Lives and Times of the Chief Justices of the United States." By Henry Flanders. T. & J. W. Johnson & Co., Philadelphia. 1904. Cloth, pp. 278.

John Marshall's greatness rested on the possession of an intellect whose keen analysis, unerring logic and broad conception led him to conclusions whose justice and policy all men admit. Adequately to present such a character in a brief biography is all but impossible; his fitting monument consists in those matchless opinions in which he gave enduring life to the Constitution. Yet, though perhaps the writer has failed to do justice to Marshall's position as magistrate, though perhaps he has devoted too much space to a description of his unsuccessful attempts at authorship, he has given us a very interesting account of his career and personality. He has clearly shown us the patriotic readiness of one who, early forming an intention to remain at the bar, yet devoted at least a part of almost every year to the service of his country or state, as soldier, legislator, diplomat, or judge; he has pictured in bright colors the humility, simplicity and kindness of disposition which alone could add to admiration for greatness love for the man. And any failure to give value to the work by the manifestation of genius in beauty of diction and depth of philosophy is redeemed by grandeur of character pleasingly presented.

W. M. M.

A Text Book of Legal Medicine and Toxicology. Edited by Frederick Peterson, M.D., and Walter S. Haines, M.D. W. B. Saunders & Co., Philadelphia. 1903. In two volumes, cloth, pp. 1500. Volume II.

In presenting a book dealing with two broad subjects like Legal Medicine and Toxicology it is difficult not to make the work ponderous and unhandy. The editors have treated these subjects in a clear, concise and yet comprehensive manner. In Part I. of the volume, one of the fine features is the chapter on the X-Rays, and another is the insertions of the laws of the different States in relation to the commitment and retention of the insane.

Many cases and decisions of a medico-legal nature are cited. Part II., dealing with Toxicology, is especially full and comprehensive. The whole volume is written in a simple, pleasing way, and should be of great value, not only as a text-book, but also as a book of reference for the legal and medical professions.

C. H. T.

The Office Boy's Digest. By B. A. Milburn. The Mitchie Co., Charlottesville, Va. 1904. Cloth, pp. 319.

This is merely a collection of quotations, accurately authenticated, which tend to prove that seeds of the "literary instinct," and

humor, conscious and otherwise, will occasionally sprout forth even in the best regulated of courts. To one who has spent much time over decisions, trying to deduce points of law from the none too lucid exposition in which they are (to express it conservatively) occasionally concealed, this book will cause the same kind of surprise which the operator of a turnip patch might feel at the sight of a bouquet of wild flowers culled therein, but which he had never before noticed.

The authorities are found in the decisions of the highest courts, as well as those of less importance, and the owlish wisdom displayed by quotations from the former, when separated from the context, is equally as interesting as the rhetorical pyrotechnics sometimes indulged in by the latter. Occasionally an idea, having evidently become topheavy from its own dignity, lapses into the ridiculous, while in other cases judges have expressed opinions so much at variance with what is popularly accepted as to deserve notice. "Love matches," propounds one in *Brown v. Westbrook*, 27 Ga. 102, "exist only in the imagination of novelists." Again the humor quoted is intentional and exceptionally keen. "No man's life, liberty or property are safe while the legislature is in session," is quoted in *Anonymous*, Tuck. 247.

Exactly why correctly quoted Biblical passages find a place in the collection is not plain—from the nature of the book we must infer either that such knowledge is so rare that it should be recorded as betokening literary research of great depth, or else that there is an element of humor in finding it in the judicial mind. Neither of these conclusions strike us as being particularly happy.

On the whole, although in common with many men of genius—Balzac, for instance—the author is untrammelled by the layman's idea of propriety in light literature, and inserts many quotations which, for that reason, might beneficially have been omitted, nevertheless the book contains enough that is humorous and laughable to entitle it to a place on a lawyer's shelves, by way of antidote for the "dust cough."

G. S. A.

ACKNOWLEDGMENTS.

THE CONVEYANCE OF ESTATES IN FEE BY DEED. By James H. Brewster. The Bobbs-Merrill Company, Indianapolis. 1904. Sheep, pp. 607. *Review will follow.*

THE TRANS-ISTHEMIAN CANAL. By Charles Henry Huberich, D.C.L. Austin, Texas. Pamphlet, pp. 31.

A TRIAL BIBLIOGRAPHY OF AMERICAN TRADE-UNION PUBLICATIONS. Edited by Geo. E. Barnett, Ph.D. Johns Hopkins University Studies, 1904. Paper, pp. 112.

CYCLOPEDIA OF LAW AND PROCEDURE. Vol. X. The American Law Book Company, New York. Sheep.

BRIEF UPON THE PLEADINGS IN CIVIL ACTIONS AT LAW, IN EQUITY, AND UNDER THE NEW PROCEDURE. By Austin Abbott. Vol. I., *Demurrer*; Vol. II., *Issues of Fact*. Sheep, pp. 2120. *Review will follow*.

CHANCERY PRACTICE. By John G. Henderson, LL.D. T. H. Flood and Company, Chicago, 1904. Sheep, pp. 1087. *Review will follow*.

BRIEFS for the Defendants in Error in *Kepner v. U. S.*, *Mendezona v. U. S.*, and *Dorr and O'Brien v. U. S.*, in the Supreme Court of the United States in error to the Supreme Court of the Philippine Islands, by Lebbeus R. Wilfley, Attorney-General for the Philippine Islands.

THE RELATION OF THE FINANCIAL TRUST COMPANY TO THE INDUSTRIAL TRUST, as Illustrated by the United States Shipbuilding Company—An address by L. Walter Sammis before the American Academy of Political and Social Science. 1904. Philadelphia. Pamphlet, pp. 36.