course. Nevertheless, the conclusion is implicit in his handling of the whole subject that the new international set-up represented by the League of Nations holds out a better promise for the future than would the old and still existing species of international government operating alone, unaided by the League and its concomitants. This is a conclusion reached by nearly everyone who, unhampered by temporary national and political considerations of expediency, and with an eye to the world's future, examines the whole situation.

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BOOK NOTES

Bureaucracy Triumphant. By Carleton Kemp Allen. New York: Oxford University Press. 1931. pp. 148. $2.25.

IN this vigorous essay a noted English scholar reexamines "the Rule of Law" as expounded by Dicey in the light of the post-war development of administrative bodies in England. Paradoxically he finds that the *droit administratif* has proved a bulwark of French democracy while the English single system of justice, where every man is responsible for his acts whatever his position in private or public life and in which the Crown can do no wrong, is creating a tyranny of petty bodies. In France the trend of administrative law in the last century has been more in favor of the citizen than the administration. In England, however, the growth of innumerable boards and commissions have exposed citizens who are frequently without the right of appeal to the courts to arbitrary and outrageous orders by a bureaucratic government. Fortified by many cases and authorities of recent years, he pleads for the development of administrative law along constitutional lines but concludes against the necessity of specialized administrative courts.

Cases on Contracts. By Grover C. Grismore. Chicago: Callaghan and Company. 1931. pp. xiv, 1257.

THIS is a workmanlike book making modest pretensions. The editor rightly says that it follows "traditional lines" and that "many of the cases will be found in other collections." A rapid survey of the cases indicates that perhaps three-fifths of them bear names already well known to teachers of contract law. There is no doubt that those who are already using the other more popular casebooks on the subject can use this one with a similar degree of satisfaction. Those who long for a new organization of materials must make one for themselves; and those who long for a new kind of material must find it for themselves. The reading of a few of the newly selected cases in the book indicates that they fit in well with the older ones. An introductory note to the Chapter on Consideration will probably confuse the student more than it helps him.

Cases on Partnership and Other Unincorporated Business Associations. By James J. Cherry. Chicago: Callaghan and Company. 1931. pp. xvi, 704. $5.50.

THIS book has several novel features. It follows in main the organization outlined by the Uniform Partnership Act and prefaces each group of cases

with the applicable section of the Act in bold-faced type. The Commissioners' notes to the Act and citations of cases with little or no comment constitute the footnotes. The fact that "more than half the cases presented are decisions since 1920" accounts for the passing of many ancient landmarks. Yet full use has not been made of recent cases. The outpost in the realm of fiduciary duty—*Meinhard v. Salmon*, 249 N. Y. 458—is not present. Nor are the most significant recent cases pertaining to the liability of *cestuis* of a business trust. Of the selected cases, however, modernity is not the sole claim to distinction. On the whole, they serve analytical as well as literary purposes, although such adherence to cases arising under the Uniform Act necessarily limits the field of choice.

Elementorum Jurisprudentiae Universalis Libri Duo. By Samuel Pufendorf. Two volumes. Vol. I.—The Photographic Reproduction of the Edition of 1672. Vol. II.—The Translation. By William Abbott Oldfather. New York: Oxford University Press, 1931. pp. xxvi, 350; xxxiii, 304. $7.50.

Quaestionum Juris Publici Libri Duo. By Cornelius van Bynkershoek. Two volumes. Vol. I.—The Photographic Reproduction of the Edition of 1737. Vol. II.—The Translation. By Tenney Frank. New York: Oxford University Press. 1930. pp. viii, 384; xlvi, 304. $10.

IN these two additions to the "Classics of International Law" American and English readers find for the first time a complete translation of important sources of International Law. In the first is the first presentation by Pufendorf of his system of universal and natural law. Deviating from Grotius and Hobbes this early precursor of Rousseau presents a picture of society at peace and in war which has profoundly influenced the growth of the law of nations. In contrast with this theory of natural law, international law is developed along positive lines by Bynkershoek, a founder of modern international law, who supports his conclusions largely on customs, usages, and Roman law. This modern civilian presents no rounded system but contributes potent chapters on specific doctrines concerning such topics as the sovereignty of the seas, diplomatic amenities, neutrality and blockades. In the days of international arguments over rum-running, it is interesting to note that Bynkershoek's conclusion that a nation governs the seas to the point "where the power of men's weapons ends" created the three mile limit, the then range of cannon.

An Introduction to the History of Equity and Its Courts. By Harold Potter. London: Sweet & Maxwell, Ltd. 1931. pp. v, 109. 8/6.

WHILE the contents of this book consist of materials formerly used in the author's *Introduction to the History of English Law*, they have been enlarged and revised. The book was not intended to be exhaustive and is primarily addressed to students who may desire a concise but, within limits, comprehensive historical account of the history of Equity. And its publication at this time may be explained on this ground, although the book is ultimately to form part of the author's third edition of an *Introduction to the History of English Law*. The organization of the materials is, on the

whole, carefully planned, but the division into two parts—namely, "The courts of Equity" and "The History of Equity"—results in some duplication, which judging by the size of the volume, the author probably wished to avoid.

Judicial Review of Federal Executive Action. By Patrick H. Loughran. Volume I. Charlottesville: The Michie Company. 1930. pp. xvi, 813. $15.

THIS is the first of two volumes and cannot be adequately judged until the succeeding volume appears. The present volume is devoted to a compilation, or rather an abstract, of cases, bearing upon injunction and mandamus in the District of Columbia, and the use of these and other remedies in the federal courts. The proposed second volume outlined by the author will apparently digest cases upon subjects not covered by the present volume, and will undertake in addition an analysis of the law and of its problems. The digest of cases is of value to the practitioner in the fields covered, but any contribution to legal literature must come from the author's analysis and discussion of the cases.

Law of Leases of Real Property. By Clarence M. Lewis. Second edition. New York: Baker, Voorhis & Company. 1930. pp. lxx, 941. $12.

IN this second edition the author has furnished the profession with a much more extensive treatment of this subject than was contained in the earlier edition published in 1924. The same manner of presentation has been followed, namely, a selection of forms of important covenants, most of which are followed by digests of court decisions, especially those of New York, and quotations from law review editorials, comments and case notes. One new chapter has been added—that dealing with a covenant to furnish heat and steam. The combination of text and case method employed is admirably suited to the needs of an attorney drafting a lease. The form of covenant is suggested, the digested cases indicate the questions involved and the pitfalls which surround them, and the review articles afford a general survey of the subject particularly at hand. Considerable source material of value to an attorney involved in lease litigations is presented and the outstanding collection of authorities and comments devoted to the covenant against assignment or sublease would alone make the book a practical addition to the attorney's library.

Negotiable Instruments. By James M. Ogden. Third edition. Chicago: Callaghan and Company. 1931. pp. xix, 689.

THIS edition follows the first two in being essentially a practitioner's handbook on the subject. The more usual questions, those fairly well marked out in the decisions, are treated briefly, and with finality. There is little time wasted in discussion of whys and wherefores. Points which seem to offer promise of a difference of opinion are confronted with a modest number of citations and quietly finished off with the words of the relevant section of the act set out in the text. No effort is made to push on in advance. No reference is made to the many questions of interpretation and policy which have found their way into the law journals. In view of this it strikes one as incongruous to find the author giving space to several of

the amendments to the act proposed two years ago, some of which have already been materially modified. However, the discussion ranges no further than to state with approval the reasons for change presented by the draftsman of the amendments, so that little harm is done to the work. Probably the most useful part of the book is the sixty odd pages devoted to forms and procedural questions. These pages bring together a body of material often not otherwise as readily available.

Transactions of the Grotius Society. Volume 16. London: Sweet & Maxwell, Ltd. 1931. pp. xix, 153.

Report of the thirty-sixth conference held at New York, Sept. 2d to 9th, 1930. International law association. London: Sweet & Maxwell. 1931. pp. clxviii, 626.

THE papers read before the Grotius Society in 1930 offer a wide field of interest, ranging from F. N. Keen's optimistic plan, "World legislation," through the historical field represented by Professor R. W. Lee's "The introduction to the jurisprudence of Holland of Grotius," to the more strictly legal problems, such as "Expatriation as practiced in Great Britain," by R. S. Fraser. The charm of the various papers lies in the lingering flavor of informality of oral delivery plus the evident scholarship which lies behind each paper. Of equal interest are the other papers: "The protection of private property under the minorities protection treaties," by Edwin Lowenfeld; "Aliens in Great Britain," by E. S. Roscoe; "International law making," by H. A. Smith; "The international charter for prisoners" by Mrs. Marjorie Candler; and "The first conference for the codification of international law" by Alejandro Alvarez.

A more utilitarian array of subjects and a broader treatment thereof is found in the reports of the committees of the International Law Association and in the papers read before it at its thirty-sixth conference. The discussion of these reports and papers is an invaluable addition to the contribution of the Association to international problems and their solution. Some of the finished products of this meeting are the rules on the effect of war on contracts and the legalisation of documents and a draft convention on the rights of neutrals at sea. Resolutions were adopted on social insurance, cartels, c. f. f., codification, trade marks, commercial arbitration, unfair competition, protection of private property in peace time, protection of minorities, liquidation of insolvent estates and air law.

The Treaty Veto of the American Senate. By D. F. Fleming. New York: G. P. Putnam's Sons. pp. ix, 325. $3.

THIS book presents a compilation of the treaties which the Senate has rejected or accepted conditionally. It traces the origin of the Senate's power over treaties, appraises the results of the constitutional provisions requiring a two-thirds majority for the Senate's approval, and examines the process of amendment by the Senate. The author protests against the alteration of negotiated treaties and criticizes the legislative attempt to usurp the executive power to negotiate treaties. The argument is highly colored by the author's advocacy of the post-war treaties.