

- FONTES JURIS GENTIUM. Edidit Viktor Bruns. Digest of the Diplomatic Correspondence of the European States, 1856-1871. Berlin: Carl Heymanns Verlag. 1932. Volume I, part I. pp. 432.
- Ibid.* Digest of the Decisions of the Permanent Court of International Justice, 1922-1930. Berlin: Carl Heymanns Verlag. 1931. Volume I, parts 1 and 2. pp. 260.
- Ibid.* Digest of the Decisions of the Permanent Court of Arbitration, 1902-1928. Berlin: Carl Heymanns Verlag. 1931. pp. 306.
- Ibid.* Decisions of the German Supreme Court relating to International Law, 1879-1929. Berlin: Carl Heymanns Verlag. 1931. pp. 943.

THESE several works, products of the scientific research of the Institut für ausländisches öffentliches Recht und Völkerrecht at Berlin, are, in my opinion, the outstanding contributions to the apparatus of international law since the publication of Moore's Digest of International Law. In making available source material, they attest the conviction that an accurate knowledge of the past is the most reliable guide for human progress, an axiom sometimes lost sight of in the concoction of intricate schemes for international government. At all events, Professor Bruns and his collaborators have in these volumes made available in readily accessible form an essential part of the materials out of which international law is compounded.

The method adopted in all four works is to classify the material digested or reprinted according to a topical outline of international law, so that a particular subject may be pursued through the various sources analyzed. The headings are given in three languages—German, French, and English. But the digest itself varies in this respect. In the diplomatic correspondence, the extracts are reproduced in the original language and, if this is not one of the three more current languages, are accompanied by a translation, if an official one was published. The extracts from the decisions of the Permanent Court of International Justice are reproduced in the two official languages, French and English, only, whereas the opinions of the Permanent Court of Arbitration are digested in the three languages mentioned. So also are the opinions of the German Supreme Court; but the appropriate parts of the decisions themselves, which follow the Digest, are printed in the original only. The sources are always indicated, and simple yet ingenious mechanical devices facilitate the work of the investigator.

Perhaps the most unique of the volumes under review is the Digest of European diplomatic correspondence, 1856-1871. Here material is uncovered which in large part has been a closed book to the student of international law. A great mass of official and unofficial collections of documents have been laid under contribution to produce this, the first of four volumes on the period, and the colossal and thoughtful character of the enterprise is evident throughout. Classification of such material and judgment on its importance call for the highest degree of editorial skill and acumen. That capacity is apparent on every page. The material from the Permanent Court of International Justice and the Permanent Court of Arbitration is perhaps more accessible than the diplomatic correspondence, but its classification under familiar topical headings will give it a currency it would not otherwise possess. The opinions of the German Supreme Court will embody, for most students, a new source of investigation for international law, and the profession will observe with interest the prolific contributions of that Court to the subject.

One reviewer, in speaking of the digest of decisions, made the remark that not all the extracts quoted could properly be considered international law. Certainly not; and it does not give much credit to the editors to assume that they thought so. What they have done is to make generally available expressions of opinion on legal questions coming from authoritative sources. The weight to be given to those opinions is a matter for the investigator to determine for himself, but he needs all the light he can get to determine how much importance to attribute to a particular dictum, view, or announced rule. That light, these materials help to afford. Political views on many topics are occasionally assembled, and here also it is the investigator's task to evaluate for himself these official opinions or arguments.

The volumes under review should inspire scholars in every country to make available their national contributions to the field of international law, a work largely performed for the United States by Judge Moore. That celebrated pioneer has also made known and is now further exploring the adjudications of international tribunals. The present digests indicate how much is still to be done in uncovering source materials. In the meantime, these volumes stand as a monument to the imagination, resourcefulness, and industry of one of the keenest and most eminent of European scholars, Professor Viktor Bruns, founder of the distinguished Institut over which he presides, and leader of an able group of collaborators from whom international law has already received much.

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AMERICAN FAMILY LAWS. Introductory Survey and Marriage. By Chester G. Vernier, assisted by Fred A. Weller. Volume I. Stanford University: Stanford University Press. 1931. pp. xxii, 311. \$5.

THIS volume, the first of a proposed series which is to cover the whole field of domestic relations, deals only with the law of marriage, including the contract to marry. The editor gives in each section: (1) a brief summary of the common law; (2) the statutory law; (3) comment and criticism; (4) a selected list of references, including texts, case books, annotations, reports, articles, and case notes from law magazines.

This is a solid piece of work, well done. It will be of great value to any student of the subject. One should, however, be cautious in using a book of this kind. The emphasis is on legislation. Perhaps no branch of the law is at one and the same time so completely and so incompletely statutory. In every state the whole topical range of marriage and divorce has been covered by statute, and yet, as Bishop pointed out many years ago, most of the statutory provisions are declaratory and jurisdictional or else formal. That is to say, statutes have generally conferred jurisdiction upon courts, usually, at the outset, courts of equity, to grant relief which they did not have inherently, or confirmed a jurisdiction which they had assumed, taking for granted a substantive law which rests upon the English common law, in this subject largely ecclesiastical.

There has been no complete or even very extensive statutory overhauling of the substantive law anywhere. When a statute has enacted new law it has had reference chiefly to formal matters of license, ceremony and the like. The result is that the substantive law is in its technique and in its essential nature common law, but a common law of the statutes, a strange mixture of statutory jurisdiction, ecclesiastical origins, and equity practice.