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International Law

Edwin D. Dickinson

form or other — the cases present myriad examples — draw it out again. The absence of the dollar mark at least gives investors notice to do their own investigating. Such notice, with the safeguard of the Blue Sky laws, which are now widely in force, goes as far, perhaps, as the law should legitimately go. On the other hand, no par value stock has an elasticity which is making it more and more popular among legitimate corporations.[2]

Throughout his book Mr. Cook gives not only the law, but also his opinion as to what the law should be. He has given us a compact work which is more than a digest, even more than a digest by a recognized authority. *The Principles of Corporation Law* is a real treatise.

REUBEN OPPENHEIMER.

INTERNATIONAL LAW. By Charles G. Fenwick. The Century Political Science Series. New York: The Century Co. 1924. pp. xxxvii, 641.

The available books on international law, if monographs, casebooks, and digests or collections of documents be excluded, may be distributed somewhat arbitrarily into three categories — treatises, textbooks, and introductions. The treatises vary in dimensions and pretentiousness from the single volume of William Edward Hall to the six volumes of Calvo or the eight of Pradier-Fodéré. The textbooks, on the other hand, seek to epitomize the subject in the form of compact and reliable manuals. Professor George Grafton Wilson's well known and widely used manual is an excellent example of the latter type. Between the two there is a third type of book which aims to achieve neither the permanence nor exhaustiveness of the treatise, on the one hand, nor the compactness and convenience of the manual, on the other — a type of book which is intended to provide students and general readers with an adequate introduction to the subject. Of volumes more or less typical of this group, Lawrence's *Principles of International Law* is probably best known in America. And Professor Fenwick's new book, *International Law*, is the most recent achievement.

An introduction is in many respects the most difficult of all books to write. It should be exhaustive enough to make acute many of the problems which are simply eliminated in the preparation of a manual. Yet the author must labor unceasingly with problems of plan, perspective, proportion, emphasis, and expression, which become peculiarly troublesome when it is attempted to achieve so much in a little space. The difficulties of the task considered, Professor Fenwick has made an excellent contribution. The paradoxical rules of war and neutrality receive something less than the traditional emphasis. The League of Nations and other recent developments of significance are appropriately treated. The volume is up-to-date, readable, and scholarly.

In a volume of this character there are of course matters of detail which a reviewer may be permitted to question or disapprove without disparaging the merit of the production as a whole. Did Japan become a "great power" in 1895 after the defeat of China, as the author remarks,[1] or a decade later after the victory over Russia? Is it quite accurate to say that representatives of Sinn Fein had "neither *de jure* nor *de facto* standing" until the negotiations preceding the treaty of 1921?[2] What is meant by the observation that the Monroe Doctrine "has obtained at least a semi-legal character at international law?"[3] If it is an unwarranted fiction to regard a private

[2] See Cornelius W. Wickersham, "The Progress of the Law on No Par Value Stock," 37 HARV. L. REV. 464.

[1] P. 104. [2] P. 100. [3] P. 148.

ship as a floating bit of territory of the flag state,[4] as the present reviewer would concede, what substantial reasons exist for invoking the fiction in case of public ships? [5]

The Married Women's Citizenship Act of 1922 is popularly known as the Cable Act, not as the "Cabell Act." [6] The use of the term "secondary sources" to describe documentary materials [7] will hardly mitigate existing confusion in the use of the term "sources." The suggestion that Pufendorf's views "did not meet with any wide acceptance" [8] must certainly give the uninformed reader a very inadequate impression of Pufendorf's influence. The blockading powers were at war with Venezuela in 1902.[9] The substance of Cuba's relationship to the United States is a little obscured by emphasis upon the "voluntary contractual acceptance" of the conditions imposed.[10]

The case of *Rose* v. *Himely*,[11] which the author places in opposition to *Church* v. *Hubbart*,[12] was overruled by *Hudson* v. *Guestier*,[13] and it hardly disposes of the matter to say that whether or not the latter case overruled the earlier decision "is little more than an academic question." [14] *De Wutz* v. *Hendricks*,[15] and *Kennett* v. *Chambers*,[16] are inappropriately mentioned under "Loans to belligerents" after the proposition that "neutral governments may, as a matter of policy, forbid or discourage such loans, either directly by penal legislation, or indirectly by refusing to lend their aid to secure the payment of the debt." [17] The present reviewer quite fails to understand how the judicial inclination to regard international law as part of the common law [18] was "apparently reversed in the case of *Queen* v. *Keyn*." [19]

In addition to criticisms of minutiae, which it would be ungracious and unfair to multiply, there are a few matters with respect to which a rather more serious disapproval may be recorded. It seems regrettable that even a brief general work of this type should give currency to the exploded notion that any considerable part of private international law rests upon comity described as custom "which may now be said to have obtained a semi-legal validity." [20] Admiralty jurisdiction in cases of collision and salvage on the high seas is described as "concurrent" and "reciprocal" and justified on the ground that the questions presented are controlled by the common law of the sea.[21] As regards jurisdiction in such a case, however, it would seem enough to say that the proceeding is *in rem* and the court has the ship within its power. The author frequently refers to certain states as having "partial" or "qualified" membership in the community of nations.[22] To the present reviewer these terms seem inartistic, inaccurate, and confusing. Why not describe such states as full members of peculiar status? In discussions of the relation between international and municipal law,[23] more use might well have been made of Picciotto's useful study.

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[4] P. 191.
[5] P. 201.
[6] P. 174.
[7] P. 66.
[8] P. 53.
[9] P. 425.
[10] P. 92.
[11] 4 Cranch (U. S.) 241 (1808).
[12] 2 Cranch (U. S.) 187 (1804).
[13] 4 Cranch (U. S.) 293 (1808), 6 Cranch (U. S.) 281 (1810).
[14] P. 255, note 1.
[15] 2 Bing. 314 (1824).
[16] 14 How. (U. S.) 38 (1852).
[17] Pp. 566–567. See 2 COBB. CAS. INT. L., 3 ed., 366.
[18] Triquet *v.* Bath, 3 Burr. 1478 (1764).
[19] 2 Ex. D. 63 (1876). See FENWICK, 78.
[20] Pp. 35–36, 180–181.
[21] Pp. 197–199.
[22] Pp. 85, 86, 87, note 2, 96, 102, 353, 391.
[23] Pp. 69–70, 78–79, 552.

It is most to be regretted that a work as well executed and as deserving of popularity as this one could not have given up more of archaic theory for the sake of logical and realistic classification. The author seems to have felt that the character of the volume did not permit it,[24] but it is submitted that the character of the volume not only permitted but required it. The discussion of theory is on the whole the least satisfactory feature of the book. The treatment of sovereignty,[25] for example, will probably satisfy no one. Analogies with municipal law are indulged in freely and with praiseworthy discrimination; but it may be doubted whether they will prove especially helpful to those readers for whom the book is primarily intended. For college students and general readers, indeed, it is believed that more historical illustration and less theory would have made a more effective volume.

The chapters vary somewhat in quality and in quantity. Chapter 17 on "Jurisdiction Over the Air" is quite meager, as is chapter 34 on "Aerial Warfare," while chapter 16 on "Easements and Servitudes" is exceptionally thorough. The book is equipped with appendices, including twenty-four pages of select references intended as a guide to further reading, and with a list of cases, a list of works cited, and an index.

Two qualities which deserve especial commendation may be noted appropriately by way of conclusion. One is the quality of repressed idealism, always felt, but never permitted to lead the author away from the stern business of presenting "the existing state of things." The other is the fine tone of impartiality which makes it possible to present matters both recent and controverted in the restrained and temperate manner of the true scientist.

EDWIN D. DICKINSON.

THE SEVEN LAMPS OF ADVOCACY. By Judge E. A. Parry. London: T. Fisher Unwin, Ltd. 1923. pp. 110.

Judge Parry is well known in this country for his valuable books describing the law in action in England, and studying especially its effect on the poor. This little book embodies his reflections on those different qualities which make an advocate successful; and to a man of Judge Parry's vision, success involves much more than the acquisition of a large income. Young lawyers will find here not only a collection of good anecdotes and wise practical hints, but also much encouragement for making their profession a better instrumentality to accomplish justice.

On the vexed question whether an advocate should represent a client in whose cause he does not believe, Judge Parry is inclined to take the negative side. In this connection he tells with approval a story told of Lincoln, who, on his first appearance in the Supreme Court of Illinois, is said to have informed the court that he could not find any authorities on his side of the case but that he had discovered several cases directly in point on the other side. After submitting these, Lincoln rested his case. This story is doubted by several biographers of Lincoln.[1] The Illinois Reports show that in his first case [2] in the Supreme Court Lincoln had been victorious below and was associated with another lawyer, so that the incident would probably not have happened in that case. Herndon's authority for the story

[24] P. ix.

[25] Pp. 86, 92, 93, note 1.

[1] See HILL, LINCOLN, THE LAWYER, 78; RICHARDS, ABRAHAM LINCOLN, THE LAWYER-STATESMAN, 56.

[2] Scammon *v.* Cline, 3 Ill. 456 (1840).