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Review of “Modern Conception of Law,” By Frank Johnston, Jr.

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ing to Treaties, Proclamations and Resolutions of the federal government; Constitution of the United States, annotations and decisions from 1910 to date; and finally the decisions pertaining to the rules of the various federal courts.

The various decisions cover those of the U. S. Supreme Court, Circuit Court of Appeals, District Courts, Court of Claims, the Opinions of the Attorney General, and the State Court Decisions appearing in the National Reporter System.

Quarterly pamphlets contain the same order of contents of the two volumes, and at the end of each an extensive topical index.

The Citer-Digest stands alone in its field. Its value naturally lies mainly in locating and interpreting federal and Constitutional questions. Never before have the decisions affecting U. S. Statutes, the Constitution, the Treaties, Proclamations, etc., been united together in bound volumes. It is a work that every lawyer or student needs in order to facilitate the finding of the law.

DIKRAN C. SEROPYAN, '26.

MODERN CONCEPTION OF LAW. By Frank Johnston, Jr., Justice, Illinois Appellate Court, Chicago. T. H. Flood & Co., Chicago, 1925.

A thoroughgoing and scholarly presentation of the modern conception of law as the Custom of the people. This conception of law is not unfamiliar to those who have studied legal theory, but is here carried to its extreme development, by showing that not only the ancient Common or Unwritten Law originated in Custom, but modern judicial interpretation and decision on "principle" are really based on standards of right and justice created by Custom (the term being here used in a general rather than a specific sense). Statutory enactment, though an additional source of law, is only wise and in accordance with its true function when it aids in readjusting positive law to changes in Custom brought about by new conditions of life. The method used by the author in arriving at his conclusions, as explained at some length in the work, is the historical-scientific one of tracing the origins and history of law, for which purpose the author avails himself of the investigations of many able sociologists of the Spencerian school. Law, in the sense of rigidly enforced Custom, is found to antedate both the court of justice and the state. When monarchies arose, the rulers did not interfere with long-established Custom to an appreciable extent; and when written codes arrived they did not

make new laws, but simply put the customary law into written form. Some of the conclusions developing logically from the conception of law as Custom are interesting; for example, the author's views on the jury system and the maxim that all are presumed to know the law. One of the greatest values of this volume to the casual student is its large collection of quotations from the authorities on jurisprudence, those opposed to the author's viewpoint as well as those with whom he agrees.

F. WARNER FISCHER, '27.

THE UNITED STATES SENATE AND THE INTERNATIONAL COURT.
By Frances Kellor and Antonia Hatvany, Collaborator. New York:
Thomas Seltzer. 1925. Pp. xx, 353.

For both those who favor and those who oppose either the entrance of the United States into the League of Nations or adherence to the Permanent Court of International Justice, this little volume will form a ready reference book. As a text for the man who would become more familiar with the workings of the Court, it is probably at fault in that its intricate and detailed considerations of the various ramifications of the problem, the history and development of the Court, will prove confusing unless he is already a student of international relations, or has rather closely followed the trend of events affecting this subject since the war. However, the care with which the volume has been outlined, its statements of faults and virtues as based on facts rather than theoretical flights, the fact that it is not opinionated, that its statements are both fair and concise, that its terse topic sentences lead directly to the question under consideration, and that there is no needless "Fletcherizing" of words, recommend the volume in spite of the fact that its very thoroughness may prove it difficult for the layman.

The lawyer may well be thankful that out of the blunderings of the average treatises on the legal problems of the Permanent Court of International Justice there has come at least one work which treats the matter from a legal viewpoint. The history of an Article is briefly presented where it is material to an understanding of that Article. The footnote annotations have not burdened the book, but have served to annotate. Paragraph chapter summaries have been written from the standpoint of the United States setting forth the advantages and disadvantages to the United States of the provisions there treated.