not been steeped in the habit and tradition of judicial approach which, as Professor Chafee suggests, comes from long service on the bench, but neither have newly-chosen judges—such as the very Rhode Island Supreme Court which disapproved the administrative actions of the Racing Division —and yet they are assumed to act judicially. There seems to be no danger of partiality from either judicial or administrative adjudication where the personal interests, prejudices, or sympathies of the adjudicators are not affected; and it is submitted with due respect to the courts that such danger does arise whenever personal interests are affected, regardless of whether the determination is by court or commission. There is without doubt a centuries-old tradition of fairness, of decent and responsible behavior, attached to court action which cannot fail but impress itself on those chosen as judges and with which the weakest or the most passionate are unconsciously led to conform. Because of the recency of their growth, no such a tradtion has as yet clearly attached to administrative bodies. Its lack should cause the governor or other appointing officer to be extra careful in choosing the administrative personnel and in refraining from interference with impartial discharge of their judicial duties by those appointed. It should also lead the people to demand of the appointing official the high degree of caution indicated. To the reviewer it seems that the whole Rhode Island mess bears not so much on the proper place and structure of administrative agencies in the general governmental set-up as on the important and difficult problem of selecting the administrative personnel.

The provocative question of how to force the chief law-enforcement officer to act lawfully is also touched on briefly. Andrew Jackson raised the same problem in suggesting that John Marshall could enforce his own judgments in the Cherokee disputes, but at least he did have the good grace not to bellyache that the decisions were based on "technicalities." One cannot help feeling that Old Hickory would have been rather impatient with such an attempt to vilify the law; instead he was content to violate it without apology and Governor Quinn might profit by his example. In the last analysis the whole problem of the recalcitrant chief executive seems to defy legal solutions and to yield only to political correctives.

The book is written in Professor Chafee's characteristically urbane and witty style. It amuses while it amazes. The layman may well read it to be enlightened, the lawyer to be enlivened.

ALBERT S. ABEL.†

AMERICAN FAMILY LAW, VOLUME V. By Chester G. Vernier. Palo Alto: Stanford University Press, 1938. Pp. xxxiii, 707.

In 1927 Professor Vernier began work on a projected series of five volumes on American family law. The first, dealing with Marriage, appeared in 1931. This was followed by a volume each on Divorce, Husband and Wife, Parent and Child. Now the series is complete except for a supplement which will bring the contents of all the volumes up to date as of January 1, 1938.

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This volume on Incompetents and Dependents covers the law of infants, aliens, drunkards, and insane persons. The place of the first in a study of family law is obvious. That of the other three is not so clear. Of course, differences between aliens' and citizens' rights to hold and transfer property, differences as to inheritance, employment, and the like do affect the family. But the law pertaining to torts and crimes by drunkards and insane persons, suits by and against them, judicial determination of their status, etc., seems a bit remote from the family as such. On the other hand, dependents who are feebleminded or who are kinsmen other than parents and children appear not to be dealt with in this volume and series.

The procedure here as in previous volumes is to present first a brief summary of the common law, second a statement of statute law showing variations and omissions, third some criticism and comment, fourth references to texts, case books, annotations, reports, articles, and case notes from law journals. Effective use is made of comparative tables. This volume contains, instead of a separate index, one covering the whole series.

The reviewer, who is a student of sociology, not of the law, is impressed by the thoroughness with which this series has been prepared. The organization of material and the indexes make it possible for even a layman to locate data in which he is interested. The text is well written and the tabular presentation is helpful. This work will surely be of great value, not only to the legal profession, but also to its neighbors, Sociology and Social Work.

STUART A. QUEEN.†

MR. RIESENFELD REPLIES TO MR. VON REDLICH:* I shall be content to make a few short statements concerning Mr. von Redlich's review of my review:

I did not misunderstand Mr. von Redlich's intention to present to the reader what the international law *is*. I have not said anything to the contrary. But I believe that Mr. von Redlich has not met the difficulties of his object.

Despite the author's reassurance to the contrary I still think that he has included topics which properly do not belong in a treatise on international law and has left out vital subjects. The reference to Judge Moore's treatise proves nothing. The District of Columbia is treated there merely under the aspect of acquisition and loss of territory. Admiralty jurisdiction is dealt with by Judge Moore under its international aspects and not in its relationship to state powers as in Mr. von Redlich's book. If the author had discussed in his chapter modern cases of international implications, such as *United States v. Flores*,[1] I should not have objected. The international

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* See in this connection Mr. Riesenfeld's review of Mr. von Redlich's *Law of Nations* (1938) 23 WASHINGTON U. LAW QUARTERLY 289, and Mr. von Redlich's answer in 23 WASHINGTON U. LAW QUARTERLY 453.

1. (1933) 289 U. S. 137, 53 S. Ct. 580, 77 L. ed. 1086.