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manner the various constitutional provisions dealing with the rights of men, the form of the state, citizenship, territories and territorial divisions, popular sovereignty, the constituent power, separation of powers, representative principle, organization of separate powers, equality before the law, freedom of religion, of the press, right of public assembly, of petition, of settlement, freedom of industry and commerce, private property, taxation, military duty and organization, the schools, etc. American readers of this monumental work will be interested particularly in the various references to the influence of our own Constitution upon the mind of Napoleon when he was drawing up the Act of Mediation.

ROBERT C. BROOKS.

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Occasional Papers and Addresses of an American Lawyer. By HENRY W. TAFT. (New York: The Macmillan Company. Pp. xxiii, 321.)

The seventeen papers and addresses collected in this volume are in Mr. Taft's own introductory words "the by-product of a busy professional life."

They cover a wide range of topics, ranging from after-dinner remarks to learned dissertations on subjects of constitutional law. Some of them are trivial; some are ephemeral; none show any marked brilliancy of style or originality of thought; and yet the general impression gained from reading them is that the author feels far more keenly than most of his colleagues the sense of social responsibility and political obligation which rests upon the American bar and bench; and that "stimulation to greater effort in promoting the effective administration of justice and a more active performance of the duties of citizenship" is needed.

The most valuable paper in the book is called "Some Responsibilities of the American Lawyer," an address delivered by Mr. Taft as president of the New York Bar Association, January 16, 1920. This might well become a reading in any college course in American government.

Mr. Taft's strong argument against "The Recall of Decisions" is impaired by his attempted justification of such decisions as the Jacobs case (98 N. Y. 98) and the Williams case (189 N. Y. 131). Here he begs the question completely. Why not frankly admit that such

decisions were anachronisms—bad law? Neither the constitution of New York nor that of the United States has been changed by a syllable in respect to the sections discussed in these cases; but does Mr. Taft believe that such decisions as these would be made today?

Not the least interesting part of the work is the comment on Roosevelt, in the introduction. But chiefly the historian of about the year 2050 will give thanks to Mr. Taft for preserving to him much valuable material.

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Fair Value: The Meaning and Application of the Term "Fair Valuation" as used by Utility Commissions. By HARLEIGH H. HARTMAN. (Boston and New York: Houghton Mifflin Company. Pp. xix, 263.)

This book is one of the most recent Hart, Schaffner & Marx prize essays. The author is lecturer on Illinois public utilities law in Northwestern University. In the chaos of valuation literature and valuation practice, particularly in these times of abnormal price conditions, Hartman's book stands out like a beacon light. He calls us back to fundamentals. As his subject deals with the public relations of private property devoted to public use, he has to start out with a definition. "Property," says he, "is a bundle of rights, the units of which are constantly changing with economic changes and their legal recognition. Property as distinct from possession implies exclusive control. Such control can exist only by consent of the state. The sanction of society and force of government are necessary to protect the owner's interest. The presence of an organized social state is essential to the existence of private property. It is purely a social concept, and the rights constituting property at any given time depend upon social arrangements sanctioned by the state with a view to the general welfare."

With respect to public utilities, he says: "The basis of regulation is to be found in the governmental nature of the service. The social side of the private property devoted to the public use necessarily becomes dominant."

Throughout his essay, the author keeps these fundamental concepts before him. Public utilities are for public service. Private property exists only on sufferance. Regulation necessarily means that in case