

of 1629 "organized the group of New England settlements into a corporation," or that the charter "was in fact nothing more than a recognition of a preëxisting state of things." Nor does it accord with the history of Connecticut and Rhode Island to imply (p. 98) that the continuance of their charters until 1818 and 1842, respectively, was because they were "so completely adequate" to the needs of those commonwealths. The Stamp Act was passed in March, not in February, 1765; and of the coercive acts of 1774, only one, the Boston Port Act, and not all four, was passed in March (pp. 124, 125). Moreover, the Massachusetts Government Act did not "suspend the charter" of the colony; nor did the Administration of Justice Act legalize the transfer of criminal cases to England any more than to another colony (p. 126). The preliminary articles of peace with England were signed November 30, 1782, and the cessation of hostilities was declared January 20, 1783: Mr. Taylor (p. 156) reverses the process. The brief account of John Rutledge's activity during the Revolution (p. 200) is, in the connection in which it is introduced, misleading, and singularly inadequate for "the foremost statesman and jurist of his time south of Virginia." There is more, unfortunately, of such looseness and inaccuracy. Extraordinary is Mr. Taylor's treatment of the Dred Scott case: he ignores almost entirely the argument of Curtis's dissenting opinion, speaks of a State and a Territory as though they were on the same footing as regards the status of slavery in them, and implies that the question of the right of the Supreme Court to abolish slavery was before the court. Another example of inexcusable negligence in dealing with documents is the statement (p. 305) that the Sedition Act of 1798 was devised in part "to define more exactly the law of treason." The act has nothing to do with treason, which, as Mr. Taylor must know, is conclusively defined by the Constitution. It will be news to students that Jefferson, "at the special request" of Monroe, "wrote the so-called Monroe Doctrine." The doctrine was at least a generation old when Monroe gave it definitive proclamation; and Mr. Taylor's note, moreover, is not borne out by the extracts which he later gives from Jefferson's letters (pp. 390, 391).

Mr. Taylor's style is, in general, both discursive and repetitious. There are some suggestions of haste, as where a long passage on pp. 76, 77 is repeated almost verbatim on pp. 362, 363; while the allusion to the negro problem and Booker T. Washington, on p. 376, is simply lugged in. The main thing, however, is not faulty diction or errors of fact, but the treatment of the subject as a whole. With the exception of the portions which deal especially with

Webster's pamphlet, Mr. Taylor's contribution to the literature of American Constitutional history is not weighty. His views, sound enough in the main on most of the better-known topics, are conventional, presenting little novelty either in substance or in form; while at a number of points where there has long been need of more light, his pages shed no illuminating rays. In his laudable desire to make clear the importance of Webster's proposals, he tells us next to nothing of the indebtedness of the Federal Constitution to the existing institutions and practices of the States. The great work of Hamilton in laying down, in his opinion on the constitutionality of a national bank, some of the most important foundations of American constitutional law, is not noticed; nor is attention directed to the reaction of economic and political growth upon the development of constitutional interpretation.

The crucial test of a writer on the American Constitution is his treatment of constitutional questions since the civil war. Mr. Taylor rightly sees in the decision of the Supreme Court in *Texas vs. White* the culminating point in the long struggle between nationalism and particularism; but he does not seem to us to recognize in that decision, with equal clearness, the watershed, so to speak, between the old constitutional law and the new. From the standpoint of a sound jurisprudence, as distinguished from mere case law, nothing is more ominous to-day than the frank inability of lawyers to forecast, from a scrutiny of the opinions of the Supreme Court, what that august tribunal is likely to do next. Mr. Taylor is not blind to this dilemma; but his only hope of escape, apparently, from the limitations of a written instrument proverbially hard to amend, is to throw himself unreservedly into the arms of "judge-made" law. "If the histories of Roman and English law prove anything clearly," he writes (p. 449), "it is the fact that as the relations of advancing societies become more complex, it is the trained hand of the juriconsult rather than that of the legislator that must solve the finer problems that arise out of them"; and he goes on to express with fervor his confidence that the Supreme Court, which, save in the Dred Scott case, has never failed thus far, will continue to do all things well. The trouble is, of course, that neither Roman nor English jurists ever felt themselves constrained to stretch a written Constitution to cover cases not within its purview, and that, in England at least, the courts have not undertaken to relieve Parliament of its fundamental obligation to legislate intelligently. We wish very much that, since Mr. Taylor has essayed to enter both fields, his valuable contribution to the documentary history of the Constitution had

been balanced by equally suggestive work in the field of constructive jurisprudence.

CURRENT FICTION.

Nonsense Novels. By Stephen Leacock. New York: John Lane Co.

The writer of these skits prefaces them, not with an apology, but with a defiance. "The reviewers of his previous work of this character," he complains, "have presumed, on inductive grounds, that he must be a young man from the most westerly part of the Western States, to whom many things might be pardoned as due to the exuberant animal spirits of youth." This, we learn, is not true. No improvement is to be looked for with advancing years. "All that education could do in this case has been tried and has failed. As a professor of political economy in a great university, the author admits that he ought to know better." On the whole, the admission is timely. A slave of the dismal science may be pardoned much for indulging in a literary spree on occasion. Mere exuberance ought not to be held up against him. But after all, a work of humor, if it is to have any sort of carrying power, must be under control. Too often the fun of this McGill professor is nothing above facetiousness or horseplay. It is the kind of book of which one instinctively says, "It ought to have been mighty good, but somehow—." The book belongs to the general order of Bret Harte's "Condensed Novels," or of Mr. Seaman's "Borrowed Plumes." But it is clear over the borderline between parody and travesty, and often the author's love of nonsense for its own sake removes the last faint traces of semblance. The alliterative titles give an impression of monotony, however, of which the volume is not guilty. The detective story, the psychic research study, the historical romance, the sea yarn, the story of domestic pathos, and not a few other types of fiction are touched off with more or less effect. As we have suggested, the chief fault in the book is lack of restraint. The fun-maker has a quaint and original knack of his own, if he only would not let it run away with him. The final sketch in the collection, "The Man in Asbestos," is a clever "Looking Backward" fantasy, a little out of place between these covers.

The Ashes of a God. By F. W. Bain. New York: G. P. Putnam's Sons.

To the remarkable series of Hindu stories, begun ten years ago with "A Digit of the Moon," Mr. Bain has now added a ninth volume. Here again we move in the mystic glamour of the East, watching, from the divine height of Siva's wisdom, the relentless working of *karma* from birth to birth through countless reincarnations. The keynote

of the whole story is "the vivification of the ashes of *smara*," which means both "memory" and "love." The tale begins on an old theme—a faithful wife (the more pathetic because blind) hastily misjudged and deserted by her husband, who, in Hindu fashion, proceeds by asceticism to pile up merit so that the very gods tremble before him. Aided by a seamy wit, Indra, in the form of an elephant into which the supposed seducer of the wife is imagined to have entered, tells the story in all its truth within the ascetic's hearing; and bit by bit, as the tale goes on, there awakens in him *smara*—love and remembrance mingled. With the revivification of human longing and regret his store of merit vanishes, and for his unworthy motives in accumulating it merely to change a world in which he had suffered imaginary wrong, he is condemned to fall lower and lower in each of his manifold rebirths.

In outline and in concept "The Ashes of a God" is the equal of any of its predecessors; yet since it purports to be a translation not merely from Sanskrit, but from the highly artificial style termed *kāvya*, beside which the Spanish *estilo culto* or the English Euphuism is a child's first primer, by *kāvya* canons it should be judged. From this point of view the present volume is not entirely satisfactory. The wealth of simile and other embellishment that has thus far lent such charm to the series here runs in a distinctly thinner vein, although, from the Indian point of view, such adornment is far more vital than subject matter. Some passages (notably the closing lines on the nature of real love) have a Western rather than an Oriental ring.

Hitherto not the least attractive portions of Mr. Bain's books have been his prefaces. It is the more disappointing, then, to find him here going out of his way to scold at "Xenophanes and Plato, St. Paul, St. Augustine, and other shallow politicians"; to throw a stone at Mr. Kipling; and to revile and belittle Christian missionaries and their religion.

The Casement. By Frank Swinnerton. New York: Duffield & Co.

Paul Trevell, just taken into partnership by Robert Burton, comes to his friend's home for the week-end. As Burton's wife, Olivia, and her sister, Loraine, are waiting for them, the latter, moved by something in Olivia's mood, asks insistent questions, and learns that she had loved Trevell before marrying Burton. This knowledge, and still more the consciousness of the situation thus created, almost upset the younger sister, but the arrival of Paul and the unsuspecting Robert prevents either hysterics or further questions. At first, Loraine silently accuses Trevell

for allowing himself to be put into what she fears may be a perilous position, but the partnership makes it impossible that there should not be more than one of these visits. Besides these four characters there is only one other, very different from any of them, who becomes associated with the house of Burton & Trevell. His part in the story is distinctly minor, but he is by no means an obscure personage. With much of originality in his creation of characters, Mr. Swinnerton has pronounced fancy for situations that shall be quite as original, and this leads him to the border-line of plausibility here and there. Yet there is a welcome lack of apparent straining after effect in this novel, and with its outcome his readers will doubtless be thoroughly satisfied, even if it has been almost in sight from the beginning.

The Garden of the Sun. By Capt. T. J. Powers. Boston: Small, Maynard & Co.

Two things distinguish this story from the general run of military novels. One is the vivacity of the dialogue, the other is the beauty of its descriptive passages. Not that it is lacking in action—there is battle, murder, and sudden death enough to stir the most jaded reader of romance. The scene is laid in the Philippine Islands and the important male characters, with one exception, are officers of the American army. This exception is Tom Bennett, a rich *roué*, who is touring the world in his yacht with his unhappy young wife and her sister. Bennett and his party are attacked by Moro pirates in the Sulu Sea and rescued by Capt. Ballard and his men. Later they visit the island of Jolo, where Capt. Ballard is stationed. Between him and Barbara, Bennett's wife, a strong friendship arises which develops into love. The story of the relations of these two attractive and well-drawn characters is varied by clever pictures of the island life, of dances, of flirtations, of drinking bouts, and of skirmishes with hostile natives. Many real and interesting types are introduced, among them a wandering dancing girl, who calls herself La Belle Syria, but is, in spirit and in language, redolent of New York's gay irresponsibility. She uses expressive slang and is a charming, amusing creature. But her place in the novel is not solely that of the comic relief. She is partly responsible for the drunken brawl in which Bennett receives the wound which causes partial paralysis. His helpless condition brings back his wife, who had resolved to leave him. But the story does not end here. New complications ensue, in which both Bennett and Ballard are severely tested and from which they emerge heroically. The final chapters of the book, containing a strong and unexpected dénouement, are

admirable pieces of dramatic writing. They form a fitting climax to a novel which deserves serious attention as an important contribution to modern American fiction. Capt. Powers should be given especial credit for his resistance to two temptations. In the first place, although writing of Anglo-Saxon soldiers residing among Orientals, he keeps absolutely clear of the Kipling-esque. In the second place, he describes tropical nature without the sensuous extravagance beloved of Robert Hichens.

SUMMARY OF KANT'S PHILOSOPHY.

Kant and His Philosophical Revolution.

By R. M. Wenley. New York: Charles Scribner's Sons. \$1.25.

The plan of the series entitled *The World's Epoch-Makers*, to which this volume belongs, calls for the retelling of a number of oft-told tales. It involves, also, certain illusions of historical perspective. Most "epochs," even in a single province of culture, have many "makers"; and their makers do not always live in the same or even in the next preceding age. Spinoza, for example, who had been dead above a century, affected the thought of the generation after 1785 not a whit less freshly and deeply than did Kant; his was one of those Arethusa-philosophies that run long underground before they suddenly well up as living influences. Revivals, in a word, are no less important than new productions in the history of ideas. But a series of books on "epoch-makers" is likely to ignore revivals, just as it is likely to ignore the main problem concerning the genesis of any new movement of thought—the problem, namely, why and how the diverse innovating influences at work at the time combined with, limited, and modified one another. (Kant might have made an epoch in philosophy, even if (among others) Spinoza and Bruno had not been, in a certain important sense, his contemporaries; but it would probably have been a very different epoch from that which, in fact, followed. Studies of the great intellectual revolutions, when by a predetermined plan they are compelled largely to disregard such considerations as these, can hardly fail to be somewhat misleading.)

Yet the scheme of such a series suggests at least one especially interesting and rather neglected inquiry. It is that concerning the causes of the vogue and influence of those writers who have "stamped themselves upon their age," and concerning the processes by which great philosophical reputations grow—or decay. It is not necessarily by the profundity of their doctrines that great thinkers gain intellectual dominion over a whole generation. Still less is it by the clarity of their ideas or the cogency of their reasonings; for the eminence of some philosophers is largely