

—In domestic affairs much of importance was done. On the Missouri question King took a leading part, and he argued against slavery on the highest ground, that man could not enslave man. He did not believe, however, that the institution could be touched by Congress in States where it already existed. The passage of the compromise was fought ably, and, when accomplished, was looked upon as a defeat absolute and complete. "The pretended concession, for it is revocable at pleasure, is itself of no value, and has been provided as an apology to the members of the free States who have assisted in putting us under a Government of the privileged order of men who are henceforth to be and for ever to remain our masters." It was King who framed the Navigation Act of 1818, but the conditions of American commerce they seemed to justify such a law. These conditions have long since passed away, and the law should have been repealed. At the close of his term as Senator, when he was in his seventieth year, he was offered and accepted the English mission, but held it only for a year. In this last volume will be found an abundance of new and interesting materials on State and national issues and politics. The editing has been judicious, although complaint might be made of the long extracts from the annals of Congress and Adams's Diary, necessarily occupying space which could be filled with original matter. The "memoranda" on p. 427 should have been dated 1820, not 1821.

—The inaugural address of Professor Macdonald of the Hartford Theological Seminary has been reprinted under the title of "Muslim Jurisprudence." Since our advance into the Sulu archipelago, the difficult subject to which this pamphlet introduces us can no longer be regarded as purely academic. An original analysis is here given of the sources of Muslim Law, and a sketch of the four famous schools by which that law has been expounded and developed. The treatment is so lucid and so far from dry that he who runs, and even he who skips, may not only read, but be interested. At the base of these legal systems lies, first, what we may term Statute Law, namely, the revelations promulgated by Muhammad and embodied in the Qur'an; second, what may be called Case Law, consisting of precedents derived from Muhammad's usage as preserved by history or tradition. Upon that foundation, by means of what Austin calls "fictions and deductions," and by skillfully added theories of their own, the ingenuity of countless generations of jurists has built up these elaborate structures. The dictum of Sir Henry Maine, that all law has been developed, first through legal fiction, next through equity, and lastly by legislation, is true only in part as applied to these systems; for legislation in the ordinary sense they have never known. The spectacle of a law expanded and modified by text-writers for more than a thousand years, yet not amenable to the will of any sovereign or any legislative body, is indeed calculated to astonish the Western mind. How then, we ask, was this law been amended so as to deal with the changing conditions of the vast Muslim world?

—That is the question answered by this essay. Each of the great jurists devised some progressive principle—which we may roughly denote by that "slippery expression"

Equity—wherewith to override or mitigate the rigors of the older law. In the school of Abu Hanifa this equity was based on Preference—i. e., the jurist's choice of what was fair and just. The equity of Malik was founded on what we should now call Public Policy—i. e., the judge's view of what was to the public advantage. In the hands of ash-Shafi'i the remedial principle took the form of upholding rules settled by Agreement—i. e., such as had been accepted by a consensus of Muslim opinion. The last principle was the most fruitful of the three. "The hope for the future lay, and lies, in the principle of the Agreement." Professor Macdonald points out that the Muslim jurists learnt their methods of legal interpretation from those opinions or general statements laid down by the Roman *jurisprudentes*, and of which Justinian's Digest so largely consists. The analogies are many and striking. So, also, the Muslim principle of Agreement reminds one of the rescript of Hadrian, which ordained that, if the opinions of the licensed *prudentes* all agreed, such common opinion had the force of statute; but, if they disagreed, the judge might follow which he chose. We trust that the author may some day expand this valuable essay, since shortness is its only shortcoming. The difficult task of producing compactness without density has been admirably performed.

—All the manifestations of State medicine have a common motive, the prevention of disease. It is near the root in principle, although late in development, to engage that the children assembled in schools be neither damaged nor put in risk thereby. But whether caused by the schools, or merely noted therein, it appears that "observation and special research show that a considerable percentage of the children in schools are in such a condition of ill-health that their physical development is vastly more in need of special attention than their intellectual development." There do not seem to be statistics to differentiate the conditions caused by improper furniture, overcrowding, poor construction, unreasonable hours, etc., due to the school as such, from those connected with the children as independent causes. But the large public schools of our cities may be choked with opportunities for the spread of the ordinarily recognized contagious diseases, and with continuing physical influences that depress susceptible youth. The latter are an atmosphere saturated with organic debris and with the general emanations from the body that create crowd-poisoning. These are independent of the physical evils generated in or fostered by the imperfect bodies in which so many of our souls abide. No school officer whose ordinary duty is instruction, however well trained, can do more than observe the concrete consequence. He may notice that a child is obviously ill or manifestly defective. His duties to the whole carry him beyond those that are sick. As a teacher he is charged with teaching, not with house-building, nor body-building, nor with the repair of either. There should, it is reasoned, be a responsible physical director, competent to detect, and possessing authority to remove, the cause of offence. To follow this to its conclusion involves a discussion as to the limits within which, if at all, the State should compel public or other medical service to be invoked, beyond merely affording

opportunity for its voluntary use. If vaccination, as it certainly should be, is compulsory, and diphtheria must be isolated, must incipient consumption be segregated, and should the State destroy the mosquito host of the malarial parasite as it does the gypsy-moth and the scale-insect? These remarks are based upon an interesting but incompressible paper on "Health Inspection in Schools" by Prof. William H. Burnham of Clark University in the *Pedagogical Seminary* for April last.

—Perhaps no small fact is more pregnant with the character of our anæsthetic age than the decline in the popularity of the celebrated treatise of Boethius. It is not to philosophy that people who fancy themselves terribly stricken nowadays go for consolation. They more often, whether rich or poor, betake themselves to travel. They cannot any longer understand how such indisputable woe as that of the author of the 'De Consolatione Philosophiæ' could have the heart for such an artificial style of composition. The reason is, that the Gorgon terrors of adversity are no longer remembered. They are among those picturesque features of the good old times which the prosaic nineteenth century has expunged, except from seats of war. Nevertheless, we have to record the appearance of the third English edition of the 'De Consolatione' within as many years, and that without counting Middle-English or Anglo-Saxon recensions. Dr. Walter John Sedgwick, editor of King Alfred's version for the Clarendon Press, has now brought out, through the same press (New York: Henry Frowde), a translation into modern English. Nobody would seek acquaintance with the work itself in this volume. On the contrary, its interest lies precisely in its great departures from the original—the ruthless excision of many of its fine passages, which marks King Alfred as a regular blue-pencil editor, and the still more remarkable and numerous insertions, which certainly throw a great deal of curious light upon the character of the English hero. Dr. Sedgwick has provided the volume with an entertaining introduction of over forty pages, which, after dealing with Boethius and with Alfred, branches off upon the subject of the previous English versions of the book. It gives specimens of most of them which are decidedly curious, and are doubtless intended to be reprints literatim, which unfortunately they are not—quite. There are brief but sufficient notes, and an alphabetical index. The volume is even prettier than James's edition of 1897. Neither is equal to Lord Preston's of 1695, which, if one likes the grandiloquence of that generation, is the most agreeable English presentation of a book that affords food for various reflections.

—The Clarendon Press edition of Burnet's 'History of My Own Time,' issued under the care of Dr. Osmund Airy (New York: Henry Frowde), is already known through the excellent first volume, which brought the reign of Charles II. down to 1673. The second volume, which now appears after an interval of three years, carries on the Bishop's narrative to the accession of James II., and finishes one stage of the undertaking. For the convenience of those who wish to buy only this section of the work, a full analytical index is provided of the part that ends with the death of Charles. As a piece of

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